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SENATE—*Tuesday, September 17, 1968*

The Senate met at 11 a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God our Father: Thou searcher of men's hearts, and who desirest truth in the inward parts, help us in this opening moment of a new day's council, to draw near to Thee in tranquillity, humility, and sincerity. Thou hast written Thy law on the tablets of our hearts.

Remind us of the better aspects of the civilization out of which we have come, which even now with new vitality is beating back the rampant powers of slavish barbarism.

If this weary flesh of ours, faced by determined foes, should fear or falter, keep us firm and steadfast in the global battle now raging.

In such an hour join us, we pray, to the great company of unconquered spirits who in other troubled times have stood their ground, preserving the heritage of man's best, and whose flaming faith made their lives as lighted windows amid the encircling gloom.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 16, 1968, be dispensed with.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and and joint resolutions, and they were signed by the President pro tempore:

H.R. 206. An act to amend section 2733 of title 10 of the United States Code, to include authority for the settlement of claims incident to the noncombat activity of the Coast Guard while it is operating as a service in the Department of Transportation, to grant equivalent claims settlement authority to the Secretary of Defense, to increase the authority which may be delegated to an officer under subsection (g) of section 2733 of title 10 and subsection (f) of section 715 of title 32, from $1,000 to $2,500, and for other purposes;

H.R. 9362. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, and for other purposes;

H.R. 10482. An act to amend section 2733 of title 10, United States Code, to authorize the application of local law in determining the effect of claimant's contributory negligence, and to clarify the procedure for appeal from certain claims determinations;

H.R. 13669. An act to amend section 2734 of title 10 of the United States Code to permit the use of officers of any of the services on claims commissions, and for other purposes; to amend section 2734a of title 10 to authorize the use of Coast Guard appropriations for certain claims settlements arising out of Coast Guard activities; and to amend section 2736 of title 10 to authorize advance payments in cases covered by sections 2733 and 2734 of title 10 and section 715 of title 32 involving military claims;

H.R. 14005. An act to authorize the disposition by the ctiy of Hot Springs, Ark., of certain property heretofore conveyed to the city by the United States, and for other purposes;

H.J. Res. 1299. Joint resolution authorizing the President to proclaim annually the week including September 15 and 16 as "National Hispanic Heritage Week";

H.J. Res. 1371. Joint resolution to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare, and for related purposes; and

H.J. Res. 1404. Joint resolution authorizing and requesting the President to proclaim the week of November 17 through 23, 1968, as "National Family Health Week."

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

MISSISSIPPI RIVER COMMISSION

The assistant legislative clerk read the nomination of Don A. Jones, rear admiral, to be a member of the Mississippi River Commission.

The **PRESIDENT** pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1552 and 1553.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

CHOUTEAU LOCK AND DAM, OKLAHOMA

The bill (S. 3459) to name the authorized lock and dam No. 17 on the Verdigris River in Oklahoma and the lake created thereby for Col. Auguste P. Chouteau was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lock and dam numbered 17 on the Verdigris River, Oklahoma, a feature of the Arkansas River and tributaries navigation project, authorized to be constructed by the River and Harbor Act of July 24, 1946 (60 Stat. 641, 647), as amended, shall be known and designated hereafter as the Chouteau lock and dam, and the lake created thereby as the Chouteau Lake. Any law, regulation, map, document, record, or other paper of the United States in which such lock and dam and lake are referred to shall be held to refer to such lock and dam as the Chouteau lock and dam, and the lake as the Chouteau Lake.

Amend the title so as to read: "A bill to name the authorized lock and dam numbered 17 on the Verdigris River in Oklahoma and the lake created thereby for the Chouteau family."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1569), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of S. 3459 is to designate the authorized lock and dam numbered 17, on the Verdigris River in Oklahoma and the lake created thereby for Col. Auguste P. Chouteau.

GENERAL STATEMENT

Lock and dam No. 17 is a feature of the Arkansas River and tributaries navigation project, authorized by the River and Harbor Act of July 24, 1946, as amended. The overall project will provide a 9-foot navigation channel from the Mississippi River at the mouth of the White River, to Catoosa, Okla.

Col. Auguste P. Chouteau, in 1823, constructed a shipyard at the falls of the Verdigris River, near the site of lock and dam No. 17, for the construction of large keel boats to transport hides and produce down the Verdigris, Arkansas, and Mississippi Rivers to New Orleans. The bill, as amended, will honor not only Colonel Chouteau, who was the first to envision the feasibility of navigation over the route being improved, but also all of the Chouteaus who were involved in the earliest settlement of Oklahoma and navigation of its streams.

COST TO THE UNITED STATES IF LEGISLATION IS ENACTED

Enactment of this legislation will not result in any cost to the Federal Government.

COMMITTEE VIEWS

The committee believes it fitting and proper to name lock and dam No. 17 on the Verdigris River, Okla., and the lake to be created by such structure, in honor of the Chouteau family, whose early efforts at developing commerce on the Verdigris and Arkansas Rivers contributed much to promoting navigation on those rivers. Accordingly, enactment of S. 3459 is recommended.

The title was amended, so as to read: "A bill to name the authorized lock and dam numbered 17 on the Verdigris River in Oklahoma and the lake created thereby for the Chouteau family."

TENNESSEE VALLEY AUTHORITY BRIDGE ACT

The bill (H.R. 8953) to amend the Act of November 21, 1941 (55 Stat. 773), providing for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1570), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL

The purpose of this legislation is to amend the act of November 21, 1941 (55 Stat. 773) to permit the TVA to use, in the case of negotiated agreements, any available funds, including appropriated funds in lieu of just earnings to finance the Federal share of certain bridge modifications. The bill also clarifies existing law by providing in specific terms that the act applies not only to alterations of bridges incident to new reservoir projects, but also to alterations required by realinement or other changes of the navigation channel.

GENERAL STATEMENT

The act of November 21, 1941 (55 Stat. 773, 16 U.S.C. 831c–1), commonly known as the TVA Bridge Act, provides that if any bridge, trestle, or other highway or railroad structure located over, upon, or across the Tennessee River or any of its navigable tributaries is endangered or otherwise adversely affected and damaged by the construction of any Tennessee Valley Authority (TVA) project, TVA may contract with the owner with respect to any protection, alteration, reconstruction, relocation, or replacement necessary and, for the equitable sharing of the cost. As under the Truman-Hobbs Act (33 U.S.C. 516), the bridge owner is charged with the net value of any direct and special benefits accruing to the owner from the betterment of the altered bridge. Where the parties are able to reach a voluntary agreement as to the work to be done and the division of cost, the Federal share of the cost must be paid out of TVA earnings.

Present statutes further provide that where no agreement is reached as to the necessary work or apportionment of the costs, either party may submit the matter to the U.S. district court for the district in which the property is located for a declaration of the respective rights under the act and an apportionment of costs. Any judgment of the court may be satisfied out of available appropriations.

According to testimony by TVA witnesses before the House Public Works Committee, voluntary agreements for alteration of these bridges are not practicable since TVA has no surplus earnings available for payment of its share of the cost. Under covenants entered into by TVA with holders of its bonds, power revenues can be used only for power system purposes. TVA's nonpower earnings, primarily receipts from sales of fertilizers, are used to help cover the costs of the fertilizer research and development program. Thus, TVA has no surplus earnings available for needed alterations of bridges, and, as previously noted, can use appropriated funds only if there is litigation with the bridge owners.

H.R. 8953 permits the TVA's share of the cost of any alteration, whether established under voluntary agreement by the parties or through a judgment, award, or decree of the appropriate court, to be paid out of any funds, including appropriations, available for carrying out the provisions of TVA Act.

The bill also clarifies the TVA Bridge Act by providing in specific terms that the act applies not only to alterations of bridges incident to new reservoir projects, but also to alterations required by realinement or other changes of the navigation channel to accommodate the growth or traffic or changes in navigation requirements within an existing reservoir created by a dam in TVA custody.

COMMITTEE VIEWS

The committee is of the opinion that alterations of bridges, where needed, should be the product of voluntary agreements between bridge owners and the TVA, rather than forcing unnecessary time consuming and costly litigation in every case. Therefore, it is considered desirable to amend the act of 1941 to permit the TVA to use any available funds including appropriated funds for the Federal share of costs under voluntary agreements as well as litigated settlements. The other amendments are appropriate technical classifications and do not constitute substantive changes. Accordingly, the committee recommends enactment of this legislation.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the need for improvement in the processing of requisitions for materials, Department of Defense, dated September 17, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity to increase highway trust fund investment income by revising Federal reimbursement policy, Federal Highway Administration, Department of Transportation, dated September 17, 1968 (with an accompanying report); to the Committee on Government Operations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

H.R. 6862. An act for the relief of Slator C. Blackiston, Jr. (Rept. No. 1572).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of nominations was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 12th session of the General Conference of the International Atomic Energy Agency; and Wilfrid E. Johnson, of Washington, Verne B. Lewis, of Maryland, Henry DeWolf Smyth, of New Jersey, Gerald F. Tape, of Maryland, James T. Ramey, of Illinois, and Herbert Scoville, Jr., of Connecticut, to be alternate representatives of the United States of America to the 12th session of the General Conference of the International Atomic Energy Agency.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CASE:

S. 4044. A bill for the relief of Lt. Col. Robert L. King (retired); to the Committee on the Judiciary.

By Mr. HART (for Mr. Kennedy):

S. 4045. A bill for the relief of Guiseppe Sbuttoni; to the Committee on the Judiciary.

By Mr. BREWSTER:

S. 4046. A bill for the relief of Dr. Ebhrain Barzaga; to the Committee on the Judiciary.

By Mr. CLARK:

S. 4047. A bill for the relief of Luigi Patitucci; and

S. 4048. A bill for the relief of Franco Bova; to the Committee on the Judiciary.

By Mr. BIBLE:

S. 4049. A bill to provide that the reduction in expenditures required by section 202 of the Revenue and Expenditure Control Act of 1968 shall not apply to expenditures from the highway trust fund; to the Committee on Finance.

(See the remarks of Mr. Bible when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS:

S. 4050. A bill for the relief of Miss Hilkka Kause;

S. 4051. A bill for the relief of Dr. Lauro S. Geronimo; and

S. 4052. A bill for the relief of Dr. Jose L. Cabezon; to the Committee on the Judiciary.

S. 4049—INTRODUCTION OF BILL TO EXEMPT HIGHWAY TRUST FUND MONEYS FROM THE EXPENDITURE LIMITATIONS OF THE REVENUE AND EXPENDITURE CONTROL ACT OF 1968

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill to exempt highway trust fund moneys from the expenditure limitations of the Revenue and Expenditure Control Act of 1968.

Mr. President, the highway trust fund has been operating like a faucet recently—turned on and off at the whim of the administration. Allocations to the States have been postponed, withheld, deferred, sidetracked, frozen and just generally kicked around to the point that the States simply cannot put together a functioning roadbuilding program. First, the flow of money was turned off as an anti-inflation measure. Now it is being stopped purportedly as part of the spending restrictions imposed by the Revenue and Expenditure Control Act passed by the Congress earlier this session.

The result is chaos and confusion at the State level—costly chaos and confusion. And the sad fact is that no money is being saved by all of this off-again-on-again activity. Ultimate costs, in fact, are only being increased, because construction costs continue to rise while projects are needlessly delayed.

We begin to wonder if the word "trust" in the highway trust funds holds any meaning any longer. The men in the field who have to live with this strange, unstable situation are beginning to regard it as the highway distrust fund, and I can hardly blame them.

Mr. President, at this point in my remarks I ask unanimous consent that the text of a September 7 wire sent by the Director of Public Roads to regional and division engineers be printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

September 7, 1968.

To: Each regional and division engineer, regions 1–9.

New rules on Federal-aid highway program obligations are necessary in order to reduce highway trust fund expenditures as part of overall reduction in expenditures required by revenue and expenditure control act of 1968.

Effective close of business September 6, authorizations to States to advertise for bids on construction projects or to proceed with regular or stage 1 right-of-way projects may not be approved until further notice. These new rules apply to projects involving primary, secondary, urban, and interstate funds. Preliminary engineering and HPR projects are not affected.

This action is necessary in order to reduce trust fund expenditures by $200 million in fiscal 1969. Resumption of approval authority, anticipated about December 1.

Please advise your respective State highway departments immediately.

E. H. Swick,
For F. C. Turner,
Director of Public Roads.

Mr. BIBLE. Mr. President, please observe the advance notice provided—none. This has been the method all along on the various holdbacks that have been imposed on highway trust fund allocations. And this latest freeze comes on top of a current calendar year limitation on trust fund spending. The problems created by this kind of stop-and-go operations are obvious.

I will concede that the highway trust fund is a handy device to use when an apparent spending cut is needed. The trouble is that no real cut is made, no real saving achieved. For these are trust moneys collected from a special tax. Freezing them in no way lessens the strain on the general tax dollar—and we all know full well that the general tax dollar was the target of the Revenue and Expenditure Control Act.

What, then, was the real purpose of this 3-month freeze? And will it actually be a 3-month freeze, or will it more likely be a 6-month freeze or a 9-month freeze?

According to the notice to regional and division engineers, the reason for the freeze on construction and right-of-way acquisition is to "save" $200 million in fiscal 1969. But the actual impact will be to save nothing in the long run and to delay or stall three or four times that amount in obligations. In fact, ultimate costs will be much higher while State planning, construction timetables, staffing, engineering, and all that goes with an intelligent roadbuilding program are thrown into endless, and needless, confusion.

The immediate impact in my own State of Nevada was to kill plans for a $1.8 million highway improvement project that is long overdue and vitally needed at Lake Tahoe—one of the fastest growing areas of Nevada and California. The overall injury to that area's economy can become significant.

Other States, I am sure, are experiencing similar difficulties as the result of this latest turn of the trust fund faucet.

The time has come, Mr. President, to put a halt to the destructive games being played with trust fund moneys.

I voted against the Revenue and Expenditure Control Act for two reasons. First, I did not think the surtax was the proper answer to our financial problems. Sharp but reasoned congressional cuts in nonessential spending would do the job far more effectively. And second, I opposed the meat-ax approach to expenditure reduction that was embodied in the $6 billion cutback contained in that act.

But even those who supported the act, I am confident, did not intend it to be used for an excuse to add to the highway trust fund's difficulties. The idea was to reduce Federal spending to relieve the burden on general tax dollars. Nothing of the sort is achieved by bottling up trust funds that can be used for only one purpose—funds that come from a special tax—funds that are resting idle and funds that are badly needed to maintain an intelligent highway construction program.

My bill would achieve what I believe was the intent of Congress by excluding highway trust funds from the overall reduction in expenditures required by the Revenue and Expenditure Control Act, just as trust funds for Social Security are now excluded.

If we want to save money, let us start really saving money and let the operation of the highway trust fund and the roadbuilding programs that depend on that fund return to normalcy. At least we will prevent the use of this act as an excuse for freezing trust funds.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 4049) to provide that the reduction in expenditures required by section 202 of the Revenue and Expenditure Control Act of 1968 shall not apply to expenditures from the highway trust fund, introduced by Mr. Bible, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSOR OF BILL

Mr. HARTKE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from West Virginia [Mr. Randolph] be added as a cosponsor of my bill (S. 4019) to establish a Department of Peace, and for other purposes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore announced that on today, September 17, 1968, he signed the enrolled bill (S. 1004) to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

GUN CONTROL ACT OF 1968—AMENDMENTS

AMENDMENT NO. 972

Mr. JACKSON submitted an amendment, intended to be proposed by him, to the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 973

Mr. TYDINGS submitted an amendment, intended to be proposed by him, to Senate bill 3633, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 974 AND 975

Mr. ERVIN submitted two amendments, intended to be proposed by him to the amendment intended to be proposed by Mr. Dirksen (No. 969) to Senate bill 3633, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 976

Mr. McCLELLAN submitted an amendment, intended to be proposed by him, to the amendment (No. 969) intended to be proposed by Mr. Dirksen to Senate bill 3633, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 977 AND 978

Mr. McCLELLAN submitted two amendments, intended to be proposed by him, to Senate bill 3633, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 979

Mr. HRUSKA submitted an amendment, intended to be proposed by him, to Senate bill 3633, supra, which was ordered to lie on the table and to be printed.

VE-R-R-Y INTERESTING

Mr. CURTIS. Mr. President, in these days of riots, crime, and all sorts of disorder, the American people have a right to expect the highest standards of conduct from public officials. If what has been written concerning one Harold C. Banks, who was wanted in Canada for prosecution, is true, an appropriate committee should look into it.

I wish to extend my remarks by having printed in the Record an editorial entitled "Ve-r-r-y Interesting," published in the Omaha World-Herald of July 23, 1968. I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Ve-r-r-y Interesting

This is the story of how one Harold C. Banks beat the rap, and how the national Democratic Party has been placed in an embarrassing position.

The story was broken by the Wall Street Journal last week, and in summary goes like this:

Mr. Banks, the former boss of the Canadian district of the Seafarers International Union, fled to the United States from Canada three or four years ago to avoid serving a five-year sentence for assault. He had been convicted of hiring goons to beat up a rival labor leader.

Canada tried to get him back, but not on the assault charge, because it is a non-extraditable crime. The Canadians wanted him for perjury allegedly committed in connection with the same crime, and perjury is an extraditable offense.

Banks was arrested in Brooklyn in 1967. He was taken before a United States Commissioner, who rejected his pleas.

At that point, Banks switched lawyers, engaging Abram Chayes, a former legal adviser to Secretary of State Dean Rusk, and Myer Feldman, a former special counsel to Presidents Kennedy and Johnson.

Instead of continuing the extradition fight through the courts, the new lawyers chose, as is permitted, a direct appeal to Secretary Rusk.

On March 13 of this year, Mr. Rusk informed the Canadian Embassy that he would not issue a surrender warrant on Banks. In other words, he would not allow Banks to be extradited.

On March 25, Mr. Rusk rejected the Canadian Government's appeal for reconsideration and international arbitration.

A few days later, on or about April 3, checks totaling 100 thousand dollars began flowing into Democratic Party campaign coffers from Seafarers Union headquarters in Brooklyn.

Each of the 20 checks was for five thousand dollars, Fifty thousand dollars was earmarked for Hubert Humphrey's Presidential campaign, and 50 thousand went to groups that had been working for President Johnson's re-election, even though Mr. Johnson had announced his withdrawal from the race on March 31.

Mr. Rusk says he knew nothing of the political contributions. He says that the decision not to allow Banks to be extradited was solely his, and that it was based on his conclusion that under the circumstances extradition was not allowable.

We are inclined to take Mr. Rusk at his word, partly because of the kind of man he has been and partly because it is almost unthinkable that the Secretary of State of the United States can be bought for 100 thousand dollars to save the neck of a union thug.

But the affair raises some questions, nevertheless.

The whole thing may have been an innocent coincidence. But such occurrences need to be examined very closely to see if they are, in fact, coincidences.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Percy in the chair). Without objection, it is so ordered.

COLOMBIA'S GUN CONTROLS DELIGHT CROOKS, COMMIES

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Colombia's Gun Controls Delight Crooks, Commies."

There being no objection, the article was ordered to be printed in the Record, as follows:

Colombia's Gun Controls Delight Crooks, Commies

(By Dominic F. Volesky)

Imagine a South American country where legislation makes it virtually impossible for a citizen to obtain a firearm legally.

Such a nation is Colombia.

Then imagine a land where armed robbers and Communist guerillas terrorize the countryside where city dwellers are assaulted daily in the streets and in their homes, and where the rich send their school-age children out of the country lest they be kidnapped.

This, too, is Colombia.

For 3 years my wife and I taught in that strife-torn country. If we needed conclusive proof that disarming the lawabiding citizenry doesn't necessarily usher in a crime-free millenium those years in Colombia provided it.

In 1964, after graduation from Dickinson State College, N. Dak., we were considering joining the Peace Corps when a Benedictine priest approached us about the possibility of teaching in Colegio San Carlos, a Benedictine school for boys in Bogota, Colombia.

After an intensive 3-month course in Spanish and Latin American culture at Bogota's Javeriana University, we began teaching at the Benedictine school in February, 1965.

During the fall of our first year there, Colombia witnessed a tremendous outburst of crime and subversive activities by Communist guerillas. Both the Communists and non-political criminals obtained arms easily by stealing, smuggling or even buying them outright from some of the more venal members of the armed forces. Panic-stricken peasants abandoned their farms and poured into the cities, preferring unemployment and possible starvation in the streets to armed terror in the country.

But the cities offered scant hope of safety. So common was kidnapping that many wealthy parents shipped their youngsters to the States; others provided armed bodyguards to escort the children to and from school.

In our apartment in the city itself, we felt reasonably safe from attack at first. The outer door was steel, like that of a jail, and the windows were barred. Nevertheless, after a series of attempted burglaries, I decided to get a gun. The school might be impregnable, having armed watchmen and German shepherds, but our apartment wasn't.

And then I learned about Colombian gun legislation. In a land where neither the police nor the military are able to protect the citizen, the citizen is effectively prevented from protecting himself—not in theory but most certainly in practice.

Only the Ministry of War may sell firearms in Colombia, and a person wishing to buy a gun fills out an application which the Ministry passes on to the Department of Investigations (comparable to our F.B.I.) The hapless applicant then awaits the Department's pleasure.

Six months to a year may elapse before the Department approves or rejects his application. If the applicant is one of the fortunate few who receive the Department's nod, he will be given permission to buy, which automatically confers permission to carry, a gun concealed on one's person. He may then buy a designated number of cartridges per year from the Ministry of War.

But the Colombian who passes the Department of Investigations' scrutiny almost invariably is a man with influential contacts in the government, the Ministry of War or the armed forces. The ordinary citizen hasn't a hope of getting a permit. The Department will either reject his application on some trumped-up excuse or give no reason at all for rejection.

At first I ran into the brick wall of officialdom. Then I tried "pull." The father of one of our students was a colonel in the Colombian army. A few discreet words from the colonel in the right quarters, and in a week I had my permit and a Smith & Wesson revolver.

From then on I carried the gun on my person at all times, except when teaching. Twice I used it to ward off assaults while I was walking on well-lighted streets near our apartment. And on several occasions the sight of the S & W was enough to deter thugs attempting to break into our apartment.

We survived our tour of duty in "gunless" Colombia and are now back in South Dakota. As I read U.S. arguments for stringent gun controls similar to those of Colombia, I feel that their proponents might benefit from a few weeks in a country where a legal "cure" for crime threatens to kill the innocent patient.

CONGRESS AND THE COURT

Mr. MORSE. Mr. President, in a recent newspaper column, Whitney Young, head of the Urban League, really laid it on the line concerning the nomination of Justice Abe Fortas to be Chief Justice of the United States.

Mr. Young points out that during the past 15 years, the Supreme Court has been a prime agent of change in this country. In particular, the Court has broken new ground in protecting minority groups and all citizens in the field of civil liberties and constitutional rights. I should point out that although new ground was broken, the basis for the Court's action is the Constitution of the United States, a document written nearly two centuries ago.

Mr. Young points out that, with some exceptions, the opposition to the Fortas nomination is heavily loaded with individuals and groups which have consistently opposed civil liberties and constitutional rights, especially when those seeking this protection were members of minority groups.

Mr. Young properly acknowledges that "some critics are sincere in their opposition to the appointment." But he reminds us that the only other nominee for the Supreme Court in recent years who went through the same humiliating inquisition as Justice Fortas was Thurgood Marshall, the first Negro named to the High Court. The conclusions to be drawn from this fact are obvious.

There are people who would punish the Court for its recent decisions, by punishing Justice Fortas. These people should know, however, that what they are doing discredits both the Supreme Court and the Senate of the United States as public institutions. If this is supposed to be the way to build respect for law and order then I must confess that the logic of the argument escapes me.

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Whitney Young entitled "Congress and the Court," and an article entitled "The Incredible Stalling Over Justice Fortas," published in the Evening Star on September 16, 1968.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CONGRESS AND THE COURT

(By Whitney Young)

The unseemly wrangle in Congress about Justice Abe Fortas' nomination as Chief Justice is of great concern to black citizens.

The Supreme Court has been the prime agent of change in the past 15 years or so. Starting with the *Brown* decision in 1954 which ended legal segregation in the schools, and right up to the recent decisions which upheld an obscure Reconstruction period law banning housing discrimination, the Court has made many decisions of far-reaching consequences for black citizens, as well as for other minorities.

At times the executive has been preoccupied with other affairs, and at other times the Congress has been unwilling to act. But the High Court has been consistent in its rulings which guaranteed the Constitutional rights and civil liberties of minority groups.

That's why the current opposition to Justice Fortas' nomination is of such concern to the black community. He has been publicly identified with the philosophy of equality which has guided the Court under Chief Justice Warren.

And it is not hard to identify his opponents, with some exceptions, as people who have consistently voted against civil rights. I know that some critics are sincere in their opposition to the appointment, but the vocal ones I see on television are the same people who fought every civil rights bill tooth and nail.

Only one other appointee to the Court in recent years has been through the same kind of humiliating grilling that some Senators gave Justice Fortas, and that was Thurgood Marshall. There were a lot of fancy reasons given for opposing him at the time, but nobody was fooled—he was a black man and that was enough to drive some racists wild with anger.

That brings us to something which hasn't often been mentioned in the press. Justice Fortas is Jewish, and while discrimination against Jews has become rare these days, the idea of a Jewish Chief Justice gets some people's bigotry up: What would they do if a Negro were named to the post?

The whole proceeding is pretty shabby and makes us look like fools in the eyes of the world. Justice Fortas is a tough fellow, and I know he can take what's dished out without flinching. But I'm worried about the damage done to our system of government when a handful of vindictive people angry about Court decisions in favor of civil rights and civil liberties so freely attack the Court as an institution.

Some of the same cranks who run around screaming "law and order" these days sport "Impeach Earl Warren" posters. And now they are lining up against Warren's successor.

When the history of our times is written, the Warren Court will be given its due as accomplishing tremendous advances for minorities and for the poor. Don't believe all you read about the Court's supposed "coddling" of criminals. All it has done is assure everyone of the right to a lawyer and the right to know he doesn't have to answer questions without legal advice. The Court didn't pull this out of thin air. These are Constitutional guarantees for which Americans have fought and died. All the Court did was to assure all citizens of the opportunity to exercise these rights, not just the rich who have lots of high-priced legal advice at their beck and call.

It's about time the irresponsible attacks on the Court and on Justice Fortas ended and Congress got back to the more important business of making laws that will end poverty and cure the sickness of the cities.

THE INCREDIBLE STALLING OVER JUSTICE FORTAS

(By Clayton Fritchey)

Except in totalitarian countries and the United States, the people can get a vote in their parliamentary bodies on even the most controversial issues. The filibuster denies that right to Americans.

As developed and practiced in the Senate, the filibuster is the most anti-democratic parliamentary device in the free world, and now, in an effort to keep Abe Fortas from becoming chief justice of the United States, it is being carried to unprecedented length.

Ordinarily, the filibuster has been confined to the floor of the Senate, and in recent years has been resorted to rather rarely, generally by Southerns to obstruct civil rights legislation. The attack on Fortas has become so virulent, however, that the stalling spread to the Senate Judiciary Committee, which held hearings on Justice Fortas over two months ago, but has been delaying a vote on his confirmation ever since. It is also the first time that a filibuster has ever been organized against a Supreme Court appointment.

If Fortas had been found guilty of serious misconduct or some signal failure of character or mind, the Senate would be justified in going to almost any length to stop his elevation, for its constitutional obligation to screen presidential appointments is a grave one. Its methods against Fortas, however, are a debasement of the advise-and-consent function.

Filibustering itself is a debasement of the constitutional process. The case against Abe Fortas is so dubious that his opponents have stalled off a vote because they know they would lose by a large majority. If they don't think Fortas is fit to serve on the court, let them speak up on the Senate floor and then vote against him, but let there be a vote.

The Judiciary Committee has promised to report out the appointment tomorrow, but only at the price of a new round of hearings designed to further harass and humiliate Fortas, who already has been subjected to the most prolonged inquiry on record.

The strategy behind this is to wear Fortas down. The opponents don't think the new hearings will change many votes, some believe that either the Justice or the President will wilt under the pressure, and withdraw the appointment. It is conceivable that the proud and sensitive Fortas might ask the President to recall the appointment, but it is not conceivable that a determined Johnson would do so of his own volition.

Even some neutral observers have urged withdrawal, on the grounds that this would avoid "a showdown" and thus the "moral majesty of the Court would be sustained." It is suggested that Fortas has participated in decisions which have not commanded sufficient public support, the idea being that the Supreme Court can only maintain its authority by keeping "its decisions roughly compliant with public opinion."

There could hardly be a more doubtful guide for the Supreme Court than to subordinate the judicial process to the passing whims of public prejudice. Even if the Court were to base its jurisprudence on what a majority of the people currently think, how would it make such determinations? Would it consult the public opinion polls before acting?

Justice Fortas is in trouble chiefly because he is identified with the Warren bloc on the High Court. In recent years this bloc has revolutionized American society with its bold decisions on segregation and reapportionment.

These decisions may not have commanded a potential majority at the time they were made, but they have advanced American life so visibly that it would be politically impossible to reverse them today.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, but not later than 11:30 a.m.

The motion was agreed to; and (at 11 o'clock and 18 minutes a.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 11:30 a.m., when called to order by the Presiding Officer (Mr. PERCY in the chair).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. DAVID M. DELO

Mr. HOLLAND. Mr. President, yesterday the fine people of the Tampa Bay area gave a testimonial dinner honoring Dr. David M. Delo, president of the University of Tampa.

Under President Delo's leadership since July 1, 1958, the University of Tampa has achieved great success in establishing a sound educational program for our youth that I believe is deserving of the attention of all the people in the United States.

I am pleased, as I know all Floridians are, of the accomplishments of Dr. Delo, an outstanding educator, during his 10 years as president of the University of Tampa and while Senate business prevented me from being present, I wish to join with all those who honored him at the testimonial dinner in my recognition of his outstanding leadership.

Mr. President, I ask unanimous consent to have printed in the Record at this point a biographical sketch of Dr. Delo.

There being no objection, the biography was ordered to be printed in the Record, as follows:

Biography of President David M. Delo, University of Tampa

Assuming office July 1, 1958, Dr. Delo became the fifth president of the University of Tampa. Educator, author, and geologist, he came to Tampa from Staten Island, New York where he had been president of Wagner College since 1952. Prior to that he held administrative posts during and after World War II with various Federal and private agencies in Washington.

Completing his undergraduate work at Miami (Ohio) University in 1926, he was elected to membership in Phi Beta Kappa. In 1928, he received the M.A. degree from the University of Kansas, and in 1935, the Ph. D. from Harvard University.

After teaching for some 15 years in various middle western colleges and universities, he began his administrative career during World War II. He was awarded the Certificate of Merit by the Department of the Army in 1946 for his work with war agencies.

A contributor of numerous articles to technical and educational journals, Dr. Delo is also the co-author of *Years of This Land* (1943) and *Scientists in Uniform* (1948). The latter work is the only comprehensive report on the employment and utilization of our scientists and engineers by the Armed Forces during World War II.

In 1954, Dr. Delo received the Erasmus Haworth Distinguished Alumni Award from the Department of Geology, University of Kansas. He has been awarded the honorary degree of Doctor of Science by Hartwick College (1954) and Doctor of Laws from Miami University (Ohio), his Alma Mater, in 1956. On May 26, 1968, Dr. Delo was awarded the degree L.H.D., Doctor of Humanities by Rollins College. He is a fellow of the Geological Society of America and a member of Beta Theta Pi and Sigma XI.

Under President Delo's administration, the University of Tampa has increased in enrollment to 1,950 full-time students. The University has undergone a major transition from primarily a commuting school to one with many students in residence, with 37 percent of the student body from Florida and 63 percent from other states and foreign countries.

In addition to extensive renovation of the main building (formerly the Old Tampa Bay Hotel), the University since 1958 has added six major dormitories; the Falk Memorial Theatre—a theatre-teaching auditorium seating 1,200; a student center; biological station; Warren Beach House; Industrial Arts Shop; La Monte Art Gallery; and the Tampa Bay Art Center which serves the entire community. The University also operates a college-level program at nearby MacDill Air Force base with an enrollment averaging 350 part-time students. Of tremendous significance to the University, construction has begun this year on a new library. In addition, development of the approximately 25 acres on the Hillsborough River, recently secured from the Urban Renewal Agency, will more than triple the original campus. Also, this summer President and Mrs. Delo moved into the Barritt House, presented to the University as a President's Residence.

Dr. Delo serves on the Board of Governors of the Greater Tampa Chamber of Commerce, as a member of the Governor's Select Council on Post-High School Education, as a member of various professional organizations, and is on the Advisory Boards of numerous welfare and civic organizations. In 1964–65, he was President of the Florida Association of Colleges and Universities, and this year has completed the second year of a biennium as Chairman of the Independent Colleges and Universities of Florida. He has made a vital contribution to private higher education in the State of Florida.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

THE FORTAS NOMINATION

Mr. LAUSCHE. Mr. President, I have before me a column entitled "Decision on Fortas," written by Marshall McNeil, a Scripps-Howard staff writer. In the column, Mr. McNeil deals primarily with the address made on the floor of the Senate by the distinguished Senator from Virginia [Mr. Byrd] with regard to the objections that the Senator from Virginia has voiced against approval of the Fortas nomination.

Mr. President, the article is of such importance that I believe it should be printed in the Record, first, as a tribute to Mr. McNeil; and, second, as a tribute to the Senator from Virginia [Mr. Byrd]. Therefore, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Decision on Fortas

(By Marshall McNeil)

Washington.—Some of the reasons stated in the Senate against confirmation of Abe Fortas as chief justice of the United States are phony, shallow or trivial.

Senators are foolishly challenging the right of the President, because he has decided not to run again, to nominate men to the Supreme Court. Others are crying "cronyism," or profess to be perturbed about decisions on pornography, or claim the nominee has violated the doctrine of separation of powers by advising the President while sitting on the court.

There also doubtless is some anti-Semitism in the opposition to Fortas. And some of his opponents, perhaps unconsciously, peg their position to his views on civil rights.

But what is important in Senate consideration of the Fortas nomination—of any Supreme Court nomination—is the philosophy of the nominee, his implementation of that philosophy in decisions to which he is a party, and the prospects of his further making his philosophy effective as chief judge of our highest court.

For this reason the speech made this week by Sen. Harry F. Byrd, Jr. (D., Va.) on Fortas and on the Supreme Court under Chief Justice Earl Warren is important because it deals with the philosophy of the court and of the nominee.

Others may not agree with him, but Byrd—not a lawyer but a businessman and newspaper owner—stated a case that has widespread support, for the mystique of the court is vanishing and in many quarters it is held in low repute.

"At a time when government should be closer to the people, the Warren court is determined to centralize more and more power in Washington," said Byrd.

"The Warren court (and by this he said he meant a majority not the total membership of the court) has usurped power to which it is not entitled . . . has established itself as a super legislature . . . has shackled the people's elected representatives as well as the law enforcement officials of our nation . . . has thrown precedents out of the window and has said, in effect, that the law is whatever five present lifetime appointees say it should be.

"During the time Mr. Fortas has been a member of this court," Byrd continued, "he has established himself as a disciple of Chief Justice Warren and has embraced wholeheartedly the Warren philosophy."

Byrd quoted Justice John Marshall Harlan, a present member of the court, who said:

"This court can increase respect for the Constitution only if it rigidly respects the limitations which the Constitution places upon it, and respects as well the principles inherent in its own processes. In the present case . . . we exceed both, and . . . our voice becomes only the voice of power, not of reason."

That, Byrd said, has often been the hallmark of the Warren court: "The voice of power, not of reason."

Byrd's views may well be credited to his heritage as a conservative Virginia Democrat. Indeed, he said:

"As a Senator from the state of Virginia, as one who believes deeply in the fundamental constitutional principles upon which our nation was founded and developed—and on which our liberties are based—how can I vote to give the chief judgeship to one who follows a policy of judicial oligarchy; to one who espouses a philosophy of concentrating more and more power in Washington, when I feel that the great future danger to the liberties of our people is big government?"

But there is no hint of anti-Semitism in his position. He reminded his listeners that as a young newspaperman in Virginia he supported the nomination of Felix Frankfurter, and further said:

"I believe strongly that members of the Supreme Court should be of a caliber and in the tradition of Oliver Wendell Holmes, Louis D. Brandeis, Charles Evans Hughes, Harlan Fiske Stone, Benjamin H. Cardozo and Felix Frankfurter."

Agree with him or not, Byrd has put his opposition to Fortas on a broad philosophical base, where it belongs.

The Senate, exercising its own constitutional authority, should decide the confrontation of Fortas on the same base, and promptly, without allowing those who fear our democratic processes to evade or avoid a showdown through filibuster.

THE CRIME PROBLEM

Mr. BREWSTER. Mr. President, the lead editorial in today's Washington Post should be carefully read by every Member of Congress. It praises the Vice President for setting forth a constructive program to cope with the growing problem of crime in America.

The real job of law enforcement must be carried out in the local communiites. Increased manpower and salaries and improved training and equipment are prerequisites to sound law enforcement. In all of these areas, the Federal Government can and should lend assistance.

I share Mr. HUMPHREY's view that the courts must be aided. Overcrowded conditions and lengthy delays have served to frustrate the administration of justice. This is a situation requiring prompt attention.

Again, with reference to correctional institutions, the Vice President makes an important point as the Post editorial indicates. The current rate of recidivism is far too great to be condoned or accepted. Clearly we must do more to rehabilitate criminals. Our penal institutions must seek to return productive individuals to society rather than a crop of better trained criminals.

Crime in America is a fact of life. It must be dealt with accordingly. Obviously, preventative measures must go forward. The breeding grounds for criminals must be eliminated. But this job will take time and it will never be perfect.

In the meantime, it is encumbent upon government at all levels to strengthen its efforts to cope with the criminal element in our society.

Mr. President, I ask unanimous consent that the editorial published in today's Post be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CRIME AND THE CAMPAIGN

The crime problem certainly appears to be the Number One domestic issue in the presidential campaign and the approach to it offered so far by the two candidates is illuminating. Mr. Nixon has set out primarily in an attempt to fix the blame for the increase in crime on the Johnson Administration and the Democrats. Vice President Humphrey, in his maiden effort to grapple with the issue in New Orleans Wednesday, set out to explore what can be done about it. The former is good politics; the latter is good leadership.

The Vice President entered only fleetingly into the numbers game that can be played with crime statistics. He mentioned in passing that the crime rates are highest in states with Republican governors and lowest in states with Democratic governors but he insisted that crime is nonpartisan. Mr. Nixon ought to be aware that this end of the numbers game can be played just as well as the end of it he has chosen. Crime control is, after all, primarily the responsibility of the states and the statistics do bear out the Vice President's statement. Eight of the ten states with the highest crime rates are governored by Republicans.

The Vice President's prescription for crime is one that makes sense. He urged that the public do what those bumper stickers blossoming all over the country demand—"Support your local police." But the support he wants is not support for the iron hand and the broken skull but support in terms of money to pay for more policemen with better salaries, better equipment and better training. He proposed to put the resources of the Federal Government into support of this kind and he recommended the establishment of Federally supported schools of criminal justice.

Instead of attacking the courts, as others do, Mr. Humphrey proposed that they be given the resources to relieve the overcrowded conditions that produce the monumental delays and the sloppy handling of criminals. Instead of giving up because the correctional institutions have turned into schools for crime, he urged that Federal funds be poured into these institutions to let them do the job they must do if the problem of the recidivist is ever to be alleviated. Instead of arguing that the long-range solution is more cracked skulls, longer sentences and nastier prisons, he argued that the real solution rests in eliminating the conditions that breed crime—slums, unemployment, bad housing, poor schools, human despair.

In a position paper issued last June but apparently forgotten ever since, Mr. Nixon agreed with many of the sentiments expressed by the Vice President. If he would come back to the crime issue in that posture instead of blaming an evil on those who have neither the primary authority nor the primary responsibility for correcting it, the campaign could help the Nation focus on the real issues involved in the crime problem.

DR. ADEN MANN

Mr. YARBOROUGH. Mr. President, I was saddened to learn that early this month a beloved and able Texas doctor, Dr. Aden Mann, passed away in Skidmore, Tex.

In 1952 when Dr. Mann was 76 years old, he was named "Physician of the Year" by the Jefferson County Medical Society. In 1960, he and his wife observed their 67th wedding anniversary.

A graduate of Tulane Medical School in 1906, Dr. Mann began his practice as a dedicated, hard-working horse-and-buggy doctor. As times changed and technology advanced, he forced himself to keep abreast of his profession, performing research in techniques in the surgical treatment of goiter, high blood pressure, and tuberculosis. Although he grew with his profession, he always managed to maintain the horse-and-buggy touch—the sincere interest in all of his patients, the willingness to extend all of his energies if it meant more peace of mind for one of those who came to him for help.

Dr. Mann lived to be 92, which even with the advance of medicine is something of a miracle; the true miracle, however, was the longevity of his spirit which he dedicated unselfishly to his fellow men.

I ask unanimous consent to have printed in the RECORD an obituary and an editorial on Dr. Mann which were published in the Beaumont Journal of September 6, 1968.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Beaumont (Tex.) Journal,
Sept. 6, 1968]

DR. DAVID A. MANN

Meditating on the death this week of Dr. David Aden Mann, the thought occurs that the glory of giving blesses the giver. And Dr. Mann gave more than most.

Dr. Mann truly trod "the paths of glory" in his visits to the sick. It made no difference whether he was horseback, in a buggy or a car. It made no difference what the time might be—day or night in sun or storm—he traveled the glory paths to ease pain, to bring babies into the world, to prolong life. Younger men, doctors who were blessed by his friendship and help, found it difficult to keep pace with Dr. Mann, even after he had passed the age of normal retirement.

A long time resident of Beaumont, Dr. Mann was named "Physician of the Year" by the Jefferson County Medical Society in 1952. In the eyes of his patients and friends, however, he was the physician of every year.

In a feature article in this newspaper 20 years ago, Gladys Harned Quilliam wrote that to most observers Dr. Mann's life has been all work. He had no time for games, for clubs and for hobbies, as such. But he carried on a constant research and study of medicine and attendance at all the outstanding medical meetings of the nation. In that pursuit, he "not only has done graduate work all over the country but has built up one of the outstanding collections of medical books in the South." A friend was quoted as saying: "He never has been able to accumulate a fortune, because his money has gone right back into books and equipment and study."

Dr. Mann was that kind of doctor and that kind of man. He traveled, as few men in our time are privileged to do, the true paths of glory.

[From the Beaumont (Tex.) Journal, Sept. 6, 1968]

DR. MANN'S FUNERAL SET FOR SATURDAY—DIES AT 92

Funeral services for Dr. David Aden Mann, 92, longtime Beaumont physician and surgeon, will be held at 4 p.m. Saturday in the Kelley-Hixson Funeral Home chapel. The Rev. Oliver Beall, associate pastor of the First Baptist Church, will officiate.

Burial will be in Magnolia Cemetery. Pallbearers will be Herbert Plummer, Dr. Sam Mann, David DeCordova, Johnny Blair, Doug DuBois, Tom Mann, Poyntz Dunn and Ernest Dunn.

Named as honorary pallbearers are members of the Jefferson County Medical Society and Maj. J. W. Phelps who is serving in Vietnam.

Dr. Mann died at 5:40 p.m. Thursday in Skidmore, northwest of Corpus Christi. He had made his home with a daughter, Mrs. Clyde Black, since his retirement in 1958.

Also surviving are two other daughters, Mrs. Raymond Alford of Beaumont and Mrs. Carlyle Plummer of Port Arthur; seven grandchildren and 15 great grandchildren.

Dr. Mann and his wife, who observed their 67th wedding anniversary in October, 1960, were natives of Tyler County. He taught school and was the father of two children when he entered medical school at the University of the South at Sewanee, Tenn. He was graduated from Tulane Medical School in 1906.

He practiced at Wyatt, Tex., Ward, La., and Diboll, Tex., before moving to Beaumont in 1916.

Dr. Mann was credited with research in techniques in surgical treatment of goiter, high blood pressure and tuberculosis.

He was one of three physicians who organized and built the Beaumont General Hospital, later known as St. Therese.

He was named Physician of the Year by the Jefferson County Medical Society in 1952.

THE TRAGEDY IN NIGERIA SHOULD PERSUADE COMMITTEE ON FOREIGN RELATIONS TO REVIEW HUMAN RIGHTS TREATIES

Mr. PROXMIRE. Mr. President, in yesterday's RECORD, the acting chairman of the Committee on Foreign Relations [Mr.

SPARKMAN] inserted a statement made by Assistant Secretary of State Joseph Palmer II before the Subcommittee on African Affairs. The statement deals with the Nigeria-Biafra civil war.

The statement, which appears on page 26864, covers, in Secretary Palmer's words:

> How have these tragic events come to pass? Where has the United States stood with respect to them? What is being done about them? And what more can be done?

Mr. President, I urge Senators to study this comprehensive and up-to-date analysis of the entire military, political, and aid picture of the Nigeria-Biafra civil war.

However, I also wish to commend Secretary Palmer, Ambassador Moore, and all those at the State Department for what I personally know are their untiring effort and personal dedication to achieving agreement by the belligerents on aid routes and securing speedy relief for the starving and disease-ridden. I know personally that they are doing all that is possible to bring sanity to that ravaged area and help to its starving people. I also share their deep frustration that, as of today, there is still no agreement on the modalities of aiding those in dire need.

Mr. President, the members of the Committee on Foreign Relations have observed this tragedy as it unfolded. They have seen it escalate as both sides have been supplied with weapons by various world powers. They have seen what gargantuan and long-term efforts must be expended to bring about some kind of agreement which will insure that the basic human rights of nonbelligerents are not disregarded in the political and military scramble by leaders on both sides. I hope that this tragedy and the senseless death of thousands and thousands of innocents will stir the collective conscience of the Committee on Foreign Relations. I fervently hope that this vivid and haunting reminder of the horrors of World War II will rekindle that original dedication to the universalization of human rights which saw the United States lead the world in creating the U.N.

I trust that the Committee on Foreign Relations will renew its consideration of the various pending human rights conventions, beginning with genocide, and report them favorably to the Senate for ratification.

A renewal of our leadership in the field of human rights will render fruitful the efforts of so many who have labored for the universalization of human rights. This renewal will also make easier and more productive the efforts of our own Government when trying in areas such as Biafra, to help those whose rights are being violated.

DENIAL OF BAIL IN HIGH-RISK CASES

Mr. BREWSTER. Mr. President, in January 1967 a majority of the District of Columbia Crime Commission concluded that Washington judges should be allowed to deny bail in cases where the release of criminal defendants would present "a truly high risk" to public safety.

Following the issuance of that Commission's report, I introduced proposed legislation, S. 484, which would provide District of Columbia judges with the discretion they require to detain defendants with prior criminal records or persons determined to be highly dangerous to another person. At the same time, my bill provides safeguards for the accused.

Unfortunately, S. 484 has not been acted upon. This has allowed the problem to continue. A recent police study showed that 45 of 130 holdup suspects were subsequenly indicted for a total of 76 new crimes which occurred while they were on bail. Clearly, these figures point up the problem with which we are confronted.

The Evening Star has termed this a "senseless situation," a statement in which I concur. It is my hope that the Star's editorial will receive the attention it so richly deserves.

Mr. President, I ask unanimous consent to have the editorial published in the Evening Star of September 12, 1968, printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PREVENTIVE DETENTION

The senseless situation in which judges may not consider the question of danger to the community in deciding whether to grant bond to criminal suspects in the District of Columbia is finally getting a degree of concerted attention that is richly deserved.

Back in January, 1967, a majority of the D.C. Crime Commission concluded that Washington judges should be allowed to deny bail in cases where the release of criminal defendants would present "a truly high risk" to public safety. Within limits, and hedged by safeguards, that proposition was endorsed early this year by the American Bar Association's House of Delegates. In May, a committee of the District Judicial Council agreed to study the question. At the present time, guidelines which may be advanced as a possible basis for detaining dangerous suspects during their pre-trial periods are reportedly being drafted by the U.S. Attorney's Office. And just last week, a Police Department analysis of the actual experience of 130 holdup suspects who were freed on bail during the 1967 fiscal year added further substance to these concerns.

In essence, the police study showed that of the 130 defendants, 45 were subsequently indicted for a combined total of 76 new crimes which occurred during the bail periods. In one instance, a youth was released on no less than four occasions, each time to be apprehended in connection with a new offense.

There already are rumblings of criticism in certain quarters to the effect that in concentrating on holdup suspects, the police analysis deliberately selected the category of criminal offenses which happens to show the highest rate of recidivism. But whether this is so is wholly beside the point.

The fact is that Washington's courts, bound by their present laws and rules of procedure, are forced continually to expose the public to serious dangers by turning loose hardened criminals, no matter how long their records, no matter how vicious their conduct. The inability of judges to exercise discretion in such cases is a senseless failure of the law which must be corrected.

Public Safety Director Patrick V. Murphy, who believes that the absence of such a reform is "the No. 1 problem facing law enforcement today," has made it plain that he is not opposed to the District's bail act provisions which permit the release of defendants without the payment of bond. "What we are saying," one of his aides asserted the other day, "is that regardless of whether a person is out on personal recognizance or out on money bond, if he is a danger to the community he shouldn't be out in the first place."

That is the simple substance of the matter, and Murphy is quite right in urging that the city take such emergency steps to cope with the problem as it is able to take now, pending a more extensive congressional review which is sorely needed.

TECHNICALITIES AND THE CONSTITUTION

Mr. CLARK. Mr. President, the Harrisburg, Pa., Patriot on August 9 published an editorial on the latest Supreme Court nominations. The editorial touched on an important point that has been raised by some of those opposed to the nomination of Justice Fortas. This concerns the charge that the Supreme Court has overturned convictions of lower courts on the basis of "technicalities."

The editorial answered the charge with the words of Justice Fortas.

> "To set aside the conviction of a man who has been tried in violation of the Constitution is not to set it aside on a mere technicality," Justice Fortas declared. "Constitutionalism is not a technicality. Constitutional rights are not technicalities. This is the phrase that should ring in the Nation's ears."

I agree completely with Justice Fortas, and I also agree with the conclusion of the editorial:

> But a vote there must be. To block even that by means of a filibuster, as Republican Sen. Robert Griffin of Michigan and other Fortas opponents have threatened, would be to resort to a parliamentary technicality to subvert the processes of democracy.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SUPREME COURT: ITS CRITICS AREN'T PERFECT, EITHER

Associate Justice Abe Fortas' remarks to the meeting of the American College of Trial Lawyers in Philadelphia the other day may not convince those who believe the Supreme Court to be the fount of lawlessness and injustice in the land, but the justice's words were wise and very much to the point nonetheless.

The Justice addressed himself, among other things, to the charge that the Supreme Court has been overturning convictions on the basis of "technicalities." In a tirade against Justice Fortas during the Senate Judiciary Committee's hearings on his nomination to be Chief Justice, Sen. J. Strom Thurmond brought this one up in connection with a case that had been decided about eight years before Justice Fortas was appointed to the high tribunal.

In the Mallory case of 1957, a confessed rapist's conviction had been reversed because his arraignment was delayed to permit interrogation. "Mallory! Mallory! I want that word to ring in your ears!" the South Carolina Republican shouted.

But Mallory had to do, of course, with no "mere technicality." If one man can be held without arraignment, another man can be. You can be. If, as in the Gideon case which, as a lawyer, Abe Fortas had successfully argued before the Supreme Court in 1963, a man can be sent to jail without counsel, so then can any man.

"To set aside the conviction of a man who has been tried in violation of the Constitution is not to set it aside on a mere technicality." Justice Fortas declared. "Constitutionalism is not a technicality. Constitutional rights are not technicalities. This is the phrase that should ring in the nation's ears."

One man's technicality is another man's liberty, and to ignore the procedural rights which are embedded in the U.S. Constitution is to subvert all our liberties.

There is no reason why, when the Supreme Court has made a decision, the decision should not be subject to criticism. The Court is, after all, composed of men, and men can err. But the kind of vitriol that has been spewed at the Court by other men who should better—Pennsylvania Supreme Court Chief Justice John C. Bell Jr. and Pennsylvania Associate Justice Michael A. Musmanno, for example—does not accomplish precisely the thing they claim they want to accomplish, that is, to restore whatever respect for law may be lacking today.

Neither is there any reason why any U.S. senator should not, if he dislikes the color of Justice Fortas' opinions or his eyes, vote against the Fortas nomination to replace Chief Justice Earl Warren.

But a vote there must be. To block even that by means of a filibuster, as Republican Sen. Robert Griffin of Michigan and other Fortas opponents have threatened, would be to resort to a parliamentary technicality to subvert the processes of democracy.

THE SOVIET INVASION OF CZECHOSLOVAKIA

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of a speech I delivered before the Frontier Press Club, Buffalo, N.Y., on September 14, 1968.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SOVIET INVASION OF CZECHOSLOVAKIA REVEALS KREMLIN'S FEAR OF FREEDOM

(Remarks of Senator JACOB K. JAVITS before the Frontier Press Club, Buffalo, N.Y., Saturday, September 14, 1968)

The Soviet invasion and continuing occupation of Czechoslovakia is a barbarous act which challenges the conscience of civilized men. The malice, the crudity and the deceitfulness of Soviet behavior in this instance was highlighted by the bravery, dignity and self-discipline which the Czech people have displayed in the face of overpowering naked force. The contrast could not have been more poignant. It is a situation which inevitably arouses toward the Soviet Union profound feelings of moral revulsion, anger and frustration. The denunciation of these acts which has been voiced around the world seems to fall on deaf ears in the Kremlin. One cannot but feel a measure of chagrin over the seeming inability of the United States and other western democracies to accord any direct protection to the embattled Czechs in their struggle for basic human freedoms and dignity.

All the nations of Eastern Europe are directly affected by the occupation of Czechoslovakia. In dragooning troops from the other Warsaw Pact countries to participate in the invasion, the Kremlin demonstrated both cynicism and ruthlessness. Not only did Moscow seek to taint the communist regimes in Warsaw, Budapest, Sofia and East Berlin with a measure of its own guilt by implicating them in the Czech repression, but Moscow also intended the rape of Prague as a warning to the people of the other nations of Eastern Europe.

Because Soviet action in Czechoslovakia has such menacing overtones, it is critically important that we make an accurate assessment of the situation in framing our response to it. First, it is necessary to see that the Soviet invasion of Czechoslovakia was an act of weakness and desperation—not an act of strength. A great power does not so demean itself in the eyes of the world unless it is gripped by dreadful anxieties and self-doubts concerning its own inner strength and viability.

The world is witnessing the reaction of a reactionary great power. Believing itself safeguarded from effective counter action by the United States, exploiting the priority Washington is now giving to the Vietnam war; determined to allow the Middle East crisis to smolder dangerously on—and obviously relying on the US to recognize the Soviet sphere of influence in Eastern Europe—the Kremlin moved not only to subject Prague to stricter controls but to force it into an anti-Western policy. In doing this, the leaders in the Soviet Union hope to thwart the Western policy of "bridge building," which has so impressed East Europeans.

It is essential that United States policy continue to distinguish between the people of Eastern Europe and the Communist regimes which have been forced on them by the Soviet Union.

We must adopt measures which encourage and keep alive the striving for freedom and normal contact with the West which has persisted through so many dark years in Eastern Europe. Moreover, despite the Soviet use of Warsaw Pact troops of Poland, Hungary, Bulgaria, and East Germany in the occupation of Czechoslovakia, the United States must remain alert to the vital distinctions between these peoples and the USSR itself. We cannot, in our policies, assist Moscow in its efforts to blur or eradicate those differences.

The Kremlin's repressionists who reacted so brutally to stamp out the Dubcek-led reforms were correct in their fear that the evolution of a liberal and humanitarian Czechoslovakia posed a threat to their own continued monopoly of power even within the Soviet Union itself; for freedom is a contagious disease. It could have spread in epidemic proportions throughout the Soviet Union. And there is no doubt that a free Russia would have no place for those obsolete bureaucrats who learned their political techniques in the schools of Stalinism.

Stalin's prime postwar objective was to cement a wall of puppet states on the borders of the USSR that would do what they were told. He was unafraid of the contagion of democracy because he could rely upon his secret police to stamp it out.

Today, the Russians' once paranoiac fears of external aggression from the West have receded into the background. Whatever they may say in public, it is not the supposed West German revanchists who keep Mr. Brezhnev and Mr. Kosygin awake nights; it is the intellectuals and journalists in Prague and Moscow.

The crude repressive techniques of Stalinism are incompatible with the functioning of a sophisticated technological society. To avoid economic paralysis, the Soviet Union itself has found it necessary to discard the rigid discipline of terror based on naked force in many areas of endeavor. The inescapable dilemma of the New Soviet rulers is that they cannot hope to keep pace with the Western democracies in economic growth and technological advance unless they progressively unshackle the creative human spirit of their own people and of the benighted peoples of eastern Europe.

It would be a grave mistake, in my judgment, for Washington to emulate the folly of Moscow by trying to revive the policies and mental attitudes which characterized us twenty years ago. Our interests will be much better served by a response which is forward looking, rather than backward looking. The Soviet Union's monolithic communist empire in Eastern Europe has begun to be cracked wide open—and all the armies of the Soviet Union cannot put Humpty-Dumpty back together again.

Especially, we must resist those voices in our midst who counsel—from whatever motive—that we should respond to the events in Czechoslovakia by cutting off all efforts to arrive at agreements relating to disarmament with the USSR, or by ending, for example, all East-West trade. I believe those who espouse this view are being singularly near sighted. In point of fact, our policy of differentiating between the USSR and the communist countries of Eastern Europe has been a success. Certainly, at a minimum, without such a policy by the United States, the Czechs are less likely to have sought, and gained briefly, the independence and freedoms they enjoyed under Dubcek-creating a precedent toward removing the heavy hand of the Kremlin off Eastern Europe.

About the only thing which could lend an air of justification to the specious deceits being proclaimed by the Soviet occupation officials in Czechoslovakia—which are accepted by no one—would be a revival in the US of the hysteria and kind of knee-jerk rigidity associated with an earlier day.

We must also guard carefully against the specious reasoning of the die-hard hawks who would argue that our response to events in Czechoslovakia should be a break-off of the Paris peace talks and the beginning of another escalation of the Vietnam war or the rejection of the nuclear non-proliferation treaty. I cannot see how this would serve our interests in any way.

Indeed, in my judgment, the crisis in Europe makes it more imperative than ever to accelerate the search for an agreement which will terminate, or at least drastically curtail, our massive combat involvement in the Vietnam war.

The situation in Eastern and Central Europe is extremely volatile. As such, it poses dangers to the peace of the world. This area has twice been the cockpit of war in this century. There has still not been there an overall settlement of the Second World War. The present ad hoc arrangements are unnatural and inherently unstable.

Just as it would be irresponsible for the US to encourage the peoples of Eastern Europe to rebel openly against their Communist masters, it would be tragic in the extreme for the US to abandon the people of Eastern Europe—thus leaving them indefinitely to the grim fate which Moscow has in mind for them. The people of the United States—so many of whom have come from the Slavic lands of Eastern Europe—will not permit our government to adopt any such passive and defeatist course.

Hopefully, when the Soviet government has recovered its equilibrium it will view its experience in Czechoslovakia as an incentive to move toward an overall European settlement, which alone can bring long-term stability to Europe.

The emergence of a liberal regime in Czechoslovakia, however brief, signals a major crack in the great freeze which has divided Europe unnaturally for more than twenty years. As such, it heralds a new period in which the United States must again give its first attention in international affairs to Europe. The inevitable break-up of he Cold War arrangements in Europe will be a transition period of great delicacy and potential danger.

Thus, far, the Soviet Union has not demonstrated the poise, the sophistication and the foresight which will be required on all sides if we are to avoid the gravest kind of tensions—and possibilities for blundering into war. It will be a situation requiring the highest order of leadership by the United States. Both resolution and flexibility, as well as

firmness and compassion, will be needed. Above all, we must not react blindly by taking hasty action.

ADMINISTRATIVE AGENCIES AS A PART OF CONSTITUTIONAL GOVERNMENT

Mr. ERVIN. Mr. President, the September 16, 1968, issue of the NAM Reports, published by the National Association of Manufacturers, contains an article summarizing portions of the testimony presented at the recent hearings on administrative agencies and in particular the National Labor Relations Board, which were held by the Senate Subcommittee on Separation of Powers, of the Committee on the Judiciary.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOES NLRB FOLLOW THE LAW?—WITNESSES TRACE DIVERGENCE BETWEEN COURSE CONGRESS PLOTTED AND PATH THE AGENCY TAKES

(EDITOR'S NOTE.—In the May 13 issue of "NAM Reports," we presented an abridged version of the testimony of Francis A. O'Connell, Jr., vice president of employee relations for Olin Mathieson Chemical Corp., who was the NAM witness before the Ervin Subcommittee hearings. Now, a summary of testimony by other witnesses has been completed, and an article reviewing the highlights of these authoritative statements has been prepared for wide distribution to the trade and general press; this digest will be published first as a series in "NAM Reports." The initial installment appears here.)

"Whether we like it or not, the administrative agency has come to be a primary instrument of government in our country," according to Senator Sam J. Ervin, Jr. (D., N.C.).

"Although the nation now accepts the administrative agency as a normal and constitutional part of the government," Sen. Ervin declared, "there still remains the problem of assuring that the independent administrative agencies faithfully execute the laws entrusted to them by Congress. . . ."

Authorized by Congress, the administrative agency gets its policy and principal rules of procedures at the same time that it is created. During the key periods of their growth—in the 1920's and 1940's—such agencies became fairly independent. In their evolution, they attained the unique status of possessing executive, legislative and judicial powers, while qualifying neither as legislature nor court—and while remaining independent of the executive branch.

Now Congress, in its role of lifegiver and lawgiver, has become restless with this arrangement. This is because, in the words of Sen. Ervin, "the exercise of their power directly or indirectly affects every citizen, and the work product of these administrative agencies constitutes the largest source of 'law' in our country . . ."

Since Congress has had mixed success in its occasional legislative efforts to correct questionable behavior by administrative agencies, the Senate Subcommittee on Separation of Powers,* chaired by Sen. Ervin, was designated to look into such problems. It chose to examine first the agency that had generated the most controversy—the National Labor Relations Board.

"Constitutional law and representative government cannot exist," Sen. Ervin pointed out in his preliminary remarks, "if officials of the executive branch, commissioners and board members of the agencies, or the judges on the courts, have the power to modify, repeal, or ignore the will of Congress as expressed in statutes."

It was precisely to guard against such encroachments that the Subcommittee launched a series of extensive hearings in the Spring of 1968. At the outset, the chairman declared that "policy-making is not a function that properly can be performed by a small group of appointed officials . . . In the case of the National Labor Relations Board . . . these problems are particularly acute . . .

"Some of the criticism directed at the Board," he continued, "may be explained by the importance of the issues it decides and the passions these issues engender. But it would be a mistake to excuse all criticism on these grounds." The Senator stated that the Board has been criticized "for making decisions contrary to the policy and rules announced by Congress—which the Board definitely is not authorized to do."

The viewpoints of the Congressmen, former NLRB members, law professors, attorneys and other distinguished experts who were invited to testify was summarized by Leonard S. Janofsky, a recognized authority on labor legislation and the first senior Regional Attorney for NLRB in Southern California and Arizona. Said Mr. Janofsky:

"For 33 years, the National Labor Relations Board has been part of the fastest growing area in the legal domain—administrative law. While other administrative agencies generally have kept abreast of the socioeconomic changes in the areas they regulated, the NLRB persisted in its 1935 vision of employers and unions. The Board seems to harbor a conviction that employers are the last obstacle standing between the working man and his self-betterment.

"This credo best explains the NLRB's frequent disregard or contravention of the will of Congress, under whose authority it functions. This it does on the theory that Congress meant its Preamble to the 1935 Act to be immutable and that any reassessments, such as the 1947 and 1959 amendments, are not to be taken seriously."

BOARD RESISTS LIMITS

The charge that the NLRB has usurped legislative powers is a recurrent theme of the Ervin hearings, and its genesis was decisively described by Gerard D. Reilly, another former NLRB member and the ex-Solicitor of the Labor Department. After observing that the Board was envisioned as an impartial, quasi-judicial tribunal which would review transcripts of testimony and make findings of facts, Reilly declared:

"I have come to the opinion that the present Board has never reconciled itself to so limited a role, but conceives of itself as a maker of national labor policy . . . It should always be borne in mind that the Board as created by Congress is essentially a court, for unlike other independent agencies vested with quasi-legislative powers, Congress did not entrust it with policy-making authority . . .

"One of the most startling aspects of how the present Board has disregarded Congressional intent and cast aside guiding precedent has been a series of decisions which have virtually restructured the whole foundation of bargaining in certain industries."

He cited Board orders compelling multiplant employers to engage in bargaining simultaneously with a coalition of unions for system-wide wages and working conditions. Such actions, Reilly pointed out, contravene certifications issued by the Board itself, *limiting each union's authority to speak for the workers in a particular plant.* (Italics ours.)

It is important to appreciate the significance of this last point. While expressing concern that the Board decisions will inflict serious damage on an employer's bargaining position, Reilly asserted that such NLRB approval violates the Taft Hartley Act and deprives workers of fundamental representation rights.

(*Editor's Note.—This trend to coalition bargaining was dramatically demonstrated by the nine-month copper strike. The objective of some 26 unions, led by the United Steelworkers, was to force the four major copper producers to sign contracts with all the unions on a company-wide basis, covering thousands of employees doing different kinds of work in various parts of the country.*

(*Such a bargaining approach—by its huge mass and impersonal nature—obviously cannot be responsive to the widely divergent needs and interests of the workers—and so prevents them from enjoying the representational benefits to which they are entitled by law.*)

"LITTLE PEOPLE BEING HURT"

Testimony of other witnesses who appeared at the hearings reflects similar concern with the threat to individual freedoms. The conclusion that emerges from their voluminous statements is that the little people—small businesses, independent unions, and the individual employees—are being hurt as much as, and possibly more than, the large companies by the misapplication of labor laws.

On this point, former Representative Fred A. Hartley, Jr., co-sponsor of the 1947 Act that bears his name, charged that the Board consistently favors the big AFL–CIO unions, adding that as early as 1940, independent unions were demanding abolition of the NLRB because of the Board's bias and prejudice against them.

In his statement before the Subcommittee, the former chairman of the House Committee on Education and Labor asserted that the Taft-Hartley amendments provided procedures for employees to secure a Board decertification election when a majority of workers no longer wanted a particular union as bargaining reprecentative.

"The NLRB, manifesting its usual pro-union, anti-employee, anti-management bias, soon reduced these new procedures to a shadow of what Congress intended," he declared.

"Employers were denied the right to petition for a Board election," Hartley went on, "unless they proved their good-faith of the union's claimed majority status. Employees were prohibited from changing their bargaining representative, even if it had lost a majority, and unions were permitted to punish by fine or other form of discipline union members who sought to invoke the decertification procedures under the Act."

Reinforcing this concern with NLRB's exhibition of favoritism toward the major union organizations were the observations of Senator Robert P. Griffin (R., Mich.), co-author of the 1959 Landrum-Griffin Act, the sweeping reform statute that was overwhelmingly endorsed by Congress and the President as necessary to close loopholes in the Taft-Hartley Act.

"In the minds of some," Sen. Griffin told the Ervin Subcommittee, "any criticism of the NLRB is casually dismissed as just part of a power struggle going on between big business and big unions. Nothing could be further from the truth. *More often, those who actually suffer from the distorted and twisted rulings of the Board are the individual workers, small unions, small business men, and the public at large."* (Italics ours.)

"It is important to recognize," he continued, "that in many cases where the NLRB 'legalizes' the use of boycotts by certain unions, it does so at the expense of other unions. Generally speaking, work that is 'preserved' for the members of one union is denied to the members of another union who produce the boycotted product. And, of course, the public suffers, because such practices restrain and restrict the use of more efficient and less expensive methods of construction or production.

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* It is pertinent to note that Sen. Ervin instructed his witnesses to concentrate on these three main questions—(1) Do the independent agencies exercise powers greater than those granted them by Congress? (2) If so, what explanations can be offered? (3) How can Congress improve its oversight so that the exercise of agency power can be brought into better balance with Constitutional responsibilities of Congress.

"Over the years, the Board has clearly revealed a bias which works not only against individual workers and the public, but also against certain unions if their interests happen to conflict with favored unions. For example, an independent union rarely prevails before the Board if it dares to compete with an AFL–CIO-affiliated union."

Characterizing the Board as a "politically oriented agency" that "does not act like a judicial body," the Michigan Senator asserted:

"I have concluded that the time has come to abolish the NLRB and replace it with a U.S. Labor Court patterned after the U.S. Tax Court . . . I have introduced a bill (S. 1353) to achieve this purpose."

BELIEVES RULINGS FAVOR UNIONS

The picture of increasing imbalance in labor-management relations coupled with discrimination against the interests of "the little man" was drawn by Guy Farmer, NLRB chairman from 1953 to 1955, and now a specialist in labor law. Farmer believes that in its administration of the National Labor Relations Act, the NLRB has departed in significant areas from the legislative purpose embodied in the Act's various provisions.

"I believe that an objective appraisal of their rulings," he points out, "will disclose they generally favor unions and disfavor employers and, in some very significant areas, *also disfavor employees whose interests the Act was primarily intended to protect.*" The former NLRB chairman continued:

"The clearly discernible trend of the Board's decisions has been to give a narrow and restricted interpretation to the provisions of the Act which regulate union strikes, picketing and boycotts, to extend to their outer periphery the restraints on employer conduct, to enlarge the bargaining obligations as it applies to employers into areas of business judgment and decision, and *to exalt institutional unionism over the rights of employees.*" (Italics added.)

BIG UNIONS FAVORED

Another protest against the NLRB's actions in granting large unions power to injure smaller ones was raised by Don Mahon, executive secretary of the National Federation of Independent Unions (NFIU). Mahon told the Subcommittee that the NLRB discriminates against small, independent unions in favor of the big AFL–CIO unions, particularly in the building trades.

Slanted rulings by NLRB have made it impossible for independent union members to work on any job that the AFL–CIO building trades choose to monopolize, he declared. With the tolerance of the NLRB General Counsel, Mahon charged, independent union members and their employers have been driven from their jobs by AFL–CIO blackmail picketing, or so-called informational picketing, on job sites.

The NFIU executive secretary says the NLRB General Counsel condones blackmail picketing "even though such picketing causes all workers to leave their jobs, completely shuts down the jobs, stops deliveries and causes the refusal of public utility workers to make necessary connections."

The perfidious nature of the informational picketing device, he goes on, is evident from the fact that "in most cases where AFL–CIO union pickets carry signs saying—'This is to inform the public that workers on this site are not members of the AFL–CIO'—it stops all other AFL–CIO craftsmen on the job. Thus, the AFL–CIO union completely closes down a construction job, even though the independent union workers on the job have a contract and have been recognized or certified following an NLRB election."

Finally, Robert H. Jones III, representing the National Small Business Association, accused the NLRB, through the abuse of power, of imposing upon small business "enormous, unwarranted and unconscionable expense in exercising or defending legitimate employer rights."

Jones was especially bitter, in his testimony, against Board procedures that deny the employer effective protection against unfair labor practices—in violation of mandates of the NLRA—charging that while NLRB abuses "adversely affect the employer's opportunity to prepare and present his case, in direct contrast, they discriminatorily indulge unions in extensions of preparatory and presentation time or excuse their violation of filing time limits."

Closely related to the prejudice against the smaller interests, which was a constant theme throughout the testimony, is the matter of loss of rights for both individuals and companies. The deprivation of basic freedom—incorporated both in the constitution as well as in the NLRA and its amendments—is a subject of sufficient depth to warrant a separate chapter. But it might be pertinent here to preview the next installment with this observation of J. Mack Swigert, a nationally recognized labor lawyer:

"The Board has shown little interest in protecting the right of the individual who does not want to belong to a union, or the union member who does not want to participate in union activities . . . The Board itself often discriminates to encourage membership in labor organizations and to discourage non-membership and non-representation. The direction by Congress to treat union and non-union employees alike, and to give each equal protection, has simply been ignored."—E. S. Black, Committee Executive, Industrial Relations Department.

MR. FORTAS AND HIS SEMINAR FUND

Mr. GRIFFIN. Mr. President, last Friday, the Committee on the Judiciary heard testimony that Mr. Justice Abe Fortas had recently received $15,000 for a series of nine seminar meetings with a class of 17 students at American University.

Each person will make his own judgment as to whether this so-called fee or honorarium is exorbitant, particularly in light of testimony by the law school dean, B. J. Tennery, that the university ordinarily pays no more than $2,500 for such services.

But more disturbing than the amount involved is the questionable arrangement under which the money was transmitted to Mr. Fortas.

The appearance was created, and maintained, until last Friday that Mr. Fortas had conducted a regular university seminar and was being paid, if at all, out of regular university funds.

It is now clear that such was not the case.

Mr. Fortas was paid out of a special $30,000 fund collected by his wife's present law partner, Paul Porter, with whom Mr. Fortas was associated in the practice of law before going on the Supreme Court.

Testimony of Dean Tennery revealed that the money was solicited from, and paid by, five former business associates or clients of Mr. Fortas and his former law firm.

The extent to which his wife's law firm now represents these five individuals or the many corporations with which they are associated has not been disclosed.

A list of the five contributors to the Fortas fund, with information concerning the business associations of each as taken from the 1966 edition of "Poor's Register of Corporations, Directors, and Executives," is as follows:

Gustave Lehman Levy (partner—Goldman, Sachs & Co., New York City):
Braniff Airways, Inc., director.
Witco Chemical, director.
Diebold, Inc., director.
Utilities & Industries Corp., director.
Philadelphia Suburban Water Co., director.
May Department Stores Co., director.
New York Telephone Co., director.
Deltec Panamerica, S.A., director.
Foster Grant Co., director.
Greatamerica Corp., director.
Hunt Foods & Industries, Inc., director.
N.Y. Stock Exchange, vice chairman of board.
Weis Markets, Inc., director.
Lanvin-Charles of the Ritz, Inc., director.
The Bowery Savings Bank, trustee.

Troy V. Post (Dallas, Texas):
Greatamerica Corp., chairman & president.
American-Amicable Life Ins. Co., chairman.
Braniff Airways, Inc., chairman.
Franklin Life Ins. Co., chairman & director.
Gulf Life Ins. Co., chairman.
Bank of Services & Trust Co., chairman & director.
First Western Bank & Trust Co., chairman.
National Bank of Commerce, chairman.

Maurice Lazarus (Boston, Mass.):
Beth Israel Hospital, trustee.
Peter Bent Brigham Hospital, trustee.
Tufts-New England Medical Center, member, Board of Incorporators.
New England Telephone & Telegraph Co., director.
Federated Department Stores, Inc., vice chairman & director.
General Aniline & Film Corp., director.
Liberty Mutual Ins. Co., director.
United Fund of Boston, director
Massachusetts Mutual Life Ins. Co., director.
Combined Jewish Philanthropies, trustee.
Beaver County Day School, director.
Old Sturbridge Village, Inc., trustee.
Northeastern University, member of Corporation.

Paul D. Smith (New York City): Philip Morris, V.P. & general counsel.

John L. Loeb (Sr. partner, Carl M. Loeb, Rhoades & Co., N.Y.C.):
Continental Device Corp., director.
Anglo Norness Shipping Co., Ltd., director.
Allied Chemical Corp., director.
Empire Trust Co., director.
Kirkeby-Natus Corp., director.
Dome Petroleum, Ltd., director.
Distillers Corp.-Seagrams Ltd., director.
Wrather Corp., director.

The same edition of Poor's Register listed Abe Fortas, before going on the Supreme Court, as a partner in the law firm of Arnold, Fortas & Porter in Washington, D.C., with business associations as follows:

Abe Fortas (partner—Arnold, Fortas & Porter, Washington, D.C.):
Federated Department Stores, Inc., V.P. & director.
Su Crest, Inc., director.
Greatamerica Corp., V.P. & director.
Madison National Bank, director.
Franklin Life Insurance Co., director.
Braniff Airways, Inc., director.

From the listings, it will be noted that before going on the Supreme Court Mr. Fortas served on the boards of Braniff Airways and Greatamerica Corp. with one of the contributors; on the boards of Braniff, Greatamerica, and Franklin Life Insurance Co. with another; and on the board of Federated Department Stores, Inc., with a third.

A later issue of Poor's Register lists Mr. Porter, who solicited the funds, as having replaced Mr. Fortas on the Braniff board.

In weighing the significance of this fund, and the manner in which it was solicited and paid to Mr. Fortas, the following considerations are certainly relevant:

First. The fund was undisclosed and efforts were made, apparently, to keep it secret. Calls made before last Friday to university officials and to the Porter law firm in Washington were met with cold responses and no information was obtained.

Second. Under the arrangements, contributions to the Fortas fund were considered to be tax deductible, with the result, in effect, that American taxpayers were supplementing Justice Fortas' Supreme Court salary of $39,500 a year by more than 37 percent.

Third. Although he was scheduled to appear at the seminar on nine occasions for 2-hour periods, it has been revealed that Mr. Fortas actually appeared for only eight of the sessions. His substitute for the ninth, Juvenile Court Judge Orm W. Ketcham, has been quoted as saying he received no compensation for filling in for Mr. Fortas.

From the listing it will be obvious that some of the contributors to the Fortas fund are connected with corporations which, undoubtedly, will be involved in litigation before the Supreme Court.

Mr. President, this matter raises the very serious question of whether Mr. Fortas has violated the spirit and intent of the Canons of Judicial Ethics of the American Bar Association.

I ask unanimous consent to have printed at this point in my remarks canons of judicial ethics which bear on this point.

There being no objection, the canons were ordered to be printed in the RECORD, as follows:

CANONS OF JUDICIAL ETHICS OF THE AMERICAN BAR ASSOCIATION

CANON 4. AVOIDANCE OF IMPROPRIETY

A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.

CANON 24. INCONSISTENT OBLIGATIONS

A judge should not accept inconsistent duties; nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions.

CANON 25. BUSINESS PROMOTIONS AND SOLICITATIONS FOR CHARITY

A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter into any business relation which, in the normal course of events reasonably to be expected, might bring his personal interests into conflict with the impartial performance of his official duties.

CANON 32. GIFTS AND FAVORS

A judge should not accept any presents of favors from litigants, or from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgment.

Mr. GRIFFIN. Mr. President, if Congress makes a mistake in enacting legislation, the mistake can later be corrected. But if the Senate should make a mistake in confirming a nomination for the Supreme Court, there is no easy way of correcting such a mistake. After the nomination is once confirmed, a lifetime appointee to the Supreme Court is not answerable thereafter to the Senate or to the American people.

In a speech before the National Press Club on July 30, I said:

> In the case of Mr. Fortas, while I am satisfied that he is a brilliant lawyer, I am not satisfied that he possesses an adequate sense of propriety and other qualities which are particularly appropriate and necessary to be Chief Justice of the United States.

My conviction on this point has been strengthened by the revelations regarding the special fund at American University and the circumstances which surround it.

Mr. President, I ask unanimous consent that an editorial published in the Sunday, September 15, issue of the Detroit News, and an article published in the September 17 issue of the Washington Post be printed in the RECORD; also that an article which appeared in the September 16 issue of the Washington Star be printed in the RECORD.

Mr. President, in addition I ask unanimous consent that an article, entitled "The SMIC Boondoggle," which appeared in the Ripon Society's February 1968 issue of the Ripon Forum, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Detroit News, Sept. 15, 1968]

FORTAS PROVES TO BE UNFIT

Arguments about the fitness of Supreme Court Justice Abe Fortas to serve as chief justice were settled, we think, by Friday's revelation that Fortas got $15,000 to teach a nine-week law seminar last summer at American University. The money came from a fund raised by Paul Porter, friend and former law partner of Fortas.

While $15,000 may be a fit rate for nine weeks' teaching from Abe Fortas, legal scholar, as an "honorarium" for a man in his public position, raised by a former associate in a firm much involved in cases of the kind the High Court hears, it's something else.

It implies no cloud on the integrity of Justice Fortas to question his judgment—the same judgment which permitted him to continue as policy and political adviser to the President while a member of the necessarily independent highest court in the land.

All the other strictures against elevation of Fortas to chief justice can be swept aside. Some, proffered in good faith, are debatable, some are mean in spirit and intent.

The nomination of Justice Fortas falls on just one count, well within the duty of the Senate to judge when asked under the Constitution, to advise and consent. What the record calls into question is Justice Fortas' sense of the appropriate.

On that count he fails.

[From the Washington Post, Sept. 17, 1968]

FORTAS CLASS SUBSTITUTE SAYS HE FILLED IN FREE

Juvenile Court Judge Orm W. Ketcham said yesterday that he received no fee for filling in for Supreme Court Justice Abe Fortas at an American University law seminar session on July 16.

Fortas was paid $15,000 for a nine-session seminar on advanced law problems and the preparation of a permanent teaching syllabus, a payment that has figured in the Senate hearing on his nomination as Chief Justice.

Ketcham said he was "rather flattered to be asked" to substitute for the Justice and talk to "a very exciting group" of students about emerging problems of juvenile law.

He said the session was held in a Supreme Court conference room on a day that Fortas was scheduled to testify at his own confirmation hearing.

Ketcham's court was the target of criticism by Fortas in a 1966 opinion for a 5-to-4 Supreme Court majority. The Court sent back the case of a Washington youth whose case had been waived to adult criminal court on the basis of what Fortas called an inadequate hearing.

[From the Washington Evening Star, Sept. 16, 1968]

FORTAS PAYING THE PRICE OF FRIENDSHIP

(By Mary McGrory)

The poet Khalil Gibran calls friendship "needs answered."

Justice Abe Fortas had friends who answered his needs as he answered theirs, and for that reason, he will probably never be chief justice of the United States.

The senators who were going to vote against his confirmation on the grounds that he was too good a friend to a president now have a new reason for their opposition. Fortas' friends were too good to him.

It is what happens to people who live in the "inner ring" and make arrangements which excite the envy and rage of those who never penetrate its outer limits.

HANDSOMELY REIMBURSED

The justice this summer, the Senate has now learned, took on the direction of a seminar at the American University Law School.

He was handsomely reimbursed for his efforts, rather on a scale with his fees when he was a member of the resplendent Washington law firm of Arnold, Fortas and Porter, now Arnold and Porter. He received $15,000.

Any of the senators sitting in judgment on him would have done the same. They would, every one, gladly teach, at such fees. Many unblushingly demand a thousand dollars for speaking.

What makes the justice's good fortune fatal is that his stipend came out of a fund raised by his good friend and former law partner, Paul Porter.

Porter passed the hat among five old friends of his and Fortas' and a sum of $30,000 was collected. The donors are business tycoons, their net worth beyond the ordinary man's dreams of acquisitiveness. One was the brother of a man whom Fortas called to protest a statement about the cost of the Vietnam war. They all know each other.

VAGUE ARRANGEMENTS

The way in which the arrangement made was rather vague, according to its chronicler, Dean B. J. Tennery of the American University Law School.

He "heard" that Justice Fortas would like to teach.

He "ran into" Porter, who already knew of the justice's academic yearnings and apparently volunteered to acquire the funds to make it possible for him to realize them.

His solicitude for the justice was exemplary. He told the dean he did not want the justice to spend himself on "the lecture circuit."

"I would rather have him teach in town," Porter told the dean.

Plainly it did not occur to anyone involved that the justice would volunteer his services in passing on his wisdom to the young. Nor did it occur to anyone that there was any question of the propriety of soliciting funds from business leaders to finance the justice's teaching career.

BEING PUNISHED

The justice is paying the price for friendship now. Lyndon Johnson obviously never dreamed of limiting their confidential relationship, although Fortas as a justice might be expected to rule on matters on which he was counseling the President as a friend.

He is paying the price for other things, too, which have little or nothing to do with his qualifications. He is being penalized by the Southerners for the liberal decisions of the Supreme Court under Earl Warren.

He is being punished for the hostility the Republicans feel against Johnson, who was trying to cheat them out of an appointment they feel every day more confident will be made by Richard Nixon.

Dean Tennery did his best for his erstwhile professor. He told the committee the university had paid $10,000 for a single appearance of a folk-singer. He called Fortas "a remarkable man" and "a remarkable intellect."

The justice may have considered himself fortunate in his friends among the powerful and the mighty, but the evidence now is that they have delivered him into the hands of his enemies.

[From the Ripon Forum, February 1968]

DEFENSE SPENDING: THE "SMIC" BOONDOGGLE

It is commonplace in evaluating candidates for public office to examine the nature of their sources of organizational strength, financial support, and political backing. In the most general sense we assume that if a candidate is very closely tied to the fortunes of a single *narrow* economic group, special political interest, or clique, his latitude for action may become unduly circumscribed.

In some measure, of course, it may be argued that organized "interests" are at the heart of the democratic process: that in representing organized "lobbies" lawmakers are, in fact, giving voice to the groups which comprise the political infrastructure of the society of which they are a part.[1]

Because of the essential ambiguity of the enterprise drawing the line between legitimate political representation and simple interest-mongering has become the perennial pastime of election-year politics—especially for the party out of power.

The present Administration is without peer in the care and feeding of its political associates—and as such it deserves special scrutiny. By even the most easy-going standards there seems to be massive porkbarrelling going on between Lyndon Johnson's government and Lyndon Johnson's friends. The personal fortunes of various key Texas business leaders depend very heavily on the maintenance and expansion of military spending.

RISE 460 PERCENT

To chart the rise of defense-related industry in Texas one need only examine the shifts in defense spending since LBJ came to power. In a gushy political chronicle published by a company affiliated with Johnson's interests,[2] McKay and Faulk describe the onslaught of the New Millenium as follows:

"Another chapter was beginning in the story of Texas, truly a chronicle of greatness. Few, however, expected the era to begin on notes so discordant as *declining political influence* at the national level, a rush of scandals, and a presidential assassination in Texas." [3]

Hardly an auspicious start—but with some very dramatic results. In the spring of 1965, at the beginning of President Johnson's major escalation in Vietnam, the net value of military procurement in Texas was $316 million, or 4.1% of the total spending for the quarter (April–June, 1965).[4] This represented a rise of a full percentage point from the last fiscal quarter under a Kennedy budget; the previous year's quarter in Texas had been $224 million, or 3.1% of total spending. Texas ranked eleventh in the last quarter of fiscal 1964 and eighth in fiscal 1965.[5]

Two years later, in the last quarter of fiscal 1967, the corresponding figures for Texas were $1.253 billion and 10.7% of the total. Texas had soared to rank two, behind California. During the 1964–67 period total prime contract spending rose by 55%. Yet defense spending in Texas rose by 460% between the last quarter of fiscal 1964 and the last quarter of fiscal 1967.[6] And this increase excludes expenditures on NASA's Houston Space Center!

No state has risen even half as dramatically as Texas, though thanks to the 55% general rise in defense spending, few have lost in the absolute value of government contracts. Such states as New York, Massachusetts, New Jersey, and California have thus lost relative to Texas but have not declined sharply. It is fair to conclude that Texas has been getting the lion's share of the increase in defense spending since the 1965 escalation of the Vietnam war.

STOCK PRICES SKYROCKET

How this dramatic change came about—in all its details, ramifications and effects—is a long and complex story. It can best be summarized as follows:

Since the beginning of the Second World War, Texas politicians have been unusually active on military appropriations committees in Congress. Lyndon Johnson was foremost among these, beginning with his days in the House. As a result, Texas became a center for military training and manufacturing during the Second World War and Korea—and at the same time, the locus of scandals involving misappropriation of government funds.[7]

During the Eisenhower years, things were a little less plush and curtailments in spending, especially in conventionally deployed forces, were felt especially hard in Texas. Johnson continued to fight for higher defense appropriations.[8] Although he was to some extent successful at this, the post-war contracts did not compare with wartime boondoggling. Training camps and other military installations in Texas were undermanned. During the Kennedy years things weren't much better.

With Lyndon Johnson's succession to the Presidency in 1963 things began to change radically. The stock prices of leading corporations based or controlled in Texas began to rise almost immediately after Kennedy's assassination.[9] This, in turn, enabled them to acquire further funds for capital expansion. The largest and most characteristic of these companies, *Ling-Temco-Vought,* nearly quadrupled its assets during 1967—reaching $1.8 billion.[10]

Corporate mergers among enterprises involving Johnson associates have been frequent. For example, the *Greatamerica Company,* a conglomerate of insurance companies that controls *Braniff Airways,* is in turn, being acquired by LTV.[11] Braniff which received numerous lucrative war-related contracts, enjoyed an increase in the price of its common stock by a factor of sixteen in the 31 months following the Kennedy assassination.[12]

Extensive interlocking between banks and insurance companies—which has always been unusually characteristic of Texas finance [13]—has intensified significantly. New holding companies have arisen which have the effect of coordinating activities of diverse financial institutions. For instance, the *Texas Capital Corporation,* which is most closely connected to the *Capital National Bank of Austin,*[14] has direct links to more than 40 other financial institutions [15] within the region and to several Texas-dominated investment firms elsewhere.[16]

NEW POWER CENTER

Such developments now make it possible to speak of a new power center in America. Some analysts, perhaps with tongue in cheek, have called it 'SMIC' (rhymes with SNCC), the Southwestern Military-Industrial Complex. Current trends suggest that Austin, despite its small size, may become the central city in the emerging complex. It has long occupied a strategic political location in Texas, and its leading citizens are well-placed nationally. One local notable, who appears to control a powerful holding company called Brazos-10th Street, is President of the United States. Martin Waldron, in an extensive New York *Times* article,[17] has written:

"The offices and the television studio of the Texas Broadcasting Company [owned by the Johnson family] are in a building at the intersection of Brazos and 10th Streets in downtown Austin. . . . Brazos-10th Street was started by R. Max Brooks, an Austin architect, and other friends of Mr. Johnson. Bank tax records show that the corporation bought stock in seven banks in Austin and nearby towns through last year [1965] . . . Although Mr. Johnson is [officially] said not to have any interest in the Brazos-10th Street Corporation, many people believe that the bank stock will be transferred to him after he leaves office as President."

Major holdings in three or more large banks in a city the size of Austin are probably sufficient to insure *de facto* economic control. Brazos-10th Street, moreover, reportedly holds a large block of stock in Greatamerica. If this is the case, it means that the Johnson family has a direct economic interest in Braniff, and in three months, will have a direct economic interest in Ling-Temco-Vought, a major defense contractor [18] and the fastest growing billion dollar company in America. Thus may the sundry pieces of SMIC gradually fall into place under the Johnson family crest.

AUSTRALIAN HOLDINGS

Other leading citizens of Austin are doing wondrous things around the globe. For example, in mid-1965 Edward Clark, chairman of the board of the Capital National Bank of Austin and a long-time personal friend of the President, was appointed American Ambassador to Australia. The Austin firm of Clark, Thomas, Harris, Denius, and Winters has handled Johnson family business for many years.[19] Among the responsibilities of Clark's partner, Donald S. Thomas, is the presidency of Brazos-10th Street.[20] While they are minding the Presidential store, Clark, Thomas, Harris, Denius and Winters also have time for other things. Franklin W. Denius sits on the board of directors of the Delhi Australian Petroleum, Ltd., with Perry Richardson Bass—nephew and successor to John-

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Footnotes at end of article.

son's old friend Sid W. Richardson.[21] Delhi Australian Petroleum, substantially controlled by Johnson's friends, the Murchisons, is becoming increasingly important in the development of Australian oil resources. The Klebergs—owners of the gigantic tri-continental King Ranch complex and first political employers of the President [21a]—have not been inactive either: their "King Ranch Pastorl Co. Pty. Ltd." has been buying up leases all over Australia.[22]

Thanks to special attention from the Administration, investors in Australia have been spared some unpleasant moments. The New York *Times* Magazine on October 8, 1967, noted that: "Clark is known to have intervened on Australia's behalf whenever Government authorities were discussing capital outflow restraints and possible restrictions on American investments overseas; several U.S. corporations were being questioned about programs involving the investment in Australia of sums of between $15 *million* and $250 *million* (italcs added)." [23]

Clark, the *Times* related, came to the rescue: "That's when I got into the act," Clark confesses. "The authorities who were doing the questioning backed off . . . maybe just to get rid of me." [24]

Small wonder, then, that when the Johnson Administration announced a belt-tightening restriction on foreign investments at the beginning of January 1968, Australia was exempted from the restrictions imposed on investments in Europe.

CONFLICT OF INTEREST

The Clark appointment is not—with all its crassness—atypical. *Another Johnson advisor, Justice Fortas, served as diretcor of various SMIC-related corporations. Before ascending to the Supreme Court, Justice Fortas was part of the highly successful New Deal law firm of Arnold, Fortas and Porter, a Washington firm specializing in lobbying and tax law.* He defended Johnson—subsequent to the Texas Senatorial election of 1948—against charges of election fraud in a case taken to the United States Supreme Court. In 1963 he undertook the defense of Bobby Baker, another chore presumably of the utmost political importance to Mr. Johnson.

Fortas, then, is more than simply a "Johnson advisor"; he is a trusted political ally. *So when Fortas acted as the President's envoy in settling the details of the Dominican crisis,* he carried with him at least the aura of Johnson's personal endorsement.

It is therefore particularly distressing that at the time of the Dominican mission Fortas was a member of the Board of Directors of the SuCrest Corporation,[25] a major purchaser of Dominican sugar. That Johnson sent him into so obviously compromising a situation is evidence of the President's almost incredible insensitivity to the issues raised by conflict of interest.

Fortas and Clark are merely representative personalities. Throughout the last thirty years, people who have played ball with Johnson have found that he plays ball with them. As President, he has elevated this habit into a new style of administration, "cronyism," in the furtherance of which public spending is distributed like private largesse.

Clever exploitation of political power for personal gain has, of course, many precedents in American history. But this ought not obscure the effects of the Johnson-SMIC combine on America and the future course of its foreign policy. The recent trends described above are not simply a matter of mink or vicuna coats. A powerful segment of the national leadership, perhaps including the President himself, is deriving enormous economic benefits from the prolongation of the war in Asia. The result is a conflict of interest of grave proportions and worldwide significance.

When President Eisenhower left office, he indicated the inherent danger in the relationship between government and the defense industry, and he has noted that a rapid expansion of military spending tends to undermine democratic institutions, much as the influence of Congress has been reduced in the past four and a half years.

It need hardly be added that the reelection of Lyndon Johnson in 1968 will increase the influence of SMIC in the White House and cause a commensurate loss of independent judgment in the formuluation and execution of American foreign policy. Surely, Mr. Johnson's cronynism will be and should be an issue in the coming campaign.—A.E.I.

FOOTNOTES

[1] The line of analysis that holds American democracy to be the interplay of interest groups was developed systematically by Arthur Bentley, one of the pioneers of American political science, at the beginning of this century. See his major work, The Process of Government, especially pp. 204–206 in the 1935, Evanston, Illinois edition.

[2] McKay, Seth S. and Faulk, Odie B., Texas after Spindletop, Steck-Vaughn Co., 1965. This book, published by the Steck-Vaughn Company of Austin, is one of several "histories" inclined to be somewhat effusive about Mr. Johnson and his friends. The chairman of the board of Steck-Vaughn Co. is Jack C. Vaughn, a business associate of Edward Clark, an old Johnson friend.

[3] Ibid., p. 225.

[4] The United States Department of Defense, Defense Industry Bulletin, October, 1965, p. 22.

[5] Ibid.

[6] For comparative figures see Defense Industry Bulletin, November, 1967, p. 28.

[7] United States General Accounting Office Reports on Brown-Raymond-Walsh. (1960–1963).

[8] Sherill, Robert, The Accidental President, New York, Grossman, 1967, pp. 220–224.

[9] See the following table:

	November 1963 price	Recent high
Texas Gulf Sulphur	16	160
Gulf & Western	8½	66
LTV	10	169½
Litton	34	120

[10] Newsweek Magazine, "Ling The Merger King," October 9, 1967, p. 71.

[11] The Wall Street Journal, Monday, Jan. 8, 1968, p. 28, ("Ling-Temco says '67 Profit Rose to 31,000,000").

[12] 3-Trend Cycli-Graphs, Securities Research Co., April 1967, p. 19.

[13] For further discussion of this phenomenon, see James W. Diamond, "Centralization in Texas Banking," University of Houston Business Review, Fall, 1965, pp. 56–58. The article, which based its argument on loan and stockholder links between banks argues that there are eleven large banks which dominate the Texas financial structure. The history of banking legislation in Texas has worked to make concentration more common in that state than elsewhere.

[14] The Texas Capital Corporation is headquartered in Georgetown, Texas. Its Secretary-Treasurer is Franklin W. Denius, (Edward Clark's law partner), also a member of the Board of Directors of the Capital National Bank of Austin. Edward Clark, who is chairman of the Board of the Capital National Bank, is also a member of Texas Capital's Board—as is Howard T. Cox, president of the bank, James P. Nash, who is also a member of Texas Capital's Board, is the "honorary chairman" of the bank's board. Grogan Lord, who is chairman of the Board and president of the Texas Capital Corporation, also sits on the bank's board.

[15] This discussion is confined purely to cases in which institutions have one or more officers or directors in common. (One could also look for extensive stock ownership in common). On this basis, some of the financial institutions with interlocks to Texas capital are: "The Moore St. Bank of Llano, The Johnson City Bank, The American State Bank, The American National Bank, The First National Bank of San Augustine, First National Bank Center; San Antonio Bank and Trust; National Bankers Life Insurance, Farmer St. Bank (Center), Texas National Bank of Commerce, Citizens St. Bank of Woodville, the Vaughn Capital Corporation, the Franklin Life Insurance Company, and the Fort Worth National Bank.

[16] Murchison Bros. Investments, for instance.

[17] Martin Waldron, New York Times, ("Johnson's Holdings in the Hill Country Increase To 14,000 Acres"), December 26, 1966, p. 34.

[18] As of January, 1968 LTV ranked 10th in Defense Contracting. This represents its place during the fiscal year ending July 30th, 1967. Its contracts for that period totalled 534.7 million—with LTV Aerospace accounting for 310.7 million of the total. Cf., D.L.B. for January, 1968, p. 32.

[19] Sherrill, op. cit., p. 132.

[20] Waldron, loc. cit., p. 34.

[21] Sherrill, op. cit., pp. 142–145.

[21a] "In 1931, twenty-three-year-old Lyndon Johnson came to Washington (preceding Franklin Roosevelt by well over a year) as secretary to newly elected Congressman Richard Kleberg, part-owner of the fabulous King Ranch. Kleberg was an archetypal Texas plutocrat with political views to match. Yet Johnson spent four apparently happy years working for reactionary Kleberg before returning to Texas to work for radical Williams in the NYA (National Youth Administration). This was no hill-country boy hewing to doctrinate Populist defiance of the moneyed classes." Rowland Evans and Robert Novak, Lyndon B. Johnson: The Exercise of Power, The New American Library, New York, 1966, p. 6.

[22] Much of Australia's land is not purchased "fee-simple" or "free-hold," but is leased from the government on leases ranging up to 99 years. A "friend" in the government is, thus, quite useful.

[23] Gordon, Harry, "When a Texas-Style Diplomat Hits Australia, The New York Times Magazine, October 8, 1967, p. 117

[24] Ibid

[25] Cf., Poor's Directory of American Corporations, 1967, p. 1509.

NEGRO HISTORY AND CULTURE

Mr. SCOTT. Mr. President, I congratulate Representative JAMES H. SCHEUER, of New York, and the House of Representatives for passing H.R. 12962, which is the companion measure to my bill (S. 2979) to establish a Commission on Negro History and Culture.

My bill is now before the Subcommittee on Arts and Humanities of the Committee on Labor and Public Welfare. I wrote today to the Senator from Rhode Island [Mr. PELL], chairman of the subcommittee, urging prompt action.

The letter was also signed by the cosponsors of the bill. They are Senators EDWARD W. BROOKE, of Massachusetts, CLIFFORD P. CASE, of New Jersey, JACOB K. JAVITS, of New York, JACK MILLER, of Iowa, and WALTER F. MONDALE, of Minnesota.

The letter said:

> The hearings held by your Subcommittee on Arts and Humanities on July 23 on our bill to establish a Commission on Negro History and Culture were beneficial. All of the witnesses strongly supported establishment

of such a Commission whose work would enrich all Americans. The testimony emphasized the lack of equal black-white intercultural teaching which has made its mark on the attitudes of all Americans, and that a great effort toward a change of attitude needs to be begun. We believe the Commission on Negro History and Culture can be the catalyst for such a change of attitude.

The House of Representatives has just approved the companion bill to S. 2979 (H.R. 12962). We would very much appreciate your Subcommittee reporting S. 2979 immediately so that the full Committee on Labor and Public Welfare may have an opportunity to consider it at its next executive session.

We would very much like this legislation to be added to the list of accomplishments of the 90th Congress.

Mr. President, it is time for the Senate to get about the business of passing this vital legislation. The Nation is long overdue in an appreciation of Negro contributions to our history and culture. A Commission as proposed in the Scheuer-Scott bills could stimulate all Americans to a better understanding of the nature of our society.

I have had a very favorable response to this proposal from all parts of the country. I ask unanimous consent that several typical comments be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

Peter McColough, President Xerox Corporation, Rochester, New York: "I have read with interest the bill that you have recently introduced to establish a Commission on Negro History and Culture. Personally, I feel that this is very badly needed."

Richard E. Lapchick, Executive Director, PRIDE (Peaceful Resources in Democratic Education), 3700 E. Jewell Avenue 406C, Denver, Colorado: "I have recently read of your efforts to establish a Commission on Negro History and Culture and would like to commend you on these efforts.

Miss Ruth S. Armon, 7748 Lucretia Mott Way, Elkins Park, Pennsylvania: "I think it is great that you introduced a bill which would establish a commission on Negro History and Culture—It is badly needed and should have been started at least 10 years ago."

Mrs. Kathryn H. Iliff, 1045 Hill Place, Carlisle, Pa.: "Bravo to you for speaking out on our lack of 'full appreciation of the achievements of Negroes in America'. Seems to me that this realization is long overdue. Had this subject been properly treated from the beginning, attitudes today might be quite different from what they are."

Sergil L. Cave, M.D., Chairman, Medical Committee Concerned with Civil Rights, 5243 Spruce Street, Philadelphia, Pa.: "Our committee thinks that it is a most significant proposal, and is anxious to be appraised in detail of the present status of the bill [S. 2979], the prospect of action on it, and of any contribution we might make toward its ultimate passage."

Vernon R. Alden, President, Ohio University, Athens, Ohio: "I was very pleased to read of your proposed Commission on Negro History and Culture. The justifications for such national attention to the void in literature about the Negro contribution to the American society are manifold.

Daniel Walden, Assoc. Prof. of History, The Pennsylvania State University, Middletown, Pa.: "I have just read that you have asked Congress to establish a commission on Negro History and Culture. My congratulations. As one who has been teaching Negro History—I offered the first course in this area that Penn State has had—I look forward to such a commission.

The Honorable Mervyn M. Dymally, State Capitol, Sacramento, California: "I congratulate you on recognizing the need for acquainting Americans with the achievements of the Negro in America. I would appreciate it if you would send me a copy of your bill as I would like to study it with the possibility of introducing similar legslation in California."

L. D. REDDICK, OIC Institute Corp, 3639 North Broad Street, Phila. Pa. 19140: "Congratulations and support for your bill to establish commission on Afro-American studies. Would be glad to work with you on details."

NOMINATION OF JUSTICE FORTAS

Mr. MURPHY. Mr. President, I was very much surprised to note that Vice President HUMPHREY said on a national television show last Sunday that Richard Nixon "could have Mr. Fortas confirmed in a week if he would say the word."

It is astonishing that, of all people, the Vice President of the United States should show such little regard for the constitutional duty and responsibility we in the Senate have to advise and consent in matters such as this nomination for Chief Justice of the United States.

I believe that all Senators must agree that our responsibility in this respect is a very real and substantive one—one which we must weigh carefully and not consider as simply a pro forma, rubber-stamp, ceremonial function.

The importance of our careful consideration of these matters is well supported by the fact that since our deliberations on the pending nomination began, a number of Senators have indicated a change in their position from support to opposition to the nomination. I believe that further careful consideration and responsible presentation of the facts will bring more such changes.

So it is that for Mr. HUMPHREY to call for intervention in this matter by Mr. Nixon or by anyone else not a Member of the U.S. Senate demonstrates a calculated derogation of the Senate's authority.

Furthermore, I believe that one of the conditions in Washington today which deeply disturbs the American people is a disregard of the constitutional doctrine of separation of powers in the Federal Government. In neglect of this doctrine, the Executive has too often attempted to dictate to the legislative branch, the judicial branch has taken upon itself functions which properly rest with the Congress, and we presently see revealed an instance in which a member of the judiciary has apparently worked hand-in-hand with the President in performing Executive responsibilities.

One reason I am sure that Richard Nixon will be elected President is that the people know he will respect the principle of separation of powers, and I certainly look forward to the reinstatement of that doctrine next January 20.

Mr. HUMPHREY has served as Vice President and as a Senator and should understand the rightful duties of the U.S. Senate and the doctrine of separation of powers. It is unfortunate that he should close his eyes to these factors in an effort to inject politics into the serious business of our consideration of the Supreme Court nominations.

PRESIDENT JOHNSON FOSTERED AND SIGNED INTO LAW PROGRESSIVE VETERANS' LEGISLATION — SIGNIFICANT BENEFITS HAVE BEEN ENACTED THROUGH 40 NEW LAWS IN LAST 4 YEARS

Mr. RANDOLPH. Mr. President, an old axiom states that the wheels of progress turn slowly but when the motivating force increases its power, the pace can be accelerated. This has occurred in America during the administration of President Lyndon B. Johnson. Nowhere is this more evident than in the field of veterans' affairs. Apathy has been replaced with action and veterans have welcomed and applauded this long-awaited change.

No person can claim more credit for this progress and change in attitude than President Johnson. He has led in the concern of the entire Nation for those who have served their country in time of need. Their sacrifices have been rewarded with tangible recognition.

The President sent not one, but two, messages to Congress requesting new, wide-range legislation for veterans. And, at the rate of over $300 million a year, he and Congress have increased the Veterans' Administration budget by almost a billion and a half dollars in 4 years. This year's budget will exceed seven billion dollars.

Our service-disabled veterans have found a sympathetic friend in the President. His administration has twice increased their monthly compensation checks—increases amounting to nearly half a billion dollars a year—increases which not only took into consideration a cost-of-living stipend, but raised the totally disabled veteran's payments by 60 percent.

And, a helping hand—in the form of three increases in 4 years—was extended to veterans and dependents drawing pensions. Through a combination of these two programs, 4½ million veterans and dependents have realized a deserved and substantial increase in their grants from the Federal Government.

More than 40 new laws have been enacted during the past 4 years which have had a direct bearing on veterans, their widows, and their dependents. As chairman of the Senate Subcommittee on Veterans' Affairs until recently, I know of the President's intense interest in the passage of this legislation designed to aid our veterans.

In 1966, the President created avenues of opportunity for over 5 million new veterans when he signed the third generation GI bill. All men who had serve in the post-Korean and Vietnam eras were given the status of full-fledged veterans, entitled to benefits similar to those passed for World War II and Korean veterans.

As a result of this law—with its extensions passed by the Congress in 1967—more than 800,000 young men have taken advantage of educational benefits. Millions of new veterans are now eligible for full pensions and full compensation, as are veterans of other wars. They have been able to buy homes with GI loans, enhanced this year by action increasing the limits of the amount guaranteed by the Government from $7,500 to $12,500. Also, these men are eligible to receive hospital care in a Veterans' Administration hospital.

The Vietnam conflict focused attention on these young men, but it was President Johnson who took the lead in seeking new legislation to provide benefits for them.

In the enthusiasm that accompanied passage of the new GI bill, older veterans were not overlooked. New emphasis has been placed on the treatment received in VA hospitals. Medical research has been expanded. Waiting lists have been reduced by nearly 80 percent during the past 10 years. At one time, as many as 30,000 veterans were awaiting hospitalization—25,000 as recently as 1958. Today, in the continental United States, I am encouraged by the fact that only 3,600 veterans are on waiting lists. This progress has been accomplished by the Veterans' Administration with fewer beds than were used in 1958.

At the same time, medical treatment was being advanced, new concepts were sought by the administration and enacted by the Congress providing for the establishment of VA nursing care home units together with special contracts with private nursing homes so that veterans could recuperate near their homes and families.

Fifteen new or replacement VA hospitals have been or are being built—as many as had been built in the past 10 years and the biggest building upsurge since the early 1950's. Together with improved facilities and methods of treatment, as well as an increased medical budget, the Veterans' Administration was able to treat 762,000 patients—the greatest number in VA history—this past year. Ten years ago, VA hopsitals could accommodate only 608,000 patients.

Monetary and benefit increases have been only part of the program called for and put into effect by the Johnson administration. An entirely new concept of service now prevails, due largely to a number of administrative directives from the President.

Servicemen are being counseled on their veteran rights and benefits before they leave the Armed Forces. The VA now has counselors at six bases in Vietnam to aid men nearing discharge in filing of claims. As a result, 40,000 applications for benefits, mostly for education, have been processed in the battle area. VA also provides "bedside" counseling in every military hospital and at every separation center.

The President ordered a comprehensive study of the entire veterans' benefit program and the U.S. Veterans' Advisory Commission has received testimony in public hearings held across the Nation. The Commission report has already resulted in many needed changes.

The President broke precedent of half a century when he called for changes in the national cemetery system, declaring that every veteran should have the right of burial in such a cemetery.

The Nation has witnessed achievements in every field of human endeavor during the past 5 years, including real progress in veteran affairs.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

GUN CONTROL ACT OF 1968

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

CALL OF THE ROLL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time consumed not be charged against either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia. The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. WILLIAMS of Delaware. Mr. President, only six Senators are on the floor of the Senate. We cannot proceed on a bill so important with only six Senators present.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The assistant legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 275 Leg.]

Allott
Anderson
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Clark
Cotton
Curtis
Dirksen
Dodd
Gruening
Hayden
Holland
Hruska
Lausche
Mansfield
Metcalf
Montoya
Morse
Moss
Mundt
Murphy
Pearson
Percy
Prouty
Randolph
Ribicoff
Sparkman
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri [Mr. LONG] is absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Minnesota [Mr. McCARTHY], the Senator from South Dakota [Mr. McGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Maine [Mrs. SMITH] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Aiken
Baker
Bayh
Bennett
Brewster
Brooke
Burdick
Cannon
Case
Church
Cooper
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goodell
Gore
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hickenlooper
Hill
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kuchel
Long, La.
Magnuson
McClellan
McGee
McIntyre
Miller
Mondale
Morton
Nelson
Pastore
Pell
Proxmire
Russell
Scott
Smathers
Spong
Stennis
Tydings
Young, Ohio

The PRESIDING OFFICER (Mr. Moss in the chair). A quorum is present.

Mr. BYRD of West Virginia. Mr. President, I ask that the clerk state the last amendment which was passed over when the Senate met yesterday.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 14, beginning on line 13, insert after the word "State:" the following: "*Provided, however,* That this paragraph shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State: *Provided further, however,* That this paragraph shall not apply to transportation or receipt of a rifle or a shotgun obtained in conformity with the provisions of subparagraph (b)(3) of this section."

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I wish to direct a question to the Senator from Nebraska.

I wonder if we could consider amendment No. 19 and amendment No. 33 at the same time? They both have to do with this contiguous State situation. It seems to me we would save time.

Mr. HRUSKA. That procedure would be very agreeable to the Senator from Nebraska, and I suggest the Senator ask unanimous consent to that effect.

The PRESIDING OFFICER. Will the Senator give the page and line number in the bill so we can follow the request?

Mr. DODD. Mr. President, I refer to amendment No. 19 on page 14, beginning on line 13 with the words "*Provided, however,*" and running down to line 22, and ending with the word "section." It reads as follows:

> *Provided, however,* That this paragraph shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State: *Provided further, however,* That this paragraph shall not apply to transportation or receipt of a rifle or a shotgun obtained in conformity with the provisions of subparagraph (b)(3) of this section.

Mr. President, then, the amendment which I ask unanimous consent that we consider with No. 19, is amendment No. 33 on page 17, beginning at line 11 with the words "This paragraph" and extending to page 18, line 4.

Mr. BYRD of Virginia. Mr. President, may we have order in the Chamber so we can hear what the Senator is saying.

The PRESIDING OFFICER. The Senate will be in order. The Senator may proceed.

Mr. DODD. Mr. President, I had just asked unanimous consent that as we consider amendment No. 19, which I have identified as to location in the bill, that we consider at the same time amendment No. 33, which begins on page 17, line 11 and runs to page 18, line 4, ending with the words "or receiver."

Mr. President, I ask unanimous consent that both of those amendments be considered together.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

The amendment known as No. 33 will be stated.

The legislative clerk read as follows:

> On page 17, line 11, after the word "located" insert the following:
>
> "This paragraph shall not apply to the sale or delivery of rifles or shotguns to residents of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence permits such sale or delivery by law and if the sale fully complies with the legal conditions of sale in both such contiguous States: *Provided,* That the purchaser and the licensee have, prior to sale, or delivery for sale of the rifle or shotgun, complied with all of the requirements of section 922(c) applicable to intrastate transactions other than at the licensee's business premises: *Provided further,* That this section shall not preclude a loan or rental of a firearm to any person for temporary use for lawful sporting purposes, and shall not preclude returning a firearm to a person from whom it was received after repairing it or replacing any parts of such firearm other than the frame or receiver."

Mr. DODD. Mr. President, under this amendment, which is an amendment adopted by the committee, a licensee could sell or deliver a rifle or shotgun to a resident of a State contiguous to a State in which the licensee conducts his business, subject to two conditions. First, the State of the purchaser's residence must enact enabling legislation permitting such sales; and second, the sale must fully comply with the legal conditions of sale in both States. In addition, the dealer must comply with the requirements of section 922(c). Section 922(a) is not affected.

The importance of this amendment, is that it would allow people who live on the boundary, or near the boundary of a contiguous State, to purchase a rifle or shotgun under certain conditions.

In the Committee on the Judiciary a significant amendment was added which would require the purchaser to furnish the vendor with an affidavit.

This is a good amendment. I think it strengthens the contiguous State provision of the bill. In addition, the buyer of the weapon would have to wait 7 days before the weapon could be delivered to him. I believe there is ample protection here. I believe this is a strengthening of the House version of the contiguous State provision. The distinguished Senator from Nebraska offered this amendment and it is a desirable one.

There is one other factor involved here. There is also a provision which allows the temporary loan or rental of a firearm for lawful sporting purposes, or for repair, and it would permit the return of a firearm to a nonresident. I think these are reasonable provisions.

Mr. President, I can only add that I think we have done as well in this situation as we can do. I had some doubt in the beginning about defining the extent of the contiguous situation. The more I thought it over and talked with others, the more I came to the conclusion that that problem is not as real as it first appeared to me because of the 7-day wait provision, and the requirement that the State must enact enabling legislation.

The affidavit provision of this amendment seems to me to be a very strong factor and one that is worthy of our favorable consideration. I wish to read that affidavit so it will be in the RECORD.

It begins on page 19, line 1 of the bill, as follows:

> (c) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell any firearm to any resident of the State in which the licensee's place of business is located, other than another licensed importer, manufacturer, or dealer, or an individual who in person at the business premises of such importer, manufacturer, or dealer purchases such firearm, unless:
>
> (1) such person has submitted to such importer, manufacturer, or dealer a sworn statement in the following form:
>
> "Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are --
>
> Signature ---------------- Date --------, and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance."

Mr. President, that is the part I am mostly concerned with and that is why I say it has a good grip on the situation. Besides the affidavit, we have, of course, the requirement that the seller positively identify the individual, that he is whom he represents himself to be, and that all the facts are true relative to his ability to purchase a weapon under the laws of his own State and the laws of the contiguous State where the purchase is to be consummated. The sworn affidavit, makes this an acceptable method of control. Thus, I am prepared to accept the amendment, and I hope that others will agree with me.

Mr. TYDINGS. Mr. President, will the Senator from Connecticut yield me 10 minutes?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from Connecticut yield to the Senator from Maryland?

Mr. DODD. Which side?

Mr. TYDINGS. I should like to speak to the amendment and ask questions. At the moment, I think I will speak against the amendment, but perhaps it can be cleared up with an amendment and I might be persuaded not to speak against.

Mr. HRUSKA. I am happy to yield 10 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Mr. TYDINGS. I should like to address my question to either the Senator from Nebraska or the Senator from Connecticut.

Please turn to page 17 of the bill, the 33d committee amendment, line 11, which reads:

> This paragraph shall not apply to the sale or delivery of rifles or shotguns to residents of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence permits such sale or delivery by law—

"If the purchaser's State of residence permits such sale or delivery by law." Does that mean that there must be an affirmative act of the legislature of that State to permit such contiguous out-of-State sales?

Or does it mean that if there is no law on the books, then automatically this loophole would permit a dealer to sell to any person who comes from a contiguous State and thus bypass the provisions of this law?

Mr. DODD. It will require that the State adopt an abling legislation before this section can be applicable.

That is the situation. I am sure that is an accurate answer.

Mr. TYDINGS. Is that the understanding of the Senator from Nebraska, that there must be an affirmative act of the State legislature in order to permit the dealer to make nonresident sales to residents of contiguous States?

Mr. DODD. Before the Senator from Nebraska answers that, I would add to my previous answer, that in the section-by-section analysis of the bill on page 34 of the report, section 922(b)(3) contains the following language, which reads:

> As amended by the committee, a license could sell or deliver a rifle or shotgun to a resident of a State contiguous to the State in which the licensee conducts his business, subject to two conditions: first, the State of the purchaser's residence must enact enabling legislation permitting such sales, and second, the sale must fully comply with the legal conditions of sale in both States.

That bears directly on my answer to the Senator from Maryland.

Mr. TYDINGS. Is that the understanding of the Senator from Nebraska?

Mr. HRUSKA. The law of a State, as is the law of the Nation, is affected in two ways. We have, for example, the ability of a man to take a gun from Florida into Georgia. If a man takes a gun from Florida into Georgia as his own personal property, and not for business purposes it is lawful insofar as this act is concerned, because he is not prohibited from doing so. If, however, there is a prohibition against bringing in a gun from a contiguous State into the buyer's home State, then that State law would control.

Mr. DODD. I do not think there is any question about that set of circumstances. I think, rather, what the Senator from Maryland is inquiring about is this: Is it understood that this amendment requires that before a purchaser can buy his gun in a contiguous State, the State in which he resides must either have a statute which permits it or must enact one which does?

Mr. HRUSKA. Oh, yes. Yes, with that I would agree.

Mr. TYDINGS. I would say to the Senator from Nebraska that this is the problem as I see it: The Senator is aware of the situation which exists in Wayne County, Mich., and in nearby Ohio, where a great many persons with criminal records in Michigan who cannot purchase firearms in Michigan, because State law states that firearms cannot be sold to a felon. However, all they have to do is slip across the State line into Ohio to a string of hardware stores that advertise cheap guns, and any convicted felon from Michigan who would not be permitted to buy a firearm in Detroit or Wayne County could purchase one from these hardware stores which advertise, as they do it every day in the border area.

My concern is that I can see the possible harm to some dealers located along the border of a State whose market area goes into a contiguous State. But I am also concerned that we do not leave any loopholes which will permit a convicted felon to avoid the law in his own State, which may prohibit the sale of guns, to him as a felon, for example, simply by slipping across into a contiguous State which has no such requirement, and purchasing a firearm. That is the reason why I feel there might be one additional line or an amendment on page 15 which might clarify this situation.

Let me suggest this. Take a look at line 15 on page 17, the 33d committee amendment, which says: "if the purchaser's State of residence permits such sale."

The Senator has said the purchaser's State of residence, by affirmative legislative action, must permit such sale or delivery by law. In other words, in addition to the State in which the hardware store of the dealer is located, the contiguous State would have to act also. In other words, the State of Michigan would be protected in case the legislature of Ohio did not act, so the gun-sale shops right on the border trying to sell to citizens of Michigan could not take advantage of this loophole to get around the Michigan law which prohibits a sale tc a criminal?

Mr. HRUSKA. Mr. President, in reply to that, I suggest the Senator consider the affidavit procedure contained on page 19 of the bill. There will be a modification of that amendment a little later on, but it will not affect the recitals of the affidavit, which such a person must execute and file. This affidavit must be served on the chief law-enforcement officer of the locality in which the buyer lives. That includes a recital and a swearing by that affiant that "my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside."

There is also provision in the affidavit that if the State or locality from which he comes requires a permit or license, he must cite identification of that; so the law of the locality in which he resides must be complied with. He must swear to it. It is in writing, and there is no possibility of the situation's being considered a loophole. In addition, there is a 7-day waiting period from the time the seller sends the affidavit to the local police chief; and when the seller gets that receipt from the police chief, he must wait 7 days.

Mr. DODD. Mr. President, those are answers of the Senator from Nebraska; but I would add that under section 922 (d) of the committee bill on page 21, the set of circumstances the Senator from Maryland outlines is a violation of the law. I refer specifically to line 17 on page 21, where it says——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. I yield myself 5 minutes. The language states:

> It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or otherwise dispose of any firearm or ammunition to any person, knowing or having reasonable cause to believe that such person is a fugitive from justice or is under indictment or has been convicted in any court of a crime punishable as a felony.

So the hoodlum or convict who goes across the State line in Ohio, Michigan, or anywhere else, and buys or attempts to buy a gun from a dealer would be prohibited from doing so under this provision, if he has been convicted as a felon. He must execute an affidavit in which he swears he is not a felon, and in which he identifies himself in detail. In addition, when we require, as we do, that the State where he resides must have enacted legislation prohibiting this kind of sale or purchase, it seems to me this is about all one could expect.

Mr. HRUSKA. Because of the penalties contained in the bill on page 31, section 924(a), any person who makes "any false statement or representation with respect to the information required by the provisions of this chapter" will be subject to a penalty of not more than $10,000 or imprisonment up to 10 years, or both.

This provision is not a loophole. It is a noose for those people who violate the laws of either of those States, or of the Federal law, which this bill will constitute.

Mr. TYDINGS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. Mr. President, may I have an additional 10 minutes?

Mr. HRUSKA. I yield 5 minutes to the Senator for the time being.

Mr. TYDINGS. Mr. President, first let me say, with respect to the statement of the Senator from Connecticut, that when he referred to page 21, line 17, which says, basically, that it shall be unlawful for a dealer to sell to a fugitive from justice or a criminal, many States have that law already. The whole purpose of the mail order act is to force the person to buy in his own State, where he is known, and where he cannot get away simply because he is anonymous and a person is not likely to know who he is. That does not necessarily answer the problems I have raised.

As to the affidavit: the affidavit, on paper, sounds good, but, unfortunately, our police forces across the country are not staffed so they can handle the affidavit procedure and get the information back to the dealers.

If the affidavit provision had a further proviso that the firearm could not be sold to the nonresident until they had received clearance from the law-enforcement officer, that would be one thing; but it does not say that, and, accordingly, it causes me concern.

My only concern is that the States and their citizens concerned be protected, because if they are not, this is a loophole. It would provide a means whereby any person with a criminal record can evade the laws of his own State, use the cloak of anonymity, slip across State lines, and purchase from another State if it happens to be contiguous to his State. That is my concern.

That is why I think we need some assurance whereby we know that both States, the State where the dealer is and the State where the prospective purchaser comes from, are protected.

Mr. HRUSKA. Every protection is given. If the Senator will refer to page 16 of the bill, it is povided that—

> It shall be unlawful for any * * * dealer * * * to sell or deliver—
>
> (2) any firearm or ammunition to any person in any State where the purchase or possession by such person of such firearm or ammunition would be in violation of any State or local law applicable at the place of sale—

This is another place where there is an affirmative duty on the part of the dealer with reference to the sale. If he violates the law, he is subject to a penalty of up to $10,000 or 10 years in jail.

I do not know how many more times we must put it in the bill in order to say it is unlawful to do it.

Mr. President, I would not want to say it is not going to be done. Of course, the law will be violated. It has been ever since Moses dragged the stone down from the mountain. Of course, it will be done, but in order for this sale to be done, it has to be done in writing.

Mr. TYDINGS. I got the answer of the Senator from Connecticut [Mr. DODD], but I want to get that of the Senator from Nebraska——

Mr. DODD. Not all of it.

Mr. TYDINGS. Take a specific instance. Would it be legal, under the provisions of the act, if enacted with the contiguous State amendments, for a dealer in Ohio to sell to a nonresident from the State of Michigan if Michigan had not, by affirmative act of its legislature, permitted such sales?

Mr. HRUSKA. No, it would not.

Mr. TYDINGS. It would not?

Mr. HRUSKA. I do not know what the Senator means by "affirmative act." If the Senator says that means the Michigan Legislature must convene and acknowledge that S. 3633 is the law, we recognize it as the law, I would say, "No."

After all, there is already general laws in the States of Ohio and Michigan which are already in effect.

Mr. DODD. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. DODD. I have a different view. Maybe this can serve a good purpose.

The report states, at page 34——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DODD. I yield myself 5 additional minutes.

The report states:

> A licensee could sell or deliver a rifle or shotgun to a resident of a State contiguous to the State in which the licensee conducts his business, subject to two conditions: First, the State of the purchaser's residence much enact enabling legislation permitting such sales——

Mr. HRUSKA. I accept that. But I would prefer that the Senator read from the bill, not from the report, because the bill is what the courts are going to look at.

Mr. DODD. Well, the report is our work, and we spelled out here in the report, so everything would be clear, just what this provision meant.

The second point I would like to make is that some States do not prohibit sales to those who have been convicted of felonies. I think this bill will greatly improve that situation.

Mr. HRUSKA. It certainly will.

Mr. DODD. I do not think there is any loophole here. It is almost impossible to put this in language, as the Senator has pointed out, that will make it impossible for every criminal to find ways to violate the law. I do not think we have ever passed such a law in the history of this country, and perhaps none has been passed in the history of any other country. We do the best we can and I think this bill is the best we can do.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DODD. One other thing. We are faced with the fact that the House of Representatives wrote into its bill this contiguous State provision.

Mr. HRUSKA. Exactly.

Mr. DODD. And they felt very strongly about it, as I recall. I have a letter written by Congressman WILLIAM V. ROTH, the Member of the House of Representatives who offered the contiguous State provision. It is dated July 16, addressed to Hon. EMANUEL CELLER, chairman of the Judiciary Committee of the House of Representatives.

The letter says:

> I understand that a question has been raised concerning the amendment to the proposed subsection 922(b)(3) of title 18, U.S.C., as found in H.R. 17735 as to whether a State must take affirmative action prior to its residents purchasing a rifle or shotgun in a contiguous State. The answer is yes; at least that was my intent.

I think this has an important bearing.

Mr. TYDINGS. Mr. President, does the Senator from Nebraska agree with the Senator from Connecticut on that point? It is in the committee report. I have one further point, if we are absolutely clear on that; because if that is clear I do not think it requires any further comment.

Mr. HRUSKA. Mr. President, in all candor, I do not think we should demean any State to the point of saying, that you must pass a law, now, which recognizes the existence of a Federal law, when they already have pertinent laws.

I do not read the law that way. I listened with great respect to the letter of the author of the bill in the other body, and I listened with great respect to the statement in the report. This requirement is not in the bill, and I see no necessity for it.

Mr. President, there has been no monopoly of efforts by any Senator or group of Senators on trying to avoid loopholes. I am the author of the provision found in this bill which establishes the affidavit procedure to be applied to sales within a State, by a seller who lives at a distance from a buyer in another city. If the opposition to this amendment is to be carried to all other provisions in the bill, Mr. President, there is grave danger that there will be no bill enacted at all. I do hope we will get some sense of balance here, some sense of reason, where we will not consider every phrase and every word with suspicion, and with the idea of calling it a loophole.

This provision is an added precaution. It is an additional assurance that the law will be obeyed. It is an assurance that in the event of violation, there will be a conviction on the basis of this presale affidavit procedure.

Beyond that, I do not care to comment at this time. I think we have been most patient in the matter of the consideration of these committee amendments.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HRUSKA. Two more minutes.

I do not think we should drag this thing out over minor and insignificant matters. Compromises have been made among those who are trying to make something out of this legislation. If we are going to quibble over every insignificant matter we may wind up with no legislation at all.

Mr. DODD. I take it, then, that my unanimous-consent request is in order.

Mr. HRUSKA. It is in order. We are ready for any further discussion.

Mr. TYDINGS. Mr. President, will the Senator from Connecticut yield me 2 more minutes?

Mr. DODD. I yield.

Mr. TYDINGS. Mr. President, the patience of the distinguished Senator from Nebraska is overwhelming, and I appreciate his patience. However, there are those of us who have been fighting for this legislation for many years, and we have been somewhat patient, too.

I am satisfied with the language of the report, together with the explanation of the chairman, with relation to the complete clarification of the language of the contiguous State amendments. I should however, like to direct one further question to the manager of the bill, the Senator from Connecticut.

Mr. DODD. Yes.

Mr. TYDINGS. I direct the Senator's attention to lines 15, 16, and 17 on page 17, which state: "if the purchaser's State of residence permits such sale or delivery by law and if the sale fully complies with the legal conditions of sale in both such contiguous States:".

As I understand it, and as the report on page 34 states, in order for a dealer or licensee of a place of business to comply with the provisions of this proposed legislation, which are set forth in these two amendments which we shall be voting upon, that licensee, in his sale, must fully comply with the legal conditions for sale of both the State where he is domiciled and the State where the purchaser is domiciled, so that, if a purchaser who is a resident of the State of Michigan, again for example, goes into the State of Ohio——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TYDINGS. One more minute.

That dealer would have to comply with the laws of the State of Michigan, insofar as that sale was concerned, to a resident of the State of Ohio.

Mr. DODD. My answer is "Yes." I do not have any doubt about it, and the language quoted by the Senator on page 17 of the bill makes that clear.

Mr. HRUSKA. Mr. President, I would join in that affirmative answer to that question.

Mr. DODD. Mr. President, I renew my unanimous-consent request that we consider amendment No. 19 on page 14——

The PRESIDING OFFICER. The unanimous-consent request has already been agreed to some time ago. Does the Senator yield back the remainder of his time?

Mr. DODD. I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I have just a very brief statement, in which I shall concur, in the main, with the explanations of these two sections as given by the Senator from Connecticut. I think, as we proceed into the text of the bill, the Senate will become convinced of the fact that it has been tightened up tremendously by this provision, because the same affidavit procedure which we deal with in the next amendment will be applied to continguous State sales as well as these interstate mail-order sales. I urge the adoption of the amendment.

Our colleague, the Senator from South Carolina [Mr. THURMOND] is not in the Chamber. He has submitted a statement directed toward this provision, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the statement by Senator THURMOND was ordered to be printed in the RECORD, as follows:

CONTIGUOUS STATE PROVISION

Mr. THURMOND. Mr. President, the contiguous state provision is found on Page 17 of the bill and is discussed on Page 24 of the Committee Report which reads, "As amended by the committee, a licensee could sell or deliver a rifle or shotgun to a resident of a State contiguous to the State in which the licensee conducts his business, subject to two conditions; first, the State of the purchaser's residence must enact enabling legislation permitting such sales, and second, the sale must fully comply with the legal conditions of sale in both States. In addition, the dealer must comply with the requirements of section 922(c)" which is the affidavit provision.

This provision is designed to assure that there will be no circumventing of the State laws in those areas where it is more convenient for a resident to shop across the State line than it is to go to a large city in his own State. This provision gives careful consideration to the legal conditions for gun ownership in both the State of residence and the contiguous State, and it is fully consistent with the stated purpose of this new gun control measure. This provision must be retained if the Senate is to be true to the stated purpose of Title I which reads on Page 5 of the bill, "that it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap shooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership of use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title."

Mr. President, we all know that in some states citizens live great distances from cities large enough to have a store which would stock a real selection of guns and ammunition. It would be more than just a slight inconvenience for some of these citizens to obtain a long gun if the contiguous state provision is eliminated from the bill. There are many areas of our Nation where it is normal for people to reside in one State and yet, make purchases in a shopping area in a nearby State. My hometown of Aiken, South Carolina, is 17 miles from Augusta, Georgia. Numerous residents of Aiken County, particularly those immediately adjacent to the Georgia border, are in the habit of shopping in the city of Augusta, which is considerably larger than the cities in Aiken County. I am sure this situation with which I am personally acquainted exists in many places over the Nation. The pattern of large metropolitan areas surrounded by small towns which are in another state is increasingly prevalent in the United States. I believe that individuals should be allowed to purchase a rifle or a shotgun, which are essentially sporting equipment, in a nearby State if such a purchase violates the laws of neither State.

This provision contains an added protection to assure adequate regulation of purchases in contiguous States. For a resident of one State to purchase a gun in a contiguous State he must not only comply with the legal conditions for purchasing a long gun in both States, but he must also submit to the seller a sworn statement attesting to his competence to purchase the firearm and reciting the essential facts of the transaction. The dealer must then submit a copy of the statement to the buyer's local law enforcement official and wait at least a week before making delivery. If the official does not send an objection and if it then appears that the transaction would not be in violation of applicable Federal, State, or local law, the dealer may complete the sale.

Mr. President, if this provision is adequately enforced, there should be no misuse of the right of law-abiding citizens to purchase a long gun in a contiguous State. I think we should point out here that any person who would violate this provision of Title I would certainly not hesitate to violate this provision of Title I would certainly not hesitate to violate an absolute prohibition of all interstate of firearms. To my way of thinking, the answer to the gun control problem is effective enforcement of all our gun laws—swift apprehension and certain punishment for those who violate the law. If we are not going to have effective enforcement then no gun law will help to eliminate the misuse of firearms. I do not think it is necessary for us to deny law-abiding citizens their lawful right to purchase long guns in contiguous States.

Mr. CASE. Mr. President, the Senate has been considering more effective control of the sale of guns since 1961.

There has been no lack of discussion and thoughtful consideration of legislation to deal with this problem.

Since the Senate Subcommittee on Juvenile Delinquency embarked on its investigation of the sale of firearms more than 7 years ago, volumes of testimony have been presented by Governors, attorneys general, police officials, prosecutors, and concerned citizens.

The volume of corespondence on this subject which deluged the offices of all Senators earlier this year leaves no doubt that the general public is aware of and concerned about the problem. Public opinion polls have shown that up to 80 percent of our citizens, including at least 65 percent of those who own guns, are convinced that more effective controls are needed.

The Federal Firearms Act of 1938 is so vague and unsatisfactory that the Government has been unable to obtain a single conviction under this section since it was enacted 30 years ago. Is there anyone in the Senate who believes this bureau record means that there has been no abuse of firearms in this country during that long period?

We recognized the need for more effective control of the availability of firearms earlier this year when we enacted title IV of the Crime Control Act. Passage of title IV was a positive step forward and it was long overdue. But it falls short of meeting the need because it covers only handguns.

The legislation we are considering today would extend essentially the same controls contained in title IV to rifles and shotguns.

There are those who recognize the need for additional controls, who agree that gun controls have been very lax and that they need to be tightened, but argue that this is an obligation of the States, not the Federal Government.

I agree that the States should properly take a leading role here. But I believe the Federal Government has a very important role too and we have not met it.

It is our duty to pass legislation which will make State laws effective and enforceable.

My own State of New Jersey has one of the more effective gun-control laws in the Nation. In a little more than 2 years of operation under its new law, New Jersey has denied applications for rifle and shotgun identification cards and pistol permits to almost 2,000 applicants. About 65 percent of these denials were based on the applicant's criminal record. These records included such offenses as first degree murder, rape, burglary, breaking and entering, lewdness, and sex crimes of various types.

In other words, New Jersey's gun-control law is having an effect.

But the New Jersey law is not fully effective because those who are denied identification cards or permits in my State are able to travel to other States and buy guns they would not be able to buy in New Jersey.

A New Jersey State police survey of the customers of several large mail-order gun dealers, who had submitted lists of their customers to the U.S. Treasury Department, showed that 40 percent of their customers in New Jersey did not have the gun permits which are required by State law. A check of the names of these customers against State and Federal criminal files showed that 44 percent of them had a prior criminal record.

The legislation we are considering today could make New Jersey's law more effective. It could help to cut off the availability of guns to criminals, maniacs and others who are not capable of handling these weapons responsibly.

But note that I say it could do this, not that it would do this.

If the legislation we enact contains gaping loopholes which allow criminals and others to evade effective controls, it will be of little value in reducing the illegal traffic in guns in my State or elsewhere.

In my opinion, some of the amendments proposed by the Judiciary Committee would create loopholes in the bill before us.

For example, the committee language would allow a person who does not conduct any business in firearms to obtain a dealer's license for just $10. The potential abuse of this provision is obvious.

Another committee amendment would permit residents of one State to purchase rifles and shotguns in a contiguous State if all other requirements of State and Federal laws are met. This provision is designed to accommodate those who live near State borders where the nearest community is over the State line. This is an understandable objective but the committee amendment cuts significantly further than necessary to accomplish the objective. It would create difficult enforcement problems by opening the door to all residents of a State, not just those who live near the State line.

These are loopholes that I believe should be closed. But we can go even further to make this legislation more effective without imposing any undue hardship on sportsmen and others who want to use guns for legitimate purposes.

I speak of Federal licensing and registration.

The only purpose of a licensing system is to prevent gun crime by helping prevent guns from getting into the hands of criminals, the mentally ill, drug addicts, and other irresponsibles. A Federal licensing law would advance this objective by encouraging enactment of State licensing systems, by buttressing other Federal laws and by impeding the ability of criminals to travel from one State to another to obtain guns.

Nationwide registration of firearms, centrally computerized through the National Crime Information Center of the FBI, would help in the investigation of crime, would assist in enforcement of licensing laws, and would reduce the availability of guns to criminals.

Significantly, all of this could be accomplished in a brief, one-time visit to a police station, an inconvenience which would be no greater than we now require at the State level for car owners and in many municipalities for dog owners and bicycle owners.

Both registration and licensing offer the States the option of preempting the Federal legislation by enacting their own laws which meet Federal standards.

Fear has been expressed in some quarters that a strict gun-control law will be only a prelude to eventual confiscation of all guns.

It seems to me that we are in far greater danger of being faced with such overly restrictive measures if we do nothing to combat the violence by gun in this country at this time than we would be if we enact responsible, effective legislation now.

I urge my fellow Senators to support a truly effective bill which will help my State protect its citizens against gun violence and encourage other States to take the steps needed to protect all our citizens.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

Mr. DODD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendments.

The amendments were agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The Legislative Clerk On page 15, line 10, strike the word "or", and after the word "dealer," insert the words "or licensed collector."

Mr. DODD. Mr. President, this is really a technical change. I have no objection to it. I think we are all agreed on it. It is an amendment simply to include the words "or licensed collector" on page 15.

Mr. HRUSKA. I agree.

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The Legislative Clerk. Page 15, line 15, change the period to a semicolon and insert the following:

> Except that this paragraph does not apply to the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence: *Provided*, That this section shall not preclude a loan or rental of a firearm to any person for temporary use for lawful sporting purposes.

Mr. DODD. Mr. President, I think we are all agreed on this amendment. It has to do with a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person permitted to acquire or possess a firearm under the laws of the State of his residence.

I do not think there is any difficulty with the amendment. Certainly I do not have any.

Mr. HRUSKA. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 1 minute.

Mr. HRUSKA. Mr. President, there is no difficulty with the amendment. It was thoroughly thrashed out in the committee.

I recommend that the amendment be agreed to. If the Senator from Connecticut is prepared to do so, I am prepared to yield back any additional time allotted to the minority.

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The Legislative Clerk. On page 16, line 5, strike the word "or", and on line 6, after the word "dealer," insert the words "or licensed collector,".

Mr. DODD. Mr. President, again this is a technical change to conform with the language of the pending bill. The amendment should be agreed to, and I recommend that we do so.

Mr. HRUSKA. Mr. President, I join in that recommendation.

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back any time allotted to the minority.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the next two amendments be stated by the clerk and considered en bloc.

Mr. DODD. Mr. President, I join in that request.

The PRESIDING OFFICER. The committee amendments will be stated by the clerk.

The Legislative Clerk. On page 16, line 10, strike the word "or", and on the same line insert the words "or collector" after the word "dealer".

On line 15, strike the word "or" and after the word "dealer," on the same line, insert the words "or licensed collector."

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the two committee amendments en bloc.

The amendments were agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The Legislative Clerk. On page 16, line 17, strike the words "or ammunition."

Mr. DODD. Mr. President, I think the Senator from Nebraska will agree to considering committee amendments Nos. 28, 29, 30, 31, and 32 with 27. Those all have to do with the same subject. It involves the elimination of the words "or ammunition."

The PRESIDING OFFICER. It will be necessary for Senators to state the proposed amendments by page and line in order that we may properly identify them.

Mr. DODD. Mr. President, amendment No. 27 has been called up. That is on page 16, line 17. I suggest that we also consider amendment No. 28 on page 16, line 19, amendment No. 29, on page 16, line 20, and amendment No. 30——

Mr. HRUSKA. Mr. President, I suggest that we state the first amendment on page 16, line 17 first in order to keep the proceedings on an orderly basis, because I may have some comments as to the advisability of accepting the unanimous-consent request.

May the clerk state the first amendment?

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. On page 16, line 17, strike the words "or ammunition."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the the time not be charged against either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Lausche in the chair). Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I ask unanimous consent that all the committee amendments beginning page 16 on line 17 and continuing through line 23 be considered en bloc, and that the clerk be instructed to state them for the purpose of their consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the amendments.

The assistant legislative clerk read as follows:

> On page 16, line 17, it is proposed to strike "or ammunition".
>
> On page 16, lines 19 and 20, it is proposed to strike "and, if the" and to insert "and any".
>
> On page 16, line 20, it is proposed to strike "or ammunition is".
>
> On page 16, line 21, it is proposed to strike "for a shotgun or rifle,".

Mr. HRUSKA. Mr. President, I yield myself 1 minute.

I understand that these several amendments are rejected, the language of the paragraph beginning on line 17 and continuing through line 23 will revert to the status of original text and, therefore, will be subject to amendment in the regular order. May I ask if that is a correct statement of the parliamentary situation?

The PRESIDING OFFICER. The Senator from Nebraska is correct.

Mr. HRUSKA. Mr. President, I am prepared to yield back any time allotted to the minority.

Mr. DODD. Mr. President, I yield myself half a minute. I think the Senate should reject the committee amendments in these several instances and restore the original language of the bill.

Mr. HRUSKA. Mr. President, I join in the suggestion of the Senator from Connecticut that these amendments be rejected. They would be good amendments had the Senate not strayed from the path of rectitude yesterday and redefined "ammunition." But the Senate did so, and it will become necessary to tie into that definition in some other way. Because of the change in the definition of "ammunition" I believe it well to reject the committee amendments that have just been stated and proceed on the basis of the original language of the bill.

Now I am ready to yield back the remainder of my time.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the committee amendments.

The amendments were rejected.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendments were rejected.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). The clerk will read the next committee amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 18, line 5, strike the language down to and including line 9, and insert in lieu thereof the following:

> (4) to any person any destructive device, machinegun (as defined in section 5848 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle.

Mr. DODD. Mr. President, I believe this amendment should stand, and I hope it does. I think it is a good amendment. It was submitted by the Senator from Massachusetts [Mr. BROOKE] and the Senator from Michigan [Mr. HART]. It is a very simple amendment.

Mr. HRUSKA. Mr. President, I yield myself 1 minute.

I should like to have a matter clarified. This is an outright denial, under any circumstances, as I understand it, to any person or corporation, or governmental body to purchase and receive delivery of these particular items—to wit, the destructive device, the machinegun, the short-barreled shotgun, and the short-barreled rifle. That is pursuant to section 5848 of the Internal Revenue Code of 1954.

I invite the attention of the Senator from Connecticut to page 36, in which section 104 provides:

> Nothing in this title or amendment made thereby shall be construed as modifying or affecting any provision of—

Followed by references to three particular laws of the United States.

My question is this: Is there anything inconsistent or in conflict in modifying, in the pending amendment, section 5848 of the Internal Revenue Code of 1954 and the provisions of section 104 to which I have just referred?

Mr. DODD. I believe not.

Mr. HRUSKA. Mr. President, I yield myself 1 additional minute.

I assure the Senator from Connecticut that I am not opposing the amendment. I would suggest that we go ahead and proceed to adopt it. In the meantime, if the staff can determine whether there is a conflict between the adoption of that amendment and section 104 as it appears on page 36, then we can modify as necessary any conflict. As I read the committee amendment, it does conflict with the provisions of the National Firearms Act.

Mr. DODD. I agree with the Senator. I do not believe there is a conflict.

Mr. HRUSKA. I yield back the remainder of my time.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is yielded back.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will read the next committee amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 18, line 23, strike the word "and" before "licensed dealers."

Mr. HRUSKA. I yield back the time allotted to the minority.

Mr. DODD. I yield back my time. It is a technical change.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will read the next committee amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 18, line 23, after the word "dealers" insert the language down to and including the word "Register" on line 16, page 21.

Mr. HRUSKA. I yield back my time.

Mr. DODD. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will read the next committee amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 21, line 17, strike "(c)" and insert in lieu thereof "(d)".

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Mr. President, lines 24 and 25 on page 18 are likewise an amendment.

Mr. DODD. We took that, I believe, as one amendment.

Mr. HRUSKA. Was that included?

Mr. DODD. I believe it was.

The PRESIDING OFFICER. The language starting at line 23, page 18, down through line 16, page 21, is all one amendment and has been acted upon by the Senate in the last vote cast.

Mr. DODD. That is my understanding.

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Mr. President, I ask that whatever time I use be charged to the bill.

The next amendment has to do with the presale affidavit procedure.

Mr. DODD. No. I think we voted on that provision.

Mr. HRUSKA. We did not vote on it. We voted on the last two lines on page 18. I certainly was not aware we were acting on subsection (c), because I have a substitute here which has been tendered to us by the Department of Justice. I was under the impression that we were acting on the last 2 lines on page 18.

Mr. DODD. I will agree to any action that is necessary to accommodate the Senator. I have no objection to considering the language on page 19.

The PRESIDING OFFICER. The Senator could request rescission of the action taken by unanimous consent.

Mr. HRUSKA. Mr. President, I ask unanimous consent that that part of the proceedings having to do with the agreeing to the amendment and subsequent motion be vacated and set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. I thank the Senator from Connecticut and I thank the Presiding Officer.

The PRESIDING OFFICER. The action has been vacated.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Mr. President, I would like to ask whether it would be competent for a substitute to be offered for that amendment, which is numbered 35 in the margin of the bill.

The PRESIDING OFFICER. Will the

Senator please state the page to which he has reference.

Mr. HRUSKA. Page 19.

The PRESIDING OFFICER. Will the Senator specifically state the page and line number.

Mr. HRUSKA. Page 19, all of (c).

Mr. DODD. Down through line 16 on page 21.

Mr. HRUSKA. Down through line 16 on page 21.

The purpose of my substitute would be to strike that language and to offer a substitute.

The PRESIDING OFFICER. The Chair is advised that a substitute is not the method to achieve the end the Senator desires. In order to achieve his purpose the Senator would have to use a perfecting amendment.

Mr. HRUSKA. Mr. President, would it be by perfecting amendment or by way of a substitute?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that since the proposal of the Senator from Nebraska is not as broad as the committee amendment, therefore it is a perfecting amendment rather than a substitute.

Mr. HRUSKA. Mr. President, it is by way of a perfecting amendment in result and in substance. As a matter of fact, the opening paragraph alone is changed.

Mr. President, could we call up the next amendment which would consist of approval of the material beginning on page 19 through line 16 on page 21, then yield back the remainder of our time, and before a vote is taken could we at that time offer a substitute for the committee amendment?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that if the amendment offered by the Senator from Nebraska were as broad as the committee amendment the course which the Senator suggested could be followed. However, since it is not, Senators could yield back their time and then the Senator from Nebraska could offer his amendment as a perfecting amendment to the committee amendment.

Mr. HRUSKA. I thank the Chair. I shall do so.

Mr. President, I suggest that the next amendment be stated, the amendment which starts at page 19.

The PRESIDING OFFICER. There is no amendment which starts at page 19. The amendment starts on page 18, line 23, with the words "and licensed collectors." in italic, and extends through page 21.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I should like to propose a substitute for the next amendment.

The PRESIDING OFFICER. The clerk will state the substitute amendment offered by the Senator from Nebraska.

The assistant legislative clerk proceeded to read the substitute amendment.

Mr. HRUSKA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The substitute amendment offered by Mr. HRUSKA is as follows:

On page 18, line 23, after the word "dealers", strike everything down to and including line 16, page 21, and insert in lieu thereof the following: "and licensed collectors. Paragraph (4) of this subsection shall not apply to any research organization designated by the Secretary.

"(c) In any case not otherwise prohibited by this chapter, a licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee's business premises (other than another licensed importer, manufacturer, or dealer), only if:

"(1) the transferee submits to the transferor a sworn statement in the following form:

"'Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are-------------- --

Signature --------------------------------

Date -----------------------------------,'

and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance;

"(2) the transferor has, prior to the shipment or delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a copy of the sworn statement, together with a description of the firearm, in a form prescribed by the Secretary, to the chief law enforcement officer of the transferee's locality of residence, and has received a return receipt evidencing delivery of the statement, or the statement has been returned due to the refusal of the named addressee to accept such letter in accordance with United States Post Office Department regulations; and

"(3) the transferor has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the acceptance or refusal of delivery of the statement. A copy of the sworn statement and a copy of the notification to the local law enforcement officer, together with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(d)."

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, this is an effort on the part of those who are better versed in phraseology and in the drafting of legislation to improve the fashion in which the presale affidavit procedure is prescribed in the bill. It has the approval of the Department of Justice. I am hoping and I have been informed that the Senator from Connecticut has gone into it with his staff and he will speak for himself on the subject. However, it will just restate in a better way the presale affidavit procedure and the proceeding.

I urge that it be adopted. One other point, the exact text is the same as that which is found in amendment No. 963 proposed by this Senator, commencing at line 5 thereof and going down through line 12 on page 3 of that amendment.

Mr. DODD. Mr. President, I concur with the statement made by the distinguished Senator from Nebraska. I think it is a desirable amendment. It has the approval of the Attorney General. As the Senator states, it improves the language and I am glad to accept it.

I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Nebraska yield back his time?

Mr. HRUSKA. Mr. President, I yield back the remainder of any time I have.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The committee amendment, as amended by the substitute, was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the remaining committee amendments be considered en bloc and that the committee amendments adopted be considered as original text for the purpose of further amendment.

Mr. PASTORE. Mr. President, reserving the right to object—let us review the record of our progress on these gun control measures and ask ourselves if we can be more expeditious. We have been here for 2 days and we have been hearing constantly "This amendment is agreed to by both sides. I yield back my time. Take a vote." This, of course, is within the rules. After all, the procedure is a well-established procedure. We usually accept these amendments en bloc, and then they are open to amendment. But this is an unusual session at an extraordinary time. We have absentee Senators back home actively campaigning, and important business faces us. The Fortas nomination will be before us. There is some talk of the Nonproliferation Treaty. I wonder if we could not better accomplish our objective. If there is a dispute, it can be renewed on the floor. This idea of taking up every single amendment and saying, "I agree with it, I yield back my time," and then taking a vote on it, seems ridiculous. I think we ought to cooperate with the majority and minority leaders in expediting the business. Every Senator's rights, of course, should be preserved. No prejudice should be done to any Senator. Why do we not facilitate this procedure? We sit here hour after hour. It seems such a futile exercise.

Perhaps the chief proponents have given this thought and there may be compelling reasons for the procedure being followed.

Mr. DODD. Mr. President, I could not agree more with the Senator from Rhode Island. That is what we tried to do at the very outset. It could not be done.

Mr. HRUSKA. Mr. President, I would like to say that I agree fully with the Senator from Rhode Island. I was agreeable to a similar request which was made by the Senator from Connecticut 3 days ago; however, other Senators wanted to be a little more selective about it and said, "We will consider it as original text except for certain committee amendments which we do not like." That is not the normal procedure. What we have been doing is more normal procedure than separating what could be considered as original text from what was not. Certain Senators wanted to pick and choose between committee amendments and that is the reason why the procedure has not taken the course the Senator describes as the normal course.

Mr. PASTORE. I must accept that judgment—but I want to observe that the very Senators who made the reservation are not on the floor. I have been on the floor following the debate of these 2 days, and I have seen the Senator from Nebraska [Mr. HRUSKA] and the Senator from Connecticut [Mr. DODD], and once in a while the Senator from South Carolina [Mr. THURMOND]. Outside of them, the Chamber has been empty, and Senators who insisted on this procedure should be here to listen to the debate. They come in for a moment and say, "I am going to object," and then they leave the floor. At least in respect to the majority and minority, these particular Senators should be here. If it has to be otherwise, very well; but for those with an expressed interest in the procedure, I say let them be here on the floor.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Does the unanimous-consent request apply to the remainder of the bill?

Mr. BYRD of West Virginia. The remainder of the committee amendments.

Mr. HRUSKA. The remaining portions of the bill and the committee amendments?

Mr. BYRD of West Virginia. The remainder of the committee amendments.

Mr. JAVITS. Mr. President, reserving the right to object—which I do—I object precisely for the reason stated by the Senator from Rhode Island [Mr. PASTORE]. Senators who have worked on the bill and studied the bill—the Senator from Maryland [Mr. TYDINGS] is now here—it seems to me, the big issue of not accepting the amendments en bloc having been made, ought to give us the benefit of their judgments before they simply accept the amendments.

Mr. PASTORE. No; the unanimous-consent agreement proposed was that the amendments be accepted without prejudice. The controversial ones will be discussed in full. The Senator from New York was not here for reasons legitimate and best known to him. I am not criticizing any Senator. However, the procedure for 3 days has been that when an amendment is called up, because we are proceeding under a unanimous-consent agreement with limited time, the Senator from Connecticut [Mr. DODD] will say, "I agree with this amendment." The Senator from Nebraska [Mr. HRUSKA] will say, "I agree with it. Now let us yield back our time," and then we go through the motions of taking a vote.

All we are asking here is whether, in order to carry out our objectives and streamline this procedure so we can get at the nub of the problem, which is found in the controversial amendments, and do all the rest of the business we have to do in the short weeks before election, is it the better policy to accept these amendments en bloc without prejudice.

The chief proponent and opponent of the amended bill appear to have abandoned the en bloc procedure.

Other Senators may wish to express their opinion on the situation.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DODD. Mr. President, we have disposed of all the controversial amendments that I know of except one thus far. I do not know why we cannot dispose of that quickly. I do not know of any Senator who objects.

Mr. JAVITS. Mr. President, under my reservation, may we hear the unanimous-consent request?

The PRESIDING OFFICER. The unanimous-consent request is that the remaining amendments of the committee be voted upon en bloc and be considered as original text for the purpose of further amendment.

Mr. JAVITS. Mr. President, the Senator from Maryland [Mr. TYDINGS] is here. As I understand, there was objection previously to precisely the same request because there were certain controversial amendments as to which the opponents felt they should have the benefit of the one vote advantage which they would get if they were not considered as original text. That is perfectly legitimate.

I now turn to the Senator from Maryland [Mr. TYDINGS]. I was a member of the committee, but I am not now. The Senator from Connecticut [Mr. DODD] tells us that every controversial amendment except one has been determined.

Mr. DODD. We have disposed of 3 of the 4 I am concerned about. But there may be other Senators who object to other amendments. I cannot speak for anybody else.

Mr. JAVITS. Would the Senator from Maryland [Mr. TYDINGS] be kind enough to tell us whether any Senator, or he himself may wish to preserve that right on the 1-vote advantage, wants to do so?

Mr. TYDINGS. The Senator from Pennsylvania [Mr. SCOTT] objected, and I agreed with his objection with reference to reservations on two amendments which relate to licensed dealers. They are committee amendments Nos. 45 and 51. I have a reservation in connection with committee amendment No. 43. I have an additional line, which I discussed yesterday, on the item of collectors, which we probably could work out.

I would agree to the unanimous-consent request, provided we agreed to all amendments except those three. We could go ahead and vote on those three, and we could finish consideration of the bill, insofar as the mail order provision is concerned.

Mr. JAVITS. Mr. President, reserving the right to object, I would appeal to my colleagues. I do not want to seem arbitrary, because I want to get on with the business, but let me suggest the absence of a quorum and consult with the Senator from Pennsylvania [Mr. SCOTT].

Mr. PASTORE. Mr. President, I object to the unanimous-consent request.

The PRESIDING OFFICER. Objection is heard.

The unanimous-consent request having been rejected, the Senate will proceed with further consideration of the amendments.

Mr. DODD. Mr. President, I allow myself 1 minute. I think it is a great pity that we cannot agree on this matter and get on with this important legislation. We understand each other. We will have time to discuss matters which are in contention. But we have been talking about matters which are not in contention and I think we have done rather well with this chain around us. I have no desire to have any Senator cut off. I myself do not want to be cut off. I do not want anyone else to be and it is a great shame that we are bogged down as we are and cannot move ahead in the public interest and in the interest of this important legislation.

I wish the Senator from New York would remain. Some of us have worked on this matter a long time. I should like to move ahead. There is no sense in delaying.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. DODD. Mr. President, will the Chair have the clerk state the next amendment?

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 21, line 17, it is proposed to strike "(c)" and to insert "(d)".

The PRESIDING OFFICER. The amendment relates to page 21, line 17. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

I ask unanimous consent, notwithstanding the stating of the amendment which is now pending, that the remainder of the committee amendments on page 21 and all the committee amendments on pages 22, 23, and 24; that they be stated, be considered, and acted upon en bloc.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, what is the request?

The PRESIDING OFFICER. The Senator from Nebraska has asked unanimous consent for the consideration, en bloc, of the remainder of the committee amendments set forth on page 21 and all the committee amendments on pages 22, 23, and 24.

Mr. SCOTT. I have no objection.

Mr. DODD. I have no objection; I hope the Senate will act upon the amendments.

Mr. WILLIAMS of Delaware. I have no objection. I suggest the absence of a quorum.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side, because time is limited.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter pending before the Senate is a unanimous-consent request by the Senator from Nebraska [Mr. Hruska] that all of the committee amendments beginning with the amendment on line 17 of page 21 of the bill, through and including the amendments on page 24, be considered en bloc.

Is there objection to the request of the Senator from Nebraska?

Mr. MURPHY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HRUSKA. Mr. President, I yield myself 1 minute.

As I understand it, the next pending amendment has to do with the addition of the last three words on line 18 of page 21. Am I correct?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment dealing with the numeral on line 17 of page 21.

Mr. HRUSKA. I am prepared to yield back the remainder of my time.

Mr. DODD. I am, as well. There is no contention about this; it is a technical change. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

The assistant legislative clerk stated the next committee amendment, as follows:

> On page 21, line 18, strike the word "or".

Mr. DODD. Mr. President, this is the same situation. It is a technical change. I urge that the amendment be agreed to.

Mr. HRUSKA. I yield back all my time.

Mr. DODD. I do, also.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The assistant legislative clerk stated the next committee amendment, as follows:

> On page 21, line 18, after the word "dealer," insert the words "or licensed collector".

Mr. DODD. Mr. President, this is the same situation. I yield back all of my time.

Mr. HRUSKA. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The assistant legislative clerk read the next committee amendment, as follows:

> On page 21, line 23, strike the words "by imprisonment for a term exceeding one year" and insert the words "as a felony."

Mr. HRUSKA. I yield back my time.

Mr. DODD. I do, also.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The Assistant Legislative Clerk. On page 22, line 1, strike the word "or," and on the same line, after the word "dealer," insert the words "or licensed collector".

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

Mr. DODD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The Assistant Legislative Clerk. On page 22, line 6, strike "(d)" and insert "(e)".

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The Legislative Clerk. On page 22, line 10, strike the word "or", and on the same line after the word "dealers," insert the words "or licensed collectors,".

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The Assistant Legislative Clerk. On page 22, line 14, strike "(e)" and insert "(f)".

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The Assistant Legislative Clerk. On page 22, line 20, strike "(f)" and insert "(g)".

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The Assistant Legislative Clerk. On page 22, beginning on line 22, strike the words "by imprisonment for a term exceeding one year", and insert in lieu thereof "as a felony,".

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The Assistant Legislative Clerk. On page 23, line 1, strike "(g)" and insert "(h)".

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The Assistant Legislative Clerk. On page 23, beginning on line 3, strike the words "by imprisonment for a term exceeding one year" and insert in lieu thereof the words "as a felony,".

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The Assistant Legislative Clerk. On page 23, line 7, strike "(h)" and insert "(i)".

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The Assistant Legislative Clerk. On page 23, line 11, strike "(i)" and insert "(j)".

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The Assistant Legislative Clerk. On page 23, line 18, strike "(j)" and insert "(k)".

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The **PRESIDING OFFICER.** All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The **PRESIDING OFFICER.** The next committee amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 23, line 22, strike "(k)" and insert "(l)".

Mr. **DODD.** Mr. President, I yield back the remainder of my time.

Mr. **HRUSKA.** Mr. Presdient, I yield back the remainder of my time.

The **PRESIDING OFFICER.** All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

The **PRESIDING OFFICER.** The next committee amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 24, line 5, strike "(1)" and insert "(m)".

Mr. **DODD.** Mr. President, I yield back the remainder of my time.

Mr. **HRUSKA.** Mr. President, I yield back the remainder of my time.

The **PRESIDING OFFICER.** All time having expired, the question is on agreeing to the committee amendment.

The amendment was agreed to.

UNANIMOUS-CONSENT REQUEST

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that all remaining committee amendments be considered and adopted en bloc and that all committee amendments adopted be considered as original text and that the bill be then open for further amendment.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from West Virginia?

Mr. **CASE.** Mr. President, reserving the right to object, it is my understanding that an amendment to delete any of the amendments adopted tentatively as committee amendments would be in order.

The **PRESIDING OFFICER.** The Senator is correct.

Mr. **DODD.** Mr. President, I did not so understand the request of the Senator from West Virginia. I understood that the amendments already adopted would be regarded as original text.

Mr. **BYRD** of West Virginia. Mr. President, my request was that all remaining committee amendments be considered and adopted en bloc and that when they are considered, they be considered as original text and that the bill be open for further amendment.

Mr. **WILLIAMS** of Delaware. Mr. President, I thought that related to all technical amendments. There are amendments of major substance to be considered.

Mr. **TYDINGS.** Mr. President, did the Chair rule on the parliamentary inquiry of the Senator from New Jersey? I think the answer should have been in the affirmative. I wanted to make certain.

The **PRESIDING OFFICER.** The parliamentary situation is that if the request of the Senator from West Virginia is agreed to, all committee amendments would be agreed to and considered as original text for the purpose of amendment, including motions to delete.

Mr. **DODD.** Mr. President, motions were made to reconsider, followed by motions to table which were agreed to.

The **PRESIDING OFFICER.** The parliamentary answer to that is that the amendments which have been adopted are in the bill and not subject to further consideration.

Mr. **DODD.** That is all I wanted to know.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from West Virginia?

Mr. **MURPHY.** Mr. President, this is an extremely important piece of legislation we are considering. I would say my mail, with regard to this issue alone, some days runs as high as 1,000 letters. People all over the country are interested in this legislation.

We had a unanimous-consent request during this time that other committees be permitted to meet. We are in the midst of an election year as well, and some of us have campaign obligations and duties.

A year ago in this Chamber we had a bill that got to be known as the Christmas tree bill. It was my first experience with such a bill. I said then I hoped I would never be party to that sort of procedure again.

The **PRESIDING OFFICER.** The time is under control. Who yields time to the Senator from California?

Mr. **MURPHY.** Mr. President, I request time on the bill.

Mr. **BYRD** of West Virginia. Mr. President, I yield 5 minutes on the bill to the Senator from California.

The **PRESIDING OFFICER.** The Senator from California is recognized for 5 minutes.

Mr. **MUHPHY.** Mr. President, the pending bill is of great importance to this Nation and I do not think it is wise or prudent or proper to say, "Well, we are in a hurry today. Let us take them all in one package." It is all too likely that we would find out later that we had made a mistake in our haste.

I have the greatest confidence in the committee and in both of my esteemed colleagues who are handling the bill. I do not question the advisability of moving through the technical amendments with some degree of speed; however, there are other amendments of substance that might very properly warrant discussion here.

Yesterday afternoon unanimous consent was requested so that debate on each amendment, with the exception of the registration-licensing amendment, be limited to 1 hour.

There is no limit on the number of amendments that may be introduced. I intend to offer some amendments that are being written at the present time.

My mail has been voluminous and I intend to try to cover many of the points referred to by my constituents in order that, hopefully, we will accomplish what we want to do: To control the crime situation and do away with the damage that is occurring within our society at the present time. Rushing through this bill will not accomplish this end.

I would be glad to accept all of the committee's technical amendments, but I think with respect to any amendments of substance contained in the bill at the present time that we should have a chance to hear and discuss them.

There is a great deal that remains to talk about. I do not think it is right to say, "It is getting late. Let us get it done. Let us get it out of here in a hurry."

I will not be a party to that kind of action even though I would like to accommodate all of my colleagues because I realize that they have other things to do. I also would like to accommodate myself because I have other things that I would like to do.

Mr. **HRUSKA.** Mr. President, would the Senator object to a unanimous-consent agreement from time to time which would seek to consolidate each of these technical amendments specifically designated as agreed upon by the manager of the bill and a representative of the minority and, on that basis, make progress?

Mr. **MURPHY.** I would not object. I am in favor of making all proper progress that is practical. I do not think where there is a change of substance that it would be accepted without careful scrutiny. I would like to have a chance to study the amendments and make up my mind so that I know what I am doing.

When I go home, my people say, "Why did you vote this way or that way?" As a man who still believes in our representative form of government, I want to be able to tell them why. I know of no other way in which to do it.

Mr. **BYRD** of West Virginia. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

Mr. **PASTORE.** Mr. President, I think we are wasting time to save time. Therefore, I object.

The **PRESIDING OFFICER.** Objection is noted.

Mr. **COOPER.** Mr. President, I should like to ask a question.

The **PRESIDING OFFICER** (Mr. BYRD of Virginia in the chair). Who yields time?

Mr. **DODD.** I yield 1 minute to the Senator from Kentucky.

Mr. **COOPER.** I understand that some amendments already have been agreed to, without rollcall votes. Perhaps motions have been made to reconsider those votes, and to lay on the table the motions to reconsider, so that the amendments adopted are now beyond any further action.

I should like to ask specifically whether the amendment on page 17 has been agreed to.

Mr. **HRUSKA.** Yes; it has been.

Mr. **COOPER.** And it is now beyond any further action by the Senate?

Mr. **HRUSKA.** That is correct, because a motion to reconsider was laid on the table. But the unanimous-consent request of the Senator from West Virginia applies only to the remaining text of the bill and the remaining committee amendments.

Mr. **COOPER.** I would make the point that this amendment is very important. It provides, as I understand, that the prohibition against the sale of firearms by licensed dealers to residents of other States is waived in the case of purchases by individuals who reside in contiguous States. "Contiguous States," by logic, could be moved to include all the States in the Union.

I am sorry that there was not a quorum call, because many of us were at a meeting—known to those in charge of the bill—and had no opportunity to vote upon one of the most important amendments to this bill.

In my judgment, it almost nullifies a main purpose of the bill.

Mr. DODD. I tried to point out clearly—I hope I did—that this amendment actually improves the situation in the bill. It makes it stronger and tighter. The House passed such an amendment, with great deliberation, and made clear what they intended. In the committee, we added the requirement that an affidavit be filed, that there could be no delivery of the firearm until 7 days after the purchase and sale were made; that the State of the purchaser and the State of the seller must permit, by statute, that this individual can purchase and possess this type of weapon.

I say to the Senater from Kentucky that I do not know how much more strict we could make the gun law.

The purpose of the contiguous State amendment was to make it easier for people who live right on the boundary of a State. There are many such people in this country, who travel back and forth across the boundary every day to transact their business. That is all that was intended. I believe if the Senator considers it, he will reach the same conclusion. That is why it was done.

I certainly desire to hear the Senator from Kentucky on any version of this bill, and I hope he does not have the impression that we were rushing it through. That was the furthest thing from my mind.

At the beginning, I was concerned about this, but the more I thought about the 7-day waiting period and the necessity that the States of both the seller and the buyer permit it by affirmative legislative action, I became convinced this is as well as it could be done.

The PRESIDING OFFICER. The clerk will read the next committee amendment.

The LEGISLATIVE CLERK. On page 24, line 6, strike the word "or" before "licensed dealer".

The PRESIDING OFFICER. Is all time yielded back?

Mr. DODD. I yield back my time.

Mr. HRUSKA. I yield back the time of the minority.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The clerk will read the next committee amendment.

The LEGISLATIVE CLERK. On page 24, line 6, after "dealer," insert "or licensed collector".

Mr. DODD. I yield back my time.

Mr. HRUSKA. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The clerk will read the next committee amendment.

The LEGISLATIVE CLERK. On page 25, line 17, insert the following:

> (b) Any person desiring to be licensed as a collector shall file an application for such license with the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. The fee for such license shall be $10 per year.

Mr. TYDINGS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I yield 5 minutes to the Senator from Maryland.

Mr. TYDINGS. Mr. President, when we discussed the collectors' amendments relating to a so-called licensed collector and what he could and could not do, we adopted an amendment to the committee amendments by unanimous consent. At that time we agreed, but I told the Senator from Nebraska that in order to further clarify what a collector could do, I should like language added to the bill which would make certain that when a collector's license was granted, it was granted for the purpose of the individual being a collector, and not to open a loophole so that he could avoid the other provisions of the bill.

Accordingly, I would ask if the Senator from Nebraska would agree that at the end of line 21 we add the words:

> Any license granted under this section shall only apply to transactions in curios or relics.

That was the way it was described in the original amendment, entitled committee amendment No. 8, as to what a collector was. Otherwise, by merely getting a collector's license, one could avoid the dangerous-devices provisions of the bill and he could avoid any of the other provisions of firearms control which the entire bill seeks to set up.

I hope the Senator from Nebraska will agree.

Mr. DODD. I believe that is a good suggestion and an improvement.

Mr. PASTORE. Mr. President, may I ask a question in this connection?

When I was back home this past weekend, some of the sportsmen were a little apprehensive about this bill, because heretofore they could buy and own these guns, but they thought that as a result of the passage of this bill the payment of a fee would be imposed upon them.

Would the ordinary sportsman, who buys his gun according to the provisions of this bill, have to pay anybody any fee at all for the privilege of owning that gun?

Mr. DODD. No, except as the State may require. Nothing in this bill would require him to pay anybody anything, unless he is a dealer, an importer, a manufacturer, or a collector.

Mr. PASTORE. I merely want the record to be clarified on that point, because I believe it is misunderstood by some people.

Therefore, so far as we are concerned, is it correct for the Senator from Rhode Island to say that in the event this bill is passed and both short-barreled and long-barreled guns are controlled according to the provisions of the bill, insofar as the individual who is a sportsman or the householder who wants the gun for the protection of his life and property is concerned, there is no requirement that he come forth with even a penny for that privilege? Am I correct?

Mr. DODD. The Senator is correct.

Mr. HRUSKA. I rise to confirm the judgment of that situation as it has been expressed by the Senator from Connecticut.

Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLAND. If the Senator from Connecticut will yield me 2 minutes I should like to ask a question of both distinguished Senators.

Mr. DODD. I yield 2 minutes to the Senator from Florida.

Mr. HOLLAND. I have already spoken with the Senators about my concern with respect to people who are collectors only in the sense that they may have two, three, or four mementos that are aged firearms. The firearms might not go back before 1898, but they have some very notable value to the person. They are not used as firearms; they are mementos. Does that make of them a collector, requiring a license, under the terms of this bill?

Mr. DODD. Absolutely not.

Mr. HOLLAND. I ask the Senator from Nebraska.

Mr. HRUSKA. That is also my understanding. It does not constitute engaging in business, and it is a perfectly legal procedure.

Mr. HOLLAND. If I may ask one more question, then: All the provisions in the bill with reference to collectors and the licensing of collectors have to do with people who are in the business of collecting. Am I correct?

Mr. DODD. The Senator is correct.

Mr. HRUSKA. Mr. President, I do not know whether the Senator stated in his original question this proposition. If the State to which he goes has any law on its part that is something the Senator would have to figure out for himself. However, as far as the Federal law is concerned, the answer of the Senator from Connecticut is the proper answer.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. TYDINGS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TYDINGS. Mr. President, in order to propose an amendment which would add another sentence at the end of line 21 on page 25, am I correct that I must wait until all time is yielded back on the amendment and then propose the amendment?

Mr. HRUSKA. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 1 minute.

Mr. HRUSKA. Mr. President, I am happy to cooperate with the Senator from Maryland. I think it is carrying coals to Newcastle, because a collector's license is a collector's license which permits a collector to do collecting.

The statute says what it is. Perhaps the inquiry points to the fact the Senator from Maryland is a very careful lawyer, a supercareful lawyer. I shall offer no objection and I shall cooperate with the Senator in the amendment.

Mr. President, I yield back my time on the amendment.

Mr. DODD. I yield back my time on the amendment.

The PRESIDING OFFICER. The understanding of the Senator from Maryland is correct.

The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, I have an amendment on page 25, line 21, which would add the following sentence:

> Any license granted under this section shall apply only to transactions in curios or relics.

The PRESIDING OFFICER. Will the Senator from Maryland send the amendment to the desk so that it may be stated by the clerk?

Mr. TYDINGS. Very well.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 25, after line 21, insert the following sentence:

> Any license granted under this section shall apply only to transactions in curios or relics.

Mr. DODD. Mr. President, I have already stated that I think the language referred to would be an improvement and we will accept it. The Senator from Nebraska has said he would be willing to accept it. I see no reason to discuss it further.

I yield back all remaining committee time on this amendment.

Mr. TYDINGS. I yield back the remainder of my time.

Mr. MURPHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MURPHY. Mr. President, is there a question to be called up? It is difficult to hear back here. From this distance one might understand every fourth word.

I would like to ask if the question to be called is on the amendment offered by the Senator from Maryland.

The PRESIDING OFFICER. The Senator from California is correct.

Mr. MURPHY. I thank the Chair.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment offered by the Senator from Maryland. [Putting the question.]

The amendment was agreed to.

The PRESIDING OFFICER. The question is now on the committee amendment as amended. [Putting the question.]

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The legislative clerk read as follows:

> On page 25, line 22, strike "(b)" and insert "(c)".

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HRUSKA. I yield back my time.

Mr. DODD. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. [Putting the question.]

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The legislative clerk read as follows:

> On page 25, line 23, strike the word "may" and insert the word "shall":

Mr. HRUSKA. Mr. President, I yield back the remainder of my time on this amendment.

Mr. DODD. Mr. President, I yield back my time on this amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. [Putting the question.]

The amendment was agreed to.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Mr. President, is it in order to move reconsideration of the vote by which the amendment of lines 17 through 21 was added?

The PRESIDING OFFICER. It is in order.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment on lines 17 through 21 on page 25 was added.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The legislative clerk read as follows:

> On page 25, line 24, strike the word "the" and insert "a qualified".

Mr. HRUSKA. Mr. President, I yield back the remainder of my time on this amendment.

Mr. DODD. I yield back the remainder of my time on this amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The legislative clerk read as follows:

> On page 26, line 6, strike subsection (c) down to line 9, on page 27, and insert the language beginning on line 10, page 27, down to and including line 4 on page 30.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. DODD. Mr. President, not on this one.

Mr. TYDINGS. This is the dealer amendment.

Mr. HRUSKA. I am ready if the Senator from Connecticut is ready to yield back time.

Mr. DODD. No, Mr. President. That is the amendment on licensing standards. Is that correct, Mr. President? I want to be certain I am right about this matter. Is this the amendment beginning on line 6 on page 26 and running through line 9 on page 27?

Mr. MURPHY. Mr. President, may I pose a question?

Mr. DODD. Mr. President, I am trying to ascertain from the Presiding Officer where this language begins and where it ends. I understand it begins at line 6 on page 26. Where does it end?

The PRESIDING OFFICER. The clerk will restate the amendment.

The LEGISLATIVE CLERK. On page 26, line 6, strike out the language down to and including line 9 on page 27, as follows:

> (c) Any application submitted under subsections (a) and (b) of this section shall be disapproved and the license denied and the fee returned to the applicant if the Secretary, after notice and opportunity for hearing, finds that—
>
> (1) the applicant is under twenty-one years of age; or
>
> (2) the applicant (including in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of this chapter; or is, by reason of his business experience, financial standing, or trade connections, not likely to commence business operations during the term of the annual license applied for or to maintain operations in compliance with this chapter; or
>
> (3) the applicant has willfully violated any of the provisions of this chapter or regulations issued thereunder; or
>
> (4) the applicant has willfully failed to disclose any material information required, or has made any false statement as to any material fact, in connection with his application; or
>
> (5) the applicant does not have, or does not intend to have or to maintain, in a State or possession, business premises for the conduct of the business.

And insert in lieu thereof the following language which appears on page 27, line 10, down to line 4 on page 30:

> (d)(1) Any application submitted under subsection (a) or (b) of this section shall be approved if—
>
> (A) the applicant is twenty-one years of age or over;
>
> (B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transportating, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922 (g) and (h) of this chapter;
>
> (C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;
>
> (D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;
>
> (E) the applicant has, in a State or possession, premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time.
>
> (2) The Secretary must approve or deny an application for a license within the forty-five-day period beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act. If the Secretary approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.
>
> (e) The Secretary may, after notice and opportunity for hearing, revoke any license

> issued under this section if the holder of such license has violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary's action under this subsection may be reviewed only as provided in subsection (f) of this section.
>
> (f)(1) Any person who application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.
>
> (2) If the Secretary denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Secretary shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.
>
> (3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or revoke a license, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. MURPHY. Mr. President, I wish to direct an inquiry to the manager of the bill.

The PRESIDING OFFICER. Does the Senator yield to the Senator from California?

Mr. DODD. I yield.

Mr. MURPHY. The language would exclude people by reason of business experience, financial standing, and trade connections. Trade connections is a very broad term. There is also a proviso relating to those "likely to commence business operations."

This seems to be a fairly technical amendment and I respectfully ask the Senator from Connecticut to explain it and its purpose. It seems to me that the Senator is seeking to strike the committee's language in a very hurried manner.

Mr. DODD. Mr. President, I do not understand that this is being done in a hurried manner. I had asked for time to talk about it.

Mr. MURPHY. It is difficult for some of us who have other meetings and who have not had a chance to study this matter completely. I had always understood that it was the purpose of this body to be present and have discussions, dialog, colloquy, and debate.

My concern is that I find myself often in a position where I must hurriedly vote on something I do not understand and I do not have an opportunity to get explanations.

I assure my distinguished colleague that I am not trying to be difficult. However, I have had much mail on the gun bill which has been highly publicized, talked about, and approached from all angles. I want to come as close as I can to doing what the great majority of my constituency wants done and what needs to be done.

There seems to be a fairly substantial, technical change here and a great deletion, with a lot of language put in. I wonder whether the Senator could tell me in simple, one-sentence terms, exactly what his amendment will do?

Mr. DODD. I cannot do it in simple, one-sentence terms. I will say to the Senator from California that we have not taken it up hurriedly. We are only about to start it. We were not rushing it by, by any means. This section deserves, and should have, considerable discussion. I propose to offer an amendment, if it is in order to do so, to the language here, beginning on page 26, line 6 and continuing through to line 9, on page 28.

Mr. President, is it in order to move to amend the committee amendment as adopted in the committee?

The PRESIDING OFFICER. The Chair would advise the Senator from Connecticut that it would not be in order until all time has been yielded back on the pending amendment.

Mr. DODD. I am willing to yield back all time, with the understanding that immediately after that is done, I will be allowed to offer an amendment.

The PRESIDING OFFICER. The Senator will have the right to present an amendment once time has been yielded back.

Mr. DODD. If that is the only way we can get at it, all right.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, the amendment which we are considering has to do with the issuance of licenses and the procedures through which licenses to dealers, importers, as well as collectors and manufacturers, shall be issued. There was language in the bill as originally introduced in the Senate, which was deleted by the committee and replaced by language which was the equivalent of the language contained in the bill as it was reported to the other body by its Judiciary Committee. It was debated on the floor of the House and adopted as reported by the committee of the House.

Frankly, the burden of their objection to the original text of the bill is that the officials of the Treasury and Justice Departments testified that the purpose of the bill as they sent it up here and as they approved it would be to reduce the availability of firearms to the public. It might reasonably be expected that the broad language of the original text would be used to confine licenses to larger and more established firearms dealers and that the result would be in conflict with the small business and antitrust policies to which the Congress is committed. It was felt that instead of giving broad discretion and power to the Secretary to pass on the applications for licenses, that certain limitations would be spelled out and contained in the law itself. That makes good sense to a lot of us. It makes good sense to the Judiciary Committees of the Senate and the House. Therefore, the amendment that appears, commencing on page 27 of the bill, on line 10, I would strongly recommend be approved, because it does spell out the situation in wholesome and proper fashion and puts the granting of the authority and power in the statutes where it belongs, instead of at the discretion of a department.

Mr. MURPHY. Mr. President, will the Senator from Nebraska yield for a question?

Mr. HRUSKA. I yield.

Mr. MURPHY. Does the Senator's suggested new language go over to page 28? I believe it does.

Mr. HRUSKA. Does that language go that far?

Mr. MURPHY. Yes.

Mr. HRUSKA. Oh, yes; indeed.

Mr. MURPHY. Does it include starting at line 10?

Mr. HRUSKA. The proposed amendment starts on line 10 on page 27 and extends to page 42, line 30

Mr. MURPHY. May I ask this question. I read here that—

> If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. HRUSKA. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 additional minutes.

Mr. HRUSKA. I thank the Chair.

Mr. MURPHY. Under the section to compel the Secretary to act, may I ask of the distinguished Senator, how long would this action take to come about?

Mr. HRUSKA. That may be a procedure under the Administrative Procedure Act. But I would prefer to check the citation first. I would not know how long it would take.

Mr. MURPHY. Would the Senator be willing to take a rough guess at it?

Mr. HRUSKA. No, I would not be able to do that because the categories and procedures under the Administrative Procedure Act and other similar legislation are legion, and the number of situations are so varied it would be impossible without a thorough check.

Mr. MURPHY. I am speaking now in terms of a perfectly legitimate, honest, decent man who is in the business, a man of good reputation, a man of good character, who for some reason fails to have his application acted upon within 45 days.

What does he do? Is he out of business?

The PRESIDING OFFICER. The Senator will suspend until there is order in the Chamber. The Senate will please be in order.

The Senator from California may proceed.

Mr. MURPHY. If I understand correctly, he is not able to proceed with his business until the Secretary sees fit to act upon his application.

I have had some experience with these matters during my life and I know that some of these things take a great deal of time. I know, for instance, with regard to equal employment practices, that the Equal Employment Opportunity Commission has been able to get around to only less than all of the cases presented to it. How long must a man stand in the corner until the great wheels of bureaucracy get churning around to get to his number?

Here again we have a case where 45 days go by, through no fault whatsoever of the individual who wants to go into business. But he is out of business and we have no way of guessing how long it will take.

Mr. HRUSKA. May I answer the Senator's question in this way: It was considerations of that very type which led to the expanding of this article which spelled out in the procedure. There is no way under a licensing procedure to avoid either a denial of the application for a license or undue delay. We have to prescribe this appellate procedure. That is part of the way. If we had a Khrushchev or a Kosygin or someone like that in charge here, it would be a simple proposition; but we do not have them and we do not want them. We, therefore, have to resort to the orderly appellate procedure and this type which has been developing in this country for the past 300 years. This is one of them.

Mr. MURPHY. I would hope, in order to avoid this, that the States would move, and move quickly in this matter, which would eliminate the possibility which I have just spelled out. However, whether the States do or do not is not the question in hand. There is in the bill, and the language proposed is such, that if they do not act in 45 days, then the man has appellate procedure through which he can go, but we cannot seem to get any guess at the time it will take, whether it would be 6 months, 1 year, 10 years—you know—Johnny may never get his gun.

Mr. HRUSKA. I should like to assure the Senator that the result of adoption of the amendment will be to minimize and reduce any difficulties of that type.

Mr. MURPHY. Is there any possibility of a change, that is, placing the burden to act upon the Secretary rather than upon the individual citizen? In too many respects today it is an unequal contest between government and the people.

I think I shall dedicate at least part of the time allotted during the remainder of my future to try to get this back into proper perspective so that maybe there will be more consideration for the individual, more consideration for the citizen, and let the government once again become the servant and not the master.

I thank my distinguished colleague from Nebraska.

Mr. HRUSKA. Mr. President, I yield 8 minutes to the distinguished Senator from South Carolina on the pending amendment.

Mr. THURMOND. Mr. President, what the Judiciary Committee did here was to go back to the House bill. We felt it was simpler, we felt it was fairer, and we felt it would help small business.

I have just a few words on this subject.

The additional wording of the licensing provision which was deleted by the committee is so vague that it would give unnecessarily broad discretion to the Secretary of the Treasury. Whether tens of thousands of local small businesses have "business experience, financial standing or trade connections" and "business premises," all facts to be found by the Secretary prior to granting a license, are not subjects which the Federal Government should be investigating as a basis for denial of entry into or continuing in any line of bona fide business, including dealing in firearms and ammunition. In view of the testimony of the Treasury and Justice officials that the purpose of this bill is to reduce the availability of firearms to the public it might be reasonably expected that this broad language would be used to confine licenses to larger and more established firearms dealers. This result would be in conflict with the small business and antitrust policy to which the Congress is firmly committed.

The committee licensing provision is described on page 25 of the committee report, where it reads:

> The title would prescribe meaningful licensing standards and denial hearing procedures designed to assure that licenses would be isued only to responsible, law-abiding persons actually engaged in, or intending to engage in, business as importers, manufacturers, or dealers in firearms or ammunition.

Before a license is issued under this provision, the prospective licensee must meet the following statutory conditions:

First. The applicant is at least 21 years of age; Second. The applicant is not prohibited from transporting, shipping or receiving firearms or ammunition under the act; Third. The applicant has not wilfully violated this act or regulations issued thereunder; Fourth. The applicant has not wilfully failed to disclose or misrepresent material facts about the application or other information required; Fifth. The applicant has premises from which he intends to conduct the business.

Mr. President, any more discretion in the Secretary could lead to dictatorial type powers and could allow the misuse of these powers. Licenses could be denied to persons belonging to certain legitimate organizations and groups. The powers and discretion provided in section 923 of title I of the bill as reported by the committee are more than adequate to prevent a licensee from misusing the privileges bestowed by licenses. As it is presently written, the licensing section, along with the prohibitions of title I, has a number of built-in protections to prevent the issuance of licenses to persons who would misuse them. Section 923(a) provides that an application must "contain such information as the Secretary shall by regulation prescribe," and the Secretary would certainly ask questions which would make the applicant state in plain language that he intends to use the license for lawful purposes.

Section 922 contains eight pages of prohibitions applicable to a licensed importer, manufacturer, or dealer. A licensed individual cannot deliver a firearm to a person who is under the minimum age required by the bill, nor can he deliver a firearm to a person where he has reasonable cause to believe that the possession would be in violation of State or local law of the purchaser. It is unlawful for a licensee to sell a firearm to a nonresident of his State, with the one exception of sales which are consistent with the contiguous State provision; and it is unlawful to sell to any person any destructive device, machinegun, short-barreled shotgun, or short-barreled rifle. It is unlawful to sell a firearm or pistol ammunition to any person unless the licensee records the name, age, and place of residence of such a person. It is unlawful for a licensed dealer to make intrastate mail-order sales of firearms unless such sales adhere to the provisions of section 922(c), which requires that a sworn affidavit be sent to the chief local law-enforcement officer in the place where the buyer lives: It is unlawful for any licensed importer, licensed dealer, licensed manufacturer, or licensed collector to sell or otherwise dispose of any firearm or ammunition to any person he has reasonable cause to believe is a fugitive from justice or is under indictment or has been convicted of a felony. It is unlawful for any licensee to deliver to a common carrier for transport in interstate commerce or shipment to persons other than licensees any firearm or ammunition without giving written notice to the carrier about the item being shipped. It is unlawful for any person, including licensees, to transport in interstate commerce any stolen firearm with knowledge that such firearm has been stolen; and it is unlawful for any person to receive, conceal, store, borrow, sell, or dispose of any firearm which is a part of or which constitutes interstate or foreign commerce. It is also unlawful for any licensee "knowingly to make any false entry in or to fail to make appropriate entry in or to fail to properly maintain any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder."

Mr. President, although I certainly do not endorse the major provisions of this bill because it is based on the principle of prohibition, I believe there are a sufficient number of proscribed acts in order to give the authorities enough discretion to prevent a licensee from misusing the privileges he obtains when he becomes a Federal licensee to sell firearms or ammunition. To my way of thinking, the Secretary of the Treasury needs no further discretion, he needs no further powers, and I believe the Senate should adopt the committee amendment.

I repeat that the Judiciary Committee of the Senate adopted this amendment, and it is the same amendment that was adopted by the House. I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. Who yields time?

OBJECTION TO JUDICIARY COMMITTEE AMENDMENT RELATIVE TO LICENSING STANDARDS

Mr. DODD. Mr. President, I yield myself 15 minutes. I would like to discuss the language under consideration now.

Title IV to the omnibus crime bill was adopted by this body just 4 months ago and that title, which is now law, provides effective licensing standards for dealers, manufacturers, and importers of firearms.

S. 3633, as introduced, contained those same standards. However, a Judiciary Committee amendment struck one of the most important standards, that which denied a license to a person who by reason of his business experience, financial standing or trade connections would not be likely to conduct his operation in compliance with the act's provisions.

In addition, in revising the licensing standards, the committee deleted the requirement that an applicant have a business premises from which to conduct his business.

In amending these provisions of S. 3633, the Judiciary Committee severely weakened the licensing requirements of the act.

Let me point out that the standard relative to compliance with the act's provisions is not of recent origin in the Federal law. It was established by the Supreme Court in 1927 as a valid standard relative to the denial of liquor permits and has since that time been construed by the Court as reasonably necessary in the denial of a liquor permit to an individual because of his trade connections with the underworld.

It is a necessary and proper standard and one with which an applicant should comply in applying for a Federal license as a gun dealer, importer, or manufacturer.

The intent of this standard is to insure that the issuance of licenses for firearms dealers, manufacturers, and importers is in the best interests of public safety and it is for this reason that I believe the standard must remain in the Federal law.

The second standard, which was weakened by the committee, relative to the requirement of business premises is likewise reasonable and proper for effective enforcement of the act and must not be deleted from the Federal law.

Clearly, if an applicant does not have business premises from which to conduct his business, then he obviously is not in the business of dealing, manufacturing, or importing firearms and should not be entitled to a license under the Federal law.

This latter is exactly the area which has caused the Treasury Department problems over the last 30 years. They have estimated that 25,000 of the people that were issued licenses under the provisions of the Federal Firearms Act of 1938 were not actually engaged in the business for which they were licensed.

That is the precise reason for the establishment of reasonable and detailed standards in order to obtain a license, both under title IV of the crime bill and under S. 3633.

My colleagues will recall that they voted to include title IV of the omnibus crime bill six standards which an applicant for a Federal Firearms Act license had to comply with. Thus, title IV would deny a license to first, a person under 21 years of age; second, a felon, a fugitive, or person under indictment for a felony; third, a person who has violated any provision of the title; fourth, a person who has falsified his application; fifth, a person who is not likely to conduct operations in compliance with the title's provisions; and sixth, a person who has no business premises.

Now we are asked to delete two most important standards at the behest of the gun lobby. We are asked to eliminate standards five and six.

One of the main reasons is to allow National Rifle Association members who are not legitimate firearms dealers to get a Federal Firearms Act license to buy guns at a discount. And I am sure most of these collectors are not criminals. This is a minor fraud we have tolerated for the last 30 years. But this loophole has major consequences for this Nation. It has allowed borderline fly-by-night operators to traffic in guns. Operators who have sold tens of thousands of guns to juveniles, criminals, dope addicts, and worse.

Our record proves this.

One flagrant case comes to mind. The traveling gun dealers who loaded up a tractor trailer truck on the east coast and traveled to California allegedly to sell guns along the way.

I would like to quote from the Juvenile Delinquency Subcommittee hearing record of 1965 when the Los Angeles Police Department testified on these two licensing provisions of the bill that eventually became title IV and which we are now asked to strike.

Capt. Merton W. Howe of the robbery division of the Los Angeles Police Department testified:

> The section prohibiting licenses to the applicant who does not have or does not intend to have or to maintain business premises for the conduct of a business can be utilized by our department to curtail the activities of the itinerant gun seller who goes from town to town peddling his wares. This traveling gun dealer uses many a ruse to allow paramilitary organizations to transport their weapons.
>
> Recently, the Los Angeles Police Department and agents of the Alcohol and Tobacco Tax Unit of the Treasury Department arrested two such peddlers for illegal possession of machineguns. (The two men had each driven a 5-ton truck loaded with machineguns, an antitank cannon, rifles, mortars, training mockup machineguns, machetes, and some one-quarter of a million rounds of ammunition, from Delaware. The arrestees told our officers that they had traveled across the country selling their merchandise to various gunshops and at gun shows as they went.

Are we to delete these reasonable standards and allow these fly-by-nights to ply their trade? Is it such a drastic requirement for the Federal Government to say, "If you want to obtain a Federal Firearms Act license you must have a place of business and be in a position where you will be likely to conduct business in a proper manner?"

That seems reasonable to me and I think it should seem reasonable to my colleagues as well.

To delete these standards, as the committee has done, is not in the best interest of the Nation, nor in the best interest of effective enforcement and administration of the provisions of this measure.

I urge my colleagues to reject the committee amendments relative to the above licensing standards.

Then I shall propose, Mr. President, after we have done so, to offer my own amendments, which would simply restore these standards. As I understand the parliamentary situation, I can do that only after all time on this committee amendment has been consumed.

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. Mr. President, I yield the Senator from Alaska 5 minutes.

AMENDMENT NO. 871

Mr. GRUENING. Mr. President, I thank the Senator from Connecticut.

The people of my State are strongly opposed to this type of legislation. Therefore, I should like at this time to call up my amendment No. 871, and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair informs the Senator that that is not in order at this point. The committee amendments are being considered.

Mr. GRUENING. I ask unanimous consent that I may call up this amendment at this point. I will not ask for a rollcall.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to call it up or to offer it?

Mr. HRUSKA. Mr. President, would it not serve the purpose of the Senator to offer his amendment and discuss it, without calling it up?

Mr. GRUENING. It would.

Mr. BYRD of West Virginia. Mr. President, what is the request?

Mr. GRUENING. That I be permitted to discuss my amendment No. 871 briefly.

Mr. BYRD of West Virginia. Mr. President, I yield the Senator 5 minutes on the bill for that purpose.

Mr. GRUENING. I thank the Senator.

Mr. President, I ask unanimous consent that the amendment, No. 871, not be read but that it be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

> Add at the end thereof the following new section:
>
> "SEC. 9. The Governor of a State may certify to the Secretary that application of this Act or of title IV and VII of Public Law 90–351, approved June 19, 1968, or both, or of certain portions of such Acts, to residents of that State, or some part thereof, is not practicable or would cause undue hardships for certain classes of residents thereof. Upon receipt of such certification, the Secretary shall grant to such residents exemption from the application of the provisions of such Act or Acts."

Mr. GRUENING. Mr. President, this amendment is designed to rectify an intolerable situation which would result from the passage of S. 3633.

I described in detail the serious effects of the passage of this bill would have on many of the people in Alaska, those who live off the land, those who must travel into the woods beyond the city limits of even such a large city as Juneau, those who under the permissible age to own a gun but who can fly and are required by law to carry guns in the plane in case they are forced down on some rugged countryside and must forage for food or protect themselves from wild animals.

I ask unanimous consent that the two speeches I have made, one on

July 2, the other on September 13, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. GRUENING. Mr. President, for these reasons, I have repeatedly voted against restrictive gun legislation in the past and intend to do so in the future.

I have also repeatedly voiced my opinion that gun legislation should be left for enactment to States and localities since they are the ones which know the kind of regulation needed to meet local conditions. There is a role for the Federal Government with respect to gun legislation. That role should be limited to its use of its power to control interstate commerce to make certain that such commerce is not used to flout State and local laws.

However, it did not seem to me appropriate that, if the representatives of the people in other States felt that restrictive Federal gun control legislation is needed, I should stand in the way of enacting such legislation provided it did not adversely affect the people of my State who have indicated their overwhelming opposition to such legislation.

Accordingly, on July 2, 1968, I submitted an amendment to S. 3633—amendment No. 871—which I have now called up. The amendment is simple. It would permit the Governor of a State to adjust the applicability of S. 3633 to meet the peculiar needs of certain classes of people or certain areas of the State. Thus, for example, the Governor of Alaska could exempt from the application of S. 3633 all natives who needed guns for their very subsistence, regardless of their age.

In simple justice to the people of Alaska—and elsewhere in the United States—my amendment is extremely necessary. As I have said, it does not make the streets of Manhattan any safer to take the gun out of the hands of a man in Alaska who is dependent on it for his very livelihood.

I urge the adoption of my amendment.

Exhibit 1

Gun Laws: Are We Not Legislating in Panic?

(Speech of Hon. Ernest Gruening, of Alaska, in the Senate of the United States, Tuesday, July 2, 1968)

AMENDMENT NO. 871

Mr. Gruening. Mr. President, the foul, senseless shooting of the late Senator from New York, Robert F. Kennedy, following so closely as it did on the heels of the equally cruel and senseless shooting of the late Reverend Martin Luther King, Jr., has resulted in a widespread hue and cry throughout the United States for the speedy enactment of Federal gun control legislation.

In the past few weeks that hue and cry has at times approached panic.

Impelled not only by this public outcry, but by the obvious need of acting against the mounting incidence of crime, the Congress passed and the President signed the so-called Crime Control and Safe Streets Act of 1968. During the consideration of that bill by the Senate, I voted four times against restrictive gun amendments for reasons I shall make clear. The Senate Judiciary Committee now has before it a bill to extend further the gun control provisions of title IV of the Crime Control Act.

I shall continue to vote against restrictive gun control provisions which bear no relationship to the problems involved, which deprive individuals of subsistence, which deprive an individual of the right to defend himself against attack either by man or beast, or fly in the face of the relationships between our Federal, State, and local system of government which must be preserved.

It must be recognized at the outset that there is absolutely no way in which a law—Federal, State, or local—can be devised so as to prevent with certainty guns—or, for that matter, any other potentially lethal weapon—from falling into the hands of individuals determined to use them to kill or maim themselves or others or to use them for the commission of crimes.

It is illusory to hold out the hope that gun homicides can be eliminated entirely by the simple passage of a Federal act—and even the most ardent advocates of the strongest possible Federal gun control measure do not put forth such a claim.

It is likewise illusory to hold out the hope that it is possible to devise a Federal gun control law which could in one fell swoop take care of the myriad problems of a land and a people as diverse as the 50 States of this land.

The problems and the circumstances confronting a family living in downtown Manhattan—minutes away from a separate State—cannot be compared to the problems and circumstances of a family in a small, remote, isolated Alaska village not connected by road with any other village.

Looking at the problem of gun control in perspective, it is obvious that regulation should in the first instance be the responsibility of State and local governments. Ours is not a Federal system of government—it is a Federal-State system of government.

Unless there are urgent and compelling reasons for doing so—and none have been shown to me—the Federal Government should not preempt the field of gun regulation.

There are of course instances where the Federal Government, because of its power to regulate interstate commerce, must take action to prevent regulatory State legislation from being subverted. This the Federal Government has done in many instances, such as transporting stolen automobiles in interstate commerce.

In some instances a stolen motor vehicle in the hands of an inexperienced driver—or a driver seeking to make good his escape—can be just as lethal as a rifle. Yet there is no massive movement for providing Federal registration of automobile drivers, limiting such registration to individuals who meet rigid Federal standards as interpreted by some official in Washington. Instead, the Federal power in this field has been circumscribed and limited to just that area where it is needed—to those instances where the antisocial action continues beyond a State's borders.

But the proponents of gun control legislation seek to go much further. And they have.

In Public Law 90-351—the Omnibus Crime Control and Safe Streets Act of 1968—in title IV, the Federal Government uses two approaches.

One approach is to seek to prevent the undermining of State laws through the utilization of interstate commerce. Thus it prohibits the transfer by a resident of one State to a resident of another State of "any firearm which the transferee could not lawfully purchase or possess in accord with applicable laws, regulations or ordinances of the State or political subdivision thereof in which the transferee resides."

This is a valid exercise of Federal power to buttress the laws of the State.

But the crime bill goes further than that. It seeks to impose a Federal standard on the residents of all 50 States with respect to certain matters. For example, it is forbidden for any "licensed importer, licensed manufacturer, or licensed dealer to sell or deliver any firearm to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age, if the firearm is other than a shotgun or rifle."

The pressure is now on to delete the exemption for shotguns and rifles with respect to those between 18 and 21.

In the circumstances prevailing in many parts of Alaska, the strict enforcement of this provision would cause an unbearable hardship which I am certain its framers never intended.

Thus in many of the remote native villages of Alaska—Indian, Eskimo, and Aleut—the villagers must perforce depend for their subsistence on fish and game. Theirs is not a money economy. When game are running, the family must all participate in "gathering" food for the table. All those able to hunt must and do help. This is and has been their way of life since time immemorial. It is an operation akin to that carried out on a family farm when the crop is ripe. To say that only those 21 years of age or over can participate in hunting would be to deny many a native family of its very sustenance.

Even the younger members of the family, if able, must participate to fill the family larder. Thus, during World War II, while, as Governor of the Territory of Alaska, I was organizing the Alaska Territorial Guard, I was in a village when I saw one boy of about 11, out hunting alone, shoot down several ptarmigans on the wing with a .22 caliber rifle, rather than buckshot, which is good shooting at any age. Several Eskimo boys, 14 or under, enrolled in this wartime organization and they served well.

Perhaps it may be contended that the solution to this problem is easy. Have the father buy the gun and give it to his son.

There are two objections to this seemingly simple solution.

In the first place, why the prohibition if it can be circumvented so easily? During prohibition this country had its fill of scofflaws. Let us not see a repetition.

In the second place, some of the young men going on these hunts in the remote villages, are heads of families—either through the deaths of their fathers or because they are starting their own families. How are they to obtain the guns they need to procure food for themselves and their dependents without breaking the law?

Another example of how a blunderbuss approach to gun control legislation can wreak chaos because it cannot adequately cover the many specific situations in every part of the country:

Alaska is the "flyingest" State in the Union. Its residents have to fly because Alaska lacks roads, having been excluded from the Federal highway aid program for so many years. Under Federal Aviation Agency regulations a private pilot's license can be obtained at the age of 16. However, because of the danger inherent in a forced landing on some of the rough terrain in Alaska inhabited by predatory wildlife. Alaska law provides—Alaska statutes, section 02.35.12:

"No airman may make a flight inside the State unless emergency equipment is carried as follows . . . (D) one pistol, revolver, shotgun or rifle, and ammunition for same . . ."

The 16-year-old airman intending to take a flight in the State of Alaska thus faces a choice: he can disobey the State law and take a chance of being mauled or killed by a bear, or of starving, if he is forced down, or he can disobey the Federal law and follow the State statute enacted for his own safety. Why should the Federal Government force this choice upon him and to what end?

Another oversight in passing hasty, ill-conceived gun control legislation is that it affects the very safety of many of the residents of Alaska.

The forests just outside many Alaska cities have wild animals in them, such as bears and wolves. It is advisable in going into these woods for a stroll or a picnic to take along a gun. Indeed it is inadvisable not to do so. What is the 15-year-old boy to do when he wants to picnic in the woods—ask his father to go along with him or, if he has one, his older brother or sister who is over 18 or 21?

The omnibus bill is absolute in its prohibition of the sale of a handgun—and long guns if so extended—to a person who has been convicted of a felony. There are no ands, ifs, or buts about this prohibition. No exceptions are made. No period is specified after which an individual can be considered rehabilitated. No attempt is made to differentiate the types of felonies except those felonies relating to business crimes.

What is the head of a native family to do who must shoot to provide the only food he and his family will have, but is denied a gun because 15 or 20 years before, as a young man, he had been convicted of stealing $101, which under Alaska law is a felony?

Suppose the same man wants to take a stroll in the woods outside Juneau on a Sunday afternoon. The Omnibus Act would send him on that stroll without giving him a gun to protect himself and his family if charged by a grizzly, brown, or black bear.

What purpose is served by making him take such risks? Are the people walking the streets of Manhattan made any safer because a thoughtless Federal legal provision has endangered the life of a man in Juneau, Anchorage, or Fairbanks, or has made a native in a remote village of Alaska unable to feed himself and his family?

It is indeed ironic that much of recent furor for strong Federal gun control legislation erupted after the tragic killing of Senator Robert F. Kennedy. I say ironic because the gun used by the slayer of Senator Kennedy was purchased from a dealer in California and never left the State of California. California has one of the strongest gun control laws in the Nation.

Thus, as reported by the Washington Post on June 6, 1968:

"The gun used to wound Sen. Robert F. Kennedy and five other persons was originally purchased for home protection during the Watts riot in August, 1965, it was disclosed today.

The history of the 22-caliber, 8-shot pistol manufactured by Iver Johnson's Arms and Cycle Works in Fitchburg, Miss., [sic] includes at least four persons.

"It was bought at a sporting goods store during the riot by Albert L. Hertz, 72, of Alhambra, a Los Angeles suburb. He gave it to his daughter, Mrs. Robert F. Westlake of Woodacre, in Marin County in northern California.

"Mrs. Westlake told investigators she gave it to a family friend, George C. Erhard, 18, of Pasadena, last November or December.

"Erhard sold the gun to Joe, 'a bushy-haired Pasadena man,' who police identified as one of the brothers of Sirhan B. Sirhan, suspected of wounding Sen. Kennedy and the others."

Obviously, the most stringent legislation proposed could not, had it been enacted, prevented the murder of Robert Kennedy.

As I have said, in my opinion, the initial responsibility for the enactment of effective gun control legislation should rest on State and local governments in the first instance, buttressed by the power of the Federal Government to assure that State laws are not subverted because the writ of a State does not run beyond its borders.

In the enactment of Public Law 90-351 that was not done, so some of the provisions of that Federal law work a hardship on many of the residents living in the State of Alaska because of the unique condition of the last frontier. To remedy this situation, I send to the desk an amendment to S. 3633—now under consideration by the Senate Judiciary Committee—and ask that it be appropriately referred.

I ask unanimous consent that the amendment, the provisions of title IV and VII of Public Law 90-351, the provisions of S. 3633 as reported by the Senate Subcommittee on Juvenile Delinquency and a perceptive editorial from the Anchorage Daily Times of June 20, 1968, entitled "Guns in Alaska," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The amendment will be received, printed, and will be appropriately referred; and, without objection, the amendment and material referred to by the Senator from Alaska will be printed in the RECORD.

The amendment (No. 871) was referred to the Commitee on the Judiciary, as follows:

Add at the end thereof the following new section:

" 'SEC. 9. The Governor of a State may certify to the Secretary that application of this Act or of Title IV and VII of Public Law 90-351, approved June 19, 1968, or both, or of certain portions of such Acts, to residents of that State, or some part thereof, is not practicable or would cause undue hardships for certain classes of residents thereof. Upon receipt of such certification, the Secretary shall grant to such residents exemption from the application of the provisions of such Act or Acts.' "

EXHIBIT 2

Mr. GRUENING. Mr. President, I have in the past consistently opposed restrictive gun legislation.

I shall continue to oppose such legislation including the bill now before the Senate, S. 3633, as long as I am in the Senate.

One has only to read the provisions set forth in the 62 pages of S. 3633 and the technical explanation of those provisions set forth in the 105-page Senate Report No. 1501 to realize that in attempting a Federal blunderbuss approach at gun regulations which seek to fit all 50 States into one common mold we would be creating an intricate maze of laws and regulations, the effects of which on the lives of the people of the United States no one can foretell.

This is a nation of 50 united, yet individual, States. Each State has unique characteristics and diverse conditions. The situations prevailing in Alaska—with its vast underdeveloped areas—are not the situations to be found in industrialized Connecticut or Rhode Island. Similarly, the situations which exist on the streets of Sitka or Juneau or Fairbanks in Alaska cannot rightly be compared to the situations which exist on the streets of the cities of New York or Chicago or San Francisco.

We, in the United States, are all too prone to treat the symptoms and not the disease.

We know some of the causes of crime, even though we do not know all of them. For example:

We do know that an effective deterrent to crime is a better trained and better paid police force in adequate numbers—but we fail time and again to appropriate sufficient funds for such a force.

We do know that another effective deterrent to crime is speedy detection, trial, and sentencing of evildoers—and yet we constantly seek short cuts to the arduous, time-consuming task of crime detection and we permit criminal court dockets to be so crowded that criminals charged with crimes cannot be brought before the bar of justice but are permitted to roam the streets to continue to harass innocent citizens.

And so it goes through the many known causes of crime and the conditions breeding criminals.

Instead we seek to treat the symptoms, perhaps because it is cheaper than treating the causes.

Thus we read of people being killed by guns and immediately conclude that a national law is needed to limit the right to citizens to bear arms only to those citizens who we believe will not use it to do bodily harm to another citizen.

Gun legislation is a nice, easy target on which to focus citizen protest as a distraction for all citizens to shirk their own responsibilities to take positive action to do something about the root causes of crime.

And, when proponents' of restrictive gun legislation propose such restrictions in a Federal law applicable alike to all 50 States, regardless of the variations in the conditions existing in each of the States, then I think the Federal Government is going too far and is attempting to federalize what should be and what was intended to be a system of individual, sovereign States.

But, argue the proponents of restrictive Federal gun legislation, a man must register his car before he can drive it or must obtain a license before he can fish, then why not restrict the ability of a man to own a gun? The difference is in who does the restricting—the Federal or the State Government?

I hold an Alaska license to drive my car—not a Federal license.

When I fish in Alaska waters, I obtain an Alaska fishing permit—not a Federal one.

But, answer the proponents of restrictive gun legislation, why not centralize recordkeeping in the Federal Government and impose uniform restrictions on gun owning?

The answer, of course, is that if the Founding Fathers had intended to establish a single federalized nation they would have written a far different Constitution. They did not. They fought for and sought to preserve the sovereignty of each individual State and they so wrote the Constitution. We should preserve this system. The proposed restrictive gun legislation would only serve to weaken the sovereignty of each individual State.

Nowhere can the wrongful and injurious effects of a Federal restrictive gun control law, uniformly applicable throughout the land, be illustrated than in Alaska.

We start out with the premise, of course, that there is absolutely no way in which a law—Federal, State, or local—can be devised so as to prevent with certainty guns—or, for that matter, any other potentially lethal weapon—from falling into the hands of individuals determined to use them to kill or maim themselves or others or to use them for the commission of crimes.

It is illusory to hold out the hope that gun homicides can be eliminated entirely by the simple passage of a Federal act—and even the most ardent advocates of the strongest possible Federal gun control measure do not put forth such a claim.

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The problems and the circumstances confronting a family living in Downtown Manhattan—minutes away from a separate State—cannot be compared to the problems and circumstances of a family in a small, remote, isolated Alaska village not connected by road with any other village.

Gun control regulation should, in the first instance, be the responsibility of State and local governments.

Unless there are urgent and compelling reasons for doing so—and none have been shown to me—the Federal Government should not preempt the field of gun regulation.

There are, of course, instances where the Federal Government, because of its power to regulate interstate commerce, must take action to prevent regulatory State legislation from being subverted. This the Federal Government has done in many instances, such as transporting stolen automobiles in interstate commerce.

In some instances a stolen motor vehicle in the hands of an inexperienced driver—or a driver seeking to make good his escape—can be just as lethal as a rifle. Yet there is no massive movement for providing Federal registration of automobile drivers, limiting such registration to individuals who meet rigid Federal standards as interpreted by some official in Washington.

But the proponents of gun control legislation seek to go much further. And they have.

In Public Law 90–351, the Safe Streets Act of 1968—the Federal Government goes as far as I think it should properly go with respect to gun legislation. That act seeks to prevent the undermining of State laws through the utilization of interstate commerce. Thus it prohibits the transfer by a resident of one State to a resident of another State of "any firearm which the transferee could not lawfully purchase or possess in accord with applicable laws, regulations, or ordinances of the State or political subdivision thereof in which the transferee resides."

This is a valid exercise of Federal power to buttress the laws of a State.

In the circumstances prevailing in many parts of Alaska, many of the provisions of S. 3633 would cause an unbearable hardship which I am certain its farmers never intended.

Thus in many of the remote native villages of Alaska—Indian, Eskimo, and Aleut—the villagers must perforce depend for their subsistence on fish and game. Theirs is not a money economy. When game are running, the family must all participate in "gathering" food for the table. All those able to hunt must and do help. This is and has been their way of life since time immemorial. It is an operation akin to that carried out on a family farm when the crop is ripe. To say that only those over a certain age can participate in hunting would be to deny many a native family of its very sustenance.

Even the younger members of the family, if able, must participate to fill the family larder. Thus, during World War II, while, as Governor of the Territory of Alaska, I was organizing the Alaska Territorial Guard, I was in a village where I saw one boy of about 11, out hunting alone, shoot down several ptarmigan with a .22-caliber rifle, rather than buckshot, which is good shooting at any age. Several Eskimo boys, 14 or under, enrolled in this wartime organization and they served well.

Perhaps it may be contended that the solution to this problem is easy. Have the father buy the gun and give it to his son.

There are two objections to this seemingly simple solution.

In the first place, why the prohibition if it can be circumvented so easily? During prohibition this country had its fill of scofflaws. Let us not see a repetition.

In the second place, some of the young men going on these hunts in the remote villages, are heads of families—either through the deaths of their fathers or because they are starting their own families. How are they to obtain the guns they need to procure food for themselves and their dependents without breaking the law?

Another example of how a blunderbuss approach to gun control legislation by Federal law can wreak chaos because it cannot adequately cover the many specific situations in every part of the country:

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The 16-year-old airman intending to take a flight in the State of Alaska thus faces a choice: he can disobey the State law and having been forced down somewhere in the "bush," take a chance of being mauled or killed by a bear, or of starving far in the Alaskan wilderness if he is forced down, he can disobey the Federal law and follow the State statute enacted for his own safety. Why should the Federal Government force this choice upon him and to what end?

Another oversight in passing hasty, ill-conceived gun control legislation is that it affects the very safety of many of the residents of Alaska.

The forests just outside many Alaska cities have wild predatory animals in them, such as bears and wolves. It is advisable in going into these woods for a stroll or a picnic to take along a gun. Indeed it is inadvisable not to do so. What is the 15-year-old boy to do when he wants to picnic in the woods—ask his father to go along with him or, if he has one, his older brother or sister who is over 18 or 21?

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"Erhard sold the gun to Joe, 'a bushy-haired Pasadena man,' who police identified as one of the brothers of Sirhan B. Sirhan, suspected of wounding Sen. Kennedy and the others."

Obviously, the most stringent legislation proposed could not, had it been enacted, prevented the murder of Robert Kennedy.

Recently a constituent called my attention to a very significant and ironic decision by the Supreme Court bearing on this matter. The Court held that a felon barred by statute from owning a gun could not be prosecuted for failure to register the gun, since to rule otherwise would violate his constitutional right against self-incrimination. Thus a gun registration statute is applicable to the law-abiding and permits felons to flaunt it at will.

As I have said, in my opinion, the initial responsibility for the enactment of effective gun control legislation should rest on State and local governments in the first instance, buttressed by the power of the Federal Government to assure that State laws are not subverted because the writ of a State does not run beyond its borders.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

I oppose the type of amendment the Senator from Connecticut proposes to apply to the pending amendment. As I understand, it is the intention of the Senator to offer his amendment as a perfecting amendment.

Mr. DODD. The Senator is correct.

Mr. HRUSKA. I oppose the amendment. It is said the provisions which the Senator from Connecticut seeks to restore are presently found in Public Law 90–351, which was approved in June of this year. But let us consider the circumstances under which that law was passed.

Title IV passed the Senate as an amendment to the House passed bill. When the amended bill was returned to the House, the House agreed to the amendment. There was an intervening tragedy. One of our colleagues was assassinated. There was no debate worthy of the name in the House. No hearings were held on the subject by the House. The House acted simply with what amounted to stark reality—a yea-and-nay vote. That is what happened.

On the second go-around, when the House considered this very subject of licensing qualifications, it took major exception to the vagueness and the mischief contained in the law as we had enacted it. They said, "This will not do. We want something that will be more specific within the act itself. We want to remove those vast areas of discretion which have been vested in the Secretary of the Treasury and put this in the law."

That is the way it is. And that is the way it should stand.

It is said, "We do not want any of these loopholes so that a lot of fly-by-nights can engage in the business." This has been the law of the land for too long.

I would like to recite some of the evidence on this matter that was brought out very reluctantly from the officials of the Treasury Department. When they finally put their minds to it and a little manpower, within very recent times, they were able in the central eastern area of the United States to cancel for cause 1,500 out of 5,000 dealers licenses which existed in that area. All it needed was a little processing and a little enforcement. It could have been done, even under the law that existed prior to June 19, 1968, when Public Law 90-351 was signed by the President.

I say to the Members of the Senate, let us not make a mistake, first of all, and run afoul of the very careful consideration given to this matter in the House and fly in the face of reason and of sound recognition of the idea that this is the lawmaking and the policymaking body of the Nation. That power should not reside in any of the executive departments downtown. This is it, and we ought to be making the law and the rules as nearly as we can here, and then have them executed and carried out by any of the executive departments.

It is for those reasons that I rise in opposition to the proposed amendment. At a later time I shall repeat the same arguments when the time is allocable on the perfecting amendment which the Senator from Connecticut will propose. And I do hope that when that time comes, the Senate will reject the perfecting amendment and allow the committee amendment to stand unimpaired.

Mr. DODD. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. DODD. Mr. President, I point out that hearings have been held on this matter as far back as 1965.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. HRUSKA. Mr. President, I referred to hearings on the House side in 1967. There were no hearings on the House side on this subject before a vote was taken in 1968.

Mr. DODD. There were hearings on this side. And they were extensive. We went into the whole matter in considerable depth.

The House Ways and Means Committee held hearings on the same subject matter back in 1965. This is nothing new. It has been considered before.

I say once more that what I am trying to stop is a set of circumstances like that which the Los Angeles police authorities had on their hands when they picked up a couple of these fly-by-night peddlers in a truck. They had machineguns, antitank guns, rifles, mortars, and machetes, and heaven knows whatnot in the truck. They said they had driven across the country from Delaware to California and peddled that stuff all the way.

I do not think there ought to be any possibility of that recurring. While we are on the matter of trying to write a better and more sensible law, it seems to me that we ought to take this into consideration and say that we do not want this kind of person peddling firearms.

Mr. HRUSKA. Mr. President, is it the contention of the Senator that that expedition of this truck peddling gang was legal even under the law that existed at that time? If not, why make the statement that it is the desire of the Senator to prevent it? It was illegal at the time.

Mr. DODD. It was certainly legal under the 1938 act, as the Senator well knows. There is not any question about that.

If the pending bill is passed, such acts will not be legal. We will have done away with the destructive devices. However, if they do not peddle one thing, they will peddle another. We have these itinerants on our hands. There have been many instances of this sort.

I ask the Senate to please consider that it is not very much to ask that a dealer in these dangerous commodities, as I said a few moments ago, have a place of business and a counter over which he does his business, so that the general public is aware of it and the Treasury Department and the State law enforcement authorities know about it.

We do not want these people to be drifting from one highway to another, selling these weapons without proper supervision and control. That is the point.

I do not know why the practice has not been abandoned. I hope that this language is rejected. Later, I will offer my amendment.

Mr. HRUSKA. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 1 minute.

Mr. HRUSKA. Mr. President, for the benefit of those who are not present, I should like to say that when the perfecting amendment comes before the Senate, there will be a request for a rollcall vote.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DODD. Mr. President, in order for me to offer a perfecting amendment to the committee amendment, do I correctly understand that I should refrain from voting on the amendment?

The PRESIDING OFFICER. The Senator will have to offer his amendment before the committee amendment is acted upon.

Mr. DODD. I will offer the amendment before a vote is taken.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. DODD. I yield back my time.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. Is the time allocable on the perfecting amendment the same as is allocated to an amendment?

The PRESIDING OFFICER. One hour.

Mr. HRUSKA. Is it not the normal procedure that when a perfecting amendment is proposed, the perfecting amendment is voted on first?

The PRESIDING OFFICER. The Senator is correct.

Mr. HRUSKA. And if it is adopted, the original amendment as amended is voted upon?

The PRESIDING OFFICER. The Senator is correct.

Mr. HRUSKA. Mr. President, for the purpose of allowing and facilitating the Senator from Connecticut's presentation of his perfecting amendment, I yield back the remainder of my time on the amendment proper.

The PRESIDING OFFICER. All time on the amendment has been yielded back. It is now in order for the Senator to present his perfecting amendment.

Mr. DODD. I send the perfecting amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

On page 27, strike out "section 922(g) and (h)" in lines 20 and 21 and insert in lieu thereof "the provisions".

On page 27, line 21, insert after the semicolon the following: "and is, by reason of his business experience, financial standing, or trade connections, likely to commence business operations during the term of the annual license applied for and to maintain operations in compliance with this chapter;".

On page 28, strike out lines 5 through 9 and insert in lieu thereof the following: "(E) the applicant has, or intends to have or to maintain, in a State or possession, business premises for the conduct of the business."

The PRESIDING OFFICER. Does the Senator wish that the amendments be considered en bloc?

Mr. DODD. I do, Mr. President. I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Mr. President, I should like to ask a question. Is not the substance of the Senator's perfecting amendment, which was just stated, the substance of amendment 951, which is at the desk?

Mr. DODD. I believe it is; yes. Yes, it is essentially the same.

Mr. HRUSKA. For the purpose of identification, I ask that question. I thank the Senator for his answer.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. DODD. I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I rise to speak in support of the amendment of the Senator from Connecticut. Basically, this would plug a loophole which unfortunately was opened by the Committee on the Judiciary.

I must register a strong objection to the relaxing of the licensing standards as set forth in the original text of the bill. In order to understand how serious a change this would be, I should like to explain exactly what change was made.

Under existing law, and under S. 3633 as it was introduced, and under S. 3633 as it will be if the perfecting amendment is adopted, two substantive qualifications would be required for federally licensed dealers, and those requirements are very sound and logical requirements. The first requirement is that he be a legitimate dealer, that he have a place of business or that he be reasonably likely to have a place of business. Specifically, the first requirement, which is covered in the amendment of the Senator from Connecticut, would state that the applicant not be by reason of his business experience, financial standing, or trade connections—unlikely—to commence business operations during the term of the annual license applied for or to maintain operations in compliance with this chapter.

This language is taken from the Federal Alcoholic Administration Act, 27 United States Code, section 204, which has worked fairly and effectively in that field for many years. It is designed to prevent somebody who really has no intention of being a legitimate gun dealer from paying $10 and thus avoiding all the provisions of S. 3633, which we are laboring over in the Senate and which hopefully will be enacted into law.

The second requirement under existing law, under S. 3633, and under the perfecting amendment would be that the applicant have or intend to have "business premises for the conduct of the business."

I believe these changes are highly reasonable. They merely make certain a dealer is going to be a dealer. Otherwise, as unfortunately has happened in the past, in order to avoid the provisions of this act, someone merely sends in $10 and says, "I have a home; it is my intention to go into the gun dealer business," so to speak, but without ever doing so or without ever having any reasonable likelihood of doing so.

Sustituted for these two requirements of existing law is the single new requirement that the applicant have "premises from which he conducts business—or from which he intends to conduct such business within a reasonable period of time."

This change in language is not merely a technical change to clarify the meaning of the provision. It is a substantive change with far-reaching implications. The crux of the matter is that the new language opens the licensing sections wide open to anyone who cares to become a licensed dealer. Existing law and the original bill limit applicants to those having or intending to have "business" premises. The new language eliminates this restriction. The new language would allow anyone with a house or apartment—which would be his "premises"—to claim that he was intending to conduct his business within a reasonable period of time. His only business purpose need be trafficking in guns. The problem of everyone, and not just gun dealers, applying for Federal gun licenses is exacerbated by the fact that the language in the bill authorizing the Secretary to grant such licenses has been changed by the committee from permissive to mandatory language. Thus, the Secretary is compelled to grant a license to just about everyone who applies and claims they intend to do business within the reasonably foreseeable future from their living room. Under the new licensing standards, almost everyone who is entitled to purchase a gun is entitled to become a licensed dealer.

Although there are for me numerous objections to this change, I think the most serious objection is that the change would thwart the basic prohibitions of not only this bill but of title IV of the Safe Streets Act of 1968. It is very important to be aware that this change does affect the handgun controls which this entire body voted on and approved and which became the law of the land just 3 months ago.

The new language will create a major loophole to interstate controls of both long guns and handguns, in that most of these controls exclude the licensed dealer. For example, a licensed dealer is not covered by first, the prohibition against mail-order sales of handguns, rifles, and shotguns; second, the prohibition against over-the-counter sales to nonresidents of handguns, rifles, and shotguns; third, the prohibition against transporting handguns, rifles, and shotguns, purchased out of State into one's State of residence; and, fourth, the restrictions on transporting destructive devices, machineguns, and sawed-off shotguns.

If we allow most gunowners the option of circumventing all these prohibitions by merely paying $10 to obtain a Federal gun license, then we will have undermined what we so thoughtfully legislated in title IV of the Safe Streets Act as well as undermining the purpose of the bill now before the Senate.

I hope the Senate will support the amendment of the Senator from Connecticut and plug a very unfortunate loophole which the Committee on the Judiciary has inserted.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, the Senator from Maryland has offered a very clear explanation of the need for this amendment.

I do not know whether anyone else wishes to be heard.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum, the time to be charged to my time on this amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, the perfecting amendment before us has been discussed a great deal already. I wish to summarize the situation quickly. It is true the language was found in Public Law 90-351 that we passed last June. It was in there by reason of the fact that the bill was the result of the action of the Senate only. The House did not get an opportunity to amend the bill or consider the particular changes in it. The House had no hearing on this bill. They had hearings earlier, perhaps in 1964 and 1965, on the situation involving enforcement of the national or Federal Firearms Act and this aspect in particular.

However, when the House did get to this subject matter, they objected to the language in the June 1968 law because it was vague, unsatisfactory, and gave too much discretionary judgment and power to the Secretary of the Treasury and his agents and officials. They reworded the bill as originally submitted and introduced in the House so as to include the language that we now find in the committee amendment to S. 3633.

It is that language which the perfecting amendment of the Senator from Connecticut seeks to amend. The same objection still adheres to the perfecting amendment. It is vague. It allows too much subjective judgment and discretionary power to be exercised by the Secretary of the Treasury and his officials.

I would like to suggest we have a situation in the capital city of my native State where an individual reloads all of the ammunition for the police department, Lincoln, Nebr. He does it in his home. Is that a place of business or not? He does it well and he does it reliably. Under the language that is proposed in the perfecting amendment would he have a business premises or would he not? Yet, there he is. If ever there is a definition of "small business" that is one, and the law would require that he rent a business address on some street and go to the unnecessary expense of all that goes with it, accomplishing nothing.

Mr. President, I would ask: where is the definiteness in the description, for example? It is stated:

> By reason of his business experience (an applicant for a dealer's license who, by reason of his experience, is) likely to commence business during the term of the annual license * * *.

Mr. President, what business experience? Is it as a barber, a shoemaker, or a farmer?

Then, there is his financial standing. How much financial standing does he have to have? Is that in the discretion of the man who will pass on this application?

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. TYDINGS. Is this not the same language that has been used in the Federal Alcoholic Administration Control Act for the past several decades, and used and interpreted and found to be very reasonable and effective?

Mr. HRUSKA. I would like to point out to the Senator the case of *Ma-King* v. *United States* 271 U.S. 479 which reached the Supreme Court 30 or 40 years ago and which goes into the business of legitimacy of standards like this being applied to a business.

I submit there is a difference between conducting a wholesale liquor business and a retail store for reloading, repair, sale, or resale of guns.

Mr. DODD. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. DODD. Mr. President, would the Senator agree that the difference is that the weapons dealer is much more dangerous than a liquor dealer?

Mr. HRUSKA. The devotees and students of alcoholism in America would hardly agree with that statement.

Mr. DODD. I ask the Senator if he agrees.

Mr. HRUSKA. No; I do not agree because the dealers do not create the trouble. It is those who steal from the dealers and misuse the weapons who give trouble.

Mr. DODD. Mr. President, will the Senator yield further?

Mr. HRUSKA. I yield.

Mr. DODD. A moment ago the Senator was discussing the requirement that they have business experience and financial standing.

Mr. HRUSKA. Yes.

Mr. DODD. The reason for that is that out of our records we had the experience of more than one dealer whose business experience was that he was a convicted mail-order pornographer. They nevertheless were running fly-by-night businesses as dealers in firearms. One in particular sold mail-order guns to children and criminals and people who never should have had them. He had no financial background and obviously should not have been allowed in a business of any kind. He was a man with a police record and he had no business experience.

I think that a man going into a dealership in firearms should know something about that business, what kind of guns are involved, and the kind of ammunition that is involved. That is reasonable as far as standards are concerned.

In addition, we do not want anybody to obtain a license who is a Mafia-connected individual, for example. But if the Secretary of the Treasury cannot ascertain what his trade connections are, it would be difficult for him to do so. These things were not put in the bill lightly. They were put in for a very good purpose.

Mr. HRUSKA. Perhaps trade connections, which is the next category, would include connections with the Mafia and perhaps the Secretary of the Treasury or his agent would ask the applicant, "Do you have connections with the Mafia?" I am sure he would get an answer that would not be a truthful answer. That illustrates the point all over again.

The criteria provided in the perfecting amendment is so vague that the other body said, "Nothing doing." I submit that is a good judgment on its own merit without regard to what the House did.

There were 1,500 revocations of licenses out of 5,000 in one geographical area resulting from the Secretary of the Treasury putting somebody on the job to enforce the law. We are not going to get anywhere with the law of the committee unless we have enforcement. That is the burning issue of today in this Republic.

I say this perfecting amendment should be rejected, and at a later time there should be a vote on the committee amendment which reflects a much better balanced view.

Mr. DODD. Mr. President, I shall take only a minute. I wish we could have a vote on this matter.

In the House this language was deleted by the Committee on the Judiciary not as a result of floor debate.

I remind the Senator, and I am sure he remembers, that we had the experience of the Minutemen urging their members to become licensed gun dealers so they could more easily get their hands on firearms. This should not be tolerated. I do not know how to avoid it except by tightening up the standards for a dealer's license.

Mr. HRUSKA. When reference is made to the Minutemen in an effort to keep them out, it is stretching the imagination to say that the committee amendment would not keep them out but the perfecting amendment would. I submit the committee amendment would keep them out. In fact, the perfecting language would be a possible source of harassment of law-abiding citizens.

Mr. President, I yield back the remainder of my time.

Mr. DODD. Mr. President, I yield back the remainder of my time.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the perfecting amendment of the Senator from Connecticut [Mr. DODD].

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I also announce that the Senator from Missouri [Mr. LONG] is absent on official business.

On this vote, the Senator from Florida [Mr. SMATHERS] is paired with the Senator from Arkansas [Mr. FULBRIGHT]. If present and voting, the Senator from Florida would vote "yea" and the Senator from Arkansas would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maine [Mrs. SMITH] and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Maine [Mrs. SMITH] and the Senator from Texas [Mr. TOWER] each would vote "nay."

The result was announced—yeas 42, nays 45, as follows:

[No. 276 Leg.]

YEAS—42

Anderson
Bayh
Boggs
Brewster
Brooke
Byrd, W. Va.
Case
Clark
Dodd
Fong
Goodell
Griffin
Harris
Hart
Hartke
Inouye
Jackson
Javits
Kuchel
Lausche
Long, La.
Magnuson
Mansfield
McIntyre
Miller
Mondale
Montoya
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—45

Aiken
Allott
Baker
Bennett
Bible
Burdick
Byrd, Va.
Cannon
Carlson
Church
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Gore
Gruening
Hansen
Hatfield
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
McGee
Metcalf
Morse
Morton
Moss
Mundt
Murphy
Prouty
Russell
Sparkman
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—13

Bartlett
Fulbright
Hayden
Hollings
Kennedy
Long, Mo.
McCarthy
McGovern
Monroney
Muskie
Smathers
Smith
Tower

So Mr. DODD's amendment was rejected.

Mr. HRUSKA. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. ALLOTT (and other Senators). I move to lay that motion on the table.

Mr. PASTORE. Mr. President, was there a moton to reconsider?

The PRESIDING OFFICER. Yes.

Mr. PASTORE. I ask for the yeas and nays.

Mr. HRUSKA. On the motion to table?

Mr. PASTORE. There was no motion to lay on the table.

Mr. HRUSKA. There were three motions to table on this side of the aisle. Perhaps the Senator did not hear them.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. On the motion to table?

Mr. PASTORE. On the motion to table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KUCHEL (after having voted in the negative). Mr. President, on this vote I have a pair with the junior Senator from Texas [Mr. TOWER]. If he were present, and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from Florida [Mr. SMATHERS], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

I also announce that the Senator from Missouri [Mr. LONG] is absent on official business.

I further announce that, if present and voting, the Senator from Florida [Mr. SMATHERS] would vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from Arkansas would vote "yea" and the Senator from Pennsylvania would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maine [Mrs. SMITH] and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Maine [Mrs. SMITH] would vote "yea."

The pair of the Senator from Texas [Mr. TOWER] has been previously announced.

The result was announced—yeas 45, nays 39, as follows:

[No. 277 Leg.]

YEAS—45

Aiken
Allott
Baker
Bennett
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Gore
Gruening
Hansen
Hatfield
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
McGee
Metcalf
Morse
Morton
Moss
Mundt
Murphy
Prouty
Russell
Sparkman
Stennis
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—39

Anderson
Bayh
Boggs
Brewster
Brooke
Case
Dodd
Fong
Goodell
Griffin
Harris
Hart
Hartke
Inouye
Jackson
Javits
Lausche
Long, La.
Magnuson
Mansfield
McIntyre
Miller
Mondale
Montoya
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Spong
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Kuchel, against.

NOT VOTING—15

Bartlett
Clark
Fulbright
Hayden
Hollings
Kennedy
Long, Mo.
McCarthy
McGovern
Monroney
Muskie
Smathers
Smith
Talmadge
Tower

So the motion to lay on the table the motion to reconsider was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which this committee amendment was agreed to.

Mr. ALLOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 972

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. JACKSON. Mr. President, I send to the desk an amendment and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. FONG. Mr. President, the time is long past due for the Congress to enact the strongest possible gun-control laws.

The easy access to weapons by immature juveniles, felons, drug addicts, and persons with a record of emotional instability can no longer be tolerated. This Nation can no longer fail to enact legislation—strict, effective, and comprehensive—to control the indiscriminate sale and use of all firearms.

STAGGERING TOLL

The urgency of the need for immediate action cannot be overstated or overemphasized. The toll that guns take annually is a staggering one.

Each year, more than 7,000 murders, 55,000 aggravated assaults, and 70,000 robberies are committed with firearms. Each year, firearms cause some 20,000 deaths and 100,000 nonfatal injuries.

Each day, it has been estimated that 50 lives—more than one every half hour—are maimed or destroyed by gunmen.

Incredibly, over 200,000 more have been killed by privately owned firearms since 1900 than have died in all wars in which the United States has been involved. Between 1900 and 1966, guns were responsible for 270,000 murders, 360,000 suicides, and 138,000 deaths by accident—a total of about four-fifths of a million Americans. In that same period, from the Spanish-American War to Vietnam, American war dead totaled 600,000.

In 1967 alone, 63 percent of all murders were committed with guns—a 16-percent increase over 1966 and the highest percentage ever recorded; aggravated assaults with a gun rose by 23 percent; and armed robbery increased by 26 percent. During the 1964–67 4-year period, armed robberies with a gun increased by 58 percent, and assaults with a gun by 77 percent. When firearms are not involved, only one out of every 20 assaults results in death; but when firearms are used, one out of five results in the victim's death.

Of all homicides by firearms, nearly one-third are committed with shotguns and rifles. The number of such homicides has steadily mounted over the years; for example, there were 1,525 rifle and shotgun homicides in 1964; in 1965, the number rose to 1,690; in 1966, it was 1,750; and last year, in 1967, the figure reached 1,850.

In 1967, 71 of the 76 police officers killed in the line of duty by criminal action fell victim to the gun. Ninety-six of the 411 officers murdered serving the public since 1960 have been murdered with guns.

The catalog of public figures assassinated, wounded, or assaulted with firearms reads like "Who's Who in America," including such distinguished names as Abraham Lincoln, John Fitzgerald Kennedy, Dr. Martin Luther King, and Senator Robert F. Kennedy.

The annual rate of murder by firearms for this country is astronomic when compared to the rates for 15 other civilized nations of the world.

According to figures compiled by the Department of Health, Education, and Welfare, Bureau of Vital Statistics, the American homicide rate for 1966 was three and one-half for every 100,000 population—a rate 55 times the rate for Great Britain; 35 times the rate for Germany, 55 times the rate for Japan; and 100 times the rate for the Netherlands.

During the early 1960's, the average number of firearm homicides per year for Great Britain and Japan was 30—a figure roughly equivalent to the number of firearm murders in our country in 2 days. During the period 1960 to 1963, the Netherlands did not have a single case of murder by firearms, and in 1965, had only five.

LAWS INEFFECTIVE

In this country, according to one estimate, some 20,000 laws deal with the manufacture, sale, and use of firearms. But none are effective.

In 41 States and the District of Columbia, one can buy either a rifle or a pistol without a license of any kind; in seven States the law requires a permit to buy a handgun; one State, South Carolina, prohibits the sale of handguns; and two States, Hawaii and New Jersey, now require the registration of all guns by description, serial number, and ownership.

Extremely compelling is the fact that in States which have strong gun-control laws, the incidence of homicides committed with guns is far smaller than in States with no law or which have ineffective controls. For example: in four States having strong gun-control laws, the proportion of murders committed in the last 4 years, according to the FBI report, was well below the national average of 57 percent. In Pennsylvania, firearm murders were 43 percent of the total; in New Jersey, 39 percent; in Massachusetts, 35 percent; in New York, 32 percent. On the other hand, States with minimal controls or no such law had much higher rates; Colorado, 59 percent; Louisiana, 62 percent; Arizona, 66 percent; Montana, 72 percent; Texas, 69 percent, and Nebraska, 70 percent.

Figures for our cities told the same story.

During 1965 hearings of the Judiciary Subcommittee on Juvenile Delinquency, Attorney General Katzenbach pointed out that in Dallas, Tex., and Phoenix, Ariz., where firearms regulations are virtually nonexistent, the percentage of homicides committed by guns in 1963 was 72 percent in Dallas and 65.9 percent in Phoenix.

On the other hand, in cities having strong regulations, the figures were markedly lower: Chicago, 46.4 percent; Los Angeles, 43.5 percent; Detroit, 40 percent; Philadelphia, 36 percent; New York, 25 percent.

The only Federal laws concerning firearms—the National Firearms Act of 1934, and the Federal Firearms Act of 1938—have been aptly described by one commentator as "antiquated and impotent legal travesties."

Even where strong state laws and municipal ordinances on firearms exist, these laws and ordinances are violated wholesale because of the total absence of effective Federal laws. It is astonishingly easy for any resident of a city or State having strict gun laws to circumvent the laws and purchase a weapon—by mail-order sale, or by simply travelling to a neighboring State with a weak or no law and buying a firearm over the counter.

In short, strong local and State laws are subverted with the greatest of ease by the deadly interstate traffic in firearms.

In contrast to the hodge-podge of American law, Britain imposes an elaborate system for licensing gunownership and registering all sales of guns and ammunition. French, Italian, and German laws are at least as tough; Spanish procedures are even more difficult.

Japanese law allows only police officers to own handguns. In most of Russia, private ownership of any rifle or revolver is punishable by as many as 2 years' imprisonment.

No one can make even a rough guess at how many guns are in private hands in this country. Estimates have ranged from a low of 50 million to a high of 200 million.

It is known, however, that each year at least 2 million domestically manufactured guns and 1.2 million imported guns are sold—but in 1967, 4.5 million firearms were purchased for private use in this country. In other words, in the course of each working day, about 10,000 guns reach private hands.

These are rather frightening statistics.

HANDGUN CONTROL VERY INADEQUATE

The Congress, earlier this year, took the first step in the right direction. By approving Federal controls on the interstate sale and distribution of handguns, we have brought under some degree of of regulation the traffic in pistols—weapons designed primarily for the purpose of killing or maiming human beings. To this limited extent, we have advanced the safety of our citizens.

Handgun control represents the least the Congress can do to meet the pressing public interest to protect against unrestricted gun traffic in this country. It was the first time in 30 years that any such law has been adopted.

But it is not nearly enough.

When the Senate, last May, debated the handgun control title of the crime control bill, I strongly urged—as I have ever since strict comprehensive firearms control was first proposed in 1962—that Federal regulation be extended to cover long guns and shotguns. I feel very, very strongly that the handgun section of the anticrime bill falls far short of the strong and effective firearms control legislation so urgently required by the Nation.

Rifles and shotguns are every bit as lethal as handguns. As I said earlier, they account for a shocking 30 percent of all gun crimes in this country.

Between 1960 and 1965, more than 95 percent of all law-enforcement officers killed in this United States were slain by a rifle or a shotgun.

A recent survey conducted by the Senate Judiciary Subcommittee on Juvenile Delinquency, of which I am a member, showed that during the years 1960 through 1965, according to the police departments of 40 of our major cities, including Honolulu, 805 rifles and shotguns were confiscated from juveniles, 1,210 rifles and shotguns were used to commit murder, 2,908 rifle and shotgun robberies were committed, 4,179 assaults were committed with shotguns and rifles, 37,165 rifles and shotguns were confiscated from persons involved in illegal activities, 4,478 long guns were seized on illegal weapons charges. A total of 50,745 cases were ones in which long guns were used in crimes of violence or other illegal activities.

According to the FBI Uniform Crime Report for 1967, 1,850 persons were murdered in the United States with rifles and shotguns that year.

In a report dated August 11, 1967, the Director of the Alcohol and Tobacco Tax Division wrote that the strongest argument for including long guns in a firearms control law is the fact that they can be, and frequently are, converted into concealable weapons for criminal use.

He said:

> We have reviewed 200 recent firearms violation case reports and found that there were 98 sawed-off shotguns and 14 sawed-off rifles out of a total of 207 guns involved in these cases.

It seems obvious to me that if strict controls are imposed on handguns without imposing similar restrictions on longguns, the criminal element will continue to have ready access to concealable weapons by the simple expedient of purchasing an uncontrolled long gun and converting it into a handgun.

Rifles and shotguns have become the chosen instrument of murder for snipers and assassins.

Our law-enforcement authorities across the Nation—including the chiefs of police of our biggest cities—have implored the Congress to enact legislation to control the long gun.

COSPONSOR ADDITIONAL FIREARMS LEGISLATION

For all the reasons I have cited, and for the overriding reason that the public interest demands it, I have cosponsored the instant bill, S. 3633, to control the sale and distribution of rifles, shotguns, and ammunition.

S. 3633 is an attempt to render State gun control laws as fully effective as possible. Many States have enacted or are considering legislation banning the ownership of firearms by such irresponsible persons as convicted felons, narcotics addicts, mental incompetents, alcoholics, and juveniles.

However, as I pointed out earlier, these State laws are easily evaded, primarily by first, purchasing firearms from out-of-State mail-order houses, and second, purchasing guns over the counter in another State having less stringent or no law at all. In either case, there is no way for a State having or desiring stringent gun-control laws to prevent the illegal entry of guns.

To plug these loopholes, S. 3633 would prohibit interstate mail-order shipment of firearms, except between licensed dealers, prohibit over-the-counter sales of firearms to nonresidents, prohibit the interstate mail-order sale of ammunition, except between licensed dealers, prohibit sales of guns and ammunition to juveniles under 21 years of age in the case of handguns, and under 18 in the case of long guns, provide higher standards and increased licensing fees for Federal firearms dealers, manufacturers and importers, regulate the interstate transportation and sale of destructive devices primarily intended for war, regulate the importation of firearms into the United States by banning all firearms not generally recognized as suitable for sporting purposes, and by excluding surplus military handguns.

WEAKENING AMENDMENTS

The bill I have just described was amended in four ways by the Judiciary Committee, which significantly weakened the proposal.

First, one amendment changes the definition of "ammunition" to exclude from coverage all ammunition for rifles and shotguns, and all .22-caliber rimfire ammunition; so that the only ammunition covered is for destructive devices and large caliber pistols or revolvers.

The amendment is very objectionable. It would exempt ammunition controls for nearly 90 percent of all firearms.

It would exempt ammunition that is frequently involved in crimes of violence. In addition to the fact cited earlier, that about 30 percent of all homicides by firearms occur with the use of rifles and shotguns, substantial numbers of handgun crimes are committed with .22-caliber pistols and revolvers.

The amendment would not prohibit the sale of rifle, shotgun, and .22-caliber rimfire ammunition to known juveniles, felons, fugitives, indicted persons, and other undesirables.

I am pleased to note that yesterday the Senate voted to restore the original language of the bill.

Second, another weakening amendment adopted by the committee would dilute the standards for granting dealers' licenses. S. 3633 as introduced and existing law require two qualifications for federally licensed dealers—both of which have been deleted by the committee's amendment.

One requirement is that the applicant not be "by reason of his business experience, financial standing, or trade connections unlikely to commence business operation during the term of the annual license applied for or to maintain operations in compliance with this chapter."

Another requirement is that the applicant have or intend to have "business premises for the conduct of the business."

Substituted for these requirements is the single new requirement that the applicant have "premises from which he conducts business—or from which he intends to conduct such business within a reasonable period of time."

This change is very objectionable because it so loosens the standards for issuance of dealers' licenses, that a person who does not conduct commercial operations may qualify for the license. The Treasury Department has reported that in the past one out of four dealer's licenses have been obtained by persons not engaged in the firearms business, and obtained licenses primarily to avoid restrictions placed upon unlicensed persons.

If the new committee standard is adopted, the following four basic provisions of S. 3633 could be circumvented by persons who are not bona fide dealers and who are purchasing firearms solely for their personal use: First, the ban against mail-order sales of handguns, rifles and shotguns—section 922(a)(2); second, the ban against over-the-counter sales to nonresidents—section 922(a)(5); third, the ban against transporting firearms purchased out of State into one's State of residence—section 922(a)(3); and fourth, restrictions on transporting destructive devices—section 922(a)(4).

This amendment would therefore weaken standards already written into our Federal firearms control law. There has been no showing that these standards are either unclear or unreasonable; they should not be changed or weakened in any way.

Third, another weakening amendment adopted by the committee would give special privileges to residents of contiguous States. It would permit over-the-counter sales of long guns by licensed dealers to residents of contiguous States, if the contiguous States permit such sales by law, if the sale fully complies with the firearms laws of both States involved, and if the dealer sends to the chief law enforcement officer of the purchaser's residence 7 days prior to delivery an affidavit of eligibility to purchase. Firearms so obtained could also be lawfully transported by the buyer into his State of residence. Thus, the amendment exempts a very large number of out-of-State transactions from the requirement that delivery be completed through a licensed dealer in the buyer's State of residence.

This amendment is very objectionable because it would create significant enforcement problems. For example, the State would have no authority to investigate or regulate sales to its citizens by dealers in contiguous States. One of the basic purposes of S. 3633 is to channel commerce in firearms into the State of the buyer's residence and thus subject the transaction to the regulatory jurisdiction of the State which has an interest in who and what type of person possesses firearms within its borders.

Furthermore, the amendment would permit all residents of a State to purchase anywhere in the contiguous State. In a State like Colorado, surrounded by several other States, the "contiguous States" covers nearly one-third of continental United States.

Fourth, an amendment exempting licensed "collectors" is another committee-adopted weakening amendment. It would authorize the Secretary of the Treasury to issue a "collector's license" to persons who acquire, hold or dispose of firearms or ammunition as "curios" or "relics." Persons who receive such licenses are exempt from virtually every control of the bill.

The amendment is very objectionable because it is couched in vague language of unclear effect. For example, what is a "curio" or "relic"? Is any firearm a "curio" or "relic" only because a "collector" says so? By what standards is the Secretary of the Treasury to determine who is a "collector"?

No need has been demonstrated to justify such a major exemption from the bill. As introduced, S. 3633 would impose no unreasonable burden on collectors of firearms.

Antique firearms as defined in the bill are already exempt. Persons who wish to collect modern firearms would simply be required to take delivery through a licensed dealer in the collector's State of residence.

In any case, very few people are legitimate firearms collectors. To accommodate these few persons—who are only slightly inconvenienced by the bill's requirements—the committee has adopted a loophole which may be exploited by many persons who are not legitimate collectors but who only want to avoid the controls imposed by the bill.

The Senate yesterday agreed to tighten the language of this amendment by defining "collector" as a person who qualifies for a firearms dealer's license.

For all the reasons I have cited, I am pleased to cosponsor the four amendments introduced by the distinguished senior Senator from Connecticut [Mr. DODD] to restore the original provisions of S. 3633. I do so in the conviction that they should be adopted overwhelmingly by the Senate.

REGISTRATION AND LICENSING AMENDMENT

While these proposals—S. 3633 as reported together with the Dodd amendments—would go a long way to control the future sale of firearms, there still remains the problem of the millions of weapons which are now extant in the land—possibly many thousands of them in the hands of criminals, drug addicts, juveniles, the mentally unstable, and political extremists.

I have therefore cosponsored an amendment to require the compulsory Federal registration of all firearms and licensing of all owners of firearms and ammunition. Like all civilized nations of the world, America must make firearms licensing and registration mandatory.

In summary, the amendment would provide as follows:

First, it calls for compulsory Federal registration of all firearms under administrative machinery to be set up by the Secretary of the Treasury.

Under the registration proposal, all owners of firearms would submit a brief form to the Secretary of the Treasury identifying themselves, the firearms, and the source from which they obtained the firearm. This information would be collected and stored in the computer facilities of the National Crime Information Center—NCIC—already operated by the Federal Bureau of Investigation. The NCIC has terminal facilities throughout the country and could make the registration information available in a matter of seconds to any State, local, or Federal law enforcement official. Registration for a weapon would be effective indefinitely, or until the weapon was transferred to a new owner. For weapons registered in States which enact substantially similar and compatible registration systems, the information from which is made available to the NCIC, the Federal registration system would be superseded.

Second, the licensing proposal would require all persons in advance of obtaining or possessing a firearm to be checked for identification, criminal record, alcoholism, drug addiction, mental illness, and age. Firearms could be purchased and possessed only by persons who qualify under State laws meeting minimum Federal statutory standards, or under a temporary Federal licensing system to be placed into effect in States which have not yet enacted such laws until such time as they do act.

No fingerprints or photographs will be required from anyone. No fee of any kind will be charged to anyone.

A rehabilitated felon, alcoholic, or addict, or cured mental patient could get a firearms license, with the written approval of the attorney general of his State.

Localities and States could preempt both the registration and licensing provisions of the Federal law.

PURPOSE OF FEDERAL LICENSING SYSTEM

The primary purpose of a Federal licensing system is to prevent gun crime by helping to prevent firearms from falling into the hands of criminals, the mentally ill, drug addicts, and other irresponsible persons. This would be accomplished in at least three ways.

First, it would encourage the States to enact licensing systems based on Federal minimum standards.

Under the proposed amendment, the States would have until September 1, 1970, to act before a temporary Federal licensing system would be installed; if a State did not act before that date, the Federal system would then be operative until preempted by subsequent State enactment of a qualifying licensing law.

Second, a Federal firearms licensing system would render effective existing and proposed provisions of Federal law banning sales of firearms by federally licensed dealers to certain people. For example, under both title IV of the Omnibus Crime Control Act and section 922(d) of S. 3633, a dealer may not sell firearms to a person who he knows, or has reasonable cause to believe, has a felony record. But how is a dealer to know the record of a casual walk-in person? A licensing system, requiring a prospective buyer to show his license to a dealer before buying would make enforcement of these provisions easy and effective.

Third, nationwide licensing of firearms would reduce the danger of gun crime by mobile gun criminals who are now able to obtain weapons in States which have no licensing system, and then use these weapons criminally in States which have licensing laws. This is a point I made earlier—that States having a strict licensing system, effectively preventing gunownership by criminals and other irresponsible persons, may see this system undercut by the fact that these same criminals may secure weapons from more lenient States. The only feasible answer to this problem is to effectuate licensing systems in all States.

PURPOSE OF FIREARMS REGISTRATION

Nationwide registration of all firearms, centrally computerized through the National Crime Information Center of the FBI, would bring to bear in the war on crime sophisticated technological techniques already developed for business and military uses.

To begin with, a Federal gun registry would provide an invaluable tool in the investigation of all violent crimes. As I noted earlier, 63 percent of all criminal homicides and robberies, and 23 percent of all aggravated assaults are committed with guns. If these weapons could be traced immediately, the chances of a successful investigation are greatly improved. And where criminal suspects can be shown to have owned a weapon of the type involved in the crime, the case for the prosecution would be measurably strengthened.

It is a well-known fact that effective investigation is an important means of preventing gun crime. A would-be offender may well be deterred from fear of sure and swift arrest. Moreover, it has been shown that persons who have once committed violent crime are those most likely to commit another. A central computerized registry not only would lead to identification and arrest of many offenders who now escape detection, but would assure speedy capture of offenders.

Other reasons for the necessity of a Federal firearms registry are as follows:

It would be a valuable source of instant information for police officers who stop suspicious persons in stop-and-frisk situations; in a matter of minutes suspects may be identified, traced, or cleared.

It would supplement Federal and State licensing laws by identifying persons who possess firearms and who, therefore, require licenses, or who no longer qualify for a license.

It would identify large concentrations of arms held by members of such paramilitary and extremist groups as the Ku Klux Klan.

It would reduce the availability of guns to criminals. Even if the Senate were to enact a long gun mail-order ban, there is little to prevent a criminal from obtaining weapons and ammunition through legitimate commercial channels, but it is highly doubtful that a criminal would be willing to purchase weapons and ammunition openly if he knew his ownership would be registered.

It is evident from this summary that no law-abiding citizen who wishes to have a firearm would be barred from its purchase under this bill, which is patterned after the firearms registration laws of other civilized nations.

Certainly, firearms registration and licensing requirements are no more objectionable, and no less necessary, than motor vehicle registration and the licensing of motor vehicle operators.

The amendment is clearly an eminently reasonable one which is, at the same time, simple and workable. I strongly urge the Senate to adopt it.

CASE FOR OPPOSITION UNFOLDED

Arguments raised against all of these proposals—the long gun mail-order ban as well as registration and licensing—have centered around basically three points. None of them stands up to reasoned analysis.

The first of these arguments is based on the second amendment of the Constitution—"The right of the people to keep and bear arms shall not be infringed." However, what I have just read is only the second half of the second amendment. The full amendment reads:

> A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Federal courts have consistently interpreted this amendment as referring to a collective right rather than an individual privilege. The U.S. Supreme Court, in 1939, ruled that the right to bear arms expressly concerns "the preservation or the efficiency of a well-regulated militia."

Another argument used by opponents of gun legislation is that, "Guns don't kill people; people kill people." In support of this argument it is pointed out that inasmuch as automobiles kill three times as many Americans as guns each year, why not then ban automobiles?

One immediate reply is that automobiles are registered—why not guns?

But a more complete answer would be, as a Detroit police commissioner put it:

> When people have guns, they use them. A wife gets mad at her husband and instead of throwing a dish, she grabs a gun and kills him

One psychiatrist pointed out that every psychiatrist who has treated patients was thankful that guns were not available at one time or another in the lives of their patients.

The point is, that nothing else can translate a fleeting murderous action more efficiently or finally than a gun.

Opponents also have argued that when guns are outlawed, only outlaws will have guns. The law-abiding citizen will be left defenseless, while the criminal will ignore the law and steal a gun, as he is prone to do in any case.

In fact, however, under present law a criminal usually does not and has no need to steal a gun—when it is so ludicrously easy to purchase one legitimately. A 1965 study showed that nearly a quarter of the 4,069 mail-order guns shipped by two Chicago firms went to convicted criminals. In New Jersey, one of every five recipients of mail-order firearms has a criminal record. And in a recent Massachusetts survey, of 4,506 guns confiscated from criminals only six had been stolen.

Many of our Nation's criminologists question the wisdom of allowing every citizen to own a firearm, particularly in view of the fact that two-thirds of criminal assaults and three-fourths of homicides result from quarrels among families or friends. As a UCLA psychiatrist pointed out, guns not only fail to resolve aggression, they actually provoke it.

The central issue posed by the firearms control legislation we are now considering is not whether such laws can reduce crime and save lives. We know they can. Rather, the issue is whether the Congress will address itself to a situation existing in our land which has reached crisis proportions: The Nation's frontier is gone, and however colorful and necessary its folkways may have been, they cannot reasonably be condoned and have, in fact, become intolerable in the context of a dense, tension-filled society.

Those who quibble about the inconvenience of registration and licensing, knowing many, perhaps thousands, of American lives are at stake, cannot be very concerned about the sanctity of life or about the high incidence of crime in the country.

Those who raise the specter of the Government disarming law-abiding citizens, forcing confiscation of weapons, and then subjecting them to tyranny have no faith in our Republic or the good sense and integrity of the American people.

SHOULD HAVE HIGHEST PRIORITY

Mr. President, these proposals—tough, comprehensive, and feasible—are the very measures I have been calling for all these years.

It has long been very evident to me that any truly effective firearms legislation simply must cover long guns as well as handguns, provide for control of ammunition sales, and require national licensing and registration.

None of these proposals imposes any inconvenience whatsoever on hunters and sportsmen. They do, however, frustrate the juveniles, the felons, and the fugitives who can today, with impunity and anonymity, buy firearms whenever and in whatever quantity they may desire.

The people of this Nation have given the Congress a very clear mandate for the immediate enactment of precisely the legislation we are now considering.

Two public opinion polls in the last 2 years underline this fact most emphatically.

In September 1966, the Gallup poll reported 68 percent of all Americans favored legislation making a police permit a prerequisite to any firearm purchase. The Harris poll released April 23, 1968, showed that public support of such a regulation had mounted to 71 percent—nearly three out of every four Americans favoring legislation to control the sales of firearms "such as making all persons register all gun purchases no matter where they buy them."

Another Harris survey in June, 1968, showed 81 percent of the American people, 4 out of 5, favor registration of all firearms.

Quite significantly, both polls indicated that most gunowners themselves support Federal firearms control, including registration. Gallup reported 56 percent of all gunowners favored such a law; Harris registered support by a better than 2-to-1 margin, 65 percent to 31 percent.

The International Association of Chiefs of Police, representing law-enforcement officers from across the Nation, have overwhelmingly endorsed and urged adoption of a strong and comprehensive law. So have the American Bar Association; the National Association of Citizens Crime Commissions; and the President's Commission on Law Enforcement and Administration of Justice; the President's Commission on Civil Disorders; the Conference of Mayors; organized labor, and the Nation's organized bar. The Senate Commerce Committee held 2 months of hearings on firearms control in 1963 and 1964. The Juvenile Delinquency Subcommittee held lengthy hearings on firearms bills in 1963, and again in 1964, 1965, 1967, and 1968.

Enactment of any one or even all of these measures would not, of course, prevent all murders for all time; nor would even the most stringent firearms regulations end the incidence of all other crimes.

The senseless killings and assaults by firearms now plaguing the Nation would, however, most assuredly be drastically reduced. Many lives, I am sure, would be saved.

The ethic upon which our Republic was founded is clear in rendering the life or death of any one of its citizens a matter of the greatest significance. Our heritage of the sanctity of human life—the transcendent concern for the individual—permeates the very fabric of our national existence.

Consonant with this ethic, and in keeping with our heritage, S. 3633, the Dodd amendments, and the licensing and registration amendment, should be enacted into law—and it should be done with urgency and with expedition.

Several Senators addressed the Chair.

Mr. HRUSKA. Mr. President, may I state the parliamentary situation, as I understand it?

The PRESIDING OFFICER. The Senator from Nebraska may proceed.

Mr. HRUSKA. So far as I know—and I should like to have the attention of the Senator from Connecticut—the remainder of the committee amendments to all three titles of the bill are technical in nature, in the main. There are one or two of substance, but they are not disputed nor controverted. We are prepared, I believe—certainly I am prepared—to propose a unanimous consent agreement, and accordingly I ask unanimous consent, ~~that~~ all the remaining amendments be considered and agreed to en bloc, and that the bill as thus amended be considered as original text, as to that part still unconsidered, for the purpose of amendment.

Mr. DODD. Mr. President, that is entirely satisfactory to me. The Senator from Nebraska has stated the situation accurately. I think we can dispose of the remaining amendments. There is no contention about them.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

The remaining committee amendments agreed to en bloc, are as follows:

On page 30, at the beginning of line 5, strike out "(d)" and insert "(g)"; in line 6, after the word "manufacturer", strike out "and" in the same line, after the word "dealer," insert "and licensed collector"; in line 11, after the word "manufacturers," strike out "and"; in the same line, after the word "dealers," insert "and collectors"; in line 18 after the word "manufacturer," strike out "or"; in the same line, after the word "dealer," insert "or collector"; in line 20, after the word "dealer", insert "or collector"; in line 23, after the word "manufacturer," strike out "or"; at the beginning of line 24, insert "or collector";.

On page 31, at the beginning of line 8, strike out "(e)" and insert "(h)"; in line 9, after the word "section" strike out "(b)" and insert "(c)"; in line 10, after the word "the" strike out "business"; at and beginning of line 12, strike out "(f)," and insert "(1)"; in line 23, after the word "than", strike out "$5,000" and insert "$10,000"; in line 24, after the word "than", strike out "five" and insert "ten"; in the same line after the word "both," insert "and shall become eligible for parole as the Board of Parole shall determine."; on page 32, line 2, after the word "punishable" strike out "by imprisonment for a term exceeding one year" and insert "as a felony"; in line 4, after the word "punishable", strike out "by imprisonment for a term exceeding one year" and insert "as a felony"; in line 25, after the word "manufacturer," strike out "or"; on page 33, line 1, after the word "dealer," insert "or licensed collector"; in line 2, after the word "punishable", strike out "by imprisonment for a term exceeding one year" and insert "as a felony"; in line 10, after the word "punishable", strike out "by imprisonment for a term exceeding one year" and insert "as a felony"; on page 35, line 15, after the word "regulations." strike out "violation of any provision of this chapter, or rule or regulation promulgated hereunder, shall be grounds for revocation by the Secretary, upon due notice and hearing, of any license issued hereunder."; on page 36, at the beginning of line 9, change the section number from "4" to "103"; at the beginning of line 12, change the section number from "5" to "104"; after line 21, strike out:

"Sec. 6. The table of contents to 'Part I. Crimes' of title 18, United States Code, is amended by inserting after

"'43. False personation.................. 911'

a chapter reference as follows:

"'44. Firearms........................ 921'."

On page 37, after line 8, strike out:

"Sec. 7. The Federal Firearms Act (52 Stat. 1250, 15 U.S.C. 901–910), as amended, is repealed."

After line 5, strike out:

"Sec. 8. The provisions of this title shall become effective one hundred and eighty days after the date of its enactment; except that repeal of the Federal Firearms Act shall not in itself terminate any valid license issued pursuant to that Act and any such license shall be deemed valid until it shall expire according to its terms unless it be sooner revoked or terminated purusant to applicable provisions of law."

After line 13, insert:

"Sec. 105. The provisions of this title shall become effective on the date that title IV of the Omnibus Crime Control and Safe Streets Act of 1968 becomes effective as provided by section 907 of such Act."

After line 16, insert:

"Sec. 106. Section 907 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting '(1)' immediately after 'except that' and by inserting before the period a comma and the following: 'and (2) the provisions of section 925(d) of title 18, United States Code, shall become effective on August 1, 1968'."

On page 38, after line 2, insert a new title, as follows:

"TITLE II—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

"Sec. 201. Chapter 53 of the Internal Revenue Code of 1954 is amended to read as follows:

"'CHAPTER 53—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

"'Subchapter A. Taxes.
"'Subchapter B. General provisions and exemptions.
"'Subchapter C. Prohibited acts.
"'Subchapter D. Penalties and forfeitures.

"'SUBCHAPTER A—TAXES

"'Part I. Special (occupational) taxes.
"'Part II. Tax on transferring firearms.
"'Part III. Tax on making firearms.

"'*Part I—Special (occupational) taxes*

"'Sec. 5801. Tax.
"'Sec. 5802. Registration of importers, manufacturers, and dealers.

"'Sec. 5801. Tax.

"'On first engaging in business and thereafter on or before the first day of July of each year, every importer, manufacturer, and dealer in firearms shall pay a special (occupational) tax for each place of business at the following rates:

"'(1) Importers—$500 a year or fraction thereof;

"'(2) Manufacturers—$500 a year or fraction thereof;

"'(3) Dealers—$200 a year or fraction thereof. Except an importer, manufacturer, or dealer who imports, manufactures, or deals in only weapons classified "as any other weapon" under section 5845(e), shall pay a special (occupational) tax for each place of business at the following rates: Importers, $25 a year or fraction thereof; manufacturers, $25 a year or fraction thereof; dealers, $10 a year or fraction thereof.

"'Sec. 5802. Registration of importers, manufacturers, and dealers.

"'On first engaging in business and thereafter on or before the first day of July of each year, each importer, manufacturer, and dealer in firearms shall register with the Secretary or his delegate in each internal revenue district in which such business is to be carried on, his name, including any trade name, and the address of each location in the district where he will conduct such business. Where there is a change during the taxable year in the location of, or the trade name used in, such business, the importer, manufacturer, or dealer shall file an application with the Secretary or his delegate to amend his registration. Firearms operations of an importer, manufacturer, or dealer may not be commenced at the new location or under a new trade name prior to approval by the Secretary or his delegate of the application.

"'*Part II—Tax on transferring firearms*

"'Sec. 5811. Transfer tax.
"'Sec. 5812. Transfers.

"'Sec. 5811. Transfer tax.

"'(a) Rate.—There shall be levied, collected, and paid on firearms transferred a tax at the rate of $200 for each firearm transferred, except the transfer tax on any firearm classified as any other weapon under section 5845(e) shall be at the rate of $5 for each such firearm transferred.

"'(b) By Whom Paid.—The tax imposed by subsection (a) of this section shall be paid by the transferor.

"'(c) Payment.—The tax imposed by subsection (a) of this section shall be payable by the appropriate stamps prescribed for payment by the Secretary or his delegate.

"'Sec. 5812. Transfers.

"'(a) Application.—A firearm shall not be transferred unless (1) the transferor of the firearm has filed with the Secretary or his delegate a written application, in duplicate, for the transfer and registration of the firearm to the transferee on the application form prescribed by the Secretary or his delegate; (2) any tax payable on the transfer is paid as evidenced by the proper stamp affixed to the original application form; (3) the transferee is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; (4) the transferor of the firearm is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (5) the firearm is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; and (6) the application form shows that the Secretary or his delegate has approved the transfer and the registration of the firearm to the transferee. Applications shall be denied if the transfer, receipt, or possession of the firearm would place the transferee in violation of law .

"'(b) Transfer of Possession.—The transferee of a firearm shall not take possession of the firearm unless the Secretary or his delegate has approved the transfer and registration of the firearm to the transferee as required by subsection (a) of this section.

"'*Part III—Tax on making firearms*

"'Sec. 5821. Making tax.
"'Sec. 5822. Making.

"'Sec. 5821. Making tax.

"'(a) Rate.—There shall be levied, collected, and paid upon the making of a firearm a tax at the rate of $200 for each firearm made.

"'(b) By Whom Paid.—The tax imposed by subsection (a) of this section shall be paid by the person making the firearm.

" '(c) PAYMENT.—The tax imposed by subsection (a) of this section shall be payable by the stamp prescribed for payment by the Secretary or his delegate.

"SEC. 5822. Making.

" 'No person shall make a firearm unless he has (a) filed with the Secretary or his delegate a written application, in duplicate, to make and register the firearm on the form prescribed by the Secretary or his delegate; (b) paid any tax payable on the making and such payment is evidenced by the proper stamp affixed to the original application form; (c) identified the firearm to be made in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (d) identified himself in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person as an individual, the identification must include his fingerprints and his photograph; and (e) obtained the approval of the Secretary or his delegate to make and register the firearm and the application form shows such approval. Applications shall be denied if the making or possession of the firearm would place the person making the firearm in violation of law.

" 'SUBCHAPTER B—GENERAL PROVISIONS AND EXEMPTIONS

" 'Part I. General provisions.
" 'Part II. Exemptions.

" '*Part I—General provisions*

" 'Sec. 5841. Registration of firearms.
" 'Sec. 5842. Identification of firearms.
" 'Sec. 5843. Records and returns.
" 'Sec. 5844. Importation.
" 'Sec. 5845. Definitions.
" 'Sec. 5846. Other laws applicable.
" 'Sec. 5847. Effect on other law.
" 'Sec. 5848. Restrictive use of information.
" 'Sec. 5849. Citation of chapter.

" 'Sec. 5841. Registration of firearms.

" '(a) CENTRAL REGISTRY.—The Secretary or his delegate shall maintain a central registry of all firearms in the United States which are not in the possession or under the control of the United States. This registry shall be known as the National Firearms Registration and Transfer Record. The registry shall include—

" '(1) identification of the firearm;

" '(2) date of registration; and

" '(3) identification and address of person entitled to possession of the firearm.

" '(b) BY WHOM REGISTERED.—Each manufacturer, importer, and maker shall register each firearm he manufactures, imports, or makes. Each firearm transferred shall be registered to the transferee by the transferor.

" '(c) HOW REGISTERED.—Each manufacturer shall notify the Secretary or his delegate of the manufacture of a firearm in such manner as may by regulations be prescribed and such notification shall effect the registration of the firearm required by this section. Each importer, maker, and transferor of a firearm shall, prior to importing, making, or transfering a firearm, obtain authorization in such manner as required by this chapter or regulations issued thereunder to import, make, or transfer the firearm, and such authorization shall effect the registration of the firearm required by this section.

" '(d) FIREARM REGISTERED ON EFFECTIVE DATE OF THIS ACT.—A person shown as possessing a firearm by the records maintained by the Secretary or his delegate pursuant to the National Firearms Act in force on the day immediately prior to the effective date of the National Firearms Act of 1968 shall be considered to have registered under this section the firearms in his possession which are disclosed by that record as being in his possession.

" '(e) PROOF OF REGISTRATION.—A person possessing a firearm registered as required by this section shall retain proof of registration which shall be made available to the Secretary or his delegate upon request.

" 'Sec. 5842. Identification of firearms.

" '(a) IDENTIFICATION OF FIREARMS OTHER THAN DESTRUCTIVE DEVICES.—Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed, obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the Secretary or his delegate may by regulations prescribe.

" '(b) FIREARMS WITHOUT SERIAL NUMBER.—Any person who possesses a firearm, other than a destructive device, which does not bear the serial number and other information required by subsection (a) of this section shall identify the firearm with a serial number assigned by the Secretary or his delegate and any other information the Secretary or his delegate may by regulations prescribe.

" '(c) IDENTIFICATION OF DESTRUCTIVE DEVICE.—Any firearm classified as a destructive device shall be identified in such manner as the Secretary or his delegate may by regulations prescribe.

" 'Sec. 5843. Records and returns.

" 'Importers, manufacturers, and dealers shall keep such records of, and render such returns in relation to, the importation, manufacture, making, receipt, and sale, or other disposition, of firearms as the Secretary or his delegate may by regulations prescribe.

" 'Sec. 5844. Importation.

" 'No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction unless the importer establishes, under regulations as may be prescribed by the Secretary or his delegate, that the firearm to be imported or brought in is—

" '(1) being imported or brought in for the use of the United States or any department, independent establishment, or agency thereof or any State or possession or any political subdivision thereof; or

" '(2) being imported or brought in for scientific or research purposes; or

" '(3) being imported or brought in solely for testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or registered dealer; except that, the Secretary or his delegate may permit the conditional importation or bringing in of a firearm for examination and testing in connection with classifying the firearm.

" 'Sec. 5845. Definitions.

" 'For the purpose of this chapter—

" '(a) FIREARM.—The term "firearm" means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device. The term "firearm" shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary or his delegate finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

" '(b) MACHINEGUN.—The term "machinegun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

" '(c) RIFLE.—The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

" '(d) SHOTGUN.—The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

" '(e) ANY OTHER WEAPON.—The term "any other weapon" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

" '(f) DESTRUCTIVE DEVICE.—The term "destructive device" means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellent charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of sections 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury or his delegate finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

" '(g) ANTIQUE FIREARM.—The term "antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

" '(h) Unserviceable Firearm.—The term "unserviceable firearm" means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

" '(i) Make.—The term "make," and the various derivatives of such word, shall include manufacturing (other than by one qualified to engage in such business under this chapter), putting together, altering, any combination of these, or otherwise producing a firearm.

" '(j) Transfer.—The term "transfer" and the various derivatives of such word, shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

" '(k) Dealer.—The term "dealer" means any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

" '(l) Importer.—The term "importer" means any person who is engaged in the business of importing or bringing into the United States.

" '(m) Manufacturer.—The term "manufacturer" means any person who is engaged in the business of manufacturing firearms.

" 'Sec. 5846. Other laws applicable.

" 'All provisions of law relating to special taxes imposed by chapter 51 and to engraving, issuance, sale, accountability, cancellation, and distribution of stamps for tax payment shall, insofar as not inconsistent with the provisions of this chapter, be applicable with respect to the taxes imposed by sections 5801, 5811, and 5821.

" 'Sec. 5847. Effect on other laws.

" 'Nothing in this chapter shall be construed as modifying or affecting the requirements of section 414 of the Mutual Security Act of 1954, as amended, with respect to the manufacture, exportation, and importation of arms, ammunition, and implements of war.

" 'Sec. 5848. Restrictive use of information.

" '(a) General Rule.—No information or evidence obtained from an application, registration, or records required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued thereunder, shall, except as provided in subsection (b) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application or registration, or the compiling of the records containing the information or evidence.

" '(b) Furnishing False Information.—Subsection (a) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

" 'Sec. 5849. Citation of chapter.

" 'This chapter may be cited as the "National Firearms Act" and any reference in any other provision of law to the "National Firearms Act" shall be held to refer to the provisions of this chapter.

" '*Part II—Exemptions*

" 'Sec. 5851. Special (occupational) tax exemption.
" 'Sec. 5852. General transfer and making exemption.
" 'Sec. 5853. Exemption from transfer and making tax available to certain governmental entities and officials.
" 'Sec. 5854. Exportation of firearms exempt from transfer tax.

" 'Sec. 5851. Special (occupational) tax exemption.

" '(a) Business With United States.—Any person required to pay special (occupational) tax under section 5801 shall be relieved from payment of that tax if he establishes to the satisfaction of the Secretary or his delegate that his business is conducted exclusively with, or on behalf of, the United States or any department, independent establishment, or agency thereof. The Secretary or his delegate may relieve any person manufacturing firearms for, or on behalf of, the United States from compliance with any provision of this chapter in the conduct of such business.

" '(b) Application.—The exemption provided for in subsection (a) of this section may be obtained by filing with the Secretary or his delegate an application on such form and containing such information as may by regulations be prescribed. The exemptions must thereafter be renewed on or before July 1 of each year. Approval of the application by the Secretary or his delegate shall entitle the applicant to the exemptions stated on the approved application.

" 'Sec. 5852. General transfer and making tax exemption.

" '(a) Transfer.—Any firearm may be transferred to the United States or any department, independent establishment, or agency thereof, without payment of the transfer tax imposed by section 5811.

" '(b) Making by a Person Other Than a Qualified Manufacturer.—Any firearm may be made by, or on behalf of, the United States, or any department, independent establishment, or agency thereof, without payment of the making tax imposed by section 5821.

" '(c) Making by a Qualified Manufacturer.—A manufacturer qualified under this chapter to engage in such business may make the type of firearm which he is qualified to manufacture without payment of the making tax imposed by section 5821.

" '(d) Transfers Between Special (Occupational) Taxpayers.—A firearm registered to a person qualified under this chapter to engage in business as an importér, manufacturer, or dealer may be transferred by that person without payment of the transfer tax imposed by section 5811 to any other person qualified under this chapter to manufacture, import, or deal in that type of firearm.

" '(e) Unserviceable Firearm.—An unserviceable firearm may be transferred as a curio or ornament without payment of the transfer tax imposed by section 5811, under such requirements as the Secretary or his delegate may by regulations prescribe.

" '(f) Right to Exemption.—No firearm may be transferred or made exempt from tax under the provisions of this section unless the transfer or making is performed pursuant to an application in such form and manner as the Secretary or his delegate may by regulations prescribe.

" 'Sec. 5853. Transfer and making tax exemption available to certain governmental entities.

" '(a) Transfer.—A firearm may be transferred without the payment of the transfer tax imposed by section 5811 to any State, possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

" '(b) Making.—A firearm may be made without payment of the making tax imposed by section 5821 by, or on behalf of, any State, or possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

" '(c) Right to Exemption.—No firearm may be transferred or made exempt from tax under this section unless the transfer or making is performed pursuant to an application in such form and manner as the Secretary or his delegate may by regulations prescribe.

" 'Sec. 5854. Exportation of firearms exempt from transfer tax.

" 'A firearm may be exported without payment of the transfer tax imposed under section 5811 provided that proof of the exportation is furnished in such form and manner as the Secretary or his delegate may by regulations prescribe.

" 'SUBCHAPTER C—PROHIBITED ACTS

" 'Sec. 5861. Prohibited acts.

" 'It shall be unlawful for any person—

" '(a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or

" '(b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter; or

" '(c) to receive or possess a firearm made in violation of the provisions of this chapter; or

" '(d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or

" '(e) to transfer a firearm in violation of the provisions of this chapter; or

" '(f) to make a firearm in violation of the provisions of this chapter; or

" '(g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter; or

" '(h) to receive or possess a firearm having the serial number or other identification required by this chapter obliterated, removed, changed, or altered; or

" '(i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or

" '(j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter; or

" '(k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844; or

" '(l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

" 'SUBCHAPTER D—PENALTIES AND FORFEITURES

" 'Sec. 5871. Penalties.
" 'Sec. 5872. Forfeitures.

" 'Sec. 5871. Penalties.

" 'Any person who violates or fails to comply with any provision of this chapter shall, upon conviction, be fined not more than $10,000, or be imprisoned not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine.

" 'Sec. 5872. Forfeitures.

" '(a) Laws Applicable.—Any firearm involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal revenue laws relating to searches, seizures, and forfeitures of unstamped articles are extended to and made to apply to the articles taxed under this chapter, and the persons to whom this chapter applies.

" '(b) Disposal.—In the case of the forfeiture of any firearm by reason of a violation of this chapter, no notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is forfeited for a violation of this chapter and there is no remission or mitigation of forfeiture thereof, it shall be delivered by the Secretary or his delegate to the Administrator of General Services, General Services Administration, who may order such firearm destroyed or may sell it to any State, or possession, or political subdivision thereof, or at the request of the Secretary or his delegate, may authorize its retention for official use of the Treasury Department, or may transfer it without charge to any executive department or independent establishment of the Government for use by it.' "

"Sec. 202. The amendments made by section 201 of this title shall be cited as the 'National Firearms Act of 1968.'

"Sec. 203. (a) Section 6107 of the Internal Revenue Code of 1954 is repealed.

"(b) The table of sections for subchapter B of chapter 61 of the Internal Revenue Code of 1954 is amended by striking out:

" 'Sec. 6107. List of special taxpayers for public inspection.' "

"Sec. 204. Section 6806 of the Internal Revenue Code of 1954 is amended to read as follows:

" 'Sec. 6806. Occupational tax stamps.

" 'Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax (other than a special tax under subchapter B of chapter 35, under subchapter B of chapter 36, or under subtitle E) shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of such special tax."

"Sec. 205. Section 7273 of the Internal Revenue Code of 1954 is amended to read as follows:

" 'Sec. 7273. Penalties for offenses relating to special taxes.

" 'Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 shall be liable to a penalty (not less than $10) equal to the special tax for which his business rendered him liable, unless such failure is shown to be due to reasonable cause. If such failure to comply with section 6806 is through willful neglect or refusal, then the penalty shall be double the amount above prescribed.'

"Sec. 206. (a) Section 5692 of the Internal Revenue Code of 1954 is repealed.

"(b) The table of sections for part V of subchapter J of chapter 51 of the Internal Revenue Code of 1954 is amended by striking out:

" 'Sec. 5692. Penalties relating to posting of special tax stamps.'

"Sec. 207. (a) Section 201 of this title shall take effect on the first day of the first month following the month in which it is enacted.

"(b) Notwithstanding the provisions of subsection (a) or any other provision of law, any person possessing a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 (as amended by this title) which is not registered to him in the National Firearms Registration and Transfer Record shall register each firearm so possessed with the Secretary of the Treasury or his delegate in such form and manner as the Secretary or his delegate may require within the thirty days immediately following the effective date of section 201 of this Act. Such registrations shall become a part of the National Firearms Registration and Transfer Record required to be maintained by section 5841 of the Internal Revenue Code of 1954 (as amended by this title). No information or evidence required to be submitted or retained by a natural person to register a firearm under this section shall be used, directly or indirectly, as evidence against such person in any criminal proceeding with respect to a prior or concurrent violation of law.

"(c) The amendments made by sections 202 through 206 of this title shall take effect on the date of enactment.

"(d) The Secretary of the Treasury, after publication in the Federal Register of his intention to do so, is authorized to establish such periods of amnesty, not to exceed ninety days in the case of any single period, and immunity from liability during any such period, as the Secretary determines will contribute to the purposes of this title."

And at the top of page 62, insert a new section, as follows:

"TITLE III—AMENDMENT TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

"Sec. 301. Section 1202(c) (2) of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351) is amended to read as follows:

" '(2) "felony" means, in the case of a Federal law, an offense punishable by imprisonment for a term exceeding one year and, in the case of a State law, an offense determined by the laws of such State to be a felony.'."

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 224. An act to provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes;

S. 444. An act to establish the Flaming Gorge National Recreation Area in the States of Utah and Wyoming, and for other purposes;

S. 1440. An act to include in the prohibitions contained in section 2314 of title 18, United States Code, the transportation with unlawful intent in interstate or foreign commerce of traveler's checks bearing forged countersignatures;

S. 1637. An act to amend the Tennessee Valley Authority Act of 1933 with respect to certain provisions applicable to condemnation proceedings;

S. 2715. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation or Tribe of Oklahoma, and for other purposes;

S. 3072. An act to amend the act entitled "An act to provide for the rehabilitation of Guam, and for other purposes", approved November 4, 1963;

S. 3182. An act to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Swinomish Indian Tribal Community, and for other purposes;

S. 3420. An act to authorize a per capita distribution of $550 from funds arising from a judgment in favor of the Confederated Tribes of the Colville Reservation;

S. 3578. An act to direct the Secretary of Agriculture to release, on behalf of the United States, a condition in a deed conveying certain lands to the South Carolina State Commission of Forestry so as to permit such commission, subject to a certain condition, to exchange such lands;

S. 3620. An act to provide for the disposition of judgment funds on deposit to the credit of the Quechan Tribe of the Fort Yuma Reservation, Calif., in Indian Claims Commission docket No. 319, and for other purposes;

S. 3621. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Muckleshoot Tribe of Indians in Indian Claims Commission docket No. 98, and for other purposes;

S. 3671. An act to provide for the striking of medals in commemoration of the 200th anniversary of the founding of Dartmouth College;

S. 3687. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio, and for other purposes; and

S. 3728. An act to authorize the use of funds arising from a judgment in favor of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes.

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 220. An act to authorize the sale of certain public lands;

S. 698. An act to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to authorize the consolidation of certain grant-in-aid programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes;

S. 1321. An act to establish the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness, and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes;

S. 2751. An act to designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, in the State of Oregon;

S. 3058. An act to amend the Water Resources Planning Act to revise the authorization of appropriations for administering the provisions of the act, and for other purposes;

S. 3227. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Southern Paiute Nation of Indians in Indian Claims Commission dockets numbered 88, 330, and 330–A, and for other purposes;

S. 3379. An act to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness; and

S. 3866. An act to extend the provisions of the Commercial Fisheries Research and Development Act of 1964.

The message further announced that the House had passed the bill (S. 3030) to amend section 3 of the act of November 2, 1966, relating to the development by the Secretary of the Interior of fish protein concentrate, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendments to the bill (S. 119) to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Aspinall, Mr. Taylor, Mr. Johnson of California, Mr. Udall, Mr. Kastenmeier, Mr. Saylor, Mr. Skubitz, and Mr. Kupferman were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17104) to extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. BOGGS, Mr. KARSTEN, Mr. BYRNES of Wisconsin, and Mr. CURTIS were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17324) to extend and amend the Renegotiation Act of 1951; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. BOGGS, Mr. KARSTEN, Mr. BYRNES of Wisconsin, and Mr. CURTIS were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FLOOD, Mr. NATCHER, Mr. SMITH of Iowa, Mr. HULL, Mr. CASEY, Mr. MAHON, Mr. LAIRD, Mr. MICHEL, Mr. SHRIVER, and Mr. BOW were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 551. An act to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes;

H.R. 4580. An act to amend the act of December 22. 1928, relating to the issuance of patents for lands held under color of title, to liberalize the requirements for the conveyance of the mineral estate, and for other purposes;

H.R. 8781. An act to authorize the Secretary of the Interior to exchange certain lands in Shasta County, Calif., and for other purposes;

H.R. 10256. An act to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defense to which private persons asserting such claims would be subject;

H.R. 12962. An act to provide for the establishment of a Commission on Negro History and Culture;

H.R. 13099. An act to authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes;

H.R. 14413. An act to authorize the acquisition and disposal of certain lands at Chickamauga and Chattanooga National Military Park, Ga., and for other purposes;

H.R. 15450. An act to amend section 101 (a) (27) (D) of the Immigration and Nationality Act;

H.R. 16175. An act to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes;

H.R. 17273. An act to amend the act of September 21, 1959 (Public Law 86–339) relating to the Reservation of the Agua Caliente Band of Mission Indians;

H.R. 17361. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the city of Memphis;

H.R. 17609. An act to authorize the Secretary of the Interior to convey to the city of Kenai, Alaska, interests of the United States in certain lands;

H.R. 17684. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the Pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico;

H.R. 17787. An act to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes;

H.R. 17864. An act to amend titles 5, 10, and 37, United States Code, to codify recent law, and to improve the Code;

H.R. 17874. An act to amend the act providing for the admission of the State of Alaska into the Union in order to extend the time for the filing of applications for the selection of certain lands by such State;

H.R. 18100. An act to empower postal inspectors to serve warrants and subpenas and to make arrests without warrant for certain offenses against the United States;

H.R. 18333. An act to authorize the Secretary of the Interior to study the feasibility and desirability of establishing an Upper Mississippi Valley National Recreation Area between Wood River, Ill., and Minneapolis, Minn., and for other purposes;

H.R. 18612. An act to enact title 44, United States Code, "Public Printing and Documents," codifying the general and permanent laws relating to public printing and documents;

H.R. 18763. An act to authorize preschool and early education programs for handicapped children;

H.R. 18885. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Seminole Tribe of Oklahoma in dockets Nos. 150 and 248 of the Indian Claims Commission, and for other purposes; and

H.R. 19136. An act to amend title 5, United States Code, to provide for the payment of overtime and standby pay to certain personnel employed in the Department of Transportation.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 3566) to amend the Federal Aviation Act of 1958 with respect to the definition of "supplemental air transportation," and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 551. An act to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes;

H.R. 4530. An act to amend the act of December 22, 1928, relating to the issuance of patents for lands held under color of title, to liberalize the requirements for the conveyance of the mineral estate, and for other purposes;

H.R. 8781. An act to authorize the Secretary of the Interior to exchange certain lands in Shasta County, Calif., and for other purposes;

H.R. 10256. An act to render the assertion of land claims by the United States based upon accretion or avulsion subject to legal and equitable defense to which private persons asserting such claims would be subject;

H.R. 13099. An act to authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes;

H.R. 14413. An act to authorize the acquisition and disposal of certain lands at Chickamauga and Chattanooga National Military Park, Ga., and for other purposes;

H.R. 17273. An act to amend the act of September 21, 1959 (Public Law 86–339) relating to the Reservation of the Agua Caliente Band of Mission Indians;

H.R. 17684. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico;

H.R. 17787. An act to authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes;

H.R. 17874. An act to amend the act providing for the admission of the State of Alaska into the Union in order to extend the time for the filing of applications for the selection of certain lands by such State;

H.R. 18333. An act to authorize the Secretary of the Interior to study the feasibility and desirability of establishing an Upper Mississippi Valley National Recreation Area between Wood River, Ill., and Minneapolis, Minn., and for other purposes; and

H.R. 18885. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Seminole Tribe of Oklahoma in dockets Nos. 150 and 248 of the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12962. An act to provide for the establishment of a Commission on Negro History and Culture; to the Committee on Labor and Public Welfare.

H.R. 15450. An act to amend section 101 (a) (27) (D) of the Immigration and Nationality Act;

H.R. 17864. An act to amend titles 5, 10, and 37, United States Code, to codify recent law, and to improve the Code;

H.R. 18100. An act to empower postal inspectors to serve warrants and subpenas and to make arrests without warrant for certain offenses against the United States; to the Committee on the Judiciary; and

H.R. 18612. An act to enact title 44, United States Code, "Public Printing and Documents", codifying the general and permanent laws relating to public printing and documents; to the Committee on the Judiciary.

H.R. 16175. An act to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes; to the Committee on Foreign Relations.

H.R. 17361. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the city of Memphis; to the Committee on Banking and Currency.

H.R. 17609. An act to authorize the Secretary of the Interior to convey to the city of Kenai, Alaska, interests of the United States in certain land; placed on the calendar.

H.R. 19136. An act to amend title 5, United States Code, to provide for the payment of overtime and standby pay to certain personnel employed in the Department of Transportation; to the Committee on Post Office and Civil Service.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stands in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. JAVITS. Mr. President, will the Senator from Nebraska yield me 10 minutes on the bill?

Mr. HRUSKA. I am happy to yield.

Mr. JAVITS. Mr. President, I have not heretofore spoken on this bill, and I should like to make a few observations on it.

The gun control controversy is really one of the big city issues before our people. Proposed gun control legislation represents a recognition of the fact that America is now 70 percent urbanized. It is a recognition that practices respecting firearms which have been traditional in a more rural America must now be made compatible with extensive city and suburban living which provide so many more opporunities for crime and violence in which firearms are important elements.

I believe that gun legislation, including registration and licensing under the very practical provisions to be submitted to the Senate by amendment, represents the best compromise between our urban and rural interests in respect of gun control. It will give some measure of protection in the cities but will not in any way interfere with or levy any charge upon the enjoyment of the use of firearms by hunters and sportsmen.

The bill which we have before us today is a modest one when we consider it in light of the enormous need for legislation which has been demonstrated during the 7 years in which the Senate Juvenile Delinquency Subcommittee has been conducting its investigation. For 2 of those years, I was a member of the subcommittee, and I am personally familiar with much of the evidence and testimony which has been compiled. I have said time and again in speeches on this floor that strict, comprehensive gun control legislation was needed and I am pleased that the Senate has been given a second chance this year to enact it—even though the circumstances which propelled this issue to national attention once again are so tragic.

The last time we considered gun legislation—as one title of the Safe Streets and Crime Control Act—an effort was made to prohibit the mail-order sale of all guns on the simple theory that some control was necessary to keep these lethal weapons out of the hands of juveniles, criminals, and the mentally ill. Then, we achieved only a partial victory banning handguns from the mails. Since that time a massive surge of public opinion—aroused by the senseless and violent assassinations of my colleague Senator Robert F. Kennedy, and of Dr. Martin Luther King, Jr.—has found voice and made its impact felt in the Congress. Any Senator whose mail on this subject is similar to mine—and I received more than 100,000 letters favoring gun registration during the month of June alone—knows that the people want this law. Legislators should not be deceived by the organized efforts of a special interest group whose real influence has, in the last few months, been heavily discounted.

In the last 2 days, many have spoken on the proposed committee amendments which, in my judgment, would severely weaken the bill. I am already recorded against two—the licensed collector and the ammunition amendments—and today, I shall vote against one other.

The committee amendment lowering the Federal standards for licensed dealers would create a significant loophole for those wishing to purchase guns outside the scope of this law. Removing the requirement that applicants for licenses must operate a business premises and substituting his own statement of intent for a judgment by the Secretary of his likelihood of engaging in business will make it possible for thousands to obtain guns intended, by Congress, to be available only to bona fide dealers. One hundred thousand licenses are already issued annually and the Treasury Department estimates that 20 percent of these go to persons, not engaged in the firearms business, who obtain licenses to avoid restrictions imposed on other citizens. This loophole should be closed, if possible, not broadened as the committee amendment would do.

On the merits of the bill itself, I favor the strongest possible control of these lethal weapons. I will vote for a ban on mail-order sale of long guns and I will strongly support the addition of gun registration and licensing to the provisions of the committee bill.

I have spoken at length on a number of occasions on the merits of this legislation but there is one final point I would like to emphasize today. As the senior Senator from New York I have grown increasingly conscious of the charge made by opponents of gun control legislation, that my State—which has a strong gun control law—has the highest crime rate in the Nation. This is simply not factually correct and its implications are grossly misleading. In fact, our law covers only concealable weapons, requiring a license for their possession—except in New York City which, beginning 1 month ago, covered long guns also. So the New York law is not as strong as this proposal now before us.

Second, States surrounding New York do not have as effective gun control laws, which makes New York enforcement most difficult.

And finally, in spite of these two handicaps, which a good Federal law would cure, New York's crime rate is not high at all when compared with that of other densely populated jurisdictions. In New York City, for example, 25 percent of all murders in a recent year were committed with guns; in Dallas and Phoenix—where there are no gun control laws—the figures were 72 percent and 65.9 percent respectively for the same year. Nationally, about 80 percent of all murders are committed with guns. And, of the 10 largest cities in the Nation, New York, which has the largest population, and the strictest gun control legislation, has the fifth lowest assault rate, the third lowest murder rate, and the lowest robbery rate.

These facts, obtained from the FBI's Uniform Crime Statistics Report, are compelling. They show that strong legislation has a significant impact on the rate of violent crime, and is the first step which must be taken by those who cry for a return to law and order in this land. Votes on this bill may well prove to be a clear indication of the intentions of those who have made this slogan the base of the 1968 election campaign.

It is not easy to be for effective gun control legislation even in New York. I just received word that a local gun control lobby in the mid-Hudson Valley, located in Saugerties, N.Y., has opened a campaign "to beat Javits," as they say, because of my stand in favor of effective gun control legislation. They are advertising the fact that they want sportsmen "to help dump Javits," as they say.

To cite a little example which may be illuminating to Members of the Senate, the name of any new Senator would have far less power than the name of Jacob Javits with 12 years' seniority. We must center our interest on the political tiger in order to dramatize the effectiveness of an aroused citizenry. And we do have an aroused citizenry in the State of New York. I have recounted the number of letters I have received.

I have no rancor about this attack. There is nothing in the legislation, including the registration and licensing provisions contained in the bill of the Senator from Maryland [Mr. Tydings], which in any way jeopardizes the interest of or costs any money for a legitimate sportsman who is interested in target shooting or in owning or carrying a gun, a rifle, a shotgun, or even a pistol.

The only effort sought to be made in the bill is to come abreast of the dangers in this country at the present time occasioned by the enormous sea of weapons in which we swim. The traffic in these weapons is completely unregulated and uncontrolled. It is high time that in this urbanized society there be, in my judgment, at least a minimal amount of registration and licensing provisions and prohibition on interstate shipment.

I make an analogy with the automobile license which also involves a lethal weapon. There is, of course, a difference in the cost factor.

I shall support in every way the legislation as amended by the pertinent provisions of the measure of the Senator from Maryland.

I thank the Senator from Nebraska for yielding to me.

AMENDMENT NO. 958

Mr. DOMINICK. Mr. President, I call up my amendment No. 958, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be waived, and that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, ordered to be printed in the RECORD, is on page 62, after line 10, add the following new title:

TITLE IV—USE OF FIREARMS IN THE COMMISSION OF CERTAIN CRIMES OF VIOLENCE

SEC. 401. (a) Part I of title 18, United States Code, is amended by adding immediately after chapter 115 the following new chapter:

"CHAPTER 116.—USE OF FIREARMS IN THE COMMISSION OF CERTAIN CRIMES OF VIOLENCE

"Sec.
"2401. Use of firearms in the commission of certain crimes of violence.
"2402. Definitions.

"§ 2401. Use of firearms in the commission of certain crimes of violence

"Whoever, while engaged in the commission of any offense which is a crime of violence punishable under this title, is armed with any firearm, may in addition to the punishment provided for the crime be punished by imprisonment for an indeterminate number of years up to life, as determined by the court. Upon a subsequent conviction under this section by the same person, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence.

"§ 2402. Definitions

"As used in this chapter—

" 'Crime of violence' means any of the following crimes or an attempt to commit any of the following crimes: murder; voluntary manslaughter; Presidential assassination, kidnaping, and assault; killing certain officers and employees of the United States; rape; kidnaping; assault with intent to kill, rob, rape, or poison; assault with a danger-out weapon; robbery; burglary; theft; racketeering; extortion; and arson.

" 'Firearm' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearms silencer; or any destuctive device.

" 'Destructive device' means any explosive. incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter."

(b) The analysis of part I of title 18, United States Code, is amended by inserting immediately before the last item the following:

"116. Use of firearms in the commission of certain crimes of violence____ 2401".

Mr. TYDINGS. Mr. President, I ask unanimous consent that my name may be listed as a cosponsor of the amendment offered by the Senator from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, I welcome the support of the Senator from Maryland. The cosponsors of my amendment are Senators ALLOTT, BENNETT, BIBLE, CANNON, CURTIS, FANNIN, HANSEN, HRUSKA, JORDAN of Idaho, MCGOVERN, MUNDT, MURPHY, TOWER, and TYDINGS.

The amendment provides an added penalty up to life in prison for an individual who is armed with any type of firearm while engaged in a Federal crime of violence.

The language of the amendment is identical to S. 3681 which I introduced earlier this year. I offer it again today with bipartisan cosponsorship.

Several alternatives have been advanced in the 90th Congress regarding penalties for criminal use of a firearm. However, there is one characteristic which sets my amendment apart and makes it unique. It is based on the same formula, insofar as practicable, as that approved by the Congress and signed by the President just 9 months ago as part of the omnibus crime law for the District of Columbia.

Under the terms of the amendment, any person who is convicted of committing or attempting to commit Federal crimes of violence, as defined in the amendment while armed with a firearm may first, in addition to the punishment for the crime, be punished by imprisonment for an indeterminate number of years up to life, as determined by the court; and second, if convicted more than once, be precluded from receiving a suspended or probationary sentence.

There was no similar provision in the national crime bill signed into law in June of this year. There is no similar provision in the pending bill.

I believe enactment of such measures in conjunction with effective enforcement and widespread dissemination of the knowledge of their utilization will do more to curtail gun crimes than any of the proposals before the Senate.

We have been dealing in the pending bill with problems in connection with interstate sale of guns. However, my amendment is not designed to get at the gun itself but to get at the man who is using it in Federal crimes of violence; because, after all, it is the fellow who pulls the trigger which really determines what the crime level is going to be, and it is that person we should be deterring.

There are other factors which substantiate the commonsense of the approach taken in this amendment.

No new crime would be created. Penalties have just been increased when one particular element—a gun—is presented in the perpetration of the enumerated crimes. As a result, there would be no additional strain on already overburdened courts.

The provision could go into effect immediately upon passage, without any lag time while enforcement procedures are created.

And, most important, it would give a clear mandate to the Federal courts of this country to deal more severely with criminals who use or carry firearms.

The amendment specifies the offenses which are to be considered crimes of violence, instead of extending to "any felony" as some proposals have done. My reason for this is twofold. First, it is the procedure used in the new District of Columbia crime law, and second, it is apparently the preference of enforcement personnel. A memo prepared by the Legislative Reference Service of the Library of Congress, during the drafting of my amendment contains the following statements:

> According to Mr. Marvin Helter, the Justice Department's specialist on federal criminal jurisdiction, it is highly desirable, in drafting a measure such as the one you contemplate, to be specific about the Title 18 offenses to which it is desired that the act would apply.

All of the serious crimes of a violent nature are included as well as racketeering which involves many elements of both violence and lack of violence. Let me read them as listed in the amendment: murder; voluntary manslaughter; presidential assassination, kidnaping, and assault; killing certain officers and employees of the United States; rape; kidnaping; assault with intent to kill, rob, rape, or poison; assault with a dangerous weapon; robbery; burglary; theft; racketeering; extortion; and arson.

"Firearm" is defined with the same definition as in the pending bill and includes any type of firearm.

This, I submit is the better approach, because it selectively applies greater penalties to those crimes in which firearms are most extensively used and in which if firearms were not used, the crimes would be much more difficult to execute. These are the crimes in which the life of the victim is most in danger.

Existing Federal law containing special penalties for use of a firearm in crime is quite limited. There are only six instances in title 18, the title of the United States Code dealing with crimes and criminal procedure. I ask unanimous consent to have printed in the RECORD at this point a table of these sections.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., June 25, 1968.

To: Honorable PETER H. DOMINICK,
From: Education and Public Welfare Division.
Subject: Special penalties provided under Title 18, U.S. Code, for the use of firearms or other deadly weapons in commission of crimes.

Under title 18, special penalties are provided for the following:

Section of title 18	Imprisonment and/or fine	Other
111 (assault upon U.S. official)	Up to 10 years and/or up to $10,000	
112 (assault upon foreign official)	do	
113c (assault in maritime or territorial jurisdiction)	Up to 5 years and/or up to $1,000	
2113d (robbing bank)	Up to 25 years and/or up to $10,000	
2231 (resistance to legal search or seizure)	Up to 10 years and/or up to $10,000	
3611 (commission of felony with firearm)		Immediate confiscation.

OTHER TITLE 18 OFFENSES RELATING TO FIREARMS

	Imprisonment	Fine	Other
1792 (carrying firearm into Federal penal or correctional institution)	Up to 10 years		
2277 (carrying dangerous weapon aboard vessel without permission)	Up to 1 year	Up to $1,000	

> The wording employed to describe the weapons covered in each section is as follows:
>
> Sections 111 and 112: "deadly or dangerous weapon".
>
> Section 113(c): "dangerous weapon".
>
> Section 2113(d): "dangerous weapon or device".
>
> Section 2231: "deadly or dangerous weapon".
>
> Section 3611: "firearms and ammunition".
>
> Section 1752: "firearms, weapon, explosive, or any lethal or poisonous gas, or any other substance or thing designed to kill, injure, or disable any officer. . . ."
>
> Section 2277: "dangerous weapon, instrument, or device, or any dynamite, nitroglycerine, or other explosive article or compound"
>
> DICK MENAKER.

Mr. DOMINICK. They are section 111—assault upon U.S. official—section 112—assault upon foreign official—section 113(c)—assault in maritime or territorial jurisdiction—section 2113(d)—robbing bank—and section 2231—resistance to legal search or seizure. Section 3611 is different in that it allows the court to order confiscation of a firearm used by the criminal once he is convicted.

To that list should also be added section 2114 regarding postal and other property.

My amendment would not repeal these provisions nor would it diminish their effectiveness. While the terminology varies, in general it may be said that each of these sections covers any dangerous or deadly weapon. On the other hand, my amendment covers only firearms. As such, it is not intended to detract from these existing sections, but it would be available, if the prosecutor and the court desired, for the purpose of stronger penalties in those cases where firearms were involved.

Within the debate over stiffer sentences, some have argued for mandatory minimum fixed terms without regard to the circumstances. Another possibility is what has sometimes been called the pure form of the indeterminate sentence—a sentence for a term without a minimum or maximum, with release depending upon rehabilitation. I am not against these, but I have some reservations as to whether either is as effective or as strong as the formula in my amendment. Let me explain why.

Mandatory sentencing was examined by a task force of the President's Commission on Law Enforcement and the Administration of Justice. It said this:

> Because of the need to deter potential offenders and to isolate dangerous persons from the community, it is necessary that long prison sentences be available for those who have committed the most serious offenses or for those who are likely to commit further crimes. Mandatory sentences, however, prevent the courts from basing their sentences on the relative importance of these factors in each case. Judges and prosecutors often regard punishment by long mandatory terms as unreasonably harsh, and they are faced with the dilemma of adhering to the statutory requirement of avoiding it to produce results that seem to be just in individual cases. . . .
>
> There is persuasive evidence of nonenforcement of these mandatory sentencing provisions by the courts and prosecutors. For example, where certain offenses carry long mandatory prison terms, prosecutors frequently reduce the charge to a lesser offense if the defendant agrees to plead guilty. . . .
>
> By denying adequate sentencing discretion to the courts, the legislatures have unintentionally increased the bargaining power of the prosecutor in plea negotiations. . . .

A dim view of mandatory minimum fixed sentences was also taken by another commission—the President's Commission on Crime in the District of Columbia. After an analysis of sentencing practices in the District, the Commission concluded:

> Until reliable and detailed data are gathered, the Commission cautions against insufficiently informed responses to reports of rising crime, which assume unproved relationships between sentence severity and and flexibility of the courts and correctional authorities to deal with convicted offenders. Unfortunately, such responses mask the need for experimentation with new sentencing alternatives and methods in the light of current knowledge in the fields of correction and the behavioral sciences.

Indeterminate sentencing, in its many forms, is another matter. It preserves discretion and flexibility for the courts and correctional authorities to deal with each case as the circumstances may require. In 1958, Congress authorized Federal courts to impose a hybrid form of indeterminate sentence within the limits of the provisions of each substantive offense, 18 U.S.C. 4208. It was only a limited beginning, but it was a recognition of the merits of indeterminate sentencing patterns.

I said before that I wanted to be sure we provide swift punishment for gun crimes. I also said I had reason to believe my amendment would result in a stronger sentencing structure than mandatory fixed minimums. Let me emphasize, therefore, the concluding lines of the conference report on the 1958 act, when Congress began to enter the field of indeterminate sentencing. The report said:

> Testimony submitted at the hearing on this legislation disclosed that terms served under indeterminate sentences average longer than do terms under the fixed system.

The formula which we approved as the new law for the Nation's Capital, and which is contained in my amendment, is a reasonable compromise. It encompasses elements both indeterminate and mandatory.

My amendment fits nicely into the framework authorized by the 1958 act, 18 United States Code 4208. That act covered offenses punishable by a term exceeding 1 year. Under its terms, the Federal court may, within the limits set by the substantive offense, fix a minimum and maximum term with the minimum not more than one-third of the maximum. Alternatively, it may fix the maximum term to be served within those limits without setting a minimum term and vest the parole board with discretion to release the offender at the proper time.

At the same time, the formula in my amendment has a mandatory aspect. If the prosecutor brings an action against a repeat offender and he is convicted, it is mandatory that the criminal go to prison. The court could not suspend his sentence or give him a probationary sentence.

This new formula strengthens law enforcement, but it maintains the needed flexibility and discretion in the sentencing process. It overcomes the principal objection to mandatory sentencing—the rigidity which does not allow individual cases to be judged solely on the merits. Under the form and substance of congressional policy set forth, it permits Federal judges to sentence more in accord with the relative merits of each offender, in terms of record, type of offense, degree of magnitude of harm to victim, and other related factors.

I recognize the need, as do the American people, for improved enforcement of existing laws. I also recognize the need for obtaining solid convictions of criminals. The changes we recently made in Supreme Court decisions on the admissibility of confessions and other evidence may help. But I also recognize the need for stamping out violence by directing our efforts at those who perpetrate it. My amendment would do that.

The majority of crimes are, of course, State crimes, so the impact of my amendment would be limited in the sense of number of convictions under its terms. But, by limiting its application to Federal crimes—and Federal crimes which are enumerated—we respect and preserve the traditional separation between State and Federal jurisdiction over law enforcement.

By its enactment, Congress can make it clear to every potential criminal in America who contemplates using a gun in crime that he runs the risk of imprisonment for life.

By its enactment, we can stress to State and local legislative bodies the desirability of their enacting similar measures.

We recently took this step for residents of the District of Columbia. Let us now do it for the rest of the Nation.

Mr. President, I have been asked by the Senator from New Hampshire [Mr. COTTON] to request unanimous consent to have his name added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. I reserve the remainder of my time.

Mr. DODD. Mr. President, I believe this is a good amendment. I think it should be agreed to. I commend the Senator from Colorado for his work and for having offered it. I am sorry I did not cosponsor it, but I was not aware of the amendment. I think it is a good amendment and I know of no opposition to it.

Mr. BREWSTER. Mr. President, will the Senator yield to me for 1 minute?

Mr. DODD. I yield to the Senator from Maryland.

Mr. BREWSTER. Mr. President, I have a similar amendment which I had proposed to bring up later in the debate.

I ask unanimous consent to have my name added as a cosponsor of the amendment of the Senator from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

Do Senators yield back the remainder of their time?

Mr. DOMINICK. I yield back the remainder of my time.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. MURPHY subsequently said: Mr. President, I have cosponsored amendment No. 958, introduced by my able colleagues from Colorado which allows, but does not require increased sentences, the length being left to the court's discretion, for those persons convicted of committing a felony while using or having a firearm in their possession.

I strongly support the purpose of this amendment, because I believe it speaks directly to the problem which we are trying to solve by our consideration of firearms legislation today.

Our intent obviously is to take guns out of the hands of criminals. I think there is little doubt but that the effective enforcement of an amendment such as that proposed by Senators ALLOTT and DOMINICK will make every criminal and would-be criminal think twice before using or even carrying a firearm.

However, Mr. President, that amendment, as it is drafted, does leave an opening which I would hope the courts will see fit to close. It states that the court may increase the sentence of the convicted criminal, but it does not say that the court must do so. I think the court should do its utmost so as to keep this provision from being an empty threat.

Now, Mr. President, the House of Representatives, by a vote of 412 to 11, included in its gun legislation a provision which will require the court to sentence any person committing any felony, as defined by this act, while using or carrying a firearm to an additional 1 to 10 years' imprisonment. For the second offense of such a nature it will require the term of imprisonment range between 5 and 25 years. In neither case can there exist a possibility of a suspended sentence, probation, or consideration being given to the sentence running concurrently with any term of incarceration imposed for the commission of the original felony.

Mr. President, I believe the amendment we are considering will allow a greater degree of flexibility for the court to utilize its just discretion in relation to the facts peculiar to the individual case involved. I think its passage is essential if we are truly concerned with the increase in the crime rate, the number of felonies which have been committed with firearms and have resulted in deaths and injuries, and the need for a peaceful society.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally charged against both sides under the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 971

Mr. HRUSKA. Mr. President, I call up my amendment No. 971 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 32, line 19, insert "(1)" immediately after "(a)".

On page 32, between lines 24 and 25, insert the following new paragraphs:

"(2) The provisions of this chapter shall not apply with respect to the transportation, shipment, or receipt by members of the United States Armed Forces on active duty outside the United States or clubs recognized by the Department of Defense whose entire membership is composed of such members, of a firearm or ammunition generally recognized as particularly suitable for sporting purposes and intended for the personal use of any such member or club.

"(3) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces on active duty outside the United States (or to the place of residence of any member of the United States Armed Forces who has been on active duty outside the United States within the sixty-day period immediately prior to such transportation, shipment, receipt, or importation) of any firearm or ammunition which is (A) generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of firearm normally classified as a war souvenir, and (B) intended for the personal use of such member.

"(4) For the purpose of paragraphs (2) and (3) of this subsection, the term 'United States' means each of the Several States and the District of Columbia."

Mr. HRUSKA. Mr. President, study of the bill before us and of the recently passed House bill indicates that passage of this legislation in its present form could create an inadvertent, unintended, and substantial hardship on many members of our Armed Forces serving abroad. Many of our overseas servicemen have through the years availed themselves of local opportunities to hunt or to participate in the sports of trap and skeet shooting, often under the active encouragement of officially sponsored rod and gun clubs or their equivalent. A careful reading of the proposed legislation indicates that neither the overseas rod and gun clubs or the servicemen themselves would be permitted to purchase firearms directly from the traditional U.S. manufacturers. Perhaps servicemen would not be able to mail or ship their personally owned firearms home when circumstances of their duty made further use or possession overseas impracticable or impossible.

Although at first glance this may appear to be an insignificant problem, it is not. From reliable industry sources I have learned that current annual sales are totaling about 65,000 long guns alone. About 65 percent of these sales are handled by post exchanges, about 25 percent through military rod and gun clubs, and the remaining 10 percent are sold on ships at sea.

I do not believe that it is the intent of Congress to penalize the participation of our servicemen abroad in legitimate sporting activities, or to make it unduly difficult for them to acquire from home or send home personal sporting firearms. Accordingly, I urge and move that the amendment be agreed to.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. MURPHY. Mr. President, I want the Senator to know that I am a great sympathy and enthusiastically support the amendment.

However, I wonder if the Senator from Nebraska considered the possibility of including the non-service-connected personnel of the United States who are in many areas all over the world. Many of these people are in the Middle East involved in oil operations, in Latin America, in AID programs, and in Africa. They have the same problem as service personnel. The only difference is that one individual is there because of the command of the military and the other individual is there because of the need or because of choice.

Mr. HRUSKA. There is already an exemption for Government officials stationed abroad. How far that exemption goes down in the echelon I do not know, but, as far as I know, it is sufficient to take care of the needs in that area.

At this point I would not want to confuse the matter by writing something in general language which would be difficult to police elaborating on who would and who would not be eligible. I would prefer at this point to have amendment No. 971 agreed to and to rely on the exemption accorded Government officials stationed abroad.

Mr. MURPHY. I am not talking about Government officials, necessarily. I am talking about nongovernment personnel, private individuals.

Mr. HRUSKA. Persons in private employment?

Mr. MURPHY. The Senator is correct.

Mr. HRUSKA. Frankly, that had not reached the attention of this Senator. Perhaps the Senator from Connecticut has some thoughts on the matter.

Mr. DODD. From what I have been able to hear, there is nothing that we should do in that regard. If we keep opening the door we will render this bill a nullity. Now, we would go from those serving in the Armed Forces to those serving abroad, not even working for the Government.

Mr. MURPHY. Mr. President, will the Senator yield for an observation?

Mr. HRUSKA. I yield.

Mr. MURPHY. I understand that about 2 million Americans live abroad, yet pay their taxes here. It is not a question of opening the door to them but rather a question of not closing the door on them unintentionally.

I am sure that the proponents of the bill, certainly myself, do not want to penalize anyone except potential lawbreakers. I see no reason why American citizens who live abroad should be penalized. If they have penalties placed upon them, then it should apply to our Armed Forces as well. I believe that we divide too much. In writing Federal law, I believe that we should make it as all-inclusive as possible. I simply do not like to see 2 million people—if that is the right figure—completely forgotten. There are already too many forgotten people in this country.

Mr. DODD. I do not believe that they are forgotten.

Mr. MURPHY. Neglected then, let us say.

Mr. DODD. What is that?

Mr. MURPHY. They may not be forgotten but they are neglected in our considerations.

Mr. DODD. I want to be sure that I understand the Senator. I understood the Senator to be talking about American citizens living abroad who are working.

Mr. MURPHY. Living abroad for any purpose.

Mr. DODD. All right.

Mr. MURPHY. As long as they are there for a legitimate purpose.

Mr. DODD. And the Senator wants them exempted from the regulations which will be imposed on every other American?

Mr. MURPHY. I merely ask the question of my distinguished colleague, as to whether that had been considered. I take it from the remarks of the Senator from Nebraska that it had not been considered and had not been thought of.

Mr. DODD. This would involve a tremendous burden upon law enforcement officials.

Mr. MURPHY. There is no question about it. The entire bill would do this.

Mr. DODD. Why add more? If it is already involved, I do not know why we should add more.

Mr. MURPHY. The amount of involvement is certainly proper consideration. I think it is an improper thing, where the rights of individuals are concerned, to measure them by saying that if it is too much, let us forget them. I do not agree with that. I believe that regardless of how much trouble it may be, if we are writing legislation which will be equitable and proper and will accomplish the purpose for the people of this country, that is what we should do. That is why I raise the question. I do not mean to labor the point. I think I made my point. I do not believe it has been considered. I hope it may properly be considered.

I may have an amendment to offer on the subject—I do not believe we will finish the bill tonight—so that by tomorrow I shall be able, hopefully, to offer an amendment which will be acceptable to the Senate which might take care of it. I thank the Senator.

Mr. HRUSKA. I am wondering whether we could do this since it would be a little awkward to try to devise language at this particular time, could we not, take this matter to the conference and in the meantime, have the staff explore its possibilities?

Mr. MURPHY. Yes. I was going to help in trying to get my staff together, and possibly sometime this evening I might become imaginative enough myself to see if I can find the language which would make provision for these people without opening the door completely, so to speak; but also without serving up an arrangement which would overburden the mechanics of enforcing the provisions in the bill.

Mr. HRUSKA. I thank the Senator.

Mr. DODD. Mr. President, I should like to ask a question of the Senator from Nebraska about this amendment. Beginning on line 5, subsection 2, the following language appears:

> The provisions of this chapter shall not apply with respect to transportation, shipment, or receipt by members of the United States armed forces on active duty outside the United States, or clubs recognized by the Department of Defense whose entire membership is composed of such members.

Do I understand the language correctly to mean the word "clubs" would have to be composed entirely of members of the U.S. Armed Forces?

Mr. HRUSKA. Yes. That is almost a word of art, I could say, because there are in the Department of Defense officers' clubs, noncommissioned officers' clubs, and even, clubs which are voluntary and not categorized in that way. They are recognized for various purposes. I think it would be sufficiently definite in the structure of the Armed Forces that it would be definitely descriptive.

Mr. DODD. I will be direct about it: My concern is that there would not be any possibility, would there, of this being understood as an exemption for the National Rifle Association?

Mr. HRUSKA. If they get approved by the Department of Defense. I imagine they should be accorded the rights of citizens. I doubt very much that they are all members of clubs of that kind. It would be my hope and I doubt very much that it would be applicable by a National Rifle Association unit for that purpose.

Mr. DODD. That is not my point.

Mr. HRUSKA. This applies to overseas units.

Mr. DODD. I know that. I am just trying to clarify the situation. There was an effort made to exempt N.R.A. clubs, as the Senator knows. I do not think that is the intention here, but I thought it would serve a good purpose if we made that clear.

Mr. HRUSKA. Very well.

Mr. DODD. I understand what the Senator has stated, that these are clubs overseas composed entirely of individuals in the Armed Forces and that it does not make any effort to exempt members of other clubs.

Mr. HRUSKA. The Senator's understanding is correct.

Mr. President, I yield back the remainder of my time.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. MONDALE in the chair). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HRUSKA. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. DODD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. BREWSTER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 36, following line 2, insert the following: "except, however, no governmental agency, including State, possession, or political subdivision, may legalize the confiscation of otherwise legally held and used firearms."

Mr. BREWSTER. Mr. President, this amendment is clear and its purpose simple. On page 35 of the bill, section 927, "effect on State law," I have added at the end of this, on line 3, on page 36, an amendment that would prohibit the confiscation of any legally held and used firearms by any governmental subdivision.

I realize that there is nothing in this general proposal that has anything to do with confiscation. But I also know that across America there is great concern about the possibility the Federal Government or some other governmental agency will, at some future date, confiscate or take away legally owned and used firearms.

I know that in my own State of Maryland the people are deeply worried about this pending gun control legislation. They are afraid that someone will come into their homes, take their firearms; that some Government official at some stage of the game will use this measure that we are now considering as the basis for confiscation. This is one of the reasons I wrote to the distinguished chairman of the Judiciary Committee on June 5, 1968, suggesting that language be added to the gun control legislation making it crystal clear that the Government would have no power to confiscate guns from law-abiding owners and users. I also suggested at that time that any fees connected with the registration or licensing of firearms should be eliminated. I ask unanimous consent to have the text of that letter included at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 5, 1968.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Soon the Judiciary Committee will consider the gun control legislation pending before it.

As an advocate of strong gun controls, and as a co-sponsor of the National Gun Crime Prevention Bill, I should like to suggest two points that I believe essential to any gun registration and licensing measure.

First, there should be no charge for registering firearms or for obtaining a Federal firearms license. Both the National Gun Crime Prevention Act and the Federal Gun Registration and Licensing Act provide for a $1.00 fee for registering each gun and a $1.00 fee for licensing. Although these charges are minimal, I feel it unwise and unfair to tax the legitimate gun owner, however slightly, in a measure that is designed to protect the general public safety.

Second, although neither of the registration and licensing bills before the Judiciary Committee proposes anything that could be construed as confiscation of firearms, many Americans are afraid, nonetheless, that their guns will be taken away from them. Since this is obviously not so, I would suggest adding language to make this absolutely clear.

I hope that these two points will be of value to you in your consideration of gun control legislation.

Respectfully yours,

Daniel B. Brewster,
U.S. Senator.

Mr. BREWSTER. Mr. President, the right of Americans to bear arms legally is, of course, guaranteed by our Constitution, but I believe the inclusion of my amendment would do much to settle the fears of law-abiding citizens who are genuinely worried that their Government will someday tell them that they shall not be allowed to own and use firearms.

I ask the manager of the bill if he would accept the amendment.

Mr. DODD. Mr. President, I think so. I think it is a good amendment. It ought to lay at rest the unfounded fears of sportsmen, good people, who have been led to believe that the passage of the bill will result in confiscation of their guns. As the Senator has pointed out, nothing could be further from the truth.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. HRUSKA. Mr. President, I concur in the thoughts expressed by the Senator from Maryland. The Senator from Nebraska has on many occasions been approached by persons and asked why there is a desire to take their guns away from them. It is difficult to explain to them because, legislation like this, is very complex, complicated, and technical. They do not understand the technicalities, and think that, hidden somewhere in these words, is the idea that the Government will be able to come in and pick up their guns.

I wish to concur in the views stated by the Senator from Connecticut and accept the amendment.

Mr. MURPHY. Mr. President, will the Senator yield me 2 minutes?

Mr. DODD. Yes.

Mr. MURPHY. Mr. President, I would like to join the Senator from Maryland in the views he has expressed. I live in a town called Beverly Hills. A short time ago the city council passed a gun-registration requirement. I talked to some of the proponents and they expressed many emotional reasons for supporting passage. I felt that it had not been completely thought out.

I know, from the long discussion before the committee and from the millions of words that have appeared in the press, that this is a complicated subject. We all know what we want to do. I want to make certain that we do it properly.

In Beverly Hills now there is a requirement for gun registration. Many people are concerned about it and wonder whether perhaps in the future the city council, moved by some further emotion, may say, "All right, we will not permit any guns in Beverly Hills."

Whether the first law is constitutional or not is a question. Whether the second law would be constitutional or not would be a question. But the Senator has raised a valid point and it is a reflection of the concern expressed in the mail I have received, which has been so great that it has put my staff 3 or 4 weeks behind in answering it. The thought expressed by the Senator from Maryland is a reflection of many letters that have been written to me.

I would like to recommend that the manager of the bill accept in some manner some of the protection contained in this proposal.

Mr. BREWSTER. I thank the Senator.

Mr. President, I ask unanimous consent that the name of the senior Senator from North Carolina [Mr. Ervin] be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I yield back my time on the amendment.

Mr. HRUSKA. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Who yields time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged to both sides out of the time allocated on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 965

Mr. HRUSKA. Mr. President, I call up my amendment No. 965, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. The Senator from Nebraska [Mr. Hruska] proposes an amendment (No. 965) as follows:

On page 1, beginning with line 8, strike out through line 12 on page 5.

On page 5, line 13, strike out "Sec. 102." and insert in lieu thereof "Sec. 101.".

On page 36, line 9, strike out "Sec. 103." and insert in lieu thereof "Sec. 102.".

On page 36, line 12, strike out "Sec. 104." and insert in lieu thereof "Sec. 103.".

On page 37, line 13, strike out "Sec. 105." and insert in lieu thereof "Sec. 104.".

On page 37, line 17, strike out "Sec. 106." and insert in lieu thereof "Sec. 105.".

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

Mr. President, the objective of this amendment would be to strike what begins on page 1 of the bill, line 7, consisting of the findings and declaration.

The "Findings and Declaration," was added to S. 1592 in the 89th Congress and carried forward into the present bill.

There appears to be no legislative need or justification for such a section. The nature of this tirade—no other word does it justice—can be inferred from the repetition three times in the first paragraph of the word "traffic," with reference to commerce in firearms.

The nine paragraphs of section 101 are replete with highly colored expressions of opinion and one-sided half truths.

Paragraph (2) asserts as fact that accessibility of firearms "is a significant factor in the prevalence of lawlessness." Paragraph (6) avers that "there is a causal relationship between the easy availability of firearms and criminal behavior." Primitive peoples and children have been known to ascribe their misdeeds to inanimate objects. The FBI Uniform Crime Reports lists many factors that promote crime; availability of firearms is not on the list. The 1967 list includes:

1. Density and size of the community population and the metropolitan area of which it is a part.

2. Composition of the population with reference particularly to age, sex and race.

3. Economic status and mores of the population.

4. Relative stability of population, including commuters, seasonal, and other transient types.

5. Climate, including seasonal weather conditions.

6. Educational, recreational, and religious characteristics.

7. Effective strength of the police force.

8. Standards governing appointments to the police force.

9. Policies of the prosecuting officials and the courts.

10. Attitude of the public toward law enforcement problems.

11. The administrative and investigative efficiency of the local law enforcement agency, including the degree of adherence to crime reporting standards.

The House Judiciary Committee struck these objectionable findings during its processing of H.R. 17735, a companion bill to S. 3633. In testimony before both the House and Senate Judiciary Committees, the Attorney General indicated that he was not a "findings" man. On Page 608 of the Senate hearings, he said:

> Well, I have never been a findings man, Senator . . . So I cannot be too concerned about the elimination of the findings. . . . I think it would be just the same without the findings. They are subject to misconstruction, that sometimes comes from findings framed at the beginning of the congressional debate, and never amended to reflect the true spirit and intent of the Congress in enacting the law.

Mr. President, I agree wholeheartedly with this statement and urge the adoption of this amendment.

Mr. President, I reserve the remainder of my time.

Mr. DODD. Mr. President, I strenuously urge that the amendment be rejected. The findings are just not based on happenstance. They are based on a long period of observation, hearings, and consultation with experts. Full consideration has been given by the subcommittee and its members to this matter.

The effort to strip the declarations and findings, in my judgment, is an effort to take away from the bill the real basis on which it stands. What is wrong with these declarations? There is widespread traffic in firearms moving in and affecting interstate commerce.

Federal controls do not adequately enable the States to control this traffic. That is true. The ease with which almost anyone can get a gun—including criminals and juveniles, without the knowledge of their parents or guardians—is shocking. The same thing is true with respect to narcotics addicts, mental defectives, Minutemen and other groups of undesirables. This has created a problem.

I do not understand those who say there is no relationship between the availability of guns and the mounting crime statistics. Every law enforcement officer that I know of and everyone that has appeared before our committee said the opposite. Their statements are contained in the hearings.

I noted that the Senator from Nebraska read from the uniform crime reports of the FBI for 1968.

The only reason that there is not a one sentence reference about the availability of guns and the relationship to crime on the page he read from is that Mr. J. Edgar Hoover always discusses that subject in a special section. He knows full well the relationship between guns and crime. And everybody that has ever been in the law enforcement business knows it.

I know what the NRA wants to do to it. And I know what the gunrunners want to do to it, too. I hope that it does not happen.

We ought to leave the declarations and findings in. I do not care who says that he is not a findings man. We have all kinds of contradictory statements. I do not know whether the Attorney General was fully advised concerning what we are interested in doing here. He ought to know.

On page 266 of our firearms hearings in 1965 is stated that Mr. J. Edgar Hoover put in separate brochures strictly on the impact and availability of firearms on the crime problem. We quote a full paragraph from one of his reports on this subject.

We could also offer J. Edgar Hoover's testimony before the Appropriations Committee that year to the effect that the gun certainly is a significant factor in the number of murders in America. It is seven times more deadly than all other weapons combined.

I do not understand the inordinate interest of some people, it seems to me, to strike out all of these findings and declarations. They are not idle things. They have been arrived at after full consideration by the members of the subcommittee and after extensive hearings and long experience over many years.

I know of no argument that is compelling for their elimination except that it is here for everyone to read.

Some of the gunrunners do not like that.

That is too bad. It is an accurate description of the situation and how it came about and what will happen if it is allowed to continue.

I think it ought to be stated in here. It ought to remain in here.

Mr. HRUSKA. Mr. President, all I have to say in rejoinder is that the language adds nothing to the law. The authority of the Attorney General certainly should be sufficient to that effect. It adds nothing to the substance of the law nor to its application. The fact is that findings are often subject to misconstruction, as Mr. Clark pointed out. They are written before the legislation is put in its final form. In fact, these findings were included a couple of years ago in a bill introduced in a previous Congress. The findings are never amended to reflect the true spirit and intent of Congress in enacting the law.

So I respectfully submit that if anyone wants to get into the field of propaganda—which findings and declarations really are—he can turn to the 1,400 or 1,500 pages of Senate firearms testimony and satisfy himself in a very surfeited state.

I do not think we should clutter up the lawbooks with that type of material. I urge that the amendment be agreed to.

Mr. DODD. Mr. President, they say it does not do anything. What harm does it do? Why is the Senator so aroused? Why do people want to strike out the declarations and findings? It is because they know they are true and they do not want too many people to know about it.

It is of mighty great importance that we let everybody know for the further reason that these findings and declarations are an expression of the intent of Congress. In the committee report we adopted all of these findings and declarations. I do not remember a voice being raised in the committee against it.

I can understand that they do not like to read it here. However, that is no reason for striking it out of the bill.

As far as I know, the only people I have ever heard objecting to this matter are the people from the NRA and some of the gunrunners. I have never heard of anybody else objecting.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I do not consider the House Judiciary Committee to be gunrunners. Mr. President, I have no further request for time. I yield back the remainder of my time.

Mr. DODD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Nebraska. [Putting the question.]

The amendment was rejected.

Mr. HRUSKA. Mr. President, I ask for a division.

The PRESIDING OFFICER. The Senator from Nebraska is advised that it is too late to make that request.

Mr. HRUSKA. I am sorry. The voice of the Presiding Officer was not very audible.

The PRESIDING OFFICER. The Presiding Officer did the best he could under the circumstances.

Mr. McCLELLAN. Mr. President, will the Senator yield me 10 minutes?

Mr. BYRD of West Virginia. I yield 10 minutes on the bill to the Senator from Arkansas, on behalf of the majority leader.

Mr. McCLELLAN. Mr. President, amendment No. 969, offered by the distinguished minority leader, is printed and now lies on the desk, subject to being called up for consideration.

As I read this amendment, it is in no way germane to the pending bill to which it is offered. I have read it, however, with keen interest and concern. It obviously contains and, if adopted, it will constitute a stinging rebuke to the U.S. Supreme Court, particularly to five members of that Court who have been in the majority in a number of 5-to-4 decisions in cases involving the interpretation and application of the Constitution with respect to hard-core pornography and obscenity.

Its obvious condemnation of the Court is harsher, far more pointed, and more severe than would be the rejection by the Senate of the confirmation of Mr. Justice Fortas to be Chief Justice of the United States. To deny his promotion to the high position of Chief Justice would be a much milder rebuke than would be the enactment of legislation curbing the Court's jurisdiction.

This amendment, as I interpret it, embodies the harshest and most severe remedy which Congress is empowered to employ short of impeachment. As I read this amendment and give thought to its full connotation and import, I am compelled to recognize that it demonstrates and clearly reveals a lack of faith and confidence in at least five members of the Court to wisely, justly, and properly adjudicate cases involving issues of pornography, common decency, and morality.

I submit, therefore, Mr. President, that if the Senate adopts this amendment, it would be inconsistent and, I think, incredible for the Senate to grant a promotion to one who is responsible and who must share full responsibility for the indefensible record of the Court which gives rise to the necessity for this character of legislation.

Mr. President, I do not believe this amendment is germane to the pending bill; and if the issue of germaneness is submitted to the Senate for a vote, I shall vote accordingly. If, however, it is ruled by the Chair, and sustained by the Senate, that the amendment is germane, then I shall offer some additional amendments to this bill that will limit and restrict the jurisdiction of the Supreme Court to hear issues on appeal in other areas of jurisprudence.

I send these amendments to the desk at this time, Mr. President. One is an amendment to the amendment offered by the distinguished Senator from Illinois, the minority leader.

If the Supreme Court should be restricted and prohibited from hearing appeals in criminal cases on pornography, indecency, and immorality, then the Court should also be denied jurisdiction to hear civil cases involving that issue; because in many instances injunctions are sought and civil remedies are applied to prevent the distribution of this type of material.

I send two other amendments to the desk, Mr. President, together with the one to which I have just referred. One would limit the Supreme Court's jurisdiction to hear appeals in State court cases involving confessions of the accused. Another would deny reviewability by the Supreme Court of State court decisions in which reasonable searches and seizures are involved.

Mr. President, I have additional measures in mind—particularly, a resolution I am having drafted, which I may introduce tomorrow, and which I shall ask to be considered in connection with the pending bill. If this bill is to be used as a vehicle for dealing with problems arising from Supreme Court decisions, if that is what we propose to make of it, then several Senators have opinions about proposing some other corrective measures. I thought it was a gun bill; but if it is not, if we are now going to restrict the Court, prohibit it from hearing appeals in pornography cases, then I believe some other areas deserve attention.

Mr. President, it had never remotely occurred to me that the pending measure would become the vehicle for amendments of this nature, to limit the power and jurisdiction of the Supreme Court. If, however, that is what the Senate desires and it so determines, then there may be many amendments offered to this bill in this category, of equal relevance, germaneness, and importance.

Just one other thought, Mr. President: If the sponsors of this amendment, in good conscience, feel that it should be enacted into law, then I would urge that standard procedures be followed. Instead of using the vehicle of an amendment to this bill, a bill containing the provisions of this amendment should be introduced and appropriately referred to committee for regular processing, where hearings can be held and appropriate proceedings had thereon.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Arkansas share the conviction of the Senator from North Carolina that amendment No. 969 to the pending bill constitutes a confession on the part of its author that the author, who is quoted as supporting the prospective Chief Justice for promotion to that office, is unwilling to trust the prospective Chief Justice with adjudicating matters relating to obscenity?

Mr. McCLELLAN. On the basis of the record, and it is the record of the Supreme Court, the actions of at least five members of that body have given rise to the offering of this amendment. I say, if the Supreme Court is to be criticized and condemned to the extent of withdrawing jurisdiction from it in a certain class of cases, then, I cannot conceive how any Member of this body can vote for the confirmation of one who participated in making such a record.

Mr. ERVIN. I would like to solicit the support of the Senator for the amendment I shall offer. I want to do something about the 5-to-4 decisions in the cases of Miranda, Stovall, Wade, and Gilbert, which handicap law enforcement officials at a time when crime is increasing.

Mr. McCLELLAN. I thank the Senator. If the measure is opened up in this fashion, we will see a field day of amendments of this kind. I hope it will not be so. The amendment is not germane, and the Senate should hold accordingly.

Mr. LONG of Louisiana. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 10, line 7, strike out through line 17 and insert in lieu thereof the following: "The term 'antique firearm' means any firearm manufactured in or before 1898; and also any replica of any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system); and also any replica of any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade."

Mr. LONG of Louisiana. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 minutes.

Mr. LONG of Louisiana. Mr. President, this amendment deals with the problem I indicated when I sent an amendment to the desk yesterday and asked that the amendment and an explanation thereof be printed.

It was the feeling of the distinguished manager of the bill that the amendment I submitted would perhaps defeat the purpose of the bill in some respects, although he did feel there was merit involved in the proposal.

This matter was brought to my attention by Stanley Diefenthal of New Orleans, La., who collects antique firearms and works with them as a hobby from time to time. He pointed out the bill was too restrictive with regard to people who collect antique weapons.

I have discussed this matter with representatives of the Department of Justice, the distinguished Senator from Connecticut [Mr. Dodd], and the distinguished Senator from Nebraska [Mr. Hruska], and I have concluded that this is about what the Members on both sides of the aisle would be willing to accept. On that basis I think this is the best we could work out on short notice and it would help to meet the problems of those who deal in antique weapons.

Mr. HRUSKA. Mr. President, this problem has also been of interest to me and the junior Senator from Texas [Mr. Tower]. It was with his cooperation that I prepared and introduced amendment No. 964, which has the same general thrust as the amendment now before us.

I might say that the Senator from Louisiana is a little more official in his method of processing these things. He has revised language which is much superior to the language in my amendment.

I would very much like to support the amendment of the Senator from Louisiana and I hope it is agreed to.

Mr. President, as we are all aware, the affluence of American society has enabled our citizens to pursue many unusual hobbies. We have become a nation that collects antique furniture, stamps, coins, old cars, signatures, works of art and the like, including firearms. These collections provide a source of great enjoyment, as well as representing a substantial investment in most instances, in addition to making a significant contribution to the preservation of our heritage and ways of life.

In order to protect such wholesome and legitimate activities, many of which originate with museums and historians, it is our duty as legislators to recognize possible areas of conflict with proposed legislation and take proper steps to remedy the situation. A good example of what I refer to is contained in the bill now under consideration, S. 3633, for although recognition is given the necessity of protecting the interests of those who collect so-called antique firearms, those familiar with the history of firearms immediately recognize that the definition of "antiques" presently included in the bill is not adequate and leaves much to be desired.

The language of lines 8 and 9 appears to be in direct conflict with that of lines 13, 14, 15 on page 10 of the bill. Lines 8 and 9 state that any firearm designed or redesigned to use rimfire or conventional center fire ammunition shall not be exempted from the provisions of the bill. Lines 13, 14 and 15, however, exempts firearms manufactured in or before 1898, for which ammunition is no longer manufactured or commercially available. The fact of the matter is that there are many early firearms that fire rimfire or a crude form of conventional center fire ammunition that were manufactured prior to 1898. What is the status of these firearms? Are they exempted or subject to the bill?

The obvious solution that would not change the intention of the bill, would clarify the language and at the same time make the contents completely consistent with the provisions of title IV of the recently enacted omnibus crime bill.

Mr. DODD. Mr. President, I join the Senator from Nebraska in accepting the amendment. The Department of Justice has advised me of its acceptance of this amendment. That does not surprise me. It is a good amendment, and it helps clarify the antique gun situation.

Mr. LONG of Louisiana. I yield back the remainder of my time.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be taken out of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CHURCH. Mr. President, I wonder if the Senator will yield me 2 minutes on the bill.

Mr. MANSFIELD. First let the amendment of the Senator from Maryland be laid before the Senate; then we will yield the Senator from Idaho some time on the bill.

Mr. CHURCH. I thank the Senator.

AMENDMENT NO. 947

Mr. TYDINGS. Mr. President, I call up my amendment (No. 947), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TYDINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment of Mr. TYDINGS is at the end thereof add the following new titles:

TITLE IV—REGISTRATION OF FIREARMS

SEC. 401. Title 18, United States Code, is amended by inserting after chapter 44 the following new chapter:

"CHAPTER 44A.—REGISTRATION OF FIREARMS

"Sec.
"931. Definitions.
"932. Registration.
"933. State preemption.
"934. Sales of firearms and ammunition.
"935. Penalties.
"936. Disposition of firearms to Secretary.
"937. Rules and regulations; periods of amnesty.
"938. Disclosure of information.
"939. Assistance to Secretary.

"§ 931. Definitions

"As used in this chapter—

"(1) The term 'firearm' means a weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, but shall not include a firearm as that term is defined in chapter 53 of the Internal Revenue Code of 1954 or an antique firearm as defined in section 921 of this title.

"(2) The term 'Secretary' means the Secretary of the Treasury.

"(3) The term 'licensed dealer' means any importer, manufacturer, or dealer licensed under the provisions of chapter 44 of this title.

"(4) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(5) The term 'sell' means give, bequeath, or otherwise transfer ownership.

"(6) The term 'possess' means asserting ownership or having custody and control not subject to termination by another or after a fixed period of time.

"§ 932. Registration.

"(a) It shall be unlawful for a person knowingly to possess a firearm not registered in accordance with the provisions of this section. This subsection shall not apply to—

"(1) with respect to a firearm, previously unregistered, if such firearm is held by a licensed dealer for purposes of sale: *Provided*, That records of such firearms are kept as may be required by the Secretary;

"(2) for a period not to exceed one hundred and eighty days from the effective date of this chapter with respect to a firearm in the possession of a person who possessed such firearm on the effective date of this chapter;

"(3) a firearm, previously unregistered, possessed by (A) the United States or any department or agency thereof, or (B) any State or political subdivision thereof.

"(b) (1) A licensed dealer who sells a firearm to a person in whose possession the firearm must be registered shall before delivery require from the purchaser a completed application for the registration of the firearm and shall file the application with the Secretary not later than the day of delivery.

"(2) When a person other than a licensed dealer sells a firearm, the purchaser shall file an application for its registration with the Secretary prior to receipt of the firearm.

"(3) A person who possesses a firearm on the effective date of this Act shall, unless he sooner sells the firearm, file an application for registration of the firearm with the Secretary within one hundred and eighty days.

"(4) A person who comes into possession of a firearm after the effective date of this chapter, by means other than those described in paragraph (1) or (2) of this subsection, shall file an application for registration of the firearm with the Secretary within seven days thereafter.

'"(c) An application for registration of a firearm shall be in a form to be prescribed by the Secretary, which shall include at least the following:

"(1) the name, address, date and place of birth, and social security or taxpayer identification number of the applicant;

"(2) the name of the manufacturer, the caliber or gage, the model and the type, and the serial number of the firearm; and

"(3) the date, the place, and the name and address of the person from whom the firearm was obtained, the number of such person's certificate of registration of such firearm, if any, and, if such person is a licensed dealer, his license number, if such license number is known.

"(d) An application for registration of a firearm shall be in duplicate. The original application shall be signed by the applicant and filed with the Secretary, either in person or by certified mail, return receipt requested, in such place as the Secretary by regulation may provide. The duplicate shall be retained by the applicant as temporary evidence of registration. The Secretary, after receipt of a duly filed completed application for registration, shall send to the applicant a numbered certificate of registration identifying such person as the registered owner of such firearm.

"(e) Registration of a firearm shall expire upon any change of the registrant's name or residence unless the registrant shall notify the Secretary within thirty days of such change.

"(f) It shall be unlawful for a person to carry a firearm required to be registered by this chapter without having with him a certificate of registration, or if such certificate has not been received, temporary evidence of registration, or to refuse to exhibit such certificate or temporary evidence upon demand of a law enforcement officer.

"§ 933. State preemption

"Section 932 shall not apply with respect to a firearm registered in the possessor's State of residence or a political subdivision thereof pursuant to a registration system determined by the Secretary to be substantially equivalent to and compatible with the provisions of this chapter. Determinations by the Secretary under this section shall be subject to review in the manner provided in section 923(A) (1) of this title.

"§ 934. Sales of firearms and ammunition

"(a) A person who sells a firearm registered under this chapter shall, within five days of the sale, return to the Secretary his certificate of registration, noting on it the name and residence address of the transferee, the number of the transferee's State or local permit or Federal gun license, and the date of delivery.

"(b) It shall be unlawful to acquire a firearm required to be registered by this chapter knowing or having reasonable cause to believe that the firearm acquired is not registered to the transferor. Whoever ecquires a firearm required to be registered by this chapter shall require the seller to exhibit a certificate of registration, and shall note the number of the certificate on his application for registration.

"(c) It shall be unlawful for a licensed dealer to take or receive by way of pledge or pawn a firearm required to be registered by this chapter without also taking and retaining during the term of such pledge or pawn the certificate of registration. If such pledge or pawn is not redeemed the dealer shall return the certificate of registration to the Secretary and register the firearm in his own name.

"(d) The executor or administrator of an estate containing a firearm registered under this chapter shall promptly notify the Secretary of the death of the registrant and shall, at the time of any transfer of the firearm, return the certificate of registration to the Secretary as provided in subsection (a). The executor or administrator of an estate containing a firearm not registered as required by this chapter shall promptly register the firearm, without penalty for any prior failure to register it.

"(e) Whoever possesses a firearm required to be registered under this chapter shall within ten days notify the Secretary of any loss theft, or destruction of the firearm, and, after such notice, of any recovery.

"(f) A licensed dealer shall not sell ammunition to a person for use in a firearm required to be registered without either (1) requiring the purchaser to exhibit a certificate of registration or temporary evidence of registration of a firearm which uses such ammunition, and noting the certificate number or date of the temporary evidence of registration on the records required to be maintained by the dealer pursuant to section 923(d) of this title, or (2) ascertaining and recording that the ammunition is for use in a firearm that is not required to be registered under Federal or State law.

"§ 935. Penalties

"(a) Whoever violates a provision of section 932 or 934 shall be punished by imprisonment not to exceed two years, or by a fine not to exceed $2,000, or both.

"(b) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to this chapter, or forges or alters any certificate of registration or temporary evidence of registration, shall be punished by imprisonment not to exceed five years or a fine not to exceed $10,000, or both.

"(c) Except as provided in subsection (b), no information or evidence obtained from an application or certificate of registration required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued by the Secretary shall be used as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application for registration containing the information or evidence.

"§ 936. Disposition of firearms to Secretary

"(a) The Secretary is authorized to pay reasonable value for firearms voluntarily relinquished to him.

"(b) A person who lawfully possessed a firearm prior to the operative effect of any provision of this title, and who is ineligible to possess such firearm by virtue of such provision, shall receive reasonable compensation for the firearm if surrendered to the Secretary.

"§ 937. Rules and regulations; periods of amnesty

"The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including reasonable requirements for the marking of firearms that do not have serial numbers, and may declare periods of amnesty for the registration of firearms.

"§ 938. Disclosure of information

"Information contained on any certificate of registration or application therefor shall not be disclosed except to the National Crime Information Center established by the Federal Bureau of Investigation, and to law enforcement officers requiring such information in pursuit of their official duties.

"§ 939. Assistance to Secretary

"When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this title."

TITLE V—LICENSING

SEC. 501. Chapter 44 of title 18, United States Code, is amended by inserting after section 923 the following new section:

"§ 923A. State permit system; Federal gun licenses

"(a) The Secretary shall determine which States or political subdivisions of States have adequate permit systems for the possession of firearms and shall publish in the Federal Register the names of such States and political subdivisions.

"(b) An adequate permit system shall include provision for—

"(1) identification of the permit holder appearing on the permit, including name, address, age, and signature or photograph;

"(2) restrictions on issuance of a permit to a person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice;

"(3) restrictions on issuance of a permit to a person who, by reason of age, mental condition, alcoholism, drug addiction, or previous violation of firearms laws cannot be relied upon to possess or use firearms safely and responsibly;

"(4) means of investigation of applicants for permits to determine their eligibility under subparagraphs (2) and (3);

"(5) prohibition of possession of firearms or ammunition by any person who has not been issued such a permit; and

"(6) revocation of a permit issued to a person who subsequently becomes ineligible under paragraph (2).

"(c) After September 1, 1970, it shall be unlawful for any person to sell or otherwise transfer any firearm or ammunition to any person (other than a licensed importer, licensed manufacturer, or licensed dealer) unless—

"(1) the sale or transfer is not prohibited by any other provision of this chapter; and

"(2) the purchaser or transferee exhibits a valid permit issued to him by a State or political subdivision having an adequate permit system, or the purchaser or transferee exhibits a valid Federal gun license issued in accordance with subsections (d) and (e).

"(d) A licensed dealer shall issue a Federal gun license to a person eighteen years of age or over upon presentation of:

"(1) a valid official document of identification (such as driver's permit or selective service certificate) issued by the United States, a State, or political subdivision thereof; and

"(2) a statement signed by the person in a form to be prescribed by the Secretary, that he is eighteen years of age or over, that he has never been committed to an institution by a court of the United States or a court of any State or political subdivision thereof on the ground that he was an alcoholic, a drug addict, or mentally ill or incompetent, that he is not under indictment, has not been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, is not a fugitive from justice, and is not otherwise prohibited by any provision of Federal, State, or local law from possessing firearms or ammunition; such statement may include such additional information regarding the applicant, including without limitation, birth date and place, sex, height, weight, eye and hair color, and present and previous residences as the Secretary shall by regulation prescribe.

"(e) Federal gun licenses shall be issued in such form as the Secretary may prescribe, and shall be valid for a period of five years. A dealer shall maintain a record of all licenses issued by him as part of the records required to be maintained by section 923 of this chapter, and shall forward to the Secretary the documents described in subparagraphs (d)(2) through (d)(3) of this section.

"(f) Any person denied a Federal gun license under subsection (d) may apply directly therefor to the Secretary in the manner prescribed by regulation of the Secretary.

"(g) Unless otherwise prohibited by this chapter, a licensed dealer may ship or deliver a firearm or ammunition to a person only if the dealer confirms that the purchaser has been issued a valid permit issued pursuant to an adequate State or local permit system, a Federal gun license, or a Federal dealer's license, and notes the number of such permit or license in the records required to be kept by section 923 of this chapter.

"(h) After September 1, 1971, no person may possess a firearm or ammunition without a valid State or local permit, if he is a resident of a State or locality having an adequate permit system, or a Federal gun license: *Provided*, That a person not a resident of a State or locality having an adequate permit system, who is ineligible for a Federal gun license solely by reason of age may receive a firearm or ammunition for occasional, brief, and lawful recreational uses.

"(i) Determinations of adequate permit systems under this section or adequate registration systems under section 933 and denials by the Secretary of Federal gun licenses shall not be subject to the provisions of chapter 5, title 5, United States Code, but shall be reviewable de novo pursuant to chapter 7, title 5, United States Code, in an action instituted by any person, State, or political subdivision adversely affected.

"(j) It shall be unlawful for any person willfully to fail to deliver a valid Federal gun license to the Secretary if such person has been issued such license and subsequently is placed under indictment, convicted in any court of a crime punishable by imprisonment for a term exceeding one year, a fugitive from justice, committed to an institution by any court on the ground that he was an alcoholic, a naroctics addict, or mentally incompetent, or otherwise prohibited by any provision of Federal, State, or local law from possessing firearms and ammunition.

"(k) It shall be unlawful for any person willfully to convey or otherwise furnish to another person a Federal gun license which has been issued to himself, or to a third person, in order to evade or obstruct the provisions of this chapter.

"(l) It shall be unlawful to knowingly and willfully make a false statement or representation in connection with any application for a Federal gun license."

SEC. 502. The analysis of chapter 44 of title 18, United States Code, is amended by inserting immediately after

"923. Licensing."

the following:

"923A. State permit systems; Federal gun licenses."

TITLE VI—GENERAL PROVISIONS

SEPARABILITY

SEC. 601. If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECT ON STATE LAW

SEC. 602. No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of a State or possession or political subdivision thereof, on the same subject matter, or to relieve any person of any obligation imposed by any law of any State, possession, or political subdivision thereof.

RELIEF FROM DISABILITIES

SEC. 603. Notwithstanding the provisions of section 923A(d)(2), a licensed dealer shall issue a Federal gun license to a person who otherwise qualifies under that section but has been convicted of a crime punishable by imprisonment for a term exceeding one year or has been committed to an institution by a court on the ground that he was an alcoholic, a drug addict, or mentally ill or incompetent, if that person displays a document in writing from the chief law enforcement officer of his State of residence specifically authorizing that person to obtain such license.

EFFECTIVE DATE

SEC. 604. The provisions of titles IV and V of this Act shall become effective one year after the date of its enactment.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Idaho [Mr. CHURCH] on the bill.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. CHURCH. Mr. President, in the course of debate, numerous references have been made to the large numbers of people in the major cities of this country now purchasing firearms.

The people in our big cities are purchasing guns because they feel unsafe.

Better law enforcement, not gun control, is what we need to stem the rising tide of crime and lawlessness.

It is a sad but true fact that we in America, at all levels of government, local, State, and Federal, spend only 4 cents a day per person on crime prevention and control. That is less than the price of a package of chewing gum.

We cry out for law and order, but we are not paying for it.

This year, we will dish out nearly 8 times as much money for the war in Vietnam as we will spend in the United States for all police, all courts, and all correctional institutions. To combat crime at home, we allocate less than one-half of 1 percent of our annual national income and less than 2 percent of all the taxes we collect.

Thus, we get just about what we pay for; that is to say, we get arrests in only about 25 percent of serious crimes. We get convictions in only about 10 percent of those arrested. In the end, those actually incarcerated amount to only about 2 percent.

With billions of dollars being squandered abroad, with our priorities out of all rational balance, I think it is time to ask: When are we going to commence to put first things first in this country?

I repeat, in my judgment, it is more effective crime control and not gun control that is urgently needed in this country today.

I thank the Senator from Montana for yielding to me.

Mr. DODD. I thank the Senator from Idaho for his always interesting observations. I quite agree with him, but I think that we need both.

LAW DESERVES SUPPORT

Mr. President, not all segments of the firearms and related industries are as rabid in their opposition to firearms controls as are the National Rifle Association and the National Shooting Sports Foundation, though the latter was founded by the firearms industry in 1961 to oppose gun laws.

There are signs that some restraint, some understanding of the problem, and some good sense is being shown by at least a part of the industry.

This breath of fresh air in an otherwise foggy view of the firearms issue was lucidly put this past summer in the publication Chemical Week. The article, entitled "Gun Law Merits Makers Support," subsequently was reprinted in the July 18, 1968, issue of the Sandy Springs, Ga., Enterprise. I ask unanimous consent that the entire article be made available to Senators during the debate on the need for further firearms controls by having it printed in the RECORD.

I ask unanimous consent also that a plan for firearms safety suggested by the firearms industry, published in the Lawrence, Mass., Sunday Sun of August 11, 1968, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Sandy Springs (Ga.) Enterprise, July 18, 1968]

GUN LAW MERITS MAKERS' SUPPORT

(From the publication Chemical Week)

It would be beyond our province to comment on gun control legislation except for the fact that several chemical companies are also makers of ammunition and guns. Moreover, they are members of the National Shooting Sports Foundation, which was set up in '61 to fight gun control legislation.

We are pleased that the major gun manufacturers have modified their position, now lend support to most provisions of the Administration's bill banning interstate mail-order sales of rifles and shotguns. In doing so they part company with the far more rabid and vociferous National Rifle Assn., which remains adamantly opposed to most restrictions on gun and ammunition sales. The deluge of NRA members' mail dissuaded Congress from acting, even after the assassination of President Kennedy. But now, after the assassinations of Dr. Martin Luther King Jr. and Senator Robert Kennedy, the usually silent 85% of the people who favor gun control are making themselves heard.

The familiar arguments NRA trots out whenever there's a stirring in the legislative underbrush cannot gainsay two hard facts: (1) access to guns is easier in the U.S. than in practically any developed country; (2) the U.S. has far more gun-related crimes and accidents in proportion to population than any developed country. Surely the two are not unrelated. Moreover, no proposed legislation—even registration of all guns and owners—would curtail legitimate use of guns in hunting and other sports. And while laws cannot work miracles, they can make it much harder for convicted felons and known psychopaths to pursue their murderous ways.

Last week the mouth-filling Emergency Committee for Gun Control of the National Council for a Responsible Firearms Policy was organized to support legislation. It has the backing of 39 national organizations, comprising lawyers, police chiefs, district attorneys, unions, churches, businessmen, bankers and others. Regrettably, the National Shooting Sports Foundation is not among the 39.

Do gun and ammunition makers want the public to believe they put profits above protection? We don't think so. Unless they can persuade the foundation to support gun control in the public interest, they should disavow it.

[From the Lawrence (Mass.) Sunday Sun, Aug. 11, 1968]

FIREARMS IN A MODERN SOCIETY—REALISM AND RESPONSIBILITY

In the furor over firearms legislation, sportsmen have been exhorted again and again to take action, to write their legislators, to make their voices heard. Such action, when performed sensibly, is in the best tradition of the American democratic process. The extent of the sportsman's response reflects a legitimate and serious concern over his continued privilege to own and use firearms for sporting purposes.

We at Remington understand and appreciate that concern. We also recognize the concern of lawmakers and the general public over the misuse of firearms by those of criminal intent and unstable mind. One concern, seemingly, conflicts with the other. We do not, however, consider these two concerns unreconcilable.

We believe it is time to moderate the hysteria that has afflicted the firearms question from both sides. Too many sportsmen have failed to accept the fact that firearms, like many other tools of our current society, do, indeed, contain the seeds of tragic misuse. They have failed to recognize the fact that total, uncompromising opposition to any and all proposals to reduce potential misuse, instead of a sensible and socially responsible search for equitable solutions, will, in the long run, work against their own interests.

Consequently, we believe it now both timely and vital for the gun owner to institute a new and additional course of action, individually and collectively, to reduce both the possibility of firearms' misuse and the concern of those whose attitudes would jeopardize his right to own and use them. For, out of the recent avalanche of editorializing and debate regarding firearms have emerged some significant and sobering facts for gun owners. We think it is time to take a hard and thoroughly realistic look at these facts. Simply, they are these:

A great many fellow-Americans do not like firearms; are made uncomfortable by their proximity and do not understand why anyone would wish to own and use firearms for any purpose.

We must accept the fact that ours is no longer a rural society. It is now an urbanized society, or at least a suburbanized one, and is becoming more so every day. Whole new generations are reaching adulthood with no knowledge of, or kinship with, the outdoors. These are people whose knowledge of the out-of-doors is often confined to city streets, back yards or public parks. No seeing in their immediate neighborhood a place where firearms can be used with safety, never having visited the controlled conditions of a clay target or rifle range, never having been exposed to the pleasures of a hunting trip in open country or the relationship hunting bears with our wildlife and conservation programs, such people have no basis for understanding why any of us should wish to own or use a firearm.

The sooner we recognize these facts, and the concern they cause, the sooner we will be able to form new, more understanding and compatible attitudes of our own that will relate to them.

Therefore, we recommend the following code of action for firearms' owners:

1. If firearms are visibly displayed in your home, make sure they are securely locked in a gun rack or cabinet. If not visibly displayed, be sure they are kept in a secure storage closet.
2. Keep ammunition in a different part of your home than guns, out of sight and, preferably, also locked up.
3. Don't keep loaded firearms in your home, unless extenuating circumstances require this.
4. If you sell a gun to an individual, make sure you know he is of good character and responsible.
5. Take pains to teach the basics of firearms safety to your children. Do not allow children to use firearms without supervision. Discourage the concept of guns as playthings.
6. Refrain, particularly in city and suburban areas, from displaying uncased firearms outside your home until you are on the target range or in the hunting field.
7. Acquaint neighbors and friends who are uncomfortable in the presence of guns with the security procedures you follow.

The above suggestions can help reduce the possibility of inhome accidents, the theft or acquisition of guns by criminals or those who are irresponsible or unstable, and to lessen the concern of the nonshooting public regarding your possession of firearms.

It is unrealistic to deny that the cries against firearms and the threats against legitimate use of them as the result of real problems. We at Remington, along with other manufacturers and sportmen's groups, believe that it is our responsibility to try to develop sound and sensible controls which will help to keep firearms out of the hands of irresponsible people while, at the same time, respecting the rights of law-abiding citizens to use them for legitimate purposes. As a corollary to this, we feel that a code of action, such as that proposed here, can go a long way toward proving that sportsmen do meet the test of responsibility.

THE NATIONAL RIFLE ASSOCIATION, CONGRESS, AND THE COMMUNISTS

Mr. DODD. Mr. President, a hard-core minority has spearheaded the opposition to the adoption by Congress of effective firearms laws, and that opposition succeeded in keeping a good firearms law off the Federal books for more than 30 years until title IV of the omnibus crime bill was signed into law by President Johnson last June.

Few groups, or political parties, have had such a long run of success.

On the other hand, few organizations enjoy the special privilege enjoyed by the National Rifle Association under law, a position under which the taxpayers underwrite a significant part of their program.

Taxpayers subsidize one of the more attractive features of belonging to the National Rifle Association. Until only recently it amounted to some $4 million a year out of the taxpayers' pocket to support shooting sports through the discount purchase of firearms and ammunition and a host of other items, while tennis, football, track, and other sports have been left to fend for themselves.

This preferred position and tax subsidy, many believe, has been a major factor in the National Rifle Association becoming perhaps the most successful lobby in modern American history.

I share that view.

But, my present concern is of a slightly different nature. My concern is whether or not Congress should continue to vote funds in support of the National Rifle Association programs when the National Rifle Association has traditionally followed a policy in conflict with the best traditions of our democracy.

Let me repeat that: The National Rifle Association traditionally follows a policy in complete conflict with the best traditions of American democracy, flag-waving notwithstanding.

Firearms controls have been discussed on the floor of the Senate in heated, and on occasion, superheated debates.

The clash of opinion has been heard around the Nation. Members of Congress have spoken their hearts and minds in a sincere and dedicated attempt to make their feelings understood.

Nowhere in this debate has one Member of Congress accused another of any ulterior motives, of being anything less than honest and an advocate of what he believes to be right.

Our parries and thrusts, our attempts at persuasion, have been aimed at the issues, the provisions of legislation, and the needs of our constituents, but above all they have never been aimed at one another.

This has not been the plan of the gun lobby.

Singularly, and as a group, the firearms lobby has lapsed time and again into smear tactics.

Time and again their approach to the intelligent democratic discussion of the public weal and the public needs has descended into name calling, innuendo, hooting, hollering, distortion, misrepresentation, and the like.

Whenever some carefully thought out legislative proposal was about to make progress towards becoming a law, the gun lobby attributed to its sponsors some sinister motives for which there is no basis in reality.

I do not believe that any Member of Congress has ever moved on the matter of firearms controls out of anything but the best motives.

But the lobbies and the publications through which they spread their lies and try to work their will on the American public would have it otherwise.

There is no better example of this than the current issue of the American Rifleman, the monthly magazine of the National Rifle Association.

Page 18 of the Rifleman is devoted to an editorial entitled "Gun Control Makes Strange Bedfellows."

It is a tract that by innuendo attempts to associate the sponsors, and presumably those other Members of Congress who vote for firearms controls, with the philosophy of the Communist Party.

Specifically named are myself, the Senator from Maryland [Mr. TYDINGS], ex-Supreme Court Justice Goldberg, and apparently the spokesmen for the Johnson administration and others who have recognized the seriousness of the firearms problem and who have approached its solution out of the highest motives.

It suggests that those who favor strong firearms laws are somehow in the vanguard of those being misled by a Communist conspiracy.

This presumably would include J. Edgar Hoover, Attorney General Clark, most of the police, and other law enforcement officers in the Nation, the American Bar Association, a host of civic and social organizations, and more than 90 percent of America's newspapers, magazines, and broadcasters.

The National Rifle Association's editorial, in fact, says:

> The tie that binds these good people into an untidy package with the Communists is their aversion to guns. With casual disregard of constitutional rights including property rights, they urge confiscation of all private firearms.

Mr. President, I want to impress upon Senators that this editorial, this claptrap, this almost criminal attempt to distort the firearms issue is currently, right now, being distributed by the National Rifle Association to all its 1 million members.

Mr. President, this type of smear can be expected by anyone who dare oppose National Rifle Association policy.

Let it be known that an honest effort to disarm the criminal and the mentally, morally, and legally incompetent will get this kind of reception from the National Rifle Association.

Let it be known that the largest organization of sportsmen in America has nothing better to contribute to this public discussion on crime and violence than irrational, irresponsible attempts at character assassination.

Let it be known that the U.S. Government has lent its prestige and endorsement to this organization which in return uses it principally to solicit more members.

And finally, let it be known that many of us are sick of an industry whose advertising supports a National Rifle Association leadership that would say of Members of Congress a million times over, "The tie that binds these good people into an untidy package with Communists is their aversion to guns."

I see no need to discuss this underhanded lobbying effort any further.

So that Senators on both sides of the aisle who are not aware that they have been lumped together with the Communist Party may read the editorial firsthand, I ask that it be printed in its entirety at the conclusion of my remarks.

I ask that my fellow Senators remember how they have been villified, and by whom, as they find it appropriate.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GUN CONTROL MAKES STRANGE BEDFELLOWS

The gun control movement can produce strange and wondrous things. Witness the demand of the Communist *Worker* for a cutback in U.S. Civilian Marksmanship Training, a program begun by the NRA in 1871 and supported by Act of Congress for the past 65 years. In the midst of a mortal war in Vietnam, *The Worker* opposes this program.

Chiding President Johnson on gun control, the Communist publication said that if he were really interested in curbing guns he would "bar the lending of 38,500 U.S. Army 'surplus' rifles to National Rifle Association members" and would stop the "giveaway of free ammunition" to NRA shooters.

(Actually, less than 20% of those training under the program are NRA individual members. Although NRA instructors, ranges and facilities are used, NRA membership is not required. Everyone subject to military service is encouraged to participate.)

Three days after the Communist *Worker* attacked the program, the Secretary of the Army notified Congress that "new restrictions will be imposed on the distribution and sale of rifles and ammunition" and "no ammunition will be issued to senior clubs" under an economy program.

Purely by coincidence, the official Communist Party mouthpiece in the U.S. and the Secretary of the Army said approximately the same thing at the same time.

We mention the Communist position here because it bears out what sheer logic would indicate: Communism, engaged in a shooting war against young Americans in Vietnam, naturally does not want young Americans in the U.S. to be taught to shoot.

The Communists in this country are, of course, only a tiny fraction of the multitude who profess a wish to separate Americans from their firearms. Most of those who would repress private ownership of guns are non-Communist or anti-Communist. The tie that binds these good people into an untidy package with the Communists is their aversion to guns. Some carry this aversion extremely far. With casual disregard of constitutional rights including property rights, they urge confiscation of all private firearms.

High on this list is the pacifist Fellowship of Reconciliation, which has flatly called for the seizure and destruction of all personally-owned guns in the U.S. This organization, which also aids draft evaders, lists as its national chairman the Rev. Robert Moon, of Sacramento, Calif., who has been identified with Communist causes going back to 1946. Other names familiar in such connections keep bobbing up on the rosters of "civic leaders" who favor repressive gun legislation. Among the directors of the Citizens Union of the City of New York, which advocates statewide registration of rifles and shotguns, a move that the New York Assembly overwhelmingly rejected this year, is Judge Dorothy Kenyon, once named as a member of 28 Communist-front organizations. The New York Emergency Committee for Gun Control, formed July 18 with former U.S. Supreme Court Justice and U.N. Representative Arthur J. Goldberg as chairman, includes Bayard Rustin, another public figure identified with Communist causes.

Such people as the Rev. Moon, Judge Kenyon and Rustin are by no means typical of many good Americans who advocate gun controls, of course. There is, for example, Deputy State Attorney General John F. McLaren, of California, who was quoted by a Los Angeles newspaper as declaring the Second Amendment invalid and advocating registration and licensing as a first step to total confiscation of all private firearms.

That there is diversity of opinion in the anti-gun ranks is unmistakable. U.S. Sens. Thomas J. Dodd (Conn.) and Joseph D. Tydings (Md.) have denied that their registration and licensing bills contemplate confiscation. The American Civil Liberties Union, which favors registration, made the point this summer that anti-gun legislation can go too far. ACLU Director Lawrence Speiser, of Washington, testified that gun laws, wherever passed, should be explicit "in order to avoid the possibility of abuse of discretion," a point often made by the NRA. Speiser also termed the New Jersey law an invitation to officials "to arbitrarily pick and choose among applicants," and objected that penalties as high as $10,000 and 2 years, as proposed under the Tydings Bill (S. 3634) for failure to register or get a license, are "unduly harsh and unrealistic." To this much of the ACLU position, we can say "Amen!"

Yet the overall picture presented by the array of supporters of registration, licensing and maybe something more is an odd one, to say the least. Consider just this aspect:

For reasons of "economy," the President and his Secretary of the Army are slashing the Civilian Marksmanship Training Program in the midst of a shooting war.

Some of the people most eager to snatch firearms out of the hands of American citizens, however, are also in the vanguard of those who would end the Vietnam war willy-nilly, without regard to where it leaves our allies or our own national defense.

A GOOD PLACE TO START

If President Johnson were really interested in curtailing the sale of guns, he would immediately order the Pentagon to halt the sale of "surplus" rifles at cut-rate prices to members of the National Rifle Association.

He would also stop the giveaway of free ammunition to members of the National Rifle Association.

In 1966, the U.S. Army gave 54 million bullets to National Rifle Association members.

He would also bar the "lending" of 38,500 U.S. Army "surplus" rifles to National Rifle Association members.

The President could also demonstrate his opposition to gun sales by ordering the 19 military officers still on active service and the 19 retired military officers who are officials of the National Rifle Association to resign from their posts. The National Rifle Association is leading the fight against anti-gun legislation.

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. Will the Senator from Montana advise the Chair as to the allocation of time?

Mr. **MANSFIELD**. On the bill.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **LONG** of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SALE OF CERTAIN PUBLIC LANDS

Mr. **LONG** of Louisiana. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 220.

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 220) to authorize the sale of certain public lands, which was, strike out all after the enacting clause, and insert:

That the Secretary of the Interior is authorized, on his own motion or on application of an owner of contiguous lands, and upon a finding that it is not needed for public purposes, to sell at public auction any tract of public domain not exceeding one hundred and twenty acres that has been or is now subject to unintentional trespass, as determined by the Secretary, and that contains some land which has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification as proper for disposal under the homestead or desert land laws. Except as provided in section 2 hereof, the tract shall be sold to the highest bidder. Except as provided in section 3 hereof, no tract shall be sold for less than its appraised fair market value.

SEC. 2. For a period of thirty days from the day the high bid is received, any owner of contiguous lands shall have a preference right to buy the tract at such highest bid price. If two or more contiguous owners assert the preference right, the Secretary is authorized to make such division of the land among the applicants as he deems equitable.

SEC. 3. If a person who has a preference right under section 2 of this Act is the purchaser of land sold pursuant to this Act, he shall not be required to pay for any values he or his predecessors in interest have added to the land. However, nothing in this Act shall relieve any person from liability to the United States for unauthorized use of the land prior to conveyance of title by the United States.

SEC. 4. No person may acquire from the Secretary more than one hundred and twenty acres of land under the provisions of this Act.

SEC. 5. The authority granted by this Act shall expire three years from the date of the passage of the Act, but sales for which application has been made in accordance with this Act prior to the expiration of the three years may be consummated and patents may be issued in connection therewith after the three-year period.

Mr. **LONG** of Louisiana. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HYDROELECTRIC PROJECTS ON THE MIDDLE SNAKE RIVER—CHANGE OF REFERENCE

Mr. **LONG** of Louisiana. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of the bill (S. 4025) to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 10 years, and that the bill be referred to the Committee on Interior and Insular Affairs.

The **PRESIDING OFFICER**. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

EARLY EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN

Mr. **LONG** of Louisiana. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 18763.

The **PRESIDING OFFICER** laid before the Senate H.R. 18763, an act to authorize preschool and early education programs for handicapped children, which was read twice by its title.

Mr. **LONG** of Louisiana. I ask unanimous consent that the Senate proceed to its immediate consideration.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. **PROUTY**. Mr. President, I rise in support of H.R. 18763, a bill entitled "Handicapped Children's Early Education Assistance Act."

H.R. 18763 is almost identical to S. 3446 which I authorized and introduced in the Senate on May 7 of this year. The measure received enthusiastic and bipartisan support from every member of your Education Subcommittee. This is attested to by the fact that the subcommittee recommended and the Senate approved incorporating S. 3446 as an amendment to H.R. 18366, a bill to amend the Vocational Education Act of 1963, which is now awaiting conference.

Mr. President, the need for this legislation is acknowledged on all sides. Over 6 million American children are either physically, mentally, or emotionally handicapped. Studies of child development show that early education can accelerate the mental and social development of handicapped children, yet most parents find that while their children may be diagnosed as handicapped at birth or shortly thereafter, they must keep these children at home from school until they are at least 6 years of age. This is a terrible waste of time in the critical years of a child's life. It also places on the family a tremendous burden.

H.R. 18763 acknowledges that as Headstart has given a good start to a lot of economically disadvantaged youngsters, First Chance, as this bill is known, has the same potential for encouraging educational agencies to build quality into their special education programs. How good—how different—how innovative—the answers are that schools come up with, will present an unprecedented opportunity to study solid data on how best to meet the problems of the handicapped.

The bill proposes support for only planning and pilot operations, and authorizes $1 million in the first year with $10 million and $12 million authorized for the remaining 2 years of the program. It will provide for the development of approximately 100 models which will be placed across the country, some in rural areas, some in inner cities, in every State or territory which has the interest and desire to use such a model to begin a program for handicapped children.

These model educational programs will work with all the agencies and organizations in a given community that are concerned with handicapped children. The teachers of the handicapped child will no longer be working alone in an isolated classroom. They will be joined by parents, technicians, medical specialists in a comprehensive program.

I am convinced that of the several tools we have provided for the children in the past 2 years, none will have more promise for affecting their lives than this new program. For a parent who discovers in the first day or weeks of the new baby's life that his child is handicapped, it is too much to ask that he wait until that child is 6 before he begins to get special education and training.

Mr. President, this bill is an attempt to close the gap in our efforts to assure all our children an opportunity for a good education and equal participation in the benefits and responsibilities of American society.

That the obstacles involved in instructing our handicapped offers a great challenge goes without saying. They require more than educational components, more than money and more than legislative muscle. They require a comprehensive, coordinated efficient service program that needs the attention of many specialists. If the needs of handicapped children are to be fully met, a much better job of marshaling and coordinating of many professions must be done.

The bill was ordered to a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 5754) to amend section 1263 of title 18 of the United States Code to require that interstate shipments of intoxicating liquors be accompanied by bill of lading, or other document, showing certain information in lieu of requiring such to be marked on the package.

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. LONG of Louisiana. On the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. LONG of Louisiana. I yield time on the bill to the Senator from California.

Mr. MURPHY. Mr. President, my remarks are not on the pending business.

Mr. LONG of Louisiana. I yield the Senator from California 10 minutes on the bill.

Mr. MURPHY. I thank the Senator.

REDWOODS NATIONAL PARK

Mr. MURPHY. Mr. President, my remarks have to do with a provision in the new redwoods bill which has come out of conference. They have to do specifically with the legislative taking of land.

Under the normal practice, in areas where a department receives the necessary authorization, it goes into the U.S. district court for the area and files a declaration of taking. At this time the title passes from the private property owner to the Federal Government. The Government and the original owner then try to agree on a price. If agreement cannot be reached, the Government brings suit in the local district court, where the original property owner can receive a trial by a jury composed of knowledgeable persons from the area.

That has been the practice, I am advised, in the past, so that there will be no penalty with regard to lack of knowledge with respect to values in the particular area.

The legislative taking provision of the conference version of the new redwoods bill, which will be brought up later for consideration, provides a change in that practice, as follows: As soon as the bill becomes law, the title of the land passes to the Federal Government. The Government and the former landowners will then try to agree on a price. If no agreement can be reached, the original property owner has the burden of taking the matter to the Court of Claims. His hearing under these conditions will be before a three-judge panel here in Washington, all of whom are appointees, and generally beholden to the party in power.

It would seem to me that this works a hardship on the property owner, who is, in the first place, losing property that he probably does not like to lose; and it seems to me that to put the burden of proof as well as the added expense of a hearing in Washington upon him is not in his best interests, or likely to solve these matters in the way the communities involved would solve them.

Several questions, therefore, become pertinent:

First, why was such a provision included in the conference report on the bill, especially since it was not in the original versions considered by the Senate and the House? I wonder whether it came from the Department of the Interior or elsewhere in the executive department. It seems strange to me that this new method of procedure would suddenly show up, not at the 11th hour, but at what one might call 5 minutes to 12.

Were there any hearings or testimony on this change of procedure? Had there been any legislative record made? I think this is a pertinent question.

Who favors this provision, and who objects? I am most interested to know how it got into the conference report without any indication from the House of Representatives or the Senate, insofar as I can find out, that it should be a part of the report.

Without reflecting in any way on the integrity of the Court of Claims, I would like to ask whether it would not appear that a landowner might receive a trial which is more "in context" if it is held before a jury in his own area, or the area involved.

This issue is of interest not only to me; it is of great interest, I am sure, to my distinguished colleagues from Oregon. Ours are the areas where the redwoods grow, and this is a matter of great concern to us.

Is the "legislative taking" procedure which is in the conference version of the redwoods bill—this new surprise procedure which has suddenly shown up—to be used extensively by the Federal Government? How often? By whom? Under what conditions?

Does the Court of Claims have many cases of this type of land acquisition? Does anyone feel that it has some special competence in this area, as compared with the competence of local district court juries which it is apparently intended to supplant?

Finally, I ask: Is not this just another example of centralization of government, making all decisions dependent upon what happens in Washington?

With regard to the redwoods, they are 3,000 miles away; and very often 3,000 miles is not only a reflection of the distance involved, it is a reflection of the actual matters likely to be considered in the case.

I can recall when the President of the United States said in a State of the Union message he was going to protect the redwoods. Apparently he had not had the matter explained to him. I am amazed that, with all of his competent help, he did not know the big redwoods—the ones he was apparently talking about—have been protected for the last 65 or 70 years. People have gone in, private citizens, the State of California, and foundations, and have taken over great areas where the big trees abound. They have bought those areas. That has been going on for a long time.

Mr. President, I would be interested if my colleagues would carefully listen to some of the questions I have propounded and proposed and look very cautiously and with extreme interest at the manner in which this provision got into the conference report, the source of this new procedure, and the reasons for it.

I think it is of extreme interest to the people of my State, the State of Oregon, and the other States that are involved and affected by the new redwoods bill.

ORDER OF BUSINESS

Mr. LONG of Louisiana. Mr. President, if the Senator from Oregon desires to speak on a subject other than the pending bill itself, I would like to accommodate him.

Does the Senator desire that I yield him time? If he wants to speak for more than 10 or 15 minutes, I will ask unanimous consent to lay the bill aside temporarily.

Mr. MORSE. Mr. President, I would like to ask that the pending gun control bill be temporarily laid aside because this matter is of the utmost importance.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the pending business, S. 3633, be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDWOOD NATIONAL PARK

Mr. MORSE. Mr. President, I would like to have the Senator from California tarry for part of my remarks. They will deal with the Redwood National Park conference report.

If I understand it correctly, the conference report would set a precedent. If it is intended to set a precedent, I think it is no less than shocking. I had hoped that we could take up the conference report today. However, the plan is to take it up next Thursday. The leadership knows that I cannot be here next Thursday.

This matter is not only pretty vital to my part of the country, but it is also vital to the whole country, if I correctly understand the conference report.

I want to be here when the Senator from Washington [Mr. Jackson], who is in charge of the conference report, takes up the conference report on the floor of the Senate, because I refuse to believe that the Senate wants to set a new precedent as to where we will try condemnation cases in this country. If I read the report correctly, we propose to take them out of the Federal courts in the localities where the property is located and turn them over to the Court of Claims. It is absurd.

In my judgment, it deserves the kind of consideration I will give it momentarily. It involves also property in the State of California.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MURPHY. Mr. President, I apologize for appearing to try to supersede my distinguished colleague, the Senator from Oregon.

I had asked about it earlier when the Senator was not on the floor, and, knowing of his commitments, I did not think he would return to the floor today. That is why I had asked to have my remarks on the subject appear in the Record. Unfortunately, I will have to read the remarks of my distinguished colleague in the Record, because I have another matter of pressing business. However, I most enthusiastically join with the Senator in asking for very close scrutiny by all Members of this august and distinguished body on this most important matter which the Senator can discuss much better than I could.

Mr. MORSE. Mr. President, I want to make a few comments on the conference report on the Redwoods National Park bill.

As the record shows, I have been a strong supporter of the Redwoods National Park bill. One provision of the conference report about which I am greatly concerned reads as follows:

> (2) The United States will pay just compensation to the owner of any real property taken by paragraph (1) of this subsection. Such compensation shall be paid either: (A) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, including money appropriated to the Fund pursuant to section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended, subject to the appropriation limitation in section 10 of this Act, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking the property to the date of payment therefor; or (B) by the Secretary, if the owner of the land concurs, with any federally owned property available to him for purposes of exchange pursuant to the provisions of section 5 of this Act; or (C) by the Secretary using any combination of such money or federally owned property.

Get this. It reads:

> Any action against the United States for the recovery of just compensation for the land and interests therein taken by the United States by this subsection shall be brought in the Court of Claims as provided in title 28, United States Code, section 1491.

Mr. President, the Senator is well aware that for a number of years the senior Senator from Oregon has been very much concerned about the policies of the Federal Government in connection with the condemnation of private property in various parts of the United States.

Mr. President, the Federal Government time and time again has been exceedingly arbitrary. A bill is pending before the Senate in which the senior Senator from Oregon seeks to check the arbitrariness of the Federal Government in condemnation proceedings.

In past speeches I have pointed out that it has been the policy of Federal officials to go to farmer A and say: "We will give you this much for your property." The property is obviously of a value far greater than the offer. Farmer A refuses to accept the offer.

The Federal officials then say: "You either accept the offer or we will take you into court."

Those of us who practice law know the disadvantage that puts a client to, because he goes to court and unless he gets substantially more than the Federal Government has offered, he does not come out with enough over and above the offer of the Federal Government to pay his attorney's fees and court fees.

My bill provides that under such circumstances the Federal Government pays the cost, and not the property owner.

There is another practice of the Federal officials in regard to trying to rook a property owner out of fair compensation for his property. They proceed to try to get the farmer or the property owner to accede to their request for the acceptance of an offer that is far too low. They put the owner to a considerable amount of legal expense. Then, when the owner refuses to go along, they just drop it. And the private citizen has to pay the costs up to that point.

It is very important that we clean up the condemnation procedures practiced by the Federal Government. We do not find those practices in the States. For example, in my State in the instances that I have just mentioned, the State will pay the costs of the private property owner if the State highway commission or the State power authority or any other public body starts these condemnation negotiations and then drops them.

Mr. President, I do not know that we have ever gone so far as proposed in this bill, to take the jurisdiction away from juries.

I had hoped the Senator from Washington would be available to clear up some of these points at the time the conference report was to be brought up, but I have been advised that it cannot be done today, because it is impossible for him to be here.

I am informed by the leadership that the conference report will be taken up in my absence, and I am protesting it here and now.

I have had a brief conference—not as long as I would like—with the staff director of the committee. Mr. President, my differences with the staff director and the committee in the past have been such in regard to other condemnation matters that I do not expect a very fruitful result from any conference between the senior Senator from Oregon and the staff director of this committee. That is why I want to talk to the chairman of the committee, rather than to the staff director.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LONG of Louisiana. Mr. President, the junior Senator from Louisiana had no knowledge whatever of this controversy. It, of course, is somewhat foreign to Louisiana. I was not familiar with the subject matter. But it makes sense that if the senior Senator from Oregon is concerned about this matter, it should not be brought up in his absence.

Mr. MORSE. I am going to make my record, and the Senator can answer it. I want to make a record, so that it can be used as a basis for further negotiations for a postponement of the conference report being taken up in the absence of the senior Senator from Oregon.

Mr. LONG of Louisiana. I was going to say to the Senator from Oregon that if he desires to be present when the matter is brought before the Senate, I will use my best efforts to cooperate with him.

Mr. MORSE. The Senator from Louisiana always does.

I am not casting any reflection on the Senator from Washington. The Senator from Washington has no choice in this matter. He could not be here. I am simply objecting to the plan to take the matter up next Thursday, when it is known that I cannot be present then.

I asked the staff director of the committee, "Why are you taking these suits over to the Court of Claims?" I was advised by him that it is because juries sometimes award what he considers, or what apparently the committee considers or somebody considers, to be an excessive price for the property.

Well, that is the American jury system, and the senior Senator from Oregon is not going to undermine the American jury system. The jury system is there to check the Federal Government when it seeks to shortchange by offering too little for property owned by private property owners in this country.

It is a pretty shocking thing, if this is the explanation as to why this bill transfers jurisdiction from the district courts in California to the Court of Claims in Washington, D.C.

Mr. President, I shall present now, for the Record, the protests of private property owners in regard to this section of the conference report.

Certain provisions which were added to the Redwood parks bill in conference have caused considerable concern among the lumber companies and the management of the forest industry in the West. Since their concern involves the condemnation procedure and appeal procedure the bill provides for acquiring private land for the redwood park, I think it has general application and, insofar as they constitute precedents for land taking of all kinds by the Federal Government, should be gone into at some length.

If there are some special circumstances why this procedure should be followed in this particular case, I want to hear about them. But if this is what I fear it is—namely, the establishment of a new precedent for condemnation by the Federal Government of property so that they can take the property owners into the Court of Claims—then we should fight this to the finish; because I believe it is a very unwise procedure to establish as a precedent.

Let us keep in mind that Federal activities, and federally financed activities by State and local governments, are taking for public use extensive private property. Highway construction, urban renewal, and recreation areas are some of the most dramatic purposes. They require that as the exercise of eminent domain takes more property, the standards calling for condemnation, the procedures used for arriving at fair prices, and the means of appeal be more carefully protected and guarded than before.

I find in this conference report what appears to me to be a serious retrogression from the normal condemnation procedure. I do not raise this point on behalf of the companies involved, for I understand that the major one is liquidating its lumber business.

It is true that others of the companies involved have called my attention to this section of the conference report; but the senior Senator from Oregon is talking about a matter of principle and procedure tonight that should govern Federal policy in respect to taking land by condemnation.

The one that is going out of the lumber industry and into something else is not concerned with future condemnation proceedings that the rest of the industry will have to cope with in the future, and probably not with the condemnation proceedings that homeowners and small businessmen displaced by highways will have to cope with, either.

But I was concerned, and every Member of this body should be. We had better be concerned with what the procedure is that is set up in this bill, if it is to be the beginning of a precedent to be followed in the handling of other condemnation proceedings in all the purchases to which I have referred, such as highways, urban renewal, parks, and whatnot.

First, let me say that my comments are based only on the language in the conference report and what I have been told about it. As it was not contained in either the House or Senate version, these provisions were not subjected to hearings. Therefore, I am completely dependent upon the opinion of the conferees as to the nature and meaning of the condemnation provisions.

The bill provides for the immediate divestment from the owners of all right, title, and interest in the private property to be taken.

Yet there is no provision for payment until agreement is reached on the value of the property. Payment of interest during any intervening period is called for; but "interest" is not "compensation." I find it hard to reconcile that with the constitutional requirement that no property may be taken without just compensation.

The chairman of the House conferees expressed the opinion on the House floor that this language meant that the owner would receive at least the sum the Secretary of the Interior believed to be fair, and the owner could litigate for additional compensation. But I do not find that language to be contained in the bill.

It has been said that there will be a supplemental appropriation request from the Department of the Interior to take care of the payment of owners for land taken for the redwood park. But the bill does not make the divesting of the owners contingent upon the appropriation of the money or upon payment even of the value arrived at by the Secretary.

I would hope the Senate conferees would be able to establish a legislative history that will reconcile that procedure with the just compensation requirement of the fifth amendment, for I have great difficulty reconciling this conference report with the fifth amendment when it comes to the taking of property.

JURY SYSTEM PROTECTS PROPERTY RIGHTS

Second. There is the removal of these suits for the determination of fair value from the local federal district court to the Court of Claims. I surmise this provision stems from the $92 million authorized for acquisition.

But those acres are owned by American citizens and the rights of those American citizens should not be determined by a ceiling that Congress fixes in a bill for the purchase of private property. That amount should be fixed by an American jury, and Congress should be bound by the jury system in determining how much compensation shall be paid for this land.

In my opinion, we do not have a right and we should not think we can exercise what we have sought to exercise in this bill by arbitrarily fixing a ceiling under which these property owners will be limited with respect to the compensation they get for their property. without having the right of an American jury to determine what that compensation will be.

As far as legal precedent is concerned, I consider this conference report frightening to the preservation of a very precious legal right with respect to which every property owner should be protected.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, it seems to me that if the precedent the Senator refers to is to be adopted, it will necessarily be extended to a great number of other things.

In other words, with the Federal Government paying 90 percent of the cost of the right-of-way for the Interstate Highway System the State contribution is so small and the contribution of the local governing body is so small—in some cases zero—that one could contend that the jury might be too generous in awarding money for acquiring the right-of-way in some particular area or in general.

If one were seeking to save the Government money by leaving the compensation award to the Court of Claims, he could save immeasureably more money by having the Court of Claims decide what will be paid for land taken for right-of-way for the Interstate Highway System, or for the rivers, harbors, and canals to be built in this country. They could hope to save money by putting that jurisdiction in the same court with respect to the redwoods because there is so much more land involved in the other cases.

Mr. MORSE. The Senator is absolutely correct. The Senator proves my point. If it can be done in that regard, why stop it from being the court with respect to the purchase of land for highways or for other purposes? Why are timber owning enterprises and individuals subjected to such an unusual procedure when their property is sought for park purposes? Is there something peculiar about the redwood case? Or is Congress about to embark upon a wholly new condemnation procedure that soon will extend to all the instances referred to by the Senator from Louisiana?

Mr. President, I think these owners are entitled to have the usual procedure for condemnation followed, which means the determination will be made in a Federal court and submitted to a jury to determine how much the Federal Government shall pay for that land. That is why I think we are entitled to a very important clarification of this conference report. In the absence of a satisfactory explanation of it, this conference report should be sent back to conference and this provision in regard to moving jurisdiction to the Court of Claims should be stricken. We should make perfectly clear to the conference in both Houses we want them to follow the regular procedure for passing judgment on condemnation claims.

Section 1358 of title 28 of the United States Code states that all suits involving real estate taken for the use of the Federal Government shall originate in the local Federal district court.

That is the standard practice. It does not say "Court of Claims." This bill departs from it.

Section 1358 means that the question of what constitutes fair value is to be decided locally and under a procedure that affords the opportunity for a jury trial.

It would seem to me that some unusual circumstance would have to prevail in order to justify changing the standard court procedure for hearing suits over fair value.

In the very limited conversation I had with the staff director for the committee it was obvious he was not really interested in giving me the details I was seeking. He gave me a summary answer to my question and walked out. If he were on my subcommittee, I would fire him for that inconsiderate and rude action on the part of a counsel for a Senate committee.

I asked why these provisions were put in the conference report and I was entitled to a fair discussion from the aide to this committee, particularly in the absence of his chairman, who was not available for me to get the information which I sought.

What I think we are doing here and what I fear we are doing, and I hope the chairman of the committee when he makes his explanation can show some justification, is making an exception to following the regular condemnation procedure under title 28 of the United States Code.

I want to say again that in the absence of such a satisfactory explanation this conference report should go back to conference and the section dealing with the Court of Claims should be stricken therefrom.

Senators from public land States know that condemnation procedures, including a local jury trial, are extremely important considerations to our residents.

For this removal of a proceeding from the local district court to an administrative court to become a precedent and eventually a common practice in Federal condemnation cases would be a real calamity for the western public land States.

I hope the Members of the Senate conference can give us some guidance as to why this procedure was used in the case of the redwood bill, and whether it is likely to be applied in future cases where land is taken for Federal use.

The explanation that representatives of the industry have given me for the conferees' action is that the Park Service down in the Department of the Interior wants to get these cases out of the Ninth Judicial Circuit. Why? Because it seems that in this circuit there is beginning to be a rule established that fair value includes not only value of the land and trees but also economic damage done to a firm where the future supply of its raw material is disrupted.

Yet only a few days ago Congress passed a bill in which the legislation recognizes that when businesses are displaced as a result of a highway going through the site of the business, there is taken into account in fixing the value of the land taken, the loss that the business is going to suffer because of the taking of the land.

Mr. President, I am perfectly satisfied as to the reason from what this aide said in his very brief and summary remarks to me when he said they had examples in some instances where juries granted four and five times what the land was worth.

Mr. President, who says what it is worth? Is it counsel, the conferees, the Court of Claims? If I ever saw an ignoring of what is the most precious basis of our American system of jurisprudence, it was implied in that remark by the staff director of the committee. It is not for him or for members of the committee or for the Congress to determine what the land is worth under our system of jurisprudence. It is for that jury to determine. I do not intend to remain in silence here and see this kind of invasion of a very precious American property right, may I say, either by flippant remarks of a counsel of a Senate committee, or by a conference report that seeks to transfer the authority in condemnation cases from a Federal district court into an administrative court of the Federal Government.

Unfortunately, the biggest firms, like Georgia Pacific, can live with these condemnations, but the little fellow cannot. The big companies should not be asked to. It is just as important that a fair value be paid to the big companies as to the little companies.

Mr. President, I place this in the RECORD tonight because I shall be absent from the Senate, apparently, when an attempt will be made to bring up the conference report. It is a privileged matter and I cannot stop it from being brought up. But, I can make the record, and the RECORD will show that if it is brought up, it will be in spite of my protests. I think we should have full debate now in regard to what the results of the conference report will be.

Mr. President, I ask unanimous consent to have the entire conference report printed in the RECORD.

There being no objection, the conference report was ordered to be printed in the RECORD, as follows:

CONFERENCE REPORT (H. REPT. No. 1890)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2515) entitled "An act to authorize the establishment of the Redwood National Park in the State of California, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows:

In lieu of the matter inserted by the House amendment insert the following: "That, in order to preserve significant examples of the primeval coastal redwood (Sequoia sempervirens) forests and the streams and seashores with which they are associated for purposes of public inspiration, enjoyment, and scientific study, there is hereby established a Redwood National Park in Del Norte and Humboldt Counties, California.

"SEC. 2. (a) The area to be included within the Redwood National Park is that generally depicted on the maps entitled 'Redwood National Park,' numbered NPS-RED-7114-A and NPS-RED-7114-B, and dated September 1968, copies of which maps shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Del Norte and Humboldt Counties. The Secretary of the Interior (hereinafter referred to as the 'Secretary') may from time to time, with a view to carrying out the purpose of this Act and with particular attention to minimizing situation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the national park as depicted on said maps, modify said boundaries, giving notice of any changes involved therein by publication of a revised drawing or boundary description in the Federal Register and by filing said revision with the officers with whom the original maps were filed, but the acreage within said park shall at no time exceed fifty-eight thousand acres, exclusive of submerged lands.

"(b) The Secretary is authorized to acquire by donation only all or part of existing publicly owned highways and roads within the boundaries of the park as he may deem necessary for park purposes. Until such highways and roads have been acquired, the Secretary may cooperate with appropriate State and local officials in patroling and maintaining such roads and highways.

"SEC. 3. (a) The Secretary is authorized to acquire lands and interests in land within the boundaries of the Redwood National Park and, in addition thereto, not more than ten acres outside of those boundaries for an administrative site or sites. Such acquisition may be by donation, purchase with appropriated or donated funds, exchange, or otherwise, but lands and interests in land owned by the State of California may be acquired only by donation.

"(b)(1) Effective on the date of enactment of this Act, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the park boundaries designated in maps NPS-RED-7114-A and NPS-RED-7114-B, except real property owned by the State of California or a political subdivision thereof and except as provided in paragraph (3) of this subsection. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

"(2) The United States will pay just compensation to the owner of any real property taken by paragraph (1) of this subsection. Such compensation shall be paid either: (A) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, including money appropriated to the Fund pursuant to section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended, subject to the appropriation limitation in section 10 of this Act, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking the property to the date of payment therefor; or (B) by the Secretary if the owner of the land concurs, with any federally owned property available to him for purposes of exchange pursuant to the provisions of section 5 of this Act; or (C) by the Secretary using any combination of such money or federally owned property. Any action against the United States for the recovery of just compensation for the land and interests therein taken by the United States by this subsection shall be brought in the Court of Claims as provided in title 28, United States Code, section 1491.

"(3) Subsection 3(b) shall apply to ownerships of fifty acres or less only if such ownerships are held or occupied primarily for nonresidential or nonagricultural purposes, and if the Secretary gives notice to the owner within sixty days after the effective date of this Act of the application of this subsection. Notice by the Secretary shall be deemed to have been made as of the effective date of this Act. The district court of the United States for that district in which such ownerships are located shall have jurisdiction to hear and determine any action brought by any person having an interest therein for damages occurring by reason of the temporary application of this paragraph, between the effective date of this Act and the date upon which the Secretary gives such notice. Nothing in this paragraph shall be construed as affecting the authority of the Secretary under subsections (a) and (c) of this section to acquire such areas for the purposes of this Act.

"(c) If any individual tract or parcel of land acquired is partly inside and partly outside the boundaries of the park or the administrative site the Secretary may, in order to minimize the payment of severance damages, acquire the whole of the tract or parcel and exchange that part of it which is outside the boundaries for land or interests in land inside the boundaries of for other land or interests in land acquired pursuant to this Act, and dispose of so much thereof as is not so utilized in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.). The cost of any land so acquired and disposed of shall not be charged against the limitation on authorized appropriations contained in section 10 of this Act.

"(d) The Secretary is further authorized to acquire, as provided in subsection (a) of this section, lands and interests in land bordering both sides of the highway between the present southern boundary of Prairie Creek Redwoods State Park and a point on Redwood Creek near the town of Orick to a depth sufficient to maintain or to restore a screen of trees between the highway and the land behind the screen and the activities conducted threon.

"(e) In order to afford as full protection as is reasonably possible to the timber, soil, and streams within the boundaries of the park, the Secretary is authorized, by any of the means set out in subsections (a) and (c) of this section, to acquire interests in land from, and to enter into contracts and cooperative agreements with, the owners of land on the periphery of the park and on watersheds tributary to streams within the park designed to assure that the consequences of forestry management, timbering, land use, and soil conservation practices conducted thereon, or of the lack of such practices, will not adversely affect the timber, soil, and streams within the park as aforesaid. As used in this subsection, the term "interests in land" does not include fee title unless the Secretary finds that the cost of a necessary less-than-fee interest would be disproportionately high as compared with the estimated cost of the fee. No acquisition other than by donation shall be effectuated and no contract or cooperative agreement shall be executed by the Secretary pursuant to the provisions of this subsection until sixty days after he has notified the President of the Senate and the Speaker of the House of Representatives of his intended action and of the costs and benefits to the United States involved therein.

"Sec. 4. (a) The owner of improved property on the date of its acquisition by the Secretary under this Act may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

"(b) The term 'improved property,' as used in this section, means a detached, noncommercial residential dwelling, the construction of which was begun before October 9, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

"(c) The Secretary shall have, with respect to any real property acquired by him in sections 5 and 8, township 13 north, range 1 east, Humboldt meridian, authority to sell or lease the same to the former owner under such conditions and restrictions as will assure that it is not utilized in a manner or for purposes inconsistent with the national park.

"Sec. 5. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park, and outside of such boundaries within the limits prescribed in this Act. Notwithstanding any other provision of law, the Secretary may acquire such property from the grantor by exchange for any federally owned property under the jurisdiction of the Bureau of Land Management in California, except property needed for public use and management, which he classifies as suitable for exchange or other disposal, or any federally owned property he may designate within the Northern Redwood Purchase Unit in Del Norte County, California, except that section known and designated as the Yurok Experimental Forest, consisting of approximately nine hundred and thirty-five acres. Such federally owned property shall also be available for use by the Secretary in lieu of, or together with, cash in payment of just compensation for any real property taken pursuant to section 3(b) of this Act. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the value shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Through the exercise of his exchange authority, the Secretary shall, to the extent possible, minimize economic dislocation and the disruption of the grantor's commercial operations.

"Sec. 6. Notwithstanding any other provision of law, any Federal property located within any of the areas described in sections 2 and 3 of this Act may, with the concurrence of the head of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

"Sec. 7.(a) Notwithstanding any other provisions of law, the Secretary shall have the same authority with respect to contracts for the acquisition of land and interests in land for the purposes of this Act as was given the Secretary of the Treasury for other land acquisitions by section 34 of the Act of May 30, 1908 (35 Stat. 545; 40 U.S.C. 261), and the Secretary and the owner of land to be acquired under this Act may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on the installments.

"(b) Judgments against the United States for amounts in excess of the deposit in court made in condemnation actions shall be subject to the provisions of section 1302 of the Act of July 27, 1956 (Stat. 694), as amended (31 U.S.C. 724a), and the Act of June 25, 1948 (62 Stat. 979), as amended (28 U.S.C. 2414, 2517).

"Sec. 8. The present practice of the California Department of Parks and Recreation of maintaining memorial groves of redwood trees named for benefactors of the State redwood parks shall be continued by the Secretary in the Redwood National Park.

"Sec. 9. The Secretary shall administer the Redwood National Park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

"Sec. 10. There are hereby authorized to be appropriated $92,000,000 for land acquisition to carry out the provisions of this Act."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to title of the bill.

Wayne N. Aspinall,
Roy A. Taylor,
Harold T. Johnson,
John P. Saylor,
Theodore R. Kupferman,
Managers on the Part of the House.

Henry M. Jackson,
Clinton P. Anderson,
Alan Bible,
Thomas H. Kuchel,
Clifford P. Hansen,
Managers on the Part of the Senate.

Statement of the Managers on the Part of the House

The managers on the part of the House on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 2515, to authorize the establishment of the Redwood National Park in the State of California, and for other purposes, submit this statement in explanation of the effect of the language recommended and adopted in the accompanying conference report.

The committee of conference on S. 2515 recommends adoption of an amendment in the nature of a substitute for the House amendment to S. 2515. The major differences between the amendment recommended by the conference committee, the original House amendment, and S. 2515 as it passed the Senate are outlined below.

The conference committee recommends the establishment of a Redwood National Park with an overall size of not more than 58,000 acres, exclusive of submerged lands. In the bill as it originally passed the Senate this limit was 64,000 acres and in the House amendment it was 28,500 acres.

The principal upland areas included within the revised boundaries of the park are, in addition to the Jedediah Smith, Del Norte Coast and Prairie Creek Redwoods State Parks, the following:

(a) The area east and south of Jedediah Smith State Park—approximately 4,600 acres.

(b) Lost Man Creek drainage area—approximately 5,800 acres.

(c) Little Lost Man Creek drainage area—approximately 2,225 acres.

(d) The area south of Prairie Creek State Park, west of Prairie Creek and north of the existing county road—approximately 2,925 acres.

(e) The Redwood Creek corridor beginning in section 34, township 11 north, range 1 east, and continuing along both sides of the stream into section 6, township 9 north, range 2 east, including the so-called Emerald Mile and the "Tall Trees" area—approximately 4,200 acres.

(f) An area to the north, east, and west of the lower portion of the foregoing—approximately 4,125 acres.

(g) Three coastal strips (in most cases one-quarter mile inland from mean high tide) between Del Norte Coast State Park and the Klamath River, between the Klamath River and the northern boundary of Prairie Creek State Park, and between the southern boundary of Prairie Creek State Park and the northern boundary of Dry Lagoon State Park—approximately 4,100 acres.

Minor areas account for another 150 acres, more or less, within the revised park boundaries. The estimated cost of acquiring the lands is $92,000,000 in cash or kind. This estimate is based principally on an appraisal made by Hammon, Jensen & Wallen, an experienced timber appraisal firm, and includes allowances for contingencies and for administrative expenses connected with the acquisition.

The three State parks mentioned above total 27,500 acres. They and other State lands within the boundaries of the park will be acquired only by donation, as both the Senate bill and the House amendment provided, but a donation or agreement to donate the

State parks will not be a condition precedent to establishment of the national park as the House amendment proposed. Until donated, public highways and roads within the park will continue to be operated by the State and its political subdivisions. The Secretary of the Interior, however, is authorized to cooperate with State and local officials in this work by section 2(b) of the conference committee amendment. Whether the State will donate its parks and other lands will be up to it to decide. If it decides not to do so, the National Park Service will nevertheless be expected to cooperate with State officials to minimize administrative problems and to offer to the American public a full opportunity to enjoy the beauty and grandeur of the Redwood country.

The conference committee recommends, as did the original Senate bill, that the Secretary of the Interior have authority to utilize lands within the Northern Redwood Purchase Unit, except the 935 acres which are within the Yurok Experimental Forest, for acquisition of some of the private lands within the park. It also recommends that the Secretary be authorized to utilize for exchange purposes lands within the State of California which are under the administrative jurisdiction of the Bureau of Land Management. This latter provision was in the Senate bill and a similar, though somewhat broader, provision was in the House amendment. The provision with respect to the use of the Purchase Unit is not intended to be precedent-setting. It is, rather, a rare exception to the rule which ought to be followed in all except the most compelling of circumstances and is justified in this case only by the exceptional status of the Purchase Unit and by the desire to preserve as a part of the National Park System trees which would otherwise be exploited even though this must be at the price of trees of the same species in Government ownership which are now subject to the same treatment. In view of these two provisions of the bill, it is expected that the cash outlay required for the park will be considerably below the $92,000,000 mentioned above. This means, of course, that use of the exchange authority is not to be subordinated to use of the cash-acquisition authority. Not only will the consummation of exchanges reduce the Government's cash outflow but it will carry out the purpose for which it is being granted—viz, to "minimize economic dislocation and the disruption of * * * of commercial operations" in the chief industry of the locality.

In order to expedite establishment of the park and to avoid serious changes in the cost of acquiring the land which might occur after passage of the legislation, the conference committee has included in section 3(b) of the bill a legislative taking provision. This provision will be applicable to the greater part of the private lands within the boundaries of the park. Its effect is to vest in the United States, as soon as the bill passes both Houses and is signed by the President, title to all lands within the park boundaries which are owned or operated by the four major lumber companies concerned, to all other tracts of 50 acres or more, and to tracts of less than 50 acres which are utilized primarily for nonresidential and nonagricultural purposes. The four companies referred to are the Arcata Redwood Co., the Rellim Lumber Co., the Simpson Lumber Co., and the Georgia-Pacific Corp., and their affiliates. The lands held by or for them which are affected by this provision are as follows, as nearly as can now be determined:

	Acres (approximate)
Arcata Redwood Co	11, 000
Simpson Lumber Co	5, 770
Georgia-Pacific Corp	3, 420
Rellim Lumber Co	2, 260

A legislative taking provision—one, however, that was not identical with the one that is included in the bill—was requested by the company principally concerned. The companies will be given time to remove their facilities, equipment, and other personal property, including felled trees, from the property. Compensation for the taking, to the extent it is paid in cash and not in kind, will be paid from moneys appropriated from the Land and Water Conservation Fund upon certification by the Secretary of the Interior of the amount involved. If such payment is not made or if the amount paid is not satisfactory to the companies, they will be entitled to a judicial determination made by the Court of Claims under 28 U.S.C. 1491. In either event, the value as ultimately determined will draw interest from the date of taking until the date of payment at the rate of 6 percent per annum. The bill provides in explicit terms that the United States "will" pay just compensation for this property and thus pledges the full faith and credit of the Government that this will be done. In view of these provisions and in order, moreover, to give the present owners an equivalent in cash or kind as soon as possible, it is strongly recommended (*a*) that the Secretary of the Interior, as far as he can do so consistently with other commitments on the Land and Water Conservation Fund, seek an immediate appropriation to fulfill the obligations of the United States, and (*b*) that, to the extent that a settlement in kind is not likely or cannot be negotiated, he pay over to the companies whatever appropriated funds are available to him within the limits of his estimate of the fair market value of the land taken, such payment to be without prejudice, if his estimate of value is not satisfactory to the companies, to further determination of the value either by negotiation or by judicial action.

The members of the conference committee note, in this connection, that they were requested to consider and did consider including in the bill a section the effect of which would have been to give companies the advantages of section 1033 of the Internal Revenue Code if they convert the cash they receive from this involuntary disposition of their property into certain other types of income-producing property within a limited time. The other types spoken of would have been somewhat broader than that presently allowed by section 1033 and the time frame might have been somewhat longer than is now provided by law. The committee found it infeasible to include such a provision in this bill. It notes, however, that it has been authoritatively advised that the present provisions of law are not and ought not to be construed so strictly that a conversion of redwood assets into whitewood assets is outside the bounds of section 1033 and that, sympathetic as it is with the general position in which the companies find themselves, a broader approach than the one provided in that section may well be warranted in this instance. It recommends that consideration be given to this problem through a separate measure during the next session of the Congress.

The provisions of the House amendment authorizing the acquisition of land bordering Highway 101 between Prairie Creek State Park and the town of Orick and the creation of a buffer zone around the periphery of the park, either by acquisition of scenic easements and other interests in land or through cooperative agreements with the landowners in order to protect park values, has been retained by the conference committee in section 3, subsections (d) and (e), of its substitute amendment. While land acquired under the first of these provisions will not be within the park, it will be an important adjunct to it. The intent of the second provision is to assure, among other things, that clear cutting will not occur immediately around the park and, wherever it is reasonable to do so, to allow selective logging to be carried on there.

The conference report recommends the inclusion in the park boundaries of a strip of offshore submerged land one-quarter mile wide the full length of the park. This is done with the understanding that fishing, both sport and commercial, will be allowed to continue in the area involved and that the laws governing the same will be the laws of the State of California.

The House amendment contained a provision authorizing the owners of existing homes within the park boundaries to retain title thereto as long as they conform to approved zoning ordinances. While this provision has heretofore been used in connection with the establishment of national recreation areas and national seashores, it is not, the members of the conference committee believe, consistent with what ought to be an objective when a national park is established—viz., the ultimate elimination of all private inholdings within park boundaries. It has therefore been dropped in the conference committee's proposed substitute. The substitute, however, contains the provisions of both the House and the Senate versions of the bill allowing the owner of an existing noncommercial residence to retain rights of use and occupancy for his life and the life of his spouse or, if he so chooses, for a term of 25 years or less beginning on the date the property is acquired by the Government. An additional provision has been included, applying only to two sections of land at the mouth of the Klamath River, authorizing the Secretary of the Interior to lease back or sell back certain lands under conditions which assure uses compatible with the purposes and existence of the park.

The provisions of section 7 of the conference committee's recommended substitute are derived from the House amendment. They (1) authorize the Secretary of the Interior to enter into firm contracts for the purchase of land under the act once an appropriation has been made for this purpose even though the appropriation is insufficient to cover the whole purchase price, (2) allow the Secretary and the landowners concerned to agree upon payment of the purchase price of land in installments over a 10-year period or less, the unpaid balance to bear interest at a rate not exceeding that of the current yield on outstanding U.S. obligations maturing at or about the same time as the last payment is due, and (3) make applicable to judgments rendered against the United States in condemnation actions, including actions under section 3 of the bill, the same procedure for appropriating funds to satisfy such judgments as is applicable to other judgments against the Government. In effect this means, and it is the intent of the conference committee that it should be so applied, that judgments for $100,000 or less will be paid from the continuing appropriation created in 31 U.S.C. 724a and that judgments for more than that amount will be processed as ordinary judgments against the United States are processed; that is, by being included in the items "Claims and Judgments" (e.g., 79 Stat. 1152) which is regularly transmitted to the Congress for appropriations. Since, as has been noted above, the bulk of the private land within the park boundaries is being taken legislatively, the chief benefit of this provision will, in all likelihood, accrue to such of the smaller landowners as may be subject to condemnation. In the case of the larger holders who choose to recover just compensation by means of a suit in the Court of Claims, however, it will and is intended to provide an alternative method of payment to that provided in section 3(b).

The final section of the bill authorizes the appropriation of $92,000,000 for the acquisition of land. As has already been noted, it is expected that utilization of the exchange provisions of the bill will reduce the cash outlay required considerably below this figure. The $92,000,000 figure compares with the $100,000,000 in the original Senate bill and the $56,750,000 in the House amendment. Although this section omits the limitation of the amount authorized to be appropriated for development which was contained in the House amendment, it is the understanding of all members of the conference committee that no appropriation will be requested or made for this purpose, except for such work as is required for immediate administration of the park, until a master development plan has been submitted to the two Committees on Interior and Insular Affairs.

Wayne N. Aspinall,
Roy A. Taylor,
Harold T. Johnson,
John P. Saylor,
Theodore R. Kupferman,
Managers on the Part of the House.

Mr. MORSE. Mr. President, I want to make clear that I am not critical of the chairman of the conference, the Senator from Washington [Mr. Jackson]. I am not critical of the fact it could not be brought up this afternoon, but I do want to say to the chairman of the conferees and to the leadership of the Senate, that we will be here for quite some time, anyway, before there is a final, sine die adjournment of the Senate; thus, under the circumstances, I think there should be a postponement of any action on the conference report until I can be here in order to present the point of view of the private property owners involved in the bill.

Mr. President, I yield the floor.

COMMITTEE MEETINGS DURING SESSION OF THE SENATE TOMORROW

Mr. LONG of Louisiana. Mr. President, I was under the impression that permission had been granted for all committees to meet tomorrow during the session of the Senate, and I would ask the Chair if that is correct?

The PRESIDING OFFICER. The Chair is advised that that permission has not yet been granted.

Mr. LONG of Louisiana. Mr. President, then, on behalf of the majority leader—and I believe this has all been cleared—I ask unanimous consent that all committees of the Senate be permitted to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERGOVERNMENTAL COOPERATION ACT OF 1968

Mr. LONG of Louisiana. Mr. President, at the request of the junior Senator from Maine [Mr. Muskie], I ask the Chair to lay before the Senate a message from the House of Representatives on S. 698.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 698) to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes which was, strike out all after the enacting clause, and insert:

That this Act be cited as the "Intergovernmental Cooperation Act of 1968".

TITLE I—DEFINITIONS

When used in this Act—

FEDERAL AGENCY

Sec. 101. The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government and any wholly owned Government corporation.

STATE

Sec. 102. The term "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

POLITICAL SUBDIVISION OR LOCAL GOVERNMENT

Sec. 103. The term "political subdivision" or "local government" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

UNIT OF GENERAL LOCAL GOVERNMENT

Sec. 104. "Unit of general local government" means any city, county, town, parish, village, or other general purpose political subdivision of a State.

SPECIAL-PURPOSE UNIT OF LOCAL GOVERNMENT

Sec. 105. "Special-purpose unit of local government" means any special district, public-purpose corporation, or other strictly limited-purpose political subdivision of a State, but shall not include a school district.

GRANT OR GRANT-IN-AID

Sec. 106. The term "grant" or "grant-in-aid" means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—

(A) to a State; or

(B) to a political subdivision of a State; or

(C) to a beneficiary under a plan or program which is subject to approval by a Federal agency;

if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be allotted for use in each of the States by the States, political subdivisions, or other beneficiaries. The term does not include (1) shared revenues; (2) payments of taxes; (3) payments in lieu of taxes; (4) loans or repayable advances; (5) surplus property or surplus agricultural commodities furnished as such; (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private; or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws.

FEDERAL FINANCIAL ASSISTANCE

Sec. 107. The term "Federal financial assistance" does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a and 47–2501b).

SPECIALIZED OR TECHNICAL SERVICES

Sec. 108. "Specialized or technical services" means statistical and other studies and compilations, development projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and any other similar service functions which any department or agency of the executive branch of the Federal Government is especially equipped and authorized by law to perform.

COMPREHENSIVE PLANNING

Sec. 109. "Comprehensive planning", except in title V, includes the following, to the extent directly related to area needs or needs of a unit of general local government: (A) preparation, as a guide for governmental policies and action, of general plans with respect to (i) the pattern and intensity of land use, (ii) the provision of public facilities (including transportation facilities) and other government services, and (iii) the effective development and utilization of human and natural resources; (B) long-range physical and fiscal plans for such action; (C) programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program; (D) coordination of all related plans and activities of the State and local governments and agencies concerned; and (E) preparation of regulatory and administrative measures in support of the foregoing.

HEAD OF AGENCY

Sec. 110. The term "head of a Federal agency" or "head of a State agency" includes a duly designated delegate of such agency head.

TITLE II—IMPROVED ADMINISTRATION OF GRANTS-IN-AID TO THE STATES

FULL INFORMATION ON FUNDS RECEIVED

Sec. 201. Any department or agency of the United States Government which administers a program of grants-in-aid to any of the State governments of the United States or to their political subdivisions shall, upon request, notify in writing to the Governor or other official designated by him, and the State legislature, of the purpose and amounts of actual grants-in-aid to the State or to its political subdivisions.

DEPOSIT OF GRANTS-IN-AID

Sec. 202. No grant-in-aid to a State shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State. All Federal grant-in-aid funds made available to the States shall be properly accounted for as Federal funds in the accounts of the State. In each case the State agency concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the grant-in-aid received by the States.

SCHEDULING OF FEDERAL TRANSFERS TO THE STATES

SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by a State, whether such disbursement occurs prior to or subsequent to such transfer of funds.

ELIGIBLE STATE AGENCY

SEC. 204. Notwithstanding any other Federal law which provides that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of any grant-in-aid program, the head of any Federal department or agency administering such program may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency or multimember board or commission provision upon adequate showing that such provision prevents the establishment of the most effective and efficient organizational arrangements within the State government and approve other State administrative structure or arrangements: *Provided*, That the head of the Federal department or agency determines that the objectives of the Federal statute authorizing the grant-in-aid program will not be endangered by the use of such other State structure or arrangements.

TITLE III—PERMITTING FEDERAL DEPARTMENTS AND AGENCIES TO PROVIDE SPECIAL OR TECHNICAL SERVICES TO STATE AND LOCAL UNITS OF GOVERNMENT

STATEMENT OF PURPOSE

SEC. 301. It is the purpose of this title to encourage intergovernmental cooperation in the conduct of specialized or technical services and provision of facilities essential to the administration of State or local governmental activities, many of which are nationwide in scope and financed in part by Federal funds; to enable State and local governments to avoid unnecessary duplication of special service functions; and to authorize all departments and agencies of the executive branch of the Federal Government which do not have such authority to provide reimbursable specialized or technical services to State and local governments.

AUTHORITY TO PROVIDE SERVICE

SEC. 302. The head of any Federal department or agency is authorized within his discretion, upon written request from a State or political subdivision thereof, to provide specialized or technical services, upon payment, to the department or agency by the unit of government making the request, of salaries and all other identifiable direct or indirect costs of performing such services: *Provided, however*, That such services shall include only those which the Director of the Bureau of the Budget through rules and regulations determines Federal departments and agencies have special competence to provide. Such rules and regulations shall be consistent with and in furtherance of the Government's policy of relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels.

REIMBURSEMENT FOR SERVICES

SEC. 303. All moneys received by any department or agency of the executive branch of the Federal Government, or any bureau or other administrative division thereof, in payment for furnishing specialized or technical services as authorized under secton 302 shall be deposited to miscellaneous receipts of the Treasury.

REPORTS TO CONGRESS

SEC. 304. The Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government shall furnish annually to the respective Committees on Government Operations of the Senate and House of Representatives a summary report on the scope of the services provided under the administration of this title.

RESERVATION OF EXISTING AUTHORITY

SEC. 305. This title is in addition to and does not supersede any existing authority now possessed by any Federal department or agency with respect to furnishing services, whether on a reimbursable or nonreimbursable basis, to State and local units of government.

TITLE IV—COORDINATED INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF DEVELOPMENT ASSISTANCE PROGRAMS

DECLARATION OF DEVELOPMENT ASSISTANCE POLICY

SEC. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of smaller communities and rural areas. The President may, therefore, establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict:

(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

(4) Adequate outdoor recreation and open space;

(5) Protection of areas of unique natural beauty, historical and scientific interest;

(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

(7) Concern for high standards of design.

(b) All viewpoints—national, regional, State, and local—shall, to the extent possible, be fully considered and taken into account in planning Federal or federally assisted development programs and projects. State and local government objectives, together with the objectives of regional organizations shall be considered and evaluated within a framework of national public objectives, as expressed in Federal law, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

(c) To the maximum extent possible, consistent with national objectives, all Federal aid for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning.

FAVORING UNITS OF GENERAL LOCAL GOVERNMENT

SEC. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to special-purpose units of local government.

RULES AND REGULATIONS

SEC. 403. The Bureau of the Budget or such other agency as may be designated by the President is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title.

TITLE V—ACQUISITION, USE, AND DISPOSITION OF LAND WITHIN URBAN AREAS BY FEDERAL AGENCIES IN CONFORMITY WITH LAND UTILIZATION PROGRAMS OF AFFECTED LOCAL GOVERNMENT

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

SEC. 501. The Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), is amended by adding at the end thereof a new title as follows:

"TITLE VIII—URBAN LAND UTILIZATION

"SHORT TITLE

"SEC. 801. This title may be cited as the 'Federal Urban Land-Use Act'.

"DECLARATION OF PURPOSE AND POLICY

"SEC. 802. It is the purpose of this title to promote more harmonious intergovernmental relations by prescribing uniform policies and procedures whereby the Administrator shall acquire, use, and dispose of land in urban areas in order that urban land transactions entered into for the General Services Administration or on behalf of other Federal agencies shall, to the greatest extent practicable, be consistent with zoning and land-use practices and shall be made to the greatest extent in accordance with planning and development objectives of the local governments and local planning agencies concerned.

"DISPOSAL OF URBAN LANDS

"SEC. 803. (a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

"(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective purchasers of such real property, full and complete information concerning—

"(1) current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned; and

"(2) current availability to such property of streets, sidewalks, sewers, water, street lights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

"ACQUISITION OR CHANGE OF USE OF REAL PROPERTY

"SEC. 804. (a) To the extent practicable, prior to a commitment to acquire any real property situated in an urban area, the Administrator shall notify the unit of general local government exercising zoning and land-use jurisdiction over the land proposed to be purchased of his intent to acquire such land and the proposed use of the property. In the event that the Administrator determines that such advance notice would have an adverse impact on the proposed purchase, he shall, upon conclusion of the acquisition, immediately notify such local government of the acquisition and the proposed use of the property.

"(b) In the acquisition or change of use of any real property situated in an urban area as a site for public building, the Administrator shall, to the extent he determines practicable—

"(1) consider all objections made to any such acquisition or change of use by such unit of government upon the ground that the proposed acquisition or change of use conflicts or would conflict with the zoning regulations or planning objectives of such unit; and

"(2) comply with and conform to such regulations of the unit of general local government having jurisdiction with respect to the area within which such property is situated and the planning and development objectives of such local government.

"SEC. 805. The procedures prescribed in sections 803 and 804 may be waived during any period of national emergency proclaimed by the President.

"DEFINITIONS

"SEC. 806. As used in this title—

"(a) 'Unit of general local government' means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

"(b) 'Urban area' means—

"(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants;

"(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

"(3) that portion of any geographical area having a population density equal to or exceeding one thousand five hundred inhabitants per square mile and situated adjacent to the boundary of any incorporated unit of general local government which has a population of ten thousand or more inhabitants.

"(c) 'Comprehensive planning' includes the following, to the extent directly related to the needs of a unit of general local government:

"(1) Preparation, as a guide for governmental policies and action, of general plans with respect to (A) the pattern and intensity of land use, (B) the provision of public facilities (including transportation facilities) and other governmental services, and (C) the effective development and utilization of human and natural resources;

"(2) Long-range physical and fiscal plans for such action;

"(3) Programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program;

"(4) Coordination of all related plans and activities of the State and local governments and agencies concerned; and

"(5) Preparation of regulatory and administrative measures in support of the foregoing."

Mr. LONG of Louisiana. Mr. President, on behalf of the junior Senator from Maine [Mr. MUSKIE], I move that the Senate disagree to the amendment to S. 698 adopted by the House, and request a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. MUSKIE, Mr. ERVIN, Mr. METCALF, Mr. HANSEN, and Mr. BAKER the conferees on the part of the Senate.

RECESS UNTIL 10 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, if no other Senators desire to make statements at this time, I move, pursuant to the order previously entered, that the Senate stand in recess until 10 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 25 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, September 18, 1968, at 10 o'clock a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 17, 1968:

MISSISSIPPI RIVER COMMISSION

Subject to qualifications provided by law, the following for appointment as a member of the Mississippi River Commission: Don A. Jones, rear admiral, USESSA.

HOUSE OF REPRESENTATIVES—*Tuesday, September 17, 1968*

The House met at 12 o'clock noon.

Rev. Silas Harrington, chaplain, East Mississippi State Hospital, Meridian, Miss., offered the following prayer:

O, God, our Heavenly Father, hallowed be Thy name. From everlasting to everlasting Thou art God. Thou has been our dwelling place for all generations. May we never forsake Thee. We thank Thee for Thy past guidance in our governmental life which sustains a body of free men like these; who represent and deliberate the dreams, hopes, and needs of the citizens of these matchless United States. We pray that each of them shall be keenly conscious of his privilege and responsibility in this capacity. May it please Thee to grant to them good health, alert minds, understanding hearts, and breadth of vision, and the result of their counsel strengthening the very foundations of our Nation. For it is in Thy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5754. An act to amend section 1263 of title 18 of the United States Code to require that interstate shipments of intoxicating liquors be accompanied by bill of lading, or other document, showing certain information in lieu of requiring such to be marked on the package.

The message also announced that Mr. COTTON was appointed a conferee on the bill (H.R. 17023) entitled "An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes," and that Mrs. SMITH was excused as a conferee on the foregoing bill.

The message also announced that the Vice President, pursuant to Public Law 90-301, appointed Mr. MCINTYRE and Mr. BROOKE to serve on the Commission on Mortgage Insurance Rates.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 345. An act for the relief of Dr. Benito V. Odulio;

S. 2189. An act for the relief of Stella Dribensky;

S. 2271. An act for the relief of Domingo Lamadriz;

S. 2405. An act for the relief of Ming Chang;

S. 2642. An act for the relief of Ngo Thi Hong Hao (Lynch) and minor child, Sein (Lynch);

S. 2909. An act for the relief of Charles Richard Scott;

S. 3040. An act for the relief of Dr. Jose E. Naranjo;

S. 3080. An act for the relief of Ernesto Julio D'Escoubet Blanco;

S. 3172. An act for the relief of Dr. George Alfonso Hernandez Canizares;

S. 3181. An act for the relief of Dr. Mete V. Altug;

S. 3223. An act for the relief of Dr. Juan Alfredo Milera;

S. 3226. An act for the relief of Yuka Awamura;

S. 3239. An act for the relief of Dr. Jorge P. Garcia;

S. 3280. An act for the relief of Dr. Jose M. Leon;

S. 3285. An act for the relief of Fausto Soler-Amor;

S. 3308. An act for the relief of Jose C. Favio Hidalgo;

S. 3324. An act for the relief of Dr. Juan F. Hernandez;

S. 3355. An act for the relief of Dr. Emilio Ambrosio Trujillo;

S. 3356. An act to confer U.S. citizenship posthumously upon Lance Corporal Theodore Daniel Van Staveren;

S. 3369. An act for the relief of Dr. Israel Castellanos Gonzalez;

S. 3398. An act for the relief of Cheng-huai Li;

S. 3441. An act for the relief of Dr. Fermin Ferro;

S. 3455. An act for the relief of Dr. Miguel Angel Garcia Plasencia;

S. 3493. An act for the relief of Dr. Laureano S. Falla (also known as Severinto Laureano Falla-Alvarez);

S. 3526. An act for the relief of Marie-Louise (Mary Louise) Pierce;

S. 3568. An act for the relief of Jack Edward Cooley;

S. 3572. An act for the relief of Dr. Renee Diez de Force; and

S.J. Res. 185. Joint resolution to grant the status of permanent residence to Maria Mercede Riewerts.

THE LATE HONORABLE JOHN S. WOOD

The SPEAKER. The Chair recognizes the gentleman from Georgia [Mr. Landrum].

Mr. LANDRUM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANDRUM. Mr. Speaker, I have the unhappy responsibility of announcing to the House of Representatives that a former Member of this body, my predecessor as Representative from the Ninth District of Georgia, the Honorable John S. Wood, has died at the age of 83.

He served from 1930 to 1934 and again from 1944 to 1952, when he retired.

Mr. Wood was a graduate of Mercer University, my own alma mater. He served in the Army Air Corps in World War I and later practiced law in Jasper, Ga., my hometown today, and then practiced in Canton, Ga., where he became one of Georgia's most successful and most prominent attorneys. He served as solicitor of the superior court of the Blue Ridge circuit and also served as judge of that superior court circuit with extreme distinction.

Between these periods he was also elected to the Congress, as I have announced. Several months after winning reelection to the House, in 1944, he was appointed chairman of the House Un-American Activities Committee. In this capacity as chairman of that important committee he was noted particularly for his fairness. In the words of a September 15 memorial by the Gainesville Daily Times:

> Judge Wood ran the committee effectively but reasonably.

The Times editorial stated—and I could not agree more—that Mr. Wood served with distinction, and that his memory will long be honored in the Ninth Congressional District by his services to that area, to Georgia, and to the Nation.

I might add that, in addition to his excellent record as a Member of the Congress from the Ninth District, John Wood was probably the best all-round advocate north Georgia ever developed at the bar. I never saw his superior in the courtroom or in the law office. He was honorable in every respect, admired by all who knew him, and as a personal friend one of the best it has ever been my privilege to have.

I know that Members of the House who recall his presence here will join me in expressing to his widow, Mrs. Louise Jones Wood, and to his three lovely daughters, our genuine sympathy at his passing.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 18785, MILITARY CONSTRUCTION APPROPRIATIONS, 1969

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on H.R. 18785, an act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 17324, AMENDING RENEGOTIATION ACT OF 1951

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17324) to extend and amend the Renegotiation Act of 1951, with Senate amendments thereto, disagree to the Senate amendments and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. Mills, Boggs, Karsten, Byrnes of Wisconsin, and Curtis.

APPOINTMENT OF CONFEREES ON H.R. 17104, SUSPENSION OF DUTY ON ELECTRODES FOR USE IN PRODUCING ALUMINUM UNTIL JULY 15, 1969

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17104) to extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum, with Senate amendments thereto, disagree to the Senate amendments and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. Mills, Boggs, Karsten, Byrnes of Wisconsin, and Curtis.

SPEAK UP, MR. NIXON

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, several months ago the Republican presidential nominee said he had some secret plan certain to bring peace to Vietnam. Yes, Nixon's the one. He has repeated his promise time and again; he says he knows how to end the war promptly and honorably.

More than 4,000 American soldiers have died in Vietnam since June 1, and Mr. Nixon travels around the country claiming he knows how to end the American involvement in Vietnam. Well, Mr. Nixon, if you do know how to end the bloodshed, then you must carry the burden for the deaths of thousands of American servicemen.

I hope our Nation has not fallen to the point where the lives of American soldiers are exploited for political gain. Yet this appears to be the case.

If Mr. Nixon is telling the truth, if he has some secret path out of Vietnam, then let him speak up.

Otherwise let us dispense with idle, cruel promises.

GOVERNOR AGNEW OWES AN APOLOGY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, the other day 6 million Americans of Polish descent were grossly and gravely insulted by one who seeks their vote. I refer to the Governor of the State of Maryland, who appeared on a television program in the city of Chicago and said that, when he addressed a political gathering, he did not look over the crowd to see how many Negroes or Italians or "Polacks" were there.

For the benefit of the Governor of the State of Maryland, it should be known that Americans of Polish descent deeply and gravely resent the term "Polack." It is an affront, and it is one which arouses the ire of anyone who happens to be descended from the great Polish Nation and the great Polish race.

Mr. Agnew has again demonstrated his unfitness for the high office which he seeks, when he so lightly refers to other Americans of other racial origins as "Polacks" and lumps them together with other racial groups in what appears to be a derogatory address to the three groups mentioned. He clearly is not deserving of the high office of Vice President of the United States.

It becomes very plain to me that Mr. Agnew owes to Italians and to Poles and to Negroes and to others a sincere and well-deserved apology, because the affront which he has given is not one which can be easily forgiven.

LEGISLATIVE REORGANIZATION ACT OF 1967 AND ELECTION REFORM ACT OF 1968

Mr. RAILSBACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to to the request of the gentleman from Illinois?

There was no objection.

Mr. **RAILSBACK.** Mr. Speaker, the Legislative Reorganization Act of 1967 and the Election Reform Act of 1968, two of the most important bills to be introduced in this Congress, are tied up in the House Rules Committee, where they have been since last year. Mr. Speaker, it is absolutely essential that these two bills be reported out and brought to the floor for consideration before final adjournment.

Since the 90th Congress convened in January of last year, almost 22,000 bills and resolutions have been introduced in the House of Representatives. As Members of Congress, it is impossible for us to have a thorough knowledge and understanding of the content and implications of all of these measures which are introduced each year, or, for that matter, even most of them. Mr. Speaker, the Legislative Reorganization Act would not completely solve this problem, but it would certainly be a step in the right direction and would significantly help us, the Members of Congress, do a more efficient, knowledgeable job in the field of legislation.

Also, Mr. Speaker, the Election Reform Act of 1968, would not solve all of the problems associated with campaign financing and expenditures. However, it would provide for full disclosure, which is something the American public have the right to know, and make it enforceable.

Mr. Speaker, both of these measures are not panaceas in and of themselves, rather they are steps, and big steps at that, in the right direction. I respectfully but strongly urge that these measures be brought to the floor before final adjournment.

TRIBUTE TO THE LATE HONORABLE JOHN VORYS

Mrs. **BOLTON.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. **BOLTON.** Mr. Speaker, regardless of the certainty one has that life is a continuing stream and that we who are but sojourners here, coming out of unconscious perfection, are all on the long trek to perfected consciousness, when a longtime friend and companion steps across the threshold we cannot help feeling a deep sadness, a loneliness, a yearning for contact. For me, and I am sure for many other House Members, the passing of John Vorys brings a sense of loss that time alone will assuage.

John was a man held in high esteem by all. His sincerity, his loyalty, his patriotism drew one to him. His quiet, effective, consecrated service to his country was an example to each and all.

I was privileged indeed when John became a member of the House Committee on Foreign Affairs, for I sat next to him—which made possible little interchanges of thought and feeling that built a rare friendship between us. His mind was always alert and keen. Disagreements came and went, but never a sharpness nor a bitterness at any point. And how he did his homework. His value to the committee and so to the House was truly great.

One knew, of course, that he was a flier, indeed, he was one of the first pilots in the U.S. naval air service—and when another war came he was one of those who took his turn flying over various areas to protect his own country.

We grieved when he decided to leave his work here "for personal reasons," though we knew he suffered a miserable lung ailment. For me his absence has continued to give a sense of loneliness, of loss, which I know will be mine as long as I am privileged to serve here.

His family was close to his heart and he took great pride in his children. And what a joy it is to know that his last summer was a happy one that gave him some days on their precious island where he fished to his heart's content.

Mr. Speaker, our good friend John has left us a wonderful example of what it is to be a dedicated American. May we be earnestly grateful as we move ever onward in the hope that our contribution may give to others some of the inspiration our friend and colleague has given us.

To his lovely Lois, and their fine children, go my prayers that the Infinite may give them comfort in these first days and renewed assurance of His love and understanding throughout their lives.

CONSTITUTION WEEK

Mr. **BERRY.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. **BERRY.** Mr. Speaker, today is an important day in the history of America. It is a day that has been set aside for the observance of Constitution Week, which extends from September 17 to September 23.

The Daughters of the American Revolution, one of the great organizations of America today, are urging that everyone observe this week by displaying the American flag, reminding citizens of what the fundamental law of this Nation has meant to us, the freedom it has brought, and the human values that have resulted from this basic fundamental charter.

It is especially important during this critical national period to stimulate interest among the general public in observing the anniversary of the ratification of this great document and to call attention once more to the fact that our cherished freedoms are due to, and guaranteed by, the Constitution as it was originally written.

THE DISTRICT OF COLUMBIA RECEIVING HOME

Mr. **GUDE.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. **GUDE.** Mr. Speaker, one of the most important items in the proposed budget for the District of Columbia government concerns the District of Columbia Receiving Home. Statistics released in the beginning of this month in the FBI annual report on crime show that in 1967 nationally, one out of every two persons arrested for such crimes as murder, rape, robbery, assault, and larceny was under 18, and one out of every four was under 15 years of age. And when 70 percent of all adult offenders in the District have a juvenile record, we should well be concerned that the Receiving Home seems to be the weakest link in the chain of juvenile rehabilitation.

The length of time between arraignment of a juvenile and his trial is spent in the Receiving Home. When one considers that the home is the first contact of an alleged delinquent with the juvenile court system, and that his attitude toward the whole legal systems may well be shaped by the character of that initial contact, it is clear that the proper administration of the Receiving Home is a matter of utmost public importance.

The present overcrowded conditions have been well known for some time and were reflected in the District of Columbia Crime Commission Report. Several of my colleagues on the District of Columbia Committee and I have expressed our concern over these conditions at the home—the McGee report also deals with the improvement of that facility.

Last year Congress provided funds for planning a new facility—and now we have a request for construction funds. In light of this fiscal interest of Congress and the alarming national and local statistics on juvenile recidivism, attention to the Receiving Home and the other juvenile rehabilitation facilities should be given top priority by the District government and by Congress.

CALL OF THE HOUSE

Mr. **ARENDS.** Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. **ALBERT.** Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 331]

Adams
Anderson, Tenn.
Ashley
Ashmore
Battin
Boggs
Boland
Brown, Calif.
Bush
Cabell
Celler
Clawson, Del
Conte
Conyers
Dawson
Donohue
Dulski
Eckhardt
Eilberg
Esch
Fisher
Fuqua
Gallagher
Gardner
Gettys
Giaimo
Gubser
Gurney
Hansen, Idaho

Hébert
Henderson
Herlong
Hicks
Jonas
Jones, Ala.
Karsten
Karth
King, Calif.
King, N.Y.
Kupferman
Leggett
Lloyd
Long, La.
McEwen
Macdonald, Mass.
Mathias, Md.
Miller, Calif
Morse, Mass.
Morton
Olsen
Patten
Pepper
Pettis
Philbin
Pickle
Pike
Podell
Pryor
Rarick
Rees
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Roybal
Sandman
Satterfield
Schweiker
Sisk
Skubitz
Smith, Okla.
Steed
Stephens
Stratton
Taft
Tuck
Utt
Vanik
Watts
Whitener
Widnall
Wiggins
Willis
Wilson, Bob
Wright

The **SPEAKER**. On this rollcall 346 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 18037, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1969

Mr. **FLOOD**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 18037) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. FLOOD, NATCHER, SMITH of Iowa, HULL, CASEY, MAHON, LAIRD, MICHEL, SHRIVER, and BOW.

CORRECTION OF VOTE

Mr. **FULTON** of Pennsylvania. Mr. Speaker, on rollcall No. 327 I am recorded as not voting. I was present and voted "nay." I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

On Monday, September 16, 1968, I was present on the floor and answered "present" on two quorums, rollcalls Nos. 322 and 325. Also, I voted on seven rollcall votes on legislation—rollcalls Nos. 323, 324, 326, 327, 328, 329, and 330.

I remember distinctly discussing with my longtime friend the gentleman from Pennsylvania, Congressman HERMAN SCHNEEBELI, his vote of "nay" on rollcall No. 327, for final passage of S. 3030, a bill to authorize reduction of the number of fish concentrate plants, and commenting that his reasons sounded excellent to me, I then voted the same way.

On rollcall No. 327 in the RECORD on page 26998 I am recorded as "not voting." Therefore, Mr. Speaker, I ask unanimous consent that the permanent RECORD be corrected to show my vote on rollcall No. 327 as "nay."

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PRIVATE CALENDAR

The **SPEAKER**. This is Private Calendar day. The Clerk will call the first omnibus bill on the Private Calendar.

SUNDRY CLAIMANTS

The Clerk called the bill (H.R. 16187) for the relief of sundry claimants and for other purposes.

The **SPEAKER**. The Clerk will read the bill by title for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Title I (H.R. 1596. For the relief of Demetrios Konstantinos Georgaras (also known as James K. Georgaras).) By Mrs. Green of Oregon.

That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Demetrios Konstantinos Georgaras (also known as James K. Georgaras), of Portland, Oregon, the sum of $5,000 in full settlement of all his claims against the United States for refund of a departure bond posted by him and declared forfeited on January 17, 1961, as a result of his failure to depart on January 16, 1961. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COMMITTEE AMENDMENT

The **SPEAKER**. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 3, strike out "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The Clerk read as follows:

Title II—(H.R. 1629. For the relief of Mrs. Raisla Stein and her two minor children.) By Mrs. Kelly.

That, for purposes of determining the entitlement of Mrs. Raisla Stein and her two minor children to monthly insurance benefits under section 202 of the Social Security Act on the basis of the wages and self-employment income of her deceased husband Wolf Stein (social security account numbered 436–44–4769) for months after the month in which this Act is enacted, the income received by the said Wolf Stein on account of services rendered as a ritual slaughterer in New Orleans, Louisiana, during the years 1951 and 1952 shall be included as a part of his gross income in computing his net earnings from self-employment for such years under section 211 of the Social Security Act, if within six months after the date of the enactment of this Act the said Mrs. Raisla Stein pays to the Secretary of the Treasury, for deposit in the Federal Old-Age and Survivors Insurance Trust Fund, an amount equal (as determined by the Secretary) to the total of the taxes which the said Wolf Stein should have paid with respect to such services under section 480 of the Internal Revenue Code of 1939: *Provided*, That any fee received by any agent or attorney on account of services rendered in connection with this Act shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MOTION OFFERED BY MR. GROSS

Mr. **GROSS**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GROSS moves to strike title II of the bill H.R. 16187, including all of lines 11 through 25 on page 2 and all of lines 1 through 12 on page 3.

Mr. **GROSS**. Mr. Speaker, I believe I should call the attention of the House to the fact that this is the first time since 1953 this method of operation, an omnibus private bill, has been invoked in the House of Representatives.

Since I have only 5 minutes, I cannot enlarge upon that.

In this case, a man by the name of Wolf Stein was a ritual butcher in New Orleans. He was self-employed. He paid no social security taxes during the years 1951 and 1952 when he was self-employed and he paid no income taxes to the Federal Government, according to the report of the Department of Health, Education, and Welfare. In 1953 he died. His widow had 3 years, 3 months and 15 days to seek social security benefits. She did nothing until 1962, according to the HEW report. Then at Mrs. Stein's request a hearing was held before a hearing examiner of the Bureau of Hearings and Appeals of the Social Security Administration. She was represented by counsel, and the examiner determined there was no way under the law to change Mr. Stein's earnings record or to pay benefits on the basis of that record as it stood. The examiner's decision was reviewed by the Appeals Council in 1963. After a complete review of Mrs. Stein's request the council determined there was no way in which she could qualify for social security benefits based on her deceased husband's earnings.

I say again that according to the report of the Department Mr. Stein did not file Federal tax returns or pay a dime of social security taxes on his earnings.

The Department says that this bill would provide an exception to the provision in the Social Security Act that after the expiration of 3 years, 3 months, and 15 days following any year, corrections may not be made in the self-employment income report for that year. This statute of limitations is intended to prevent the possibility of a self-employed person making self-serving changes in his tax reports after many years have passed and reliable evidence might no longer be available. If self-employment taxes could be paid for back years without restriction, says the Department, a person could intentionally avoid paying these when they were due and make the payments only if and when it would be to his advantage to do so. Moreover, the statute of limitations provides for orderliness and finality in the administration of the social security program. In a program covering almost all of the work force it would not be feasible, says the Department, to keep millions of earnings records open to correction indefinitely and subject to unlimited challenge either by workers or the Government.

Mr. Speaker, I submit that this bill ought to be stricken from the calendar. It has no business on the Private Calendar, and it certainly has no business in an omnibus private bill such as is being offered here today.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding.

I will not say anything either for or against this technique of the Private Calendar bypassing the House system of objectors, who are not obstructionists but who simply do their homework. I will merely ask are there any estimates given of the total cost to the Government in the event this bill were allowed?

Mr. GROSS. As far as I know, there is no estimate.

Mr. HALL. I find none in the report.

Mr. GROSS. I know of none.

Mr. HALL. I would like to underline the fact that no advantage has been taken by the applicant through due process of the methods available. The total earnings of Mr. Stein are not stated, nor is there a means of deferred payment, nor is there any evidence that they were willing to pay up or had adopted the correct number of satisfactory earnings quarters to qualify in the first place.

I thank the gentleman.

Mr. GROSS. Let me say that if you approve this sort of legislation, you will have opened a Pandora's box. How, then, would it be possible to stop anyone else who had not paid a dime into the social security fund from coming in to grab benefits under the same circumstances? How with any consistency would you deny them? I ask you to defeat title II of this bill.

Mr. HUNGATE. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, I point out from the committee report and hearings the fact that this was a refugee family which had survived a Nazi concentration camp and when she and her husband came to this country, they settled in New Orleans, La., where he worked for a time as an employee in an Army-Navy store, the kind of work which was offered him. It appears to the committee that in the interest of equity and justice and the necessity for relief that this was a case where his employment would have given rise to entitlement, and the committee feels that this is a proper case for legislative relief.

Mr. Speaker, I remind this Congress that we are the same ones who provided an income tax benefit of some $20 million to the American Motors Co.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I am happy to yield to the distinguished gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Speaker, I thank the gentleman from Missouri for yielding to me at this point. I must admit that the statement made by the gentleman from Iowa is correct. However, I must disclaim any part in the method of procedure by which this omnibus bill was brought to the floor. That is the decision of the Committee on the Judiciary. I defend H.R. 1945 which I introduce for the relief of Mrs. Raisla Stein.

Mrs. Raisla Stein, who was the only child of a large family to survive a Nazi concentration camp, came to the United States as an immigrant in 1949. She and her husband, Mr. Wolf Stein, settled in New Orleans, La., where he was offered an opportunity to become a shochet—ritual slaughterer—for the Jewish community. The incumbent ritual slaughterer who Mr. Stein was to replace was old and wished to retire. Mr. Stein served as an apprentice in order to study and qualify until May 1950. The fees earned by the wage earner slaughtering for three firms; a poultry market, a meat market, and a kosher food store, instead of being paid to him directly, were paid to a neutral agency set up by the various synagogues, which in turn paid Mr. Stein on a weekly basis. It was agreed by all the parties concerned that the wage earner was not actually employed by the neutral agency because none of the factors of an employer-employee relationship existed between him and the agency. In other words, he was not actually employed as he was not subject to any control, or direction either in the hours of work, the number of days, or any other factors of employer-employee relations. I am given to understand that the social security hearing examiner conceded that the above-named would be entitled to benefits were it not for the statute of limitation.

Mr. Stein died suddenly on January 6, 1953, and Mrs. Stein was left almost penniless with two small children. Although she had been on relief, it was not until 1962 that she learned that she might be eligible for social security benefits when a New York City Welfare Department investigator, formerly with the social security agency, advised her of her possible rights. She immediately filed an application for mother's insurance benefits and for child's insurance benefits on behalf of her two minor children on March 7, 1962.

Only two quarters of coverage are credited to Mr. Stein's earnings record, four quarters less than he needed to be insured—six quarters altogether. If his earnings as a ritual slaughterer from 1951 to 1952 were credited to his earnings record, he would have been covered at the time of his death. Mrs. Stein was advised that since her husband lacked the necessary quarters of coverage to be either fully or currently insured, no benefits were payable. At Mrs. Stein's request a hearing was then held, but the examiner determined there was no way under the law to change Mr. Stein's earnings record or to pay benefits on the basis of that record as it stood. The examiner's decision was reviewed by an appeals council in 1963 and was disapproved.

The reason for Mrs. Stein's delay in filing is important to know. Mrs. Stein was an immigrant who had been in the United States only 4 years when her husband Wolf Stein died. At the time of her husband's death she understood little English and did not speak the language. She was unaware of her rights under the Social Security Act. Not having enough money to support herself and children she applied for welfare but it was not until 1962 that it was brought to her attention that she might be eligible for social security benefits.

However, I feel this bill is just and urge it be favorably enacted.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Missouri.

Mr. HALL. Did the gentleman from Missouri see the opinion of the Secretary of the Department of Health, Education, and Welfare handling social security with regard to this? If he does not have it readily available, the gentleman will find on page 7 of the report the following statement:

> We believe that special legislation permitted one person to receive an advantage under conditions identical to those in which others are denied that advantage is undesirable, and we therefore recommend against the enactment of the bill.

I think it ought to be brought out that according to the criteria there were departmental objections.

Mr. HUNGATE. I thank the gentleman. I think there are also problems involved and I would say that in my opinion the committee regards this as a matter of equity and we are willing to let the Members act upon it and then we would be perfectly satisfied with their judgment.

The SPEAKER. The question is on the motion offered by the gentleman from Iowa [Mr. GROSS].

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 49, noes 32.

So the motion was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Title III—(H.R. 1885. For the relief of Patterson, Eagle, Greenough and Day, Esquires.) By Mr. Tenzer.

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the firm of Patterson, Eagle, Greenough and Day, Esquires, the sum of $16,872.87, to compensate said firm for the amount paid to the beneficiary of a last will and testament in connection with the compromise of an alleged gift tax liability arising out of the transfer of certain funds by the beneficiary to carry out the intent of the testatrix of the last will and testament: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of the Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding $1,000.

MOTION OFFERED BY MR. EDWARDS OF ALABAMA

Mr. EDWARDS of Alabama. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. EDWARDS of Alabama moves to strike title III beginning on line 13, page 3, and ending at line 6 on page 4.

Mr. EDWARDS of Alabama. Mr. Speaker, this is a bill that provides that the law firm of Patterson, Eagle, Greenough & Day will be reimbursed $16,872.87. The basis of the claim of this law firm is that in drafting the will of Mrs. Elizabeth L. Armstrong an error was made in the draftsmanship in that a paragraph was left out, and the net result was that the whole proceeds, or substantially the whole proceeds, went to Mrs. Armstrong's daughter.

The law firm contends that in fact it should have been split between her daughter and her son. The children then tried to carry out what they understood to be the intention of the testatrix, and in the process incurred a gift tax from the Federal Government of some $16,000.

The Government was actually claiming about $50,000 in taxes. The law firm compromised the claim in representing the children, and paid the claim itself in the amount of some $16,000. The law firm had no malpractice insurance, and had really no excuse except that one of their secretaries omitted what they said was a paragraph that was intended to be in the will.

Those Members of the House who are lawyers know as well as I do that a law firm is responsible for those documents that go out of its office. Whether you blame it on your secretary or whether you blame it on anybody else, the simple truth of the matter is that you have to stand behind your work.

Now the law firm comes here and in a private bill says that because of this mistake, and however it was made it was still a mistake of the law firm, that they now want the taxpayers of this country to pay back to the law firm this $16,000 or more that they paid on behalf of their client.

My colleagues, I think as lawyers, those of us who are lawyers, it must make our blood boil to see this kind of bill come before this body.

Let me refer, if I may, to the report of the Treasury Department and refer to just two small quotes from that report:

> It is not a proper function of the Government to act as guarantor of the correctness of private business transactions.

If ever a bureaucrat wrote a correct statement, I think that is a correct statement.

Also the report of the Department says, and I quote:

> We understand from the law firm that it deducted the payment on its income tax return as an ordinary and necessary business expense and the deduction was allowed.

Mr. Speaker, I think this body should turn down overwhelmingly this very unusual and very uncalled-for request for reimbursement of this law firm.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement and I want to associate myself with his remarks.

I think it is unfortunate that the naive attorneys who allege malfeasance on the part of an employee did not protect themselves with malpractice insurance.

Is there any question in the gentleman's mind but that through correspondence and personal visits these attorneys have admitted responsibility for this error?

Mr. EDWARDS of Alabama. That is a correct statement. May I say to the gentleman, I do not know of any case that I have been involved in on the Private Calendar which has been more thoroughly studied by the committee of objectors and others than this case. We have all the correspondence and the personal interviews with the attorneys involved and, as you say, they have admitted that this was an error of the firm.

Mr. HALL. Is it not true also that they have admitted receiving fair pay for drawing the will, plus $3,500 for handling the tax case?

Mr. EDWARDS of Alabama. That is a correct statement also.

Mr. HALL. Where would the reimbursement by the taxpayers ever stop, if we once open up this Pandora's box for malpractice cases?

Mr. EDWARDS of Alabama. I cannot answer that question for the gentleman because I do not think there would be an end to this type of bill if we ever open the door to such claims.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I hope this bill is soundly defeated.

Mr. TALCOTT. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. TALCOTT. It occurs to me that there are probably thousands of attorneys in the United States who have made errors of judgment of one kind or another that have resulted in their clients having a tax responsibility and liability.

Are there any other cases or precedents permitting such attorneys who may have made mistakes which have resulted in their clients being required to pay taxes coming to the Congress and obtaining relief from their errors or mistakes?

Mr. EDWARDS of Alabama. I would say to the gentleman that I know of no precedents and in the Treasury Department report this was the great fear expressed by the Treasury Department that this would be setting a precedent and in the future they may be swamped with additional claims of this type.

The SPEAKER. The time of the gentleman has expired.

Mr. TENZER. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, at the outset I would like to say in answer to the questions that have been raised about the legislative procedure that is being employed here today that this is not an attempt to bypass the rules of the House. Rather it is a method of using the rules of the House in a proper way.

There is available to every Member on the floor a copy of the Private Calendar and of the calendar for the day. It contains the clear statement that after the consideration of a Private Calendar bill, which has been passed over and referred back to the committee, that under such circumstances the only method by which it can be considered by the House so that the House may work its will on the legislation is through the established rules of the House; namely the method of the omnibus bill.

Second, I would like to say that what we have here is not a case of asking the Federal Government to be a guarantor for a law firm, but rather a case where the Federal Government was unjustly enriched to the extent of $16,872.87 extracted from a taxpayer which the Government had no right to collect in the first place.

The facts in this case are not disputed.

The claim is for reimbursement of the sum of $16,872.87 paid to the U.S. Government as a result of a gift tax imposed by the Internal Revenue Service on a distribution of funds to correct an omissive error in the will of Mrs. Elizabeth L. Armstrong, a client of the said law firm.

The claim arises out of the exercise of the power of appointment over the appointive fund which was the subject of the second clause of Mrs. Armstrong's will dated May 1, 1952, which fund's assets amounted to approximately $385,000. The fund was created by the will of her deceased husband. Inadvertently a subparagraph was omitted from the will by a stenographer and the error was not discovered until after the death of the testatrix on October 5, 1953. As typed, Mrs. Armstrong's daughter Elizabeth would receive $360,000 of the appointive fund rather than sharing this amount equally with her brother Vincent as intended by the testatrix.

When the error was discovered, brother and sister, both aware of their mother's intent, agreed that the mistake should be rectified by a distribution of $180,000 to each of them instead of the entire amount to Elizabeth. This distribution by the executor was disclosed by Elizabeth on her gift tax return and declared as a nontaxable transfer. Admitting that the error was theirs, the law firm had indemnified Elizabeth in writing so that in the unlikely event that a gift tax were imposed, she would not have to bear the payment.

Despite the agreement between the parties as to the facts surrounding the will, the Internal Revenue Service took the position that the transaction was a taxable "gift" from Elizabeth to Vincent.

I submit that the U.S. Government was unjustly enriched at the expense of the claimant law firm since at most, the beneficiary, Elizabeth, sought only to correct an error, to rectify a mistake, which if left uncorrected would have violated the clear and undisputed intent of the testatrix and would have unjustly enriched her solely because of the extraneous fact of the scrivener's error.

The law firm was desirous of contesting the IRS claim. However, when the Internal Revenue Service offered to comprise its tax claim from an amount of between $50,000 and $55,000 for the sum of $16,872.87, the attorneys presented this offer of compromise to the parties with the following results.

Elizabeth wanted to be relieved of the worry of litigation; her brother likewise did not want to become involved in litigation and, since the law firm had already agreed to indemnify Elizabeth, they approved the compromise and recommended the acceptance thereof. The law firm in view of their indemnity agreement was faced with a possible claim of between $50,000 and $55,000 with interest accruing at the rate of $3,000 plus per annum, wanted to limit its liability and accordingly advised Elizabeth to pay the claim and the law firm reimbursed her as the evidence to be presented today will show.

The question before the House is not whether the law firm should have agreed to the compromise but rather, whether the U.S. Government should be allowed to be "unjustly enriched," by retaining this payment at the expense of this claimant.

The Subcommittee on Claims of the House Judiciary Committee held a public hearing and heard testimony and considered numerous documents. I urge you to weigh the equities in the matter of this claim and conclude that the equities rest with the beneficiaries and not with the U.S. Government. This is precisely what the subcommittee concluded and what the full Judiciary Committee concluded.

I respectfully call to the attention of my colleagues that the definition of the word "equity" to be found in Black's Law Dictionary, fourth edition, 1957, states in part:

> It is therefore the synonym of natural right or justice. But in this sense its obligation is ethical rather than jural, and its discussion belongs to the sphere of morals.

The act of the claimant in this case falls within the definition of equity because the act was morally right and the penalty imposed was unjust.

I urge you to confirm the action of the committee on the basis of an ethical—a moral—and in an equitable sense rather than strictly in a jural sense.

Simply restated we have here a case of a woman who had three children. She left her estate to the three children. Upon the death of one of the children, she asked her attorney to revise the will leaving 50 percent to each of her two remaining children. In redrafting the will, a sentence was left out which had the effect of leaving the entire estate to only one of the children.

After the death of the testator, at the reading of the will the brother and sister were shocked to hear that the entire estate was left to only one of the two children. The sister objected immediately because it was not the intention of the testator that she get the whole estate. Her brother was to share equally.

Tax returns were filed and taxes were paid on the estate, the Internal Revenue Service levied a gift tax on the share of the estate which the sister gave to her brother.

There was no relief available to the attorneys in the surrogate's court of New York, because the surrogate's court holds that there is no relief for the correction of an omission. They can correct a patent mistake, but not an omission.

Thus the proper procedure is to look to the intention of the testator, and this is precisely what was done: In this case the brother and sister were penalized by their Government because of their honesty in carrying out the intention of the testator. Why should the Federal Government have been willing to settle the claim of $50,000 to $55,000 for only $16,872? There was enough money in the estate to pay the entire $55,000. Why did they not collect it? They accepted a settlement of $16,872, because they knew they were wrong in levying a gift tax. The parties did not want to wait 3 to 5 years and go through the courts. They wanted to help correct the situation.

The Claims Committee is the highest court of equity in the land. This is a case in equity. It cries out for equitable relief.

We granted equitable relief only after a long hearing and testimony taken, both of the testator's attorneys and of the departments involved. Then after that we had to defend it before the full Judiciary Committee. There were only two objections in the full Judiciary Committee. I say to the gentleman that it would be a mistake for the Congress of the United States not to recognize a situation such as this where the Government levies a tax wrongfully against a citizen. This was an unfair and unjust tax and it should be corrected.

The **SPEAKER**. The question is on the motion offered by the gentleman from Alabama [Mr. EDWARDS].

The question was taken; and on a division (demanded by Mr. EDWARDS of Alabama) there were—ayes 30, noes 29.

The **SPEAKER**. With the Chair voting "no," there are 30 in the negative.

Mr. **EDWARDS** of Alabama. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 276, nays 67, not voting 88, as follows:

[Roll No. 332]

YEAS—276

Abbitt
Abernethy
Adair
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Barrett
Bates
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blatnik
Bolton
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burleson
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Carter
Casey
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collier
Collins
Colmer
Conable
Corbett
Cowger
Cramer
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Dorn
Downing
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Erlenborn
Eshleman
Evans, Colo.
Everett
Findley
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gathings
Gibbons
Goodling
Green, Oreg.
Green, Pa.
Griffiths
Gross
Gubser
Hagan
Haley
Hall
Halleck
Halpern
Hamilton
Hammerschmidt
Hanley
Hardy
Harrison
Harsha
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Herlong
Holifield
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kazen
Keith
Kelly
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kuykendall
Kyl
Kyros
Laird
Langen
Latta
Lennon
Lipscomb
Long, Md.
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McMillan
MacGregor
Machen
Madden
Mahon
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Michel
Miller, Ohio
Mills
Minish
Mink
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nichols
O'Konski
O'Neal, Ga.
Ottinger
Passman
Pelly
Pike
Pirnie
Poage
Poff
Pollock
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reinecke
Riegle
Roberts
Robison
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Rumsfeld
Ruppe
Ryan
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Selden
Shipley
Shriver
Sikes
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Ullman
Vander Jagt
Waggonner
Wampler
Watkins
Watson
Whalley
Whitten
Williams, Pa.
Willis
Winn
Wyatt
Wylie
Wyman
Yates
Zion
Zwach

NAYS—67

Albert
Bingham
Blanton
Bolling
Burke, Mass.
Burton, Calif.
Button
Cohelan
Corman
de la Garza
Denney
Dent
Dow
Dowdy
Edmondson
Eilberg
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Fino
Fraser
Friedel
Garmatz
Gonzalez
Griffin
Grover
Gude
Hanna
Hawkins
Hays
Horton
Hungate
Johnson, Pa.
Kastenmeier
Kee
Long, La.
McFall
Meskill
Myers
Natcher
Nix
O'Hara, Ill.
O'Neill, Mass.
Patman
Patten
Perkins
Reifel
Reuss
Rhodes, Pa.
Rogers, Colo.
Roybal
St. Onge
Slack
Staggers
Stubblefield
Tenzer
Van Deerlin
Waldie
Walker
Whalen
White
Wolff
Wydler
Young
Zablocki

NOT VOTING—88

Adams
Addabbo
Ashley
Ashmore
Battin
Boggs
Boland
Bow
Brasco
Brown, Calif.
Broyhill, Va.
Buchanan
Bush
Cabell
Celler
Clark
Clawson, Del
Conte
Conyers
Dawson
Donohue
Dulski
Eckhardt
Edwards, Calif.
Esch
Fisher
Gallagher
Gardner
Gettys
Giaimo
Gilbert
Gray
Gurney
Hansen, Idaho
Hansen, Wash.
Hébert
Henderson
Hicks
Jonas
Karsten
King, Calif.
Kupferman
Landrum
Leggett
Lloyd
McCarthy
Macdonald, Mass.
Mailliard
Mathias, Md.
Miller, Calif.
Minshall
Morton
O'Hara, Mich.
Olsen
Pepper
Pettis
Philbin
Pickle
Podell
Rarick
Rees
Resnick
Rhodes, Ariz.
Rivers
Rodino
Roudebush
Sandman
Satterfield
Schweiker
Scott
Sisk
Skubitz
Smith, Okla.
Steed
Stephens
Stratton
Teague, Tex.
Thompson, N.J.
Utt
Vanik
Vigorito
Watts
Whitener
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Wright

So the motion was agreed to.

Mr. O'NEILL of Massachusetts changed his vote from "yea" to "nay."

Mr. DANIELS, Mr. DELANEY, Mr. HOLIFIELD, Mr. ULLMAN, Mr. ABERNETHY, Mr. PASSMAN, and Mr. HOSMER changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore (Mr. ALBERT). The Clerk will read.

The Clerk read as follows:

> Title IV—(H.R. 2288. For the relief of Charles B. Franklin.) By Mr. Williams of Mississippi.
>
> That the Administrator of Veterans' Affairs shall pay, out of current appropriations for the payment of compensation for service-connected disabilities, to Charles B. Franklin (Veterans' Administration Claim Numbered C13937766) the sum of $4,655.50. Such sum represents the amount owed to the said Charles B. Franklin as compensation for service-connected disability, but not paid to him between November 1, 1951, and July 14, 1963, by reason of the inability of the Veterans' Administration to locate him. No part of the amount paid pursuant to this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

> Committee amendments: On page 4, lines 14 and 15, strike "$4,655.50. Such sum represents the amount owed to the said Charles B. Franklin as" and insert "$3,346.50 in full settlement of his claims against the United States for".
>
> On page 4, line 16, strike "but" and "between".
>
> On page 4, line 17, strike "November 1, 1951, and July 14, 1963, by reason of" and insert "from August 30, 1951, through November 30, 1962, due to".
>
> On page 4, lines 19 and 20, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. GROSS moves to strike title IV of the bill H.R. 16187, including all of lines 7 through 25 on page 4 and all of lines 1 and 2 on page 5.

Mr. GROSS. Mr. Speaker, this motion would affect only title IV of the bill. This is the case of Charles B. Franklin, a former serviceman, who on July 7, 1948, was admitted to the Veterans' Administration Hospital, Gulfport, Miss., having been brought to that neuropsychiatric institution by police, following his arrest in Forest, Miss.

This is the statement of the Veterans' Administration in part:

> When discharged from that hospital on August 17, 1948, as having obtained maximum hospital benefits, the major diagnosis was paranoid personality, manifested by resentment, hostility to authority, antisocial behavior, hoboism, and paranoid ideas, competent. During the course of his hospital care, because of back complaints, X-rays were taken of his lumbar spine and sacroiliac, the results of which were negative.

He was also hospitalized on July 13, 1948. Mr. Franklin was admitted to the Veterans' Hospital, Houston, Tex., on August 30, 1951, because of alleged recurrent low back pain. He was given a leave of absence on September 20, 1951. When he failed to return, he was discharged as absent without leave on October 18, 1951. He was rated as 20 percent disabled from August 30, 1951.

The statement goes on to say:

> A letter advising him of the award of disability compensation was mailed on November 16 1951, to his most recent address of record, i.e., Antlers Hotel, Houston, Tex., and a copy was sent to the Veterans of Foreign Wars, his duly authorized service representative. The letter to the veteran as well as two disability compensation checks were returned by the Post Office Department as unclaimed. In response to a further inquiry by the Veterans' Administration, the postmaster at Houston advised that he did not have a forwarding address for Mr. Franklin. Accordingly, payments of disability compensation were stopped because the veteran's whereabouts was unknown.
>
> From this time until 1963, a period of approximately 12 years, Mr. Franklin made no inquiry of the Veterans' Administration concerning the status of his claim for disability compensation. In a statement of July 15, 1963, he asked that his claim for compensation be reconsidered.

He was awarded disability compensation of $38 monthly beginning July 15, 1963.

The Veterans' Administration says if this bill is enacted, it would direct the Veterans' Administration to pay Mr. Franklin an amount reported to be the amount of compensation owed him for the period November 1, 1951, to July 14, 1963. The Veterans' Administration says:

> It is our belief that the veteran has received the disability compensation to which he is entitled. His nomadic tendencies and his failure to make a single inquiry as to the status of his claim for disability compensation for nearly 12 years clearly support the conclusion that he abandoned that claim.

The Veterans' Administration goes on to say:

> The facts of this case have been very carefully considered. We are not aware of any reason why Mr. Franklin's case should be singled out for special legislative treatment. To do so would be discriminatory and precedential.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to my friend, the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I associate myself with the gentleman from Iowa, in opposition to the passage of this bill, because it is obviously a case of medical decision and, of course, lower back pain and mild arthritis are two of the most commonly used and most difficult to ascertain conditions that we have.

Furthermore, is it not true that the Veterans' Administration is not only opposed to this bill, but they also say it would open up a Pandora's box so far as future claims are concerned, because, in fact, we would be overriding the route of appeal of any veteran with service-connected or without service-connected disability? In other words, there is no judicial appeal for a claim to veterans' benefits. Benefits are just what that name implies: the benefits of a grateful Government, and the last appeal is to the Administrator of Veterans' Affairs. This would override that concept with all veterans. Being a veteran myself, like the gentleman in the well, I am ordinarily for them, but this title for an individual should be defeated out of hand.

Mr. GROSS. I thank the gentleman from Missouri for his statement, and I ask that the House support this motion to strike this title.

Mr. HUNGATE. Mr. Speaker, I rise in opposition to the motion offered by the gentleman from Iowa.

Mr. Speaker, we are, of course, all concerned with economy, and this committee likewise believes in equity. I suggest one outstanding point of economy could be made if we choose to let final decisions on these matters be made by the Department of Health, Education, and Welfare, and by the Veterans' Administration and by the Treasury Department, and then we really would not need a Congress at all on these things, and we would not need a committee to sit as a conscience on equity, seeking to do justice and equity in all cases. We realize these cases do occur from time to time where the law affords no remedy.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. Mr. Speaker, I yield to the gentleman from Mississippi to explain this.

Mr. GRIFFIN. Mr. Speaker, this is a very simple issue involved. The veteran was awarded disability in 1951. He contends he left a permanent address as well as a temporary forwarding address. The Veterans' Administration sent his notice of award to his temporary address and sent two checks.

Thereafter no effort was made to contact the veteran again. During this period of 12 years he was in the Veterans' Administration Hospital on two occasions. He applied for hospitalization on other occasions.

It is the contention of the Veterans' Administration that the veteran abandoned his claim. It is my contention that the Veterans' Administration abandoned the veteran.

I urge defeat of the motion.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Iowa.

Mr. GROSS. Exactly how could the Veterans' Administration contact this man, whose whereabouts were unknown to them for a period of 12 years?

Mr. HUNGATE. I yield to the gentleman from Mississippi for a response.

Mr. GRIFFIN. He was in the veterans hospital on two occasions. His records should have caught up with him somewhere. He should have been notified he was the recipient of a disability award.

Mr. HUNGATE. Is it your position, I ask the gentleman from Mississippi [Mr. GRIFFIN], that the man, being ill and disabled, actually submitted himself to the VA hospital, yet they did not know where he was?

Mr. GRIFFIN. That is the situation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I yield.

Mr. GROSS. The postmaster at Houston, Tex., says he left no forwarding address. I know of no record of his hospitalization between 1951 and 1963, the 12 years he was somewhere, no one seemed to know where.

Mr. HUNGATE. I yield to the gentleman from Mississippi, if he has a further statement.

Mr. GRIFFIN. This veteran was an oil field worker. He worked all over the State of Texas and the Southwest.

Mr. BELCHER. Do I correctly understand the Veterans' Administration could not find a man who was in a veterans hospital?

Mr. GRIFFIN. Precisely.

Mr. GROSS. That is not right. He was out on leave.

Mr. HUNGATE. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. GROSS].

The question was taken: and on a division (demanded by Mr. GROSS) there were—ayes 32, noes 41.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 39, nays 303, not voting 90, as follows:

[Roll No. 333]

YEAS—39

Andrews, N. Dak.
Arends
Ashbrook
Bates
Bennett
Bolton
Brock
Brown, Mich.
Burke, Fla.
Byrnes, Wis.
Cederberg
Chamberlain
Collins
Conable
Cowger
Curtis
Davis, Wis.
Dellenback
Denney
Erlenborn
Ford, Gerald R.
Gross
Gubser
Hall
Halleck
King, N.Y.
Laird
Lennon
Lukens
McClure
McCulloch
Martin
May
Nelsen
Pollock
Reinecke
Rumsfeld
Talcott
Thomson, Wis.

NAYS—303

Abbitt
Abernethy
Adair
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Aspinall
Ayres
Barrett
Battin
Belcher
Berry
Betts
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Boiling
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Burke, Mass.
Burleson
Burton, Calif.
Button
Byrne, Pa.
Cahill
Carter
Casey
Clancy
Clark
Cleveland
Cohelan
Collier
Colmer
Corbett
Corman
Cramer
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
de la Garza
Delaney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Dorn
Dow
Dowdy
Downing
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Flood
Flynt
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gathings
Gibbons
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hardy
Harrison
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Herlong
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
Kirwan
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Langen
Latta
Lipscomb
Long, La.
Long, Md.
McCloskey
McDade
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Mathias, Calif.
Matsunaga
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Minish
Mink
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Pa.
Riegle
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Ruppe
Ryan
St Germain
St. Onge
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Selden
Shipley
Shriver
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Sullivan
Taft
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Tiernan
Tuck
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Whalen
Whalley
White
Whitten
Williams, Pa.
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NOT VOTING—90

Adams
Addabbo
Ashley
Ashmore
Baring
Bell
Blackburn
Boland
Bow
Brasco
Brown, Calif.
Broyhill, Va.
Buchanan
Burton, Utah
Bush
Cabell
Carey
Celler
Clausen, Don H.
Clawson, Del
Conte
Conyers
Dawson
Donohue
Dulski
Eckhardt
Esch
Fisher
Gallagher
Gardner
Gettys
Giaimo
Gilbert
Gray
Gurney
Halpern
Hansen, Idaho
Hansen, Wash.
Hébert
Henderson
Hicks
Jonas
Karsten
King, Calif.
Kornegay
Kupferman
Landrum
Leggett
Lloyd
McCarthy
McClory
Macdonald, Mass.
Mathias, Md.
Miller, Calif.
Minshall
Morton
Olsen
Pepper
Pettis
Philbin
Podell
Rarick
Rees
Resnick
Rhodes, Ariz.
Rivers
Rodino
Roudebush
Sandman
Satterfield
Schweiker
Scott
Sisk
Skubitz
Smith, Calif.
Smith, Okla.
Steed
Stephens
Stratton
Stuckey
Utt
Vanik
Watts
Whitener
Widnall
Wiggins
Willis
Wilson, Bob
Wright

So the motion was rejected.

Mr. RHODES of Pennsylvania, Mr. BETTS, Mr. LANGEN, Mr. HUTCHINSON, Mr. CLANCY, Mr. DOLE, and Mr. FINO changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Title V—(H.R. 2661. For the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Ford.) by Mr. Dowdy.

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. F. Fort, of Beaumont, Texas, to Cora Lee Fort Corbett, of Lake Wales, Florida, and to W. R. Fort, of Palestine, Texas, the sum of $4,000 in full settlement of their claims against the United States for payment for land formerly owned by them and taken by the United States located in the west half of the northeast quarter of section 34, township 39 south, range 42 east, of the Tallahassee meridian, county of Martin, State of Florida, and known as tract numbered 131. Camp Murphy, Florida: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 5, line 18, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

MOTION OFFERED BY MR. HALL

Mr. HALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HALL moves to strike out all of title V beginning on page 5, line 3, and ending on line 25.

Mr. HALL. Mr. Speaker, this motion would simply strike the title V (H.R. 2261) of the omnibus bill. It is for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort, et al., a bill to bring relief and pay $4,000 to the beneficiaries in full settlement of their claims against the United States for land in Florida taken by the United States in 1942 for a campsite and for other purposes.

The objection to this bill at the time it was passed over on the Private Calendar, Mr. Speaker, was simply that appeal should have been taken in 1944 and was never taken.

Also, there has been ample judicial process. I believe the word is "res judicata," but at any rate, an award was made by the highest courts in the land on the basis of $1 an acre instead of the contract fee of 50 cents an acre, and no appeal was ever taken.

The Department of Justice is unalterably opposed and has been opposed every time this Private Calendar bill has been before the House on the basis that overturning an award some 19 years later would discriminate against other claimants who are required to litigate their claims in court and abide by the verdict.

The Department of the Army is likewise unalterably opposed because this would cast doubt on the validity and probity of the judicial process.

Mr. Speaker, I know of no reason why these particular people—E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort—could not and should not have taken their appeal in due time. They had adequate reason.

They have had every consideration.

The claimants assert that their father paid $20 an acre for the land in 1919. They have submitted an appraisal for $200 an acre in 1927. Every other appraiser was told that the average value of the land in 1940 and 1942 was $50 an acre, and the market was then the lowest in many years.

They returned the payment check and offered to allow the Government free use of the land.

Then they offered as an alternative to repurchase it after the war. For legal reasons this offer was rejected, and they took no further action after consulting an attorney in Texas, where I believe they now live.

They hoped they would be able to repurchase the property after the war. When the property eventually was declared surplus by GSA, in accordance with our established procedures, the offer to repurchase was rejected. The Fort family learned the State of Florida had priority rights, which it exercised in order to acquire the land. I am sure we all understand that.

The Department of the Army has an adverse report, because this was just a part-time Camp Murphy as an Army Signal Corps Technical School during World War II.

The Government leased another 3,350 acres of land next to this, and the land was owned by William and Letitia Fort, some of whom are now deceased; and the Government filed a separate declaration of taking in condemnation proceedings in the Federal district court.

As much as I think the land acquisition law needs to be improved, I do not think that we want to act hastily. Indeed, the Committee on Public Works is now holding hearings on new land acquisition laws.

Second, we passed a bill yesterday, from the Committee on Government Operations, title V of which deals with land acquisition, albeit largely limited to urban areas.

An offer of $64,000 for this property was reportedly rejected at one time.

The land was valued for agricultural purposes at $150 an acre.

The differential and disagreement here is in the amount, neglect, and due process. The latter has certainly been had.

When the verdict was awarded there was adequate time for due process. They received a check for $82.75, and it was returned with the offer to permit the Government to use the land without charge.

I say there is no substance in this claim and that my proposal to strike this title should be supported.

Mr. HUNGATE. Mr. Speaker, I rise in opposition to the motion.

Mr. DOWDY. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Texas.

Mr. DOWDY. I thank the gentleman for yielding.

I wish to say that I served for a good while on the Claims Subcommittee of the Judiciary Committee, and it has a difficult job in deciding the equities in these bills.

The Forts, the people for whom I introduced this bill, are aged. They are around 80 years old now. They are not learned in the law. They are not learned in the ways of government. I would say probably their biggest fault was that they trusted their Government and did not think it would cheat them.

They came to me. I do not know exactly when. It was after I was elected to Congress. They presented their problem of the 80 acres their father had bought in 1919 before land became so valuable in Florida, and paid $20 an acre for. Their father always told them to keep the land, that it would be of great value.

As my esteemed colleague, the gentleman from Missouri [Mr. HALL] has recited, they were made offers for their land. In 1942 or about then the Government decided it wanted some land down in Florida and filed a sort of class action to condemn a tremendous acreage of land.

These people were not advised of it. As I said, they were not learned and did not know what the Government was doing to them. Later on the condemnation suit was tried, apparently without the Forts having notice, or knowing anything about it, and got a check for $82 in full payment for their land. They returned the check, as has been cited, and offered the Government the land to use for as long as it was wanted in this camp here. It could be returned to them after the Government was through with it and the war was over. This was apparently turned down. But these people, as I said, were not learned. They trusted their Government; they were led to believe that after the war was over they could buy the land back for $1 an acre, which was all they were offered for it. However, this was denied them; when the land was not used by the Federal Government, it was transferred to the State of Florida.

When Mr. Fort talked to me about it I worked on his claim for several years with the departments trying in every administrative way I could to get some action on this. He felt that the land was worth $500 an acre, and I understand that if it were in private hands today, it would probably bring $1,000 or $2,000 an acre. However, I told him I was going to get in touch with some real estate people in Florida to find out just how much that land was worth in 1942. In talking to one of my then colleagues from Florida I was advised the name of a real estate dealer there who told me that these 80 acres were worth $50 an acre at that time, in 1942. He knew where the land was. However, that was the lowest price for land in that area since the time that the old man, the father of these people who are now old themselves, bought it for $20 an acre.

After that I introduced this bill. This calls for $4,000 to be paid for the land, which is what it was worth back in 1942. These people have not received one penny yet. They are old and if they do not get something pretty soon, they will not get anything, because they will be dead. They feel they have been cheated. However, they trust and love their Government. I cannot conceive of this House turning down this equitable claim of these old people, and I would certainly appreciate your voting down the motion to strike this title from the bill. The Forts were misled, by the representation they could rebuy the land, and are entitled to this small relief.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding to me and I appreciate the pathos with which the gentleman from Texas has spoken. I just wonder, though, if it is not true, as reported by the Attorney General under date of July 22, that the value of tract 131, which is the land in question here, was considered by a jury of local peers and equivalents and a decision rendered. Had the claimants been dissatisfied with the jury's award, then an avenue of appeal was open. Also, in view of the foregoing, the Department of Justice as well as the Department of the Army have recommended against the enactment of this bill. Do we want to here by "a stroke of the pen" and by legislative action do away with these recommendations? Of course, it is our function, but it is also our function to object over this expenditure of taxpayers moneys.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. HALL].

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 21, noes 58.

So the motion was rejected.

The SPEAKER pro tempore (Mr. ALBERT). The Clerk will read.

The Clerk read as follows:

Title VI—(H.R. 3715. For the relief of Charles J. Arnold.) By Mr. Mathias of Maryland

That Charles J. Arnold of Washington, District of Columbia, is relieved of liability to the United States in the amount of $212.08, representing his liability of the certification of payment by him (in his capacity as certifying officer of the Civil War Centennial Commission) of disbursement vouchers numbered 76CW-135 and 76CW-136, January 1962, for the purchase of greeting cards for such Commission. The Comptroller General is authorized and directed to credit the accounts of said Charles J. Arnold, as certifying officer, with the sum of $212.08.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out any money in the Treasury not otherwise appropriated, to Charles J. Arnold an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 6, line 23, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

MOTION OFFERED BY MR. TALCOTT

Mr. TALCOTT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Talcott moves to strike out all of Title VI including lines 1 through 4 on page 7.

Mr. TALCOTT. Mr. Speaker, the amount of money involved in this particular case is very small but the principle is very great.

The situation is that the claimant, a resident of Washington, D.C., is seeking relief from liability to the U.S. Government in the sum of only $212. The bill is based upon his certification of two disbursement vouchers in 1962 for the purchase of Christmas greeting cards for the Civil War Centennial Commission.

Mr. Speaker, the Comptroller General in his report states that the General Accounting Office would not object to relief in this case.

Mr. Arnold, as the certifying officer of the Civil War Centennial Commission, was held responsible for these payments, and in the absence of legislative relief would be required to pay this amount to the United States. He made an appeal and his exception was sustained. The General Accounting Office held that the certifying officer is fully bonded against errors of this type. However, he is not bonded against errors of judgment in his capacity as certifying officer of the Civil War Centennial Commission.

Under the law the certifying officer is held responsible for the legality of payments and is held accountable and required to make good to the U.S. Government the amount certified that was prohibited by law. This amount of payment was prohibited by law. The General Accounting Office took this action because it held that the cost of Christmas cards is considered to be a personal expense and not chargeable against public moneys. As the certifying officer of the Civil War Centennial Commission, Mr. Arnold was held responsible for these payments and in the absence of legislative relief would be required to pay this amount to the United States. As is noted in the Comptroller General's report, there is no present statutory authority for relieving Mr. Arnold under these particular circumstances; however, the report of that Office indicates that its investigation discloses that Mr. Arnold was in no way personally benefited by the expenditure. The sponsor of this legislation has advised the committee concerning the circumstances which further point out the authority that in his regular Government position, Mr. Arnold is a certifying officer and is fully bonded against errors of this type. However, he is not bonded against errors of judgment in his capacity as a certifying officer of the Civil War Centennial Commission.

Mr. Speaker, the issue is very simple and plain. Does the Congress of the United States want to reimburse people who send out Christmas cards under the guise of the functions of a public commission? It never has been the purpose of the Government to send out Christmas cards and if this is permitted to be done now it will open up the field of the various agencies and commissions sending out Easter cards and other kinds of personal greeting cards.

Mr. Speaker, in my opinion this bill should be defeated and I suggest that the motion be sustained.

Mr. MESKILL. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I would like to call to the attention of the Members of the House the fact that the Civil War Centennial Commission in its report recommends enactment of this bill. The Comptroller General has no objection to the passage of this bill.

Mr. Speaker, when we are talking about Christmas cards, we are not talking about personal Christmas cards, but cards purchased for the Civil War Centennial Commission.

Mr. Speaker there is stated in the report the fact that Mr. Arnold was in no way personally benefited, and while the General Accounting Office cannot grant relief, it states that while Mr. Arnold is bonded, he is not bonded against errors of judgment in his capacity as a certifying officer of the Civil War Centennial Commission. At the time the vouchers in question were certified, both Mr. Arnold and the Executive Director of the Commission believed that the activity fell within the authorized activity of the Commission.

Mr. Speaker, we are talking about $212.08. I think that this bill should be passed. It received the unanimous approval of the Subcommittee on Claims, and of the entire House Committee on the Judiciary.

Mr. Speaker, I ask that the motion be defeated.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. MESKILL. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, the thing that is disturbing about this bill, as the gentleman from California [Mr. Talcott] has pointed out, is not that there is much money involved, but where will this sort of thing end? What is to stop some certifying officer in the Department of Health, Education, and Welfare at some future time from approving the sending out of Christmas cards all over the country on the part of that Department? So then somebody tells him "Well, you did wrong, old buddy."

But he then has a precedent over here in the House that indicates he can be relieved, that people in his position have been relieved of their obligation under this type of thing.

Mr. Speaker, I believe is is essential that the House go on record today on this type of case to make it clear that where things such as Christmas cards are mailed out without authorization, then the person who certifies such an expense is not going to be let off the hook.

Mr. TALCOTT. Will the gentleman yield?

Mr. MESKILL. Before I yield, I would like to respond to the gentleman from Alabama by saying that there was nothing in the hearing or in the evidence to indicate that this had been called to anyone's attention previously. I certainly believe that with this incident, and the one in the title to follow, that any certifying officer will be aware of the fact that vouchers for this type of activity will not be approved, but that he is not bonded against error in judgment in this area, and that he would be aware of the situation and that he would not make the same mistake.

Again, I do not believe this sets a precedent or opens any door.

I now yield to the gentleman from California.

Mr. TALCOTT. Mr. Speaker, I thank the gentleman for yielding.

It was suggested that the Comptroller General had no objections. Of course, they may have no objection to what the Congress does by this procedure, but they are opposed to a certifying officer being excused from his liability under the law.

Mr. MESKILL. I respond to the gentleman by saying they are not opposed to the enactment of this legislation, but under the existing law they could not approve the vouchers.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Talcott].

The question was taken; and the Speaker pro tempore being in doubt, the House divided, and there were—ayes 36, noes 34.

Mr. MESKILL. Mr. Speaker, I demand tellers.

Tellers were refused.

So the motion was agreed to.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Title VII—(H.R. 3716. For the relief of Edward G. Beagle, Junior.) By Mr. Mathias of Maryland.

That Edward G. Beagle, Junior, of Silver Spring, Maryland, is relieved of liability to the United States in the amount of $337.67, representing his liability for the certification of payment by him (in his capacity as certifying officer of the Civil War Centennial Commission) of disbursement vouchers numbered 76CW–165, January 1960; 76CW–197, February 1960; and 76CW–197, January 1961; for purchases of greeting cards for such Commission. The Comptroller General is authorized and directed to credit the accounts of said Edward G. Beagle, Junior, as certifying officer, with the sum of $337.67.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward G. Beagle, Junior, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COMMITTEE AMENDMENT

The **SPEAKER** pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 8, line 2, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

MOTION OFFERED BY MR. TALCOTT

Mr. **TALCOTT**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TALCOTT moves to strike all of title VII, including line 1 through line 9 on page 8.

Mr. **TALCOTT**. Mr. Speaker, this is almost the exact situation of the previous case.

This claimant is seeking relief from liability for the payment of $337.67 based upon his certification for payment of three disbursement vouchers for the purchase of Christmas greeting cards for the Civil War Centennial Commission.

Mr. Speaker, this second case demonstrates that if we do not stop this sort of thing, one certifying officer after another certifying officer will certify these unlawful expenditures without liability.

It is clear, I think, that we should treat this case exactly the same as we treated the previous case, it would be inequitable not to do so.

For that reason, Mr. Speaker, I yield back the balance of my time and suggest an "aye" vote.

Mr. **MESKILL**. Mr. Speaker, I rise in opposition to the motion.

This is identical to the prior case or the prior title, Mr. Speaker, with the exception that this covers 2 years' vouchers for the years 1960 and 1961 and the other matter for the year 1962.

I would like to point out that the fact that these are prior years should indicate that the persons involved did not know or had no reasonable way of knowing that the activity in which they were engaging was not lawfully covered and that the expenditure was not one for which vouchers would be honored.

Mr. Speaker, I can add nothing more to my statement other than what I said on the previous matter.

Mr. Speaker, I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from California [Mr. TALCOTT].

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will read.

The Clerk read as follows:

Title VIII—(H.R. 4936. For the relief of Mr. and Mrs. John F. Fuentes.) By Mr. Burton of California.

That, notwithstanding any period of limitations or lapse of time, claim for the credit or refund of any overpayment of income taxes for the taxable year 1959 and 1960 made by Mr. and Mrs. John F. Fuentes, of San Francisco, California, to the extent that such overpayment resulted from the fact that Mr. Fuentes did not prepare his income tax returns for those taxable years on the basis of his being sixty-five years of age, may be filed at any time within one year after the date of enactment of this Act. The provisions of section 6511 and 6514 of the Internal Revenue Code of 1954 shall not apply to the credit or refund of any overpayment of tax with respect to which a claim is filed pursuant to this Act within such one-year period.

MOTION OFFERED BY MR. GROSS

Mr. **GROSS**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GROSS moves to strike title VIII of the bill H.R. 16187, including all of lines 10 through 24 on page 8.

Mr. **GROSS**. Mr. Speaker, I can be very brief about this bill.

According to the Treasury Department, Mr. and Mrs. Fuentes filed joint income tax returns for the years 1959 and 1960. Neither return claimed an additional exemption on the basis of Mr Fuentes' being over 65. It was not until November 20, 1965, after the period for filing claims for a refund had expired that Mr. and Mrs. Fuentes filed an amended return claiming an additional exemption of $600 on the basis of Mr. Fuentes' being over 65 during the taxable years 1959 and 1960.

Evidently the Fuentes, who are natives of Puerto Rico, went to Puerto Rico after they ran into this complication and from some source dug up a baptismal certificate dated May 2, 1894, which apparently would have made Fuentes eligible for the exemption on the basis of age 65.

The statement of the Treasury Department says in part:

The Internal Revenue Code provides that claims for credit or refund must be filed within 3 years from the time the return was filed or 2 years from the time the tax was paid, whichever is later. In this case the time for filing refund claims for the 2 years involved, 1959 and 1960, expired in April of 1963 and 1964, respectively. Accordingly, the claims filed on November 20, 1965, were denied.

The statute of limitations, which Congress has incorporated in our revenue system as a matter of sound legislative policy, not only bars taxpayers from obtaining refunds after a specified period has elapsed but also prevents the Government from assessing additional taxes. Any claim for a refund on account of an overpayment of tax, including the right to an additional exemption sought by Mr. Fuentes here, requires a comprehensive examination, not only of that specific claim, but also all the other items on the tax returns involved in order to determine whether there has in fact been an overpayment. This in turn may require an investigation of subsidiary issues at a point in time when supporting records may have been lost or destroyed and witnesses are no longer available. For these and other reasons, the statute of limitations is needed to prevent stale claims and thus achieve the finality that is essential to the administration of the revenue laws.

Mr. Speaker, I ask that the motion to strike this bill from the omnibus bill be supported.

Mr. **BURTON** of California. Mr. Speaker, the gentleman from Iowa has stated all the essential facts. However, I am speaking in opposition to the gentleman's motion because Mr. Fuentes did not know until after the statute of limitations had run that he had reached the age of 65.

Mr. Fuentes' parents died when he was at an early age. He lived temporarily with his half-sister and then lived in an orphanage. He did not have the documentary evidence necessary to receive for 2 taxable years the $600 exemption for being over the age of 65.

Recognizing that Mr. Fuentes could not, under the law, have claimed the exemption to which he was entitled, this equitable relief, so to speak, in my opinion is justified. In the opinion of the Committee on the Judiciary it is justified because Mr. Fuentes, until after the statute had run, was unaware of, and therefore unable to obtain documentary proof that he was entitled to the over 65 years of age $600 a year exemption for 2 taxable years. In light of that I think it only proper that this very modest claim should be approved by the House.

Mr. **GROSS**. Mr. Speaker, will the gentleman yield?

Mr. **BURTON** of California. I yield to the gentleman from Iowa.

Mr. **GROSS**. Mr. Fuentes was a citizen of the United States and had resided in this country since 1913; is that not correct?

Mr. **BURTON** of California. That is my understanding.

Mr. Speaker, I urge a "No" vote on the motion.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 34, noes 51.

Mr. **GROSS**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 139, nays 212, not voting 80, as follows:

[Roll No. 334]

YEAS—139

Abernethy
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Baring
Bates
Battin
Belcher
Bennett
Berry
Betts
Bevill
Blackburn
Bolton
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burton, Utah
Byrnes, Wis.
Cahill
Carter
Cederberg
Chamberlain
Clancy
Cleveland
Collins
Colmer
Conable
Corbett
Cowger
Cramer

Curtis
Davis, Wis.
Denney
Derwinski
Devine
Dickinson
Dole
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fallon
Findley
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Goodling
Gross
Grover
Gubser
Haley
Hall
Halleck
Hammerschmidt
Harrison
Harsha
Harvey
Hull
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jones, Mo.
Jones, N.C.
Keith
King, N.Y.
Kleppe
Kuykendall
Kyl
Laird
Langen
Latta
Lipscomb
Lukens
McCloskey
McDade
McDonald, Mich.
McMillan
MacGregor
Machen
Martin
Mayne
Michel
Miller, Ohio
Mills
Minshall
Mize
Moorhead
Mosher
Myers
Natcher
Nelsen
Pike
Pirnie
Poff
Price, Tex.
Quie
Railsback
Randall
Reid, Ill.
Reinecke
Roush
Rumsfeld
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Shriver
Skubitz
Smith, Calif.
Snyder
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Taft
Teague, Calif.
Thomson, Wis.
Tuck
Vigorito
Wampler
Watkins
Whalley
Whitten
Williams, Pa.
Wylie
Wyman
Zwach

NAYS—212

Abbitt
Adair
Addabbo
Albert
Anderson, Ill.
Annunzio
Aspinall
Ayres
Barrett
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Brademas
Brooks
Burke, Mass.
Burleson
Burton, Calif.
Button
Byrne, Pa.
Casey
Celler
Clark
Cohelan
Collier
Corman
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
de la Garza
Delaney
Dellenback
Dent
Diggs
Dingell
Dorn
Dow
Dowdy
Downing
Duncan
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Evans, Colo.
Everett
Farbstein
Fascell
Feighan
Flood
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gathings
Giaimo
Gibbons
Gilbert
Gonzalez
Green, Oreg.
Green, Pa
Griffin
Griffiths
Gude
Hagan
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Hardy
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Horton
Howard
Hungate
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kee
Kelly
Kirwan
Kluczynski
Kornegay
Kyros
Lennon
Long, Md.
McClory
McCulloch
McEwen
McFall
Madden
Mahon
Mailliard
Marsh
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Meeds
Meskill
Minish
Mink
Monagan
Montgomery
Morgan
Morris, N. Mex.
Morse, Mass.
Moss
Murphy, Ill.
Murphy, N.Y.
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Perkins
Pickle
Poage
Pollock
Price, Ill.
Pryor
Pucinski
Purcell
Quillen
Reid, N.Y
Reifel
Reuss
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ryan
St Germain
St. Onge
Sandman
Scheuer
Schweiker
Selden
Shipley
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stubblefield
Sullivan
Taylor
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Waggonner
Waldie
Walker
Watson
Whalen
White
Willis
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Yates
Young
Zablocki
Zion

NOT VOTING—80

Adams
Anderson, Tenn.
Ashley
Ashmore
Bell
Boland
Brasco
Brock
Broomfield
Brown, Calif.
Buchanan
Bush
Cabell
Carey
Clausen, Don H.
Clawson, Del
Conte
Conyers
Dawson
Donohue
Dulski
Eckhardt
Evins, Tenn.
Fino
Fisher
Fulton, Tenn.
Gardner
Gettys
Gray
Gurney
Hansen, Idaho
Hébert
Henderson
Herlong
Hicks
Hosmer
Jonas
Jones, Ala.
Karsten
King, Calif.
Kupferman
Landrum
Leggett
Lloyd
Long, La.
McCarthy
McClure
Macdonald, Mass.
Miller, Calif.
Moore
Morton
Nedzi
Olsen
Patman
Pepper
Pettis
Philbin
Podell
Rarick
Rees
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Satterfield
Sisk
Smith, Okla.
Steed
Stephens
Stratton
Stuckey
Talcott
Utt
Vanik
Watts
Whitener
Widnall
Wiggins
Wilson, Bob
Wright

So the motion was rejected.

Mr. **WILLIS** changed his vote from "yea" to "nay."

Mr. **GIAIMO** changed his vote from "yea" to "nay."

Mr. **MINSHALL** changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The **SPEAKER**. The Clerk will read.

The Clerk read as follows:

> Title IX—(H.R. 4949. For the relief of Puget Sound Plywood, Incorporated, of Tacoma, Washington.) By Mr. Hicks.
>
> That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Puget Sound Plywood, Incorporated, of Tacoma, Washington, the sum of $44,016.62, in full satisfaction of all claims of the said Puget Sound Plywood, Incorporated, against the United States for compensation for losses incurred in connection with the performance of a timber sale contract (dated January 27, 1959, numbered 12–11–036; 37850) between the said Puget Sound Plywood, Incorporated, and the Forest Service, Department of Agriculture, the said Puget Sound Plywood, Incorporated, having failed, under the road cost amortization rates provided in the contract, to recover a substantial portion of the estimated road construction costs specified: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COMMITTEE AMENDMENT

The **SPEAKER**. The Clerk will report the committee amendment.

The Clerk read as follows:

> Committee amendment: On page 9, line 7, strike "$44,016.62" and insert "$9,593.72".

The committee amendment was agreed to.

MOTION OFFERED BY MR. HALL

Mr. **HALL**. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. HALL moves to strike out all of title IX beginning on page 9, line 1.

Mr. **HALL**. Mr. Speaker, I personally regret the frequency of the rollcalls and the laborious process that we are going through title by title of this so-called omnibus bill. I would like to remind the Members that there is a deeper issue involved here, and that is the question of whether or not we will have, on each side of the aisle, our system of a committee of objectors which points up the right of every individual elected legislator to avoid action "without objection," or by unanimous consent. We do this under the rules of the House in order to expedite the business of the House of 434 Members. We should remember that if the objectors in fact do their homework and study the bill, as many are wont to do, whether they be individual Members or members of the appointed committee on organization day of each Congress; under the principles involved, and with the criteria that are all agreed to simultaneously, that we should not take an "end run" around such objectors.

Mr. Speaker, this particular title of this bill was originally H.R. 4949. It is known as the Puget Sound plywood bill. It would have originally paid the claimants around $93,000. That has been successively reduced to $44,000 and is now in this bill that we are considering in the sum of $9,593.72.

Mr. Speaker, I doubt very much if there has ever been a bill based on a claim of a "cooperative" wood production and plywood company—of Tacoma, Wash.—which has been as unanimously discussed and as long argued, and in which there has been as much time of the National Legislature spent.

I personally have received not only their Representative in Congress, the gentleman from Washington [Mr. HICKS], but have through the years talked to the gentlemen themselves, and corresponded with the president of the Puget Sound Plywood Corp., their attorneys, and there has been extensive correspondence, all of which I have before me. There have been representations from the other body, and it has been considered and taken off the calendar, yet it is back here today.

Essentially, the thing we must decide today is the admitted fact that the Puget Sound Plywood Corp. had its day in court. It has had full appeals to the Secretary of Agriculture. The Agriculture Department has sustained the findings. The corporation did not choose to pursue this through the Federal judiciary.

Furthermore, they quit their logging operation before section 5 had been logged off, which they admitted was the section which would have produced for them the greatest return in the logging operation.

In the beginning this corporation knew that it was dealing with the Government and knew the character of such logging contracts before they made their bid, but they did not send their own cruisers through the different sections of the timber to make estimates before they signed the bid or before they agreed to the contract. The Department of Agriculture prospectus clearly said in soliciting bids, that there was no guarantee of estimates.

Furthermore, there was a question of—

perhaps in retrospect—poor business ability when they subcontracted in a matter greater than was their income to the road contractors for the forestry trucks.

One wonders why their own counsel says they have no basis for claims and determined that they should not proceed along the legal route, yet they turn to the taxpayers' till for claimed relief.

Furthermore, one wonders if, as one of their own counsel stated, there is need for debate, why this particular bill has again and again been brought up on the Private Calendar, where no amendments are in order, where no debate can be had, and we simply put it over without objection; or, with the two objections, we sent it back to the handling committee, only to have it come out as an omnibus bill, like this.

I think the basis for the claim, as witness the frequent reductions, has been a question of saving face. I think the reduction of the claim indicates there is some question of the validity. The lack of cruising and the lack of sawing off the lumber on section 5, and certainly the lack of appeal, makes this a case that should not be handled in this manner.

I strongly urge we vote aye in favor of the motion to strike title IX from the omnibus bill.

Mr. HUNGATE. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, insofar as the procedure employed here is concerned, I would suggest and urge to the House that it is fully as hallowed and as time revered as Calendar Wednesday, and that it is provided for in the rules of the House.

Perhaps the official objectors are not provided for in the rules of the House, although they serve a very useful function and a very worthwhile one. I think we all agree it is a necessary part of the work of the House.

The procedure now being followed is not anything except what is called for in the rules concerning the Private Calendar. The relevant portions of the rules are printed with the Private Calendar each time.

Mr. Speaker, I yield now to the gentleman from Washington [Mr. MEEDS] to explain this further.

Mr. MEEDS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I certainly agree with the gentleman from Missouri that we ought to proceed with the type system we have, although I hope this system does not impede justice and become more form than substance.

The substance of this private bill is this. The claimant's bid was based upon an error in the Forest Service's own cruise, a very substantial error. It was bid upon the basis of 19 million board feet, 13 million of which the Forest Service said was Douglas-fir, which is substantially more costly on a board foot basis than is hemlock, and on 6 million board feet of hemlock.

The recovery cost to the claimant in this instance of the road costs are based upon the estimated cut. Therefore, the error which was originally made by the Forest Service became the error upon which the claimant here is basing his claim for road costs.

That error resulted in a loss to the claimant of $75,000.

Now, admittedly, 2 years later, upon a rate redetermination, which is provided for in the contract, the Forest Service began to recognize its error, yet it failed to recognize and failed to make provision for correcting it, even though the claimant at that time objected to the basis of its procedure.

At that time the amount of $9,593.72 would have been recoverable by the claimant, which the Forest Service itself agrees is just and equitable, and which the Forest Service agrees should be paid to the claimant.

This bill has been revised and has been amended and now seeks that exact amount. Everyone is agreed that the claimant should receive this amount of money. I see no reason why we should not approve it.

The gentleman from Missouri says that this comes in as a private bill. How else would it come in? It has to come in on the Private Calendar. There is opportunity for amendment. The gentleman has just moved to strike the entire section, and to take from the claimant what I think elemental justice certainly indicates he is entitled to.

The gentleman from Missouri says he should go ahead and log section 5. I do not know what the gentleman knows about logging, but I know that all that would happen, if he went ahead and logged section 5, is he would increase his loss. It would increase in direct proportion to the loss that has occurred at this time.

Mr. HALL. Mr. Speaker, will the gentleman yield on that point?

Mr. MEEDS. I yield on that point.

Mr. HALL. I merely want to say the report the committee has written and the statement by the corporate counsel is directed to the contrary, that the profitable part was in section 5, whether it was hemlock or fir.

Mr. MEEDS. Would the gentleman proceed on this type of contract where the error has been as manifest as it is and increase that error? I do not believe the gentleman can answer that question.

Mr. HALL. If the gentleman will yield, I will answer yes, had I executed the contract, failed in a business estimate and been so advised by my counsel.

Mr. MEEDS. I would say to the House that the justice of this case demands we give to the claimant what he is asking. Everyone involved in this agrees he is entitled to $9,593.72.

I might point out that the other body brought in a bill which would allow $44,000. They seem to believe the equities would give him that much. All we are asking is what everyone agrees is a minimal amount to which the claimant is entitled.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. HALL].

The question was taken; and on a division (demand by Mr. HALL) there were—ayes 31, noes 50.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 115, nays 236, not voting 80, as follows:

[Roll No. 335]

YEAS—115

Abbitt
Adair
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Baring
Bates
Battin
Belcher
Bennett
Berry
Betts
Bevill
Blackburn
Bolton
Bow
Bray
Brock
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burton, Utah
Carter
Cederberg
Chamberlain
Clancy
Cleveland
Collier
Collins
Cowger
Cramer
Curtis
Denney
Derwinski
Devine
Dickinson
Dole
Duncan
Edwards, Ala.
Flynt
Goodling
Gray
Gross
Grover
Gubser
Hagan
Haley
Hall
Harvey
Heckler, Mass.
Hull
Hunt
Hutchinson
Ichord
Jones, Mo.
Jones, N.C.
King, N.Y.
Kleppe
Kornegay
Kuykendall
Kyl
Laird
Latta
Lennon
Lukens
McCulloch
McDade
McDonald, Mich.
McMillan
MacGregor
Martin
May
Miller, Ohio
Minshall
Myers
Nelsen
O'Konski
O'Neal, Ga.
Pirnie
Price, Tex.
Quillen
Randall
Reid, Ill.
Rogers, Fla.
Rumsfeld
Saylor
Schadeberg
Scherle
Schneebeli
Scott
Selden
Shriver
Skubitz
Snyder
Stafford
Steiger, Ariz.
Steiger, Wis.
Stuckey
Talcott
Taylor
Thomson, Wis.
Tuck
Vander Jagt
Wampler
Watson
Whalley
Whitten
Williams, Pa.
Winn
Wydler
Wylie
Wyman
Zion
Zwach

NAYS—236

Abernethy
Addabbo
Albert
Anderson, Ill.
Annunzio
Arends
Aspinall
Ayres
Barrett
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Brademas
Brinkley
Brooks
Broomfield
Brotzman
Broyhill, Va.
Burke, Mass.
Burleson
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Casey
Celler
Clark
Cohelan
Colmer
Conable
Corbett
Corman
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
de la Garza
Delaney
Dellenback
Dent
Diggs
Dingell
Dorn
Dow
Dowdy
Downing
Dulski
Dwyer
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Findley
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gathings
Giaimo
Gibbons
Gilbert
Gonzalez
Green, Oreg.
Green, Pa.
Griffin
Gude
Halleck
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrison
Harsha
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Herlong
Holifield
Horton
Howard
Hungate
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Kastenmeier
Kazen
Kee
Keith
Kelly
Kirwan
Kluczynski
Kyros
Langen
Lipscomb
Long, La.
Long, Md.
McClory
McCloskey
McEwen
McFall
Machen
Madden
Mahon
Mailliard
Marsh
Mathias, Calif.
Mathias, Md.
Matsunaga
Mayne
Meeds
Meskill
Michel
Mills
Minish
Mink
Mize
Monagan
Montgomery
Moorhead

Morgan
Morris, N. Mex.
Morse, Mass.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Pickle
Pike
Poage
Poff
Price, Ill.
Pryor
Pucinski
Purcell
Quie
Railsback
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Ruppe
Ryan
St Germain
St. Onge
Sandman
Scheuer
Schwengel
Shipley
Sikes
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton
Steed
Stubblefield
Taft
Teague, Calif.
Tenzer
Thompson, Ga.
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Vigorito
Waggonner
Waldie
Walker
Watkins
Whalen
White
Wilson, Charles H.
Wolff
Wyatt
Yates
Young
Zablocki

NOT VOTING—80

Adams
Anderson, Tenn.
Ashley
Ashmore
Bell
Boland
Brasco
Brown, Calif.
Buchanan
Bush
Cabell
Carey
Clausen, Don H.
Clawson, Del
Conte
Conyers
Davis, Wis.
Dawson
Donohue
Eckhardt
Edwards, La.
Feighan
Fino
Fisher
Fulton, Tenn.
Gardner
Gettys
Griffiths
Gurney
Halpern
Hansen, Idaho
Hardy
Hébert
Henderson
Hicks
Hosmer
Jonas
Karsten
Karth
King, Calif.
Kupferman
Landrum
Leggett
Lloyd
McCarthy
McClure
Macdonald, Mass.
Miller, Calif.
Moore
Morton
Olsen
Pepper
Pettis
Philbin
Podell
Pollock
Rarick
Rees
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Satterfield
Schweiker
Sisk
Smith, Okla.
Stephens
Stratton
Sullivan
Teague, Tex.
Ullman
Utt
Vanik
Watts
Whitener
Widnall
Wiggins
Willis
Wilson, Bob
Wright

So the motion was rejected.

Mr. ABERNETHY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

> Title X—(H.R. 5970. For the relief of Pedro Irizarry Guido.) By Mr. Polanco-Abreu.

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Pedro Irizarry Guido, of San Juan, Puerto Rico, the sum of $3,581.05 in full settlement of all his claims against the United States for additional compensation for overtime and night work during the period of July 10, 1946, to March 24, 1952, as an employee of the Department of the Army, Quartermaster Supply Office, Fort Buchanan, Puerto Rico. No part of the amount appropriated in this Act thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Gross moves to strike title X from the bill H.R. 16187, including all of lines 3 through 20 on page 10.

Mr. GROSS. Mr. Speaker, Pedro Irizarry Guido was a night checker for the Quartermaster Corps at Fort Buchanan, P.R. He worked in this job for approximately 6 years, from 1946 to 1952. Three years later, after leaving this job, he submitted a bill, and the original bill was for $24,784.82 for overtime. The Members should understand Mr. Guido was paid a night differential during the time he worked.

Guido began his work in the early evening and was furnished, from midnight until 6:30 in the morning, or approximately that time, with sleeping quarters and food. At 3 a.m. and 6 a.m. he accompanied another employee for the purpose of unlocking two cold storage warehouses. That seemed to be the extent of his labor from midnight, or approximately that, until 6 in the morning.

As I say, the original bill that was introduced carried a price tag of more than $24,000. Apparently the Army, to get rid of this claim, has agreed to pay $3,500, approximately, for overtime, despite the fact that Guido was paid a night differential and his claim to overtime is unsubstantiated.

The General Accounting Office disagrees with this claim.

The Civil Service Commission is opposed to this claim.

The Department of the Army says, in spite of its willingness to settle, that it appears from the records that all overtime reported as work by him during the period covered was duly certified and actually paid for in full, as evidenced by the photostats of individual earning records and records attached.

The Department also says that several of the employees mentioned by Mr. Guido in his correspondence in behalf of his claim were contacted in an effort to secure further information which might be used in the development of his claim. All of the employees interviewed stated that although they were aware of the fact that the claimant was assigned duties as a night-duty checker at the quartermaster supply office during the period covered by the claim they had no knowledge he was ever required to work in excess of his regularly scheduled work week of 40 hours.

Mr. HALL. Mr. Speaker will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Is it not true that, in addition, he was allowed to sleep and was simply a door checker, that his duty consisted of opening two doors during the so-called nightshift? Although it interrupted his sleep, the nature of his duty as described by the Army and found by the Comptroller General, was that he was awakened to do this and then returned to his slumbers.

Mr. GROSS. That is exactly right, and I thank the gentleman for calling this to the attention of the House.

The Civil Service Commission, in recommending against favorable consideration, says that there is no indication that any question about payment was made until 3 years later. By that time official time and attendance records for the period had been routinely destroyed.

Mr. Macy of the Civil Service Commission goes on to say that this type of private relief measure, involving a questionable claim, would establish a most undesirable precedent by, in effect, placing the burden of proof in such cases on the Federal agency rather than on the claimant.

Mr. Speaker, it seems to me that this comes under the general heading of a phony claim, in that this man contended he was owed some $24,784.82, and apparently is now willing to accept—although the records indicate he is entitled to nothing—some $3,500. It seems to me that this is a phony claim.

Mr. Speaker, I ask that the motion to strike this claim be approved.

Mr. SMITH of New York. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER. The gentleman from New York is recognized for 5 minutes.

Mr. SMITH of New York. Mr. Speaker, I yield to the Resident Commissioner from Puerto Rico [Mr. Polanco-Abreu].

Mr. POLANCO-ABREU. Mr. Speaker, this is very simple legislation. The purpose of the proposed legislation is to pay Pedro Irizarry Guido $3,581.05 in full settlement of his claims for additional compensation for overtime and nightwork from July 10, 1946 to March 24, 1952.

Honestly, I believe the arguments used by our distinguished friend, the gentleman from Iowa [Mr. Gross], are arguments in favor of approving this legislation.

The Army specifically acknowledged that Mr. Guido worked not less than 1½ hours every night at periods of time which prevented uninterrupted sleep. Mr. Guido performed all the duties through this period in a faithful and commendable manner, and available records suggest no compensation for this particular duty.

In this legislation I am not asking for privileges. I am asking for justice. This is a Puerto Rican working for the Federal Government and doing his duty in a faithful and commendable manner. Based upon the number of work days in each pay period less estimated period of leave, the Department of the Army determined that an award of $3,500 representing overtime and night differential pay would be justified to compensate Mr. Guido for the time spent in performing his additional duties. In any event, Mr. Speaker, I think this is the time to do justice to a simple, honest citizen of the United States.

I respectfully ask that this bill be approved and the motion of my distinguished friend, the gentleman from Iowa [Mr. Gross], be dismissed.

The SPEAKER. The question is on the motion offered by the gentleman from Iowa [Mr. Gross].

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 24, noes 46.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the door, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 132, nays 211, not voting 88, as follows:

[Roll No. 336]

YEAS—132

Abbitt
Abernethy
Adair
Anderson, Ill.
Arends
Ashbrook
Baring
Battin
Belcher
Bennett
Betts
Bevill
Blackburn
Bolton
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Broyhill, N.C.
Burke, Fla.
Burleson
Burton, Utah
Carter
Chamberlain
Collier
Collins
Colmer
Conable
Cowger
Cramer
Curtis
Davis, Wis.
Denney
Derwinski
Dorn
Dowdy
Downing
Erlenborn
Esch
Eshleman
Everett
Flynt
Ford, Gerald R.
Fountain
Fuqua
Goodling
Gross
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hardy
Harrison
Harsha
Harvey
Hull
Hutchinson
Ichord
Jones, Mo.
Jones, N.C.
King, N.Y.
Kleppe
Kornegay
Kuykendall
Kyl
Laird
Latta
Lennon
Lipscomb
Lukens
McClory
McCloskey
McCulloch
McDonald, Mich.
McEwen
Mailliard
Marsh
Martin
Mathias, Calif.
May
Michel
Miller, Ohio
Mills
Minshall
Myers
Nichols
O'Konski
O'Neal, Ga.
Pirnie
Poage
Poff
Price, Tex.
Purcell
Quie
Quillen
Randall
Reid, Ill.
Reinecke
Roberts
Rumsfeld
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Shriver
Skubitz
Smith, Calif.
Snyder
Stanton
Steiger, Ariz.
Steiger, Wis.
Stuckey
Taft
Talcott
Thompson, Ga.
Thomson, Wis.
Tuck
Vander Jagt
Waggonner
Wampler
Watkins
Watson
Whalley
Whitten
Williams, Pa.
Wyatt
Wylie
Zion
Zwach

NAYS—211

Addabbo
Albert
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Aspinall
Ayres
Barrett
Bates
Berry
Biester
Bingham
Blanton
Blatnik
Bolling
Brademas
Brock
Brooks
Broomfield
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Casey
Cederberg
Celler
Clancy
Clark
Cleveland
Cohelan
Corbett
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
de la Garza
Delaney
Dellenback
Dent
Dickinson
Dingell
Dole
Dow
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Flood
Foley
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Galifianakis
Gallagher
Garmatz
Gathings
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gude
Halleck
Halpern
Hamilton
Hanley
Hanna
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Herlong
Horton
Howard
Hunt
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Karth
Kastenmeier
Kazen
Kee
Kelly
Kluczynski
Kyros
Langen
Long, La.
Long, Md.
McDade
McFall
McMillan
MacGregor
Machen
Madden
Mahon
Mathias, Md.
Matsunaga
Mayne
Meeds
Meskill
Minish
Mink
Mize
Monagan
Montgomery
Morgan
Morris, N. Mex.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Perkins
Pickle
Pike
Pollock
Price, Ill.
Pryor
Pucinski
Railsback
Reid, N.Y.
Reifel
Reuss
Rhodes, Pa.
Riegle
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Ruppe
Ryan
Sandman
St Germain
St. Onge
Saylor
Scheuer
Selden
Shipley
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Steed
Stubblefield
Sullivan
Taylor
Teague, Calif.
Tenzer
Tiernan
Tunney
Udall
Van Deerlin
Vigorito
Waldie
Walker
Whalen
White
Wilson, Charles H.
Wolff
Wydler
Wyman
Yates
Young
Zablocki

NOT VOTING—88

Adams
Anderson, Tenn.
Ashley
Ashmore
Bell
Boggs
Boland
Brasco
Brown, Calif.
Buchanan
Bush
Cabell
Clausen, Don H.
Clawson, Del
Conte
Conyers
Corman
Dawson
Devine
Diggs
Donohue
Eckhardt
Evins, Tenn.
Fisher
Fulton, Tenn.
Gardner
Gettys
Griffiths
Gurney
Hansen, Idaho
Hansen, Wash.
Hébert
Heckler, Mass.
Henderson
Hicks
Holifield
Hosmer
Hungate
Jonas
Jones, Ala.
Karsten
Keith
King, Calif.
Kirwan
Kupferman
Landrum
Leggett
Lloyd
McCarthy
McClure
Macdonald, Mass.
Miller, Calif.
Moore
Moorhead
Morse, Mass.
Morton
Nelsen
Olsen
Patman
Pepper
Pettis
Philbin
Podell
Rarick
Rees
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Satterfield
Schweiker
Sisk
Smith, Okla.
Stephens
Stratton
Teague, Tex.
Thompson, N.J.
Ullman
Utt
Vanik
Watts
Whitener
Widnall
Wiggins
Willis
Wilson, Bob
Winn
Wright

So the motion was rejected.

Mr. HUNT changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

> Title XI—(H.R. 6325. For the relief of Second Lieutenant Allan L. Schooler.) By Mr. Gude.

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Second Lieutenant Allan L. Schooler (Army serial number O2325102), of Fort Irwin, California, the sum of $8,421.60 in full settlement of all his claims against the United States arising out of the destruction of his household goods on August 31, 1966, in a warehouse fire in Barstow, California. At the time of their destruction, the household goods were stored at Government expense in connection with a change of permanent station from San Antonio, Texas, to Fort Irwin, California. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary not withstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

> Committee amendment: On page 10, line 25, strike "Second" and insert "First".

The committee amendment was agreed to.

MOTION OFFERED BY MR. HALL

Mr. HALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. HALL moves to strike out title XI, which begins on line 21, page 10, and ends on line 16, page 11.

Mr. HALL. Mr. Speaker, this is one of the "loss in transit" bills with which we deal on the Private Calendar on many occasions. This was that for a 1st Lt. Allan Schooler, about which much has been done, much studied, and much discussed.

First, I believe there is no question, in the overpayment cases and in the cases where there is loss in transit or loss from warehouse destruction, that we need overall coverage and a better system for the Department of Defense.

A badly needed overall bill has been presented by the distinguished chairman of the Subcommittee of the Judiciary Committee, the gentleman from South Carolina [Mr. ASHMORE], and has been under consideration for many years. I have submitted such a bill.

We have in the interim, in 1965, increased the settling authority of any of the armed services departments from $6,500 for such personal disasters up to $10,000. Certainly this recognizes the moral obligation on the part of the armed services, perhaps, but the question remains as to whether or not there is an individual obligation. Should personal insurance not be a personal obligation?

Why do we not insure our personal property, especially when it is in transit? Why do not the armed services require the transit or storage companies to have adequate full coverage insurance, or at least deductible insurance if a part is to be borne by the consignor?

In this particular case a tremendous inventory list was originally submitted. I must say that the Judge Advocate General's department first did a good job in paring this inventory down more nearly to reason. Even allowing for the fact that there had been a good deal of gift-giving, and that perhaps the groom or bride were very favored children; the list was, to be the very kindest, excessive. It was admitted in an interview before the committee that regardless of the list submitted there was only fabrication from vague memory in the attempts at reconstituting same. In fact, the retail cost of the gifts as listed was demanded and the list or the investment was pared down to $19,661.59 as a result of a list of household goods and personal property in a warehouse fire in Barstow, Calif., while awaiting base housing. This was reduced by the payment of $1,239.99 by the van line as its legal obligation under the contract with the Department of the Army. In addition, this was lessened by the Department of the Army giving the full amount allowable under the new military claims law of $10,000, which leaves $8,421.60.

This question which comes before the House and the reason for the past objection on the part of the objectors with regard to the criteria of the House, arises because the Army has been in opposition. They have recognized and done what they could on the moral obligation. The question here is what is the nature of Schooler's employment and how had he gained possession of all this material, was the list in fact a prudent list, and would we establish a precedent here by voting for such a large amount in addition to the settlement already made and the relief of the moral obligation?

I urge, under these circumstances and in view of the findings and the long study of the committee of objectors as well as that of the Judge Advocate General's department and the subcommittee of the Committee on the Judiciary, that this amendment do pass.

Mr. SMITH of New York. Mr. Speaker, I rise in opposition to the amendment, and I yield such time as he may require to the gentleman from Maryland [Mr. GUDE].

Mr. GUDE. I thank the gentleman for yielding.

Allan Schooler, who along with his wife is the subject of this bill, is a draftee who went to OCS, received a commission in the Army, and received orders to move to California. His possessions were taken there by the Army prior to his assignment overseas to Vietnam. This is a young married couple. They had been very fortunate in the wedding gifts which they received and which they had in their possession. Actually the list and inventory of their possessions were destroyed in the fire, and so they had to compile such a list by consulting those who had given the gifts. It seems to me if the Congress of the United States has an obligation to restore possessions when they are under Government control, it certainly extends to the case of this young married couple. This bill was given a favorable report by the Judiciary Committee and there was no objection raised by the Bureau of the Budget. It is not opposed by the Department of the Army who scrutinized the items very carefully and, in accordance with a depreciation procedure, reduced them to an appropriate amount which they recommended.

I certainly urge the passage of this bill as one which does justice to a young married couple.

Mr. TALCOTT. Mr. Speaker, with the gentleman yield?

Mr. SMITH of New York. I am glad to yield to the gentleman from California.

Mr. TALCOTT. Mr. Speaker, I would like to inquire of the committee or of the gentleman in the well how much insurance this couple had. According to the report they received the sum of $1,239.99 from the U.S. Van Lines, Inc., and received $10,000 from the Government. They must have had some personal insurance on their personal effects.

How much money did they receive from their personal insurance?

Mr. GUDE. I would be glad to speak to that point. I have a copy of a deposition which was made by Mrs. Schooler in regard to the question of the insurance. In the course of the time they were moving, it was suggested that additional insurance may have been preferable and the question was asked, "Did they have proper coverage?" They inquired of their insurance company with reference to the matter but the representatives of the insurance company said the goods were covered—but, they were covered in their residence but not in a warehouse. When they went to their own insurance company they found they did not have this coverage. They did honestly believe they had coverage. Also, I might say they were not aware that these items would not be covered while in storage in a warehouse.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Iowa.

Mr. GROSS. The truth of the matter is that they did not have any insurance on their personal account. They received the sum of $1,239.99 from the trucking company and they received $10,000 from the Federal Government, plus the fact that it is now proposed to give them here an additional $8,000; is that about right?

Mr. SMITH of New York. It is my understanding based upon the statement of the gentleman from Maryland that they thought they were covered personally. They had asked the insurance company if they were and found out later after the fire that they were not covered in a fire while their goods were in storage in a warehouse.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of New York. I yield further to the gentleman from Iowa.

Mr. GROSS. Could the gentleman from Maryland [Mr. GUDE] state the occupation of this lieutenant before he went into the Army?

Mr. GUDE. I do not recall his occupation, I can say in all honesty to the gentleman from Iowa. I may have known at one time but have since forgotten.

Mr. HALL. Mr. Speaker, will the gentleman from New York yield to me at this point?

Mr. SMITH of New York. I yield to the gentleman from Missouri.

Mr. HALL. I think I can supply that information to the gentleman from Iowa [Mr. GROSS]. He was an insurance agent.

Mr. GUDE. I do not know what type insurance agent this gentleman was, but I would say this—that any person who realized the extent of their possessions certainly would have been assured of coverage. I do not think a case can be made that Lieutenant Schooler was trying to avoid the payment of a small premium in the hope that the warehouse would not burn down.

The SPEAKER pro tempore (Mr. YATES). The question is on the motion offered by the gentleman from Missouri [Mr. HALL].

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 46, noes 47.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 127, nays 203, not voting 101, as follows:

[Roll No. 337]

YEAS—127

Abbitt
Abernethy
Andrews, Ala.
Ashbrook
Ayres
Baring
Battin
Bennett
Bevill
Blanton
Bolton
Bow
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Burke, Fla.
Burleson
Carter
Casey
Chamberlain
Clancy
Clausen, Don H.
Collier
Collins
Colmer
Cowger
Curtis
Davis, Wis.
Denney
Derwinski
Devine
Dorn
Edwards, Ala.
Eshleman
Evans, Colo.
Flynt
Fountain
Fuqua
Galifianakis

Goodling
Green, Oreg.
Griffin
Gross
Gubser
Hagan
Haley
Hall
Hull
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jones, Mo.
Jones, N.C.
Kelly
King, N.Y.
Kornegay
Kuykendall
Kyl
Lennon
Lukens
McCulloch
McDade
McDonald, Mich.
McEwen
McMillan
Marsh
Martin
May
Miller, Ohio
Mink
Minshall
Montgomery
Morris, N. Mex.
Myers
Nedzi
Nichols
O'Konski
O'Neal, Ga.
Pirnie
Poff
Price, Tex.

Pryor
Purcell
Randall
Reid, Ill.
Reinecke
Riegle
Roberts
Rumsfeld
Ruppe
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Scott
Selden
Shriver
Skubitz
Smith, Calif.
Snyder
Springer
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Thomson, Wis.
Tiernan
Tuck
Waggonner
Walker
Watkins
Watson
Wiggins
Williams, Pa.
Wilson, Charles H.
Winn
Wyatt
Zion
Zwach

NAYS—203

Adair
Addabbo
Albert
Andrews, N. Dak.
Arends
Ashley
Aspinall
Barrett
Bates
Belcher
Berry
Betts
Biester
Bingham
Blatnik
Bolling
Brademas
Brooks
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Clark
Cleveland
Cohelan
Corbett
Cramer
Culver
Cunningham
Daddario
Daniels
Davis, Ga.
Delaney

Dellenback
Dent
Dickinson
Diggs
Dole
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, La.
Eilberg
Erlenborn
Esch
Everett
Farbstein
Fascell
Feighan
Findley
Fino
Flood
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Gallagher
Garmatz
Gathings
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Grover
Gude

Halleck
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrison
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Horton
Howard
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Jones, Ala.
Kastenmeier
Kazen
Kee
Kleppe
Kluczynski
Kyros
Laird
Langen
Latta
Long, La.
Long, Md.
McClory
McCloskey
McFall
Machen
Madden
Mahon

Mailliard
Mathias, Calif.
Mathias, Md.
Matsunaga
Mayne
Meeds
Meskill
Michel
Mills
Mize
Monagan
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Pickle
Pike
Poage
Price, Ill.
Pucinski
Quie
Quillen
Railsback
Reid, N.Y.
Reifel
Reuss
Rhodes, Pa.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Ryan
St. Onge
Sandman
Schwengel
Shipley
Sikes
Smith, Iowa
Smith, N.Y.
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Taft
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Tunney
Udall
Van Deerlin
Vander Jagt
Vigorito
Waldie
Wampler
Whalen
Whalley
White
Wolff
Wydler
Wyman
Yates
Zablocki

NOT VOTING—101

Adams
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashmore
Bell
Blackburn
Boggs
Boland
Brasco
Brown, Calif.
Buchanan
Bush
Cabell
Cederberg
Celler
Clawson, Del
Conable
Conte
Conyers
Corman
Dawson
de la Garza
Dingell
Donohue
Eckhardt
Edwards, Calif.
Evins, Tenn.
Fallon
Fisher
Ford, William D.
Fulton, Tenn.
Gardner
Gettys
Griffiths
Gurney
Hansen, Idaho
Hardy
Hébert
Heckler, Mass.
Helstoski
Henderson
Herlong
Hicks
Holifield
Hosmer
Hungate
Jonas
Karsten
Karth
Keith
King, Calif.
Kirwan
Kupferman
Landrum
Leggett
Lipscomb
Lloyd
McCarthy
McClure
Macdonald, Mass.
MacGregor
Miller, Calif.
Minish
Moore
Moorhead
Morse, Mass.
Morton
Nelsen
Olsen
Pepper
Pettis
Philbin
Podell
Pollock
Rarick
Rees
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Satterfield
Schweiker
Sisk
Slack
Smith, Okla.
Staggers
Stephens
Stratton
Ullman
Utt
Vanik
Watts
Whitener
Whitten
Widnall
Willis
Wilson, Bob
Wright
Wylie
Young

So the motion was rejected.

Messrs. COHELAN, RODINO, and SCHWENGEL changed their votes from "yea" to "nay."

Mr. CASEY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Title XII—(H.R. 6445. For the relief of Dino J. Caterini.) By Mr. Ashmore.

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dino J. Caterini the sum of $185.20 in full satisfaction of his claim against the United States for the loss of certain personal property by armed robbery while en route to Asmara, Ethiopia, where he was serving as United States Information Service information officer: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provision of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GROSS moves to strike title XII from the bill H.R. 16187, including all of lines 17 through 23 on page 11, and all of lines 1 through 10 on page 12.

The SPEAKER. The gentleman from Iowa is recognized for 5 minutes.

Mr. GROSS. Mr. Speaker, this is the case of one Dino J. Caterini and his wife, Mr. Caterini being an employee of the U.S. Information Service and stationed at the time this claim developed in Ethiopia. It seems that Mr. Caterini and his wife went on an outing with some Peace Corps people and some natives and along the way they were held up by some highwaymen and robbed of $185.20.

Despite the fact that we gave the Emperor of Ethiopia an air-conditioned yacht, complete with gold wallpaper, the Ethiopian Government cannot seem to dig up $185.20, so the taxpayers of this country through this bill are called on to cough up. All of us have constituents who come to Washington for an outing or on business and some of them are mugged, rolled, or held up and robbed yet we have no bills before the House to indemnify these citizens. There is no logic in digging into the taxpayers for $185.20 to indemnify these people who, I say again, were on an outing over in Ethiopia and neglect our own people who are robbed in the District of Columbia, the Federal City of the United States.

What kind of precedent are we setting here?

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Would this bill, if enacted into law, set a precedent for Government employees who happen to be on Government business in Washington being mugged by some of these youths and other marauding elements of this society?

Mr. GROSS. These people were on an outing. I do not know about——

Mr. ANDREWS of Alabama. Well, I am talking about if they were on official business, walking the streets of Washington, and being mugged.

Mr. GROSS. What about the tourists who come here for an outing and get robbed?

Mr. ANDREWS of Alabama. Well, they have my sympathy. That is all I can say. I advise my constituents to stay away from the city of Washington.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I think the danger involved in this particular instance is that we establish a precedent wherein we say that any Government employee at home or abroad who is assaulted or who is robbed and who suffers any loss, either going to or from work which is official and is required—this outing was not required—will place a liability upon the Federal Government to replace their loss.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield to me at this point?

Mr. GROSS. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I think the point has been well made that this is a terrible precedent to be setting in this Government. I understand that the home of Mayor Washington was robbed this morning. I wonder if such action as is proposed to be taken here would make him subject to filing a claim for any loss?

It is my opinion that the best thing we can do is to promptly knock this section out of the bill.

Mr. GROSS. I agree with the gentleman from Alabama and I ask that the motion be supported.

Mr. SMITH of New York. Mr. Speaker, I rise in opposition to the motion.

I think, perhaps, I can shed a little light upon this claim. This claim came to the Committee on the Judiciary and to the Subcommittee on Claims as an Executive communication from the U.S. Information Agency. Mr. Catarini was on this day in April 1964 on official business of the U.S. Information Service in Ethiopia. He was on an official outing with a Peace Corps representative and a foreign national when he was robbed of his personal property and money which was determined by the Argency Claims Board to be $185.20.

Now, Mr. Speaker, in the 88th Congress, Public Law 88–558 was enacted which was effective August 31, 1964, which was after the date of this incident we are talking about. This law is commonly known as the Military Personnel and Civilian Employees Claims Act of 1964, and it grants administrative authority to heads of agencies to settle or pay those claims arising after the effective date of this act for losses of personal property incident to those employees' employment. So it was that Mr. Catarini suffered this loss in Ethiopia while he was an employee of the United States and while he was engaged in his official business, some 3 months before the effective date of the act which now allows administrative settlement of his claim with the agency.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Ohio.

Mr. HAYS. I gather that we will have a rollcall vote on this claim of $185.20. Is that the essence of it?

As chairman of the Subcommittee on Printing, I would say to the gentleman that it will cost more to print the rollcall than it will to go ahead and pay the $185.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman have any definition for "an official outing"? I believe those were the words the gentleman used. What is an official outing?

Mr. SMITH of New York. I would state to the gentleman that the executive agency here, the U.S. Information Agency, stated to us in the Congress that Mr. Catarini was engaged in being at an official outing with a member of the Peace Corps, and foreign nationals.

Mr. GROSS. I appreciate that, but what is an official outing? How would the gentleman describe it? What do they do on an official outing?

Mr. SMITH of New York. I would state to the gentleman that we did not go behind the statement of the Agency that he was engaged in an official outing, and on the business of the Agency.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. What is the definition of "incident to his employment"? I wonder if the gentleman could tell me that.

Mr. SMITH of New York. I believe I will have to leave that up to the gentleman to say what he might believe it to be. The Agency has stated to us that he was engaged in his employment when he suffered this loss by armed robbers.

Mr. EDWARDS of Alabama. If the gentleman will yield further, the gentleman referred to the most recent act, and stated that that act covered losses that occurred incident to one's employment, that was, as I understood, the purpose of the act, and I wonder if the gentleman said that had this event occurred 3 months later, after the act had been passed, that this man would have been covered. I am not sure I understand the definition that would have covered him.

Mr. SMITH of New York. I believe the gentleman will have to read the act to find that out.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from Iowa [Mr. Gross].

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 69, noes 27.

So the motion was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

> Title XIII—(H.R. 6446. For the relief of Robert M. Gilkey, Junior.) By Mr. Ashmore.
>
> That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert M. Gilkey, Junior, the sum of $971.30 in full satisfaction of his claim against the United States for loss of personal property through theft while he was performing certain official duties at the Ankara Binational Center, Ankara, Turkey: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provision of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MOTION OFFERED BY MR. MOSS

Mr. GROSS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Gross moves to strike title XIII from the bill H.R. 16187, including all of lines 11 through 24 on page 12, and all of lines 1 and 2 on page 13.

Mr. GROSS. Mr. Speaker, we have here another employee of the U.S. Information Agency, Robert M. Gilkey, Jr., who was in Ankara, Turkey, in 1963. It seems that his wife was late in getting to a social event of some kind at the Binational Center in Ankara.

She left a suitcase in their automobile, the car being locked on the street. The suitcase allegedly contained valuables to the total of $971.30. The car was broken into, the suitcase removed and the contents apparently never recovered.

Not so long ago a constituent from Iowa left a station wagon on the street in Washington. It contained most of the family clothing and suitcases. The car was broken into and stripped of everything of value. I am sure that has happened to other Members whose constituents have come here. But they do not come crying to a Member of the Congress for indemnification. They think this is their responsibility, and I do not know what the Gilkeys expected when they left a suitcase with $971 worth of stuff in it in a car parked on a street in Turkey. Evidently, they did not even bother to lock it up in the trunk of their car.

Mr. Speaker, on the same basis as the preceding title to the bill, this title ought to be stricken and to that end I ask that the motion be adopted.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. DICKINSON. I was just interested in comparing what you said, thinking of what happened to my secretary, who is a Government employee. She, too, had her car parked in Washington. It was broken into. I would think, certainly, on the basis of the claim put forth here, that if these people are entitled to indemnity as Federal employees, when they are parking in a hazardous position, then my secretary who parked in Washington, D.C., certainly parked her car in just as hazardous position and even more so and she would certainly be entitled to make a claim and I will file one if this is passed.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. HALEY. I thank the gentleman for yielding.

I just think if we are going to pay claims of this kind, I just wonder where we are finally going to wind up, because probably some of our striped pants boys attend some of the functions around here and they are losing things as people do here in the District of Columbia once in a while. It seems to me if we started on this kind of trend, we are going to be faced with millions and millions of dollars worth of losses with people saying they were on official business.

Mr. GROSS. Of course, we should address the question of where we are going to end up to the genial gentleman from Arkansas [Mr. Mills] whom I see on the floor and who, I think, could tell you that if this sort of thing is persisted in and develops to the extent that it involves millions of dollars, he would probably have to come in with another tax increase.

Mr. SMITH of New York. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, this case is very much similar to the one that has just been turned down by the House. I would say it came likewise to the Congress as an official executive communication from the U.S. Information Agency which has said, in effect, to us that these people, these employees of the United States, these employees of ours, have lost personal property while they were engaged in their official duties. Therefore, the Agency has recommended to us, to the people of the United States, that we take care of these people who are working for us and who are subjected to losing property under hard circumstances and while engaged in their official duties.

As I pointed out with respect to the other bill, there is now, as of August 31, 1964, the Military Personnel and Civilian Claims Act under which these claims for personal property lost while engaged in official employment may be settled administratively without the need to come to the Congress.

But in this case, I would say that Mr. Gilkey was assigned to the USIA service post in Ankara, Turkey, serving there as Cultural Affairs Officer and Director of the Binational Center.

In March of 1963, he and his wife were hosts at an official reception at the Center.

Mrs. Gilkey was due to arrive in Ankara on the day of the reception but her airplane was delayed due to bad weather. Her plane arrived late, about 9 o'clock in the evening. Since Mr. Gilkey had to attend the reception, another individual met Mrs. Gilkey at the airport and drove her directly to the Binational Center and she arrived about 10 o'clock and immediately assumed her duties as the hostess of the event. Her suitcase had been left in the locked car in which she arrived at the reception and later, about 11 o'clock, Mr. Gilkey transferred the suitcase to his own car which then was parked directly beneath the street light directly in front of the building. Mr. Gilkey locked the car and returned to his duties at the reception. The car was then broken into and the suitcase stolen. The theft was promptly reported to the police but the suitcase and its contents were never recovered.

Mr. Gilkey submitted a claim to the U.S. Information Agency in accordance with that Agency's regulations and the claim was considered by the Agency Claims Board. After a careful review of the claim, the Board approved it in the amount of $971.30, based on the standards of depreciation utilized by the military services. The Board recommended that the claim be submitted to Congress for its consideration.

As I have said, since August 31, 1964, these claims can now be settled administratively, but these two could not be. It does seem to me that these employees of the United States lost their personal property during times when they were officially engaged in their official duties and that it ought to be the part of this country and this Congress to make it good to them.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New York. I am happy to yield to the gentleman from Louisiana.

Mr. WAGGONNER. If the gentleman's last statement is true with respect to employees of the Government losing property while engaged in official duties, would it not equally be so that if the employee suffered some loss during the daytime at home or around the premises of the home of personal property while the employee was away at work, would he believe that the Federal Government was liable for that loss?

Mr. SMITH of New York. This is now covered under the act which covers the loss of personal property incident to employment, and it would be up to the agency or the administrative board to say whether this was incident to the employment or not. In the case we have before us it seems clear that the loss was incident to the employment because they were engaged as official hosts as part of their duties.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New York. Yes; I am glad to yield to the gentleman from Alabama.

Mr. DICKINSON. Could the gentleman tell me what would be the difference in principle if I sent my secretary downtown on an errand for me during business hours, and she locked her car; it was broken into and whatever valuables she had were stolen: Do you think under the same principle that she would be entitled to be compensated by the Federal Government because the car was broken into in Washington, D.C.?

Mr. SMITH of New York. I can think, I say to the gentleman from Alabama [Mr. DICKINSON], of some circumstances where she might be entitled to compensation; for instance, if she had no chance to take care of her property properly before she had to go downtown. Whether she could come under this administrative act, the Military Personnel and Civilian Employees Claims Act, I would not know.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New York. Yes, I am happy to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding. I know that being the distinguished barrister that he is, he would not want to establish a legislative record in relation to the Military Personnel and Civilian Employees Act of 1964, known as Public Law 88–558, that provides that any administrator can settle claims of employees under his administrative authority as long as the loss occurs incident to their employment. Both the legislative record at the time of the passage of that act and, indeed, the law and implementing regulations establish that it must be under such conditions as transit and storage or an act of God, et cetera, et cetera, and only in such cases can they themselves settle it up to the limit of $10,000. Is that not correct, and does not the gentleman want to leave that impression, rather than that just out of hand any director of any agency could settle any claim?

The SPEAKER. The time of the gentleman from New York has expired.

The question is on the motion offered by the gentleman from Iowa [Mr. GROSS].

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 70, noes 32.

So the motion was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Title XIV—(H.R. 7210. For the relief of the Rochester Iron and Metal Company.) By Mr. Horton.

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Rochester Iron and Metal Company, of Rochester, New York, the sum of $117,913.20 in full settlement of its claims against the United States for amounts paid to the Government for 1,940 tons of steel never received by the company due to a shortage in the amount estimated by the Government to be included in a quantity of steel at the Philadelphia Ordnance District, Philadelphia, Pennsylvania, purchased by the Rochester Iron and Metal Company in accordance with the terms of Contract Numbered DA–(S)–36–034–ORD–1. This claim was the subject of the congressional reference case, Rochester Iron and Metal Company against the United States, Congress 1–59, decided by the United States Court of Claims on December 11, 1964.

No part of the amount appropriated in this Act in excess of 20 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MOTION OFFERED BY MR. TALCOTT

Mr. TALCOTT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TALCOTT moves to strike all of title XIV, including all of lines 1 through 4 on page 14.

Mr. TALCOTT. Mr. Speaker, I appreciate that the time is getting late, and we have had some small bills and some large bills, but right now this is a very large bill in amount of money, and a very large bill in principle. Perhaps the rest of the Private Calendar may be put over so that we might consider this bill adequately.

This bill would provide for payment to Rochester Iron & Metal Co. a sum of $117,913.20 in full settlement of its claims against the United States for money paid under contract, a contract dated June 5, 1953.

During February and March 1952, seven ships brought from Europe a large quantity of lend-lease steel and returned it to Philadelphia. This was removed from the ship through railroad cars and when placed in storage it was considerably mixed up. There were three lots consisting of mixed steel. In early 1953 the Federal Government decided it was not usable for steel in the Korean war and decided to sell it. They tried to sort it and identify it, but it was almost impossible, so they decided to sell it by specific invitation to bid. The record shows the invitation for bids was dated April 27, 1953. The Government offered for sale steel in three lots. The invitation expressly stated that the property was offered for sale on an "as is, where is" basis without recourse against the Government and it was advertised in approximately 95 papers throughout the area. The invitation also provided that no representation, guarantee, or warranty, express or implied, was made by the Government as to quantity and condition or kind of property offered for sale. The invitation gave purchasers the right to adjustment based on the weight of steel provided the claim was made on or before August 17, 1953, and by actual presentation of weight certificates.

Then, on June 5, 1953, the Government accepted the bid of Rochester Iron & Metal Co., as to lots 1 and 3. They accepted, they won the bid with the highest offer, and the steel became theirs. Later they discovered what they considered to be a shortage, and this was a shortage computed to be worth $117,913.20, according to the bid price. A claim for this was rejected by the Comptroller General of the United States, because it was sold "as is" and the Government had fully complied with all of the terms of the contract.

The case was taken to the U.S. Court of Claims and was rejected on December 11, 1964, by the Court of Claims. There simply was not a legal basis for this claim. The Government had complied in all respects. The company, as a matter of fact, knowingly declined to proceed further under the contract because the price "fill out" and the market declined. They decided they did not want to make a claim at the time for economic, personal economic reasons.

Everybody who has heard the claim except the committee here has agreed that the company is not entitled to any payment.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. As I understand this, the Congress sent the case to the Court of Claims as a reference case to make a determination, and the court came back with a decision they were not entitled either in equity or in law to the relief they sought. There would be no point in referring it to the Court of Claims if now we were to say, "We do not care what the court said."

Mr. TALCOTT. The gentleman is absolutely correct. That is the situation in a nutshell. The contract is clear and fair. It has been reviewed and reviewed. The courts have rejected the claim. The 85th and 86th Congresses considered it and rejected it.

I believe we should continue to reject it on the basis of law and equity.

Mr. SMITH of New York. Mr. Speaker, I rise in opposition to the motion, and I yield to the gentleman from New York [Mr. HORTON].

Mr. HORTON. I thank the gentleman for yielding.

Many of the facts are as stated by the gentleman from California, but there is some information which I believe should be passed along for the edification of the

Members of the House before they vote on this bill.

It is true there is a large amount of money involved, almost $118,000. This represents 1,940 tons of steel which the Rochester Iron & Metal Co. paid for but did not receive.

This was lend-lease steel sent back to the United States and ultimately put up for bid. When it was taken off the ship it was not stored according to the size and shape of the steel. It was stored in mixed lots.

They had some 27 stacks of this particular steel in what they call squares and rounds. Each square and round was anywhere from 9 feet to 20 feet long and about 3 to 4 inches a round or square, weighing about 1 ton each.

The Government estimate was about 20 percent off. One of the concurring judges in his opinion said that a 20-percent shortage in the weight of the steel sold to the plaintiff hardly makes the Government's estimated weight approximate.

A bill was introduced by my predecessor in Congress, Mr. Keating, later Senator Keating. It was referred by the Senate to the Court of Claims for decision.

This was not a clear-cut decision. There were five judges on the Court of Claims. Two judges concurred in the majority opinion. One concurred in the decision, but took exception to the reasoning of the opinion, and two other judges dissented. So there was quite a difference in the opinions of the five Court of Claims judges.

The bill was then sent back. I presented this bill in the 89th Congress. There were hearings held by the committee. The bill was reported out. We did not have enough time in the 89th Congress to have the bill considered by the House. This year again there was a hearing by the committee.

In addition to that, my constituents came down and talked with representatives from the Judiciary Committee. They also spent many hours with the gentleman from New York [Mr. TENZER] talking about this particular problem.

There is no question that my constituents did not get 1,940 tons of steel.

Mr. TENZER. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I am glad to yield to the gentleman from New York.

Mr. TENZER. I read from the decision of the Court of Claims Commissioner:

> Accordingly, it is found that plaintiff—

Rochester Iron & Metal Co.—

> paid defendant—

The United States—

> at a purchase price rate of $60.78 per ton, the sum of $117,913.20 for 1,940 tons of steel which was not delivered to plaintiff.

The opponent of the measure recited here that there was a right of weighing it at the time it was taken out, because it was not possible to weigh it before.

Mr. HORTON. I want to mention that. It was imposible to weigh this steel. It was scattered out all over the yard, over several acres. It was impossible to weigh it until sold. The bottom fell out of the price on steel. My constituent was unable to do anything with the steel in question until 1955 or 1956. Thus, it was at least 2 years before they could weigh this steel out.

Someone made reference to the fact that the company was supposed to notify the Government if the weight was not accurate. They purchased the steel, in June of 1953, and were given only a month and a half until August 17, 1953, to make any revision in the Government's estimated weight.

My constituent did write to the Federal Government and asked for an extension because they could not weigh the steel. They had no way to weigh it until they actually took it out as it was sold. The extension was refused. This was one of the points in contention at the hearing. It seems to me equitable that this constituent who paid for steel should be reimbursed for the steel it did not receive.

Another very important point. This matter has gone to the court. They spent a lot of time on it. It was a divided court when the decision was rendered.

All my constituents asked for is the amount of money they paid to the Federal Government, without interest, $118,000, representing the shortage of steel which they did not receive.

Mr. TENZER. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman.

Mr. TENZER. Did you not testify before the Judiciary Committee on this case of injustice on the part of the U.S. Government which received $117,000 for steel which it failed to deliver to your constituent?

Mr. HORTON. Yes.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman.

Mr. SMITH of New York. Does the gentleman say that the contract did provide for an adjustment if the Federal Government were notified by a certain date?

Mr. HORTON. That is right.

Mr. SMITH of New York. And the claimant here did write the Government and ask for an extension of time because of the great amount of steel, 1,800 tons or more, to be weighed and the Government refused to grant such an extension?

Mr. HORTON. That is right. There was no reason to go further, since the Government refused to give them an extension of time. There was nothing they could do about it.

The bottom fell out of the steel market, and it was impossible for them to go out and sell it. To pick it up and weigh it some place else was prohibitive. It was only possible to weigh it when it was sold.

The SPEAKER. The question is on the motion offered by the gentleman from California [Mr. TALCOTT].

The question was taken; and on a division (demanded by Mr. TALCOTT) there were—ayes 65, noes 33.

Mr. HORTON. Mr. Speaker, I object to the the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 224, nays 100, not voting 107, as follows:

[Roll No. 338]

YEAS—224

Abbitt
Abernethy
Adair
Addabbo
Anderson, Ill.
Andrews, Ala.
Arends
Ashbrook
Ashley
Ayres
Baring
Bates
Battin
Belcher
Bennett
Betts
Bevill
Biester
Blanton
Boggs
Bolton
Bow
Brademas
Bray
Brinkley
Brock
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burke, Mass.
Burleson
Byrnes, Wis.
Carey
Carter
Casey
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Cohelan
Collier
Collins
Colmer
Cowger
Cramer
Culver
Cunningham
Curtis
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Dole
Dorn
Downing
Dulski
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Eshleman
Everett
Findley
Flood
Flynt
Foley
Ford, Gerald R.
Fountain
Fuqua
Galifianakis
Gallagher
Gathings
Gibbons
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanna
Hardy
Harrison
Harsha
Hathaway
Hechler, W. Va.
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kelly
King, N.Y.
Kleppe
Kornegay
Kuykendall
Kyl
Kyros
Laird
Latta
Lipscomb
Long, Md.
Lukens
McCulloch
McDonald, Mich.
McMillan
Machen
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
May
Mayne
Meeds
Michel
Miller, Ohio
Mills
Mink
Mize
Montgomery
Morris, N. Mex.
Moss
Murphy, N.Y.
Myers
Nedzi
Nichols
O'Konski
O'Neal, Ga.
Passman
Pelly
Pickle
Pike
Poff
Price, Tex.
Pryor
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reinecke
Roberts
Rodino
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Roush
Rumsfeld
Ruppe
St Germain
Saylor
Schadeberg
Scherle
Schneebeli
Scott
Selden
Sikes
Skubitz
Snyder
Springer
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Van Deerlin
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Whalley
Whitten
Williams, Pa.
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Yates
Zion
Zwach

NAYS—100

Albert
Andrews, N. Dak.
Aspinall
Barrett
Berry
Bingham
Blatnik
Bolling
Brooks
Brotzman
Broyhill, Va.
Burton, Calif.
Button
Byrne, Pa.
Cahill
Cederberg
Clark
Conable
Corbett
Daddario
Diggs
Dow
Dowdy
Duncan
Eilberg
Esch
Evans, Colo.
Farbstein
Fascell
Feighan
Fino
Fraser
Frelinghuysen
Friedel
Fulton, Pa.

Gilbert
Gonzalez
Gude
Halleck
Hanley
Harvey
Hays
Horton
Irwin
Kee
Kluczynski
Langen
McClory
McCloskey
McDade
McEwen
McFall
Madden
Mathias, Md.
Matsunaga
Meskill
Morgan
Mosher
Murphy, Ill.
Natcher
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Patten
Perkins
Pirnie
Poage
Price, Ill.
Pucinski
Reid, N.Y.
Reifel
Reuss
Rhodes, Pa.
Riegle
Robison
Rogers, Colo.
Ronan
Rooney, Pa.
Rostenkowski
Roth
Roybal
Ryan
Sandman
St. Onge
Scheuer
Schwengel
Shipley
Shriver
Slack
Smith, Iowa
Smith, N.Y.
Tenzer
Thompson, N.J.
Vigorito
Whalen
White
Wyman
Zablocki

NOT VOTING—107

Adams
Anderson, Tenn.
Annunzio
Ashmore
Bell
Blackburn
Boland
Brasco
Broomfield
Brown, Calif.
Buchanan
Burton, Utah
Bush
Cabell
Celler
Clawson, Del
Conte
Conyers
Corman
Dawson
Dingell
Donohue
Eckhardt
Edwards, Calif.
Evins, Tenn.
Fallon
Fisher
Ford, William D.
Fulton, Tenn.
Gardner
Garmatz
Gettys
Giaimo
Griffiths
Gubser
Gurney
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Heckler, Mass.
Helstoski
Henderson
Herlong
Hicks
Holifield
Hosmer
Hungate
Jonas
Karsten
Keith
King, Calif.
Kirwan
Kupferman
Landrum
Leggett
Lennon
Lloyd
Long, La.
McCarthy
McClure
Macdonald, Mass.
MacGregor
Miller, Calif.
Minish
Minshall
Monagan
Moore
Moorhead
Morse, Mass.
Morton
Nelsen
Olsen
Patman
Pepper
Pettis
Philbin
Podell
Pollock
Rarick
Rees
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Satterfield
Schweiker
Sisk
Smith, Calif.
Smith, Okla.
Stafford
Staggers
Stephens
Stratton
Ullman
Utt
Vander Jagt
Vanik
Watts
Whitener
Widnall
Wiggins
Willis
Wilson, Bob
Wright
Wylie
Young

So the motion was agreed to.

Mr. RODINO, Mr. NEDZI, and Mr. QUIE changed their votes from "nay" to "yea."

Mr. THOMPSON of New Jersey changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

> Title XV—(H.R. 8091. For the relief of Charles Waverly Watson, Junior.) By Mr. Downing.
>
> That the Secretary of the Treasury is hereby authorized and directed to pay out of any money in the Treasury not otherwise appropriated, the sum of $15,000 to Charles Waverly Watson, Junior, of Hampton, Virginia, in full settlement of his claims against the United States based upon the injuries he suffered on April 13, 1958, in the explosion of an aerial bomb on Plumbtree Island, York County, Virginia, and the resulting permanent disabilities and medical expenses attributable to that explosion. This claim is not cognizable under the tort claims provisions of title 28 of the United States Code because it is subject to the exception contained in subsection (a) of section 2680 of that title relating to discretionary functions of the Government: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MOTION OFFERED BY MR. HALL

Mr. HALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. HALL moves to strike out title XV, which begins on line 5, page 14, and ends on line 4 of page 15.

Mr. HALL. Mr. Speaker, this is probably one of the most unhappy amendments of all the omnibus bill, made palatable only because first, it is the last one of the list and, second, because there is a matter of principle and precedent involved.

This title of the omnibus bill, formerly H.R. 8091, is familiar to the House. It would pay the claimant, one Charles Waverly Watson, Jr., about $15,000 in settlement of claims against the United States arising out of injuries that he suffered in April of 1958 as a result of kicking an aerial practice bomb while he and two companions were visiting a forbidden marshy peninsula set aside as a military reservation for aerial gunnery and bombing practice, in the Commonwealth of Virginia in order to gather machinegun bullets.

Having landed by their boat or canoe, they assumed, since it was Sunday, that in spite of signs posted on the wharf adjacent to the island entitled "Warning—Danger Area—Bombing Range—No Trespassing—U.S. Government Property," that there was no danger on that day. They landed and walked down the beach of the island and passed another warning sign which, as nearly as could be determined, was similar to the first. They proceeded inland and observed bombs scattered about the grounds. One of the boys, named Sorokin, states, "they started messing with the bombs." On their return to their boat young Hastings' foot accidentally kicked the fin of a practice bomb which was rusted out on one side. It had not exploded on impact, but, paradoxically enough, it exploded and required only this motion to set it off. Young Watson received the full effect of the blast.

Mr. Speaker, I know we all regret this. Having repaired many such injuries and amputated many such legs as the left one which he lost, I am filled with compassion about it. He was mangled; he was temporarily blinded; and he was miraculously rescued. The amputation was a midthigh amputation. Young Watson did receive $10,000 from an insurance company representing a settlement of his claim against young Hastings who was the one who had inadvertently jarred the bomb.

Incidentally, Mr. Speaker, the report on page 2 erroneously indicates Robert Hastings received the full force of the blast. It was not. It was Watson.

The Department of the Air Force states if the administrative claim had been filed within the 2-year statutory period, it would have been cognizable under the Military Claims Act but that favorable consideration would not have been given even under that event, as the facts clearly establish the case of the claimant's contributory negligence. The claim, of course, is now barred by the statute of limitations.

The Department of the Air Force has been opposed to this every time it has been submitted. There was no objection to consideration on the part of some of the other departments. It was submitted in the 87th Congress and passed over by the House, with no action in the Senate. It was passed over without prejudice in the 88th Congress. It has been passed over throughout the 89th, and was finally objected to in this Congress simply without prejudice in order to get it off the calendar. It has been previously acted on. There is a dangerous question of establishing precedent. There is a matter of principle involved. I know that the same thing has happened on the bomb range in many other areas. The least that the Government can do in such a situation is to post adequate warning signs, which no one has gainsayed in this case, and given the best possible attention at the time in the hope that people who are in such an area can and will heed the signs.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I think it should be made clear that this young man was 18 years old at the time of this accident, and that he well knew that he was going onto a range which was used for aerial bombing purposes and for aerial gunnery and had gone to the island for the purpose of gathering machinegun bullets and casings.

Mr. HALL. That is right. This is not a case of weapons of that kind being brought onto the mainland and then put within reach of a child or something like that.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Missouri has expired.

Mr. TENZER. Mr. Speaker, I rise in opposition to the motion.

Mr. DOWNING. Mr. Speaker, will the gentleman yield?

Mr. TENZER. I yield to the gentleman from Virginia [Mr. DOWNING].

Mr. DOWNING. Mr. Speaker, this is a particularly compelling case and this House has passed this bill twice, once in the 87th Congress and once in the 88th Congress.

The facts as recited by my friend, the gentleman from Missouri [Mr. HALL] are absolutely correct. Plum Tree Island is a little island located 3 or 4 miles from Langley Air Force Base. The Air Force and the Army had formerly used it for a target range and a bombing range extending back ever since World War I and World War II.

Mr. Speaker, as a youngster, I knew of Plum Tree Island and I was tempted to go onto this island to get little articles, unexpended shells and other materials, but I did not, either because of my wisdom or lack of courage, but I suspect it was lack of courage.

But Plum Tree Island was in essence an attractive nuisance. These three young people went over there and at that time Charles Waverly Watson was 18 years old, one of the boys was 17, and one was 16. They went on Sunday because the Air Force would not be using the island at that time. They thought they would walk around and pick up machinegun clips and bullets. Many of the kids in the area had done that before. While they were there on the island one of the boys kicked the fin of an old bomb and it exploded, blowing Watson's leg off right at the midthigh as the distinguished gentleman from Missouri said. It blew it almost off. His leg was hanging just by the skin. The miracle of it all is that this boy lived to be brought back from the island, across the water to Langley Air Force Hospital where his life was saved by the doctors there. His recovery was dramatic.

Mr. Speaker, this young man now walks about on an artificial leg. The doctors say that his leg will continue to drain probably for the balance of his life and that he will suffer from abscesses. This is primarily why I am so anxious to ask the Congress to grant him this money. It is not compensation for his leg. My goodness, what is your leg worth? But it is to help defray the expenses for the care of his leg for the balance of his life. He is at the present time 27 years old. He is not married. He supports his mother and works for the Langley Air Force Base.

Mr. Speaker, the gentleman from Missouri [Mr. HALL] has said that there was contributory negligence involved and he is absolutely right about that. The boy should not have gone there in the first place but all of us know how much of an attractive dangerous nuisance this constitutes sitting right off the coast of Virginia. The Government must have known that it would attract youngsters.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Can the gentleman tell the House who at that point in time had title to Plum Tree Island? This will have a direct bearing on responsibility. I support this claim.

Mr. DOWNING. It was owned by the U.S. Government and it is my opinion that the Government has a duty and an obligation to either post this island better or guard it or put a fence up around it because it is a known fact that it is going to attract young boys.

Mr. WALDIE. Mr. Speaker, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from California.

Mr. WALDIE. Mr. Speaker, I rise in support of the position of the gentleman from Virginia [Mr. DOWNING] and with reference to the question of contributory negligence, is there not an assumption that the U.S. Government was negligent here also?

Contributory negligence simply means that these young men were negligent to the degree that bars them from collecting on their claim, and barring them from collecting from the Government which was negligent. If the doctrine of the assumption of risk is followed, the risk that the boys allegedly assumed was a risk created by the Federal Government. It would seem to me to be outrageous to suggest that the Federal Government can be negligent, or can have placed before these youngsters these risks, and yet these youngsters be barred from recovery. Let the Government clean that island out. This is a pretty good argument why they should clean the island out.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. MARSH. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Speaker, throughout this long afternoon, the House of Representatives has been attempting to "second guess" its own Judiciary Committee on a series of complex claims, cases mostly involving relatively small sums of money.

In all of these cases the Judiciary Committee, as I understand it, has unanimously recommended that the claims be paid, sometimes in reduced amounts, after hearings and detailed consideration by its subcommittee.

I have consistently voted to support the committee's recommendations. I think it is absurd, in this day and age of vitally important problems confronting the country, for the House of Representatives to have to spend long hours on such matters and to attempt, on the basis of a written committee report and a few minutes' debate, to review and pass upon these cases.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from Missouri [Mr. HALL].

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 3, noes 134.

So the motion was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TALCOTT

Mr. TALCOTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TALCOTT. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. TALCOTT moves to recommit the bill H.R. 16187 to the Committee on the Judiciary.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the omnibus bill.

The bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the various titles will be amended.

There was no objection.

PUGET SOUND PLYWOOD, INC., OF TACOMA, WASH.

Mr. TENZER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 857) for the relief of the Puget Sound Plywood, Inc., of Tacoma, Wash., which is similar to title IX of the omnibus bill (H.R. 4949) for the relief of Puget Sound Plywood, Inc., of Tacoma, Wash. I shall offer an amendment to the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Speaker, is it in order to consider an amendment by unanimous consent, or any other device, on an omnibus bill in view of the Rules of the House after the various titles have been approved, or this bill as a whole has been approved?

The SPEAKER pro tempore. The Chair will state that by unanimous consent the answer is in the affirmative.

Mr. HALL. Mr. Speaker, reserving the right to object, I will have to ask the gentleman from New York what the amendment does? What is the difference between the Senate bill that he is proposing for the recently House-passed bill?

Mr. TENZER. It is an amendment which will make the Senate bill the same as the bill passed by the House today reducing the amount from $44,016.62 to $9,593.72.

Mr. HALL. What is the purpose of using the Senate bill rather than the House bill?

Mr. TENZER. It would eliminate a conference. Both bills are identical except on that one point. This is the standard procedure where there is a Senate bill passed.

Mr. HALL. Is it not increased funding in the Senate bill?

Mr. TENZER. The Senate bill presently stands at 44 thousand and some odd dollars, that is, $44,016.22.

Mr. HALL. Does this House have the guarantee that there will be no further action on the Senate bill in this body when this has already passed?

Mr. TENZER. If this is reduced to 9 thousand and some odd dollars, as already passed by the House, then the bill would be approved by both Houses for the same amount. The Senate will have to adopt the House bill.

Mr. HALL. Mr. Speaker, in view of the gentleman's statement and his explanation, I withdraw my reservation of objection.

Mr. SNYDER. Mr. Speaker, further reserving the right to object, I just want to get this clear in my mind. We are putting in the Senate bill what the House provided for here.

Mr. TENZER. Exactly so.

Mr. SNYDER. But it is still in the House bill, in the omnibus bill, also.

Mr. TENZER. But when it goes to the Senate, it goes as a separate and individual bill under the rules.

Mr. SNYDER. The omnibus bill goes to the Senate; does it not?

Mr. TENZER. No; each bill is considered as an individual bill.

Mr. SNYDER. Then do we have your assurance that this one title will not go over to the Senate as a separate bill in addition to the Senate bill?

Mr. TENZER. You have the assurance that the Committee on the Judiciary will sustain the House action.

Mr. SNYDER. And it will just be going to the Senate as one bill?

Mr. TENZER. That is correct, and reducing the amount.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Puget Sound Plywood, Incorporated, of Tacoma, Washington, the sum of $44,016.62, in full satisfaction of all claims of the said Puget Sound Plywood, Incorporated, against the United States for compensation for losses incurred in connection with the performance of a timber sale contract (dated January 27, 1959, No. 12–11–036; 37850) between the said Puget Sound Plywood, Incorporated, and the Forest Service, Department of Agriculture, the said Puget Sound Plywood, Incorporated, having failed, under the road cost amortization rates provided in the contract, to recover a substantial portion of the estimated road construction costs specified: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

AMENDMENT OFFERED BY MR. TENZER

Mr. TENZER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TENZER: On page 1, line 6, strike out "$44,016.62" and insert "$9,593.72".

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4949) was laid on the table.

GENERAL LEAVE TO EXTEND ON H.R. 16187

Mr. TENZER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on any bill included in the omnibus bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The Clerk will call the next bill on the Private Calendar.

DR. EARL C. CHAMBERLAYNE

The Clerk called the bill (S. 747) for the relief of Dr. Earl C. Chamberlayne.

There being no objection, the Clerk read the bill, as follows:

S. 747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Earl C. Chamberlayne shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 9, 1952.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN THEODORE NELSON

The Clerk called the bill (S. 905) for the relief of John Theodore Nelson.

There being no objection, the Clerk read the bill, as follows:

S. 905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, John Theodore Nelson may be classified as a child within the meaning of section 101(b) (1) (F) of that Act, and a petition may be filed in behalf of John Theodore Nelson by Maude V. Nelson, a citizen of the United States, pursuant to section 204 of that Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEFINA FULGUEIRA

The Clerk called the bill (H.R. 3527) for the relief of Josefina Fulgueira.

There being no objection, the Clerk read the bill, as follows:

H.R. 3527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Josefina Fulgueria shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 14, 1960.

With the following committee amendment:

On page 1, line 4, strike out the name "Josefina Fulgueira" and substitute in lieu thereof the name "Josefina F. Viera".

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill for the relief of Josefina F. Viera."

A motion to reconsider was laid on the table.

AI BOK CHUN

The Clerk called the bill (H.R. 14380) for the relief of Ai Bok Chun.

There being no objection, the Clerk read the bill as follows:

H.R. 14380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, Ai Bok Chun may be classified as a child within the meaning of section 101(b) (1) (F) of the Act, upon approval of a petition filed in her behalf by Carl and Gertrude Eggebeen, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ZUMRUT SOOLEY

The Clerk called the bill (H.R. 14513) for the relief of Zumrut Sooley.

There being no objection, the Clerk read the bill as follows:

H.R. 14513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Zumrut Sooley may be classified as a child within the meaning of section 101(b) (1) (F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Frank N. Sooley, citizens of the United States pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, after the word "Act" change the period to a colon and add the following: "*Provided,* That the brothers or sisters of the beneficiary shall not, by reason of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE TILSON WEED

The Clerk called the bill (H.R. 14276) for the relief of George Tilson Weed.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DR. MARTIN ADOLFO ZALDIVAR AND MRS. JUANA MARIA HERNANDEZ DE GINER

The Clerk called the bill (H.R. 8245) for the relief of Dr. Martin Adolfo Zaldivar and Mrs. Juana Maria Hernandez de Giner.

There being no objection, the Clerk read the bill as follows:

H.R. 8245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Martin Adolfo Zaldivar and Mrs. Juana Maria Hernandez de Giner shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 1, 1962.

With the following committee amendments:

On page 1, lines 4 and 5, strike out the names "Doctor Martin Adolfo Zaldivar and Mrs. Juana Maria Hernandez de Giner" and substitute in lieu thereof the name "Doctor Martin Adolfo Giner-Zaldivar".

On page 1, line 7, strike out the date "June 1, 1962." and substitute in lieu thereof the date "January 26, 1962."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Dr. Martin Adolfo Giner-Zaldivar."

A motion to reconsider was laid on the table.

ANA YAP-DIANGCO

The Clerk called the bill (H.R. 13351) for the relief of Ana Yap-Diangco.

There being no objection, the Clerk read the bill as follows:

H.R. 13351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ana Yap-Diangco may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Crisanto A. Malihan, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendments:

On page 1, line 4, strike out the name "Ana Yap-Diangco" and substitute in lieu thereof the name "Ana Mae Yap-Diangco".

On page 1, lines 6 and 7, strike out the words "and Mrs.".

On page 1, line 7, strike out the word "citizens" and substitute in lieu thereof the words "a citizen".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Ana Mae Yap-Diangco."

A motion to reconsider was laid on the table.

ROBERTO QUERO

The Clerk called the bill (H.R. 17222) for the relief of Robert Quero.

There being no objection, the Clerk read the bill, as follows:

H.R. 17222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Roberto Quero shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 29, 1961.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSE ESTRADA

The Clerk called the bill (H.R. 15402) for the relief of Jose Estrada.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COSMINA RUGGIERO

The Clerk called the bill (H.R. 14786) for the relief of Cosmina Ruggiero.

There being no objection, the Clerk read the bill, as follows:

H.R. 14786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Cosmina Ruggiero may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, and a petition filed in her behalf by Giovanna Martinelli, a citizen of the United States, may be approved pursuant to section 204 of the Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANASTASIA D. MPATZIANI

The Clerk called the bill (S. 1652) for the relief of Anastasia D. Mpatziani.

There being no objection, the Clerk read the bill, as follows:

S. 1652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (25) of section 212(a) of the Immigration and Nationality Act, Anastasia D. Mpatziani may be issued an immigrant visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to the grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

With the following committee amendment

On page 1, line 11, at the end of the bill change the period to a "colon" and add the following: "*Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. HUGO VICENTE CARTAYA

The Clerk called the bill (S. 2250) for the relief of Dr. Hugo Vicente Cartaya.

There being no objection, the Clerk read the bill, as follows:

S. 2250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Hugo Vicente Cartaya shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 28, 1961.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. JULIO EPIFANIO MORERA

The Clerk called the bill (S. 2506) for the relief of Dr. Julio Epifanio Morera.

There being no objection, the Clerk read the bill, as follows:

S. 2506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Julio Epifanio Morera shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 5, 1961.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HENG LIONG THUNG

The Clerk called the bill (S. 2720) for the relief of Heng Liong Thung.

There being no objection, the Clerk read the bill, as follows:

S. 2720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the Immigration and Nationality Act, the periods of time Heng Liong Thung has resided and was physically present in the United States or any State since September 4, 1962, shall be held and considered as compliance with the residence and physical presence requirement of section 316 of said Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1722) for the relief of Mrs. Beatrice Jaffe.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

STEPHEN H. CLARKSON

The Clerk called the resolution (H. Res. 1216) to refer the bill (H.R. 3736) entitled "A bill for the relief of Stephen H. Clarkson" to the Chief Commissioner of the Court of Claims, pursuant to sections 1492 and 2509 of title 28, United States Code.

There being no objection, the Clerk read the resolution, as follows:

H. Res. 1216

Resolved, That the bill (H.R. 3736) entitled "A bill for the relief of Stephen H.

Clarkson", together with all accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims pursuant to sections 1942 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTATE OF PIERRE SAMUEL DU PONT DARDEN

The Clerk called the bill (H.R. 7502) for the relief of the estate of Pierre Samuel du Pont Darden.

There being no objection, the Clerk read the bill, as follows:

H.R. 7502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any period of limitations or lapse of time, claim for credit or refund of overpayment of Federal income taxes made by the late Pierre Samuel du Pont Darden for the taxable year 1959 may be filed by his administrator at any time within one year after the date of enactment of this Act. Sections 6511 and 6514 of the Internal Revenue Code of 1954 shall not apply to the credit or refund of any overpayment of tax with respect to which a claim is filed pursuant to this Act within such one-year period.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BEASLEY ENGINEERING CO., INC

The Clerk called the bill (H.R. 8588) for the relief of the Beasley Engineering Co., Inc.

Mr. **EDWARDS** of Alabama. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

REFERENCE OF H.R. 9826—BRANKA MARDESSICH AND SONIA S. SILVANI

The Clerk called the resolution (H. Res. 743) to refer the bill (H.R. 9826) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani" to the Chief Commissioner of the Court of Claims, pursuant to sections 1492 and 2509 of title 28, United States Code.

Mr. **TALCOTT**. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REFERENCE OF H.R. 13642—JESUS J. RODRIGUEZ

The Clerk called the resolution (H. Res. 954) referring the bill (H.R. 13642) to the Chief Commissioner of the Court of Claims.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MR. AND MRS. JOSEPH E. BEGNOCHE

The Clerk called the bill (H.R. 1756) for the relief of Mr. and Mrs. Joseph E. Begnoche.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER** pro tempore. It there objection to the request of the gentleman from Missouri?

There was no objection.

WALTER A. RADELOFF

The Clerk called the bill (H.R. 3472) for the relief of Walter A. Radeloff.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

NOEL S. MARSTON

The Clerk called the bill (H.R. 9567) for the relief of Noel S. Marston.

Mr. **EDWARDS** of Alabama. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

FIRST SGT. PATRICK MARRATTO

The Clerk called the bill (H.R. 13374) for the relief of 1st Sgt. Patrick Marratto, U.S. Army (retired).

There being no objection, the Clerk read the bill, as follows:

H.R. 13374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sergeant First Class Patrick Marratto, United States Army (retired), of Springfield, Massachusetts, is hereby relieved of liability to the United States in the amount of $786.46, the amount of an overpayment of compensation as a member of the United States Army in the period beginning June 1, 1950, and ending May 24, 1964, because of an administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

Sec. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sergeant First Class Patrick Marratto, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section. No part of the amount appropriated by this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike "$786.46" and insert "$786.20".

Page 1, line 8, strike "May 24, 1964" and insert "January 31, 1967".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN THOMAS COSBY, JR.

The Clerk called the bill (H.R. 14467) for the relief of John Thomas Cosby, Jr.

There being no objection, the Clerk read the bill, as follows:

H.R. 14467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legally appointed guardian of John Thomas Cosby, Junior, a minor, the sum of $10,000 in full settlement of the claims of the said John Thomas Cosby, Junior, of Prattville, Alabama, based upon the injuries and disabilities suffered in an accident which occurred on October 28, 1955, in Birmingham, Alabama, when he was struck by a wheel which had come off a post office truck.

No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be determined guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

This claim is not cognizable under the tort claims procedure as provided in title 28, United States Code.

With the following committee amendment:

Strike all after the enacting clause and insert:

"That notwithstanding the provisions of section 2401 of title 28 or any other statute of limitations or delay or laches or any prior release, jurisdiction is hereby conferred upon the United States District Court for the Southern Division of the Northern District of Alabama to hear, determine, and render judgment on the claim of John Thomas Cosby, Jr., of Prattville, Alabama, based upon the injuries and disabilities suffered in an accident which occurred on or about October 28, 1955, in Birmingham, Alabama, when he was struck by a wheel which allegedly had come off a United States Post Office truck. The action provided for in this Act shall be instituted within one year of the effective date of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HENRY E. DOOLEY

The Clerk called the bill (H.R. 17109) for the relief of Henry E. Dooley.

There being no objection, the Clerk read the bill, as follows:

H.R. 17109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. Henry E. Dooley, Mount View Terrace, Manchester Center, Vermont 05255, the sum of $394.49, in full satisfaction of his claim against the United States for reimbursement of the cost of transportation of the privately owned automobile of his son, Lieutenant (junior grade) James E. Dooley, United States Navy, from San Francisco, California, to Manchester Center, Vermont, the said Henry E. Dooley having transported such automobile at his own expense upon the receipt of official notification that his son was missing in action in Vietnam. No part of the amount appropriated in ths Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IDA GROUP OF MINING CLAIMS IN JOSEPHINE COUNTY, OREG.

The Clerk called the bill (S. 1470) for the relief of the Ida group of mining claims in Josephine County, Oreg.

There being no objection, the Clerk read the bill, as follows:

S. 1470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That failure of the claimants to comply with the labor and improvement requirements of section 2324 of the Revised Statutes, as amended (30 U.S.C. 28) upon the Ida group of mining claims in Josephine County, Oregon, shall not, during the pendency of the case of C. F. Pruess, Sr., Executor et al., against Stewart L. Udall (civil numbered 1331–62, in the United States District Court for the District of Columbia) and for six months after final decision in any subsequent court action involving that suit, open such claims to relocation or otherwise jeopardize whatever rights the claimants may have in the claims.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRANTING THE STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

The Clerk called the joint resolution (H.J. Res. 1034) granting the status of permanent residence to certain aliens.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. HALL and Mr. GROSS objected, and, under the rule, the joint resolution was recommitted to the Committee on the Judiciary.

GRANTING COASTWISE PRIVILEGES TO THE VESSEL "MARPOLE"

The Clerk called the bill (H.R. 12766) to permit the vessel *Marpole* to be documented for use in the coastwise trade.

There being no objection, the Clerk read the bill, as follows:

H.R. 12766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), the vessel known as the Marpole, official number CF4754CN, owned by (Mrs.) Jean C. Rowe, 334 25th Street, Santa Monica, California, 90402, area code 213, telephone EX 5–3034, shall be entitled to be documented to engage in the fisheries and the coastwise trade upon compliance with the usual requirements, so long as such vessel is, from the date of enactment of this Act, continuously owned by a citizen of the United States. For the purpose of this Act, the term "citizen of the United States" includes corporations, partnerships, and associations, but only those which are citizens of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YUNG RAN KIM

The Clerk called the bill (S. 2706) for the relief of Yung Ran Kim.

There being no objection, the Clerk read the bill, as follows:

S. 2706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c), relating to the number of petitions which may be approved in behalf of adopted children, shall be inapplicable in the case of a petition filed in behalf of Yung Ran Kim by Mr. and Mrs. Charles R. Kiner, Junior, citizens of the United States: *Provided*, That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERRING U.S. CITIZENSHIP POSTHUMOUSLY UPON S. SGT. IVAN CLAUS KING

The Clerk called the bill (S. 2759) conferring U.S. citizenship posthumously upon S. Sgt. Ivan Claus King.

There being no objection, the Clerk read the bill, as follows:

S. 2759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Staff Sergeant Ivan Claus King, a native of Germany, who served honorably in the United States Army from May 12, 1965, until his death on October 2, 1967, shall be held and considered to have been a citizen of the United States at the time of his death.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

JAMES T. O'BRIEN

The Clerk called the bill (S. 2897) for the relief of James T. O'Brien.

There being no objection, the Clerk read the bill, as follows:

S. 2897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, James T. O'Brien shall, be held and considered to have been lawfully admitted to the United States for permanent residence as of June 30, 1927, upon payment of the required visa fee.

With the following committee amendments:

On page 1, line 4, after the word "shall" insert the following: ", upon his admission for permanent residence,".

On page 1, line 6, after the date "June 30, 1927" change the comma to a period and strike out the remainder of the bill.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHARD SMITH (NOBORU KAWANO)

The Clerk called the bill (S. 3024) for the relief of Richard Smith (Noboru Kawano).

There being no objection, the Clerk read the bill, as follows:

S. 3024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Richard Smith (Noboru Kawano) may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Technical Sergeant Robert E. Smith, a citizen of the United States, pursuant to section 204 of the Act: *Provided*, That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. DARIO DUQUE

The Clerk called the bill (H.R. 7957) for the relief of Dr. Dario Duque.

There being no objection, the Clerk read the bill, as follows:

H.R. 7957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Doctor Dario Duque shall be held and considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States and, notwithstanding the provisions of section 310(d) of that Act, he may be naturalized at any time after the date of enactment of this Act if he is otherwise eligible for naturalization under the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That, for the purposes of the Immigration and Nationality Act, Doctor Dario Duque shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 27, 1956, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ERDOGAN Y. BAYSAL

The Clerk called the bill (H.R. 14389) for the relief of Dr. Erdogan Y. Baysal.

There being no objection, the Clerk read the bill, as follows:

H.R. 14389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Erdogan Y. Baysal shall be held and considered to have been lawfully admitted to the United States on July 1, 1957.

With the following committee amendment:

On page 1, line 6, strike out the date "July 1, 1957." and substitute in lieu thereof the following: "June 27, 1957, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. JAIME E. LAZARO

The Clerk called the bill (H.R. 15060) for the relief of Dr. Jaime E. Lazaro.

There being no objection, the Clerk read the bill, as follows:

H.R. 15060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jaime E. Lazaro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 29, 1957.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. LYDIA L. LAZARO

The Clerk called the bill (H.R. 15061) for the relief of Dr. Lydia L. Lazaro.

There being no objection, the Clerk read the bill, as follows:

H.R. 15061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Lydia L. Lazaro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 25, 1958.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PVT. WILLY R. MICHALIK, RA15924409

The Clerk called the bill (H.R. 17022) for the relief of Pvt. Willy R. Michalik, RA15924409.

There being no objection, the Clerk read the bill, as follows:

H.R. 17022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Private Willy Michalik, a native of Germany, who served honorably in the United States Army from April 21, 1966, until his death on April 10, 1968, shall be held and considered to have been a citizen of the United States at the time of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. MANUEL E. TAYKO

The Clerk called the bill (H.R. 18274) for the relief of Dr. Manuel E. Tayko.

There being no objection, the Clerk read the bill, as follows:

H.R. 18274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Doctor Manuel E. Tayko shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 26, 1958.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ESTEBAN G. FRIERA

The Clerk called the bill (H.R. 18316) for the relief of Dr. Esteban G. Friera.

There being no objection, the Clerk read the bill, as follows:

H.R. 18316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Esteban G. Friera shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 8, 1959.

With the following committee amendment:

On page 1, line 6, strike out the date, "July 8, 1959." and substitute in lieu thereof the date "July 9, 1959.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRANTING THE STATUS OF PERMANENT RESIDENCE TO MARIA MERCEDES RIEWERTS

The Clerk called the joint resolution (H.J. Res. 1287) granting the status of permanent residence to Maria Mercedes Riewerts.

There being no objection, the Clerk read the joint resolution, as follows:

H.J. Res. 1287

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of Maria Mercedes Riewerts, in whose case deportation was suspended in accordance with the provisions of section 19(c) of the Immigration Act of February 5, 1917, as amended (39 Stat. 889; 54 Stat. 672–673), the Commissioner of Immigration and Naturalization is authorized and directed to cancel deportation proceedings and, in accordance with the provisions of said section 19(c) of said Act, to record the alien's lawful admission for permanent residence as of August 3, 1925, upon payment of a fee of $18 to the Commissioner.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that a similar Senate joint resolution (S.J. Res. 185) be considered in lieu of the House joint resolution.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There being no objection, the Clerk read the Senate joint resolution, as follows:

S.J. Res 185

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the case of Maria Mercedes Riewerts, in whose case deportation was suspended in accordance with the provisions of section 19(c) of the Immigration Act of February 5, 1917, as amended (39 Stat. 889; 54 Stat. 672–673), the Commissioner of Immigration and Naturalization is authorized and directed to cancel deportation proceedings and, in accordance with the provisions of the said section 19(c) of the said Act, to record the alien's lawful admission for permanent residence as of August 3, 1925, upon payment of a fee of $18 to the Commissioner.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 1287) was laid on the table.

DR. GOMEZ RAFAEL PASCUAL AND HIS WIFE, SANTA MARIA DE PASCUAL YOLANDA DEL CARMEN

The Clerk called the bill (H.R. 11085) for the relief of Dr. Gomez Rafael Pascual and his wife, Santa Maria de Pascual Yolanda del Carmen.

There being no objection, the Clerk read the bill, as follows:

H.R. 11085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purposes of the Immigration and Nationality Act, Doctor Gomez Rafael Pascual shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 23, 1962.

(b) For the purposes of the Immigration and Nationality Act, Santa Maria de Pascual Yolanda del Carmen shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 30, 1961.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That, for the purposes of the Immigration and Nationality Act, Doctor Rafael Ramon Pascual shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 24, 1962."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Dr. Rafael Ramon Pascual."

A motion to reconsider was laid on the table.

DR. JOSEPH MOUSSAKHANI

The Clerk called the bill (H.R. 11253) for the relief of Dr. Joseph Moussakhani.

There being no objection, the Clerk read the bill, as follows:

H.R. 11253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Doctor Joseph Moussakhani shall be held and considered to have complied with the provisions of section 316 of that Act as they relate to residence and physical presence.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, for the purposes of the Immigration and Nationality Act, Doctor Joseph Moussakhani shall be held and considered to have been lawfully admitted to the United States for permanent residence on June 23, 1959, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. LUIS RAVENET

The Clerk called the bill (H.R. 12860) for the relief of Dr. Luis Ravenet.

There being no objection, the Clerk read the bill, as follows:

H.R. 12860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Luis Ravenet shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 12, 1962.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. AUGUSTO USATEGUI

The Clerk called the bill (H.R. 14016) for the relief of Dr. Augusto Usategui.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DR. ERNESTO JOSE GIRO

The Clerk called the bill (H.R. 15174) for the relief of Dr. Ernesto Jose Giro.

There being no objection, the Clerk read the bill, as follows:

H.R. 15174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Ernesto Jose Giro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 28, 1960.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. VIOLETA V. ORTEGA BROWN

The Clerk called the bill (S. 772) for the relief of Dr. Violeta V. Ortega Brown.

There being no objection, the Clerk read the bill, as follows:

S. 772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Violeta V. Ortega Brown shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 25, 1962.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. CHUNG CHICK NAHM

The Clerk called the bill (S. 1069) for the relief of Dr. Chung Chick Nahm.

There being no obection, the Clerk read the bill, as follows:

S. 1069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Chung Chick Nahm shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 1, 1954.

With the following committee amendment:

On page 1, line 6, at the end of the bill, change the period to a comma and add the following: "and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. SAMAD MOMTAZEE

The Clerk called the bill (S. 1327) for the relief of Dr. Samad Momtazee.

There being no objection, the Clerk read the bill, as follows:

S. 1327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Samad Momtazee shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 4, 1962.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. BONG OH KIM

The Clerk called the bill (S. 1354) for the relief of Dr. Bong Oh Kim.

There being no objection, the Clerk read the bill, as follows:

S. 1354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Bong Oh Kim shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 11, 1952.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. HERMAN J. LOHMANN

The Clerk called the bill (S. 2371) for the relief of Dr. Herman J. Lohmann.

There being no objection, the Clerk read the bill, as follows:

S. 2371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Doctor Herman J. Lohmann shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 10, 1957.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. FANG LUKE CHIU

The Clerk called the bill (S. 2477) for the relief of Dr. Fang Luke Chiu.

There being no objection, the Clerk read the bill, as follows:

S. 2477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Fang Luke Chiu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 12, 1955.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. RAMON R. AZARET

The Clerk called the bill (H.R. 15210) for the relief of Dr. Ramon R. Azaret.

There being no objection, the Clerk read the bill, as follows:

H.R. 15210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Ramon R. Azaret shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 6, 1962.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MARJORIE J. HOTTENROTH

The Clerk called the bill (H.R. 15476) for the relief of Mrs. Marjorie J. Hottenroth.

There being no objection, the Clerk read the bill, as follows:

H.R. 15476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Marjorie J. Hottenroth shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visa and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of the Immigration and Nationality Act, Mrs. Marjorie J. Hottenroth, the widow of a United States citizen, shall be deemed to be an immediate relative and the provisions of section 204 of the Act shall be inapplicable in her case."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. CARLOS M. PEREZ-ABREU

The Clerk called the bill (H.R. 15634) for the relief of Dr. Carlos M. Perez-Abreu.

There being no objection, the Clerk read the bill, as follows:

H.R. 15634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Carlos M. Perez-Abreu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 13, 1961.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERRING U.S. CITIZENSHIP POSTHUMOUSLY UPON SP4C. KLAUS JOSEF STRAUSS

The Clerk called the bill (H.R. 15969) to confer U.S. citizenship posthumously upon Sp4c. Klaus Josef Strauss.

There being no objection, the Clerk read the bill, as follows:

H.R. 15969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Specialist Four Klaus Joseph Strauss, a native of Germany, who served honorably in the United States Army from November 15, 1966, until his death on February 8, 1968, shall be held and considered to have been a citizen of the United States at the time of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ORLANDO BALEA

The Clerk called the bill (H.R. 16238) for the relief of Dr. Orlando Balea.

There being no objection, the Clerk read the bill, as follows:

H.R. 16238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Orlando Balea shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 29, 1962.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. JACQUES CHARBONNIEZ

The Clerk called the bill (H.R. 18174) for the relief of Dr. Jacques Charbonniez.

There being no objection, the Clerk read the bill, as follows:

H.R. 18174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jacques Charbonniez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 29, 1962.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REDDICK B. STILL, JR., AND RICHARD CARPENTER

The Clerk called the bill (H.R. 3193) for the relief of Reddick B. Still, Jr., and Richard Carpenter.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FRANCIS M. ROGALLO AND GERTRUDE S. ROGALLO

The Clerk called the bill (H.R. 9566) for the relief of Francis M. Rogallo and Gertrude S. Rogallo.

Mr. EDWARDS of Alabama. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MAE LAMA MINING CO., LTD.

The Clerk called the bill (H.R. 11255) for the relief of Mae Lama Mining Co., Ltd.

Mr. EDWARDS of Alabama. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

DR. AUGUSTO USATEGUI

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Private Calendar No. 552, the bill (H.R. 14016) for the relief of Dr. Augusto Usategui.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. TALCOTT. Mr. Speaker, reserving the right to object, I would like to state that I previously asked that the bill be passed over without prejudice.

I would now like to withdraw that request.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the bill, as follows:

H.R. 14016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Augusto Usategui shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 2, 1960.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 17126, EXTENSION OF FOOD AND AGRICULTURE ACT OF 1965

Mr. POAGE. Mr. Speaker, pursuant to rule XX of the rules of the House and at the unanimous direction of the Committee on Agriculture, I move to take from the Speaker's table the bill (H.R. 17126) to amend the Food and Agriculture Act of 1965, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

> Mr. POAGE moves to take from the Speaker's table the bill (H.R. 17126) to amend the Food and Agriculture Act of 1965, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

Mr. FINDLEY. Mr. Speaker, a parliamentary inquiry. I could not hear the proceedings, Mr. Speaker. My question is what is the parliamentary status at this point?

The SPEAKER. The Chair is about to put the question on the motion.

Mr. TALCOTT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman withhold that until the gentleman from Illinois has a chance to explore his parliamentary inquiry?

Mr. TALCOTT. I cannot hear the parliamentary inquiry, Mr. Speaker.

Mr. FINDLEY. Mr. Speaker, will the gentleman from Texas yield to me?

The SPEAKER. The gentleman from Texas under the rules would be entitled to 1 hour.

Mr. FINDLEY. Yes. Will the gentleman from Texas yield to me at this point?

The SPEAKER. Is the gentleman making a parliamentary inquiry?

Mr. FINDLEY. My first inquiry was as to the status of the parliamentary situation, which I understood the Chair to say that the Chair was about to call for a vote on the motion to go to conference. I understand that. My question now is whether the gentleman from Texas [Mr. POAGE] will yield to me.

Mr. POAGE. Mr. Speaker, do I have the floor?

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. FINDLEY. Will the gentleman yield?

Mr. POAGE. I yield to the gentleman for a question only.

Mr. FINDLEY. Can the gentleman give any guarantees to the Members of this body that the conferees on this bill will insist upon the provision of the bill which establishes a $20,000 limitation on payments? I ask this for the reason that the prospective conferees, as I know them to be identified, have each, with the exception of one on our side of the aisle, expressed their own personal objection to a limitation provision in the law or in the program. In the light of this objection so vehemently stated by each of them, with that one lone exception, I would like to have some assurance from the gentleman that the House conferees will, indeed, make a strenuous effort to insist on all provisions of the House measure, including the limitation on payments.

Mr. POAGE. I can answer to the gentleman it is my understanding that the rules of the House require the conferees on any bill at any time to make a serious effort to sustain the position of the House. It is my intention to seek to sustain the position of the House on this bill or any other on which I am appointed as a conferee on the conference. But it is also my understanding that the only purpose for a conference is to try to work out the differences between the two Houses which, of necessity, means that somewhere there must be some give on the part of each of the bodies. Undoubtedly that will be the case here.

I can no more predict than can the gentleman from Illinois what will finally be the result. But I do think that if we are to have any kind of orderly legislation that there must be a way whereby the representatives of this body and the representatives of the other body can meet and seek to work out their differences.

Mr. FINDLEY. Mr. Speaker, may I ask one question?

Mr. POAGE. Certainly. I yield for a question only.

Mr. FINDLEY. Can the gentleman from Texas give us assurance that the customary procedural handling of the conference papers will be adhered to?

The reason I raise that question is that there is within the rules of the House even though the Senate asks for the conference for the Senate to act first on the conference papers. In that event the Senate could accept the conference report on the part of its conferees and then the House conferees would bring the report here and then the question before the House at that point would be simply yes or no on the entire conference report. In other words, this would preclude any move to see that the $20,000 limitation is not dropped—this would preclude the House conferees from going back to conference and insisting upon that position.

I realize that the customary procedure would be for the conference papers to come first to the House.

I would like the assurance of the gentleman from Texas that that procedure will be adhered to.

Mr. POAGE. I can assure the gentleman that we are going to carry out this conference according to the rules of the House and the Senate, because I have never heard of carrying on the practice which the gentleman suggests. It may be a good one and maybe we ought to adopt it. But it has not occurred to me to engage in any chicanery that the gentleman suggests.

Mr. FINDLEY. It is entirely legal. We are following custom.

Mr. POAGE. We will follow the rules of the House and of the Senate.

Mr. FINDLEY. Is this procedure the usual procedure?

Mr. POAGE. I assume that the House procedure has been in accordance with the rules. I have never had any occasion to doubt the propriety of the procedures of the House. If the gentleman feels that the House procedures are out of order, we will try to correct them.

The SPEAKER. The question is on the motion offered by the gentleman from Texas [Mr. POAGE].

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FINDLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 223, nays 85, not voting 123, as follows:

[Roll No. 339]

YEAS—223

Abbitt
Abernethy
Albert
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Aspinall
Ayres
Barrett
Battin
Belcher
Bennett
Berry
Betts
Bevill
Blanton
Blatnik
Boggs
Bolling
Bow
Brademas
Brinkley
Brock
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burleson
Burton, Calif.
Byrnes, Wis.
Carter
Casey
Cederberg
Chamberlain
Clausen, Don H.
Collins
Colmer
Corbett
Culver
Cunningham
Curtis
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dickinson
Diggs
Dole
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Fascell
Feighan
Flood
Flynt
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Fuqua
Galifianakis
Gallagher
Gathings
Gibbons
Gray
Green, Oreg.
Griffin
Gross
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanna
Hardy
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Howard
Hull
Hutchinson
Ichord
Irwin
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Kleppe
Kornegay
Kuykendall
Kyl
Kyros
Laird
Langen
Latta
Lennon
Long, La.
Lukens
McCloskey
McCulloch
McFall
McMillan
Mahon
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Michel
Miller, Ohio
Mills
Mink
Mize
Montgomery
Morgan
Morris, N. Mex.
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
O'Hara, Mich.
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Perkins
Pickle
Poage
Poff
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Reid, Ill.
Reifel
Reuss
Rhodes, Pa.
Riegle
Roberts
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Schadeberg
Scherle
Schwengel
Scott
Selden
Shriver
Sikes
Skubitz
Slack
Smith, Iowa
Snyder
Springer
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Stuckey
Talcott
Taylor
Tenzer
Thompson, N.J.
Thomson, Wis.
Tuck
Tunney
Udall
Van Deerlin
Vigorito
Waggonner
Waldie
Wampler
Watson
White
Wilson, Charles H.
Winn
Wyman
Young
Zablocki
Zwach

NAYS—85

Adair
Addabbo
Anderson, Ill.
Baring
Bates
Biester
Bray
Burke, Fla.
Button
Byrne, Pa.
Cahill
Carey
Clancy
Clark
Cleveland
Cohelan
Collier
Conable
Cowger
Cramer
Daniels
Dent
Derwinski
Devine
Farbstein
Findley
Fino
Ford, William D.
Fulton, Pa.

Giaimo
Gonzalez
Goodling
Grover
Gude
Halleck
Halpern
Hanley
Horton
Hunt
Jacobs
Joelson
King, N.Y.
Lipscomb
Long, Md.
McClory
McDade
McEwen
Madden
Mailliard
Meskill
Minshall
Monagan
Mosher
Ottinger
Pelly
Pike
Pirnie
Railsback
Reid, N.Y.
Reinecke
Robison
Rodino
Rogers, Fla.
Roth
Rumsfeld
Ryan
St Germain
St. Onge
Sandman
Saylor
Scheuer
Schneebeli
Shipley
Smith, Calif.
Smith, N.Y.
Taft
Teague, Calif.
Thompson, Ga.
Tiernan
Watkins
Whalen
Whalley
Wolff
Wyatt
Wydler

NOT VOTING—123

Adams
Anderson, Tenn.
Annunzio
Ashmore
Bell
Bingham
Blackburn
Boland
Bolton
Brasco
Broomfield
Brown, Calif.
Brown, Mich.
Buchanan
Burton, Utah
Bush
Cabell
Celler
Clawson, Del
Conte
Conyers
Corman
Daddario
Dawson
Dingell
Donohue
Eckhardt
Edwards, Calif.
Evins, Tenn.
Fallon
Fisher
Friedel
Fulton, Tenn.
Gardner
Garmatz
Gettys
Gilbert
Green, Pa.
Griffiths
Gubser
Gurney
Hansen, Idaho
Hansen, Wash.
Harrison
Hawkins
Hébert
Heckler, Mass.
Helstoski
Henderson
Herlong
Hicks
Holifield
Hosmer
Hungate
Johnson, Pa.
Jonas
Karsten
Keith
Kelly
King, Calif.
Kirwan
Kluczynski
Kupferman
Landrum
Leggett
Lloyd
McCarthy
McClure
McDonald, Mich.
Macdonald, Mass.
MacGregor
Machen
Mathias, Md.
Miller, Calif.
Minish
Moore
Moorhead
Morse, Mass.
Morton
Moss
Nelsen
O'Hara, Ill.
O'Konski
Olsen
Pepper
Pettis
Philbin
Podell
Pollock
Pryor
Rarick
Rees
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Satterfield
Schweiker
Sisk
Smith, Okla.
Stafford
Staggers
Stephens
Stratton
Sullivan
Teague, Tex.
Ullman
Utt
Vander Jagt
Vanik
Walker
Watts
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Wright
Wylie
Yates
Zion

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Conte against.

Mr. Cabell for, with Mrs. Heckler of Massachusetts against.

Mr. Brasco for, with Mr. Kupferman against.

Mr. Annunzio for, with Mr. Mathias of Maryland against.

Mr. Fisher for, with Mr. Morse of Massachusetts against.

Mr. Fulton of Tennessee for, with Mr. Widnall against.

Mr. Gettys for, with Mr. Bob Wilson against.

Mr. Jonas for, with Mr. Adams against.

Mr. Rhodes of Arizona for, with Mr. Stratton against.

Mr. Henderson for, with Mr. Broomfield against.

Mr. Holifield for, with Mr. Johnson of Pennsylvania against.

Mr. Smith of Oklahoma for, with Mr. Podell against.

Mr. Hungate for, with Mr. Utt against.

Mr. Nelsen for, with Mr. Minish against.

Mr. Kirwan for, with Mr. Williams of Pennsylvania against.

Mr. Pepper for, with Mr. Del Clawson against.

Mr. Leggett for, with Mr. Vander Jagt against.

Mr. Pryor for, with Mr. Hosmer against.

Mr. Pollock for, with Mr. Gilbert against.

Mr. Moore for, with Mr. Brown of California against.

Mr. Miller of California for, with Mr. Conyers against.

Mr. Rivers for, with Mr. Edwards of California against.

Mrs. Sullivan for, with Mr. Hawkins against.

Mr. Morton for, with Mr. Helstoski against.

Mr. Blackburn for, with Mrs. Kelly against.

Mr. Buchanan for, with Mr. McCarthy against.

Mr. Teague of Texas for, with Mr. Rees against.

Mr. Whitener for, with Mr. Resnick against.

Mr. Ashmore for, with Mr. Vanik against.

Mr. Celler for, with Mr. Yates against.

Until further notice:

Mr. Whitten with Mr. Bell.

Mr. Philbin with Mr. Gardner.

Mr. Donohue with Mr. Hansen of Idaho.

Mr. Boland with Mr. Brown of Michigan.

Mr. Macdonald of Massachusetts with Mr. Gubser.

Mr. Garmatz with Mr. Burton of Utah.

Mr. Fallon with Mr. Gurney.

Mr. Friedel with Mr. Bush.

Mr. Dingell with Mr. Harrison.

Mr. Moorhead with Mr. Keith.

Mr. Kluczynski with Mr. Lloyd.

Mr. Anderson of Tennessee with Mr. McClure.

Mr. Corman with Mr. McDonald of Michigan.

Mr. Landrum with Mr. Schweiker.

Mr. Olsen with Mr. MacGregor.

Mr. Satterfield with Mr. O'Konski.

Mr. Green of Pennsylvania with Mr. Pettis.

Mr. Staggers with Mr. Roudebush.

Mrs. Hansen of Washington with Mr. Stafford.

Mr. Hicks with Mr. Wiggins.

Mr. Sisk with Mr. Wylie.

Mr. Evins of Tennessee with Mr. Zion.

Mr. Moss with Mr. Dawson.

Mr. O'Hara of Illinois with Mr. Machen.

Mr. King of California with Mr. Ullman.

Mr. Willis with Mr. Eckhardt.

Mrs. Griffiths with Mr. Herlong.

Mr. Stephens with Mr. Rarick.

Mr. Wright with Mr. Walker.

Mr. Watts with Mr. Karsten.

Messrs. MAILLIARD, BURKE of Florida, McDADE, GUDE, LONG of Maryland, SCHEUER, DERWINSKI, CAREY, and MONAGAN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PREFERENTIAL MOTION OFFERED BY MR. MAYNE

Mr. MAYNE. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. MAYNE moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 17126 be instructed to insist on the provisions of the first section of the House bill which read as follows:

"That the Food and Agriculture Act of 1965 is extended—

"(1) by striking out 'through 1969' wherever it appears and substituting 'through 1970';

"(2) by striking out '1966, 1967, 1968, and 1969' wherever it appears and substituting '1966 through 1970';

"(3) by striking out '1969' in sections 103 and 201 and substituting '1970';

"(4) by striking out '1967, 1968, and 1969' in section 402(b) and substituting '1967 through 1970';

"(5) by striking out '1970' in section 404 and substituting '1971';

"(6) by striking out '1966 through the 1969' in section 516 and substituting '1966 through the 1970';

"(7) by striking out '1968' and '1969' wherever they appear in section 602(k) and substituting '1969' and '1970', respectively; and

"(8) by striking out 'or 1969' in section 801 and substituting '1969, or 1970'."

Mr. MAYNE. Mr. Speaker, the effect of this motion is to instruct the House conferees to insist that the Food and Agriculture Act of 1965 be extended for 1 year only. This body voted for a 1-year extension when the matter came before the House on July 31 of this year. As a practical matter we all know that a 1-year extension is the only extension which would have any chance of passage in this session.

Furthermore, a 1-year extension will carry out the bipartisan agreement which was carefully worked out in the House Committee on Agriculture by Members on both sides of the aisle—Members who recognized that the terrible predicament of our farm families is far too serious to be kicked around as a political football in this election year.

A 1-year extension will give a new Congress, a new President and, hopefully, a new Secretary of Agriculture sufficient time next year to work on and to consider improved farm programs on the merits and free from the political temptations and pressures of an election year.

Therefore, Mr. Speaker, I urge all Members who are seriously interested not only in helping the American farmers, but who want to preserve and strengthen the economy of our entire Nation, to vote in favor of this motion.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MAYNE. I am happy to yield to the distinguished minority leader for the purpose of asking a question.

Mr. GERALD R. FORD. First let me express my appreciation for the opportunity to ask a question. May I also say, however, that I approve of the course of action taken by the gentleman from Iowa. I want his reassurance, however, because the motion to instruct is highly technical, whether it is a fact that its effect is to extend the legislation now on the statute books for 1 year?

Mr. MAYNE. That is correct.

Mr. GERALD R. FORD. I thank the gentleman for yielding.

Mr. MAYNE. Mr. Speaker, I move the previous question on the preferential motion.

The previous question was ordered.

The SPEAKER. The question is on the preferential motion offered by the gentleman from Iowa [Mr. MAYNE].

The preferential motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Messrs. POAGE, GATHINGS, PURCELL, FOLEY, BELCHER, TEAGUE of California, and Mrs. MAY.

DISPENSING WITH BUSINESS IN ORDER UNDER CALENDAR WEDNESDAY RULE TOMORROW

Mr. ALBERT. Mr. Speaker, after consulting with the distinguished Members of the minority leadership, I now renew my unanimous-consent request that the business in order under the Calendar

Wednesday rule be dispensed with tomorrow.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

Mr. **RUMSFELD.** Mr. Speaker, I reserve the right to object.

Mr. Speaker, the gentleman from Minnesota [Mr. MACGREGOR] objected to a similar request last week. Unfortunately, he is unavoidably absent from the Chamber this evening.

We recall that the reason for his objection last week was a sincere attempt to use the procedures of the House to bring to the floor the bill to amend the Federal election laws.

The reason for his objection was the fact that the so-called election reform legislation has not been scheduled for floor consideration during the course of this year, and the Calendar Wednesday procedure was available under the rules.

However, for this procedure to work, of course, it requires that there be some cooperation by the chairmen of the committees and the Members of the House to reach, through the call of the roll, on Calendar Wednesday, through the Committee on Agriculture, the Committee on Armed Services and the various other committees down to the Committee on House Administration so that that committee could then call up for consideration the election reform legislation.

Those of us who share the desire, to use the Calendar Wednesday procedure to gain floor consideration of the election reform bill have reviewed the number of bills that are eligible under the Calendar Wednesday procedure and it appears that the Committee on Agriculture has some eight bills that can be called up; the Committee on Armed Services has one bill; the Committee on Banking and Currency has seven bills; the Committee on the District of Columbia has five bills; the Committee on Education and Labor has nine bills; the Committee on Foreign Affairs has two bills; the Committee on Government Operations has six bills; and the Committee on House Administration has one bill in addition to the election reform legislation that that committee could call up.

It is clear that by using the Calendar Wednesday procedure, under these circumstances, with some 39 or 40 bills that could be called up tomorrow, we would not be able to achieve the goal that the gentleman from Minnesota and others of us have; namely, to bring to the floor the election reform legislation.

That being the case, and since none of us have any desire to delay the proceedings of the House or to engage in a futile act by using a procedure to attempt to bring up a bill which it is impossible for the House to have a chance to consider under that procedure—for that reason, we have no desire to continue to object.

I would like to say there still is a strong desire on the part of many Members on this side and I am sure on the part of Members on the other side for the House to have the opportunity to consider the election reform legislation this year, as well as the Legislative Reform Act.

For myself, and I know the gentleman from Minnesota, we intend to continue to use the procedures of the House and the rules of the House to see if we can bring about floor scheduling of those two bills before this House adjourns.

Mr. **PUCINSKI.** Mr. Speaker, will the gentleman yield?

Mr. **RUMSFELD.** I yield to the gentleman.

Mr. **PUCINSKI.** Mr. Speaker, what is the status of the gentleman's discharge petition?

Mr. **RUMSFELD.** There is a discharge petition filed with the Committee on Rules with respect to the Legislative Reorganization Act. It is my understanding, and the gentleman asked me off the floor just before we came into the Chamber the same question and I answered him the same way that I am now answering him, that within a matter of days a discharge petition will be available for the Reorganization Act at the Clerk's desk.

With respect to a discharge petition for the election reform legislation, it was our thought that we would attempt to use the Calendar Wednesday procedure. We have attempted that. It is clear to me at least that there is no chance for the election reform legislation to be brought up under this procedure.

The gentleman is correct if he is suggesting that a next logical step is a discharge petition.

Mr. **CURTIS.** Mr. Speaker, will the gentleman yield?

Mr. **RUMSFELD.** I yield to the gentleman from Missouri.

Mr. **CURTIS.** I am not quite sure I agree completely with what has been said. I believe I heard it said that because there are these bills that have been hoarded up in these various committees, therefore, the Calendar Wednesday procedure would not be an effective one to use.

I have no knowledge that any of the chairmen of these committees have been desirous of using Calendar Wednesday. If there were an attempt at this late date for them to use Calendar Wednesday, I would suggest that it would obviously be for other purposes; namely, to effect a delay in the consideration of the election reform bill.

I would observe further that the real problem that I think faces us, as far as having the election reform bill on the floor, is that the chairman of the House Administration Committee—and this is the word that is around and I presume it is true—would not attempt to call it up. The main thing is that Calendar Wednesday can be used if a majority so desires. But it is clear to me, at any rate—and this I do share with my friend from Illinois in respect to his views—it is clear the majority of those who control the committees have no desire to bring this matter up, and therefore Calendar Wednesday, under the circumstances, would be ineffective only because the chairman of the Committee on House Administration would not bring it up, and the possibility that the chairmen of other committees would seek to subvert the intention of the use of Calendar Wednesday.

Mr. **RUMSFELD.** I agree with the gentleman from Missouri, and that is my information. I would like to inquire and confirm of the majority leader, is it not a fact that chairmen of committees have indicated to you that it is their intention to use the opportunity that could conceivably come tomorrow under Calendar Wednesday to call up bills from committees other than the Committee on House Administration and, in fact, committees that would precede House Administration on the call of Calendar Wednesday?

Mr. **ALBERT.** Mr. Speaker, will the gentleman yield?

Mr. **RUMSFELD.** I am happy to yield to the gentleman from Oklahoma.

Mr. **ALBERT.** The answer is "Yes." Committee chairmen have advised me that if this procedure is used, they intend to take advantage of it to call up certain bills.

Mr. **RUMSFELD.** I thank the gentleman for his comments, and I withdraw my reservation.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM

Mr. **GERALD R. FORD.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. **GERALD R. FORD.** Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for tomorrow as best he can foresee it at this point.

Mr. **ALBERT.** Mr. Speaker, will the distinguished minority leader yield?

Mr. **GERALD R. FORD.** I yield to the gentleman from Oklahoma.

Mr. **ALBERT.** Mr. Speaker, after consulting with the distinguished chairman of the Committee on Foreign Affairs, we have put over until Thursday the calling of the conference report on the Foreign Assistance Act. We do, however, have two conference reports ready for tomorrow, one on military construction and one on national trails. There are additional bills which we have programed for the balance of the week. We would like to consult with the chairmen of the committees reporting those bills early in the morning before deciding which of them will follow the conference reports.

Mr. **GERALD R. FORD.** I thank the distinguished majority leader.

Mr. **GROSS.** Mr. Speaker, will the gentleman yield?

Mr. **GERALD R. FORD.** I yield to the gentleman from Iowa.

Mr. **GROSS.** May I ask the distinguished majority leader whether he plans to alter the order of the bills as set forth other than as indicated in the announcement just made.

Mr. **ALBERT.** The gentleman will recall that when we announced the program, we were confronted with a long Private Calendar day, which we have had, and with a Calendar Wednesday program. We said at the time, in view of that, if a change occurred in the programing of either or both of those matters, there might be some changes in the order in which the other bills on the program would come up.

Mr. GROSS. Mr. Speaker, will the gentleman give us the ones he thinks will come tomorrow?

Mr. ALBERT. Mr. Speaker, I have given the gentleman the two conference reports.

There has been some request that we bring up the Federal Magistrates Act—S. 945—as soon as possible. Before answering the gentleman's question directly, I should like to consult with the chairman of the Committee on the Judiciary, as well as the chairman of the Committee on Post Office and Civil Service, as to which one of these bills might be called first tomorrow.

Mr. GROSS. Mr. Speaker, what bill did the gentleman say would come from the Post Office and Civil Service Committee?

Mr. ALBERT. There are two. First is the bill concerning additional positions in certain executive agencies—H.R. 15890; second is civil service retirement financing—H.R. 17682.

Mr. GROSS. Mr. Speaker, is that the so-called supergrades bill?

Mr. ALBERT. Mr. Speaker, the gentleman is correct. The first one is the supergrade bill. There is also S. 2484, the extension of New Senate Office Building site, from the Committee on Public Works.

Mr. GROSS. Mr. Speaker, if the gentleman will bear with me, it is not the purpose then to bring up the conference report on the foreign aid bill until Thursday?

Mr. ALBERT. Mr. Speaker, the gentleman is correct.

Mr. GROSS. And the appropriation bill, the gentleman would think, would come this week?

Mr. ALBERT. I should think that would come early next week.

PERSONAL EXPLANATION

Mr. KASTENMEIER. Mr. Speaker, on rollcall No. 329, on September 16, 1968, I am recorded as not voting. I was unavoidably absent from the Chamber. Had I been present, I would have voted "yea."

TRIBUTE TO THE MEMBERS OF THE DESOTO HISTORICAL SOCIETY OF MANATEE COUNTY, FLA.

Mr. HALEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HALEY. Mr. Speaker, I have requested this time to pay tribute to a group of outstanding citizens of my congressional district, the members of the DeSoto Historical Society of Manatee County, more popularly known as the Conquistadores.

This group of business and professional men has done more to build good international relations than any single group of private citizens I have ever known.

Not only do the Conquistadores annually sponsor the DeSoto Celebration at Bradenton, Fla., reenacting the landing of Hernando DeSoto on Florida soil in 1539, but also they have an active relationship with Bradenton's sister city, Barcarrota, Spain, the birthplace of Hernando DeSoto. The Conquistadores have made three goodwill trips to Spain, visiting Barcarrota, Madrid, and other Spanish cities, strictly at their own expense. The Spanish people have reciprocated by sending descendants of Hernando DeSoto and representatives of the Spanish Government and the city of Barcarrota to the United States to participate in the annual celebration.

I include in the RECORD at this time a letter from Dr. W. D. Sugg, who has given outstanding leadership in this people-to-people program, and a translation of the article which appeared in the Sunday A.B.C. of May 14, 1967, featuring the Conquistadores and their 1967 pilgrimage to Spain. It is my understanding that A.B.C. is one of Spain's greatest weekly publications.

The letter and article follow:

BRADENTON, FLA.,
September 6, 1968.

Hon. JAMES HALEY,
House of Representatives,
Washington, D.C.

DEAR JIM: You will recall going with a group of the Conquistadores of Bradenton to see President Johnson before their making a fifteen day pilgrimage to Barcarrota, the birthplace of Hernando DeSoto, and other historic Spanish cities in 1967. You and your wonderful secretary had been largely instrumental in the arrangement of the meeting with the President. I am certain we never adequately thanked you.

We were royally received in Madrid, Seville, Granada, Cordoba, Toledo, Jerez de la Frontera, Algeciras, Barcarrota and elsewhere with receptions by officials and leading citizens, and were the object of attention by tens of thousands of people. I was told we were on national television three times and on radio, and I have a stack of Spanish newspapers several inches thick containing stories of our visit. It was the third such pilgrimage made by the Conquistadores.

I am including my rather poor translation of one article appearing in the Sunday *A.B.C.*, the leading illustrated national news medium, I believe. *Hoy*, another great national journal, also gave us a sympathetic write-up. The people of Spain seemed to regard us as a People-to-People gesture. The officials and scholars felt we were at last paying attention to the important role the Spaniards of the older days played in the exploration of North America.

The reaction of the general public was, I think, demonstrated by a charming Spanish lady whom Mrs. Sugg and I ran into in a shop in Madrid some two weeks after the main group of Conquistadores had gone home who recognized my Conquistadore blazer and asked me in somewhat British English if I were one of the Bradenton Conquistadores. She said she thought the Conquistadore pilgrimage, unofficial and representing a down-to-earth spontaneous small-town movement of people obviously not of Spanish antecedents, all paying their own way, was one of the finest things for Spanish-American relations one could dream of.

Through personal connections made with Directors of the People's Museum, the Naval Museum, the Archives of the Indes, the Spanish American Bureau of Culture, the Mayor of Seville and others, largely made possible by the Conquistador tour, and by Miss Elizabeth Sponenbarger's friendship (she accompanied us as an honorary conquistador and interpreter). Mrs. Sugg and I were able to obtain several thousand dollars worth of antiques and relics, including a marvelous facsimile of the Juan la Cosa map, all of which it has been our privilege to contribute to the South Florida Museum.

We have begun to plan a similar pilgrimage for May of 1969. We need to further plans for research of early Spanish-Florida history and we need to obtain much more material, and Spanish cooperation for the development of our museum courtyard. We have had promises of help from high Spanish officials in this development, but a vigorous follow-through is most necessary and this could best be done by the dramatic reappearance in Spain of our conquistador group. I am even trying to learn to speak a little of the Spanish language myself.

Our problem is that we do not wish to do anything unpatriotic, and a year ago Mr. Johnson discouraged travel abroad. You are close to affairs in Washington. I feel that anything we can do to build up the best of friendly relations with the Spanish people themselves may outweigh the spending of some $25,000 to $30,000 for travel expenses in Spain by our group, but we need very much to have your opinion on the subject. I feel Spanish friendship is important to our national defense, and that the continued development of the Spanish American historic facets of our museum and the Hernando DeSoto Historical Society's further researches are all of importance.

Will you please consider this problem and write me frankly about it. I think I will write Mr. Holland also. We need to start arrangements at once if we are to go.

Sincerely yours,

W. D. SUGG.

P.S.—I am hoping we can get Dan Blaloek, Sr., and Gertrude, and Mr. and Mrs. Shelton Moody to accompany us this time.

[Translation taken from Sunday edition of A.B.C. of May 14, 1967]

(NOTE.—A.B.C. is a national magazine published in Madrid and I think in Seville, and the nearest equivalent of the magazine Life in this country. My translation is at best halting.)

Tomorrow at five in the afternoon, following a precise itinerary, the bus of the "Conquistadores" of Bradenton will arrive at Barcarrota, the Extremaduran town at the foot of Santa Maria Mountain. Thirty-three North Americans will live one night under the same sky and in the same rough oak-forested country where almost five centuries ago Hernando de Soto, conqueror and Adelantado of the lands of Florida, entered the world.

In this unusual tourist company the role of Hernando de Soto of 1967 will be played by the banker Richard E. Turner, "a man of medium stature, light of foot, and a skilled horseman, of joyous countenance", as the historian Ignacio de Urrutia described the Spanish Captain who landed in Florida and discovered the Mississippi, the formidable mausoleum where he was buried.

"The Conquistadores of Bradenton" have flown to Spain. With their brilliant uniforms of the soldiers of the 16th century, they are going to travel again the Route of the Conquistadores and, why not?—It is also the route of the Flamenco, of the Spanish moor, of the Toledano. Perfect visitors, "The Conquistadores" never forget their cameras, which at times shine over their gleaming breastplates.

Understanding people! They have appeared many times in newspapers, in important magazines in full color, on the screens of television. Certainly they constitute a picturesque parade, gay, very American, with the technicolor of their pennants in the wind, the cavalry plumes of their mirror-like helmets, their cloaks of purple, their impeccable neck pieces. The brave Hernando de Soto who in 1539 disembarked in the bay he called the Bay of the Sacred Spirit, now called

Tampa Bay, would have had to have little imagination to see in that spectacular troop his own men.

The Conquistadores of Bradenton are taller, have bluer eyes, are more robust than the people of Barcarrota and the Extremaduran mountaineers and peasants,—and certainly they have better costumes and finer brocades than the Conquistadores of Spain in the years of the 1500's.

The tourist folders say that Bradenton, Florida is a prosperous city, county seat of Manatee County, on the banks of the Manatee. It occupies sixteen square kilometers and only has 40,000 inhabitants. It does not take photographs to imagine a countryside of chalets in green squares, blue roads and white fences.

When Hernando de Soto arrived on the beach which today bears his name, in the inner areas he found marshes, low areas, and arrows which rose from the mangroves. Bradenton and other pioneer cities, since the middle of the last century, have transformed the land of Florida. The plains are drained, punctuated with orange groves and plantations of flowers. And in our day has been the establishment on Cape Canaveral of the principal North American rocket launching base about which rise large industrial plants.

Tourism, nevertheless continues to be the chief wealth of Bradenton. In its harbor one sees dozens and dozens of Chris Crafts, true palaces in miniature in a beehive of outboards and sloops. Sun and blue sea are always guaranteed on the beaches of Manatee.

One of the most beautiful bathing beaches, with limpid water and white sand is "DeSoto Point" on the Southern bank of the Manatee. At this spot Hernando de Soto and his men disembarked in the year 1539.

In May of 1939 was celebrated here commemorative ceremonies of the 400th anniversary of the arrival of the Spanish conqueror in Florida. A Congressional Commission after research and extensive study had selected the point as approximately that of the landing of DeSoto and decided to transform the place, swamp and mangroves into a National Monument.

The City of Bradenton, situated only eight kilometers from "DeSoto Point", from the first has taken extraordinary interest in the commemoration. And in the following year, 1940, it celebrated the first DeSoto Pageant in the football field of the High School, a local institution. The occasion, half spectacle, half commemoration, was sponsored by the Chamber of Commerce. Four hundred years after DeSoto's day, the Spanish uniforms of the 16th century came back to gleam under the Florida sun. In 1941 the celebration took a new turn. It had been a night pageant with purpose of diversion. But in that same year there was founded in Bradenton the Historic Society of Hernando de Soto, with the double purpose of commemorating the landing and accumulating funds to research DeSoto and his era.

Pearl Harbor and all that came after that for the Americans saw to it that in the following years no one had the heart in Bradenton to clothe himself in the costume of a 16th century Spanish soldier. Men wore other uniforms less spectacular.

In 1946 the ceremonies were begun again, but this time with the innovation of the celebration on DeSoto Point itself. A widened program of festivities accompanied the celebration.

Since 1948 the Hernando de Soto Celebration has grown until its fame has spread all over North America and its hemisphere. Festivities last a week. The festivities range from bridge tournaments, professional baseball games, boat races, parades, selection of a queen, dinners, dances, to an orange colored snowstorm.

Naturally the *plato fuerte* the main event of the program is the commemoration of the landing. Thirty bearded uniformed Conquistadores arrive on a boat disguised as the San Cristobal, the flagship of DeSoto.

Hundreds and hundreds of Cris-Crafts, of outboards, of boats of every description meet and guard the Conquistadores. Thousands of bathers wait on the beach. Among the Conquistadores groups of blond girls wear garlands and skirts of Spanish moss. They are "Indians". Blond youths with bare chests and bows and arrows play the parts of Timucuan Indian warriors.

Arrived on the land "Hernando de Soto" and his men kneel in prayer. Only the priest who accompanies them, in recent years always the role of Jerome Davis, remains standing with his great cross on high as he prays.

No one takes these ceremonies as a joke. Under the technicolor and spiciness of America is the emotion of a people who take pride in their early history, which is Spanish. It is the same as in the fiestas of the Moors and the Christians of our Levant, where the dialogue is never in Arabic or Romance Castillian, in Bradenton they speak English, their own idiom of the day.

Clearly in these sequences there are things which grate a little on our thinking as an old people. Without doubt for one reason or another it is good that this should be. An Imperial Roman would have smiled with indulgence before our squares of Roman soldiers of holy week. And surely to the ancient Greek it would have been the same before the copies of their festivals organized by the Romans, the Americans of classic antiquity.

The important thing is that in the smiles live more of tenderness than of irony, the emotion with which the Americans have built their own "Moors and Christians" fiesta based on those chapters of their history which they share with us of the centuries before the Mayflower.

The Conquistadores of Bradenton do not limit themselves to their costumed fiestas. The Society of Hernando de Soto has placed a monument at DeSoto Point and have encouraged historic studies relating to the Spanish Explorations of the territory of the United States.

Bradenton has also been declared a sister-city of Barcarrota. With this idea on one occasion the Conquistadores sent a check of 90,000 pesetas to the Mayor of that Spanish city. That sum, raised by popular subscription, was to assist the education of the children of the countrymen of DeSoto.

No one had asked that aid. No one records that today as in the past five hundred years Barcarrota has with its hard and mountainous surrounding country ever asked for help.

Certainly there is much emotion in this devotion for Spain arising in Bradenton without any official governmental organization. To men unselfishly interested and students as the surgeon W. D. Sugg who is presently participating in the expedition of the Conquistadores which now is visiting us, Bradenton owes its being inscribed among North American cities of more illustrious past; and in Spain that the epoch of the conquest will be admired today by uncounted people who will feel bound more closely to the more Universal chapters of our history.

The one hundred and fifty Conquistadores of Bradenton have ambitious projects. They are studying the construction of a galleon of the 16th century which could play the role of the "San Cristobal" in the ceremonies of DeSoto Point every year—helping build a South Florida Museum where an Extremaduran street will be developed reproducing the Birthplace of the Spanish Conquistador, and preserve documents and historic relics proclaiming the illustrious past of the territory and the greatness of the works of Spain.

Nor is it a wonder, perhaps, that many in old Spain will feel ourselves conquistadores through the smiling, lusty, cinemographic Conquistadores of Bradenton.

F. VILLAGRAN.

CUTBACK IN FEDERAL HIGHWAY FUNDS

Mr. MORRIS of New Mexico. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. MORRIS of New Mexico. Mr. Speaker, I am dismayed and alarmed that the administration would once again attempt to hold back highway funds for the Federal-aid highway program under the guise of cutting the budget. According to the Secretary of Transportation, no new Federal-aid highway projects will be approved until December 1, 1968, in an administration effort to save $200 million toward the $6 billion budgetary slash called for by Congress.

Mr. Speaker, this action is a grave disservice to the American public. The highway trust fund, established for the sole purpose of constructing, improving, and maintaining the Interstate and ABC Federal-aid systems, is sustained by highway user taxes. It is not part of the general revenue fund of the Treasury and, for this reason, should not be diverted, suspended, or cut back to serve any other needs of the Government.

Already the completion date of the Interstate Highway System has been extended beyond its target of 1972 because of numerous delays in the construction program. The need for completion of this System at the earliest possible date is obvious. Further postponements and delays will further aggravate the accident rate and traffic congestion on the Nation's highways, increase the cost of highway contruction for mileage postponed, and disrupt planned construction projects entailing the loss of many jobs. The longer that funds are withheld, the greater the impairment to our highway program progress and to the entire economy.

The administration has ordered cutbacks on highway funds too many times already, then restored them, then cut them back again. As the American Automobile Association has aptly put it:

> If the nation's interstate highway program is ever going to be completed, it must continue in an orderly, uninterrupted fashion, free from the fiscal yo-yo tactics of the present Administration.

Use of the highway trust fund for other than specific highway purposes is not the intent of this Congress. The completion of our highway program is too vital to the safety and well being of our Nation to be toyed with and continually interrupted.

THE POLISH VESSEL "HUGO KOLLATAJ" AGAIN DOING BUSINESS IN AMERICAN PORTS

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent to address the

House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. **CHAMBERLAIN**. Mr. Speaker, this morning I again observed the Polish vessel, *Hugo Kollataj*, which delivered supplies to North Vietnam in November of 1966 and which, according to information supplied me by the Department of Defense, has more than once carried its cargoes to the enemy, doing business in an American port. Last Wednesday I reported on this ship's activities in New York where I watched tons of steel stamped "Made in Poland" being unloaded on Pier 8 in Brooklyn. Last Friday it was in Philadelphia. Today the vessel is in Baltimore where it is riding high out of the water at Pier 8, Locust Point, and, as I speak to you, this vessel is taking on a cargo of earthenware destined for Holland where, I am told, Dutch designs will be painted on it. Tomorrow this same vessel is scheduled to call at Norfolk.

It has now been some 2 weeks since the *Hugo Kollataj* first entered our waters, on September 1, at Boston, and I am satisfied that the administration is fully aware of this ship's activities. It is apparent to me that the administration could not care less. The only reaction I have noted is a desire to keep the whole sordid business as quiet as possible.

This is incredible. Here is a ship, owned and operated by the Polish Government, welcomed in five American ports for business as usual, after it has helped to feed a war machine that has so far cost the lives of over 25,000 Americans. These Communists must be laughing at us all the way to the bank.

This kind of trade does not build bridges of understanding. Rather this trade builds the bridges needed for Communist expansion and aggression throughout the world, whether in Vietnam or in Czechoslovakia.

As I pointed out in my remarks last Wednesday, the *Hugo Kollataj* has been blacklisted by the Maritime Administration since January 13, 1967, from carrying U.S. Government-financed cargoes out of the United States. However, the administration for several years has firmly opposed denying such vessels the use of our ports as recommended in my bill, H.R. 365. I have recently addressed a letter to the President urging that this policy be reconsidered and I include it at this point in the RECORD for the information of my colleagues:

> SEPTEMBER 14, 1968.
>
> Hon. LYNDON B. JOHNSON,
> *President of the United States,*
> *The White House,*
> *Washington, D.C.*
>
> MY DEAR MR. PRESIDENT: A vessel, *Hugo Kollataj*, currently "blacklisted" by the Maritime Administration for trading with North Vietnam is presently calling at American ports.
>
> This ship was first listed by the Maritime Administration in its report No. 9 issued January 13, 1967, and classified Department of Defense information contains confirming reports as to the dates of its arrivals in North Vietnam. The *Hugo Kollataj*, owned by the Polish government, entered Boston Harbor on September 1, 1968, New York Harbor on September 8, 1968, and is scheduled to make other stops at Philadelphia, Baltimore and Norfolk. This past Wednesday morning I personally watched the unloading of tons of Polish steel from its hold onto the docks of Pier 8 in Brooklyn.
>
> While this ship is only legally barred from carrying U.S. Government-financed cargoes out of the United States I would respectfully urge that the Government reexamine its policy and extend this prohibition to cover private trade in U.S. ports as well, as recommended in my bill, H.R. 365. Though it may be true that this commerce, in terms of tonnage and perhaps dollar value, does not amount to much, I feel very strongly that there is a deep moral question involved which compels me to ask why a vessel which has been helping to supply the enemy should be permitted to make profits in American ports on a business-as-usual basis, particularly with the present high level of American casualties in South Vietnam.
>
> Whether or not the closing of U.S. ports to such vessels would reduce Polish trade with North Vietnam is not of controlling importance. In view of the Government's recent restraints placed on relations with Poland and other Warsaw Pact countries due to their part in the invasion and suppression of Czechoslovakia as well as the part that Poland is helping to play in the invasion and suppression of South Vietnam, I simply can see no good reason why the *Hugo Kollataj* should be welcomed in U.S. ports.
>
> Respectfully yours,
> CHARLES E. CHAMBERLAIN.

Again, Mr. Speaker, I can only ask why should a vessel which has been helping to supply the enemy be granted the privilege of making profits in American ports.

My colleagues might be further interested to know that since we do not trust these Communists with whom we are doing business, the American taxpayers must pay the bill for maintaining a 24-hour surveillance of this ship. This requires the round-the-clock presence of a Coast Guard vessel and its entire crew. The activities of the *Hugo Kollataj* are being watched along the water-side, along the dock-side, as well as by a sentry at the gangway—all at the cost of the U.S. taxpayer—and this will continue as long as this vessel is in port.

This morning I was talking to one of our young servicemen who told me of his conversation last night as he was visiting with some of the Polish sailors from the ship. They related to this chap their travels twice with the *Hugo Kollataj* to Haiphong carrying support for the war—and volunteered that some of their cargo was of Russian origin. Is it any wonder that this U.S. serviceman, who himself wears a ribbon in recognition of his year's duty in Vietnam, seemed a bit bewildered as to why our Government would welcome this ship that has helped the enemy to our ports. But I say to you—not only is this young man bewildered, I too am bewildered—and frankly I think this is something that is bewildering to the American people. This ship has B.O.—a bad odor—and as far as I am concerned, so does every other ship that is sailing to Haiphong. The administration's tolerance of such shipping is a shocking breach of faith with our troops in Vietnam.

CONGRESSIONAL REORGANIZATION AND ELECTION REFORM

Mr. **MACGREGOR**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. **MACGREGOR**. Mr. Speaker, a number of the Republicans in the House are seeking to bring the congressional reorganization bill and the election reform bill to the floor of the House so that the Members of this body might have an opportunity to work their will on these two important pieces of legislation.

We are not without allies. The Christian Science Monitor, the New York Times, and the New Republic have recently expressed themselves in support of our efforts.

The Christian Science Monitor last Friday said as follows:

> The United States House of Representatives wants to reform everything except itself.
>
> While the public is looking the other way it is quietly shelving two reform measures on which a minority has worked two years.
>
> Both bills passed the Senate by big majorities.
>
> One bill would tighten lobby registration laws. The Senate swept it through a year ago, 75 to 9.
>
> Another bill would take the veil off big campaign contributors. Presidents Kennedy and Johnson have backed it * * * The Senate passed a version of the bill without a single dissenting vote, one year ago, 87 to 0.

The New Republic expresses itself as follows:

> The reforms embodied in their congressional reorganization bill are pretty mild. They would take postmasters and rural mail carriers out of the patronage system, a move that would delight most Democratic House members inasmuch as post office partonage has become a major irritant; they would open committee hearings to live televising and broadcasting and open appropriations hearings to everyone; and they would require lobbyists to make a more complete disclosure of their expenditures. The last item is the one that the "power structure" dislikes most in an election year. Fund raising by the Democratic congressional leadership is closely tied to lobbying efforts on the Hill.
>
> The election financing reform proposal is especially distasteful to the Democratic regulars. For it would repeal existing limits on contributions (they're hopelessly unrealistic) and close some loopholes. For instance, the present $5,000 limitation on individual contributions would still apply but, for the first time, in the aggregate to the candidate and supporting committees. It would no longer be legal to make $5,000 contribution to a dozen different committees for the same office-seeker.

Mr. Speaker, a number of us have sent out several signals to the Democratic leaders of the House. We are looking for some kind of a response. Almost any favorable response will do, Mr. Speaker, but before adjournment of this session we would like to have the opportunity in this body to consider under open rules the Congressional Reorganization and the Campaign Election Reform Reporting Act.

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include articles from the Christian Science Monitor, the New York Times, and the New Republic.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

[From the Christian Science Monitor, Sept. 13, 1968]

HOUSE CHEERS ON REFORM MOVES—EXCEPT FOR ITSELF

(By Richard L. Strout)

WASHINGTON.—The United States House of Representatives wants to reform everything except itself.

While the public is looking the other way it is quietly shelving two reform measures on which a minority has worked two years.

Both bills passed the Senate by big majorities; the present blockade is in the House Rules Committee.

One bill would tighten lobby registration laws. The Senate swept it through a year ago, 75 to 9.

Another bill would take the veil off big campaign contributors. Presidents Kennedy and Johnson have backed it. Mr. Johnson called the present Corrupt Practices Act "more loophole than law." The Senate passed a version of the bill without a single dissenting vote, one year ago, 87 to 0.

BOTH BILLS STALLED

Both bills are stalled in the House Rules Committee, which screens all House bills.

But now something new and dramatic has happened. A group of reform-minded Republicans have come pounding over the hill, like a Hollywood Western, to try to rescue the damsels—not one, but two—tied to the railroad ties as the adjournment train approaches.

They plan to use legislative obstructive devices to stall the House unless the Rules Committee relents.

OPEN DEBATE SOUGHT

The Rules Committee has the power to hold back legislation from the floor, or it can recommend a "closed rule" (blocking effective debate) which would be tantamount to defeating the measures.

"All we are asking is that the House be given the opportunity to express its will on both bills, under completely open rules," Rep. Donald Rumsfeld (R) of Illinois explained. A group of 16 Republicans, eight of them freshmen, launched the drive. They think they may have 30 activists on their side of the aisle, with possible recruits from the Democratic side.

The crusading Republicans may not be able to flag down the train but they hope to be able to wave, scream, and fire their six-shooters to attract public attention to the situation that has developed.

If the House doesn't vote on the bills before adjournment the tortuous process will have to begin all over again from scratch. It would mean that many of the proposals will wait at least to 1971 before they can be implemented.

Each of the two pending bills is an omnibus measure.

There is a wide sweep of congressional modernization in one, and an extensive series of proposals on publicizing campaign expenditures in the other.

BILLS WIDELY APPROVED

Both bills are watered-down versions of what political scientists have urged, but it is felt they are steps in the right direction.

The last legislative reorganization act was in 1946. Congress has lost prestige since then, many feel, as against the White House.

Many feel diminution of congressional power is because Congress won't put its own house in order. They fear Congress will continue to go down hill.

Congress, for example, can't get big appropriation bills passed in time, as the start of the new fiscal year, July 1. At present Congress is struggling with appropriations two months late, whose delay throws uncertainty and confusion over the executive departments concerned.

Theoretically "power of the purse" should make Congress equal to its two coordinate branches of government.

COMMITTEE POWER CITED

Congress however, and particularly the House, is run by entrenched chairmen of big committees, it is charged, picked by seniority.

Of the 20 House chairmen, 11 are 65 or over, and 7 are past 70.

They often come from small, rural, safe constituencies. It is charged that they lack understanding of young people, or of big cities. Their authority might decline if Congress were streamlined.

"There's a hidden power structure in the House," exclaimed Rep. Thomas B. Curtis (R) of Missouri. He charged that it led through the Democratic leadership and committee chairmen back to the White House.

ACTIVISTS CAN DO A LOT

The Republican activists can do a lot of annoying things, if they decide to.

It takes 40 minutes to complete a quorum call, for example, and a militant minority can demand almost unlimited calls.

Or they can ask a literal "reading of the journal."

Theoretically every session begins with a clerk reading yesterday's transcript. This normally is dispensed with by unanimous consent.

But one of Mr. Rumsfield's cowboys can always refuse consent.

Unlike the Senate House rules don't permit unlimited debate which sustains a filibuster. A determined House majority can crush a rebellion without much difficulty.

But it will be embarrassing for the Democratic majority if the band of angry Republicans keep on shouting and screaming.

So that's the scenario.

Here comes the adjournment train round the bend whistling and clanging; there are the hapless maidens tied to the tracks . . . here comes Rumsfield's rangers over the hill, yelling and shooting!

Result? See our next episode.

[From the New York Times, Sept. 16, 1968]

HOUSE OUT OF ORDER

Early last year the Senate approved a mild measure to streamline some of the procedures and practices of Congress. Its approval came after nearly two months in which the Senate debated and rejected much more ambitious reforms proposed by Senator Joseph Clark of Pennsylvania and other rebels against the Congressional Establishment.

If Speaker McCormack had been diligent instead of easygoing, he would have brought the reorganization bill to the floor in the House promptly and worked for its approval. But Mr. McCormack is a traditionalist who defers to the opinions of the committeemen and other senior colleagues, regardless of whether he thinks those opinions have much merits or not. Some of the committee chairmen in the House do not like the bill's strictures against transacting legislative business in closed-door session with nonrecord votes and restricting committee chairmen's use of the proxy of absent members. Others from rural districts object to the section in the bill which takes fourth-class postmasters out of the patronage system.

Because of these and other complaints, the bill has been the subject of private negotiations among House Democratic leaders for more than a year. By yielding on every disputed point, the negotiators arrived at a bill so innocuous the leadership is embarrassed to bring it to a vote. Representative Ray Madden of Indiana who, along with Senator Mike Monroney of Oklahoma, sponsored the original bill, is a loyal party man, but he has refused to lend his name to the feeble substitute.

As a result of this unnecessary dithering, the Democrats are now the target of a legitimate attack by their Republican opponents in the House. Representative Rumsfeld of Illinois and other G.O.P. members have resorted to dilatory tactics to call attention to the need for reform. Their criticism is valid, although their tactics, could be disruptive. The only responsible course is for Speaker McCormack to do now what he should have done eighteen months ago and bring the original bill to a vote.

Even the original Monroney-Madden bill would not touch the irresponsible seniority system, the swollen power of the Appropriations Committee and its subcommittee chairman, and the use of the "committee of the whole" as a master device for rewriting legislation without a roll-call vote. Since these reforms clearly require a long struggle, however, it is desirable to make the many secondary reforms and improvements which the bill would accomplish.

[From the New Republic, Sept. 21, 1968]

RESTLESS REPUBLICANS

The frustration felt by hundreds of Democrats in Chicago over the Johnson regulars' stranglehold on the political process is shared by a group of 13 "middle seniority" Republicans in the House of Representatives. The 13 have launched an open attack on the Democratic House leadership in an effort to pry loose two reform bills from the House Rules Committee—one to reorganize a few functions of Congress, the other to clamp new restrictions on campaign financing. Both bills passed the Senate in 1967.

"The power structure of the House isn't about to give us these reforms," charged Rep. Tom Curtis (R, Mo.), a man unaccustomed to radical rhetoric. Rep. Curtis identifies the "power structure" as Speaker John McCormack (he held an honorary post in Chicago), Majority Leader Carl Albert (who banged away at the podium), Majority Whip Hale Boggs (he carried out White House instructions as chairman of the platform committee), the chairman of "most of the standing committees" of the House and, as a finale, what Curtis describes as the "undercover" operation of the White House on "the Hill." In brief, the Democratic leadership that prevailed in Chicago.

How does it operate? Rep. Curtis says "they stop legislation they don't want and ram through legislation they do want."

The reforms embodied in their congressional reorganization bill are pretty mild. They would take postmasters and rural mail carriers out of the patronage system, a move that would delight most Democratic House members inasmuch as post office patronage has become a major irritant; they would open committee hearings to live televising and broadcasting and open appropriations hearings to everyone; and they would require lobbyists to make a more complete disclosure of their expenditures. The last item is the one that the "power structure" dislikes most in an election year. Fund raising by the Democratic congressional leadership is closely tied to lobbying efforts on the Hill.

The election financing reform proposal is especially distasteful to the Democratic regulars. For it would repeal existing limits on contributions (they're hopelessly unrealistic) and close some loopholes. For instance, the present $5,000 limitation on individual contributions would still apply but, for the first time, in the aggregate to the candidate and supporting committees. It would no longer be legal to make $5,000 contributions to a dozen different committees for the same office-seeker. Comprehensive and detailed reports of campaign financing would be required and would have to be submitted to an independent body. Honorariums, a favorite device by which lobbyists slip favored candidates an extra thousand or two early in the campaign, would have to be disclosed.

This open attack on the House Democratic leadership, which a good many Democrats have shown an interest in, is a measure of the growing sense of futility many members on both sides of the aisle feel after a few terms. It is being led by Rep. Don Rumsfeld (R, Ill.), 36 years old and in his third term (Rumsfeld checked in at the Conrad Hilton in Chicago the week of the Democratic Convention to observe the scene for the GOP). One staffer goes so far as to predict a "mass exodus of middle seniority members from both sides of the aisle" if the system by which the Congress is run isn't reformed to allow individual members to work more effectively.

UNWARRANTED ATTACK BY JACK ANDERSON

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KLUCZYNSKI. Mr. Speaker, Abraham Lincoln once said that you never get into a fight with a newspaper unless you own another newspaper of similar circulation in the same community.

That is as true today as it was in Lincoln's time, and for that reason I have no intention of getting into a fight with Mr. Jack Anderson, who, in a recent column, made an unwarranted attack on my integrity.

Mr. Anderson stated in his column that I have engaged in some sort of questionable activities and he used as the basis for this attack statements allegedly made to the FBI by a man named Frederick Ackerman.

The Anderson column states that Ackerman told the FBI he had contacted me by phone and tried to get me to intercede in behalf of a known hoodlum in Chicago.

Mr. Ackerman's statement—if, indeed, made to the FBI—is a complete and total falsehood.

I met Frederick Ackerman some 40 years ago when he was just a boy, and the adopted son of my neighbor.

I have not talked to Mr. Ackerman since 1928, and I have absolutely no idea what either he or Anderson is talking about.

The tragedy of this story, Mr. Speaker, is that Mr. Anderson called me and asked me about the report that he had received that Ackerman had implicated me in his statements to the FBI.

I assured Mr. Anderson that I have not talked to Mr. Ackerman in more than 40 years, and I told him that any statement attributing to me any association with any hoodlum in Chicago was untrue, unfounded, and an irresponsible attack on my good reputation in public office.

It is true, of course, that Mr. Anderson notes in his column that I have denied the charges. But what kind of morality are we witnessing in modern American journalism when a correspondent whose column reaches out to millions of people is permitted to carry in that column a story based solely on rumor and gossip and which has no basis in fact. And furthermore, what kind of journalism are we witnessing when we see this kind of story appear in the light of my emphatic assurance to Mr. Anderson that there is no basis for Ackerman's statement.

It is not my purpose to get into a quarrel with Mr. Anderson, but I want my colleagues to know the facts, and those facts are that I have had no conversations in person or by telephone with Mr. Ackerman or anyone else of this alleged character and associations.

I include a letter from myself to the Attorney General dated September 17:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 17, 1968.

Hon. RAMSEY CLARK,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Enclosed is a copy of the column "The Washington Merry-Go-Round" which appeared in *The Washington Post* on Friday, September 13, 1968. You will note the statements made in the second and fourth paragraphs with respect to Justice Department files and FBI reports. I would appreciate your providing me with the following information:

First, whether there are in fact Justice Department files which contain the allegations set forth in the second paragraph and whether there are FBI reports which contain the statements outlined; and

Second, if the files do in fact exist and do in fact contain the type of statements alleged in the column, when and upon what authority the files and reports were made available to Mr. Jack Anderson.

If such files and reports do exist, I should appreciate your making them available to me for my review.

Sincerely yours,

JOHN C. KLUCZYNSKI,
Member of Congress.

PROPOSED CONCURRENT RESOLUTION CALLING FOR ABOLISHING OF MANDATORY CONTROLS ON FOREIGN DIRECT INVESTMENT

The SPEAKER pro tempore (Mr. HECHLER of West Virginia). Under a previous order of the House, the gentleman from California [Mr. TUNNEY] is recognized for 60 minutes.

Mr. TUNNEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TUNNEY. Mr. Speaker, I am delighted to be joined by so many of my colleagues in the House in sponsoring this concurrent resolution and ask, therefore, that their names and a copy of the resolution be made a part of the RECORD at this time.

The resolution calls for the abolition of the mandatory controls on foreign direct investment established by Executive order of the President on January 1 of this year. The mandatory controls came on the heels of 3 years of voluntary controls in which American investors cooperated admirably. Until very recently, these controls have been described as "temporary," but there is more than a hint of permanence in the policy of these controls.

I have been amazed at the immediate outpouring of support from all segments of American business and industry for this resolution. I have also received numerous letters of support from prominent international economists from some of our best universities—Harvard and MIT among them.

The controls were initially described as a short-term expedient during the international monetary crisis associated with the devaluation of the pound and it was said at the time of their imposition that they could be justified only as a short-term expedient.

Mr. Speaker, that short term has already expired and the controls still remain.

The controls represent an extremely shortsighted policy; foreign investments have contributed materially to the U.S. balance of payments as a result of the return flow of earnings as well as through the creation, preservation, and servicing of export markets.

Far from worsening our balance of payments, foreign investments have long been a plus factor in our balance-of-payments position. Between 1950 and 1966, for example, our private foreign investments of $39 billion returned $58 billion to the United States. A curtailment of these investments therefore has the effect of killing the goose that lays the golden egg.

Foreign investments have been a major factor in the U.S. balance of trade, since 25 percent of our exports are to U.S. overseas affiliates and subsidiaries.

Controls on free investment abroad diminish the competitiveness of American companies in the international marketplace, and have the tragic effect of depriving those developing countries whose economies have been stimulated by our private foreign investments.

An extremely inequitable aspect of the mandatory program, Mr. Speaker, is that it hurts most those companies who voluntarily cooperated with the Government in 1965–66 during the voluntary phase. The companies voluntarily sent the vast majority of their overseas profits home, often delaying or drastically curtailing needed reinvestment in plant and equipment for their foreign subsidiaries. Under the present mandatory program, 1965–66 is used as a base period to calculate allowable investment and repatriation rate of profit in the future. This program hurts most the cooperative.

Mr. Speaker, this country has worked hard to improve the conditions of commerce between nations of the world. Yet these controls jeopardize the benefits of worldwide trade and investment developed with such great difficulty by this Nation over the past 40 years.

Furthermore, by forcing partly owned American foreign subsidiaries to send a large share of its profits to the United States, we play into the hands of those who are so quick to paint the picture of

American foreign enterprise as one of exploitation of other people, in other countries. I need not point out the adverse affect this has on our foreign relations with these countries.

Furthermore, these controls were established by Executive order with no direct authorization of supervision of the Congress—even though they are as fundamentally important to our economy as are taxing policies, which require the express authorization of Congress. I think it important that Congress express its deep interest in the control program quickly before the controls become a permanent part of our international investment picture.

Now is one of those times for enlightened self-interest, when a policy or a plan becomes contraproductive—when it works against itself—good sense dictates a reappraisal at the very least. That word "mandatory" works both ways, when a program works to the detriment of the national interest then it should be mandatory to take corrective action.

Therefore, Mr. Speaker, for both humanitarian and economic reasons, I believe the mandatory controls on foreign direct investments runs counter to the national interest of the United States and through this resolution I hope my colleagues will join me in calling upon the President to eliminate them at the earliest possible moment.

Mr. Speaker, the following Members of the House of Representatives are cosponsoring this resolution: Brock Adams, John B. Anderson, W. E. Brock, Garry E. Brown, Don Edwards, James G. Fulton, Robert Giaimo, Seymour Halpern, Richard T. Hanna, William D. Hathaway, Floyd V. Hicks, Frank J. Horton, Robert Leggett, Donald E. Lukens, F. Bradford Morse, Richard L. Ottinger, Benjamin Rosenthal, William V. Roth, Jr., Edward Roybal, Frank Thompson, Jr., Charles W. Whalen, Jr., William B. Widnall, Lawrence G. Williams, Paul Findley, Joseph Y. Resnick, Theodore Y. Kupferman, Edward J. Patten, John E. Moss, Bob Eckhardt, Carl D. Perkins.

The text of the concurrent resolution is as follows:

H. Con. Res. 815

Concurrent resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls on foreign direct investments

Whereas our foreign economic policy is a fundamental element in our Country's international affairs; and

Whereas peace and progress in the world and fulfillment of human needs and aspirations are enhanced by economic cooperation and commerce between nations; and

Whereas the conduct of our foreign affairs is facilitated and ameliorated by the flow of trade and investment between nations; and

Whereas it has been the consistent policy of this Country to remove the barriers to friendly and beneficial intercourse between nations; and

Whereas international investment among nations serves to reinforce ties of friendly relations and has in fact been a dominant force for World prosperity and economic growth in the post-war era; and

Whereas United States private investments abroad have been economically beneficial for the United States as well as the countries whose economies have been stimulated by our foreign direct investments; and

Whereas these foreign investments have contributed materially to the United States balance of payments as a result of the return flow of earnings as well as through the creation, preservation, and servicing of export markets; and

Whereas these foreign investments have been a major factor in the U.S. balance of trade since 25 percent of our exports are to United States overseas affiliates and subsidiaries; and

Whereas foreign investment controls jeopardize the benefits of world-wide trade and investment developed with such great difficulty by this Nation over the past forty years; and

Whereas controls on free investment abroad diminish the competitiveness of American companies in the international marketplace; and

Whereas foreign investment controls can be justified only as a short-term expedient in a monetary crisis; and

Whereas that short term has already expired; and

Whereas controls on investment flows will ultimately worsen our balance of payments by reducing foreign earnings, and increasing interest payments on foreign borrowings; and

Whereas the continuation of foreign investment controls on American enterprises abroad runs counter to the long range economic and foreign policy interests of the United States; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring) that the Congress of the United States regards the continued restraints and controls on American investment abroad to be an unwise and harmful economic policy and calls upon the President of the United States to end such controls at the earliest possible date.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. TUNNEY. I yield to the gentleman from Wisconsin.

Mr. REUSS. I commend the gentleman for bringing this resolution before the House and for his remarks here tonight.

The purpose of any sensible monetary system is to promote the great interest of free trade and free investment. Our international monetary system since Bretton Woods in 1944 has been based on rigid exchange rates and convertibility of the dollar into gold as the basis of the system. To preserve that system in the past 3 years this country has instituted counterproductive controls on U.S. investment abroad which the gentleman from California has been describing.

Here is the supreme irony the gentleman's remarks highlight: in order to preserve a system whose end is free investment we adopt means which shackle the very investment we ought to be promoting, so that the means become the end and subvert the true end of an international monetary system.

Now, the real cause of our persistent balance-of-payments deficit is our overextended U.S. position abroad, particularly in the military, an overextension which results today in balance-of-payments costs on an annual basis of a deficit of more than $4 billion. We need, of course, to rectify that deficit, but the way to rectify it is emphatically not by further shackling American investment abroad. We need, too, to make further reforms in the international monetary system which will protect the dollar and, by allowing some slightly greater flexibility in the exchange rates, permit voluntary adjustments and thus get rid of the whole paraphernalia and superstructure of controls we have unhappily built up.

The gentleman from California therefore performs a most useful public service in pointing out that these purportedly temporary controls over capital investment abroad are now truly calculated to kill the goose that laid the golden eggs. I hope the voice of the gentleman will be heard and I hope it will speed the impulse toward international monetary reform which is now a faintly glowing ember, to mix a metaphor. I hope that the gentleman's voice will focus the attention of our authorities on the real question of our balance-of-payments deficit which is swollen and overextended due to our military presence abroad. If these things are done, there is no reason under the sun why these controls on investment cannot be promptly lifted and why we cannot once again pursue the true aim of a sound international policy, which is maximum freedom for investment throughout the world.

I thank the gentleman for his great contribution.

Mr. TUNNEY. I want to thank the gentleman for his very articulate and intelligent statement.

Mr. BROCK. Mr. Speaker, will the gentleman yield?

Mr. TUNNEY. I am glad to yield to the gentleman from Tennessee.

Mr. BROCK. Mr. Speaker, I would like to join the gentleman in the well in this endeavor. I cannot help but remark how ironical it is that this Nation, which is not only the most productive in the world but a nation which has always had as its fundamental philosophy that we believe in the expansion of trade and the free flow of materials as well as ideas in our attempt to expand freedom throughout the world—I cannot help but remark how ironic it is that this Nation should attempt to create controls and to limit this free flow. It has proved regressive. It was regressive at the outset, in my opinion, and shortsighted. I fully concur that they should be removed at the earliest possible moment.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. TUNNEY. I am glad to yield to the gentleman.

Mr. CLEVELAND. I want to say that I listened with interest to the gentleman's remarks and congratulate him for making these remarks. It reminded me of the debate we had on the floor of the House not too long ago, although I have forgotten exactly when. As I recall it—and I would like to ask the gentleman if I am correct—that directly involved with what he has said is the interest equalization tax that we voted on either earlier this year or perhaps last year. Am I correct in saying that the general position he set forth would be in support of those of us who opposed the interest equalization tax for the reason we felt that tax would discourage investment abroad by the private sector of the United States?

Mr. TUNNEY. I think you have to be led to that conclusion.

Mr. CLEVELAND. I thank the gentleman for his words of approbation in favor of that vote of mine.

Mr. TUNNEY. Although I will say to the gentleman in all fairness that the interest equalization tax was once again put on for the short term to help our balance-of-payments situation for the short term. I think once any one of these palliatives becomes long term it destroys the very purpose for which they were enacted. The same thing is true with the interest equalization tax.

Mr. HATHAWAY. Mr. Speaker, will the gentleman yield?

Mr. TUNNEY. I am glad to yield to the gentleman.

Mr. HATHAWAY. Mr. Speaker, I am opposed to the current mandatory controls for a number of reasons. One principal reason is because it is unrealistic and does not help the less developed countries as it is supposed to. Let me illustrate:

The mandatory program arbitrarily divides the world into three categories: Schedule A, the less developed countries; schedule B, the United Kingdom, Japan, Australia, and the Middle East oil countries; and schedule C, Western Europe.

The regulations impose a virtual moratorium on capital transfers to schedule C countries, permit capital transfers of up to 65 percent of the 1965–66 average outflow to schedule B countries; and permit transfers of up to 110 percent of the 1965–66 average for schedule A countries. It would thus appear that the investment needs of the less developed countries have been carefully considered and that U.S. direct investment in them will continue to be encouraged.

This belief is fallacious because this tripartite division of the world ignores the actualities and interconnectedness of the direct investment process abroad. The payout period of investment in the less developed countries is longer and the investment risk is greater than in the developed countries. Companies tend therefore to invest first in the developed countries and then, from the strength accumulated there, to underwrite the less attractive investment possibilities in the less developed countries. Curb investment in the developed countries and you impair the earnings base which largely makes possible investment in the less developed countries. Secondly, for many industries, investment is a global affair. You invest in a less developed country to obtain raw materials or intermediates which are processed in a more developed country and which may well be marketed in yet other countries. The whole process from extraction to final sale is an indivisible process, covering many countries in very different stages of development. It makes no business sense arbitrarily to carve a continuum into segments according to the degree of development of the countries concerned. Impair one link in the chain and you weaken the whole. Restrictions on investment in Europe will automatically lead to a slackening in investments in the less developed countries which are at the other end of the chain.

By discriminating between developed and less developed countries, it had been anticipated that investment flows would be changed in favor of the less developed countries. That this hope was illusory may be seen from the recently released Government projections of U.S. direct investment abroad. The latest official survey—June 1968—shows that U.S.-projected direct investment in Latin America has been cut back 11 percent as against the projection made in December 1967, while for Europe it had dropped by only 4 percent, and for Canada it had increased by 1 percent. Actual U.S. direct investment in Latin America in 1967 was $1,258 million. In December 1967, projected direct investment for 1968 was $1,923 million, but in the June 1968 projection, it had fallen to $1,715 million. Thus, although the absolute amount will be higher in 1968 than in 1967, it will be 11 percent less than it would have been without the mandatory program—a shortfall of $208 million. The threat of the mandatory program to investment in the less developed countries which businessmen predicted and which was denied by Government thus seems to be substantiated by the actual progress of investment.

Mr. TUNNEY. I want to thank the gentleman for his most worthy contribution.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. TUNNEY. I yield to the gentleman from New York.

Mr. CONABLE. I thank the gentleman for yielding.

I am very interested in these statistics that have just been presented by the gentleman from Maine [Mr. HATHAWAY]. I wonder if the gentleman would yield to the gentleman from Maine for the purpose of his describing where they were discovered and as to whether or not they were made available from the Department of the Treasury or from the Department of Commerce.

Mr. TUNNEY. I yield to the gentleman from Maine for the purpose of responding to the gentleman's interrogation.

Mr. HATHAWAY. I would say to the gentleman from New York that these were obtained by my office staff and I do not know at this moment just where they were obtained but I assume they were obtained from the Department of Commerce.

Mr. CONABLE. Mr. Speaker, if the gentleman will yield further, I wonder if the gentleman in the well has had any information as to the result of the availability of this information that the Commerce Department was going to bury these regulations in any way? Certainly, they have been strong advocates of short-term measures as being necessary at this time because of the very serious trade balance which has afflicted us since these regulations were put into effect.

Mr. TUNNEY. One of the things that Mr. Cabot, Assistant Secretary, did say in a recent speech was that business might have to live with these controls for some time.

I believe it is quite clear in my conversations with representatives of the Commerce Department that they are making no move whatsoever to reconsider or reevaluate and change controls that now are in existence. I believe that what started off as a temporary voluntary program in 1965, and which now since January of this year has become a mandatory program, is indication that it may be a permanent part of the investment picture overseas. I believe that this would be disastrous to our foreign policy interests. I believe it would be poor from the viewpoint of our traditional thinking about world trade.

I also would like to say that it runs absolutely counter to the basic administration philosophy under the Foreign Aid Act which is to try and encourage foreign investment by having foreign insurance programs, insurance against war, insurance against fire, insurance against any loss that might occur overseas, and this runs counter to this policy.

So we see the administration in a paradoxical position where under one bill, the foreign aid bill, which we brought before the House just a few weeks ago, we are encouraging foreign investment, then on the other hand under the Executive order of the President in January 1968, we are trying to stabilize private foreign investment.

Mr. CONABLE. If the gentleman will yield further, I quite agree that this kind of short-term policy is bound to be underproductive in the long term, yet I wonder if there is any alternative in the face of the apparent world trade deficit at this point?

I am somewhat shaken by the statistics presented by the gentleman from Maine [Mr. HATHAWAY] which indicate this policy just is not working. I do not believe it will work for the long term, but I do not see why it should not work for the short term to improve what has become a disastrous plight to our balance of trade.

Mr. TUNNEY. I would say to the gentleman that the picture in this last quarter shows a remarkable upswing in the movement in money, dollars, into the United States, so that now apparently our balance of payments have reached an equilibrium.

Mr. BROCK. Mr. Speaker, if the gentleman will yield further, I would like to counter on that.

I believe that the influx is late, and it was not a positive influx, we still had a deficit of some $30 million in terms of gold alone, but that influx was in large part due to a temporary crisis, the crisis facing the President of some $20 million that came from France in the form of purchases. But insofar as the remarks of the gentleman from New York, I would like to point out this: That the program has been in effect for some 3 years.

Mr. CONABLE. The mandatory program?

Mr. BROCK. Yes. Now it is the law, so it is worse, as far as I am concerned. But the point is that our investments overseas until the initiation of the voluntary program were providing the largest single input factor into our positive balance of payments, some $3.3 billion.

Second, investments made overseas generally yield a return in 3 years. So we are already beginning to feel the negative impact of the action taken 3 years ago for certain reasons, which was in the immediate future. I think we can see a situation in which, frankly, we will have no hope for redress to a terrible difficult balance-of-payments situation within the next 2 or 3 years.

Mr. TUNNEY. I concur with the statement of the gentleman.

Mr. CONABLE. May I ask the gentleman in the well if he has any facts relative to mandatory repatriation of profits?

Mr. TUNNEY. That is a part of the whole picture, the mandatory repatriation on profits, it is part of the whole control program. I believe it is underproductive. This money should be allowed to be invested overseas so that these subsidiaries can maintain their fair share of foreign markets.

What is going to happen, in my opinion, is if you continue these controls over a period of time, and you have borrowing by the subsidiaries from foreign banks at a higher rate of interest, that then when the time comes to eliminate the controls you are going to have the Commerce Department say well, look, if we eliminate the controls then what these subsidiaries are going to do is go to an American bank and borrow the money to repay the foreign loan, and we are going to have a tremendous outpouring in dollars overseas. That is why we should keep the controls in force.

So in a sense what you are going to have the longer the controls remain on, the longer you are going to have reinforced the Commerce Department's position, which I believe is essentially wrong.

Mr. CONABLE. Let me say, the gentleman from California has made a contribution here.

I regret that we did not have this dialog at the time that these controls were being made mandatory.

I do think in the long term it is going to be counterproductive.

I do think we are going to have to watch the statistics very carefully because there is no question about it. The extent of our imbalance of payments is likely to precipitate further crises and short-term palliatives are not going to serve our national interest well if we continue them as we have in the past.

Mr. TUNNEY. I thank the gentleman.

Mr. LUKENS. Mr. Speaker, will the gentleman yield?

Mr. TUNNEY. I yield to the gentleman.

Mr. LUKENS. Mr. Speaker, I wish to address the House in support of the House Concurrent Resolution 815 calling upon the President to terminate the controls on foreign direct investments. The voluntary balance-of-payments program initiated in 1965 was considered a temporary measure. The mandatory control program put into effect this past January was likewise called a temporary measure. By the end of this year some form of temporary controls will already have been around for 4 years.

Mr. Cadle, Deputy Director, Office of Foreign Direct Investments, stated on August 22 that—

> U.S. businessmen will have to learn to live with the regulations, or some effective substitute, for at least a few years.

The significant long-term benefits of expanding trade and investment should not be further penalized by the continuance of these so-called temporary programs. Historically, the U.S. direct foreign investment income has proven to be a stable and consistently growing positive factor in the U.S. balance-of-payments picture. According to the Department of Commerce, the outflow of U.S. dollars for foreign direct investment increased from $600 million in 1960 to $3 billion in 1966, but during this period inflows resulting from these investments increased from about $1.5 billion to over $5 billion. The net favorable balance-of-payments impact in 1966 from foreign direct investments was $2 billion.

It is certainly reasonable to expect that future benefits from an expanding investment program overseas would result in even greater benefits for the future. Mortgaging future inflows from this very important source is an extremely expensive price to pay for temporary relief. Let us not kill the goose that lays the golden egg.

I support this resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls on foreign direct investments.

I rise in support of your stand and the basic thrust of House Concurrent Resolution 815.

I also would like particularly to commend the gentleman from Tennessee for his remarks and the observation that the most positive aspect of the balance-of-payments problem also has been foreign overseas investment.

I think all of us in the House, and most Members, and certainly the people of America today, are concerned about the negative aspect. This has been the decrease in the balance-of-payments situation.

I would like to pose a question to the gentleman from California also in this regard.

Have you been in contact with any officials of the Department of Commerce recently?

Mr. TUNNEY. Yes.

Mr. LUKENS. Did they give any indication perhaps that this attitude would change toward a voluntary release of this restriction on foreign overseas investments?

Mr. TUNNEY. My conversations with high officials in the Department of Commerce as recently as a week ago indicate to me that there is no thought whatsoever at the present time that they are going to eliminate, curtail, or amend these controls.

Mr. LUKENS. And the gentleman feels that basically one of the only outlets that this body has is the passage of House Concurrent Resolution 815?

Mr. TUNNEY. I think it should be made very clear to the administration that it is the sense of this body that foreign direct investment controls should be eliminated as expeditiously as possible.

Mr. LUKENS. I would like to join the gentleman totally in that statement and also perhaps in saying this: That we hope better times will be upon the United States in terms of the balance-of-payments problem come January next, and we certainly look for relief in this particular area should there be a radical change, for the good, in the administration.

Mr. TUNNEY. I cannot subscribe to the gentleman's last statement nor would he expect me to, but I want to thank the gentleman for his contribution.

Mr. WHALEN. Mr. Speaker, will the gentleman yield?

Mr. TUNNEY. I yield to the gentleman.

Mr. WHALEN. First, I want to congratulate the gentleman for taking the initiative in seeking to remove the foreign investment controls and I am certainly delighted to join with the gentleman as a cosponsor of House Concurrent Resolution 815.

I would just like to take a few seconds to express my opposition to these foreign investment controls.

I base this opposition on three factors. First of all, I do not think the control of foreign investments goes to the heart of our balance-of-payments problems. An analysis of our balance of payments will indicate that the private sector of the economy has generated a balance-of-payments surplus. The deficit has come from the governmental or public sector.

Thus, if you examine the 1966 balance-of-payments statement, you will find that the private sector created a $4.3 billion surplus. Of course, this is more than offset by the $5.6 billion deficit which was generated by the governmental sector.

Of course, this is largely due to our troop commitments of 320,000 personnel in Europe and 200,000 dependents there. This amounted alone to about a $2 billion balance-of-payments deficit.

So I will say that it would seem to me that the answer to the problem with respect to the question of the gentleman from New York [Mr. CONABLE]—the response to the question would simply be to go to the heart of the problem and this, of course, is our commitment abroad.

My second objection is, and I think this was expressed earlier by the gentleman from Wisconsin [Mr. REUSS] that in the long run these controls will dry up the other side of the balance-of-payments statement.

In 1966 the investment abroad by Americans amounted to $3.5 billion whereas the return on our investment in that year amounted to $5.5 billion.

It seems to me, if we are going to dry up the source of the return on our investment, we hurt ourselves in the long run in terms of the balance of payments.

Third and finally, I think our foreign investment controls raise serious doubts as to the credibility of our own foreign economic policy. We know, of course, the United States is taking the leadership in seeking to liberalize and free foreign trade. In 1944, for example, it was the

United States which took the leadership in establishing the International Monetary Fund. In 1947 we took the leadership in establishing the General Agreement on Tariffs and Trade. It would seem to me, therefore, that the foreign investment controls are a contradiction to this policy, and certainly would leave a great deal of doubt, I think, in the minds of foreigners with respect to our sincerity in this area. Thus I certainly join with you in the hope that those controls will be lifted within the very near future.

Mr. TUNNEY. I want to thank the gentleman from Ohio for his very knowledgeable statement. I appreciate his contribution.

Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Brown] may revise and extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of Michigan. Mr. Speaker, I was pleased to cosponsor House Concurrent Resolution 815 and I am not surprised at the support it has already generated from Members of both parties here in the House. I am particularly pleased that many minority members from the Committee on Banking and Currency have joined in sponsoring this resolution.

For several months the minority members of the Committee on Banking and Currency have publicly expressed their disagreement with President Johnson's mandatory controls on U.S. corporate investment abroad. As a matter of fact, as early as February 9 of this year, some 5 weeks after the imposition of these controls, 13 minority members of our committee expressed our opposition to controls on U.S. overseas investment in House Report 1095. At that time we said:

> The President's program of mandatory controls over direct investments dangerously underestimates the importance of emphasizing the need for increased rather than decreased U.S. direct investments abroad in the years ahead.

At this late date in second session of the 90th Congress, I see little likelihood of any hearings being scheduled on House Concurrent Resolution 815. Nevertheless, I hope as many Members of the House as possible who agree with our position will join with us in asking that the President lift these controls.

I think that this congressional effort will influence the next administration, and to the extent that we make our views known, we might see an early review of the entire balance-of-payments program. Certainly, if nothing else the performance of our seriously declining surplus on the trade account demands a complete review. No figure juggling or statistical gimmicks are going to be convincing to those monetary experts abroad whose policies and actions affect international monetary policy.

In closing let me take this opportunity to commend the gentleman from California [Mr. Tunney] for taking the initiative in introducing this resolution. Regardless of what happens on election day, in January I shall look forward to his continued support for an early end to these mandatory controls.

At this point in the Record, Mr. Speaker, I include in the body of the Record, following my remarks, the minority views to House Report 1095, to which I have referred earlier:

MINORITY VIEWS

INTRODUCTION

In the executive session of the Banking and Currency Committee considering this legislation, most of us abstained from voting to report the bill. We did so for two reasons. In the first place, only 20 minutes of the committee's time was devoted to considering the reporting of this bill which is of such far-reaching importance. In the second place, it seemed to many of us that the committee was acting prematurely.

The Ways and Means Committee is in the process of conducting balance-of-payments hearings and that information certainly is most pertinent to this legislation because it is the continuing balance-of-payments deficit which, from time to time, gives rise to drains on our gold stock. Further, while it is clear that we suffered a massive balance-of-payments deficit in the fourth quarter of last year, we do not yet have knowledge of the components of that deficit. These figures will not become available until about the middle of April.

The time schedule on this legislation certainly is not so critical that consideration of it could not be postponed for another couple of months. A look at the record is revealing.

FROM THE RECORD

In his February 6, 1961, balance-of-payments message, President Kennedy stated "* * * the United States must in the decades ahead, much more than at any time in the past, take its balance of payments into account when formulating its economic policies and conducting its economic affairs." Further, "Thanks to our international reserves we have time, if we use it wisely, in which to strengthen our domestic economy and make it fully competitive with that of other nations. Our situation is one that justifies concern but not panic or alarm." In commenting on basic factors in our monetary and financial position he pointed out "Our gold reserve now stands at $17.5 billion. This is more than 1½ times foreign official dollar holdings and more than 90 percent of all foreign dollar holdings. It is some two-fifths of the gold stock of the entire free world."

What is our situation today?

Our gold reserve now stands at $12 billion. It is approximately three-fourths of foreign official dollar holdings of $16 billion. Our gold stock is less than 40 percent of all foreign dollar holdings approximating $32 billion. It is less than 30 percent of the gold stock of the entire free world.

Have we used the time wisely since President Kennedy's 1961 declaration? The record clearly says no. Despite many actions that have been taken since 1961, on the record we simply have not solved our basic balance-of-payments problem and time is running out.

Nearly 3 years ago, we urged prompt, meaningful balance-of-payments action. In our April 1, 1965, minority views on legislation increasing the U.S. International Monetary Fund quota, we stated:

"Our chronic deficits in balance of payments have occurred in a period of general price stability and comparative cost and trade advantage vis-a-vis most of our trading partners. If inflationary pressures were to mount in the period ahead, the effects on world trade and free capital movement could be disastrous. This possibility appears more imminent today than in previous years as the Nation nears productive capacity. Under such conditions deficit financing can have a more dramatic and direct effect upon our prices, thereby further weakening our international competitive ability.

"Clearly, the time for meaningful action is now. We can no longer afford the luxury of hiding behind a series of delaying tactics constructed on a foundation of subterfuges and quiet financial maneuverings. Nor can we afford to scrap our tradition of free capital movements on the altar of wishful thinking, wasteful foreign aid, and restrictive controls on a free economy."

We have followed a guns and butter policy in our international as well as our domestic accounts. Under Secretary Barr submitted a table for the record showing that in the 21-year period, 1946–66, the private sector showed a net surplus in our balance-of-payments accounts of about $84 billion while for the 21-year period the Government sector showed a net deficit of about $115 billion. This suggests the need for altering our guns and butter international account policy and the setting of priorities in the government account. I also suggest the need of other free world countries assuming more of the burden of patron and protector of nations emerging from the dismantling of colonialism. Many of the balance-of-payments measures that have been taken by the administration have been palliative in nature. Upon each presentation of year-end figures, they have made the then current balance-of-payments figures look better than they actually were.

This was recognized in President Kennedy's balance-of-payments message to the Congress of July 18, 1963. He stated, "A significant portion of our progress so far has been due to special agreements with free foreign countries—for debt prepayments, advance payments for military equipment, and U.S. borrowings abroad. While similar arrangements may once again prove capable of covering a substantial amount of the gross deficit in 1963, such special transactions cannot be relied upon for the indefinite future." The palliative approach has continued right up to the present time including the statement of President Johnson in his January 1, 1968, message to the Nation on the balance of payments in which he advised, "I have directed the Secretary of the Treasury to explore with the chairmen of the House Ways and Means Committee and Senate Finance Committee legislative proposals to induce or encourage the repatriation of accumulated earnings by U.S.-owned foreign businesses."

While on the subject of President Kennedy's July 18, 1963, balance-of-payments message, we call attention to a statement that is of current interest. He said: "That is why early enactment of the comprehensive *tax reduction and revision* program previously submitted is the single most important step that can be taken to achieve balance abroad as well as growth here at home." In President Johnson's February 10, 1965, message to the Congress reviewing the international balance of payments and our gold position he observed: "Tax cuts and other measures to increase output, stimulate cost-cutting investment and holding prices steady have made U.S. products far more competitive in world markets." Then in his January 1, 1968, balance-of-payments message he stated: "No business before the returning Congress will be more urgent than this: To enact the anti-inflation tax which I have sought for almost a year." So, pay your money and take your choice.

A further review of the record is of interest. In his July 18, 1963, balance-of-payments message President Kennedy commenting on the need for further action on the balance-of-payments problem stated "Although there is urgent need for further effort I want to make it clear that, in solving its international payments problem, this Nation will continue to adhere to its historic advocacy of freer trade and capital movements, and it will continue to honor its obligation to carry a fair share of the defense and development of the free world." On October 25, 1964, there was a Presidential statement on economic issues. This White House release advises in a series of White House statements over the next few days the President would outline his position on some of the most important economic issues before the country. No. 3 of that series of press releases dealt with "Strengthening our Balance of Payments" and included therein is a statement "Moreover, we have refused to seek 'easy' and fast solution to our balance-of-payments problem through damaging controls and restrictions that would have curbed economic freedom, hurt our domestic prosperity, or damaged other countries' trade."

Then in President Johnson's February 10, 1965, message on balance of payments after outlining measures to further deal with the balance-of-payments problem, he stated, "These measures are designed to serve our balance-of-payments objectives without imposing direct controls on American business abroad. *We seek to preserve the freedom of the marketplace.*" But in the President's January 1, 1968, balance-of-payments statement we find that historic policy was reversed. Invoking authority of section 5(b) of the Trading With the Enemy Act of October 6, 1917, activated by the continued existence of the national emergency declared by Proclamation No. 2914 of December 16, 1950, the President subjected overseas investment by American firms to mandatory controls. In the opinion of many, this reversal of our historic policy is a cause of grave concern.

BALANCE OF PAYMENTS

We regard the balance-of-payments program announced by the President on New Year's Day as the latest in a long series of programs aimed at papering over the cracks in our international payments crisis. We will not embark upon a long and detailed discussion of the dangers inherent in a balance-of-payments program that asks the business and banking communities to withhold profitable overseas investments in order to attempt to achieve a short-run favorable impact on our payments deficit. Instead, we urge the House to read carefully the testimony of the witnesses who appeared before our committe during the brief hearings on this measure. We would, however, like to take this opportunity to make a few broad observations.

Based upon recent experience, can one be faulted for having little confidence in promises that the January program of mandatory controls on direct investments are temporary? Hasn't every other balance-of-payments program in recent years held out the promise of "temporary" duration? Moreover, to the extent that the latest controls over free capital movement and direct investment achieve their goals, won't their very "success" *insure* their permanence? In short, to the extent that decreased U.S. investments and capital outflows reduce next year's balance-of-payments deficit, won't this relieve pressure on this or future administrations to tackle the real problems that have caused our chronic payments deficits?

We are genuinely concerned that the priorities established by President Johnson in his January 1 balance-of-payments message seem to have been, to a large extent, suggested by those in Europe and elsewhere who for several years actively have campaigned against increased U.S. investments and so-called U.S. exported inflation. Can anyone seriously doubt that the crackdown on U.S. direct investments in Western Europe represented a notable victory for the policies of President de Gaulle? Disestablishment of U.S. investments is, unfortunately, a political obective in a growing number of areas around the world.

Keep in mind the President's program sets a savings target of only $500 million on Government programs which have been for many years showing a persistent deficit of several billions of dollars. In contrast, the private sector, which has consistently shown large payments surpluses, has a target of saving under the program of $2.5 billion. We are reminded of the favorite expression of Army noncoms to recruits, "Do as I say, not as I do."

More over, while the surplus on commercial trade declined to the dangerously low level of approximately $1 billion in 1967, receipts from direct investments abroad have been exceeding outflows by $1.5 to $2 billion in recent years. The conclusion we draw from these figures is that the President's program of mandatory controls over direct investments dangerously underestimates the importance of emphasizing the need for *increased* rather than decreased U.S. direct investments abroad in the years ahead.

Our economic policymakers have failed to understand the growing importance of the production of U.S. firms abroad. With the rising tide of protectionism, nationalism and regionalism adversely affecting the opportunities for normal growth of U.S. exports, we had better begin to appreciate the vital role U.S. technology, know-how and capital investment have played in the startling growth of what has come to be called "international production."

It has been estimated that the U.S. direct investment establishment overseas accounts for total product sales to the markets served of some $120 billion per year. Accordingly, product sales from direct U.S. investments amount to some *four times the size of our total exports*. The primary channel to foreign markets, therefore, is via foreign production rather than exports from production here in the United States.

We often hear of "disquieting similarities" between the present state of domestic economic affairs with earlier periods in our Nation's history. Whether or not this is so, we would like to suggest that there are indeed some disquieting similarities between the experience of Great Britain and the United States insofar as the balance-of-payments situation is concerned and the character of solutions being offered.

Contrary to currently accepted theories of Great Britain's difficulties, the major reason for the deterioration of the British balance of payments is not her trade deficit. Great Britain generally has had a trade deficit. In the past, however, she was able to make up the difference in her trade deficit and sustained British presence around the world through income on investments and services. Twice, after World War I and World War II, British investments were liquidated to the tune of 1 billion pounds or more each time. Their external debts increased, and Government expenditures abroad soared. As a result, the invisible income on investments and services has not been sufficient to meet these increased costs.

During the 9-year period, 1958 through 1966, Great Britain had a cumulative surplus of 3.6 billion pounds earned overseas by the private sector. Virtually all of this came from cash inflow from private investments overseas. Even on imports and exports of goods and services for the period, there was a cumulative surplus of 15 million pounds.

But in the public sector, during the same period, there were net Government expenditures abroad of 5.2 billion pounds, simply too much for the surplus in the private sector to overcome. And the country ended the period with cumulative net deficits in its external payments of 1.6 billion pounds.

It cannot be substantiated, therefore, that the underlying disequilibrium of Britain's balance of payments has been due to a persistent imbalance of the private sector's trade with the rest of the world. It has been due, on the contrary, to the fact that net Government expenditures overseas persistently have exceeded the surplus earned by the private sector. The insufficiency of foreign investment income was a fundamental reason for her retrenchment.

The United States is in danger if it continues as it has for all but one of the past 18 years to spend more on government account abroad than it can earn on private account, of losing the capacity to meet its international commitments. Lifting the gold cover will not correct this situation. At best it will only give us a very limited amount of additional time to make fundamental adjustments.

An editorial from the February 1968 issue of Fortune magazine warned that "The American business community had better wake up." It went on to say that "those who believe that private trade and investment are in fact the powerhouse for economic development had better get ready to fight. For that great big beautiful world of international business is rapidly approaching a state of siege."

The Fortune editorial reminds us of our sad experience during the hearings on this bill. In seeking to broaden the scope of the hearings to balance-of-payments considerations, we invited testimony from expert witnesses representing the international banking and business communities. As the printed hearings indicate, we met with total frustration in securing witnesses representing U.S. businesses with direct investments abroad. Since the bulk of the new balance-of-payments program is aimed at curtailing direct investments, we thought it was essential to hear from those most directly affected.

In answer to a question as to why businessmen were unwilling to appear, one of our Nation's leading international bankers testified:

"I recognize the sensitive nature of this question. I can report that I did discuss this specific question with a high official of an international business corporation. I asked him whether he had been invited to appear at these hearings, knowing that invitations were being extended to members of the business community, and he said he had not. I then asked him if he were invited, would he appear, and he said, 'No.'

"I then asked him why he would not appear, and his answer was, 'Fear of retaliation.' The present direct investment program cannot possibly operate unless numerous exemptions are granted. In this instance it was the fear that if somebody from this company appeared at these hearings and took a critical point of view, this might endanger or impair, or influence, or affect the decisions that the Department of Commerce might make in their applications for exemptions which they will be forced to make.

"I am making no generalization. I am giving you an accurate report of one interview."

The above quoted response accurately reflects our own encounters with the business community when witnesses were being asked to give the committee the benefit of their views. Whether it is fear of retaliation, apathy, or an effort to secure special exemptions from the mandatory controls makes little difference. Continued silence from international business on a matter so vital to its own future survival as well as our Nation's balance-of-payments problem is an invitation to executive and legislative indifference. Such an attitude merely underscores the Fortune warning that "the American business community had better wake up."

WAIVER OF THE 25-PERCENT GOLD COVER REQUIREMENT

Section 11(c) of the Federal Reserve Act gives the Board authority to waive the 25-

percent gold reserve requirement. Much history has been made on the use of such authority should a gold crisis occur. Chairman Martin of the Federal Reserve Board, in a letter of November 5, 1963, to former Senator Douglas, chairman of the Joint Economic Committee stated, "It seems reasonable to conclude that if this country's gold losses should continue to the point where the Reserve banks were unable to comply with the 25-percent statutory reserve requirement, there is ample authority under the present act to meet the situation without disrupting the economy or the international payments mechanism, and to provide time for Congress to Consider legislative action."

When Secretary of Treasury Dillon appeared before the Senate Banking and Currency Committee on February 2, 1965, in connection with the bill lifting the gold cover on Federal Reserve deposits, he made this statement: "President Johnson has recently reiterated the fixed policy of the United States to defend the present gold value of the dollar 'with every resource at our command.' The Chairman of the Federal Reserve Board has repeatedly made it clear that the existing gold reserve requirement need be no bar to our making good on that pledge. Present law provides that the gold requirement can be suspended—initially for 30 days, and subsequently for intervals of 15 days. It should be clearly understood by all that that provision of law could and would be invoked if required to meet foreign demands, and that the suspension would be renewed as long as needed."

When Secretary of the Treasury Fowler appeared before our committee on January 23, 1968, advocating passage of this legislation he made the following statement as one of the reasons for supporting the bill.

"While foreign authorities are aware of the fact that the Federal Reserve can suspend the cover requirement, they find it difficult to understand why the United States, the world's major reserve currency country, still maintains this legal impediment to the free international use of gold.

"Thus, legislative action on the cover requirement, by making it clear to the world that the Congress as well as the executive branch is committing our total gold stock to international use, is necessary to maintain confidence in the dollar."

It would appear that favorable action on this bill at this time is not a question of necessity. Instead it is a matter of judgment.

William B. Widnall.
Paul A. Fino.
Florence P. Dwyer.
Seymour Halpern.
W. E. Brock.
Del Clawson.
Albert W. Johnson.
J. William Stanton.
Chester L. Mize.
Benjamin B. Blackburn.
Garry Brown.
Lawrence G. Williams.
Chalmers P. Wylie.

Mr. TUNNEY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Thompson] may revise and extend his remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I wish to address the House in support of the House Concurrent Resolution 815 calling upon the President to terminate the controls on foreign direct investments.

The introduction of the mandatory controls did in effect announce to all countries that our American companies abroad are in fact aliens subject to the laws and regulations of the United States. We, therefore, must expect a considerable deterioration of the investment climate abroad for the U.S. companies. We must also expect retaliatory controls from the foreign governments.

The controls which have been placed on the direct investor can only serve to make it more difficult for business to make the important contribution needed to the critical balance-of-payments situation. American business must be competitive in the foreign market. We must not allow foreign competition to take advantage of these restraints of growth and improvements of U.S. business abroad and to make inroads on their market position. When business considers investment abroad, numerous things are weighed—the market, manpower, utilities, raw materials, taxes, the contribution to the local economy, and resulting dividends and royalties to the United States.

All these considerations must be matched to insure the desired inflow of benefits to the American investors. To further complicate matters by imposing on business an extremely complex form of mandatory controls from the United States and in turn the retaliatory controls abroad will seriously weaken the competitive position of American business.

This will all lead to less inflow to the United States and an increase in our balance-of-payments deficit.

Arbitrarily dividing the world into three major geographical areas is contrary to the economics of business. The scheduled areas do not permit business to pursue overseas investment opportunities with the maximum economic gains and needed flexibility.

American business is further handicapped in developing long-range plans as a result of the uncertainty created by the regulations. American business cannot remain competitive if it cannot plan ahead.

The income generated from direct investment in business operations abroad is a major source of the foreign income required to support our present foreign policy objectives.

I support this resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls on foreign direct investments.

Mr. TUNNEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Horton] may revise and extend his remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORTON. Mr. Speaker, fully 25 percent of all U.S. exports are generated by U.S. subsidiaries abroad. Total U.S. exports are running currently at about $33 billion annually. U.S. firms export about $8 billion plus in raw materials or finished products to their foreign subsidiaries. If we were to eliminate from total U.S. exports all agricultural products and foreign aid, the contribution made by U.S. firms to their foreign affiliates would be in the neighborhood of 40 percent of the total. By restricting the growth of foreign subsidiaries of U.S. corporations, the Government is reducing U.S. exports, or at best, hindering the expansion of exports. Let me explain how this occurs.

When determining the net transfer of capital to affiliated foreign nationals, the mandatory controls require the inclusion of any increase in the intercompany account balances since January 1, 1968. This requirement, in view of the request under the voluntary program to reduce intercompany balances to a minimum, could seriously affect exports to affiliated foreign nationals. The controls do not adequately recognize: First, the need to carry normal trade receivables from affiliates; second, that, as exports expand, receivables also increase; third, that the balances as of January 1, 1968, do not reflect average balances during the course of the year; and fourth, that receivables will increase as exports expand to meet unusual circumstances, such as interruption in normal shipping schedules. The mandatory program could force affiliated foreign nationals to find other sources of supply, particularly within their schedule area, in order to comply with the regulations.

The mandatory control program, by restricting direct investment in affiliated foreign nationals, also limits the retention of earnings in the affiliate since earnings are included in the definition of direct investment. As a result, the mandatory controls fail to give adequate recognition to the working capital requirements of affiliated foreign nationals, particularly in growth situations which have occurred since the voluntary program influenced base periods. This failure to recognize the need to retain a greater amount of earnings to finance growth could seriously affect the foreign operations and could also have an immediate adverse effect on exports from the United States since inventory needs expand to meet sales growth.

Aside from the widespread inequities because of the base periods selected, the massive administrative burden on government and business alike, and the interference in a company's international operations, there should be a recognition that the controls as presently formulated could not only have an immediate effect on exports, but could likewise have a longer range effect of a more serious nature on the investment returns in the future.

Mr. TUNNEY. Mr. Speaker, I ask unanimous consent that the gentleman from Delaware [Mr. Roth] may revise and extend his remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROTH. Mr. Speaker, the essence of the U.S. balance-of-payments problem is to be found in the excess of government expenditures abroad over private sector income.

What is the essence of the U.S. balance-of-payments problem? It is quite simply that the United States has since the end of World War II been pouring out into the world in military expenditures, expanded representation expenses, and so on, far more than we have been earning in foreign exchange. Between 1950 and 1966 net Government outflows amounted to $88 billion. Net private sector inflows amounted to $59 billion. There was thus a gap of $29 billion. No country is rich enough to set its foreign policy objectives without reference to balance-of-payments considerations. So long as the world was hungry for dollars the situation could continue. That era has now passed, and we can no longer postpone dealing with the essence of the problem.

The most important part of balance-of-payments strategy must therefore be the reduction in the excess of net Government outflow over net private inflow. But what are we doing about it? The President announced on January 1 that he would seek to save $500 million in the Government account but at the same time would seek an improvement of $1 billion in the private direct investment account. It is unlikely that any improvement will be made in the Government account, and it may well be worse at the end of the year. Meanwhile the administration is seeking to squeeze out more than normal returns from the private sector by placing obstacles in the way of expansion of the dollar earning assets of American business abroad.

It is said that this latter measure is only a short term, temporary expedient. But the administration has been saying that for 4 years, and the short term has now expired. With imports and exports precariously balanced and actually in deficit for the year to date, we depend more than ever on the income from private direct investments. In the light of the evidence it is incorrect to regard this income as subordinate to that provided by trade. Postwar experience demands that direct investments should be assigned a primary role as the source for the income necessary to support American foreign policy objectives. Indeed if we had encouraged more investment in the past decade we would now be enjoying higher returns on a permanent basis.

It is clear that at best the continuation of foreign investment controls is preventing a more rapid expansion of American business operations abroad and hence of the dividends we might be receiving from them, and at worst is actually causing business to be lost and thus denying us the dividends we desperately need. The payments problem of the United States can only be resolved by bringing public sector expenditures and private sector income closer together by cutting down Government programs abroad and increasing our dollar earning assets on a permanent basis.

I am pleased to announce my support for the Tunney resolution and congratulate my colleague for his leadership in this important matter.

Mr. TUNNEY. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. Mize] may revise and extend his remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MIZE. Mr. Speaker, I was pleased to join with several of my colleagues in the House in introducing legislation calling on the President to end the restraints and controls on American investment abroad. I congratulate the gentleman from California [Mr. Tunney] for initiating this effort here in the House of Representatives. My own companion bill, House Concurrent Resolution 820, was introduced yesterday, September 16.

Ever since early February, the minority members of the House Banking and Currency Committee have urged similar action and have been strenuous in their criticism of the President's action in this regard in the January 1, 1968, balance-of-payments program. As a matter of fact, Mr. Speaker, there has been considerable criticism of the manner in which these mandatory controls were applied, in that no legislation was required and the existing statutory authority used by the President traced back to the Trading with the Enemy Act of 1917.

Needless to say, it is a curious twist of irony that a program aimed at reducing U.S. corporate investment in friendly nations resorted to the Trading with the Enemy Act for its authority. In this connection, I was sorry to see that these concurrent resolutions have been referred to the House Committee on Foreign Affairs, in that the original Trading with the Enemy Act properly was reported from the House Committee on Interstate and Foreign Commerce in 1917, and all legislative matters dealing with balance of payments and tariffs since that time have been deliberated in the Committees on Ways and Means and Banking and Currency.

It is my understanding that the gentleman from Michigan [Mr. Brown], a cosponsor of these resolutions will be inserting in the Record of the debate today the full text of the minority views to the gold cover bill of February 9, 1968, in which 13 Members of the House detailed reasons why mandatory controls on U.S. corporate investment abroad are counterproductive and extremely shortsighted.

Recently, there have been reports in the financial press indicating that U.S. corporate subsidiaries abroad have been able to proceed with their activities, regardless of the controls imposed last January 1. They have been able to do so because the dramatic growth in the Eurodollar market has permitted these overseas subsidiaries to raise capital abroad at rates substantially and sufficiently competitive with rates they otherwise would have had to pay had they raised capital in the U.S. private money market.

This may be true, but it overlooks the fact that many small and medium size U.S. corporations have been effectively discouraged from investing abroad because of their unfamiliarity with the European capital market. In many instances, it is precisely these same small and medium size firms who have so much to offer and who should be the last to be discouraged from expanding their operations into new foreign markets.

For many years, the U.S. balance of trade of a magnitude of $4, $5, and $6 billion surplus per year has financed our military and foreign aid commitments abroad. The program announced by the President last January 1, tragically erred when it assumed that the balance of trade could continue to be our main source of offsetting deficits in the years ahead. It failed to recognize the growing importance of receipts and revenues from direct foreign investments. Indeed, many economic analysts claim that the biggest competitive edge enjoyed by the United States today with our trading partners is not on commercial, industrial and agricultural exports, but instead on technology, management, and know-how. Direct investments in U.S. overseas subsidiaries is the primary manner in which our competitive edge on technology, management, and know-how can be and should be exploited.

It may come as a surprise to many, but it has been estimated that the value of goods and services delivered to foreign markets by U.S. marketing and production facilities abroad, established by U.S. direct investments, now exceed by three or four times the value of total exports from the United States.

Mr. Speaker, it is time those in control of our balance-of-payments program were made to realize the importance of encouraging, rather than discouraging U.S. investment growth abroad. We have already witnessed how enduring stopgap, so-called "temporary" controls such as these become. I hope the voices of opposition here in the House will influence the next administration to review our entire balance-of-payments program to the end that such counter-productive controls such as these can be eliminated at a very early date in 1969.

Mr. TUNNEY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Edwards] may revise and extend his remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, U.S. affiliates abroad are legally local companies and cannot be used as tools of U.S. foreign economic policy without eventual retaliation.

American business has operated abroad for many years, some companies for almost a hundred years. Since World War II, however, American companies have greatly expanded their international operations abroad and in so doing have generated a substantial inflow of dividends, royalties, and fees. These net inflows now represent the largest single positive item in the balance of payments.

Though these business operations are controlled from the United States, they are in large part subsidiaries organized under foreign jurisdictions. An important condition for the acceptance in host countries of such companies is obviously that they should conform to local laws and policies. Over the years, therefore, American companies have sought to win this acceptance on a par with local companies as contributors to the growth and development of the nation of which they are legally corporate citizens.

The mandatory program with respect to direct investment, as the voluntary program before it, has announced to the world that the U.S. Government regards these companies even though incorporated under a foreign jurisdiction as American companies. It claims the right to control their cash flows and enforce under criminal penalties the return of earnings generated by the land, labor, and to some extent capital of a foreign country, even in cases where the U.S. company is a minor shareholder.

It is well known that though host countries recognize the need for foreign investment, they also have shown some concern lest foreign investors dominate their economies or follow policies contrary to those laid down by local authorities. The administration's program for controls of direct investment have given evidence that their concern is not unwarranted. The assurances of local management that companies intend to be good citizens ring hollow in view of official U.S. view expressed in the mandatory program that the operations of these companies must be conducted subject to the overriding needs of U.S. foreign economic policy.

It is to be hoped, therefore, that this program of controls will be ended promptly and that we thus remove the basis of these charges of "American economic imperialism" and the threat that such interference in local jurisidictions poses to the future of affiliates of American companies. American companies will be accepted abroad only if they can demonstrate that they intend to be good corporate citizens. The mandatory controls make it difficult to make that pledge in good faith.

For these reason I rise to support the Tunney resolution.

Mr. TUNNEY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANDERSON] may revise and extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Speaker, the present program damages the competitive position of U.S. industry abroad. One of the reasons I support Congressman TUNNEY's bill is that it voices objection to a government program that is causing serious damage to the competitive position of U.S. industry abroad by restricting the expansion of foreign subsidiaries of U.S. corporations already located abroad and by forcing them to bring their seed money back to the United States too rapidly. U.S. companies are being asked to fight their foreign competitors with one hand tied behind their backs. Another reason I object to the current Commerce Department program is that it prevents a U.S. company from exploiting a market situation where and when it develops. Let me give you an example.

I have been informed of a specific situation in a European country where a cosmetic market had just developed. A U.S. firm wanted to move in and build a factory. This firm sought permission from the Commerce Department—delays occurred. When permission was finally granted, it was granted with the admonition that the U.S. firm should not use dollars, but should raise the money from foreign borrowing. By the time the firm was able to arrange a foreign line of credit and take care of other details, other firms had moved into the market or events had taken place, I am not sure which, but in any event the market situation had changed and the U.S. firm felt it had lost the market, or could not exploit it. I am not sure whether a foreign firm moved into the market before the U.S. firm or whether another U.S. firm, not so cooperative with the Commerce Department, took the market over.

In any event, if there had not been the current restrictive program the U.S. firm probably would have built its plant, made a profit, and would be bringing this profit in the form of dollars back to this country today. The current policy is shortsighted. Foreign firms without restrictions exploit new markets and expand in existing markets while U.S. firms are prevented from growing or developing.

The Tunney resolution expresses my sentiment and I think the sentiment of the majority of the Congress that the way to solve the balance-of-payments problem is to permit U.S. firms to expand abroad and bring the profits back to the United States. The program hampers the growth of the U.S. economy and U.S. industry.

A dollar spent abroad today in the form of a productive U.S. factory will come home to the United States many times over—sometimes in as short a period as 5 years after the initial investment. There will be a trickle of dollars coming back in the 1970's instead of a flood of dollars—if current policy continues. It is time for a change.

Mr. TUNNEY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may revise and extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FINDLEY. Mr. Speaker, I wish to address the House in support of the House Concurrent Resolution 815 calling upon the President to terminate the controls on foreign direct investments.

Expansion of U.S. exports is a fundamental objective of the United States. The controls do not encourage and in fact inhibit, increasing our exports. At this critical time we should be exploring every available avenue to increase our exports, not ways to discourage them.

Many companies have established affiliated companies overseas to act as sales agencies for products manufactured in the United States. Generally these companies replaced nonrelated sales agents in order to increase U.S. export sales and to increase foreign profits.

When a company exports products to a foreign affiliated company on normal trade terms, the export counts against the company's allowable investment quota. If the company does not have a quota or has already used its quota, then the export is in violation of the regulations and is prohibited. Since exports to affiliated companies represent about 25 percent of all U.S. exports, this is a very serious matter and should be corrected by the expedient removal of the foreign direct investment controls.

The solution to the balance-of-payments problem is twofold. First, we must exercise greater restraint in Government spending. Second, we must make American goods and services more competitive in the world markets by taking appropriate monetary and fiscal measures to combat inflationary pressures.

I support this resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls on foreign direct investments.

Mr. MORSE of Massachusetts. Mr. Speaker, I am pleased to join with the gentleman from California [Mr. TUNNEY] and our other colleagues in introducing this concurrent resolution calling on the President to terminate the existing controls on direct foreign investments.

These controls are of dubious legality and of negative impact in improving our balance-of-payments position. They are based on legislation enacted in 1917 and invoked by President Truman in 1950. Both circumstances were inherently different from those we face today.

One of the most significant features of this concurrent resolution is that it would express the interest of Congress in action taken only by the executive branch that is every bit as important to our economic well-being as taxing and spending policies reserved to the Congress. Hopefully, its passage will lead to the revocation of the Executive order of January 1, 1968 imposing capital investment controls abroad.

Foreign investment has always been a positive factor in our balance-of-payments equation. Between 1950 and 1966, a foreign investment of $39 billion returned, in the form of income, dividends and the like, $58 billion.

Curbs in investment abroad will not only deprive the United States of these direct returns, they will also reduce our exports. The capital goods and raw material exports needed to support the inputs of capital abroad must inevitably decline. This factor creates a particular hardship to developing countries whose own infant economies cannot hope to substitute for these capital-supporting exports.

In short, Mr. Speaker, the existing controls will harm our Nation's economy in both the short and long run. It is impossible to state the extent of the future income loss in dividends and royalties from foreign investment. In a world where economies, developed and developing, are growing swiftly, it is shortsighted indeed to prevent U.S. investors from participating in that growth.

The concurrent resolution we offer today is wholly consistent with the pledge of the Republican platform adopted in Miami Beach last month to end "self-defeating restraints on overseas investments."

I hope that even in the closing weeks of this Congress, the House can address itself to this important fact of our economic life.

IMPACT OF IMPORTS ON AMERICAN INDUSTRY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. DENT] is recognized for 60 minutes.

Mr. DENT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, it is not unusual for me to speak to an empty House, because I speak the voice of those who are not usually able to have experts prepare for them well-documented statements filed with statistics that often oblige the hearing but do nothing for those in need. Therefore, tonight I speak for that great number of Americans who have been disenfranchised because of the fact that they happen to work by the accident of opportunity in a position of employment that is prone to be impacted adversely by the flood of imports.

At the outset, of course, I wish to thank the gentleman from Massachusetts [Mr. BURKE] who had to leave, whose help and encouragement over these years have given me the courage to continue this fight against uncontrolled imports. His interest and energy have long been used in bringing relief to the overburdened American shoe industry situated in his district.

The Congressman has long cooperated with the American footwear industry, its workers, and its president, Mr. Watson.

I take this hour—and I will not use it, of course—to specifically object to the type of panel that was selected by the President of the United States as a trade panel to create policy in the coming fight on the continuation of the long-outmoded trade policies of this country. I find upon examination that there is not one single person named to this panel of 34 who could by any stretch of the imagination be called a protectionist or a fair trade advocate. I do find four members who at some time or other have expressed some doubts as to the direction and the rightness of our trade policy.

I only wish that as many who spoke here tonight could have stayed here a little while. I would like to comment for a minute for those who spoke so glowingly of foreign investments.

Yes, there has been a slowdown in foreign investments simply because we limited them—and for no other reason.

I am for foreign investments. However, they must be restricted to foreign production and foreign sale of that production. The anemic condition that is causing unemployment in this country is because foreign investment is no longer used for gathering an American share or gaining an American share of the foreign market. It is now being used to produce products in foreign countries for exportation to the United States.

This I have seen in many countries of the world. I have seen 25-cents-an-hour Chinese workers producing goods exclusively for the American worker and the American market, displacing American workers who must be paid a minimum of $1.60 an hour, as passed and enacted into law by this Congress.

As chairman of that committee, I know who is responsible.

I have also seen 6-cents-an-hour mushroom growers in Taipei, Taiwan, sending mushrooms to America in competition with American mushroom industry workers being paid $1.60 minimum an hour, selling in the American market at a price that is less than the American industry pays for the can to put the mushroom in.

I grew up as a free trade advocate, a disciple of Adam Smith and a follower of Henry George. But when my coal industry was almost wiped out, when my glass industry was depressed to a negative industrial position in my area, and when I watched my steel industry in Pennsylvania go down to the point where one of the major steel plants in that area is on a 25-percent production schedule for the month of October, where we have lost, last year, 80,000 steel jobs by the exchange of steel tonnage with foreign countries, where we stand to lose this year, with the rate of import, 130,000 steelworkers' jobs, with an accompanying 270,000 supporting jobs, and when I have stood on this floor and fought for billions of dollars for retraining workers and using relief because of the injuring impact of imports, I cannot bleed any tears or have too much of a sympathetic feeling for American industry curtailing its extension programs in America and building plants overseas to displace production in this country, to send production back here from their foreign plants to undersell their own plants that have to abide by laws passed by this Congress and sponsored by me.

I have reached an age when it does not matter too much what happens tomorrow insofar as I am concerned. But I know this: One cannot compete in a world of free trade with a $3.50 an hour wage in America compared to $1.50 an hour in Europe, $1 in Japan, 50 cents in Hong Kong, and 25 cents in Taiwan, producing the same goods with the same mechanical and technical advantages, with them sending these same goods into the market which is provided by the $3.50 worker in America.

The loss will not only be ours but the loss will be theirs, because every worker in America is the American consumer, and the American consumer is the person who makes up the market for the foreign goods.

I am sorry there are not more Members here tonight. I regret that the staff has to suffer while we try to propound a few theories and a few facts, so that those of us who are here may understand that trade is a two-way street. It is the kind of a street one has to walk up together and walk down together.

We cannot expect, at this stage in our lifetime, to operate under the same trade philosophy which was born in the days of depression and is still being promoted by those who call men, like myself, narrowminded and living in the past.

No; I am living in what I hope to be the future.

This Nation had an advantage for many years, not alone in its productivity, in its skilled workers, in its know-how, in its financial ability to create production facilites, but also another advantage, in that no other nation or group of nations had the same attributes. That was the first stage, which made this country what it is.

The second stage was when we started to finance foreign countries to become proficient in production, with the stated aim of making them self dependent, that which we had always been since 1912. At that stage we started to lose our foreign markets, because they started to produce for themselves.

The third stage came when they were overproducing what they needed and started to ship to the United States. Then we lost interest in fighting for foreign markets and started to fight to save our own markets.

So the device was created of foreign investment, foreign investment by American companies under the guise of penetrating foreign markets that were no longer available for American produced goods.

But in reality what we were doing and what we are doing is investing in foreign countries to produce goods to sell back to the United States in order that the American corporations do not have to abide by the Fair Labor Standards Act, by the antimonopoly acts, by the antitrust acts that control competition within this country.

I say to the few of you Members sitting here tonight what I say here will not be heard by many. What goes into the RECORD will not be read by many, but I assure you, just as I am standing here tonight that what I say and what can be read in the RECORD will be of great importance within the next 5 years. This is because all the money we can raise by taxation will not be enough to meet the needs of the unemployed in America who are disenfranchised from their job opportunities because of an outmoded, outworn trade policy that has for its only excuse the exploitation of foreign workers and profiteering upon the American public.

Let me give you one example, and from that you deduct what is happening in other industries.

In 7 months of this year the American shoe imports increased 48 percent. We imported 141 million pairs of shoes at an average cost to the importer of $1.05 a pair. We cannot even put a pair of heels on a pair of shoes for $1.57 a pair and still pay American wages. Yet find any consumer in America who can buy a pair of foreign shoes for less than $10 and running up to $65. The most expensive pair of ladies' shoes sold by the Italian and French shoemakers costs American importers less than $7, and again American women are being milked out of $42 to $65 for the same shoes.

For the first time in the history of our industrial complex the top 200 industries in Europe earned a 7-percent net income last year as against American industries 0.3 percent. It all points to the same basic problem. We cannot in any way compete in a free trade world as long as this Congress of the United States allows products to come into this country that are not controlled to the point of injury to American industry. We forbid, mind you, the transportation of a single product made in one State of the Union to another State of the Union unless that producer complies with the minimum wage law and the maximum hour law. Yet we allow every country on the face of the globe to use child labor and pay from 3 cents an hour up to a top of $1.47 an hour and then to ship all of their products in competition with American industry, which is strapped by the laws passed by this Congress.

Mr. Speaker, I apologize for taking the time of the hardworking staff of this House, but sometimes some things have to be said even if those who hear are deaf to what they hear.

Mr. Speaker, I take this hour to discuss international trade problems in general and the makeup of the trade panel recently named by the President. The President named a 34-man panel whose job it will be to propagandize the Congress and the country by officially laying the groundwork for a so-called liberal trade policy to repeal the American selling price for traffic purposes. The panel reads like a who's who on the international trade list. Textile and steel industries, two industries that are severely impacted by imports, received one appointment. There was only one labor representative who has made an outright declaration for curtailment of imports, that was I. W. Abel, president, United Steelworkers of America. Mr. George Meany, president, AFL–CIO, has expressed certain reservations on a continuing freer trade policy. But all the other members, as I note their connections, are out and out free traders with export-import interest and many with major overseas business and production facilities. While it is the President's prerogative to name whom he desires, it is also the prerogative of a Member of Congress to call to the attention of the people that his committee could be considered a stacked committee in their deliberation. Their decisions could be one sided and biased in favor of the export-import profiteering and exploiting fraternity.

COMMITTEE MEMBERSHIP

Out of 34 persons named not one single member can be labeled a protectionist by any stretch of the imagination.

Only a very small minority of four can be considered as openminded to the views of American industry and labor adversely affected by imports.

Without losing a minute's sleep, I could write the report of this kangaroo court in 5 minutes. That is, I could tell you what the report will contain. It will be the usual hogwash that has blinded the American people in this generation to the realities of unrestricted trade growth in the United States. It will belabor the so-called protectionists as shortsighted, narrow minded, blind to the needs of a free world, and even hint at this being the destroyers of peace and goodwill.

Those of us who have watched this Nation resort to job training programs costing billions, relief payments to displaced workers, unrest and violence because of the lack of jobs, and the closing down of job producing activities, realize the seriousness of our disallusionment caused by a blind adherence to a trade policy as unfit for modern production and job needs as a sailing ship is to oceangoing commerce.

To deny injury to U.S. industry, agriculture, and mining by imports, is to believe that the world is flat and all importers and exporters are members in good standing of the Benevolent and Protective Order of Philanthropists. In my book, they are members of the greatest exploiting, profiteering, and international pirates the world has ever seen. They exploit the low-waged workers all over the world, and then gouge the U.S. housewives and customers by charging the most exorbitant markup in retail prices ever pawned off on the American public as a bargain.

For instance, we imported in the first 7 months of this year 110,212,000 pairs of leather shoes, an increase of 38.7 percent over the same 7 months in 1966. In the same 7 months we imported a total of 141,045,000 pairs of shoes—exclusive of waterproof rubber footwear, zories, and slipper socks—at an average cost of $1.47 a pair. Try and buy an imported shoe for $1.47, it will cost more like $10 to $65.

A few years ago you could get a Japanese pocket transistor free with the purchase of 500 pencils. That same transistor now costs $11 and no pencils in the "bargain." This follows the usual import pattern. First a junky product is practically given away, next, the U.S. producer lowers quality to reduce price. The importer increases price slightly and raises standards. Soon the American product disappears and "whamo," up goes the price on the import. This is true in glass, ceramics, cameras, and every other imported product. In the end the job losses will catch up and Congress will desperately try to save the wreckage of our industrial complex.

Mr. Speaker, some of what I say now has perhaps been said before by more learned men than myself. However, the facts have been proven, and the logic still prevails.

We are hearing from all sides that if we fail to allow billions of dollars worth of goods to flow over our borders, at prices no American business can meet, then foreign nations will shut off our exports. We are told that whole industries in the United States must be considered "expendable"; that Congress must appropriate funds to pay off the bankrupt owners, to retrain or keep on welfare the workers who lose their jobs, and finance the value of their special training—whatever it may be.

Freetraders who are challenged on this theory call the people who believe in a fair exchange of goods and services "protectionists" and "obstructionists." Free trade has become some sort of "sacred cow"; anyone who attacks it is said to be "against motherhood and Christmas."

Since the end of World War II, we have pumped billions of dollars into foreign nations to help them rebuild their mills and factories. We gave them the know-how, and brought them over here to train them in our ways of doing business. In one single industry, textiles, we aided 49 countries, none of which will allow a pound of our textiles to cross their borders. We have bought their tile, steel, shoes, gloves, wallboard, tools, dishes, plastics—you name it—at prices no domestic manufacturer could meet. To make matters worse, hundreds of American manufacturers bought into, took over, or established plants in low-wage nations to produce goods to ship back to their home-based markets at prices the home-based factory could not meet.

Compare this outrageous situation with the attitude taken by Japanese industrialist Yosomatsu Natsuabara who said:

> Chaos would reign in Japan if U.S. industries are allowed to enter our country unhampered by tariffs. Our smaller businesses would be ruined by the thousands.

This is what you call "nationalism"—his country first, then maybe yours. Ken O'Kubo, president of giant Mitsubishi industries, stated:

> The Japanese distribution system would be plunged into serious confusion by an invasion of American capital goods if we did not limit American investment in Japan.

Yet, Japanese steel is pouring over our borders in an ever-increasing flow. Japan has captured the shipbuilding leadership we held. Our toy and transistor and camera business is going to Japan, Germany, and other nations. Japan is selling us over 80 percent of our motorcycles, and within 2 years, Japan ought to be leading in foreign car sales in the United States, despite the fact that Chrysler has grabbed off a big slice of the French auto industry. Ford in England and General Motors in Germany have done likewise. However, these American companies produce their cars in the foreign countries, and, to add insult to injury, they export them to the United States.

My point is this: if Japan is making a good motorcycle and one that is better or will compete with American cyclemakers, would it not be reasonable to assume that we maintain some part of the bicycle-motorcycle industry by regulating foreign trade according to our own cost levels which are set by our high standard of living, our huge tax burdens, and, yes, our wars and defense establishments all over the world?

I ask any Member of this Congress if the British, German, Russian, Japanese, or any other government would consider making their own industries expendable and condemn their own workers to a loss of jobs and wasted talents to favor American industry? I would ask also if the labor leaders from Germany who visited this country and flatly told us that no foreign country will buy our goods once it is producing those goods in quantity were stating a true situation? One labor leader ridiculed the whole idea that an American-held factory in Germany would tolerate competition from its own American-based plants.

Yet on the other hand we read the testimony of Dr. Barry Johnson, formerly of Chicago University and lately with the London School of Economics, who argues that by dropping tariff walls America will be reducing the need for foreign aid. The thing that is wrong with the dumfounding suggestion is that American workers and factory owners would have to be put on relief to supply this trade advantage and at what cost?

In talking about protective tariffs I am fully cognizant of the fact that our American workers in industry after industry are not only demanding more and more fringe benefits, bigger pensions, longer vacations, and shorter hours, but many times they are the first to head for the discount house to buy a cheap foreign lawn mower, pair of gloves or boots, and pass up their own products. During the last several months, we have witnessed hourly wage increases, pricing our products over and above imports, and opening every door to a bigger flow of imports, with taxes and inflation blowing through our ceilings; meanwhile, our deficits are greater than the taxes of most nations.

A quota bill is not a tariff bill. It is merely a restriction against wild expansion of imports from any country. It recognizes the need for importing if export trade is to be maintained, but realizes the destructive potential in attitudes which maintain that in order to export, we must give the low-wage countries an almost open field. To go along with this theory is to say that we ought to repeal our antitrust laws so the big discounters and chains can run hog wild over the marketplace, dumping loss leaders on the public until all the small manufacturers, suppliers, independent retailers, and smaller farmers are liquidated.

By not enforcing our antitrust laws earlier, we have already accomplished this liquidation of free enterprise in many lines of business, closing the doors to our youth in one line and then another.

Exporters who think only of what will happen to them if a foreign country retaliates by cutting down on its purchases had better consider what is going to happen if we cannot answer our Appalachian problems, our civil rights problems, the problem of training and finding jobs for the millions of people who will be displaced with the coming of peace. These exporters and importers need to realize, too, that they have done a miserable job of selling any American idea of what constitutes a "live and let live" policy of doing business. They must realize that an overwhelming majority of businessmen, both big and small, have stood back and watched the destruction of the family farm and the independent storekeepers through merger, cutthroat competition, trading stamps, games, discriminatory tax burdens, bureaucratic redtape, and trends toward monopolistic operations, without writing a letter to their Congressmen, without taking time to talk to the youth of their communities, without showing a sign of effort in behalf of the fundamental principles set forth by the Founding Fathers who gave them their freedoms and their opportunities.

Free enterprise in this country does not mean the freedom of anyone to exploit workers or the buying public. It does not mean that we should even tolerate the idea of building the dynasties of Europe and Asia by patronizing their sweatshops. Also, what is wrong, I ask with our buying the things from Latin America, Europe, Asia, and Canada that they can make well or that we do not make at fair prices, and why cannot we spread this idea into foreign lands? Are we not just as bad as the maker of a sweatshop product when we buy it, actually glorying in the fact that we got it so cheap, when maybe it was produced by people living under starvation conditions who could never purchase anything we produce?

Mr. Speaker, we have great decisions to make. Congress has great decisions to make on this whole matter of domestic and foreign trade. Within the next few years, Russian businessmen and their highly trained, many-languaged emissaries will be streaming over the world to move the goods of their growing industries, and Japan, China, India, Latin America, all will have markets for their goods and services; if we allow our industries to be weakened, and some to disappear entirely as they are now doing, we could end up not only a have-not nation, but lower on the economic ladder than the British Empire is today.

I urge you to think about this idea of fairplay in the marketplace, to weigh the benefits of international fair trade, and to keep ever in mind that the destiny of goods determines the testing of nations as much as the structure of their governments and the philosophy that lives in their hearts.

What Congress does to build a fair trade, "freedom of opportunity" system in America may determine America's course for generations to come.

AMERICAN STEEL OR FOREIGN STEEL, TAKE YOUR CHOICE

The American steel industry is paying the price paid by the boy watching the sheep, who was refused help when the wolves finally came, simply because he had fooled his neighbors too often.

While steel cannot be charged with crying about imports over the years, the industry has not endeared itself to the public or the public servant because of its pricing policies. It raised prices and then reduced them under Government pressure.

Now with the problem of imports being very real and extremely serious, steel will have a hard time getting any listeners or supporters. Frankly, the attitude on the part of our Government condemning steel for what are called past sins while at the same time blinding itself to the impact on jobs and the local, State, and Federal economies is extremely dangerous.

Steel is in trouble; why is only a secondary consideration right now. Our primary concern is to stop the erosion of jobs, domestic investments, and the takeover of our "bread of life," the American marketplace, by the foreign workers and exploiters.

If a military invasion was mounted against the United States designed to cripple our production facilities, put our people out of work, glut our marketplaces with barriers while raiding our Treasury, we would call up the Reserves and repel the invaders. When the same thing happens by way of an economic invasion based upon goods and services from foreign countries we not only step aside but we actually help unload the ships.

What is the difference to a man who loses his job whether he loses it because a foreign worker takes his job at the mill or the foreign steel closes his plant down?

We count the immigrants and stop them at the border but we allow him to send his handiwork across with little or no restriction.

There are those among us who try to hide the problems of our steelworkers, steel industry, and our steel towns by preaching against "Big Steel," "Little Steel" gouging of the American consumer. This is the line of the American agent for foreign steel corporations.

They forget all about foreign shoes averaging $1.41 a pair selling at prices running from $9 to $65. In many cases the same shoe would not be worn by an American if it had a U.S. label in it.

They forget about the price of Japanese cameras or French perfume. They never ask about profit ratios of foreign industries, they only point to steel company profits.

The latest report on profits carried in yesterday's press shows the inevitable trend of profits and sales and casts a shadow over the future of U.S. industry and labor:

> FOREIGN FIRMS SHOW BIGGER PROFIT GAINS
>
> NEW YORK.—The 200 largest industrial corporations outside the United States had big profit gains last year while the profits of the top 500 U.S. corporations shrank 3.1 percent, Fortune magazine reported.
>
> The gain of the foreign companies' combined net profits was 6.7 percent as compared with a gain of only 0.7 percent in 1966.
>
> This was the first year since Fortune began tabulating the profits six years ago that the foreign firms had bigger gains than U.S. firms.
>
> The foreign firms also had bigger sales gains than the American firms—8.3 percent to 7.9 percent for the U.S. firms. However, the American firms' gains were on a vastly larger base. For example, the largest foreign firm, Royal Dutch Shell, had sales of $8.376 billion and the smallest of the top 10, Fiat, had sales of $1.91 billion.
>
> The biggest American firm, General Motors, had sales of $20.026 billion and the smallest of the American top ten, U.S. Steel, had sales of $4 billion.

U.S. companies sell more and earn less per dollar sales.

Let us look at wage differentials as they pertain to increased costs. American wages, $3.50 per hour—European, $1.50; Japanese, $1; Hong Kong, 50 cents; Taiwan, 25 cents—all producing the same product and all selling in the same market with the same equipment and production schedules.

In all but the United States every competitor has subsidies, tax rebates, and other government allowances such as government-financed research, engineering, marketing analysis, and trade barriers in one form or another.

Last year we imported 11 million tons of steel. We lost 85,000 steelworker jobs and over 175,000 supporting jobs.

This year we are headed for an import total of 18,000,000 tons of steel costing us in the exchange of steel shipments 138,000 steel jobs.

The money it will cost, the tax burdens to be assessed against our people will stagger the imagination, if we try to retrain, pay import-injury relief, rehabilitate or take over the sick and dying industries in steel alone in the next 5 years.

Sure steel can compete, but not unless it automates to the point where there are few if any workers in the mills. If this happens, who is going to buy the steel—domestic or imported?

The American worker will not sit still much longer.

I remember the depression and remember its lessons. Nothing is more dangerous, nothing more damaging, and nothing more threatening to the Nation than unemployment, foreclosures, and bankruptcies. I remember the farmers dumping their milk and burning their grain. I remember their defiance of the law. We behaved mildly compared to what will happen if we fail to see the dangers in our trade policy. We cannot win in a free trade war. We will be the losers and our so-called trading partners may go down the drain with us. When our markets are given over to imports, our customers will be gone and so will our markets. Let us look now, let us see now, let us act now or face the consequences.

Let us look at the world steel picture. A problem that will not go away is the one nagging the steel industry today.

At a time when U.S. steel mills are scratching for new orders and prices are sagging, plants in Europe and Japan are mapping new expansions.

Holland's steel giant, Hoogovens, is boosting earlier construction plans. Production capacity will rise about 75 percent by 1974.

British Steel Corp., Government owned, is aiming to spend $480 million a year for 5 years, starting in 1970, for expansion and modernization.

Spain and Australia foresee growth. A new mill is underway in New Zealand.

Sweden's Damnarvet is expanding to 1.4 million from 1.1 million tons.

Common Market countries alone are spending over $900 million this year on new plants. The Germans, French, and Italians all have bigger ideas.

Outlook among Japan's steelmakers is even rosier. They expect world production capacity will grow at 3 to 4 percent a year. But Japan will expand at double that rate. Output has about tripled since 1960. Japan expects to be making 118 million tons of steel a year by 1975—an impressive 44 million tons more than they will pour this year.

Production units will get bigger—a step that often means more efficiency. Nuclear energy is being studied as a possible cost cutter. Japan already produces steel for some $50 a ton less than Americans do. Main reason: Cheaper labor. Result: Lower prices, rising sales. A recent sales coup for Japan is a contract to supply 225 pillars for New York's World Trade Center skyscrapers. Writing on the wall is clear. Rougher competition is ahead for U.S. firms.

STEEL AND ITS PROBLEMS

The freedom, the security and the abundance that characterize this great Nation of ours rest in no small measure upon a foundation of steel.

A Presidential proclamation, signed on April 12, 1967, by Lyndon B. Johnson, had this to say:

> Steel is the core of industrial America. It has helped to make American productivity and technology the wonder of the world.
>
> This vital product which we produce in unmatched abundance is basic to our economy and essential to our security. It supports our buildings, spans our rivers, arms our fighting men.
>
> It is fundamental to thousands of products which are part of the everyday life of every citizen of this nation.

As that statement by the President makes clear, steel is essential to the very fabric of life in America. Yet today the steel industry faces serious trouble. The roots of the problem are not within the industry nor in any other segment of the American economy. The problem has its origins in other countries which are shipping tremendous quantities of foreign-made steel and pig iron into the United States.

Ten years ago this country was a major exporter of steel, and our imports of steel from abroad were a negligible factor. Since then, however, foreign steel imports have been rising steadily in volume, and they have already increased their share of the U.S. market more than sixfold. Similarly, imports of pig iron are a matter of concern, amounting last year to more than half a million tons.

The problem has ominous overtones for Americans. Steel imports threaten our national security. They have caused the loss of thousands of job opportunities. They have contributed substantially to the American balance-of-payments deficit. They have deprived our Government of the many tax revenues generated by every ton of steel produced in the United States. Obviously, the rising tide of imports affects more than the steel industry; it affects the entire Nation.

While the problem is already serious, it is likely to get far worse, because foreign steel producers are out to gain a greater and greater share of the American market. America's steelmakers are urging Congress to take corrective action while it can still be done without major disruption of international trade.

This Nation prides itself on supporting the principle of free trade, and American steelmakers themselves are on record in support of that principle. But we must face the fact that worldwide free trade is still a distant goal and not a present reality.

That gap between ideal and practice has been stressed by many experts. John T. Connor, former U.S. Secretary of Commerce, described the situation this way:

> Many of us would agree that in an ideal world, people would be far better off if all the nations could trade across frontiers without regard to tariff or non-tariff barriers of any kind . . . We do not, alas, live in a Utopian world community. We live on this so familiar earth, where some nations are agricultural, some industrialized, some highly advanced, some undeveloped. Where living standards and traditions differ, where wages and costs vary enormously, where each nation has its own sharply delineated views of economic self-protection, and rigorously applies them.

Mr. Connor is quite right when he describes the world we live in as no Utopia. It is a world in which we cannot be sure that our concepts of fairplay are even understood overseas. Certainly they are not practiced.

Here in America we have a steel industry that is full of vigor and innovation, and highly competitive. Its members are willing to do battle in the marketplace any time, with one another or with outsiders. Why, then does such a dynamic industry find itself at an unfair disadvantage in the world market? The reason is simple. The world market is not a free market where independent producers compete on an equal basis. Our foreign competitors do not play the game by the same rules we use.

Foreign governments, for example, support their steel industries by protecting their home markets, helping them to modernize, and offering them incentives to export their products. They encourage devices such as sales cartels and internal production quota agreements which are illegal in America.

There are many forms of self-protection. A country that is determined to protect its industry and fight off imports can honor the letter of free-trade agreements and still shelter its industries by imposing border taxes, rigid warehousing requirements, licensing arrangements and, of course, endless redtape.

It is clear that foreign nations do not really practice free trade. But unfair play is only part of the problem. There is also a major problem of economics. First, there are twice as many countries producing steel today as there were in 1950. As a diplomat once remarked, every newly formed nation wants three things—a flag, an airline, and a steel mill.

The desire to become self-sufficient in a material that symbolizes industrial progress is understandable. Unfortunately, many developing nations do not have a domestic market for their steel production and cannot compete under fair rules of world trade.

In fact, the whole world steel picture has changed drastically in recent years. Many countries that once imported steel now make their own. Some have even become steel exporters. And the old-line industrial countries came back stronger than ever in the years following World War II. When they replaced their war-devastated plants, they put in modern equipment and increased their steel producing capacity. As you are well aware, billions of dollars of this construction was paid for by American taxpayers and benefited from American know-how.

Because of this postwar buildup, the amount of steel going into international trade has more than doubled since 1955. Foreign steel producers began turning out more steel than their own countries could use. With extra steel on their hands, they invaded world markets. And what was their prime target? Why, naturally, it was the biggest steel-using nation in the world—the United States. Our Nation is an especially attractive target because it is wide open, with fewer restrictions on steel imports than any other country.

And the United States is at a severe economic disadvantage in trying to fight back. Here, where the workingman enjoys a higher standard of living than his counterpart anywhere else in the world, we naturally have higher employment costs. Hourly costs in Japan, Europe, and just about everywhere else are only a fraction of ours.

In 1966, for example, the average employment cost for the American steelworker, for an 8-hour day, was $37.04. For the West German steelworker it was $15.04 and for the Japanese steelworker, $8.64. The highest European rate—in the Netherlands—was $16.04. If an American steel producer paid the same wages paid by foreign producers and then shipped his products in interstate commerce, he could be arrested for violating the Fair Labor Standards Act. But the law has a serious loophole.

That loophole concerns imports. Though Congress made it a crime for domestic producers to produce and introduce goods into interstate commerce in violation of the labor standards expressed in the act, it failed to provide machinery to prevent the very same evil from occurring from a foreign source.

Because of this huge differential in employment costs, coupled with government aid, foreign steel can be sold in the United States for about 20 percent less than American-made steel. The average U.S. delivered price for foreign steel was about $136 a ton in 1966, against $177 for the American-made product. The difference is $41, more than twice the average income an American producer makes on a ton of steel before taxes. To overcome a $41 price disadvantage, the steel industry would have to cut the man-hours it takes to make a ton of steel from the present level of 13 down to 4.

The advantages enjoyed by foreign steel producers have had obvious results. Imports of steel mill products into the United States have grown to almost seven times what they were 10 years ago and they continue to grow. For years the United States was a net exporter of steel. In other words, we sold more steel abroad than we bought. Today the United States is the only major steel-producing nation in the world that imports more steel than it exports.

When we look overseas, we see the other side of the coin. An excellent example is Japan, whose steel exports have risen enormously while her imports have nearly stopped. The limited amount of steel that does enter the country consists almost entirely of products that Japan's steel industry does not produce.

Nearly half of the steel imports into the United States in recent years have come from Japan. And the Japanese steel industry plans to nearly double its capacity from the present 60 million tons a year to 110 million tons by 1975. Thirty million tons of that increase will be earmarked for export, and the prime target is the United States.

Steel imported into the United States cuts into the sales of many different American-made steel products in all parts of the country. Some products and some areas are hit harder than others, but none is immune from the inroads of foreign steel.

The high cost of overland transportation formerly made imported steel less competitive in the interior than on the seaboard. But the St. Lawrence Seaway brought cheap water transportation, and European and Japanese steelmakers can now invade the very heartland of America. As a result, the greatest increase in imports has actually been in the Midwest. In 1967 close to 33 percent of all steel imports came into Great Lakes and other inland ports.

And where does the impact of these millions of tons of imported steel hit hardest? It is the laboring man who is losing, and the facts bear me out. When the United States imports steel, it exports jobs. About 6,400 plant and office workers and another 1,300 in supporting activities, or, a total of 7,700 people are employed for every million tons of American steel mill products made and shipped in a year. In 1967, more than 11 million tons of steel were imported. That represented the export of about 85,000 job opportunities. And since the workingman is a consumer, those imports also represent lost sales at the supermarket, lost sales of new cars by local dealers—in short, a general loss to the people of America.

The United Steelworkers of America are well aware that imported steels threaten American jobs. The union's vice president, Joseph P. Molony, has spoken out on the seriousness of the situation. He said:

> I realize that ultimately it will be members of my union who will have to bear the brunt of uncontrollable and unreasonable expansion of foreign production capacity and increased exports to our shores.

Your local government, your State government, and the Federal Government also lose money because of steel imports. The loss includes not only taxes on employees' earnings but also the taxes paid by local steel companies and their suppliers.

The problem of imports does not end with economics, however. The threat to national security is even more dangerous. Our Armed Forces are the most highly mechanized the world has ever seen. They operate with equipment ranging from automatic rifles to fighter planes and missiles. These modern armaments require highly specialized steels which have been developed through research efforts of the American steel industry.

If steel imports continue to grow, America will become dependent on overseas sources, many of them in the shadow of Russia and China. But we cannot depend on such uncertain sources for continuing supply in time of crisis, and certainly not for research.

The Soviet Union has spared no pains to assure itself of a vigorous steel industry. The British and Western Europeans have discovered what a long, tough job it can be to try to revitalize a weakened steel industry. If it is a hard job in peacetime, we should never forget that it could be impossible in wartime.

What are American steel companies doing to fight back? They are currently investing over $2 billion a year to meet competition through modernization of their plants and through research programs aimed at constantly increasing quality and efficiency.

They would like nothing better than to lick the import problem by themselves, but none of the steps they could take would be practical. If they tried to meet foreign prices, they would have to sell steel at less than cost, which would put them out of business in a hurry.

Are there not laws on the books to prevent imports of steel from reaching such a level that they would damage our economy? Yes; but, unfortunately, they do not work in the world steel trade situation that prevails today. They have been administered as if real free trade existed in the world. Obviously it does not. These laws simply are not effective.

Foreign steel producers are continuing to build more capacity than they need. Most foreign governments want stable economic growth. So they will continue to protect their steel industries at home and encourage exports. As a result, an even greater surplus of steel in world markets looms on the horizon. Ten years ago our steel imports were little over one and a half million tons. Last year they were more than 11 million tons.

Can the U.S. Government continue its handsoff policy in view of these rules? Continued inaction can only lead to a further decline in the strength and efficiency of America's steel industry and a growing reliance on steel sources thousands of miles away.

Certainly the remedy does not lie in practices condoned in other countries—cartels, for example, or government control of investments, research, and marketing.

Then what can be done? American steelmakers are asking Congress to take steps now to stem the runaway tide of imports by passing legislation that would permit imports to grow—but in an orderly pattern. Bills to accomplish this have been introduced in both Houses of Congress, and cosponsored by 36 Senators and numerous Congressmen. They would limit imports by a system of quotas based on a sliding scale. Foreign producers would be allowed to ship in steel and pig iron up to the average percent of the market they have had for the last 3 years. Since the percent would remain constant, their future sales could grow as the American market expands. In the interest of fairness, the program would be reviewed after 5 years by the Secretary of Commerce.

Does America want and need a strong steel industry?

Does America want to maintain the greatest possible number of jobs at high wage standards?

Does America believe in fairplay in the competition for its own markets?

Does America's security demand all the strength in steel we can possibly achieve?

I think you would agree the answer to every one of these questions is a resounding "Yes." I hope you will do all you can to help restore a greater measure of fair trade to worldwide sales of steel. We must be concerned about the runaway course of foreign iron and steel imports, and support the bills that will correct the situation.

The danger is very real, to our steel industry and to America. The time for dealing with it is fast running out. The time to act is now.

Following is a steel price structure showing the advantages of foreign steel over domestic steel:

TABLE IX

[Based on actual sales and on field reports (where domestic price is below list, the lower price is shown)]

	Import prices, c.i.f. Chicago, duty paid per net ton	Domestic price, f.o.b. mill per net ton	Difference in dollars per net ton	Percent difference
Hot rolled coils, 14 gage 36 in.:				
1965	$109.00	$118.00	$9.00	7.6
1966	108.00	121.00	13.00	10.7
1967	104.00	121.00	17.00	14.0
1968	94.00	121.00	27.00	22.3
Cold rolled coils, 18 gage 36 in.:				
1965	124.00	139.50	15.50	11.1
1966	123.00	142.50	19.50	13.7
1967	125.00	146.40	21.40	14.6
1968	125.00	146.40	21.40	14.6
Hot rolled bars, C-1018, 1 in. rounds:				
1965	122.00	133.50	11.50	8.6
1966	121.00	133.00	12.00	9.0
1967	119.00	145.50	26.50	18.2
1968	124.00	145.50	21.50	14.5
Stainless sheet, 304-2B, 14 gage 36 x 96 in.:				
1965	735.00	875.00	140.00	16.0
1966	765.00	930.00	165.00	17.7
1967	825.00	975.00	150.00	15.4
1968	860.00	975.00	115.00	11.7
Stainless bars, 304, 1 in. rounds:				
1965	840.00	1,175.00	335.00	28.5
1966	840.00	1,175.00	335.00	28.5
1967	840.00	1,175.00	335.00	28.5
1968	900.00	1,260.00	360.00	28.5

TABLE X

[Based on actual sales and on field reports (where domestic price is below list, the lower price is shown)]

	Import prices c.i.f. Chicago duty paid per net ton	Domestic price f.o.b. mill per net ton	Difference in dollars per net ton	Percent difference
Wide flange beams/A-36 8 in. x 17 lbs./ft. x 40 ft.:				
1965	$116.20	$132.00	$15.80	11.97
1966	117.20	135.00	17.80	13.19
1967	118.20	135.00	16.80	12.44
1968	116.20	135.00	15.80	13.93
10 in. x 21 lbs./ft. x 40 ft.:				
1965	112.60	129.00	16.40	12.71
1966	113.60	132.00	18.40	13.94
1967	114.60	132.00	17.40	13.18
1968	112.60	132.00	19.40	14.69
	Negotiated			
Deformed reinforcing bars A-15/A-305, intermediate grade ⅝ in. x 40 ft.:				
1965	103.00	109.00	6.00	5.50
1966	103.00	109.00	6.00	5.50
1967	102.00	109.00	7.00	6.42
1968	98.00	109.00	11.00	10.09
Plate OH/LD A-36, ½ in. x 72 in. 240 in.:				
1965	108.80	123.00	14.20	11.54
1966	107.80	123.00	15.20	12.36
1967	109.80	123.00	13.20	10.73
1968	102.80	127.00	24.20	19.05

TABLE XI WIRE PRICE COMPARISONS, DOMESTIC VERSUS IMPORTS—PRICES PER NET TON

[Based on actual sales and on field reports (where domestic price is below list, the lower price is shown)]

	Japan	Europe	Domestic redrawers and average negotiated prices by domestic integrated mills	Maximum difference	Percent difference
CHICAGO					
Bright wire, OH quality, C-1010, 6 ASWG, bare coils:					
1968	$140.40	$137.20	$150.00	$12.80	8.5
1967	137.40	134.20	150.00	15.80	10.5
1966	136.40	131.20	150.00	18.80	12.5
1965	146.40	[1] 140.20 [2] 131.20	150.00	18.80	12.5
1964	146.40	[1] 134.20 [2] 144.20	150.00	15.80	10.5
Upholstery spring wire, AISI 7-48, 9 ASWG:					
1968	181.40	(3)	208.00	26.60	12.8
1967	178.80	(3)	208.00	29.90	14.1
1966	180.40	(3)	208.00	27.60	13.3
1965	187.40	(3)	208.00	20.60	9.9
1964	187.40	184.20	228.00	43.80	19.2
Galvanized wire, C-1010, 6 ASWG, bare coils:					
1968	146.80	153.40	184.00	37.20	20.2
1967	143.80	153.40	184.00	40.20	21.8
1966	142.80	150.50	184.00	41.20	22.4
1965	152.80	[1] 161.40 [2] 150.40	184.00	33.60	18.3
1964	152.80	[1] 163.40 [2] 160.40	184.00	31.20	17.0

[1] January/July.

[2] August/December.

[3] Not competitive.

TABLE XII

[Based on actual sales and on field reports (where domestic price is below list, the lower price is shown)]

	Domestic price per net ton	Import price Chicago per net ton	Price difference per net ton	Percent difference
(A) ¼ in. hot rolled stainless wire rod as rolled, type 304:				
1965	$928	$780	$148	16.0
1966	844	780	64	7.5
1967	844	780	64	7.5
1968	844	780	64	7.5
(B) ¼ in. hot rolled stainless wire rod as rolled, type 316:				
1965	1,368	1,120	248	18.0
1966	1,244	1,120	124	10.0
1967	1,244	1,120	124	10.0
1968	1,244	1,120	124	10.0
(C) 0.130 copper coated stainless steel cold heading wire, type 410:				
1965	1,120	890	230	21.0
1966	1,120	890	230	21.0
1967	1,120	890	230	21.0
1968	[1] 895	890	5	.5

[1] Carpenter.

And now Mr. Speaker, as the time draws nearer for the Ways and Means Committee to make a decision on our trade and tariff policies, I note that again the buildup by importers, foreign governments, and the misguided U.S. public officials in the State, Agriculture, and Commerce Departments start flooding the Congress with false and deliberately misleading figures.

They are again attempting to prove that, "We sell more than we buy," "Our balance of payments is improving," "Imports are dropping," "Exports are growing," "The farmer has a stake in free trade," "Labor gains from export balances," "The consumer benefits from lower prices," "Japan has voluntarily cut back exports to the United States," "United States is threatened by foreign nations if Congress trys to protect U.S. industries," "World peace is advanced by isolationist moves in Congress," "American-foreign trade partners agreements are strained by congressional proposals for quotas on steel and textiles," and on and on and on.

Is it not about time, Mr. Speaker, that the Nation knows the truth. Time will not permit a full review of the exploitation of foreign workers by U.S. enterprises abroad or the unlimited profiteering by the import-export coalition, or the suspected tieup between elections, donations, contributions to individuals, political parties, and influence peddlers by the profiteering, exploiting industrial entrepreneurs. By one means or another they succeed in getting our own Government officials to spread their propaganda in official U.S. documents, paid for by the very victims to their big lies—the U.S. taxpayers, the U.S. workers, and the U.S. domestic-bound industry.

To fight foreign trade policies is an invitation to political disaster, name calling, and public scorn. Not to fight our trade policies is an invitation to economic ruin, political unrest, unemployment, bankruptcy, and in the final phase, oblivion to the greatest practical form of government yet conceived by man.

The U.S. Treasury and especially our Ambassador to the Geneva Conferences on Trade are beating the drums for the elimination of any little advantage our chemical industry may have in the U.S. marketplace by plunking for the repeal of the American selling price base for tariffs in certain product lines of imports.

One argument goes something like this:

> The A.S.P. is unjustified; why in some cases the tariff based upon the A.S.P. is as great as the selling price of the foreign products.

By the great guns of the revolution, how can anybody justify the above position and expect U.S. industry to compete in our own high-cost economy against products selling for as low as just the tariff rates based upon U.S. selling prices.

Can we not see as ordinary citizens, let alone as Members of Congress with the information available to us, that the only ones who benefit from the distorted version of a trade policy are the labor exploiters overseas, the profiteering import-export clique, and the subsidizing nations seeking further claims against our diminishing gold reserve.

Just lately, we have been informed of a reduction in our adverse balance of payments. Assuredly, this influence is being exploited by the import-export policies of our times.

Let us find out why our balance of payments is now improving. First, let us recognize a simple fact established from the historical record of trade legislation maneuvering. In every instance when trade bills are up in Congress, foreign exploiters curtail their exports to the United States and buy advance orders of necessary materials required by their industries and peoples, from the United States which they do not produce at all or produce in insufficient quantity. This gives the illusion of a shift in trade to our advantage.

Next we find our own Government talking with its tongue in cheek about balance improvements without detailing to Congressmen the reasons for the temporary improvement.

Allow me, then, Mr. Speaker, to fill in some of the necessary information. Foreign purchases of U.S. Government and private enterprise obligations are one of the cleverly disguised devices used to lull the Congress to sleep on this question. Recently, the U.S. Treasury's Exchange Stabilization Fund, largely owing to sales by the Bank of France, acquired $213 million in gold. At the same time, previews of the second quarter American balance of payments indicated improvement over the first period; U.S. creditors, including Canada and West Germany, obliged the statisticians by purchasing U.S. obligations maturing in more than 12 months. Accordingly, Washington was moved to boast—as it has been by every such glimmer of hope in the past decade—that success in righting U.S. international payments is imminent. Much of the improvement this time, however, traces to the flood of convertible bonds placed abroad by U.S. corporations and to large foreign purchases of U.S. stocks. Unless a slumping Wall Street soon recovers, the inflow not only may dry up, but also could reverse direction.

It looks good, but smells bad, since the money has to eventually be paid back when the notes come due.

Another plan that is keeping the international balance-of-payments system from tumbling like Humpty Dumpty from its precarious ledge on the flimsy wall of world trade is the well-heeled West German private banking system and the richest federal government on earth, the West German Republic.

Indeed, in the first 5 months of this year citizens of the Federal Republic bought some $627 million worth of foreign securities—mostly American. Part of this record volume was accounted for by German banks buying directly in Wall Street. Another hefty slice consists of Eurodollar bonds and convertibles, sold by U.S. concerns in Europe. Not least, Yankee corporations have been floating loans—denominated in Deutschemarks—on the German capital market: General Motors, General Electric, and IBM, for example, have such DM issues outstanding. One way or another, then—but invariably via their banker-brokers—German investors have acquired quite a stake in American industry.

What is more, the same German banks have been providing U.S. business with substantial amounts of short-term money—not only for spending abroad, but for use back home as well.

The way it works is that proceeds derived by German firms from their soaring export sales are banked in Frankfurt, Dusseldorf, or Hamburg; the banks, in turn, lend the funds to the Eurodollar market. There the money is snapped up by overseas branches of American banks, which lend it to their head offices in the United States; at last, it winds up in a loan to, say, Universal Widgets of Dubuque. Lately, about $1 billion a year has taken this route—from German banks, by way of the Eurodollar market, to corporate borrowers in the States.

Their key role in the money circuits today makes German banks a linchpin of the worlds currency system. Were they not shunting funds around the globe, in fact, the whole system likely would collapse. With the United States, Britain, and now France all piling up deficits, the only major country which is consistently a large creditor—and whose currency is above suspicion—is West Germany. Its trade surplus last year, to illustrate, hit a thumping $5.3 billion. Had that money stayed in the German banks where traders originally deposited it, international liquidities would have become critically short and the gold-exchange structure would be tottering.

It is worth noting, too, that the international payments system, despite its present lack of balance, is managing to staff afloat. Assisted by the central Bundesbank, the job is being done by a handful of investor-owned institutions, collaborating with foreign business through free money markets, notably that of the Eurodollar. In the process, to be sure, the German banks are turning a tidy profit for their shareholders.

Actually the latest figures, tucked away on the back pages of the free trade bible, the Wall Street Journal, show that the last 4 months have been adverse to our balance of payments.

You will notice that U.S. balance of payments is helped according to our soothsayers in the State Department and Treasury. They tell us that by U.S. firms borrowing money from foreign sources to use in their U.S.-based operations while at the same time they do not export U.S. dollars to their foreign subsidiaries but instead use foreign country currency, helps our economy. This, they say, cuts our export balance and increases our import balance of payments.

If our bank tellers kept their accounts in about the same fashion the bank examiners would have them in jail for juggling the books and possibly convict them of embezzlement.

Congress is the bank examiner of the U.S. fiscal balance, and the sacred cow of foreign trade can no longer be honored by ignoring its faults. The dangers are too great and the shadows of economic disaster are too close for comfort.

Instead of the dawn of world peace and tranquillity promised by the doctrinaire free traders, we are heading for the worst world crisis of all man's history. Free trade based upon personal, political, and governmental greed, exploitation, profiteering, subsidies, and cartels can only lead to distrust and destruction. World peace, personal welfare, and national tranquillity can only come when each nation looks within itself for its own salvation, its form of government, and its economic structure. All nations must become sufficient unto themselves, seeking internal happiness from within and putting away the dreams of external power and domination. No nation can be happy, no people can be satisfied, and no world can be safe with the peoples of one nation exploited to produce opulence, luxury, and comfort for another.

Are we replacing the days of personal slavery with international political slavery in the form of trade dependency to stay alive as a nation? Each nation must become independent with or without international trade whichever is the case. Nations are just peoples banded together in the hope of mutual protection, mutual betterment, and the common welfare.

Families are of the same basic structure. If all of us tried to make and sell to each other the same products, we would have farmers selling wheat to each other when both have surplus; shoemakers selling shoes to each other when their own shelves are overloaded; bankers would be loaning to each other with their own vaults full, and on and on and on. Is not this what we are doing? We buy and sell among nations products which we all have in surplus: steel, textiles, glass, clothing, shoes, and so forth for the benefit of the traders and government bookkeeping.

The pro forma arguments of the free trader say that we have to buy in order to sell. This we admit, but should we sell steel and buy back steel? Do we sell steel to a steel producer or should we sell to a steel user who in turn sells our steel producer iron ore or ingredients needed by our steel producers, or products we do not produce.

The argument persists that the commerce of international trade makes everybody happy and nations better off. No more, we say, than two families are happier when they exchange salt when both families have more salt than they can use.

The truth, simply put, is that if a nation produces a product in surplus, it cannot gain by closing down its own facilities to buy from another nations' surplus, no matter what the price may be. Basically, the most important ingredient in an industrial economy is a job, without which there really is no economy. The tribes in Africa prove this beyond a doubt.

When we start equating jobs with jobs, wages and taxes with wages and taxes instead of dollars versus dollars in international competition we will move closer to both understanding, peaceful coexistence and commercial society.

Mr. SAYLOR. Mr. Speaker, I am happy to join those who take strong exception to the makeup of the Panel on Trade Policy appointed recently by the President.

It is a one-sided representation in an area where fairness would demand equal representation. This country's trade policy is a field that properly belongs to Congress, since the Constitution vests the regulation of foreign commerce and the laying and collection of duties exclusively on Congress. The effort of the executive branch to take over this function is nothing new, but should be resisted.

The House Committee on Ways and Means has already held extensive hearings on our trade policy. The colloquy lasted a full month and all interested parties were heard or given an opportunity to file statements. No one could object to the hearings on the ground that they were unfair, biased, or conducted in a manner that gave the advantage of testimony to one side or the other.

But, Mr. Speaker, the makeup of the President's panel inspires no confidence, precisely because it departs so sharply from the fairness of the Ways and Means Committee's inquiry. Several Cabinet members and heads of other agencies having an interest in the hearings appeared before the committee and made statements and submitted to the usual questioning. Was that not enough for the executive branch? Has the President so little confidence in his Secretaries of Commerce, Agriculture, and the Treasury that he cannot rely on them to give adequate representation to his trade policy?

Why otherwise should it be necessary to appoint an outside panel to promote his views?

Why does the President feel compelled to appoint a committee to cover the same ground as the congressional hearings have already thoroughly covered? Has he no confidence in the Committee on Ways and Means or the capacity of the Congress to reshape the existing trade policy?

Mr. Speaker, I think that the setting up of this Panel, quite aside from packing it with those who can be expected to agree with the President's position, represents a woeful lack of confidence in both the Congress and in his own spokesmen from the Cabinet.

Mr. Speaker, I am happy to yield to the Members of Congress who desire to join in this attempt to awaken this Nation to its precarious position in the world of trade and disaster.

Mr. BATTIN. Mr. Speaker, aware of the far-reaching consequences which trade policy changes may have for U.S. industries, I wish to join my colleagues in protesting the timing, composition, and modus operandi of the President's Advisory Committee on Foreign Trade Legislation. As a representative of a major wool-producing State, I am acutely aware of and troubled by the mounting influx of foreign wool textiles, which now exceed 23 percent of U.S. consumption. This is a direct result of existing U.S. foreign trade policy, and it sorely needs review.

I do not feel, however, that the President's committee adequately represents major industry and labor groups having a vital interest in trade policy or that its duration and method of operation will afford these groups a fair opportunity to expose their views and influence the committee's recommendations. As it stands now, the committee consists overwhelmingly of leaders whose organizations have direct financial interests in free trade and well-defined public positions on this matter. Under these circumstances, the committee can be expected to produce merely another smoothly written endorsement of free trade rather than a pragmatic effort to revise policy so as to advance the interests of all U.S. industries and labor groups.

In my opinion, the structure of world trade is currently going through a period of profound change influenced by developments such as the emergence of powerful inward-oriented trading blocs in Europe, Latin America, and elsewhere, the growing involvement of the state-trading Soviet bloc and the closing of productivity gaps as between the United States and other trading countries. These developments are already creating serious balance-of-payments problems for the United States as well as undermining the foreign and domestic markets for many U.S. industries. Growth has been checked in some important domestic industries and many major firms have been forced to go abroad where labor can be secured on terms that would be illegal in the United States. Under these circumstances, I do not feel that useful trade policy recommendations can be developed by a highly biased Presidential Advisory Committee working for 3 short months during an election year. In this environment, it cannot be expected that the recommendations made by such a committee would enjoy wide acceptability among the groups excluded from representation.

The Congress, including the Ways and Means Committee, of which I am a member, has already devoted considerable time to discussion of U.S. trade policy problems and there exists an ample record documenting the experience and viewpoints of nearly all domestic economic interests. It is my conviction that trade policy recommendations and eventual legislative action should emerge from this background rather than from the President's Advisory Committee.

Mr. ANDREWS of Alabama. Mr. Speaker, I want to associate myself with the remarks of my distinguished colleague from Pennsylvania, Congressman JOHN DENT.

This Public Advisory Committee on Trade Policy is so heavily weighted with proponents of a trade policy that is proving disastrous to many of our most important and basic industries that its views and recommendations are a foregone conclusion. Its very makeup has already prejudiced its findings, and I predict that the Congress will, accordingly, discount the report of the Special Representative for Trade Negotiations on U.S. Trade Policy.

In the selection of the Committee little attention was paid to industries adversely affected by imports. On the other hand, it appears that every effort was made to "pack" the Committee with persons who have a big stake in overseas operations and whose recommendations would support a preconceived position. Apparently objectivity was not considered desirable.

The vast textile-apparel-fiber producing industrial complex—an industry plagued by low-wage imports—has but one representative on the Committee capable though he is. I submit that he is up against overwhelming odds.

Just recently the volume of textile and apparel imports for July was brought to my attention. For that month textile imports hit an all-time monthly high—299 million square yards. This represents an increase of almost 39 percent over a year ago. More alarming than any one month's figure is the trend of textile imports. Based on the first 7 months of this year, it now appears that imports for 1968 will reach at least 3.2 billion square yards.

Mr. Speaker, these imports are displacing American jobs and they are undermining the future ability of our own textile industry to provide expanding job opportunities.

The import problems of this industry need no more study, and certainly no more by a committee stacked against its position. What is needed is quantitative limitations on all textile articles—limitations that would restore orderliness to international trade in textiles.

Mr. BETTS. Mr. Speaker, I wish to support the gentleman from Pennsylvania [Mr. DENT] in his objection to the makeup of the President's recently appointed panel on trade policy.

It is my understanding that less than 10 percent were representative of those interests that do not find the existing trade policy acceptable. Only the textile and the steel industries are given places on the panel out of the total of 34 members. Such a proportion reflects a total disregard of the principle of fair representation and cannot be allowed to go unchallenged.

Mr. Speaker, I sat as a member of the Committee on Ways and Means during the entire month of June listening to a long succession of witnesses who appeared at the public hearing conducted over a period of 4 weeks. I can personally bear witness to the fact that the testimony was preponderantly in behalf of domestic industries that have serious problems caused by rising import competition. They were not mere marginal industries, deficient in management or laggards on the industrial front; and they were not limited to textiles and steel, the only two of the long list that were given representation on the panel.

They were spokesmen not only from industry but from labor and agriculture. The footwear industry, the meat industry, fruit and vegetable growers, representatives of apparel manufacturers, consumer electronics, chemicals, petroleum, commercial fisheries, dairy product producers, and many others gave testimony; but one looks in vain for their representation on the President's panel.

It is generally agreed that after 34 years of going down the same road our trade policy needs a complete going over and reevaluation. A very broad spectrum of the American economy is affected by that policy. A thorough review is called for. It was launched by this body in the form of the hearings held this summer. We gave all interested parties an opportunity to appear and to be heard.

Shaping the trade policy of this country is a function of the Congress under the Constitution, and the Ways and Means Committee has opened the way. We heard all who sought to testify. We did not pick and choose the witnesses. We did not stack the deck.

The President's panel by contrast is handpicked. It appears that many representative voices were left off from among those who disagree with existing policy. I leave it to any fairminded person whether that is the way to shape public policy.

Mr. PRICE of Texas. Mr. Speaker, I join my colleague, the gentleman from Pennsylvania, in urging the President to carefully consider the growing concern expressed by industry after industry over the import menace.

I urge that the President's Advisory Committee on Trade Policy include members who are truly representative of industries so adversely affected by imports such as the domestic oil industry which depends so largely on the thousands of independent oil producers of the Nation.

The posture of our trade policy involves far more than a dedication to free trade. Therefore, the need for a balanced view representing, for example, the security considerations involved in the mandatory oil import program, becomes important.

It is my judgment that such a balanced view on this important program is most unlikely to come from the President's new Advisory Committee on Trade Policy. On that Committee are the heads of two oil companies, and our largest petrochemical corporation, all three having tremendous vested interest in foreign oil holdings or in gaining access to foreign petroleum supplies. Not one member represents even a probable counterbalancing view on this important matter.

I am among some 46 Members of this body, Mr. Speaker, who holds the view that the Congress ought to give real meaning to its long-established and unequivocal policy as to oil imports—by writing into law specific guidelines to limit imports on a basis of equity and fairness.

Unless the Congress so acts on this problem, it appears that a policy of long duration—a policy which recognizes that foreign oil holds tremendous economic advantage over our domestic industry, and that we could not possibly maintain adequate domestic petroleum supplies without reasonable limitations on imports—is under day-to-day assault by the application of massive pressures to dismantle entirely the mandatory oil import program.

By giving special dispensations under that program, in the name of first one economic ill and then another, the Department of Interior may as well have hung a sign on the office door of the Oil Import Administration reading, "Loopholes and Special Deals Arranged." The number of companies which have innovated all sorts of special deals to escape the import quota system grows with the granting of each new exception to that program.

One of the most disturbing, Mr. Speaker, and one which could—if sanctioned—be the death knell of the oil import program, involves the current effort before the Foreign Trade Zones Board to get approval of a trade zone, in the State of Maine, where Occidental Petroleum proposes to process 300,000 barrels a day of foreign oil. Some 200,000 barrels daily of products would be shipped into the United States from this plant.

Mr. Speaker, should this project be approved, such approval would involve a clear misuse of the Foreign Trade Zones Act. It would be a mockery of the intent of the Congress when it adopted that act. It would be a mockery because this proposal has one single purpose: to permit its sponsor to supply a U.S. refinery entirely on foreign oil and therefore to gain a private nullification of the provisions of the oil import program.

It is time that we decided, Mr. Speaker, whether or not we really want a domestic oil producing industry and whether we really want security as to petroleum supplies. Occidental Petroleum is responsible to its stockholders; it is not responsible for the future security of this Nation and its citizens. But if such a proposal is sanctioned by the administration, then it will be clear that we have abandoned all reality and all equity and all semblance of a program to maintain petroleum security, and that, in my judgment, will require that the Congress act and act promptly.

The oil import program was not implemented to assure special privilege for any company; it was not intended to assure a market for whatever oil Occidental or any other private company may find in the African desert; it is not a tool to be used for the convenience of those seeking to enhance their competitive positions; it was, instead, initiated to assure that in any emergency—or in war, should it come—this Nation will have a domestic petroleum industry able to meet the requirements of its Armed Forces and its industrial plants and, to the extent possible, its private citizens.

The program has strayed far from that purpose; it must not be permitted to stray any further. I urge my colleagues to take cognizance of the pressures, which are growing day by day, to undo this vital security program, and to speak their minds. Unless such threats are met and defeated, we will rue the day that we stood by and looked the other way as permissiveness grows which surely will destroy—through special privilege—an otherwise well-conceived and vital program.

Mr. BARING. Mr. Speaker, the President's appointment of a panel to review our national trade policy was no doubt in response to a plea from his Special Representative for Trade Negotiations who is apprehensive of the growing tendency in the Congress to take back to itself the constitutional power to regulate foreign commerce.

For a generation the Congress has set on the sidelines while the executive branch and especially the State Department regulated the foreign commerce of this country. The Congress itself delegated authority to the President to enter into trade agreements in 1934. The President's agent was the Department of State. In 1962 the Congress provided for the establishment of the Office of the President's Special Assistant for Trade Negotiations, thus indicating a lack of confidence in the Department of State.

The Trade Expansion Act of 1962 expired over a year ago, leaving the President without power to enter into additional trade agreements, while past trade agreements remain in effect. During the 34 years of trade agreement negotiations our tariff has come down from slightly over 50 percent on dutiable items to about 10 percent and in another 4 years will go yet lower, or to 7 to 8 percent under the Kennedy round. This level will be close to free trade.

Meantime many strong proposals by a number of industries for import quotas have been placed before Congress. Last June the Committee on Ways and Means held 4 weeks of hearings on trade policy. The hearings covered the subject thoroughly, receiving testimony from a long list of witnesses. The support for import quotas was very widespread while support for further tariff reductions was the weakest since the trade program was begun in 1934. After all, tariff reduction had nearly run its course or 80 percent toward the goal of free trade.

The President may be excused for acting on the panic of his special representative but his fear does not justify setting up the type of panel he named. The industries, with only a couple of exceptions, that have supported the establishment of market-sharing import quotas have been ignored. Surely the Congress will pay little attention to any recommendations that may come out of so biased a panel. The panel should be dissolved. There is no need for such a backstop to the Ways and Means Committee. If the President should insist on his own source of information and insist on a panel he should reconstitute it with adequate representation of the industries, labor and agricultural groups that are not in agreement with the policy of further tariff reductions and the refusal to use import quotas.

Mr. COLLIER. Mr. Speaker, President Johnson's appointment of a 34-member Advisory Committee on Trade Policies at this time might well be regarded as a vote of "no confidence" in the House Ways and Means Committee.

In making this statement, I invite my colleagues to review the extensive month-long hearings which the committee has conducted in connection with U.S. trade policies. I need not remind Members of this House that the Constitution vests in us, not the executive branch of the Government, the authority and responsibility of establishing duties and tariffs on imports. Merely because Members of this body have not been reticent to abdicate certain aspects of this responsibility is no reason to assume that we cannot regain full control of trade policy. As one Member of the House, I do not believe in granting blank-check authority to the executive branch of the Government in conducting this simple function of our Government. Nor do I believe that the fundamental economic purpose of a sound trade policy should be subservient to foreign policy.

In the very comprehensive hearings which were conducted this year by the House Ways and Means Committee, Chairman WILBUR D. MILLS, secured the testimony of all interested parties, both pro and con, and we listened to the extensive analysis provided by Ambassador Roth and other officials of the administration. The record is clear and can produce little more upon which to base a legislative decision than that which is available at this time.

It seems strange that the President has named this committee to a long-range study when it is obvious that such recommendations that are made to him would carry much less weight than would be the case if the new President ordered the study. It is therefore only sensible that any panel established for this purpose be appointed by the next President 3 or 4 months from now if there is to be greater significance to such a report upon which the Chief Executive will submit for consideration such policies as the Congress may choose to enact into law in the future.

It is also the responsibility of the U.S. Ambassador for Trade Negotiations to be guided by such legislation as the Congress adopts as the guidelines for any trade negotiations. In this regard there has been entirely too much emphasis placed upon our trade policies as part of our foreign relations operations. Because this has been the situation in the past, the heavy hand of the State Department has been too influential in our negotiations.

Taking all facts into consideration including the serious problem of our balance of payments, I believe that the next President of the United States should be given the right to move in whatever direction he chooses in arriving at such recommendations as he feels obliged to submit to the Congress. The necessity of this position is prompted by the fact that in reviewing the members appointed by the outgoing President only three of the 34 can be identified as critics of the present trade policy of this country which has failed miserably to achieve the goals which were set at the time Congress enacted the now expired Trade Expansion Act of 1962.

Mr. BATES. Mr. Speaker, I wish to thank the gentleman from Pennsylvania [Mr. DENT] for affording this opportunity to focus attention on a matter which I am sure deeply concerns many businessmen and industrial workers in virtually every congressional district in the United States.

There are many among us who see an apparent determination within the present administration, in the admittedly worthy desire to help the economies of other countries, to ignore the visible hard facts concerning the damaging effects of uncontrolled imports on domestic industries and the jobs they provide. Regrettably, therefore, the free trade views of the majority on the President's newly appointed Advisory Committee on Trade Policy are expected to prevail in the recommendations it will make concerning "such legislative and other measures as may be required," which the President said would be forthcoming from his Special Representative for Trade Negotiations, Ambassador William M. Roth.

Apparently, the composition of this Committee was proposed by Mr. Roth, and approved by the President, to try to counter the vast amount of information amassed by our congressional committees on the need for orderly marketing procedures in our international trade program—information which shows what is happening to our shoe, leather, textile, steel, fish, and other industries because of the ever-mounting volume of low-cost foreign labor imports, and what unregulated continuance of that flood of imports means to the future of American jobs and economy.

For example, think about the fact that the latest import figures reveal that during the first 7 months of 1968 there was a staggering 38.7-percent increase in the numbers of pairs of leather and vinyl footwear imported, compared to the same 7-month period in 1967. The National Footwear Manufacturers Association notes that this represents 28.8 percent of domestic production of an estimated 383,001,000 pairs from January through July this year—and in July alone, total imports of footwear ran 44 percent ahead of the same month in 1967.

Now look at imports of cotton, wool, and manmade fiber textiles, which during the month of July 1968 totaled 229 million equivalent square yards—an all-time monthly high. Based on the first 7 months, textile and apparel imports for 1968 are running at an annual rate of 3.2 billion square yards—a 14-percent increase over the previous record set in 1966.

Robert C. Jackson, executive vice president of the American Textile Manufacturers Institute, observes:

> Translated into jobs, it would take 226,500 American workers to produce this volume of textiles and apparel. July imports alone were the equivalent of over 21,000 jobs.

Mr. Jackson adds that "the rise in textile imports thus far in 1968 confirms our worst fears"—and I know that my colleagues from the larger textile States are emphasizing the dire prospects this evident trend holds for American textile and apparel manufacturers and their employees, if import controls are not provided before it is too late.

I feel, Mr. Speaker, that it is appropriate at this time that I call the attention of my colleagues—and the members of the new Advisory Committee on Trade Policy—to my remarks on page 26757 of the CONGRESSIONAL RECORD of September 12, 1968. Here is a further warning that, in the words of Leather and Shoes magazine, "Growing Imports Menace U.S. Global Trade." I ask that everyone especially note therein that Secretary of Commerce C. R. Smith is quoted as saying at Los Angeles on August 20:

> The U.S. world trade position needs improving. . . . Recent figures have been dreary, and there are no really clear signs that we have turned the corner, that we can soon expect a return to a favorable trade balance of the dimension we once assumed would long be the rule. . . . Exports have been rising at a very nominal rate, (but) imports have also been rising at a very phenomenal rate.

The Secretary of Commerce seems to have a grasp of the situation which it can be hoped will somehow come to be recognized by others in the administration.

There is much more which we could say here today, but I believe that the points I have raised serve to illustrate the importance of our Government taking a more realistic attitude toward value of American jobs and income vis-a-vis those of other countries. I trust that I shall not be accused of wishful thinking when I say that I hope that the President's Advisory Committee on Trade Policy will consider these facts and acknowledge that trade should be a two-way proposition and not something that improves other economies at the expense of further depressing our own.

Indeed, Mr. Speaker, this advisory group, and all others concerned with administering our international trade policies, could do well to heed the full import of the words of the President himself when he said about the trade study these advisers will be helping Ambassador Roth to make:

> The policies undertaken as a result of the study will have a significant impact upon the economy as well as the international relations of the United States.

PRESIDENTIAL CANDIDATES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 60 minutes.

Mr. SCHWENGEL. Mr. Speaker, the presidential candidates for both parties can have a great impact on congressional judgments. Daily I have been addressing this body and because of the fact that the candidate for President on the Democratic tickets failed to take a position when asked by the press, I responded by pointing out to the Members the facets and factors that may have had bearing on their decisions.

Mr. Speaker, because of the emergency of this proposition, because I am convinced it needs the attention of all public men, I have asked both of the candidates to review this proposition and take a stand in the public interest.

Mr. Speaker, I was thrilled that Mr. Nixon responded eloquently, adequately, and most certainly in the public interest yesterday when the question on the truck issue by saying:

> This proposal to allow States to increase permissible truck weight and size on Interstate Highways raises serious issues, including the convenience and safety of the motoring public. Questions remain about the extent to which greater truck sizes and weights would impose additional wear and tear on a road network.
>
> I believe these matters are so important to so many of our people that I favor postponement of action on the bill now before the House.
>
> As President, I would want this entire matter most carefully reconsidered. I would

> direct the Secretary of Transportation to take a hard new look to make certain that the interest of the traveling public and also the life of our highways are fully protected as we facilitate the vital movement of goods in the Nation's commerce.

This, Mr. Speaker, is taking a forthright position in the public interest and guaranteeing that when he becomes President we will have a thorough and complete and adequate restudy of the problem. We will have a chance to have the proper questions raised and answered. We will have a chance to have all the facts and factors to make proper judgments on the problems that S. 2658 is presenting.

I want to reiterate that I am surprised Vice President HUMPHREY is not in a position to take a stand on this legislation on the basis of its merits consistent with the public interest.

But in view of the revelations made so far clearly showing the trucking industry's attempt to influence legislation by a pattern of campaign contributions to Members of Congress most responsible for considering the legislation, I would hope the Vice President would want to consider this legislation most closely.

In view of the admitted attempts by the trucking industry to influence Congress it should be clear to the Vice President that more hearings and more evaluation are needed for the truck-weight bill.

The appointment at this time of Mr. Short as Mr. HUMPHREY's chief fundraiser is an unfortunate one. I expect that the Vice President, basically a very decent man, will do the right thing and replace Mr. Short. The Vice President should replace Mr. Short so as to remove even the shadow of suspicion from the minds of the public that the trucking industry is playing a dominant role in presidential campaign financing at the same time this industry is desperately trying to push through Congress a piece of controversial legislation which many highway safety experts regard as inimicable to the public interest.

Mr. Speaker, I again call on the Vice President to, both as Vice President and candidate for office, take a public stand comparable to that of Mr. Richard Nixon. This will assure that this question will get a thorough and adequate airing and Congress will be given an opportunity to more fully explore the effects of this legislation.

ON CARL SANDBURG MEMORIAL

Mr. SCHWENGEL. Mr. Speaker, I rise to announce and proclaim my support of H.R. 13099, a bill to establish a memorial to the memory and life of a great American, who never served public office but who served his country with his talents so eloquently, unselfishly, and with a great sense of dedication. Mr. Speaker, I do this then because I believe "it is fitting and proper to do so."

After moments of profound meditation he reminded us often of great and lasting truths, of virtues and values to be remembered, and of admonitions to be noted. He once said that:

> Whenever people or an institution forgets its early hard beginnings, it is beginning to decay.

I cannot help but note parenthetically, Mr. Speaker, that there are evidences of decay in our society and therefore, we need to ponder. The passage of this bill, the establishment of a Carl Sandburg Memorial at his home will help us to understand our history while we are reminded of a great man who built his monument really in the minds of the American people whom he loved.

All his life this man read about, pondered on, and wrote about the history of our country. Often he responded to the influences that came to him when he read about great men in verse and prose. No man wrote more eloquently, dramatically, and adequately than he. In his writings he not only had a rhythm and rhyme of words but of thoughts. And we honored him for this by reading so much of what he said and among his friends were those who rewarded him and honored him in so many ways.

He loved to speak to people and he did so all over the United States and never missed an opportunity to speak to us, especially when it could be done in the atmosphere of young people.

It is estimated that he talked on over 1,000 different college campuses, and made return visits for speeches often when he could.

Early in his life he became interested in the life, work, and words of Lincoln. It is my belief that he researched deeper, wrote more and more eloquently about this friend of his and ours than any other man in history, and thousands have written on Lincoln. He was in constant demand as a lecturer on many phases of American life and its people, but most often he spoke on Lincoln.

On February 12, 1959, according to his own testimony, the highest honor of his life came to him. He was invited and accepted the opportunity to speak that day to the joint session of the Congress. The occasion was the 150th anniversary of Lincoln's birth. It was a dramatic setting. The balcony was filled beyond capacity and there was more demands for seats in the balcony that day than ever. The Supreme Court was there, you recall, in their robes. Cabinet members were in their regular places. Department heads of Government all were there, and for the first time in history, according to Rayburn, people who were not officials were allowed on the floor. But only those people who it was known had a vital interest in Lincoln. They came from all over the United States and on that day the diplomatic corps was there. Then after Fredric March had delivered the Gettysburg Address so effectively, Speaker Rayburn, with deep feeling, and he was a good friend of Sandburg, and with his kind of Texas eloquence, introduced this great American, Carl Sandburg.

As he rose to speak every person in the Chamber prepared to listen intently to every word that would fall from his lips. For 22 minutes we and the 60 million people watching on television, and many millions more listening on radios, sat with great anticipation to drink, to mentally taste and digest his every word of praise. In this speech, in its opening phrase, he demonstrated the kind of eloquence that only Sandburg can utter with great effect. Beginning with the observation, "that this reception here calls for humility and pride," he hit the right note and he told a great truth when he said:

> Not often in the story of mankind does a man arrive on earth who is both steel and velvet, who is as hard as rock and soft as drifting fog, who holds in his heart and mind the paradox of terrible storm and peace unspeakable and perfect. Here and there across centuries come reports of men alleged to have these contrasts. And the incomparable Abraham Lincoln, born 150 years ago this day, is an approach if not a perfect realization of this character. In the time of the April lilacs in the year 1865, on his death, the casket with his body was carried north and west a thousand miles; and the American people wept as never before; bells sobbed, cities wore crepe; people stood in tears and with hats off as the railroad burial car paused in the leading cities of seven States, ending its journey at Springfield, Illinois, the hometown.

Then he described the situations that prevailed and Lincoln's response from time to time. They all were appropriate. They needed pondering on 150 years later. He reached a high crescendo when he said:

> Like an ancient psalmist (Lincoln) warned Congress: "Fellow Citizens, we cannot escape history. We will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down in honor or dishonor to the latest generation."

Somehow it seemed to many of those listening that he was speaking for that day and that time, yea even for today.

Then addressing himself to Congress he said:

> The dogmas of the quiet past are inadequate for the stormy present. We must think anew, we must act anew, we must disenthrall ourselves.

How true.

Then calling on his old friend, Mark Van Doren, who observed:

> To me Lincoln seems, in some ways, the most interesting man who ever lived. He was gentle but his gentleness was combined with a terrific toughness, an iron strength.

Then he began to close, the most fitting, eloquent closing of any speech I have ever read or heard:

> And how did Lincoln say he would like to be remembered? Something of it is in this present occasion, the atmosphere of this room. His beloved friend, Representative Owen Lovejoy, of Illinois, had died in May of 1864, and friends wrote to Lincoln and he replied that the pressure of duties kept him for joining them in efforts for a marble monument to Lovejoy, the last sentence of Lincoln's letter saying: "Let him have the marble monument along with the well-assured and more enduring one in the hearts of those who love liberty, unselfishly, for all men."
>
> Today we may say, perhaps, that the well-assured and most enduring memorial to Lincoln is invisibly there, today, tomorrow, and for a long time yet to come. It is there in the hearts of lovers of liberty, men and women—this country has always had them in crisis—men and women who understand that wherever there is freedom there have been those who fought, toiled, and sacrificed for it. I thank you.

Mr. Speaker, you were there. Many of the present Members of Congress were there and will remember the response when he sat down. No President, distinguished citizen of America, or foreigner ever spoke more eloquently nor with greater prospect of lasting effect, than did Carl Sandburg on that date. He added immeasurably to the American heritage and to the rich literature of our authors.

Mr. Speaker, the establishing of a Carl Sandburg memorial is appropriate, will serve history and help those who visit here to catch something of spirit that burned in his heart.

CONGRESSIONAL REFORM

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Tennessee [Mr. Brock] is recognized for 60 minutes.

Mr. BROCK. Mr. Speaker, I have taken this time to discuss the continuing need in the House of Representatives for congressional reform and for reform of our completely outmoded election laws.

Mr. Speaker, I think we are all aware of the effort that a number of Members have made in the past few weeks. I would call your attention to the fact that this effort has been a continuing one for some 2 or 3 years on the part of many Members on both sides of the aisle, an effort to bring this House of Representatives up to date, an effort to make it responsive, critically responsive, to the needs and the aspirations of the American people. However, it has not been successful.

Mr. Speaker, the Senate of the United States has passed both of these bills. The Committee on House Administration has not voted out the Election Reform Act and both it and the Congressional Reform Act are pending now before the Committee on Rules. But, since they have come to this body and have been referred to the Committee on Rules only one-half day of hearings have been held and that only on the congressional reform bill. No future action is expected to be taken.

Mr. Speaker, a number of us on both sides of the aisle feel that it is time for this body to exercise its responsibility to the American people, to take immediate action to bring before the House in the form of an open-rule legislation to reform the Congress, legislation to bring up to date, and clean up our completely outmoded election laws.

Mr. Speaker, at this point I would like to yield to the gentleman from New York [Mr. Conable].

Mr. CONABLE. Mr. Speaker, I thank the gentleman for yielding. I notice he said that we have the responsibility to the American people to upgrade our procedures. I would like to explore that a little. I wonder if the gentleman feels that the American people are exercised about our procedures and election laws and our procedures here in the House of Representatives. It seems to me that frequently the American people concern themselves primarily with the results of what we do here and not the manner in which we do it.

I wonder if the gentleman would like to elaborate a little further as to what he feels our responsibility is in this respect and the effort that has been made in the past few days to dramatize the extent to which our practices are outmoded fit into this responsibility.

Mr. BROCK. I think some of us referred last week on Tuesday to these two bills as the only pieces of legislation that I have experienced without a constituency. There is no ground swell of support in the American populous at large because there was not an awareness of the need for those bills. But since our action of last week, I would point out the fact that a number of major newspapers and periodicals have commented very favorably upon the efforts that this group has made in this particular area.

For example, Mr. Speaker, the distinguished gentleman from Minnesota [Mr. MacGregor] has this noon put into the Record which will be available tomorrow a reprint of an editorial of support from the New York Times, a reprint of a very favorable editorial from the Christian Science Monitor, and another favorable article from the New Republic.

Mr. Speaker, there is a growing awareness of this situation. However, the primary thrust of this legislation is—and I think, frankly, must remain within this body on the premise that we should exercise the maximum degree of responsibility in representing that particular constituency.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield on that point?

Mr. BROCK. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Speaker, I thank the gentleman for yielding.

I believe it would be appropriate to point out at this point in this discussion that, besides our responsibilities as Members of the House of Representatves, which we are all proud to be, that we also have responsibilities as members of the minority in the House of Representatives. I was very heartened to note that the Republican Party in Miami adopted as a plank in its platform a very loud, clear, clarion call for action in this area. I believe the Record should repeat those words in the Republican platform. They are brief. They state as follows:

> We favor a new Election Reform Act that will apply clear, reasonable restraints to political spending and fund-raising, whether by business, labor or individuals, ensure timely publication of the financial facts in campaigns, and provide a tax deduction for small contributions.

It goes on:

> Congress itself must be reorganized and modernized in order to function efficiently as a co-equal branch of government. Democrats in control of Congress have opposed Republican efforts for Congressional reform and killed legislation embodying the recommendations of a special bipartisan committee. We will again press for enactment of this measure.

Mr. TAFT. Mr. Speaker, I wonder if the gentleman would yield at that point?

Mr. CLEVELAND. Before I yield I would like to applaud—and I might say to the gentleman from Ohio that I do not have control of the time—but I would like to applaud the efforts of the gentleman from Tennessee in bringing this matter out for debate on the floor of this House.

I believe it is very important that we stress the point that, because we are a minority, our efforts are almost foredoomed to failure, but this does not mean that we should not try. That is why I applaud the efforts of the gentleman in the well of the House, the gentleman from Tennessee [Mr. Brock], and the gentleman from Illinois [Mr. Rumsfeld], and the other members of that group who have been desperately trying for some action on these two bills, to avail themselves to the extent they possibly can of the remedies, such as they are, that the minority are given in this body to bring forth legislation for consideration.

Mr. BROCK. I thank the gentleman for his comments.

I would like to add further that, although I believe we all very deeply hope that this effort remains bipartisan, I believe it is only right to point out for the Record that on occasion after occasion the Republican Party has taken a specific delineated stand in behalf of these bills, the Republican policy committee, the Republican platform, the Republican conference, and the Republican leadership on several occasions have indicated strong, vital, and complete support of both congressional reorganization and clean elections.

I now yield to the gentleman from Ohio.

Mr. TAFT. Mr. Speaker, I thank the gentleman for yielding on that point. I certainly want to concur with the gentleman that the effort should be a bipartisan one. However, at the same time I believe it would be unrealistic not to recognize that there appear to be certain opponents who, insofar as bringing this bill to the floor of the House in this session are concerned, are certainly opposed to doing that and are taking steps to prevent it.

Right today, of course, we had on the floor the question of whether or not we should dispense with Calendar Wednesday. At that time we went into some details as to why it would have been futile to attempt to bring out these bills, or at least the election reform bill, which is the only one that could be brought out under Calendar Wednesday under that procedure.

I believe we see these attitudes and perhaps there might be an interesting contrast between the attitudes that the gentleman from New Hampshire [Mr. Cleveland] has just read from the Republican platform in Miami, and a direct quotation in the Washington News of September 12 of the chairman of our Committee on Rules, the gentleman from Mississippi [Mr. Colmer], which states with regard to his opposition to the measures:

> I don't intend to yield. I have never seen a reorganization bill worth anything or accomplish anything, either in the executive or the legislative branches.

Now, I must take some issue with the gentleman in that regard in that certainly if we do not try to do something about reorganizing the Congress, we are not going to reorganize it.

At the same time, I would like to point out something else with respect to the

Committee on Rules: It would seem to me that the other day it was said, at the time this group took the floor and illustrated how archaic the procedures of the House are, that the Committee on Rules was not going to consider any more bills. It is rather interesting in that regard, I believe, to note that on the 10th of September the Committee on Rules acted on House Resolution 1300, and on the 12th of September there came to the floor under the action of the Committee on Rules House Resolution 1300, bringing up for business on the floor of the House the scenic rivers bill

I am not criticizing that. I am in favor of the bill. I am glad the Committee on Rules has brought it out. But to say that the Committee on Rules is not going to consider any further measures, and then go ahead and bring them out, illustrates, I believe, how dissembling perhaps it is to say that you are not going to bring these bills out because of some position taken by the Committee on Rules in that regard.

Mr. BROCK. I might point out in that regard, if I may interrupt the gentleman briefly, one of the problems in communicating our concern to our constituency over the difficulties of reorganizing the Congress lies in the highly complex nature of the devices that we have to use.

For example, he mentioned the Calendar Wednesday procedure. It is almost impossible to explain to anyone, a Member of the House, and certainly to someone who does not serve, how this procedure works.

I think this is one of the basic problems that we face.

The point is not in explaining a particular part of the bill or a particular section that we oppose—or that we oppose at the present time. The point is we must communicate the need to make this body more responsive to the aspirations of the American people. I think that is what we are trying to do.

Mr. TAFT. I could not agree with the gentleman more.

I must say, too, I believe we are beginning to get some very real results, from the interesting coverage that we seem to be getting around the country.

In that regard, Mr. Speaker, I ask unanimous consent at this point to introduce in the RECORD copies of the two pieces of legislation about which we have been talking, H.R. 11233 and S. 355 since they are in very, very short supply, I think having them printed in the RECORD at this time will be of service to those who wish to inquire and study as to exactly what the bills do contain.

I would also ask unanimous consent at this time to introduce in the RECORD a number of newspaper articles that have come up since the original issue was raised on the floor on the 12th of September.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matters referred to are as follows:

H.R. 11233

[Report No. 1593]

A bill to revise the Federal election laws, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Election Reform Act of 1968".

TITLE I—AMENDMENTS TO CRIMINAL CODE

SEC. 101. Section 591 of title 18 of the United States Code is amended to read as follows:

"§ 591. Definitions

"When used in sections 597, 599, 602, 608, 610, and 614 of this title—

"(a) The term 'election' means (1) a general, special, or primary election, (2) a convention or caucus of a political party held to nominate a candidate, and (3) a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President and Vice President.

"(b) The term 'candidate' means an individual who seeks nomination for election, or election, to Federal office whether or not such individual is elected. For purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he (1) has taken the action necessary under the law of a State to qualify him for nomination for election, or election, to Federal office or (2) has received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such an office.

"(c) The term 'Federal office' means the office of President or Vice President of the United States, or of Senator or Representative in, or Resident Commissioner to, the Congress of the United States.

"(d) The term 'political committee' means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000, other than a committee which primarily supports persons seeking State or local office, which does not substantially support Federal candidates, and which does not operate in more than one State.

"(e) The term 'contribution' means a gift, donation, payment of money or any thing of value or loan of money, except to a candidate by a licensed lending institution, or loan of any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as presidential and vice-presidential electors, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President and Vice President, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution, and also includes a transfer of funds between political committees.

"(f) The term 'expenditure' includes a purchase, payment, distribution, loan, advance, deposit, or gift of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as presidential and vice-presidential electors, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President and Vice President, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, and also includes a transfer of funds between political committees.

"(g) The term 'person' or the term 'whoever' means an individual, partnership, committee, association, corporation, or any other organization or group of persons."

SEC. 102. Section 600 of title 18 of the United States Code is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or the support of or opposition to any candidate or any political party in any election, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

SEC. 103. Section 608 of title 18 of the United States Code is amended to read as follows:

"§ 608. Limitations on political contributions and purchases

"(a) Whoever, other than a political committee or a candidate, directly or indirectly, makes contributions in an aggregate amount in excess of $5,000 during any calendar year, or in connection with any campaign for nomination for election, or election, to any political committee or candidate or to any individual seeking office as presidential and vice-presidential elector, to two or more political committees substantially supporting the same candidate, or to a candidate and one or more political committees substantially supporting the candidate, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(b)(1) No political committee or candidate may sell any goods, commodities, advertising, articles, or services to any person other than a political committee or candidate. No person other than a political committee or candidate may purchase any goods, commodities, advertising, articles, or services from a political committee or candidate.

"(2) Whoever violates paragraph (1) of this subsection shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(c) Subsection (b) shall not apply to a sale or purchase (1) of any political campaign pin, button, badge, flag, emblem, hat, banner, or similar campaign souvenir or any political campaign literature or publications (but shall apply to sales of advertising including the sale of space in any publication), for prices not exceeding $25 each, (2) of tickets to political events or gatherings, (3) of food or drink for a charge not substantially in excess of the normal charge therefor, or (4) made in the course of the usual and known business, trade, or profession of any person or which is a normal arm's-length transaction between persons, or a transaction between a candidate and his spouse, child, or parent.

"(d) In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation shall be punished as herein provided."

SEC. 104. Section 609 of title 18 of the United States Code is repealed.

SEC. 105. Section 611 of title 18 of the United States Code is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever, including a corporation, (1) enters into any contract with the United States or any department or agency thereof, either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, and (2) during the period of negotiation for, or performance under, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly makes any contribution of money or any other thing of value, or promises expressly or impliedly to make any such contribution, to any person, association, or organization for the purpose of influencing the nomination for election, or election, of any person to any public office, or to any political party, committee, or candidate for any public office for any political purpose whatever; or

"Whoever knowingly solicits any such contribution from any such person, for any such purpose during any such period—

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both."

SEC. 106. (a) Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 614. Use of contribution for personal purposes

"Whoever, being a Senator or Representative in, or Resident Commissioner to, Congress, or an individual elected or appointed as Senator, or elected as Representative or Resident Commissioner, or a candidate for any such office, directly or indirectly receives any contribution as a result of a fundraising event or activity organized in his behalf, and uses all or any part of such contribution for personal, living, or family purposes, shall be fined not more than $5,000 or imprisoned not more than one year, or both."

(b) The table of contents of chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following:

"614. Use of contribution for personal purposes."

SEC. 107. So much of the sectional analysis at the beginning of chapter 29 of title 18 of the United States Code as relates to sections 600, 609, and 611 is amended to read as follows:

"600. Promise of employment or other benefit for political activity.

"609. Repealed.

"611. Contributions by Government contractors."

TITLE II—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

DEFINITIONS

SEC. 201. When used in this title—

(a) The term "election" means (1) a general, special, or primary election, (2) a convention or caucus of a political party held to nominate a candidate, and (3) a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President or Vice President.

(b) The term "candidate" means an individual who seeks nomination for election, or election, to Federal office whether or not such individual is elected. For purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he (1) has taken the action necessary under the law of a State to qualify him for nomination for election, or election, to Federal office, or (2) has received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such an office.

(c) The term "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Resident Commissioner to, the Congress of the United States.

(d) The term "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000, other than a committee which primarily supports persons seeking State or local office, which does not substantially support Federal candidates, and which does not operate in more than one State.

(e) The term "contribution" means a gift, donation, payment of money or any thing of value, or loan of money, except to a candidate by a licensed lending institution, or loan of any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as presidential and vice-presidential electors, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President and Vice President, and includes a transfer of funds between political committees.

(f) The term "expenditure" includes a purchase, payment, distribution, loan, advance, deposit, or gift of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as presidential and vice-presidential electors, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President and Vice President, and also includes a transfer of funds between political committees.

(g) The term "person" includes an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons.

(h) The term "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands.

FEDERAL ELECTIONS COMMISSION

SEC. 202. (a) (1) There is hereby created a commission to be known as the Federal Elections Commission (referred to hereafter in this Act as "Commission"), which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) A person may not be appointed to the Commission—

(A) if at the time of his appointment he was not a member of a major political party, or

(B) if his appointment results in more than three persons from his party being members of the Commission.

For purposes of this paragraph, the term "major political party" means a national political party whose candidate for President received either the largest or the next largest popular vote in the preceding Presidential election.

(3) One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, and one for a term of ten years, beginning from the effective date of this title, but their successors shall be appointed for terms of ten years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) If there is a vacancy in the Commission which has existed for more than 90 days, the remaining members of the Commission may not exercise any of the powers of the Commission until such vacancy is filled, but in such case the Executive Director of the Commission may exercise any duties previously vested in him by the Commission. Except as provided in the preceding sentence, three members of the Commission shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

(e) (1) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Bureau of the Budget, but not exceeding $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 3109 of title 5, United States Code.

(2) The Commission shall, in accordance with chapter 51 of title 5, United States Code, and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of an Executive Director and such other officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions.

(3) The Executive Director shall be the chief administrative officer of the Commission. He shall perform his duties under the direction and supervision of the Commission, and the Commission may delegate any of its functions, other than the making of regulations, to him.

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all of its powers at any other place.

(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of sections 7324 and 7325 of title 5, United States Code, notwithstanding any exemption contained therein.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 203. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which received. All funds of a political committee shall be kept separate from other funds.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact amount of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address of every person making any contribution, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address of every person to whom any expenditure is made, and the date and amount thereof.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Commission in accordance with published regulations.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 204. (a) Each committee, organization, or association (other than an exempt State or local committee) which anticipates receiving contributions or making expenditures in an aggregate amount exceeding $1,000 in any calendar year (hereafter in this section referred to as "committee") shall, within ten days after its organization, or, if later, ten days after the date on which it has information which causes it to anticipate it will receive or make contributions or expenditures in such amount, file with the Commission a statement of organization. Each such political committee in existence at the effective date of this Act shall file a statement of organization with the Commission at such time as it prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the name, address, and relationship of any organization which (under regulations of the Commission) constitutes an affiliated or connected organization;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, office sought, and party affiliation of (A) each candidate whom the committee is supporting and (B) any other individuals whom the organization is supporting for nomination or election to public office; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) what disposition of residual funds will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used; and

(10) a statement whether the committee is required by law to file reports with State or local officers, and if so, the names, addresses, and positions of such State or local officers.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Commission within a ten-day period following the change.

(d) Any political committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures exceeding $1,000 in the aggregate in any calendar year shall so notify the Commission and file with the Commission a complete report with respect to its funds, including any disposition thereof to date.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 205. (a) If an individual is a candidate during a reporting period, or if a political committee is in existence during a reporting period, then such individual or the treasurer of such committee (as the case may be) shall file a financial report under subsection (c) with respect to such reporting period. Such report shall be filed on the first reporting date following the close of such reporting period.

(b) For purposes of this section:

(1) Reporting periods shall be established by the Commission by regulation. A reporting period shall begin at least five days before each reporting date and shall end at least five days before the next succeeding reporting date.

(2) Each of the following days shall be a reporting date:

(A) The 31st day of January.

(B) The 10th day of March.

(C) The 10th day of June.

(D) The 10th day of September.

In addition to the foregoing reporting dates, (i) in the case of a candidate, or a political committee supporting only such candidate, the 15th day and the fifth day preceding any election in which he is a candidate shall be reporting dates, and (ii) in the case of a political committee supporting more than one candidate, or a person required to make a report under section 206, the Commission shall by regulation prescribe reporting dates with respect to any election in which such committee or person supports a candidate.

(3) A political committee shall be deemed to be in existence during a reporting period if it has filed a statement of organization under section 204(a) before the close of such reporting period (and has not filed a final report under section 204(d) before the beginning of such period).

(c) Each report under this section shall disclose:

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events), in the aggregate amount or value, within the calendar year, in excess of $100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all such transfers;

(5) each loan to or from any person, except a loan to a candidate by a licensed lending institution, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loan;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each rebate, refund, or other receipt not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address of each person to whom an expenditure or expenditures have been made by such committee or candidate within the calendar year in the aggregate amount or value in excess of $100 and the amount, date, and purpose of each such expenditure;

(10) the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of $100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the reporting period; and

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Commission may prescribe.

(d) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report only the amount need be carried forward.

REPORTS OTHER THAN BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 206. Any person (other than a political committee, candidate, or exempt State or local committee) whose expenditures exceed $100 in the aggregate during a calendar year shall file with the Commission on the first reporting date (as defined by section 205 (b)(3)) which occurs five or more days after the first day in such year on which his expenditures exceed $100 a statement containing the information required by section 205(c). If he makes any additional expenditure during such calendar year, he shall file such a statement on the first reporting date which occurs more than five days after such expenditure. Statements under this section need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 207. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taking before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Commission in a published regulation.

(c) The Commission shall have authority to modify, suspend, or waive by published regulation of general applicability such of the requirements of sections 204, 205, and 206 as it finds to be unnecessarily burdensome to the persons required to report thereunder or not to be necessary to effectuate the purposes of this title.

(d) The Commission shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 208. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons in such State, in dealing with officials of a national political party (or with an organization described in paragraph (2)) with respect to matters involving a national convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for a national convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as it may prescribe, the sources from which it derived its funds and the purposes for which such funds were expended.

DUTIES OF THE COMMISSION

SEC. 209. (a) It shall be the duty of the Commission—

(1) to develop prescribed forms for the making of reports and statements required by this title and title III of this Act;

(2) to prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and state-

ments required by this title and title III of this Act;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this Act;

(4) to make the reports and statements filed with it available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person;

(5) to preserve such reports and statements for a period of at least 10 years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for at least five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported receipts and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as the Commission shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as the Commission shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed a sum in excess of $100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made in preceding years;

(9) to prepare and publish such other reports as it may deem appropriate;

(10) to assure wide dissemination of summaries and reports;

(11) to make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of this title and title III of this Act, and with respect to alleged failures to file any report or statement required under the provisions of this title or title III of this Act;

(12) to report apparent violations of law to the appropriate law enforcement authorities;

(13) to prescribe suitable procedural regulations to carry out the provisions of this title and title III of this Act; and

(14) for the purpose of any audit or investigation provided for in paragraph (11) of subsection (a) or in subsection (b) of this section, the provisions of sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50) are hereby made applicable to the jurisdiction, powers, and duties of the Commission, or any officer designated by it, except that the attendance of a witness may not be required outside of the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

(b) Any candidate who believes a violation of this title or title III has occurred may file a complaint with the Commission. If the Commission determines there is substantial reason to believe such a violation has occurred, it shall expeditiously make an investigation which shall include an investigation of reports and statements filed by the complainant, as well as of the matter complained of. If, on the basis of such investigation and after affording due notice and opportunity for a hearing on the record, it determines such a violation has occurred, the Commission shall issue an order directing the violator to take such action as the Commission determines may be necessary in the public interest to correct the injury occasioned by the violation. Such action may include requiring the violator to make public the fact that a violation has occurred, and the nature thereof, and may also include requiring the violator to make public complete statements, in corrected form, containing information required by this title or title III. The Commission may also take action to correct such an injury by making public the fact that a violation has occurred, and the nature thereof, and may also make public complete statements (prepared by the Commission itself and its officers and employees) containing the information required by this title or title III. Any party in interest who is aggrieved by a determination of the Commission under this subsection may, within sixty days after such order is issued, file with the United States court of appeals for the circuit in which he resides or in the United States Court of Appeals for the District of Columbia circuit a petition for review of the action of the Commission in issuing the order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The Commission thereupon shall file in the court the record of the proceedings on which it based its action, as provided in section 2112 of title 28, United States Code. The findings of fact by the Commission, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commission to take further evidence, and the Commission may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The court shall have jurisdiction to affirm the action of the Commission or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. Any action brought under this section shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this section).

(c) Section 5(1) of the Federal Trade Commission Act (15 U.S.C. 451(1)) shall apply to violations of orders of the Commission in the same manner as it applies to violations of orders of the Federal Trade Commission.

(d) In the performance of its duties under this Act, the Commission shall coordinate its activities with the activities of the Comptroller General under the Presidential Election Campaign Fund Act of 1966.

STATEMENTS FILED WITH CLERKS OF UNITED STATES COURTS

SEC. 210. (a) Each person who is required by this title to file a report or statement with the Commission, shall file a copy of such report or statement with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence; except that this section shall not apply to political committees supporting candidates in more than one State. The Commission may require the filing of copies of reports and statements required by this title with the clerks of United States district courts other than courts where copies are filed under the preceding sentence where it determines the public interest will be served thereby.

(b) It shall be the duty of the clerks under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;

(2) to preserve such reports and statements for a period of at least ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for at least five years from the date of receipt;

(3) to make the reports and statements filed with it available for public inspection and copying during regular office hours, commencing as soon as practicable after filing but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements, or parts of statements, pertaining to each candidate.

PROHIBITION ON CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 211. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 212. Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

REPEALING CLAUSE

SEC. 213. The Federal Corrupt Practices Act, 1925, and all other Acts or parts of Acts inconsistent herewith are repealed.

CITATION

SEC. 214. This title may be cited as the "Campaign Funds Disclosure Act".

TITLE III—DISCLOSURE OF GIFTS AND HONORARIUMS

DEFINITIONS

SEC. 301. When used in this title—

(a) The term "honorarium" means all fees in excess of $100 paid from any source other than the Government of the United States for lectures, speeches, articles, and similar services.

(b) The term "Representative" means each Representative in, or Resident Commissioner to, the Congress of the United States.

(c) The term "Commission" means the Federal Elections Commission.

(d) The terms "election" and "candidate" have the meaning given them by sections 201(a) and 201(b), respectively.

(e) The term "gift" means a voluntary transfer of property without consideration but does not include a contribution (as defined in section 201(e)).

STATEMENT OF GIFTS AND HONORARIUMS TO BE FILED

SEC. 302. (a) Each candidate for nomination for election, or reelection, to the Senate or House of Representatives shall file with the Commission between the tenth and fifteenth day next preceding the date on which an election is held in which he is a candidate, a statement disclosing (1) gifts as required by subsection (c), and (2) honorariums received by him as required by subsection (d), for the reporting period applicable under this title to candidates.

(b) Each Senator and Representative shall file with the Commission by the 31st day of January a statement disclosing (1) gifts as required by subsection (c), and (2) honorariums received by him as required by subsection (d), for the reporting period applicable to Senators and Representatives.

(c) Each statement disclosing gifts required by this section from a candidate or Senator or Representative shall disclose—

(1) the full name and mailing address of each donor from whom he, or his wife or

minor children received, or from whom there was received on his or their behalf, one or more gifts of money of an aggregate amount in excess of $100 within the reporting period, together with the amount and date of such gifts;

(2) the full name and mailing address of each donor from whom he, or his wife or minor children received, or from whom there was received on his or their behalf, one or more gifts other than money of an aggregate value estimated by the donee in excess of $100 within the reporting period, together with the date and identity of such gifts; and

(3) the total sum of gifts of money received by him, his wife, or minor children, on his or their behalf, during the reporting period and not stated under paragraph (1).

Gifts (other than gifts which are given, or used, in connection with an election to Federal office, as defined in section 201(c)) from a spouse, child, parent, grandparent, brother, or sister need not be disclosed under this section.

(d) Each statement disclosing honorariums required by this section from a candidate or Senator ~~or~~ Representative shall disclose—

(1) the full name and mailing address of each person from whom he or anyone on his behalf received any honorarium within the reporting period; the amount or if not money, the identity and value thereof; and the name and address of each person for whom such service was performed;

(2) a description of the service performed;

(3) the aggregate amount of honorariums received by him.

(e) In the case of a candidate, a reporting period begins when he becomes a candidate and ends on the fifteenth day preceding any election in which he is a candidate, except that it shall not include any time included within a prior reportng period and, except that he may, if he chooses, include the remainder of the calendar year during which he became a candidate in the reporting period. In the case of a Senator or Representative, a reporting period shall be the calendar year preceding the year during which the statement was filed, or the portion thereof during which he was a Senator or Representative, except that, in the case of a Senator or Representative who was also a candidate during part of such preceding year, his reporting period shall not begin until after the end of his reporting period as a candidate.

STATEMENTS; VERIFICATION; FILING

SEC. 303. (a) Statements required under this title to be filed with the Commission—

(1) shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths;

(2) shall be deemed properly filed when deposited in an established post office within-in the prescribed time, duly stamped, registered, and directed to the Commission at Washington, District of Columbia; but in the event it is not received, a duplicate of such statement shall be promptly filed.

(b) A copy of each statement required to be filed with the Commission by this title shall be filed with, in the case of a Senator or Representative-at-large, or a candidate for such office, the clerk of the United States district court for the judicial district in which the capital of the State is located, and, in the case of a Representative (other than a Representative elected at large) or a candidate for that office, with the clerk of the United States district court for each judicial district which comprises all or part of his congressional district.

PENALTY FOR VIOLATION

SEC. 304. Whoever violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

CITATION

SEC. 305. This title may be cited as the "Disclosure of Gifts and Honorariums Act".

TITLE IV

STATE LAWS NOT AFFECTED

SEC. 401 (a) Nothing in title II or title III of this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of such title.

(b) The Commission shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 402. If any provision of title II or title III of this Act, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of such title and the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 403. There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

EFFECTIVE DATE

SEC. 404. This Act shall take effect on January 1, 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles, parts, and sections according to the following table of contents, may be cited as the "Legislative Reorganization Act of 1967".

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TITLE I—THE COMMITTEE SYSTEM

RULEMAKING POWER OF SENATE AND HOUSE

SEC. 101. The following sections of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

PART 1—PROVISIONS APPLICABLE TO BOTH HOUSES

COMMITTEE PROCEDURE

SEC. 102. (a) Section 133(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a) is amended by adding at the end thereof the following new sentences: "If the chairman of any such committee, after three days' consideration, refuses or fails, upon the request of at least three members of the committee, to call a special meeting of the committee within seven calendar days from the date of said request, then upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written request. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting. If the chairman of the committee is not present at any committee meeting, the senior member of the majority party who is present shall preside at that meeting.".

(b) Section 133(b) of that Act is amended to read as follows:

"(b) Meetings for the transaction of business of each such committee, other than the conduct of hearings, shall be open to the public except during executive sessions for marking up bills or for voting or when the committee by a majority vote orders an executive session. Each such committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any such committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.".

(c) Section 133(c) of that Act is amended by adding at the end thereof the following new sentences: "In any event, the report of any such committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate or House of Representatives, as the case may be, is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing thereof.".

(d) Section 133(d) of that Act is amended by adding at the end thereof the following new sentences: "The vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any such committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy, however, proxies shall not be voted for such purpose except when the absent committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Action by any such committee in reporting any measure or matter in accordance with the requirements of this subsection shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements. Whenever any such committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. Nothing contained in this subsection shall abrogate the power of any committee of either House to adopt rules (1) providing for proxy voting on all matters other than the reporting of a measure or matter, or (2) providing in accordance with the rules of that House for a lesser number as a quorum for any action other than the reporting of a measure or matter.".

(e) Section 133 of that Act is amended by striking out subsections (e) and (f), and inserting in lieu thereof the following:

"(e) If, at the time of approval of a measure by any such committee, any member of the committee gives notice of intention to file supplemental or minority views, each such member shall be entitled to no less than one day in which to file such views with the clerk of the committee in writing. All such views so filed by one or more members of the committee shall be included within and shall be a part of the report filed by the committee with respect to that measure. The report of such committee upon such measure shall be printed in a single volume which shall include all supplemental or minority views which have been submitted at the time of the filing of the committee report, and shall bear upon its cover a recital that supplemental or minority views are included as a part of the report.

"Nothing contained in this subsection shall preclude—

"(A) The immediate filing and printing of a committee report unless a timely request for the opportunity to file supplemental or minority views has been made as provided by this subsection; or

"(B) The filing by any standing committee of any supplemental report upon any measure which may be required for the correction of any technical error in a previous report made by such committee upon such measure.

"(f) The report of any such committee of either House of the Congress upon any measure shall be filed in that House at least three calendar days (exclusive of Saturdays, Sundays, and legal holidays) before any vote is taken upon that measure in that House. If there have been hearings held upon any such measure so reported in either such House, the committee shall make every reasonable effort to have such hearings printed and available for distribution to Members of that House prior to consideration of the measure. This section shall not apply to any measure for the declaration of war or the declaration of a national emergency by the Congress. In any event, this section may be waived by joint agreement of the majority leader and minority leader of the Senate or the Speaker and the minority leader of the House of Representatives upon finding that in their opinion such waiver is required because of the imminence of sine die adjournment, the expiration of the Act sought to be amended or to meet the immediate financial needs of the Government.

"(g) Each such committee which, in any year beginning on or after January 1, 1968, requires authorization for the expenditure of funds in excess of the amount specified by section 134(a) of this Act shall offer one annual authorization resolution to procure such authorization. Each such annual authorization resolution shall include a specification of the amount of all such funds sought by such committee for expenditure by all subcommittees thereof during that year and the amount so sought for each such subcommittee. The annual authorization resolution of any such committee of either House of the Congress for each year beginning on or after January 1, 1968, shall be offered not later than January 31 of that year, except that, whenever the designation of members of standing committees of that House occurs during the first session of any Congress at a date later than January 20 such resolution may be offered by any standing committee of that House at any time within thirty days after the date on which a majority of the members of such committee have been designated during that session. After the date on which an annual authorization resolution has been offered by any such committee in any year, or the last date on which such committee pursuant to the preceding sentence may offer such a resolution, whichever date occurs earlier, such committee in any year may procure authorization for the expenditure of funds in excess of the amount specified by section 134(a) of this Act only by offering a supplemental authorization resolution. Each such supplemental authorization resolution shall specify with particularly the purpose for which such authorization is sought, and shall contain an explicit statement of the reason why authorization for the expenditures described therein could not have been sought at the time of, or within the period provided for, the submission by such committee of an annual authorization resolution for that year. The minority shall receive fair consideration in the appointment of staff personnel pursuant to such resolution."

"(h) The foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.".

COMMITTEE HEARING PROCEDURE

SEC. 103. (a) Part 3 of title I of the Legislative Reorganization Act of 1946 is amended by inserting therein, immediately after section 133 thereof, the following new section:

"COMMITTEE HEARING PROCEDURE

"SEC. 133A. (a) Each standing committee of the Senate and the House of Representatives (except the Committee on Appropriations) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee upon any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

"(b) Each hearing conducted by each such committee shall be open to the public except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation. Whenever any such hearing is open to the public, that hearing may be broadcast by radio or television, or both, under such rules that the committee may adopt.

"(c) Each such committee shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, a least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and ranking minority member determine that there is good cause for the failure of the witness to file such a statement in compliance with this subsection. If so requested by any such committee, the staff of the committee shall prepare for the use of members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

"(d) After the conclusion of each day of hearing, if so requested by any such committee, the staff shall prepare for the use of members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

"(e) Whenever any hearing is conducted by any such committee upon any measure or matter, the minority of the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

"(f) Whenever any such committee has reported any measure, by action taken in conformity with the requirements of section 133(d) of this Act, no point of order shall lie with respect to that measure on the ground that hearings upon that measure by that committee were not conducted in accordance with the provisions of this section.

"(g) The foregoing provisions of this sectoin do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.".

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by inserting—

"Sec. 133A. Committee hearing procedure."

immediately below—

"Sec. 133. Committee procedure.".

COMMITTEE POWERS

SEC. 104. Section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)) is amended to read as follows:

"(c) Except as hereinafter provided, no standing committee of the Senate or the House shall sit, without special leave, while the Senate or the House, as the case may be, is in session. The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations of the Senate or to the following committees of the House of Representatives: the Committee on Appropriations, the Committee on Government Operations, the Committee on Rules, and the Committee on Un-American Activities. Any other standing committee of the Senate may sit for any purpose while the Senate is in session if consent therefor has been obtained from the majority leader and the minority leader of the Senate. Any other standing committee of the House of Representatives may conduct a hearing while the House is in session if consent therefor has been obtained from the Speaker and the minority leader of the House. In the event of the absence of any such officer or leader, the consent of such officer or leader may be given by a Member of that House of which such officer or leader is a Member designated by him for that purpose. Notwithstanding the provisions of this subsection, any standing committee of the Senate may sit without special leave for any purpose as authorized by paragraph 7 (paragraph 5 as redesignated by section 122(b) of this Act) of rule XXV of the Standing Rules of the Senate.".

LEGISLATIVE REVIEW BY STANDING COMMITTEES

SEC. 105. (a) Section 136 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d) is amended to read as follows:

"LEGISLATIVE REVIEW BY STANDING COMMITTEES

"SEC. 136. (a) In order to assist the Congress in—

"(1) its analysis, appraisal, and evaluation of the application, operation, administration, and execution of the laws enacted by the Congress, and

"(2) its formulation, consideration, and enactment of such modifications of or changes in such laws, and of such additional legislation, as it deems necessary or appropriate,

each standing committee of the Senate and House of Representatives shall review and study, on a continuing basis, the application, operation, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of such committee.

"(b) Each standing committee of the Senate and House of Representatives shall—

"(1) conduct the reviews and studies required generally by subsection (a) of this section;

"(2) analyze, appraise, and evaluate reports and other data of the Comptroller General of the United States, and of any other officer or agency of the Government, which are pertinent to reviews, studies, programs, projects, and other matters within the purview of this section and may request the Comptroller General to investigate any report on any matter relating to the receipt, disbursement, and application of public funds under such laws;

"(3) keep currently informed with respect to the regulations, procedures, practices, and policies of the Government pertaining to the application, operation, administration, and execution of the laws, and parts of laws, the subject matter of which is within the jurisdiction of the committee;

"(4) conduct such activities as are necessary and appropriate to carry out the general review and study policies of the committee under this section, including reviews of programs of grants-in-aid referred to in section 252(c) of the Legislative Reorganization Act of 1967; and

"(5) obtain current information regarding—

"(A) the progress, status, and results of reviews, studies, programs, and projects conducted under this section,

"(B) the regulations, procedures, practices, and policies of the Government referred to in subparagraph (3) of this subsection, and

"(C) all other matters within the purview of this subsection.

"(c) Each standing committee of the Senate and House of Representatives is entitled to employ a Review Specialist as a member of the professional staff of such committee in addition to the number of members of such professional staff to which such committee otherwise is entitled. Such Review Specialist shall be selected and appointed by the chairman of such committee, with the prior approval of the ranking minority member, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position. Such Review Specialist shall, under the joint direction and supervision of the chairman and the ranking minority member, assist the committee in the performance of its review functions under this section.

"(d) Each standing committee of the Senate and House of Representatives shall submit, not later than March 31 of each year beginning on or after January 1, 1968, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year. Such report shall include—

"(1) an analysis of the reviews, studies, programs, and projects of the committee under this section;

"(2) an appraisal and evaluation of the application, operation, administration, and execution of the laws, and parts of laws, the subject matter of which is within the jurisdiction of the committee; and

"(3) such other matters within the purview of this section as may be appropriate to carry out the purposes of this section.

Each such committee shall omit in such report all matters which, in the opinion of the committee, should not be made public in the interest of the national security.

"(e) Within ten days after the submission of all such reports to the Senate and House of Representatives, respectively, the President of the Senate, with respect to the reports submitted to the Senate, and the Speaker of the House of Representatives, with respect to the reports submitted to the House, shall transmit such reports to—

"(1) the President, with respect to matters concerning the executive branch;

"(2) the Director of the Administrative Office of the United States Courts, with respect to matters concerning the judicial branch;

"(3) the Board of Commissioners of the District of Columbia, with respect to matters concerning the municipal government of the District of Columbia; and

"(4) the heads of other appropriate agencies, corporations, and instrumentalities of the Government.

"(f) As used in this section, the term 'Government' includes the municipal government of the District of Columbia.

"(g) The foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations and the Committee on Standards and Conduct of the House of Representatives.".

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 136. Legislative oversight by standing committees."

and inserting in lieu thereof—

"Sec. 136. Legislative review by standing committees.".

CONFERENCE REPORTS

SEC. 106. (a) The section caption of section 135 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190c) is amended to read as follows:

"CONFERENCE REPORTS"

(b) Section 135 of that Act is amended by adding at the end thereof the following new subsections:

"(c) Each report of a committee of conference shall be printed as a report of each House of the Congress. As printed in each House, each such report shall be accompanied by an explanatory statement prepared by the conferees on the part of that House. Each such statement shall be sufficiently detailed and explicit to inform the House for which it is prepared as to the effect which amendments or propositions contained in such report will have upon the measure to which it relates. If any conferee on the part of either House desires to submit to the House of which he is a Member an additional individual explanatory statement with respect to any such report, such individual statement may be filed as an appendix to, and may be printed together with, the explanatory statement made by the conferees on the part of the House of which he is a Member, if such individual statement is available at the time of the filing of the report of the committee of conference to that House.

"(d) If time for debate in the consideration of any report of a committee of conference upon the floor of either House of the Congress is limited, the time allotted for debate thereon shall be divided equally between Members of that House who favor agreement to such report and Members of that House who do not favor agreement to such report.".

(c) The item relating to section 135 contained in the table of contents of that Act is amended to read:

"Sec. 135. Conference reports.".

PART 2—PROVISIONS APPLICABLE TO THE SENATE

JURISDICTION OF STANDING COMMITTEES OF THE SENATE

SEC. 121. Paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended—

(1) by striking out in paragraph (e)—

"Committee on Banking and Currency,"

and inserting in lieu thereof—

"Committee on Banking, Housing and Urban Affairs,";

(2) by adding at the end of subparagraph (e) the following item:

"10. Urban affairs generally.";

(3) by striking out in subparagraph (h) (relating to the Committee on Finance) the following numbered items—

"10. Veterans' measures generally.

"11. Pensions of all the wars of the United States, general and special.

"12. Life insurance issued by the Government on account of service in the armed forces.

"13. Compensation of veterans.";

(4) by striking out in subparagraph (m) (relating to the Committee on Labor and Public Welfare)—

"16. Vocational rehabilitation and education of veterans.

"17. Veterans' hospitals, medical care and treatment of veterans.

"18. Soldiers' and sailors' civil relief.

"19. Readjustment of servicemen to civil life.";

(5) by adding at the end thereof the following new subparagraph—

"(q) Committee on Veterans' Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Veterans' measures generally.

"2. Pensions of all the wars of the United States, general and special.

"3. Life insurance issued by the Government on account of service in the armed forces.

"4. Compensation of veterans.

"5. Vocational rehabilitation and education of veterans.

"6. Veterans' hospitals, medical care and treatment of veterans.

"7. Soldiers' and sailors' civil relief.

"8. Readjustment of servicemen to civil life.

"9. National cemeteries."; and

(6) by striking out in subparagraph (k) (relating to the Committee on Interior and Insular Affairs) the following item—

"5. Military parks and battlefields, and National cemeteries."

and inserting in lieu thereof—

"5. Military parks and battlefields."

COMMITTEE MEMBERSHIP

SEC. 122. (a) Paragraph 1 of rule XXV of the Standing Rules of the Senate, as such paragraph existed on the day preceding the date of enactment of section 121 of this Act, is amended—

(1) by striking out in subparagraph (a) the words "to consist of sixteen Senators,";

(2) by striking out in subparagraph (b) the words "to consist of fifteen Senators,";

(3) by striking out in subparagraph (c) the words "to consist of twenty-six Senators,";

(4) by striking out in subparagraph (d) the words "to consist of eighteen Senators,";

(5) by striking out in subparagraph (e) the words "to consist of fourteen Senators,";

(6) by striking out in subparagraph (f) the words "to consist of eighteen Senators,";

(7) by striking out in subparagraph (g) the words "to consist of eight Senators,";

(8) by striking out in subparagraph (h) the words "to consist of seventeen Senators,";

(9) by striking out in subparagraph (i) the words "to consist of nineteen Senators,";

(10) by striking out in subparagraph (j) (1) the words "to consist of fifteen Senators,";

(11) by striking out in subparagraph (k) the words "to consist of seventeen Senators,";

(12) by striking out in subparagraph (l) the words "to consist of sixteen Senators,";

(13) by striking out in subparagraph (m) the words "to consist of sixteen Senators,";

(14) by striking out in subparagraph (n) the words "to consist of twelve Senators,";

(15) by striking out in subparagraph (o) the words "to consist of sixteen Senators,"; and

(16) by striking out in subparagraph (p) (1) the words "to consist of nine Senators,".

(b) Paragraphs 2, 3, 4, and 5 of rule XXV of the Standing Rules of the Senate are redesignated as paragraphs 4, 5, 6, and 7 thereof, respectively.

(c) Rule XXV of the Standing Rules of the Senate is amended by inserting, immediately after paragraph 1, the following new paragraphs:

"2. Except as otherwise provided by paragraph 6 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee	*Members*
"Aeronautical and Space Sciences	14
"Agriculture and Forestry	13
"Appropriations	26
"Armed Services	15
"Banking, Housing, and Urban Affairs	15
"Commerce	15
"Finance	15
"Foreign Relations	15
"Government Operations	14
"Interior and Insular Affairs	14
"Judiciary	15
"Labor and Public Welfare	15
"Public Works	14.

"3. Except as otherwise provided by paragraph 6 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee	*Members*
"District of Columbia	7
"Post Office and Civil Service	9
"Rules and Administration	9
"Veterans' Affairs	9.".

(d) Paragraph 6 of rule XXV of the Standing Rules of the Senate (as redesignated) is amended to read as follows:

"6. (a) Except as otherwise provided by this paragraph, each Senator shall serve on two and no more of the standing committees named in paragraph 2. Except as otherwise provided by this paragraph, no Senator shall serve on more than one committee included within the following classes: standing committees named in paragraph 3; select and special committees of the Senate; and joint committees of the Congress.

"(b) Each Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1967 was serving as a member of any standing committee shall be entitled to continue to serve on each such committee of which he was a member on that day as long as his service as a member of such committee remains continuous after that day. Each Senator who (1) on that day was serving as a member of the Committee on Aeronautical and Space Sciences or the Committee on Government Operations, (2) on that date was entitled, under the proviso contained in the first sentence of paragraph 4 of this rule as such rule existed on that day, to serve on three committees named in that sentence, and (3) on June 30, 1971, is serving on three such committees, of which at least one is the Committee on Aeronautical and Space Sciences or the Committee on Government Operations, shall be entitled to continue to serve on each of the committees of which he is a member on June 30, 1971, so long as his service as a member of each such committee remains continuous thereafter. Each Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1967 was a member of more than one committee of the classes described in the second sentence of subparagraph (a) shall be entitled to serve on each such committee of which he was a member on that day as long as his service as a member of that committee remains continuous after that day. Notwithstanding the provisions of paragraphs 2 and 3, each committee of the Senate shall be temporarily increased in membership by such number as may be required to carry into effect the provisions of this subparagraph.

"(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more of the standing committees named in paragraph 2 or paragraph 3 of this rule may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that purpose may serve as members of three standing committees named in paragraph 2. No such temporary increase in the membership of one or more standing committees under this subparagraph or subparagraph (a) shall be continued in effect after the need therefor has ended. No standing committee may be increased in membership under this subparagraph or subparagraph (a) by more than four members in excess of the number prescribed for that committee by paragraph 2 or paragraph 3 of this rule.

"(d) Notwithstanding the limitations contained in subparagraph (a), a Senator may serve at any time on one additional committee included within the following classes: a temporary committee of the Senate or a temporary joint committee of the Congress which, by the terms of the measure by which it was established as initially agreed to, will not continue in existence for more than one Congress; or a joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a committee named in paragraph 3 of which that Senator is a member.

"(e) No Senator shall serve at any time on more than one of the following committees: Committee on Appropriations, Committee on Armed Services, Committee on Finance, and Committee on Foreign Relations. Notwithstanding the limitation contained in this subparagraph, a Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1967 was a member of more than one such committee may continue to serve as a member of each such committee of which he was a member on that day as long as his service on that committee remains continuous after that day.

"(f) No Senator shall serve at any time as chairman of more than one committee included within the following classes: standing, select, and special committees of the Senate; and joint committees of the Congress, except that—

"(1) A Senator may serve as chairman of a joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a committee named in paragraph 2 or paragraph 3 of which that Senator is the chairman;

"(2) A Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1967 was serving as chairman of more than one committee included within the classes described in this subparagraph may continue to serve as chairman of each such committee of which he was chairman on that day as long as his service as chairman of that committee remains continuous after that day; and

"(3) A Senator who is serving at any time as chairman of a committee included within the classes described in this subparagraph may at the same time serve also as chairman of one temporary committee of the Senate or temporary joint committee of the Congress which, by the terms of the measure by which it was established as originally agreed to, will not continue in existence for more than one Congress.

"(g) No Senator shall serve at any time as chairman of more than one subcommittee of the same committee if that committee is named in paragraph 2. Notwithstanding the limitation contained in this subparagraph, a Senator who on the day preceding the effective date of title I of the Legislative Reorganization Act of 1967 was serving as chairman of more than one such subcommittee may continue to serve as chairman of each such subcommittee of which he was chairman on that day as long as his service as chairman of that subcommittee remains continuous after that day.".

PART 3—PROVISIONS APPLICABLE TO THE HOUSE OF REPRESENTATIVES

JURISDICTION OF STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

SEC. 131. (a) Clause 1 of rule X of the House of Representatives is amended—

(1) by striking out—

"(d) Committee on Banking and Currency, to consist of twenty-seven Members."

and inserting in lieu thereof—

"(d) Committee on Banking, Housing, and Urban Affairs, to consist of twenty-seven Members.";

(2) by striking out—

"(f) Committee on Education and Labor, to consist of twenty-five Members."

and inserting in lieu thereof—

"(f) Committee on Education, to consist of twenty-five Members.";

(3) by inserting—

"(m) Committee on Labor and Public Welfare, to consist of twenty-five Members."

immediately below—

"(l) Committee on the Judiciary, to consist of twenty-seven Members.";

(4) by redesignating paragraphs (m), (n), (o), (p), and (q) as paragraphs (n), (o), (p), (q), and (r), respectively;

(5) by inserting immediately below paragraph (q) thereof (relating to the Committee on Science and Astronautics), redesignated as paragraph (r) by subparagraph (4) of this subsection, the following new paragraph (s):

"(s) Committee on Standards and Conduct, to consist of twelve Members."; and

(6) by redesignating paragraphs (r), (s), and (t) as paragraphs (t), (u), and (v), respectively.

(b) Rule XI of the Rules of the House of Representatives is amended—

(1) by striking out in clause 1 thereof (relating to the Committee on Agriculture)—

"(d) Agricultural colleges and experiment stations.

"(e) Agricultural economics and research.

"(f) Agricultural education extension services."

and inserting in lieu thereof—

"(d) Agricultural economics and research.";

(2) by redesignating paragraphs (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), and (q) of such clause 1 as paragraphs (e), (f), (g), (h), (i), (j) (k), (l), (m), (n), and (o), respectively;

(3) by striking out—

"4. Committee on Banking and Currency."

and inserting in lieu thereof—

"4. Committee on Banking, Housing, and Urban Affairs.";

(4) by adding at the end of clause 4 thereof (relating to the Committee on Banking, Housing, and Urban Affairs)—

"(j) Urban affairs generally.";

(5) by striking out—

"6. Committee on Education and Labor.

"(a) Measures relating to education or labor generally.

"(b) child labor.

"(c) Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and Saint Elizabeths Hospital.

"(d) Convict labor and the entry of goods made by convicts into interstate commerce.

"(e) Labor standards.

"(f) Labor statistics.

"(g) Mediation and arbitration of labor disputes.

"(h) Regulation or prevention of importation of foreign laborers under contract.

"(i) School-lunch program.

"(j) United States Employees' Compensation Commission.

"(k) Vocational rehabilitation.

"(l) Wages and hours of labor.

"(m) Welfare of miners."

and inserting in lieu thereof—

"6. Committee on Education.

"(a) Measures relating to education generally.

"(b) Agricultural colleges and experiment stations.

"(c) Agricultural educational extension services.

"(d) Mining schools.

"(e) Gallaudet College.

"(f) Howard University (including Freedmen's Hospital).

"(g) Library services and construction.

"(h) School construction.

"(i) Arts and humanities.

"(j) Vocational education and vocational rehabilitation.

"(k) Scholarships and intercultural activities.

"(l) Special educational programs.

"(m) Measures relating to economic opportunity and alleviation of poverty.

"(n) Public health and quarantine, including the Public Health Service and the National Institutes of Health.";

(6) by striking out in clause 10 thereof (relating to the Committee on Interior and Insular Affairs)—

"(l) Mining schools and experimental stations"

and inserting in lieu thereof—

"(l) Mining experimental stations.";

(7) by striking out in clause 11 thereof (relating to the Committee on Interstate and Foreign Commerce)—

"(e) Public health and quarantine.

"(f) Railroad labor and railroad retirement and unemployment except revenue measures relating thereto."

and inserting in lieu thereof—

"(e) Railroad retirement and unemployment, except revenue measures relating thereto.";

(8) by redesignating paragraphs (g), (h), (i) and (j) of such clause 11 as paragraphs (f), (g), (h), and (i), respectively;

(9) by striking out in such clause 11—

"(k) Weather Bureaus.";

(10) by inserting immediately following clause 12 thereof the following new clause 13:

"13. Committee on Labor and Public welfare.

"(a) Measures relating to labor or public welfare generally.

"(b) Child labor.

"(c) Labor standards.

"(d) Labor statistics.

"(e) Mediation and arbitration of labor disputes.

"(f) Convict labor and the entry of goods made by convicts into interstate commerce.

"(g) Maritime unions.

"(h) Railroad labor.

"(i) Regulation of prevention of importation of foreign laborers under contract.

"(j) Bureau of Employees' Compensation.

"(k) Wages and hours of labor.

"(l) Welfare of miners.

"(m) Saint Elizabeths Hospital.

"(n) School-lunch program.

"(o) Industrial safety.

"(p) Equal employment opportunities and fair employment practices.

"(q) Manpower development and training generally.";

(11) by redesignating clauses 13, 14, 15, 16, and 17 thereof as clauses 14, 15, 16, 17, and 18 thereof, respectively;

(12) by striking out in clause 13 thereof redesignated as clause 14 by subparagraph (11) of this subsection (relating to the Committee on Merchant Marine and Fisheries)—

"(f) Merchant marine officers and seamen."

and inserting in lieu thereof—

"(f) Merchant marine officers and seamen (except maritime unions).";

(13) by striking out at the end of clause 17 thereof redesignated as clause 18 by subparagraph (11) of this subsection (relating to the Committee on Science and Astronautics)—

"(h) Scientific research and development."

and inserting in lieu thereof—

"(h) Research and development in environmental science, including the Environmental Science Services Administration.

"(i) Scientific research and development generally.";

(14) by inserting immediately following clause 17 thereof, redesignated as clause 18 by subparagraph (11) of this subsection, the following new clause 19:

"19. Committee on Standards and Conduct.

"(a) Ethical standards and conduct of Members, officers, and employees of the House of Representatives.

"(b) The Committee on Standards and Conduct shall consist at all times of an even number of Members equally divided between the majority party and the minority party. The committee shall select a chairman and a vice chairman from among its members. The chairman shall be a member of the majority party. The vice chairman shall be a member of the minority party.

"(c) The Committee on Standards and Conduct shall—

"(1) recommend to the House of Representatives, by report or resolution, such rules and regulations as the committee determines necessary or desirable to insure proper standards of conduct by Members of the House and by officers and employees of the House, in the performance of their duties and the discharge of their responsibilities; and

"(2) report, by majority vote of its entire membership, violations of law to the proper Federal and State authorities.

"(d) The committee shall transmit to the House of Representatives its recommendations as to any legislative measures which the committee determines necessary for the effective discharge of its duties whenever the committee, by majority vote of its entire membership, orders such action.

"(e) The committee is authorized to—

"(1) hold such hearings,

"(2) sit and act at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or adjourned, and

"(3) require, by subpena or otherwise, the attendance and testimony (orally or by deposition) of such witnesses, and the production of such books, records, correspondence, papers, and documents,

as the committee deems necessary. Subpenas may be issued under the signature of the chairman of the committee, or by any member of the committee designated by the chairman, and may be served by any person designated by such chairman or committee member so designated. The chairman of the committee, or any member thereof, may administer oaths to witnesses.

"(f) Any hearing held by the committee shall not be open to the public unless and until the committee, by majority vote of its entire membership, orders such hearing to be open to the public.

"(g) As used in this clause, the term 'officers and employees of the House' includes—

"(1) an elected officer of the House who is not a Member of the House;

"(2) an employee of the House, of any committee or subcommittee of the House, or of any Member of the House;

"(3) the Legislative Counsel of the House and any employee of his office;

"(4) an Official Reporter of Debates of the House, an Official Reporter to Committees, and any person employed by the Official Reporters in connection with the performance of their official duties;

"(5) a member of the Capitol Police Force whose compensation is disbursed by the Clerk of the House;

"(6) telephone operators whose compensation is disbursed by the Clerk of the House;

"(7) an employee of the Government Printing Office assigned to duty in any capacity with the House; and

"(8) an employee of a joint committee of the Congress whose compensation is disbursed by the Clerk of the House.";

(15) by redesignating clauses 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 thereof as clauses 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 thereof, respectively; and

(16) by striking out in clause 24 thereof redesignated as clause 26 by subparagraph (15) of this subsection (relating to reports of the Committee on House Administration in contested-election cases)—

"except in a contest from the Territory of Alaska, in which case the time shall not exceed nine months".

(c) Rule XII of the Rules of the House of Representatives is amended to read as follows:

"RULE XII

"RESIDENT COMMISSIONER

"The Resident Commissioner to the United States from Puerto Rico shall be elected to serve as an additional member on the Committees on Agriculture, Armed Services, and Interior and Insular Affairs, shall possess in such committees the same powers and privileges as in the House, and may make any motion except a motion to reconsider.".

TITLE II—FISCAL CONTROLS

RULEMAKING POWER OF SENATE AND HOUSE

SEC. 201. Part 3 and Part 5 of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

PART 1—BUDGETARY AND FISCAL INFORMATION AND DATA

DATA PROCESSING SYSTEM

SEC. 202. The Comptroller General of the United States, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall develop, establish, and maintain, for use by all Federal agencies, a standardized information and data processing system for budgetary and fiscal data.

STANDARD CLASSIFICATIONS

SEC. 203. (a) The Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall develop, establish, and maintain standard classifications of programs, activities, receipts, and expenditures of Federal agencies in order—

(1) to meet the needs of the various branches of the Government; and

(2) to facilitate the development, establishment, and maintenance of the data processing system under section 202 through the utilization of modern automatic data processing techniques.

The initial classifications under this subsection shall be established on or before December 31, 1969.

(b) The Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall perform their functions under section 202 and subsection (a) of this section as part of the joint program established pursuant to section 111(f) of the Accounting and Auditing Act of 1950.

(c) The Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget shall submit a report to the Senate and the House of Representatives on or before September 1 of each year, commencing with 1968, with respect to the performance during the preceding fiscal year of the functions and duties imposed on them by section 202 and subsection (a) of this section. The reports made under this subsection in 1968 and 1969 shall set forth the progress achieved in the development of classifications under subsection (a) of this section, and the reports made in years thereafter shall include information with respect to changes in, and additions to, classifications previously established.

AVAILABILITY OF DATA

SEC. 204. The Comptroller General shall provide information to the Congress, as provided in this section, on the location and nature of data available in the various Federal agencies with respect to programs, activities, receipts, and expenditures of such agencies. Upon request of any Member of the House or Senate, of any committee of either House, or of any joint committee of the two Houses, the Comptroller General shall—

(1) furnish to such Member, committee, or joint committee information as to the location and nature of such data, and

(2) to the extent feasible, prepare for such Member, committee, or joint committee summary tables of such data.

COST EFFECTIVENESS STUDIES

SEC. 205. The Comptroller General shall have available in the General Accounting Office employees who are expert in analyzing and conducting cost effectiveness studies of Government programs. Upon request of any committee of either House or of any joint committee of the two Houses, the Comptroller General shall assign, on a temporary basis, employees of the General Accounting Office to assist such committee or joint committee, or the staff of such committee or joint committee—

(1) in analyzing cost effectiveness studies furnished by any Federal agency to such committee or joint committee, or

(2) in conducting cost effectiveness studies of programs under the jurisdiction of such committee or joint committee.

CURRENT BUDGET INFORMATION

SEC. 206. (a) After the submission of the budget for any fiscal year by the President, the Comptroller General shall collect information and data available in the various Federal agencies with respect to changes in the figures shown in such budget as submitted, including changes caused by—

(1) new or supplemental requests for appropriations;

(2) the enactment of appropriation Acts, or the action of either the House or Senate on appropriation bills, or of the Committee on Appropriations, or any subcommittees thereof, of the House or Senate on appropriation bills or requests for appropriations;

(3) increases or decreases in expenditures of prior appropriations;

(4) increases or decreases in revenue receipts or estimated revenue receipts; and

(5) increases or decreases in expenditures or estimated expenditures by reason of the enactment of laws (other than appropriation Acts).

(b) The Comptroller General shall, from time to time, furnish a report showing revised budget information and totals to reflect the information and data collected by him under subsection (a) to each Member of the House and Senate, each committee of the House and Senate, and each joint committee of the two Houses. All such reports shall identify, to the extent necessary, the sources of the information and data reflected in the revised budget information and totals.

(c) Upon request of any Member of the House or Senate, any committee of either House, or any joint committee of the two Houses, the Comptroller General shall, to the extent feasible, prepare and furnish to such Member, committee, or joint committee tabulations of such budget information and data as collected pursuant to this section.

POWERS AND DUTIES OF COMPTROLLER GENERAL

SEC. 207. (a) The Comptroller General shall establish within the General Accounting Office such office or division, or such offices or divisions, as he deems necessary to carry out the functions and duties imposed on him by the provisions of this Part.

(b) The Comptroller General is authorized to obtain, during the period ending December 31, 1969, the services of individual experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not in excess of $200 per diem. Not more than fifteen such experts and consultants may be so employed at any one time and no expert or consultant may be so employed for more than one hundred and twenty days during any calendar year.

(c) The Comptroller General shall include in his annual report to the Congress a report with respect to the performance of the functions and duties imposed on him by the provisions of this Part.

DEFINITION

SEC. 208. As used in this title, the term "Federal agency" means any department, agency, wholly owned Government corporation, establishment, or instrumentality of the Government of the United States or the government of the District of Columbia.

Part 2—The Budget

SUPPLEMENTAL BUDGET INFORMATION

Sec. 221. (a) Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) is amended by striking out subsection (b), (c), (d), (e), and (f), and inserting in lieu thereof the following:

"(b) On June 1 of each year, beginning with 1968, the President shall transmit to the Congress a supplemental summary of the Budget transmitted in January of such year for the ensuing fiscal year. Such supplemental summary shall reflect all changes relating to that fiscal year which have occurred since the transmittal of the Budget, including changes caused by—

"(1) revisions in estimates of expenditures and receipts,

"(2) estimated expenditures and proposed appropriations which were not included in the Budget as transmitted.

"(3) appropriations enacted after transmittal of the Budget, and

"(4) the enactment of laws (other than appropriation Acts) after the transmittal of the Budget.

"(c) On or before June 1 of each year, the President shall transmit to the Congress, in such form and detail as he may determine—

"(1) summaries of estimated expenditures, for the four fiscal years following the ensuing fiscal year for which the Budget was transmitted in January of such year, which will be required under continuing programs which have a legal commitment for future years or are considered mandatory under existing law, and

"(2) summaries of estimated expenditures in fiscal years following such ensuing fiscal year of balances carried over from such ensuing fiscal year.

"(d) The Budget shall include information showing the gross amount of expenditures and estimated expenditures of all programs of the Government.".

(b) Subsections (c) and (d) of section 201 of the Budget and Accounting Act, 1921 (as amended by subsection (a)) shall apply only with respect to the Budget transmitted to the Congress for the fiscal year ending June 30, 1970, and for succeeding fiscal years.

Part 3—The Appropriations Process

COMMITTEE HEARINGS

Sec. 231. (a) Each hearing conducted by the Commmittee on Appropriations of the House of Representatives or the Senate shall be open to the public except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation. Whenever any such hearing is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee may adopt.

(b) The Committee on Appropriations of the House and the Committee on Appropriations of the Senate shall, within thirty days after the transmittal of the Budget to the Congress each year, hold hearings on the Budget as a whole with particular reference to—

(1) the basic recommendations and budgetary policies of the President in the presentation of the Budget, and

(2) the fiscal, financial, and economic assumptions used as bases in arriving at total estimated expenditures and receipts.

(c) In holding hearings pursuant to subsection (b), the committees shall receive testimony from the Secretary of the Treasury, the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and such other persons as the committee may desire.

(d) Hearings pursuant to subsection (b) shall be held in open session. A transcript of all such hearings shall be printed and a copy thereof furnished to each Member of the House or Senate, as the case may be.

(e) Hearings pursuant to subsection (b), or any part thereof, may be held before joint meetings of the two committees.

(f)(1) Section 138 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190e) is repealed.

(2) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 138. Legislative Budget.".

BUDGET REVIEW

Sec. 232. The Committee on Appropriations of the House, or a duly authorized subcommittee thereof, and the Committee on Appropriations of the Senate, or a duly authorized subcommittee thereof, shall review the Budget transmitted for each fiscal year for the specific purpose of examining and reviewing those programs for which estimated expenditures or proposed appropriations contained in the Budget would be made by, or be under the control of, two or more Federal agencies.

COMMITTEE ACTION

Sec. 233. (a) The vote of the Committee on Appropriations of the House of Representatives or the Senate to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of such committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies shall not be voted for such purpose except when the absent committee member has been informed on the matter on which he is being recorded and has affirmatively requested that he be so recorded. Action by any such committee in reporting any measure or matter in accordance with the requirements of this subsection shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements. Whenever any such committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. Nothing contained in this subsection shall abrogate the power of any committee of either House to adopt rules (1) providing for proxy voting on all matters other than the reporting of a measure or matter, or (2) providing in accordance with the rules of that House for a lesser number as a quorum for any action other than the reporting of a measure or matter.

(b) The report of the Committee on Appropriations of the House or the Senate, as the case may be, accompanying each appropriation bill shall include an analysis of the major factors taken into consideration by the committee in reporting the bill and recommending the appropriations contained therein. In any case in which any cost effectiveness analysis or study of any program for which funds are appropriated in the bill has been furnished by any Federal agency to any committee of the House or Senate or any joint committee of the two Houses, or has been made by any such committee or joint committee, such report shall also state the consideration given by the Committee on Appropriations to such analysis or study and shall inform the Members of the House or Senate, as the case may be, where they may obtain copies of such analysis or study.

(c) In the case of any bill reported by the Committee on Appropriations of the House or the Senate which makes supplemental or deficiency appropriations for any fiscal year, the report accompanying such bill shall include a complete explanation of the nature of the request for such appropriation and the reason such request was not made or could not have been made for inclusion in the regular appropriation bill for such fiscal year, or could not be withheld for inclusion in the regular appropriation bill for the following fiscal year.

PASSAGE OF BILLS

Sec. 234. The question of the final passage in both the House and the Senate of any appropriation bill shall be decided by a yea and nay vote. The preceding sentence shall not apply to the adoption of the report of a committee of conference on any such bill.

ROLLCALL VOTE REQUIRED ON MEASURES CHANGING COMPENSATION OF MEMBERS OF CONGRESS

Sec. 235. (a) No bill or joint resolution containing a provision increasing or decreasing the rate of compensation of Members of Congress shall be passed by the Senate or House of Representatives unless (1) such increase or decrease in compensation is set forth as a separate proposition from any other provision in the bill or joint resolution, and (2) such proposition shall have been approved by the Senate or House of Representatives, as the case may be, by a yea-and-nay vote.

(b) As used in this section, "Member of Congress" means a Senator, Representative in Congress, and the Resident Commissioner From Puerto Rico.

Part 4—Utilization of Reports of General Accounting Office

ASSISTANCE TO COMMITTEES

Sec. 241. At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall designate employees of the General Accounting Office to explain to, and discuss with, the committee or joint committee making the request, or the staff of such committee or joint committee, any report made by the General Accounting Office which would assist such committee in connection with—

(1) its consideration of proposed legislation, including requests for appropriations, or

(2) its review of any program, or of any activities of any Federal agency, which is within the jurisdiction of such committee or joint committee.

REPORTS TO COMMITTEES

Sec. 242. (a) Whenever the General Accounting Office submits any report to the Congress, the Comptroller General shall deliver copies of such report to—

(1) the Committees on Appropriations of the House and Senate,

(2) the Committees on Government Operations of the House and Senate, and

(3) any other committee of the House or Senate, or any joint committee of the two Houses, which has jurisdiction over any program or part thereof, or any Federal agency, which is the subject of such report.

(b) At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall make available to such committee or joint committee a copy of any report made by the General Accounting Office which was not delivered to such committee or joint committee pursuant to subsection (a).

AGENCY REPORTS

Sec. 243. Whenever the General Accounting Office has made a report which contains recommendations to the head of any Federal agency, such agency shall, in connection with the first request for appropriations for that agency submitted to the Congress more than sixty days after the date of such report, submit a written statement to the Committees on Appropriations of the House and Senate of the action taken by such agency with respect to such recommendations.

Part 5—Legislative Committees

COST ESTIMATES

Sec. 251. (a) The report accompanying each bill or joint resolution reported by any committee of the House or Senate which has legislative jurisdiction shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period, and

(2) a comparison of the estimate of costs described in paragraph (1) made by such committee with any estimate of costs made by any Federal agency in the executive branch of the Government, or

(3) a statement of the reasons why compliance by the committee with the requirements of paragraphs (1) and (2) is impracticable.

(b) It shall not be in order in either House to consider a bill or joint resolution if such bill or joint resolution was reported in that House after the effective date of this section and the report of the committee of that House does not comply with the provisions of subsection (a).

APPROPRIATIONS ON ANNUAL BASIS

Sec. 252. (a) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction shall, in recommending the enactment of legislation, endeavor to insure that all continuing programs of the Government are designed, and all continuing activities of Federal agencies are carried on, so that appropriations therefor will be made annually.

(b) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction over any continuing program for which appropriations are not made annually shall, from time to time, review such program to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction over any program under which grants-in-aid are made, shall periodically make a complete review of such program.

COMMITTEE JURISDICTION

Sec. 253. (a) For purposes of the provisions of this Part, a committee of either House, or a joint committee of the two Houses, shall be considered to have legislative jurisdiction over any matter only if, under the rules of the respective Houses, legislation relating to such matter is referred to such committee and such committee is authorized to report and recommend the enactment of such legislation, except that the Committees on Appropriations of the two Houses shall not be considered to be legislative committees.

(b) For purposes of the provisions of section 251 of this Part, the members of the Joint Committee on Atomic Energy who are Members of the House shall be treated as a committee of the House, and the members of the Joint Committee who are Members of the Senate shall be treated as a committee of the Senate.

TITLE III—SOURCES OF INFORMATION

Part I—Staffs of Senate and House Standing Committees

COMMITTEE STAFFING AND RELATED PROVISIONS

Sec. 301. (a) Subsection (a) of section 202 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(a)), is amended to read as follows:

"(a) Each standing committee of the Senate and House of Representatives (other than the Committee on Appropriations of each House) is authorized to appoint by majority vote of the committee not more than six professional staff members in addition to the clerical staffs. Such professional staff members shall be assigned to the chairman and the ranking minority members of such committee as the committee may deem advisable, except that whenever a majority of the minority members of such committee (other than the Committee on Standards and Conduct of the House of Representatives) so request, two of such professional staff members may be selected for appointment by majority vote of the minority members and the committee shall appoint any staff members so selected. A staff member or members appointed pursuant to a request by the minority members of the committee shall be assigned to such committee business as such minority members deem advisable. Services of professional staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of professional staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request. Professional staff members authorized by this subsection shall be appointed on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office. Such professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.

(b) Subsection (c) of such section 202 (2 U.S.C. 72a(c)) is amended to read as follows:

"(c) The clerical staff of each standing committee of the Senate and the House of Representatives (other than the Committee on Appropriations of each House), which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable, except that whenever a majority of the minority members of such committee (other than the Committee on Standards and Conduct of the House of Representatives) so requests, one of the members of the clerical staff may be selected for appointment by majority vote of such minority members and the committee shall appoint any staff member so selected. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work, except that if a member of the clerical staff is appointed pursuant to a request by the minority members of the committee, such clerical staff member shall handle committee correspondence and stenographic work for the minority members of the committee and for any members of the committee staff appointed under subsection (a) pursuant to request by such minority members, on matters related to committee work. Services of clerical staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of clerical staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request.".

(c) Such section 202 is amended by striking out subsection (h), and by adding after subsection (f) the following new subsections:

"(g) In any case in which a request for the appointment of a minority staff member under subsection (a) or subsection (c) is made at any time when no vacancy exists to which the appointment requested may be made, the person appointed pursuant to such request may serve in addition to any other staff members authorized by such subsections and may be paid from the contingent fund of the Senate or House of Representatives, as the case may be, until such time as such a vacancy occurs, at which time such person shall be considered to have been appointed to such vacancy.

"(h) Staff members appointed pursuant to a request by minority members of a committee under subsection (a) or subsection (c), and staff members appointed to assist minority members of subcommittees pursuant to authority of Senate or House resolution, shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

"(i)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Administration in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction.

"(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee, including payment of such rates for necessary travel time. Such contracts shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring advertising.

"(3) Any such consultant or organization shall be selected by the chairman and ranking minority member of the committee, acting jointly. The committee shall submit to the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by that committee and shall be made available for public inspection upon request.

"(j)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to provide assistance for members of its professional staff in obtaining specialized training, whenever it determines that such training will aid it in the discharge of its responsibilities.

"(2) Such assistance may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration or the Committee on House Administration, as the case may be.

"(3) A committee providing assistance under this subsection shall obtain from any employee receiving such assistance such agreement with respect to continued employment as it may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

"(4) During any period for which an employee is separated from employment with a committee for the purpose of undergoing training under this subsection, such employee shall be considered to have performed service as an employee of the committee at the rate of compensation received immediately prior to commencing such training (including any increases in compensation provided by law during the period of training) for the purposes of—

"(A) subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code,

"(B) chapter 87 (relating to Federal employees group life insurance) of title 5, United States Code, and

"(C) chapter 89 (relating to Federal employees group health insurance) of title 5, United States Code.".

(d) (1) The paragraph relating to rates of compensation of employees of the Senate, contained in the Legislative Appropriation Act, 1956, as amended (2 U.S.C. 72a–1a), is amended by striking out all of the second sentence thereof following the words "First Supplemental Appropriation Act, 1947," and all of the third sentence thereof, and inserting in lieu thereof the following: "the basic compensation of any employee of a standing or select committee of the Senate (including the majority and minority policy committees and the majority and minority conferences of the Senate, but excluding the Committee on Appropriations), or a joint committee of the two Houses the expenses of which are paid from the contingent fund of the Senate, whose basic compensation may be fixed under such provisions at a rate of $8,000 per annum, may be fixed at a rate not in excess of $8,520, except that the basic compensation of two such employees may be fixed at a rate not in excess of $9,420 per annum, and the basic compensation of four such employees may be fixed at a rate not in excess of $9,060 per annum. The basic compensation of any employee of the Committee on Appropriations whose basic compensation may be fixed at a rate of $8,000 per annum under such provisions may be fixed at a rate not in excess of $8,520 per annum, except that the basic compensation of two such employees may be fixed at a rate not in excess of $9,420 per annum, and the basic compensation of sixteen such employees may be fixed at a rate not in excess of $9,060 per annum."

(2) The paragraph imposing limitations on basic and gross compensation of officers and employees of the Senate appearing under the heading "Senate" in the Legislative Appropriation Act, 1956, as amended (2 U.S.C. 60a note), is amended by striking out "$8,880" and inserting in lieu thereof "$9,420", and by striking out "$24,460" and inserting in lieu thereof "$25,890".

(e) Nothing in the amendments made by subsections (a) and (b) of this section shall be construed—

(1) to require a reduction in—

(A) the number of staff members authorized, prior to January 1, 1968, to be employed by any committee of the Senate or House of Representatives, by statute or by annual or permanent resolution, or

(B) the number of such staff members on such date assigned to, or authorized to be selected for appointment by or with the approval of, the minority members of any such committee; or

(2) to authorize the selection for appointment of staff members by the minority members of a committee in any case in which two or more professional staff members or one or more clerical staff members, as the case may be, who are satisfactory to a majority of such minority members, are otherwise assigned to assist such minority members.

(f) The additional professional staff members authorized to be employed by a committee by the amendment made by subsection (a) of this section shall be in addition to any other additional staff members authorized, prior to January 1, 1968, to be employed by any such committee.

PART 2—OFFICE STAFFS AND ALLOWANCES OF MEMBERS OF CONGRESS

LEGISLATIVE ASSISTANTS FOR SENATORS

SEC. 321. (a) Each Senator is authorized to appoint a legislative assistant whose primary function shall be to assist the Senator in performing duties related to legislation. The basic compensation of the legislative assistant shall be fixed, in accordance with the paragraph relating to the authority of Senators to rearrange the basic salaries of employees in their offices in the Legislative Branch Appropriation Act, 1947, as amended (2 U.S.C. 60f), at a rate not in excess of $8,460 per annum, said sum to be available to each Senator in addition to the aggregate amount of the basic compensation authorized to be paid for administrative and clerical assistance and messenger service in the office of such Senator. No part of such additional sum shall be available for the salary of any employee other than the legislative assistant authorized by this section.

(b) The second proviso in the paragraph relating to the authority of Senators to rearrange the basic salaries of employees in their offices in the Legislative Branch Appropriation Act, 1947, as amended (2 U.S.C. 60f), is amended by inserting after the word "employee" in clause (3) the following: "(in addition to the legislative assistant authorized by section 321 (a) of the Legislative Reorganization Act of 1967)".

ADDITIONAL TRAVEL ALLOWANCES

SEC. 322. (a) The third paragraph under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1959, as amended (2 U.S.C. 43b), is amended—

(1) by striking out "six" and inserting in lieu thereof "seven"; and

(2) by striking out "four" and inserting in lieu thereof "seven".

(b) The second paragraph under the heading "Administrative Provisions" in the Legislative Branch Appropriation Act, 1962, as amended (2 U.S.C. 127), is amended by striking out "four" and inserting in lieu thereof "five".

(c) Section 3 of the Act entitled "An Act to amend the Legislative Branch Appropriation Act, 1959, to provide for reimbursement of transportation expenses for Members of the House of Representatives, and for other purposes", approved August 28, 1965 (2 U.S.C. 127a), is amended by striking out "not to exceed two employees in the office of a Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) for one round trip each, or incurred by not to exceed one employee for two round trips" and inserting in lieu thereof "employees in the office of each Member of the House of Representatives (including the Resident Commissioner from Puerto Rico) for not to exceed four round trips".

TELECOMMUNICATIONS

SEC. 323. (a) The Sergeant at Arms of the Senate and the Clerk of the House of Representatives are authorized and directed to make a thorough study of the telecommunications needs of the Congress, with a view to—

(1) developing plans for—

(A) participation in, and any necessary expansion of, the existing Government-wide leased line telephone system, or

(B) establishment of a separate leased line telephone system for the Congress; and

(2) recommending such other improvements with respect to telephone and telegraph service for the Congress as may be desirable in the light of economy and efficiency.

(b) The Sergeant at Arms of the Senate, acting under the direction and supervision of the Committee on Rules and Administration of the Senate, is authorized and directed to formulate a plan for consolidating telephone and telegraph allowances of Senators and the President of the Senate as a single allowance.

CONVERSION OF PAY RATES OF SENATE EMPLOYEES TO GROSS RATE BASIS

SEC. 324. The Committee on Appropriations of the Senate is requested to prepare, and make recommendations to the Senate, at the earliest practicable date with respect to—

(1) a plan for the conversion to a gross rate basis of pay rates of employees of the Senate who are being paid on a basic plus additional compensation basis;

(2) a schedule of gross salary rates to be applicable in fixing and adjusting pay rates of such employees; and

(3) a plan for the conversion of Senator's clerk hire allowances from an aggregate basic salary basis to an aggregate gross salary basis. Such recommendations shall include, or be in the form of, legislative proposals designed to carry into effect the plans and schedule referred to in this section.

PART 3—LEGISLATIVE RESEARCH SERVICE

IMPROVEMENT OF LEGISLATIVE RESEARCH FACILITIES OF CONGRESS

SEC. 331. (a) Section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), is amended to read as follows:

"LEGISLATIVE RESEARCH SERVICE

"SEC. 203. (a) The Legislative Reference Service in the Library of Congress is hereby continued as a separate department in the Library of Congress and is redesignated the 'Legislative Research Service'.

"(b) It is the policy of Congress that—

"(1) the Librarian of Congress shall, in every possible way, encourage, assist, and promote the Legislative Research Service in—

"(A) rendering to Congress the most effective and efficient service,

"(B) responding most expeditiously, effectively, and efficiently to the special needs of Congress, and

"(C) discharging its responsibilities to Congress;

and

"(2) the Librarian of Congress shall grant and accord to the Legislative Research Service the maximum practicable administrative independence consistent with these objectives.

"(c) (1) After consultation with the Joint Committee on the Library, the Librarian of Congress shall appoint the Director of the Legislative Research Service. The compensation of the Director shall be at a per annum rate equal to the rate provided for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

"(2) The Librarian of Congress, upon the recommendation of the Director, shall appoint a Deputy Director of the Legislative Research Service and all other necessary personnel thereof. The compensation of the Deputy Director shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, but without regard to section 5108(a) of such title. The compensation of all other necessary personnel of the Legislative Research Service shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, except that—

"(A) the grade of Senior Specialist in each field within the purview of subsection (e) of this section shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants without supervisory responsibility are currently assigned; and

"(B) the positions of Specialist and Senior Specialist in the Legislative Research Service may be placed in GS–16, 17, and 18 of the General Schedule of section 5332 of title 5, United States Code, without regard to section 5108(a) of such title, subject to the prior approval of the Joint Committee of Congress on the Library, by record vote of a majority of the members of the Joint Committee, of the placement of each such position in any of such grades.

"(3) Each appointment made under paragraphs (1) and (2) of this subsection and subsection (e) of this section shall be without regard to the civil service laws, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position.

"(d) It shall be the duty of the Legislative Research Service, without partisan bias—

"(1) upon request, to advise and assist any committee or Member of the Senate or House of Representatives and any joint committee of Congress in the analysis, appraisal, and evaluation of legislative proposals, or of recommendations submitted to Congress by the President or any executive agency, and otherwise to assist in providing a basis for the proper evaluation and determination of legislative proposals and recommendations generally;

"(2) upon request, or upon its own initiative in anticipation of requests, to collect, classify, and analyze in the form of translations, indexes, digests, compilations, bulletins, reports, and otherwise, data having a bearing on legislation, and to make such data available and serviceable to committees and Members of the Senate and House of Representatives and joint committees of Congress;

"(3) to prepare summaries and digests of bills and resolutions of a public general nature introduced in the Senate or House of Representatives; and

"(4) upon request made by any committee or Member of the Congress, to prepare and transmit to such committee or Member a concise memorandum with respect to one or more legislative measures upon which hearings by any committee of the Congress have been announced, which memorandum shall contain a statement of the purpose and effect of each such measure, a description of other relevant measures of similar purpose or effect previously introduced in the Congress, and a recitation of all action taken theretofore by or within the Congress with respect to each such other measure.

"(e) The Librarian of Congress is authorized to appoint in the Legislative Research Service, upon the recommendation of the Director, Specialists and Senior Specialists in the following broad fields:

"(1) agriculture;
"(2) American government and public administration;
"(3) American public law;
"(4) conservation;
"(5) education;
"(6) employment;
"(7) engineering and public works;
"(8) housing;
"(9) industrial organization and corporation finance;
"(10) international affairs;
"(11) international trade and economic geography;
"(12) labor;
"(13) mineral economics;
"(14) money and banking;
"(15) national defense;
"(16) price economics;
"(17) science;
"(18) social welfare;
"(19) taxation and fiscal policy;
"(20) technology;
"(21) transportation and communications;
"(22) veteran's affairs; and
"(23) such other broad fields as the Director may deem appropriate.

Such Specialists and Senior Specialists, together with such other employees of the Legislative Research Service as may be necessary, shall be available for special work with the committees and Members of the Senate and House of Representatives and the joint committees of Congress for any of the purposes of subsection (d) of this section.

"(f) The Director is authorized—

"(1) to classify, organize, arrange, group, and divide, from time to time, as he deems advisable, the requests for advice, assistance, and other services submitted to the Legislative Research Service by committees and Members of the Senate and House of Representatives and joint committees of Congress, into such classes and categories as he deems necessary to—

"(A) expedite and facilitate the handling of the individual requests submitted by Members of the Senate and House of Representatives,

"(B) promote efficiency in the performance of services for communities of the Senate and House of Representatives and joint committees of Congress, and

"(C) provide a basis for the efficient performance by the Legislative Research Service of its legislative research and related functions generally;

and

"(2) to establish and change, from time to time, as he deems advisable, within the Legislative Research Service, such research and reference divisions or other organizational units, or both, as he deems necessary to accomplish the purposes of this subsection.

"(g) In order to facilitate the study, consideration, evaluation, and determination by the Congress of the budget requirements of the Legislative Research Service for each fiscal year, the Librarian of Congress shall receive from the Director and submit, for inclusion in the Budget of the United States Government, the budget estimates of the Legislative Research Service prepared separately by the Director in detail for each fiscal year, as a separate item of the budget estimates of the Library of Congress for such fiscal year.

"(h)(1) The Director of the Legislative Research Service is authorized to procure the temporary services (not in excess of one year) or intermittent services of individual experts or consultants (including stenographic reporters) and persons learned in particular fields of knowledge—

"(A) by contract as independent contractors without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other law requiring advertising, or

"(B) by employment in the Legislative Research Service without regard to the civil service and position classification laws, at rates of compensation not in excess of the per diem equivalent of the highest rate of basic compensation set forth in the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary travel time.

"(2) The Director of the Legislative Research Service is authorized to procure by contract, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other law requiring advertising, the temporary services (not in excess of one year) or intermittent services of educational, research, or other organizations of experts and consultants (including stenographic reporters) and persons learned in particular fields of knowledge.

"(i) The Director of the Legislative Research Service shall file with the Joint Committee of Congress on the Library at the beginning of each regular session of Congress a separate and special report covering, in summary and in detail, all phases of activity of the Legislative Research Service for the immediately preceding fiscal year. In order to facilitate its performance of any function specified in this section, the Legislative Research Service may—

"(1) prepare information for machine processing,

"(2) process information by machine by performing mathematical or logical operations thereon, selective retrieval, integration, or other machine operations, and

"(3) prepare for presentation or other use information processed by machine.

The Service may acquire automatic data processing equipment and retain personnel needed for any activity authorized by this subsection.

"(j) There are hereby authorized to be appropriated to the Legislative Research Service each fiscal year such sums as may be necessary to carry on the work of the Service.".

(b) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 2003. Legislative Reference Service."

and inserting in lieu thereof—

"Sec. 203. Legislative Research Service.".

JOINT COMMITTEE ON THE LIBRARY

SEC. 332. Section 223 of the Legislative Reorganization Act of 1946 (2 U.S.C. 132b) is amended to read as follows:

"JOINT COMMITTEE ON THE LIBRARY

"SEC. 223. (a) The Joint Committee of Congress on the Library shall consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives.

"(b) In order to provide for the expeditious and efficient consideration of matters within the jurisdiction of the Joint Committee, including review of the operations of the Legislative Research Service, the Joint Committee is authorized to employ one professional staff member and not to exceed two employees as members of the clerical staff of the Committee. Such professional and clerical staff members shall be appointed by majority vote of the Committee, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their position. The staff, under the joint direction and supervision of the chairman and the vice chairman, shall assist the Committee in the performance of its review functions with respect to matters within the general jurisdiction of the Committee and shall perform such other duties as may be prescribed by the Committee. The chairman and vice chairman shall fix their compensation at rates authorized by section 202(e)(1) of this Act. The Committee may terminate the employment of the members of the professional and clerical staff as it may deem appropriate.

"(c) The expenses of the Joint Committee shall be paid out of the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers signed by the chairman of the Joint Committee.

"(d) In order to provide the Congress with current information regarding the operation of the Legislative Research Service and regarding other matters within the general jurisdiction of the Joint Committee, the Joint Committee shall submit to the Senate and House of Representatives an annual re-

port with respect to (1) the activities of the Legislative Research Service and (2) such other matters within its general jurisdiction as it deems appropriate.".

ABOLISHMENT OF OFFICE OF COORDINATOR OF INFORMATION

SEC. 333. The Office and position of the Coordinator of Information of the House of Representatives are hereby abolished. The personnel (including the former incumbent of the position of Coordinator of Information), records, functions, property, and unexpended balances of appropriations of the Office of Coordinator of Information are hereby transferred to the Legislative Research Service of the Library of Congress.

SAVING PROVISION

SEC. 334. (a) Except as otherwise provided by this Part, the changes in existing law made by, and other provisions of, this Part shall not affect any office or position existing immediately prior to the effective date of this Part, the compensation attached to such office or position, and any incumbent thereof, his appointment thereto, and his entitlement to receive the compensation attached thereto, until appropriate action is taken in accordance with this Part or other law.

(b) Notwithstanding any provision of this Part, the rate of compensation received by any officer or employee immediately prior to the effective date of this Part shall not be reduced by reason of enactment of this Part.

SENATE PUBLIC ADDRESS SYSTEM

SEC. 335 (a) In order to insure that debates of the Senate may be heard in all parts of the Senate Chamber and in the galleries thereof, the majority and minority leaders are authorized to take such action as may be appropriate for the installation and operation within the Senate Chamber of a suitable electrical public address system approved by them.

(b) The expenses incurred for the installation and operation of such public address system shall be considered in the legislative appropriation bill.

TITLE IV—CONGRESS AS AN INSTITUTION

PART 1—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

ESTABLISHMENT OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

SEC. 401. (a) There is hereby created a Joint Committee on Congressional Operations (hereafter in this Part referred to as the "Joint Committee").

(b) The Joint Committee shall be composed of ten members as follows:

(1) five Members of the Senate, appointed by the President pro tempore of the Senate; two from the Committee on Government Operations of the Senate, two from the Committee on Rules and Administration of the Senate, and one from among the remaining Members of the Senate (including but not limited to members of the committees referred to in this paragraph); and

(2) five Members of the House of Representatives, appointed by the Speaker of the House of Representatives; two from the Committee on Government Operations of the House of Representatives, two from the Committee on House Administration of the House of Representatives, and one from among the remaining Members of the House of Representatives (including but not limited to members of the committees referred to in this paragraph).

(c) Of each of two members referred to in subsection (b), one shall be from the political party having the greatest number, and one shall be from the political party having the second greatest number, of Members of the Senate, or of the House of Representatives, as the case may be.

(d) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

(e) The Joint Committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Joint Committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

DUTIES OF JOINT COMMITTEE

SEC. 402. (a) The Joint Committee shall—

(1) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States;

(2) make a continuing study of automatic data processing and information retrieval systems with a view to determining the feasibility of the use of such systems in the operations of the Senate or the House of Representatives, or both, and make such recommendations with respect to the use of such systems as the Joint Committee may deem appropriate; and

(3) identify and call to the attention of the Congress any court proceeding or action which, in the opinion of the Joint Committee, is of vital interest to the Congress, or to either House of the Congress, as a constitutionally established institution of the Federal Government.

Subject to the approval of the President pro tempore of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and of the House of Representatives, the Joint Committee is authorized to provide for appropriate representation on behalf of the Congress or either House thereof in any proceeding or action referred to in paragraph (3) of this subsection.

(b) The Joint Committee shall exercise all functions vested in it by sections 406 and 407 of this Part.

(c) The Joint Committee shall report, from time to time, to the Senate and the House of Representatives their recommendations with respect to matters within the jurisdiction of the Joint Committee.

(d) Nothing in this Part shall be construed to authorize the Joint Committee to make any recommendations with respect to the rules, parliamentary procedure, practices, or precedents of either House, or the consideration of any matter on the floor of either House.

POWERS OF JOINT COMMITTEE

SEC. 403. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Joint Committee unless a majority of the Joint Committee assent. Subpenas may be issued over the signature of the chairman of the Joint Committee or of any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths or affirmations to witnesses.

STAFF OF JOINT COMMITTEE

SEC. 404. (a) In carrying out its functions under subsections (a) and (c) of section 402 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, not more than six professional staff members and not more than six clerical staff members;

(2) to prescribe their duties and responsibilities;

(3) to fix their compensation at rates authorized by section 202(e)(1) of the Legislative Reorganization Act of 1946; and

(4) to terminate their employment as the Joint Committee may deem appropriate.

(b) In carrying out its functions under section 406 of this part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties concerned, such additional personnel as the Joint Committee deems necessary;

(2) to prescribe their duties and responsibilities;

(3) to fix their compensation at rates authorized by section 202(e)(1) of the Legislative Reorganization Act of 1946; and

(4) to terminate their employment, as the Joint Committee may deem appropriate.

(c) In carrying out any of its functions under this part, the Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and to procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract at rates not in excess of $100 per diem.

RECORDS OF JOINT COMMITTEE

SEC. 405. The Joint Committee shall keep a complete record of all Joint Committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts, and files of the Joint Committee shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or such other places as the Joint Committee may direct.

TRANSFER OF FUNCTIONS

SEC. 406. There are transferred to the Joint Committee all of the functions, records, and property of the Joint Committee on Disposition of Executive Papers, created by the Act approved July 7, 1943 (57 Stat. 380), and such joint committee is hereby abolished.

OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

SEC. 407. (a) There is hereby established for the Congress an Office of Placement and Office Management which shall be subject to the supervision and control of the Joint Committee. The Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform his duties, a Director of the Office of Placement and Office Management to serve as the head of the staff of the Office;

(2) to prescribe his duties and responsibilities;

(3) to fix his compensation at a rate authorized by section 202(e)(1) of the Legislative Reorganization Act of 1946; and

(4) to terminate his employment, as the Joint Committee may deem appropriate.

Subject to the prior approval of the Joint Committee, the Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties of the Office under this section.

(b) It shall be the duty of the Office, upon request, to assist Members, committees, and officers of the Senate and House of Representatives seeking competent personnel with specified qualifications and to furnish advice and information with respect to office management procedures. In carrying out the provisions of this section, the Office shall—

(1) operate as a central clearinghouse for applications for employment with the Congress;

(2) test the qualifications of individuals submitting such applications for employment;

(3) furnish advice and information to Members, committees, and officers of the Senate and House of Representatives, on request, with respect to better office management practices and efficient utilization of office equipment; and

(4) maintain, for the benefit of such Members, committees, and officers desiring detailed office studies to improve the efficiency of their operations, a list of private management concerns capable of rendering such service on request.

(c) Nothing in this section shall be held or considered to require the use of the facilities of the Office by any Member, committee, or officer of the Senate or House of Representatives, if, in the opinion of such Member, committee, or officer, the use of such facilities is inappropriate.

EXPENSES

SEC. 408. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers approved by the Chairman.

PART 2—AUTHORITY OF OFFICERS OF THE CONGRESS

AUTHORITY

SEC. 421. (a) Any officer of the Congress having responsibility for the supervision of employees, including employees appointed upon recommendation of Members of Congress, shall have authority—

(1) to prescribe a period of training to be completed by any such employee prior to or upon his assignment to duties;

(2) to promulgate rules and regulations governing the performance by any such employee of his assigned duties;

(3) to remove or otherwise discipline any such employee (A) who fails or refuses to complete satisfactorily the period of training referred to in paragraph (1), or (B) who fails or refuses to abide by rules or regulations referred to in paragraph (2) or otherwise fails to perform his assigned duties in a satisfactory manner.

(b) As used in this section, the term "officer of the Congress" means an elected officer of the Senate or the House of Representatives who is not a Member of the Senate or House, the Architect of the Capitol, and the Postmaster of the Senate.

CAPITOL POLICE

SEC. 422. (a) The Capitol Police Board is authorized and directed to formulate a plan for converting the Capitol Police force to a professional force which shall operate under rules and regulations promulgated by the Capitol Police Board. In the formulation of such plan, consideration shall be given to the feasibility of providing for the operation of such force on the same basis of standards for personnel of the Metropolitan Police force of the District of Columbia. Such plan shall include provisions for giving members of the existing Capitol Police force such additional instruction and training as the Capitol Police Board shall deem necessary to improve the quality of their performance, and for replacing such members with persons recruited on the same basis that recruits are selected by the Metropolitan Police force as vacancies occur.

(b) The Chief of Police of the Metropolitan Police force of the District of Columbia shall provide the Capitol Police Board with such information and assistance as it may require in carrying out its duties and responsibilities under this section.

(c) The Capitol Police Board shall make a report to the Senate and House of Representatives at the earliest practicable date setting forth the plan formulated pursuant to this section together with its recommendations for any legislation necessary to effectuate such plan.

SENATE AND HOUSE PAGES

SEC. 423. (a) No person shall serve as a page of the Senate or House of Representatives before he has completed the twelfth grade of his secondary school education, or (except in the case of a chief page, telephone page, or riding page) during any session of the Congress which begins after he has attained the age of twenty-two years.

(b) No person shall be appointed as a page of the Senate or House of Representatives unless he agrees that in the absence of unforeseen circumstances preventing such service he will continue to serve as a page for a period of not less than three months.

(c)(1) Section 243 of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a), and the proviso in the paragraph under the heading "Education of Senate and House Pages" in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b), are hereby repealed.

(2) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 243. Senate and House pages.".

(d) Subsection (a) shall take effect on January 3, 1968, but the provisions of such subsection limiting service as a page to persons who have completed the twelfth grade shall not be construed to prohibit the continued service of any page appointed prior to the date of enactment of this Act. Subsection (c) shall take effect at the end of the 1967–68 school year.

(e) The proviso under the heading "Office of Sergeant at Arms and Doorkeeper" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1952 (2 U.S.C. 88c) is amended to read as follows: "*Provided*, That hereafter the pay of pages shall begin not more than five days before the convening of a session of the Congress or of the Senate, and shall continue until the end of the month during which the Congress or the Senate adjourns or recesses, or the fourteenth day after such adjournment or recess, whichever is the later date, except that in any case in which the Congress or the Senate adjourns or recesses on or before the last day of July for a period of at least thirty but not more than forty-five days such pay shall continue until the end of such adjournment or recess.".

CAPITOL GUIDE SERVICE

SEC. 424. (a) When used in this section, unless the context indicates otherwise—

(1) the term "Service" means the Capitol Guide Service created by subsection (b);

(2) the term "Board" means the Board created by subsection (b);

(3) the term "guide" means any member of the Capitol Guide Service; and

(4) the term "building" means the United States Capitol Building.

(b) There is hereby created an organization, to be known as the Capitol Guide Service, which shall be under the supervision of a Board consisting of the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Sergeant at Arms of the House of Representatives.

(c) It shall be the duty of the Service, under regulations promulgated by the Board, to furnish free guide services to any person desiring to view the interior of the building. The Service shall consist of a chief guide who shall receive gross compensation at the rate of $9,800 per annum, and not less than ten, nor more than twenty guides who shall each receive gross compensation at the rate of $7,200 per annum. Appointments to and removals from the Service shall be made by the Board. Appointees to the Service shall be chosen solely upon the basis of the special qualifications which fit them for the duties to be performed.

(d) The Board shall make and promulgate the regulations necessary for the operation of the Service. Such regulations shall cover the schedules and routings of tours through the building, the oral informative data to be supplied to the public, the personal conduct of members of the Service when on duty, the uniforms and insignia for the Service, and such other phases of the work as in its judgment may be necessary.

(e) No guide shall make any charge for his official services, nor accept any gratuity, nor shall he, in the course of official duty, speak in praise or censure of any person. Any violation of the provisions of this subsection shall be punished by immediate dismissal.

(f) The headquarters of the Service shall be maintained in the rotunda of the building, and a guide shall be on duty there at all times during the hours the building is open to the public.

(g) The necessary expenses incident to the establishment and maintenance of the Service, including uniforms and insignia for each guide, shall be paid from the contingent fund of the House of Representatives on vouchers approved by the Board.

(h) The Board may detail any guide to supplement the Capitol Police when special occasions in the building or on the Capitol Grounds require additional police and the performance of the regular duties of the Service are temporarily suspended by such occasion.

PART 3—CONGRESSIONAL ADJOURNMENT

CONGRESSIONAL ADJOURNMENT

SEC. 433. (a) This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively; and such rule shall supersede other rules only to the extent inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b) Section 132 of the Legislative Reorganization Act of 1946 (2 U.S.C. 198) is amended to read as follows:

"CONGRESSIONAL ADJOURNMENT

"SEC. 132. (a) Not later than the last day in the month of July in each year, the two Houses shall adjourn—

"(1) sine die, or

"(2) to a day certain subsequent to August 31 of such year, which shall be fixed by concurrent resolution adopted in each House by rollcall vote.

"(b) This section shall not be applicable in any year if on the last day of July of such year a state of war exists pursuant to a declaration of war by the Congress.".

Part 4—Appointment of Postmasters

APPOINTMENT OF POSTMASTERS BY POSTMASTER GENERAL

SEC. 441. Section 3311 (relating to method of appointment of postmasters) of title 39, United States Code, is amended to read as follows:

"§ 3311. Method of appointment

"(a) The Postmaster General shall appoint postmasters at post offices of the first, second, and third classes in the competitive civil service without term. He shall make the appointments in accordance with the civil service laws and rules by—

"(1) competitive examinations; and

"(2) promotions from within the postal service.

"(b) The Postmaster General shall appoint postmasters at post offices of the fourth class without term.

"(c) Notwithstanding any other provision of law, the Postmaster General shall make each appointment to a position of postmaster at a post office of any class without regard to any recommendation or statement, with respect to any applicant for such appointment, made by—

"(1) any Member of the Senate or House of Representatives (including the Resident Commissioner from Puerto Rico); or

"(2) any official of a partisan National, State, county, or municipal or other local political party.

"(d) Notwithstanding any other provision of law, a person within the purview of subparagraph (1) or (2) of subsection (c) of this section is hereby prohibited from making or transmitting to the Postmaster General, or to any other officer or employee of the Federal Government, any recommendation or statement with respect to any applicant for appointment to a position of postmaster of any class. The Postmaster General and any other officer or employee of the Federal Government—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such recommendation or statement received by him, appropriately marked as in violation of this section, to the person making or transmitting the same.

"(e) An applicant for appointment to a position of postmaster at a post office of any class is hereby prohibited from requesting or soliciting any such recommendation or statement from any person within the purview of subparagraph (1) or (2) of subsection (c) of this section. An applicant making such solicitation or request, knowing the same to be in violation of this subsection, is disqualified for appointment to the position of postmaster concerned.

"(f) Each application form of the Federal Government used in connection with an application for appointment to a position of postmaster at a post office of any class shall contain appropriate language in boldface type informing the applicant of the provisions of this section.".

VACANCIES IN POSITIONS OF POSTMASTER

SEC. 442. Section 3315 (relating to the filling of vacancies in positions of postmaster) of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The prohibitions, restrictions, and related provisions of section 3311 of this title governing the appointment of postmasters also shall apply with respect to the interim appointment, assignment, or designation of any person in accordance with subparagraphs (1) to (4), inclusive, of subsection (a) of this section.".

VACANCIES ON RURAL ROUTES

SEC. 443. Section 3338 (relating to the filling of vacancies on rural routes) of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The prohibitions, restrictions, and related provisions of section 3311 of this title governing the appointment of postmasters also shall apply with respect to the appointment of any person to a position of rural carrier and the application and assignment of any rural carrier with respect to any rural route.".

SAVING PROVISION

SEC. 444. The amendments made by this Part shall not affect the status or tenure, on the effective date of this Part, of—

(1) postmasters in office;

(2) persons appointed, assigned, or designated in accordance with subparagraphs (1) to (4), inclusive, of section 3315(a) of title 39, United States Code; and

(3) persons holding positions of rural carrier.

Part 5—Revision of House Employees Position Classification Act

APPLICATION OF HOUSE EMPLOYEES POSITION CLASSIFICATION ACT

SEC. 451. Section 3 of the House Employees Position Classification Act (78 Stat. 1079; Public Law 88–652; 2 U.S.C. 292) is amended—

(1) by striking out "(2) the position of minority pair clerk in the House;"; and

(2) by redesignating subparagraphs (3) and (4) of such section as subparagraphs (2) and (3) thereof, respectively.

AUTHORITY TO RECOMMEND COMPENSATION REVISIONS

SEC. 452. Section 4 of the House Employees Position Classification Act (78 Stat. 1079; Public Law 88–652; 2 U.S.C. 293) is amended—

(1) by striking out, in subsection (a)(1)(C) thereof, "the Classification Act of 1949, as amended" and inserting in lieu thereof "section 5332 of title 5, United States Code"; and

(2) by adding at the end thereof the following new subsection:

"(c) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, are authorized to transmit to the committee their joint recommendations for revision of the rates of compensation of the House Employees Schedule or the House Wage Schedule, or both such schedules, in accordance with subsections (a) and (b) of this section, together with their justification for such recommended revision, whenever in their judgment such revision is necessary and appropriate to provide for the acquisition or retention of competent personnel, to facilitate the maintenance of equitable compensation relationships, or to promote the orderly and efficient operation of the House of Representatives.".

REVISIONS WITH RESPECT TO POSITION STANDARDS AND DESCRIPTIONS AND POSITION PLACEMENT IN COMPENSATION SCHEDULES

SEC. 453. Sections 5 and 6 of the House Employees Position Classification Act (78 Stat. 1080–1081; Public Law 88–652; 2 U.S.C. 294 and 295) are amended to read as follows:

"POSITION STANDARDS AND DESCRIPTIONS

"SEC. 5. (a)(1) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, jointly shall prescribe, revise, and (on a current basis) maintain position standards which shall apply to positions under the House of Representatives to which this Act applies.

"(2) The position standards shall—

"(A) provide for the separation of such positions into appropriate classes for pay and personnel purposes on the basis of reasonable similarity with respect to types of positions, qualification requirements of positions, and levels of difficulty and responsibility of work, and

"(B) govern the placement of such positions in their respective appropriate compensation levels at the appropriate compensation schedule.

"(b)(1) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, severally shall prepare, revise, and (on a current basis) maintain, in such forms as may be appropriate to carry out the purposes of this Act, position descriptions of the respective positions under the House of Representatives to which this Act applies which are under their respective jurisdictions, including—

"(A) with respect to the Clerk, positions under the House Recording Studio, and

"(B) with respect to the Doorkeeper, positions under the House Radio and Television Correspondents' Gallery and the House Periodical Press Gallery.

"(2) The position descriptions shall—

"(A) describe in detail the actual duties, responsibilities, and qualification requirements of the work of each of such positions.

"(B) provide a position title for each of such positions which accurately reflects such duties and responsibilities, and

"(C) govern the placement of such position in its appropriate class.

"(c) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, shall keep in their respective offices copies of the position standards jointly prepared by them together with copies of the position descriptions of those positions under the House of Representatives to which this Act applies which are under their respective jurisdictions.

"(d) Upon request of the committee at any time, the Clerk, the Sergeant at Arms, the Doorkeeper, or the Postmaster, of the House of Representatives, as the case may be, shall transmit to the committee copies of the position standards and position descriptions required by this action to be prepared, revised, and currently maintained by them, and such other related information as the committee may require, in order that the committee may have, whenever the committee deems it advisable, current information with respect to position standards, position descriptions, the positions to which such descriptions apply, and related personnel matters within the purview of this Act.

"PLACEMENT OF POSITIONS IN COMPENSATION SCHEDULES

"SEC. 6. The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, each shall place each position under the House of Representatives to which this Act applies, which is under his jurisdiction, in its appropriate class and in its appropriate compensation level of the appropriate compensation schedule, in accordance with the position standards and position descriptions provided for in section 5 of this Act. Each such House officer is authorized, when in his opinion circumstances so warrant, to change any such position under his jurisdiction from any class in which such position is then currently placed to any other class which he deems appropriate, and from any compensation level of the schedule in which such position is then currently placed to any other compensation level of either the House Employees Schedule (HS) or the House Wage Schedule (HWS) as such House officer deems appropriate. All actions under this section shall be the basis for payment of compensation and for other personnel benefits and transactions until otherwise changed in accordance with appropriate authority.".

STEP INCREASES

SEC. 454. Section 7 of the House Employees Position Classification Act (78 Stat. 1081–1082; Public Law 88–652; 2 U.S.C. 296) is amended to read as follows:

"STEP INCREASES

"SEC. 7. (a) Each employee in a compensation level of the House Employees Schedule, who has not attained the highest scheduled rate of compensation for the compensation level (HS level) in which his position is placed, shall be advanced successively to the next higher step of such HS level, as follows:

"(1) to steps 2, 3, 4, 5, 6, 7, 8, and 9, respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of one year of satisfactory service in the next lower step; and

"(2) to steps 10, 11, and 12, respectively—at the beginning of the first pay period following the completion, without break in service of more than thirty months, of two years of satisfactory service in the next lower step.

"(b) The receipt of an increase in compensation during any of the waiting periods of service specified in subsection (a) of this section shall cause a new full waiting period of service to commence for further step increases under such subsection.

"(c) Any increase in compensation granted by law, or granted by reason of an increase made by the committee in the rates of compensation of the House Employees Schedule, to employees within the purview of subsection (a) of this section shall not be held or considered to be an increase in compensation for the purposes of subsection (b) of this section.

"(d) The benefit of successive step increases under subsection (a) of this section shall be preserved, under regulations jointly prescribed by the Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, for employees whose continuous service is interrupted by service in the Armed Forces of the United States.

"(e) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, jointly shall establish and maintain, and, from time to time, jointly may revise, a system of automatic advancement, by successive step increases in compensation, on the basis of satisfactory service performed, without break in service of more than thirty months, for employees subject to the House Wage Schedule. In the operation of such system of step increases, such House officers jointly may prescribe regulations to the effect that—

"(1) the receipt of an increase in compensation during any of the waiting periods of service required for advancement by step increases under such system shall cause a new full waiting period of service to commence for further step increases under such system;

"(2) any increase in compensation granted by law, or granted by reason of an increase made by the committee in the rates of compensation of the House Wage Schedule, to employees within the purview of such system of step increases, shall not be held or considered to be an increase in compensation for the purposes of subparagraph (1) of this subsection; and

"(3) the benefit of successive step increases under such system of step increases shall be preserved, under regulations jointly prescribed by such House officers, for employees whose continuous service is interrupted by service in the Armed Forces of the United States.".

APPOINTMENTS AND RECLASSIFICATIONS TO HIGHER COMPENSATION LEVELS

SEC. 455. Section 8(b) of the House Employees Position Classification Act (78 Stat. 1083; Public Law 88–652; 2 U.S.C. 297(b)) is amended to read as follows:

"(b) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, jointly may provide by regulation for the payment of compensation, at an appropriate compensation step determined in accordance with such regulation, to each employee subject to the House Wage Schedule who is appointed to a position in a higher compensation level of such schedule or whose position is placed in a higher compensation level of such schedule pursuant to a reclassification of such position.".

REDUCTIONS IN COMPENSATION LEVEL

SEC. 456. Section 9 of the House Employees Position Classification Act (78 Stat. 1083; Public Law 88–652; 2 U.S.C. 298) is amended to read as follows:

"REDUCTIONS IN COMPENSATION LEVEL

"SEC. 9. Each employee under the jurisdiction of the Clerk, the Sergeant at Arms, the Doorkeeper, or the Postmaster, of the House of Representatives, as the case may be, in a position in a compensation level of the House Employees Schedule or the House Wage Schedule whose employment in such position and level is terminated and who is reemployed, with or without break in service, in a position in a lower compensation level (HS level or HWS level) of such schedule, or whose position is placed in a lower compensation level of such schedule pursuant to a reclassification of such position, shall be placed by the Clerk, the Sergeant at Arms, the Doorkeeper, or the Postmaster, as the case may be, in such step of such lower compensation level as the House officer concerned deems appropriate.".

INITIAL APPOINTMENTS

SEC. 457. Section 10 of the House Employees Position Classification Act (78 Stat. 1083; Public Law 88–652; 2 U.S.C. 299) is amended—

(1) by inserting "(a)" immediately following "SEC. 10."; and

(2) by adding at the end thereof the following new subsection:

"(b) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, each is authorized to make the initial appointment of any individual to a position under the jurisdiction of such House officer, which is subject to the House Employees Schedule or the House Wage Schedule, at any compensation step above the minimum compensation step of the appropriate compensation level (HS level or HWS level) of such schedule, whenever such House officer deems such action to be necessary and appropriate to acquire competent personnel or to promote the orderly and efficient operation of the House of Representatives.".

ESTABLISHMENT OF POSITIONS

SEC. 458. Section 11 of the House Employees Position Classification Act (78 Stat. 1083; Public Law 88–652; 2 U.S.C. 300) is amended to read as follows:

"ESTABLISHMENT OF POSITIONS

"SEC. 11. The Clerk, the Sergeant at Arms, the Doorkeeper, or the Postmaster, of the House of Representatives, as the case may be, may authorize the establishment of additional positions of the kind to which this Act applies, on a permanent basis or on a temporary basis of not to exceed six months' duration, whenever, in his judgment, such action is warranted in the interests of the orderly and efficient operation of the House of Representatives.".

AUTHORITY GENERALLY

SEC. 459. Section 13 of the House Employees Position Classification Act (78 Stat. 1084; Public Law 88–652; 2 U.S.C. 302) is amended to read as follows:

"REGULATIONS

"SEC. 13. (a) The committee is authorized to prescribe such regulations as may be necessary to carry out the functions, duties, and obligations imposed upon the committee by this Act.

"(b) The Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster, of the House of Representatives, are authorized to prescribe such joint regulations as may be necessary to carry out the functions, duties, and obligations imposed upon such House officers by this Act.

"(c) Nothing in this Act shall be held or considered to curtail, diminish, or otherwise affect the jurisdiction of the committee with respect to all matters within the purview of this Act.".

CONFORMING AMENDMENT

SEC. 460. Section 105 (f) of the Legislative Branch Appropriation Act, 1957, as amended (70 Stat. 371, 78 Stat. 1084; Public Law 624, Eighty-fourth Congress, Public Law 88–652; 2 U.S.C. 123b(f)), is amended by inserting "and fix the compensation of" immediately following "to appoint".

SAVING PROVISION

SEC. 461. The amendments made by this Part shall not be construed to eliminate, change, or otherwise affect—

(1) the compensation schedules prescribed under authority of the House Employees Position Classification Act,

(2) the position standards and position descriptions prepared under authority of such Act,

(3) the application of such position standards and position descriptions,

(4) the placement of positions in compensation schedules under such Act.

(5) the compensation paid to employees under such Act,

(6) the regulations prescribed under such Act, or

(7) any other action taken under such Act, as in effect immediately prior to the effective date of this Part, until appropriate action is taken by appropriate authority in accordance with the House Employees Position Classification Act as amended by this Part, or in accordance with section 105(f) of the Legislative Branch Appropriation Act, 1957, as amended by this Part.

HOUSE PUBLICATIONS DISTRIBUTION SERVICE

SEC. 462. (a) The organization under the jurisdiction of the Doorkeeper of the House of Representatives engaged in folding, packaging, and related activities with respect to papers, documents, and other materials for the House of Representatives (commonly referred to as the "House Folding Room") is hereby designated the "House Publications Distribution Service".

(b) The Doorkeeper of the House of Representatives is authorized to establish for employees under the House Publications Distribution Service a system of compensation for extra services performed by such employees.

PART 6—PAYROLL ADMINISTRATION IN THE HOUSE OF REPRESENTATIVES

CONVERSION OF PAY TO AGGREGATE RATE BASIS IN HOUSE OF REPRESENTATIVES

SEC. 471. (a) Beginning with the effective date of this section, the aggregate compensation of each employee (except a telephone operator on the United States Capitol telephone exchange and a member of the United States Capitol Police)—

(1) who is on the employment rolls of the House of Representatives on such date.

(2) whose compensation is disbursed by the Clerk of the House of Representatives and was fixed or adjusted prior to such date, and

(3) whose compensation is not fixed at a single per annum (gross) rate,

shall be a single per annum (gross) rate, constituting his total rate of compensation, in an amount equal to the sum of—

(A) the rate of the per annum basic compensation of such employee in effect immediately prior to such date, adjusted to the lowest multiple of $60 which produces a rate of per annum basic compensation for such employee which is not less than his rate of per annum basic compensation immediately prior to such date, and

(B) the rate of his total per annum additional compensation, computed on such adjusted basic rate.

Such single per annum (gross) rate shall be rounded to the next higher dollar.

(b) Beginning with the effective date of this section, the aggregate compensation of each officer or employee (except a telephone operator on the United States Capitol telephone exchange and a member of the United States Capitol Police)—

(1) who is on the employment rolls of the House of Representatives on or after such date,

(2) whose compensation is disbursed by the Clerk of the House of Representatives, and

(3) whose compensation is fixed or adjusted on or after such date,

shall be a single per annum (gross) rate, in a whole dollar amount, constituting his total rate of compensation.

(c) The Clerk of the House of Representatives shall prepare and establish a compensation schedule of single per annum rates for employees of the House of Representatives whose compensation is disbursed by the Clerk of the House, except—

(1) employees subject to the House Employees Position Classification Act (2 U.S.C. 291 and following),

(2) telephone operators on the United States Capitol telephone exchange,

(3) members of the United States Capitol Police, and

(4) officers and employees of the House whose compensation consisted of a single per annum (gross) rate immediately prior to the effective date of this section.

Such compensation schedule shall—

(A) contain each of the single per annum (gross) rates determined under subsection (a) of this section, and

(B) be designated the "House General Schedule" and have the symbol "HGS".

(d) Section 11(a) of the Legislative Appropriation Act, 1956, as amended (2 U.S.C. 60g–1), is amended to read as follows:

"(a) The clerk hire of each Member of the House of Representatives and the Resident Commissioner from Puerto Rico shall be at a single per annum (gross) rate determined in accordance with section 471(e) of the Legislative Reorganization Act of 1967. No person shall be paid from such clerk hire at a single per annum (gross) rate in excess of $22,231.".

(e) The Clerk of the House of Representatives is authorized and directed to—

(1) adjust to a single per annum (gross) rate the basic rate of clerk hire allowance of each Member of the House of Representatives authorized by section 11(a) of the Legislative Appropriation Act, 1956, as in effect immediately prior to the effective date of this Part (2 U.S.C. 60g–1), and

(2) adjust to a single per annum (gross) rate each other basic rate allowance provided by law for the compensation of employees whose compensation is disbursed by the Clerk of the House (except telephone operators on the United States Capitol telephone exchange and members of the United States Capitol Police),

in a manner which reflects the most favorable projection of basic rates to aggregate rates, as determined by the Clerk of the House, in accordance with the foregoing provisions of this section and other applicable law.

(f) Section 202(e) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(e)), is amended to read as follows:

"(e) (1) Each employee of the professional staff, and each employee of the clerical staff, of each standing committee of the House of Representatives shall receive a per annum (gross) rate of compensation, constituting his total rate of compensation, to be fixed by the chairman, which is not in excess of the highest rate of compensation set forth in the General Schedule of section 5332 of title 5, United States Code.

"(2) Subject to the provisions of the paragraph relating to rates of compensation of employees of committees of the Senate, contained in the Legislative Appropriation Act, 1956, as amended (2 U.S.C. 72a–1a), the professional staff members of standing committees of the Senate shall receive basic annual compensation, to be fixed by the chairman ranging from $5,040 to $8,000.".

(g) (1) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change the rule amended by this subsection at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(2) Clause 28(c) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(c) Each employee on the professional staff, and each employee on the clerical staff, of each standing committee shall receive a per annum (gross) rate of compensation, constituting his total rate of compensation, to be fixed by the chairman, which is not in excess of the highest rate of compensation of the General Schedule of section 5332 of title 5, United States Code.".

(h) Section 5533(c) of title 5, United States Code, is amended to read as follows:

"(c) (1) Except as provided by paragraph (2) of this subsection, unless otherwise authorized by law, appropriated funds are not available for payment to an individual of pay from more than one position if the aggregate amount of the basic pay from the position exceeds $2,000 a year, and if—

"(A) the pay of one of the positions is paid by—

"(i) the Secretary of the Senate; or

"(ii) the Clerk of the House of Representatives (in the case of employees receiving basic rates of compensation); or

"(B) one of the positions is under the Office of the Architect of the Capitol.

"(2) Unless otherwise authorized by law, appropriated funds are not available for payment to an individual of pay from more than one position if the aggregate (gross) compensation from the position exceeds $5,987 a year, and if the pay of one of the positions is paid by the Clerk of the House of Representatives (in the case of employees receiving single per annum rates of compensation).".

(i) Each Member of the House of Representatives and the Resident Commissioner from Puerto Rico shall certify in writing, on or before the tenth day of any month in which rearrangements or changes of salary schedules of employees in his office are to become effective, to the Clerk of the House, such rearrangements or changes of salary schedules. The Clerk of the House shall disburse the compensation of such employees in accordance with such rearrangements or changes of salary schedules.

(j) The first section of the Act entitled "An Act to increase clerk hire, and for other purposes", approved December 20, 1944 (58 Stat. 831); Public Law 512, Seventy-eighth Congress; 2 U.S.C. 60g), is hereby repealed.

(k) For the purposes of applicable law relating to the payment to any person of compensation from more than one civilian office or position, each employee of the House of Representatives to whom this Part applies who, immediately prior to the effective date of this Part—

(1) is receiving compensation from more than one civilian office or position, and

(2) is in compliance with such law,

shall be held and considered to be in compliance with such law on and after such effective date, notwithstanding the enactment of this Part, so long as such person does not receive any new appointment to a position on the employment rolls of the House of Representatives.

(l) Except as specifically provided in this section, the foregoing subsections of this section shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the compensation for, any position for which the compensation is disbursed by the Clerk of the House of Representatives;

(2) affect the continuity of employment of, or reduce the compensation of, any employee whose compensation is disbursed by the Clerk of the House; or

(3) affect the rates of basic compensation (including longevity compensation), plus increased and additional compensation, of telephone operators on the United States Capitol telephone exchange, or of members of the United States Capitol Police, whose compensation is disbursed by the Clerk of the House.

(m) All provisions of law inconsistent with this section are hereby superseded to the extent of such inconsistency.

PART 7—MISCELLANEOUS

STATIONERY ALLOWANCES OF SENATORS AND REPRESENTATIVES

SEC. 481. (a) The paragraph under the heading "Stationery (revolving fund)" in the appropriations for the Senate in title IV of the Foreign Aid and Related Agencies Appropriation Act, 1964 (77 Stat. 864; 2 U.S.C. 46a), is amended by adding at the end thereof the following: "The allowance for stationery shall hereafter be available only for (1) purchases made through the Senate stationery room of stationery and other office supplies for use for official business, and (2) reimbursement upon presentation, within thirty days after the close of the fiscal year for which the allowance is provided, of receipted invoices for purchases elsewhere of stationery and other office supplies (excluding items not ordinarily available in the Senate stationery room) for use for official business in an office maintained by a Senator in his home State. Any part of the allowance for stationery which remains unobligated at the end of any fiscal year shall be withdrawn from the revolving fund established by the Third Supplemental Appropriation Act, 1957 (71 Stat. 188; 2 U.S.C. 46a–1), and covered into the general fund of the Treasury.".

(b) The stationery allowance, as authorized by law, for each Member of the House of Representatives and each Resident Commissioner shall hereafter be available only for (1) purchases made through the House stationery room of stationery and other office supplies for use for official business, and (2) reimbursement upon presentation, within thirty days after the close of the session for which the allowance is provided, of receipted invoices for purchases elsewhere of stationery and other office supplies (excluding items not ordinarily available in the House stationery room) for use for official business in an office maintained by a Member in his home State. Any part of the stationery allowance which remains unobligated at the end of the session for which it is available shall be withdrawn from the revolving fund established by the Legislative Branch Appropriation Act, 1948 (61 Stat. 366; 2 U.S.C. 46b–1), and covered into the general fund of the Treasury.

TITLE V—REGULATION OF LOBBYING

DEFINITION OF COMPTROLLER GENERAL

SEC. 501. Section 302(d) of the Federal Regulation of Lobbying Act (2 U.S.C. 261 (d)) is amended to read:

"(d) The term 'Comptroller General' means the Comptroller General of the United States."

MULTIPURPOSE CONTRIBUTIONS AND EXPENDITURES

SEC. 502. (a) The caption of section 305 of the Federal Regulation of Lobbying Act (2

U.S.C. 264) is amended by changing "CLERK OF HOUSE" to read "COMPTROLLER GENERAL".

(b) Subsection (a) of such section is amended—

(1) by changing "Clerk" to read "Comptroller General"; and

(2) by adding at the end thereof the following new sentence:

"Where contributions are received or expenditures made in part for the purposes described in subparagraphs (a) and (b) of section 307 of this title and in part for any other purpose, the statements required to be filed by this subsection shall include only that part of the amount of any such contribution or expenditure which was for the purposes described in such subparagraphs, except that if the relative proportions cannot be ascertained with reasonable certainty, such statements shall show total receipts and expenditures together with an estimate by the registrant of the part thereof which was for the purposes described in such subparagraphs, and an estimate of the part thereof which was for other purposes.".

(c) Title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 305. Statements to be filed with Clerk of House."

and inserting in lieu thereof—

"Sec. 305. Statements to be filed with Comptroller General.".

FIVE-YEAR PRESERVATION OF RECORDS

SEC. 503. Section 306 of the Federal Regulation of Lobbying Act (2 U.S.C. 265) is amended—

(1) by changing "Clerk" to read "Comptroller General" all four times it appears therein;

(2) by striking out "of the House of Representatives"; and

(3) by changing "two" to read "five".

SUBSTANTIAL PURPOSE CONTROLLING

SEC. 504. Section 307 of the Federal Regulation of Lobbying Act (2 U.S.C. 266) is amended—

(1) by changing "to be used principally" to read "a substantial part of which is to be used"; and

(2) by changing "the principal" to read "a substantial".

CONTINGENT FEES; BROADCASTING

SEC. 505. (a) The caption of section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) is amended by changing "SECRETARY OF THE SENATE AND CLERK OF THE HOUSE" to read "COMPTROLLER GENERAL".

(b) Subsection (a) of section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267(a)) is amended—

(1) by changing "Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers" to read "Comptroller General and shall give to that officer"; and

(2) by changing "Clerk and Secretary" to read "Comptroller General".

(c) Such subsection is further amended by inserting immediately after the first sentence thereof: "Any person required to register pursuant to this subsection in connection with any activities for which he is to receive a contingent fee shall, before doing anything for which such fee is to be paid, file with the Comptroller General, in such detail as he may require, a description of the event upon the occurrence of which the fee is contingent, and, depending on the arrangement, a statement of the amount of the fee either in terms of a dollar amount or in terms of percentage of recovery. A copy of any such contingent fee contract may be filed with the Comptroller General by any registrant, and shall be so filed at the request of the Comptroller General.".

(d) The next-to-last sentence of such subsection is amended by changing "publications in which he has caused to be published" to read "publications, or any broadcasting stations, in or from which he has caused to be published or broadcast".

(e) Such subsection is further amended—

(1) by inserting "any licensed radio or television broadcasting station or" before "any newspaper or other";

(2) by changing "newspaper or periodical" to read "broadcasting station, newspaper, or periodical";

(3) by inserting "or broadcasts" before "news items, editorials,"; and

(4) by inserting "broadcasting station," before "newspaper, periodical, or individual,".

(f) Subsection (b) of such section (2 U.S.C. 267(b)) is amended by changing "Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly," to read "Comptroller General of the United States shall be compiled by him and transmitted to the Speaker of the House of Representatives and the President of the Senate".

(g) Title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 308. Registration with Secretary of the Senate and Clerk of the House."

and inserting in lieu thereof—

"Sec. 308. Registration with Comptroller General.".

ADMINISTRATION BY COMPTROLLER GENERAL

SEC. 506. (a) Sections 310 and 311 of the Federal Regulation of Lobbying Act are respectively redesignated as sections 311 and 312.

(b) That Act is amended by inserting therein, immediately after section 309 thereof, the following new section:

"POWERS AND DUTIES OF THE COMPTROLLER GENERAL

"SEC. 310. The Comptroller General as the agent of the Congress shall—

"(1) develop and prescribe methods and forms for the filing of reports and statements required by this title, and promulgate regulations for the administration of this title;

"(2) make available for public inspection all reports and statements filed pursuant to this title;

"(3) ascertain whether any persons have failed to file reports or statements as required by this title, or have filed incomplete or inaccurate reports or statements under this title, and notify such persons that they are obligated to file such reports or statements in compliance with the requirements of this title;

"(4) refer to the Department of Justice for appropriate action any information coming to his attention, through complaints or otherwise, of any failure to register, or the filing of any false, improper, or incomplete registration or information under this title;

"(5) make such studies and transmit to the Congress such recommendations as the Comptroller General may deem to be necessary or appropriate to further the objectives of this title;

"(6) retain for a period of not less than five years each report and statement filed under this title, and during such period, make such reports and statements, or true and correct copies thereof, available as public records open to public inspection; and

"(7) transmit to the Congress annually a full and complete report on the administration of this title.".

(c) Title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 310. Penalties.
"Sec. 311. Exemption."

and inserting in lieu thereof—

"Sec. 310. Powers and duties of the Comptroller General.
"Sec. 311. Penalties.
"Sec. 312. Exemption."

VIOLATION OF REGULATIONS

SEC. 507. Section 311 of such Act (that is, the section which, prior to the redesignations made by section 506 of this Act, was section 310 of the Federal Regulation of Lobbying Act, 2 U.S.C. 269) is amended—

(1) by striking out "(a)" in subsection (a) thereof;

(2) by inserting "or any regulation of the Comptroller General issued pursuant to this title," immediately before "shall, upon conviction," in the first sentence thereof; and

(3) by striking out subsection (b) thereof.

TITLE VI—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 601. This Act shall take effect as follows:

(1) Title I, section 201 of title II, Parts 1, 4, and 5 of title II, Parts 2 and 3 of title III, Parts 1, 2, and 3 of title IV, section 235, section 301(d), and this section shall take effect on the thirtieth day after the date of enactment of this Act.

(2) Parts 2 and 3 of title II (except section 235), Part 1 of title III (except section 301(d) thereof), Part 4 of title IV, and title V shall take effect on January 1, 1968.

(3) Parts 5 and 6 of title IV shall take effect on the first day of the third month which begins after the date of enactment of this Act, except that, until such first day of such third month, for the purposes of section 223(b) of the Legislative Reorganization Act of 1946, as amended by section 333 of this Act, and for the purposes of section 404 and 407 of this Act, references to section 202(e)(1) of the Legislative Reorganization Act of 1946, as enacted by section 471(f) of this Act, shall be held and considered to refer to section 202(e) of the Legislative Reorganization Act of 1946, as in effect on the date of enactment of this Act and as applicable to the House of Representatives.

(4) Section 481(a) shall take effect with respect to the stationery allowance for the first fiscal year beginning after the date of enactment of this Act. Section 481(b) shall take effect with respect to the stationery allowance for the first session of Congress beginning after the date of enactment of this Act.

[From the Washington Post, Sept. 3, 1968]

CONGRESSIONAL REORGANIZATION IS TEST OF CHICAGO WARNING

(By David S. Broder)

To Rep. Donald Rumsfeld, the Young Illinois Republican who was one of the GOP observers at last week's Democratic convention, the scene from his Conrad Hilton Hotel room was frightening but not wholly unexpected.

"The Democratic convention wasn't run much differently than the House of Representatives," Rumsfeld remarked afterward, and the protest about the convention voiced by the demonstrators outside the Conrad Hilton was simply a louder and more obscene expression of the frustration many of the younger members of the House feel about the institution in which they serve.

The battle of Chicago was another warning—if one were needed—that unless the institutions of democratic decision-making are reformed, they are going to be destroyed in the bloody confrontation between the militants of the Left and the demagogues and armed police of the Right.

The capacity for internal reform receives another test this week with the return of Congress. Rumsfeld and a few of his colleagues are trying to rescue the Congressional reorganization bill from the burial that seems to be decreed for it.

This is not a partisan matter. The legislative reform bill was sponsored and managed in the Senate by Mike Monroney of Oklahoma, the able Democrat who also cosponsored the last previous reform bill in 1946.

It cleared the Senate early in 1967, after two years of committee study, 17 days of debate and the approval of 36 amendments, with a bipartisan majority of 75 votes to 9.

Its provisions are sensible but not radical. It tightens the regulations on lobbyists and takes the appointment of postmasters and some Capitol Hill employes out of the realm of Congressional patronage. It improves Congress's fiscal control.

It also attempts to reform procedures in Congressional committees, where most legislation is written and where some chairmen still attempt to operate as independent autocrats. It is in this area that the trouble arises.

The Senate bill, for example, makes committee members publicly accountable for their actions, by providing that the committee report on each piece of legislation list the outcome of each record vote and the position of each committee member.

It also provides that absent members who wish to cast a proxy vote would have to give a precise statement of their intentions, not just hand the committee chairman a general authorization to "vote them" on all matters that might arise.

This last provision is designed to end the spectacle of a chairman ignoring all debate and argument in his committee, because he has enough proxies from absent members in his pocket to outvote the men who are interested enough in the bill to attend the meeting.

Another provision, offering obvious benefits to the quality of legislation, would permit the minority Party members of each committee to hire two professional employes and one clerk of their own, without a veto from the chairman.

There are other provisions as well, but the thrust of the bill approved by an 8-to-1 majority in the Senate is to limit the power of arbitrary committee chairmen, open committee proceedings to public scrutiny, equip the minority members with adequate staff help and make all members publicly accountable for their votes and actions in committee.

What happened to this bill since it reached the House 16 months ago is a classic example of why Congress has lost the confidence of the public and of some of its own best members.

Despite the 1946 precedent of bringing the Congressional reorganization bill directly to the floor, Speaker John McCormack referred this bill to the House Rules Committee run by Rep. William Colmer of Mississippi. Colmer held hearings for part of one day in April, 1967, and has held no hearings since then.

He has refused to bring the bill to a vote. Instead, the committee has conducted a process of private negotiation, outside public scrutiny, in which the bill has been methodically stripped of its key provisions to appease McCormack and the committee chairmen who control the House.

The latest version, revealed on June 20, is reportedly "not unacceptable" to the House hierarchy. And no wonder!

It makes the provisions on proxy voting, on recording the stands of committee members and on opening committee meetings to the public applicable only to Senate committees, thus exempting the House from the major efforts at reform. It also weakens the provision for minority staffing by letting the chairman and majority members have the final say on who the minority members may hire.

Now, it is proposed that this watered-down counterfeit for a reform bill be brought to the floor of the House under a closed rule, barring amendments to restore any of the deleted or weakened provisions. Even Rep. Ray Madden, the Indiana Democrat who was cosponsor with Monroney of the original measure and whose name is on the latest "compromise" bill, is quoted by Congressional Quarterly as saying that these "skim milk changes (are) worse than nothing and would postpone the reform movement for the next 15 or 20 years."

Rumsfeld and a handful of other Republicans are now debating among themselves whether to use disruptive tactics—forcing a slowdown in all House business—in order to dramatize the rape of the reform bill and attempt to stir public opinion on the issue.

They realize, as Rumsfeld has said, that "Congressional reform is an issue without a constituency." Even the press, which ought to understand the importance of procedural reforms, seems uninterested.

Unless some men become angry enough to reform the system from within, the whole structure is going to be torn down by the mobs and the demagogues who are howling their outrage today.

The House has a chance to show that it understands the crisis that is threatening this country and its Government. Its failure to act on meaningful legislative reorganization this month would be another damaging defeat for the cause of constitutional democracy. To avert that defeat, the political risks that Rumsfeld and his colleagues are contemplating do not seem exorbitant.

[From the Washington Post, Sept. 6, 1968]

Reform-Minded Young GOP Group Plotting Massive House Filibuster

(By Rowland Evans and Robert Novak)

Seven Junior Republican Congressmen have secretly prepared and are ready to execute a daring plan to make the House reform itself by bringing it to a standstill.

The Republicans, led by Rep. Don Rumsfeld of Illinois, have not yet fully determined when their campaign will begin and how long it will last. But their strategy is set: Use parliamentary delays in this post-convention session of Congress to force the House Democratic leadership to release its death grasp on two reform bills.

Those bills—a congressional reform bill and a campaign spending reform bill—undoubtedly would pass if they ever got to the House floor. But both are languishing in the Rules Committee, which has consigned them to a slow death at the private request of Speaker John McCormack.

This prospect has infuriated and frustrated Rumsfeld and other rank-and-file House Republicans. At the beginning of the summer, he began devising a common strategy with Reps. Charles Goodell of New York (the only member of the House Republican leadership in the group), Clark MacGregor of Minnesota, Rogers Morton of Maryland, James Cleveland of New Hampshire and Robert Taft Jr. of Ohio. Last week, Rep. Barber Conable of New York joined them.

Even before the national political conventions, the Rumsfeld group had set its broad strategy. Because of strict limitations on debate, a filibuster is not possible in the House. But there are innumerable ways in which a skillful parliamentarian can bring the work of the House to a halt: Demanding the full reading of the Journal, demanding quorum calls, introducing dilatory motions and demanding roll calls on them.

Chances are it won't work—certainly not for the campaign spending bill and probably not for the congressional reform bill. Nevertheless, the revolt of the Rumsfeld group symbolizes growing discontent in Congress itself with the way the institution operates.

Moreover, the source of the agitation shows that demands for congressional reform have spread beyond liberal intellectuals. To a man, Rumsfeld's group consists of moderate conservatives who generally vote with the Republican leadership.

Actually, the reform bills imprisoned in the Rules Committee are limited in nature and barely adequate. The Congressional Reform Bill, product of a joint committee headed by Sen. Mike Monroney of Oklahoma and Rep. Ray Madden of Indiana, has been belittled by exponents of radical congressional changes. But even a little reform is too much for the House Democratic establishment.

Since passing the Senate back in March, 1967, the Monroney-Madden bill has been bottled up in the Rules Committee by Chairman William Colmer of Mississippi, acting both on his own impulses and McCormack's whispered request. In those 18 months, the Rules Committee has conducted one half-day hearings on the measure and otherwise ignored it in public.

In private, however, Rules Committee members (including Madden himself) have been negotiating for a compromise measure. The result has been an eviscerated bill, stripped of badly needed reform in the committee system. In the closing days of the session, McCormack and Colmer may let this stripped-down bill go to the floor, under a closed rule prohibiting all amendments—a procedure the Rumsfeld group will oppose to the end.

[From the Cincinnati Post & Times, Sept. 9, 1968]

TAFT BACKS PLAN FOR SLOWDOWN

WASHINGTON.—Rep. Robert Taft Jr. (R., Cincinnati) has joined a group of young Republicans in the House who have determined to cause a slow down in congressional business in an effort to push two reform bills.

The Republican congressmen want the Democratic leadership to bring out of the House Rules Committee the campaign spending bill and the congressional reform bill.

The two bills have been languishing in the Rules Committee for a year. Current prospects for the two bills appear doubtful that they will get to the floor of the House.

The congressional reform bill has already been passed by the Senate.

The young Republicans are led by 36-year-old Donald Rumsfeld of Wilmette, Ill. Rumsfeld plans to hold a press conference tomorrow to announce exact details of how the young Republicans hope to accomplish the slow-down.

The congressional reform bill, which calls for stricter controls of lobbyists, has been shunned by the House Democratic establishment.

[From the Washington (D.C.) Star, Sept. 10, 1968]

BLOC PUSHING TWO BILLS PLANS HOUSE SLOWDOWN

(By Robert K. Walsh)

House Republicans set the stage today for slowdown tactics that could keep Congress in session the rest of this year in an attempt to force action on bills for congressional reorganization and election reform.

A dozen GOP members, claiming active support by another 15 or 20 and the backing of the House Republican leadership, announced plans to start specific moves tomorrow to "alter the proceedings" of the House but not to block necessary legislation.

The first of the indicated moves—such as frequent demands for roll calls and objections to unanimous consent requests—will coincide with scheduled House consideration of the annual defense appropriation bill.

"TO DRAMATIZE NEED"

Charging that Speaker John W. McCormack and other House Democratic leaders were responsible for the House Rules Committee shelving of the bills passed by the Senate last year to modernize congressional methods and promote clean elections, Rep. Donald Rumsfeld, R.–Ill., said:

"Our purpose is not to be disruptive. Our sole purpose is to dramatize the need for House consideration and, hopefully, House action on both of the reform bills before adjournment.

"All we are asking is that the House be given the opportunity to express its will on both bills under completely open rules so that meaningful debate can be conducted and amendments offered. . . .

"We do not intend to hold up other legislation which is to be considered in this session nor do we have any purpose beyond the one stated."

Prospects for success in this Republican drive seem remote before the 90th Congress closes. Rules Committee Chairman William M. Colmer, D-Miss., declared after a long closed meeting late yesterday that the committee had already "killed the reorganization bill two or three times." He said he knows of no move to send even a modified version of either bill to the House floor.

McCormack denied yesterday that he opposes or is blocking the reorganization bill.

But Rumsfeld said today: "Speaker McCormack certainly has not been in the forefront of scheduling these bills."

Rep. Thomas B. Curtis, R-Mo., who served on the special congressional committee which recommended congressional reorganization moves more than two years ago, said: "I would include Speaker McCormack, Democratic Leader Carl Albert, Democratic Whip Hale Boggs and the Democratic chairman of most of the House committees as preventing action on these bills. I also would include the so-called undercover leadership. By that I mean the White House structure."

TIME FACTOR NOTED

The Republican congressmen said they are certain the bills would be passed next year if the GOP controls the House in the new Congress. Rumsfeld said, however, that passage is necessary now because "if the bills had to go through the legislative mill all over again next year, they probably could not be implemented until 1970."

A bill passed by the Senate, 75–9, last year after almost two years of study by a special joint committee headed by Sen. A. S. Mike Monroney, D-Okla., and Rep. Ray J. Madden, D-Ind., has reposed in the House Rules Committee since April, 1967.

The committee held only one day of public hearings more than a year ago. Despite periodic prodding by Madden, a committee member, there were no further formal open sessions.

The Senate-approved bill centers largely on curbing the power of congressional committee chairmen, making committee actions and voting records more representative and better known to the general public, and giving minority members more protection and facilities.

[From the Richmond Times-Dispatch, Sept. 11, 1968]

Republicans Seek Action on Reforms

WASHINGTON.—House Republicans pressing for action on two long-standing bills dealing with congressional and election law reform plan to conduct the House version of a filibuster to dramatize their fight.

They hope their attempt to hobble the House through parliamentary devices will prod the Democratic leadership into bringing the bills to the floor.

Rep. Donald Rumsfeld, R–Ill., leader of the effort, said the delaying tactics will be used on selected days during the remainder of the session.

SEEK ACTION

The Republicans want action on congressional reform legislation drafted by a bipartisan committee in the last Congress, and on a bill that would require more detailed disclosure of campaign contributions and expenditures.

The Senate overwhelmingly approved both measures last year, but the House Rules Committee has never cleared them for action in the House.

Rumsfeld and 15 GOP colleagues held a news conference yesterday, accused the House "power structure" of bottling up the bills, and announced a plan of attack.

House rules strictly limit debate, thus preventing the oratorical barrages by which bills are sometimes delayed or blocked in the Senate.

DELAYS POSSIBLE

But many time-consuming procedures are usually dispensed with in the House by unanimous consent, and Rumsfeld and his group plan to withhold such consent. The result can be tedious delays, but in the end the majority can always act as it wishes.

The congressional reform bill would loosen the tight grip most chairmen hold over their committees, and for that reason is strongly opposed by the chairmen. It also would put lobbyists under stricter regulation and the lobbyists don't like that.

[From the St. Louis (Mo.) Globe-Democrat, Sept. 11, 1968]

Fifteen Republicans Hope To Force Reform Vote

(By Edward W. O'Brien)

WASHINGTON.—Rep. Thomas B. Curtis, St. Louis County, and 15 other Republicans announced Tuesday a House slow-down in hope of embarrassing Democratic leaders and reviving congressional reorganization and election reform bills.

At a press conference, Curtis and the others said they will seek to pressure the Democrats who run the House into letting House members vote on the bills.

Both measures are now in the deep freeze reserved by the Democratic-controlled House Rules Committee for measures not favored by speaker John W. McCormack and other powerful chieftains.

Curtis, along with Missouri Rep. Durward G. Hall and the other frustrated crusaders, contend the bills will be passed if only the Rules committee would clear them to the floor.

The congressional reorganization bill, the key measure, was recommended by a Senate-House bipartisan committee and passed by the Senate over a year ago.

It contains more than 100 changes to modernize and streamline Congress' structure and working methods, transfer power from committee chairmen to ordinary members, require open-door transaction of much business now conducted in secret, give minority members more staffing and protection, tighten lobbying regulations, and the like.

The election bill, also passed by the Senate, would strengthen controls on campaign finances and increase disclosure.

In their proclaimed mini-filibuster, the Republicans starting Wednesday will demand quorum calls and roll-call votes, object to Democratic requests to skip time-consuming formalities, and indulge in other tactics which are ordinarily considered ungentlemanly, especially when members are hurrying to return home to their campaigning.

Curtis blamed "an undercover power structure" for stalling the reform bills.

He identified members as Speaker McCormack, Democratic leader Carl Albert, assistant leader Hale Boggs, most Democratic committee chairmen, and White House officials.

Under the present system, he charged, "the White House can stop legislation it doesn't want and ram through legislation that hasn't even been studied by House members."

He said "this process of closed-door decision making" is shared by "Wall Street and the Charles River"—a symbol, he explained, for Harvard University, Massachusetts Institute of Technology and other prestigious branches of academia.

[From the Chicago (Ill.) Sun-Times, Sept. 11, 1968]

Rumsfeld Unit Pushes for House Reforms

WASHINGTON.—A group of Republican congressmen Tuesday announced plans for a floor protest of the House Democratic leadership's unwillingness to act on election and legislative reform.

The group, led by Rep. Donald Rumsfeld (R-Ill.), said it would mount a "delaying action" Wednesday, using parliamentary procedures to bring the House to a temporary halt.

"Our purpose," said Rumsfeld, "is not to be disruptive. Our sole purpose is to dramatize the need for House consideration, and hopefully, House action" on the two reform measures.

Rumsfeld and others in the group considered such tactics as demanding full reading of the previous day's journal, asking frequently for quorum calls and making frequent procedural points.

The Senate has passed both election and legislative reforms, but the measures are tied up in the House Rules Committee.

Rep. Thomas B. Curtis (R.-Mo.) charged that the regular Democratic House leadership, starting with speaker John McCormack (D-Mass.), was in cahoots with the White House to block reform.

One of the proposals would limit the amount of money an individual could contribute to a congressional campaign and require disclosure of contributions. The legislative reform bill contains provisions for streamlining congressional consideration of bills, particularly appropriations, for requiring full disclosure of lobbying activities and for increasing the power of committee minorities.

[From the Washington (D.C.) Post, Sept. 11, 1968]

Congressional Report: GOP Pledges Fight for Modern Rules

An aroused group of Republican Congressmen promised yesterday to employ delaying and other parliamentary tactics until they break loose measures to modernize the Congress.

At a news conference 13 Republicans placed the blame on the Democratic leadership for not scheduling long-delayed election reform and congressional streamlining measures.

Rep. Donald Rumsfeld (R. Ill.) said House Speaker John W. McCormack was the main obstacle to the reform measures. The Republicans said they will start their delaying tactics, such as insisting on quorum calls and demanding roll calls, when the House takes up the $72 billion defense appropriations bill today.

Both modernizing bills have been held in the House Rules Committee. The election reform bill strengthens campaign fund raising and spending laws, while the Congressional revamping bill contains some 100 measures for streamlining congressional procedures.

[From the Washington (D.C.) News, Sept. 12, 1968]

Mini-Filibuster Staged—Shove Reform Bills

(By William Steif)

A band of dissident Democrats today joined with 14 "young Turk" Republicans trying to get Senate-approved congressional reorganization and election reform bills onto the House floor.

The Republicans led by Rep. Donald Rumsfeld (Ill.), conducted a mini-filibuster yesterday, tying up the House for two-and-a-half hours by forcing four roll calls—each taking 25 minutes—on procedural points before yielding for debate on the defense appropriations bill.

The five Democrats who announced at a press conference that they stood with the GOP "young Turks" were led by Rep. Thomas Rees (Calif.). Joining him were Reps. Brock Adams (Wash.), James Scheuer (N.Y.), William Hathaway (Me.) and Andrew Jacobs (Ind.).

SEVERAL REFORMS

Rep. Rees said he wanted a chance to vote on the reorganization bill with such "elementary" reforms as:

Giving the minority members of committees adequate staff.

Rewriting archaic House rules.

Making public all committee roll calls held in closed sessions.

Applying modern business procedures to congressional operations.

Exercising continuing committee oversight of executive branch work.

Assuring continuity in appropriations.

The reorganization bill passed the Senate, 75–9, last year after two years of study by a Senate-House group headed by Sen. A. S. Mike Monroney (D., Okla.) and Rep. Ray Madden (D., Ind.). It embodies the reforms Rep. Rees mentioned, but has reposed in the House Rules Committee since April, 1967, despite prodding from Rep. Madden, a Rules Committee member.

CAMPAIGN FUNDS

The election reform bill would eliminate the phony campaign committees that candidates now set up to skirt the $5000 limit on individual campaign contributions, and would provide for full disclosure of political gifts. The House Administration Committee approved this bill and sent it to the Rules Committee, which has not acted on it.

Rep. Rumsfeld said of the GOP minifilibuster: "It made our point. It was particularly appropriate because we had an appropriations bill up for consideration which under the law should have been passed two and a half months ago—by July 1."

He said both House Speaker John W. McCormack (Mass.) and majority leader Carl Albert (Okla.) had told him they favored the reform measures.

COLMER OPPOSED

"That raises the question," said Rep. Rumsfeld, "who's running this place? There don't seem to be any opponents except Wayne Hays," an Ohio Democrat who denounced the reform bills loudly yesterday.

Rules Committee Chairman William Colmer (D., Miss.) said he opposed the measures: "I don't intend to yield. I have never seen a reorganization bill worth anything or accomplish anything, either in the executive or legislative branch."

Rep. Barber Conable (R., N.Y.), one of Rep. Rumsfeld's allies, said if action is delayed until a new Congress meets in January, the long legislative procedure would have to be repeated and this would put reform well into the 1970s.

Mr. BROCK. I thank the gentleman.

Mr. RUMSFELD. Mr. Speaker, will the gentleman yield?

Mr. BROCK. I yield to the gentleman.

Mr. RUMSFELD. I thank the gentleman for yielding.

I certainly wish to join in the comments being made and in commending the gentleman from Tennessee for his interest, concern, and efforts to see that these two important pieces of legislation be scheduled during this session.

I would also like to add that the gentleman from Missouri [Mr. CURTIS], the gentleman from New York [Mr. GOODELL], and certainly the gentleman from New Hampshire [Mr. CLEVELAND], who is here, and the gentleman from Minnesota [Mr. MACGREGOR], the gentleman from Minnesota [Mr. QUIE], the gentleman from Maryland [Mr. MORTON], the gentleman from Ohio [Mr. TAFT], the gentleman from New York [Mr. CONABLE], the gentleman from Texas [Mr. BUSH], the gentleman from Pennsylvania [Mr. BIESTER], the gentleman from Oregon [Mr. DELLENBACK], the gentleman from Ohio [Mr. WHALEN], and the gentleman from Wisconsin [Mr. STEIGER], as well as the minority members of the House Committee on Administration, the gentleman from California [Mr. LIPSCOMB], and others, and the minority members of the Joint Committee on the Organization of the Congress, have all been attempting to see if there is not some way that this Congress can recognize the importance of these two pieces of legislation and gain consideration of them this year.

The gentleman from Tennessee put his finger right on it. He said that these pieces of legislation are technical and complicated in many respects, and that they deal with internal operations that are really known only to those of us who deal on a daily basis with these procedures and the rules. And, in the case of the election bill, who are subject to the requirements of the Federal statutes. For these reasons it really should not be expected that there should be broad understanding or broad support or interest in the legislation—and there is not. We know this.

But the fact remains, as the gentleman from Tennessee said, that this puts a very special responsibility on the Members of the House because these are areas in which we have really the only knowledge and the only intimate working relationship in the country.

There are not many people, who understand the problem, except some members of the press, who are attentive to these matters, and some members of the academic community who study it from an academic standpoint. The important point is that in areas such as this the Members of the Congress of the United States have a very special obligation to the American people.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield on that point?

Mr. BROCK. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I have asked the gentleman to yield so I may ask a question, or perhaps make a comment for the gentleman from Illinois. It is true that some of the procedures of the House and the rules of the House under which we operate are highly technical and difficult for the average person to understand. But the election reform bill that we seek to pass would correct at least one situation which I do not think is very difficult to understand. This situation is simply that if I set up a committee to conduct my congressional campaign, and if all the funds I collect or obtain in any manner are given to that committee and spent by that committee, even if it were $1 million—let us say it was $1 million, though I regret to say it will not be anywhere near that amount in my case as I have always lost money in my campaign—but if it were $1 million, if I followed exactly through the procedures that are now established, the records here in Washington would show that I had received or spent not one penny. In New Hampshire we have to report accurately, and I could not spend that amount or receive it. But that is up to the State law.

The House of Representatives ought to be ashamed of itself to present this sort of face to the American people at a time when we are all so deeply concerned about the prohibitive costs of campaigns, and possible buying of elections.

Mr. BROCK. May I interject to comment at that point that when you talk about our concern as to the expense of elections, we are also deeply concerned about the credibility of government in America, and unless we are willing to make a clean breast as individuals and as Members of Congress of campaign receipts and expenditures, how in the world can we criticize someone else for not having credibility?

Mr. CLEVELAND. Mr. Speaker, if the gentleman will yield further, I will say that you are precisely correct, and I was about to go on to the Legislative Reorganization Act which, with the gentleman in the chair, the distinguished Acting Speaker, Mr. HECHLER of West Virginia, myself, and others we helped to draft. There is a section in that bill that is not very complex. Do you know what that section would do?

It says if we are talking, as we are tonight, not only would we have our remarks taken down for the RECORD, which later on we can revise to our heart's content, but joining our friends in the gallery—and we thank them very much for their attention and presence—there would also be people from another important section of media. There could be people from the radio networks and from the TV networks, and the people of America, more than half of whom now depend upon that media for their news as sources of information, could look into the floor of this House and into our committee hearings and listen to the workings of this, their House of Representatives. There is nothing complex about that. I cannot blame the majority party for not wanting the TV cameras to come into some of their deliberations after what happened in Chicago. I can understand that. But still the basic fact is that I think it is important that the people understand that some of the many reforms in the Legislative Reorganization Act are just that simple. Why not let radio and TV in on the action?

Mr. BROCK. I agree with the gentleman, and I appreciate his comments. As long as we are at it, why not let our constituents know what is expended in our campaigns? I do not have any concern with whether or not there is a limit on this or that contribution, or this or that expenditure. I do think there should be a limit on contributions.

But I am deeply concerned that the constituents of every Member of Congress have an opportunity to review the campaign budget, because I think this is the only way in which they can make an intelligent decision in that particular area. I cannot see the justification for this subterfuge we call a law today, which is nothing but a subterfuge.

Mr. RUMSFELD. Mr. Speaker, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Illinois.

Mr. RUMSFELD. Mr. Speaker, I agree with the comments of the gentleman from New Hampshire.

Certainly there are aspects of both of these bills that are not complicated, but it is important to reinforce what has been said here, that these bills, while they may not be widely understood, have a very direct and important effect on the American people. Were this not the case, we would not be here at this late hour of the night discussing them.

Certainly the gentleman is correct. The election reform legislation is needed urgently because every time there is a situation in this country where there is some irregularity or alleged irregularity with respect to the raising or expenditure of campaign funds, the Government of the United States is diminished by just that much, because there is criticism—as there should be—in the press and other media across the land.

There is a whole generation of young people who then look at Government and politics and say, "This is not for me. If this is the kind of business where there is going to be a series of instances where allegations are going to be made, properly or improperly, that is not the occupation I want."

We must not permit a situation to go on where the election laws of this country are decades old and practically impossible to comply with, and, in the instances where they can be complied with, they are in some instances too restrictive and in others too open ended, as the gentleman from New Hampshire has pointed out with respect to the reporting requirements.

From this standpoint the election reform legislation is important to the American people, because it has a rippling effect or a secondary effect on the quality of Government in the United States of America.

Mr. BROCK. Mr. Speaker, I thank the gentleman from Illinois.

At this time, I yield to the gentleman from New York [Mr. CONABLE].

Mr. CONABLE. Mr. Speaker, I think there is an additional point that should be advanced at this point. It is not just a matter of credibility. It is a matter of the effectiveness of representative government also, because we all know about the allegations concerning candidates who have tried to buy office, either with their own money or with the money of someone else. We all know how terribly expensive it has become to run for office, particularly at the level of national office.

It seems to me we have to insist that there be full disclosure, so the American people will be able to judge whether or not they are getting representative government or whether government is simply gradually slipping into the hands of those who have access to tremendous resources, either their own or those of someone else, because it is not representative government if everyone in government is wealthy.

I do not think that is what the American people want. They do not want everyone in government to be the particular creatures of big business—or of big labor either. They want to have here in the Halls of Congress a cross section of the American people. But how can they tell that they are getting this unless they can know how much the candidates are spending on the quest for office?

It seems to me it is therefore not just a matter of credibility—it is a basic issue of representative government: How do we get representative people here and how can we judge if those people are going to be really representative unless we have full disclosure?

Mr. BROCK. Mr. Speaker, I think the gentleman has made an excellent point. One of the things that has concerned me most is the rather standard comment we hear so often in this country today: "Well, political office is becoming something for the rich, but the man without money, the man without means, the man without either personal means or the ability to attract support from large and financially able groups simply cannot hold office."

I do not think this is true, but the point is that the charge is even being made, and that is something we must concern ourselves with, because it does represent a dangerous trend in this country and a trend that, if it is not stopped, could lead to the real destruction of our democratic process. I think it is worthy of concern.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I hesitate as a freshman Member of this body to enter into the debate on this legislation, because there is the gentleman from Tennessee [Mr. BROCK] in the well, the gentleman from Illinois [Mr. RUMSFELD], the gentleman from Ohio [Mr. TAFT], the gentleman from New Hampshire [Mr. CLEVELAND], and the gentleman from New York [Mr. CONABLE], who have served longer in this body.

But I believe the interest which has been shown by freshmen Members of this body on the question of reorganization reform and election reform, plus that which was considered earlier, and the steps which were taken by some of us on this side of the aisle in terms of the establishment of the Committee on Standards of Conduct, tends to reflect rather accurately the viewpoint of those of us who have gone through the rigors of a campaign as we did in 1966.

I believe there is an increasing recognition that we cannot continue the path we are now treading without doing the basic institution of representative government serious damage because of a lack of confidence which can develop in the American people for their Government and those who govern.

I viewed with some interest the television adaptation by Rod Serling last week in which a Member of the House was accused of wrongdoing and was brought to his end by censure of the House, and the statement he made at the end—which I hope people stayed to watch, so that they got the complete message Mr. Serling was trying to bring—was that he hoped the actions of one would not lead to the complete rejection of all.

I wonder if, perhaps, if action is not taken soon, we shall not run the risk of having all brought into question because not enough are willing to act.

So I salute those who have taken the lead in this effort and commend them for their efforts. I join with them as one who is very deeply interested in the institution and who believe very strongly that there is a crisis of confidence which we have to overcome.

I was interested in the effort which was made today on Calendar Wednesday, a little used and little understood process of the House of Representatives. If my memory serves me correctly, from the study that was done, this was used successfully on the last occasion in 1950. It was used successfully in 1950. It was resorted to in 1962.

Mr. BROCK. It was attempted in 1962. It was not successful at that point, I believe.

Mr. STEIGER of Wisconsin. Right. This was to be an effort by those of us who believe action needs to be taken to exhaust the remedies of the House within the rules of the House to focus attention on what needs to be done to try to bring out for the House this election reform that is now resting in the Rules Committee after having been reported by the Committee on House Administration.

May I inquire of the gentleman from Tennessee as to whether or not it is correct to assume that what we had learned from Members of the House Committee on Agriculture, for example, that two bills were intended to be brought up from the Committee on Agriculture. I know from the Committee on Education and Labor, which precedes the Committee on House Administration, there was to be an effort made, if we went through with the Calendar Wednesday procedure, to bring up several bills.

It is not correct that these committees and others would have brought up bills?

Mr. BROCK. If I may respond to the gentleman, I can say that most such committees had bills which could have been brought up under normal procedure of the House of Representatives at any time the leadership of the House wanted to schedule them, whether it scheduled them on Monday, Tuesday, Wednesday, Thursday, or Friday. Certainly then they could have been brought up under the Calendar Wednesday procedure. And the best evidence we have is that they would have been.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. It is my understanding if Calendar Wednesday procedures are started and the suspension of Calendar Wednesday is not voted, as it can be by a two-thirds vote of the House, they then call the roll of the committees.

Mr. BROCK. That is correct.

Mr. CLEVELAND. It is my further understanding the gentleman from Illinois [Mr. RUMSFELD] has with him a list of the committees and the bills in those committees. Under the rules of the House the listing of the committees is found in rule X of the House rules. We find that the Committee on House Administration, which we would have to reach in order to reach the election reform bill is No. 9 on that list.

Mr. BROCK. That is correct.

Mr. CLEVELAND. I further understand under the rules a committee, if it wishes to use an entire Wednesday for its affairs, can do so and at the most you might get two committees, on a Wednesday if they both have bills to present, and with only 7 weeks at the most of this session left, and hopefully it will not be that long, because there are those of us who feel coming into the session between political conventions and the presidential campaign is unwise at best and certainly unproductive—on the very face of the record it is doubtful if under these procedures we could have reached the Committee on House Administration. Then, too, it is equally doubtful as to whether or not the chairman of that committee would call up the bill we were interested in as he would have to do, and no one else could force him to do it.

Mr. BROCK. The gentleman is correct. As a matter of fact, we could reach the election reform bill if each chairman passed and then the next chairman had passed. The fact of the matter is that the leadership apparently made a determination that they had no intention of allowing discussion under an open rule of the election reform law. The indication and information was we would have bill after bill after bill called up to vote on some of which some Members would not want to discuss. Frankly, I was not too concerned about that, because it is our responsibility to face up to these issues squarely and not hide behind a subterfuge. One of the major objectives of our attempted reform is not to change rules but to insure that rules protect the majority, because in many instances we have subverted the will of the majority of the House of Representatives by refusing to allow consideration of bills. That is one of the most important points we need to make. In many cases the rules are used to subvert the wishes of a substantial number of Members of this body.

Mr. CLEVELAND. The record here should show that earlier in this session there was an exchange between the gentleman from Illinois [Mr. RUMSFELD] and the majority leader of the House [Mr. ALBERT], the gentleman from Oklahoma, that verifies for the record substantially what the gentleman just said in the well of the House.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. BROCK. Yes. I yield to the gentleman.

Mr. CONABLE. I think that the point with regard to Calendar Wednesday proceedings is it is supposed to permit the bypassing of other more usual procedures in order to permit the House to work its will. It has been amply explored today. It has certainly been instructive to me to see how this particular device works. I wonder if the gentleman in the well might not agree that this proceeding amounts pretty much to a poker game with those who deal having knowledge of a pretty well stacked deck before they begin. Certainly it is not a device which is calculated to permit the majority to work its will if those who are controlling the process are not anxious to have that happen. There is no doubt in my mind that if either of the two bills which we have been discussing today were to come to the floor, they might not be passed in the exact same form.

But there is a substantial majority of support for something along this line at this time.

Mr. BROCK. I do not think there is any question about it. I think you can look at the record of the Senate which is a representative body as is the House of Representatives and see that the Senate has passed both of these bills, one unanimously and the other by a very substantial majority. It is my opinion that the same thing would happen in the House of Representatives. But I certainly want to agree with the gentleman's comments that there may have to be some change before theirs is brought to the floor of the House. This is one of the points we have been trying to make. We insist on the opportunity to consider these bills and offer amendments. That is why we are seeking an open rule and that is the only way the House can work its will.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. May I inquire of the gentleman from Tennessee what are the procedures under the rules of the House available to bring to the floor of the House either the Legislative Reorganization Act or the clean election bill?

Mr. BROCK. The distinguished gentleman from Illinois [Mr. RUMSFELD] may want to expand upon this but I think probably the most direct method available, if the Calendar Wednesday rule fails, as it obviously has, would be the device of a discharge petition which requires the specific signatures of 218 Members of the House of Representatives, thereby bringing about the automatic discharge of the bill to be brought to the floor of the House for debate under an open rule.

Would the gentleman from Illinois [Mr. RUMSFELD] like to add to that?

Mr. RUMSFELD. Well, of course, the gentleman from Tennessee is correct that under the rules of the House the only reasonable procedure that is left which would be available to attempt to bring to the floor of the House the election reform legislation would be the discharge petition, and the same thing is true of the Legislative Reorganization Act.

Mr. STEIGER of Wisconsin. Mr. Speaker, if the gentleman will yield further, may I inquire as to whether or not a discharge petition has been filed on the Legislative Reorganization Act?

Mr. BROCK. To my knowledge there has been none filed as of this point.

Mr. RUMSFELD. Mr. Speaker, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Illinois.

Mr. RUMSFELD. The answer concerning the Legislative Reorganization Act is that it has not been formally filed in the House. But there is a resolution resting in the Committee on Rules which requires a waiting period of time of, I believe, 5 legislative days before it would be proper to place the discharge petition in this Chamber for the discharge of the Rules Committee on that piece of legislation. But at this moment there is not.

Mr. BROCK. Mr. Speaker, I would like to summarize this discussion—and, obviously, I would be happy to yield further if anyone who desires me to do so—but I feel in general terms that the gentleman from Wisconsin raised one of the most pertinent points in talking about the desire of the people of this great land of ours to have full and adequate representation and the need for this body to maintain its capacity to respond to the needs of the people. I cannot think of anything more dramatic to happen for the benefit of the American people.

I yield to the gentleman from Illinois.

Mr. RUMSFELD. It should be said that the modern day drive for election reform came from President John F. Kennedy in 1961.

Because of his concern and his increasing awareness of the problem, after the 1960 election he created a study group to look into the election laws, and recommend legislation to the Congress.

I would also like to point out, as the gentleman knows, that contained in the bill, H.R. 11233, which has been reported by the Committee on House Administration and is waiting for action, if the majority party would schedule it, are provisions that would insure complete disclosure in political fundraising.

Also the bill provides for the filing of comprehensive and detailed financial statements by committees and organizations involved in arranging for national conventions of political parties, honorariums in excess of $100, or costs, would have to be reported to the Federal Election Commission by Senators, Representatives, and the Resident Commissioner, regardless of whether they are campaigning for reelection and by candidates for such offices.

All reports and statements filed with the Commission would be open for public inspection and copying. Duplicate copies would have to be filed with the clerk of the U.S. district court for the judicial district in which is located the principal office of the political committee or residence of candidates or other persons filing or reporting a statement.

These copies would also be available for public inspection.

Other important features of the bill would include: First, prohibition of the use of political contributions for personal purposes and, second, the inclusion of corporations in the ban on political contributions by Government contractors in Federal, State, and local elections.

I would also like to go back to my comment about the election reform legislation where I said it has direct effect on the American people, and make certain comments about the Legislative Reorganization Act.

If we were just talking about rules as to how we would conduct ourselves, and they had no effect on anyone else, really it would not be worth discussing. It would be a relatively unimportant consideration. As the gentleman in the well and certainly the gentleman in the Chair fully know, this is not what we are talking about. We are talking about the importance of the procedures in terms of what we produce, the quality of that legislative product, and its impact on the American people. Is it precise, or is it imprecise and sloppy? Is it responsive to the real needs and problems that it has been designed to deal with, or is it, in fact, unresponsive or unrelated? Or, as is too often the case, we do not even deal with the problem, we have simply thrown up our hands and said "Well, we will create a commission and let the commission study it," and let the report come down and gather dust, or we will simply pass this now and review it later, and then, regrettably, not review it at all.

I would ask unanimous consent that I may be permitted to insert in the Record at this point a summary from the Library of Congress, Legislative Reference Service, titled "Advisory Bodies Created by the President and by Congress Between 1955 and 1968." It lists some of the various advisory bodies that have been created, and I think some of them where, rather than come to grips with a problem, rather than revise our rules here so our committee structure could in fact serve as a thoughtful sounding board, a place where the analysis and study takes place, we have thrown up our hands and said "Let us create a new commission and let the commission look at it."

Mr. Speaker, I want the Record to show that Mrs. Gayle T. Harris, former analyst in American national government and public administration for the Legislative Reference Service, is the individual responsible for the compilation of this list. For the Record, I should note that Mrs. Harris is the author, also, of a report on "Committees, Commissions, Boards, Councils, and Task Forces Created To Advise the President, the Congress, or Executive Agencies Since 1965." This is a massive report showing authority, responsibility, membership, staff, and reports of advisory bodies created since 1965. It is stored by the Library on computer tape for ease of updating and fast printout. Anybody interested in this report should refer to LDS Report No. GGR 177.

Mrs. Harris has performed an outstanding service for the Congress in gathering together this extensive and intelligible body of information on a subject that deserves close study by the Congress. I want to take this opportunity to commend Mrs. Gayle T. Harris for her dedicated work and to express my appreciation of the really significant contribution she has made to a better understanding of the processes of government.

So, Mr. Speaker, I ask unanimous consent that that be inserted in the Record.

The SPEAKER pro tempore (Mr. Hechler of West Virginia). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The matter referred to follows:

[From the Library of Congress, Legislative Reference Service]

Advisory Bodies Created by the President and by Congress 1955 Through March 1968

The Government, to govern, must constantly make decisions. To govern wisely, its decisions must be based upon a wide spectrum of informed and expert opinion and upon a firm and accurate factual foundation. One solution to this need, and one which, it would appear, has been applied with increasing frequency, is the advisory committee.

Advisory bodies come in several shapes and sizes. They may be called commissions, committees, groups, panels, task forces, or boards. They may be appointed solely by the President, by heads of Executive agencies, or be created by act of Congress. They may be composed of private citizens, of Government officials, or of a combination of both. They may be of limited duration, or they may be permanent. They may be endowed with the most general authority to "advise," or they may be created to study and to make recommendations on a very specific problem. They may or they may not justify their existence and their expense by producing results which may become the basis of future public policy.

They form a complex network of sub-Government machinery. Yet there is unfortunately no guidebook to advisory bodies which have existed or which do exist. The following is an attempt to list advisory groups created by the President or by Congress since the second Hoover Commission in 1955. Although every effort has been made to provide a comprehensive list, the paucity or obscurity of records in many instances precludes any claim that this is necessarily complete.

1955 (84TH CONGRESS, 1ST SESSION)

Commission on Government Security. Public Law 84-304, August 9.

New York City National Shrines Advisory Board. Public Law 84-341, August 11.

President's Commission on Veterans' Pensions. Executive Order 10588, January 14.

President's Committee on Government Employment Policy. Executive Order 10590, January 18.

Committee of Under Secretaries on the Rural Development Program. Established by the President, June, 1955.

Civil Defense Coordinating Board. Executive Order 10611, May 11.

Interdepartmental Savings Bond Committee. Executive Order 10626, August 4.

Advisory Committee on Federal Public Works. Established by the President, October 5.

President's Committee on Employment of the Physically Handicapped. Executive Order 10640, October 10.

1956 (84TH CONGRESS, 2D SESSION)

Advisory Committee for each of the Great Lakes under the Great Lakes Fisheries. Public Law 84-557, June 4.

Advisory Committee under the Department of Defense on Medical care for dependents of members of the Armed Services. Public Law 84-569, June 7.

Tin Advisory Committee. Public Law 84-608, June 22.

Water Pollution Control Advisory Board. Public Law 84-660, July 9.

Advisory Committee on Weather Control (extension of committee). Public Law 84-664, July 9.

Academic Advisory Board for the U.S. Merchant Marine Academy. Public Law 84-691, July 11.

President's Committee on Education Beyond High School. Public Law 84-812, July 26.

National Advisory Council on Health Research Facilities. Public Law 84-835, July 20.

Advisory Committee on the Arts. Public Law 84-860, August 1.

Advisory Council on Social Security Financing. Public Law 84-880, August 1.

Advisory Committees under Vocational Education in Practical Nurse Training. Public Law 84-991, August 2.

President's Advisory Commission on Presidential Office Space. Public Law 84-954, August 3.

Advisory Committee on Soil and Water Conservation. Public Law 84-963, August 3.

Advisory Committee under Federal Flood Insurance Act. Public Law 84-1016, August 7.

Air Coordinating Committee (re-establishment). Executive Order 10655, January 28.

President's Board of Consultants on Foreign Intelligence Activities. Executive Order 10656, February 6.

Federal Council on the Aging. Established by Presidential memorandum, April 2.

President's Committee on Scientists and Engineers. Established by the President, April 3.

Cabinet Committee on Small Business. Established by the President, May 31.

President's Council on Youth Fitness. Executive Order 10673, July 16.

President's Citizens Advisory Committee on the Fitness of American Youth. Executive Order 10673, July 16.

1957 (85TH CONGRESS, 1ST SESSION)

Medical Advisory Group under the Chief Medical Director. Public Law 85-56, June 17.

Distinguished Civilian Service Awards Board. Executive Order 10717, June 27.

Career Executive Committee. Executive Order 10724, August 12.

President's Committee on Fund-Raising within the Federal Service. Executive Order 10728, September 6.

Advisory Council to the President's Committee on Fund-Raising without the Federal Service. Executive Order 10728, September 6.

President's Science Advisory Committee. Formally transferred to the White House, November 22.

Trade Policy Committee. Executive Order 10741, November 25.

Development Loan Committee. Executive Order 10742, November 29.

1958 (85TH CONGRESS, 2D SESSION)

Advisory Council under the National Outdoor Recreation Resources Review Commission. Public Law 85-470, June 28.

Outdoor Recreation Resources Review Commission. Public Law 85-470, June 28.

Advisory Boards under Small Business Act. Public Law 85-536, July 18.

Advisory Committees under the National Aeronautics and Space Administration. Public Law 85-568, July 29.

Advisory Committee in Preparation of Revision of Canal Zone Code. Public Law 85-596, August 6.

Advisory Committees and Consultants under Federal Aviation Act. Public Law 85-726, August 23.

Advisory Council on Public Assistance. Public Law 85-840, August 28.

Advisory Council on Child Welfare Services. Public Law 85-840, August 28.

United States Study Commission on the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueches, and San Jacinto River Basins. Public Law 85-843, August 28.

United States Study Commission on the Savannah, Altamaha, Saint Marys, Apalachicala-Chattachoochee, and Perido-Escambia River Basins. Public Law 85-850, August 28.

Advisory Committee under the Veterans Administrator. Public Law 85-857, September 2.

Medical Advisory Group under the Veterans Administrator. Public Law 85-857, September 2.

Advisory Committee for Medical Care for Dependents of Armed Forces. Public Law 85-861, September 2.

Advisory Committee on New Educational Media. Public Law 85-864, September 2.

Advisory Committees under National Defense Education Act. Public Law 85-864, September 2.

Advisory Committee on International Rules of Judicial Procedure. Public Law 85-906, September 2.

Advisory Committee to the White House Conference on Aging. Public Law 85-908, September 2.

Career Executive Board. Executive Order 10758, March 4.

President's Special Committee to Study Crude Oil Imports. Appointed by the President, Spring.

Committee to Study the United States Military Assistance Program. Appointed by the President, November 24.

1959 (86TH CONGRESS, 1ST SESSION)

National Advisory Council on International Monetary and Financial Problems. Public Law 86–147, August 7.

Advisory Commission to Advise on the Development of Minute Man National Historical Park. Public Law 86–321, September 21.

Advisory Committee under Wabash Valley Compact. Public Law 86–375, September 23.

Advisory Commission on Intergovernmental Relations. Public Law 86–380, September 24.

Advisory Committee under Civil Service Commission in regard to the health program. Public Law 86–382, September 28.

Committee on Government Activities Affecting Prices and Costs. Executive Order 10802, January 23.

Cabinet Committee on Price Stability for Economic Growth. Presidential letter of January 28.

Federal Council for Science and Technology. Executive Order 10807, March 13.

Federal Radiation Council. Executive Order 10831, August 14.

President's Commission on a World's Fair. Appointed by the President, October 10.

National Advisory Committee on Inter-american Activities. Appointed by the President, November 14.

President's Committee on Information Activities Abroad. Presidential letter, December 2.

1960 (86TH CONGRESS, 2D SESSION)

James Madison Memorial Commission. Public Law 86–417, April 8.

Advisory Committee under the Great Lakes Pilotage Act of 1960. Public Law 86–555, June 30.

Advisory Committee under the Office of Coal Research. Public Law 86–599, July 7.

United States Constitution One Hundred and Seventy-fifth Anniversary Commission. Public Law 86–650, July 14.

Advisory Committee of the National Capital Transportation Agency. Public Law 86–669, July 14.

Advisory Board for the Post Office Department. Public Law 86–682, September 2.

New Jersey Tercentenary Celebration Commission. Public Law 86–683. September 2.

United States Citizens Commission on NATO. Public Law 86–719, September 7.

President's Committee for Traffic Safety. Executive Order 10858, January 13.

Commission on National Goals. White House Press Release, February 7.

1961 (87TH CONGRESS, 1ST SESSION)

National Aeronautics and Space Council. Public Law 87–26, April 25.

Area Redevelopment Policy Board. Public Law 87–27, May 1.

National Public Advisory Committee on Area Redevelopment. Public Law 87–27, May 1.

National Armed Forces Museum Advisory Board. Public Law 87–186, August 30.

United States Advisory Commission on International Educational and Cultural Affairs. Public Law 87–256, September 21.

Advisory Committee on Training of Teachers of the Deaf. Public Law 87–276, September 22.

Peace Corps National Advisory Council. Public Law 87–293, September 22.

General Advisory Committee under the United States Arms Control and Disarmament Agency. Public Law 87–297. September 26.

Delaware River Commission. Public Law 87–328, September 27.

Woodrow Wilson Memorial Commission. Public Law 87–364, October 4.

President's Advisory Committee on Labor-Management Policy. Executive Order 10918, January 16.

President's Committee on Equal Employment Opportunity. Executive Order 10925, March 6.

Administrative Conference of the United States. Executive Order 10934, April 13.

President's Council on Youth Fitness. Executive Order 10931, March 29.

President's Foreign Intelligence Advisory Board. Executive Order 10938, May 4.

President's Committee on Juvenile Delinquency and Youth Crime. Executive Order 10940, May 11.

Citizens' Advisory Council to the President's Committee on Juvenile Delinquency and Youth Crime. Executive Order 10940, May 11.

Missile Sites Labor Commission. Executive Order 10946, May 26.

Ad Hoc Committee on Federal Office Space, Appointed by the President, August 4.

President's Committee on National Medal of Science. Executive Order 10961, August 21.

President's Commission on Campaign Costs. Executive Order 10974, November 8.

President's Commission on the Status of Women. Executive Order 10980, December 14.

YEAR 1962 (87TH CONGRESS, 2D SESSION)

National Advisory Committee under the Secretary of Labor in regard to training and skill development programs. Public Law 87–415, March 15.

Advisory Council on Employee Welfare and Pension Benefit Plans. Public Law 87–420, March 20.

North Carolina Tercentenary Celebration Commission. Public Law 87–437, April 27.

National Portrait Gallery Commission. Public Law 87–442, April 27.

Advisory Council on Public Welfare. Public Law 87–543, July 25.

Advisory Committees under the Southern Interstate Nuclear Compact. Public Law 87–563, July 31.

Saint Augustine Quadricentennial Commission. Public Law 87–586, August 14.

National Fisheries Center and Aquarium Advisory Board. Public Law 87–587, October 5.

Battle of New Orleans Sesquicentennial Celebration Commission. Public Law 87–759, October 9.

Adjustment Assistance Advisory Board. Public Law 87–794, October 11.

Advisory Council on Child Health and Human Development. Public Law 87–838, October 17.

Advisory Council on General Medical Sciences. Public Law 87–838, October 17.

Battle of Lake Erie Sesquicentennial Celebration Commission. Public Law 87–883, October 24.

Temporary Committee on Implementation of the Federal Employee-Management Program. Executive Order 10988, January 17.

Defense Study Group on Military Compensation. Announced by the President January 23, 1962.

Federal Safety Council (re-establishment). Executive Order 10990, February 2.

President's Committee on Employment of the Handicapped. Executive Order 10994, February 14.

Citizens' Advisory Council to the President's Committee on Juvenile Delinquency and Youth Crime. Announced by the President March 26.

Committee on Corporate Pension Funds and Other Private Retirement and Welfare Programs. Presidential memorandum, April 2.

Committee on Federal Credit Programs. Presidential memorandum, April 2.

Committee on Financial Institutions. Presidential memorandum, April 2.

Recreation Advisory Council. Executive Order 11017, April 27.

President's Committee for Department of Labor Fiftieth Anniversary Year. Proclamation 3472, May 2.

President's Council on Aging. Executive Order 11022, May 14.

Committee on Equal Opportunity in the Armed Forces. Appointed by the President June 24.

Consumers' Advisory Council. Established by the President July 18.

Health Resources Advisory Committee. Created by the President August 16.

President's Committee on Equal Opportunity in Housing. Executive Order 11063, November 20.

1963 (88TH CONGRESS, 1ST SESSION)

National Advisory Council on Education for Health Professions. Public Law 88–129, September 24.

Commission on the Disposition of Alcatraz Island. Public Law 88–138, October 16.

Advisory Committee on Graduate Education. Public Law 88–204, December 16.

Advisory Committee on Private Enterprise in Foreign Aid. Public Law 88–205, December 16.

Advisory Committee on Vocational Education. Public Law 88–210, December 18.

Advisory Council on Vocational Education. Public Law 88–210, December 18.

President's Council on Physical Fitness. Executive Order 11074, January 8.

President's Advisory Commission on Narcotics and Drug Abuse. Executive Order 11076, January 15.

President's Commission on Registration and Voting Participation. Executive Order 11100, March 30.

President's Advisory Council on the Arts. Executive Order 11112, June 12.

Interagency Committee on International Athletics. Executive Order 11117, August 13.

Committee on Public Higher Education in the District of Columbia. Announced September 23.

Rural Development Committee. Executive Order 11122, October 16.

President's Committee on the Status of Women. Executive Order 11717, November 1.

Advisory Council on the Status of Women. Executive Order 11717, November 1.

President's Commission on the Assassination of President Kennedy. Executive Order 11130, November 29.

Interagency Committee on Export Expansion. Executive Order 11132, December 12.

Committee on the Economic Impact of Defense and Disaramament. Established by the President December 21.

1964 (88TH CONGRESS, 2D SESSION)

United States-Puerto Rico Commission on the Status of Puerto Rico. Public Law 88–271, February 20.

National Commission on Food Marketing. Public Law 88–354, July 4.

Roosevelt Campobello International Park Commission. Public Law 88–363, July 7.

National Commission on Technology, Automation, and Economic Progress. Public Law 88–444, August 19.

Economic Opportunity Council. Public Law 88–452, August 20.

National Advisory Council under the Office of Economic Opportunity. Public Law 88–452, August 20.

National Council on the Arts. Public Law 88–579, September 3.

National Advisory Council on Nurse Training. Public Law 88–581, September 4.

Public Land Law Review Commission. Public Law 88–606, September 19.

Atlantic-Pacific Interoceanic Canal Study Commission. Public Law 88–609, September 22.

Lewis and Clark Trail Commission. Public Law 88–630, October 6.

Advisory Committee to review foreign currencies accruing under the Amendments to the Agricultural Trade Development and Assistance Act of 1954. Public Law 88–638, October 8.

President's Committee on Consumer Interests. Executive Order 11136, January 3.

Consumer Advisory Council. Executive Order 11136, January 3.

Temporary Alaska Claims Commission. Executive Order 11144, March 5.

Committee for the Preservation of the White House. Executive Order 11145, March 7.

President's Advisory Committee on Supersonic Transport. Executive Order 11149, April 1.

Federal Reconstruction and Development Planning Commission for Alaska. Executive Order 11150, April 2.

President's Committee on Manpower. Executive Order 11152, April 15.

Maritime Advisory Committee. Executive Order 11156, June 17.

Federal Development Planning Committees for Alaska. Executive Order 11182, October 2.

President's Commission on White House Fellowships. Executive Order 11183, October 3.

Federal Development Planning Committees for Appalachia. Executive Order 11186, October 23.

1965 (89TH CONGRESS, 1ST SESSION)

National Advisory Council on the Education of Disadvantaged Children. Public Law 89-10, April 11.

Advisory Committee on Supplementary Educational Centers and Services. Public Law 89-10, April 11.

Water Resources Council. Public Law 89-79, July 21,

Joint Commission on the Coinage. Public Law 89-92, July 24.

Health Insurance Benefits Advisory Council. Public Law 89-97, July 30.

National Medical Review Committee. Public Law 89-97, July 30.

National Commission on Urban Problems. Public Law 89-117, August 10.

Advisory Committee on Regional Economic Development. Public Law 89-136, August 26.

Father Marquette Tercentenary Commission. Public Law 89-187, September 15.

National Foundation on the Arts and the Humanities. Public Law 89-209, September 29.

National Endowment for the Arts. Public Law 89-209, September 29.

National Endowment for the Humanities. Public Law 89-209, September 29.

Federal Council on the Arts and the Humanities. Public Law 89-209, September 29.

Select Commission on Western Hemisphere Immigration. Public Law 89-236, October 3.

National Advisory Council on Regional Medical Problems. Public Law 89-239, October 6.

National Advisory Committee on Education of the Deaf. Public Law 89-258, October 19.

National Advisory Council on Medical Dental, Optometric, and Podiatric Education. Public Law 89-290, October 22.

National Advisory Council on Extension and Continuing Education Public Law 89-329, November 8.

Advisory Council on College Library Resources. Public Law 89-329. November 8.

Advisory Committee on Library Research and Training Projects. Public Law 89-329, November 8.

Advisory Council on Developing Institutions. Public Law 89-329, November 8.

Advisory Council on Insured Loans to Students. Public Law 89-329, November 8.

Advisory Committee on American Administrative Costs for the National Defense Education Act Student Loan Program. Public Law 89-329, November 8.

Advisory Council on Quality Teacher Preparations. Public Law 89-329, November 8.

National Commission on Architectural Barriers to Rehabilitation of the Handicapped. Public Law 89-333, November 8.

President's Council on Equal Opportunity. Executive Order 11197, February 9.

Temporary Commission on Pennsylvania Avenue. Executive Order 11210, March 27.

President's Commission on the Patent System. Executive Order 11215, April 10.

Interdepartmental Committee on the Status of Women. Executive Order 11221, May 8.

President's Commission on Crime in the District of Columbia. Executive Order 11234, July 20.

President's Commission on Law Enforcement and the Administration of Justice. Executive Order 11236, July 28.

Automotive Agreement Adjustment Assistance Board. Executive Order 11254, October 26.

President's Committee on Food and Fiber. Executive Order 11256, November 10.

National Advisory Commission on Food and Fiber. Exectuive Order 11256, November 10.

1966 (89TH CONGRESS, 2D SESSION)

National Council on Marine Resources and Engineering Development. Public Law 89-454, June 17.

Commission on Marine Science, Engineering, and Resources. Public Law 89-454, June 17.

American Revolution Bicentennial Commission. Public Law 89-491, July 4.

National Highway Safety Advisory Committee. Public Law 89-564, September 9.

Federal Metal and Nonmetallic Mine Safety Board of Review. Public Law 89-577, September 16.

Advisory Commission on Parcel Distribution Services. Public Law 89-593, September 20.

Commission on Political Activity of Government Personnel. Public Law 89-617, October 3.

Advisory Council on Historic Preservation Public Law 89-665, October 15.

National Transportation Safety Board. Public Law 89-670, October 15.

National Advisory Committee on International Studies. Public Law 89-698, October 29.

Advisory Committee on Adult Education. Public Law 89-750, November 3.

Board of Trustees of the Joseph H. Hirshhorn Museum. Public Law 89-788, November 7.

Missouri-Illinois-Jefferson-Monroe Bridge Commission. Public Law 89-789, November 7.

Kansas-Oklahoma-Arkansas River Commission. Public Law 89-789, November 7.

Nation's Capital Study Commission. Public Law 89-790, November 7.

Board of Higher Education. Public Law 89-791, November 7.

Board of Vocational Education. Public Law 89-791, November 7.

National Advisory Council on Economic Opportunity. Public Law 89-794, November 8.

National Commission on Reform of Federal Criminal Laws. Public Law 89-801, November 8.

Advisory Committee on Reform of Federal Criminal Laws. Public Law 89-801, November 8.

Presidential Election Campaign Fund Advisory Board. Public Law 89-809, November 13.

Advisory Committee on Federal Buildings in the National Capital Region. Directed to be established by the President, January 29.

National Advisory Council on International Monetary and Financial Policies. Executive Order 11269, February 14.

Federal Women's Award Study Group. Established by the President, February 28.

National Citizens Advisory Committee on Vocational Rehabilitation. Announced by the White House March 17.

President's Council on Recreation and Natural Beauty. Executive Order 11278, May 5.

Citizens' Advisory Committee on Recreation and Natural Beauty. Executive Order 11278, May 5.

National Advisory Commission on Health Manpower. Executive Order 11279, May 12.

President's Committee on Mental Retardation. Executive Order 11280, May 17.

President's Committee on National Medal of Science. Executive Order 11287, June 30.

Task Force on Handicapped Children and Child Development. Announced July 4.

National Advisory Commission on Selective Service. Executive Order 11289, July 7.

President's Committee on Libraries. Executive Order 11301, September 7.

National Advisory Commission on Libraries. Executive Order 11301, September 7.

President's Committee on Rural Poverty. Executive Order 11306, September 30.

National Advisory Commission on Rural Poverty. Executive Order 11306, September 30.

Special Consultative Committee to the National Advisory Commission on Selective Service, the President's Committee on Manpower, and the National Advisory Committee on Health Manpower. Established by the President October 18.

Task Force on Educational Television in the Less Developed Countries. Announced by the President November 26.

1967 (90TH CONGRESS, 1ST SESSION)

National Advisory Council on Education Professions Development. Public Law 90-35, June 29.

Golden Spike Centennial Celebration Commission. Public Law 90-70, August 21.

Commission on Obscenity and Pornography. Public Law 90-100, October 3.

National Commission on Product Safety. Public Law 90-146, November 20.

Commission on Executive, Legislative, and Judicial Salaries. Public Law 90-206, December 16.

Board of the Federal Judicial Center. Public Law 90-219, December 20.

Economic Opportunity Council. Public Law 90-222, December 23.

National Advisory Council on Supplementary Centers and Services. Public Law 90-247, January 2.

Advisory Committee on Education of Bilingual Children. Public Law 90-247, January 2.

Advisory Council to Study Coverage of the Disabled under Title XVIII of the Social Security Act. Public Law 90-248, January 2.

Advisory Council on Medical Assistance. Public Law 90-248, January 2.

National Advisory Committee on Health Facilities. Announced by the President February 28.

President's Commission on Budget Concepts. Appointed by the President March 3.

President's Council on Youth Opportunity. Executive Order 11330, March 5.

Citizens' Advisory Board on Youth Opportunity. Executive Order 11330, March 5.

Pacific Northwest River Basins Commission. Executive Order 11331, March 9.

Advisory Committee on Top Federal Salaries. Appointed by the President, March 22.

Committee to Develop Financing Procedures for Overseas Activities of Private Organizations. Appointed by the President April 6.

President's Commission on Postal Organization. Executive Order 11341, April 22.

Great Lakes Basin Commission. Executive Order 11345, April 22.

President's Task Force on Reducing Federal Grant-in-Aid Processing Time. Appointed by the President. May, 1967.

President's Committee on Consumer Interests. Executive Order 11349, May 3.

Consumer Advisory Council. Executive Order 11349, May 3.

President's Advisory Council on Cost Reduction. Executive Order 11353, May 25.

President's Committee on Urban Housing. Announced by the President June 2.

Interagency Committee on Mexican American Affairs. Appointed by the President June 9.

Souris-Red-Rainy River Basins Commission. Executive Order 11359, June 22.

National Advisory Commission on Civil Disorders. Executive Order 11365, August 1.

President's National Advisory Panel on Insurance in Riot-Affected Areas. Established by the President August 10.

President's Task Force on Communications Policy. Announced by the President August 14.

New England River Basins Commission. Executive Order 11371, September 6.

Industry-Government Special Travel Task Force. Appointed by the President November 16.

Task Force to Study the Silver Bridge Tragedy and to Conduct a National Survey of Bridge Safety. Appointed by the President December 19.

Federal Advisory Council on Regional Economic Development. Executive Order 11386, December 28.

1968 (90TH CONGRESS, 2D SESSION)

Commission on Income Maintenance Programs. Announced by the President January 2.

National Alliance of Businessmen. Announced by the President January 23.

President's Commission for the Observance of Human Rights Year 1968. Executive Order 11394, January 30.

Cabinet Committee on Price Stability. Established by the President February 23.

President's Council on Physical Fitness and Sports. Executive Order 11398, March 4.

National Council on Indian Opportunity. Executive Order 11399, March 6.

	Congress and session	Public Law	Exec.	Total	
1955	84–1	2	7	9	30
1956	84–2	14	7	21	
1957	85–1	1	7	8	28
1958	85–2	17	3	20	
1959	86–1	5	7	12	22
1960	86–2	8	2	10	
1961	87–1	10	12	22	50
1962	87–2	13	15	28	
1963	88–1	6	12	18	41
1964	88–2	12	11	23	
1965	89–1	25	9	34	72
1966	89–2	21	17	38	
1967	90–1	11	23	34	
Total		145	132	277	

Mr. RUMSFELD. Mr. Speaker, I would also like to briefly comment on what this effort has really been about.

As the gentleman from Tennessee indicated, it has been going on for years on the minority side, at least, six that I know of—attempts by the minority Members to see if we could bring about some changes in our rules and procedures to make this Congress of the United States a more efficient instrument of Government.

It includes the preparation of a book that has been published, platform presentations, GOP policy committee statements, speeches on the floor, and testimony before committees, month after month and year after year. Here we are in September 1968, and the legislation still has not yet been scheduled.

The question comes: What could be done? We have talked and visited, the group of individuals I mentioned, and came to the conclusion that it would be worthwhile before the close of this year to see if there is some way that we could get some cooperation on the part of the majority party in the House of Representatives to schedule these two important bills prior to adjournment.

The rules of the House offer opportunities to any Member. It takes cooperation on the part of the membership to run a legislative body with 435 Members. Under our rules, which are designed to protect the rights of a single Member and the rights of a minority, one Member, or a small handful of Members, can tie the House of Representatives up in knots—absolutely in knots.

For 2 hours several days ago when there was nothing of grave importance scheduled for consideration in the House and we had not met on the preceding Friday, and we had spent the whole day Monday talking about a bill concerning marketing orders for pears, we used some of those procedures.

For a period of 2 hours we used the rules to point up the fact that it does take cooperation in the Chamber for a legislative body to function well.

We have no desire to disrupt or to delay the consideration of important legislation, and prior to the time that the Defense appropriation bill was available for consideration on the floor, we terminated the use of these parliamentary procedures and were happy to join in the consideration of that important bill.

The discussion then came as to the possible use of Calendar Wednesday. It is really available to the membership. Again it takes the cooperation of the majority party. It requires the Democratic leadership, plus in this case the chairman of the committees, to agree it is important to bring to the floor the election reform bill and not schedule bills from the committees on the call of Calendar Wednesday that would come earlier—not schedule those bills for consideration.

But we were informed after we objected last week and after pursuing it during the intervening period, that in fact it was the intention of the majority party to bring up a variety of bills.

I have here a list of bills that are available or eligible under Calendar Wednesday to have been considered tomorrow had the objection been continued.

I indicated previously the numbers of each bill in each committee. I ask unanimous consent at this point in the record, Mr. Speaker, to insert in the RECORD the list of bills that has been prepared and which would have been eligible for Calendar Wednesday consideration.

The SPEAKER pro tempore (Mr. HECHLER of West Virginia). Without objection, it is so ordered.

There was no objection.

The list of bills referred to is as follows:

BILLS ELIGIBLE UNDER CALENDAR WEDNESDAY RULE

AGRICULTURE

H.R. 10190: Rural electrification and telephone programs.

H.R. 12066: Rural telephone bank.

H.R. 13653: Tobacco acreage allotments, transfer and lease.

H.R. 15030: Potato Research and Promotion Act.

H.R. 18033: Deed certain lands to Ohio.

S. 852: Authorize Secretary to furnish financial assistance to carry out plans for land conservation.

S. 2511: Improve income of producers of crude pine gum.

H.R. 18207: Deed certain land to South Carolina.

APPROPRIATIONS

None.

ARMED SERVICES

S. 1216: Authorize Secretary of Defense to appropriate money during fiscal year 1967 to purchase property under provisions of Public Law 89–754.

BANKING AND CURRENCY

H.R. 11000: Provide Federal financial assistance to help cities and communities to develop rat control and extermination programs.

H.R. 13718: Authorize the establishment and provide for regulation of Federal savings institutions.

H.R. 13217: Authorize appropriation of $200 million for a U.S. contribution to the Asian Development Bank.

H.R. 16775: Provide for increased participation by the United States in the International Development Association.

H.R. 17361: Provide for striking of medals for 115th anniversary of founding of city of Memphis.

S. 3671: Provide for striking of medals for 200th anniversary of Dartmouth College.

H.R. 16092: Extend for 1 year the authority to provide for more flexible regulation of maximum interest rates or dividends.

DISTRICT OF COLUMBIA

H.R. 12065: Establish Department of Management and to provide for the election of a school board.

H.R. 10939: To amend National Capital Planning Commission Act to preserve remaining historic landmarks.

H.R. 6647: Provide for annual inspection of all motor vehicles.

H.R. 6727: Amend Alcoholic Beverage Control Act.

H.R. 17854: Parking facility bill.

EDUCATION AND LABOR

H.R. 100: Amend National Labor Relations Act with respect to strikes at construction sites.

H.R. 13103: Amend Elementary Education Act to provide assistance to local educational agencies.

H.R. 16014: Amend National Labor Relations Act to amend definition of "employees" to include certain agricultural employees.

H.R. 17748: Authorize Secretary of Labor to set safety standards.

H.R. 12962: Establish a Commission on Negro History.

H.R. 18763: Authorize preschool program for handicapped children.

H.R. 2567: Provide safety standards in federally financed or federally constructed projects.

H.R. 15990: Seasonality in Construction Industry.

H.R. 6498: Welfare and Pension Plans Act.

FOREIGN AFFAIRS

H. Con. Res. 48: Establish Atlantic Union delegation.

H.R. 16903: Provide increases payable as annuities from Foreign Service Retirement Fund (Congressional Retirement).

GOVERNMENT OPERATIONS

H. Res. 405: Disapprove Reorganization Plan No. 2.

H.R. 9382: Authorize payment of travel expenses.

H.R. 10085: Authorize air conditioning of Government vehicles.

H.R. 12510: Establish Commission of Government Procurement.

S 805: Amend Federal Property Act of 1949.

H.R. 18826: A bill to achieve cooperation at all levels of government.

HOUSE ADMINISTRATION

H.R. 15710: Exempts D.C. Commissioner and Councilmen from Hatch Act provisions.

H.R. 11233: To revise Federal elections laws.

INTERIOR AND INSULAR AFFAIRS

S. 862: Amend Small Reclamation Projects Act of 1956.

H.R. 3274: Preserve domestic gold mining industry.

H.R. 13099: Establish Carl Sandburg Home National Historic Site.

H.R. 4530: Lands patents, liberalize conveyance.

H.R. 13797: Authorize sale of certain public lands.

H.R. 16771: Designate certain lands in Great Swamp National Wildlife Refuge as wilderness in New Jersey.

H.R. 13512: Designate Mount Jefferson Wilderness in Oregon.

S. 224: Provide rehabilitation of Eklutna project, Alaska.

S. 3058: Amend Water Resources Planning Act.

H.R. 15245: Establish Flaming Gorge National Recreation Area in Utah and Wyoming.

H.R. 16801: Amend Guam Rehabilitation Act.

H.R. 17787: Authorize funds for Padre Island National Seashore, Texas.

H.R. 18333: Authorize feasibility study for Upper Mississippi National Recreation Area.

H.J. Res. 1384: Relating to administration of national park system.

H.R. 10256: Riverside, California claims.

H.R. 14413: Authorize acquisition and disposition of certain lands at Chattanooga National Military Park, Georgia.

H.R. 8970: Establish North Cascades National Park, Washington.

H.R. 16012: Authorize purchase of land by Swinomish Indians.

H.R. 16947: Per capita distribution of judgment funds to Indian tribes on Colville Reservation.

H.R. 17273: Amend P.L. 86–339 relating to mission Indians.

H.R. 17684: Provide for longer leases of land to certain Indian tribes in New Mexico.

H.R. 17850: Provide for disposition of funds of a judgment in favor of Muckleshoot Tribe of Indians.

H.R. 18192: Authorize use of judgment funds by certain Indian tribes in Oklahoma.

H.R. 18885: Provide for disposition of judgment funds for Seminole Indians in Oklahoma.

H.R. 8781: Land exchange Shasta County, California.

H.R. 17609: Land conveyance in Kenai, Alaska.

H.R. 17874: Land applications, extend in Alaska.

S. 2715: Provide disposition of judgment funds, Chickasaw Indians, Oklahoma.

S. 3227: Judgment funds, Paiute Tribe.

S. 3620: Judgment fund disposition, Quechan Tribe.

INTERSTATE AND FOREIGN COMMERCE

S.J. Res. 175: Suspend equal time provisions.

JUDICIARY

S. 1440: Prohibit interstate or foreign transportation with unlawful intent, of forged travelers checks.

S. 945: Establish U.S. magistrate system.

H.J. Res. 396: Provide for the representation of the District of Columbia in Congress.

H.R. 13016: Cost of living allowance for judicial employees outside continental U.S., Alaska or Hawaii.

H.R. 15651: Facilitate entry of foreign tourists into the U.S.

H.R. 18612: Codifying laws relating to public printing and documents.

H.R. 17864: Amend titles 5, 10, and 27, United States Code, to codify recent law and to improve the code.

H.R. 18100: Empower postal inspectors to serve warrants.

S. 1073: Remove arbitrary limitations on attorney's fees.

H.R. 15450: Amend Immigration and Nationality Act.

MERCHANT MARINE AND FISHERIES

H.R. 18808: Extend Commercial Fisheries Research Act of 1964.

S. 3030: Reduce number of fish protein concentrate plants.

H.R. 13940: Provide a new maritime program.

H.R. 11190: Distribution of pistol range revenue.

POST OFFICE AND CIVIL SERVICE

H.R. 15890: Provide for additional positions in agencies.

H.R. 17267: Remove Federal employees who engage in lawful acts connected with riots and civil disorder.

H.R. 16558: Provide for more efficient use of Civil Service Commission revolving fund.

H.R. 17682: civil service retirement.

H.R. 18663: Permit postal employees to accept checks.

H.R. 17954: Correct inequities from overpayment of Government employees.

H.R. 19136: Payment of overtime pay to certain employees in Department of Transportation.

H.R. 7406: Per diem allowance for certain employees of Corps of Engineers.

H.R. 12881: Payment of allowances to defray costs of commuting.

H.R. 16524: Provide for appointment of postmasters.

PUBLIC WORKS

H.R. 16981: Limit use of federally owned property in District of Columbia for demonstration purposes.

S. 2484: Extension of New Senate Office Building site.

S. 2658: Vehicle weight and length limitations.

H.R. 16175: Organization of American States headquarters.

H.R. 4846: TVA compensation for real property.

S. 1467: Authorize beautification program under title 23, United States Code.

RULES

H. Res. 983: Create a select committee to study retirement benefits for Members of House.

H. Res. 148: Resolution to amend Rules of House to change name of Committee on Un-American Activities.

SCIENCE AND ASTRONAUTICS

None.

UN-AMERICAN ACTIVITIES

H.R. 735: Create Freedom Academy.

H.R. 8: Amend Internal Security Act of 1950 (Pool bill).

H.R. 15626: Amend Subversive Activities Control Board Act to deny employment to certain individuals in defense plants.

H.R. 7025: Amend Internal Security Act of 1950.

VETERANS' AFFAIRS

H.R. 150: Designate certain Veterans' Administration facilities.

H.R. 12801: Establish in the Veterans' Administration a national cemetery system.

WAYS AND MEANS

H.R. 6909: Tariff duty on parts of stethoscopes.

H.R. 7567: Railroad Retirement Act, taxes.

H.R. 11394: Tax provisions relating to distilled spirits.

H.R. 11408: Withholding of Maryland and Virginia income taxes from employees and officers of legislative branch.

H.R. 13419: Free entry of plastic materials used in kidney machines.

H.R. 14095: Ordered reported.

H.R. 15003: Eliminate tariff on horses temporarily exported for racing.

H.R. 15023: Ordered reported.

H.R. 15114: Redemption of savings notes.

H.R. 16552: Tariffs on sugar, syrups, and molasses.

H.R. 16654: Duty-free entry of copper.

H.R. 17332: Ordered reported.

H.R. 18101: Ordered reported.

H.R. 18253: Definition of earned income.

H.R. 18299: International Coffee Agreement Act.

H.R. 18373: Ordered reported.

H.R. 18486: Global communications satellite system treatment of income taxes.

H.R. 18942: Ordered reported.

S. 1578: International Union for Publication of Customs Tariff, appropriation for.

BILLS LISTED FOR SUSPENSION OF RULES, MONDAY, SEPTEMBER 16, 1968, INCLUDED IN ABOVE LIST

1. Interior Committee.
2. Education and Labor.
3. H.R. 16092 a similar bill to S. 3133 (Banking and Currency).
4. Judiciary.
5. Government Operations.
6. Merchant Marine and Fisheries.
7. Interior.
8. Interior.
9. Education and Labor.
10. Judiciary.
11. Agriculture (also on Consent Calendar).
12. Agriculture (also on Consent Calendar).
13. Judiciary (also on Consent Calendar).
14. Education and Labor.
15. Merchant Marine and Fisheries.
16. Interior.
17. Interior.
18. Interior (also on Consent Calendar).
19. Interior.
20. Post Office and Civil Service.
21. Public Works.
22. Interior.
23. Interior (also on Consent Calendar).

BILLS ON CONSENT CALENDAR INCLUDED IN ABOVE LIST

[*Bill number and committee*]

H.R. 18612: Judiciary, Consent Calendar No. 230.

H.R. 17864: Judiciary, Consent Calendar No. 231.

HR. 18100: Judiciary, Consent Calendar No. 227.

H.R. 17361: Banking and Currency, Consent Calendar No. 237.

S. 3671: Banking and Currency, Consent Calendar No. 238.

H.R. 4530: Interior, Consent Calendar No. 239.

H.R. 13797: Interior, Consent Calendar No. 240.

H.R. 16771: Interior, Consent Calendar No. 241.

H.R. 13512: Interior, Consent Calendar No. 245.

H.R 4846: Public Works, Consent Calendar No. 268.

H.R. 18033: Agriculture, Consent Calendar No. 246.

H.R. 18207: Agriculture, Consent Calendar No 247.

H.R. 15245: Interior, Consent Calendar No. 248.

H.R. 18333: Interior, Consent Calendar No. 249.

H.R. 10256: Interior, Consent Calendar No. 250.

H.R. 14413: Interior, Consent Calendar No. 251.

H.R. 17954: Post Office, Consent Calendar No. 252.

H.R. 7406: Post Office, Consent Calendar No. 253.

HR. 12881: Post Office, Consent Calendar No. 254.

H.R. 16012: Interior, Consent Calendar, No. 255.

H.R. 16947: Interior, Consent Calendar No. 256.

H.R. 17273: Interior, Consent Calendar No. 257.

H.R. 17684: Interior, Consent Calendar No. 258.

H.R. 17850: Interior, Consent Calendar No. 259.

H.R. 18192: Interior, Consent Calendar No. 260.

H.R. 18885: Interior, Consent Calendar No. 261.

H.R. 8781: Interior, Consent Calendar No. 262.

H.R. 17609: Interior, Consent Calendar No. 263.

H.R. 17874: Interior, Consent Calendar No. 264.

S. 2715: Interior, Consent Calendar No. 265.

S. 3227: Interior, Consent Calendar No. 266.

S. 3620: Interior, Consent Calendar No. 267.

Mr. RUMSFELD. Mr. Speaker, it is my understanding that this list is accurate, with the exception of one or two bills which passed subsequent to its preparation on different calendars earlier this week.

Mr. Speaker, I would also like to place in the CONGRESSIONAL RECORD at this point a description of Calendar Wednesday, a procedure which was adopted by the House on March 1, 1909.

I think it is instructive, and I would ask unanimous consent that the congressional procedure pages on Calendar Wednesday be printed in the RECORD at this point and also that the pages from Cannon's Procedures in the House of Representatives on Calendar Wednesday be printed in the RECORD at this point.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

RIDDICK—U.S. CONGRESS: ORGANIZATION AND PROCEDURE

CALENDAR WEDNESDAY

Nature of Calendar. The rule for Calendar Wednesday was adopted by the House on March 1, 1909.[51] It provides that each Wednesday shall be set aside exclusively for the various standing committees to call up and hear for enactment bills and resolutions[52] not otherwise privileged.[53] The bills or resolutions must have been printed on either the House or Union Calendars for one or more days.[54] If there is a Calendar Wednesday before all the committees are appointed, the rule includes only the ones in existence.[55] Committees are absolutely forbidden to yield or attempt to exchange their order of consideration and the House is not bound by any agreement made between committees off the floor.[56]

Status of Bills on Calendar. The status of any measure under this call has no relation to that on another calendar. Bills or resolutions called up for consideration under this rule, even though they have been debated at another time under another rule, will be heard as if no prior action has been taken on them,[57] and vice versa.[58]

Procedure on Calendar Wednesday. Under this rule the Speaker is authorized on the mid-week day of each week to announce to the House: "This is Calendar Wednesday. The Clerk will call the roll of the committees."[59] The committees are called in the order in which they appear in Rule X and not alphabetically.[60] Each committee is called twice; if there is no response, the call passes on to the next committee.[61] A committee, recognized for the consideration of its measures, may consume the entire day. But one committee is not entitled to more than one Wednesday, unless the House by a two-thirds vote decides to the contrary.[62]

Committees Call Up Business. Each committee has the power of determining the order in which it shall call up its measures, but the question of consideration on each bill may be raised.[63] Each committee has such power over the consideration of its business that it may withdraw any bill at any time until the House begins to add amendments; at this time the House assumes complete jurisdiction, and the bill may not thereafter be withdrawn.[64]

Classes of Bills and Their Consideration. All bills called up for consideration under Calendar Wednesday rule are divided into two classes, namely: bills and resolutions from the Union Calendar and bills and resolutions from the House Calendar. The procedures for both types of business are much the same; bills or resolutions authorizing money or property or a charge on the Federal Treasury, (from the Union Calendar) however, must be first considered in the Committee of the Whole, if unanimous consent to consider in House as if in the Committee of the Whole has not been requested and granted.[65] When a bill of the first class is called up, if the bill is not considered in the House as if in the Committee of the Whole, the House automatically resolves itself into the Committee of the Whole to consider the measure.[66] The Speaker states: "This bill is on the Union Calendar, and under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from ———, Mr. ———, in the chair."[67] The House determines as to whether or not a bill must be considered in the Committee of the Whole.[68]

Method of Calling Up Bills. When any committee is called, a Member properly authorized by it,[69] addresses the Speaker: "Mr. Speaker, by direction of the Committee on ———, I call up the bill (H.R. ———)" etc.[70] After the bill is reported to the House, general debate is in order which may not exceed two hours;[71] it may not be extended by unanimous consent.[72] The purpose of this procedure is to expedite legislation. A person calling up a bill from the House Calendar is recognized for one hour, but he may move the previous question after one minute discussion;[73] the same is true with any measures considered in the House as if in the Committee of the Whole. Bills considered in Committee of the Whole should be debated by both the pro and con, each side consuming one hour; if no Member of the committee claims the time in opposition, however, the chair may use his discretion in granting the time. Generally, if no person claims the time in opposition, the bill is immediately read for amendment at conclusion of the first hour.[74]

Debate. In recognizing for debate, as in all debate in the House, the Speaker must give preference first to Members reporting the bill, and secondly to the Members of the committee responsible for it. If no Member of the said committee opposes the bill any Member may be recognized in opposition.[75] With the above exceptions, the rules for debate of this business are regular.

Reading Bills for Amendments. Bills or resolutions are read by sections for amendments; as soon as each section is read, committee amendments thereto are considered, followed by individual amendments. When the amending process in the House is over the previous question for passage of the measure is moved; in the Committee of the Whole, the committee rises and reports the bill back to the House with recommendation. If no amendments are offered by the House thereto, the bill is immediately passed.

House May Pass Over Calendar. The House may dispense with the consideration of Calendar Wednesday.[76] A motion to dispense with the proceedings on Wednesday is in order on any preceding day, and the debate on such motion is limited to ten minutes.[77] The day is usually dispensed with by unanimous consent but only a two-thirds vote is required.[78] The floor leader, who is responsible for the program, generally the day before, makes a unanimous consent request that the proceedings on Calendar Wednesday be dispensed with. If this business is not dispensed with before a Wednesday, the Speaker may decline to recognize on Wednesday a Member making a unanimous consent request to establish a special order for the day.[79] In practice over a number of years, most of the Calendar Wednesdays have been dispensed with.[80]

Precedence of Business. If the business is not dispensed with before the arrival of this particular day, the business defined by this rule is of high privilege. The call of committees will take precedence over a request for a unanimous consent.[81] "The Speaker is constrained to recognize on Wednesday any Member proposing a motion to dispense with proceedings in order on that day,"[82] and privileged questions are not in order.[83] On exceptional occasions veto messages have been considered as a constitutional mandate superseding the business in order under the rules.[84] Questions of privilege,[85] reference of reports to proper calendars,[86] and moving the previous question[87] are in order.

On Calendar Wednesdays when there is no business to consider as defined by the rule, even though such business has not been disposed of, it is only natural to expect the House to proceed with other business; a motion to dispense with the regular business for the day is not even necessary.[88] Further, on any occasion, when the call of committees is completed before the close of the day, business otherwise in order will be considered.

Unfinished Business. Unfinished business from Calendar Wednesdays goes over until a following like day if the previous question has not been reached. If the previous question has been ordered, the issue comes up the next legislative day as unfinished business of the House, but the question of consideration can be raised.[92]

Exceptions. This rule does not apply to the proceedings of the last two weeks of a session, and if all the committees are not called during one session the call begins the next session where it was last left off.

FOOTNOTES

[51] *House Manual*, 75–1, sec. 898. The rule was amended March 1909; additional amendments were attached on January 18, 1916 and again on December 8, 1931.

[52] Committees are recognized only for the purpose of calling up bills and resolutions (Cannon, VI, 754).

[53] *House Manual*, 75–1, sec. 897; Cannon, VII, 881, 932–935. This includes specific appropriation bills.

[54] *House Manual*, 75–1, sec. 897; Cannon, VII, 881, 938.

[55] Cannon, VII, 925.

[56] Cannon, VII, 927.

[57] Cannon, VII, 954.

[58] Cannon, VII, 943.

[59] C.R., 75–3, pp. 5862–5867.

[60] Cannon, VII, 922.

[61] Cannon, VII, 924, 926. When a committee is passed over, it loses the privilege to offer a bill under this procedure until it is reached the next time according to the rule.

[62] Rule XXIV, clause 7; Cannon, VII, 945. If the previous question on a bill has been reached, that becomes unfinished business of the House (Cannon, VII, 895, 967–969; Cannon, VIII, 2680). All pending business not unfinished business of the House must go over to the next Wednesday (Cannon, VII, 965).

[63] Cannon, VII, 947. The House may not, by an extension of a general rule grant priority to bills on the House Calendar over those on the Union Calendar (Cannon, VII, 938).

[64] Cannon, VII, 930.

[65] This is quite a common practice in the House today; it simplifies procedure and saves time.

[66] See Cannon, VII, 939–942, 966.

[67] If a point of order is raised against clause in a bill concerned with an appropriation, the House automatically resolves itself in Committee of the Whole for consideration of the bill. the offending clause having been eliminated (Cannon, VII, 2145).

[68] If the House disapproves of a report made by the Committee of the Whole, it will resolve itself back into the Committee for reconsideration (Cannon, VII, 943, 951); the bill is open to further amendments and the motion to strike out the enacting clause is in order (Cannon, VIII, 2633–2640).

[69] Business is not in order except when authorized by the committee in charge. The committee may authorize any Member to call up a measure (Hinds, IV, 3127–3128); authority having been granted one Member, another may not be recognized if objection is heard (Cannon, VII, 928–929).

[70] C.R., 75–1, p. 1811.

[71] *House Manual,* 75–1, sec. 897; Cannon, VII, 959.

[72] Cannon, VII 959. The Presiding Officer will not entertain such motions.

[73] Cannon, VII, 955–957.

[74] Cannon, VII, 960–962. The full hour does not have to be consumed.

[75] Cannon, VII, 958.

[76] Rule XXIV, clause 7; Cannon, VII, 881.

[77] Cannon, VII, 917.

[78] *House Manual,* 75–1, sec. 897.

[79] Cannon, VII, 888, 915–916, 964.

[80] There has been much complaint that these days have been dispensed with too frequently by the use of the above method. The floor leader generally requests a day or two before Wednesday that the business for Calendar Wednesday be dispensed with. If there are no objections, the House leaders, subject to the will of the majority, may determine what shall be considered that day.

One Member of the Committee on Immigration and Naturalization complained in 1931 that his committee had not been given a Calendar Wednesday since 1922 (*Immigration, Hearings before the Committee on Rules,* 71–3, H.J. Res. 473, p. 43). This is an extreme case, but it is true that most of the Calendar Wednesdays have been dispensed with by unanimous consent. Rarely are more than one-half of these days utilized for the purpose set by the rule. (See Haines, *Law Making In America,* pp. 29–30).

[81] Cannon, VII, 882–887.

[82] Cannon, VII, 915. "While a bill may be reported for printing on Wednesday, the right to call up for immediate consideration is not thereby implied." (Cannon, VII, 907).

[83] Business which has been held not to be in order: consideration of motion to reconsider (Cannon, VII, 905), questions of privilege or privileged bills (Cannon, VII, 932–934), contested election cases (Cannon, VII, 903), motions for recess (*House Manual,* 75–1, section 897), conference reports (Cannon, VII, 901), "motion to discharge a committee from consideration of a privileged resolution of inquiry" (Cannon, VII, 896–897), resolutions of inquiry (Cannon, VII, 898) propositions relating to impeachment (Cannon, VII, 902), motions to change reference of bills to other committees (Cannon, VII, 883–884), motion to go into Committee of the Whole to consider revenue or appropriation bills (Cannon, VII, 904), Senate bills which are privileged because of similarity to some bill already on the House Calendar (Cannon, VII, 906), measures coming over from Tuesday on which the previous question has been moved (Cannon, VII, 890–894), and motions of unanimous consent not concerned with Calendar Wednesday (Cannon, VII, 882–888); Cannon, VII, 881–971; *House Manual,* 75–1, sec. 897.

[84] Cannon, VII, 912.

[85] Cannon, VII, 908–911.

[86] Hinds, III, 2614–2615.

[87] Cannon, VII, 955–957.

[88] Cannon, VII, 918–920.

CANNON'S PROCEDURE IN THE HOUSE OF REPRESENTATIVES

CALENDAR WEDNESDAY

(§ 897)

Speaker. Today is Calendar Wednesday, and the Clerk will call the roll of committees.

Member (when his committee is called). Mr. Speaker, by direction of the Committee on ____, I call up the bill H.R. ____.

[May be called up only on formal authorization by the committee. Authority having been given one Member to call up a bill another may not be recognized for that purpose if objection is made (IV, 3128; VII, 928, 929). Rule XI, Clause 26 (d) is sufficient authorization for the chairman to call up a bill on Calendar Wednesday (81–2–2161). A bill so called up may be withdrawn at any time before amendment (VII 930).]

House Calendar bill

Speaker. This bill is on the House Calendar. The Clerk will report the bill.

Union Calendar bill

Speaker. This bill is on the Union Calendar, and under the rule the House automatically resolves itself into the Committee of the Whole House on the State of the Union, with the gentleman from ____, Mr. ____, in the chair.

Chairman. The House is in the Committee of the Whole House on the State of the Union for the [further] consideration of the bill H.R. ____, which the Clerk will report by [by title].

(When first called up the bill is read in full unless reading is dispensed with by unanimous consent. If consideration is extended beyond the day, it is read by title when called up on subsequent days).

Member. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

[First reading may be dispensed with by unanimous consent only and motion to that effect is not in order (VII, 1055).]

Chairman. Is there objection? The Chair hears none. Under the rule general debate is limited to two hours, and the Chair will recognize the gentleman from ———, Mr. ——— [usually the chairman of the committee], for the hour in favor of the bill and later the gentleman from ———, Mr. ——— [usually the ranking minority member of the committee], for the hour in opposition. The gentleman from ——— is recognized.

The rule

Wednesdays are set apart for the consideration of unprivileged bills on House and Union Calendars taken up on call of committee (§ 897; VII, 811). [The call of committees under the Calendar Wednesday rule (§ 897) is differentiated from the call of committees during the regular morning hour (§ 889) and each maintains its separate calendar (VII, 944). Proceedings under the two rules are unrelated and unfinished business under one is not considered under the other (VI, 752).] The rule cannot be dispensed with except by a two-thirds vote (VII, 915, 916) but does not apply during the last two weeks of a session (VII, 971).

No committee shall occupy more than one Wednesday except by two-thirds vote and debate is limited to two hours, equally divided, on each bill (VII, 959), and must be germane (VII, 955).

A privileged bill may not be called up on Wednesday (VII, 932–935; VIII, 2289). [The privilege of a bill is not affected by the method by which reported, and delivery of a privileged bill to the Clerk instead of reporting from the floor, does not destroy its privilege so as to render it eligible for consideration on Wednesday (VII, 936). Bills reported from the District Committee are not so privileged as to prevent their consideration under the call of the committees on Wednesday (VII, 937).]

No bill can be called up on Wednesday without authorization of the committee reporting it (IV, 3127, 3128), and authority having been given one Member to call up a bill, another may not be recognized for that purpose if objection is made (VII, 928, 929). [Authorization by a committee "to use all parliamentary means to bring the bill before the House" was held to authorize the calling up of a bill on Calendar Wednesday (VIII, 2217). However, sec. 133(e) of the Legislative Reorganization Act of 1946 (61 Stat. 367; Rule XI, cl. 26(d)], sufficient authorization for chairman to call up bill on Calendar Wednesday (§§ 735, 898; 81–2–2162).]

Precedence

No business is in order on Wednesdays except the call of committees (§ 897; VII, 881).

It is not in order to move to postpone consideration of pending business to Wednesday (VIII, 2614) [but may be postponed from one Wednesday to another Wednesday (VII, 970)], and as the rules do not admit a motion to recess, Calendar Wednesday is not subject to encroachment either through the motion to postpone or the continuation of the previous legislative day. But the call of committees having been completed, business otherwise in order may be called up on Wednesday (VII, 921).

No resolution shall be reported by the Committee on Rules to set aside Calendar Wednesday except by two-thirds vote (VIII, 2260, 2262), and special orders providing for consideration of a bill from day to day until disposed of do not include Wednesdays (VII, 773, 789).

When the House adjourns on Tuesday without voting on a proposition on which the previous question has been ordered, the question does not come up Wednesday but on Thursday (VII, 890–894). However, when the House adjourns on Wednesday with the previous question pending, the question does not go over to the next Wednesday but comes up on the following legislative day (VII, 895).

Call of committees on Calendar Wednesday has precedence over conference reports (VII, 899–901), [may be presented but not considered (VII, 907)], over special orders unless expressly including Wednesday and passed by two-thirds vote (§ 897; VII, 773), over the motion to go into Committee of the Whole to consider revenue and appropriation bills (VII, 904), business on which the previous question is operating, and undisposed of at adjournment on preceding day (VII, 890), motions for change of reference to committees (VII, 883, 884, 2117), privileged resolutions of inquiry (VII, 896), contested-election cases (VII, 903), consideration [not entry] of motions to reconsider (VII, 905), District of Columbia business (VII, 937), propositions relating to impeachment (VII, 902), Senate bills privileged because of similarity to a bill on the House Calendar (VII, 906), messages from the President (VII, 913, 914), and motions for unanimous consent (VII, 882–888).

The date for the count of the electoral vote falling on Calendar Wednesday, the House by resolution provided for a recess on that day (VI, 445).

But—

Yields to questions of privilege (VI, 394; VII, 908–911), to the consideration of veto messages (VII, 912, 1095), the question of reference of reports to the calendars (III, 2614, 2615), motions for the previous question (VII, 955–957), and the administration of oath to Members (VI, 22).

Motions to reconsider may be entered but not considered (VII, 905) and privileged reports may be presented for printing but without the right to call up for immediate consideration (VII, 907).

It is not in order on Calendar Wednesday—

To move a change of reference (VII, 884, 2117).

To call up a conference report (VII, 899–901).

To offer a motion for recess (§ 897).

To call up a privileged bill (VII, 932–934; VIII, 2289).

To call up bill given privileged status by special order (VII, 935).

To call up a bill from the Private Calender (§ 897).

To consider business coming over from Tuesday with previous question ordered (VII, 890).

To call up a resolution of inquiry (VII, 898) or to move to discharge committees from consideration of privileged resolutions of inquiry (VII, 896, 897).

On Wednesdays the Speaker declines to entertain a request for unanimous consent not connected with Calendar Wednesday business (VII, 882–888).

Call of committees

Committees are called seriatim in the order in which they appear in the rules (VI, 751; VII, 922–923), as follows: [On call of committees under the rule, each committee is called twice before being passed (VII, 924).]

(1) Committee on Agriculture. (2) Committee on Appropriations. (3) Committee on Armed Services. (4) Committee on Banking and Currency. (5) Committee on the District of Columbia. (6) Committee on Education and Labor. (7) Committee on Foreign Affairs. (8) Committee on Government Operations. (9) Committee on House Administration. (10) Committee on Interior and Insular Affairs. (11) Committee on Interstate and Foreign Commerce. (12) Committee on the Judiciary. (13) Committee on Merchant Marine and Fisheries. (14) Committee on Post Office and Civil Service. (15) Committee on Public Works. (16) Committee on Rules. (17) Committee on Science and Astronautics. (18) Committee on Un-American Activities. (19) Committee on Veterans' Affairs. (20) Committee on Ways and Means.

Prior to election of all the committees of the House, the call of committees on Calendar Wednesday includes only those committees which have been elected (VII, 925).

When a committee is reached during a call of committees, it is not in order to ask recognition for any purpose other than to call up a bill for consideration (VI, 754).

During a call of committees under the rule, a committee may not yield or exchange its order of rotation (VII, 927) and any committee declining to proceed with the consideration of a bill when called on Wednesday, loses its right until again called in regular order (VII, 926).

Committees, when called, may call up for consideration any unprivileged bill (VII, 932–935), on either the House or the Union Calendars (VII, 938), but not from the Private Calendar (§ 897). [There is no priority as between bills on House or Union Calendars on Wednesday, and the committee may bring up bills from either calendar at will (VII, 938, 963).]

When the rule was first adopted, but one call of committees was recognized, and unfinished business coming over from the ordinary call of committees on days other than Wednesday was taken up on Calendar Wednesday and vice versa (61–2–553; VII, 965), but subsequently the practice was changed and two distinct calls of committees are now maintained, the ordinary call under section 4 of Rule XXIV, and the Calendar Wednesday call under section 7 of Rule XXIV (VII, 994–945).

One Wednesday only

Each committee called is entitled to one Wednesday only, unless the previous question is operating at adjournment (VIII, 2680). But the House may by a two-thirds vote authorize completion on subsequent Wednesday of an unfinished bill (§ 897; VII, 946; VIII, 2680).

Any portion of a day is considered an entire day in the apportionment of Calendar Wednesdays to committees (VII, 945). [A committee declining to proceed with the consideration of a bill when called up on Wednesday loses its right until again called in regular order (VII, 926) and may not yield or exchange its order of rotation (VII, 927).]

The motion to grant a committee more than one Wednesday is in order in the House at any time prior to expiration of the Wednesday and should not be withheld until the committee has consumed the entire time allotted under the rule (VII, 946), but is not in order in the Committee of the Whole.

When consideration of a bill postponed to a certain Wednesday is concluded on that Wednesday, the remainder of the day is devoted to business in order under the rule (VII, 970).

Question of consideration

The question of consideration may be demanded against a bill (VII, 947) or against unfinished business (VIII, 2447) called up under the Calendar Wednesday rule (VIII, 2445).

The question is raised against Union Calendar bills in the House as on other days, and if decided in the affirmative, the House resolves automatically into the Committee of the Whole (VII, 952), and no intervening business, as the motion to adjourn or questions of privilege are in order (VIII, 2446).

Resolving into committee

When a bill on the Union Calendar is called up on Calendar Wednesday the House automatically resolves into the Committee of the Whole House on the State of the Union without motion from the floor (VII, 939–942).

When a Union Calendar bill comes up as the unfinished business on Calendar Wedesday the House automatically resolves into the Committee of the Whole immediately after the approval of the Journal without waiting for the call (VII, 940, 942), and debate is resumed from the point at which it was discontinued on the previous Wednesday (VII, 966).

On rejection by the House of a recommendation by Committee of the Whole for peremptory disposition of a bill under consideration on Calendar Wednesday, the House automatically resolves into the committee for its further consideration (VII, 943).

When on Calendar Wednesday the House disagrees to the recommendation of the Committee of the Whole to strike out the enacting clause, the House automatically resolves itself again into the Committee of the Whole for the further consideration of the bill (VII, 943), and the bill is open to amendment as the unfinished business and the motion to strike out the enacting clause is again in order (VIII, 2633).

A point of order having been sustained against a provision of a bill called up on Calendar Wednesday, the House automatically resolved into the Committee of the Whole for consideration of the bill with the offending clause eliminated (VII, 2145).

See *Committee of the Whole*, p. 99.

Debate

There shall be not more than two hours' general debate on any measure called up on Calendar Wednesday, to be confined to the subject, and to be equally divided between those favoring and those opposing (§ 897), and time allotted for debate under the rule may not be extended in Committee of the Whole even by unanimous consent (VII, 959).

The same rules for debate apply to House Calendar bills called up on Calendar Wednesday as on other days, and the Member in charge of the bill may move the previous question at any time after debate begins (VII, 955–957; VIII, 2680, 3065).

While formerly held that time unclaimed in opposition to a bill called upon Calendar Wednesday could be allotted to Members favoring the bill, the recent practice is to read the bill for amendment at the conclusion of the hour in favor of the bill, when no one rises in opposition (VII, 960–962).

In the Committee of the Whole, debate under the five-minute rule follows the two hours of general debate provided by the Calendar Wednesday rule (§ 870).

Debate on the motion to dispense with Calendar Wednesday is limited to 10 minutes, five for and five against (§ 897).

When a bill previously debated is called up for the first time on Calendar Wednesday, consideration proceeds as if there had been no previous debate (VII, 954).

Members of the committee having jurisdiction of a bill called up on Calendar Wednesday are entitled to prior recognition to oppose it, but if no member of the committee rises to oppose it, any Member may be recognized in opposition (VII, 958, 959).

Otherwise, the same rules for debate govern on Calendar Wednesday as on other days (VIII, 3065).

Amendments

In the Committee of the Whole the first reading is following by the two hours of general debate as in the House, but amendments may not be offered until the close of the two hours' debate, when the bill is taken up under the five-minute rule and read by sections for amendment, the committee amendments being considered first as each section is reached. When the reading of the bill under the five-minute rule has been completed, the committee rises and reports to the House.

Unfinished business

If the House adjourns without voting on a proposition on which the previous question has been ordered, the question comes up as unfinished business on the next legislative day, Wednesday excepted (VIII, 2691).

Business pending at adjournment on Wednesday, and on which the previous question has not been ordered, does not come up on the succeeding legislative day but goes over to the next Wednesday (VII, 965).

A bill postponed to a certain Wednesday and undisposed of on that day becomes unfinished business to be considered when the committee calling it up is called again in its turn (VII, 970).

When the unfinished business is on the Union Calendar the House automatically resolves into the Committee of the Whole without motion (VII, 939).

When the House adjourns on Wednesday without voting on a proposition on which the previous question has been ordered, the question does not go over to the following Wednesday, but comes up as unfinished business on the next legislative day (VII, 895, 967–969).

A bill on which the previous question had been ordered at adjournment on Wednesday was taken up as the unfinished business on Thursday and took precedence of a motion to go into the Committee of the Whole for the consideration of a bill privileged by special order (VIII, 2674).

But when the House adjourns on Tuesday without voting on a proposition on which the previous question has been ordered, the question does not come up as unfinished business on Wednesday, but on the following Thursday (VII, 890–983).

A bill undisposed of on the Wednesday allotted to a committee remains the unfinished business until that committee is again called on Wednesday in its regular order (VII, 944).

Dispensing with Calendar Wednesday

Member. Mr. Speaker, I move [ask unanimous consent] to dispense for today with the business in order on Calendar Wednesday.

The Speaker is constrained to recognize on Wednesday any Member proposing a motion to dispense with proceedings in order on that day (VII, 915). This motion may be made and considered on any preceding day (VII, 916). Debate on the motion is limited to 10 minutes, to be divided not to exceed 5 minutes in favor of the motion and 5 minutes in opposition (VII, 917), and a two-thirds vote of the Members present is required for its adoption (§ 897).

A specific method being provided for dispensing with proceedings in order on Calendar Wednesday, the Chairman of the Committee of the Whole has declined to entertain requests for unanimous consent to dispense with minor provisions of the rules (VII, 964).

If there are no bills on the calendars eligible for consideration under the Wednesday call of committees, a motion to dispense with the business in order on that day is not required (VII, 918–920).

In general

A motion made on the preceding Calendar Wednesday is not a motion on the same day within the purview of the rule forbidding repetition of certain motions on the same day (VIII, 2372).

A bill taken up for consideration under call of committees on Wednesday does not lose its place on the calendar (VII, 943).

Mr. RUMSFELD. Mr. Speaker, the point was, as made by the gentleman from New Hampshire, that in fact we never would have reached the election reform legislation under the Calendar Wednesday procedure. We would have been considering bills that would have been called up by earlier committees. To have proceeded through the day, very simply, would have taken time and delayed the orderly business of the House. Since it is not our desire to delay the orderly business of the House but rather to get consideration of the election reform bill, it became clear that it would not be useful or constructive to persist in the objection.

We have been waiting for some clue from the Speaker, from the majority leader, from the leadership on that side of the aisle that they might be willing to bring to the floor these two pieces of legislation. We have no desire to disrupt or disturb the proceedings of the House. We have been willing to cooperate and we have been looking for cooperation from the other side. We have used most of the procedures that are available to the minority Members of the House of Representatives.

There is one procedure remaining, and I, for one, intend to use it; namely, the discharge petition. Unfortunately, we have still received no signal, no clue—no cooperation from the other side of the aisle.

It is interesting, too, because, as I have talked with various people on the other side of the aisle, I have frequently had them say to me, "I am for that bill," or, "I am for the other bill." And I say, "You know, that is passing strange, because I am for it, too. I have gone around on the minority side and talked with Members in the minority. I have visited with them and I have found that most of them are for it. It kind of makes you wonder. I know I am not running this place. I know the minority side is not running this place. And if the people on your side are for the bills, too, it kind of makes you wonder who is running this place. Somebody must be running it. Somebody has to be keeping those bills in the committee. Somebody has to be against them or they would be scheduled on the floor, because when everyone is for a bill, it does come to the floor."

I think if we keep the pressure on in the closing days of Congress, we may see who is against those bills. It might be very interesting, because suddenly we might be able to discover that someone, in fact, besides the gentleman from Ohio, who was here during our last special order—and I must say to his credit, he is one individual who is willing to state that he is opposed to at least one of the two bills—we might find where the opposition to this legislation is. I think it is important at some point before we conclude this session that we do make that analysis, because these bills, particularly the Legislative Reorganization Act, are important to our whole society.

If the Congress of the United States continues to conduct itself in a way that produces legislation that does not come to grips with the important and pressing problems of our country, we will continue to see many people, young and old, saying, "Well, that system does not work. It just does not work for us, so we will try something else. We will go to the streets. We will demonstrate, or we'll try another system of government."

I am proud of this system, and I believe in this system. I am convinced that the only way we can assure its continuation and its strength is if we will have the courage and the energy to try to improve and strengthen it. And to see that it is sufficiently responsive and sufficiently modern so that it can deal with the problems of the 1960's and the 1970's, which we are unable—and there is no doubt about it—to do today. The rules of this House are better suited to the horse-and-buggy era many decades long past. They must be changed.

Mr. BROCK. I thank the gentleman and congratulate him for his leadership in this worthwhile endeavor.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. For the record—and I think there will be some people who will be interested in this record—I think the record should show that last Tuesday, September 11, there was another special order. Regrettably, I could not participate in it. That was primary day in New Hampshire. But on that day additional information was put in the Record by the gentleman from Illinois [Mr. Rumsfeld] and the gentleman from Ohio [Mr. Taft] and those who are working with him in this endeavor. I think for those people who are interested in congressional reform and election reform, they should be reminded that there are additional facts in the Record of Tuesday a week ago, September 10.

In conclusion, I would like to make a closing remark. There has been a little talk about what avenues are open to those of us who feel that Congress should be reformed, and the electoral procedures by which Congressmen are elected should be reformed. What are the avenues of approach for those of us in the minority? We have talked about Calendar Wednesday. We have talked about a discharge petition. We have talked about persuasion of the leadership of the House. I am comforted by the fact that there is another remedy. This is a remedy open to the American people on November 5. You might call November 5, in a sense, a potential Congressional Reform Day.

I, for one, sincerely hope that the American people will exercise their prerogatives in connection with reform on November 5. Perhaps some of these matters will be taken care of then.

Mr. BROCK. I thank the gentleman.

Mr. Speaker, I ask unanimous consent for all Members participating in the debate to revise and extend their remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THE FAA AND GENERAL AVIATION

The **SPEAKER** pro tempore. (Mr. Hechler of West Virginia). Under previous order of the House, the gentleman from Ohio [Mr. Bow] is recognized for 60 minutes.

Mr. BOW. Mr. Speaker, I address myself today to the inadequate proposals of the Federal Aviation Administration with regard to congestion at our major airports, and to the effect these regulations would have on general aviation.

Most of us have had our personal experiences with delays in departure and takeoff this summer. Everyone who flies knows that this is a serious problem and that it will be more serious when winter weather comes.

FAA proposes to solve the problem through new regulations which assign priorities to different sizes and types of aircraft at five major airports. These are John F. Kennedy, Newark, La Guardia, Washington National, and O'Hare in Chicago. In brief, the proposed regulations would restrict the number of landings per hour at these airports. For example, from 6 a.m. until midnight at Washington National Airport there could be only 60 arrivals per hour of which 40 would be scheduled airlines, eight would be air taxis and 12 would be general aviation. Extra sections of airline shuttles would be charged against the general aviation quota. New minimum requirements on equipment and performance would outlaw any but the more advanced twin-engine general aviation aircraft at these airports.

This proposal by FAA follows repeated attacks upon general aviation by the Secretary of Transportation and others throughout the summer. It has been supported by radio advertisements from the air transport industry suggesting that flight delays are caused because light aircraft in the traffic pattern slow down the scheduled carriers. The question is asked whether a plane with 180 passengers must circle or be delayed on the ground because of a Piper Cub in the traffic pattern. As I will explain, this is a misrepresentation of the issue.

I want to discuss this proposed regulation from at least two aspects:

First. Can we justify assigning priorities in the use of public facilities?

Second. What better solutions are available?

ARE PRIORITIES THE SOLUTION?

Mr. Speaker, I do not believe that the FAA can tell a business aviator with a four-place jet Commander that he must stand aside for an airline 707 any more than I think the Ohio Highway Department can tell me to wait on the side of the road until all of the trucks and buses have gone by. Airports and air traffic facilities are built by public funds and paid for in part by those who use them, and they must be available equally to all.

If FAA can say today that only 12 privately owned aircraft may land at Washington National each hour, and if this fails to solve congestion, as it will fail, they can drop the quota to five or eliminate general aviation altogether. If we permit this first step to be taken, we establish a precedent that can be followed to that ridiculous extreme.

The FAA and the Secretary of Transportation purport to assign priorities based upon their concept of the relative importance of air travelers. I question whether there is anyone in the country competent to make such judgments. We might have at any hour at National Airport a planeload of vacationers returning from Florida and a business jet with two or three men aboard. The vacationers are traveling for pleasure. The businessmen are traveling by corporate jet, perhaps because they have an appointment at the Pentagon and because hours mean dollars to them and to the Government. Who says the airline has an automatic priority in this situation?

I insist it is unfair, unwise, and unjust to assign such priorities on the basis of the size of the aircraft, or who owns it, or for what purpose it is being flown.

GENERAL AVIATION IN 1968

I have already mentioned that the stereotype of a Piper Cub competing for airspace with the giant jets is a misrepresentation of general aviation in 1968 insofar as these major airports are concerned. The pilot who flies his light plane for pleasure wants nothing to do with John F. Kennedy or Washington National.

General aviation in 1968 is a large and important factor in our total transportation system. The general aviation aircraft that use major airports do so because general aviation offers busy people the best means of travel available to them.

For example, one of the most hopeful signs in the American economy today is the dispersal of industrial firms into small towns in every State, providing economic growth and jobs everywhere. General aviation plays an important role in this development. Corporate-owned, leased, or chartered aircraft serve as a vital link between these new industrial towns and the metropolitan centers. The executive from the Shenandoah Valley who must go to New York may rely upon a light plane to take him to Washington to catch an airliner. The executive in West Virginia who has a business engagement abroad may use his corporation plane to go to New York to board the overseas flight. This is the kind of general aviation aircraft that uses major airports, and these are the reasons why they use the major airports.

In my own district at least 10 firms maintain one or more aircraft and many others use charter services. It is this kind of travel, not joyriding in a Cub, that we are talking about when we discuss priorities at the congested airports.

Priorities will not solve the problem. Instead, by seeming to reduce congestion for a time they will intensify the problem. Sooner or later we must come to some hard and realistic decisions. Best we do so now.

WHAT OTHER SOLUTIONS ARE AVAILABLE?

To discover the real solutions, we must put aside this misrepresentation of the problem and come to grips with the facts.

A few weeks ago Life magazine printed a large diagram showing how aircraft delays as far away as the west coast originated with congestion at Kennedy. Kennedy is the source of traffic problems at every other major airport in the country, because it is from Kennedy that a majority of overseas flights depart and it is Kennedy to which they return. It is Kennedy, therefore, that demands first attention. Virtually all of the domestic traffic that goes into Kennedy including general aviation, and a large share of the traffic into Newark and LaGuardia is generated by Kennedy's role as an overseas terminal.

The obvious first step, then, is to try to divert some of this business from Kennedy to other airports. I am glad to learn from my friends at TWA that they have made a real effort to do so by scheduling additional overseas departures from Chicago, Dulles, and other terminals. Thus far, I am told the passenger load has been disappointing. I am certain that this will be corrected. I am confident my constituents in Ohio would far rather leave for Europe from Cleveland or Pittsburgh. Travelers do not go to Kennedy or Newark or LaGuardia because they enjoy congestion delays or the problems of finding transportation between terminals. They go there only because they must do so in order to go abroad.

If it is true that one departure from Kennedy for Europe means two or three arrivals at Kennedy, Newark, and LaGuardia to feed passengers in, it is obvious that a small reduction in overseas departures from Kennedy would be an important first step toward relieving congestion in the entire New York area.

I can assure you that I would far rather depart from Dulles on time and in comfort than sit at the end of some other runway for hours on end.

Everything that I have said about departures for Europe applies, of course, with equal force to those returning.

O'HARE AND WASHINGTON NATIONAL

Much of the problem at Chicago's O'Hare is of the same nature. For years everyone who traveled from East to West by railroad had to get off the train in Chicago and go to another terminal and board another train. It was many years before the railroads worked out an agreement so that one could travel through Chicago without changing trains. The airlines seem to be in the same fix. Far too many cross-country airline travelers must stop in Chicago to change planes. None of them wish to do so. It is a harrowing experience. If airlines could arrange more schedules bypassing Chicago, much of the congestion at O'Hare might be relieved.

Here at Washington National there is little if any excuse for the congestion. A few miles east at Baltimore we have Friendship Airport operating at less than its potential. A few miles west we have Dulles International virtually unused. Passengers who have experienced the discomfort of inadequate parking, the crowded terminal, the endless delays at Washington National would, I am certain, be willing and eager to make the slightly longer trip to either of the other airports for a prompt takeoff. Here is another problem that can and should be faced and solved before we resort to an unfair assignment of priorities.

Yet another possibility for solving some of Washington's problem still exists. There should be a determined effort to reactivate Bolling and Anacostia for light aircraft.

WHAT ABOUT SCHEDULES?

Revisions of airline schedules offer another reasonable possibility of solving the problem of congestion. The junior Senator from New Hampshire developed this subject at length in a speech in the other body on September 11. Unfortunately, the Civil Aeronautics Board has been slow to assist the airlines in this problem. The CAB should undertake an emergency program with the airlines to try to work out mutually satisfactory changes in scheduling, so that arrivals and departures might be spread more evenly throughout the day. Thousands of airline passengers who travel for pleasure, not business, are relatively unconcerned about when they depart. Adjustments can and should be encouraged by CAB and all roadblocks to such agreements should be removed.

FAA MANAGEMENT

Another solution to the problems may be found in the FAA itself. FAA now has about 31,000 employees writing regulations and only 14,000 controlling traffic. The ratio should be reversed. A larger proportion of FAA funds should go into providing new and modern equipment for the controllers. They are overworked and often forced to work without the radar and other equipment that would reduce the workload and increase the safety factors. I know of no job in the world more demanding and more exacting than that of the air traffic controller at a busy modern airport, responsible as he is for the safety of thousands of people every minute of every hour of the day.

FAA must also revise and update its regulations. Pilots tell me that they are confronted constantly by inconsistent or contradictory regulations. New restrictions are issued and amended before the pilot can index his notebook. For years air traffic controllers have breached some of these regulations and done so with safety in order to expedite traffic. Some of the major congestion of last summer came after some of the controllers decided to demonstrate the consequences of strict adherence to FAA's outmoded regulations. This is a problem with high priority.

LONG-RANGE AIRPORT PLANNING

Congress and the FAA share with States and municipalities the responsibility to plan now for the problems that lie immediately ahead. Aviation is making great progress. The tremendous new airliners soon to come into use will place impossible strain upon existing airports and airport facilities. We are speaking of planes that will carry 500 passengers, planes that will require much stronger runways and other facilities than we now have available.

General aviation also is growing, and thousands of Americans are learning to fly and buying their own light aircraft, the air taxi services are expanding rapidly, and the use of fast, light planes by businessmen is going to mushroom in the years ahead.

I have been given some figures to illustrate these long-term needs. Air carrier growth is forecast to increase from 113.5 million enplaned passengers in 1967 to nearly 340 million passengers in 1977, yet it will remain a small fraction of total aircraft operations and be a decreasing percentage of the total. In 1967, air carrier operations amounted to 8.6 million—30 percent—out of a total of 29.2 million itinerant operations recorded at airports having FAA control towers.

The growth in airline operations is projected to be less than the growth in passengers because of the substantially larger aircraft I have mentioned. The growth of general aviation activity is projected to continue and reach a level of 56 million operations in 1977, an increase of nearly 200 percent.

This is why we must begin immediately to plan and build both airline and general aviation facilities vastly superior to those we now have. For example, in 1967 there were 810,767 general aviation operations reported by FAA towers at the eight airports in the New York region, the busiest being Westchester, having 131,313 general aviation itinerant operations. Assuming the region's general aviation activity will increase in a manner similar to the projected national increase, nearly 2½ million general aviation operations will be recorded in 1977, not including the local general aviation traffic.

To meet this level of activity, without creating congestion and the problems being experienced by all today, certainly some of the existing general aviation airports must be improved to increase their capacity. For example, the Van Nuys Airport in southern California is of approximately the same physical size as many of those in the New York region—700 to 800 acres—yet in 1967 it ranked second nationally with 270,296 general aviation itinerant operations, slightly more than twice the activity of any of the New York region general aviation airports. Additionally, there are many airports in the New York region which apparently are not being utilized to a significant degree, due to their location or lack of facilities. Many of these airports must be improved to meet the coming demands; many will lose their remoteness, due to the continuing population growth and, in the interim, they should not be neglected or turned toward other project developments.

The problem is upon us and we should begin now to provide the facilities that will be needed by airlines and by general aviation, both for the increased numbers of passengers and the increased numbers of operations. Failure to do so will result in congestion far greater than the problem we face today.

HOLD PRIORITIES IN ABEYANCE

Mr. Speaker, a public hearing is scheduled tomorrow on the proposed FAA regulations. Ordinarily I would not speak out on a subject that is under consideration in a regulatory agency, but this is an exceptional case. Previous statements of the Secretary of Transportation and other officials give reason to believe that the outcome is virtually a foregone conclusion. I hope this is not the case. I strongly urge FAA to abandon this proposal and inaugurate immediate and intensive efforts to attack the problem in other directions I have outlined.

A regulation once promulgated is difficult to change. A precedent set, no matter how unworthy, is more readily followed then abandoned.

The public interest in this matter is the primary interest. The public interest requires that all classes of aviation and the regulatory agencies work harmoniously to provide the best possible service to all who use the airways. This means service available to the fullest extent to the airline passenger, the aircraft owner, the man who charters a special flight and the well-known man in the Piper Cub. It does not mean and we should not tolerate preferential treatment for anyone at the expense of the others.

GENERAL LEAVE TO EXTEND

Mr. **BRINKLEY.** Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life and service of the late Honorable John S. Wood, former Member of Congress from the State of Georgia.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

LEGISLATION TO EXCLUDE CERTAIN ALIENS FROM ADMISSION TO THE UNITED STATES

Mr. **REINECKE.** Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **REINECKE.** Mr. Speaker, what did Sirhan B. Sirhan and Lee Harvey Oswald have in common? I do not know the complete answer to this question, but I do know one thing they had in common that could have been and should have been regulated by law. They both entered the United States without submitting to any test of their hostility toward the principles of the Constitution of the United States or toward the form of government of the United States.

Lee Harvey Oswald renounced his country and later, with the help of a Government loan, was repatriated without any proof of his willingness to uphold the Government of the United States. Indeed there is every indication that he bore intense hostility toward this country and its form of government, a hostility that finally was experienced in a shattering moment in Dallas.

I have been informed by the Visa Office of the Department of State that a notorious West German student agitator known as, "Red Rudi" Dutschke is at this moment the beneficiary of an approved immigration petition that has been filed by his wife, who is a citizen of the United States. This position places him in a position to apply for an immigrant visa. In early June I brought this situation to the attention of the President and the Attorney General, by a letter to which I have not received a satisfactory response.

When will we ever learn? Under existing law this agitator, this self-styled anarchist, may enter this country without passing any test concerning his hostility toward it.

We have well-administered laws which protect us against the introduction of virulent physical germs and diseases into this country, and take great pains to enforce these laws. But what of mental and emotional virulence, a far more subtle, more dangerous, and more devastating form of disease sweeping this planet? We do little or nothing to protect ourselves against it. With impunity we expose U.S. Presidents and Senators and our whole society to its destructive power, and tremble in agony in the wake of its effects.

I do not know in every particular the feelings of "Red Rudi" Dutschke toward the United States. One thing I do know. He should not, he cannot be permitted to enter this country until we are satisfied that he has not come to undermine it and the principles of law and justice for which this country stands.

The days of the Oswalds and the Sirhans must be brought to an end. Let us protect ourselves lest we have nothing left to protect.

For these reasons I have today introduced a bill to amend the Immigration and Nationality Act to exclude from admission into the United States aliens who have demonstrated hostility toward the form of government of the United States or toward the democratic principles upon which this Government this based.

RESTRICTIONS ON IRISH IMMIGRATION

Mr. **RYAN.** Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **RYAN.** Mr. Speaker, it is urgent that the Congress enact legislation to correct unanticipated inequities in the Immigration and Nationality Act of 1965. The deadline of July 1, 1968, when the 1965 act went fully into effect has come and gone. Now we face adjournment. If the Committee on the Judiciary and the Subcommittee on Immigration and Nationality fail to report out remedial legislation during this session, an injustice will be perpetuated.

Although the 1965 act properly eliminated the inequitable national origins quota system, it set up a system of preferences and a labor certificate requirement which has had the effect of barring the immigration of "new seed" stock. Much of the potential immigration from several countries in Western Europe, which cannot meet the qualifications has been screened out. This is no more equitable than the former explicit national restrictions.

Despite the assurances of the State Department at the time of the enactment of the 1965 act, immigration from Ireland has been particularly affected. In 1965 the State Department projected that under the provisions of the new act, Ireland would be able to qualify about 5,200 places a year. However, that has not been the result. Irish immigration declined to about 1,800 in 1966 and 1967. The State Department now estimates that, with the new act fully in effect as of July 1, the rate of Irish preference immigration will be only about 600 for the current year.

During July, the first month in which the Immigration and Nationality Act of 1965 was fully effective, there were no preference or nonpreference visas issued in Dublin to Irish applicants. Three were issued during August. And the State Department has informed me that two will be issued during September. That is a total of five preference visas for the first 3 months of the full operation of the new law.

The trend will continue unless there is legislative action. Congress has been well aware of the situation for a long time. Some 35 Members of the House have joined me in sponsoring H.R. 16593, or identical legislation, which would insure that no nation would suffer a severe reduction in its level of immigration to the United States as a result of the provisions of the Immigration and Nationality Act of 1965. The bill provides that a "floor" shall be established for every nation, based on its average level of immigration to the United States during the decade prior to the enactment of the 1965 act. The floor would in no way be based on the former quota, but only on the actual numbers which came in during those years. The bill provides a floor, equivalent to 75 percent of the annual average level of immigration during the 1956–65 base period, or 10,000, whichever is less. To the extent that immigration falls below the floor for a given fiscal year, extra numbers will be provided the following year, so that total immigration equals the established floor.

H.R. 16593 is not in any way a reversion to the old national-origins quota system.

Among the organizations supporting H.R. 16593 are the New York City Central Labor Council, Local 32–B of the Building Service Employees International Union, Thomas W. Gleason, president of the International Longshoremen's Association.

On July 3, the Subcommittee on Immigration and Nationality held a hearing at which testimony was heard from John P. Collins, president, and other representatives of the American-Irish National Immigration Committee, who explained the urgency of the situation.

It is clear that legislation is necessary. Prior to July 1, 1968, immigration from Ireland was effectively barred by the labor certificate requirement of new section 212(a)(14) of the act. I introduced legislation (H.R. 7775), as did other Members, to remove that inequity by returning to the former section 212(a)(14) which placed the burden on the Secretary of Labor to make a finding that the wages and working conditions of workers in the United States would be adversely affected. I also urged the Secretary of Labor to provide relief through administrative action. Unfortunately, neither legislative nor administrative relief was forthcoming at a time when either one would have helped to alleviate the inequity caused by the labor certificate requirement. During the 3-year transition period prospective immigrants, who qualified for a labor certificate, were eligible for immigrant visas to the extent of their country's former quota. Since July 1 prospective immigrants must compete for a limited number—17,000 per year—of sixth-preference places allocated to the Eastern Hemisphere. This sets an effective ceiling on the numbers issued to any single country. In addition, Irish immigration will be restricted because priority dates were not established in view of the provisions of the law during the transition period.

While it is important to change the labor certificate requirement of section 212(a)(14), such a change will not now be sufficient to correct the inequities. Therefore, I am concerned about the approach of the Subcommittee on Immigration and Nationality. Instead of acting on H.R. 16593 or drafting other legislation to accomplish the objective, it has announced a hearing to be held on September 18 at which Assistant Secretary of Labor Stanley H. Ruttenberg will be asked "to explain the Department of Labor's regulations." The subcommittee seems to assume that the precipitous decline in Irish immigration since 1965 has been caused by the administration of the act by the Department of Labor—and not by the act itself. As I have pointed out, a change in the basic law is now required.

I would hope that the Committee on the Judiciary would devote its efforts in the closing days of this session to a legislative remedy. It has had many months to consider this problem and has failed to act. Although my bill has some 35 cosponsors, I have no particular pride of authorship. I only ask that a bill be reported out and enacted during this session which will insure that no nationality is severely injured by the unintended effects of the 1965 act.

HEARINGS ON AERONAUTICAL RESEARCH

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, I invite the attention of my colleagues to public hearings which the Subcommittee on Advanced Research and Technology of the Committee on Science and Astronautics will hold for 10 days, commencing September 24, on the future aeronautical research and development needs of the Nation. These hearings will be held commencing at 10 a.m. in room 2325, Rayburn Building.

We must focus attention on urgent priorities in the field of aeronautics. We have been losing sight of the importance of today's aeronautical research in determining the strength of the Nation and its economy in the 1960's and beyond. The great partnership of scientists, engineers, and industrialists once concentrated a major effort in the field of aviation, which has brought the United States to a position of world leadership in this area. Yet the past decade has seen aeronautical research efforts overshadowed by concentration on space and missile development, with the recent budgetary limitations threatening to force aeronautics even further into the background. We must make a fresh assessment of what needs to be done to maintain our leadership in the years ahead.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Aspinall, for the period from September 19, at 2 p.m., until December 2, or, the end of the 90th Congress, whichever comes first on account of official business in his congressional district.

Mr. Morton (at the request or Mr. Gerald R. Ford), for indefinite period, on account of hospitalization.

Mr. Moss, for period from 3 p.m., September 18 through September 24, 1968, on account of official business in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. Brock, for 1 hour, today; and to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. Bolton's remarks on John Vorys to be placed in the permanent Record with other tributes to John Vorys.

Mr. Bow (at the request of Mr. Steiger of Wisconsin), for 1 hour, on September 17; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Steiger of Wisconsin) and to include extraneous matter:)

Mr. Findley.

Mr. Schweiker.

Mr. Scherle.

Mr. Ashbrook in two instances.

Mr. Steiger of Wisconsin.

Mr. Wydler.

Mr. Fulton of Pennsylvania in five instances.

Mr. McDade in two instances.
Mr. Wyman in two instances.
Mr. Curtis in three instances.
Mr. Zwach.
Mr. Railsback.
Mr. Miller of Ohio.
Mr. Byrnes of Wisconsin.
Mr. Meskill.
Mr. Eshleman.
Mr. Burton of Utah.
Mr. Grover.
Mr. Derwinski in three instances.
Mr. Cunningham in three instances.

(The following Members (at the request of Mr. Brinkley) and to include extraneous matter:)

Mr. McCormack.
Mr. O'Hara of Michigan in five instances.
Mr. Wolff in two instances.
Mr. Scheuer in two instances.
Mr. Pike.
Mr. Bevill in two instances.
Mr. Marsh in two instances.
Mr. Eilberg.
Mr. Long of Maryland.
Mr. Helstoski.
Mr. Ullman in two instances.
Mr. Gonzalez in three instances.
Mr. Rodino.
Mr. Podell in two instances.
Mr. Corman.
Mr. Morris of New Mexico in two instances.
Mr. Casey.
Mrs. Sullivan in three instances.
Mr. Ottinger.
Mr. Howard in two instances.
Mr. Vanik.
Mr. Nix.
Mr. Montgomery.
Mr. Monagan in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 345. An act for the relief of Dr. Benito V. Odulio; to the Committee on the Judiciary.

S. 2189. An act for the relief of Stella Dribensky; to the Committee on the Judiciary.

S. 2271. An act for the relief of Domingo Lamadriz; to the Committee on the Judiciary.

S. 2405. An act for the relief of Ming Chang; to the Committee on the Judiciary.

S. 2642. An act for the relief of Ngo Thi Hong Hao (Lynch) and minor child, Sein (Lynch); to the Committee on the Judiciary.

S. 2909. An act for the relief of Charles Richard Scott; to the Committee on the Judiciary.

S.3040. An act for the relief of Dr. Jose E. Naranjo; to the Committee on the Judiciary.

S. 3080. An act for the relief of Ernesto Julio D'Escoubet Blanco; to the Committee on the Judiciary.

S. 3172. An act for the relief of Dr. George Alfonso Herandez Canizares; to the Committee on the Judiciary.

S. 3181. An act for the relief of Dr. Mete V. Altug; to the Committee on the Judiciary.

S. 3223. An act for the relief of Dr. Juan Alfredo Milera; to the Committee on the Judiciary.

S. 3226. An act for the relief of Yuka Awamura; to the Committee on the Judiciary.

S. 3239. An act for the relief of Dr. Jorge P. Garcia; to the Committee on the Judiciary.

S. 3280. An act for the relief of Dr. Jose M. Leon; to the Committee on the Judiciary.

S. 3285. An act for the relief of Fausto Soler-Amor; to the Committee on the Judiciary.

S. 3308. An act for the relief of Jose C. Favio Hidalgo; to the Committee on the Judiciary.

S. 3324. An act for the relief of Dr. Juan F. Hernandez; to the Committee on the Judiciary.

S. 3355. An act for the relief of Dr. Emilio Ambrosio Trujillo; to the Committee on the Judiciary.

S. 3356. An act to confer U.S. citizenship posthumously upon L.Cpl. Theodore Daniel Van Staveren; to the Committee on the Judiciary.

S. 3369. An act for the relief of Dr. Israel Castellanos Gonzalez; to the Committee on the Judiciary.

S. 3398. An act for the relief of Cheng-huai Li; to the Committee on the Judiciary.

S. 3441. An act for the relief of Dr. Fermin Ferro; to the Committee on the Judiciary.

S. 3455. An act for the relief of Dr. Miguel Angel Garcia Plasencia; to the Committee on the Judiciary.

S. 3493. An act for the relief of Dr. Laureano S. Falla (also known as Severino Laureano Falla Alvarez); to the Committee on the Judiciary.

S. 3526. An act for the relief of Marie-Louise (Mary Louise) Pierce; to the Committee on the Judiciary.

S. 3568. An act for the relief of Jack Edward Cooley; to the Committee on the Judiciary.

S. 3572. An act for the relief of Dr. Renee Diez de Force; to the Committee on the Judiary.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5754. An act to amend section 1263 of title 18 of the United States Code to require that interstate shipments of intoxicating liquors be accompanied by bill of lading, or other document, showing certain information in lieu of requiring such to be marked on the package.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 224. An act to provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes;

S. 444. An act to establish the Flaming Gorge, National Recreation Area in the States of Utah and Wyoming, and for other purposes;

S. 1440. An act to include in the prohibitions contained in section 2314 of title 18, United States Code, the transportation with unlawful intent in interstate or foreign commerce of traveler's checks bearing forged countersignatures;

S. 1637. An act to amend the Tennessee Valley Authority Act of 1933 with respect to certain provisions applicable to condemnation proceedings;

S. 2715. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation or Tribe of Oklahoma, and for other purposes;

S. 3072. An act to amend the act entitled "An act to provide for the rehabilitation of Guam, and for other purposes," approved November 4, 1963;

S. 3182. An act to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Swinomish Indian Tribal Community, and for other purposes;

S. 3420. An act to authorize a per capita distribution of $500 from funds arising from a judgment in favor of the Confederated Tribes of the Colville Reservation;

S. 3566. An act to amend the Federal Aviation Act of 1958 with respect to the definition of "supplemental air transportation," and for other purposes;

S. 3578. An act to direct the Secretary of Agriculture to release, on behalf of the United States, a condition in a deed conveying certain lands to the South Carolina State Commission of Forestry so as to permit such Commission, subject to a certain condition, to exchange such lands;

S. 3620. An act to provide for the disposition of judgment funds on deposit to the credit of the Quechan Tribe of the Fort Yuma Reservation, California, in Indian Claims Commission docket No. 319, and for other purposes;

S. 3621. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Muckleshoot tribe of Indians in Indian Claims Commission docket No. 98, and for other purposes;

S. 3671. An act to provide for the striking of medals in commemoration of the 200th anniversary of the founding of Dartmouth College;

S. 3687. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio, and for other purposes; and

S. 3728. An act to authorize the use of funds from a judgment in favor of the Kiowa Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 206. An act to amend section 2733 of title 10 of the United States Code, to include authority for the settlement of claims incident to the noncombat activity of the Coast Guard while it is operating as a service in the Department of Transportation, to grant equivalent claims settlement authority to the Secretary of Defense, to increase the authority which may be delegated to an officer under subsection (g) of section 2733 of title 10 and subsection (f) of section 715 of title 32, from $1,000 to $2,500, and for other purposes;

H.R. 9362. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, and for other purposes;

H.R. 10482. An act to amend section 2733 of title 10, United States Code, to authorize the application of local law in determining the effect of claimant's contributory negligence, and to clarify the procedure for appeal from certain claims determinations;

H.R. 13669. An act to amend section 2734 of title 10 of the United States Code to permit the use of officers of any of the services on claims commissions, and for other purposes; to amend section 2734a of title 10 to authorize the use of Coast Guard appropriations for certain claims settlements arising out of Coast Guard activities; and to amend section 2736 of title 10 to authorize advance payments in cases covered by sections 2733 and 2734 of title 10 and section 715 of title 32 involving military claims;

H.R. 14005. An act to authorize the disposition by the city of Hot Springs, Ark., of certain property heretofore conveyed to the city by the United States, and for other purposes;

H.J. Res. 1299. Joint resolution authorizing the President to proclaim annually the week including September 15 and 16 as "National Hispanic Heritage Week";

H.J. Res. 1371. Joint resolution to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare, and for related purposes; and

H.J. Res. 1404. Joint resolution authorizing and requesting the President to proclaim the week of November 17 through 23, 1968, as "National Family Health Week."

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 18, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2207. A letter from the Comptroller General of the United States, transmitting a report on the opportunity to increase highway trust fund investment income by revising Federal reimbursement policy, Federal Highway Administration, Department of Transportation; to the Committee on Government Operations.

2208. A letter from the Comptroller General of the United States, transmitting a report on the need for improvement in the processing of requisitions for materials, Department of Defense; to the Committee on Government Operations.

2209. A letter from the Assistant Secretary for Administration, Department of Commerce; transmitting the annual report of the Department on commissary activities outside the continental United States for the fiscal year 1968, pursuant to the provisions of 5 U.S.C. 596a; to the Committee on Interstate and Foreign Commerce.

2210. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice; transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1895. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. SIKES: Committee of Conference. H.R. 18785. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes (Rept. No. 1896). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CORBETT:

H.R. 19823. A bill to require congressional approval before a license may be granted for the construction of any facility for the commercial generation of electricity from nuclear energy; to the Joint Committee on Atomic Energy.

By Mr. ECKHARDT:

H.R. 19824. A bill to amend the Federal Property and Administrative Services Act of 1949, to provide surplus Government property to the needy, and for other purposes; to the Committee on Government Operations.

By Mr. EILBERG:

H.R. 19825. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if any of certain relatives of such member dies, is captured, is missing in action, or is totally disabled as a result of service in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. QUILLEN:

H.R. 19826. A bill to prohibit the Administrator of Veterans' Affairs from requiring an annual income statement from certain pensioners who are 72 years of age or older; to the Committee on Veterans' Affairs.

By Mr. REINECKE:

H.R. 19827. A bill to amend the Immigration and Nationality Act to exclude from admission into the United States aliens who have demonstrated hostility toward the form of government of the United States or toward the democratic principles upon which such Government is based; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 19828. A bill to amend the Revenue and Expenditure Control Act of 1968; to the Committee on Ways and Means.

By Mr. TIERNAN:

H.R. 19829. A bill to amend the Civil Service Retirement Act to provide for the inclusion in the computation of accredited service of certain periods of service rendered States or instrumentalities of States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 19830. A bill to amend title 38 of the United States Code to modify the reporting requirement relating to pensions for veterans and to liberalize the oath requirement for hospitalization of veterans; to the Committee on Veterans' Affairs.

By Mr. GERALD R. FORD (for himself, Mr. Arends, Mr. Laird, Mr. Stratton, Mr. Ayres, Mr. Michel, Mr. Perkins, Mr. Quie, Mr. Reid of New York, Mr. Erlenborn, Mr. Esch, and Mrs. Green of Oregon):

H.R. 19831. A bill to provide funds on behalf of a grateful nation in honor of Dwight D. Eisenhower, the 34th President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, N.Y., as a distinguished and permanent living memorial to his life and deeds; to the Committee on Education and Labor.

By Mr. PATTEN:

H.R. 19832. A bill to amend the Military Selective Service Act of 1967 to provide for the exemption of teachers from induction into the Armed Forces; to the Committee on Armed Services.

By Mr. GONZALEZ:

H.R. 19833. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.J. Res. 1458. Joint resolution authorizing the President to proclaim October 26, 1968, as the date commemorating the 50th anniversary of the Declaration of Independence of the Republic of Czechoslovakia; to the Committee on the Judiciary.

By Mr. MORSE:

H. Con. Res. 821. Concurrent resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls on foreign direct investments; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 19834. A bill for the relief of Oi Soon Kim; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 19835. A bill for the relief of Amaden and Cecilia Simoes; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 19836. A bill for the relief of Aliza Kabaklian; to the Committee on the Judiciary.

H.R. 19837. A bill for the relief of Delilah Aurora Gamatero; to the Committee on the Judiciary.

H.R. 19838. A bill for the relief of Raul Fernando Berdugo; to the Committee on the Judiciary.

H.R. 19839. A bill for the relief of Bong Lip Choy; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 19840. A bill for the relief of Gaetano D'Antona; to the Committee on the Judiciary.

H.R. 19841. A bill for the relief of Rosina Cavaliero; to the Committee on the Judiciary.

H.R. 19842. A bill for the relief of Matteo Marascia; to the Committee on the Judiciary.

H.R. 19843. A bill for the relief of Guiseppe Matorano; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 19844. A bill for the relief of Shirley Evelyn Lim; to the Committee on the Judiciary.

H.R. 19845. A bill for the relief of Shui Ho Lin, his wife, Chen Fu Hui Lin, and their son, Tsu Liu Lin; to the Committee on the Judiciary.

H.R. 19846. A bill for the relief of Eduvigis Tobak Rosner; to the Committee on the Judiciary.

By Mr. BURTON of Utah:

H.R. 19847. A bill for the relief of Takeshi Murata; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 19848. A bill for the relief of Dr. Eufronio M. Aro and his wife, Lydia Lim Aro; to the Committee on the Judiciary.

H.R. 19849. A bill for the relief of Iginio Cammarota; to the Committee on the Judiciary.

H.R. 19850. A bill for the relief of Dr. Aurora B. Capule; to the Committee on the Judiciary.

H.R. 19851. A bill for the relief of Emeric Cohen; to the Committee on the Judiciary.

H.R. 19852. A bill for the relief of Giuseppe Cusumano, his wife, Maria Cristina Cusumano, and their son, Giovanni Cusumano; to the Committee on the Judiciary.

H.R. 19853. A bill for the relief of Maria Gagliano; to the Committee on the Judiciary.

H.R. 19854. A bill for the relief of Ruth Quijano; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 19855. A bill for the relief of Vinceslao Nicholas Pucci; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 19856. A bill for the relief of Mercedes Rojas-Hernandez; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 19857. A bill for the relief of William Cornelius Hall; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 19858. A bill for the relief of Millicent Russel; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 19859. A bill for the relief of Jong Kil Song and Jung Sun Han Song; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 19860. A bill for the relief of Dr. Thamnoon Penroach; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 19861. A bill for the relief of Frank J. Enright; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 19862. A bill for the relief of Giuseppa Lattuga Belluomo; to the Committee on the Judiciary.

H.R. 19863. A bill for the relief of Rita Louise Clarke; to the Committee on the Judiciary.

H.R. 19864. A bill for the relief of Gerlando Quarantino Iacono; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 19865. A bill for the relief of Guglielmo Tonino Alleva; to the Committee on the Judiciary.

H.R. 19866. A bill for the relief of Assuntina Buonapane; to the Committee on the Judiciary.

H.R. 19867. A bill for the relief of Antonio Mario Buzzanga; to the Committee on the Judiciary.

H.R. 19868. A bill for the relief of Valentina Augusto Da Silva; to the Committee on the Judiciary.

H.R. 19869. A bill for the relief of Artemizia Dias; to the Committee on the Judiciary.

H.R. 19870. A bill for the relief of Spyridon Kavadas; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 19871. A bill to provide compensation to certain silver dealer claimants by authorizing the sale of silver bullion; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 19872. A bill for the relief of Konstantinos Maniatakos; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 19873. A bill for the relief of Constantin Koumantakis; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 19874. A bill for the relief of Domingos Casanova Pidalgo; to the Committee on the Judiciary.

By Mr. TENZER:

H.R. 19875. A bill for the relief of Joseph Israelov; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 19876. A bill for the relief of Antonio Pesic Villero; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 19877. A bill to remove a cloud on the titles of certain property all located in Malin, Oreg., and owned by the city of Malin, Marian H. Peck, Merrill, Oreg., Marion R. Rupert, Malin, Oreg. and Blanche Fields, Malin, Oreg.; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H. Con. Res. 822. Concurrent resolution recognizing the golf course of the Foxburg Country Club, Foxburg, Pa., as the oldest golf course in continuous use in the United States; to the Committee on the Judiciary.

By Mr. HARDY:

H. Res. 1305. Resolution relating to creditable service for retirement purposes of John T. M. Reddan; to the Committee on House Administration.

EXTENSIONS OF REMARKS

GREAT SALT LAKE

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Tuesday, September 17, 1968

Mr. MOSS. Mr. President, for many years we in Utah have talked about our natural wonder—the Great Salt Lake. It is unique, America's Dead Sea. It is beautiful, deep blue with mountain backdrops and flaming sunsets. Its origin and geology are fascinating. Its economic worth becomes more evident each day.

Since I came to the Senate, I have worked without letup to preserve and develop its scenic and recreational values—my bill S. 25 to establish a Great Salt Lake National Monument on Antelope Island has passed the Senate and is pending in the House of Representatives—and to develop a mineral extraction and refining industry on the shores of the lake. To this end, Congress enacted my bill—S. 25, Public Law 89–441—to release any Federal claim to interest in the old lakebed shoreline so that the State of Utah could contract with private enterprise ventures to extract salts and metals from the water owned by the State.

The September 1968 issue of Reader's Digest contains an article written by Wolfgang Langewiesche which in terse, colorful language describes the Great Salt Lake and its future. In the hope that Senators will read it, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GREAT SALT LAKE: UTAH'S POCKET OCEAN

(By Wolfgang Langewiesche)

Most places have some one master fact you need to know. Get hold of it, and everything else falls in place. At Great Salt Lake the master fact is this: the lake today, 70 miles long and 10 to 20 wide, is only a remnant of what was here once—a gigantic lake some 20 times as large, 77 times as deep, holding 500 times the present mass of water.

Even in the present century the water level has dropped, and the shoreline has receded almost everywhere a mile or two, in places five or ten miles. Nearly 800 square miles of new land have appeared, most of it malodorous mud flats or humpy chunks of land interlaced with ponds—a no-man's land, barren, treeless, difficult to traverse. Only at a few places can a car penetrate to the shoreline.

All this has made the lake a lonesome, harsh, slightly hostile thing. Salt Lake City is 15 miles back from the shoreline. There are no summer cabins by the lake shore. There is no fishing because there are no fish. (Only one creature of any size lives in that brine—a tiny shrimp.) Once there was a Gay Nineties resort, a great big glorious pleasure dome with spirited towers, built on a pier a quarter-mile out in the lake. You went there on a steam train and spent the day, and wore long-underwear-type bathing suits. But the resort is now high and dry—deserted, partly destroyed by fire, and a quarter-mile from the water.

BUOYANT BRINE

The continued shrinking of Great Salt Lake has more and more concentrated the salt in the water, until now it's seven times as salty as the sea. The salt is brought into the lake by all the rivers that feed it. Their water contains tiny amounts of mineral matter dissolved from the rock of the riverbed. And since the lake has no outlet, the water can leave it only by evaporation. As it evaporates, it leaves its salt behind. Here is a gigantic machine for washing salts from Utah's mountains and concentrating them in a basin—a kind of pocket ocean.

A swim in Great Salt Lake is a philosophical experience. It is so salty that you *can't* sink. You float with head, feet and arms clear out of the water. When you come out, the water dries almost instantly. The salt remains, forming crystals on your skin that feel like sand.

The drying-out of the old, big lake has left an enormous desert along the edge of the present Salt Lake. It is 160 miles long, 70 miles broad—the most absolute desert we have in this country. If you were on foot, it would be grim, hostile country. It would probably kill you. But a transcontinental highway goes straight across this desert for 50 miles. From the air overhead you can look 50 miles on either side of the highway: no roads, no houses. The only man-made thing is a huge bull's-eye marked in the stand.

HOT ROD HEAVEN

The whole desert is an Air Force training area; on both sides of the road it is closed off. This has protected it from being butchered as other deserts are being butchered, with jeep roads, pipeline crossings, electric highlines, mysterious diggings, shacks.

And in this desert, right off the big highway, you come upon the famous Bonneville Salt Flats. Fourteen miles long, seven miles broad, they look like a lake with ice on it. The ice is salt, and, on the salt surface automobile speed records are made (including the world's records for both conventional and jet-driven cars). Even from a jet plane way up high you can see the long black line, absolutely straight, which serves as guideline for the speed runs. There is no grandstand; there are no buildings of any sort. Just that white plain, and naked, moon-looking mountains, and silence.

Why this salt flat? There was a dell here in the old lake bed. As the big lake dried up, a super-salty small lake formed here. Then that dried up and only the salt was left, hard, level and smooth.

A few feet below the surface the salt is full of water. Drawn upward by wick-action to the surface, the water is what keeps the the salt so firm. It also keeps it cool. A regular pavement in that desert sun soon gets so hot you could fry eggs on it. The salt is usually ten degrees cooler than the air. This makes those thin, highbred racing tires, built to last only a few miles in ultra-high speed driving, last longer.

During droughts, the water under the salt dries up in spots, the surface becomes crumbly, potholes form. But in winter the Flats are flooded by runoff from higher ground, and the salt surface, softened, smooths itself out—a pavement that repaves itself every year!

Most of this natural-wonder pavement belongs to the federal government. The Bonneville Speedway Association has a lease on it and runs it. If you want to use the speed course, you write to the Salt Lake City Area Chamber of Commerce and ask to have The Salt reserved for a day or so. There is no fee; but you have to make your own arrangements for guards, toilets and a standby ambulance.

A LITTLE COLD SPELL

How do we know that the lake which once covered these salt flats and the desert was once 20 times as large? By the old high-water marks on the mountainsides all around. They are easy to see from almost any highway. The highest one is 1,000 feet above the present lake level. What draws the eye is that they are so strictly horizontal—they look man-made. Experts have spotted more than 20 of them. Each means that the lake stayed at that level for a few hundred or a few thousand years. They are evidence of the Ice Age.

In fact it was from signs such as these lines that the Ice Age was discovered. Such signs were largely unexplained until about 1840, when Louis Agassiz suddenly *saw*. He had no new evidence to help him see, no new instruments. There was no theory which said that there must have been such a thing as an Ice Age. Agassiz looked at the same landscapes in Switzerland, Germany and England that people had been looking at for a thousand years and grasped that all this was the record of one gigantic event. Glaciers had scraped out this valley, polished that cliff, heaped up that gravel hill. Glaciers had been everywhere.

The great icecap itself, we now know, did not reach this particular part of North America. But the weather was cold and rainy, and the mountains were covered with glaciers that poured out melt-water at their lower end. That's why the Utah lake was so full.

A FLOOD LIKE NOAH'S

Another thing you see in the Salt Lake Valley: how *recently* the Ice Age happened. Above the old lake levels the mountains are weathered, gullied, dissected by streams—they look as mountains ought to look. Below, they are strangely smooth; they have not been out of the water long enough for the weather to rip them.

The youngest of the old shorelines of Great Salt Lake have been dated as only 12,000 years old. By then people were around—not, perhaps, in Utah (there is no evidence to date), but elsewhere. Men saw the Ice Age, and the great thaw that was its end. And their word-of-mouth accounts may have found their way into man's oldest writings.

A flood is reported in the Old Testament; a flood is recorded by those old shorelines in Utah. At its height, the lake spilled over and started a river with four times the volume of the Amazon. You can still see the valley that it dug northward to the Snake River and the Columbia. North America, from Niagara Falls to central Washington, was full of flood at that time. So the looks of the country confirm, in a way, one of the reports we have.

PASS THE SALT

The great excitement around the lake today is about mining it—extracting chemicals from its water. It's about seven times as rich in minerals as sea water. Besides plain salt, it contains gypsum, potash, boron and lithium, plus compounds of sulphur, magnesium and chlorine. The tonnages are immense. If all the stuff were out of the water—which of course it never will be—it would be worth some $50 billion. That's 100 times the value of all the gold ever taken out of California!

To get even part of the stuff out will cost a lot. How much? Some companies have already run pilot plants to find out, and now, in a quiet gold rush, they have moved into position. They have obtained rights under royalty agreements with the State of Utah, the lucky owner of the precious brine. These firms will work partly in competition, partly in tandem: one outfit will extract on thing, another something else, from the same batch of brine.

The big thing is magnesium. Half the total value of the lake is in this. Another major resource is lithium. This is an uncommon substance, the lightest of all metals, soft and shiny. Its compounds are mixed into paints and lubricating greases to improve them. Combined with other substances, it makes a superior rocket fuel. It has uses in atomic power. And lithium metal is worth $7.50 a pound.

To extract this wealth, you start as in saltmaking: a string of evaporation ponds. You pump the brine into the ponds. The sun and desert air take out the water; the salt forms deposits on the bottom. These you scoop out and refine. The process is ancient. What is new is that the engineers have learned to control the process so that not only common salt but rarer salts (lithium, for example) drop out in an orderly fashion, more or less separately, each in its own pond.

SUN-POWERED FACTORY

The great landmark of this process is a string of ponds—a salt farm. A sun-powered factory, really. The oldest one is not at the lake but at the salt flats. There a Kaiser Co. salt farm has been extracting potash, for fertilizer, from underground brines. Two other projects are under construction along the shores of Great Sale Lake, on a still bigger scale. To establish salt farms like this, companies have had to lease shore lands in parcels of 25,000, even 90,000 acres.

So the great solitude of the lake has already been broken. This scruffy thing that people did not like so very much has suddenly become a pot of gold. Its mud-flat shores will soon be lined with huge salt farms. In the ground view they won't show up much, but for air travelers they will become the biggest man-made thing in the landscape—bigger than the cities, and much more conspicuous. The chemistry of the brine in each basin is different, and from different angles the colors are different: blue, brown, silver, purple, milky. A salt farm looks like a collection of enormous, colored-glass panes lying on the ground.

So, even in its industrialized state, the Great Salt Lake will still be like no other place on earth.

ADDRESS BY HON. HORACE R. KORNEGAY, MEMBER OF CONGRESS, NORTH CAROLINA, CONSTITUTION DAY, SYLVAN THEATER, WASHINGTON MONUMENT GROUNDS, WASHINGTON, D.C.

HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. McCORMACK. Mr. Speaker, I am very pleased to place in the RECORD this excellent and inspiring address of our colleague HORACE KORNEGAY, of North Carolina. The address was made today in observance of Constitution Day at ceremonies held on the grounds of the Washington Monument. When the 91st Congress convenes, HORACE KORNEGAY will not be present. I shall truly miss his warm personality and wise counsel. His remarks are as follows:

ADDRESS BY HON. HORACE R. KORNEGAY, MEMBER OF CONGRESS, NORTH CAROLINA—CONSTITUTION DAY, SYLVAN THEATER, WASHINGTON MONUMENT GROUNDS, WASHINGTON, D.C.

On a cold January day in 1961 here in Washington, I listened to the inaugural address of a young man who had just been sworn in as the 35th President of the United States.

On that historic occasion, thousands of us here in Washington and millions of other Americans watching on television and listening on radio heard these words: "Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage . . ."

Thus did the late President John F. Kennedy speak of a new generation of Americans with a bright future of hope and peace. The words and the man who spoke them symbolized the beginning of a fresh, new struggle for the success and survival of liberty.

This was to be a struggle which would not be finished in the first one hundred or one thousand days, nor perhaps within our lifetime. Nevertheless, the torch was passed, and the plea was set forth, that all Americans should begin a rededicated struggle toward upholding the principles of freedom and democracy.

This struggle was not, of course, finished in the lifetime of the person who uttered those words that cold day in Washington.

And, today, more than seven years later, we can truly begin to realize the grave challenge and the magnitude of those words. For, today, we as Americans face perhaps one of the darkest hours our nation has ever faced. The turmoil and the dangers of our times are all about us, threatening to devour our sacred freedom and our sacred way of life.

In this moment of turmoil and challenge, it is wise for us to ponder upon that torch and that heritage which has been passed on to us. I commend the Citizenship Committee for the District of Columbia for its efforts in making this program possible, so that we might rededicate ourselves and our lives to the fulfillment of the American Dream as embodied in the Constitution. And, I am grateful for the privilege of taking part in this program.

We should remember that brave Americans down through the history of our nation have faced similar challenges. We should think of the great challenge which faced those men on Lexington Green 192 years ago as the first blood of American freedom was shed. Contemplate the thoughts of those ragged, emaciated mortals at Valley Forge during the winter of 1777, as death and despair lurked in the darkness and the bitter winds. Think of the tremendous pain, anxiety and doubt in the hearts of thousands of Americans who have faced the same question which you and I face today. The torch that led them through the long nights of peril was their fervent belief in democracy, and a sincere willingness to die for that freedom.

As the first American colonist fired that first shot for freedom 192 years ago, the shot heard 'round the world, he also kindled into life the bright flame of freedom and democracy, which has grown into a huge torch of life with rays extending over the entire world, or wherever men yearn to be free.

The basis for that torch of life is the faith, hope and desire expressed in one of the most amazing documents ever written, or conceived by the mind of man, the United States Constitution. Conceived and written 181 years ago—in a time of unrest, alarm, skepticism and criticism by a group of men trying diligently to organize a government in a new land—it has endured the pains of growth, war, destruction and opposition which have plagued it. As all other aspects of our country have changed and expanded beyond our comprehension, this stalwart document has remained basically as it was, with but 25 amendments.

The U.S. Constitution enshrines many basic principles for the American people. The idea of popular sovereignty, "that governments derive their just powers from the consent of the governed," is of primary importance. That people should choose their own representatives; that personal rights must be secured; that government should be limited; and that powers may be divided between state and federal governments, are also important principles.

The right to govern comes from the people, and the Constitution is an evidence that they in turn delegated powers to a government. The Constitution is the supreme law of the land, and as such its powers and limitations must bind the government in the people's interests.

These facts clearly reveal the true brilliance of our Constitution. It is more than a document; it is a way of life, to uphold unto death for all who seek the way of freedom and democracy. In such pursuit, thousands of Americans have died, but not in vain; for they have upheld the torch of life. Today, in a world of many different people and ideologies, we see much that threatens to snuff out this torch of life.

The giant arms of communism are stretching ever closer to this, the last great stronghold of democracy. Evil forces and disturbances threaten to corrupt our nation from within; and the greatest principles of our American heritage face the danger of decay from within and assault from without.

A famous American philosopher, Will Durant, once said: "No great nation has ever been overcome until it has destroyed itself." Throughout the history of mankind, there is no sadder story than the fall of great nations and civilizations. In these lessons of history, we learn that the recurrent reasons for their downfall were ones of moral and spiritual decay. The people abandoned their faith and they no longer had the will to struggle and to die for those principles which had made them great. As huge stone towers whose foundations had slowly crumbled and withered away, piece by piece, those nations awkwardly toppled to the ground. They were overcome and conquered, only after they had first destroyed themselves.

Today, a rising crime rate nearly eight times our population growth since 1960, bears testimony to the internal moral and spiritual deterioration which threatens America.

The raging flames of civil disorders, lawlessness and immorality threaten to consume the torch of life, and with it, the greatest principles of our American heritage. We struggle upon a vast sea of doubt and uncertainty, fearful of the conflict tomorrow may bring.

What, then, is to save America from destroying itself and falling victim to the same fate as that of great nations and civilizations of the past? The answer to this question lies within the heart and mind of each of us as Americans, as we follow the path set forth in that great document, the Constitution.

The most important element in the greatness of this nation is in its people. They have made it what it is; they must determine what it will be. We must in this hour and in the future remember that the torch of life has been passed into our hands. The burden of defending it and the principles in which we believe, has now fallen upon us. "We the people," under our democratic government, must continue to strive for the highest goals of mankind; freedom, justice and truth. We must accept the duties and the responsibilities of Americanism and we must daily strengthen our faith in those principles of liberty and equality for which we stand. We must strive to maintain eternal vigilance against those forces which seek to overcome us. In doing so, we will often be confronted with great challenges, for freedom is not easily won, nor easily kept. The road ahead may be bitter, dark and weary, but the goal of freedom is the most priceless and cherished possession of mankind.

From Lexington and Valley Forge, down the long path of this great nation, Americans have had to make the decision whether our freedom was worth our every effort. Today, each of us is confronted with a similar decision and challenge. The supreme decision lies within the hands of each of us and the fate of a nation and of a people rest upon it.

The torch has been passed into our hands. Can we live up to the challenge? We can, I believe, if we rekindle the spirit of patriotism and the concepts of Americanism throughout this land.

Thank you.

HARTKE'S REPLY TO WALLACE AT FINANCE HEARING

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 17, 1968

Mr. HARTKE. Mr. President, I ask unanimous consent that there be printed in the Extensions of Remarks excerpts from a report written by Adam Clymer for the Baltimore Sun edition of January 26, 1967, describing the appearance of former Gov. George Wallace before the Senate Finance Committee with regard to the then threatened cutoff of Federal funds to Alabama for noncompliance with the 1964 Civil Rights Act. The points at which the longer original article has been abridged are indicated by ellipses between paragraphs.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

WALLACE PROTESTS AID CUTOFF—LIKENS U.S. OFFICIALS TO RUSSIANS—ONLY HARTKE REPLIES

(By Adam Clymer)

WASHINGTON, January 25.—George C. Wallace, talking about running for President in 1968 and comparing Federal officials to Russian leaders, bitterly complained today about a threatened cut-off in Federal welfare aid to Alabama.

He appeared before a friendly Finance Committee and held a press conference, assailing John Gardner, Secretary of Health, Education and Welfare, for his cut-off under the 1964 Civil Rights Act.

Gardner's action, effective February 28 unless stayed by a Federal court, would halt $95,800,000 in annual welfare aid to Alabama. It was taken after Alabama, alone among the 50 States, refused to sign Federal forms pledging not to discriminate in its welfare programs.

CHALLENGED BY HARTKE

Wallace, succeeded by his wife as governor last week, insisted there was no discrimination in the Alabama program, but said the forms were vague and too broad.

He said Gardner should not cut off Federal aid to 200,000 recipients until an Alabama challenge to the action was settled in the courts, and urged the committee to "use its influence" with Gardner.

"I have never defied a court decision in my life," Wallace claimed, promising to comply if the court decision eventually went against him.

Only Senator Hartke (D., Ind.) challenged Wallace's version of the situation, as other committee members asked sympathetic questions.

"YOU MADE THE DECISION"

"You have made the choice, not the Government," said Hartke. "You have made the choice to deny these old people these material benefits. . . . You have decided not to comply with the law. You made the decision voluntarily."

Hartke and Wallace interrupted each other, and Senator Long (D., La.), the chairman, chided Hartke for not letting Wallace answer. Earlier Long had taken no notice of applause that greeted the diminutive Alabamian.

Hartke then denounced the hearing as "completely one-sided," and left soon. Long later announced plans to invite Gardner to appear to discuss his side of the case. But late this afternoon, no invitation had arrived at Gardner's office.

Long emerged from the hearing and told television newsmen, "the State certainly has a right to take the position it has taken."

* * * * *

Wallace arrived flanked by Alabama's two Democratic Senators—to whom he is not politically close. Senator Hill called Gardner's action "contrary to and in direct violation of the intent of Congress." Senator Sparkman said Alabama was "in full compliance" with the law.

OTHERS PORTIONS DECLINED

Wallace said Alabama's elderly were "trembling" with fear over the cut-off order, which he said would "starve those people to death."

The ex-Governor objected particularly to items in the Federally prescribed statement of compliance which included agreement to abide by future regulations, to halt discrimination if any existed, and to eliminate discrimination in institutions and doctor's offices where welfare funds are spent.

Long said it would be an "absolute tragedy" if the aid were cut off, and said he hoped neither side would stand on pride to prevent a solution.

Hartke asked Wallace, "you really don't like this law, do you?" Wallace said "no sir, but it's the law and must be obeyed."

"Why don't you obey it?" Hartke asked.

Wallace said Alabama would if court decisions went against him, and added "I reject your statement that I am responsible for cutting off these funds." He said there was no discrimination in the program, though there was some segregation, as in doctor's waiting rooms. "Yes, sir, we got some segregation in Alabama. But you got some in Indiana," he added, recalling his vote there in the 1964 primary.

NO SPENDING CUTS—ONLY BUDGETARY GIMMICKS

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. CURTIS. Mr. Speaker, an article in the September 12, 1968, issue of the New York Times by the alert economic writer Edwin L. Dale, Jr., shows vividly how this administration is using budgetary gimmicks to avoid making about a quarter of the $6 billion in spending reductions ordered by the Congress in the Revenue and Expenditure Control Act of 1968.

I stated repeatedly prior to enactment of the act that areas of expenditure reduction had to be specified in advance, otherwise it was extremely doubtful that cuts would ever be made—e.g., see CONGRESSIONAL RECORD, February 28, pages 4463–4464; February 29, pages 4707–4709; May 13, page 13010; May 14, pages

13112–13118; May 29, pages 15501–15502; June 3, pages 15810–15812; June 4, page 15868; June 20, pages 17972–17974, 18009–18011; June 27, page 19195.

In the only two areas outside of defense where significant program cutbacks might have to be made—agriculture payments and various programs of HEW—a move is underway to exempt these items. In other areas lending devices are being used to make the budget look better with little or no reductions in actual program loans.

For example, the Export-Import Bank will keep making loans but will sell to private investors some of the loans already in the Bank's portfolio. These sales count as an offset against new loans, and hence against new budget outlays. The supposed "saving" would be $350 million.

The Small Business Administration will make more of its loans through guaranteeing private bank loans instead of lending the money itself. The program remains essentially the same, but the "saving" would be $100 million.

Other Federal agencies are using similar devices to avoid program and expenditure reductions, but to make it appear as if real economies were being made.

To show how little normal Government operations are being affected by mandatory spending reductions, listed are planned cuts of several agencies:

Commerce Department, $5 million.
State Department, zero.
Treasury Department, $6 million.
Justice Department, $4 million.

These revelations in the Times article are just the latest examples of the unwillingness of the present administration to make meaningful expenditure reductions so vital to dampen the flames of inflation.

The article follows:

U.S. Aides Concede Budget "Gimmicks": Painless Cuts of $1 Billion Made in Loan Programs

(By Edwin L. Dale, Jr.)

Washington, September 11.—The Johnson Administration has used what amounts to budgetary "gimmicks," chiefly in the lending field, to achieve about one-quarter of the $6-billion spending reduction ordered by Congress, officials readily acknowledged today.

Most of the rest of the cuts comes from a $3-billion reduction in military spending not connected with Vietnam, and normal Congressional reductions in appropriations bills. The result is that the regular programs of the Government, including the newer social programs, have escaped almost untouched, except insofar as Congress has moderately reduced them.

EXEMPTION MOVE UNDER WAY

In only two areas outside of defense—agriculture payments and various programs of the Department of Health, Education and Welfare—would the $6-billion mandatory reduction potentially create the need for significant program cutbacks.

But this problem, created by unavoidable increases above budget estimates in farm price supports and some welfare outlays, is on the way to being solved by a move in Congress to exempt the items that have gone up and thus remove the need to cut other programs.

The budgetary "gimmicks" in the lending area—crucial to making the over-all cuts relatively painlessly—come to more than $1-billion. They are essentially devices whereby the budget results look better with little or no reductions in actual loans in the programs involved. These are the main areas:

Export-Import Bank—The bank will go on making loans as before, chiefly to promote United States exports. But it will sell to private investors, here and abroad, some of the better "seasoned" loans already in its portfolio. These sales count as an offset against total budget outlays. The "saving" would be $350-million.

Farm credit—For many years the intermediate credit banks and the banks for cooperatives, which raise their own funds in the market and lend to farmers, have operated independently of Presidential control, simply submitting estimates of their net lending for inclusion in the budget totals. The tax-expenditure bill with the $6-billion reduction gave President Johnson control over them for the first time.

He has simply put on their lending a ceiling $650-million below their original estimate, which may have been high anyway. It is doubtful that any farmer will be denied credit. The "saving" would be $650-million.

A bill has just been introduced in Congress by the chairmen of the House and Senate Agriculture Committees to remove these banks from the budget altogether, thus making sure no farmer would be denied credit. The bill, which may pass, has Administration blessing. The "saving" would remain.

Small business—The Small Business Administration has been ordered to make more of its loans through the device of guaranteeing private bank loans instead of lending the money itself. Although a few business borrowers may be denied credit, the program will be essentially unchanged. The "saving" would be $100-million.

Federal National Mortgage Association—The agency will continue buying mortgages as before in huge volume, but it is being converted to "private" status technically, and thus will be outside the budget. The date of the transfer has proved to be earlier than expected, and thus it will be "in" the budget for fewer months of the fiscal year. The "saving" is not precisely known but would be perhaps more than $100-million.

AIDED BY OIL ROYALTIES

An additional "saving" of about $300-million, not connected with lending, has no effect on Government programs. This is an unexpectedly large flow of royalty payments from offshore oil leases to the Interior Department, which count as an offset against expenditures.

Despite these devices, and others such as differal of highway contracts for about six months to save another $200 million, the Administration was still hard put to avoid curtailing regular Government programs because of a piece of "bad luck." But this problem is on the road to being rectified.

The bad luck was that two programs—farm price supports and grants to the states for welfare and Medicaid—where spending is beyond the Federal Government's control, are now estimated at a total of $1-billion higher than when the budget was drawn up last January. This meant, in effect, that the total reductions had to be $7-billion, not $6-billion.

In the midyear review of the budget published last weekend the two departments concerned—Agriculture and Health, Education and Welfare—were ordered to make unspecified reductions in their other programs to offset these unavoidable increases. At the same time, however, Congress was asked to exempt the two items from the spending controls.

Congressional leaders have now agreed to do so and the necessary legislation is in the works. If it passes, the reductions in the two departments will not have to be made.

As an illustration of how little affected normal Government operations are by the mandatory spending reduction, these are the planned cuts in spending by several major departments from the January estimates:

Commerce Department—$5-million.
State Department—zero.
Treasury Department—$6-million.
Justice Department—$4-million.

In some cases these agencies suffered modest additional reductions because of Congressional appropriations cuts.

CITIZEN PARTICIPATION IN GOVERNMENT

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 17, 1968

Mr. THURMOND. Mr. President, citizen participation in government has been the keystone of the freedom which we enjoy in the Nation. The fact that the people of the United States are keenly aware of their Government and the actions of those who make the decisions has played a great part in preventing the destruction of our Republic.

This great tradition of citizen participation was recently upheld in a resolution adopted July 16, 1968, by the Iva-Starr Chamber of Commerce. The 12 principles embodied in this resolution reflect the sound thinking of the members of this organization. Because our Nation is undergoing unusual stress and turmoil, it is particularly appropriate that our citizens express this strong support for sound government.

Mr. President, I ask unanimous consent that the resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution of Iva-Starr Chamber of Commerce, Iva, S.C., Adopted July 16, 1968

Whereas, we believe in our Constitution and the principles set forth therein by our Founding Fathers; we believe that such principles are eternal and never out-dated; and we believe that any change needed to adapt to present-day needs can be made by the processes provided therein; be it resolved:

1. That we uphold and support our Constitution and strive to protect it from subversion by those seeking power for illegitimate uses.

2. That we support restoration of our Constitutional Republic by the re-establishment of the system of checks and balances between the executive, legislative and judicial branches of our government by curbing our courts which are making laws instead of judicial decisions; by curbing the powers of the executive to prevent one-man rule; and by restoring the power to legislate and to control money to the Congress.

3. That we support return of the rights of the States in our Federal System, relegating the central government to its proper place by removing the powers such central government has usurped and which are continually being used to impose additional controls upon our people and to further restrict their freedoms.

4. That we support our armed forces in Vietnam and elsewhere, striving for victory over our enemies so that our boys may soon come home while preserving our freedoms and the freedoms of our allies.

5. That we support the preservation of law and order within the United States by punishing those who create strife and disorder and bring harm to our citizens, and those who show disrespect for our Country and our Flag.

6. That we support those engaged in the control of crime and the protection of law-abiding citizens, and that we diligently work for correction of the present system which gives first concern for the criminal.

7. That we are courageous and unafraid to name our enemies and the part they play in creating and spreading the evils which beset our Country.

8. That we support the right of freedom of worship everywhere, and we recognize our obligation as good American citizens to foster Christian ideals and morality, condemning all that is evil and corrupt.

9. We support every effort to make our educational system one in which the principles of our governmental system are consistently and continually and truthfully presented, resurrecting our national heroes, instilling pride and patriotism, and inspiring our children to strive for high ideals and real accomplishment.

10. We vigorously support the return of control of our public school system to the respective states with provision for allocation of federal funds, if any, on a per pupil basis and without federal control.

11. We support the development and enforcement of a system designed to maintain a balanced state and national budget except in time of declared war.

12. We support revisions in the federal welfare program so as to discourage rather than encourage unemployment and illegitimacy.

DR. EARL H. HANSON: NOVEMBER 22, 1899–AUGUST 15, 1968

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. RAILSBACK. Mr. Speaker, the Nation and the State of Illinois lost a great educator and American with the passing of Dr. Earl H. Hanson on August 15, 1968. It is truly an honor for me to have printed in the RECORD the wonderful memorial to him that was prepared by Augustana College, Rock Island, Ill., to which he gave so much of his life. The memorial is as follows:

DR. EARL H. HANSON: NOVEMBER 22, 1899–AUGUST 15, 1968

Dr. Earl H. Hanson, 68, chairman of the Board of Directors of Augustana College and superintendent emeritus of Rock Island Public Schools, died Aug. 15, 1968, in Moline Lutheran Hospital. He became seriously ill about three weeks before his death and entered Mayo Clinic at Rochester, Minn. Later he was transferred to Moline Lutheran by air ambulance.

During the past year he traveled thousands of miles on fund-raising missions for the *Augustana Acceleration Program*. As recently as June 25 he spoke at an *Acceleration* meeting in Atlanta, Ga.

Although he knew he had a fatal illness as long as three years ago, he discussed it only with his immediate family and close associates. He never complained of feeling ill.

President C. W. Sorensen said of Dr. Hanson:

"As an alumnus and as a member and chairman of the Board of Directors, Dr. Hanson has rendered a notable service to the College. The records of the Board will bear witness for all time to the wise counsel and gracious spirit that marked this work.

"I shall always treasure the memory of our close association, not only in the work of the Board, but also in the *Augustana Acceleration Program*. Dr. Hanson has set high standards of performance that challenge us all."

Funeral services were conducted Aug. 19, 1968, in Centennial Hall. The Rev. John E. Breck, pastor of St. John's Lutheran Church, Rock Island, officiated, and President Emeritus Conrad Bergendoff delivered the sermon.

Except for a three-year interval, Dr. Hanson was a member of the Augustana Board of Directors since 1940. He was the "dean" of board members in length of service. Last fall he was elected chairman of the board after served five years as vice chairman.

He had close ties with Augustana for nearly 50 years. He was graduated from the College in 1924, and served two terms as president of the Alumni Association. In 1961 he was national chairman of the Augustana Alumni Fund.

He was honored twice by his alma mater. He received the Outstanding Service Award from the Alumni Association, and was conferred an honorary doctor's degree by the College. He also received an honorary doctorate from Marycrest College, Davenport, Iowa.

The Hansons are an all-Augustana family. In addition to Dr. Hanson, eight other family members studied at Augustana. They are his father, three brothers, his wife, two sons, and a daughter. The Hanson home, at 3243 9th Ave., Rock Island, is adjacent to the Augustana campus.

Dr. Hanson was widely known in the field of education and for participation in civic activities. In 1966 he was chosen B'nai B'rith Quad-City Man of the Year. In 1967 he was nominated by the Rock Island City Council as an outstanding civic leader of America.

A nationally known educator, Dr. Hanson had served 29 years as superintendent of schools in Rock Island. He retired in June of 1966, but continued his many civic activities and worked almost full-time on behalf of the *Augustana Acceleration Program*.

His hobbies were writing, speaking, and reading. He was a well-known writer in the field of education, having authored four articles for the *Saturday Evening Post*, two for *Parents Magazine*, one for *Reader's Digest*, and about 200 others for education journals.

Dr. Hanson was born Nov. 22, 1899, in Chicago, a son of the Rev. Dr. F. O. and Ann Engstrom Hanson. His father was a Lutheran minister who served from 1928 to 1933 as alumni and financial secretary at Augustana. Earl also had thoughts of becoming a clergyman, and enrolled in Augustana Theological Seminary following graduation from college. But after one year of seminary training, he accepted a teaching position in Rock Island High School, and devoted his entire career to education. For eight summers he studied at Teachers College, Columbia University, New York, where he earned the M.A. degree.

Surviving are the widow, the former Rose L. Anderson; two sons, Earl L. of Rock Island, and Robert F. of Mexico City, Mexico; a daughter, Miss Karen, Rockford; five grandchildren, and three brothers, Dr. Harold B., St. Paul, Minn., Fridolf A., Des Moines, Iowa, and Paul R., Portland, Ore.

RELATIONS BETWEEN UNITED STATES AND CYPRUS

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 17, 1968

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks the first newsletter of the Cyprus American Association, whose purpose is to strengthen friendly relations between the United States and the Republic of Cyprus.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

CYPRUS AMERICAN ASSOCIATION NEWSLETTER, JULY 1968

(NOTE.—The Cyprus American Association was organized in late November, 1967 after the Government of Turkey once again threatened invasion of the Republic of Cyprus. Turkey's gunboat diplomacy over the past several years regarding Cyprus has damaged American foreign policy interests in the Eastern Mediterranean, has threatened the existence of the Republic of Cyprus, and has threatened world peace and violated the charter of the United Nations, which calls for the peaceful settlement of international disputes. Turkey's actions have breached her bilateral military and economic agreements with the United States in using American planes and equipment to bomb Cyprus (August, 1964) and to fly over Cyprus' air space (1964 and 1967) and in using American-supplied naval vessels and arms to threaten invasion of Cyprus and to violate Cyprus' territorial waters. The purpose of this Association is to strengthen friendly relations between the United States and Cyprus and to support democratic government in Cyprus based on the principle of majority rule and one man—one vote. In the interest of American foreign policy and as part of its over-all effort, this Association is initiating this Newsletter and will endeavor to bring before the American leadership community the facts and issues, and the American foreign policy interests involved in the Cyprus dispute. This Newsletter will contain reprints of articles, speeches, editorials and comments and views by the editors, bearing on the problem of Cyprus and on other aspects of Cyprus life. The views expressed in reprinted material do not necessarily reflect the position of the editors. Please direct any inquiries to the editors at the above address.)

BACKGROUND

The Constitution of Cyprus was based on the London-Zurich Agreements of February, 1959. The Zurich Agreement was based on talks held in Zurich which led to an agreement between Greece and Turkey on February 11, 1959, for a settlement of the Cyprus dispute. No representatives of the Cypriots were present. A conference on Cyprus was immediately called in London with participation of the Governments of the United Kingdom, Greece and Turkey and of the leaders of the Greek and Turkish Cypriots, Archbishop Makarios and Dr. Kutchuk. The purpose was to endorse the Zurich Agreement, which provided for the creation of an independent republic, with special privileges for the 17.5% Turkish minority.

Celia Henderson in *Cyprus* (World Today series, Queen Anne Press Ltd., London) writes:

"At the London Conference the Archbishop expressed strong reservation as to the applicability of the Agreement and tried hard to change some of the basic provisions made at Zurich. But he failed, and was faced with the alternatives of signing the Agreement as a package deal or rejecting it with all the consequences, which could have included the withdrawal of British troops to specific areas and the partitioning of the island by force, as was done in Palestine. The Agreement, therefore, was eventually signed. Under it the island became an independent republic, while Britain retained sovereignty over the areas containing her military bases. The agreement was implemented on August 16th, 1960, when Cyprus was officially declared an independent republic with Archbishop Makarios as its first elected President and the Turkish Cypriot leader Dr. Kutchuk its Vice-President. Cyprus was later admitted to the

U.N. and became a member of the British Commonwealth and of the Council of Europe." (pp 24–25)

The Zurich and London Agreements required that the Constitution of the Republic of Cyprus incorporate certain Articles, agreed upon in Zurich by Greece and Turkey. These articles could not be amended by the people of Cyprus despite the fact they did not participate in the Zurich Agreement. Hence the present Constitution of Cyprus does not represent the sovereign will of the people of Cyprus.

Thus, Cyprus came to have a Turkish Vice-President elected by the 17.5 Turkish minority who was granted the right of a final *veto* on any law of the House of Representatives and on any decision of the Council of Ministers concerning foreign affairs, defense, security and finances.

The constitutional provisions and the extraordinary veto privileges granted to the Turks were such that difficulties immediately arose in the functioning of the new state. On November 30, 1963, the Archbishop submitted to the Turkish Vice-President 13 proposed amendments to the Constitution to make it workable in accordance with accepted democratic principles.

There was no immediate response from Dr. Kutchuk. Two and one-half weeks later, the Turkish Government, which had not been asked for its views, rejected the proposals. A few days thereafter, on December 21, 1963, fighting erupted in Nicosia and the Government of Cyprus was faced with an armed insurrection by the Turkish minority, supported actively by the Turkish Government.

A conference in London led to a deadlock and the question was submitted to the U.N. On March 4, 1964, the U.N. Security Council set up an international peacekeeping force, and a political mediator was appointed by the Secretary-General.

The U.N. peace force, UNFICYP, took up duties in Cyprus on March 26, 1964, initially for three months, and has been there ever since. The political mediator, Dr. Galo Plaza of Ecuador, (now Sec. Gen. O.A.S.) issued his report a year later, which included proposals for a settlement of the problem. These were accepted by the Greek Cypriots as a basis for discussions, but rejected by Turkey. The U.N. Secretary-General, U Thant, stated that the proposals continue to form the basis for a negotiated settlement of the Cyprus question, and he still maintains a special representative on the island.

In early June 1964 a Turkish invasion threat resulted in President Johnson sending a strong letter on June 5, 1964 to Prime Minister Inonu of Turkey warning against the consequences of such action.

On July 3, 1964, United States Senator Kenneth B. Keating of New York, in an address on the Cyprus situation, urged support for majority rule on Cyprus and condemned Turkey's actions and position. He stated, in part, as follows:

"On the eve of our own Independence Day it is altogether fitting that we discuss the problem of Cyprus, for the issue is freedom and, to a great extent, it is an American problem. . . .

"What is the real issue in Cyprus?

"First and foremost, the issue in Cyprus is not a question of Turkish minority rights. They are and must be fully protected. The issue is the extraordinary veto rights of a 17-percent minority over critical areas of national policy, including taxation, foreign affairs, defense and security, which hamstrings the 82-percent Greek majority.

"I yield to no one in my support and defense for the basic individual and civil rights of a minority. But at the same time, I cannot recognize, and I believe the Government of the United States must not recognize, that a permanent solution to any vital political problem can be found by giving a minority of 17 percent a final veto over critical government activities.

"The people of Cyprus deserve an effective government, and with a minority veto, effective government is impossible. Yet, incredible as it seems, our own Government has failed to give open support to the principle which it endorses everywhere else in the world—the principle of majority rule. . . .

"Frankly, I find no merit in the Turkish position. Our country must not be deterred from speaking out in favor of free institutions on Cyprus simply to appease our Turkish ally. Our policy should be based on the rightness of our cause and the rightness of our position."

In August, 1964, the Turkish Air Force using American built and supplied jets and bombs, attacked Northwest Cyprus in flagrant violation of (1) bilateral military agreements with the United States, (2) the NATO agreements (3) the U.N. Charter, and (4) UN Security Council resolutions.

On December 18, 1965, the U.N. General Assembly adopted a resolution calling on "all states . . . to respect the sovereignty, unity, independence and territorial integrity of the Republic, and to refrain from any intervention directed against it."

Since August of 1964 there has been a series of incidents on Cyprus and a few crises stemming from Turkey's gunboat diplomacy.

The most recent crisis broke out in November, 1967 when Turkey again threatened invasion of Cyprus. President Johnson sent Ambassador Cyrus Vance to prevent an outbreak of war. As part of a settlement of the crisis Ambassador Vance was able to convince both Greece and Turkey to withdraw those troops in Cyprus in excess of the numbers agreed to under the London-Zurich agreements.

The Secretary General renewed his invitation to the parties concerned to avail themselves of his good offices in the solution of the differences between them. Under the direction of Bibiano Osorio-Tafall of Mexico, special representative of the Secretary General, talks between Greeks and Turkish Cypriots began on June 3, 1968 in Beirut, Lebanon. This was the first time in over 4 years that official representatives of the Greek and Turkish communities had met. These talks were continued in Nicosia on June 24, 1968 and, at this writing, are still underway.

EXCERPTS FROM THE INAUGURATION ADDRESS OF HIS BEATITUDE ARCHBISHOP MAKARIOS, PRESIDENT OF THE REPUBLIC OF CYPRUS, FEBRUARY 29, 1968

Resuming today my official duties, after the renewal, by elections, of the mandate of the people to me, I express once more my warmest thanks to the People of Cyprus for the confidence they placed in me. . . . I shall conscientiously do everything in my power to prove myself worthy of the great honor that has been bestowed upon me by the vote of the people.

The abnormal internal situation which began almost four years ago and still continues has brought to Cyprus many hardships. It has also adversely affected the pace of development of our island. I am of the opinion, however, that in spite of the many difficulties and adversities, the Government, with zeal and a creative spirit has done a great deal in many fields and generally the achievements of the Government, during this period have been significant. I do not deny that it was possible to achieve even more and that the degree of development in all fields could have been higher. I shall strive continuously and intensely without sparing myself of any toil for the acceleration of the pace of progress and development of the island.

I know the problems and the demands of various sections of the people. Teachers, farmers, workers, merchants, industrialists, civil servants and other classes of the people of Cyprus have problems and demands which are awaiting for their handling and solution by the Government.

Speaking about the problems of the people I think it appropriate to point out that many problems and demands take very often the form and expression of conflicting interests between the various classes of the people.

The interests of one class often clash with the interests of the other. And this conflict may take the form of class warfare. It would be a success for a Government if it could formulate and pursue an economic and social policy which can bring into concert the conflicting interests, so that a kind of balance among the various classes of people can be achieved in the form of social justice, cooperation, equal chances for all and participation of the whole of the people in the blessings of progress and prosperity. This is the line I pursued up to now and this I shall continue doing. I shall not serve the interests of one class but the interests of all the people. The State is the contingent of the interests of the whole of the people. The State belongs to the people or rather it is the people in its organized form and expression having in its service the civil servants as the Government organs for the implementation of its function. My continuous effort and pursuit will be for the people to have their State governed by the rule of law and justice, an honest and uncorrupt State.

History, and tradition, civilization and custom place Cyprus within the Western World. We seek, however, the friendship of all countries. We shall determine our position on the international problems arising from time to time uncommitted and according to principles in which we believe. We do not overestimate the role which Cyprus can play in the international field. I believe that its geographic position, which constitutes a bridge joining three continents, as well as other factors offer to Cyprus the possibilities for playing an international role greater than its size and population.

The success, however, of our programme and policy both in the internal and external fields cannot be unrelated to the solution of our political problem and the restoration of peace in our island. The agonizing question as to how and when the Cyprus problem will be solved confronts all of us and its existence for so long is causing grave concern and anxiety to the U.N. and to world public opinion. For the whole of the people of Cyprus especially it constitutes a painful and bleeding wound. I think that the experience gained up to now must have convinced all that the problem of Cyprus cannot be solved by the use of force. Force does not solve any problem, it only aggravates situations and complicates existing problems. I hope that this truth is accepted by Turkey, who is frequently threatening Cyprus with military intervention. The Cyprus problem will not be solved on the battlefield but within the framework of the U.N. and around a conference table.

We want to live peacefully together with the Turkish Cypriots in a unitary and undivided Cyprus. All separative tendencies and partition plans are unacceptable. We do not intend to deprive the Turks of their rights as citizens equal to the Greek citizens of Cyprus. And beyond that, as I have stated on previous occasions, we are disposed to grant to the Turkish community certain privileges, the extent and degree of which must certainly not come into conflict with the notion of a unitary state. I must stress, however, that, as far as everything else is concerned, the constitution, on the basis of which the Cyprus State will be governed, should be devoid of separative elements and should constitute the expression of the will of the people of Cyprus as a whole.

Within this spirit I shall submit in the next few days certain proposals to the Secretary General of the United Nations, whose good offices we accept with feelings of deep gratitude and appreciation. I shall also undertake other initiatives in my effort to find common ground for discussions in order to reach a peaceful and just solution of the problem. I speak of initiatives because I believe that Cyprus is the decisive factor for the solution of the problem. The fate and the future of Cyprus will be determined by no other country but by the people of Cyprus.

I pray that peace will reign again soon in Cyprus, and by the blessings of God, happier days will come for the whole of the people of Cyprus.

TAD EMPLOYEE WINS ARMY'S HIGHEST CIVILIAN AWARD

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. McDADE. Mr. Speaker, the excellence of our Federal Government, as in any other enterprise, must depend on the excellence of the men who work for this Government. There is located in Tobyhanna, Pa., the Tobyhanna Army Depot.

Last month, at the depot, an award was given a man whose work is indeed in the highest tradition of excellence. Mr. Glenn E. Grubbs received the Exceptional Civilian Service Award, the highest decoration issued to civilians by the Army.

I know that all of my colleagues will join me in commending Mr. Grubbs, and I know that all of them would want to read the story of that award, which I here append:

TAD EMPLOYEE WINS ARMY'S HIGHEST CIVILIAN CITATION

TOBYHANNA.—The Exceptional Civilian Service Award, the highest decoration issued by the United States Army to civilians, has been presented at Tobyhanna Army Depot to Glenn Grubbs, Elmhurst.

It was the first such award for work performance in the 15-year-history of the local Army post.

Grubbs, since 1954, has been employed at the depot as executive assistant to the commanding officer.

Signed by Secretary of the Army, Stanley R. Resor, the citation accompanying the medal reads:

"Mr. Grubbs inspired the accelerated development and application of depot installed automatic maintenance equipment. His farsighted approach to personnel and resource control led to the establishment of an exceptionally responsive and well directed quick reaction depot posture which has resulted in timely support of all requirements world wide.

"His selfless and dynamic professional attitude has enhanced not only his own reputation but has caused the Tobyhanna Army Depot to be recognized as a Federal Agency of exceptionally great influence and strength in the increasing development of Northeastern Pennsylvania."

Presentation of the award was made by Col. E. L. Snapp, assistant to General Frank S. Besson, Commanding General of the U.S. Army Materiel Command.

Among those on hand for the ceremony at a special luncheon in the Officers' Club were Mrs. Grubbs and the couple's daughter, Karen Louise, Commanding Officer Col. Paul R. Poulin; and former depot commanders Maj. Gen. Dayton W. Eddy, now with the Joint Chiefs of Staff in Washington, D.C., and Col. E. C. Holland, retired.

Grubbs began his Federal civilian service with the 7th Service Command in Omaha, Neb., and also worked at the Lexington, Ky., and Baltimore Signal depots before his transfer to Tobyhanna 14 years ago.

Active in community affairs, he is chairman of the Industrial Committee of the Scranton Chamber of Commerce, a member of Scranton Rotary.

SPIRIT RUNS HIGH IN FATHER HARTKE

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 17, 1968

Mr. HARTKE. Mr. President, the Washington Post recently featured a dynamic and dedicated man in Meryle Secrest's article, "Spirit Runs High in Father Hartke." This man—whose name I share as a friend—is a fascinating teacher-leader-priest.

I ask unanimous consent that the Post article appear in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPIRIT RUNS HIGH IN FATHER HARTKE

(By Meryle Secrest)

That Spencer Tracy chin has jutted out from a lot of pictures in the last 30 years. The young-looking priest has been snapped shirtsleeves up to the elbow, loading props on a truck to launch another National Players' tour. Hair slightly longer than usual and in priestly attire, he has been photographed steering Lynda Bird Robb into a benefit ball, both wearing "our basic black," and huddling with a cast on stage, and sitting in a theater audience wearing one of his famous turtlenecks, and standing beside Truman, Eisenhower, Kennedy and Johnson.

The Rev. Gilbert V. Hartke, O.P., is still in shirt sleeves, and his profile is as good as it ever was and the deep lines in his face still dissolve with a familiar belly laugh.

An anecdote Father Hartke tells about himself goes some distance towards defining his "Going My Way" appeal, and reveals as much as all the other stories about him. (One concerns the day he jumped into the swimming pool fully clothed to rescue a little girl. Another is about the day he met the wife of his namesake Senator, turned to his priest-companion and said cheerfully, "I'd like you to meet Mrs. Hartke and the children.")

The Father's own story concerns the establishment of the University Players, which now runs a yearly touring company and administers St. Michael's Playhouse in Vermont and Olney Theater in Olney, Md., but which existed, in 1949, only in Father Hartke's mind.

"I tried to get Catholic University interested in establishing a touring company for two years, but they couldn't see it. So one of our students was taking her final vows as a nun and as I knelt there, right in the middle of a prayer, the idea struck me that if I had the same structure as a university, I could be my own boss.

"So the next day I went over to a notary public and we eventually became the University Players Inc. That is the way I found to get what I thought was needed without having to ask anyone."

Such problem-solving explains why Father Hartke is still head of the drama department he founded at Catholic University 30 years ago, why those closest to him are simultaneously exasperated by him and devoted to him, and why Catholic University finally seems certain to get a decent theater at last and not one held together by cardboard and string.

The last one caved in gently after a heavy snowfall on Feb. 8, 1967. That was the Army surplus theater that was trucked up from Norfolk after World War II and saw a gallant succession of C.U. dramatic triumphs. (The department has mounted more than 225 major productions.)

Now all the big guns are behind him. Bob Hope and Jerry Lewis are performing for the cause on Monday evening at the Capital Theater in New York, and ground has already has been broken for a plush $3-million Center for the Communication Arts on campus. Ed McMahon, chairman, hopes the benefit will raise close to $100,000.

If Father Hartke doesn't get his theater at last, there is no justice in the world. His drama department has won national respect for its consistently high level of teaching and performances.

Its list of graduates and former faculty members includes Walter Kerr, the New York Times critic, his play-wright-wife Jean, director Alan Schneider, Ed McMahon of NBC's "Tonight" show and such actors as Philip Bosco and John McGiver.

He's got a lot of memories and won some notable victories and they're all represented in one jammed office in a clutter of glass, wood and silver: signed portraits, Presidential Christmas cards, drawings, pipes, trophies, wooden figurines from Oberammergau, certificates, a crucifix, medals and photographs.

"This is where I doubled as an actor for one performance, and here's where we went to Germany, and this is the little girl who did the sketch of me, and these are the kids who toured seven countries . . . Ed McMahon says, 'Father Hartke will tell you 85 things in two minutes' time but they are not always connected.' "

He is wearing a simple white shirt open at the neck that might be made from hopsacking and you get the solid impact of thick gray hair slicked straight back, and the bite of cumulative smile lines into the cheeks, and the dark shadows, the clefted chin, the stocky physique and the blunt freckled hands.

This is a man for whom to breathe is to move, who talks even when he is hoarse (scars on the vocal chords from childhood diptheria). Perhaps he still runs because there are some battles that haven't been won.

"I am up and going at 7 a.m. I have religious duties in the school. I have a mass at 9:15 a.m. five days a week. We have had that from the very beginning. I get over here about 10, I never have more than a cup of juice and a piece of toast for breakfast. I have a nervous, highly-geared temperament and I don't know why I should weigh 205 pounds. Jim (Waring) and Molly (Holden) and I shouldn't have weight problems with the limitless number of hours we put in.

"I go to bed about 12:30 a.m. and do spiritual reading. I'm currently reading a French Abbe; I need this hour of meditation at the end of the day.

"My great grandparents came from Berlin. They built the first farmhouse in Evanston, Ill. My mother was Irish. She was tiny and I was the last of her eight children. Here's a picture of my father on his 75th birthday. He was in business with the Walgreen Drug Company in Chicago. He had a heart attack on his 81st birthday and he was active until the day he died. I know I'll be like him; I've got the same physique.

"I've wanted to be a priest from the time I made my first Holy Communion at the age of seven or eight and became an altar boy. I had a sense of rightness and serenity when I was at church; I seemed complete. Little did I know that religion doesn't mean you to be serene.

"My father owned the drug store the film colony used to patronize in Chicago. Charlie Chaplin, Gloria Swanson, Wallace Berry, Francis X. Bushman, Mabel Normand . . . I knew them all, the Bushman kids went to school with me. I did parts for the Essanday

Film Company for a couple of years. So from the very beginning I grew up in this atmosphere. Remember Ben Hecht, the writer? He was there too. I also worked as a child model. Sweaters for Sears Roebuck."

His twin interests in religion and drama took him through college (he was ordained as a Dominican priest in 1936 and took an M.A. in English at Catholic University two years later.) A third was sports; he was fullback on the Loyola Academy football team and fielder on the baseball team. Years later, he turned the experience to good account when he co-authored a musical, "Sis Boom Bah" with the ex-general manager of the Redskins football team.

"At that time, the Blackfriars Guild was here in Washington. This was a group of adults who wanted to do drama. Well, they came out here to Catholic University and did 36 performances of 'Smiling Through' and the university asked me to teach a class in drama and that was the beginning of it all . . .

"We got our Army Surplus theater in 1947 and we kept it until it fell apart. April, 1960, was when we started to raise money for a new theater. It's been eight years and five months, a long, long trail. First, we were offered $1 million by poor Jerry Wolman and when he went bankrupt that money was lost. Then we got a government loan for $640,000 and that money is frozen right now."

I asked Father Hartke why the original plans to build a $2-million theater had been expanded to include television, radio and movies. (The idea for an enlarged center came from Ed McMahon, chairman of Catholic University alumni this year and was handed to Father Hartke in the form of a decision from the acting Rector, Father Whalen.)

Father Hartke defends the decision to expand:

"In God's providence it seems right now that the thrust is into television and film. Young people want this multi-media approach; it's the latest move.

"We have had many delays. It's been hard. It's been terribly hard." For a moment the wonderful verve, the confidence disappear; it's not the best of all possible worlds and he looks very tired.

"But are we going to have it? Oh, yes, darling. Bob Hope is arranging all the entertainment for Sept. 16 and Mayor Lindsay is allowing them to scrub the Broadway sidewalks which will be cleared for 1750 yards of carpet from the theater to the Americana hotel for the after-theater champagne supper. It's a real promotion.

"How do I explain my successes? I don't want to sound pietistic but my mission in life is to work among artists. I am working for the Kingdom of God among men. God isn't some remote being to me. I say to myself what Martin Luther King used to say to himself, that unmerited adversity is redemptive. I believe your soul is saved by things you are not responsible for. The life of Christ is a perfect example of this . . . But I can't tell you the number of times I've wanted to give up 290 and teach Latin or coach football."

He'll never do that; he's too busy. Only people close to him know how long his working day is, how many phones calls, how many letters ("Father Hartke, how do you want the letter to the Feld Brothers to read?" "Dear Irvin and Dear Israel"), how many deals for loans, and appearances, and meetings, and speeches, and how many compromises to be made, how many box office records to be watched and how many crises to be met.

One of his current projects, as a member of a special committee of three (the others are David Merrick, Broadway producer, and Ralph Newman, chairman of the Illinois Sesquicentennial Commission) is to formulate new performance plans for Ford's Theater.

Another major project is in helping to organize the first American College Festival here next spring, plus the usual number of committees, conferences and theatrical associations. "I'm a nut." He makes a wide gesture with those freckled hands.

"Every year the kids and I celebrated my 30th birthday. I'm an ash blond 30-year-old. I tell them, every line on my face you've put there." Still joking, he walks off to a rehearsal. Leaving, he cups hands around his mouth and calls, "Don't tell my age."

NEW MEXICO LAND GRANTS

HON. THOMAS G. MORRIS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. MORRIS of New Mexico. Mr. Speaker, we are all aware of the controversy surrounding the Spanish and Mexican land grants in the Southwest. Mr. Gilberto Espinosa, who has been practicing law in Albuquerque, N. Mex., since 1921, has written a most enlightening article on the question of "New Mexico Land Grants," and I feel that it will be of interest to my colleagues, as follows:

[From the State Bar of New Mexico 1962 Journal]

NEW MEXICO LAND GRANTS

(By Gilberto Espinosa)

(NOTE.—Mr. Gilberto Espinosa has practiced law in Albuquerque since his admission to the State Bar of New Mexico in 1921. He was born in Del Norte, Colorado, of a New Mexico family which had moved to Southern Colorado shortly after the Civil War.

(He received his LL.B. degree from Georgetown Law School in 1921. For 14 years he served as Assistant United States Attorney for the District of New Mexico.)

GENERAL OBSERVATIONS

In his introduction to the most excellent treatise on Federal Indian Law, by Felix S. Cohen, (Dept. of the Interior Publications, Washington 1945) Harold L. Ickes, former Secretary of the Interior, makes this observation:

"There are few subjects in the history and law of the United States on which the public views are more dramatically and flagrantly erroneous than on the subject of Indian affairs."

Somewhat modified, this observation will bear repeating, on the subject of New Mexico Land Grants.

With the termination of the Mexican War there passed to the United States, all those lands over which Mexico then exercised sovereignty, ceded under Treaty and including New Mexico. By the Treaty of Guadalupe Hidalgo, (May 10th, 1848) paramount title passed to our government as to those lands which had not passed to individual ownership, under Spanish and under Mexican sovereignty. These became a part of the public domain. Those lands, which had passed in title to individual owners, are what we refer to as New Mexico Land Grants. With the first this article is not concerned.

SCOPE OF THIS ARTICLE

I shall discuss the subject under the following order:

1. A review of the historical background of how Spain acquired her vast American Colonial empire, of which New Mexico was a part and which she held for over two and a half centuries, from 1598 (New Mexico) to 1823.

2. The vast and marvelous organization established by Spain under the Supreme Council of the Indies, and under which she administered the civil government of the greatest Colonial empire in world history, with particular attention to those laws relating to the alienation of lands to private individuals, the Private Land Grants we are considering, the various types of Grants extended and the nature of the tenure held.

3. New Mexico under Mexican rule (1823-1848) and the application of its laws toward the determination of rights which passed to individuals with the cession to the United States.

4. American rule. The obligations of this government toward the new citizens as to private land titles and the steps taken to confirm these rights:

(a) Early court decisions.

(b) The Office of Surveyor General.

(c) The Court of Private Land Claims.

5. The legal status of New Mexico Land Grants today, and present day problems.

To a great extent the study of New Mexico Land Grants is academic rather than of practical application. Seldom will the question of Spanish or Mexican law directly bear upon any present day rights for title rights have already been long established. The validity of titles acquired under Spanish and Mexican Grants were determined according to the laws of the granting sovereign country; however, when a nation acquires territory, by cession or otherwise, the subjects hold their lands under the constitution and laws of their own government. (Pollard's Lessees vs. Hagan et al., 3 Howard 225). In the determination of vested rights to these Grant Lands, this is the rule our Courts and Congress followed.

I shall briefly refer to Pueblo Indian Titles. This is an entirely separate subject from the study of Land Grants. When Spain took New Mexico by conquest, she claimed and held paramount title. Spain never made any Grants to the Pueblo Indians. The eleven Grants dated 1698 and upon which basis our Government issued patent to the Pueblos, were definitely established as forgeries. However, it was Spain's policy, always followed in New Mexico, to respect the rights of the Pueblo Indians to their pueblo lands. So, all is well, and if the title upon which the Pueblos obtained patent was not merchantable, equity prevailed.

Where Indian titles and Grant titles are of common concern in cases where there is a conflict of boundaries, or where Indians by purchase acquired privately owned lands, or where settlers encroached upon and claimed titles within Indian Pueblos; all of these were adjudicated under the Pueblo Lands Board Act of 1924. This is a complete study, without the scope of this paper.

A New World is discovered. Alexander VI divides it between Spain and Portugal.

A proper base title to any lands in New Mexico in theory should start with the Bulls of Demarcation issued by the Roman Pontiff, Alexander VI.

On his return, after his discovery of a New World, Columbus, his ship driven by adverse winds, sailed up the Tigres and weighed anchor at Restélo, within Portuguese Territory (Feb. 25, 1493). From here he sent letters to Ferdinand, announcing his discovery, and likewise wrote to Joao of Portugal, explaining his presence within his realms and with assurance his discoveries had been westward. The King was suspicious that the Spaniards had trespassed upon the rights of Portugal and had sailed south. Anticipating trouble and without delay Ferdinand sent emissaries to his countryman, (Alexander was an Aragonese) requesting immediate confirmation of Spain's rights by discovery. The Holy Father promptly acceded to this request and by two Bulls dated May 3rd and 4th, 1493, decreed that Spain was entitled to possess all lands, not occupied by any Christian power, lying west of a meridian drawn one-hundred leagues west of the Azores and the Cape Verde Islands. (Historia de España. C. Perez Bustamente. Madrid 1957).

When Elizabeth of England had word of these doings, it is said she inquired as to which of the clauses of Adam's will give the Pope authority to partition the world. However, Alexander's action was not without precedent. At this period the authority of the Pope to confirm any trespass on Pagan lands, was recognized by the Christian world. Martin V. (1417–1431) and Eugene IV. (1431–1477) had permitted the Spaniards to sail westward and the Portuguese south, and in 1479 Spain and Portugal by the Treaty of Alcavobas had agreed to abide by these Papal Bulls. In the present instance however, Portugal strongly protested and by the Treaty of Tordesillas, (June 7, 1494) Spain and Portugal agreed that the line of Demarcation be changed to three hundred and seventy leagues west of the Azores. The march of empire was on.

THE COUNCIL OF THE INDIES

Under his agreement with the Catholic Kings, reached at Santa Fé Spain, prior to his first voyage, Columbus was given the title of "Admiral of the Seas," with Vice-regal powers over all lands he discovered. The Crown soon repented of its commitments and by the time the second was made, affairs of the Indies were practically under control of Juan de Fonseco, Archbishop of Seville, a bitter enemy of the Admiral and a staunch advocate of the supreme rights of Kings. As the islands began to be populated the colonists not only demanded lands but the services of the natives to work the mines, tend their flocks and work their fields. This led to the vicious system of "Encomiendas" and "Repartimientos" under which entire communities were allotted to individuals, with their native populations, in a semi-feudal servitude. This system, approved by law, resulted within a generation in the extermination of the Indian population; the natives were replaced by slaves, obtained from the Portuguese and this was the beginning of slavery in the New World, which eventually reached our southern colonies. From the Islands, this system spread to Mexico and Peru. In New Mexico the first conqueror, Juan de Oñate, under his contract with the Viceroy, claimed, and his claims were confirmed, the right to extend "Encomiendas", apparently with limitations such as excluding personal services of the Indians; apparently this system was used to some extent in New Mexico. With the 1680 uprising such of these rights as may have been extended, and if they existed, were entirely wiped out and such do not in any way figure in rights which are the subject of this paper.

The Council of the Indies was organized by Ferdinand in 1511 and was motivated by the constant demands of Bartolomé de las Casas, so called Apostle of the Indians, and others, that the mistreatment of the Indians be curbed.

In the year 1532, the Emperor Charles V requested an opinion of the Jesuit theologian and jurist Francisco de Vitoria, as to the rights of aborigines in conquered lands and he received this reply:

"Since the Indians were the true owners of the lands, discovery could convey no title, for discovery can be justified only where property is ownerless. Nor could title be claimed upon divine rights of the emperor, or the Pope, or in the absence of a just war only voluntary consent of the aborigines would justify annexation of their territory". (De Juri Belli—Quoted by Cohen—Handbook of Indian Law).

This theory was accepted and followed by the early Dutch and British and by our Government, in Colonial times and is in accord with the opinion given by our Supreme Court in Hatch vs. Pino. 16 N.M. 142.

"It is a humane and just principle of the law of Nations that even in conquest, private and individual rights of property are not disturbed in the passage of the conquered country from the old to the new sovereign. The conqueror seizes possession of the State and public property while private individuals are permitted to retain theirs. (Vat. Law of Nations. B 3 C. 13. Sec 200).

Vitoria makes it plain this principle attaches even though the conquered are what the conqueror regards as savages and without what we could call a civilized government.

It is pertinent to note that present day policies toward the American Indian favor compensation for lands originally owned by the Aborigine and taken from him. See "The Teehit Indians etc., vs. U.S., Supreme Court of the United States No. 43. October Term 1954. Also two cases pending before the Indian Claims commission, Pueblos of Zia, Jemez and Santa Ana, vs. U.S. No. 137, and Pueblo of Acoma vs. U.S. No. 266.

Under the Code of the Indies, as finally established, Spain divided her American possessions under Viceroyalties. Mexico, first established in 1527, Peru in 15—, and the Viceroyalty of Rio De la Plata (Buenos Ayres) later. Lesser divisions known as Captain Generalships, were established in Cuba, Chile, Guatemala, Venezuela and others. Over all was the Supreme Council headed by the King who named the members of the Council and presided. All orders and decrees were required to be approved by the King. The Council was in effect an advisory body.

In each of the Viceroyalties there was named a Viceroy, and in the Captain Generalships, a Captain General. Each in his bailiwick was the representative of the king, responsible directly to the Sovereign. They were independent of each other. The Viceroys had broad powers. Reynolds (Spanish and Mexican Law P. 25) says:

"In the definition of his powers, the right to dispose of public lands, was not expressly given, but as it is so general and sweeping in its terms, and as he was considered the "alter ego" of the King, it has been assumed his powers were Vice-regal."

The powers of the Captain General were not so extensive. They were little different than those of the Governor of a Province, responsible to the Crown.

In each Viceroyalty there was established an Audiencia, or a Supreme Court. The Viceroy was the administrative head of the Government. The Audiencia had judicial prerogatives over the Civil and Ecclesiastical courts. The Viceroy was an ex-officio member of the Audiencia. In matters properly before the Viceroy there was an appeal to the Audiencia. New Mexico was first under the jurisdiction of the Audiencia at Mexico City, later it was under the jurisdiction of an Audiencia established at Guadalajara.

New Spain or Mexico was divided into divisions corresponding to our States, variously called Provinces or Kingdoms, as New Mexico was once known, each with its administrative head, referred to as a Governor or Captain General.

In each of these divisions there was established an Alcadia Mayor, a Supreme or Circuit Court one might call it, with its presiding Judge or Judges, called "Alcaldes Mayores". From this Court there was direct appeal to the Audiencia. Under these, were established lesser Alcadias with lesser Alcaldes or Judges, as required. It is the intent here only to give a general idea of the judicial system in effect. As regards the distant provinces as New Mexico where there was never any established judicial system, necessarily the procedure must have been informal, with the Governors exercising summary jurisdiction with the local Alcaldes, as distinguished from Mexico where there were established courts, with Judges and Attorneys.

In connection with this last observation, it is pertinent to note that in the year 1844, in Mexican times, the Congress passed a law to create a District Court in New Mexico, which plan was subsequently abandoned for reason that there was not a single lawyer in New Mexico. One Antonio de Barriero, a Mexican lawyer, was sent to New Mexico where he lived for many years as an advisor to the Governor and the Alcaldes.

We are primarily concerned in this discussion with the authority by which these Private Grants were extended.

Under the strict letter of the law, the King's authority was required for any alienation of Crown lands. Quoting from Reynolds, Spanish Law P. 26–27.

"From earliest times (Law 16 Book 4, Laws of the Indies, promulgated June 16th, 1617), before acts of Colonial officials as to alienation of public lands could vest definite title, Royal confirmation was required."

Reynolds gives as his opinion that this requirement was not strictly followed and that as the King's "alter-ego" the Viceroy acted for the King. And apparently the Viceroy delegated this authority to lesser officials.

"This requirement however, at some time, must have been modified, for the next law we find on the subject is the Royal Cedula of November 27th, 1755, wherein the King required that Grants of land should be submitted to him for confirmation before they should pass to the Grantee, thus showing that between 1617 and 1735 there must have been a time someone save the King had authority to confirm titles initiated by the Colonial authorities."

And in 1754 the Viceroy and President of the Audiencia in Mexico were empowered to appoint subdelegates to make sales of land in New Mexico and such sub-delegates to appoint delegates in the distant provinces. (Reynolds supra)

In passing upon the legality of these titles, our Government took this position; that where a Grant showed on its face that it was legitimately extended by the Governor, accepted by being duly reported to the Viceroy and made a matter of record and recognized, it would not concern itself with the legal intricacies of whether the granting official strictly followed the required procedure. The Supreme Court of the United States expressed this same view in the following language:

"The United States have never sought by their legislation to evade the obligation devolved upon them by the Treaty of Guadalupe Hidalgo—they have directed their tribunals in passing upon the rights of individuals to be guided by the treaty, the law of Nations, the laws and usages and customs of the former government, the principles of equity and the decisions of the Supreme Court so far as they are applicable. They have not desired the tribunals to conduct their investigations as to the rights of individuals to the property which they claim *depended upon the nicest observancy of every legal formality* (italics by writer). They have desired to act as a great nation, not seeking in extending their authority to enforce forfeitures, to afford protection and security to all rights which could be claimed from the government they superseded. U.S. vs. Aguisola Howard 368.

"They (grants) have been denounced as enormous monopolies, princedoms, etc., and this Court have been urged to deny to the grantees what is assumed the former governments have too liberally and lavishly granted. This rhetoric might have a just influence, when urged by those who have a right to give or refuse. But the United States have bound themselves by Treaty to acknowledge and protect all bona fide titles granted by the previous government, and this Court have no discretion to enlarge or curtail such grants, to suit our sense of propriety or defeat just claims, however extensive, by stringent rules of construction to which they were not originally subjected." U.S. vs. Sutherland 19 Howard 363.

THE TREATY OF GUADALUPE HIDALGO

Mexico was represented at the Peace table by able Commissioners who zealously sought protection for the rights of their former countrymen. They insisted that the Treaty of Peace provide not only a recognition of vested private titles but allow claimants under colonization contracts entered into with Mexico, at the time of the cession, to be completed, as authorized and under Mexican laws and customs. This would of course have created a chaotic condition and the original Treaty was rejected by deleting the objectional Article X of the orginial draft. In writing to our Commissioners, President Polk expressed himself as follows:

"The objection to the tenth article of the original Treaty was not that it protected legitimate titles, which under our laws would have been equally protected without it, but that it unjustly attempted to resuscitate grants which had become a mere nullity by allowing the grantee the same period after the exchange of ratification to which they had originally been entitled after the date of the Grants, for the purpose of performing the conditions on which they had been made—should the Mexican government persist in retaining this article then all prospects of immediate peace are ended *and of this you can give them an absolute assurance.*" (italics by writer)

An equally serious objection not mentioned by Polk is that to determine what contracts were pending and the future determination of their compliance, would have necessarily been according to Mexican law and customs which would have resulted in our government taking over the prerogative of enforcing Mexican law. It is one thing to observe the law of the former sovereign as to vested rights; it is an entirely different matter to follow and laws as to matters not yet settled.

In order to allay the suspicions of the Mexican Commissioners, on May 26th, 1848, a supplemental agreement, referred to as Protocol, was presented. This was to the effect that the deletion of Article X in no manner affected the repeated pledge to respect legitimate titles but only to revive grants which were extinct or grants not in full force and effect at the time of the cession. The Mexican Commissioners accepted and the Treaty of Peace was ratified.

MEXICAN SOVEREIGNTY

When sovereignty passed from Spain to the independent Republic of Mexico by the Treaty of Cordova (1823) it had no effect on vested titles which remained as they were. Under the Plan of Iguala all inhabitants of the realm were made citizens, including the Pueblo Indians of New Mexico, which raises questions as to their rights, but which are not pertinent to this discussion.

With reference to Land Grants, Mexico accepted those extended by Spain. The writer has not inquired into whether any disputes or litigation were had in Mexican courts over the validity of any Spanish Grants. Nor is it necessary to go into such laws as were enacted supplementing Spanish law, with reference to the extension of Grants. A large number of Land Grants in New Mexico were made during the quarter century of Mexican rule and apparently the Mexican government merely followed the pattern set by Spain. The asking party filed his Petition before the Governor, who referred it to the proper Alcalde, or in some instances the Territorial Deputation, and when it came back, if favorable, the Governor approved the same to the authorities in Mexico City where presumably record was duly made thereof.

CONGRESS CREATES THE OFFICE OF SURVEYOR GENERAL

California, with land problems identical with those of New Mexico, was admitted to the Union on September 9th, 1850, and with full representation in the Congress moved more effectively toward establishment of its Grant titles. On March 3rd, 1851, Congress passed "an Act to settle the private land Claims in the State of California", and providing for a Commission of three with adequate staff including interpreters and attorney for the United States. Subsequent legislation continued the Commission in effect. Under this original Act and amendatory legislation, the Congress confirmed a total of 538 California titles, having a total acreage of 8,332,431.24 acres, before New Mexico had hardly started. On July 22nd 1854, Congress created the office of Surveyor General.

The instructions of the Surveyor General were, to ascertain the origin, nature, character and extent of all claims to land under the laws and usages of Spain and Mexico. He was authorized to proceed with right of legal process to inquire into and report to the Congress with his recommendation such Grants as he approved or rejected.

The Act was deficient when compared to the California Act which created a Judicial Commission. This was delayed in New Mexico for some thirty-five years, until the Court of Private Land Claims was created.

William Pelham, the first Surveyor named, applied to Governor Merriwether for delivery to him of all the Archives of the Spanish and Mexican government, which request was refused on the excuse that the Governor had no authority to incur the expense of collecting all the voluminous uncatalogued papers which had been collecting dust in the Old Palace of the Government since occupation, with little attention, and even disposed of as useless waste paper, which resulted in the loss of a number of priceless documents. All this was a very tragic episode in our history which it is not possible to go into here. The Governor finally agreed to allow the Surveyor General to remove them from the Governor's office on Pelham's own responsibility.

The immensity of this task will be appreciated when we note that very shortly after his appointment Pelham reported that he had received 168 packages of archives, containing 168 thousand papers, of every nature and description, covering 1715 Land Grants, conveyance of lands and other documents, and that his successor Henry M. Atkinson reported in 1880 that over 1000 claims had been filed for confirmation. At that time Atkinson also reported that less than 150 claims had been reported to Congress which had acted upon 71, and that in 1904, when the Court of Private Land Claims was established of which we shall tell further on concluding its work, Matt G. Reynolds, United States Attorney, reported the total claims filed involved 34,658,340.16 acres, of which 32,718,216 acres had been rejected and those approved totalled 1,934,986.39 acres. (Vol. 1. Twitchell. Spanish Archives of New Mexico.)

The need for a proper and prompt determination of these Grant Titles increasingly became important due to the influx of settlers, miners, prospectors, stockmen and homesteaders, and with the coming of the railroad it became even more necessary. It was evident the Office of Surveyor General was not the answer.

In 1889, forty one years after American occupation and 35 years after the creation of the office of Surveyor General, (there were ten Surveyor Generals up to the creation of the Court of Private Land Claims in 1891) President Harrison called the attention of the Congress that: "the unsettled state of the title to large bodies of land in the Territories of New Mexico and Arizona has greatly retarded the development of these Territories."

Antonio Joseph, New Mexico's delegate to Congress, following President Harrison's message, introduced in the Congress the first Bill to establish a Court to pass upon these land titles. Various other Bills were presented and finally a Bill was agreed upon and enacted into law on March 3rd, 1891, its title being "An Act to Establish a Court of Private Land Claims in certain Territories." The Court as organized was composed of a Chief Justice, Joseph R. Reed, of Iowa; and Associate Justices, Thomas C. Fuller of North Carolina, Wilbur F. Stone of Colorado, William C. Murray of Tennessee and Harry G. Sluss of Kansas. Before the Court had completed its work, Chief Justice Reed had died and was replaced by F. J. Osborne of North Carolina. Three of the Justices were Republicans, two were Democrats. The United States Attorney was Matt G. Reynolds, the Deputy Clerk for New Mexico was Irineo Chavez, a resident of Albuquerque who died but a few years ago, while the interpreter was Eusebio Chacon, until recently a practicing attorney in Trinidad, Colorado.

The Court first convened in Denver, Colorado, on July 1st, 1891. It was an unusual court. In determining the validity of the Grant titles claimed, it was operating as to procedure under laws of the United States; its decisions were in the main based upon interpretations of the laws of foreign nations, Spain and Mexico, in connection with the usages and customs of these foreign nations; the oral testimony given was almost entirely in a foreign language and understood by the Court only through the interpreters. The documentary evidence was submitted entirely from documents written in Spanish and understood by the Court only through translations.

The Court concluded its work and adjourned "sine die" on June 30th, 1904. In the three years of its existence claims were presented covering approximately thirty-five million acres of land; those finally approved and confirmed were two million fifty one thousand five hundred and twenty-six acres, and the fact that claims were rejected in the tremendous amount of thirty-three and half million acres is clear evidence of the tremendous work involved.

REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS—SUPPLEMENTAL VIEWS OF HON. THOMAS B. CURTIS

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. CURTIS. Mr. Speaker, yesterday the Joint Economic Committee issued its unanimous report on the implications of the report of the National Advisory Commission on Civil Disorders. I am pleased that members of our committee could express unanimous views on this initial congressional effort to study this report and other materials in this important area.

As Members of this House know I took the floor on March 4, 1968, 3 days after the release of the report of the National Advisory Commission, and expressed reservations about the depth of the supporting scholarship underlying the report, but stated:

> This is something that the appropriate Congressional Committee should immediately precede to find out. Then if some real studying has been done, it can serve as the basis for moving forward to do the comprehensive job so badly needed. (CONGRESSIONAL RECORD, March, 4, 1968, pages 4941–4942.)

As Members of this House also know the House leadership, perhaps under White House instructions, chose to ignore the Kerner Commission Report and no indication was given that hearings would be scheduled by one of the legislative committees despite the pressing urban crisis to which most everyone gives lipservice. My bill, House Concurrent Resolution 758, which I introduced on

April 9, 1968, has been pending before the House Rules Committee these past 6 months. This bill would provide for a joint Senate-House Committee on Central City Affairs "to immediately take up the report of the National Advisory Commission together with its working papers and background material, to hold public hearings on the report, calling before it members of the Commission and others who helped in studies as well as knowledgeable people in both Government and the private sector—all under cross-examination—and to report back to the Congress within 6 months recommendations for action." See CONGRESSONAL RECORD, April 9, 1968, pages 9334–9335. My purpose in introducing this bill was to provide a suggestion for the organization of Congress in order to deal with the broad ramifications of the Kerner Report which cut into the jurisdictions of several of the standing committees of the House and Senate. Consequently, I proposed that a Joint Senate-House Committee on Central City Affairs be composed of members of the Education and Labor Committees, Agricultural Committees, Interstate and Foreign Commerce Committee, the Ways and Means Committee, the Banking and Currency Committees, and the Committees on the Judiciary. Unfortunately, neither this nor any other suggestion has been adopted by the present leadership.

I was very pleased therefore that the Joint Economic Committee, on which I serve as the senior minority member, undertook to hold hearings on certain aspects of the report of the National Advisory Commission on May 28, 29, and June 4, 5, and 6 of 1968. Nearly all members of that committee agree that this is just the beginning of the type of work Congress must do. If Congress is to retain its position as the keystone in our form of representative government, it must not let matters of the important magnitude of the Kerner Commission report pass by it by default and be decided by individuals, organizations, and commissions operating behind closed doors elsewhere in the society.

There is much work and study yet to be done. I have indicated what in my judgment are the basic issues yet to be studied in my supplementary views to the committee report, which I am inserting in the RECORD at this point:

SUPPLEMENTAL VIEWS OF THOMAS B. CURTIS TO REPORT OF THE JOINT ECONOMIC COMMITTEE ON EMPLOYMENT AND MANPOWER PROBLEMS IN THE CITIES—IMPLICATIONS OF THE REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

I have signed the Committee Report because I believe it makes many valid points. Furthermore, I am pleased that the Joint Economic Committee held public hearings on the Kerner Commission Report. However, I think some basic points have not been set forth. Furthermore, the Report does not present the basic context that I think is necessary to understand the problems and to move the dialogue forward.

First, I think it is important to grapple with the basic question. Does automation, does cybernetics—rapid technological advancement—create more jobs than it destroys? Is its process of job creation and job destruction of such a nature that sizeable segments of our population are rendered economically obsolete?

I think the evidence clearly shows that automation creates many more jobs than it destroys and that the American society continues to experience its historical shortage of manpower. There are more jobs going begging than there are unemployed.

Further, I think the evidence shows that far from rendering certain people economically obsolete 20th Century automation carries with it increased specialization which actually renders people who formerly were economically unemployable employable. For example, people with physical handicaps such as blindness, complete deafness, no legs, no arms, can be fully usable simply by structuring job specifications around their handicap. The same can be said for people with limited IQ's—job specifications can be written to fully utilize their talents and abilities to be trained. As automation produces further specializations, habilitation and rehabilitation possibilities increase. After all a human being with an IQ of only 50 is a much more efficient mechanism than even the computer of the future now on the drafting tables. Instead of bemoaning the differences between human beings and adopting policies to try to produce a sameness we should welcome differences and adopt policies that permit the development of the full potentials of their differences.

If these two points about technological advancement are true then the great thrust must be training and retraining, not the pessimistic and backward approach of guaranteed income which assumes that certain people are economically unusable and therefore government must gear itself to a massive permanent welfare program.

Welfare is to get people on their economic feet. It is a way station, not a home.

Another point needs to be made. Our society has reached the point of economic development that we can afford in money whatever governmental programs are necessary to put people on their economic feet. Indeed from an economic standpoint our most unused and under-utilized economic assets are our unemployed and underemployed people; therefore, we can't afford not to push forward the programs which would enable them to be fully participating members of the society. Properly structured and under the proper economic climate the private sector could solve most of these economic problems.

Money is not the problem. Well designed programs are. Poor programs overfunded can push us backward, not forward. Redundant programs can put us in a thicket. Insistence on maintaining aggregate demand in the society by having the federal government supplement whatever the private sector does not spend can remove discipline from governmental programs to such an extent that poor and redundant programs proliferate and smother healthy growth. I think an examination of the present proliferation of welfare programs reveals that this is exactly what has occurred in recent years.

The Report fails to properly analyze the frictional and structural and institutional unemployment created in recent years by automation. As during previous periods of rapid technological advancement there has been a great movement from rural areas to urban areas. There is a decline in agricultural employment and an increase in employment in other economic sectors. But even more significant perhaps is the shift from manufacturing into services and distribution. A shift from blue collar workers to white collar workers.

There likewise has been a marked increase in leisure time. The forty hour week and the eight hour day (less than 8 hours with the coffee break) and, what is coming about, the eleven month year. This can lead to a fallow 7th year . . . the sabbatical year. All of this is made possible by productivity increases. Furthermore, leisure time properly spent is recreational time which produces further productivity increases through increased health, lowered incidence of accidents, and increased quality of work.

The Report fails to grapple with the basic problems of the core cities. Its misuse of the term ghetto illustrates how lacking in understanding it is. The Report along with most of the present day writings on the subject fails to define the basic terms used, i.e., ghetto, poverty, white racism. A failure to define basic terms is the hallmark of sloppy scholarship.

Far from the stir within the core cities being depressing, it is exhilarating. Of course I am not referring to the surface activity which has come out in the recent years in the highly publicized demonstrations, riots and lawlessness. The basic stir occurring is a dispersal of people who formerly had been crowded into small spaces. Much of what has been described as the deterioration of core cities is an expansion so people can have more elbow room. The core cities have declined in population and they are continuing to decline. The economic factors that lay behind the aberration which created the high rise in the core cities and the overcrowding, namely mass production which depends upon many people coming to work and upon steam power are no longer with us. The private automobile as a basis of mass transportation and the dvelopment of electrical power now permit factories and mass endeavors to move out of where there is elbow room, better air and better scenery.

The nondescriptive and derogatory term "urban sprawl" used by these observers to describe this breath of progress illustrates vividly their lack of understanding what is really going on.

Furthermore, the report fails to note that within the past four years there has been a significant reversal of trends of the rural dweller, the former agriculturist, to go to the metroplex. In the past four years the movement of factories and economic endeavors to small towns has overcome the movement the other way and we will begin to see increasingly population increases in rural areas, continued decreases in the core city areas and a more modest increase in the suburban areas of the metroplexes.

The Report fails to discuss the basic fiscal economics of the big cities where the concentration of low income persons (the proper term for the phenomena called the ghettos) occurs. A proper discussion involves a discussion of the real estate property tax. The real estate tax is the only significant tax on wealth employed in our society. The income tax and the excise tax, the transaction tax, are taxes on economic activity and must be considered in this light. A study of the tax on wealth is an economic revelation. As it has been used in our society by our cities and local governmental units such as school boards, it is of particular interest. It is a shame its study and the study of wealth itself has been neglected by our scholars in the last four decades.

A properly structured real estate tax applies a higher rate to undeveloped property than it does to developed property. This is in order to create an incentive to improve property. The tax on wealth itself is a stimulus to use property to gain an economic return. A good real estate tax depends upon a system of constant reappraisal. Corruption or inefficiency or obsolescence—or inflation of the dollar can cause great distortions in a good real estate tax.

A good real estate tax depends upon updated and properly conceived zoning laws—the essence of good local government itself. It depends upon up-to-date and efficient building codes—again an essential test of good local government.

A good real estate tax will never rely upon taxing the homes of people for more than 35% of its revenues, 65% at least must come from the real estate tax paid by economic ventures, manufacturing, commerce, finance, utilities, etc.

A good real estate tax today can bring in with ease all the revenues necessary to support education and other community facilities provided there is a modest reapportionment at the state level based upon transaction and income taxes to apportion additional funds to the areas of limited wealth from the areas of greater wealth. There is no need for national reapportionment as there are no poor states among the 50 states, measured in terms of wealth.

The most glaring omission in the Report is the position that national labor unions play in coping with the problems of rapid technological advancement particularly in increased frictional and structural unemployment. The national labor unions have taken the traditional position of fighting automation—of featherbedding, of sabotaging—instead of permitting and encouraging training and retraining and labor mobility to come about.

Our federal tax laws have not been updated to keep pace with our rapid technological advancement and to a great extent they impede education, training, retraining and the mobility of labor in moving out of obsolete skills into the skills in demand and moving geographically from areas where jobs have disappeared to the areas where the new jobs created go begging.

There is no discussion in the Report or in the Kerner Report of the role that organized labor plays in maintaining the status quo politically and economically in supporting the vested interests in the core of the big cities. Labor unions organized for political action tied in with big city political bosses control the governments of most of the large cities. These leaders resist proper zoning laws, the modernization of building codes and honest and up-to-date real estate appraisal. They encourage welfare for welfare sake, particularly financed by taxes imposed by other authorities, state and federal, where they can escape the responsibility for their imposition. They use welfare—just as in the days of Jane Addams at Hull House—to maintain their political power. They fight training and retraining programs unless they are oriented to apprenticeship training within the present jurisdictional structure of their organizations. They stick to the traditional guild system of passing skills from father to son even though this freezes out sizeable portions of the unemployed and aggravate the problems of differences in race and culture.

I wish to again point out that the process of training and retraining is not the simplistic one of matching the unemployed with the newly created jobs going begging. The process is much more rational, and complicated, but if understood much easier to come up with the right answers to the problems created.

The jobs going begging frequently require higher skills than those required to hold present jobs. A person with a good job must go to night school or have on-the-job training to take this job going begging. Thus leaving his job, which is a good job, to be filled by someone below him on the ladder of skills who likewise has to upgrade his skill by night school or on-the-job training. Somewhere along the ladder of skills are shunted in the unemployed and underemployed who likewise have to go through a training process. This is a lifetime system. Today a person has to train and retrain probably 4 or 5 times during his 45 years in the labor market to remain economically useful. Fifty years ago a skill learned could probably last a lifetime.

I regret that another attempt is made, in the Introduction, to make the terms "maximum" and "full" employment appear to be synonymous. This robs the student of the fruitful dialogue which occurred at the time the Employment Act of 1946 was enacted, over the differences implicit in these two terms. The term "maximum" was used to convey the idea that society through its governmental sector could do no more than create the economic climate which hopefully would attain full employment in the economic sector. The term "full," on the contrary, was used to convey the idea that government could and therefore must guarantee employment for all. The concept of government being the employer of last resort is a similar corruption of the meaning of terms. The term employment has implicit in it economic employment. Employer of the last resort has, of course, the connotation of "make-work," not of economically useful work. I think most people react unfavorably both to welfare as a way of life and "make-work" as a technique to make welfare as a way of life more palatable.

Welfare to help people get on their economic feet is not mentioned, on the other hand.

The basic question thus remains. Are there sufficient jobs to be filled, of the kind the people as we have them can fill? The evidence, I believe, shows that there are. Accordingly, there is no need for the pessimism and inhumanity which calls for guaranteed incomes or government to be the employer of last resort. There is reason for optimism which calls for guaranteed opportunities for our people to be gainfully employed throughout their lifetime.

EDUCATION IN TURMOIL

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. LUKENS. Mr. Speaker, I would like to take this opportunity to join with the gentleman from South Carolina [Mr. WATSON] in expressing my deep concern regarding the activities of the Students for a Democratic Society.

I believe that it is time for the American public and perhaps the U.S. Congress to take a long and hard look at this organization and their goals and objectives for the coming year at our college campuses. This particular segment of the new left is a serious threat to our colleges and society as a whole.

At this time, Mr. Speaker, under unanimous consent I include these articles in the RECORD:

[From the St. Louis (Mo.) Globe-Democrat, Sept. 9, 1968]

EDUCATION IN TURMOIL

Education is one of the biggest businesses in the United States. Approximately a fourth of the entire population is either attending or teaching in fulltime educational institutions, and the total educational budget for the nation—federal, state and local—is estimated at more than $58 billion.

The pains of this major "growth industry" are proving acute—so intense that many educators predict the school year ahead will be the most volatile in the nation's history.

Two major ailments upset the educational system: Strike fever and a rash of violence—the former confined almost exclusively to elementary and high schools, the latter to colleges and universities—but likely to spread to the pre-college level.

Both threaten—and in some areas have already caused—serious damage to educational processes by rupturing its functions. Both are as welcome in a healthy system of education as a plague.

Just how critical the situation has become is graphically shown by a comparison of the teacher strikes and campus disorders during the last school year with the increased trouble forecast for the coming year.

In the first five months of 1968 there were about 100 school strikes across the nation. Teachers organizations—the American Federation of Teachers and the National Education Association—predict the number of work stoppages may soar to a record-breaking 300 or 400 during the school year ahead.

These two groups should know. Whenever a walkout occurs it is engineered by either the militant AFT or an increasingly aggressive NEA.

If their strike strategy for the coming year is successful—and they boast that it will be—many thousands of children face a critical loss of time in their educations.

The forecast for campus disruptions is equally dreary. The Lemberg Center for the Study of Violence at Brandeis University predicts on the basis of a nationwide survey:

"Schools everywhere, both at the college and pre-college level, will be sites of disorders when they reopen in the fall."

The Center points out there has been a rapid increase in the trend toward violence at universities, citing these figures: In 1967 there were 42 disruptions on the nation's campuses. From January through April this year there were a total of 131 disorders—three times the entire number recorded in 1967!

Why is there such a proliferation of strikes and violence?

Teacher representatives contend that only through an "exercise of power," or strikes, can they make their voices heard on salaries and other conditions they consider inadequate in school systems.

Entire communities are harshly affected when teachers walk off their jobs. While they slug it out with school administrators, children wait helplessly for an education.

The Lemberg Center believes the campus violence stems from a general and long-range phenomenon caused by youths looking for excitement, specific grievances about education and schools, and rising antagonism between black and white students.

They urge school authorities to seek solutions for tense interracial situations instead of waiting for them to explode, forcing last-minute repression by law enforcement agencies.

This may be the general problem but the specific one in many areas is the "student power grab," an open-and-shut case of anarchy fomented by such radical campus groups as the Students for a Democratic Society. Militant organizations like this have no minor goals—they want complete control of the schools.

Fortunately these rabble rousers represent a very small part of student bodies—estimated at less than 5 percent. The vast majority of all students at United States colleges and universities are responsible citizens.

The trustworthy student groups are in a position to chart the future of higher education—on a sensible and productive course. Working in this direction is an organization called the Young Americans for Freedom.

This is the kind of leadership campuses must develop if disruption is to be avoided. The only alternative is chaos.

[From the FBI Law Enforcement Bulletin, Sept. 1, 1968]

MESSAGE FROM THE DIRECTOR TO ALL LAW ENFORCEMENT OFFICIALS

Millions of college students are returning to campuses throughout the country to begin the fall semester. They represent both the hope and the shape of the future. From the standpoint of educational opportunities and intelligence, they are far better equipped than any preceding generation to participate constructively in developing solutions to the many complex problems confronting our Nation.

It can be expected that most of these young people will fulfill the promise they represent to us. In so doing, they will join hands with the millions of Americans of good will who actively seek meaningful solutions to our social life. If our joint progress in this regard is impeded and deterred, much of the trouble will come from a growing band of self-styled revolutionaries who are using college campuses as a base for their destructive activities. This comparatively small group of arrogant, hard-core militants have contempt for the majority and our democratic processes. They regard themselves as the nucleus of an elite dictatorial ruling class of the future.

These extremists openly avow that their aim is to overthrow the existing order. Under the guise of academic freedom and freedom of speech, they profess to seek a dialog, when actually what they seek is a confrontation with established authority to provoke disorder. Through these confrontations, they expect to smash first our educational structure, then our economic system, and finally our government itself.

It is vitally important to recognize that these militant extremists are not simply faddists or "college kids" at play. Their cries for revolution and their advocacy of guerrilla warfare evolve out of a pathological hatred for our way of life and a determination to destroy it. The workshops they hold on sabotage and how to use it to further their objectives are grim forebodings of serious intent.

This New Left movement, as it is known, is growing both in numbers and varied forms of violence. Last spring, major disorders precipitated by the revolutionary adherents of the movement occurred on a number of college campuses. In the violent uprising at Columbia University, militant students and outsiders took over several buildings and committed senseless and deliberate destruction. The incident triggered similar disturbances on other campuses. Changes may be necessary and improvements in any institution can be made, but this is not the way to do it.

Encouraged by their "success" at Columbia, the anarchists in the New Left movement are boldly spreading the word that they intend to "create two, three, many Columbias," in the manner of one of their "heroes," Che Guevara, the Cuban revolutionary who cried "create two, three, many Vietnams!"

The main thrust of the New Left movement arises from the concerted efforts of the Students for a Democratic Society. Many of its members and some of its national leaders openly profess their faith in communist concepts and their determination to "restructure" our society. One of the militant spokesmen of this group stated, for example, that "perhaps 25 universities linked to the movement would be too much for the police—for the dominant class—and we would get what we demand."

The New Left leaders plan to launch a widespread attack on educational institutions this fall. They are relying on collegiate dissidents and militants to bolster and accelerate this drive. It would be foolhardy for educators, public officials, and law enforcement officers to ignore or dismiss lightly the revolutionary terrorism invading college campuses. It is a serious threat to both the academic community and a lawful and orderly society.

John Edgar Hoover, *Director*.

[From the Washington (D.C.) Sunday Star, Sept. 1, 1968]

Hoover Says New Left Plans "More Columbias"

(By Jeremiah O'Leary)

FBI Director J. Edgar Hoover warned last night that "New Left" leaders plan to launch widespread attacks on educational institutions this fall.

"They are relying on college dissidents and militants to bolster and accelerate this drive," Hoover said in a message in the FBI's monthly Law Enforcement Bulletin.

"It would be foolhardy for educators, public officials and law enforcement officers to ignore or dismiss lightly the revolutionary terrorism invading college campuses. It is a serious threat to both the academic community and a lawful and orderly society."

Hoover said the movement is growing both in numbers and in varied forms of violence. He cited the disorders which he said were perpetrated on a number of college campuses last spring by revolutionary adherents of the movement, including what he called "senseless and deliberate destruction" at Columbia University.

"Encouraged by their 'success' at Columbia, the anarchists in the New Left movement are boldly spreading the word that they intend to create 'two, three, many Columbias' in the manner of one of their heroes, Che Guevara, the Cuban revolutionary, who cried 'create two, three, many Vietnams,'" Hoover said.

He charged that the main thrust arises from the Students for a Democratic Society. Many of its leaders and members openly profess their faith in Communist precepts, Hoover said.

Most of the millions of college students returning to campuses will "join with the millions of Americans of good will who actively seek meaningful solutions to the many complex problems confronting the nation," the FBI director predicted.

Hoover said it is important to recognize that the extremists are not simply faddists or "college kids" at play. He said "their cries for revolution and their advocacy of guerrilla warfare evolve out of a pathological hatred for our way of life and a determination to destroy it."

[From the Los Angeles (Calif.) Times, August 3, 1968]

Activities To Be Halted 15 Months: UCLA Suspends SDS for Ripping Up Display

(By Dorothy Townsend)

The Students for a Democratic Society organization has been suspended from campus activity at UCLA for 15 months by Chancellor-designate Charles Young, it was reported Friday.

Suspension was recommended by the campus Board of Review following a hearing in June of charges the activist organization ripped down a photographic display depicting Viet Cong atrocities.

Chancellor Young had deferred a decision on the board's recommendation, Dean of Students Byron H. Atkinson said Friday, to give SDS members an opportunity to respond to the charges.

Atkinson said the organization was not represented at the June hearing, although "meticulously notified" of it and that invitations to respond, even after the Board of Review's action, "have been ignored to this day."

The suspension became effective about 10 days ago but was not made public by the administration so that it might not influence a forthcoming court case involving SDS members.

Charges against SDS were brought by the Thomas Jefferson Club, a campus organization describing itself as a non-partisan moderate group, sponsor of the exhibition displaying the Viet Cong atrocity photographs.

Criminal charges of assault and battery were filed against SDS campus chairman Jeff Schmidt and member Jim Dann by student Aris Kalatsis. Schmidt and Dann in turn, accused Kalatsis of assault.

The Daily Bruin campus newspaper, carried a story Friday morning on the suspension, stating its informants were in the SDS, not the administration.

Dean Atkinson said Friday the administration no longer felt obligated to remain silent (because of the assault trial scheduled later this month) since the organization itself made the matter public.

Until October, 1969, the SRS-VDC (Vietnam Dad Committee) is banned from any organizational activity of any kind on the Westwood campus under terms of the suspension.

An SDS member, Jerry Palmer, was quoted in the Bruin story as saying, "We will be meeting under the name of Friends of SDS" to get around the ban. But Dean Atkinson said the wording of the suspension is explicit in forbidding the organization under its name or any other part or combination of its name to congregate.

"When we suspended this group we meant it," he said. "It says you are not going to use this name or anything that sounds like it."

[From the Los Angeles (Calif.) Times, Aug. 7, 1968]

UCLA Group Says It Will Ignore Ouster

Students for a Democratic Society, the student activist group recently suspended from UCLA for 15 months, Tuesday said it would ignore the suspension.

A press release from the SDS–VDC (Vietnam Day Committee) accused the university administration of banning the group for a series of actions rather than the single announced offense.

That offense was the ripping down of a campus photographic exhibit depicting alleged Viet Cong atrocities.

CAMPUS BUILDING OCCUPIED

Last year, said members of the SDS–VDC, the group "irritated" UCLA administrators by antinapalm demonstrations, occupying a campus administration building, accusing Byron H. Atkinson, dean of students, of "bold face lies" regarding the demonstration, exposing "huge profits" made by the campus book store, and organizing anti-draft protests.

SDS–VDC was banned from the campus July 23 by Chancellor-designate Charles E. Young. However, the ban was not made public until last Friday when an SDS–VDC member mentioned it to the campus newspaper.

Young suspended the group upon recommendation of the campus Board of Review composed of three students, two faculty members and Atkinson.

UNIVERSAL LANGUAGE

HON. GEORGE M. RHODES

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. RHODES of Pennsylvania. Mr. Speaker, one of the difficulties in building a world of cooperation and peace is the language barrier. If people could freely communicate with each other through a common language, many of the difficulties that divide the people of the world would be solved.

Efforts to promote Esperanto as a common language has been the goal of the Universal Esperanto Association which is represented in 85 countries. Fifty national Esperanto organizations and 20 professional international Esperanto associations are in existence. About 8 million people speak the language. More than 100 magazines are published in Esperanto.

The Esperanto League of North America has an information center at 156 Fifth Avenue in New York City.

An old friend and associate of mine who speaks this international language is chairman of the center. He is Mark Starr, former educational director of the International Ladies Garment Workers Union. His wife, Helen, is also a teacher by profession.

I enjoyed pleasant associations with the Starrs in bygone years.

Our friendship goes back more than 40 years. Mark's interest in building a cooperative and peaceful world community goes back many years. He sees an international language as a most important step in approaching his ideal.

An interesting article was published recently on Esperanto in the California Teachers Association Journal. The author, Doris Vallon, has been teaching Esperanto in San Mateo, Calif., schools for 3 years, having started teaching English as a foreign language in Japan. She attended Esperanto congresses in The Hague, Tlaxcala, Mexico, and Tokyo.

I would like to include with my remarks, Mr. Speaker, the Vallon article which follows:

TEACHING THE UNIVERSAL LANGUAGE

(By Doris Vallon)

A children's magazine arrives from Switzerland, containing stories and pictures by youngsters from many countries. Students in my class discover that children in other lands play the same games they play and draw the same pictures of people and animals that they draw. My students study a science unit on weather and they exchange weather charts with students in France and Sweden and Spain.

The common denominator of the people-to-people activities of my fourth-graders at Turnbull School, San Mateo, is Esperanto. Asked by the producer of a television show, "What is Esperanto?" my spontaneous reply was "fun." She then asked, "What is Esperanto besides fun?" I shall try to answer that question.

Six years ago a small group of principals and teachers in the San Mateo School District, convinced of the need for an elementary language program that would give our pupils the excitement and reward of real international communications, decided to investigate the possibilities of Esperanto.

Experiments in other parts of the world had given some evidence that Esperanto, with its regular grammar, spelling, and word-building principles, could be learned in only a fourth or fifth of the time needed to attain an equivalent level in most other languages. Some tests even indicated that a logical language like Esperanto, taught for a year or two as an introduction to, say, French or German, gave pupils an increased interest and competence in language learning. The time they spent learning Esperanto was later fully recovered by the quickened pace of achievement on their second foreign language.

These predictions were impressive. We were frankly unwilling to concede to Esperanto such amazing qualities, without giving the language a test in our own schools. And even if this language did prove to be as easily learnable as had been claimed, we wanted to know the answers to other questions.

Would our young American pupils, geographically so far removed from most of the rest of the world, be able to *use* the language they had learned?

Would they understand, as their European counterparts do, the customs of other nations and the meaning of international contact?

Would Esperanto be one way out of the dilemma we face in trying to teach a foreign language to those children who have deficient speech skills?

Our investigation began with a single fifth grade class in Sunnybrae School. Little by little, as we began to gain an impression of the results, we expanded the scope of the project, until Esperanto was being taught in three San Mateo schools, at the fourth, fifth, and sixth grade levels. Finally we taught the language in four 1966 San Mateo summer school classes, with a total enrollment of 150 third, fourth, fifth, and sixth grade pupils.

The work up to now has yielded consistent and satisfactory results. The basic claim of Esperanto's advocates about its rapid learnability has been confirmed. My fourth-grade class, for example, learned enough Esperanto in one and a half school years to correspond with classes in ten countries. They wrote one another about family, school, hobbies, music. They learned to read folk tales in Esperanto from many countries. In a book called, "Amuzo Per Scienco" ("Fun Through Science"), they read experiments, then performed them, explaining in Esperanto as they demonstrated. They developed poise as they did this for Esperanto-speaking visitors from many lands.

Some of the brighter 9- and 10-year-olds who were beginners at the start of our recent summer school program, were writing haiku and cinquain poems in Esperanto five weeks later. Puppet shows and skits are performed by the children for both school and adult programs.

Were our children able to comprehend the use of the language thus acquired? We were overwhelmed by the natural understanding they showed of pupils in other lands. The fact that they and their friends abroad had each come half way toward understanding by learning a common language seemed to remove the invidious distinction between "native" and "foreign" that might have arisen if one group had been using the language of the other. The meaningfulness to the children of their new-found contacts became especially vivid as they took a new, heightened, *personal* interest in geography, a subject that had previously meant little to them.

Exemption from study of a foreign language was no solution to the problem of children with low speech skills. Rather than forget their difficulty, they became more conscious of it when chided by children who were getting foreign language instruction. When Esperanto was first mentioned, several pupils spontaneously asked for the opportunity to learn it. The teacher began to give the children Esperanto lessons in small doses. Within a semester they were enthusiastically, if simply, reading and writing, jibing back at their Spanish-learning friends in a language *they* couldn't understand, and showing a totally new enthusiasm for geography as mail began to arrive from abroad.

About 20 pupils at Terrace Elementary School, Lakeport, were not profiting from Spanish, so the teaching was discontinued. When their teacher introduced them to Esperanto they responded well. Their first guests reported on contacts with speakers of Esperanto in many lands all around the globe, illustrated by slides. For the first time these children felt some importance in the life of the school. This project is still too new to determine how such children respond to other languages later on. But already a sense of achievement has come because of Esperanto.

Recently, I had to teach a list of English words ending in "er" and had a difficult time.

Something unique happens in teaching Esperanto. The children learn how language functions; the puzzle—or word-building—unravels. They eagerly make use of dictionaries for creative writing as they discover the art of communication. Another by-product of learning Esperanto is the easy learning of grammatical principles.

In addition to these rewards, we found for the teacher one other important, though unanticipated benefit in Esperanto. We found a language manageable enough that we could actually learn it ourselves, step by step, before teaching it to our pupils. That, in fact, is the way all of us in this project did learn the language. But we recommend it to anyone planning to teach Esperanto that he or she study it in advance, for example, at the University of California (Berkeley) Department of Education's Extension Division course, "Teaching Esperanto in the Elementary Schools: Methods, Materials, and Techniques (X314.3A)," or at other courses or with materials about which the American Association of Teachers of Esperanto (California Division, 410 Darrell Rd., Hillsborough, Ca. 94010) can provide information. If necessary, however, we feel that most teachers *can* learn the language along with, and slightly ahead of, their pupils.

There is still much ground to cover. Among the priority items on the agenda, we believe, should be some rigidly controlled educational experiments designed to test the learnability and usefulness of Esperanto for advantaged, average, and disadvantaged children. The development of better audiovisual aids for Esperanto instruction is also an urgent necessity. Meanwhile, however, we can confidently add our experiences to the positive results obtained in other countries.

Unbelievable as it may seem, Esperanto *can* be learned four or five times faster than other languages with which we are acquainted. Elementary school pupils, even as low as the third grade, *do* engage in meaningful communication and cultural exchanges with children abroad while learning the language. And Esperanto *does* appear to be one possible solution to the problem of teaching language to pupils with low speech skills.

Needless to say, the usefulness of Esperanto to schoolchildren does not cease with their graduation. If they go on to learn other languages. Esperanto seems to provide a valuable grounding, similar to that enjoyed by the many pupils who once studied Latin. It is a living second language, with a growing original and translated literature and with speakers in nearly every country. It is a language which today's and tomorrow's students can use as they travel widely around the globe. Through Esperanto, many of our pupils are already maintaining their end of a constant two-way international traffic in good will and understanding.

INTERNATIONAL CENTER FOR THE NATIONAL CAPITAL

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. FASCELL. Mr. Speaker, the inter-American system, of which the Organization of American States is the principal embodiment, is the oldest association of independent states in the world. Starting in 1889, when the first meeting of the representatives of the Latin American countries and of the United States was held in Washington, D.C., the system has had a long and fruitful history of cooperation among the countries of this hemisphere for the promotion of mutually beneficial purposes and activities. In 1947 and 1948, the two principal legal instruments of the inter-American system were signed, one the Inter-American Treaty of Reciprocal Assistance, or Rio Treaty, and the other the charter of the Organization of American States. The first is the collective security instrument of this hemisphere, and provides for common consultation and action for the maintenance of peace and security in the hemisphere in the case of an aggression against any American state or other situations endangering hemispheric peace. The second instrument establishes the structure, functions, and purposes of the Organization of American States, of which all the independent countries of this hemisphere are now members except for Canada, Jamaica, and Guyana.

The Organization of American States is the multilateral instrument of this hemisphere for the maintenance of peace and security, the peaceful settlement of disputes between states, the achievement of hemispheric solidarity and friendly inter-American relations, the promotion of Latin American economic and social development, and the furthering of inter-American cooperation in various fields—economic, scientific, technical, cultural and juridical. The OAS serves our national interest as well as those of the Latin American countries and we have always given it our full support. This is a reflection of the traditional ties which have linked us with Latin America, and of the importance which we give to that area as second to none in the world.

It is, therefore, highly appropriate that this Government should provide the OAS with land in our Capital City for a much-needed headquarters site. It is proper for us to do so as the United States is the host Government for this Organization. Washington has been the traditional site of the principal permanent organs of the OAS; namely, the Pan American Union which is the General Secretariat, and the Council of the Organization. The OAS Charter, both in its present form and as revised by the recently adopted amendments to the charter, provides that Washington is the site for these two principal OAS bodies. There are, furthermore, various precedents for governments to provide land or buildings to international organizations located on their territory. I understand that the present case is all the more urgent as, while the OAS Secretariat has continued to grow with its increased responsibilities under the Alliance for Progress, its offices are spread out through different locations in Washington, which is inefficient from the standpoint of management and administration, and costly in terms of rental payments. The House should promptly adopt this bill—H.R. 16175—which will provide the OAS with a very desirable and adequate site in Washington where it may consolidate in one place its various headquarters offices and activities.

POTTSTOWN MERCURY PUBLISHES "CENSORED" EDITION

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. SCHWEIKER. Mr. Speaker, I want to bring to the attention of Congress a most remarkable edition of the Pottstown Mercury published Thursday morning, September 5, in Pottstown, Pa., in my congressional district.

This edition was "censored" by the editors of the newspaper in order to show readers what censorship of the press would do to an American newspaper.

The front page of the Mercury edition was marked "Censored" in bold red letters across the middle of the page, superimposed over the regular newspaper material.

But what caught the reader's eye just as readily was the makeup of this "censored" front page. In the midst of all the stories were gaping holes where the editors had removed whole paragraphs of "censorable" material. Some stories were omitted altogether, with holes left to show the omission.

As the editors explained in a front-page note, "All negative comments regarding the Johnson Administration, the U.S. Government, local and township governments have been censored by Mercury editors. All negative reports from Vietnam also were censored."

Mr. Speaker, this "censored" edition of the Pottstown Mercury was a distinguished piece of public service by a newspaper. It was a powerful demonstration of the importance to all Americans of a free press. Certainly the readers of this particular newspaper, the Pottstown Mercury, have been deeply moved by the experience of seeing their daily newspaper "censored" for 1 day. I would strongly suggest that in communities across this Nation, other newspapers "censor" their editions for 1 day in this manner, so that this message can reach many more American newspaper readers.

We must never take for granted the precious freedoms of life in the United States of America under our Constitution. As the Soviet Union has moved to impose press censorship on the people of Czechoslovakia, the American people once more should be thankful that our press media operate in freedom and with objectivity in publishing the news.

Mr. Speaker, I wish to include in the RECORD two examples of Associated Press national wire stories which were "censored" in the September 5 edition of the Pottstown Mercury. I also wish to include in the RECORD an editorial from the Washington Post, commending the Mercury for its "censored" edition.

A word of explanation about the two "censored" stories being included:

The first of these stories, concerning the nationwide series of teachers' strikes, was "censored" to omit a paragraph on the possible Philadelphia teachers' strike. The "censors" would not let Pottstown readers know what was happening in Philadelphia, just 40 miles from Pottstown.

The second of the "censored" stories, concerning prisoners of war in Vietnam, was "censored" so thoroughly that of five paragraphs in the story, only the first and the last paragraphs remain. The "censors" made sure the story would not contain any material that was anti-American, even though, in this story, the anti-American charges came from a predictable source, Hanoi Radio.

State Department Warns Viet Reds About Reprisals

(Original version)

WASHINGTON.—The State Department reminded North Vietnam and the Viet Cong Wednesday that any reprisals taken against American prisoners of war would be a violation of the Geneva Convention on the treatment of war prisoners.

The reminder came after a Hanoi radio broadcast in English issued a statement "severely warning" the United States and the Saigon Government against carrying out a death sentence against one convicted terrorist and a 15-year prison term at hard labor against another.

The two were identified as Nguyen Van Tu, 16, who was sentenced to death in Da Nang and Nguyen Van Luc, 15, sentenced to hard labor.

The broadcast, monitored here, warned that "should the U.S. aggressors and their henchmen refuse to cancel their fascist decision, the command of the South Vietnam peoples liberation armed forces will reserve for itself the full right to duly punish those U.S. aggressors and puppets who have perpetrated many crimes and who are now detained by the PLAF."

State Department Press Officer Robert J. McCloskey declared that under the Geneva Convention, acts of reprisal are not permitted—"indeed they are prohibited."

State Department Warns Viet Reds About Reprisals

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State Department press officer Robert J. McCloskey noted that under the Geneva convention, acts of reprisal are not permitted—"indeed they are prohibited."

Boycotts Delay Start of School

(Original version)

NEW YORK.—Classroom boycotts by teachers with salary and other grievances prolonged the summer holiday today for about 150,000 schoolchildren.

Boycotts Delay Start of School

(Censored version)

NEW YORK.—Classroom boycotts by teachers with salary and other grievances prolonged the summer holiday Wednesday for some 150,000 American schoolchildren.

School reopening was postponed in some communities from Connecticut to Utah.

In Michigan alone 87,313 students, mostly in the Detroit area, were without instructors.

A teacher walkout threatened in New York City, where public schools with enrollment totaling 1.1 million are scheduled to reopen next Monday.

Eleventh-hour negotiations between teachers and the school board continued in Philadelphia, where the resumption of classes for 276,600 pupils on Friday was in danger.

Negotiators, mediators and factfinders worked almost around the clock in Michigan trying to settle teacher contract disputes in 17 districts where schools failed to reopen Tuesday and today.

Schools of East St. Louis, Ill., with enrollment of 23,600, remained closed for the second week by a strike of 900 teachers seeking a formal working agreement and higher pay.

Contrary to tradition, some of the children involved in teacher walkouts were anxious to get back to school.

In Madison, Ill., where a teacher strike over salaries was in its second week, 35 of the town's 3,000 pupils picketed city hall with a sign saying: "Teachers, you got an education. How about Us?"

The 500 teachers of East Chicago, Ind., which has 10,000 schoolchildren, went on strike for higher pay, smaller classes and a guarantee of textbooks for every child.

In Cumberland, R.I. where there are 5,600 of school age, most of the 250 teachers stayed away from 13 schools in support of demands for salary increases.

There were teacher walkouts involving up to 6,000 children in West Homestead, Pa., Carbon, Utah, and East Haven and Darien, Conn.

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[From the Washington (D.C.) Post, Sept. 10, 1968]

SAMPLING CENSORSHIP

The *Mercury* of Pottstown, Pennsylvania has given its readers some graphic instruction in censorship by printing an edition in which the paper conformed to a rough equivalent of the government editing going on in Czechoslovakia.

No doubt the drastically censored issue of the *Mercury* did bring home the meaning of censorship to the newspaper's readers. Probably there is no more effective method of doing this. It is difficult for citizens who have not had any experience with a censored press to realize just how little can be reported by government controlled newspapers. In the words of one subscriber, "the American people need a rude awakening to the fact that we take too much for granted." Let us hope that we are not so fast asleep that it will take the actual experience of censorship to awaken us. Pottstown's sample of censorship ought to be sufficient.

DRUG ABUSE AND ITS EFFECT ON OUR TEENAGERS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. McDADE. Mr. Speaker, we are all concerned with the growing problem of drug addiction in America. This is a problem which faces a whole generation of children coming up to college age, and it is a problem which faces the dweller in the ghetto, where organized crime works its utmost to spread heroin addiction.

Because of our concern over this matter, I am calling to the attention of my colleagues a congressional letter written by Mrs. Robert J. Crawford, of Pennsylvania, on "Drug Abuse and Its Effect on Our Teenagers."

This is not only a very thorough analysis of the problem, but it is one which is remarkably well documented. All of us will profit from a reading of this analysis, and I extend my own personal commendation to Mrs. Crawford for her very thorough and perceptive work on this serious problem. As you know, this is one which has concerned me particularly, about which I have tried to inform the House very explicitly. I am delighted that through the work of such fine people as Mrs. Crawford, the extent of the drug menace in America may be brought to the attention of more and more of our citizens. I append here the letter of Mrs. Robert J. Crawford:

DRUG ABUSE AND ITS EFFECT ON OUR TEENAGERS

(By Mrs. Robert J. Crawford)

A drug is any relatively pure chemical agent which exerts a reasonably predictable effect on the user's physical or psychological processes. The types of drugs abused most commonly are the amphetamines, barbiturates, methedrine, marijuana, and LSD. Other materials more rarely used are woodrow nuts, magic mushrooms, glue sniffing, freon gas, opium, and mescalin.

A survey by the New York Times revealed that well before the concern over marijuana and LSD, this country has become drug oriented. This survey was conducted in more than 20 states. From it came evidence of America's growing dependence on drugs, not only heroin, marijuana, and LSD, but also alcohol, nicotine, amphetamines, and barbiturates. The survey found that drugs were a problem not only of the slum dweller or the hippie; but the commuting businessman, who needs two or three martinis in the club car to unwind from a hard day at the office or to prepare himself for an evening at home; the actress who takes a barbiturate to sleep at night and an amphetamine in the morning to stay bright eyed; the young lawyer who smokes marijuana with his friends while they listen to Beatles records; the truck-driver who swallows benzedrine on cross country hauls.

Drug usage is increasing more rapidly among the young, suggesting that the next generation may be more dependent on drugs than this one. From the Congressional Record of January 18, 1968, we read "It is extremely difficult to judge just how many people are smoking—or have smoked—marijuana. Surveys at Yale, Harvard and the California Institute of Technology suggest that about 20% of their student bodies have used marijuana, at least once, but some students at those institutions believe the true figure is much higher. The best guess—on the basis of available indications—is the somewhere between two and four million Americans have smoked marijuana at least once and that the number is increasing every month." Dr. Dana L. Farnsworth, chairman of the Council on Mental Health, estimated "probably 50% of college students on sophisticated college campuses have experimented with pot (marijuana)." He said 90% who try it will stop with no injurious effect. But the remaining 10%, he added, suffer serious mental problems and develop withdrawal symptoms if they try to stop.

The country now spends $300 million to $400 million on illegal drugs each year. Traffic in hard narcotics, such as heroin, is largely controlled by organized crime. The Mafia dominates distribution particularly in New York. In 20 years sixty members of the Mafia have been convicted of this. Illegal drugs sold outside of New York are often under control of Negro gangs, and drug traffic has begun to rival prostitution as the major source of income for some Negro criminal organizations. According to a recent editorial in U.S. News and World Report (August 26, 1968), the United States Narcotics Bureau is concentrating greatly on the illegal dope traffic crossing from Tijuana, Mexico to California. Arrests and seizures in the first four months of 1968 surpassed those for all of 1967.

Is dope being glamorized by the mass media? From the Washington Post, October 27, 1967, the history of dope huckstering to the white educated middle class public is mentioned. "The beginning might be dated from Aldous Huxley's publication of *The Doors of Perception* in 1954. Here we see dope in its elite stage as Huxley writes about the affect of mescalin on him as he examines Seurat's paintings and listens to Gesualdo's madrigals. At this stage dope taking is restrained, exclusive, and associated with highly articulated sets of esthetic ideas.

Later, in the hands of Dr. Leary and Allen Ginsberg, it becomes religious and political. . . . It is hooked on to music . . . but it is still limited in its appeal both because the religious ideas (Neo-American Church) are exotically incomprehensible to most Americans and because the political ones are rude and somehow submersive even though they are based on ancient political slogans.

Its next evolution is Time magazine where dope is presented both as stuff kids use a la Wheaties and as mildly radical, but perhaps connected with the unpremeditated love of primitive Christianity. Finally, the Smothers Brothers sell it on CBS with the bland, indifferentiated message of the ordinary TV commercial—"for a headache, take aspirin; for tension take Compoz and for a low, take pot, a new, improved product that's better than liquor; you get high but not hung over."

The Washington Post goes on to say it takes a lot of finagling of facts and people to make dope attractive. "This hasn't been easy with photography because pictures don't lie, but liars take pictures."

From the New York Times, January 8, 1968: "Drugs are only the most visible signs, the psychologists and sociologists say, that American values are rapidly becoming spending rather than work; consumption rather than achievement; taking from life rather than shaping it."

We and our children hear that smoking marijuana is not as harmful as drinking alcohol. This is more of the advertising that is going on today to glorify the use of drugs. However, since the recent publicity about LSD causing severe psychotic reactions, birth defects, and chromosome breaks, its use seems to have dropped off sharply at most colleges and even in the hippie communities.

The American Medical Association came out for the first time in its 117 year history against legalized "pot" but called present penalties for use "harsh and unrealistic." "Of particular concern is the youthful experimenter who, by incurring a criminal record through a single thoughtless act, places his future career in jeopardy," the AMA said. "The lives of many young people are being needlessly damaged."

The AMA said marijuana, even the weaker variety generally used in the U.S., posed a "serious public health concern, similar to alcohol, but was potentially far more harmful to the individual."

From the New York Times, January 8, 1968:

"Many inexperienced and uncritical teenagers and young adults still in the trial and error stage of life will eat, drink, inject, smoke, or sniff almost anything that promises to yield thrills," said Dr. Maurice H. Seever, chairman of the department of Pharmacology at the University of Michigan Medical School. "This group," he said, includes "those who have built-in psychological or psychiatric deficiencies or those who have never been trained to self-restraint."

Do college administrators and high school administrators have to recognize the drug danger more than they are now doing? We have many laws both state and federal which make it illegal to buy, sell, and use dope. Since raids are made and college students are arrested, this bothers college administrators who traditionally have stood somewhere between the students and the police. Most colleges are now issuing rather vaguely worded warnings about drugs, but most do not have a set policy.

Are we heading towards a mind dulling society? We have heard of brain washing which is a form of mind controlling. Mind dulling can be a possible conseqence of our psycho-pharmacological knowledge. Using different drugs to achieve different conditions, either heightened sensory stimulation or tranquilization, people may be unable or uncaring to question our society and become a conforming mass. For instance, it is said that the Mohammedan leaders, opposing the Crusaders, utilized the services of individuals addicted to the use of hashish for secret murders. Hashish is the middle eastern variety of the hemp plant from which we get marijuana.

Among adult drug takers, marijuana is used by all classes, rich or poor. Heroin is nearly always used only by the poor. The amphetamines and the barbiturates seem to be abused more often in the upper and middle classes.

The use of marijuana and LSD is not confined to teenagers. From the New York Times, two groups are mentioned. One in the Atlanta area which includes ad agency people, a dentist and a chiropractor. Another group from another section of the country whose use of LSD and marijuana changed their way of thinking. They now praise antiwar demonstrators and even civil rights activists, and also think the hippies are the greatest generation of youth this country has produced.

The use of marijuana and the hallucinogens among adult users almost always leads to sexual experimentation.

The beer party on college campuses is now yielding to a drug party. A junior at the University of Massachusetts explains that most people go through three phases of using drugs. "When you're first turned on, it's like the greatest thing in the world, and get very evangelical and run around talking about it all the time and trying to turn everybody else on. Then you go through a period when drugs are pretty important and you orient most of the rest of your life around the time when you turn on. Eventually there's just a lot of other stuff you want to do, so you just smoke once in a while."

This then is the drug scene in America.

VIETNAM VETERANS: "WE'RE TIRED OF VIOLENCE"

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. ASHBROOK. Mr. Speaker, some weeks ago I inserted in the CONGRESSIONAL RECORD an article from the Philadelphia Inquirer concerning a Negro Seabee, Barry P. Wright, who formed an organization in Vietnam designed to engage returning veterans in the work of assisting the disadvantaged here in the United States. As in the case of the Virginia Young Republicans—mentioned in the CONGRESSIONAL RECORD yesterday—the form of aid proposed by Seabee Wright is vocational training for the poor and unskilled. In this case the goal is the establishment of a free training center to teach men how to operate heavy equipment and thereby make them self-sustaining. The full name of Wright's group is "Negro Veterans From Vietnam in Perfect Harmony With Our Caucasian Brothers," NVFV for short, and its members pledge that—

> We will always strive to use our training and skill to make a reality the American dream of a better way of life where all men can live together no matter what their race, creed, or color. We are coming home to build a better America. So help us God.

Barry Wright has returned home since the first Inquirer article was written and has set out to bring to fruition his carefully laid plans. It is indeed distressing that almost any incendiary statement by any militant can get ample press coverage while positive efforts such as Wright's go almost unnoticed. To give wider dissemination to the program of the NVFV, I insert the article, " 'Mail Call' Enlists Black GI's in Building a Better America," from the Philadelphia Inquirer of August 5, 1968, in the RECORD at this point:

"MAIL CALL" ENLISTS BLACK GI'S IN BUILDING A BETTER AMERICA

(By L. F. Palmer, Jr.)

CHICAGO.—A strange kind of mail call in Vietnam could have a profound effect upon racial peace in America.

The call is for fighting men to "remember that the greatest thing going for us is the emerging pride of the black American."

From base to base, from battlefield to battlefield, black American servicemen are delivering letters to other black American servicemen asking them to join Negro Veterans From Vietnam.

The letter explains that when the GIs are sent back home they are needed "to do everything within our means to persuade our more militant Americans (who choose violence as a solution) to keep a cool head and use more peaceful and lawful means of settling differences."

Barry P. Wright, 25, sat in the living room of his parents' apartment here and told how he is organizing and recruiting members in the war zone.

President and founder of NVFV, Wright, who returned to Chicago last week after a year as a Seabee in Vietnam, said:

"Men from all the services who are members of NVFV take these letters wherever they go and pass them out. Sometimes they can hitch a ride on a military plane and take them to bases where we've never recruited before."

Wright said there are more than 5000 members now and application cards keep coming in.

"The Negro servicemen in Vietnam are confused," Wright said.

"They sleep in foxholes with Caucasians. They fight with them and die with them. But they hear about all the trouble back home, and they know when they come back home they've got to take a stand.

"But I am convinced that black servicemen, after so much violence on the battlefield, are tired of violence. We don't want any more violence back home."

The first project of the NVFV is to establish a free training center to teach men how to operate heavy equipment "so the unskilled, deprived man—black or white, veteran or nonveteran—can have a chance at a good job."

At the same time, Wright said his group will organize teams to go into the ghetto and try to "educate" militants who lean toward violence that "violence will solve nothing; it only breeds more violence."

"We sent squads into the hills of Vietnam to find the enemy. Now we will send squads into the ghetto in search of the enemy. Anyone who tries to solve the black man's problem through violence is an enemy to the race and to the country."

Conceding that his squads could meet with trouble on such missions, Wright said, "We know about violence and know how to cope with it."

Job training is Wright's alternative to violence. A bachelor, he said he will devote full time to the NVFV. His father, Eugene, a real estate broker, has made a basement in his apartment building available to the group for its headquarters.

"We hope to get the school going on 24-hour basis by the end of next month," he said. "We have enough money to buy a tractor and trailer and dump truck. We are going to have fund-raising affairs to buy more equipment."

Many of the instructors, Wright said, will be veterans. Wright was a heavy equipment operator, 2d class, in the Seabees.

Chapters of the NVFV have been opened in Los Angeles, Spokane, Wash.; and Oklahoma City. Schools are expected to be opened in those cities, too.

Wright said there are "quite a few" white members of his organization. The group's complete name, he said, is, "Negro Veterans From Vietnam in Perfect Harmony With Our Caucasian Brothers."

The recruitment letter for the NVFV carries this pledge for members:

"We will always strive to use our training and skill to make a reality the American dream of a better way of life where all men can live together no matter what their race, creed, or color. We are coming home to build a better America. So help us God."

REPORT TO CONSTITUENTS

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. BYRNES of Wisconsin. Mr. Speaker, under leave to extend my remarks, I include the following report to my constituents:

Memo

Congress . . . Congress continued to work on legislation last week, trying to clear the decks for an adjournment or recess in October for the election campaigns. The Senate debated gun control legislation and continued committee hearings on the Fortas nomination. The House passed the Defense Appropriations Act, adopted the conference report on the Redwood National Park bill and passed the national scenic rivers bill. Included in the latter legislation, designed to preserve wild rivers in their natural state, were several in Wisconsin—the Upper St. Croix and Namekagon and the Wolf River from the Langlade-Menominee County line to Keshena Falls.

Minesweepers . . . During the course of the debate in the House on the defense appropriation, I pointed out some rather puzzling actions by the Defense Department in the procurement of ocean minesweepers. During the last three years, Congress has authorized and provided the money for 16 ocean minesweepers upon testimony by the Navy that they were badly needed. Then, as part of its attempt to sell the controversial F-111 aircraft to Great Britain, the Defense Department earmarked these minesweepers for construction in England. Last year, I proposed, and the Congress adopted, a requirement that at least seven of the sixteen be built in the U.S. to preserve in this country the capability for building these wooden-hull vessels. Since then, the Defense Department's interest in building the minesweepers has dropped. It has spent $42 million of the $138 million set aside for minesweepers for other purposes and it has dallied over procurement of any of these ships.

House Action . . . In view of the Defense Department's attitude, the House Appropriation Committee withdrew the remaining minesweeper funds when it acted on the defense appropriation. As a member of the committee explained, "It was not right to leave this money just sitting there to be programmed for something else." I told the House I could not quarrel with the committee's decision under the circumstances, but I pointed out, "at the time it was contemplated that the construction of these ships would be in a British yard, they were considered as essential to our defense, then all of a sudden, when there was a little restriction on them so that seven of them at least would be built in the U.S. none of the sixteen seemed to be needed or vital. I wonder what the Defense Department has been doing. . . ."

Reform . . . Republicans in the House are making a concerted effort to force the Majority leadership to take up two bills—one to initiate reforms in federal election campaigns and the other to reorganize and modernize the Congress. The need for action in these two areas has long been evident and it is to be hoped that these bills will be scheduled for action before adjournment.

Hazardous Household Products . . . I have received a request form the National Commission on Product Safety to ask readers of this newsletter for details of any hazardous experience they might have had with common household products, including household appliances, housewares, toys, recreational equipment, etc. The Commission is making a two-year study which will lead to recommendations for more effective consumer protection and is interested in obtaining additional information from consumers. Letters may be addressed to the National Commission on Product Safety, 1016 16th St. NW, Washington, D.C. 20036, or you may, if you wish, send your letters to me for forwarding to the Commission. My address is 2206 Rayburn Building, Washington, D.C. 20515.

John W. Byrnes,
Member of Congress.

THE FEDERAL TRADE COMMISSION AND CIGARETTE ADVERTISING

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 1968

Mr. QUILLEN. Mr. Speaker, Members of this body generally regard the regulatory agencies of Government as judicial in temperament. It is therefore a shock when such an agency displays an extremist attitude in the conduct of its duties. Such an instance can be found in the recommendation to the Congress this summer by the Federal Trade Commission to enact legislation forbidding the advertising of cigarettes on radio and television.

We are told that this ill-advised request came about on the slimmest of force, as a 3-to-2 vote of the Commissioners. One of the dissenters, however, was the distinguished Chairman of the FTC, Mr. Paul Rand Dixon. No doubt Members of Congress will reject this bit of bureaucratic folly, and in so doing we should recognize the incredible and illogical nature of it.

In the first place, it is a precept of the commerce of this great country that any product or service legally for sale may be advertised. But the Commission's unprecedented recommendation would deprive nearly a million Americans of this right—nearly a million persons whose livelihood depends upon the growth, storage, processing, advertising, and distribution of tobacco and products.

And what overriding motive could there be for such an epochal move? Apparently it is a concern for the public health. As to that, Mr. Speaker, I suggest there is an obvious lack of qualification of this little FTC majority to arrive at its very defective judgment. The agency has conducted no investigation, no proceedings, upon which to base such a conclusion. One gathers its members may have read something in the newspaper about the antismoking propaganda of the Public Health Service, an arm of the Department of Health, Education, and Welfare. At best their statistics show an association between cigarette smoking and certain diseases to which some smokers as well as nonsmokers may fall prey.

Logic suggests that these findings justify a medical research effort to establish the facts and the specific causes of such illnesses in the public interest, which is exactly what the medical profession, the tobacco industry, and the dedicated scientists in the Public Health Service are attempting to do. Surely, if the facts warranted a prohibition of television and radio advertising of cigarettes they would warrant a prohibition against the growth and use of tobacco in cigarettes, neither of which has been suggested by the principal authority, the Secretary of Health, Education, and Welfare.

Meanwhile, half a dozen great companies are competing vigorously in all advertising media to increase their individual shares of the smokers' market. Together they account for a significant portion of the broadcasters' revenues. Any loss in this area would no doubt become a great gain to the print media. Despite this pecuniary advantage, Mr. Speaker, it has been refreshing and encouraging to note the response of newspaper editors across the land to the Federal Trade Commission maneuver. Many have taken note of this matter, and the vast majority recognize it, in the words of the Yakima Herald in Washington, as "the first step in a tight clampdown on a very vital bit of American independence—the right to advertise a legal product."

Mr. Speaker, I include in the Record, as part of these remarks, the editorial of July 5, 1968, from the Yakima Herald, and as a further example, an editorial of July 12 from the Rochester Post Bulletin in Minnesota:

[From the Yakima (Wash.) Herald, July 5, 1968]

Where To Stop?

We find it significant that, in this week of Independence Day observance, a federal bureau—the Federal Trade Commission—urged Congress to take what could be the first step in a tight clampdown on a very vital bit of American independence—the right to advertise a legal product.

The FTC asked for a law prohibiting cigarette advertising on television or radio. In the same infinite wisdom the FTC displayed earlier in its anti-smoking campaign, it also proposed a sterner warning to be placed on cigarette packages. Packages now must carry this: "Caution: Cigarette smoking may be hazardous to your health." FTC's new proposal: "Cigarette smoking is dangerous to health and may cause death from cancer and other diseases."

Not an iota of evidence exists to show that the present label has cut down smoking one tiny fraction. A bureau, however, must act busy, especially during an election year when public attention is called to the ponderous size of government and its offshoots.

If FTC can get by with the ban on advertising cigarettes, what lies ahead?

Shall we then put skull and crossbones on whiskey and a warning perhaps, on every beer bottle suggesting that beer can cause a gain in weight or possibly make it hazardous for the drinker to go home after tippling a bit at the tavern?

Any doctor giving annual physicals to executives could justify a ban on including pie, cake or candy on grocery lists. Who is to say that butterfat, oleo or anything else containing cholesterol should not be banned from mention on the TV?

Better yet, we suggest, is a directive from Congress to the FTC and any other preposterous, upstart bureau, that on all stationery the bureau must have imprinted this admonition to taxpayers: "Caution: This bureau causes a dangerous burden on the pocketbook of every taxpayer, and its actions may be hazardous to an American citizen's independence."

[From the Rochester (Minn.) Post Bulletin, July 12, 1968]

ADVERTISING BAN ON CIGARETTES, A LEGAL PRODUCT, INTOLERABLE

The Federal Trade Commission's recommendation (by a 3-2 vote) that Congress pass a law banning all cigarette advertising on radio and television establishes some kind of new record for bone-headedness and bureaucratic paternalism.

Cigarettes are a completely lawful product, freely manufactured, transported and sold in every city and hamlet. Surely the free enterprise system cannot tolerate an economic philosophy that says you may manufacture and sell a product, but you can't tell anyone you are doing it.

And to set the record straight, the Post-Bulletin is not trying to protect a source of advertising revenue, since the tobacco firms concentrate almost all of their advertising on radio and TV. The Post-Bulletin hasn't carried any ad lineage for cigarettes in 1968.

Now cigarette smoking may well be harmful to health, and indeed the packages carry such a warning. But the Federal Trade Commission isn't satisfied. It *knows* what's good for the people and urges Congress to *make* the people conform to its view.

(But it has been pointed out by columnist-commentator James J. Kilpatrick that there was a time when the very best bureaucrats *knew* that the earth was flat, and when the very best physicians *knew* that the finest treatment for a fever was to bleed the patient. Whole libraries are filled with the assertions of good men who *knew* that certain things were so, and these are now just monumental collections of error.)

Nevertheless, it is intolerable in our view to suggest that advertising is the culprit that makes smoking harmful. If cigarettes are hazardous, the issue ought to be approached from that angle, not by a backdoor attack on advertising.

CONSTITUTION DAY ADDRESS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. EILBERG. Mr. Speaker, today I had the great honor of addressing a Constitution Day assembly at the birthplace of our Nation's liberty, Independence Hall, in my native city of Philadelphia.

Because the Constitution and what it stands for is of interest to each and every Member of this body, I include the address in the RECORD at this point:

SEPTEMBER 17, 1968, AT INDEPENDENCE HALL, PHILADELPHIA, PA., THE CONSTITUTION AND THE MEANING OF REPRESENTATIVE GOVERNMENT—CONSTITUTION DAY ADDRESS

It is a great pleasure to speak before a gathering of Americans vitally concerned in the purposes and principles of the Federal Constitution and the meaning of representative government. For, I am sorry to say, it would appear that not all Americans are so concerned, and that is, indeed, a black mark against the democratic cause.

From the beginning of our national existence, we have sought for a means of establishing a just and truly free society, in which every man can rise so high as his abilities permit and engage in whatever practices he might choose, excepting only those detrimental to society.

While trumpeting success in this regard, virtually from the start, we actually have not as yet, by any means, attained our goal. A cursory investigation of our national surroundings reveals the fact that inequality still exists in much of the American community, equal opportunity is still denied in many quarters, and the members of certain unpopular minorities are still victimized by oppression, without sufficient means of redress.

To admit to such things is not, however, to deny the basic truth of our democratic principles, or to repudiate our constitutional design. For despite the many flaws in our form of government and the need for its revision and reform, in many vital areas, the facts would seem to show that, in the face of continuing injustice and continuing unfairness towards many of our citizens, we have nonetheless arrived as a nation, at a level of social, political, and economic living far better than any previously established in the history of man.

And as the beneficiaries of constitutional government, we must fully recognize the source from which we have so long derived these benefits—the Federal Constitution.

The men who drafted the Constitution were the products of an era when the three great monsters of the earth were famine, pestilence and government, all of which destroyed at will.

Unable to limit the evil force of famine and pestilence, the Founding Fathers nonetheless *could* deal with government and did so decisively, establishing the most remarkable network of checks and balances designed to limit governmental power.

Their purpose was the protection of human freedom, which until then had been ravished by the agents of government, from the beginning of time.

Out of the constitutional system, established in 1787, evolved American politics, and of the first issues considered, one of the most controversial, involved a running battle between those favoring "strict" construction of the Constitution and those favoring a "loose" construction.

The strict constructionists believed, in keeping with the Founding Fathers, that a government must be prevented from becoming too strong. As they saw it, they were acting in the public interest, to prevent the experience of an all-powerful government giant capable of crushing out the popular will.

The loose constructionists believed, on the contrary, that the makers of the Constitution could not possibly foresee the needs of the Government in all future situations, and it was therefore dangerous to limit governmental powers beyond a certain point.

Neither side in this argument could be said to be evil or self-seeking. Both were concerned basically for the welfare of the nation. The strict constructionists proved successful in the controversy, electing their leader, Thomas Jefferson, to the Presidency.

It was also Jefferson, however, who proved the arguments of his rivals, the loose constructionists, by stretching his constitutional powers, full length, for the purpose of effecting the Louisiana Purchase, so vital to the interests of the country.

Since the time of Jefferson, the two schools of constitutional construction have continued to quarrel bitterly and denounce each other, after the manner of all opposing schools. And yet they have not damaged our nation, because they both are clearly tied to national purpose and the hope for improvement of our national condition.

The only *real* internal danger to the Union, from its constitutional inception, has been the frenzied work of those Americans who basically have no concern for national purpose, but only for personal interest. They are those who can be said to view the world through their collective greed. Their object, first, last, and always, is purely self-promotion.

And whenever constitutional details interfere with that object, they are the first to propose that the Constitution be dismissed, as out of date and worthless to the current crisis, whatever that may be.

Such were the arguments of the Pennsylvania Whiskey rebels of 1794, when the liquor interests of that day rejected Federal authority on grounds of inconvenience.

Such were the arguments of the Know-Nothing movement in the 1850s, when the land became inflamed with anti-Catholic sentiment and religious liberty was set aside, in the interest of political expediency.

Such were the arguments of the Secessionists, who declared that the Founding Fathers were nothing more than "old fogies," and that they principles did not apply whenever they collided with the interests of the slavery institution.

Such were the arguments of the Ku Klux Klan, following the Civil War, and those who supported their campaign to terrorize the black people of the South.

The same kind of reasoning inspired the anti-Oriental riots, on the Pacific Coast, in the 1890s and several anti-Semitic riots on the East Coast, in the early 1900s.

The long list of anti-black riots, running from the 1830s through the 1940s derives from the same source, as well as the many years in which the black man of the South was denied the right to vote and hold office, in direct defiance of the Constitution.

In the manner of a frenzied sailor running about, patching leaks in the bottom of a boat, the constitutionally-minded reformer has sought to save the Ship of State by constantly patching up the damage wrought by those citizens who constantly assault the constitutional rights of other citizens.

Periodically, reformers seize control of the Congress and pass legislation looking to the establishment of justice in those areas where it so far has failed to appear. No sooner is this accomplished, however, than the anti-constitutionalists set to work again, trying to circumvent the law, in the interest of personal prejudice, if nothing more.

Therefore, we are presented with the picture of democracy constantly under fire, from within as well as from without. There is no period in which the advocates of political reform can afford to relax their vigilance, for the enemies of reform are numerous and their concern for the Constitution virtually non-existent.

One of the most terrible problems of our times is the embarrassing and dangerous gap between the provisions of the law and constitutional interpretations by the courts, on the one hand, and social reality, on the other.

Our country relies upon not one, but two pillars of strength: its constitutional foundation, and popular support for that foundation. When the people fail to take the culprits to task, the culprits are certain to prevail, just as much in a constitutional society as anywhere else.

In our country there evists today a burning need to implement the constitutional rights of every living soul. The past failure to do so has bred injustice and violence against certain minorities, for many years, and, more recently, has resulted in violence on the part of the minority members themselves.

This is the only possible outcome of continued failure to implement the constitutional rights of all Americans. To expect anything else would be remarkably naive.

Today, as ever in the past, it is the responsibility of representative government to guarantee the proper execution of our constitutional theory. For, as the Founding Fathers recognized, democracy cannot afford to get out of balance.

Equality for all must become a reality, or the democratic system will surely founder, and constitutional government—the outstanding brainchild of all political history—will pass the way of many other bright young dreams, to be forgotten by the ages.

JOHN FACTOR—PHILANTHROPY TRANSLATED INTO BROTHERHOOD

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. CORMAN. Mr. Speaker, it is a simple truth that it takes a rich heart to make a philanthropist of a man. Today, it is my special privilege to pay tribute to such a man whose name and deeds are a testimonial to the concepts of humanitarianism and brotherhood. I speak of Mr. John Factor, philanthropist.

John Factor has taken his place as the philanthropic leader of his community. His causes have been legion, and he has given abundantly of his time, his energy, his means, and his concern to them. He has dreamed dreams of a better world and his dreams have become realities—translated into deeds for the benefit of his fellowmen.

Evidence of his good works is everywhere in the community: the Reiss-Davis Child Study Center, an institution for emotionally disturbed children; the Los Angeles Jewish Home for the Aged, a haven for those of Jewish identification who need care in their older years; the California Home for the Aged at Reseda, a place to live for the indigent aged of all denominations; the Gateways Hospital and Community Medical Health Center; the John Factor Watts Community Center, his testament to the immense need of today—diminishing poverty and prejudice and giving the disadvantaged young people a chance to belong—to be a part of a community.

The scope of his philanthropy is boundless, touching the lives of all people regardless of race, color or creed—help for the young, the old; for health, education, research, religion, recreation, welfare. He approaches each with a deep devotion to the principles of the brotherhood of man.

Each year the National Conference of Christians and Jews recognizes Brotherhood Week. Over the past quarter of a century, the California Jewish Voice has selected this week to honor distinguished citizens who have made significant contributions to the ideals of brotherhood. This year its choice was even more exceptional than in past years, for it selected John Factor.

John Factor exemplifies the purposes and goals of the National Conference of Christians and Jews, the organization that for 40 years has worked toward the improvement of relations between religious groups in the United States. The organization's progress in these 40 years, not only in religious relations but in community relations as well, is synonymous with Mr. Factor—whose beneficence makes the concept of brotherhood a living reality. He symbolizes the finest in the unique American tradition of individuals working to improve the life of a community. The measure of John Factor is so correctly reflected in a recent quote about him:

> He translates his philosophy of philanthropy into meaningful deeds of brotherhood.

Any accolade paid to this remarkable person must include his gracious wife, Rella Factor, who in all their years together has shared his beliefs and his work. President Kennedy must have been inspired by people like John Factor and his wife when he enjoined us in his inaugural to "ask not what your country can do for you, ask what you can do for your country."

I can best sum up my respect and admiration for Mr. Factor by restating my tribute to him during Brotherhood Week:

> To speak of brotherhood is not difficult; to live it is a challenge and a testimonial. Few live it as does John Factor. His desire to afford all the opportunity to live, learn and grow in equal dignity, regardless of the chance of birth, designates him as a rare and admirable man. We all owe a debt of gratitude to John Factor.

TV'S HANDLING OF CHICAGO—AN EXPERT CRITIC'S PERSPECTIVE

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. CASEY. Mr. Speaker, much has been said and written about the television networks' gross mishandling of coverage of the National Democratic Convention in Chicago—and their pandering to the 25- and 30-year-old "college kids" who tried, with unspeakable filth, to disrupt the convention and the city.

Professional journalists are sick at heart at the utter lack of responsibility of this media—for it truly was network television's darkest hours.

Because I know of my colleague's deep concern, I want to bring to their attention the comments of a most distinguished and articulate television critic, Ann Hodges, of the Houston Chronicle. Her penetrating analysis sums up my own assessment of the situation, for the television networks are truly on trial before the court of public opinion. Indeed, I think it is time that this Congress give careful study to this gigantic industry, which uses for profit the public airwaves without any supervision, and its impact upon society. The article follows:

NETWORKS ARE ON TRIAL AS WELL AS DALEY

(By Ann Hodges)

The most interesting item in Monday night's TV lineup arrived virtually unannounced—NBC's 30-minute tape of Mayor Richard Daley's press conference.

It was, as NBC took extreme care to point out, a complete transcript of the mayor's remarks earlier in the day on the subject of Chicago at convention time.

The network, via newsman Floyd Kalber, labeled it "The Defense."

Make a note of the ploy. It is as fascinating to observe as the attitude of all three networks through the whole Chicago uproar.

The meat of Mayor Daley's "Defense" by now has been duly reported in headlines coast to coast. And the rapidly growing list of committees, commissions—and now a federal grand jury—checking out Chicago probably will be his final judges and jurors.

But the point is that if Mayor Daley is on the defensive, then the networks are equally on trial.

Judging from their lofty statements of recent days, the fact they did a cub reporting job on one of the most important news stories of the year appears a matter of indifference.

And the fact that through overemotional and under-researched news reports they have castigated a city and probably finished the political career of its mayor seems equally unimportant to them.

It is no secret that the networks went to Chicago with a mad on—at the telephone strike, at the tight security measures and at the limits set on convention coverage.

Ironically, one of the most discussed points of contention was the rule—later rescinded—that there must be only two floor reporters for each network instead of four. The rule should have stood. The floor reporters with their blown-up trial balloons and dogging of delegates were a constant irritation.

Outside the hall, the area TV cameramen could cover was, indeed, limited. But that was no excuse for failing to dispatch pencil-pushing pros to find out what was happening on the scene and behind it. A voice report from one able man on the street would have been worth 10 from Aline Saarinen, NBC's lady arts critic turned riot specialist.

Any other time of such national controversy, the networks all would be breaking their necks to surfeit our screens with specials on the situation past, present and future. But, it seems, all the news and documentary experts have suddenly gone fishing.

And NBC's "equal time" concession to Mayor Daley Monday night had an archly patronizing air that only points up the failure of TV to cover its beat with objective detachment.

THE REMARKS OF CONGRESSMAN PUCINSKI AT PROTEST RALLY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. PUCINSKI. Mr. Speaker, I recently had the pleasure of addressing a rally in Chicago which formed to protest the Soviet occupation of Czechoslovakia and was made up of Czech-Americans and many others who are deeply troubled and concerned by the recent events in Czechoslovakia.

I would like to take this opportunity to place in the RECORD today the text of my speech to the rally which gathered on August 24, 1968, for this cause:

Mr. Chairman, we are assembled here this afternoon to add our voice of protest to a crescendo growing around the world against the Soviet Union's brutal occupation of Czechoslovakia.

We are assembled here today to condemn in the strongest form possible the invasion of Czechoslovakia by Soviet troops and their Communist puppet leaders of Poland, East Germany, Hungary and Bulgaria.

But more important, we are assembled here today to give voice to demands that the free world not let this infamous crime against the people of Czechoslovakia go unpunished.

Mr. Chairman, the Soviet Union has written an incredible record of deceit in world affairs since the end of World War II. The invasion of Czechoslovakia by Soviet troops is the zenith of Communist deceit.

For only a few days earlier, the top leaders of the Politbureau in the Kremlin assured the Czechoslovaks that they would be free to develop their program of liberalization.

How long, Good Lord, how long is the free world going to tolerate this kind of Communist infamy?

The event of the past few days in Czechoslovakia are not an internal struggle within the Communist world, as the Soviet leaders would have you believe.

This barbaric attack upon the people of Czechoslovakia by Soviet troops is only the latest in a long series of Communist intrigue and conspiracies which has kept this world in turmoil since 1946.

The United States today finds itself locked in the most brutal war of our time, with a half million of our soldiers fighting for freedom in Vietnam.

No one can deny that the basis of the struggle in Vietnam for survival is the Communist intrigue and conspiracy to take over Southeast Asia.

To this day we are compelled to maintain a huge Army in Korea—and 87 of our American crewmen of the Pueblo are held prisoner by the Communists. This too is part of the running conspiracy of the Communists to create turmoil in the world.

The Soviet Union has re-armed all of the Arab States and is now fanning the fires of aggression against Israel in the Middle East.

No one can deny that the Soviet Union continues to hope ultimately to destroy Israel's freedom and take over the whole of the Middle East.

Soviet Naval forces in the Mediterranean are creating incident after incident against our Sixth Fleet in order to keep that part of the world in a state of constant turmoil.

The brutal attack on the people of Czechoslovakia by Communist troops is yet another inhuman chapter of the Soviet Union's unyielding drive for ultimate world conquest.

How long, good Lord, how long is the free world expected to endure this kind of barbaric aggression by the Communists against the institutions of peace and freedom in this world?

This world sat by impassively in 1956 when the people of Poland tried to carve out for themselves a ray of freedom, and the Poznan uprising was crushed by the same Communist forces that have today moved into Czechoslovakia.

Later in 1956 we saw an example of Soviet barbarism when the Hungarian uprising for freedom was crushed by the same Communist forces who today occupy Czechoslovakia.

And today in 1968 we see the Communist juggernaut continue to destroy any efforts by any people within the Soviet orbit who would carve for themselves a spirit of human dignity.

Mr. Chairman, I submit to you that for the free world to remain impassive and unmoved by this latest assault is an invitation to World War III.

We all remember only too well when a brave American President stood right here in Chicago at the dedication of the Michigan Avenue bridge in 1935 and pleaded with the free world to impose sanctions against the first of the modern aggressors and dictators immediately after the brutal invasion of Abyssinia.

Had the free world had the courage to heed his counsel, it is entirely possible that Hitler would never have gotten started; World War II may well have been avoided; and Czechoslovakia and her 180 million neighbors today living in Communist bondage and behind the Iron Curtain would be members of the family of free nations.

But the world refused to listen in 1935—it refused to listen in 1956—but I pray to God it will not refuse to listen in 1968.

The unified voice of the whole free world must be heard in a firm and resolute demand that the troops of the Soviet Union and her puppet satellites be withdrawn from Czechoslovakia forthwith.

That same unified voice must demand today that party leader Alexander Dubcek be released forthwith, if indeed he has not already been destroyed by the Communist troops.

This same unified voice must demand that the people of Czechoslovakia, and indeed the people of all the captive nations including Estonia, Latvia, Lithuania, Poland, Hungary, Rumania, Bulgaria, the Ukraine—and, yes, the Soviet Union itself—be given an opportunity to develop their own course toward human dignity without the interference of Soviet troops and Communist brutality.

The great debate in the United Nations clearly demonstrates the futility of trying to deal with any kind of civilized behavior with the Communists.

I say, Mr. Chairman, that America's own dedication to peace and freedom has never been tested more clearly than it is being tested today.

It is my sincere hope that the President of the United States will order forthwith a suspension of diplomatic relations with the five invaders of Czechoslovakia, and cut off all economic relations with these countries until Communist troops are withdrawn from Czechoslovakia.

It would be folly to suggest military intervention in this present crisis, if for no other reason than that tactically this would be almost impossible.

But we have a strong weapon—a more effective weapon—a weapon that will be immediately felt within the very heart of the Communist world.

That weapon is economic sanctions.

Each of these five nations whose troops have invaded Czechoslovakia is undergoing serious and very severe economic crises. None of these nations could last very long without the free trade of commerce with the rest of the world.

There is no question in my mind that the Soviet Union itself and her satellite Communist puppets in Poland, East Germany, Bulgaria and Roumania, would find themselves in a crisis unprecedented in their time if this nation and the rest of the world—and I stress—we need a concerted effort of the rest of the world—would impose severe and meaningful economic sanctions against these nations.

The free world will either determine to quarantine Communist aggressors or suffer the consequences of their aggression in due time.

No nation in the world today is safe from Communist intrigue and conspiracy. It is for this reason, Mr. Chairman, that I hope all of us assembled here today will raise our voice in fervent prayer that the free world once and for all will determine resolutely that the time is long overdue when the Communists must be stopped in their unyielding and unrelenting drive toward world conquest and conspiracy.

I hope we will all raise our prayers in a fervent hope that President Johnson will in 1968 be able to achieve the kind of quarantine against the dictators and aggressors of our time that his predecessor, Franklin D. Roosevelt, tried so heroically to achieve in 1935.

Peace can come to this world only when the Soviet Union once and for all understands that there is a point at which human patience can be exhausted.

Our patience with the running record of Communist intrigue has reached its high water mark. This is the time for resolute action, and we have never had a better cause than the cause of freedom in Czechoslovakia and the rest of the captive nations of Europe.

FARM ECONOMIC SITUATION COMPARED WITH OTHER GROUPS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. ZWACH. Mr. Speaker, the National Farmers Union has had a long interest in farm legislation and in the economic condition of farmers.

I have been privileged to receive a copy of some of the sound, factual material which the research department of the National Farmers Union has recently compiled.

I am inserting a table from this latest compilation which portrays the rate of growth of the various segments of our total national economy with those affecting agriculture. This table presents the facts much more forcibly than any other I have seen recently:

GROSS NATIONAL PRODUCT HAS INCREASED 266.8 PERCENT SINCE 1947 WITH NONFARM GROUPS SHARING SUBSTANTIALLY IN THE INCREASE IN THE NATION'S GROWTH. BUT FARMERS' NET INCOME HAS DECREASED BY 2.6 PERCENT SINCE 1947

FARM ECONOMIC SITUATION COMPARED WITH OTHER GROUPS

[Dollar amounts in billions except average weekly earnings]

	1947	1961	1965	1966	1967	1968	Percent change, 1947–68
Farmers' total net income [1]	$15.5	$13.0	$15.0	$16.1	$14.6	[2] $15.1	−2.6
Farmers' total gross income	34.0	39.8	44.9	49.6	49.1	[2] 50.7	+49.1
Farmers' production expenses	16.8	27.1	30.9	33.4	34.8	[2] 35.9	+113.7
Interest received by creditors	8.2	25.0	38.7	43.1	46.8	[2] 52.6	+541.5
Dividends received by corporation stockholders	6.5	13.8	19.8	21.7	22.9	[2] 25.0	+284.6
Business and professional income	19.9	35.6	42.4	44.8	46.3	[2] 48.0	+141.2
Rental income of landlords	6.5	16.0	19.0	19.8	20.3	[2] 21.0	+223.1
Average weekly earnings of all manufacturing workers	59.92	92.34	107.53	112.34	114.90	[2] 122.10	+94.1
Gross national product	232.2	520.1	684.9	747.6	789.7	[2] 851.6	+266.8
Unemployment (1968): [2]							
Millions 2.9							
Percent of labor force 3.7							

[1] Including net inventory change.

[2] Seasonally adjusted annual rate, 1st and 2d quarters.

Source: Economic Indicators, published by President's Council of Economic Advisers, August 1968.

WALLACE SPARKS DEMAND FOR LAW AND ORDER

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. MONTGOMERY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial that appeared Monday, September 9, 1968, in the Jackson Daily News in my home State. I submit the editorial herewith for the consideration of my colleagues:

GOVERNOR WALLACE JOLTED NATION TO DEMAND LAW AND ORDER

Reacting to national disgust over disgraceful, bumptious conduct in the streets, politicians of both Republican and Democratic parties are beginning to utter pipsqueak sounds about law and order.

Their mouthings are tardy. Both parties have occupied positions of high trust and responsibility in national government, members of both parties are guilty for the disaster they have wrought.

Did you ever stick your head into an empty barrel or water tank and yell. The echo is a jumbled ear-ripping noise without fidelity, hi or low. The sound you now hear from the Nixon side or the Humphrey gang about law and order has neither fidelity nor political virtue.

Only George Wallace of Alabama, who has borne more than his share of vicious propaganda that politicians and news media sling around like Cub scouts in a chinaberry fight, bore the heavy burden of taking it upon himself to go before the American people and alert them to what both major parties had done to them under the guise of "civil rights," another cute political word gimmick from Washington's phrase-making factory.

Now that the riots are running amuck all over the land, now that police officers and guardsmen must suck in their life-giving oxygen through teargas masks, now that school superintendents and teachers are fleeing into the streets, now that cities are burning block by supermarket, now that pastors are socialistic agents rather than preachers, now that priests defy even the Pope, now that decent American people, loaded to the gills with debt and taxes, have rebelled against the New Deal, the Fair Deal, the Nixon deal, the Great Society, the Happy Society and are going out and buying guns the politicians are beginning to say something about law and order. At the same time this gang is working overtime, day and night, to forbid an angry American from getting a shotgun and a box of shells to defend his wife and daughter.

Let's go back and review a bit:

This stuff all started right here in Dixie.

When the dirtiest scum ever to hatch louse in the head invaded Mississippi under the propaganda banner of "freedom now" and tried to seize control of Jackson, how many national politicians of either party said even a kind word about Mississippi's efforts to maintain law and order? Damned few if any—except those from the South who could see into the future.

How many politicians of both national parties rose to their feet to encourage this wayward bunch of social bandits, to set them on fire with passion and promises? Just about all of them--except from the South who could see into the future. Look now. The future is here.

How many news commentators dared give voice to intelligent spokesmen of this state to refute those nasty statements and insults from the bellowing batch of buttheads from Berkeley to Boston?

Did not every national telecast and magazine article of that day devote hours and pages to slander Mississippi and libel every member of the police and highway patrol and sheriff and his deputy who attempted to curb this filthy flock of revolutionaries who even to this day of charred cities and thousands of dead and wounded are gently labeled "innocent flower children" and "disciples of dissent." What a bottle-headed gush of stupidity these freaky commentators are!

How many nationally-circulated newspapers sent their reporters into Dixie—to Jackson, to Selma, to Canton, to Grenada, to Philadelphia, to Montgomery, to Birmingham? By the swarms! Some supposedly intelligent newspapers who in sickening tardiness are now deploring riots and bloodshed even assigned panty-stripping girls and long-haired hippies to write front page articles about their "gallant fight for freedom" in Mississippi.

All these—the politicians and news media —tooled, hammered, built, fashioned and manufactured the current state of anarchy in the land. They gave the push, the polish, the dignity, the encouragement to the lawless who sought to wreck the South. But the forces they set loose boiled and overflowed and the crucible is still cooking, oiled, greased and fed by the flames of Yankee firebombs, switchblade knives and other forms of guerilla warfare—not to mention bottles, bricks and razor blades smuggled in their shoes with which to kick a cop. But if the bleeding officer conks somebody over the head he is labeled a "racist;" he's "overreacting;" he's trying to silence "dissent."

How many times did a filthy-mouthed Babe from Berkeley or Boston curse a Mississippi officer and although under the most deadly provocations he kept his cool, she would turn around and issue a statement to eager TV commentators or by-line happy "war" correspondents that a mean ol' cop struck her in the abdomen and she was pregnant? Although this pregnancy bit was repeated scores of times we wonder why the enterprising TV boys and "ace" correspondents never uncovered a miscarriage. The only miscarriage was the dead fetus of truth and factual reporting.

The only live birth was the sprouting of national horror at the guilt of the South, the hatching of a national permissive mood to allow the crusaders to move from Dixie to Washington, to Detroit, to New York, to Watts. Now the politicians and press who helped spawn this darling fawn are yelling because they all ended up with a bear by the tail.

It was good that the TV cameras and the "war" correspondents were on hand at Miami Beach and Chicago. Even Drew Pearson whose nostrils ought to be conditioned to any acrid heap says the riots and disorder at both places were planned and plotted to provoke police and came on cue from the slap-happy television commentators who wanted something packed with action at prime time so their own individual network would outrank the others in viewer ratings to assist Madison Avenue snake oil salesmen wrap up another contract from beer, cigarette and high octane gasoline sponsors in their next year's budget. Anarchy rewarded again!

But little George Wallace from Alabama who never threw a firebomb but stood in a schoolhouse door to warn the nation of what was behind the wispy civil rights cloud with a green lining has taken the issue of law and order and warped reporting and dirty politics to the American people.

The Wallace polls are polevaulting. (Showed 60 per cent majority among white, blue-collared workers in Pittsburgh last week).

Wallace has told truths to the rubber workers in Akron, steelworkers in Pittsburgh, miners in West Virginia, farmers in Iowa, storekeepers in Los Angeles and the wicked in Washington.

George Wallace has got national politics turning handsprings to reverse idiotic trends and get back to decency and law and order.

Regardless of how one votes in November, regardless of the outcome of the election, the American people already owe George Wallace enduring applause for getting into a lonely political rowboat and turning a tide of disaster.

SAME OLD APATHY

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. MILLER of Ohio. Mr. Speaker, since the conventions in August there has been a considerable amount of talk regarding our system of choosing presidential nominees.

An editorial in the Marietta, Ohio, Times of Thursday, September 12, 1968, deals with the subject. The editorial, entitled "Same Old Apathy," makes some valid points that should be considered before any radical actions are taken. I would like to insert the editorial in the RECORD at this point:

SAME OLD APATHY

Interest in Congress in the way the nation nominates and elects presidents was inevitable after the furor that was the Democratic National Convention.

But before the people are stampeded into a condemnation of procedures that have served the nation for more than 130 years, it is fair to demand of the critics a specific explanation of what it is in the traditional procedures they oppose and how what they propose will better serve the nation.

It would also be helpful if the problem were split into its two very different and separate parts: Nominating national candidates and electing a president. The latter is the business of all the people of the United States, while the former is within the province of only the registered members of recognized political parties.

This distinction is not always recognized.

When it comes to the election of a president, the principal target seems to be the Electoral College, which critics want to abolish and replace with a winner-take-all national vote for president.

Attacks on the convention systems are not so clear-cut, however. There was, for example, little evidence that either of the recent conventions disregarded the wishes of the rank and file members of the Democratic and Republican parties.

Losing candidates for the nominations who showed up strong in popularity polls did so largely because they attracted large numbers in opposing parties and independents.

This is reason enough to question the wisdom of calls for national primaries to determine Republican and Democratic nominations, but it is certainly not the only one. The national primary would seem to favor the rich candidate even more than the present system.

And any national contest open to all comers would attract many special interest groups intent on taking advantage of an unusual opportunity for wide public exposure.

Improvement of the nominating procedures would seem to be better done through the convention format. But insiders and professionals will continue to have an edge as long as the people only get excited about politics once every four years.

That fact, however, perhaps more than any other, is the best rebuttal of all to those who call for immediate and total change.

OFT-DECORATED HARFORD HERO MADE A MAJOR IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. LONG of Maryland. Mr. Speaker, Richard A. Maxwell, an outstanding soldier who has been decorated many times for his actions in Vietnam, has recently been promoted to major. I would like to commend his fine service to our country by including the following article in the RECORD:

Oft-Decorated Harford Hero Made a Major in Vietnam—Richard A. Maxwell Has Many U.S. and Vietnamese Awards

Major Richard A. Maxwell, son of Mr. and Mrs. Rex Maxwell of Chestnut road in Whiteford, has distinguished himself as one of Harford county's most decorated military men in the Vietnamese conflict.

Recently, Major Maxwell (and he was just promoted to that rank) was awarded the following decorations: the Distinguished Flying Cross, the Silver Star, the Purple Heart, and seventeen air medals. Also he was awarded the three highest awards given by the South Vietnamese Government; the Cross of Gallantry with a silver star, the Cross of Gallantry with a gold star and the Honor Medal.

The Distinguished Flying Cross was awarded to Major (then Captain) Maxwell for heroism while participating in aerial flight as a Forward Air Controller, near Quang Ngai, on Jan. 31, 1968. While flying in support of Vietnamese Army units which were engaged with a well armed and extremely hostile force, according to the citation, he directed a set of helicopter gunships onto the hostile positions.

The citation goes on to say that the gunships ran out of ammunition before the friendly forces had gained control of the area and without regard for his own personal safety, Captain Maxwell made many low passes in the face of small arms and automatic weapons fire to place his marking rockets. It continued that his heroic actions allowed the friendly forces to dislodge the hostile force with a minimum of casualties.

The Silver Star citation states he distinguished himself in action as a Forward Air Controller near Quang Ngai on Dec. 28, 1967. On that date he was supporting a friendly patrol which had been pinned down and rendered helpless by a superior hostile force.

According to the citation, Captain Maxwell, without regard for his personal safety, drove his unarmed O-2A aircraft into the midst of hostile troops, breaking up their attack and causing them to flee in panic. Although his aircraft had been hit several times during his daring pass, he continued to harass the unfriendly troops with smoke rockets and then directed tactical air power onto their positions.

Major Maxwell is now back in the United States after his Vietnamese tour.

He is a former North Harford High School athlete who attended and graduated from the University of Maryland, where he was a varsity baseball player.

FLORAL PARK VOLUNTEER FIRE DEPARTMENT: 75TH ANNIVERSARY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. WYDLER. Mr. Speaker, no organization in our society does more for the local community than the volunteer fire departments. Recently, the volunteer fire department of Floral Park, N.Y., in my congressional district, celebrated their 75th anniversary. Their celebration was a community affair and one which exemplified the best of American tradition, voluntary service to one's fellow man. In connection with that celebration, a brochure was written, giving the history of this great organization. Its contents follow:

The Floral Park Fire Department

By 1887 our hamlet had grown in size and importance. A few years later, fire destroyed the general store erected to house the operations of John Lewis Childs' catalog seed business. It is easy to imagine the concern such a tragedy could produce and the awareness of the threat of fire to the other buildings and to the flower fields which were the life blood of the new community.

Not long afterward, Hook and Ladder Company No. 1 was formed and issued its papers of incorporation dated May 18th, 1893. The company's apparatus was a hose reel with a capacity for 300 feet of hose, some hydrant wrenches, two axes, a crowbar and two silver lanterns. Housed in a shed at Tulip and Violet Avenues, it was ready to roll whenever sufficient manpower arrived to haul it by hand. The firemen's equipment and their red shirts were purchased through members' dues and voluntary subscriptions.

In 1898, Nassau County was created by an act of the State Legislature, and Floral Park was no longer in Queens County. A board of fire commissioners governed the department until 1917 when the management changed to a fire council whose members were elected from each of the fire companies. In 1907, Floral Park came into official existence as the "incorporated village of Floral Park" and the fire department became a function of the village instead of a private corporation.

The department's assets were liquidated and the equipment sold to Hook and Ladder Company No. 2—The present unit. The alert engine company was formed at this time. Development of a business area along Jericho Turnpike and the construction of homes on the north side of the village necessitated the formation of the reliance engine company. Soon after its formation, this company was housed on Spooner Street in the brick building that still stands near Plainfield Avenue. A large ring of steel hung outside the firehouse to be struck with a large hammer to sound an alarm of fire. A bell was mounted on the roof of the firehouse with a rope that reached the ground so that it too could be sounded when necessary.

During 1923, the residents of the village approved funds for the purchase of motorized apparatus. Two Fords of the model "T" vintage and a hook and ladder truck supplanted the hose reel. The reel was not retired from service but was stationed instead in a barn in the west end to provide better protection for that fast growing section of the village. Active company was formed in 1924 to man the hose reel.

Fund raising activities to support the department's functions have always been a necessary part of the fireman's routine. Tag days were held each summer and motorists passing through the village were "sold" a tag to raise funds for the local fire department. Tournaments and parades have been held on the first Saturday in August almost since the formation of the department. Holland Avenue was the scene of the earlier contests when participants wore helmets and raincoats to impede their efforts. During the early thirties, the course was moved to Stewart Avenue. Later, Raff Avenue and Floral Parkway were used for the running of the event. The evening parades were as exciting in the old days as they are today. It was the custom of the chief of each department to carry a trumpet which held a bouquet of flowers. The trucks shone but they were illuminated only by the light of kerosene lanterns which served as a means of lighting the area during fire fighting operations.

A GMC city-service ladder truck replaced the original Ford, and, late in the thirties, the three engine companies were equipped with 750 gallon Ward-La France pumpers that also carried 250 gallons of water to supply the hose reeled at the back step.

In 1930, the rescue squad was formed to provide first aid for fire fighters injured while on duty. Emergencies soon gave the squad a chance to demonstrate its efficiency. Later, the squad became a full-fledged company; the original truck a canvas topped utility wagon.

At present, the department operates three 750 gallon pumpers, a searchlight truck with salvage equipment, a chief's car, an aerial platform, and a rescue truck. The latter two are considered to be the latest in design and capability, and are often demonstrated to visitors from other departments.

Modern training facilities at the county fire school in Bethpage, and monthly drills equip our members with the skill and knowledge needed to handle today's fires and emergencies. The department's authorized strength of 175 members is usually filled making it possible to enforce compliance with membership and training regulations. About 40 percent of the members have over twenty-five years experience indicating a high degree of efficiency, a fact attested to by continuing satisfactory insurance ratings.

EXTENDING COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT ACT OF 1964

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. WYATT. Mr. Speaker, the Commercial Fisheries Research and Development Act of 1964 has been a great piece of legislation for our beleaguered fighting fishermen, fighting at times for their very livelihood. As most Members of Congress know, the era of river dams has had a severe effect on our fisheries resource. Our offshore fisheries have been attacked by foreign vessel competition, by the impact of a huge geometrical increase in the imports of foreign bottom fish, and by mother nature herself.

All any person would have to do to have complete and full sympathy for the plight of our domestic fishermen would be to spend a single day with them at work. Add to this the competitive and marketing hazards, and it is little wonder that the number of domestic fishermen has dwindled so greatly during the past years.

The Federal Government has made a substantial contribution in a number of ways to help offset these disadvantages. This particular program has, in my judgment, been a real and meaningful help to them. Oregon alone has received approximately $366,000 since the first act was passed in 1964. Its extension for another 4 years is mandatory, and is small enough a gesture and show of interest in our local fishing industry on the part of the rest of the citizens of the United States.

THE PROBLEMS CREATED BY MEDICINE'S SUCCESS

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. CURTIS. Mr. Speaker, I would like to place in the RECORD, today, excerpts of the remarks of Mr. Philip Lesly, public relations consultant to the board of trustees of the American Medical Association delivered at the 1968 AMA Communications Institute. I have for several years stressed Mr. Lesly's main theme that medicine particularly is faced with the problems created by its own success.

This theme needs repetition, and Mr. Lesly has articulated it well. We must focus upon our successes in order to gain the understanding necessary to deal with our problems. Those who are willing to look only at our faults will never have the perspective to provide lasting solutions. This is particularly true in medicine. It is also true with respect to employment and welfare programs where we must grapple with the key question of whether our success—automation and rapid technological advancement—creates more jobs than it destroys. The evidence shows that it does, and this fact should direct our training and welfare programs to a far greater extent than we have done to date. I have commented on this more fully in another section of today's RECORD under my supplemental views to the JEC report on the report of the National Advisory Commission on Civil Disorders. There are numerous other areas where our successes require greater analysis and understanding.

Reports of Mr. Lesly's remarks from the AMA News, September 2, 1968, follow:

THE AGE OF UNREASONABLE EXPECTATIONS

(EDITOR'S NOTE.—Philip Lesly, president of the Philip Lesly Co., and public relations consultant to the Board of Trustees of the American Medical Association, discussed, "How Can We Prevent Being Defeated by Success?" at the 1968 AMA Communications Institute. Some of his remarks are reprinted here.)

We are living in what has been called the Age of Rising Aspirations—but that can more accurately be called the Age of Unreasonable Expectations. Everything has gone so well for most of our population in the last generation—and this has been so visible to the people who do not have all the benefits they see—that expectations now are becoming demands, without thinking through what must be accomplished to bring about our next round of bounties.

We have developed a generation to whom "discipline" has been almost the only taboo word. Millions in all levels of society have grown up with the tenet that denial of desires and impulses is dangerous and evil. Marvelous changes have come so fast that many people—especially those who didn't experience the trials of adult life before 1946—now feel "miracles" can be had just by wanting them belligerently enough . . .

Our progress in so many areas, and the lifting of many of life's greatest uncertainties, has heightened the great American illusion of perfectability. Many people now want instant transmutation of what *should* be into what *must* be. What *should* be, in a society that has come so far, is presumed to be an immediate goal—the perfection of mankind. But not only is perfection impossible—for who can even agree on what a perfect society would be?—if it were ever attained, it would be imperfect again the next day . . . because change is constant, and change would quickly end the "perfect" status.

Medicine, particularly, is faced with the problems created by its own success. Until our own generation, man lived with certainty that death could strike at any time. Good health was the most uncertain of all our blessings. Now that science and the medical profession have made great strides in holding off disease and overcoming maladies, all our people urgently want what medicine can offer. There is no subject more capable of arousing emotions than life and health; and now people demand that the best medical care be *given* to them . . . and they demand it by coercion, if necessary. Of course, this is unreasonable in light of what is available to meet the needs and the time and effort it takes to catch up with such surges of demand.

So, medicine is faced with some problems, created by its own success, that are far greater than the problems it faced when it could offer so much less in knowledge and healing skills. When you succeed at anything, you improve things—and improvement automatically creates change. So change is an inevitable consequence of success. You can't hope to succeed in anything and not be faced with the changes your accomplishments bring about.

Looked at another way, we can say that if you keep things as they were, on an even keel, you have prevented success. Even if this could be done, there are few people today who would want to hold medical practice, communications or any of the other major factors in our lives to the standards of a generation ago. So inevitably, when we succeed—when we bring about progress—we create change . . . and change then challenges our successes—because the patterns that led to our success no longer fit the bright new conditions we have created. They must be adjusted to the changes we have brought about.

The great problem of our age is how to create change, how to live with change, how to *direct* and *master* change rather than have it overwhelm us and destroy the fundamentals that made our success possible.

One of the striking features of the changing world is that everything is rapidly becoming more complex. Each of us has so many more things we must know about or cope with. At the same time, each of the things we deal with becomes more complicated and we understand it less. Practitioners in every field face more and more they must know. At the same time, the rest of the public is overwhelmed by the number of complex things it must face. So, it has less and less understanding of each group at the same time that group needs more and more to be understood . . .

Complexity has been marked by a move toward a corporate society. Today, more than 90 per cent of all earners work for someone else. This includes many professionals such as engineers, architects and teachers. These people are on salary and find it difficult to understand why this is not a satisfactory state for everyone—even doctors. A special and difficult challenge faces the medical profession—to educate this public on why there is such a great difference in medical service . . . why for most doctors, the absence of institutional shackles has such a great influence on their ability to provide good care.

This is where public relations comes in.

At its best, public relations is a bridge to change. It is a means to adjust to new attitudes that have been caused by change. It is a means of stimulating attitudes in order to create change.

It deals with the problems of communication between changing groups that are rapidly being made different from each other.

It provides to every organization and group the vital benefits of objectivity—of being able to see the whole of our society together, rather than from one intensified viewpoint.

It provides judgment, creativity and skills in accommodating groups to each other, based on wide . . . experience.

These are the reasons organized medicine needs the assistance of public relations in a world that seems to tear itself apart, to set one group against another and to destroy understanding. Such professional help, if it can perform, is a necessity of our times.

DON'T LET SUCCESS LEAD TO DEFEAT, MEDICINE TOLD

The medical profession, faced with problems created by its own success, should start taking steps to prevent being defeated by success, a public relations executive told physicians and officers of medical groups attending a conference in Chicago.

Philip Lesly, president of Philip Lesly Co. of Chicago, and consultant to the AMA Board of Trustees, told medical society representatives at the 1968 AMA Communications Institute:

"Until our own generation, man lived with the certainty that death could strike at any time. Good health was the most uncertain of all our blessings. . .

"There is no subject more capable of arousing emotions than life and health; and now people demand that the best medical care be GIVEN to them—care far better than their fathers could have bought with all the wealth of the Indies—and they demand it by coercion, if necessary."

Change Inevitable: Lesly said change is the inevitable consequence of success, brought about automatically by improvement.

Lesly noted that the general public does not realize that one of the biggest weaknesses in the American health care system is the patient.

Much of America's health problem arises from patient's own neglect, he said, pointing out that thousands of mothers refuse to get prenatal care, follow proper diet, avoid drug and alcohol abuses. There is widespread failure to follow the physician's advice, he said.

Medicine, he said, gets blamed too much for infant mortality, heart attacks, cancer, accidents and violence that Americans bring on themselves.

'Unreasonable Expectations': Lesly said we are living in an era that has been called the "Age of Rising Aspirations." The term, he said, could more accurately be called "The Age of Unreasonable Expectations."

He declared:

"Everything has gone so well for most of our population in the last generation—and this has been so visible to the people who do not have all the benefits they see—that expectations now are becoming demands, without thinking through what must be accomplished to bring about our next round of bounties."

He said a generation has been developed of whom "discipline" has been almost the only taboo word.

"Many of our people now think they can see the promised land—because it has been promised to them so freely."

The great problem now is how to create a change, live with change, direct and master it rather than have it overwhelm us and destroy the fundamental that made our success possible, he said.

PR a Tool: Public relations is one of the greatest tools for providing an understanding gap between segments of the population where there is a serious credibility gap, said Lesly. Public relations is a bridge to change, he added.

At another point, Lesly said:

"The trick is to guide and direct this changing (medical) profession in orderly evolution, to avoid having it taken over by the most ponderous, the most wasteful, the least professional factor in the health-care spectrum—the federal government."

He said the days are over when medicine was a cloistered subject for consideration only by professionals. Medicine and health care are in such demand now that the physician belongs to everyone. The professionals are in the arena of everyone's consideration—not by choice, but by evolution, he said.

CITIZENSHIP DAY AND CONSTITUTION WEEK

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. MONAGAN. Mr. Speaker, despite recent vocal and violent criticism of our Government's institutions, and countercharges of "treason" and "anarchy," the overwhelming majority of Americans—and an increasing number of foreigners—revere U.S. citizenship as a prized possession and a serious responsibility.

On this date 181 years ago the Founding Fathers signed the U.S. Constitution, and began the most successful modern democracy in history.

Ours is a magnificent heritage, and one which should be well remembered—and celebrated—as we are engaged in the important and challenging function of choosing our elected leaders.

To both new citizens and new voters the panoply of this election year must be exciting and confusing. Newly-naturalized citizens will become more closely identified with the great body of their fellow citizens in the community. Young voters, casting their ballots for the first time, will realize the responsibility of participating in the orderly conduct of selecting our public officials.

Citizenship Day, which we celebrate today, commemorates the signing of the Constitution on September 17, 1787. Constitution Week, which begins today, offers us a time for study and observance of the events which resulted in the formation of our Constitution.

At a time when active minorities among us are calling into disrespect the principles and practices of our Government, I am proud to join in the celebration of these two important events.

PROGRESSIVE STEP

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. BEVILL. Mr. Speaker, one of Alabama's leading industrial citizens announced this month it will construct a water purification plant on the banks of the Coosa River in Gadsden, Ala.

The facility, to be built on the property of the Goodyear Tire & Rubber Co.'s largest tire manufacturing plant, is designed to treat 24 million gallons of water per day.

The Coosa is the third largest river system in the United States and is growing in popularity as a recreation source. Goodyear's continued leadership in fighting the urgent problems of water pollution should be an inspiration to all business and industry.

Comments of Goodyear's Gadsden plant manager, Colley W. Gilchrist, are, I believe, especially worthy of note:

> Our population growth and rapid industrial expansion have caused our water needs to soar, threatening to upset the balance of nature's built-in renovation processes for conserving water.
>
> We feel that each business and industry must continue to earn its citizenship, playing an active role in making the community a better place to live and work and raise our children.
>
> The water purification plant soon to be constructed is a major step in that direction. It will treat and discharge into the Coosa River approximately 16,500 gallons of water per minute, utilizing new concepts in water purification to meet present and future needs. Goodyear uses the river water as a coolant in various manufacturing operations, and the new facility will be an extension of the firm's present purification system.

At this point, Mr. Speaker, I insert in the Extensions of Remarks, along with my statement, a recent editorial which appeared in the Gadsden Times and which points up the need for such action as this taken by Goodyear. The editorial follows:

GOODYEAR ACTION PROGRESSIVE STEP

> Who is to benefit by Goodyear's new $750,000 water-purification plant?
>
> We are. All of us.
>
> Pollution of the nation's magnificent rivers and lovely lakes, fun spots for millions of skiers, picnickers and swimmers, is recognized as an ominous health hazard whose dimensions will increase if necessary preventive measures are not forthcoming.
>
> That the Goodyear Tire and Rubber Co. is investing hundreds of thousands of dollars in a local plant designed to purify millions of gallons of water daily before returning it to the Coosa River is a measure of the company's concern for the community in which it operates.
>
> The Coosa is the third largest river system in the United States. The river itself and the lakes formed by the recent dams have made our area an outdoor recreation center with more and more enthusiasts devoting themselves to fun on the water from late March to late October.
>
> It is these sports lovers who stand to benefit first by such progressive steps as the one taken by Goodyear.
>
> So far, fortunately, science has been able to keep abreast of the drinking water purfication problem. However, if filth is permitted to increase unchecked, chemicals must be strengthened to do their job thoroughly, and as time passes the question could arise as to how long it would be possible to maintain a wholesome balance.
>
> Goodyear has plunged forward on a purification schedule years in advance of the schedule set up by the State.
>
> City Hall has commended Goodyear for its action.
>
> The Times warmly adds its word of praise.

A TRIBUTE TO BARON VON STEUBEN

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. HOWARD. Mr. Speaker, today is the 238th anniversary of the birth of the great German general, Baron Frederick William Augustus Henry Ferdinand von Steuben, whose service in the American cause, in Revolutionary times renders him the hero of the German-American community.

As a member of Prussian royalty, von Steuben appeared a rather unlikely advocate of American principles, in 1776. And yet he did endorse the American Revolution, and started making plans to engage in it, in the interest of democracy, the moment it began.

Throughout the long history of the German states, there have always existed two predominant strains: idealistic and democratic on the one hand, militaristic on the other. Frequently, the two have opposed each other and fought for control of the German fatherland. Occasionally, they have blended, as in the case of Baron von Steuben, a hero of the Seven Years' War, fighting under the Prussian flag, a hero of our War for Independence, fighting side by side with Washington and others of his kind.

On December 1, 1777, it was reported in the American press that the King of Prussia had signed a treaty with England, providing for the addition of 12,000 Hessian troops to the force of British Regulars already in America. On that same day, one lone German, Baron von Steuben, disembarked at Portsmouth, N.H., and reported for service in the American cause. As it worked out, we got the better of it. For the Hessian troops failed to crush the American spirit on any battlefield, at any point during the war. And the genius of von Steuben did, in fact, demoralize the enemies of American independence.

During the freezing early months of 1778, Von Steuben was stationed at Valley Forge, in company with General Washington, who sought his counsel and advice about the growing need for Army organization and discipline. In May, Von Steuben was named inspector general, or drillmaster, of the troops at Valley Forge, and, in a short time, the American Forces there were ready for battle, as never before. Von Steuben trained the troops admirably, adapting Prussian military ideas to the needs of his pupils. Results of his work were demonstrated dramatically in the next campaign, particularly at Monmouth, N.J. There and thereafter throughout the war, the Continental Army proved itself, battalion for battalion, the equal in discipline and skill of the best British Regulars.

During the winter of 1778–79 Von Steuben became the close confidant of Washington. He was consulted upon all questions of strategic and administrative policy and performed all the essential functions of a modern general staff.

He was later appointed to serve on the court martial which tried and convicted Major Andre on charges of spying. And following the defeat of Gen. Horatio Gates, at Camden, Steuben was placed in command of the district of Virginia, with orders to "collect, organize, discipline, and expedite the recruits for the southern army." This was his last major command, although he did see action in the final campaign, at Yorktown.

Of all the heroes of the Revolutionary period, none exceeded in importance Baron von Steuben, who brought to bear the best of Germanic soldierly traits and the best German philosophical principles, in behalf of the democratic cause. His contributions stand unrivaled to this day.

SPEAK UP FOR AMERICA

REMARKS

OF

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. GROVER. Mr. Speaker, in the charge and countercharge excitement of a presidential election year our attention is drawn to the specifics of words, actions, personalities, and issues.

In a time characterized by excessive license and permissiveness in all areas of American society—when the draft card burner, the yippie, and the militant dissenter or leftwing student gets the headline, it is refreshing and encouraging to see someone speak up for America. The editor of the Long Island Examiner did last week, in a front page editorial which I am pleased to bring to the attention of my colleagues:

SPEAKING UP

Let's speak up for America. It's later than we think: It's 1968. Time and tide wait for no man. Let's start today to emphasize the meaning of the American Flag. Regardless of race, color or creed, all Americans must speak up for America! We must stress our thankfulness in being privileged to live in the United States of America.

In America we are educated people, we know right from wrong. The cream of the crop of our youth is helping to preserve freedom both abroad and on the home front. Not only the youth of 1968, but our forefathers knew freedom was not free. The generation of today is giving their blood and lives across the sea to help others to remain free.

We must work together to defend, protect and preserve our freedom for future generations. It's 1968. Wake up Americans, give a helping hand, remind the dissenters and the non-patriotic Americans of our American way of life. America has been good to her citizens, not only those of you who were born in the U.S.A., but those who have come from every nook and corner of the world. Think what the future holds for America. Remember we have freedoms, among those we have freedom of speech. So let us not abuse that freedom, let us speak up for America. We must honor and respect and defend the American flag. Americanism, our American way of life not just today, but forever.

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY BEFORE THE TRW SYSTEMS GROUP EMPLOYEES

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. O'HARA of Michigan. Mr. Speaker, Vice President HUMPHREY has addressed himself to the issues of this presidential campaign.

In discussing the issues, he is also determined to spell out—for all to see—the record of the Democratic administrations of the past 8 years as contrasted with that of the Republican administration of the previous 8.

Recently he spoke to an audience of workers at a plant in southern Californa. He spoke of the issues that affect workingmen across the Nation, and specifically of prosperity and paychecks.

He contrasted the three recessions in 8 years of Republican administration with 90 months of prosperity under Democratic administrations.

And he contrasted Republican rhetoric with Republican performance in such matters as consumer protection, medical care, the cities.

Mr. Speaker, there is a difference between Republicans and Democrats, and Mr. HUMPHREY described them well in his speech in Los Angeles. I include it in the RECORD, as follows:

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY BEFORE THE TRW SYSTEMS GROUP EMPLOYEES, LOS ANGELES, CALIF., SEPTEMBER 10, 1968

I've noticed recently in the newspapers that Mr. George Wallace and some others agree that Hubert Humphrey and Dick Nixon are two peas in a pod and that it doesn't make any difference which one of us is elected President.

Mr. Nixon came out the other day and vigorously denied the charge. And I am here today to tell you that he's right.

Republicans and Democrats are not the same: they don't hold the same political beliefs and they don't act the same way in office. And the differences mean a lot to you and your families.

One of the most important differences has to do with paychecks.

Republicans are for *small* paychecks.

Democrats are for *large* paychecks.

Now, don't expect your ex-candidate for Governor to come back to California after all these years and tell you he's for small paychecks. But I say this: let's look at the record and let's see who's for what—who just talks and who acts . . . which party means what it says . . . which party is just after votes on election day.

During the last eight Republican years in the 1950's we had *three* job-killing recessions. Khrushchev said he would "bury us economically."

During the Democratic years we have had 90 consecutive months of economic growth—an all-time record. We have had no recessions, and all over the world, in Europe and in Russia, they wonder and marvel at the American economy.

What happened to your paycheck during those two eight-year periods?

After all Federal taxes are deducted—this is take-home pay I'm talking about—and *after* all the inflation is taken into account (and there was inflation under both administrations) this fact is clear:

Personal income—paychecks—went up over three times faster during the Democratic-Humphrey years than during the Republican-Nixon years. The difference is almost 3 thousand dollars for a family of four. That's a new car or a year's college education—and that's a difference worth talking about.

And it's not just a difference in wages—it's also a difference in jobs. During the Republican-Nixon years, unemployment *rose* by 2 million. During the Democratic-Humphrey years, unemployment *dropped* by 2 million.

Now, my friends, this is not accidental.

Democrats believe that working people in America—and I mean farm workers and shop workers and factory workers—all workers—have the right to good wages and decent working conditions—Democrats know that that this policy is best not only for labor but for business. It enables people to buy more; it enables business to produce more, and—yes—it enables us to spend more on things like Medicare and social security and education for our children.

The Nixon-Republicans are still living in a horse and buggy age while TRW Systems is building space satellites.

When it comes to performance, Republicans still believe that the workers ought to get the economic left-overs and that big business needs to be protected by perpetuating a pool of unemployed workers. I don't believe that—and I'll tell you this, the enlightened businessmen in America don't believe it either.

But that's the Nixon-Republican record and I'm not going to let them forget that record.

But that's not the whole record of differences between Democrats and Republicans.

It's not so much what Republicans say that makes the difference. It's what they do.

This year their platform promises a "vigorous effort—nationwide—to transform the blighted areas of our cities"—but 89 percent voted against Model Cities in 1966 . . . and 80 percent voted to eliminate all funds for it in 1967.

They say "Elderly Americans desire and deserve independence . . . and dignity"—but 93 percent voted against Medicare . . . and 65 percent voted against the 1967 Social Security increases.

They want "fairness for all consumers"—but 68 percent voted to kill Truth in Packaging . . . 83 percent voted against the Meat Inspection Act designed to protect your wife at the meat counter.

They say they're for an "equitable minimum wage"—but apparently 71 percent of them thought a dollar sixty was too much in 1965.

Californians ought to know what I'm talking about. You have a Republican governor because a lot of people didn't think it made much difference.

And now it's higher taxes, less public services and threats to the proud California university system where many of you are hoping to send your children to college.

My friends, this is more than election-year partisanship.

We are making a choice in 1968 which can't be taken back.

They are choices about our families' futures—about the kind of schools our children attend . . . about the safety and peace of our neighborhoods . . . about when and where we can afford to retire.

And even more importantly they are choices about our society:

Is this going to be one America, united and at peace with itself?

Or are we going to have two, three, or four Americas—a nation divided against itself—poor against rich . . . black against white . . . slum against suburb . . . North against South?

Are we going to accept as inevitable the conflict and hatred which threaten to become a part of our everyday life?

We can let those fears and divisions overwhelm us—and there are candidates for the Presidency this year who are counting on that.

Or we can choose a New Day where every American child—regardless of his color or his last name or his religion—can receive the best education in the world . . . where all of us stand together—proudly.

Jobs . . . decent housing . . . better schools . . . real security . . . health care for young and old . . . and a new feeling of unity in this country—these are the things I offer you.

This is the choice I want you to make.

I appeal not to your fears, but to your reason.

I ask you to vote your hopes and not your hates.

I ask you to join with me—with faith in the essential greatness of this country—in building America so strong and so free that no one will ever be able to tear it down.

I ask your help.

DESIGNATING CERTAIN LANDS IN THE GREAT SWAMP NATIONAL WILDLIFE REFUGE, MORRIS COUNTY, N.J., AS WILDERNESS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. MINISH. Mr. Speaker, I rise in wholehearted support of H.R. 16771, a bill to designate certain lands in the Great Swamp of New Jersey as wilderness. The character of this measure is illustrated by the fact that it is sponsored by each and every member of the New Jersey congressional delegation. It was also reported by the House Interior Committee with but one dissenting vote.

The legislation is designed to set aside 3,750 acres now known as the M. Hartley Dodge and the Harding units, within the 7,800 Great Swamp National Wildlife Refuge, for preservation as a part of the national wilderness system.

The Great Swamp of Morris County, N.J., is a unique natural resource located about 25 miles from New York City in the heart of the most densely populated area in the United States. Within easy driving distance of about 30 million people, it is an island of unspoiled swamp dating back to the last ice age and containing some of the most fascinating and beautiful vegetation and wildlife anywhere in the United States.

When civilization threatened to intrude into the Great Swamp a decade ago, the unselfish efforts of conservationists and naturalists throughout the country, led by local citizens, raised more than $1 million to buy 3,000 acres of the land which was then donated to the Federal Government. With the passage of H.R. 16771, the Government will be taking a major step toward insuring that the dreams of these citizens will not go unfulfilled—the Great Swamp will be preserved in all its natural beauty for the enjoyment and the edification of future generations.

FEDERAL AID TO EDUCATION

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. PODELL. Mr. Speaker, I had been forewarned of some of the pitfalls and harassments that might befall a freshman Congressman. It had also occurred to me that joining, as I have, in the middle of the second session of a Congress in progress, might present some fairly heavy burdens in terms of catching up. And my expectations have not been disappointed, for I must confess, I have been fairly overwhelmed by the homework. In addition to preparing for my committee assignment, which is space and aeronautics, there are other legislative areas that have required critical and immediate consideration, such as consumer protection, the tax bill, gun controls, and education.

But let me hasten to add, I consider the necessity to study up on these matters a genuine opportunity; I feel I am establishing an overview which will be extremely valuable in shaping my outlook for future service. In the field of education I have been particularly fascinated to follow the trends and observe the unfolding drama that has resulted in the current Federal effort in education.

The period from the late forties through the fifties embodies, I think, the beginnings of the concern and dynamism that have brought the Federal Government to its present level of involvement in education. Such legislation as the National School Lunch Act of 1946 and the aid to federally impacted areas program begun in 1950—Public Law 81–815; Publice Law 81–874—illustrate the growth of a new feeling of responsibility in the educational enterprise on the part of the Federal Government. These in a sense represent an expansion of the spirit of public concern for education that began in 1862 with the Federal legislation to establish land-grant colleges, and continued through the first half of this century largely in the form of vocational education legislation.

You may note, however, as I have, that for all their merit, these early programs of the Federal Government to aid education, do in fact and for the most part operate on the periphery of the main thrust of American public education. That is to say, they are concerned primarily with the physical aspects of education—land, buildings, food provision. With the exception of the vocational programs the core of the educational process—teachers, curriculum, administration—are not treated by this early legislation.

I illustrate this dichotomy at length because it makes a good backdrop against which to discuss what I consider, despite the drama of more recent developments, the crucial breakthrough which has allowed for our current posture regarding Federal aid to education. That would be the National Defense Education Act of 1958, which I evaluate as representing a totally new kind of commitment to education on the part of the American people and their representatives in Congress. Here is a program ostensibly spurred to passage by the Russian launching of Sputnik, which attempts to penetrate to the heart of the educational enterprise.

Through the passage of the National Defense Education Act of 1958 and its subsequent expansion in every area, the determination was made and apparently accepted that it would henceforth be the policy of this Federal Government to offer substantial aid to even the most sensitive and local aspects of the educational enterprise. Such aid, under the National Defense Act, has offered funds for improved and expanded curriculums, at the outset especially, in math, science, and foreign language; opportunities for expanding guidance and counseling services; a large and precedent-breaking college student loan and fellowship program; and a variety of teacher training possibilities.

We owe a great debt to the National Defense Education Act, it seems to me, for in a very real sense all subsequent education legislation really boils down to an expansion of the basic precepts and commitments of that 1958 law. In 1965, Congress passed what has been called the most far-reaching education legislation in our history—the Elementary and Secondary Education Act. Perhaps the label refers to the large sums authorized to be spent under this bill, especially under title I which aims to aid the educationally disadvantaged, and which defines, in my thinking at least, the great trend that has characterized and monopolized so much educational thought and action since 1965.

I suppose we might look back to 1964 and the passage of the Economic Opportunity Act for some indication of the interest developing at the national level in poverty and disadvantage. Such now familiar programs as the Job Corps and the community action program were created at that time. And while not specifically mentioned in the original legislation, the Headstart program is also a result of that 1964 law.

This latter is an especially interesting case both because of the unusually quick and widespread popularity that greeted its creation and has accompanied its growth, and because of the ancillary programs which have apparently been generated by the general enthusiasm for and success of Headstart. While there were some early misgivings and criticisms of the long-range value to children of the Headstart experience, apparently little or no thought was given to abandonment; rather early skepticism was met by plans in 1967 to expand the program and hopefully its benefits to include the primary school grades by means of a program called Follow Through.

Likewise, interest in the possibilities of greatly expanded early childhood education and day care programs appears to have revived. In his 1967 message on children and youth, President Johnson made some suggestions in that direction; legislation has been introduced to allow for Federal funding of parent and child centers and of day care facilities. The 1967 Social Security Amendments make provision for matching grants to States which provide day care services for the children of working mothers on welfare. In general there seems to be evolving a consensus of opinion that the earlier the educational effort, the more hopeful the rescue of the disadvantaged child.

Title I of the Elementary and Secondary Education Act was the first major Federal program specifically created to improve the in-school opportunities of economically and socially deprived youngsters. The commitment has been large monetarily. Almost $1 billion in fiscal year 1966; over $1 billion for fiscal year 1967; $1.777 billion obligated for fiscal year 1968; and $1.2 billion authorized to be spent for each of the next 2 fiscal years. Likewise, the number of children served thus far has been impressive: 8.3 million in fiscal year 1966 and 9 million in fiscal year 1967.

The question that currently is becoming more persistent and troublesome is whether this massive dose of aid is, in fact, strengthening the educational opportunity of disadvantaged children. Various test results, thus far, are generally agreed to be inconclusive, but there are some ominous signs that compensatory efforts, in general, whether paid for by title I, the Ford Foundation, or an enterprising local school system, are not measuring up to our hopes for them.

Already this year there have been several responses to this situation. The National Advisory Commission on Civil Disorders in its report of March 1, 1968 has suggested that Federal aid for programs for disadvantaged children has perhaps been spread too thin and thus its benefits diluted; it is recommended that title I funds in particular, be aimed with greater accuracy and concentration at the areas of the greatest need. Bills have been introduced in both Chambers of the Congress to provide Federal funds for special educational programs to be concentrated in low-income areas of greatest need. Authorizations would begin at the level of $1 million for fiscal year 1969 and would be increased each year to a final sum of $5 billion for fiscal years 1976 through 1978.

The 1967 Amendments to the Elementary and Secondary Education Act authorized the National Council on the Education of Disadvantaged Children to make a study of compensatory efforts to date in order to determine their effectiveness. But even before this study is completed, certain important questions as a result of earlier studies and reviews of programs in progress, have reportedly already surfaced for attention among officials at all levels who deal with title I programs.

One of the important facts about title I, which has come out, is that there is good evidence to support the idea that title I programs can positively affect the reading and language ability of disadvantaged children. Thus, the pattern of funding a preponderance of title I programs designed to bolster the language arts, which has already been established, is expected to be continued and increased. At least this is the case suggested by publication of anticipated title I expenditures and activities in 1968 hearings before the House Subcommittee on Appropriations. In addition, recently there has been a reported shift in funding policy regarding title I toward the end of a greater effort made in future to concentrate more funds in a smaller area in order to try for more positive results.

While title I has received the most money and publicity of all the Elementary and Secondary Education Act programs, it is important to remember that the original bill, at least, contained four additional titles not concerned with the disadvantaged, at least not as their primary target. There has been aid to school libraries, funds to provide supplementary educational services and centers, funds for educational research and aid to State departments of education to allow them to provide greater leadership.

But despite all this, it occurs to me that the Elementary and Secondary Education Act has in a sense become characterized by its first title association with education for the disadvantaged. Subsequent amendments have done little to dispel that image. In 1966 a broad new program of educational aid for handicapped children was adopted; also in that year an existing program to provide for adult basic education was transferred to the Office of Education, and became, nominally anyway, a part of the Elementary and Secondary Education Act package.

Then last year the 1967 amendments created, among other provisions, a new program for dropout prevention, a new title designed to supply special educational programs for bilingual children, and an authorization for the study of compensatory education I have already mentioned, as well as a study of the effects of high concentrations of low-income housing on local schools.

While title I has monopolized most of the Elementary and Secondary Education Act publicity, it seems to me that the Elementary and Secondary Education Act itself has overshadowed another most significant education law also enacted in 1965—the Higher Education Act. Among its several provisions this legislation has offered substantial aid in the overall Federal effort to improve educational opportunity for the disadvantaged. For one thing it has created a student financial aid package consisting of grants, guaranteed loans and work-study opportunities, which is aimed at encouraging and assisting economically deprived but able youth to go to college. In 1967 alone almost 500,000 students were helped by the Economic Opportunity grant and work-study programs.

Also among the original provisions of the Higher Education Act was the Teacher Corps. This program attempts to supply local schools serving high concentrations of deprived youngsters with teams of experienced teachers and teacher interns trained to deal with the special problems of deprived youngsters. Politically, the program has had many setbacks, so that presently, I understand, where President Johnson had hoped to have 10,000 Corpsmen in the field, there are only 1,900. But where and when the Teacher Corps has been able to function, it has reportedly met with success. And this fact combined with the fact that last year it was revised and made part of the Education Professions Development Act, may offer the stability and life-expectancy such a creative and much-needed program would appear to me to deserve.

Actually, so great has the commitment of the American people to education become, that even one so new at the business as I could continue to catalog programs almost indefinitely. However, overall I would say, the evidence seems to point to a continuing concern for upgrading education in general, and for providing special assistance to all categories of the educationally disadvantaged in particular. New angles and ideas on the subject seem to appear daily from a variety of sources. Last year, I have learned, there was serious consideration in Congress of finding new methods for supplying Federal funds to States for a variety of programs, education included. Considerable discussion centered on various proposals for Federal-State tax-sharing. In the education area much interest, both in and out of Congress, was exhibited in the possibilities of block funding; that is of making Federal education grants to States for less specific purposes, thus allowing, according to proponents of these proposals, to States more of a voice in the dissemination of funds and the choice of programs funded.

Likewise, pressure appears to be building for the Federal Government to increase its financial interest in education drastically. The National Education Association this year called for $6 billion in Federal funds to go to schools. They have also suggested the Federal Government supply to schools a basic per pupil grant annually, much in the same way States now fund local units. The freedom budget proposed by the A. Philip Randolph Institute suggests that the Federal Government should contribute $7 billion to education in 1970 and $9.5 billion in 1975. Earlier I noted bills already introduced in Congress that would contribute $5,000,000,000 annually by fiscal year 1976 for improving educational programs in schools serving disadvantaged areas alone.

In conclusion, let me say that if my study of recent activity of the Federal Government with regard to education has suggested anything to me, it is the strong expectation that we may look forward to still greater activity. The conviction of the American people that education is vital and their commitment to and demand for its sustentation and improvement is clear from actions which range from those of congressional leaders who seek the development of a separate Cabinet-level Department of Education, to the pleas of the poor people of Resurrection City who have come to beg and demand an equal opportunity to learn. Attempts to satisfy the educational demands of our people has thus become, and I believe will re-

main, a priority matter in the Congress and in all related areas of the Federal Government.

TWO-WAY RADIO

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. BURTON of Utah. Mr. Speaker, during the past year, the Subcommittee on Activities of Regulatory Agencies, of which I am a member, has held hearings in Detroit, Los Angeles, and here in Washington so that we might evaluate the use of the radio frequency spectrum by the public agencies and the private businessmen who use two-way radios. Judging from the testimony I have heard and read, it appears that the people who use these land mobile radio systems provide a valuable range of goods and services, and many of them indicate that success in their field has been made possible by the use of two-way radio. I might add that the lack of enough radio frequencies for them to use is often cited as one of the great dangers to their continued success.

The witnesses testifying before the subcommittee have come from all walks of life. Some have been businessmen trying to find better ways to serve their customers. Others have been public servants seeking ways to more efficiently utilize the taxpayers' dollars. Still others have been representatives of our policemen and firemen who are charged with protecting the lives and property of us all. Each has told his story, and invariably it has been that if they are to continue to serve the people who depend upon them, they must have more radio frequency spectrum to use.

In Los Angeles, a young enterprising businessman told how he and his partner are attempting to provide needed employment for women who live in the depressed areas of the city. They have formed a company called Housekeepers Unlimited, and every morning they provide door to door bus service for women who want to do domestic work in the suburbs but who previously have not been able to find transportation. Each of their busses is equipped with a two-way radio so that in case an employer cancels out at the last minute, the driver can contact headquarters and get the address of someone else who wants work done. Before the two-way radios were installed in the busses, a cancellation meant that a woman who wanted to work and needed to in order to support her family might get up early in the morning and ride the bus to her destination only to find out when she got there that there was no job because her employer no longer needed help. At that point there was nothing to do except return home, having wasted the morning. That doesn't happen any more. In fact, Housekeepers Unlimited has been so successful that the State Welfare Department has sent women to them who would otherwise be receiving welfare payments. This is just one way that private initiative has worked for the benefit of all. And one of the essential tools is two-way radio.

In New Jersey, a company which produces gravel, asphalt, and concrete and uses them for road construction and other purposes, uses land mobile radio to dispatch its vehicles and to expedite service to its customers. This results in a cost savings to everyone concerned. In addition, during snow storms, this company puts 150 pieces of snow removal equipment out on the highways and streets to help clear the snow and keep traffic moving. The use of two-way radio enables them to coordinate their work with local government agencies also removing snow so that the job can be accomplished as quickly as possible.

Another New Jersey businessman whose company delivers fuel oil to 2,500 different accounts testified that in his industry, service is the one important commodity they can offer, and they place their principal reliance on their two-way mobile radio system. It permits them to answer emergency service calls quickly and efficiently, to restore heat during winter and to take care of other problems in a shorter time and at less cost to the customer. When the caller is a hospital or similar institution, the value of the added speed provided by the two-way radio becomes more apparent and more important.

I have only described a very few of the uses to which land mobile radio has been put by private businessmen. There are many more, and I must say that I have been impressed by the fact that each different use for two-way radio helps provide better service, and ultimately a better life, for the American people. Yet, each of these businessmen has reported that the number of different people who are forced to use the same frequency is often so great that it becomes difficult or impossible to get a message through. When this happens, both customers and the public go unserved, costs and prices increase, and everyone loses.

Private businessmen are not the only users of two-way radio who have this problem. City officials from across the Nation report that their police and fire departments, as well as other city agencies, depend daily upon land mobile radio systems, and yet are often unable to use them effectively when they are most needed.

Due to recent Supreme Court decisions which limit the length of time the police may detain a suspected person and interrogate him, police departments are forced to rely more and more upon surveillance techniques in order to gain evidence and solve crimes. This increased surveillance requires increased use of the already crowded radio frequencies. In Los Angeles, those frequencies are so crowded that during the Watts riot two-way radio became one-way radio when for 5 days there were so many messages to go out from headquarters that it was not possible for officers in the field to send messages back, even if they were of an emergency nature.

In Detroit, during the riots of last year, small neighboring communities sent whatever firefighting equipment they had into the city to aid the Detroit Fire Department's efforts to contain the numerous fires burning out of control. But the Detroit Fire Department could not communicate with the suburban firetrucks fighting fires in downtown Detroit due to the lack of enough frequency channels to provide one for areawide use. As a result, it was not possible to coordinate their efforts or even locate the trucks to send replacements for crews which had fought fires for 12 or more hours.

Another example of the need for additional frequency spectrum is the situation in Wayne Township, N.J. A former fire commissioner testified that, because they were forced to share their frequency with other area fire departments, there had been times when they were fighting a fire and needed to call for additional equipment in order to contain the blaze and yet they could not get through. If the Dutchess County Fire Department wanted to use the radio, their more powerful system simply blanked out Wayne Township's request for help. There was nothing which could be done except wait until the more powerful transmissions had been completed and then attempt to get the message through. One time a fireman was hurt at the scene of a fire and it took 45 minutes before they were able to get the message through on their radio system that they needed an ambulance to take him to the hospital.

It is appalling to hear or read of things like this happening. We simply must find a way to provide sufficient radio frequency spectrum for those who depend upon it today, and those who will depend upon it tomorrow.

As the need to control air pollution increases, more cities will institute programs similar to the ones in Chicago and Los Angeles. They rely upon radio dispatched field inspectors who investigate each complaint of a violation of the city ordinance prohibiting individuals from polluting the air. Without the use of two-way radio the inspector might not arrive before the smoke has dissipated and so an effective program would not be possible.

In many of our cities, local citizens have found an effective way to combat crime through the use of two-way radios. Organized in teams in the high-crime areas, they spot and report crimes, and they help keep the lid on tense situations which might otherwise erupt into major civil disturbances. I am heartened to see this type of citizen concern and activity and we must encourage it.

The uses to which land mobile radio can be put are innumerable, and each one provides the public with greater safety, a new product, faster and more efficient service, or a saving of time and money. The testimony taken at these hearings has led to a much-needed discussion of the communications problems of all these users of two-way radio and of their inability as individuals to cope with them. If we are to continue to have the enormous progress which has characterized the service industries in the past, and if we are to continue to effectively provide the public safety services with the means to protect life and property, then we must give them the tools which can make this possible. We must give them adequate radio frequency spectrum.

A BILL OF RIGHTS FOR OUR RESOURCES

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. OTTINGER. Mr. Speaker, the New York Times of Saturday, September 24, carried a timely and significant editorial on the subject of our diminishing resources and the need to act today in order to preserve for tomorrow those dwindling resources that still remain to us. Coming directly to a point which I believe to be critical and deserving of widespread attention and concern, the Times states:

> Technological advances and increasing population pressures now make it advisable to guarantee basic ecological rights which would have hardly been thought of a generation ago.

The Times goes on to express support for the proposed conservation bill of rights that Congressman KUPFERMAN and I cosponsored, joined in by several other Members of this body, a few months ago. This resolution (H.J. Res. 1321) has received considerable attention and support across the country. That we were supported by a number of groups came as no surprise to us, but the breadth and depth of that support has both surprised and encouraged us greatly. The pressure of business in the closing days of this Congress has, of course, made it impossible to press for action on this resolution, but we would be derelict in our duty, particularly in view of the strong support that has manifested itself, if we were not to press for action soon next year. I believe strongly that this conservation bill of rights can mean much to our successors in this body and to our children and grandchildren, and that for these reasons it deserves priority in our consideration.

For the benefit of our colleagues who may not have seen the editorial in point, I have asked that it be reprinted in the RECORD.

The editorial follows:

CONSERVING NATURAL RESOURCES

Recognition of the need for major governmental safeguards against pollution of the environment is growing. Technological advances and increasing population pressures now make it advisable to guarantee basic ecological rights which would have hardly been thought of a generation ago.

In New York State one of the few universally applauded actions of the ill-fated Constitutional Convention was the drafting of a Conservation Bill of Rights for inclusion in the proposed new constitution. This would have declared it to be the policy of the state to conserve and protect its natural resources and scenic beauty and would have mandated the Legislature to provide for the abatement of air and water pollution and unnecessary noise.

After rejection of the proposed constitution on other grounds, there was strong public support for salvaging the Conservation Bill of Rights by adding it as an amendment to the present Constitution. However, the Republican-controlled Senate and the Democratic-controlled Assembly could not agree on the form that the amendment should take.

The Senate wanted to limit the amendment to the Conservation Bill of Rights, while the Assembly proposed to substitute an entirely new Conservation Article, as drafted by the convention, for the existing conservation article. When neither body would recede, each adopted its own resolution. Then in the closing hours each also approved the other's; so that both resolutions have had the requisite first passage. It will be up to the new Legislature to decide which one should receive the second approval required before submission to the voters. The Assembly version is more comprehensive and therefore deserves preference.

The impact of the conservation movement on public thinking has been further illustrated by the fact that twelve members of the House of Representatives recently introduced a resolution to add to the United States Constitution a Federal Conservation Bill of Rights. This would assert that "the right of the people to clean air, pure water, freedom from excessive and unnecessary noise, and the natural, scenic, historic and esthetic qualities of their environment shall not be abridged." It would direct Congress to take inventory every ten years of the natural, scenic, historic and esthetic resources of the nation and to provide for their protection. It would also prohibit any Federal or state agency from undertaking any public work or issuing any permit or license that would adversely affect these resources, without first holding a public hearing.

Despite some setbacks that conservation has taken in Congress this year—along with some major gains—the cause is far greater than its detractors. The conservation philosophy is gaining increasingly wide acceptance with the American voter.

CITIZENSHIP DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. HOWARD. Mr. Speaker, in recognition of the signing of the Constitution on September 17, 1787, we set aside the 17th of September every year to honor those citizens who have recently reached the legal age for voting and all who have become new citizens via naturalization.

With so many nations under the heel of the tyrant, it is particularly fitting that we commemorate our Constitution under which our citizens, native born and naturalized alike, can live free from persecution, dedicated to the ideals which make this country the greatest in the world, ideals which include the principle that all men are created equal.

I ask newly naturalized Americans to exercise their franchise with the discerning judgment of men and issues that their experience in other countries has given them. The right to vote is a right that should never be neglected, because it is the right that makes all other rights possible.

To new American citizens, I extend my heartiest congratulations. Developing to the fullest your individual abilities in your country will require that you dedicate yourselves to the principles of the Constitution which make U.S. citizenship possible.

TIME TO INVESTIGATE SOVIET RUSSIAN IMPERIOCOLONIALISM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. DERWINSKI. Mr. Speaker, if, after Hungary and Cuba, there is any further lesson to be learned from the Russian rape of Czechoslovakia, it is the oft-repeated lesson that the real enemy of both the captive nations and the free world is Soviet Russian imperiocolonialism. Behind all the potemkinistic facade of "peaceful coexistence," "mellowed Russian Communists," and other calculated fantasies is the ultimate, brute force of Soviet Russian imperiocolonialism. When the chips are down anywhere in the Red empire, this primary force invariably and inevitably shows its hand. It is high time that we brush aside the naive notions of our present policymakers and begin to investigate through a Special House Committee on Captive Nations, this real and primary force holding the Red empire together.

From the hindsight provided by Moscow's rape of Czechoslovakia, the 10th observance of Captive Nations Week, looks more than awfully impressive for the truths and basic commonsense it has generated all these years in this land of ours. The reports on his highly successful observance still are pouring in, and the following examples should be soberly apprised from the given hindsight: First, the proclamation of Mayor Floyd J. McCree, of Flint, Mich., and the American Legion resolution adopted in Genesee County, Mich.; second, the resolution of the American Nationalities Movement of Greater Cleveland; third, a report from free China on Captive Nations Week, in the June issue of The Asian Outlook; four, reports and an article on "U.S. Congress and Top Officials Observe Captive Nations Week" in the August 1 and 8 America, respectively; fifth, reports from the Los Angeles observance; sixth, a plea by Congressman DONALD E. LUKENS for a Special Committee on Captive Nations; and seventh, an item on "Europeans Support Captive Nations" in the Anglo-Ukrainian News, as follows:

PROCLAMATION OF THE CITY OF FLINT, MICH., JULY 15, 1968

Whereas, the greatness of the United States is in large part attributable to its having been able to achieve a harmonious national from the most diverse of racial, religious and unity of its people, even though they stem ethnic backgrounds; and,

Whereas, this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere; and,

Whereas, the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful co-existence between nations; and,

Whereas, since 1918, the aggressive policies of Russian Communism have resulted in the creation of a vast empire which poses a dire threat to the security of free peoples everywhere; and,

Whereas, the imperialistic policies of Communist Russia have led to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenis, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Crossackia, Turkestan, North Vietnam and others; and,

Whereas, these nations look to the United States as the citadel of human freedom for leadership in bringing about their liberation; and,

Whereas, it is fitting that we manifest to such peoples the fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence;

Now, therefore, I, Floyd J. McCree, Mayor, hereby proclaim the week of July 15, 1967, as Captive Nations Week and urge all citizens to recognize this occasion.

Floyd J. McCree,
Mayor.

Resolution Adopted by the American Legion Interpost Council on Americanism, Genesee County, Mich., July 11, 1968

Whereas, the greatness of the United States is in large part attributable to its having been able, through the process of representative government, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious and ethnic backgrounds; and

Whereas, this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

Whereas, the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

Whereas, since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to security of the United States and of all the free peoples of the world; and

Whereas, the imperialistic policies of Communist Russia have led through direct and indirect aggression to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, Cuba, North Vietnam, and others; and

Whereas, these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

Whereas, it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive, and

Whereas, the desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

Whereas, it is fitting that we clearly manifest to such people through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence; Now, therefore be it

Resolved, that The American Legion Inter-Post Council on Americanism of Genesee County, Michigan, recognizes the week of July 14, 1968, as "Captive Nations Week", and invites the people of Genesee County to observe such week with appropriate ceremonies and activities; and be it further

Resolved, that a copy of this resolution be transmitted to the Mayor and City Commission of The City of Flint with the request that they proclaim the week of July 14, 1968, as "Captive Nations Week", and urge appropriate ceremonies and activities.

Donald L. Lysher,
Chairman.
James Pemberton,
Secretary-Treasurer.

Resolution of American Nationalities Movement of Greater Cleveland

The participants in the Captive Nations' Week commemoration ceremonies held on July 18, 1968, sponsored by the American Nationalities Movement of Greater Cleveland, in the Public Square approved the following resolutions:

"1. We are filled with sadness about the American government's willingness to support communist regimes, particularly in East Central Europe, at the time when these regimes are providing guns to be used by North Vietnam and Viet Cong in killing our American boys; and we are particularly alarmed about the official willingness to forget the suppression of Hungarian liberty by the same regimes.

"2. We are proud and express our admiration for the courageous position taken by the peoples of Czecho-Slovakia against an attempt by the Soviet government to destroy their will to freedom and independence and urge the United States government and all freedom-loving nations to prevent another Hungary tragedy.

"3. We salute the courageous stand taken by the American Armed Forces in meeting the communist aggression in Viet Nam. We urge the President of the United States to be alerted to the treacherous nature of communist negotiators in Paris and to steadfastly continue the American policy based on the principle of freedom, equality and self-determination for all nations.

"4. We urge the Congress and the President of the United States to initiate in this National Human Rights Year an inquiry into the problem of violation of elementary rights of the Captive Nations oppressed by the communist regimes. We also urge our Congress to finally create a special House Committee on Captive Nations which would gather documentary evidence about the conditions in the communist empire and thus repudiate the Soviet claim of independence of these nations. We request that our Congress declares officially as Captive Nations also, Cuba, Croatia, Slovenia, Serbia, Macedonia, and East Germany.

"5. We appeal to the Secretary General of the United Nations to initiate the debate on the question of Russian imperial colonialism as evidenced by the religious persecutions and intellectual enslavement in the Captive Nations.

"6. We urge the United States Congress to finally pass the Freedom Academy Bill in order that our nation would be in a better position to cope with communist political warfare on the world-wide scale.

"7. We are proud to be Americans of various ethnical backgrounds and will continue to emphasize and defend positive values in America such as Freedom of Assembly, Freedom of Speech, Freedom of Religion, and Freedom from Fear.

"8. We urge the United States government to continue to issue yearly postal stamps commemorating the fighters for human freedom and dignity of man in all parts of the world. We would greatly appreciate the issuing next year of a postal stamp honoring Ukranian Poet Laureate Taras Shevchenko, who was calling for basic liberties as interpreted by George Washington.

"9. We urge the election to the Congress and to various other elective offices those Americans who understand and support the right of nations to self-determination and who are publicly and openly demanding the end of colonialism as exists in the communist world.

"10. We urge all Americans who cherish freedom to refuse to support the subversive organizations in the United States who are undermining the traditional American democratic institutions, the bulwark of American freedom, and request the schools of America to continue to provide objective information about the challenge of communism to freedom, teaching them to respect the heritage of their fathers and forefathers."

[From Asian Outlook, June 1968]

Preparations Being Made by the Committee of the Republic of China in Support of Freedom for People Behind the Iron Curtain for Observation of the 10th "Captive Nations Week" on an Expanded Scale

Since the end of the Korean War, the U.S. Congress and government had declared to the world and the people behind the Iron Curtain that they would be continuously concerned with and support the captive nations and their people. This was supposed to let the free world and the nations behind the Iron Curtain know that the end of the Korean War would by no means indicate a change of the U.S. basic policy. Hence, in 1959, the U.S. Congress passed a historic resolution that every third week of July be designated as the "Captive Nations Week". This was immediately promulgated by former President Dwight D. Eisenhower to show his support as well as a permanent American national policy. Under the promotion of the U.S. Congress, a "National Captive Nations Committee" was set up with Professor Dobriansky, a prominent anti-Communist leader, acting as its chairman. Under his planning and with the support of the U.S. Congress, anti-Communist activities in support of the captive nations and their people were undertaken in this week each year. The free world was called for joint observations.

The Committee of the Republic of China in Support of Freedom for People Behind the Iron Curtain has since 1961 responded to the U.S. move and kept in close contact with the U.S. National Captive Nations Committee. Chinese commemorative activities were sponsored in the third week of July in the past years. Prof. Dobriansky has twice visited the Republic of China and joined in various activities. Prominent anti-Communist U.S. congressmen also visited the Republic of China each year to join in the activities and deliver speeches. They would reiterate Sino-American cooperation and emphasis on this movement as well as the resolute anti-Communist stand of the U.S. Congress and government and their decision to tear down the Iron Curtain. They have also brought back with them the important documents concerning Chinese activities in support of the struggle for freedom by enslaved peoples. These documents have been included in the U.S. congressional records. The movement and observations of the Freedom Day have become annual anti-Communist activities of the APACL China Chapter.

The development of the movement has greatly inspired struggles against persecution and for freedom and independence on the part of the captive nations and enslaved peoples. The people and political leaders in such eastern European countries as Poland, Czechoslovakia and Yugoslavia are arousing ardent struggles against Russian persecution to get rid of the Communist yoke and join in the camp of democracy, independence and freedom. It is therefore imperative to expand the observations of the "Captive Nations Week" into a worldwide movement. For this reason, resolutions have been reached at the First WACL Conference that during the 10th anniversary of the movement the WACL members should intensify propaganda and sponsor anti-Communist activities on a more expanded scale to deal a heavy strike to international Communists.

Today, Communist cadres and people on the Chinese mainland are arousing a widespread anti-Mao movement for national salvation. The anti-Communist and sabotage activities they carried out under the anti-Mao slogan could have displayed their great strength. In their correspondence with relevant agencies on Taiwan, many key anti-Communist fighters on the Chinese mainland have indicated the earnest desire for freedom on the part of the mainland people and their willingness to sacrifice for such a cause. This was also made known by some freedom-seekers who have fled the mainland. Hence, it is imperative to intensify the movement this year in accordance with the resolutions of the First WACL Conference. Dr. Ku Cheng-kang, President of the APACL and WACL China Chapter has instructed that detailed plans should be formulated to carry out intensified anti-Communist activities from July 16 to July 21.

In the United States, the National Captive Nations Committee under Prof. Dobriansky has formulated programs to observe the 10th Anniversary of the Captive Nations Week on a nationwide scale. He has decided to come to Taiwan if possible to attend the Chinese rallies and other major activities. He recently wrote to the Chairman of the WACL Council that the National Captive Nations Committee in the United States is ready to apply for WACL membership in order to join in common anti-Communist efforts.

During the Captive Nations Week this year the people in the Republic of China will intensify propaganda efforts. In addition, a series of anti-Communist symposia will be held by various major member units throughout the country. The Psychological Committee of the China Chapter was reorganized in June this year. It has enlisted the efforts of prominent political commentators, experts of Chinese Communist affairs, notable writers and journalists for joint formulation of programs to carry out a psychological offensive against the Chinese Communist military personnel and cadres during the captive nations week this year. Television and radio broadcast will be used to report to the whole world and the people behind the Iron Curtain mass rallies and other activities in Taiwan. Furthermore, a large amount of psychological balloons will be released and leaflets airdropped or floated to the Chinese mainland. Detailed reports will be made in the next issue.

[From America, Aug. 1, 1968]

WOMEN'S ORGANIZATIONS FROM CENTRAL AND EASTERN EUROPE SPEAK ON CAPTIVE NATIONS WEEK

This year during the third week in July (14–21) all freedom-loving Americans observed the 10th annual Captive Nations Week, which had been proclaimed by the U.S. Government as Public Law in 1959.

Captive Nations Week was marked by those whose parents had sought freedom from religious, political and economic oppression and by those who themselves had been forced to flee their native lands after World War II. It was observed also by Americans for whom freedom has been as necessary and precious as life itself. For them it is perhaps difficult to understand that on another continent in this 20th century there exists a government system which bases its technical accomplishments and its very survival on slavery—a government which makes a farce of the basic human rights which it had pledged to uphold as a signatory to the Universal Declaration of Human Rights, a government which, while attacking the colonial policies of other nations, itself has reduced once great and sovereign nations to the colonial status of satellites and "republics" subservient to Russia.

Russian colonialism exists because it hides itself from the world behind an impenetrable wall on which are scribbled the most democratic and human slogans. And the Western countries, awed and fascinated by Russia's Sputniks in the sky, fail to see the harsh reality.

But we, women from Central and Eastern Europe can not be lulled, for we know only too well the true meaning of Russia's hypocritical calls for peace and brotherhood. We know the real meaning of Russian "democracy"—the thousands of helpless victims who toil in the slave labor camps of the USSR, the innocent children who are made to answer for their parents' "political crimes," the women who are serving 25-year terms for such "crimes" as founding Red Cross chapters, organizing schools, or for instilling in their children love for their own religion, people and national language.

How can anyone explain Russian "brotherhood" to those women who are forbidden to live in their native land even after having served their unjust and harsh sentences in jails and labor camps? How can anyone explain the meaning of freedom to those women who travel for hundreds of miles and wait for hours, often for days, to see their sons, fathers, husbands or brothers in prison and who are frequently told that the visit will not be allowed.

We in the free world may express our opinions on any subject and demonstrate for or against any cause. But let us not forget the people who are not only deprived of these freedoms, but are punished for seeking rights guaranteed by the Soviet constitution.

The violent reaction of the Soviet press to Captive Nations Week is evidence that the Soviet government is fearful lest the Free World look behind the carefully constructed facade and discover the total absence of freedom under Communism. Therefore, the Soviet Union makes every effort to divert the attention of free nations from any matter which it labels as strictly internal.

But the longing for freedom cannot be suppressed forever. Although several generations have known only the communist slave system, their cry for freedom is now heard from behind the Iron Curtain. So, on this 10th observance of Captive Nations Week, let us vow to redouble our efforts in helping these suffering millions achieve their freedom.

Editor's note: The above statement was issued and signed by women's organizations from Central and Eastern Europe in the United States.

[From America, Aug. 1, 1968]

CONGRESSMAN SCHWEIKER ASKS FOR SUPPORT TO CAPTIVE NATIONS

PHILADELPHIA.—Speaking at the Captive Nations Week Observance on Independence Mall, U.S. Congressman Dick Schweiker (R. Pa.) said the United States should "pressure the Soviet Union to relax its iron grip on the captive nations of Eastern Europe." He urged that the United States formally denounce the recent Soviet oppression of the people of Czechoslovakia. Schweiker said that the United States government had been "less than enthusiastic" about pressuring the Soviet Union to allow more freedom in the captive nations.

"The Dubcek government in Czechoslovakia represents a glimmer of light to the enslaved people of Eastern Europe," Schweiker said, "and it is disturbing to see the current efforts of the Soviet Union to snuff this light out."

Schweiker hailed "the great loyalty of all the Americans of Eastern European descent, both to America and to their original countries" and praised their "courageous spirit of independence."

"We are all Americans gathered here, either as actual citizens or in spirit," Schweiker said. "We all cherish our freedom and independence. And we all deplore the refusal of the Soviet Union to release the captive peoples."

Schweiker urged the United States to give "the strongest moral support possible to the efforts of all Eastern European governments to eliminate Soviet rule."

[From America, Aug. 8, 1968]

U.S. CONGRESS AND TOP OFFICIALS OBSERVE CAPTIVE NATIONS WEEK

Sixty-seven Representatives and ten Senators took the floor in Congress and thus helped demonstrate the continued concern of American legislators with the plight of the 100 million East-Central Europeans living under Communist oppression.

On July 17 Representative Daniel J. Flood (D.-Pa.) asked for and was given permission by the Speaker pro tempore to introduce the House debate on Captive Nations Week. In his opening speech Rep. Flood observed that "the growth and development of Captive Nations Week in this country and abroad have demonstrated the deepened understanding on the part of our people and others of the basic and fundamental importance of all the captive nations to our national security and that of the free world."

The Pennsylvania legislator pointed out that:

"A broad area of detailed work still remains to be done in exposing the complete breadth and depth of the Sino-Soviet Russian imperio-colonialism so that once and for all the peoples of the world will know and never forget who the real imperialists and colonialists are, so that the full impact of world opinion will fall heavily on the two last remaining imperio-colonialist centers, namely and solely Moscow and Peking."

Rep. Flood urged the creation of a Special House Captive Nations Committee and called upon the Rules Committee to vote on measures to create such a committee.

Rep. Richard L. Ottinger (D.-N.Y.) expressed support of a Special Committee on Captive Nations and stated:

"Not only during this special week but throughout the entire year, we must keep the fire of freedom burning in the hearts and minds of the peoples of the captive nations of the world. We must let them know that they have our full moral support, that we shall resist further Communist aggression and, at the same time, help them to achieve their most cherished goals—freedom and independence."

Other members of Congress who spoke on the same subject were: Joel T. Broyhill (R.-Va.), Edward J. Derwinski (R.-Ill.), John D. Dingell (D.-Mich.), George H. Fallon (D.-Md.), Theodore F. Kupferman (R.-N.Y.), William E. Minshall (R.-Ohio), Edward J. Patton (D.-N.J.), Roman C. Pucinski (D.-Ill.), John J. Rhodes (R.-Ariz.), Howard W. Robinson (R.-N.Y.), and William L. St. Onge (D.-Conn.).

"The immediate postwar period witnessed the rapacious territorial expansion of communism, the subjugation of innocent peoples, and the subsequent creation of satellite countries. These captive peoples have little voice in the determination of their own destiny, and only with the help of the free world can they aspire to that which they have been denied," observed Rep. Barratt O'Hara (D.-Ill.).

Soviet aggression and Communist imperialism were scored in the remarks by Mrs. Frances P. Bolton (R.-Ohio), W. E. Brock (R.-Tenn.), Harold R. Collier (R.-Ill), James J. Delaney (D.-N.Y.), James M Hanley (D.-N.Y.), Frank Horton (R.-N.Y.), Thomas P.

O'Neill, Jr. (D.-Mass.), Thomas M. Polly (R.-Wash.), John R. Rarick (D.-La.), John J. Rooney (D.-N.Y.), Charles A. Vanik (D.-Ohio), Basil L. Whitener (D.-N.C.), Ed Reinecke (R.-Calif), John W. Wydler (R.-N.Y.), and Clement J. Zablocki (D.-Wisc.).

A large number of Congressmen scored continued violations of fundamental human rights by Communist regimes.

Rep. John M. Ashbrook (R.-Ohio) said:

"With the fall meeting of the UN but a short time away, now is the time to take steps to have the issue of self-determination for the enslaved people brought up for consideration before the nations of the world body. With so many millions of innocent people involved, justice demands that this subject be given close scrutiny."

Rep. James A. Byrne (D.-Pa.) reminded his colleagues of existing conditions in the captive countries:

"Regrettably, the captive peoples have been denied the full benefits of democracy. They are not free to travel. They are not able to vote in free elections but must vote on one-party ballots. They are not permitted to publish criticisms of those in power. They even find it difficult to learn what is going on outside their own country."

Speeches on this topic were also delivered by Florence P. Dwyer (R.-N.J.), Thaddeus J. Dulski (D.-N.Y.), Michael A. Feighan (D.-Ohio), Gerald R. Ford (R.-Mich.), Samuel N. Friedel (D.-Md.), William J. Green (D.-Pa.), Mrs. Martha W. Griffiths (D.-Mich.), Edna F. Kelly (D.-N.Y.), Robert McClory (R.-Ill.), Charles McC. Mathias, Jr. (R.-Md.), John M. Murphy (D.-N.Y.), William T. Murphy (D.-Ill.), Philip J. Philbin (D.-Mass.), Mrs. Charlottee Reid (R.-Ill.) Peter W. Rodino (D.-N.J.), Charles W. Sandman (R.-N.J.), Henry Schadeberg (R.-Wis.), H. Allen Smith (R.-Calif.), J. William Stanton (R.-Ohio) and Larry Winn, Jr. (R.-Kans.).

A number of Congressmen had remarks on recent developments in Czechoslovakia and on the persistent trend for more liberties in Poland and other Eastern European nations.

"Free men throughout the world can take strength from recent developments in Czechoslovakia," declared Rep. Cornelius E. Gallagher (D.-N.J.). "These developments indicate that the thirst for liberty in Eastern Europe has not been quenched by more than two decades of totalitarian government . . . Let us hope that the liberal developments within Czechoslovakia are the beginning of a trend rather than a group of exceptions to the rule."

William H. Bates (R.-Mass.), William G. Bray (R.-Ind.), Silvio O. Conte (R.-Mo.), William C. Cramer (R.-Fla.), Thomas B. Curtis (R.-Mo.), John H. Dent (D.-Pa.), Thomas J. Meskill (R.-Conn.), Joseph G. Minish (D.-N.J.), John S. Monagan (D.-Conn.), William S. Moorhead (R.-Pa.), Henry Reuss (D.-Wis.), Fernand J. St Germain (D.-R.I.), Henry P. Smith (R.-N.Y.), and Samuel S. Stratton (D.-N.Y.) also gave examples of recent trends in Czechoslovakia and the other captive nations.

The Senate debate was initiated by Sen. Thomas J. Dodd (D.-Conn.) who introduced a resolution reaffirming the support of the support of the Senate for the goals of Captive Nations Week and reassuring the people of the captive nations of continuing American support in their struggle for the restoration of their national freedom and of their basic human rights.

Senate Resolution 376, which was referred to the Committee on Foreign Relations, was co-sponsored by: Carl T. Curtis (R.-Nebr.), Peter H. Dominick (R.-Colo.), Paul J. Fannin (R.-Ariz.), Clifford P. Hansen (R.-Wyo.), Roman L. Hruska (R.-Nebr.), Frank J. Lausche (D.-Ohio), Jack Miller (R.-Iowa), Charles H. Percy (R.-Ill.), Hugh Scott (R.-Pa.), Strom Thurmond (R.-S.C.), Jacob K. Javits (R.-N.Y.), and Abraham Ribicoff (D.-Conn.).

Sen. Hugh Scott (R.-Pa.) said:

"Under the United Nations Charter, all member states pledged themselves to promote human rights and fundamental freedoms for all. The Universal Declaration of Human Rights . . . clearly established that human rights and fundamental freedoms include the sovereign right of each nation to live under a system of government of its own choosing. The free world has a responsibility to encourage independence for all nations, and to support those nations which seek self-determination . . . the free world has the right to insist that the long-established agreements of the UN Charter be carried out."

Senator Edward W. Brooke (R.-Mass.) said in part:

"These patient peoples must know that they are not alone in their plight, that our hearts are with them and our hopes are high for their eventual liberation. Let us pray that the recent, hopeful signs of change in such countries as Czechoslovakia will prove to be only the prelude to others, more far-reaching attempts to move the nations of Eastern Europe away from totalitarianism and toward true self-determination."

Senators Charles H. Percy (R.-Ill.), Abraham A. Ribicoff (D.-Conn.), Roman L. Hruska (R.-Nebr.), John G. Tower (R.-Tex.), George Murphy (R.-Calif.), Paul J. Fannin (R.-Ariz.), Robert P. Griffin (R.-Mich.) also made timely remarks.

Freedom for Captive Nations: Resolution of United Republicans of California

Whereas: Beginning in the respective years indicated: Albania (1946), Armenia (1920), Azerbaijan (1920), Bulgaria (1946), Byelorussia (1920), Cossackia (1920), Cuba (1960), Czechoslovakia (1948), East Germany (1949), East Prussia (1945), Estonia (1940), Georgia (1920), Hungary (1949), Latvia (1940), Lithuania (1940), Mainland China (1949), Mongolia (1924), North Caucasus (1920), North Korea (1948), North Vietnam (1954), Poland (1947), Pomerania (1945), Rumania (1947), Russia (1917), Silesia (1945), Tibet (1951), Turkestan (1922), Ukraine (1920), (Croatia, Serbia, and Slovenia in), Yugoslavia (1946), and others have been deprived of their national independence by the imperialistic and aggressive policies of the Soviet Union; and

Whereas: The tyranny and oppression of the international Communist conspiracy has enslaved these Captive Nations and brutally suppressed their liberties and freedom; and

Whereas: The subjugation and domination of these nations by a Communist conqueror is an outrage to justice; and

Whereas: The Captive Nations continue to strive for freedom and to throw off the yoke of Communist suppression; and

Whereas: It is vital to the peace and security of the United States and the free world that the desire for freedom on the part of the Captive Nations to be free from Communist domination and to regain the right to life, liberty and property, be recognized;

Therefore be it resolved: That the United Republicans of California urge the President of the United States to take active and effective measures, which are in the best interest of the United States, to secure the withdrawal of Communist control from the Captive Nations; and

Be it further resolved: That the President of the United States comply with the Public Law 86–90 by declaring a Captive Nations Week annually and issuing a strong statement in its support.

[From the Los Angeles (Calif.) Herald Examiner, July 20, 1968]

Captive Nations Memory Hailed

Victory by either side in the current Russo-Czechoslovakian confrontation won't make much difference, according to Czech native Michael Van Horn.

"The people will still be enslaved, and that includes my mother and father," he told about 200 persons gathered in front of City Hall last night to observe "Captive Nations Week."

Van Horn, who now lives in Los Angeles and is chairman of United Republicans of California, also criticized President Johnson for failing to sign the traditional proclamation designating the third week in July for rededication to the principles of restoring freedom to Iron Curtain nations.

The Czechoslovakian conflict, he said, is "a pure and simple case of which tyrant will come to power." He said Czech President Alexander Dubcek is a "Moscow-trained Communist. If he is overthrown by the Russian troops and International Communism gains the reins of government, what difference will it make?

"A tyrant is a tyrant and I don't like any of them. When President Johnson regains his memory, I hope he will also realize American security is in jeopardy as long as a tyrant or tyrannical power is grabbing up global real estate," he added.

[From the Butler County (Ohio) American, Aug. 31, 1968]

Representative Lukens Urges Creation of Special Committee on Captive Nations

Rep. Donald E. "Buz" Lukens (R-Ohio) urged immediate consideration when Congress reconvenes in September of legislation which would create a Special Committee on Captive Nations in the U.S. House of Representatives.

"The latest imperialistic move of Communist Russia, the blatant invasion and occupation of Czechoslovakia, re-emphasizes the need for worldwide recognition of the goal of world domination and conquest of the international Communist conspiracy. We must not forget the millions of enslaved peoples presently under Communist rule who desire to regain their freedom and liberties in the countries of Poland, Hungary, Cuba, Lithuania, Ukraine, Latvia, Estonia, White Rumania, East Germany, Bulgaria, mainland China, North Vietnam, North Korea, Albania, and other subjugated nations," Luken stated.

In April, 1967, Rep. Lukens joined with other Members of Congress and introduced H. Res. 420, legislation which would establish a non-permanent committee known as the Special Committee on the Captive Nations.

"The committee would conduct a study of all the captive nations, with particular reference to the moral and legal status of Red totalitarian control over them. Upon ascertaining the facts concerning conditions existing in these nations, the Committee would recommend means by which the United States can assist these people by peaceful processes in their present plight and in their aspiration to regain their national and individual freedoms," Lukens said.

[From the Anglo-Ukrainian News, spring-summer 1968]

Europeans Support Captive Nations

Meeting in Brussels on June 21st the Executive Board of the European Freedom Council passed two important resolutions. One deals with Captive Nations Week, which is held throughout the United States in July; the other is about the violation of human rights in the countries subjugated by Communism.

The first resolution reads:

"Thousands of American lives are being sacrificed to liberate a part of South Vietnam and in fighting Communism supported by Soviet Russia. The Americans are trying to prevent another nation from being subjugated by Communism.

"Large sections of the American people show strong sympathy towards the people enslaved by Communism and Russian Colonialism and feel that these people should not be forgotten.

"This sentiment is dramatically expressed every year during the Captive Nations Week in July which derives from a Law of Congress which calls for liberty and independence for the subjugated nations. The effectiveness of these Captive Nations Weeks draws wider public attention and participation each consecutive year and violent counter-campaigns by Communists and Russians.

"Support for the subjugated nations is not limited to the United States. Throughout the Free World and particularly in Europe, there is wide sympathy with the aspirations of the subjugated nations.

"The European Freedom Council calls upon all European nations to follow the example of the American nation by dedicating a week every year in support of the liberation struggle of the nations subjugated by Russian imperialism and Communism."

The second resolution reads:

"During Captive Nations Week, the European Freedom Council calls the attention of all free nations to the Resolution of the United Nations designating 1968 as 'Human Rights Year.' The Council calls attention to the fact that in this Human Rights Year, thousands of human beings are being held in isolated and very severe concentration camps in the Soviet Union for their activities to achieve the independence and sovereignty of the non-Russian nations at present in the Soviet Union and in the so-called satellite states.

"Furthermore, among these prisoners are hundreds and thousands who were persecuted for their bold attempt to claim their natural human rights, both political and personal: to practice their religion, and to advocate the abolition of the Russian Communist social and economic policies which are directed against the interests of the non-Russian nations and in the interest of Russian imperialism.

"In view of these facts, the European Freedom Council calls on all free peoples, their governments, various organisations connected with the United Nations and various charitable, judicial, social and international organisations to take up the matter of the secret trials, the deprivation of freedom without trial, the locking up of inconvenient people in lunatic asylums and the denial of basic rights in the Soviet Union and its satellites.

"We believe that the civilised world will condemn this abhorrent persecution and we call on all freedom-loving people to protest against these practices."

The Executive Board also made plans for national and international seminars for students to help them withstand the communist-inspired 'revolts' in the universities.

Finally, the Board made plans for an international rally on the theme of human rights to be held in London on Sunday, October 20th with international speakers. The Rally is being organised in conjunction with ABN.

THE "PUEBLO"—HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. SCHERLE. Mr. Speaker, this is the 239th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

THE NONPROLIFERATION TREATY—AN EXERCISE IN FUTILITY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. ASHBROOK. Mr. Speaker, the recent invasion of Czechoslovakia by Soviet and other Communist-bloc military forces has returned many wishful thinkers to the world of reality. Some of those who in the recent past have allowed themselves to forget or explain away the brutal and aggressive histories of the Communist regimes are belatedly but wisely reassessing relationships with Communist governments. Quite realistically, it is being asked whatever became of the promises of peace, peaceful coexistence, peaceful competition, peaceful this, and peaceful that, which the Soviets and their friends have regaled the free world with in recent times.

Perhaps now, those who, in the light of the Czech invasion, are incensed at having their sincere and humanitarian aspirations twisted by knaves to make a trap for fools will reconsider the basic worth of any agreement we arrange with the Communist leaders. The nonproliferation treaty which is now before the U.S. Senate is a good place to start.

The Washington Report of September 9, 1968, published by the highly respected American Security Council, contains material for consideration in appraising the pros and cons of the proposed treaty. Written by a colleague highly competent in this field, Congressman CRAIG HOSMER, of California, this present ASC report is especially timely. Representative HOSMER is the ranking minority House member of the Joint Senate-House Committee on Atomic Energy. His judgment in this area is based on years of experience as a member of this Joint Committee and is certainly worthy of our consideration.

Under unanimous consent I submit the above-mentioned report by the American Security Council for inclusion in the RECORD, as follows:

[From the Washington Report, Sept. 9, 1968]

THE NONPROLIFERATION TREATY—AN EXERCISE IN FUTILITY

(By CRAIG HOSMER, guest editor)

(EDITOR'S NOTE.—Representative Craig Hosmer of California is the ranking Minority House Member of the Joint Senate-House Committee on Atomic Energy. The recent Czech crisis has brought into sharp focus the problem of our deteriorating alliances in Western Europe and the ability (or lack of it) of the Western European nations to act effectively in their own self-defense. For this reason, Mr. Hosmer's analysis seems particularly timely.)

A public opinion poll indicates 81% of Americans favor the Treaty on Nonproliferation of Nuclear Weapons and the United States Senate is rushing to ratify it. The idea of restricting the number of nuclear powers is an attractive one.

Since World War II the United States strived first to protect its nuclear monopoly and then to restrict membership in the Nuclear Club. Yet a degree of nuclear spread has proved inevitable. It could not be stopped by strictest secrecy or the suppression of technology. Now it is hoped that a treaty will do so. But will it? What are the consequences if it does not? Will the nation be more secure with the Treaty than without it?

These were questions seldom asked during the long negotiations of the 18 Nation Disarmament Committee leading to the NPT and hardly answered during the Senate Foreign Relations Committee's cursory hearings on ratification last July. From the inception of the idea of a treaty, throughout its negotiation and to today it has been assumed that any nuclear spread is totally bad and almost any concession is worth a treaty barring it. But never really understood by our negotiators was the degree of danger actually posed by a situation of some additional nuclear capabilities. Therefore they had no measure by which to gauge the value of their concessions.

Undoubtedly the spread of nuclear weapons to the Soviets and the Red Chinese has been bad. Very bad. But spread to the British has been benign. The case of the French is troublesome but not disastrous. Historically proliferation has not been good, but it has not been as bad as pessimists estimated. We have lived with it and some observers make a plausible argument that availability of nuclear stockpiles to the major powers not only has deterred nuclear war amongst them, but conventional war as well. If true, and in this limited context, proliferation has not been bad.

Actually, the degree to which proliferation is dangerous depends on whether the proliferee plays a good guy or a bad guy role in the ever changing scenario of international events. Consequently, even for a treaty which absolutely guarantees against spread—and the SPT does not—there can be a price in terms of concession too high to pay for it.

And the United States did make many concessions for the NPT. Dr. Edward Teller told the Senate that the NPT's costs in terms of national security far exceed its benefits. Dr. Robert Strauz-Hupe stressed its disruptive effect on NATO. Rep. Paul Findley predicted alienation of many allies who look for more, not less integration of mutual nuclear defenses. I told the Committee that Soviet enthusiasm for the document springs less from abhorrence of nuclear spread than from a belief that the weapons in the hands of intended victims of communist wars of liberation would provide them the sure defenses they need.

The Chairman of the Joint Chiefs of Staff, Gen. Earle G. Wheeler, was produced at the Senate hearings to counter these implications, but his testimony was carefully terse. He did not declare the Treaty enhances our defense. The most elicited from Wheeler was a negative opinion that it is "not inimical to United States security interests." Nor was he able to backstop even this faint praise with studies by the Pentagon's vaunted systems analysts utilizing cost-effectiveness techniques. No such studies have ever been made.

Had the NPT been weighed by that kind of analysis the benefit of some limited spread of independent nuclear deterrent power in the form of soothing effects in certain tinderbox areas would have been considered. For example, an Indian capability to threaten retaliation against Red China might have sobering implications at their mutual border. A nuclear capable Japan could be the focus for a stabilizing Far Eastern regional alliance. Filling such power vacuums would considerably ease the overseas over-commitments of the United States.

A cost which should have been weighed on the systems analysis scale is the NPT's surrender of the U.S. option to selective proliferate defensive nuclear systems to allies in critical situations short of war. Integrated into the weapons would be controls permitting firing in defensive circumstances, cutting them off if aimed offensively at another country, and destroying them if anyone attempts to override the controls. The option offers considerable hope for keeping the nation out of future Vietnams. Surrendering it by a stroke of the pen is a high price for a Treaty failing to stand out clearly from the euphoric ballyhoo in which it is packaged. And, the price is escalated because some hard pressed countries may go nuclear on their own if they cannot get defensive weapons from others. They will thereby acquire arsenals also useable for offensive. In this sense the Treaty bars a kind of proliferation which could be advantageous and encourages a kind which is dangerous.

The foregoing implies that failure of the NPT is inevitable. Unfortunately, this is true. The Treaty recognizes two routes to Nuclear Club membership, one by which a nuclear "have-not" gets weapons from a nuclear power, and the other by which a "have-not" develops its own.

In the first case neither the U.S., the U.K., or the U.S.S.R. are likely to give away A-bombs in violation of their self-interest. They will sign the Treaty but their promises will gain nothing. France won't sign and probably won't proliferate. The same cannot be said of Red China to whom circumstances of world instability are helpful. Red China won't sign and can be expected to be the source of give-away bombs if it helps her.

In the second case, the NPT will not restrain over one-hundred nuclear "have-nots" who have no resources to go nuclear on their own anyway. The few capable of going nuclear will or will not do so irrespective of the NPT. Some, like Switzerland, will never go the nuclear route for a variety of good reasons. Others, like India, will travel it if necessary, because treaty promises or not, nations tend to do what they must to avoid extinction. Instead of negotiating an ineffective treaty we should be calculating what the world will look like with a somewhat larger Nuclear Club and be devising ways to live with it.

This is true not just because the probability of continued spread is far from zero, but also because the NPT lacks effective safeguards to enforce its signers' promises. There are no safeguards at all applicable to the "not to give or receive" promises. Pledge by countries not to make their own H-bombs are left up to side agreements to be made with the International Atomic Energy Agency. Supposedly the IAEA's inspectors would watch for diversions of bomb ingredients from peaceful nuclear plants.

This brings into issue the IAEA's technical and financial resources to play a worldwide safeguard role. Today its inspection staff numbers less than the nineteen senators who are members of the Foreign Relations Committee. Its budget is little over half-a-million dollars and its skill in the art of inspection is rudimentary. To do its NPT job will eventually require thousands of inspectors and a budget in excess of $100 million annually. No one has yet addressed the problem of where the deficit plagued IAEA can ever raise even a fraction of the sums needed to safeguard the NPT.

Even properly financed, the Agency could be no certain guardian against theft and diversion of bomb materials. No one yet knows the normal loss rate for these ingredients in the peaceful industrial process. No one can tell IAEA's inspectors when their suspicion should be aroused. And, should they stumble on questionable circumstances, nothing need come of it. IAEA's Inspector-General is not obliged to tell IAEA's Director-General about it, and if he does, the latter is under no duty to tip off anyone else.

Notwithstanding these defects in the NPT our nation has made what seem to be heavy commitments to induce non-nuclear nations to sign it. President Johnson stated these nations "can be sure that if they need our strong support against some threat of nuclear blackmail then they will have it." Former Defense Secretary McNamara echoed this assurance and envisaged situations which "might well require military intervention by one of the great powers immediately, without time for the negotiation and discussion in international forums that would otherwise take place."

Undersecretary of Defense Paul Nitze told the Senate Committee that such declarations evidenced no more than that the United States and the Soviet Union "share the utmost concern in preventing any act or threat of aggression with nuclear weapons." In doing so he raised the question of whether the Johnson-McNamara assurances are meaningful or meaningless. Either they are or they are not. If meaningful, and some one hundred nations sign the NPT as Secretary Rusk hopes, then our security commitments are increased about two and one-half times over our present nuclear Sir Galahad burden being carried for forty nations under existing treaties.

Wisely or unwisely, the course of events are such that the Nonproliferation Treaty seems destined to become part of the law of our land. To safeguard ourselves from harmful consequences we should, at the very least, initiate these safeguards:

Clearly define the limits of our obligations to defend co-signers of the Treaty against nuclear aggression or blackmail.

Continuously monitor proliferation possibilities, identify potential proliferees and develop contingency plans to cope with them.

Continuously monitor adverse consequences of the Treaty and prepare to exercise our withdrawal privilege promptly.

Initiate negotiations toward amending the NPT's safeguards provisions to improve their quality and provide assured financing.

Adopt a firm policy against allowing our strategic nuclear position to deteriorate during negotiation of the additional arms control agreements contemplated by the NPT.

CONGRESSMAN OTIS G. PIKE REPORTS TO HIS CONSTITUENTS ON SECOND SESSION, 90TH CONGRESS

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. PIKE. Mr. Speaker, depending on which paper you read, the second session of the 90th Congress was either "querulous, ill tempered, and unsure of itself"—New York Times, August 4, 1968—or "a 'do-something' Congress and a Congress showing useful independence and initiative"—Washington Post, July 9, 1968. Those widely divergent views from two highly respected newspapers of similar basic philosophy demonstrate that no one in America agrees on much of anything these days.

This eighth annual report to my constituents of the First Congressional District of the State of New York is, as usual, not sent in the hope that anyone will agree with all of the activities of Congress or the votes of the Congressman, but to make an accurate report on the major issues and votes. Hopefully, some of the constituents will agree with some of the votes.

First, as to the district itself. It continues to grow rapidly, perhaps too rapidly. A population of 393,585 in the 1960 census is well over 675,000 today. The rapid growth is accompanied by all the growing pains associated with high taxes—for new roads, schools, and so forth—water pollution, air pollution, jammed highways and airways, and other manifest joys of suburban life in America in the 1960's. Our economy is healthy. Our largest employer remains the aircraft industry, but it does not represent as large a percentage of the total as it did, and this is healthy, too, for defense contracting will continue to be a risky business. Our farms are becoming fewer, but continue to produce magnificently, and continue to increase in value. We are a cross section of America, some rural, some urban, some agriculture, some industry, some wealth, some poverty, all races and religions, and we represent accurately the hopes and frustrations of all America.

The principal hope of America is for peace, and the principal frustration is the inability to achieve it with honor. The Vietnam war overshadowed much of the debate on many issues in Congress this year. It was there in the debate on the tax surcharge; it was there in the debate on extending the life of the Arms Control Agency, it was there in the debate on the food-for-peace program, but the only votes in which it was the determining issue were the four votes on the military construction authorization and appropriation and on the military procurement authorization and appropriation. It is interesting to note that in those four votes, despite all of the criticism and unhappiness with our policies in Vietnam and the noise made in the debates by the critics, the votes were respectively 345 to 14, 350 to 32, 363 to 15, and 334 to 7. It was easy to criticize, but no one offered realistic alternatives.

Other controversial issues generated much closer votes. In February a bill to remove the gold reserve requirement from Federal Reserve notes squeaked through by only nine votes. In April the open housing provision in the civil rights bill passed 250 to 172, but only after a bitter debate. The tax surcharge and spending cut was another highly controversial one in June, but it passed 268 to 150—not because it was wanted, but because it was needed.

The second largest outpouring of mail, telegrams, phone calls, and so forth, I have ever seen came in June and July on the issue of gun control after the assassinations of Martin Luther King and Senator Kennedy. Most of the mail which we received was in favor of more stringent gun control legislation. We received approximately 5,000 communications on the subject. The way they came in was an interesting demonstration of the tides which affect our political processes in America. Immediately after Senator Kennedy's assassination the mail ran about 15 to 1 in favor of stronger gun control. After a certain period more opponents of gun control began to write, but the overall ratio of those who wrote in favor of stronger controls remained at least 3 to 1. A great many of the letters were from people who had never written a letter to their Congressman before, and most of them were moving and even eloquent. A few of them on both sides of the issue were hysterical and abusive, but these were a very small minority.

After a week of wild debate and countless amendments we had four record votes on the bill and amendments to the bill. By a vote of 218 to 205 all shotgun and most rifle ammunition was exempted from the coverage of the bill. By a vote of 225 to 198 gun clubs participating in the civilian marksmanship program were taken out of the bill. The amended bill passed easily, 305 to 118.

Other controversial programs had rough going. By a lopsided vote of 268 to 150 the smallest foreign aid request in history was reduced even further. The always controversial farm price support program was jolted by a limitation of $20,000 being placed on the amount any farmer could receive—some huge corporate farmers have received millions of dollars each year for not producing crops. Even with this limitation the entire program was extended for 1 year only by a vote of 213 to 176.

During the year many important measures were passed in which the vote was very one-sided. The truth-in-lending bill, amendments to the school lunch program, and new proposals to guard against radiation from TV sets, study our system of automobile insurance, study the metric system, fit into this category.

The assassination of Martin Luther King on April 4 triggered a violent response from a small portion of the Negro population all across the Nation. Washington itself was the hardest hit, and through the remainder of the spring and well into the summer it was a depressing city in which to live and work. While a few thousand people came in a "poor people's campaign," the annual spring tourists stayed away by the millions. A pall of smoke lingered over whole blocks devastated as if by war. The senselessness of the assassination was matched by the senselessness of the rioting and looting. The sight of armed troops patrolling the Nation's Capital as if the entire Nation were under attack created headlines around the world, and a sense of horror and revulsion at home. No one cared that the cherry blossoms bloomed.

Slowly, very slowly, the Capital returned to normal, and yet, as is true in Watts or Detroit or Baltimore or Newark or any other place, the burning and looting has created problems far worse than those which existed before. A primary concern of all of our poor must be that of obtaining a decent job at a decent wage. Yet the burnings destroyed plants and businesses which provided jobs and the owners of those plants and businesses will be slow to rebuild them in the same places.

The question of increasing lawlessness and disrespect for the law was of concern to all America and to the Congress. Predictable reasons were offered from predictable sources as to their causes. The very liberal Members saw it as the natural outgrowth of poverty and discrimination and would recognize no other cause. The very conservative Members saw it as the natural outgrowth of a too indulgent Supreme Court and a judiciary generally which had tied the hands of law-enforcement officers all over the country. The crime bill which the Congress considered in June essentially represented the conservative position. It provided for funds to be allocated to the States for law enforcement purposes; it controverted three decisions of the Supreme Court which dealt with the rights of suspects during interrogation by the police; it permitted police wiretapping on a wide variety of specified crimes; and it prohibited the interstate shipment of pistols and revolvers. Coming to a vote in the House only 12 hours after the assassination of Senator Kennedy, it passed by a vote of 368 to 17. The bill as finally passed was a far cry from that which had been requested by the President in his state of the Union message.

All in all, as we approach the end of the session, it has been about average. Not as good as the Washington Post makes it sound, not as bad as the New York Times makes it sound.

The 91st Congress which will convene in January will be confronted with most of the same problems that the 90th Congress has faced. There will continue to be the problems of poverty, of unrest, of lawlessness, of strained race relations; of the war; of national prosperity; budget deficits, inflation, and the gold flow. As the 90th Congress was more conservative than the 89th, so the 91st will probably be more conservative in meeting these problems than the 90th. This Congressman continues to believe that the only route to national survival and strength is the time-honored one of change within the law, of responsibility rather than revolution, and in considering legislation, striking a proper balance between concern for our taxpayers and compassion for our citizens.

For the Congressman, too, it has been an average year.

With two older children in college Doris and our youngest son came back to Washington for the spring school term. We rented a house in McLean, Va., which enabled her to participate in many of the bipartisan activities available to all of the Congressmen's wives in Washington. The Congressman stayed healthy, got home almost every week, tried to run for the Senate, got slapped down, got a year older, and continued to work hard. There have been, as of this moment, 186 record votes this year. He was present and voting on 184 of them. In his 8-year career, there have been 1,297 votes. He has missed 28 of them. Here are all of the significant ones for this year to this date. He will be very happy to hear the views of his constituents on all of these votes, and all of these issues.

Date		Issue	Pike vote
1968			
Jan.	25	Increase railroad retirement benefits (yea 321; nay 0)	Yea.
Feb.	1	Establish "Truth-in-lending" to reveal true cost of borrowing (yea 383; nay 4)	Yea.
	7	Extend Export-Import Bank for 5 years (yea 376; nay 19)	Yea.
	8	Authorize fire research and safety program (yea 268; nay 78)	Yea.
	21	Eliminate gold reserve requirements for Federal Reserve notes (yea 199; nay 190).	Nay.
	26	Reform procedures and prohibit discrimination in Federal jury selection (yea 307; nay 45).	Yea.
	27	Extend National Foundation on Arts and Humanities for 1 year (yea 272; nay 123).	Yea.
Mar.	5	Amend National School Lunch Act to strengthen and expand food service programs for children (yea 398; nay 0).	Yea.
	6	Reduce extension of Arms Control and Disarmament Agency from 3 to 2 years and from $33,000,000 to $20,000,000 authorization (yea 241; nay 161).	Yea.
	6	Extend Arms Control and Disarmament Agency for 2 years (yea 305; nay 96)	Yea.
	13	Provide $375,000 for House Un-American Activities Committee (yea 343; nay 45).	Yea.
	18	Extend civil defense program (yea 319; nay 1)	Yea.
	20	Authorize Secretary of Health, Education, and Welfare to establish an electronic product radiation control program (yea 382; nay 0).	Yea.
	25	Prohibit unfair trade practices affecting producers of agricultural commodities (yea 232; nay 90).	Yea.
	26	Increase veterans' home loan guaranty entitlement (yea 367; nay 12)	Yea.
	27	Provide Federal death and disability benefits for State and local police officers killed or disabled while enforcing Federal law (yea 376; nay 0).	Yea.
Apr.	1	Extend research into hazardous effects of pesticides on fish and wildlife (yea 333; nay 25).	Yea.
	1	Authorize additional $6,500,000 for Atlantic-Pacific Interoceanic Canal Study Commission (yea 216; nay 137) (2/3 vote necessary).	Nay.
	3	Establish code of official conduct for Representatives (yea 406; nay 1)	Yea.
	4	Impose 5 percent tax on tickets purchased for air travel abroad (yea 279; nay 102).	Yea.
	9	Reduce funds for postal operations and cancel Saturday mail delivery (yea 102; nay 250).	Nay.
Apr.	10	Accept open housing provision in civil rights bill (yea 250; nay 172)	Yea.
	23	Increase travel allowance for Federal employees (yea 289; nay 65)	Nay.
	24	Authorize $1,818,493,000 for military construction (yea 345; nay 14)	Yea.
May	1	Provide $5,523,635,500 for Department of Agriculture (yea 317; nay 71)	Nay.
	6	Provide security measures for banks (yea 235; nay 98)	Yea.
	6	Provide $2,459,200,000 for vocational rehabilitation program (yea 335; nay 0)	Yea.
	7	Authorize the Secretary of Transportation to study existing compensation system for motor vehicle accident losses and automobile insurance (yea 363; nay 3).	Yea.
	8	Appropriate $13,670,636,000 for Department of Housing and Urban Development (yea 353; nay 37).	Yea.
	9	Deny Federal loans and grants to students participating in campus riots (yea 306; nay 54).	Yea.
	9	Authorize 5 college student aid programs (yea 349; nay 5)	Yea.
	9	Observe 3 legal holidays on Mondays; establish Columbus Day as new national holiday (yea 212; nay 83).	Yea.
	10	Amend International Monetary Fund Agreement to create new monetary reserve facility (yea 236; nay 15).	Yea.
	14	Prohibit Commodity Credit Corporation from financing sale of agricultural commodities for any exporter engaging in trade with North Vietnam (yea 370; nay 21).	Yea.
	14	Extend food for freedom program for 1 year (yea 345; nay 42)	Yea.
	20	Extend Federal criminal law to cases of assault on postal employees (yea 334; nay 5).	Yea.
	21	Appropriate $1,411,680,300 for Interior Department (yea 364; nay 14)	Yea.
	22	Establish uniform limitations on power of States to tax small out-of-State firms doing business within their boundaries (yea 285; nay 89).	Yea.
	23	Increase income of land and water conservation fund to $200,000,000 annually by using revenues from oil and gas leases on the Outer Continental Shelf (yea 336; nay 13).	Yea.
	28	Appropriate $1,794,981,500 for the Departments of State, Justice, and Commerce (yea 347; nay 28).	Yea.
	29	Extend National Foundation on Arts and Humanities for 2 years at increased cost (yea 195; nay 166).	Nay.

Date		Issue	Pike vote
1968			
June	5	Provide for additional Federal circuit judges (yea 357; nay 13)	Yea.
	6	Approve Omnibus Crime Act to help State and local governments reduce crime, modernize law enforcement and criminal justice systems, permit wiretapping under certain conditions, and control sale of hand guns (yea 369; nay 17).	Yea.
	6	Increase compensation for disabled veterans (yea 389; nay 0)	Yea.
	10	Authorize standards to control aircraft noise (yea 312; nay 0)	Yea.
	11	Provide $90,965,000 additional for school operation in federally impacted school districts (yea 226; nay 133).	Yea.
	12	Appropriate $8,158,477,000 for Post Office and Treasury Departments (yea 371; nay 10).	Yea.
	12	Limit to $100,000,000 the amount U.S. Treasury would be authorized to cover in Export-Import Bank losses (yea 218; nay 163).	Nay.
	13	Aid States in developing poultry inspection programs (yea 352; nay 17)	Yea.
	13	Authorize $112,800,000 for Peace Corps (yea 293; nay 61)	Yea.
	17	Insure that public buildings financed with Federal funds are accessible to physically handicapped (yea 302; nay 0).	Yea.
	19	Delete $671,000 from Public Works-Atomic Energy Commission appropriations for Dickey-Lincoln power project in Maine (yea 266; nay 132).	Yea.
	20	Impose 10-percent surcharge on personal and corporate income taxes together with $6,000,000,000 reduction in Government spending (yea 268; nay 150).	Yea.
	24	Authorize metric system study (yea 271; nay 42)	Yea.
July	1	Authorize Secretary of Agriculture to help States provide free or reduced price meals to needy school children (yea 274; nay 78).	Yea.
	1	Increase amount of school lunch funds from State tax revenues and assure equitable nondiscriminatory allotment of free and reduced price meals (yea 352; nay 0).	Yea.
	2	Provide $13,000,000 in 1968 supplemental funds for a summer youth employment program (yea 287; nay 82).	Yea.
	2	Provide $5,000,000 in 1968 supplemental funds for antipoverty Operation Headstart program (yea 265; nay 106).	Yea.
	2	Establish safety standards for gas pipelines (yea 351; nay 14)	Yea.
	10	Amend Housing and Urban Development Act to limit eligibility for the homeownership program to families with incomes not more than 30 percent higher than the ceiling for public housing in their area (yea 271; nay 137).	Yea.
	10	Authorize Federal flood insurance program, assistance for homeownership for low-income families, Federal reinsurance for insurance industry riot losses, and extension of housing and urban development programs (yea 295; nay 114).	Yea.
1968			
July	11	Authorize $21,626,964,000 for fiscal 1969 military procurement of aircraft, missiles, vessels, and tracked vehicles (yea 363; nay 15).	Yea.
	12	Establish program for treatment of alcoholics; grants for health services for migratory workers; regional medical programs for heart disease, cancer, and stroke, and rehabilitation of narcotic addicts (yea 327; nay 1).	Yea.
	12	Provide criminal penalties for possession of illegally obtained drugs, including LSD (yea 320; nay 2).	Yea.
	12	Extend State Technical Services Act (yea 310; nay 2)	Yea.
	12	Extend Vocational Education Act (yea 390; nay 0)	Yea.
	15	Authorize certain public works on rivers and harbors (yea 307; nay 86)	Yea.
	15	Authorize establishment of Redwood National Park (yea 389; nay 15)	Yea.
	15	Prevent vessels built outside the United States or under foreign registry from carrying cargoes restricted to vessels of the United States (yea 370; nay 30).	Yea. Yea.
	15	Amend passport laws to extend time period to 5 years (yea 324; nay 71)	Yea.
	15	Establish nationwide system of trails (yea 378; nay 18)	Yea.
	18	Recommit foreign aid authorization with instructions to cut additional $165,000,000 more (yea 268; nay 150).	Yea.
	18	Authorize $1,993,850,000 for foreign economic and military aid (yea 228; nay 184).	Yea.
	24	Provide for better control of interstate sale of rifles and shotguns (yea 305; nay 118).	Yea.
	25	Extend Higher Education Act, National Defense Education Act, Vocational Student Loan Insurance Act, and the Higher Education Facilities Act (yea 389; nay 15).	Yea.
	26	Amend Labor-Management Relations Act to permit employer contributions for joint industry promotion of products or joint committee to interpret provisions of collective bargaining agreements (yea 201; nay 169).	Yea.
	26	Recommit bill to appropriate $1,765,000,000 for military construction (yea 32; nay 350).	Nay.
	30	Increase coverage of Food and Stamp Act of 1964 (yea 315; nay 83)	Yea.
	31	Limit subsidies to wool and wheat growers (yea 230; nay 160)	Yea.
Aug.	1	Continue feed grain price supports (yea 213; nay 176)	Nay.
	1	Extend and improve programs for training of nurses and other health professions personnel (yea 350; nay 0).	Yea.
Sept.	5	Extend Manpower Development and Training Act (yea 316; nay 0)	Yea.
	10	Revise foreign assistance pertaining to reimbursable military exports (yea 313; nay 29).	Yea.
	12	Appropriate $72,239,700,000 for Defense Department (yea 334; nay 7)	Yea.

INTERNATIONAL ARMS TRANSFERS AND WORLD PEACE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. HELSTOSKI. Mr. Speaker, foreign military aid seems to me to have a complex relationship to world peace. On one hand, it strengthens our allies; on the other hand, it increases the costs of keeping the peace. Would it make sense to devise a United Nations tax on all arms transfers, to defray the costs of peacekeeping?

I am confident our experienced military leaders carefully judge each arms shipment on its merits: shipments are made when, on balance, they are judged beneficial to our own national security.

But arms shipments are only one security measure among many. There are also diplomatic negotiations, the collective security treaties to which we are a party, the programs of foreign assistance, the peacekeeping machinery of the United Nations. We need to upgrade the usefulness of multilateral peacekeeping.

Like it or not, our shipments of arms to other countries sometimes have undesirable consequences. They raise the level of intensity of local conflicts. They breed mistrust and antagonism. They add to the costs of governing recipient states—not to mention our own tax burden. They are a crushing burden on some states that have little need of them—acquisition of an arsenal for prestige reasons is contagious—in Latin America it has assumed epidemic proportions.

As these shipments raise the level of world armaments, resources are consumed that would be better employed resolving such world problems as the threat of global food shortage, grave unbalances in living standards, deficiencies in world health and economic opportunity.

Both we and the Soviet Union engage in the practice of arming our associated states. This is like a ridiculous poker game where the players are all willing to raise, but nobody dares call.

Even if we could obtain an international treaty prohibiting all arms transfers among nations, that would be no solution.

The insistence of the Communist states on the one-sided right to stir up subversion and local conflicts, and their exercise of this asserted right, requires that we take countermeasures. Of these countermeasures, the supply of arms to legitimate governments is important and necessary.

Our objective is a world of stable, peaceful countries governed by democratically elected institutions under constitutions protecting the rights of minorities as well as the will of majorities.

When arms provided by us are used in conflict with this objective, we must spend additional resources to correct situations to which we have contributed. It is intolerable not to act; yet in acting, we sometimes make matters worse.

When we supply arms to two states that fall out and war with each other, using weapons we have provided, the result is an absurdity.

When we supply weapons to one state, in support of our world objectives, and the Communist bloc supplies arms to a neighboring state, to support Communist world objectives, both we and the Communists invite an awkward quandry if our respective friends come to loggerheads. We can stand back and watch the conflict, or plunge into it with all the risks of great power confrontation, or hurry to the United Nations to find some way of putting a damper on it.

Arms shipments make such encounters worse. In the long run, whether international shipments of arms are supplied by us or the Communists, the result—at best—is an increased burden on the United Nations peacekeeping machinery.

Taxpayers in the donor countries bear the burden of arms shipments and tax payers in recipient countries pay for their maintenance and deployment. Costs of United Nations peacekeeping machinery are assessed less precisely. Yet, one leads to the other.

Would it make sense, therefore, to recognize the cause-and-effect relationship between arms shipments and the costs of keeping the peace? Would it make sense to apply the brakes ever so slightly?

Would it make sense to impose, by treaty, a world tax on the shipment of arms from one country to another?

Would the public registration and evaluation of arms transfers for tax purposes serve a useful purpose in reducing the corrosive effect of suspicion and uncertainty over this traffic?

Would it be equitable for such a tax to be assessed equally on donor and recipient?

Would it be practical and practicable to have such a tax paid directly to the United Nations, earmarked for peacekeeping expenses?

I appreciate that the ramifications of such an idea are complex. It is beyond the capability of any individual—certainly beyond mine—to weigh all the advantages and disadvantages of such a proposal. I offer it not as a plan, but as something to think about.

It seems to me that there is a germ of an idea here. If an idea like this could lead to a peaceful solution of the growing conflict in Vietnam, for example, we would all be infinitely better off. If it could lead to a reduction in tensions in the Middle East, the gain would be universal. If it would add to the acceptance and legitimacy of the United Nations as a world authority, neutral, and moral and restraining in its effect, future generations might build on this foundation.

I do not believe that it is improper for me to suggest that a tax be imposed upon the parties involved in such an arms transfer; with 25 percent of the value imposed upon the supplying party and a 25-percent tax placed upon the recipient party. Such a tax could then be placed into the United Nations treasury for that body's peacekeeping missions. Such a tax could well deter the large volume of arms transfers currently taking place among nations.

In our search for mechanisms to buttress the peace and order of our world, no less to secure the well-being and self-determination of the countries of the world, any idea to promote equity and economic justice in maintaining world peace warrants our study. It is in that spirit that I offer this suggestion.

CLEAR IT WITH STROM

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. NIX. Mr. Speaker, today the Judiciary Committee of the other body is due to clear for floor action the nomination of Justice Fortas as Chief Justice to the Supreme Court of the United States at long last. It is almost certain according to today's Washington Post, September 17, that Justice Fortas will receive a favorable recommendation from the committee. During this past week the presidential candidate of the Republican Party finally after much urging by his opponent announced that he was against the use of a filibuster to defeat the nomination of Justice Fortas. The minority leader of the Republican Party in the other body is supporting the nomination.

However, the new Republican leadership in the other body fresh from the performance at the Republican Convention in Miami is not. Senator THURMOND, whose success is responsible for the phrase in the press, "Clear it with STROM," is conducting a filibuster in the Judiciary Committee and intends to conduct one on the floor of the Senate, regardless of the request of his party's nominee. In fact, Senator GRIFFIN, the right-hand man of Senator THURMOND, told their party's nominee to mind his own business. This reply may show more about the result of the Republican Convention than the mere nomination of Richard Nixon.

This fight over the confirmation of Justice Fortas for Chief Justice has been the most vicious since President Hoover had to withdraw the nomination of the late Circuit Judge Parker, who was later confirmed by the Senate for a Federal circuit judgeship once the political tensions of the early thirties died down.

This is not a debate over whether or not Justice Fortas is a personal friend of President Johnson. Presidents, Prime Ministers, and national leaders have appointed friends in the past. If there is a question of "cronyism" it is a question of the quality of the friend. One thing can be said for President Johnson, he has brilliant cronies if this is the case. Most of the prominent men in our political life knew each other in the Washington of the 1930's. Lyndon Johnson met Abe Fortas as a young Congressman in 1938 when Fortas was an attorney for the Interior Department. So it is not surprising that Lyndon Johnson should appoint his brilliant friend who has served 3 years on the U.S. Supreme Court to Chief Justice. President Adams was a close friend of John Marshall our greatest Chief Justice; Roosevelt was a friend of Frankfurter, Truman of Chief Justice Vinson, and the Kennedys of Justice White. They were great judges.

Justice Fortas has some other friends besides Lyndon Johnson who are backing his nomination. The American Bar Association, for instance, the National Bar Association, and numerous newspaper editors, the Anderson, S.C., Independent, for instance, as well as the Minneapolis Star, the Hartford (Conn.) Courant, the Atlanta Constitution, the Denver Post, the Nassau County, N.Y., Newsday, the New York Times, the Washington Post, the New York Post, and others. Senator MORSE has included in the CONGRESSIONAL RECORD of July 17, 1968, on page 21668, a telegram supporting Justice Fortas signed by 480 law school deans and law professors at 68 law schools. The law school deans not only supported Justice Fortas, they took exception to the theory of Senator THURMOND and the others that a President who is going out of office should not make appointments.

LAME-DUCK ARGUMENT

There is no constitutional requirement that a President ceases to act as a President when he is not running to succeed himself. The convenience of contending presidential candidates for the Presidency does not count. Appointments should and must be made and positions of importance should not remain open. There is no reason why Chief Justice Warren should not retire after 15 years service, nor any reason why his post should not be filled. The American people are entitled to the services of the Chief Justice. For this reason the greatest Chief Justice, John Marshall, was appointed by President Adams a month before he turned over the White House to Thomas Jefferson. Jefferson did not like the appointment, but we know today that Jefferson was wrong.

POLITICS

There have been three of these battles in this century. The fight against Justice Brandeis was involved in anti-Semitism. The fight against Justice Parker involved politics and the fight against Justice Fortas involves rebellion by a few Senators against civil rights, civil liberties, and the Supreme Court itself. This fight does not add to the stature of the other body. These three battles all involve politics and had very little to do with the qualifications of the Justices seeking confirmation. Brandeis was the outstanding lawyer in the country at the time he became a court judge. Parker was a known lawyer who later became a great conservative circuit judge, later confirmed by the Senate. Justice Fortas who has already been confirmed by the Senate as a Supreme Court Judge has been a great judge. It is, in fact, his great record as a judge which bars his confirmation. The argument is about that record because it is a civil rights record. This is an example of the worst kind of politics.

FILIBUSTER

Once STROM THURMOND leads a battle, that battle eventually turns into a filibuster. Senator THURMOND is not a persuasive man. He can win no battles without its aid. Filibusters are a form of civil disobedience; a sitdown on the gears of government so that legislative business cannot go on, so that the will of the people can be frustrated. Reasoning plays no part in a filibuster. It is no art. It is nonsense. Whether or not telephone books are read, recipes discussed, or charges are made that Justice Fortas favors pornography, it will in the end be all nonsense. Take the pornography thing for instance. These charges by Senator THURMOND have been used as an excuse to jazz up the hearings by showing nude movies in the Senate Judiciary Committee. Senator THURMOND by his own definition of pornography has become a pornographer to defeat Judge Fortas. This same Judge Fortas is the judge who cast the deciding vote on the behalf of obscenity convictions of Ginzburg and Mishkin. These cases founded the backbone of the only obscenity law we have in the country. Senator THURMOND has so far only succeeded in getting nationwide publicity for a nude movie.

OBSCENITY

If Senator THURMOND was a better lawyer he would know that the real issue in obscenity law is privacy—the protection of the general public from offensive advertising. It is almost impossible for a democracy to regulate expression of thought. But it is possible to protect the right to be left alone. This is the path we are on now, thanks to Justice Fortas. I would like to have included in the RECORD a statement favoring Justice Fortas' confirmation by Dean O'Meara of Notre Dame Law School, which statement defends the Fortas record on the matter of obscenity and pornography.

This is an attempt by a few willful men to turn the clock back to repeal the last 15 years' work by the Warren court. It is the new Republican leadership in the Senate that seeks to repeal the judicial work of the great Republican, Earl Warren. Senator DIRKSEN, the minority leader who perhaps represents an old Republican leadership, favors Justice Fortas' confirmation. There has been a question raised by the press as to whether Justice Warren so feared the election of Richard Nixon to the Presidency and of the effect it would have on the Supreme Court that he chose this time to announce his resignation and took the precaution not to resign until Justice Fortas was confirmed.

We cannot know Justice Warren's innermost thoughts. He has said he announced his resignation because of his age, but he intends to stay on the Court until Justice Fortas is confirmed. This seems to mean that the whole Thurmond exercise will only result in prolonging the work of Justice Warren. Senator THURMOND must realize this. The only possible reason for his action must be partisan politics. In addition, his agitation against the Court may be intended to prepare the country for the shock resulting from extremely conservative appointments to the Supreme Court should Richard Nixon become President. Whether Richard Nixon would in fact "turn back the clock" by making this kind of appointment remains to be seen. Senator THURMOND may think so and since he dominated the Republican National Convention, he may have good reason for thinking so.

I believe that Justice Fortas is qualified to be Chief Justice of the U.S. Supreme Court because of his career as an outstanding attorney and because of his 3 years of brilliant service on the Supreme Court. Nineteen sixty-eight is not the year for politics as usual and I think the Senate should confirm Justice Fortas.

I would ask our Republican colleagues in the House to protest to those willful Republican Members of the other body who place political patronage above the political good name of their party and the functioning of the U.S. Supreme Court in the name of "law and order."

WHO RUNS THE COLLEGE?

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. FINDLEY. Mr. Speaker, the President of Illinois College in Jacksonville, Ill., Dr. L. Vernon Caine, is the author of a timely essay on campus disorders. It was published in a periodical called Illinois College Comments and was issued this past summer. His summation that "an academic institution ought to be ruled by reason and not by force, either violent or nonviolent" is one which all colleges and universities could wisely take to heart.

Here is the text of the essay:

WHO RUNS THE COLLEGE?

Without a doubt the most common current concern expressed by alumni and friends of this and other colleges has to do with the conduct and attitude of students in recent times. Although campus disorders have been exaggerated and greatly overpublicized by the news media, it is undeniable that recent events on many campuses have been a disgrace to the nation. The excesses of a few students on a few campuses have aroused the indignation of the overwhelming majority of thinking Americans.

The disorderly conduct of certain student groups and the general unrest in this college generation is not without some underlying causes. These young people have been raised permissively in a society of abundance so that it is extremely difficult for them to mature normally. Many are overprivileged, ungrateful for what is done for them, and nearly all are concerned about the draft, the justification for the war in Vietnam, and tensions in society not of their own making. Unfortunately this college generation has also been taught, often by some of the most high minded people in America, that demonstrations, sit-ins, and other nonviolent disturbances of the peace are tolerable and sometimes even noble. It remains true, however, that no amount of understanding of good or bad reasons for the action of certain students excuses what has taken place.

While education has already suffered heavy losses in support and approval because of the inexcusable conduct of a comparatively few students at some conspicuous places, the attitude toward student rebels has hardened considerably, and it is not likely that colleges and universities will tolerate some of the antics of radical students in the future as they have in the past.

At Illinois College and others of its type, certain things should be abundantly clear. First, enrollment in a non-tax supported college is a privilege and not a right. A college may be whatever it chooses to be, and when a student enrolls, he has in effect entered into an implied contract to operate within the framework of the institution. A college may deny to its students the right to operate an automobile, require him to be vaccinated or to learn to swim, to refrain from smoking on the campus, or to go to chapel—all these things are required at some institutions. If a student is fundamentally opposed to regulations clearly announced, his option is to register somewhere else.

The legal responsibility for the operation of a college is inescapably in the hands of the trustees. As in the case of the Charter and By-Laws of this institution, the president and the faculty have some prescribed roles. Those who are legally appointed to carry out such functions cannot do otherwise. It is the practice here to use students in advisory capacity on almost all committees and to maintain an open door policy so that students may have access to any faculty member or officer of the College, including the president, but when final decisions must be made, they are made solely by those whose legal or delegated powers have been specifically set forth.

In considering changes of any nature at a college, it must be remembered that the student body of any given year makes up only a fraction of what might be "the college." There are the thousands of alumni of other years. There are the friends and benefactors who have provided the buildings and the endowment. Of most importance is the fact that there are those yet unborn who will some day attend the institution. Any administrator worthy of his salt is concerned as much about the college ten years from now as of today. It is unthinkable that the whims of a particular student body in any given year should adversely reflect on 139 years of experience of this institution or should put in jeopardy the progress or contribution that the College will be making in the 1970's and 1980's.

Another idea that needs serious promotion at any institution of higher learning is that an academic institution ought to be ruled by reason and not by force either violent or nonviolent. The changes which are always taking place should come about as the result of conferences and not by a confrontation. If education is good for any thing, it ought to make people reasonable in what they do. Since nearly all students at a college of this type are reasonable human beings, there is no excuse for a few malcontents to be permitted to disturb the peace which is so essential to learning. Differences of opinion are the stock in trade of an educational institution, but tolerance and reasonableness are also essential. Illinois College has been fortunate in having a student body made up of those who are overwhelmingly motivated by good will and reason. This is the way it ought to be.

CONGRESSIONAL ETHICS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. TEAGUE of Texas. Mr. Speaker, I want to talk to you today about a rather delicate subject—a subject that has received wide publicity—and one that has been greatly misunderstood: the subject of congressional ethics.

As some of you know, I have served on the Committee on Standards of Official Conduct of the House of Representatives, ever since its creation, in April of last year. I am, in fact, the ranking Democratic member. The committee consists of six Democrats and six Republicans—so it is really bipartisan. Action on individual cases must be voted by seven members of the committee, so at least one member must step over the party line in judging a case against another Member of the House. This precaution was written into our rules to prevent any purely political harassment. It is a wise precaution, although there is no danger of the present committee stooping to cynical partisan political activity. I believe it is a committee of high moral caliber, and of exceptional integrity.

This committee is a permanent one. We have the thankless task of acting as watchdogs over our colleagues. This, as you can imagine, is pretty tough duty, but it is a necessary function because of the attacks upon the integrity of the Congress which have filled the Nation's press, and which have done much—and I think wrongfully—to undermine public confidence in the Congress of the United States.

On April 3, of this year, the House passed, by a vote of 405 to 1, a resolution outlining certain standards of conduct which our committee felt should be minimal for a Member of Congress. The resolution was drawn up after extensive hearings at which almost a hundred witnesses testified.

The resolution set such standards as these:

Members, officers, and employees of the House of Representatives shall conduct themselves at all times in a manner which shall reflect creditably on the House.

They shall adhere to the spirit of the letter of the rules of the House and to the rules of its duly constituted committees.

They shall receive no compensation nor permit any to accrue to their beneficial interest, the receipt of which would occur by virtue of influence improperly exerted from their positions in the Congress.

They shall accept no gifts of substantial value from any person, organization, or corporation having a direct interest in legislation before the Congress.

They shall accept no honorarium for a speech, writing for publication, or other

similar activity in excess of the usual value for such services.

They shall keep campaign funds separate from personal funds. No campaign funds shall be converted to personal use in excess of reimbursements for legitimate and verifiable prior campaign expenditures.

They will treat as campaign contributions all proceeds from testimonial or other fundraising events, unless the sponsors of such affairs give clear notice in advance that the proceeds are intended for other purposes.

They will retain no one on their clerkhire allowance who does not perform duties commensurate with the compensation he receives.

Now, as I have said, these are minimal standards. There were many editorial writers on respectable papers who attacked the resolution as being too soft, and expressed disappointment that it did not go more deeply into specifics. I would like to discuss this with you today.

The trouble is, when we are discussing proper congressional ethics, we are dealing in a very gray area. It is easy to judge the extreme cases. Some actions are obviously improper—some actions are obviously not improper. But these actions are relatively few. The majority of cases that come up for discussion are not so clear cut, and one has to judge them according to such intangibles as the intent of those involved, and the circumstances surrounding the action.

Let us consider the obvious case of testimonial dinners and campaign funds generally.

There are 435 congressional districts in the United States. This figure was arrived at after the census of 1910, 58 years ago. At that time Congress decreed that this was the maximum number of legislators who could work together effectively.

But, since 1910, the population of each district has exploded. In 1910 the average Congressman represented about 200,000 constituents. Today the average is well over 450,000, and, unless the membership is expanded, the figure will be well over 750,000 by the year 2000.

For many years there was a wide difference among the sizes of the constituencies. In 1960, for example, the 28th District of California—Los Angeles County—had more than a million people in it, while the 12th District of Michigan—the Upper Peninsula—had only about 170,000 people. Many of these discrepancies have been eliminated by redistricting, but there are still considerable differences remaining.

But there is no way anyone can iron out the geographical discrepancies involved—and this is a good thing, because Congress should have a wide range of variations among its membership.

In Texas, for instance, we have some districts out West which are bigger than many of our States. It takes an enormous amount of travel to get to meet the voters. On the other hand, there are constituencies in New York City and other crowded areas where a candidate can do all his campaigning on foot.

In some districts it is necessary to pay premium prices for television, radio, and newspaper advertising. It takes an enormous sum of money just to get your name before the public and to call attention to your candidacy. In others, a series of inexpensive ads in county newspapers plus a lot of traveling will do the job.

There are other problems. Many districts in California—particularly in southern California—change character almost entirely every 2 years. So many thousands of people move in each year that a Congressman, who has been in office many terms, can find, if he has not kept up his campaigning between elections, that the average voter looks at his name and says: "Who he?"

I mention these great differences to illustrate how difficult is is to write legislation that can be specific and still be fair, which can cover the problems in each and every district in the Nation.

It would also be grossly unfair to write a resolution so specific and strict that the incumbent Member of Congress would be penalized, while the candidate running to unseat him would be free to do as he wishes. We were writing a resolution governing the behavior of Members of Congress, and our legislation had no force among citizens who are not Members, but who are running for the office.

I want to add another point: we read in some newspapers shocked editorials about the amount of money being spent in a congressional campaign. More often than not these same newspapers charge premium rates for political advertising—usually 50 percent more than the usual rate—and demand payment in advance. A wise precaution, because it would be very hard to collect from some candidates after an unsuccessful campaign. They also—in many cases—own television and radio stations which also charge candidates extortionate rates for time. It sometimes seems that the business office and the editorial office suffer from a communications gap.

There is nothing wrong with a Congressman's pay. The job is far better—from an economic point of view—than it was in 1946 when I first went to Washington. But, obviously, the pay does not—and should not—be sufficient to cover campaign expenses.

We have some very wealthy Members of Congress—men and women who could put the expense of campaigning on their Diners' Club card and forget about it. It is rumored that one Member, who was critical of our resolution, is so well to do that his bank sent back one of his checks marked "insufficient funds"—and added, "not yours, ours."

But Congress should never be permitted to become a rich man's club. No citizen of the United States—no matter how poor—should be excluded from candidacy simply because he is not richly endowed with the goods of this world. There are many fine Congressmen who are not at all well off financially. Most Congressmen, I would say, are in the lower middle class financially.

So, if a man is going to run for election, and if he cannot afford to pay the expenses of campaigning out of his own pocket, he must depend upon campaign contributions. Here is where we enter a very gray area, where moral decisions are most difficult.

Obviously, it would be immoral for a Congressman to receive from one source—whether it be a corporation, or a labor union, or whatever—such a large campaign contribution that he would be little more than a bought-and-paid-for creature of the contributor. But how much is too much? In some districts a contribution of $20,000, let us say, would go a considerable way toward underwriting a campaign. In other districts it would pay for only a couple of television broadcasts in prime time.

It is difficult to get wide support from ordinary citizens in the way of campaign contributions. Yet, those who are able to make substantial contributions are usually businessmen, professional men, and industrialists who, in the ordinary course of events, have dealings with Congress and with the Federal Government. Most contributions of this kind are simply investments in what the donor believes to be good government. He knows what a Congressman stands for—what he is most likely to support and what he is most likely to oppose—and he wants that kind of representation in Washington. But, nonetheless, circumstances may make the Congressman seem guilty of a conflict in interest when legislation comes up which affects the affairs of the contributor.

It is a problem that must be settled almost entirely on a case-by-case basis. There is no way in which we can create a blanket set of rules that will cover every case specifically. Our committee will have some very difficult cases to consider, and we shall have to deal with them realistically, honestly, and without the slightest tinge of partisan politics. And, I might add, any decision that we may make is bound to make a sizable number of people unhappy with us.

But, Mr. Speaker, I want to say this: I do not anticipate very many cases. They will be few and far between.

We have had some bad actors in Congress, and it is very possible we have some bad actors in Congress today. The people are the judge and jury, and they are quite capable of deciding what they think is ethical and honest, and what is unethical and dishonest. They make the judgment decisions, and in the House of Representatives they have that right every 2 years.

Sometimes the people can be surprisingly tolerant. I can think of two cases, at least, in which Members were reelected to office when they were either in jail or under indictment. The crimes involved did not directly concern the Members' performance as Congressmen and the voters chose to place their faith in the basic integrity and effectiveness of their Representative.

Naturally, in my 22 years in Congress, I have known many of my colleagues, from both sides of the aisle, closely and intimately. I have a high regard for the overall integrity of the Congress. The overwhelming majority of the men who serve are honest, sincere, hardworking, and a credit to the democratic processes.

The few bad apples in the barrel have received all the publicity, and the taint of infection has been greatly exaggerated. Some columnists and some television commentators have made irresponsible assertions, and have given the impression that Congress is inhabited by irresponsible, grasping, dishonest nincompoops. This is simply not true. It is a slander on a very superior body of men and women. I am proud to serve with them; I am proud to be numbered among them.

It has become the favorite American indoor sport to libel the Congress of the United States. Members are made the butt of the comedian's joke, the target for the comedian's pen. The prototype in public print is Senator Soaper, or the gross caricatures that appear in L'il Abner, or Senator Claghorn, and other unfair and untrue exaggerations.

I am not losing my sense of humor, and if a man runs for public office and is paid from public funds he must expect some criticism, even jocular criticism. As Harry S. Truman used to say, "if you can't stand the heat, get out of the kitchen."

But I sometimes wonder if this constant barrage of ridicule has not gone too far. I wonder if it is not presenting a grotesquely distorted picture as if it were the truth, and thereby persuading and convincing a whole generation of Americans that Congress is an unworthy institution?

If this is true, it is a very dangerous trend. Congress is imperfect, and it is filled with human beings who, by the decree of God Almighty, must themselves be imperfect. But it is the direct reflection of the American people themselves, and Congress is the instrument by which the processes of democracy move forward.

When Congress is unfairly ridiculed, democracy itself is injured. By its very nature, democracy is not the most efficient form of government known to man—it is simply the best form of government known to man.

Our Founding Fathers never claimed supreme efficiency as an attribute of democracy.

As a matter of fact, the two greatest enemies of human freedom in the world today are anarchy and excessive efficiency. Under certain regimes, absolute monarchy has been far more efficient than democracy. Fascism and nazism were more efficient than democracy. As a means of governing people, it may be true that communism is more efficient. But who would voluntarily live under any of these forms of government? Who would embrace them who had already experienced the freedom of democracy?

The frustrations of our national and international life in recent years have developed a negative sickness among too many of our people. The dissatisfaction with the situation in Vietnam—the disorders in our cities—the violence in our streets—the rising cost of living—the increases in our taxes—all these and many other things have turned people's thinking around so they concentrate more on what is wrong with America and forget about what is right with America.

There is a lot that is right with America—far more than what is wrong. By the same token, there is a lot that is right with Congress—far more than what is wrong. It is time we started some affirmative, positive thinking among ourselves, and among our youngsters who look to us for guidance.

Certainly it was necessary for us to set up some guidelines for the conduct of Congress. It was necessary, not because of any widespread delinquency among the membership, but because some flagrant cases—a very few—made it necessary for Congress to assure the citizenry that we were just as serious about creating these guidelines as other professions have been—the church, the law, medicine, corporate business.

We have made a significant forward step, and we shall improve the guidelines as we go along. But we do not want to have anyone in this country think that we are putting on penitential hair-shirts because of the widespread sins of our Members. Nothing of the sort. We have done this to make certain that we shall have a legal basis by which we can take action against the very few Members who overstep the mark.

Have faith in Congress. These are your personal representatives in Government and the vast majority of the Members try honestly and sincerely to do the best possible job of representing you in Washington. We can improve Congress, and we shall continue a serious endeavor to do so—but do not fall for the propaganda that the Congress is beyond redemption. Congress suffers from the very same faults that the American people suffer from, and it rejoices in the very same virtues. As an institution it is the greatest safeguard we have against totalitarianism and despotism—and despite the shortcoming of a very few Members, I think it has done and is doing a remarkably fine job of representing the people who elected them to office.

Thank you and God bless you.

UNTANGLING THE FEDERAL LABYRINTH

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. STEIGER of Wisconsin. Mr. Speaker, more than one-fourth of the Members of this body have joined the gentleman from Delaware [Mr. ROTH] in cosponsoring the Program Information Act and the Executive Reorganization and Management Improvement Act.

The problems faced by the Government in effectively administering, and the Congress in adequately assessing, the vast number of Federal programs currently in existence has become increasingly acute.

In the August 1968 issue of Tax Review, published by the Tax Foundation, Inc., Congressman ROTH defines the problems that exist, but more importantly he outlines his suggestions for making the programs of the Federal Government more meaningful through the two bills he has introduced.

Since the introduction of this legislation in June and July of this year, public discussion of these problems has greatly increased, and the work performed by the gentleman from Delaware [Mr. ROTH] and his staff deserve much of the credit for this fact.

I should like to include as part of my remarks at this point the article by Congressman ROTH and a Milwaukee Sentinel editorial of July 10, 1968, commending his efforts:

[From the Tax Review, August 1968]

THE FEDERAL ESTABLISHMENT: SOME NEEDED REFORMS

(By the Honorable WILLIAM V. ROTH, JR., U.S. Representative from Delaware)

During the 13 years since the second Hoover Commission made its final report, the United States has undergone some of the most rapid and profound changes in our history. Attendant to this has been great growth in size and in spending of the Federal government. In that period, the number of Federal programs has risen dramatically, civilian personnel rolls have grown by a half million, the Federal budget has doubled, and domestic spending has increased by 170 percent.

The proposed Federal budget of $186 billion for fiscal year 1969, in more understandable terms, means we are spending about $21 million every hour, or almost $6,000 per second.

Because of the magnitude of spending and complexity of operation of the Federal government, my staff and I spent eight months, beginning in November 1967, studying the current form of the Federal establishment. Specifically, we sought to find out how many Federal assistance programs there are, to obtain meaningful information about what they do, and to learn how and where they are administered. We did this with an eye toward determining whether the concepts of assistance and organization under which our Federal system of government is currently operating are adequate to the task of solving the problems that now confront us, and to the tasks that will be set before us by the problems of the coming decades.

The findings of that study, which were reported to the U.S. House of Representatives on June 25, 1968, have fortunately stirred substantial new interest in the House concerning the need to create a modern Hoover-type commission to make an objective analysis of the Federal government and provide recommendations on how it can operate more effectively, efficiently and creatively. The findings suggest to many political leaders that we may be trying to force the future into the molds of the past, with the unfortunate effect of fostering waste and inefficiency both in terms of money, time, and talent spent and results achieved.

Following, in capsular form, are some of the study's findings.

We found that no one, anywhere, knows exactly how many Federal programs there are.

We found that nowhere is there a central repository where meaningful information on all operating programs can be found.

We found that at the very least, the Federal government is spending $20 billion a year administering in excess of 1,000 programs, yet potential beneficiaries have virtually no hope, without the aid of expensive consultants, of finding out about programs for which they qualify and from which they might gain benefit.

We found that the Congress does not have available to it enough meaningful information on all programs to allow it to effectively determine desirability or need for new programs that may be proposed in the future.

We found that the Executive Branch does not have available to it enough meaningful information on all programs to allow it to compare one with another in order to find whether overlap, duplication and lack of coordination exist, or to unify and streamline its operations.

We found that the present system often advantages the advantaged and disadvantages the disadvantaged because only the largest cities and universities, for example, have the necessary resources and staff required just to keep abreast of new programs and changes in old programs from which they might gain benefit.

We found, in cataloging programs of the Federal government, that as many as 10 Cabinet-level departments and 15 agencies have programs devoted essentially to the same area of activity.

A review of the study's findings, contained in the *Congressional Record* for Tuesday, June 25, 1968, indicates—to the layman's eye—many examples of potential overlap and duplication. In making these comparisons, I do not wish to indicate that all duplication and overlap is per se undesirable. However, if any duplication is to be maintained, it must be justified in light of current needs and the cost it entails.

EDUCATION PROGRAMS: STUDY FINDS 470 OF THEM

The study indicates that in the area of education there are more than 470 programs operated by 25 different departments and agencies. For college undergraduate and graduate students alone there are at least 211 operating programs operated by 15 departments and agencies.

In the area of natural resources, the study indicates there are some 117 programs spread among 12 departments and agencies, and that there are 112 programs providing assistance of direct relevance to the poor. In the CONGRESSIONAL RECORD for July 16, 1968, I listed 43 programs that relate to child health and welfare, and 74 that relate to economic and business development.

Recent findings by the Government Operations Committee of the U.S. Senate have cast further light on the amount of potential overlap that may exist. For example:

At last count there were 150 separate Federal departments, agencies, bureaus, and boards in Washington, plus more than 400 regional and field offices.

Eight Cabinet departments and 12 agencies are involved in health.

Eighteen separate agencies are conducting programs to improve the natural environment.

Eight departments and four agencies are operating major credit programs and thereby affecting monetary policy.

Ten agencies in three departments are managing manpower programs.

As a result of the findings of my study, I introduced the "Program Information Act" requiring the President to present annually to the Congress a compendium of Federal assistance programs. The compendium would contain information of the type most needed by state and local officials in availing their communities of Federal assistance, as well as the type needed by Congress and the Executive Branch to find overlap and duplication and better coordinate and streamline Federal activities.

The second bill I introduced based on findings of the study is the "Executive Reorganization and Management Improvement Act" creating a modern Hoover-type commission. Both bills have been cosponsored by more than one-fourth of the membership of the House, and received unanimous endorsement by all governors attending the National Governors' Conference, July 24, in Cincinnati, and by county government officials at the national convention of the National Association of Counties, July 31, in Washington, D.C.

It would be demagoguery to contend that all Federal programs and activities must be redirected or that most should be abolished; yet, it would be equally absurd not to survey and evaluate the operations of all of them. In my judgment, substantial new progress in solving our problems will continue to be greatly inhibited until the operations of Federal machinery are checked out and better, more creative ways of running it are found.

The severity of the problems of the late 1960's and of those problems gathering in storms on the horizons of the future, combined with the basic unrest and deep-rooted concern that prevails among many people, the critical financial position in which we find ourselves, the great and often Topsy-like growth of the Federal government in recent years—all make it imperative that we begin now to take stock of what we have and strengthen and redirect many of the activities of our Federal establishment.

REORGANIZATION MUST ALSO HELP POINT NEW DIRECTION

Bold new approaches must be used to solve such critical domestic problems as bringing the poor into the mainstream of American life, assuring good education for all our people and revitalizing our urban and rural areas. We must innovate, we must simplify and we must strain to the limits the imagination of our best thinkers and doers. We must find means to effectively utilize the resourcefulness of the private sector—of industry, business and labor.

The new consensus of government reorganization must not only strengthen the present Federal structure, but must help point out the new direction. Ways and means must be found to redress the balance in our federal system and preserve our decentralized system of government.

We are fortunate that there is a growing general agreement on the part of many political leaders of every persuasion on the need to recast the forms and types of Federal government programs and activities. And there is growing agreement that the first step in doing this is to determine fully what we have in order to evaluate and improve, as well as inform ourselves, of how best we can convert our Federal activities and energies into the creative forms needed to meet the challenges of this generation and the next.

There is general agreement on the need for this first step, and there have been a number of proposals offered as patterns for how the step would be accomplished.

Rep. Wilbur D. Mills, chairman of the House Ways and Means Committee, has offered a proposal to establish a "Government Program Evaluation Commission." In contrast to the original Hoover Commissions, the Mills' proposal would create a body of 12 members to study the substance rather than just the efficiency of each Federal activity. In its final report to the Congress, the body would be required to recommend a set of hard priorities, downgrading some programs, suggesting fresh approaches to others.

STUDY MUST DEAL WITH MORE THAN RESHUFFLING

On July 27, 1968, the U.S. Senate passed on a voice vote, a proposal offered by Senators Abraham Ribicoff and James B. Pearson to establish an eight-member "Commission on Reorganization and Management." This proposal, which has not had hearings in the House, places greatest emphasis on improving management efficiency within the Federal government. The Commission would not be charged with the responsibility of determining goals of government, but rather how well the Executive Branch is carrying out the policies laid down by the Congress.

It is my belief that the scope of a modern Hoover-type commission should not only include both these areas of study, but should also include an even more penetrating and complete analysis of the usefulness, scope, substance and management of all Federal programs and activities.

Because daring, imaginative approaches must be found in the use of resources of every level of government to more effectively marshal attacks on our growing problems, I believe such a commission must be charged not only with the traditional Hoover Commission role of studying the Federal government on a horizontal plane, but also with studying the entire federal system on a vertical plane. Such a commission should be charged with studying the impact and effect of Federal programs and activities upon the interrelationships of all other levels of government. Also, it should be charged with going beyond just reshuffling and restructuring agencies and programs to making recommendations on how the resources of our national and local levels of government can be better marshaled.

For example, the commission should study such concepts as broad block grants and revenue-sharing with state, county and city governments, and the use of public and semi-private corporations, on national and regional bases, as tools for stimulating private resources and private enterprise in the solutions of today's and tomorrow's problems.

REASSESSMENT NOT A PANACEA BUT AN AID TO MAKING DECISIONS

I am, and many other members of Congress are, concerned not only with the immediate problem of government reorganization, but also with the long-range need for the Congress and the Executive Branch to have complete, accurate and timely information on government and public needs. This information is essential from the standpoint of strong, efficient management. It is equally important to the Congress to enable it to properly evaluate the relative effectiveness of Federal programs; the need for developing new programs and consolidating or eliminating the old; and to establish a basis for determining the cost-effectiveness of government operations. For that reason, any new Hoover-type commission should be responsible for exploring the use of modern, computerized management systems that would supply current, standardized data that cut across the lines of Federal agencies and programs.

One of the more imaginative ideas of this Congress is the proposal of Rep. Garry Brown of Michigan that there be established a Program Evaluation Office as an integral part of the Legislative Branch. Any Hoover-type commission established to study government effectiveness and efficiency, should be charged with considering the creation of such a permanent "Little Hoover Commission" to assist Congress in evaluating, on a continuing basis, the relative priority and effectiveness of government programs and activities.

Notwithstanding the potential of various Federal grant approaches for example, there are difficult questions with regard to each that a Hoover-type body should explore and attempt to answer.

Specifically, in what areas of activity—such as education, Medicare, rebuilding cities—should categorical concepts of aid be phased out, and in what areas should they be retained? What guarantees should the Federal government require to insure Federal funds are not merely used as a substitute for local revenue? How can we insure that Federal funds will be used in a positive manner to lift up the poor of every race and background?

Clearly, in the past dozen years, the Federal government has assumed new roles and involved itself more and more in activities that traditionally have been the domain of other levels of government, and which have direct effect on virtually every person in America. Perhaps we have only experienced the beginning manifestations of this change, and as such, the Congress has a great responsibility now to begin to better organize for the future if America is to fully achieve her full potential and promise. And clearly the first step to be taken is that of reassessment of our highest institutions of government with a view toward organizing them into a modern and effective system for achieving our national goals and purposes.

Reassessment and reorganization are not panaceas and alone offer no direct promise of success in meeting our challenges and responsibilities. But as a minimum, they would hopefully allow us to make more intelligent decisions about the approaches and routes we are taking, and more intelligent forecasts about approaches and routes we must begin now to structure for the future.

It is becoming more and more evident that we do not have at the present time in our nation the financial resources to do everything that might be desirable. We must begin to marshal our resources in areas of most urgency, we must begin to realign our efforts in some areas and we must begin to redirect our attack in others; but we must do it on the basis of factual evaluation rather than emotional reaction.

[From the Milwaukee (Wis.) Sentinel, July 10, 1968]

FEDERAL LABYRINTH

Nobody knows how many federal assistance programs there are or how to make use of them. But if the efforts of a freshman congressman bear fruit, something may be done to lead the nation out of this red tape bewilderment.

Following his election in 1966, Rep. William V. Roth (R-Del.) became acutely aware of the lack of information about the various federal assistance programs. He determined to do something about it.

Roth and his staff thereupon began what turned out to be a massive, eight month research effort to ferret out information about the myriad federally operated programs providing assistance to the American public.

He found that more than $20 billion a year is being spent on such programs, "yet only with long and great effort can one begin to find useful information about all of them."

EIGHT MONTHS OF CHECKING

It took four months of concerted effort just to identify the programs. The number of possible programs found totaled 1,571. The next four months were spent in questioning federal agency heads to verify and develop information about the various programs. Less than half of the 1,271 questionnaires sent by Roth have been answered. Most of those not answered were sent to the department of health, education and welfare.

Roth found that sometimes as many as 10 cabinet level departments and 15 or more agencies have programs devoted essentially to the same general area of activity, but that there is no way to cross reference these and thus be able to see all the programs in one area at one time.

"Failure on the part of the congress and the executive to know exactly how the broad authorizations and appropriations are being implemented by the various departments and agencies means that in effect—regardless of how high their motivations—we are allowing to be created a 'fourth establishment,' responsible to no one, self-perpetuating in nature and too often duplicative in effort," Roth says.

"Typically, and tragically," he says, "the lack of information in this area to the public results in advantaging the advantaged and disadvantaging the disadvantaged."

The main thing to emerge from the Roth study is a proposal for a program information act. It would require the president to publish each year a comprehensive compendium of federal assistance programs, and to update the compendium monthly.

This proposal received immediate bipartisan support. Co-sponsors in the house include Republicans Laird and Steiger and Democrat Reuss of Wisconsin. A companion measure has been introduced in the Senate.

Beneficial results from the Roth study may not stop with passage of a program information bill. For, as he points out, his findings raise serious questions as to the efficiency of the present categorical grant system to meet the specialized needs of the thousands of local communities.

Also, Roth says, the information in his catalog dramatically demonstrates the need for the immediate formation of a Hoover type commission to establish ways and means of making the federal system of assistance more effective, of bringing closer home the formation and administration of programs designed to aid state and local communities.

Roth's efforts deserve wholehearted support.

VA REPRESENTATIVES FOLLOW SERVICEMEN TO VIETNAM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. TEAGUE of Texas. Mr. Speaker, the unprecedented efforts that have been made to insure that the young men of our Armed Forces serving in Vietnam know of the many benefits enacted by the Congress in recognition of their services are the most extensive ever conducted in this field. The new concept that a benefit is of little use unless that intended beneficiary knows about them has triggered a whole new program of information to not only our veterans but to those men serving both here and overseas in the armed services.

During my visits to Vietnam, and especially during my 1966 visit, I spoke to many of these men performing combat missions by day and by night. These men—some of the best fighting men ever to defend our freedom—are highly devoted to their missions, but many of them felt that upon completion of their service time they would have to work out their own methods of attaining their educational and economic goals.

As I talked to these men about their futures, I realized that many of the new laws which had been passed for their benefit—including the third generation GI bill—had been enacted while they were overseas and they had not been informed of all the benefits and rights which had been granted to them.

We had passed these new benefits so that when they did return to their homes after discharge they could make an easier adjustment to civilian life. I found that many of these servicemen were unaware of the fact a Federal agency had been set up for many years to administer benefits—an agency whose total resources were available to help them.

When I returned from the Vietnam tour I immediately reported to President Johnson my observations on the vital need for our servicemen in Vietnam to be better informed about their veterans' benefits, and how to use them. As a result of these conversations, methods of making all this information known to all our servicemen were worked out. For the first time in history a program was set up where the men—even in the battle area—could be oriented and prepared to reassume their places as civilians after discharge. The President directed the Administrator of Veterans' Affairs to send counselors to Vietnam for the purpose of informing and aiding these men about securing their benefits.

I pledged the unqualified support and assistance of the members of the Veterans' Affairs Committee, who had agreed unanimously with me on this matter. With the committee, the President and the VA entering into this program so enthusiastically we have been able to achieve some rewarding results.

The Veterans' Administration in collaboration with the Department of Defense began immediately to implement the Presidential directive. By January 1967, VA representatives were on duty at the two major Army replacement units at Long Binh and Cam Ranh Bay. On arrival, they were deluged with questions from the servicemen soon to return home for separation. The need for service at these installations proved so great that within a matter of weeks it was necessary to add VA representatives at these locations.

Following this success, arrangements were made to make the same service available for our airmen serving in Southeast Asia. It was suggested by General McConnell, Chief of Staff of the Air Force, that VA representatives be made available to Air Force units at Da Nang, Cam Ranh Bay, Bien Hoa and Tan Son Nhut. VA representatives are now on duty with the Air Force units at those locations. The representatives using these major installations as their base of operations, visit other Air Force units throughout Vietnam.

Every effort is being made to acquaint all of the servicemen in Vietnam that this VA service is available. Briefings are given to large groups—some 360,000 servicemen have attended. Personal assistance has been provided to over 42,000 servicemen and some 20,000 applications have been prepared for men who will soon be discharged.

Once these men learn of the many benefits available to them, they want detailed information about those which they, as individuals, feel would be of greatest benefit. The major areas of interest, as recorded by the VA representatives is reflected in the following table:

Benefits:	*Percentage of inquiries*
Educational opportunities	52
Home loans	22
Service-connected compensation	11
Medical and dental care	5
Insurance	4
Miscellaneous	1
Total	100

The VA representatives are also available to provide on-the-spot advice and assistance to the military officials who are engaged in personnel affairs activities. They are working closely with officials of the Armed Forces TV and radio networks which are cooperating in our efforts to insure widespread dissemination of information on benefits available to servicemen on active duty as well as those about to be separated.

As chairman of the House Veterans' Affairs Committee, I express my appreciation to the VA and the representatives who have volunteered to serve in Vietnam in this worthy work.

These volunteers represent all sections of our country. Three of them, Richard E. Bush from Chicago, Ill.; Hershel W. Williams, of Huntington, W. Va.; and Macario Garcia from Houston, Tex., have previously won our Nation's highest award for conspicuous gallantry and intrepidity at the risk of their own lives over and beyond the call of duty—the Medal of Honor. Mr. Speaker, I would like to insert in the RECORD a complete list of these Vietnam volunteers:

Richard E. Bush, Chicago.
John P. McFadden, Newark.
Hershel W. Williams, Huntington.
Woodrow W. Abbenhouse, Seattle.
Daniel R. Riggs, Roanoke.
William R. Owens, Boston.
Marice S. Ziegler, Pittsburgh.
Samuel R. Maggio, Baltimore.
Gerald A. Hansell, Buffalo.
Adolph P. Schneider, St. Louis.
John C. Tucker, Roanoke.
Ross W. Vick, Houston.
Cleveland F. McDonald, Atlanta.
Charles H. Lieurance, Lincoln.
Millard J. Ryker, Muskogee.
LeRoy C. Newhouse, Washington, D.C.
Richard G. Averitt, St. Petersburg.
Macario Garcia, Houston.
Bradley L. Call, Detroit.
William Keller, Newark.
James D. Gentle, Nashville.
Vinson W. Rabern, Atlanta.
John E. Brumm, San Francisco.
Robert G. Butler, Huntington.
Harry C. Bell, Columbia.

Within the past few weeks senior members from the staff of Secretary of Defense Clark Clifford while visiting Vietnam had an opportunity to observe the VA representatives in operation. In communicating their impressions to the Administrator of Veterans' Affairs, Mr. Clifford paid what I believe was a fine tribute to these VA volunteer employees when he said:

> I would like to take this opportunity to express to you the deep sense of appreciation of every man and woman in uniform for the wonderful job being done by the Veterans Administration. I am certain that your efforts today to leave no stone unturned to acquaint separating service people with their veterans benefits will produce great results for our country in the future.

I am confident that as long as our military presence is required in Southeast Asia, we will continue to have VA representatives there providing information and assistance to all servicemen. I am also confident that these efforts will facilitate the rapid social and economic readjustment of our courageous servicemen to civil life.

CHEMICAL EXPERT SEEKS TO RETAIN ASP

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. RODINO. Mr. Speaker, Dr. Ernest M. May, president of Otto B. May Co., is a leading critic of the administration's proposal to abandon the American selling price system of evaluation for certain benzenoid chemicals. Dr. May has served as advisor to the President's special trade representative and has had intimate contact and special knowledge of the problems facing the United States regarding international trade relations:

JERSEY BUSINESS

(By John Soloway)

CHEMICALS: A FRESH LOOK AT U.S. CHEMICAL TARIFF POLICY

(By Dr. Ernest M. May)[1]

The decline and fall of America's favorable balance of trade can be described, without exaggeration, as a national tragedy. It is a source of serious and growing concern among leaders of industry, finance, business and labor, not only in the United States but throughout the free world.

Signs indicating erosion and deterioration of the American position of dominance in the international marketplace were evident for years, but the warnings received scant attention in official circles. The year-by-year narrowing of the gap between U.S. exports and imports was largely ignored until the "gold drain" neared the disaster level, threatened to empty Fort Knox and imperiled the world monetary system.

Ironically, the dramatic change from "dollar gap" to "gold drain" reflects both the great success and the terrible failure of America's trade policies in the post-World War II period.

In the years immediately following the end of hostilities, the United States recognized the need to help war-ravaged nations rebuild their industries and bolster their economies. American tariffs were adjusted to favor these nations and hasten the attainment of these goals.

The success of the program precipitated the trade problems America faces today because those in charge failed to apply the brakes soon enough. Instead of holding at a fair and equitable middle point, the trade balance has gone abroad with a rush—a gold rush, literally.

Today the facts of international economic life demand an updating in the American conduct of trade negotiations. The one-sidedness that has characterized bargaining sessions since World War II must be replaced by genuine give-and-take. True reciprocity must be the rule.

It is against this background that the chemical industry is seeking a number of changes in the most recent trade agreement concluded at Geneva, where the U.S. negotiators gave away far more than they received. Specifically, they agreed to reduce U.S. chemical tariffs by 50 per cent in exchange for reductions of 20 per cent by this country's principal European trading partners.

Industry leaders fear a serious adverse effect because of the unfair competitive edge the unequal agreement will give to foreign manufacturers, who start out by paying lower wages and enjoy lower production and distribution costs than domestic firms.

More than any other state, New Jersey is vitally affected. It has the largest single stake in the nation's chemical industry. In the Newark area alone, there are 39,000 jobs in chemical plants. Statewide there are 100,000 such jobs.

The nature of work in a chemical plant lends itself to the hiring, training and development of specialized skills among those who may have shown little previous aptitude for formal education. Job training programs for the hard-core disadvantaged have been initiated to solve in part the problem of unemployment in urban ghettos. Those employed two or more years have average annual earnings of more than $7,000.

By itself, the 50–20 tariff reduction formula agreed to at Geneva would be sufficient to cloud the future of America's chemical industry. But the final agreement went further.

Bowing to tremendous pressure from foreign negotiators, the U.S. team agreed to ask Congress to eliminate the American Selling Price system of valuation. ASP has been much maligned and little understood. It is a method of valuation under which the duty is based on a percentage of the wholesale price of the comparable domestic product.

The chief difference between ASP and other common methods of valuation is that the duty is tied to prices and costs in the United States rather than those abroad. It is applied to benzenoid chemicals and is designed to thwart fraudulent understatement of prices and price manipulation by foreign cartels.

Benzenoid, or coal tar, products include dyes, pigments, pesticides, plastic materials, photographic chemicals, medicinals and pharmaceuticals, and flavor and perfume materials. In 1964, the domestic industry produced over 4,000 benzenoid chemicals, with total sales of almost $4 billion.

The domestic chemical industry is efficient and competitive, but it nevertheless cannot compete with imports having the benefit of substantially lower raw material costs and of labor costs that are as much as 80 per cent lower.

Unless chemical tariffs are maintained at a sufficient level to offset these substantial differences in production costs, large portions of the U.S. chemical industry are going to continue to lose their share of the market or transfer operations to lower-cost manufacturing bases abroad. In either case, there will be a loss of employment opportunity and productivitly to the United States which it can ill afford.

Instead of pressing for the elimination of ASP, U.S. trade negotiators should concentrate their efforts on attempting to eliminate border taxes and other non-tariff barriers that stand in the way of fair competition among the nations of the world. Given fair competition, American industry can do its share to reestablish a healthy balance of trade which is so essential to the continuance of a sound, prosperous economy.

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[1] Dr. Ernest M. May—Jersey Business guest columnist today—deals with a problem of great significance to New Jersey's vast chemicals complex. Dr. May is president of Otto B. May Inc., a leading dye and dyestuff manufacturing firm founded by his father in Newark in 1918. He is also vice president of the Synthetic Chemical Manufacturers Association.

"UNEMPLOYABLES" MAKING GOOD

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. O'HARA of Michigan. Mr. Speaker, many of the Nation's business firms have initiated new programs to hire and train the hard-core unemployed for jobs in industry. Among the most successful are several programs offered by the automobile manufacturing companies in Detroit, Mich.

Operating under the President's program of "job opportunities in the business sector," the National Alliance of Businessmen and its chairman, Henry Ford II, have acted to place in jobs those who because of lack of training, education, or a criminal record would ordinarily have a hard time finding work.

Recently, United Press International reported on the problems and the successes of this program.

It tells how "the auto companies gave no tests, ignored prison records, and went into the ghettos to hire men instead of waiting for them to come from the ghettos to employment offices."

UPI reports that—

> The programs have proven so successful to the companies that they are beginning to look anew at hiring policies.

Mr. Speaker, I found this report extremely encouraging. It proves that the hard-core are indeed employable, and do want to work, if they are only given the opportunity.

However, we must realize that the JOBS program cannot do the entire task. There are millions of unemployed now, yet it proposes to put only 500,000 hard-core jobless to work by 1971.

It is evident that the JOBS program—as successful as it has proven to be—must be supplemented with a program of "last resort" public service jobs for those willing and able to work, but who are below the reach of private industry. This is the program I have proposed in the Guaranteed Employment Act, H.R. 12280.

Mr. Speaker, I believe that Members of the House will find this report on the effectiveness of the JOBS program and the National Alliance of Businessmen of interest, and insert it to be printed in the Record:

Auto Companies Report Program Successful: "Unemployables" Making Good

Detroit.—One man signed his name with an X when he applied for a job, Chrysler Corp. hired him—and found he was a brilliant worker.

Ford Motor Co. hired another man hung up over his prison record, his inability to pass employment tests and his blackness. Within eight months, he's been promoted twice.

At General Motors Corp., Spike says his income came from caps, women and selling drugs ever since 1949, when he last held a job.

He came to GM a year ago to work for a couple of weeks until things gots easier on the street. He's still there.

These men, and 9,950 others, came to the auto giants as the hard core unemployed—the "unemployable." Some had worked perhaps 11 months, and spent 26 years in jail. Others had no prison record, and no work record.

But under the National Alliance of Businessmen program, the auto companies gave no tests, ignored prison records and went into the ghettoes to hire men instead of waiting for them to come from the ghettoes to employment offices.

Surprisingly, they are staying on the job as long as, and in some cases longer than, the men hired through normal channels.

The NAB program was launched April 1. Until then, the companies had been running other programs. To date, GM says it has hired 7,200 men nationwide; Ford 2,300, and Chrysler 650.

The majority of these are in Detroit, where Chrysler has most of its facilities and Ford and GM have about 50 per cent. Between them, they had pledged to hire some 20,700 men by June of 1969.

"We've had some problems with them when they first began," said a GM spokesman.

"We often have problems explaining why they should come to work on time, or why they should even regularly show up for work. Maybe one of the reasons is simply that the man hasn't held a job and he's got no idea why he's important on the production line."

But, the spokesman added, "once they've been on the job for a while, and get used to working, we've got no more problems with them than with the other men. And they definitely begin to show a self-pride they hadn't shown before."

A spokesman for Ford agreed that absenteeism is the biggest problem, "though we make special allowances eventually."

"We get to the point where we've got to make a simple business judgment," he said.

"We can't hire two men to fill one job on a line."

The drop-outs at Ford are about 42 per cent. This compares well with the dropout rate among other workers. At GM, the rate is even better—72 per cent have stayed on the job.

Both companies agreed that roughly two-thirds of the drop-outs for personal reasons. About one-third are fired.

The programs have proven so successful to the companies that they are beginning to look anew at hiring policies. The tests in many cases emerge as meaningless. Prison records often are found to be irrelevant. High school diplomas don't necessarily show intelligence or lack of it.

Another point, the industry has found is that hiring the hard core unemployed helps fill jobs that otherwise would remain vacant.

From the workers' point of view, one comment, perhaps as typical as any: "This is my last shot and I can't afford to blow it."

FEDERAL GUN REGISTRATION IS NOT THE ANSWER

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. ULLMAN. Mr. Speaker, I voted against the Federal gun registration amendment on July 24 and will continue to oppose any measure calling for Federal firearms registration or licensing of gunowners. Although it was defeated in the House, the Senate is today considering such a proposal. I hope the Senate will join in rejecting the amendment and instead get down to the real business of tackling the problems of lawlessness and disorder in the Nation.

STATE OFFICIAL OPPOSED

The legitimate concern over this matter is expressed in a telegram recently received from Mr. Phil Schneider, director of the Oregon State Game Commission. I include Mr. Schneider's telegram and my reply at this point in the Record:

Portland, Oreg.,
September 12, 1968.

Hon. Al Ullman,
House of Representatives,
Washington, D.C.:

Deeply disturbed over news reports that Attorney General Clark's recommendation for national licensing and registration of firearms may be included in gun control legislation now being considered.

Urge you vote against any such proposal in the interests of the millions of law-abiding gun owners in the Nation.

P. W. Schneider,
Director, Oregon State Game Commission.

September 13, 1968.

Mr. P. W. Schneider,
Director, Oregon State Game Commission,
Portland, Oreg.

Dear Phil: Thanks for your telegram expressing concern over the possibility that proposals for licensing and registration of firearms might be the subject of further consideration by the Congress.

As you may know, I helped defeat an amendment calling for federal firearms registration during House debate on the Firearms Control Act of 1968. This bill is now being considered by the Senate, and if it is amended to provide for registration, it will be referred to a joint House-Senate conference to iron out the differences. In that event, I will be urging the House conferees to remain firm against any federal firearms registration proposals and will direct my efforts against any conference report which includes licensing or registration.

I appreciate receiving your telegram and can assure you of my continued strong opposition to federal firearms registration or any proposal which would lead to registration.

Best personal regards.
Sincerely,

Al Ullman,
Member of Congress.

FEDERAL POLICE FORCE UNWANTED

Mr. Speaker, I believe that Mr. Schneider's views are shared by a vast majority of the law-abiding and responsible citizens of my State. As a lifelong sportsman I have always held this view. The question of politics does not enter into it. The publicized campaigns of pressure groups are irrelevant. I oppose these measures because they are wrong. They are wrong because they represent the establishment of Federal police powers never intended by the Nation's founders and which are incompatible with our concept of government. Law enforcement is the responsibility of the States and localities. We do not want, nor do we need, a Federal police force in every community to supervise and enforce laws respecting the ownership and use of firearms.

Those who are deeply concerned over the unrestricted and dangerous proliferation of weapons in the hands of irresponsible people should look to the actions that have been taken to manage the flow of firearms in interstate commerce. These actions are consistent with the legitimate function of the Federal Government under the Constitution. Those who oppose firearms registration should also look upon these measures with satisfaction because they represent a genuine and responsible effort on the part of Congress to tackle the real problem without affecting the rights of lawful citizens to purchase, own and use firearms for sport, for hobby or for protection of home and family.

FEDERAL FIREARMS ACT OF 1968

Most people will agree that firearms should be kept from the hands of convicted criminals, from mental incompetents of record, from drug addicts and others whose conduct and patterns represent a threat to safety.

Most will agree that sales of bazookas, antitank guns, machineguns, and other weapons of war and mass destruction should be prohibited.

No one would deny that the interstate transfer of firearms for use in riots and public disorders should be made illegal.

Most will approve of increased penalties for illegal use of firearms in criminal acts.

Most will also approve of halting the unrestricted interstate mail-order sales of deadly weapons to persons whose identities and intentions are unknown.

These are the basic provisions of the Federal Firearms Act of 1968 passed by the House of Representatives. Although an attempt was made to restrict mail-order sales of sporting ammunition, we were able to defeat that provision. These

limitations do not interfere in any way with the rights of lawful citizens, but they provide a framework of protection in Federal law that will strengthen the ability of local law-enforcement agencies to cope with law violators. It provides a framework upon which State legislatures can consider existing laws and update them, if necessary, to provide for the safety of their citizens according to the circumstances and needs of the area.

REGISTRATION NOT A FEDERAL FUNCTION

If the State of New Jersey wants a firearms registration program, that should be left to the people of New Jersey. I do not think Oregon wants or needs one, but that is a matter to be decided by the people of Oregon, not the U.S. Congress. However, it is important to note that the measures contained in the Firearms Act of 1968 are designed to make it possible for the people of each State to enforce their own laws and to prevent circumvention of these laws through unrestricted interstate traffic in firearms.

Those who would deny this measure of protection because they believe it is a step toward Federal gun registration simply fail to understand the reality. If we do not make it possible for local and State police agencies to enforce their own laws, then Federal controls and Federal enforcement will be inevitable. If we follow a sane and intelligent path, such Federal controls will neither be needed nor wanted.

SAFETY IN OUR STREETS

Mr. Speaker, during the past 3 years the Congress has enacted 17 major provisions into law designed to reverse the dangerous trend of crime and disorder. These measures extend from aid in training local law-enforcement officers to revisions in the Nation's judicial system. Let us not allow the myth to persist that Americans condone crime and the disregard of law and order. The American people want good and effective laws to guarantee the safety of streets and homes in every city and town. They want effective enforcement of those laws and the prompt apprehension and conviction of those who violate them.

This is what Congress must help provide. We have made a start. Let us continue until we have finished the job.

PEACEFUL ASSEMBLY, ANARCHY, AND TV

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. DERWINSKI. Mr. Speaker, I place into the RECORD a very pertinent and effective editorial commentary which appeared in the Sunday, September 8, edition of the Suburbanite Economist carrying very objective thoughts on the television coverage of both Democrat and Republican Conventions.

May I point out that the publisher of the Economist is a very reputable and energetic liberal Democrat and therefore the editorial commentary in this publication bears great significance:

PEACEFUL ASSEMBLY, ANARCHY, AND TV

Appearing in an adjoining column are two letters expressing people views on recent events in Chicago surrounding the Democratic national convention.

As we see it, the problem is neatly stated in a portion of one of the letters, namely, "to distinguish between those demonstrators contemptuous of the constitution and those seeking to exercise rights guaranteed by it."

If, as the Chicago police department's public relations officer charged, the protest was led by traitors bent on overthrow of the government we could not waste words or pity on the demonstrators.

By the same token, if the evidence of treason and anarchy is as strong as the statement indicated, the leaders should be arrested, charged and tried. That is the American way.

On the other hand, we strongly defend the right of any group to assemble in a peaceful manner to express their opinions on the issues before the country. That is also the American way.

It used to be that the only such delegations comprised women marching on City Hall to protest a dangerous crossing or dusty street. They were treated lightly by the city fathers and placated. Such marchers didn't occur too often and they served as a welcome break in the dull routine of government. They were generally hailed as grass roots democracy in action.

However, more complex issues such as Viet Nam and civil rights today or sitdown strikes and the rights of the laboring man just yesterday have brought forth demonstrations more difficult to handle.

But, freedom is the basis of our form of government and to limit it to any degree is to give our enemies within and without one of the strongest weapons.

Freedom must be preserved while resisting all attempts at anarchy or treason, as provided in the constitution. It is not an easy task. It's a problem unique to our form of government and one of the reasons for our greatness. Our future as a nation may depend on our ability to come to grips with it.

It seems to us that what Chicago authorities failed to do was to differentiate between those demonstrators who were clearly here to disrupt and those who were here to present their viewpoint. By not differentiating Chicago delivered into the disrupters all of the demonstrators for their nefarious use.

As for the controversy between television and Mayor Daley, there is no doubt that television coverage of the convention was gratuitously antagonistic to Chicago from the start. The comments and tone of voice in which they were uttered were clearly personal opinions and in no sense objective reporting.

The truth of the matter is that television had to keep spreading juicy rumors and developing controversy to hold its audience.

There is a big rating battle going on between the TV networks. No one is going to watch a convention just to listen to dull speeches. The interviewers walking around the floor with antennas sticking up from their heads provided the spice the audience wanted. TV knows this and the networks compete for sensational statements, be they rumor or fact, important or unimportant. It's not good journalism, but it is good entertainment. And who ever said TV was more than an entertainment medium?

The best illustration of television's "news coverage" was actually at the Republican convention. On the night of the balloting in Miami there was supposed to be a rumor that the Regan-Rockefeller forces were going to try to delay the balloting by asking for an adjournment. The television networks, having nothing interesting to do, kept the so-called rumor alive for hours.

Everybody in the Rockefeller, Regan and Nixon camps denied it, but the TV people kept after it as if there were some substance to the idea. They were literally manufacturing a news story and trying very hard to make it happen. Nixon's nomination was a foregone conclusion and there were no delegate and platform fights as there were in Chicago. With things so quiet it was easier to see how TV was attempting to create a story to entertain its viewers.

DATELINE WASHINGTON—FINAL REPORT OF THE 90TH CONGRESS

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. ESHLEMAN. Mr. Speaker, as the second session of the 90th Congress nears an end, I felt it was advisable to send a final report to my constituency in the 16th Congressional District of Pennsylvania. Accordingly, I should like to include in the RECORD the contents of my Dateline Washington, Report No. 5:

DATELINE WASHINGTON: REPORT FROM YOUR CONGRESSMAN, ED ESHLEMAN

AN ANSWER TO FEDERALISM

A recent nationwide study showed that the American people today are more concerned about big government than about big labor, big business or big anything else. Constantly increasing taxes, daily examples of inefficiency and a seeming inability to deal with contemporary problems have made the public aware that the federal government has grown too large for effective action. We are faced with the sad truth, proven again and again, that big government can make little people.

The present philosophy of "creative federalism," is an attempt to substitute the creativity of bureaucracy for the creativity of the individual. The idea seems to be that the federal government can and must develop, establish and administer a national solution to all problems. But, what the bureaucrats and planners have failed to recognize is that a general solution devised in Washington may help a situation in Milwaukee, but that same solution may compound the problems in Lancaster or Lebanon.

The first order of business must be to understand the nature of the crises facing our society. Obviously, many of the ills are not being cured at any level of government. Many of our cities are in terrible shape. Poverty, unemployment and crime run rampant. Slums are a disgrace, social problems abound, transportation is a mess and on and on.

A majority of us rightly have begun to question why acceptable solutions to crying needs are not forthcoming. The crucial question is not whether the problems are being solved at the local and state level. The real question is why are they not being solved at any level. Some so-called experts would have us believe that the reason is that states and local people cannot work out their own approaches to difficult situations. However, I have a different view.

State and local governments can solve problems. They just do not have the resources available to tackle social ills in a proper manner. And, the simple fact is that the resources are not available because they have been largely usurped and dried up by the federal government with its continually expanding spending programs which in years past have produced so few results.

The key to answering the questions that

face our society, as the framers of our Constitution knew so well, lies in decentralization of power, in decentralization of authority, in decentralization of "solution finding." We should be looking at our states as fifty civic laboratories. There is no certainty that each of the fifty would come up with the best answers in all cases, but we would be sure that a single poor solution would never be applied to everyone.

Therefore, I believe that some method must be instituted that provides the states with the resources they need for positive action. Tax-sharing is such a method. Tax-sharing would permit a percentage of the federal taxes collected within each state to be returned to that state for use in meeting rising school costs or other pressing urban, suburban and rural problems. This approach, coupled with an equalization formula to help poorer states, is one of the most promising ways of meeting the present domestic crises in America.

Big government, which is based on federal answers to everything, has been tried and has been found inadequate when applied to modern situations. The American people are becoming disenchanted with the formulas of the 30s; they are looking for something better rather than bigger. Tax-sharing, in my opinion, is one of those better ideas. It is an opportunity to replace "creative federalism" with "functional communities."

BRIEFS

Worth noting

Two thousand years before Christ, Hammurabi, ruler of Babylon, gave his subjects the first known code of laws. He wrote, "I established law and justice in the land." Ever since, the words "law" and "justice" have been linked together. Destroy one, and the other becomes meaningless. There can be no law without justice, and no justice without law.

Foreign aid

Expenditures for foreign aid will be at an all-time low this year. Congress has attempted to trim the waste and ineffectiveness out of the foreign programs. Perhaps, there is at last a realization that friends cannot be bought abroad, but that real friendship among nations grows from unity of purpose. Foreign aid has its place, of course, but we should not forget that our national emblem is the Eagle—and not the golden goose.

Unity and dissent

Above all else, America today needs unity—but not a unity which discourages dissent. We need a unity within which a difference of views and expression is welcomed. True unity can only be hammered out on the anvil of free debate, and the sparks from that debate are what will light the fires of hope. We need dissent—but we need a creative dissent, one that contributes to the dialogue and to the fund of ideas from which practical approaches can be drawn.

Height of hypocrisy

In the Congress we have heard all kinds of poverty programs fanfared during the past two years. We have been asked to appropriate billions of dollars to rid the nation of those problems that prey on the poor and unfortunate. On the other hand, we have been told to look the other way when the matter of pursuing a war on organized crime is mentioned. Yet, it is the poor who are most victimized by organized criminal operations. It seems we are being asked the impossible—to accept only one interpretation of what is best for the poor.

Government's role

Someone once said and I think it has merit, "The office of government is not to confer happiness, but to give men the opportunity to work out happiness for themselves." If you agree with that philosophy, you would be as shocked as I at an advertisement which arrived in my office the other day. The title and sub-title on the ad read as follows: "Cash in on all the payments, services and benefits the government owes you! 10,000 benefits—millions in services and payments . . . giant, new encyclopedia tells you how to get your share right now!" Then it was Will Rogers who said that the American people were lucky that they didn't get all the government they paid for. Sometimes, it appears as though our luck has changed.

Electing a leader

This is one of those important years when the people have the opportunity to choose the man who will lead them for the four years which follow. While each of us has his or her own opinion of what that man should offer America, there seems to be some general agreement on what a new leadership can bring to the country. The President we elect can again elevate self-discipline and morality to their position of paramount importance and thus eliminate growing selfishness, immorality, and materialism. The spirit of "anything goes" can be ended and importance restored to the quality of the personal lives of our citizens.

Some common ground

In a campaign year, it is often difficult to find any statement on which both Republicans and Democrats agree. However, Democratic Vice Presidential Candidate Edmund Muskie made a statement the other day that I can fully endorse. He told a crowd in Texas to "remember the Democrats' record."

COLUMBIA UNIVERSITY REBEL IS DISTRICT OF COLUMBIA RESEARCHER ON POLICE-COMMUNITY RELATIONS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, Mrs. Joan Abbott, president of the Police Wives Association, has asked that I insert in this RECORD the full text of an open letter addressed by her association to the District of Columbia City Council, in which they protest the part played by a student intern who had been connected with the Columbia University riots last spring, in drafting a report on police-community relations.

As I share Mrs. Abbott's concern over this situation, I am pleased to include the full text of her letter, as well as a letter on the same subject from Mr. John R. Immer, first vice president of the Federation of Citizens Associations of the District of Columbia, and the Washington Post article of September 2, 1968, to which they refer:

[An open letter to all District of Columbia City Council members]

DISTRICT OF COLUMBIA POLICE
WIVES ASSOCIATION, INC.,
Clinton, Md., September 5, 1968.

Hon. JOHN W. HECHINGER,
Chairman, District of Columbia City Council,
Washington, D.C.

DEAR MR. HECHINGER: We charge that the D.C. City Council has made a major contribution to the deterioration of police-community relations. This is proved by a little-noticed report in the *Washington Post* of September 2, 1968, (page B 4) in a 2-column article titled "Columbia U. Rebel Is D.C. Researcher." The Post reported, in part, as follows; "Jonathan D. Schiller, 21, connects the Columbia University riots of last spring with Washington's police-community relations crisis of this summer. A 6-foot, 5-inch exponent of the New Left, Schiller threw his considerable bulk between the police and the Columbia demonstrators, an experience he brought to bear recently when, as a research assistant for the D.C. City Council, he helped prepare its report on police-community relations. . . . Now a $100-a-week summer intern for the City Council, Schiller has tucked his knees under a low desk and helped turn out the 43-page report on police-community relations that is still being considered by the Council. For two weeks, with his Columbia experience still fresh in mind, Schiller plowed through reports of various crime commissions, called police and law enforcement officials and conferred with specialists from the Justice Department. 'The Columbia riots taught me a lot about power,' he said. 'And working here has enabled me to get a perspective on the art of power and that a real citizen influence is necessary. It gives me an awareness of when and under what conditions it will be feasible.' The image of a Columbia rebel' may clash with that of the municipal Bureaucrat hunched over a desk shuffling papers into oblivion, but Schiller, articulate as usual, has an answer. 'A radical or extremist probably considers summertime work in city government an exercise in futility,' he conceded. 'But my job with the Council has been educational and productive. I've learned something.' "

We thought, and certainly we, as well as the rest of the community were led to believe from earlier newspaper and radio-TV reports, that the City Council study on police-community relations had been prepared by the members of the Council's Public Safety Committee. These members are William S. Thompson Chairman, Margaret A. Haywood, Polly Shackleton, Rev. Walter E. Fauntroy, John A. Nevius, and yourself as an *ex officio* member. Whatever Mr. Schiller may consider he has learned about the "art of power," we think this *Washington Post* article, shocking and revealing as it is, clearly calls for decisive action by the City Council.

We are demanding that you (1) publicly identify the sections of the City Council's 43-page report on police-community relations on which Mr. Schiller worked, and those he contributed to; and (2) issue a completely frank and open report on the extraordinary circumstances surrounding the hiring of this "Columbia U. Rebel". Please bear in mind that this 43-page report is not a mere student's thesis on "the art of power" and citizen control of the police.

Mr. Schiller, an avowed "radical or extremist", has successfully included some novel proposals clearly acceptable to the Black United Front, but not to Public Safety Director, Patrick V. Murphy who has totally rejected a number of recommendations in the report. The City Council should have consulted experts personally in preparing its report. Its use of a self-admitted "radical or extremist" such as Mr. Schiller to do its work seems to vitiate this 43-page report.

In the Federalist papers, Alexander Hamilton called for a "check upon a spirit of favoritism" which would "prevent the appointment of unfit characters from state prejudice, from family connection, from personal attachments, or from a view to popularity." Clearly, such a check is desperately needed in the City Council. May we hear from you?

Sincerely yours,
DISTRICT OF COLUMBIA POLICE
WIVES ASSOCIATION, INC.,
MRS. JOAN ABBOTT, *President.*

[Open letter to District of Columbia City Council Members]

FEDERATION OF CITIZENS ASSOCIATIONS OF THE DISTRICT OF COLUMBIA,

September 5, 1968.

Ref: What Part Did Jonathan Schiller, Columbia U. Rebel, Have in Writing the City Council's Report on Police-Community Relations?

Hon. JOHN W. HECHINGER,
Chairman, District of Columbia City Council, Washington, D.C.

DEAR MR. HECHINGER: What part did Jonathan Schiller, whom the Washington Post (Sept. 2) called a "Columbia U. Rebel" have in writing the 43-page Police-Community relations report? The Washington Post is unusually reliable and informed on community and police matters, and it reported that: "Now a $100-a-week intern for the City Council, Schiller has tucked his knees under a low desk and helped turn out the 43-page report on police-community relations that is still being considered by the Council. For two weeks, with his Columbia experience still fresh in his mind, Schiller plowed through reports of various crime commissions, called police and law enforcement officials and conferred with specialists from the Justice Department."

Earlier this week Public Safety Director Patrick V. Murphy appeared before the City Council and flatly turned down and rejected a number of the recommendations in the 43-page report which Schiller "helped turn out". Why didn't the City Council turn to Public Safety Director Murphy, instead of Schiller, to prepare its 43-page report on police-community relations? What expertise did Schiller, a self-styled "radical or extremist" possess which Mr. Murphy did not? What purpose is Mr. Murphy in the D.C. Government to serve if it is not to be in the preparation of such a sensitive and vital report as the 43-page Report on Police-Community Relations claims to be? The City Council certainly considers Mr. Murphy to be on the same team as the City Council is supposed to be? The use of such a "radical or extremist" as Mr. Schiller to help "turn out" the City Council's report is an extremely curious matter. Upon inquiry today, I find that Mr. Schiller has suddenly departed from his job? Why and under what circumstances did he leave? Do you consider that he contributed to better police-community relations? Why was he employed, and Chief Layton and Mr. Murphy were not? The employment of Schiller by the City Council could be the straw which broke the camel's back where the 3100 men of the Police Department are concerned—coming on top of the "justifiable homicide" resolution drafted by Rev. Channing Phillips, Democratic National Committeeman. I would urge that you immediately issue a public explanation of the use of Mr. Schiller before the matter further exacerbates relations between the police (who are risking their lives to protect law-abiding citizens) and the D.C. City Council. In any event, I would hope you would give me an explanation of this matter so that I can bring it before the Federal of Citizens Associations at its upcoming meeting. May I hear from you?

Sincerely yours,

JOHN R. IMMER,
First Vice President.

[From the Washington Post, Sept. 2, 1968]

COLUMBIA U. REBEL IS D.C. RESEARCHER

(By Richard M. Cohen)

Jonathan D. Schiller, 21, connects the Columbia University riots of last spring with Washington's police-community relations crisis of this summer.

A six-foot, five-inch exponent of the New Left, Schiller threw his considerable bulk between the police and the Columbia demonstrators, an experience he brought to bear recently when, as a research assistance for the D.C. City Council, he helped prepare its report on police-community relations.

There is a very close working relationship between what happened at Columbia and what's happening here," Schiller said.

A two-year member of Columbia's basketball team ("The best in the East, 23–5 last year"), Schiller went on:

"The frustration felt by many ghetto residents in terms of police grievance procedures very closely resembles what happened at Columbia. There the students wanted participation in the administrative and grievance procedures too. It's quite similar."

MIDDLE CLASS FAMILY

Schiller, the product of an upper middle-class Cleveland Park home, could, despite his penchant for New Left jargon, submit a résumé to warm the heart of any Dow Chemical recruiter.

A graduate of the private Landon School and a good enough student at Columbia to consider applying to Harvard Law School, Schiller is the son of an administrative judge for the Securities and Exchange Commission and a woman who also holds a law degree but practices as a marriage counselor. His sister, a veteran of the Peace Corps, is now at the University of London.

Love for basketball drew Schiller from the white world of Cleveland Park into the black world of inner-city playgrounds.

"I used to go downtown to watch guys like Elgin Baylor play and hope to get into a game. I also was a ballboy for the American University team. I traveled with the team to nearby games and got to know the players. Basketball," he observed, "has always been integrated."

LED 70 CHILDREN

Later Schiller became a summer block leader for the Adams-Morgan Community Council. With a staff of eight he set up arts and crafts and cultural activities for his 70 children.

Two years ago he participated in Operation Champ, setting up basketball clinics with enough expertise to take his team to the New York final.

Now a $100-a-week summer intern for the City Council, Schiller has tucked his knees under a low desk and helped turn out the 43-page report on police-community relations that is still being considered by the Council.

For two weeks, with his Columbia experience still fresh in his mind, Schiller plowed through reports of various crime commissions, called police and law enforcement officials and conferred with specialists from the Justice Department.

"ART OF POWER"

"The Columbia riots taught me a lot about power," he said. "And working here has enabled me to get a perspective on the art of power and that a real citizen influence is necessary. It gives me an awareness of when and under what conditions it will be feasible."

The image of a "Columbia rebel" may clash with that of the municipal Bureaucrat hunched over a desk shuffling papers into oblivion, but Schiller, articulate as usual, has an answer.

"A radical or extremist probably considers summertime work in city government an exercise in futility," he conceded. "But my job with the Council has been educational and productive. I've learned something."

H.R. 12962

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. SCHEUER. Mr. Speaker, last night the House passed by an overwhelming vote, H.R. 12962, establishing a Presidential Commission on Negro History and Culture. I believe this is an important bill which could play a significant role in promoting a better understanding of the contribution of Negro culture to American society and the Negro people to American history.

The purpose of the bill is to end the almost total neglect of Negro history and culture by our historians and textbooks, newspapers, television, and radio. The Commission will study the best means of preserving, collecting, and integrating the Negro past into the mainstream of American education, and of reporting the Negro past and present, in our newspapers, television, radio, and other information media.

The neglect of Afro-American history in America has robbed the Negro of his racial heritage, drastically reduced his sense of identification with America, and seriously undermined his pride and self-esteem. But the white man has suffered almost as much as the Negro from the neglect of black history in our society. Much of the fear of and prejudice against Negroes stems directly from the ignorance within white communities of the Negro. Deprived of any accurate account of the Negro past or present, white children hear little or nothing to counter and correct the false stereotypes of the Negro which abound in our country today. If our textbooks and histories, our information and communication media, could provide a more balanced portrayal of Negro history and culture, negative myths would be contained, the spread of discrimination and prejudice effectively countered, and much of the fear and hatred which poison race relations in our society today, removed.

Historians tell us that in America's diversity lies its strength. We are a pluralistic society—an amalgam of a whole assortment of cultures and races, each of which has contributed to the American society of 1968. By the time our children leave school, they have an appreciation of the diverse histories and contributions of most of the ethnic and racial groups within our society. The great exception is the contribution of the Negro—a people who make up one-ninth of our population. The purpose of the Commission is to end this omission.

I first became aware of the neglect of Negro history and culture in talks with my constituents in the South Bronx, and in my involvement with the poverty program as a member of the House Education and Labor Committee.

One of the most common complaints of my constituents was the almost complete absence of Afro-American art, sculpture, and history in our national museums. Young Negro teachers told me of trips they had organized for local youth groups to city museums and the frustrations of the groups on finding the museums devoid by any information on the Negro past.

I remember one Negro teacher who had thrown away the conventional history books and studied black history by dint of his own research efforts asking me:

> Why isn't there one museum in America which tells the story of the 5,000 Negroes who fought under Washington?
>
> Why isn't there a museum in this country

> which gives some information on the Negroes who came over in the sixteenth century with the Spanish conquistadors?
>
> Who has ever heard of Estevanico, a Spanish Negro who led the expedition which discovered Arizona and New Mexico?

I talked to other Negro historians, to Negro artists and to civil rights leaders familiar with Negro culture, and the outcome was a bill which I introduced in the 89th Congress to set up a national commission to study the problems of establishing an Afro-American museum.

The bill failed to be reported out of the House Education and Labor Committee. I introduced the bill again this Congress and continued to consult various leading Negro historians.

Invaluable assistance was provided by Dr. Charles Wesley, the executive director of the Association for the Study of Negro Life and History. The association has a distinguished history of its own having been founded 52 years ago. It has published the Journal of Negro History, a quarterly since 1916, and the Negro History Bulletin, a monthly, since 1937.

Among the many distinguished historians on the association's executive council are the Negro historian, John Hope Franklin and the American historian, Arthur Schlesinger, Jr., who succeeded his father on the council.

Dr. Wesley told me some of the many problems Negro historians faced in writing the history of the black people of America, the most fundamental problem being the lack of documents. As Dr. Wesley said: "No documents, no history."

From my talks with Dr. Wesley and several other leading Negro historians, I realized the urgent need of a national commission with a much wider concern than that provided in my bill to set up a Negro museum. Accordingly, I introduced a second bill in the first session of the Congress—H.R. 12962.

> The bill was reported out of the Select Subcommittee on Labor on May 30 and the Committee on Education and Labor on July 10. It passed the House yesterday by a vote of 263 to 45.

The whole field of Negro history and culture and its treatment and interpretation by our education system—curriculums and textbooks—and by our public media, TV, radio, films, and press, will be thrown open for review.

Among many other aspects, the Commission will consider the necessary steps to unearth, collect and preserve historical materials dealing with Negro history and culture; methods of preserving and cataloging existing materials; methods of disseminating such materials so that the information can be integrated into the mainstream of American education and life.

The Commission will be expected to make broad recommendations on how to provide a more balanced portrayal of the Negro in school and college curricula, bibliographies, textbooks, television programs, newspaper and magazine reports and radio broadcasts.

In short, the mandate of the Commission will be as broad as possible, its operations will be as flexible as possible.

Hearings were held on the bill before the Select Subcommittee on Labor in New York in March. All of us who were present at the hearings, Representatives William Hathaway, of Maine and Gus Hawkins, of California—are even more convinced of the importance of this legislation after hearing the testimony of a list of distinguished witnesses.

I would like to share some of the highlights with my colleagues:

James Baldwin said:

> Anyone who is black is taught, as my generation was taught, that Negroes are not a civilization or culture, and that we came out of the jungle and were saved by the missionary. . . . You cannot educate a child if you first destroy his morale. . . . If he (the Negro child) sees in fact on the one hand no past and really no present and certainly no future, then you have created what the American public likes to think of, in the younger general, as the nigger we invent and the nigger they invent. What has happened is that you destroy the child from the cradle.
>
> We are beginning late (to review textbooks), but any beginning is better than none. But I don't think we should pretend it is going to be easy.

Jackie Robinson also was a strong supporter of the bill. He told the House subcommittee:

> I think it's high time that the Congress understood the tremendous frustrations that the young Negro has today, frustrations I think we felt many years ago. . . . For many, many years in these United States, a grave injustice has been done, not only to the Negro cause, but also to the cause of historical truth and accuracy. . . . One of the major sins of omission has been the failure of historians and educational authorities to assign black Americans the credit they richly deserve for the collective and individual contributions they have made to American history and culture and to the growth of this country.

Other witnesses who testified in favor of the bill included Mrs. Betty Shadazz, the widow of Malcolm X; Roy Innis, the associate national director of CORE; Dr. John Davis of the American Society of African Culture; Mr. John W. Davis of the legal fund of NAACP; Mr. Mal Goode of ABC–TV New York; Mr. John Morsell, associate director of the NAACP; and Dr. Charles Wesley.

I should also like to bring to the attention of members a report of a conference on Negro History and Culture in Washington, sponsored by the Association for the Study of Negro Life and History, and myself.

A highlight of this conference was a speech by Franklin H. Williams, the former U.S. Ambassador to Ghana who has been appointed to head a new urban center at Columbia University. He told the conference:

> I had to go to Africa, to a country run by black people, to find, for the first time, an identity for myself. As a result . . . I am no longer an "integrationist" in the old sense of a humiliating attempt to destroy the black community and scatter it into the white community. "Black Power" now means to me that Negroes, like the Irish, the Jews and other ethnic groups in America, must take pride in and strengthen the positive values of the black community in order to achieve real integration in America.

Dr. Gregory Anrig, Director of the Division of Equal Educational Opportunity of the U.S. Office of Education, blamed the neglect of the Negro past in history textbooks on timid publishers who felt it safer to ignore race when selling to a market which included 5,000 Southern school districts, on educators who preferred to be "color blind" and think of America as "one big happy family, but a white middle class family" and on Negro and white educators and parents who have not demanded more representative material.

Some progress has been made in projecting a more accurate picture of the Negro past in school textbooks and the information media. But much of the progress has been superficial. Much more needs to be done.

Dr. Anrig told me of a hastily revamped textbook which tried to show one Negro in every picture. In the rush to replate a picture, a child in one illustration had a black face and a white body.

The State of California has a law requiring that all textbooks be approved by the State. The law follows a report from a committee of eminent historians from the history department of the University of California at Berkeley. Reviewing the American history textbooks most widely used in the State, the report states: "the greatest defect in the textbooks we have examined is the virtual omission of the Negro."

Connecticut and New York are two other States that have taken some legislative action or are considering legislation to set up standards for textbooks and curriculums.

Recently, the Michigan State Board of Education issued a report, the culmination of a year-long study of a special advisory committee, which severely criticized history texts used in Michigan public schools. The committee found many of the books inaccurate, misleading and distorted in regard to minority groups.

The report, according to the Washington Post of July 11, 1968, singled out 12 selected texts as "very seriously deficient in their treatment of minorities in general and Negroes in particular."

The reports in California and Michigan have been helpful in spotlighting some of the problems and solutions to end the neglect of Negro history and culture, but only a national commission would be able to provide the battery of stage lights needed to illuminate all the problems, and to point the way to the best possible solutions.

There are four great areas of the Negro past which historians have neglected and which I would like to see rectified.

The first area involves the African heritage of the Negro. There is little or no material in school textbooks on the great empires of Africa before the explosion of Europe in the 15th century. Most, if not all, American children leave school without ever hearing of the great empires of Ghana, Mali, and Songhay.

The second area is the almost total neglect of Negro leaders and heroes. How many children are told of the brilliant black leaders like Frederick Douglas, Booker T. Washington, and W. E. B. Dubois? Of the few who have heard of these leaders, how many understand the main arguments of their exciting works?

White children could learn so much from Booker T. Washington, particularly his eloquent argument that the white man's suppression of the Negro debased the suppressor more than the suppressed.

Scores of Negro leaders have contributed to the development of modern technology. In agriculture, Negroes like Norbert Tillieux, who slashed the cost of sugar production with a new refining technique, and George Washington Carver, who transformed the economy of the South by developing a score of new uses for the lowly peanut, sweet potato, and soybean—uses which ranged from peanut butter to shaving cream; in medicine, Negroes like Dr. Daniel Hale Williams, who performed the first successful heart operation in the 1890's, and Dr. Charles Drew, who developed new techniques to store blood plasma; in town planning, Negroes like Benjamin Banneker, a surveyor appointed by L'Enfant to lay out the city of Washington, and Garrett Morgan, who developed the first traffic light.

A third area neglected by historians is the contribution of the Negro as soldier, citizen, cowboy, and participant in the hundreds of events recorded by historians. It was this omission which so upset the Bronx Negro teacher—the story of the missing 5,000—the 5,000 Negroes who fought in the Revolution; the 5,000 who fought in the Civil War; the 5,000 who were cowboys and helped develop the West.

The final area of omission is a realistic account of slavery and the valiant struggle the Negro has endured since the emancipation. As Ralph Ellison told the conference I sponsored in Washington:

> The greatest contributions of the Negro to America has been his intense concept of "freedom", his faith in achieving freedom and justice, even when he was being cruelly brutalized. Although we tend to concentrate on the enslaved Negro, it is the transcendence of the Negro's spirit, his faith that he would achieve freedom, his freedom in expression in music and other arts that is the great influence and inspiration for all Americans.

Two of the most vital areas the Commission will study are television and films—these two media probably have as much influence in establishing our values as elementary and secondary schools.

Several networks have recently run programs on the Negro in America. This is progress even if little and late. Of the recent programs, I would like to single out the CBS series "Of Black America" for particular commendation. This has been an excellent series. The CBS producers used their imagination freely. They were provided with funds for outside broadcasts and research, and presented the issues in a dramatic form.

Compare this to a series on another network in which four prominent Negro leaders were gathered in a studio to discuss the problems Negroes faced in America. A discussion program is better than no program at all. But the unimaginative format of the program assured that the people who should have been reached by the program, people with the least knowledge and understanding of Negro life, automatically switched to another channel.

We need discussion programs, but we need more than discussion programs. Imaginative and innovative programs such as the CBS series will enjoy large and interested audiences and can play a significant role in combating the misunderstandings and prejudice which poison our society.

I congratulate the Columbia Broadcasting System and hope they and the other networks will go on to even better series.

Documentaries and specials, however, are only a small part of the mistreatment of the Negro on television. A much more serious question is the absence of Negroes in the unending comedy and adventure series which supposedly reflect the American way of life. Few, if any, of these programs provide insight on the life of a Negro in America in 1968.

Even a regular television viewer would be unable to name more than a paltry half-a-dozen important roles written for Negroes in the scores of series broadcasted by the networks. The Negro actor is all but ignored for network series.

Bill Cosby in "I Spy" and Greg Morris in "Mission Impossible" have demonstrated the talent pool within the ranks of black actors. But with very few exceptions, Negroes are ignored.

We need to see more Negro actors employed in television series, and we also need series which tell us something about the life of an ordinary Negro in America. Such series could be serious without being solemn. One of the most popular television series in Britain was based on a working class family. It was a brilliantly funny series, but within and between the funny lines, the writers were able to provide a penetrating and perceptive picture of life in a working-class family.

The film industry is as timid as the television networks in using Negro actors and telling it like it is in black America. Sidney Poitier is an enormously talented actor and a sensitive, perceptive citizen. But film magnates refuse to cast him in anything less than a middle-class role. I remember an early film which was an exception in that he played an escaped convict with Tony Curtis. Since then he has played "the super Negro." In one, a top police professional, one of the finest detectives in the country; in another a teacher; and in his latest, "Guess Who's Coming to Dinner," a doctor.

Why cannot the film industry provide some realistic films—films of ordinary working people. Again, my mind turns to British films like "A Kind of Loving" and "Saturday Night and Sunday Morning," with their humorous and moving, but at the same time accurate, portrayal of life in working-class Britain.

When is an American movie going to be made to illustrate the life of a working class Negro? How long do we have to wait before the Negro worker can be portrayed as a worker—an individual human being filled with love and hate, virtue and vice, warmth and coldness, strength and weakness? How long do we have to wait for films to tell about life in the ghetto? How long for films to describe the middle income Negro?

James Baldwin spoke very eloquently in his testimony before the House committee on the reluctance of the film industry to portray a Negro in a realistic role.

Referring to Poitier's last movie, "Guess Who's Coming to Dinner," Baldwin noted:

> This movie is about an interracial marriage, I suppose. Sidney Poitier plays a very beautiful and modest role. That is all he ever plays. This is the mass media for you.
>
> Now if one is going to deal with the mass media, you have to be aware that you are reaching two publics: the white people in this country and the white people abroad. I talked to some people in London who adored it and think it is true. But of course, when I watch it, some cat in the ghetto is watching; it may do great things for your morale, but it does terrible things to him.
>
> He recognizes that the movie is a copout. Mr. Poitier is not an ordinary citizen. It obviously would be a different movie if he were able to play a real man.
>
> I am not overstating my case; the movie does say that in order for me to marry this particular white chick, I have to be what he is in the movie. Well, that is not so of any white person, he can marry whomever he wants to marry. I am trying to say that the structure of the mass media is such that I think you ought to be aware that there would be a tremendous resistance.
>
> You will hear what I have heard for years. It is great and powerful but it is not for our readers. Or—it is a risky picture and we can't do it. The mass media is mainly a form of escape, and someone said many, many years ago that no white person is going to make his escape personality black, especially in this country. I don't think we should be deluded about that.

Finally, what will the Commission be expected to look for in its examination of newspapers and journals?

The Kerner report's review of the press was mostly concerned with the press media's coverage of civil disorders, but it came to the conclusion:

> The Commission's major concern with the news media is not in riot reporting as such, but in the failure to report adequately on race relations and ghetto problems and to bring more Negroes into journalism . . . They (the press) have not communicated to the majority of their audience—which is white—a sense of the degradation, misery, and hopelessness of living in the ghetto. They have not communicated to whites a feeling for the difficulties and frustrations of being a Negro in the United States. They have not shown understanding or appreciation of—and thus have not communicated—a sense of Negro culture, thought, or history.

The Kerner report outlined the problem and made recommendations such as full time reporters in the ghetto, and the employment of many more Negro reporters.

The National Commission on Negro History and Culture could continue where the Kerner report left off, and make a comprehensive study of newspaper coverage of the Negro past and present, and a full list of recommendations for rectifying present inadequate reporting.

The basic conclusion of the Kerner report has been widely publicized—the conclusion that America was moving toward two societies, one black, one white, separate and unequal. But an important paragraph followed this conclusion:

> This deepening racial division is not inevitable. The movement part can be reversed.

Mr. Speaker, I believe the National Commission on Negro History and Culture can play a significant role in reversing the widening racial division within our society. Hopefully, it will help bridge the gap between black and white, bring the two communities close together and prevent the creation of two separate and unequal societies.

GONZALEZ URGES SUPPORT OF UPCOMING FEDERAL MAGISTRATES ACT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. GONZALEZ. Mr. Speaker, the proposed Federal Magistrates Act is scheduled for our debate this week. It will revamp the frontline office of the Federal judiciary. As one of the original House cosponsors of this legislation, I urge that it be approved.

The legislation about to come before us, S. 945, would abolish the office of U.S. commissioner and replace it with a new system of Federal magistrates. Magistrates would continue to issue warrants and set bail at preliminary hearings, but both their duties and their eligibility requirements would be expanded. S. 945 passed the Senate over a year ago, after extensive study by the Tydings subcommittee.

I believe the present commissioner system is outmoded, nonjudicial and inefficient in many aspects. The new office of magistrate will better protect citizen rights, expedite Federal misdemeanor cases and assist in dispatching the burgeoning workload of the U.S. district courts.

In this conviction, I personally contacted Chairman MANNY CELLER and urged that the Judiciary Committee act on the magistrates bill as soon as consideration of the crime and gun bills would allow. I submitted testimony to the March hearings of Subcommittee No. 4. I am most pleased that the Judiciary Committee has now had the opportunity to fully consider the Federal Magistrates Act and to concur in the need for its enactment.

I see this legislation as the comprehensive vehicle of efficient justice on the street level of the Federal judiciary which will be of definite benefit to our citizens. It would, in part, correct important deficiencies in the present commissioner system by:

Requiring magistrates to be attorneys, whenever possible;

Replacing the anachronistic fee system with a sliding salary scale based upon workload;

Providing secure 8-year terms for full-time magistrates, and secure 4-year terms for part-time magistrates;

Requiring in most cases that preliminary hearings be held within 10 days of initial appearance if the accused is held in custody, or within 20 days if the accused is on bail;

Extending the magistrates trial jurisdiction to misdemeanors that are punishable by not more than 1 year's imprisonment or a fine of $1,000 or both—magistrates' decisions are appealable to district courts—and,

Allowing magistrates to be assigned additional duties by the judges of the district courts.

Mr. Speaker, I have summarized the Federal Magistrates Act in various ways, and cited the support for its provisions by several segments of the Texas legal community. This may be of use to my colleagues and under unanimous consent I submit my previous remarks on S. 945 for inclusion in the CONGRESSIONAL RECORD, as follows:

[From the CONGRESSIONAL RECORD, Aug. 1, 1967]

Federal Magistrates Act

(Mr. GONZALEZ (at the request of Mr. TIERNAN) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, under unanimous consent I wish to address this body in support of the Federal Magistrates Act, S. 945, as amended, which passed the Senate on June 29. S. 945 would abolish the office of the U.S. commissioner and establish in its place in the judicial branch of our Government a system of U.S. magistrates.

I am a cosponsor of this legislation having introduced H.R. 8520. I heartily endorse its purpose of revamping our system of commissioners which has changed little for over a century. On the level where many of our citizens have their first contact with the Federal judiciary, it would require that magistrates be attorneys whenever possible, it would afford secure terms of offices to magistrates, it would compensate magistrates with salaries not case fees, and it would establish uniform procedures. Further, this legislation would relieve our overburdened U.S. district courts from certain cases which could more desirably be decided on a lower level, and the magistrates could be assigned various other duties to assist the courts.

The magistrate would assume the duties of the present commissioner, such as issuing warrants and setting bail at preliminary hearings. In addition, the trial jurisdiction of a magistrate would extend to those accused of misdemeanors that are punishable by imprisonment for not more than 1 year or a fine of not more than $1,000 or both, providing the accused waives his right to trial before a U.S. district court and waives any right to a trial by jury. A magistrate's decision can be appealed to the district court.

I have sounded out several officials in my district on the Federal Magistrates Act. The Honorable Adrian A. Spears, the distinguished and energetic chief judge of the western district of Texas, U.S. District Court, has said this legislation would be a tremendous step forward. Attorney James L. M. Miller, a commissioner himself, writes me:

"As you know the bill has the support of all the judges, the American Bar Association, and that extensive hearings were had before the Senate Subcommittee clearly showed the need for the reform as set out in your bill . . . the Commissioner system, based on a fee system (and in many cases the Commissioners are not lawyers) is archaic, inefficient, and a detriment to the administration of justice in the Federal System. The bill in the Senate passed without a dissenting vote! It is hoped that the bill would pass in the House this month."

Mr. Speaker, a judicial system cannot be said to deliver justice unless its decisions are swift and sure. I believe the Federal Magistrates Act would significantly improve the quality and dispatch of justice. I commend my colleagues' attention to Senate Report No. 357 on S. 945, and the hearings before the Tydings Subcommittee on Improvement in Judicial Machinery of the Senate Judiciary Committee entitled "Federal Magistrates Act"—90th Congress—and "U.S. Commissioner System"—89th Congress. S. 945 is pending before the House Judiciary Committee, and I urge my colleagues to join me in requesting prompt consideration of this legislation as soon as the press of committee business allows.

[From the CONGRESSIONAL RECORD, May 8, 1968]

State Bar of Texas Supports the Federal Magistrates Act

(By Hon. HENRY B. GONZALEZ, of Texas, in the House of Representatives, Wednesday, May 8, 1968)

Mr. GONZALEZ. Mr. Speaker, as a sponsor of the Federal Magistrates Act, I am pleased and encouraged that the board of directors of the State Bar of Texas voted on April 27 to support enactment of the Federal Magistrates Act.

Mr. Harold Peterson a member of the Federal Magistrates Act Study Committee of the Texas Bar, informed me by letter recently of the study committee's conclusion "that the proposed Federal Magistrates Act modernizes the antiquated U.S. Commissioner system and is a long step forward in the efficient administration of justice at the Federal level." Mr. W. W. Fowlkes of San Antonio served as chairman of the study committee.

The Tydings magistrate bill passed the Senate last June, and that bill, S. 945, was the subject of hearings by Judiciary Subcommittee No. 4 in March, at which time I submitted testimony in behalf of my similar bill, H.R. 8520.

Mr. Speaker, this magistrate legislation has been carefully and painstakingly prepared to correct glaring inadequacies at the Commissioner level of our Federal judiciary—the level closest to the people. The proposed changes in the Commissoner system are urgently needed, and I urge prompt consideration by the whole House.

[From the Federal Magistrates Act hearings before Subcommittee No. 4 of the Committee on the Judiciary, House of Representatives, 90th Congress, second session on S. 945, H.R. 5502, H.R. 8277, H.R. 8520, H.R. 8932, H.R. 9970, and H.R. 10841, to abolish the office of U.S. Commissioner, to establish in place thereof within the judicial branch of the Government the Office of U.S. magistrate, and for other purposes, March 7 and 13, 1968]

Testimony of Hon. Henry B. Gonzalez, a Representative in Congress From the State of Texas

Mr. GONZALEZ. Mr. Chairman, I greatly appreciate this opportunity to testify before your distinguished Subcommittee of the Committee on the Judiciary in behalf of my legislation which would establish the office of U.S. magistrate by revamping and improving the present system of U.S. commissioners, which is "archaic, inefficient, and a detriment to the administration of justice in the federal system."

That quote comes from a constituent who is presently a commissioner himself, Attorney James L. M. Miller, of San Antonio. Mr. Miller states in full:

"As you know the bill has the support of all the judges, the American Bar Association and that extensive hearings were had before the Senate Subcommittee clearly showed the need for the reform as set out in your bill. . . . the Commissioner system, based on a fee system (and in many cases the Commissioners are not lawyers) is archaic, inefficient, and a detriment to the administration of justice in the Federal System. The bill in the Senate passed without a dissenting vote!

It is hoped that the bill would pass in the House this month."

I would like to mention that the Honorable Adrian Spears, the distinguished and energetic chief judge of the Western District of Texas, U.S. District Court, has reviewed my magistrate bill and said it would be a tremendous step forward.

The Federal Magistrates Act, as I introduced it, was designated H.R. 8520. It is identical to S. 945, which was amended and passed without dissent by the Senate on June 29, 1967.

I shall not impose upon the subcommittee by repeating the careful and detailed case which has been made by previous witnesses for this comprehensive reform. I wish simply to explain my conviction that the Federal Magistrates Act would provide distinct advantage in all areas it affects—advantages to the Federal district courts, to the court officials to be known as magistrates, and to our citizens who come into contact with the district courts.

The proposed magistrate system includes important improvements for the district courts:

The generally overburdened and backlogged district courts would be relieved by permitting magistrates to try more cases which could be judiciously settled on a lower level, without the necessity of downgrading a charge from a felony to a misdemeanor to achieve this end.

The courts could assign to the magistrates various nonjudicial duties which it determines would further the efficient administration of justice.

The magistrates would continue to be appointed by the court, and subject at all times to its direction and control.

The magistrate system proposes advantages to these court officials which are not now enjoyed by commissioners.

Magistrates would have secure 4-year terms if part time, or 8-year terms if full time.

Full-time magistrates would be provided with office space, clerical help and all supplies, and part-time magistrates would receive the expenses of their office.

Magistrates would be compensated by salary, not by fees, on a sliding scale from $100 to $22,500 a year determined by whether they are full or part time, by their workload, by their professional qualifications, and by the prevailing community pay standards.

Magistrates would enjoy increased prestige from the requirement that they be attorneys at law and from their increased status in the Federal judiciary.

Perhaps most importantly, the citizen whose first and only contact with the Federal judiciary is frequently with this officer of the court, would benefit from many improvements in the magistrate system:

Citizens would get from trained lawyers better application of such sophisticated rules of law as involved in search and arrest warrants, and preliminary examinations to determine probable cause justifying further proceedings against arrested persons.

Citizens would find magistrates applying logical, uniform procedures in pretrial hearings.

The accused could expect a more prompt trial of those offenses punishable by a fine not to exceed $1,000 or a prison term not to exceed 1 year, or both; provided that the accused elects to be tried before a magistrate rather than the district court (without sacrificing the right to appeal) and provided he intelligently waives the right to a jury trial.

The accused would find appeals facilitated by having magistrate proceedings transcribed or recorded.

Mr. Chairman, I believe the Federal Magistrates Act would greatly improve the quality and dispatch of justice in the lower level of our Federal judiciary. I urge its passage. Thank you.

Mr. ROGERS. Thank you, Mr. Gonzalez.

A PROGRAM OF COMMONSENSE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, one of the finest organizations in the Nation is located in my district. The Northern Virginia Board of Realtors, throughout the years of the greatest growth of the Washington metropolitan area, has conducted itself in the public interest with a fidelity and competence that reflects the concern builders have for a better America.

Recently, Mr. Speaker, the Northern Virginia Board of Realtors Committee to Make America Better have recommended a new program which I believe is worthy of consideration by the Congress of the United States.

It would establish a new program as part of the National Housing Act—a program of commonsense—one that will build houses for the poor on a scale far surpassing any effort in this direction so far.

The Make America Better Committee submits its program in precise detail, a program that calls for the suspension of certain elements of present Housing legislation, but one that would supplement the activities to be eliminated with a workable formula for channeling productive housing activity toward those who need new homes the most.

I commend this committee, Mr. Speaker, and its chairman, Mr. Robert J. Salem, Mr. Edward R. Briggs, president of the Northern Virginia Board of Realtors, and Mr. James H. McMullin, chairman of the board's housing committee. They are all longtime friends of mine and no more able men will ever be found in the housing industry. I commend the program to this Congress and future ones as workable, realistic, and one ready to go without the encumbrances and redtape of past and present programs which are not filling the housing demand as we all know.

The material follows:

LOW INCOME HOUSING RECOMMENDATION

The Northern Virginia Board of Realtors' Make America Better Committee recommends the following proposal to provide housing for low income families:

1. Establish a new program as part of the National Housing Act that would:

(a) Embody the principle of involving the private sector in partnership with Government to produce housing for the poor on a massive scale.

(b) Provide the private sector with capital to encourage and enable a major portion of the housing industry to realign its main productive efforts from present tasks to those in connection with housing for the poor.

(c) Exploit the principle of syndication as it is utilized by private enterprise in formulating the partnership between Government and the private sector aforementioned in paragraph 1(a) above.

(d) Reaffirm the function of FHA as a mortgage insuring agency and re-equip it with new tools which will effectively serve the building industry which has devoted, is devoting, or will devote its resources and talents to creating housing for the poor.

(e) Employ the rent supplement concept to assure financial soundness and encourage variations in social patterns by the occupants of housing created under this program.

(f) Select as the ultimate goal the objective of home ownership for all housing thus created. Rental phase would represent an initial period of six to eight years followed by a more permanent phase of acquisition and ownership by tenants through the medium of condominiums and FHA insured mortgages with long-term amortization periods. (40 years).

These same concepts and modes of operation would be applicable to renovation projects and existing structures of all residential categories.

2. Phase out the present programs (221(d)(3)–221(h), etc.) now administered by FHA, as the above program provides the necessary housing.

3. Terminate funds for future public housing acquisition and/or construction.

Submitted by:

ROBERT J. SALEM,
Chairman, Make America Better Committee.

EDWARD R. BRIGGS,
President, Northern Virginia Board of Realtors.

JAMES H. MCMULLIN,
Chairman, Housing Committee.

CHEERS FOR GENERAL DAVISON

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a heartwarming recognition of ability to know of the elevation of Frederic Ellis Davison to the rank of brigadier general of our U.S. Army. Gen. Creighton W. Abrams, the U.S. commander in Vietnam, performed the ceremony on Sunday, September 15, 1968, at Binh Chanh, honoring the fine record of this Negro officer, commander of the 199th Light Infantry Brigade.

This is a fine tribute to the people of African descent and Negro blood. We people in Pennsylvania join with the people of the United States of America in giving due honor and just reward to this competent and experienced, intelligent and ambitious Negro officer of our U.S. Army in this fine promotion.

Also we should not forget the fine accomplishments of his wife, Jean Brown Davison, mother of four children and teacher at Woodridge Elementary School. This is a remarkable tribute to an outstanding Negro woman.

This shows that there is real opportunity in America for competent, experienced people of all races, colors, and creeds who take responsibility. The patriotism and devotion to the American people of the Davisons is an inspiration to all of us. This should also be a double inspiration to young people of African descent and Negro blood to work hard to attain the outstanding peaks of success in America which now more and more lie open to all ambitious young people.

As U.S. Congressman from Pittsburgh representing many colored people, it is a special satisfaction to me and my family, who have long believed in civil rights, equal justice, and equal opportunity and facilities for all in education, jobs, and professional training, to call this recognition to the attention of the Congress and the American people.

Mr. Speaker, I insert at this point in the Record two articles from the Evening Star of Monday, September 16, 1968. praising this fine Negro couple.

NEGRO GETS GENERAL'S STAR, PRAISES ARMY'S "EQUALIZING"

BINH CHANH, VIETNAM.—America's third Negro general says the Army has made "unbelievable progress toward eliminating segregation.

The Army is not perfect, Brig. Gen. Frederic Ellis Davison told newsmen, but "I believe the opportunity is there. It isn't equal yet, but it's equalizing."

Davison, 51, who led an all-Negro infantry company in World War II, stood at attention yesterday while the U.S. commander in Vietnam, Gen. Creighton Abrams, Jr., pinned a brigadier general's silver star onto his collar. He is the first Negro Army general to lead an infantry brigade in combat.

NATIVE OF WASHINGTON

(Davison, born in Washington in 1917, attended Dunbar High School. He is a graduate of Howard University and holds a master's degree from George Washington University.

(In 1941, he married the former Jean Brown who lives at 4205 18th St. NW with their four children. Mrs. Davison is a teacher at Woodbridge Elementary School.)

In a small ceremony in an old fishnet factory, the headquarters of Davison's 199th Light Infantry Brigade, Abrams said, "In my judgment I know of no officer more deserving."

Davison, who arrived in Vietnam in November as deputy commander of the 199th, is considered one of Abram's toughest commanders in the field. During the Tet offensive in February, Davison was in command because the brigade commander, Brig. Gen. Franklin Davis Jr. was in the hospital.

In a battle to defend the U.S. base at Long Binh, the brigade lost only 14 dead while killing some 900 Viet Cong.

After that, men in the brigade began to refer to Davison as "the old man," even after Davis returned. On Aug. 5, Davis was seriously wounded and sent back to the United States. Davison had been in command ever since.

GOT COMMISSION AT HOWARD

Brigade Sgt. Maj. Othon Valent, 46, of Portland, Ore., said the new general is a "touch guy. He's up-tight. He's what the troops call a real commander."

Davison got a reserve commission at Howard University in 1940 and eventually became the company commander of an all-Negro unit in Italy during the war.

"I was a captain by then," he said. "I knew how things were. But I was going to be the best captain in the area. If I had to work twice as hard, then I'd work twice as hard. I don't like to be whipped by anything and I don't like to admit that anybody is better than I am."

After the war he served under Abrams in Europe.

The other two Negro generals are Lt. Gen. Benjamin O. Davis Jr. of the Air Force, now leading the Strike Command, and his father, Army Brig. Gen. Benjamin O. Davis Sr., who is retired.

After the brief ceremony, Davis drank a glass of champagne, talked with newsmen and then took off in his command helicopter to visit each of his units and the hospital—something he does every Sunday.

HER WHOLE SCHOOL THRILLED BY NEWS

(By Jean Powell)

"I'm going somewhere and have a nervous breakdown tonight, I think," said Mrs. Frederick E. Davison.

This statement came after a hectic day Sunday of receiving calls of congratulations from friends from "all over the country."

Her husband, an Infantry Commander in Vietnam had the star of the Brigadier General pinned on him yesterday by Gen. Creighton W. Abrams, the U.S. commander in Vietnam.

Mrs. Davison had known earlier of her husband's selection but got the news via a friend yesterday morning who had heard it on the radio.

Mrs. Davison was still being congratulated this morning by her fifth grade students at Woodridge Elementary School.

"The children brought a clipping in for school news topics." The youngster who reported the event ended his recitation by saying, "And this is Mrs. Davison's husband."

"They were thrilled to death and everyone had to read the clipping who hadn't seen it earlier."

Mrs. Davison's 51-year-old husband is the third Negro to attain General rank. He has been in Vietnam since last November and she expects him to come home on leave in May.

"I hope he'll be back in time for our daughter Jean Marie's graduation from Wheelock College in Boston." Jean Marie left yesterday for school after she heard the big news.

The Davison's have three other daughters, Andrea, a student at Woodrow Wilson, Dayle, a junior high student and Carla who's five years old.

Forty-nine year-old Mrs. Davison has taught at Woodridge for six years, "off and on." She is a graduate of D.C. Teachers' College.

Both she and her husband are native Washingtonians. He holds a bachelor's degree from Howard U and a master's degree.

Asked if she was planning a celebration, Mrs. Davison replied, "We celebrated when he was selected—all the neighbors came by, but we'll have a big celebration when he comes home on leave."

LACK OF PRIORITY IN ALLOCATION OF OHIO'S FEDERALLY ASSISTED WASTE TREATMENT FACILITIES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. VANIK. Mr. Speaker, for a number of years now, I have been critical of the failure of the Federal water pollution control construction grants to be allocated in the areas of greatest need and in the areas which are the source of most industrial and municipal waste. The determination of where such grant aids go is made by the States.

I have taken a close look at how these grants are allocated in my State of Ohio. In Ohio, as in most other States, the most rapid population growth has taken place in the already urban counties. This ever-increasing concentration of population has placed tremendous pressures on the waste treatment facilities of these communities. Yet, in Ohio, at least, the construction of federally assisted waste treatment plants has taken place most heavily in the rural counties.

My office has figured the per capita expenditure per county for water pollution control facilities in Ohio between 1956 and the end of 1967. As you can see, the median per capita expenditure in counties which received grants falls at about $3.98, but goes as high as $18.82 in Fulton County. It is interesting to note that of the 15 counties in Ohio which have over 100,000 persons, 11 of them—or about 73 percent—fall below the median expenditure. The citizens of the State's three most heavily populated counties received very little assistance. Cuyahoga County, in which Cleveland is located, received $2.37 per person, or a total of $3,904,839, over an 11-year period. This amounts to an assistance level of $354,985 per year for 1.6 million persons, or 21 cents per person. Cincinnati's county received a grand total of 67 cents per person, while Columbus residents in Franklin County received only 42 cents per person.

The following table is clear proof that the placement and construction of federally assisted water treatment facilities has been mishandled, that priorities have been ignored, and that adjustments are needed. If States such as Ohio refuse to allocate grants where they are most needed, then the Federal law must be amended to provide clearer criteria in the priority of grant allocations. The table follows:

Per capita expenditures for water pollution control facilities in the State of Ohio between 1956 and December 1967

County:	
Stark	$0.309
Tuscarawas	.3516
Franklin	.421
Geauga	.551
Lawrence	.581
Hamilton	.672
Richland	.699
Lake	.729
Sandusky	.802
Guernsey	1.121
Auglaize	1.151
Fayette	1.169
Pickaway	1.225
Definance	1.320
Ross	1.520
Allen	1.601
Miami	1.782
Scioto	1.783
Harrison	1.795
Hardin	2.065
Muskingum	2.106
Shelby	2.239
Montgomery	2.266
Ashland	2.315
Cuyahoga	2.369
Knox	2.459
Licking	2.468
Warren	2.287
Darke	3.172
Adams	3.190
Summit	3.213
Vinton	3.418
Greene	3.557
Mahoning	3.790
Lucas	3.800
Perry	3.950
Brown	4.011
Lorain	4.013
Wood	4.039
Madison	4.250
Wyandot	4.265
Clermont	4.457
Holmes	4.648
Clinton	4.465
Delaware	4.470
Washington	4.854
Meigs	5.396
Jackson	5.724
Butler	6.183
Monroe	6.496
Fairfield	6.549
Erie	6.682
Paulding	7.112

Per capita expenditures for water pollution control facilities in the State of Ohio between 1956 and December 1967—Con.

Morrow	$7.189
Columbiana	7.212
Jefferson	7.398
Athens	7.657
Gallia	8.287
Preble	8.300
Logan	8.371
Ottawa	8.649
Mercer	8.969
Seneca	9.122
Wayne	9.159
Trumble	9.277
Putman	9.9438
Williams	10.886
Ashtabula	11.251
Medina	11.904
Portage	11.904
Henry	11.958
Huron	12.786
Morgan	13.596
Belmont	14.038
Noble	18.521
Fulton	18.825

These counties did not receive grants: Carrol, Champaign, Clark, Coshocton, Crawford, Hancock, Highland, Hocking, Marion, Pike, Union, Van Wert.

LETTERS AND POEMS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, Miss Gwendlyn G. Shaffer, who lives at 4929 Beauregard Street, Alexandria, Va., in my congressional district, told me recently that she often reads the CONGRESSIONAL RECORD and is moved to note the letters, poems, and prayers of our young men in Vietnam.

She said that recently her family was struck by the pain of war when they learned that a very dear family friend had been seriously wounded by a mine while on his second tour of duty in Vietnam with the U.S. Marines. His wounds are permanent and will never allow his family or friends to forget the "most controversial conflict the United States has ever been involved in."

Miss Shaffer's poem, which was written earlier, seemed most appropriate to her when she learned of the tragedy. She has asked that I make it a part of the RECORD, since she believes it in a very small way answers the questions of many of our soldiers' poems like "Who gives a care what a soldier gives?".

Her poem, in full, follows:

LETTERS AND POEMS

I've read their letters, I've read their poems,
And yes I've even cried
Though they are men I do not know
I know how hard they try.
They do not want to fight a war
They do not like to kill
But sometimes they find they must ignore
The way they really feel.
Some tell of cries of agony
As they watched a buddy fall
Some tell of purpose, hope and faith
They wished were shared by all.
For them I have a kind of love
I can not quite explain
I guess you'd have to call it respect or gratitude for their pain.
I've read their letters, I've read their poems
And yes I've even cried
Though they are men I do not know,
It hurts to know they die.

GWEN.

HOUSE OF REPRESENTATIVES—*Wednesday, September 18, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou wilt show me the path of life: in Thy presence is fulness of joy.—Psalm 16: 11.

Eternal spirit of God, amid the tumult of these troubled times and the difficulties of these demanding days, we come to this shrine of Thy presence seeking strength for the day and wisdom for the hours that we may make worthy decisions for the good of our Nation and the welfare of our people. At this altar of prayer give to us the assurance that behind the failures and the frustrations that mark many of our endeavors standeth Thy spirit ever striving to hold us true to noble purposes and generous ways.

Empower these servants of our people and these leaders of our Nation that they may bring to their daily tasks and growing responsibilities, minds illumined by Thy presence, hearts aglow with Thy love, and hands ready to lift the fallen, to strengthen the weak, and to give peace to those who have no peace.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 8953. An act to amend the act of November 21, 1941 (55 Stat. 773), providing for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority; and

H.R. 18763. An act to authorize preschool and early education programs for handicapped children.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 220. An act to authorize the sale of certain public lands.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3459. An act to name the authorized lock and dam No. 17 on the Verdigris River in Oklahoma and the lake created thereby for the Chouteau family.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 698) entitled "An act to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MUSKIE, Mr. ERVIN, Mr. METCALF, Mr. HANSEN, and Mr. BAKER to be the conferees on the part of the Senate.

REDUCTION IN FOREIGN AID APPROPRIATIONS

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. PASSMAN. Mr. Speaker, I do not know whether it is safe to handle the Washington Post without gloves and a bottle of disinfectant handy, but perhaps I will not become contaminated to hold just briefly in my hand the editorial that was contained in the Washington Post this morning:

> You expect less from Otto Passman and the little crew of small-minded Republicans on the House Appropriations Subcommittee which deals with foreign aid. And you get it.

That is a compliment. I hope that the so-called small-minded Republicans will remain "small minded" until after we pass the foreign giveaway bill. I also hope some of my Democratic colleagues will likewise become "small minded," because all of the recommended cuts are in favor of the overburdened American taxpayer.

Now, I do have to go and wash my hands, even though I have handled the editorial only briefly.

SPEAK UP, MR. NIXON

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, I have here a casualty list from today's New York Times listing the names of the American servicemen from New York who have most recently been killed in action in Vietnam.

Such tragic lists appear daily in newspapers from coast to coast. They are a grim reminder that we are fighting a war on the other side of the world.

Much has been said about possible solutions to this war. Richard Nixon says he has a secret plan to end the war; if it is not some cruel political hoax, that plan would mean the end of lists such as the one I hold here today.

If Mr. Nixon has such a secret but certain peace plan, and if he continues to keep that plan to himself, then he is doing a tragic disservice to every American. Possible solutions to the war need not wait until after election; they must be used as soon as possible to limit the deaths of American servicemen.

I hope Mr. Nixon will read this list and the others like it throughout the Nation and break his silence on Vietnam. I do not imagine he wants more killing.

VIETNAM CASUALTIES

WASHINGTON, September 17.—The Defense Department today listed the names of the following servicemen from the New York area as having been killed in Vietnam:

ARMY

Abruzzesa, Michael J., Jr., Pfc., Valley Stream, N.Y.

Baldwin, Michael R., Sgt., Flemington, N.J.

Belcher, Fred A., Pfc., Lafayette, N.J.

Coulon, John G., Second Lieutenant, East Meadow, L.I.

Giannelli, Alan R., Sgt., Massapequa, L.I.

Marino, Ariel, Specialist 4, Manhattan.

NAVY

Welker, Thomas E., Hospitalman, Darien Center, N.Y.

MARINE CORPS

Feeley, Eugene J., Jr., Pvt., Irvington, N.J.

Wark, William E. 3d, Second Lieutenant, Longport, N.J.

PEACE PARTIES AND WAR PARTIES

Mr. CEDERBERG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, I listened with interest to my Democratic colleague, the gentleman from New York [Mr. WOLFF], refer to the casualties from New York listed in the New York Times, and then he proceeded to make a political speech regarding the conduct of the war.

I listened to Mr. Larry O'Brien, the new Democratic national chairman on "Meet the Press," and evidently the campaign chairman for HUBERT HUMPHREY, somehow trying to convey to the American people the impression that the Democratic Party was the party of peace. If I recall correctly and if I read these casualty figures correctly, this happened during a Democratic administration.

Let me say further that I recall the campaign election in 1964 when President Lyndon Johnson and now Vice President HUBERT HUMPHREY were trying to tell the American people that if a Republican were elected we were going to have just exactly what we have got under the Democrats.

Now, Mr. Speaker, if the gentleman wants to carry on a debate here as to which is the war party and which is the peace party, we will take you on now because we happen to have a record of ending wars and you have a record of starting them.

Mr. Speaker, I happen to believe this, that neither Republicans nor Democrats like war. We are all against war. You have had a little bad luck along this line but if the gentleman from New York [Mr. WOLFF] wants to engage in a vendetta as to which is the peace party and which is a war party, we will take you on any time.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from New York.

Mr. WOLFF. The statement I made was that Mr. Nixon said he had a peace plan that would end the war. If he does, I ask him to produce that plan and I feel it is his duty as an American to do so.

Mr. CEDERBERG. I think if the gentleman will read the Republican platform that was adopted in Miami he will find that it was a good platform and as far as I am concerned we will rely upon our past experience and do the best we can.

Mr. Speaker, the war in Vietnam is a terrible thing and we all know that the Communists are dedicated to the destruction of the free world, and that includes Democrats and Republicans. Insofar as I am concerned if you want to make it a political issue, we will be glad to debate it with you.

THE BUDGET AND FEDERAL EXPENDITURES

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, the Joint Committee on Reduction of Federal Expenditures has been doing an excellent job by having its staff report to us monthly on the situation with respect to the Federal budget.

A few months ago, as I am sure many Members of the House will recall, we debated a tax increase bill on this floor which was tied in with a purported reduction in expenditures. I opposed the tax increase bill because I did not think we had tied down the expenditure cuts and that expenditures would not be reduced from the $186 billion level which was projected in the 1969 budget—in the budget message in January—to $180 billion; but, rather, we would see a net increase.

I have periodically reported what has subsequently happened. The last figure which I reported was $188 billion expenditure level for fiscal year 1969.

I now read from the staff report that just came out:

> The net total budgeted outlays (expenditures) now estimated to be $191 billion for fiscal year 1969.

Mr. Speaker, the opposite is being reported to the people and to the Congress; namely, that a reduction in expenditures is coming about. The cutback of $6 billion to the level of $180 billion required in the tax increase and expenditures control bill has been reversed. Instead of a decrease of $6 billion there is an increase to $191 billion.

The tragedy of all this is this: Had we not granted the tax increase the debt ceiling would have forced this administration to cut these expenditures, to at least around $182 billion. But with the new taxes voted the debt ceiling is not providing this restriction.

Finally, Mr. Speaker, I would observe that the Federal Reserve is now printing money pretty fast and it looks like we are headed for more inflation.

FEDERAL MAGISTRATES ACT

Mr. CAHILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CAHILL. Mr. Speaker, and Members of the House, I have asked for this time to remind the House that later today we are going to consider a Federal Magistrates Act. This bill, which is being referred to as legislation that has unanimous approval, is in my judgment very important and I suggest to the Members that it is an effort to bring about the appointment of more Federal judges, not by the President, but by the existing Federal judiciary; that it is patently unconstitutional, and it is extremely costly and unnecessary.

I have sent a memorandum to every Member in the House, and I hope that before the Members vote upon the legislation they will read the memorandum.

I urge your studious attention to it before you cast your vote.

PROPOSAL BY NAACP TO REGISTER 5 MILLION NEGROES TO VOTE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I want to call to the attention of my colleagues—and I am sure they probably noted it in the newspapers—one of the most constructive acts I have read about for many, many years. I read the other day that Roy Wilkins of the National Association for the Advancement of Colored People had announced that that organization was going to conduct a campaign to try and register 5 million Americans of the Negro race. I believe that is one of the finest announcements I have read for many years.

That constitutes American power—the real power of each and every one of us, without regard to our race, color or creed, in being American citizens, is to not only register to vote, but to vote.

Therefore, Mr. Speaker, the announcement of Roy Wilkins concerning the intentions of the NAACP is a most constructive one, and one that should receive the support of all of our people.

I would like to see other organizations make registration drives not only within the two political parties, but outside of the political parties. I believe other organizations should also make drives to have those who are eligible to vote to register and to vote.

As we all know, there are many millions of Americans who do not even register, and by failing to register and to vote they are abdicating their responsibilities as American citizens.

The fullness of a citizen is manifested by being interested enough to register and to vote.

Mr. Speaker, I make these remarks without regard to how those registering might vote in the election. I say that this is a constructive effort, a constructive move, and a constructive plan consistent with the best interests of our institutions of government. I sincerely hope that the proposal, the plan, and the drive of the NAACP will result in a great success.

I again call to the attention of other American groups that this is a very fine decision and policy for them to emulate between now and election day, so that when people are permitted to register to vote in the several States of the Union that they too will conduct drives to secure a bigger registration, and then to urge those who are registered to vote, so that as many Americans as possible will carry out the fullness of their citizenship.

Mr. GERALD R. FORD. Will the distinguished Speaker of the House yield?

Mr. McCORMACK. I am very glad to yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, every minute, every hour of every day, right now, young men from America are dying to preserve the right of all citizens in this country to register and to vote as their conscience dictates. Men have sacrificed their lives over the years to preserve the American way, which is the way of free elections.

I applaud any organization that is making a maximum effort to get all Americans to register so that on election day we may have the greatest vote in the history of America so we will have a free choice as to who the next President of the United States will be.

I applaud the NAACP and I also applaud every other organization that is undertaking an effort to see to it that people exercise their prerogative to make their choice, in this most important election. But after this vital election, I hope and trust that all citizens will continue their civic interest by registering and voting and in other ways participating in the political arena.

Mr. McCORMACK. I appreciate very much the remarks of my distinguished friend, the leader of the minority party in the House, which shows the unanimous feeling of both parties as represented by the leaders of both parties in the House of Representatives. No more constructive service could be performed by the newspapers and television stations of our country than to concentrate on the importance of people registering and later voting. Our citizens cannot vote until they register and I hope the newspapers and television stations of the country will engage in a concentrated drive in connection with the registration of countless millions of Americans who are not registered at the present time.

THE ARROGANCE OF AN AUTOMAKER

Mr. McFALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McFALL. Mr. Speaker, for some months now, Americans have become resigned to having a few less dollars in their pockets because a tax increase was necessary to cut down the threat of inflation. Nobody likes to pay higher taxes, but the broader public interest had to be served.

Apparently, the concept of a broader public interest is not well understood in some quarters. Two days ago, Chrysler Corp. announced a price increase averaging $84 on its 1969 automobiles.

The price increase is clearly excessive.

The price increase is obviously inflationary.

The price increase is absolutely not in the national interest.

What can be done about it? One thing we can do is to turn the spotlight of governmental scrutiny on this action. President Johnson has issued a statement on the increase, pointing out that:

> If this price increase prevails throughout the industry, it would take three-quarters of a billion dollars out of the pockets of American families when they buy new cars.

The Cabinet Committee on Price Stability has issued a statement noting that:

> The American people have every right to expect this highly profitable industry to make a maximum contribution to price stability.

If Chrysler Corp. has a conscience, and if it has any sense of public responsibility, it will take a hard, second look at the price boost it has imposed on the American people. If the other major auto manufacturers accept a responsibility broader than their ledger books, they will certainly not follow the ill-chosen path of Chrysler.

CONFERENCE REPORT ON H.R. 18785, APPROPRIATIONS FOR MILITARY CONSTRUCTION FOR THE DEPARTMENT OF DEFENSE, 1969

Mr. SIKES. Mr. Speaker, I call up the conference report on the bill (H.R. 18785) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1896)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18785) "making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, and 7; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$548,126,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$222,141,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2.

ROBERT L. F. SIKES,
JOHN J. MCFALL,
EDWARD J. PATTEN,
CLARENCE D. LONG,
GEORGE MAHON,
ELFORD A. CEDERBERG,
BURT L. TALCOTT,
FRANK T. BOW,
Managers on the Part of the House.

ALAN BIBLE,
RICHARD B. RUSSELL,
ALLEN J. ELLENDER,
MIKE MANSFIELD,
WILLIAM PROXMIRE,
RALPH YARBOROUGH,
CARL HAYDEN,
STUART SYMINGTON,
MILTON R. YOUNG,
THOMAS H. KUCHEL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two houses on the amendments of the Senate to the bill (H.R. 18785) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1, Military Construction, Army: Appropriates $548,126,000 instead of $554,597,000 as proposed by the House and $537,605,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Fort Jackson, S.C.: Deficiency funding, sewage treatment plant	+$304,000
Fort Benning, Ga.: Improvement on-post roads	+1,560,000
Fort Bragg, N.C.: CONARC Intelligence Center	−335,000
Europe: NATO Infrastructure	−8,000,000

Amendment No. 2, Military Construction, Navy: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $291,513,000 instead of $289,238,000 as proposed by the House and $286,374,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Naval Hospital, Chelsea, Mass.: Deficiency authorization	+$1,300,000
Naval Air Station, Brunswick, Maine: Perimeter fencin	+75,000
Naval Submarine Base, New London, Conn.: Escape training tank	+521,000
Naval Air Station, Memphis, Tenn.: Enlisted men's club	+1,311,000
Naval Air Station, Imperial Beach, Calif.: Land acquisition	+2,000,000
Naval Supply Depot, Subic Bay, Philippines: General warehouse	+1,019,000
Naval Shipyard, Boston, Mass.: Personnel Service Building	−92,000
Naval Mine Defense Laboratory, Panama City, Fla.: Deep Ocean Engineering Pressure Building	−3,111,000
Naval Undersea Warfare Center, Pasadena, Calif.: Launch and repair facility	−683,000
Marine Corps Recruit Depot, Parris Island, S.C.: Sewage treatment facilities	−65,000

Amendment No. 3, Military Construction, Air Force: Appropriates $222,141,000 instead of $221,588,000 as proposed by the House and $224,361,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Offutt AFB, Nebr.: Headquarters Command Building alterations	+$295,000
Malmstrom AFB, Mont.: Airmen Dormitory	+560,000
Andrews AFB, Md.: Steam heat mains (addition)	−75,000
Vandenberg AFB, Calif.: Gas mains	−227,000

Amendment No. 4, Family Housing, Defense: Appropriates $583,700,000 as proposed by the Senate instead of $586,700,000 as proposed by the House.

Amendment No. 5, Family Housing, Defense: Authorizes not to exceed $135,383,000 for the operation and maintenance of Army family housing as proposed by the Senate instead of $136,383,000 as proposed by the House.

Amendment No. 6, Family Housing, Defense: Authorizes not to exceed $84,249,000 for operation and maintenance for family housing of the Navy and Marine Corps as proposed by the Senate instead of $84,949,000 as proposed by the House.

Amendment No. 7, Family Housing, Defense: Authorizes not to exceed $142,443,000 for operation and maintenance of Air Force family housing as proposed by the Senate instead of $143,743,000 as proposed by the House.

OVERRUNS AND REPROGRAMINGS

The report of the Senate accompanying the military construction appropriation bill contains statements with reference to the application of language in the authorizing legislation concerning cost overruns. The conferees are in agreement that the entire matter of cost overruns and reprograming procedures is subject to question. This matter should be fully explored when the military construction program for fiscal year 1970 is before the Congress.

Robert L. F. Sikes,
John J. McFall,
Edward J. Patten,
Clarence D. Long,
George Mahon,
Elford A. Cederberg,
Burt L. Talcott,
Frank T. Bow,
Managers on the Part of the House.

Mr. SIKES. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain tabulations.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, the conference report approves $1,758,376,000 to support the military construction programs of the several military services in fiscal year 1969. This amount is $273,124,000 below the budget estimates. It is $334,986,000 below comparable appropriations for fiscal year 1968. It is also $6,643,000 below the House-passed bill.

It will be recalled that this measure passed both the House and Senate in July. However, it was not possible to obtain a conference with the Senate until after the August recess. That means that we have been subjected to serious delays in getting started on a program which should have been implemented months ago. The bill provides many important and sound facilities which will represent very useful improvements for the military base structure of the several services both at home and abroad. I can assure you that these are needed projects.

As I stated when the bill was being considered by the House, the fiscal year 1969 military construction program is the most austere in recent history. None of us are happy that such is the case. This situation is necessitated by national fiscal problems. There are far too many military installations on which facilities are substandard, costly, and inadequate. We must concern ourselves with morale factors, such as better troop and family housing if we are to obtain the retention rates for servicemen that are highly desirable, both from a cost as well as from a skill standpoint.

The committee actions on the individual line items in conference are set forth in the report. A number of the additions to the House bill were submitted to the Senate by the executive branch and not considered at the time of the House action. Generally speaking, these additional line items are necessitated by fires and other so-called acts of God which destroyed facilities in various areas. These facilities now require replacement if the installations are to properly function. Obviously these expenditures had not been anticipated at the time of the House action, and they have increased the total of the bill. It should be pointed out that there are many major items of construction for which the bill provides funds and which are not listed in the conference report simply because they were not in disagreement. Significant among these is the anti-ballistic-missile system which was discussed at some length on the floors of both the House and the Senate.

The recommendations before you represent careful thinking and deliberate analysis and much hard work on the part of the committees of both bodies of the Congress. I believe that the bill provides the bare minimum amount of funds required for a sound military construction program. The military construction program should be larger, particularly where it applies to housing for troops and military families. However, in view of the present fiscal problems which confront our Nation, a studied and deliberate effort has been made to keep the construction program at a minimum level.

I trust that the recommendations of the conferees will have your complete approval.

Now let me discuss one other problem of importance; that of cost overruns on individual projects. This has always been a major problem in the implementation of the military construction program. It is virtually impossible to present exact cost estimates for individual line items which must of necessity be formulated 6 to 18 months before they are considered by the Congress. The Department of Defense has, until very recently, shown marked improvement in the validity of their cost estimates. The problems have been accentuated, however, by increasing wage rates and other inflationary factors plus the various and sundry freezes in the construction program which have taken place in the Department of Defense in recent years. This combination of circumstances has made it exceedingly difficult for Congress to obtain fully realistic cost estimates on projects which were approved for funding in prior years. This fact accentuates the folly of justifying military construction programs; then failing to permit the prompt and proper obligation and expenditure of funds to support the program.

The Senate report accompanying the military construction bill discusses this matter in some detail. In order that there be no misunderstanding of the seriousness of this problem insofar as the Committees on Appropriations of the House and Senate are concerned, and to encourage the orderly implementation of the fiscal year 1969 program, the conferees have inserted language in the statement of the managers which emphasizes to those concerned in the executive branch our desire that this matter be fully explored when the military construction program for fiscal year

1970 is before the Congress. Prompt and proper implementation of the fiscal year 1969 and prior year construction programs still outstanding will go a long way toward alleviating some of the situations which have occurred in the past.

I now insert a table which shows the action taken on the bill for fiscal year 1969:

MILITARY CONSTRUCTION

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1968 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1969

Agency and item	New budget (obligational) authority, fiscal year 1968	Budget estimates of new (obligational) authority, fiscal year 1969	New budget (obligational) authority, recommended in House bill	New budget (obligational) authority, recommended in Senate bill	Conference action	Difference between conference action and— New budget (obligational) authority, fiscal year 1968	Budget estimates of new (obligational) authority, fiscal year 1969	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
Military construction, Army	$372,228,000	$688,300,000	$554,597,000	$537,605,000	$548,126,000	+$175,898,000	−$140,174,000	−$6,471,000	+$10,521,000
Military construction, Navy	486,661,000	367,000,000	289,238,000	286,374,000	291,513,000	−195,148,000	−75,487,000	+2,275,000	+5,139,000
Military construction, Air Force	400,662,000	266,000,000	221,588,000	224,361,000	222,141,000	−178,521,000	−43,859,000	+553,000	−2,220,000
Military construction, Defense agencies	114,540,000	85,400,000	83,396,000	83,396,000	83,396,000	−31,144,000	−2,004,000		
Loran stations	3,600,000					−3,600,000			
Military construction, Army Reserve	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000				
Military construction, Navy Reserve	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
Military construction, Air Force Reserve	3,900,000	4,300,000	4,300,000	4,300,000	4,300,000	+400,000			
Military construction, Army National Guard	3,000,000	2,700,000	2,700,000	2,700,000	2,700,000	−300,000			
Military construction, Air National Guard	9,500,000	8,300,000	8,300,000	8,300,000	8,300,000	−1,200,000			
Total, military construction	1,402,091,000	1,430,000,000	1,172,119,000	1,155,036,000	1,168,476,000	−233,615,000	−261,524,000	−3,643,000	+13,440,000
Family housing	671,271,000	589,700,000	586,700,000	583,700,000	583,700,000	−87,571,000	−6,000,000	−3,000,000	
Homeowners assistance fund	20,000,000	11,800,000	6,200,000	6,200,000	6,200,000	−13,800,000	−5,600,000		
Total, family housing	691,271,000	601,500,000	592,900,000	+ 589,900,000	589,900,000	−101,371,000	−11,600,000	−3,000,000	
Grand total	2,093,362,000	2,031,500,000	1,765,019,000	1,744,936,000	1,758,376,000	−334,986,000	[1] −273,124,000	−6,643,000	+13,440,000

[1] Represents expenditure reduction of approximataly $35,000,000 below the expenditues contemplated in the budget estimates if the reduction in new obligational authority are applied in normal course without other actions which might influence the rate of expenditure.

I yield at this point to the distinguished gentleman from Michigan [Mr. CEDERBERG], the ranking minority member of the conference committee.

Mr. CEDERBERG. I thank the gentleman from Florida. The minority agrees wholeheartedly with the conference report. We think it is a good report to carry on the necessary military construction for our military services.

I have no further requests for time.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield for a question?

Mr. SIKES. I am glad to yield to the distinguished gentleman from Mississippi.

Mr. MONTGOMERY. I am vitally interested in the Army National Guard armory construction program. Are there any funds in the conference report for the armory construction program? I believe the armory construction program has been stopped since 1964. Certainly it seems to me we need to get this program started again since the reorganization of the Army Guard has been completed. Could the distinguished chairman give me any information about armory construction starting again in the different States?

Mr. SIKES. May I say to my distinguished friend from Mississippi that there were no funds in disagreement on the armory construction program. Consequently, the matter was not before the conference.

I am glad to tell the gentleman that there is contained in this budget for the current fiscal year $23,300,000 for armories for Reserve Forces. This is the largest amount which has been appropriated in a number of years. At the time the House passed the bill, our report strongly insisted that the armory program be advanced, that construction progress more rapidly than it has in prior years. I share the gentleman's concern about the lack of emphasis on the construction of armories where needed, and agree with him that the subject deserves important consideration by the Department.

Mr. MONTGOMERY. I thank the gentleman for answering my question.

Mr. SIKES. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENT IN DISAGREEMENT

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 2: Page 2, line 14 strike out "$289,238,000" and insert "$286,374,000".

MOTION OFFERED BY MR. SIKES

Mr. SIKES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SIKES moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "$291,513,000".

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on matters discussed in connection with the conference report on the military construction appropriation bill and to include certain statistical tables.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON S. 827, NATIONWIDE SYSTEM OF TRAILS

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 827), to establish a nationwide system of trails, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1891)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 827) entitled "An Act to establish a nationwide system of trails, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'National Trails System Act'.

"STATEMENT OF POLICY

"SEC. 2. (a) In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas of the Nation, trails should be established (i) primarily, near the urban areas of the Nation, and (ii) secondarily, within established scenic areas more remotely located.

"(b) The purpose of this Act is to provide the means for attaining these objectives by instituting a national system of recreation and scenic trails, by designating the Appalachian Trail and the Pacific Crest Trail as the initial components of that system, and by prescribing the methods by which, and standards according to which, additional components may be added to the system.

"NATIONAL TRAILS SYSTEM

"SEC. 3. The national system of trails shall be composed of—

"(a) National recreation trails, established as provided in section 4 of this Act, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas.

"(b) National scenic trails, established as provided in section 5 of this Act, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.

"(c) Connecting or side trails, established as provided in section 6 of this Act, which will provide additional points of public access to national recreation or national scenic trails or which will provide connections between such trails.

"The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker for the national trails system.

"NATIONAL RECREATION TRAILS

"SEC. 4. (a) The Secretary of the Interior, or the Secretary of Agriculture where lands administered by him are involved, may establish and designate national recreation trails, with the consent of the Federal agency, State, or political subdivision having jurisdiction over the lands involved, upon finding that—

"(i) such trails are reasonably accessible to urban areas, and

"(ii) such trails meet the criteria established in this Act and such supplementary criteria as he may prescribe.

"(b) As provided in this section, trails within park, forest, and other recreation areas administered by the Secretary of the Interior or the Secretary of Agriculture or in other federally administered areas may be established and designated as 'National Recreation Trails' by the appropriate Secretary and, when no Federal land acquisition is involved—

"(i) trails in or reasonably accessible to urban areas may be designated as 'National Recreation Trails' by the Secretary of the Interior with the consent of the States, their political subdivisions, or other appropriate administering agencies, and, or

"(ii) trails within park, forest, and other recreation areas owned or administered by States may be designated as 'National Recreation Trails' by the Secretary of the Interior with the consent of the State.

"NATIONAL SCENIC TRAILS

"SEC. 5. (a) National scenic trails shall be authorized and designated only by Act of Congress. There are hereby established as the initial National Scenic Trails:

"(1) The Appalachian Trail, a trail of approximately two thousand miles, extending generally along the Appalachian Mountains from Mount Katahdin, Maine, to Springer Mountain, Georgia. Insofar as practicable, the right-of-way for such trail shall comprise the trail depicted on the maps identified as 'Nationwide System of Trails, Proposed Appalachian Trail, NST–AT–101–May 1967', which shall be on file and available for public inspection in the office of the Director of the National Park Service. Where practicable, such rights-of-way shall include lands protected for it under agreements in effect as of the date of enactment of this Act, to which Federal agencies and States were parties. The Appalachian Trail shall be administered primarily as a footpath by the Secretary of the Interior, in consultation with the Secretary of Agriculture.

"(2) The Pacific Crest Trail, a trail of approximately two thousand three hundred fifty miles, extending from the Mexican-California border northward generally along the mountain ranges of the west coast States to the Canadian-Washington border near Lake Ross, following the route as generally depicted on the map, identified as 'Nationwide System of Trails, Proposed Pacific Crest Trail, NST–PC–103–May 1967' which shall be on file and available for public inspection in the office of the Chief of the Forest Service. The Pacific Crest Trail shall be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior.

"(3) The Secretary of the Interior shall establish an advisory council for the Appalachian National Scenic Trial, and the Secretary of Agriculture shall establish an advisory council for the Pacific Crest National Scenic Trail. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards of the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve without compensation or expense to the Federal Government for a term of five years and shall be appointed by the appropriate Secretary as follows:

"(i) A member appointed to represent each Federal department or independent agency administering lands through which the trail route passes and each appointee shall be the person designated by the head of such department or agency;

"(ii) A member appointed to represent each State through which the trail passes and such appointments shall be made from recommendations of the Governors of such States;

"(iii) One or more members appointed to represent private organizations, including landowners and land users, that, in the opinion of the Secretary, have an established and recognized interest in the trail and such appointments shall be made from recommendations of the heads of such organizations: *Provided*, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

"(iv) The Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

"(b) The Secretary of the Interior, and the Secretary of Agriculture where lands administered by him are involved, shall make such additional studies as are herein or may hereafter be authorized by the Congress for the purpose of determining the feasibility and desirability of designating other trails as national scenic trails. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. When completed, such studies shall be the basis of appropriate proposals for additional national scenic trails which shall be submitted from time to time to the President and to the Congress. Such proposals shall be accompanied by a report, which shall be printed as a House or Senate document, showing among other things—

"(1) the proposed route of such trail (including maps and illustrations);

"(2) the areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural, or developmental, purposes;

"(3) the characteristics which, in the judgment of the appropriate Secretary, make the proposed trail worthy of designation as a national scenic trail;

"(4) the current status of land ownership and current and potential use along the designated route;

"(5) the estimated cost of acquisition of lands or interest in lands, if any;

"(6) the plans for developing and maintaining the trail and cost thereof;

"(7) the proposed Federal administering agency (which, in the case of a national scenic trail wholly or substantially within a national forest, shall be the Department of Agriculture);

"(8) the extent to which a State or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands and in the administration thereof; and

"(9) the relative uses of the lands involved, including: the number of anticipated visitor-days for the entire length of, as well as for segments of, such trail; the number of months which such trail, or segments thereof, will be open for recreation purposes; the economic and social benefits which might accrue from alternate land uses; and the estimated man-years of civilian employment and expenditures expected for the purposes of maintenance, supervision, and regulation of such trail.

"(c) The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section:

"(1) Continental Divide Trail, a three-thousand-one-hundred-mile trail extending from near the Mexican border in southwestern New Mexico northward generally along the Continental Divide to the Canadian border in Glacier National Park.

"(2) Potomac Heritage Trail, an eight-hundred-and-twenty-five-mile trail extending generally from the mouth of the Potomac River to its sources in Pennsylvania and West Virginia, including the one-hundred-and-seventy-mile Chesapeake and Ohio Canal towpath.

"(3) Old Cattle Trails of the Southwest from the vicinity of San Antonio, Texas, approximately eight hundred miles through Oklahoma via Baxter Springs and Chetopa, Kansas, to Fort Scott, Kansas, including the Chisholm Trail, from the vicinity of San Antonio or Cuero, Texas, approximately eight hundred miles north through Oklahoma to Abilene, Kansas.

"(4) Lewis and Clark Trail, from Wood River, Illinois, to the Pacific Ocean in Oregon, following both the outbound and inbound routes of the Lewis and Clark Expedition.

"(5) Natchez Trace, from Nashville, Tennessee, approximately six hundred miles to Natchez, Mississippi.

"(6) North Country Trail, from the Appalachian Trail in Vermont, approximately three thousand two hundred miles through the States of New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, to the Lewis and Clark Trail in North Dakota.

"(7) Kittanning Trail from Shirleysburg in Huntingdon County to Kittanning, Armstrong County, Pennsylvania.

"(8) Oregon Trail, from Independence, Missouri, approximately two thousand miles to near Fort Vancouver, Washington.

"(9) Santa Fe Trail, from Independence, Missouri, approximately eight hundred miles to Santa Fe, New Mexico.

"(10) Long Trail, extending two hundred and fifty-five miles from the Massachusetts border northward through Vermont to the Canadian border.

"(11) Mormon Trail, extending from Nauvoo, Illinois, to Salt Lake City, Utah, through the States of Iowa, Nebraska, and Wyoming.

"(12) Gold Rush Trails in Alaska.

"(13) Mormon Battalion Trail, extending two thousand miles from Mount Pisgah, Iowa, through Kansas, Colorado, New Mexico and Arizona to Los Angeles, California.

"(14) El Camino Real from St. Augustine to San Mateo, Florida, approximately 20 miles along the southern boundary of the St. Johns River from Fort Caroline National Memorial to the St. Augustine National Park Monument.

“CONNECTING AND SIDE TRAILS

“Sec. 6. Connecting or side trails within park, forest, and other recreation areas administered by the Secretary of the Interior or Secretary of Agriculture may be established, designated, and marked as components of a national recreation or national scenic trail. When no Federal land acquisition is involved, connecting or side trails may be located across lands administered by interstate, State, or local governmental agencies with their consent: *Provided,* That such trails provide additional points of public access to national recreation or scenic trails.

“ADMINISTRATION AND DEVELOPMENT

“Sec. 7. (a) Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for National Scenic Trails and shall publish notice thereof in the Federal Register, together with appropriate maps and descriptions: *Provided,* That in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple use plans for that specific area in order to insure continued maximum benefits from the land. The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appropriate Secretary. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

“(b) After publication of notice in the Federal Register, together with appropriate maps and descriptions, the Secretary charged with the administration of a national scenic trail may relocate segments of a national scenic trail right-of-way, with the concurrence of the head of the Federal agency having jurisdiction over the lands involved, upon a determination that: (i) such a relocation is necessary to preserve the purposes for which the trail was established, or (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles: *Provided,* That a substantial relocation of the rights-of-way for such trail shall be by Act of Congress.

“(c) National scenic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this Act shall be construed as authorizing the use of motorized vehicles within the natural and historical areas of the national park system, the national wildlife refuge system, the national wilderness preservation system where they are presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary: *Provided,* That the Secretary charged with the administration of such trail shall establish regulations which shall authorize the use of motorized vehicles when, in his judgment, such vehicles are necessary to meet emergencies or to enable adjacent landowners or landusers to have reasonable access to their lands or timber rights: *Provided further,* That private lands included in the national recreation or scenic trails by cooperative agreement of a landowner shall not preclude such owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with regulations to be established by the appropriate Secretary. The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker, including thereon an appropriate and distinctive symbol for each national recreation and scenic trail. Where the trails cross lands administered by Federal agencies such markers shall be erected at appropriate points along the trails and maintained by the Federal agency administering the trail in accordance with standards established by the appropriate Secretary and where the trails cross non-Federal lands, in accordance with written cooperative agreements, the appropriate Secretary shall provide such uniform markers to cooperating agencies and shall require such agencies to erect and maintain them in accordance with the standards established.

“(d) Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for a national recreation or scenic trail, the heads of Federal agencies may use lands for trail purposes and may acquire lands or interests in lands by written cooperative agreement, donation, purchase with donated or appropriated funds or exchange: *Provided,* That not more than twenty-five acres in any one mile may be acquired without the consent of the owner.

“(e) Where the lands included in a national scenic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local govenments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-pf-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic trail: *Provided,* That if the State or local governments fail to enter into such written cooperative agreements or to acquire such lands or interests therein within two years after notice of the selection of the right-of-way is published, the appropriate Secretary may (i) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (g) of this section. The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired: *Provided,* That if the Secretary charged with the administration of such trail permanently relocates the right-of-way and disposes of all title or interest in the land, the original owner, or his heirs or assigns, shall be offered, by notice given at the former owner's last known address, the right of first refusal at the fair market price.

“(f) The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the right-of-way and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which is located in the State wherein such property is located and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

“(g) The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands: *Provided,* That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than twenty-five acres in any one mile and when used such authority shall be limited to the most direct or practicable connecting trail right-of-way: *Provided further,* That condemnation is prohibited with respect to all acquisition of lands or interests in lands for the purposes of the Pacific Crest Trail. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to appropriations from other sources, be available to Federal departments for the acquisition of lands or interests in lands for the purposes of this Act.

“(h) The Secretary charged with the administration of a national recreation or scenic trail shall provide for the development and maintenance of such trails within federally administered areas and shall cooperate with and encourage the States to operate, develop, and maintain portions of such trails which are located outside the boundaries of federally administered areas. When deemed to be in the public interest, such Secretary may enter written cooperative agreements with the States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of a national scenic trail either within or outside a federally administered area.

“Whenever the Secretary of the Interior makes any conveyance of land under any of the public land laws, he may reserve a right-of-way for trails to the extent he deems necessary to carry out the purposes of this Act.

“(i) The appropriate Secretary, with the concurrence of the heads of any other Federal agencies administering lands through which a national recreation or scenic trail passes, and after consultation with the States, local governments, and organizations concerned, may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system. In order to maintain good conduct on and along the trails located within federally administered areas and to provide for the proper government and protection of such trails, the Secretary of the Interior and the Secretary of Agriculture shall prescribe and publish such uniform regulations as they deem necessary and any person who violates such regulations shall be guilty of a misdemeanor, and may be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

“STATE AND METROPOLITAN AREA TRAILS

“Sec. 8. (a) The Secretary of the Interior is directed to encourage States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financial assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act, needs and opportunities for establishing park, forest, and other recreation trails on lands owned or administered by States, and recreation trails on lands in or near urban areas. He is further directed, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), to encourage States, political subdivisions, and private interests, including nonprofit organizations, to establish such trails.

"(b) The Secretary of Housing and Urban Development is directed, in administering the program of comprehensive urban planning and assistance under section 701 of the Housing Act of 1954, to encourage the planning of recreation trails in connection with the recreation and transportation planning for metropolitan and other urban areas. He is further directed, in administering the urban open-space program under title VII of the Housing Act of 1961, to encourage such recreation trails.

"(c) The Secretary of Agriculture is directed, in accordance with authority vested in him, to encourage States and local agencies and private interests to establish such trails.

"(d) Such trails may be designated and suitably marked as parts of the nationwide system of trails by the States, their political subdivisions, or other appropriate administering agencies with the approval of the Secretary of the Interior.

"RIGHTS-OF-WAY AND OTHER PROPERTIES

"Sec. 9. (a) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or along any component of the national trails system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions contained in such easements and rights-of-way shall be related to the policy and purposes of this Act.

"(b) The Department of Defense, the Department of Transportation, the Interstate Commerce Commission, the Federal Communications Commission, the Federal Power Commission, and other Federal agencies having jurisdiction or control over or information concerning the use, abandonment, or disposition of roadways, utility rights-of-way, or other properties which may be suitable for the purpose of improving or expanding the national trails system shall cooperate with the Secretary of the Interior and the Secretary of Agriculture in order to assure, to the extent practicable, that any such properties having values suitable for trail purposes may be made available for such use.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 10. There are hereby authorized to be appropriated for the acquisition of lands or interests in lands not more than $5,000,000 for the Appalachian National Scenic Trail and not more than $500,000 for the Pacific Crest National Scenic Trail."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill.

Wayne N. Aspinall,
Roy A. Taylor,
Harold T. Johnson,
John P. Saylor,
Joe Skubitz,
Managers on the Part of the House.

Henry M. Jackson,
Frank E. Moss,
Gaylord Nelson,
Len B. Jordan,
Clifford B. Hansen,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 827, to establish a nationwide system of trails, and for other purposes, submit this statement in explanation of the effect of the language recommended and adopted in the accompanying conference report.

The committee of conference adopted the form of the House language. The differences between the language of the House amendment and the language agreed to in conference are explained herein along with other matters involved in the legislation which warrant comment or require clarification.

The House amendment emphasized the establishment and development of recreation trails in or near urban areas where the demand for recreation opportunities is the greatest. The Senate version of the bill provided for park, forest and other recreation trails which would help meet these same recreation needs. In adopting the basic language of the House, the conference committee reaffirms the importance attributed to the development of these trails near our cities; however, it does not preclude the designation of other suitable recreation trails as national recreation trails if they are somewhat more remotely located.

Another important objective of the two bills was to encourage the establishment and development of national scenic trails. Although the House amendment provided for the immediate authorization of the Appalachian Trail as the initial national scenic trail, the Senate version of the bill called for the Pacific Crest Trail, the Potomac Heritage Trail, and the northern sector of the Continental Divide Trail to be designated as national scenic trails, as well. The conference committee adopted language authorizing the immediate establishment of the Appalachian National Scenic Trail, to be administered by the Secretary of the Interior, and the Pacific Crest National Scenic Trail, to be administered by the Secretary of Agriculture.

Other trails are to be studied for possible future authorization by Congress as national scenic trails. The conference committee adopted the House amendment which requires prior authorization for the comprehensive studies to be undertaken and authorized the study of the fourteen trails listed in the recommended bill. Under the Senate version of the bill, the nature of the studies to be undertaken was not outlined in detail and the studies were not required to be submitted to the Congress, as was the case in the House amendment which the conference committee adopted.

The House amendment provided that land acquisition for the purposes of national scenic trails should be limited to no more than 25 acres in any one mile and, where the use of condemnation would be required, it provided that only such title as would be reasonably necessary to provide passage across the disputed lands would be authorized. The intent of that language was to limit the use of condemnation to those cases where no reasonable or suitable alternate location of the trail, as determined by the Secretary, would be adequate to maintain the continuity of the trail. Comparable provisions of the Senate version of the bill provided that 50 acres of land per mile could be acquired; however, fee acquisition, without the owner's consent, was limited to no more than 25 acres per mile. In addition, the Senate language would have prohibited the use of condemnation where 60 percent of the lands within a trail area is publicly owned. In resolving these differences, the conference committee adopted the House language with an amendment prohibiting, absolutely, the use of condemnation insofar as the acquisition of lands for the Pacific Crest Trail is concerned, because approximately four-fifths of the land in that area is already publicly owned.

Both the House and Senate versions of the bill prohibited the use of motorized vehicles by the general public on national scenic trails; however, they both attempted to deal with the problems arising from other needs along the trails. Rather than limiting such use of the scenic trails to "reasonable crossings," as provided by the Senate language, the conference committee adopted the House amendment which authorizes the appropriate Secretaries to promulgate reasonable regulations to govern the use of motorized vehicles on or across the national scenic trails under specified conditions. Horseback riding is not prohibited on the scenic trails, as a general rule; and the language stating that the Appalachian Trail is to be administered "primarily as a footpath" is not to be construed as prohibiting horseback riding on the segments of that trail where it is presently an accepted and customary recreation use. Unlike the scenic trails, the recreation trails may be established and developed for particular recreation uses. Under the language recommended by the conference committee, appropriate areas might be developed as bicycle trails, jogging trails, "tote goat" trails, bridle paths, or strolling paths or some reasonable combination of such uses. The aim of recreation trails is to satisfy a variety of recreation interests primarily at locations readily accessible to the population centers of the Nation.

The House amendment included a provision authorizing the Secretaries to grant easements and rights-of-way upon, over, under, across, or along any component of the national trails system in accordance with the laws applicable to national park and forest lands. Such easements or rights-of-way were required to be related to the policy and purposes of this legislation and not based upon existing regulations relating to power transmission line rights-of-way. The Senate version of the bill was silent on this matter, but the conference committee adopted an amended version of the House language which requires that any conditions placed upon applicants for an easement or right-of-way with respect to a component of the national trails system must be related to the purposes of this act.

The Senate version of the bill authorized an appropriation of $10,000,000 for land acquisition for the first 5 years for the four national scenic trails which it would have established. Comparatively, the House amendment authorized $5,000,000 for land acquisition for the Appalachian Trail. In light of the amendments adopted by the conference committee, the recommended provision authorizes a total of $5,500,000 for land acquisition for the Appalachian and Pacific Crest Trails.

Development plans have not been determined in full. While both the House and Senate Committees on Interior and Insular Affairs recognize that the Appropriations Committees exercise careful surveillance over these matters, it was the general understanding of the conferees that the Secretaries should prepare comprehensive master plans of the proposed development program for the scenic trails under their jurisdiction and present such plans to the two committees prior to their request for appropriations. It was with this understanding that the conferees deleted the language of the House amendment limiting the appropriations authorized for development purposes.

Wayne N. Aspinall,
Roy A. Taylor,
Harold T. Johnson,
John P. Saylor,
Joe Skubitz,
Managers on the Part of the House.

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER. The gentleman from Colorado [Mr. Aspinall] is recognized for 1 hour.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members

may extend their remarks in the Record on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I am pleased to report that the conference report which is now before the House has the unanimous approval of all of the members of the conference committee.

For the most part, the conferees adopted the language of the bill approved by the House. Some changes were made, however, and I would like to explain them briefly.

First, we adopted language which provides for the immediate designation of the Appalachian Trail and the Pacific Crest Trail as national scenic trails. While the House had authorized the establishment of the Appalachian National Scenic Trail, it did not extend that authority to the three additional trails which were included in the Senate version of the bill. In adding the Pacific Crest Trail, however, the conferees adopted additional language which prohibits the acquisition of lands for that trail by condemnation since so much of the area through which it passes is already federally owned.

Both bills had provided for the acquisition of rights-of-way for the authorized trails; however, the more limited language of the House version of the bill was adopted by the conferees. As adopted by the conference committee, the trail width is explicitly limited to 25 acres in any 1 mile. This language is intended to avoid any misinterpretation by the administering agencies which would allow them to average out extensive acquisitions over a stretch of the trail in excess of 1 mile.

In view of these agreements, the modification of the amount of appropriations authorized was minimized. The language adopted retains the authority to appropriate million for land acquisition along the Appalachian Trail, which conforms with the House provision. An additional $500,000 is authorized for acquiring lands or interests in lands from willing sellers along the Pacific Crest Trail.

Mr. Speaker, the Senate language provided that 11 trails, among others, were authorized to be studied for future inclusion in the national trails system. The House version of the bill specifically limited the authority to conduct studies to 14 trails. After agreeing to a restriction on the number of trails authorized for study, the conference committee adopted some reasonable revisions with respect to the 14 trails to be studied.

Another change, which the conference committee adopted and which conforms with the approach approved by the House, provides that each segment of the national scenic trails is to be developed and managed in such a way as to conform to multiple-use plans so as to assure the maximum benefits from the land.

Finally, Mr. Speaker, the conference committee adopted a provision contained in the Senate version of the bill which will permit the Secretary of the Interior to reserve trail rights-of-way in conveyances under the public land laws.

Mr. Speaker, I believe that the conference report on S. 827 represents a reasonable compromise between the different bills approved by the two bodies. I urge the Members of the House to adopt the conference report.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Saylor] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SAYLOR. Mr. Speaker, I rise in support of the conference report on S. 827, a bill to establish a nationwide system of trails, and for other purposes.

The bill recommended by the conference committee institutes a national system of trails, prescribes the initial components of the system, and the methods and standards by which additional trails may be included in the system.

The national system of trails will be composed of three classes of trails; namely, first, national recreation trails which shall be in or reasonably accessible to the urban areas of the Nation; second, national scenic trails, which will be established in parks, forests, and other recreation areas; and third, connecting or side trails which will provide points of access to national recreation or scenic trails.

The bill as recommended by the conference committee establishes the Appalachian Trail and the Pacific Crest Trail as the initial components of the national scenic trails system.

The bill prescribes the methods and standards by which additional trails may be included in the system and provides for the study of 14 trails as potential additions. These studies are to be made in cooperation with the Federal agencies administering the lands and the interested State and local governments, public and private organizations, landowners and land users concerned.

The bill further provides that the administration and development of the national trails system shall be in accordance with the established multiple use plans and minimize the adverse effects upon the adjacent landowners and users. This provision to conform the administration and development of the trails to establish multiple-use plans is one of the changes adopted by the conference committee.

The conference committee also authorized the additional appropriation of $500,000 for the inclusion of the Pacific Crest Trail as an initial component of the national trails system. This sum is in addition to the $5,000,000 authorized to be appropriated for the acquisition of lands and interests in lands for the national trails system.

The conference committee adopted the House language with regard to the acquisition of rights-of-way which limits such acquisition to 25 acres in any one mile as the trail width. The adoption of this language should avoid problems in the development of trail widths throughout the Nation.

A provision in the bill as passed by the other body was adopted by the conference committee providing for the reservation of rights-of-way in conveyances under the public land laws. I have alluded to this change adopted by the conference committee in my earlier colloquy with the chairman of the committee, the gentleman from Colorado [Mr. Aspinall].

Mr. Speaker, I was unable to attend the deliberations of the conference committee for personal reasons. I think the work of the conferees in reporting out this bill is highly commendable. As I stated prior to the passage of this legislation in this body, the establishment of a national trails system could very well become the most popular conservation measure ever passed by the Congress of the United States. I am proud to have participated in bringing this legislation before you for approval.

Mr. Speaker, I urge the adoption of the conference report.

Mr. ASPINALL. I yield now to the gentleman from Pennsylvania so he may ask a question.

Mr. SAYLOR. Mr. Speaker, for the purpose of clarification, I would like to ask the chairman one question with respect to section 9(a) of the conference report which relates to the granting of rights-of-way by the Secretary of the Interior or the Secretary of Agriculture across components of the national trails system. I regret that I was not able to attend the meetings of the conference committee.

The conference committee adopted the House language in section 9(a) which states that any conditions contained in easements and rights-of-way shall be only conditions which are related to the policy and purposes of this act but deleted the reference to the regulations issued in 1963 relating to the granting of rights-of-way for power transmission lines. These are the regulations which provide that non-Federal builders of new powerlines crossing public lands must agree to share their transmission facilities with the Federal Government as a condition for rights-of-way, and provide, in addition, that application for right-of-way will not be approved by the Government if building of the transmission line is determined to be in conflict with the Federal power marketing program, whatever that means.

As the chairman knows, the adoption of these regulations in 1963 was a matter of great controversy and the regulations have remained a matter of controversy since that time. When this legislation to establish a nationwide system of trails was before the committee, we sought to avoid controversy by putting in the provision that any conditions contained in easements and rights-of-way across components of the trails system would be related only to the Trails System Act and would not be based upon the regulations I have referred to. It is my understanding that the reference to the 1963 regulations was deleted as surplusage and unnecessary, and I would like to have the chairman confirm this for the record.

Mr. ASPINALL. Mr. Speaker, the gentleman is correct. The language retained in the conference report provides that any conditions contained in easements and rights-of-way granted upon, over, under, across, or along, any component of the national trails system shall be related to the policy and purpose of the

National Trails System Act. The statement of the managers on the part of the House says that "any conditions placed upon applicants for an easement or right-of-way with respect to a component of the national trails system must be related to the purposes of this act." In other words, it did not seem to the conference committee necessary to include in the conference version of the legislation a corollary to that statement—that is, that such easements and rights-of-way shall not be based upon existing regulations which might call for the inclusion of conditions not related to the trails system itself. This fact seemed obvious and the language was stricken as surplusage.

Mr. GRIFFIN. Mr. Speaker, I support the conference report on S. 827, an act to establish a nationwide system of trails. This legislation will go far in creating interest in the history of our great Nation and, I hope, will awaken many to an appreciation of America's glory and majesty.

Inasmuch as a significant portion of the Natchez Trace is in Mississippi, I am pleased that this historic trail will be the subject of a feasibility study to determine whether it will be designated a national scenic trail.

The Natchez Trace was established probably as early as the 13th or 14th century by Indian hunters and couriers. Beginning at Nashville, Tenn., and ending at Natchez, Miss., the trace has been a prominent part of American history and lore. The Natchez Trace not only mirrors the history of the region and the opening of what was then the southwestern portion of the United States, but it reflects the spirit of an age. Along its paths, Americans and immigrants, filled with hope, marched into the pages of history; ordinary human beings united in an extraordinary purpose; common people dedicated to an uncommon destiny.

It was here, on October 11, 1809, that Meriwether Lewis, the hero of the Lewis and Clark Expedition into the great Northwest, met his tragic end, a suicide. Furthermore, it was down the trace that Andrew Jackson led a ragged, half-starved band of Americans and Indians to defeat the British at the Battle of New Orleans in 1815. These are but two of the hundreds of colorful pages of American history written on the Natchez Trace.

Certainly, Mr. Speaker, the Natchez Trace meets all the requirements of a national scenic trail and I would hope that all Members have an early opportunity to visit this area.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17023, APPROPRIATIONS FOR INDEPENDENT OFFICES AND HOUSING AND URBAN DEVELOPMENT, 1969

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on the bill (H.R. 17023), making appropriations for the independent offices and housing and urban development, 1969.

The **SPEAKER.** Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PROVIDING ADDITIONAL LEAVE OF ABSENCE FOR FEDERAL EMPLOYEES

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13844) to amend title 5, United States Code, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

The **SPEAKER.** The Clerk will report the first Senate amendment.

The Clerk read as follows:

> Senate amendment No. 1: Page 2, strike out lines 1 to 23, inclusive, and insert:
>
> "§ 6326. Absence in connection with funerals of immediate relatives in the Armed Forces
>
> "(a) An employee of an executive agency or an individual employed by the government of the District of Columbia is entitled to not more than three days of leave without loss of, or reduction in, pay, leave to which he is otherwise entitled, credit for time or service, or performance or efficiency rating, to make arrangements for, or attend the funeral of, or memorial service for, an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone (as determined by the President in accordance with section 112 of the Internal Revenue Code).
>
> "(b) The Civil Service Commission is authorized to issue regulations for the administration of this section.".

AMENDMENT OFFERED BY MR. DULSKI TO SENATE AMENDMENT NO. 1

Mr. DULSKI. Mr. Speaker, I offer an amendment to the Senate amendment No. 1.

The Clerk read as follows:

> Amendment offered by Mr. DULSKI to Senate amendment No. 1: Strike out the quotation marks and the period at the end of such amendment and add subsection (c) to section 6326, to read as follows:
>
> "(c) This section shall not be considered as affecting the authority of an Executive agency, except to the extent and under the conditions covered under this section, to grant administrative leave excusing an employee from work when it is in the public interest.".

The amendment to Senate amendment No. 1 was agreed to.

Senate amendment No. 1, as amended, was concurred in.

The **SPEAKER.** The Clerk will report the next Senate amendment.

The Clerk read as follows:

> Senate amendment No. 2: Page 3, in the first and second lines of the language following line 3, strike out "who died while on duty with" and insert "in".
>
> Senate amendment No. 3: Page 3, line 18, after "332," insert "333,".
>
> Senate amendment No. 4: Page 4, line 17, after "332," insert "333,".
>
> Senate amendment No. 5: Page 5, line 24, after "employee" insert "or individual".
>
> Senate amendment No. 6: Page 6, line 3, after "employee" insert "or individual".

Mr. DULSKI (during the reading). Mr. Speaker, I ask unanimous consent that the House concur in Senate amendments No. 2 through No. 6 and concur in the amendment to the title.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments No. 2 through No. 6 were concurred in.

The title was amended so as to read: "An act to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone; and to provide additional leave for Federal employees called to duty as members of the National Guard or Armed Forces Reserves."

A motion to reconsider was laid on the table.

PROJECTED CUTS IN ALLIANCE FOR PROGRESS FUNDS

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, at Punta del Este in Uruguay in 1961 the countries of this hemisphere banded themselves together to achieve total development, social, institutional, and cultural, as well as economic.

Today we hear there are cuts projected in the pending appropriations measure for the foreign assistance program amounting to almost 60 percent of the original request of $625 million for the Alliance for Progress.

This is very serious. The concepts and the programs envisaged under the Alliance for Progress constitute the very basis of our relations as well as our policy with our Latin American neighbors.

A new era has been entered into in these Americas. We have encouraged our neighbors to new expectations, to new horizons, and they are moving forward to meet these objectives which will meet the human and the institutional needs for a developing hemisphere.

We cannot and we must not falter in this encouragement. To do so would be to renege on our friends to the south in building for the future. To present our neighbors with cuts of the size reported in the press, would be to undermine their faith in this country. Such action would reinforce the impression that this Congress has singled out Latin America for insensitive, even hostile treatment.

I consider the proposed cut of 60 percent in our contribution to the Alliance for Progress to be extremely shortsighted. Instead of being able to move forward to consolidate the gains achieved during the past 7 years—and especially the gains during the past 4 years—our efforts to promote dynamic democratic systems in the hemisphere will have been frustrated.

Surely a more constructive approach should be made by the House.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. DULSKI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 340]

Annunzio
Ashbrook
Ashley
Ashmore
Bell
Blackburn
Boland
Bolton
Bow
Brown, Calif.
Brown, Mich.
Burton, Utah
Clausen, Don H.
Clawson, Del
Conte
Conyers
Corman
Dawson
Derwinski
Donohue
Esch
Fallon
Fisher
Fuqua
Gallagher
Gardner
Gettys
Griffiths
Gurney
Hansen, Idaho
Hansen, Wash.
Hébert
Helstoski
Hosmer
Karsten
King, Calif.
Kupferman
Leggett
Lloyd
Lukens
McClure
Meskill
Miller, Calif.
Moorhead
Morse, Mass.
Morton
Nedzi
O'Konski
Olsen
Philbin
Pollock
Rarick
Rees
Reifel
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Sandman
Schweiker
Sisk
Smith, Okla.
Springer
Stephens
Teague, Tex.
Tuck
Tunney
Ullman
Vanik
Watts
Whalen
Wright

The SPEAKER. On this rollcall 358 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 15890, ADDITIONAL GS-16, GS-17, AND GS-18 POSITIONS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1253 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1253

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15890) to amend title 5, United States Code, to provide for additional positions in certain executive agencies, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the text of the bill H.R. 16558 as amended by the Committee on Post Office and Civil Service (House Report Numbered 1573) as an amendment to the bill H.R. 15890. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 15890 it shall be in order in the House to take from the Speaker's table the bill S. 3672 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 15890 as passed by the House.

The SPEAKER. The gentleman from Indiana [Mr. MADDEN] is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1253 provides an open rule with 1 hour of general debate for consideration of H.R. 15890 to amend title 5, United States Code, to provide for additional positions in certain executive agencies, and for other purposes. The resolution also makes it in order to consider without the intervention of a point of order the text of H.R. 16558, as amended, as an amendment to H.R. 15890. After passage of H.R. 15890 it shall be in order to take S. 3672 from the Speaker's table, move to strike out all after the enacting clause of the Senate bill, and amend it with the House-passed language.

The waiver of points of order was granted because a revolving fund authority is provided by H.R. 16558, which would not be germane to H.R. 15890.

H.R. 15890 proposes to provide for the establishment of certain management, administrative, scientific, and research and development positions in the three highest Federal career service salary grades which are needed for the successful and efficient conduct of new and/or expanded programs and functions authorized by the Congress and other essential Government activities.

The legislation authorizes 365 additional positions in grades GS-16, GS-17, and GS-18 of the general schedule for allocation among departments and agencies in the executive branch in accordance with procedures established and administered by the U.S. Civil Service Commission to carry out the congressional policy laid down in Public Law 87-367;

Provides seven additional top grade positions for the Library of Congress;

Increases by 26 the number of positions in grades GS-16, GS-17, and GS-18 in the General Accounting Office;

Increases by 30 the number of positions in grades GS-16, GS-17, and GS-18 for the Federal Bureau of Investigation in the Department of Justice; and

Removes the quota restriction on the number of engineering and scientific positions in the National Security Agency, Department of Defense.

Mr. Speaker, I urge the adoption of House Resolution 1253 in order that H.R. 15890 may be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Missouri.

Mr. HALL. I am well aware of the fact, Mr. Speaker, that the distinguished gentleman complied with the new criterion of the Committee on Rules or the new practice of the Committee on Rules to explain the waiver of points of order in House Resolution 1253, beginning on page 1, line 12, and continuing on page 2. But, I do not believe we have available—nor do I know—what the waiver of points of order in the text of the bill, H.R. 16558, House Report 1573, has to do with this, or whether or not it is available.

Mr. MADDEN. I will say to the gentleman from Missouri that the waiver of points of order is of general necessity in this substitution of bills. It involves the revolving fund which is implicated in all these various departments pertaining to the several job classifications for the various departments.

Mr. HALL. I appreciate that. I understand what the gentleman is saying.

Is it the intent of the committee which is going to handle the bill made in order by this rule to substitute H.R. 16558 for the bill which is being made in order, and specifically what is it in that bill that requires the waiver of points of order?

Mr. MADDEN. I do not know what the intent of the committee is. I shall be glad to yield to the gentleman from North Carolina for an explanation.

Mr. HENDERSON. It is the intent of the committee, after consideration of the bill made in order by the rule, to amend that bill to provide for the revolving fund which was included in the Senate-passed bill. Then, when we go back in the House, we would have the proper motion to substitute the language of the House-passed bill for that of the Senate-passed bill.

Mr. HALL. I understand that, but that is taken care of on page 2, lines 10 to 14, and certainly does not necessitate a waiver of points of order and the taking away of individual congressional privilege.

What part does H.R. 16558, as amended by the Committee on Post Office and Civil Service, have to play, and why are points of order necessary to be waived, as set forth on line 1 of page 2? I believe this is a very legitimate question.

Mr. HENDERSON. If the gentleman will yield further, the amendment to the supergrade bill in this body, in putting in the revolving fund provisions that were adopted by the other body, would not be germane. This was pointed out to the Rules Committee when we went before them, and our specific request for waiver of points of order was to permit us to operate as I previously explained, so that that language which would not be germane could be considered in the way we planned to handle it on the floor today.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I thank the gentleman for that statement. Have we already passed H.R. 16558 and sent it to the other body?

Mr. HENDERSON. Mr. Speaker, if the gentleman will yield, we have not passed that bill in the House. The other body passed it and sent it back to us as a part of the supergrade bill that was passed by the other body.

Mr. HALL. The other body passed a House bill and sent it back as a part of S. 3672?

Mr. HENDERSON. The other body, in handling the supergrade bill, added to it the revolving fund provisions of the House bill, H.R. 16558, which has not passed the House.

Mr. HALL. So the rule, then, makes in order, with a waiver of points of order affecting H.R. 16558, a bill which has not yet passed the House and is not going to be before us for consideration today, under the rule for consideration of H.R. 15890?

Mr. HENDERSON. The gentleman is correct except, as I explained earlier, it is the intention of the committee to offer that as an amendment to the bill in the proceedings today. That is the reason for the request for the waiver of points of order.

Mr. HALL. Mr. Speaker, I simply want to say thanks to both of the gentlemen who have tried to explain this very unusual situation. Obviously it is some kind of—I do not want to use the word "hanky-panky," but it is at very best an unusual arrangement. Let us be as kind as we can. It is an arrangement in order to get a preposterous situation before the House, and I think out of hand, this means that the rule should be voted down.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. GROSS. The proposed addition to this bill is totally ungermane, is it not? It is totally ungermane to the supergrade bill?

Mr. HENDERSON. If the gentleman from Indiana will yield, it will be nongermane with regard to the revolving fund. At the time we asked for the waiver of points of order and the rule that would provide for that we did not understand that there was any opposition to the procedure or to that revolving fund bill.

Mr. GROSS. Will the gentleman from Indiana yield further to me?

Mr. MADDEN. I yield.

Mr. GROSS. As the gentleman well knows, last April I appeared before the Committee on Rules in opposition to this supergrades bill. So far as I know, not one word was said—and I was present during the entire time the hearing was in session—about the addition of another bill, an ungermane bill, to this bill at that time. Certainly I was not notified that this sort of rule would be brought out. I would like to have had the opportunity to have spoken at that time, during the consideration of a rule that made an ungermane bill subject to consideration as a part of this bill.

The House can perform a service in behalf of the entire country by defeating the rule and thus refuse to consider this bill.

Mr. MADDEN. Mr. Speaker, I now yield to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, before I explain the bill, I would like to make the statement that I am opposed to the bill and opposed to the rule and intend to attempt to vote down the rule. One of the reasons for that is the colloquy that was just held here. My recollection and my notes do not show any request was made before the Committee on Rules to waive points of order so far as H.R. 16558 was concerned. In studying the matter after I saw the rule here today I came to the conclusion that it was made in order because the Senate in passing this particular supergrades bill contained that language therein. So I think somebody decided that if this waiver were made herein, then if the bill is passed and the request is made to substitute the Senate bill, and then having that language therein, we have to have it in our bill in order to make the statement that the two bills are identical. In my opinion, I think that is wrong, and it is another reason why this rule should be voted down.

H.R. 16558, to the best of my knowledge—and I have not read it but from what I know of it—has no objection to it. It is an official recommendation of the Civil Service Commission. I do not think there is any controversy about it. It has been reported by the committee on June 20, and is now on our Union Calendar. I think the House should have an opportunity to consider that bill and not waive points of order on this bill so that we could include it in the bill before us without having any discussion about it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. The distinguished gentleman from California was present at the hearing before the Committee on Rules last April when the pending bill was before that committee, as he always is present at the sessions of that committee. I am sure he will corroborate the fact that not one word was said at that time about a waiver of points of order so that this rule and procedure would include the addition of a completely ungermane provision.

Mr. SMITH of California. I have no recollection in my notes taken on April 24, 1968, with reference to that matter. The request was for a 2-hour open rule for the consideration of this bill H.R. 15890.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Indiana.

Mr. MADDEN. I think the best evidence as to whether or not it was referred to by the Rules Committee when the hearings were held is the fact that the chairman of the subcommittee stated that he did request authority for the waiver of points of order.

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am happy to yield to the gentleman from New York.

Mr. DULSKI. On July 2 I wrote to the Honorable WILLIAM M. COLMER, chairman of the Committee on Rules, House of Representatives, as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND
CIVIL SERVICE,
Washington, D.C., July 2, 1968.

Hon. WILLIAM M. COLMER,
Chairman, Committee on Rules,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: You will recall that during the April 24, 1968, hearings of the Committee on Rules on our request for a Rule on H.R. 15890 (Union Calendar No. 495) opposition testimony referred, in part, to the fact that no action had been taken or was in prospect in the other body on similar legislation.

The Senate on June 25, 1968, passed S. 3672, including, among other provisions, authorization for a total of 392 additional positions in grades GS–16, –17, and –18—the so-called "supergrades." A comparison of positions to be authorized by H.R. 15890 and S. 3672 is enclosed, along with copies of the bills and accompanying reports.

However, S. 3672 also contains provisions for the use by the U.S. Civil Service Commission of its Revolving Fund (now available only for financing of investigations conducted on a reimbursable basis) for the financing of training and other functions which the Commission is authorized or required to perform for other agencies on a reimbursable basis. The Revolving Fund provisions of S. 3672 are identical in purpose to the provisions of H.R. 16558, reported by the Committee on Post Office and Civil Service June 20, 1968 (House Report No. 1573; Union Calendar No. 627).

In view of the action by the other body, and of the need for the authorities provided by both H.R. 15890 and H.R. 16558, it is requested that a Rule be granted for House consideration of H.R. 15890 under a procedure permitting (1) an amendment, without intervening point of order, to add at the end of H.R. 15890 the Revolving Fund authority provided by H.R. 16558, and (2) the substitution of the provisions of H.R. 15890, as so amended, for the text of S. 3672. The waiver of a point of order is requested only because the provisions of H.R. 16558 are not germane to H.R. 15890.

Representative David N. Henderson, who presented our original request, and I will be glad to appear again in support of a Rule should this be desired by the Committee on Rules.

Sincerely yours,
THADDEUS J. DULSKI, *Chairman.*

Mr. SMITH of California. This is the first time that I have heard of that. I do not question the gentleman's letter at all. We heard the bill on April 24, 1968, and on our final day of hearings, July 9, we granted an open rule providing for 1 hour of debate. I have heard that request. This was in July, and at the time of the hearing no request to my knowledge was made for a waiver of point of order.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. The report shows that the bill to which the waiver is directed was not reported out of the House Post Office and Civil Service Committee until June 20 and the hearing on the supergrades bill was on April 24.

Mr. SMITH of California. I thank the gentleman from Iowa for his contribution.

Now, Mr. Speaker, House Resolution 1253 provides for an open rule with 1 hour of general debate. The bill authorizes additional U.S. supergrades and a waiver of points of order. The bill which we have just mentioned, this bill would if adopted authorize 365 additional positions in these grades for allocation to the various agencies and departments. It also provides specifically for the following increases:

Seven additional top grade positions for the Library of Congress.

An increase of 26 in number in each of the GS–16, GS–17, and GS–18 positions in the General Accounting Office.

An increase of 30 in the three grades for the FBI. This represents a total increase of 428 positions.

Mr. Speaker, the report indicates that the need for the additional supergrades, as the creation of new executive departments and agencies in the past 4 years. Many high-level jobs have been created in the past 2 years, including those in the Department of Transportation, the medicare program of HEW, and the model cities program. In the last 2 years Congress has created 177 additional supergrade positions.

The cost of the bill is estimated at $1.4 million annually. Section 3 of the bill calls for each agency receiving or promoting personnel under the bill to absorb the additional cost in its budget.

The administration supports the bill.

Now, eight Members have filed minority views opposing enactment of this legislation. They believe it is simply wrong to be creating new high-paid positions when it seems likely Congress and the administration will be cutting back expenditures. They believe the positions are unnecessary and they say they believe it will cost the taxpayers possibly $10 million annually. They note that of the 428 positions created by the bill, at least 100 will be held in a pool, as they are not even allocated to any agency at this time.

They also oppose the authority granted by the bill to the Secretary of Defense to create an unlimited number of supergrades for research and development functions in the National Security Agency. Currently the ceiling is 90; no increase was requested—the ceiling is just removed.

Now, Mr. Speaker, as I mentioned, I am opposed to the rule and I am opposed to the bill, and I want to tell my personal reasons for whatever worth they may be.

At the present time, under the condition that we are in financially, I am just unable to see why we should create additional supergrades with the extra expense at this time.

Some weeks ago a bill was passed on a surtax, a 10-percent surtax, and combined with that bill was a $6 billion spending cut. Now, they apparently are having difficulty trying to find out where that $6 billion cut is going to take place. Only last week I recall reading in the paper that the Government has entered into certain contracts in connection with the Commodity Credit Corporation, as well as the medicaid program. The contracts we will have to fulfill, and it will probably cost us $1 billion, so that means that the cut will have to be $7 billion, if we are going to make a $6 billion cut overall.

Included in H.R. 15890 are 30 positions in the three grades for the Federal Bureau of Investigation—that is my alma mater—I know that they would like to have those 30 additional grades, and the 30 employees would like to have that additional salary, but I do not believe at this time that they should have them any more than anybody else. They are going to have to take it along with the rest of us if we are going to cut $6 billion. And there is not one of those 30 men who is going to come to me and say "Mr. Smith, you should have given me that extra money," because they will carry out their jobs just as expertly as before.

They will not complain about my opposition to this bill, as soon as our financial condition is improved, we can then consider providing these additional positions. But certainly not at this time.

I believe the bill should not be brought to the floor. The Members should not be put in the position of having to vote for a bill of this sort when they have asked for a cut of $6 billion. It is wrong to ask the Members to now turn around and approve these supergrades.

We have exempted the Post Office employees, and a couple of other agencies from the $6 billion cut, and we may have to come along now and exempt these other two from the $6 billion cut. Maybe the amount in this bill is not tremendous, but every little bit helps in attempting to realize a $6 billion spending cut.

So as I say, as far as I am concerned, we should not have to be asked to vote for a 10-percent surtax on the taxpayers, combined with a $6 billion cut, and then turn around and be asked to vote for a bill such as this involving such additional moneys, and then be expected to go home and try to explain that to our constituents. I do not believe the Members should have to be put in that position.

I believe the best thing to do is to defeat the rule, and I therefore urge defeat of the rule.

Mr. CORBETT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. CORBETT. I would like to point out in connection with the remarks the gentleman has just made, with which I am in entire agreement, that our bill to cut $6 billion out of the budget also contained a provision to reduce Federal personnel by 250,000. Here this unbelievable proposal is being made to increase the number of supergrades when we ought to be considering reducing them.

I do not see either how anyone who in any way supported the economy measures can agree with this proposition that increases the number of supergrades, and which will result in a chain reaction of other promotions following along with it.

I believe the best thing we could do here today would be to defeat this rule and I am particularly appealing to those who are economy minded because to vote for this bill, or to vote for this rule, is to vote absolutely the opposite from how they voted on the economy bill.

So I would like to join with the gentleman in saying that the best thing that can happen here today is to defeat this rule. If by some chance the rule is adopted, then to defeat the bill.

Mr. SMITH of California. Mr. Speaker, I urge the defeat of this particular resolution—House Resolution 1253—and reserve the balance of my time.

The SPEAKER pro tempore (Mr. YATES). The gentleman has consumed 13 minutes.

Mr. MADDEN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I am somewhat surprised at some of the statements that have been made here regarding the nonnecessity of these supergrade job requests in this bill. All of a sudden there seems to be a great wave of opposition to giving the Government an opportunity to carry on some of the expanded programs and some of the highly necessary projects that this Congress and the last Congress enacted.

In this bill they are only asking for a little over 300 supergrade jobs in order to place into operation programs that we did not have a year ago or 2 years ago or even 3 years ago.

Here you have the Department of Transportation. That is a new department. How are you going to run that Department if these supergrade jobs for this Department are not supervised by men of ability and experience?

By trying to defeat this legislation, you are merely going around to the backdoor to make these programs ineffective in carrying on the expanded activities that many of the Members of this House voted for and established.

The Department of Transportation is a new Government department. But in addition, medicare was expanded. The Department of Health, Education, and Welfare was expanded.

Additional activities have been expanded on programs like the model cities programs.

Then there is our economic and population growth to be taken into consideration. We have a gross national product of over $850 billion. That is going to require more Government work and more supergrades for the Treasury Department in order to see that the taxes are paid as a result of this great prosperity that we are enjoying today.

Then there is the Child Nutrition Act and the Education and Professions Development Act, all new programs. There also are the Commerce Department activities.

They have expanded the activities on the foreign investment program.

You cannot go out and employ somebody out of high school to run activities similar to those which I have mentioned. The Department of the Interior, including the Bureau of Indian Affairs, has been expanded. How are they going to get the employees in the high-level-bracket jobs to run those Departments?

We have the Agency on Water Pollution. We cannot get high school people to come in and run that department. High-grade and experienced men and women are needed to run those departments.

The national parks have been expanded. The Justice Department, due to increased activities in law enforcement, has been expanded. Where are we going to get the people to conduct those departments properly unless legislation like that proposed is passed?

Other departments, such as the Bureau of Customs, the Internal Revenue Department, and the Veterans' Administration, for example, need high-grade, high-bracket employees. Certainly the veterans department, with the Vietnam war and the international problems we have, need high-bracket employees.

I am amazed at the statements that are being made about saving money and not providing these high-bracket jobs when either today or at least tomorrow, a conference report will come to the floor of the House to give corporation farms about $3.5 billion guaranteed annual income. I am anxious to see some of the people who will vote against these necessary requirements to run our Government but will probably gladly vote to give about $3.5 billion to corporation farms out in the Far West, South, and the Middle West.

The other day we passed a bill providing for a $20,000 limitation in payments to all smaller farmers and exclude the large corporate farm projects. I am anxious to see some of the votes on this rule and some of the votes which will be cast to pay large annual, six-figure sums to large corporate farms.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from California.

Mr. SMITH of California. I appreciated the tremendous efforts which the gentleman made in opposition to the farm bill. He convinced me, and I voted against it. Did the gentleman vote against the extension?

Mr. MADDEN. I congratulate the gentleman. I voted for the $20,000 limitation. I hope the conference committee follows the House position. Ninety percent of the American people want the annual $20,000 limitation.

Mr. CORBETT. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Pennsylvania.

Mr. CORBETT. I just want to say to the gentleman that we expect to make out a very good case as to why these positions are not necessary if the bill comes to debate.

Mr. MADDEN. If the gentleman will permit an interruption, I certainly hope to hear that case, but I have heard that you would oppose even the granting of a rule so that we could debate the measure. Is the gentleman in favor of the rule? Are you in favor of the rule so that we can debate the bill? Will you please answer my question?

Mr. CORBETT. Yes, I will, and I will quote Mr. Shakespeare by way of an answer. The best way to kill a snake is while it is still in its shell.

Mr. MADDEN. Then the gentleman is opposed to debating it and having these problems explained so the Members can listen to the arguments.

Mr. CORBETT. I am against the rule for the reason I just stated.

Mr. MADDEN. Then you are opposed to having the bill debated by the Members of the House on both sides so that they can determine whether it is necessary or not to authorize these jobs?

Mr. CORBETT. In the interest——

Mr. MADDEN. Yes, or no, to that question?

Mr. CORBETT. I am interested not only in saving money but I am interested in saving the time——

Mr. MADDEN. You have not answered my question.

Mr. CORBETT. The answer is "Yes."

Mr. MADDEN. Are you opposed to having the members of the Post Office and Civil Service Committee debate this bill so that the other Members will know whether the jobs are necessary? Are you opposed to that?

Mr. CORBETT. Yes, I am, because I do not think that we are going to be able to get the Members present to listen to the debate.

Mr. MADDEN. I will help the gentleman call quorums so we can have the Members here.

Mr. CORBETT. I would like further to tell the gentleman that he can count my vote against the agricultural bill right now. I think it is preposterous.

Mr. MADDEN. I agree with you 100 percent. And about eight out of 10 smaller farmers, according to the mail I am getting, agree with you and me on how preposterous that agricultural bill is in expending billions of dollars to the large ranch and cotton farmers.

Mr. CORBETT. May I ask just one question: On the agricultural bill, did you not vote against even letting the bill out of the Rules Committee?

Mr. MADDEN. I voted for the $20,000 limitation.

Mr. CORBETT. So did I, but the question is, the gentleman questioned me about my objecting to this rule, but did the gentleman or did he not vote against even bringing the agricultural bill to the floor?

Mr. MADDEN. I surely did, because I saw what a gigantic bonanza it is for the rich farmer, when it was in the Rules Committee, but I voted to limit it to $20,000, the annual payment to any one-farm operation.

Mr. CORBETT. I could not vote against this bill in the Rules Committee, because I am not there, but the reasons the gentleman has for voting against the agricultural bill are identical with mine on this rule here. I appreciate the gentleman's point of view. I hope he votes against the rule.

Mr. GROSS. Mr. Speaker, there are a number of basic reasons why the rule making in order the bill, H.R. 15890, providing more than 428 additional supergrade positions in the Federal Government, should not be approved. Most of these reasons are outlined in detail in the minority report accompanying the bill which was signed by eight members of the Committee on Post Office and Civil Service.

The most compelling reason, however, calling for the rejection of this bill is the fact that only about 8 weeks ago the Congress and the President approved legislation requiring the Federal Government to reduce expenditures by $6 billion, to cut 250,000 employees from the Federal payroll, and imposing a 10-percent income tax increase on our citizens.

I ask, can we now, in good conscience, enact legislation creating more than 428 supergrade jobs paying salaries from $22,835 to $28,000 annually whose appointees will supervise less employees and preside over curtailed Federal programs and activities?

It is ludicrous for the administration to threaten to curtail postal services to the American people and at the same time urge the Congress to spend $10 million annually in salaries for over 428 plush jobs to be made available for political or personal patronage.

Mr. Speaker, commonsense dictates Congress must not become a party to the rank inconsistency of approving this legislation.

Can the Members of this body explain to the people that a portion of their increased income taxes will be used to pay the salaries of more than 428 unnecessary supergrade positions?

The lobbying activities of the administration's staff to bring this bill to the floor of the House are quite apparent. The uncertainty on the part of the administration with respect to its alleged needs for additional supergrade positions may be shown by the legislative history of this bill.

In June and July 1967, the original bill requested by the administration was the subject of brief hearings by the Subcommittee on Manpower and Civil Service. That bill, H.R. 10376, provided for an increase of 245 supergrade jobs in the "general quota pool" under the jurisdiction of the Civil Service Commission.

During these hearings, Chairman Macy, of the Civil Service Commission, in response to a question by a committee member, stated:

> As far as I am concerned, the 245 that we are proposing to you at the present time represent the Commission's best judgment as to the number that are needed for the foreseeable future. I am not anticipating that we would come back up again next year unless something happened that would drastically alter the situation.

Now, less than a year later, the needs of the Civil Service Commission general quota pool apparently have somehow mysteriously increased from 245 to 365 supergrade positions and no justification has been given the Congress for such increase.

Furthermore, Mr. Speaker, I assert that these supergrade jobs are unnecessary at this time, not only because of the evidence contained in the minority report, but because of recent offers of compromise which have been made wherein it was suggested that not more than 100 supergrade positions would be filled this year. Why, then, are we forced to consider the creation of more than 428 additional supergrades?

As I stated earlier, during consideration of this legislation the executive branch did not establish a present need for the supergrade positions proposed for creation under H.R. 15890.

For example, the legislation includes 100 supergrade positions for the "general pool" administered by the Civil Service Commission for undetermined future use.

The bill also includes 20 additional supergrade positions for the District of Columbia which now has more supergrade positions than the following 13 agencies: Civil Aeronautics Board, Civil Service Commission, Commission on Civil Rights, Executive Office of the President, Export-Import Bank, Federal Deposit Insurance Corporation, Federal Communications Commission, Federal Power Commission, Federal Trade Commission, National Security Council, Office of Economic Opportunity, Securities and Exchange Commission, and the Small Business Administration.

There were no hearings on these 20 additional supergrade positions for the District of Columbia and not a single witness appeared before our committee to justify such an increase.

The minority report points out there are now 9,320 supergrade positions—or their equivalents—throughout the Federal Government which we believe are adequate for present needs. Under proper management and administrative controls, there are now available more than a sufficient number of supergrade positions to fill the reasonable requirements of each executive department and agency. If the Congress adds more supergrade positions as provided in H.R. 15890, it will serve to compound further existing inequities as between departments and agencies. The enactment of this legislation will create more problems in the supergrade area than it will solve.

Many of us who have studied this problem over the years believe that before legislation of this nature is enacted, there must be a complete review and reevaluation of the entire supergrade structure in the Government. Supergrade positions are now authorized by more than one-half dozen statutes. The confusion, overlapping, and duplication caused by this situation defies proper congressional control. It makes a mockery of the so-called quota supergrade allocation procedure established by Congress which is administered by the Civil Service Commission. For example, out of the total of 9,320 supergrade positions in existence, Congress now establishes numerical ceilings affecting only about one-third of such positions. There are no limitations on the remainder.

Although the Civil Service Commission is unable to furnish accurate information, based upon the best estimates available, it is reasonable to conclude that there has been a total increase of over 4,000 supergrade positions—or their equivalents—since 1961. This excessive 80-percent increase in supergrades in the past 7 years is unwarranted, and certainly a further increase by Congress this year is inexcusable.

As an afterthought, the committee included a provision in the bill which suggests that the executive branch may absorb the cost of the legislation to the extent possible. This is a meaningless provision which is all the more innocuous when considered in the light of past experience. It is not mandatory and there is no evidence that the executive branch intends to pay the slightest attention to it. And the qualifying statements in the majority report explaining this provision prove this contention.

The low-cost estimate of this bill cited in the majority views apparently assumes that by promoting Federal employees to supergrade positions, vacancies thereby created will not be filled. Nothing could be further from reality.

A single promotion to a supergrade position usually creates a chain reaction of at least a dozen promotions or new appointments in the lower grades, each of which requires additional Federal expenditures. Any other view assumes that the Congress is completely naive.

An examination of the majority report leads me to the conclusion that not a single supergrade position requested by the Civil Service Commission in this legislation will be used in connection with the war effort in Vietnam.

None will be used in our efforts to stem the tide of inflation; none will be used to secure greater economies in Government operations; and none has been proven to be for any essential purpose.

I shall not impose on the Members' time to review other persuasive reasons for rejecting this legislation contained in the minority report on H.R. 15890, but I do earnestly recommend that the Members read our minority report.

Mr. Speaker, it is my view that if the Congress is really serious about cutting unnecessary Government expenditures, rejecting this bill is a good way to demonstrate such determination.

It is an exercise in futility for us to curtail unnecessary Federal activities and functions and, at the same time, create vast numbers of supergrade jobs to preside over such curtailed activities and functions. As a matter of fact, if this legislation is approved it will mean the Congress is encouraging the executive branch to engage in certain functions and activities which are not vital or essential at this time.

Mr. Speaker, this legislation which establishes over 428 supergrade positions with resultant annual expenditures of over $10 million is inconsistent with recent pledges to curtail Government expenditures.

This bill is inconsistent with the announced fiscal policy of the President, who has asked the American people for austerity in the national economy.

It is inconsistent with the suggested solutions to our financial crisis offered by the Chairman of the Federal Reserve Board when he recommended severe cuts in Federal expenditures.

Under present conditions, we cannot afford the luxury of the needless expenditures required by this legislation.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the resolution.

The question was taken; and on a division (demanded by Mr. HENDERSON) there were—ayes 21, noes 73.

Mr. UDALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 135, nays 221, not voting 75, as follows:

[Roll No. 341]

YEAS—135

Adams
Addabbo
Albert
Anderson, Tenn.
Aspinall
Bingham
Blanton
Blatnik
Boggs
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burleson
Burton, Calif.
Byrne, Pa.
Cabell
Carey
Celler
Clark
Cohelan
Colmer
Daddario
Daniels
Davis, Ga.
de la Garza
Dent
Dingell
Dorn
Dow
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Everett
Farbstein
Fascell
Feighan
Flood
Ford, William D.
Fountain
Fraser
Friedel
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gonzalez
Green, Oreg.
Green, Pa.
Griffin
Hamilton
Hathaway
Hawkins
Hechler, W. Va.
Henderson
Herlong
Howard
Irwin
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Kelly
Kirwan
Kluczynski
Kornegay
Kyros
Long, Md.
McCarthy
McFall
Macdonald, Mass.
Machen
Madden
Mahon
Matsunaga
Meeds
Minish
Moore
Morgan
Morris, N. Mex.
Moss
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara, Mich.
O'Neill, Mass.
Patman
Patten
Perkins
Podell
Price, Ill.
Reuss
Rhodes, Pa.
Roberts
Rodino
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Scheuer
Sikes
Smith, Iowa
Springer
Staggers
Steed
Stubblefield
Sullivan
Tenzer
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vigorito
Waldie
Walker
White
Willis
Wilson, Charles H.
Wolff
Yates
Young
Zablocki

NAYS—221

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ayres
Baring
Bates
Battin
Belcher
Bennett
Berry
Betts
Bevill
Biester
Bolton
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Bush
Button
Byrnes, Wis.
Cahill
Carter
Casey
Cederberg
Chamberlain
Clausen, Don H.
Cleveland
Collier
Collins
Conable
Corbett
Cowger
Culver
Cunningham
Curtis
Davis, Wis.
Delaney
Dellenback
Denney
Devine
Dickinson
Dole
Dowdy
Downing
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fallon
Findley
Fino
Flynt
Foley
Ford, Gerald R.
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gathings
Goodling
Gray
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halleck
Halpern
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Hardy
Harrison
Harsha
Harvey
Hays
Heckler, Mass.
Hicks
Horton
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Joelson
Johnson, Pa.
Jonas
Jones, Mo.
Jones, N.C.
Keith
King, N.Y.
Kleppe
Kyl
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McMillan
MacGregor
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
May
Mayne
Michel
Miller, Ohio
Mills
Minshall
Mize
Montgomery
Mosher
Murphy, Ill.
Myers
Nelsen
Nichols
O'Neal, Ga.
Ottinger
Passman
Pelly
Pettis
Pickle
Pike
Pirnie
Poage
Poff

Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reinecke
Riegle
Robison
Rogers, Fla.
Roth
Rumsfeld
Ruppe
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Selden
Shipley
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tuck
Tunney
Utt
Vander Jagt
Waggonner
Wampler
Watkins
Watson
Whalen
Whalley
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Winn
Wyatt
Wydler
Wylie
Wyman
Zion
Zwach

NOT VOTING—75

Annunzio
Ashbrook
Ashley
Ashmore
Barrett
Bell
Blackburn
Boland
Bow
Brown, Calif.
Burton, Utah
Clancy
Clawson, Del
Conte
Conyers
Corman
Cramer
Dawson
Derwinski
Diggs
Donohue
Evins, Tenn.
Fisher
Fuqua
Gardner
Gettys
Griffiths
Gurney
Hansen, Idaho
Hébert
Helstoski
Holifield
Hosmer
Karsten
King, Calif.
Kupferman
Kuykendall
Leggett
Lloyd
Long, La.
Lukens
McClure
Meskill
Miller, Calif.
Mink
Monagan
Moorhead
Morse, Mass.
Morton
O'Hara, Ill.
O'Konski
Olsen
Pepper
Philbin
Pollock
Rarick
Rees
Reifel
Resnick
Rhodes, Ariz.
Rivers
Rogers, Colo.
Rooney, Pa.
Roudebush
Sandman
Schweiker
Sisk
Slack
Smith, Okla.
Stephens
Ullman
Vanik
Watts
Wilson, Bob
Wright

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Hébert against.

Mr. Philbin for, with Mr. Gettys against.

Mr. Donohue for, with Mr. Fisher against.

Mr. Boland for, with Mr. Long of Louisiana against.

Mr. Ashley for, with Mr. Ashmore against.

Mr. Barrett for, with Mr. Rhodes of Arizona against.

Mr. Brown of California for, with Mr. Cramer against.

Mr. Monagan for, with Mr. Clancy against.

Mr. Miller of California for, with Mr. Conte against.

Mr. O'Hara of Illinois for, with Mr. Bob Wilson against.

Mrs. Mink for, with Mr. Smith of Oklahoma against.

Mr. Conyers for, with Mr. Kupferman against.

Mr. Dawson for, with Mr. Morse of Massachusetts against.

Mr. Diggs for, with Mr. Schweiker against.

Mrs. Griffiths for, with Mr. Del Clawson against.

Mr. Helstoski for, with Mr. Burton of Utah against.

Mr. Holifield for, with Mr. Bow against.

Mr. Sisk for, with Mr. Reifel against.

Mr. Rogers of Colorado for, with Mr. Morton against.

Mr. Pepper for, with Mr. Meskill against.

Mr. Moorhead for, with Mr. Kuykendall against.

Mr. Rooney of Pennsylvania for, with Mr. Hosmer against.

Mr. Resnick for, with Mr. Blackburn against.

Mr. Karsten for, with Mr. Ashbrook against.

Mr. King of California for, with Mr. Derwinski against.

Mr. Vanik for, with Mr. Sandman against.

Mr. Rees for, with Mr. Lukens against.

Mr. Corman for, with Mr. McClure against.

Mr. Leggett for, with Mr. Pollock against.

Until further notice:

Mr. Evins of Tennessee with Mr. Bell.

Mr. Fuqua with Mr. Gardner.

Mr. Ullman with Mr. Hansen of Idaho.

Mr. Wright with Mr. Lloyd.

Mr. Rivers with Mr. Gurney.

Mr. Slack with Mr. O'Konski.

Mr. Watts with Mr. Roudebush.

Mr. Rarick with Mr. Stephens.

Messrs. PUCINSKI, HAGAN, HUNGATE, CAHILL, KEITH, GROVER, RUMSFELD, STRATTON, and GRAY changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 945, THE FEDERAL MAGISTRATES ACT

Mr. **DELANEY**. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1261 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1261

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 945) to abolish the office of United States commissioner, to establish in place thereof within the judicial branch of the Government the office of United States magistrate, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill, and read by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The **SPEAKER** pro tempore (Mr. ALBERT). The gentleman from New York is recognized for 1 hour.

Mr. **DELANEY**. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ANDERSON], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1261 provides an open rule with 1 hour of general debate for consideration of S. 945, the Federal Magistrates Act. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment, and to be read under the 5-minute rule by titles instead of by sections.

The purpose of S. 945 is to abolish the office of U.S. Commissioner and to establish a system of U.S. magistrates. The bill is aimed at upgrading our system of judicial officers below the level of the district court. It increases standards of qualifications, enlarges the scope of their responsibilities, and insures them terms in office for a fixed period of time.

Magistrates would be required to be attorneys unless it is impossible to find a qualified attorney to fill a particular position, and minimum qualifications are established in order to insure judicial independence and disinterest. They would receive compensation in the form of fixed salaries rather than individual fees. A full-time magistrate could receive a maximum salary of $22,500; his term would be for 8 years.

One of the major features would give them trial jurisdiction so as to include offenses with a maximum penalty of 1 year in prison. They would have supervision of pretrial or discovery proceedings, which would relieve the overcrowded dockets of the district court. Also, proceedings before the magistrates would be duly reported by a court reporter.

The bill is intended both to update and make more effective a system that has not been altered basically for over a century, and to cull from the ever-growing workload of the U.S. district courts matters that are more desirably performed by a lower tier of judicial officers.

Mr. Speaker, I urge the adoption of House Resolution 1261 in order that S. 945 may be considered.

Mr. **ANDERSON** of Illinois. Mr. Speaker, I should like to believe, or I should like to hope that perhaps the action which the House took in acting just a few minutes ago on the bill to create additional supergrades might have created a precedent for the further action here on the floor this afternoon. I think that with respect to the bill which we will have before us, the so-called Federal Magistrates Act, the House would be acting prudently and wisely if we would vote down the rule on this bill as well.

The legislation has as its ostensible purpose accomplishing the eminently desirable objective of reforming the so-called first echelon of our Federal courts by abolishing the Office of the U.S. Commissioner and by doing away with the anachronistic fee system that presently obtains to compensate our U.S. commissioners and to replace them with what is literally going to be a whole new tier of inferior Federal courts.

I listened very carefully to the testimony on this bill when it was presented to the Rules Committee a number of weeks ago, and I was particularly impressed at that time with the very cogent arguments that were made by the distinguished Member from New Jersey [Mr. CAHILL]. He pointed out very succinctly to our committee the grave constitutional questions that are raised by this particular bill. I shall not address myself to that problem this afternoon, because, in a few minutes, I think the gentleman himself can point out—far more ably than I, having sat on the legislative committee—just how serious these constitutional objections are. In agencies: Civil Aeronautics Board, Civil Service Commission, Commission on Civil Rights, Executive Office of the President, Export-Import Bank, Federal Deposit Insurance Corporation, Federal Communications Commission, Federal Power Commission, Federal Trade Commission, National Security Council, Office of Economic Opportunity, Securities and Exchange Commission, and the Small Business Administration.

There were no hearings on these 20 additional supergrade positions for the District of Columbia and not a single witness appeared before our committee to justify such an increase.

The minority report points out there are now 9,320 supergrade positions—or their equivalents—throughout the Federal Government which we believe are adequate for present needs. Under proper management and administrative controls, there are now available more than a sufficient number of supergrade positions to fill the reasonable requirements of each executive department and agency. If the Congress adds more supergrade positions as provided in H.R. 15890, it will serve to compound further existing inequities as between departments and agencies. The enactment of this legislation will create more problems in the supergrade area than it will solve.

Many of us who have studied this problem over the years believe that before legislation of this nature is enacted, there must be a complete review and reevaluation of the entire supergrade structure in the Government. Supergrade positions are now authorized by more than one-half dozen statutes. The confusion, overlapping, and duplication caused by this situation defies proper congressional control. It makes a mockery of the so-called quota supergrade allocation procedure established by Congress which is administered by the Civil Service Commission. For example, out of the total of 9,320 supergrade positions in existence, Congress now establishes numerical ceilings affecting only about one-third of such positions. There are no limitations on the remainder.

Although the Civil Service Commission is unable to furnish accurate information, based upon the best estimates available, it is reasonable to conclude that there has been a total increase of over 4,000 supergrade positions—or their equivalents—since 1961. This excessive 80-percent increase in supergrades in the past 7 years is unwarranted, and certainly a further increase by Congress this year is inexcusable.

As an afterthought, the committee included a provision in the bill which suggests that the executive branch may absorb the cost of the legislation to the extent possible. This is a meaningless provision which is all the more innocuous when considered in the light of past experience. It is not mandatory and there is no evidence that the executive branch intends to pay the slightest attention to it. And the qualifying statements in the majority report explaining this provision prove this contention.

The low-cost estimate of this bill cited in the majority views apparently assumes that by promoting Federal employees to supergrade positions, vacancies thereby created will not be filled. Nothing could be further from reality.

A single promotion to a supergrade position usually creates a chain reaction of at least a dozen promotions or new appointments in the lower grades, each of which requires additional Federal expenditures. Any other view assumes that the Congress is completely naive.

An examination of the majority report leads me to the conclusion that not a single supergrade position requested by the Civil Service Commission in this legislation will be used in connection with the war effort in Vietnam.

None will be used in our efforts to stem the tide of inflation; none will be used to secure greater economies in Government operations; and none has been proven to be for any essential purpose.

I shall not impose on the Members' time to review other persuasive reasons for rejecting this legislation contained in the minority report on H.R. 15890, but I do earnestly recommend that the Members read our minority report.

Mr. Speaker, it is my view that if the Congress is really serious about cutting unnecessary Government expenditures, rejecting this bill is a good way to demonstrate such determination.

It is an exercise in futility for us to curtail unnecessary Federal activities and functions and, at the same time, create vast numbers of supergrade jobs to preside over such curtailed activities and functions. As a matter of fact, if this legislation is approved it will mean the Congress is encouraging the executive branch to engage in certain functions and activities which are not vital or essential at this time.

Mr. Speaker, this legislation which establishes over 428 supergrade positions with resultant annual expenditures of over $10 million is inconsistent with recent pledges to curtail Government expenditures.

This bill is inconsistent with the announced fiscal policy of the President, who has asked the American people for austerity in the national economy.

It is inconsistent with the suggested solutions to our financial crisis offered by the Chairman of the Federal Reserve Board when he recommended severe cuts in Federal expenditures.

Under present conditions, we cannot afford the luxury of the needless expenditures required by this legislation.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the resolution.

The question was taken; and on a division (demanded by Mr. HENDERSON) there were—ayes 21, noes 73.

Mr. UDALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 135, nays 221, not voting 75, as follows:

[Roll No. 341]

YEAS—135

Adams
Addabbo
Albert
Anderson, Tenn.
Aspinall
Bingham
Blanton
Blatnik
Boggs
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burleson
Burton, Calif.
Byrne, Pa.
Cabell
Carey
Celler
Clark
Cohelan
Colmer
Daddario
Daniels
Davis, Ga.
de la Garza
Dent
Dingell
Dorn
Dow
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Everett
Farbstein
Fascell
Feighan
Flood
Ford, William D.
Fountain
Fraser
Friedel
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gonzalez
Green, Oreg.
Green, Pa.
Griffin
Hamilton
Hathaway
Hawkins
Hechler, W. Va.
Henderson
Herlong
Howard
Irwin
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Kee
Kelly
Kirwan
Kluczynski
Kornegay
Kyros
Long, Md.
McCarthy
McFall
Macdonald, Mass.
Machen
Madden
Mahon
Matsunaga
Meeds
Minish
Moore
Morgan
Morris, N. Mex.
Moss
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Hara, Mich.
O'Neill, Mass.
Patman
Patten
Perkins
Podell
Price, Ill.
Reuss
Rhodes, Pa.
Roberts
Rodino
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Scheuer
Sikes
Smith, Iowa
Springer
Staggers
Steed
Stubblefield
Sullivan
Tenzer
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vigorito
Waldie
Walker
White
Willis
Wilson, Charles H.
Wolff
Yates
Young
Zablocki

NAYS—221

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ayres
Baring
Bates
Battin
Belcher
Bennett
Berry
Betts
Bevill
Biester
Bolton
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Bush
Button
Byrnes, Wis.
Cahill
Carter
Casey
Cederberg
Chamberlain
Clausen, Don H.
Cleveland
Collier
Collins
Conable
Corbett
Cowger
Culver
Cunningham
Curtis
Davis, Wis.
Delaney
Dellenback
Denney
Devine
Dickinson
Dole
Dowdy
Downing
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Evans, Colo.
Fallon
Findley
Fino
Flynt
Foley
Ford, Gerald R.
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gathings
Goodling
Gray
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halleck
Halpern
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Hardy
Harrison
Harsha
Harvey
Hays
Heckler, Mass.
Hicks
Horton
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Joelson
Johnson, Pa.
Jonas
Jones, Mo.
Jones, N.C.
Keith
King, N.Y.
Kleppe
Kyl
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McMillan
MacGregor
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
May
Mayne
Michel
Miller, Ohio
Mills
Minshall
Mize
Montgomery
Mosher
Murphy, Ill.
Myers
Nelsen
Nichols
O'Neal, Ga.
Ottinger
Passman
Pelly
Pettis
Pickle
Pike
Pirnie
Poage
Poff

Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reinecke
Riegle
Robison
Rogers, Fla.
Roth
Rumsfeld
Ruppe
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli

Schwengel
Scott
Selden
Shipley
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.

Tuck
Tunney
Utt
Vander Jagt
Waggonner
Wampler
Watkins
Watson
Whalen
Whalley
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Winn
Wyatt
Wydler
Wylie
Wyman
Zion
Zwach

NOT VOTING—75

Annunzio
Ashbrook
Ashley
Ashmore
Barrett
Bell
Blackburn
Boland
Bow
Brown, Calif.
Burton, Utah
Clancy
Clawson, Del
Conte
Conyers
Corman
Cramer
Dawson
Derwinski
Diggs
Donohue
Evins, Tenn.
Fisher
Fuqua
Gardner

Gettys
Griffiths
Gurney
Hansen, Idaho
Hébert
Helstoski
Holifield
Hosmer
Karsten
King, Calif.
Kupferman
Kuykendall
Leggett
Lloyd
Long, La.
Lukens
McClure
Meskill
Miller, Calif.
Mink
Monagan
Moorhead
Morse, Mass.
Morton
O'Hara, Ill.

O'Konski
Olsen
Pepper
Philbin
Pollock
Rarick
Rees
Reifel
Resnick
Rhodes, Ariz.
Rivers
Rogers, Colo.
Rooney, Pa.
Roudebush
Sandman
Schweiker
Sisk
Slack
Smith, Okla.
Stephens
Ullman
Vanik
Watts
Wilson, Bob
Wright

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Hébert against.

Mr. Philbin for, with Mr. Gettys against.

Mr. Donohue for, with Mr. Fisher against.

Mr. Boland for, with Mr. Long of Louisiana against.

Mr. Ashley for, with Mr. Ashmore against.

Mr. Barrett for, with Mr. Rhodes of Arizona against.

Mr. Brown of California for, with Mr. Cramer against.

Mr. Monagan for, with Mr. Clancy against.

Mr. Miller of California for, with Mr. Conte against.

Mr. O'Hara of Illinois for, with Mr. Bob Wilson against.

Mrs. Mink for, with Mr. Smith of Oklahoma against.

Mr. Conyers for, with Mr. Kupferman against.

Mr. Dawson for, with Mr. Morse of Massachusetts against.

Mr. Diggs for, with Mr. Schweiker against.

Mrs. Griffiths for, with Mr. Del Clawson against.

Mr. Helstoski for, with Mr. Burton of Utah against.

Mr. Holifield for, with Mr. Bow against.

Mr. Sisk for, with Mr. Reifel against.

Mr. Rogers of Colorado for, with Mr. Morton against.

Mr. Pepper for, with Mr. Meskill against.

Mr. Moorhead for, with Mr. Kuykendall against.

Mr. Rooney of Pennsylvania for, with Mr. Hosmer against.

Mr. Resnick for, with Mr. Blackburn against.

Mr. Karsten for, with Mr. Ashbrook against.

Mr. King of California for, with Mr. Derwinski against.

Mr. Vanik for, with Mr. Sandman against.

Mr. Rees for, with Mr. Lukens against.

Mr. Corman for, with Mr. McClure against.

Mr. Leggett for, with Mr. Pollock against.

Until further notice:

Mr. Evins of Tennessee with Mr. Bell.

Mr. Fuqua with Mr. Gardner.

Mr. Ullman with Mr. Hansen of Idaho.

Mr. Wright with Mr. Lloyd.

Mr. Rivers with Mr. Gurney.

Mr. Slack with Mr. O'Konski.

Mr. Watts with Mr. Roudebush.

Mr. Rarick with Mr. Stephens.

Messrs. PUCINSKI, HAGAN, HUNGATE, CAHILL, KEITH, GROVER, RUMSFELD, STRATTON, and GRAY changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 945, THE FEDERAL MAGISTRATES ACT

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1261 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1261

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 945) to abolish the office of United States commissioner, to establish in place thereof within the judicial branch of the Government the office of United States magistrate, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill, and read by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ALBERT). The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ANDERSON], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1261 provides an open rule with 1 hour of general debate for consideration of S. 945, the Federal Magistrates Act. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment, and to be read under the 5-minute rule by titles instead of by sections.

The purpose of S. 945 is to abolish the office of U.S. Commissioner and to establish a system of U.S. magistrates. The bill is aimed at upgrading our system of judicial officers below the level of the district court. It increases standards of qualifications, enlarges the scope of their responsibilities, and insures them terms in office for a fixed period of time.

Magistrates would be required to be attorneys unless it is impossible to find a qualified attorney to fill a particular position, and minimum qualifications are established in order to insure judicial independence and disinterest. They would receive compensation in the form of fixed salaries rather than individual fees. A full-time magistrate could receive a maximum salary of $22,500; his term would be for 8 years.

One of the major features would give them trial jurisdiction so as to include offenses with a maximum penalty of 1 year in prison. They would have supervision of pretrial or discovery proceedings, which would relieve the overcrowded dockets of the district court. Also, proceedings before the magistrates would be duly reported by a court reporter.

The bill is intended both to update and make more effective a system that has not been altered basically for over a century, and to cull from the ever-growing workload of the U.S. district courts matters that are more desirably performed by a lower tier of judicial officers.

Mr. Speaker, I urge the adoption of House Resolution 1261 in order that S. 945 may be considered.

Mr. ANDERSON of Illinois. Mr. Speaker, I should like to believe, or I should like to hope that perhaps the action which the House took in acting just a few minutes ago on the bill to create additional supergrades might have created a precedent for the further action here on the floor this afternoon. I think that with respect to the bill which we will have before us, the so-called Federal Magistrates Act, the House would be acting prudently and wisely if we would vote down the rule on this bill as well.

The legislation has as its ostensible purpose accomplishing the eminently desirable objective of reforming the so-called first echelon of our Federal courts by abolishing the Office of the U.S. Commissioner and by doing away with the anachronistic fee system that presently obtains to compensate our U.S. commissioners and to replace them with what is literally going to be a whole new tier of inferior Federal courts.

I listened very carefully to the testimony on this bill when it was presented to the Rules Committee a number of weeks ago, and I was particularly impressed at that time with the very cogent arguments that were made by the distinguished Member from New Jersey [Mr. CAHILL]. He pointed out very succinctly to our committee the grave constitutional questions that are raised by this particular bill. I shall not address myself to that problem this afternoon, because, in a few minutes, I think the gentleman himself can point out—far more ably than I, having sat on the legislative committee—just how serious these constitutional objections are. In the mood of economy that rightfully, I think, has taken hold not only of the Members of Congress, but also the country, I think we ought to be concerned about the cost implications of this bill.

It is to that question I would very briefly address myself this afternoon. We are going to create a whole new system of magistrates to replace the commissioners. Does anyone know from reading this bill how many magistrates there will be? I challenge anybody, from reading this legislation, to tell me what the limit is on the number of full-time magistrates, or on the number of part-time magistrates, or on the number of deputy magistrates there would be created under this legislation.

You will not find any limitation, because uncontrolled discretion is left to the Federal judiciary—to the judiciary—to decide how many magistrates, full time or part time, we are going to have.

In addition to the office itself, this legislation provides for all the perquisites of office, which are to go with being a magistrate—for the office space, equipment, secretarial and clerical assistance, and so on. That is all going to have to be provided if these people are going to carry out the function assigned to them.

What are the maximum annual salaries which are to be created under this legislation? Full-time magistrates are going to have a maximum annual salary of $22,500. The part-time magistrates—who, if I read the bill correctly, can practice law, can go about any other business they want to in the remainder of their time—are going to be compensated rather handsomely with the sum of $11,000 a year. And, again, this is without any limitation in the basic legislation as to their number.

Of course, there is also some objection, I believe, to the fact that the bill does not define their jurisdiction. These people would have power to sentence someone up to a year in Federal prison, to fine someone up to $1,000, and would have undefined civil jurisdiction as well.

Again, without going into the constitutional question, which I am sure the gentleman from New Jersey [Mr. CAHILL] will point out to the Members of the House, I want to very quickly point out that there is no satisfactory evidence presented in the report which accompanies this bill as to what the cost of establishing and operating this system is going to be. The only thing we have is a letter to the chairman [Mr. CELLER], from the Bureau of the Budget. The Bureau purported to get its information from the Administrative Office of the Courts. In this letter it is stated it will cost $6.5 million to operate the system during the first year, estimating the number at 50 full-time, 150 part-time, and 200 deputy magistrates.

But one thing I want to point out is particularly important. It is that there was no presurvey or investigation which was made in arriving at that figure of $6.5 million. These figures were prepared by staff members on the basis of what a division chief called sheer speculation. Nobody knows. Nobody knows what the ultimate or even the first-year cost of this legislation is going to be.

Mr. CAHILL. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from New Jersey.

Mr. CAHILL. I want to confirm what the gentleman is saying and to indicate to the House that we tried, through the administrative director, to find out whether they had not a least solicited the opinions of the district courts judges throughout the country as to how many of these magistrates they felt were necessary in their particular districts. We also asked whether or not they had suggested a maximum number who would be appointed.

I was appalled to find that they had not done so. I just cannot understand how this House can consider a bill which is so incomplete in its investigation as to the cost.

Mr. ANDERSON of Illinois. I thank the gentleman for his contribution. I share completely the feeling of shock he has expressed that no greater effort was made to try to ascertain what would be the ultimate cost of this legislation.

Let me, before I conclude, say that nobody quarrels with the idea of reforming the present system of U.S. Commissioners, and nobody quarrels with the idea that we ought to reform the anachronism of the fee system.

I used the phrase "legislative overkill" the other day in talking about another bill we had, which, fortunately, was defeated on the floor, and I believe the very same term could be used to describe this bill.

There is not any reason to go as far as the committee has gone in reforming that system and in creating the kind of unknown quantity that is represented in this bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Perhaps it is contemplated that, in addition to the $22,500 magistrates would be paid under the terms of this bill, they could get moonlighting jobs paying $15,000 for nine lectures.

Of course, they cannot estimate their additional income because they would not know how many lectures they would be invited to deliver to seminars of 17 students.

Mr. ANDERSON of Illinois. I would hope that the people selected for these patronage jobs—because it does put the Federal judiciary clearly in the realm of passing out patronage jobs—would be so eminent that anybody would want to pay them $15,000 to lecture to a group of law students. But clearly, coming to the close of this session, as we are, and cognizant, as we are, of the absolute necessity for economy over in the Federal judiciary and in all other branches of the Government, this is a passing poor time to enact legislation of this kind. I would hope that the House will join me in voting against the rule on this bill.

Mr. DELANEY. Mr. Speaker, I yield 5 minutes to the chairman of the Committee on the Judiciary, Mr. CELLER, who will answer some of the these questions that have been raised.

Mr. CELLER. Mr. Speaker, I take this time to state that this bill does not create any new courts. This bill does not establish any new judges, and when it is stated that each so-called magistrate will receive $22,500, that is not correct. There is a salary ceiling of $22,500 for full-time magistrates which they will receive depending upon their workload. The amounts they may actually receive may be far lower than $22,500.

In addition thereto, I want to say that the Committee on the Judiciary is not an arbitrary committee. It was only after lengthy hearings that we approved the Senate bill which passed the Senate unanimously. There was not a single voice raised against the bill on the floor of the Senate. This bill, far from being what seems to be implied from what has been said on the other side, as an arbitrary presentation of something hardly worth while—this bill has the approval of the American Bar Association, it has the approval of the Department of Justice, and it has the approval of the Judicial Conference of the United States.

Now, what is the Judicial Conference of the United States? It means that the imprimatur of approval has been placed on this bill by the Chief Justice of the United States, by 10 chief judges of the courts of appeals of the 10 circuits. Now, I defy any Member on the other side of the aisle to pit his knowledge of this bill, much less his wisdom concerning this bill, against that huge array of judicial talent. I will accept the views of all these judges who are interested in establishing this Office of U.S. Magistrate.

Now, as to what this will all mean in dollars and cents, there has been an estimate of the costs, made by the Administrative Office of the United States Courts.

Mr. Speaker, for the first year the net cost is estimated at $5,515,000. The recurring annual net cost is estimated at $4,275,000. These estimates are based on 50 full-time and 150 part-time magistrates as well as 200 deputy clerk magistrate positions. These costs should be compared with the present annual commissioner system which costs in excess of $1 million.

Mr. Speaker, we are told that there will be an avalanche in the number of magistrates. That is not true. The judges of the various circuits will recommend the number of magistrates, but the Judicial Conference will determine the number and location of magistrates. As it is now, we have 700 U.S. commissioners. Every single district judge has a right to appoint one or more commissioners in his court. This bill does away with that. We take away that power from the district judges. Furthermore, some of these commissioners are not even lawyers. Some very abstruse, difficult questions must be decided by these commissioners involving questions of confessions, questions of arraignment, questions of bail. I am told that one-third of them are not lawyers. The proceedings before these commissioners are very irregular. Sometimes they hold their so-called court in their places of business. Sometimes when they are lawyers they hold their so-called courts in their law offices, and beyond that, with the commissioner system, we have justice by fees. This bill also eliminates that. We do not want to have justice by fees any more. They get so much for holding a preliminary hearing, so much for a mere trial, and so much for setting terms of release. This was all right for the days of the frontier, but that time is past. We are entering into the jet age and we must realize that changes occur and that the judicial machinery must change with changing economic conditions.

It is for that reason as well as others that I do hope that sober judgment will prevail upon this House that will embrace this bill.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. CAHILL].

Mr. CAHILL. Mr. Speaker, I had desired to ask the chairman of the committee when he was expressing an opinion as to the cost of this bill how many full-time magistrates we would have throughout the country and particularly how many would be in the State of New Jersey.

I wonder if the distinguished gentleman would tell me how many there would be in my State?

Mr. CELLER. Mr. Speaker, if the gentleman will yield, I cannot give the gentleman the exact answer. The idea is to provide the machinery whereby if more magistrates are needed then the court shall appoint the magistrates. But for the first year——

Mr. CAHILL. Let me ask this question of the distinguished chairman of the Committee on the Judiciary, if I may respectfully do so: If the gentleman does not know how many are going to be appointed how can the gentleman accurately estimate the cost for the first year?

Mr. CELLER. Mr. Speaker, if the gentleman will yield further, estimates have been given after consultation with the Judicial Conference of the United States. They know exactly what the situation is as it exists today. What will happen next year, how can the gentleman in the well tell or how can I tell? Your own State may change materially as to the number of lawsuits which are brought.

Mr. CAHILL. Let me say this, and I now would like to make my statement since my time is limited.

We have tried to find out to the very best of our individual efforts from the administrator-director of the courts of this country what this legislation would cost and how many there would be in my State and in the congressional district which it is my honor to represent and we have not been able to ascertain that information.

The gentleman from Illinois has outlined to you the highly speculative judgment as to the costs of the proposal. I would like to address myself to something that I believe is far more important than the costs, and that is what I consider a violation of one of the most important articles of the Constitution of the United States.

My friends, if we in this Congress ever permit the Federal judiciary to involve itself in the party politics, if we ever interfere with the lifetime appointment and the constitutional protection against diminution of salary for Federal judges, and if we ever tamper with the right of the President of the United States, whether he is a Republican or a Democrat, to appoint after consultation with the U.S. Senate, a member of the Federal judiciary, we are taking the high road to the deprivation of the liberty of the citizens of this country.

I realize that this bill is being represented as something far and apart from appointment of Federal judges, but let me tell you, if I may, a few of my observations:

The magistrate that is going to be appointed is not going to be appointed by the President. He is going to be appointed by the district judge. Now, you are all realistic, pragmatic politicians, and you know that if there is a job open that is going to pay $22,500, somebody in politics in some party is going to start recommending to some judges that they make certain appointments. And I have found, in some instances—that when a man is appointed to the district court bench of the United States his ambitions do not stop.

Mr. TENZER. Mr. Speaker, will the gentleman yield for a question at this point?

Mr. CAHILL. Not at this point.

He wants to go to the court of appeals. Then when he gets to the court of appeals, he begins to dream of Washington and the Supreme Court of the United States, just like you and I dream of advancement in our careers.

Mr. DELANEY. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. Not at this point.

So that politics is always in the shadows, and if we permit the Federal judges to have the power of appointment of political appointees, we are tempting them to become involved with party politics. We should not place this burden on them.

You will say "Honestly, what difference does it make? They do not have anything serious to do." But my friends this is not so; they do. They can hear criminal cases where a defendant can be sentenced up to 1 year in a Federal penitentiary.

It is going to be argued, "Well, any defendant has a right to insist upon a judge; he does not have to accept a hearing before the magistrate. He can refuse to waive."

Mr. TENZER. Mr. Speaker, will the gentleman yield at this point for a brief question?

Mr. CAHILL. Not at this moment. I will be happy to yield when I finish my statement.

Most of the Members, I believe, whether they are lawyers or not, will appreciate that if a defendant is told by a U.S. attorney, "Look, my friend, you can have this criminal case disposed of by a magistrate, or if you want to you can insist upon going before the judge."

I think the message can be made pretty clear to that defendant that it would not be wise to take the valued time of a judge, and that prudence would dictate he let the magistrate dispose of his case.

It seems to me that an inordinate and unconstitutional duress would be placed upon any defendant if he were asked to sign that waiver. Personally, I do not think he can constitutionally sign it, because I think this is a right of society—the right to be tried before a judge who is provided for by the Constitution of the United States.

Now, my friends, I have written and I hope some of you will get the chance to read, before you vote, supplemental views in the report in which I have outlined in greater detail some of my constitutional objections.

But, in summary, I believe this bill is a real effort to provide more help to dispose of cases that are pending in the U.S. courts, both criminal and civil. It is an attempt to provide the Federal judges with assistant judges. It gives the judge, and I call your attention to these words—it gives the Federal judge the right to assign to the magistrate any matter "not inconsistent with the Constitution of the United States."

It seems to me what we are doing here, in effect, is giving the Federal courts more manpower to dispose of more criminal and civil cases.

If that is what we want to do, I would support it. But I would not support it by this method—I would support it by having the President of the United States appoint whatever judges are deemed to be necessary.

So long, my friends, so long as you permit a district court judge to appoint a man at a salary up to $22,500 a year for a period of 8 years—so long as you do not put any limit on the number of those appointments that he may make—what you are going to find, if I know anything about human nature, is that Federal judges will assign more of the work of the courts to the magistrate.

This, in my understanding of the Constitution, is a complete delegation of judicial authority and is completely violative of the Constitution of the United States.

I hope to have more to say on this matter during general debate. I generally favor a full discussion of all issues where a rule has been granted, and I would certainly feel that a full discussion of this legislation would be helpful to the Congress and to the country.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from New Jersey has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 2 additional minutes to the gentleman.

Mr. CAHILL. First of all, if I may, I would like to yield to the distinguished gentleman from New York [Mr. TENZER].

Mr. TENZER. I thank the gentleman for yielding.

I was simply going to ask this question of the gentleman. Will he supplement his statement by informing the Members of the House as to who appoints the commissioners now?

Mr. CAHILL. The commissioners now, I will say to the gentleman, are completely different.

Mr. TENZER. Who appoints them?

Mr. CAHILL. They are appointed by the court.

Mr. TENZER. So this is the same thing that happens in the case of the magistrates.

Mr. CAHILL. Let me ask the gentleman: Do the commissioners have a right to hear minor criminal cases?

Mr. TENZER. They certainly do; and one-third of them are not lawyers.

Mr. CAHILL. You tell me what criminal cases they can hear that will permit a man to be sentenced to a Federal penitentiary for a year.

Mr. TENZER. All petty cases are heard by them.

Mr. CAHILL. We are not talking about petty cases. We are talking about minor cases.

Mr. TENZER. What we are doing is providing for magistrates—by removing the commissioners, because of the fact that today they are appointed in the same manner and the authority for that appointment, if the gentleman will refer to article II, section 2, of the Constitution.

Mr. CAHILL. I understand that. Let me answer the gentleman. I know what the question is. There is a complete difference between the commissioners and the magistrates.

The commissioners, as you know, excepting those on Indian reservations and in certain areas of that nature where they have jurisdiction to dispose of petty cases, are really committing magistrates. All they do in the first instance is to hear the prima facie case made by the prosecution and then they hold for the grand jury.

Mr. TENZER. The first appearance of a citizen before a judicial officer ought to be before a well-established judicial officer.

Mr. CAHILL. Then, in my opinion, they ought to be appointed by the President of the United States. They ought to be appointed for life. They ought not be appointed by the Federal judiciary, and the jurisdiction should be limited.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I take this opportunity to commend my colleague from New Jersey for his very forthright explanation of this bill. I want to tell you that there are many Members in the House who will agree with you in regards to the constitutionality of the question. We think that insofar as you are concerned, you are doing a magnificent job of exposing the pitfall of orienting Federal judgeships to a political realm. This is no time in which politics should be injected into judgeships. I want to assure the gentleman and my colleague that we will support you on this very important measure.

Mr. CAHILL. I thank the gentleman.

Mr. DELANEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HANNA].

Mr. HANNA. Mr. Speaker, I was prepared to listen to political poppycock predicated upon the partisanship of the brethren, which is understandable at this time in this particular year. But I certainly am not going to be satisfied with listening to pontifical statements which have no basis in fact, and which are carrying the cloak of giving us some kind of positive input when it is clearly a matter of partisanship poppycock, because it would seem to me it is eminently clear that the business of politics in judgeships is a matter of fact, and it is practiced in the State courts. It is practiced in the Federal court. And if you want to make an indictment of the total judicial system and the way we appoint judges, then stand up here and make that indictment across the board. Do not pick on this bill. It seems to me if you are asking a question about constitutionality, if I am not mistaken, Mr. Speaker, the bill itself provides that we shall not give any powers which are not set forth in or which are against the Constitution. Is that not in the bill?

Mr. ROGERS of Colorado. That is correct. If the gentleman will yield——

Mr. HANNA. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. I would like to quote from testimony that was given to the committee:

> The House Republican Task Force on Crime Monday asked for speedy passage of the Federal Magistrates Act endorsed by the Judicial Conference of the United States and introduced with bipartisan sponsorship, called it a bill that would unclog the backlog of criminal cases.

Mr. HANNA. I thank the gentleman.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from New York.

Mr. CELLER. I am glad the gentleman castigated the implication of politics being in this bill. I would like to draw his attention and the attention of the Members of the House to language which clearly indicates that the appointment of these magistrates would be without any political significance whatsoever. Let me read from page 38 of the bill:

> The Judicial Conference—

The Judicial Conference, as you know, is presided over by the Chief Justice of the U.S. Supreme Court, and its membership consists of the chief judges of the courts of appeals throughout the Nation. Continuing to read—

> The conference shall determine, in the light of the recommendations of the Director, the district courts, and the councils, the number of full-time United States magistrates and part-time United States magistrates, the locations at which they shall serve, and their respective salaries.

Would you say there is politics in that kind of selection?

Mr. HANNA. I think the gentleman has made it eminently clear that there is not. And let me say that the only good sense that I have heard from this well in the last few minutes, was the statement that if this bill is passed it will hasten justice and serve the courts more swiftly, and would be one of the positive things we could do about law and order.

Those of us with experience before the courts know that the swiftness of the law is an important ingredient in the effective administration of the law.

As to the shift in the qualifications required to serve the Federal court system at the lower level, the shift in the manner of compensation; and the shift toward broader responsibility in the lower level of Federal court let me point out that the State of California made precisely the same moves in doing away with the old-fashioned justice of the peace and his antiquated fee system over 5 years ago.

If we are for law and order, we are for this bill, because it is one of the very few bills that strikes right at the heart of law and order, so if the gentleman is for law and order, let him be for this bill.

I commend those members of the Judiciary Committee from both sides of the aisle who are responsible for bringing this legislation to the floor of the House. They are serving the problem of law and order, not belaboring the problem solely in political speeches.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield the gentleman from New Jersey 1 minute.

Mr. CAHILL. Mr. Speaker, I would like to respond to the remarks of the gentleman from California, and I want to say two things. I say this with all the seriousness I have, that on the other side of the Capitol we are seeing what the Founding Fathers meant when they said that the appointment to the Federal judiciary would be by the President of the United States with the advice and consent of the Senate. We are here delegating that authority to a sitting Federal judge.

I would just respond, concerning my friend's allegations of partisan politics. I have no desire to inject partisan or any politics. I oppose this legislation on constitutional, economic, and legal grounds and no one until this moment has ever suggested the intrusion of partisan politics. I am sorry the gentleman has injected that subject.

Mr. DELANEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. MACHEN].

Mr. MACHEN. Mr. Speaker, while I was listening to this debate on the rule, it seemed to me typical of what has happened in so many years when we have been trying to pull up our judicial system and bring it out of the 18th century. For years, we have been trying to get rid of fee systems in the courts on the State level. For years we have been trying to eliminate that and to upgrade our magistrates' system throughout the United States on a State level. Now, finally, we are trying to drag the Federal system up into the 20th century and we are talking about costs and not the real need "a modern magistrate system for the Federal court system."

Those Members who are lawyers—as I am—must realize that 75 percent of the people who deal with the courts deal with the courts on the magistrates' level. That is true with the commissioner system, whether they are being tried on a motor vehicle case or not. They are probably sitting in a room, a law office in many instances, to be tried.

We have safeguards here. It is modeled after the system we have in our county and in our State, where people have a right to be tried if they want to contest it and they waive the right to a jury trial.

I say let us try to get this updated by getting a full-time magistrate system. As the gentleman from California said, this is part of our problem with law and order, this delay in processing our cases, criminal and civil, so let us not put a dollar cost on this one constructive move to drag our courts up into the 20th century in order to help meet the problem of law and order, so people can be expeditiously tried.

We know of the backlog in many of our areas and in the District of Columbia, let's hope the enactment of this bill help ease this, and lastly, I would much rather see a man trained in law handling these matters on a full-time basis, rather than on a part-time basis. I hope the rule is adopted.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. WIGGINS].

Mr. WIGGINS. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, it is not my intention during my 2 minutes to speak on the merits of this legislation. I do intend to dispel the feeling that may have been developed in the last few minutes that there is a partisan Republican effort to beat the rule. That is not true. As one Republican, I support the rule and the legislation. A great many others do also.

I might say for the edification of my friends, particularly on this side of the aisle, that every Republican member of the subcommittee who heard all of the testimony, who heard all of the arguments relative to the constitutionality of the bill, who heard all of the facts relative to the need for this bill, supported this legislation unanimously. This is a bipartisan effort—which admittedly is imperfect, but I assure my friends it is much better than the present commissioner system.

I urge all Members to support the rule and to support the legislation.

Mr. CAHILL. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I am happy to yield to the gentleman from New Jersey.

Mr. CAHILL. I believe the gentleman understands that those of us who oppose this legislation do not oppose an improvement in the existing commissioner system, and that all of us agree the fee system should be eliminated. Does not the gentleman agree this could be done very simply; that the judges could require appointments to be made of those with legal background and that the fee system could be eliminated and a salary substituted for the commissioner, who could still perform the same assignments as are performed today?

Mr. WIGGINS. I would agree there are many ways to accomplish the desirable purposes in this bill. The techniques employed in this bill, which was approved unanimously on the Senate side and unanimously in the subcommittee, is entirely appropriate. There may be other appropriate ways, but the way adopted here is also appropriate. I really find no quarrel with it.

Mr. CAHILL. Does the gentleman believe we should pass a bill when we do not know what the cost will be? Does the gentleman believe we should substitute the constitutional authority of the President to appoint Federal judges by giving this authority to the district court judges?

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Speaker, I had not intended to speak on the rule, and I am sorry I have found it necessary to do so. I do so only to underscore what my colleague from California has just said; namely, this is indeed a bipartisan bill and no one should be left with the impression that it has been given less than thorough consideration.

I sat, as did my colleagues on the subcommittee, through the most intensive hearings we could conduct. We explored every facet of the practical aspects of the question, and we are prepared to debate the constitutional question which the gentleman from New Jersey has raised.

I make this appeal to the Members of this body in my party. Let us not be responsible for killing the first opportunity the Congress has had to make a meaningful reform in the procedures of Federal justice. Let us not be captivated by any talk about politics in the execution of this program.

If Members care to turn their attention to the constitutional question, I believe that is entirely appropriate; indeed, it is our responsibility. But I suggest that it is less than worthy to try to impute a political motive to the party in power when this plan was conceived and put together by those who will implement it, by those who are bipartisan, the members of the courts, through the Judicial Conference of the United States.

Let us be plain about this, and let us not do a thing we may regret deeply tomorrow.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 17682, CIVIL SERVICE RETIREMENT FINANCING

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1241 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1241

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17682) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Hawaii [Mr. MATSUNAGA] is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska [Mr. MARTIN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1241 provides an open rule, waiving points of order, with 1 hour of general debate for consideration of H.R. 17682, to amend the United States Code relating to civil service retirement, and for other purposes.

A rule waiving all points of order against the bill was granted because parts of the bill are believed to be subject to the "Restriction of power to report appropriations" contained in clause 4 of rule XXI of the Rules of the House.

On page 6 of H.R. 17682, beginning with line 4, paragraph (a)(2) of the amendment made by section 103(1), makes the civil service retirement and disability fund available for expenses incurred by the Civil Service Commission in the administration of the civil service retirement system and any other annuity statute administered by the Commission.

On page 7, beginning with line 3, the new subsection (g) of section 8348 of title 5, United States Code, as added by the amendment made by section 103(2) of the bill, requires the Secretary of the Treasury to credit the civil service retirement and disability fund each year, as a Government contribution, an amount of money equivalent to a specified percentage of the amount of the interest on the unfunded liability of the fund.

On page 7, beginning with line 19, the new subsection (h) of such section 8348 (as added by the amendment made by section 103(2)), authorizes payment from the civil service retirement and disability fund of certain prospective annuity increases during the remainder of the fiscal year in which such increases become effective and 1 full fiscal year thereafter. No such increase will be paid after the end of such full fiscal year unless an appropriation shall have been made by the Congress to cover the cost.

There also may be some question with respect to the proposed new subsections (i) and (j), beginning with line 9 on page 8. The new subsection (i) will require the Secretary of Defense to pay into the civil service retirement and disability fund each year an amount equal to the annuity value of military service credited for civilian retirement purposes. The new subsection (j) will require each department and agency to pay into the fund an amount equal to one-fourth of regular salary for unused sick leave which is made creditable for annuity calculation purposes by this bill.

Retirement system financing has been a problem of continuing concern to the Congress, to its respective committees, and to officials of the executive branch. The history of actuarial reports has indicated successively for a long time past an increasingly pessimistic view with respect to actuarial costs and liabilities under the escalating benefits and other liberalizations in the specifics of the civil service retirement program.

The major purpose of H.R. 17682 is to improve the financing and funding practices of the civil service retirement system, so as to maintain confidence in the soundness of the retirement fund and to assure that the necessary money is available when needed to pay the annuities of Government's retirees and survivor annuitants in full and on time.

It is also the purpose of this legislation to provide certain limited but needed, improvements in the benefits structure of the system within the limits of the new financing approach.

Mr. Speaker, I urge the adoption of House Resolution 1241 in order that H.R. 17682 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Iowa.

Mr. GROSS. In the hearing—and I assume there was a hearing—in connection with the request for a rule, what reason was given for taking away what amounts to the power of the House to authorize the Committee on Appropriations to appropriate?

Mr. MATSUNAGA. A rule was granted waiving all points of order for the reason that on page 6 of H.R. 17832, beginning with line 4, paragraph (a)(2), the amendment made by section 103(1) makes the civil service retirement and disability fund available for expenses incurred by the Civil Service Commission in the administration of the civil service retirement system and any other annuity statutes administered by the Commission, and also on page 7. There are four points in total which would bring up the question of appropriations. It is for this reason that the Committee on Rules granted a waiver of all points of order.

Mr. GROSS. That is scarcely a reason. I am asking you why this bill would bestow this kind of authority.

Mr. MATSUNAGA. I will yield to the chairman of the subcommittee which reported this bill out, the gentleman from New Jersey [Mr. DANIELS].

Mr. DANIELS. I shall be pleased to answer the gentleman from Iowa.

I might say to the gentleman that for the past couple of years the Committee on Appropriations has been pointing its finger at the responsible legislative committees of the Congress for not having taken action in this field.

Mr. GROSS. Yes; I understand that. But why should there be language establishing a direct appropriation in this bill?

Mr. MATSUNAGA. Actually, there is no language contained in the bill which provides for a direct appropriation. It merely raises a question which may be subject to a point of order. It is for that reason that we have granted a waiver of all points of order.

Mr. GROSS. If the gentleman will yield further, in response to him I would refer the gentleman to page 12 of the report wherein it says that it provides for direct appropriations through permanent, indefinite authority, and so on and so forth.

Mr. DANIELS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. That is what this language is designed to get at, in part; is that not correct?

Mr. DANIELS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from New Jersey.

Mr. DANIELS. That is right. The Congress of the United States has failed to appropriate the sums of money which it should have appropriated over the past several years and this particular provision to which the gentleman from Iowa has referred requires the Congress to appropriate the necessary amounts of money which it should have done but which we have neglected to do.

Mr. GROSS. Mr. Speaker, if the gentleman from Hawaii will yield further, I am not quarreling with the merits of the bill. What I am trying to do is to ascertain the reasons for this kind of rule on this bill.

Mr. DANIELS. If the gentleman from Hawaii will yield further, the reason is that we are trying to establish a sound, good fiscal program.

Mr. GROSS. In other words, trying to direct the Appropriations Committee to do what it has not done in the past, I assume?

Mr. DANIELS. That is correct.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1241, as the gentleman from Hawaii has explained, provides for 1 hour of general debate on H.R. 17682, a bill to provide for civil service retirement financing, and it waives points of order on the bill.

Mr. Speaker, I would like to call to the attention of the House the fact that this is a complete exercise in futility. The other body has not even considered this legislation in committee. I am told that they do not intend to hold hearings on the legislation before the close of the 90th Congress. And, as a consequence, it appears quite certain that no action will be taken by the other body.

Second, Mr. Speaker, this is an unsound bill, contrary to the statement of the gentleman from New Jersey [Mr. DANIELS] of a few moments ago.

I want to call your attention to the fact that this fund will reach a level, according to the report, of a $55 billion deficit at the end of fiscal year 1968, which has already passed. It proposes to increase the amount of deduction from the civil service employee's salary from 6½ to 7 percent and an increase of a like contribution from the Government in the same amount.

In addition to this, it proposes to increase the deduction from Members of Congress—let us understand this, from Members of Congress—from 7½ to 8 percent. This is also included in the bill.

Furthermore, and to prove it is an unsound bill, it further liberalizes retirement payments to civil service retired employees. So it is a bill which proposes an increase in the amount of funds coming into the retirement fund but at the same time increasing the payout. In other words, under the provisions of this bill we are going to have exactly the same kind of fiscal problem that we have at the present time in the civil service retirement fund.

Mr. Speaker, let me quote another feature of this bill which is one that we were warned against by the Kaplan committee report in 1954.

It sets up direct payments from the Treasury of the United States into this fund because there is not enough money in it to take care of future obligations.

The Kaplan committee in 1954 in its report recommended very strongly that we should not get into this phase of financing on retirement benefits.

On page 13 of the committee report—and these are only estimates—this legislation provides that, over a 30-year period, there should be an amortization of newly created, unfunded liability. According to this table—and this again is only an estimate, Mr. Speaker—it provides for the next 30 years $105 million a year to be transferred from the Treasury of the United States into the fund.

Now, if we have further increases in pay for civil service employees, that means that this amount will be increased over a 30-year period, comparable to the amount of the increase in the total payroll. For instance, if you have a total payroll increase of all civil employees of $1 billion, that will have to be amortized over a 30-year period, and this amount will increase.

Then it also provides—this is what the gentleman from Iowa is talking about on waiving points of order—that the Treasury of the United States shall transfer to this fund, beginning in fiscal year 1971, funds equal to 10 percent to take care of the interest that they estimate should go into the retirement fund, and in 1971 20 percent, and in fiscal year 1972 and thereafter, increasing by 10 percent each year. According to table B, this would start, in 1970, in the transfer from the Treasury of $202 million, $417 million for 1971, and so on, amounting to $2.363 billion by the year 2000.

In addition to this, if you will turn to page 30 of the report you will find that there is reprinted a letter from John Macy, Chairman of the Civil Service Commission, written on June 12, 1968, in regard to H.R. 17682. Let me read a portion of his letter. In the first part of his letter he approves part of the legislation because it was what they had recommended to the committee in their testimony, but then he goes on in the middle of page 31:

> However, title I also includes provisions which would require—
>
> (1) that payment on each annuity increase, whether authorized by new legislation or resulting from changes in the Consumer Price Index, be contingent on direct appropriations after the first full fiscal year,
>
> (2) that the Secretary of Defense pay into the fund each year an amount equal to annuity disbursements attributable to military service, and
>
> (3) that an employing agency pay into the fund an amount equal to 25 percent of the value of unused sick leave to the credit of an employee who retires on immediate annuity or who dies and leaves survivors who are entitled to annuity.

He goes on to say:

> Title II of H.R. 17682 departs from the objective of improved financing by proposing a series of benefit liberalizations for which there is no urgent need. These liberalizations are:
>
> 1. Gross earnings would be the basis for

determining retirement benefits, rather than basic pay as at present.

2. The period for determining average salary for annuity computation purposes would be changed from 5 years to 3 years.

3. Unused sick leave would be added to the actual length of service for computing the annuity of an employee retiring or the annuity of the survivors of an employee dying in service.

4. An extra 1 percent would be added to each annuity increase resulting from changes in the Consumer Price Index.

5. The July 18, 1966, amendments which continue annuity when a surviving spouse remarries after reaching age 60, and restore annuity upon termination of a remarriage which occurred before age 60, would be made applicable to all cases in which remarriage occurs after July 17, 1966, * * *

These provisions liberalize existing benefit levels.

He goes on to estimate that such liberalization would create $3.3 billion in additional unfunded liability.

That is in a letter to the chairman of the committee from John W. Macy, Chairman of the Civil Service Commission.

Let me read to you a letter from the Assistant Director for Legislative Reference:

EXECUTIVE OFFICE OF THE PRESIDENT, BUREAU OF THE BUDGET,
Washington, D.C., June 13, 1968.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of June 10, 1968, for the views of the Bureau of the Budget on H.R. 17682, a bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

The Bureau of the Budget concurs in the comments of the Civil Service Commission on this bill. * * *

Those were comments that I just read to you—

Accordingly, the Bureau of the Budget recommends against favorable consideration of H.R. 17682. Enactment of the bill, in its present form, would not be consistent with the administration's objectives.

Sincerely yours,
WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

I believe I neglected to mention that Mr. Macy in his letter also recommended against enactment of this legislation in its present form.

Mr. Speaker, I oppose this legislation. It is unsound legislation. It will increase greatly the expense of operation of the Federal Government.

The retirement system is a fine system, but it should stand on its own feet. If the 7 percent for employees and 7 percent for the Government, paid into this fund, is not sufficient to make it sound and equitable, then those figures should be increased.

I am completely opposed to this legislation at this time.

The SPEAKER pro tempore. The gentleman from Nebraska has consumed 11 minutes.

Mr. MARTIN. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. PELLY].

PERU SEIZES ANOTHER AMERICAN FISHING VESSEL

Mr. PELLY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, I have been informed this afternoon that Peru has seized another American fishing vessel in international waters. This is the third American boat to be kidnaped by Peru this year.

Three armed guards are reported to have boarded the San Diego-based fishing vessel and forced her into the Peruvian port of Tulara from a point 31 miles offshore.

Mr. Speaker, on July 31, the House passed and the President has signed the Fishermen's Protective Act, so any fine imposed by Peru in this latest provocation is legally to be deducted from any funds programed for that country under the Foreign Assistance Act.

Additionally, Tuesday of just last week, the House passed my amendment to the Foreign Military Sales Act which provides that any nation seizing an American vessel—as Peru has done this day—would not qualify under H.R. 15681 to receive reimbursable military equipment.

In light of the continuing harassment and piracy inflicted upon Americans pursuing their livelihood on the high seas by these Latin American countries, I strongly urge the Senate-House conferees to take swift action on this measure to reemphasize congressional determination that these criminal acts against Americans must halt.

Mr. MATSUNAGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in reply to the gentleman from Nebraska who made the statement that action upon this rule and on the bill would be an exercise in futility because the other body will not act upon this bill anyhow, that is certainly a flimsy excuse for not taking action here.

If we were to depend on what the other body will do in adjusting our actions here, certainly we would be eroding away the very basis of having two independent bodies in this Congress.

Certainly, it was with great wisdom that our founders of this Nation created two independent bodies. Whether the other body will act or not is not a criterion upon which we should base our action here.

Mr. Speaker, this is a good bill. This is a bill that has long been sought by people who are concerned about the retirement system.

We are now acting upon the rule itself. If there are any amendments to be offered—it is an open rule, so amendments may be offered during the consideration of the bill under the 5-minute rule following the general debate.

So I urge upon this body to adopt the rule for the consideration of the bill itself.

Mr. MARTIN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Speaker, I am concerned about this bill. As indicated, under the waiver of points of order against the bill, as one studies it, it becomes more and more clear why H.R. 17682 would have to have all of these points of order waived. I am even more concerned, Mr. Speaker, that there are so few Members on the floor to hear the debate on the rule and the reasons properly given by the Committee on Rules for the waiver under its new criteria.

When one learns what is going to happen under this bill, if it does pass as made in order by this rule, he finds that there are demands made upon the funds made available for the Secretary of Defense, and finds that there is a change in the basic concept of the use and/or payment in lieu thereof for sick leave, which means by definition just exactly what it says. One at least becomes more concerned because there obviously are other meetings going on or committees sitting. To my knowledge, there is not a single member of the Committee on Appropriations on the floor hearing this debate. When their prerogatives are tramped upon, sometimes everything up to and just short of an atomic nuclear explosion can occur, as for example, on a buy-America amendment to a defense procurement bill and appropriation last week. But still there is not one of them here today to see their jurisdiction, their area of oversight and surveillance, transgressed by waiving points of order, and by a legislative committee making in order direct appropriations and directing said appropriations to certain funds. These birds habitually come home to roost. This does not have anything to do with being against civil service financing retirement or refinancing the fund. But I think it is a shame, and I intend to see that the Members are on the floor before this rule is adopted. I only decry the fact that the Members have not heard the debate as their prerogatives and, indeed, their responsibilities are taken over in this manner.

Mr. MARTIN. Mr. Speaker, in brief reply to the gentleman from Hawaii, I believe he would concede that the 90th Congress is in its closing weeks, and in view of the fact that the other body has not even held any hearings on this legislation, it appears very, very improbable that any action will be taken in the other body. I think all reasonable men would assume that.

Mr. MATSUNAGA. Mr. Speaker, does the gentleman have any further requests for time?

Mr. MARTIN. I have no further requests for time.

Mr. MATSUNAGA. Having no further requests for time, Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the resolution.

The question was taken.

Mr. MARTIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there

were—yeas 290, nays 67, not voting 74, as follows:

[Roll No. 342]

YEAS—290

Abbitt
Abernethy
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Ashley
Aspinall
Ayres
Bates
Bennett
Bevill
Biester
Bingham
Blanton
Blatnik
Boggs
Bolling
Bolton
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Carter
Cederberg
Celler
Clark
Clausen, Don H.
Cleveland
Cohelan
Collier
Colmer
Conable
Corbett
Cowger
Cramer
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
de la Garza
Delaney
Dent
Derwinski
Dickinson
Diggs
Dingell
Dole
Dorn
Dow
Downing
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Flood
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gathings
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hardy
Harsha
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Horton
Howard
Hungate
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
Kirwan
Kleppe
Kluczynski
Kornegay
Kyl
Kyros
Laird
Lennon
Long, La.
Long, Md.
McCarthy
McClory
McCloskey
McDade
McDonald, Mich.
McFall
Macdonald, Mass.
MacGregor
Machen
Madden
Mailliard
Marsh
Mathias, Calif.
Mathias, Md.
Matsunaga
Meeds
Miller, Ohio
Mills
Minish
Mink
Mize
Monagan
Moore
Morgan
Morris, N. Mex.
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Podell
Poff
Price, Ill.
Price, Tex.
Pucinski
Quie
Randall
Reid, N.Y.
Reinecke
Reuss
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Ruppe
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Scherle
Scheuer
Scott
Selden
Shipley
Shriver
Skubitz
Slack
Smith, Iowa
Springer
Stafford
Staggers
Steed
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Tenzer
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Waldie
Walker
Wampler
Watson
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Young
Zablocki
Zwach

NAYS—67

Adair
Arends
Baring
Battin
Belcher
Berry
Betts
Bow
Brock
Burleson
Button
Casey
Chamberlain
Collins
Davis, Wis.
Dellenback
Denney
Devine
Dowdy
Duncan
Flynt
Foley
Ford, Gerald R.
Gross
Haley
Hall
Halleck
Harrison
Hull
Hunt
Hutchinson
Ichord
Jonas
King, N.Y.
Langen
Latta
Lipscomb
Lukens
McEwen
McMillan
Mahon
Martin
May
Mayne
Michel
Montgomery
Pelly
Poage
Purcell
Quillen
Reid, Ill.
Rumsfeld
Schadeberg
Schneebeli
Schwengel
Smith, Calif.
Smith, N.Y.
Snyder
Steiger, Ariz.
Teague, Tex.
Thomson, Wis.
Tuck
Tunney
Utt
Watkins
Wylie
Zion

NOT VOTING—74

Annunzio
Ashbrook
Ashmore
Barrett
Bell
Blackburn
Boland
Broomfield
Brown, Calif.
Burton, Utah
Clancy
Clawson, Del
Conte
Conyers
Corman
Culver
Dawson
Donohue
Edwards, La.
Evins, Tenn.
Fisher
Fuqua
Gardner
Gettys
Griffiths
Gurney
Hansen, Idaho
Hansen, Wash.
Hawkins
Hays
Hébert
Helstoski
Herlong
Holifield
Hosmer
Karsten
King, Calif.
Kupferman
Kuykendall
Landrum
Leggett
Lloyd
McClure
McCulloch
Meskill
Miller, Calif.
Minshall
Moorhead
Morse, Mass.
Morton
Moss
O'Konski
Olsen
Philbin
Pollock
Pryor
Railsback
Rarick
Rees
Reifel
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Schweiker
Sikes
Sisk
Smith, Okla.
Stanton
Stephens
Ullman
Vanik
Watts
Wilson, Charles H.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. McCulloch.
Mr. Philbin with Mr. Broomfield.
Mr. Donohue with Mr. Conte.
Mr. Boland with Mr. Morse of Massachusetts.
Mr. Leggett with Mr. Ashbrook.
Mr. Evins of Tennessee with Mr. Morton.
Mr. Barrett with Mr. Del Clawson.
Mr. Moorhead with Mr. Meskill.
Mr. Miller of California with Mr. Hosmer.
Mr. Culver with Mr. Bell.
Mr. Rivers with Mr. Rhodes of Arizona.
Mr. Sikes with Mr. Clancy.
Mr. Ashmore with Mr. Kuykendall.
Mr. Gettys with Mr. Lloyd.
Mr. Watts with Mr. Blackburn.
Mr. Fuqua with Mr. McClure.
Mr. Hébert with Mr. Burton of Utah.
Mr. Holifield with Mr. Kupferman.
Mr. Pryor with Mr. Minshall.
Mr. Fisher with Mr. Pollock.
Mr. Landrum with Mr. Roudebush.
Mrs. Griffiths with Mr. Reifel.
Mr. Rarick with Mr. Smith of Oklahoma.
Mr. Stephens with Mr. O'Konski.
Mr. Hays with Mr. Stanton.
Mr. Vanik with Mr. Schweiker.
Mrs. Hansen of Washington with Mr. Railsback.
Mr. Charles H. Wilson with Mr. Herlong.
Mr. Edwards of Louisiana with Mr. Hansen of Idaho.
Mr. Corman with Mr. Gardner.
Mr. Ullman with Mr. Moss.
Mr. Helstoski with Mr. Conyers.
Mr. Resnick with Mr. Hawkins.
Mr. Rees with Mr. Dawson.
Mr. Olsen with Mr. King of California.
Mr. Brown of California with Mr. Karsten.
Mr. Sisk with Mr. Gurney.

Mr. LUKENS changed his vote from "yea" to "nay."

Messrs. JARMAN, HENDERSON, PETTIS, STEIGER of Wisconsin, and MIZE changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

THE FEDERAL MAGISTRATES ACT

Mr. ROGERS of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 945) to abolish the office of U.S. commissioner, to establish in place thereof within the judicial branch of the Government the office of U.S. magistrate, and for other purposes.

The SPEAKER pro tempore (Mr. Albert). The question is on the motion offered by the gentleman from Colorado.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 945, with Mr. Stratton in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Colorado [Mr. Rogers] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. Poff] will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Colorado [Mr. Rogers].

Mr. ROGERS of Colorado. Mr. Chairman, one of the most important factors in shaping the attitudes of our citizens toward our laws is the personal experience that our citizens have in their own actual dealings with the judicial system. As a result, it is especially important that the lowest level of the judicial system—the level with which our citizens have the most experience—operate in a proper and efficient manner.

The proposed Federal Magistrates Act, which is before us today, embodies a sorely needed reform of the lowest level of our judicial system—the level which is currently administered by U.S. commissioners. The extensive study and hearings conducted by the Judiciary Committees of both the House and the Senate demonstrated conclusively that our present commissioner system is obsolete, works inefficiently, and is replete with inequities.

Some of the major defects in the present commissioner system are as follows:

Commissioners are currently paid on a fee basis, according to the nature and number of matters they handle. Such a system is both unwise and of questionable constitutionality. In addition, the present law imposes a ceiling of $10,500 on fees a commissioner may earn in a given year. As a result, the most hard-working commissioners are often grossly underpaid since they reach their statutory ceiling during the first few months of the year. As a consequence, it is difficult to attract the best men for the job.

Due to a lack of any effective administrative apparatus, there is a great disparity from district to district on how a number of fundamental problems are handled.

In many districts commissioners grant search and arrest warrant applications in a perfunctory manner, thereby depriving both the accused and the legal system of an independent determination of the issue of probable cause.

The trial jurisdiction of commissioners is limited to petty offenses committed on Federal reservations. This has several undesirable consequences. First, it causes the U.S. district courts to be burdened with a number of minor criminal matters which lend an undesirable "police court" atmosphere to the district courts. Second, in some cases of serious misdemeanors or felonies committed on Federal enclaves, the offenses are downgraded so that they can be tried as petty offenses before the commissioners rather than before the district judge. Third, often petty offenses committed outside Federal enclaves are simply nol prossed so as to avoid having them tried before the already overburdened district courts. Obviously none of these consequences of the present commissioner system serves the ends of justice.

S. 945 would reform the present system by substituting a new system of U.S. magistrates. Under the new system magistrates would be required to be attorneys, unless a qualified attorney is not available in a particular area. They would receive compensation in the form of fixed salaries rather than individual fees. A full-time magistrate could receive a maximum salary of $22,500, and a part-time magistrate a maximum salary of $11,000. A full-time magistrate would hold office for a term of 8 years, and a part-time magistrate for a term of 4 years.

Under the act the Judicial Conference of the United States would determine the number and location of the necessary magistrate's positions. The actual appointment of persons to fill these positions would be made by the majority of the judges of the district court in which the magistrates are to serve.

One of the major features of the act would give the U.S. magistrates expanded trial jurisdiction so as to include offenses that are punishable by imprisonment for not more than 1 year or a fine of not more than $1,000. However, such trial jurisdiction could only be exercised if the defendant elects to be tried before the magistrate rather than a judge of the district court and also waives whatever right to a jury trial that he may have.

Still another feature of the act would broaden the responsibility of magistrates so as to include such duties as service as special masters, preliminary consideration of petitions for postconviction relief, and supervision of pretrial or discovery proceedings. This will contribute substantially to reduce the present burdens and crowded dockets of the district courts.

Finally, the act would also clarify existing law with regard to preliminary hearings by requiring that a hearing be held within 10 days following the initial appearance if the accused is held in custody or within 20 days if the accused has been released on bail.

During the course of the consideration of this bill before the House Committee on the Judiciary, several changes were made of substantive significance. The changes are embodied in the committee amendment and include a provision for granting a leave of absence for a magistrate who is called into service in the Armed Forces and for providing an interim replacement for the magistrate on leave.

A further substantive change was made which requires that all trials before magistrates to be taken down by a court reporter or recorded by suitable sound recording equipment.

Still another change was made so as to make it clear that the rulemaking powers of the U.S. Supreme Court are not being extended by the Magistrates Act.

The remaining changes embodied in the committee amendments are of a clarifying or technical nature.

Mr. Chairman, I am pleased to be able to tell you that this bill has the support of the American Bar Association, the Judicial Conference of the United States, the National Association of U.S. Commissioners, and the Department of Justice.

It is a measure which will bring about a reform that is long overdue. It has now been almost a century since Congress has made any significant changes in the commissioner system. In recent years we have made substantial improvements in other areas of our judicial machinery, but we have allowed our U.S. commissioner to labor under an arbitrary system which outlived its usefulness long ago. For many of our citizens, appearance before a commissioner represents their very first contact with the judicial branch of the Federal Government. As a result, it is especially important that the system be brought into harmony with modern judicial concepts.

Mr. Chairman, this is a highly beneficial measure. I wholeheartedly recommend that all of my colleagues in the House of Representatives give it their favorable consideration.

BUDGETARY ESTIMATES RELATING TO THE FEDERAL MAGISTRATES BILL (S. 945) (EXCLUSIVE OF THE COST OF SPACE FURNITURE AND FURNISHINGS)

	1st-year cost	Recurring annual cost
Personnel compensation:		
U.S. magistrates:		
50 full-time positions (average salary $17,500)	$875,000	$875,000
150 part-time positions (average salary $6,000)	900,000	900,000
200 combination positions (average additional compensation $1,000)	200,000	200,000
Staff (full-time magistrates):		
50 secretary-reporter positions (ungraded at $9,979)	499,000	499,000
50 clerical positions (JSP–7 at $6,734)	336,000	336,000
Total compensation	2,810,000	2,810,000
Personnel benefits	235,000	235,000
Travel	350,000	350,000
Transportation of things	5,000	5,000
Communications (including postage)	170,000	170,000
Printing and reproduction	70,000	70,000
Other services:		
Contractual clerical and secretarial services	$900,000	$900,000
Contractual reporting services	500,000	500,000
Miscellaneous (repairs to equipment, etc.)	35,000	35,000
Supplies and materials	105,000	105,000
Equipment, general office	800,000	
Equipment, lawbooks	350,000	
Subtotal	6,330,000	5,180,000
Cost of administration (see details attached)	260,000	170,000
Total cost	6,590,000	5,350,000
Less funds available under the headings:		
"Fees of jurors and Commissioners"	−1,015,000	−1,015,000
"Salaries of supporting personnel"	−60,000	−60,000
Net cost of bill	5,515,000	4,275,000

BUDGETARY ESTIMATES OF THE ADMINISTRATIVE OFFICE RELATING TO THE FEDERAL MAGISTRATES BILL (S. 945)

	Number of positions	Salaries and expenses
Personnel compensation:		
Bankruptcy division:		
Administrative attorney, GS–14	1	$15,841
Administrative attorney, GS–13	1	13,507
Secretary, GS–6	1	6,137
Clerk-stenographer, GS–5	2	11,130
Division of procedural studies and statistics:		
Administrative attorney, GS–11	1	9,657
Statistical unit chief, GS–9	1	8,054
Assistant statistical unit chief, GS–7	1	6,734
Clerical assistant, GS–5	1	5,565
Clerk-typist, GS–4	1	4,995
Key punch operator, GS–3	2	8,932
Personnel division: Appointment clerk, GS–7	1	6,734
Division of business administration:		
Space and communications officer, GS–9	1	$8,054
Procurement officer, GS–7	1	6,734
Payroll clerk, GS–6	1	6,137
Voucher examiner, GS–6	1	6,137
Accounting clerk, GS–6	1	6,137
Property records clerk, GS–5	1	5,565
Clerk-stenographer, GS–4	1	4,995
Total permanent positions and salaries (rounded)	20	141,000
Payments to other agencies for reimbursable details		[1] 50,000
Total personnel compensation		191,000

Footnote at end of table.

BUDGETARY ESTIMATES OF THE ADMINISTRATIVE OFFICE RELATING TO THE FEDERAL MAGISTRATES BILL (S. 945)—Continued

	Number of positions	Salaries and expenses
Personnel benefits (agency contributions for retirement, life and health insurance)		$12,000
Travel:		
1st year cost (initial survey)		[1] 36,000
2d and succeeding year cost ($2,000 for each of 3 professional positions)		(6,000)
Rental of equipment (2 key punch at $500)		1,000
Communications, including postage ($240 per position)		4,800
Printing and reproduction ($80 per position)		$1,600
Other services ($30 per position)		600
Supplies and materials ($150 per position)		3,000
Furniture and equipment ($500 per position)		[1] 10,000
Total, 1st-year cost		260,000
Total, recurring annual cost		170,000

[1] Nonrecurring expense.

ESTIMATES OF UNIT COSTS OF ESTABLISHING U.S. MAGISTRATES

	Full-time magistrate	Part-time magistrate	Combination position: Referee, clerk, or deputy clerk-magistrate
Personnel compensation:			
Magistrate (average salary)	$17,500	$6,000	[1] $1,000
Secretary-reporter, ungraded	9,979		
Clerical employee, JSP-7	6,734		
Total compensation (rounded)	34,200	6,000	1,000
Personnel benefits (retirement, life and health insurance)	2,800	500	100
Travel	2,000	1,000	500
Transportation of things	100		
Communications (telephone and telegraph)	800	400	
Postage	400	200	100
Printing and reproduction	400	200	100
Other services:			
Contractual clerical and secretarial services		6,000	
Contractual reporting services		2,000	1,000
Miscellaneous (repairs to equipment, etc.)	200	100	50
Supplies and materials	600	300	150
Equipment:			
General office (nonrecurring)	4,000	2,000	1,500
Lawbooks (nonrecurring)	2,000	1,000	500
Total (1st-year cost)	47,500	19,700	5,000
Total (recurring annual cost)	41,500	16,700	3,000

[1] Additional compensation.

Note.—The unit costs indicated above do not include expenses to be incurred by the Administrative Office of the U.S. courts in the implementation and administration of the Federal magistrates bill. If space in a Federal building is not available, the sum of approximately $9,000 will be required for the rental of quarters in commercial buildings for each full-time magistrate. The sum of approximately $6,000 will be required for each full-time magistrate for furniture and furnishings.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New Jersey.

Mr. CAHILL. It is my understanding that the magistrates who are appointed under this act would be able to engage in any other business that is not inconsistent with their duties as judicial officers.

Mr. ROGERS of Colorado. May I clarify that for the gentleman in this manner: A full-time magistrate would not be able to practice law.

Mr. CAHILL. The gentleman says that the full-time magistrate would not?

Mr. ROGERS of Colorado. He would not be able to practice law.

Mr. CAHILL. That is not my question.

Mr. ROGERS of Colorado. What is your question?

Mr. CAHILL. My question is, Would a full-time magistrate be able to pursue any occupation not inconsistent with his duties as a magistrate?

Mr. ROGERS of Colorado. Well, are you prohibited from pursuing any occupation you want?

Mr. CAHILL. You are answering my question by asking another question.

Mr. ROGERS of Colorado. Do you have the bill in front of you? Turn to page 36 of the bill.

Mr. CAHILL. What is the answer to the question?

Mr. ROGERS of Colorado. A full-time U.S. magistrate may not engage in the practice of law, and may not engage in any other business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers.

Mr. CAHILL. So that the answer to my question is "Yes."

Mr. ROGERS of Colorado. No.

Mr. CAHILL. Wait.

Mr. ROGERS of Colorado. Read the bill.

Mr. CAHILL. Would the gentleman listen to my question?

Mr. ROGERS of Colorado. I have listened to your question. I have read the bill. How much clearer can we get it?

Mr. CAHILL. Will the gentleman answer the question?

Mr. ROGERS of Colorado. I refuse to yield further.

Mr. CAHILL. The gentleman refuses to answer my question?

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from North Carolina.

Mr. WHITENER. In order to make the record abundantly clear about several items in the bill, I should like to ask the gentleman from Colorado a question with respect to page 31, line 4, where the language is:

> * * * and the conference find that no qualified individual who is a member of the bar is available to serve at a specific location.

I am sure that the gentleman would agree with me that it is the intention of the Committee that when the words "member of the bar" are used they refer to a member of the bar in the jurisdiction where the appointment is to be made.

Mr. ROGERS of Colorado. That is right; and it applies only to a part-time magistrate.

Mr. WHITENER. Yes. My point is we would want the record to show that in the appointment of this magistrate for service he would either live in the district where he is to serve or, in those cases where the National Park Service, Fish and Wildlife Service, or some other Federal agency embraces more than one State, he would have to be a member of the bar in one of those two States.

Mr. ROGERS of Colorado. That is right.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. Wait just a minute. I yield to the gentleman from North Carolina, a member of the subcommittee, who helped work out these bills.

Mr. WHITENER. If the gentleman will turn to page 33 of the bill, commencing with line 17, where we begin with the words "Removal of a magistrate during the term for which he is appointed shall be only for incompetency, misconduct, neglect of duty, or physical or mental disability, but a magistrate's office shall be terminated if the conference determines that the services performed by his office are no longer needed," does that mean the bill sets up a term of office of 4 years for the part-time magistrate and an 8-year term for a full-time one?

Mr. ROGERS of Colorado. That is right.

Mr. WHITENER. Would not the gentleman concur in my view that it is not our intention that the language, "if the conference determines that the services performed by his office are no longer needed"—that that language cannot be used by a conference just to use a meat-ax on some magistrate that they want to get rid of but, rather, it is for a case where there is a bona fide determination that the office is no longer justified?

Mr. ROGERS of Colorado. The gentleman is eminently correct in the statement he has made.

Mr. WHITENER. If the gentleman from Colorado will turn to page 37, line 1, there the bill says that the Director shall make a survey to determine the number of appointments of full-time and part-time magistrates, and locations and other matters. Just out of an abundance of precaution, I think it might be well to say that the Director does not really determine this at all. He merely makes a study to accumulate data which he then refers to the judicial conference which will make the determination.

Mr. ROGERS of Colorado. The statement made by the gentleman from North Carolina is correct.

Mr. WHITENER. So we are not vesting the Director of the administrative office with the authority to create an office of magistrate or part-time magistrate or say where he will live or where he will serve or anything of that sort, but this merely gives him authority to recommend. Is that right?

Mr. ROGERS of Colorado. That is correct.

Mr. WHITENER. I thank the gentleman.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New Jersey.

Mr. CAHILL. I understand the gentleman from Colorado is the manager of this bill on the floor, and I have several questions I would like to ask in order to establish the legislative history. I hope that the gentleman will answer them.

As I understand it, a man can pursue any occupation except the practice of law and any occupation which might be inconsistent with his duties as a magistrate. My question is this: Can he practice real estate? Is he allowed to be in the real estate business?

Mr. ROGERS of Colorado. May I answer?

Mr. CAHILL. Let me finish my question first.

Is he allowed to be an accountant and to practice accounting? Is he allowed to have a business in the community? Who determines what is inconsistent with his duties as a Federal magistrate, and what are such duties?

Mr. ROGERS of Colorado. First of all, you have asked about three different questions at once. There is no prohibition against him pursuing anything he wants to as long as it is not inconsistent with his duties as a magistrate. That is the answer to the first part of your question.

Mr. CAHILL. Thank you.

Mr. ROGERS of Colorado. The other answer is, if he does violate it, then the provision as set forth by the gentleman from North Carolina could come into play and a determination be made, and removal will be effected.

Mr. CAHILL. The next question is this: He could be paid up to $22,500 for a full-time magistrate.

Mr. ROGERS of Colorado. That is right.

Mr. CAHILL. And that would be $7,500 less than a full-time Federal judge is now getting. Is that right?

Mr. ROGERS of Colorado. That is correct.

Mr. CAHILL. So that in effect he could have a business on the side and make a lot more money than the Federal judge, because the Federal judge is precluded from any other business of any nature whatsoever. Am I right?

Mr. ROGERS of Colorado. First of all, you are making an assumption that is not correct.

There is nothing to keep a Federal judge from writing a book or making an investment or handling real estate or owning real estate.

Mr. CAHILL. Can a Federal judge engage in business?

Mr. ROGERS of Colorado. Well, nobody says he is engaged in business, but you say and the question that you put is with reference to other income. That is what you are talking about.

Mr. CAHILL. Let us talk about another business. Can a Federal judge engage in another business?

Mr. ROGERS of Colorado. It is questionable as to whether they can or not. But if they do violate any rule or regulation and are subject to impeachment you can file it.

The fact that a man is named to a Federal judgeship does not automatically ipso facto isolate him away from the rest of the world.

Mr. CAHILL. Mr. Chairman, if the gentleman will yield further, the gentleman of course has a different interpretation than I do, but I shall accept the gentleman's answer as being his best judgment.

Mr. Chairman, my next question is this: Is there any limit to the number of full-time magistrates that may be appointed? Is that spelled out in this legislation?

Mr. ROGERS of Colorado. Well, first of all, there is no statement in here to limit the number.

Mr. CAHILL. All right; that is the answer to that question.

Now, the next question is this: Are these regular judges entitled to receive life and health insurance benefits, Federal retirement benefits, and other expenses incident to their duties, such as stenographers, bailiffs, law clerks, and other administrative help that may be needed?

Mr. ROGERS of Colorado. The answer is that since he is a judicial officer, the answer is "Yes."

Mr. CAHILL. Mr. Chairman, if the gentleman will yield further, have all of those items been taken into consideration in the development of the figure of $5 million as the cost of this legislation for the first year?

Mr. ROGERS of Colorado. We have it here. I think the gentleman from New York [Mr. CELLER] has already placed it in the RECORD, but if not we shall place in the RECORD. If the gentleman would like to take a look at it it is available for him to see it now.

Mr. CAHILL. I just want the gentleman to answer my question.

Mr. ROGERS of Colorado. The answer is "Yes."

Mr. CAHILL. That is the answer to my question.

Will the gentleman tell me whether it is necessary for both the defense and the prosecution to file a waiver in order for a criminal trial to be held before a magistrate and why is not the prosecution given the right of appeal as is the defendant?

Mr. ROGERS of Colorado. The answer is that at the present time you do not have a right of appeal from a U.S. commissioner; that is, the prosecution.

Mr. CAHILL. Mr. Chairman, if the gentleman will yield further, there has been a question raised here to the effect that this is going to be helpful to law and order and I want to make it clear and I want the gentleman to set the record straight——

The CHAIRMAN. The Chair will advise the gentleman from Colorado that he has now consumed 20 minutes.

Mr. ROGERS of Colorado. I only have 30 minutes, and I shall conclude.

Mr. POFF. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. MCCLORY].

Mr. MCCLORY. Mr. Chairman, I rise in strong support of this legislation. First of all, it seems to me that this measure offers the most important forward step in the administration of justice in the Federal courts which has come to the attention of the Congress in many years. For the first time we are given an opportunity to modernize, streamline, and update the Federal court system. Secondly, it is going to help us in the fight against crime because it will give us additional judicial talent and more opportunities for us to handle minor criminal cases than is presently possible. The magistrate under this system could handle a large volume of such cases.

Passage of this bill would permit the release of the Federal district judges for other tasks, more important tasks which are assigned to them, and would eliminate the necessity of our having to constantly increase the number of Federal judges.

As has been said before, this bill has been recommended by the American Bar Association, by the Judicial Conference of the United States, and by other organizations.

Approval of this legislation would eliminate the fee system from our Federal judiciary, as has been done so effectively in many States, and would set up a salary system. This should produce a higher standard of ethics and an improved administration of justice. It should enable us to eliminate some of the backlogs in our Federal system which have plagued the courts for many years.

Of the 700 or so commissioners which we now have, only one-third of them presently are lawyers. This bill would require that magistrates be trained in the law, and be lawyers, except in those few cases where it is impossible to secure such talent.

Mr. Chairman, this is a strong bipartisan effort, and a strong public effort to improve the quality of justice in the United States. We have an obligation here today to see that it is given effect. I urge the favorable support of the Members on both sides of the aisle for this legislation, and may I say particularly I urge the Members on this side of the aisle, to give their favorable support to this legislation.

Mr. POFF. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SMITH].

Mr. SMITH of New York. Mr. Chairman, I rise in support of the bill S. 945. I would like to associate myself with the remarks of the gentleman from Illinois [Mr. MCCLORY], who has just preceded me. I believe that this legislation will provide progress in the administration of justice in the Federal courts.

I urge support of this legislation.

Mr. POFF. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I rise in support of this bill because it is very apparent that some improvement has to be made in the very lowest echelon of our judicial court system.

The idea of paying any judicial officer by a fee system is completely out of date, I believe, in the situations as we find them today. I have always been one who believes that it is a very good idea to pay law enforcement officers according to what they do. That is to say, the sheriff, the marshal, or anybody else like that, it would be a good idea to pay them a fee. It keeps them busy.

But a judge, even if he is on the lowest echelon, if he is a justice of the peace, or a commissioner, or a magistrate, he ought to be paid a salary so that his decisions and his activities will be completely independent—completely independent of any suggestion that his decisions were influenced by the fees that he makes.

Mr. Chairman, I believe this bill is a step in the right direction to right that wrong.

I know the argument is made that in connection with this bill there may be a constitutional question because here are some officers in the judiciary who are to be appointed by the judges rather than by the President. But the Constitution of the United States is very clear in article 2, section 2, in that it specifically gives to the Congress of the United States the power to provide for the appointment of inferior officers by the courts of law, and these magistrates are just such inferior officers. So I am not satisfied that there is any genuine constitutional question involved here at all. I believe the Congress of the United States has the power to create these magistrates and provide for their appointment by the judges of the district courts.

Mr. POFF. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in support of the legislation.

As a member of the State Legislature of Florida back in 1951, I sponsored a number of bills that had as their purpose doing away with the nefarious fee system justice which existed on the Justice of Peace level in Florida at that time.

As a matter of fact, most counties in the State have now followed up, and it is the general opinion, at least I believe so, that fee system justice is not necessarily full and true justice in many instances.

For that reason, and even if that were the only reason, I would support this legislation to abolish fee system justice on the Federal level as I had the privilege of doing on the State and local level.

Second, I support it because the decisions made by commissioners even under the present law, let alone under this new bill, as stated in the report on page 13, "involve sophisticated rules of constitutional law, rules that the best attorneys and judges are hard pressed to apply correctly."

For this reason it is quite obvious I think, if you are going to have not only expeditious but true justice under properly administered procedures and interpretations of the law that you have people who are qualified to make these tough, basically legal decisions. I am not pleading the case for lawyers or members of the bar association. Therefore, I think having this qualification is good and will end up in sound and properly administered justice.

Third, we have passed numerous Federal anticrime laws here just in my brief span of 14 years in the House, that result in substantial new, broadened, and evermore complicated Federal jurisdiction. The result is that if something is not done you are going to have such a long backlog of cases, even on minor offenses that you are not going to end up providing expeditious justice.

For those reasons and others, I support this bill.

Mr. POFF. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. CAHILL].

Mr. CAHILL. Mr. Chairman, an observation of the number of Members on the floor is dramatically illustrative of the futility of any effort to persuade the majority membership of this House of the position that I have taken on this legislation.

Everybody on the Committee on the Judiciary is a lawyer. There is no question but that this legislation is supported by the Federal bench and the Federal bar and the American bar of this country.

I want everybody to know that both the Member in the well and I think every Member who opposes this legislation is in favor of an improvement in the commissioner system.

We all agree that the fee system is outdated and outmoded and should be eliminated.

We all agree that we should have the highest quality and best educated men as commissioners. We would have no objection whatsoever if that were the objective and if that were the purport of this legislation.

What we are really doing here, and I cannot emphasize this point too strongly, is really creating an assistant judge. We are giving each man who is appointed as a full-time magistrate a courtroom—you are going to give him a staff—you are going to give him a legal secretary—you are going to give him a bailiff and a stenographer. You are going to give him retirement and you are going to let him be appointed by the district court judge—not by the President of the United States, as is provided for under the Constitution of the United States.

Now I could speak at great length, but it would serve no useful purpose.

Let me summarize and say that I oppose this bill because I do not think it is constitutional. I believe the appointment should not be made by Federal judges because it has to put them into politics where they do not belong.

I do not favor this legislation because there is no accurate estimate of what it will cost.

There is no limit to the number of magistrates that can be appointed.

All in all, it is in my judgment at very best a very inadequate effort to abolish the commissioner system and replace it with a system that is costly and unconstitutional.

I do not understand why we believe that the judges who are making the appointments under this legislation of magistrates and deputy magistrates are going to do a better job than they have done in the past in appointing the commissioners. Whose responsibility is it that the commissioners are not lawyers? Who appoints them? Whose responsibility is it if the commissioners are not qualified? Who appoints them? Whose responsibility is it if the commissioner system is inadequate? Who appoints them? The very same people appointing the commissioners are the judges whom we now are giving the right to appoint the magistrates. If they have not done an adequate job heretofore, and I do not concede that this is so, what is there to suggest that by reason of a piece of Federal legislation the job will be done better?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I have been here all afternoon. I have heard all of these indictments of the commissioner system. It is almost unbelievable that those who have been indicting the commissioner system are in this bill permtiting the same people to appoint these magistrates. I do not understand this, and I commend the gentleman for making the point that he has.

Mr. CAHILL. It would seem to me that we have a very basic issue here, and that issue is whether we are going to give the right to appoint to the Federal judges, whom we appoint for life, and whom we expect, and happily I can report have come to know, are men like Caesar's wife. We have an outstanding Federal judiciary in this country, with rare, if any, exceptions. We have dedicated, educated, competent men. We appoint them for life because we want them to stay completely independent of politics. We make it constitutionally impossible even to reduce their salary while they are on the bench. And they can only be removed by reason of bad conduct.

Why should we place this, I would think undesired on their part, responsibility to select literally hundreds of magistrates and deputy magistrates? Why should the lawyers of this country be compelled to argue motions, to handle pretrial discovery proceedings, some of which are the most vital in a piece of legislation? Why should it be necessary to sign a waiver in order to get what is a constitutioal right to be tried by an article III judge? Why should any man be asked to sign a piece of paper in order to get what he is guaranteed by the Constitution of the United States?

The gentleman from California, regrettably, is not on the floor. But he makes the point that this is going to help law and order. I point out to you that while the prosecutor is required to sign a waiver, and while the defendant is required to sign a waiver, the defendant alone has the right of appeal, and the prosecutor has no right of appeal.

My friends, I have already taken too much of the valuable time of Members of this House both on the rule and in this dialog. I hope all Members know that I, too, am a member of the bar, and that I practiced before the Federal courts, and I am a member of the U.S. Supreme Court bar. I have the highest regard and the deepest respect for every member of the judiciary and the members of the Judiciary Committee who disagree with me.

I hope Members will understand my objection is based upon a very sincere conviction that this legislation is not only unconstitutional but that it is also detrimental to the best interests of the judiciary itself and to the people of the United States. I trust there will be some evidence on the part of this membership of agreement with the position I take, which is to oppose this bill in its present form and to demonstrate a willingness to do immediately what is necessary to provide for an improvement of the commissioner system and an elimination of the fee system that is presently in existence.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, first I do want to compliment the gentleman in the well for his contribution to this debate. Certainly his motives are most sincere, and the position he espouses, particularly on the subject of the constitutionality, is well taken.

We disagree, as the gentleman knows, but this is a subject on which reasonable men can differ. During the course of the remarks made by the gentleman, he made reference to the fact that we should perhaps not be able to trust members of the Federal bench to make better appointments to the position of magistrate than they have made to the position of commissioner.

I hope the gentleman will agree that one of the reasons for the present difficulty in the judicial system is the difficulty in attracting people to serve as commissioners because of the small pay scale.

Mr. CAHILL. Mr. Chairman, will the gentleman let me respond?

Mr. WIGGINS. Yes.

Mr. CAHILL. Mr. Chairman, this is what amazes me. In my area and throughout the State of New Jersey, we have been able to attract eminently qualified and outstanding members of the bar to fill these positions. As a matter of fact, we have a great number of men seeking this office because they feel it is a position of importance and honor. I am at a loss, because I dare say there are not any Members on this floor who can get up and say honestly that they have had complaints from any of the lawyers in their districts or even from the Federal judges concerning inadequacies or incompetencies of Federal commissioners, because if there had been, the commissioner could have been removed.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield further?

Mr. CAHILL. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, the attitude of the gentleman from New Jersey is precisely the attitude I had as I went into these hearings, because the practice in Los Angeles County is entirely different from what I found it to be in Laramie, Wyo. In the vast reaches of the West there was difficulty finding an attorney to fill these jobs, much less finding a competent attorney who has had possible experience on the bench. I assure the gentleman the conditions in New Jersey are not uniform throughout the United States.

Mr. CAHILL. Mr. Chairman, as the gentleman knows, I have the deepest respect for all the citizens of Wyoming and the members of the bar, but we cannot legislate on a national level based upon the needs of a single State or a few States. We must take into consideration the needs of the Nation.

Again I say that to my knowledge, there have been no complaints about the existing system except from the bench, who are the very people who make the appointments. I have found no members of the bar, nor of the bar associations, nor lawyers in my entire district or State who complained about a single commissioner.

Mr. Chairman, I thank the gentleman from Virginia very much for his generosity in yielding time to me.

Mr. POFF. Mr. Chairman, I yield myself such time as I may consume.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from South Carolina. I hope the gentleman will be brief.

Mr. WATSON. Mr. Chairman, I certainly shall. Mr. Chairman, I hope the gentleman will help me to understand. As I read this bill, the Federal judges make the various appointments to the Federal magistrates' positions?

Mr. POFF. Yes, sir.

Mr. WATSON. And there is a basis for an appeal from the Federal magistrate to the district judge?

Mr. POFF. Yes.

Mr. WATSON. Does that strike the gentleman as being exactly correct? Here is a man appointing a fellow—and obviously he has confidence in the man—as a magistrate. But then a person will be appealing from that magistrate to the man who made the appointment. When have we ever allowed a judge to appoint another judge?

Mr. POFF. I will respond, because the present system is similar. The district judge appoints the commissioner.

Mr. WATSON. But they do not try cases.

Mr. POFF. I am sorry to differ with the gentleman, but in certain instances they do try cases, and the appeal does lie to the district courts. There is no difference in this.

Mr. WATSON. In criminal matters they cannot sit as hearing officers, but only to determine whether or not the person should be bound over.

Mr. POFF. There is a further analogy, I might suggest to the gentleman, as to masters who are appointed by the judges, who have appellate jurisdiction over their decisions. There is yet another analogy with respect to referees in bankruptcy who are appointed by the judges.

Mr. WATSON. But not commissioners?

Mr. POFF. Yes, commissioners.

Now, Mr. Chairman, I should like to address myself to this subject.

Mr. CAHILL. Mr. Chairman, will the gentleman yield for the purpose of pursuing that question? The gentleman seems discouraged with me, so I withdraw my request.

Mr. POFF. I hope the gentleman will permit me to conclude.

Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from Virginia has 10 minutes remaining and the gentleman from Colorado has 10 minutes remaining.

Mr. POFF. Mr. Chairman, my high respect for the gentleman from New Jersey and my own innate sense of fairness compels me to use a portion of that short interval to pay respect to the gentleman from New Jersey. He is more than my friend. He is an attorney who commands my continuing respect. I hope that I have not said anything which would imply any lack of respect for the constitutional argument which he has so masterfully made. On the contrary, I compliment the gentleman for having spoken to his conviction. It is a part of his responsibility. I admire him for having discharged his responsibility.

Having said that, and with equal respect, may I disagree with my distinguished colleague. The gentleman makes a number of constitutional points in his minority views and in his dissertation.

One of those goes to article II, section 2 of the Constitution. The gentleman argues most eloquently that the Congress should not arrange a system which would make it possible for a judicial officer to appoint another judicial officer. In support of his argument he quotes the first clause in that section. That clause requires that appointments be made by the President subject to confirmation by the Senate.

But the second part of the clause is equally important and needs to be brought into this context. May I quote it:

> But the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

This legislation exercises the right of Congress there granted to vest in the courts of law the power to appoint inferior judicial officers. I believe clearly that language puts that constitutional point at rest.

Further, the gentleman contends that article III of the Constitution requires that a person charged with a crime must in the first instance be granted a trial before an article III judge; namely, a judge who is appointed for lifetime tenure under good behavior. The difficulty with this argument is that the courts have already held that it is without substance. On the contrary, the courts have agreed that if the guarantee is inherent in the judicial process, even at the appellate level, then the right is fully vindicated and for that purpose I quote from the language of Mr. Justice

Story in the case of *Martin* v. *Hunter's Lessee*, 1 Wheat. 304, 332 (1816), he said in part:

> The mode [for exercising Article III power] is not limited, it may extend to all such cases, in any form, in which judicial power may be exercised. It may, therefore, extend to them in the shape of original or appellate jurisdiction, or both.

Mr. Chairman, further with reference to this point, if we agree that article III does not grant a right to trial by an article III court in the first instance, and if we agree that there may be such a right guaranteed elsewhere in the Constitution, then we must further agree that this right is a due process right.

I know my distinguished colleague from New Jersey will agree that a due process right can be waived. That being true, I suggest, Mr. Chairman, that the two most important points raised by the gentleman from New Jersey do not have full force and effect. I do not challenge the gentleman's right and responsibility to raise the point, and I hope he will honor my right to disagree with him.

Mr. CAHILL. Mr. Chairman, will the gentleman yield to me?

Mr. POFF. I do indeed.

Mr. CAHILL. As I read the case of Glidden against Zdanok, the Supreme Court held that a jurisdictional right was not merely a personal right before an article III judge, and therefore it is not waived.

Mr. POFF. I am glad to respond to the gentleman. He makes his point very well. But as the gentleman knows, the Court in that decision was establishing what it takes to be an article III court. However, in this case we are talking about the question of whether article III grants the right to a trial in the first instance before an article III good-behavior, life-tenure judge. Those are two distinct and different propositions.

Mr. CAHILL. If the gentleman will yield briefly, of course, I have a difference of opinion, but I want to say that the gentleman from South Carolina raised a very vital point in that this is the first time, to my knowledge, that we are permitting a judge to appoint another judge and permitting an appeal to be taken to the appointing power. Would the gentleman agree that an appeal from the present commissioner system in a trial case is not to the Federal district court judge?

Mr. POFF. Yes, in part.

Mr. CAHILL. The gentleman will agree?

Mr. POFF. Yes, in part. Under 18 U.S.C. 3402, in all cases of conviction by a U.S. commissioner, an appeal lies from the judgment of the commissioner to the district court. The gentleman will also agree with my analogy to the referee and the master.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I am glad to yield to the gentleman from North Carolina.

Mr. WHITENER. I thank the gentleman for yielding.

As a member of the subcommittee, we worked together on this legislation and made several significant amendments. However, there is some language in the bill which came to us as it was passed in the other body which I think we might well discuss. I refer to subsection (c) on page 50 of the bill where it says in effect that a magistrate who is engaged in the trial of a person who has been convicted or pleads either guilty or nolo contendere may, with the approval of the judge of the district court direct the probation service of the court to conduct a presentence investigation on that person and render a report to the magistrate prior to the imposition of a sentence. I think we should make it clear here that this was not language which was designed in any way to deprive a defendant in the magistrate's court of the probation examination but, rather, it was a protective device to prevent the probation system from becoming overloaded with petty and minor offenses rather than being involved in looking into the cases of those who had committed more serious offenses and who were on trial in the district court.

Mr. POFF. In his usual fluent and eloquent manner, the gentleman has very carefully defined the purpose of that language.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. POFF. I am glad to yield to my friend, the gentleman from South Carolina.

Mr. WATSON. I notice on page 13 of the report you state that some one-third of the 700 commissioners are nonlawyers. I recognize the fact that you say with some $10,500 limitation on fees that you will not be able to attract the finest people. Would it not have helped, perhaps, had we made the requirement that they be lawyers, and then perhaps given a better stipend and attracted better lawyers rather than this wholesale change? I am really disturbed about the question here that possibly is going to happen with justices appointing these magistrates.

Frankly, down our way we have never had any dearth of applications for these positions. In fact, they are always after them.

I wonder whether this will really add and result in an improvement of the judicial system.

Mr. POFF. I do not think any system should depend upon the old fee technique as the pay system of these commissioners. It is my opinion that the fee system, even if fees are increased may contribute to slow justice and, perhaps, imperfect justice.

While I can appreciate the gentleman's point of view, I think the best way to make certain that anyone who is responsible for the first application of justice upon a person who runs afoul of the laws of society should be a person who is independent of a fee, and, whenever possible, he should be an attorney trained in the law.

Mr. WATSON. Mr. Chairman, if the gentleman will yield further, I wholeheartedly agree with what the gentleman has said. I just ask the question again why change the old system? Why could you not have eliminated the fee system and establish a regular salary for these magistrates and require them to be a lawyer? Why could not that have been done rather than bringing in all of the provisions of this bill?

Mr. POFF. The gentleman's point might be debatable. On the other hand this bill concerns something infinitely more important and significant than personnel appointments or compensation, and that is the question of the jurisdiction of this magistrate. The commissioner's jurisdiction today is very severely circumscribed. He performs largely a ministerial function. He could be more useful to the court. We feel that in view of the congestion which exists in the court dockets, we can properly expand this jurisdiction and place this responsibility in the hands of a man who has been trained in the law.

More than 3 years of congressional effort have been invested in the study, research, drafting, revision, and amendment of S. 945. Allow me to summarize briefly the reasons that I believe our investment will prove wise and fruitful.

The first line of Federal criminal justice is today manned by some 731 U.S. commissioners. These officers are entrusted by statute with the scrutiny of search and arrest warrant applications, the conduct of preliminary hearings or arraignments of arrested persons, and in certain cases, with the actual trial of those accused of petty offenses committed upon Federal reservations. The importance of these proceedings to our entire scheme of Federal justice need not be belabored; it is self evident. Were the U.S. commissioner system equal to the responsibilities that the law of the Nation thrusts upon it, there would be no need for the Federal Magistrates Act. It is not.

Our studies have shown that fully one-third of the U.S. commissioners are not attorneys; yet these officers are daily called upon to apply sophisticated principles and precedents of constitutional and criminal law. All of the commissioners, with the exception of a handful serving in large cities, are paid on a "piecework" basis. Their "fee schedule" compensation ill befits the dignity of the courts of the United States, undermines the desired objectivity of their decisions, impedes recruitment of highly talented men to fill the office, and, at least arguably, constitutes an impairment of the accused's due process right to a disinterested determination of whether he ought to be arrested, or his home ought to be searched, or he ought to be held for grand jury action.

Of even greater significance, however, is the amazing lac kof understanding, on the part of the commissioners themselves, of the true nature of their statutory functions. The statutes relating to the conduct of preliminary hearings, for instance, fail to spell out the grounds upon which an accused should be held for further action, or to spell out the effect upon an arrested person's right to a preliminary hearing that an intervening indictment may have. In addition, the very narrow limitations placed upon the commissioner's trial jurisdiction tend to burden our U.S. district courts with trials of matters as petty as "shooting over corn" or "refusal to assist census employees." Even worse, those limitations often force U.S. attorneys to "nol pros" violations of the criminal code, for Federal district judges straining under accelerating caseloads have little sympathy for prosecutors who bring Migratory Game Bird Act offenders into their courts. Finally, it is not uncommon for U.S. attorneys to "downgrade" more serious violations committed on Federal reservations to "petty offense" status so that they may be tried expeditiously before the U.S. commissioner rather than await hearing backlogs in the district courts. None of these practices serve the ends of justice.

Viewed as a whole, and in light of these and other substantial deficiencies, the present U.S. commissioner system is a bulging, bungling, anachronism that militates against efficient crime control and speedy justice.

The Federal Magistrates Act will abolish the U.S. commissioner system and replace it with a streamlined and valuable component of an integral Federal court system. The new officer will be a U.S. magistrate: a qualified attorney, appointed by the judges of the court he is to serve, for a term of years and at a rate of compensation fixed to reflect his new judicial responsibilities and to attract high-caliber talent. He will fill a post created for a particular location after an exhaustive nationwide survey of court and law enforcement needs. He will be trained in the performance of his duties by the new research and training arm of the judiciary, the Federal Judicial Center, and will be provided with the codes, texts, and manuals necessary to keep him informed of developments in the law relevant to his responsibilities. For the first time, his responsibilities in the exercise of each of his powers will be clearly expressed. The preliminary hearing will have the same significance in the eastern district of one State as it has in the northern district of another.

In order to avoid the "nol prossing" and "downgrading" of offenses that the present limitations upon the trial jurisdiction of commissioners foster, specially designated magistrates will, under specified conditions, be empowered to try persons accused of minor offense violations of Federal criminal law. Many safeguards have been built into the exercise of minor offense trial jurisdiction by the magistrate. First, the very definition of minor offense has been tailored to include only those offenses that sound public policy might permit an inferior judicial officer to try: Federal misdemeanors, wherever committed, punishable by not more than 1 year in prison or a fine of $1,000, or both. This is an expansion of jurisdiction beyond that presently exercised by U.S. commissioners—misdemeanors committed on Federal reservations punishable by not more than 6 months in prison or a fine of $500, or both—but it is an expansion that is reasonable in light of the increased qualifications for appointment to the office, the close supervision to be provided the magistrate by the district court, and the right to swift justice of even the minor offender.

Second, the district court or court that a magistrate serves must specially designate him to try these offenses. The court may attach to its designation such conditions as it deems appropriate. For instance, the district court might except certain categories of minor offenses from a magistrate's designation, veto the exercise of his jurisdiction in a particular case, or establish uniform local procedures for all minor offense trials held within the district. S. 945 thus requires and permits the greatest possible scrutiny and control of a magistrate's trial jurisdiction by the district court of which he is an officer.

Third, even a specially designated magistrate will be unable to exercise his jurisdiction unless both the prosecutor and the accused consent. The magistrate will be required to give every defendant brought before him a careful explanation of his right to elect trial before a judge of the district court and of his right, in appropriate cases, to demand trial by jury before that judge. S. 945 specifically forbids the magistrate to proceed to trial unless the defendant, having heard the magistrate's explanation, executes a written election to be tried before the magistrate and a written waiver of whatever jury trial rights he has.

Finally, an appeal of right to a judge of the district court is guaranteed to a defendant convicted before a magistrate. Taken together, all of these safeguards will insure that both the accused and the court system will reap the maximum benefit from the magistrate's exercise of trial jurisdiction.

At this time it might be appropriate for me to say a word or two about the constitutional questions noted in the dissenting views of the distinguished gentleman from New Jersey [Mr. CAHILL] to the report of the Committee on the Judiciary on S. 945. To my mind, all constitutional questions relating to this legislation have been resolved in favor of its constitutionality. The gentleman's argument, for instance, that S. 945 violates article II of the Constitution because that article "requires that judges of the Supreme Court and all other officers of the United States whose appointments shall be established by law must be appointed by and with the advice and consent of the Senate" is clearly based upon misinterpretation of article II. That article provides:

> And [the President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: *but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.* U.S. Const., Art. 2, § 2, cl 2 [emphasis added].

In S. 945 the Congress is by law vesting the appointment of U.S. magistrates, "such inferior officers, as the Congress thinks proper," in "the courts of law." In the opinion of the Committee on the Judiciary, and in the opinion of a unanimous Senate, it is proper to abolish the anachronistic U.S. commissioner system and to replace it with a modern, efficient adjunct to the U.S. district courts; it is proper to create the "inferior" office of U.S. magistrate, and it is proper to vest the appointment of magistrates in the courts of law, that is, in a majority of the judges in regular active service on the U.S. district court or courts that the magistrate will serve as an "inferior" officer. The Constitution requires no more. If it did, the appointments of present U.S. commissioners, of referees in bankruptcy, and of special masters would all be unconstitutional—they are all inferior officers whose appointments the Congress has traditionally entrusted to the courts.

The dissenting views also attempt to refute the three lines of authority cited in the Senate report as supporting the constitutionality of the minor offense trial jurisdiction. I should point out that our committee found it unnecessary to go beyond the first line of authority cited in the Senate report. So clear is the authority that the jurisdiction of a U.S. district court may be exercised through the medium of the magistrate, appointed by the judges of that court and subject at all times to the court's direction and control, that our committee prescinded from consideration of the two additional and substantial lines of authority cited in the Senate. Nevertheless, in order to set the record straight, I shall briefly review the gentleman's rebuttal.

It begins by paraphrasing one of the Senate arguments:

> It is argued that any defects in the magistrates' minor-offense jurisdiction are eliminated by the fact that the defendant has an appeal of right to a Federal judge.

The Senate committee proposed no such rationale. Its conclusion was:

> Article III does not require that cases and controversies arising under the laws of the United States be tried in the first instance by judges holding office during good behavior. Nothing in the Article or in the cases interpreting it suggests that the constitutional grant of judicial power to Article III courts cannot be satisfied by provision for appellate review. As Mr. Justice Story said in *Martin* v. *Hunter's Lessee*, 14 U.S. (1 Wheat.) 304, 382 (1816), "the mode [for exercising Article III power] is not limited, it may extend to all such cases, in any form, in which judicial power may be exercised. It may, therefore, extend to them in the shape of original or appellate jurisdiction, or both; for there is nothing in the nature [sic] of the cases which binds to the exercise of the one in preference to the other."

There is no doubting that constitutionally defective trial proceedings are not cured by the availability of an appeal. Despite the gentleman's assertion, that proposition has no bearing upon the question whether the judicial power of the United States must, in the first instance, be exercised by an article III judge, or the corollary, whether an article III court may exercise its jurisdiction, in the first instance, through an officer not an article III judge. The gentleman has, then, failed to rebut a most carefully researched and expressed argument with his citations to cases resolving an entirely different issue.

Another misleading rebuttal proferred in the dissenting views is found at No. 2

of page 45 of the House report. It is there stated:

> It is argued that the right to be tried before a judge of an Article III court is a personal right which may be waived and that under the bill no trial will be had before a magistrate unless and until such waiver is obtained.

The Senate committee's own carefully chosen words have a different ring:

> Both the Government and the defendant must consent to trial before the magistrate rather than before the district judge. Such a waiver is effective because no Article III jurisdictional rule requires that a case to which the judicial power of the United States extends be tried in the first instance by an Article III judge. If any "right" to trial by a good-behavior tenure judge exists, it is a due process right, which is waivable like other due process rights.

It is clear that the due process clause does not preclude the waiver of other analogous rights guaranteed by the Constitution, such as the right to trial by jury, the right to grand jury indictment, and the right to a speedy trial. It should be equally clear that any right to trial by an article III officer is similarly waivable.

The Senate committee anticipated the argument regarding constitutionality and the waiver of a jurisdictional right. But it did not anticipate, and could not have anticipated, the argument that under S. 945's provisions that—

> In actual practice no defendant would be free to choose between trial before a judge and trial before a magistrate.

That argument is so contrary to the letter and spirit of this legislation that no one could have expected it to have been raised in opposition to the bill. The intricate safeguards, the constitutional warnings, the statutory explanations, the written waivers and written elections required before the magistrate may exercise his trial jurisdiction in the individual case—all show a statutory intent to preserve trial before the district judge as the principal—rather than an elective or alternative—mode of proceeding in minor offense cases.

The final rebuttal in the dissenting views touches the relationship of magistrate and district court. It is upon this relationship that our committee specifically based its conclusion that S. 945's minor offense jurisdiction provisions are constitutional. The dissenting views state:

> It is finally argued that the magistrate himself is part and parcel of the article III court and that article III jurisdiction operates through the medium of the magistrate. However, saying this does not make it so.

The Committee on the Judiciary has not merely said that "article III jurisdiction operates through the medium of the magistrate." It has, in subcommittee and in full committee, considered arguments on both sides of the issue, and as did the Senate, has concluded that the minor offense jurisdiction is constitutional. Thirty-four of the thirty-five members of the committee joined in this conclusion. The committee's explicit reference to: "the fact that the magistrate is an officer of the U.S. district court, is appointed by the article III judges of the court, and subject at all times to the directions and control of the judges" clearly reflects the congressional intention to identify the magistrate with the article III court that he serves. The magistrate will exercise the jurisdiction of the district court. In doing so, he will be in a position analogous to the position of the referee in bankruptcy, of the special master, and of the present U.S. commissioner. Each of these officers presently exercises the jurisdiction of the district court. Time and again, the courts and the Congress have both explicitly and implicitly recognized this essential relationship of court and officer. The courts and the Congress will do so again regarding magistrates.

Mr. Chairman, the Committee on the Judiciary is not alone in its recognition of the need for a sweeping reform of the lowest tier of the judiciary. Nor is it alone in its specific endorsement of S. 945, the Federal Magistrates Act.

The commissioners themselves, through the National Association of U.S. Commissioners, have called for the enactment of S. 945. The Federal judiciary is virtually unanimous in its support of the measure. Not only has the Judicial Conference of the United States twice called for the prompt enactment of the Federal Magistrates Act, but the conference's Committee on Court Administration and its Committee on the Administration of the Criminal Law have worked diligently and most cooperatively with the Congress to insure that the provisions of S. 945 are feasible and the most desirable that can be obtained. Many significant improvements have been adopted in the legislation at the suggestion of these committees of the Judicial Conference. Further, the measure has the full support of the bar. The American Bar Association's board of governors unanimously adopted a resolution calling for the enactment of S. 945. That association's house of delegates also adopted such a resolution. And the ABA's sections of criminal law and judicial administration have also added their unanimous endorsement. The Department of Justice has reported that "legislation in this area is long overdue," and urges the passage of S. 945 as an important improvement in law enforcement and the administration of criminal justice.

In both the Senate and the House, support for the measure is wide and bipartisan. I am pleased to report that it has been accorded the full endorsement of the House Republican task force on crime. I am confident that the majority of Members of both sides of the aisle will welcome the opportunity to approve S. 945. I urge that they be given the opportunity to do so before this session ends.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, when this bill first came to the subcommittee of which I am a member and of which the gentleman from Colorado [Mr. ROGERS] is chairman, I had grave misgivings about it as to the cost and as to the question of upsetting the present system. However, after going through the hearings and then in studying the bill the executive session and making some changes in the legislation that we did in the committee, I decided that while I did not prevail in all of my views and some of the amendments I offered were not accepted, that by and large this legislation will bring about an improvement in our Federal judicial system.

I am particularly appreciative of the fact that the subcommittee went along with my amendment which would protect the rights of members of the reserve forces or persons who are called into active military duty. Because of my amendment they will not lose their position if they return to civilian life prior to the expiration of their term of office.

Mr. Chairman, I have heard with interest some of the discussion with reference to whether it is proper for judges to appoint the lesser court officials. I suppose all of us are creatures of the environment in which we live.

In my own State of North Carolina the superior court judges have the authority to appoint justices of the peace under certain circumstances. Under our new court system which has been hailed as the model court system in America and which is now being implemented, the superior court judges appoint all of the magistrates based upon the recommendations made to them by the clerk of the superior court. They appoint the number of magistrates determined to be needed by the administrative office of the courts of our State. So, I see nothing new about the proposal that the conference of judges may appoint magistrates.

The gentleman from New Jersey [Mr. CAHILL] mentioned that there is some error in not providing the Government with the right of appeal in every instance from the decision of the magistrate. Well, again, in my State it is the law that the State is not permitted to appeal except in four instances, and never where the substantive decision is made against the State on the question of the guilt or innocence of a defendant. So there again I am a creature of the environment in which I have been raised.

So I see little objection to these provisions which concern my good friend from New Jersey [Mr. CAHILL] which I know come from his own experience under a judicial system which varies from the one I am acquainted with.

I realize that this is an expensive bill. I wish the Treasury were better able to stand behind it, but, overall I believe the bill is a step forward worthy of our support.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from New York.

Mr. CELLER. Mr. Chairman, the bill establishes the office of U.S. magistrate in place of the office of U.S. commissioner. It establishes Federal Justice of Peace Courts instead of the commissioners. Its purpose is to relieve the burgeoning workload of Federal district courts and to upgrade the qualifications and responsibilities of this echelon of judicial officer. The bill spells out the jurisdiction, qualifications, responsibilities, and appointment procedure for magistrates. It increases their tenure in office to 8 years, abolishes the present fee-basis of compensation and substitutes in its place a salary system commensurate with the responsibilities of the office.

NEED FOR THE LEGISLATION

Hearings before the Senate Subcommittee on Improvements in Judicial Machinery and Subcommittee No. 4 of the House Committee on the Judiciary—Federal Magistrates Act, hearings before Subcommittee No. 4, House Committee on the Judiciary, 90th Congress, second session, serial No. 17—demonstrate the following significant defects in the present system:

First. U.S. commissioners are grossly underpaid.

Second. All commissioners are paid on a fee-basis system—see attachment for examples of charges under existing law following my remarks.

Third. Nearly one-third of the present 730 commissioners are not lawyers, yet are frequently called upon to apply complex legal decisions.

Fourth. Many commissioners have no clear idea of their function or the purpose of a preliminary hearing.

Fifth. Search warrants and arrest warrants are processed without independent judicial determination as to probable cause.

Sixth. Jurisdiction to try only "petty offenses"—offenses defined as punishable by not more than 6 months' imprisonment or a $500 fine—is extremely limited in view of the needs of the Federal judicial system.

S. 945, as amended, is designed to eliminate these and other defects and to relieve the Federal courts of a growing caseload burden.

ORGANIZATION OF THE MAGISTRATE SYSTEM

The bill provides a two-tier system. Magistrates would be full-time judicial officers where justified by the volume of business. Part-time magistrates would be distributed throughout the country. Both full-time and part-time magistrates must be members of the bar of the State in which their court is located. An exception to the requirement of bar membership for part-time magistrates is made where the appointing court and the Judicial Conference cannot find a qualified member of the bar.

APPOINTMENT

Magistrates, like commissioners, will be appointed by the judges of the U.S. district courts. The Judicial Conference of the United States will determine the number of magistrates to be appointed and the locations in which they are to serve. Today there are 700 U.S. commissioners serving in 91 of the 93 U.S. Federal district courts. It is envisioned that following enactment of S. 945 there will be 50 full-time and 150 part-time Federal magistrates and 200 deputy clerk magistrates.

QUALIFICATIONS FOR APPOINTMENT

Qualifications for appointment differ materially from the present commissioner system. They include—

First. Membership in good standing before the bar of the State in which the magistrate is to serve. Bar membership for a part-time magistrate may be waived by the appointing court and the Judicial Conference of the United States in certain circumstances.

Second. Competence to perform the duties of magistrate as determined by a majority of the judges of the appointing court.

Third. In the case of service in a national park, the magistrate must reside within the park or some place reasonably adjacent thereto.

Fourth. Absence of any relationship by blood or marriage to a judge of the appointing court.

Fifth. With certain exceptions, a magistrate must be under 70 years of age.

Sixth. Full-time magistrates cannot engage in the practice of law or in any other occupation inconsistent with his judicial duties. Part-time magistrates may practice law but their activities are restricted to insure against conflict of interest.

TENURE

Under the present system, U.S. commissioners serve at the pleasure of the U.S. district court appointing them. S. 945, as amended, provide a secure 4-year term for part-time magistrates and a secure 8-year term for full-time magistrates. The removal of a magistrate during the term for which he is appointed must be based upon incompetency, misconduct, neglect of duty or physical or mental disability. In addition, a magistrate's office may be terminated if the Judicial Conference determines that there is no longer any need for a magistrate position in that court. The bill provides, therefore, a reasonable measure of job security and at the same time a reasonable amount of accountability of the magistrate to the district court which he serves.

MAGISTRATES' JURISDICTION

Under the bill, jurisdiction of full-time and part-time magistrates would include—

First. Powers and duties presently conferred on U.S. commissioners.

Second. Power to administer oaths, impose conditions of release and take affidavits and depositions.

Third. Conduct of trials under section 3401 of title 18, United States Code. This provision extends the trial jurisdiction of magistrates from so-called petty offense misdemeanors committed on Federal reservations to so-called minor offense misdemeanors committed anywhere within the judicial district in which the magistrate serves. Petty offenses are those for which the maximum sentence is $500 or 6 months imprisonment, or both, whereas, a minor offense is defined to mean a misdemeanor for which the penalty does not exceed a fine of $1,000 or imprisonment of 1 year, or both. The bill exempts from the minor offense category certain of the organized crime offenses, offenses under the election laws, conflict of interest violations, and certain other offenses of considerable public importance.

Fourth. Such other powers and duties as may be conferred by law of the Federal Rules of Criminal Procedures.

Fifth. A U.S. district court may assign additional duties and powers not inconsistent with the Constitution and laws of the United States. Such powers and duties may include: service as a special master—pursuant to section 53, of the Rules of Civil Procedure; conduct of pretrial discovery—civil and criminal action; conduct of pretrial proceedings—civil and criminal actions: preliminary consideration of applications for post-conviction relief—for example, petitions for writ of habeas corpus.

COMPENSATION OF MAGISTRATES

S. 945 abolishes the present fee system by which U.S. commissioners were paid a maximum of $10,500 per annum. Under the bill, magistrates are to be compensated by salaries established by the Judicial Conference of the United States at rates of not more than $22,500 per annum for full-time magistrates and not more than $11,000 per annum nor less than $100 per annum for part-time magistrates. The bill also makes magistrates eligible for certain Federal employees' retirement and insurance benefits.

COST OF THE LEGISLATION

The Administrative Office of the U.S. courts estimates the cost to the United States during the first year of operation at $6.5 million; during the second year at $5.3 million.

Present: 730 U.S. commissioners—approximate total cost of $1 million annually. Statutory ceiling of $10,500—only earned by 27 commissioners.

Contemplated under S. 945: 50 full-time magistrates; 150 part-time magistrates; 200 deputy clerk magistrates—approximate total cost of $6.5 million. $5.3 million second year.

PRELIMINARY EXAMINATIONS

Rule 5 of the Federal Rules of Civil Procedure provides that, unless waived, a preliminary examination shall be held within a reasonable time following the initial appearance of the accused. The bill clarifies rule 5 by requiring that a hearing be held within 10 days following the initial appearance if the accused is held in custody or within 20 days if the accused has been released on bail. However, if during the time between the initial appearance and the scheduled hearing an indictment or information is filed the bill provides that no preliminary examination need be held. It can be expected that the provisions of the bill dealing with preliminary examinations will provide guidelines sufficient to assist Federal magistrates in performing their duties during a preliminary examination. Of course, the purpose of that examination is to determine whether there is probable cause to believe an offense has been committed and whether the arrested person has committed it.

CONSTITUTIONALITY OF EXPANDED TRIAL JURISDICTION

At present the trial jurisdiction of U.S. commissioners is limited to so-called petty offense misdemeanors committed on Federal reservations. A petty offense is defined in the Federal Criminal Code as "any misdemeanor the penalty for which does not exceed imprisonment for a period of 6 months or a fine of not more than $500, or both." S. 945, as amended, extends the jurisdiction of the Federal magistrate to generally encompass misdemeanors committed anywhere within the judicial district in which he serves. These provisions enlarging the trial jurisdiction of magistrates would result in releasing much of the district judge's time for the trial and decision of more significant litigation. It is intended that the bill will relieve the Federal district judge of many routine functions which can be performed by the magistrate under court supervision. These provisions form an essential part of the legislation and should remove the "police court" atmosphere which the trial of offenses of a minor nature often impart to the Federal court.

The constitutionality of these provisions empowering magistrates to try so-called "minor offenses" and to exercise its jurisdiction with respect to offenses committed outside of Federal enclaves has been carefully considered by the Committee on the Judiciary. The Judicial Conference of the United States, the American Bar Association, as well as the Department of Justice, the Senate Committee on the Judiciary and the House Committee on the Judiciary, all support the validity of these provisions.

A concise statement in support of the constitutionality of the expanded trial jurisdiction supplied by the Department of Justice is set out as follows:

> The Supreme Court has recognized that the traditional common-law practice of trying comparatively minor offenses before inferior magistrates without a jury has continuing relevance in construing the criminal provisions of Article III. Cf. *Schick* v. *United States*, 195 U.S. 65, 90 (1904). See Frankfurter & Corcoran, *Petty Federal Offenses and the Constitutional Guaranty of Trial by Jury*, 39 Harv. L. Rev. 917, 927 (1926). As far as minor offenses are concerned, the judicial power of the United States under Article III may be exercised by magistrates who do not have the life tenure which Article III requires for "judges." In this connection, we note that the definition of "minor offenses" in the bill expressly excludes the most serious offenses for which penalties of up to one year's imprisonment or a fine not exceeding $1,000, or both, are prescribed.
>
> Alternatively, the provisions may be justified under Article I as necessary and proper to the effective exercise of congressional power to constitute tribunals inferior to the Supreme Court. The magistrates would accordingly function as legislative courts under that Article. As the Supreme Court observed in *Glidden Co.* v. *Zdanok*, 370 U.S. 530, 549 (1962), there is some precedent for giving legislative courts power to decide "what had previously been described as a judicial and not a legislative question."
>
> Whether based on Article III or on Article I, the provisions of S. 945 for trial by magistrate would not compromise the principle of the separation of powers between the legislative and judicial branches of the Federal Government. Under this bill, magistrates could try cases only upon special designation by the district courts they serve, and only under such conditions as might be imposed by the terms of the designation. A district court could exclude from its designation any cases it deems inappropriate to entrust to a magistrate for trial. The powers to appoint and remove magistrates would also be vested in the district courts. In all cases of conviction by a magistrate, an appeal of right would lie to the appropriate district court. The rules of practice and procedure for the trial of all cases before magistrates and for the hearing of appeals to the district court would be prescribed by the U.S. Supreme Court. Thus the performance of judicial functions by the magistrates would be entirely under the control of Article III judges. In fact, the magistrates themselves would function within the judicial branch, as satellite tribunals to the Article III courts. In view of these arrangements, we believe that S. 945 would neither compromise the functions nor undermine the independence of the Federal Judiciary.

It is also appropriate to stress that under S. 945, as amended, a valid exercise of this expanded trial jurisdiction is contingent upon—

First. A special designation of a U.S. magistrate by the appropriate U.S. district court to try "minor offenses";

Second. A defendant's election to be tried before a magistrate rather than before a U.S. district judge, and

Third. The defendant's "intelligent" waiver of whatever right to jury trial he may have before the district judge.

The special designation requirement and the consensual nature of the "minor offense" jurisdiction follow closely current requirements for the exercise of "petty offense" jurisdiction by U.S. commissioners. The magistrate's trial function is thus limited by the terms of the bill and further regulated by the Federal district court's order of designation. The magistrate's jurisdiction will be clearly defined and its exercise closely supervised by rules promulgated by the Supreme Court, by the requirement of a waiver executed by the defendant and by provision for appeal to the district court.

The material referred to as attachment A, follows:

ATTACHMENT A

SCHEDULE OF FEES FOR U.S. COMMISSIONERS—SECTION 633 OF TITLE 28, UNITED STATES CODE

The U.S. Commissioners are compensated on a fee basis. The fee schedule which is contained in Section 633 of Title 28, United States Code, fails to account for various new duties imposed by decisional law and by various new Federal statutes, such as the Bail Reform Act of 1966 and the Criminal Justice Act of 1964.

Under Section 633(4) of Title 28, United States Code, a commissioner may receive the sum of $4 for setting a bail bond or the terms of release of an accused. For holding a trial in a petty offense case, he may receive either $12 or $16 under Section 633(8), depending on case volume. Under Section 633(3), he may be entitled to a maximum of $14 and to a minimum of $2 per case (depending on volume) for holding a preliminary hearing in a felony case including all incident proceedings.

The schedule of fees contained in section 633 of title 28, United States Code, which is repealed by the Federal Magistrates Act, is set out below:

§ 633. Fees and expenses

United States commissioners in each judicial district, except national park commissioners, shall receive the following fees only for all services rendered, not to exceed $10,500 for any one calendar year:

(1) For attending to any reference by order of court of a litigated matter in a civil case or in admiralty, $8 a day.

(2) For taking and certifying depositions, 30 cents for each folio and for each copy thereof furnished on request, 20 cents per folio.

(3) A fee graduated according to the aggregate number of cases in each quarterly accounting period, in the sum of $14 for each of the first twenty-five cases, $9 for each of the next twenty-five cases, $8 for each of the next fifty cases, and $2 for each additional case, of the following kinds:

Issuance of an attachment and subsequent hearings in internal revenue matters pursuant to section 7604(b) of title 26;

Settling or certifying the nonpayment of a seaman's wage pursuant to sections 603 and 604 of title 46;

Preliminary proceedings to hold an accused person to answer in district court, payable to the commissioner who disposes of the case by discharge or binding over, for all services rendered after presentation of the accused;

Each accused person brought before the commissioner for holding to answer in district court shall be considered a case for the purpose of computation of fees.

(4) For all services rendered for each accused person presented before him for purposes of bail only and not for holding to answer in district court, whether or not bail is taken or commitment ordered, $4.

(5) Upon the filing of a sworn, written complaint, for all services rendered prior to presentation of the accused before the commissioner, $4 for each person accused.

(6) For all services in connection with each formal, written application for a search warrant, whether granted or denied, $6.

(7) For each proceeding for the discharge of an indigent prisoner, $6.

(8) For each defendant tried or sentenced by him for a petty offense, in lieu of all other fees provided in this section, a fee graduated according to the aggregate number of cases in each quarterly accounting period, in the sum of $16 for each of the first twenty-five cases and $12 for each additional case.

(b) Repealed. Pub. L., 85–276, § 2, Sept. 2, 1957, 71 Stat. 600.

(c) United States commissioners who are required to devote full time to the performance of the duties of the office, as determined by the Director of the Administrative Office of the United States Courts under the supervision and direction of the Judicial Conference of the United States and who do not engage in the practice of the law, shall be allowed their actual and necessary office expenses, including the compensation of a necessary clerical assistant. Such office expense shall be determined and paid and such compensation shall be fixed and paid by the Director of the Administrative Office of the United States Courts under the provisions of section 604 of this title.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. TENZER].

Mr. TENZER. Mr. Chairman, I rise in support of S. 945 and as a cosponsor of this important legislation—H.R. 5502.

The significant features of this bill have already been outlined and discussed. To review quickly, this bill abolishes the commissioner system and replaces it with the magistrate system;

Requires that all magistrates—full time and part time be attorneys except under certain limited circumstances;

Eliminates the fee system of compensation and establishes a realistic salary system based on a sliding scale based on duties assigned and responsibility;

Provides an 8-year term for full-time magistrates and a 4-year term for part-time magistrates;

Allows magistrates to be assigned duties by the judges of the U.S. district courts in addition to duties now assigned to commissioners including such responsibilities as service as special masters, pretrial or discovery proceedings and preliminary consideration of postconviction relief;

Provides expanded jurisdiction over minor criminal offenses when there is a knowledgeable waiver of the right to jury trial and the right to trial before a district court. Appeal as of right to a district court judge is provided in such cases; and

Clarifies preliminary hearing requirements by requiring that, absent a grand jury indictment or an appropriate court order, a hearing be held within a reasonable time not to exceed 10 days following initial appearance or 20 days if the accused has been released on bail or otherwise.

The bill, when enacted, would make the system of initial judicial contact more equitable by abolishing the fee system and providing attorneys rather than lay people in the role of magistrates.

The court backlogs in the Federal courts would also be reduced by providing more efficient manpower to aid the district court judges.

Notwithstanding the endorsement of this bill by the American Bar Association and the Judicial Conference of the United States and by a long list of leading members of the bar, certain objections have been raised which should be discussed at this point.

In the minority report filed by my distinguished colleague from New Jersey [Mr. CAHILL], it is charged that the legislation is unconstitutional. Rather than resting my case with the expert judgment of the American Bar Association and the Judicial Conference, I address myself to the position expressed in the minority report.

The second paragraph of the dissenting views of Mr. Cahill, incorrectly quotes article II of the Constitution.

In the dissenting views, second paragraph, page 44, appears the following quote:

> All other officers of the United States whose appointments shall be established by law.

The correct quotation from the Constitution is as follows:

> All other Officers of the United States, whose Appointments *are not therein otherwise provided for, and* which shall be established by Law—

In any event, the dissenting views cite the above quote out of context—because the very next sentence of the same paragraph of the Constitution states as follows:

> But the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

When we read the entire paragraph of article II, we discover that there is no constitutional problem.

The dissenting views also attack the method of appointment of magistrates described in S. 945—appointment by the judges of the local U.S. district courts with the concurrence of a majority of the judges of the appointing court.

This method of appointment will in my opinion assure that political and patronage considerations are subordinated to the selection of the best qualified attorneys by the appointing judge or judges. The district court judge must appoint a magistrate whom he can work with and trust, for he will be assigning to the magistrate duties and responsibilities formerly exercised by the judge.

I recommend that my colleagues read pages 11 and 12 of Senate Report No. 371 on this question of appointment and I am confident that they will agree that this method of selection offers the best protection of the public and judicial interests.

The final argument raised by the dissenting views relates to the waiver of the right to trial by jury. Let me state that S. 945 provides a number of safeguards which in the opinion of the majority of legal experts consulted protects all constitutional rights in this area. These safeguards include:

First. Jurisdiction in the district court with the magistrate presiding as an officer of the court. The position of the magistrate is similar to that of a referee in bankruptcy or a special master.

Second. Both the Government and the defendant must consent to trial before a magistrate and any right to a trial before an article III judge in the first instance may be waived as a procedural right.

Third. If convicted, the defendant may appeal to the U.S. district court under procedures quite similar to those now used in administrative hearings and the Tax Court.

Mr. Chairman, because of the short time allotted to me include at this point in the RECORD, the statement which I made in support of the legislation—when I appeared before subcommittee No. 4 of the House Judiciary Committee—on March 7, 1968.

The statement follows:

Mr. Chairman and Members of Subcommittee No. 4 of the House Committee on the Judiciary, I appreciate the opportunity to appear before your Subcommittee and to speak in support of the legislation now under consideration which seeks to abolish the office of Commissioner and to establish in place thereof within the Judicial Branch of the Government, the office of Magistrate.

This legislation was originally sponsored in the Senate by the distinguished Senator from Maryland, the Honorable Joseph Tydings. I wish to commend the Senator from Maryland for his outstanding initiative in presenting such a necessary and fundamental bill.

In the First Session of the 90th Congress, I introduced H.R. 5502 which also called for the establishment of a system of Federal magistrates to replace the present U.S. Commissioner. I am once again pleased to speak in support of this far-reaching legislation which is so vital to the orderly administration of criminal justice.

Mr. Chairman, there is no area of the criminal legal process more important for consideration than the one this subcommittee now has under consideration. The appearance before a U.S. commissioner, as now provided, is the initial contact by one charge with the commission of a crime or other offense against the Government, with our judicial system.

The manner in which the judicial process functions at this initial contact has a direct effect on the image the public generally has of the law and in particular of our courts. It is this impression of the administration of criminal justice in a free and democratic society which can encourage greater respect for the law.

It is my recommendation that the Commissioner system be upgraded, that we improve the present conditions of the office and that we pay an adequate compensation so as to attract the best qualified men who would devote more time to their important functions. In addition, there are numerous functions now handled in the district courts which could very properly and appropriately be handled by the newly created U.S. Magistrate, who under the law is required to be a lawyer.

Elevating the Commissioner to a status where he is competent to relieve the district courts of some of these functions will allow the judicial system to utilize its judges to better advantage. They will have more time for the more significant problems which come within the jurisdiction of the district courts and thus they will be better able to clear the backlog of cases in many districts and stay abreast of caseloads.

The need for this legislation has been recognized by leading jurists and the bill before you today has been endorsed by the Judicial Conference of the United States and the American Bar Association.

Our present system of U.S. Commissioners has been the subject of frequent criticism. The services of the Commissioners almost always require a knowledge of the law and the legal process, yet nearly one-third of the present 700 Commissioners are not members of the bar. Commissioners are paid on a per case fee basis. Commissioners are not bound by the canons of ethics applicable to jurists and lawyers. There is no protection to the high standards of the judiciary and lawyers from a Commissioner who may have a conflict of interest in cases brought before him. The responsibilities and functions of a Commissioner are nowhere in our law clearly spelled out. There is wide disagreement on the scope and purpose of preliminary hearings in our Federal judiciary system. It has also been charged that in districts with heavy caseloads, cases are sent to Commissioners for trial as petty offenses, when in fact, they should be tried by Federal judges as misdemeanors or felonies.

The present system is clearly ineffective to meet the highly technical requirements of the orderly administration of criminal justice. It is neither practical nor desirable simply to abolish the Commissioner system and transfer their functions to the U.S. district court judges. The district court judges are already overburdened by their present duties and are not geographically situated to meet the needs in remote areas of the country.

In place of the present system, the legislation under consideration today would effectively upgrade the Commissioner and create a magistrate system. S. 945 would reform the first echelon of the Federal judiciary into an effective component of a modern scheme of justice by establishing a system of U.S. Magistrates. This system would be free from the present defects of the U.S. Commissioner system, and will be a truly useful tool of our Federal judiciary

The bill establishes two tiers of commissioners (called "Magistrates" in the bill): an upper tier of full-time magistrates in areas where the volume of business justifies such a position; and a lower tier of "deputy" or part-time magistrates, distributed throughout the country in order to have judicial officers readily available when needed even in remote areas.

The major differences between the two tiers are: (1) Full-time magistrates are prohibited from practicing law; a deputy or part-time magistrate may practice law, however he may not act as attorney in matters which the United States or any agency thereof is a party. (2) Full-time magistrates may be assigned such additional duties by the district court as are consistent with their non-Article III status; deputy magistrates are limited to those functions set out in the statute. (3) Full-time and deputy magistrates are to be paid on different scales. (4) All full-time magistrates will have jurisdiction to try minor Federal offenders; only specially designated deputy magistrates are to have such jurisdiction.

The basic specific features of the bill are as follows:

The fee system is replaced by a sliding scale salary system. The highest paid full-time U.S. magistrate would receive $22,500 per year, and part-time magistrates would receive from $100 to $11,000 per year. The great variations in workloads that are likely to exist—even among full-time magistrates—makes it impractical to set a single flat salary for either full-time or part-time magistrates.

All magistrates must be lawyers, except where the appointing court and the Judicial Conference may determine that no qualified attorney is available to serve at the specific location. The type of matters that a U.S. Commissioner must now decide and that which a U.S. Magistrate will decide under the new system, demonstrates clearly why lawyers are necessary for full-time magistrates positions—trained legal judgment is required. In today's complex criminal system, the judicial officer is required to make on-the-spot interpretations of relevant statutes and to follow sophisticated court-made-legal rules.

The term proposed for full-time magistrate is 8 years. The proposed term for part-time magistrate is 4 years. The present four-year term of the Commissioner is too short to attract capable and qualified lawyers to the office on a full-time basis. Under the pending legislation providing for an 8 year term, lawyers in good standing in the profession, and highly qualified may find service as a U.S. Magistrate an excellent area for entering the public service.

The provisions that magistrates can be removed only for cause, is sound. The magistrates will thus be assured that their decisions can be rendered in a proper atmosphere of judicial independence and free from political influence.

The name has been changed from commissioner to magistrate to emphasize the judicial nature of the duties and responsibilities of the magistrate.

The U.S. magistrate under the bill is given expanded trial jurisdiction over minor criminal offenses when the accused executes a knowledgeable waiver of both his right to trial before a U.S. district court and any right to trial by jury he may have. The magistrate's trial jurisdiction, with certain exceptions, will extend to misdemeanors, wherever committed, that are punishable by imprisonment for not more than one year, or a fine of not more than $1,000 or both. Appeal of right to the district court is accorded those who elect to be tried before the magistrate.

The bill further provides for preliminary hearings or grand jury proceedings to be held within 10 days after presentment, or 20 days after presentment for those released under bail or other conditions. These are only outer limits, since earlier disposition may be possible, extensions may be granted only with defendant's consent except where a U.S. judge finds that extraordinary circumstances exist and that a continuance is indispensible to the interests of justice.

Mr. Chairman, I believe these proposals will strengthen our judicial system and help relieve Federal court congestion by upgrading the present commissioners and expanding their responsibilities. The bill under consideration today, S. 945, goes far to correct shortcomings in the present commissioner system. Magistrate jurisdiction is clarified and broadened, preliminary hearings are to be scheduled and held promptly after presentment. Magistrates are to be paid on a salary basis and admission to the bar is a prerequisite to eligibility to the appointment of a magistrate.

I urge the adoption of the proposed legislation as expeditiously as possible. I recommend Senator Tydings for his work in this important area and I am proud to be a cosponsor of the legislation in the House. I will urge my colleagues to support this legislation when it comes before the House.

Mr. Chairman, I urge my colleagues to support S. 945 as a step in the direction of sound judicial reform which will upgrade the judicial system, particularly in the first instance of judicial contact, and also serve to reduce the present Federal court backlogs which represent a serious threat to our system of due process and justice.

Mr. ROGERS of Colorado. Mr. Chairman, I yield to the gentleman from Missouri [Mr. Hungate] such time as he may consume.

Mr. HUNGATE. Mr. Chairman, I rise in support of the legislation, and I urge its approval.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. Eilberg].

Mr. EILBERG. Mr. Chairman, I rise in support of the bill. I believe the position of the commissioners themselves, who probably are apt to be replaced, are a matter of interest, and I submit for the Record a statement from one that is typical, in support of the legislation.

Philadelphia, Pa.,
September 13, 1968.

Hon. Joshua Eilberg,
House Office Building,
Washington, D.C.

Dear Congressman: I am happy to note that House Bill #5502, known as the Federal Magistrate's Bill, will be voted on by the House on September 16, 1968.

I am very much interested in this Bill, and I have been very active in recommending same as one of the Directors of the National Association of the United States Commissioners representing the Third Circuit.

I am averaging $2600 per year from my fees as United States Commissioner, and I can honestly say that my services are worth at least $20,000 per year. I am on call all hours of the day and night, every day of the week. My duties, by reason of the Bail Reform Act and the Criminal Justice Act of 1964, have tripled since I first became Commissioner in 1958.

I, therefore, strongly urge your voting in favor of this Bill.

Thanking you for your consideration and with warmest regards,

Sincerely yours,
Edward W. Furia.

Mr. POFF. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. Anderson].

Mr. ANDERSON of Illinois. Mr. Chairman, I am opposed to this legislation for the reasons I made quite clear on the record during the consideration of the rule.

Mr. BARRETT. Mr. Chairman, one of the cardinal principles of American justice is the right of one accused of a crime to a speedy trial. The measure before us, S. 945, entitled "the Federal Magistrates Act," is intended to preserve that principle.

A review of the annual reports of the Director of the Administrative Office of the U.S. Courts discloses that the median time to trial in Federal, nonjury criminal cases increased from 1.3 months for fiscal year 1963 to 3.9 months for fiscal year 1967—a threefold increase. It is safe to presume that this situation can only worsen.

The Congress has the responsibility for providing the means for a speedy trial in Federal criminal cases. S. 945 is intended to meet that responsibility. This measure would abolish the office of U.S. commissioner and reform the first echelon of Federal judiciary by establishing a system of U.S. magistrates.

The measure requires magistrates to be lawyers unless it is impossible to find a qualified attorney to fill a position and replaces the present fee system of compensation with a system of salaries based on anticipated workload. This present system of compensation is long overdue for replacement. Commissioners are underpaid and consideration should be given to their needs.

The magistrates would be given expanded trial jurisdiction over minor criminal offenses when the accused executes a knowledgeable waiver of both his right to trial before a U.S. district court and any right to trial by jury. Their jurisdiction would extend to misdemeanors punishable by imprisonment for not more than 1 year, or a fine of not more than $1,000, or both.

I urge my colleagues to support this measure and vote for its approval.

GENERAL LEAVE

Mr. POFF. Mr. Chairman, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ROGERS of Colorado. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read by title the substitute committee amendment printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Magistrates Act".

TITLE I—UNITED STATES MAGISTRATES

Sec. 101. Chapter 43, title 28, United States Code, relating to United States commissioners, is amended to read as follows:

"Chapter 43.—UNITED STATES MAGISTRATES

"Sec.
"631. Appointment and tenure.
"632. Character of service.
"633. Determination of number, locations, and salaries of magistrates.
"634. Compensation.
"635. Expenses.
"636. Jurisdiction and powers.
"637. Training.
"638. Dockets and forms; United States Code; seals.
"639. Definitions.

"§ 631. Appointment and tenure

"(a) The judges of each United States district court shall appoint United States magistrates in such numbers and to serve at such locations within the judicial district as the conference may determine under this chapter. Where there is more than one judge of a district court, the appointment, whether an original appointment or a reappointment, shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge. Where an area under the administration of the National Park Service, or the United States Fish and Wildlife Service, or any other Federal agency, extends into two or more judicial districts and it is deemed desirable by the conference that the territorial jurisdiction of a magistrate's appointment include the entirety of such area, the appointment or reappointment shall be made by the concurrence of a majority of all judges of the district courts of the judicial districts involved, and where there is no such concurrence by the concurrence of the chief judges of such district courts.

"(b) No individual may be appointed or serve as a magistrate under this chapter unless:

"(1) He is a member in good standing of the bar of the highest court of the State in which he is to serve, or, in the case of an individual appointed to serve—

"(A) in the District of Columbia, a member in good standing of the bar of the United States district court for the District of Columbia;

"(B) in the Commonwealth of Puerto Rico, a member in good standing of the bar of the Supreme Court of Puerto Rico; or

"(C) in an area under the administration of the National Park Service, the United States Fish and Wildlife Service, or any other Federal agency that extends into two or more States, a member in good standing of the bar of the highest court of one of those States; except that an individual who does not meet the bar membership requirements of the first sentence of this paragraph may be appointed and serve as a part-time magistrate if the appointing court or courts and the conference find that no qualified individual who is a member of the bar is available to serve at a specific location;

"(2) He is determined by the appointing district court or courts to be competent to perform the duties of the office;

"(3) In the case of an individual appointed to serve in a national park, he resides within the exterior boundaries of that park, or at some place reasonably adjacent thereto;

"(4) He is not related by blood or marriage to a judge of the appointing court or courts at the time of his initial appointment.

"(c) A magistrate may hold no other civil or military office or employment under the United States: *Provided, however,* That, with the approval of the conference, a part-time referee in bankruptcy or a clerk or deputy clerk of a court of the United States may be appointed and serve as a part-time United States magistrate, but the conference shall fix the aggregate amount of compensation to be received for performing the duties of part-time magistrate and part-time referee in bankruptcy, clerk or deputy clerk: *And provided further,* That retired officers and retired enlisted personnel of the Regular and Reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard, members of the Reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard, and members of the Army National Guard of the United States, the Air National Guard of the United States, and the Naval Militia and of the National Guard of a State, territory, or the District of Columbia, except the National Guard disbursing officers who are on a full-time salary basis, may be appointed and serve as United States magistrates.

"(d) No individual may serve under this chapter after having attained the age of seventy years: *Provided, however,* That upon the unanimous vote of all the judges of the appointing court or courts, a magistrate who has attained the age of seventy years may continue to serve and may be reappointed under this chapter.

"(e) The appointment of any individual as a full-time magistrate shall be for a term of eight years, and the appointment of any individuals as a part-time magistrate shall be for a term of four years, except that the term of a full-time or part-time magistrate appointed under subsection (j) shall expire upon—

"(1) the expiration of the absent magistrate's term,

"(2) the reinstatement of the absent magistrate in regular service in office as a magistrate,

"(3) the failure of the absent magistrate to make timely application under subsection (i) of this section for reinstatement in regular service in office as a magistrate after discharge or release from military service,

"(4) the death or resignation of the absent magistrate, or

"(5) the removal from office of the absent magistrate pursuant to subsection (h) of this section,

whichever may first occur.

"(f) Each individual appointed as a magistrate under this section shall take the oath or affirmation prescribed by section 453 of this title before performing the duties of his office.

"(g) Each appointment made by a judge or judges of a district court shall be entered of record in such court, and notice of such appointment shall be given at once by the clerk of that court to the Director.

"(h) Removal of a magistrate during the term for which he is appointed shall be only for incompetency, misconduct, neglect of duty, or physical or mental disability, but a magistrate's office shall be terminated if the conference determines that the services performed by his office are no longer needed. Removal shall be by the judges of the district court for the judicial district in which the magistrate serves; where there is more than one judge of a district court removal shall not occur unless a majority of all the judges of such court concur in the order of removal; and when there is a tie vote of the judges of the district court on the question of the removal or retention in office of a magistrate, then removal shall be only by a concurrence of a majority of all the judges of the council. In the case of a magistrate appointed under the third sentence of subsection (a) of this section, removal shall not occur unless a majority of all the judges of the appointing district courts concur in the order of removal; and where there is a tie vote on the question of the removal or retention in office of a magistrate, then removal shall be only by a concurrence of a majority of all the judges of the council or councils. Before any order or removal shall be entered, a full specification of the charges shall be furnished to the magistrate, and he shall be accorded by the judge or judges of the removing court, courts, council, or councils an opportunity to be heard on the charges.

"(i)(1) A magistrate who is inducted into the Armed Forces of the United States pursuant to the Military Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.), or is otherwise ordered to active duty with such forces for a period of more than thirty days and who makes application for a leave of absence to the district court or courts which appointed him, shall be granted a leave of absence without compensation for such period as he is required to serve in such forces. Every application for a leave of absence under this subsection shall include a copy of the official orders requiring the magistrate's military service. The granting of a leave of absence under this subsection shall not operate to extend the term of office of any magistrate.

"(2) A magistrate granted a leave of absence under this subsection who—

"(A) receives a certificate of service under section 9(a) of the Military Selective Service Act of 1967 (50 U.S.C. App. 459(a)), or is released under honorable conditions from the military service,

"(B) makes application for reinstatement to regular service in office as a magistrate within ninety days after he is released from such service or training or from hospitalization continuing after discharge for a period of not more than one year, and

"(C) is determined by the appointing court or courts in the manner specified in subsection (a) of this section to be still qualified to perform the duties of such position,

shall be reinstated in regular service in such office.

"(j) Upon the grant by the appropriate district court or courts of a leave of absence to a magistrate entitled to such relief under the terms of subsection (i) of this section, such court or courts may proceed to appoint, in the manner specified in subsection (a) of this section, another magistrate, qualified for appointment and service under subsections (b), (c), and (d) of this section, who shall serve for the period specified in subsection (e) of this section.

"§ 632. Character of service

"(a) Full-time United States magistrates may not engage in the practice of law, and may not engage in any other business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers.

"(b) Part-time United States magistrates shall render such service as judicial officers as is required by law. While so serving they may engage in the practice of law, but may not serve as counsel in any criminal action in any court of the United States, nor act in any capacity that is, under such regulations as the conference may establish, inconsistent with the proper discharge of their office. Within such restrictions, they may engage in any other business, occupation, or employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers.

"§ 633. Determination of number, locations, and salaries of magistrates

"(a) SURVEYS BY THE DIRECTOR.—

"(1) The Director shall, within one year immediately following the date of the enactment of the Federal Magistrates Act, make a careful survey of conditions in judicial districts to determine (a) the number of appointments of full-time magistrates and part-time magistrates required to be made under this chapter to provide for the expeditious and effective administration of justice, (B) the locations at which such officers shall serve, and (C) their respective salaries under section 634 of this title. Thereafter, the Director shall, from time to time, make such surveys, general or local, as the conference shall deem expedient.

"(2) In the course of any survey, the Director shall take into account local conditions in each judicial district, including the areas and the populations to be served, the transportation and communications facilities available, the amount and distribution of business of the type expected to arise before officers appointed under this chapter (including such matters as may be assigned under section 636(b) of this chapter), and any other material factors. The Director shall give consideration to suggestions from any interested parties, including district judges, United States commissioners or officers appointed under this chapter, United States attorneys, bar associations, and other parties having relevant experience or information.

"(3) The surveys shall be made with a view toward creating and maintaining a system of full-time United States magistrates. However, should the Director find, as a result of any such surveys, areas in which the employment of a full-time magistrate would not be feasible or desirable, he shall recommend the appointment of part-time United States magistrates in such numbers and at such locations as may be required to permit prompt and efficient issuance of process and to permit individuals charged with criminal offenses against the United States to be brought before a judicial officer of the United States promptly after arrest.

"(b) DETERMINATION BY THE CONFERENCE.—Upon the completion of the initial surveys required by subsection (a) of this section, the Director shall report to the district courts, the councils, and the conference his recommendations concerning the number of full-time magistrates and part-time magistrates, their respective locations, and the amount of their respective salaries under section 643 of this title. The district courts shall advise their respective councils, stating their recommendations and the reasons therefor; the councils shall advise the conference, stating their recommendations and the reasons therefor, and shall also report to the conference the recommendations of the district courts. The conference shall determine, in the light of the recommendations of the Director, the district courts, and the councils, the number of full-time United States magistrates and part-time United States magistrates, the locations at which they shall serve, and their respective salaries. Such determinations shall take effect in each judicial district at such time as the district court for such judicial district shall determine, but in no event later than one year after they are promulgated.

"(c) CHANGES IN NUMBER, LOCATIONS, AND SALARIES.—Except as otherwise provided in this chapter, the conference may, from time to time, in the light of the recommendations of the Director, the district courts, and the councils, change the number, locations, and salaries of full-time and part-time magistrates, as the expeditious administration of justice may require. Such determinations shall take effect sixty days after they are promulgated.

"§ 634. Compensation

"(a) Officers appointed under this chapter shall receive as full compensation for their services salaries to be fixed by the conference pursuant to section 633 of this title, at rates not more than $22,500 per annum for full-time United States magistrates, and not more than $11,000 per annum nor less than $100 per annum for part-time United States magistrates. In fixing the amount of salary to be paid to any officer appointed under this chapter, consideration shall be given to the average number and the nature of matters that have arisen during the immediately preceding period of five years, and that may be expected thereafter to arise, over which such officer would have jurisdiction and to such other factors as may be material. Disbursement of salaries shall be made by or pursuant to the order of the Director.

"(b) Except as provided by section 8344, title 5, relating to reductions of the salaries of reemployed annuitants under subchapter III of chapter 83 of such title and unless the office has been terminated as provided in this chapter, the salary of a full-time United States magistrate shall not be reduced, during the term in which he is serving, below the salary fixed for him at the beginning of that term.

"(c) All United States magistrates, effective upon their taking the oath or affirmation of office, and all necessary clerical and secretarial assistants employed in the offices of full-time United States magistrates shall be deemed to be officers and employees in the judicial branch of the United States Government within the meaning of subsection III (relating to civil service retirement) of chapter 83, chapter 87 (relating to Federal employees' group life insurance), and chapter 89 (relating to Federal employees' health benefits program) of title 5. Part-time magistrates shall not be excluded from coverage under these chapters solely for lack of a prearranged regular tour of duty.

"§ 635. Expenses

"(a) Full-time United States magistrates serving under this chapter shall be allowed their actual and necessary expenses incurred in the performance of their duties, including the compensation of necessary clerical and secretarial assistance. Such expenses and compensation shall be determined and paid by the Director under such regulations as the Director shall prescribe with the approval of the conference. The Administrator of General Services shall provide such magistrates with necessary courtrooms, office space, furniture and facilities within United States courthouses or office buildings owned or occupied by departments or agencies of the United States, or should suitable courtroom and office space not be available within any such courthouse or office building, the Administrator of General Services, at the request of the Director, shall procure and pay for suitable courtroom and office space, furniture and facilities for such magistrate in another building, but only if such request has been approved as necessary by the judicial council of the appropriate circuit.

"(b) Under such regulations as the Director shall prescribe with the approval of the conference, the Director shall reimburse part-time magistrates for actual expenses necessarily incurred by them in the performance of their duties under this chapter. Such reimbursement may be made, at rates not exceeding those prescribed by such regulations, for expenses incurred by such part-time magistrates for clerical and secretarial assistance, stationery, telephone and other communications services, travel, and such other expenses as may be determined to be necessary for the proper performance of the duties of such officers: *Provided, however*, That no reimbursement shall be made for all or any portion of the expense incurred by such part-time magistrates for the procurement of office space.

"§ 636. Jurisdiction and powers

"(a) Each United States magistrate serving under this chapter shall have within the territorial jurisdiction prescribed by his appointment—

"(1) all powers and duties conferred or imposed upon United States commissioners by law or by the Rules of Criminal Procedure for the United States District Courts;

"(2) the power to administer oaths and affirmations, impose conditions of release under section 3146 of title 18, and take acknowledgements, affidavits, and depositions; and

"(3) the power to conduct trials under section 3401, title 18, United States Code, in conformity with and subject to the limitations of that section.

"(b) Any district court of the United States, by the concurrence of a majority of all the judges of such district court, may establish rules pursuant to which any full-time United States magistrate, or, where there is no full-time magistrate reasonably available, any part-time magistrate specially designated by the court, may be assigned within the territorial jurisdiction of such court such additional duties as are not inconsistent with the Constitution and laws of the United States. The additional duties authorized by rule may include, but are not restricted to—

"(1) service as a special master in an appropriate civil action, pursuant to the applicable provisions of this title and the Federal Rules of Civil Procedure for the United States district courts;

"(2) assistance to a district judge in the conduct of pretrial or discovery proceedings in civil or criminal actions; and

"(3) preliminary review of applications for posttrial relief made by individuals convicted of criminal offenses, and submission of a report and recommendations to facilitate the decision of the district judge having jurisdiction over the case as to whether there should be a hearing.

"(c) The practice and procedure for the trial of cases before officers serving under this chapter, and for the taking and hearing of appeals to the district courts, shall conform to rules promulgated by the Supreme Court pursuant to section 3402 of title 18, United States Code.

"(d) In a proceeding before a magistrate, any of the following acts or conduct shall constitute a contempt of the district court for the district wherein the magistrate is sitting: (1) disobedience or resistance to any lawful order, process, or writ; (2) misbehavior at a hearing or other proceeding, or so near the place thereof as to obstruct the same; (3) failure to produce, after having been ordered to do so, any pertinent document; (4) refusal to appear after having been subpenaed or, upon appearing, refusal to take the oath or affirmation as a witness, or, having taken the oath or affirmation, refusal to be examined according to law; or (5) any other act or conduct which if committed before a judge of the district court would constitute contempt of such court. Upon the commission of any such act or conduct, the magistrate shall forthwith certify the facts to a judge of the district court and may serve or cause to be served upon any person whose behavior is brought into question under this section an order requiring such person to appear before a judge of that court upon a day certain to show cause why he should not be adjudged in contempt by reason of the facts so certified. A judge of the district court shall thereupon, in a summary manner, hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a judge of the court, or commit such person upon the conditions applicable in the case of defiance of the process of the district court or misconduct in the presence of a judge of that court.

"§ 637. Training

"The Federal Judicial Center shall conduct periodic training programs and seminars for both full-time and part-time United States magistrates, including an introductory training program for new magistrates, to be held within one year after initial appointment.

"§ 638. Dockets and forms; United States Code; seals

"(a) The Director shall furnish to United States magistrates adequate docket books and forms prescribed by the Director. The Director shall also furnish to each such officer a copy of the current edition of the United States Code.

"(b) All property furnished to any such officer shall remain the property of the United States and, upon the termination of his term of office, shall be transmitted to his successor in office or otherwise disposed of as the Director orders.

"(c) The Director shall furnish to each United States magistrate appointed under this chapter an official impression seal in a form prescribed by the conference. Each such officer shall affix his seal to every jurat or certificate of his official acts without fee.

"§ 639. Definitions

"As used in this chapter—

"(1) 'Conference' shall mean the Judicial Conference of the United States;

"(2) 'Council' shall mean the Judicial Council of the Circuit;

"(3) 'Director' shall mean the Director of the Administrative Office of the United States Courts;

"(4) 'Full-time magistrate' shall mean a full-time United States magistrate;

"(5) 'Part-time magistrate' shall mean a part-time United States magistrate; and

"(6) 'United States magistrate' and 'magistrate' shall mean both full-time and part-time United States magistrates."

SEC. 102. (a) The item relating to United States commissioners contained in the chapter analysis of part III, title 28, United States Code, is amended to read as follows:

"43. United States magistrates-------- 631."

(b) The item relating to United States commissioners contained in the part and chapter analysis immediately following the title caption of title 28, United States Code, is amended to read as follows:

"43. United States magistrates-------- 631."

Mr. ROGERS of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the substitute committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. HALL. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the Clerk has not completed reading the first title, and under the rules the Clerk will read by title.

The Clerk proceeded to read title I.

Mr. ROGERS of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Chairman, I object.

The Clerk proceeded to read title I.

Mr. ROGERS of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado:

On page 37, line 2, after the word "determine", strike "(a)" and insert in lieu thereof "(A)".

The amendment was agreed to.

Mr. HALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I believe I shall not take the 5 minutes. I think it would ill behoove me who does not have a legally trained mind to discuss, let alone question, some of the constitutional involvement here in the presence of such fine lawyers and members of the Committee on the Judiciary.

But, I do understand from the discussion of all our Members, that although this bill is before us on an open rule which I appreciate, that the cost and expense to the taxpayer has not even been approximated. There is not even an estimate in the bill. Second, I understand it is an open-ended bill so far as the personnel to be appointed is concerned, except for the surveys provided therein.

Presumably, the surveys would be attended to by the district officer of the court to whom they would be submitted, as supervised by the Judicial Conference, and appointments made within that limitation.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. HALL. I will be glad to yield to the distinguished gentleman who handles matters of law and the constitution so well. But first I would like to state my question with that backgrounding.

Why, at this time and place, with the economy squeeze on and with every man on every corner in the United States knowing the reason the judiciary has a backlog and is failing to back up the constabulary is because of the delay, cronyism, politics, and powerplays, if not worse, on the highest tribunal; and the examples they leave and the precepts they set, with this Congress devoting more money for more personnel for a job that will not be accomplished regardless of the numbers and the instructions that the Committee on the Judiciary has to offer.

Most anyone in the United States knows that one of the great issues before the Nation today is the violation of the principle of the separation of powers, and legislation by fiat and decree by the high tribunal, and failure to back up the constabulary and the lesser judiciary.

I think we are ill at ease to be considering legislation like this today, and I hope that the bill will be voted down.

I yield to my colleague, the gentleman from Virginia.

Mr. POFF. I thank the distinguished gentleman from Missouri. The point that he has just made has been made by others, and I believe it would be appropriate to respond. He has made the point that the legislation is open-ended. I think the gentleman should understand that the present system is open-ended, as it necessarily must be. I quote from the present law, section 631 of title 28, with respect to the present system:

Each district court shall appoint United States commissioners in such number as it deems advisable.

I think that clearly indicates that the courts today have the power to appoint as many as they choose. I think it is also pertinent to comment that under that power the courts today have appointed 731 such commissioners. This legislation, according to those in the courts who promoted it most vigorously, will require no more than 50 full-time magistrates, no more than 150 part-time magistrates, and no more than 200 deputy clerk positions. The total cost as estimated in the committee report would be, for the first year, $6.5 million, compared to $1 million under the present system, and for the second year $5.3 million. I know the gentleman will agree with me that it often is important to make an investment in dollars in a more functional system in order to save dollars in the long run.

Mr. HALL. Yes, I do agree with the gentleman that sometimes this comes to pass. And I also agree with the gentleman that there should be an elimination of the fee system in our lowest courts, commissioner's courts, magistrates courts, or whatever you may choose to call them. As I have said, I am not versed or trained in the law. But I think my point has been well made, and I hope as forcibly as I can make it, that we are ill put to be considering this legislation, which the gentleman will have to agree with me only stipulates in the first year what the surveys show will result, and it is open-ended, as far as personnel expenses are concerned thereafter.

The real point is that no system that we set up by segmental legislation at this time will work unless the highest tribunal does it. In my opinion, we must change the method of appointment, of tenure, and of separation of the high tribunal.

Mr. CEDERBERG. Mr. Chairman, I move to strike the requisite number of words.

I take this time not to discuss really the merits of the legislation, because I have great confidence in the gentleman from Virginia and the gentleman from Colorado. But sitting as I do on the Subcommittee on Appropriations, having charge of the responsibility of providing money to the Justice Department and the Judiciary, we have had some rather bad experiences in the past with the estimates of cost coming out of the Judiciary Committee. I think of the Law Enforcement Assistance Act; I think of the Criminal Justice Act and many others. I think just recently, this year, we had testimony from judges from the various circuits around the country. They came to us and requested additional personnel. They told us that, "If we could get this new personnel to assist us, we would not need any new circuit judges." And yet we passed legislation in which we provided new circuit judgeships. This, I believe, is inconsistent. We did this when we did not have to if we followed the instructions and the testimony that we received in our subcommittee.

How did you arrive at 50? Why was it not 40? Why was it not 60 or 55? Is this a guess-estimate?

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from New Jersey.

Mr. CAHILL. I made an effort to find that out. The best information that I got is that it was the best judgment——

Mr. CEDERBERG. The best judgment of whom?

Mr. CAHILL. Of the administrator of the courts. But I wanted to know, and I asked the question earlier whether or not there had been any survey made, whether or not the Federal judges in this country had been questioned as to how many they felt were necessary in each particular district, whether or not additional courtrooms would be necessary, and how much their payroll would be.

To my knowledge, I will say to the gentleman in the well, this survey was not made, and this is merely a speculation.

Mr. CEDERBERG. Did the administrator of the courts tell you where these 50 would be located?

Mr. CAHILL. No.

Mr. CEDERBERG. If he gives you an estimate of 50, he ought to know where the 50 will go.

Mr. CAHILL. Mr. Chairman, I will say to the gentleman, it is my understanding that they are going to be located wherever the judges want to locate them. Also, I will say to the gentleman, it is my understanding that the numbers will depend upon the need as determined by the Judicial Conference. That is in my judgment like saying to the Members of the House of Representatives they can determine how many administrative assistants they need.

Mr. CEDERBERG. Mr. Chairman, I have to agree with the gentleman there. I do want to say just one thing, that the Judicial Conference has been quite good in trying to hold the line. I wish the Justice Department were as reliable as the Judicial Conference. So, I do not want to indicate in the RECORD here anything that would in any way downgrade their concern, because they have been very good.

But I do have concern wherever we have legislation that is open ended. I do not see any reason why we cannot say we authorize 50 full time and 150 part time, and then let them come back and say if they need 10 more, or 50 more, or whatever it is, just as we do with the Federal judges. There is no difference.

When we open up the situation to just the whim of the Judicial Conference, then Congress loses control of it, except when we have to put up the money. In our subcommittee we are going to look hard at this. We always do, but it becomes a rather difficult thing when it is already authorized.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the chairman of the committee.

Mr. CELLER. Mr. Chairman, I know the gentleman was in the Chamber when we put into the RECORD the budgetary requirements on the magistrates under S. 945, of $5,515,000 for the 50, at net, and each year thereafter $2,745,000. That was the estimate, but we could not tell exactly the budget they would need, because we could not know exactly what the Judicial Conference would do as to numbers. They figure for the first year there would be full-time magistrates to the extent of 50, and 150 would be part-time magistrates, and 250 would be deputy clerk magistrate positions.

It is very difficult for the budget officials with precision instruments to designate exactly what the number will be, when the final arbiter of the situation is the Judicial Conference.

I think we can have trust and confidence in that body.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. CEDERBERG was allowed to proceed for 2 additional minutes.)

Mr. CEDERBERG. Mr. Chairman, I agree with the gentleman that we cannot do it precisely, but in the past we have had some rather horrible examples of getting so far away from the estimates we have had that it has been making it difficult for us in our subcommittee.

Mr. CELLER. Mr. Chairman, if the gentleman will yield further, will these people not have to come back before the gentleman's committee again and have to justify their estimates? They are the final judges of the matter. They recommend to the House what should be done.

Mr. CEDERBERG. I agree with that, but we would like a little protection from the committee the gentleman chairs. If they would put a ceiling on it, it would help us a great deal.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I commend the gentleman from Michigan for making this point. It is extremely valid.

This is totally open-ended. All the gentleman will be able to do in his subcommittee, if we leave this open-ended and it is exercised, will be to pick up the bill and pay the bill for every magistrate every judge might appoint, together with the clerk costs and the rent costs and so on. They will be presented with a bill, and they will have to pay it, because there is no limitation on the authority, which is open-ended.

Mr. CEDERBERG. Mr. Chairman, I would like to get this into the RECORD, because we may want to come back and read this at a future time. If we get too far out of line, we can be sure that we will take a sharp look at that.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, I placed in the RECORD an estimate so it could be taken as some guide of the representation made to us, so when they appear before the gentleman's committee, he can see whether they stay within this estimate they gave to the committee before they start appointing these magistrates. It takes about a year under the bill before they start.

Mr. CEDERBERG. I would have felt better, knowing the experience we have had, if you had said 30 or 40 full time. It would have given us a little easier way in which to work.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I ask the distinguished member of the Judiciary Committee, the gentleman from Virginia [Mr. POFF], if I correctly understand that the commissioner system is to be abolished if the system of magistrates is put into effect?

Mr. POFF. In response to the gentleman, I say that this system will replace it. It has the endorsement, I might add parenthetically, of the national associations.

Mr. GROSS. Is the gentleman saying that 50 full-time magistrates and 150 part-time magistrates are going to take over the work——

Mr. POFF. I say precisely that.

Mr. GROSS. Just a minute—take over the work of—did the gentleman say—700 commissioners?

Mr. POFF. It is 731.

Mr. GROSS. I hope the gentleman is correct, because I am genuinely concerned by the unknown expense of this bill. It is open ended in almost every respect.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Virginia.

Mr. POFF. Does the gentleman understand that 731 commissioners operate on a fee system, that they are not employed full time, and that they cannot be properly equated with the total number of full-time and part-time magistrates to be appointed?

Mr. GROSS. I raised the question because I have been here at least a couple of years and I have seen several bills to increase the number of Federal judges.

This afternoon I have heard a lot of talk about unclogging the overburdened courts. In past years I heard all kinds of talk about "justice delayed is justice denied," as the necessity for adding scores of Federal judges. Yet here today we are told the courts are still clogged. What has happened? Where are the many additional judges the gentleman from New York succeeded in getting the House to approve?

Mr. CELLER. Mr. Chairman, will the gentleman yield? Tell the people to take pills so they will not have more babies. The population caused all this.

Mr. GROSS. The gentleman assured us the courts would be unclogged but today we are told they are still jammed and overburdened.

I suggest that we have had too many afflicted judges, too many indisposed judges for one reason or another that somebody has the responsibility to replace. If we could get work out of some of these judges to the limit of their ability and their capacity we would not need to continually increase the Federal judiciary, certainly not at the rate you propose to increase it here today.

I should like at some time to hear someone assure us that the Federal courts are going to be unclogged.

I remind the gentleman from New York that 3 Federal judges have been fighting down in Oklahoma for years on end. For years they have been feuding and calling each other names. They could not possibly serve their judicial district properly while carrying on that kind of warfare between themselves.

What has been done about it?

Now you come here asking for a new system of magistrates; for 200 full-time and part-time magistrates, still another increase in the Federal judiciary.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. CELLER. I take it you have the report the Judiciary Committee filed on those three judges. What are you doing about it?

Mr. GROSS. What am I doing about it?

Mr. CELLER. Yes; what are you doing about it?

Mr. GROSS. I do not happen to be on the Judiciary Committee. What has the Supreme Court done with the writ that was filed over 3 or 4 years ago? I can get no real help anywhere. Your committee ought to have gotten into this long ago.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from North Carolina.

Mr. JONAS. The gentleman from Iowa would not want to keep the judges on the court all the time. How would they deliver lectures around at the universities and other things?

Mr. GROSS. I was just going to raise that subject.

This afternoon there has been some discussion of what the proposed full-time magistrates can do in their off time. I wonder whether these new magistrates could moonlight in the same fashion that Associate Justice Fortas moonlights—at the rate of $15,000 to deliver nine lectures to 17 students. And these lecture fees paid by some of the biggest corporations in the country. I wonder when Congress is going to apply some kind of standard of ethics and conduct to the justices of the U.S. Supreme Court.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey?

Mr. CAHILL. The gentleman raised the point that there are 750 commissioners throughout the United States. It was my understanding that an effort would be made to see to it that a good number of these commissioners were appointed as deputy magistrates. That is why I believe we have the part-time magistrates. I would like to point out to the gentleman that we are going to have full-time magistrates who must be lawyers, but we are going to have part-time magistrates also. I would believe that the existing commissioners, certainly those who are interested in continuing, would probably be considered as eligible and competent and deserving applicants inasmuch as they have already, as you know, been appointed by the district court judges who will make the appointments of the full-time and part-time magistrates.

Mr. GROSS. Does the gentleman from New Jersey think a full-time magistrate ought to be permitted to indulge in any other work?

Mr. CAHILL. No, I do not.

Mr. GROSS. And be paid for it?

Mr. CAHILL. I think if we need Federal judges—and I do not deny that there is a need—I think we ought be appoint them under the Constitution and pay them the full $30,000 instead of $22,500 and expect them to work full time with no other business associations.

Mr. GROSS. Does the gentleman agree with me that there ought to be some standards fixed for the conduct of Justices of the Supreme Court?

Mr. CAHILL. The gentleman you addressed the question to, in my judgment, is not a competent judge to pass upon the qualifications or conduct of anybody but the gentleman himself.

Mr. GROSS. The gentleman from Iowa is deeply concerned by the fact that Mr. Fixit is able to go out and collect $15,000 in nine evenings, perhaps for telling others how they can make a lucrative business out of fixing. Yes, I am interested in it, and I think that the Judiciary Committee of the House ought to be interested in any Justice of the Supreme Court who does what Justice Fortas is doing by way of collecting thousands of dollars of corporation money for delivering eight or nine lectures.

Mr. POFF. Mr. Chairman, the purpose of the bill is to expedite the administration of justice.

This goal is achieved by transferring to these newly created magistrates many lesser functions of the district judge. The most significant function assigned is that of authority to try minor offenses, a class of cases that includes most misdemeanors.

The gentleman from New Jersey, a member of the Committee on the Judiciary, has advanced the proposition that such a transfer of duties to magistrates is unconstitutional.

Since that attack strikes to the heart of this reform, I wish to devote some time to the defense of the subcommittee's unanimous opinion that Congress does have the power to enact S. 945.

The constitutional question that has been raised is an extraordinary one. For it does not concern merely the rights of a particular defendant but rather the role of the Federal courts in American government.

Of course, Congress has never to this date established the office of magistrate. Hence, there is no case squarely in point that one can cite to put the issue to rest.

However, the courts are not the sole repository of constitutional truths. What the framers of the Constitution and of the monumental Judiciary Act of 1789 said and did and what the Congress has thought and practiced ever since should weigh considerably in our decision today.

In resolving the issue of the constitutionality of S. 945, we are again called upon to determine the meaning of section 1 of article III. It states that "the judicial power of the United States shall be vested in such inferior courts as the Congress may from time to time ordain and establish."

The gentleman from New Jersey apparently contends in his minority views that the foregoing language means that only Federal courts can decide Federal issues. Otherwise, the gentleman could not contend, as he does, that minor offenses must be tried before an article III judge.

What such a contention overlooks is the basic premise of the Federal courts: that they are courts of limited jurisdiction. Wright, Federal Courts 13.

The framers of our Constitution made clear that the State courts—which are not article III courts—would be capable of deciding Federal issues. In fact, a substantial number favored giving these nonarticle III tribunals exclusive original jurisdiction over Federal questions. But it was finally resolved that Congress would be given the power to establish inferior courts and give them jurisdiction.

Hamilton, in No. 82 of the Federalist, indicates that such a provision did not take away Federal-question jurisdiction from the State courts.

In 1789, the first Congress did establish district courts, but it did not grant to the Federal courts general Federal-question jurisdiction. In fact, it was not until 1875 that Congress—after an abortive attempt in 1801—gave the Federal courts general Federal-question jurisdiction. Hart and Wechsler, the Federal Courts and the Federal System 45.

Thus, for 85 years the exclusive tribunals for the disposition of general Federal-question cases were not article III tribunals. In fact, they were not even Federal tribunals. Yet, today it is argued that Federal questions must be tried initially in article III courts.

In 1845, the Supreme Court made clear the true meaning of article III in *Cary* v. *Curtis*, 3 How. 236, 245. Permit me to quote a portion of that statement, for I believe it is dispositive of the issue raised concerning S. 945:

> The Judicial power of the United States, although it has its origin in the Constitution, is (except for enumerated instances, applicable exclusively to this court) dependent for its distribution and organization, and *for the modes of its exercise*, entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court), for the exercise of the judicial power, and of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good. (Emphasis added.)

In other words, nothing in article III requires that any case be tried in a Federal district court. In fact, Congress has many times sent Federal criminal cases to nonarticle III tribunals for disposition. Cases dealing with violations of the embargo acts, the postal laws, and the revenue laws have been channeled into State courts. This long-standing practice was found constitutional by the Supreme Court in *Testa* v. *Katt*, 330 U.S. 386 (1947).

On this very point, I would ask the Members of the House to look around this Capital City. Notice the many administrative buildings where every day thousands of decisions are made which are cognizable under article III. Are the decisions made by the FCC or the CAB made initially by an article III tribunal? Of course not. Appeal may be taken to a Federal court—as under S. 945—but the initial decision adjudicating the rights of the parties is made by a tribunal which is not constituted under article III.

Thus, the history of article III offers a resounding rejection of the arguments raised by the gentleman from New Jersey in his minority views.

To those who are familiar with the history of article III as it was framed, interpreted, and implemented, the argument that minor offenses must initially be tried by an article III judge is untenable.

Up to this point, we have been discussing the jurisdictional power of Congress under article III. The fact that no case need be referred to a Federal district judge in the first instance is a tenet of article III only. Other parts of the Constitution—such as the due process clause—may lead Congress to refer certain cases to Federal district judges for initial decision.

But those are considerations of fairness to the parties and not of jurisdictional power. The difference is that fairness is a matter of individual rights whereas jurisdictional power is a matter of our governmental structure. It follows that the individual party can waive his rights but cannot change the jurisdictional power of a Federal court. Compare *Schick* v. *United States*, 195 U.S. 65 (1904) with *Mansfield, Coldwater*, and *Lake Michigan Ry.* v. *Swan*, 111 U.S. 379 (1884).

Since under S. 945 no magistrate can hear any case unless both parties have validly waived their rights, we are not confronted with any due process difficulties.

Perhaps no man has done more than Mr. Justice Brandeis to illuminate troublesome issues of jurisdiction arising under our Constitution. He is renowned for his masterful opinion in *Erie R.R.* v. *Tompkins*, 304 U.S. 63 (1938), a jurisdictional landmark in our Federal system. It is thus no surprise to me that, in my research of the subject, his statement of the law is the most enlightened. In *Crowell* v. *Bensen*, 285 U.S. 22, 86–87 (1932), Mr. Justice Brandeis said:

> The "judicial power" of article 3 of the Constitution is the power of the federal government, and not of any inferior tribunal. There is in that article nothing which requires any controversy to be determined as of first instance in the federal District Courts. The jurisdiction of those courts is subject to the control of Congress. Matters which may be placed within their jurisdiction may instead be committed to the state courts. If there be any controversy to which the judicial power extends that may not be subjected to the conclusive determination of administrative bodies or federal legislative courts, it is not because of any prohibition against the diminution of the jurisdiction of the federal District Courts as such, but because under certain circumstances, the constitutional requirement of due process is a requirement of judicial process.

Thus, the test of this legislation is not whether a magistrate is a Federal judge but whether the parties are being treated unfairly. Since the parties get what they want, no one can contend it is unfair.

Mr. RAILSBACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of S. 945. I feel very strongly about it in the light of the experience that we had in Illinois which resulted in a new judicial reform act. I can remember in Illinois when we had the old fee system like commissioners have now. I can remember when they were not required to be lawyers and there were no incentives to have them serve on a full-time basis. They were inadequately paid. We had kangaroo courts. There was even a television show about my State, or I believe it was my State, which portrayed how poor justice could be—just about the lowest level, as far as I was concerned. That resulted in the passage of a new act which included, among other things, the provision that would establish a magistrate system rather than a justice of peace system. This has meant, No. 1, that magistrates would no longer be on a fee system but would, rather, be on a salary so that their income did not depend upon how many fines they levied or what the sizes of the fines were. Now, we provided, as this bill provides, in addition, that if lawyers are available, the lawyers should be the magistrates.

It has worked very well although I am sure and I must say that there are still many magistrates who are not lawyers because the salaries are still so low they have not been able to attract very many lawyers to give up their full-time practice in order to become a magistrate. But it has represented an improvement and a great advance.

Mr. Chairman, as a practicing attorney I had the opportunity to try many cases before the justice of the peace and the opportunity to try cases before the magistrates. It is my experience that a magistrate with a legal background is much better able, obviously, to rule on questions of evidence than is a nonlawyer. I will tell you that in my opinion there are many cases that are tried where there are genuine and complex evidentiary questions and where there should be a lawyer magistrate hearing the case.

I thing that by establishing this type of system and getting away from the fee system we have made an impressive step forward.

Mr. Chairman, I wish to agree with my distinguished colleague, the gentleman from New Jersey [Mr. CAHILL] that there may be some inadequacies contained in this bill. But be that as it may, I think it is a very constructive step forward.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from New Jersey.

Mr. CAHILL. The gentleman agrees with me that under this bill nonlawyers may be appointed as magistrates?

Mr. RAILSBACK. Nonlawyers still may be appointed. However, it is my understanding that that would exist only in such cases where lawyers were not available.

Mr. CAHILL. Mr. Chairman, if the gentleman will yield further, certainly during the general debate I pointed out that in my State at least—and I think generally speaking in most States of the country—the commissioner system has worked very well and that outstanding men have been appointed by the Federal judges to perform as commissioners.

Does the gentleman know of any case where that is not true?

Mr. RAILSBACK. Let me cite to the distinguished gentleman from New Jersey a case with which I am familiar in my own State where we have a lawyer commissioner, one who is an excellent commissioner, but who, it is my understanding, has to give up the last 2 months of his salary because he is permitted to receive only a specified amount. Of course this means that he is working 2 months for nothing.

Mr. Chairman, there is not any doubt that there are improvements needed in this bill. I do not believe that the bill is perfect. However, I do believe that this is a substantial step forward.

Mr. McCULLOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall only take a minute to say that I rise in support of S. 945, which will abolish the U.S. commissioner and establish a system of U.S. magistrates.

Mr. Chairman, I am sure that the members of the Committee of the Whole House on the State of the Union know that crime has become, in our time, one of the most serious problems confronting this Nation. We as lawmakers know that law and justice are the foundation of our society. We are shamed as a nation that our crime rate is still soaring upward. Part of the problem lies in the fact that we are no longer able, as a nation, to dispense swift, sure justice. The rapid increase in crime is appalling, and the increased workload on the courts as a result is apparent. The U.S. commissioner system in our Federal courts, although at one time helpful in diminishing a small part of the court's workload, has remained basically unaltered for over a hundred years—and I repeat, over a hundred years. S. 945 is a major step toward the much-needed reform of our present Federal judicial system.

I ask—How swift is justice when suspects languish in jail for months awaiting their day in court? I ask, How sure is justice when one-third of over 700 commissioners determining complicated questions of law are not even lawyers? I ask—How constitutional is it when the amount of compensation a commissioner gets is based on how a matter is determined? These are only a few of the problems that fester within our present judicial system of justice.

S. 945 will correct these conditions. It will expedite justice with a modern system of U.S. magistrates. To begin with, these magistrates will be supplied with office space and the clerical assistants necessary to handle the workload effectively. The significant feature of the Magistrates Act is that it would free a Federal judge from less important, ministerial tasks, and enable him to devote more time and attention to matters of substance in the administration of justice.

It gives the U.S. magistrate an expanded trial jurisdiction over minor criminal offenses when the accused executes a knowledgeable waiver of both his right to trial before U.S. district court and any right to trial by jury he may have. However, in spite of this waiver, his right of appeal to the district judge is preserved.

Under present law, U.S. commissioners have trial jurisdiction over petty offenses committed on Federal reservations. The magistrates trial jurisdiction will extend to minor offenses wherever committed.

S. 945 requires that all U.S. magistrates be attorneys unless it is impossible to find a qualified attorney to fill a particular position, and it eliminates the anachronistic fee system of compensation, and replaces it with a system of salaries set on a sliding scale according to anticipated workload.

As you know, S. 945 was reported favorably by the Senate Committee on the Judiciary on June 28, 1967, and was passed by the other body in a unanimous vote on June 29, 1967. On March 7 and 13, 1968, the House Judiciary Subcommittee No. 4 conducted hearings. On July 3, 1968, S. 945 was reported favorably with amendment by the House Committee on the Judiciary. This legislation has the formal endorsement of the Judicial Conference of the United States and the American Bar Association, and is supported by the Department of Justice and the National Association of U.S. commissioners.

These endorsements illuminate the importance, soundness, and constitutionality of S. 945, and I strongly urge that this measure—long overdue—be enacted today.

Mr. ROGERS of Colorado. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair Mr. STRATTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 945) to abolish the office of U.S. commissioner, to establish in place thereof within the judicial branch of the Government the office of U.S. magistrate, and for other purposes, had come to no resolution thereon.

ELECTION TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 1306) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1306

Resolved, That Robert C. McEwen, of New York, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORTS

Mr. ALBERT. Mr. Speaker, I have two unanimous-consent requests, one affecting the food stamp bill, and the other the farm bill.

Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill S. 3068.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the distinguished majority leader repeat his request?

Mr. ALBERT. My unanimous-consent request is as follows:

Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill S. 3068, concerning the food stamp bill.

I also am going to make a similar request on the agriculture bill.

Mr. GERALD R. FORD. Have the conferees agreed on one or both?

Mr. ALBERT. It is my understanding that they are in the process of agreeing.

Mr. GERALD R. FORD. May I further inquire if they file the conference reports tonight, is it the plan of the leadership to program the consideration of the conference reports tomorrow?

Mr. ALBERT. I am unable to advise the distinguished gentleman from Michigan now, but, of course, I know that the conferees would like to call up these bills tomorrow. But first tomorrow we have the conference report on foreign aid, and we may have the Foreign Assistance Appropriation Act, and we might not be able to reach them.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Illinois.

Mr. ARENDS. Might I say that my best information in the last couple of minutes is that they are far apart on reaching agreement on the so-called food stamp bill, and in order that we might consider both at the same time, I would hope that the gentleman might not press his unanimous-consent request.

Mr. ALBERT. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER. The gentleman from Oklahoma withdraws his unanimous-consent request.

JAMES E. WEBB: A GREAT RECORD OF PUBLIC SERVICE

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER of West Virginia. Mr. Speaker, I have another and happier editorial from the Washington Post to insert in the RECORD.

Mr. Speaker, I am sure that many Members have seen some of the great tributes which have been paid to the Honorable James E. Webb, who announced on Monday that after 8 years as Administrator of the National Aeronautics and Space Administration he had decided to retire on his 62d birthday. One of these tributes appeared in the Washington Post this morning, and I include it with my remarks:

JIM WEBB RETIRES

Virtually from scratch, with the country in a swivet over Soviet prowess, James E. Webb took over the Nation's feeble space program and drove the United States firmly into the space age. A management specialist who earlier had conquered the heights of private industry and served as Budget Bureau director and Under Secretary of State, he credited—in the civilian space agency—the largest and most labyrinthine engineering organization in American history, utilizing at its peak 400,000 people and 20,000 firms. In his eight-year stewardship, NASA proceeded under presidential and Congressional flogging toward the goal of a manned lunar landing "in this decade." It achieved repeated successes and but a single important failure—the fire that claimed the lives of three astronauts last year.

It is characteristic of this self-effacing, organization-minded man that he should choose to retire now at his 62d birthday, practically on the eve of the Apollo launching—a career-capping event if ever there was one. His purpose is to hand NASA over to his lieutenants before the change of administration, on the theory that the agency will thereby have a better chance of riding out next year's power transfer. The country is fortunate that Mr. Webb is in good health and determined to apply himself vigorously to further the Nation's understanding of the space age. For him this is far more than a matter of projectiles and orbits; it goes to the heart of the necessities and the aspirations of a great modern society.

Whereas Mr. Webb leaves NASA with its current missions adequately funded an its capabilities well formed, he does not leave it with a set mission beyond landing on the moon. This is hardly his fault. The fading American taste for competition with the Russians in space and the rising competition of other claimants for Federal funds explain NASA's uncertain estate; its budget has been cut $1.4 billion in four years. Americans are divided as to whether to despair or take cheer from NASA's plight. To the agency's retiring chief, of course, it is a bitter pill. At any rate, it will be up to the next Administration and the next Congress to chart America's future in space. That they have a choice is the singular achievement of Jim Webb.

AMA VOLUNTEER PHYSICIANS FOR VIETNAM

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, in these days of social effort sometimes those who practice the art and science of medicine are either directly or inferentially maligned. Ninty-nine and forty-four one hundredths percent of all physicians are humanitarians and seek with all their hearts and strengths to render quality care to all who are in need. This belief and desire is distilled in the crucible of education, long years of training and service.

Mr. Speaker, I have a letter today from the Department of State that says in part:

As you know, invaluable contributions to "the other war" in Vietnam are made by voluntary agencies and other non-profit organizations rendering asistance to the Vietnamese people through humanitarian relief and development programs. Twenty-five American organizations, supported by the Agency for International Development, are actively conducting aid programs in the fields of education, health, social welfare, and refugee assistance.

The *AMA Volunteer Physicians for Vietnam* is one of the most important of these little publicized but highly effective programs. Administered by the American Medical Association and financed by A.I.D. this program every month sends twelve to sixteen U.S. doctors to Vietnam, where they complete a tour assignment of at least sixty days in provincial hospitals in twenty-two locations, supplementing drastically inadequate resident medical staffs.

These skilled American physicians, a number of them specialists, *take time off from their own practices* at home to serve in *Vietnam* on an *unpaid volunteer basis*, receiving only a subsistence allowance and travel expenses under the terms of their contracts. They care for the Vietnamese civilian population—war casualties, refugees, and other nonmilitary victims of disease, accident, and illnesses of all kinds. Their patients are of all ages, from infants to old men and women.

After their tours are completed, *some of these doctors return* to Vietnam *for a sec-*

ond or a third voluntary assignment; others come back as long term employees to work with the U.S.A.I.D. mission for several years. *All have served with distinction.* On August 12, 1968, the *500th U.S. doctor to volunteer* for the program *arrived in Vietnam.*

I would like especially to compliment Dr. Malcolm Phelps of El Reno, Okla., who is now spending full time directing this program here in Washington, and also my own friend Dr. Jim Crain, of Branson, Mo., one of the volunteers from the district I am privileged to represent as well as personal friends Dr. Don Sauer and Dr. Bill Shaw, of Missouri, and the others who serve above self.

I include at this point a roster of volunteer physicians for Vietnam:

AMA Volunteer Physicians for Vietnam—Roster of 483 Participants in Program by States,[1] July 1, 1965–June 30, 1968

ALABAMA (2)

Robert T. King, Mobile
Joanne Smith T, Opelika

ALASKA (1)

Alan Homay, Anchorage

ARIZONA (4)

Delbert J. Miller, Prescott[3]
Paul J. Slosser, Yuma

ARKANSAS (2)

John M. Grasse, Jr., Calico Rock
James Patrick, Fayetteville

CALIFORNIA (68)

Robert E. Adler, Fremont
Sergio E. Betancourt, San Francisco
James V. L. Bradley, Pinedale
Merritt C. Canfield, San Diego
Paul L. Carlson, Modesto
Lawrence O. Carpenter, Point Arena
Bernard W. Casselman, Los Angeles
James G. Cavanaugh, Sacramento
William B. Chastain, Empire
Philip H. Clinkston, Vallejo
Grange S. Coffin, Eldridge
Lloyd H. Cotter, Santa Ana
Howard Detwiler, Van Nuys
Wade R. Eckert, Mammoth Lakes
Lloyd W. Espen, Redwood City
Neal R. Fisher, Covina
George W. Flynn, Petaluma
Stanley M. Garstka, Bakersfield[3]
Ralph G. Gayton, El Monte
Vernon R. Gee, Redding
John W. Godsey, San Francisco
Jack D. Halpin, Los Angeles
Oril S. Harbaugh, San Diego
William A. Harris, Los Angeles
Allen Hassan, Talmage
William M. Helvey, Sunnyvale
Wayne A. Hemphill, Victorville
Thomas Humphrey, Los Angeles
Roland K. Iverson, Marysville
James Jones, San Jose
Charles Keagy, Delano
Richard F. Keiger, Vacaville
Robert M. Kradjian, San Francisco
Gilbert Lee, Los Angeles
William P. Levonian, Santa Cruz
Marvin Lottman, Anaheim
Russel H. Lowell, San Diego
David L. McAninch, Glendale
William H. Marshall, Jr., Stanford
William J. Martin, Ventura
Arthur Miller, Hollywood
William B. Neal, Jr., Los Angeles
Charles A. Owen, San Francisco
James H. Phelps, Upland
Jesse C. Ralph, Sacramento
Richard C. Reznichek, Torrance
Henry N. Ricci, Martinez
Thomas V. Rielly, San Diego
Robert B. Rowe, Madera
Karl D. Ruppert, Sacramento
Joost Sluis, San Francisco
Gabriel Smilkstein, Claremont[3]
Lawrence A. Smookler, San Francisco[4]
Roger A. Thill, Harbor City
Lloyd C. M. Tom, San Leandro (Washington)
Harry E. Tucker, Chino
Edward S. Vanderhoof, San Rafael (USAID)[4]
Donald S. Weaver, Sacramento
E. Robert Wells, Glendale (U.S. Army)
Leo L. Wenke, Healdsburg
Robert L. Wick, Jr., Los Angeles (Ohio)
Hal T. Wilson, San Bernardino (Viet Nam)[4]
William E. Woodruff, Vallejo
Ralf Young, Long Beach

COLORADO (14)

Robert S. Brittain, Littleton
Thomas A. Carey, Denver
Ernest G. Ceriani, Kremmling
Richard S. Fixott, Colorado Springs
Warren Gillette, Boulder
Theodore K. Gleichman, Denver
James A. Henderson, Denver
James R. Leake, Littleton
Marvin F. Piburn, Boulder
Alson F. Pierce, Colorado Springs
Meritt W. Stark, Denver
James R. Stewart, Denver
John L. Weaver, Pueblo[2]

CONNECTICUT (4)

William B. Lyons, West Haven
Haakon Radge, Waterbury, (Washington)[2]
Chester Weed, West Hartford

DELAWARE (1)

William Wright, Wilmington

FLORIDA (11)

John H. Beggs, Lake City
Irving A. Behchok, Sarasota
Matthew H. Bredley, Miami Beach
James Devito, St. Augustine
Gerald M. Hollingsworth, Fort Walton
Richard Perry, St. Petersburg
Paul L. Schmitz, North Miami
Elbert J. Soskis, Tampa
Carl M. Voyles, St. Petersburg
Frederick M. Zerzavy, Jacksonville
Jose L. Zubero, Jacksonville

GEORGIA (7)

Erwin Brackney, Augusta
Bruce Caldwell, Augusta
Dan Callahan, Warner Robins
Alexander S. Fitzhugh, Griffin (Viet Nam)[4]
David Harvey, Augusta
Charles C. Wike, Augusta
Charles H. Wray, Augusta

HAWAII (4)

Truett Benett
George Kenessey, Ewa Beach
Harold Lewis, Hilo
Douglas M. Murray, Kailua

IDAHO (4)

Lauren M. Neher, Jerome[2]
Warren B. Ross, Nampa
George B. Saviers, Sun Valley

ILLINOIS (12)

Howard T. Barrett, Minonk
Thomas W. Clark, Carbondale
John J. Erben, Chicago
Robert F. Gilbert, Effingham (Missouri)
James Graham, Springfield
Martin A. Funk, Park Ridge
Hugh A. Johnson, Rockford
Haydee J. Kimmich, Springfield
Kurts W. Liepins, Crestwood
William E. Morthland, Galva (New York)
Pietro Pedone, Chicago, (NYC)
Donald R. Risley, Mt. Carmel

INDIANA (16)

Andrew J. Bacevich, Hammond
J. B. Bennett, Warren
George R. Bloom, Elkhart
C. R. Bowers, Anderson[3]
Dale L. Carlberg, Jeffersonville
Harry L. Craig, Huntingburg
Arthur H. Girod, Decatur
John J. Hartman, Angola
Donald J. Kerner, Indianapolis
Kenneth M. Lehman, Topeka
Daniel E. McLaren, Indianapolis
Patricia K. Moseley, Indianapolis (Calif.)[2]
Gilbert H. White, Jr., Hammond

IOWA (7)

Edward W. Green, Iowa City
James Y. Hendricks, Clear Lake
Leonard K. Lackore, St. Ansgar
William E. Owen, St. Ansgar
Robert Porter, Des Moines
Elmer M. Smith, Des Moines (USAID)[4]
James E. Whitmire, Sumner

KANSAS (8)

Robert O. Brown, Atchison
Mohen A. S. Hallaba, Winfield
Ilse Heilbrunn, Prairie Village
Cline D. Hensley, Wichita
Earl Hutchins, Mission
Ross L. Jewell, Bird City
Wayne G. Parker, Oberlin
Nels M. Strandjord, Kansas City

KENTUCKY (2)

George F. Brochman III, Greenville[3]

LOUISIANA (6)

Rufus H. Craig, Alexandria
Mayo L. Emory, New Orleans
Paul R. Meyer, Jr., Tulane (Illinois)
Steve F. Price, Lake Charles
Charles L. Saint, Pineville
Richard W. Young, Baton Rouge

MAINE (1)

George W. Hallett, Jr., Portland

MARYLAND (10)

Robert E. Eby, Olney
Michael B. Flynn, Baltimore
Stephen M. Nagy, Jr., Baltimore
Louis Padovano, Woodstock[2]
Thomas H. Powell, Baltimore[2]
Glendon E. Rayson, Baltimore
Patrick A. Reardon, Seabrook
Donald K. Wallace, Baltimore

MASSACHUSETTS (14)

John B. Ballou, Salem
Carl F. Brandfass, Amherst
Edward L. Burwell, Falmouth
Ned H. Cassem, Boston
Laurence P. Cloud, Boston
Carol E. Craig, South Hadley
John G. McBratney, New Bedford
Lawrence B. Mutty, Boston
Carl A. Olsson, Boston
Robert D. Reinecke, Boston
Robert P. Riker, Fairview
C. Reid Roberts, Boston
Arthur B. Serino, Cambridge
Rudolf Toch, Milton

MICHIGAN (18)

Robert F. Baugh, Detroit
Edward S. Bear, Detroit (New York)
Hugh T. Caumartin, Saginaw
Daniel D. Chapman, Owosso
J. Colin Elliott, Buchanan (California)
Joseph A. Grady, Detroit
Seymour Krevsky, Detroit
Armand M. LaSorsa, Manistique
Donald Lipsey, Durand
Lambertus Mulder, Muskegon
Adrian J. Neerken, Kalamazoo
Leonard M. Pickering, Grosse Ile
Henry Scharnweber, Midland
Roger A. Scholten, Kalamazoo
Hugh L. Sulfridge, Saginaw
Alfred B. Swanson, Grand Rapids
Franklin V. Wade, Flint
Daniel White, Birmingham

MINNESOTA (14)

Thomas P. Comer, Rochester
Franklin H. Ellis, Jr., Rochester
Kristofer N. Hagen, Edina
Norman W. Hoover, Rochester (Viet Nam)[4]
Douglas Johnson, Little Falls
John N. King, Rochester (Virginia)
Jurgen J. Moller, Minneapolis

Footnotes at end of list.

Robert Monahan, St. Paul
Robert H. Nelson, Benson
Joe Nettles, Rochester
Bror F. Pearson, Shakopee
Charles J. Prespare, Waconia (New York)
Marjorie E. Seybold, Rochester
Matthew J. Weir, Virginia

MISSISSIPPI (1)

Tom H. Mitchell, Vicksburg

MISSOURI (6)

Carl H. Almond, Columbia
James W. Crain, Branson
Albert J. Grant, Hannibal
Donald C. Sauer, St. Louis
William J. Shaw, Columbia
William W. Woodward, Independence

MONTANA (4)

Donald H. Cheever, Bozeman
John J. Lipinski, Kalispell
Grant Raitt, Billings
John W. Strizich, Helena

NEBRASKA (1)

Calvin Oba, Scottsbluff

NEVADA (2)

John W. Batdorf, Las Vegas
Kirk V. Cammack, Las Vegas

NEW HAMPSHIRE (4)

Raymond W. Peppard, Laconia
Edward Sheris, Wilton
William H. Tatem, Walpole
John A. Walker, Newport

NEW JERSEY (6)

Joan C. Burgess, Flemington
Harold V. Coes, Sussex
Francis C. Gilbertson, Red Bank
William A. Hall, Princeton
Sam W. Kalb, Newark
Zebulon Taintor, Cape May

NEW MEXICO (7)

Merrill W. Brown, Albuquerque
William S. Curran, Albuquerque
Herschel L. Douglas, Lovington [4]
William R. Kilgore, Jr., Taos
Harlan C. Pannell, Lovington
Jack C. Redman, Albuquerque
Albert M. Rosen, Taos

NEW YORK (37)

Hugh Auchincloss, New York
John Bennett, Rome
Frank P. Berg, Mt. Kisco
Helga Mae Erdmon, New York City
Dolores E. Fiedler, Middle Village
Richard M. FitzSimons, Binghamton (Vietnam)[4]
Henry C. Frick, New York [2]
John P. Grant, Jr., New York
George D. Griffin, New York
Paul A. Hinenburg, New York
George R. Holswade, New York
Robert F. Horsch, Westfield
Adib Karam, Ithaca [2]
Frank V. Keary, Slingerlands
Adam A. Kindar, Amsterdam
Gilbert D. Klickstein, Brooklyn
Julius D. Krombach, Henderson
Albert Lesser, Garden City
Colin W. McCord, New York
Robert A. McKinley, White Plains
Donald J. Meehan, Springville
Samuel W. Mills, Jr., Middletown
Thomas F. D. Oram, Schenectady
Ronald A. Passafaro, Fredonia
Robert T. Potter, Brooklyn
Andrew J. Presto, Bayside, Long Island.
James B. Rodgers, New York
William J. Rogers III, Tonawanda
Hendrik M. Rozendaal, Schenectady
Richard B. Stark, New York
Hermann J. Steinmetz, Babylon (USAID) [4]
Bernard M. Teschner, White Plains
James F. Upson, Buffalo
Carnes Weeks, Jr., Amenia
Herbert J. Wilk, Binghamton

NORTH CAROLINA (10)

W. Grimes Byerly, Jr., Hickory
James R. Dunn, Jr., Tarboro
Charles C. Dudley, Jr., Elkin
Dan Espey, Jr., Hickory
John S. Gaskin, Jr., Albemarle
James H. Lipsey, Asheville
William C. Mebane, Wilmington
A. Frank Thompson, Jr., Concord
Samuel H. Walker, Asheville
Willard W. Washburn, Boiling Springs

NORTH DAKOTA (2)

Perry H. Engstrom, Wahpeton [2]

OHIO (24)

William E. Barratt, Painesville
Robert C. Cahill, Attica
Robert E. Cooke, Harrison
David M. Creamer, Bellaire
James Q. Dorgan, Jr., Columbus
Robert M. Foster, Youngstown
Joseph H. Gaudreault, Nickley
Aaron I. Grollman, Cincinnati
Mark T. Hoekenga, Cincinnati
Paul Milde, Cleveland Heights
Alexander Miller, Cleveland Heights
Jerome Mulligan, Cleveland
Anthony C. Nassif, Seven Hills
James B. Patterson, Lorain
Ranier S. Pakusch, Maumee
Thomas Prescott, Mt. Vernon
Jerry C. Rosenberg, Toledo
Robert G. Smith, Circleville [2]
Robert E. Sooy, Mt. Vernon
John E. Stephens, Columbus [2]
Clinton W. Trott, Mt. Vernon
Lois R. Zimmerman, Tiffin

OKLAHOMA (10)

Roy W. Anderson, Cordell
Arthur Brown, Perry
Richard A. Conley, Watonga
Richard F. Harper, Pawhuska
J. Ted Herbelin, Oklahoma City
Gale R. Kimball, Oklahoma City
Wayne B. Lockwood, Oklahoma City
David F. Watson, Muskogee
Jack D. Welsh, Oklahoma City [2]

OREGON (9)

John R. Boe, Grants Pass
E. Murray Burns, Portland
Calvin E. Gantenbein, Portland
Marion T. Merrill, John Day
Edward S. Morgan, Pendleton
Thomas E. Morris, Jr., Portland [2]
Charles H. Nelson, Albany
Richard N. Sherwin, Prineville

PENNSYLVANIA (17)

Kelly M. Berkley, Philadelphia
Eugene F. Berkman, Beaver
Martin Bradley, Philadelphia
Daniel H. Brooks, Pittsburgh
Charles N. Chasler, Pittsburgh
Francis P. Colizzo, White Haven
Harry R. Davis, Boiling Springs [2]
Matthew J. Drogowski, Freeland
Robert T. Gildea, Wilkes-Barre (New York)
Joseph B. Griffith, Sewickley
Henry K. Heller, Bethlehem
Ralph G. Leighty, Swissvale
Robert W. McLaughlin, Easton
Pio J. Pezzi, Abington
John H. Updegrove, Easton
David G. Young, Philadelphia.

SOUTH CAROLINA (14)

Gilbert Bradham, Charleston
Cornelius Burns, Sumter
Julian Buxton, Charleston
Charles T. Fitts, Charleston
Harry Gregorie, Charleston
Carl J. Hiller, Charleston
Edward E. Kimbrough, III, Columbia
Foster Marshall, II, Columbia
Walter Newton, Jr., Charleston
Jennings K. Owens, Jr., Bennettsville
William M. Rambo, Charleston
James Reid, Charleston (U.S. Navy)
John Sutton, Charleston
Robert Wilson, Jr., Charleston

SOUTH DAKOTA (4)

Isaiah R. Salladay, Fort Meade [2]
John P. McCann, Parkston
Christopher J. Moller, Dell Rapids

TENNESSEE (6)

Joe E. Bryant, Lebanon
Nat Hyder, Erwin
Curtis McGowan, Clarksville
W. Walter Pyle, Franklin
Paul Spray, Oak Ridge
John H. Wolaver, Knoxville

TEXAS (24)

William R. Albracht, Stephenville
Jerry W. Bains, Galveston
Exeter F. Bell, Jr., Houston
Billy J. Blankenship, Galveston
John V. Connolly, Ingleside (USAID)[4]
Emerson Emory, Dallas
Robert Franken, San Angelo
Robert E. Haan, El Paso
Joe D. Heath, Kermit
Otto H. Heins, Raymondville [2]
Vincent J. Kitowski, Houston
Kurt Lekisch, Midland
John C. Long, Plainview
Frederick C. Lowry, Austin
John W. McFadden, Jr., Galveston
Paul R. Meyer, Port Arthur
Lumir F. Novak, San Antonio
Edward B. Singleton, Houston
Roscoe A. Schulze, Flatonia [2]
William W. Taylor, Dallas
Wayne E. Truax, Galveston
Frank Van Orden, Trinidad

UTAH (4)

Thomas L. Hannum, Brigham City
Mark B. Jensen, Provo
George H. Lowe, Jr., Ogden
Charles A. Rodman, Salt Lake City

VERMONT (1)

David M. Stewart, Bellows Falls

VIRGINIA (3)

John M. Adams, Winchester
William Conrad Stone, Roanoke [2]

WASHINGTON (22)

Louis E. Braile, Seattle
Edward C. Calta, Renton
Harry Frewing, Vancouver
Anthony R. Galgano, Port Angeles
C. Richard Goodhope, Edmond
Jack G. Henneman, Seattle
Fred H. Gloeckner, Buckley
William A. Johnson, Longview [2]
Barbara A. Kenyon, Buckley
Robert E. Lane, Tacoma
Edwin F. Leibold, Forks
Richard B. Link, American Lake
Robert C. Maher, Spokane
John O. Milligan, Kirkland (Calif.)[2]
William N. Pope, Seattle
Philip A. Pritel, Vancouver [2]
Herman L. Schiess, Seattle
Richard V. Tinker, Seattle
Wayne Zimmercan, Tacoma

WEST VIRGINIA (3)

Richard A. Currie, Morgantown
Robert W. Neilson, Jr., Bluefield [2]

WISCONSIN (12)

Thomas J. Beno, Green Bay
Thomas P. Chisholm, Arcadia
Victor S. Falk, Edgerton [2]
William B. Gallagher, LaCrosse
Samuel B. Harper, Madison
Charles E. Hopkins, Madison
Leif H. Lokvam, Kenosha
Dominic J. Martinette, Hurley
Reynold E. Nesemann, Kewaunee
Isadore H. Schultz, Mazomanie
Joseph P. Springer, Durand

WYOMING (5)

Christie J. Ghicadus, Laramie
Ben M. Leeper, Cheyenne
Loran B. Morgan, Torrington [2]
Joseph P. Murphy, Casper

Footnotes at end of list.

DISTRICT OF COLUMBIA (6)

Basdeo M. Balkissoon, Trinidad
Joseph F. Fazekas
William W. Funderburk
Fred A. J. Geier
William D. Oldham (USAID)[4]
G. Harvey I. Sloane (Kentucky)

CANAL ZONE (2)

Ronald E. Moore
Robert B. Price

OTHER (7)

John H. Baker, Baghdad (USAID)[4]
Julia M. Baker (Mexico)
Priscilla D. Boekelheide, Philippines
Donald E. Butterfield, Tokyo (Wisconsin)
Howard P. Hyde, Viet Nam (U.S. Army)
Lois H. Visscher, Kasgani, India
Joseph J. Weiss, Afghanistan (Michigan)

FOOTNOTES

[1] Roster of all physicians who have served in Viet Nam since inception of program in 1965. Roster shows that 25 physicians are credited with a second tour, 4 with a third tour and that 12 volunteers have subsequently returned to Viet Nam as long term employees.

[2] Physicians credited with serving a Second tour.

[3] Physicians credited with serving a Third tour.

[4] Subsequently served, or serving, long tour (AMA/USAID) in Viet Nam. (State) Current address; reflects change since original recruitment.

TEXTILE IMPORTS CONTINUE TO RISE

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, I rise today to express the great concern of the textile industry over the makeup of the Advisory Committee on Trade Policy. Mr. Speaker, the findings of this Advisory Committee can be predicted at this very moment. The views of the overwhelming majority of the members are already known and publicly stated. Their findings will be a hoax on the textile industry and its employees. They cannot be counted on to offer any relief.

Mr. Speaker, imports of cotton, wool, and manmade fiber textiles during July totaled 299 million equivalent square yards—an alltime monthly high.

Based on the first 7 months, textile and apparel imports for 1968 are running at an annual rate of 3.2 billion square yards. This is a 14-percent increase over the previous record set in 1966.

Translated into jobs, it would take 226,500 American workers to produce this volume of textiles and apparel. July imports alone were the equivalent of over 21,000 jobs.

The rise in textile imports thus far in 1968 confirms our worst fears. We are convinced that unless the alarming increase in the growth of textile and apparel imports is slowed, the domestic industry's enormous potential for expanding job opportunities in those areas where they are needed most will be seriously jeopardized.

As Secretary of the Informal House Textile Committee, I have worked with my colleagues from throughout the Nation, on both sides of the aisle, to impress upon the State Department, the President's Special Representative for Trade Negotiations and others how our textile trade position has deteriorated. The relentless buildup of textile and apparel imports is casting a dark shadow over the future prospects of one of our most basic and essential industries—an industry so essential to the defense of this Nation and indeed the free world.

During the past 10 years, we have seen a dramatic shift in the pattern of international trade in textiles. In 1957, the United States enjoyed a textile trade surplus of some $14 million. But starting in 1958, this surplus was wiped out, and we have been in a deficit position ever since. By the end of last year, this deficit has grown to $766 million. Our textile imports were $1.4 billion, nearly three times what they were in 1957.

The devastating effect these continually rising imports are having on the future course of the textile industry is reflected in this industry's investment in new plants and equipment. In the last 2 years, capital expenditures in the textile industry have been cut back substantially. The Commerce Department estimates that capital expenditures in the textile industry in 1968 will be $79 million, down by $340 million from 1966. This means that fewer new plants will be built with the resulting loss in job opportunities.

When a plan was announced for a long-range study of our trade policies we were encouraged. Obviously, something must be done to reverse the trend which is siphoning off more and more of the economic strength of the textile industry every year.

The Trade Information Committee held lengthy hearings. Volumes of testimony were taken from people on all sides representing the various groups who have an interest in international trade. Now that the hearings are concluded, a group of men has been selected to evaluate the information whose background and interests pretty well point to conclusions which will not offer any comfort to industries which are suffering from low-wage import competition.

The members of the Committee are distinguished and able leaders of business and labor. But, unfortunately, they represent only one segment of our economy, the big international exporters. The roster of the Committee reads like a "who's who" of the world of free trade.

The Trade Information Committee should have the benefit of these men's views, but the Committee should not be weighted so heavily in their direction.

Those of us who live in textile-producing areas can only be alarmed at the Committee's being dominated by people with views such as those held by Mr. David Rockefeller, one of the members of the Committee. Mr. Rockefeller is a distinguished banker, but he and the majority of the members of the Committee do not speak for workers in industries such as textiles, who are seeing the threat to their jobs increase every day.

Mr. Rockefeller made his views on textile imports quite clear at the Southern Governors Conference in June of this year. He told the Governors that the textile industry is not being hurt by the rapid growth of imports; that the industry should learn to expect ups and downs and that those who lose their jobs can turn to the Government for some sort of adjustment assistance.

Mr. Speaker, those of us who know and understand the textile industry do not think that you can tell a textile worker to go find another job because imports have forced a cutback at the mill. They do not have the financial means to move to another town or live through long periods of unemployment.

The Southern Governors' Conference, comprised of 17 Governors in States where the textile-apparel-fiber industry provides hundreds of thousands of jobs, turned aside Mr. Rockefeller's plea to support his overly liberal views on international trade.

These Governors, who have the responsibility to maintain sound economies in their States, instead passed, with one dissenting vote, a resolution calling for full implementation of our Government's textile program. That program calls for international agreements limiting imports of textile products made from all fibers. The one dissenting vote was Mr. Rockefeller's brother, the Governor of Arkansas.

Mr. Rockefeller's speech and the rejection of his views by the Governors of a large section of the country indicate that he does not represent the views of the majority of the American people. An overwhelming majority of the members of the Advisory Committee share the views of Mr. Rockefeller. This indicates that the Committee is indeed a kangaroo court, a hoax and fraud on the American people who urgently need fair administration of orderly trade in textiles.

For this reason, the members of the Advisory Committee on Trade Policy cannot be expected to come up with recommendations which will safeguard the future job-producing growth of industries such as textiles and apparel.

There is no necessity for another study. The Ways and Means Committee has just completed a solid month of hearings on this matter. The textile industry and its employees with rising imports need no further studies. There is no further need for advisory committees or hearings. It is clear that what is needed now is action.

The international agreement urgently needs to be extended to cover manmade fibers, filament yarns, and wool. Every category of textiles must be included in any agreement to protect the whole.

HON. JOHN J. GROGAN

Mr. DANIELS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. DANIELS. Mr. Speaker, it is with the greatest of sadness that I announce to this House the passing of one of the most distinguished citizens of the State of New Jersey, the Honorable John J. Grogan.

Mr. Grogan was a man of humble origins who came within an eyelash of being elected U.S. Senator from New Jersey in 1958. It was perhaps the only thing that he ever sought in his 53, all too short, years that he did not succeed in obtaining.

John Grogan who left school at the age of 14 to become a pipefitter's helper at the Bethlehem Steel yards in Hoboken, arose to become president of one of America's greatest labor organizations, the Industrial Union of Marine Shipbuilders, AFL–CIO, and at the time of his death he was a vice president of the American Federation of Labor-Congress of Industrial Organizations and as a national labor leader he had served Presidents Truman, Eisenhower, Kennedy, and Johnson, as a representative of this Nation in many foreign lands.

We in Hudson County had the great privilege of knowing this labor statesman in a different way. We knew him as a kind friend, a man deeply concerned with the problems of his neighbors, a man deeply concerned with his community.

John Grogan was a frequent visitor to the White House. Yet, he never outgrew his origins and he preferred the company of the humble to the mighty.

For 12 years, his friends and neighbors in Hoboken elected him mayor of the mile-square city and in this role he was an exciting and beloved leader of his city and party. For the last 5 years he served as clerk of the county of Hudson.

Mr. Speaker, I have known Johnny Grogan for so long and have admired him so greatly that words fail me when I try to tell this House what he meant to those who loved him. I have known many persons in my life but I have never known anyone who possessed so many good traits in abundance.

Mrs. Daniels joins with me in extending our most profound sympathy to his widow, the former Eileen McNulty, their daughter, Patricia, his son, Airman James Grogan, USAF, his two brothers, Andrew and Thomas, and to his three sisters, Mrs. Margaret Ross, Mrs. Josephine Gumbach, and Mrs. Dorothy Kovic. Our hearts go out to them in their moment of sadness. But all of us who have had the pleasure of knowing Johnny Grogan are better men for it.

THE HONORABLE CHARLES ABRAHAM HALLECK

The **SPEAKER** pro tempore (Mr. O'Neal of Georgia). Under a previous order of the House, the gentleman from Indiana [Mr. Adair] is recognized for 60 minutes.

GENERAL LEAVE

Mr. ADAIR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order, the Honorable Charles Abraham Halleck.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ADAIR. Mr. Speaker, when the House of Representatives adjourns sine die it will bring to a close the career of a man who has served in the Congress longer than any other Hoosier in the history of Indiana—Charles Abraham Halleck, who has served 17 consecutive terms in this body.

I could not hope, at this time, to enumerate adequately, let alone assess, his achievements and his contributions during what amounts to an adult lifetime of service to his district, his State, and his Nation. One book has already been written on that subject. I suspect there will be others. But I do at this time want to spread on the Record some highlights, at least, in the career of Indiana's alltime "Mr. Republican," and, in my book, one of the alltime truly great Members of this body:

Biographical Sketch From the Congressional Directory

Charles A. Halleck, Republican, of Rensselaer, was born in Jasper County, Ind., August 22, 1900, and has resided there all his life; attended grade and high schools in Rensselaer; was graduated from Indiana University with an A.B. degree in 1922 and with an LL.B. degree in 1924; elected a member of Phi Beta Kappa and Order of the Coif, and is also a member of Beta Theta and Phi Delta Phi; served in World War I and is a member of the American Legion; married to Blanche White, of Indianapolis, and they have two children, Charles W. and Mrs. Walter R. Litchfield; was elected prosecuting attorney of the Jasper-Newton circuit in 1924, and was reelected four times; was elected to the 74th Congress at a special election held on January 29, 1935; reelected to 75th and succeeding Congresses; majority leader in the 80th and 83rd Congresses; minority leader in the 86th, 87th and 88th Congresses.

Committee assignments have included Rules, Interstate and Foreign Commerce, Select Committee on Small Business, Investigation of the National Labor Relations Board, Expenditures in the Executive Departments, Lobbying Activities, House Administration, Public Works, and, currently, Armed Services and Standards of Official Conduct—ranking Republican member.

Other offices:

Chairman of the National Republican Congressional Committee, 1945–46, which helped elect Republican House.

Republican majority leader, House of Representatives, 80th Congress.

Chairman, subcommittee which drafted Republican Statement of Principles and Objectives, adopted February 6, 1950.

Cochairman, National Committee Speakers' Bureau, 1952.

Majority leader, House of Representatives, 83d Congress.

Minority leader, House of Representatives, 86th, 87th, and 88th Congresses.

Placed the name of Wendell Wilkie in nomination as candidate for President on the Republican ticket, 1940.

Seconded the nomination of Thomas Dewey, 1948.

Placed the name of Dwight D. Eisenhower in nomination for his second term, 1956.

Served as permanent chairman of the Republican National Convention, 1960.

Seconded the nomination of Barry Goldwater as the Republican candidate for President, 1964.

Mr. Speaker, many people have expressed themselves concerning Charlie Halleck and his abilities. I quote from some of these:

Joe McCaffrey of the Capitol Radio Correspondents' Gallery said:

> Halleck is one of the handful of men to come to the surface in the big manpower pool of the House of Representatives. . . .
>
> Halleck is no Daniel Webster. His oratory is far from the flowery style that placed the old New Englander in oratorical history. With a lawyer-trained mind, Halleck goes to the heart of the issues under discussion. He has a wonderful capacity for sensing the mood of his audience, for being able to feel what arguments will be most effective, and knowing that, he passes very lightly over other arguments that to many may seem more vital. . . .
>
> Halleck can "will" his audience to listen to him. . . .

Ben Cole, Washington correspondent for the Indianapolis Star said:

> John Barnett thought I ought to be a little entertaining and a little sentimental tonight, seeing this is kind of a celebration for Charlie Halleck. But, except for my wife, I can't think of anybody who thinks I'm very entertaining when I'm sentimental.
>
> I've been a Charlie Halleck watcher for a long, long time. I used to stand in the wings with Blanche waiting for Charlie to finish a speech so I could have the lone copy of his text. He usually didn't follow the script, but that didn't make too much difference. I reported it anyway.
>
> When I got to Washington, Charlie was nice to me. He didn't give me many scoops, you understand. Old Dan Kidney got those. But he was pleasant, and I must say Charlie never ducked a reporter and he would answer the question on the record.
>
> I have a collection of memories of Charlie.
>
> Winning the Congress for the GOP in 1946.
>
> Losing it again after Harry Truman kicked the 80th Congress all the way from Yonkers to Walla Walla in 1948.
>
> Charlie helping get the Marshall Plan through Congress. It sounds so orthodox today. But remember we Hoosiers hadn't even recognized New York City.
>
> Saving Indiana from its open-record welfare law. That was a little trouble we newspapermen cooked up for him.
>
> Leading the GOP-Dixiecrat majority against the Administration in Harry Truman's day.
>
> Leading the GOP-regular Democrat majority against the Dixiecrats in Dwight Eisenhower's administration.
>
> Ducking Puerto Rican bullets in the House Chamber.
>
> Treating the Indiana Republican delegation to duck in his Capitol hideaway he called the "Clinic." They all swore they never found a single bird-shot in the duck.
>
> Being Indiana's favorite son in 1948. I'll bet he can give Roger Branigan some solid counsel on that vice presidency bit.
>
> Having Cale Holder slam the door in his face when he wanted to be a national convention delegate in 1952.
>
> Nominating Wilkie; nominating Ike; running the convention that nominated Nixon; seconding Barry Goldwater—boy, Charlie, that was a good one!
>
> And all the time, I reckon, Charlie was aiming at being Speaker of the House one day, but the day never came.
>
> The Republicans gave his leadership post to Jerry Ford. I think some of them would give it back now, Charlie, if they could.
>
> But Lyndon Johnson never forgot him. Remember the first thing he did after he got to be President? Had Charlie over to his house—he wasn't even in the White House

yet—for some of that thick bacon that Charlie likes.

I suppose President Johnson is a little bit like me. I'm Charlie Halleck Democrat. Of course, I haven't been able to afford any of that thick bacon, prices and taxes being what they are. And you saw just part of the Federal payroll here tonight.

I know the reason why Charlie has friends on both sides of the aisle. He has always played the game by the rules. He has observed the white lines of the political skirmish. I've heard him blister the Democrats on the Floor and watched them afterward go over and shake his hand. Above all, he has been a patriot first and a partisan second.

You know, you can tell a whole lot more about a man's patriotism by the way he observes a traffic sign than by the ostentatious way he wraps himself in the flag on the Fourth of July. I'd call Charlie a 365-day-a-year man.

And he's got a good kid, too. Young Chuck Halleck is the most prominent General Sessions Judge Washington, D.C., has ever had. He has the startling notion that poor people's courts are supposed to be places of justice. And he insists on following the law. On a few occasions, this has resulted in Chuck's turning the defendants loose and putting their lawyers in jail. It makes great stuff for the newspapers. And I'm told on high authority that when President Johnson reads about it in the papers, he says, "That's my boy."

Charlie and Blanche will be going back to Rensselaer at the end of the year. They will take a lot of affection from this place with them.

Why, by the time Charlie gets out of Congress, so many parties will have been held for him that there won't be a healthy liver left in the capital.

The Press Club's having a shin-dig for him. The friends of Charlie Halleck are having a clam-bake. There are receptions and cocktail parties and banquets. And you name it.

I think the list of organizations starts with the Student Non-Violent Coordinating Committee's Charlie Halleck Chapter down to the Brotherhood of Duck Baiters and Dune Hoppers . . .

All Hoosiers—Democrats and Republicans alike—are proud of Charlie Halleck. He has served his country, his state, and his party well. Those of us who toil here in Washington shall miss him.

Thank you, Charlie, for being a wonderful Hoosier. And thank you, ladies and gentlemen, for the fine humor in which you have accepted this small effort of mine.

A news release from General Eisenhower's office reads:

First copy of a newly-published biography of Rep. Charles A. Halleck [Charles Halleck: A Political Biography by Dr. Henry Z. Scheele] is presented by the veteran Hoosier Congressman to Former President Dwight D. Eisenhower, who wrote a foreword to the book. Author is Dr. Henry Scheele of Purdue University. Presentation was made recently at General Eisenhower's headquarters on the campus of Gettysburg College.

General Eisenhower broke precedent in agreeing to Dr. Scheele's request that he write a foreword.

"It has been my rule since entering public life to avoid writing prefatory remarks for or an endorsement of another person's publication," General Eisenhower writes in the foreword to the book, Charlie Halleck.

"Here," the former President continues, "I deliberately and happily break that rule. I do so out of an abiding personal affection, a high respect, and a deep sense of obligation to the able, hard-working and loyal Charles A. Halleck whose counsel and leadership in his field I found indispensable throughout my service in the presidency . . . I salute him as one of the finest men I have known in the top councils of government."

"Charles A. Halleck has been an exemplary public servant. He has been a foremost patriot. He has demonstrated many times not only political courage but a high order of selflessness in service to our nation. He has been faithful to friends, a hard-hitting but fair partisan, a dynamic and effective leader, and always a respected advocate of his views."

The new book also carries an introduction by Senate Republican Leader Everett McKinley Dirksen.

Gettysburg, Pa., *September 17, 1966*.

Fred A. Sabatini of Logansport, Ind., said of him:

A great American author, John Steinbeck, once said, "If anywhere in your travels you come on a man with guts, mark the place . . . This used to be a nation of giants. Where have they gone? . . . Where are they now?"

The Second Congressional District of Indiana found its giant. It found him thirty-four years ago.

A giant who dined at the White House in Washington with kings and Presidents . . . and who ate fried chicken with his people in Jasper County, Indiana.

A giant who advised and guided Presidents, Secretaries of Defense and of State . . . and who took the time to advise and guide a young man from Cass County, Indiana.

There are those here who say this giant needs no real introduction, but maybe he does . . . for there are young people here who may not know.

He came from Indiana University in 1924, armed with a law degree and a lot of courage. He returned to his hometown, ran for Prosecuting Attorney and won . . . and has run and won every two years since.

He was Majority Leader of the 80th and 83rd Congresses, and Minority Leader of the 86th, 87th and 88th.

There are also those who say that he was unlucky—for he just missed being Vice President and Speaker of the House. But there are others who say he *was* the President for several years in the mid-50s. Crucial years, but years when no American boy was killed anywhere in the world.

And no man with the number of friends Charlie Halleck has can be called "unlucky."

We are honored to have here tonight the man who made it possible for all of us to have been able to use five words which open doors from Walton, Indiana, to Washington, D.C. To me they are the five proudest words in politics—"I'm from Charlie Halleck's District."

Charlie, we're sorry you will not be our Congressman . . . But we're proud to have had you. And we're proud of the fact that like the true champion you are, you chose to take the high road home.

I guess, friends, the first time I remember seeing Charlie Halleck was in 1956 on television. His words at that time were, "I now place in nomination as the candidate of the Republican Party for President of the United States, the name of the most widely beloved, the most universally respected, the most profoundly dedicated man of our times—Dwight David Eisenhower."

And a few years later, in Rensselaer, Indiana, many of us here heard Ike say, "And I am deeply grateful that in the office I held, you provided me with a loyal fighting and deeply patriotic legislative leader, Charlie Halleck. In security affairs, foreign affairs, strengthening our ties abroad, forging bulwarks against the probings of Communists—indeed Charlie Halleck has put America above every other consideration."

My friends in Cass County, I now present to you the man we know to be the best Congressman in the United States, the name of the most widely beloved, the most universally respected, the most profoundly dedicated man of *our* times—Charles Abraham Halleck.

An editorial by John Scott of the Lafayette, Ind., Journal & Courier, of February 3, 1968, follows:

On Our "Travels With Charley" We Found a Man With Guts

In his book "Travels With Charley" John Steinbeck wrote "If anywhere in your travels you come on a man with guts, mark the place . . . This used to be a nation of giants. Where have they gone? . . . Where are they?"

Indiana's Second Congressional District found its giant, all right, more than thirty years ago, and Charlie Halleck has notched his gratitude ever since—by marking the place.

So well, in fact, did he mark it that this little corner of America was lighted up because he left here and kept returning. Imagine, Rensselaer, Indiana—famous for nothing. Except growing a giant.

Once he made it to the Congress, there never was a doubt that his people would send him back for as long as he wished it. The closest a Democrat came to beating him was during a Roosevelt landslide and, even then, Halleck's margin was almost five thousand votes, which in hundreds of other congressional districts would have been a Republican landslide. Finally in resignation the opposition ran mostly hacks against him. His last opponent, persuaded that he had a chance, fled the district after the debacle, hopefully to fashion a new life free of terror.

With such comfortable employment security, Halleck could have paid less attention to the home folk. They would not have complained very much because he adorned their residency. "I'm from Charlie Halleck's district" was enough to open a door in Washington. "I'm a Republican county chairman from Charlie Halleck's district" would not only open the door; it would induce a free drink in a capital saloon, a chance to clutch a famous hand and find out what really was holding up Aunt Nellie's social security.

The reason for his influence in the world never really got across to the people in the Second District. This was because of a duality that permitted him to shift gears when he crossed Highway 31. It was there with regularity he changed from a national power-packed politician to a Jasper county dirt farmer as quickly as he could say "Now, I'm agonna tell ya, folks." A few hours ago it would have been "If it please the chair, Mr. Speaker, I should like to invite the attention of my distinguished colleagues. . . ."

It is hard to realize that, starting from ground zero, he could amass such influence. His desk drawers were stacked with IOU's from cronies of both parties. Presidents relied upon him or feared him, depending upon the time or the issue. He mastered parliamentary politics the way some men coach teams or maneuver troops in the field. What he did not know about the behaviour of his contemporaries he could sense or intuit.

Back in time there was a tip-off. His brilliance was the Phi Beta Kappa kind that is easily recognizable. But that was way back and, in later years, those who were awed by his skills didn't realize that the skills could have been placed about anyplace with equal success. Politics, it turned out, provided more than the normal satisfactions of achievement. It was seeing America first—in everything. And it was fun.

And Halleck kept coming home, home to the chicken suppers and the county fairs. From the international amphitheater to the high school gymnasium was only a rumpled overnight trip, and a safe one, because Charlie knew all the ruts in the road.

Often he would bring back with him the great Republicans of his era, showing them off to his district, and his district to them. Once he brought Eisenhower through the area in a massive campaign appeal prior to an election so easy for him that he could have died and been reelected posthumously. He called this "running scared."

There are those who say that Halleck was unlucky, that he missed the vice-presidential nomination, missed being Speaker of the House, and was ousted as Minority Leader.

Actually, these episodes were part of a pattern of good fortune that involved most of his public life. Had he won the nomination for vice president with Dewey his name already would be in the oblivion that contains Charles McNary, John W. Kern. Henry G. Davis and other unsuccessful nominees for the job of listening for heartbeats in the White House.

Had he been Speaker of the House under Eisenhower he would have won neither his renown as a gut-fighter nor his enormous prestige with the old man who loved him because he knew how to use the tools of minority power and coalition. Ike's legislative victories were manufactured by the underdogs in the corridors, not by the titled gentry in the aisles. Halleck's last defeat in the Congress when he was ousted as minority leader by Gerald Ford, was a superb display by a dying lion. He roared and bit and fought and finally keeled over. Ford had a narrow victory and has become a colorless substitute who has made Halleck look exciting in contrast.

Had he not been what he was in the point of time that he appeared in, Charlie Halleck would not have had television to illuminate his role. While the "Ev and Charlie Show" offered two aging free enterprisers, he and Senator Dirksen gave America a new insight into constitutional government. Their rasping, nagging eloquence made them famous. The battle lines were always clear, if only on their rutted faces.

It was typical of Halleck's unusual sense of timing that he chose this year as his last. No descent to the dungeon, no ignominious anticlimax to a career stuffed with grandeur, no wilting among the embarrassed new breed. Instead Halleck is taking the high road home, back to the people who are grateful, along with the Republic, for their travels with Charlie.

So, Mr. Speaker, a friend, a great Hoosier, and a great American is terminating his service as a Member of the House of Representatives. But he is not, and never will be, terminating his love and his devotion to our beloved country.

Mrs. Adair joins me in extending best wishes to Blanche and CHARLIE HALLECK.

Mr. McCORMACK. Mr. Speaker, at the close of this session of the 90th Congress, our number will be diminished by the retirement of the Honorable CHARLES A. HALLECK, the able, distinguished, and patriotic Representative of the Second Congressional District of Indiana. Although we lose many friends through retirement at the end of a term, and though it is always sad to say goodby to our colleagues, the retirement of CHARLIE HALLECK is an especially sad loss for all of us. Our careers have been on opposite sides of the aisle, but that has never prevented me from regarding CHARLIE as one of my dearest friends; it is with particular regret that I contemplate his leaving us.

Representative HALLECK has served in the House of Representatives since 1935, when he won a special election. He was born 68 years ago in Jasper County, Ind., part of the district he has so ably represented for 33 years. The son of a Rensselaer, Ind., lawyer, CHARLIE came from a family engaged in public service; his father served two terms in the State Senate of Indiana. CHARLIE became involved in campus politics as an undergraduate at the University of Indiana, but his political interests did not keep him from membership in Phi Beta Kappa. He received his A.B. degree in 1922. In 1924, he received his law degree and was elected prosecuting attorney for Jasper and Newton Counties. He was reelected to this responsible office four times.

Having won the special election that brought him to Congress in 1935, CHARLIE was reelected in every succeeding election. During his career as a Member of the House of Representatives, he has been an active leader of his party. From 1943 to 1946, he served as chairman of the Republican congressional campaign committee. In the 80th Congress, he became majority leader of the House. He became majority leader again in the 83d Congress. In 1958, he was elected minority leader, and in this capacity he reorganized the House Republican policy committee.

He served as permanent chairman of the 1960 Republican National Convention. He made the nominating speeches for Wendell Willkie in 1940 and for Dwight D. Eisenhower in 1956. He has been a compelling public speaker and a responsible and dynamic presiding officer. He has been an example of a dedicated public servant and party leader. He has also been my true and constant friend.

There are few men like CHARLIE HALLECK. His strong partisan beliefs have not kept him from making and keeping friendships with members of the other party. The many frustrations of public life have never shaken his convictions or discouraged him in his aspirations. He has fulfilled, with great distinction, his responsibilities here—those which he sought, and those he was elected to fulfill. CHARLIE HALLECK has been, during the long years that I have been privileged to work with him, a dedicated public servant, a loyal son of Indiana, a stanch Republican, an honest and honorable man, and a trustworthy friend. I am sure he knows that he will be welcome here all the days of his life; for, the House of Representatives is part of him, CHARLIE HALLECK is part of this Chamber, and will be forever.

I should like to wish for him, and for his lovely wife Blanche, all the happiness of a deserved retirement. All of us who know CHARLIE realize that his retirement will be an active one.

His Indiana friends are fortunate to have him back among them again, and his friends in Congress wish him Godspeed.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ADAIR. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join my colleagues from Indiana in their words of tribute to CHARLIE HALLECK. To me personally, this is one of the saddest days in my life as a Member of this House. I have known many fine men during my 22 years in Congress—none finer—none greater—than CHARLES A. HALLECK. For a third of a century his character and service have stood out as examples to all of us and to the Nation as that of a most competent and dedicated public official. CHARLIE HALLECK is bright; he is strong; he is knowledgeable.

I cannot begin to explain to the House my own feeling of personal loss on the departure of this man whose friendship I have cherished through the years. This House just will not be the same to me when he leaves us. He has befriended me on many occasions. He has been a close adviser. He has extended a helping hand when things were going tough.

There is nothing more important about service in the House than the friends we make here. As long as I live, I shall cherish the memory of the evenings after a hard day's work when, with CHARLIE HALLECK and a few other friends, I have had the opportunity to sit down and visit and talk. From the days of Sam Rayburn, CHARLIE HALLECK was a frequent and welcome visitor to the board of education.

CHARLIE, I shall never forget you; I shall always miss you. Scholar, legislator, patriot, gentleman, and friend, you have been one of the most distinguished Americans of this generation. When we adopt the sine die adjournment of the 90th Congress and you leave us for the last time as a colleague, our prayers will go with you and your dear wife Blanche. All of us wish for you every good thing in life. You have earned a rest. We hope you will enjoy a long, happy, and fruitful life in your retirement from public service.

Mr. ADAIR. Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I likewise appreciate the honor to join the Indiana delegation in paying tribute to CHARLIE HALLECK. CHARLIE has served, or will at the conclusion of this session, 34 years in the House of Representatives. CHARLIE came to the House and began his service before some current Members of this body actually were born. CHARLIE has served better than a third of a century as a Member of the House of Representatives.

But there is more to CHARLIE's record than the years of service. It is a record of quality. It is a record that will be written indelibly on the books of this body for all others to see, to emulate, and to envy from the point of view of achievement.

CHARLIE, as we all know, has had his hours of greatness, glory, and triumph. CHARLIE, on the other hand, has had his hours of disappointments. But in glory or disappointment, triumph or achievement, CHARLIE HALLECK has always been a gentleman. He has had and always will have my personal admiration and respect.

He has been the majority leader of my party. He served in the capacity of our minority leader. He has been the permanent chairman of the Republican National Convention and the keynoter of one of our national conventions. He may have had many other honors with which I am not personally familiar. But in each and every instance he has served his party and his country with great distinction and achievement.

I have been sitting here this afternoon thinking of all the tributes that could be paid to CHARLIE HALLECK. I would set the foremost of them forth as follows:

First, his dedication to his country. He served in the military. He has served his country in the Congress of the United States. He has served Republican Presidents and Democratic Presidents, and all of them well. Although a partisan, his partisanship was always secondary to what was best for his country.

In addition, CHARLIE has been a loyal member of the Republican Party through thick and thin, and despite personal disappointments, CHARLIE's loyalty to the party never diminished or declined.

Third, CHARLIE's friendship for individuals went beyond anything that one would normally expect. Even those who disagreed with CHARLIE, or if there were instances where there was competition, once the disagreement was resolved, once the conflict or competition was ended, CHARLIE HALLECK never let the past interfere with his continuing friendship with those with whom there had been a difference.

Fourth, it has always been my observation in the years when I have served concurrently with CHARLIE that he was willing to serve in any and all capacities. I have seen him operate as the majority leader of the Republican Party. I have seen him operate as our minority leader. I have seen him step aside when problems within the party were such that he did not have an official position. I have seen CHARLIE willing to serve on committees as a relatively new member, at the bottom of the seniority list, so to speak. But in any and all circumstances he has never shirked responsibility and did the job well.

I think we who serve here learn to respect most highly those who assume a job, regardless of what it might entail and CHARLIE has always performed 100 percent.

May I conclude by saying that when the House adjourns at the conclusion of the second session of the 90th Congress, I will lose a close personal friend, and the House will lose a Member whose record has been one of the highest accomplishments and achievements. Even though the Congress will have adjourned and CHARLIE will have left as an active Member, I am sure I speak for everyone of us in saying that we hope and trust that CHARLIE HALLECK comes back often, not only to see us as friends, but to give us counsel and advice in the troublesome and difficult days ahead.

I, personally, and on behalf of my wife Betty, extend to Blanche and to CHARLIE the very best in health, happiness, and success in the months and years ahead.

Mr. ADAIR. Mr. Speaker, I thank the gentleman from Michigan.

I yield now to the gentleman from Illinois [Mr. ARENDS], our minority whip.

Mr. ARENDS. Mr. Speaker, nothing any of us say here can add so much as an inch to CHARLIE HALLECK's stature. He stands tall among the giants who have served in the House of Representatives. But I join with all of you in welcoming this opportunity to express to CHARLIE HALLECK, before he leaves in voluntary retirement, the deep affection and high regard in which he is held by all of us who serve in Congress with him.

I think I can say, and I do so with considerable pride, that I probably know CHARLIE HALLECK better than anyone now serving in the Congress. He first took his seat in Congress in 1935, only a matter of days—26 to be exact—after I first took the oath as a Member. We began in the 74th Congress with the common bond of all freshmen with each new Congress.

CHARLIE and I have thus served together in this House for almost 34 years. It is practically a lifetime of work together in a common endeavor. Ours has been a personal friendship and an official association that has grown and matured with the years in which we have shared disappointments and successes.

His district in Indiana adjoins mine in Illinois. The interests of our constituents have been somewhat the same. On many occasions I have been in his district as an official guest, as well as a personal friend, and on many occasions he has been in mine.

As the Republican whip it was my privilege to work closely with him when he became majority leader in the 80th Congress and in the 83d Congress, and when he served as minority leader in the 86th, 87th, and 88th Congresses. Together we have waged many a legislative battle. We have suffered defeats; but, thanks to the effectiveness of CHARLIE's leadership, we achieved many notable victories.

As the history of these 30-odd years is written, particularly of the House of Representatives, there will be many legislative landmarks—statutory monuments, if you will—on which the name HALLECK will be inscribed. Of these I hardly need to speak. They speak for themselves out of the pages of history.

The Taft-Hartley Act stands as a monument in labor law. What was claimed to be a "slave labor law" has proven to be labor's bill of rights. I can personally testify to the fact, and it is a fact, that CHARLIE HALLECK's leadership contributed immeasurably to this great accomplishment. He and the late Senator Taft undertook to do what many recognized needed to be done, and they did what only men of courage and determination could possibly accomplish.

It also took a man of courage and with a capacity for leadership to secure the adoption of the Marshall plan. This was by no means a popular proposal at that time with the American people generally. Majority Leader HALLECK set aside partisanship, and he worked with a Democratic administration to have the plan for the reconstruction of Europe adopted.

To what has been said here today of CHARLIE HALLECK's ability and courage as a leader, I can both italicize and underline from personal knowledge and close association with him as the whip.

With the retirement of CHARLIE HALLECK we are losing a great deal, more than we presently realize. We wish he were not departing this body today by his own wishes at this time when the Nation needs men of stature and ability in public office like CHARLIE. But there will always be our memories and there will always be our friendship. No man is more deserving of retirement when he can do whatever he wishes, whenever he wishes, and however he wishes, than CHARLIE HALLECK. He knows, I am sure, without my saying that no one could more wish for him and his wonderful wife Blanche the very, very best in the years ahead.

Mr. ADAIR. I thank the gentleman from Illinois.

Mr. Speaker, I yield to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Speaker, when I came here as a freshman CHARLIE HALLECK was a sophomore, and he treated me as such, and I appreciated that treatment. Undoubtedly I deserved it. But it did not take me long to recognize that that sophomore who was dealing me so much misery was a man of outstanding ability and a man one could rely on. And during the next 30 years I have had no occasion to change my opinion.

I know that all Members have questions from their constituents about somebody the constituents have read of in the newspapers or in the magazines and never have seen. I have had a great many questions about that fellow from Indiana, that fellow CHARLIE HALLECK, "What sort of a fellow is he?"

I have said that "When he is ag'in' you he is one of the worst fellows you could have ag'in' you anywhere, and when he is with you he is one of the finest that you could ever team up with."

When I say, "When he is ag'in' you he is one of the worst fellows" I mean he is one of the most effective operators against anyone I have ever known. Of course CHARLIE HALLECK is effective. He is effective against you, and he is effective for you.

I doubt that there have been very many men in the whole history of this House who have been as effective on the floor as has CHARLIE HALLECK.

Of course, one of the secrets of his effectiveness has been that, whether you liked his policies or not, you knew you could count on where he stood, you knew where you could find CHARLIE, and you knew he was going down the line and he was not going to spring a surprise on you, that you were going to be able to count on him.

As a Republican, he has been opposed to a great deal of what I wanted to see happen, and we found ourselves at cross-purposes at times. But there have been so many other occasions when, as Americans, we found ourselves on the same side, and when I was so proud to find myself in association with that great American from Indiana, that I am inclined to forget the times when, as a Republican, he helped deny me those things that I wanted.

He has been a fine, fair, hard fighter. As one Democrat, I admire you, CHARLIE, and I admire the leadership you have given to your party. I admire the work of CHARLIE HALLECK, and I agree with those who have said that this House will be the poorer and will be the weaker when CHARLIE retires. I regret to see you retire. I regret to see you are leaving us, because although I have sometimes thought that his efforts were misdirected, from a political standpoint, I have never thought from a broad national standpoint that CHARLIE HALLECK was not seeking to serve America. I know he will continue to do that and wherever he is he will continue to give that great American leadership he has given here in the House. We will be sorry to see you leave. Good luck, CHARLIE.

Mr. ADAIR. Mr. Speaker, I thank the gentleman.

I now yield to the gentleman from Illinois [Mr. COLLIER].

Mr. COLLIER. Mr. Speaker, I thank the gentleman from Indiana for yielding.

It is with mixed feelings that I take the floor on an occasion such as this, when we are paying deserved tribute to the able and distinguished gentleman from Indiana [Mr. HALLECK]. While I wish him well as he prepares to retire from this great body, I find it hard to realize that my distinguished former leader will not answer the rollcall when we reassemble in January.

CHARLIE HALLECK is not only one of my colleagues but a neighbor as well, as his district in Indiana is but a few miles from mine. While we have served together for a dozen years, I am a mere beginner compared to the gentleman from Indiana, his service having begun over a third of a century ago.

Only six Members of the House of Representatives who were here at that far-off time are still serving, the distinguished Speaker, Mr. MCCORMACK, the distinguished minority whip, Mr. ARENDS, and the distinguished chairmen of the Committees on the Judiciary, Banking and Currency, Rules, and Appropriations, Messrs. CELLER, PATMAN, COLMER, and MAHON.

CHARLES A. HALLECK first saw the light of day on August 22, 1900, as the 19th century was drawing to a close. His formative years were spent in Rensselaer, Ind., where he attended grade school and high school.

Although he did not reach the age of 17 until several months after the United States entered the First World War, he served with credit during that conflict. Upon his return to civilian life, he resumed his education, graduating from Indiana University and achieving the honor of election to Phi Beta Kappa. He then began the practice of law and entered upon a successful career as prosecuting attorney.

CHARLIE HALLECK has seen great changes during the almost 34 years that he has served in the House. He came here at the midpoint of the first administration of Franklin D. Roosevelt, when the Congress was still struggling with the problems arising from the worst depression in history. Several years later the depression ended as World War II began in Europe and our Nation commenced preparations for defense in case we were attacked. The Congress of which the gentleman from Indiana was an important part continued on the job throughout the year 1940 and throughout the year 1941. The latter session reached a climax on December 8, when Congress declared war on Japan, which had attacked Pearl Harbor the previous day.

America's fighting men helped turn the tide and the forces of Japan, Germany, and Italy went down to ignominious defeat, but this did not mean that all our worries were over. Many problems arose to plague us during the postwar years and a lot of the burden fell upon the shoulders of CHARLIE HALLECK, who served as majority leader during the 80th Congress which met during 1947 and 1948. He was also leader of the majority during the 83d Congress, which met during 1953 and 1954.

During the 86th, 87th, and 88th Congresses, which functioned during the years 1959 to 1964, the gentleman from Indiana served as minority leader. I will not bore my colleagues by reciting the legislative history of those eventful years, as many of you sat in this body with the gentleman and are familiar with his record. Whether you agreed with him or disagreed with him, I know that you were favorably impressed by his ability, his character, and his personality. This has been eloquently demonstrated this afternoon, as Members have arisen on both sides of the aisle to show their affection for this great parliamentarian.

While CHARLIE HALLECK is possessed of many fine qualities, I want to emphasize one of them—loyalty. CHARLIE HALLECK has, through the years, been loyal. He has been loyal to his country, as a citizen, as a soldier, and as a legislator. He has been loyal to his State, which has been justly proud that one of her sons served in this great body for a decade as the leader of one of the two major parties and justly proud of his accomplishments on behalf of Indiana and the Nation.

He has been loyal to the Congress during a time when it has been considered sophisticated in some circles to denigrate Congress as an institution, during the years when the lawmaking branch of our Government has abdicated a great deal of its power to the executive branch, and during the period when the Supreme Court of the United States has arrogated much of the power to make laws.

He has been loyal to his party, whether as the leader of a majority during its years of prosperity, as the leader of a minority during its years of adversity, or as a soldier in the ranks.

He has been loyal to his friends, as I can personally testify. I recall when I was a first-term Member that CHARLIE HALLECK flew to my district on a cold winter night—in particularly bad weather—to speak in my behalf at a testimonial dinner. He was always ready to go out of his way to help any Member, regardless of his seniority or assignment, whenever possible. For these and other reasons, I shall always be grateful that I had the privilege and honor of having known and served with the gentleman from Indiana [Mr. HALLECK].

As we bid adieu to our beloved colleague as a Member of this House, we want him to know that our thoughts will be with him as he retires from the Congress. We hope that his remaining years will be happy ones, that they will continue as long as he enjoys life, and that he will on occasion return to the place where he helped to write a number of important chapters in the history of the Republic.

As he says farewell to the House of Representatives, let us remind him that he will still have the privilege of the floor when he visits the Capitol, but that the privilege will really be ours when we welcome him back to this historic Hall.

Mr. ADAIR. Mr. Speaker, I now yield to the gentleman from Indiana [Mr. BRAY] with whom I have cooperated in providing for this opportunity this evening.

Mr. BRAY. Mr. Speaker, when the House of Representatives for the second session of the 90th Congress of the United States adjourns this year for the last time, the final crack of the gravel and the last clangor of bells will have a certain poignant sound for CHARLIE HALLECK. The last gavel, the last bells, will not only close a session of the House, but they will also close the 34-year-long career of a man whose mark and memory will remain within this Chamber, within these halls, long after he has left them as a Member of Congress for the last time.

By his own choice, of his own free will, at a time of his own choosing, "The time of the gentleman has expired." But even though his time has ended here, it has been a time spanning 17 Congresses. The annals of none are complete without his mention, and the records of all will carry forever into history his name written large across their pages.

We are here today to talk about the CHARLIE HALLECK we know. We come to pay tribute to a man behind the sometime cold and official prose of written biographies. Pages could be filled with stories of CHARLIE as "the man who" but I would like to go beyond this today.

A man registers his mark in life not alone by what he did or how he did it, but by "why" he did it. I think I know some of this "why." It may be that I have known CHARLIE personally longer than anyone else here today. Our friendship began in 1921 at Indiana University, when I was a freshman ROTC cadet and CHARLIE was ROTC battalion commander and president of the senior class. There, even then, to set this young man from Jasper County out in front, CHARLIE HALLECK had on him the mark of a man who not only met and overcame challenges, but actively sought them. Like Leigh-Mallory, the mountaineer, when asked why he risked his life on Mount Everest and replied "Because it is there," CHARLIE HALLECK saw something out in the distance—higher peaks, broader horizons, newer worlds.

These things led him far from Jasper County, far from Rensselaer, far from the soil of his native Indiana, as measured in space, but never away for a moment in thought or spirit. Out of sight yes, but never out of mind; CHARLIE to his people, or his people to CHARLIE. He came from them, he stayed with them, he was always part of them, he never forgot them—and now he returns to them.

What do we say about CHARLIE HALLECK the Congressman? Much has been said and written and over the years there will be even more, but let us leave history to the historians, the accounts of what men said and did, because today we talk about that intangible, "why" that lies behind the act and the world.

It is simple. He loved this Congress, this House, as he loved his country, as he loved life itself and all he held dear.

Maybe CHARLIE, to himself, invested this entity known as the House of Representatives with characteristics of a living thing. Pet it and pamper it, kick it or cuss it out—but he loved it, he knew it was in truth the "forge of democracy," and he stoked its fires, fanned its flames, swung the hammer and made sparks fly from its anvil.

CHARLIE saw this House for what it is, as it was meant to be: the closest, strongest, most direct and effective link the individual American has with his Government. I wonder how many times CHARLIE has looked up at Daniel Webster's words carved on the walls of the House Chamber:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered.

For CHARLIE, "something worthy to be remembered" was to make stronger and brighter than ever before this House, the shield of the liberties of the American Republic. He knew while it stood firm and strong, the country was safe, and the aims and objectives of the Founding Fathers would never be betrayed. Without effectiveness, without power, without a voice, a national legislature is helpless and impotent and the first goal of every would-be dictator is to strip a legislature of these very things.

A strong legislative body, if for the people is the strongest force against the dictator and for freedom. Such a legislative body has never had a more devout warrior than CHARLIE HALLECK.

CHARLIE a fighter? Sure, CHARLIE is a fighter. But when he stood up he never stood up for CHARLIE HALLECK alone. It was for this House, and for its Members, and for the American people. Only CHARLIE knows how many of the attacks aimed at him were in reality aimed at the House of Representatives. Only CHARLIE knows how lonely and how bitter some of these times must have been for him. But this House knows, and will always remember, and the American people know, and will always remember, that he never once shrank back or stepped aside.

The House of Representatives is stronger because of CHARLIE HALLECK, and because this House is stronger, so are the liberties, so is the safety, and so is the life of the American Republic and every one of its citizens.

I think of a statement attributed to that remarkable Englishman, Dr. Sam Johnson:

> Exert your talents and distinguish yourself, and don't think of retiring from the world until the world will be sorry that you retire. I hate a fellow whom pride or cowardice or laziness drives into a corner, and who does nothing when he is there but sit and growl. Let him come out as I do, and bark.

CHARLIE came out, and he barked, and more than a few times some careless fellow felt CHARLIE's teeth in his skin. I believe I can speak for all of us when I say that, yes, indeed, CHARLIE HALLECK's world is sorry he is retiring.

I want to conclude with a quotation from John Bunyan's "Pilgrim's Progress," which I like to think CHARLIE might use for himself:

> My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battles who will now be my reward.

The least that those can do who will serve in this House after CHARLIE is gone is to bear the sword nobly, and keep it free from stain, and strive to attain the courage and skill of the man who carried that sword for so long.

His fine family has unselfishly and uncomplainingly shared him with the House, and with his country, for all these years. Henceforth he will be theirs, and theirs alone, and these halls will not soon see his like again.

"Ave, Frater, Atque Vale!"

Mrs. BOLTON. Mr. Speaker, will the distinguished gentleman from Indiana yield to me at this point?

Mr. ADAIR. I am most happy to yield to the distinguished gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Speaker, it was a long time ago that I first met CHARLIE. My husband was here performing and thought a lot of him. In fact, CHARLIE, we love you and it was a great privilege to me to be here with you always there and always ready and always ready with advice and a smile and a laugh and, oh, sometimes a bit harsh, but that was good.

And, Mr. Speaker, I am so privileged to be able to be here this afternoon, feeling low spirited, because CHARLIE HALLECK has decided not to come back. However, I understand full well that perhaps he knows best. We cannot decide for other people what they should do. We would like to have you stay. But as you have decided to leave us, we want to tell you how much you have meant to each one of us, how much you have done for us and for your country as we have observed what you have done.

Mr. Speaker, I am not going to repeat what others have said. But I am going to say it perhaps differently. I say this because years back you came as a young man with the fires of patriotism burning in your heart and soul, you had a keen mind and a way with words and a warm and charming personality as well as a rarely fine voice.

During those first 5 years you were popular among the House Members and was recognized as a leader in the councils of the Republican Party.

When you addressed the House the Speaker did not have to rap for order. You were listened to, and your rapid flow of words captured the attention and carried your message to the Members and the people in the galleries.

At the Republican National Convention in 1940 you made the nomination of the candidate, as you did in 1956—and at that time it was Dwight Eisenhower—and during your entire career you have been active in all Republican National Conventions.

Those we trust do not always prove true, and you had to learn that too, unfortunately, but you never cried and you never quit, and you did not let any bitterness overpower you. You grew stronger and wiser.

During the 80th and 83d Congresses you were our majority leader—and so able. It was a great delight to watch you in action during those years, for you brought to your position a thorough knowledge of parliamentary law—which has always been a secret to me—and the rules of procedure of the House have been at your finger ends. These stood in the background for your use as you watched with eyes and ears and mind and heart, ready to speak at the right moment. And you were a real leader, not only as our majority leader, but as our minority leader during the 86th, 87th, and 88th Congresses. You have been a leader ever since.

I have great confidence in your knowledge of the business before the House, and in your wisdom as to the action we must take. I hope I did not bother you too often, but when I did you were frank and honest and outspoken. I might say that you did not ask my advice when you made your decision not to come back—I would have advised you very differently from what you have done. But on the other hand, that would have been a selfish thing, although I know well—as you do—that our country needs men of your caliber.

But we cannot decide what others do, or what is best for them to do. For me, whatever CHARLIE HALLECK will be doing from now on, he will take with him my warm affection and high regard. I pray that Heaven may bless him and his.

Mr. ADAIR. I thank the gentlewoman from Ohio.

I now yield to the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Speaker, I commend the gentleman from Indiana [Mr. ADAIR] and his other Indiana colleagues for taking this time today to take note of the retirement of one of the great legislators of this era.

CHARLIE HALLECK will be missed by his colleagues here in the Congress when he returns to his home State which he loved so much, but I believe that even more the Nation will miss a man who is a fighter for principle and for a philosophy of government in which he believes.

It is very easy to think in terms of politics in a partisan way, and I am sure that those of you who have known CHARLIE HALLECK longer than I have known him—since my acquaintanceship with him is limited to 12 years—would say that he is a partisan, but my observation of him has been that his partisanship does not get in the way of his fighting for principle. Many of us who have fought alongside of him, even though there is a mythical wall between this side of the aisle and the other, will miss his counsel, his leadership, and most of all his effectiveness in fighting for the fundamental principles which have made this country great.

I know something of the battle that he must have had with others from time to time who would sacrifice principle for partisanship. All of us who serve in this body have that type of contest to wage at times. I think it is commendable that one who has served here so long has the universal respect of Members on both sides of the aisle, who recognize him as a strong partisan but as one who has never succumbed to partisanship where principle is involved.

I wish for my good friend, CHARLIE HALLECK, all of those things that he anticipates in retirement. I hope that his retiring will not deprive this one Member of an opportunity to enjoy his fellowship as the years roll by.

Mr. ADAIR. Mr. Speaker, I yield to the gentleman fom Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, I would like to pay my respects to the great leadership of CHARLES HALLECK not only here in the Congress but as a great leader of public thought in the United States for these many years.

I still like to think of myself as a young Member of Congress. Sixteen years ago when I came to Congress it was CHARLIE HALLECK who had the time to give to the new Members. He counseled us and gave us advice as freshman Members of the 83d Congress. He was our leader, he saw to it that we were helped at every turn as new Members. He took the time to see that we understood the rules of the House of Representatives and the traditions of this Congress.

When it came to our reelection, he counseled us on campaigning. He came to our districts. He helped us to be reelected in the first re-election race. Many of us in the 83d Congress who came in that so-called Eisenhower coattail Congress needed that kind of help to return to the 84th Congress.

There is one thing though about CHARLIE HALLECK, in all of his counseling and his advice and the time that he spent with us, that I always shall remember. He gave us the kind of leadership that made one realize that he had to live with his conscience a lot longer than he had to live with his constituents.

When we had tough decisions to make, he would always counsel us to make those decisions on the basis of our conscience and to go out to try to sell our constituents on the position we had taken if we thought we were right.

I think that has been one of the guideposts of CHARLIE HALLECK's whole career in the Congress of the United States—this bit of philosophy, that if you thought you were right, you could go back and sell that position to your constituents and that you had a responsibility to do it.

There are many Members of this Congress who because of this CHARLIE HALLECK philosophy will be here and remember him for many years to come. They will be following this advice that was given to us as freshmen Members of the 83d Congress.

He was a promoter of young Members of Congress always. He was a friend and he was a man in whom we all have and will continue to have confidence, respect, and admiration.

He is going to be around here for a good many years and I hope he will continue to give us his help, his advice, his counsel and his guidance.

I hope, CHARLIE, that you will have some time to come up to Wisconsin and fish on the Wolf River in Menominee County. I hope that you buy that property up in Wisconsin so that you can be there to help us in Wisconsin as well as those people in Indiana you have represented these many years. But we want you to spend as much time as you can with a fishing pole in one hand and out after those big Wisconsin muskies in the next decade or two.

CHARLIE, we salute you, and we are going to miss you here in the Congress.

Mr. ADAIR. Mr. Speaker, I yield to the gentleman from Illinois [Mr. FINDLEY].

Mr. FINDLEY. Mr. Speaker, since my election to Congress in November 1960, I have counted the gentleman from Indiana [Mr. HALLECK] my good friend and counselor. At that time he served as minority leader, and a great one. Despite the pressures and responsibilities of his office, he always had time to talk with me, listen to my problems and provide guidance.

I recall with special appreciation the backing he gave me during one of my first legislative challenges—an amendment I sponsored aimed at prohibiting the Export-Import Bank from extending long-term financing of transactions with the Soviet Union and Warsaw Pact countries.

With his support the amendment stayed in an appropriation bill through one all-night session, in which two record votes were held.

He gave me "running room" in many other ways and on many occasions.

On a few occasions I questioned decisions he made as leader, but as time passed I can say, I believe, without exception that I eventually came to accept his position as the correct one.

Mr. Speaker, I came to the House in 1961, and thanks to CHARLIE HALLECK, I was accorded lots of the running room that my colleague from Wisconsin just alluded to. If it had not been for CHARLIE, I would not have had the opportunity to offer the recommittal motion on the famous farm bill in 1962, and that undoubtedly helped me tremendously in my bid for reelection that same year. Without it, who knows what would have happened?

There are many other occasions when he gave a freshman or a sophmore Member like myself opportunities that I am sure the more senior Members would have welcomed and, of course, could have filled far better. But he did indeed give a hand to the young Members, and I will never forget the many occasions on which he went way beyond what he would be expected to do in my behalf. His door was always open. I was amazed to find that to be true. With all of the burdens, responsibilities, and duties that he had as minority leader, he nevertheless always had time. I was never turned away when I came to his door.

The experience that I will remember most over all of those that I have had with CHARLIE HALLECK occurred over in the little room off the House floor one day when under discussion was a bill that had to do with the railroad strike. It was then either in progress or impending, I forget which. It was a kind of noisy room, because quite a few people were in it. I mention that to explain that CHARLIE HALLECK's interpretation of what I said was not an accurate one. But from what he understood me to say I am sure he felt that I was suggesting that he could improve his political position on this bill by shading the truth just a little bit. You may not remember this, CHARLIE. That was not my intention, but he thought it was that way. And he came right back and looked me right in the eyes and said, "I never lie. I always tell the truth—always."

And I am sure that rule of life he lived by, and I know he lived by—I have no doubt whatever—is one of the keys to the tremendous stature that he has gained in the House of Representatives and to the tremendous contribution that he has made to our American system of government.

In my book, CHARLIE HALLECK ranks with the great figures of American history—devoted to our country, tireless in service, unquestioned in integrity, unbowed in defeat, generous in victory.

His retirement leaves the Congress enriched by his contributions over the years, and the 91st and succeeding Congress will be the poorer because he will no longer continue as a Member.

Mr. ADAIR. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Speaker, of course we all must speak of CHARLIE, certainly, in the present and the future, even though our remarks may go to the past, because CHARLIE is going to live with us in our hearts, in our experience and, I hope, will be around to be helpful and give us advice many, many years from now.

CHARLIE HALLECK is great, has been great, and will be great from beginning to end—a great American, a great legislator, a great Republican, a great leader, not only of just his party, but all people and, above all, certainly a great friend to anyone who has known him or knows him.

I have heard reference made by younger Members, in relating their early experience, to the willingness of CHARLIE to spend time and to have his door always open to advise and consult with them. Let me say as one who has been here a few years, that we never get to the point in experience or time or seniority or whatever else goes into the situation, that CHARLIE's advice and help is not needed and desirable and always a profitable thing. Certainly even to this day I find I can use his advice and it is always helpful, and he is still willing to give us that help and advice.

CHARLIE, I think none of us can express in words our appreciation for the personal help which has been given to so many of us, not just as our great leader, not just as our inspiration, but from a guy we knew who was understanding, a guy we could go to and talk to.

I think I have, probably along with a few others, had a particularly satisfying experience during those years, the latter Eisenhower years of CHARLIES leadership, of sharing with those who served in leadership positions with him at that time, working during that period. Certainly it will go down in my lifetime, I know, as one of the great experiences I have had—not just the period of being in leadership, but working with him and being a partner with you, because it certainly was a great experience.

We, of course, must say, and I must say that I regret exceedingly that CHARLIE is leaving, but I cannot say—or let me put it this way, certainly he knows best what is to be done, and I cannot blame him in any respect, because certainly he deserves a rest from the pressures. I just hope that CHARLIE and Blanche will have many, many years, and an opportunity really to enjoy themselves and do the things they would like to do.

As my colleague from Wisconsin has suggested, we certainly hope now that CHARLIE will be able to spend more time in Wisconsin with that fishing pole. We just hope he and Blanche will have a really splendid period of relaxation, but we hope he will remember during this period that even though he is no longer a Member of this House, as far as we are concerned, he will always be one of our colleagues, and we hope he will be coming back here from time to time, so we will have the opportunity to continue to consult with him, which we all need and which is so helpful to all of us.

But, in his leaving, I certainly want to salute him as one of the great Americans. He has been a part of my life, and he has enriched it, by my being able to know and serve with him.

Mr. ADAIR. Mr. Speaker, I thank the gentleman from Wisconsin.

I yield now to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS. Mr. Speaker, most of us are here today with mixed emotions. Happy for Blanche and CHARLES HALLECK that they are going to have the opportunity to take life a little easier and to do the things that a busy congressional schedule has not permitted during the last 34 years. But we are also sad that we are not going to have CHARLIE in the 91st Congress. We are going to miss his sound advice and counsel.

I can remember as a little boy hearing of the much respected and highly praised CHARLIE HALLECK—and that was the way it always was, not Congressman HALLECK or Mr. HALLECK but very affectionately just CHARLIE. Then I can remember when he came to our county to speak and I had the opportunity to meet him. I could not have been more thrilled if it had been the President. And last year he invited me to make a couple of speeches in his district. What an honor it was for me and what a task to make a speech after being introduced by CHARLIE.

The Government of our country and those Members who have had the opportunity of serving with CHARLES HALLECK are truly fortunate. Men of probity, character, and public standing have contributed much to our country, but few have influenced or contributed more to our Nation's welfare.

He has been forbearing with those who differed with him, but ingenious, unrelenting, and courageous in upholding the principles he believes in. This is a trait found only in dedicated and inspired leaders.

I regret that I have only had the opportunity to serve 2 years with CHARLIE HALLECK, but I do indeed feel very fortunate to have had that honor.

From deep conviction, may I simply say that a nation of men of his caliber would be unconquerable in spirit and soul. I know that those who have served with him will strive to emulate his qualities and devotion to principle and our country.

We are all going to miss him but hope he will find time to come to the Hill once in a while to say hello.

Back home in Indiana, CHARLIE is not only Mr. Republican, but is Mr. U.S. House of Representatives in the hearts and minds of all Hoosiers from both political parties. I am certain for many years yet to come that he will be remembered in this Chamber and especially in Indiana as a great friend, a wonderful guy, and a true gentleman from Indiana, CHARLIE HALLECK.

Mr. ADAIR. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. CARTER].

Mr. CARTER. Mr. Speaker, that CHARLIE HALLECK was a Phi Beta Kappa is easily understood when one hears him speak. In hardly 4 years as a Member, I have noticed this House become quiet when he rises. His thorough grasp of legislation is evident, his words acerbic and penetrating.

When his great talent has been needed, he has responded immediately and effectively. Such legislation as he has managed on the floor of this House has been guided with the skillful touch of a master's hand.

I appreciate his kindliness and his thoughtfulness of his legislative juniors.

When I first heard of his resignation, I thought of the young baseball player who was so disturbed when he learned that his hero, a peerless hitter and fielder, "Shoeless Joe Jackson," was involved in the Black Sox scandal. Approaching the great player, the young lad said, "Say it's not so, Joe, say it's not so."

And I said to Mr. CHARLIE, "Say it's not so, CHARLIE, say it's not so."

Since his decision has been reached, we know he has a wealth of wonderful memories, and that his yesterdays will be dreams of happiness and his tomorrows filled with visions of hope—hunting and fishing.

Mr. ADAIR. Mr. Speaker, I yield to the gentleman from Alabama [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, it is no small thing to be simply a Member of Congress and to be a representative of the people of the greatest free Republic this world has ever known.

To be a leader of this House is an even greater thing.

To be a leader of strength, of courage, of vision, and of effectiveness through some of the most momentous years of history of this Republic can be and has been truly a magnificent achievement—and this is the story of CHARLIE HALLECK. He has been a light in the dark times of the history of this century in this Congress. He has been a tower of strength in the time of storm. He has stood for the right and served his country with distinction. And he has led this House with distinction through momentous years.

As the whole is equal to the sum of its parts, the Nation is equal to the sum of its people. CHARLIE HALLECK has chosen to be a part of the strength and the hope of this Republic.

With all the beauty of the eulogies which have been spoken here today, none can quite match the eulogy he has written by his life and work and character in this House.

Like my colleagues, I thank God for his friendship, for his leadership, and honor him today as a truly great American.

Mr. ADAIR. Mr. Speaker, I yield to the gentleman from Michigan [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. Speaker, I would like to thank our colleague, the gentleman from Indiana [Mr. ADAIR], for arranging this special order for I feel it is most fitting that we pay special tribute to our good friend, CHARLIE HALLECK, as he retires from the Congress.

Long before I had the privilege of knowing CHARLIE, he had become a legend in our area of Michigan. I well recall the first time I met him—when he came to Flint, Mich., to lend a hand to me as a candidate for the House, as he has done for so many Members on our Republican side—traveling the length and breadth of our land. I presume that I was no different than any other Member campaigning for his first term, and frankly, I was quite awed at the prospect of meeting this veteran Republican of the House. I wondered what he would be like. When his plane touched down and I met him for the first time, he put me completely at ease. He was warm, kind, personable, and a man of broad knowledge and understanding—but above all, he impressed me immediately as being down to earth, sound and practical in his advice which he so willingly shared. Since that meeting in Flint, he has been up our way many times and he has legions of friends in the Sixth District of Michigan, as he does throughout our country.

Serving 17 consecutive terms in the House of Representatives is an impressive achievement and certainly would lead one to conclude that this man is well received and respected by his fellow citizens at home. Several years ago it was my privilege to be present in Rensselaer, Ind., on CHARLIE HALLECK Day—and although I had every reason to know that the people of his district had much affection for CHARLIE, I simply was overwhelmed at the thousands upon thousands who turned out to honor this great man.

As we served together in the House, I became more and more aware of the great contribution he has made to our country and of his deep dedication to the preservation of our system of government. During the past 2 years, it has been my privilege to serve with CHARLIE on the Armed Services Committee and I have been impressed anew with his penetrating analysis of the problems with which we have had to deal. Time after time I have watched CHARLIE come forth with a clinching argument that would simplify a complex issue and make it all seem very clear. I regret to see CHARLIE leave us because I know we are going to miss his many talents and his sage advice. I join my colleagues on both sides of the aisle in expressing my very best wishes for his health and happiness for all the years ahead.

Mr. ZION. Mr. Speaker, will the gentleman yield?

Mr. ADAIR. I am pleased to yield to the distinguished gentleman from Indiana [Mr. ZION].

Mr. ZION. Mr. Speaker, today the House pauses to honor a great American and a great legislator from my own Hoosier State, Congressman CHARLES HALLECK.

Long before I dreamed I would be sitting in the halls of Congress, the inspiration of CHARLIE HALLECK had its impact on every Hoosier who was conscious of the workings of the Federal Government.

As a first-term Congressman, I have been able to observe only briefly the career of this great Hoosier in the Halls of Congress. This observation, and this association, however, served to confirm the legend that is CHARLIE HALLECK. I know CHARLIE has been both disappointed and pleased by my activities here but I never had to worry how he felt.

CHARLIE HALLECK's ability to organize, his ability as a leader who could transmit enthusiasm, and dedication to his colleagues are part of that legend.

The respect and admiration for him that is so richly deserved, comes from both sides of the aisle.

As a fledgling legislator, I have often pondered my good fortune in serving here with this great Hoosier, who in a short time will be closing out his career in the Congress.

There is a little bit of CHARLIE in each of us who has shared his counsel. There will be a little of CHARLIE in each bit of legislation we sponsor. I count myself privileged to have studied at the feet of this true "gentleman from Indiana."

Mr. BROTZMAN. Mr. Speaker, will the distinguished gentleman from Indiana yield?

Mr. ADAIR. I am happy to yield to the distinguished gentleman from Colorado.

Mr. BROTZMAN. Mr. Speaker, I am pleased to join with my colleagues in this tribute to the distinguished gentleman from Indiana [Mr. HALLECK].

After 33 years of service in this House, CHARLIE HALLECK is retiring. He has been a familiar figure in the Capitol corridors for these many years and his leadership, his judgment, and his counsel will be sorely missed in this Chamber.

CHARLIE HALLECK was the minority leader of the House of Representatives when I first came here as a freshman Congressman from Colorado in 1963. He went out of his way to make us feel comfortable in our new surroundings. He gave us advice and help whenever we asked for it. In short, CHARLIE HALLECK saw to it that we got off on the right foot. I will always be grateful for the guidance and the time he so freely gave—so are many others.

Perhaps as much as any other man in the recent history of the House of Representatives, CHARLIE HALLECK has understood the legislative process. He knows how to use power. He knows the limitations of power. He is a leader who knows how to push, but who also knows when to let up. The Members on both sides of the aisle respect him for this great innate ability.

Although CHARLIE HALLECK will not be sitting here on the floor as a Member of the 91st Congress, the understanding and the reasoning which he brought to this Chamber some 33 years ago will still be here. It will be here because it is the heritage which CHARLIE HALLECK will leave with us.

Those of us who return to this Chamber will miss CHARLIE HALLECK's familiar presence. But I also think we will envy him as he enters that age in which, as Washington Irving once said, "a man can be idle with impunity."

Mr. ADAIR. Mr. Speaker, I now yield to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Speaker, I too would like to join with my colleagues in paying thanks to our colleague from Indiana for making this time available to pay our homage and our respects, and to say our thanks to our good friend—and I mean this sincerely when I say it—good friend and colleague, CHARLIE HALLECK.

It has been my misfortune not to know him as long and as intimately as many here on the floor have known him, but it has been my very good fortune to have known him at all, and to count him among my very good friends.

Mr. Speaker, I do not know of any way that one can get to know a person better than by traveling with him, and I have been around the world a couple of times with CHARLIE. We have eaten sitting crosslegged on the floor in an oriental tea house, flown in helicopters over the Vietnamese and Korean DMZ's and almost rode an elephant together in Thailand. We have shared many experiences.

You, CHARLIE, have enriched my life. You have made my service here in Congress more meaningful, even if my service to date has been brief. But as I look at you and weigh your contributions I am made very acutely aware that yours has been a service which has been denied to most. You have risen to the occasion so many times that you have carved your niche in the halls of history. You have earned the respect and the admiration and the friendship of every Member in this Chamber on both sides of the aisle.

You, CHARLIE, are truly one of the "greats" that have come through these hallowed Chambers.

There is a saying that the child is father of the man, and this is very true. There is a similar saying that as the twig is bent, so grows the tree. And just as you have indelibly stamped your imprint on each of the succeeding freshmen who have come after you, who have striven to emulate you, who admire the virtues which you have always striven for and exemplified, just as surely as you have stood for right, you have caused to follow your footsteps the younger ones who have come into the House, so that even though you will not be here at the next term, or at the next term or at the next term, your stamp is indelibly printed on this great Chamber, and your influence will be felt here indefinitely. You have bent the twig in the way it will grow.

The Nation owes you a vote of thanks. I want to say sincerely that I personally thank you for what you have meant to me and to this great Nation. For myself and 200 million Americans I say "Thank you CHARLIE HALLECK. We will miss you."

Mr. ADAIR. Mr. Speaker, I now yield to the gentleman from New York [Mr. MCEWEN].

Mr. McEWEN. Mr. Speaker, I too thank the gentleman from Indiana for making this time available, and for yielding just a little bit of it to me.

So many of our colleagues here today, CHARLIE, have gone back to your great days of leadership in our party as majority leader, as minority leader, and, yes, when you nominated a candidate of our party—and I remember that as a lad in college. I can say that it was the first presidential campaign when I was of an age where I could be enthused, and swept up in the interest that existed in that campaign. All of these people can speak to you, CHARLIE, as they knew you in those roles.

I know you as many Americans do as a great American, a great legislator, and a great man in our party.

My real acquaintance came after those days when, as freshman Member of the 89th Congress I sat far, far down at the end of the committee table. I had the unique experience of having, as the colleague seated next to me on the Committee on Public Works, the gentleman from Indiana [Mr. HALLECK].

CHARLIE, I want you to know I will always treasure the memories of those days, and the observations I was able to make and the things I learned from watching you; and, yes, the respect that was given to you as a legislator and as one whose experience and judgment were appreciated. True, everyone knew you in your role as leader of our party, but the respect that was accorded to the man, not for any position he ever held or would hold, but for a man who had ability, judgment and understanding.

CHARLIE, there have been regrets expressed here today because you are leaving the House of Representatives and I, too, share those feelings.

But I know you enjoy, and are going to continue doing something both of us enjoy, and that is going out with a fishing rod and going after the fish.

So I shall think of you on those days that you will be enjoying your fishing. I shall wish I was out there with you. If you find time in addition to fishing in Wisconsin and other waters, go up to the St. Lawrence River where they really have the largest muskies in the world. Come up on the St. Lawrence and fish for muskies and catch one big enough to set a new world's record, a record set by CHARLIE HALLECK.

Mr. MADDEN. Mr. Speaker, I wish to join in paying tribute to our retiring colleague, Congressman CHARLES HALLECK. I knew CHARLIE personally before I came to the Congress 26 years ago.

The congressional representation in Congress from the Hoosier State, over the last 50 years, has changed far more rapidly than many other States throughout the Nation. I have not personally examined the records, but I have been informed that CHARLIE has the honor of successfully representing a congressional district longer than any Congressman in the history of Indiana. Most elective offices in Indiana have terms extending over a 4-year minimum and up. When a Member of Congress can survive election every 2 years, over a 34-year period, in a controversial public office, he must possess outstanding ability, personality, honesty, industry, and a loyal dedication to his constituents. Charlie, during his long service, has made thousands of friends. I have always enjoyed my association with him as a colleague in the House of Representatives during my service in Washington.

I join my other colleagues in wishing Charlie and Mrs. Halleck good health and happiness with their family during many years in the future.

Mr. MILLS. Mr. Speaker, I am honored to join in these expressions of sincere appreciation and highest esteem for one of the most valued and respected Members ever to serve in the U.S. House of Representatives, the distinguished gentleman and our good friend from Indiana, Charles Abraham Halleck.

Charlie Halleck will be retiring at the end of this Congress after compiling the longest record of congressional service of any man from his beloved Hoosier State. As a matter of fact, Charlie passed this distinctive milestone some time ago. I am advised that only one Hoosier has come near to spending as much time in the Capitol as has Charlie. That was the late William Steel Holman, who served almost 16 full terms, though not consecutive, between March 4, 1859, and his death on April 22, 1897.

Mr. Speaker, throughout his long period of service in this House, Charlie Halleck has served his district, his State, and the Nation with dignity, devotion, and dedication. His leadership qualities came to the forefront early in his life, when he was not only an excellent scholar but a recognized campus leader at Indiana University. These same outstanding leadership qualities have been recognized and utilized by his fellowmen ever since, culminating in his service as the majority leader in the 80th and 83d Congresses and in more recent years as the minority leader in the U.S. House of Representatives. His unique understanding and ability in legislative matters has earned him the highest respect of both sides of the aisle.

Mr. Speaker, it has been a real honor to have served here for so long with Charlie Halleck. The length of his record tenure here is paralleled and matched in every respect by the quality and effectiveness of his dedicated career of service to his district, to Indiana, and to this country. Mr. Speaker, we all realize that today we are saying our formal best wishes to a great American, a great statesman and a great patriot. We wish for him well deserved happiness and contentment in his retirement and hope that when he can tear himself away from the joys of forest, field, and stream, he will pay us visits from time to time.

Mr. BOW. Mr. Speaker, Charlie Halleck has been my guide, my leader, and my friend during 18 years I have served in the House of Representatives. It will not be the same without him.

Charlie was a great leader of our party in this House. I know of no one who has equalled his ability to weld unity in our party and to advance Republican principles even when we in the minority seemed to have little chance of winning a point.

He was a great friend in time of need, willing to go anywhere at any time to speak to Republican audiences in behalf of Republicans in the House or those who were candidates.

He has been a pillar of strength in his own voting record in the House, for those things that matter most to the people of the heartland of this great Nation.

We are sorry to see him go. We hope he will visit us often.

Mr. HALL. Mr. Speaker, what can one who has served in this House for so many years with Charlie Halleck say, that will serve as a fitting response for the great service he has rendered not only to his constituency but to this great Nation of ours? He has served this House above self.

Charlie has been a part of the great history of this Congress which mirrors all the events that has shaped the history of our country. He has been a fighter for principles in which he believes, and who is there among us who can deny that events have shown the wisdom of those principles?

A skillful debater, he has never asked for any quarter, nor has he given it. Yet, he has always respected the views of those who disagreed with him, and in turn always drew their respect.

Even though he is retiring to private life, Charlie is one of those people who will never retire from public affairs. I hope both our party and our country will continue to have the benefit of his advice and council. I join with his other friends and colleagues in wishing him and his family the very best of everything. He deserves all that and more. Happy hunting and fishing, Charlie, from "Doc".

Mr. HARRISON. Mr. Speaker, I gladly join my colleagues in paying tribute to a Congressman who will leave this Chamber, but not the hearts of his constituents and countrymen, at the end of this 90th Congress. I have had the deep privilege of knowing the gentleman from Indiana for the past 15 years and I can attest personally to his character, integrity, sagacity, and courage. My respect for him is threefold at least: He has been a fearsome speaker for the causes in which he believes, including the principles of his party; he has lead his party in the House with distinction and effectiveness; and, last but by no means least, we are fellow Hoosiers, both having come from Indiana.

I wish the gentleman from Indiana's Second District many happy hours with fishing pole and bird dog; but more than that, I wish him many productive hours with pen or typewriter, writing about the House in which he has served for 16 terms and through which so much history has passed in those 32 years.

I hope that he turns from speaking in the Congress to writing about the Congress, for his reminiscences and observations could fill many a book on political science and contribute mightily to an understanding of the why, the what, and the how of the forge of democracy.

Mr. FALLON. Mr. Speaker, for 33 years, the genial and valuable aggressiveness of Charles A. Halleck's personality has cast its influence on the Congress of the United States. Since coming to Washington, D.C., to take the oath of office as a Member of the 74th Congress, our colleague has been a positive and hard-hitting representative of Indiana's Second Congressional District.

Any tribute to Charlie Halleck should contain words that indicate his resourcefulness, his enthusiasm, and his spirit of helpfulness to his fellowman. He has worked without bluster or desire for personal acclaim, and his constituents have had every reason to return him again and again to our national legislative body.

His interest in civic matters in the towns and cities of his district has always been active. This interest has been reflected in the service which he has given from his congressional office to those he has represented. He has been active in numerous organizations—civic, fraternal, and veterans—but he has never used his own membership to dissuade the opinions of others. Representative Halleck's life has been devoted to serving others. He has been an exponent of all the qualities for which democracy stands. He has been judicial in his approach to the problems confronting him, logical in his agreements, and firm in his convictions.

I am certain Charlie's dedication to the pursuance of peace for his country and the world will be recorded in history as exemplary. Through his public service, Indiana has given the United States a valuable man, one who has fought for the principles which are the primary units and foundations of our democracy. He has at all times upheld our Constitution.

I salute a great man and a magnificent Republican majority leader. To Charlie Halleck and his family I wish the peace and contentment he has sought so earnestly to bring to the world.

Mr. WYDLER. Mr. Speaker, I am a fairly new Member of Congress, having been in the Congress of the United States for 6 years.

I was fortunate enough, during my first term, to be present when Charlie Halleck was the minority leader of the House of Representatives. He was a forceful and effective minority leader. In my judgment, he is the most respected and effective debater on the floor of the House of Representatives. One of the few speakers to gain absolute silence when he takes the floor, he always makes his point very directly and very well.

I like to think I have a warm relationship with Charlie Halleck, because, in my opinion, being his friend is an honor.

We will all miss him here, in the Nation's Capitol, but he is more than just another Member who has passed through the House of Representatives. He is a part of the history of the House.

Mr. SMITH of California. It is with deep personal regret that I think of the next Congress in session without the presence of Charlie Halleck.

Charlie's retirement means a great loss to this body. His leadership and statesmanship will be sorely missed. But beyond that, his departure from our midst and deliberations, and the loss of his wise counsel to so many of us, will create a vacuum most difficult to fill.

Of course, his many years of service to his country, the people of his district, and to all of us here, have earned for him richly deserved relaxation in retirement. He takes with him the highest esteem of all of us who have had the privilege of serving beside him here over the years.

My association with CHARLIE HALLECK has been a most rewarding experience. On his departure, I extend to him my warmest regards and best wishes, with my deep appreciation of his never failing friendship.

Mrs. MAY. Mr. Speaker, I certainly appreciate this chance to join in paying tribute to CHARLES A. HALLECK on the occasion of his retirement from Congress.

Long before I came to Congress, CHARLIE was a revered and legendary "Mr Republican" to us in the West and it seems particularly appropriate that the very first vote I cast when I became a Member of Congress 10 years ago was for CHARLIE HALLECK as the Republican choice for minority leader.

In the years since then, he has not only given us outstanding leadership, but on a personal basis he has given many of us friendship and counsel. Never can I remember a time that CHARLIE was ever too busy to help when I sought his advice, and many was the time when he walked that extra mile to help me out of a difficult political situation.

I once heard a longtime friend of his say, "CHARLIE HALLECK is one of those rare guys who almost never puts himself first." I could not agree more. As a matter of fact, his friends have often realized it would have been better for him if he had not shared himself so generously on behalf of others. But, even as we felt guilty in asking him to do things for us, I guess we were selfishly glad that we could always count on him to say "Yes." And, I know that the best way any of us can thank CHARLIE for his friendship is to go and do likewise for others. This example of teamplay will be one of the many fine contributions that CHARLIE HALLECK leaves behind him in the Halls of Congress. I am sure no man has ever been bid goodbye with more affection and with more sincere good wishes that the retirement years ahead will be happy, busy years spent with those he loves and enjoys.

Mr. STEIGER of Arizona. Mr. Speaker, today, I am pleased to say a few words about the Honorable CHARLES HALLECK, the longtime Representative from Indiana's Second Congressional District. Although I have not had the privilege of knowing him as long as most gentlemen in this Chamber, his unfailing courtesy and willingness to assist a newcomer to Congress have made me most appreciative of his fine qualities. It has been a pleasure to be associated with him in the House of Representatives and I trust that his activities in retirement will be as personally fulfilling as was his noted career as a Member of this body.

Mr. RHODES of Arizona. Mr. Speaker, I am pleased to join my fellow colleagues today in a special tribute to the Honorable CHARLES A. HALLECK. On the occasion of his retirement this year from the House of Representatives, it is fitting to note that Mr. HALLECK has devoted 33 years of his life as a dedicated public servant in Congress, during which time he capably administered such demanding positions of responsibility as majority leader of the House in the 80th and 83d Congresses and as minority leader in the 86th, 87th, and 88th Congresses. His statesmanship and astute judgment throughout his long tenure of office have most deservingly earned him nationwide acclaim, and the friendship, affection, and gratitude of his fellow Americans from every sector of society.

There is little need to further extoll the widely known virtues of Congressman HALLECK, but I welcome this opportunity to express the deep respect and warm friendship I have for him.

Representative CHARLES A. HALLECK and Mrs. Halleck have my sincere wishes for every fulfillment and happiness in the future.

Mr. CEDERBERG. Mr. Speaker, it is with a sense of deep regret that I join my colleagues on this occasion. A man who has served long and hard in the Congress, who has contributed greatly to the honor and prestige of this great body, will soon be leaving us. CHARLIE HALLECK retires at a time when our country is faced with great challenges, and the Congress will miss his advice and counsel.

I first came to this great body when CHARLIE HALLECK was majority leader. I have fond memories of my meeting and working under CHARLIE in those first years. He was an inspiration and guiding force to a freshman in the Congress. Since that time he has continued to provide me with an example of hard-working dedication and integrity which have made him one of the most respected Members of the House.

For more than 30 years CHARLIE HALLECK has served his home state of Indiana and the people of the United States as well as any man could. For nearly one-third of his years here CHARLIE HALLECK was called upon to be the leader of his party in the Congress. He has served us wisely and well.

CHARLIE retires from this body with a record which is enviable for the achievements it contains. I know that he will continue to maintain an interest in the work of the Congress and I wish him well in the years of leisure he has so tirelessly earned.

Mr. DEL CLAWSON. Mr. Speaker, it is a pleasure to participate in this tribute to CHARLIE HALLECK, but the pleasure must be mixed with deep personal regret at the occasion. Not being blessed, or cursed, with a vivid imagination, it is hard for one who, as a freshman Congressman 5 years ago first came under the benign influence of our esteemed colleague from Indiana, to imagine the House of Representatives without his presence. Like many others here today, I can recall countless instances of his support and counsel over the years, and personal favors casually offered which can never be repaid in kind.

We will miss his salty wit, his astute judgment, the reservoir of legislative experience upon which we were privileged to draw. A career of 33 years of able, dedicated service to country, party, and the people of his congressional district is a record to look back upon with pride and satisfaction, and while we would not want to deny CHARLIE his well-earned retirement from the fray, we will be pleased if he makes good on his promise to do some coaching from the sidelines.

Mr. HARDY. Mr. Speaker, I want to join my colleagues in paying tribute to the gentleman from Rensselaer, Ind., whom I greatly respect and one that I consider a true and trusted friend. CHARLIE HALLECK has been a Member of this Chamber for almost 35 years. He has been described as a living institution and I think it is an apt and proper description.

For the past year I have worked very closely with my fellow dropout, CHARLIE HALLECK, on our Defense Posture Subcommittee. Throughout our effort he has been an invaluable member. His wide knowledge and experience under five administrations has made his contributions to our committee especially significant. Our task was not an easy one. Perhaps if I told you that we held in the neighborhood of 65 separate hearings in executive session you will appreciate the magnitude of the work which was assigned to us. If CHARLIE HALLECK missed any of these sessions, I can assure you that they were precious few. During our deliberations we counted heavily on CHARLIE HALLECK's wisdom and down-to-earth logic. During our hearing sessions he proved to be a fearless interrogator in search of truth and facts.

He approached our work with a real seriousness of mind and purpose which he tempered with a sense of fairness.

He is respected by all who know him for his fairness, industry and loyalty to the principles of democratic institutions.

I will close with the words of Homer:

> Without a sign, his sword the brave man
> draws,
> And asks no omen but his country's cause.

Mr. HATHAWAY. Mr. Speaker, it gives me great pleasure to join with my colleagues today in paying tribute to the distinguished gentleman from Indiana, Representative CHARLES A. HALLECK.

Representative HALLECK's long and distinguished service in the House of Representatives is well known in and out of the Halls of Congress.

It has been a privilege to sit across the aisle from him during the 89th and 90th Congresses, and I am sure we have all gained from his presence here. CHARLIE HALLECK has served the country, the State of Indiana, and his congressional district with honor.

The respect and admiration his colleagues have always had for him is borne out by the fact that he has held several leadership posts during his tenure in the House.

CHARLIE's retirement marks the end of an outstanding and remarkable career, but I hope it marks the beginning of many years of good health and much happiness as he embarks on a new way of life away from the daily pressures of Congress.

Mr. CORMAN. Mr. Speaker, I wish to join my colleagues in paying high tribute to CHARLES HALLECK, who is retiring from the Congress at the end of this session.

CHARLIE HALLECK has been a very able and eminently qualified Member of this House. He possesses in abundance those virtues which, through the ages, have distinguished great leaders, men of character, wisdom, and ability. His service as majority leader of the House during the 86th, 87th, and 88th Congresses was distinctive and effective; his service as minority leader during the 80th and 83d Congresses have been of the same caliber. The quality of leadership he displayed has always been rich in imagination and resourcefulness. His views are those of a man who has pondered long and deeply on the historic significance of representative government in this nation. He has consistently sought to preserve and enlarge the freedoms guaranteed the citizens of America under our Constitution.

The tremendous popularity CHARLIE HALLECK has enjoyed has never given him a false set of values. He has not been blinded by acclaim, but has remained a man of the people, a devoted and dedicated servant of his district, this House, and his country. He has won the respect and admiration of Members on both sides of the aisle, and we shall all miss him.

It has been a privilege to have known CHARLIE HALLECK, and I wish him much joy and contentment in his retirement.

Mr. HENDERSON. Mr. Speaker, I want to express my appreciation to my colleagues from Indiana for affording us this opportunity to express our affection and esteem for one who will retire at the end of the 90th Congress culminating a long and distinguished career.

I first met CHARLIE HALLECK in 1951 when I was assistant counsel to the House Committee on Education and Labor under its distinguished chairman, Graham Barden. Of course "Hap" Barden, as he was known to his friends, was a Democrat while CHARLIE HALLECK was a Republican, but the two men had many things in common and were fast friends.

CHARLIE HALLECK has visited in North Carolina both before and during my service here in the House and many of my constituents have met him and are quite fond of him.

Although CHARLIE and I have disagreed on some issues, I have always respected his views and he mine.

In my book he is a tough but fair fighter, an effective representative of his constituents, and a man who can honestly say and know that he has played a vital role in shaping the destiny of the Nation in the 33 years he has served as a Member of this body.

For myself and for CHARLIE HALLECK's many friends in eastern North Carolina, I want to say to CHARLIE on this day, congratulations on a job well done and best wishes for a happy and well-earned retirement.

Mr. VAN DEERLIN. Mr. Speaker, the passing of CHARLIE HALLECK from membership in this body will truly mark the end of an era. He has served in the House for more than a third of a century, longer than all but six of our colleagues. On the Republican side, his seniority is exceeded only by that of the distinguished minority whip, LES ARENDS.

But the story of CHARLIE HALLECK consists of far more than tenure, of course. It's not his seniority that accounts for the fact that he is one of the best loved Members on either side of the aisle. We Democrats have come to respect and admire him as a tough and clean battler on the floor who after hours is one of the best friends a man could have.

Now we hear a lot these days about how politics is supposedly becoming a young man's game. After someone has held office for a few years, the theory goes, he ought to step aside, and let youth prevail. CHARLIE is stepping aside—but not because he has to. In 1966, the 2nd District of Indiana reelected CHARLIE—for a 17th consecutive term—by a margin of more than 25,000 votes. I rather suspect that CHARLIE's constituents would choose him for another 17 terms, if they could.

Many words have been spoken and written about CHARLIE this year, as he prepares to leave us. One of the finest tributes was a speech delivered a few months ago by Ben Cole, long-time Washington correspondent for the Pulliam newspapers. In reviewing CHARLIE's career and numerous accomplishments, Mr. Cole describe himself as a "CHARLIE HALLECK Democrat."

I think that all of us, on our side, can consider ourselves, at least in this day, "CHARLIE HALLECK Democrats."

Because Mr. Cole's remarks seem so fitting, I would like to include them at this point in the RECORD:

REMARKS BY BEN COLE, WASHINGTON CORRESPONDENT OF THE INDIANAPOLIS STAR AT THE INDIANA CHAMBERS OF COMMERCE CONGRESSIONAL NITE DINNER IN THE PRESIDENTIAL ROOM OF THE STATLER-HILTON HOTEL, WASHINGTON, D.C., MONDAY NIGHT, APRIL 29, 1968

John Barnett thought I ought to be a little entertaining and a little sentimental tonight, seing this is kind of a celebration for Charlie Halleck. But, except for my wife, I can't think of anybody who thinks I'm very entertaining when I'm sentimental.

I've been a Charlie Halleck watcher for a long, long time. I used to stand in the wings with Blanche waiting for Charlie to finish a speech so I could have the lone copy of his text. He usually didn't follow the script, but that didn't make too much difference. I reported it anyway.

When I got to Washington. Charlie was nice to me. He didn't give me many scoops, you understand. Old Dan Kidney got those. But he was pleasant, and I must say Charlie never ducked a reporter and he would answer the questions on the record.

I have a collection of memories of Charlie.

Winning the Congress for the GOP in 1946.

Losing it again after Harry Truman kicked the 80th Congress all the way from Yonkers to Walla Walla in 1948.

Charlie helping get the Marshall Plan through Congress. It sounds so orthodox today. But remember we Hoosiers hadn't even recognized New York City.

Saving Indiana from its open-record welfare law. That was a little trouble we newspapermen cooked up for him.

Leading the GOP-Dixiecrat majority against the Administration in Harry Truman's day.

Leading the GOP-regular Democratic majority against the Dixiecrats in Dwight Eisenhower's administration.

Ducking Puerto Rican bullets in the House Chamber.

Treating the Indiana Republican delegation to duck in his Capitol hideaway he called the "Clinic." They all swore they never found a single bird-shot in the duck.

Being Indiana's favorite son in 1948. I'll bet he can give Roger Branigin some solid counsel on that vice presidency bit.

Having Cale Holder slam the door in his face when he wanted to be a national convention delegate in 1952.

Nominating Wilkie; nominating Ike; running the convention that nominated Nixon; seconding Barry Goldwater—boy, Charlie, that was a good one!

And all the time, I reckon, Charlie was aiming at being Speaker of the House one day, but the day never came.

The Republicans gave his leadership post to Jerry Ford. I think some of them would give it back now, Charlie, if they could.

But Lyndon Johnson never forgot him. Remember the first thing Lyndon did after he got to be President? Had Charlie over to his house—he wasn't even in the White House yet—for some of that thick bacon that Charlie likes.

I suppose President Johnson is a little bit like me. I'm a Charlie Halleck Democrat. Of course, I haven't been able to afford any of that thick bacon, prices and taxes being what they are. And you saw just part of the Federal payroll here tonight.

I know the reason why Charlie has friends on both sides aof the aisle. He has always played the game by the rules. He has observed the white lines of the political skirmish. I've heard him blister the Democrats on the floor and watched them afterward go over and shake his hand. Above all, he has been a patriot first and a partisan second.

You know, you can tell a whole lot more about a man's patriotism by the way he observes a traffic sign than by the ostentatious way he wraps himself in the flag on the Fourth of July. I'd call Charlie a 365-day-a-year man.

And he's got a good kid, too. Young Chuck Halleck is the most prominent General Sessions Judge Washington, D.C., has ever had. He has the startling notion that poor people's courts are supposed to be places of justice. And he insists on following the law. On a few occasions, this has resulted in Chuck's turning the defendants loose and putting their lawyers in jail. It makes great stuff for the newspapers. And I'm told on high authority that when President Johnson reads about it in the papers, he says, "That's my boy."

Charlie and Blanche will be going back to Rensselaer at the end of the year. They will take a lot of affection from this place with them.

Why, by the time Charlie gets out of Congress, so many parties will have been held for him that there won't be a healthy liver left in the capital.

The Press Club's having a shin-dig for him. The friends of Charlie Halleck are having a clam-bake. There are receptions and cocktail parties and banquets. Any you name it.

I think the list of organizations starts with the Student Non-Violent Coordinating Committee's Charlie Halleck Chapter down to the Brotherhood of Duck Baiters and Dune Hoppers.

He isn't a Congressman anymore. He's a drinking man's excuse.

All Hoosiers—Democrats and Republicans alike—are proud of Charlie Halleck. He has served his country, his state, and his party well. Those of us who toil here in Washington shall miss him.

Thank you, Charlie, for being a wonderful Hoosier. And thank you, ladies and gentlemen, for the fine humor in which you have accepted this small effort of mine.

Mr. CASEY. Mr. Speaker, I wish to join with my colleagues in paying tribute to my good friend and colleague, the gentleman from Indiana, Charlie Halleck.

We all hate to see Charlie retire, but when you look at the hard, cold fact that he has dedicated 33 years of his life to the service of his country, in this Congress, you can well understand that he feels he is entitled to take a rest.

Charlie has been a strong advocate and an able spokesman, not only for his district, but for his party, and he has been so with dignity and intelligence, never forgetting that the paramount issue is the best interest of our great country.

Mr. Speaker, I extend to the distinguished gentleman from Indiana my best wishes as he retires, and though his next 33 years may not be as exciting as his past 33 years, I hope they will be indeed happy and full ones.

And as we say in Texas, Charlie can take pride that he went out with his boots on. In other words, he chose to retire, voluntarily, which speaks for itself, that the people of his district were well pleased with his service.

Mr. HÉBERT. Mr. Speaker, few men have or will ever reach the heights which my good friend and able colleague Charlie Halleck has reached since he came to the Congress 33 years ago.

It is a personal loss, a loss to this body, and a loss to the Nation at the close of the 90th Congress when Charlie retires from public life, and I want to pay my tribute to him along with the tributes being made by many other Members of the House.

When I came to Congress in 1941, Charlie Halleck was already well known as a capable legislator and enjoyed the respect of his fellow colleagues. I have known him for 28 years now, and through those years I have been able to observe firsthand the valuable and effective job he has done for his district, State, and country.

His example is one to be followed by those who serve with him and those who come after he has left the Congress. Although we represented different parties, I always found Charlie willing to listen and give every opinion thoughtful consideration.

I well remember the days of the 80th and 83d Congresses when Charlie was the hard-working, energetic majority leader in the House with the ability to win friends from both sides of the aisle through his diplomatic prowess. He also capably and honorably served his party as minority leader in the 86th, 87th, and 88th Congresses.

Since Charlie has been a member of the Armed Services Committee on which I serve, I have had the opportunity and the privilege of working closely with him. He has made many contributions to the security and defense of his country. His record of accomplishments are gigantic on the many other committees on which he has served during his long tenure in the House.

As a member of the Armed Services Committee, Charlie jumped right into the fray and became a bulwark of strength to the distinguished chairman from South Carolina, L. Mendel Rivers. There never was a time when Charlie was asked to help that he did not willingly lend it to the fullest.

I am sure Mendel Rivers joins with me in saying that the voice of Charlie Halleck on the floor during consideration of bills coming from the Armed Services was one of influence and persuasiveness.

When Mendel appointed the National Defense Posture Subcommittee, headed by the vigorous and dynamic gentleman from Virginia, Porter Hardy, Charlie was named as the ranking minority member and I as the ranking Democratic member.

This subcommittee, composed of three deans—Charlie , Porter, and myself—together with Bill Dickinson, of Alabama, and Samuel Stratton, of New York, made what I consider to be the most important contribution to our national security during my tenure in the Congress.

Charlie's efforts on this committee were outstanding and he demonstrated an immediate grasp of the military situation which was backed by his great experience in the Congress.

I am indeed proud to call Charlie Halleck a good friend.

Mr. LUKENS. Mr. Speaker, of all the Members of Congress who have come to this body and who quickly established themselves as persons to be recognized, Charlie Halleck stands with the elite of this group.

Charlie Halleck has long been the type of man the voters of any district would be privileged to have represent them in this body. He is trustworthy, outspoken, honest, courageous, and capable in pursuit of his congressional duties. Those of us who have been privileged to know and to work with him realize that he is a pillar among men and respected by all.

I remember Charlie Halleck particularly well because of my brief and rewarding association with him before my own election to the House. As a former staff member of the Rules Committee of this U.S. Congress, I was in frequent contact with those in authority and leadership in the ranks of the Republican Party. Charlie Halleck always had a moment to spare and advice for those of us who were less expert or less knowledgeable. No one who has known Charlie Halleck can ever forget him and can only benefit by that association.

Mr. RHODES of Pennsylvania. Mr. Speaker, I join with my colleagues and the many friends of Charlie Halleck in paying tribute to him as a distinguished and outstanding Member of Congress.

He has the respect of all of his colleagues, regardless of political faith. I have known him as a friend and as an able and effective leader. He has always been eminently fair and considerate of those who have not always shared his views.

He is a man of great ability and courage, for whom I have the highest respect and regard.

To Charlie and his good wife, I want to express my sincere best wishes for good health and a long and happy retirement life.

Mr. TEAGUE of Texas. Mr. Speaker, it gives me great pleasure to join my colleagues in paying tribute of Charles Halleck. Even though Charlie sat on the other side of the aisle, he was one of the first Members who befriended me as a freshman Member in this body in 1946. He served on a number of committees in this House, the most recent of which was the Committee on Standards of Official Conduct. Because of his long tenure of service and wide experience, he added much to the success of this committee. Also I have had a great number of dealings with Charlie in my capacity as chairman of the Veterans' Affairs Committee and in his capacity as minority leader. I found him to be a man of integrity and a most practical and diplomatic legislator.

It will not only be the U.S. Congress which suffers the loss of Charlie when he is no longer with us next year, but also the entire United States.

Mr. MAILLIARD. Mr. Speaker, I rise today to pay tribute to my good friend and colleague of long standing, the Honorable Charles Halleck, as he retires from the Congress.

Charlie Halleck is, above all, a dedicated public servant. Long before he entered the House in 1935, Charlie was demonstrating those qualities which have brought him the Nation's respect while serving in World War I and as a prosecuting attorney in his native Indiana.

Since becoming a Member of this body, Charlie's record as a courageous and forthright advocate of his convictions has won him the admiration of us all. And Charlie's able leadership of his party in this House has brought him not only the respect of those Members who sit on this side of the aisle, but the respect of those on the other side, and the respect of the Nation as a whole as well.

Mr. Speaker, the Nation and the Congress will not lose the active services of just another leader when Charlie retires at the end of this session. Rather, his retirement represents the loss of guidance and leadership of a truly distinguished American statesman. My regret is only exceeded by my gratitude for the service Charlie was able to give so long and so well to our Nation.

Mr. STRATTON. Mr. Speaker, I rise to join with my colleagues in the House in paying tribute to the great gentleman from Indiana, Charlie Halleck, in these closing days of his very long and very distinguished service in this House.

In the 10 years I have been privileged to serve in this body I have always admired the skill and effectiveness of the gentleman from Indiana when he served as the minority leader in this House. No man ever spoke more effectively or was listened to with more respect than Charlie Halleck. He was a great orator, a very skilled parliamentarian, and a most forceful spokesman for his party in this Chamber. It will be a long time before we see the likes of Charlie Halleck here on this floor again.

But it has been in the past 2 years, Mr. Speaker, that I have come to have the best opportunity to come to know the gentleman from Indiana and to appreciate his great ability as a legislator and his great courage and determination as a deeply patriotic American. For the past year I have been privileged to serve with CHARLIE HALLECK on the Hardy subcommittee of the House Armed Services Committee, more properly the Special Subcommittee on the National Defense Posture. As a fellow member of that subcommittee I have spent weeks in secret hearings with the gentleman from Indiana, at which the Nation's top defense policy has been examined with our top generals and admirals as witnesses. We have visited Vietnam, Korea, Thailand, and eight other capitals of Asia to visit our troops and inquire into our defense posture. Only this May our subcommittee also visited Central Europe, the Mediterranean, and the Middle East to examine the critical defense situation in these areas.

In all these visits the great experience, the courage, and the plain commonsense of CHARLIE HALLECK made a great contribution to the success of our mission and the effectiveness of the formal reports which we issued. As one member of the subcommittee, and of the committee, I know the committee will miss CHARLIE HALLECK's wisdom and counsel and experience.

To CHARLIE HALLECK and to Mrs. Halleck I want to extend my congratulations on the service they have rendered and to wish them all happiness in their much deserved retirement years which lie ahead.

CHARLIE, we will miss you. But good luck, and have a great time, and do come back and see us often. It has been a privilege to serve in this House with you for these eventful and meaningful years.

Mr. TALCOTT. Mr. Speaker, my respect for the gentleman from Indiana [Mr. HALLECK] is boundless. I am disappointed that he is retiring—he is still young, vigorous, and sharp. We need his skills, abilities, and experience in the House.

There is no more competent parliamentarian, no more able presenter of an issue, no one more capable of analyzing the mood and will of the House than the gentleman from Indiana.

He is and always has been a team player, and his loyalty and dedication to his district, the House of Representatives, and our Nation are surpassed by no man.

He understands parliamentary power, and he has used it skillfully. He has contributed immeasurably to the preservation and the perfection of our parliamentary system. Future Americans who enjoy the freedoms, rights, and privileges of representative government and our open parliamentary system will owe this one man a great debt of gratitude.

In spite of his minority role, he has stood tall in the House of Representatives. He has a reputation for being a fighter—but a fair fighter. He has a reputation of being a politician—but an honest politician. He has a reputation of being a man's man—but a gentleman. He has a reputation of being partisan—but always considerate of the other party. He has a reputation of being direct and succinct—but always compassionate.

Mr. Speaker, I am proud to join our colleagues in saluting one of our most competent politicians, a truly great man and a splendid American. I extend my best wishes for his happy, carefree retirement and continued personal satisfaction in his future endeavors.

Mr. ANDERSON of Illinois. Mr. Speaker, I join my distinguished colleagues from both sides of the aisle in expressing my personal and professional indebtedness to the Honorable CHARLES A. HALLECK, of Indiana. When I first came to this Congress in 1961, Congressman HALLECK fathered me in the ways of the legislative process. From that time on, he has never ceased to be a confidant with whom I could place my trust, nor has he ever ceased to serve as wise counsel when facing difficult issues and decisions.

As a Member of this House, more particularly as a fellow Republican and fellow Midwesterner, I had the privilege of serving under Congressman HALLECK's wise leadership as the minority leader of the House. Others in this body had the privilege of serving under Congressman HALLECK when he held the office of majority leader. We have all of us come to respect the integrity and competence which Congressman HALLECK always brought to his work in this Congress.

There are many millions of Americans, Mr. Speaker, who are unconsciously indebted to Congressman HALLECK's contributions to the legislation which has passed this Congress. We have had the honor and privilege of viewing firsthand the conscientious and thorough manner in which Congressman HALLECK endeavored to fulfill his duties in this Congress.

The Clerk's call of the roll will no longer call forth the name of Mr. HALLECK after the adjournment of this Congress. Each returning Member will always feel somewhat alone when that point of the roll is reached, but each will remember the personal friendship and the professional competence which is associated with the name of our distinguished colleague, the Honorable CHARLES A. HALLECK, of Indiana.

Mr. ZWACH. Mr. Speaker, it is an honor and privilege to associate myself with my colleagues in paying tribute to our distinguished colleague, the gentleman from Indiana [Mr. HALLECK].

The many years of dedicated service to the public and to his country have been a great inspiration to all—in and out of the Congress.

One of the finest honors ever bestowed upon me is the opportunity to have served in this body with Indiana's Representative from the Second District. As he retires from public service, I know that I express the feeling of all of his colleagues—a word of very sincere appreciation and our best wishes for health and good fortune in the coming years.

Mr. BERRY. Mr. Speaker, I want to join with the many other Members of the House of Representatives in paying tribute to a great guy, a real American, and an outstanding statesman—Congressman CHARLES HALLECK.

I have known CHARLIE intimately during the 18 years I have been in Congress. I have watched him not only on the House floor when he was handling legislation, but when he was operating in what he himself termed "gut fighting." I have watched him on the convention floor. I have watched him on the campaign trail and I have watched him at more relaxed times when he was in South Dakota pheasant hunting as a guest of our mutual friend, Leo Rozum, of Mitchell.

I have learned much from CHARLIE. He has been most helpful to me. In my book CHARLIE HALLECK is one of the great men of this century.

We who know him best regret most to see him leave, but at the same time we know that he has earned a well-deserved retirement. We say, "Good luck CHARLIE. Enjoy the hunting, fishing, and sports that you have been deprived of because of your work in the Congress, but think of us occasionally and remember that we shall be thinking of you."

Mr. O'HARA of Illinois. Mr. Speaker, the vountary retirement from the Congress on the sine die adjournment of the 90th Congress of the Honorable CHARLES A. HALLECK will be an event of historic importance. He came to the Congress, victor in a special election, on January 29, 1935, was majority leader in two Congresses and minority leader in three Congresses. Only four Members of the 90th Congress rank CHARLIE HALLECK in seniority. I do not think I will be questioned when I say that none rank him in personal popularity. To oldtimers there will be a void in this historic Chamber when the smile and the charm and the ringing voice and eloquence of the man who was born in Jasper County in Indiana and has lived there all his life have entered the years of retirement. His departure will mark the close of an era. He has been a brilliant part of the history of this body and of the Republican Party, of which he came close to being its vice presidential nominee. The House has known few if any who excelled him in debate. Although we were of different parties and our philosophical views seldom matched, I always have held CHARLIE HALLECK in warm affection. He has been an honor to his native State of Indiana and to the United States of us all. I congratulate him and the people of the Nation's Capital on the mgnificent manner in which his son as a judge in Washington's courts is carrying on the Halleck tradition.

Mr. VANDER JAGT. Mr. Speaker, it is a special privilege for me, a Member serving his second term, to join in saluting our distinguished colleague, Congressman CHARLES HALLECK, who has given so many years of his life in the service of his country.

Mr. HALLECK leaves an enviable record which sets a high standard to the younger Members of the House. His achievements provide inspiration.

America, Indiana, and his Second Congressional District will miss his devoted service as a Member of the Congress. Certainly his colleagues will remember him for his contributions to his country.

Mr. HOSMER. Mr. Speaker, the man to whom we pay tribute today, the beloved CHARLES A. HALLECK, of Indiana, has been a friend, mentor, and father confessor to this lone Congressman for more years than either of us would like to remember. But on the occasion of his retirement after 34 distinguished years in Congress, I would like to say a sincere "thank you."

When I first came to Congress in 1953, Charlie Halleck was the majority leader in the House. The people of the United States had elected a large group of new, young Republican faces to Congress 2 months earlier, and Charlie became a senior adviser to his freshman class.

Calling on his wealth of experience on Capitol Hill, he showed us the ropes and how to get things done in Washington. For that, the people of the 32d Congressional District of California can be very grateful to this gentleman Hoosier.

When I was first elected to Congress, my strongest desire was to be appointed to the Joint Committee on Atomic Energy, but seats on that committee were coveted by men with more seniority than I. But in spite of my relatively junior standing in Congress at the time, Charlie Halleck and the late Joe Martin worked it out in 1958. For that, I will forever be indebted to them.

The Congress will miss him. The city of Washington will miss him. And I will miss him personally. Charles A. Halleck, of Indiana, is a great American who has given most of his life to the dedicated service of his country, and for that we are all grateful.

Mr. DIGGS. Mr. Speaker, it is a privilege to join in this special tribute to our retiring Member from Indiana, the Honorable Charlie Halleck. During my 14 years of service here in the House, I know how high he has been held in the esteem of his colleagues. Charlie Halleck has never been a man of pretense and exaggeration. He has a peculiar ability to get to the core of any subject under debate. He has been a vigorous and authoritative defender of his position during debate. Even if you disagreed with him, you had to be respectful of the quality of his opposition.

I am sure that a man of his usefulness will not retire in the classical sense of the term, but will make himself available for service in many ways that will be beneficial to all those involved.

Good luck, Charlie, and God bless you and the legacy you have contributed to the traditions of the House.

Mr. SLACK. Mr. Speaker, it is a great privilege to join with the many others who will today pay tribute to the distinguished former majority leader of the 80th and 83d Congresses, Charlie Halleck. When the next Congress assembles, the House of Representatives will meet for the first time in many years without knowledge of his presence, although certainly none of us who continue as Members of this body will ever be likely to forget his sense of dedication and devotion to duty.

Down through the years he earned a national reputation both for his great wisdom in guiding legislation to adoption, and also for the respect and esteem with which he was held by not only members of his own party, but a majority of those in the political opposition. Each succeeding year as our national responsibilities increase, and the burden falls more heavily on the Congress, we are reminded of the virtues of firm leadership and have greater cause to admire and respect those who must provide that leadership. I am quite certain that those who follow the path of election to Congress will take him as one of their sources of inspiration, and they could follow no finer example.

Let his retirement, so well earned, bring him a continuation of the admiration and respect of his neighbors and friends. In this body he will not be forgotten while the results of his bold and confident actions live after him in the laws of the land.

Mr. PELLY. Mr. Speaker, I want to join my colleagues today in telling Charlie Halleck what pleasure we have had in associating with him and how much we wish him well.

It is hardly necessary to say that Charlie Halleck, during my 16 years service in the House has been one of the great legislators of our time, but now that he has decided to retire, everyone knows he is going to be greatly missed, both as a friend of all of us, but also as one who so long has contributed to the record and accomplishments of this great body.

I said, Mr. Speaker, to Charlie the other day, that I sorely miss many Members who are no longer in the House, and that is the way it will be as far as he is concerned. If I am privileged to come back to Congress next year, it will not seem the same.

I have always enjoyed serving under him when he was a very able and respected majority leader, and when he was a very able and respected minority leader. He was always a good winner and a good loser. He was always vigorous and fair and above everything he was always one to put the national interest before anything else.

Mr. Speaker, Charlie Halleck will be missed next year and in the years to come as a Member of this body. His keen mind and knowledge of procedure made him a legislator without a peer. His ability as a debator and advocate of Republican philosophy won him admirers on both sides of the aisle so that no one in this body has had more personal friends.

I hate to have my longtime friend and leader go. But, he is entitled to retirement—and this I know, he will enjoy life in the years to come, and that makes sense.

May his and my trails cross many times in the years to come. 'Til then, Charlie, goodby and good luck.

Mr. ANNUNZIO. Mr. Speaker, it is a pleasure for me to join my distinguished colleagues from Indiana, Hon. E. Ross Adair and Hon. Bill Bray, in paying tribute to Congressman Charles H. Halleck as he retires from Congress.

I met Charlie Halleck 4 years ago when I was first elected to serve in the Congress of the United States and I have had occasion to meet with him not only in the Congress while working on legislation but also at social affairs. He has gained my respect for I have always found him to be a man of his word who possesses the rare qualities of loyalty and integrity.

For 34 years he has represented with ability, honesty, and dedication his constituents in the Second District of Indiana, as well as his State and Nation. His Republican colleagues in the Congress demonstrated their admiration and confidence in him by twice choosing him majority leader, in the 80th and 83d Congresses, and by choosing him as minority leader during the 86th, the 87th, and the 88th Congresses.

I know that my colleagues in the House, both Republicans and Democrats, will miss his fine leadership, his wise counsel, and his sincere friendship. But Congressman Halleck has earned his retirement, and I want to take this opportunity to extend to him my best wishes for continuing good health and good fortune in the years ahead.

Mr. ERLENBORN. Mr. Speaker, it is a pleasure to look forward to the end of the 90th Congress because its sessions have been long and arduous. It is a little less pleasant to contemplate the start of the 91st Congress next January because of the certain knowledge that Charlie Halleck will not come back to this House to represent the Second District of Indiana.

For a third of a century, Charlie Halleck has represented the people of northwestern Indiana, and this is a rare relationship. If one could make a composite of all the people in that district, of the political attitudes and the legislative outlooks, the end product would not differ much from Charlie Halleck.

He has been a good and faithful servant of the people in his district, and a good and faithful Member of this House. There is a sadness when we say, "Goodby," to such a man.

So long, neighbor.

Mr. SCHNEEBELI. Mr. Speaker, just as Senator Dirksen is known as "Mr. Republican" in the Senate and throughout the Nation, so Charlie Halleck has been "Mr. Republican" for many years here in the House. In my section of north central Pennsylvania, where he has appeared frequently, to make his eagerly awaited speeches, he is very popular and highly respected, and people looked forward to his visits and to hear his political sagacity.

He used to like to visit our area, because as an extra dividend, following his official duties, he could spend some time participating in his favorite sport of trout fishing with some of his many frends.

He has been an incisive speaker on the House floor, and it was quite obvious that he had excellent legal training because of his very logical points of debate in arriving at the conclusions with which he wanted to persuade the House to agree. When Charlie Halleck rises to speak, the membership of the House always settles down and becomes quiet, because they know they are in for a treat in logic, reason, and persuasion. He makes his points in very telling fashion and quite often in very interestingly descriptive phrases.

After the beginning of the 89th Congress, despite his defeat by Jerry Ford for the Republican leadership, by the narrow margin of only six votes, he remained a loyal party man and worked with the newly elected leadership. In doing so, he emphasized his strength of character even more, by the cooperative manner in which he offered his assistance and support to the minority floor leader who had replaced him in the position he held from 1959 to 1965. This is an action that not many Members would have taken, since the memory of defeat might have persuaded some men of less stature that CHARLIE HALLECK to withdraw from any leadership activities. This attitude, in itself, again brought out one of the many sterling qualities in this man, and his retirement at the end of the 90th Congress will leave a gap, difficult to fill after almost 34 years of continuous service in the House of Representatives.

One of the comforting thoughts on the occasion of his retirement is the fact that this well-earned rest will provide time for CHARLIE to pursue more of his favorite hobbies—hunting and fishing—and I hope that some of this time will be spent in my 17th Pennsylvania District, one of the favorite trout fishing spots in the eastern part of this country.

You are a good man, CHARLIE HALLECK, and we wish you an active, healthy, and happy retirement.

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, on the occasion of the retirement from Congress of one of our most esteemed Republican Members, the Honorable CHARLES HALLECK, I would like to say that I have enjoyed tremendously working with CHARLIE in the Committee on Standards of Official Conduct. It has been both a pleasure and an honor to work with him in the 90th Congress and I am sure he will be missed by all of us. I want to wish him the best of luck in his future endeavors, and compliment him on his many achievements in the U.S. House of Representatives.

Mr. ASHBROOK. Mr. Speaker, I am happy to join in this tribute to my colleague, Congressman CHARLIE HALLECK, who will retire from Congress after many years of faithful and persevering service. Most of us will never be able to appreciate the hard work, prudence, and political know-how which are demanded of a minority leader, all of which CHARLIE brought to that office during his tenure. He was a workhorse in the best sense of the word, and I can well remember his visit to my district in 1960 when I was making my first bid for Congress. No trouble was too much in behalf of the new arrivals to the House, and I, along with many others, am deeply indebted to him for his efforts in helping us "learn the ropes."

Needless to say, CHARLIE HALLECK will be sorely missed by his Republican colleagues, and I think it is safe to say that the opposition will be glad to see him go. Nevertheless, friend and foe alike will be compelled to agree that the Honorable CHARLES A. HALLECK, of the Second District of Indiana, has served his country, his people, and his party faithfully and well.

Mr. HANSEN of Idaho. Mr. Speaker, it is a great pleasure to me to be able to join in this richly deserved tribute to the gentleman from Indiana [Mr. HALLECK]. At the same time, there is an overshadowing sense of sorrow that he is ending his outstanding service to his State of Indiana and to the United States as a whole.

I feel a deep sense of personal gratitude to him, as I am sure all younger Congressmen do. No one could be more helpful to a freshman Congressman than CHARLIE HALLECK—and that help is a continuing experience as he gives so freely of his vast experience and knowledge to all who would seek his aid, be they a freshman or one a little further up the ladder of seniority.

We in Idaho feel particularly close to CHARLIE HALLECK as he has honored us so many times with his presence, aiding us in developing our party, and, at the same time, enjoying himself as he fished our many cold, clear mountain streams for the trout that abound there. If he has enjoyed his fishing in Idaho as much as we have enjoyed—and profited by—the inspirational talks and speeches he has made in Idaho, then I know his pleasure was complete.

One final thought. We like you, CHARLIE HALLECK. When you have finally completed your legislative chores and have settled down to your justly deserved retirement, why not join us in Idaho? We would love to have you.

Mr. LIPSCOMB. Mr. Speaker, it is a great privilege at this time to join my colleagues in paying tribute to one of the finest men and most able persons ever to serve here in the Congress of the United States, the Honorable CHARLES A. HALLECK, of the Second District of Indiana.

During his long and distinguished years of service in the House of Representatives CHARLIE HALLECK made his mark as one of the most outstanding and capable public officials of our times. He is a skillful and articulate legislator as we can all attest, and has long been a powerful and dynamic force in the Republican Party.

CHARLIE HALLECK has been a strong and effective national figure for many years and an incisive and constructive House leader where he served as minority leader and majority leader.

I feel honored to have had the opportunity of serving with CHARLIE HALLECK in the House of Representatives and shall always be personally grateful to him for his friendship and his advice and counsel.

It is with a warm feeling that I join in expressing my very best wishes to CHARLIE on this memorable occasion. I wish him a long and enjoyable retirement.

Mr. GOODLING. Mr. Speaker, I consider it a prime privilege to have had the opportunity to serve in the House of Representatives with my colleague and good friend, CHARLIE HALLECK.

There are so many dimensions to CHARLIE that one has a difficult time summing him up, but perhaps the one definition that comes closest is that of "A Congressman's Congressman."

CHARLIE HALLECK has played an important part in the leadership of the House of Representatives, having served as a leader for his Republican Party over the span of many years. His is, indeed, an unusual record of duty to his party and service to his country.

He has worked hard in the legislative halls, having been extremely cooperative in the advancement of constructive legislation. His constituency in Indiana deserve to be commended for sending such an able and dedicated Congressman to serve and represent their interests in the House of Representatives. Their choice has been the country's gain.

It is my sincere wish that CHARLIE HALLECK will draw deep contentment from his retirement from public service, and I hope his enjoyment is in proportion to the contribution he has made as a servant of the public.

There is always a sense of sadness in partings, and it goes without saying that the House of Representatives will not be the same in CHARLIE's absence—it is, however, a much better place because he has served here.

Mr. MINSHALL. Mr. Speaker, when this session ends, when CHARLES A. HALLECK has said his last official farewell to Capitol Hill, the flame of inspiration he has ignited in this House will burn on steadily. All the excitement, enthusiasm, controversy he has engendered during his 33 years of hard-hitting, tireless service to his Nation remain in the House of Representatives with those of us who know and hold him in such affectionate esteem.

History undoubtedly will record him as one of the immortals of this Chamber, in company with the Randolphs, Clays, Cannons, Champ Clarks, Longworths, Garners, and Rayburns. He is a refreshing rarity in these days of mass conformity, a rugged individualist who never ran from a fight and whose every motive has been bulwarked by patriotism and high principle.

We who hold CHARLIE in warm esteem know that he has earned the right to retire from the legislative battlefields in which he has served with honors. All of his adult life has been dedicated to good government. His concern and interest and candor in speaking out on the issues will continue, of that I have no doubt. For his sake, I am pleased that he will now have the opportunity to enjoy the outdoor life he loves so well. I join with his friends on both sides of the aisle in wishing him Godspeed.

In the words of an earlier Halleck—Fitz-Greene Halleck—may I say to the distinguished gentleman from Indiana that his service to America has not only our gratitude but "the thanks of millions yet to be."

Mr. ROONEY of Pennsylvania. Mr. Speaker, I want to join my colleagues today in paying tribute to Representative CHARLES A. HALLECK, a Member whose contribution to the Congress and the Nation during more than 33 years of dedicated service has been invaluable. Congressman HALLECK will retire this term from a public career that includes active duty in World War I and five terms as prosecuting attorney in his home State of Indiana, in addition to his outstanding service here in the House of Representatives.

As past majority and minority leader of the House, he has proven himself to be a truly dynamic leader of the Republican Party. He has worked tirelessly to improve the welfare, not only of his constituents, but of the entire Nation.

Congressman HALLECK has earned the

admiration and respect of everyone who has had the opportunity to know and work with him. I am proud to have been one of his colleagues and I know that my fellow colleagues share my deep sense of gratitude to him for his loyalty, his patriotism, and his unfailing sense of civic and humanitarian responsibility. May I join all the friends and associates of Representative CHARLES HALLECK in extending my heartfelt congratulations for his distinguished public service, and in wishing him the best of luck and health in the years to come.

Mr. POFF. Mr. Speaker, I would not lose this opportunity to pay tribute to a man like CHARLIE HALLECK.

In the easy vocabulary of politicians, it is easy to attach high-sounding words and phrases to the character and career of the man. Indeed, it is so easy that the words sometimes do not ring true to the ears of professional colleagues. In this case, there is no such problem. The word "great" fits CHARLIE HALLECK and his service to America in a genuine way.

CHARLIE is great because he is fearless; his pronouncements upon the events and issues have never been equivocal or ambivalent. CHARLIE is great because he has dared to step out in front and take the lead; when the party was floundering for a want of inspiration and direction, CHARLIE offered both and both were accepted. Finally, CHARLIE HALLECK is great because he is not mean or little; rather, in success he was big enough to be kind to the loser, and in defeat, he was big enough to suppress every instinct and temptation to bitterness. His is a greatness and bigness which all men might profitably emulate.

CHARLIE HALLECK is leaving this body, but I do not think he is retiring. He will never retire from the halls of politics nor the vineyards of public service. I admire what he is. As an American, am grateful for what he has done for America, and I wish him well always.

Mr. BELCHER. Mr. Speaker, there is not enough time in a whole day, let alone a special order to do real justice to a tribute to CHARLIE HALLECK So I am not even going to try to recite his record of achievement or remind you of the personal qualities that have set him apart as a leader among leaders.

But I am grateful to BILL BRAY and Ross ADAIR for this chance to acknowledge before our colleagues and the world my deep debt of gratitude to a fine friend. CHARLIE made the kick-off speech in my original campaign in 1950 in my hometown of Enid, Okla., and for 18 years it has been my privilege to call him "friend." He has been a true friend to me, as he has to most everyone who has served in this body, on either side of the aisle, during the 34 years he has been here.

He has been a great friend, and much, much more; to Republicans, a gallant leader; to Presidents and colleagues, a valuable and valued advisor; to his opposition, a fair but able adversary; to his constituency, a dedicated servant; to his Nation, a patriot and statesman.

I regret, as we all do, his decision to leave us. We shall miss him and his good wife, Blanche. But certainly no one would begrudge people who have given so much of themselves for others for so many years the chance to take pleasure in the freedom they have known so little of. And so, CHARLIE, I wish you and Blanche the full measure of blessing and happiness you so richly deserve as you embark on an exciting new leg of life's journey.

Let me add only this: We love you. It just will not be the same without you.

Mr. WYMAN. Mr. Speaker, it will be a sad day indeed when Congress reconvenes in January of next year without the presence of Hon. CHARLES HALLECK, for so many years our distinguished Republican leader. Only six Members yet remain in this body who can recall that day in January 34 years ago when the newly elected Member from Indiana's Second District took the oath of office, but hundreds since who have come and gone have benefited from their experience of having known and having served with CHARLIE HALLECK.

When I first came to the Congress 6 years ago, CHARLIE HALLECK was then the minority leader and from his leadership and from his example I learned much in the ways of this great legislative forum. My association with CHARLIE HALLECK goes back further than that, for he was the majority leader of this House during the 80th Congress at the same time that I was serving as secretary to the late distinguished Senator Styles Bridges.

In judging the capabilities of any leader, a major criterion is whether that leader had "followers." CHARLIE HALLECK's talents in this area are unparalleled. Never before or since has anyone from either party been able to hold his "charges" so closely in line when the chips were down and the votes were of vital importance to whatever issue was at hand.

No one can be all things to all men; no one can please everyone all of the time; yet CHARLIE HALLECK has always had that mark of leadership which allowed him to push to the back of his mind any effect on his personal popularity when considering what must be done to accomplish a needed objective in public service—objectives that on occasions required subordination of self to duty.

The Congress of the United States will, of course, continue. But life within the Congress will somehow not ever be quite the same for those of us, Democrat and Republican alike, who have served with and who have known CHARLIE HALLECK, without his presence.

We wish him Godspeed and hope that he will come back to visit and counsel often.

Mr. SPRINGER. Mr. Speaker, CHARLIE HALLECK was born in my home State of Indiana on August 22, 1900. That makes him 68 years old. He was first elected to the 74th Congress at a special election in January 1935, and has been reelected to every succeeding Congress. So he has served in this House for almost 34 years or about half his lifetime.

Throughout those 34 years, Mr. Speaker, CHARLIE HALLECK has been devoted to the interests of his State and district. He has served his country with fidelity to the principles laid down by the Founding Fathers. He has worked tirelessly in the interests of his party. At the same time he has conducted himself in his relations with all the Members of this House with the utmost integrity.

I am proud as a fellow Hoosier to be able to say that I served under the leadership of CHARLIE HALLECK. We are all going to miss him.

Mr. HUTCHINSON. Mr. Speaker, I am happy to join in this tribute to CHARLIE HALLECK, whose Indiana district is so close to my own in Michigan. I am sorry he chooses to leave us. His continuous service in the House, outspanned by only a single Member on our side, will cover almost 34 years. But a man's service here is not measured by time alone. There are other tests. And the gentleman from Indiana [Mr. HALLECK] is possessed of those qualities which have placed him in the leadership of the House and of his party. He has contributed much in the legislative process. His energy and skill in debate will long be remembered. His tactical shrewdness frequently strengthened his position and the position of his party in many a political battle. His was the rare privilege to serve both as majority leader and minority leader in the vicissitudes of party strength. He was a strong leader but he is equally as strong a man in the ranks. We shall miss him in the 91st Congress.

I wish for him many happy years in retirement.

Mr. QUILLEN. Mr. Speaker, as I join my colleagues in paying tribute to a great Republican, a great American, and a fine gentleman, CHARLIE HALLECK, I cannot help but express heartfelt regret that he is leaving the House. He served the party, the Congress, and the people during an era of immense tumult and swift moving events at home and abroad. He was and is a steady rock in a sea of surging tides of change.

Those of us who have had the privilege of serving with him are grateful for the guidance and help that he always was ready to give so willingly and cheerfully. Our tribute to him today is another in a series of accolades he has won over 33 years of truly public service.

Since he came to the Congress from Rensselaer, Ind., in 1935, he moved steadily upward through the party ranks. As part of the loyal opposition during the dark days of the New Deal, his skill and perception kept our party's voice in Congress before the people. His has been a voice of moderation, of commonsense, and of firmness and courage when the occasion demanded. Many are elected to Congress, but few are chosen to lead as CHARLIE HALLECK has been. From both the majority and minority positions of leadership he has proven forceful and diplomatic. His background as a prosecuting attorney was amplified by his service in the House, where he brought an incisive mind to bear on debate and the parliamentary process. He won the admiration of his party associates and the respect of his foes.

As he prepares to hang up his running shoes at the end of this term, I join my Republican colleagues and CHARLIE's multitude of friends across the aisle in wishing him a long, healthy, and happy retirement, with plenty of hunting, fishing, and golf. I know I am expressing the warm thanks of millions of Americans for his three decades of selfless service in the Halls of Congress.

Mr. PIRNIE. Mr. Speaker, we honor today a great man and a treasured friend.

All Members of this House are truly sorry that our distinguished colleague CHARLIE HALLECK has determined to retire from public service. For 34 years he has been a Member of this body, masterminding many legislative achievements during critical years of our Nation. Serving as majority and minority leaders, he has proved to be a vigorous and effective leader. Fair but formidable in debate, he has commanded respect on both sides of the aisle.

My colleagues have well documented the landmarks of his splendid career. It has carried with it many big moments which I am sure represent treasured memories. They will embrace many places and personalities for CHARLIE has had a key role in the major critical decisions of our times.

CHARLIE has honored his party and on countless occasions his party has honored him. His capacity for friendship has been very great and he will be warmly remembered by those privileged to be his friend. While we regret his decision to retire, we hope that he will have many years to enjoy well-deserved relaxation and wish for him good hunting and fishing.

Mr. McDADE. Mr. Speaker, on the occasion of my distinguished colleague's, CHARLIE HALLECK's, birthday on August 21, 1967, I sent the following letter:

> DEAR CHARLIE: One of the awful things about this work in Congress is that you find yourself in association with someone of tremendous competence, whose help you will call upon if you find yourself pressed into a corner—and yet you never get to tell that colleague the esteem in which you hold him.
>
> I think of you that way.
>
> I know the immense service you have given to the Republican Party by your presence here on the hill. I know how well you represent your own Congressional District. But above all this, I know the debt of gratitude which the whole nation owes you for the service you have given all of us for so long a time.
>
> So on your birthday, I am not just wishing you any fleeting happiness that lasts a day. I hope that the service you have given will give you the knowledge on this day and every day of your life that you have the immense respect and esteem of every one of us here in the House. You will certainly always have mine.
>
> Sincerely,
>
> JOSEPH M. MCDADE.

Now all of us are faced by a fact that must sadden us—that CHARLIE is leaving the House in which he served his party and the Nation so well. It is truly difficult for me to imagine the House without CHARLIE HALLECK.

There was never a reluctance on the part of anyone to turn to CHARLIE to ask for the benefit of his wisdom and, above all, for the benefit of his profound knowledge of parliamentary procedure. I did not hesitate to do so whenever I needed the benefit of that knowledge; and his wisdom was given to me likewise, generously.

Here, indeed, is a man to whom all of us have looked for inspiration over countless years. Here is a man whose memory will make each one of us remember a little bit more pointedly our own obligations to serve the country well. We have been bidden by the poet when we find a friend to "grapple him to thy soul with hoops of steel." I hope that CHARLIE HALLECK will remain my friend, my dear friend, my most personal friend as long as both of us shall live. I know no finer man here in the Congress, which has produced so many very fine men.

I wish CHARLIE well in his retirement. It is said that many men find little to do and find retirement tedious. This could never be true of CHARLIE. There will never be enough hours in a day for him to pursue the countless things and ideas that have absorbed him during his career in this House.

I know that all of my colleagues join me in a fervent prayer that God should watch over this fine servant of his country all the days of his life.

Mr. STEIGER of Wisconsin. Mr. Speaker, CHARLIE HALLECK's leadership on important legislation had already gained notice in American history books when I was an undergraduate in college. I am deeply honored to join today in these tributes to a man who is leaving Congress by his own decision after 34 years of truly distinguished work.

While widely loved throughout this body for his wit and grace and courage, the freshman Members of the minority have perhaps a special reason for appreciating CHARLIE HALLECK. We have known him for only one term, but we have known his helpful, willing, and sage counsel. For that, especially, we are grateful.

Of the many tributes to him in the great newspapers of this country, I wish to quote from the Minneapolis Tribune dated December 24, 1964; under the heading "HALLECK Has Impressive Record for Action on Major Legislation," Richard Wilson wrote of some of his contributions, as follows:

HALLECK HAS IMPRESSIVE RECORD FOR ACTION ON MAJOR LEGISLATION

(By Richard Wilson)

> WASHINGTON.—It is a little difficult to analyze just what the revolt against the Halleck leadership in the House of Representatives is all about.
>
> But there is one thing it cannot be. It cannot be the failure of the Halleck leadership to reflect the moderate consensus of the Republican party.
>
> Rep. Charles A. Halleck, 64, may be rough occasionally; he may not be the ideal spokesman on Radio-TV in every case. But he has moved with the times, he has organized his opposition well, he has achieved constructive results.
>
> Civil rights legislation would not be on the books today save for Halleck's compromises. Without Halleck, burdensome tax reforms would have accompanied tax reduction. He has effectively used what is essentially a weak minority to remake Democratic legislative proposals which were not accepted in Congress in their original form.
>
> He did this so well that the chief legislative concern of President Johnson, as it was with President Kennedy, is coping with the Halleck leadership. Hardly more could be asked of an opposition leader in a House so overwhelmingly controlled by the majority party.

Mr. KLEPPE. Mr. Speaker, for me this is a day of mixed emotions. I welcome the opportunity to join in this richly deserved tribute to a truly great public figure, our beloved colleague, the Honorable CHARLES A. HALLECK. At the same time, I am saddened at his decision to retire from the House after 33 years of distinguished service to his country.

He will be sorely missed. There is only one CHARLIE HALLECK. This Chamber will never be quite the same again without him.

I regret that my personal association with him has been limited to an all too short 2 years. In that time, however, he has been not only a friend but also a most helpful mentor. You do not have to look it up in the book to know that he is a Republican. But he has effectively demonstrated through the years that partisanship is not incompatible with absolute integrity and a deep sense of responsibility.

This is not a day of "goodbyes." We shall see CHARLIE HALLECK again—many times, I hope. And we shall remember him always.

Mr. BETTS. Mr. Speaker, it is impossible to recount in any limited space the record and accomplishments of CHARLIE HALLECK to this House and to the country. I consider it a rare privilege and honor to have been among his friends and to have served with him throughout his distinguished record as a leader in the House.

It is difficult to imagine a session of Congress without CHARLIE HALLECK and I personally will regret seeing his departure, although I am sure his retirement from legislative duties is well deserved.

I hope that he will not forget us and will continue to maintain the friendly relations we have always enjoyed with him.

I cannot express too strongly my admiration for his record as a Congressman and assure him that my best wishes go with him as he leaves us.

Mr. FARBSTEIN. Mr. Speaker, I wish, as evidence of my regard, to join with my colleagues today in paying tribute to Congressman CHARLES A. HALLECK of Indiana, who is retiring at the end of this term. Representative HALLECK has had a long and distinguished career in Congress as a Member of the House of Representatives. He has served this House with honor for 34 years. It has been a time of turmoil and of great change for our Nation, a time that has required men of determination and integrity. Congressman HALLECK has been one of these men.

Although Mr. HALLECK is a Republican, I believe we Democrats are all aware of the high esteem in which he is held by members of his own party. He has served as majority leader or minority leader of the House of Representatives during five of the terms that he served in Congress. He has been a loyal supporter of his party as well as one of its leaders for almost four decades. His record is one that any one of us might be proud of, for he represented his views the way he saw best.

I join, therefore, in paying my sincere respect to Congressman HALLECK and to wish him a long life and continuing success in whatever his future endeavors may direct him.

Mr. REID of New York. Mr. Speaker,

CHARLIE HALLECK will be deeply missed in this body by his many friends on both sides of the aisle. CHARLIE over the years has rendered significant service to his district, his Nation, and his party. None of us will forget his counsel on the floor nor his friendship. More than that, not a few of us remember his rousing nomination of Wendell Willkie, a man ahead of his time, a man whose vision of one world raised the hopes and the sights of many throughout this land and overseas.

Mr. Speaker, I very much hope that CHARLIE will come back often to this body, and that the Nation will, as I am sure is the case, always have the benefit of his advice and warm counsel.

Mr. BELL. Mr. Speaker, when I first came to Congress in 1960 I was bewildered by the Federal maze and in need of more than a little guidance in legislative procedure. I will always remember the assistance I received from Congressman CHARLES A. HALLECK during those early months of my congressional career.

Today, I am honored to have the opportunity of paying tribute to this distinguished public servant as he retires from an outstanding career in the House of Representatives.

The work of a good legislator is vast, and our distinguished colleague has unfailingly assumed the many tasks before him with enthusiasm. His record as majority leader in the 80th and 83d Congresses and as minority leader from 1959 to 1967 has been written in the pages of history. His diligent efforts in the House Committees on Rules, Interstate and Foreign Commerce, Public Works, Armed Services, and Standards of Official Conduct have marked well a career not easily emulated.

Residents of Indiana's Second Congressional District are justifiably proud of the representation they have been given so many years on Capitol Hill.

CHARLIE HALLECK has served this House with distinction for over 33 years. And he has done so with the unselfish and gracious spirit that has made knowing him such a pleasure. We will all miss him.

As a freshman I was grateful to him. I regret that future freshmen will miss the benefit of his unique guidance. But I wish him many happy years in the future and a peaceful retirement.

Mr. ANDREWS of North Dakota. Mr. Speaker, I wish to associate myself with the remarks made by the other Members today who are paying tribute to our colleague, CHARLES HALLECK of Indiana. It has been a privilege for me to visit his home district from time to time, and I can tell you of the great esteem they have for CHARLES HALLECK. Their respect and their admiration is based on their knowledge that he serves them well in the U.S. Congress.

Indeed, our entire Nation is far better off today, because CHARLES HALLECK has served with dedication and distinction in our Congress, and each of us who have had the privilege of serving with him must certainly be better individuals because of this association.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise to pay tribute to our distinguished colleague, the Honorable CHARLES A. HALLECK. In 33 years of service in the Congress of the United States, CHARLES HALLECK has compiled an impressive record—both as a legislator representing his own district and State in the Congress, and as a leader of legislators—as the minority leader in the House of Representatives for 6 years.

Indeed, for many years CHARLES HALLECK was to this Nation the personification of the Republicans in the House, and with that esteemed minority leader of the other body, stated the goals and guided the direction of the minority forces.

Here is a man of great talent—of unusual ability—of a warmth and humanism which set apart the exceptional man from the routine.

For those of us recently coming to the Congress—CHARLES HALLECK has for many years been among those few who expressed the aspirations of those not in power. So in addition to his marvelous work for the people he represented directly through popular elections, CHARLES HALLECK has spoken out for tens of millions of Americans in their quest for a better life through a more perfect form of government.

Few men attain CHARLES HALLECK's important station of leadership. No man does better in discharging his responsibilities. We shall miss his warmth, his good counsel—and we wish him the utmost happiness in coming years as just reward for his magnificent career of public service.

Mr. BOB WILSON. Mr. Speaker, it is appropriate that we colleagues of CHARLIE HALLECK take this opportunity to express our appreciation for his friendship and leadership over the years.

For more than three decades, CHARLES A. HALLECK has been a part of Congress. Shortly after coming here in 1935, he began to assert his natural abilities and decisive action became his hallmark. He became a parliamentary expert, his district attorney background keen and inquiring mind soon impressed fellow Members. He has been both majority and minority leader in the House. He has lived through some of the roughest times for our Nation in its history. He has been in the forefront of solid social changes that have made life easier for many Americans. He has had vision, energy, courage and the firmness that creates confidence and trust among his fellow Members in the House.

Knowing CHARLIE, retirement won't be a pipe and slippers thing, but will be used as an opportunity to get to all the hunting, fishing, golf, and the other postponed interests that have taken a back seat to his public service for so many years.

We will miss CHARLIE HALLECK here in Congress. But the Nation has been richer for his having devoted 33 years of his life to service his party and the people.

Mr. FRELINGHUYSEN. Mr. Speaker, There are few Members of the House who have had a longer period of service than has my friend from Indiana CHARLIE HALLECK. Even more important than the stamina of this man, and his proven popularity with his constituents, has been the distinguished career which he has had. The term "Mr. Republican" is an unofficial title, and has been applied over the years to a number of eminent men. Yet few would argue that CHARLIE HALLECK has been "Mr. Republican" here in this body.

CHARLIE's talents as a legislator must have become evident soon after he first came to Washington. My friendship with him did not begin until 1953 when I first came here as a freshman. At that time CHARLIE was serving with great ability as majority leader, with Joe Martin then serving as Speaker. With his quick mind, his long experience, his ease in speaking, and his devotion to the Republican Party. CHARLIE was then—and has continued to be—a formidable force. These qualities have been invaluable over the years even though unfortunately we Republicans lost control of the House in the 84th Congress.

The Congress of the United States is a unique and essential utilization. It has established its reputation because of the talents and achievements of many men and some women too. Prominent among those who have contributed significantly to the maintenance of a strong effective Congress has been the gentleman from Indiana [Mr. HALLECK]. His many friends here in Washington will miss him greatly.

Mr. McCLORY. Mr. Speaker, with the retirement of Congressman CHARLES A. HALLECK of Indiana, an entire era of representative government passes into history.

CHARLIE HALLECK has always been one of the hard-hitting, independent, and articulate Members of the U.S. Congress. No issue, no legislative problem, no national crisis has ever left him speechless. Congressman HALLECK's resourcefulness in debate, his ready repartee and nimble wit under sometimes trying circumstances, his personal persuasiveness, and his qualities of statesmanship mark him as one of the great congressional leaders of all time.

Both as majority and minority leader, Congressman HALLECK gained the respect of Members on both sides of the aisle and the gratitude of the people of the Nation from all walks of life.

Those of us who have had the privilege to know CHARLIE HALLECK on a personal basis and to work with him in the House of Representatives have been specially blessed. We respect CHARLIE HALLECK. We love CHARLIE HALLECK. And during these brief moments we pause to honor CHARLIE HALLECK.

I join with other friends today to express appreciation, affection, and all good wishes to one of the great Americans—CHARLIE HALLECK, of Indiana.

Mr. JONAS. Mr. Speaker, it is with mixed emotions that I rise today to join with others in paying tribute to our distinguished colleague, CHARLIE HALLECK, who is voluntarily retiring at the end of the current session of Congress. On the one hand I am delighted to join in this well-deserved tribute but on the other hand I must say that it saddens me to realize that at the end of the year he will be retiring from such a long and distinguished career in public service.

Goodness knows CHARLIE deserves to have an end to the constant pressures and problems that are involved in serving his large constituency in Congress, and the opportunity to enjoy the blessings of retirement; but the country can ill afford to dispense with the services of a man so experienced and wise and who has for so long a period of time dedicated himself to the interests of the people he has served so well and so effectively.

CHARLIE HALLECK was elected majority floor leader when I first came to Congress with the Eisenhower administration in January of 1953. I considered it a privilege to be able to cast one of the first votes of that session for him for that position of leadership of the Republican majority in the House of Representatives. It was of course his second tour of duty in that important and responsible position but it was my first opportunity to serve under him as leader. I watched him closely during the 2 years our party was in control of the House and thought his leadership was magnificent. He was in the midst of all of the battles of the 83d Congress, bringing to bear on them his superb intellect and forensic ability. In my judgment, he never had a superior in debate and few equals. He was a leader who could attract the devotion and support of his troops.

But these qualities of leadership were more pronounced during the following years when he served as minority leader in the House of Representatives. By the very force of his brilliance in debate and by reason of his careful study and understanding of the issues involved, he was able on many occasions to win legislative battles even though his troops were outnumbered. The fact that he always had the respect and confidence of many Members on the other side of the aisle helped make these victories possible.

As one who has served continuously with CHARLIE since January of 1953, and who has admired and respected him over the years and who was proud to call him leader and friend, I salute him on this occasion because we are indeed rapidly moving toward the end of the session and it is already known that he will not be back in Congress next year. Those of us who return will miss him but I am sure we will all join in expressing the hope that wherever CHARLIE is he will be taking advantage of the opportunities retirement gives to spend more hours in pursuing his favorite hobbies of hunting and fishing. We will take some satisfaction also in knowing that he and Mrs. Halleck, who have been so close and devoted to each other throughout a long marriage, will be able to spend more time together than has been possible while CHARLIE was harnessed up and involved in so much political and legislative action.

So I am happy to join his colleagues today in expressing our appreciation to CHARLIE HALLECK for a lifetime of dedicated service to district, State, and Nation; to express publicly my indebtedness to him for wise counsel and for advice extended over the years; and to wish for him a long life of good health, good fortune, and peace of mind.

Mr. ROUSH. Mr. Speaker, I join my colleagues in paying tribute to one of Indiana's great sons. I have always considered Mr. HALLECK one of Indiana's great contributions to this country of ours. Many times I have wondered to myself just what it is that gives a man great stature. I am convinced that it is not necessarily his ideas, his intellectual capacities, or even his qualities of leadership and CHARLIE HALLECK had all of these, but rather it is the qualities which make up the inner man, the expression of which over a period of time really makes a man great. Our friend CHARLIE HALLECK has over his many years of public service demonstrated to his constituency, his State, and this Nation qualities of determination, persistency, depth of conviction, a willingness to stand up and be counted, and compassion which have earned for him a place in the history of this generation.

As a fellow Hoosier, I have always felt a sense of pride that CHARLIE HALLECK is from my State. Although political differences set him miles apart from many of us within the political arena, his warmth, generosity, sense of honor, and character brought him within the fold of friendship which I for one coveted. I always felt a great sense of pride when I could stand with him on great issues—especially those affecting our great State—and on the other hand, I felt the utmost respect when he stood opposite me as an adversary. CHARLIE HALLECK was a good Congressman. The House will miss him. I extend to him my own personal heartfelt good wishes for a happy retirement.

Mr. BENNETT. Mr. Speaker, when our beloved colleague CHARLIE HALLECK leaves Congress this year, Congress will truly "not be the same." Not only will we who may remain behind miss him; but the whole country will miss him and his good work here. CHARLIE is a brilliant man, an able legislator and a great American. All of his fine qualities are manifested in the day-to-day work of the Armed Services Committee on which we both sit. He is, above all, a practical man who gets to the heart of things, regardless of and above personalities or partisanship. He has not only been a great legislative leader in our National Congress, but he has been an even greater friend to all who have had the opportunity to know him. We will surely miss him greatly and wish for him and his beloved wife every happiness in their retirement.

Mr. KLUCZYNSKI. Mr. Speaker, we come to these occasions of well-deserved tribute to our fellow Members with mixed emotions—taking pleasure in the opportunity to express our esteem, but saddened by the knowledge that we are bidding farewell to a colleague who has served long and well.

I have known about CHARLES HALLECK since my days in the Illinois Legislature, and it has been a pleasure to serve and work with him here in the House. His efforts in behalf of his district and his party have inspired great admiration.

We have shared many a plane ride on trips to and from Washington, and I shall miss his always pleasant company as much as he will be missed here in the House. I know the years ahead will surely bring him the satisfaction and contentment he has earned in his long years of public service.

Mr. BROWN of Ohio. Mr. Speaker, the departure of CHARLIE HALLECK from the U.S. Congress will leave a void not only in the Congress but in the hearts of all of those of us who have been privileged to serve with him as colleagues in this deliberative body, the greatest such forum in the world. For 34 years, the Second District of Indiana and the whole Nation have been privileged to have the advantage of representation by this leader who has retired voluntarily with his good health and all his faculties. He also leaves this body with a sense of humor and perspective and a direct bluntness which is all too rare in this day of political smoothness and imagery.

Congressman HALLECK came here as a young man of 34. He leaves at 68 having spent one-half of his life in the U.S. Congress. He deserves the prospect of retirement to a pleasant and healthful ease which now stretches before him. Now known as the "old duck hunter" and the former costar of the "Ev and Charlie Show," he will take with him the memories of his participation with the men who shape the events that have marked the past one-third of a century—one-sixth of the history of our Nation. In an era when youth is eulogized and the new directions of inexperience are considered politically attractive, it is well for us to pause and reflect on the value of the counsel of CHARLIE HALLECK which will be lost to us in the future. CHARLIE takes home with him to Rensselaer the legislative and governmental wisdom gained from the experiments of the great depression of the 1930's, the knowledge of operation of democracy in the extremities of war in the 1940's, the challenge of leadership when his party was in the majority in the 1950's and the operation of the political process in the frenetic era of the 1960's.

There is not one of us who is his junior who would not trade a good deal for his experience and his knowledge. It is my personal hope that CHARLIE will find the time and the motivation to put his thoughts about our Nation, its Government, and its destiny into written words in the years ahead. It would be a valuable guide for us all but particularly for those of us who choose to be Republicans. I deem it one of the great privileges of the office I hold to have been able to serve with CHARLIE HALLECK. He well knows, as I do, that he and my predecessor were friends and partners, colleagues and rivals, advocates and adversaries in the way that is only possible in the U.S. Congress.

A brilliant mind, a shrewd politician, and a direct and effective speaker—CHARLIE HALLECK left his mark on legislation and legislative process as did many who served with him during his career. But for CHARLIE there was the accomplishment of majority leadership during the two terms the Congress has been Republican since he joined it and in that role, as in his role as minority leader from 1959 through 1964, he suffered many personal frustrations and partisan defeats. That is all part of the game—a game CHARLIE played effectively from his standpoint, from the standpoint of his party and from the standpoint of the Nation. I am delighed today to pay him the respect and honor he deserves and to wish him well in what I hope will be many years of pleasant and useful retirement.

Mr. BURKE of Florida. Mr. Speaker, when the 91st Congress convenes next January, this body will sorely miss the presence of one of its most highly respected Members, our esteemed colleague, CHARLIE HALLECK.

CHARLIE, as he is affectionately known to all of us, is a true Hoosier—born, bred, and educated in his beloved State of Indiana.

Since coming to the Congress in 1935, he has devoted his life to the best interests of his country, his State, and the people of his congressional district. His ability, honesty, fairness, and integrity have become a legend for others to follow.

Long before I came to the Congress, I had heard of CHARLIE HALLECK. Although I met him in the early 1950's, our acquaintance prior to my coming to the Congress was only casual. However, during the past year and a half, I have had the honor and privilege of deepening my appreciation of this quiet, but outstanding man. Hence, I can understand why history will record in detail, I am sure, this great man's contribution to our country: His achievements as a private citizen, as a public servant, and as a leader in the House of Representatives for so many years. He served his party as majority leader and as minority leader and is known for his honesty and fighting spirit.

CHARLIE HALLECK is devoted to his country and to the people. We will miss him, but we are grateful that his decision to retire to the peacefulness of his beautiful Indiana countryside was his own. He leaves with respect of all of us who are left behind.

I join my colleagues in the House in wishing CHARLIE HALLECK good health and an abundance of happiness throughout his lifetime.

Mr. SMITH of New York. Mr. Speaker, I rise in tribute and salute to one of the old guard as he works his way down the homestretch of this Congress toward a retirement in which he will, I am sure, continue to act as an effective citizen for his community and his State and his country. I refer, of course, to the Honorable CHARLES HALLECK, the distinguished gentleman from Indiana, who has served his country in the House of Representatives for 33 years, and who served his country and his party as majority leader and minority leader for 10 years.

CHARLIE HALLECK's retirement seems almost to mark the end of an era, but before he retires, we all want him to know in what high esteem and love we hold him, and how grateful all of us have been as we came to the Congress, newly elected, for his kindness and words of wisdom to the "new boys" and for his great services to his party and his country.

CHARLIE, we shall miss you but we shall never forget you. Our love goes with you and our wishes for many wonderful years outside the hurly-burly of the daily life in the Congress of the United States of America. As you leave us, we say simply, "you're a good man, CHARLIE HALLECK."

Mr. RAILSBACK. Mr. Speaker. I am happy to join with my colleagues in paying tribute to a great American. As a freshman Member of this body, I have only known CHARLIE HALLECK for the past 2 years. However, during this short period of time, I have come to know him as a conscientious and dedicated public servant—one who is deeply concerned with doing a good job for the residents of the congressional district that he represents and also for the country as a whole. The voters in his district know this and appreciate it. They have reelected him every 2 years since he first came to the House of Representatives in 1935.

When the 91st Congress convenes next January, CHARLIE HALLECK will be missed—by his colleagues, by the people he has represented for so many years, by his country, and by his party. He has served all with distinction, and he can look upon his record with pride.

I would like to take this opportunity to wish him the very best of luck in the years that are ahead. I hope that he does not stray too far away from Washington, so that we will still be able to benefit from his experience, wisdom, and knowledge. Good luck, CHARLIE.

Mr. VANIK. Mr. Speaker, it is a privilege to join with my colleagues today in paying tribute to our distinguished and dedicated Member from Indiana, CHARLES A. HALLECK.

A great national figure as a former majority leader, then minority leader, and influential member of many important committees, CHARLES HALLECK is widely respected by his constituents as well as his colleagues. He is a good Republican, a highly successful political leader, and a powerful man in the councils of his party.

In his 33 years of service he proved that a hardworking, practical politician could be at the same time a man with the widest of sympathies and deepest of loyalties. Through his hard work, CHAPLES HALLECK has demonstrated that he is a great American and dedicated statesman.

CHARLES A. HALLECK is, indeed, an outstanding Congressman and the House will certainly miss his presence in the 91st Congress.

Mr. REUSS. Mr. Speaker, it will seem strange at the close of this session to say goodby to the distinguished gentleman from Indiana. He has enlivened debate in this House for more than three decades, and a little of the combative spirit that is so much a part of this Chamber will leave with him.

Disraeli once wrote:

> No government can be long secure without formidable opposition.

Certainly those of us on this side of the aisle can agree that during most of his long and distinguished career CHARLIE HALLECK has provided a most formidable opposition.

But through it all, he has never permitted partisan advantage to take precedence over the best interests of his country. Thus, at the close of his 44 years of public life, it can be truly said that CHARLIE HALLECK has served his district, his State, his country, and his party with outstanding success.

Those of us who know his love of the outdoors wish CHARLIE HALLECK good luck and good hunting.

Mr. GALLAGHER. Mr. Speaker, CHARLES A. HALLECK, our distinguished and eminently able colleague from the Second District of Indiana, has served in the Congress for 33 years—10 of those years as either majority or minority leader. His record as a Representative of his constituents and of our Nation is second to none. A Phi Beta Kappa, an outstanding lawyer, CHARLIE HALLECK has been a true leader for much longer than his years in this body. His decision not to seek reelection this year is a great personal sorrow for me and a significant loss to our country.

When I first came to Congress, CHARLIE HALLECK was the minority leader. Although I sit on the other side of the aisle, I can readily attest to his unsurpassed grasp and understanding of the many facets of the Congress.

Mr. Speaker, I have been privileged to serve with two Hallecks. CHARLIE's brother, Dr. Harold Halleck, was the chief medical officer of the 80th Division in the European theater during World War II, and I was always grateful for the fine medical care Dr. Halleck made certain we received over there.

Most of all, Mr. Speaker, I have always found CHARLIE HALLECK to be a kind man, full of compassion for and understanding of his fellow man. As a Representative, he has always epitomized John Milton's line in the "Aeropagitica,"

> Give me the liberty to know, to utter and to argue freely according to conscience, above all liberties.

I join with all of CHARLIE HALLECK's friends in Washington and around the world in wishing him happiness and health for the future.

Mr. REINECKE. Mr. Speaker, the State of Indiana and all America is losing a valuable public servant, as a result of the retirement of the Honorable CHARLES A. HALLECK of the Indiana Second District.

We are all familiar with his extraordinary record as a Member of Congress, and we all must recognize that once he retires to Indiana there most likely will be no one to take his place, as a legislative leader, for many years to come.

CHARLES HALLECK has been not only extremely capable, over the years, but apparently tireless as well. He has served with distinction in the House for 33 years, holding on different occasions the position of majority leader and minority leader. But whatever responsibilities have attached to his name, he has responded in the manner of a statesman, with a primary interest in the national welfare.

It was the aggressive leadership of CHARLES HALLECK that was largely responsible for tax reform measures enacted by the 80th Congress, and numerous other measures looking to economy in Government. He also was an able supporter of the Taft-Hartley Law and the Marshall plan.

As majority leader, during President Eisenhower's first 2 years in office. CHARLES HALLECK steered through the House the great bulk of the Eisenhower program, displaying in the process the great political abilities for which he is widely recognized today. And as minority leader, he managed to hold down Federal giveaway programs, in great quantity, to the great relief of the American taxpayer, in the face of a large opposition majority bent upon excessive spending.

His record is exemplary. Friend and foe have long admired this truly remarkable man.

He will be sorely missed.

Mr. FUQUA. Mr. Speaker, the seventh ranking Member of the U.S. House of Representatives is retiring.

When Representative CHARLES A. HALLECK of Indiana leaves the Halls of the Congress, it will bring to a close a distinguished career of nearly 34 years as a Member of the House.

It has been a distinguished career.

He served as the majority leader in the 80th and 83d Congresses and as the minority leader in the 86th, 87th and 88th Congresses.

CHARLIE HALLECK has been a colorful figure in American political circles and a dynamic leader in the Republican Party, both as a member of the majority and as the leader of the opposition in the House.

Americans came to know him best as he joined with the distinguished Senator from Illinois, EVERETT DIRKSEN, in their reports to the people as the minority party in what came to be termed the "Ev and Charley Show." I think the title was a mark of respect, for they articulated the view of their party to the Nation.

In his career, CHARLIE HALLECK was a stanch member of his party, but he has kept uppermost in his mind the welfare of his Nation. He worked diligently for those causes in which he believed and as such gave proof to be the great American experiment in government.

I have felt that CHARLIE HALLECK was a most valuable Member of the Congress in the years I have been privileged to serve with him, and his voice is going to be missed in the years to come.

He established an enviable record of service and dedication.

We wish for our colleague and Mrs. Halleck the best of health and happiness in his retirement. We see the end of a great chapter in the history of the House of Representatives and I feel that America is richer for his having served.

Mr. RUMSFELD. Mr. Speaker, the man we salute today exemplifies service to his fellow man. Excellence is the thread which runs throughout the career of CHARLES A. HALLECK, of Indiana. He has served the people of his congressional district, of the State of Indiana, and of the United States with distinction.

Upon graduation from the Indiana University Law School he stood No. 1 in his class, and was awarded membership in the Order of the Coif. This achievement followed the standard of excellence which he had set as an undergraduate at Indiana University. When he was granted his A.B. degree in 1922, he was eligible to wear a Phi Beta Kappa key.

The same year he received his law degree, 1924, he won his first election, to serve as prosecuting attorney of Jasper and Newton Counties. The people of his native Jasper County recognized his ability in the law, and reelected him prosecutor four times. As a practicing attorney he was continuing the great heritage of his parents, both of whom were lawyers. Indeed, there is visible dedication and continuity to the Halleck line, and today the son of the man we honor, Judge Charles W. Halleck, continues the dedication to the law which has been the family hallmark as a judge on the District of Columbia court of general sessions.

CHARLIE HALLECK began his career in the House of Representatives on January 29, 1935, after winning a special election. He was elected to his first full term at the next election, and has been reelected to each succeeding Congress. His record of service and leadership in the House of Representatives ranks with the greats in the history of the House.

Although he has spent most of his career as a member of the opposition, his parliamentary skill and political acumen have won him the respect of his colleagues on both sides of the aisle. When Republicans gained control of the House during the 80th and 83d Congresses, CHARLIE HALLECK, of Indiana, was elected majority leader. He was influential in achieving passage of the civil rights bills of 1957 and 1964. He used his skills to help pass the original Marshall plan and the Truman doctrine to aid Greece and Turkey.

CHARLIE HALLECK was, and is, a fiercely loyal and partisan Republican. He has fought for his party and served it well. As chairman of the Republican Congressional Committee from 1943 to 1946, he guided the GOP to its first congressional majority in 18 years in 1946. In 1940 he nominated his fellow Hoosier, Wendell L. Willkie, for President. He was permanent chairman of the Republican Convention of 1960.

It has been an education for me to serve in the House of Representatives with CHARLIE HALLECK these past 6 years. I respect him as a tough, able leader, a brilliant tactician, a top notch debater, and as both a formidable opponent and an effective ally. Upon announcing his retirement he said:

> I'm going to start spending more time doing the things I like to do, like fishing, hunting, and golfing.

He has served this House, which he loves, well. He has earned the time to do the things he would like to do.

CHARLIE HALLECK has said that "politics is the machinery through which the common man may see to it that he is properly governed. It is the shield and buckler of free men." On this day, we recognize the wisdom of that definition, and pledge ourselves to continue his work.

Mr. LANGEN. Mr. Speaker, it is a distinct pleasure to join our colleagues in honoring CHARLIE HALLECK. If anything good can be said of the lateness of this session of Congress, it is that CHARLIE will be with us a while longer. When the gavel sounds ending this Congress, he will leave us for a well-deserved retirement. We wish him well.

CHARLIE HALLECK has served his district, State, and Nation with distinction. His 33 years in this House encompass the terms of five Presidents. Ten of those years found him either the majority or minority leader of his party.

He was our distinguished minority leader when I entered these halls for the first time in the 86th Congress. His warm welcome will always be cherished, and his assistance and encouragement to a freshman Representative will always be appreciated.

For a man who has spent almost all of his life in public service, retirement is but a shifting of directions. Webster's dictionary tells us that to retire is to withdraw from action or danger. CHARLIE HALLECK can do neither, since the future will find him vitally concerned with the world in which he lives and in the thick of the action. He may remove his physical presence from this Chamber, but he will continue to actively work for a better world throughout the years ahead.

Godspeed, CHARLIE, and may the future hold every happiness for you and yours.

Mr. HOWARD. Mr. Speaker, I am happy to take this opportunity to join my colleagues in paying a special tribute to that good Hoosier, CHARLIE HALLECK, who will be leaving us at the close of the 90th Congress.

A legislator of exceptional ability, a leader of his party, having served both as majority and minority leader, a dedicated man of wisdom and warmth, CHARLIE HALLECK has had the privilege of serving in Congress for 33 years. It is impossible for me, as a relatively young Member of Congress, to sum up, or even to imagine, the extent of Congressman HALLECK's accomplishments in the more than three decades he has been on Capitol Hill.

Although he will not be returning to the halls of Congress in 1969, having made the difficult decision to retire, his record of ability, integrity, sincerity, and of a loyal and dedicated public service will not be forgotten, but will remain with us for our emulation.

Mr. HALLECK's retirement is a definite loss to all of us here. I extend my most sincere best wishes to him, and hope that his new career is as rewarding and fulfilling as have been the past 33 years.

Mr. AYRES. Mr. Speaker, those of us who have served with the Honorable CHARLES HALLECK are uniform in their respect for his ability and integrity. Volumes could and should be written about the meaningful and sound legislation in which he played a leadership role.

Here was a great legal mind dedicated to the service of all of the citizens of the United States. When I came to this body, 18 years ago, Congressman HALLECK was already recognized as a great leader. He had already served as the majority leader of the 80th Congress. Despite his importance and the great demand for his time, he devoted many hours to giving me that guidance that is so important for a freshman legislator.

I am certain that many of us owe our tenure in office to his expert counsel. CHARLIE HALLECK was dedicated in his service to the U.S. House of Representatives. There are many of us who thought that he should leave this post and become a candidate for the Presidency. I am certain that many will agree that he would have made a fine President of the United States.

CHARLES HALLECK, however, was well content with his work in this body and was happy to devote his considerable talents to service there.

Former Majority and Minority Leader HALLECK was a fighter. He fought long and hard for the principles that he believed essential for good government. We have a better government today because of the victories that he won for the people of this Nation.

Certainly we his colleagues owe a debt of gratitude to the people of the Second Indiana District for electing and reelecting him 17 times to the Congress.

Now CHARLIE HALLECK has chosen to retire and take a well-earned rest. We who have relied so much on his guidance hope that he will continue from time to time to let us have the benefit of his advice on important legislation.

CHARLIE and Blanche Halleck are good people. We shall indeed greatly miss them from the Washington scene. We who have enjoyed their friendship are indeed blessed.

Mr. BRADEMAS. Mr. Speaker, I rise to add my own to the many words of tribute that are being paid today to our friend and colleague, Congressman CHARLES A. HALLECK, of Indiana.

I have had the high honor and privilege of serving in the House of Representatives from Indiana for 10 years now and during that period have come to have great respect and affection for CHARLIE HALLECK.

We are of different political parties but we both come from the State of Indiana and are deeply proud of our State and especially of the seriousness with which we Hoosiers take politics. As a matter of fact, Mr. Speaker, I have often quoted the story attributed to Mr. HALLECK:

> The first words uttered by every baby born in Indiana are, "I am not a candidate but if nominated and elected, I will serve."

Congressman HALLECK has served his party in high positions in the Congress of the United States, most notably of course as a distinguished and highly effective minority leader. In this capacity as in others he won the reputation of being a hard fighter for his point of view and his party but of being at the same time a man of unimpeachable integrity.

"Congressman HALLECK's word is always good," I have heard many Members of Congress on both sides of the aisle say.

I remember in particular, Mr. Speaker, how during my first term in Congress I was hoping to obtain House approval of a modest bill that involved a couple of thousand dollars to help a small rural school district meet the cost of some catastrophe that spelled a severe financial setback for the rural community.

Because the bill came up in the early hours of adjournment morning, it could not have been passed without unanimous consent, which in this case effectively meant without the objection of Mr. HALLECK, the then minority leader.

I remember going to Mr. HALLECK, explaining the plight of my constituents and his saying:

> Of course, I'll be glad to help you, Johnny.

Mr. HALLECK has probably performed so many kindnesses for so many Members of Congress during his lengthy career in the House that he will have forgotten this one. But I have not, and I have always appreciated his consideration.

One more reason, Mr. Speaker, that I am pleased to join in this tribute to Congressman HALLECK today is that, as a result of a redistricting decision in Indiana earlier this year, the Third Congressional District of Indiana, which I represent, now contains Kosciusko County, which was for many years part of Congressman HALLECK's Second District. I feel, therefore, a special bond with CHARLIE HALLECK because I have the firm intention of representing in Congress for many years the people of Kosciusko County, Ind., whom CHARLIE served here in Congress for so many years.

Mr. Speaker, CHARLES A. HALLECK is a household word among Hoosiers interested in politics, which is to say among nearly all the citizens of Indiana. I wish him and his wife Blanche many happy years as they retire from service in the Congress of the United States.

Mr. BROOKS. Mr. Speaker, I join my colleagues in honoring the distinguished gentleman from Indiana. CHARLIE HALLECK has always been a strong partisan and a dedicated advocate of the Republican Party. Although I do not share his political preferences, during my service with him—even while he served as minority leader—I have always found him to be gracious, courteous, and honorable.

This body and our country have greatly benefited from the dedicated efforts that he has exerted over the years. He will be missed not only by those of us, his friends, who have had the honor to serve with him, but by all our Nation as well.

Mr. DELANEY. Mr. Speaker, it has been my privilege to know CHARLIE HALLECK as a colleague and friend for more than 20 years. Therefore, it is with a mixture of pleasure and sadness that I join other Members today in paying tribute to him as he retires from this body.

CHARLIE knows the Congress well and has made invaluable contributions to our legislative process. A great orator and a skilled debater, he invariably argues his position with telling effectiveness. He is a worthy adversary. A dedicated proponent of the Republican Party's philosophy, he was always a gentleman, and over the years has won the friendship of a growing number of Members on both sides of the aisle. A man of high principle, CHARLIE HALLECK placed duty to his country ahead of any personal party considerations. He has served his Nation, his district, and his party with outstanding ability and total dedication.

I join with my colleagues and his host of friends in wishing him a well earned rest.

Mr. MORSE of Massachusetts. Mr. Speaker, I am honored to join my colleagues today in tribute to a respected colleague and friend, CHARLES A. HALLECK. Minority leader in 1961 when I entered the House as a freshman Member of the 87th Congress, CHARLIE HALLECK's advice and friendship will always remain uppermost in my memories of these past years. His retirement will remove from Congress one of its most colorful battlers, a master political tactician, and a loyal Republican.

As CHARLIE HALLECK completes his 17th and last term in the House of Representatives, he may look back on 33 years of dedicated service to House and party and an impressive and brilliant record of leadership. After the 1958 elections, with the party at its lowest ebb since the days of the New Deal, CHARLES HALLECK took over the Republican leadership of the House. Outnumbered nearly 2 to 1 in a Democratic Congress, the Republican minority leaned heavily on his drive and ability, and under what seemed to be almost impossible circumstances, Minority Leader HALLECK came through with the inspired and forceful leadership to carry out the Eisenhower program.

Under the first session of this leadership, Republican unity in the House increased from 66 percent to 77 percent. He galvanized the Republican minority into an effective force equal to that of the 83d GOP Congress. He revamped and revitalized the House Republican Policy Committee to provide a cohesive GOP approach and created a new spirit of unity between the White House and Republicans in Congress.

In the immediate postwar years, he helped push through the original Marshall plan and the Truman doctrine to aid Greece and Turkey. In the Eisenhower years, the first Republican administration in 20 years, he became a stanch supporter of foreign aid and reciprocal trade. He swung his weight behind the civil rights bill of 1957, and under his leadership in the 2d session of the 86th Congress, Republicans succeeded in passing the second Civil Rights Act since the Civil War.

Despite his intense partisanship, he enjoyed friendship and respect from both sides of the aisle. With characteristic drive and devotion, he has weathered bitter political disappointments to become one of the most highly skilled leaders in U.S. politics and one of the most competent political pros in Congress.

It is with a special sense of sadness that I witness his decision not to run for reelection this year. But I know CHARLIE HALLECK will never really retire in spirit from politics and the success of the Republican Party. I send my warmest and sincerest wishes to my colleague and his family as they plan the future.

Mr. SCHADEBERG. Mr. Speaker, I have a very personal reason for paying tribute to CHARLIE HALLECK.

In 1964 there was a slight misunderstanding among the voters in my district and I was given a short sabbatical from the Halls of Congress. We have cleared up that misunderstanding, but as each of us knows, Mr. Speaker, when such personal disasters occur we look about us for a friend. Sometimes they are few and far between. But not CHARLIE HALLECK. He was there, beside me, at a testimonial dinner for me, and we had a crowd, bigger than any during the campaign, I might add.

They came to hear him, to pay their respects to him and to salute him as a man who does not forget his friends in their moments of adversity.

So, in saying a temporary goodbye to CHARLIE HALLECK, I have a special place in my heart for wishing him the best of everything life has to offer in the years ahead. He has earned it from his country, from this Congress, and certainly I owe him this and much more than I will ever be able to repay.

Mr. O'NEILL of Massachusetts. Mr. Speaker, it gives me great pleasure to join my two friends from the other side of the aisle to pay tribute to a great leader, a dedicated American, a tireless worker, CHARLIE HALLECK.

When I came to Congress in 1952, CHARLIE HALLECK was the majority leader of the House. He was an excellent example of a brilliant organizer, indefatigable vote-getter, and determined team leader.

He has been rightly credited with the major legislative victories of the 83d Congress. The Joe Martin-Charlie Halleck team astounded the political writers who had gotten too accustomed to thinking of the Republican Party as only the part of opposition.

In 1956 he was again on the minority side and successfully kept the Congress from overriding President Eisenhower's vetoes. In 1958 he became the Republican leader and brought about major changes in the party's organization in the House. He developed a well-organized tightly knit machine that worked closely with the White House.

CHARLIE HALLECK continued to keep the minority close together and responsive under a Democratic President. He was continuing in a tradition he began when he was a very young man. His political acuity and activity took him from local politics to the Congress of the United States. He was always willing to work hard for his party on all levels and in all capacities.

He has fought for his district, his State, his Nation, and his party from the time he entered Congress in 1935. A lot of history has occurred since that time and CHARLIE HALLECK has helped make it.

I shall miss him in this body, and I know that all of his colleagues will miss his good humor, sound counsel, and warm friendship.

I know that his retirement will be an active one, and I doubt that he will have much time for his beloved fishing.

I wish him the greatest happiness and all of God's blessings.

Mr. MATSUNAGA. Mr. Speaker, a great American who is also a good and courageous man will end 33 years of dedicated service as a Member of this House when CHARLES HALLECK retires at the end of this session. The House of Representatives has felt the guiding hand of this talented man through much of the long period of his service to his district, the State of Indiana, and the Nation. As majority leader of this august body during the 80th and 83d Congresses, CHARLES HALLECK demonstrated his unusual ability to win friends among the opposition, and, as the minority leader during the 86th, 87th, and 88th Congresses, he led a spirited but good-natured fight against the majority.

He will be sorely missed by Members on both sides of the aisle. He is held in the highest esteem by all who know him, and he is known for his incisive reasoning and his sound judgment.

CHARLES HALLECK's retirement marks the end of a distinguished career in Congress, and it is with highest regard for the man and the public servant that I extend to him a fond aloha and best wishes for continuing success in his future endeavors.

Mr. FEIGHAN. Mr. Speaker, when our colleague, CHARLIE HALLECK, takes leave here, he will have had just short of 34 years of continuous service in this body, where he has served with honor and distinction, and where he has commanded the respect of all who have served with him.

It matters not that we sit on opposite sides of the aisle—no chasm divides our friendship, though we belong to different political parties, and it gives us a sharp twinge of regret when an able Member bows out of this body.

Mr. HALLECK was a Member here when I came to Congress and I have come to know him well and have great admiration for his ability and devotion to his duty. He is a real son of the great State of Indiana, where he was born, where his roots are deep, and he has brought honor to his State. CHARLIE HALLECK was a success before he graduated from college, as his biography will show, and he has never been found lacking on any occasion when he was needed to serve our country. CHARLIE HALLECK has qualities of leadership and was in the forefront of his party's activities for many years. I have never known him to give ground or relinquish a fight when he felt he was in the right. That CHARLIE HALLECK was an astute legislator no one will deny, and in hot debate, his sagacious opinions were freely sought and followed by members of his party. He is a great statesman, highly respected for his wisdom, and the esteem he has earned by his integrity and dedication to his official duties is not confined to his party. He is a gentleman of compassion, humility, understanding, warm personality, and keen wit, and he will be sorely missed.

While we take this occasion to pay tribute to our colleague, nothing we can say here can equal the tribute his own constituents have paid to him over the years by reelecting him to Congress, thus expressing their implicit confidence in his ability and integrity.

Good health and good fortune to you, CHARLIE. It was a privilege to serve with you. I join my colleagues in wishing you and your family boundless happiness in the years ahead.

Mr. MATHIAS of Maryland. Mr. Speaker, when this Congress adjourns, the gentleman from Indiana will conclude a term of service in this body which spans more than one-third of a century. He now ranks seventh in seniority among all Members, and second among all Republicans. Yet his record is remarkable not just for this length of service, but more importantly for the quality of the contributions he has made to the Nation and the Congress.

The gentleman has occupied many posts of leadership in this body, and has set a standard of leadership which is far easier to recognize than to reach. His has been an example of bold, fiery debate, of hard work for his Nation and his State, of strong loyalties, and of courageous initiatives along the course dictated by his conscience.

When the season called for partisanship, he has been among the most effective of partisans. But when the times demanded statesmanship, he has recognized the need and answered it.

Serving here with the gentleman from Indiana for the past 8 years has been a privilege and an education for me. I want to join the many who are rising today in tribute to him and express my own sincere wish that he may enjoy many years of calm and contentment with his family.

Mr. MAHON. Mr. Speaker, I take this opportunity of joining with my colleagues in honoring my friend the gentleman from Indiana, CHARLIE HALLECK, as he approaches the end of his service here. Others have spoken at length so I shall only say a word, but a very sincere word, about our friend.

CHARLIE HALLECK and I came to Congress the same year. I observed him as he distinguished himself as a leader on his side of the aisle and as one whose talents were much admired by Members on both sides of the aisle.

He will be missed in the House. He leaves with the good wishes of those who have served with him through the years. His standards of public service are high. His concern is the public good and the strength and security of our country, the country whose cause he has ably sought through the years to promote. Best wishes, CHARLIE, in the years ahead.

Mr. BATES. Mr. Speaker, CHARLIE HALLECK will soon leave this body, to the regret of all of us, but he will leave behind a record, and take with him memories, that are rare in the annals of the history of this institution.

No man possesses every ingredient essential to being a perfect legislator but in this respect the gentleman from Indiana has few peers. They said he was a "gut fighter" whatever that term implies. He was surely a gladiator, ready, anxious and well prepared to challenge any mind and voice in the Chamber. Few would counter him and I am sure none did so willingly. He has an able mind, a broad and long experience, and powers of recollection that provide him with enough arguments for any occasion. I have often said that if I need assistance on the floor there was one man I would want on my side—CHARLIE HALLECK. He had respect and even affection for his fellow Members but he was merciless to their ideas when his convictions called on him to take a stand.

Only a few went higher in Government than he did. On more than one occasion, it was indicated that the Republican nomination for Vice President was in his grasp but somehow it did not materialize. He would have brought honor, effectiveness, and distinction to that position had the wheel of fate decreed but it was not to be.

He served with me on the Armed Services Committee and all of us on the committee were thrilled when he agreed to serve with us. When we needed sound advice he was there and the committee was the beneficiary and the country better served. In assigning him special positions on the subcommittees, we broke every rule in the book, but in advancing him, we were advancing ourselves. I also observed that even though he was in the twilight of his career, he undertook each and every assignment with the zest of a freshman anxious to make a record.

In victory and defeat, and he had his measure of both, he was a true champion. He loved his work and his fellow man and this was returned to him by all who knew him. He will continue to be with us because memories of him will endure.

Mr. HORTON. Mr. Speaker, the gentleman from Indiana, the Honorable Charles A. Halleck, is retiring after a 33-year career in Congress. I take this opportunity to join the hundreds of his colleagues who express regret at his leaving.

He entered politics, after graduation from law school, by becoming a county prosecutor in Indiana. In a special election in 1935, he won his first congressional seat; he has been reelected ever since.

Today he is recognized as one of the best and shrewdest political leaders in the country. He has earned the respect and admiration of men on both sides of the aisle, consistently demonstrating, through the years, his parliamentary skill and political acumen.

As minority leader in the House, time and time again, he eschewed personal considerations and fervently dedicated himself to what he thought was best for his party and his country.

This great Hoosier has been a party to monumental legislation during his long public career. To pass that legislation, he has worked long and hard, fiercely and aggressively. In the finest sense of the word, he is a born competitor. He has become a great legislator during his long career of distinguished service.

I believe I speak not only my own sentiments, but those of the entire membership of this House, when I compliment Charles A. Halleck on his record. He has been an industrious and diligent public servant.

When a man has served in Congress for 33 years, representing his constituents in our national legislative body, it is difficult to summarize his usefulness in the confines of one spoken tribute. His record of service has been exceeded by few in our Nation's history.

He has been a prodigiously hard worker in his committee activities. At all times, he has kept his eye on those things which were for the best interests of this country.

Congressman Halleck has been modest about his outstanding record in Congress. He has never boasted about a record that speaks for itself.

He has always been kind; he has always been considerate. He has always wanted to do what was best. For these reasons, he has many warm and personal friends.

Mr. Speaker, I deeply respect Charlie Halleck's ability. Through the years I have found his seasoned background in Congress to be an inspiration to me. His conduct has been exemplary; his counsel, wise; his friendship, a treasured possession.

Congressman Halleck has always demonstrated his profound faith in our kind of government and in the Congress of the United States. He has dedicated his life to the betterment of his fellow man, his Government, and his party.

As Charlie Halleck returns to the community of Rensselaer, Ind., to resume his private life, I wish him many years of continued success and effective service. He will be greatly missed on both sides of the aisle.

It has been a great honor for me to serve in three Congresses with Charlie Halleck. I have been privileged during many House debates to sit next to Charlie, and to gain the benefit of his wise counsel and vast legislative experience. I am proud to be among the many fortunate Americans who can claim Charlie Halleck as a close friend.

Mr. PATMAN. Mr. Speaker, my distinguished friend from Indiana, the Honorable Charles A. Halleck, and I have served together for the last 34 years in the House of Representatives. I rise with a feeling of personal loss to express my profound respect and admiration for this colleague who is retiring from the Congress after a long and meaningful career of public service.

There is little that those of us who would honor this man can do to pay adequate tribute to him and to his splendid service. The host of friends that he leaves here in the Congress, and his outstanding record of accomplishments in every area of legislative activity, are themselves a fine and wonderful testament to this man and to his remarkable ability to which even the most sincere and eloquent speaker can scarcely do justice. Still, we want to voice our appreciation for our good friend, and I join wholeheartedly with those here today who salute him.

Charlie Halleck has continuously demonstrated his interest in the welfare of American business—both large and small—and he has contributed much to the success of all our Nation's business enterprises, but I do happen to know personally of his particular interest and helpfulness to the small businessman and I would like to offer my special thanks to this gentleman for his significant contributions in this field. For 7 years Charlie Halleck was a member of the Select Committee on Small Business of the House while I was chairman and he labored diligently on behalf of America's small businessmen, helping to make our committee a respected and productive arm of the Congress. During his membership on this committee, as in the many other areas of his House service, he displayed the vigor, integrity, and leadership which have made him such a valuable Member of this body.

No greater compliment can be paid than to say that a Member has the respect of his colleagues, and over the years, Charlie Halleck has certainly earned and kept the respect of every Member of Congress with whom he served. Truly, he shall be missed by all of us. As he leaves the House, I wish him the best of everything that life has to offer.

Mr. SELDEN. Mr. Speaker, I commend the gentlemen from Indiana [Mr. Adair and Mr. Bray] for arranging this time today so that we may pay tribute to our distinguished colleague, the gentleman from Indiana [Mr. Halleck]. I welcome the opportunity to join in an expression of deep appreciation to the gentleman from Indiana for the service he has rendered to this body and to our Nation.

Mr. Speaker, it is almost impossible to visualize the House of Representatives without Charlie Halleck. He has served with great distinction for nearly 34 years in this body, and he will leave a void when the 91st Congress convenes without him. For over half of his lifetime and over a third of a century this national political figure has served with honor his district, State, and Nation. Charlie Halleck is a man of dependability, congeniality, courage, and humility, but most of all, he is a man who has earned the highest respect of each of his fellow Members of the House of Representatives.

Charlie Halleck's wisdom, experience, wise counsel, and dedication to the principles which made our Nation great will long be remembered in these halls, and the vacancy—his leaving—will be an extremely difficult one to fill. Although he no longer will hold public office, I am hopeful that the Nation can continue to count on his wisdom in time of need.

Mr. Speaker, our colleague has earned a well-deserved rest from the rigors of public life, and I join with his many friends in wishing for Charlie Halleck the blessings of a long and fruitful retirement.

Mr. CLEVELAND. Mr. Speaker, it is with real pleasure that I join in this richly deserved tribute to one of our really great leaders and legislators of contemporary times, Congressman Charlie Halleck.

Although my 6-year personal acquaintanceship with Charlie is relatively brief in comparison with many of my colleagues who have already spoken and who served with him for many years, it has been a rich and warm experience that I shall long cherish.

When I first came to Congress, Charlie was not only generous with his advice, but his advice was good. He helped me get started, as he has done for so many others.

Although I am sorry that Charlie is retiring, I think that his decision to do so is typical of his realistic and pragmatic approach to the leadership and legislative problems that he has handled so well over the years.

Another point that I would like to make is to pay a word of tribute to Charlie for how much he has done over the years to make the two-party political system work during dark days when this important aspect of our political system was so little appreciated and indeed facing extinction. There are now many people in the country who are waking up to the fact that among our many blessings is our two-party political system, and they are thanking their lucky stars for the opportunities that the system is giving them now to exercise a choice.

It is somewhat ironic that many of the people who are now praising the two-party political system to the skies used to criticize this system violently and some of them heaped their wrath on CHARLIE HALLECK who did so much to preserve this system and to make it work.

I would like to express my thanks to CHARLIE for his friendship and for the many kindnesses and good advice that he has bestowed upon me. I wish him well in the future, and many long and happy retirement years.

Mr. RIVERS. Mr. Chairman, I want to pay my high regards and deep affection to the dedication of the great committee on Appropriations for the work they have done on this gigantic piece of legislation. It illustrates more work than one can envision. Our committee of 40 members had a part in this effort to the extent of roughly $21 billion-plus. This great committee, with its subcommittee of roughly 11 or 12 members, whatever the number is, I think deserves the thanks of the entire membership of this body for this wonderful effort, and I want to thank them at this time.

Mr. Chairman, a great many people have been working to this end, and today—this is the only time I will have—when this Congress ends, a living institution of this House will voluntarily become a former Member of the House. I am referring to one of the most amazing, most versatile, most dependable, most colorful, most congenial, and most effective men who have ever served in the Congress of the United States—the incomparable CHARLIE HALLECK, of Indiana.

Frankly, I do not know how to describe a living institution—but I do think that description fits him.

CHARLES was a national political figure when most of us were very junior Members.

We admired him; we feared him; we respected him; and many of us even tried to emulate him. Silently, I suspect, some even cursed him because of his uncanny parliamentary knowledge, until they discovered that he was preserving the dignity of the House; insisting upon adherence to the rules of the House; and assuring an orderly legislative process.

There are also many of us here today who learned invaluable lessons from CHARLIE HALLECK—lessons in loyalty; lessons in patriotism; lessons in friendship; lessons in courage; lessons in humility; lessons in greatness; and lessons in the grace of accepting defeat.

CHARLIE HALLECK has spent more than half of his life in the House of Representatives. Besides being one of the most powerful figures in the Congress, he has been a man of national prominence in party affairs, a man who has had great influence in his party's selection of presidential candidates, and a man who came very close to having his party's nomination for Vice President of the United States. When we are all dust a hundred years hence, historians will still be arguing how the history of our country might have been changed if CHARLIE HALLECK had been part of his party's presidential ticket.

But I think that CHARLIE would agree, as most Members of the House would agree, that the reputation a Member most cherishes, or of which he is most jealous, is his reputation among his fellow Members of the House.

CHARLIE HALLECK loves this House, holds it in reverence, and has never, notwithstanding the heat of political battle, done anything to detract from its dignity.

The two words which best sum up CHARLIE HALLECK are "fearlessness" and "integrity." Those of us on the opposite side of the political fence, even on the rare occasions when we have disagreed with him, have always admired him for these qualities. He is fearless but fair in all kinds of battle. He always demonstrates the courage to fight for what he believes, regardless of the odds or the criticism. He has a reputation as a give-and-take fighter, who always gives more than he has to take.

And above all, his integrity is unquestioned. Members of both parties know that if CHARLIE HALLECK gives his word, it can be relied upon.

Republicans have not always treated Republicans as kindly as Democrats treat Democrats. But even those who were not always ready to follow CHARLIE's leadership retained for him, as indeed his Democratic opponents retained for him, respect and affection as one who is faithful to his ideals, loyal to the House, kind and understanding to his friends, and steadfast in his dedication to the principles which made America a great Nation.

We on the Armed Services Committee have had the privilege in the 89th and 90th Congress of knowing what an indispensable contribution he has made as a member of our committee.

His wisdom, his experience, and the depth of his insight have been of tremendous value to the committee many, many times during its deliberations. He has served with special effectiveness on our very sensitive Subcommittee on the Central Intelligence Agency. And we have been grateful for his strong and eloquent support when bringing a bill to the floor of the House.

All of us feel a touch of sadness at seeing CHARLIE HALLECK leave the House, though we know his rest is well deserved. But we know this House will always be a part of him. We can say for ourselves and for history, that he will always be a part of the House.

Each Member of this House can aspire to no greater accomplishment than to hope that when he leaves this House—for whatever reason—these words can be said about him.

His life is gentle and the elements so mixed in him that nature might stand up and say to all the world—this is a man.

I shall forever cherish my affection; my respect; my admiration; my appreciation; and my friendship with a very great American—the Honorable CHARLES HALLECK, of Indiana.

Mr. SIKES. Mr. Speaker, it is with genuine regret that the Members of this body observe the retirement of our esteemed friend and colleague, the Honorable CHARLES A. HALLECK, of Indiana. He has served in the Congress with outstanding distinction and high recognition for the past 33 years. He has indeed been a leader in every sense of the word.

Certainly there could be no more devoted, patriotic, or able Representative of the people than CHARLIE HALLECK. His record, since he first came to serve in these historic Halls, has been one of great achievement and complete fidelity to duty. All of us who have had the privilege to share his friendship have reason to admire and respect his sterling virtues. CHARLIE HALLECK is a loyal party man but he believes in the two-party system and has contributed to its strength. For all of these things, he has earned the respect of all Members on both sides of the aisle. His personal example provides for all of us here, and those who will come after, a permanent inspiration for the type of patriotic service for which this Nation will never cease to be indebted to him.

He has served his constituency, the State of Indiana, and our beloved Nation with admirable ability and a spirit of dedication and loyalty. He has been a strong leader and a most effective legislator, keenly aware of contemporary problems and zealous in pursuing solutions for them in the interest of the American people.

As he leaves us, I am happy to note the unforgettable record of accomplishment that he has made while a Member of the House.

He was elected minority leader of the House of Representatives by his Republican colleagues on January 6, 1959. He had previously served as majority leader of the Republican 80th and 83d Congresses. During the 81st and 82d Congresses, he was often referred to by the press as "leader of the majority," a testimonial to HALLECK's ability to win friends among the oppositon for many measures which came to the floor of the House.

His committee assignments have included Rules, Interstate and Foreign Commerce, Small Business, Investigation of the National Labor Relations Board, Expenditures in the Executive Departments, Lobbying Activities, House Administration, Public Works, and, currently Armed Services and Standards of Official Conduct.

I heartily congratulate him upon his fine service and wish for him and his family good health, happiness, and peace for many years to come.

Mr. KUPFERMAN. Mr. Speaker, I first met CHARLES HALLECK in 1940. It was in Philadelphia at the Republican National Convention when Wendell Wilkie was nominated. HALLECK was the sparkplug of the convention and everything seemed to revolve around him.

For me, shortly to have my first vote, it was a rare treat to see him in operation. Thereafter, I watched his progress through leadership in the House and a starring role on the "Ev and Charlie Show."

When I came to Washington in February 1966, he had already yielded his stellar position and was one of the small group of Republicans still carrying the banner in an overwhelming Democratic House.

Serving with CHARLES HALLECK has been a privilege, and it is indeed an honor to retire with him at the conclusion of the 90th Congress.

Mr. DOLE. Mr. Speaker, I have listened with great interest to the many outstanding tributes to our friend CHARLIE HALLECK. Everything has been stated with greater eloquence than I can master, but I have observed over the past 8 years that CHARLIE HALLECK is beloved primarily because of his great ability as an effective leader and legislator.

Those of us on the Republican side respect and admire CHARLIE HALLECK because of his devotion to our cause and to our party, but we recognize that he has earned respect in this great body because of his willingness and eagerness to place the interests of the country ahead of politics. I know the entire Kansas delegation has benefited from his wise counsel and many times his unsolicited advice. We wish him well as he leaves the House of Representatives after 34 action-packed years.

Mr. HERLONG. Mr. Speaker, I am honored to join with my colleagues in paying tribute to the service of our distinguished colleague, CHARLIE HALLECK.

During my 20 years in the House, there has never been a more articulate or effective person in debate.

Some of us who are leaving the House will not long be remembered but the record of service to his constituency and to our country that CHARLIE HALLECK has rendered will stand as a gigantic monument to his great ability as long as there is a House of Representatives.

I have been honored to claim him as a friend and while the Congress will be the poorer because of his retirement, I can certainly understand why he would wish to do so.

I wish for him and his family many years of happiness and health.

Mr. BURLESON. Mr. Speaker, it is well that we should take time out to express our feelings of esteem and admiration for one who has served so long and so well as our colleague, CHARLES HALLECK.

His announced retirement plans cause mixed emotions, both a feeling of great loss in service to his country, his State, and the people of his congressional district, and at the same time, wishing him a most pleasant and well-deserved retirement.

CHARLIE HALLECK has furnished great leadership to the Congress, and particularly during the years he served as majority leader of the House of Representatives. During the 22 years I have been a Member of this Congress, he has been most helpful and kind, particularly during my freshman years. During these years of close cooperation and warm friendship I have learned to admire his leadership, his strong integrity, and his fairness in all things. All of us here have a high respect for him.

I join with the many other friends and colleagues of CHARLIE HALLECK to pay tribute to him upon his retirement and to wish him Godspeed.

Mr. WILLIAM D. FORD. Mr. Speaker, I am proud to join today in paying tribute to my good friend and colleague, the Honorable CHARLES A. HALLECK, whose retirement from Congress this year will end a most remarkable career in the House of Representatives.

Congressman HALLECK came to this body in 1935, during a critical period when the United States was still struggling to free itself from the grip of the worst economic depression in our history.

During the ensuing one-third of a century, Congressman HALLECK has continued to serve as a Representative from Indiana through turbulent chaotic days—World War II, the cold war, the Korean war, the Cuban confrontation, nuclear war threats, Vietnam, and a wide assortment of domestic crises.

It is a mark of Mr. HALLECK's capacity for leadership that he served for 4 years as majority leader in the House, and for 6 years as minority leader, during some of the most crucial years of his tenure.

Although Mr. HALLECK and I are of different political persuasions, and have not always agreed on matters before this Congress, I have always found him fair and open minded in his discussions of issues, and steadfast in his devotion and loyalty to the best interests of his country. He has been a devoted partisan to the Republican Party, but I have always found him to be a complete gentleman in his conduct toward his colleagues in the Congress.

Mr. MURPHY of New York. Mr. Speaker, I want to join my colleagues today in paying tribute to CHARLES HALLECK, who will be retiring from the House of Representatives at the end of this session of Congress.

CHARLES HALLECK has dedicated his life to serving his country. He served in World War I, and in 1924, just after receiving his law degree from Indiana University, he was elected prosecuting attorney of the Jasper-Newton circuit in Indiana, and he was reelected to that post four times. He was elected to the House of Representatives in the 74th Congress in 1935, and has been here ever since. His 33 years in the House include service as majority leader in the 80th and 83d Congresses, and as minority leader in the 86th, 87th, and 88th Congresses.

As a member of the Armed Services Committee he has shown a knowledgeable concern for the military preparedness of the Nation, and his work has won him the praise of his colleagues on both sides of the aisle. He has also made a valuable contribution as ranking minority member on the Standards of Official Conduct Committee.

When CHARLES HALLECK retires this year the Congress will have lost one of its most capable and popular Members; the Nation will have lost one of its most dedicated leaders; and the people of Indiana will have lost an outstanding public servant.

I want to wish him the best of luck in his retirement, and I hope he enjoys the rest and relaxation he so richly deserves.

Mr. CAHILL. Mr. Speaker, I am pleased to join my colleagues in paying deserved tribute to Representative CHARLES A. HALLECK, of Indiana.

From the time I first met CHARLIE HALLECK in 1958, until this very day, I have found him to be in all things, a real man. I have seen him in victory, and defeat; in joy and sorrow; in success and failure. I have seen legislation which he supported, defeated; and legislation which he opposed, passed into law. I have seen, on the other hand, CHARLIE HALLECK's enlightened and persuasive arguments bring about both the passage and defeat of legislation which he supported or opposed. He has been, and is now, a truly great leader with the ability to enthuse followers. The remarkable effectiveness of the minority party in the House of Representatives in recent years has been, in a large measure, due to CHARLIE HALLECK's great leadership.

In addition to his outstanding qualities as a dedicated Representative and party stalwart, CHARLIE HALLECK was always an understanding, interested, and helpful friend. All of us in the House of Representatives will miss him. His loss will be great to the Congress, but even greater to his congressional district, his State, and to his Nation.

A great American is yielding the torch after lighting the way for those of us who follow. Betty joins me in wishing CHARLIE HALLECK, his wonderful wife, and family many years of deserved happiness, good health, and God's blessings.

Mr. FINO. Mr. Speaker, when the 91st Congress convenes next January, some of us will be missing from this Chamber. One of them, is the statesman from Indiana, CHARLES A. HALLECK. The gentleman has spent 33 years representing the people of the Second District of Indiana. There is abundant record that he has represented it ably and well and with complete dedication to not only his State but the Nation as well.

It has been my good fortune to know and serve in this body with CHARLIE HALLECK for the past 16 years. Time and time again he has demonstrated his able and forceful manner as a legislator and a leader.

While I know he will be missed by all of the Members of this House, he has earned a well-deserved rest. I hope for CHARLIE many years of good health and happiness in his retirement.

Mr. REIFEL. Mr. Speaker, I join in respectful tribute to a man who has spent half his life—over a third of a century—in service to his country, to this House, to his party, and, most particularly, to his fellow man.

As he has done for hundreds of his colleagues down through those years, CHARLIE HALLECK gave me the benefit of his counsel when I first came to this body nearly 8 years ago.

I was touched that a man who had become a legend in his own time, a friend of Presidents, a man burdened by the responsibilities of the leadership of his party, would spare the time to take an interest in a freshman colleague.

CHARLIE HALLECK did that for me and for countless others. And we learned faster and became better Congressmen because of his guidance.

Although this House will never be quite the same without him, we rejoice in the knowledge that CHARLIE will now be able to concentrate on the things he really enjoys, like hunting and fishing. He has been an almost annual visitor—and a most welcome one—to my State and district in pursuit of the wily ringneck pheasant. We hope that in his newfound leisure he can spend more time with us in that most rewarding pursuit.

Perhaps he will even find time to dip a line in one of the Great Lakes of the Missouri, where some of the greatest sport fishing in America is offered.

Whether it be in South Dakota or in this House that he loves so dearly and has served with such distinction, we hope he will come back and see us often

Mr. COLMER. Mr. Speaker, for more than three decades I have had the genuine pleasure of having served in this body with the able and dedicated Member from Indiana, my good friend Charlie Halleck. Throughout that period of time, it has been my pleasure to know and be associated with this distinguished son of Indiana. Charlie and I both enjoy the great outdoors and as a result have spent many pleasant days on fishing and hunting trips. Through the indulgence of these outdoor sports, as well as during our work in the House, I got to know him well.

Charlie Halleck is a natural-born leader of men. He commands the respect and admiration of friend and foe alike. He is a fighter by instinct. While he never ran away from a fight, no one has charged him with taking undue advantage of his adversary. While he lost some engagements during his leadership, both as minority and majority leader, the balance sheet would reveal that he won many more victories than he suffered defeats.

His service in this House has been marked by exceptional devotion to duty, rugged convictions and hard unremitting work. Few Members of the House have served with as much distinction as has our friend whom we honor here today, both on the floor and on the important Committees on Interstate and Foreign Commerce, Small Business, Public Works, Armed Services, Standards of Official Conduct, and the Committee on Rules.

Mr. Speaker, I am happy to join with the many other friends of Charlie Halleck in paying him respect and extending admiration and good will to this distinguished son of Indiana.

Charlie is retiring voluntarily from this body where he created such an outstanding image. Not only will his constituency and his State miss his valuable services, this House and the Nation is the poorer for his retirement. May he and his devoted and lovely wife, Blanche, enjoy the reward of retirement which they so richly deserve.

Mr. HARVEY. Mr. Speaker, of all the praise and glowing rhetoric that has been bestowed on our friend, Charlie Halleck, I believe former President Dwight D. Eisenhower's written comments summed it up best when he wrote:

> Charles A. Halleck has been an exemplary public servant. He has been a foremost patriot. He has demonstrated many times not only political courage but a high order of selflessness in service to our nation. He has been faithful to friends, a hard-hitting but fair partisan, a dynamic and effective leader, and always a respected advocate of his views.

In paying my special tribute to Charlie Halleck, I can only add that I have been both fortunate and truly privileged to have known a gentleman of his caliber for 8 years. My only regret, which is shared by everyone, is that we are not only losing a good friend, but this country is losing the services of one of its finest public servants.

Charlie, I wish you even greater success and happiness in the years ahead. I congratulate you and I thank you for your outstanding 34 years of service to our country in the U.S. House of Representatives. Continued good fortune and good health.

Mr. BROCK. Mr. Speaker, many of the most respected Members of this body have joined together to pay tribute to the gentleman from the Second Congressional District of Indiana.

Since he entered this Chamber, over 33 years ago, Charles A. Halleck has played a key role in its historic development, laboring unceasingly on behalf of his constituents and the rest of the Nation.

As majority leader in the 80th and 83d Congresses, and as minority leader in the 86th, 87th, and 88th Congresses, he has provided urgently needed leadership during a period of tremendous challenge and change.

Today, I add my voice to the many others which have paid their respect to Charlie Halleck. On the eve of his retirement, he can look back on a career filled with achievement. In fact, in the very year that he is leaving this body, the principles he has fought so long and well for promise to be vindicated at the polls. And, whatever the outcome, none of us will soon forget the work of this great legislator.

Our best wishes will go with him when he leaves this winter and begins to enjoy his well-earned retirement.

Mr. ROBISON. Mr. Speaker, I should like to add my words of respect and friendship for our colleague, Charlie Halleck, as he prepares to leave this House after 34 years of service to it, to the people of his district, and to this Nation.

Politics, as Charlie so well knows, is a rough-and-tumble profession—but it can also be a high calling for men of courage, simple honesty and straightforwardness, and deep-seated patriotism. These are traits that have marked Charlie Halleck as a man and as one of the most respected Congressmen ever to serve in this body.

I am proud to have served with this distinguished American, and to have had the privilege for a considerable period of time to have him as my leader. Those were good years, and he was a good leader, a marvelous debater, and an outstanding parliamentarian whose accomplishments and whose record will stand comparison with those set through the years by those other distinguished Americans whom their congressional colleagues have come to associate with greatness. And there can be, as we know, no higher praise—no larger goal to strive for in life—than the respect and affection of one's colleagues.

Respect and affection, those things Charlie Halleck has earned and shall always keep, from all of us.

I wish him, and his family, nothing but the best in the years that lie ahead of them, but let him know, as he goes, that we will miss him.

Mr. PEPPER. Mr. Speaker, my fellow colleagues, many laudable words have been spoken today and many remain to be said in grateful appreciation for the 33 years of dedicated service performed by the Honorable Charles A. Halleck, of Indiana. I have known the distinguished Member from his earliest days in the House and they were warm, friendly years. Though we sit on opposite aisles of this Chamber and though we occasionally disagreed on points of legislation, there has never been a time when anyone could justly say that he was a man who failed to follow the dictates of his heart and of his conscience.

He was warmly regarded and widely respected by both parties. His knowledge and leadership was recognized in the short span of 10 years when his Republican colleagues elected him majority leader of the 80th Congress. He has served on major committees, he has played a leading role in formulating goals and objectives of his party, he leaves this Chamber as minority leader. In short, he leaves each of us with an indelible record of achievement.

It is only fitting that this House pay tribute today to the service of this man who in too short a time will be leaving us, for he has paid tribute in service to his State and country in a long, rewarding public career.

Under unanimous consent I submit some biographical notes and the biographical sketch from the Congressional Directory for inclusion in the Congressional Record, as follows:

BIOGRAPHICAL NOTES OF CHARLES A. HALLECK

Rep. Charles A. Halleck (R) Ind., was elected Minority Leader in the U.S. House of Representatives by his Republican colleagues on Jan. 6. 1959. He had previously served as Majority Leader of the Republican 80th and 83rd Congresses. During the 81st and 82nd Congresses, he was often referred to by the press as "leader of the majority," a testimonial to Halleck's ability to win friends among the opposition for many measures which came to the Floor of the House.

Since coming to Congress after a special election in 1935—at that time the only Republican member from Indiana—the Hoosier Congressman has gained wide recognition as an able legislator.

Committee assignments have included Rules, Interstate and Foreign Commerce, Small Business, Investigation of the National Labor Relations Board, Expenditures in the Executive Departments, Lobbying Activities and House Administration, Public Works, and, currently, Armed Services and Standards of Official Conduct.

Halleck served as permanent chairman of the 1960 Republican National Convention at Chicago and has also served as chairman of the National Republican Congressional Committee and was chairman of a House subcommittee which drafted the GOP Statement of Principles and Objectives adopted February 6, 1960.

Favorite diversions: hunting (fowl—especially ducks), fishing and golf.

Following are excerpts from a Halleck biographical sketch presented on Radio Station WLW, Cincinnati, written by Joe McCaffrey of the Capitol Radio Correspondents' Gallery:

"Halleck is one of the handful of men to come to the surface in the big manpower pool of the House of Representatives . . ."

"Halleck is no Daniel Webster. His oratory is far from the flowery style that placed the old New Englander in oratorical history. With a lawyer trained mind, Halleck goes to the heart of the issues under discussion. He has a wonderful capacity for sensing the mood of his audience, for being able to feel what arguments will be most effective, and knowing that, he passes very lightly over other arguments that to many may seem more vital . . ."

"Halleck can 'will' his audience to listen to him . . ."

"As Majority Leader of the 80th Congress, Halleck proved that a good, practical, hardworking politician can also be a thoughtful, considerate diplomat . . ."

Biographical Sketch From the Congressional Directory

Charles A. Halleck, Republican, of Rensselaer, was born in Jasper County, Ind., August 22, 1900, and has resided there all his life; attended grade and high schools in Rensselaer; was graduated from Indiana University with an A.B. degree in 1922 and with an LL.B. degree in 1924; elected a member of Phi Beta Kappa and Order of the Coif, and is also a member of Beta Theta Pi and Phi Delta Phi; served in World War I and is a member of the American Legion; married to Blanche White, of Indianapolis, and they have two children, Charles W. and Mrs. Walter R. Litchfield; was elected prosecuting attorney of the Jasper-Newton circuit in 1924, and was reelected four times; was elected to the 74th Congress at a special election held on January 29, 1935; reelected to the 75th and succeeding Congresses; majority leader in the 80th and 83rd Congresses; minority leader in the 86th and 87th, and 88th Congresses.

Mr. KORNEGAY. Mr. Speaker, I am glad to speak a word of sincere tribute to my colleague on the other side of the aisle, the Honorable Charles A. Halleck, of Indiana, who will retire from the Congress effective at the end of the current session.

I share retirement plans with Mr. Halleck, after 8 years of service here; but when I look at his record and consider the full realization that he has served continuously in the House since 1935, I am awed by his sheer stamina and by the impressive total of 33 years of service which he has given to the Congress and to the country.

When I first came to the Congress in January 1961, Mr. Halleck was serving as minority leader of the House; and as a freshman Member I watched his expertise on many occasions with appreciation of his abilities and his devotion to the cause at hand and to the party which he has so ably represented here over the years. In addition to his long period of service in the House, he was majority leader in the 80th and 83d Congresses, and minority leader in the 86th, 87th, and 88th Congresses.

In the rolls of the Indiana delegation, Congressman Halleck has the longest period of service of any Member on both the House and the Senate sides. He will be greatly missed by friends and colleagues on both sides of the aisle and on the committees of the House, where he has made substantial contributions both on Armed Services and on the Standards of Official Conduct, being ranking minority member of the latter.

Mr. Halleck has been in the House spanning a remarkable period of our history in this country, during which many technological and social adjustments have taken place. He is, therefore, a valuable depository of knowledge, experience, and expertise; and I am sure these qualifications will continue to be of benefit to Charlie Halleck's district, his State, and to the Nation, in what I trust will be many more productive years for him. My best wishes go with him and his family for a long, prosperous, and healthful life after he leaves the Halls of Congress.

Mrs. KELLY. Mr. Speaker, I wish to join with my colleagues in paying tribute to my good friend and much respected colleague, the Honorable Charles A. Halleck, of Indiana, who is retiring at the adjournment of this Congress. He has served honorably his country, State, and constituents for 34 years in the Halls of Congress. I am proud to have served for over 19 of these years as a colleague of Charlie Halleck's and I have learned to admire him as a great legislator and American.

Although we have differed on many occasions with respect to our personal political beliefs, we have at the same time listened to and respected each other's views. During this same period, I have gained great respect for the gentleman from Indiana, who has endured great triumphs and many days of disappointment, but during these periods, he has been a true gentleman. For this and many reasons, Charlie Halleck has gained many friends on both sides of the aisle and, in addition, my personal esteem, respect, and admiration.

During the 90th Congress, I have been particularly privileged to serve on the Committee on Standards of Official Conduct and to work closely with Charlie Halleck, who as the ranking Republican member on this committee exhibited extreme intelligence, personal integrity, and fairness to all at all times.

Although Charlie Halleck is retiring from the Congress, I am sure we maintain the same hope that our Nation may continue to rely on his wisdom and courage in time of need.

I wish to extend my best personal wishes to Charlie and his dear wife, Blanche, for many, many years of continued happiness and health.

Mr. LATTA. Mr. Speaker, I am honored to join with my colleagues in paying special tribute to our esteemed friend and distinguished colleague from Indiana, the Honorable Charles A. Halleck, who is retiring from Congress after serving 33 years as an outstanding leader of his party and dedicated statesman in the House of Representatives.

I am indeed honored to be privileged to serve with Congressman Halleck in the House of Representatives. His remarkable ability as a legislator and his sincere dedication to this Nation and to his party, serving 4 years as majority leader and 6 years as minority leader in the House of Representatives, is a deep inspiration to all of us. Our great Nation, the State of Indiana, and the Republican Party are most fortunate to have such exemplary leadership. Congressman Halleck's distinguished service will be a hallmark in the annals of our country's history.

I join with his many friends and colleagues in wishing Congressman Halleck and his family many years of good health and a most enjoyable, well-deserved retirement.

Mr. FRIEDEL. Mr. Speaker, the Holy Bible makes many references to "an appointed time and season." Our distinguished colleague, the very able Representative of the Second District of Indiana has decided that "an appointed time and season" for him to relinquish his seat in the House of Representatives would be the expiration of the present 90th Congress. It is, therefore, but right and proper that we pause in our deliberations for the purpose of paying a just and fully merited tribute to one of our most outstanding colleagues—Representative Charles A. Halleck of Indiana.

It was not long after I first took my seat in the House in 1953 that this effective legislator on the other side of the aisle and I formed a warm friendship. Whenever he took the floor in either advocacy or opposition to a measure, and also during committee hearings, he was forceful and eloquent and brought his brilliant mind to deal with the matter under consideration. The depth of his intellect manifested itself at an early age and upon the completion of his studies at college he was elected to the Phi Beta Kappa honorary fraternity for excellence of his academic work. The highly coveted Order of the Coif was awarded to him for scholarship as a law student.

As a 35-year-old Indiana lawyer, Charlie Halleck was first elected to Congress in 1935 and he has continually served his district and our Nation with outstanding ability and distinction to this day. It is worthy of note that our colleague whom we honor now is the only man since 1900 to have been both the majority and minority leader of his party in the House of Representatives. Not only is he one of the most influential legislative leaders, but he is also an individual of power nationally in his political party. Passage of time and issues probably caused some to forget what many in the present generation never knew, that Representative Halleck came close to receiving the Republican Vice Presidential nomination in 1948.

Broadness of view, tolerance, and understanding are native characteristics of our respected colleague. It is, therefore, no accident that the name of Halleck, a Methodist, graces the student center at St. Joseph College, a Roman Catholic institution at Rensselaer, Ind. His great ability, his capacity to organize his determination, his manner of securing the devotion and loyalty of his associates and colleagues are the hallmarks of his genial personality.

I am sure that we must all agree with former President Eisenhower's evaluation of him when he said that Congressman Halleck is "an exemplary public servant—a foremost patriot."

When the 91st Congress opens next year, it will be deprived of having the benefit of his wise counsel and opinions as a Representative, but knowing Charlie Halleck, I feel confident that his influence and personality will continue to be felt upon public issues.

May the years ahead for Charlie Halleck be filled with health and happiness for he carries with him our most heartfelt best wishes for the future and our abiding appreciation for his friendship, and his great work here in the Congress of the United States.

Mr. HALPERN. Mr. Speaker, CHARLIE HALLECK has served his party and his country in the House of Representatives since 1935. In the words of Indiana University's distinguished alumni award, which he received in 1961, he is "unique in his ability as a strategist on the ever-changing battleground of Congress." In this country, it is perhaps inappropriate to refer to Congress as a "battleground," but surely no man in the Republican Party deserves the title "Master Strategist" more than he does.

Few men have done more to strengthen and uphold our cherished party traditions. CHARLIE's loyalty and outstanding contributions to the Republican Party, our republican system of government and our republican faith in the dignity and worth of every individual have been woven into the fabric of our national life. They can be neither lost nor forgotten.

As majority and minority leader, and as a hard-working member of the Public Works, Armed Services, and Ethics Committees, CHARLIE's devotion and dedication to the welfare of his constituents, the country, and Congress have been constant throughout his 34 years in our National Legislature. I have had the opportunity of knowing and working with him, and I can say that this has been one of the greatest pleasures of my own service in Congress.

CHARLIE has been the respected confidant of our highest political and governmental leaders, including the five Presidents who have been incumbents since he first came to Congress. His strength secured the programs of President Eisenhower despite the opposition of a Democratic majority, and the early battles for civil rights legislation could not have been won without his determined leadership and support.

With CHARLIE's departure, our country is losing one of its finest and most honored legislators. We bid him goodby with a great sense of loss, and hope that his retirement will be as full and rich as his years of distinguished service in our Government.

Mr. GUBSER. Mr. Speaker, because it means that a Congressman's Congressman, CHARLIE HALLECK, will soon be leaving the House of Representatives, I have mixed emotions as I make these remarks. We will all miss CHARLIE's daily presence, but on the other hand a man who has contributed so much to this Nation deserves an opportunity to rest and some recreation.

When I was elected to the 83d Congress, CHARLIE HALLECK was majority leader and now, after 16 years have passed, his kindness and thoughtfulness to me, a very green freshman, is one of the most vivid memories I hold.

Few men will leave this House having made an impression upon American democracy as lasting as that made by our good and jovial friend from Indiana, CHARLIE HALLECK. Few have been as effective and as penetrating in debate nor more respected by their opposition. And few were as universally loved as CHARLIE HALLECK.

In 1967 I was privileged to tour Vietnam with a group which included CHARLIE. As we talked with GI's and generals, diplomats and leaders of foreign governments, it was interesting to see the instant recognition of who Mr. HALLECK was and the obvious esteem in which he was held by everyone. Here, in a war-torn country half way around the globe, I found that CHARLIE HALLECK has earned worldwide respect as well as the esteem of his colleagues in the Congress. It is a respect that is justly deserved and one which will prevail even after he has retired to his beloved State of Indiana.

As you leave us, CHARLIE, let me express my great gratitude for your help and your friendship. I hope that in the years ahead the fish will always be biting and the ducks will be flying low.

Mr. EVINS of Tennessee. Mr. Speaker, over the years in this historic Chamber of the Congress of the United States many eloquent words are said whenever one of our colleagues decides to retire from his arduous legislative duties. It is not because I wish to conform to such custom that I now rise to speak, but I do so to voice my esteem and warm friendship that I have for the distinguished and able Representative of the Second District of Indiana, the Honorable CHARLES A. HALLECK.

It is not necessary for me, I am sure, to recount his truly great career in the Congress, for we are all well aware of his work and signal achievements as a dedicated and highly effective Representative from his district and as one who enjoyed the rare distinction of having been both the majority and minority leader in the House.

It may also be of interest to know that CHARLIE HALLECK was among those who were appointed to the first Small Business Committee of the House on December 10, 1941, and became its ranking minority member. That was during the 77th Congress and he held that place of distinction in the succeeding 78th Congress.

After a 2-year interval Representative HALLECK was again appointed to this committee and was again its ranking minority member in the 81st and 82d Congresses. His contributions to the tasks assigned to that committee helped to firmly establish the House Small Business Committee as an important and much-needed arm of the Congress to aid and assist small business—the backbone of our economy.

His brilliance as a lawyer can perhaps be gaged by the fact that not only has he earned the right to wear a Phi Beta Kappa key, but he also was elected to one of the law's greatest honors—the Order of the Coif. These native talents were then focused on the work of the Congress and for his efforts he earned the admiration and esteem of his colleagues.

CHARLIE HALLECK has made history many times during his career in the Congress. It was while serving on the House Small Business Committee that our colleague again made history when our committee became the first congressional committee with hearings to be televised. These landmark hearings were held by a subcommittee under my chairmanship with Congressman HALLECK as a member in his home State of Indiana, at Indianapolis.

CHARLIE HALLECK also served with the Committee on Standards and Official Conduct and made an important and significant contribution to the preparation of the code of ethics adopted by the House.

We have all admired CHARLIE HALLECK—he was a battler whom we on the opposite side of the aisle feared and respected. He has always been a statesman and a gentleman, an effective advocate of his philosophy.

Retirement from Congress for CHARLIE HALLECK, I feel, does not mean his retirement from public life for he will, no doubt, continue his endeavors on behalf of his native State of Indiana and for our country.

We all shall miss him greatly in the Congress. He has our very best wishes for a long lifetime of health and happiness in the years that lie ahead.

Mr. ROONEY of New York. Mr. Speaker, the closing day of this 90th Congress will mark the end of 34 years of outstanding service here by the distinguished gentleman from Indiana, the Honorable CHARLES A. HALLECK. It will be a sad day for us and for the people of Indiana. It will be a sad day, too, for all Americans for CHARLIE HALLECK brought to this body a mixture of intellect, integrity, determination, and skill that has seldom been matched. As majority and minority leader of this House, he has more than once demonstrated his adherence to the principle of playing the game clean, but hard. His loyalty to his country, this body, and his party has been unshakable in good times and bad. He was a source of strength and counsel to Members on both sides of the aisle, young and old. He was, more importantly, to us all, a friend.

Mr. Speaker, CHARLIE HALLECK's record is written in a bold hand and a grateful nation, his people at home, and his party have heaped honors upon him, which he so rightly deserved. Let us add to that list an affectionate wish that in his retirement he and his lovely wife, Blanche, find the happiness and contentment that a lifetime of outstanding service in this body has merited.

Mr. WHALLEY. Mr. Speaker, it is a pleasure for me to join my colleagues in honoring CHARLES A. HALLECK, one of the most distinguished Members of the House of Representatives.

I was very sorry to learn that Congressman HALLECK had announced his retirement. He is a man of great ability, integrity, and has been an outstanding leader. His absence in Congress will be a loss to the entire Nation.

It was an honor for me to have the privilege of serving with such an able legislator.

Congressman HALLECK has served the people of Indiana as well as all Americans in a very fine manner. His unselfish dedication to the principles of good government is an inspiration to all of us.

He has always been very kind, helpful, and considerate, and I take this opportunity to express my heartfelt best wishes to CHARLES HALLECK for many years of good health and happiness.

Mr. CRAMER. Mr. Speaker, I join in paying tribute to my good friend and colleague, Congressman CHARLES A. HALLECK, of Indiana, who has served with distinction in the U.S. Congress since 1935 and whose leadership and ability has been recognized by his colleagues on numerous occasions when he was elected majority leader in the 80th and 83d Congresses and minority leader in the 86th, 87th, and 88th Congresses.

History will record that CHARLIE HALLECK has made numerous outstanding contributions to the legislative process during the last four decades in the history of the U.S. House of Representatives. It is acknowledged that he has no peer as a debater, as a lawyer, as an exponent of his point of view, and as a dedicated and hard-working Member of Congress.

I appreciate firsthand the effectiveness and dedication of CHARLES HALLECK, having joined with him on many occasions, particularly during the Eisenhower administration, in fighting to sustain the administration's position which we believed to be right. And, due largely to his leadership, we won 99 percent of those difficult and often heated battles even when the Democrats had substantial majorities in the House.

CHARLES HALLECK is a great leader in victory and proved to be an equally good man in what I know must have been a moment of great personal disappointment when he was defeated for minority leader in the 89th Congress. He volunteered his very capable services nevertheless and has repeatedly supported the Republican leadership. I believe this is proof positive of the greatness and the mettle of the man.

The country will lose a great leader when CHARLIE HALLECK retires and I join my colleagues in expressing my appreciation for the services he has rendered. There are few who have served in the House who can match his record.

Mr. PHILBIN. Mr. Speaker, the House will not seem the same without the presence of our highly esteemed, able, distinguished, and beloved friend, Congressman CHARLES HALLECK, Indiana's great native son.

I have had the privilege of serving with CHARLIE for years, not only in the House but on our great Armed Services Committee.

The dean from the great State of Indiana, has enjoyed a very successful, outstanding career in the Congress and has attained a position of leadership and recognition given to few.

On the Armed Services Committee, his experience, judgment, keen, penetrating, legal mind, wholehearted patriotism, and understanding of the need for sophisticated defense and striking power in this dangerous world have made him particularly valuable in charting our defense course.

CHARLIE has the esteem, high regard and affection of the House, and he will be greatly missed here by his admiring colleagues, where he has devoted so many years of his life and made so many contributions to the work of the House, to his great district, State, and Nation.

CHARLIE will long be remembered here as a thoughtful friend, sagacious, astute leader and a great American.

I wish for him in his retirement many more happy years with his family and all choicest blessings of continued good health, prosperity, and happiness for him and his dear ones.

He has carved for himself a niche in the annals of this Congress that will long be recalled, and I join my many colleagues in wishing him and his family every measure of good fortune, success and happiness for many years to come.

Mrs. REID of Illinois. Mr. Speaker, I wish to join with Members of the House of Representatives on both sides of the aisle in saluting not only a distinguished and dedicated American, but one of the most outstanding and effective legislators ever to sit in the Congress—CHARLES A. HALLECK, of Indiana.

It has been said that friendships are the reward for public service—and, if this be true, then CHARLIE HALLECK is rich, indeed. Certainly in the 33 years during which he has served his country with such dedication, he has acquired a legion of friends and admirers all across the Nation.

Although it has been my privilege to have served with him in the House for only 6 of those 33 years, I feel that I have known CHARLIE HALLECK for a long time—for he is almost legendary in the Republican Party. I shall never forget his many kindnesses and his words of encouragement during my freshman years and his wise counsel in difficult legislative matters.

I shall always remember, too, the visits he made to my congressional district on several occasions to speak—for no matter how heavy his duties in the House, he always found time to do what he could to encourage others to join in his crusade for better government and a more responsive democracy. Few people in this generation have done more to preserve and promote the two-party system in America—and there is no doubt that history will record him as one who has afforded his countrymen responsible and dynamic leadership during one of the most difficult eras our Nation has ever known. For this, all Americans owe him a lasting debt of gratitude.

Let me add my wishes for many years of health and happiness for CHARLIE and Blanche HALLECK in their well-deserved retirement.

Mr. UTT. Mr. Speaker, I wish to compliment my colleague from Indiana [Mr. ADAIR] for taking this special order that the friends of CHARLIE HALLECK may pay tribute to his many years of distinguished service.

It is difficult to express in words the deep affection and respect which I have for CHARLIE HALLECK. He was majority leader when I came to Congress, and was most helpful to me in guiding me through that first year. CHARLIE is a well-known and popular figure in my congressional district, in southern California, and, each trip I make to the district, many people request me to remember them to their good friend, CHARLIE HALLECK. CHARLIE was always ready and willing to come into my district to assist in fundraising events and other political affairs for the party.

It was my privilege to work for the reelection of CHARLIE HALLECK as majority leader, and I remained loyal to him until after the change in leadership. CHARLIE was a most effective leader, and exercised exceptional control and discipline over our Members when we were in the majority, as well as when we were in the minority. He has always been an outstanding orator, and he did his homework.

And so, CHARLIE, I will miss you from this political battlefield, and wish you all the happiness possible in your well-deserved retirement.

Mr. JOHNSON of California. Mr. Speaker, I consider it a special privilege to join with my colleagues in paying tribute to an outstanding Member of the House of Representatives, the Honorable CHARLES A. HALLECK, of Indiana.

This able legislator has been of great assistance not only to the members of his own party but to those of us who serve on the other side of the aisle.

His service as a member of the Committee on Armed Services and the Committee on Standards of Official Conduct has been outstanding and he is to be commended for his leadership in these fields.

He has represented the great State of Indiana and the Nation since the 74th Congress. His leadership and dedication to duty were recognized by his selection as majority leader in the 80th and 83d Congresses and minority leader in the 86th, 87th, and 88th Congresses, and he served with distinction.

The constituents, who were so ably represented by this dedicated man, will miss him, as will all of us who have been privileged to work with him.

As we bid farewell to this devoted servant of the people of Indiana and the Nation I want to say that I have been privileged to serve with him since I was elected to Congress in the 86th Congress, and I want to extend my thanks for a job well done and wish him every success in the future.

Mr. FASCELL. Mr. Speaker, a great Republican and a great Representative is retiring from the House at the end of this session. CHARLES A. HALLECK, after 33 years of loyal and productive service to his country and his State, has decided to leave Congress still a winner.

Without doubt, he has been one of the most effective legislators, I have known. He has consistently won my respect and the respect of his colleagues with his friendliness, his political insight, and his parliamentary skill.

The gentleman from Indiana has always eschewed his personal feelings and ambitions when it came to considering what was good for his party, his district, and his country.

As Republican majority leader he handled the party reins expertly; because he was a champion at compromise he was able to do an effective job in the very difficult role of minority leader.

In short, he has always been the good right arm of the Republican Party.

As chairman of the Republican congressional campaign committee from 1943 to 1946, CHARLIE received considerable credit for leading the GOP to its first congressional majority in 18 years.

I wish that every man in the country could measure up to the high benchmarks of character, courage, and dedication to the tenets of American faith that were demonstrated by Representative Halleck during his congressional years.

His integrity, his commonsense, and his ability to listen and understand have stood him in good stead over the years.

Congressman Halleck has always held great faith in our kind of government—great faith in the Republican Party—great faith in Congress. He has dedicated his life to the betterment of his fellow man, his Government, and his party.

In paying respect to my good friend, I quote the words of Abraham Lincoln in a tribute paid to Henry Clay:

> His eloquence did not consist, as many fine specimens of eloquence do, of types and figures, elegant arrangement of words and sentences, but rather of that deeply earnest and impassioned tone and manner which can proceed only from great sincerity and thorough conviction in the speaker of the justice of his cause. He never spoke merely to be heard.

This is an excellent description of Charles Halleck.

An unknown author has left us the following words:

> Nobody grows old merely living a number of years. People grow old only by deserting their ideals. Years wrinkle the skin, but to give up enthusiasm wrinkles the soul.

If this is true, Charlie Halleck will never grow old.

Soon he will be back home again in Indiana. I wish him many years of continued success and effective service.

Mr. DORN. Mr. Speaker, it is a pleasure for me to join my colleagues in paying tribute to one of the greatest Americans of our time.

I read of Charlie Halleck in the newspapers and heard him on the radio long before World War II. I formed a great admiration for him before I first met him in the 80th Congress.

During the 80th Congress, I admired Charlie Halleck as a dynamic congressional leader. In that Congress, Charlie Halleck, although we had a Democratic President, did not oppose for the sake of opposition. He advanced positive alternatives. The 80th Congress will go down in history, and as a Democrat, I have no hesitation in saying this, as one of the greatest Congresses in the history of our country.

That Congress, under Charlie Halleck's splendid leadership, passed the Unification Act, with its Central Intelligence Agency, and autonomy for the U.S. Air Force. That Congress passed the 70 group Air Force, the Taft-Hartley Act over the President's veto, the Greek-Turk loan, the Marshall plan and other legislation which electrified the free world.

I believe, Mr. Speaker, since the retirement of Judge Howard Smith I can now safely say that there was a little more than a "meeting of the minds" between southern Democrats, midwest and western Republicans—there was a coalition.

This coalition preserved constitutional government, sound money and fiscal responsibility. It was my great honor to be a member of that little group which met frequently and contacted Charlie Halleck and worked with him in the best interest of our country and the course of the free world.

Charlie Halleck in the Halls of Congress and throughout this Nation has always stood up for America. He was greatly instrumental in helping this Nation become strong militarily.

Charlie Halleck in his public service was dedicated and devoted to those principles and ideals which made this country great—private enterprise, the worth and dignity of the individual, initiative and self-reliance.

Charlie Halleck will never retire from the arena of public affairs. He will continue to be an influence in affairs of his State and Nation. History will record Charlie Halleck as one of the greatest statesmen of this century and American political life.

Mrs. Dorn, who used to cover him as a reporter for U.S. News & World Report, and my family join me in wishing for him and his family the very best always.

Mr. ADAIR. Mr. Speaker, I want to express my appreciation to the gentleman from North Carolina [Mr. Whitener] who so graciously permitted us to extend into his time.

Mr. HALLECK. Mr. Speaker, I shall not filibuster you.

When my colleagues, Ross Adair and the other boys from Indiana, talked to me about having something like this, I demurred. As a matter of fact, I attempted to veto it. But I must say after being here and listening to some of the things that have been said, I am really glad that they prevailed. Because it is a satisfying experience, something I shall always treasure.

I have been here as it has been mentioned for 34 years, which is not so long as some would figure who have been here longer. But for me, it has been just exactly half of my life.

People ask me, "Charlie, if you had it to do over again, would you do it the same way?" My answer invariably is, "Yes."

All that I can say is that the friendships I have made here shall be with me forever. This has been for me a rewarding, exciting, and wonderful experience—challenging and difficult on occasion—but pleasant more times than not. But, again, I would do it all over.

So, all of you younger people who will carry on here, I know the affairs of the Republic will be in good hands.

The House of Representatives and the Congress—but I think principally the House of Representatives—many times has been the balance wheel of representative, constitutional government. I say that, of course, because this House of Representatives has been my life. I have absolute confidence in it and I shall continue to have.

I will not bother you too much—coming back here—but I will drop in on you once in a while.

THE TRUCK BILL

The SPEAKER pro tempore (Mr. O'Neal of Georgia). Under previous order of the House, the gentleman from Iowa [Mr. Schwengel] is recognized for 60 minutes.

Mr. SCHWENGEL. Mr. Speaker, our Nation's radio and television stations have joined our country's press in opposing S. 2658. Typical of the many fine editorials of our radio and television stations which express concern over increased truck lengths, widths, and weights is that of station WTOP.

The editorial follows:

Trucks

> This is a WTOP Editorial.
>
> On high-speed roadways wherever the population is concentrated, traffic thunders along these days at an increasingly frantic pace.
>
> This can be said to reflect a vigorous economy and a highly mobile nation, but it also exacts a price from those who travel these crowded highways in the form of nervous strain. And if one thing contributes more than any other to that strain, it is the proliferation of trucks.
>
> Few things are more unsettling than the weaving in and out of traffic of these giant diesels and their trailers, frequently with demands for room from their powerful air horns.
>
> It is a chilling prospect, therefore, that much heavier trucks with two or three trailers hooked in tandem could become commonplace before long. Legislation that would open the door to these behemoths on the interstate system has cleared the Senate and a committee of the House.
>
> Even if the braking systems on such rigs could be said to be adequate, imagine the pretty mess if one skidded on a slippery road and jackknifed across the highway. Think of the fun it would be to pass these junior-grade freight trains. Reflect for a bit on what the enormous weight of these trucks would do to the roadways and bridges over which they rolled.
>
> Still unclear is the effect various contributions by the trucking lobby to members of the House Public Works Committee have had on the speedy treatment accorded the bill.
>
> Super-sized trucks, whatever their benefits to truckers, are in no way essential to the nation's economic health. If Congress approves a bill which is loose enough to permit these monsters to appear, it will have sold out the interests of the vast majority of motorists who use the interstate system.
>
> This was a WTOP Editorial, Norman Davis speaking for WTOP.

MOUNTING IMPORTS CREATING SERIOUS SITUATION

The SPEAKER pro tempore (Mr. O'Neal of Georgia). Under previous order of the House, the gentleman from Georgia [Mr. Whitener] is recognized for 30 minutes.

Mr. WHITENER. Mr. Speaker, I want to commend the distinguished gentleman from Pennsylvania [Mr. Dent] for the excellent analysis he made in the House on September 17 of the serious situation confronting the American worker by reason of mounting imports. Congressman Dent deserves the praise and thanks of every American for the continued interest he has shown in our import problem and for his great concern over the welfare of the American worker.

I share the views expressed by my colleague from Pennsylvania and the other Members of the House who joined with him on September 17 in calling the Nation's attention to our serious import problem.

Mr. Speaker, some people have become obsessed today with the idea that every social, economic, and governmental problem can be solved by the appointment of a commission or committee to enlighten us with its findings. So many commissions have been appointed for so many diverse purposes recently that the American people have become confused. One needs a special directory to keep up with these commissions. The response to every crisis is to appoint a commission or an advisory committee.

Mr. Speaker, no other industry in America has been investigated, analyzed, and in the final analysis, ignored, as has been the American textile industry. Nearly every department of the Government, at one time or another, has taken a look at the textile industry. Repeated pleas by industry representatives and by Members of the Congress familiar with the plight of the textile worker have, for the most part, fallen on deaf ears.

Mr. BRINKLEY. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Georgia.

Mr. BRINKLEY. Mr. Speaker, I rise to commend my colleague from North Carolina on the remarks he is making and I would like to associate myself with them. I was here last evening when my colleague from Pennsylvania [Mr. Dent] made his most excellent remarks. He talked about the problems of the shoe industry, the steel industry, and the textile industry. He pointed to the labor situations in other countries, and the fact that it was not comparable with the labor situation in our country.

I can see the direct result of this in my home State and my district, the Third Congressional District of Georgia. We are a major producer of textiles, and we see there that the wage standards are quite low. And small wonder it is that they are low, when we see we have to compete with countries that have no such standards.

As was so ably pointed out by Congressman Dent last night, here in the States we have to pay a minimum of $1.60 per hour just to ship across State lines, while this is certainly not true in the countries which ship to us. So we are concerned about the mounting problem of textile imports. We can see the cause of this extends to wages. In my section of the country it extends to the wage board employees.

I would just like to express my high appreciation for the effort of my colleague from North Carolina, who stands tall, as I shall put it, as the spokesman concerning this problem. We have from South Carolina a very able colleague, Mr. Dorn, from Georgia, Representative Landrum, Representative Dent of Pennsylvania, and Representative Whitener of North Carolina. I commend these four gentlemen in particular and appreciate the opportunity to join with them.

Mr. WHITENER. I thank the gentleman. I wonder if he would not join with me in expressing the hope that others from outside the southeastern section of the United States might follow the lead of the great gentleman from Pennsylvania [Mr. Dent], and undertake to help us to bring reason into play to meet the terrible import situation which is taking away thousands of jobs from American people.

Mr. BRINKLEY. Indeed I would agree with that. As Congressman Dent said last night with reference to a free world market, the situation as it was is rapidly changing. He said he had been a disciple of that theory, but he is no longer a disciple of the free world market because of the very serious implications here at home. I would think that a problem area in one section of the country would certainly affect all of our country and the economic health of the entire textile industry certainly lies in the balance.

I know this is not a regional concern, but it is a national concern.

Mr. WHITENER. Mr. Speaker, I certainly thank the gentleman from Georgia [Mr. Brinkley] for his contribution.

In spite of dramatic and undisputed evidence that inordinate and ever-increasing textile imports are diminishing job opportunities for the American textile employee, we have not been able to get administrative action on the part of the executive departments of the Government to reduce imports.

Mr. Speaker, on August 30 the President of the United States issued an Executive order creating a Public Advisory Committee on Trade Policy. Thirty-four members were selected to serve on the Committee. In the announcement made at the time of the appointment it was stated that the group was to provide views and recommendations on trade matters in connection with a long-range study of U.S. foreign trade policy being conducted at the direction of the President by his Special Representative for Trade Negotiations.

I have made a careful study of the public records of the members of the Advisory Committee. I do not believe that the President could have appointed a more avid group of advocates of liberalized world commerce than the majority of the gentlemen he selected on August 30. The Advisory Committee is not representative of the industries severely affected by our current trade policy.

One out of eight manufacturing jobs in the Nation is dependent on the textile-apparel-fabric complex; in fact, more than 4 million Americans now depend in some degree on the textile industry for their livelihood. One out of every two workers in North Carolina is dependent on the textile industry for his livelihood. There are 70,000 textile jobs in my congressional district.

Although the textile industry is essential to the national security and the general welfare of the Nation, and in spite of the fact that job opportunities in the industry are seriously threatened by our present trade policy, only one person from the industry was selected to serve on the Advisory Committee.

Mr. Speaker, the Committee is indeed fortunate in having Halbert Jones, president of Waverly Mills, Laurinburg, N.C., as a member. He is an outstanding textile industrialist, and I am confident that he will make sound recommendations with respect to the textile industry.

I am afraid, however, that the lone spokesman for the textile industry will be unable to convince the other 33 members of the Advisory Committee that the current so-called free trade policy of the Nation is having a disastrous effect upon the Nation's balance-of-payments position and is exporting the jobs of American workers.

I cannot understand the reason many of the Advisory Committee members were selected. They obviously do not represent the segments of American industry fighting to survive the flood of mounting imports.

I am hopeful, however, that in spite of the dedication of the majority of the members of the Advisory Committee to the principle of liberalized international trade that serious study will be given to the many problems confronting the textile industry under our present trade programs.

Time and time again the facts in the case have been presented to Government agencies by textile industry spokesmen and by Members of the Congress. As my district is the Nation's largest producer of cotton sales yarn, I strongly feel that the textile industry should receive more than a passing consideration by the advisory committee.

The cotton yarn produced in my district is sold to the knitting industry, to weavers, to tufters, to the manufacturers of thread, and to many other users. It is recognized in our manufacturing economy that the textile industry is one of the most competitive industries. It is a fact that contracts in the industry are sometimes awarded or withheld on a half cent a pound differential in the cost of yarn. Prices in the industry are immediately reflected by any change in cotton costs, which make up more than 50 percent of the cost of yarn.

Many who are unfamiliar with the textile industry think of it in terms of the giants of textile manufacturing. It is an industry, however, that primarily consists of many small firms located in the smaller communities across the Eastern United States. Much of the textile industry is located within, and in areas adjacent to, the Appalachian section of the Nation.

Mr. Speaker, statistics clearly reveal that our present trade policy is resulting in increasing hardship to the entire textile industry. Ninety-one million pounds of cotton yarn were permitted to enter the United States in 1966.

Considering the total displacement to the sales yarn industry of all cotton textile imports that year, the equivalent poundage was approximately 200 million pounds. In the first 7 months of 1968, however, yarn imports alone have run at approximately 59 million pounds.

The disastrous import levels of 1966 caused carded yarn mills to lower their average operating hours 17 percent in the first 6 months of 1967 below the level of operations for the same period of 1966. The market had become glutted and inventories were high. In the peak months industry data reveals that carded singles yarn imports were at a ratio as high as 29 percent of domestic production, the average for the year running approximately 17 percent.

Mr. Speaker, this year the yarn industry has again suffered because imports in January through March averaged better than 20 percent of domestic production. An artificial cotton market triggered yarn prices upward to cover higher cotton costs, and as a result we had an avalanch of imports. From an average level of 2.5 million pounds a month in the September-November 1967, period, yarn imports rose in the first quarter of 1968 to an average monthly level of 6.7 million pounds, an increase of some 168 percent.

Eariler this year I protested to the President of the United States about the experience the Nation is having with Spain under a bilateral textile agreement concluded with that nation. In February 1968, Spain alone dropped 3.2 million pounds of yarn on U.S. markets. Total Spanish textile imports for January and February represented more than 50 percent of their annual quota levels.

In spite of a specification in the bilateral textile agreement with Spain which clearly specifies that the volume of imports from that country will be equitably distributed over different categories and equally spaced throughout the year, Spain continues to send an unbalanced flow of yarn into this country.

Mr. Speaker, I protest again the advantage that Spain is taking of the domestic textile industry under the bilateral textile agreement we have with that nation. I doubt very seriously, however, that the free trade members of the recently appointed advisory committee will grant any relief in the matter.

Upon our present import policy a Portuguese importer can quote a price of 88 cents a pound on yarn with duty paid at Charleston, S.C. On the same day comparable domestically produced yarn must sell at $1.09 a pound, or some 24 percent higher than the imported yarn. The Portuguese textile worker who produced the yarn is paid 18 cents an hour; his American counterpart receives a wage now approaching $2.25 an hour.

Mr. Speaker, I am not opposed to reasonable and reciprocal trade policies. I protest with all the vigor at my command, however, any trade agreement or commercial policy which will cause the American worker to become the innocent victim of cheap overseas labor.

Overall textile imports reflect the same trend prevalent in yarn imports. The imports of cotton, wool, and manmade fiber textiles during July of this year reached an all-time high of 299 million equivalent square yards, an astounding increase of 38.7 percent over July 1967, and a 2.7-percent increase over the previous high of 291.2 million equivalent square yards set in January 1968.

Cotton textile imports were 135 million equivalent square yards in July of this year, a 5-percent increase above the 128.8 million square yards imported in July 1967.

Wool textile imports during July 1968, were 21.5 million equivalent square yards, an increase of 46.3 percent over July 1967.

Manmade fiber textile imports during July 1968, were 142 million equivalent square yards, an increase of 19.2 percent over the previous high of 119.1 million equivalent square yards set in January of this year. In July 1968, imports of manmade fibers were 96.9 percent greater than July 1967. July 1968, was the first month that manmade fiber textile imports exceeded cotton textile imports.

Mr. Speaker, I fail to see how any person can objectively examine the statistics I have just quoted without coming to the conclusion that the American textile industry is being seriously harmed by an ever-increasing amount of imports. How anyone can believe that the industry can continue to withstand the economic impact of such imports is beyond my comprehension.

The only reason that the domestic textile industry has been able to survive is because the industry has been manned by outstanding executives and a dedicated group of employees.

I do not believe that any other industry in the Nation could survive the tremendous problems which our unwise international trade policy has created for the textile industry. It is a tribute to the industry and to the millions of people employed in it that in spite of the obstacles free trade proponents have created, over 4 million Americans are still able to earn their livelihood in textile plants.

Mr. Speaker, I deeply regret that in the appointment of the advisory committee the President could not have selected more representatives from those industries experiencing severe economic pressures under present trade policies. Anyone familiar with the public records and the views expressed by the majority of the members of the committee can, with reasonable certainty, predict the recommendations that will be transmitted through the Special Representative for Trade Negotiations to the President.

Once again the Government proposes to find the solution for a very serious domestic problem through the appointment of another committee. Like other commissions, committees, panels, and study groups before it, the advisory committee appointed on August 30 will not, in my opinion, give the answer to the myriad problems created by unrealistic trade relations abroad.

The answer lies not in administrative action, but with the Congress. Unless the legislative arm of the Government reasserts its constitutional prerogative and once again assumes jurisdiction over foreign trade we will continue to have unproductive bureaucratic investigations and ultimate economic disaster for a number of basic American industries.

THE NEW LOOK AT COMMERCE UNDER LYNDON JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, the Department of Commerce is not exactly what one would call a glamour agency. Few of its achievements, vital though they are to the growth of the private economy and the conduct of the public business, are rewarded with headlines or public acclaim. Nevertheless, it has had, over the years, a record of steady accomplishment in its many and remarkably diverse areas of responsibility. And never have these accomplishments been greater or more far reaching than during the 5 years of President Johnson's administration.

Under the leadership of President Johnson, the Department of Commerce has taken on many new challenges.

The Department is charged with promoting and fostering the foreign and domestic commerce of the Nation, and for many years this responsibility was discharged in a more or less passive manner. For too long, the Department was largely a statistical and housekeeping agency of the Federal Government. Needless to say, this approach did not fit the activist style of Lyndon Johnson—and so, the Department took on a new look and a new perspective of its role in the Nation.

No longer does it see itself as simply the business agency of the Federal Government, narrowly concerned with safeguarding and promoting only profits and production. The Commerce Department today operates on the premise that the true business of business is America, and that the condition of our social and physical and economic environment is every bit as important to business as cost and price structures and market research.

As a result, in the new Environmental Science Services Administration, the Department is applying the scientific resources of the Federal Government to an extensive and a coordinated study of our physical environment. New knowledge is being generated and information channeled to serve agriculture and transportation and communications, as well as industry in general. The urgency of this task cannot be exaggerated as the balance of nature becomes increasingly endangered because of air and water pollution and other ill effects of an increasingly industrialized and manmade world.

Recognizing that economics vitally concerns people and the way they live, the Department of Commerce developed a compassionate program to revitalize economically depressed communities that have been bypassed by prosperity and technological change. Building on the work of the Area Redevelopment Administration, President Johnson in 1965 asked Congress to establish the Economic Development Administration to offer economic assistance to distressed cities and counties.

More than 1,300 areas, with a population of 50 million people, were identified as having an unemployment rate of over 7.5 percent. In just 2 years, 579 of these areas had sufficiently improved their economies so that they no longer needed assistance.

This was no program of Federal handouts. It was a grassroots program that called for local initiative, local planning, and community participation in the form of local nonprofit development groups.

The Economic Development Administration also seeks to identify centers for future economic growth in many of our smaller cities—cities that can serve as economic engines for regional economic growth. This is a program that will greatly benefit the Nation in the years to come by lessening the economic and population pressures on our major metropolitan areas.

Under Lyndon Johnson, the Commerce

Department became more active in the field of consumer protection. It has been carrying out the Fair Packaging and Labeling Act, working with business to insure that the American consumer will be able to shop with confidence and without confusion as to the quality and content of what he or she buys.

Under the Fire Research and Safety Act passed by this Congress, the Department is conducting research into fire protection and prevention. The importance of this work is underlined by the enormous toll in lives and property that fires exact every year—12,000 deaths and $2 billion in property losses in a single year.

The Department is also conducting research into the fire hazards of fabrics and other materials which pose a threat to the American consumer.

These are just a few of the highlights of the Department's new look that has been fashioned under the leadership of President Johnson. And while carrying out these new responsibilities, it has neglected none of its more traditional duties in the areas of patents, maritime affairs, the keeping of the Nation's accounts and census taking.

The Patent Office is a good example of the new approach at Commerce. The patent system has remained essentially unchanged for 130 years, while the winds of technological change swirled around it. One result is that the backlog of pending patent applications has been more than 200,000 and the waiting time between filing and final disposition of a patent application averages two and a half years.

Consequently, in 1965, President Johnson issued an Executive order creating the President's Commission on the Patent System which was directed to recommend steps to ensure that the patent system will be more effective in serving the public interest in view of the rapidly changing and complex technology of our times.

In December 1966, the Commission issued a report containing no less than 35 recommendations for modernizing the procedures of the patent system. These were incorporated into the patent reform bill which the President sent to the Congress in February of 1967. This legislation, with various modifications and amendments, is still under discussion in the Congress, but there is no doubt that the final version when passed will greatly improve the patent system.

The Commerce Department also made great strides in the dissemination of scientific and technological information. Invention is the seed of technological progress, but the seed grows only through the application of the new technology to production. New processes must be made available to the producers before invention can bear economic fruit.

To facilitate this essential transfer of new technology, the President in 1964 asked the Congress to establish the Office of State Technical Services to stimulate the flow of new technological information into the business community.

In signing the legislation that resulted from this request, the President said:

> This bill will do for American businessmen what the great Agriculture Extension Service has done for the American farmer. It will result in the creation of new industries and the expansion of old ones.

This new Office does not attempt to extend the powers of the Federal Government. It acts primarily as a catalyst for state programs, offering matching funds and technical support. Some 200 colleges and universities are participating in all of our States and territories, and more than 1,500 research projects are now underway in a wide variety of essential industries, bringing the genius of American technology to every business firm that wants it.

Under President Johnson, the Department of Commerce has renewed and strengthened its commitment to serve the American people. It has been given new responsibilities, and it has fulfilled them with distinction.

AMENDMENT TO THE FOOD AND AGRICULTURAL ACT OF 1965—CONFERENCE REPORT

Mr. **GATHINGS** (on behalf of Mr. Poage) filed a conference report and statement on the bill (H.R. 17126), to amend the Food and Agricultural Act of 1965.

U.S. NAVY CHAPLAINS

Mr. **SCHADEBERG**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. **SCHADEBERG**. Mr. Speaker, it is my privilege to bring to the attention of my colleagues in the House a contribution being made to our country's spiritual and moral welfare by those who have served and are serving as chaplains in the U.S. Navy. These are men who have heard and accepted the "call" to serve God and country. These are men who share the hardship and dangers of battle to bring moral and spiritual ministry to those who by circumstances of our times are separated for extended periods of time from family and loved ones.

Indirectly, but with equal force, my remarks about Navy chaplains serve also to point out the dedication and integrity and moral stature of those who occupy the top positions among line officers within the Military Establishment. While my remarks address themselves to those serving in the U.S. Navy, they reflect equally the high caliber and dedication and moral integrity of those who serve in the Army, the Air Force, the Marines, and the Coast Guard.

Just last week, I was privileged to address several hundred command personnel of the U.S. Army at Camp Ord, Calif., at General Kenan's prayer breakfast, which opened, formally, the Religious Emphasis Week at the camp. I can testify personally that if the fathers and mothers and wives and sweethearts of our men serving in the Armed Forces could have been present with me at that breakfast, they would have no fears about the caliber of those under whose command their loved ones are serving.

Far too much criticism of the members of our Armed Forces is being directed by those whose sole aim is to topple our Government and thus prepare the way for some form of dictatorship. Far too often their irresponsible and inflammatory remarks and their calculated half-truths are given a prominent place in communication media, thus presenting a corrupted view of the situation as it is. The truth is that this is a great country not because some politician says so or because some officeholder claims authorship of legislation that suggests ours is a "Great Society." This is a great country because we are a great people. Those of whom I speak are vivid examples of what makes our Nation a great nation. These men come from the cities and the countryside, the highways and byways of our land. These, Mr. Speaker, are our sons, brothers, and fathers.

Recently I received a letter from my good friend and highly respected chief of chaplains, James W. Kelly, rear admiral, Chaplains Corps, U.S. Navy, in which he speaks of his custom of sending congratulatory notes to those in the Navy who are selected for promotion to rear admiral. The following is his letter which is self-explanatory along with some of the responses he has received to his notes. These unsolicited responses speak loudly and clearly of the dedication and character of the moral and spiritual leadership in our armed services.

The letters follow:

Navy Department,
Bureau of Naval Personnel,
Washington, D.C., August 15, 1968.

Hon. Henry C. Schadeberg,
House of Representatives,
Washington, D.C.

Dear Henry: In late June of this year thirty-six Navy Captains were selected for promotion to the rank of Rear Admiral. As has been my custom for several years, I wrote brief congratulatory messages to each of them. And, as has been true every year, their responses were inspiring.

It occurred to me that for several years I have received a spiritual blessing from the flag-selectee letters but have never shared with you either the spiritual lift or the very important insights they revealed.

Because I think it is important that you be aware of the impressive moral and spiritual caliber of the men who each year are being promoted to the most senior levels of naval leadership, and because I think you should have some knowledge of the high esteem with which senior naval officers regard the chaplains loaned to the armed forces by America's churches, I am sending you a collection of excerpts from these splendid letters.

I am confident you will agree with me that our nation is indeed fortunate to have men of such spiritual sensitivity and dedication moving each year into high positions of military leadership. If you concur in this impression I am sure you will want to convey it to your church along with the Navy's expression of gratitude for the rich and meaningful ministry extended to all naval personnel through your church's chaplains.

With every good wish and prayers for God's blessing upon you, I remain

Sincerely yours,

James W. Kelly,
Rear Admiral, C.H.C., U.S. Navy.

Profile of the Rear Admiral Selectee

Flag rank in the United States Navy is a position of service to the nation which highly capable and dedicated naval officers eagerly seek to achieve, and anticipate as a culminating career goal, throughout their mature life.

Opportunity for selection usually comes in the twenty-eight year of service and is open only to those in the rank of Captain, those who already have succeeded in moving through six progressively more demanding ranks. Competition at this very senior level is keen indeed and the potential selectee, now in his late forties or early fifties, can expect about a one-in-ten selection opportunity. He must successfully compete with contemporaries who have distinguished themselves as Commanding Officers of United States Ships and other major command and staff positions.

Selection for Flag Rank means that the Navy considers his distinguished record of service and his potential for higher responsibility to be unsurpassed by any other officers considered. He may continue his active naval career beyond the thirty year retirement required by statute for Navy Captains.

Most flag selectees have worked with Navy Chaplains throughout their tenures of naval service. Many with their families have been staunch leaders in religious programs of Navy Chapels. Others, whose duty has placed them in or near civilian communities have actively participated in and supported local civilian churches. The same qualities which have served to distinguish them as naval leaders have made them effective in service to the community and to the church.

Reading between the lines of their letters, considering not so much what is said about their regard for the Navy Chaplain Corps as what their statements reveal about their own moral and spiritual sensitivities, one can sense the fine religious training of their youth, the spiritual deveolpment which has come in their mature years, their appreciation for and personal participation in religion in the Navy and their determination in the future to give generous support to the ministry which is provided by America's churches through her Navy Chaplains.

EXCERPTS FROM REAR ADMIRAL SELECTEE LETTERS

Thank you very much for your thoughtfulness and warm congratulations. It is I who should be congratulating you for the truly superb job the chaplains are doing, not only in this Force, but everywhere I see or hear of them.

I know of no more important tribute to receive, during this period of elation, awe, joy and healthy concern for what lies ahead, than a promise of prayer and support from the Chief of our Navy's Chaplains. I pledge my continued help to the central task you and your Corps undertake for our Navy.

I very much appreciate your letter of congratulations upon my recent selection to flag rank. Seeing my name on "the list" was a thrill that I shall never forget and which I doubt will ever be equalled again. I have often had occassion to work with members of your fine Chaplains team and have invariably found the experience to be most rewarding both in productivity and in terms of recognizing what a wonderful contribution the Navy Chaplain Corps makes to all aspects of our operations. I look forward with anticipation to future opportunities to work with them toward our common ends.

To receive such an honor is both a joyous and a humbling experience—elation at singular recognition but sadness by the fact that so many fine and capable officers could not receive the same honor.

For the last two years I have been seeking the Lord's guidance about what I should plan to do after completing thirty years of service. Now He has eliminated all doubt and ambiguity. I knew that if I only could be patient, the answer would be provided somehow. What a marvelous way!

My Christian background and upbringing will be exercised in whatever positions of authority that fall my lot.

I am myself a man of strong religious conviction and am constantly aware of the moral strength the Navy's outstanding Corps of Chaplains brings to our service.

From my own experience, having served in some thirteen aircraft carriers and having had two commands at sea, I can attest to the superb assistance and cooperation which always is extended by the members of your Corps. Indeed, I will look forward to and welcome their continuing support and counsel as well as extending my own guidance and hand to them in whatever duties might be my lot.

Having been commanding officer of three submarines, usually serving as a lay leader, I understand the importance of faith in the daily life and work on board ship. As commanding officer, USS———, I wrote a recommendation for strengthening the lay leader program for small ships. You may be sure that I will continue my support for Navy Chaplains wherever I go.

You are assured that this hospital is vitally aware of the tremendously important role our Chaplain Corps plays as members of the treatment team. I am proud to say that ——— Hospital has been many times blessed to have had such dedicated chaplains with unlimited faith, allegiance and loyalty to God and to country. We have all profited by their inspirational leadership and guidance, for which we give due thanks.

During my recent tours of sea duty I have had the opportunity to work very closely with many of your chaplains. I have been most impressed with the guidance, support and comfort provided by them to our men in combat.

No matter how one assesses "cost effectiveness"; it is strength of character that begets strength of purpose, and the best of new equipment never comes with these characteristics.

I am very appreciative of the strength and inspiration that I receive from chaplains and pastors (civilian ministers). I enclose two copies of our . . . magazine. I think that you'll find "Pastor's Day" interesting.

My profound admiration of our Chaplains will never dim. I shall profit henceforth, as in the past, more from their counsel than they from my guidance. At the same time, my support will not be small.

I ask your continuing support, in prayer particularly, because with new responsibilities and temptations facing me I will surely need much intercession by the faithful.

Your prayers are particularly appreciated and be assured of my continuous cooperation at all times in the performance of your essential mission.

EROSION OF THE MANDATORY OIL IMPORT PROGRAM

Mr. DOLE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. DOLE. Mr. Speaker, I appreciate this opportunity to speak in defense of the independent oil producer in the United States. Because of widely accepted views that his economic health and stability is vital to the security of the Nation, the mandatory oil import program became law under President Eisenhower.

The strength and validity of arguments supporting the 12.2 percent—of consumption—limitation was clear just last year, when the Arab-Israel war abruptly closed the Suez Canal. Petroleum demands in the war zone did not diminish during the difficult period of adjustment, nor did our other pressing commitments diminish at home and around the world. Everyone should have been convinced of the merit of protecting our domestic oil industry from excessive imports produced in nations where rock-bottom wages and unusual drilling conditions make direct competition with them virtually impossible.

WARNINGS MUST CONTINUE

Many responsible Senators and Members of Congress have often spoken out against the loopholes in the 12.2 percent limitation tolerated by the administration. Examples of these loopholes include—

First. Approval of the Hess Oil Co.'s application for a 15,000-barrel import of finished products from the Virgin Islands.

Second. Provisions allowing importers to complete their 1967 quotas this year and next year, while maintaining current year import quotas.

Third. Technical changes in the definition of "residual fuel oil" which have served to increase oil imports.

Fourth. Continued overage from Canada totaling about 58,000 barrels per day.

These loopholes, quite simply, constitute the systematic dismantling of the Mandatory Oil Import Program.

ANOTHER LOOPHOLE ON THE HORIZON?

Mr. Speaker, there is grave concern over the new proposal for a "foreign trade zone" at Machias Bay, Maine, for the operation of a 300,000-barrel-per-day refinery, using foreign oil as feedstock.

There is no justification for this proposal, considering the fact that the domestic oil industry is suffering a recession across the Nation.

STATISTICS OF DECLINE

Before the Foreign Trade Zones Board makes final judgment on the application for the Maine refinery, it should consider the following serious statistics of decline at home:

Exploratory wells drilled in 1967 are down 35.1 percent from the 1957–59 average.

Employment is down 18.6 percent from the 1957–59 levels.

Crude oil prices—in the face of gross inflation—are down 1.4 percent from the 1957–59 levels.

Oil profits have consistently run below manufacturing industry's profit margin for over a decade.

In spite of these statistics of decline, the oil customer's benefit has increased for every dollar spent. In 1967 the gasoline buyer could get 8.5 gallons for an average hour's wage while in 1957 he could get only 6.6 gallons. Gasoline, therefore, is getting cheaper for the customer to buy in real terms.

ADVISORY COMMITTEE MUST BE IMPARTIAL

Mr. Speaker, Executive Order 11425 dated August 30, 1968, establishes the Public Advisory Committee on Trade Policy. Membership of this Committee, while representing various segments of the economy, should not, in my opinion, include persons with a direct interest in specific trade negotiations or specific product imports.

One of the members is Mr. Armand Hammer, president of Occidental Petroleum Corp. Occidental is the very company petitioning to build the 300,000-barrel-per-day refinery in Maine, scheduled to use foreign feedstocks for production. This petition, if approved, would be the biggest loophole of them all.

A conflict of interest appears clear in the case of the president of Occidental Petroleum Corp., and his position on the President's Advisory Committee on Trade Policy can only constitute unfair discrimination against the independent domestic oil producer.

VIRGINIA METROPOLITAN AREAS TRANSPORTATION STUDY COMMISSION OPPOSES DISRUPTIVE CUTOFF IN FEDERAL HIGHWAY AID

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT. Mr. Speaker, I have received a copy of a resolution adopted by the Virginia Metropolitan Areas Transportation Study Commission, opposing the disruptive cutoff in the Federal highway aid program and requesting the Federal Highway Administration to reconsider its directive of September 6. A copy of this resolution is inserted at this point in the RECORD:

> Whereas, the Virginia Metropolitan Areas Transportation Study Commission was established by the 1968 Virginia General Assembly to make a comprehensive study of methods for financing the transit portion of urban transportation systems, revenue sources appropriate for financing such facilities, suitable organizational structures for carrying out transit projects in urban areas and the role of the Commonwealth in such matters; and
>
> Whereas, the General Assembly, in establishing this Commission, recognized the functional interrelationship and interdependence between public highways and transit facilities in a balanced transportation system; and
>
> Whereas, this study commission recognizes the importance of continued highway development in urban areas to adequately meet the needs of commerce, industry and private transportation; and
>
> Whereas, the Federal Highway Administration has issued, effective September 6, a directive wihch prevents the states from advertising for bids on highway construction projects financed partly with federal funds until further notice; and
>
> Whereas, such a prohibition will severely hamper efforts in Virginia to proceed as rapidly as possible with highway improvements in metropolitan areas, as well as in other regions of the State, and will seriously impede the advancement of necessary highway facilities;
>
> Now, therefore, be it resolved, that the Virginia Metropolitan Areas Transportation Study Commission opposes such a disruptive cutoff in the federal-aid highway program, and urgently requests the Federal Highway Administration to reconsider its directive of September 6.
>
> Be it further resolved, that a copy of this resolution be forwarded to all members of Virginia's Congressional delegation.

News of the directive withholding funds was included in a release dated September 9 by the Department of Transportation, indicating that Secretary Alan S. Boyd intended to reduce the Federal aid to highways spending by $200,000,000 this fiscal year and that this was in response to the provisions of the Revenue and Expenditure Control Act of 1968. The Secretary and the administration, however, seem to be wholly unaware of the prohibition of impoundment of appropriations and diversions of funds included in section 15 of Public Law 90–495 approved by the President August 23, 1968, and that general funds are not involved in the construction of interstate highways but trust funds paid by highway users. I understand that this is the third time in 2 years that the administration has withheld funds specifically allocated to the construction of highways and which cannot be spent for any other purpose. Certainly I join with the Virginia Metropolitan Areas Transportation Study Commission in urging that this action be rescinded.

It would seem difficult for the State to plan highway programs when, without notice, the administration from time to time withholds Federal funds. It also would seem difficult for private industry, including contractors and material men, to make plans for highway construction when it proceeds in such an erratic fashion and the arbitrary withholdings of funds could result in added costs in highway construction.

Since Congress has directed that no funds be withheld the President is apparently ignoring a law that he signed just a few weeks ago. It certainly raises the question of whether such action is setting the proper example for those in this country who believe they can pick and choose what laws to obey and what laws to disobey. Some reversal has to be made in the trend toward permissiveness which has increased in the last several years and I would hope that the President would work toward a solution of this problem during the few months he will remain in office rather than to encourage defiance of the law as he has done in this instance.

Mr. Speaker, the withholding of trust funds cannot reduce the deficit in Government financing. However, the action of the President on interstate highways might well be considered with his refusal in July to assist the States with impacted aid funds amounting to $90 million appropriated by the Congress. The withholding of impacted aid funds raises the further question of priorities in Government spending. Many Members of Congress, including myself, spoke in favor of the appropriation of impacted aid funds for our school systems and it seems unreasonable for the President to refuse to assist local schools—who have a large number of Federal employees when Congress has made an appropriation for this purpose. School administrators advise that the uncertainty of receiving impacted aid funds and the lack of knowledge as to when and if these funds will be received make it difficult to plan for necessary school expenses within their jurisdictions.

I have not heard of similar action being taken by the present administration in the field of foreign aid or poverty programs and would think that we need to consider the question of priorities when we make our decision on November 5 regarding the next occupant of the White House.

CHRYSLER CORP. VERSUS THE AMERICAN PEOPLE

Mr. HAYS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, once upon a time, we had a high Government official who felt that what was good for General Motors was good for America. Apparently, we now have a new variation on that discredited theme. Chrysler Corp. has announced a price increase averaging $84 on its 1969 automobiles. President Johnson has declared that this action is a sharp blow to the Nation's efforts to fight inflation. The Cabinet Committee on Price Stability has described the price hike as "manifestly excessive."

The new slogan seems to be: "What Chrysler thinks is good for Chrysler will be done by Chrysler; and let us not worry about the rest of the country." Well, I can assure you that I intend to worry about the rest of the country, because the rest of the country has accepted the need for belt tightening in order to ward off the dangers of uncontrolled inflation.

Maybe Chrysler does not believe in belt tightening. All right, then. Let us talk about noose tightening—the noose of public opinion; the noose of public scrutiny; the noose of an aroused American public which will not stand still for arbitrary and selfish actions such as the Chrysler price increase.

Eighty-four dollars may not sound like much money in these fiscally bloated times, but as the President pointed out:

> If this price increase prevails throughout the industry, it would take three-quarters of a billion dollars out of the pockets of American families when they buy new cars.

That amount is worth thinking about and worth fighting over, because every American has a stake in the battle against inflation.

The news release and statement by the President follow:

News Release by Cabinet Committee on Price Stability, Washington, D.C., September 16, 1968

The Cabinet Committee on Price Stability, composed of the Secretaries of the Treasury, Commerce, and Labor, the Director of the Bureau of the Budget, and the Chairman of the Council of Economic Advisers issued the following statement. CEA Chairman, Arthur M. Okun, served as spokesman for the Committee.

"The American automobile industry is a keystone of our economy. In the past, the economy has benefited from its increasing efficiency and rising productivity. The industry, in turn, has received enormous benefits from the 91 months of continued prosperity, through sharply rising sales and a doubling of profits.

The Administration has repeatedly asked that business absorb cost increases wherever possible, and it is surely possible in the automobile industry. The American people have every right to expect this highly profitable industry to make a maximum contribution to price stability. This is a critical moment in the Nation's major effort to achieve that goal.

After a careful review of costs, profits and product improvements, we conclude that the Chrysler announcement of an average price increase of $84 is a severe setback to the cause of price stability. If it becomes the pattern for the industry, it would cost the American consumer $750 million. This price increase is manifestly excessive and would significantly contribute to inflationary pressures. The Chrysler action is clearly not in the national interest.

We urgently request the other automobile manufacturers to head off this dangerous inflationary threat. It is essential that their pricing decisions on 1969 model passenger cars give the utmost weight to the public interest as well as to their own costs and profits."

Statement by the President, September 17, 1968

Yesterday, the nation's effort to fight inflation received a sharp blow when one of the major automobile manufacturers announced an excessive price increase on its 1969 models. If this price increase prevails throughout the industry, it would take three-quarters of a billion dollars out of the pockets of American families when they buy new cars. This is an onerous and unfair burden on the consumer.

The Cabinet Committee on Price Stability has informed me that there is absolutely no excuse for the Chrysler action and that this price increase should not stand.

No major industry has benefited more from the prosperity of recent years than the automobile industry. No major industry has a greater stake in protecting that prosperity.

So today, I urge the auto manufacturers to recognize the public interest and exercise restraint and responsibility at this critical hour in the nation's battle against inflation.

THE PERUVIAN LOBBY

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, Peru must be lobbying for a World Bank loan.

This morning, Peru, no doubt following the example of their bandit neighbors in Ecuador, seized another of our fishing boats. This latest victim of Latin American piracy was being taken under armed guard to the Peruvian port of Talara, where presumably an exorbitant fine will be demanded as the price of freedom.

In high-seas brigandage, Peru ranks second only to Ecuador.

Most of us are aware of the "rewards of piracy" that have accrued to Ecuador. Two weeks ago, the World Bank and our own State Department ignored Ecuador's repeated transgressions against our fishing fleet in approving a $5.3 million loan to enable Ecuador to enlarge its own fishing fleet.

Now, it appears, Peru wants a piece of the action.

The Peruvians have a solid precedent to follow. They know from Ecuador's happy experience that the way to impress the international lenders, and the State Department, too, is to kick Uncle Sam in the shins.

Peru still has a way to go to duplicate Ecuador's infamous record, having taken only three of our boats this year, compared with six seizures by Ecuador. But we all know that when you are No. 2, you try harder; and Peru, obviously, is trying to catch up.

This morning's victim is a San Diego-based tuna clipper named, ironically, the *Ecuador*. She reportedly was 31 miles off the Peruvian coast when she was detained and boarded.

AUTO PRICE RISE UNWARRANTED

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, once again a segment of the automobile industry has chosen to set its private interests above the public interest.

The Chrysler Corp.'s announced intention to increase prices by $85 on 1969 model passenger cars is an effrontery to the Nation. Last weekend's papers said that the cost increases would amount to about $35 per car. That is already too much to ask the American consumer to pay but it is modest compared with the outrageous increase Chrysler has announced. It seems to me Dodge fever has turned into brain fever and that Chrysler needs men in white coats, not white hats.

The President's statement criticizing this unreasonable act and calling for a rollback should be examined by all Members, and I will place it in the Record following these remarks.

The President points out that no major industry has more fully enjoyed the fruits of prosperity and no major industry has a greater stake in protecting that prosperity than the auto industry. I would hope that wisdom and sanity would return before the remaining big two producers announce their price intentions.

Mr. Johnson's statement, issued yesterday, follows:

Statement by the President, September 17, 1968

Yesterday, the nation's effort to fight inflation received a sharp blow when one of the major automobile manufacturers announced an excessive price increase on its 1969 models. If this price increase prevails throughout the industry, it would take three-quarters of a billion dollars out of the pockets of American families when they buy new cars. This is an onerous and unfair burden on the consumer.

The Cabinet Committee on Price Stability has informed me that there is absolutely no excuse for the Chrysler action and that this price increase should not stand.

No major industry has benefited more from the prosperity of recent years than the automobile industry. No major industry has a greater stake in protecting that prosperity.

So today, I urge the auto manufacturers to recognize the public interest and exercise restraint and responsibility at this critical hour in the nation's battle against inflation.

PERSONAL FINANCIAL STATEMENT

Mr. VAN DEERLIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, I have made it a practice at regular intervals, since coming to Congress, to submit for the Record a full disclosure of my personal financial status. I do this in the belief that the people of my community are entitled to know that I am free of financial ties which might influence my actions as their Representative.

Accordingly, I offer this brief summary: Under California's community property law, my wife and I jointly own a mortgaged residential rental property on 3 acres, zoned commercial, in Poway, Calif.; equity of about $15,000 in our present residence at 3930 Argyle Terrace NW., in Washington, D.C., a commercial lot in Imperial County, Calif., and 6 undeveloped acres near Hilo, Hawaii.

We own no corporate stocks or bonds. My salary as a Member of Congress represents more than 95 percent of our total income. Our personal income tax returns will be made available for scrutiny, if requested by news media or any other responsible body.

PRICE MADNESS IN DETROIT

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, the announcement by Chrysler Corp. that it intends to raise prices on its 1969 model year automobiles has been quickly and properly followed by a statement from President Johnson denouncing this outrageous assault against the national interest.

As the President said:

> If this price increase prevails throughout the industry, it would take three-quarters of a billion dollars out of the pockets of American families when they buy new cars.

Worse yet, in my view, is that the Chrysler action is a financial slap in the face for every American who reluctantly accepted the necessity for an income tax increase this year, in order to halt the forces of inflation.

The Cabinet Committee on Price Stability has issued a statement saying that, "This price increase is manifestly excessive and would significantly contribute to inflationary pressures."

What is particularly significant to me is the fact that the price increase comes from an industry where prices are administered, rather than determined, by the free forces of competition. If the price increase announced by Chrysler Corp. is picked up by the other major auto producers, then I believe the Congress has a clear duty to take a piercing look at the antitrust aspects of this unjustified price increase.

MANAGING THE ENVIRONMENT

Mr. DADDARIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DADDARIO. Mr. Speaker, the recent report "Managing the Environment," which was issued by my Subcommittee on Science, Research, and Development, has stimulated a useful dialog between the Congress and the executive agencies in this field. Our report concludes:

> The recent history of Federal legislation and its administration illustrates the searching of society for a better balance between immediate exploitation of resources and a recognition of noneconomic, long-term values. The present laws relate pollution to the impairment of a desired use. The refinement of the relationship depends on scientific knowledge and technical economics.
>
> The intent of Congress in these laws is to avoid arbitrary regulation and to establish a fact-based, rational decision-making process which integrates all the needs of society.

The continuing overview of the implementation of legislation will assist in the equitable reconciliation of conflicting demands by society on the environment. This is the essential goal of policy for environmental quality and productivity.

I believe that the elucidation of administrative actions in the letters from Dr. Philip R. Lee and Mr. Max Edwards would be of interest to the Congress. I, therefore, include the correspondence in the Record at this point—previous information received from Secretary Wilbur Cohen was inserted on page 23151 on July 24, 1968:

Department of Health,
Education, and Welfare,
Washington, D.C., Aug. 13, 1968.

Hon. Emilio Q. Daddario,
Chairman, Subcommittee on Science, Research, and Development,
Committee on Science and Astronautics,
House of Representatives,
Washington, D.C.

Dear Mr. Chairman: Secretary Cohen has asked that I respond to your letter of July 12 and to thank you for forwarding a copy of your Subcommittee's recent report on *Managing the Environment*.

This report and the extensive hearings that your Subcommittee on Science, Research, and Development has held in the course of studying this important matter have helped to focus needed attention on the collective failure of both public and private institutions in this Nation to make adequate use of our scientific and technological resources in dealing with problems of environmental contamination.

I am pleased to note that there are many key areas of concern where it appears to me that your Subcommittee and this Department are in substantial agreement.

For instance, your conclusion that the health effects of air pollution should not be the sole basis for the determination of air pollution criteria is absolutely in accord with the activities this Department is carrying out under the Air Quality Act of 1967. Criteria, which are now under development, are intended to elucidate the effects of air pollution on the social and economic well-being of people as well as upon health. The criteria will indicate those concentrations of pollutants which may be damaging to property of any significant type. For example, the criterion documents now under preparation on sulfur oxides and particulates will be concerned with such matters as plant damage, visibility reduction, and corrosion of metals, as well as health effects. Since Governors will be expected to develop their air quality standards and their implementation plans in accordance with these criteria, health effects will be but one of the many considerations involved in the control efforts called for under the Air Quality Act.

While it is certainly true that the health effects of air pollutants has been a matter of strong interest, this Department's air pollution research and control activities are by no neans concerned with health effects only. To the contrary, the air pollution activities of this Department are carried out in full awareness of the broad ramifications of the problem. The Air Quality Act of 1967, which this Department is implementing, represents a uniquely comprehensive approach to an important environmental problem—an approach which specifically calls for full consideration of the social, economic, and scientific ramifications of air pollution, and which provides for full participation by industry, the scientific community, and all levels of government. To implement this Act, we have developed an economic-engineering strategy designed to focus the Nation's vast scientific and technological resources to the task of controlling air pollution in full awareness and consideration of the social, economic, and political ramifications of our actions.

In addition to developing and issuing to the States information that will help them apply currently available technology for controlling the sources of air pollution, we are also managing a comprehensive research and development program, involving both the private and public sectors, which is designed to bring into existence improved methods of air pollution control.

We have, for example, stimulated greatly accelerated efforts to develop effective and economical methods for controlling sulfur oxides pollution. The Department of Health, Education, and Welfare is directly coordinating the efforts of some 46 industrial groups, research institutes and other non-Federal organizations in developing control techniques and devices for the sources of sulfur oxides pollution. We have in addition developed an integrated program plan to coordinate all research and development activities that are being carried out by other agencies of the Federal Government in this area. A copy of that integrated plan has previously been forwarded to your Subcommittee. We are taking similar approaches to other major problems of controlling the sources of air pollution, including such diverse problems as that of controlling nitrogen oxide emissions from stationary sources, pollution resulting from the incineration of wastes, and the problem of developing low-pollution energy sources for motor vehicles.

Since we cannot purify the air as we do water before we use it, it is absolutely essential that the agency responsible for appraising the health effects of polluted air should also have the preventive control authority, backed up by the necessary associated research. To divide and separate the responsibilities of the principal components of this mission-oriented program could have disastrous consequences for the public. It is equally essential that it remain in this Department—a Department which, unlike many other Departments of Government, is not responsible for directly promoting the development, production, or marketing of products or services which contribute to the air pollution problem.

The skills of many diverse disciplines are required to improve our knowledge of the causes, effects, and control of air pollution and to insure application of that knowledge we already possess. Certainly engineering skills are of extreme importance, but they cannot be segregated and isolated from the many other skills which must be applied in a meaningful systems approach to solving the problem. This applies also to other areas of environmental management. In this regard, I cannot overemphasize the importance of the reorganization that this Department, after months of careful study, has recently placed into effect. Not only have we brought together many related programs into a single operating agency, we have also upgraded their status. The air pollution program, for instance, which was formally at a sub-bureau level, is now at a level equivalent to the Food and Drug Administration.

With the creation of the Consumer Protection and Environmental Health Service, we are now in the position to strengthen and systematize a viable approach to managing the environment. This reorganization has grown out of our dedication to the concept that the promotion of man's welfare—his survival, and the optimizing of his health and well-being physically, economically, and socially—must be the object of the country's environmental control efforts. Engineering skills will be fully employed as an important part of the diverse tools and resources which must be appied to implement this basic concept. In short, we now have a mechanism for insuring the emergence of a scientifically and socially valid systems approach to environmental problems.

Such an approach must fully consider the important fact that the foods that man eats and the drugs that he uses are just as much a part of his environment as the air he breathes, the water he drinks, the hazardous products he is exposed to in his daily life and the other hazards and stresses to which he is subject at home, at work, and at play. We now have an organization structured in such a way that the total impact of these exposures and stresses on man can be scientifically and rationally evaluated.

I urge you to consider carefully its structure, its mission, and the unique promise it represents.

Sincerely yours,
(s) William H. Stewart,
Philip R. Lee,
Assistant Secretary for Health and Scientific Affairs.

August 30, 1968.

Dr. Philip R. Lee,
Assistant Secretary for Health and Scientific Affairs, Department of Health, Education and Welfare, Washington, D.C.

Dear Dr. Lee: Thank you for your detailed letter of August 13, concerning the reorganization of the environmental programs in the DHEW. The information you provided is valuable to us as we continue to review the best means of accomplishing goals which, as you say, are substantially agreed upon. I feel that passage of a bill such as the Air Quality Act of 1967 is only a part of Congressional responsibility. Our overview role is often neglected, and it is in this capacity that our Subcommittee will continue the dialogue with the Executive Branch.

As you describe the reorganization it appears that engineering programs will be emphasized in due proportion along with human health effects. The issuance of air quality criteria in the next few months will do much to energize a nationwide abatement effort and we will be watching the progress of the program with great interest and a desire for early success in your efforts.

Sincerely,

EMILIO Q. DADDARIO,
Member of Congress.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 26, 1968.

Hon. EMILIO Q. DADDARIO,
Chairman, Subcommittee on Science, Research, and Development, Committee on Science and Astronautics, House of Representatives, Washington, D.C.

DEAR MR. DADDARIO: We have recently had the opportunity to read the report of the Subcommittee on "Managing the Environment," which resulted from recent public hearings. The subject matter of the report is one in which this Department has an intense interest and a good share of the Federal authority. I found the report to be stimulating and excellent reading, and I would like to offer some comments on the aspects of the report dealing specifically with water quality standards (pages 23 and 24). My comments relate to certain specific points made in the report, as follows.

The report states that "the approval role assumed by the Secretary of the Interior has forced State standards into a sameness which appears at odds with the wide differences in the American landscape" (page 23). The approved standards for dissolved oxygen and temperature are cited as examples of this.

We agree wholeheartedly with the Subcommittee that the variety in the geography and conditions of the States precludes uniform prescriptions. Section 10(c) of the Federal Water Pollution Control Act, as amended by the Water Quality Act of 1965, provided the States with the first opportunity to set interstate water quality standards, and this Department did not publish specific minimum criteria for water quality that would have to be included in States' standards. The Department recognized the variation in standards among States and localities that would be necessary because of differing water uses, pollution problems and widely varying water quality conditions. The Department did set forth a statement of national policy in the "Guidelines for Establishing Water Quality Standards for Interstate Waters," which was supplemented by the December 5, 1966, memorandum on "Necessary Supporting Materials and Implementation Plan Contents." These guideline publications indicated the general requirements that States would have to meet so that their water quality standards submissions provided adequate programs to accomplish the intent of the Federal Act; that is, the standards had to provide for the enhancement of the quality and productivity of the waters of the Nation to serve a variety of beneficial uses, such as recreation, public water supply, industrial and agricultural uses and the propagation of fish and other aquatic life.

In setting standards and determining water uses and criteria, the States proceeded according to their own statutory requirements and procedures, including the holding of public hearings, within the broad concepts of the Federal Act and this Department's guidelines. The criteria adopted by the States to protect various beneficial uses, however, were fairly uniform and did not generally reflect existing water quality in particular localities, or improved water quality expected to result from the installation of treatment or control requirements. Both the States and the Federal Government were suffering from a lack of data on existing water quality and conditions that would permit them to do this. Rather, the States relied on available information on water quality requirements for various beneficial uses. This information is far from complete, but by and large there had developed over the years a general agreement concerning the status of the existing information. Such source materials as the California Water Quality Control Board publication on *Water Quality Criteria* and the ORSANCO water quality criteria were widely used. The U.S. Public Health Service Drinking Water Standards (1962) and shellfish sanitation standards, and the standards of the Federal Radiation Council were applied where appropriate. A certain "sameness" resulted from the common use by States of these traditional references. A more recent source has been the work of the National Technical Advisory Committee established by Secretary Udall to review and summarize the existing information on water quality studies and draw conclusions on general water quality requirements. The Committee's report was not available to the States in establishing water quality criteria, but it has been used by this Department in evaluating the water quality criteria established by the States and a number of States have modified their standards on the basis of this work. The Committee itself has stressed that its recommendations are general guidelines only, and should be used in light of knowledge about existing water quality and conditions. In the absence of such knowledge, however, it has been necessary to apply the Commitete recommendations more literally. However, both this Department and the States have expanded data collection and evaluation activities with a view toward refining the water quality standards as soon as possible to reflect actual or anticipated water quality conditions and uses. Thus, I think we are in agreement with the Subcommittee, and I also think we are moving in that direction. I might add that a few of the States have already made an attempt to tailor their standards, particularly Alaska, Texas, Oregon, Washington, Nevada and Idaho. The fact that standards were not tailored all over the country was one of the primary reasons that Secretary Udall had to ask the States to adopt a narrative policy statement preventing degradation of high quality waters whose quality was not reflected in the criteria adopted by these States.

The Subcommittee states that it does not believe that it was the intent of Congress for the Secretary of the Interior to assume "these new powers of approval which affect the choices of water usage at local levels" (page 23). The water uses protected by the standards have been determined primarily on the basis of testimony presented at public hearings and other evidence as to present uses and future uses desired by the people in a particular area. These have been considered to be the best water uses unless they are clearly inconsistent with other uses so established, or unless they are obviously in variance with recommendations of regional, State or national resource plans, either present or future. The Department has recognized the value of having the States set water quality standards to give recognition to State and local variation in desired water uses, pollution problems, and water quality. For the most part, we agree that it is best to defer to the values of the area concerned in assigning water uses. However, the Department also has the duty under the Federal Water Pollution Control Act, as amended, to see to the orderly development and the enhancement of the Nation's water resources. At times this requires a regional or even national approach to the assignment of water use priorities. Clearly, in giving the Secretary of the Interior the approval of water quality standards for interstate waters, the Federal Act provides for the Secretary to have a determining voice in assignment of water uses.

The Subcommittee further states that standards should apply to "receiving water and not to effluent streams." The Federal Water Pollution Control Act calls for water quality standards which consist of stream quality criteria *and* a plan of implementation and enforcement. In the absence of data on existing water quality and the knowledge about impact of wastes in some sort of exact numerical terms, the water quality criteria remain speculative. The plan of implementation, then, is the motive force of the water quality standards program, and we believe very strongly that only by having an effective plan of implementation requiring treatment or control of all wastes can the standards program ever be effective in cleaning up the Nation's waters. I think that the past experience in setting water quality standards of a number of States bears out our contention. Furthermore, treatment requirements are the very heart of an effective implementation program.

Both Commissioner Moore of the Federal Water Pollution Control Administration and I have recently discussed the issue of effluent standards and secondary treatment in speeches which I am enclosing. I would like to note at this time, however, that we do not consider the specification of treatment requirements to constitute effluent standards. This is a view which is shared by the States who submitted treatment requirements with their original standards. As the Subcommittee notes in its report, most of the approved standards are requiring secondary treatment for all municipal wastes. The equivalent degree of treatment (which is something that remains to be defined in a number of instances) is being required for industrial and other wastes. There are some exceptions to this general requirement, however, depending upon the significance of the discharge and the nature of the receiving waters. For instance, some discharges to coastal waters may require only primary treatment plus chlorination for the time being. In some cases, better than secondary treatment will be necessary to protect and enhance water quality.

Commissioner Moore's statement discusses the function of benefit cost analysis in determining treatment requirements, and some of the advantages and problems of this approach. We agree wholeheartedly with the Subcommittee that decision-making about treatment needs should be made on as factual basis as possible. What facts we have now bear out the need for at least secondary treatment for all municipal and industrial wastes discharged to fresh water and for most wastes discharged to salt water. Obviously, treatment needs are more compelling in some areas than in others. What remains, then, is to phase the accomplishment of treatment requirements so as to reflect these priorities. I might add that our treatment policies go hand in hand with encouraging industry to modify processes to eliminate wastes to the extent possible, and with encouragement to dischargers to install rapid dispersion devices as necessary to facilitate assimilation of wastes. We cannot agree more with the Subcommittee that society should not waste money.

We further agree with the Subcommittee that in-stream treatment may be very useful, and the possibilities of in-stream treatment should be considered. We do not agree, however, that dischargers should consider in-stream treatment to be an acceptable alternative to treatment of wastes at the source. It may supplement such treatment, however, and in some areas it already appears to be necessary to meet the water quality standards as an addition to waste treatment. An example of this may be the Miami River in Ohio where in-stream aeration and flow augmentation may be necessary to supplement the treatment requirements so that a high quality aquatic life is realized. The in-stream alternatives mentioned by the National Research Council in the Subcommittee's hearings, mechanical aeration of streams, low flow augmentation and programmed discharge of effluents, are all ways of improving water quality. However, alone such measures do not suffice to protect water quality and associated uses from undesirable pollutants discharged to the waters and localized areas of extremely low quality, not to mention bacteriological and other contamination.

In summary, I would like to say that the task of establishing water quality standards has been formidable and, from the beginning, it has been a joint State-Federal effort. A high priority was assigned to this effort by the States and the results have been generally very good. Throughout, this Department's role has been one of assisting the States in their task as much as possible.

While the standards in most cases will require refinement over the years, I think we have a basically good and effective standards program across the Nation. We and the States are enthusiastic about this program and our best cooperative efforts in the future will be directed towards carrying it out.

Sincerely yours,

MAX N. EDWARDS,
Assistant Secretary of the Interior.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 12, 1968.

Mr. MAX N. EDWARDS,
Assistant Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR MR. EDWARDS: I have read your detailed letter of August 26 with great interest. I have also received a copy of the final report of the National Technical Advisory Committee and wish to thank your department for supplying it.

In the period since our Subcommittee report, "Managing the Environment," was issued, we have seen a further definition of the Federal agency programs in both water and air quality management. I believe the dialogue which has been established is valuable and will contribute to a refinement of operational details under policy guidelines which are generally agreed upon.

The explanations in your letter and the accompanying policy statements make me optimistic that the Federal-State interaction will result in equitable management of environmental quality.

Sincerely,

EMILIO Q. DADDARIO,
Member of Congress.

ADMINISTRATION CONTINUES TO DEFY CONGRESS ON USE OF HIGHWAY FUNDS

Mr. **NELSEN**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. **NELSEN**. Mr. Speaker, when Budget Director Zwick announced a new freeze on $200 million in Federal highway trust funds, we once again witnessed the disdain which the present administration has for Congress. Prior to the enactment of the Federal Highway Act of 1968, thousands of voices protested the previous withholding of almost $1 billion of available moneys. The point was made forcefully that holding back these earmarked funds, funds that have been bought and paid for by our highway users, is a virtual violation of the terms of the highway trust fund. In no way can such withholding combat general inflationary tendencies in the economy. In fact, the funds cannot be used for other purposes in an effort to bring our budget into balance. But to reinforce the will of Congress, the following provision was written into the 1968 Highway Act:

> It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any federal aid system which has been apportioned pursuant to the provisions of this title, shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee of any department, agency, or instrumentality of the executive branch of the federal government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation are necessary to be withheld from obligation for specific periods of time to assure sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

Now I am just a plain Minnesota farmer. I believe that when the Congress specifies that such a withholding of funds is forbidden, we are being extremely clear. Obviously, President Johnson and Budget Director Zwick are choosing to ignore the Congress and the people's wishes. They are once again setting out to do exactly what Congress states is contrary to existing law. Of course, we could have predicted the attitude they would take. The ink was scarcely dry following the signing of the Federal-Aid Highway Act when the President announced that, for all practical purposes, he would also ignore the directives in the bill regarding the Washington, D.C., freeway system.

Mr. Speaker, the Honorable Harold LeVander, Governor of Minnesota, is rightfully protesting this new road fund freeze in the strongest possible terms. I join him in asking for a reversal of the administration's almost insulting action in ignoring the express wishes of the Congress. The Governor pointed out—after stating that he was "astounded at the audacity of the President of the United States"—that about $13 million in construction bids in Minnesota were to have been let between October and the end of the year. These will now have to be held in abeyance until the Federal funds are unfrozen.

Mr. Speaker, we are witnessing one more instance of the obstinacy and intransigence of the present administration in meeting the directives of this Congress as set out in Public Law 90-364. These specify that Government spending is to be cut by $6 billion in this fiscal year and that a start is to be made in cutting back our enormous Federal payroll. Since that act was passed, we have been threatened with the severance of vital services in the Post Office Department and elsewhere if we did not rescind portions of the dictated cuts. We are bombarded with propaganda from every department in the executive branch warning that cuts in money and personnel will result in the curtailment of the most necessary programs. Often, these are largely scare tactics. Now we are once again spoonfed the fiction that the roads program must be cut back to meet the required $6 billion cut. I must repeat once again what has been said a thousand times before: The Federal-aid highway program is financed on a pay-as-you-go basis out of the highway trust fund, not out of the general fund. Unspent highway money cannot be directly used in other areas to meet other spending demands. To refer to this freeze as a budgetary savings has long ago been exposed as a bookkeeping fraud on the American public. It is also a fallacy to believe that a delay in the program will result in any monetary saving or act as an inflationary check. Costs of highway construction are increasing daily. In many cases, bonding programs are being used to speed up needed highway construction because the cost of interest is nearly parallel to the rising cost of construction. Also, the uncertain position into which contractors, laborers, State highway programers, and allied industries are put by this sort of stop-start manipulation cannot help but boost the final total cost. The freeze of the funds actually contributes to inflationary trends rather than lessening them as claimed by the President and his advisers.

Mr. Speaker, I am very weary of having the will of the people as expressed through the Congress of the United States ignored. We are all aware of the opposition to any real cutbacks in Government spending which this administration maintains. They will use almost any tactic, create any fiction, which this freeze in road funds represents, to defeat any genuine reduction in overall Government outlay. How they can observe the present state of our economy and still persevere is beyond me. But unless the executive soon meets the spending cut we set in the recent tax legislation, and quits playing these bookkeeping games, we might as well prepare ourselves for a tax increase next year. It could make the 10-percent surcharge look small. It is also high time that we in Congress take some action which will let them know down at 1600 Pennsylvania that we are not legislating up here merely for the fun of it. When we pass a bill and the President sees fit to sign it, we expect each and every provision of such law to be heeded.

I include an article which appeared in the September 9 issue of the St. Paul Pioneer Press at this point in my remarks together with a resolution adopted by the executive committee of the American Association of State Highway Officials in a special meeting in Cheyenne, Wyo., September 16:

LEVANDER RAPS ROAD FUND FREEZE

(By Robert Whereatt)

Gov. Harold LeVander Monday attacked President Lyndon Johnson's latest move to freeze some $200 million in federal highway construction funds and said it would bring a halt to future highway work in the state for an indeterminate period.

The cut was announced Monday as part of the President's $3.5 billion cut in non-Vietnam defense spending to reduce government outlays. Congress has ordered a $6 billion cut.

LeVander learned of the freeze on highway construction funds and responded that he was "astounded at the audacity of the President of the United States."

There is about $1 billion in the highway trust fund, said the governor. This money is from gasoline taxes and is earmarked for road construction. Since the money cannot be spent for other purposes, he said, it will serve the President no purpose to order a freeze on the money.

About $13 million in construction bids in Minnesota were to be let between October and the end of the year. These will have to be held in abeyance until the federal funds are unfrozen, LeVander said.

"We are dismayed," said the governor. "It is contrary to law." He referred to a recently passed federal highway act which, according to LeVander, includes a provision prohibiting the President from withholding federal highway trust funds.

LeVander said he plans immediately to contact the Minnesota congressional delegation to protest the freeze.

The governor said $51.8 million in highway funds have not been received by the state even though the funds have been earmarked. The tardy funds have slowed some highway projects," he said.

State Highway Commissioner N. Ted Waldor said he received a notice from the Bureau of Public Roads Monday informing him "not to authorize clearance of any more jobs until further notice." No indication was given when highway construction funds would be released, Waldor said.

The freeze, according to LeVander, means that highway projects now under contract will continue for that portion of the work for which there is money. But then, if the work depends on federal funds, all work will end. Most of the interstate and trunk highway work in Minnesota is financed at least partly by federal funds.

Waldor said the greatest impact of the freeze will be felt by Twin Cities residents, since projects for the next few months were to be in this area.

Resolution on the Subject of the Federal-Aid Highway Program

Whereas, the economic well-being and safety of this Nation is dependent upon an adequate and safe highway transportation system now and in the future, and

Whereas, documented highway needs are of such magnitude as to require a continuous all-out effort utilizing all available funds to prevent such needs from becoming irretrievably out of balance with available facilities, and

Whereas, within recent years tampering with the Federal-aid highway program through the imposition of cutbacks and other restrictive fiscal controls has introduced serious uncertainty in the program to the degree that it is impossible for the State highway departments to schedule their construction activities in advance, fully utilize the services of skilled personnel, or plan their matching fund requirements, and

Whereas, the most recent cutback announced on September 6th of this year is imposed on top of one that had already been imposed for the calendar year, with certain assurances to the State highway departments that they would be allowed to obligate a certain amount of funds during the calendar year, and

Whereas, this uncertainty is seriously damaging the efficiency and health of the highway industry which must be maintained to serve the public interest, and

Whereas, the basic and primary highway responsibility to the people in the Nation rests with the States and the Federal-aid program now is of such size and importance that it controls and dominates the program of the several States which, in turn, places a share of this responsibility for safe and adequate highways on the Congress, and

Whereas, the Highway Trust Fund which must be considered a covenant and a contract between the Federal Government, the States, and the highway users who pay the taxes, that such funds will be used for highway improvements as they accrue and not be used to temporarily and artificially correct national budget deficits and, in effect, the most recent highway program cutback is not a genuine reduction of expenditures in line with the intent of the Congress but is only a deferral of such expenditures,

Now therefore be it resolved, that the Executive Committee of the American Association of State Highway Officials, speaking for the several State highway departments, and meeting in Cheyenne, Wyoming, on September 16th, 1968, respectfully requests the Chairmen of the Senate and House Public Works Committees of the Congress to reconvene the joint Committee hearings on the effect of cutbacks on the Federal-aid highway program that were recessed in 1967, in order to check the magnitude of essential highway needs, the present rate of highway development, the adequacy of available highway funding, and the undesirable impact and effects resulting from highway program interruptions, and

Be it further resolved, that such hearings assess the cost attributable to such cutbacks caused by the inefficiency resulting from turning on and off this large public works program throughout its wide spectrum of influence, and

Be it further resolved, that the Senate and House Public Works Committees be requested to initiate action in the Congress of the United States to specifically exempt the highway program from the Congressional ordered reduction in Federal expenditures, and

Be it further resolved, that the Secretary of Transportation immediately announce the apportionment of the 1970 fiscal year Federal-aid highway funds to the several States and permit the program to proceed on the basis of the full capabilities of the Highway Trust Fund, and

Be it further resolved, that copies of this resolution be sent to the President of the United States, the Director of the Bureau of the Budget, the Secretary of the Treasury, the Secretary of Transportation, the Federal Highway Administrator, the Director of Public Roads, the Governors of the several States, and the Members of Congress.

PROHIBITION ON THE BROADCASTING IN A STATE OF FEDERAL ELECTION RESULTS OR PROJECTIONS OF SUCH RESULTS

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BUCHANAN. Mr. Speaker, a bipartisan group of my colleagues join me today in introducing legislation to amend the Communications Act of 1934 in order to prohibit the broadcasting in a State of Federal election results or projections of such election results until all polling places in such State at which votes may be cast in such election are closed.

The premature projections of election results on a tiny percentage of returns and competition of the TV networks to be first to guess the final outcome is, to say the least, a most unfortunate practice. Not only are such projections often in error and confusing but they can actually influence the outcome of an election—particularly that of President, when California, for example, is subject to 3 hours of conjecture by the networks. This can become a form of electioneering on election day, a practice forbidden by State law in many cases.

For example, in at least one State NBC in 1966 predicted with great authority and finality the outcome of congressional elections stating the case as if it were an accomplished fact 1 hour before the polls were closed and any returns in. The projections, based on information from past elections and fed into the computer, were in substantial error.

If this situation continues unchecked the outcome of elections may be materially affected by the computerized electioneering of the TV networks.

Those joining me in the introduction of this legislation are as follows: Representatives Frank M. Clark, Democrat of Pennsylvania, J. G. Fulton, Republican of Pennsylvania, Don Clausen, Republican of California, James A. McClure, Republican of Idaho, William O. Cowger, Republican of Kentucky, Robert J. Corbett, Republican of Pennsylvania, Lester E. Wolff, Democrat of New York, Lawrence G. Williams, Republican of Pennsylvania, Catherine May, Republican of Washington, E. Y. Berry, Republican of South Dakota, J. Herbert Burke, Republican of Florida, George Bush, Republican of Texas, Robert C. McEwen, Republican of New York, Henry P. Smith III, Republican of New York, Edward J. Derwinski, Republican of Illinois, John E. Moss, Democrat of California, Tim Lee Carter, Republican of Kentucky.

TRANSFER ALL VIETNAM AID TO THE U.S. MILITARY

Mr. REINECKE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REINECKE. Mr. Speaker, although final authorization for foreign aid for fiscal year 1969 has not yet been passed, the total of $1,974,000,000 is in the works. This compares with the $2,900,000,000 the President sent to the U.S. Congress in January as his "bare bones" request for the next year. Even before the final authorization has been passed, the House Appropriations Subcommittee on Foreign Aid has notified us that it will justify only $1,600,000,000 for the next year. Even this total may be cut another $100,000,000 before the final appropriation is granted.

As a Congressman, responsive to the wishes of his constituents, I cannot help being impressed by the current rebellion of the American taxpayer against the way our foreign aid is being disbursed. He sees the perversion of our aid goals and objectives; he has found out about the mismanagement of our assistance programs, and is shocked particularly by the uselessness of our special AID mission in Vietnam. I am sure that many of my colleagues here will join me in voting for the end of this gigantic boondoggle in that troubled land.

Just note these aid figures. Since 1953 through June 1967, we have disbursed the total of $5,111,100,000 in Vietnam. This total is quite apart from the expenditures of our vast war effort, currently estimated to be in excess of $30 billion per year. Since 1967 we have also taken out our special military assistance programs from the overall Vietnam aid administration and made such expenditures part of our regular Department of Defense funding.

I refer at this time specifically to the uselessness of our civilian AID mission in South Vietnam. We have heard much of the planning to assure liberated hamlets of economic aid to reestablish the peasants in security. Why then, as reported, do we seem to have to reconquer so many hamlets? The only answer is that apparently the people are not being reestablished and are easily being subverted, and also because the AID personnel are not to be found in these outlying Provinces and hamlets.

But where are these AID consultants and administrators to be found? Congressmen, and there are many of us who have gone on firsthand inspection tours in Vietnam, found most of the AID people in Saigon and other relatively large and well-protected centers. They could not work in areas which were not "secure." What were they doing there?

Under the guise of the war emergency, we have a force of AID officials in Vietnam alone that exceeds the total number of workers we have in all of Africa or Latin America. It has been reported that approximately 40 percent of all of our AID officials are now in Vietnam. Among the nearly 800 AID officials who were all receiving in excess of $25,000 in total pay per year, there were: 28 who received in excess of $41,700 per year; 82 who were paid $35,500; 262 who receive in excess of $30,000; 409 who are paid in excess of $24,600; and 76 who receive more than $19,000.

In addition to their base salaries, these officials all receive a 25-percent hardship allowance, a $3,000 separate maintenance allowance, and fringe benefits which include air-conditioned housing, medical care, automobiles, and PX privileges. If you total the salaries and the hardship allowances for our AID officials each year it would exceed $31,800,000. In the name of every honest taxpayer, I ask what vital functions do these gentlemen perform that in many cases their emoluments exceed the salaries of our Cabinet members, Supreme Court Justices, and agency heads.

Reports have been made of the inefficiency of AID administrators, of diversion of AID goods to the black market, of collusion with corrupt South Vietnamese officials, and a malfunctioning and perversion of our AID efforts. It is not strange that the Vietcong are making excellent propaganda about our AID programs. Apparently, this propaganda is effective, in part explaining why so many Vietnamese dislike our presence in their land.

All in all, it seems to me that the best way to cleanse the whole AID mess in Vietnam is to cut off the AID mission, recall the entire staff, and turn the economic functions over to our military. We have a clear precedent for such action in the Korea experience where all civilian assistance and economic rehabilitation were under military command and supervision. Certainly, our Korean aid program was a far more efficiently administered operation and lastingly successful.

Mr. Speaker, accordingly, I have today introduced the following concurrent resolution:

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE ADMINISTRATION OF U.S. FOREIGN AID PROGRAMS IN VIETNAM BY THE AGENCY FOR INTERNATIONAL DEVELOPMENT

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, in view of recently publicized facts concerning extravagance in the operations of the Agency for International Development in Vietnam, the President should take such steps as may be necessary to transfer to the Secretary of Defense the primary responsibility for administering the United States foreign aid programs in Vietnam currently administered by the Agency for International Development and to recall from Vietnam all officers and employees of such Agency.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEPPER (at the request of Mr. ALBERT), for Tuesday, September 17, 1968, on account of official business.

Mr. MESKILL (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. MCCULLOCH (at the request of Mr. GERALD R. FORD), for today, on account of official business—National Commission on the Causes and Prevention of Violence.

Mr. HELSTOSKI (at the request of Mr. BRASCO), for Wednesday, September 18, 1968, on account of official business.

Mr. FOUNTAIN (at the request of Mr. ALBERT), beginning Thursday, September 19, on account of attendance as member of the Advisory Commission on Intergovernmental Relations in San Francisco, Calif.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WHITENER, for 30 minutes, today.

Mr. CUNNINGHAM (at the request of Mr. SCHERLE), for 10 minutes, September 19; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. BRINKLEY) to revise and extend their remarks and to include extraneous matter:)

Mr. STAGGERS, for 10 minutes, today.

Mr. PATTEN, for 1 hour, on September 26.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN in two instances and to include editorials.

Mr. SAYLOR and to include extraneous matter.

Mr. GROSS to extend his remarks during the consideration of House Resolution 1253.

Mr. EDMONDSON in two instances and to include extraneous matter.

Mr. POFF immediately preceding the remarks of Mr. RAILSBACK on S. 945 during general debate.

(The following Members (at the request of Mr. SCHERLE) and to include extraneous matter:)

Mr. WHALEN.
Mr. COWGER.
Mr. FRELINGHUYSEN.
Mr. SCHERLE.
Mr. SNYDER in two instances.
Mr. ASHBROOK.
Mr. SHRIVER.
Mr. FINDLEY.
Mr. RHODES of Arizona.
Mr. WYMAN.
Mr. RAILSBACK.
Mr. DERWINSKI.

(The following Members (at the request of Mr. BRINKLEY) and to include extraneous matter:)

Mr. DANIELS.
Mr. PODELL in two instances.
Mr. MCCORMACK.
Mr. FALLON.
Mr. LONG of Maryland.
Mr. UDALL in six instances.
Mr. DINGELL in three instances.
Mr. NICHOLS in two instances.
Mr. GONZALEZ in three instances.
Mr. MORRIS of New Mexico in two instances.
Mr. CORMAN.
Mr. FRASER in four instances.
Mr. CAREY in two instances.
Mr. WILLIAM D. FORD.
Mr. TUNNEY.
Mr. PRYOR.
Mr. ROYBAL in six instances.
Mr. WOLFF.
Mr. HAGAN.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3459. An act to name the authorized lock and dam No. 17 on the Verdigris River in Oklahoma and the lake created thereby for the Chouteau family; to the Committee on Public Works.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8953. An act to amend the act of November 21, 1941 (55 Stat. 773), providing for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority; and

H.R. 18763. An act to authorize preschool and early education programs for handicapped children.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 220. An act to authorize the sale of certain public lands;

S. 747. An act for the relief of Dr. Earl C. Chamberlayne;

S. 772. An act for the relief of Dr. Violeta V. Ortega Brown;

S. 905. An act for the relief of John Theodore Nelson;

S. 1327. An act for the relief of Dr. Samad Momtazee;

S. 1354. An act for the relief of Dr. Bong Oh Kim;

S. 1470. An act for the relief of the Ida group of mining claims in Josephine County, Oreg.;

S. 2250. An act for the relief of Dr. Hugo Vicente Cartaya;

S. 2371. An act for the relief of Dr. Herman J. Lohmann;

S. 2477. An act for the relief of Dr. Fang Luke Chiu;

S. 2506. An act for the relief of Dr. Julio Epifanio Morera;

S. 2706. An act for the relief of Yung Ran Kim;

S. 2720. An act for the relief of Heng Liong Thung;

S. 2759. An act conferring U.S. citizenship posthumously upon S. Sgt. Ivan Claus King;

S. 3024. An act for the relief of Richard Smith (Noboru Kawano); and

S.J. Res. 185. Joint resolution to grant the status of permanent residence to Maria Mercedes Riewerts.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, September 19, 1968, at 12 o'clock noon.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

"I A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 90th Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948: JAMES M. COLLINS, Third District, Texas.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2211. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting the text of ILO Convention No. 127 and ILO recommendations No. 129 and 130, adopted by the International Labor Conference at its 51st session in June 1967 (H. Doc. No. 385); to the Committee on Foreign Affairs and ordered to be printed.

2212. A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting a copy of the statistical supplement of the stockpile report to Congress, for the period January 1 to June 30, 1968, pursuant to the provisions of section 4 of the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

2213. A letter from the Director, Congressional Liaison, Agency for International Development, Department of State, transmitting a copy of the Agency's reply to the Comptroller General's report on "Review of Administration of U.S. Assistance for Capital Development Projects in Brazil"; to the Committee on Government Operations.

2214. A letter from the Comptroller General of the United States, transmitting a report on the need to improve regulatory enforcement procedures involving pesticides, Agricultural Research Service, Department of Agriculture; to the Committee on Government Operations.

2215. A letter from the Comptroller General of the United States, transmitting a report on an examination into the control over procurement, use, and disposition of magnetic computer tape in the Department of Defense; to the Committee on Government Operations.

2216. A letter from the Comptroller General of the United States, transmitting a report on activities of the Federal Aviation Administration in its Europe, Africa, Middle East region, Department of Transportation; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 19418. A bill to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to expedite retirement of Government capital from Federal intermediate credit banks, production credit associations and banks for cooperatives, and for other purposes (Rept. No. 1897). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 18373. A bill for implementing Conventions for Free Admission of Professional Equipment and Containers, and for ATA, ECS, and TIR Carnets; with amendment (Rept. No. 1898). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORMAN: Committee on Ways and Means. H.R. 14095. A bill to amend the Internal Revenue Code of 1954 so as to make certain changes to facilitate the production of wine, and for other purposes; with amendments (Rept. No. 1899). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 15023. A bill to amend the Internal Revenue Code of 1954 to provide a longer period of time for disposition of certain assets in the case of regulated investment companies furnishing capital to development companies; with amendment (Rept. No. 1900). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 17332. A bill to amend the Internal Revenue Code of 1954 regarding credits and payments in the case of certain uses of gasoline and lubricating oil; with amendment (Rept. No. 1901). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 18942. A bill relating to the income tax treatment of certain statutory mergers of corporations; with amendment (Rept. No. 1902). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Missouri: Committee on House Administration. Senate Joint Resolution 191. Joint resolution authorizing the erection of a statue of Benito Pablo Juarez on public grounds in the District of Columbia (Rept. No. 1903). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee of conference. H.R. 17023. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes (Rept. No. 1904). Ordered to be printed.

Mr. POAGE: Committee of conference. H.R. 17126. An act to amend the Food and Agriculture Act of 1965 (Rept. No. 1905). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McFALL:

H.R. 19878. A bill to amend the Manpower Development and Training Act of 1962 to provide for supplementary State programs; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 19879. A bill to exempt ambulance drivers and attendants from the minimum wage and overtime provisions of the Fair Labor Standards Act of 1938; to the Committee on Education and Labor.

By Mr. ROUSH:

H.R. 19880. A bill to amend the Internal Revenue Code of 1954 to reduce the percentage depletion allowance on oil, gas, and certain other minerals; to the Committee on Ways and Means.

By Mr. TUNNEY:

H.R. 19881. A bill to develop business and employment opportunities in smaller cities and areas of unemployment and underemployment by providing certain preferences for prospective Government contractors in such cities and areas; to the Committee on the Judiciary.

H.R. 19882. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 19883. A bill to provide funds on behalf of a grateful nation in honor of Dwight David Eisenhower, 34th President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, N.Y., as a distinguished and permanent living memorial to his life and deeds; to the Committee on Education and Labor.

By Mr. BUCHANAN (for himself, Mr. CLARK, Mr. FULTON of Pennsylvania, Mr. DON H. CLAUSEN, Mr. McCLURE, Mr. COWGER, Mr. CORBETT, Mr. WOLFF, Mr. WILLIAMS of Pennsylvania, Mrs. MAY, Mr. BERRY, Mr. BURKE of Florida, Mr. BUSH, Mr. McEWEN, Mr. SMITH of New York, Mr. DERWINSKI, Mr. MOSS, and Mr. CARTER):

H.R. 19884. A bill to amend the Communications Act of 1934 in order to prohibit the broadcasting in a State of certain election results or projections of election results until all polling places in such State at which votes may be cast in such election are closed; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT (for himself, Mr. Wylie, Mr. Watkins, Mr. King of New York, Mr. Denney, Mr. Williams of Pennsylvania, Mr. Roth, Mr. Scherle, and Mr. Steiger of Arizona):

H.R. 19885. A bill to amend section 64 of the Bankruptcy Act to afford priority to pension fund contributions earned within 3 months of bankruptcy; to the Committee on the Judiciary.

By Mr. MARSH:

H.R. 19886. A bill to authorize acquisition by the United States of certain real property adjacent to the National Cemetery at Culpeper, Va.; to the Committee on Veterans' Affairs.

By Mr. REINECKE:

H. Con. Res. 823. Concurrent resolution expressing the sense of the Congress with respect to the administration of U.S. foreign aid programs in Vietnam by the Agency for International Development; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19887. A bill for the relief of Stella and Giuseppe Ambroselli and minor child Michael Ambroselli; to the Committee on the Judiciary.

By Mr. BELCHER:

H.R. 19888. A bill for the relief of Josias Bandonillo Guarin; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 19889. A bill for the relief of Salvatore DiLiberto; to the Committee on the Judiciary.

H.R. 19890. A bill for the relief of Teresa Matrisciano; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 19891. A bill for the relief of Piadosa Rodio; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 19892. A bill for the relief of Therese Jean Juste; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 19893. A bill for the relief of Alexander Tripodes; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 19894. A bill for the relief of Marie Louise Elizabeth Varona Espiritu; to the Committee on the Judiciary.

H.R. 19895. A bill for the relief of Georgia H. Kanellis; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 19896. A bill for the relief of Aldo Amanini; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 19897. A bill for the relief of Francoise Bongrade; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 19898. A bill for the relief of Dr. Nora L. Vasquez; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 19899. A bill for the relief of Constantino Espinola da Silva; to the Committee on the Judiciary.

H.R. 19900. A bill for the relief of Manuel Correia de Malo; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 19901. A bill for the relief of Maria Carmen Valente Pereira; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 19902. A bill for the relief of Chiu On Chiu and his brother, Kin On Chiu; to the Committee on the Judiciary.

H.R. 19903. A bill for the relief of Francesco Di Domenico and his wife, Giuseppa Di Domenico; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 19904. A bill for the relief of Mr. Giacomo DeSimone; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 19905. A bill for the relief of Esther Gonzalez Criado; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 19906. A bill for the relief of Antonio Masucci; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 19907. A bill for the relief of Sister Elsia (Antonietta Frongia) and Sister Maria Claudina (Luciana Cancedda); to the Committee on the Judiciary.

By Mr. PATMAN:

H. Res. 1307. Resolution referring H.R. 19871 to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

SENATE—*Wednesday, September 18, 1968*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, again with the miracle of light has come the gift of a new day. For past failures, may no regrets keep us from seizing the challenge of each new dawn. As through sleep and darkness safely brought, restored to life and power and thought, we would each face this fresh chance with the glorious consciousness, "I am with Thee."

Our fathers trusted in Thee and were not confounded—in Thee we trust. In Thee is our sure confidence that the way of the Republic is down no fatal slope but up to freer sun and air.

May the Mighty One, whose boundless love is in the darkness and behind the darkness, be to us as a covert from the wind, a shelter from the storm, and as the shadow of a great rock in a weary land.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, September 17, 1968, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the time for the quorum call to be taken from the time on the bill.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 278 Leg.]

Anderson
Bayh
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Church
Cooper
Curtis
Dirksen
Dodd
Dominick
Ellender
Goodell
Harris
Hayden
Hickenlooper
Hollings
Hruska
Inouye
Jordan, N.C.
Mansfield
McGee
Montoya
Pell
Ribicoff
Russell
Sparkman
Spong
Symington
Talmadge
Tydings
Williams, Del.
Yarborough
Young, N. Dak.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Gruening], is absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Pennsylvania [Mr. Clark], the Senator from Arkansas [Mr. Fulbright], the Senator from Massachusetts [Mr. Kennedy], the Senator from Missouri [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], the Senator from Oregon [Mr. Morse], the Senator from Maine [Mr. Muskie], and the Senator from Florida [Mr. Smathers], are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. Bennett], the Senator from Kentucky [Mr. Morton] and the Senator from Maine [Mrs. Smith] are necessarily absent.

The Senator from New York [Mr. Javits] is detained on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Baker
Brewster
Brooke
Cannon
Carlson
Case
Cotton
Eastland
Ervin
Fannin
Fong
Gore
Griffin
Hansen
Hart
Hartke
Hatfield
Hill
Holland
Jackson
Jordan, Idaho
Kuchel
Lausche
Long, La.
Magnuson
McClellan
McIntyre
Metcalf
Miller
Mondale
Moss
Mundt
Murphy
Nelson
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Scott
Stennis
Thurmond
Tower
Williams, N.J.
Young, Ohio

The PRESIDING OFFICER (Mr. Goodell in the chair). A quorum is present.

AMENDMENT OF NATIONAL SCHOOL LUNCH ACT—ORDERED TO LIE ON THE TABLE

Mr. MANSFIELD. Mr. President, I yield myself 1 minute.

I ask unanimous consent that Calendar No. 1409, S. 3848, to amend the National School Lunch Act, and for other purposes, be ordered to lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN CONTROL ACT OF 1968

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The Legislative Clerk. S. 3633, a bill to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 947) of the Senator from Maryland [Mr. Tydings]. The time for debate on the amendment is limited to 2 hours, to be equally divided and controlled by Senators Tydings and Hruska.

Who yields time?

Mr. TYDINGS. Mr. President, I yield myself 10 minutes.

Mr. President, last night, during the waning hours, I called up my amendment No. 947 to add gun registration and gun user licensing to the pending firearms bill.

Last year 7,600 Americans were victims of gun murders. 73,000 Americans were victims of gun robbery. Today we have an opportunity to do something about this incredible carnage. We can do something by adding a reasonable, moderate gun registration and gun user licensing provisions to the pending gun bill.

Gun crime is the No. 1 crime problem which America faces today. There is no way that we can materially reduce crime violence in this country without strong gun laws.

I do not care how strong or how eloquent the speaker, the fact of the matter is that this is purely and simply an anticrime measure. We can criticize the Supreme Court all we want, and we can find scapegoats all we want, but the fact of the matter is that we are not going to reduce the rate of gun crime violence in the United States until we introduce and enact strong gun laws.

Guns are used in two out of every three murders and robberies in this Nation. This is an appalling ratio.

Guns are used in 96 out of every 100 police killings. They bring terror, damage, and death to tens of thousands of Americans each year.

A vote for the sound gun registration and licensing amendment which I propose is a vote to attack crime. It is a vote to drive fear and danger from our streets, from our shops, and from our homes. A vote for sound registration and licensing is a vote to protect the innocent and to disarm the criminal without significantly inconveniencing the law-abiding citizen.

For the record, I stress this amendment imposes no inconvenience, no burden, no fee, no tax, no expense to the gun owner other than the cost of a 6-cent stamp or two. All of its procedures of registration and licensing can be accomplished by mail. There is no discrimination involved in the issuance of the license or the registration certificate. It is mandatory. The issuance of the registration certificate is automatic. If a person owns nine guns, as I do, on one registration form, which he gets from the post office, he puts his name and address, the make, serial number, and caliber of each of his guns, puts the form in an envelope with a 6-cent stamp, mails it, and receives his registration certificate. That is all the inconvenience it is. There is nothing discretionary; the issuance of the certificate is automatic. Indeed, it is less of a problem than to register a dog, a bicycle, or an outboard motor.

As to the gun license, 2 years after the date of the act, in order to purchase a firearm, the purchaser would have to have a gun purchase permit or license. How do you get the license? You go to your local licensed gun dealer. You fill out a form, you show identification—your social security card or your driver's license—you fill out a form with your name and address; you make affidavit that you are over 18, that you have not been convicted of a felony or a crime punishable as a felony that you have never been committed by a court to an institution for mental incompetency, alcoholism, or narcotic addiction. The application is then checked with the records of the courts and of the Federal Bureau of Investigation, through a central computer, and if you are not a convicted felon and have not been institutionalized, the issuance of the license is mandatory. And there is not a penny involved; no fee whatsoever.

I do not know of a single hunter, sportsman, or other gun owner in Maryland or in any other State, who believes a convicted felon should be able to slip across a State line in order to buy guns. Unfortunately, there are some 39 States where you can buy a firearm without any sort of permit system. I do not believe there is any hunter who wants it possible for a convicted hoodlum or criminal to be able merely to slip across a State line, conceal his identity, and buy guns in order to murder bus drivers, storekeepers, taxicab drivers, police officers, or his fellow citizens. I cannot believe that a reasonable gun owner, fully apprised of the facts, would think that the inconvenience of a 6-cent stamp or two, and the filling out of an affidavit form, is too great a price to pay for protection for the police officers of the United States and their fellow citizens, by making it more difficult for hoodlums and the criminal element indiscriminately to acquire firearms from any pawnbroker or any hardware dealer across a State line.

The statistics in these cases are appalling. Let me summarize a little bit of the testimony before our Juvenile Delinquency Subcommittee, headed by our able colleague, the Senator from Connecticut [Mr. Dodd].

We heard testimony that during a 10-year period, Massachusetts State Police traced 87 percent of the guns used in crimes in that State to purchases outside the State of Massachusetts, in jurisdictions which had less stringent gun protection laws.

We heard testimony that showed that in Detroit, Mich., 90 out of every 100 guns confiscated from lawbreakers were not registered in Michigan, which State requires registration, but were obtained in a nearby city in an adjoining State in which gun controls were not enforced.

Mr. President, this situation is intolerable. It is unreasonable, and it is incredibly shortsighted.

A vote for my registration and licensing amendment will help law enforcement without inhibiting law-abiding gun owners and users. I cannot believe that a homeowner, realizing that there is nothing in this legislation that can prevent him from owning guns or take a gun away from him, or tax him for the use of his guns, will object to this simple act of registration, when he realizes its value in protecting the citizens of the United States and as an aid in law enforcement.

It is long past time to disarm the criminal element in our Nation. The amendment I offer will be a tremendous step in the effort to disarm the criminal, without affecting gun ownership, possession, or use by the law-abiding American citizen.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. I am happy to yield.

Mr. PASTORE. The Senator states that without his amendment it is possible for the criminal to step across the State lines of 39 States and buy guns.

When the Senator says that, is he talking about pistols as well as long barreled guns, shotguns and rifles?

In other words, with the existing law today, anyone in the District of Columbia can go to any State which has no regulation and buy a pistol, can he not?

Mr. TYDINGS. When title IV of the Safe Streets Act becomes law, with the exception of the loophole we put in it yesterday in the dealer amendment, a licensed dealer will not be able to sell a pistol to a nonresident of the State. But when you consider the number of States in the Nation which require no permits to purchase a pistol—some 39 of the States—you see the protection is still minimal, because in those States it is still possible——

Mr. PASTORE. Now, I want to get this very straight for the record. I know a distinction is being made right along, by very sincere people, on this question of long barreled guns and pistols, I am aware of the fact, as the Senator has already brought out, that not too long ago a group of young hoodlums boarded a city bus here in the District of Columbia and, without any provocation at all, shot the driver in the back of his head and killed him—a family man with four children.

The question I am asking is this: Can this type of hoodlum secure any of these guns in any of those States without any restraint at all, under existing law?

Mr. TYDINGS. There are 39 States of

the Union which do not require a permit to purchase a concealable weapon, that is, a handgun or pistol. Hence, in 39 States of the Union, it would be possible for any hoodlum to buy a pistol, despite the enactment of title IV of the omnibus crime bill.

Mr. PASTORE. I thank the Senator for answering that question, because, I wish to speak very frankly to those who are sincerely concerned with curbing crime.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TYDINGS. Mr. President, I yield an additional 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for an additional 10 minutes.

Mr. PASTORE. Mr. President, the other day coming down from Kensington, where I live, to the Capitol, where I work, I passed a number of District of Columbia transit buses. Each one had a billboard behind it that one could see for almost a quarter of a mile. The billboards behind these buses read: "Have the exact change." I think this is a sad commentary on our society—on the state of our security.

The reason for the sign, "Have the exact change," is that transit busdrivers today are taking their lives in their hands every time they sit at the wheel if they have any cash on their person.

Many times it does not make a big difference whether a person has cash or not because hoodlums will bludgeon their victims over the head with a pistol or even shoot a bullet at him if they do not know whether the man has 10 cents or $10 in his pocket.

This is an outrage, a peril, and a plague on our society and a problem to the lawmaker. To my good friends who are sincere in trying to protect the interest of the huntsmen of the country—and they have a perfect right to do that—I say we should not lose sight of the biggest problem. As I had occasion to say in the Senate the other day, we are not trying to pass a law that will hurt the sportsmen in Nebraska, Rhode Island, Connecticut, or Maryland. None of us intends to do that. We are not seeking to impinge upon anyone's constitutional right to bear arms. That is a constitutional right that was written into our Bill of Rights. It was written into the Bill of Rights long, long ago, when our colonies had just become States—and I think Rhode Island was one of the foremost States in that regard. We believed in this inherent right to people at a time when they had to bear arms in order to ward off the arrogance and the oppression of the British in the Revolution to achieve our independence.

At that time the colonists believed in a volunteer militia—each man ready in a minute to bear arms to defend his home.

Today that has changed. We have a standing Army. We have fine police departments. We have State police. We have highway patrols. We have local police. The old reasons are gone—but the old rights remain and justly so. We say today that a man must be preserved in his constitutional rights. We are not trying to disturb his rights. We are not saying to a man, "Look; you can't buy a gun under any circumstances to protect your home and property." We are not saying that.

We are not saying to any sportsman, "You can't buy a rifle to enjoy your pasttime as a hunter."

But we must recognize the fact that today we are plagued by crime—it is the No. 1 problem of our country. Something needs to be done about it, and we must all do our part. All we are saying to these fine, decent, sports-loving people is, "Please make a little sacrifice on your part. Go out and get yourselves permits to buy guns."

That will not hurt any fair sportsman. We are saying to them, "We want you to do it because we do not want some gangster or hoodlum to break into your home while you are away at work or at sports afield and do bodily harm to your wife and children."

We are trying to protect the property, the homes, and the families of these sportsmen. That is why we are engaged in achieving this kind of legislation. We are trying to protect their loved ones, and their own lives from the criminal.

We say to them, "Make a little bit of a sacrifice—put up with a little inconvenience in securing your weapons so that we can keep these weapons out of the hands of the desperate hoodlums, gangsters, criminals and insane, who are making a shambles of personal security by their robbing, stealing, and killing."

That is the sole reason we are here.

If we cannot see that panoramic picture, if we cannot look down the road and take the long view of the problem that plagues this country, and torments each one of us, then let us forget the whole thing and go home. That is all the Senator is trying to do.

I realize that perhaps the amendment needs a little shaping up and modification. That is germane to our discussion. I am not one of those who think that if a dealer refuses to sell a person a gun, that person has to come to Washington and talk to the Secretary of the Treasury. It is tough even for Senators to reach the Secretary sometimes on a moment's notice. Perhaps an aggrieved person should be able to go to the district attorney or to the district judge. And they can do these things at home.

I think perhaps the amendment could be shaped up a little. Today one has to get a license to hunt in practically every State of the Union. One cannot go and hunt and kill bears in Rhode Island. There are no bears or moose in my State. Even the deer are disappearing. So our hunting is limited. But hunting is still a popular pastime and we have no intention to injure that sport.

What I am saying is that today, because of the complexity of our society, the public has to endure certain inconveniences that may discommode one for the moment. However, we must do it because of the public interest and common security because we want to defend ourselves against hoodlums and gangsters. That is all we are asking for here.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. TYDINGS. Mr. President, I ask the Senator from Nebraska to yield to the Senator from Utah.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 3 minutes.

Mr. MOSS. The Senator indicated that he had very little experience in getting a hunting license to hunt moose or bear in Rhode Island. I wonder if the Senator thinks there ought to be a Federal hunting license issued by the Federal Government.

Mr. PASTORE. No, I do not. Every State in the Union has its hunting laws. But every State in the Union does not have a gun control law. And that is the difference.

Mr. MOSS. Can the Senator answer the question?

Mr. PASTORE. I have already said No, I do not believe a Federal hunting license is needed. The distinction is that every State in the Union has laws requiring hunting licenses. But not every State in the Union has a gun control law. There is the distinction. Every State has a hunting license requirement.

Mr. MOSS. Even Rhode Island?

Mr. PASTORE. Absolutely. We have a very good one. We have a very, very good one. I will match our State law against any hunting license law in the country. However, 39 of the 50 States are without gun control laws. My goodness gracious, that is 78 percent, 39 out of 50 States that do not have gun control laws.

That is where the hoodlums can get the guns.

Until the day comes when every State has a gun control law, they will continue to get their guns in those States.

Mr. MOSS. Is the Senator aware of any State that does not have a law against carrying concealed weapons?

Mr. PASTORE. That is just the problem. Surely there are such laws. One cannot carry a concealed weapon. However, a gangster could not continue to carry a concealed weapon if he had to get a permit to possess it. That is my point.

The Senator from Utah is arguing my argument. Surely, one cannot carry concealed weapons. That is forbidden in every jurisdiction in our country. But the reason the criminals are carrying concealed weapons is because these hoodlums possess them in the first place. They can buy them in any one of these 39 States. They can then put the weapons in their pockets, hold them against their breasts, or carry them anywhere they want to carry them. And that is the problem.

When they got on that bus in the District of Columbia and killed that driver, they did not get on the bus with weapons in their hands. They had the weapons hidden until the time came when their victim was not looking. Then they let him have it in the back of his neck. And that possession is what I am trying to control.

Did I answer the Senator's question?

Mr. MOSS. I am not sure.

Mr. PASTORE. Let us go through it again.

Mr. MOSS. I am aware of the fact that New York City has had a Sullivan law now for about 40 years. The number of criminals carrying concealed weapons has not gone down in that period of time. On the contrary, it has increased.

There has been a gun registration law. Not very many people have permits to have guns, but they have guns in New York.

Mr. PASTORE. I know that, and they have them because they go to one of these other 39 States and buy them.

Mr. MOSS. I deny that. I do not think they go elsewhere to buy them. They buy them in New York.

Mr. PASTORE. I do not know about that. They could not buy them in New York if they had a registration law there. And we have seen from the evidence as to Massachusetts, New Jersey, and Detroit what an overwhelming percentage of guns involved in crime had been purchased in other States.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The time of the Senator has expired.

Mr. PASTORE. Do not tell me that regulation does not work. Regulation is meant to work.

The PRESIDING OFFICER. Who yields time?

Mr. TYDINGS. I yield 1 minute to the Senator from Connecticut.

Mr. DODD. I should like to say, in response to the exchange between the Senator from Rhode Island and the Senator from Utah, that the New York law has been greatly maligned. The figures show that the incidence of crime by gun in New York, which contains heavily congested and metropolitan areas, is lower than States with much smaller population groupings and with practically no congested areas. The truth of the matter is that that law in New York has worked very well, and I do not know why people say it has not. Every expert on crime of whom I know says this is so.

Mr. PERCY. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. PERCY. Mr. President, I have just returned from a tour of downstate Illinois, and I believe the feelings of the people there are very much like those of the people in any of our Western States. Many of them have failed to see the reason for gun legislation.

I should like to check the answers I gave this weekend—because I am a cosponsor of the amendment offered by the Senator from Maryland—with the answers of the Senator from Maryland.

This is the first question I was asked: "Why is it necessary to have a Federal gun control law when we have a gun control law in the State of Illinois? Why do you support a Federal law?"

I ask the Senator that question.

Mr. TYDINGS. The answer is that the amendment before us is based on the precept that the minute a State or local government enacts an effective gun registration or permit law, that law would preempt and would automatically become effective. But until such time as they do, some protection is needed to the people of the United States.

What we are trying to do is to plug that loophole in order to provide protection and assistance to the law enforcement officials in the States.

Mr. PERCY. I should like to report to the Senator that when I gave that answer, most of the objections that were raised to this law withered away, because people had not realized that it was aimed at strengthening the hands of the States.

The second objection raised was the inconvenience, the paperwork, and the cost to the individual.

I should like to hear the response of the Senator from Maryland once again, to reaffirm what I said in downstate Illinois.

Mr. TYDINGS. As I indicated, the inconvenience would be minimal. The registration could all be done by mail. Indeed, the licensing could be done by mail as well. No fee, no payment, and no tax would be involved. A 6-cent stamp and one piece of paper is all that would be necessary to register one or more firearms individually owned.

Insofar as the issuance of a license is concerned, it would be mandatory. It could either be done through the mail or through a licensed gun dealer. The issuance would be automatic. No discretion would be involved, provided the individual applicant did not have a record as a convicted felon; provided he had not been committed by a court to an institution because of mental incompetency, alcoholism, or narcotic addiction; provided he was not under 18. The inconvenience would be far less than the inconvenience requiring a driver's permit or a hunting license or a migratory bird stamp. And it could all be done by mail.

Mr. PERCY. Is it not true that absolutely no fee is involved on the part of the person registering a gun?

Mr. TYDINGS. That is correct.

Mr. PERCY. Furthermore, this question was raised:

> Well, once the Federal Government gets its foot in the door, that's just the first step. Actually, aren't the authors of this amendment leading toward confiscation of guns in this country?

I gave my answer as a cosponsor of the amendment, and I would appreciate hearing the answer of the author of the amendment.

Mr. TYDINGS. First, it is the entire philosophy of the amendment that licensing and registration should be done at the local level. We have provided that the minute a county, an incorporated municipality, or a State adopted a law or an ordinance substantially equivalent in the field of registration or licensing it would automatically preempt.

We have purposely provided a year's delay from the date of enactment before one would need a registration permit to purchase a new firearm; 18 months before one would need a registration permit to have a gun in possession; 2 years before one would need a permit to purchase a new firearm, and 3 years before one would be required to have a permit to have a firearm in possession. This is just to give the States and the communities an opportunity to enact their own law.

Unfortunately, the gun lobby, particularly the NRA, has been very effective at turning out large crowds to object and to violently protest any type of gun crime control ordinance at the local level.

We feel that by the adoption of this amendment we will be assisting those interested in better law enforcement at the local level to enact such ordinances, and for the local government to become more effective.

Insofar as confiscation is concerned, that is the old fear-raising argument. Nothing in this amendment relates to confiscation. If a person has been convicted of a felony and is not permitted to have a gun permit, he is not entitled to have a gun. But I do not think anybody in this country believes a convicted felon should be entitled to carry a firearm. Even then, we have an escape clause which provides that the attorney general of a State, if he is willing to direct an order, can approve the issuance of a permit or a license to a convicted felon.

So there is absolutely no provision in the amendment which relates to confiscation or which would permit confiscation of a firearm from a law-abiding citizen.

Mr. PERCY. Lastly, I should like to check the answer I gave to a question posed by downstate Illinois people which might apply to questions raised in the minds of people from Western States:

> After all, isn't this just a problem of the cities? Why should we impose a general cost on society? Why can't the cities handle this problem themselves?

My answer to this simply was that it is a problem for the entire country; that the cost of crime is immense; that it is a multibillion dollar expense; and that this expense to society is being borne by the entire United States. It takes money out of the programs that would be required and could be useful in rural communities; and it is a blight on our society to have this condition exist in urban areas. So that if we can disarm juveniles who in urban areas are heavily armed today, if we can disarm criminals who have been convicted of felonies, if we can disarm alcoholics and those who are mentally deficient, it will reduce the cost that society as a whole is bearing today.

If that is coupled with a stop-and-frisk law, which we now have, and which the Supreme Court has ruled is perfectly constitutional, it gives law-enforcement agencies the power and the means by which they can apprehend criminals, jail criminals, and remove weapons from those who are not authorized to use them, without in any way infringing upon the rights of a citizen who is qualified to bear those arms.

This response seemed to answer completely the objections of those I spoke with this weekend in downstate Illinois, and I should like to reaffirm my enthusiasm and commend the Senator from Maryland for his leadership in the field of gun control legislation.

Mr. TYDINGS. The Senator from Illinois is quite correct. Permit me to make one addition. Unfortunately, the percentage of murder by firearms and, indeed, the overall murder rate per 100,000 is not high just in the heavily concentrated metropolitan areas.

As a matter of fact, in many of the weak-gun-law States, primarily in the West and in the South, the murder rate by firearms is substantially greater than it is in the States which have strong firearm laws, such as New York, New Jersey, Pennsylvania, Massachusetts, and Rhode Island.

The gun murder rate in New York is 31.8 percent, substantially below the national average, which is over 60 percent. The overall murder rate in New York is 4.8 percent per 100,000, and it is 6.1 percent in Arizona, 10.6 percent in Nevada, 9.1 percent in Texas, and 9.7 percent in Mississippi, and 9.9 percent in Louisiana. Indeed, in the State of Utah, 72 percent of all homicides are committed by firearms.

Mr. President, I wish to add one more point. Of every 20 assaults committed without a firearm in the United States, one results in a death; but for every 20 assaults committed by firearms, in the United States rather than with no firearms, four of the victims die.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield on the time of the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I yield 2 minutes to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I wish to ask this question, which troubles the Senator from Louisiana.

Assuming that people are required to register these guns, if the guns are not going to be taken away from them, how would the mere registration of guns save lives?

Mr. TYDINGS. Automatically one could not possess or own a firearm unless he had a registration certificate or a permit. That would give the police officer something to work with. If the police officer were to see a known hoodlum who had just gotten out of jail, whom the police officer knows committed an assault, rape, or murder in a community, he would frisk him to determine whether he had a firearm.

In most States it is not against the law to have a gun without a permit. Under our law the police officer has a tool with which he can bring the person under arrest, to face severe punishment.

Mr. LONG of Louisiana. Will the Senator yield further?

Mr. TYDINGS. I yield.

Mr. LONG of Louisiana. Does the Senator not recall that I offered an amendment on one of the bills that was before the Senate recently that would make it a crime for any man who had been convicted of a felony to possess a firearm? Would that not have the same effect? This would be a Federal offense.

Mr. TYDINGS. That would be after the cow is out of the barn. As long as there are 39 States where any convicted felon could slip over the county line and buy as many pistols or guns as he wishes without any identification or permit, the temptation is going to be there to avoid title VII, and he is going to do it.

Mr. LONG of Louisiana. If a police officer suspects a man of being a dangerous character or a criminal and decides to frisk him, can he not do so now, and if he does so, is it not against the law to carry a weapon in most States?

Mr. TYDINGS. That is the problem. It is not.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, will the Senator yield to me so I may yield to the Senator from North Carolina for 5 minutes?

Mr. TYDINGS. I yield.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, we in this Nation suffer under a delusion, and that is: "When anything tragic happens, pass a law." It does not make any difference whether the law we are going to pass is any good. It does not make any difference how many laws we already have. Pass a law.

This bill, the gun control legislation, has reached an emotional state—quite rightly—largely on the basis of two inexcusable murders, one committed by a man in Memphis, Tenn., on Martin Luther King. In that case, if the man under arrest is the guilty party, his detection will be based on the fingerprints on a gun, and not upon the registration of a gun.

In the case of the other tragic murder which struck down a distinguished Member of this body, the late Senator Robert F. Kennedy of New York, the gun was registered. The gun was carried concealed in violation of the law.

In virtually every State of the Union it is contrary to law to carry a gun concealed. If one wishes to carry a gun, it must be carried in the open and warning given to the world that one is armed with a lethal weapon.

However, the gun used by Sirhan was a registered gun and was carried concealed to the place where he committed the homicide.

We have many State laws on this subject. They should be enforced. Under the law of my State, which applies in all the counties except 20, no one can purchase a pistol without a permit of the sheriff, which permit has to be made a matter of public record.

Mr. President, I have spent 26 years of my life as a trial lawyer or a trial judge. I have spent 6 additional years as an appellate judge. I practiced law in an area where men fight and they sometimes use deadly weapons in doing so.

I practiced law very substantially in criminal courts. As a trial judge I held many criminal courts. As an appellate judge I had to write opinions or pass upon cases where there had been violence.

In all of those years I have never known a single case where the detection or conviction of an accused using a firearm was based upon any registration statute or the registration of that firearm.

Those who argue for registration believe that all underworld characters and all desperate characters are going to hurry and register their guns. The truth of the matter is that they are no more going to register their guns than they are going to carry them unconcealed when they go out to commit homicides or robberies or other crimes of violence. Those who do register their weapons will be law-abiding citizens and those who do not register them will be those who use weapons for criminal purposes. In all probability, we will have just another worthless statute on the books as far as the Federal Government is concerned.

I realize that anyone who today says anything is unconstitutional hazards a very grave danger of losing his license as a prophet and is likely to be branded a false prophet.

I realize the interstate commerce clause has been stretched far beyond its intended meaning. But if we still have a Constitution, there is grave doubt that Congress has constitutional power to require registration of guns already in the hands of the citizens of the States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. The States undoubtedly have the power to pass laws of this kind and the argument for registration should be addressed to State legislatures. We should refrain from taking another step toward making the Federal Government a police state. That is exactly what this proposal has a tendency to bring about.

There is no evidence that a registration law would do any good or accomplish any purpose except to put law-abiding citizens to a great deal of trouble and annoyance. While I oppose the Tydings amendment, I favor the bill under consideration as it was reported by the Judiciary Committee.

Mr. HRUSKA. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. I am happy to yield to the Senator from Nebraska.

Mr. HRUSKA. During the hearings in June of this year, when the Attorney General appeared before us he was asked about how the law would be enforced, if the registration and licensing bill became a statute. In response to one of those questions, he said:

> It is my judgment that the overwhelming majority of citizens are law-abiding and would proudly register their firearms. The pistol that killed Robert Kennedy had been so registered. That registration was most helpful in identifying the person accused of the crime.

We all recall the circumstances of that dastardly act and horrible event. The man was seized before the smoke from his pistol had cleared and he was on the spot there. I have been kind of mystified as to how registration of that gun resulted in helping to identify the man who was accused of firing the fatal shot.

The Senator from North Carolina is a most experienced lawyer. He is a former trial judge, and appellate judge. Perhaps he could enlighten me on the testimony given to us by the chief law-enforcement officer of the United States.

Mr. ERVIN. I think that his testimony demonstrates what I have said; that is, that no case has been made to justify a registration statute on the Federal level and that there is no substantial evidence that the registration of guns will prove the guilt of those who unlawfully use them.

I have never known a case where either detection or conviction of a person who used a firearm in violation of the law was ever made to depend upon the registration of that firearm.

Mr. President, at this point I should like to have printed in the Record as part of my remarks a letter I addressed to my constituents on the subject of gun-control legislation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Friend: This is to thank you for the communication expressing your views in respect to desirable gun control legislation. I ask at the outset that you pardon me for not replying to it earlier and for the form of this reply. Altogether I have received more than 60,000 communications expressing widely divergent views on this subject. Consequently, I have not been able to keep abreast of my correspondence on this subject and am not able to make a personal response to each of these communications.

Some weeks ago, Congress passed the Safe Streets and Crime Control Act, which has been signed by the President and made a part of the law of the land. I supported this act.

The Safe Streets and Crime Control Act contains some new laws relating to the acquisition and possession of firearms. It outlaws mail-order shipments of pistols and compels those who wish to purchase pistols to buy them from local dealers who can readily ascertain their eligibility to purchase them. It prohibits the acquisition and possession of pistols, rifles, shotguns, or other firearms by any person who has been convicted of a felony; or who is under indictment for a felony; or who has fled from any state to avoid prosecution for a felony; or who has been adjudged mentally incompetent. Moreover, it requires every importer, manufacturer, or dealer in firearms to obtain a license from the Secretary of the Treasury and to keep a record of the names and addresses of every person to whom they sell any firearm of any character.

In addition to having passed this legislation, Congress is now considering the enactment of another proposal which would extend the ban on pistols imposed by the Safe Streets and Crime Control Act to rifles and shotguns and compel those who desire to purchase rifles and shotguns to purchase them from a local dealer in the state of their residence or an adjoining state. I expect to support this proposal.

I am unwilling, however, to vote at this time for any proposal that Congress enact a Federal Statute requiring the registration of firearms or the licensing of those who wish to purchase them. In my honest judgment, no case has yet been made out for the passage of such a law. I spent many years of my life as a trial lawyer and a judge, and have never known a single case where the conviction of the accused depended upon any registration or identification of a firearm.

Moreover, there is grave doubt as to the constitutionality of such a law on the Federal level. States undoubtedly have the power to pass laws of this nature, and whether they should do so is a matter for them to decide.

I would like to make one thing exceedingly plain. I will not support any legislation which would deny to law-abiding citizens the right to purchase firearms for the protection of themselves and their habitations or which will deny to legitimate sportsmen the right to purchase firearms for hunting.

With kindest wishes,
Sincerely yours,
Sam J. Ervin, Jr.

Mr. HRUSKA. I am grateful to the Senator from North Carolina for his contribution. It reflects a great deal of commonsense. No criminal will advise the chief of police in advance that he is going to commit a crime and that registration can convict him. It is sad but true that guns will continue to be used improperly. There has been no creditable testimony which shows any connection between the reduction of crime which is claimed for the bill before us.

Mr. President, I now yield myself 10 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. HRUSKA. Mr. President, I rise in opposition to the pending amendment, which provides for the registration and licensing of firearms.

There are a number of reasons why the amendment should be defeated. I am confident that it will be.

I cite the following reasons as the foundation for rejection of the amendment:

Other forms of gun-control legislation have been subjected to thorough examination in many hearings. This is not true of the proposed registration provisions included in the amendment before us. Until June of this year, no such legislation had been introduced. As a matter of fact, there had been steadfast denials that such legislation was in the minds of the advocates of other forms of firearms control legislation.

Again and again, opponents of the bills before the Senate and House would say, "But this is known as just a beginning. It will surely lead to a control of ammunition. It will surely lead to licensing and registration."

Most of the time they were halted in their tracks by the chairman of the committee, or whoever was presiding, with a stout denial that there were any plans for such legislation in the future.

The reason for that, of course, is that licensing and registration are highly controversial and very unpopular issues. They are not acceptable to the bulk of the gun-owning citizens of this country. Yet there was a complete reversal on the part of the gun-control advocates, because, after passage of one type of firearm legislation, these same advocates went on to the type of thing which is now before us. Gun registration is involved and complex and there will have to be extensive hearings on this type of approach. There was insufficient occasion for consideration of this subject because no bills had been introduced into the Congressional legislative hopper until this June. It was a subject which was studiously and deliberately avoided by advocates of firearms control legislation, until this June.

There was some testimony before the Subcommittee on Juvenile Delinquency, after introduction of bills this year, but it was not extensive and it was very unsatisfactory.

There are constitutional and legal problems and obstacles pointed resulting from the Supreme Court's Haynes decision invalidating certain aspects of registration under the National Firearms Act of 1934. An effort is being made in title II of the bill now before us to meet the requirements of the Haynes case.

It would be untimely and premature to attempt a complicated Federal registration program involving as many as 40 to 50 million people owning an estimated 100 to 200 million firearms and located in 50 States, until this cloud over the Haynes case is removed. This legislation is highly controversial. It is strongly opposed by interested groups. The conflicting testimony of administration witnesses failed to show the administrative machinery or procedures which would be required to support such a system. There was not a satisfactory showing of the cost of such a program nor of the personnel that would be required to enforce it.

It is feared that an effort of the National Government to get into local police work, as would be required to enforce this law, would be a reenactment of the prohibition statute of over 50 years ago which fell under its own weight.

So far, my remarks have been limited to the prematureness, the untimeliness of our consideration of a bill of this kind. Now, when we get into the matter of policy and the wisdom of such a law, I would say that it is doubtful such procedure would serve any useful law-enforcement purpose.

The testimony and statements of the Senator from North Carolina [Mr. Ervin], it seems to me, are deserving of most serious consideration. After all, here is a man who spent over a quarter of a century as a practicing attorney, as a trial judge, and as an appellate judge. He testified that there is very little, if any, connection between this type of bill and law enforcement generally.

Federal licensing and registration together with heavy penalties for violation, in spite of what its advocates say, would place an unduly oppressive burden upon tens of millions of law-abiding owners of guns who use them properly, legally, and beneficially.

The likelihood of potential harm was pointed out for such a program as furnishing a means of inviting harassment of law-abiding persons without in any way furnishing a deterrent or any effective prevention of misuse of firearms by those criminally disposed.

It is said that this is a simple thing. That the requirements can be handled by mail and therefore there will be no real inconvenience.

What we are considering is not simply a matter of registering a gun and getting a license. There is a tremendous turnover of firearms. Sometimes it is done in the most informal way, among neighbors, among hunters, among fellow gun club members. Compliance with this law will require a constant keeping up to date and, neglecting to do so will visit upon the individual harsh and oppressive penalties.

The problem of adequate staffing to assure effective enforcement would be gigantic and very difficult.

The administration of this law would force the National Government to exercise police power on a scale heretofore unknown except in the case of the national prohibition of alcoholic liquors with its ill-fated history.

This type of licensing and registration would be better left to the State and municipal authorities, which have better means of enforcement.

A national law would not provide the

flexibility required, because of the vastly different circumstances and conditions prevailing in the 50 States.

Mr. President, it is my hope that this amendment will be decisively rejected by this body.

I yield back the balance of the time I allocated to myself for these remarks.

The PRESIDING OFFICER. Who yields time?

Mr. TYDINGS. Mr. President, I yield 5 minutes to the Senator from Connecticut [Mr. DODD].

Mr. DODD. Mr. President, first of all, during this debate and on other occasions reference has been made to the accessibility of firearms as a contributing factor to our spiraling crime rate. It has been said that there is no such relationship and reference has been made several times to the list of so-called crime factors in the Uniform Crime Reports of the FBI which does not refer to firearms.

I would like to point out to my colleagues that the availability of firearms as major crime tools has been mentioned in the FBI Uniform Crime Reports since at least 1963. With particular emphasis on murders committed among families and friends and on murders in regions of the country where firearms control laws are relatively lax, the reports from 1963 through 1967 document beyond any question the direct correlation between ease of acquiring a gun and the use of guns to maim and murder.

In 1963 on page 7 of the crime reports, Mr. Hoover says unequivocally:

> The easy accessibility of firearms and the lethal nature of a gun are clearly apparent in these murder figures.

And in the 1964 report he reiterates:

> A gun, because of its accessibility and lethal nature, makes murder easy.

Mr. President, for the careful study of my colleagues who will be voting on the provisions to limit accessibility of weapons to every crook and assault artist and potential murderer, I ask unanimous consent that the sections on murder and criminal homicide in the crime reports from 1963 through 1967 be printed at this point in the RECORD.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

[From Uniform Crime Reports, 1963, p. 7]

A firearm was used in 56 percent of the willful killings, a knife or cutting instrument 23 percent, personal weapons 9 percent, blunt objects 6 percent and the remainder other weapons or type of weapon unknown. The use of a firearm as a weapon was up 4 percent over 1962. The use of weapons in murder varies by geographic region, city, suburban and rural areas. In 1963 firearms accounted for 53 percent of the murder in American cities, 62 percent in the suburban area and 68 percent of the rural area. By region, a firearm was used in 37 percent of the killings in the Northeast, 53 percent in the Western States, 56 percent in the North Central States and 64 percent of the murders in the Southern States.

The easy accessibility of firearms and the lethal nature of a gun are clearly apparent in these murder figures. When assaults by type of weapon are examined, a gun proves to be seven times more deadly than all other weapons combined. Over 60 percent of the willful killings within the family unit, 31 percent of all murders, were committed with firearms. In this category the lowest incidence of a firearm used as a murder weapon involved parents killing children. A gun was used in these situations in 29 percent of the fatalities. However, examining these deaths more closely we find that for victims under 5 years of age a gun was used in 13 percent of the killings. For victims over 5 years of age a gun was used in 62 percent of the incidents. It is reasonable to assume that just as many attacks were made on the older children with other weapons but these percentages suggest the lethal nature of a gun. Likewise, in altercations outside of the family where victim and assailant were for the most part acquainted, a gun was used in 57 percent of the killings. Within this group, such as lovers' quarrels, a gun was used in 66 percent of the murders, drinking situations 54 percent, altercations over money and property 67 percent and revenge 76 percent. Felony murder was 44 percent by gun. This proportion was influenced downward by the number of sex killings which concluded with the use of a gun in only 16 percent of the incidents. Otherwise, the vast majority of felony murder was by gun.

[From Uniform Crime Reports, 1964, pp. 6–7]

CRIMINAL HOMICIDE

In this Program murder and nonnegligent manslaughter include all willful killings without due process of law. There are two types of justifiable killings which are not included; namely, a police officer or a private citizen killing a felon. In 1964 the number of willful killings increased 8 percent over the previous year. The national murder rate was 4.8 killings per 100,000 persons. There were 9,250 victims of murder, the highest number since the postwar year of 1946. This annual increase in murder, 1964 over 1963, was the sharpest trend for this crime in recent years.

Murder occurs in a seasonal pattern; that is, more frequently in the summer months of the year. On a monthly basis this is generally true with the usual exception of December. The seasonal pattern for murder is common in the city, suburban and rural areas. It was noted in last year's publication that December, 1963, for the first time in 10 years was sharply below the annual average. In 1964, December again was the peak month for this offense. Murder per unit of population was highest in the Southern States and in our large population centers. In 1964 increases were reported in all cities, large and small, when grouped by population size and also in suburban areas. Rural areas showed a decrease.

In 1964, 55 percent or 5,090 murders were committed with firearms. A knife or other cutting instrument was used in 24 percent of the willful killings; personal weapons, that is, beatings, strangulations, etc., in 10 percent; blunt objects 5 percent; and the remaining 6 percent were committed with other weapons such as poison (1/10 of 1 percent), arson, explosives, etc. A gun, because of its accessibility and lethal nature, makes murder easy. Firearms were used in 57 percent of the suburban murders, 65 percent of the rural killings and 53 percent of those occurring in cities. Regionally, guns were used in 35 percent of the murder in the Northeastern States, 53 percent in the Western States, 57 percent in the North Central States and 64 percent in the Southern States. When examined by motive or circumstance, guns predominated in all murders except sex killings wherein personal weapons, i.e., hands, fists, feet, etc., and stabbings were most common. The handgun was used in 70 percent of murder by firearms, the shotgun in 20 percent and the rifle and other weapons in 10 percent.

[From Uniform Crime Reports, 1965, pp. 6–7]

CRIMINAL HOMICIDE

In the Uniform Crime Reporting Program, murder and non-negligent manslaughter include all willful killings without due process of law. There are two types of justifiable killings which are not included; namely, the killing of a felon by a police officer or by a private citizen. In 1965 there were 9,850 willful killings, a 6 percent increase over 1964. Since 1960 this serious offense has increased 9 percent. The national murder rate was 5.1 killings per 100,000 persons in 1965.

Murder follows a seasonal pattern; that is, it occurs more frequently in the summer months. The exception to this is December which again in 1965 was high for the year. Murder per unit of population was highest in the Southern States which reported a 5 percent increase in volume. Murder in the Northeastern States was also up 5 percent, North Central States up 9 percent, and the Western States 11 percent. In 1965 cities in the 100,000 to 250,000 population group reported the highest percentage increase, up 10 percent, while murder in the suburbs rose 5 percent. Willful killings in the rural area, which had decreased in 1964, rose by over 11 percent in 1965.

In 1965, 57 percent or 5,634 murders were committed with firearms. A knife or other cutting instrument was used in 23 percent of the willful killings; personal weapons, such as beatings, strangulations, etc., in 10 percent; blunt objects, 6 percent; and the remaining 4 percent were committed by other means such as by arson, poisons, explosives, etc. When viewed by geographic regions, the use of a gun in murder followed the same experience as prior years. A firearm was used in 38 percent of the willful killings in the Northeastern States, 60 percent in the Western States, 61 percent in the North Central States, and in 66 percent of the killings in the Southern States.

Circumstances or motives surrounding these willful killings indicate the extent to which this crime is generally beyond police control. Conditions that breed murder—social, human and material—vary widely from one area to another. In 1965 killings within the family made up 31 percent of all murder. Over one-half of these involved spouse killing spouse and 16 percent parents killing children. Murder outside the family unit, usually the result of altercations among acquaintances, made up 48 percent of the willful killings. In the latter category romantic triangles or lovers' quarrels comprised 21 percent and killings resulting from drinking situations 17 percent. Felony murder, which is defined in this Program as those killings resulting from robberies, sex motives, gangland slayings and other felonious activities, made up 16 percent of these offenses. In another 5 percent of the total police were unable to identify the reasons for the killings; however, the circumstances were such as to suspect felony murder.

In those murders occurring within the family unit, a gun was used as the weapon in 59 percent of the cases, likewise, a firearm was used in 58 percent of the killings involving arguments between acquaintances. A gun was used in 49 percent of the felony murders.

[From Uniform Crime Reports, 1966, pp. 6–7]

NATURE OF MURDER

Through the use of a supplemental report, details are collected on murders to obtain data on age, sex and race of the victim, the weapon used to commit the offense, and the circumstances or motive which led to the crime.

In 1966, murder victims were 3 to 1 male, the same ratio as in 1965. Forty-five of every 100 victims were white and 54 were Negro. The remaining 1 percent was distributed among Indian, Chinese, Japanese and other races. By age it is found that 6 of every 10 murder victims were between 20 and 45 years of age with the largest number, 13 percent, falling in the 20–24 age group. Nationwide, the ratio of arrests for murder was more than 5 males to 1 female.

Firearms continue to be the most common weapon used in murder, as illustrated in the accompanying chart, with 60 percent of the 1966 criminal homicides resulting from the use of a firearm. This is an increase from 58 percent in 1965. Cutting or stabbing weapons were used in 23 percent of the murders, personal weapons in 9 percent, and other weapons, including blunt objects such as hammers and clubs, poison, arson, explosives, drowning, etc., in 8 percent.

Murder by type of weapon used, 1966

	Percent
Handgun	44
Rifle	7
Shotgun	9
Cutting or stabbing	23
Other weapon (club, poison, etc.)	8
Personal weapon (hands, fists, feet, etc.)	9

[From Uniform Crime Reports, 1967, pp. 7–8, 113]

MURDER RATE

In 1967, there were 6.1 victims per 100,000 population, up from 5.6 in 1966, a 9 percent increase in the murder rate. Nationwide, cities with 250,000 or over population had a murder rate of 11.9 per 100,000 population, up 20 percent over 1966. In the suburban areas the rate was 3.3, an increase of 10 percent over the prior year, while the rural areas had a rate increase of 4 percent to 5.9.

The number of murder victims in proportion to population was highest in the Southern States where the rate 9.4 was 6 percent above 1966. In the Western States the rate of 4.9 was 14 percent over 1966 and the North Central States with a rate of 4.9 was up 11 percent. The rate of 4.1 in the Northeastern States was 14 percent higher than the 1966 rate of 3.6.

NATURE OF MURDER

Through the use of a supplemental report, details are collected on murders to obtain data on age, sex and race of the victim, the weapon used to commit the offense, and the circumstances or motive which led to the crime.

In 1967, the murder victims were 3 to 1 male, the same ratio as in 1966. Nationwide, the ratio of arrests for murder was more than 5 males to 1 female. Forty-five of every 100 victims were white and 54 were Negro. The remaining 1 percent was distributed among Indian, Chinese, Japanese and other races. By age, it is determined that 6 of every 10 murder victims were between 20 and 45 years of age with the largest number, 27 percent, falling in the 20 to 29 age group.

Firearms continue to be the predominant weapon used in murder, as illustrated in the accompanying chart, with over 63 percent of the 1967 criminal homicides resulting from the use of a firearm. This is an increase of 17 percent in the use of guns over 1966. Cutting or stabbing weapons were used in 20 percent of the murders, other weapons, including blunt objects such as hammers and clubs, poison, arson, explosives, drowning, etc., in 8 percent, and in the remaining 9 percent of the murders, personal weapons such as hands, fists and feet were used. Firearms were the most predominant murder weapons in the Southern States, used in over 7 of every 10 homicides. Cuttings or stabbings were the highest in the Northeastern States in over 3 out of each 10 slayings, while blunt objects or other dangerous weapons were used more often in the Western States than in any other geographic region. The use of personal weapons resulting in strangulation, etc., was highest in the Northeastern States and lowest in the Southern States. Since 1964 murder with the use of a firearm has risen 47 percent, a cutting or stabbing instrument 7 percent, a club or other blunt object 13 percent, and personal weapons 10 percent. Table 22 sets forth the percentage of murder by the use of firearms by state for the years 1962–1967.

Murder by type of weapon used, 1967

	Percent
Handgun	48
Rifle	6
Shotgun	9
Cutting or stabbing	20
Other weapon (club, poison, etc.)	8
Personal weapon (hands, fists, feet, etc.)	9

Region	Murder, type of weapon used—(percent)			
	Firearms	Knife or other cutting instrument	Blunt object, club, etc.	Personal weapons
Northeastern States	44.3	31.8	10.1	13.8
North Central States	65.9	17.8	6.9	9.4
Southern States	72.2	17.3	5.5	5.0
Western States	59.2	17.1	11.9	11.8
Total	63.6	20.0	7.7	8.7

TABLE 22.—PERCENT MURDER BY FIREARM B', STATE 1962 THROUGH 1967

State	Total number of murders	Percent by use of firearm
Alabama	2,166	63.5
Alaska	130	62.1
Arizona	531	66.3
Arkansas	855	69.1
California	4,857	52.3
Colorado	501	60.3
Connecticut	303	46.5
Delaware	170	57.4
District of Columbia [1]	788	47.2
Florida	3,132	67.8
Georgia	2,811	68.7
Hawaii	109	48.6
Idaho	132	68.2
Illinois	3,721	57.0
Indiana	991	64.5
Iowa	222	64.7
Kansas	423	66.1
Kentucky	1,158	77.3
Louisiana	1,728	63.5
Maine	95	47.0
Maryland	1,402	51.3
Massachusetts	712	39.9
Michigan	2,073	52.4
Minnesota	312	58.6
Mississippi	1,197	69.1
Missouri	1,586	67.1
Montana	97	70.3
Nebraska	187	67.0
Nevada	221	67.6
New Hampshire	86	63.1
New Jersey	1,310	41.2
New Mexico	360	65.2
New York	4,835	34.9
North Carolina	2,385	70.2
North Dakota	46	29.0
Ohio	2,350	63.6
Oklahoma	776	62.8
Oregon	322	59.4
Pennsylvania	2,173	43.9
Rhode Island	82	34.1
South Carolina	1,539	74.1
South Dakota	88	61.5
Tennessee	1,642	67.1
Texas	5,104	70.7
Utah	124	74.1
Vermont	26	83.3
Virginia	1,763	63.1
Washington	460	55.4
West Virginia	459	64.0
Wisconsin	391	59.3
Wyoming	84	55.4
Total	59,015	58.2

[1] Includes murders reported by Park Police in Washington, D.C.

Mr. DODD. Mr. President, with reference to the concept of registration, let me say that the great thing that registration will do, as the Senator from Maryland has pointed out, is to let the law enforcement people know where the guns are. I do not expect, and I am sure the Senator from Maryland does not expect, that the hoodlums, the criminals, the shoddy characters will come forward. Perhaps some will, but I doubt it. Anyway, we will be able to determine the location of the tremendous number of guns that we know are at large in this country. The good citizen will come forward. Over 300,000 have in Chicago. The good citizen will either turn in his gun, register it, or have it known that he has a gun.

I cannot understand the attitude of good people who say they do not want to register their firearms. As has been repeatedly pointed out, we register many other things. Why should a person not want his ownership of firearms known? I think he would want it known for his own protection. He would want it known that he has this or that type of gun and he would want to reveal its serial number and its make, and have that information on file with the law enforcement authorities.

This will be a great tool in reaching out to cut down the terrible, growing, rising crime rate in this country, with robberies, assaults, murders, and violence of all kinds being committed with guns. It is insane. This amendment is one thing we can do to try to curb firearms crimes.

What is the great inconvenience? Nothing at all. Anyone who is law abiding should step forward and say, "I have this gun or I have that gun; here is the information on it; I am glad you have it." If anybody steals the gun, there will be no question about the fact that he did not commit the crime because he has complied with registration requirements and made known the theft to the authority.

I believe it was the Senator from North Carolina [Mr. ERVIN] who said that in the murder of our beloved colleague Senator Robert Kennedy, such registration would not have had any effect. That just is not accurate. If we had a registration requirement, the transfer of the weapon, whether by gift, sale, or in any other way, would have had to have been recorded with the law enforcement authorities.

When Sirhan got his gun from another member of his family, it had been four times removed from the original purchaser. The law enforcement people would have known about it if this proposed law had been in effect.

Do I say that such a law would have precluded or prevented altogether the terrible tragedy that took place in Los Angeles? I do not say that. I say at least we will have some grip on the problem and we will be doing better than we are doing now, without any grip at all.

Everyone admits that hundreds of weapons are flooding into the country. We do not know who gets them or where they are. Many States have lax laws, as has been pointed out. Of course, it is no good to have a good law in New York or Connecticut or Rhode Island or Massachusetts or other States if criminals can go outside the States and buy them freely. The Commission of Safety of the State of Massachusetts testified at our hearing about the great problem they have in Massachusetts with respect to the traffic in guns bought outside the Commonwealth of Massachusetts by criminals and then brought back into the Commonwealth. As a result there is a high incidence of crime committed with weapons procured outside of Massachusetts, where the law is very good.

I commend the Senator from Maryland. We must accept his proposals. It will not do us any good to have a weak, ineffective law. I am sure we have done some good, but we have not done enough. What is the sense of only partially accomplishing the task and allowing criminals, hoodlums, and the like to harbor these weapons and go out and commit more crimes? Let us get a record of where the weapons are and who has them and make a beginning at ferreting out those who should not have them. It is little enough to ask.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, will a Senator in charge of the time yield me 1 minute to ask two questions?

Mr. HRUSKA. Mr. President, I yield 1 minute to the Senator.

Mr. COOPER. I call attention to page 8, relating to disposition of firearms. Is there anything in the amendment or the bill which provides for confiscation of weapons? What does that section mean?

Mr. TYDINGS. Mr. President, I yield myself 1 minute. There is nothing in the bill which provides for confiscation of any firearms from any law-abiding citizen. However, the bill provides that after September 1, 1971, no convicted felon, a person who has been committed by a court for narcotic addiction, alcoholism, or mental incompetency will be eligible to have a permit for a firearm, and no person will be permitted to keep a firearm who does not have a permit. This would be effective in 1971.

Therefore, convicts, felons, or persons who had been institutionalized would be required to surrender their firearms and would be entitled to receive just compensation for them.

Mr. COOPER. Assume that within the 180-day period following the effective date of the bill or act a person having a firearm did not meet the qualifications or regulations to have one, even on the basis of age, for example. What would happen to the firearm of a person who was not legally competent or did not meet the requirements?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield 2 additional minutes to the Senator.

Mr. COOPER. Would he be required to surrender the firearm?

Mr. TYDINGS. As I say again, this would be effective in 1971. If a State or local community had not enacted a gun permit section, which automatically would pre-empt, at that time it would be illegal for some persons to be issued permits, and it would be illegal for them to have firearms without such permits. As I have said, at that time, the convicted felon, narcotic addict, or mentally incompetent would either transfer his firearms to someone else—and if it were a juvenile I would assume he would give it back to his father or whoever gave it to him until such time as he was of age—or turn his firearm in.

Mr. COOPER. I just want to have the record clear. This section speaks of voluntary surrender; but if a person has in his possession a firearm, and that person is not eligible, under the act, to have such possession, does this mean that there is a procedure worked out for the confiscation of his weapon? The amendment speaks only of voluntary surrender of his weapon.

Mr. TYDINGS. There would be a procedure set up for that person, for example, to the convicted felon, to turn in his firearm. Probably, as a practical matter, by that time he would have disposed of it, or sold it, but there would be an administrative procedure worked out whereby he could surrender the firearm and receive just compensation for it.

Mr. COOPER. I am not trying to argue the merits of the thing, but as I read this proposal, that person, continuing to possess, the weapon, would, of course, be subject to a criminal penalty.

Mr. TYDINGS. That is right.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOPER. But I still say there is nothing in this bill.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I will yield 1 more minute, but that will be about my limit.

Mr. COOPER. I think it is unclear as to whether or not there is any right of confiscation provided, other than voluntary surrender.

Mr. TYDINGS. There is no provision for confiscation. It does make it illegal for a convicted felon, or persons in the categories I have described, to possess firearms after September 1971, without a permit. It does provide, if such person will voluntarily turn in his weapon, machinery for compensation, but there is no machinery provided for confiscation of the firearm. It only makes it illegal for him to possess it without a permit. There is no machinery provided of any kind for confiscation.

Mr. HRUSKA. Mr. President, I yield myself one minute to ask the Senator from Maryland this question:

Title VII of the omnibus crime bill already prohibits a felon from having a gun, does it not? A man who has been convicted or served time on conviction of a felony is barred from having a gun, is he not?

Mr. TYDINGS. Is the Senator referring to the Long amendment?

Mr. HRUSKA. Yes.

Mr. TYDINGS. The Senator is correct.

Mr. HRUSKA. What does this add?

Mr. TYDINGS. You can have all the laws in the world on the books making possession illegal, as we have laws now in many States making it illegal to carry a concealed weapon; but if you permit any hoodlum, no matter how dangerous, to purchase a firearm without a permit——

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. TYDINGS. Of course, the whole thrust of this legislation is to limit the access of criminals to firearms.

The PRESIDING OFFICER. Who yields time?

Mr. TYDINGS. I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I have asked for this time for a very specific purpose. I believe that the arguments have been made very thoroughly by the Senator from Maryland, the Senator from Connecticut, and others, with respect to the details of registration and licensing, which I support and in which I thoroughly believe.

What has not been answered adequately, and why I have asked for the the time to do so, if I can, therefore, is the disquiet among hunters and sportsmen, which I have found upstate in my State, in campaigning there, which is very real, but which is completely misplaced and misguided.

What they fear is not what is in this bill. Of course, they do not know that automaticity of license issuance is provided, and that registration just means filling out a postcard, as you do to say you are going to attend the next American Legion meeting.

But even assuming they know that, they are still afraid. Of what? They are afraid of what we are going to do, not in this bill, not on registration and licensing, but what we are going to do with what they think is the precedent set by this bill. That is what the National Rifle Association and all the other lobbies are scaring them with—that we are going to confiscate weapons, that we are going to tax the issuance of the license, and that even if we tax it as much as an automobile, they think that is a crushing burden—perhaps they are right about that—or that we are going to do something else which will interfere with their ownership and utilization of those weapons in the normal way.

I believe that the more of us who rise on this floor and make it crystal clear that this is no precedent for any such thing, that we do not have confiscation or taxation in the back of our minds, the more reassuring to such persons it would be. We are over 21 and if we like this bill we will pass it, if we humanly can; and if we do not like some other bill that somebody else brings in, that seeks to charge a fee or places some other encumbrance upon the normal use of a weapon by a hunter or sportsman, we will vote against it. After all, we kill many things here in committees, by filibuster, or simply by voting against them or tabling them.

I feel that the real key issue now in this matter is the degree of such reassurance we can give. These men are not afraid of what is here, or should not be, but they are afraid of what it may lead to; and I think they are entitled to the most solemn reassurance that the chairman of the committee or the sponsor of any amendment can give them.

Mr. TYDINGS. Mr. President, I think the point of the Senator from New York is well made. I find the same thing on the eastern shore of my own State of Maryland, as well as in my home county. They fear that somehow this is a bill to tax them, to levy fees against them, or to take firearms away from the law-abiding sportsman, hunter, or homeowner.

As the Senator knows full well, that is completely false and specious. I own nine guns myself, one of which was handed down from my great grandfather. I love to hunt. Shooting ducks and geese is one of my principal avocations in the fall, whenever I have time to get away. This love of hunting is something handed down to me and instilled in me by my father and my grandfather.

I shall never support any legislation designed either to tax legitimate, law-abiding hunters, sportsmen, or gun owners, or to confiscate weapons from law-abiding citizens—neither now nor any other time.

Mr. JAVITS. Or through a license fee?

Mr. TYDINGS. Or through a license fee. Originally, when I first introduced the amendment, it provided for a $1 minimum fee for the license. Because of the reasons pointed out by the Senator from New York, because of the fear existing, I took the fee out entirely.

As I told my senior colleague from Maryland [Mr. Brewster], who has had the same fears expressed to him, I would accept and support an amendment which specifically states that no tax or fee can be provided later, even though the history of the bill was clear, just to reassure sportsmen and law-abiding citizens.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TYDINGS. I yield myself 2 more minutes.

Mr. JAVITS. Will the Senator yield?

Mr. TYDINGS. I yield.

Mr. JAVITS. Representing, as I do, a State with both a large urban and a large rural population, it is perhaps clearer to me than to some Senators that this is really a city-rural issue. We did not think of gun registration, in fact we had no reason to, until we had 70 percent of our population in the cities, where every man cannot have a rifle hanging above his fireplace.

Therefore, if we favor this measure, it is because we think it is essential to the effort to get abreast of crimes in the cities; but we must, at the same time, give assurance to those who fear abuse of this precedent that as far as they are concerned, it will not be abused.

I thank the Senator very much.

Mr. DODD. Mr. President, will the Senator yield me one-half minute?

Mr. TYDINGS. I yield.

Mr. DODD. I think we should call it to the attention of the Senator from New York, in case that has been neglected, that yesterday afternoon, the colleague of the Senator from Maryland [Mr. Brewster] offered an amendment which expressly says that no government agency, including States, possessions, or political subdivisions, may legalize the confiscation of otherwise legally held firearms. We accepted that amendment, and it is now a part of this bill.

I join with the Senator from Maryland in his remarks about legitimate gun owners. I know a little about guns. I own four myself. It is against my disposition to be against hunters. I live among them. I have lived among them practically all my life.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. Mr. President, I yield 1 additional minute to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 additional minute.

Mr. DODD. So those who have put abroad these canards about our trying to take away from legitimate sportsmen their weapons are not telling the truth. We have gone to great lengths to make this clear.

I am glad that the Senator from New York has raised the question so that we can have the information in the Record.

I receive this criticism from my neighbors at home. They say, "What are you trying to do to us?" When I tell them about it, they understand. However, there has been so much falsehood about the bill that, as the Senator from New York has said, we need to emphasize our position on every occasion.

Mr. JAVITS. Mr. President, will the Senator join with the Senator from Maryland in the pledge that this is not a hidden way in which we will ultimately levy a tax for a permit?

Mr. DODD. Of course I will. I have done it time and again. I do it now.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I thank the Senator from Nebraska, who is conducting such a detailed and fine analysis of the various amendments and the positions on the pending bill. I think he has done an outstanding job. He has analyzed this matter as carefully as anyone in Congress.

I want to say flat out that I am unequivocally opposed to the Tydings amendment. I have some very legitimate reasons.

The amendment calls for Federal registration and licensing without a fee. The anticipated costs of this have not even been set out. However, anyone can guess at the figures. I am sure it will be very expensive.

The second point is: By having this registration and licensing requirement, have we gained anything? What have we gained? How have we helped to control the number of crimes committed with guns?

It is self-evident that there is not a single criminal who will register his gun. Nor will he license himself. So the only people who will come under this requirement will be those who enjoy shooting and hunting. The only people that will be affected will be the honest citizens, those who seem to be the forgotten men in politics these days. They find themselves constantly under regulations which affect them and do not affect the very people we are trying to get at.

It seems to me that the particular type of proposal we have before us does not even approach the problem in the way in which we should approach it.

Let me cite an example. One month from now, toward the end of October, our deer and elk season opens in Colorado. The minute that season opens, 100,000 people will be in the Colorado mountains shooting deer and elk and bear and having a great time.

I heard the distinguished Senator from New York say that 70 percent of our population today lives in urban areas. Surely they do. There is no contradiction on that statement. However, many of these people go out and hunt and try to get out of the restrictive atmosphere they experience in these big urban centers. Are we going to put all of them under registration and licensing requirements? Are we going to say they have to comply with all of these rules and regulations before they can go out and enjoy themselves on a weekend?

I cannot see how that would help the situation in any way. It would not help us to control the number of crimes that are committed with guns.

I have been told time and time again by people in my State, and people from other States who have written me, that if the pending measure is passed, the situation will be very similar to that which was experienced during prohibition times. The crooks will continue to operate and get their guns anywhere they can. They will get guns by breaking into stores and stealing them, as they are doing at the present time.

The criminals will not register or license their weapons. The persons affected will be the ordinary, honest citizens.

It is self-evident that once we pass a measure of this kind, the expenses will increase. We will have to employ more people in the Justice Department to try to enforce the law. We will build up a great hierarchy in the Department of Justice. Before long it will be said that we need to charge a fee to register a gun.

It started that way in New York under the Sullivan law. It used to cost 50 cents to register a weapon in New York. Today it costs $20 to register a gun in New York City.

We will move in that direction if the bill is passed. We will do it, because there will be a drain on general taxpayers' funds in order to take care of the cost of the program. And sooner or later it will be argued that people who want to use guns should pay for the cost of the administration of the law.

We might as well recognize this now. I do not think the pending amendment gets at the problem we are trying to hit. I do not think it does the criminal any harm. I think it creates great problems for the honest person, the hunter, the man who likes to hunt or trap shoot.

I am unequivocally opposed to the amendment. I think it is a great mistake to move in this direction.

Mr. TYDINGS. Mr. President, I yield 2 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. DODD. Mr. President, I shall not attempt to reply to all of the arguments made by the Senator from Colorado. I think those arguments have been well answered already.

The Senator made a statement about the cost of administering the registration and licensing of firearms. I wonder if the Senator is aware of what our present crime situation costs the citizens of our country? The cost runs into the billions of dollars. For example, last year, just for stolen goods, the amount was $1.4 billion. I could go on and on. The

President's Commission on Law Enforcement and Administration of Justice added up the total cost of crime to America in 1966 and it came out to around $24 billion.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. HRUSKA. Mr. President, I yield 1 minute to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 1 minute.

Mr. DOMINICK. Mr. President, I can understand that the Senator is probably correct in his figures. However, the question concerns the relevance between those figures and the pending bill.

Mr. DODD. I think the Senator was not present on the floor when I tried to point out that in the statement made by the Director of the Federal Bureau of Investigation, he said every year since 1963 that in his opinion there has been a great, material relationship between the accessibility of firearms and the crime situation in our country.

I do not know what better authority we could turn to. Mr. Hoover has been in this business for many years. He has the most efficient statisticians and crime analysts. I think everybody knows that. I certainly do.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. Mr. President, I yield an additional 2 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for an additional 2 minutes.

Mr. DODD. Mr. President, there is a relationship between the accessibility of firearms and the crime situation in our country. Every law enforcement officer that appeared and testified before our committee said that there is.

Mr. DOMINICK. Mr. President, the obvious way to solve that problem is to confiscate all outstanding guns.

Mr. DODD. No, it is not. I have never advocated that. I deny it. I do not want that done. We adopted an amendment yesterday that would prevent it.

What is needed here is to know where these guns are that have been brought into our country certainly since after World War I. We know there are millions of them. And many of those guns are in the hands of people whom the Senator does not want to have them. I would not want them to have those guns, and neither would anyone else.

How are we going to get them out of their hands? We cannot do it by confiscation. I do not believe that would be the right route. It would be fraught with so many injustices and wrongs that it should not be done. I do not think we should do that and I have never advocated it and never will.

I am asking that we take a reasonable step. Let us find out from the honest people, and perhaps from some of the dishonest ones, where these guns are. This way we will at least have a start. At least we will have that tool in our possession.

If a person is found in a car with an unregistered gun, he might have committed only a minor traffic violation. However, he would be guilty of an offense, because of the possession of that unregistered gun, that he would not be guilty of now. We might not catch him at homicide, but we will catch him with the possession of an unregistered weapon. He did not register his gun. He did not let anybody know he had it.

This is a beginning, and it will take some time. We will not solve this problem overnight. We have been building up these crime statistics for a long time. For years and years we have watched them grow and grow. Now we have an opportunity to do something about it. I say to the Senator, with all the earnestness I can summon, that we have been at this, as the Senator knows, for 7 years. We had better do something like this, or we will not effectively reduce the rising crime rate.

Three murders have been committed within two blocks of my front door in less than a year, and I live in what I thought was a fairly quiet neighborhood.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. TYDINGS. Is it not a fact that in our hearings on this matter, so far as effectiveness is concerned, we had witness after witness, law enforcement officers, begging us for this effective legislation?

On June 8, 1965, as recorded on page 473 of the hearings held by the committee of which the Senator from Connecticut is chairman, we inserted in the record, as exhibit No. 103, a telegram—I should like the Senator from Colorado to listen to this—from the Chief Deputy Attorney General of the State of California, Charles O'Brien:

> With regard to testimony on the effectiveness of gun regulations in California, please be advised that the State does not have general registration or licensing statute. However, the State department of justice does maintain a file of dealers' records of sales on handguns. This file has become one of the most valuable aids to law enforcement in the solution of gun crimes throughout the 58 counties of the State. Each day more than 250 urgent requests are received from police departments and sheriff's offices for a search of the files. Information extracted from the files has been credited by law enforcement with the solution of hundreds of felony crimes ranging from homicide to burglary. For instance, information from the file was instrumental, earlier this year, in solving one of the most brutal robbery-homicides in the history of the San Francisco Bay area, the shooting of Oakland busdriver Perseus Copeland. The murder weapon was dropped on the bus and although the original sale dated back to May 1960, police were able to trace the ownership through several hands and arrest the murder suspects, who had fled to Texas. George A. Thompson and his wife, Janette, are now waiting trial on charges of robbery and murder.
>
> Three weeks ago, the California Highway Patrol effected the arrest of Ronald D. Ritchie, a robbery and burglary suspect, by checking the State's file of recorded gun sales. Last Friday, the Hayward Police Department arrested a narcotic addict and suspected burglar, Allen Abrew, on information found in the files. The weapon found on Abrew had changed hands three times but tracing was possible through use of the files.
>
> The committee may also be interested to know the existence of such a file is known to have deterred the criminally minded from purchasing handguns in California. However, such persons have been able to make their purchases in an unrecorded manner in neighboring States. On occasion, such individuals have returned immediately to California and committed gun crimes.

I ask the Senator from Connecticut: Is not this the thrust of the testimony we have received from law enforcement officials throughout the Nation?

Mr. DODD. It is. It is exactly that. The record is replete with it. The Senator is absolutely correct.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The time of the Senator has expired.

Mr. DODD. I take 2 minutes on the bill.

I should like to add, for the interest of the Senator from Colorado—I know what a fine mind he has, and I have great respect for him—that we are not worried about the sportsmen. Registration is not directed at the good citizens, the good sportsmen, the men who like the outdoors and love to be in the beautiful State of Colorado. They are the decent people. But, as in so many other areas, we have the people who are not decent, who make it necessary to put restrictions on the rest of us because of the illegal activities in which they engage. This goes on through every segment of our society, with respect to almost everything I can think of, and that is why we must do it in this area of firearms. It is not directed at the sportsmen.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. DOMINICK. We already have laws in every State, and Federal laws, saying that murder is illegal; and if the perpetrator is caught and convicted, he can go to jail, he can be hanged, electrocuted, or otherwise punished. Murders still go on. We know that. The fact that a gun is going to be registered does not mean that it will stop murder.

Mr. DODD. No. I say with great respect that I have never said so, and I have never heard anyone else say so. But it will help. It seems intelligent to me to come to the conclusion that we have this criminal element in the country. We know they have guns and all types of deadly weapons; and we had better find out who has them and where they are, and not have this deadly arsenal of 200 million guns hidden from the eyes of law enforcement people.

At least, we can hope to reduce the incidence of murder. It will not stop it. I have never suggested that it would. It is another tool, another way to cut down the number of killings so that the people of this country can have some feeling of safety and security. One walks down the street and does not know what person has a snub-nosed pistol in his pocket. We will not stop it all but we will begin to get somewhere with it.

The PRESIDING OFFICER. Who yields time?

Mr. TYDINGS. I yield 3 minutes to the Senator from Maryland.

Mr. BREWSTER. Mr. President, I proposed an amendment to the basic amendment offered by my distinguished colleague from Maryland. My amendment would add very explicit language in both title IV and title V of Senator TYDINGS' amendment. The wording would be exactly the same in each case. It reads as follows:

> No taxes or fees shall be collected in connection with the enforcement of this title.

Yesterday, I pointed out that there is a fear on the part of many Americans that the gun control legislation we are considering today will result in the confiscation of legally owned firearms.

When I voiced this concern yesterday, the managers of the bill, very wisely, in my judgment, accepted an amendment that I proposed, together with the senior Senator from North Carolina, that would rule out the possibility of any confiscation. These same people, sportsmen, collectors, and others, are concerned about the possibility that their firearms will be taken away by the use of fees or taxes; that they will be priced out of the market. This is clearly not the purpose of the proposed firearm control legislation. It is not intended to be a revenue-raising measure. It is not an attempt to bar anybody from legally owning firearms or from using them.

Therefore, I believe it would be wise to end any fears that our fellow Americans may have by adopting this amendment which I have proposed.

The senior Senator from New York has already clearly stated the need for this proposal. I ask my colleague from Maryland if this amendment to his amendment is acceptable to him and urge my colleagues to support the clear prohibition against taxes and fees which I now offer.

Mr. TYDINGS. Mr. President, this amendment is acceptable, for the reasons outlined by the Senator from Maryland [Mr. BREWSTER], by the Senator from New York [Mr. JAVITS], and myself. My amendment, even without the addition, provides for no fee and no tax. However, in order to assure the many Americans who are sportsmen that it in no way can possibly be construed as a revenue-raising measure, I am happy to accept the amendment of my colleague from Maryland.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. JAVITS. I am pleased that the Senator is doing that. As a lawyer, I believe he is right in his opinion that it is not vital. This fear is so widespread and so unreasoning, that we should dispel it in any way we can.

I say to Senator BREWSTER that the commitment by Senator TYDINGS, Senator DODD, and myself that this amendment not be used as an opening for a tax or a fee is important; and the senior Senator from Maryland implies the same thing in proposing his amendment. That is what these people are worried about, that this is just an opening which we are going to move at a later date with a tax or a fee.

The PRESIDING OFFICER. The Chair calls to the attention of the junior Senator from Maryland that he cannot accept the amendment pro forma, barring unanimous consent of the Senate. It would be in order only after all time has expired. Then there would be required action by the Senate for the adoption of the amendment of the senior Senator from Maryland, or the junior Senator from Maryland would have to get unanimous consent to so modify his amendment.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Nevada.

Mr. BIBLE. Mr. President, I rise in opposition to the amendment.

I am unalterably opposed to Federal registration of firearms and Federal licensing of the thousands of law-abiding people in my State of Nevada and the millions of sportsmen, hobbyists, and other responsible, law-abiding citizens throughout the Nation who cherish their right to keep arms without this kind of interference from the Federal Government.

This amendment is a misdirected attempt to combat the crime problems besetting our major cities.

My record of support for all effective measures to combat crime and in aid of just law enforcement in the United States is abundantly clear. I am not going to dwell on that.

I am convinced, however, that the proponents of this amendment claim too much for it. I have said before, and I say again: No gun control law, no amendment such as this, no matter how strict we write it, is going to keep guns out of the hands of criminals or would-be criminals. They will steal them, black-market them, smuggle them. They will even manufacture them if they have to.

Mr. President, I have noted the very fine statement on this matter last Friday by the distinguished Senator from Idaho. I commend him for it.

When we direct the Senate's attention to our way of life in the great Western States of this Nation, we are speaking on behalf of millions of our citizens.

Mr. President, the people of my State are perfectly capable of formulating and enforcing whatever gun controls, conditions in Nevada may at any time warrant. They object, and I object, strenuously to the imposition from Washington of a scheme of regulation and licensing supposedly geared to combating crime in the cities.

Mr. President, the people of Nevada do not claim the right to decide what gun controls are warranted in New York, California, and elsewhere in the Nation. We do claim the right to judge what restrictions should or should not be imposed in Nevada.

Firearms controls can be dealt with effectively by the States and cities of the country, depending on the special problems and conditions confronting each of them.

We must keep in mind that law enforcement in the United States is, and always has been a primary local responsibility.

Nevertheless, proponents of this gun registration and licensing amendment would compel the States to adopt their proposals, under an ultimatum that if the States do not do so, the Federal Government will then intervene to register the guns and license the gun owners.

This is an outright denial of our tradition in Nevada and throughout the Nation of local law enforcement. It would reverse the historical Federal-State relationship in this vital field.

Mr. President, the formulation and enforcement of gun controls is a matter that must take account of differing local conditions. I oppose the proposed Federal registration and licensing requirements, and urge that the amendment be disapproved.

Mr. HRUSKA. Mr. President, I yield 15 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I am opposed to Federal regulation of arms and Federal licensing of gun owners. To my way of thinking, we need effective law enforcement at every level of our Government rather than a proliferation of gun laws directed primarily at law abiding taxpaying citizens in this great Nation. A person who is bent on committing murder or robbery will certainly not hesitate to violate a gun control law in order to obtain a gun or to secretly store an unregistered firearm. I have yet to hear any reasonable assurance that we could be successful in getting the criminal element to register their guns.

It is the responsibility of Congress to see that any Federal legislation carefully considers the jurisdiction of the States and that of the Federal Government in this crucial area.

The States and local governments have the primary responsibility for keeping the peace. This responsibility includes the authority to enact and enforce gun legislation appropriate to their needs. Such legislation could provide for severe prison terms for persons committing crimes with a gun or for penalties for carrying a concealed weapon without a license or legal permission. The States even have the power to provide for registration of firearms, if deemed advisable. States and localities have law enforcement personnel to enforce gun legislation.

Law-abiding citizens should be allowed to keep guns in their homes for the protection of their families and property.

Existing State and local laws should be enforced vigorously.

The role of the Federal Government in gun control legislation should be limited to assisting States to enforce their laws by regulating interstate shipment of firearms. The use of interstate commerce to circumvent State laws should be prohibited.

Federal laws should regulate rather than prohibit interstate shipment of firearms. Federal law should make it illegal to ship a gun across State lines without an affidavit of eligibility from the purchaser and notification by the shipper to the chief local law-enforcement officer where the purchaser resides. Such officer should have a reasonable time in which to notify the shipper if the purchase violates State law.

A Federal system of gun registration and licensing would require a large Federal police force. A Federal police force could lead to a police state.

Conditions and traditions vary widely from State to State, and the needs of one State should not necessarily be imposed upon another. The Federal Government should take no measures which pressure or require States to adopt uniform Federal standards.

Federal law should strictly regulate destructive devices such as bazookas and mortars, in the same manner as it now regulates machineguns, short-barreled shotguns, and short-barreled rifles.

Existing Federal laws should be enforced vigorously.

Although proper gun legislation is essential, the gun is merely an instrument of crime; the real cause of crime is criminals, who today are operating in an atmosphere of permissiveness and arrogance. Supreme Court decisions have severely handicapped the police in the apprehension of criminals and diminished the power of the courts to see that the guilty are punished.

The decline of law enforcement in the country is apparent from some shocking statistics: Only 1 lawbreaker in 8 is tried and convicted; of all persons arrested in 1966, 76 percent were repeat offenders. In Washington, D.C., harried police are able to arrest only one-quarter of the perpetrators of crimes, whereas a decade ago they caught one-half.

Just as shocking is the rate of criminal repeaters—lawbreakers who are turned loose to prey again upon society. A recent FBI study of some 18,000 convicts released in 1963 revealed that fully 55 percent had been rearrested for new offenses by June 30, 1966. Criminals are increasingly defying the law successfully, and public confidence in our administration of justice is diminishing.

Our crime and gun problem would largely come under control if conviction rates were doubled and sentences were more severe. The chief keys to the gun control problem are swift apprehension and certain punishment for those who violate the law.

Mr. President, we are all saddened by the large number of murders and other heinous crimes that are committed each year, but I have yet to see statistics that prove accessibility of firearms is the major cause for the increase in crime in our Nation. Even a casual reading of statistics in the 1967 FBI Uniform Crime Reports indicates there is a serious lack of effective law enforcement. On page 1 we read that—

> Over 3.8 million serious crimes reported during 1967, a 16 percent rise over 1966.

And that—

> Firearms used to commit over 7,600 murders, 52,000 aggravated assaults and 73,000 robberies in 1967.

Under the heading of "Careers in Crime," we note that—

> Study disclosed 60 percent of offenders released to the street in 1963 rearrested within four years; fifty-nine percent of the offenders released on parole were rearrested within four years; seventy-two percent of prisoners released early in 1963 after earning "good time" were rearrested; ninety-one percent of those persons acquitted or dismissed in 1963 were rearrested within four years.

Mr. President, again I wish to state that we do not need a proliferation of gun control laws and a Federal police force to enforce Federal regulation and licensing; we need firm effective law enforcement. I have in my hand a compilation of digests of gun laws prepared by the Library of Congress; it is 270 pages long.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Legislative Reference Service of the Library of Congress which indicates State requirements for carrying a concealed gun.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the Library of Congress]

STATE REQUIREMENTS FOR A PERMIT TO OWN OR PURCHASE A FIREARM AND THE COST THEREOF

The following is a list of the states that require either a permit to purchase a firearm or a license to carry or own one, or both a permit and a license. Provisions relating to the registration and licensing of machine guns are not included, as they are generally a separate category, and are often subject to relatively heavy licensing fees. When a state is not listed, its statutes do not specifically require either a permit to purchase a firearm or a license to carry one. Unless otherwise noted, licenses to carry listed below are not for each gun owned, but rather license the person.

Alabama. License to carry a concealed weapon required. $1/year. (14 § 177 Code of Alabama).

California. License to carry a concealed weapon required. $3/year. (Penal 12054. West's Annotated California Codes).

Colorado. "Authorization by proper authorities" necessary to carry a concealed weapon. No procedure or fee stated. (40–11–1, Colorado Revised Code).

Connecticut. License to carry a concealed weapon required. $2 for first application, $1/year thereafter. (29–30, Conn. General Statutes Annotated).

Delaware. License to carry a concealed weapon required. $2/year. (§ 11–461, Delaware Code Annotated).

District of Columbia: License to carry a concealed weapon required. Renewable every year, no fee fixed by statute. (22–3206, District of Columbia Code).

Florida. License required to carry a pistol or repeating rifle. Renewable every two years, and applicant must post $100 bond. (§ 790.06, Florida Statutes Annotated).

Georgia. License to carry concealed weapon required. $.50/3 years, and applicant must post $100 bond. (26–5105, Georgia Code Annotated).

Hawaii. All weapons must be registered, and prospective owner must have permit to purchase, but no fees may be charged for either registry or permit. (§ 157–3, Revised Laws of Hawaii).

Idaho. Person must have permit to carry a concealed weapon. Permits issued at discretion of police, no fee fixed by law. (18–3302, Idaho Code).

Illinois. To possess or purchase any weapon, person must have Firearms Owner Registration Card. The Card is valid for five years, and costs $5. (§ 38–83–4, Smith-Hurd Illinois Statutes Annotated).

Indiana. License to carry a concealed weapon required. $1/year. (10–4738, Burns Indiana Statutes Annotated).

Iowa. License to carry concealed weapon required. License valid for one year, no statutory fee fixed (§ 695.13, Iowa Code Annotated).

Maine. License to carry concealed weapon required. License good for period from issuance to end of calendar year, and next full year. No fee fixed by statute. (25 § 2031, Maine Revised Statutes Annotated).

Massachusetts. License to carry or possess any firearm required. This license required before weapon may be purchased. $2/2 years. (140 § 131 Massachusetts General Statutes Annotated).

Michigan. License to carry concealed weapon required. $3/year. Permit required to purchase a pistol, but no fee fixed by statute. (§ 28.422, Michigan Compiled Laws Annotated).

Missouri. Permit required to purchase any concealable weapon. Fee $.50. (§ 564.630, Vernon's Annotated Missouri Statutes).

Montana. Permit required to carry concealed weapon. No fee fixed by law. (94–3528, Revised Codes of Montana).

Nevada. Permit required to carry concealed weapon. No fee fixed by law. (202.340, Nevada Revised Statutes).

New Hampshire. Permit required to carry concealed loaded weapon. $2/2 years. Permit required to purchase handgun, no fee fixed by statute. (§ 159.6, New Hampshire Revised Statutes Annotated).

New Jersey. Permit required to carry concealed weapon. $3/year. Permit required to purchase any weapon. $2/year. (2A:151–44, New Jersey Statutes Annotated).

New York. All concealable weapons must be registered. In New York City the fee is fixed by the City Council, in the rest of the state the fee is from $3 to $5/year for the first weapon, and $1/year for each additional weapon. (Penal Law § 400.00, McKinney's Consolidated Laws of New York).

North Carolina. Permit required to purchase pistol. $.50. (14–404, General Statutes of North Carolina).

North Dakota. Permit required to carry pistol concealed or openly. Valid for 2 years, no fee fixed by statute. (62–01–08, North Dakota Century Code).

Oregon. Permit required to carry concealed weapon. $.50/year. (166.290, Oregon Revised Statutes).

Pennsylvania. License required to carry any concealed weapon. $.50/weapon/year. Permit required to purchase any concealable weapon, fee $.50. (18–4628, Purdon's Pennsylvania Statutes Annotated).

Rhode Island. License required to carry handgun on the person. Fee $2/year, plus applicant must post $300 bond. (11–49–8, 9, General Laws of Rhode Island).

South Dakota. License required to carry concealed weapon. $.50/year. (21.0107, South Dakota Code of 1939).

Utah. Permit required to carry concealed weapon, but no procedure or fee indicated. (76–23–4, Utah Code Annotated).

Virginia. License required to carry concealed weapon. Valid for 1 year, no fee fixed by statute. (18.1–269, Code of Virginia).

Washington. License required to carry handgun on the person. Fee $1/year. (9.41.070, Revised Code of Washington Annotated).

West Virginia. License required to carry concealable weapon. Fee $20/year, plus applicant must post $3500 bond. (61–7–2, West Virginia Code).

Wyoming. License required to carry concealed weapon. Duration of permit 3 years, no fee fixed by statute. (6–239, Wyoming Statutes).

Puerto Rico. License required for possession of any firearm except a hunting or target-shooting weapon. No fee fixed by statute. (Title 25, § 426, Laws of Puerto Rico Annotated).

Virgin Islands. All weapons must be registered. Initial fee $3/weapon for rifles or shotguns, $5/weapon for handguns. Subsequent re-registrations free. (Title 23, § 451, Virgin Islands Code Annotated).

Mr. THURMOND. Mr. President, I might also note that many of these statutes are being strengthened by the legislatures of the several States. The digest of my State is found on page 217. In South Carolina, it is unlawful for anyone to carry a pistol, whether or not concealed, with exception for certain authorized groups such as "law-enforcement officials," "armed forces personnel on duty," and licensed hunters to and from the place of hunting. A pistol is defined as "any firearm designed to expel a projectile from a barrel less than 12 inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells."

What we need in this country is enforcement of our laws in a way that will be a deterrent to the criminal element. However, as long as the permissive attitude in this country is daily radiating from the White House, the Supreme Court, and yes, even from the Congress, no new gun law will reduce the rise in crime. In April we saw the spectacle of the poor people's campaign invade our Nation's Capital, and the Attorney General made a deal with them that no Park Police and no city police would enter their private domain set up at taxpayers' expense on taxpayers' land.

Mr. President, on July 31, 1960, Mr. Richard Nixon made some very appropriate remarks for our consideration today of Federal registration and licensing. He said:

> The ideal in a free society is that the chief deterrent to crime lies in the respect for law, in the respect for legitimate authority, in the respect for the rights of others that is the standard moral code of every citizen.
>
> But when the homes and schools and churches of a free society fail to inculcate those standards, or when the moral and opinion leaders of a nation fail in their role as commissioned watchmen of those standards, as they have failed in America in recent years, then the people must fall back for their safety upon police and prosecutors and courts.
>
> This is the last line of defense of a free people. It is these defenses that government patrols; it is these defenses that have crumbled before the rising tide of crime; it is these defenses that government must reestablish and rebuild.
>
> One paramount need is for the men of government at the national level to exert their moral authority to the limit, to marshall the armies of public opinion behind what can be nothing less than a militant crusade against crime. Another is for some recent notions in the administration of the law to be abandoned—and for some principles of justice to be re-established.
>
> Poverty, despair, anger, past wrongs can no longer be allowed to excuse or justify violence or crime or lawlessness.
>
> We must cease as well the granting of special immunities and moral sanctions to those who deliberately violate the public laws—even when those violations are done in the name of peace or civil rights or antipoverty or academic reform.
>
> We must return to a single standard of justice for all Americans, and justice must be made blind again to race and color and creed and position along an economic or social line. Long ago in this country we buried the notion that the rich were above the law. Let us now lay to rest the equally deleterious doctrine that those who speak for popular or favored "causes" are entitled to favored considerations before the bar of justice.
>
> We must re-establish again the principle that men are accountable for what they do, that criminals are responsible for their crimes—that while the boy's environment can help to explain the man's crime, it does not excuse that crime.

Mr. President, a very good illustration of the selective law enforcement we have had under the present Attorney General is the antiriot amendment to the Civil Rights Act passed last March. This statute says that anyone who crosses a State line to incite, organize, promote, encourage, participate in, or carry on, a riot is subject to a fine of not more than $10,000 imprisonment for not more than 5 years, or both.

Despite the fact that riots have become so commonplace that they no longer make front page news, no one has been convicted under the act. The lack of convictions is not surprising, since the U.S. Justice Department has not even sought any indictments under the provisions of the law. This administration is apparently trying to maintain the fiction that all riots spring unassisted from so-called local grievances.

This fiction has been put severely to the test by the recent disturbances in Chicago. Thousands of agitators converged upon that city with the announced intention of inducing violence and interfering with the electoral process of our Nation. Doubtless many of them were misguided youths sincere in their convictions. However, sincerity is no excuse for criminal conduct and Congress has made it a crime to cross State lines to incite a riot.

The fact is that their intentions were spread across the press of this Nation. They went to Chicago, and proof of their presence is that they were arrested in Chicago. It would appear that many of the revolutionaries arrested in Chicago meet the necessary tests for prosecution under the Federal law.

Mr. President, I fear that the present bill, and especially the proposed amendment, if passed, would be selectively enforced under some administrations. As I said a number of times already, our most critical domestic need is effective law enforcement. The chief keys to the gun control problem and other crime problems are swift apprehension and certain punishment for those who violate the law.

I would like to say that I think the attempted analogy of State registration of cars and Federal registration of firearms is ridiculous. State registration of cars has the effect of encouraging orderly Government and highway safety, and Federal registration of firearms has the effect of encouraging more centralized government to suppress individual freedom and a much larger Federal police force.

I hope that the Senate will reject amendment No. 947.

Mr. HRUSKA. Mr. President, I now yield 5 minutes to the distinguished Senator from Mississippi [Mr. EASTLAND].

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. EASTLAND. Mr. President, it is instructive to consider the tactics and strategy of those who would control human nature by the passage of Federal legislation. Regardless of what Congress does to appease their demands in any given area of legislation, those who would control the human heart by passing another law always return to the next Congress to demand even more sweeping laws. Their complaint is always that although the law enacted by the previous Congress has slightly improved the situation, that law has not been "effective" in correcting the evil, and that, thus, a more "effective law" is needed at once.

It can be predicted with some degree of certainty that if this Congress enacts S. 3633, which deals primarily with the interstate transportation of long guns, that among the first bills to be introduced at the beginning of the 91st Congress will be one providing for strict Federal registration and licensing of all guns. The supporters of such a bill will say that although Congress has enacted S. 3633, Americans are still killing each other with guns. They will not give S. 3633 a chance to work, but will immediately call for strict registration and licensing laws.

It can be further predicted with some degree of certainty that if the 91st Congress does enact such registration and licensing laws, then no later than the 92d Congress some of these same people will be demanding that Congress enact laws to confiscate, perhaps with compensation, all guns owned by American citizens. They will be able to show that despite enactment and operation of Federal registration and licensing laws Americans are still killing each other with guns. The only ultimate solution to this problem, they will claim, will be to take away all such deadly weapons from the people.

Supporters of such confiscation legislation will undoubtedly be able to cite many horrible instances in which persons have been able to commit murder with guns which have been registered and licensed; and they will cite instances of persons who have evaded the licensing and registration laws. This will be the cry used as a basis for supporting the enactment of Federal confiscation laws.

Mr. President, let no one be mistaken about the ultimate objective of those who favor "gun control" laws. Although there are few who will presently concede their ultimate goal is the enactment of confiscation laws, there can be little doubt that in the future there will be many who will support such legislation.

This is reason enough to oppose the enactment of S. 3633.

Moreover, Mr. President, I am strongly against the Federal Government disarming the law-abiding citizens of this Nation who own guns for self-defense, sporting purposes, and other lawful purposes. It is shameful for a government to fail to meet the most basic responsibility to the citizen. It is shameful that a government fails to provide protection from violent and unlawful attacks on his person and property. And now this Government—through this law—would demand that such citizen give up his chief means of protecting himself and his property. This would leave the law-abiding majority at the mercy of the lawless and violent persons who have no intention of obeying any Federal gun control laws.

Mr. President, I do not believe that the facts justify the enactment of S. 3633. This Congress has previously enacted title IV of the Omnibus Crime Control and Safe Streets Act of 1968, which deals with the interstate shipment of handguns. Figures provided by the Federal Bureau of Investigation show that the weapons used in the commission of homicides during 1967 may be broken down in the following percentages:

Handguns	48
Cutting and stabbing	20
Shotguns	9
Rifles	6
Personal weapons	9
Other weapons	8

Thus, in 1967, slightly over 76 percent of all gun homicides were committed with handguns. It is apparent that Congress has already dealt with 76 percent of the gun problem.

In my judgment, the proper way for Congress to legislate in this field would be to wait and see how title IV affects the handgun situation before enacting similar legislation as to long guns.

These figures also show that the enactment of S. 3633 at this time would be a disregard of priorities in the field of Federal control of deadly weapons. The leading weapon in the commission of homicides is handguns, and Congress has already dealt with that subject. The second leading weapon in the commission of homicides is not long guns, but it is knives. Shotguns and rifles together account for 15 percent of all homicides, but knives account for 20 percent. If Congress wishes to deal further with the problem of controlling deadly weapons, it should first act to control long-bladed knives, then act to control long guns.

It is known that organized gangs of criminals, as well as individual criminals, roam large sections of our cities armed with switchblade knives and other long-bladed knives and use these weapons to attack innocent citizens. This is a particularly horrible form of criminal activity, and the weapons used by these criminals to perpetuate it should be controlled before weapons used by the innocent for self-defense and sporting purposes are controlled.

Mr. President, it would be harsh and unjust to subject the owners of rifles and shotguns to Federal registration and licensing laws. The vast majority of the owners of such weapons use them for legal and beneficial purposes, such as for protection and sporting purposes. These people should not be treated as potential criminals.

There can be no doubt but that the application of stringent registration and licensing laws to owners of long guns would greatly decrease hunting and other sporting activities. Many owners of such weapons would decide that it is not worth the trouble of registering each weapon and receiving a license therefor.

In this connection, we should consider the great contribution that hunting makes to the economy of the Nation.

The Bureau of Sport Fisheries and Wildlife, of the U.S. Department of the Interior, published an official survey on this subject for the year 1965—this is the most recent official survey. This survey shows that in 1965 hunters spent $1,121,135,000 on hunting activities. This enormous sum can be broken down as follows:

Food	$115,908,000
Lodging	21,444,000
Automobile transportation	156,666,000
Transportation by bus, rail, air, and water	11,672,000
Auxiliary equipment:	
Boats and boat motors	29,305,000
General	96,267,000
Hunting equipment	397,269,000
Licenses, tags, and permits:	
Licenses, tags, and permits	68,160,000
Duck stamps	3,810,000
Privilege fees and other:	
Annual lease and privilege fees	15,185,000
Daily entrance and privilege fees I (daily fees for hunting on commercially operated preserves)	9,260,000
Daily entrance and privilege fees II (daily fees for hunting on wild lands)	9,530,000
Guide fees and other trip expenses	23,165,000
Dogs	146,474,000
Other	17,017,000

These are 1965 figures, the most recent official figures available. It can be stated with confidence that these figures have increased considerably since 1965. We should not lightly jeopardize the enormous economic contribution made to this Nation by the hunters and sportsmen.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DODD. Mr. President, I yield 4 minutes to the Senator on the bill.

Mr. EASTLAND. Section 924(a) provides as follows:

> Whoever violates any provision of this chapter or knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter, shal be fined not more than $10,000 or imprisoned not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine.

This is a highly unusual penal provision on its face, because although heavy felony penalties are provided, there is no requirement that a violation of any provision of the bill must be knowingly or willfully committed in order to constitute a crime. It simply says "whoever violates any provision of this chapter" shall be punished with heavy fine and/or imprisonment. The only requirement that an act be done knowingly in order to constitute a crime pertains to the making of false statements in applications for licenses and records.

It is elemental criminal law that an act must be done with guilty knowledge or intent in order to be punishable as a felony. This is not true as to misdemeanor offenses.

Let us briefly examine the provisions of the bill, violations which are committed knowingly or unknowingly, willfully or unwillfully, are to be punished as a felony.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield the Senator 2 minutes.

Mr. EASTLAND. Mr. President, in four instances the standard of guilt is made to depend upon the commission of an act by a person who "knows or has reasonable cause to believe" certain facts. See sections 922(a)(5), 922(b)(1) (twice), and 922 (b)(3).

In three cases the standard of guilt is based upon a person "knowing or having reasonable cause to believe" certain facts. See section 922(d), 922(i), and 922(j).

In two other instances, criminal guilt is made to depend upon a person acting "with knowledge or reasonable cause to believe" that certain facts are true. See sections 922(f) and 924(b).

It is certainly unfair to make a person subject to felony penalties based on "reasonable cause to believe." The criminal law of this Nation demands that a person have guilty knowledge in order for an act committed by him to be punished as a felony.

This is doubly true as to this bill, because, as noted previously, there is no requirement that such acts be committed knowingly or willfully in order to constitute a felony.

Thus, an act can be passed not on guilty knowledge, but on reasonable cause to believe, and can be committed knowingly or unknowingly, and can be punished as a felony.

This is a violation of the basic principles of our criminal law.

It is not fair, it is not just, and I doubt that it is constitutional.

Two of these unfair criminal provisions apply to all persons—section 922 (a)(5) and section 924(b).

The other unfavorable penal provisions would apply only to licensed importers, licensed manufacturers, licensed dealers, or licensed collectors.

In my judgment, the supporters of strict Federal gun registration and licensing laws and the supporters of Federal gun confiscation and gun legislation realize that they will not get such legislation enacted in this session of Congress.

However, they are attempting to curb or eliminate the sale of weapons to private citizens by making the criminal liabilities of gun dealers so broad, vague, and nebulous as to discourage and deter any person from engaging in this lawful business.

I do not think it would be fitting, just, or appropriate for Congress to adopt this kind of criminal provision in an effort to harass gun manufacturers, dealers, importers, and collectors and deter them from engaging in their lawful trade.

Mr. President, I voice my strong opposition to this amendment and to any bill which could and inevitably would limit the right of our citizens to keep and bear arms. I do so for many reasons: First, such laws would be merely an opening wedge to the restriction and licensing of all weapons; second, it would be the first step toward a disarmed citizenry, and, finally, a disarmed citizenry would mean that Socialists and criminals will control this Nation.

It would neither be fitting, just, nor appropriate for the Congress to pass such a law. I shall strongly and vigorously oppose such legislation.

Thank you.

The **PRESIDING OFFICER**. Who yields time?

Mr. **HRUSKA**. Mr. President, I yield 3 minutes to the Senator from Utah.

Mr. **MOSS**. Mr. President, I rise in opposition to the amendment offered by the Senator from Maryland. I do this because I believe the amendment would be ineffective to accomplish the purposes stated for it. I do not believe that it would have any significant effect on the use of firearms in the commission of crimes.

I have earlier addressed the Senate, on the 2d of April and on the 26th of June of this year, at some length on this subject, and those addresses appear in the Record on those dates. Therefore, I shall not repeat them.

I do wish to underline one matter that appears in my statement of April 2. The American Bar Foundation issued a report dealing with this problem of firearms and legislative regulation, and their conclusion was as follows:

> A fundamental assumption of those who support the drive for stricter regulation of firearms is the belief that easily available weapons are a stimulus to crime, and that the absence of weapons would significantly reduce criminal activity. * * * In our inquiry, we have discovered no convincing evidence on this question.

Mr. **LAUSCHE**. What is the organization to which the Senator refers?

Mr. **MOSS**. This is from volume 114, No. 55 of the Congressional Record. I do not have the exact page reference.

Mr. **LAUSCHE**. What is the organization?

Mr. **MOSS**. This is the report of the American Bar Foundation.

If the amendment would significantly decrease crime, if it would significantly cut down on homicide by these weapons, I then would think that perhaps we ought to make some trial of this sort. But I do not believe there is any evidence of that at all.

Particularly, now, we are talking about registration, where a person simply, by mail, can send in his name and address and a statement of how many guns he owns, and thus register them. There is no identification.

Why cannot that be done under a false name, as was done by Oswald when he ordered his gun by mail? He did not use his own name; he sent in another name, and the order went right through.

If we get to the point where we have identification, which might come on with the licensing, if that is done, and positive identification is required, with photographs, fingerprints, and that sort of thing, then we would get into vast expenditures; but here again, there is no assurance that the gun will not be passed on into the hands of those who would use it illegally.

I commend particularly the comments made by the senior Senator from Idaho and the senior Senator from Nevada. I think both of them have presented, in this debate, very logical and convincing addresses to this body to indicate that the problem of regulating weapons is a State problem, and it ought to remain with the States, where all general law enforcement is centered now. The only field for the Federal Government is to provide that interstate commerce shall not be used to breach the law of a State, or to override the law of a State. When we get into licensing, registration, and all of those matters on a Federal level, then we have taken it out of the hands of the States.

I realize the Senator from Maryland says there will be a grace period, so that the States may act, and thus take the field, and it will not be preempted later. But nevertheless, even if all the States have not acted, why should we have a Federal law if, say, four or five States did not act? Why should we get into that and preempt the whole procedure from all of the States? If a Federal law becomes applicable, it cannot be applied in some States and not in others. It has to be nationwide.

So I believe this is a can of worms, and I shall vote against it, and urge my fellow Senators to do so.

The **PRESIDING OFFICER**. Who yields time?

Mr. **TYDINGS**. Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

Mr. **CLARK**. Mr. President, when the President of the United States, the Vice President of the United States, the Governor and the attorney general of one's State, and the police commissioner and other high officials of one's city all support legislation regulating traffic in guns, a Senator is required to give careful attention to the legislation they propose or support.

When one's heavy mail runs over 75,000 pieces, including a massive campaign by the National Rifle Association against the legislation, again one must give pause, though the mail still runs three to two in favor to strong gun legislation, in spite of this massive campaign.

When assassination by gun takes the lives of a President, a Senator, and a widely respected civil rights leader and advocate of peace, then it would seem to be time for Congress to act.

Mr. President, I have given thoughtful and prayerful consideration to this legislation. I support it, including the Tydings amendment. I have had prepared for my use and the use of my constituents a series of questions and answers on my views on gun control, and I ask unanimous consent that that document be printed in the Record at this point.

There being no objection, the questions and answers were ordered to be printed in the Record, as follows:

Questions and Answers on Senator Clark's Views on Gun Control

1. Does Senator Clark favor legislation to confiscate guns?

Definitely not. All responsible, law-abiding citizens would have complete freedom to own and use both hand guns and long guns. But the legislation Senator Clark favors would help to keep guns out of the hands of criminals, drug addicts and insane persons.

2. How would the bill favored by Senator Clark work?

Earlier this year Congress passed a law prohibiting mail order sales, out-of-state purchases and imports of hand guns. The bill Senator Clark favors would extend these provisions to long guns and ammunition. It would also encourage states to enact laws requiring firearms owners to obtain licenses, and to register their firearms, much as car owners must have auto registration and driver's licenses. Where the state did not act, a Federal system would apply.

3. How much would sportsmen have to pay in registration and licensing fees?

Absolutely *no fees* are required from any gun owner or user under the bill Senator Clark favors.

4. What about fingerprinting and identification photographs?

There are no such requirements in the bill.

5. Does Senator Clark favor stiffer penalties for felonies committed with guns?

Yes.

6. Won't criminals refuse to register guns?

Some criminals may refuse to register their guns. But if they are caught with an unregistered gun, they can be jailed on that charge alone, even if no other crime can be proved. So it will be very risky to possess an unregistered gun.

7. Will gun control laws really help to reduce crime?

FBI statistics clearly show that states with strong gun control laws have far fewer murders than states with weak or no gun control laws.

8. What about antiques?

No gun manufactured prior to 1898 is covered by the bill Senator Clark favors.

9. Can youngsters under 18 hunt and shoot?

Yes, as long as their parents consent.

10. Does Senator Clark favor State or Federal gun controls?

State laws. The Federal law would apply only if the State did not act.

Mr. **CLARK**. I also ask unanimous consent to have printed in the Record the series of questions and answers prepared by the Senator from Maryland [Mr. Tydings] in explanation of his amendment, which I support.

There being no objection, the questions and answers were ordered to be printed in the Record, as follows:

Questions and Answers on the Tydings Amendment

1. What is the Tydings Amendment?

The Tydings Amendment is the refinement of the bill introduced by 19 Senators to provide for registration of all firearms and licensing of all firearms owners and ammunition users. It encourages state action by providing for state or local pre-emption of the federal law. Where a state or locality enacts its own registration and licensing law, the federal law would not apply.

Registration of all firearms will give the police the means to quickly trace guns used in crime to their owner.

Licensing of gun users will weed out persons who, by reason of criminal record, drug addiction, alcoholism, mental incompetence, or age should not be entrusted with a gun in the first place.

2. Would gun owners pay any fees?

The amendment imposes absolutely no fees. Its operation would be paid for out of the general tax receipts of the country.

3. How does registration work?

A gun owner simply sends a law enforcement agency the makes, models, and serial numbers of his guns and his own name and address. It can be done completely by mail. If a gun is found at the scene of a crime, its last known owner can be quickly traced. When a suspicious character is arrested with a gun in his possession, its ownership can be quickly determined. If the gun has been stolen or is unregistered, the suspect can be booked for possession of stolen goods or possession of an unregistered weapon.

If a state or locality enacts its own registration law, guns would be registered with whatever agency the law designated.

Some criminals may refuse to register their guns and risk being jailed for having an unregistered gun. But any suspected criminal found with an unregistered weapon can be jailed on that charge alone, *even if no other crime can be proved*. So it will become very risky for a criminal to have an unregistered weapon.

4. How does licensing work?

Licensing is simply a way of denying fugitives, criminals, addicts, and mental defectives access to firearms and ammunition. Every purchaser, possessor, or user of firearms or ammunition would have to have a license, except for juveniles with their parents' consent and hunters or sportsmen who have borrowed a weapon for temporary use.

To get a license, you would simply submit a statement affirming that you are over 18, have never been convicted of a felony or committed to an institution by a court on the grounds of alcoholism, narcotics addiction, or mental incompetence, that you are not under indictment or a fugitive, and are not otherwise prohibited by law from obtaining a weapon. In addition, you would supply a physical description like that required for a driver's license and proof of identity (in the form of a draft card, driver's license, social security card, etc.).

If a state or locality enacted a licensing law, the statement and identification would be supplied to whatever agency is prescribed, but if the state or locality does not act, then to any federal firearms dealer. The entire transaction could be conducted by mail.

Issuance of license would be automatic to all law-abiding citizens, without any discretion on the part of the issuing officer.

5. But won't criminals get guns anyway?

If a licensing law were in effect, a criminal, addict, or mental defective could not legally purchase, own or use a gun, because he would not be entitled to a license. Thus, lawful channels of purchase would be cut off to him. Today they are not.

Today, in most states, criminals, addicts, and idiots have access to guns on the same basis as the law-abiding. Even if, after enactment of the Tydings Amendment hard-core criminals may be able to get some guns, the small-time but frequently deadly crook who holds up liquor stores, bus drivers and filling stations or housebreaks will find it much harder and much riskier to possess a gun.

No one claims gun laws are airtight or foolproof. The question is whether we should do what we can to detect and prevent gun crime or continue to do nothing, as we do today.

Mr. CLARK. Mr. President, I repeat, I strongly support the Tydings amendment and the bill and hope both will be enacted.

Mr. HRUSKA. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. HRUSKA. I yield 5 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I supported the Senator from Connecticut and the Senator from Maryland on the four enforcement issues that were identified in the document distributed to the several Senators, asking that the bill pending before us be strengthened in conformity with their thinking. I cannot support them on this issue, which is to be decided in the next half hour.

It is my judgment that the Federal Government ought to enter this field only to the extent that interstate shipments and traffic are involved. The bill, as written, will deal with that phase of the problem. I do not subscribe to the idea that the Federal Government ought to invade the prerogatives of the various States of the Nation, when many of them are of the opinion there is no need for this type of legislation.

It is argued that in the States where registration has been adopted, the results have been good. If that is the fact, it would seem that States throughout the Nation would adopt the plan.

We ought not to continue expanding the functions of the Federal Government. We have already over-centralized. We are usurping powers that ought to be exercised by the States.

How many gun holders there are in the United States I do not suppose the record shows.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. HRUSKA. There are estimates on that. There is no national inventory, but the estimates run from 100 million to 200 million in the reservoir of guns in existence in the United States.

Mr. LAUSCHE. How many owners are there?

Mr. HRUSKA. Some 40 million to 50 million.

Mr. LAUSCHE. Some 50 million?

Mr. HRUSKA. That is an estimate, again. There are approximately 20 million licensed hunters, but over and above that, there are probably another 20 million who own guns who are not licensed hunters.

It might interest the Senator from Ohio to know that when Mayor Lindsay of New York testified, he testified registration of a gun would cost the city of New York $20. At the rate of 100 million guns, that would be $2 billion—$2 billion, Mr. President.

Mr. DODD. Mr. President, will the Senator yield?

Mr. LAUSCHE. I do not have the time.

I am aware of the great expense resulting from thievery and burglary and other transgressions by criminals.

I understand that California has passed a registration law. I do not believe that we have one in Ohio. Why not let each separate State which has its own separate and peculiar problems decide what shall be done about registration? Why should the Federal Government intrude into the matter?

If there are 100 million weapons, that would mean, at a cost of $20 each for registration, that $2 billion would be collected from the citizens.

It is my understanding that according to the pending measure, all we would have to do would be to send in a card and say, "I have a gun." That would not do. We would have to provide much more by way of identification. We may have to provide for fingerprints and pictures so that there will be effective registration. That is not now in the bill but a later day it would have to be if the purposes of registration were to be achieved.

Basically, I do not think we ought to continue this expansion of central Government operations. The central Government is already too large. It is so large that we do not know what is going on within the Federal Government now.

We are now going to undertake the policing of gun ownership. With anywhere from 100 million to 200 million guns in our country, how large a new governmental department would we have to create?

As I have said, I subscribe to the proposition that as far as interstate traffic is concerned, we should step into the matter. However, as far as domestic traffic is concerned, let the States handle the matter.

I will vote against the amendment.

Mr. TYDINGS. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. MANSFIELD. Mr. President, this post-convention session of Congress is full of uncertainties and difficulties. It confronts us with many delicate questions for consideration.

We not only have to consider the confirmation of Mr. Justice Fortas next week and the nuclear nonproliferation treaty, I hope, next month, but we also have a gun bill before us for disposal.

This is a most difficult issue. I do not care whether a Senator comes from a big industrial State or a rural State like Montana. I have received my share of criticism on this particular issue, as well as my share of praise. However, I do want to say that the criticism has been in the majority and the praise has been limited and in the minority.

The issue is difficult, delicate, emotional, and practical.

Until the death of two young marines in Washington several months ago, I was against any kind of legislation. I come from a State in which guns are almost added arms for all our people. It is a State in which the crime rate is low, extremely low, a State in which people know how to use guns responsibly, a State which has had guns as a way of life since the days that it was a territory, and even before then.

When a man becomes a Senator, he automatically wears two hats. He is a Senator from his State, and he is a Senator of the United States. The problem which confronts us in this matter of gun legislation is not applicable to a State like Montana. But it is applicable to those parts of the country in which 80 percent of our people live. It is there that the great majority of the crimes take place. It is there, as population increases and becomes congested, that more and more violence results. And while there is more murder resulting from the use of handguns, that does not mean that there is not plenty of murder and attempted murder resulting from the use of long guns.

I was shocked at the assassination of President Kennedy. I was shocked at the assassination of Dr. Martin Luther King, Jr. I was shocked at the murder of our late, beloved colleague, Senator Robert F. Kennedy. But what happened to those men did not change my mind.

What happened to a young Marine lieutenant from Fishtail, Mont., did change my mind, because he was wantonly murdered here in the District of Columbia.

I have no apologies to make for the stand which I have adopted since that time, because in my conscience I feel I am doing the right thing. I know that the pending amendment and the bill are not cure-alls. But I do think it could dilute and decrease the number of crimes committed by the use of weapons, long gun or hand.

I have received some communications from my State which say, for example, "Guns don't kill; people do." Well, that statement oversimplifies the matter, because guns do not go off by themselves. They go off in the hands of people—sometimes under the stress of emotion and strain, and sometimes deliberately.

I received letters from people in my State saying: "This is the first step toward confiscation." I deny that without equivocation, because if I thought that the pending amendment or the bill even leaned in that direction, I would vote against both.

Some people write and say: "Register Communists, not guns."

For their information, in my early days in the Senate, I did join with several of my colleagues, including the late President John F. Kennedy, in voting for a bill in this Chamber which passed. That bill called for the registration of all Communists.

Some people seem to think this is an invasion of their rights. Perhaps they have a point there. But I would say that the pending bill, contrary to what has been said by some Senators on the floor today, is not aimed at the law-abiding citizen. On the contrary, it is aimed at those who violate or who potentially can violate the law.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **TYDINGS**. Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER**. The Senator from Maryland has 5 minutes remaining.

Mr. **TYDINGS**. Mr. President, I yield an additional 2 minutes to the Senator from Montana.

The **PRESIDING OFFICER**. The Senator from Montana is recognized for an additional 2 minutes.

Mr. **MANSFIELD**. Mr. President, I point out that in the explanation given by the distinguished Senator from Maryland, there is nothing confiscatory, implied, stated, or intended.

I point out that the purpose for the registration of firearms is to help the police agencies in this country trace down crime.

I point out that the licensing of gun users is applicable not so much to the law-abiding citizens of this country, but to the people with criminal records who are drug addicts, alcoholics, mental incompetents, and who in this Nation today in most States can buy guns over the counter.

I point out that basically this is not a Federal registration and licensing law. This is a law which says to the States, "You do it, and we will abstain." The States are given every opportunity, and the States have the initial responsibility.

There have been some statements made today about photographing registrants, and the like.

I would point out that, while those proposals are in the administration bill sent to the Senate—a bill which I oppose, because I believe it goes too far—in the administration bill are provisions which require fingerprints, photographs, police statement on record and identification, and a doctor's certificate on mental incompetency, but no similar requirements are in the Tydings proposal.

Furthermore, the administration bill calls for mandatory Federal legislation, whereas in the Tydings proposal the States get a reasonable period of time in which to enact their own laws first.

In the administration bill is a proposal which permits the cutoff of Federal wildlife conservation funds in the event of noncompliance by a State. No such proposal is in this bill.

This is a reasonable bill. It does not mean the setting up of a bureaucracy. It takes care of the legitimate initial rights of the States. It is not aimed at the law abiding but, rather, at those who violate the law.

I believe this bill is worthy of the consideration of the people of this country and the Members of this body. I know, as much as anyone else in this Chamber, what voting on this bill means. But I believe that those of us who come from the rural West have an obligation to the rest of the country; that all of us, regardless of where we come from, have an obligation to cut down on crime. What is happening in the way of violence in this country today makes this country look pretty bad not only in the eyes of its own people but also in the eyes of the peoples of the world. What do we intend to do about it?

When the Members of the Senate think about this amendment, they should remember that all of us wear two hats—as Senators from the States from which we come and as Senators of the United States.

I sincerely hope that this most meritorious amendment, which protects every possible right I can think of, is approved by the Senate shortly.

The **PRESIDING OFFICER**. Who yields time?

Mr. **TYDINGS**. How much time do I have remaining?

The **PRESIDING OFFICER**. The Senator has 3 minutes remaining on the amendment.

Mr. **TYDINGS**. I yield myself 2 minutes..

Mr. President, I cannot add much, after the words of the distinguished Senator from Montana. He knows, perhaps as much as anyone else in the Senate, what it means to support even such a moderate bill as this in the field of gun crime control. I admire his courage and his leadership. It is those qualities in him which inspire some of us in the back row to perhaps do a better job than we might do otherwise.

This measure, cut it any way you want, is an anticrime bill. Mayor Daley's representative came before our committee this summer and pleaded for the enactment of this measure. The city of Chicago is the second largest city in the Nation. The attorney general of California, our largest State, pleaded for the enactment of this measure, as did the Attorney General of the United States and the head of the National Association of Chiefs of Police.

The testimony before our committee indicates that this Nation's gun laws, which in 39 States permit any hoodlum, criminal, narcotic addict, or maniac to buy a concealable weapon without a license, are a scandal in the civilized world. No other nation has a gun murder rate such as ours.

Statistics show that when a State like New Jersey does move, although the number of hunting licenses may increase, after they have gun licensing, the gun murder rate and the homicide rate go down.

In drafting the proposed legislation, I took the advice and counsel of Senators from the West. I engaged in long colloquy on the floor of the Senate with the Senator from Florida, trying to perfect the proposed legislation in such a way that it would not trample on the rights of the hunters or the law-abiding citizens of our rural areas. There is no provision for fees. There is no provision for licenses. There is no provision for confiscation.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **TYDINGS**. Do I have any time remaining?

The **PRESIDING OFFICER**. The Senator has 1 minute remaining.

Mr. **TYDINGS**. I yield myself the final minute.

This is a moderate bill. It does not go nearly as far as the administration bill. This is a bill which, if enacted, would put the burden on the States. It would afford some degree of protection to the citizens of the United States, and it would result, in my judgment and in the judgment of all the law enforcement officials who have testified before our subcommittee, in the saving of countless lives and countless treasure of our people.

I hope the Senate gives it favorable consideration.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **HRUSKA**. Mr. President, I yield myself 2 minutes, to summarize briefly that those who oppose this amendment do so for a number of reasons.

To begin with no relevance has been shown registration and licensing and a reduction in crime. No impact on law enforcement has been demonstrated. Although it is claimed that this is an anticrime bill, the records of the States which have this type of legislation do not bear the claim out.

Let me remind my colleagues again that this type of registration is under fire in the courts. The Haynes case raised questions about the validity of such registration in the destructive device statute. Yet, if we approve this amendment we would undertake a system of licensing and registration which is more than in the destructive device statute and which would involve tremendous manpower and expenditures. What would the cost be? $10 a gun? $20 a gun? We do not know. But we do know that in New York the cost runs between $20 and $25.

We know, also, that one of the reasons why the officials of Chicago came to plead for a national law is to get that cost off the backs of the taxpayers of Illinois and of Chicago.

It is said that this is only a modest beginning, it is a moderate bill, and so on. I believe every word of it, because in previous bills having to do with firearms control, it was said that it is a very modest measure because they did not go into ammunition, registration, or licensing. Now we witness licensing and registration.

In New York, the fee for registration of a gun started at 50 cents. Do you know what it is today? It is $20 a gun for the first year and $10 a year per gun for every year after that.

Let us not kid ourselves. There will be a fee in short order. We can also look forward to the time when there will be a demand that guns be rationed and limited in number. Why? Because since the rationale behind this legislation is that the availability and accessibility of guns is a major cause of crime when the people discover that crimes are not in fact reduced, they will want to know why. Then these same advocates will say that you cannot reduce crime without reducing the number of guns which are available. That is going to be the next solution when this approach fails.

We would be well advised to stay away from registering and licensing until we can have further hearings. Until there can be demonstrated some relevance, some impact, some connection between this type of legislation and the crime picture we have today. We must also have time to resolve some of the constitutional and administrative questions inherent in this type of law.

I hope the amendment is soundly defeated.

Mr. TYDINGS. Mr. President, will the Senator from Nebraska yield me 1 minute?

Mr. HRUSKA. I yield 1 minute to the Senator from Maryland.

Mr. TYDINGS. Mr. President, this is a unanimous-consent request which I have cleared with the Senator from Nebraska.

Earlier in the colloquy, my colleague, the distinguished senior Senator from Maryland, offered an amendment which merely sets forth what is the intent of the bill, but in clear language states that no taxes or fees shall be collected in connection with the enforcement of this title. I accept it, and I ask unanimous consent that it be added to my amendment at this time.

Mr. COOPER. Mr. President, reserving the right to object—and I shall not object——

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. I yield 1 minute to the Senator from Kentucky.

Mr. COOPER. Mr. President, I wish to clear up several questions before we vote on the Tydings amendment. I address my questions to the author of the proposal.

Mr. HRUSKA. Mr. President, I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, as the Senator from Montana has characterized his State, although Kentucky is not nearly as large as his State, it is a rural State. Many of its people live on farms. They have had a long tradition with weapons—rifles, shotguns, and I must honestly say handguns. The tradition derives from a pioneer background and their need for defense, as Kentucky was the first State settled west of the Alleghenies. They made and used the Kentucky rifle so effectively used in the war of 1812, particularly at New Orleans. But as in all States, weapons have been used illegally and have caused trouble and suffering. As one who served as a circuit judge, I had occasion to try cases dealing with the concealment of pistols, and their illegal use.

Many questions have been raised by the people of my State about the application of this bill. Some of the questions have been answered earlier today. I asked the distinguished Senator from Maryland if anything in the bill would require or permit confiscation of firearms. His answer was that there is nothing in the bill which requires or permits confiscation.

Mr. President, a second question asked by many persons is whether the bill would deprive law abiding citizens of the right to own or possess firearms to protect their homes, stores, businesses, or to carry these weapons in their automobiles as many people do today, because they are afraid of an attack.

As I read the provisions of the bill, there is nothing in the bill or amendment which would deny to a person who is not a convicted felon, narcotics addict, alcoholic, or mental incompetent, the right to have a firearm in his home, store, business, or even in his automobile to protect himself, his family and property.

Mr. TYDINGS. Absolutely not.

Mr. COOPER. Then my understanding is correct.

Another question I want cleared up goes to the possession of shotguns and rifles by persons under the age of 18 or 21. I ask this question because my State is a rural State and boys on farms grow up learning to use shotguns and rifles for practical purposes—among others for use against animals, rodents, and birds which prey upon crops, poultry, and livestock. These young boys perform a useful and necessary service for the benefit of the farm.

As I read and interpret the bill, there is nothing in this bill which prohibits the sale of a rifle or shotgun to a person who has reached the age of 18, and no penalty against the possession or use of a shotgun or rifle by a person under the age of 18.

Mr. TYDINGS. The Senator is correct.

Mr. COOPER. He could have a rifle or shotgun.

Mr. TYDINGS. The Senator is correct.

Mr. COOPER. To emphasize the point, if a boy under the age of 18 possesses a rifle or shotgun, there is no penalty against him.

Mr. TYDINGS. The Senator is correct. The Senator has made a very good point. If the use of a firearm were forbidden to a person under the age of 18, how would the boy under the age of 18 kill rats, go hunting, participate in marksmanship contests, and do all of those things traditional in the many rural areas of his State and mine?

When I originally introduced the measure, the Senator from Florida [Mr. HOLLAND] brought up this matter and we discussed it in colloquy at some length.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HRUSKA. Mr. President, I yield myself 30 seconds. We were in hopes of getting to a vote. The colloquy now being engaged in has nothing to do with registration and licensing. It has to do with the merits of the bill generally. I suggest we get back to the point.

I yield 2 additional minutes to the Senator to finish his thought, but I think we should get to the business at hand.

Mr. TYDINGS. I thank the Senator.

I provide, on page 5 of the amendment, in subsection 8, that a person "who is ineligible for a Federal gun license solely by reason of age may receive a firearm or ammunition for occasional, brief, and lawful recreational uses."

That was done to protect and make certain the types of activities to which the Senator has referred are protected under the bill.

Mr. COOPER. Mr. President, will the Senator yield further?

Mr. TYDINGS. I yield.

Mr. COOPER. I do not wish to delay action on the measure.

The PRESIDING OFFICER. The Senator from Maryland has no time remaining.

Mr. HRUSKA. Mr. President, I yield 1 minute to the Senator from Kentucky.

Mr. COOPER. Mr. President, the questions I have asked have an important bearing upon the amendment offered by the Senator from Maryland upon which we will next vote. They are important to the people of my State, and our farmers. From the correspondence I have received from people in my State, I know that this amendment is not a very popular amendment. I shall vote for it, but I wanted to clear up these questions for the people of my State before the vote was cast.

As my questions have brought out clearly, neither the Tydings amendment, nor the bill, authorize the confiscation of firearms. It does not deprive the law-abiding citizen from owing firearms, from possessing a firearm in his home or business or on his lands, or carrying it in his automobile a conveyance. It does not penalize a youth under the age of 18 from using a rifle or shotgun. And of course it does not interfere with the lawful hunter or sportsman. To put it simply and bluntly: This bill and amendment do not interfere with the rights of lawful people. If the bill finally requires registration of licenses, it would be to assist in tracking criminals, to prevent crime.

The vast millions of people who possess firearms are not criminals. They do not possess firearms to kill or to commit crimes. But there are thousands of persons who use firearms to kill or in the commission of crimes. This wave of violence and crime will wreck our country. It is the millions of people who are law abiding who will have to bear the burden of the bill, and it is an unpopular burden, to help stamp out crime in this country. This is the reason I support the bill—not to deprive any law-abiding citizen of any right, but to reach or try to reach the criminals.

Mr. GRIFFIN. Mr. President, I have sponsored legislation which would require the registration of firearms.

The pending amendment (No. 947) of the Senator from Maryland [Mr. Tydings] also requires registration of firearms. But this amendment goes much further. In addition to registration, it requires Federal licensing, and the amendment contains a number of provisions which, in my view, are unwise.

For example, section 934(d) provides:

> (d) The executor or administrator of an estate containing a firearm registered under this chapter shall promptly notify the Secretary (of the Treasury) of the death of the registrant and shall at the time of any transfer of the firearm, return the certificate of registration to the Secretary.

Section 935 provides, in part, that—

> (a) Whoever violates a provision of section 932 or 934 shall be punished by imprisonment not to exceed two years, or by a fine not to exceed $2,000, or both.

Thus, an executor of an estate by simply not promptly notifying the Secretary of the Treasury of the death of a registrant would be subject to a criminal penalty of $2,000 or 2 years in jail, or both.

There are other examples. If a registrant under this amendment fails to notify the Secretary within 10 days "of any loss, theft or destruction of the firearm," he would be subject to a criminal penalty of $2,000 or 2 years in jail, or both—section 934(e).

Mr. President, I hope that the Congress will enact the pending gun legislation. And I hope the Congress will continue to study and evaluate the need for additional gun legislation—including gun registration at the State and local levels.

But it is unwise to provide that a registrant who may lose or have his gun stolen or destroyed will be subject to a $2,000 fine or 2 years in jail if he fails to notify the Secretary of such a loss. The registrant may be totally unaware of a loss or theft. A failure to notify the Secretary could be completely inadvertent.

Mr. President, for these and other reasons, I believe the amendment simply goes too far and would be rejected.

Mr. CANNON. Mr. President, I am opposed to all proposals which would require Federal registration of firearms. I believe that registration is a matter exclusively in the State domain.

Registration of guns has nothing to do with the problem at hand in the United States—crime prevention. Some of the most notorious crimes of the last few years were committed by mentally or emotionally disturbed persons using registered guns. For the Federal Government to require every gun-owning citizen in the United States to register with a State or Federal agency is to spoon feed the public with the idea that this will solve our crime problems. It will not. We will then be faced with the danger of instilling in the public a false sense of security by creating the hope that crime will lessen because honest citizens have registered their guns.

The proper approach is for each State to determine its own crime problems and priorities, and to go on from there to apply the appropriate measures.

The correct role of the Federal Government should be limited to its use of power to control interstate commerce to ensure that such commerce is not used to flout State and local laws.

Mr. BYRD of West Virginia. Mr. President, I would like to state my support for the measure now pending in the Senate, the Gun Control Act of 1968.

This bill is not a panacea. Nor is it simply a useless addition to our statute books. Rather, I believe, the bill represents an honest effort to solve an extremely knotty problem—to provide some measure of control over the illegal and improper use of long guns and other destructive devices while at the same time allowing legitimate purchases of firearms by qualified law-abiding citizens.

I believe the prohibitions against the over-the-counter sales and interstate mail-order sales of weapons are worthwhile ones. Arrayed against the inconvenience which may result to the legitimate purchaser is the fact that no longer will criminals, deranged persons, and juveniles be able to simply rent a post office box, send a cash payment, and receive a deadly firearm through the mails. The effect of this law, hopefully, will be to make more difficult the acquisition of firearms by these persons.

I am opposed, however, to the amendment requiring the licensing of gun owners and the registration of firearms. I believe this amendment is unworkable, will have little practical good effect, will be unduly burdensome to law-abiding citizens, and only end up creating a vast new Federal bureaucracy.

The amendment to require registration and licensing would not produce the desired effect on criminals or those with intent to use a gun to commit a crime because it is hardly likely that such individuals would bother to comply with a registration or licensing law which would surely link them and their firearm to the crime. Individuals who have no respect for law to begin with will not bother to obey a law telling them to register their firearms. And these individuals have ways of getting guns without purchasing them through normal, legitimate channels. And in many instances they simply steal the guns.

Further, the number of applications for licenses and registration certificates is bound to run into the millions. This may sound staggering, but the proponents of gun licensing and registration have made the point, and on this I have no reason to doubt them, that there may be as many as 100 million guns in the United States. Assuming this to be so, and assuming that the owners of most of these weapons will want to comply with the law, just administering the licensing and registration provisions of this amendment would create a tremendous new tax burden and drain on the Federal treasury at a time when we can ill afford such new outlays.

I think the proper place for gun licensing and registration, if done at all, is at the State or local level. The States, counties, and municipalities are the governmental bodies charged with the administration of nearly all of the police activities in our country, and, therefore, it is not unreasonable to feel that they should also assume the lion's share of any registration and licensing program, if such is to be had.

Not only could they provide more effective control; they could probably do it at less expense than can the Federal Government. In my opinion, all that a Federal licensing or registration bill will do is to make it that much more difficult for an honest, law-abiding citizen to obtain a weapon while in no way enhancing our law enforcement capabilities or cutting into the rising crime rate.

I believe that if we really want to do something about the crime problem we ought to strike at some of the real causes of our rising crime rate: The diminishing power of the police which has resulted from certain recent U.S. Supreme Court decisions; shortcomings in the Bail Reform Act which result in failure to impose adequate bail restrictions on persons arrested for serious crimes and awaiting trial; the inability of many courts to swiftly deal with criminals because of overcrowded court dockets; the shocking degree of recidivism present among those who have been released from confinement after serving their sentences; and the growing permissiveness and disrespect for authority in the home, in the schools and colleges, and throughout our societal structure.

We have more than enough laws now to reverse the spiralling crime rate. The difficulty is not a dearth of laws, but rather in the failure to firmly and swiftly enforce them.

I urge the Senate to reject the pending amendment.

The PRESIDING OFFICER. All time has expired.

Is there objection to the Senator from Maryland modifying his amendment as suggested by him?

The Chair hears no objection, and the amendment is so modified.

The question now is on agreeing to the amendment, as modified, of the Senator from Maryland. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the senior Senator from Oregon [Mr. Morse]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Gruening] is absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Arkansas [Mr. Fulbright], the Senator from Missouri [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], the Senator from Oregon [Mr. Morse], the Senator from Maine [Mr. Muskie], and the Senator from Florida [Mr. Smathers] are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas [Mr.

Fulbright], the Senator from Alaska [Mr. Gruening], and the Senator from Oklahoma [Mr. Monroney] would each vote "nay."

On this vote, the Senator from South Dakota [Mr. McGovern] is paired with the Senator from Florida [Mr. Smathers]. If present and voting, the Senator from South Dakota would vote "nay," and the Senator from Florida would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. Bennett], the Senator from Kentucky [Mr. Morton], and the Senator from Maine [Mrs. Smith] are necessarily absent.

If present and voting, the Senator from Utah [Mr. Bennett] would vote "nay."

Also, if present and voting, the Senator from Maine [Mrs. Smith] would vote "yea."

The result was announced—yeas 31, nays 55, as follows:

[No. 279 Leg.]

YEAS—31

Brewster
Brooke
Case
Clark
Cooper
Dodd
Fong
Goodell
Gore
Hart
Hartke
Hayden
Inouye
Javits
Kennedy
Kuchel
Magnuson
McGee
McIntyre
Mondale
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Tydings
Williams, N.J.
Young, Ohio

NAYS—55

Aiken
Allott
Anderson
Baker
Bayh
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Griffin
Hansen
Harris
Hatfield
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
McClellan
Metcalf
Miller
Montoya
Moss
Mundt
Murphy
Pearson
Prouty
Russell
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—13

Bartlett
Bennett
Fulbright
Gruening
Long, Mo.
McCarthy
McGovern
Monroney
Morse
Morton
Muskie
Smathers
Smith

So Mr. Tydings' modified amendment was rejected.

Mr. HRUSKA. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. ERVIN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on September 11, 1968 the President had approved and signed the act (S. 449) to provide for the popular election of the Governor of Guam, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S.747. A act for the relief of Dr. Earl C. Chamberlayne;

S. 772. An act for the relief of Dr. Violeta V. Ortega Brown;

S 905. An act for the relief of John Theodore Nelson;

S.1327. An act for the relief of Dr. Samad Momtazee;

S. 1354. An act for the relief of Dr. Bong Oh Kim;

S. 1470. An act for the relief of the Ida group of mining claims in Josephine County, Oreg.;

S. 2250. An act for the relief of Dr. Hugo Vicente Cartaya;

S. 2371. An act for the relief of Dr. Herman J. Lohmann;

S. 2477. An act for the relief of Dr. Fang Luke Chiu;

S. 2506. An act for the relief of Dr. Julio Epifanio Morera;

S 2706. An act for the relief of Yung Ran Kim;

S. 2720. An act for the relief of Heng Liong Thung;

S. 2759. An act conferring U.S. citizenship posthumously upon S. Sgt. Ivan Claus King;

S. 3024. An act for the relief of Richard Smith (Noboru Kawano); and

S.J. Res. 185. Joint resolution to grant the status of permanent residence to Maria Mercedes Riewerts.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 17126) to amend the Food and Agriculture Act of 1965; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Poage, Mr. Gathings, Mr. Purcell, Mr. Foley, Mr. Belcher, Mr. Teague of California, and Mrs. May were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 857. An act for the relief of Puget Sound Plywood, Inc., of Tacoma, Wash.;

S. 1069. An act for the relief of Dr. Chung Chick Nahm; and

S. 1652. An act for the relief of Anastasia D. Mpatziani.

The message also announced that the House had passed the bill (S. 2897) for the relief of James T. O'Brien, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1596. An act for the relief of Demetrios Konstantinos Georgaras (also known as James K. Georgaras);

H.R. 2288. An act for the relief of Charles B. Franklin;

H.R. 2661. An act for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort;

H.R. 3527. An act for the relief of Josefina F. Viera;

H.R. 4936. An act for the relief of Mr. and Mrs. John F. Fuentes;

H.R. 5970. An act for the relief of Pedro Irizarry Guido;

H.R. 6325. An act for the relief of 1st. Lt. Allan L. Schooler;

H.R. 7502. An act for the relief of the estate of Pierre Samuel du Pont Darden;

H.R. 7957. An act for the relief of Dr. Dario Duque;

H.R. 8091. An act for the relief of Charles Waverly Watson, Jr.;

H.R. 8245. An act for the relief of Dr. Martin Adolfo Giner-Zaldivar;

H.R. 11085. An act for the relief of Dr. Rafael Ramon Pascual;

H.R. 11253. An act for the relief of Dr. Joseph Moussakhani;

H.R. 12766. An act to permit the vessel *Marpole* to be documented for use in the coastwise trade;

H.R. 12860. An act for the relief of Dr. Luis Ravenet;

H.R. 13351. An act for the relief of Ana Mae Yap-Diangco;

H.R. 13374. An act for the relief of Sfc. Patrick Marratto, U.S. Army (retired);

H.R. 14016. An act for the relief of Dr. Augusto Usategui;

H.R. 14380. An act for the relief of Ai Bok Chun;

H.R. 14389. An act for the relief of Dr. Erdogan Y. Baysal;

H.R. 14467. An act for the relief of John Thomas Cosby, Jr.;

H.R. 14513. An act for the relief of Zumrut Sooley;

H.R. 14786. An act for the relief of Cosmina Ruggiero;

H.R. 15060. An act for the relief of Dr. Jaime E. Lazaro;

H.R. 15061. An act for the relief of Dr. Lydia L. Lazaro;

H.R. 15174. An act for the relief of Dr. Ernesto Jose Giro;

H.R. 15210. An act for the relief of Dr. Ramon R. Azaret;

H.R. 15476. An act for the relief of Mrs. Marjorie J. Hottenroth;

H.R. 15634. An act for the relief of Dr. Carlos M. Perez-Abreu;

H.R. 15969. An act to confer U.S. citizenship posthumously upon Sp4c Klaus Josef Strauss;

H.R. 16238. An act for the relief of Dr. Orlando Balea;

H.R. 17022. An act for the relief of Private Willy R Michalik, RA 15924409;

H.R. 17109. An act for the relief of Henry E. Dooley;

H.R. 17222. An act for the relief of Roberto Quero;

H.R 18174. An act for the relief of Dr. Jacques Charbonniez;

H.R. 18274. An act for the relief of Dr. Manuel E. Tayko; and

H.R. 18316. An act for the relief of Dr. Esteban G. Friera.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 224. An act to provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes;

S. 444. An act to establish the Flaming Gorge, National Recreation Area in the States of Utah and Wyoming, and for other purposes;

S. 1440. An act to include in the prohibitions contained in section 2314 of title 18, United States Code, the transportation with unlawful intent in interstate or foreign commerce of traveler's checks bearing forged countersignatures;

S. 1637. An act to amend the Tennessee Valley Authority Act of 1933 with respect to certain provisions applicable to condemnation proceedings;

S. 2715. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation or Tribe of Oklahoma, and for other purposes;

S. 3072. An act to amend the act entitled "An act to provide for the rehabilitation of Guam, and for other purposes," approved November 4, 1963;

S. 3182. An act to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Swinomish Indian Tribal Community, and for other purposes;

S. 3420. An act to authorize a per capita distribution of $500 from funds arising from a judgment in favor of the Confederated Tribes of the Colville Reservation;

S. 3578. An act to direct the Secretary of Agriculture to release, on behalf of the United States, a condition in a deed conveying certain lands to the South Carolina State Commission of Forestry so as to permit such Commission, subject to a certain condition, to exchange such lands;

S. 3620. An act to provide for the disposition of judgment funds on deposit to the credit of the Quechan Tribe of the Fort Yuma Reservation, Calif., in Indian Claims Commission docket No. 319, and for other purposes;

S. 3621. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Muckleshoot Tribe of Indians in Indian Claims Commission docket No. 98, and for other purposes;

S. 3671. An act to provide for the striking of medals in commemoration of the two hundredth anniversary of the founding of Dartmouth College;

S. 3687. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio, and for other purposes; and

S. 3728. An act to authorize the use of funds from a judgment in favor of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1596. An act for the relief of Demetrios Konstantinos Georgaras (also known as James K. Georgaras);

H.R. 2288. An act for the relief of Charles B. Franklin;

H.R. 2661. An act for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort;

H.R. 3527. An act for the relief of Josefina F. Viera;

H.R. 4936. An act for the relief of Mr. and Mrs. John F. Fuentes;

H.R. 5970. An act for the relief of Pedro Irizarry Guido;

H.R. 6325. An act for the relief of 1st Lt. Allan L. Schooler;

H.R. 7502. An act for the relief of the estate of Pierre Samuel du Pont Darden;

H.R. 7957. An act for the relief of Dr. Dario Duque;

H.R. 8091. An act for the relief of Charles Waverly Watson, Jr.;

H.R. 8245. An act for the relief of Dr. Martin Adolfo Giner-Zaldivar;

H.R. 11085. An act for the relief of Dr. Rafael Ramon Pascual;

H.R. 11253. An act for the relief of Dr. Joseph Moussakhani;

H.R. 12860. An act for the relief of Dr. Luis Ravenet;

H.R. 13351. An act for the relief of Ana Mae Yap-Diangco;

H.R. 13374. An act for the relief of SFC Patrick Marratto, U.S. Army (retired);

H.R. 14016. An act for the relief of Dr. Augusto Usategui;

H.R. 14380. An act for the relief of Ai Bok Chun;

H.R. 14389. An act for the relief of Dr. Erdogan Y. Baysal;

H.R. 14467. An act for the relief of John Thomas Cosby, Jr.;

H.R. 14513. An act for the relief of Zumrut Sooley;

H.R. 14786. An act for the relief of Cosmina Ruggiero;

H.R. 15060. An act for the relief of Dr. Jaime E. Lazaro;

H.R. 15061. An act for the relief of Dr. Lydia L. Lazaro;

H.R. 15174. An act for the relief of Dr. Ernesto Jose Giro;

H.R. 15210. An act for the relief of Dr. Ramon R. Azaret;

H.R. 15476. An act for the relief of Mrs. Marjorie J. Hottenroth;

H.R. 15634. An act for the relief of Dr. Carlos M. Perez-Abreu;

H.R. 15969. An act to confer U.S. citizenship posthumously upon Sp4c Klaus Josef Strauss;

H.R. 16238. An act for the relief of Dr. Orlando Balea;

H.R. 17109. An act for the relief of Henry E. Dooley;

H.R. 17222. An act for the relief of Roberto Quero;

H.R. 18174. An act for the relief of Dr. Jacques Charbonniez;

H.R. 18274. An act for the relief of Dr. Manuel E. Tayko; and

H.R. 18316. An act for the relief of Dr. Esteban G. Friera; to the Committee on the Judiciary.

H.R. 12766. An act to permit the vessel *Marpole* to be documented for use in the coastwise trade; to the Committee on Commerce.

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

AMENDMENT NO. 972

Mr. JACKSON. Mr. President, I call up my amendment (No. 972), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 972), as follows:

On page 24, after line 10, add the following new subsections:

"(n)(1) After December 31, 1970, no license shall be renewed or granted under section 923 to an applicant whose place of business is located in a State which does not have in effect a firearm control law which—

"(A) requires all residents of the State who own or possess firearms to register the firearms, within a reasonable time, with the appropriate State or local authorities;

"(B) is adequate to insure that ownership or possession of firearms and ammunition will be denied, to persons who, by reason of age, mental capacity, criminal record, or other incapacity, are incapable of exercising sound judgment in handling firearms;

"(C) provides a central State registry of information on the make, model, serial number, and other identifying characteristics of the firearm;

"(D) provides information as to the identification and address of the owner of the firearm;

"(E) provides that all transfers of ownership of any firearm shall be registered and that the transferee shall furnish the same information and meet the same requirements as are required when the firearm is initially registered;

"(F) provides appropriate penalties to insure compliance with the State registration and firearm control law;

"(G) provides for the transmittal of information contained in the central State firearm registry to the National Crime Information Center of the Federal Bureau of Investigation: *Provided*, That information contained in the registry shall not be disclosed except to law enforcement officers requiring such information in pursuit of their official duties.

"(2) The determination as to whether the State has in effect legislation which meets these standards is to be made by the Secretary of the Treasury. The Secretary's determination shall be reviewable de novo pursuant to chapter 7, title 5, United States Code, in an action instituted in the United States Circuit Court of Appeals within whose jurisdiction the State is located by any person or State adversely affected. Within ninety days from the date of enactment of this Act the Secretary shall propose regulations setting forth the criteria he will apply in determining whether State legislation meets the standards set out in this subsection.

"(o) The National Institute of Law Enforcement and Criminal Justice, established pursuant to section 402 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197; Public Law 90–351; Act of June 19, 1968), is directed to study the problems that State governments face in formulating, drafting, and enacting registration and firearm control laws, and to recommend to the Congress a program for Federal assistance by June 1, 1969."

Mr. JACKSON. Mr. President, first, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JACKSON. Mr. President, my remarks will be very brief. I do not intend to detain the Senate at any length in connection with this amendment.

Mr. President, the passage of adequate Federal firearms control legislation is a matter of deep concern to me, to other Members of the Congress, and to the people of this Nation. It is imperative that the Congress enact Federal legislation which will end uncontrolled interstate and mail-order traffic in firearms to anonymous purchasers. Irresponsible and unregulated commerce in firearms has rendered ineffective the efforts of those States which have acted to establish reasonable and realistic gun controls.

Enactment of Federal legislation designed to prevent the circumvention of State and local law is a reasonable and a necessary exercise of the Federal power over interstate commerce.

But more than Federal legislation is needed. It is imperative, Mr. President, that the States assume their responsibilities and enact reasonable legislation which will keep firearms out of the hands of those who should not have them, and which will be of assistance in the prevention of crime.

The enactment of title IV of the Omnibus Crime Control and Safe Streets Act of 1968 on June 19 of this year gave the

American people a Federal gun control law which prevents the circumvention of laws which now regulate the sale of handguns in virtually every State and local jurisdiction.

When that measure was considered, amendments were offered which would have extended the mail-order ban to rifles and shotguns. Those amendments were not adopted. The reason they were not adopted, in my judgment, was attributable to the fact that very few States or local jurisdictions have laws governing rifles and shotguns. Consequently, an extension of the mail-order ban to long guns would not have had the result of placing them under effective State and local control. Rather, it would have merely caused additional expense and inconvenience to the legitimate purchaser. In the absence of effective State law on long guns, the effect of extending the mail-order ban to rifles and shotguns would have been merely to require a purchaser to have a gun dealer order a mail-order firearm for him.

I was, therefore, pleased to learn that S. 3633, as reported by the committee, incorporates provisions which minimizes any additional expense or inconvenience to people who purchase firearms for legitimate purposes. In my judgment, S. 3633 is a positive step forward toward sensible Federal regulation of the importation, manufacture, and sale of firearms. I am not persuaded by the arguments of those who contend that the bill would unreasonably burden responsible purchasers of firearms. And, though I am not pleased with all of the provisions of the bill as reported by the committee, I intend to support the measure.

I continue, however, to believe that Federal legislation is not the final answer. Certainly, reasonable and well-designed State laws on the subject of firearms control are an absolute necessity if the problem of gun control is to be dealt with effectively.

The problem of how to persuade the States to adopt effective gun control laws is, however, a very perplexing question.

Some have proposed that in the absence of State action the Federal Government should go ahead and enact legislation to establish a national registration and licensing system. The administration, for example, has recommended Federal licensing and registration legislation which would apply in those States whose laws fail to meet minimum Federal standards.

Similar proposals for Federal legislation have been made by Members of the Senate.

I have studied these proposals very carefully, because I believe that some form of firearms registration is necessary. Registration would be of great benefit in the prevention of crime and in keeping firearms out of the hands of persons who by reason of age, mental capacity, criminal record or other incapacity are incapable of exercising sound judgment in handling firearms. In addition to deterring irresponsible traffic in firearms, a sound registration could be of positive benefit to the legitimate gun owner by furnishing a record of title to his property.

It is my judgment, however, that to be practical and to be effective a registration system must be a matter of State law—with administration and enforcement in the hands of local authorities. The benefits to be gained by firearms regulation and the problems of administration are not the same in rural areas and urban areas; nor are they the same in New York as in Alaska—or in my State of Washington.

Consequently, each State must be free to evaluate its own needs and to enact legislation which fits those needs.

Adoption of a national registration and licensing system would amount to an unprecedented extension of Federal powers beyond the regulation of manufacturers and dealers to cover individuals. I have serious reservations and doubts as to whether this would be either a proper or a desirable exercise of Federal authority.

Furthermore, I question whether these proposals are workable from the standpoint of administration and enforcement. With an estimated 100 to 200 million firearms in private ownership, the administration of a national registration and licensing system would be a monumental task. It is unclear just how the proposed program of Federal registration and licensing would, or even could, be enforced. We do not have a national police force in the United States, and I do not wish to see one established.

Finally, it should be pointed out that almost all of the criminal laws in the United States are established and enforced under State law, and not Federal law. Matters within the police powers of the States should remain under State jurisdiction in accordance with fundamental principles of our federal system.

There is, I believe, a realistic and commonsense alternative to establishing a national registration and licensing system. The alternative is simply to prohibit the shipment in interstate or foreign commerce of any firearms or ammunition to States which do not have in effect a firearms control law which meets minimum Federal standards. The amendment which I have offered adopts this approach.

The merit of this approach is that it leaves the administration of firearm control laws with the States. If a State fails to enact an adequate gun control law for the protection of the public by December 31, 1970, no licenses will be renewed or granted under section 923 of the bill, to manufacturers, importers, dealers, or collectors. The effect of this provision is that all shipments of firearms or ammunition into the State would cease until an adequate gun control law is enacted.

The minimum Federal standards are set out in the amendment and are clear and straightforward. They provide the protection the public needs and demands, and at the same time they allow individual States the flexibility to draft legislation which fits local circumstances.

Finally, Mr. President, I think we must all be fully aware that the enactment of State and Federal firearms legislation will not solve all the problems related to firearms. Unfortunately, the extent to which gun control legislation can deter and prevent crime and needless loss of life has been greatly overstated. But reasonable legislation is a step in the right direction.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. JACKSON. I am very happy to yield to the Senator from South Dakota.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from South Dakota for the purpose of his asking questions.

Mr. MUNDT. The Senator from Washington and I agree that Federal registration is not appropriate and is not needed and probably would be ineffective, and certainly tremendously expensive. I go along with the Senator from Washington part of the way, but it seems to me what he has done here is to indirectly achieve national registration of firearms by providing certain Federal standards that require compliance on the part of the States with these standards.

Page 2 of the amendment contains the words:

> The determination as to whether the State has in effect legislation which meets these standards is to be made by the Secretary of the Treasury.

How would the Secretary know as much about our individual States and whether or not the registration requirements and firearms control requirements of a particular State fit the needs of that State as the Governor of the State, for example?

Mr. JACKSON. First of all, someone at the Federal level must make the determination.

Mr. MUNDT. Why?

Mr. JACKSON. For the simple reason that if it were left to the individual States and their conclusions were final, the legislation would be meaningless. All they would have to do would be to say, "We have complied"—that is a conclusion—when in truth and fact the broad standards—and they are broad—have not been met.

Mr. MUNDT. Does not the Senator really believe that a legislature or a Governor of any State, his or mine or any other State, knows much better and much more intimately the requirements of the State than the Secretary of the Treasury?

Mr. JACKSON. Mr. President, may I say to my good friend that there is nothing new about this kind of requirement. We have, for instance, the whole concept of unemployment compensation based on the fact that standards are laid down which States must comply with, and if they fail to comply, the taxes continue to be collected and they cannot collect benefits. That is determined by a Federal agency.

If the Senator will go on and read further, he will find that if, in the judgment of the aggrieved party, the findings of the Secretary are arbitrary and capricious, or if for some other reason the aggrieved party wants to test the Secretary's determination, the plaintiff, of course, has access to the courts. We have made very liberal the right of appeal directly to the circuit court within the jurisdiction of which the State is located.

Mr. MUNDT. Will the Senator yield further?

Mr. JACKSON. I yield.

Mr. MUNDT. The fact that this is not a new approach is one of the things that disturbs me, because we applied this particular concept to the nth degree for the first time in the so-called Highway Beautification Act, in which we gave the Secretary of Commerce the right to veto an act of a State legislature which had been signed by the Governor. This is a veto power greater by far than that held by the President of the United States, because Congress can at least, if it wishes, override the Presidential veto, but here we have the man who sets up the standard acting as the judge of whether the standard set up by the State agrees with his ideas and concepts, and invoking the penalty.

Mr. JACKSON. That is not correct. Congress sets up the standards, and I submit that provision is made for the court to review the matter. It is all a question of law; there would be no questions of fact involved in that kind of proceeding—to determine whether the conditions established by Congress have been met.

So there is judicial review. I do not see how there can be any objection to that kind of procedure.

Mr. MUNDT. Will the Senator yield further?

Mr. JACKSON. Yes.

Mr. MUNDT. How does the Senator deduce that Congress sets the standards from the language of the amendment, which reads:

> Within ninety days from the date of enactment of this Act the Secretary shall propose regulations setting forth the criteria he will apply in determining whether State legislation meets the standards set out in this subsection.

The standards are very vague, pious, pleasing, and persuasive, but they are not meticulous and complete in detail.

Mr. JACKSON. No, but the point is that they cannot go beyond the statutory criteria laid down by Congress; and if there is any question as to the action taken by the Secretary of the Treasury, then the aggrieved party can go right into the circuit court for a judicial review.

We have the alternative here of having the authority vested in the State, to simply make a legislative finding that they have complied when in fact they have not. That would be a meaningless gesture. Instead, the amendment would establish Federal standards and provide for judicial review.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HRUSKA. I yield the Senator from South Dakota 2 additional minutes.

Mr. MUNDT. Mr. President, I regret that my distinguished friend from Washington does not have the confidence in the reliability, the honesty, and the perspicacity of State legislatures and governors that I happen to have. I believe they will act responsibly in this connection.

I increasingly resent a tendency on the part of this Congress and this administration, Mr. President, to apply the doctrine of what I call "coercive cooperation."

They say, "This is strictly voluntary; you can do it, but unless you do it, the Federal Government will come in and tell you the penalty is going to be such-and-such, or no maker of firearms can send firearms or ammunition into your State" or, in the case of the Highway Beautification Act, "We will withhold 10 percent of your highway funds."

That is a curious kind of cooperation, a curious kind of partnership. It certainly is not a voluntary approach; it is a totalitarian, compulsory, coercive approach. It is about as voluntary, Mr. President, as a speech by an official of the Czechoslovakian government, speaking from Prague, welcoming in the invading troops of Russia. He may make it, but he makes it under coercion. I am against this increasing tendency of an almighty Federal Government to shove people around, and now to start shoving States and State legislatures around. I hope this well intentioned amendment will be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, can someone yield me 15 minutes?

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished majority leader, I yield the Senator from South Carolina 15 minutes on the bill.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I have placed on the desk this morning an amendment quite similar to the amendment offered by the distinguished Senator from Illinois, the minority leader [Mr. DIRKSEN], relative to the judicial review powers of the U.S. Supreme Court.

On Monday, the distinguished Senator from Illinois submitted to the Senate an amendment to restrict the judicial review powers of the High Court in pornography or obscenity cases.

There is a question as to the constitutionality and the germaneness of this particular amendment, but there is no question about what is the primary concern in the Nation today with respect to the U.S. Supreme Court and its judicial review authority; and of far more concern than obscenity or pornography is the matter of the public school system of America.

I shall limit my remarks now with the understanding, Mr. President, that I intend to watch the course of the amendment of the Senator from Illinois; and if this body finds it germane, then I shall submit my amendment at that particular time, because I believe it is of greater import.

Referring to the matter of the school cases, I hearken the memory of the Senate to the time when these cases were first presented before the U.S. Supreme Court in December of 1952, when the then Mr. Thurgood Marshall, prior to his elevation to the bench as Associate Justice Thurgood Marshall, was arguing the school cases. There were five States involved at that particular time—actually four States and the District of Columbia—Delaware, Kansas, Virginia, South Carolina, and the District, in the Briggs-Elliott case, which had been ruled on favorably by the District and circuit courts, and was then on appeal before the U.S. Supreme Court, being argued on one side, on behalf of the NAACP, by Mr. Justice Marshall, and on behalf of South Carolina by the distinguished former Solicitor General, John W. Davis, of the State of West Virginia.

I was honored at that time by a former colleague—to other Senators, of course, not to me—and former Governor of South Carolina and member of the court, the Honorable James W. Byrnes, who was then Governor of South Carolina. Having been chairman of a committee to equalize our school facilities, I was in attendance at that particular time, with the Honorable Robert McC. Figg, who is presently dean of the law school of the University of South Carolina.

I now refer to the judicial review of that matter, and as my authority for my particular remarks this morning I refer to Justice Marshall's comments and the colloquy—that is another word, Mr. President, I have learned since coming to Washington, dialog or colloquy—between the court and the arguing attorneys.

I could read the entire transcript; it is powerfully interesting, but I begin on page 23, where Mr. Justice Marshall, as the attorney, at that time, for the appellants, was making comments as follows:

> So what do we have in the record? We have testimony of physical inequality. It is admitted. We have the testimony of experts as to the exact harm which is inherent in segregation wherever it occurs. That I would assume is too broad for the immediate decision, because after all, the only point before this Court is the statute as it was applied in Clarendon County. But if this Court would reverse and the case would be sent back, we are not asking for affirmative relief. That will not put anybody in any school.

I interrupt the quotation at this time to call to the attention of the U.S. Senate that what is at issue here in America is the freedom of choice in the operation of the public school system by the authorities in the several and numerous districts all over the Nation and, on the other hand, a person being denied his equal rights as a full citizen.

The Court in 1954 in that original case said that there is no second-class citizenship. They struck down the State-imposed discrimination. But now we have a bureaucracy and the rulings of the Department of Health, Education, and Welfare. We have gotten exactly what Mr. Justice Marshall said in his argument in 1952 was not contemplated or intended.

I continue to quote:

> The only thing that we ask for is that the state-imposed racial segregation be taken off, and to leave the county school board, the county people, the district people, to work out their own solution of the problem to assign children on any reasonable basis they want to assign them on.
>
> Justice FRANKFURTER. You mean, if we reverse, it will not entitle every mother to have her child go to a non-segregated school in Clarendon County?
>
> Mr. MARSHALL. No, sir.
>
> Justice FRANKFURTER. What will it do? Would you mind spelling this out? What would happen?
>
> Mr. MARSHALL. Yes, sir. The school board, I assume, would find some other method of distributing the children, a recognizable method, by drawing district lines.

> Justice Frankfurter. What would that mean?
>
> Mr. Marshall. The usual procedure——
>
> Justice Frankfurter. You mean that geographically the colored people all live in one district?
>
> Mr. Marshall. No, sir, they do not. They are mixed up somewhat.
>
> Justice Frankfurter. Then why would not the children be mixed?
>
> Mr. Marshall. If they are in the district, they would be. But there might possibly be areas——
>
> Justice Frankfurter. You mean we would have gerrymandering of school districts?
>
> Mr. Marshall. Not gerrymandering, sir. The lines could be equal.
>
> Justice Frankfurter. I think that nothing would be worse than for this Court—I am expressing my own opinion—nothing would be worse, from my point of view, than for this Court to make an abstract declaration that segregation is bad and then have it evaded by tricks?
>
> Mr. Marshall. No, sir. As a matter of fact, sir, we have had cases where we have taken care of that. But the point is that it is my assumption that where this is done, it will work out, if I might leave the record, by statute in some states.
>
> Justice Frankfurter. It would be more important information, in my mind, to have you spell out in concrete what would happen if this Court reverses and the case goes back to the District Court for the entry of a decree.
>
> Mr. Marshall. I think, sir, that the decree would be entered which would enjoin the school officials from, one, enforcing the statute; two, from segregating on the basis of race or color. Then I think what ever district lines they draw, if it can be shown that those lines are drawn on the basis of race or color, then I think they would violate the injunction. If the lines are drawn on a natural basis, without regard to race or color—

And, I interject, freedom of choice—

> then I think that nobody would have any complaint.
>
> For example, the colored child that is over here in this school would not be able to go to that school. But the only thing that would come down would be the decision that whatever rule you set in, if you set in, it shall not be on race, either actually or by any other way. It would violate the injunction, in my opinion.
>
> Justice Frankfurter. There is a thing that I do not understand. Why would not that inevitably involve—unless you have Negro ghettos, or if you find that language offensive, unless you have concentrations of Negroes, so that only Negro children would go there, and there would be no white children mixed with them, or vice versa—why would it not involve Negro children saying, "I want to go to this school instead of that school"?
>
> Mr. Marshall. That is the interesting thing in this procedure. They could move over into that district, if necessary. Even if you get stuck in one district, there is always an out, as long as this statute is gone.
>
> There are several ways that can be done. But we have instances, if I might, sir, where they have been able to draw a line and to enclose—this is in the North—to enclose the Negroes, and in New York those lines have on every occasion been declared unreasonably drawn, because it is obvious that they were drawn for that purpose.
>
> Justice Frankfurter. Gerrymandering?
>
> Mr. Marshall. Yes, sir. As a matter of fact, they used the word "gerrymander".
>
> So in South Carolina, if the decree was entered as we have requested, then the school district would have to decide a means other than race, and if it ended up that the Negroes were all in one school, because of race, they would be violating the injunction just as bad as they are by violating what we consider to be the Fourteenth Amendment now.
>
> Justice Frankfurter. Now, I think it is important to know, before one starts, where he is going. As to available schools, how would that cut across this problem? If everything was done that you wanted done, would there be physical facilities within such drawing of lines as you would regard as not evasive of the decree?
>
> Mr. Marshall. Most of the school buildings are now assigned to Negroes, so that the Negro buildings are scattered around in that county. Now, as to whether or not lines could be properly drawn, I say quite frankly, sir, I do not know. But I know that in most of the southern areas—it might be news to the Court—there are very few areas that are predominantly one race or the other.
>
> Justice Frankfurter. Are you going to argue the District of Columbia case?
>
> Mr. Marshall. No, sir.
>
> If you have any questions, I would try, but I cannot bind the other side.
>
> Justice Franfurter. I just wondered, in regard to this question that we are discussing, how what you are indicating or contemplating would work out in the District if tomorrow there were the requirement that there must be mixed groups.
>
> Mr. Marshall. Most of the schools in the District of Columbia would be integrated. There might possibly be some in the concentrated areas up in the northwest section. There might be. But I doubt it. But I think the question as to what would happen if such decree was entered—I again point out that it is actually a matter that is for the school authorities to decide, and it is not a matter for us, it seems to me, as lawyers, to recommend except where there is racial discrimination or discrimination on one side or the other.

And that is all the school districts are now asking—what Mr. Justice Marshall said in his original argument in the presentation of the Brown case in the famous May 17, 1954, decision.

Mr. President, I will finish with a few other quotations:

> But my emphasis is that all we are asking for is to take off this state-imposed segregation. It is the state-imposed part of it that affects the individual children. And the testimony in many instances is along that line.
>
> So in South Carolina, if the District Court issued a decree—and I hasten to add that in the second hearing when we were prevented from arguing segregation, the argument was made that on the basis of the fact that the schools were still unequal, we should get relief on the basis of the Sipuel decision—the court said in that case, no, that the only relief we could get would be this relief as of September, and in that case the court took the position that it would be impossible to break into the middle of the year. If I might anticipate a question on that, the point would come up as to, if a decree in this case should happen to be issued by the District Court, or in a case similar to this, as to whether or not there would be a time given for the actual enrollment of the children, et cetera, and changing of children from school to school. It would be my position in a case like that, which is very much in answer to the brief filed by the United States in this case—it would be my position that the important thing is to get the principle established, and if a decree were entered saying that facilities are declared to be unequal and that the appellants are entitled to an injunction, and then the District Court issues the injunction, it would seem to me that it would go without saying that the local school board had the time to do it. But obviously it could not do it over night, and it might take six months to do it one place and two months to do it another place.

Then finally, if my colleagues please, Mr. Justice Marshall in 1952 in presenting his original argument ended by saying:

> Again, I say it is not a matter for judicial determination. That would be a matter for legislative determination.

The distinguished senior Senator from Illinois offers an amendment to cover what should be judicially determined or reviewed with respect to pornography.

Again, Mr. President, if that amendment is germane, then certainly the matter of judicial review of the assignment of school districts, in exercising the freedom of choice, is germane.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I yield 2 additional minutes to the Senator.

Mr. HOLLINGS. If the Senate determines that the Dirksen amendment is germane, then I would offer this amendment as a germane amendment.

As Mr. Justice Frankfurter remarked, in an exchange with Mr. Young, who was then Attorney General, in the Delaware case, "We are not going to have this Court act as a super school board."

I have not had the time this morning to check the particular quotation.

I believe this is a matter of concern to America; and, as Mr. Justice Marshall has said, if we are to exercise the legislative function of legislative restraint on a review of judicial determination, it should go first not to pornography or to obscenity but to the running of the public schools of America.

I oppose the Fortas nomination, but I do not oppose it to the extent that I will not vote for the amendment if offered, and if it is the will of the Senate that the amendment of Senator Dirksen is germane I shall support it. But if that course is taken then I will certainly offer my amendment at that time.

I thank the Senator.

Mr. HRUSKA. I yield 5 minutes on the bill to the Senator from Illinois.

S. 4058—INTRODUCTION OF BILL RELATING TO THE TRIAL AND REVIEW OF CRIMINAL ACTIONS INVOLVING OBSCENITY

Mr. DIRKSEN. Mr. President, when I submitted my amendment late Monday, it was only for the purpose of having the question of obscenity resolved by a jury. That would go for U.S. courts and State courts as well. Of course, if you had to deny jurisdiction on the part of any court to review or reverse or set aside what was finally found in the lower court, if it were a jury finding on only that one point, it would include nothing else. Many points can be made by way of exceptions and put in the Record, but I was interested in only the question of obscenity.

The question came to me yesterday, from among the press, as to why and how this eventuated at this particular moment. The answer is very simple.

I go back to the days when Arthur Summerfield was the Postmaster General under President Eisenhower. The Postmaster conducted quite a drive through the mails against obscene literature, films, and so forth. He set up in the basement of the post office what he called "The Chamber of Horrors," and would invite people to come down and take a look. And it was a chamber of horrors, indeed.

Well, the matter was pursued somewhat, I suppose not with real vigor; and, as a matter of fact, over the years nothing was actually done about it. But it continued to come before the High Court.

I had an analysis made, and I discovered that Justices were voting one way or another and sometimes in conflict with a decision they had earlier rendered. In strict fact, for at least 10 years or longer, this has been one of the most challenging questions before the Court, and always the first amendment to the Constitution, relating to freedom of speech, has come into play. Well, in the estimate of some Justices, that is an absolute interdiction, as it were, because it says Congress shall make no law, and they interpret that in the field of absolutism.

So we will never resolve this question unless we get at it legislatively, and that we can do, because in setting the judicial power, the Constitution specified the primary areas in which the Court has original jurisdiction.

It then confers, also, appellate jurisdiction, and there is a provision to the effect that it shall be determined according to the way Congress may legislate on the subject. So I think that for a long, long time it has been freely conceded that Congress can change, modify, expand, or restrict the jurisdiction of the Court so far as its appellate jurisdiction is concerned. I have not the slightest doubt that the amendment I offered is perfectly constitutional and that it would do what many people would like to have done.

Now, I am not insensible to the fact, after some discussion with other Members of the Senate, that this could be a convenient vehicle to which one might add something else. I have been notified to that effect, and, of course, that is any Senator's privilege. But, in a discussion with the majority leader this morning, we finally came to the conclusion that perhaps this should be considered as a separate, independent bill, and to let it go to the Committee on the Judiciary for such hearings as may be required. I do not know to what subcommittee it would go, but I would be attentive to it and try to move it on through action by the subcommittee and the full committee and back to the floor of the Senate.

So I can give notice now, Mr. President, that I shall not call up the amendment I submitted, but I have put the same text in the bill; and in behalf of the distinguished majority leader and myself, I now introduce this as a separate bill.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred.

The bill (S. 4058) to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes, introduced by Mr. DIRKSEN (for himself and Mr. MANSFIELD), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. **MANSFIELD**. Mr. President, will the Senator yield?

Mr. **DIRKSEN**. I yield.

Mr. **MANSFIELD**. Mr. President, on Monday I stated on the Senate floor my attitude with respect to the current controversy concerning the confirmation of Mr. Justice Fortas as Chief Justice of the United States because of certain closely divided Court decisions dealing with obscenity.

As I said at that time, I believe it is the constitutional responsibility of Congress to make the laws of the land and for the Courts, including the Supreme Court, to interpret those laws and to adjudge their applicability to the factual cases that are presented.

Today, the distinguished minority leader [Mr. DIRKSEN] and I introduced a bill seeking to implement congressional action in the field of obscenity. As I understand and interpret our proposal—and I speak as a nonlawyer—it would simply leave the question of fact—whether something is obscene—in a criminal prosecution to the final determination and judgment of a jury. As a nonlawyer, it has been my impression that appellate courts were never empowered to change factual findings by the jury that received the evidence at the trial. So long as that evidence was available and could support the jury determination, the factual findings could not be overturned by an appellate court.

All that the Dirksen-Mansfield bill says is that on the question of what printed matters are obscene, the jury of men and women from the community where the proceedings are brought should decide.

As I interpret the bill, questions of law in these cases, including the constitutionality of the statute or ordinance upon which any conviction could be based, could still be reviewed by an appellate court, including the Supreme Court of the United States. On the question of the legal definition of obscenity, any conviction could similarly be reviewed by the appellate process.

I believe that the Dirksen-Mansfield proposal does not offend or change any concept of American jurisprudence.

Mr. **DIRKSEN**. Mr. President, I thank the majority leader for sharing in the responsibility for this bill, which he does so very willingly.

Between us, we hope that we can prevail upon the Committee on the Judiciary to get to reasonably early action on this measure.

The **PRESIDING OFFICER**. Who yields time?

Mr. **MANSFIELD**. I yield 2 minutes on the bill to the Senator from South Carolina.

AMENDMENT NO. 980

Mr. **HOLLINGS**. Mr. President, in view of the distinguished minority leader's remarks with respect to changing his amendment and having it withdrawn now and offering it as a bill, like Mark Twain's boy, I have learned a great deal in the last 5 minutes.

First, I was following the remarks and the leadership of the senior Senator from Arkansas [Mr. MCCLELLAN], who stated to the Senate on yesterday that if this amendment were found to be germane, he, in turn, would offer amendments with respect to search and seizure.

Also, I have been informed by the Parliamentarian that the question of germaneness was not a matter in question before the Senate and that, based on the unanimous-consent agreement on this measure, it could be considered.

I have not been able to discuss the reasons for revising this from an amendment into the form of a bill. Perhaps that is the best course for me. I do not want this school matter treated lightly or voted down in the concern of the Senate over the gun bill, to get a clear, clean, and final vote today.

I will leave the amendment on the desk and consult with my colleagues as to the possibility of having it enacted. Certainly, if I do not get any more encouragement than that which appears now, with the sense of the Senate being to consider solely the gun bill, and with the action taken now by the minority leader, I will not call up the amendment, but offer it as a separate bill, and I leave it at the desk at this time.

Subsequently, the amendment (No. 980) was ordered to lie on the table and to be printed.

Mr. **HRUSKA**. Mr. President, I yield myself 4 minutes on the amendment.

The **PRESIDING OFFICER**. The Senator from Nebraska is recognized.

Mr. **HRUSKA**. Mr. President, the amendment which has been introduced by the distinguished Senator from Washington is a Federal registration measure of firearms in a slightly different form than the Tydings amendment which the Senate has already acted. It is my hope that the Senate will resoundingly reject this amendment as it did the Tydings amendment because this amendment is subject to all the arguments and objections which were previously raised, considered, and rejected a while ago.

There still has not been a showing as to the relevance and impact of the registration of guns to a reduction in crime. What impact would it have on the commission of crime and the misuse of guns? There has been no showing made in that respect.

In addition to the objections applicable to the Tydings amendment, this amendment is objectionable because of the Federal character of the measure. The enforcement of this measure would be under the jurisdiction of the Secretary of the Treasury. The standards and the requirements under this law would be set forth in a Federal law; however, the Secretary of the Treasury would formulate the necessary regulations for determining whether or not those requirements are complied with.

The States will have to send the information required by this amendment to the National Crime Information Center in Washington. This would have the effect of making it a Federal project.

If the penalties are visited on any State because it does not enact a State registration law, then instead of a law regulating guns and regulating interstate commerce, rather we would have a law prohibiting interstate commerce into that particular State. This gets into considerations that go beyond regulations of interstate commerce.

Mr. President, this Nation went into the business of national prohibition some time ago and it did not fare so well. I imagine this proposal would not fare well either. What a lush, potential black market would crop up the instant this embargo went into effect in a State. Yet, the invocation of that sanction would not reduce the inventory of guns in an affected State. Guns would be just as accessible to misuse as they were before. Pressures would immediately start to build up to make it a truly Federal registration act, if for no other reason, because of the cost.

Mr. President, what would be the cost? The New York Legislature had a study on registration and it came up with a figure of $25 a gun. I should state in all fairness that that is not the only cost of registration. There also would be the cost of followup to check out the legality of the man who seeks to register a gun, to determine whether or not he is competent and eligible under the law to register and possess a gun. The $25 can be pared down to $10 a gun.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield myself 4 additional minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 4 additional minutes.

Mr. HRUSKA. Mr. President, that amount of money could be pared and cut down to $10 a gun. On the basis of 100 million guns in this Nation, which is the lowest general estimate made, that would be $1 billion spread around 50 States. If the estimate is 200 million guns that exist in the United States, then it would mean $2 billion, and that is a lot of money.

How long will the States be willing to assume that burden and maintain it. I doubt it will be very long because of the long years of habit of running to Washington with their troubles. How long before the States will say, "Take this off our shoulders. Take it all over." We will get into the situation which the Senate rejected less than 1 hour ago.

I do not think we want to do that. It would undoubtedly lead to taxation, it would undoubtedly lead to a fee for registration. It will lead to a tax on guns. It will also lead to a limitation on guns because the question will be whether or not crime is still going on and what is the effect that availability and accessibility of guns is having on crime. This goes to the continued existence of guns and not to their registration.

Mr. President, it is my hope that this measure, which provides for Federal registration in another form will be rejected by the Senate.

I yield back the remainder of my time.

Mr. JACKSON. Mr. President, I yield 2 minutes to the Senator from Connecticut and then I will be prepared to yield back the remainder of my time.

Mr. DODD. Mr. President, I want to go on record in support of the amendment, just as I did in the case of the Tydings amendment, which I hoped would be passed.

I do not know how long we have to answer these arguments that there is no relationship between accessibility and crime. If anything is settled, we must settle that. It is said every time. We hear the same old argument that the law would be difficult to enforce, that it would be too costly, and that it would cost $1 million at a time when the cost to this country is in figures no one can calculate, not only in money but in every respect. With reference to the statement that the fee has gone from $1 to $10 or $20, I wish to add that everything else has increased in that period and not just the cost in this area. I do not see any valid argument against this form of registration.

I hope the amendment is agreed to, and I commend the Senator for having introduced it.

Mr. JACKSON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized for 2 minutes.

Mr. JACKSON. Mr. President, I wish to briefly summarize the amendment. I do not feel that anyone should object to having a requirement in the law for gun registration. This is the premise on which the amendment is based. I feel very strongly, however, that registration should be at the State and local level. I am opposed to Federal registration. I voted against the Tydings amendment on that account.

However, having said that, it seems to me that it is reasonable and proper to ask of citizens that they be willing to have their firearms registered at a local level. That is the effect of my amendment. I think the approach is reasonable and sensible. For example, if there were Federal registration we would run the danger of having a national police force. There would have to be a Federal police force to see that the law is enforced.

On the other hand, a State law could be adjusted to meet the requirements of that State. Some States may feel, or its legislature may feel, that guns should be registered with the sheriff or the chief of police. Legislatures in other States may feel that the registration should be with the county auditor or the county treasurer, or the county agency that handles licensing.

This amendment provides for broad and flexible administration of the program. It leaves to the States, in the last analysis, the manner in which it would be carried out.

In my area where we have great rural sections and great wilderness areas, the people are concerned about firearms. The urban areas of the country have another problem. Therefore, the effect of the amendment would be to permit the States to determine how best to fulfill the objective of registration.

Mr. President, I am prepared to yield back the remainder of my time if the Senator from Nebraska is prepared to yield back the remainder of his time.

Mr. MANSFIELD. He has yielded back his time.

Mr. JACKSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Washington. On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], the Senator from Oregon [Mr. Morse], the Senator from Maine [Mr. Muskie], the Senator from Georgia [Mr. Russell], and the Senator from Mississippi [Mr. Stennis] are necessarily absent.

I also announce that the Senator from Alaska [Mr. Gruening] and the Senator from Michigan [Mr. Hart] are absent on official business.

On this vote, the Senator from Michigan [Mr. Hart] is paired with the Senator from Oregon [Mr. Morse]. If present and voting, the Senator from Michigan would vote "yea" and the Senator from Oregon would vote "nay."

I further announce that, if present and voting, the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], the Senator from South Dakota [Mr. McGovern] and the Senator from Mississippi [Mr. Stennis] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. Bennett], the Senator from Kentucky [Mr. Morton], and the Senator from Maine [Mrs. Smith], are necessarily absent.

If present and voting, the Senator from Utah [Mr. Bennett] would vote "nay" and the Senator from Maine [Mrs. Smith] would vote "yea."

The result was announced—yeas 35, nays 48, as follows:

[No. 280 Leg.]

YEAS—35

Anderson
Brewster
Brooke
Case
Clark
Cooper
Dodd
Fong
Goodell
Griffin
Hartke
Hayden
Inouye
Jackson
Javits
Kennedy
Kuchel
Lausche
Magnuson
Mansfield
McGee
McIntyre
Mondale
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Smathers
Spong
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—48

Aiken
Allott
Baker
Bayh
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Hansen
Harris
Hatfield
Hickenlooper
Hill
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Metcalf
Miller
Montoya
Moss
Mundt
Murphy
Pearson
Percy
Prouty
Scott
Sparkman
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING 17

Bartlett
Bennett
Fulbright
Gore
Gruening
Hart
Long, Mo.
Long, La.
McCarthy
McGovern
Monroney
Morse
Morton
Muskie
Russell
Smith
Stennis

So Mr. Jackson's amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18785) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes; and that the House receded from its disagreement to the amendment of the Senate numbered 2 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 220) to authorize the sale of certain public lands.

MILITARY CONSTRUCTION APPROPRIATION BILL, 1969—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I ask unanimous consent that I may proceed for not to exceed 5 minutes, without the time being taken out of either side, for the purpose of submitting a conference report from the Appropriations Committee.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18785) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today on pp. 27314–27315, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BIBLE. Mr. President, the conference committee agreed on an overall figure of $1,758,376,000 for the military construction bill for fiscal year 1969. This is an amount of $13,440,000 over the amount allowed by the Senate, $6,643,000 under the amount approved by the House, and $273,124,000 under the budget estimate of $2,031,500,000.

The conferees agreed on the following amounts for the military services and the Department of Defense:

Army, $548,126,000.

Navy, $291,513,000.

Air Force, $222,141,000.

Defense agencies, $83,396,000.

Army Reserve, $3,000,000.

Navy Reserve, $5,000,000.

Air Force Reserve, $4,300,000.

Army National Guard, $2,700,000.

Air National Guard, $8,300,000.

Family housing, Department of Defense, $583,700,000.

Homeowners assistance fund, $6,200,000.

Mr. President, I wish to emphasize that the military construction bill this year is indeed an austere bill. The percent of reduction from the budget estimate amounts to 13.5 percent. However, I wish to point out that this bill provides for all of the essential operational facilities needed by the military services and adequately supports our troops in South Vietnam. I can state categorically that there are no moneys in this bill for plush accommodations for the military services.

I do not intend to make a long and involved statement of the action of the conference committee. The conference report explains in a succinct manner the complete actions of the committee.

Mr. President, this completes my statement. I believe that the conference committee has presented for the Senate's consideration a military construction bill that fits the stringent financial condition in which this Government now finds itself. I shall be glad to answer any questions which individual Senators may have regarding construction projects in their States.

I ask unanimous consent that, at the conclusion of my remarks on this bill, a tabulation comprising a summary of the conference action on the military construction appropriation bill for fiscal year 1969 be included in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

MILITARY CONSTRUCTION APPROPRIATION BILL, 1969

[In thousands]

	Appropriations, 1968	Budget estimate, 1969	Passed House	Passed Senate	Conference action	Conference action compared with—			
						Appropriations, 1968	Budget estimate, 1969	House	Senate
Military construction, Army	$372,228	$688,300	$554,597	$537,605	$548,126	+$175,898	−$140,174	−$6,471	+$10,521
Military construction, Navy	486,661	367,000	289,238	286,374	291,513	−195,148	−75,487	+2,275	+5,139
Military construction, Air Force	400,662	266,000	221,588	224,361	222,141	−178,521	−43,859	+553	−2,220
Military construction, Defense agencies	114,540	85,400	83,396	83,396	83,396	−31,144	−2,004		
Military construction, Army Reserve	3,000	3,000	3,000	3,000	3,000				
Military construction, Navy Reserve	5,000	5,000	5,000	5,000	5,000				
Military construction, Air Force Reserve	3,900	4,300	4,300	4,300	4,300	+400			
Military construction, Army National Guard	3,000	2,700	2,700	2,700	2,700	−300			
Loran stations	3,600					−3,600			
Military construction, Air National Guard	9,500	8,300	8,300	8,300	8,300	−1,200			
Total, military construction	1,402,091	1,430,000	1,172,119	1,155,036	1,168,476	−233,615	−261,524	−3,643	+13,440
Family housing	671,271	589,700	586,700	583,700	583,700	−87,571	−6,000	−3,000	
Homeowners assistance fund	20,000	11,800	6,200	6,200	6,200	−13,800	−5,600		
Total, family housing	691,271	601,500	592,900	589,900	589,900	−101,371	−11,600	−3,000	
Grand total	2,093,362	2,031,500	1,765,019	1,744,936	1,758,376	−334,986	−273,124	−6,643	+13,440

Mr. BIBLE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18785) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2, to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "$291,513,000".

Mr. BIBLE. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate No. 2.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the House.

The amendment was agreed to.

VISIT TO THE SENATE BY PARLIAMENTARY DELEGATION FROM NEPAL

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HRUSKA. Mr. President, I yield to the Senator from Colorado 3 minutes on the bill.

Mr. ALLOTT. Mr. President, we are honored to have as guests of the Senate today, two Members of the Parliament of Nepal—Mr. Lalit Chand, who was appointed Chairman of the National Panchayat of Nepal on June 26, 1968, and Mr. Singho Dhoj Khadga, also a Member of the National Panchayat.

Some of my colleagues and I had the pleasure of meeting these gentlemen and the Secretary of their delegation, Mr. Junga Bahadur Chand, at the 56th Conference of the Interparliamentary Union, recently held in Lima, Peru.

We are happy and privileged to welcome them here today, and I ask unanimous consent that the Senate stand in recess for 2 minutes so that Senators may greet our visitors. [Applause, Senators rising.]

RECESS

There being no objection, the Senate (at 2 o'clock and 39 minutes p.m.) took a recess until 2 o'clock and 41 minutes p.m.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. SPONG in the chair).

Mr. ALLOTT. Mr. President, I thank the distinguished Senator from Massachusetts for his courtesy in yielding.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 827) to establish a nationwide system of trails, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate numbered 2, 3, 4, 5, and 6 to the bill (H.R. 13844) to amend title 5, United States Code, to provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died while on duty with the Armed Forces and in connection with certain duty performed by such employees as members of the Armed Forces Reserve components or the National Guard, and for other purposes; that the House agreed to the amendment of the Senate numbered 1 to the bill, with an amendment, in which it requested the concurrence of the Senate, and that the House agreed to the amendment of the Senate to the title of the bill.

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

Mr. SPARKMAN. Mr. President, will the Senator from Massachusetts yield to me?

Mr. BROOKE. I yield 1 minute to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Chair advises the Senator from Massachusetts that he must offer his amendment in order to have time running after which he may yield time to the Senator from Alabama.

AMENDMENT NO. 948

Mr. BROOKE. Mr. President, I call up my amendment No. 948 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BROOKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in full in the RECORD.

The amendment (No. 948) proposed by Mr. BROOKE is as follows:

On page 62, after line 10, insert the following new title:

"TITLE IV—FIREARMS INVENTORY

"SEC. 401. This title may be cited as the 'National Firearms Inventory Act'.

"SEC. 402. (a) It shall be unlawful for any manufacturer, importer, dealer, or pawnbroker within any State to sell or otherwise transfer any firearm after the effective date of this title to any person unless such manufacturer, importer, dealer, or pawnbroker forwards (1) to the principal law enforcement officer of the locality in which the transaction occurs; (2) to the principal law enforcement officer of the locality in which the transferee resides; (3) to the firearms inventory to be established by the Department of the Treasury by United States registered or certified mail (return receipt requested); and (4) to the transferee a statement in such form as the Secretary shall prescribe, containing but not limited to the following information—

"(A) the name, age, address, and social security number, if any, of the person purchasing or otherwise acquiring such firearm;

"(B) the title, name, and official address of the principal law enforcement officer of the locality in which such person resides;

"(C) the name of the manufacturer, the caliber or gage, as appropriate, the model and the type, and the serial number identification, if any, of the firearm; and

"(D) a true copy of any permit or similar document required for purchase or possession of a firearm by the transferee pursuant to any statute of the State or published ordinance applicable to the locality in which such person resides.

"(b) It shall be unlawful for any person within any State, other than a manufacturer, importer, dealer, or pawnbroker, to receive any firearm obtained by him by purchase, gift, or otherwise, after the effective date of this title, other than by purchase from a manufacturer, importer, dealer, or pawnbroker, unless such transferee forwards within ten days to the principal law enforcement officer of the locality in which such transferee resides a statement in such form as the Secretary shall prescribe containing but not limited to the following information—

"(A) the name, age, address, and social security number, if any, of the person purchasing or otherwise acquiring such firearm;

"(B) the title, name, and official address of the principal law enforcement officer of the locality in which such person resides; and

"(C) the name of the manufacturer, the caliber or gage, as appropriate, the model and the type, and the serial number identification, if any, of the firearm. Any local law enforcement officer designated by the Secretary to receive such a statement shall forward by United States registered or certified mail (return receipt requested) a true copy of any such statement received to the firearms inventory to be established by the Department of the Treasury. The Secretary is authorized to make whatever arrangements he deems necessary, including the dissemination of public information, to effect the policy of this section.

"(c) Any person owning or possessing any firearm purchased or otherwise obtained prior to the effective date of this title shall, within one year after the effective date of this title, file with the principal law enforcement officer of the locality in which such person resides a statement in such form as the Secretary shall prescribe containing but not limited to the following information:

"(A) the name, age, address, and social security number, if any, of the person owning or possessing such firearm;

"(B) the title, name, and official address of the principal law enforcement officer of the locality in which such person resides; and

"(C) the name of the manufacturer, the caliber or gage, as appropriate, the model and type, and the serial number identification, if any, of the firearm. Any local law enforcement officer designated by the Secretary to receive such a statement shall forward by United States registered or certified mail (return receipt requested) a true copy of any such statement received to the firearms inventory to be established by the Department of the Treasury. The Secretary is authorized to make whatever arrangements he deems necessary, including the dissemination of public information, to effect the policy of this section.

"(d) After January 1, 1970, any person (other than a manufacturer, importer, dealer or pawnbroker, acting in a commercial capacity) who possesses a firearm and who changes his residence to any locality in any State subject to the provisions of this title shall, within thirty days, file with the principal law enforcement officer of the locality in which such person takes up residence a statement in such form as the Secretary shall prescribe containing, but not limited to, the following information:

"(A) the name, age, address, and social security number, if any, of the persons owning or possessing such firearm;

"(B) the title, name, and official address of the principal law enforcement officer of the locality in which such person resides; and

"(C) the name of the manufacturer, the caliber or gage, as appropriate, the model and type, and the serial number identification, if any, of the firearm.

Any local law enforcement officer designated by the Secretary to receive such a statement shall forward by United States registered or certified mail (return receipt requested) a true copy of any such statement received to the firearms inventory to be established by the Department of the Treasury. The Secretary is authorized to make whatever arrangements he deems necessary, including the dissemination of public information, to effect the policy of this section.

"(e)(1) Any person who possesses a firearm recorded under the provisions of this title shall, within ten days after any loss, theft, recovery, or destruction of such firearms has been discovered, notify the principal law enforcement officer of the locality in which such person resides. Any local law enforcement officer designated by the Secretary for the purposes of this title shall forward by United States registered or certified mail (return receipt requested) a true copy of any such notification received to the firearms inventory to be established by the Department of the Treasury.

"(2) Any person (other than a manufacturer, importer, dealer, or pawnbroker, acting in a commercial capacity) who sells or otherwise transfers to any other person a firearm recorded under the provisions of this title shall within ten days notify the principal law enforcement officer of the locality in which such transferor resides. Such notice shall indicate the date of the transfer and the name, age, address, and social security number, if any, of the transferee. Any local law enforcement officer designated by the Secretary for the purposes of this title shall forward by United States registered or certified mail (return receipt requested) a true copy of any such notification received to the firearms inventory to be established by the Department of the Treasury.

"(f)(1) If the Secretary determines after opportunity for a hearing that it is impracticable for most persons in any locality within any State to comply with the provisions of this section, the Secretary shall by regulation establish a procedure by which any such person may file the required statement directly with the Secretary either in person or by United States registered or certified mail (return receipt requested) on forms to be made available by the Secretary.

"(2) The Secretary shall notify the appropriate principal law enforcement officer of any locality designated under the provisions of this subsection of each statement filed pursuant to this section.

"(g) The provisions of this section shall not apply to the sale, other transfer, or ownership of any firearm to or by (A) the United States or any department, agency, or independent establishment thereof, (B) any State or any department, independent establishment, agency, or any political subdivision thereof, (C) any duly commissioned officer or agent of the United States, a State or any political subdivision thereof, in his official capacity; nor shall such provisions apply to any transactions between manufacturers, importers, dealers, or pawnbrokers, acting in a commercial capacity and licensed after the enactment of chapter 44 of title 18 of the United States Code.

"Sec. 403. (a) The Secretary shall establish and maintain an inventory identifying each firearm reported to him pursuant to section 401 of this title. Such inventory shall be established in consultation with the Director of the Federal Bureau of Investigation in order to insure coordination between the inventory and the National Crime Information Center.

"(b) In order to carry out his responsibilities under this section the Secretary is authorized to obtain and use the most modern and efficient automatic data processing equipment for the storage, analysis, and retrieval of information contained in the statements furnished to the firearms inventory to be established pursuant to this title.

"(c) The Secretary is authorized to issue, amend, and revoke such regulations as he deems necessary to carry out his functions under this title.

"(d) The Secretary is authorized to establish a schedule of fees, not to exceed $2 for each firearm, to be paid by each person (other than a manufacturer, importer, dealer or pawnbroker, acting in a commercial capacity) filing a statement under the provisions of this title. The Secretary may authorize each local law enforcement officer designated to forward statements filed under the provisions of this title to retain a portion, not to exceed 50 per centum, of each such fee.

"Sec. 404. (a) The provisions of this title shall not apply to a resident (other than a manufacturer, importer, dealer, or pawnbroker, acting in a commercial capacity) of any State which has enacted or shall enact legislation that establishes an inventory of firearms, including information at least as detailed as that required by this title, and that provides penalties at least as severe as are contained in this title.

"(b)(1) The Secretary is authorized to enter into agreements with any State agency designated by the Governor for the purposes of this title in any State eligible for exemption under the provisions of this section to pay the costs of furnishing the information collected in each such State to the inventory established under the provisions of this title.

"(2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

"Sec. 405. (a)(1) Any person who violates the provisions of this title or any regulation issued thereunder shall be subject to a penalty which, in the case of the first offense shall be an amount not to exceed $100, in the case of the second offense by the same person shall be an amount not to exceed $1,000, and in the case of a subsequent offense by the same person shall be an amount not to exceed $5,000.

"(2) The provisions of paragraph (1) of this subsection shall not apply to any officer of a designated local law enforcement agency in the course of his official duties.

"(b) Whoever knowingly and willfully makes a false statement on any statement required to be forwarded under this title shall be deemed to have violated the provisions of section 1001 of title 18 of the United States Code.

"(c) Except as provided in subsection (b), no information or evidence obtained from a statement required to be filed by a natural person in order to comply with any provision of this title shall be used as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the statement containing the information or evidence.

"Sec. 406. Only upon the request of a law enforcement agency of a State, political subdivision thereof, or a Federal department or agency shall the Secretary furnish information contained in the inventory established pursuant to this title and such information shall be furnished only to the requesting party.

"Sec. 407. As used in this title—

"(1) the term 'person' includes any individual, corporation, company, association, firm, partnership, society, or joint stock company;

"(2) the term 'fireram' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device. Such term shall not include an antique firearm or an unserviceable firearm possessed and held as a curio or museum piece;

"(3) the term 'destructive device' means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term 'destructive device' shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury or his delegate finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes;

"(4) the term 'importer' means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution;

"(5) the term 'manufacturer' means any person engaged in the manufacture of firearms or ammunition for purposes of sale or distribution;

"(6) the term 'dealer' means (A) any person engaged in the business of selling firearms or ammunition at wholesale or retail, or (B) any person engaged in the business of repairing such firearms or of making or fitting special barrels, stocks, or trigger mechanisms of firearms;

"(7) the term 'pawnbroker' means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearms or ammunition as security for the payment or repayment of money;

"(8) the term 'transfer' shall not include the temporary loan of a firearm for lawful purposes and for periods of less than eight days;

"(9) the term 'possession' shall not include the temporary receipt of a firearm for lawful purposes and for periods of less than eight days;

"(10) the term 'antique firearm' means any firearm of a design used before the year 1870 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1870, but not including any weapon designed for use with smokeless powder or using rimfire or conventional center-fire ignition with fixed ammunition;

"(11) the term 'State' includes each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and American Samoa; and

"(12) the term 'Secretary' means the Secretary of the Treasury or his designee.

"Sec. 408. This title shall take effect on July 1, 1969."

Mr. BROOKE. I yield 1 minute to the Senator from Alabama.

EXTENSION OF AUTHORITY RELATING TO REGULATIONS OF MAXIMUM RATES OF INTEREST OR DIVIDENDS IN AGENCY ISSUES

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3133.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3133) to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues, which was, strike out all after the enacting clause and insert:

Section 1. Section 7 of the Act of September 21, 1966 (Public Law 89–597; 80 Stat. 823) is amended to read:

"Sec. 7. Effective September 22, 1969—

"(1) so much of section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) as precedes the third sentence thereof is amended to read as it would without the amendment made by section 2(c) of this Act;

"(2) the second and third sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are amended to read as they would without the amendment made by section 3 of this Act; and

"(3) section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is repealed."

Sec. 2. (a) The first sentence of section 19(j) of the Federal Reserve Act (12 U.S.C.

731b) is amended by changing "limit by regulation" to read "prescribe rules governing the payment and advertisement of interest on deposits, including limitations on".

(b) The second sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by changing "limit by regulation" to read "prescribe rules governing the payment and advertisement of interest on deposits, including limitations on".

(c) The first sentence of section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended by changing "limit by regulation" to read "prescribe rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts, including limitations on".

SEC. 3. (a) The first sentence of the eighth full paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 347) is amended by inserting ", or secured by such obligations as are eligible for purchase under section 14(b) of this Act" immediately before the period at the end thereof.

(b) The first sentence of the last full paragraph of such section (12 U.S.C. 347c) is amended by inserting "or by any obligation which is a direct obligation of, or fully guaranteed as to principal and interest by, any agency of the United States" immediately before the period at the end thereof.

SEC. 4. Section 5A of the Federal Home Loan Bank Act is amended to read as follows:

"SEC. 5A. (a) The purpose of this section is to provide a means for creating meaningful and flexible liquidity in savings and loan associations and other members which can be increased when mortgage money is plentiful, maintained in easily liquidated instruments, and reduced to add to the flow of funds to the mortgage market in periods of credit stringency. More flexible liquidity will help support two main purposes of the Federal Home Loan Bank Act—sound mortgage credit and a more stable supply of such credit.

"(b) Any institution which is a member or which is an insured institution as defined in section 401(a) of the National Housing Act shall maintain the aggregate amount of its assets of the following types at not less than such amount as, in the opinion of the Board, is appropriate: (1) cash, (2) to such extent as the Board may approve for the purpose of this section, time and savings deposits in Federal Home Loan Banks and commercial banks, and (3) to such extent as the Board may so approve, such obligations, including such special obligations, of the United States, a State, any territory or possession of the United States, or a political subdivision, agency, or instrumentality of any one or more of the foregoing, and bankers' acceptances, as the Board may approve. The requirement prescribed by the Board pursuant to this subsection (hereinafter in this section referred to as the 'liquidity requirement') may not be less than 4 per centum or more than 10 per centum of the obligation of the institution on withdrawable accounts and borrowings payable on demand or with unexpired maturities of one year or less or, in the case of institutions which are insurance companies, such other base or bases as the Board may determine to be comparable.

"(c) The amount of any institution's liquidity requirement, and any deficiency in compliance therewith, shall be calculated as the Board shall prescribe. The Board may prescribe different liquidity requirements, within the limitations specified herein, for different classes of institutions, and for such purposes the Board is authorized to classify institutions according to type, size, location, rate of withdrawals, or, without limitation by or on the foregoing, on such other basis or bases of differentiation as the Board may deem to be reasonably necessary or appropriate for effectuating the purposes of this section.

"(d) For any deficiency in compliance with the liquidity requirement, the Board may, in its discretion, assess a penalty consisting of the payment by the institution of such sum as may be assessed by the Board but not in excess of a rate equal to the highest rate on advances of one year or less, plus 2 per centum per annum, on the amount of the deficiency for the period with respect to which the deficiency existed. Any penalty assessed under this subsection against a member shall be paid to the Federal Home Loan Bank of which it is a member, and any such penalty assessed against an insured institution which is not a member shall be paid to the Federal Savings and Loan Insurance Corporation. The right to assess or to recover, or to assess and recover, any such penalty is not abated or affected by an institution's ceasing to be a member or ceasing to be insured. The Board may authorize or require that, at any time before collection thereof, and whether before or after the bringing of any action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, any such penalty or recovery be compromised, remitted, or mitigated in whole or part. The penalties authorized under this subsection are in addition to all remedies and sanctions otherwise available.

"(e) Whenever the Board deems it advisable in order to enable an institution to meet withdrawals or to pay obligations, the Board may, to such extent and subject to such conditions as it may prescribe, permit the institution to reduce its liquidity below the minimum amount. Whenever the Board determines that conditions of national emergency or unusual economic stress exist, the Board may suspend any part or all of the liquity requirements hereunder for such period as the Board may prescribe. Any such suspension, unless sooner terminated by its terms or by the Board, shall terminate at the expiration of ninety days next after its commencement, but nothing in this sentence prevents the Board from again exercising, before, at, or after any such termination, the authority conferred by this subsection.

"(f) The Board is authorized to issue such rules and regulations, including definitions of terms used in this section, to make such examinations, and to conduct such investigations as it deems necessary or appropriate to effectuate the purposes of this section. The reasonable cost of any such examination or investigation, as determined by the Board, shall be paid by the institution. In connection with any such examination or investigation the Board has the same functions and authority that the Federal Savings and Loan Insurance Corporation has under subsection (m) of section 407 of the National Housing Act, and for purposes of this subsection the provisions of said subsection (m), including the next to last sentence but not including the last sentence, and the provisions of the first sentence of subsection (n) of that section are applicable in the same manner and to the same extent that they would be applicable if all reference therein to the Corporation were also references to the Board and all references therein to that section or any part thereof were also references to this section."

SEC. 5. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting immediately before the last paragraph thereof the following new paragraph:

"Any such association may invest in any investment which, at the time of the making of the investment, is an asset eligible for inclusion toward the satisfaction of any liquidity requirement imposed on the association pursuant to section 5A of the Federal Home Loan Bank Act, but only to the extent that the investment is permitted to be so included under regulations issued by the Board pursuant to that section, or is otherwise authorized."

SEC. 6. (a) Section 404(d) of the National Housing Act (12 U.S.C. 1727(d)) is amended to read as follows:

"(d)(1) Except as otherwise provided in this section, each insured institution shall pay to the Corporation, with respect to any calendar year in which it has a net account increase (as defined in paragraph (2) of this subsection), at such time and in such manner as the Corporation shall by regulations or otherwise prescribe, an additional premium (referred to in this subsection as the 'additional premium') in the nature of a prepayment with respect to future premiums of the institution under subsection (b) of this section. Any additional premium, when paid, shall be credited to the secondary reserve.

"(2) The 'net account increase', if any, for any insured institution with respect to any calendar year is equal to the amount, if any, by which the total of all accounts of its insured members at the end of that year exceeds the largest of the following:

"(A) the total of all accounts of its insured members at the close of the most recent day, if any, after 1965 on which it became an insured institution.

"(B) the total, of all accounts of its insured members at the close of the year in which it most recently became an insured institution, or at the close of 1966, whichever is later.

"(C) the largest total of all accounts of its insured members at the close of any year after the most recent year referred to in subparagraph (B).

"(3) The additional premium, if any, for any institution with respect to any calendar year shall be equal to 2 per centum of its net account increase, computed in accordance with paragraph (2) of this subsection, less an amount equal to any requirement, as of the end of that year, for the purchase of Federal Home Loan Bank stock in accordance with section 6(c) of the Federal Home Loan Bank Act and without regard to any net increase during that year in its holdings of such stock, except that the additional premium for any institution for the first calendar year following the calendar year in which it becomes an insured institution shall not be less than 1 per centum of its net account increase for the year in which it becomes an insured institution. The Federal Home Loan Bank Board shall by regulations or otherwise provide for the furnishing to the Corporation of all necessary information with respect to Federal Home Loan Bank stock.

"(4) The Corporation may provide, by regulation or otherwise, for the adjustment of payments made or to be made under this subsection and subsections (b) and (c) of this section in cases of merger or consolidation, transfer of bulk assets or assumption of liabilities, and similar transactions, as defined by the Corporation for the purposes of this paragraph."

(b) The amendment made by subsection (a) of this section shall be effective only with respect to additional premiums due with respect to calendar years beginning after 1968.

And amend the title so as to read: "An act to extend for 1 year the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts, and for other purposes."

Mr. SPARKMAN. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

Mr. **BROOKE**. Mr. President, I yield 1 minute to the distinguished Senator from North Carolina.

MILITARY JUSTICE

Mr. **ERVIN**. Mr. President, on June 26, 1967, I introduced S. 2009, the proposed Military Justice Act of 1967, designed to revise and perfect certain aspects of the system of justice administered in the Armed Forces. I noted at the time that the bill was the product of almost 10 years of painstaking work by the Senate Subcommittee on Constitutional Rights, and had as its purpose the modernization of a system of justice untouched for almost two decades.

The bill is divided into five titles. Title I contains a code of procedure for military boards empowered to issue administrative discharges under other than honorable conditions based upon alleged fault or misconduct. Title II provides for the formation of a separate corps for Navy lawyers. Title III contains numerous important changes to the Uniform Code of Military Justice, the statutory code which governs the system of criminal law enforced through the court-martial structure of the Armed Forces. Title IV provides for the transformation of military boards of review—the military intermediate appellate bodies—into "Military Courts of Review." Title V provides for the consolidation of the present service records-correction boards into a single Board for the Correction of Military Records under the Department of Defense, to promote uniformity among the implementing regulations promulgated and enforced by the individual services.

The bill represented the best efforts of the subcommittee to avoid stifling the military with detailed and inflexible legislation, while still accomplishing the major reforms needed to give the serviceman rights comparable to those he would enjoy as a civilian under recent Supreme Court decisions and applicable State and Federal laws.

I am pleased to say that the purpose of title II—a separate Judge Advocate Corps for the Navy—has been accomplished by independent legislation. But my hopes that the Senate would act on the remainder of S. 2009 during this Congress have not been realized.

The House of Representatives, however, has recently passed a bill providing for some reform of the military justice system—H.R. 15971, introduced and guided through the House by Congressman BENNETT, of Florida. The bill is decidedly not an acceptable substitute for S. 2009. The House bill does not deal at all with the acutely deficient area of administrative discharge proceedings, nor does it make any changes in the military appellate structure. It deals only with changes in the system of criminal justice enforced by courts-martial under the Uniform Code of Military Justice. Even in that area, the bill does not, in my view, contain the minimum reforms necessary to return the military system of criminal justice to the leading position in American law it attained with enactment of the Uniform Code in 1950. I, therefore, have submitted to the Senate Armed Services Committee, which has the House bill under consideration, a number of amendments which would incorporate into the legislation several provisions contained in the comparable titles of S. 2009 but not contained in the House-passed bill. I have every reason to believe that the committee will approve these amendments and I hope the legislation, as amended, will be promptly passed by the Senate in order that this long-overdue legislation can be enacted into law by this Congress.

Two of the amendments I have proposed would provide for legally qualified defense counsel in all special courts-martial and, in addition, for a presiding military judge in any special court-martial authorized to adjudge a bad conduct discharge. At present lawyer-counsel and presiding "law officers" are required in the general court-martial—the highest military trial court, which can impose any penalty authorized by the Uniform Code, including the death penalty. But legally qualified counsel and presiding law officers are not required in the special court-martial, the intermediate military trial court, although that tribunal is authorized by the code to impose a sentence of 6 months' confinement and a bad conduct discharge. My amendments would cure these shortcomings.

In this regard, Mr. President, I would like to invite the attention of the Senate to a number of recent articles supporting my proposed bill, S. 2009, in general, and the right-to-counsel and military-judge provisions in particular. I hope my colleagues will read these articles and be persuaded, as I am, that we must provide members of our armed services with the protection of legally qualified counsel in courts-martial empowered to impose such a severe penalty as 6 months in confinement, and with the additional protection of a lawyer-judge to preside over a court-martial empowered to adjudge a bad conduct discharge which will stigmatize the recipient for life.

I ask unanimous consent that the following articles be printed at this point in the RECORD:

An article by Edward F. Sherman, of Harvard University, entitled "The Right to Competent Counsel in Special Courts-Martial," which appeared in the September 1968 issue of the American Bar Association Journal at pages 866–871.

An article by Dana Bullen entitled "Military Lawyers Without License," which appeared on the editorial page of the Washington Evening Star on September 13, 1968.

Excerpts from an article by Maj. Barrett S. Haight, U.S. Army, entitled "The Proposed Military Justice Act of 1967: First-Class Legislation for Second-Class Citizens," which appeared in volume 72, Dickinson Law Review at pages 92–143.

An article which I wrote entitled "Military Justice Act: Time for Revision," which appeared in the February–March 1968 issue of Trial magazine, published by the American Trial Lawyers Association, and which was reprinted in full in the New York Law Journal on May 17, 1968.

An article entitled "Comment: Right to Counsel and the Serviceman," which appeared in volume 15, Catholic University Law Review at pages 203–233.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the AMA Journal, September 1968]

THE RIGHT TO COMPETENT COUNSEL IN SPECIAL COURTS-MARTIAL

(By Edward F. Sherman)

(NOTE.—The special court martial is the intermediate court of the Armed Forces, with jurisdiction over any noncapital offense under the Uniform Code of Military Justice. Counsel in special court-martial cases need not be lawyers, and in fact few of them are in special courts-martial of the Army and the Navy. Mr. Sherman argues that the time has come to change this practice and ensure that servicemen are always represented by competent lawyers at such trials.)

One of the traditional duties of a commissioned officer in the American military has been to act as counsel in court-martial trials. In the days when the court-martial was primarily a disciplinary proceeding without complicated legal procedures, officers without legal training were usually capable of performing the limited functions required of counsel. But as drumhead justice gave way to the modern court martial, it became more difficult for officers untrained in the law to understand the legal issues involved. Realizing the inadequacy of nonlawyer counsel, Congress made the requirement in the 1951 Uniform Code of Military Justice that counsel in general courts-martial must be lawyers.[1] The requirement, however, was not extended to special courts martial because of the scarcity of military lawyers, and special courts-martial today are still using nonlawyer officers as counsel. The practice has been condemned by judges, attacked by legal scholars, and challenged in both the courts and Congress, but, like many a time-honored tradition, it does not die easily.

A 1967 decision of the Court of Military Appeals has now cast further doubt on the practice of using nonlawyers in special courts martial. In *United States* v. *Tempia*,[2] the court held that the *Miranda*[3] principles apply to military interrogations of criminal suspects, and so a serviceman must be given the same rights during interrogation (to be told that he may remain silent, that anything he says may be used against him, and that he will be provided a lawyer without charge upon reqeust if he cannot afford one) as a civilian possesses. Thus, after *Tempia*, illogical as it sounds, a serviceman is entitled to an appointed lawyer during interrogation but not in his special court-martial trial. This anomalous situation is a good example of what happens when constitutional standards are applied to certain military law procedures, but the special court-martial practice of using nonlawyer counsel is permitted to continue. It is an indication of the weakness of the special court-martial practice, both on constitutional and policy grounds.

CONSTITUTIONAL QUESTIONS

The special court martial is the intermediate military tribunal, standing between the general court martial in which the accused can receive a heavy sentence[4]—and in which he is provided a lawyer—and the summary court martial in which the accused is not entitled to counsel but can receive only minor punishments (one month's confinement at hard labor, one month's forfeiture of two-thirds pay, extra duties and restriction).[5] A special court martial may try any noncapital offense punishable by the Uniform Code of Military Justice,[6] but its maximum sentence is six months' confinement at hard labor, six months' forfeiture of two-

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thirds pay, demotion and a bad conduct discharge.[7]

When the Uniform Code was passed in 1951, it was provided that an accused in a special court martial may be represented by his own civilian lawyer or by a military lawyer of his own selection "if reasonably available"[8] or if he does not hire a lawyer and a military lawyer is not provided, by an appointed nonlawyer defense counsel.[9] This provision for counsel was considered more than adequate at the time and, in fact, exceeded the right to counsel provided in most state and federal courts. Then in 1963, the Supreme Court held in *Gideon* v. *Wainwright*[10] that the Sixth Amendment right to counsel as applied to the states by the Fourteenth Amendment due process clause requires that an indigent be provided legal counsel in the trial of a felony case. Courts around the country scurried to comply with the new requirement, but the military took the position that courts martial are not bound by these constitutional limitations and made no move to provide lawyers in special courts.

The claim that military courts are not bound by all the limitations of the Bill of Rights comes from the fact that Article I, Section 8, Clause 14 of the Constitution gives Congress the power to "make Rules for the Government and Regulation of the land and naval Forces". This provision has been interpreted over the years as establishing a relatively autonomous system of military law in which the due process rights of servicemen derive not from the Bill of Rights but from Congress under its Article I powers. In recent years, however, the Court of Military Appeals has held that portions of the Bill of Rights apply to courts martial,[11] and the Supreme Court has extended federal court review of court-martial convictions to claims of denial of constitutional rights.[12] Thus, although there is still a question as to the extent to which the Bill of Rights, particularly the Sixth Amendment, applies to courts martial there is no longer doubt that the court-martial procedures established by Congress are subject to constitutional limitations.

The hub constitutional issue, then, is whether the special court-martial practice of providing nonlawyer counsel meets the requirements of the Sixth Amendment right to counsel and Fifth Amendment due process. The Court of Military Appeals (in *United States* v. *Culp*)[13] and the Tenth Circuit (in *Kennedy* v. *Commandant*)[14] have held that it does. There was no majority opinion in *United States* v. *Culp*, in which all three judges concurred, but Judge Kilday found that due process is complied with (although he believes the Sixth Amendment does not apply to courts martial), Judge Quinn found nonlawyer counsel to be a reasonable compliance with the Sixth Amendment and Judge Ferguson found no violation of the Sixth Amendment because the accused waived his right by accepting nonlawyer counsel. The Tenth Circuit in *Kennedy* v. *Commandant* adopted Judge Quinn's analysis that there is reasonable compliance with the Sixth Amendment.

The two courts avoided *Gideon* by finding that, owing to the "singular nature" of the special court martial—that is, that typically it tries military and misdemeanor offenses, that the procedures are simplified and that the prosecutor must not be a lawyer when the defense counsel is not a lawyer[15]—nonlawyer officers can provide adequate legal representation. *Gideon* specifically involved an indigent charged with a felony in a civilian trial. Whether the *Gideon* rationale should be extended to the special court martial raises several questions: First, can a soldier in a special court martial, no matter how impecunious, be considered an indigent so that he is entitled to appointed counsel? Second, is a special court-martial offense, which can be punished only by a maximum of six months' confinement, comparable to a felony, so that counsel is required? Third, in order to comply with the Sixth Amendment, must the appointed counsel be a lawyer or is an officer who has had classes in military law sufficient?

(1) Whether a soldier qualifies as an indigent would have to be decided on a case-by-case basis. Most enlisted men's pay is so low and savings so small that they would meet the usual standards for indigency applied in civilian courts. However, Judge Kilday maintains in his opinion in *United States* v. *Culp* that members of the military can never be indigents because they are always guaranteed representation in a special court martial.[16] The difficulty with this argument is that it begs the question by assuming that a nonlawyer counsel actually does provide adequate legal representation. If nonlawyer counsel is not adequate, and a strong argument can be made that no nonlawyer can provide adequate representation, then the serviceman is in the same position as an indigent in a civilian court before the decision of *Gideon*. Each is being deprived of adequate representation because he does not have the money to hire a lawyer.

(2) The term "felony" usually refers to an offense punishable by confinement in a penitentiary for more than one year. A majority of special courts martial involve such offenses as AWOL, drunkeness, breaking restrictions and destruction of government property. These are either not civilian crimes or would not be felonies if tried in a civilian court. However, a special court has jurisdiction to try all noncapital offenses under the code, and felonious crimes such as manslaughter, grand larceny and aggravated assault are also tried there. The maximum confinement which a special court can adjudge is only six months, but the total potential punishments are so great (six months' forfeiture of two-thirds pay can amount to some $2,000 for a ranking NCO and more for an officer, demotion will affect both future earnings and career, and a bad conduct discharge may be a lifetime liability) that it is comparable in seriousness to a civilian felony trial.

There is also precedent to extend the *Gideon* rule to nonfelonies. Two Fifth Circuit cases involving misdemeanors have held that counsel is constitutionally required, rejecting the formal distinction between felony and misdemeanor as having little to do with the *Gideon* rationale and instead relying on such factors as the nature of the offense, the extent of the possible sentence and the legal complexity of the case.[17] *Application of Stapley*,[18] a 1965 decision of the United States District Court for Utah, offered a similar analysis. There, a 19-year-old private charged with fraud was refused a lawyer in a special court martial and was represented by an appointed captain in the Veterinary Corps who confused the elements of a key defense and incorrectly advised a guilty plea on all charges. The court found the representation inadequate and held that because the charges involved moral turpitude and there was a risk of substantial incarceration, the Sixth Amendment right to counsel applied. This type of approach seems to be a reasonable application of *Gideon* to the court martial situation, and, under it, most special courts martial would require legally trained counsel.

(3) Although *Gideon* does not specifically state that the "counsel" required by the Sixth Amendment must be a lawyer, the Court imputes legal proficiency to counsel that could only refer to legally trained counsel. There was really no reason for the Supreme Court to specify that it meant a lawyer because only members of the Bar may be admitted to practice before a civilian court. Both the *Culp* and *Kennedy* decisions, however, maintain that the Sixth Amendment requirement of counsel may be met by an officer who has had classes in military law. Thus a key element of the constitutional position taken in *Culp* and *Kennedy* is that nonlawyer officers have enough legal training to provide adequate representation in the simplified special court-martial trial.

ARE NONLAWYER COUNSEL ADEQUATE?

Anyone who has had personal experience with the training in military law given to ROTC and OCS candidates and who has observed nonlawyer officers trying special court martial cases is likely to wonder at the judges' faith in the legal abilities of such officers. The fact is that the average officer has little knowledge of military law, and the contention that he is capable of serving in a special court martial because it is a simpler type of trial is an unfortunate piece of logic that should be seriously examined by the legal profession.

The special court marital, despite the claims that it is a simplified proceeding, purports to provide a full jury trial, to follow the same basic judicial procedures to insure due process as in a general court martial, and to be bound by legal statutes and precedents. Complex problems of admissibility of evidence, instructions and charges, and interpretation of statutes and cases are very much a part of the special court martial. To argue that a nonlawyer, even one who has had considerable experience in special courts martial, brings the same *expertise* to such a trial as a lawyer who has spent three years learning the basic knowledge of his profession is like arguing that a medical aid man who has performed field operations should be given a doctor's license. Some nonlawyers, of course, have performed admirably as counsel in special courts martial. But the facts remains that the nonlawyer, no matter how experienced or well-intentioned, has only a superficial understanding of the legal method, the role of statutes and precedent, the background of legal defenses and rules of evidence, and the concepts of constitutional law. His lack of depth in the law could mean, at a hundred different points in the trial, that the accused will not receive adequate representation.

Despite assurances by the military that nonlawyers provide adequate representation in special courts, few persons who have been closely involved in special courts-martial have illusions about the quality of representation. An Army JAG captain, for example, wrote in the *Military Law Review* in 1962:

> "Since legally trained personnel are not required on special courts-martial (even the President of the court need not be and usually is not a lawyer), it takes little imagination to guess the quantity of legal errors and the quality of fairness and justice afforded an accused before this tribunal in comparison with a general court-martial."[19]

Judge Ferguson wrote in *Culp* one of the strongest denunciations of the use of nonlawyers in special courts-martial:

> "An officer of the armed services of necessity cannot receive the training required to perform adequately as counsel for an accused. . . . To me it is just unthinkable to conclude that the best intentioned layman can be taught by attendance at a few generalized lectures to become a capable representative of another in a criminal prosecution."[20]

A number of special court-martial cases have been reversed for inadequate representation by nonlawyers.[21] Many more special court-martial errors are never reviewed by an appellate court[22] or appellate review is severly limited because a verbatim transcript has not been made[23] or because the record is too skimpy (as the Subcommittee on Constitutional Rights of the Senate Judiciary Committee has stated, "evidence or information favorable to the accused may not be placed in the records by a counsel who be-

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Footnotes at end of article.

cause of his lack of legal training does not recognize what evidence would probably benefit the accused").[24] Judge Ferguson spoke in *Culp* of the frustrations of trying to review a special courts-martial where the defendant pleaded guilty: "How are we to know the real truth of the matters involved if the accused upon the advice of a nonlawyer chooses to confess his guilt judicially and nothing is placed in the record to support the validity of his plea except a formula prated from the Manual?"[25]

It can be anticipated that with the enlarged scope of federal habeas corpus review, there will be an increase in applications to federal courts by servicemen who have been convicted in special courts martial after being refused a lawyer. The special court martial without lawyers does not have a very successful record, and the road ahead is even rockier. It is becoming increasingly difficult to avoid the conclusion that the practice of law by nonlawyers has not proved any more successful in the military than it has elsewhere.

A TRULY ADVERSARY PROCEEDING?

Special courts martial without lawyers frequently do not constitute a truly adversary proceeding. Take a typical Army special court martial. A junior officer, often a lieutenant, will usually be appointed defense counsel as an additional duty in order to "give him some court-martial experience" or because officers of higher grade are too busy. Upon appointment, he will be provided the 144-page *Military Justice Handbook* and the 600-page *Manual for Courts-Martial, 1951*. The commander is required by regulation to "assure himself" that counsel "are currently familiar" with the *Handbook*,[26] but this is a mere formality because officers, due to the press of other duties, rarely devote much study to it or the *Manual*. Judge Quinn wrote in *Culp* that the nonlawyer officer, "with a full knowledge of the Uniform Code and of the procedural regulations"[27] is competent to give legal assistance, and the Tenth Circuit in *Kennedy* spoke confidently of the requirement that every officer be familar with the code and understand the substance of military crimes.[28] The courts, unfortunately, are indulging in sheer fantasy. Most officers have only the haziest notion of what the code is all about, and if you can find one officer in ten who has actually read fifty pages of the code, the *Manual* or the *Handbook* you are extremely lucky.

The amount of time which a counsel devotes to investigating and preparing the case varies with the type of case and the initiative of the officer, but few will undertake the type of thorough investigation, search for witnesses and evidence, and legal preparation which are standard procedures for a competent criminal lawyer. Counsel often fails to make adequate investigation and preparation not because of laziness but because of lack of appreciation of the facts, evidence, witnesses and legal precedents he will require to present an effective defense.

The actual special court-martial trial runs according to the script in the back of the *Manual*. The script is helpful to the nonlawyer participants in insuring that they do not forget any of the necessary elements of the trial, but it has the disadvantage of formalizing what should be an adversary proceeding into a static ritual. Thus, it is not uncommon for a special court martial to be reduced to a recitation from the script, the president and counsel reading back and forth to each other, garbling the unfamiliar legal terms, mistakenly reading beyond their appropriate sections and missing the cues for raising objections and defenses.

A military officer, although not a lawyer, does have the benefit of understanding the psychology and thought processes of the officers on the court. But his military attitudes may also mitigate against his being a good defense counsel. It may be difficult for him to withstand pressures from his commander, and he may be reluctant to take a strongly adversary position before a court of officers of higher grade. Nonlawyers often equate guilt in fact with guilt under the law and lack the background in professional ethics which may help a lawyer to avoid either overzealousness or underzealousness. In Judge Ferguson's words:

> "Laymen will never understand an attorney's devotion to the interests of an obviously guilty client or the single-minded loyalty to the latter's cause which almost unexceptionally characterizes the practice of law."[29]

It has been shown that nonlawyers are more likely to advise the accused to plead guilty and not to bargain for a lesser sentence[30] and are less likely to make pretrial motions, such as for the suppression of evidence and confessions, to make timely objections to questions and evidence and to cross-examine witnesses. Finally, although legal training does not insure an effective trial manner, a lawyer with some training in advocacy is more likely to make an effective presentation both in the trial and prior to sentencing. All told, the nonlawyer lacks so much knowledge and training that the adversary nature of the special court martial is seriously threatened.

CONGRESSIONAL CONSIDERATIONS

An omnibus bill on military justice has been under consideration by the Subcommittee on Constitutional Rights of the Senate Judiciary Committee since 1958. Most prior versions of the Senate bill and similar bills offered in the House by Congressman Bennett, one of which was passed by the House on June 3 of this year,[31] include a provision that a bad conduct discharge cannot be adjudged by a special court martial unless the accused was afforded the opportunity to be represented at the trial by a lawyer. However, the Senate bill introduced last session by Senator Ervin, Chairman of the Subcommittee on Constitutional Rights, replaced this provision with the stronger requirement that lawyers be provided in all special courts martial[32] and Congressman Gonzalez introduced a bill with a similar provision in the House.[33] The military services have reluctantly approved of the provision for counsel before a bad conduct discharge can be adjudged but are strongly opposed to requiring lawyers in all special courts.

The provision that counsel must be provided only when a bad conduct discharge is adjudged is so watered down that it will not substantially remedy the present situation and, if passed, it may blunt the impetus for reform and prevent the passage of a stronger provision for years to come. It will not apply at all to Army special courts martial (which constitute almost two thirds of the total military special courts) because Army regulations do not permit special courts to adjudge bad conduct discharges.[34] The Air Force already provides lawyers in all special courts,[35] and so only the Navy would be affected. The provision would not apply to those Navy special courts martial in which a bad conduct discharge is not a possible penalty, and the Navy could avoid the provision entirely simply by not permitting its special courts to adjudge bad conduct discharges as does the Army. There are indications, however, that the Navy would not give up the power to adjudge bad conduct discharges in special courts and so would attempt to provide lawyers in courts where that penalty could be given. A reform provision that has this little effect can scarcely be said to provide a solution to the serious problems posed by special courts without lawyers.

The opposition of the military to providing lawyers in special courts martial has traditionally been based on the philosophy that the special court martial is a disciplinary, rather than a judicial, proceeding and should be controlled and administered by the commander and his officers without unnecessary legal formalities. However, this "disciplinary" view has gradually lost ground as special courts martial have been required in recent years to adopt most of the due process procedures followed in general courts (except for use of lawyers). Congress' amendment of the code in 1962 to permit a commander to assess greater penalties under Article 15[36] has further hastened the progress of the special court away from the disciplinary philosophy since now that a commander can sentence an offender to up to one month's correctional custody (plus fines, restrictions and demotions), there is less need to use a court martial to discipline offenders. As a result, summary courts martial are used less frequently these days,[37] and the special court martial, with its six-months' confinement power, should be made a full-fledged judicial proceeding where an accused can receive a fair trial and be represented by a lawyer.

The military's primary argument against providing lawyers in special courts-martial is that, as stated by the Army in its *amicus* brief in *United States* v. *Culp*, "there are simply not enough lawyers to go around". The argument is based upon estimates that the JAG Corps would have to be doubled in size to provide lawyers in all special courts-martial.[38] This would mean some 1,200 new Army JAG officers and 600 Naval law specialists.[39] A sudden need for twice as many military lawyers would undoubtedly cause administrative problems, but rapid expansion is nothing new to the military, and there is no reason to believe the military could not handle it. The legal corps had to expand suddenly in World War II when the Army JAG Department went from 190 officers in 1941 to 2,162 in 1945,[40] and in the Korean War when 400 Army Reserve JAG officers were called to active duty,[41] and this could be done again. Doubling the JAG Corps is actually less of a problem today than in World War II or the Korean War, and Reserves should not be needed, because there is today a large reservoir of legal manpower—the graduating law students—which can easily be tapped for the manpower needs.

One of the ironies of the present situation is that while the military maintains that it cannot provide lawyers in special courts because there aren't enough military lawyers, thousands of recent law school graduates are being refused by the JAG Corps and being taken into the military in nonlegal jobs. There are few greater wastes in our society than having lawyers do nonlegal jobs while nonlawyers try special court-martial cases. More than 15,000 law students are graduated from law schools each year, and the Army and Air Force JAG Schools and the Naval Justice School are flooded with more than ten applications for every available space.[42] Since it is a buyer's market,[43] JAG Corps are accepting applicants only for obligated tours of four years or more, and the majority of unsuccessful applicants are faced with military service in a nonlegal capacity.

Many lawyers who are taken into the military in a nonlegal position (either as an enlisted man or with a non-JAG commission from ROTC or OCS) naturally hope that they may be able to do some legal work in the service, or at least be assigned as a special court-martial counsel as additional or temporary duty. They quickly find that things aren't done that way in the military. The Army has taken the position that lawyers are not used in special courts-martial, and since appointment of a lawyer as a counsel might mean that the other counsel and possibly the president would also have to be lawyers, lawyers are passed over in favor of nonlawyers for special court-martial counsel.

Footnotes at end of article.

The Navy has been better than the Army in attempting, when possible, to assign lawyers who are not legal specialists to special court-martial work, which partly accounts for its providing legally trained counsel in 42.03 per cent of its special courts as compared to only 5 per cent for the Army.[44]

It is about time that the military stop hiding behind the legal manpower argument and begin to do some creative thinking about how to train and utilize recent law graduates for special court-martial work. The lawyers' corps have been unduly concerned with maintaining a high percentage of career officers[45] and should accept the fact that young, noncareer JAG officers, like the young lawyers in a D.A.'s office, are quite capable of bearing the burden of the litigation work in special courts martial.

One way to train the military lawyers needed for special court martial work is to enlarge the facilities of the Army JAG School at Charlottesville, Virginia, and the Naval Justice School at Newport, Rhode Island, or to establish JAG training schools at other sites. Another possibility is to give law students military law training in conjunction with the ROTC program so that they can be commissioned in the JAG Corps upon graduating and passing their bar examination. A number of law schools now offer ROTC programs, and applications have been stimulated by the fact that ROTC provides a deferment for the student to finish law school. It is short-sighted of the military to continue to commission these law graduates in combat branches, and consideration should be given to devising an ROTC program which would include training in military law (perhaps with one or two summer's additional training) so that they could be commissioned in the JAG Corps. Finally, the military should consider establishing a category for lawyers on active duty whose commissions are in other branches than JAG which would qualify them (after taking a short military law course or passing a qualifying exam) to serve as special court martial counsel when appointed as an additional or temporary duty.

The Navy has special problems. It has testified that 10 per cent of its special courts in 1965 were conducted at sea on ships "which cannot afford the luxury of carrying a law officer", while 24 per cent were conducted by "relatively isolated commands" which do not have enough case load to justify a full-time law officer.[46] Two feasible methods of providing lawyer counsel for ships which cannot carry a lawyer have been used in recent years: the establishment of "dockside courts"[47] whereby larger ships provide the court-martial personnel and counsel for smaller vessels, and the use of "circuit-rider" lawyers in task forces or carriers who would try cases either by going to the small craft by boat or helicopter or by bringing the accused to the large craft. Crimes committed on a small vessel at sea will have to be tried, as are most serious crimes now, when the vessel reaches port or can obtain legal support from another vessel. For those cases where a ship or submarine is isolated for an extended period, provision may have to be made to give the accused his choice of a speedy trial without a lawyer or a delayed trial with a lawyer. The Navy will have to work out its logistical problems, but with some effort and additional lawyers, it can provide lawyers in special courts.

CONCLUSION

The special court-martial practice of using nonlawyers as counsel does not do credit to the military nor serve the ends of justice. Judicial action to declare the practice unconstitutional is slow and uncertain, and so Congressional action is especially needed if reform is to take place in the near future. The manpower problem can be solved, and, in fact, the unfortunate misuse of the skills of many lawyers serving in the military can be corrected in the process.

FOOTNOTES

[1] Uniform Code of Military Justice, 10 U.S.C. § 864 (hereinafter referred to as UCMJ), art. 27(b).

[2] 16 U.S.C.M.A. 629, 37 C.M.R. 249 (1967).

[3] *Miranda* v. *Arizona,* 384 U.S. 437 (1966).

[4] UCMJ, art. 18.

[5] UCMJ, art. 20.

[6] The special court martial is the most used military court, comprising two thirds of the total courts martial. In fiscal year 1965, the Army had 24,813 special courts martial, the Navy and Marine Corps 13,174, and the Air Force 2,057. *Joint Hearings on S. 745–62, S. 2906–7, Part 3 Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary,* 89th Cong., 2d Sess., at 912, 937, 963 (1966) (hereinafter cited as *Joint Hearings*).

[7] UCMJ, art. 19.

[8] In practice, requests for a military lawyer are usually refused as shown by Army testimony that "request for appointment of legally qualified counsel at a special court martial are rarely granted in the Army because these counsel are *in fact* not often reasonably available from their required duties". *Joint Hearings,* page 912.

[9] UCMJ, art. 38(b).

[10] 372 U.S. 335 (1963).

[11] *United States* v. *Clay,* 1 U.S.C.M.A. 74, 1 C.M.R. 74 (1951), adopted the term "military due process" to refer to those due process rights, derived from Congress rather than the Bill of Rights, which are requisite to fundamental fairness and so must be provided in a court martial. *United States* v. *Jacoby,* 11 U.S.C.M.A. 428 at 430–431, 29 C.M.R. 244 (1960), however, stated: "the protections of the Bill of Rights, except those whose are expressly or by necessary implication inapplicable, are available to members of our armed forces". This seems to conform with the Supreme Court's view. Warren, *The Bill of Rights and the Military,* 37 N.Y.U. L. Rev. 181 (1962).

[12] Federal courts were traditionally limited to inquiring on habeas corpus whether a court martial had jurisdiction over the person and offense and acted within its lawful powers. *In re Grimley,* 137 U.S. 147 (1890); *Hiatt* v. *Brown,* 339 U.S. 103 (1950), *Burns* v. *Wilson,* 346 U.S. 137 (1952), extended review to include denial of due process rights which the military had manifestly refused to consider.

[13] 14 U.S.C.M.A. 199, 33 C.M.R. 411 (1963).

[14] 377 F. 2d 330, *cert. denied,* 389 U.S. 807 (1967).

[15] UCMJ, art. 27 (c) (1).

[16] 14 U.S.C.M.A. at 202.

[17] *Harvey* v. *Mississippi,* 340 F. 2d 263 (5th Cir. 1965); *McDonald* v. *Moore,* 353 F. 2d 106 (5th Cir. 1965).

[18] 246 F. Supp. 316 (D. Utah 1965).

[19] Bednar, *Discharge and Dismissal as Punishment in the Armed Forces,* 16 Mil. L. Rev. 1, at 15 (1962).

[20] 14 U.S.C.M.A. at 219.

[21] See *United States* v. *Hamilton,* 14 U.S.C.M.A. 117, 33 C.M.R. 329 (1963), failure to submit evidence in extenuation and mitigation of accused's having made restitution; *United States* v. *Henn,* 13 U.S.C.M.A. 124, 32 C.M.R. 124 (1962), improper advice to plead guilty; *United States* v. *Gardner,* 9 U.S.C.M.A. 48, 25 C.M.R. 310 (1958), failure to move for dismissal for failure to make prima facie case.

[22] Special courts martial are reviewed by the convening authority, the staff judge advocate, and the general court martial authority's Judge Advocate office, and if a bad conduct discharge is adjudged, also by a board of review and in certain cases by the Court of Military Appeals on issues of law. UCMJ, arts. 64–67.

[23] A verbatim transcript is only required if the convening authority requests it. However, a bad-conduct discharge cannot be adjudged without it. UCMJ, art. 19. Reporters may not be provided in Army special courts martial without authority from the Secretary of the Army, and so most Army special courts cannot adjudge a bad conduct discharge. AR 27–145.

[24] *Joint Hearings,* page 459.

[25] 14 U.S.C.M.A. at 220.

[26] AR 27–12, para. 12.

[27] 14 U.S.C.M.A. at 217.

[28] 377 F. 2d at 343.

[29] 14 U.S.C.M.A. at 220.

[30] 1964 Court of Military Appeals Ann. Rep. at 85–86.

[31] H.R. 15971, 90th Cong., 2d Sess. (1968). Congressman Bennett had previously introduced H.R. 226 and H.R. 12705, 90th Cong., 1st Sess. (1967).

[32] S. 2009, 90th Cong., 1st Sess. (1967).

[33] H.R. 6555, 90th Cong., 1st Sess. (1967).

[34] See footnote 23.

[35] *Joint Hearings,* page 963.

[36] UCMJ, art. 15(b), as amended September 7, 1962.

[37] In the first nine months after Article 15 was amended, there were 12,271 Army summary courts martial as compared to 41,848 for the same period the year before. Miller, *A Long Look at Article 15,* 28, Mil. L. Rev. 37, at 113 (1965). H.R. 226, 90th Cong., 1st Sess., would abolish the summary court martial.

[38] Report to Hon. Wilbur M. Brucker, Secretary of Army, by the Committee on the UCMJ, Good Order and Discipline in the Army, January 19, 1960, at 203. Rear Admiral William C. Mott, JAG, US Navy, estimated that up to 3,600 additional military lawyers might be needed. *Joint Hearings,* page 722.

[39] As of December 31, 1966, the Army had 1,164 JAG officers, the Air Force 1,286, and the Navy 591 legal specialists. No additional Air Force lawyers would be necessary because the Air Force provides lawyers in all special courts. Whenever the term "JAG Corps" is used in this article it is intended to refer to all three services, although Navy lawyers are called "legal specialists" and are not in a separate JAG Corps. S. 2009 and H.R. 226, 90th Cong., 1st Sess. would create a Naval JAG Corps.

[40] Fratcher, *History of the JAGC, US Army,* 4 Mil L. Rev. 89, at 106 (1959).

[41] Ann. Hist. Sum., Office of Army JAG, Hist. of Activities of the JAG Office Relating to the Korean Conflict 19.

[42] In fiscal year 1966, there were 1,700 applications for the approximately 150 available Army JAG spaces. Ann. Hist. Sum., Office of Army JAG, fiscal year 1966, page 6.

[43] It must be conceded that the current draft situation has increased the number of JAG applications. However, the JAG Corps have consistently had more applicants than spaces, even in the late 1950's when the draft threat was minimal, and it appears that there will always be law graduates who for reasons such as desire for responsibility, experience or travel will apply to JAG. Incentives, such as preselection of assignments and shorter tours (from the present four to a more reasonable two years) may have to be adopted in periods of small drafting.

[44] *Joint Hearings,* pages 916, 940.

[45] All three services have expressed concern over low JAG officer retention rates. *Career Legal Billets Go Begging,* Journal of the Armed Forces, April 8, 1967, page 1. Report to Hon. Wilbur M. Brucker, *supra* note 38, at 241, noted that first lieutenants made up 40 per cent of the Army JAG Corps (1960) and that "it is desirable that not more than 12–14% of the Corps be first lieutenants".

[46] *Joint Hearings,* page 943.

[47] Ochstein, *The Dockside Court: The Dockside Special Court-Martial of Cominulant,* JAG J., June-July, 1959, page 13; Greenberg. *The Dockside Court,* JAGJ., December 1957–January 1958, page 19.

[From the Washington Evening Star, Sept. 13, 1968]

MILITARY LAWYERS WITHOUT LICENSE

(By Dana Bullen)

It is against the rules in most places to practice law without a license, but in military courts it happens all the time.

The regulations for service trials, approved by Congress in 1950, provide that defense counsel at special courts martial must be an attorney only if the prosecutor is a lawyer.

Often both of them are laymen.

As officers and gentlemen these counsel undoubtedly do their best. It can be argued that a non-lawyer officer perhaps can do as much for an accused serviceman as an objecting attorney who might antagonize the court. In any such system, though, the most likely loser has to be the accused.

In one case that reached a federal court in Salt Lake City several years ago, a 19-year-old private facing a bundle of charges ranging from writing bad checks to wrecking a government vehicle was refused a lawyer at such a trial. A captain in the Veterinary Corps was named his counsel.

The captain, according to reports, confused the elements of a key defense and advised the private to plead guilty, ask for a 60-day sentence and say nothing but "yes, sir" and "no, sir."

The federal judge who upset the 60-day sentence given the private called the trial a "mockery."

The incident, perhaps an extreme case, is cited in an article in the current issue of the American Bar Association Journal in which a lawyer with experience as a captain in the military police calls for a change in the law to require military attorneys as defense counsel at all special courts.

Edward P. Sherman, now a teaching fellow at Harvard Law School, contends that special courts martial without lawyers frequently do not constitute a true adversary proceeding.

In a typical Army special court, for example, a junior officer, often a lieutenant usually will be appointed defense counsel as an extra duty to give him some court experience or because higher grade officers are too busy, says Sherman.

Such counsel are supposed to study the 144-page military justice handbook and the 600-page courts martial manual.

Such expectations, says Sherman, are sheer fantasy.

"Most officers have only the haziest notion of what the code (of military justice) is all about, and if you can find one officer in ten who has actually read 50 pages of the code, the manual or the handbook, you are extremely lucky," he says.

One argument raised against requiring service lawyers in such cases is lack of manpower. Another is that the cases heard by special courts are not serious ones.

The number of cases, indeed, is large. The special court martial is the most used kind of military trial. In all of the services combined, there were 54,129 such trials during fiscal 1967. But the number of cases merely underscores the significance of the standards that are followed.

It would not be an impossible job to provide the necessary lawyers, either. The Air Force already affords service lawyers in all of its special courts. The Navy has provided legally trained counsel in 40 percent of its cases.

The main push would be in the Army, where Sherman says legally trained counsel have been afforded in only 5 percent of the cases.

One of the ironies, he says, is that while the services claim they cannot get enough lawyers, thousands of recent law school graduates entering the service have been turned down by the Judge Advocate General Corps and assigned non-legal work.

On the second point, the claim that the cases are not serious, the facts speak for themselves.

Special courts martial have jurisdiction to impose six months confinement, six months forfeiture of two-thirds pay, loss of rank and a bad conduct discharge.

The House of Representatives last June approved a bill submitted by Rep. Charles E. Bennet, D-Fla., that would at least require lawyer counsel in all cases involving a bad conduct discharge.

In the Senate, Sen. Sam J. Ervin, D-N.C., hopes to broaden the requirement to cover all special courts martial regardless of the penalty involved.

"Military justice, which for so long guaranteed many rights that the civilian system did not, can no longer deny this basic right to Americans in uniform," says Ervin.

It may surprise some to hear that the rules for military trials adopted by Congress in 1950 were ahead of the times, but they were. The right to counsel in general courts martial, for example, was made mandatory 13 years before the Supreme Court's famous Gideon ruling in 1963 extended this part of the Constitution to state court felony trials.

According to supporters of reform in the military justice system, it now is past time for it to move ahead again.

[From the Dickinson Law Review, fall 1967]

COMMENTS: THE PROPOSED MILITARY JUSTICE ACT OF 1967: FIRST-CLASS LEGISLATION FOR SECOND-CLASS CITIZENS *

S. 2009

A bill to insure due process in the administration of military justice by prescribing uniform rules of procedures to be followed by the Armed Forces in the case of administrative discharge boards, by establishing a Judge Advocate General's Corps in the Navy, by creating single-officer general and special courts-martial, by establishing in each armed force a Court of Military Review, and for other purposes[1]

The proposed Military Justice Act of 1967,[2] S.2009, is an omnibus bill which embodies numerous changes to the military criminal and administrative discharge systems. Many will undoubtedly call the changes enlightened. Others will label the bill radical, burdensome, perhaps even unworkable. In the words of Senator Sam Ervin upon introducing the bill before the United States Senate: "It is the product of long and painstaking work by the Senate Subcommittee on Constitutional Rights. Our purpose is to modernize a system of justice untouched for almost two decades."[3]

Service in the Armed Forces is one of the very few experiences common to most male (and many female) citizens of the United States. For this reason alone comment should be made on any proposed major change to the criminal and administrative justice systems which are codified by congressional act and implemented by the self-contained military establishment. Additional importance is noted for the legal profession because of the many legal forums and rights to individual counsel available to the serviceman under the present and proposed systems.

The purpose of this Comment is to examine the Act in its entirety and to note its impact on the military and the problem areas which may result. Specific analysis will be directed to the more important and controversial proposed amendments and to the deficiencies sought to be corrected by their enactment. Consideration will also be given to present statutory law and departmental regulations, and to litigation arising thereunder.

I. BACKGROUND AND PROBLEMS

The proposed Military Justice Act has had an extended formation period. Initial hearings were held in 1962 before the Senate Subcommittee on Constitutional Rights of the Committee on the Judiciary.[4] Lasting seven days, those hearings were held to "review the rights [of servicemen] which Congress had in mind when the Uniform Code[5] was enacted. For example, there still are complaints of command control, including allegations that in some form it has even been exerted upon defense counsel. A serviceman still may be subjected to rather dire consequences without the aid of legally trained counsel. Some indications are found that a soldier receives one brand of justice; a sailor another; and an airman, a third. And there have been instances where the safeguards of "due process" which Congress provided in the Uniform Code of Military Justice have not been effective."[6]

Additional impetus for the 1962 hearings was the Annual Report of the Court of Military Appeals for 1960 which noted that "the unusual increase in the use of the administrative discharge since the Code became a fixture has led to the *suspicion* that the services were resorting to that means of circumventing the requirements of the Code."[7] This "suspicion" engendered a two-pronged concern for the Subcommittee: what offenses lead to an administrative discharge, and what safeguards are provided the respondent facing an administrative discharge? The concern was a real one. Any discharge other than the well known "honorable" discharge imparts to the recipient a lifelong stigma and possible loss of property rights. Thus the Subcommittee desired to inquire into the military version of administrative due process, especially where the grounds for discharge were the same as those found in the punitive articles of the Uniform Code of Military Justice.[8]

The Subcommittee subjected thirty civilian witnesses, the Department of Defense, and the Departments of the Army, Navy, and Air Force to intense inquiry. The military services were required to submit detailed statistics to explain their adjudicative procedures and to justify their positions. At the conclusion of the hearngs, the perplexing core problem which confronted the Subcommittee in its attempts to reconcile the administration of justice in the military was summarized thusly:

"Anyone who has attended these hearings is impressed with the fact that this a field in which there is room for a good deal of disagreement on the part of reasonable men as to exactly what must be done. . . . The military force is concerned primarily with defending the security and independence of our Nation. It was not created primarily for the purpose of administering justice. But in the course of its activities, it has certainly found it necessary to engage in the administration of justice, both from the standpoint of discipline of the Armed Forces, a thing which has to exist for the efficiency of the Armed Forces, but also for the purpose of ridding itself of those unfit for service."[9]

Based on the 1962 hearings, sixteen individual bills were introduced before the Senate in 1963.[10] Each of the bills was intended to correct an alleged major defect in the military criminal and administrative discharge systems. Taken as a whole, however, with some overlapping of legal concepts, the original proposed bills were aimed at the following broad areas:

(1) The *command influence* which can be exerted directly or indirectly by a commander on adjudicative proceedings convened under his authority.

(2) Additional *protection of basic individual rights* which attach in criminal and administrative proceedings in which such individuals have an interest.

(3) *Unformity* among the implementing regulations promulgated and enforced by the individual services.

(4) *Prestige and independence* for the military lawyer, the presiding trial officer, and the intermediate tribunals in the courts-martial appellate chain.

Footnotes at end of article.

(5) ***Review*** procedures designed to provide a more meaningful scrutiny of all courts-martial and administrative discharge proceedings.

Although the purposes of the sixteen bills were commendable and generally acceptable, divergent points of view were expressed prior to and during the 1966 joint hearings held before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary and a Special Subcommittee of the Senate Committee on Armed Services.[11] The controversies covered the range of legislative difficulties: from differences on the technical drafting of otherwise acceptable provisions to disagreement whether the basic problem sought to be cured was really a problem at all. Such important but vague issues as the proper limits of "due process"; justice versus discipline; whether homosexual *tendencies* should constitute grounds for discharge; and how to control "imaginative" inferences which arise when a commander convenes a court-martial, among others, elicited irreconcilable opinions among those who testified before the joint Subcommittee. Additional difficulty arose with the realization that the military should not be hampered by overly-detailed statutes which would remove discretion, undermine the flexibility necessary for adjustment to wartime periods, and not be adaptable to the inherent peculiarities of each of the three military services. Counterbalancing the possibility of stifling the military with detailed legislation was the conclusion that Congressional action was needed to give the serviceman rights comparable to those he would enjoy as a civilian under the protection of recent Supreme Court decisions on the Bill of Rights [12] and such codes as the Federal Rules of Criminal Procedure.[13] Some areas of complete agreement led to apparently insoluble and undesirable side effects. For example, all seemed to concur that no man had a right to remain in the military if he was unfit, unsuitable, or guilty of serious misconduct. However, no one could suggest a completely equitable system for classifying the dischargees. To characterize all discharges the same would taint the esteem in which the honorable discharge is held. To give an individual any other type of discharge, however, would lead to infamy in civilian life, thus allowing the military to permanently stigmatize a man.[14]

From this apparent morass emerged the Military Justice Act of 1967. This omnibus bill is divided into five distinct titles incorporating the main thrust from fourteen of the original sixteen bills.[15] The five are: Title I, detailed procedures for administrative discharge boards; Title II, formation of a separate Corps for Navy Judge Advocates; Title III, numerous important changes to the Uniform Code of Military Justice (UCMJ); Title IV, transformation of boards of review into the Court of Military Review; and Title V, consolidation of present service boards into a single Board for the Correction of Military Records under the Department of Defense.[16] Taken as a whole, the Act is undoubtedly a compromise bill. How well it reconciles the rights of individual servicemen, the necessities of the services, and the adjudicative procedures it codifies will be the subject of further inquiry.

II. ADMINISTRATIVE DISCHARGE BOARDS

(Not pertinent, omitted.)

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III. CRIMINAL JUSTICE SYSTEM

The changes proposed in Titles III and IV concerning the criminal justice system are not as sweeping in scope as those intended for the administrative justice system. Primarily, the changes in these titles are intended to align the rights of military defendants and the structure of military courts with those found in the federal district court system.[162] To accomplish these ends the Act incorporates greater independence, status and authority for the military trial and review judges, and a more extensive participation by the military lawyer. The following discussion will highlight the controversial areas with an analysis of their impact on the Armed Forces.

A. Right to counsel

Under present law the military accused is entitled to assigned *legally trained* counsel only at the "general" court-martial [163] (hereinafter GCM). At the "special" court-martial (SPCM) level he must have counsel, but the Uniform Code of Military Justice (UCMJ) does not require formal legal training.[164] Although a defendant before either of these courts can retain civilian counsel, much controversy has arisen concerning this lack of assigned lawyer-counsel before the SPCM, which can impose a sentence of six months confinement and a bad conduct discharge.[165]

In *Culp* v. *United States*,[166] lack of lawyer-counsel was raised as a constitutional question: pursuant to the sixth amendment [167] guarantee of the right to counsel, must counsel *assigned* to accused at SPCM be legally trained? The Court of Military Appeals answered in the negative, thus upholding the present practice. Two separate concurring opinions of the three judge court indicated disagreement on the specific rationale for denying military personnel this important right. The opinion of the court was that an accused in the military is not entitled to counsel as a matter of right *under the sixth amendment*, therefore defense counsel appointed by the court need not be a lawyer.[168] The concurring judges disagreed *inter se* on the application of the sixth amendment to courts-martial, but agreed with the result. Chief Judge Quinn was of the opinion that the appointment of a commissioned officer satisfied the constitutional requirement for "assistance of counsel." [169] Judge Ferguson also indicated that the amendment applied to the military, but said that Culp had waived the constitutional issue since he had accepted the non-lawyer defense counsel appointed for him.[170] If non-lawyer counsel are adequate assistance for an accused in the military, then the only reason for changing this arrangement would be their inadequacy. This was the central issue in *Application of Stapley*.[171] There the military accused sought a writ of habeas corpus in a federal district court after conviction by a SPCM, alleging lack of due process because his assigned counsel had been a non-lawyer and demonstrably inadequate. The court granted the writ, holding the SPCM to be without jurisdiction because "minimal requirements of due process *and* the Sixth Amendment are not satisfied by the assignment as counsel to an accused of officers with substantially no experience, training or knowledge in the field of law, either military or civilian." [172]

Under the proposed legislation Congress seeks to resolve the constitutional and practical issues resulting from non-lawyers being assigned to SPCM. The Act would change the UCMJ to read: "Trial counsel or defense counsel detailed for a general courtmartial *or special court-martial* must. . . ." [173] be legally qualified. This amendment would bring the military in line with the Federal Rules of Criminal Procedure, which require legal counsel to be assigned to defendants unable to procure their own.[174] Although perhaps not the typical accused, a private first-class earning $99.37 basic pay per month should qualify as "indigent" and not be obligated to obtain civilian counsel at his own expense.

The exact impact on the military is difficult to foresee. The Air Force claims it presently assigns legally trained counsel to both prosecution and defense in *all* SPCM.[175] Naval statistics indicate the use of counsel with legal qualifications in approximately forty-two per cent of the cases.[176] The Army, however, favors the use of qualified counsel only when a bad conduct discharge can be awarded.[177] As a practical matter, present Army regulations forbid the transcription of a verbatim record at SPCM, thereby precluding the use of that court for adjudging a bad conduct discharge.[178] With lawyer-counsel required for all SPCM under the Act it is difficult to predict whether the Army will change its present policy. What can be expected for all services is a severe burden on present legal personnel. The SPCM is currently the most frequently used trial court.[179] Because the Act also provides that an accused cannot be tried by a "summary" court-marital [180] (SCM) over his objection,[181] the number of SPCM will undoubtedly increase. It seems reasonable, however, that the military would welcome the increased protection for the accused if a comparable increase in the number of Judge Advocates was also authorized. Although outside the scope of the Act, Congress should take affirmative concomitant measures to insure that additional allocations for military lawyers are made availble. Making legally trained counsel mandatory is only half a solution. The other half is having sufficient attorneys available to satisfy the needs of accused and to insure against the military being unable to prosecute because they lack enough attorneys.

B. Military judges

The USMJ requires that a specially certified and legally trained officer will preside at the highest level military court, the GCM. Under the Code he is termed a "law officer." [182] His specific duties are to charge the court, and to rule *with finality* on interlocutory questions other than challenges, motions for a finding of not guilty, and capacity to stand trial.[183] In practice, the law officer has been accorded more latitude and respect in overseeing the GCM than is apparent from a reading of the military criminal Code. The Court of Military Appeals has stated that the law officer, "like the judge, is the final arbitrator at the trial level as to questions of law. He is the court-martial's advisor and director in affairs having to do with legal rules or standards and their application." [184] Although the status of the law officer as a "federal judge" has been questioned,[185] Congress intends to resolve any doubt by renaming the law officer a "Military Judge." [186] In consonance with recognition as a true trial judge, he has been given greater independence and responsibilities.

Current law provides for the law officer to be detailed by the officer convening the GCM.[187] This practice is strictly followed only in the Air Force.[188] the other services have established a "field judiciary" system under which the law officer is assigned from a chain-of-command originating in the office of the Judge Advocate General.[189] This system provides the law officer with an atmosphere of complete impartiality for the trial and complete independence from the commander convening the court. The advantages of this system are obvious. "One of the most significant developments of the last 10 years in military justice was the institution by the Army and the Navy of their law officer programs [field judiciary]. . . . No other single factor has served to reduce trial errors and improve courts-martial practice than this simple but effective plan." [190] Despite objection by the Air Force that the field judiciary system is not suitable for their present requirements and isolated global dispositions,[191] the Act would make the independent system mandatory for all services.[192] In a society in which all personel are responsive to the inclinations of the commander, it seems most appropriate that trial judges be placed in a position from which they can objectively survey a command, its courts, and the accused.

Footnotes at end of article.

Congress also intends a new role for the law officer/military judge. Like the federal system, in which the defendant can waive trial by jury with the approval of the court and consent of the government,[193] the Act would provide the same option for the military accused.[194] This election would apply to all GCM, but only to those SPCM to which the military judge has been detailed in advance *on request of the convening authority*. A separate proposal would require that an accused may not be tried by a SPCM without a military judge if a bad conduct discharge *may* be adjudged as punishment for the offense.[195] Thus, the convening authority will have to request a military judge if the offense charged is punishable by a bad conduct discharge and the convening authority determines that such punishment is appropriate.[196] In the case of either the GCM, to which a military judge *must* be detailed, or the SPCM, to which a military judge *may* be detailed, the accused can overcome any alleged prejudice he might receive from a court of "line" officers by requesting a court composed only of the military judge.

Notably the military option to be tried by a judge alone provides more freedom of choice for the accused than its civilian courterpart as found in the Federal Rules of Criminal Procedure. Under rule 23 the civilian defendant may waive trial by jury "with approval by the court and consent of the government." [197] The military accused, however, needs such approval only if his written request for a single officer court is made less than twenty-four hours prior to the time the court is assembled. At any time before the above limitation, and having consulted with counsel, the accused alone has the prerogative to decide the composition of the court, assuming it is a GCM or the special form of SPCM.[198] This option effectively precludes any possible claim that the convening authority is "stacking" the court with officers who are predisposed to convictions or acceding to the influence of the commander. Although claims of "stacking" may have validity in some cases, the better practice would be to also secure the approval of the military judge as a condition to trial before that judge alone. This condition precedent would be in accord with the judge's independence and legal objectivity recognized in other provisions of the Act. The military judge is in the best position to analyze the charge sheet and the facts of the case to determine if the rights of the accused would best be protected by a judge *and* a "jury," that is, the full court of line officers plus the military trial judge.

One alternative which Congress has not considered is the military judge sitting alone at the request of the *convening authority*. Such a procedure would appear to affront the constitutional requirement that "Trial of all Crimes . . . shall be by Jury. . . ." [199] Trial by a common law jury, however, has been recognized as a constitutional right which does not extend to military accused.[200] This is manifested by the present composition of the courts-martial under the UCMJ [201] Therefore, assuming it is constitutional, a single officer court would streamline the administration of military justice, especially in the extensively used SPCM. At present, each time an accused successively waives nonjudicial punishment and the summary court-martial,[202] and each time an accused commits an offense appropriately tried by a SPCM, at least three servicemen—usually officers—must be taken from other military duties to sit on the court. Superficially, three is not a large number. Multiplied by a yearly total of forty thousand [203] special courts-martial, however, it can be seen that many man-hours are spent away from other military duties essential to national defense. The defendant's objection to a single officer court could be remedied by providing the right to elect trial by the full court. In light of the demonstrated impartiality of the present law officers, it is suggested that most defendants would not exercise their option to be tried by a court composed of officers from within their own command selected by the convening authority. As noted above, the constitutionality of first offering trial by the military judge may be questionable. Any objection, however, would seem to be met by allowing the accused the option of trial by the full court.

C. Command influence

The very existence of adverse influence exerted by a military commander on the adjudicatory tribunals over which he has convening authority is a debatable question. Not only is the actual presence of command influence conjectural, but the degree of presence and the proper ways to control it are likewise speculative. Such influence can take many forms: *direct influence*, for example lecturing a particular court or issuing command directives to imply or assert that discipline can be best furthered by more convictions; [204] *indirect influence* exerted by other staff officers such as the unit executive officer or staff judge advocate; [205] and *"imaginative" influences* which might result from the inferences a court member could draw because the commander "wouldn't convene a court unless the accused was guilty."

Direct influences are most easily detected and corrected. As indicated, this form is manifested by some direct action taken by the convening authority toward the court. The UCMJ attempts to prohibit influence by the commander in two ways. Article 22(b)[206] disqualifies a commander from convening a court in which he is the "accuser." By "accuser" is meant a person who signs and swears to charges against the accused or who has other than an official interest in the prosecution of the accused.[207] A combination of two other articles [208] would make it a punishable offense for a commander to "censure, reprimand or admonish the court or any member, law officer, or counsel thereof with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceeding." [209] Although the threat of punishment is present, no case invoking these two articles has been reported.[210] Those close to the situation, however, claim that direct influence rarely occurs,[211] and if it should arise it can be corrected on review by the Court of Military Appeals.[212] Two conflicting considerations bear on these observations. First, the decline in observable direct influence can be attributed to nearly complete acceptance of the UCMJ provisions prohibiting influence; on professional growth by present commanders under the UCMJ; and the decisive action taken by the Court of Military Appeals in cases where command influence is claimed and proved.[213] The second observation tempers the first. Only a few cases are reviewable by the highest military court.[214] Thus any command influence exerted by lesser commanders on the lesser tribunals under their jurisdiction would go undetected and uncorrected except by review in the field, where most lower court sentences are approved. Moreover, the present summary and special courts-martial do not have lawyer-counsel who would be more likely to recognize and protest any adverse influence. It is evident, therefore, that the reassurances of the Judge Advocates General and the Court of Military Appeals judges concerning the decline of command influence are not completely valid. The suspicion of its presence remains. The main consolation is that few, if any, commanders were ever promoted because their command had a large number of courts-martial convictions or because of adverse influence on their courts.

Indirect influences by staff officers can be manifested in many of the same ways as by commanders. Thus, actions by executive officers or chiefs of staff are taken "in the name of the commander" and the comments above would apply. Staff judge advocates present a slightly different problem. As the commander's legal advisors, these officers are equally attuned to his wishes, but must nevertheless advise the commander from a lawyer's viewpoint. Because the technical supervision of a command's courts-martial system comes under his responsiblity, the commander's staff legal officer does have a direct interest in the outcome and conduct of those courts-martial. Moreover, it is the staff judge advocate who counsels the commander on the advisability of trying particular cases. This officer's influence can be exerted in the following ways: technical lectures given by the legal officer to the command concerning courts-martial procedures; advice to subordinate commanders and nonlawyer counsel as to their courts-martial functions; and supervisory powers over the subordinate military attorneys in his office. Past cases and two recent Court of Military Appeals decisions show that staff legal officers are in a position to exert influences which might be adverse to an accused. [215] In *United States v. Albert* [216] a divided court held that a lecture on duties of court members given by a staff judge advocate to an entire command and attended by five of the seven members on accused's court was not prejudicial to the accused and did not deprive him of a fair trial or a fair review of his conviction. Construing the lecture as a whole, "because its impact upon prospective court members can be judged only as a whole," [217] the majority found the lecture to be "a rather common place discussion of the problems in the selection of members of a court-martial and of the general responsibilities of a court member." [218] Despite references by the staff judge advocate to certain "inconsistent" sentences adjudged in prior cases—which references the accused alleged were erroneous criticism and denied impartial review by that officer of accused's own sentence –the court determined that these references were not "exhortations for more severe sentences. . . .[219] therefore not prejudical. The dissent took an opposite view, stating that "the lecture here was intended to, and did, influence its hearers to adjudge harsher sentences. . . ." [220] The point is that staff legal officers are in a position to exert influence if they so wish. The more reasonable approach is that such lectures are vitally necessary for the education of military members concerning the intricacies of criminal justice and are probably given to educate, not to coerce. The staff legal officer, however, is placed in a difficult position in which he must carefully mark his words lest they be construed to be prejudical to some present or future accused.

A more insidious influence is that which a senior legal officer can exert on subordinate attorneys, especially defense counsel assigned to his staff. In *United States v. Kitchens* [221] it was brought out on appeal that the staff judge advocate had rendered poor efficiency reports on defense counsel because they had zealously defended their clients. Such influence, if permitted to exist, would create difficult pressures for counsel who depend primarily on good efficiency reports for promotion to higher ranks.

"Imaginative" inferences are the most difficult to detect, but perhaps the most easily controlled and corrected. Thorough education of court members and the military in general concerning the presumptions of innocence and burden of proof on the government should dispel undue influences generated by the mere convening of a court to try an accused. As seen, however, education in the form of lectures can be the basis of appeal if not handled impartially.

Two other present methods of controlling imaginative inferences prejudicial to the

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Footnotes at end of article.

accused are also not completely effective. The presiding officer at SPCM and SCM are line officers, not legally trained law officers. Although the UCMJ[222] and trial manuals[223] used by these presiding officers require the court to be charged concerning the presumption of innocence and proof beyond reasonable doubt, greater room exists for misinterpretation when lay personnel conduct the proceedings. Secondly, challenges for cause are best detected on *voir dire*. The absence of military attorneys at the lower tribunals, however, effectively precludes an assumption that grounds for challenge are sought by open inquiry of the court. Indeed, it is more reasonable to conclude that lay counsel do not know about *voir dire*, much less how to conduct it effectively.

The Act attempts to cope with the vagaries associated with command influence. Although it was suggested that the better solution would be to make such adverse influence a separate crime punishable under federal law,[224] Congress rejected that affirmative measure in favor of a more indirect and preventive approach. By providing legally trained counsel for all accused at SPCM and GCM, any adverse influence will hopefully be objected to by one who is more independent of the commander than a "line" officer and who possesses a more acute sense of justice. The Act forbids written evaluation of a court member's performance of duty on the court.[225] Also specifically prohibited is a derogatory efficiency rating because of the zeal with which counsel defends an accused.[226] As noted, the independent "field judiciary" will uniformly remove the law officer/military judge from direct or indirect influence of the commander who convenes the court-martial.

The *possibility* of command influence will always exist in an organization which places ultimate responsibility in the name of the commander. Fortunately, past records indicate that "instances of command influence have been comparatively rare under the Code. However, when the [Court of Military Appeals] has found it to exist, condemnation of the exercise of improper control has been swift and decisive. The problem in this area is to insure every accused a trial free from unlawful influence and at the same time not to restrict a commander unduly in his exercise of military discipline." [227]

Although charged with the responsibility of disciplining his unit, the commander must also enforce that discipline in a just manner. Like civilian society, the commander is asked to find the offender, bring him to an impartial court, and then remain entirely out of the trial proceedings.[228] Unlike civilian society, however, the commander has the additional responsibility of molding his command for combat in which defective personnel may mean defeat and death. It is thus reasonable to understand the delicate position of the commander in dispensing discipline and justice in the military. The Act incorporates changes which further restrict the commander and his staff from influencing courts convened under their authority. The changes are not so obvious as to make him fearful of enforcing discipline. It is submitted that Congress has struck a proper balance on a problem that lacks precise definition, evaluation, or control.

D. Review

Present procedures for review of courts-martial are considered excellent. "The elaborate system of automatic and discretionary review found in military courts offers greater protection to a defendant before a court-martial than he would receive in civilian courts." [229] Congress seeks to better the system by increasing the review authority of the Judge Advocates General, by reorganizing the level of review just below the Court of Military Appeals, and by expanding the circumstances under which a new trial may be requested.

At present, trial records for those GCM and SPCM cases which involve, *inter alia*, a sentence of punitive discharge or confinement of one year or more are automatically reviewed by a board of review.[230] Further review by the Court of Military Appeals is at the discretion of the Judge Advocate General, or upon the court's acceptance of an accused's petition.[231] All other GMC trial records in which there has been a finding of guilt and a sentence are reviewed in the office of the respective Judge Advocate General for possible forwarding to a board of review, and for automatic review if any part of the findings or sentence is found to be unsupported in law or fact.[232]

For all other SPCM and all SCM, the final automatic review occurs "in the field," that is, below the departmental level. There are no provisions for a higher appellate review, either discretionary or automatic. An accused who alleges prejudicial error by the court, but who was not awarded a punitive discharge or confinement greater than one year, must look outside the appellate chain for a hearing on his claim. There is little doubt that prejudicial error can and probably does occur in these cases. This assertion is strengthened by the present practice of not appointing legally qualified counsel to special and summary courts-martial. Therefore the entire burden of seeking out and correcting prejudicial error lies with the staff judge advocate who serves the field authority which approves the sentence.

The Act proposes to fill the void of discretionary review of summary and special courts-martial. While leaving the detailed procedures to be formulated by the Judge Advocates General, the Act provides that an accused can petition the JAG of his service to review his case on the following grounds: newly discovered evidence, fraud on the court, lack of jurisdiction, or error prejudicial to the substantial rights of the accused.[233] Upon finding a basis for one or more of these grounds, the JAG may vacate or modify any part of the findings or sentence.[234]

The new review authority proposed for the JAG will undoubtedly create an increased burden for the offices of the Judge Advocates General. SPCM and SCM constitute the great majority of cases now being tried in the military.[235] Even assuming that few cases contain error of the type to be recognizable by JAG, the mandatory presence of attorney-counsel at SPCM will render a petition more likely. No time limit has been established within which a petitioner must request review by the JAG,[236] a further hint of ambiguity and difficulty in administering this provision.

Although administratively burdensome, the proposed review authority is an important advance for those convicted at the lesser courts-martial. A finding of guilt by these courts is no less a federal conviction than by those courts which can impose greater punishments. Indeed there are many servicemen who would rather accept a punitive discharge than a sentence of confinement at hard labor, although the lasting effect of the former is undoubtedly the harsher penalty. In any event, it is suggested that the added burden of reviewing such cases is outweighed by the important appellate relief in the office of the official who must be vitally concerned with the brand of justice being dispensed in his legal "field."

A second major change in review procedure concerns the presently named "boards of review." [237] These boards are in reality intermediate courts with vast review power. The Act proposes to recognize their true status by renaming them Courts of Military Review. [238] The review authority and procedures of the present boards will remain substantially the same under the reorganization. One additional power granted to the new court is the authority to suspend all or any part of the sentence. [239] This authority may appear questionable since a suspension is generally a matter of clemency more properly exercised by the convening authority based on intimate knowledge of the individual, the facts of the case, and the needs of his unit. Despite the internal controversies which may arise because the Act requires that at least one-third of the court must be civilians, [240] the reorganization of and independence for the present boards of review will provide this military tribunal with a decorum appropriate to a federal appellate court of comparable jurisdiction.

To bring the military in line with federal procedures, the Act incorporates a provision granting two years [241] instead of one year [242] within which to petition for a new trial. The grounds remain the same—newly discovered evidence or fraud on the court. One proposed change, however, is especially significant. At present an accused can ask for a new trial only in cases involving certain punishments.[243] Under the proposed Act, Congress corrects this arbitrary distinction and contemplates that an accused convicted by *any* court-martial can petition the JAG for a new trial. [244]

Considered separately, the foregoing changes provide acceptable and ameliorative review avenues. Taken collectively, as must be done under a system regulated by one code, one must wonder if all the changes are necessary to protect an accused from possible injustice. For example, an accused convicted of a minor offense at a SCM has available the following new petitions for relief: unlimited time within which to petition for modification or vacation of the findings or sentence;[245] two years within which to petition the JAG for a new trial based on two grounds duplicated in the unlimited petition;[246] and, as will be seen, three years within which to petition the Board for Correction of Military Records to modify, set aside, or expunge any part of the findings or sentence based on equitable grounds supporting an error to be corrected or an injustice to be removed. [247] Close analysis reveals the individual function of each of these review procedures. It is suggested, however, that the extent of rights accorded an accused at the lesser tribunals should not be unreasonable. Where to draw the line between sufficient protection for the individual and sufficient resources to administrate these protective devices is a difficult decision. Because there are substantial differences between a summary and a general court-martial, it is recommended that Congress re-evaluate the proposed review procedures available to all courts. A compromise should be effected so that commensurate consideration can be afforded the petitions related to each type of court-martial. The original Code draftsmen saw fit to exclude petitions from certain courts-martial on the basis of the punishment imposed. [248] If Congress desires to change this scheme to grant further review for all courts-martial, it is submitted that specific rules should be proposed for each of the various courts.

IV. CONSOLIDATED BOARD FOR CORRECTION OF MILITARY RECORDS

(Not pertinent, omitted.)

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V. ESTABLISHMENT OF A NAVY JUDGE ADVOCATE GENERAL'S CORPS

(Not pertinent, omitted.)

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VI. CONCLUSION

The foregoing has been of necessity only a cursory treatment of the numerous changes and complexities of the proposed Act. Some technical, yet procedurally important amendments have not been noted in the text. The sections of the omnibus bill which have been commented upon nevertheless reflect the intent of Congress and the importance of the

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Footnotes at end of article.

Military Justice Act of 1967. Many provisions have an operational or administrative overtone, but the main theme of the Act is to provide better forums and protective devices to insure that the individual in the military receives due process by adjudicative tribunals. Some provisions are technically objectionable. The main theme, however, seems desirable and feasible.

The proposals concerning administrative discharge procedures, for example, are as sweeping in that field as was the UCMJ in the criminal field in 1950. Experience under that Code has indicated that it was farsighted and promoted the attainment of real justice. The military adapted to it. Now many new proposals, equally far-reaching but in harmony with civilian practices, are presented in this Act. Despite the administrative complications which might ensue, the military can undoubtedly adapt to this Act if it becomes law. The only alternative would seem to be that contemplated by Professor Morgan when he commented on the UCMJ experience in the military:

> "If experience under the Code shows that the influence of command control has not been eliminated, it may well be that a new system will have to be established in which the military will have control only over the processes of prosecution, and the defense, trial and review be under the exclusive control of civilians. The services have the opportunity of demonstrating to Congress that the concessions made in the Code to the demands for effective discipline do not impair the essentials of a fair, impartial trial and effective appellate review."[278]

This observation is equally pertinent to the changes to the administrative and criminal justice systems embodied in the proposed Military Justice Act of 1967.

BARRETT S. HAIGHT.

FOOTNOTES

*The opinions and conclusions presented herein are those of the author and do not necessarily represent the views of the United States Army or any other governmental agency. [Ed. note: The student author is a commissioned officer in the grade of Major on excess leave from the Regular Army].

[1] Preamble, S. 2009, 90th Cong., 1st Sess. (1967).

[2] S. 2009, 90th Cong., 1st Sess. (1967) [hereinafter cited as the Act]. For the text of this bill and accompanying remarks by Senator Sam Ervin, CONGRESSIONAL RECORD, vol. 113, pt. 13, pp. 17323–17339. Joining Senator Ervin in sponsoring the bill were Senators Bayh, Bible, Fong, Long of Missouri and Williams of New Jersey.

[3] CONGRESSIONAL RECORD, vol. 113, pt. 13, p. 17323.

[4] *Hearings on Constitutional Rights of Military Personnel Before the Subcomm. on Constitutional Rights of the Comm. on the Judiciary,* pursuant to S. Res. 260, 87th Cong., 2d Sess. (1962) [hereinafter cited as *1962 Hearings*].

[5] Uniform Code of Military Justice, 10 U.S.C. §§ 801–940 (1964), *as amended,* (Supp. II 1966), *formerly* 64 Stat. 108–49 (1950) [hereinafter cited as Art. --, UCMJ, 10 U.S.C. § -- (1964)].

[6] 1962 *Hearings* 4–5.

[7] 1960 Court of Military Appeals Report 12.

[8] Art. 77–134, UCMJ, 10 U.S.C. §§ 877–934 (1964).

[9] 1962 *Hearings* 825.

[10] S.2002–17, 88th Cong., 1st Sess. (1963). For the text of these bills and their accompanying memoranda, CONGRESSIONAL RECORD, vol. 109, pt. 11, pp. 14145–14158. The bills were reintroduced in 1965 as S.745–60, 89th Cong., 1st Sess. (1965). CONGRESSIONAL RECORD, vol. 111, pt. 1, pp. 1273–1287. Two additional bills, S.761 and S.762 were introduced at the same time in 1965. Analysis of these bills is beyond the purpose of this paper. They are, however, related to the military justice field. S.761 intended to give jurisdiction to federal district courts to try exservicemen no longer under courts-martial jurisdiction but who committed crimes while in the service although never tried under the UCMJ. S.762 intended to give jurisdiction to federal district courts to try civilian employees and dependents who commit certain crimes punishable under the UCMJ while such civilians are accompanying the military outside the United States. These bills were reintroduced by Senator Ervin on the same date as the Military Justice Act of 1967, respectively as: S.2006 and S.2007, 90th Cong., 1st Sess. (1967). CONGRESSIONAL RECORD, vol. 113, pt. 13, pp. 17321–17323.

[11] *Joint Hearings on S.745–762, S.2906 and S.2907 Before the Subcomm. on Constitutional Rights of the Committee on the Judiciary and a Special Subcommittee of the Committee on Armed Services,* 89th Cong., 2d Sess. (1966) [hereinafter cited as *1966 Hearings*].

[12] *E.g.,* Gideon v. Wainwright, 372 U.S. 335 (1963) (right to counsel at criminal prosecutions); Pointer v. Texas, 380 U.S. 400 (1965) (right to confrontation of witnesses for prosecution); Miranda v. Arizona, 384 U.S. 436 (1966) (the right, and the opportunity to exercise that right, to appointed counsel). *Cf.* Greene v. McElroy, 360 U.S. 474 (1959) (right to confrontation at administrative hearings).

[13] FED. R. CRIM. P., 18 U.S.C. appendix (1964), *as amended* (Supp. II, 1966).

[14] *See, e.g.,* Bland v. Connally, 293 F.2d 852 (D.C. Cir. 1961): "We think it must be conceded that any discharge characterized as less than honorable will result in serious injury." *Id.* at 858. *See also* Murray v. United States, 154 Ct. Cl. 185 (1961); *1966 Hearings* 321, 833–36.

[15] The two bills, provisions of which were not incorporated in any duplicate form, were: S.758 (right to demand court-martial in lieu of administrative discharge board) and S.759 (abolishing summary courts-martial). The Act attempts to provide alternate solutions by (1) guaranteeing individual rights before administrative boards; and (2) permitting an accused to refuse trial by the summary court-martial, thus requiring the convening authority to try him at a special or general court-martial. The Act also incorporates provisions from two substitute proposals submitted by the Department of Defense. *See 1966 Hearings* 668–710.

[16] CONGRESSIONAL RECORD, vol. 113, pt. 13, pp. 17323–17339.

(Footnotes 17 through 161 omitted.)

[162] The analogy is apt. Courts-martial are a form of federal court created by statute. The MCM, 1951, ¶ 137, expressly provides one correlation to the federal system: "So far as not otherwise prescribed in this manual, the rules of evidence generally recognized in the trial of criminal cases in the United States district courts. . . ." Although the UCMJ is silent as to which law is otherwise applicable, the Court of Military Appeals has said: "We have repeatedly held that Federal practice applies to courts-martial procedures if not incompatible with military law. . . ." United States v. Knudson, 4 U.S.C.M.A. 587, 590, 16 C.M.R. 161, 164 (1954).

[163] Art. 27(b) UCMJ, 10 U.S.C. 827(b) (1964). The general court-martial has the broadest jurisdiction of all military courts, can adjudge any penalty up to death depending on the maximum authorized for a particular offense, and has requirements for a minimum of 5 members, a law officer, and verbatim record.

[164] Art. 27(c), UCMJ, 10 U.S.C. 827(c) (1964). The special court-martial is the "middle" court between the general and one-man summary courts-martial.

[165] The jurisdictional punishment limit for a SPCM, modified by the maximum authorized for the particular offense: bad conduct discharge (if a verbatim record is kept), six months confinement at hard labor, three months hard labor without confinement, forfeiture of two-thirds pay per month for six months, and reduction to the lowest enlisted grade. Art. 19, UCMJ, 10 U.S.C. § 819 (1964).

[166] 14 U.S.C.M.A. 199, 33 C.M.R. 411 (1963).

[167] U.S. CONST. amend. VI, which provides in part: "In all criminal prosecutions, the accused shall enjoy the right to . . . have the Assistance of Counsel for his defense."

[168] 14 U.S.C.M.A. at 216, 33 C.M.R. at 428.

[169] *Id.* at 217, 33 C.M.R. at 429 (concurring opinion).

[170] *Id.* at 219, 33 C.M.R. at 431 (concurring opinion).

[171] 246 F. Supp. 316 (D. Utah 1965).

[172] *Id.* at 321 (emphasis added). The court did limit its holding to the facts of the case. *Id.* at 320. Other district courts have recently affirmed the present non-lawyer system. *See, e.g.,* LeBallister v. Warden, 247 F. Supp. 349 (D. Kan. 1966).

[173] CONGRESSIONAL RECORD, vol. 113, pt. 13, p. 17332.

[174] FED. R. CRIM. P. 44.

[175] *1966 Hearings* 40.

[176] *Id.* at 1019. The Navy representatives also testified that it utilizes the services of a law officer at complicated special courts-martial. *Id.* at 40. While this is commendable, it is submitted that a good lawyer defense counsel could make even the simplest court-martial complicated for a non-lawyer president of a special court-martial. Since the present UCMJ permits a non-lawyer to preside at special courts-martial, Art. 51(b), UCMJ, 10 U.S.C. § 851(b) (1964), one further disadvantage owing from the proposed change in the Act to have both counsel be attorneys is that their conduct of the trial will raise issues which the average untrained president of the court will be unable to adjudicate.

[177] *1966 Hearings* 89.

[178] Army Reg. No. 22–145 (1964).

[179] In fiscal year 1965 the military convened approximately 40,826 SPCM. *See 1966 Hearings* 912, 1018, 1053. Prior to the expanded authority and increased punishment power in commanders to impose *nonjudicial* punishment, the summary court-martial was more extensively used by the military. *See* Art. 15, UCMJ, 10 U.S.C. § 815 (1964). The intent is to phase out the controversial one-officer summary court. CONGRESSIONAL RECORD, vol. 113, pt. 13, p. 17324.

[180] The summary court-martial is composed of one commissioned officer who acts in the capacity of trial counsel, defense counsel, judge and jury. This court may try only enlisted men. Maximum jurisdictional punishment is: confinement at hard labor for one month, restriction to specified limits for more than two months, and forfeiture of two-thirds of one month's pay. Art. 20, UCMJ, 10 U.S.C. § 820 (1964). *See* MCM, 1951, ¶ 20.b. regarding reduction in grade. There is no authorization in the UCMJ for a right to independent counsel.

[181] CONGRESSIONAL RECORD, vol. 113, pt. 13, p. 17332. At present, a serviceman may object to trial by a SCM only if he has *not* been offered nonjudicial punishment. Therefore, if he has been offered nonjudicial punishment and has elected to refuse it, he may be tried by a SCM regardless of his objection. Art. 20, UCMJ, 10 U.S.C. § 820 (1964). The proposed change would permit a serviceman to object to trial by SCM in any situation. Thus, assuming he wishes to risk the increased punishment jurisdiction of the SPCM, the accused has unalterable access to a lawyer-counsel, as proposed in the Act.

[182] Arts. 1(11), 26(a), UCMJ, 10 U.S.C. §§ 801 (11), 826(a) (1964).

[183] Art. 51 (b), (c), UCMJ, 10 U.S.C. § 851 (b), (c) (1964). For a more complete discussion of the law officer's duties, see Department of the Army Pamphlet No. 27–9, "The Law Officer" (1958). *See also* Meagher & Mummey, *Judges in Uniform: An Independent Judiciary for the Army,* 44 J. AM. JUD. SOC'Y 46 (1960); We'ner, *The Army's Field Judiciary System: A Notable Advance,* 46 A.B.A.J. 1178 (1960).

[184] United States v. Berry, 1 U.S.C.M.A. 235, 240, 2 C.M.R. 141, 146 (1952). *Cf.* United States v. Biesak, 3 U.S.C.M.A. 714, 14 C.M.R. 132 (1954).

[185] *See* Miller, *Who Made The Law Officer A "Federal Judge"?*, 4 Mil. L. Rev. 39 (1959).

[186] Congressional Record, vol. 113, pt. 13, p. 17332. The Act would realistically grant additional power in the "military judge" by authorizing him to conduct pretrial and "in chambers" hearings to pass on the legality of all relevant motions, defenses, objections and "any other procedural function which . . . does not require the presence of the members of the court." *Id.* At least two difficulties will arise as a result of these new powers as drafted. First, the Act would allow the military judge to hold the arraignment and receive the pleas of the accused *if permitted by regulations of the Secretary concerned.* Because the Air Force alone presently requires the trial counsel (prosecutor) to establish a *prima facie* case, although the accused has pleaded guilty, there will undoubtedly be lack of uniformity among the services. *1966 Hearings 62.* While uniformity of itself is not a cherished goal, close analysis of the effect of different procedures in conducting the pretrial arraignment reveals that an accused in one service can receive protection substantially greater than an accused in the other services. Perhaps the better solution is to adopt the more protective procedures in the Manual for Courts-Martial. The second difficulty involves statutory construction. The proposed amendment to Article 51(b), while granting authority in the judge, or in his absence, the President, to rule *with finality* on all interlocutory questions, further provides: "Any such ruling made by the military judge upon any question of law or any interlocutory question *other than the mental responsibility of the accused*, or by the president . . . *other than a motion for a finding of not guilty*, is final and constitutes the rulings of the court." Congressional Record, vol. 113, pt. 13, p. 17332 (emphasis added). The technical question raised is whether this disjunctive phraseology would possibly be giving authority in the president but not the judge to rule *with finality* (or at all) on the mental responsibility of the accused. Because the converse would be a reasonable construction, *i.e.*, that the judge but not the president should be allowed to rule on a motion of not guilty, then the above-mentioned possibility gains added weight. This is so although the most "reasonable" construction is that only the full court, where not preempted by the accused's election, should pass with finality on mental responsibility. Thus, this amendment should be rewritten to remove the inherent difficulty posed above.

[187] Art. 26, UCMJ, 10 U.S.C. § 826 (1964).

[188] *1966 Hearings* 52.

[189] *See, e.g.,* Army Reg. No. 27–135 (1963).

[190] Statement of Judge Homer Ferguson, U.S. Court of Military Appeals, *1966 Hearings* 299.

[191] *1966 Hearings* 52–53.

[192] Congressional Record, vol. 113, pt. 13, p. 17332.

[193] Fed. R. Crim. P. 23.

[194] Congressional Record, vol. 113, pt. 13, p. 17332.

[195] *Id.* It is interesting to note that this section of the proposed Act also requires that before a bad conduct discharge may be adjudged, a verbatim record must be made, and the accused represented by lawyer-counsel *except in time of war*. This is in direct conflict with a previously noted proposed change to Article 27, UCMJ; that is, counsel assigned to special courts-martial *will* be legally trained. *See* note 193 *supra* and accompanying text. There seems to be no rational reason to include the "in time of war" stipulation if the right to qualified counsel is already accorded to the accused. If Congress wishes to make an exception for wartime situations it must likewise amend the Article 27(b) assignment of legal counsel to permit deviations from that mandate in time of war. This latter amendment, however, would seem to negate the legislative desire that the serviceman be protected in both war and peacetime. "We cannot wait as we did a generation ago, until all these men return to civilian life with their stories of injustice." Congressional Record, vol. 113, pt. 13, p. 17323.

[196] It is possible that such determination by the convening authority is irrelevant to the question of whether a military judge *must* be detailed to the court if the offense of which the accused is charged carries a maximum punishment, to include the bad conduct discharge, as prescribed in the Table of Maximum Punishments, MCM 1951, ¶ 127(c), Section A. The proposed amendment to Article 19, UCMJ, is couched in mandatory language: "No person *shall* be tried by a special court-martial without a military judge if a bad conduct discharge *may* be adjudged as punishment for the offense with which such person is charged." Congressional Record, vol. 113, pt. 13, p. 17332 (emphasis added). It is noted, however, that no direct reference is made to the Table of Maximum Punishment; that a proposed change to Article 16, UCMJ, describing the types of courts and the accused's election as to the military judge, is worded permissively concerning detail of the judge by the convening authority; and that a bad conduct discharge "may" not be adjudged if the convening authority decides not to allow, for example, a verbatim record to be kept. Thus, it is not clear when the military judge *must* be assigned to the SPCM and when he *may* be assigned. It is further suggested that this ambiguity should be resolved by redrafting to prevent confusion resulting from these two considerations: (1) If the convening authority may—as opposed to must—detail the military judge when a bad conduct discharge is appropriate, what would be the effect of this detail on the court since the members would realize the convening authority considers the punitive discharge appropriate? (2) Because the Table of Maximum Punishments authorizes a bad conduct discharge to be adjudged after a finding of guilty when the accused has a record of two previous courts-martial within the past year, should this fact bear on the question of whether accused with such a record should automatically be guaranteed the right to have his case heard by a court composed at least by a military judge?

[197] Fed. R. Crim. P. 23.

[198] Congressional Record, vol. 113, pt. 13, p. 17332. The one exception is when death may be adjudged for the offense charged. Congress would not permit the military judge to make this weighty decision alone. The full court of a judge and at least five members is required. *Id.*

[199] U.S. Const. art. III, § 2.

[200] *See* United States v. Burney, 6 U.S.C.M.A. 776, 21 C.M.R. 98 (1956).

[201] The UCMJ speaks only to minimum numbers: SCM, 1; SPCM, 3; GCM, 5. There is, theoretically, no maximum number and "12" is not a required number in any case. The only mention of "peers" is that contained in Art. 25, UCMJ, 10 U.S.C. § 25 (1964), which provides in part that an enlisted accused may request that one-third of the court be composed of enlisted men, and that *when it can be avoided*, no member of the court should be junior in rank or grade to the accused. The power of Congress to set the composition of courts-martial, as well as the entire UCMJ, is derived from the Constitution, art. I, § 8: "The Congress shall have Power . . . To make Rules for the Government and Regulation of the land and naval Forces." The right to a grand jury indictment is also excepted in the fifth amendment. U.S. Const. amend. V.

[202] *See* note 191 *supra* and accompanying text.

[203] *See* note 189 *supra.*

[204] *See, e.g.,* materials on command influence, submitted by Edward S. Gogen, ACLU, *1966 Hearings* 761–63; *cf.* United States v. Walinch, 8 U.S.C.M.A. 3, 23 C.M.R. 227 (1957).

[205] *See, e.g.,* United States v. Perry, cited in *1966 Hearings* 302; United States v. Kitchens, 12 U.S.C.M.A. 589, 31 C.M.R. 175 (1961); *cf.* United States v. Albert, 16 U.S.C.M.A. 111, 36 C.M.R. 267 (1966); United States v. Danzine, 12 U.S.C.M.A. 350, 30 C.M.R. (1961).

[206] Art. 22(b), UCMJ, 10 U.S.C. § 822(b) (1964).

[207] Art. 1(11), UCMJ, 10 U.S.C. § 801(11) (1964).

[208] Arts, 37, 98, UCMJ, 10 U.S.C. §§ 837, 898 (1964).

[209] Art. 37, UCMJ, 10 U.S.C. § 837 (1964).

[210] *1966 Hearings* 302.

[211] *See generally* the testimony of The Judge Advocates General, *1966 Hearings* 54–61, 97–99.

[212] *See* testimony of Chief Judge Quinn, Court of Military Appeals, *1966 Hearings* 277–93. "I do feel . . . that command control has been largely eliminated." *Id.* at 283.

[213] *See* discussion and cases cited in *The Survey of the Law—Military Justice: The United States Court of Military Appeals 29 November 1951 to 30 June 1958*, 3 Mil. L. Rev. 67 (1959); Fischer & Sides, *A Supplement to the Survey of Military Justice*, 8 Mil. L. Rev. 113 (1960); and other annual supplements in 16 Mil. L. Rev. 91 (1961), 20 Mil. L. Rev. 116 (1963), 28 Mil. L. Rev. 121 (1965).

[214] See notes 239–41 *infra* and accompanying text.

[215] *See* note 223 *infra.* Judge Ferguson's testimony about this area is illuminating: "Seldom does one see a case in which a military commander directly takes issue with a court-martial or attempts to interfere with it. Instead we find in almost every instance a staff judge advocate tampering with the court in order to obtain a more favorable ratio of convictions and sentences." *1966 Hearings* 302.

[216] 16 U.S.C.M.A. 111, 36 C.M.R. 267 (1966).

[217] *Id.* at 115, 36 C.M.R. at 271.

[218] *Id.*

[219] *Id. See also* United States v. Kitchens, 12 U.S.C.M.A. 589, 31 C.M.R. 175 (1961).

[220] United States v. Albert, 16 U.S.C.M.A. 118, 36 C.M.R. 274 (1966) (dissenting opinion). *Cf.* United States v. Danzine, 12 U.S.C.M.A. 350, 30 C.M.R 350 (1961) (dissenting opinion).

[221] 12 U.S.C.M.A. 589, 31 C.M.R. 175 (1961). *See also* United States v. Perry, cited in *1966 Hearings* 302.

[222] Art. 51(c)(1–4), UCMJ, 10 U.S.C. § 851 (c)(1–4) (1964).

[223] *See, e.g.,* Department of the Army Pamphlet No. 27–15, "Military Justice Handbook, Trial Guide for the Special Court-Martial President" (1965).

[224] *See, e.g., 1966 Hearings* 191, 299.

[225] Congressional Record, vol. 113, pt. 13, p. 17333.

[226] *Id.*

[227] *Survey of The Law of Justice: The United States Court of Military Appeals 29 November 1951 to 30 June 1958*, 3 Mil. L. Rev. 67, 74 (1959).

[228] *Cf.* Sheppard v. Maxwell, 384 U.S. 333 (1966).

[229] Quoted by Judge Kilday, Court of Military Appeals, *1966 Hearings* 298, from 63 Mich. L. Rev. 168, 170–71 (1964).

[230] Art. 66(b), UCMJ, 10 U.S.C. § 866(b) (1964). This article also provides for automatic review in the less frequent cases involving a general or flag officer, death sentence, or dismissal of a commissioned officer, cadet or midshipman.

[231] Arts. 67(b)(2), (3), UCMJ, 10 U.S.C. §§ 867(b)(2), (3) (1964). The Court of Mili-

tary Appeals automatically reviews sentences involving a general or flag officer, and death.

[232] Art. 69, UCMJ, 10 U.S.C. § 869 (1964).

[233] CONGRESSIONAL RECORD, vol. 113, pt. 13, p. 17335.

[234] *Id.*

[235] *See* note 189 *supra*.

[236] CONGRESSIONAL RECORD, vol. 113, pt. 13, p. 17335.

[237] See Art. 66, UCMJ, 10 U.S.C. § 866 (1964).

[238] CONGRESSIONAL RECORD, vol. 113, pt. 13, p. 17334.

[239] *Id.*

[240] The basic controversy: the military asserts that civilians on the court means less career incentives and openings for professional military lawyers and that undoubtedly problems will arise in combat situations; others advocate that civilians will provide a salutary check on the military similar to the much respected Court of Military Appeals and that the civilians will provide continuity to the court because the term is only for three years, after which the military more probably would be reassigned or retired. *Quare,* will the unwholesome effect be that the chief judgeships will eventually all go to civilians since they presumably will be reappointed term after term, thus becoming the most senior and, undoubtedly, acquiring the more impeccable judicial and administrative abilities.

[241] *See* FED. R. CRIM. P. 33.

[242] Art. 73, UCMJ, 10 U.S.C. § 873 (1964).

[243] The punishments are of the more severe category, and for the most part constitute identical grounds for automatic appellate review: death, dismissal (officers only), dishonorable or bad conduct discharge, or confinement for one year or more. *Compare* Article 73 *with* Article 66. Ironically, a general or flag officer, not dismissed pursuant to a court-martial sentence, has no present recourse to petition for a new trial.

[244] CONGRESSIONAL RECORD, vol. 113, pt. 13, p. 17335.

[245] *See* notes 242, 243 *supra* and accompanying text.

[246] *See* note 252 *infra* and accompanying text.

[247] *See* 10 U.S.C. § 1552 (1964). *See also* part IV *infra*.

[248] Art. 73, UCMJ, 10 U.S.C. § 873 (1964).

(Footnotes 249 through 277 omitted.)

[278] Morgan, *The Background of the Uniform Code of Military Justice,* 6 VAND. L. REV. 169, 184 (1953).

MILITARY JUSTICE ACT: TIME FOR REVISION

(By SAM J. ERVIN, JR.)

When the Uniform Code of Military Justice was enacted in 1950 it represented a revolution in military law. Until that year the American in uniform had been at the mercy of legal procedures older than the Revolutionary War, procedures originally designed for foreign mercenaries—not for citizen soldiers loath to give up the rights for which they are fighting. So antiquated and unjust was the system, that after World War II a great protest came from returning veterans demanding reforms which would guarantee basic American principles of due process of law. They wanted a law which dispenses justice, not discipline.

Once again the country is in a situation very much like that which existed in the 1940's. More and more private citizens are being called to service in an ugly war. More than 500,000 men are now fighting in Vietnam, and this figure may increase to over 600,000 in 1968. At the same time, the selective service is also undergoing revision, and it is likely that younger men will be called to service—nineteen-year olds, barely out of high school.

On June 26, 1967, I introduced a bill (S. 2009) to revise and perfect certain aspects of the system of justice administered in the Armed Forces. This omnibus bill, entitled the "Military Justice Act of 1967," is co-sponsored by Senators Bayh, Fong, Long of Missouri, Williams of New Jersey, Bible, Yarborough and Scott. It represents, with a few modifications, proposals previously contained in twenty different bills introduced in the 88th and 89th Congresses. It is the product of long and painstaking work by the Senate Subcommittee on Constitutional Rights.

Our purpose is to modernize a system of justice untouched for almost two decades.

We cannot wait, as we did a generation ago, until all these men return to civilian life with their stories of injustice. The subcommittee has enough cases already which prove the clear need for legislation. As we call upon millions of young men to offer their lives in defense of American principles, we are bound by conscience to offer them the best legal system we can devise to protect and judge them while they are in uniform.

This means a modernized court-martial system, such as proposed by Title III of this bill.

This means providing the services of skilled legal counsel and full-time military judges.

This also means that young men not be stigmatized with the indelible mark of "undesirable," "unfit" or "unsuitable" unless they first have had the benefit of fundamental procedural rights.

The Military Justice Act of 1967 will accomplish these reforms and many others.

The proposals in this bill are not new, even if they are long overdue. Each provision of the bill is the result of intensive study for many years—in some cases as long as seventeen years—by the Subcommittee on Constitutional Rights, by a special committee of the Committee on Armed Services, judges of the Court of Military Appeals, knowledgeable lawyers in the field of military law, and interested laymen.

Two complete series of hearings have been held in the Senate on these reforms. In 1962, following hundreds of complaints from servicemen and their families and an intensive field investigation, the Constitutional Rights Subcommittee held its first set of hearings. Testimony was received from witnesses with a wide range of experience in military law.

Later, a comprehensive questionnaire was delivered to each of the services which developed additional information on particular problem areas in military law. The published hearings consisted of almost 1,000 pages. A summary report of the hearings published in 1963, presented the subcommittee's conclusions and recommendations.

Based upon this groundwork, I introduced on August 6, 1963, S. 2002 through S. 2019 of the 88th Congress—eighteen separate legislative proposals designed to protect the constitutional rights of servicemen and to perfect the administration of justice in the military, Senators Bayh, Cooper, Fong, Hruska and Humphrey joined with me in sponsoring most or all of these bills.

During the succeeding months the proposals were subjected to intensive study both within the military and without. Alternative suggestions and revised language were submitted from many sources.

The eighteen bills were reintroduced in the 89th Congress on January 26, 1965, as S. 745 through S. 762, with the co-sponsorship of Senators Hruska, Bayh, Fong, Long of Missouri, Williams of New Jersey and the late Olin D. Johnston of South Carolina.

Hearings on this legislative package, plus two additional bills, S. 2906 and S. 2907, drafted by the Defense Department and introduced previously in the House of Representatives by Congressman Bennett, were held in January and March of 1966 before the Constitutional Rights Subcommittee and a special subcommittee of the Armed Services Committee.

The subcommittee received testimony from twenty-eight witnesses, including Assistant Secretary of Defense Thomas Morris, the judge advocates general, the judges from the Court of Military Appeals, representatives of interested Bar associations, and private practitioners of military law. This record extends over 1,000 pages, including an extensive appendix, and over 200 pages of data submitted by the services in response to two additional detailed questionnaires.

The present bill is a product of this history. It was drafted in the months following the 1966 hearings to combine in one comprehensive package those proposed changes in military law which over the course of this study have proved to be necessary and beneficial. With few exceptions, which I shall enumerate presently, the bill incorporates the provisions of the twenty bills introduced in the 89th Congress.

The omnibus bill is divided into five titles. Title I contains a code of procedure for the consideration and issuance of administrative discharges based upon fault or culpable misconduct. To a large extent it codifies existing Department of Defense regulations which were adopted in response to the facts developed at the hearings.

Title II was designed to create a Navy Judge Advocate Corps to replace the then current organizational system of lawyers in that service. Navy law specialists were classified as "special duty officers" along with communications officers, photographers and public relations men. A legal corps was first recommended in 1946. The proposal was endorsed by the Defense Department, the Navy and the Navy's legal branch. It was many years overdue. Since the bills' introduction the Congress has passed and the President has signed Public Law 90–179, which accomplishes the purpose of Title II.

Title III would alter procedures in the Uniform Code of Military Justice, which governs the system of criminal law utilized through the court-martial structure of the Armed Forces. One important change is the authorization of single-officer general and special courts-martial in those cases in which the accused waives trial by the military equivalent of a jury. Another is the extension of the accused's right to legally qualified counsel to the special courts-martial.

A third change is the creation of a "field judiciary" system of senior military lawyers to sit in courts-martial. The "law officers" also would be given greater stature and responsibility in the conduct of the trial. In keeping with this new authority, these officers would be redesignated as "military judges."

A fourth change would establish a pre-trial procedure in courts-martial to expedite and improve the course of the trial itself.

Title III also strengthens the prohibitions against command influence, discourages use of the summary court-martial, and makes certain other necessary procedural changes in the Uniform Code.

Title IV would accomplish the long-needed transformation of the intermediate body which reviews courts-martial convictions from an administrative board into a formal court. The reconstitution of these bodies as appellate courts acknowledges their proper role in the administration of military justice. It should do much to improve the prestige and the quality of these intermediate "courts."

Finally, Title V would consolidate the existing separate boards for the correction of records and bring consistency to the review of military records for errors or injustices.

Aside from a number of technical changes adopted as a result of last year's hearings, the omnibus bill differs from the twenty military justice bills introduced in the 89th Congress in only three major respects. First and most important is the procedural code contained in Title I for governing administrative discharges. The earlier bills were also aimed at securing basic due process rights in the administrative discharge system, but their approach was quite different.

They would have offered any serviceman

facing a charge which might result in an undesirable discharge an opportunity to demand a trial by court-martial instead of being processed administratively. The theory was to permit an individual to elect a procedure assuring him the basic legal rights present in a criminal trial.

During the 1966 hearings this approach was carefully analyzed and certain weaknesses in it were discussed. As a result, the present bill proposes instead to incorporate basic procedural rights into the administrative discharge system.

The new code would govern all administrative proceedings where the basis for the proposed discharge or separation is alleged misconduct involving fault or culpability. Title I is essentially a codification of regulations presently in force in the services. It applies to discharges or separations of enlisted men and officers.

The second major change concerns the controversy over retention of the summary court-martial. In 1961 the Congress enacted a major expansion of the article 15 powers of military commanders—the so-called "nonjudicial" or "company punishment" provision.

One reason for this change was the expectation of the Defense Department that by making the disciplinary powers of the commanding officer equivalent to the judicial powers he had as the summary court-martial offier, the reliance of commanders on that court would decline to a point where it could be abolished.

In the years since that amendment became effective the use of the court has declined dramatically—in the Army and Navy by 50 per cent and in the Air Force by over 70 per cent. Nonetheless, I feel it is administratively impossible for the services to dispense entirely with the court at present. For that reason the omnibus bill does not propose its abolition.

This is no expression of confidence in the summary court. The findings of the Constitutional Rights Subcommittee in 1962 are still valid—the summary court is an inferior court in concept, procedure and the quality of justice it dispenses. Until such time as the court can be totally eliminated from the military justice system, the omnibus bill proposes to remove a technical restriction in the existing right of servicemen to refuse trial by summary court and elect trial by special or general court-martial instead.

In this way, no serviceman would be forced to stand trial against his will in a court where the same man is judge and jury, prosecutor and defense counsel.

A third difference between this bill and its predecessors is a new requirement that legally trained counsel be assigned for all special courts-martial. Under existing law, junior officers entirely untrained in the law can and often are assigned to defend servicemen against serious accusations.

By contrast, the right to legal counsel in the civilian system has undergone considerable expansion in recent years, notably as a result of the Criminal Justice Act of 1964. Further, the Court of Military Appeals, in the recent case of United States v. Tempia, has ruled that legal counsel must be provided in the interrogation stage of military justice.

For these reasons, I believe it is now necessary that the military law recognizes by statute the minimum requirements of the right to legal counsel to which citizens are entitled under the constitution. Military justice, which for so long guaranteed many rights that the civilian system did not, can no longer deny this basic right to Americans in uniform.

I wish to reiterate that the proposals in this legislation have been exhaustively studied for many years. I believe that the necessity of these changes has been thoroughly established. I hope that the legislation will be considered expeditiously by Congress. I can think of no more fitting expression of this country's appreciation for the sacrifices our young servicemen are called upon to make than to grant them the same rights they are defending.

COMMENT: RIGHT TO COUNSEL AND THE SERVICEMAN

"Never have we held that all the rights covered by the Fifth and the Sixth Amendments were abrogated by Art. I, § 8, cl. 14 of the Constitution, empowering Congress to make rules for the armed forces."[1]

The argument that the men and women of the Armed Services are to be afforded the constitutional safeguards guaranteed to all citizens by the Bill of Rights has been made on historical, judicial, and legislative fronts. Perhaps the argument is academic, for regardless of whether Congress, in exercising its power to regulate the military services, is or is not limited by the Bill of Rights, it is more than clear that all concerned with military justice have been successful in their efforts to assure military personnel basic protections of a civilized society—whether by legislative enactment, judicial decree, or administrative practice.

Yet, it is unclear whether the protection of assistance of counsel for military personnel has its foundation in the sixth amendment "right to assistance of counsel."[2] Two recent federal district court opinions[3] and legislation[4] pending in Congress raise anew certain questions: Does the constitutional "right to assistance of counsel" apply to military tribunals? If this right does apply, is legal counsel required or will military counsel suffice? Finally, will practical considerations permit effective application of the right?

Before attempting to resolve the questions, a discussion of the two cases and pending legislation, in view of the history and judicial and legislative activities relating to right to counsel for servicemen, is desirable.

JUDICIAL ACTIVITY

Any analysis of right to counsel in relation to military tribunals must be made with respect to the broader consideration of whether the Founding Fathers understood the power of Congress to make "rules for the government and regulation of the land and naval forces"[5] to be limited by the protections guaranteed all citizens through the Bill of Rights. The only express limitation in the Bill of Rights is that servicemen, unlike civilians, are not entitled to a grand jury indictment.[6] The absence of any distinction between servicemen and civilians concerning the right to counsel has necessitated inquiry into the intentions of the Founding Fathers and examination of the practices prevalent in military tribunals at the time the Bill of Rights was adopted.

An eloquent plea has been made that the original understanding was that the sixth amendment applied to military tribunals.[7] However, the stronger historical case[8] demonstrates that the early Congresses and some of the principal draftsmen of the Bill of Rights did not consider the Bill applicable to military personnel[9] and that the sixth amendment right to counsel "was never thought or intended or considered, by those who drafted the sixth amendment or by those who lived contemporaneously with its adoption, to apply to prosecutions before courts martial."[10]

The historical debate as to the extent of Congress' power or any limitations on this power notwithstanding, the Constitution clearly vests in Congress the power to control and regulate the military establishment.[11] At an early date, the Supreme Court recognized that Congress' power to provide for administration of discipline in the Armed Services by means of military tribunals was entirely independent of and had no connection with its power to establish civilian courts under article III.[12] This separation of civilian and military courts was essential, for "if it were otherwise, the civil courts would virtually administer the rules and articles, irrespectively of those to whom that duty and obligation has been confided by the laws of the United States, from whose decisions no appeal or jurisdiction of any kind has been given to the civil magistrate or civil courts."[13]

However, the Court added that "if a court-martial has no *jurisdiction over the subject matter of the charge* . . . , or shall inflict a punishment *forbidden by the law,* through its sentence shall be approved by the officers having a revisory power of it, *civil courts* may, on an action by a party aggrieved by it, inquire into the want of the court's jurisdiction, and give him redress." (Emphasis in the original.)[14]

Though Congress could and did provide for courts-martial and disciplinary tribunals,[15] article III courts were not completely precluded from reviewing courts-martial proceedings, and a convicted serviceman, by means of a writ of habeas corpus, could, in a civilian court, collaterally attack the jurisdiction of the court-martial rendering his conviction.[16] The civilian court's inquiry was originally limited to the considerations of whether the court-martial had been properly constituted, had jurisdiction over the accused and the charge, imposed a sentence within its power, and afforded the accused the military appellate review granted by statute.[17]

The civilian court's collateral review then expanded into a concept of divestiture of jurisdiction whereby, upon a realization that justice was not served in a court-martial proceeding, a civilian court could rule, upon a habeas corpus application, that a series of errors at trial divested the court-martial of the jurisdiction possessed at the initiation of the proceedings.[18] This expansion of the review of military convictions by civilian courts paralleled the expansion of review of civilian habeas corpus applications.[19]

In 1953, the Supreme Court attempted to clarify the position to be taken by a federal court when it undertakes a habeas corpus review of a military conviction.[20] Still recognizing military law as separate and distinct,[21] the Court stated that military courts have a responsibility to protect the constitutional righs of an accused.[22] The Court concluded that, though Congress had provided that military tribunal determinations were "final" and "binding"[23] upon all courts, such provision did not displace a civilian court's jurisdiction of a habeas corpus application from a military prisoner.[24] In essence, the "finality" of a court-martial decision meant only that if the allegations raised in the writ have been fully and fairly considered in the military tribunal, a federal court is not free to grant the writ merely to re-evaluate the evidence.[25] Rather, the civilian court's review was limited to a determination of whether the military tribunal had given fair consideration to any claim of constitutional unfairness or deprivation of right.[26]

It has been suggested by the Supreme Court that Congress, in making rules and regulations for the Armed Services, is not limited by the Bill of Rights.[27] However, the development of civilian court review of court-martial convictions precludes the absolute acceptance of this suggestion. The due process concepts stated in *United States ex rel, Innes. v. Hiatt*[28] and *Burns v. Wilson*[29] indicate that a serviceman on trial before a military tribunal is at least guaranteed by the fifth amendment a fundamentally fair application of the provisions of military law. These concepts have found their most recent expansion in the pronouncements of the Court of Military Appeals[30] and its treatment

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Footnotes at end of article.

of a serviceman's right to legal counsel. Before discussing this court's views on the right to counsel and the serviceman, attention must be directed momentarily to legislative activity in this area.

LEGISLATIVE ACTIVITY

While judicial activity provided assurances to those in military service of necessary protections of a civilized society, Congress also exercised its legislative powers to aid in the struggle for the protection of military personnel. Military discipline was governed by the Articles of War, enacted in 1806.[31] Revised in 1916 [32] and in 1920,[33] the Articles of War left much to be desired in providing procedural due process for an accused before a military tribunal.[34] Public dissatisfaction with alleged military injustice during World War II [35] resulted in the enactment of the Uniform Code of Military Justice (UCMJ)[36]—a comprehensive scheme of legislation designed to protect the rights of those persons subject to military justice.

That the UCMJ has been successful cannot be denied.[37] Indeed, it has been said that, in some instances, military personnel receive greater protection under the UCMJ than do their civilian counterparts under state or federal law.[38] In addition to the provisions for counsel, discussed below, Congress has, through the UCMJ, assured military personnel many constitutional and procedural safeguards similar to those afforded civilians.[39]

To cite but a few examples, self-incrimination,[40] cruel and unusual punishment,[41] double jeopardy,[42] and command influence on court-martial personnel [43] are prohibited. The accused may challenge members of both general and special courts-martial for cause and peremptorily, and the law officer for cause.[44] The accused has the opportunity to obtain witnesses and evidence and to compel the appearance and testimony of witnesses and the production of evidence.[45] Furthermore, the UCMJ furnishes an extensive system of appellate review.[46] All courts-martial are automatically reviewed by the convening officer and a member of the Judge Advocate General's Office.[47] Certain convictions must be reviewed by the service Board of Review [48] and by the Court of Military Appeals.[49] The accused is entitled to legally qualified counsel before both the Board of Review and the Court of Military Appeals.[50]

Concerning right to counsel, the UCMJ presently requires that trial counsel (analogous to the prosecution) [51] and defense counsel be detailed for each general and special court-martial.[52] An accused is permitted to retain civilian counsel, at his own expense, for either a general or special court-martial.[53] It is important to note that the term "counsel", as used in the UCMJ, does not necessarily refer to legally qualified counsel. Unless counsel is defined as Article 27(b) counsel, it is understood that military, or nonlegal counsel, is intended.[54]

For a general court-martial, which has jurisdiction to try all persons and offenses subject to the UCMJ and which can adjudge any sentence, including death,[55] the law officer (analogous to the judge),[56] the trial counsel, and the defense counsel must be qualified attorneys.[57] For a special court-martial, which has jurisdiction to try all persons and noncapital offenses,[58] but which is limited to adjudging sentences of a maximum of six months confinement, a bad conduct discharge, and lesser penalties,[59] the accused is not entitled to a qualified attorney as defense counsel unless the trial counsel is a qualified attorney.[60] There is no provision for a law officer at a special court-martial.[61] For a summary court-martial, which has jurisdiction to try only enlisted personnel and which is limited to adjudging a sentence of a maximum of one month confinement or its equivalent,[62] there exists no provision for either counsel or law officer.[63]

In addition to the provisions for legal counsel and the other constitutional and procedural safeguards mentioned above, the military services themselves take care to see that non-legal or military counsel are reasonably prepared in the skill of administering military justice. This is accomplished primarily by instruction in the arts of military justice [64] and by the use of the *Manual for Courts-Martial* [65] by court-martial personnel.

It is apparent, then, that "Congress . . . has responded to the challenge of extending the constitutional safeguards, so cherished in civilian life, to the countless thousands of men and women who enter the Armed Services." [66] It is equally apparent that, while there has been no clear constitutional directive to Congress to afford servicemen the sixth amendment "right to assistance of counsel", much has been done by legislative activity to assure military personnel, under some but not all circumstances, the assistance of counsel, both military and legal. Whether enough has been done is, like all questions relating to the protection of American citizens, open to debate.

Court of military appeals

Establishment of the United States Court of Military Appeals by Congress has made that court the primary guardian of servicemen's rights before military tribunals. The court has declared that its duty is to interpret the UCMJ in the light of constitutional protections and that all Bill of Rights guarantees apply to servicemen except those which are expressly or by necessary implication excluded,[67] reversing its earlier view that the rights of military personnel were determined by the UCMJ and that any conflict between the Code and the Constitution should be resolved in favor of the Code.[68]

How this interpretation of its duty affects the right to counsel, however, is unclear, as shown by the recent decision of *United States v. Culp*.[69] Though the Court of Military Appeals had previously reserved the right to pass on the qualifications of officers assigned to defend an accused before courts-martial,[70] in *Culp*, it was confronted with the determination by a Board of Review that the sixth amendment guaranteed the right to legally qualified counsel to a defendant convicted of larceny at a special court-martial and sentenced a bad conduct discharge.[71] Judge Kilday, writing the opinion of the court, stated that "qualifications of counsel for courts-martial are a matter within the sound discretion of Congress" [72] and that, in his opinion, the sixth amendment did not apply to court-martial trials.[73] Chief Judge Quinn, in a concurring opinion, took the position that the sixth amendment right to counsel applied to courts-martial, but that the appointment of an officer pursuant to Article 27(c) of the UCMJ fulfills the requirement.[74] Judge Ferguson, also concurring, agreed that an accused before a court-martial was entitled to the sixth amendment right to counsel but concluded that the defendant was not denied this right since he chose to be represented by the appointed officers.[75]

Implied in the *Culp* decision, therefore, as expressed in the two concurring opinions, is that the sixth amendment directly applies to servicemen in respect to their right to counsel before courts-martial, but that the requirement is met by the appointment of military counsel. Although Chief Judge Quinn questioned the desirability of continuing to permit nonlawyers to practice before tribunals empowered to impose bad conduct discharges,[76] as did Judge Ferguson,[77] he was convinced that Congress has the undisputed right to establish the qualifications of counsel appearing before courts-martial [78] and that "the existing qualifications for counsel before those courts [special courts-martial] are reasonably calculated to insure that appointed counsel possess knowledge of the law normally incident to special court-martial practice." [79]

Thus, the sixth amendment looms in the background of special courts-martial proceedings, and by implication all courts-martial proceedings, but the extent of its application is uncertain.[80] The *Culp* decision, however, reveals a willingness on the part of the courts to relate the constitutional "right to assistance of counsel" to the fundamenal fairness or military due process to which servicemen standing before courts-martial are entitled—a willingness short, though, of direct application of the sixth amendment provisions in all its force.

THE RECENT CASES

Application of Stapley; LeBallister v. *Warden*

Almost without exception,[81] it has been held in the federal courts that the due process guarantee of the fifth amendment and the right to counsel guarantee of the sixth amendment do not require that an accused before a court-martial be represented by legally qualified counsel.[82] Generally, where the sixth amendment has been held to apply, the requirement is satisfied if defense counsel is a commissioned officer admitted to practice before courts-martial.[83]

Application of Stapley [84] and *LeBallister* v. *Warden* [85] demonstrate that confusion and doubt continue to affect servcemen's right to counsel before special courts-martial. In *Stapley* the petitioner brought a writ of habeas corpus to secure his release from custody after being sentenced to confinement for three months, a forfeit of two-thirds pay for six months and a demotion.[86] He had been charged with breaches of military orders and discipline and with writing bad checks.[87] Stapley had been tried by a special court-martial and his request for the appointment of a lawyer as defense counsel had been denied.[88] Financially unable to secure a civilian lawyer,[89] he was assigned military defense counsel with no legal training and no experience in court-martial proceedings.[90] Under the advice of his assigned counsel, Stapley pleaded guilty to all charges and settled for a prior arranged "deal" which his advisers had worked out with the commanding officer whereby he would only receive two months confinement at the most.[91]

District Judge Christensen found that defense counsel "were wholly unqualified to act as 'counsel' with respect to military law, procedure, trial or defense practicality, or at all," [92] and that the court-martial trial "notwithstanding that all participants acted in good faith, constituted no more than idle ceremony or form in accordance with a script arranged beforehand, and limited and determined by defense counsel." [93] Consistent with these findings, Judge Christensen concluded that petitioner was entitled to his release and granted the writ of habeas corpus.[94]

In reaching this result, Judge Christensen concluded that the sixth amendment right to counsel applied to proceedings before special courts-martial, "particularly where the charges are substantial or involve moral turpitude or may result in a substantial deprivation of liberty." [95] However, this apparently broad statement was qualified as follows:

"The circumstances of this case render it unnecessary to decide whether before such tribunals under all circumstances an accused is entitled to be represented by counsel who have been trained and admitted to practice before a civilian court. . . . It is sufficient here to consider only whether under the peculiar circumstances of this case, and in view of the frustration of petitioner's efforts to obtain qualified legal services because of his inability to pay them, minimal requirements of due process particularly in view of the Sixth Amendment, required that counsel made available to the petitioner had requisite competency or qualification in military or civilian laws and proceedings . . . beyond

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Footnotes at end of article.

that common to every officer in the military service."[96]

Is the analysis in the opinion any different than that of the Court of Military Appeals in similar cases?[97] Essentially, Judge Christensen has evaluated the factual situation, *i.e.*, the type of crime charged,[98] the character and emotional makeup of the defendant,[99] the circumstances surrounding the proceedings,[100] the fundamental fairness of the proceedings as a whole,[101] and, finally, the qualifications of the assigned counsel to cope with all these factors and give the accused the benefit of an intelligent and competent defense which meets the requirements of the sixth amendment as it applies to military tribunals through a concept of due process.[102]

Such an evaluation determines whether the "minimal requirements of due process and the sixth amendment"[103] are present. The minimal requirements "are not satisfied by the assignment as counsel to an accused of officers with substantially no experience, training or knowledge in the field of law, either military or civilian . . . . it is no longer either reasonable or necessary, if it ever were, to deem any officer qualified to act as defense counsel for an accused merely because he is an officer; nor is it either reasonable or necessary to limit the availability of qualified defense counsel to cases in which the prosecution is represented by qualified counsel.

* * * * *

" '[M]ilitary due process', while within the competence of Congress to establish in view of military necessity, must comport with minimal requirements of constitutional due process to render it immune from attack in the courts when inconsistent confinement of military personnel is involved".[104]

The decision in *Stapley* would not preclude the assignment of non-legal counsel. However, due process will not be satisfied unless the counsel possesses "at least minimal qualifications to rationally advise on substantive and procedural legal problems. . . ."[105] The decision goes further than the approach advocated by Chief Judge Quinn.[106] While *Stapley* would apply the sixth amendment to special courts-martial, it would not necessarily require appointment of legally qualified counsel. However, appointment of an officer, as presently required by Congress, would not always suffice. Rather, the minimal requirements of due process require a case-by-case examination to determine whether the qualifications of counsel, lawyer or nonlawyer, will enable an accused to have a full and fair consideration of the charges against him consistent with the requirements of fundamental fairness.[107]

LeBallister v. Warden[108] involved two separate special courts-martial convictions on charges of absence without leave and disobedience of orders,[109] stemming primarily from petitioner's actions in pursuance of his personal beliefs as a conscientious objector.[110] These convictions each resulted in confinement for six months and forfeiture of a portion of the petitioner's pay.[111] LeBallister did not request representation by civilian or military counsel of his own choice at either proceeding, and was represented by appointed military counsel.[112] Both trial counsel and defense counsel were infantry officers;[113] none were judge advocates, graduates of an accredited law school, nor members of the bar of any court.[114] LeBallister applied for release on a writ of habeas corpus, on the basis that he was not given assistance of counsel as required by the sixth amendment.[115]

Chief Judge Stanley denied the writ and found that petitioner's counsel "represented him at each trial ably and as effectively as was possible under the circumstances,"[116] and concluded that "an accused before a military court is not entitled as a matter of right under the Sixth Amendment to representation by legally trained counsel. The right of an accused to be so represented at a general court-martial springs not from the Sixth Amendemnt, but from the action of Congress under Section 8, Article I of the Constitution. No such right is accorded by Congress to one being tried by special court-martial. See United States v. Culp, 14 U.S.M.A. 199, 33 C.M.R. 411 (1963)."[117]

While petitioner cited the *Stapley* decision in his behalf, Chief Judge Stanley stated that *Stapley* was expressly limited "to the peculiar circumstances of that case, including 'the frustration of the petitioner's efforts to obtain qualified legal services because of his financial inability to pay for them,' circumstances not present here."[118]

The *LeBallister* decision appears to be based on a rigid concept of "military due process", *i.e.*, a military accused derives his rights solely from the UCMJ and not from the Constitution.[119] In view of the facts in the instant case, Chief Judge Stanley could have reached the same conclusion by adopting the approach employed by Judge Christensen. For example, the offense charged was strictly a military offense;[120] petitioner was mentally competent,[121] well educated and sophisticated;[122] no prior "deal" had been arranged between defense counsel and the commanding officer; petitioner had not requested counsel of his own choice, nor had he questioned the adequacy or qualifications of his assigned counsel.[123] The circumstances, then, were quite unlike those in *Stapley*, and petitioner's counsel was evidently qualified to effectively cope with them.[124]

Had Chief Judge Stanley employed this approach, it would have been unnecessary to reach the questions of whether the sixth amendment required appointment of legally trained counsel. For, on the facts, it could have been found that the "minimal requirements of due process and the sixth amendment" were satisfied not merely because infantry officers were assigned to represent LeBallister pursuant to Article 27(c) of the UCMJ, but because the counsel assigned possessed "at least minimal qualifications to rationally advise on substantive and procedural legal problems."

As the decisions now stand, and unfortunately there will not be an opportunity for the Court of Appeals for the Tenth Circuit to resolve the differences,[125] *Stapley* accepts the position of Chief Judge Quinn and Judge Ferguson of the Court of Military Appeals, to the extent that the sixth amendment right to counsel applies to military tribunals, but goes further in that assignment of counsel pursuant to the UCMJ will not suffice unless the minimal requirements of due process are satisfied;[126] whereas *LeBallister* stands for the traditional notion, as expressed by Judge Kilday of the Court of Military Appeals,[127] that the sixth amendment does not apply to military tribunals and that it is in the sole discretion of Congress to establish qualifications for counsel for courts-martial.

These two decisions, then, along with *United States v. Culp*,[128] indicate that, although Congress, the courts, and the military services themselves have made major advancements in providing the procedural safeguard of assistance of counsel, either legal or non-legal, to the men and women of the Armed Services, the question of exactly what the sixth amendment requires concerning the right to counsel and the military services is by no means settled.

S. 750

While it cannot be denied that Congress has been alert to the need of assistance of counsel for military personnel, investigation of the process of administering military justice reveals various factors indicating the necessity of further action by Congress if military personnel are to be fully protected—particularly when right to counsel is concerned.

First, while the Armed Services have highly competent legally qualified counsel, the competency of non-legal military counsel is subject to doubt. The non-legal defense counsel in the *LeBallister*[129] case was considered competent.[130] However, their competency to deal with the intricacies and technicalities of the law, even if one considers military law to be more simplified in practice than civil law,[131] is questionable.[132] Certainly the total lack of legal qualifications of the military defense counsel in the *Stapley* case is evidence that the provisions for counsel in the UCMJ are not fool-proof in providing competent and qualified counsel for military personnel.[133]

A second factor is the loss of certain benefits and the universal recognition of the stigma resulting from a bad conduct discharge.[134] While it is the policy of the Army not to allow special courts-martial to impose a bad conduct discharge[135] and while the Air Force invariably makes available legally trained counsel for an accused at a special court-martial,[136] there is no statutory requirement that these guarantees will be preserved. Of concern also is the possibility that the use of administrative discharges is a "means of circumventing the requirements of the Code."[137] The loss of benefits and resulting stigma is no less the case for an administrative discharge under conditions other than honorable.[138] While the Department of Defense has issued various directives concerning the right to counsel in connection with administrative discharges under conditions other than honorable,[139] counsel need not be furnished if unavailable,[140] and there is, again, no statutory requirement preserving this safeguard.

A final factor having an impact on Congress' duty to assure military personnel certain safeguards has been the recognition by the Supreme Court that right to counsel is "fundamental and essential to a fair trial."[141] The reaction by some of the states to the Court's pronouncement has been an extension of the right to counsel further for civilians than the UCMJ presently extends it for military personnel.[142]

These various factors have led to the conclusion, as expressed by Senator Ervin, that "except in an emergency situation created by war, any serviceman should have the assistance of a qualified attorney to assist him in connection with a proceeding which may result in a discharge under other than honorable conditions."[143] Therefore, on January 26, 1965, Senator Ervin, Chairman of the Senate Subcommittee on Constitutional Rights, introduced S. 750[144]—a bill which would further extend the right to legal counsel for the men and women of the Armed Forces. The bill, one of eighteen, is part of "a legislative program designed to further safeguard the constitutional rights of our Nation's service men and women who for so long have sacrificed so much to protect our American way of life."[145]

The set of bills was introduced following an extensive four-year study by the subcommittee[146] and would make alterations to various aspects of the UCMJ.[147] As far as the role of legal counsel in administering military justice is concerned, the proposed legislation would, in addition to the changes required by S. 750 discussed below, give a statutory basis to the field judiciary presently employed by the Army and Navy, extend the system to the Air Force, facilitate the interservice use of field judiciary members, and allow the use of civilian attorneys in the system;[148] establish a Judge Advocate General's Corps for the Navy;[149] require a law officer to be detailed to a special court-martial adjudging a bad conduct discharge;[150] provide legal counsel to serve on appellate review of certain administrative proceedings;[151] require a law officer to be detailed to an administrative board issuing a discharge under conditions other than honorable;[152] and insure the right to counsel in cases involving minor offenses by abolishing the summary court-martial.[153]

Footnotes at end of article.

Section 1 of S. 750 would amend 10 U.S.C. § 819, providing, in part, that a special court-martial, except in time of war, cannot adjudge a bad conduct discharge "unless the accused was represented at the trial, or afforded the opportunity to be represented at the trial," by legally qualified counsel. Section 2 would amend 10 U.S.C. § 941, providing, in part, that no member of the Armed Forces can be administratively discharged under conditions other than honorable unless such member is afforded the opportunity to appear before a board called for such purpose and to be represented before such board by legally qualified counsel.

The subcommittee's conclusion, after the hearings held in early 1962, that it is "undesirable that servicemen receive a bad conduct discharge without being provided an attorney, if the accused desires a lawyer's aid and if there is any feasible method for the services to provide him a legally qualified defense counsel," [154] is apparently shared by all concerned with military justice, for during the hearings held in 1966, § 1 of the proposed bill was approved by the judges of the Court of Military Appeals,[155] the Judge Advocate Generals,[156] the Department of Defense,[157] and almost all others testifying before the subcommittee.[158] In view of the policy of the Army and Air Force regarding special courts-martial,[159] it appears that the Navy is the only branch of service which would have any difficulty adjusting to the practice. In any event, there appears to be no opposition to § 1.

Testimony before the subcommittee reveals, though, that there are some who feel Congress should further extend the right to legal counsel. One witness, a lawyer whose practice is confined largely to representation of military personnel, stated: "In view of the decision of the United States Supreme Court in Gideon v. Wainwright I can perceive no justification for permitting the trial of an individual before a special court-martial where he is not furnished with qualified counsel to represent him." [160]

This view was shared by the witness testifying in behalf of the American Civil Liberties Union, who added that—

> "Not only is a court-martial conviction a criminal conviction that remains with a defendant the rest of his life, but the sentences that may be imposed (short of a punitive discharge), such as confinement at hard labor for six months, forfeiture of two-thirds of one's pay, and reduction to the lowest enlisted grade, are sufficiently severe to justify the required presence of a legally trained defense counsel." [161]

Chief Judge Quinn of the Court of Military Appeals, while favoring the bill, recommended elimination of the "time of war" exception, noting that "the exercise of military power in time of war tends to be more arbitrary than in peacetime," and that the UCMJ had been enacted because of the "unacceptable practices developed during World War II" [162]—a repetition of which might possibly be avoided by the requirement of representation of legal counsel. The Chief Judge also stated that "the provision raises a serious question as to its applicability during a time when Congress has not actually declared war, as provided in the Constitution." [163]

Section 2 of the bill met with favorable reaction,[164] but, while it was agreed that such a discharge was just as damaging as a bad conduct discharge, there was not total support for including the provision as part of the UCMJ.[165] The Department of Defense maintains that "there is and should be a clear separation in the statutes between (1) those provisions which establish the military judicial system, and (2) laws pertaining to administrative procedures," [166] and, thus, recommends that such procedures should not be incorporated in the UCMJ but elsewhere in Title 10 of the United States Code.[167]

However, as was pointed out at the hearings, "the vice of current administrative elimination procedures is that they eliminate for misconduct with a concomitant stigma while evading the safeguards that should accompany elimination for that reason. Once consequence to the individual of an elimination for misconduct is kept in mind, it becomes absurd to prate, as Army officials so often do, that 'this is administrative, not criminal.'" [168]

Notwithstanding whether such procedures are "criminal prosecutions" and within the scope of the sixth amendment, the proposed bill, if passed, will add further definition to the phrase "right to counsel" in connection with military personnel. However, just as the differences in the later court decisions indicate that the question of how far the sixth amendment right to counsel should be extended remains unsettled, the testimony of those who urge that the proposed bill does not go far enough also indicates that the question of right to counsel and the military, as far as congressional activity is concerned, remains unsettled, despite the proposed legislation.

THE PRESENT QUESTIONS

A century and a half have passed since Brigadier General William Hull invoked at least the spirit, if not the letter, of the sixth amendment right to counsel.[169] As can be seen from the foregoing discussion, since the rejection of General Hull's plea for right to assistance of counsel in a constitutional sense, much has been done by the Congress and the courts to apply the spirit of the right to counsel provision to military tribunals—short of direct application of the full scope of the provision itself. The discussion also reveals that exactly what the sixth amendment right to counsel requires as far as the military services are concerned is not clearly defined. It is time, then, to return to the questions posed at the beginning of this discussion.[170]

Does the sixth amendment right to counsel apply to military tribunals?

Any interested student of the Constitution realizes that raising what at one time is no more than a theory advocated by a few to the level of constitutional doctrine is not an insurmountable problem.[171] While the drafters of the sixth amendment may not have intended the right to counsel provision to apply to courts-martial in 1789, it does not necessarily follow that their intention would have been the same for courts-martial in 1966.

"We're under a Constitution," the oft-quoted declaration states, "but the Constitution is what the judges say it is." [172] True, the Constitution may not have said that an accused before a military tribunal had the right to assistance of counsel at a time when the persons subject to federal military law were of an exceedingly small number,[173] were volunteers,[174] and were often regarded as little more than slaves,[175] and at a time when the offenses denounced by military law were peculiar to military service itself and not punishable in common law courts.[176] Perhaps the Constitution has a slightly different meaning, however, at a time when those subject to federal military law number in the millions,[177] are serving as a result of involuntary draft laws,[178] and can be tried for any crime before a court-martial.[179]

Consequently, while historical evidence would make it difficult, if not inaccurate,[180] to say the original meaning of the Constitution was that the right to counsel applied to military tribunals, there exist sound constitutional theories to permit one to say correctly, in view of the vastly changed circumstances, that the Constitution now means that military personnel, as are civilians in both state and federal courts,[181] are guaranteed, either directly or indirectly, the sixth amendment right to assistance of legally trained counsel.

One theory concerning the protections of the entire Bill of Rights, advocated by Frederick Bernays Wiener, would indirectly apply the sixth amendment protection to military personnel through the due process clause of the fifth amendment.[182] According to Mr. Wiener, the constitutional protections would be assured for those subject to military justice by "read[ing] into the due process clause of the fifth amendment the substance of the guarantees that have been read into the due-process clause of the fourteenth—guarantees whose substance is presently applicable to military persons—and to mark out a line from case to case with due regard to the actualities of the military situation." [183]

Precedential support for the flexibility of the due process clause of the fifth amendment exists in the Supreme Court decision that the equal protection of the laws clause which textually appears in the fourteenth amendment is also included in the meaning of due process under the fifth amendment.[184] As Wiener points out, his theory "will not involve nearly as great an advance in constitutional interpretation" [185] as has other cases, "nor will it encounter the community opposition which arises when a new doctrine runs ahead of and in opposition to community mores." [186]

Following this theory, then, it could just as easily be concluded that the due process clause of the fifth amendment requires application of the sixth amendment right of counsel to military tribunals as it was recently concluded that the due process clause of the fourteenth amendment requires application of the sixth amendment right to counsel to the state courts.[187]

Finding no quarrel with Mr. Wiener's theory and agreeing that "it is not doctrinaire liberalism to urge that its [the fifth amendment's] sweep is broad enough to harden into constitutional bone the gristle of statutory sanctions that now protects the personnel of our armed services," [188] it is submitted, though, that this is not the sole theory under which the protection of right to counsel for servicemen can be elevated to constitutional dignity.

There is a more direct approach available. A fact noted by Mr. Wiener is that the right to counsel provision was not declaratory of existing law, as were other provisions of the Bill of Rights,[189] but was designed to correct an existing evil.[190] While many states had rejected the British practice of permitting defense counsel only for persons accused of treason,[191] it is "a fair summary to conclude that the sixth amendment, insofar as it granted the right to counsel 'in all criminal prosecutions,' guaranteed for all time a right only recently won, and that not universally nor in all cases." [192]

At the time of the drafting of the sixth amendment, the right to counsel provision had the limited meaning only that counsel could speak in court.[193] Since that time, the meaning of right to counsel has been broadened to require supplying counsel in all cases, federal and state, capital and noncapital.[194] Right to counsel means not merely that a defendant must be given an opportunity to have a lawyer appear with him in the courtroom, but that counsel must be provided for a poor person at a preliminary examination which is or may be a critical stage of the prosecution,[195] and that counsel must be provided when an investigation shifts from investigatory to accusatory.[196]

While it has been submitted that the changes in the interpretation of the sixth amendment right to counsel reflects an application of the fifth amendment [197] (and thus Mr. Wiener's theory and the one presented herein may be one and the same thing), the fact remains that no limitations on the definition yet exist. The expanded

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definition of right to counsel, as it presently stands, indicates that it is but a small step forward to expand the definition to include application of this fundamental right to military personnel to the extent that it is applied to civilians.

It would seem that there would be little difficulty in resolving the question of whether the sixth amendment right to counsel applies to military tribunals. Under Mr. Wiener's theory of indirect application through the due process clause of the fifth amendment or according to the theory of direct application through further definition of the right to counsel provision of the sixth amendment, it is clear that there exists sound theoretical basis upon which the constitutional protection of right to assistance of counsel may be provided for the men and women who serve to protect and preserve the Constitution.

Does right to counsel refer to legally trained counsel?

Congress has provided for legally qualified counsel at general courts-martial and for military counsel at special courts-martial.[198] Those courts which have taken the position that the sixth amendment applies to military tribunals have consistently held that the right to counsel, where applied to military tribunals, does not necessarily mean the right to legal counsel.[199] The most recent judicial pronouncement that the sixth amendment right to counsel applies to special courts-martial concluded that it was "unnecessary to decide whether before such tribunals under all circumstances an accused is entitled to be represented by counsel who have been trained and admitted to practice before a civilian court. . . ."[200] There has been no court decision specifically holding that the sixth amendment, if applied to courts-martial, would require legal counsel as opposed to military counsel. Whether this should be the case, then, is unresolved.

Mr. Justice Sutherland has well stated the necessity for a lawyer to represent an accused during a criminal proceeding:

"The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of the law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incomplete evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel in every step of the proceedings against him. Without it, though he not be guilty, he faces the danger of conviction because he does not know how to establish his innocence."[201]

Mr. Justice Sutherland's comments refer to civilians; but are they any less appropriate where military personnel are concerned? The punishment and loss of benefits meted out by a court-martial are no less real than that by a civilian court. It is true, however, that under the UCMJ, an accused is provided with legal counsel when a capital offense is involved, *i.e.*, when the accused appears before a general court-martial.[202] Should not this statutory protection be given the permanency and strength of a constitutional protection? An accused is provided with legal counsel when a non-capital offense is involved, *i.e.*, when he appears before a special court-martial, only when the trial counsel is legal counsel.[203] The proposed legislation may alter this if the punishment to be adjudged is a bad conduct discharge.[204] Yet, is there any reason why legal counsel should not also be provided when the punishment for the non-capital offense is less? Furthermore, the sixth amendment requires that civilians shall have the right to assistance of counsel in all capital and non-capital cases.[205] If civilians are entitled to legal counsel in all non-capital cases, why should not a similar right exist for military personnel?

If military law regulated only military offenses, as it did when the Bill of Rights was first adopted,[206] a stronger argument could be made for limiting the meaning of counsel to non-legally trained military counsel. However, as has been noted above,[207] the UCMJ places no limitations on the type of crime which can be tried by a court-martial.

While various guidelines are provided for military counsel in assisting an accused[208] and while the UCMJ stipulates certain procedural steps to aid the accused,[209] it is still doubtful whether military counsel, no matter how competent in other areas, are sufficiently skilled to adequately defend an accused, no matter how petty the charge may be, especially when it is not one of a military nature. Although the UCMJ provides for automatic review of all courts-martial trials,[210] the absence of a lawyer at the original proceedings may reduce the practical value to an accused of this automatic review.[211]

In the *Culp*[212] case, Chief Judge Quinn and Judge Ferguson discussed the qualifications of military counsel and whether legal counsel was desirable. Chief Judge Quinn defended the qualifications established by Congress and stressed the automatic review of all courts-martial trials required by the UCMJ.[213]

While Judge Ferguson's remarks were in reference to the necessity of legal counsel when a bad conduct discharge is involved,[214] the objections he stated apply to military counsel in general. First, the training in military law for a nonlawyer, being no more than a "general orientation course" and lacking any "rigorous and intensive process which fits one to become the advocate of an individual enmeshed in the toils of criminal law," does not provide "the training required to perform adequately as counsel for an accused."[215]

Second, a layman is not necessarily aware of the "ethical responsibilities" of the legal profession and "will never understand an attorney's devotion to the interests of an 'obviously guilty' client or the singleminded loyalty to the latter's cause which almost unexceptionally characterizes the practice of law."[216] A nonlawyer's duty to the Armed Services may take precedence over his duty to his client, for, as Judge Ferguson stated:

"It seems to me well nigh impossible for one untrained both in the law and in the inviolable standards of the legal profession to put to one side what he might conceive as his responsibility to the service and devote himself entirely to the interests of an individual whom he may privately think undesirable."[217]

Third, Judge Ferguson does not see automatic appellate review as a substitute for legal counsel.[218] As Senator Ervin has pointed out, the review is on the basis of the entire record, and a nonlawyer may not recognize what evidence or information, which will be beneficial to the accused, should be placed into the record; consequently, appellate defense counsel can not take advantage of this information.[219] The experience of the Court of Military Appeals supports Senator Ervin's conclusion, as shown by Judge Ferguson's statement:

"The many guilty pleas which we have reviewed on the basis of skimpy transcripts bear eloquent witness to the cogency of Senator Ervin's comments. How are we to know the real truth of the matters involved, if the accused, upon the advice of a nonlawyer chooses to confess his guilt judicially and nothing is placed in the record to support the validity of his plea except for a formula prated from the Manual for Courts-Martial, United States, 1951? We can go only upon the record in measuring its legal sufficiency to support the findings and sentence. Yet, we are truly ignorant of what might have been done had the accused's evidence viewed by an attorney thoroughly versed in the law and bound by the sanctions of the Canons of Ethics to advise and counsel with his client in the best traditions of Anglo-American advocacy."[220]

It must be remembered, though, that certain charges are peculiar to military life, such as disobeying an order or absence without leave, which have no direct counterpart in civilian life, and that the procedure of a special court-martial differs from the proceedings in civilian courts. Emphasis is placed on these factors by Chief Judge Quinn who states: "An officer's ordinary training and experience, therefore, are reasonably calculated to make him learned in the simplified procedures and in the substance of the military type offenses that normally come before such courts."[221]

Although there is no direct counterpart in civilian life to the military type of offense, certain offenses in the nature of traffic violations, public disorder and the like bear resemblance. As of yet, the right to assistance of counsel has not been extended to the point where a lawyer must be furnished for civilians charged with such offenses.[222] It would seem, therefore, that there should be no requirement that legal counsel be provided for military personnel charged with offenses of a similar nature under military law.

A proposed solution to the problem of whether right to counsel refers to legally qualified counsel—a solution which perhaps resolves the differences in approach taken by Chief Judge Quinn and by Judge Ferguson—would be, in addition to requiring legal counsel where the punishment to be imposed is of a serious nature and consequence, to require legal counsel for military personnel in every situation where a lawyer would necessarily be required if the offense were committed in a civilian setting. When a serviceman is accused of an offense which, had he committed as a civilian, assistance of counsel would have been provided, there is no justification in denying him such assistance only for the reason that he is a serviceman. A man is a citizen first, a soldier second. If the right to counsel—the right to assistance by an attorney—is a fundamental and essential right under the Constitution necessary for the fair trial of a civilian, then, indeed, it would be ironic if this same right were denied to those who defend the Constitution merely because they have donned a military uniform.

Can the constitutional right to counsel be practically applied to military tribunals?

Certain objections may be raised to recognizing that the sixth amendment entitles a serviceman to legally qualified counsel. Among these are—that it won't work in time of war; that the military services would have difficulty adjusting to such an extension; that the supply of lawyers is inadequate to assign legal counsel to all courts-martial proceedings; and that the requirement will have a detrimental effect on maintaining discipline and morale. An examination of these considerations is desirable to ascertain whether the constitutional rights can be effectively, as well as theoretically, applied.

Time of War.—This particular consideration may be irrelevant during time of peace. "[I]t does not seem appropriate today to deprive our young men in uniform of safeguards we now provide them because those safeguards might not work well if war should come at some undetermined time."[223] On the other hand, wartime may be the very time that a serviceman may need the protection of legal counsel if the offense charged is other than a military offense for the "exercise of military power in time of

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war tends to be more arbitrary than peacetime."[224] If the offense is military, legal counsel may not be necessarily required.

Whatever the case, it is premature to reject right to counsel for servicemen as not being required by the sixth amendment simply because the exigencies of war may affect the right. When martial law is declared and when military necessity requires, the question of how far the right is affected, if at all, may be determined.[225]

Difficulty of Adjustment: As has been seen throughout this discussion, Congress, the courts, and the services themselves have extended the right to counsel to servicemen in many situations, motivated by the desire to provide for servicemen one of the fundamental safeguards of civilized society. Whatever difficulties of adjustment were necessitated by such extensions have been successfully resolved.[226] Should the situation alter if motivation is replaced by constitutional direction?

All services are, of course, required to assign legal defense counsel for general courts-martial and for special courts-martial when trial counsel is legal counsel.[227] Since the Air Force policy is to assign lawyers to all special courts-martial, the Air Force should have no difficulty in adjusting to the practice. Any difficulty the Army might have would be due to the availability of lawyers, discussed below, but not to the nature of Army operations, which are confined to the ground and conducted in or near a base complex. The only service seriously affected by such a requirement would be the Navy, whose operations make it impractical to assign lawyers to all ships in order to defend an accused while on extended cruises.[228]

However, this same problem arises when a serviceman commits an offense on board ship which would subject him to a general court-martial. Since a general court-martial cannot be convened without the proper personnel,[229] the commanding officer must either confine the accused, or, if it is an extended cruise and such confinement is impossible or impractical until the ship returns to port, he must be taken off the ship.

Since the Navy has had to cope with these conditions as far as general courts-martial are concerned and since proceedings involving a minor offense or one of a strictly military nature may not necessarily require legal counsel, the area of difficulty is that which involves an offense which, had it been committed by a civilian, the accused would be entitled to legal counsel. If this be the case, the commanding officer could proceed in the same manner as he would with an accused awaiting a general court-martial. It might be said that this course of argument points toward the complete abolition of special and summary courts-martial, if not officially, at least in practice. This, however, is not a novel suggestion, even if true, and has been advanced by military experts in the past.[230]

Notwithstanding the difficulties of adjustment, Senator Ervin's words, in reference to the inconveniences of making a lawyer available to a serviceman threatened with a discharge under conditions other than honorable, are particularly appropriate to this objection: "However, if the Armed Services display the same initiative and imagination in confronting this problem that the Army has shown in developing its field judiciary system, I believe the difficulties can be surmounted." [231]

Supply of Lawyers. As far as the sufficiency or availability of manpower to implement a constitutional directive to provide legally qualified counsel, the objections of the military [232] are perhaps motivated by objection to the change in policy rather than by any real difficulty in making lawyers available. As Judge Christensen noted in *Application of Stapley*, "[W]ith the increasing personnel in the military service, the rapidity and ease of transportation and the training facilities and techniques readily available for specialized training or experience, it is no longer reasonable or necessary, if it ever were, to deem any officer qualified to act as defense counsel for an accused merely because he is an officer." [233]

The Statement of the American Civil Liberties Union at the subcommittee hearings indicates, perhaps, that the "manpower shortage" argument is a myth:

"We note that some of the proposals prepared by your subcommittee . . . undoubtedly will dictate the greater utilization of legally trained personnel. To those who would oppose the proposals or revisions on the ground that the Judge Advocate components of the various armed services are inadequately staffed to meet this demand, we would suggest two answers. First, more efficient allocation of existing manpower resources would considerably expand the availability of legally trained personnel. Thus, Judge Advocates who presently are required by many commanders to perform totally unskilled jobs, such as taking of inventories, assignments as club officers or duty officers, and the like, could be freed from such tasks, and their time could more appropriately be spent in the performance of legal duties. Second, because current DOD [Department of Defense] manning requirements have been fully satisfied, many young attorneys are denied appointments as Judge Advocates and are instead called to active duty in non-legal capacities. Accordingly, a large reserve of potential military attorneys remains untapped because of the Defense Department's own personnel policies.

"Thus, it is our view that there is a sufficient source of legally qualified persons to implement any legislation designed to safeguard the constitutional rights of military personnel." [234]

Maintaining Discipline and Morale: If a commanding officer has no direct means of disciplining a man who has committed an offense detrimental to the morale of the unit, and instead, has to refer the offender to a court-martial removed from the location where the offense is committed in order for the offender to receive assistance of legal counsel for what might normally be a purely disciplinary matter, the effect on the remaining men under his command may be injurious to the commanding officer's stature.[235] For the ground forces this would be prevalent in the field. But the problem would be even greater for a commanding officer of a ship at sea.

This objection, however, can be overcome by a commanding officer's intelligent use of the present provisions of the UCMJ.[236] The offense which will normally fall within the scope of matters having a debilitating effect on discipline and morale, if not met with an immediate command remedy, are those which may be treated under Article 15. Having recently been expanded,[237] a commanding officer's powers to render immediate punishment for an offense, when he deems it necessary for the welfare of the unit as a whole, are carefully laid out and, in effect, are broad in scope.[238]

On a ship at sea, punishment may be administered even where the offender demands a trial by court-martial,[239] if immediate remedy is necessary. Such broad power is essential for the safety of the ship and is in line with the commanding naval officer's traditionally broad "mast powers," [240] The punitive remedies are clearly defined [241] and the immediate imposition of disciplinary punishment does not act as a bar to "trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this article." [242] Also, punishment under this article does not appear as a cirminal conviction on the record of the offender.[243] In the case of ground forces, upon the demand of the accused, he may not be punished under Article 15, but may receive the proper court-martial.[244] It is, therefore, submitted that intelligent use of Article 15 by a commanding officer will, in all situations meet the objection presented. Just as the UCMJ had no adverse effect on military discipline and morale,[245] there is no objection that the extension of the right to counsel would have such an effect.

CONCLUSION

That those responsible for administering military justice and protecting the rights of military personnel have afforded many basic and fundamental guarantees of civilized society to the men and women of the Armed Services is evident. That, in affording these guarantees, certain practical adjustments have been necessary is equally evident. However, neither the fact that much has been done nor the fact that to do more would require further adjustment offers sufficient justification for failure to afford those who serve to defend the Constitution an essential right of the Constitution. The right to effective assistance of legally qualified counsel—guaranteed to all civilians—if denied to military personnel, belies the fact that the Constitution protects all citizens. Replacing the flexible legislative and administrative privilege of right to counsel, legal or nonlegal, for servicemen with the permanent constitutional right they enjoyed as civilians bears truth to the fact that "the Constitution of the United States is a law for rulers and people, equally in war and peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances." [246]

R.J.F.
R.L.W.

FOOTNOTES

[1] Mr. Justice Douglas, in Burns v. Wilson, 346 U.S. 137, 152 (1953) (dissenting opinion).

[2] U.S. CONST. amend. VI.

[3] Application of Stapley, 246 F. Supp. 316 (D. Utah 1965); LeBallister v. Warden, 247 F. Supp. 349 (D. Kans. 1965).

[4] S. 750, 89th Cong., 1st Sess. (1965).

[5] U.S. CONST. art. I, § 8, cl.14.

[6] U.S. CONST. amend. V.

[7] Henderson, *Courts-Martial and the Constitution: The Original Understanding,* 71 HARV. L. REV. 293 (1957).

[8] Wiener, *Courts-Martial and the Bill of Rights: The Original Practice* (pts. 1–2), 72 HARV. L. REV. 1, 266 (1958) (hereinafter cited as Wiener I and Wiener II). Mr. Wiener's article was a rebuttal of Mr. Henderson's historical examination and conclusion.

[9] The 1806 Articles of War, the first comprehensive code enacted for the army under the constitution, limited a soldier's exercise of free speech. This included, among other specific limitations, the use of "contemptuous or disrepectful words" in reference to the President, Vice-President or Congress of the United States. Act of April 10, 1806, ch. 20, art. 5, 2 Stat. 359, 360 (hereinafter referred to as the 1806 Articles of War). This article was signed into law by President Jefferson, who, a few years earlier, had led a first amendment attack on similar free speech prohibitions which were applied to civilians by the Sedition Act of 1789. Act of July 14, 1789, ch. 75, 1 Stat. 596.

[10] Wiener I at 49. The 1806 Articles of War contained no specific provision for defense counsel for an accused before a military tribunal. Article 69, 2 Stat. 359, 367–368, provided that the presiding judge advocate at a court-martial should prosecute for the United States and also, in a limited sense, act as counsel for the accused after he pleaded, *i.e.*, the judge advocate could object to leading questions asked of witnesses or incriminating questions of the defendant. In early practice, professional lawyers were not permitted to interfere in courts-martial proceedings by pleading or argument of any kind. A serviceman, however, was permitted to receive informal advice or assistance from counsel. See Wiener I at 22–24.

The circumstances of one of the earliest court-martial trials, indicating that the principal draftsman of the Bill of Rights, James Madison, did not consider the sixth amendment right to counsel applicable to military tribunals, are recounted in Wiener I at 29–31. When Brigadier General William Hull was tried in 1814 for having surrendered Detroit to the enemy in the war of 1812 without firing a shot, he requested that his legal advisers be permitted to address the court and examine witnesses:

"I appeal to the constitution of our country; and if you do not find my claim sanctioned by the letter of that instrument, I am sure you will by its spirit, which I know must govern the deliberations and decisions of this honourable court . . . . when it was provided that the accused should have the benefit of counsel, how can it be supposed that it was intended to confine this provision to accusations before a civil court."

The court-martial ruled that counsel could not address the court personally and sentenced the General to death with a recommendation of clemency. Under contemporary procedure the decision was reviewed by President Madison, who approved the sentence.

[11] The War Powers of Congress are contained in U.S. Const. Art. I, § 8, cls. 11–14.

[12] Dynes v. Hoover, 61 U.S. (20 How.) 65, 79 (1857).

[13] *Id.* at 82.

[14] *Id.* at 82–83.

[15] See, *e.g.*, Act of March 2, 1799, ch. 24, arts. 47–48, 1 Stat. 709, 713; Act of April 23, 1800, ch. 33, § 1, arts. 33–41, 2 Stat. 45, 50–51; and see generally 1806 Articles of War, 2 Stat. 359.

[16] *Ex parte* Reed, 100 U.S. 13 (1879). This was the first habeas corpus proceeding before the Supreme Court growing out of a court-martial conviction of a soldier. The Court had previously dealt with habeas corpus applications in the cases of military commission prisoners who were civilians. See *Ex parte* Milligan, 71 U.S. (4 Wall.) 2 (1866) and *Ex parte* Yerger, 75 U.S. (8 Wall.) 85 (1868). The Court had earlier held that it lacked jurisdiction to review by certiorari the proceedings of a military commission. *Ex parte* Vallandigham, 68 U.S. (1 Wall.) 243 (1863). In *Reed*, the Court stated that "a writ of habeas corpus cannot be made to perform the function of a writ of error. To warrant the discharge of the petitioner, the sentence under which he is held must be, not merely erroneous and voidable, but absolutely void." *Ex parte* Reed, *supra* at 23. This position was reaffirmed in 1902 when the Court approved the "salutary rule that the sentences of courts-martial, when affirmed by the military tribunal of last resort, cannot be revised by the civil courts save only when void because of an absolute want of power, and not merely voidable because of the defective exercise of power possessed." Carter v. McClaughry, 183 U.S. 365, 401 (1902). See generally Wurfel, *Military Habeas Corpus: I,* 49 Mich. L. Rev. 493, 515–519 (1951).

[17] See Note, *Constitutional Rights of Servicemen Before Courts-Martial,* 64 Colum., L. Rev. 127, 130 n.33 (1964). This traditional view was thought to be positively reaffirmed by the Supreme Court in 1950. See Hiatt v. Brown, 339 U.S. 103, 111 (1950). But see Burns v. Wilson, *supra* note 1, discussed *infra.*

[18] This approach was first used by a federal court in Schita v. King, 133 F.2d 283 (8th Cir. 1943), *denial of writ on remand upheld sub nom.* Schita v. Cox, 139 F.2d 971 (8th Cir. 1944), *cert. denied,* 322 U.S. 761 (1944). In this case, the petitioner complained that he had been denied a fair and impartial trial by the sentencing court-martial, including the allegation that he had received ineffective assistance of counsel at the court-martial trial. The court stated that the accused's allegations, if uncontroverted, resulted in a denial of due process and rendered the tribunal without jurisdiction to impose sentence and conviction.

The most cogent statement of the new approach appeared in United States *ex rel.* Innes v. Hiatt, 141 F.2d 664 (3d Cir. 1944). After asserting its power to grant the relief sought on review of a court-marital conviction for constitutional due process deficiencies, the court denied the writ, but stated that the "basic guarantee of fairness afforded by the due process clause of the fifth amendment applies to a defendant in criminal proceedings in a federal military court as well as in a federal civil court. . . . As to them [military defendants before court-martials] due process of law means the application of the procedure of the military law . . . . but the due process clause guarantees to them that this military procedure will be applied to them in a fundamentally fair way. We conclude that it is open for a civil court in a habeas corpus proceeding to consider whether the circumstances of a court-martial proceeding and the manner in which it was conducted ran afoul of the basic standard of fairness which is involved in the constitutional concept of due process of law, and, if it so finds, to declare that the relator had been deprived of his liberty in violation of the fifth amendment and to discharge him from cutody." *Id.* at 666. See also Anthony v. Hunter, 71 F. Supp. 823 (D. Kans. 1947); Hicks v. Hiatt, 64 F. Supp. 238 (M.D. Pa. 1946).

However, the Supreme Court subsequently held that it was error for a circuit court of appeals to extend its review of a military conviction "to such matters as the propositions set forth in the staff judge advocate's report, the sufficiency of the evidence to sustain respondent's conviction, the adequacy of the pre-trial investigation, and the competency of the law member and defense counsel," for the purpose of establishing compliance with the due process clause. Hiatt v. Brown, *supra* note 17, at 110.

[19] Johnson v. Zerbst, 304 U.S. 458, 467–468 (1938). It was on the springboard of this authority that the federal courts began a wider review of courts-martial convictions, on the assumption that the expanded concept of divestiture of jurisdiction was "a fortiorari" applicable to the military courts. See Anthony v. Hunter, *supra* note 18, at 826.

[20] Burns v. Wilson, *supra* note 1.

[21] *Id.* at 140. "This Court has played no role in its (*i.e.*, military law) development; we have exerted no supervisory power over the courts which enforce it."

[22] *Id.* at 142.

[23] See, *e.g.*, Act of June 24, 1948, ch. 625, art. 50(h), 62 Stat. 604, 637–638.

[24] Burns v. Wilson, *supra* note 1, at 142.

[25] *Ibid.* The impact of the *Burns* decision on a federal court's scope of collateral review of military convictions appears uncertain. One view of the decision sees it as establishing the proposition that once Congress has legislatively struck a balance between a serviceman's constitutional rights and military necessity, the federal courts are precluded from questioning this balance. Note, *Constitutional Rights of Servicemen Before Courts-Martial, supra* note 17, at 146–147. This view would not find *Burns* inconsistent with Hiatt v. Brown, *supra* note 17. Chief Justice Warren, however, gives a broader interpretation to *Burns, i.e.,* that "soldiers may not be stripped of basic rights simply because they have doffed their civilian clothes." Warren, *The Bill of Rights and the Military,* 37 N.Y.U. L. Rev. 181, 188 (1962).

[26] For the constitutional guarantee of due process is meaningful enough, and sufficiently adaptable, to protect soldiers—as well as civilians—from the crude injustices of a trial so conducted that it becomes bent on affixing guilt by dispensing with rudimentary fairness rather than finding truth by adhering to those basic guarantees which have long been recognized and honored by the military courts as well as the civil courts. Burns v. Wilson, *supra* note 1, at 142–143.

[27] See, *e.g.*, *Ex parte* Milligan, *supra* note 16, at 138 (concurring opinion): "The power of Congress, in the government of land and naval forces and of the militia, is not at all affected by the fifth or any other amendment."

[28] *Supra* note 18.

[29] *Supra* note 1.

[30] See 10 U.S.C. § 867 (1964), which provides for the establishment of the United States Court of Military Appeals and defines its structure and responsibility.

[31] 1806 Articles of War, arts. 1–101, 2 Stat. 359 (1806) (repealed by the UCMJ).

[32] Act of Aug. 29, 1916, ch. 418, arts. 1–121, 39 Stat. 650. The revisions "were only a rearrangement and reclassification without much alteration in substance." Morgan, *The Background of the Uniform Code of Military Justice,* 6 Vand. L. Rev. 169 (1953).

[33] Act of June 4, 1920, ch. 227, arts. 1–121, 41 Stat. 787, The revisions embodied some "provisions protecting the rights of an accused." Morgan, *supra* note 32, at 172.

[34] See Morgan, *supra* note 32, at 169–182.

[35] See especially White, *The Uniform Code of Military Justice: The Background and the Problem,* 35 St. John's L. Rev. 197, 198–209 (1961).

[36] Ch. 169, 64 Stat. 107 (1950), as amended, 10 U.S.C. §§ 801–940 (1964).

[37] John S. Stillman, National Chairman of the American Veterans Committee, testifying before the Senate Subcommittee on Constitutional Rights (hereinafter referred to as subcommittee), stated: "Blackstone at one time referred to the English soldier as being 'in a state of servitude in the midst of a nation of free men.' We have no such stark contrast today, thanks largely to the adoption in 1950 of the Uniform Code of Military Justice." *Transcript of Hearings Before the Senate Subcommittee on Constitutional Rights and a Special Subcommittee of the Senate Armed Services Committee in Joint Hearings on Military Justice and Military Discharges,* 89th Cong., 1st Sess. 404 (1966) (hereinafter cited as *Transcript: 1966 Hearings*); see, also, Statement of the Honorable Paul J. Kilday, Judge, United States Court of Military Appeals, *Transcript: 1966 Hearings* 608. For an early evaluation of the UCMJ, see Ward, *UCMJ—Does It Work?,* 6 Vand. L. Rev. 186 (1953).

[38] Brigadier General Kenneth J. Hodson, Assistant Judge Advocate General for Military Justice, Department of the Army, testifying before the subcommittee, stated: "In many respects, members of the armed forces charged with criminal offenses are now accorded more legal safeguards than members of the civilian community in similar circumstances. The present requirements for legal representation of the military accused before and during trial in general court-martial cases and upon the automatic appellate review of those cases are examples." *Transcript: 1966 Hearings* 37–38.

[39] See Quinn, *The United States Court of Military Appeals and Military due Process,* 35 St. John's L. Rev. 225 (1960).

[40] 10 U.S.C. § 831 (1964).

[41] 10 U.S.C. § 855 (1964).

[42] 10 U.S.C. § 844 (1964).

[43] 10 U.S.C. § 837 (1964).

[44] 10 U.S.C. § 841 (1964).

[45] 10 U.S.C. §§ 846–47 (1964).

[46] 10 U.S.C. §§ 859–76 (1964).

[47] 10 U.S.C. §§ 860–65 (1964).

[48] 10 U.S.C. § 866(b) (1964).

[49] 10 U.S.C. § 867(b) (1964).

[50] 10 U.S.C. § 870 (1964).

[51] 10 U.S.C. § 838 (1964).

[52] 10 U.S C. § 827(a) (1964).

[53] 10 U.S.C. § 838(b) (1964).

[54] 10 U.S.C. § 827(b) (1964).

[55] 10 U.S.C. § 818 (1964).

[56] 10 U.S.C. §§ 826–27 (1964).

[57] 10 U.S.C. §§ 839, 851(b) (1964).

[58] 10 U.S.C. § 819 (1964).

[59] *Ibid.*

[60] 10 U.S.C. § 827(c) (1964).

[61] The president of a special court-martial has similar duties as the law officer of a general court-martial. 10 U.S.C. § 851 (1964). However, no member of a special court-martial need be a lawyer. 10 U.S.C. § 816(2) (1964).

[62] U.S.C. § 820 (1964).

[63] 10 U.S.C. §§ 816(3), 827, 838 (1964).

[64] *See e.g.*, [1964] ARMY JAG ANN. REP. 60.

[65] Exec. Order No. 10214, 16 Fed. 1303 (1951), prescribing the U.S. DEP'T OF DEFENSE MANUAL FOR COURTS-MARTIAL (1951), pursuant to 10 U.S.C. § 836 (1964).

[66] Statement of Senator Ervin, 111 CONG. REC. 1227 (daily ed. Jan. 26, 1965).

[67] United States v. Jacoby, 11 U.S.C.M.A. 428, 430–431, 29 C.M.R. 244, 246–247 (1960); see also Warren, *supra* note 25, at 188–190. The Chief Justice considers the UCMJ as the guardian of the Bill of Rights in the military and the Court of Military Appeals as the civilian "Supreme Court" for the military.

[68] See United States v. Sutton, U.S.C.M.A. 220, 11 C.M.R. 220 (1953), and Quinn, *supra* note 39, at 232. *Sutton* was a logical extension of United States v. Clay, 1 U.S.C.M.A. 74, 1 C.M.R. 74 (1951), which based a serviceman's rights on congressional statute.

[69] 14 U.S.C.M.A. 199, 33 C.M.R. 411 (1963).

[70] United States v. Gardner, 9 U.S.C.M.A. 48, 25 C.M.R. 310 (1958); United States v. Fisher, 8 U.S.M.C.A. 396, 24 C.M.R. 200 (1957); United States v. Williams, 8 U.S.C.M.A. 443, 24 C.M.R. 253 (1957). See generally Avins, *Accused's Rights to Defense Counsel Before a Military Court*, 42 U. DET. L.J. 21 (1964).

[71] United States v. Culp, *supra* note 69, at 218, 33 C.M.R. at 413.

[72] *Id.* at 216, 33 C.M.R. at 429.

[73] *Ibid.*

[74] *Id.* at 217, 33 C.M.R. at 429.

[75] *Id.* at 219, 33 C.M.R. at 431.

[76] *Id.* at 218, 33 C.M.R. at 430.

[77] *Id.* at 219–221, 33 C.M.R. at 431–433.

[78] *Id.* at 217, 33 C.M.R. at 429.

[79] *Id.* at 218, 33 C.M.R. at 430.

[80] The *Culp* decision has been interpreted as setting up a double standard of constitutional rights, one for civilians and one for servicemen, indicating that "civilian due process" and "military due process" are not the same. See 49 VA. L. REV. 1581, 1587–1588 (1963). See also Quinn, *supra* note 39, at 233.

[81] One of the exceptions is Shapiro v. United States, 69 F. Supp. 205 (Ct. Cl. 1947), in which a military conviction was voided, on the basis of the sixth amendment, because the accused was denied adequate assistance of counsel. Even in *Shapiro,* the circumstances were such that the judge characterized the proceedings as an example of "military despotism." *Id.* at 207. *Shapiro* also demonstrates an alternative form of attacking a military conviction collaterally in a civilian court, *i.e.*, by suit in the Court of Claims to recover a fine or forfeiture, in this case back pay, assessed by the court-martial. This method of attack dates back to Swaim v. United States, 165 U.S. 553 (1897). Another method of attacking a military conviction is shown by Jackson v. McElroy, 163 F. Supp. 257 (D.D.C. 1958), where the court held that the jurisdiction of the convicting court-martial could be reviewed in an action for a declaratory judgment under 28 U.S.C. § 2201 (1964), wherein the petitioner contends that his conviction and sentence are void and requests a mandatory injunction under 28 U.S.C. § 1361 (1964) to remove the discharge. Recently, the Court of Appeals for the First Circuit approved this method of attack. Ashe v. McNamara, 355 F.2d 277 (1st Cir. 1965).

[82] *Ex parte* Benton, 63 F. Supp. 808 (N.D. Cal. 1945); Duval v. Humphrey, 83 F. Supp. 457 (M.D.Pa. 1949); Adams v. Hiatt, 79 F. Supp. 433 (M.D.Pa. 1948), *cert. denied.* 337 U.S. 946 (1949); Smith v. Hiatt, 170 F.2d 61 (3rd Cir. 1948).

[83] Romero v. Squier, 133 F.2d 528 (9th Cir. 1943), *cert. denied,* 318 U.S. 785 (1943); *accord,* Altmayer v. Sanford, 148 F.2d 161 (5th Cir. 1945).

[84] 246 F. Supp. 316 (D. Utah 1965).

[85] 247 F. Supp. 349 (D. Kans. 1965).

[86] Application of Stapley, *supra* note 84, at 320.

[87] *Id.* at 318.

[88] *Ibid.*

[89] *Id.* at 319.

[90] *Id.* at 313–319.

[91] *Id.* at 319.

[92] *Ibid.*

[93] *Ibid.*

[94] *Id.* at 322. The writ was granted on the traditional basis of lack of jurisdiction in the court-martial, though by the indirect method of divestiture of jurisdiction, in that Judge Christensen held that the court-martial was without jurisdiction by reason of its violation of the petitioner's constitutional rights of effective assistance of counsel and due process. *See* notes 18 and 19 *supra* and accompanying text.

[95] *Id.* at 320.

[96] *Id.* at 320–321.

[97] See cases cited note 70 *supra; but see infra* note 107.

[98] Application of Stapley, *supra* note 84, at 318. "[R]epeated acts of claimed fraud in the issuance of checks some of which if established, could have constituted felonies in a civil court and all of which imputed moral turpitude. Such charges involve problems of substantive law as well as practice, reasonably necessitating knowledgeable legal counsel, advice and assistance."

[99] *Ibid.* "Stapley at the time he faced these charges was of the age nineteen years, apparently immature even for his age, suffering from emotional difficulties, and of limited experience."

[100] *Supra* note 89.

[101] See notes 91, 93 *supra* and accompanying text.

[102] Application of Stapley, *supra* note 84, at 318–320. The defense counsel and assistant defense counsel were a captain and second lieutenant. The captain was a veterinarian who had been in the service for about two years and had no acquaintance with military court procedures. His total training as an officer in military law had been two days. The second lieutenant was 22 years old and had been in the service for a year. He had a political science background in college and had studied the UCMJ in the ROTC program. He had, however, no practical experience or special knowledge in legal matters or procedure. Judge Christensen found their advice to their client totally ineffectual and incorrect in some instances, *i.e.*, defense counsel's belief that intoxication was no defense for a specific intent crime. Also, counsel advised the defendant to plead guilty to all charges, including one thereafter ordered dismissed by the convening authority for legal insufficiency to state an offense. All these factors led to a conclusion that representation in this case did not constitute in fact or law "representation by 'counsel' either civil or military."

[103] *Id.* at 321.

[104] *Ibid.*

[105] *Ibid.*

[106] See note 69 *supra,* at 216, 33 C.M.R. at 428. (Quinn, C. J., concurring).

[107] The Court of Military Appeals has not disturbed, on constitutional grounds, the balance struck by Congress between military needs and the rights of servicemen as set out in Article 27(b) of the UCMJ. In *Culp,* it found that the qualifications established for nonlawyers at special courts-martial bore a reasonable relationship to the purpose to be accomplished. United States v. Culp, *supra* note 69, at 217–218, 33 C.M.R. at 429–430 (Quinn, C. J., concurring). Judge Christensen, however, used constitutional grounds to reexamine this balance and found that, at least in Stapley's case, the requirements established for non-legal counsel were not sufficient to meet the minimum requirements of due process and the sixth amendment.

[108] 247 F. Supp. 349 (D. Rans. 1965).

[109] *Id.*, at 351.

[110] *Ibid.*

[111] *Id.* at 350.

[112] *Ibid.*

[113] *Id.* at 351.

[114] *Ibid.*

[115] *Id.* at 350. LeBallister's petition with the writ of habeas corpus stated that he "was not afforded the opportunity to consult with, nor was he represented by competent counsel, during proceedings before special court-martial." Petition for Writ of Habeas Corpus, LeBallister v. Warden, No. 3919 H.C., D. Kans. Nov. 22, 1965, pp. 1–2.

[116] LeBallister v. Warden, *supra* note 108, at 351.

[117] *Id.* at 352.

[118] *Ibid.* This also reflects the view of the Services on the *Stapley* case as expressed by a Justice Department spokesman. "We interpreted the decision as being restricted to the facts of this case. The opinion did not say that the Army had to appoint lawyers in every special court-martial case. The law says someone with training and experience in these matters must be provided. And the court found in this case that the officer had no experience in this field." The Evening Star (Washington, D.C.), Dec. 1, 1965; p. A–3, col. 4.

[119] This is return to the view as articulated by the Supreme Court in United States *ex rel.* Creary v. Weeks, 259 U.S. 336, 344 (1922). "To those in the military or naval service of the United States the military law is due process." *But see* the statement in *Burns, supra* note 69, that "the constitutional guarantee of due process is meaningful enough, and sufficiently adaptible, to protect soldiers as well as civilians." *Id.* at 142.

[120] LeBallister v. Warden, *supra* note 108, at 351.

[121] *Ibid.*

[122] *Ibid.*

[123] *Ibid.*

[124] LeBallister's primary counsel at both special courts-martial was Lt. Craig B. Anderson, a college graduate and a graduate of the Army Officer Candidate School at Fort Benning, Georgia, where he had received twelve hours of instruction in military justice and participated in mock courts-martial. Before being appointed to defend LeBallister, he had twice served as assistant defense counsel at other courts-martial. He was Brigade defense counsel at Fort Ord, California, for special courts-martial at the time of LeBallister's second trial in June, 1965. Lt. Anderson stated that he in no way influenced the petitioner's guilty pleas at either proceeding. Anderson wished to prove extenuating circumstances in order to mitigate the charges against the accused, but LeBallister refused such efforts. Affidavit of Lt. Craig B. Anderson, LeBallister v. Warden, No. 3919 H.C., D. Kans. Nov. 22, 1965, pp. 1–2.

[125] Stapley's attorney filed his writ for the prisoner's release on the fifty-eighth day of confinement. The prisoner would have gone free at the end of sixty days under the reduced sentence he had received from his commanding officer by pleading guilty to all charges. See note 91, *supra,* and accompanying text. In view of this, the case was only two days from being moot when it was filed. Because of this factor and the factual circumstances strongly favoring the petitioner, the Solicitor General's office did not appeal. In LeBallister, after initially reserving the right to appeal, petitioner's attorney allowed his appeal time to lapse. Also, petitioner wrote the clerk of the Kansas District Court expressing his desire to abandon any right to tained through personal interview with Stap- appeal. Therefore, the government's motion to preclude appeal was granted on February 18, 1965. (The above information was ob- ley's attorney, James P. Cowley, through the Army Litigation Department, Judge Advocate

General's Corps, and through interviews with Lt. Col. Abraham Nemrow, JAGC, Chief of Army Litigation, who participated as counsel for the government in *LeBallister*.)

[126] See note 107 *supra* and accompanying text.

[127] United States v. Culp, *supra* note 69, at 200, 33 C.M.R. at 412.

[128] *Supra* note 69.

[129] LeBallister v. Warden, *supra* note 108.

[130] *Id.* at 351; see note 124 *supra*.

[131] United States v. Culp, *supra* note 69, at 217, 33 C.M.R. at 423 (Quinn, C. J., concurring).

[132] *Infra* notes 215–219 and accompanying text.

[133] For further illustration see Neal v. United States, No. 226–62, Ct. Cl., Jan. 20, 1966.

[134] 111 Cong. Rec. 1228 (daily ed. Jan. 26, 1955).

[135] *Summary: Report of Hearings by the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary* (hereinafter cited as *Summary: 1962 Hearings*), 88th Cong., 1st Sess. 42 (1963); under A.R. 27–12, par. 1, Oct. 15, 1965, court reporters are not detailed to a special court-martial; consequently a special court-martial cannot adjudge a bad-conduct discharge. See 10 U.S.C. § 819 (1964).

[136] *Summary: 1962 Hearings* 42.

[137] [1960] C.M.A. & JAG Ann. Rep. 12.

[138] 111 Cong. Rec. 1228 (daily ed. Jan. 26, 1965); Ervin, *The Congressional Study on the Constitutional Rights of Military Personnel*, JAG J. 4, 6–7 (1963).

[139] The latest Directive is DoD Directive 1332.14, *Administrative Discharges*, Dec. 20, 1965.

[140] The Directive is similar to S. 750 § 2 in that it provides that "no member shall be discharged under conditions other than honorable unless he is afforded the right to present his case before an administrative discharge board with the advice and assistance of counsel . . . ." Sec. V, A(2). Counsel is defined as "a lawyer within the meaning of article 27(b)(1) of the Uniform Code of Military Justice unless appropriate authority certifies in the permanent record the nonavailability of a lawyer so qualified and sets forth the qualifications of the substituted nonlawyer counsel." Sec. IV, K.

[141] Gideon v. Wainwright, 372 U.S. 325 (1963). For a development of the cases through which the Court gave fuller meaning to the right to counsel provision, see Powell v. Alabama, 287 U.S. 45 (1932); Johnson v. Zerbst, 304 U.S. 458 (1938); Betts v. Brady, 316 U.S. 455 (1942); White v. Maryland, 373 U.S. 39 (1963); Escobedo v. Illinois, 378 U.S. 478 (1964).

[142] For a discussion of the changes in practice, which are taking place in various states, in an attempt to resolve the problems concerning the scope of the *Gideon* decision, see Silverstein, *The Continuing Impact of Gideon v. Wainwright in the States*, 51 A.B.A.J. 1023 (1965).

[143] 111 Cong. Rec. 1228 (daily ed. Jan. 26, 1965).

[144] S. 750, 89th Cong., 1st Sess. (1965).

[145] 111 Cong Rec. 1227 (daily ed. Jan. 26, 1965).

[146] Extensive hearings were held by the subcommittee in 1962 to determine the need for legislation to insure a more satisfactory method of safeguarding the constitutional rights of military personnel. In addition to the information received during these hearings from the Defense Department, Court of Military Appeals, bar associations, veterans groups, and experts in military law, the subcommittee also conducted an extensive field investigation in Europe to obtain firsthand views as to the adequacy of our present system of military justice. *Ibid.*

The Summary Report issued by the subcommittee contained twenty-two recommendations, most of which were embodied in the set of bills first introduced by Senator Ervin on August 6, 1963. No action was taken at this time. Following the introduction of the bills on January 25, 1965, hearings were conducted in January and March of 1966.

[147] The 18 bills now before this Subcommittee can be categorized by their principal objectives as follows: 1) those which strengthen the independence, prestige and military justice personnel in the exercise of their duties; 2) those which further implement the Constitutional guarantee that no person shall be deprived of life, liberty or property without due process of law; 3) those which simplify and improve military justice procedures; and 4) those which close jurisdictional gaps. *Transcript: 1966 Hearings* 405.

[148] S. 745, 89th Cong., 1st Sess. (1965).

[149] S. 746, 89th Cong., 1st Sess. (1965).

[150] S. 752, 89th Cong., 1st Sess. (1965).

[151] S. 753, 89th Cong., 1st Sess. (1965).

[152] S. 754, 89th Cong., 1st Sess. (1965).

[153] S. 759, 89th Cong., 1st Sess. (1965).

[154] *Summary: 1962 Hearings* 43.

[155] Statements of Chief Judge Quinn and Judges Kilday and Ferguson, *Transcript: 1966 Hearings* 578, 608, 620; See also [1964] C.M.A. & JAG Ann. Rep. 2.

[156] *Transcript: 1966 Hearings* 27, 38–39.

[157] *Ibid.*

[158] A notable exception was the testimony of Frederick Bernays Wiener, who recommended that only a general court-martial be permitted to issue a discharge for misconduct, thereby eliminating the need for legal counsel at either special courts-martial or administrative proceedings, *Id.* at 639–645.

[159] *Supra* notes 135, 136.

[160] Statement of Fred W. Shields, *Transcript: 1966 Hearings* 884.

[161] Statement of Edward S. Cogen and Lawrence Spreiser, *Transcript: 1966 Hearings* 685.

[162] Statement of Chief Judge Quinn, *Transcript: 1966 Hearings* 378.

[163] *Ibid.*

[164] For the subcommittee's original conclusions regarding legal counsel and administrative discharges, see *Summary: 1962 Hearings* 4–5, 51.

[165] Statement of Brigadier General William W. Berg, Deputy Ass't Secretary of Defense (Military Personnel Policy), *Transcript: 1966 Hearings* 712.

[166] *Id.* at 713.

[167] *Id.* at 716.

[168] Statement of Frederick Bernays Wiener, *Id.* at 630.

[169] *Supra* note 10.

[170] While one hesitates to predict what "will" be done, since those without the responsibility of office too often say what "should" be done, the discussion of the questions will follow an approach of what "could" be done.

[171] *E.g.*, compare Plessy v. Ferguson, 163 U.S. 537 (1896) with Brown v. Board of Education, 347 U.S. 483 (1954); Betts v. Brady, 316 U.S. 455 (1942) with Gideon v. Wainwright, 372 U.S. 325 (1963); Hammer v. Dagenhart, 247 U.S. 251 (1918) with United States v. Darby, 312 U.S. 100 (1941).

[172] This statement was first made by Charles Evans Hughes, then governor of New York, in a speech before the Elmira Chamber of Commerce, May 3, 1907.

[173] See Wiener I at 9. In 1789 the active troops totaled 672; by 1792, although the authorized total was 5,120, the actual total was only 3,692.

[174] *Id.* at 8 n.47. The first national draft act was not passed until the Civil War. Act of March 3, 1863, ch. 75, 12 Stat. 731.

[175] See Wiener II at 293.

[176] See Wiener I at 10.

[177] *Id.* at 11. As of January 31, 1966, the number of active military personnel totaled 2,899,724. DoD News Release #169–66, March 2, 1966.

[178] The Universal Military Training and Service Act was recently amended to extend the draft until July 1, 1967. Act of March 28, 1963, 77 Stat. 4 (1965); 50 App. U.S.C. 467(c) (1964).

[179] See Wiener I at 11–12.

[180] See notes 7–8 *supra* and accompanying text.

[181] See cases cited *supra* note 141.

[182] Wiener II at 294–304.

[183] *Id.* at 303. Query whether Judge Christensen's analysis in Application of Stapley, 246 F. Supp. 316 (D. Utah 1965), adopts this approach or whether *Stapley* embodies a direct application of the sixth amendment.

[184] Bolling v. Sharpe, 347 U.S. 497 (1954).

[185] Wiener II at 299.

[186] *Ibid.*

[187] Gideon v. Wainwright, *supra* note 141.

[188] Wiener II at 303–304.

[189] Wiener I at 3–4. Trial by petit jury, presentment by grand jury, due process, guarantee of bail, privilege against self-incrimination, and prohibition against double jeopardy were well settled in English law.

[190] *Id.* at 4.

[191] *Ibid.*

[192] Id. at 5.

[193] *Id.* at 4–5. See note 10 *supra* for the role of counsel in early courts-martial proceedings.

[194] See cases cited *supra* note 141.

[195] White v. Maryland, *supra* note 141.

[196] Escobedo v. Illinois, *supra* note 141.

[197] Freund, On Understanding the Supreme Court 34–35 (1949).

[198] 10 U.S.C. § 827 (1964).

[199] *E.g.*, Romero v. Squier, 133 F. 2d 528 (9th Cir. 1943), *cert.* denied, 318 U.S. 785 (1943); Altmayer v. Sanford, 148 F. 2d 161 (5th Cir. 1945).

[200] Application of Stapley, 246 F. Supp. 316, 320 (D. Utah 1965).

[201] Powell v. Alabama, *supra* note 141.

[202] 10 U.S.C. §§ 818, 827(b) (1964).

[203] 10 U.S.C. §§ 819, 827(c) (1964).

[204] S. 750, 89th Cong., 1st Sess. (1965).

[205] *Supra* note 141.

[206] *Supra* note 176.

[207] *Supra* note 179.

[208] *Supra* note 65.

[209] *Supra* notes 40–46 and accompanying text.

[210] 10 U.S.C. §§ 859–876 (1964).

[211] *Infra* notes 218–220 and accompanying text.

[212] United States v. Culp, 14 U.S.C.M.A. 199, 33 C.M.R. 411 (1963).

[213] *Id.* at 218, 33 C.M.R. at 430. (Quinn, C.J., concurring).

[214] *Id.* at 219, 33 C.M.R. at 431 (Ferguson, J., concurring).

[215] *Ibid.*

[216] *Id.* at 220, 33 C.M.R. at 432.

[217] *Ibid.*

[218] *Ibid.*

[219] 109 Cong. Rec. 13354 (daily ed. Aug. 6, 1963).

[220] United States v. Culp, *supra* note 212, at 220, 33 C.M.R. at 432 (Ferguson, J., concurring).

[221] *Id.* at 217, 33 C.M.R. at 429.

[222] See Silverstein, *supra* note 142, at 1026.

[223] Ervin, *supra* note 138, at 11.

[224] *Supra* note 162.

[225] *Cf.* Korematsu v. United States, 323 U.S. 214 (1944); *Ex parte* Milligan, 71 U.S. (4 Wall.) 2 (1866).

[226] For an example of how the military services have resolved certain adjustment difficulties, see the description of the Navy's answer to the shortage of court reporters necessitated by the requirement of 10 U.S.C. § 819 (1964) that "a bad-conduct discharge may not be adjudged unless a complete record of the proceedings and testimony before the court has been made." Ward, *UCMJ—Does It Work*, 6 Vand L. Rev. 186, 214 (1953).

[227] 10 U.S.C. § 827 (1964).

[228] *Cf.* Ward, *supra* note 226, at 187.

[229] 10 U.S.C. § 816 (1964).

[230] Statement of Seymour W. Wurfel, Professor, Law School, University of North Carolina: "The enlarged powers now available under non-judicial punishment make it practicable to eliminate both summary and special court-martial. If the proceeding is in

fact 'non-judicial' fine; if it is 'judicial' at all, it should be fully judicial in all respects in justice to both sides. A general court has of course always had jurisdiction to impose the lesser punishment normally associated with special courts." *Transcript: 1966 Hearings* 311. See also S. 759, 89th Cong., 1st Sess. (1965), which proposes the abolition of summary courts-martial.

[231] Ervin, *supra* note 138, at 7.

[232] Brigadier General Kenneth J. Hodson, Ass't Judge Advocate General, United States Army, stated before the subcommittee that the "additional requirement for legal services" required by the proposed amendments to the UCMJ "imposes an unacceptable demand on military manpower sources." *Transcript: 1966 Hearings*, 55. Unfortunately, there is no statistical evidence available to indicate exactly how large a demand extending the constitutional right to counsel to servicemen would make on military manpower sources.

[233] *Supra* note 200, at 321.

[234] *Transcript: 1966 Hearings* 685.

[235] See generally Ward, *supra* note 226, at 225–227.

[236] See 10 U.S.C. § 815 (1964) which deals with non-judicial punishment.

[237] Act of September 7, 1963, 76 Stat. 447. See Ward, *supra* note 226, at 225–227, for an early plea that the non-judicial powers under the original UCMJ be expanded.

[238] 10 U.S.C. § 815 (1964).

[239] 10 U.S.C. § 815(a) (1964).

[240] Ward, *supra* note 226, at 226.

[241] 10 U.S.C. § 815(b) (1964).

[242] 10 U.S.C. § 815(f) (1964).

[243] Note, *Constitutional Rights of Servicemen Before Courts-Martial,* 64 COLUM. L. REV. 127, 136 n.112 (1964).

[244] 10 U.S.C. § 815(e) (1964).

[245] Statement of Seymour W. Wurfel, *Transcript: 1966 Hearings* 330: "I personally don't think that there has been any substantial deterioration in the overall discipline of the military establishment because of the Uniform Code. I would say that its consequences on the whole have been quite beneficial and my personal evaluation would be that the Code has not impeded the essential elements of discipline." See also [1960] C.M.A. & JAG ANN. REP. 4.

[246] *Ex parte* Milligan, *supra* note 225, at 120.

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. Mr. President, I yield myself such time as I may require.

The amendment I propose would create the framework for local, State, and Federal Governments to cooperate voluntarily in the collection and sharing of limited information concerning the identity, location, and ownership of firearms.

First, the amendment provides for the filing of data on firearms, together with the names, addresses, ages, and social security numbers of their owners, with local law enforcement officers. The information could be filed either by mail or in person.

Second, it relies on incentives, rather than any sanctions, to persuade local authorities to transmit this data to a national inventory.

Third, it provides clear authority for States to create their own inventories and to exempt themselves at any time from coverage of the national system.

Because it is conceived explicitly as a supplement to other local, State, and Federal statutes, the amendment contains no regulatory features of its own and is strictly limited to the collection of information. Its penalty provisions include no terms of imprisonment and only a graduated scale of fines, beginning with a maximum of $100 for the first violation. It places minimal burdens on law-abiding gun owners.

This amendment could substantially improve the enforceability of laws to keep firearms out of the hands of criminals and others prone to misuse them. For example, discovery of an unregistered firearm during a stop and frisk procedure would provide sufficient evidence for charging the individual involved. Should the individual subsequently be found to have a record of prior conviction for felony, he would be subject to other, more serious charges under such laws as the Safe Streets Act, title VII of which makes it a Federal crime, subject to 2 years imprisonment and stiff fines, for a convicted felon to receive, possess, or transport in commerce, any firearm. Thus, while the inconvenience to law-abiding gun owners would be negligible, the increased risk of criminals of acquiring or possessing firearms would be quite substantial.

Mr. President, those of us who favor strengthening the firearms laws of the State and Federal Governments proceed from a very simple premise: the protection of the right of legitimate firearms users is essentially related to protection of the public as a whole against abusive use of firearms. If the right to use guns for legitimate purposes is to be safeguarded, the growing use of guns for illegitimate purposes must be curbed. Thus, those most devoted to the hobby of gun collecting and the sport of hunting and shooting should perceive a clear identity of interests with others who favor improving our firearms laws.

For many months now I have been working with colleagues on both sides of the aisle to develop equitable and effective language to deal with various facets of the firearms problem in this country. Many different approaches have been considered and a number of reasonable proposals have been advanced. From the several ideas which have been developed and which have been discussed at some length in the hearings before the Juvenile Delinquency Subcommittee, I am confident that this body can make a wise selection of the best law for America.

The Judiciary Committee has already taken a notable step in the recommendations it has made to the Senate. I hope we will perfect the present bill in several respects, but I want to say how much I admire the major features of the pending legislation.

It is a major step forward to extend controls to interstate sales of long guns and ammunition. And the bill's regulation of intrastate mail-order sales is highly desirable.

I am, of course, pleased that it incorporates my own proposal prohibiting Federal licensees from selling or delivering destructive devices to private parties. But I am equally gratified that the committee recognized the merit of Senator HRUSKA's other provisions to regulate such devices as are already in private possession. Our colleague from Nebraska has again shown his keen talent in this field and I commend him for it.

The debate on this subject during May and in the months since then has been ample and intense. I do not believe any good purpose is served by wearing down the Senate with a lengthy rehearsal of facts and arguments which are by now well known. Therefore, I will not take long, but will only reiterate a few points which convey the full sense of urgency which I feel on this issue.

There are many things we know about the firearms problem. We know that 20,000 Americans will die from firearms incidents in this country during 1968, some of them murdered, others slain accidentally or by their own hand. Ten times that number, 200,000, will be injured by gunfire. Even the casualties suffered by Americans in Vietnam, in the midst of the war zone, cannot match these grisly figures.

We know that other civilized countries, with more stringent gun controls than the United States, have only the barest fraction of such casualties. Taking population into account, Japan has been suffering only 2 percent the rate of gun deaths of the United States and England only about 5 percent. How can one explain the disproportionate number of gun deaths except by giving due weight to the unregulated availability of firearms in the United States.

We know that violent crimes involving guns have been soaring in this country, with well over 125,000 such crimes—including robbery, assault, and murder—committed during 1967 alone.

We know that the American people have endured the gravest of political and psychological shocks because gun-bearing assassins have robbed them of some of their noblest leaders.

And we know that, according to innumerable studies over three decades, at least 70 percent of all Americans, including most gun owners, favor stronger firearms laws.

But there is also much we do not know about the firearms problem in America. We do not know how many guns there are in this country.

We do not know who has many of the guns which we know are in private hands in this country.

We do not know how many citizens who are clearly unqualified to use firearms sensibly have obtained possession of one or more guns.

We do not know how many crimes have occurred because the criminal gained the false courage a gun often lends to disturbed personalities, or because a criminal was confident that the weapon he used could not be traced to him.

It may be that we can never relieve our ignorance on some of these points. But it is clear that we can acquire vital information on several of them. And it is beyond dispute that more information about the dimensions of the firearms inventory in America, about the location and ownership of firearms, and about traffic in firearms generally can be immensely valuable in coping with the firearms abuses which we know only too well.

This is the purpose to which many of us have been directing our efforts for many weeks, indeed ever since I introduced an amendment to the Omnibus Crime Control and Safe Streets Act designed to create an information-gathering system in this area. I am convinced that, building on that original conception and benefiting from the constructive suggestions of Members from every quarter of the Senate, we now have a fair, workable, and economical scheme that recognizes the many interests at stake. I refer to the proposal for a national firearms inventory, as incorporated in my amendment 948 to S. 3633.

The national firearms inventory is the perfected version of S. 3637 which I introduced on June 12 with the cosponsorship of our distinguished colleagues, Senators CASE, FONG, HARTKE, JAVITS, SCOTT, MAGNUSON, WILLIAMS of New Jersey, and HART.

This bill represents a concerted effort by many Members to find the maximum area of agreement on what we all know is a controversial subject, a subject which affects different constituencies differently, a subject which most Members of the Congress want to handle in a responsible fashion. Let me state its central purposes and major provisions in brief.

The National Firearms Inventory Act is intended to provide necessary information to facilitate enforcement of other Federal, State, and local firearms laws and to bolster law enforcement generally. For example, information collected through this system should certainly bolster the ability of law-enforcement officials to apply the little-noted section 1201 of title VII of the Omnibus Crime Control Act. That provision makes it unlawful, subject to $10,000 fine and/or 2 years in prison, for any felon to receive, possess, or transport in commerce any firearm. If we want to give real teeth to that statute and others directed at the criminal elements in society, we need the kind of information contemplated by the present proposal.

The concept of the national firearms inventory rests on several fundamental principles:

First. The need to involve local law enforcement personnel in the implementation, as well as the employment, of the inventory.

Second. The need to encourage the States to exercise their primary responsibility in this field.

Third. The need to avoid placing undue burdens on the great majority of gun owners, law-abiding citizens who deserve protection, not harassment. I believe an objective review of the present bill supports the conclusion that we have met those criteria and that the bill would provide a major step forward for law enforcement.

What exactly would the act do?

It provides for the filing of certain minimal information with local law enforcement authorities and for a national firearms inventory to be established by the Department of the Treasury in consultation with the Federal Bureau of Investigation.

The information contemplated in this act is modest indeed. In addition to data on each gun sold, dealers would record the name, age, address, and social security number of a person buying a firearm. This information would be filed with the local police at the place of sale and at the place where the buyer lives, as well as with the national firearms inventory. There would be no fingerprints, no photographs, no invasion of privacy. In the case of a private acquisition not involving a dealer, the purchaser would file similar information with the local authorities where he lives, and they in turn would transmit the information to the national inventory. Finally in the case of firearms already held by private individuals, such information would be filed with local law enforcement offices within 1 year after the effective date of the act, that date being July 1, 1969. All such statements could be filed by mail or in person.

After January 1, 1970, any person who owns a firearm and who changes his residence to any locality in a State subject to the provisions of the act would file with the local authorities at his new home. There are also provisions for filing notification of firearms which are lost or stolen and of firearms which are transferred to other persons. The bill makes clear provision for temporary loan of firearms for lawful purposes, so no impediment to sport or other lawful activity is created.

The inventory would rely on the common incentive of law-enforcement officials to pool such information, for there is in fact no sanction or compulsion to force them to do so. The experience of the National Crime Information Center is instructive in this regard; by the end of this year, every State will be cooperating voluntarily in its important operations.

I place great value on the filing of this information at the local level. It does not guarantee that the data will be used to discover the names of felons, known mental incompetents, or others who should not have firearms, but it at least affords an opportunity for such discovery at the outset of the process. I think it not unreasonable to expect that, without disturbing eligible and law-abiding gunowners, local police might often recognize names of persons who should not have guns. Thus, passing this information directly through the hands of local law-enforcement personnel has precisely the advantage of the affidavit procedures which Senator HRUSKA has so ably devised for controlling intrastate mail-order sales. The process provides some of the benefits of licensing without in fact requiring that persons using firearms obtain a license.

The inventory process would put information at the disposal of local law officers which could enable them to provide much improved protection to their communities. At the same time it would provide the structure for a central file of firearms information on which all law enforcement officers could draw in efforts to trace the movement and ownership of firearms which become the subject of investigation.

In addition to its unique involvement of local law officers, the bill provides clear authority for any State to exempt itself from coverage at any time by creating its own inventory system. However, in hopes of maintaining a truly national inventory, the Secretary of the Treasury would be empowered to enter into agreements with exempt States to pay the costs of incorporating their data into the national files. Again, however, the emphasis is on voluntary cooperation between the States and the Federal system.

The need for that cooperation is imperative. Federal action of this type can do much to prevent lax action in some States from undermining the earnest efforts of other States to keep track of firearms in their jurisdictions. The people of my State are especially mindful of the necessity for Federal measures to supplement the substantial gun laws of Massachusetts. In Massachusetts, for example, it has been found that 87 percent of the firearms used in the commission of crimes during a recent year were purchased—not stolen or acquired through clandestine channels—outside the State. The information gathered by the inventory I propose would certainly not prevent all such criminal activity, but, together with the other provisions of the pending legislation, it would be a giant step toward enabling law enforcement officers to identify and apprehend persons who seek to purchase firearms in one jurisdiction for unlawful purposes in another.

Because the bill is conceived explicitly as an information-gathering device to supplement other State, local, and Federal regulations, it contains no regulatory provisions of its own. Moreover, the bill fully recognizes that we are dealing primarily with law-abiding citizens and it places no significant burdens on those owning or acquiring firearms. For instance, it provides only light penalties—no imprisonment at all, as I have mentioned, and only a staged series of optional fines, beginning with a maximum of $100 for the first violation.

There have been some questions about the cost of collecting and storing information of this magnitude. The decentralized system which we propose provides a means for sharing the costs equitably. Through the courtesy of the staff of the Senator from Nebraska [Mr. HRUSKA], I have obtained a knowledgeable estimate that the data handling costs for such a system would be approximately $500,000 yearly. In addition, of course, there would be significant administrative costs, which the bill would meet through a schedule of limited fees, not to exceed $2 per firearm and to be shared with the local law enforcement agencies which participate.

But, Mr. President, I have some question even as to whether we should charge the firearms owner the $2 fee I mentioned. And in that regard, I would seriously consider an amendment to the amendment which would not require the holder of the firearm to pay any fee whatsoever, because in the final instance, the fee that has been established for the holder of the firearm would most equitably be a fee to be paid by the Federal Government because the purpose of the inventory would be for the good of the entire country rather than for the good of the individual firearm holder.

Mr. President, I consider this a fair arrangement, but in view of the Senate's acceptance yesterday of the amendment offered by the Senator from Maryland, indicating that the pending legislation would not seek to increase fees or taxes on gun owners, I have prepared language to delete this provision. I send this language to the desk and ask that my amendment be modified accordingly.

The **PRESIDING OFFICER.** The amendment will be modified accordingly.

The modification reads, as follows:

On page 8, of the amendment, delete lines 14 through 22 and insert the following:

"(d) The Secretary is authorized to provide reasonable reimbursement for administrative costs incurred by each local law enforcement officer designated to forward statements filed under the provisions of this title.

"(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title."

On page 9, line 5, delete paragraph designation "(1)".

On page 9, delete lines 11 and 12.

Mr. **BROOKE.** This will provide for financing the inventory through appropriations. The very limited inventory we have designed would hardly cost more than a few million dollars on an annual basis. It should be less costly than the $22.5 million estimated for the quite different, centrally administered system proposed by the Department of Justice. The costs are obviously of manageable proportions and we can agree on a means to bear them.

In summary, the measure would provide the framework for a voluntary sharing of information on firearms among the several levels of government. The inventory system would enlist the cooperation of the Federal, State, and local government; it would not command it. And the burden on gunowners would be minimal.

Mr. President, these are the major features of this compromise proposal. It is an honest attempt to reconcile the many interests which have been concerned with this problem. I believe the American people will welcome it as an effective response to a pressing need. I urge my colleagues on both sides of the Senate chamber to support the amendment.

I yield 1 minute to the distinguished Senator from Michigan.

Mr. **GRIFFIN.** Mr. President, I rise to indicate my support for the amendment offered by the distinguished Senator from Massachusetts, particularly in light of the modification to his amendment which he sent to the desk.

Mr. **BROOKE.** Mr. President, I thank the distinguished Senator for his support of this amendment.

Mr. **WILLIAMS** of Delaware. Mr. President, will the Senator yield for a question?

Mr. **BROOKE.** I yield.

Mr. **WILLIAMS** of Delaware. As I understand the Senator's amendment, it now provides that there will be no charge for the registration of these guns, but that the cost of this registration will be borne in its entirety by the Federal Government.

Mr. **BROOKE.** The Senator's understanding is correct.

Mr. **WILLIAMS** of Delaware. I have read the amendment of the Senator, and I believe that with that modification, he has an excellent proposal. I believe there is nothing wrong with the proper registration of guns. I believe his proposal would be helpful in law enforcement, and I shall be glad to support his amendment.

Mr. **BROOKE.** I thank the distinguished Senator from Delaware for his support of the amendment.

I yield to the distinguished Senator from Connecticut.

Mr. **DODD.** Mr. President, I wish to support the amendment offered by the Senator from Massachusetts. I believe it would achieve the objective that many of us here and elsewhere desire to achieve. It would be a way of getting the knowledge that we so badly need, which we have not been able to get thus far in the proposed legislation, nor have been able to get in any other way.

This inventory would be a reservoir of the kind of useful, necessary, and absolutely essential information we must have if we are going to get at the problem of crimes committed with guns. It would establish a system for keeping track of what I consider to be the most deadly items moving in commerce. What are they? We have named them often enough. Some 200 million revolvers, rifles, and shotguns now in the hands of millions of people in this country.

I call for enactment of this amendment and I have compelling reasons to support such a measure.

I need not reestablish the evidence that the gun is the basic tool of the criminal. We have talked about this now for 7 years, in hearings, in Senate and House committees and on the floor of the Senate.

Even opponents of the various proposals that have been voted up or down in this Congress know and agree that the criminal and violent use of firearms is a grave danger and a constant threat to our citizens.

We agreed on this when we passed title IV of the Omnibus Crime Control and Safe Streets Act.

Let me drive home the point that we no longer disagree on the basic issue.

What we must debate and deliberate now is the question of refinement. It is a question of improving what we have. It is a simple matter of making certain that the gun laws that will have come out of this Congress will be workable, equitable, and effective.

This amendment is a way to achieve this purpose.

I want to remind my colleagues that law enforcement has moved into the age of the computer.

State after State is developing advanced crime information systems.

The punchcard will soon be the most effective tool for tracking down criminals.

Even today it helps us to allocate police forces and to establish patrol routes.

Today we have the capability of tracking a stolen car anywhere in the Nation, often in a matter of a few minutes.

And the time is not far when it will be possible to identify a stolen watch or a piece of jewelry from one coast to the other with the help of the computer.

We will be judged unbelievably backward by future generations if we do not begin to use this new technology of crime control in controlling the heretofore completely unchecked traffic in deadly firearms throughout the Nation.

Mr. President, the registration of firearms is a basic step in making effective the new tools that have been developed to help us prevent and control the crime and violence in our Nation.

It is a reasonable step that will burden no one.

It is a procedure that by itself cannot and will not remove one single gun from one single hand.

This amendment will establish a system for keeping track of the most deadly items moving in commerce, the estimated 200 million pistols, revolvers, rifles, and shotguns now in the hands of millions of our citizens.

Today we can trace people with the help of the recordkeeping systems at our disposal. We can trace automobile engines and transmissions. We can check and control the traffic in drugs because of recordkeeping requirements established by this same subcommittee in 1965. And I think we might even be able to locate a can of spoiled sardines that might present some danger to the customers.

And yet we have no substantial way of tracing a deadly weapon.

We have no way of knowing how many millions of guns there are in this Nation.

We do not know who owns them and who has them.

We must rely on the morning paper to find out who should not have had them.

I want to remind my distinguished colleagues that the gun is a durable good; that there are many millions of guns in the hands of criminals today and that without registration we have no control over these weapons.

There are firearms that will be around for another 100 years and this amendment can tell us of their whereabouts today and in the future and give us a chance to remove them from dangerous hands.

I want to remind my colleagues that the arsenal of firearms now in the hands of private citizens is in no way affected by title IV of the Crime Control Act, nor will it be affected by any of the other bills and amendments we consider here today.

Registration alone can assure us that this existing supply of weapons will not become a million time bombs that will continue to destroy our citizens in spite of the other gun laws that will have been enacted.

And I want to remind my colleagues that all the other controls we have enacted and will enact on the traffic in firearms cannot help but give rise to a black market in guns for the benefit of those who will be barred from legitimate channels of purchase.

Today we cannot anticipate the size of this black market, but we know from our past experience with dangerous drugs that the diversion of these type products into illegitimate channels can be a problem of alarming proportions.

In the case of firearms I am convinced that registration alone can prevent the growth of illegal gun running by the underworld.

Mr. President, I believe that all these are compelling reasons for the adoption of this amendment.

I fully admit that it will not stop all gun crimes.

No law that is realistically conceivable can stop all gun crimes.

But it will help us to begin molding a society that has more respect for the firearm, a society where every lunatic and criminal will not consider in his birthright to go out and buy a firearm.

This amendment will give our police officers some idea from which direction to expect the next shot, and consequently a better chance of preventing it.

And, little by little, it will help us sort out the people who should and those who should not possess firearms.

I am convinced that ultimately registration will prove to be a lifesaving device and a protection to the public.

And I am convinced that improving and changing techniques of law enforcement will force us to pass a registration law in the not too distant future.

In calling for the enactment of this amendment today I merely want to make this Congress responsive to the times in which we live.

That is why I ask my colleagues to disregard the emotional issues that have been evoked to oppose this measure.

Stripped from its emotional defenses, the position opposing registration becomes, in fact, untenable.

Guns are widely used in the commission of crimes.

Guns must be kept out of the hands of criminals, mental defectives, and juveniles.

The traffic in guns must be regulated in one way or another to achieve the above objectives.

And registration of all guns is the only sound way to determine the true size and nature of the firearms traffic and thus to make the regulation and control of that traffic maximally effective.

I think the Senator has made a good suggestion. I hope his amendment is agreed to. The Senator has been a great help in this battle on the floor of the Senate to get decent gun registration and, hopefully, to get it enacted into law. As the attorney general of his State he had an outstanding record as the law enforcement officer of the State of Massachusetts. The State of Massachusetts stands very high on the list of States that has advanced in the control of guns and firearms. It has done so, I think, because of the work the Senator did while he was the attorney general of that State.

Mr. President, I hope we agree to the amendment. It can only help us. We must get something along this line to give us this information. I hope the amendment is agreed to.

Mr. BROOKE. I thank the distinguished Senator.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. BROOKE. I yield.

Mr. DOMINICK. I want to make sure I understand the measure and I would like to present an example.

Suppose I live in Colorado and I shoot in Colorado. Then I come back to Washington and I bring my gun with me. Do I have to register that same gun each time I take it back and forth?

Mr. BROOKE. The Senator registers it in Colorado, and he shoots in Colorado. Then he comes back to Washington. The Senator's question is whether he would have to register it in Washington. My answer would be no.

Mr. DOMINICK. As I read the amendment, if one were to go to a new locality he would have to file the required form with the local law enforcement officer.

I refer the Senator to the top of page 5 of his amendment dealing with changes in locality. It looks to me as if I would have to file the form a second time.

Mr. BROOKE. I think the place of permanent residence would be controlling. The Senator would not have to register in each State to which he went. I understand many hunters travel around the country. I think that filing in New York State, if that were the permanent residence, would be controlling. The information would be sent to the place of residence and the place of residence would send the information to the information pool in the Department of the Treasury.

Mr. DOMINICK. So there would be no necessity, in accordance with the Senator's intent, to have each person, each time he visits a place for shooting, or takes a temporary residence somewhere else, to refile and reregister.

Mr. BROOKE. No. That is not my intention.

Mr. DOMINICK. Suppose I wanted to give a gun to my son who is under the age of 21. Do I have to file on that occasion? Does he have to do so?

Mr. BROOKE. If the Senator gives a gun to his son, the son would have to complete the information we would want. The Senator would have been the owner of the gun and he would have transferred ownership from himself to his son so his son would have to file his name, address, and age so that the local law enforcement officer in his place of residence would have that information and also to forward it to the Treasury Department.

Mr. DOMINICK. Is my understanding correct, that on page 8 the Senator has stricken the fees mentioned in subsection (d)?

Mr. BROOKE. The Senator is correct. I have filed an amendment which would provide for these fees to be paid through appropriations rather than for the owner of the gun or firearm. The reason therefor is that the entire country would benefit from this information and not the firearm holder himself. The only burden on the owner would be to file the information and I do not think it is an undue burden on the firearm holder to file that information with the local law enforcement officer. However, he would not have to pay a fee under the amended version of the amendment.

Mr. DOMINICK. With respect to page 9, is my understanding correct that the penalties remain in effect; that is, if he fails to file he could be fined $100, then $1,000, and up to $5,000?

Mr. BROOKE. The first offense would be $100, then $1,000 and up to $5,000 for the third offense.

Mr. DOMINICK. The Senator is maintaining that penalty?

Mr. BROOKE. The Senator is correct.

Mr. DOMINICK. We have about 10 guns in our family, consisting of shotguns and rifles, some of which have been inherited and some of which I bought. We use them among the members of our family for dove shooting, goose shooting, and duck hunting. Would we have to register each gun and determine ownership between various members of the family each time a person took that gun?

Mr. BROOKE. The gun would have an owner. Someone possesses or owns the gun, and not the family. That person would have to file.

Mr. DOMINICK. We have a kind of common law arrangement where all guns are open to anyone in the family.

Mr. BROOKE. The amendment does not anticipate common law arrangement such as that. This amendment would require an individual owner to file.

Mr. DOMINICK. I thank the Senator.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, I rise in opposition to the amendment offered by the Senator from Massachusetts. I know the Senator is motivated by a very fine spirit and his objectives are good. However, the fact is that this is merely a different and another form of Federal registration of guns.

It is true, so far as registration by local authorities or by State authorities is concerned, that it is voluntary; however, if they do not do it, the registration is made with the Federal authorities, so it is, in fact, a Federal registration. It may have a different label but it is Federal registration and it is subject to all of the arguments and reasons which prompted this body to reject this concept as embodied in two different amendments on two different occasions today.

Mr. President, I hope the Senate will reject this amendment also.

This amendment would require, as I understand the terms, the registration of every gun in America. As has been mentioned before, there are an estimated 100 to 200 million guns. On the score of expense and cost, I understood the Senator from Massachusetts to say that there would be a cost of $500,000 in establishing a National Crime Information Center. Is that the information the Senator referred to?

Mr. BROOKE. That is not the entire cost.

Mr. HRUSKA. No. As I understand it, that was the cost of the additional rental for computer equipment.

Mr. BROOKE. The Senator is correct.

Mr. HRUSKA. It does not take into account personnel or the cost of local, State, or Federal registration, as the case may be.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. BROOKE. As I said, the $500,000 a year would be the estimate of the cost of data systems. The Senator is correct about the additional cost which I referred to. This cost would come from a fee of $2 per individual gunowner, on an appropriation, and I have so amended my proposal, but it still would not be more than about $2.5 million annually. I say that is considerably less than the $22.5 million which the Justice Department had called for for the administration of a registration system.

Mr. HRUSKA. Well, I do not know how the Department of Justice arrived at that figure. In fact, this is the first time I have heard of any figure which was issued by the Department of Justice for the expense of registering guns. I would find it difficult to reconcile the expense of $2½ million a year when we have testimony in the Record that the New York Legislature study committee examined the subject and reached a figure of $25 per gun. Mayor Lindsay testified that it is costing the city of New York $20 a gun for its registration ordinance.

Perhaps there is something that we should explore there. Perhaps New York is overpaying for the services it is rendering. But, as hard pressed as they are, I do not know that that would be true.

If the $1 billion per year to register 100 million guns at $20 apiece would stop crime or substantially reduce it, perhaps it would be a good proposition. There still has been no demonstration that the sample collection of information of this kind would result in any impact, any fruition, or any progress toward reducing crime or even reducing the misuse of guns.

I earnestly hope that the Senate will put the pending amendment in the same category it put the other two measures on registering and licensing, and reject it. It should be rejected. This approach to gun control has not been canvassed by any committee hearings. It should be studied more thoroughly but, for the time being, the pending amendment should be rejected.

Now, Mr. President, I notice from the news ticker a report on part of the debate which occurred earlier today when the Senate was considering the Tydings amendment for registering and licensing guns by Federal authorities.

It says:

> There were several reasons mentioned—Second, Senator Hruska argued that there were "constitutional, legal problems arising out of Supreme Court decisions."

Continuing:

> Because it is an antigun control which is contended, it gives citizens the right to keep and bear arms.

Now, Mr. President, such an argument would be based on the second amendment which pertains to the right to bear arms. This was not the argument which this Senator advanced this morning. The argument which I advanced this morning was based on the Haynes case, involving the fifth amendment concerning the possible incrimination of a registrant of guns.

I thought I would place that in the Record so that there would be no misunderstanding on the basis of what the news media stated.

Mr. President, for the time being, unless there are other requests for time on the pending amendment, I am willing to yield back the remainder of my time.

Mr. BROOKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROOKE. Mr. President, if the Senator will yield back his time, I am ready to yield back mine.

Mr. HRUSKA. I am prepared to yield back my time if the Senator from Massachusetts is.

Mr. BROOKE. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. Brooke].

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the senior Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Arkansas [Mr. Fulbright], the Senator from Oklahoma [Mr. Harris], the Senator from Arizona [Mr. Hayden], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], the Senator from Oregon [Mr. Morse], and the Senator from Maine [Mr. Muskie] are necessarily absent.

I also announce that the Senator from Alaska [Mr. Gruening] is absent on official business.

I further announce that, if present and voting, the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], and the Senator from South Dakota [Mr. McGovern] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. Bennett], the Senator from Kentucky [Mr. Morton], and the Senator from Maine [Mrs. Smith] are necessarily absent.

If present and voting, the Senator from Utah [Mr. Bennett] would vote "nay."

Also, if present and voting, the Senator from Maine [Mrs. Smith] would vote "yea."

The result was announced—yeas 31, nays 53, as follows:

[No. 281 Leg.]

YEAS—31

Boggs
Brooke
Case
Clark
Cooper
Dodd
Fong
Goodell
Gore
Griffin
Hart
Hartke
Inouye
Javits
Kennedy
Kuchel
McIntyre
Mondale
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Smathers
Tydings
Williams, N.J.
Williams, Del.
Young, Ohio

NAYS—53

Aiken
Allott
Anderson
Baker
Bayh
Bible
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Hansen
Hatfield
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Lausche
Magnuson
McClellan
McGee
Metcalf
Miller
Montoya
Moss
Mundt
Murphy
Pearson
Prouty
Russell
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Yarborough
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—15

Bartlett
Bennett
Fulbright
Gruening
Harris
Hayden
Long, Mo.
Long, La.
McCarthy
McGovern
Monroney
Morse
Morton
Muskie
Smith

So Mr. Brooke's modified amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ALLOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. Who yields time?

Mr. DODD. Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President at the time of the rollcall vote on the amendment offered by the Senator from Washington [Mr. Jackson[, I was in conference on the HEW appropriations bill, and did not get to the floor of the Senate in time to vote. If I had been present and voting, I would have voted "no."

I thank the Senator from Connecticut.

AMENDMENT NO. 954

Mr. DODD. Mr. President, I call up my amendment (No. 954).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the Record.

Mr. Dodd's amendment (No. 954) is as follows:

> On page 33, line 14, strike out "under this chapter" and insert in lieu thereof the following: "imposed by federal laws with respect to the acquisition, receipt, transfer, shipment or possession of firearms and".
>
> On page 33, line 19, strike out "conduct his operations in an unlawful manner" and insert in lieu thereof the following: "act in a manner dangerous to public safety".
>
> On page 33, line 21, strike out the word "licensee" and insert in lieu thereof, "licensed importer, licensed manufacturer, or licensed dealer".

The PRESIDING OFFICER. Does the Senator from Connecticut ask unanimous consent that these amendments be considered en bloc? There are three parts to the amendment he has offered.

Mr. DODD. Yes, I do.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. DODD. Mr. President, I can explain this amendment very briefly. I do not think there is any disagreement about it.

When we passed the omnibus crime bill in May, the Senator from Louisiana [Mr. LONG] offered an amendment to that bill which was adopted as title VII.

Under that title, persons convicted of felonies and individuals in four other categories would forever be precluded from possessing a gun, unless pardoned by the chief executive of a State or by the President of the United States.

My amendment provides a third alternative for application for relief from the Federal law. It provides that one convicted of a felony may apply to the Secretary of the Treasury, and that the Secretary of the Treasury will have power to grant him a license if he finds that he is deserving.

There are many such cases.

Mr. ALLOTT. Mr. President, may we have order?

The PRESIDING OFFICER. Yes, the Senate will be in order.

The Senator from Connecticut will suspend until order is restored. Senators will cease talking and take their seats.

The Senator may proceed.

Mr. DODD. Under this amendment, the Secretary would have the power to grant an application for such relief if it is stated to his satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that granting of the relief sought would not be contrary to the public interest.

That is the whole sense of it. I think this ought to be done. I shall be happy to hear what the Senator from Nebraska thinks of it.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

This amendment provides for the granting of an amnesty, which would be vested in the Secretary of the Treasury, as to the provisions of title VII of the Omnibus Crime Control Act.

I ask the Senator from Connecticut if the legislative history of this particular amendment does not start with the enactment of the so-called Winchester amendment to the Federal Firearms Act of last year.

Mr. DODD. That is exactly correct.

Mr. HRUSKA. And then, when title IV of the Omnibus Crime Control Act was drawn, it was put into that act?

Mr. DODD. That is correct.

Mr. HRUSKA. It is also in the bill which we have before us now?

Mr. DODD. That is right.

Mr. HRUSKA. And this is an effort to make it applicable to title VII, which is the so-called Long amendment on the Omnibus Crime Control Act?

Mr. DODD. That is precisely correct. That states the case exactly. That is what it is.

Mr. HRUSKA. Mr. President, I fully support the amendment, and I hope it will be approved by the Senate.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Nebraska yield back the remainder of his time?

Mr. HRUSKA. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendments of the Senator from Connecticut.

The amendments were agreed to en bloc.

Mr. TYDINGS obtained the floor.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield to the Senator from Montana.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending unanimous-consent agreement be modified to provide 20 minutes on each amendment, 10 minutes to a side, except that on two amendments, one having to do with ammunition and the other with imports, the time would remain the same, 1 hour.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. MILLER. Mr. President, I am sorry, but I did not hear the request.

Mr. MANSFIELD. Twenty minutes on each of the remaining amendments, except for two, one dealing with ammunition and one dealing with importation, upon which the 1-hour limitation previously agreed to would apply.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 946

Mr. TYDINGS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TYDINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be printed in the RECORD.

Mr. TYDINGS' amendment is to add at the end thereof the following new title:

TITLE IV—LICENSING FOR PURCHASE OR CARRYING OF CONCEALABLE WEAPONS

SEC. 401. Chapter 44 of title 18, United States Code, is amended by inserting after section 923 the following new section:

"§ 923A. State permit systems; Federal gun licenses

"(a) The Secretary shall determine which States or political subdivisions of States have adequate permit systems for the purchase or carrying of firearms and shall publish in the Federal Register the names of such States and political subdivisions.

"(b) An adequate permit system shall include provision for—

"(1) identification of the permit holder appearing on the permit, including name, address, age, and signature or photograph;

"(2) restrictions on issuance of a permit to a person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from justice;

"(3) restrictions on issuance of a permit to a person who, by reason of age, mental condition, alcoholism, drug addiction, or previous violations of firearms laws cannot be relied upon to possess or use firearms safely and responsibly;

"(4) means of investigation of applicants for permits to determine their eligibility under subparagraphs (2) and (3);

"(5) prohibition of possession of firearms by any person who has not been issued such a permit; and

"(6) revocation of a permit issued to a person who subsequently becomes ineligible under subparagraph (2).

"(c) After September 1, 1970, it shall be unlawful for any person to sell or otherwise transfer any firearm to any person (other than a licensed importer, licensed manufacturer, or licensed dealer) unless—

"(1) the sale or transfer is not prohibited by any other provision of this chapter; and

"(2) the purchaser or transferee exhibits a valid permit issued to him by a State or political subdivision having an adequate permit system, or the purchaser or transferee exhibits a valid Federal gun license issued in accordance with subsections (d) and (e).

"(d) A licensed dealer shall issue a Federal gun license to a person eighteen years of age or over upon presentation of:

"(1) a valid official document of identification (such as driver's permit or selective service certificate) issued by the United States, a State, or political subdivision thereof; and

"(2) a statement signed by the person in a form to be prescribed by the Secretary, that he is eighteen years of age or over, that he has never been committed to an institution by a court of the United States or a court of any State or political subdivision thereof on the ground that he was an alcoholic, a drug addict, or mentally ill or incompetent, that he is not under indictment, has not been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, is not a fugitive from justice, and is not otherwise prohibited by any provision of Federal, State, or local law from possessing firearms or ammunition; such statement may include such additional information regarding the applicant, including without limitation, birth date and place, sex, height, weight, eye and hair color, and present and previous residences as the Secretary shall by regulation prescribe.

"(e) Federal gun licenses shall be issued in such form as the Secretary may prescribe, and shall be valid for a period of five years. A dealer shall maintain a record of all licenses issued by him as part of the records required to be maintained by section 923 of this chapter, and shall forward to the Secretary the documents described in subparagraphs (d)(2) through (d)(3) of this section.

"(f) Any person denied a Federal gun license under subsection (d) may apply directly therefor to the Secretary in the manner prescribed by regulation of the Secretary.

"(g) Unless otherwise prohibited by this chapter, a licensed dealer may ship or deliver a firearm or ammunition to a person only if the dealer confirms that the purchaser has been issued a valid permit issued pursuant to an adequate State or local permit system, a Federal gun license, or a Federal dealer's license, and notes the number of such permit or license in the records required to be kept by section 923 of this chapter.

"(h) After September 1, 1971, no person may carry a firearm beyond his home or place of business or employment without a valid State or local permit, if he is a resident of a State or locality having an adequate permit system, or a Federal gun license: *Provided*, That a person not a resident of a State or locality having an adequate permit system, who is ineligible for a Federal gun license solely by reason of age may receive a firearm or ammunition for occasional, brief, and lawful recreational uses.

"(i) Determination of adequate permit systems under this section or adequate registration systems under section 933 and denials by the Secretary of Federal gun licenses shall not be subject to the provisions of chapter 5, title 5, United States Code, but shall be reviewable de novo pursuant to chapter 7, title 5, United States Code, in an action instituted by any person, State, or political subdivision adversely affected.

"(j) It shall be unlawful for any person willfully to fail to deliver a valid Federal gun license to the Secretary if such person has been issued such license and subsequently is placed under indictment, convicted in any court of a crime punishable by imprisonment for a term exceeding one year, a fugitive from justice, committed to an institution by any court on the ground that he was an alcoholic, a narcotics addict, or mentally incompetent, or otherwise prohibited by any provision of Federal, State, or local law from possessing firearms and ammunition.

"(k) It shall be unlawful for any person willfully to convey or otherwise furnish to another person a Federal gun license which may have been issued to himself, or to a third person, in order to evade or obstruct the provisions of this chapter.

"(l) It shall be unlawful to knowingly and willfully make a false statement or representation in connection with any application for a Federal gun license.

"(m) As used in this section, the term 'firearm' shall not include rifles and shotguns, as defined in section 921 of chapter 44 of this title."

SEC. 402. The analysis of chapter 44 of title 18, United States Code, is amended by inserting immediately after

"923. Licensing."

the following:

"923A. State permit systems; Federal gun licenses."

TITLE V—GENERAL PROVISIONS

SEPARABILITY

SEC. 501. If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECT ON STATE LAW

SEC. 502. No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of a State or possession or political subdivision thereof, on the same subject matter, or to relieve any person of any obligation imposed by any law of any State, possession, or political subdivision thereof.

RELIEF FROM DISABILITIES

SEC. 503. Notwithstanding the provisions of section 923A(d) (2), a licensed dealer shall issue a Federal gun license to a person who otherwise qualifies under that section but has been convicted of a crime punishable by imprisonment for a term exceeding one year or has been committed to an institution by a court on the ground that he was an alcoholic, a drug addict, or mentally ill or incompetent, if that person displays a document in writing from the chief law enforcement officer of his State of residence specifically authorizing that person to obtain such license.

EFFECTIVE DATE

SEC. 504. The provisions of title IV of this Act shall become effective one year after the date of its enactment.

Mr. TYDINGS. Mr. President, the amendment which I have sent to the desk is a concealable weapons amendment. It is a modified part of the amendment rejected this morning. It relates to licensing of handguns and firearms.

My proposed amendment which is before the Senate now deals solely with concealable weapons. It covers only the purchase or carrying of concealable weapons after September 1, 1970. It excludes ammunition, and it excludes all long guns. It does not include handguns which are now owned, or which are purchased before September 1, 1970, and kept on the private premises of the owner, that is, his home or farm or place of business, or at his place of employment. It eliminates all registration.

Basically, it would require that any individual who wishes to purchase a handgun after September 1, 1970 must have a permit, either issued by the local community or the State under State or local law; or, if a State has no such State or local law, it has the same provisions for the issuance of licenses as my original amendment did. There are no fees, no administrative discretion, no fingerprints, no photographs. Issuance of the permit is mandatory, the only exception being if the individual is a convicted felon, or has been committed by a court to an institution for mental incompetency, alcoholism, or narcotics addiction, or is a juvenile 18 years of age or under.

It provides the same emphasis on State and local, county, or city ordinances. The minute a State or local community acted, it would preempt the field.

I might say, Mr. President, that I have talked to a number of Senators, and I understand that this amendment is one which is far easier for many Senators to support.

Seventy-six percent of all gun crimes—murder, robbery, and assault—are committed with handguns. Last year, as we know, we had 7,600 gun murders in the United States.

Mr. President, a handgun is a very deadly weapon. My amendment would provide that it would be a felony to carry a concealed weapon after September 1, 1970, if it was not on a man's own property, or his own place of business or employment, unless he had a permit to carry such a concealed weapon.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. COOPER. Will the Senator from Maryland read the language to which he has just referred? I believe it is on page 5, line 7.

Mr. TYDINGS. Yes. Let me say, this is a modification of my amendment No. 946.

Mr. COOPER. Yes, I have it. Will the Senator read the exact language he now proposes?

Mr. TYDINGS. It would read as follows:

> (h) After September 1, 1971, no person may carry a firearm beyond his home or place of business or employment without a valid State or local permit.

Mr. COOPER. That is enough for my purpose. The Senator explained a moment ago that his amendment would prohibit the carrying of a "concealed" weapon or firearm beyond a person's home or place of business or employment. However, the language the Senator read provides that no person could carry a "firearm" beyond his home or place of business or employment. The word "concealed" is omitted from the language.

Mr. TYDINGS. Mr. President, if the Senator will turn to page 6, line 17, subsection (m), he will note that it reads:

> As used in this section, the term "firearm" shall not include rifles and shotguns.

The use of firearms here refers to pistols or revolvers, which I refer to as concealed weapons.

Mr. COOPER. I understand. The amendment is limited to handguns. It does not touch in any way rifles or shotguns.

Mr. TYDINGS. The Senator is correct.

Mr. COOPER. I asked the question because the Senator used the words "concealed firearms" in explaining the purpose of the amendment. "Firearms" is defined on the next page to mean pistols or handguns and revolvers. But to be explicit, I urge the Senator to amend the amendment, by inserting the word "concealed" before the word "firearm" in line 8, page 5.

Doing this would bring his amendment into harmony with laws in many States. My State prohibits the carrying of concealed weapons. It does not prohibit the carrying of a weapon which is openly displayed. The courts have interpreted carrying a concealed weapon to mean either concealed from view on one's person, or if carried in a vehicle, concealed and easily accessible to the person. Using the word "concealed" will preserve the interpretation of that term by many State courts.

Mr. TYDINGS. The Senator has a good point. I was using the term "concealed weapons" to refer to pistols or revolvers as opposed to the type of firearm such as a long gun which cannot be easily concealed. However, if one had a permit, he could carry a pistol or revolver anywhere.

Mr. COOPER. That is the law in many States. If the Senator would insert the word "concealed" on page 5, line 8, between "a" and "firearm", then the language would be in accord with the statutes of many States and interpretation by the courts, including my State.

Mr. TYDINGS. I think the point is well made. The language here was worked out by the Senator from Louisiana [Mr. LONG] and me this morning. I have no objection to adding the word "concealed" before the word "firearm" as it appears on line 8 of page 5.

Mr. President, I so modify my amendment.

The PRESIDING OFFICER. Would the Senator from Maryland state the modification.

Mr. TYDINGS. On page 5, line 8, between the words "a" and "firearm" insert the word "concealed".

The PRESIDING OFFICER. The amendment is so modified.

Mr. COOPER. Mr. President, while I have the opportunity to do so, I would like to congratulate the senior Senator from Connecticut, Senator DODD, for initiating this legislation and for his long fight—now successful—to secure a fair and effective firearm control bill. He deserves great credit. I would also commend the Senator from Maryland, Senator TYDINGS, for his effective work and presentation of the issue. Senator HRUSKA has contributed much to all of us from his knowledge of this complicated subject.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 4 minutes.

Mr. HRUSKA. Mr. President, the Senate has already expressed itself firmly and quite decisively on proposals that would involve Federal licensing or registering.

There are, of course, an infinite number of variations that could be proposed here to raise this same basic proposition over and over again.

No matter what you call it this amendment is still Federal licensing, and as such is subject to virtually all of the objections that have been stated to the three other registration amendments which we have considered today. These amendments have all been attempts to get the Federal Government into the business of exercising police power on a local basis. The pending amendment would be meaningless if it were not enforced. To be effective it would have to be enforced, and enforced diligently. And this enforcement would, of necessity, involve the Federal Government in the exercise of police power similar to the rejected amendments.

I might suggest again that no showing has been made that this amendment will aid in reducing the misuse of guns or the number of crimes. This same argument was advanced against the other three proposals which the Senate has rejected.

The pending proposal is especially offensive because all States but one have had a law which makes it illegal to carry a concealed weapon on one's person, and yet this amendment proposes to involve the Federal Government in an area where the States have already acted.

In 1966 there were riots and demonstrations in Chicago. Although 6,000 arrests were made on the charge of carrying guns there were less than 200 convictions.

Are we going to put the Federal Government into the business of enforcing what the communities themselves should do?

In addition to arguments already advanced we must consider the matter of regulation, and also the matter of the cost. Of course cost alone standing on its own, would not be persuasive if there were reasonable cause to believe that the expenditure of this money would reduce crime. That it would reduce murder. That it would reduce the misuse of guns. I am sure the Senate would approve it if this could be shown; however, lacking that demonstration, this amendment would involve the expenditure of money for no purpose at all.

It is my hope that the Senate will reject the amendment and reject it by as large, if not a larger margin, than it did the other proposals along the same line.

Mr. MILLER. Mr. President, will the Senator from Maryland yield on his time? I would like to ask a question.

Mr. TYDINGS. Mr. President, I do not have that much time.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Maryland has 10 minutes remaining. Six minutes remain to the Senator from Nebraska.

Mr. MILLER. Mr. President, I would like to say to the Senator from Maryland that I favor his amendment, but I need some clarification, if he will yield.

Mr. TYDINGS. Mr. President, I will answer the questions on my own time.

Mr. MILLER. Mr. President, does this adequately cover a nonresident from my State of Iowa, for example, who has a permit and comes into the State of Maryland and has that permit with him? Is he protected by this?

Mr. TYDINGS. The Senator means a person with a permit?

Mr. MILLER. I mean a person from Iowa who has a permit and is in the State of Maryland, or vice versa.

Mr. TYDINGS. All it requires is that he has a permit issued from any State.

Mr. MILLER. Mr. President, I ask the Senator from Maryland if he would mind amending his amendment so that on page 2, starting on line 9, it would read: "who is under indictment for, or who has been convicted in any court, of a crime of violence punishable by imprisonment for a term exceeding 1 year."

I think there should be a distinction made between crimes of violence and other crimes. I think this would get at what we are trying to do.

If the Senator would agree, there would have to be a similar modification of his amendment on page 4 and on page 6.

I am suggesting that we make this conviction or indictment for a crime relate to a crime of violence as distinguished from other crimes which do not have any particular relationship to firearms. Of course, I would include in that crime of violence such crimes as kidnaping and other things.

Mr. TYDINGS. So that it would read, on page 2, "who has been convicted in any court of a crime of violence punishable by imprisonment for a term exceeding 1 year."

Mr. DODD. I believe that would destroy the purpose of Senator Ervin's amendment.

Mr. ERVIN. It would.

Mr. DODD. The Senator from North Carolina offered a good amendment, which described a felony. A simple assault would be a crime of violence.

Mr. TYDINGS. The Senator from Iowa would leave in the term of a period of 1 year?

Mr. MILLER. Yes.

Mr. ERVIN. I wrote out approximately 15 amendments to be put in by unanimous consent of the committee.

Mr. MILLER. I do not wish to undo what the Senator from North Carolina has done. This could then read as I have suggested, with this addition: "Crime of violence punishable as a felony by imprisonment." Then we would deal only with felonies, but they would be crimes of violence punishable by terms of over 1 year.

Mr. TYDINGS. I believe that is a good point.

Would the Senator from Iowa read, for the RECORD, his modification on each page?

The PRESIDING OFFICER (Mr. PELL in the chair). The time of the Senator has expired.

Mr. TYDINGS. I yield the Senator 5 minutes on the bill.

Mr. DODD. Mr. President, how much time remains on the bill?

The PRESIDING OFFICER. Eleven minutes.

Mr. DODD. I yield the Senator 2 minutes on the bill.

Mr. MILLER. The modification I suggested is as follows: On page 2, change the paragraph beginning on line 8, running through line 12, as follows:

> (2) restrictions on issuance of a permit to a person who is under indictment for, or who has been convicted in any court of, a crime of violence punishable as a felony by imprisonment for a term exceeding one year, or who is a fugitive from justice;

On page 4, starting with the word "that" on line 3, have the remainder of the sentence read as follows:

> That he is not under indictment for, or has not been convicted in any court of, a crime of violence punishable as a felony by imprisonment for a term exceeding one year—

And so on. On page 6, starting at the top of the page, have the lines I am covering now read as follows:

> If such person has been issued such license and subsequently is placed under indictment for, or convicted in any court of, a crime of violence punishable as a felony by imprisonment for a term exceeding 1 year—

And so on. Those are the three modifications, and I believe they would tie in with the concept behind this amendment, and would also fit in with what the Senator from North Carolina has previously done in the bill.

Mr. TYDINGS. Mr. President, I accept the modifications, and I ask for the yeas and nays.

The PRESIDING OFFICER. The text of the modifications will have to be sent to the desk.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I hope the Senate will reject this amendment, because it is another registration amendment, for all practical purposes, so far as concealable weapons are concerned.

After we had passed the safe streets bill, I discovered that it would affect people in a number of States, including my own State, who had been convicted only of misdemeanors. And that serious mistake was committed after long study of the matter.

We would be legislating on the floor of the Senate, with the acceptance of this amendment. This is a difficult field in which to legislate even with time for deliberation and study. We should not adopt an amendment which would interfere with the rights of the States in many respects. I am uncertain about what the amendment as modified would do. I hope the Senate will reject the amendment and take the bill as it came from the committee, with the amendments that have already been adopted.

Mr. TYDINGS. The modifications incorporate the language suggested by the Senator from North Carolina.

Mr. ERVIN. Will somebody read the modifications?

Mr. TYDINGS. They are, on page 2 of the amendment (No. 946), lines 8 through 12: "restrictions on issuance of a permit to a person who is under indictment or who has been convicted in any court of a crime," and here we added the same language the Senator from North Carolina added "of violence punishable as a felony by imprisonment for a term exceeding 1 year."

Mr. ERVIN. The trouble is that it does not do it. It leaves it where the punishment exceeds 1 year, and a misdemeanor in my State and in many other States——

Mr. TYDINGS. We said "felony"—for a crime punishable as a felony. We amended it with the language that the Senator used in his amendment.

Mr. ERVIN. My amendment left out anything about a year. It said a felony under Federal or State law.

I sincerely hope the Senate will not legislate at this late hour on the floor of the Senate and will reject the amendment as modified.

The **PRESIDING OFFICER.** Who yields time?

Mr. HARTKE. Mr. President, I ask unanimous consent that I be permitted to introduce Senators from Liberia who are visiting this country, without the time being charged to either side.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

VISIT TO THE SENATE BY DIGNITARIES OF LIBERIA

Mr. HARTKE. Mr. President, the country of Liberia has been a longtime friend of the United States. Visiting with us at the Capitol today are Ambassador Samuel Edward Peal, Senator Elizabeth Collins of Bong County, Senator Joshua Harmon of Grand Bassa County, Representative J. C. N. Howard of Montserrado County, and Representative Thomas Findlay of Grand Bassa County. [Applause, Senators rising.]

Mr. HARTKE. Mr. President, I am aware that a vote is about to take place. I hope that Members of the Senate, after completing their vote, will take this opportunity to pay their respects to these distinguished friends of the United States.

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

Mr. SCOTT. Mr. President, the amendment now before the Senate to S. 3633, the State Firearms Control Assistance Act, creates a Federal licensing system for possessors of concealed weapons and is designed to combat the increasing tide of crime in the United States. This legislation is patterned after a measure put forward by Senator Dirksen during Judiciary Committee deliberations on the State Firearms Control Assistance Act, and addresses itself to a major weapon of crime—the handgun or so-called concealed weapon.

In 1967 a firearm was used in 63 percent of the murders committed in the United States. Of those firearms used for murder, 76 percent were handguns, 14 percent shotguns, and 10 percent rifles.

This measure will encourage the enactment of effective State permit laws to prevent criminal and irresponsible persons from obtaining and using handguns. Moreover, it will protect the citizens of those States that have enacted licensing legislation from the lawless acts of armed persons coming from other States that have not adopted such measures.

Basically, this licensing system is a means of denying fugitives, criminals, addicts, and mental defectives access to handguns. Every purchaser, possessor, or user of such firearms would have to have a license. To get a license, he would submit a statement affirming that he is at least 18 years old, has never been convicted of a felony or committed to an institution by a court on the grounds of alcoholism, narcotics addiction, or mental incompetence, that he is not under indictment or a fugitive from justice, and is not otherwise prohibited by law from obtaining a weapon.

Issuance of a license would be automatic to all law-abiding citizens, without any discretion on the part of the issuing officer. Denial would be automatic in the case of felons, fugitives, adjudged alcoholics, addicts, and mental incompetents, and those under 18.

In those States that enact licensing legislation aimed at protecting the public from essentially the same class of persons, the State system would preempt totally the Federal system. In those States not enacting such legislation within a reasonable period of time following the enactment of the Federal law, a temporary system of Federal licensing would be put in effect.

This is workable legislation. It is aimed at a principal weapon of crime in the United States. It will not unduly interfere with the overwhelming majority of law-abiding citizens, hunters, sportsmen, and collectors who make legitimate use of firearms. It will safeguard the public from criminal and irresponsible use of firearms.

The **PRESIDING OFFICER.** Who yields time?

Mr. DODD. I yield back the remainder of my time.

Mr. HRUSKA. I yield back the remainder of my time.

The **PRESIDING OFFICER.** All time on the amendment has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from Maryland. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished senior Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Arkansas [Mr. Fulbright], the Senator from Oklahoma [Mr. Harris], the Senator from Arizona [Mr. Hayden], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], the Senator from Oregon [Mr. Morse], and the Senator from Maine [Mr. Muskie] are necessarily absent.

I also announce that the Senator from Alaska [Mr. Gruening] is absent on official business.

I further announce that, if present and voting, the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], and the Senator from South Dakota [Mr. McGovern], would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. Bennett], the Senator from Kentucky [Mr. Morton], and the Senator from Maine [Mrs. Smith] are necessarily absent.

If present and voting, the Senator from Utah [Mr. Bennett] would vote "nay."

Also, if present and voting, the Senator from Maine [Mrs. Smith] would vote "yea."

The result was announced—yeas 35, nays 49, as follows:

[No. 282 Leg.]

YEAS—35

Aiken
Bayh
Brewster
Brooke
Case
Clark
Cooper
Dodd
Fong
Goodell
Gore
Griffin
Hart
Hartke
Inouye
Javits
Kennedy
Kuchel
McIntyre
Miller
Mondale
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Scott
Smathers
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—49

Allott
Anderson
Baker
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Hansen
Hatfield
Hickenlooper
Hill
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Lausche
Magnuson
McClellan
McGee
Metcalf
Montoya
Moss
Mundt
Murphy
Pearson
Prouty
Russell
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—15

Bartlett
Bennett
Fulbright
Gruening
Harris
Hayden
Long, Mo.
Long, La.
McCarthy
McGovern
Monroney
Morse
Morton
Muskie
Smith

So Mr. Tydings' amendment (No. 946) was rejected.

Mr. HRUSKA. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. ALLOTT. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MURPHY. Mr. President, I send to the desk an amendment and ask that it be stated.

The legislative clerk read as follows:

> On page 35, line 9, strike out the period and insert in lieu thereof: "; *And provided further*, That, notwithstanding any other provisions of this Title, the Secretary shall authorize the importation of categories of firearms not peculiarly susceptible to criminal use for which there is an active market for sporting and other legitimate purposes."

Mr. MURPHY. Mr. President, we have been considering proposed amendments to title IV of the Omnibus Crime Control Act. Changes have been recommended for the purpose of correcting what were felt to be inequities contained in the bill. To me, among the most glaring of these is that contained in the sections which result in the elimination of the importation of substantial varieties of newly manufactured firearms.

No matter how one feels regarding the merits of gun-control legislation, I think he can in good conscience support the amendment I am offering which mitigates the import restrictions on newly manufactured firearms and foreign surplus military firearms. This will have no effect on the availability of firearms generally in this country, and, thus, on gun control as such, because virtually every handgun newly manufactured overseas for importation into the U.S. market is a copy of an existing U.S.-made handgun.

My colleagues will recall that extensive discussion has taken place on the availability of the foreign manufactured popular "Saturday night special revolver," and arguments were advanced that the import provision in question was necessary to restrict the supply of such a weapon. I am now advised that two different domestic manufacturers are producing virtually the identical weapon and at a cost to the American public that is less than that charged for the European version.

Realistically, Mr. President, the only effect of continuing the import provision in the gun-control bill will be to create a windfall for domestic manufacturers. Identical items, which could not be classed as "sporting," are being, and will be, manufactured domestically in whatever quantities American manufacturers can produce and market profitably. The only result, of course, will be damage to American import businesses and their employees and disruption of contracts with manufacturing entities in friendly nations. Section 925(d) will do no more than protect a domestic industry which has not even asked for aid. There will be no benefit to our country in the sense of meeting the stated purposes of the Omnibus Crime Control Act. Crime will not be reduced in any way. I believe that the approach taken by section 925(d) as it is written, is bad law, and that the considerable number of decent law-abiding Americans who buy guns have a right to prefer features resulting from foreign manufacture or manufactured to military specifications or perhaps to shop around for the lowest available prices. It is one thing to take firearms peculiarly susceptible to crime out of commerce or to place them under special restrictions, but it is quite another thing to set a precedent here for cutting off the source of any class of firearms for which there is a legitimate demand in the United States.

We are not here deciding that guns are bad, that American citizens are not competent to own and handle guns, that commerce in guns is a gray and unsavory part of American business. Therefore, we should not chip away through the process of discrimination against lower priced firearms, or highly popular high-priced sporting guns. Let us not be carried away by the seriousness of the crime problem to the point where we invite the Treasury Department to tell Americans what firearms they can and cannot buy without regard to specific characteristics which make the firearm a tool of crime.

Our concern here is to stop crime and the criminal element. It is not in any way to handicap or impose any gun restrictions upon the good, decent, law-abiding citizen.

That is the simple purpose of my amendment and I urge my colleagues to consider it. I am hopeful that it will be adopted.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MURPHY. Mr. President, I am glad to yield to my friend, the Senator from Nebraska [Mr. HRUSKA].

Mr. HANSEN. Mr. President, may I be yielded some time? I would wish to ask my colleague some questions, if I may.

Mr. HRUSKA. I yield 10 minutes on the bill to the Senator from Wyoming.

Mr. HANSEN. Do we have any definition as to what constitutes "sporting purposes in the import provisions of the committee bill"?

Mr. DODD. I think the bill uses the language "sporting purposes." The report spells that further on page 38 under the designation section 925(d) as follows:

> SECTION 925(D)
>
> This subsection gives the Secretary authority to permit the importation of ammunition and of certain types of firearms—(1) those imported for scientific or research purposes or for use in competition or training under chapter 401 of title 10 of the United States Code; (2) an unserviceable firearm other than a machinegun; (3) those firearms not coming within the purview of the National Firearms Act (26 U.S.C. 5801 et seq.) and suitable for sporting purposes (in the case of surplus military weapons, this type is limited to shotguns and rifles), and those previously taken out of the United States. The subsection contains a proviso permitting the Secretary to authorize the importation of a firearm or ammunition for classification purposes.
>
> The standards set forth in this subsection for the importation of firearms are designed and intended to provide for the importation of quality made, sporting firearms, including pistols, rifles, and shotguns, such as those manufactured and imported by Browning and other such manufacturers and importers of firearms.
>
> It was made clear at the hearings that the imports which provided perhaps the greatest aggravation to big city crime were extremely cheap .22-caliber revolvers made largely in Europe for the U.S. market. The difficulty of defining weapons characteristics to meet this target, without discriminating against sporting quality firearms, was a major reason why the Secretary of the Treasury has been given fairly broad discretion in defining and administering the import prohibition.
>
> However, it is not intended that a starter gun (as defined in section 921(a)(3) of this title) which is imported for nonsporting purposes, such as for conversion to a lethal firearm upon importation, or subsequent thereto, be allowed to be imported. The committee's record is clear that hundreds of thousands of starter guns have been imported into this country for nonsporting purposes and their continued importation would be detrimental to the maintenance of law and order within the United States.
>
> It is recommended that the Secretary establish a council that would provide guidance and assistance to him in determining those firearms which meet the criteria for importation into the United States. Such a council could include representatives of government, firearms industry, including firearms importers, the sporting fraternity, and firearms research organizations, designated by the Secretary.
>
> Such a council would have substantial information available upon which to draw their conclusions, including the hearing records of the Judiciary Committee's Subcommittee to Investigate Juvenile Delinquency, and the several reports that have been issued by the committee with regard to the problem of gun control.

Mr. HANSEN. Would the Olympic shooting competition be a "sporting purpose"?

Mr. DODD. I would think so.

Mr. HANSEN. What about trap and skeet shooting?

Mr. DODD. I would think so. I would think that trap and skeet shooting would certainly be a sporting activity.

Mr. HANSEN. Would the Camp Perry national matches be considered a "sporting purpose"?

Mr. DODD. Yes; that would not fall in that arena. It should be described as a sporting purpose.

Mr. HANSEN. I understand the only difference is in the type of firearms used at Camp Perry which includes a wide variety of military types as well as commercial. Would all of these firearms be classified as weapons constituting a "sporting purpose"?

Mr. DODD. No. I would not say so. I think when we get into that, we definitely get into a military type of weapon for use in matches like those at Camp Perry; but I do not think it is generally described as a sporting weapon. It is a military weapon. I assume they have certain types of competition in which they use these military weapons as they would in an otherwise completely sporting event. I do not think that fact would change the nature of the weapon from a military to a sporting one.

Mr. HANSEN. Is it not true that military weapons are used in Olympic competition also?

Mr. DODD. I do not know. Perhaps the Senator can tell me. I am not well informed on that.

Mr. HANSEN. It is my understanding that they are. Would the Senator be inclined to modify his response if I say that is true?

Mr. DODD. It is not that I doubt the Senator's word. Here again I would have to say that if a military weapon is used in a special sporting event, it does not become a sporting weapon. It is a military weapon used in a special sporting event. I think the Senator would agree with that. I do not know how else we could describe it.

Mr. HANSEN. With reference to the questions I have just asked, is there any other restriction on any type of firearm other than those defined under the provisions of the National Firearms Act?

Mr. DODD. Are there any other types than those described?

Mr. HANSEN. With reference to those questions, is there any restriction on any type of firearm other than those defined under the provisions of the National Firearms Act?

Mr. DODD. Of course; military surplus weapons, certainly.

Mr. HANSEN. But there are no restrictions on domestically produced firearms; is that true?

Mr. DODD. No; unless the several States or any of the States may impose such restrictions, there is nothing of that nature in this bill.

I hope I understand the Senator correctly. I assume, for example, the Senator is thinking of .32-caliber guns manufactured by an American company in this country.

Mr. HANSEN. That would be an example.

Mr. DODD. I do not know of any.

Mr. HANSEN. Would the purchase price or general condition of a firearm relate itself in any manner to its classification of a firearm to be used for "sporting purpose"?

Mr. DODD. Not specifically. While certain firearms may be designated nonimportable and at the same time be inexpensive, the cost of the weapon is not the decisive factor. I think there are some very expensive sporting weapons. I have heard of guns costing $5,000 and more. I suppose there are military weapons that cost much money. But I do not think the price is the standard, nor do I think it should be.

Mr. HANSEN. Do imported firearms differ from those produced within the United States?

Mr. DODD. Some of them do. The starter pistol that has been dumped into this country by the hundreds of thousands is an adjustable weapon. I do not think we make anything like it in this country. We ran into that in our investigation of the mail-order traffic. We found three vendors in California who imported 180,000 starter pistols and then altered them so they would fire .22-caliber rimfire ammunition.

The starter guns use blanks, but they are readily convertible to fire .22-caliber rimfire ammunition which is a very dangerous situation. So that type of gun is not manufactured in the United States.

Mr. HANSEN. It is my understanding that starter pistols are manufactured in the United States. They are not identical, but quite similar.

Mr. DODD. I quite agree that they are manufactured in the United States. But my point is they are not convertible, as are foreign-made guns, into .22-caliber rimfire weapons.

Mr. HANSEN. Are imported rifles and shotguns any different from those produced domestically?

Mr. DODD. Not that I know of. Some may be better and some inferior; but similar shotguns and rifles—and this is determined by calibration and other standards—are the same in the sense that they are the same kinds of weapons.

Mr. HANSEN. If domestically produced firearms are not unlike their imported companions, why do we have a distinction made between "sporting purpose" within the import section?

Mr. DODD. Because our country has been flooded with weapons such as I have described—starter pistols with blanks. Some of them were military surplus. That was the reason for excluding them. We found we were the only country in the world that allowed military surplus weapons to be sold to its citizens, until we stopped it. So that was a reason, in addition to the reason I have already given, that many of these guns were simply sent over here so they could be made into really dangerous weapons. They were not what they were represented to be at all.

Mr. HANSEN. If I understand the Senator correctly, he said that despite the fact that a military weapon may be used in a sporting event, it did not, by that action, become a sporting rifle. Is that correct?

Mr. DODD. That would seem right to me.

Mr. HANSEN. With the Senator's own definition, I come back to my original question: What good reason is there for excluding foreign-produced firearms used for "sporting purpose"?

Mr. DODD. We do not. We specifically make that exclusion. If a gun, a rifle, a shotgun, or a handgun is useful for a "sporting purpose," there is no prohibition against its importation.

Mr. HANSEN. Does not the import section of this bill draw a distinction between foreign made and domestically produced firearms with regard to "sporting purpose"?

Mr. DODD. Is the Senator talking abut rifles and shotguns or handguns?

Mr. HANSEN. Whatever kind of gun comes under the classification.

Mr. DODD. As I said previously the language says no firearms will be admitted into this country unless they are genuine sporting weapons.

Mr. HANSEN. My question, then, to the distinguished Senator is this: What rationale is tenable or is reasonable to prohibit or restrict or in any way limit the importation of a gun, a copy or a very similar facsimile of which can be made, produced, and sold in this country?

Mr. DODD. I think the Senator and I know what a genuine sporting gun is. Obviously, a 40- or 50-year-old military surplus .45-caliber gun is not; neither is a .38 caliber or a .36 caliber or a .32 caliber. They are not used in skeetshooting or trapshooting or hunting. Some people carry handguns in hunting, not particularly where I live, but they do in the Far West and Northwest. However, I do not think they carry any such gun as I have described. I think most of them carry a higher quality weapon. The handgun that would be importable as a sport gun is one that is generally suited for targetshooting, skeetshooting, and trapshooting and hunting.

Mr. HANSEN. Are imported handguns any different from those which are produced in the United States?

Mr. DODD. Some of them are. Some of them are very similar.

Mr. HANSEN. Are there any basic design differences that the Senator can point out that would make it possible to say whether a gun is manufactured in this country or has been imported

Mr. DODD. I have already said the .22-caliber converted starter gun is one where the design is different. We also have such converted weapons in larger caliber.

Mr. HANSEN. Are there any safety standards which may be different?

Mr. DODD. That depends on where they come from. In some countries standards are higher than others. If they are high, they can be imported. If they are useless junk, they cannot.

That was our point, to keep out of the United States what were really the junk guns that came flooding in here by the hundreds of thousands, in addition to the thousands of gun parts which were easily convertible, which could be used by people who should not have this type of weapon which they obtained from mail-order houses.

Mr. HANSEN. Are imported handguns usually subject to proof testing abroad?

Mr. DODD. One of our witnesses said his guns were test fired in Germany before they were dismantled and sent to America as parts. Our record is not complete on that.

Mr. HANSEN. It is my understanding that, in many instances, foreign guns are subjected, as a rule, to more safety tests than domestically produced ones.

Mr. DODD. I am not informed as to that.

Mr. HANSEN. I was wondering what the Senator's opinion was on that.

Mr. DODD. I really do not know. That information was not relevant to our inquiry. We simply assumed that, if a certain imported gun blew up in someone's hand, it was unsafe. And that happened frequently with the kinds of guns I am talking about.

Mr. HANSEN. Are domestic handguns subject to proof testing?

Mr. DODD. In this country? I have always thought they were.

Mr. HANSEN. Would the Senator know what make or what manufacturer?

Mr. DODD. Well, I have always heard of New Haven and Hartford in this connection. They have testing ranges, I think they call them.

Mr. HANSEN. Is there any distinct difference relating to imported firearms, pricewise, as compared with those produced in the United States?

Mr. DODD. Some prices are very close, very much the same. Some are not. I could answer generally by saying that some are and some are not.

Mr. HANSEN. I thank the distinguished Senator.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, will the Senator from California yield me 5 minutes?

Mr. MURPHY. I am delighted to yield my distinguished colleague 5 minutes.

Mr. HRUSKA. Mr. President, this amendment comes about by reason of an unnecessary and undue limitation on importation of guns. The pertinent language of the committee bill is found on page 34, starting at line 6, where it is provided that "the Secretary may authorize a firearm or ammunition to be imported or brought into the United States."

Then, dropping down to the last few lines on the page, "if it is generally recognized as particularly suitable for or readily adaptable to sporting purposes."

There are people who believe that this language is too narrow. It should be broadened. One way of putting it very simply would be to extend this authority to firearms suitable for sporting as well as other lawful purposes.

The amendment of the Senator from California, of which I am privileged to support, provides that the Secretary shall authorize the importation of categories of firearms not particularly susceptible to criminal use, for which there is an active market for sporting and other legitimate purposes.

There is not any sense in restricting the use to sporting purposes. There are other lawful and legitimate purposes—self-defense and protection, protection of industrial plants, to name a few. There is also the matter of collectors' items, which category might not be included as a sporting purpose.

The result of that narrow language is twofold: First, it deprives the U.S. gun owner and user of a choice of guns of foreign make. Second, the restrictive language found in this bill is the subject of protest by seven GATT countries. These nations have protested to the extent that they are threatening retaliation because of this limitation on imports from their countries. Those countries are Belgium, West Germany, France, Italy, Luxembourg, the Netherlands, and Spain.

It seems to those of us who support this amendment that this restriction should be broadened not to a point where it will be harmful. Not to the point of importing guns which are not desirable. Imports are already controlled by licensing through the Office of Munitions Control, by the U.S. Department of State, and in addition incoming shipments are controlled by U.S. customs.

The Office of Munitions Control has, through its licensing procedures, already embargoed the importation of destructive devices. They have an effective embargo on automatic weapons. They have now included .22-caliber firearms on their munitions list, and therefore subject to an import license.

I call the attention of the Members of this body to the fact that this includes starting pistols, .22 starter pistols for sporting events.

So there is ample authority for the imposition of import controls insofar as any harmful or dangerous guns are concerned.

The term "sporting purposes" does not include all of the weapons that the American buyer should have to choose from. It would be well to broaden that definition, as well as the authority of the Secretary to authorize imports. It should be done, and I hope it will be done.

The **PRESIDING OFFICER.** The Senator's 5 minutes have expired.

Mr. HRUSKA. I ask for 2 more minutes.

Mr. MURPHY. Fine.

Mr. HRUSKA. There is no reason why guns of foreign origin should be subjected to any different control than guns of domestic manufacture. Mr. President, for years the domestic manufacturers of guns have tried to get some kind of regulation and limitation of imports. The approach in this bill is a back door route to their goal, because it is not in a finance bill. We have here a provision which gets into the field that belongs in the Committee on Finance, rather than the Committee on the Judiciary. There is absolutely no reason why we should favor domestic manufacturers in this way, and in doing so cut off the American customer, the American gun owner and gun fan, from having his choice of weapons. So I hope the amendment of the Senator from California will be agreed to and that it will become a part of this bill.

Mr. MURPHY. I thank my distinguished colleague for his remarks. He has pointed out with much greater definition than I could command exactly the point. The basic point involved is that we are concerned here with stopping the criminal use of guns. We are not concerned with further penalizing the good citizen, the man who, for the protection of his home, his farm or ranch, should be given a free choice of the kind of firearm that he might want to use.

Mr. HRUSKA. Mr. President, will the Senator yield further?

Mr. MURPHY. I am happy to yield.

Mr. HRUSKA. Often it is said that these imports are cheap and dangerous, made out of pot metal, and all that sort of thing.

Mr. President, on that score I would be very much opposed to them, but I would also be opposed to the same kind of cheap, pot metal guns that are made in this country. If guns are to be barred because they are cheap and dangerous, and will blow up in a man's face, the same test should be applied to guns made in this country. The catalogs are full of cheap domestic guns of that kind. I am opposed to all such guns. The Murphy amendent, if approved, would bar starter guns from coming into this country.

Mr. MURPHY. The Senator is correct. In many cases, the manufacturer will give you a warning as to the kind of ammunition you may use with any kind of safety.

Fortunately, I do not think the market for that type of gun is very great. As far as I am concerned, that type of gun is dangerous in any case. There should be standards and tests to prevent its being marketed. I am surprised there are not. My amendment is certainly not designed to permit the importation of such guns. It particularly restrains the Secretary from allowing guns "peculiarly susceptible to criminal use" from being brought in.

Mr. President, I reserve the remainder of my time.

Mr. DODD. Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER.** The Senator has 17 minutes remaining.

Mr. DODD. I yield 4 minutes to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I sincerely hope the Senate will reject this amendment. It would open the floodgates and make this country a dumping ground for every cheap handgun manufactured overseas.

In the testimony before the Subcommittee on Juvenile Delinquency in 1965, the chief of police of Atlanta, Ga., said that more than 80 percent of criminal guns confiscated from arrestees were foreign made, cheap $5 or $10 Saturday night specials, as they call them.

The rate of handgun imports for the first 3 months of this year was more than seven times the entire handgun importation for the year 1958. That may be fine for the few companies that import these cheap $5 or $10 handguns, but it certainly has nothing to do with the legitimate sportsman, with the legitimate marksman. This is a market which is peculiarly susceptible to the criminal element, the juvenile element, the type of person we do not want having these handguns, which are frequently concealable weapons, to get to. I sincerely hope the Senate will reject this special interest amendment.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. TYDINGS. I will yield on the Senator's time.

Mr. MURPHY. Mr. President, how much time do I have remaining?

The **PRESIDING OFFICER.** The Senator has 14 minutes remaining.

Mr. MURPHY. Mr. President, I point out that the Senator from Maryland apparently did not hear my remarks. With reference to the Saturday night specials, I made reference to the fact that there is this exact same type of gun being manufactured domestically and it is on the market at even cheaper prices. I object to these guns, too, and my amendment is written so as to proscribe their importation if they are—as the amendment says and as the Senator says—"peculiarly susceptible to criminal use."

Furthermore, if we have not written a piece of legislation that will take care of this particular type of gun without making the emphasis lie in an area where guns are used for proper purposes, sporting and protection purposes, then I think we ought to take another look at the whole bill.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MURPHY. Mr. President, I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, it has been suggested that the pending amendment is fine for a few importers of guns into this country, but not for the rest of the country.

Mr. President, the language in the bill is only good for the manufacturers of cheap domestic guns.

I have cataloged here the New Imp, made in Texas, the CDM revolver, made in America. Here is another one made in the United States. Here is one made in Brooklyn. All of these guns are cheap pot metal guns. These cheap guns can be sold, but the imported guns cannot be sold and this apparently includes some very high priced guns.

Mr. President, the Secretary of State already has the authority to establish an import licensing system, such as it has established as against these .22 caliber guns, including starter pistols.

So, when it is stated that this might favor the importer, remember the Secretary already has the power to control this flow and this power will not be limited by this amendment. There is no reason to penalize all importers to get at the offenders.

Mr. MURPHY. Mr. President, I point out in connection with what my distinguished colleague has just said that I have in my hand a copy of an advertisement concerning an American-made revolver, .22 caliber Regent, with 3-, 4-, or 6-inch barrel, swing-out cylinder chamber. One can buy them for $750 a hundred or can buy one for $9.75.

I am talking more in favor of not limiting the choice of Americans who want to use handguns, shotguns, and rifles for proper purposes. I do not think that we should prevent their freedom of choice. I do not think that this restriction belongs in the pending bill.

Mr. DODD. Mr. President, I think it would be a great mistake and a great pity if at this late hour we were to open the gates again and flood the United States with millions more weapons. It has taken a long time to almost completely close off this traffic. I think we are on the threshold of closing them altogether. First, however, we had to stop that awful flood of surplus military firearms. That attempt met with a lot of opposition.

We are the only country in the world which allowed it. We finally caught on and stopped it.

We then found out through an investigation of the mail-order traffic that these fly-by-nighters were buying up starter pistols that were easily adjusted to killer pistols. They sold them by mail order to children, fools, alcoholics, drug addicts. The law-enforcement authorities came to us and said, "For heaven's sake, stop it."

Law-enforcement people came from the State of California. The chief law-enforcement officer, the attorney general of California, came. Law-enforcement officials came from everywhere, from every part of the country. They said:

> This is a great cause of crime in our country. These weapons should never be admitted within our borders.

We have been struggling to stop it. An effort was made to stop us. And I know who is interested in stopping us. They have been around to see me, and they want to get some relaxation of this language so that they can bring these weapons in and sell it over the counter.

I said to them what I said to the Senator from Wyoming, that in the language of the bill if it is generally recognized as particiularly suitable for, or readily adaptable to sporting purposes, they will not have any problem. Otherwise, it should not be here.

What good does it do to say that we can make them here? I think our manufacturers are pretty careful about this. We do not have that kind of control over these people, however. Many of these guns can be used for genuine sporting purposes.

I think that the use of a weapon must be examined by these standards. For example, when the matter was being discussed before our committee, one of the Representatives said that he shoots bears, I believe in Michigan. I did not know they had bears in Michigan. He said that he used, I believe, a .45-caliber gun. I suppose it can be said that that type of gun is being used for genuine sporting purposes.

I think that is the only way we can determine this. Otherwise, I think we would turn the clock back and have this chaotic condition again. I do not know how many of these weapons are in the country already. They are dangerous weapons. Some of them were so poorly made that they would blow up and injure people. That happens in our own country. It should not happen again. There is no excuse for having more of it. If it is already bad, we should not compound the situation. I do not understand that argument in behalf of reopening the case.

Mr. PASTORE. Mr. President, will the Senator yield for an observation?

Mr. DODD. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, the thing that amazes the Senator from Rhode Island is that we work and fight and strive on the floor of the Senate to limit the importation of meat products, to limit the importation of textile products, and to limit the importation of steel. And here we are shedding crocodile tears because of the free flow in commerce of pistols and guns which can be used only to kill.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. PASTORE. I do not have the floor; however, I will be glad to yield if they give me that privilege.

Mr. MURPHY. Mr. President, on my own time, I point out to the Senator that in some of the industries he has mentioned there have been requests to bar importation.

So far as I know, there has been no request for protection with respect to the matters involved in this amendment.

If that looked like a crocodile tear in my eye, it is caused by a new pair of glasses.

Mr. PASTORE. The fact remains that someone is asking that this be done. There is a pecuniary interest involved. It is the people who are importing guns who are interested in supporting the amendment. It does not come out of the clear blue. There is some reason for it.

We enacted a limitation before. We propose to take it out this afternoon. I am saying that if we can stand up and limit the importation of meat, an edible product—and we do it—and if we can limit the importation of textiles, a wearable product—and we do it—and if we can limit the importation of steel—and we do it—what is so wrong with limiting the importation of cheap guns which can be bought by cheap hoodlums to kill people with?

Mr. HRUSKA. Mr. President, will the Senator yield so that I may answer that specific question?

Several Senators addressed the Chair.

Mr. DODD. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. DODD. I believe I have the floor.

Mr. HRUSKA. Mr. President, will the Senator yield on my time?

Mr. DODD. I will yield later. The Senator from Rhode Island is dead right, as he is practically all the time.

Mr. PASTORE. Mr. President, I am right, but not dead right.

Mr. DODD. Mr. President, since we passed title IV last May, the importers have sought permits to get some 2 million of these guns into the country before the December 15 deadline.

We were urged to move the deadline back. Last year they imported one-half million of these weapons. But when they realized that Congress was going to act, they ordered 2 million more. They are bombarding the Munitions Control Board of the State Department to try to get importation permits. Why? Because they know where the market is. There is no other reason. It is just what the Senator from Rhode Island says it is. They want to peddle these deadly weapons as they have been doing it; and so they want to have plenty of these Saturday night specials on hand when the law becomes effective.

Something was said by someone about protection of these industries. There are more gun manufacturers in my State than in any other State. I have said a number of times that they are good companies. They are old companies, and they are respectable in every way. They have never importuned me in any case to protect them from any competition abroad. That has nothing to do with my reason and the reason of several other Senators for saying that the importation of these guns should stop.

It all arose from the complaints of law-enforcement people and of citizens in general and from the crime condition in our country. Now some intend to reopen that door, and it should not be done.

Mr. PASTORE. The only reason why the Senator brought up the question is that the assertion was made this afternoon that this amendment has disturbed five GATT countries and that they are ready to work out reprisals against us. All I can say that it is just too bad.

Mr. DODD. I point out that the gun industry supported Senator HRUSKA's bill, not mine, and the Senator from Nebraska's bill did not prohibit the importation of these items. I do not know why they supported his but they did. And they fought me every time they could. So I do not believe that is much of a factor in this area.

That is as simple as I can make it. We should not open the door and let millions of these deadly weapons into the United States.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

On the score of imports of beef, steel, and textiles, may I say this: The Senator from Rhode Island is eloquent. Let me point out that in the case of beef, steel, and textiles, we do not bar imports, we just hold them to a reasonable level.

Here, if a gun is not for a sporting purpose, it is not let in at all.

Those who are interested in having a choice of guns for other than sporting purposes which are legitimate and which are not peculiarly susceptible to criminal use should have a choice. There is no reason why they should not have a choice.

So this is not on a parity with beef, steel, and textiles. Over a billion pounds of beef comes into this Nation, and, therefore, we have a reason to urge a limitation of beef imports. That is not the situation we are faced with here at all.

Insofar as a protectionist measure is concerned, it was not many years ago when a Representative from Hartford, Conn., introduced a protectionist measure for foreign guns. It did not get any place. I believe the Senator from Connecticut will remember that.

Mr. DODD. I do not remember it.

Mr. HRUSKA. Representative Musmanno introduced it, and it was not favored by the House or by the Senate.

With respect to importunings by importers, I have not talked with any importer. The Senator from Connecticut insists that he is not importuned by the big companies. It is not a question of being importuned. The big companies have tried for years to get some kind of protection, and now they are getting it.

It is said that the U.S. manufacturers are pretty careful in regard to these cheap guns. How careful are they? They are careful enough to offer for $9.75 an American-made CDM revolver, .22 caliber. And here is the "Imp," six-shot .22 caliber, for $14.95, even with pearl-like grip.

Here is one made in Texas, a Derringer, and a Western Six. Here is a Regent. And there are others.

They are careful enough to cater to the very market to which the Senator from Connecticut refers. They are very careful by themselves.

Again I say that where the gun comes from should not have anything to do with it. If it is peculiarly susceptible to criminal use, the Secretary of the Treasury would not be able to let them in, by the language of this amendment. So what we are really saying is that imports which are for lawful purposes cannot come in, if they are not for sporting purposes alone. To that extent, I believe we would be derelict if we did not approve this amendment.

Mr. DODD. Eighty percent of the guns used in the commission of crime are the very guns about which we are talking. How does it happen that 80 percent of these foreign imports are used in crime. We do not have any such figure for domestically produced weapons.

If Senators want to let loose on this country again the kind of situation we are now getting under control, which for many years plagued fathers and mothers and police officers and their families—and just about everybody else who had any thinking capacity with respect to what was going on in this Nation—if it is their desire to turn back and bring that situation on again, open the door again, we will all be the sadder for it. I do not know of any justification for it.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. DODD. I yield.

Mr. DOMINICK. I understood the Senator from Nebraska to indicate that if you wanted a foreign sporting gun, you could not get it in after a certain date.

Mr. HRUSKA. No. If it is for other than a sporting purpose, it cannot be brought in.

Mr. MURPHY. And that decision would be made by the Secretary of the Treasury.

Mr. DODD. The language is, if it is "suitable for sporting purposes."

Mr. MURPHY. That decision would rest directly with the Secretary of the Treasury. That point is very sensitive to me, because during my 4 years in the Senate I have had dealings with some of the appointive officers in the executive branch; and sometimes the meaning they read into a law is not exactly the meaning that Congress intended in writing the law. That is why I believe it might be hopeful and prudent to eliminate this. I do not see that any great harm would be done. They manufacture them as fast as there is a buyer; and if they do not import them, they will make them here.

Mr. DODD. They have not. All of these deadly weapons come in from outside the country.

The PRESIDING OFFICER. Is all time yielded back?

Mr. DODD. I yield back the remainder of my time.

Mr. MURPHY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from California. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HANSEN (after having voted in the affirmative). On this vote I have a pair with the senior Senator from Oregon [Mr. MORSE]. If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], and the Senator from Florida [Mr. SMATHERS], are necessarily absent.

I also announce that the Senator from Alaska [Mr. GRUENING] is absent on official business.

I further announce that, if present and voting, the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], and the Senator from Florida [Mr. SMATHERS] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

Also, if present and voting, the Senator from Maine [Mrs. SMITH] would vote "nay."

The result was announced—yeas 6, nays 78, as follows:

[No. 283 Leg.]

YEAS—6

Bayh
Curtis
Hickenlooper
Hruska
Murphy
Thurmond

NAYS—78

Aiken
Allott
Anderson
Baker
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goodell
Gore
Griffin
Hart
Hartke
Hatfield
Hill
Holland
Hollings
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Kuchel
Lausche
Magnuson
Mansfield
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Morton
Moss
Mundt
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Sparkman
Spong
Stennis
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Hansen, for.

NOT VOTING—15

Bartlett
Bennett
Fulbright
Gruening
Harris
Hayden
Long, Mo.
Long, La.
McCarthy
McGovern
Monroney
Morse
Muskie
Smathers
Smith

So Mr. MURPHY's amendment was rejected.

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes on the bill.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

PVT. WILLY R. MICHALIK

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17022, a private bill, to give posthumous citizenship to a boy who was killed in Vietnam. This boy looked forward to becoming a citizen. This is the least our country can do for him in the way of an honor at this time. This matter has been cleared with the minority leader, the chairman of the Committee on the Judiciary, and its ranking minority member.

The PRESIDING OFFICER laid before the Senate H.R. 17022, an act for the relief of Pvt. Willy R. Michalik, RA-15924409, which was read twice by its title.

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to its immediate consideration.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, was read the third time, and passed.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the distinguished majority leader whether it is anticipated that the pending bill will be completed tonight and, if so, what the program will be for Thursday.

Mr. MANSFIELD. Mr. President, it is anticipated, with a little luck and continued cooperation, that the pending business will be completed tonight—we would all hope, at a reasonable hour. The time limitation on the amendments has been reduced somewhat, with the cooperation of the two Senators in charge of the bill, and those most interested.

Then, it is thought that tonight we would take up a private bill, Calendar No. 1315, on which the distinguished Senator from Arizona [Mr. FANNIN] will have a statement to make.

Also, if time allows, the Senator from Nevada [Mr. BIBLE] is prepared to take up the Senate-passed bill on the District of Columbia judges.

It is hoped that on tomorrow, with the concurrence of the distinguished chairman of the Finance Committee and the ranking minority member, that we will take up Calendar No. 1411, an act relating to the dutiable status of aluminum hydroxide, and so forth; then Calendar No. 1480, to amend the Tariff Schedules of the United States on certain nonmalleable iron castings; and possibly Calendar No. 1481, having to do with amendments to the Internal Revenue Code.

Mr. PASTORE. Mr. President, is there any way we could ascertain how many more amendments there might be tonight?

Mr. MANSFIELD. The Senator from Iowa has one. I believe there is another one. I would say that perhaps we can finish around 6 o'clock this evening. Amendments are available.

Mr. DIRKSEN. I thank the majority leader.

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The **PRESIDING OFFICER**. The bill is open to further amendment.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MILLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment of Mr. MILLER, is as follows:

On page 12, line 15, insert after the word "crime": "of violence".

On page 21, line 22, insert after the word "crime": "of violence".

On page 22, line 22, insert after the word "crime": "of violence".

On page 23, line 3, insert after the word "crime": "of violence".

On page 33, line 2, insert after the word "crime": "of violence".

On page 33, line 9, insert after the word "crime": "of violence".

Mr. MILLER. Mr. President, I shall be very brief. This amendment, offered by myself and the Senator from Kentucky [Mr. COOPER], is a technical amendment designed to make it clear that the type of crime for which there is an indictment or a conviction, which prohibits the issuance of a license under the bill, will be a crime of violence. So that in the appropriate places in the bill the phrase is "crime of violence punishable as a felony," rather than "crime punishable as a felony."

What we intend, I believe, is to get at those people under indictment, or who have committed crimes such as breaking and entering, robbery, felonious assault, mugging, kidnapping, manslaugther and the like. It might be possible to extend this to include crimes of violence of a mental nature such as extortion. But what we are not aiming at are those who may be under indictment or convicted for tax evasion, embezzlement, or mail fraud, those who have not committed a violent act in connection with their indictment or conviction.

I should like to point out that we leave alone in the amendment the definition of "a fugitive from justice." A fugitive from justice is one who is under indictment for a crime punishable as a felony. I do not believe it would be wise to make that a crime of violence because whether he is an embezzler, a person being sought after for kidnaping, or a crime of violence, does not make too much difference. He is the kind of person who may well acquire a firearm. So this has been left alone.

I would appreciate it if the Senator from Connecticut [Mr. DODD] would take this amendment to conference because I believe it is trying to do what we all want to do, and the matter could be cleared up in conference.

Mr. DODD. The Senator from Kentucky [Mr. COOPER], and the Senator from North Carolina [Mr. ERVIN], have already spoken to me, as has the Senator from Iowa about this amendment. Their judgment is very good and I am happy to take the amendment to conference. It is a sensible amendment and I think we should adopt it.

Mr. MILLER. Mr. President, I yield back the remainder of my time.

Mr. DODD. Mr. President, I yield back the remainder of my time.

The **PRESIDING OFFICER**. All time on the amendment has been yielded back.

The question is on adoption of the amendment of the Senator from Iowa.

The amendment was agreed to.

The **PRESIDING OFFICER**. The bill is open to further amendment.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator from Nebraska [Mr. CURTIS] on the bill.

Mr. CURTIS. Mr. President, I thank the Senator. I shall take no more than that.

I arise primarily concerning the work of my colleague, Senator HRUSKA, on this measure. The subject of gun control has been before the American people and before the Congress for a long time. It is our hope that whatever is finally enacted will be in the public good and will be sound, just, and fair, in accord with our Constitution and in accord with our federal system.

This has been a most difficult subject to deal with. It is something that has been wrought with emotion. That does not mean the subject is unworthy of consideration. It does mean that it requires care, that it requires study, that attention must be given to the legislative language.

An examination of the hearings will show the long, intensive work devoted to this bill by my colleague, Senator HRUSKA. I am sure that, whatever turns out to be enacted into law, it will be a much better law because of the long hours he has spent in studying this matter, in the questioning of witnesses, in the care taken in drafting the measure—and something more than that. I believe that opposition to a legislative proposal plays a very important part in our legislative process. I think that Senator HRUSKA has rendered a very distinctive service to the public because he has opposed and because he has required the proponents to submit their proposals not only to the public, but to the press, to the committees, and in other ways required that they prove their case.

For that reason, I rise to pay tribute to Senator HRUSKA for his long hours of work.

I would not minimize the endeavors of any of the other members of the committee, but I think sometimes when a Senator takes a position that in many places is unpopular, he renders a peculiar service to our country.

Certainly, laws that are hastily considered, certainly laws that are the subject of emotion, are not in the public interest; and for that reason, for a long time we will reap the benefits of the splendid service rendered by my colleague, Senator HRUSKA.

Mr. DODD. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. DODD. I would like to say to the Senator from Nebraska that I join him in the sentiments he has expressed here. I have had occasion to work with Senator HRUSKA for some years. He is a worthy, decent, capable man to work with, and he made a great contribution to our studies of this problem.

Mr. CURTIS. I thank the Senator. I want to say to the Senator from Connecticut that he has worked diligently, long, faithfully, and conscientiously, and I commend his efforts, and those of the other members of the committee. However, I called attention particularly to a role that had to be played by someone at a time when the tendency might have been to act hurridly and without careful scrutiny that comes only from opposition and requiring the proponents to prove their case.

Mr. President, I yield the floor.

Mr. MOSS. Mr. President, I send an amendment to the desk and ask for its present consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MOSS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add a new title IV beginning on page 64 entitled, "Joint Committee To Investigate Crime".

"SEC. 401. (a) There is hereby created a Joint Committee To Investigate Crime, to be composed of seven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, and seven Members of the Senate to be appointed by the President pro tempore of the Senate. In each instance not more than four members shall be members of the same political party.

"(b) Vacancies in the membership of the joint committee shall not affect power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection.

"(c) The joint committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress.

"SEC. 402. (a) The joint committee shall make continuing investigations and studies of all aspects of crime in the United States, including (1) its elements, causes, and extent; (2) the preparation, collection, and dissemination of statistics thereon, and the availability of reciprocity of information among law enforcement agencies, Federal, State, and local, including exchange of information with foreign nations; (3) the adequacy of law enforcement and the administration of justice, including constitutional issues pertaining thereto; (4) the effect of crime and disturbances in the metropolitan urban areas; (5) the effect, directly or indirectly, of crime on the commerce of the Nation; (6) the treatment and rehabilitation of persons convicted of crimes; (7) measures for the reduction, control, or prevention of crime; (8) measures for the improvement of (a) detection of crime, (b) law enforcement, including increased cooperation among the agencies thereof, (c) the administration of justice; and (9) measures and programs for increased respect for the law.

"(b) The joint committee shall report to the Senate and the House of Representatives, from time to time, the results of its investigations and studies, together with such recommendations as it may deem desirable. Any department, official, or agency engaged in functions relative to investigations or studies undertaken by the joint committee shall, at the request of the joint committee, consult with the joint committee from time to time with respect to such functions or activities.

"SEC. 403. (a) In carrying out its duties, the joint committee or any duly authorized subcommittee thereof is authorized to hold such hearings and investigations, to sit and act at such places and times within the United States, including any Commonwealth or possession thereof, whether the House or the Senate is in session, has recessed, or has adjourned, to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems necessary. The joint committee may make such rules respecting its organization and procedures as it deems necessary. No recommendation may be reported from the joint committee unless a majority of the committee is present. Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or by the joint committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses.

"(b) The joint committee may appoint and fix the compensation of such clerks, experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable; and, with the prior consent of the heads of departments or agencies concerned and the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Federal Government, as it deems advisable. The joint committee is authorized to reimburse the members of its staff for travel, subsistence, and the other necessary expenses incurred by them in the performance of the duties vested in the joint committee other than expenses in connection with meetings of the joint committee held in the District of Columbia during such times as the Congress is in session.

"SEC. 404. The expenses of the joint committee shall be paid one-half from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate, upon vouchers signed by the chairman or the vice chairman of the joint committee."

Mr. MOSS. Mr. President, I shall explain the amendment briefly. I yield myself 3 minutes.

Mr. President, the amendment that is now offered is a joint resolution that has been pending in this body since June 1967. It would create a joint committee to investigate crime. The committee would be made up of seven Members from the House and seven Members from the Senate, with the chairman and vice chairman to rotate between each of the Houses annually, to investigate all aspects of crime.

The bill we are talking about today has been brought forward as something to check and have an effect upon crime. For the first time this committee would investigate the causes of crime, exchange of data with law enforcement agencies, investigate causes of urban disturbances, improved procedures for attacking the problem of crime, and investigate means of increasing respect for law.

This joint committee would, of course, not be a legislative committee; it would simply report to the Congress on its findings.

It seems to me that Congress has the legislative obligation to move into the field of dealing with what many think is the greatest issue before us today, and that is crime in our country.

The identical language of this resolution was presented to the House of Representatives in House Joint Resolution 1; and on a rollcall vote, it passed the House of Representatives 312 to 8. Since that time it has been awaiting action here in the Senate.

The resolution was sponsored by 21 Senators in this body from both sides of the aisle. It was bipartisan. I am sure it is one that all of us feel we very much need, if we are going to attack the grave and serious problem that confronts us all over the country.

I know we have machinery in various committees to do this, but what this effort would do would be to bring into focus the fact that, after all, Congress, through a joint committee, wants to attack the problem of crime—not only detection, rehabilitation, and conviction of criminals, but also the basic causes of crime, and to compile the data and bring it in a report to Congress.

The President has appointed commissions for special purposes at various times, but they have ceased to exist after an investigation of rioting or whatever the purpose was. This joint committee would continue and would be of use to us here in the Congress. It would also underline that we, too, here are accepting our responsibilities and we are moving in this field.

I ask that the amendment be adopted and that we take it to conference with the House, which, I am sure, will concur in it since the House voted overwhelmingly for the same thing originally.

I am glad to yield to the Senator from Maryland [Mr. TYDINGS] for 3 minutes.

Mr. TYDINGS. Mr. President, I support the resolution offered as an amendment by the Senator from Utah. This is a measure which he and I have worked on together for some 2 years. I think it is an important measure. It would establish a very important Senate-House committee, one which I think is vitally needed.

No problem which faces the United States is any more grave than the problem of crime and disorder. The measure would provide machinery for a joint Senate-House committee to work in this field. The measure was passed nearly unanimously by the House of Representatives. I support the distinguished Senator from Utah 100 percent.

Mr. MOSS. Mr. President, I thank the Senator from Maryland. I reserve the balance of my time.

Mr. HRUSKA. Mr. President, I have some regret that the measure as to which the Senator from Utah has drawn his amendment is brought up in this fashion, frankly. It is a proposal to create a commission. That commission should be entitled to a bill in its own right, which would create it and sustain it.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. EASTLAND. This measure is pending before the McClellan subcommittee at this time.

Mr. HRUSKA. That is correct.

Mr. EASTLAND. It is under active consideration in the Committee on the Judiciary, and hearings are planned on this very proposal. What this amounts to is an attempt to discharge the Committee on the Judiciary.

Mr. HRUSKA. It is on that score that I would feel very reluctant to favor that measure as an amendment to this bill. I think it should stand on its own feet, as an independent act. As a matter of fact, it came up only recently, and there has been no delay in its consideration. I think we ought to avoid the possible implication that there is the equivalent of the discharge of a committee involved, and anything that might be inferred therefrom. I sincerely hope that the Senate will take those matters into consideration.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. McCLELLAN. I should like to make one observation.

I am not necessarily opposed to the establishment of a Joint Committee on Crime. The Permanent Subcommittee on Investigations is vested with the power to investigate crime at practically all levels. Presently, the subcommittee is in the process of investigating riots, civil disobedience, and other related criminal activities.

If it is the will of Congress to set up a Joint Committee on Crime, we should have hearings on such a proposal. The power given such a committee would have to be withdrawn from the Permanent Investigations Subcommittee. I hasten to remind my fellow Senators, however, that six different times, or at least five times, the Senate has passed unanimously a bill creating a Joint Committee on the Budget, but each time the House of Representatives has refused to pass such a bill.

I say to the Senate that if we cannot deal with our difficult fiscal problems with a joint relationship and a joint effort, I have some concern about our setting a precedent dealing with a joint effort in other matters such as crime.

I think there should be a candid relationship, and I think in many instances joint committees are effective. Perhaps in the investigation of crime a joint committee would be the better way to do it.

I say, in the presence of the chairman of the Committee on Rules and Administration that at the beginning of this session when the rioting occurred, there was a proposal to set up a joint committee to investigate that rioting. I went to the chairman of the Rules Committee, and also to the leadership of both parties, and suggested that a joint committee investigate the rioting, rather than the Permanent Investigating Committee.

The authority was given to the investigating subcommittee and we are doing the best we can, but now we are confronted with this amendment.

Senators will recall that yesterday I opposed an amendment offered by the distinguished minority leader, because I thought it was not germane to S. 3633, and because I thought it was a matter that should go through the ordinary committee processes. I opposed attaching to S. 3633 that kind of amendment.

If this is the way the Senate wants to proceed, to circumvent the ordinary committee process then I will offer as an amendment to establish a joint committee on the budget. Then I should like for the conferees to be instructed, that they either get both of these amendments retained in the bill, or take them both out.

If Senators want that kind of arrangement, all right. But I do not believe in yielding to the House of Representatives on the matter of crime when we get no consideration from them in trying to make a joint approach to grave fiscal problems.

I do not intend to unduly criticize the House of Representatives, but the Senate would be passing this amendment without any hearings, and without the due process of this body.

I want it understood that I have no objection to creating a joint committee, if that is the way Congress wishes to proceed, because investigating work is tedious, difficult, and unpleasant.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. EASTLAND. A vote for this amendment is, in reality, a vote to discharge the Senate's investigating subcommittee; is that not correct?

Mr. McCLELLAN. Of course. It would have that effect.

Mr. President, if this is the will of the Senate and the way it wants to proceed, then I want to use the same process to get enacted into law a bill to create a joint committee on the budget, such as the Senate has passed five times unanimously. I intend to offer it as the next amendment.

Mr. DODD. Mr. President, in view of what the distinguished Senator from Arkansas has said here, I wonder if the Senator from Utah would not reconsider his offering of his amendment, for two reasons, one being the possibility, which I am sure none of us, certainly including the Senator from Utah, would want to have happen, and that is to take any jurisdiction away from the subcommittee of the Senator from Arkansas, and, second, as I understand the parliamentary situation——

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DODD. As I understand the parliamentary situation, the House of Representatives has acted on this matter.

Mr. MOSS. That is correct.

Mr. DODD. So we could not take it to conference; if we act upon it here, it is a passed bill, is that true?

Mr. McCLELLAN. We can go to conference on this bill.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. DODD. Yes; I yield. I wonder if the Senator will not consider withdrawing his amendment.

Mr. MOSS. Mr. President, let me say, in the first place, this is not designed to take jurisdiction away from any existing committee or subcommittee. It is to create a joint committee of the two Houses of Congress to investigate crime. I have listed all of the fields to which they are directed to point their investigation. It is not just some specific area, like riots, or a particular crime; it is the whole field of crime.

Second, this matter has been before us since the 23d day of June 1967, and we have not had any hearings. I have pleaded for hearings, I have written letters asking for hearings, and I have talked to the Senator from Arkansas about it. I have done everything I could, and there are 23 Senators in this body, from both sides of the aisle, who have been taking an active part in trying to get this done.

Now, when we think perhaps we are within 2 weeks of the end of the session, it is said, "Well, we will have hearings. We will proceed in the regular, orderly way."

If we could not proceed in more than a year to have any hearings, I think the most orderly way might be to put it in this bill, which has to do with limiting crime, and see if this body wants to make a record, the way the House of Representatives did when it voted 312 to 8 to create this joint committee.

NARRATIVE EXPLANATION OF GUN MURDER PROFILE

Mr. DODD. Mr. President, the opponents of gun legislation have argued that gun murders are crimes of impulse or passion, that the killer is a noncriminal before committing murder in the majority of cases, and that no law would prevent such people from legitimately buying guns.

In order to establish the facts, a staff study was initiated by the Juvenile Delinquency Subcommittee to determine the personal backgrounds of America's gun killers and the circumstances of the murders in which they were involved.

Over the past 9 months we have collected two file cabinets full of information—facts, not fancy—on over 1,000 gun killers in 66 cities spread across America.

We know that gunmen account for 63 percent of our murders annually and that their toll of lives ran to 7,600 in 1967. All the evidence points to the conclusion that the figure will be much higher this year.

With these facts in mind, let me highlight some of the results of our murder study.

Our final product is captioned "Profile of a Gun Murderer, 1967." It is a conclusive documentation of the backgrounds of America's gun killers, based on the best information available, taken directly from the arrest reports of our Nation's major police departments.

The documentation completely shatters the argument of the National Rifle Association that murderers for the most part are not criminals.

Of more than 1,000 gun murder defendants whose cases were studied, 712 or 71 percent had criminal records prior to the time that they committed murders. In fact, the 712 gun murder defendants between them had a grand total of 4,796 prior criminal arrests, which works out to an average of 6.7 previous arrests before their arrest for murder.

The study also revealed the following facts:

In 63 percent of the murders, the defendant and the victim were known to each other, either as relative, friend, or acquaintance.

In 82 percent of the cases, the murder resulted from a fight, a domestic quarrel, or a family argument.

In every case the ready availability of firearms was a major factor for the simple reason that it is easier to kill with a gun than with any other weapon. As psychologists have demonstrated, the terrible ease with which a trigger can be

pulled plays a large role in many murders, especially in the so-called crimes of passion. In such crimes, instead of the finger pulling the trigger, it is frequently the trigger which pulls the finger.

The Juvenile Delinquency Subcommittee has prepared a chart detailing the information from 66 cities out of 71 that submitted adequate information which makes up the "Profile of a Gun Murderer." I would like to insert this chart at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PROFILE OF A GUN MURDERER

City	Number of defendants arrested	Juveniles	Number of defendants with prior arrests	Total number prior arrests	Relationship				Circumstances			
					Family	Acquaintance	None	Unknown	Domestic	Altercation/argument	Felony	Unknown
1. Akron, Ohio	18	1	13	78	6	7	4	2	6	7		5
2. Albany, N.Y.	4		4	13	1	1	2		1	3		
3. Allentown, Pa.[1]												
4. Amarillo, Tex.	2		2	17		1	1			2		
5. Beaumont, Tex.	4		2	10	2	1	1		3			1
6. Berkeley, Calif.	1		1	17			1				1	
7. Boston, Mass.	17		10	101	5	5	3	4	5	12		
8. Buffalo, N.Y.	7		7	50		4	3		1	3	2	1
9. Camden, N.J.	7	2	6	73	1	3	3		1	5		1
10. Canton, Ohio	4		2	6	2	1	1		2	2		1
11. Charlotte, N.C.	8		7	21	3	5	1		3	5		
12. Chattanooga, Tenn.	16		9	36	2	13	1		2	14		
13. Chicago, Ill.	34	1	19	74	6	16	13		6	17	11	1
14. Cincinnati, Ohio	35		23	118	13	14	7	1	12	16	6	1
15. Cleveland, Ohio	57	4	33	165	8	20	21	9	8	23	16	11
16. Columbus, Ga.	4		2	14	1	3			1	3		
17. Columbus, Ohio	19		8	(2)	8		11		8	9	1	1
18. Corpus Christi, Tex.	14		9	127	6	6	1		6	7		
19. Dallas, Tex.[1]												
20. Dearborn, Mich.[3]												
21. Denver, Colo.[1]												
22. Des Moines, Iowa	2		1	1		2				2		
23. Detroit, Mich.	172	12	120	1,115	38	64	44	3	38	88	16	8
24. District of Columbia	64		53	370	10	31	10		9	35	5	2
25. Fresno, Calif.	5		3	25	2	2			2	2		
26. Greensboro, N.C.[1]												
27. Honolulu, Hawaii	10		7	54	2	7	1		2	7		1
28. Indianapolis, Ind.	12		6	22	7	5			7	5		
29. Jersey City, N.J.	8		4	29	1	3	4		1	5	2	
30. Kansas City, Mo.	19		19	147		10	9		1	15	3	
31. Knoxville, Tenn.	11		8	75	2	8		1	2	7		2
32. Lincoln, Nebr.	1		1	12			1				1	
33. Little Rock, Ark.	11		6	21	3	2	2	3	3	4	1	2
34. Los Angeles, Calif.	32	2	25	204	9	10	13		9	17	6	
35. Madison, Wis.[3]												
36. Miami, Fla.	20		14	97	4	3	13		4	10	5	1
37. Minneapolis, Minn.	10	1	7	70	4	12	1		4	11	1	1
38. Montgomery, Ala.	13		10	89	4	3	7		4	10		
39. Nashville, Tenn.	28		22	271	5	9	14	2	5	18	1	6
40. Newark, N.J.	6		6	31	4	2			4	2		
41. New Haven, Conn.	5		5	17	1	1	1	1	1	2		1
42. New Orleans, La.	9		5	31	2	1	6		3	3	3	
43. Newport News, Va.	8		7	41	2	4	2		2	6		
44. New York City, N.Y.	49	1	30	110	4	15	28	2	4	41	4	
45. Niagara Falls, N.Y.	2		0	0		2					2	
46. Norfolk, Va.	13		6	52	1	7	5		1	9	3	
47. Oakland, Calif.	24		18	118	9	10		5	9	8	7	
48. Omaha, Nebr.	19		11	68	7	5	6		7	9	2	
49. Paterson, N.J.	5		3	14		3	2			5		
50. Philadelphia, Pa.	77	11	46	208	23	16	38		22	43	5	7
51. Portsmouth, Va.	6		6	21	1	3	2		1	4	1	
52. Providence, R.I.	3		2	8	1	1	1		1			2
53. Richmond, Va.	28		19	112	6	2	19		6	17	2	2
54. San Francisco, Calif.	24		17	72	5	11	8		5	13	6	
55. St. Louis, Mo.	23		18	118	7	9	6		7	15		
56. St. Paul, Minn.	6		5	32	2	4			2	4		
57. San Antonio, Tex.[1]												
58. San Diego, Calif.	6		5	30	1	2		3	1	3		2
59. Scranton, Pa.[3]												
60. South Bend, Ind.	5		4	11	1	2	2		1	1	3	
61. Spokane, Wash.	1		0	0	1				1			
62. Syracuse, N.Y.	5		3	15	2	1	2		2	3		
63. Tacoma, Wash.	6		4	27		3	3			6		
64. Tampa, Fla.	13		12	(2)	4	3	6		5	8		
65. Topeka, Kans.	2		1	0	1		1		1		1	
66. Tucson, Ariz.	5		4	43		2	3			5		
67. Utica, N.Y.												
68. Wichita, Kans.	9	1	6	42	4	3	2		4	5		
69. Worcester, Mass.	1		0	0	1				1			
70. Yonkers, N.Y.	4		1	15	2		2		2		2	
71. Youngstown, Ohio	9		5	35	4	4	1		4	5		
Total	1,042	36	712	4,796	251	387	389	36	253	581	119	59
Profile (percent)			71	6.7	63				82			

City	Age		Type of gun used												Total with felony arrests
	1st arrest (average)	This arrest (average)	Rifles		Shotguns	Handguns								Not known	
			.22	Other		.22	.25	.32	.38	.45	6.35	7.32	9 mm.	Other		
1. Akron, Ohio	23.8	37.4	1		3	4	3		2			1			4	9
2. Albany, N.Y.	27.5	43.2				2		1	1							3
3. Allentown, Pa.[1]																
4. Amarillo, Tex.	17.5	25.5				2										1
5. Beaumont, Tex.	26.0	46.2			2	2										1
6. Berkeley, Calif.	30.0	41.0	1													
7. Boston, Mass.	26.1	35.5			4	3	2	3	2	1	1	1				7
8. Buffalo, N.Y.	26.2	39.1			1	1	2	2	1							4
9. Camden, N.J.	19.1	27.3				2		1	1				1	1		4
10. Canton, Ohio	27.2	28.0	1		1	1			1							
11. Charlotte, N.C.	22.4	35.7	2			2	1	1	1					1		6
12. Chattanooga, Tenn.	33.0	42.9			1	1		1							13	4

Footnotes at end of table.

PROFILE OF A GUN MURDERER—Continued

City	Age		Type of gun used												Total with felony arrests
	1st arrest (average)	This arrest (average)	Rifles		Shotguns	Handguns								Not known	
			.22	Other		.22	.25	.32	.38	.45	6.35	7.32	9 mm.	Other		
13. Chicago, Ill	23.7	27.2	1		6	8	4	9	5	1						11
14. Cincinnati, Ohio	27.1	35.6	4		5	15	25	4	1		2					17
15. Cleveland, Ohio	24.2	31.0	3	1	1	7	2	7	14		1				18	19
16. Columbus, Ga	36.6	47.5				3	1									
17. Columbus, Ohio	28.8	27.8		1	3	7	4	1	3	1						(2)
18. Corpus Christi, Tex	29.3	38.3			1	8	1	1	1	1					1	9
19. Dallas, Tex.[1]																
20. Dearborn, Mich.[3]																
21. Denver, Colo.[1]																
22. Des Moines, Iowa	31.5	32.5	1						1							
23. Detroit, Mich	(2)	28.2	7	9	24	18	12	15	34	1			2	25	10	8
24. District of Columbia	23.2	33.8		1	2	14	2	11	12	2	2		1	6		3
25. Fresno, Calif	26.3	43.4	1			1		1	2							
26. Greensboro, N.C.[1]																
27. Honolulu, Hawaii	21.5	29.7		2	1	1	1	1	5	1					1	7
28. Indianapolis, Ind	33.5	43.0			1	2		1	7					1		3
29. Jersey City, N.J	26.3	31.1			1	1		5		1				1	1	4
30. Kansas City, Mo	23.3	33.7			3	3	1	1	6	1				1	2	11
31. Knoxville, Tenn	31.5	41.4	1		1	1		2	3	1			1	1		4
32. Lincoln, Nebr	18.0	33.0			1											1
33. Little Rock, Ark	24.5	32.9		2		2	2	1	2		1			1		5
34. Los Angeles, Calif	20.0	29.3	2	2	1	10	4	3	15					1		19
35. Madison, Wisc.[3]																
36. Miami, Fla	27.0	35.7	1	1	2	7	1	1	1		1		1	4		12
37. Minneapolis, Minn	32.1	36.6	1		1	4	1	2	6					1		7
38. Montgomery, Ala	32.5	47.4		1	4	5			1	1				2		10
39. Nashville, Tenn	27.9	38.2			8	3	2	2	8					7		15
40. Newark, N.J	17.6	26.5	2		1	2								1		3
41. New Haven, Conn	28.8	34.4			2	1			1		1					1
42. New Orleans, La	30.0	38.6				5			3						1	2
43. Newport News, Va	31.1	38.3			1	2	1		2						2	
44. New York City, N.Y	25.2	34.6	3	4	4	16	3	7	6				1		3	23
45. Niagara Falls, N.Y	26.5	26.5						2								
46. Norfolk, Va	27.0	35.0	2	1	3	3	1	3								4
47. Oakland, Calif	27.4	37.4	1	2		5	4	2	4	1			1	4		12
48. Omaha, Nebr	24.7	33.0	2		1	3	1	1	8	2						4
49. Paterson, N.J	31.0	33.4						3	2							3
50. Philadelphia, Pa	22.7	29.6	7	1	5	26	4	9	18				2	3	2	39
51. Portsmouth, Va	32.8	42.0			1									2	3	4
52. Providence, R.I	18.6	23.6	1		1	1										1
53. Richmond, Va	26.7	33.2		1			2							24	1	12
54. San Francisco, Calif	27.8	35.5		1	1	7	2	4	7	1				1		9
55. St. Louis, Mo	25.9	32.8	1		2	4	4	3	7						2	12
56. St. Paul, Minn	25.3	32.6			3	3										3
57. San Antonio, Tex.[1]																
58. San Diego, Calif	24.8	32.4			1	1		2	2							
59. Scranton, Pa.[3]																
60. South Bend, Ind	20.0	23.6			3									2		2
61. Spokane, Wash	42.0	42.0				1										
62. Syracuse, N.Y	22.0	26.8					1	4								
63. Tacoma, Wash	22.3	30.0		1		3	1								1	3
64. Tampa, Fla	(2)	(2)			2	4		2	3					2		(2)
65. Topeka, Kans	43.0	44.5	1					1								1
66. Tucson, Ariz	23.8	31.0			1	3	1									3
67. Utica, N.Y.[3]																
68. Wichita, Kans	19.0	28.5	1	1		4	1	1	1							4
69. Worcester, Mass	27.0	27.0			1											
70. Yonkers, N.Y	29.2	30.0		1					1					2		1
71. Youngstown, Ohio	30.0	42.8				2	1	4	2							4
Total	26.6	35.0	48	33	111	236	98	123	203	16	9	2	10	94	65	460
Profile (percent)																64

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[1] Inadequate for tabulation.
[2] Unknown.
[3] None.

WHO WANTS GUN CONTROLS?

Mr. DODD. Mr. President, the tide of public opinion in favor of the strongest kind of gun controls is evident at every turn.

My office has been inundated with letters of support, demands for action by Congress and hosts of newspaper stories reflecting public opinion in communities across the Nation.

For the information of my colleagues, Mr. President, I ask that a selection of news stories and editorials, which I believe to be representative, to be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville (Ky.) Courier-Journal, Sept. 12, 1968]

BIKES, GUNS AND APPLE PIE

License bicycles? Why, you might as well license guns. Or mother's apple pie. Surely, the Board of Aldermen hasn't thought this thing through. Any red-blooded American can see this is the first step toward confiscation of bicycles. Nothing could please those dirty, Commie rats more. Without bicycles people wouldn't be able to get to the bomb shelters in time; our population would be left defenseless.

Anyway, bicycles don't kill people; people kill people. Why blame the poor, innocent bicycle? Licensing would only penalize the honest, law-abiding, right-thinking cyclists. Criminals would still steal them; some people would still misuse them riding sidesaddle, cutting in front of trailer trucks, knocking down God-fearing pedestrians.

The thing to do is to enforce the law against the people who abuse bicycles; better still, make it stiffer; give 'em life without parole. It would help, too, if the courts would stop turning loose bicycle thieves all the time. Every time you turn around you see a bicycle thief wheeling away from court. This soft-headed, muddle-brained attitude has bred a widespread disrespect for law and order. No wonder decent Americans are afraid to walk on the sidewalks anymore.

Furthermore, why license bicycles just in the city? That won't do the job, and it'll hurt business. People will just go to the suburbs to buy and steal their bicycles.

If all of this sounds familiar, it should. It is a sample of the kind of argument used against an effective gun control ordinance which seemed to impress a majority of the aldermen and the Mayor.

They are not, however, our arguments. We see nothing wrong with licensing bicycles. If dogs and cars, why not bikes? Or guns?

[From the Carmel (N.Y.) Putnam County Courier, Aug. 1, 1968]

CONGRESSIONAL PARALYSIS AND THE GUN LAW

Better than eight out of every ten people in America have expressed their desire for a strong gun legislation to curb the insanity of a nation gone wild with the gun mystique.

Yet no matter what is said, what is done, Congress has consistently ignored public opinion, and this paper for one would like to know why.

THE RECORD

The record more than speaks for itself, and it is one of insanity, ridiculousness, and bordering disbelief.

Every year between 50 and 200 million pistols, revolvers, rifles, and other bullet projecting firearms are purchased in our society. Two-thirds of these are purchased through the mail, and all of them are negotiated as easily as a loaf of bread.

The record shows that in Los Angeles, there are more guns than in all of Saigon. The

American image inspired a communist national poet to write poems depicting the stars in our flag as bullet holes. Great propaganda material for them, and free too!

THE NRA

The record shows that 84% of this nation's people prefer a strong gun law, yet every time the subject reaches congress, the 1,000,000 member National Rifle Association thwarts every effort to make changes. Every drive to accomplish gun law legislation has been met by an N.R.A. counter movement, and the result has invariably been congressional paralysis.

Mysteriously all further efforts dissipate till the next drive. The N.R.A. apparently wields a greater power and influence than all of us suspected.

New York State Assemblyman Leonard Slavisky was told by an N.R.A. representative that they tell legislators "We will terminate from public office anyone who disagrees with us" and the legislators believe them.

The NRA also boasts that within 72 hours they can produce half a million letters from its members on any gun bill. Yet they consistently deny that they represent or do any lobbying whatsoever. The pentagon as a courtesy supplies cut rate surplus weapons and free ammunition to the safety and conservation programs for gun owners which is of course part of the N.R.A.

Perhaps it's not altogether a complete mystery as to why congress just can't seem to accomplish anything better than, as President Johnson described it, a "watered down" and "halfway" gun bill, when one realizes that at least two dozen congressmen are N.R.A. members.

THE STATISTICS

In only one year more than 20,000 Americans in America were gun fatalities, including 7,000 murders and homicides. There were 10,000 suicides, 3,000 accidental deaths and better than 100,000 wounded by gunfire.

Compare this to 29 murders in England, 37 in Japan (with one-half the population of the U.S.) Other nations such as France, Holland, etc., have similar records.

No one is expecting to end a problem of this size overnight, or with one law, but somewhere a first step, not a shuffle, but a sizeable step, must inaugurate a change.

Remington, Savage and Winchester, three of America's largest gun producers, deserve their first step salute for their stand urging the end to all mail order sales on rifles and shotguns. If the producers can take a first step why can't the NRA do the same, and congress, too?

We agree that for the most part the members of the NRA, and all gun enthusiasts are aware of what's right and wrong and abhor violence of any kind. What's wrong then with a license for the gun and the ammunition that goes in it as well. It could keep those guns out of the hands of the wrong people and thus spare the lives of many innocent people. We ask—what's wrong with that?

[From the Parkersburg (W. Va.) Sentinel, June 20, 1968]

Who Controls Guns?

We cannot become too excited by those who fanatically denounce stricter gun laws as an intrusion upon their freedom. Almost all of the major countries of the world impose far more stringent gun controls than does the United States.

A survey by The New York Times, last week disclosed that in Britain, France, Belgium, the Soviet Union and Italy, ownership of firearms is considered a privilege, not a right, and the privilege is subject to strict legislation.

Nobody in Britain, for example, may have a firearm by night.

French laws are strict and unambiguous. They stipulate that arms purchasers must be over 21. Mail order sales are banned and all gun sales must be registered.

In France only the police and licensed guards are permitted to carry loaded firearms. Private persons with properly registered revolvers cannot carry them on their persons under any circumstances.

Gun control laws in Italy are similar to those in France and a certificate of police clearance and registration of the weapon are required.

In Spain, the procedures make it even more difficult to buy a gun. An applicant must tell the director general of security why he wants one, and the director may deny the request without giving a reason.

After the Spaniard gets a purchase permit and buys his gun, he must register it with the nearest post of the civil guard. Crimes in which shooting is involved are said to be rare in Spain.

Private ownership of rifles and revolvers in the Soviet Union is punishable by as much as two years imprisonment.

[From the Huntington (W. Va.) Advertiser, June 20, 1968]

Stern Gun Laws Cut Crime

The need of more rigid gun control legislation to reduce crime, particularly murders, has been forcefully demonstrated by statistics released by Sen. Jennings Randolph, D-W.Va.

In New York, which has a strong gun law, murders with guns during the years 1962–1965 amounted to only 31.8 per cent of all homicides reported.

The rates of murders in other states having strong laws during the same period were:

Pennsylvania, 43.2 per cent; New Jersey, 38.6 per cent; Massachusetts, 35.3 per cent; and Rhode Island, 24 per cent.

But in these states having weak laws the rates during the same period were much higher: Florida, 66 per cent; Arizona, 66.4 per cent; Nevada, 66.9 per cent; Texas, 68.7 per cent; Mississippi, 70.9 per cent; and Louisiana, 62 per cent.

These figures offer undeniable evidence that states having strong gun laws reduce the percentage of murders with firearms.

Statistics for three years also show that the number of murders with guns is significantly increasing. The number of such killings in 1964 reached 5,090 or 55 per cent of the total. The number in 1965 was 5,634 or 57 per cent of the total, and in 1966 the number reached 6,552, or 60 per cent of the total.

Still other figures demonstrated the need of legislation restricting the sales of rifles and shotguns. In 1964 the number of long gun murders reached 1,527; in 1965, 1,690; and in 1966, 1,747.

In each year the number killed with long guns was about 30 per cent of the total.

But besides those killed, statistics show an alarming increase in the number of aggravated assaults with firearms. In 1964 the number was 27,700; in 1965, 34,700; and in 1966, 43,500.

Since 1960 firearms have been used in the murder of 322 or 96 per cent of all 335 police officers killed.

Of these murders only 53 took place in northeastern states that have stringent gun laws and 151 in southern states having weak laws.

These statistics make clear why Sen. Randolph has joined Sen. Thomas Dodd, D-Conn., in sponsoring two additional gun control bills. One bill would restrict the mail-order sale of rifles and shotguns and the other would require federal registration of all firearms.

On the basis of statistics, these measures would unquestionably help reduce attacks and murders and would thus check the alarming spiral of crime throughout the country.

Responsible citizens can help toward their enactment by urging the support of their senators and representatives.

[From the Holyoke (Mass.) Transcript-Telegram, June 25, 1968]

The Gloves Are Off

President Lyndon B. Johnson has finally taken the gloves off in the battle against the indiscriminate sale and use of firearms. His proposal yesterday that legislation be passed to require registration of every gun in the nation and the licensing of every person using such is sound.

However sound it may be, it is also daring, for it flies in the face of all the arguments put forth by gun enthusiasts (we have often termed them "gun nuts," which is an unfair appellation for the vast majority). But does it really? Does registration and licensing preclude the ownership of guns? Are these restrictions in violation of the Constitutional rights of gun owners? The answers are obviously negative.

It is true that crimes and accidents resulting from gunfire will continue, but they will continue at a greatly lessened rate. As President Johnson notes: "Homes and city streets across the nation which might have rung with gunfire will be spared the tragedy of senseless slaughter. We will never be able to measure this violence that does not erupt. But our history tells us America will be a safer country if we move now . . ."

This is the point. By action taken now to restrict the scope of firearms we shall be saving the lives of countless of thousands of those who will follow us. This is a real investment in the future.

It is a grave disappointment that such men as Senator Eugene McCarthy are negligent in their awareness of the desperate need this country has for strict firearms legislation as he, in effect, puts himself in the camp of the dinosaurs who would do nothing. But hopefully there are sufficient legislators in agreement with the President—and the overwhelming majority of the American people—to enact sensible laws.

There are very few who advocate the full abridgement of the right to own and use weapons. But the gun enthusiasts who continue their opposition to almost all restrictions, should understand that registration and licensing is little different than the procedure they undergo to own and operate an automobile. This is not the same thing as denying legitimate shooters their full rights.

We hope President Johnson's message is acted upon as quickly as possible. It is a real investment in our future.

[From the Cleveland (Ohio) Plain Dealer, July 13, 1968]

Lawmakers Don't Hear Guns Bark

Another shooting spree in New York where a sniper killed three persons and wounded a fourth focuses attention once more on gun legislation.

The slayer used an automatic carbine. This is a "long gun" which has long been illegal under federal laws against fully automatic weapons.

Another "long gun," a 22-caliber rifle, was used in Lakewood yesterday in the killing of one person and the critically wounding of a second.

Laws that cover the interstate sale, sales to minors, etc., of hand guns leave the country only half safe. With this in mind the administration has been pushing a measure which would provide for registration and licensing of all guns.

But the Senate Judiciary Committee shot down this proposal this week by voting amendments which would exempt rifles and shotguns from the new bill.

Citizens, horrified by the homicide rate, must step up their campaign to let their senators and congressmen know their desire for gun controls.

[From the Rockford (Ill.) Register-Republic, July 8, 1968]

REALISTIC GUN LAW

(From Newsday)

The President is right. All firearms should be registered and computerized by the FBI. Only in this way can reasonable control be exerted to help guard against the possibility that guns can too easily fall into the hands of assassins or potential criminals. The 50 states should be given first opportunity to establish systems of gun registrations; if they fail to do so, the federal government should take over the job.

Sales of handguns by mail and under certain other restrictions already are limited, but long guns—shotguns and rifles—are under no control. Between 50,000,000 and 100,000,000 guns are in the hands of private citizens, all but a tiny majority of them law-abiding. These guns are owned mainly by sportsmen. Today, unregistered guns can be stolen from sportsmen and never traced.

Because of this lack of controls, guns can be bought over the counter, or by mail, by any criminal or malcontent who has the cash to pay for them.

This country has one of the worst homicide rates in the world, and one of the worst recent records for the assassination of public officers. The murder of Sen. Robert F. Kennedy is a poignant memory in the minds of all of us. The President's appeal should be heeded. It imposes only a minor inconvenience on the law-abiding. The proposed law would serve the nation well if it kept one weapon from the hands of one man who used it to kill a national leader or an ordinary citizen.

[From the Decatur (Ill.) Herald, July 8, 1968]

BOW AND ARROW BETTER

Last Wednesday's shootout in New York City's Central Park points up the fallacy of viewing the registration of firearms as a cure-all.

The alleged killer did not own the pistol used, having stolen it from a man he had visited. New York has comparatively strict gun laws, but so long as guns are in circulation the criminal and the deranged will manage to obtain them. And children will still find them and accidents will still occur.

Licensing laws do tend to keep firearms away from undersirables, however, and do help law enforcement officials solve gun-connected crimes. And mandatory waiting periods for the purchase of firearms do keep angry people from rushing out and buying a firearm for hasty—perhaps fatal—use.

Ultimately, however, Americans are going to be forced to face the problem of the sheer number and availability of guns. The only solution likely to have any substantial effect is the ban of at least some types of firearms.

Two types come to mind immediately: the pistol and the rifle.

The rifle holds an important place in the hunting world. But some states, in the interest of hunter safety, have already outlawed the rifle for deer hunting, substituting the shotgun with rifled slug. Illinois is one of these states.

There is little game which cannot be taken with the shotgun. If hunting with firearms is as crucial to the happiness and tradition of this country as some would have us believe, then it can be done with a shotgun.

If, however, sportsmen are really more interested in "being out in the woods," "watching the dog," and "pitting your skill against the game," then hunting with bow and arrow would seem to make more sense than gunning down some animal with a powerful firearm.

Those who would prefer to stalk, but not kill game might consider combining the hobbies of photography and hunting.

None of us likes restrictions. We all want as many options as possible. But we live in a congested and complicated world.

The teenager who enjoys drag racing on city streets does not want restrictions on his "rights," but they are there for the benefit of others. The man who likes "one for the road" does not like restrictions on driving while drinking, but they are necessary. Children do not like restrictions on possessing fireworks, but experience has shown that such restrictions are desirable.

Likewise, sportsmen and hobbyists can adjust to changing times and circumstances—in the interest of others.

The courts have held that the Constitution is not violated by restrictive gun laws. But if a constitutional amendment is necessary, it should be passed.

In the meantime, federal legislation calling for the licensing of both guns and gun owners, as well as restrictions on who may buy guns, is a needed first step.

It is the least a civilized country can do in the second half of the 20th Century.

[From the Newark (N.J.) News, July 15, 1968]

DEADLINE ON GUNS

Even though the need for stricter gun-control legislation daily becomes more apparent—the grisly incident on a South Bronx street being but the latest evidence—Congress continues to take a relaxed attitude.

An immediate blockade lies in the Senate Judiciary Committee. After ruling out, by a single vote, amendments on registration and licensing of long guns, the committee has taken refuge in delaying maneuvers against President Johnson's appointment of a chief justice and a federal judge. The thinly disguised filibuster on the judges could keep the gun law locked in committee until Congress adjourns.

The House committee handling companion legislation has shown itself to be no more amenable to promptness. There, too, amendments incorporating registration and licensing languish.

There can be no mistaking the public's attitude in favor of a national gun-control measure that would ban interstate mail-order traffic in shotguns and rifles and subject them to registration by serial numbers kept in a central file.

Members of both House and Senate report a preponderance of mail from individuals—not paid lobbyists—favoring such controls. Letters to The News are similarly abundant and supportive.

For once Congress ought to override the pressures of organized groups like the National Rifle Association and bring a reasonably stern law up for a vote on the floor of House and Senate. This still is possible before the Aug. 3 adjournment for the conventions. The opportunity should not be lost to deviously devised delaying moves.

[From the Nashville (Tenn.) Tennessean, July 5, 1968]

HOW MANY MORE MUST DIE BEFORE CONGRESS ACTS?

A 20-year-old woman was shot to death in New York City's Central Park and her sniper slayer fought a wild gun duel with officers until he was killed. Two officers and a bystander were wounded.

In hardly more than 12 hours after the Central Park slaying, another duel broke out in Harlem when a sniper shot and wounded a patrolman.

Earlier in the week, in Meridian, Miss., an Alabama fugitive armed with a submachine gun and a pistol was seriously injured and his woman companion, a member of the Ku Klux Klan, was killed in a shoot-out with police. A policeman and an innocent bystander, who stepped out on his porch to see was was going on, were critically wounded.

According to the Associated Press, a total of 169 persons were killed by guns in the U.S. during the week beginning at midnight, June 16. Of these, 93 were homicides, 62 were suicides and 14 were gun accidents. Whether this was an average week isn't clear, but what is clear is that violence with guns is steadily growing.

The Central Park sniper was evidently unbalanced. The Klansman in Mississippi with his submachine gun and pistol is said to have been wanted on two armed robbery charges and a prime suspect in at least a dozen bombings, burnings and shootings.

President Johnson called anew this week for gun control laws "to protect the American people against insane and reckless murder by gunfire."

Congress could—and should—respond to the President's urging for stronger gun control legislation. Unhappily, both Rep. Carl Albert in the House and Senate Democratic leader Mike Mansfield in the Senate have registered opposition to the President's proposal for stronger legislation.

Despite this opposition on the part of the Democratic leaders, the legislation can be passed, if enough people in this country are willing to express their sentiments to Congress. The National Rifle Association is expending an all-out effort to prevent any rational control of guns, and it could win by default.

How many innocent persons are going to have to be struck down by a sniper's bullet—in the park or on one's own porch—before Congress will move?

[From the Springfield (Mass.) Union, July 5, 1968]

GUNS NOT FOR EVERYONE

The fatal shooting in New York City's Central Park on Wednesday and the shots fired the same day at the brother of Sen. Robert Kennedy's accused assassin were only among the more dramatic of gun assaults that occur every day in this country. Obviously, something must be done to keep firearms out of the hands of irresponsible people. No amount of carping on the need to penalize "people, not guns" alters the fact that deadly weapons should not be easily available to felons, mental defectives or other incompetents.

Further delay in the passage of pending control laws that would make it harder for such people to get possession of guns can only mean more lives will be lost needlessly. Even Senate Majority Leader Mike Mansfield, whose Montana constituents are more against than for gun controls, supports two current proposals: that of President Johnson to ban interstate mail order sales of rifles and shotguns and Sen. Tydings' bill for licensing and registration of firearms. The latter, while in principle the same as a licensing-registration bill of the President's would give the states time to pass their own registration laws and would make license application simpler.

A National Rifle Association official said in regard to the Central Park incident that it only proved the appeal for additional gun laws was "distorted," since New York State already had the "most stringent" laws of that kind in the nation. Actually, the New York tragedy, and the more than 6,000 other fatal shooting annually in this country, underscore the need for strict universal gun control standards in the United States. Sensible curbs in one state can be nullified when arms are purchased in other states where controls are lax and brought in. Thus, of 4,506 taken from criminals in Massachusetts in the past eight years, 87 per cent had been brought in from Maine, New Hampshire and Vermont.

The most a responsible gun owner has to fear from controls is the need to register his weapons and get a license. It is inconceivable that any law-abiding and violence-deploring citizen would resent doing that much to help save lives.

[From the Miami (Fla.) News, July 3, 1968]

Buy a Gun for the Fourth?

The fact that sparklers have gone the way of the three-inch salute, cherry bomb, roman candle and sky-rocket as Fourth of July contraband is cause for nostalgia, but not necessarily regret.

We bow to the findings of the health and safety experts who say that sparklers cause too many burns to be excepted from the ban against fireworks.

What strikes us and a number of others as ironic, however, is the fact that while toy sparklers are outlawed, pawn shop windows and gun shops are full of noisemakers of a more deadly nature.

As one shopper remarked, you can't buy a sparkler to celebrate the Fourth, but whatever your purpose, you can walk into stores around town and buy a gun and bullets.

Some controls over the sale of these firearms are already on the books, but they are not enough. What is needed is total registration of guns and licensing of those who own them.

[From the Boston (Mass.) Herald Traveler, July 9, 1968]

Crucial Week for Gun Control

This is the crucial week in Congress for gun control legislation. The House will consider the Administration's bill to ban murder by mail order, and the Senate will hold hearings on measures to insure the licensing of gun owners and the registration of their weapons.

But despite the continuing carnage (if present rates continue, there will be a gun murder every hour during 1968) and despite the national will for effective laws (a recent Harris poll showed three out of every four Americans and two out of three gun owners want stricter controls), there is a good chance that Congress will take no effective action on firearms control.

Strong legislation got as far as it has because of a flood of letters and telegrams following the assassinations by gun of Dr. King and Sen. Kennedy. But the bills are stalled because the revulsion to lax laws has subsided somewhat while an appeal from the National Rifle Association has sparked a wave of anti-gun control mail.

Opponents of effective gun control legislation have two basic appeals. One is that such laws infringe upon a Constitutional right to bear arms. The second is that such laws are only a prelude to abolition of private guns. Both are phony.

The Second Amendment, in full, reads: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." The meaning of this amendment was made clear by the U.S. Supreme Court in the 1939 U.S. v. Miller case. Miller had been convicted of violating the National Firearms Act by transporting an unregistered sawed-off shotgun across state lines. Upholding his conviction, the court said, "In the absence of any evidence tending to show that possession or use of a 'shotgun having a barrel of less than 18 inches in length' at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the second Amendment guarantees the right to keep and bear such an instrument."

And, as Atty. Gen. Ramsey Clark pointed out at the hearing held Monday by the Senate Juvenile Delinquency Subcommittee, registration and licensing would not be steps toward abolition. The aim of the proposed laws legislation—like the aim of requirements for the registration of cars and the licensing of drivers—is to control, not prohibit. Consider what the highway toll would be like in 1968 with 100 million unlicensed drivers operating 100 million unregistered motor vehicles.

For five cents, a citizen can send a post card to his Senator or Representative urging compulsory firearms registration and licensing. For a penny more, he can send a first class letter. And for $1 more, he can telephone the local Western Union office (in Boston, HU 2-8020) and send a 15-word telegram to Washington. We urge all citizens to cast their votes in what is, in effect, a national referendum on the question, "Should we have sane gun control laws?" Vote today. The life you save may be your own.

[From the Middletown (Conn.) Press, June 13, 1968]

Controlling Guns

Among the free nations of the world, the United States is unique in the freedom which its citizens have to possess arms.

Britain has a long history of firearms control, with the result that only 45 murders involving guns were recorded there last year as compared to more than 5,000 such slayings in the U.S. alone. The United States is much larger—about four times larger—but still the ratio would run about 180 to 5,000. All guns must be registered, and in the case of handguns or rifles, an applicant must show "good reason" for possession. "Self defense is most unlikely to be considered a good reason," according to the Home Office.

In France, strict rules are in effect. Thus during the last week of violence in France not one shot was fired by anyone and the only death was a stabbing. In Japan, pistols, carbines, and other small guns are absolutely prohibited for anyone except police and military personnel. About 800,000 shot guns are licensed in Japan only 30,000 rifles.

Throughout the world, the carnage is less than in the United States because of gun registration or rules. By contrast, it is estimated that California alone is actually awash with guns. The state attorney general said last week that he has official knowledge of 2,600,000 guns in California, about one weapon for every two or three adults.

But it is also true that the West sees the subject of gun controls in a far different light than other parts of the country. When Senator Robert F. Kennedy spoke in Oregon, the most hostile audience he faced was in a small town and the question they wanted answered was why he was supporting the gun law before Congress. Many observers have noted that any suggestion that there should be more rigid control of arms seems to be an attack on the heritage of the nation.

Today, however, the people are becoming alarmed. Dr. George Gallup says that most people in the nation "favor a law requiring the registration of all guns, a law banning the sale of all guns throughout the mail, and strict restrictions on the use of guns by persons under 18 years of age.

We believe that the time to act is now. There would seem to be little reason to sell guns through the mail, especially if no validated registration systems exists in the country. Nor do we believe that there would be a constitutional problem in banning the sale of guns to convicted felons, habitual drunkards, drug addicts, mental incompetents, and minors. Nor do we see why the country should not now register weapons.

The registration of guns will not magically reduce the number of murders in this nation overnight, nor will such a law end assassinations. But a start will be made. The present laws are most inadequate. Laxness is a disgrace and a danger to all. So long as the legitimate hunter or target shooter has an opportunity to obtain a weapon—which would not be prevented by registration—the constitutional rights which have long been conveyed would remain in force. But it's time to outshout the gun lobby.

[From the Allentown (Pa.) Call-Chronicle, July 5, 1968]

Fire Away for Gun Laws

Americans who want reasonable gun controls will have to do some hustling to beat down the hysterical attacks being whipped up against the entirely realistic registration proposals now before Congress and the Pennsylvania Legislature.

For a little while last month, an outpouring of mail from all parts of the country offered Congress convincing evidence that polls showing about 80 per cent of the people in favor of stronger controls are just about on target. Now, however, the million-member National Rifle Association which long has boasted about the tons of letters it can produce in a week is beginning to catch up. As a result, controls the President considers so essential in the crime fight are seriously threatened.

The gun lobby broadside, triggered from the NRA headquarters in Washington, is loaded with the same wet ammunition the paid propagandists have been firing for years. The biggest bang is that registration of guns is the first step to taking them away from farmers, hunters, target shooters, collectors or anyone else who has a legitimate use for these weapons. Those responsible for the noise apparently see the President and all others who advocate sensible laws as part of a treacherous Communist conspiracy.

If there was even the slightest shred of truth to this shibboleth or any of the other distortions being bandied about on the authority of the NRA, its members could save a lot of money and have a lot more time for honest shooting. This newspaper and all others would join them in fighting the proposals. So would most other Americans, including the President.

Fortunately, there is nothing more diabolic about a law requiring registration of guns for a modest fee than to one that calls for the licensing of all automobiles, motorcycles and dogs. Listing the ownership of automobiles doesn't seem to have reduced the number on the highways, but it has made it easier for police to identify those involved in killings. If registering guns would do nothing more, this would be enough to justify the proposed legislation.

Congress needs the assurance that this is the law most Americans want. The best way to give it to them is to bombard them with so many letters before the matter comes up again next Tuesday in the Senate Judiciary Committee that the will of the people can't be denied regardless of what the lobbyists threaten or promise.

[From the Cleveland (Ohio) Call and Post, July 13, 1968]

For Gun Control

One reason why the National Rifle Association has been able to thwart the best efforts of local, state and federal legislators to enact effective gun control legislation is that, for the most part, they are either affluent or scared.

They are the Americans with enough leisure-and-means-to engage in trap-shooting, duck hunting, and the expensive shooting matches that are the so-called recreation of the idle rich.

A great number of them, of course, feel a special security in the possession of a varied arsenal of lethal weapons, because they are becoming more and more concerned about the rising tide of black revolution in this country, and are distrustful of law enforcement officials whom they think are being "too lenient" on civil rights demonstrators.

They yearn for the old days of the vigilantes, who, when they considered a local sheriff or federal marshall too bumbling or inept in the pursuit of his duties, simply gathered their pistol packing associates together and took the law into their own hands.

Today, even as in the days of the old west, the vigilante was an otherwise respected citizen with great regard for "law and order" even if he had to break the law to maintain it.

They are the people who contend that the criminal element among us would not register, and that many would get their hands on guns through theft or illegal traffic. But the inescapable impression is that they are more concerned that nobody gets the opportunity to check on the weapons they are stockpiling against "the day."

They piously plead the right to possess any number of guns under the constitutional provision that gives the U.S. citizen the right to possess arms, ostensibly to protect his home and property against intruders and thieves. There was a time in our history when, with law enforcement officials as scarce as hen's teeth, a man was virtually naked and defenseless without a shotgun or rifle in his humble cabin, and a well-oiled handgun strapped around his waist.

Today, there is no necessity for Americans to go about reenacting the saga of the wild west. There are many complaints that big-city police forces are understaffed, but this overlooks the fact that fewer would be needed if it were not so easy for any crook or crackpot to secure and conceal a gun, then walk among his neighbors with the instrument of death concealed on his person.

If a man thinks he needs a gun to protect his home, there is no reason why he should not buy one, register the purchase, and keep the gun in his home. When he puts the gun in his pocket and walks out into the public streets with it, his motives are instantly suspect. The assumption that he will use it against anyone who arouses his ire or seemingly threatens his security, is at least 50 percent plausible.

Gun control laws will cause him to think twice before using the weapon for a purpose other than to protect his own life. Because the gun is registered, fewer police, in less time, will be able to ferret out the gunman and bring him to justice.

A gun is a lethal weapon. Its possession indicates both the intent upon certain provocations and the potential to destroy life. What kind of life it destroys is the individual's decision, and those who guard against the wanton destruction of human life need to have as much knowledge as possible as to who the persons are who are to make these decisions.

[From the Meadville (Pa.) Tribune, June 27, 1968]

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Despite some bitter criticism and personal vilification from sportsmen and gun enthusiasts, we have endorsed proposed legislation to control traffic in guns ever since Sen. Thomas Dodd introduced his first bill in 1963. In supporting now President Johnson's proposal for registration of firearms and licensing of owners we do not oppose the ownership and legitimate use of guns by responsible persons.

There is some merit in the contention that such controls would not keep guns out of the hands of all irresponsible persons, that those intent upon obtaining firearms would obtain them by some means, legal or illegal. Even with stringent enforcement, no law ever receives 100 per cent compliance.

But all reasonable steps to keep guns out of the hands of minors, criminals, the mentally incompetent and drug addicts must be taken in an attempt to cut down on senseless killing in this country. Such killing includes the slaying of public officials as well as the death of any individual. Since guns, the most lethal of weapons, are used most often in killing and in the commission of many other crimes, curbs on their availability to irresponsible persons makes sense.

Such measures as have been proposed—ban on mail order sales of firearms and licensing and registration—would not interfere with a responsible citizen's right to own and use guns. Firearms still would be available to all qualified citizens who desire them. The inconvenience that might be caused legitimate gun buyers and owners would be small price to pay for greater public safety.

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[From the Allentown (Pa.) Chronicle, June 28, 1968]

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And nothing is more urgent than strict gun control laws in light of the wave of violent crimes with guns, including assassinations.

The story of Nero fiddling as Rome burned certainly has its parallel in the U.S. Senate where there is a stubborn refusal to respond in positive fashion to the will of the people, who are overwhelmingly in favor of strong gun laws, and an equally stubborn refusal to acknowledge the statistical evidence on the relationship between guns and crime in the United States.

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Anything short of that will be gross neglect of duty and could subject many office-holders to defeat the next time they come before their constituents.

The principle of licensing and registration must be upheld as a check and balance long overdue.

[From the Springfield (Mass.) Union, June 29, 1968]

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The President may have played straight into the hands of the National Rifle Association when he decided to parlay the heavy pro-control sentiment into support for a licensing and registration bill. Harold Glassen, NRA president, had already stated that the ban on interstate sales would be only a "first step toward registration, then licensing. He warned of a "fourth and final step in what appears plainly a plan to disarm American citizens . . ."

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The national revulsion at the assassination of Sen. Robert F. Kennedy is obviously more representative. This is not "hysteria," but a revival of conscience, a new awakening to the need of gun controls that might have saved John F. Kennedy and Dr. Martin Luther King, Jr.—and many of the 6500 American civilians who died last year by firearms.

Pressure on Congress for gun control should not be relaxed, as opponents hope. The states should be enacting stronger controls of their own. Lt. Gov. Sargent notes that of the 4506 guns taken from criminals in the last eight years in this state, 87 per cent had come in from Maine, New Hampshire and Vermont—each of whose gun laws are weaker than this state's. This speaks volumes for no-nonsense gun legislation.

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[From the Appleton (Wis.) Post-Crescent, June 20, 1968]

What Is the Gun Lobby?

Much has been written in recent months about the credibility gap which exists between the government and the citizens, particularly the press, of this country. A recent statement by the president of the National Rifle Association, however, shows that there is more than one credibility gap.

The NRA is considered by many to be the strongest opponent of more stringent federal gun control. Its most potent weapon has been the ability to persuade many of its 900,000 members to write to their congressmen and senators. NRA officials have said in the past that they can depend upon their members to flood Capitol Hill with up to 500,000 letters within 72 hours.

Such a deluge of letters certainly is a constitutional and legitimate expression of opinion. It is a practice which proponents of strong federal gun control will have to use if they hope to persuade their legislators to back tighter control legislation. But what is

They are the people who contend that the criminal element among us would not register, and that many would get their hands on guns through theft or illegal traffic. But the inescapable impression is that they are more concerned that nobody gets the opportunity to check on the weapons they are stockpiling against "the day."

They piously plead the right to possess any number of guns under the constitutional provision that gives the U.S. citizen the right to possess arms, ostensibly to protect his home and property against intruders and thieves. There was a time in our history when, with law enforcement officials as scarce as hen's teeth, a man was virtually naked and defenseless without a shotgun or rifle in his humble cabin, and a well-oiled handgun strapped around his waist.

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Apparently, the manufacturers are able to see what the NRA is not—that reasonable controls of the sort suggested by President Johnson are better than what might eventually emerge if the present state of gun law anarchy is allowed to continue.

There is no doubt that the tough, articulate and highly-organized National Rifle Association will not take such developments lying down. Surrender is out of the question for the gun lobby and over the weekend the NRA had launched a drive to encourage its one million members to begin a mail campaign fighting the restrictions.

Their opposition will be formidable. In the past the NRA has bragged that it would be able within 72 hours to start a barrage of a half a million telegrams, postcards and letters aimed at blocking gun control measures.

And in the past these mail campaigns have been tremendously effective. In 1964 the NRA's annual report stated that of the 350 state and 32 national gun control bills introduced that year none was passed: "NRA members reacted promptly, firmly and in force. As a result none of the legislation deemed severe was enacted."

Time, of course, is on the side of the National Rifle Association. For it is doubtful the public, unorganized and reacting primarily from outrage at the assassination of Sen. Robert F. Kennedy, will be able to sustain its pressure on Congress.

Still, the situation is somewhat different this time. Mayors of U.S. cities, meeting in annual conference called for federal legislation banning the interstate mail order sale of all firearms and ammunition and all mail order sale of guns and ammunition to juveniles. It also asked Congress to make it a felony to fail to register firearms.

The Republican Governors Conference in Tulsa, Okla., called for stronger gun control legislation within constitutional limits.

Congress cannot ignore these calls for stronger controls, from both private and official sources. The climate for legislation has never been better and the need never clearer.

[From the Appleton (Wis.) Post-Crescent, June 20, 1968]

What Is the Gun Lobby?

Much has been written in recent months about the credibility gap which exists between the government and the citizens, particularly the press, of this country. A recent statement by the president of the National Rifle Association, however, shows that there is more than one credibility gap.

The NRA is considered by many to be the strongest opponent of more stringent federal gun control. Its most potent weapon has been the ability to persuade many of its 900,000 members to write to their congressmen and senators. NRA officials have said in the past that they can depend upon their members to flood Capitol Hill with up to 500,000 letters within 72 hours.

Such a deluge of letters certainly is a constitutional and legitimate expression of opinion. It is a practice which proponents of strong federal gun control will have to use if they hope to persuade their legislators to back tighter control legislation. But what is bothersome is that NRA officials don't want to admit that their letter writing constitutes a lobby.

"All this talk about the gun lobby is baloney," NRA President Harold W. Glassen recently told the Associated Press. "We don't tell anyone to write to their congressmen."

Technically, Glassen may be correct. In every other sense, however, he is making himself and his organization look rather silly, for a letter he sent last week to NRA members stated: "Unless the sportsmen of America clearly express their views without delay to their senators and congressmen, individuals will be prohibited from acquiring long guns (rifles and shotguns) in interstate commerce and general firearms registration will become a reality." It would be interesting to check with NRA members to discover what they thought their president was suggesting by these words.

We feel the fears of the NRA are unfounded. We support stricter gun controls and registration. But we think the lines can be drawn much more clearly in this matter if the NRA closes its own credibility gap, stops using technicalities and admits to the methods which it uses to oppose such legislation. To do otherwise does not reffect well upon an organization which claims to be concerned with protecting a basic right of the American people.

[From the Hollywood (Fla.) Sun-Tattler, June 18, 1968]

A SENSIBLE COURSE ON GUN CONTROLS?

Mention gun legislation in a room of 50 people and chances are you will get 50 different opinions—but usually only two definite stands: Either for or against.

The question recently was aired before South Broward police chiefs and to the man they favor controls on firearms. To be sure, the type and scope of controls varied with the individual chief, but all support the proposal.

Had that been a meeting of so-called Great Hunters or a delegation from the National Rifle Association, the coin would have showed its other side.

The overriding question is: Would gun control laws be effective? That is, effective in cutting down murders and other crimes? Or would they be as useless as a snow shovel in the tropics?

To some, loose gun controls are solely responsible for, and stiff gun control laws are the only cure for, the problem of violence in America.

To others, restrictions over the purchase and ownership of guns is the first step toward disarming the American citizenry, which is the step before the take-over of America by "them."

There would seem to be a middle position.

There would seem to be a solution somewhere between the absolutely free and unfettered sale of dangerous weapons and the confiscation of all that exist in the country. There would seem to be enough collective wisdom among the 534 members of the U.S. Congress to write a law which would protect the rights of law-abiding sportsmen and gun buffs while making it extremely difficult for those who should not have guns to obtain guns.

Let it be granted immediately that laws mean little to the law-breaker. The man who needs a gun for an evil purpose will find a gun. But this no more argues against putting controls on guns than the high incidence of burglaries argues against putting locks on doors.

It is time to cease the weary refrain that "guns don't kill people; people kill people." Neither do automobiles kill people. Should we then do away with all controls over the ownership and operation of motor vehicles?

Forget the criminal. The fact is, guns may indeed kill people.

At least one psychological study has shown that, in tense emotional situations, such as an argument, the mere presence or accessibility of a weapon like a gun heightens aggressive feelings. The trigger, in a very real way, pulls the finger.

It is this which is perhaps the strongest argument for gun control legislation.

If a man under the influence of anger could not run down to the store and buy a gun at once, if he had to fill out an affidavit or go through a waiting period of a few days, lives might be saved.

If a mental defective or an underage youth could not send for a gun through the mail, lives might be saved.

If a panicky homeowner had to go through a little red tape before buying a gun to defend his house against "them," lives might be saved.

Even if only one life could be saved because someone who might have bought a gun didn't bother because he didn't care to go through the legal rigamarole, and thereby an accident that might have happened didn't happen, surely the sportsmen of America would be willing to put up with one more annoying inconvenience in this crowded world where no one's "rights" extend very far any more without bumping up against somebody else's.

[From the Missoula (Mont.) Missoulian, June 20, 1968]

CHANGE IN HEART ON GUN CONTROLS

"You keep after that gun bill," the senator said, "I'm with you."

The speaker was Sen. Mike Mansfield. He was speaking to Sen. Thomas Dodd, proponent of arms control legislation, shortly after President Kennedy's assassination.

A deluge of mail from anti-gun control advocates evidently changed many minds of congressmen, because nothing happened to Dodd's proposals.

More than four years passed. On May 16, 1968, Sens. Mansfield and Lee Metcalf voted against an amendment to the crime control bill. The amendment would have banned interstate mail order sales of rifles and shotguns.

Early on June 5 Sen. Robert Kennedy, was shot. He died June 6. That day President Johnson asked for a ban on interstate mail order sales of rifles and shotguns. He did not ask for gun registration, nor had anyone in a significant position of power asked for gun registration at that time.

On June 7 a New York Times News Service story said of Sen. Mansfield: ". . . the Montana Democrat, who has already been contacted by the White House, made clear in an interview that he remained opposed to controls over interstate sales of rifles and shotguns . . . . What is needed now, he (Mansfield) continued, is 'more control at state and local levels'."

On June 10 Sen. Mansfield said on the Senate floor: "I favor . . . the registration of all firearms, but I believe that it is basically a state function, and that the various states should accept this responsibility and not place it on the shoulders of the federal government. If the states will not act, then I think it will be the duty of the federal government to assume that responsibility . . . ." Sen. Metcalf concurred with Mansfield's remarks.

It indicated Sen. Mansfield supported controls even stronger than those the President asked for, but preferred the state and local governments to do the job.

On June 12 Sen. Joseph Tydings introduced a bill to require the registration of every firearm in the country and to require a license to buy any firearm or ammunition. The bill would encourage the states to do this job but, failing that, the federal government would do it.

On June 15 Sen. Mansfield endorsed Tydings' bill. On the day before the National Rifle Association had asked anti-gun control advocates to write Congress to counteract the pro-control mail. And shortly after that some leading gun manufacturers came out for stronger gun controls, though not as strong as those in the Tydings bill.

The outlook now is that some sort of stricter controls will be enacted. Sen. Mansfield's position has altered on the President's proposals concerning rifles and shotguns. Now the senator favors both it and something much stricter.

We support Mansfield in what appears to be a change in heart. He points out that gun controls will not be a cure-all to the problem of armed violence, and nobody pretends it will be.

But gun controls could reduce the incident of crimes of passion and of calculation in which shootings occur. They could help make America a safer place.

There is not one valid reason why guns should not be registered, and many reasons why they should be.

[From the Salisbury (N.C.) Post, June 16, 1968]

SENSIBLE COURSE ON GUN CONTROL

Gun control legislation is another one of those subjects it seems impossible to discuss dispassionately.

To some, loose gun control laws are solely responsible for, and stiff gun control laws are the only cure for, the problem of violence in America.

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Let it be granted immediately that laws mean little to the lawbreaker. The man who needs a gun for an evil purpose will find a gun. But this no more argues against putting controls on guns than the high incidence of burglaries argues against putting locks on doors.

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Even if only one life could be saved because someone who might have bought a gun didn't bother because he didn't care to go through the legal rigamarole, and thereby an accident that might have happened didn't happen, surely the sportsmen of America would be willing to put up with one more annoying inconvenience in this crowded world where no one's "rights" extend very far any more without bumping up against somebody else's.

[From the Sheboygan (Wis.) Press, June 21, 1968]

Those Proper Goals

The difficulty and the danger in any gun control legislation is that simple solutions will be sought for a very complex problem.

It is fairly clear that Americans today agree that there should be controls on mail order sales of guns but probably disagree on just what these controls should be. Should the sales be banned entirely or should they be permitted wih proper safeguards? One early proposal was that the sales be permitted if the chief of police or sheriff in the buyer's jurisdiction did not object to the transaction. That proposal was better than no controls at all but we fear would have proved ineffective in the very large cities where law officers simply do not know nor could they easily determine the qualifications of their innumerable constituents.

Today there are pending before the Congress no less than four gun control bills ranging from modified control of interstate sales to universal registration of all firearms. Somewhere in the middle, the Congress will need to find the appropriate, workable and effective solution.

The ban on mail order sales does seem to be acceptable in the absence of a workable plan to enable the seller to have even the vaguest notion of the character and qualifications of the buyer. Two of the country's largest mail order houses have recognized this need for minimal identification and have discontinued direct mail order sales.

The effect of the ban on interstate sales of guns or sale of weapons through the mails will to some degree keep them out of the hands of those who are known in their communities to be unqualified under reasonable standards to possess a weapon. To that degree the country will be served by congressional approval of the measure.

It would be a mistake, however, to expect that our problems are solved or that they can effectively and reasonably be solved on the federal level. The use of guns is one phase of American life which varies so greatly from border to border that there is not one single effective, reasonable, overall solution. The restrictions in New York City, it would seem, should be more severe than would be appropriate in the mountains and plains of Wyoming or the northwoods of Wisconsin.

There is one proposal before the Congress which should be given cautious consideration. That is Sen. Dodd's wish that all guns be registered under a federal registration system. The registration files, we presume, would be labeled confidential but we wonder if any system to keep them confidential could be 100 per cent effective. The files would list those who own guns but by a very simple process would identify those who do not. The homeowner so identified would obviously be very vulnerable to the type of entries we have witnessed in Sheboygan and Sheboygan County in recent months. Under our present system of nonregistration, even the most daring burglar must have a nagging feeling, wondering whether his would-be victim has a weapon. Registration files would relieve him of that single handicap at the expense of the vulnerable citizen.

Human nature as it is, is difficult to anticipate. It is our belief though, that there would be a sharp rise in the sale of guns if registration were made a national policy. Mr. Average Citizen would recognize the situation, and we believe arm himself for the protection of his family. The result would be more guns in more American homes and the inevitable tragedy of more accidental gunshot deaths and crimes of domestic violence simply because the weapons were handy.

Licensing would be a better suggestion if we as a nation deem it possible to identify those citizens who may and those who may not own guns. The licensee would be entitled to own a gun, but would not be required to exercise that right.

There is another suggestion which would dampen the enthusiasm of the impulsive gun buyer, the owner who is inclined to impulsive use of his weapon. That suggestion is that the sale be delayed until the buyer's next of kin is advised of the intended purchase. This would not be a foolproof control either, but we do think it would enable families to take proper action when such action is warranted.

These are but a few of the avenues through which Americans will take action in the Congress and in their legislatures to control gun traffic. There is no single solution, but collectively a number of proper federal and locally oriented measures could vastly reduce the abusive use of guns in America.

[From the Fresno (Calif.) Bee, July, 8, 1968]

Registration Is Not Confiscation

(From the Louisville Times)

In June, Congress enacted a measure which, among other things, banned interstate mail-order sale of handguns. It was a step toward realistic gun control in this country. Congress now has before it a bill extending that ban to rifles and shotguns. Passage of that bill would be another step toward the goal of reducing the risk of death by gunfire in the United States.

President Johnson has thrown his influence behind still another proposal that would take us a long way toward adequate gun controls. He called for federal registration of all firearms and licensing of all gun owners.

The predictable cries of outrage already are being heard. A couple of members of Congress reacted to the message by announcing, with what seemed to be an air of discovery, that what the nation really needs is better law enforcement. Apparently it has not occurred to them that registering guns and licensing owners would make it easier to enforce laws.

The national shock and revulsion that followed United States Sen. Robert Kennedy's murder have been reverberating in Congress. Perhaps that is why the first gun bill passed. Perhaps it is why the second one, relating to rifles and shotguns, has a chance to pass.

But the first shock is slowly receding. Those who oppose adequate controls have recovered and are swamping Congress with letters filled with their fears and their fantasies. They fear, or profess to fear, confiscation of all guns, although no legislator has proposed this. They protest that no gun law will keep guns out of the hands of determined criminals. This is true, of course, but it is also true that laws against murder have not eliminated murder, laws against robbery have not eliminated robbery, laws against rape have not eliminated rape. Should we, then, never have enacted laws against murder, robbery, and rape?

Adequate gun laws would reduce (not eliminate) the chances for the criminal, the psychotic, the irresponsible to harm himself or others—and they would make it somewhat easier to apprehend those who broke the law. The experience of other countries provides strong evidence that this is true. That is more than sufficient reason to enact such laws.

[From the Lebanon (Pa.) News, July 2, 1968]

Gun Control

Gun control legislation is a subject it seems impossible to discuss dispassionately. Some persons believe loose gun control laws are solely responsible for the problem of violence in the United States. They feel that the only cure for the problem is stiff gun control laws, or absolute banning of all firearms.

Others see restrictions over the purchase and ownership of guns as the first step toward disarming the American citizenry, which is the last step before the takeover of the U.S. by subversive forces.

There is another group of people in this country that feel neither of these emotionally spawned attitudes mentioned above is valid.

There is a middle position, somewhere between the unfettered sale of dangerous weapons and the confiscation of all that exist in the country. Any gun law must protect the rights of law-abiding sportsmen and gun collectors as well as make it more difficult for those who should not have guns to obtain guns.

Laws mean little to the law-breaker. The man who wants a gun for an evil purpose will find a gun.

But this is not, in itself, a conclusive argument against putting reasonable controls on guns. Who would argue that the high incidence of burglaries makes it foolish to put locks on doors?

The accessibility of firearms in this country is undeniable, but to say that the mere accessibility of guns may heighten aggressive feelings that otherwise would have been eased if guns were difficult to obtain is hardly a reasonable assumption.

There are those who conjecture that if a man filled with anger were not able to run down to the store and buy a gun at once, if he had to fill out an affidavit or go through a waiting period of a few hours or days, lives might be saved.

This statement has little fact to substantiate it and smacks of emotional reasoning on an emotional situation better left to analysis by psychiatrists. For, a man so bent on carrying out an evil deed, would indeed carry out that deed with the use of whatever instrument was at his immediate disposal—perhaps a knife or an andiron.

Several states, including Pennsylvania, have state laws controlling the possession and use of firearms. These could be more strictly enforced.

Indiscriminate interstate mail ordering of firearms could be regulated as a means of insuring registered firearms in the hands of responsible people.

Making firearms more difficult to obtain and more expensive to own will not prevent crime and criminal acts in this country. The cold, calculating bank robber owns a gun as part of his professional gear—he will get one somehow and there is no effective legislation that can prevent this type of ownership. The bizarre, mentally and emotionally inflamed assassin will also get his gun, or knife or whatever weapon his twisted mind dictates.

Dealer registration of the sale of firearms and control of mail order sales as well as imported firearms is advisable and many states now have or will enact such regulations.

[From the Toledo (Ohio) Blade, Aug. 30, 1968]

Handgun Security

As a leading opponent of Toledo's new handgun-regulation ordinance, attorney John Henahan told an American Legion audience that such laws could leave Americans as defenseless as the Czech people were against the Soviet troops that poured into their nation. The example is a timely illustration of what Councilman Andy Devine meant when, in urging passage of the local ordinance, he labeled that pet argument of pro-gun forces a "false sense of security."

Mr. Henahan's contention that the reason the Czechs offered minimal resistance was that the people were unarmed must surely be counted as among the most simplistic explanations of that complex situation. And certainly the silliest, too: Does he really expect Toledoans to believe seriously that pistols and revolvers in the hands of individual Czechs could have halted the invasion by 200,000 Russian and other Communist-block troops, rolling in with tanks and other armored vehicles and armed with mortars and machine guns?

Moreover, the attorney appeared to contradict himself when he said that the first places the Russians captured were police stations and military armories where weapons are stored. What connection is there between weapons available to the designated defense forces and those in the hands of individual citizens?

There is, at least, a clear contradiction there with the purpose of gun-registration laws in this city and this country, which obviously put no restraint on weapons for the police, the military, or other duly constituted public defense forces. Indeed, the very point to be emphasized is that reasonable regulation of firearms among private citizens has nothing whatever to do with their collective defense against foreign invaders.

And this brings Mr. Henahan's argument around to his point about the alleged constitutional--and unrestrictable right of citizens to bear arms. The Second Amendment in the Bill of Rights straight-forwardly refers to well-regulated militias—the organized defense agencies—and it has been repeatedly interpreted by the courts as placing no barriers on legislation to regulate the private sale, ownership, and use of firearms.

When the local attorney told the Legion members that such gun-control laws as Toledo's "encourage the contempt of law generally," he must have been referring primarily to those gun fans who have threatened to refuse to obey those laws. For the fact is that the essential purpose of every gun-control measure or proposal seriously advanced in this country is to define the legitimate use of firearms and to encourage their possession and use only in a law-abiding manner.

[From the McLean (Va.) Globe,
Aug. 1, 1968]

THE BATTLE ISN'T OVER

"Husband Shoots Wife in 'I-Didn't-Know-It-Was-Loaded Accident'."

"Fatally Shot After Argument."

Thirty-one-year-old Husband Murdered by Wife's 48-year-old Lover."

Where did these headlines appear? A huge metropolitan daily? Big city press? A police gazette?

Where did these tragedies happen? Manhattan? Chicago? Los Angeles?

Those headlines appeared in the weekly and daily newspapers in our own area, and these tragedies happened right here in Fairfax County.

Firearms caused the deaths of 249 Virginia residents during the first four months of this year, according to a report by the Virginia Department of Health. The reports also added that the figure is expected to top 800 before the year ends.

Fatal shootings increased in 1966 to an incredible 19,815 for the year, or 54 each day. What the report will be for 1967 and 1968 is indeed frightening to contemplate.

Along with the reading of these statistics came the disconcerting, although half-expected, news that the aim of the gun lobby—that non-profit "educational" and still tax exempt National Rifle Association—has been won.

Once again, Congressional dislike of offending powerfully organized lobbies forced an anonymous vote on the part of the House of Representatives. The House decided in a non-recorded vote against requirement of registration of firearms.

In another anonymous vote, Congress voted down a proposal to require licenses for gun owners—the only effective means of keeping these murder weapons out of the hands of criminals, lunatics, drunkards, drug addicts and juveniles.

The fight to attain these reasonable protections will go on. Voters will continue to demand that their elected representatives act to protect the safety of America and Americans.

A great many people here in this country, and here in this County, are just becoming aware of the power of the gun peddler's lobby, just becoming aroused to the recognition that the National Rifle Association's tax exempt status is a monstrous fraud. Such citizens can be a powerful force toward the eventual passage of legislation for weapons responsibility.

We urge everyone who cares about private and public safety to write again to your Senator and your Representative advocating legislation to require the registration and licensing of all firearms. And while you're writing on the subject of gun control, chink the armor of the gun lobby by requesting that Congress investigate the tax-exempt status of the National Rifle Association!

[From the New Orleans (La.) States-Item,
Aug. 28, 1968]

POLITICS AND CRIME

Crime is a major issue in this year's presidential campaign, and well it should be. For just how immediate a threat crime is to the voting public is made frighteningly clear in the FBI's annual Uniform Crime Report, just released.

For instance, if there are 100 people in your block, chances are, based on FBI statistics, that two of you will be murdered, raped, robbed or beaten in the coming year.

And, furthermore, if someone pulls a weapon on you, probably it will be a gun.

These are salient facts of the FBI report of immediate concern to most citizens. They are also of immediate concern to this year's presidential aspirants, as reflected in convention-floor oratory.

One of the most stunning figures—one which will give candidates and voters alike pause—is the figure on crime for the decade. That figure shows an 89 per cent rise in serious crime in the nation since 1960, with a 73 per cent increase in crimes of violence.

Serious crime rose 16 per cent in 1967, with more than 3.8 million serious offenses committed. Almost 500,000 of those crimes were violent.

The role of guns stands out in the crime statistics. In 1967, for instance, firearms were used in 63 per cent of all murders.

While crime was rising, police success in solving them dropped by 8 per cent; and 76 policemen—19 more than in 1966—were killed by criminals last year.

Between 1962 and 1967, the FBI reported, there were 59,015 murders, and 58 per cent were committed with guns.

Interestingly enough, the states with the lowest rates of murder by firearms—Rhode Island, New York, Massachusetts, New Jersey—have strict gun-control laws. Texas, without gun-control laws, had the highest number of homicides, 70 per cent of which were gun deaths.

The FBI report on crime is a most disturbing one and will not be lost, we trust, on candidates or voters.

[From the Houston (Tex.) Post, Sept. 2, 1968]

SHAMEFUL RECORD

Houston led the state and the state led the nation in the grim American race to kill as many human beings as possible with guns.

The new FBI report shows that 1,069 Texans were murdered in 1967—compared to California's 1,039 and New York state's 993.

Houston-Harris County recorded 293 murders, while Dallas tallied 151 and Fort Worth 99.

But no part of the country offers any particular safety from violence and gunfire. The FBI reports that crimes of violence were up 16 per cent in 1967 over the year before. Shootings were up 17 per cent.

That is the brutal picture: More murders each year, more murders by gun each year, little done to stop the slaughter.

Congress refused to enact legislation which would adequately register and license guns on a national basis.

The Texas Senate urged Congress not to enact gun registration laws.

And Houston Congressman Bob Casey wrote his constituents a self-congratulatory form letter about the part he played in downing the United States attorney general and his "liberal" colleagues in their efforts to keep guns out of the hands of known criminals, the mentally unstable and minors.

In the form letter which he sent to Houstonians who had favored gun registration as well as to those opposing it, he wrote pridefully about his amendment which would have made the federal gun legislation applicable to all crimes of violence. If all crimes of violence came under federal—rather than under state and local jurisdiction—federal law enforcement officers, federal courts and federal prisons would be hopelessly inundated. Any such amendment attached to any piece of gun legislation could only have compelled a presidential veto.

Where does all this leave the Houstonians? What does all this mean to a city which saw 244 murders within its limits in 1967?

It would seem that the City Council will have to act to protect its citizens.

The city of Miami, overriding protests of local gun associations, passed a strong gun registration and licensing ordinance of its own.

The city of Chicago has a new gun ordinance by which every owner must register every gun he owns, and in the city, 380,000 guns have already been registered.

Chicago has the support of the Illinois state government. Under a new Illinois law, gun owners must register their guns by Sept. 1 or face a year's imprisonment and $1,000 fine. By mid-August, guns were being registered at the rate of 15,000 a day.

Henceforth, anyone buying ammunition in Illinois must be prepared to present his firearm owner's identification card.

Polls have shown that a majority of Americans and a majority of Texans favor tight laws governing the registration and licensing of guns.

The Congress and the Texas Legislature have so far ignored that majority.

[From the Rhinebeck (N.Y.) Gazette,
Aug. 1, 1968]

WE STILL NEED GUN LAW

The assassination of President Kennedy, for all its profound traumatic effects, was not a sufficient stimulous to counteract the work of the gun lobby and prod Congress into enacting strong gun control legislation. The assassination of his brother, Sen. Robert F. Kennedy, has now also failed to provide the necessary impetus to force passage of such law.

One might argue, perhaps with a touch of synicism, that this is as it should be—that isolated events of this kind do not in themselves warrant passage of effective federal law curbing the sale and possession of firearms. The argument has some merit if taken simply at face value. Clearly, the murderous acts of two men—political fanatics, psychotics, call them what you will—are not in themselves a satisfying argument for such legislation.

The essential point ignored in this outlook is that the assassinations—and additionally the shooting of Dr. Martin Luther King Jr.—cannot be considered out of context. They merely dramatize the atmosphere of violence which infects American society, and whose manifestation is fostered by the loose controls we exercise over the scores of millions of guns possessed by citizens. The point made by the more reasonable advocates of firm gun control is that this would prevent political assassinations, but that in due time such law would tend to put a damper on use of the gun as the "great equalizer."

The phrase, significantly, is still advanced by gun control opponents as an argument for their viewpoint. The fact is that this concept tends to undermine the whole rationale of virtually uninhibited access to guns. For the gun is indeed the "great equalizer", in the unintended sense that it enables one madman to destroy a great leader and disrupt a nation. Congress has again, in large part, bowed to the will of the gun lobby. The matter must be taken up again early next year when the new Congress convenes. The need for firm, sensible gun controls remains.

[From the Norwich (Conn.) Bulletin Aug. 27, 1968]

CRIME IN THE UNITED STATES

The above caption is the title of a report on crime in the United States made by J. Edgar Hoover, FBI director, to Attorney General Ramsey Clark who releases the report today. It is a nationwide summary of police statistics at all levels of government, and it is not one of which we should be proud. There is every indication that crime is on the increase all over the country, both in rural and urban areas.

Mr. Hoover in his summary says: "Over 3.8 million serious crimes were committed in the U.S. in 1967, a 16 per cent increase over 1966. The number of violent crimes exceeded 494,500, a 16 per cent rise over the previous year. Crimes against property totaled more than 3,307,700 offenses, up 17 per cent over the previous year." This, certainly, is not something Americans can ignore.

In his report, Mr. Hoover continues: "In 1967 robbery increased 28 per cent; murder 11 per cent; aggravated assault 9 per cent and forcible rape 7 per cent over 1966. With respect to property crimes, auto thefts were up 18 per cent, larceny $50 and over in value 17 per cent and burglary 16 per cent." With rioting, burning and looting that has occurred during the first seven months of 1968 the record for the current year may be even higher.

Perhaps one of the most interesting facts in the Hoover report is the use of firearms in crime and should prove good ammunition for Sen. Thomas J. Dodd's fight for strict firearms control. Here are the facts presented by Mr. Hoover: "Firearms were used to commit over 7,600 murders, 52,000 aggravated assaults, and 73,000 robberies in 1967. Since 1964, use of a firearm in murder up 47 per cent, in aggravated assault up 76 per cent. Armed robbery during the same period up 58 per cent. In 1967 a firearm was used in 63 per cent of the murders, 21 per cent of the aggravated assaults, and over 63 per cent of the armed robberies. Firearms used in murder were 76 per cent handguns, 14 per cent shotguns, and 10 per cent rifles. Of the 411 police killings since 1960, 96 per cent involved the use of firearms, specifically, 304 handguns, 52 shotguns and 38 rifles."

It would be interesting to compare the United States record on crime with that of other nations. We fear that we would not stand too well in such a survey. The Hoover report is very comprehensive and is startling in its content and should be given thoughtful study, not only by law enforcement officials, but by the citizens themselves.

[From the Greensboro (N.C.) News, Aug. 29, 1968]

GUNS DO THE JOB

The FBI's crime report for 1967 is a gloomy document. In cold statistics, it reveals the sharp and continuing rise in serious offenses. There are no encouraging charts or tables. The crime rate is rising in every region and in every major category.

Since 1960, crime in the United States has increased at the appalling rate of 89 per cent, nine times the rate of population growth. Between 1966 and 1967, the crime rate increased 16 per cent. There were 3.8 million serious crimes committed last year, almost 500,000 of them violent in nature—murder, aggravated assault, forcible rape, and robbery.

The dreary roll of statistics goes on through 193 tightly-packed pages: auto thefts, policemen murdered, juvenile offenders, suburban arrest trends, burglaries. In table after table, the figures show increases of often staggering proportions. Nothing could more forcibly convey the need for improved crime prevention and detection procedures; for better cooperation between federal, state and local law-enforcement authorities; and for, as Mr. Hoover points out, better "social action" programs to reduce crime.

In the mass of statistics, we are struck by those having to do with the use of firearms in serious crimes. Inasmuch as the National Rifle Association persists in claiming that "people, not guns, kill people," it is interesting to note what gun-carrying people have been doing to help the crime wave grow:

In 1967, firearms were used in over 7,600 murders, 52,000 aggravated assaults and 73,000 robberies. In percentages, firearms were employed in 63 per cent of the murders, 21 per cent of the assaults and 63 per cent of the armed robberies.

Seventy-six per cent of the firearms used in murders were handguns; only 14 per cent were shotguns, and 10 per cent rifles.

Since 1964, the use of firearms in violent crimes has increased as follows: 47 per cent in murders, 76 per cent of the assaults, 58 per cent of the armed robberies.

Weighed against these facts, the claims of the gun-control opponents are exposed as fiction. The plain truth is that firearms are now far and away the principal weapons in violent crimes. Pistols, which are not included in the present gun-control law, are the principal firearms used in murder. In refusing to pass tough gun-control legislation—in bending to the heavy lobbying of the NRA and its allies—Congress is ignoring a principal tool of the criminal.

One final point. The NRA and its letter-writing friends make great sport of New York's Sullivan Law. They describe it as the toughest gun-control law in the nation. Yet, they say, New York is teeming with crime—proof positive of the inefficacy of gun-control legislation!

The crime report should make interesting, if lamentably awakening, reading for those of this persuasion. It shows that only 34.9 per cent of the murders in New York were committed with firearms—the third lowest rate in the nation. In North Carolina, the rate was 70.2 per cent—seventh highest in the nation.

[From the Meadville (Pa.) Tribune, Aug. 28, 1968]

GUN HOMICIDES RISE

Legislators at state and local levels who recently have rejected stricter gun controls will find no justification for their action in the new Federal Bureau of Investigation report on crime in the United States in 1967. Along with a tremendous increase in the over-all crime rate, the report shows that use of guns in the commission of serious crimes also is on the upswing.

The 12,090 murders committed in the nation last year represents an 11 per cent increase over the number of such crimes in 1966. Firearms were used in 63 per cent of the 1967 criminal deaths, a 17 per cent rise in the 1966 rate of gun use in commission of murder.

Since 1964 the number of murders has increased about 30 per cent, but the rate of homicides by firearms has risen by 47 per cent.

States imposing strict gun control laws were among those having the lowest incidence of murder by firearms. Among them were Rhode Island, 34.1 per cent; New York, 34.9 per cent; Massachusetts, 39.9 per cent, and New Jersey, 41.2 per cent. In contrast, the firearms incidence rate generally was higher in states having minimal control laws, including Texas, 70.7 per cent; Mississippi, 69.1 per cent; Nevada, 67.6 per cent, and Arizona, 66.3 per cent.

As gun control legislation opponents contend, stringent restraints would not prevent crime. But FBI statistics showing that states with strict gun controls are rated among the lowest in both homicide rates and the incidence of murder by firearms indicate that such controls do have a deterrent effect. The continued rise in the commission of murder and other crimes involving firearms suggests that steps be taken at both federal and state levels for reasonable and effective limitations on traffic in firearms.

[From the Chicago (Ill.) News, Sept. 16, 1968]

ANOTHER CHANCE ON GUNS

Congress is again debating a gun control law. The administration bill—to prevent the interstate mail order sale of rifles and shotguns—has already been so amended, in the opinion of the Justice and Treasury departments, as to weaken if not nullify its intent, and even that vitiated bill faces strong if not overpowering opposition from the gun lobby and its friends.

As Atty. Gen. Ramsey Clark told Congress recently, its most vocal advocates of law and order are often the very congressmen who oppose strict gun controls. "Those who stridently call for law and order," he said, "yet oppose or ignore gun control fail to face the issues, fail to protect the public and raise questions as to their own purposes."

We agree with those congressmen that support of the police is imperative. We suggest to them that they can help achieve this by adopting legislation that would help keep guns out of the hands of people who would shoot down the police if given the occasion and the opportunity.

On the wall of the Chicago police superintendent's office are exhibited the badges of 338 police officers killed since 1872, the vast majority of them with guns. Hundreds of others have been wounded. Last year, 24 police were shot, five of them fatally. At least 28 have been shot this year, two of them fatally. Chicago and Illinois now have a measure of gun control that should help eliminate some of the tragic and needless slaughter. But it continues elsewhere, and will continue so long as guns are murderously available to all.

[From the Houston (Tex.) Chronicle, Aug. 29, 1968]

HOUSTON AND HOMICIDE

In the matter of life and death, Houston over the past few years has earned for itself the reputation of being the city of paradox.

Few cities can match the brilliance of Houston's record for saving and prolonging human lives. At the same time, no other metropolitan area can contest the blackness of the shameful record for snuffing out the lives of its people.

Houston's medical geniuses have won heart-warming, world-wide acclaim for their scientific knowledge, technical skills and burning dedication. The sick and the lame from the earth's far corners look toward this city with hopes and prayers for relief of pain and physical handicap.

Yet Houston leads the nation in the rate of homicides with 9.8 murders for each 100,000 population.

While the highly skilled surgeon wields the scalpel and the needle with calm and tender care, the itching finger of a hot-blooded gunman, with brain inflamed by alcohol or jealous rage, squeezes the trigger of a pistol or savagely lashes out with flashing knife blade. While the cool, tender hands of a white-clad nurse administers loving care to a suffering patient, some wild-eyed, self-pitying housewife or furious, scorned lover, yanks at a gun trigger to produce a hail of leaden death.

But Houston is not alone in its shame. Texas recorded the highest number of homicides in the nation in 1967 with 5104. Gun deaths accounted for 70 percent.

And another shocking statistic reveals that the increase of serious crimes throughout the country since 1960 was 89 percent.

However, the increase in the crime rate elsewhere offers no consolation or comfort for the citizens of Houston. The pride and the world renown for its medical success alone should stir the action necessary to earn for Houston a reputation for peace and safety, regardless of crime in other cities.

Many reasons and excuses have been offered for the city's murderous crime record. Stricter law enforcement, more stringent laws, more policemen, police training and education programs have been proposed. But thus far, nothing has worked effectively.

Ways and methods must be found to forcefully, or otherwise, cool the tempers and abate the murderous rages of those inclined to make other humans the targets of their violent emotions.

[From the Virginia Beach (Va.) Sun, Aug. 1, 1968]

Gun Down the Law

Gun lobbyists and pressure groups have succeeded in gunning down any comprehensive and effective firearms legislation in Congress this year, even in the face of the assassination of a U.S. Senator and a civil rights leader, to say nothing of the continued disorder in the cities.

It has been reported that the rioters are often better armed than police, yet Congress is afraid of infringing on our rights, a matter that has not always seemed to bother it in the past.

We need effective gun laws, if it means registration, confiscation or any other harsh means. Congress must eventually reconsider, so that an end to violence can finally be in sight.

[From the Harrisburg, (Pa.) Patriot-News, Aug. 29, 1968]

Crime, Guns Linked

The FBI's Uniform Crime Reports, showing a 16 per cent increase nationally in serious crimes between 1966 and 1967, adds yet another spadeful to the mountain of evidence pointing to the immediate needs for stricter state and federal gun-control laws.

The statistics show a significantly higher incidence of murder by firearms in states without strict gun controls than in those few that have such controls.

This is not conclusive scientific evidence in itself, of course, but it is an optimistic trend that indicates crimes involving guns might very well be controlled by stiffer legislation. Or, to put it plainer, that fewer people will be murdered.

(Unfortunately, Philadelphia, with the state's stiffest gun laws, also has Pennsylvania's highest murder and manslaughter rate—6.3 per cent per 100,000—but there is no indication in the FBI report which weapons were used.)

There continue to be those skeptics, of course, who persist in parroting the non sequitur that if crimes were not committed with guns, they would be committed with other weapons. But the FBI figures eloquenly attest to the apparent fact that this is not necessarily true.

If nothing else, this should provide food for thought for obstinate or still-unconvinced state and federal legislators.

[From the Honolulu (Hawaii) Advertiser, Aug. 28, 1968]

Potential for Violence

A study by Stanford Research Institute financed partly by two of the nation's largest arms manufacturers has provided further evidence, if it were needed, in support of strict fire arms controls.

The recently-completed SRI study focused on civilian use of firearms in urban riots. The study concluded that such use has been exaggerated but that reports led to a dramatic increase in purchase of guns by private citizens.

Said Arnold Kotz, leader of the SRI study team:

"Apparently many people believed the exaggerated press reports about civilians using guns during the riots. The sudden increase in gun sales indicates these people are arming themselves in anticipation of future riots. Tragic consequences could result from this widespread fear, coupled with widespread possession of firearms."

What the SRI study calls a "domestic arms race" appears sharp at three levels: private citizens, paramilitary groups and by police departments adding to their arsenals.

To support its contention that reported use of firearms by private persons in recent race riots was exaggerated SRI pointed to the statistics from the 1967 disturbances in Newark and Detroit.

In Newark, 1,500 persons were arrested but only seven were suspected of sniping. In Detroit, 7,000 were arrested but only 26 were suspected of sniping.

Since the Newark riot, applications for permits to buy pistols and revolvers have tripled. Since the Detroit riot, the rate of applications had doubled by last spring and is still rising.

The SRI study team concluded that the availability of firearms apparently contributes to human propensity for violence.

Kotz said that "given the current social tensions in America, the availability of firearms in large numbers increases the likelihood of their use in civil disorders."

"We must," he said, "take effective steps to correct the causes of these social tensions; but, meanwhile, we must do something to reduce the potential for violence represented by the easy availability of firearms."

The SRI's formal report of findings included these comments on gun control:

"The dangers of living in a society where violence by firearms has reached unacceptable levels clearly outweighs the inconvenience for those who would be required to register under an effective law . . .

"Registration and licensing of guns are minimum actions which must be taken to reduce firearms violence. More effective methods will require a careful weighing of public safety requirements against the individual liberties traditionally accepted as inalienable rights of American citizens."

Registration and licensing are the two points of gun control on which Congress has been unable to agree, largely due to the protests from the National Rifle Association.

It is pertinent that Winchester and Remington, who paid part of the SRI study costs, have helped develop convincing arguments in favor of controls. It is an act of corporate good citizenship.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 12, 1968]

Plea for Gun Control

Attorney General Ramsey Clark was right to remind the Senate that much of the opposition to stronger firearms controls comes from conservatives who proclaim their devotion to "law and order." As Mr. Clark noted in a letter to each Senator, "Those who stridently call for law and order yet oppose or ignore gun controls fail to face the issues."

As Mr. Clark well knows, but did not say, law and order to the anti-gun control people means repression of riots by force. It is Mr. Clark who really supports law and order by upholding judicial processes and arguing for registration of firearms and licensing of their owners. But the "law and order" advocates oppose Mr. Clark's policies.

Mr. Clark told the Senators' who are considering a gun control bill, that if they were serious in their professions of concern about violent crime they would adopt sound firearms control legislation. They would indeed—that is, if they were really talking about law and order.

[From the Anderson (S.C.) Independent, June 18, 1968]

Arms Race Continues—And So Do Killings

In Detroit, as in other parts of the country, the arms race is going full blast, but in Detroit a group of concerned citizens is inserting newspaper advertisements to warn people of the explosive consequences.

One ad warns that "keeping up with the Joneses this summer could cost you your life," and another reads:

"Charlie's the fastest draw on the block. Just last night he got the drop on Miller's trash can. What do you think will happen tonight if, by some small oversight, Charlie gets the drop on Mr. Miller?"

What will happen, of course, is what happens in thousands of lives every year: Death.

Someone—a child, a shopkeeper, a spouse, a policeman, an innocent bystander in a riot— "gets it," by accident or design, and not one but several lives are shattered as a result.

Why do we make it so easy for everyone to play this deadly game?

Why do we permit the hoodlum, the mental case, the swaggering revolutionary, the hysterical housewife, the convicted felon, even the ten-year-old child who has seen too many Westerns, to send away to a mail-order house and provide himself with an "equalizer"?

[From the Vancouver (Wash.) Columbian June 20, 1968]

While Iron Is Hot

Sen. Eugene McCarthy apparently does not oppose gun control legislation, but he opposes passing such legislation in this period of high emotion over the assassination of Robert Kennedy.

The senator's point would be a good one except for one fact: Unless gun control legislation is passed while the horror of Los Angeles is fresh in public memory, there won't be any meaningful gun control legislation. The gun lobby's power to stop legislation can be overcome only when the general public is worked up. If proponents of gun legislation hope to succeed, they must strike now while the firearm which killed Kennedy is still hot.

Opinion polls show that, if gun controls were submitted to the public for a vote, they would carry handily. The Gallup Poll shows that more than 70 per cent of those interviewed favor gun controls. The Harris Poll shows 85 per cent in favor. But, when it comes time to make their views known in Congress, the gun enthusiasts, spurred by the National Rifle Association, win the contest hands down. Time and again, the association has demonstrated its ability to inspire thousands and thousands of letters from across the country. The Columbian has experienced a taste of this flow of letters in recent days.

The vehemence of these letters might suggest that proposals called for taking guns away from citizens. No one proposes denying responsible citizens the right to purchase and keep arms. All that has been suggested is a little more order in purchasing procedures.

The bill approved by a Senate Judiciary subcommittee Tuesday would stop mail order sales of rifles and shotguns. If the bill passes, a Lee Harvey Oswald using an assumed name or an eight-year-old boy pretending he was an adult could no longer order deadly weapons through the mail. Such a law would not interfere with the right to keep and bear arms, but it unquestionably would deter youths and persons who want to hide their ownership of a weapon.

The Tydings bill which has the riflists so upset would require registration of all firearms and a license for purchase or possession. The bill would allow states to do the registering and licensing, but where states did not act the federal government would take over the task. Both the seller and the buyer would be required to notify proper authorities when a weapon changed hands. Persons who have been convicted of a felony, or a misdemeanor involving physical harm, would be denied firearms. So would alcoholics, narcotics addicts, mentally incompetents and aliens. Other persons would encounter delays in purchasing firearms, but their right to purchase would not be abridged.

The bill has some real teeth. We doubt if anyone would claim that passage of it would be a wasted effort. Tydings himself described it as the strongest gun control bill yet introduced in Congress, yet pointed out that "the bill does not subject firearms even to the stringent regulation to which we subject automobiles and drugs."

Most Americans don't object to licensing their cars. Why should they object to licensing their guns? For most law-abiding citizens, cars are more important than guns.

Can a tough gun law make a difference? Tydings cited figures that show a sharp contrast between five states with strong control laws and six states with weak laws. In the five, guns accounted for from 24 to 43 per cent of all murders. In the six, guns accounted for from 62 to 71 per cent of all murders. In the five, the overall homicide rate per 100,000 population varied from 1.4 to 4.8. In the six, the overall homicide rate varied from 6.1 to 10.6.

The figures suggest that there may be a connection between murder by gun and the ease with which guns can be obtained.

[From the Palo Alto (Calif.) Times,
June 10, 1968]

Give Us a Strong Gun Control Law

"Each year in this country," President Johnson recited last Thursday, "guns are involved in more than 6,500 murders. This compares with 30 in England, 99 in Canada, 68 in West Germany and 37 in Japan.

"Forty-four thousand aggravated assaults are committed with guns in America each year. Fifty thousand robberies are committed with guns in America each year."

Those grim figures—the U.S. gun death toll since 1900 adds up to 750,000—make a powerful argument if not a prima facie case for what the President is asking: "a strong and effective gun control law governing the full range of lethal weapons."

The omnibus crime control bill passed by the House the same day, and by the Senate back in May, soon will be presented to Mr. Johnson. Since it contains some provisions he wants very much, plus a weak gun control section, plus some provisions he does not want, he faces a very hard decision as to whether to sign it or veto it.

As it stands, the bill bans interstate mail order sales of hand guns, limits counter sales to persons 21 or older who reside in the same state as the dealer, bars the import from abroad of all weapons not suitable for hunting and virtually prohibits, except to police, the traffic in mines, hand grenades, machineguns and other heavy weaponry. It also defines certain bad gun risks—convicted felons and mental incompetents, for instance—and forbids them to receive, possess or transport guns and rifles.

The President wants to prohibit the sale of rifles and shotguns by mail and in any manner to persons under age 18.

He also wants to protect states with stringent laws from having their residents hop over to an adjoining state with lax regulations to buy rifles and shotguns.

We echo Mr. Johnson in conceding that tighter controls will not eliminate murder and gunpoint assaults—but with guns the instruments for 6,500 murders a year there is surely room for improvement.

He skirted the issue of registration, which the bill does not require even for hand guns. The Constitution protects the right to bear arms, but it also guarantees the right to vote—and yet registration is required before one can vote. Why should owning a gun be put on a touch-me-not plateau, when a registration provision would not handicap those who intend to use firearms for sports or other legal uses?

Congress should be confronted with a deafening demand from the people as well as the President to enact a really effective gun control law now.

[From the Redwood City (Calif.) Tribune,
June 10, 1968]

An Opportunity for Positive Lead

A well-stated, but grim reaction, to the assassination of Sen. Robert Kennedy, was made by a Stanford professor who retorted, "There'll be a week of catharsis . . . demands for more gun laws. But the catharsis will die as quickly as it began."

He will be right unless Americans can come up with a united and positive, rather than negative and varied, approach to the subject of gun control.

The reaction after each of the three tragic assassinations in the past five years has been a lot of finger-pointing of blame—to the National Rifle Association, to gun owners, to the government, to the "sick" society, to televised violence.

Beyond the blame, however, there has been little mass action toward rational solutions.

It's time to stop assigning blame. It's time to get busy on the American spirit of innovation and private enterprise. Let us put the challenge to the much criticized but legitimate National Rifle Association (NRA), with its large membership and private resources, to make the first plunge toward national gun control needs of registration, assignment of responsibility and safety factors in sales.

Few legitimate gun owners would protest registration free of political intimidation and high cost, a "waiting period" between sale and delivery of all guns, and a responsibility, as with cars and credit cards, for the whereabouts of the guns.

NRA, currently criticized for its opposition to the Sen. Dodd gun legislation proposal, could take the first positive step by volunteering to administer gun registration on a national basis. It could start this effort by asking its large membership to register its guns with NRA.

The venture could be done with federal government cooperation in initiating laws requiring registration with purchase and assigning the gun's responsibility to the purchaser.

If a gun is lost, stolen or sold privately to someone else, the original owner should bear responsibility of notifying the registering agency, as is the case with cars and credit cards.

Control of guns has to be on a uniform national level or not at all. Haphazard, varied controls of cities and states will only encourage illicit gun traffic; mail order guns are only one factor in gun control.

In the past, the NRA has been better known as an organization devoted to gun safety programs and gun sportsmanship. It has also worked to some degree with politicians on gun legislation. Now is its chance to take the positive lead, as a legitimate organization, to work with the government in moving ahead logically in the area of gun control.

The easiest thing one can do is criticize and point blaming fingers. The hardest thing to do is to establish a basis of communication and take the first step toward positive action for rational solution. The NRA is capable of taking a first big step, as each citizen could, in moving toward resolution of problems, such as gun control, for the good of the society.

[From the Redding (Calif.) Record-
Searchlight, July 17, 1968]

N.R.A. Not Confident on "Constitutional Right"

In a long and thorough discussion of gun control legislation and the lobbying for and against it, The New Yorker magazine rather effectively disposes of the "constitutional right of the individual to own and use a gun."

The article, by Richard Harris, appeared in the April 20, 1968 issue—two weeks before Sen. Robert Kennedy's assassination.

The National Rifle Association, says Harris, argued that "any bill that controlled guns in any way was unconstitutional because the Constitution guaranteed every citizen 'the right to keep and bear arms.' The reference was to the Second Amendment, which states, 'A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.' Usually, the N.R.A. quotes only the last half of the sentence. The courts, on the other hand, have always been more interested in the first half and have consistently interpreted the amendment to mean that the states have the right to maintain armed citizen militias. . . .

"Although the N.R.A. has asserted that it 'takes the bedrock stand that law-abiding Americans are Constitutionally entitled to the ownership and legal use of firearms,' it has never been confident enough of its footing to carry a test case to the Supreme Court, which has yet to knock down any local, state or federal law regulating firearms—with the exception of part of the 1934 federal law, which it faulted on the basis that it was an infringement of the Fifth, not the Second, Amendment.

"In the Court's own words, in its 1939 decision in the case of the United States vs. Miller, the Second Amendment applies only to those arms that have a 'reasonable relationship to the preservation or efficiency of a well-regulated militia.'"

SMALL TOWNS WANT FEDERAL GUN LAWS

Mr. DODD. Mr. President, there is a tendency of some Members of Congress to believe that it is only the large metropolitan newspapers, the television and radio networks, the national magazines, and the giant press services who strongly advocate better Federal firearms laws.

Nothing could be further from the truth.

Newspapers in the smallest communities, indeed papers in rural communities considered to be closest to the farmer and the sportsman, are frequently the most adamant and forceful in asking Congress to be more responsive to the people.

That should not be surprising.

It is the down-to-earth country publishers who best understand the firearm, its place in the community, and the need to control their sale.

They also best understand that the argument that gun laws would inconvenience the law-abiding citizen is a fiction, if not an outright lie.

I would like to quote some observations made on the subject of gun controls by some of the smaller papers and at the conclusion of my remarks have printed in the RECORD the full text of the editorials.

I believe the opinion of the spokesmen for small-town America is of genuine interest to my colleagues in this debate on firearms controls.

Waynesville, N.C., Mountaineer:

The basic purpose of a gun, and it was ever thus, is to kill. There is no way, psychologically or otherwise to escape that fact . . . The gun lobby, one of the most powerful of all, knows full well that if it can avoid significant Federal controls then handling the issue in the several states will be a cinch. It needs but to fight a delaying action and wait for the people to tire of protests and then surrender to defeatism.

We can then, go back to sipping our morning coffee and sighing—sincerely, of course—as we read these one-column briefs about the dead children who were only playing "fast draw."

Lakeville, Conn., Journal:

The arguments have been prolonged for years. The evidence grows every day that strict gun laws are necessary and will not deny the rights of any civilized citizen.

Goleta, Calif., Gazette Citizen:

The right of "life, liberty and the pursuit of happiness" is the right we must be concerned with protecting; guns are a form of coercion and a means of taking away human life.

Brevard, N.C., Transylvania Times:

We can't see how a good law would be detrimental to the sportsmen, nor can we see how a properly written gun control law could challenge the right of a person to own a gun for personal protection.

Keokuk, Iowa, Gate City:

If ever there was a time for passage of an effective gun-control law, it is now!

Warrenton, N.C., Warren Record:

For four years the gun lobby has had Congress so well covered that it has been afraid to make a move. With increasing public support of stricter gun laws and growing evidence of the urgent need to act, perhaps Congress will at last dare to make its move.

Leavenworth, Kans., Times:

Even if only one life could be saved because someone who might have bought a gun didn't bother because he didn't care to go through the legal rigamarole, and thereby an accident that might have happened didn't happen, surely the sportsmen of America would be willing to put up with one more annoying inconvenience in this crowded world where no one's 'rights' extend very far any more without bumping up against somebody else's.

Greenville, S.C., Piedmont:

Forget the criminal. The fact is, guns may indeed kill people.

Chicago Heights, Ill., Star:

An interesting and perhaps disturbing aspect of the controversy over firearms regulation is the tendency of some observers to relate it to current political ideologies and even the matter of war and peace. It strikes us that the problem has existed for far too long to give substance to such reasoning. We incline toward the simpler theory that it makes sense to keep firearms, no less than firecrackers, out of the hands of those who are not qualified to have them. In any case, it should be more difficult to purchase a gun than a sparkler.

Burlington, Iowa, Hawk-Eye:

More controls are coming, just as more safety regulations for cars. Why not now?

Spartanburg, S.C., Herald:

To all arguments against gun control, one fact is not open to argument. Guns are for killing. Period. And the question naturally arises—if one would insist on keeping a gun, who would he, after due reflection, wish to kill?

Bennington, Vt., Banner:

The NRA's arguments that the availability of guns has no relationship with crime, assassination and violence are simply not widely believed any more.

San Bernardino, Calif., Telegram:

Even congressmen from western states, whose mail has opposed gun control in the past, report that their mail is now running the other way, says Congressional Quarterly.

Riverside, Calif., Press:

Prospects for tougher, more proper, gun controls have improved dramatically in the past few days, so that now there is a fairly good chance that the bill aimed at restricting sales of long guns, or an even stricter bill, may get through a once hostile Congress.

Rutland, Vt., Herald:

One of the signs of change was the statement of the state's largest gun dealer this week urging tighter controls of gun ownership. It is difficult to imagine this position being taken on the gun issue as recently as a year ago.

In the face of change perhaps the NRA may have to reassess its position or at least think up some new slogans.

Melbourne, Fla., Times:

. . . And the man who wants to help keep us in guns would do well to help get them all registered.

What's to be lost? Certainly not lives . . . and that's what it's all about.

Lansdale, Pa., North Penn Reporter:

. . . Balderdash, piffle and poppycock.

Registration and identification, in one form or another, are required for the operation of an automobile or a motorcycle, for fishing and hunting, for ownership of boats, dogs and bicycles, for voting, for military service, for social security, for health insurance plans. You must have a card to swim in a community pool, to borrow a library book, to get credit in most places.

Bar Harbor, Maine, Times:

. . . A program that won't take forever to implement is gun control, and Congress is certainly acting without responsibility by holding back on meaningful gun-control legislation.

La Grange, Ill., Surburban Life:

. . . It is a sorry state of affairs in this country when anyone can walk into almost any sporting goods store or other outlet and purchase a weapon with little or no question by the seller as to what the gun is to be used for or to the reason for the purchase.

Amesbury, Mass., News:

. . . Gun control is an attempt to reduce under the fiction that they are harmless the free trafficking of lethal weapons throughout society.

Decatur, Ala., Decatur Daily:

Our permissive tolerance of almost universal firearms ownership, and of promiscuous firearms traffic, is nothing short of scandalous. It has turned the public arena into a shooting gallery. It has helped put terror on the streets.

Newton, Mass., Newton Graphic Weekly:

. . . But even if the only thing the law accomplishes is to get fewer rifles and pistols into the hands of law-abiding citizens, it should result in a sharp reduction in murders and fatal and serious accidents, the number of which is staggering each year.

Lewistown, Pa., Sentinel:

The people of this nation, aroused by the senseless and wanton killing of public men and the slaughter by demented snipers, demand quick and courageous action by Congress on President Johnson's proposal.

Highland Falls, N.Y., News of the Highlands:

It's also doubtful that there'd be as many armed bank robberies, rapes or assaults if the weapons were taken away from the criminals. Can you see a bandit entering a bank full of people with a knife and saying "Stick 'em up"?

Dover, N.H., Foster's Democrat:

. . . But if abuses of the privilege of owning firearms are to be prevented, effective law must be enacted.

Lewiston, Maine, Journal:

. . . It is here, and in registration of weapons, that a gun control law might pay tremendous dividends. Many congressmen agree, and more should.

Bethesda, Md., Monitor:

For the life of us we can't understand why members of the National Rifle Association oppose a gun law that is meaningful. And we can't understand our representatives who are charged with the duty of enacting legislation which will protect life and limb of citizens. Why do so many of them seem brainwashed by NRA spokesmen?

Pittsford, N.Y., Brighton-Pittsford Post:

Have faith in America and American democracy. Let's not open the way to anarchy by accepting the half-baked idea that a lot of unregistered firearms are an effective means of preserving democracy.

Lewiston, Maine, Sun:

Those who own guns for legitimate purposes should have no more hesitation to register them than they do their automobiles. Those who would use them for illegal activities deserve no special consideration.

Parsons, Kans., Sun:

The rights of sportsmen, hobbyists, hunters and all other law-abiding citizens would be in no way jeopardized by the legislation proposed by the administration or the bills pending in the Senate.

Rutland, Vt., Herald:

Many hasty things are being said and done about guns at the moment simply because they were not done with deliberation over the years. How, we ask (along with the writer of a letter on this page), can a person who believes a driver should be licensed, believe a gun owner shouldn't be?

Portsmouth, N.H., Herald:

The Supreme Court has never thrown out a firearms control law on the grounds that it violated the Second Amendment. If the Second Amendment meant what Mr. Glassen says it does, we would not have our present scanty Federal firearms laws.

Portsmouth, N.H., Herald:

The absurdity of the gun lobby's position reveals itself on every count, including the one about devising punitive laws which affect the gun and not the gunman. That, too, is pure nonsense.

Great Falls, Mont., Tribune:

"The controls will not deprive the people of the right to own guns," Mansfield said. "But if they bring a reduction in deaths due to guns, it's a small price to pay."

Hastings-On-Hudson, N.Y., News Weekly:

This lobby has boasted that it can produce half a million letters against whatever it calls a threat to unfettered freedom to buy guns. Indeed, it has done so many times during the past 30 years whenever even mild controls have been proposed.

Crane, Mo., Stone County Republican:

Any man who owns or wants to own a gun ought have no hesitation or doubt about the need for the authorities to know who owns a gun and who does not. As we see it, gun controls are not intended to keep a gun away from anybody who has a legitimate reason for owning one.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Bar Harbor (Maine) Times, June 13, 1968]

Annie, Don't Get Your Gun

The majority of discussions we've encountered regarding the Robert Kennedy assassination has boiled down to a single point: "Is America sick?"

It's a question not easily answered. In fact, it really doesn't need an answer. Two political assassinations of national consequence within two months represent evidence that clearly cries out that something must be done.

Whether America is sick or not, whether the inner fabric of today's United States society is torn and tearing with declining morality and rising tensions is really an academic point. It's more practical to say that something sick, like violence, exists in America and something should be done now, now that U.S. citizens are shocked and shaken from the murder of Senator Kennedy.

Cures that have been recommended since the assassination by the nation's leading citizens have included elimination of hate and poverty. It's agreed that these goals are commendable, but who can properly implement the means. It will take centuries to loosen poverty's terrible grip, and it will take forever to make a sizable dent in hate.

A program that won't take forever to implement is gun control, and Congress is certainly acting without responsibility by holding back on meaningful gun-control legislation.

The bill Congress considered last week is a joke. It would merely cut down on the sale of handguns in interstate traffic while nothing would be done to curtail sales of all weapons within states. The bill as it stands now looks like nothing more than a token measure designated to placate a shocked American public. It's practically meaningless.

It's difficult to imagine that the lobby of the National Rifle Association is so strong that it overrides in power and political influence the outcry for help from a shocked America.

The situation is equally disturbing in view of the obvious help that a gun-control law would be in stemming the tide of violence.

[From the Leavenworth (Kans.) Times, June 20, 1968]

Sensible Course on Gun Control

Any way you cut it, it's just too easy for anyone to buy a gun in Leavenworth—or elsewhere in this land of ours—and gun control legislation is one of those subjects it seems impossible to discuss dispassionately.

To some, loose gun control laws are sorely responsible for, and stiff gun control laws are the only cure for, the problem of violence in America.

To others, restrictions over the purchase and ownership of guns is the first step toward disarming the American citizenry, which is the last step before the take-over of America by "them."

There would seem to be a middle position.

There would seem to be a solution somewhere between the absolutely free and unfettered sale of dangerous weapons and the confiscation of all that exist in the country. There would seem to be enough collective wisdom among the 535 members of the U.S. Congress to write a law which would protect the rights of law-abiding sportsmen and gun buffs while making it a bit more difficult for those who should not have guns to obtain guns.

Let it be granted immediately that laws mean little to the law-breaker. The man who needs a gun for an evil purpose will find a gun. But this no more argues against putting controls on guns than the high incidence of burglaries argues against putting locks on doors.

It is time to cease the weary refrain that "guns don't kill people; people kill people." Neither do automobiles kill people. Should we then do away with all controls over the ownership and operation of motor vehicles?

Forget the criminal. The fact is, guns may indeed kill people.

At least one psychological study has shown that, in tense emotional situations, such as an argument, the mere presence or accessibility of a weapon like a gun, heightens aggressive feelings. The trigger, in a very real way, pulls the finger.

It is this which is perhaps the strongest argument for gun control legislation.

If a man under the influence of anger could not run down to the store and buy a gun at once, if he had to fill out an affidavit or go through a waiting period of a few days, lives might be saved.

If a mental defective or an under-age youth could not send for a rifle through the mail, lives might be saved.

If a panicky homeowner had to go through a little red tape before buying a gun to defend his house against "them," lives might be saved.

Even if only one life could be saved because someone who might have bought a gun didn't bother because he didn't care to go through the legal rigamarole, and thereby an accident that might have happened didn't happen, surely the sportsmen of America would be willing to put up with one more annoying inconvenience in this crowded world where no one's "rights" extend very far any more without bumping up against somebody else's.

[From the Crane (Mo.) Stone County Republican, June 27, 1968]

No Panic

Opponents of strict gun controls are trying to palm the whole thing off by saying they don't think anything should be done in "a spirit of panic," or "while emotions are high."

This is pure poppycock. If it were true that we are in a state of panic, that would be one thing—but this nation is in no state of panic. What is happening is that opponents of gun controls are mistaking the nation's determination as panic, and its disgust with foot-dragging legislators as emotion.

Any man who owns or wants to own a gun ought have no hesitation or doubt about the need for the authorities to know who owns a gun and who does not. As we see it, gun controls are not intended to keep a gun away from anybody who has a legitimate reason for owning one.

In Great Britain where the controls over firearms are very strict, the men and women who belong to gun clubs and use firearms for sport, say they welcome the restraints placed upon indiscriminate possession of firearms. They testify that their system works out very well.

This is an issue on which the presidential candidates should make their stand positive and well known—either for or against. In this regard it was surprising to read that Sen. Eugene McCarthy is one of those hanging back on the excuse that we should not rush into legislation in this area of gun controls. Thirty or forty years of effort to get this kind of legislation on the statute books can hardly be called "rushing into." His statement makes one wonder if he would hesitate in like manner on other vital issues of the day were he to be elected.

The National Rifle Association may have a million members who can be called upon to write their Congressmen but there are many more millions of American citizens who would heartily welcome sensible and "toothy" gun control legislation on the federal level.

An indication that Rhode Islanders join in the increasing numbers across the nation who support gun control was the petition taken this week to Washington, D.C. by local resident Mrs. Frank Toolan. Accompanied by Mrs. Patricia A. DeMeo of Riverside, the two collected 7,000 signatures which were presented to the Senate subcommittee presently debating legislation on gun control.

[From the Chicago Heights (Ill.) Star, June 30, 1968]

As We See It: Need for Gun Control Is Clear and Emphatic

For reasons which are not entirely clear, few issues become so supercharged with emotion as the simple—and we think entirely necessary and sensible—proposal that meaningful restriction be placed on the acquisition and possession of deadly weapons.

We are witnessing again a violent reaction to gun control legislation, this time at the federal level. People who readily accept the proposition that one must equip himself with driving skills and pass an examination before operating a motor vehicle, which in turn is licensed, lash out with unrestrained energy at the suggestion that gun control be legislated. Why?

Letter-writing campaigns initiated by the National Rifle association get the credit or blame, as the viewpoint may be, for influencing legislators and sidetracking effective gun control bills. But who writes all these letters? Random queries bring indications that NRA members are not easy to comeby, a fact which suggests that the association's lobbying influence is far out of proportion to the number of Americans who actually oppose strict gun control.

For our part, we are glad President Johnson has stepped forward to press for effective legislation; he has advanced valid arguments in its behalf.

Closer to home, Dr. Andrew Toman, Cook county coroner, has released statistics breaking down the 607 gunshot deaths which occurred in the county during 1967. Guns were used in 238 murders, 158 suicides, 49 manslaughter fatalities, 54 accidental deaths, 19 deaths due to undetermined circumstances and 89 justifiable homicide cases.

Nobody will deny that violent crimes, some involving firearms, will occur despite the most rigid controls of weapons. The argument against restrictions wears thin, however, in the face of needless gun accidents alone. And, as Dr. Toman points out, a number of suicides and even some murders result from panic or impulse on the part of a person who happens to have a gun handy.

An interesting and perhaps disturbing aspect of the controversy over firearms regulation is the tendency of some observers to relate it to current political ideologies and even the matter of war and peace. It strikes us that the problem has existed for far too long to give substance to such reasoning. We incline toward the simpler theory that it makes sense to keep firearms, no less than firecrackers, out of the hands of those who are not qualified to have them. In any case, it should be more difficult to purchase a gun than a sparkler.

[From the Spartanburg (S.C.) Herald, June 29, 1968]

Guns and the Public

The gun control law will not eliminate aggravated assault, murder, or crime. But it is one additional tool to help overburdened police, and a small, much-needed protection for the innocent bystander.

As it stands now, the Federal gun control law is a scrap of paper. It will be no better in solving problems arising from the gun, than have been a multiplicity of state gun laws. The key is first, public realization for the need and willingness to cooperate, and secondly, swift and certain enforcement.

There are a number of excellent examples for the U.S. to follow. England is one. There, violation of gun is considered a serious offense. A possible penalty is 10 years in jail. Despite all the emotion—much of it deliberately stirred by commercial gun interests—the proof of effectiveness of real gun control is in the British homicides rate by gun. They are rare.

There are some bad examples, too. Mexico has tight regulations governing sale of pistols and rifles. But there is a flourishing black market—and no real enforcement effort.

Canada has little sympathy for that nation's gun laws, and illegal guns are plentiful. In both nations, as well as in our own, there is a common denominator—a visible lack of public endorsement for gun control. The courts, too, handle violators in a wishy-washy fashion.

New gun laws must be coupled with police vigilance, court diligence, and public maintenance to produce the life-saving results that can come, in time, from the slow elimination of many of the two hundred million guns in this nation.

To all arguments against gun control, one fact is not open to argument. Guns are for killing. Period. And the question naturally arises—if one would insist on keeping a gun, who would he, after due reflection, wish to kill?

[From the Hastings-on-Hudson, (N.Y.) News, June 27, 1968]

Who Pulls the Triggers?

Mail to members of Congress, heavily favoring strong gun control legislation after the assassination of Senator Robert F. Kennedy, is now reported to be going in the other direction since the National Rifle Association has urged its members to oppose it.

This lobby has boasted that it can produce half a million letters against whatever it calls a "threat" to unfettered freedom to buy guns. Indeed, it has done so many times during the past 30 years whenever even mild controls have been proposed.

The N.R.A.'s arguments against gun controls are a fraud against the intelligence of the 80 percent of the American people who want sanity introduced into this aspect of our sick culture. It's inconceivable that the Congress should even listen to the N.R.A. or read its whipped-up mail, but if the 80 percent who want action aren't willing to write one letter and the cause of gun control drowns in a sea of apathy, whose will be the fault?

In our highly literate communities, will the people turn away from their more interesting or more profitable pursuits for the few minutes it takes to write their Congressman and Senator, their State Assemblyman and State Senator?

Whose fingers will be on those triggers, that could have signed letters asking for this legislative action, but failed to do it?

[From the San Bernardino (Calif.) Telegram, June 18, 1968]

Congress Gets the Message

Citizens are speaking out in unprecedented numbers, and Congress is being flooded with letters, telegrams, telephone calls and petitions urging further gun controls.

Even congressmen from western states, whose mail has opposed gun control in the past, report that their mail is now running the other way, says Congressional Quarterly.

This has accounted for some key senators switching positions and prospects for passage of legislation regulating mail order and out-of-state sales of rifles, shotguns and ammunition are now bright.

However, one Senate source said, "If they're going to pass a law, they'd better do it quickly. The forces of the National Rifle Association and the like haven't gotten tooled up yet, and, when they do, you can bet the mail is going to change."

Nevertheless, congressmen can and should note that the reaction against guns has been spontaneous and from the heart of people who do not ordinarily write to their representatives. The mail favoring guns has in the past been an organized part of well-calculated campaigns.

The sad part is that it took the assassination of Sen. Robert F. Kennedy to rouse citizens to action. For years, law enforcement officers and a huge majority of the people have wanted gun controls, but only now are the people really speaking out.

Now that the gun control drive is well-launched, the public should not falter, but see it through to a successful end.

[From the Brevard (N.C.) Transylvania Times, June 20, 1968]

What's Wrong With Gun Control?

Ever since the shocking assassination of President John F. Kennedy there has been some concern over the lack of gun control laws in America.

The concern came alive anew with the assassination of Dr. Martin Luther King, and then again this past week when Senator Robert F. Kennedy was shot by an assassin.

Obviously there are many, many people who are unalterably opposed to any kind of gun control law. They cite all sorts of reasons, including that it is an infringement on personal freedom.

Others want some kind of mild gun control laws, and a few, no doubt, would like to see it so tight that nobody could purchase a gun . . . for any reason.

We're in favor of some type of meaningful gun control legislation, and this would include complete elimination or strict regulation of guns sold via mailorder houses.

We can't see how a good law would be detrimental to the sportsmen, nor can we see how a properly written gun control law could challenge the right of a person to own a gun for personal protection.

What's so bad about requiring all guns to be registered? Why should people squak at not being permitted to purchase a gun from out-of-state? We can see no infringement here on any freedom.

The real danger, as we see it, is the indiscriminate arming of anyone who wants to own or use a gun. The freedom of too many people has been ended permanently by people who never should have had guns placed in their hands. And, we're not just referring to political assassinations either.

We're not suggesting that a new gun control law, regardless of how stringent, would completely eliminate crime. Everybody knows that. Nevertheless, some means must be devised which will attempt to deter violence.

A gun law, which would require that all owners must register fire-arms; a law, which would control the indiscriminate selling of guns, would be a step in the right direction.

How many more killings will there have to be before we wake up to the fact that not every person is capable of owning or using a gun?

[From the Bennington (Vt.) Banner, June 18, 1968]

The NRA: Loaded for Bear

While campaigning in Oregon late last month, Sen. Robert F. Kennedy arrived in Roseburg, a town about the size of Bennington, and found himself confronted with a crowd of local citizens who objected loudly to his support of gun control legislation. One man stepped forward and argued that the purpose of a pending Senate bill was to require registration of all guns. This, of course, was not true, and Kennedy pointed out that the bill was intended to keep guns out of the hands of madmen, criminals and children. The crowd was unconvinced, and one man shouted: "Nazi Germany started with the registration of guns."

This is just one example of the sort of hysteria whipped up by the National Rifle Association and various outdoor and sportsmen's groups in opposition to any proposal for gun control legislation, on either the national or local level.

Since the shooting of Sen. Kennedy in Los Angeles just a few weeks after his visit to Roseburg, there has been overwhelming, if belated, display of popular support for the enactment of federal gun controls. And the NRA, predictably, is once again driving its nearly one million members into a frenzy of opposition to any restrictions at all on the sale, distribution and use of guns. The NRA chiefs are spreading the word that "Communist-front groups support gun bills." They are talking about a conspiracy to disarm the American people. Once again, they are organizing massive letter writing campaigns to congressmen. In short, they are using the same tactics of distortion and intimidation that have prevented the enactment of virtually any sane and sensible gun laws in the United States.

This time, the NRA may just lose. The assassination of Sen. Kennedy has triggered a popular wave of revulsion against America's gun culture—a holdover from frontier days. President Johnson has called for a somewhat stronger gun law than the one included in the crime bill passed two weeks ago. He would now extend the ban on mail order sales of handguns to rifles and shotguns. Three gun manufacturers have even expressed limited support for such a measure. Some western congressmen, who represent heavily armed constituencies and have traditionally opposed gun laws, have indicated they have changed their minds. One senator, Joseph Tydings of Maryland, wants to go even farther and require registration of all guns and licensing of gun owners.

The gun controls proposed by Sen. Tydings would help keep guns out of the wrong hands. More important, they would reduce the number of lives lost in this country every year as the result of the misuse of firearms. They would serve as a powerful reminder to trigger happy Americans that guns are dangerous instruments, to be used only for special purposes under special circumstances. They would not disarm hunters and target shooters, any more than laws requiring the registration of autos and the licensing of drivers have demobilized the American motorist.

The NRA's arguments that the availability of guns has no relationship with crime, assassination and violence are simply not widely believed any more. About 17,000 Americans are killed by guns every year; of these 6,500 are murdered, the rest are victims of accidents and suicide. This is a total unmatched by other civilized nations—most of which have strict controls on the use and sale of guns. Statistics show that cities, and other countries, that have tough gun laws have much lower rates of homicide by gun than those without. FBI Director J. Edgar

Hoover says that the "easy accessibility of firearms is a significant factor in murders committed in the United States today."

It's about time that the NRA calmed down, admitted all this, and did the nation a service for once by agreeing that annual registration of his guns is a small sacrifice for a sportsman to make if it will help deny guns to the wrong people and reduce the fearful slaughter caused every year by privately owned weapons.

[From the Dover (N.H.) Foster's Democrat, July 8, 1968]

To Prevent Firearms Abuse

A few days ago, House Democratic Leader Carl Albert of Oklahoma announced his opposition to major gun control bills now before Congress. On the same day, a news story out of Salt Lake City recounted the seizure of an arsenal of weapons—rifles, pistols, machine guns, cases of high explosives—at a suburban residence.

We do not thus juxtapose this confiscation and Albert's announcement with the intent of embarrassing him, or of singling him out for censure. It does strike us that the Salt Lake City episode aptly reaffirms once again—though reaffirmation surely is no longer necessary after all that has occurred since President Kennedy was murdered—the need for adequate gun control legislation.

It is all very well for Congressman Albert to say, "No dealer in his right mind would sell a gun to a child, a mentally retarded person or someone under the influence of alcohol or narcotics." It is all very well for him to say, "I do not feel it is my prerogative to tell a sane adult constituent of mine that he cannot buy a gun in another state if he wants to do so." But if abuses of the privilege of owning firearms are to be prevented, effective law must be enacted.

[From the Riverside (Calif.) Press, June 18, 1968]

Public Opinion and Gun Controls

Prospects for tougher, more proper, gun controls have improved dramatically in the past few days, so that now there is a fairly good chance that the bill aimed at restricting sales of long guns, or an even stricter bill, may get through a once hostile Congress.

Public opinion has been overwhelmingly in favor of gun restrictions, and this has increased markedly since Robert Kennedy's assassination.

An extraordinary amount of mail has been flowing into the White House and into Congress. Equally extraordinary is that most of this has been spontaneous, with no powerful organization sending postal instructions to its members. No longer are adherents of the National Rifle Association's philosophy the only ones writing.

This has had an obvious effect in Congress. Sen. Mike Mansfield, who will be valuable in guiding a law through Congressional roadblocks, suddenly supports even stricter controls, which would require registration of all guns and licensing of their owners. The Majority Leader joins six other Senators who have publicly changed their position.

Add to this the Administration's order for a new legislative push. Even the gun lobby is seemingly split with three major manufacturers coming out in support of a compromise measure which would prohibit mail-order sales of rifles and shotguns.

It is just possible that the grip the gun lobby has held over Congress for many years will be broken; that one of the several bills of varying strength, but all better than what is before the President now for signature, will go all the way; that Senator Kennedy's murder, unlike his brother's, will be marked by some positive legislation to limit what Mr. Johnson has called the "insane traffic" in guns.

Public opinion, in the main, is doing all of this. And public opinion can still be registered by writing to Congressman John Tunney, Longworth House Office Building, this district's representative, or to any Congressman or Senator, in Washington, D.C.

[From the Amesbury (Mass.) News, June 26, 1968]

Gun Control Laws—A Memorial

It was heartening to learn that our congressman William H. Bates had received "well over 100" coupons as of last week from his district asking for stricter gun control laws. We reprint it below and urge you to send it.

Gun control is an attempt to reduce under the fiction that they are harmless the free trafficking of lethal weapons through our society.

Guns keep surfacing as tools of violence in America.

And while violence supposedly has been repugnant to most Americans, it has taken the murder of public figures to awaken the people to the need for action.

Why no one thought about gun control in the face of countless gangland slayings and accidental hunting and household deaths is a mystery.

Governments have long recognized that the proliferation of weapons poses a grave danger to the world. (Witness the recent U.S.-U.S.S.R. agreement to halt the spread of nuclear weapons). But the same analysis had not been made internally by many people in this country.

America has paid a dear price for its indifference in this area. The price has been the loss of some of its more relevant spokesmen for change.

Now comes the 900,000 member National Rifle Association and various fish and game clubs in an effort to mount a massive campaign against the current public outcry for regulated gun sales.

They claim that gun control laws will endanger their "sport" which is "protected" by the U.S. Constitution.

These groups always have had their strongest support from conservative elements in Congress. But the views of these Congressmen reflect are ironic in this case.

For those who are most agitated over the prospect of strong gun control are often the same ones who are for control of other aspects of our lives. They often lead the outcry against the portrayal of sex on television and in the movies. And they are some of our most vocal prudes when it comes to the use of four letter words in public places or in books and plays. They, too, will be seen opposing the study of Communism in the public schools as they will be against the use of educational institutions for the truly free interplay of ideas.

We are not saying that all members of the N.R.A. and the fish and game clubs who oppose gun control laws think in this way.

What we are saying is that there are too many pepole who view the constitution selectively—that is, they scream "unconstitutional" only when it pleases them.

We mean, for example, those who consider the property right paramount when measured against the right of a man to live where he pleases regardless of his color.

This selectiveness of rights—this narrow attitude is not unconnected with the slaying of Pres. John F. Kennedy, Martin Luther King, Sen. Robert F. Kennedy, Malcolm X and many others.

All these men stood up against this narrowness of mind—this selectiveness of rights that enslaves the black man today.

They stood for a new sense of priorities among Americans that honors basic human rights.

It is more than a nice sounding phrase, therefore, to say gun control laws are a memorial to these men.

[From the Newton (Mass.) Graphic, June 20, 1968]

Gun Control Law

A strong and sensible gun-control law which would apply to the 50 States of the Union should be enacted as speedily as possible by Congress.

It is difficult to understand how any member of Congress or of the National Rifle Association could offer any reasonable objection to the recommendations by President Johnson.

The President has proposed that the mail order sales of rifles, shotguns and ammunition be outlawed and that over-the-counter sales of long guns be limited to persons over 21 who reside in State where the purchases are made.

Those two recommendations, if enacted into law, would be a step in the right direction.

Actually, they would not go far enough, but they would help.

Some Congressmen and many members of the National Rifle Association argue that such actions would be too drastic. It is impossible for us to follow their reasoning. Their logic escapes us completely.

No gun law, however strict or rigid, will guarantee that a President or other public figure will not be assassinated in the future any more than will the assignment of Secret Servicemen to guard such public leaders.

A deranged would-be assassin may still be able to figure out how to buy or steal a rifle or pistol.

Professional criminals unquestionably will still be able to get the firearms they use in plying their nefarious trade.

But even if the only thing the law accomplishes is to get fewer rifles and pistols into the hands of law-abiding citizens, it should result in a sharp reduction in murders and fatal and serious accidents, the number of which is staggering each year.

Worthwhile gun legislation will not be a swift or certain panacea for violence made possible by firearms. However, with proper enforcement, it can offer the first long stride toward sanity.

The National Rifle Association comprising about a million members, virtually all of them respectable and respected citizens in their communities, apparently will oppose the enactment of even the most moderate gun control law.

While a sane gun control law may inconvenience gun and rifle collectors, the overwhelming evidence is that such a law is nedeed and that no small group, however well organized, can be permitted to keep it off the statute books.

[From the Decatur (Ala.) Daily, July 13, 1968]

Disgrace to Nation

A British journalist has written of us: "However much I may love and admire America, its gun laws come near to ruling it out of civilized society."

They do. Our permissive tolerance of almost universal firearms ownership, and of promiscuous firearms traffic, is nothing short of scandalous. It has turned the public arena into a shooting gallery. It has helped put terror on the streets.

No system of government, no civilized society, can long endure when the cream of its leadership keeps getting shot by crackpots and fanatics when some citizens regard the gun as a manly means of dissent; when a powerful and well heeled firearms lobby persists in distorting the facts about essential gun control legislation; when hordes of well meaning sportsmen swallow these distortions without bothering to inform themselves; when children of 12 can lug high powered rifles into the hunting field, as they can in Wisconsin and elsewhere; when the substantial majority of citizens who favor sane controls fail to stand up and be counted.

"We make it easy for men of all shades of sanity to acquire whatever weapons and ammunition they desire," Robert Kennedy declared in mourning the rifle assassination of Dr. Martin Luther King Jr. Now Kennedy, like his president brother, like the civil rights leader, has been cut down by an assassin's bullets.

From 1900 to 1966 guns were involved in 280,000 murders, 370,000 suicides and 145,000 accidental deaths in the United States. Total: 795,000 victims of bullets since the turn of the century, or almost twice the battle dead in all of our wars since the Spanish-American War.

In 1962 there were 29 people murdered by gunfire in Great Britain, 20 in France, 9 in Belgium, 6 in Denmark, 5 in Sweden. United States total that same year: 4,954.

Nobody really knows how many firearms there are in the United States because controls are minimal. Estimates range from 50 million to 200 million. In Japan, by contrast, fewer than 100 citizens in a population of 100 million have licenses permitting them to possess handguns.

[From the La Grange (Ill.) Surburban Life, June 20, 1968]

A PRIVILEGE, NOT A RIGHT

Why all the hue and cry about a strong gun registration law by the National Rifle Association?

It should be the main force in favor of stringent regulations concerning the registration of firearms. And yet it carries on with mistaken fervor that rights of some sort are being infringed when rifles and other hand weapons are required to be registered.

In the first place the ownership of guns is a privilege, not a right. It is no different in principle than the privilege of driving an automobile.

It is a sorry state of affairs in this country when anyone can walk into almost any sporting goods store or other outlet and purchase a weapon with little or no question by the seller as to what the gun is to be used for or to the reason for the purchase.

Guns and other weapons are available to anyone, regardless of character, who has the price to pay for them. They can even be purchased by mail.

There's no argument here against the sportsman who purchases a gun for hunting purposes. And the proposed laws will not outlaw the possession of guns by hunters, targetshooters or those engaged in other sporting events.

We don't believe, as we've stated before, that guns should be kept around the home in firing positions, but this doesn't mean that we're against the possession of firearms by those who would use them legally.

We agree with the rifle association that registration of guns will not stop someone of nefarious character from buying, stealing or even constructing weapons themselves.

Laws regulating firearms will not stop killing or holdups, any more than traffic laws can stop all speeding by motorists. But the laws do have a deterring effect by virtue of the restrictions they bring.

In England, for example, where even the policeman on the beat is unarmed, there is far less murder and armed robbery, largely because of laws requiring firearms to be registered. One of the main British charges against the suspect in the Martin Luther King assassination is that the man was carrying a weapon which was not registered.

The days when it was almost a necessity for a man in this country to carry a rifle or sidearm to protect himself are long past. We are basically a non gunbearing society.

We don't think that most people are naive enough to believe that a federal law will stop violence or killing. But there must be some deterrent.

And let's stop all this nonsense about the rights of citizens being trampled on because they must register ownership of a weapon.

There is no right to carry a gun. If a person desires ownership he should be willing to accept the responsibilities that go along with gun ownership.

In our opinion, the proposed federal law is not strong enough.

[From the Bethesda (Md.) Maryland Monitor, June 20, 1968]

GUN CONTROL

For the life of us we can't understand why members of the National Rifle Association oppose a gun law that is meaningful. And we can't understand our representatives who are charged with the duty of enacting legislation which will protect life and limb of citizens. Why do so many of them seem brainwashed by NRA spokesmen?

We sincerely invite any local representative of the National Rifle Association to spell out precise reasons why this seemingly powerful organization opposes intelligent gun control. Perhaps, there are good and valid reasons. We haven't the foggiest idea what they could be, but we're willing to listen to both sides of any question.

[From the Highland Falls, (N.Y.) News of the Highlands, June 20, 1968]

GUN CONTROLS

A favorite saying with the anti-gun-law people is: "Guns don't kill people—people kill people". This is a neat play on words and ideas. However, if you were to take away guns from people, it's doubtful that you'd have as many homicides as this nation does today.

For one thing, it's highly doubtful that a man without a gun would have the opportunity to commit long-range murder, such as the assassins of President Kennedy and Dr. Martin Luther King. And it's doubtful that the murderer of Sen. Kennedy would have had the opportunity to use a knife or a club in the recent circumstances in California.

It's also doubtful that there'd be as many armed bank robberies, rapes or assaults if the weapons were taken away from the criminals. Can you see a bandit entering a bank full of people with a knife and saying "Stick 'em up"?

As a nation, we register our cars, our dogs, our businesses, our births, our deaths, our marriages, and infinitum. The idea is not to take away protection from anybody, but to make sure everyone is protected by law.

Speaking of those anti-gun-law adherents, it's time you put a more realistic twist to your saying—for example: "Guns don't kill people—people with guns kill people". That would be a little more accurate.

[From the Lewiston (Maine) Journal, June 12, 1968]

VALUE OF GUN CONTROL

The heated exchanges of the present day relative to the value, or lack of same, of a strong gun control law are changing few minds.

One either feels strongly that a gun control law is worthwhile and necessary, or that it is useless, and an unnecessary restriction on the rights of gun owners, including hunters.

Obviously, the person who feels that a strong gun control law would prevent a warped mind from planning, then carrying out, the assassination of a President or Presidential candidate is wrong.

No legislation which man can devise can keep a gun out of the hands of a determined killer.

What a gun control law might be able to do is to prevent killings on the order of those which are done in a moment of uncontrollable anger, stress, or panic. The person who is suddenly, unexpectedly, given cause to hate, or thinks such cause to hate and kill has been thrust upon him, may reach for a gun if he has one, and use it without thinking.

If he had no gun, he could not reach for one.

Obviously, he might still, and probably would, carry out an assault with fists or knife, or whatever other tool might be at hand, but a successful defense is far more likely in these circumstances, in comparison to the situation where a gun is available for lethal, lightning-like use.

It is here, and in registration of weapons, that a gun control law might pay tremendous dividends. Many congressmen agree, and more should.

[From the Portsmouth (N.H.) Herald, June 24, 1968]

THEIR OWN BRAND OF HYSTERIA

The "guns-for-everybody" proponents, while denouncing gun-control agitation born of "hysteria," are trying to create some hysteria of their own by warning against attempts to "disarm" the American people.

This is what would happen, they claim, if Congress dared to enter into legislation requiring the registration of firearms. They also say that present efforts in this direction are aimed at "punishing the weapon instead of the offender."

And in a further part of their campaign to frighten the country out of its current mood favoring sensible restraining laws, the gun lovers are raising the flag of despair by arguing that "criminals will get guns, anyhow, so what's the sense of regulating the sale of them?"

Anybody who considers these protestations in a thoughtful way should be able to perceive the falsity of them without difficulty. Therefore it would seem apparent that the advocates of unlimited freedom with guns aren't even trying to direct their appeal to thoughtful people, but instead are preying on the fears and imagination of non-thinkers.

What other motivation would guide activity behind the obivously trumped-up charge that confiscation of guns is an inevitable follow-up to any uniform gun registration law enacted at the federal level?

The gun advocates know very well that there is not the slightest bit of sentiment for taking guns out of the hands of hunters, target shooters or other sportsmen. Neither is there any desire or intention to prevent anybody else from obtaining or owning guns if such persons are equal to the responsibility.

The claim, then, that a movement is under way to "disarm" the populace is patently phony, but it is the kind of fakery which can be cleverly manipulated to rob well-meaning people of their reason. That, in fact, is the very purpose of the ruse which the gun lobby is now busily perpetrating.

As for the alleged futility of gun controls, would we want to abolish the laws against illegal traffic in drugs because these haven't proved completely successful?

The absurdity of the gun lobby's position reveals itself on every count, including the one about devising punitive laws which affect the gun and not the gunman. That, too, is pure nonsense.

[From the Portsmouth (N.H.) Herald, June 14, 1968]

WHAT "RIGHT TO BEAR ARMS"?

"We see Americans behaving like children, parroting nonsense, accepting unproved theory as fact and reacting as the German people did in the 1930's as the Goebbels propaganda mill drilled lies into their subconsciousness and dictated their every movement.

"We are witnessing the strange and masochistic spectacle of tens of thousands of normally proud and level-headed Americans begging the federal government to take from them by force one of their basic rights, the right to keep and bear arms."

This wild statement was made in Washington on Wednesday by Harold W. Glassen, president of the National Rifle Association. It was not only insulting to every American who is concerned about violence in the nation, but it was—in typical NRA fashion—highly inaccurate besides.

When Mr. Glassen talks about the "right to keep and bear arms," he is bringing up a wholly bogus issue. No such right exists for the individual citizen. The serious legal scholar who thinks so is a rare bird indeed.

The Second Amendment of the Constitution, which Mr. Glassen quoted only in part, reads as follows:

"A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Over and over again the U.S. Supreme Court has interpreted this to mean that it is the people's right to maintain a state militia; that the Constitution does not give everybody the right to keep guns at home and carry them about.

In a 1939 case, "U.S. vs. Miller," for instance, it was argued that Miller, who had been convicted of carrying a sawed-off shotgun across state lines in violation of the National Firearms Act, was protected by the Second Amendment. The court upheld the conviction unanimously.

"In the absence of any evidence tending to show that possession or use of a 'shotgun having a barrel of less than 18 inches in length' at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia," said the decision, "we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument."

The Supreme Court has never thrown out a firearms control law on the grounds that it violated the Second Amendment. If the Second Amendment meant what Mr. Glassen says it does, we would not have our present scanty Federal firearms laws.

Mr. Glassen would do better by heeding the temper of those tens of thousands of citizens who want good gun laws rather than invoking the specter of fascism and talking about a "right" that is not written.

[From the Rutland (Vt.) Herald, June 21, 1968]

GUN CONTROL CHANGES

Protests against gun control legislation published in the nation's newspapers are likely to have much in common whether they appear in Vermont or New Mexico. Some of them might almost have been written by the same person judging from the similarity of the arguments.

Many of the letters will include the phrase "Guns don't kill—people do."

There will be an implication that laws requiring gun registration are intended to disarm law abiding citizens while the law breaker maintains an arsenal.

It isn't clear why one should be expected to believe that a gun license requirement would eliminate gun ownership by the law abiding when licensing doesn't prevent ownership of dogs or bicycles.

Nor is it clear why we should refrain from making the effort to keep guns out of the hands of law breakers and the mentally unstable.

These arguments, implications and fears in the field of gun control legislation have largely been inspired by the National Rifle Association whose anti-gun control lobbying is generally considered to be a model of effectiveness.

There have been some recent indications of change in public opinion and in Congress on this issue—changes that may have started even before the assassinations of Dr. Martin Luther King and Sen. Robert Kennedy.

One of the signs of change was the statement of the state's largest gun dealer this week urging tighter controls of gun ownership. It is difficult to imagine this position being taken on the gun issue as recently as a year ago.

In the face of change, perhaps the NRA may have to reassess its position or at least think up some new slogans.

[From the Lewiston (Pa.) Sentinel, June 28, 1968]

ACTION ON GUN CONTROL

Since recent polls have shown that about 85 per cent of the people favor strict gun controls, President Johnson's proposal is certain to meet with widespread approval.

The President's plan calls for national registration of all firearms. It calls for licensing of every person before he is entrusted with a gun.

Congress has already approved a ban on the mail-order sales of pistols and revolvers and a similar ban on the mail-order sale of rifles and shotguns seems certain of passage.

None of these laws will take a gun away from any responsible or law-abiding person.

For many years we have had registration of automobiles, of automobile drivers, of dogs, and of boats. In addition a license is a requirement for marriage. None of these are considered curbs to our freedom. And neither will gun registration.

Good police departments, the Regular Army and State and National Guard units provide protection. We need no bands of gun-carrying radicals either from the right or left wings of the country defending us.

President Johnson's figures showed that 7,700 murders were committed in this country last year with guns and guns were employed in 71,000 robberies and 55,000 assaults.

The people of this nation, aroused by the senseless and wanton killing of public men and the slaughter by demented snipers, demand quick and courageous action by Congress on President Johnson's proposal.

[From the Great Falls (Mont.) Tribune, June 23, 1968]

TIME FOR SOUND THINKING ABOUT GUN CONTROL LEGISLATION

There's great misunderstanding in Montana about the gun control provision in the crime bill President Johnson signed Wednesday and about gun legislation being considered in Congress.

The crime law includes a section forbidding mail order sales of pistols.

That law does not prohibit purchase or possession of pistols. It simply makes purchase more difficult for criminals, deranged persons and children by requiring that these deadly weapons be sold only by licensed dealers in the state where the purchaser resides, rather than by mail-order and only after careful identification of the purchaser in conformity with local laws.

The gun law does not interfere with any legitimate interest or activity of law-abiding citizens. Gun collectors, target shooters, householders or storekeepers desiring pistols for their own protection can continue to buy as many as they please.

Bills being considered in Congress call for a ban on mail-order sales of shotguns and rifles and tightening of controls on sale of ammunition.

Members of Congress are being swamped by letters and wires regarding gun legislation.

Sen. Mike Mansfield said he has never seen such an outpouring of opinion from Montana or the country at large on a single issue. He said he is being blistered for favoring gun controls—with letters running three to one against controls.

"The controls will not deprive the people of the right to own guns," Mansfield said. "But if they bring a reduction in deaths due to guns, it's a small price to pay."

Mansfield pointed out FBI Director J. Edgar Hoover wants tighter controls on guns as does Quinn Tamm, former Butte resident who is director of the International Association of Chiefs of Police.

Hoover has said "easy accessibility of firearms is a significant factor in murders committed in the U.S. today." He maintains that an available weapon enhances the possibility of "impulse" killings, particularly in family disputes.

The Gallup and Harris polls report that three-quarters of all Americans favor stricter gun control laws.

Pressure groups are trying to use emotionalism and fear tactics to rally hunters to fight gun legislation.

This is a time for sound thinking. Sane legislation that would control the sale of guns and ammunition will not interfere with the rights of Montana hunters. Such laws certainly may save many lives in the industrialized states—and in hunting states such as Montana, too.

[From the Rutland (Vt.) Herald, June 27, 1968]

COST OF PROCRASTINATION

When a controversial subject like the proposals for gun controls gets started many rational debaters seem to abandon moderate ground in favor of strong pro and con positions that invite a further escalation of the debate. Unyielding principles appear to outweigh rational compromise on both sides. This tendency is particularly unfortunate since it drowns out thoughtful arguments that might in the cool of a quieter moment lead to sensible agreements acceptable to most if not all interested parties.

The crash program approach to changes is an inevitable result of procrastination. Adequate gun controls of some sort have been needed for generations and for generations successfully resisted by traditions and lobbyists. What is now happening in gun controls closely parallels what is happening in legislation aimed at correcting human injustices which have been overlooked for generations.

The highly articulate opposition to gun controls is evidence that a great majority of gun owners are law-abiding citizens jealous of their rights and privileges, and many of them loyal members of the National Rifle Association whose patriotism is not in question.

The extreme additional gun control proposals outlined Monday by President Johnson call not only for the licensing of gun owners but for the registration of all weapons. Many sportsmen, including Herald columnist Milford K. Smith, may reluctantly accept the idea of licensing owners, but balk at the idea of registering each firearm, including perhaps those in collections of antiques as well as modern sporting hand and long guns.

To us it seems the licensing of registration of gun owners should in modern times have been required just as routinely as the licensing of drivers and registration of motor vehicles. The lingering inconsistencies in state motor vehicle regulations soon will be eliminated by federal safety standards.

Why a gun owner who willingly obtains a license to hunt should object to obtaining a license to possess a firearm, we cannot understand, any more than we can see how such licensing or registration represents confiscation or even the threat of confiscation, so long as the person is qualified and the weapon legal in the first place.

The voluntary "surrender" of weapons now going on in many parts of the country is probably just as much due to personal desire to be rid of them as to any sense of moral compulsion.

Many hasty things are being said and done about guns at the moment simply because they were not done with deliberation over the years. How, we ask (along with the writer of a letter on this page) can a person who believes a driver should be licensed, believe a gun owner shouldn't be?

[From the Parsons (Kans.) Sun, June 19, 1968]

Deaf Ears

"The right of sportsmen in the United States to obtain, own and use firearms is in the greatest jeopardy in the history of our country."

That sweeping, unqualified statement comes from the president of the National Rifle Assn., in a letter urging its nearly 900,000 members to write Congress on a massive scale.

"The rights of sportsmen, hobbyists, hunters and all other law-abiding citizens would be in no way jeopardized by the legislation proposed by the administration or the bills pending in the Senate.

"These bills would merely deny firearms to juveniles and criminals."

That statement comes from a member of the United States Senate, Joseph D. Tydings of Maryland.

You can make your choice as to who's right and who's wrong.

The Senate by its recent actions prefers the Tydings view, including an increasing number of members previously opposed in whole or in part to gun control legislation.

Misrepresentation carries the seeds of its undoing, and this is happening to the National Rifle Assn. It has issued so much hysterical propaganda in recent years against even the mildest of control legislation that continued distortion is beginning to fall upon deaf congressional ears.

Even major gun manufacturers have seen fit to disassociate themselves from the NRA's untenable position, by announcing their support of pending legislation. This development can prove the biggest blow of all to a lobby which has practiced all manner of irresponsibility for all too long.

[From the Lewiston (Maine) Sun, June 27, 1968]

Registering All Guns

The President's call for legislation to require the registration of all guns by their owners has blown up a veritable hurricane in Washington. And, as usual, spokesmen for the National Rifle Assn. prominently are identified with the opposition.

Yet, the registration of firearms is no more an infringement on individual rights, nor of constitutional guarantees, than the registration of automobiles. In fact, there is a close comparison between the two: Both are a menace to the public when in the wrong hands.

The registration of guns is for the protection of the general public. It need not become a revenue measure. While no amount of enforcement of any law fully can prevent tragedies such as the assassination of the Kennedy brothers and Dr. King, proper gun control legislation can make such violent acts more difficult to accomplish.

Certainly a gun restriction law, effectively administered, can curb the sniping which has accompanied the rioting in the cities, and help to keep down the amount of violence throughout the country.

President Johnson has taken a courageous stand in this controversial matter in which the opponents tend to wrap themselves in the American flag and claim they are defending the Constitution. The fact of the matter is that the public welfare requires legislation such as proposed by the President in order to prevent the purchase or possession of firearms by criminals, dope addicts, alcoholics, and the mentally ill, as the President pointed out in his message to both Houses of Congress.

Those who own guns for legitimate purposes should have no more hesitation to register them than they do their automobiles. Those who would use them for illegal activities deserve no special consideration.

[From the Burlington (Iowa) Hawk-Eye, June 25, 1968]

Ammunition Approach

In all the talk about controlling guns, a simple technique to restrict their use seems to have been ignored.

Gun registry is useful and just as valid as automobile registry. It will have obvious advantages in law enforcement and criminal detection.

For the next step, it is logical to borrow from the Germans. Control the ammunition.

A German friend reports that in his native land one may buy all the guns he wants, of any shape or size. What he can't buy is ammunition for these weapons.

When he wants to shoot, he must state the purpose of getting ammunition, which is then counted out to him and registered. If he gets six bullets this year, he must account for use of those six bullets in applying for the next ammunition purchase.

The controls extend to the "makings" of home-made ammunition, and to the ammunition manufacturers.

In the United States, such a system obviously would lead to some bootlegging and smuggling of ammunition. But this would be far easier to control than, say, liquor violations for the simple reason the vast majority of Americans would not only abide by the law but support it. Regardless of the violations, the system should sharply reduce crimes of violence and passion committed with guns.

More controls are coming, just as more safety regulations for cars. Why not now?

[From the Keokuk (Iowa) Gate City, June 24, 1968]

The Time Is Now

If ever there was a time for passage of an effective gun-control law, it is now!

Congress rushed passage of the so-called Safe Streets and Crime Control Bill, an action spurred by the tragedy in Los Angeles. But that bill mocks the tragedy because some of its amendments mock justice.

The bill does have a gun-control provision, but the controls are weak in that they merely forbid mail order sales of handguns.

What is needed is a separate gun-control bill which would require registration of all firearms.

Would a law requiring registration of all firearms interfere with the citizen's so-called "right to bear arms?" Without getting into the argument about what that "constitutional right" means, we submit that such a law would not interfere.

We have yet to hear anyone suggest that laws requiring registration of motor vehicles infringe on the "right" to possess automobiles. So why not nationwide registration of firearms?

Any adult without a record of criminal violence or mental illness would still have the "right" to possess as many handguns, rifles and shotguns as he desired and could afford. He could have them, but we would be required to register them.

Such a law not only would aid the police in solving crimes in which firearms were used, it also would deter people with criminal records from having firearms in their possession.

If there was a gun law, the possession of firearms by such people would invite arrest and imprisonment whether or not any crime other than possession of an unregistered weapon were involved.

So, rather than take away anyone's right, a gun registration law applying to all types of firearms would give us more protection. It could even save your life!

[From the Greenville (S.C.) Piedmont, June 19, 1968]

Sense and Gun Control

Gun control legislation is another one of those subjects it seems impossible to discuss dispassionately.

To some, loose gun control laws are solely responsible for, and stiff gun control laws are the only cure for, the problem of violence in America.

To others, restrictions over the purchase and ownership of guns is the first step toward disarming the American citizenry, which is the last step before the take-over of America by "them."

There would seem to be a middle position.

There would seem to be a solution somewhere between the absolutely free and unfettered sale of dangerous weapons and the confiscation of all that exist in the country. There would seem to be enough collective wisdom among the 535 members of Congress to write a law which would protect the rights of law-abiding sportsmen and gun buffs while making it more difficult for those who should not have guns to obtain guns.

Let it be granted immediately that laws mean little to the law-breaker. The man who needs a gun for an evil purpose will find a gun. But this no more argues against putting controls on guns than the high incidence of burglaries argues against putting locks on doors.

It is time to cease the weary refrain that "guns don't kill people; people kill people." Neither do automobiles kill people. Should we then do away with all controls over the ownership and operation of motor vehicles?

Forget the criminal. The fact is, guns may indeed kill people.

At least one psychological study has shown that, in tense emotional situations, such as an argument, the mere presence or accessibility of a weapon like a gun heightens aggressive feelings. The trigger, in a very real way, pulls the finger.

It is this which is perhaps the strongest argument for gun control legislation.

If a man under the influence of anger could not run down to the store and buy a gun at once, if he had to fill out an affidavit or go through a waiting period of a few days, lives might be saved.

If a mental defective or an underage youth could not send for a rifle through the mail, lives might be saved.

If a panicky homeowner had to go through a little red tape before buying a gun to defend his house against "them," lives might be saved.

Even if only one life could be saved because someone who might have bought a gun didn't bother because he didn't care to go through the legal rigamarole, and thereby an accident that might have happened didn't happen, surely the sportsmen of America would be willing to put up with one more annoying inconvenience in this crowded world where no one's "rights" extend very far any more without bumping up against somebody else's.

[From the Warrenton (N.C.) Warren Record, June 20, 1968]

Too Easy To Acquire Guns

Simply send your money through the mail. Whoever you are, you'll receive a deadly weapon by return post. That Congress allows this situation to continue is inconceivable. Yet it does.

Snipers in the recent New Jersey riots were apparently armed with mail-order guns. New Jersey's strict gun-control law counted for little when weapons were readily obtainable from sources outside the state. Police report that four out of five guns confiscated in

Newark in recent years came from outside New Jersey.

Attorney General Ramsey Clark recently testified that half of some 2 million firearms purchased in the United States last year were sold by mail-order houses, that "among the purchasers were known dangerous criminals, mental defectives, angry spouses, habitual drunkards, children and drug addicts." He complained that "the issue has been debated beyond reason" and asked, "When will we act?"

Public support for action is at hand. A Gallup Poll showed that the public overwhelmingly supports stricter gun laws.

The NRA speaks for the rural West where, as Sen. Frank Church (D) of Idaho put it: "Guns come close to the feeling of sovereignty itself among our people. This is an issue that cuts right to the bone." But in the urban East (and urban West) reasonable legislation to regulate interstate traffic in guns is one essential weapon in the war against crime and violence.

What then is preventing action? The gun lobby—notably the National Rifle Association (NRA) which has, by the way, never polled its own membership on the issue. The NRA misuses the 2d Amendment to the Constitution in its efforts to block constructive action. Proposed legislation will not infringe the right of the people to keep and bear arms. But it will regulate this right, as other rights have been regulated, in the interest of the public safety and welfare.

For four years the gun lobby has had Congress so well covered that it has been afraid to make a move. With increasing public support of sticter gun laws and growing evidence of the urgent need to act, perhaps Congress will at last dare to make its move.

[From the Melbourne (Fla.) Times, June 16, 1968]

IT'S OWNERSHIP (NOT GUN) WE NEED TO CONTROL

Gun control legislation is one of the subjects it is impossible to ignore and also is one which can not be treated dispassionately.

One faction considers lack of gun control . . . or lax enforcement of present legislation . . . solely responsible for violence in America.

The assassinations of John F. Kennedy, Robert F. Kennedy and various leaders in the civil rights movement caused emotional demands for curbs on gun sales. This is the type fire which dies down quickly.

Any law written in the heat of emotion or in the face of emotional demands is not a reflecting responsible consideration.

As opposed to the faction demanding tight gun controls there is a massive lobby against it, supposedly speaking for sportsmen and gun buffs but perhaps more accurately speaking for (and controlled by) the manufacturers and NRA, a national group sportsmen.

They'll vow that registering guns paves the way for easy confiscation and this in turn could lead to having America taken over by "them."

Any law written to provide token but without enough teeth to provide accurate law enforcement is not a law which reflects responsible consideration, either.

Isn't there enough wisdom and honest representation in the halls of the U.S. Congress for our 535 elected officials there to come up with legislation which would protect the rights of the lawabiding but yet make it more difficult for the undesirable and undeserving to obtain guns?

If the criminal prototype is bent on drug addiction, consumption of alcoholic beverages or murder he would steal as soon as he'd push a needle, pop a cork or pull a trigger.

Law means little to the man intent on breaking the law.

But confiscation of all firearms would create a police state composed of defenseless citizens.

Firearms mean much to the gun collector, target shooter, and sportsmen.

Both groups must be considered.

And the difficulty is going to arise from the arguments on personal rights.

However, Americans are becoming increasingly aware that no man's civil rights can be extended very far until they bump full tilt into the rights of another.

If the NRA, the manufacturers and the gun buffs are in earnest about wanting guns controlled sufficiently to avoid full confiscation, why don't they help draw up . . . and enforce . . . equitable gun legislation?

Why not register every gun? We register cars . . . and demand that ownership of a car also indicate responsibility for restitution for damages caused.

Why not demand that adults apply to a Commission to purchase a gun and obtain an operator's license, renewable at a nominal fee . . . say one dollar . . . per year. Criminal offenses occurring between renewal dates could be documented and punished as citations, suspensions and or revocations.

What about that would hurt a real sportsman?

Very few of them appear in criminal court as defendants charged with murder, it is claimed. But the hunter with the most trophies in town hasn't the right to kill human beings with a high powered rifle just because he is an able woodsman.

Frankly we are amazed at the verbiage in this battle of the factions over gun controls.

This nation may find it difficult at this late date to control guns.

What should be controlled is people.

Laws, if enforced, are enough to control—or intimidate—the offenders.

Why not include on job application forms the questions: Have you ever been charged with a felony? Acquitted? Sentenced? Do you own a gun(s)? Registered? Where? When?

If aliens, incompetents, registered felons or registered members of subversive organizations could not in turn register ownership of guns how much of the problem would be solved?

If a man retained liability of gun registration how apt would he be to lend it to a man who couldn't buy one in his own name? Not many auto owners lend their cars to people who have had driving privileges rescinded. But if this happened and an accident occurred the car's owner would carry responsibility. Even the homeowner who permits another to assume his mortgage payments does still have full financial responsibility if the buyer defaults on payments.

If we do nothing more than assign responsibility of each and every gun we can find now and absolutely each and every one sold hereafter, we will have done one thing: made the public acutely aware that guns are not toys and must be treated with the same respect we assign to automobiles, mortgages, notes which are co-signed, drugs available only on prescription—alcohol sold only after questionable age is established by proper identification, etc.

There's no argument to the claim we all have the right to defend our property and loved ones. A registered gun can be used in self defense just as efficiently as an unregistered one. The Constitutional provision wouldn't be violated by registering the gun. When the Constitution was written perhaps the founding fathers could not foresee that massive law enforcement agencies would not only come into being but would need full public support if the public were to be protected. At that time there was no one to defend property except the occupant. Now he pays taxes to get help in that direction.

And the man who wants to help keep us in guns would do well to help get them all registered.

What's to be lost? Certainly not lives—and that's what it's all about.

[From the Lansdale (Pa.) North Penn Reporter, June 28, 1968]

WHAT PRICE GUNSMOKE

Apart from the Vietnam war and taxes, no subject commands more attention from the people right now than that of gun control. Shall we be truly civilized and sternly regulate the firearms traffic or give way cravenly to those who would have us believe that primitive instincts are best? Alas, the reasoning of the gun partisans becomes increasingly hard to grasp.

One of the highest pitched arguments for a hands-off policy concerning the sale and possession of guns is that we need household arsenals for personal protection. In general, these arguments are specious, ignoring or glossing over the fact that among all the gun deaths the country over, in any given week or month, very few of the victims are thwarted wrongdoers brought down by a man or woman protecting the family hearth.

On this aspect of the subject we are pleased to yield the floor to a woman who is no stranger to danger, who is just as concerned as the next person about the rising crime rate across the land, the mounting risks of modern life and the obligation of every American to take all sensible precautions for his own safety.

"Since only a smattering of people in any community has any real skill in handling shooting weapons," she says, "guns in the house are more hazard than help, and when children are in the home the guns are a constant source of worry.

"In all that I have read about the so-called sacred right of the average man—and woman, too, naturally—to bear arms, one point is overlooked: Unless you keep a rifle with you as a soldier does, or wear a holster complete with pistol, how do you get your hands on a gun in time to do any good with it? Most guns in today's homes are in closets, the attic, a den, or the basement. Are we to answer every knock on the door, every sound of the chimes, with gun at the ready? Are we to drive by night with a gun as handy as a flashlight, even more so?

"In home or automobile a good, reliable dog is much better than a gun. For years we had two boxers, and they were as effective as a heavy weapons platoon. That was proved several times. A dog provides the added advantage of smelling out trouble before a human being can, and giving timely warning. Night after night, for many years, I traveled late, often in lonely places, and with a hefty dog or two in the car I felt quite safe. It was the same when I was alone at home, although the nearest neighbor was the equivalent of a city block and more away."

We also swear by the loyalty, courage and determination of the protective breeds of dogs, having had a good deal of experience with them in both war and peace.

How foolish can the gun lobbyists get? What's all the fuss about registering gun-owners and giving them ID cards?

"It's an insult to every law-abiding citizen," wailed a batch of gun zealots the other day, with echoes from certain congressmen panting to stay in office.

Balderdash, piffle and poppycock.

Registration and identification, in one form or another, are required for the operation of an automobile or a motorcycle, for fishing and hunting, for ownership of boats, dogs and bicycles, for voting, for military service, for social security, for health insurance plans. You must have a card to swim in a community pool, to borrow a library book, to get credit in most places.

It is absurd to argue that registering possession of a deadly weapon is more degrading than those other forms of certification that are accepted practice in a sprawling and complex society.

[From the Goleta (Calif.) Gazette Citizen, June 13, 1968]

Protecting the Right To Live

Just after research had begun on the third and final installment of our series of articles on the sale and possession of guns, we learned of the shooting—and agonizing death—of Senator Kennedy. One initial reaction was to drop the third story. There seemed little more to be said.

Yet as public debate picks up on the issue of guns it becomes increasingly clear that the point is not going to be made easily. We believe the American people can no longer afford the luxury of insisting on an archaic right to bear arms.

It is doubtlessly true that prohibitions on the sales and possession of firearms cannot make impossible searing tragedies like last week's, nor act as a final curb on generalized violence in the cities—which does not primarily rely on firearms in the first place.

Of course death by gunfire is a symptom and it is the cause we must ultimately control. And certainly there are hunters and sport shooters who will never employ their weapons in any other way and therefore should not be denied the right to follow their hobbies.

All this does not mean we should abandon attempts to end the circulation of guns. Because after all is said in defense of guns by enthusiasts, it remains too easy to kill people.

It is said that people have the right to protect their property and lives and that guns give them the best chance of doing this. But is a frightened housewife armed, with a .22 caliber revolver really the ultimate deterrent to real or imagined threats of violence?

Does a downtown businessman, perhaps overly sensitized to stories of looting, have the right to administer "instant justice" in the form of capital punishment, especially when it is merchandise and not lives which are taken by the rioter? The law says he does not have that right.

Hunters and target shooters need not feel threatened by drastic gun restrictions. They might only be required to check their guns with, for instance, the forestry service after completing their trip to be locked up until the next excursion for game hunting.

Target shooters could continue to enjoy that sport by using public ranges where they could rent guns to use. If they have special guns they enjoy, there could be ways to purchase them and facilities for storage at the range.

The sincere lobbyist need not be too alarmed by the prospects of far-going gun restrictions. These people have not been the problem anyway and would not be too severely restricted by legislation of the type suggested above.

As one person we interviewed put it, the problem lies in the purchase of guns by people who, before the last three years or so, have not had any interest in them.

For we are now seeing that guns are becoming an everyday possession in the hands of a great mass of our population. Something so specialized in purpose, so sophisticated in terms of handling and training and so very deadly should not gain the status of a common tool.

Even more disturbing, and a difficult point to make, is the tendency of arms to fulfill the very dangers they are meant to prevent; the loss of life.

As more guns are purchased, incidents involving shooting will increase. And as those incidents increase, more people will feel compelled to arm themselves in self-defense.

In the United States last year, over 5,000 murders by guns, were committed while in Great Britain, where guns are prohibited, there were just 30; in Belgium, just 12.

If in fact, the only meaningful solution to public violence is to eliminate the cause for discontent and hate, we are nevertheless under the obligation to take immediate steps, no matter that they do not reach the root causes.

The right to "life, liberty and the pursuit of happiness" is the right we must be concerned with protecting; guns are a form of coercion and a means of taking away human life.

When something so secondary as the "right" to bear arms begins to threaten the existence of public and private citizens we must begin to talk sense.

—R. M. D.

[From the Brighton-Pittsford Post, June 20, 1968]

To Those Who Oppose Registration of Guns

Why do you oppose gun control legislation?

For the past week we have been talking with people who oppose gun legislation. After one has pressed through all the superficial, false reasons, the answer is very clear:

The reason is fear.

Effective gun control legislation doesn't mean you can't have guns. It merely means that you would have to register your gun, and report its sale or transfer.

This might be a slight inconvenience, but it's hardly a real problem.

Why then do you oppose gun control legislation?

Because basically you are afraid that somehow, some day American democracy may collapse, and you fear a repressive government would take away the arms with which you might oppose it.

But stop and think a minute.

Has it ever occurred to you that the present free traffic in firearms is giving vicious anti-democratic elements exactly the weapons they need to try to bring the government down?

Did you ever consider it might be more efficient to try to save democracy while it still exists rather than to put your faith in the slim hope that a dictatorship could be overthrown by people who had hidden rifles in their attics? Do you think you and the neighbors on your street pack much military wallop? Could you stand up against tanks and rockets and planes?

For remember that today's America is not the America of 1775, nor is it Vietnam. Can you live on rice, or draw water from a nearby stream?

No. I think you'll agree that it's a much better idea to save a still-existing democracy than to try to revive a dead one.

Then why in the name of common sense do you support a firearms anarchy that is putting weapons in the hands of people whose admitted goal is to wreck American society?

Sniping, riots, assassinations, lynchings—is that what you like and support in today's America? With gun registration, you can keep your gun, but the criminal and lawless element would find it a great deal more difficult to carry on their wars against society.

No, the thing to do is to overcome your fears, and recognize that your interests and those of your family will best be served, indeed can only be served in a stable, law-abiding society.

Recognize that your understandable, but not well thought our fears are being exploited by perhaps the most conscienceless commercial lobby ever to operate in the United States.

Recognize that the sportsman or the man who wants household protection against burglars won't be affected in the least by gun registration.

See that everything you wish for yourself and your children can be brought down in a nation that puts ultimate faith in firearms, rather than the rule of law.

See that the connection you have made between firearms, freedom and the American way is simply a mistake, a mistake laden with danger for our society.

Have faith in America and American democracy. Let's not open the way to anarchy by accepting the half-baked idea that a lot of unregistered firearms are an effective means of preserving democracy.

FIREARMS LAW PREFERENCES

Mr. DODD. Mr. President, I ask that at the conclusion of my remarks a tabulation of the firearms law preferences of the residents of Minneapolis, Minn., be printed in the Record.

The tabulation is the result of a detailed study conducted by Congressman Donald M. Fraser and represents the opinions of some 16,000 residents of that city.

I am happy to report that the findings of the study agreed almost uniformly with the findings of other readings of public opinion taken nationally and locally over a period of some 15 years.

The people of the city of Minneapolis are very much in tune with the rest of America in their agreement on the need for sensible, effective laws to disarm the criminal and others who are a threat to the community.

The findings show that 6 out of 10 see Congress as the most effective vehicle for adopting firearms laws; 8 out of 10 want some form of firearms registration; and 6 out 10 want licensing.

The study is more detailed and in each case the finding is consistent with the preferences of most Americans on firearms laws.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

Fraser questionnaire results

[In percent]

1. Do you favor stronger gun laws?	
Yes	72
No	25
Undecided	3
2. Generally, which firearms should require stricter regulation?	
Pistols and revolvers	37
Rifles and shotguns	4
All treated the same	59
3. Which should enact stronger gun laws?	
State legislature	34
U.S. Congress	61
City	19
4. What kinds of gun should a new law require to be registered?	
Pistols and revolvers	18
Rifles and shotguns	4
Both	58
Neither	20
5. Should a new law require a gun owner to be licensed?	
Yes	63
No	32
Undecided	5
6. What should disqualify a person from obtaining a gun license?	
Alcoholism	72
Mental illness or incompetence	81
Narcotics addiction	77
Being under 21	31
Being under 18	45
Being an alien	36
Convicted of felony	72
Convicted of misdemeanor involving intent to injure another	46
Other	9

7. If a state gun law meets Federal standards, should a person with a state license have to get a Federal license too?

Yes	27
No	65
Undecided	8

8. Should the Federal Government operate a central gun registry for the entire United States for law enforcement purposes?

Yes	47
No	41
Undecided	12

9. If you favor a gun law, what do you believe it would accomplish?

Reduce the use of guns in crimes	59
Reduce accidental shootings	47
Reduce the danger of violence in the streets	56
Other	22

10. If you oppose new gun laws, is it because—

Existing laws are adequate if properly enforced	22
The proposed laws would infringe on the constitutional right to bear arms	22
Licensing and registration would be unduly expensive and inconvenient	20
New laws would be a first step toward an outright ban on gun ownership	25
Other	11

11. Should minors be permitted to carry a gun when accompanied by a parent or guardian with a license, and to obtain a license after completing a state-certified course in handling hunting firearms (similar to driver education)?

Yes	72
No	19
Undecided	9

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. MOSS. Mr. President, I yield back the remainder of my time.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LAUSCHE. We are voting on the amendment of the Senator from Utah, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUSCHE. A yea vote will be in favor of creating the joint committee, and a vote of nay will be against creating it, as a part of this bill. Is that correct?

The PRESIDING OFFICER. That is correct. The question is on agreeing to the amendment of the Senator from Utah. [Putting the question.]

The nays appear to have it.

Mr. MOSS. Mr. President, I ask for a division.

On a division, the amendment was rejected.

Mr. McINTYRE. Mr. President, the heart of the problem which the Congress faces in its effort to enact firearms legislation is how to balance the interests of legitimate sportsmen and other citizens who need and use firearms with the public interest which requires a measure of safety to prevent illegal use of firearms. While attempting to strike this balance, I think it is important to remember that the millions of Americans who own and legally use guns are, of course, a part of the same public which requires protection from illegal users. The debate over this measure is not, and never was, a contest between people who use guns for sport or self-protection and people who would deprive them of such use. This legislation will be enacted in behalf of all our citizens. It should win the approval of all who have been deeply concerned by the mounting evidence, which would convince any reasonable man, that the unrestrained traffic in firearms has contributed to the high and increasing rate of crimes of violence.

The evidence is overwhelming that it is simply too easy, absurdly easy, for any individual to get his hands on a gun. Under present law any person can open a catalog choose the weapon he wants to own, and send away for it. The legislation now before the Senate would end that practice, and that is the heart of the legislation. I support this bill because it is a necessary step to control the unlawful use and possession of firearms, control that cannot be accomplished by the individual States acting alone.

It is an unfortunate fact in the conduct of public affairs, and in debate over public issues, that very often an issue can become clouded and confused and the public become misinformed about the facts concerning proposed legislation. I think that this has happened to some extent during consideration of the gun control bill. Fears have arisen in spite of the facts. The fear has arisen that any gun control measure will lead to confiscation or at least significantly interfere with the sportsman, the hunter, or the citizen who owns a gun for the protection of his family or property. This is simply not true, yet this unfounded notion continues to intrude into the debate and holds sway in some constituencies. I am confident that these fears will be proved groundless by experience when this legislation becomes law. But in the meantime, before those citizens in our constituencies who have opposed gun control learn what the actual effects of this legislation are and learn that it is to their benefit, it is our duty, as responsible public officials, to see that this necessary step to regulate the interstate traffic in firearms is taken.

The passage of S. 3633 is a modest step indeed in the regulation of the use of firearms. The job of providing methods whereby people who are incompetent to own a firearm are effectively prevented from doing so has been left to the States. But this is a job that must be done and I am hopeful that the action we take here today will encourage and stimulate State governments to pass the laws at the local level which will see to it that the job is done. It is unacceptable and we cannot afford to be so cavalier toward the present situation which allows any crook, any drug addict, any alcoholic, any person in a fit of passion to buy a gun without any control from the community in which that person lives.

Mr. President, bringing about the much discussed condition of law and order in this Nation will only be possible if the citizens of this country, acting through their local, State, and Federal governments act responsibly toward the realities of an urban society. One such responsible act is passage of the Senate bill on gun control. It is legislation that deserves the approval of the U.S. Senate, the Congress, and the American people.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1483, H.R. 17735.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 17735) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of Virginia. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MANSFIELD. I move to strike all after the enacting clause of H.R. 17735 and to insert in lieu thereof the language of S. 3633, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, may I have 1 minute under the bill?

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, for the information of the Senate, in addition to the schedule which was given when the distinguished minority leader asked the question earlier this afternoon, it is anticipated that following Thursday, we might take up the merchant marine subsidies, Calendar No. 1413, H.R. 17524, and Calendar No. 1467, S. 927, a bill to amend the Interstate Commerce Act. These are all probabilities. It is also anticipated that we might take up Calendar No. 1489, H.R. 18786, an act to amend the Central Intelligence Agency Retirement Act of 1964; Calendar No. 1521, H.R. 1340, the Blue Ridge Parkway bill; and Calendar No. 1551, S. 3406, the Alaskan lands bill.

It is hoped that it will be possible that the Defense appropriations bill will be out in time so that it can be taken up on Monday.

If there is no objection on the part of the Senate to that request, that is what we will do. And that will be followed by the Fortas nomination.

GUN CONTROL ACT OF 1968

The Senate resumed the consideration of the bill (S. 3633) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The **PRESIDING OFFICER.** The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **MANSFIELD** (when his name was called). On this vote I have a pair with the distinguished senior Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The bill clerk resumed and concluded the call of the roll.

Mr. **BYRD** of West Virginia. I announce that the Senator from Alaska [Mr. Gruening], is absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Arkansas [Mr. Fulbright], the Senator from Missouri [Mr. Long], the Senator from Louisiana [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], the Senator from Oregon [Mr. Morse], and the Senator from Maine [Mr. Muskie], are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas [Mr. Fulbright], and the Senator from Alaska [Mr. Gruening], would each vote "nay."

Mr. **KUCHEL.** I announce that the Senator from Utah [Mr. Bennett], and the Senator from Maine [Mrs. Smith] are necessarily absent.

If present and voting, the Senator from Utah [Mr. Bennett] would vote "nay."

Also, if present and voting, the Senator from Maine [Mrs. Smith] would vote "yea."

The result was announced—yeas 70, nays 17, as follows:

[No. 284 Leg.]

YEAS—70

Aiken
Allott
Anderson
Baker
Bayh
Boggs
Brewster
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Ervin
Fong
Goodell
Gore
Griffin
Hansen
Harris
Hart
Hartke
Hatfield
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Kuchel
Lausche
Magnuson
McIntyre
Miller
Mondale
Montoya
Morton
Murphy
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Scott
Smathers
Sparkman
Spong
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NAYS—17

Bible
Burdick
Church
Eastland
Ellender
Fannin
Hayden
Hollings
McClellan
McGee
Metcalf
Moss
Mundt
Russell
Stennis
Thurmond
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—12

Bartlett
Bennett
Fulbright
Gruening
Long, Mo.
Long, La.
McCarthy
McGovern
Monroney
Morse
Muskie
Smith

So the bill (H.R. 17735) was passed.

Mr. **DODD.** Mr. President, I ask unanimous consent that the Secretary of the Senate, in the engrossment of the Senate amendments to H.R. 17735, be authorized to make technical and clerical corrections.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **LAUSCHE.** Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **DODD.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that Calendar No. 1486, S. 3633, the Senate bill on the control of interstate traffic in firearms, be indefinitely postponed.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **DODD.** Mr. President, with a resounding vote the Senate has declared itself today on the side of law enforcement and prevention of gun crimes. The passage of this firearms control bill gives to law enforcement the legal tools to halt the secret, untrammeled flood of firearms across State and city lines in violation of State laws and local ordinances. It will also prevent the violation of a parent's rights to know what his children are purchasing and will curtail the violation of every citizen's right to safety of life and limb.

The Senate has acknowledged the increased use of firearms in an escalating crime rate. And it has acknowledged its responsibility to regulate interstate commerce for the benefit of the majority of this Nation's people. By admitting the growth of our Nation into an interdependent complex, this body has shown itself capable of resolving, within its legislative limits, contemporary problems while preserving our particularly American traditions. This is no small accomplishment and should be a source of pride to each Member here.

Mr. President, it was 8 years ago this month that I first talked about the gun problem with my colleagues on the Juvenile Delinquency Subcommittee and with the outstanding staff members of that committee. And it was a short time later, at the death of Senator Hennings, that I was assigned the chairmanship of that subcommittee.

I am sure my colleagues will understand that this day, after the passage of the firearms control bill in the Senate, is one that I shall not forget.

I am deeply grateful to my colleagues on both sides of the aisle for their great help in the long struggle to bring about a better and more sensible gun-control law.

The passage of this bill is not a partisan matter in any sense. It could not have been accomplished without the help of outstanding Senators on both sides of the aisle.

I am deeply grateful to our majority leader, Senator Mansfield; and to Senator Robert Byrd and Senator Russell Long, as well as to Senator Everett Dirksen and Senator Thomas Kuchel, for their sustained interest in this problem and their help with respect to it.

Senator Roman Hruska, of Nebraska, has truly made the passage of this bill possible. Without his diligent work, we never could have reached this hour. Through this association, my respect for him as a man of unusual intellectual capability and a man of great honor has grown immensely.

For the duration of subcommittee investigation, executive consideration, and now the floor debate, the issue of appropriate firearms control has been pushed forward and questioned thoroughly by our distinguished colleague from Nebraska. He has made this legislation better for his scrutiny. I thank him for his very real and valuable service.

Other members of the subcommittee, particularly Senator Tydings, Senator Fong, and Senator Kennedy have made mighty efforts during the last several years to move this legislation onto the floor for debate. They have, on the two occasions of firearms control debate this year, made outstanding contributions. I commend them for their hard work, their continued support and cooperation.

This I must also say about all of the members of the subcommittee and the full Judiciary Committee, some of whom did not agree with all, or in some cases even any, of the aspects of this legislation, but who were always diligent and interested and helpful. I want to acknowledge particularly the courtesy and help of the chairman, Senator Eastland.

I shall never forget the friendship, the great work, the great talent, and the great devotion, of the members of the staff of the Juvenile Delinquency Subcommittee, in particular, the Staff Director, Mr. Carl Perian, Mr. William Mooney, Mr. Gene Gleason, Mr. Peter Freivalds, Miss Anne Ketcham, Miss Elizabeth DePaulo, Miss Nancy Smith, Mrs. Julia Frank, Mrs. Sandra Ganyon, Miss Marguerite Brase, and Miss Marilyn Engemann.

They really did the hardest work, and I am personally grateful to them. I believe I express the sentiments of the Senate and of the Congress in publicly thanking them.

To all who participated in this debate and in the work that led to it, I express my gratitude. Citizens of the United States have reason to be proud of this piece of legislation and to be proud of the men who represent them here. The Senate has enacted a strong affirmation of the Federal-State-local cooperation which makes possible safe communities, secure under law and confident of order.

Mr. **MANSFIELD.** Mr. President, the vote on final passage of this measure speaks abundantly for the splendid job performed by the principal sponsors of gun legislation. Leading the way on the long-gun mail-order ban, of course, was the Senator from Connecticut [Mr. Dodd]. His vast knowledge of the subject, his fine presentation, his long experience with the matter did so much to make Senate passage a certainty. Senator Dodd deserves the highest praise of the Senate for this success.

The Senator from Maryland [Mr. Tydings] is similarly to be commended for his work on the bill and particularly for his strong effort to obtain registration and licensing provisions. He has joined the battle for effective gun legislation and we are grateful.

The Senator from Nebraska [Mr. Hruska] deserves our commendation for his splendid cooperation and his strong support of many features of the proposal. He too deserves our highest praise.

There are a number of other Senators who deserve commendation. Those who offered their views, their amendments, their suggestions are to be thanked. The debate reached the highest traditions of the Senate. The advocacy displayed by all participants was of the highest caliber. I wish to thank the Senate as a whole for such efficient, orderly, and outstanding action.

Mr. LAUSCHE. Mr. President, I wish to pay tribute to the Senator from Connecticut, the Senator from Nebraska, and the Senator from Maryland for the very complete grasp they had of the items contained in this bill. The presentations were made without acrimony. They obviously intended to inform all Senators who are not members of the committee of the merits and demerits of the various issues as they were viewed by these men.

The Senate has spent 3 days in the consideration of the bill. It was very complicated. As for myself, I can say with great certainty that I was fully informed on each of the measures that came before the Senate.

So I take off my hat to Senator Dodd, Senator Hruska, and Senator Tydings for their very complete knowledge of the bill and the presentation they made, respectively, of their views on the separate measures.

ARTHUR RIKE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1315, S. 2214.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2214) for the relief of Arthur Rike.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. FANNIN. Mr. President, this bill, sponsored by Senator Burdick, would confer jurisdiction upon the U.S. District Court for the District of North Dakota to hear, determine, and render judgment upon a claim by Arthur Rike. It would waive the defenses of the United States based on the statute of limitations, laches, or any previous proceedings in said district court.

The report of the Post Office Department on this bill to the Committee on the Judiciary states in part as follows:

> Our records disclose that on February 23, 1967, Arthur Rike filed a civil tort action in the District Court, First Judicial District, Grand Forks, N. Dak., against David John Mersey a postal employee. The suit demanded damages of $37,905 for alleged injuries sustained by Mr. Rike as a result of a collision on December 24, 1964, between Mr. Rike's automobile and that of Mr. Mersey, who was acting within the scope of his Federal employment. At the request of the assistant U.S. attorney the action was removed to the U.S. District Court for the District of North Dakota pursuant to 28 U.S.C. 2679(d), and the United States was substituted as a party defendant in place of Mr. Mersey. The Government then moved to dismiss the suit on the ground that plaintiff's cause of action was barred by the 2-year Federal statute of limitations, 28 U.S.C. 2401(b). The court granted the Government's motion, dismissing the suit on November 19, 1967.
>
> The Department opposes enactment of S. 2214. This bill would, in effect, nullify the above court proceedings and allow Mr. Rike an additional year within which to bring suit. In the 82d Congress this committee, in its report on Senate Joint Resolution 23, declared that it "would not relieve a claimant of a statute of limitations except for 'good cause' shown * * *." We see no evidence of "good cause" in this case to grant the relief which would be afforded by S. 2214.

The sponsor of the bill takes exception to the position of the Post Office Department that there was no showing of a "good cause" for extending the statute of limitations. He states:

> I feel that I must take exception to this. Mr. Rike was lulled into believing that the U.S. Government was not a party to claims arising out of an automobile accident in which he and David John Mersy were the drivers. The only reason that action was not filed within the statute of limitations is a belief on the part of Mr. Rike and his attorney, supported by statements made by representatives of the insurance company and the U.S. Post Office, that the Government was not a party to this suit. In a deposition taken by Mr. Rike's attorney, the postal inspector did not deny that he had made such a statement.
>
> I firmly believe that this is a good and sufficient cause for the Judiciary Committee to favorably report S. 2214. The only thing this bill would do is to give Arthur Rike the day in court which he has so far been denied.

The statement that Mr. Rike "was lulled into believing the U.S. Government was not a party to claims arising out of" this accident has been noted. However, a copy of the deposition of the postal inspector referred to by the sponsor of the bill has been made available by the Post Office Department. Its contents are relevant to this question. Therefore, I ask unanimous consent that the text of the deposition be printed at this point in the Record.

There being no objection, the deposition was ordered to be printed in the Record as follows:

In the U.S. District Court for the Northeastern District of North Dakota, Northeastern Division, Arthur Rike, Plaintiff, *v.* David J. Mersy, Defendant

Deposition of Paul E. VanRossum, taken by and for the Plaintiff, pursuant to notice served upon the attorneys, under the Federal Rules of Civil Procedure for the United States District Court, District of North Dakota, Northeastern Division. The deposition was taken in the Grand Forks County Court House at Grand Forks, North Dakota on Monday, May 8th, 1967.

Appearances: Mr. Byron L. Edwards, On behalf of the Plaintiff, Mr. Timothy Davies, On behalf of the defendant, Mr. Richard V. Boulger, Assistant U.S. Attorney, On behalf of the Government.

STIPULATION

It is stipulated by and between counsel for the parties that the notice of filing of the deposition is waived, that the reporter may transcribe his notes out of the presence of the said deponent, Paul E. VanRossum, that the signature of the said deponent to the transcript of his deposition is expressly waived, and that said deposition is to have the same force and effect as though signed by the said deponent.

[Monday afternoon session, May 8, 1967]

Paul E. VanRossum being by the Notary first duly sworn, as hereinafter certified, deposes and says as follows:

DIRECT EXAMINATION

Mr. Edwards. Let the record show that the deposition of Mr. VanRossum is taken pursuant to notice, under the Federal Rules of Civil Procedure, and that notice of filing of the deposition is hereby waived.

Mr. Davies. That is agreeable to me.

Mr. Boulger. Agreeable to the Government.

By Mr. Edwards:

Q. Will you state your name please?

A. Paul E. VanRossum.

Q. What is your age?

A. My age is 40.

Q. Where do you live?

A. 2528 Eighth Avenue North, Grand Forks, North Dakota.

Q. What is your occupation?

A. I am employed by the postoffice department as a postal inspector.

Q. How long have you been so employed?

A. By the postoffice department?, or as an inspector?

Q. Well, first by the postoffice department.

A. Since January 1948, and since around the first of or middle of April of 1964 as a postal inspector.

Q. And you are employed at the Grand Forks, North Dakota postoffice?

A. Well, my domicile is located in the Grand Forks Postoffice Building.

Q. And do you work out of some district or division?

A. Division headquarters at Saint Paul, Minnesota.

Q. How long have you been assigned at Grand Forks?

A. I believe I arrived here on December 27 or 28, around that period, in 1964.

Q. And was there a postal inspector at Grand Forks prior to your arriving here?

A. C. D. Ellington was here approximately eighteen months prior to that. The domicile had been vacant for about a year and a half.

Q. Where had you worked prior to coming to Grand Forks?

A. This was my first assignment as postal inspector.

Q. What was the nature of your postal work prior to being a postal inspector?

A. I started out as a city clerk and carrier, and then I went to assistant postmaster, in a town in Wisconsin.

Q. After arriving at Grand Forks, did you have occasion to investigate an accident involving David Mersy and an Arthur Rike?

A. Yes.

Q. When did you commence your investigation of this accident?

A. January 26 was the first day, 1965.

Q. And what did your investigation consist of at that time?

A. Well, the actual investigation is based upon a memorandum submitted by the postmaster advising the inspection service of the accident—when I receive the case—then I would make the investigation to determine that the employee involved in the accident was in his official capacity. And I attempt to obtain statements from any of the parties involved or any witnesses.

Q. To whom do you report?

A. My report goes to division headquarters.

Q. And that is located where?

A. In Saint Paul, Minnesota.

Q. And when you started this investigation on January 26, did you take statements from the parties involved at that time?

A. I took a statement from David J. Mersy on May 8, 1965; and also a statement from Thomas M. Gilmour on the 6th of May '65.

Q. So was that the first part of your active investigation in this case?

A. No, not—I wouldn't say it would be the first part of it. To begin with, really, when you're informed of an accident a month after it happens, you're going to have to go to the police department to obtain some of their records because you have nothing yourself. I talked to the police department; and I talked to the supervisors at the post-office, who made an investigation of the accident at the time.

Q. Did you take statements from the supervisors?

A. No, I did not.

Q. I show you what has been marked as Plaintiff's Exhibit 9 and will ask you if you can identify this?

A. Yes, I would say that is the statement that I took from David J. Mersy on May 8th of '65.

Q. And this is a photocopy that you're examining at this time?

A. Yes, it was.

Q. And do you have a carbon copy of this statement in your files at this time?

A. Yes, I have.

Q. Is the photocopy which you have examined as Plaintiff's No. 9 a true and correct copy of the carbon copy that you have in your possession?

A. I would say it would be, without reading the whole thing altogether, but it appears to me it would be the same. It would be an exact copy of my statement that I took.

Mr. EDWARDS. At this time we will offer into evidence Plaintiff's Exhibit No. 9.

Mr. BOULGER. No objection by the Government.

Mr. DAVIES. No objection.

Q. (By Mr. EDWARDS) Now with reference to Plaintiff's Exhibit No. 9, Mr. VanRossum, I notice this is typewritten. Did you do the typing yourself?

A. I couldn't answer that for sure. Either I did it, or my stenographer did it.

Q. And then after it was typed, did you have Mr. Mersy read and sign this statement?

A. Yes.

Q. And I notice this is in the form of a sworn statement or affidavit, is that correct?

A. It is.

Q. And you took the acknowledgment?

A. Right.

Q. And does this statement contain all of the information which Mr. Mersy gave to you relative to the facts of the accident and relative to his employment at the time of the accident?

A. I would say it does.

Q. Had you questioned Mr. Mersy at all regarding the delivery of mail that he was making at the time of the accident, as to where he had come from immediately prior thereto, and where he was going, outside of what is in this statement?

A. Let's see—yes, I would say I questioned him. And the answer he gave me, according to the statement, he said that, "I had finished delivering the items on the south side of the town and he was going to the north side, as I had some items to deliver there."

Q. Did you question Mr. Mersy at all as to where his last stop was prior to the accident?

A. I don't recall.

Q. At any time did Mr. Mersy tell you that he had just been at his father-in-law's house on Maple Avenue?

A. No.

Q. Had you uncovered that information at all during the course of investigation?

A. No.

Q. Did you personally interview Mr. Mersy before preparing the affidavit-statement that is in evidence here?

A. Yes, I interviewed him, and he gave me a copy of the statement that he had either furnished his insurance company or your firm, and with the information that he gave me and a copy of this—this is where the statement actually came from. In other words, I reviewed the——

Q. From that——

A. —I reviewed the statement that he had made to the insurance company, item for item, and then this is where this one was drawn from—what he said in this statement here (indicating Plaintiff's Exhibit No. 9).

Q. Then, Mr. VanRossum, I will show you Plaintiff's Exhibit No. 10 and ask you if you can identify that?

A. This would appear to be an identical copy of the affidavit that I took, or statement that I took from Thomas M. Gilmour on the 6th day of May at Grand Forks.

Q. And do you have a carbon copy of this statement in your file?

A. Yes, I have.

Q. And is the exhibit, which is a photocopy, a true and correct copy of the carbon which you have?

A. I would say it is.

Q. Was this statement taken in the normal course of your business pursuits in connection with your employment?

A. Yes; this was taken in the normal course of the investigation of an accident.

Mr. EDWARDS. At this time we offer into evidence Plaintiff's Exhibit No. 10.

Mr. DAVIES. No objection.

Mr. BOULGER. No objection.

Q. (By Mr. EDWARDS) Mr. VanRossum, with reference to Plaintiff's Exhibit No. 10, was this affidavit-statement taken in the same manner in which the previous affidavit-statement was taken?

A. I think this statement was taken in my office. If I am not mistaken, I think that I typed this one out myself—I wouldn't say for sure—but I had Thomas Gilmour up in my office after school this 6th day of May, I think it was—unless it was in the afternoon or Saturday or something like that—I am not really sure.

Q. And in connection with your investigation herewith, did you at any time make personal contact with Mr. Rike?

A. I attempted to make contact with Mr. Rike through his attorney.

Q. So you had no personal conversation or contact with Mr. Rike?

A. No, I did not talk to Mr. Rike, I don't believe, at all. I talked to his wife at one time.

Q. Then was that conversation by telephone or personally?

A. This conversation was by telephone.

Q. And what was the date of that conversation?

A. I couldn't say.

Q. Was it through Mrs. Rike that you learned that Mr. Rike had employed an attorney?

A. Yes.

Q. And did she advise you as to who the attorneys were?

A. Yes.

Q. And after that you then made contact with the attorneys, is that correct?

A. Right.

Q. And in making that contact, you made that with myself?

A. Right.

Q. And you made that contact on May 7, 1965 at about 10:15 a.m.?

A. My records show May 5th, 1965.

Q. Do they show a time?

A. No, they do not.

Q. Was that a personal contact on your part?

A. Yes.

Q. At my office?

A. Yes, it was.

Q. And at that time it was when my office was located in the Red River National Bank Building at Grand Forks?

A. Right.

Q. And I believe you were at my office for a period of about 30 to 45 minutes, is that correct?

A. I would say that's about the length of time, yes.

Q. And at that time you made inquiry of me relative to the injuries sustained by Mr. Rike?

A. Yes. Our instructions contemplate that we will attempt to obtain a statement from any person involved in an accident with a driver of a vehicle employed by the post office department, and through—we're supposed to get it through the attorney, if we know that he's represented by an attorney.

Q. And at that time did you ask me if I had a statement from Mr. Rike?

A. I believe that I asked you if you would obtain one for me, and you stated that there would be a possibility of you getting a statement from Mr. Rike so that I could transmit it to the department.

Q. Mr. VanRossum, isn't it correct that, with reference to the matter of a statement from Mr. Rike, that I advised you that I had been contacted by his insurance company and that—because of their being involved in the matter—that I did not have a statement from Mr. Rike, nor did I contemplate giving any statements relative to his version of the accident and his personal statement as to what injuries he may have sustained as a result thereof?

A. I think you're going to have to repeat that one over for me.

(Question read by the Reporter).

A. I'm afraid I can't answer that. I can't remember, really. It's quite a ways back, and my records show that you had said that you would attempt to obtain a statement from him.

Q. Well, isn't it correct that we also further discussed the matter of medical reports, as to the injuries sustained by Mr. Rike?

A. That's correct.

Q. And I believe it's correct that I advised you that I did not have medical reports at that time, but that—if and when I should receive them—that I had no objection to medical reports in connection therewith?

A. According to my records, the medical bills from Doctor Helm and Doctor Gustafson, at the Fargo Hospital, were not available at the time that I talked to you.

Q. And that would be bills and also reports as to——

A. I would——

Q. ——to the nature and extent of the injuries, treatment, and any prognosis?

A. I would imagine so, yes.

Q. I believe I further advised you that Mr. Rike had been hospitalized twice in Fargo up to the time that you made the contact with me, is that correct?

A. Yes.

Q. And that's what your records of that contact so indicate?

A. My records indicate that Mr. Rike had two such injuries in previous automobile accidents.

Q. Well, as a result of this accident, did I advise you that he had been hospitalized twice in Fargo during the course of treatment?

A. I don't recall. I first knew of this hospitalization from his wife. And I would imagine that, if he was hospitalized in January when I talked to her—I don't recall whether he was hospitalized in May when I was talking to you.

Q. With reference to the date on which you contacted me, my daily office records indicate it to be May 7. Is it possible, Mr. Van Rossum, that May 7 is the correct date on your contact of my office?

A. I would have to check my daily record at the office in order to find out if that was the correct date—which I could do.

Q. It is possible, is that correct?

A. There's a possibility, yes.

Q. Well, at the time that you contacted me, do you recall my talking to you about having been contacted by Mr. Mersy's insurance company?

A. I don't recall.

Q. Then you don't recall whether or not I had stated that Mr. Mersy's insurance company wanted medical reports as soon as I was able to obtain them from the doctors, in connection with Mr. Rike's injuries?

A. This seems like I can remember something like that, but I wouldn't want to say that I definitely do recall this.

Q. All right. Do your records as such indicate anything of that nature?

A. Repeat that question again, please.

(The last two questions were read by the Reporter)

A. My record does not show anything on that order. My records show that, if and when the medical statements are received, they will be forwarded along with any other information, as a separate report.

Q. And at the time that you made contact with me at my office, you and I had not met prior to that time, is that correct?

A. That's correct.

Q. And when you came into my office, you exhibited your credentials as a postal inspector and introduced yourself?

A. That's correct.

Q. And you further advised me as to the nature of your contact with me at my office, that being the Mersy-Rike accident?

A. That's correct.

Q. I believe you also inquired about the passenger in the Rike vehicle being—

Mr. DAVIES. Mrs. Rike—that's his mother, isn't it?

Q. (By Mr. EDWARDS)—yes—being Mrs. Rike, the mother of the driver?

A. Mrs. Charles Rike?

Q. That's correct.

A. Yes.

Q. And you also inquired as to whether or not I knew if she was injured in any way as a result of the accident?

A. Yes.

Q. And I told you that I did not know for sure, because I was not representing her, but I did not think so from what I knew about the accident, isn't that correct?

A. I believe that's correct.

Q. And isn't it further correct Mr. Van Rossum, in making contact with me at this time, that you did advise that—as part of your investigation and in making your reports—that you wanted to get information relative to the nature and extent of injuries sustained?

A. Right.

Q. And isn't it further correct, Mr. VanRossum in mentioning to you that I had been contacted by Mr. Mersy's insurance company that I had stated that there was insurance on the vehicle, and I inquired of you as to whether or not the Government was involved?

A. As to the first part—let's just repeat that.

(The last question was read by the Reporter.)

A. Well, I'm not sure about what you said about his insurance company. But I would imagine that you did ask me if we were interested in, in the investigation of the accident, because he was—as we determined—an employee of the department at that time.

Q. And had you made that determination at the time that you talked to me?

A. I would say—if I talked to you on May 5th and did not take a sworn statement from Mr. Mersy until the 8th—the determination possibly could not have been made; although the records at the postoffice would indicate that he was employed at the time.

Q. But it is possible that you had not made any such determination at the time that you talked to me, in view of the status of your investigation?

A. I don't recall whether I had talked to Mr. Mersy prior to my talking to you.

Q. Do you remember—in response to my inquiry to you, after stating that Mr. Mersy had insurance, and I inquired about the Government being involved—that you replied to the effect that you did not know if the Government was involved, and further to the effect that the Government was not involved?

A. I would say that—if I had a case bearing on an accident that was reported by the postmaster, and division headquarters jacketed such case—that I would automatically consider that I was investigating an accident because the Government was involved.

Q. But do you recall whether or not you made that statement to me in my office at that time?

A. No, I do not recall that.

Q. After this contact on May 7, 1965, did you have one additional contact with me on June 7, 1965?

A. I believe I did, but my records do not show the date I contacted you the second time. I would have to again refer to my daily worksheet.

Q. And was that second contact by telephone?

A. I don't recall. I thought it was a personal visit.

Q. And it could be that it was a telephone conversation?

A. It could be, yes.

Q. And at that time you inquired if I had any further information on the Rike matter, and I advised you that I did not, that we had not received any further medical information, and I had no additional file information than from the time you first contacted me, is that correct?

A. I would say that I contacted you to obtain any information or any statements that you might have received from the Rikes. And they aren't in here, so I would say that you said you didn't have any.

Q. I believe the only other contact that we have had, then, Mr. VanRossum, was in the Fall of 1966 on a matter in my office which concerned other postal affairs outside of this Rike case, isn't that correct?

A. I believe it did have something to do with a member of the armed forces from the Grand Forks Air Force Base.

Q. Right. And that had no contact with the Mersy-Rike case at all?

A. No, it had nothing to do with the Mersy-Rike case.

Q. And in fact at that time we did not go into the Mersy-Rike case?

A. I don't believe we did.

Q. And outside of that then—having become acquainted with each other—the only other contact we have had is seeing each other a couple times socially and meeting on the street to say hello, is that correct?

A. That's correct, and a couple of times in the lobby of the postoffice.

Q. Right. And during those times we have not entered into discussion or conversations relative to the Mersy-Rike case?

A. Not that I can recall at all.

Mr. EDWARDS. I have no further questions.

CROSS EXAMINATION

By Mr. DAVIES:

Q. Mr. VanRossum, do you recall whether or not Mr. Edwards asked you on what basis the Government might possibly be involved in this claim?

A. No. I don't believe I did. I can't say that I could recall that.

Q. Did you have any conversation in regard to what Mr. Mersy was doing at the time of the accident?

A. I would say that—if I was making the investigation—that I did tell Mr. Rike that he was employed by the postoffice—

Q. "Mr. Rike" or "Mr. Edwards"?

A. "Mr. Edwards", excuse me—that he was employed by the postoffice, and that would be the reason that I would be making the investigation.

Q. Well then is it your feeling that you must have mentioned this to him at sometime during your conversation?

A. This is my normal procedure, yes.

Q. When you had your second contact in June of '65, did Mr. Edwards ask you why the Government (the postoffice department) was still involved in this claim?

A. I don't recall whether he did or not.

Q. Mr. Edwards has asked you about this statement—whether or not you said to him that the Government was not involved—did you ever make such a statement to him?

A. No, I didn't make a statement to him that the Government would not be involved. As long as I was making the investigation, it's automatic that they would be involved.

Q. At any stage of the investigation, was there ever any indication that the Government was not involved in this claim?

A. Not to my knowledge, no.

Q. In other words, any time he would have inquired—at the stage of the investigation—as far as you were concerned, the Government was still involved?

A. I would say yes.

Q. Did you ever discuss with Mr. Edwards the written statement that you had taken from Mr. Mersy?

A. I don't believe so.

Q. You never discussed this claim with any other members of this firm, have you, or their investigators?

A. I don't believe so.

Q. And you have never discussed it with anybody representing Mersy's insurance company, have you?

A. No, I don't believe so, either.

CROSS EXAMINATION (FURTHER)

By Mr. BOULGER:

Q. Mr. VanRossum, if there was a determination that the Government was not involved—using the language that Mr. Edwards used, but interpreting that as meaning that Mersy was not a Government employee—would it be your function to inform Mr. Edwards of that fact?

A. No, I would inform my division headquarters of that fact in my written report.

Q. And if Mr. Mersy were on the rolls but (for some reason or other) was not within the scope of his employment at the time of the accident, would it be your function to make that determination?

A. Yes, it would be, and to report that fact also.

Q. But would your determination be final and binding?

A. I would say it would almost have to be. The only thing I can do in my investigation—as long as it took place, say, a month after the accident, say from December 24th to the time the Postmaster advised division headquarters that there was a personal-injury accident—I would say that I talked to the postmaster, the assistant postmaster, and anyone else that possibly had anything to do with it, and I reviewed their accident records there, which were signed, and things like this, so I would say the determination was made by myself, that he was employed, and that would be the final determination.

Q. Well if for some reason he was employed, but at the time of the accident was doing something that was not considered as Government work, would it be your function to report the facts or to make the determination?

A. No, I would report the facts, whatever my investigation disclosed.

Q. And if you made—assuming you, in your call upon Mr. Edwards made the statement that the Government was not involved—wouldn't you in effect be going beyond your function?

A. Absolutely.

Q. Now, Mr. VanRossum, you have almost 20 years with the postal service?

A. That's right.

Q. Would you detail for me the various positions that you have had? Are there others than clerk, carrier, and assistant postmaster? Or did you jump from there?

A. I went from carrier to clerk to assistant postmaster to postal inspector.

Q. And as a result of your experience in those capacities, are you familiar with the internal workings of a postoffice such as the size of Grand Forks?

A. I would say that I have enough experience to know the internal workings of the office, yes.

Q. What was the size of the postoffice that you worked in before you became an inspector?

A. It was a first-class office. It isn't the size of Grand Forks. It's smaller than Grand Forks in all ways, actually, but the functions of each first-class office—those under a million dollars—would be almost identical.

Q. Now in Grand Forks, under whom does the special-delivery messenger work?

A. I believe it's assigned to either the superintendent of mails or the assistant superintendent. They more or less have split duties down there, and they're required to know all phases of the operation. But I would imagine either one of those two would assign the special-delivery messenger.

Q. And Mr. Mersy was a special-delivery messenger?

A. As far as can be determined, yes.

Q. And furthermore he was a Christmas temporary special-delivery messenger?

A. As far as the records, the office records show, yes.

Q. And when a special delivery messenger goes out—particularly during the Christmas season—do you know what procedure they use as to delivery of mail?

A. I would say that practically at any time, that they are given these special deliveries to deliver, and it's more or less up to them on which route or which way they're going to take this. In other words, you can't just have somebody inside lining up these special deliveries and saying, "You take them this way." It would be practically automatic for him to do it himself.

Q. Now it's different with a city carrier? He's confined to a specific route?

A. Right.

Q. Is there a provision for a special delivery messenger to have lunch?

A. I would imagine there would be, the same as a city carrier.

Q. And what is that provision?

A. I might have to refresh my memory because I haven't really studied the provision or—if it's changed since I've left the postoffice that I come out of. But when a carrier leaves, say, in the morning at nine o'clock, he's out on his route and he can automatically have a half-hour for his lunch. And when he comes back in, it's just deducted from his time.

Q. He can have that any time and any place he wishes?

A. Well it's usually a set time, when he reaches a certain point of his route, this would be the time that he would take it. It's usually—they try to arrange it so it's close to his home or close to a place to eat. This is on a city carrier.

Q. Well what about those who work in a residential area and whose home is not on their route?

A. They've got what they call a "drive-out" agreement where they can have their car there, or come back to their car, or use their car to go home for lunch. Or if they're on a city mounted route, they would automatically take their car and drive home and drive back.

Q. And what is a mounted route?

A. It's a delivery to a rural box on the outskirts of town.

Q. And does Grand Forks have mailsters?

A. I believe they're all assigned at the air base.

Q. The reason I ask is that our carrier in Fargo eats his lunch in his mailster. Now assuming in this matter that Mr. Mersy had just come from Mr. Gilmour's house, would you have pointed that out in your report?

A. If my investigation would have disclosed that, yes.

Q. Would you have drawn any conclusions from that?

A. No, I don't believe I would have drawn a conclusion. In my conclusion I possibly would have said—in my conclusion in my report I would have pointed this out, that he was not in employment at that time. But the investigation—according to what I have here—did not reveal that he was on his lunch break. I haven't even looked to find out what time the accident happened, again—yes—1:43 P.M., I have.

Mr. BOULGER. Could I have that last answer, please?

(The last answer was read by the Reporter.)

Q. (By Mr. BOULGER) Well then would it be your interpretation that—if he had had lunch at the Gilmour home, but was in his car and on the way to the north side to deliver additional special delivery messages—that he had not again started employment?

A. I don't know how they handle these Christmas assistants but—say—if a city carrier has a half hour off for his lunch period (a specified half hour, say from 12:00 to 12:30), and he doesn't have to go into the office and punch out, he would be not employed at that period. But when he starts his route again—now, starting the special delivery route, this route could start wherever he left off. I mean, I would say that if he started going out to deliver specials again, he would be employed.

Q. In other words, as soon as he left the Gilmour house, assuming he had been there?

A. I would think so.

Q. You've never been able to get a statement from Mr. Hike, is that correct?

A. That's correct.

Mr. BOULGER. I have no further questions.

CROSS EXAMINATION (FURTHER)

By Mr. DAVIES:

Q. Mr. VanRossum, if some of Mr. Mersy's superiors in the Grand Forks postoffice testified that there was no set time for the lunch break for special delivery carriers, you wouldn't disagree with that, would you?

A. No, I wouldn't.

Q. And (if I understand you correctly) if a mailman has a prescribed route to follow, he is considered off duty from the time he deviates from that route to go out for lunch, till the time where he goes back to where he left off for lunch?

A. A city carrier has so much allotted lunch hour. His—with his last delivery, that's his breaking time for lunch. I would say that he's not employed until he makes, or starts, and picks up the mail, to the box, and goes again.

Q. And (if I understand your answers to Mr. Boulger correctly) it would be your position that a person, who was delivering special delivery and who had no prescribed route, would be back on duty as soon as he pointed himself in the direction of his next delivery after lunch?

A. I would say that is correct.

Mr. DAVIES. That's all I have.

REDIRECT EXAMINATION

By Mr. EDWARDS:

Q. Mr. VanRossum, with reference to your opinion here as to when a special delivery carrier goes back on duty, this is just merely your own personal opinion, is that correct?

A. I would say yes, it would be my personal opinion, until I look it up in the manual to see if there's anything specific about it.

Q. And with reference to the Federal Tort Claims Act, and more specifically if under the Federal Tort Claims Act the law of the state as to scope of employment applies, are you basing this opinion upon the laws of the state of North Dakota in connection with the scope of employment?

A. Repeat that again, please.

(The last question was read by the Reporter)

A. To be real truthful, I don't follow the question.

Q. (By Mr. Edwards) Well in other words, Mr. VanRossum: In making a legal determination as to scope of employment under the Federal Tort Claims Act, if the law of the state is applied to make this determination (rather than any Federal statutes), is your opinion based upon the laws of the state of North Dakota?

A. I don't believe I would use the law of the state of North Dakota. I would have to use the postal manual and any records at the postoffice, to determine if he was employed.

Q. And now when we talk about "employed" and "in the scope of employment," isn't it possible that we are talking about two different things?

A. I was using the term of—"scope of employment" and—my word, the "employment," would be the "scope of employment" in your words.

Q. So you're using the two terms synonymously or interchangeably, is that correct?

A. Right.

Q. And in effect you are not taking into consideration any of the laws of the state of North Dakota with reference to your opinion, that you stated, about the matter of employment or scope of employment, isn't that correct?

A. I would say that's correct.

Mr. EDWARDS. No further questions.

RECROSS EXAMINATION

By Mr. DAVIES:

Q. Just to clarify one thing for me: When we're talking about "scope of employment" and "employment," we are referring (are we not?) to a hypothetical situation, if he is returning from lunch or if he is returning from his lunch break?

A. I would say the questioning in the last little while has been whether he was returning from lunch. My investigation did not reveal that he was returning from lunch.

Q. As far as your investigation was concerned, your determination was that he was on his route at the time, is that true?

A. He was in the scope of his employment (nods head affirmatively).

Mr. DAVIES. Thank you.

RECROSS EXAMINATION (FURTHER)

By Mr. BOULGER:

Q. Mr. VanRossum, you know the difference between "employment" and "scope of employment", don't you?

A. Yes. I was just using the words loosely, I would say.

Q. In other words, you're a postal employee 24 hours a day, isn't that right?

A. Right.

Q. But in the evening, when you're home watching T.V. or drinking beer, you're not in the scope of your employment?

A. That's correct.

Mr. BOULGER. I have no further questions.

Mr. EDWARDS. No further questions.

Mr. VanRossum, you have the right to read and sign your deposition after the Court Reporter has transcribed his notes; or you have the right to waive the reading and signing of your deposition. I would suggest that you confer with Mr. Boulger and then give us your decision with reference to same.

The DEPONENT. Mr. Boulger?

Mr. BOULGER. If we may go off the record for a minute.

(Discussion off the record.)

The Deponent. We waive that.

Mr. Edwards. That's all.

CERTIFICATE

State of North Dakota,
County of Grand Forks, ss:

I, Edward Rafel, do hereby certify that I am an official court reporter of the First Judicial District of North Dakota and was such at the time of the taking of the deposition of Paul E. VanRossum on May 8, 1967; that the witness was duly sworn by the Notary, Norman Mark, before testifying; that the foregoing is a true and correct transcript of my stenotype notes taken at the time of the deposition and contains all the testimony given at said deposition; and further the reading and signing of said deposition was waived by the deponent, and further I am not related by blood or marriage to any of the parties nor am I interested directly or indirectly in the matter in controversy.

Edward Rafel,
Official Court Reporter.

Subscribed and sworn to before me this —— day of May, 1967.

Norman E. Mark,
Notary Public.

My commission expires 4–7–72.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations, or lapse of time, or bars of laches or any proceeding, heretofore had in the United States District Court for the District of North Dakota, jurisdiction is hereby conferred upon the United States District Court for the District of North Dakota to hear, determine, and render judgment upon any claim filed by Arthur Rike against the United States for compensation for personal injury, medical expenses, and property damage sustained by him arising out of an accident which occurred on December 24, 1964, allegedly as a result of the negligent operation of a motor vehicle by an employee of the United States while acting within the scope of his Federal employment.

Sec. 2. Suit upon any such claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1346(b) of title 28, United States Code.

CONVEYANCE OF LAND TO KENAI, ALASKA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1556, H.R. 17609.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 17609) to authorize the Secretary of the Interior to convey to the city of Kenai, Alaska, interests of the United States in certain land.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 1554, S. 2752, a bill covering the same subject, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDGES OF THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1355, S. 2439.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2439) to increase the number and salaries of judges of the District of Columbia court of general sessions, the salaries of the judges of the District of Columbia Court of Appeals, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with amendments, on page 2, after line 18, strike out:

Sec. 4. Section 11–1701(a)(3) of the District of Columbia Code is amended—

(1) by inserting in the first sentence immediately after the phrase "such retired judge" the following: "who retires upon the expiration of his term"; and

(2) by inserting immediately at the end of the first sentence thereof the following new sentence: "Any judge retiring prior to the expiration of the term for which he was appointed shall be permitted to render such service for not more than one hundred and twenty days per year."

And in lieu thereof, insert:

Sec. 4. The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out "$23,500" and inserting in lieu thereof "$27,500."

And on page 3, after line 8, insert a new section, as follows:

Sec. 5. Section 11–1502(a) of the District of Columbia Code is amended by striking out "two" and inserting in lieu thereof "four".

So as to make the bill read:

S. 2439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11–902(a) of the District of Columbia Code is amended by striking out "twenty" and inserting in lieu thereof "twenty-five".

(b) Section 11–902(d) of the District of Columbia Code is amended by striking out "$24,000" and inserting in lieu thereof "$28,000", and by striking out "$23,500" and inserting in lieu thereof "$27,500".

Sec. 2. Subchapter II of chapter 9 of title 11 of the District of Columbia Code is amended—

(1) by adding at the end thereof the following new section:

"§ 11–936. Attorney advisers; compensation.

"The District of Columbia Court of General Sessions may appoint and remove attorney advisers equal to the number of judges authorized to serve on such court, and shall fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates."; and

(2) by adding at the end of the analysis of such subchapter the following new item:

"11–936. Attorney advisers; compensation."

Sec. 3. Section 11–702(d) of the District of Columbia Code is amended by striking out "$25,000" and inserting in lieu thereof "$29,000", and by striking out "$24,500" and inserting in lieu thereof "$28,500".

"Sec. 4. The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47–2402), is amended by striking out '$23,500' and inserting in lieu thereof '$27,500'."

Sec. 5. Section 11–1502(a) of the District of Columbia Code is amended by striking out "two" and inserting in lieu thereof "four".

Mr. BIBLE. Mr. President, the first purpose of S. 2439 is to authorize the expansion of the District of Columbia court of general sessions from 20 associate judges to 25 associate judges and the juvenile court of the District of Columbia from two to four associate judges.

The bill's second purpose is to increase the annual salaries of the judges of the local courts in the District by $4,000. Associate judges of the District of Columbia Court of Appeals would be raised from $24,500 per year to $28,500. The salary of the chief judge of that court would be increased from $25,000 to $29,000. Associate judges on the District of Columbia Tax Court would be raised from $23,500 to $27,500, and the chief judges from $24,000 to $28,000.

The five additional general sessions court judges, the two new juvenile court judges, and the improved judicial salaries recommended by the District Committee in S. 2439 are vitally needed to speed up the administration of justice, to help improve the quality of justice administered in the District of Columbia courts, and to provide the present judges a long overdue increase in salary.

Concerning the proposed salary increases, I want to point out that the compensation of the judges covered by this legislation has not been changed since 1964.

During the same time period, the average pay of classified civil service employees in the Federal and District of Columbia governments has risen almost 25 percent.

The $23,500 now received by these judges is substantially less than the $30,239 now paid to GS–18 employees in the classified civil service. It is also less than the salary range of $26,264 to $29,764 now paid to GS–17 employees. It is even less than the salaries paid many GS–16 employees whose rate ranges from $22,835 to $28,923.

The record before the committee shows that some 50 District of Columbia employees now receive salaries above those paid to our judges in the court of general sessions.

According to a survey conducted by a committee of the Judicial Council for the District of Columbia Circuit, judicial salaries in comparable courts in the other large urban centers across the country range from $25,000 to $37,000.

The $27,500 for trial judges and the $28,500 for appellate judges proposed by S. 2439 is well within the median of the salaries paid to judges on comparable courts elsewhere.

Mr. President, I think there can be no serious doubt that the proposed salary adjustments are needed at this time. This step is needed to produce better salary comparability between our judges and their counterparts in the classified civil service. And, what is more important, these improved salaries are essential if we are to attract experienced, well-qualified lawyers to service on the local courts of the District of Columbia.

The President's Commission on Crime in the District of Columbia recommended substantial increases in the salaries of our general sessions court judges. The Committee on the Administration of Justice of the Judicial Council also recommends the present increase as necessary to make service on the general sessions bench more attractive, and to give the judges of that court a status commensurate with their responsibilities.

Mr. President, turning to the matter of additional judges for the trial courts of the Nation's Capital, I want to say that however important salaries may be—and, as I have said, they are highly important—I think the need for additional judges is critical.

I think it serves little purpose to complain about and enact laws to combat crime here in Washington, if the Congress does not provide an adequate number of trial judges.

I have said before, and I say again, that if the criminal law is to deter crime, justice must be administered not only fairly but swiftly.

We must provide sufficient judges. The backlog of criminal cases in the court of general sessions must be eliminated. The delays between arraignment and trial must be drastically reduced.

And if justice is to be done across the board, the present intolerable backlog of civil cases must also be eliminated.

The District of Columbia court of general sessions handles 97 percent of all criminal and civil litigation in the District of Columbia. During the last full fiscal year, the court disposed of almost 12 percent more criminal jury cases than during the previous fiscal year.

Nonetheless, despite the court's best efforts, the criminal backlog increased. As of June 30, 1968, there were 2,031 criminal jury cases awaiting trial in the District of Columbia court of general sessions.

Despite a concerted effort by the court to reduce its calendar of pending criminal cases, they have not been able to keep pace with the rise in new prosecutions.

Also, the court's effort to make inroads into its backlog of criminal cases has been possible only at the expense of the court's civil calendar. On June 30, 1968, there were 5,365 civil jury cases pending in the court. It now takes some 2 years after joinder of issue before the average civil jury case in the court of general sessions can be brought to trial.

I submit that this kind of delay is intolerable, and may well result in a denial of justice in some cases.

Turning to the juvenile court, Mr. President, the situation is, if anything, even more urgent.

I dare say we are all agreed that in the case of juvenile offenders it is extremely important that they be brought before a judge as promptly as possible. Otherwise, the deterrent and rehabilitative effects of our system of justice may be lost on the child. This is particularly important in the case of a youngster's first brush with the law.

The unconscionable facts are that as of June 30, 1968, the District of Columbia juvenile court had a backlog of 994 cases awaiting arraignment or initial hearing. Four hundred twenty-two of these were youngsters awaiting their first hearing in court.

The present backlog is such that after a child is apprehended, if he is in the community, he must wait for 3 months before appearing before a judge. Those children who demand jury trials—242 as of June 30—are not having their trials scheduled for over 1 year. Such a delay is unconscionable. Especially when dealing with children, it is important that court action take place while the events are fresh in the child's memory. If the present rate of trials were to continue, it would take about 2½ years to dispose of the jury trials now pending, and the demand for jury trials is multiplying.

During the last few years, required procedures in juvenile cases have been changed by the Supreme Court and other appellate courts. In juvenile cases where there is a possibility of commitment, there is a right to counsel and a right to a hearing in accordance with due process. The right not to be required to incriminate oneself has been held by the Supreme Court to apply in juvenile proceedings, and with this have come all the problems of admissibility of evidence. Obviously, the increased procedural requirements and presence of lawyers have greatly expanded the time necessary to deal with each case.

Justice cannot be done in a vacuum. It takes judges to administer it, to assure it, and to protect it. To insist on changes in procedure and not to provide enough judges to administer it is fruitless gesturing.

The juvenile court does not deal exclusively with juveniles. This court has a large measure of adult jurisdiction, principally in the areas of paternity and criminal nonsupport. In cases dealing with abandoned or battered children and cases involving mental illness, the court must act speedily. It is clear that the juvenile court is urgently in need of the two additional judges that this bill provides.

Mr. President, the public justifiably demands order and obedience to law; and, with equal justification, individual defendants expect justice under law. The courts of the District of Columbia cannot fulfill their proper role in the fight for order and justice unless adequate judicial manpower is made available to dispose of litigation swiftly and fairly.

If the court of general sessions had the five additional judges, and the juvenile court the two new judges provided by the amended bill, each court would be better able to make deeper inroads on their backlogs of cases, and bring their calendars to a current basis.

Both justice and effective law enforcement in the Nation's Capital require that this be done, and added judicial manpower is needed to do the job.

Mr. President, improved judicial salaries and added judicial manpower for District of Columbia courts have the strong support of the District of Columbia government, the Department of Justice, the Judicial Council of the District of Columbia circuit, the bar associations, the Metropolitan Washington Board of Trade, and a broad spectrum of citizen groups in the District.

I think there can be no real questioning of the need that exists.

I recall that in our report accompanying the omnibus crime bill last December, the District Committee pointed out:

> No matter what may be done by legislation designed to control crime, unless the court system in the District of Columbia can adequately deal with the cases which may be prosecuted, most of our effort will be futile.

The additional trial judges provided by S. 2439 are urgently needed by the District of Columbia court of general sessions and the juvenile court. The improved judicial salaries recommended by the committee are also overdue and essential.

I commend the bill to the Senate for prompt passage.

Mr. President, this matter has been cleared on both sides of the aisle. It was reported from the Committee on the District of Columbia unanimously, and I have every reason to believe that legislation in this very vital field will be completely enacted at this session of Congress.

Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The **PRESIDING OFFICER.** Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to increase the number and salaries of judges of the District of Columbia court of general sessions and the juvenile court of the District of Columbia, the salaries of the District of Columbia Court of Appeals and the District of Columbia Tax Court, and for other purposes."

THE FACTS ON CRIME

Mr. MOSS. Mr. President, the recent report on crime issued by J. Edgar Hoover's Federal Bureau of Investigation shows that my State of Utah was one of the two States in the Union where crime declined in 1967. Naturally, I am proud of the fact that while crime rose elsewhere in the country, we in Utah were able, through State and local efforts, to turn our crime curve downward.

The decrease was not great, but it was

significant. In 1966, the total Utah crime rate was 1,652 per 100,000 population. In 1967, that rate dropped to 1,622 per 100,000 population, well below the national average of 1,922 and far, far below the nationwide high of 3,208 in California.

Part of this decline was due, I am sure, to the crime prevention procedures and law-enforcement training programs developed in Utah by grants received under Public Law 89–197, the Law Assistance Enforcement Act of 1965. Since I was the author and sponsor of that act in the Senate, I am elated that its effects have been so exemplary in my own State.

Utah has received five grants under the act, totaling $108,170. Under the direction of our able Governor, Calvin L. Rampton, $23,583 was used for the development of a State planning committee on criminal administration. Some $10,600 was utilized by the University of Utah for testing a filmstrip on an in-service training program for law-enforcement personnel. Weber State College received $15,000 for a 2-year training program for enforcement personnel, leading to a 2-year college degree. The sum of $30,074 went to the Utah State Department of Public Safety to upgrade the statewide training of police officers. And $28,931 was used by the Salt Lake City Police Department to organize a crime and delinquency prevention unit. The report of the specific accomplishments of this latter unit is now available, and I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at the close of these remarks, along with the city ordinance establishing a human relations commission, which grew out of the crime and delinquency prevention project.

The PRESIDING OFFICER (Mr. Byrd of West Virginia in the chair). Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. MOSS. Mr. President, I am confident that this very full discussion of what was done in Salt Lake City, and how it was done, will be helpful to other communities.

It is satisfying to me to remember that I wholeheartedly endorsed the Salt Lake City Police Department application for this crime prevention unit and to be able to see, in only a short 2 years, the tangible results of the work Salt Lake City has done, as well as what has been done in other fields in Utah with Public Law 197 funds.

Of course, we have many things going for us in Utah and we should be able to lower our crime rates. In Utah the moral and educational levels are generally high. Utah's population is relatively stable; our income spread is not great. We give our young people excellent training in most of our homes, our schools, and in our churches. We also set lofty standards of conduct for our public officials and our business and community leaders. All of this combines to produce a law-abiding atmosphere and a respect for authority.

We still have too much crime, of course, just as do all other States, but we are trying to find out what is wrong in our communities and doing what we can to correct it. While we are grateful for this Federal assistance to help us, we have no illusions—these are not anyone's problems except our own. Crime prevention and control is a State and local function.

Knowing what is happening in my own State, I cannot accept with equanimity the efforts of Mr. Nixon and Governor Agnew to blame the rise in crime, and the failure to do more about it, on the Federal Government. They would have you believe that the Democratic administration not only invented crime and violence but constantly fans its flames.

Governor Agnew has even gone so far as to call Vice President HUMPHREY "squishy soft" on crime, a term he now says he is not proud of having used.

Governor Agnew must know what has been happening in his own State of Maryland. According to the FBI report, Maryland is first in the entire country in violent crimes with a rate of 474.1 per 100,000 people.

This is almost double the U.S. average which is 250 violent crimes per 100,000 people. Furthermore, Maryland ranks second in robbery where its rate is 212.1 compared to an average of 102.1 for the United States. For aggravated assault it is also second in the United States with a 234.5 rate compared with 128.0 for the U.S. average. It is fourth in rape with a rate of 19.6 compared to the U.S. average of 13.7.

For property crimes it ranks sixth in the United States with a rate of 2,187 per 100,000 people. It is No. 4 in the United States in auto thefts with a rate of 489.1 compared to a U.S. average of 331.

Overall, Maryland, according to J. Edgar Hoover's report, is the No. 4 crime State in the United States with a total crime rate of 2,661 per 100,000 people.

In 1966 Maryland's crime rate was 2,062 and this was Governor Agnew's first year in office. In 1967, in his second year as Governor, Maryland's crime rate rose to 2,661 as it moved from the No. 8 crime spot to the No. 4 crime spot. In fact, the crime rate rise for Maryland was one of the highest in the United States.

Now, I do not think crime should be made a national political issue. It is a State and local responsibility. It is in the State's capitol that the basic laws controlling crime are written and that the State courts are financed. It is the Governor who nominated judges, and in some States he directly appoints them to the lower courts. It is State government that is the creator of cities and counties and it is State capitols from which they derive their powers.

Yet, I hear Mr. Nixon tell one of the wealthiest counties in the United States—Westchester County in New York—that he is going to return to them powers allegedly "usurped" by the Federal Government. However, in the next breath he promises to have the National Government wage a campaign against crime. But the fact is that in law enforcement the basic day-to-day responsibility rests with the Governors and with the States and their local subdivisions, cities, and counties.

The seven major crimes J. Edgar Hoover catalogs for the State and local governments are locally originated crimes. These violent crimes—murder, rape, aggravated assault, and robbery—are the individually committed type of crime. The property crimes, also—burglary, larceny, and auto theft—in the main, are individual lawless acts.

It is the 50 States of our Union which are now and must be the first line of attack on crime.

I think those who want to make the vague contention that someone is "squishy soft" on crime instead should be prepared to discuss this subject logically and constructively.

J. Edgar Hoover warns against drawing conclusions from direct comparisons of crime figures between individual communities without first considering the factors involved.

He cites the factors which in his experienced judgment affect the amount and type of crime that occurs from place to place.

A reading of his report shows some very significant variations among our 50 States.

Alabama is No. 1 in the number of murders committed with a rate per 100,000 people of 11.7; South Carolina is No. 2, with an 11.2 rate; Georgia is No. 3 at 11.1; while No. 4 is Nevada at 10.8. The U.S. average is 6.1. The lowest murder rate State on the other hand is North Dakota with a 0.2 per 100,000 rate. Alabama's rate of murders is 58½ times North Dakota's.

Maine is second lowest with a 0.4 rate. Alabama's rate is therefore 29 times Maine's and South Carolina's rate is 28 times Maine's.

Rape is the second violent crime J. Edgar Hoover's statistics cite. The No. 1 State is California with a rate of 25 per 100,000 people. At the low end of the spectrum is New Hampshire with a 3.4 rate. California's rate is eight times New Hampshire's and it is almost double the U.S. average rate of 13.7.

The third violent crime is robbery.

Here New York is the No. 1 State with a rate of 217.9 compared to Vermont where the rate is 1.9 and a U.S. average of 102.1 per 100,000 people. New York's rate is 114 times adjacent Vermont's.

The second State in robbery is Maryland with a rate of 212.1. Adjacent West Virginia has a rate of but 19.3, Virginia a rate of 50.9, Pennsylvania rate of 56.5, and Delaware a rate of 63.4.

The fourth violent crime is aggravated assault for which the U.S. average is 128.0 per 100,000 people. North Carolina is No. 1 with a 261.5 rate—double the U.S. average—while the lowest incidence again is in Vermont where the rate is 11.3. The No. 2 State is also Maryland with a rate of 234.5 followed closely by Florida with a rate of 233.6.

In the property crime group a major crime is burglary in which the U.S. average rate is 811.5 per 100,000 people. California ranks No. 1; its rate is 1,446 while North Dakota is No. 50 with a rate of 241.2. California's burglary rate is seven times North Dakota's.

Larceny under $50 finds Nevada No. 1 with a rate of 972.3 per 100,000 people compared to a U.S. average of 529.2 and Mississippi in the lowest incidence position with a rate of 146.6.

For auto theft, the U.S. average rate is 331 per 100,000 people and Massachusetts ranks No. 1 at 667.4 while Mississippi again is lowest with a rate of 56.7.

One can look at the States adjacent to both Massachusetts and Mississippi and find startling variations in the auto theft rate as well as in all of these other crimes.

Overall for 1967 the top five crime States and lowest five crime rate States are:

Rank	State	Rate per 100,000
1	California	3,208
2	New York	2,908
3	Nevada	2,763
4	Maryland	2,661
5	Arizona	2,658
	U.S. AVERAGE, 1922	
46	Maine	799
47	New Hampshire	707
48	West Virginia	658
49	North Dakota	596
50	Mississippi	575

Mississippi is, incidentally, the other State in the Union in addition to Utah where the crime rate declined in 1967.

These data demonstrate conclusively that despite a rising crime rate the rise is not uniform in every State nor is it uniform for every crime. Also the size of the State or the density of its population is not necessarily a determining factor. There are both large and small States among those with the highest crime rate.

If there is validity to the contention of some candidates that the Federal courts are soft on criminals one would not expect to find North Dakota and Mississippi with a crime rate one-sixth of California's. For when a matter comes to the Federal court level, then national policy is set. It may be appealing to lay crime on the Federal doorstep but this dodges reality.

I cannot detect that a "squishy soft" Federal policy can account for Governor Agnew's Maryland having an overall crime rate over three times higher than Senator ED MUSKIE's Maine or Governor Reagan's and Mr. Nixon's California having a crime rate double Vice President's Minnesota.

Some of the conditions which J. Edgar Hoover indicates affect the crime rate in each State and area include:

The administration and investigation efficiency of the local law-enforcement agency, including the degree of adherence to crime reporting standards.

Attitude of the public toward law-enforcement problems.

Policies of the prosecuting officials and the courts.

Standards governing appointments to the police force.

Effective strength of the police force.

Education, recreational, and religious characteristics.

Climate, including seasonal weather conditions.

Relative stability of population, including commuters, seasonal and other transient types.

Economic status and mores of the population.

Composition of the population with reference particularly to age, sex, and race.

Density and size of the community population and the metropolitan area of which it is a part.

All of these factors are directly related to the capacities of States and their local governments or to factors, such as weather, which are beyond the control of any level of government. Read these 11 factors and take those which are State government functions such as education, standards for appointment to the police force, policies of prosecuting officials and the courts—then lay these beside any one of the seven major crimes and you will find the paramount responsibility rests with the State and its local governments.

J. Edgar Hoover has properly called attention in his 1967 crime report to the Federal Omnibus Crime Control and Safe Streets Act of 1968. He terms it a "far-reaching act" and goes on to say that it "promises substantial financial and functional support to local and State law enforcement agencies." I point out it is an extension of my 1965 act.

Mr. Hoover describes the purpose of the 1968 act succinctly: "to improve the performance of law enforcement."

He correctly warns that achievement of this objective "will depend upon wise application of the funds available and sound implementation of the act's provisions by State and local agencies."

In each reference he speaks of the key role of State and local agencies.

In short, this act is an example of solid and constructive cooperation being offered by the Federal Government to each and every State based on its need. It does not inject the Federal authority into the States domain.

Rather it says to Alabama, "We will help you in your efforts to reduce your murder rate from 11.7 per 100,000 people to North Dakota's 0.2 per 100,000 people."

It says to Maryland with its aggravated assault rate of 234.5 per 100,000 people, "We will help you get down to Vermont's 11.3 rate."

And to the low crime rate States such as Maine, Vermont, and Mississippi it offers assistance in ways each of those States can further reduce even their rates.

Most of American citizens, young and old, abide by, respect, and live up to the spirit and the letter of the law. We have in this Nation—as there always has been in every nation—those who break the law. They are a very small minority. TV dramas and daily press stories to the contrary, most of American people are law abiding. We need to put the hard spotlight of facts on crime. But it serves no public use to put the spotlight of criticism on those who have proven themselves leaders in effective action to root out crime.

A few years back TV ran a series called "Car 54" which depicted peace officers as clowns and buffoons. Under the constitutionally guaranteed privilege of freedom of the press this was certainly within the prerogatives of TV programing. But as a matter of community and national responsibility I seriously question the wisdom of those who wrote such a program, those who elected to show it, and those who sponsored it. I do not think this sort of approach faithfully shows what a real peace officer is like nor does it give this most important career a proper image.

Likewise, dramatic as they may be, the mill run of crime programs do not have a useful role in reaching American society. The TV policeman or sheriff whose gun is also the judge and jury is hardly a fair and candid appraisal of law-enforcement activities. The heavy emphasis given crime and the lurid presentation of crime stories undoubtedly affects attitudes toward those who enforce the law and the law itself. But when one hoodlum breaks into one school and does a lot of damage, his single action gets heavy press coverage, but it is never related to what the hoodlum may have seen on his TV screen the night before.

And very seldom do police officers anywhere in America get honorable and proper mention for their often heroic efforts to serve their fellow citizens as friends and as humanitarians.

I raise these points because these are the two major areas—the public media and the public discussions where I feel we need to consider some basic changes in our national approach to the crime issue.

In the public media—the press, and TV, their associations—might want to consider a code of conduct as a guide.

In public life, we especially need to encourage responsible statements and even more responsive performance from our public officials.

History tells us that crime like all social diseases can only be reduced to levels that effectively contain it. Complete eradication is never likely—nor can we knock it down in one generation and never have it build up again. Thus a first line of responsibility is to fashion and apply procedures that control crime.

This is an area where our 50 Governors have a major opportunity to lead—each one giving crime the attention the situation in his State deserves. And I am certain that this is also an area where the Governor in each State can obtain the cooperation of his fellow Governor.

The "crunchy hard" realities are that crime in America will not be rooted out by soft and squishy vague indictments delivered from shaky political platforms. Crime in America can be rooted out by dedicated work done day after day in America's cities, towns, and countryside, backed up and supported by effective constructive leadership by each and every State official. And in this effort the Federal power and resources can and should be made available only on the basis of clearly enunciated needs set forth by clear evidence supplied by the 50 Governors.

And if Governor Agnew or any other Governor can show that increased levels in murder, rape, aggravated assault, robbery, burglary, larceny, and auto theft in his State is due to a blocking of State action by any of the three branches of the Federal Government—then let them come forth with facts.

EXHIBIT 1

CRIME AND DELINQUENCY PREVENTION UNIT: REPORT OF ACCOMPLISHMENTS, JUNE 1967 TO APRIL 1968

I. THE ESTABLISHMENT OF THE PREVENTION CENTER AT THE POLICE DEPARTMENT

The establishment of the Prevention Unit was accomplished by the hiring of the following personnel: Coordinator, Secretary, and two part-time caseworkers. The Director and Assistant Coordinator, employed by the Salt Lake City Police Department in other positions, became a part of this new unit.

Each Police Department personnel was briefed concerning the Crime and Delinquency Prevention Project. This was accomplished in the following manner: Prior to each briefing, handout information explaining the project was given to each officer and supervisory staff; the Chief of Police and the Divisional Commanders were then briefed in a staff meeting; and all other personnel were given a similar briefing within their separate divisions during their shift line-ups.

A questionnaire was distributed to each person briefed on this new unit. This questionnaire was used to get each person's opinion and attitude about the new unit. It was found that over 95 per cent of all personnel were favorably inclined towards the Crime and Delinquency Prevention Unit and expressed their willingness to cooperate with the new unit in helping it achieve its objectives.

II. IN-SERVICE TRAINING

During the first quarter, initial planning was carried out for an in-service training program for Youth Bureau officers and other interested police officers. In the process of this planning, questionnaires were distributed to Youth Bureau officers asking for their opinions on what subjects would be of most value to them.

During the second quarter, the policy and curriculum for in-service training was formulated. The in-service training was to be mandatory for all Youth Bureau Police Officers. Also, a special invitation was extended to all other divisions as well as the Sheriff's Youth Division.

The various subjects are taught by professionals in each area who donate their time free of charge. They have shown a real willingness to do all they can to make the in-service training program a real success.

The training sessions began officially on September 6. At this time Dr. Malcolm Liebroder was the guest lecturer. He did a tremendous job discussing several of the "signs" of pre-delinquency and "action" steps that might be taken by a police officer to help eliminate the source of the problems. Dr. Liebroder spent not only this session, but two other one and one-half hour sessions in this area.

Following Dr. Liebroder, on September 27, Sgt. Max Yospe, a recent graduate of Delinquency Control Institute, instructed a class on "Current and Future trends in Delinquency and Crime Prevention." His training and the general discussion by all officers provided both theoretical and practical insight in this area.

In the third quarter, nine in-service training sessions were held. These consisted of the following speakers and subjects: Sgt. Max Yospe (Head of counseling in Salt Lake City Police Department) Current and Future Trends in the Area of Delinquency Prevention; Dr. Frank Magleby (Professor of Social Work) Past, Present, and Future Programs Geared to the Prevention of Crime and Delinquency, Dr. Richard Soules (Psychologist at the State Industrial School) The State Industrial School for Youth; Gerold Gerber (Coordinator of the Crime and Delinquency Prevention Unit) The Prevention Unit; Larry Lunnen (Head of the Police Science Department at Weber State College) The Role of the Police Officer; Richard Lindsay (Administrator, Juvenile Court) Proposed Legislation in the Area of Crime and Delinquency Control and Prevention; and Judge Paul Keller (Chief Juvenile Court Judge) Current Legislation and Decisions affecting the Legal Process. In general, these men provided valuable information that could be used by the police officers in their work with juveniles. They gave a fresh perspective even to those areas of traditional procedures in working with youth having problems.

During the fourth quarter, ten in-service training sessions were held. These consisted of the following speakers and subjects; Judge Regnal Garff (Second District Juvenile Court Judge) Duties and Process of Juvenile Court; Robert Ashpole (Instructor, University of (Utah) The Probation, Parole, and Correctional Process; John MacNamara (Director Detention Center) Responsibilities and Functions of Detention Center; Gerold R. Gerber (Coordinator, Prevention Unit) Sociological Aspects of Deviant Behavior; Dr. Victor Cline (Professor of Psychology at the University of Utah) Basic Psychology; and Dean Rex Skidmore (Dean of Social Work, University of Utah) Techniques of Interviewing and Counseling. These men have been very cooperative in helping to assist the Prevention Unit to carry out the In-service Training Curriculum. They have been both interesting and informative in areas directly tied into the whole correctional system as well as providing insight into the behavioral patterns of law violators. Also, the last speaker, Dean Rex Skidmore, provided very useful insight into the dynamics and techniques involved in counseling and interviewing.

III. COUNSELING

The methods utilized in counseling are primarily as follows: (1) Counseling the family as a unit; (2) Counseling with the parents separate from the children; (3) Counseling the children by themselves; (4) Counseling, with their parents, all children involved in the same incident; and (5) A combination of the above.

In prefacing various statistics concerning the Unit's activity in this area, a few comments seem appropriate. First, all police cases refer to incidents that have occurred and may involve one or several persons. Hence, the number of families or individuals counseled or referred to other agencies is many more than so indicated by the number of police cases. Because the Unit works with both the pre-delinquent, who may not have an official police case, and the first offender, it seems preferable that we refer statistically to the number of juveniles being handled by the Unit. Second, the number of individuals referred to juvenile court by the Prevention Unit does not represent the number of failures. These are cases of recidivists or serious offenders that were referred to the Prevention Unit, but should have been referred to Juvenile Court by the Uniform Officer. These statistics are only important in showing a better picture of the activity of the overall counseling section and to indicate how many cases may not have been properly handled by the referring party.

The number of individuals handled by the Unit as pre-delinquents, first offenders, neglect cases, paper work and telephone counseling cases (no personal contact by Unit), unfounded, and multiple offenders are found in Table 1. This table records the number of individuals considered active, closed, or failure cases. The failure cases are those that have been counseled by the Unit and then committed another offense for which they were caught and handled again by the Police Department.

The active cases are those individuals referred to the Unit, but have *not* as yet received all the attention the Unit feels is warranted. Action by the Unit has not been completed. Closed cases are individuals counseled, referred or in other ways received all the involvement forthcoming from the Unit.

The various categories in Table 1 have already been mentioned, except for the category labeled "Single Offense—Juvenile Court." This category was added to include a number of cases that otherwise would have been left out of our statistical report. Those falling in this category are youth that are single offenders, but for one reason or another have been sent straight to Juvenile Court without any other action being taken by the Prevention Unit. The majority of these cases are either so serious that they should never have been referred to the Unit or else when contacted, the family would not respond to an invitation to settle the problem through a counseling session.

The counseling section has been very effective in the majority of cases. The youth and families involved have either resolved their problem in one or two counseling sessions with the Prevention Unit personnel, or through continued help by service agencies they have been referred to for extensive treatment.

Table 1 indicates the number of cases handled by the Prevention Unit since its organization in June, 1967. We feel that a running total of the activities best indicates the progress of the Unit in this area.

TABLE 1.—677 INDIVIDUALS HANDLED BY THE COUNSELING SECTION, JUNE 1967 THROUGH MARCH 1968

Offense	Active	Closed	Failures
Predelinquent	3	88	11
First offender	16	286	26
Neglect or delinquent parents	0	13	(1)
Paperwork and telephone counseling	0	73	(1)
Unfounded	1	26	(1)
Multiple	3	109	(1)
Single offense, juvenile court	0	59	(1)
Total	23	654	37

[1] The unit keeps no statistics on these offenders because they are cases outside of the unit's jurisdiction.

IV. WALK-IN CLINIC

Although the walk-in clinic has not reached its true potential, it can be stated that there has been some activity in this area. We have not publicized the walk-in clinic because the counseling unit has reached a near saturation point with officially assigned cases on first offenders and behavioral problems.

The Counseling Unit has received requests from parents, school authorities, and counselors to accept cases which can be considered behavioral in nature but have not yet become police problems. We have tried to schedule these requests for help in terms of priority according to their emergency nature. So far we have been able to absorb these cases without turning anyone away without assistance.

V. ELEMENTARY SCHOOL INVOLVEMENT

In the elementary school we have been working with the teachers, the principal, and the school social worker in an effort to accomplish three major goals. These goals have been: (1) identification of pre-delinquent students; (2) consultation to decide who can best help the pre-delinquent; and (3) counseling those children who seem to require authoritative counseling by the Prevention Unit.

In order to assist the school in identifying pre-delinquency, we reviewed with school personnel pamphlets and films dealing with delinquency and its prevention. In our conversations with different teachers, we feel they are striving to help make an early identification of children with problems. They have mentioned several children who they feel fit this category. Most of these referrals have gone to the principal and school social worker.

Weekly meetings have been held with the principal to obtain names of students that the principal and the school social worker have decided could best be helped by the Prevention Unit. This seems to be one area that can make or break this facet of the project. At the present time, the school involvement has not met with our expectations. This seems to be largely the result of two factors: (a) our contact with the school social worker has not been often enough; and (b) the school principal has had to be overcautious in making referrals to a unit of the police department because some families fear the stigma of having policemen come to their homes. One of our major goals for the remainder of the grant is to improve our program within the school by helping the school staff relieve the parents' apprehensions towards counseling from the police department.

However, it should be noted that the school principal and teachers refer more cases to the social worker and others for help than they did prior to the Prevention Unit's involvement. This represents at least one measure of the Prevention Unit's success in being involved within the elementary school setting.

VI. ENVIRONMENTAL TROUBLE AREA ACTION

Perhaps the major area of emphasis over the past six months has been in formulating and carrying out a plan of action to get an entire community, the target environmental area, involved in a total crime and delinquency prevention program. Several meetings have been held with representatives from strategic agencies or groups within the community. This has been done to lay the groundwork for specific projects to be carried out by each of these interest groups. Those groups to be involved were: schools, churches, volunteer parents, teens, news media, business, social agencies, legal (police and juvenile court), and children (supervised by adults). The organization plan for the total program was as follows: Each of the nine groups was to be considered an action group. Each group was to organize their activities around one particular project. Each group would have a chairman to lead the group and represent the group on a Coordinating Council. The functions of the Council were to coordinate the projects of all nine action groups, provide information to each action group on what the others are doing, provide information and suggestions to each group on how they could best implement and sustain their respective projects, and solicit the mutual assistance of each group to help in carrying out specific projects undertaken by one action group. It must be kept in mind that the organization chart for the environmental delinquency and crime prevention program was outlined to be the final outcome of community action and not the initial or beginning phases of action.

The real beginning of community action began on January 24, 1968 in which a mass meeting of all adults and youth of the target area was held to put the above plans into operation. Over 300 persons attended the meeting. The major purpose of the meeting was to stimulate the entire community into taking action to prevent delinquency and crime. In order to facilitate the involvement of every major facet of the community, eight of the nine previously conceived action groups were formed by those in attendance. Each action group chose a chairman and secretary to head the group. They then discussed various crime and delinquency prevention programs that they could sponsor.

Since the mass meeting, several of the action groups have held weekly or bi-monthly meetings and activities. Although each group has its own leadership, a member of the Prevention Unit acts as advisor and consultant to each group. Through the combined efforts of the groups' leaders and advisors, four of the original action groups have been quite effective. These are: (1) Older teens (15–18); (2) Younger teens (12–15); (3) Legal; and (4) Church.

Older Teens. Although the planning group consists of only about 20 teens, the activities they plan are carried out by 75 to 100 teenagers. One of the most successful activities was a dance sponsored by the teen group. They obtained a teen band free of charge, the Catholic Father of the area donated the use of his church recreation hall, and the businesses of the area donated the refreshments. Admission to the dance was 50c per person. Nearly 100 teenagers attended the dance. The money obtained from this function was placed in the bank under the teens' action group name, T.A.C. (Teens Appeal to Community). These funds are to be used for future teen activities and delinquency prevention projects.

Younger Teens. The younger teens have been quite active. They have about 70 active members. Although they have their own chairman and secretary, one of the part-time Prevention Unit counselors has had to give them a great deal of guidance and help in planning prevention projects and recreational activities. With his guidance, they planned and sponsored a movie. Admission to the movie was 25c. Also, refreshments were sold during intermission. Through these means, they earned a few dollars to start a bank account for the group. Their funds are being used for activities and prevention projects.

Legal. The legal action group has an organization of chairman, co-chairman, and secretary. They have been meeting almost every week since the mass meeting of January 24. Although it has been difficult to get a large number of adults to consistently help in this action group, two specific projects have been planned. The first involves bringing information to everyone in the community on delinquency problems and how they might become involved in reducing and preventing the problems. Second, the program of Volunteer Home Units is in final stages of planning. It is hoped by the group that this can be put into operation within the next few months.

The major problem connected with this action group, as well as all other adult action groups, is maintaining and obtaining adults who are willing to become involved in delinquency prevention programs. Apathy and communication barriers seem to be responsible for a large amount of the above problem. Either adults are not concerned with their delinquency and crime problems or else they have not been reached with information on what they can do as citizens.

Church. The various churches of the area have been quite active in planning programs that they can sponsor to improve the community. The Church of Jesus Christ of Latter-Day Saints has launched a program specifically geared to work with youth and parents having problems. This program involves the calling, by church leaders, of five lay church members with specific training in home economics, psychology, nursing, sociology, and social work. These people are called to spend several hours a week working with families and youth having problems.

The Catholic Church is very interested in helping youth obtain part-time employment. They have acted as employment counselor and contact with business and industry. There is a strong feeling in the environmental trouble area that much of the delinquency is a result of inadequate opportunities for their youth to find employment. Therefore, they are putting forth a major effort to remedy this problem of unemployment.

The other action groups that were organized in January have become inactive. At the present time, follow-up activities are being planned in order to re-activate these groups. Their inactivity has made it very difficult to get a Coordinating Council in full operation. However, the leaders of the active groups have been able to meet together in a neighborhood council meeting and coordinate their projects and activities. We are looking forward to the time when the community organization will function completely. It is hoped that this will be in the near future.

VII. CONSULTANT TO THE COMMUNITY

The progress of the Prevention Unit as a consultant to the community consists of primarily three areas: (a) written material; (b) conferences; and (c) speaking engagements. There has been a great concentration of effort in each area.

Written material. The written material produced by the Prevention Unit for the general public and police department personnel has consisted primarily of a Monthly Bulletin and a Delinquency Alert Pamphlet. The Monthly Bulletin contained a summary of the past month's activities of the Prevention Unit and aspirations of the future months. The Delinquency Alert Pamphlet was printed by the Deseret News Press and was financed by the Exchange Clubs of Salt Lake City. One hundred thousand copies were printed and ready for distribution the first of December. This pamphlet was to be distributed by the boy scouts to every home in Salt Lake County and Davis County in Utah. The pamphlet is entitled "Signs of Delinquency" and contains information to parents on what attitudes, behavior, physical environment, and social environment factors may lead to serious delinquency. The parents are instructed to check those factors which apply to each of their children. It is suggested that parents checking many of these should seek professional help for the child involved.

The Prevention Unit published a Monthly Bulletin the first six months of the project. This Bulletin was circulated to each officer of the Police Department once a month. It contained an account of the Unit's activities for the preceding month and future aspirations to be worked toward in the current month. It was intended to help keep all members of the Police Department abreast on what was taking place in the Prevention Unit. The Bulletin was also used to help the Unit gain greater cooperation, assistance, and support from all divisions of the department, particularly the Uniform Patrol Division. This final reason for the Monthly Bulletin was never realized. In fact, most of the Police Department personnel resented the extra reading material. Therefore, the Monthly Bulletin was discontinued.

Conferences. Members of the Prevention Unit staff have participated in various groups within the community. Two major groups have been C.A.P. and a Family Court Committee. In working with C.A.P. organizations in the city, the major emphasis has been on creating good lines of communication. Through this communication, we hope to be able to understand better the people of the community and in turn give them a better understanding of the Police Department. It is hoped that we have laid the ground work for more understanding, cooperation, and assistance of all citizens in preventing crime and delinquency.

The Prevention Unit has worked with a Family Court Committee to develop more resources for family counseling. The Family Court Judge will now have more resources available to refer cases.

Speaking engagements. Members of the Prevention Unit staff have addressed several P.T.A. groups, women's clubs, sororities, and youth groups. The major emphasis of these talks has been centered around the prevention of delinquency and crime, what the police department is doing in the area of prevention, and what they as citizens can do to help alleviate or reduce the rate of crime and delinquency within the community. As a result of these meetings several people have volunteered to help the Prevention Unit accomplish its various objectives.

VIII. INVESTIGATIVE TRIPS

During the middle part of July, 1967, Gerold Gerber, Coordinator, and Sergeant Max Yospe, Assistant Coordinator, traveled to San Diego and Phoenix to gain information about their police departments and related community agencies. The concern was primarily with the Youth Division and Community Relations Division of the Police Departments and the utilization and number of community resources in the two areas. Five days were spent in each city gathering this information.

A vast amount of information was collected. Some of this information, we feel, could possibly be utilized for the betterment of our own Police Department, while other information was either unfavorable or seemed not suitable for incorporation.

Overall, the trip was very worth-while. Understanding and insight into the operations and functioning of other Police Departments were greatly increased. It also provided the opportunity for us to develop a channel of communication with the Police Departments visited. This communication can help both police departments reap the benefits from the experiences and problems each has had in the past. The programs and procedures found to be most effective by one department may be put into operation by the other. The reduction in trial and error time and costs facilitated by applying the experience and insights of each other can be tremendous.

During the last two weeks of March, Captain Wilford Stoler (Director) and Gerold R. Gerber (Coordinator) toured the police departments of Denver, St. Louis, and Cincinnati. Each police department had both commendable and questionable procedures and programs. Areas investigated in considerable depth were: (a) Juvenile Divisions; (b) Crime and Delinquency Prevention Programs; and (c) Police-Community Relations Programs.

Juvenile Divisions. The Denver Police Department has an excellent formal organization within its Juvenile Division. It consists of three bureaus—Crime Prevention, Investigation, and Youth Services. The Crime Prevention Bureau impressed us the most. Here, several officers are assigned to work closely with the schools. They lecture, show films, and try to establish a good liaison with all of the schools and pupils. In the same bureau, other officers are assigned to patrol various juvenile "hang-outs" and problem areas. Their job is to decrease the opportunities for juveniles to break the law.

The Cincinnati Police Department Juvenile Division is very similar to our own. Some of the outstanding qualities of their division are as follows: First, they have a very excellent staff of female police officers to work with youth and families having problems. Second, the lines of authority are well defined. Here, both the personnel of the juvenile division itself and other divisions know what their functions and responsibilities are in relation to their division and the whole police department. Third, the juvenile division has an excellent working relationship with the Juvenile Court. Finally, the use of School Resource Officers seems to have tremendous benefits. A Resource Officer is assigned to each high school. He works not only in a particular high school, but in all the schools (elementary and junior high) that send students on to the high school to which he is assigned. This program appears to have such benefits as prevention of delinquency; communication channels being established between children, parents, schools, and police department; and the establishment of a better police image and respect for law and order.

Delinquency and Crime Prevention Programs. In general, there are several programs that will either suppress crime or indirectly prevent it, but few programs are geared specifically to prevent crime and delinquency. The programs that are most impressive are as follows:

1. The use of fourteen officers by the Denver Juvenile Division to patrol teenage problem areas. This program seemed to be a major step in the suppression of crime and delinquency, if not its prevention.

2. The program in St. Louis of a group identification squad whose function is to identify gangs and keep tabs on their activities by the use of field cards and computers. This program helps to inhibit problem gangs from getting in trouble with the law and also might aid in dispersing the members of the gangs into constructive groups.

3. Finally, the school Resource Officers utilized by the Cincinnati Police Department appear to be one of the best programs to combat the increase in crime and delinquency. It seems able to get information and influence young people prior to their development of habitual patterns of unlawful behavior. It has the potential for facilitating the actual prevention of crime and delinquency.

Police Community Relations Programs. In two of the cities visited, the police community relations programs are very sparse and only in their infancy stages. However, in St. Louis the Police Comunity Relations Program is being launched in several areas. The major program consists of store-front operations. Here people can come to four locations and make complaints about the police department or any problems they might be having with plumbing, garbage collection, etc. The officers assigned to these store-front operations attempt to give the people assistance in overcoming their problems. Another noteworthy program in St. Louis involves lay citizens of the city. Here every police district has a citizen group organized to better the communications between the police department and the general public. These groups range from 30–200 people. They are composed of all age groups and minorities. Finally, all news media are utilized by the Police Community Relations Division of the St. Louis Police Department in advertising and sponsoring their programs. The complete cooperation of the news media seems to be a tremendous asset in making the police community relations programs a real success in St. Louis.

The programs and operations taking place in the above cities can be used as models to improve our Prevention Project. They can also help indicate our strengths as well as our weaknesses.

IX. ADVISORY COUNCIL, BUSINESSMEN'S EXECUTIVE COUNCIL, AND NEWS MEDIA

The Prevention Unit established an Advisory Council during the month of June, 1967. This Council is represented by various minority groups, agencies, and church organizations. Some of the functions of the council are: (1) Establish guidelines to help the Prevention Unit accomplish its major objectives; (2) Advise and counsel the Prevention Unit; (3) Work towards uniting all agencies in a team effort to solve or alleviate the problems of delinquency, crime and environmental trouble areas; (4) Work towards decreasing the amount of overlapping of agencies' functions and cases; (5) Discuss each other's problems and try to work out solutions for them; and (6) Provide the facilities for opening various avenues to help the Prevention Unit accomplish its objectives.

The first meeting for the Advisory Council was held on August 4, 1967 at 3:00 p.m. in the Youth Bureau squad room on the seventh floor of the Hall of Justice Building, Salt Lake City, Utah.

From that time until now, the Advisory Council members have been instrumental in helping the Prevention Unit carry out specific functions, especially the initial plan of action in the environmental trouble area. They acted as temporary chairmen in organizing each action group at the mass meeting held January 24. Their cooperation and assistance made the meeting a real success. All people who attended expressed a strong desire to better their community. This feeling seemed to be largely the result of the influence of the Advisory Council members in conducting the various action groups.

During the past three months, three additional organizations were included in the Advisory Council. These are: Business and Industry; News Media; and Northwest Community Action. These new organizations added tremendously to the total representation of important groups of the community. It is felt that the Advisory Council can provide the Prevention Unit with a more complete and inclusive channel of communication with all strategic organizations of the community. This should help the Unit in at least two important ways. First, all of the programs and activities of the Prevention Unit can be coordinated with the functions and programs of all other groups in the community. Second, the cooperation and assistance of these strategic and influential groups of the community can be solicited to help make the crime and delinquency prevention programs a real success.

Businessmen's Executive Council: Members of the Prevention Unit staff have held several meetings with businessmen. The first initial meeting with businessmen was held on February 7, 1968. At this meeting a brief outline of the Crime and Delinquency Prevention Project was explained to all in attendance. Following this presentation, Mr. Gerold Gerber, Coordinator, and Sgt. Max Yospe, Assistant Coordinator, discussed several possible ways that business and industry could help prevent crime and delinquency. The businessmen were very enthusiastic about helping in this area. They wanted to read over the material circulated to them, discuss it with their respective companies, and meet again in two weeks.

The second meeting centered around various ways that individual businesses and industries might be able to participate in the prevention project. This led to the formulation of several action goals. In order to accomplish these goals, it was decided that a Businessmen's Executive Council of fifteen representatives from the various sectors of business and industry be formed.

In response to their suggestion, a Businessmen's Executive Council was formed which meets every two weeks. Their primary function is to involve the businesses and industries of Salt Lake City in crime and delinquency prevention programs. Three specific goals have been formulated by the Executive Council. These are: (1) Establishment of a film library at the Police Department; (2) A fund to help officers attend various special institutes and other training courses; and (3) Work towards obtaining more jobs for youth.

News Media. The Prevention Unit has held several conferences with the News Media. Three conferences were held with representatives of each news medium in Salt Lake City. Each radio station, television station, and newspaper sent a representative to these meetings. The primary purpose of the meetings was to arrive at tangible ways in which each medium could participate in a delinquency and crime prevention project. A tentative list of projects that might feasibly be undertaken was prepared and discussed. All News Mediums expressed the desire to do all they could to undertake one or more of these projects. They felt a responsibility to help the community in any way possible to overcome the problem of delinquency and crime.

X. MISCELLANEOUS AND COMMENTS

Through the united participation of all officers of the police department and the total community, a more effective delinquency and crime prevention program seems to be forthcoming. All our efforts to accomplish this seem of utmost importance in making the Salt Lake community a better place to live.

The Prevention Unit is striving to coordinate the efforts of all agencies, churches, schools, and the total community in the area of crime and delinquency prevention. It is hoped that this coordination will help eliminate overlapping of prevention programs, services, and functions of all involved citizens and groups. It can provide a much needed unified approach to the prevention of crime and delinquency instead of the splintered effort that now exists, to some extent, in Salt Lake City and other communities. Only by coordinating the efforts of all community groups and individuals can real progress be made in this most vital area. Crime and delinquency must be seen as a total community problem. Thus, the elimination or alleviation of this major problem becomes a common challenge of every law abiding citizen of the community. The Prevention Unit is attempting to both coordinate and stimulate the entire community into taking preventive action. Crime and delinquency can be decreased only by the united effort of the whole community.

The Prevention Unit has produced significant results in most areas of involvement during its establishment. There have been considerable time and effort expended in all areas, but the Environmental Trouble Action Area has received the major emphasis. At the present time we are on the brink of total community involvement. There are many adults and teenagers who are already involved in action groups to make their community a better place to live. They are formulating and carrying out specific programs aimed towards this end. The action of this community may well be a model for other communities throughout the city and nation. It represents the united cooperation of churches, adults, teenagers, and social agencies working together to resolve community problems, specifically crime and delinquency.

EXHIBIT 2

AN ORDINANCE

An ordinance amending title 30 of the Revised Ordinances of Salt Lake City, Utah, 1965, relating to the Police Department by adding thereto a new chapter to be known as Chapter 5, providing for a Human Relations Commission and defining the nature, personnel and duties of such commission.

Be it ordained by the Board of Commissioners of Salt Lake City, Utah:

Section 1. That Title 30 of the Revised Ordinances of Salt Lake City, Utah, 1965, relating to the Police Department, be, and the same hereby is amended by adding thereto a new chapter to be known as Chapter 5, providing for a Human Relations Commission, defining the nature, personnel and duties of sucn commission, said Chapter to read as follows:

"CHAPTER 5

"HUMAN RELATIONS COMMISSION

"Sec. 30–5–1. Creation, title, composition, qualification. There is hereby created an official body of the city to be known as 'Human Relations Commission,' which body shall consist of the Commissioner of Public Safety, the Chief of Police and twelve representative residents of the city of Salt Lake City.

"Sec. 30–5–2. Appointment, Oath of office. The resident members of said commission shall be appointed by the Board of Commissioners, which Board shall receive and give due consideration to persons recommended for appointment to said commission by the Chief of Police. The resident members of said commission shall take and sign the oath of office required by law to be taken and signed by city officers to be filed in the office of the City Recorder.

"Sec. 30–5–3. Term of office. Vacancies. The resident members of said commission shall be appointed for the following terms: four for two year terms, four for three year terms, and four for four year terms, provided that after the initial terms of two, three and four years, all subsequent terms of office shall be for a period of four years. The terms of office of each member shall commence on the 15th day of April, 1968, and he shall serve until his successor is appointed and qualified, unless the appointment is to fill a vacancy, in which case he shall hold office for the unexpired term of the person he succeeds. A vacancy shall occur when a member of the commission removes his residency from Salt Lake City. Vacancies in the commission shall be reported to the board of commissioners by the chief of police. The chief of police shall be a continuing member of said commission.

"Sec. 30–5–4. Organization. Quorum. The members of said commission shall meet within ten days after receiving notice of their appointment and organize by electing a chairman and vice chairman from their own members and shall designate a secretary who may be either a member of the commission or another suitable person. Seven members of the commission shall constitute a quorum for the transaction of business at any stated meeting or meeting regularly called. A meeting of the commission may be called by the chairman, or in his absence or disability, the vice chairman, the chief of police or any four members of the commission.

"Sec. 30–5–5. Powers and duties generally. The said commission shall have the following powers and duties:

"(a) To seek out racial discrimination and potentially explosive racial problems and assist in resolving difficulties before they erupt into disorder.

"(b) Seek and encourage compliance with Civil Rights laws before resort is made to legal enforcement rights.

"(c) Be a clearing house of information for the community, supplying up-to-date data on housing, employment, education, welfare and recreation.

"(d) Cooperate with such police-community relations squad, or other special squads, as may be established within the police department personnel.

"(e) As far as practical and within the scope of local problems and aims cooperate with the National Council on Crime and Delinquency.

"Sec. 30–5–6. Appointment of personnel to perform special services. The commission may, with the consent and approval of the board of commissioners, appoint one or more persons to perform special or professional services for the commission to assist in the performance of its duties. Remuneration for such services shall be determined by the board of commissioners.

"Sec. 30–5–7. Remuneration. Resident members of the said commission shall receive no compensation for their services as members thereof or for any personal expense they may incur as such members. The chief of police shall receive no additional compensation for serving as a member of said commission.

"Sec. 30–5–8. Meetings. The commission shall meet at least once during each calendar quarter and at such other times as may be called as provided in Sec. 30–5–4.

"Sec. 30–5–9. Removal from office. Any member of said commission except the chief of police, may be removed from the office by the board of city commissioners for cause, prior to the normal expiration of the term for which he was appointed."

Section 2. In the opinion of the Board of Commissioners it is necessary to the peace, health and welfare of the inhabitants of Salt Lake City, Utah, that this ordinance become effective immediately.

Section 3. This ordinance shall take effect upon its first publication.

Passed by the Board of Commissioners of Salt Lake City, Utah, this 2nd day of April, 1968.

[SEAL] J. BRACKEN LEE,
Mayor.
HERMAN J. HOGENSEN,
City Recorder.

Published April 5, 1968.
Bill No. 29 of 1968.

DESIGNATION OF CERTAIN LANDS IN NEW JERSEY AS WILDERNESS

Mr. HARRIS. Mr. President, on behalf of the distinguished Senator from Washington [Mr. JACKSON], I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3379.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3379) to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness which was, strike out all after the enacting clause, and insert:

That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Great Swamp National Wildlife Refuge, New Jersey, which comprise about three thousand seven hundred and fifty acres and which are depicted as wilderness units on a map entitled "M. Hartley Dodge Wilderness and Harding Wilderness—Proposed" and dated September 1967 are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Bureau of Sports Fisheries and Wildlife, Department of the Interior.

SEC. 2. The area designated by this Act as wilderness shall be known as "The Great Swamp National Wildlife Refuge Wilderness Area" and shall be administered by the Bureau of Sports Fisheries and Wildlife under the supervision of the Secretary of the Interior in accordance with the provisions of the Wilderness Act.

SEC. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the area is administered (including measures required in emergencies involving the health and safety of persons within the area), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of motorized transport, and no structure or installation within the area designated as wilderness by this Act.

Mr. HARRIS. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LANDS HELD IN TRUST FOR PAWNEE INDIAN TRIBE—CONFERENCE REPORT

Mr. HARRIS. Mr. President, on behalf of the distinguished Senator from Washington [Mr. JACKSON], I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5910) to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 19, 1968, p. 27645, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HARRIS. Mr. President, as originally passed by the House, H.R. 5910 declared that approximately 726 acres of excess school lands, together with improvements, in the former Pawnee Indian agency, Oklahoma, would be held in trust for the Pawnee Tribe. The Senate, at the recommendation of the Bureau of the Budget, amended the bill to delete two 20-acre tracts and provided for a fee title rather than trust status for the remaining 686 acres.

At the first conference meeting in February 1968 on the differences in the two versions of the bill, the House conferees agreed with the Senate position that the two 20-acre tracts should be deleted from the bill. The issue of fee or trust title could not be resolved.

At the second conference on September 12, a majority of the Senate conferees were persuaded to the House position on a trust title to these lands.

Although the Pawnees have no other tribal land, the acreage which is the subject of this bill is surrounded by some 26,000 acres of Pawnee allotments, still held in trust by the United States. Moreover but for a legal technicality these excess school lands, which the tribe has not been compensated for, would now be held in trust for the tribe and this legislation would not be necessary.

Two conflicting decisions of the U.S. Court of Claims have cast a cloud on the title to the reserved lands and raise a question of whether or not title to these lands is to be held in trust by the United States for the Pawnee Tribe of Oklahoma. A decision by the Court of Claims in 1920—56 Ct. Cl. 1—held that the lands reserved for school and agency purposes continued as tribal property and therefore the tribe was entitled to compensation for only 45 acres of the lands so reserved.

Thereafter, the U.S. Court of Claims upheld the opinion of the Indian Claims Commission dated July 14, 1950—docket No. 10—which held that title to the lands reserved for school and agency purposes passed to the United States at the time of the cession, *Pawnee Indian Tribe of Oklahoma* v. *United States* (109 F. Supp. 860).

Since 1874, the tribe has continuously used these lands and except for the portions conveyed, the tribe has always regarded the land as its property.

When the United States needed lands from the tribal estate for administrative or school purposes, it reserved the land, and when the land was no longer needed, the Secretary of the Interior revoked the reserve and restored the land back to tribal jurisdiction in trust. Except for the conflicting court opinions this land would have been restored to the Pawnees in trust. It seems unfair and unjust to force a fee title on the Pawnees, and, therefore, the majority of the conferees have agreed to recede from the Senate amendment and accept the House position on this issue.

Mr. President, I move adoption of the conference report.

The motion was agreed to.

ORDER OF BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Harris in the chair). Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT OF THE UNITED STATES DURING ADJOURNMENT OF THE SENATE THIS EVENING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate this evening, the Secretary of the Senate be authorized to receive messages from the President of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

DUTIABLE STATUS OF ALUMINUM HYDROXIDE AND OXIDE, CALCINED BAUXITE, AND BAUXITE ORE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1411, H.R. 7735, relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7735) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Report of Department of Commerce on Commissary Activities Outside the Continental United States

A letter from the Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, a report of the Department on commissary activities outside the continental United States for the fiscal year 1968 (with an accompanying report); to the Committee on Commerce.

Report on Review of Administration of United States Assistance for Capital Development Projects in Brazil

A letter from the Director, Congressional Liaison, Agency for International Development, State Department, transmitting, pursuant to law, a secret report on "Review of Administration of U.S. Assistance for Capital Development Projects in Brazil"; also a copy of the Agency's reply to the Comptroller General (with an accompanying report and paper); to the Committee on Foreign Relations.

Reports of the Comptroller

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the activities of the Federal Aviation Administration in its Europe, Africa, Middle East Region, Department of Transportation, dated September 18, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination into the control over procurement, use, and disposition of magnetic computer tape in the Department of Defense, dated September 18, 1968 (with an accompanying report); to the Committee on Government Operations.

Convention and Recommendations of International Labor Organization

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, for action the Senate considers appropriate, a convention and three recommendations of the International Labor Organization (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITION

The PRESIDING OFFICER laid before the Senate the petition of Ray Meholchick, Huntington, Pa., praying for a redress of grievances, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, without amendment:

S. 3986. A bill to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to expedite retirement of Government capital from Federal intermediate credit banks, production credit associations and banks for cooperatives, and for other purposes (Rept. No. 1573).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with amendments:

S. 2671. A bill to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government (Rept. No. 1574).

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment:

H.R. 16175. An act to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes (Rept. No. 1575).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia:

George R. Gallagher, of Maryland, to be associate judge of the District of Columbia Court of Appeals.

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

Ted J. Davis, of Oklahoma, to be an Assistant Secretary of Agriculture.

By Mr. EASTLAND, from the Committee on the Judiciary:

Edward D. Re, of New York, to be judge of the U.S. Customs Court.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 4053. A bill for the relief of Clarence H. Machart; to the Committee on the Judiciary.

By Mr. NELSON:

S. 4054. A bill for the relief of Anthony Smilko; to the Committee on Post Office and Civil Service.

S. 4055. A bill for the relief of Charles C. S. Ching, Kwun Sue Chim, Wo Wa Cheng, Heung Mau, Sik Leung Kei, Hok Kwong Lam, Siu Hung NG; to the Committee on the Judiciary.

By Mr. ERVIN:

S. 4056. A bill for the relief of Dr. Yoshiaki Kitani; to the Committee on the Judiciary.

By Mr. BREWSTER:

S. 4057. A bill for the relief of Leung Man Shin; to the Committee on the Judiciary.

By Mr. DIRKSEN (for himself and Mr. MANSFIELD):

S. 4058. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. DIRKSEN when he introduced the above bill, which appear under a separate heading.)

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 18, 1968, he presented to the President of the United States the enrolled bill (S. 1004) to authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes.

NOTICE OF RECEIPT OF NOMINATIONS BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. SPARKMAN. Mr. President, as acting chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nominations:

Angier Biddle Duke, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Parker T. Hart, of Illinois, a Foreign Service officer of the class of career minister, to be Assistant Secretary of State, Vice Lucius D. Battle.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

PRESIDENT AND CONGRESS IN FOREIGN POLICY: THE THREAT TO CONSTITUTIONAL GOVERNMENT

Mr. CHURCH. Mr. President, this year the national debate topic on college campuses concerns the role of the Executive in the formation of U.S. foreign policy. This is a topic which is deserving of probing consideration, not only by our college students, but by our people in general.

On October 9, 1967, I spoke before the Idaho Press Club in Boise, Idaho. At that time, I set out in some detail my our concern over the tremendous power which has been gathered into the President's hands in the field of foreign relations, and the urgent need for restoring the balance of responsibility as between Congress and the President, that the Constitution intended.

Due to the number of requests which I have had for copies of this speech, "President and Congress in Foreign Policy: The Threat to Constitutional Government," I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PRESIDENT AND CONGRESS IN FOREIGN POLICY: THE THREAT TO CONSTITUTIONAL GOVERNMENT

(By Senator FRANK CHURCH)

So preoccupied have we been with the effects of the Vietnamese war on Ho Chi Minh, on China, on Russia and on all the rest of the world that we have neglected what history may judge to be its most important effect of all: the effect of our life and government here at home. It is one of the great ironies that a nation which only thirty years ago had turned its back on a dangerous world and cultivated the illusion that it could live safely in isolation is now so preoccupied with interests and images abroad that the happiness of the American people and the quality of their democracy have been reduced to secondary status in the minds of our national leaders.

So anxious is the Administration to justify its policy in Vietnam that its spokesmen have taken to denouncing, as "neo-isolationists," those who question the necessity of so large an American participation in this Asian war. In a speech at the University of Kansas on October 17, the Under Secretary of State for Political Affairs, Eugene V. Rostow, said that the current debate turns on "whether the United States should abandon its whole post-war foreign policy." In a speech at the University of Connecticut on the same day, Under Secretary of State Katzenbach said that he was "puzzled as to why so many liberals who supported President Truman in a policy of limited war in Korea now oppose a parallel policy in Vietnam."

I, for one, am puzzled by the puzzlement. Surely Mr. Rostow must know that, far from wanting the United States to "abandon its whole post-war foreign policy" and return to isolation, the critics want only to find an honorable way to extricate ourselves from a war which the Administration has shown itself unable either to win or end. Surely Mr. Katzenbach must recognize that there are differences between the Korean war which was precipitated by a sudden attack from without, and the Vietnamese war, which originated as an insurrection from within. The question at issue is not one of isolationism but of selectivity. I think our policy makers know that; their charges of isolationism are no more than an effort to discredit the critics of a policy which cannot be defended convincingly on its merits.

It is, of course, inconceivable that the United States can find safety in isolation; the experience of two world wars proved that. But it is equally inconceivable that we can find safety, or happiness, in alienation from ourselves; and that, I fear, is exactly what is happening. In their anxiety over foreign wars and crises, our leaders are becoming alienated from the American people and their needs.

Clearly, a reassessment of our priorities is in order. A new balance must be devised—one which will enable our government to play its necessary role in the world while also meeting its responsibilities to its own people. The latter warrants first priority, if only because a nation's foreign policy in the long run can be no stronger than its domestic base. More important than that, however, is the fact that foreign policy is not an end in itself but only a way of conducting business between nations; it is in the internal affairs of their countries that people find meaning and purpose and human satisfaction. The object of our foreign policy is neither to run the world nor to reform it; even if we wanted to do those things, they are patently beyond our resources—material moral and intellectual.

Our involvement in Vietnam represents an effort to implant American values in inhospitable soil. Not only have they failed to flourish there, but our prolonged distraction with the war has had the effect of eroding the fertile soil here at home in which American values have taken root and flourished and in which their promise for further growth remains almost incalculable. It is time, therefore, that we look to the effects of the present war, and indeed of all of the global involvements which have so absorbed our energies for the last twenty-five years, on the life of our people here at home.

One of the least noticed but, in the long run, most important of these effects has been the unhinging of constitutional processes in our government, particularly in the making of foreign policy. As crisis has followed upon crisis in these last twenty-five years, more and more power has accumulated in the hands of the President while the Congress has been reduced to virtual impotence in the making of foreign policy.

The cause of this change has been the long series of crises, each of which necessitated—or seemed to necessitate—decisive and immediate action. As each crisis arose, the President assumed, and the Congress usually agreed, that the executive alone was capable of acting with the requisite speed. No one thought very much about the constitutional consequences of Presidential dominance in foreign policy; we tended to think only of the crisis we were dealing with, of the need for speedy action, and of the importance of national unity in a time of emergency.

Now, however, we have got to think about constitutional problems because nothing less than the survival of constitutional government is at stake. Our democratic processes, our system of separated powers, checked and balanced against each other, are being undermined by the very methods we have chosen to defend these processes against foreign dangers. There is no end in sight to the era of crisis which began some twenty-five years ago. We cannot safely wait for quieter times to think about restoring the constitutional balance in our own government.

I should like, therefore, in the remainder of these remarks, to review some of the current methods of our foreign policy, to point out the discrepancy between these methods and those contemplated by our Constitution, and to suggest some ways in which the discrepancy could be closed.

1. COMMITTING OUR COUNTRY ABROAD

There is, first of all, a striking discrepancy between the ways in which some of our foreign commitments have been made in recent years and the treaty process through which they were meant to be made. Article II, Section 2, of the Constitution states that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur . . ." Keeping this clear language of the Constitution in mind, consider the following:

On August 25, 1966, Secretary of State Rusk told the Senate Preparedness Subcommittee that "No would-be aggressor should suppose that the absence of a defense treaty, Congressional declaration or U.S. military presence grants immunity to aggression." The statement was meant to convey a stern warning to potential aggressors. It does that, and that is all to the good, but it also puts the Congress on notice that, with or without its consent, treaty or no treaty, the executive will act as it sees fit against anyone whom it judges to be an aggressor, and that is not to the good. It is indeed nothing less than a statement of willingness on the part of the executive to usurp the treaty power of the Senate.

The denigration of treaties goes back at least to 1940, when the current era of world crisis began. In the summer of that year, when France had fallen and Britain was in imminent danger of German invasion, President Roosevelt made an agreement with Great Britain under which fifty over-aged American destroyers were given to her in exchange for certain naval bases on British territory in the Western Hemisphere. The arrangement was made by executive agreement despite the fact that it was a commitment of the greatest significance, an act which, according to Churchill, gave Germany legal grounds for declaring war on the United States. It is unlikely that President Roosevelt wished to usurp the treaty power of the Senate; he acted as he did because he thought the matter to be one of the greatest urgency and he feared that Great Britain might be invaded and overrun before the Senate could act on a treaty. In retrospect this seems unlikely but, granting that the danger may have seemed real at the time, the constitutional effects of President Roosevelt's action would have been mitigated if he had frankly stated that he had acted on an emergency basis in a manner which may have exceeded his constitutional authority. Instead, he had the Attorney General prepare a brief contending that the President had acted entirely within his constitutional powers. Instead, therefore, of a single incursion on the Senate's treaty power, acknowledged to be such, the act was compounded into a precedent for future incursions on the constitutional authority of the Congress.

The destroyer deal was the first of a long series of significant foreign commitments made by executive agreement or simple declaration, each one of which has constituted an added precedent for the taking over by the President of the treaty powers meant to be exercised by the Senate. So far have things gone that treaties are now widely regarded, at least within the executive branch, as no more than one of a number of available methods of committing our country to some action abroad. We have even come close, in some instances, to reversing the traditional rule that minor or routine arrangements with foreign countries can be made by executive agreement while significant ones must be made by treaty. Some months ago, for example, the Senate was asked to ratify, as a treaty, an agreement with Thailand concerning taxes.[1] It was, of course, entirely proper that the tax agreement be referred to the Senate, but when the matter was under consideration by the Foreign Relations Committee, I was struck by the ironic fact that the United States now has 35-thousand troops in Thailand, some of whom are engaged in military support operations against the guerrillas in northeast Thailand, and that this far more significant commitment was never referred to the Senate for its advice and consent.

One of the favorite devices used to circumvent the treaty power of the Senate is the Congressional resolution, framed in such sweeping language as to give advance consent to unspecified Presidential action. As used in recent years, these resolutions are not specific and carefully considered grants of power but blank checks on the constitutional authority of Congress written in an atmosphere of contrived emergency. As the executive has made increasingly extravagant use of these resolutions—about which I shall comment further in a few minutes—Congress has begun to develop a belated but healthy wariness of vague and hasty grants of authority.

Early last spring, for example, the Senate was asked to adopt a sweeping resolution promising large new sums of aid money for Latin America. The Senate was asked to adopt this resolution in great haste so that President Johnson would be able to carry it to his meeting with the American Presidents at Punta del Este. The Foreign Relations Committee judged that it simply could not assess the merits of the proposal in the short time that was allowed and, since the proposed measure was not urgent, the Committee declined to act on the President's request and instead adopted a substitute resolution promising to give due consideration, in accordance with its normal procedures, to any proposals for increased aid to Latin America which the President might choose to submit. The substitute resolution, which the Committee adopted by a vote of nine to nothing, was rejected by Mr. Walt Rostow as "worse than useless." The President went to Punta del Este without his resolution and the effects, I think, were salutary. Having no gifts to dispense, the United States was obliged to deal with the Latin Americans as a friend rather than as a patron; having no new bauble dangled before them, the Latin Americans were obliged to deal with the United States as equals rather than as suppliants.

The significance of the Foreign Relations Committee's rejection of the proposed Latin American resolution had much more to do with executive-legislative relations at home than with the Committee's attitudes toward Latin America. The Committee was exhibiting a new but well-founded reluctance to grant the executive any more blank checks. The executive is being put on notice that its account with Congress is overdrawn, not only in matters affecting treaties but even more in matters of deciding on war or peace, to which I now turn.

2. THE WAR POWER

Unlike the treaty power, the Constitution did not divide the war power equally between the two branches of government but vested it predominantly in Congress. Article I, Section 8, of the Constitution states that Congress shall have the power to declare war; to raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of the armed forces; to provide for calling forth the militia to execute the laws, suppress insurrections and repel invasions; to provide for organizing, arming and discipling the militia; and to make all laws necessary and proper for executing the foregoing powers. Article II, Section 2, of the Constitution states that the President shall be commander-in-chief of the army and navy.

The language of the Constitution is clear and the intent of the framers beyond question: the war power is vested almost entirely in the Congress, the only important exception being the necessary authority of the President to repel a sudden attack on the United States. Only in recent years have Presidents claimed the right to commit the country to foreign wars, under a sweeping and, in my opinion, wholly unwarranted interpretation of their power as commander-in-chief.

The framers of the Constitution very deliberately placed the war power in the hands of the legislature, and did so for excellent reasons. Again and again, the American colonies had been drawn, by royal decree, into England's wars with other European countries. The leaders of the newly independent republic resolved to make certain that their new country would never again be drawn into war at the direction of a single man; for this reason they transferred the war power to the legislative branch of the newly created government. In so doing, they recognized that the President might sometimes have to take defensive action to repel a sudden attack on the United States, but that was the extent of the warmaking power they were willing for him to exercise.

The intent of the framers is made quite clear in the proceedings of the Constitutional Convention and in the subsequent writings of the founding fathers. In a letter to James Madison in 1789, Thomas Jefferson wrote:

"We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay."[2]

Alexander Hamilton, who generally favored extensive Presidential power, nonetheless wrote as follows concerning the President's authority as commander-in-chief:

"The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the Confederacy, while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature."[3]

During the first century of American history most of our Presidents were scrupulously respectful of Congress's authority to initiate war. When President Jefferson sent a naval squadron to the Mediterranean to protect American commercial vessels from attack by the Barbary pirates, he carefully distinguished between repelling an attack and initiating offensive action. When he thought the latter necessary, he sent a message to Congress asking for the requisite authority. Acknowledging that he himself was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense," he requested authority to take offensive action, acknowledging that such authority was "confided by the Constitution to the legislature exclusively."[4]

The Monroe Doctrine is often cited by proponents of unrestricted Presidential power as a precedent for executive authority to commit the country to military action abroad. In fact, President Monroe himself regarded his declaration as no more than a policy statement. When the Government of Colombia inquired, in 1824, as to what action the United States might take to defend the newly independent Latin American states against European interference, Secretary of State John Quincy Adams replied:

"With respect to the question, 'in what manner the Government of the United States intends to resist on its part any interference of the Holy Alliance for the purpose of subjugating the new Republics or interfering in their political forms' you understand that by the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government. . . ."[5]

In 1846 President Polk sent American forces into disputed territory in Texas, precipitating the clash which began the Mexican war. Abraham Lincoln, then a Republican member of the House of Representatives from Illinois, was certain that the President had acted unconstitutionally, and he wrote:

". . . Allow the President to invade a neighboring nation whenever *he* shall deem it necessary to repel an invasion, and you allow him to do so, *whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at

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Footnotes at end of article.

pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose. . . .

"The provision of the Constitution giving the warmaking power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our convention undertook to be the most oppressive of all kingly oppressions; and they resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us." [6]

By the end of the nineteenth century, precedents had been established for Presidential use of the armed forces abroad for certain limited purposes, such as suppressing piracy and the slave trade, "hot pursuit" of criminals across frontiers, and protecting American lives and property, as well as for repelling sudden attack. But in the early twentieth century, Presidential power over the armed forces was greatly expanded. Presidents Theodore Roosevelt, Taft and Wilson, acting without authority from Congress, repeatedly intervened militarily in Mexico, Central America and the Caribbean. The Congresses of that period, most unwisely, failed to resist these Presidential incursions on their constitutional authority, with the result that they became precedents for the further and much greater incursions that were to follow during and after World War II.

We have already noted how President Franklin Roosevelt usurped the treaty power of the Senate in making his famous destroyer deal with Great Britain; he also went further than any previous President in expanding executive power over the armed forces. In the course of the year 1941, he committed American forces to the defense of Greenland and Iceland, authorized American warships to escort, as far as Iceland, convoys which were bound for Britain and ordered American naval vessels to "shoot on sight" against German and Italian ships in the western Atlantic. Well before Congress declared war on the axis powers, President Roosevelt had already taken the country into an undeclared naval war in the Atlantic. Few would deny that he did these things in an excellent cause, that of assisting Britain in those desperate days when she alone stood against the tide of Nazi aggression. But in doing what he did for a good cause, President Roosevelt enabled his successors to claim the same authority in the furtherance of causes much more dubious.

After World War II, the trend toward Presidential dominance accelerated greatly and the real power to commit the country to war is now in the hands of the President. As one historian, Professor Ruhl Bartlett, has pointed out, "the positions of the executive and legislative branches of the Federal Government in the area of foreign affairs have come very close to reversal since 1789. . . ." [7] In other words, the intent of the Constitution has been virtually negated.

In 1950, President Truman committed the armed forces of the United States to the Korean war without any form of Congressional authorization. The President himself made no public explanation of his action, but an article in the *Department of State Bulletin,* which is the official record of State Department policy, asserted that "the President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof." [8] No one in Congress protested at the time, but some months later, in January 1951, Senator Taft asserted that the President had "simply usurped authority" in sending troops to Korea.[8A]

When the Korean war went badly, President Truman's political opponents, who had supported him at the outset, charged him with responsibility for the war and accused him of exceeding his authority. In order to protect themselves from this kind of accusation, subsequent Presidents have adopted the practice of asking Congress for joint resolutions when they contemplate taking military action in some foreign country. Presidents Eisenhower, Kennedy and Johnson all have requested such resolutions and Congress has readily complied. Resolutions were adopted pertaining to Formosa, the Middle East, Cuba and, finally, Southeast Asia. Couched in the broadest of terms, these resolutions have generally expressed Congress' advance approval of any military action the President might see fit to take in the area concerned.

The most important and fateful of all these was the Gulf of Tonkin resolution adopted by Congress in August, 1964, after only two days of hearings and debate. The resolution expressed Congressional approval of any measures the President might choose to take to prevent aggression in southeast Asia and further stated that the United States was prepared to take any action the President might judge to be necessary to assist a number of southeast Asian states including Vietnam.

The Gulf of Tonkin resolution has been cited, again and again, as proof of Congress' approval of the war in Vietnam which we have now taken over. Unfortuntely, both the language of the resolution and the very brief discussion which took place in Congress at the time of its adoption lend themselves to that interpretation, although I feel certain, having participated at the time, that Congress neither expected nor even considered that the President would later commit half a million American soldiers to a full-scale war in Vietnam.

How did it come about that Congress permitted itself to be so totally and disastrously misunderstood? How did it come about—and this is the more fundamental question—that on so many occasions in recent years Congress has tamely yielded to the President powers that, beyond any doubt, were intended by the Constitution to be exercised by the Congress?

A number of possible reasons come to mind:

First, in an atmosphere of real or seemingly emergency, Congress, like the country, tends to unite in back of the President. Because the United States has been a world power for only a short time, we have not really gotten used to dealing with emergencies and, more important still, to discriminating between genuine emergencies and situations that only seem to require urgent action. Lacking experience in dealing with such situations as the Gulf of Tonkin crisis in 1964, we have tended to act hastily and with insufficient regard for the requirements of constitutional procedure, assuming, quite wrongly, that it would somehow be unpatriotic to question the President's judgment in a moment of apparent emergency.

Second, in the case of the Gulf of Tonkin resolution, Congress failed to state its intentions clearly and explicitly because it believed that those intentions were widely understood. A national election campaign was then in progress and President Johnson's basic position as to Vietnam was that ". . . we are not about to send American boys 9,000 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves." [9] In adopting a resolution supporting the President on Vietnam, the great majority in Congress believed that they were supporting the position of moderation which President Johnson was taking in his campaign. The failure of Congress to make its intentions clear was nonetheless a serious failure of legislative responsibility.

Third, for a number of reasons Congress has developed an unfortunate tendency in recent years to underrate its own competence to deal with foreign relations. The executive branch of our government is populated with specialists and experts in foreign policy. These men have added greatly to our government's competence in the conduct of foreign relations, but they have also demonstrated a certain arrogance, purveying the belief that anyone who is not an expert, including Congressmen, Senators and ordinary citizens, is simply too stupid to grasp the problems of foreign policy. Modesty and self-effacement are not characteristics that we usually associate with politicians but, curiously enough, many Congressmen and Senators seem to have accepted the view that foreign policy is best left to the experts. This view is patently false: Clemenceau said that war was too important to be left to the generals; similarly, the basic decisions of foreign policy are too important to be left to the diplomats. As Professor Bartlett has said, ". . . there are no experts in wisdom concerning human affairs or in determining the national interest, and there is nothing in the realm of foreign policy that cannot be understood by the average American citizen." [10]

As a result of the passing of the war power out of the hands of Congress, perhaps the most important of our constitutional checks and balances has been overturned. For the first time in our history, there has come into view the possibility of our President becoming a Caesar, because, as Gibbon wrote in *The Decline and Fall of the Roman Empire,* "The principles of a free constitution are irrecoverably lost, when the legislative power is nominated by the executive." [11] It is no exaggeration to say that the President of the United States now holds the power of life and death for two hundred million Americans and, indeed, for most of the human race. No human being on the face of the earth can safely be entrusted with such enormous powers over his fellow man. Even the wisest and most competent of Presidents is still a human being, susceptible to human flaws and human failures of judgment. The greatest insight of our founding fathers was their recognition of the dangers of unlimited power exercised by a single man or institution; their greatest achievement was the safeguards against absolute power which they wrote into our Constitution.

Belatedly, recognizing these fundamental truths, the Senate Foreign Relations Committee has been considering a most significant and unusual resolution. It would express the sense of the Senate that any decision to commit American armed forces to foreign territory for any other purpose than immediate self-defense in response to a sudden attack on the United States should, without exception, be made in accordance with constitutional procedures, which require the consent of Congress.

The resolution, if adopted, will not, of and by itself, restore the constitutional balance which has been lost. It will not, of and by itself, restore to Congress the war power, now abdicated away. The resolution is, however, designed to initiate that process; it is designed to remind Congress of its responsibilities and to help create a new state of mind.

What, one may ask, could be expected to come of a new Congressional attitude toward foreign policy. First, one may hope that it would encourage the Congress to show the same healthy skepticism toward Presidential requests pertaining to foreign relations that it shows toward Presidential recommendations in the domestic field. One may hope that the Congress hereafter would exercise its own judgment as to when haste is necessary and when it is not. One may hope that, in considering a resolution such as the Gulf of Tonkin resolution, the Congress would hereafter state as explicitly as possible the nature and purpose of any military action to be taken and, more important still, that it would make it absolutely clear that the resolution was an act of authorization, granting the President specific powers which he would

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Footnotes at end of article.

not otherwise possess. One may hope, finally, that the Congress would never again forget that its responsibility for upholding the Constitution includes the obligation to preserve its own constitutional authority.

One hears it argued these days—by high officials in the executive branch, by foreign policy experts, and by some political scientists—that certain of our constitutional procedures, including the power of Congress to declare war, are obsolete in the nuclear age. This contention, in my opinion, is without merit. Nothing in the Constitution prevents—and no one in Congress would ever try to prevent the President from acting in a genuine national emergency. What is at issue is his authority to order our military forces into action in foreign lands whenever and wherever he judges the national interest to require it. What is at issue is his right to alter constitutional processes at his option, even in the name of defending those processes. I do not believe that the Constitution is obsolete; I do not believe that Congress is incapable of discharging its responsibilities for war and peace; but, if either of these conditions ever should arise, the remedy would lie in the amendment process of the Constitution itself. As George Washington said in his farewell address, ". . . let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

FOOTNOTES

[1] Executive E, 89th Congress, 1st Session.

[2] *The Papers of Thomas Jefferson,* 17 vols. (Julian P. Boyd, ed., Princeton: Princeton University Press, 1955), vol. 15, p. 397.

[3] *The Federalist,* No. 69 (Henry Cabot Lodge, ed., New York and London: G. P. Putnam's sons, 1908), pp. 430–431.

[4] U.S. Congress, Joint Committee on Printing, *Compilation of Messages and Papers of the Presidents,* 20 volumes (James D. Richardson, ed., New York: Bureau of National Literature, Inc., 1897), vol. 1, p. 314.

[5] John Quincy Adams to Don Jose Maria Salazar, Aug. 6, 1824, quoted in *The Record of American Diplomacy* (Ruhl J. Bartlett, ed., 3rd edition, New York: Alfred A. Knopf, 1954), p. 185.

[6] Letter to William H. Herndon, Feb. 15, 1848, in *The Collected Works of Abraham Lincoln,* 9 vols. (New Brunswick: Rutgers University Press, 1953), vol. 1, pp. 451–452.

[7] "U.S. Commitments to Foreign Powers," *Hearings Before the Committee on Foreign Relations,* U.S. Senate, 90th Cong., 1st Sess., on S. Res. 151 (Washington: U.S. Government Printing Office, 1967), p. 20.

[8] *Department of State Bulletin,* vol. 23, No. 578, July 31, 1950, pp. 173–177.

[8A] *Congressional Record,* 82nd Cong., 1st Sess., vol. 97, January 5, 1951, p. 57.

[9] Remarks in Memorial Hall, Akron University, Akron, Ohio, October 21, 1964.

[10] "U.S. Commitments to Foreign Powers," p. 20.

[11] Edward Gibbon, *The History of the Decline and Fall of the Roman Empire,* 3 vols. (New York Random House, Modern Library Edition), vol. 1, p. 54.

WEAPONS AND EQUIPMENT FOR DEFENSE OF ISRAEL

Mr. SCOTT. Mr. President, in the past year I consistently have urged that the United States provide Israel with weapons and equipment necessary for her defense. I have stressed particularly Israel's need of Phantom jets, and was responsible in large measure for the language in the 1968 Republican platform which urged that the United States provide supersonic jets to Israel.

This week I again urged President Johnson to sell F–4 Phantom jets to Israel. In a letter to the President, I said:

> I was dismayed to learn this weekend that your Administration had apparently decided against selling F–4 Phantom Jets to the State of Israel.
>
> Throughout your term of office, Mr. President, you have always been concerned with maintaining peace and protecting the national security of the United States. Let me point out how this additional military equipment for Israel would meet your carefully-considered criteria.
>
> A you know, when the gallant Israelis defeated their Arab neighbors in the six-day war in 1967, both sides lost men and equipment. Since that time, the Soviet Union has replaced virtually all the military hardware the Arabs lost in the war. Some of it is more effective than that which was destroyed.
>
> Israel, on the other hand, has lagged behind in replacing its defensive weapons. One of its greatest problems has been the replacement of aircraft, since the French Government, under President DeGaulle, has turned a deaf ear to the pleas of Israel which wanted to add new Mirage aircraft.
>
> The United States recently either sent, or agreed to send, to Jordan 54 Patton tanks, 2 squadrons of F–104 Starfighters, and approximately $100,000,000 in additional arms.
>
> The most serious threat to Israel in the air are the MIG–21s. Our F–4 Phantom Jets are the only aircraft that can compete successfully with the MIG–21s.
>
> I share your concern, Mr. President, that there should be mutual disarmament and permanent peace in the Middle East, but the Soviet Union has escalated the Arab Nation's military arsenal. We cannot help the situation by denying to Israel weapons it needs to defend itself. We can help to stabilize peace in the Middle East by supporting Israel.
>
> I share your deep commitment to strengthen United States national security. We can further that end by helping to keep strong our important friend and ally—the State of Israel.
>
> I urge that you sell Israel the F–4 Phantom Jets.

NEW YORKER EXPERIENCES THE BEAUTY AND THE TRAGEDY OF THE BIG THICKET, NOW IN DIRE NEED OF PROTECTION

Mr. YARBOROUGH. Mr. President, Berton Roueche describes his travels through the Big Thicket area of Texas in the August 31, 1968, issue of New Yorker magazine. The article discusses his journey to the famous "witness tree" located deep within the thicket. Mr. Roueche describes with color and clarity the character of the people and the land which make up the Big Thicket. His experience seems to culminate at the giant stump known as the "witness tree"—a thousand-year-old magnolia which is claimed had been deliberately poisoned by persons opposed to the efforts to protect the resources of the Big Thicket.

Mr. Roueche has contributed a factually accurate description, beautifully written, to the literature of the Big Thicket. The article illustrates the need for immediate action on S. 4, my bill to establish a Big Thicket National Park. For that reason, I ask unanimous consent that the article, appearing on page 56 of New Yorker magazine, entitled "A Reporter at Large: The Witness Tree," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A REPORTER AT LARGE: THE WITNESS TREE

The highway ran on and on between two walls of trees. The trees were mainly white oak and beech and loblolly pine, with here and there a Southern magnolia, and they rose from the roadside sixty, eighty, a hundred feet into the hot blue morning sky. This was the Big Thicket of East Texas. It was the remains of a bog-and-bayou wilderness that once—before sawmills and oil wells and pipelines and subdivisions and water-ski resorts—spread over more than three million acres of land in the counties of Polk, Tyler, Hardin, and Liberty. At the urging of local conservationists, the National Park Service had recently proposed that some thirty-five thousand acres of this remainder be preserved as a National Monument, and we—Ernest Borgman, superintendent of Padre Island National Seashore, at Corpus Christi, and I—had driven up to spend a day in that part of the Thicket.

The wall of woods moved back from the highway, and an old frame house appeared on the left, and then, on the right, a field of grazing cattle with cattle egrets following underfoot. At the edge of the field was a sign: "Saratoga." Saratoga (pop. 806), a village founded by a nostalgic upstate New Yorker, lies close to the heart of the Big Thicket, and it was here that we had arranged to pick up our guide, a local naturalist named Lance Rosier. The highway became a street. There was a Texaco station on one side of the street and a Fina station on the other. Then came a block of houses, and then a block of one-story buildings with covered sidewalks: "Crouch Coca-Cola Gro.," "Wimpy's Carnation Fresh Milk Gro. & Mkt.," "Crawford's Have-a-Pepsi Café," a barbershop with a wooden barber pole, a Gulf station, a brick post office. Rosier was waiting for us on a bench in front of the post office. He was a small man with a big nose and big ears, and he had on a faded blue work shirt and a little cotton golf hat. Borgman pulled in to the curb, and Rosier got up and came across to the car. He looked to be about seventy. He gave us each a limp, country handshake, and got into the back seat and sat there with his hands folded in his lap.

"Well, Lance?" Borgman said.

"Sir?" Rosier said.

"Where to?" Borgman said. "Where do we start?"

"Do you know the old Ghost Road?" Rosier said.

"I've heard of it," Borgman said. He swung the car around, and we headed back out of town. "It's on the way to Big Sandy and Tight-Eye and all up there."

"Yes, sir," Rosier said. "Turn right, please."

We turned off the highway and onto a narrow sandy road. It ran between fields of grazing cattle and greening corn for half a mile, and then the woods rose up and we were back in the Thicket. The woods were deep and dense and dark, and there was standing water under most of the trees. In the water along the roadside were spiky clumps of scrub palmetto. Up ahead, a buzzard hung over the road. It was a spooky-looking place.

"This must be the Ghost Road," I said.

"Yes, sir," Rosier said. "It is. And do you notice how straight it runs? It runs as straight as an arrow for nine miles—all the way to Bragg. Bragg is a ghost now, too. This used to be a branch line of the Gulf, Colorado & Santa Fe Railway. They tore up the tracks in 1934. But that's only partly why they call this the Ghost Road. There's supposed to be a ghost in here. A man was jacking deer in here one night, and he was drinking and he got himself drunk. So he lay down on the railroad tracks to rest. He was still laying there when the train come along, and it cut off his head. The ghost is his lantern. People still see it burning here at night."

"Have you ever seen it, Lance?" Borgman said.

"No, sir," Rosier said. "Now, do you notice that right along here you don't see any hardwood? The lumber company—one of them—sprayed about seven thousand acres to kill off the hardwood and get a pure stand of pine for lumber. It was a hormone spray, and they did it from a helicopter. That was about three years ago. So you don't see any hardwood at all. Or any birds, either."

We drove on down an endless aisle of loblolly pine. After a couple of miles, the woods deepened and darkened, and another buzzard hung over the road. We were out of the pine desolation. Rosier leaned forward. There was something moving on the road ahead. The movement took form—a big brown sow and eight tumbling little pigs. But a glimpse was all I got. There was another commotion, and they all were gone.

Rosier laughed. "Now you know we're out of the sprayed area," he said. "Those wild pigs are a sure sign. They live on acorns. They live right well, too. They can get up to three and four hundred pounds. There are all kinds of animals gone feral in the Thicket. There are pigs like those, and cats and goats, and even some cattle. And about a year ago a man I know got tired of a herd of jackasses he had, and he turned them loose in here. I believe there were twenty-six of them. They're all in here somewhere."

"What about real wild animals?" I said.

"Yes, sir," he said. "We have those, too. Including rattlesnakes and copperheads and water moccasins. We've got deer and coons and possums and skunks and otters and foxes and opossums and skunks and otters and foxes and flying squirrels and bobcats and cougars, and there used to be some jaguars. I know there are still some bear—black bear. I've seen them. And there are plenty of armadillos. I don't know about alligators. I think the poachers have just about killed them all. But there may be a few still left in places where even those fellows don't like to go."

"Don't forget the ivorybill, Lance," Borgman said.

"The ivory-billed woodpecker?" I said. "I thought that was supposed to be extinct."

"Yes, sir," Rosier said. "That's what everybody thought. But it isn't. There are still a few of them here in the Thicket. That's one reason why I'd like to see the Monument go through. You have to go deep to find them, though. The first confirmed sighting in many years was a couple of years ago, and there have been several more since then. They tell about one fellow that saw one, and to prove it, he shot it and brought it in. I don't know how true that is."

"No," Borgman said. "But I do know there are people like that."

The Ghost Road came out on a gravel highway. Beyond the highway was the main line of the Gulf, Colorado & Santa Fe, and on a siding were six flatcars loaded with loblolly logs. The logs were the length of telephone poles and at least two feet in diameter. Beyond the railroad tracks the Thicket began again.

"Turn left, please," Rosier said. He cleared his throat. "You know, this is right nice. I'm right happy to go out with you fellows today. I always like to get back in the Thicket. It's where I've spent most of my life. I started when I was just a boy. I never was big enough to play ball or anything, so I took to going back in the Thicket. I wanted to learn what was there—what was growing there. The other fellows, they called me crazy. They called me sissy, too. That's the way it was in those days. If a man even planted a rosebush in his front yard they called him henpecked. But I didn't pay any mind to that. I used to leave home—I was living with my auntie then—with a bag for specimens and a sweet potato in my pocket for lunch, and spent the day in the Thicket. I liked wild flowers, but I didn't know but a very few. There weren't any books—any field guides—in those days. What I did was this. When I found a flower I didn't know, I'd wrap it up and send it off to one of the colleges, and by and by they would write me back and give me the name—both names—for it. There are over a thousand species of flowering plants in the Thicket, and I learned them all, and that's the way I did it. I learned them the hard way."

"The best way," Borgman said.

"Yes, sir," Rosier said. "I think so, too. Now, if you'll turn right, please—at that little dirt road up there. I want to show you one of the most historic spots in East Texas. Then we'll go on to Big Sandy."

The dirt road took us across the railroad tracks and into another deep woods. A cardinal blazed out of the trees and down the edge of the road. But that was only the first one. This was a haven for cardinals. In not much more than a mile, I counted eleven of them. It was also agarden of wild flowers. The roadside grass was bright with crimson clover and blue vervain and yellow buttercups. Even the air was sweet with some rich and blossomy scent. I looked back at Rosier.

"Hawthorn," he said.

We crossed a little brown creek on a bridge of old crossties. A column of dust rose up ahead, and we came up behind a heavy truck.

"That looks like a well-pulling rig," Borgman said.

"Yes, sir," Rosier said. "They've got a lot of oil fields around in here, and he's probably going in to pull out some wells that have given out and gone dry. You'll see where he's going directly. You can't very well miss it. And if you listen you can hear a power saw over yonder. That's some of what's happening to the Big Thicket. They tell me the Thicket is going at the rate of fifty acres a day."

We dropped back out of the dust and followed the truck at a distance. We followed it for a couple of miles. Then the road took a turn, and when we came around the bend the truck was gone. And so were the woods. On both sides of the road lay a waste of mud and puddles and rotting stumps and a few palmetto saplings. This was the remains of an oil field. It covered forty or fifty acres, and off to the right, through a screen of skeleton trees, I could see the scar of a second field and the truck moving on toward another.

"What did all that?" I said, "Spilled oil?"

"No, sir," Rosier said. 'They don't waste anything that valuable. It's the salt water they have to pump out of the wells that does the damage. It does a right good job, too. They abandoned this field at least five years ago."

"It's gone," Borgman said.

I looked at the poisoned land. It couldn't be helped: this was the look of the twentieth century. I supposed it couldn't be helped. But it made me feel sick, and I was thankful when the woods sprang up from the ruins and we were back again in the green of the Thicket.

Rosier leaned forward. "Here we are," he said. "Pull over, please—up there by that big sweet gum. This is the history I want to show you. I'm going to take you back in the woods and show you the Keyser Burnout."

Borgman pulled off the road and under the big gum tree. We got out, and Rosier led the way across the road and onto an overgrown wagon-track trail. The trees arched and mingled overhead, and some of them were hung with pink-flowered honeysuckle. It was hot and damp and dim and still, and there were mosquitoes everywhere. And birds. The birds were hidden in the trees, but I could hear them calling—a crow, a cardinal, a white-eyed vireo, a warbler of some kind, a Carolina wren.

"The Keyser Burnout goes back to the War Between the States," Rosier said. "The first residents of the Big Thickets were what they called jayhawkers. They were draft evaders. They were people who didn't own no slaves, so they didn't see no reason to fight, and to keep from being drafted they hid out in here. There were whole families of them. I don't know exactly how many. Different people tell it different. But there must have been anyway two hundred. They lived very careful. They split up into two groups, and each group had its own well, and they came and went through the Thicket without even breaking a twig. But they lived right well. They lived on game and wild honey. They didn't need for anything but coffee and tobacco, and they traded game for that. The government was against them, of course, and finally it sent a man named Captain Keyser up from Galveston to root them out. He come up the Trinity River with his troops and sent word into the Thicket that they either give up or he would burn them out. The jayhawkers wouldn't give up, but there are two different stories about what happened next. One story is that when Captain Keyser set the woods on fire, the jayhawkers all run off and he never did find them. The other story is that they all burned up in the fire. The only thing I ever heard people agree on about the jayhawkers was where Mr. Lilly was shot. Mr. Lilly wasn't a jayhawker, but he was out in the Thicket hunting one day, and Captain Keyser's soldiers mistook him for one, and they shot him. The bullet hit him right where his galluses crossed."

"He must have been running away," Borgman said.

"Yes, sir," Rosier said, "I reckon he was scared." He slapped a mosquito. "And this is where the Keyser Burnout starts. You notice here on the right the woods is all slash pine. That's where the Burnout was. It's all pine for over two hundred acres."

There was a crossroads up ahead, and Borgman slowed the car. Just beyond the crossing, in a clearing on the left, was a little white store with a big red sign: "Williams Dr. Pepper Gro." A dirt track led around the store and across the clearing and into the woods behind. A man on a horse came out of the woods. But it wasn't a horse. He was riding a saddled mule.

"This is Segno," Rosier said. "If you want to see Big Sandy Creek, we can park right here and walk in. It isn't but a couple of miles."

We left the car near the store and walked up the track. It climbed through the woods and around the slope of a hill to an open grove of big magnolia trees. There was a long, low building under the trees with a corrugated-iron roof and a sign above the door: "Welcome to Magnolia Hill Assembly of God Church." On one side of the church were three long, rickety picnic tables.

"My God," Borgman said. "Look at those old tables. They really bring back memories."

"They used to have a saying," Rosier said. "'Dinner on the ground, preaching all around.'"

"I never heard that," Borgman said. "But that sure is the way it was."

We walked on beyond the church and down past a burying ground. Pink phlox and bluebonnets were growing together between the gravestones, and I could see bees working among the flowers. There was still wild honey in the Thicket. Magnolia Hill was the end of the track. Beyond the burying ground was a limp barbed-wire fence, and then the woods began again. It was an open woods of beech and loblolly pine, and it was cut by deep cattle trails. We walked single file down a downhill trail. Some of the beeches were as big as New England village elms, but there was very little underbush and very few understory trees, and almost no grass at all. That was the work of grazing cattle.

"I don't know," Borgman said. "This does not look too bad. It's all been cut over and it's all been overgrazed, but I'm hopeful. The Monument could save it. It can still come back.

"It's better on down by the creek," Rosier said. "It's wilder down there in the bottom. But these woods are still alive. Hear that over yonder? Hear that paup-paup-paup? That's a pileated woodpecker sounding off. He isn't quite as shy as the ivorybill, but he's another bird that only likes deep woods."

"I think he's worth saving, too," Borgman said.

The cattle trail led down and down. The underbrush began to thicken, and the trees reached high overhead. We were in the creek bottom now. The air was hot and heavy, and there were puddles here and there in the mud of the trail. We skirted a grove of bony cypresses standing knee-deep in a black bayou. A little black skink twisted across the trail, and behind us a bullfrog croaked and gulped. Rosier stopped and looked around. We left the trail and broke through a stand of brush and briar and came out on the bank of Big Sandy Creek. It looked like a spring-fed creek. The water was brown and clear, and the sandy bottom was orange in the sunlight. I squatted down and put in my hand. I could feel the tug of the current, and the water was as cold as spring water.

"Big Sandy Creek," Borgman said. "You were right, Lance. This is real great. I like this rough topography. I certainly want to see some of this in the Monument."

"It's a right nice creek," Rosier said. "That hole down yonder is always full of channel cat. Big ones, too. They'll average two or three pounds."

"What about mushrooms?" Borgman said. "There ought to be mushrooms in here."

"Yes, sir," Rosier said. "There are—plenty of them. Every kind there is, almost. Or so they tell me. Mushrooms are something I never did learn. I tried one time. I sent away for a book. It cost me twenty-five dollars, and when it came I went out in the Thicket down near home, and I searched around, and pretty soon I found a nice-looking mushroom. It was a big old thing, and I remember it was all white. I dug it up as careful as I could and started home, and I hadn't got very far when I began to feel sick to my stomach. And then my head began to ache. I thought my head was going to bust open. But I finally got home and got out my book and looked up my mushroom, and I found it there, and I read what it said, and it said this was a mushroom that had a smell that would make a man sick. That was the end of me and mushrooms. I even gave up eating mushroom soup."

"I wonder what kind it was," Borgman said:

"I don't remember," Rosier said. "I gave the book away."

We walked on along the bank of the creek. I looked down into the catfish hole, but I couldn't see any fish. They were probably back under the bank. We followed the wandering course of the creek for about a hundred yards and then turned off. The undergrowth was too much. We cut across the bottom and found another cattle trail and started back up the hill. We came through a patch of mulberry brush and into a glade of flowers and soaring, pairing, mating butterflies. They were brown with bright-blue dots on the wingtips—mourning cloaks. The flowers were mostly the usual flowers of the Thicket, but there were some I didn't know. One was a little white flower with a fresh, old-fashioned look, I pointed it to Rosier.

"That's a sundew," he said. "*Droscra rotundifolia*. It's a pretty little thing. Look at those little hairs on the leaves. Look how they shine. You'd swear they were drops of dew. They even fool the bugs. A bug comes along and he see that shining dew and he comes down to have himself a drink of water. But the hairs aren't dew, and they stick to him and he can't get away. He's caught. And then the sundew eats him."

It was one o'clock when we got back to the Williams Gro., and time we had some lunch. There was no place to eat but where we were, and we bought what we could—yellow cheese, Vienna sausages, bread, Dr. Pepper—from a barefooted woman in the store, and took it outside and ate at a table in the shade of a live-oak tree. It was good to sit down, and somewhere up in the tree a mockingbird whistled like a cardinal and called like a wren. The ground under the table was paved with a thousand bottle caps—soda-pop caps. This was a bone-dry county.

We finished lunch, and Borgman lighted a thick cigar. "I guess we ought to get going," he said. "I'd like to take a look at Tight-Eye before we call it a day."

I'd like to show it to you," Rosier said. "I'll take you in and show you the Witness Tree. Maybe you've heard of it. The Witness Tree is a big magnolia tree that marks the corner where Liberty County and Hardin County and Polk County all meet. The experts say it's a thousand years old. I want you to see it."

"Why do they call it Tight-Eye?" I said.

"I reckon because it's so thick," he said. "You can't walk through it with your eyes wide open. The branches and brambles would put them out. It's the thickest part of the Thicket."

We dropped the remains of our lunch in a box in front of the store and got in the car and circled back to the crossroads and headed down another gravel highway. There was a big "No Dumping" sign on the right, and piles of trash and garbage, and the trees for a hundred yards around were plastered with windblown papers. We passed the endless gash of a pipeline right-of-way. We passed two miles of forest marked with the sky-blue blaze of a lumber company, and then a mile blazed in orange. We passed a billboard: "Model Homes." We passed a sudden pasture and a fallen-down log cabin. Then we turned off the highway and onto a narrow, potholed asphalt road. The trees came together high overhead, and the asphalt road gave way to sandy mud. We were well into Tight-Eye now. We drove for another ten or fifteen minutes. The only car we met was a station wagon with Louisiana plates.

Rosier sat up and cleared his throat. "I reckon this will do," he said. "We'll get out here and walk in to the famous Witness Tree."

A track that had once been a logging road led into the Tight-Eye woods. The track was overgrown with red oak and sweet-gum saplings, and hedged with broomstick pine. It wasn't much more than a crack in the forest wall.

"This is real Thicket," Borgman said. "This is the best I've seen today. This is what we want for the Monument."

"Yes, sir," Rosier said. "And we'll be right in the middle of it in just about a minute. This track doesn't go where we're going." He had his eyes on the trees ahead on the right. He hesitated, moved on again, and stopped. "This is it," he said. "There's the old survey blaze. We go across country now."

We broke off the track and into the flanking woods. It *was* real Thicket—a forest floor of fallen trees swamped with brush and briar, an understory of holly and dogwood and gum and oak and maple and hawthorn trailing vines and Spanish moss, and a soaring, pillared canopy of beech and magnolia and loblolly pine. There was no sky, no sun, no sense of direction. We climbed over logs and circled sloughs and ducked under hanging branches, and every log and every slough and every branch looked very much like the last. There were no landmarks. There were only the double welts of the old blazes. We picked our way from blaze to blaze—missing a blaze and circling back and finding it and moving on to the next. We walked for a mile and a half. Then a kind of clearing appeared. It was a grassy clearing with a big gray stump full of woodpecker holes and a tumble of big vine-covered logs. Rosier stopped and kicked around in the grass at the edge of the clearing and uncovered a wooden stake—an iron-clad boundary stake.

"Here we are," he said. "This is the county corner. Ernest is standing in Hardin County, and you're in Polk County, and I'm over here in Liberty County." He turned and pointed at the stump. "And that's the famous and historic Witness Tree."

"That *stump?*" I said. It was a very big stump. It was fifty feet high and at least four feet in diameter. But still it was just a stump. "That stump is the Witness Tree?"

Borgman was staring at it, too. "What happened, Lance?" he said.

"That was it three years ago," Rosier said. "They pumped it full of lead arsenate. I can show you the holes they bored to put in the poison. I came in with the experts that made the investigation. We found the holes stopped up with little wooden pegs."

"But why?" I said. "Why would anybody do a thing like that?"

"It sounds crazy," Borgman said.

"Yes, sir," Rosier said. "But there isn't any mystery about it. They did it for a warning. They were some of the folks that don't want the Monument."

—Berton Roueché.

ADDRESS BY CHARLES A. GLENDAY, PRESIDENT, GREATER NASHUA, N.H., CHAMBER OF COMMERCE

Mr. COTTON. Mr. President, the Greater Nashua, N.H., Chamber of Commerce installed Mr. Charles A. Glenday as its new president on July 15, 1968.

Mr. Glenday, who is an executive of Sanders Associates, an outstanding electronics firm which has become the largest corporate employer in my State, was a wise choice indeed to lead the chamber activities of New Hampshire's second city in size. He is a man of energy, ability, vision, and complete integrity. His leadership will prove invaluable and provide an additional strong bond between the city of Nashua and Sanders Associates, with its thousands of skilled and dedicated employees.

Mr. Glenday's remarks on the occasion of his election as president of the chamber display a forward-looking approach to the solution of community problems which should be widely read. I ask unanimous consent that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks Made by C. A. Glenday, President, Greater Nashua Chamber of Commerce, at a Board of Directors Meeting, July 15, 1968

Good evening, gentlemen. It is a pleasure for me, as a representative of Sanders, to be here tonight as the newly elected President of the Greater Nashua Chamber of Commerce.

I'm reminded at this time of the young lad who came home from school and asked his dad, "Father, was the white man superior to the Indian?" The father thought for a moment and said, "Well, when the Indians were running things, they had no taxes, they had no debts, and the women did all the work. How can you improve on that?"

I think we have a pretty good community here in Greater Nashua, but I think you will all agree that we can certainly improve upon it.

I want to state at the very beginning that I do not intend to take my responsibility to the Chamber and to the community lightly.

As a representative of Sanders, I intend to devote all the possible time, energy and resource of myself and my company to doing the best job possible. I also intend to rely heavily upon the wealth of talent, energy, and experience represented in this room tonight.

Just like every other American community, Greater Nashua has its problems. But I think you will agree with me that never before in the history of our nation has American business been in such an advantageous position to bring to bear our talents, manpower and other resources to help solve these problems.

Private enterprise must become more deeply involved if we are to achieve our goals.

The solution to Greater Nashua's problems cannot be achieved by business leaders, government and community leaders alone—but we certainly can make more of a contribution than we have in previous years.

In addition, we can help to bring into the picture labor, civil rights, religious, educational, cultural and other organizations to help build the best possible community.

In the electronics business we have what we call "The Systems Approach." What this means is that when we are trying to develop a new electronic system, say, for example, a television set, we consider all the factors involved before we start to design the product.

Quality control, cost reduction, manufacturing engineering, human factors, and many other techniques and disciplines are carefully applied in the laboratory before the final decisions are made to manufacture the product in a certain size, weight, color and for a certain cost.

I think that the techniques involved in the "Systems Approach" should be applied to a much greater extent than they are now to the determination of the solutions to our community problems.

One of the reasons for the tremendous success and rapid quality growth of Sanders has been the concept of teamwork. Sanders was formed by a team of eleven men who worked together very closely.

As the Company grew, the concept of teamwork was carried forward. Designers worked closely with manufacturing and production people. Plant engineers worked closely with personnel people. As a result potential problems were anticipated and possible solutions were proposed before problems occurred.

The degree of teamwork that we can achieve within the working structure of the Greater Nashua Chamber of Commerce will have a direct relationship to the accomplishment of our goals and will determine to a large extent how rapidly we can achieve these goals.

I don't mean to imply in any way that businessmen should slack off in their competitiveness, which is certainly a basic tenet of the free enterprise system, but I do mean that as community leaders, as members of the Chamber, we should, and indeed we must, work together as a team for the benefit of our fellow citizens.

With the state of American technology today and with the fantastic rate of progress we now see around us, it can be taken for granted that the more aggressive and bolder our effort, the better.

There is nothing worse in my mind than to see elements in any job or project pulling in different directions, blocking progress and depriving everyone of the enjoyments and comforts that could easily be achieved for everyone simply by teamwork.

So I think with these two tools, the systems approach and teamwork, we can achieve our goals for 1968 and we can also achieve the higher goals which each of us wants.

I think there has been a tendency in the past for Americans to judge progress only in terms of growth. Many of us in Nashua tend to use mere growth as a standard, looking at it only in terms of more industry, more jobs, more purchasing power and more prosperity.

The lessons of the past have shown that we were wrong.

We should be thinking in terms of the total quality of Community life.

It is a foregone conclusion that growth will continue naturally.

Our population in this country is growing at the rate of 3 million per year—but it is following a new pattern. People are attracted by quality living conditions suited to their higher incomes and their leisure time. They now want the less fortunate to have more opportunities for sharing the better times.

Let's ask ourselves, "what does the high quality city offer?"

The answer is, "very little that cannot be found anywhere with a dedicated group of community leaders making a concentrated effort."

Growth with quality required several things.

For example—orderly dependable transportation. Good planning results in a unified approach to traffic in the entire area with a plan bold enough to meet tomorrow's needs. The Everett Turnpike extension is a good example in Greater Nashua. You leaders of the community have it in your power to avoid tomorrow's traffic congestion by planning today.

Quality growth also requires clean air and water. And this in turn requires the cooperation of all the community with business and industry taking the lead. Local government, motorists, householders, and others have direct repsonsibilities in these areas.

Quality growth means a revitalization of building codes and zoning and revenue codes with a strong enforcement by law and government, especially in the slum areas.

If outmoded state laws, and even state constitutions, stand in the way of progress then they must be modernized.

Quality growth means a growing educational system, with the implementation of the necessary methods for financing the growth of such a system.

Quality growth means the modernization, where necessary, of local government.

The urban crises has taught us that "the bigger the better" is no longer the watchword.

We must be careful that as the community grows, its quality must grow along with it.

The role of the businessman, as I see it, is to cooperate fully with all segments of the community leadership and to extend leadership and offers of our talents where needed.

The role of the Chamber, as I see it, is to accomplish our stated goals as quickly as possible and to act as a forum for the further discussion of plans and programs for the quality growth of our community.

The job ahead of us is certainly important enough for each and every one of us to participate as actively as possible.

I ask your support and I pledge you mine. Thank you.

NATIONAL HISPANIC HERITAGE WEEK

Mr. TYDINGS. Mr. President, the particular and distinctive contribution to the Nation of people who bear Spanish surnames has been given special recognition by House Joint Resolution 1299, authorizing the President to proclaim annually the week including September 15 and 16 as National Hispanic Heritage Week. I think it is important that we take a moment to reflect upon the great breadth and significance of the contributions which we are recognizing.

In the past, assimilation of immigrants into the American mainstream has tended to eradicate the ancestral minority culture, by majority rejection and disdain. It is remarkable and perhaps tragic that from the abounding diversity of languages and cultures that people of a hundred origins brought to this country, virtually nothing remains except in scattered enclaves of senior citizens who are often viewed as objects of curiosity rather than with respect. Perhaps a more egregious repercussion of the assimilation process has been that the second and succeeding generations of the immigrants grow up rejecting their background as a thing to eschew rather than as an heirloom to prize. These normal rules of assimilation notwithstanding, a distinctive Spanish-Indian-Mexican culture survives in the United States.

The strain of the Spanish Conquistador and the Aztec warrior lives in America today, particularly through our Mexican-American population. Living predominantly in the southwestern United States, the land settled by their forefathers, this segment of our American population perpetuates the continuum of cultural contributions which pervade our everyday lives. This indelible Hispanic influence is not limited to names of our great States: Colorado, Nevada, California, Arizona, Texas, Florida; and our great cities: Los Angeles, San Francisco, San Diego, San Rafael, San Antonio. There are today, and there have been throughout America's history, prominent Hispanos in every walk of life—from the erudite fields of technology and medicine to the worlds of politics, sports, and business. Let me mention but a few of these contributors.

In 1959, Dr. Severo Ochoa, a Spanish-born biochemist, was the corecipient, with one of his former students, of the Nobel Prize for his synthesis of RNA—ribonucleic acid—the key for decoding the genetic alphabet.

Hector Garcia, a doctor of medicine in Corpus Christi, Tex., as an alternate U.S. Ambassador to the United Nations, was the first person representing the United States to address the General Assembly in a language other than English.

From my own personal experience, I can testify that one of our most effective diplomats is Frank Ortiz, the political officer in our Embassy in Peru.

The Hispanic influence in the humanities is also impressive. Connoisseurs of sculpture revere Octovio Medellin whose work was admired by thousands at the World's Fair of 1939. More recently such Mexican-American artists as Porfirio Salinas and Manuel Acosta from Texas, have been internationally acclaimed for their genius. The HemisFair in San Antonio proudly exhibits the fine work of these and other of her bicultural celebrities.

The Spanish surname is also commonplace in many of our sports: baseball, horseracing, boxing, tennis, and, most recently, golf. Few athletes have won the honors and respect in their particular sport that Pancho Gonzales has earned in tennis. Long the most respected American tennis star, Gonzales again won headlines for his fine performance in the U.S. Open Tennis Tournament. Also, particular note should be taken of the winner of the U.S. Open Golf Tournament, Lee Trevino, a young man so proud of his ancestry that upon winning the celebrated tournament, he exclaimed:

Today, I'm the happiest Mexican-American alive.

I am proud to relate that the history of my own State of Maryland has felt the Hispanic touch. In the middle of the 16th century Pedro Mendes Marques, Governor of Spanish Florida, became the first European to explore our famous Chesapeake Bay.

Patriotism, courage and bravery are sacrosanct in the Hispanic culture. These characteristics have not been lost by the Americans with Spanish surnames. Eighteen young Mexican-American soldiers were posthumously awarded the Medal of Honor in World War II. Vietnam has witnessed also the bravery of Daniel Fernandez, a young Mexican-American and the bravery of Euripedes Ribio, Jr., both of whom received Medals of Honor. Young Ribio was the first Puerto Rican to receive this honor.

Hard work is another value which Hispanos prize. It is interesting to take note of what too many citizens take for granted. Forty-three percent of the Nation's fruits and vegetables come from California where 70 percent of the farm labor force is comprised of Mexican-Americans who toil long hours in the hot sun for meager, below minimum standard wages.

I have mentioned but a few of the many contributions to our American society by men of Spanish surnames. The contributions of the Hispano should be a source of pride to every American. As new generations of people with Spanish surnames reach maturity and take their place in our society they can do so with a real sense that they are but the latest in the long line of contributors. They can be proud of what their ancestors have given, and what their contemporaries are giving. They can prepare to make their own meaningful contribution.

Let this new generation of Hispano-Americans recognize that the American culture truly is an amalgam of many and variegated cultures. In so acknowledging, let us accelerate the effort to nurture an environment which not only recognizes but invites cultural exchange among our many American cultures.

THE FORTAS FUND

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Fortas Approved by Senate Panel—Filibuster Looms," published in the New York Times of today; and an article entitled "Judicial Propriety: The Fortas Case," published in the Wall Street Journal of today, September 18.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 18, 1968]

FORTAS APPROVED BY SENATE PANEL—FILIBUSTER LOOMS—COMMITTEE VOTE IS 11 TO 6—POSSIBLE OBSTACLE ARISES OVER FUND FOR SEMINAR

(By Fred P. Graham)

WASHINGTON, September 17.—The Senate Judiciary Committee approved today, 11 to 6, the nomination of Justice Abe Fortas to be Chief Justice of the United States.

The action set the stage for a filibuster on the Senate floor next week.

Prospects for Senate confirmation remained doubtful. Even the supporters of the nomination have expressed doubt that they can muster the two-thirds vote necessary to cut off debate on the floor.

Meanwhile, another possible obstacle for Mr. Fortas arose in connection with the $30,000 fund raised by five wealthy contributors to pay for the weekly seminar course conducted by Justice Fortas this summer at American University here.

BEFORE APPEALS COURT

It was learned today that one of the contributors, Troy V. Post, a Dallas insurance executive who is a former business associate and friend of Mr. Fortas, is the father of a man who is appealing a conspiracy and fraud conviction through the Federal courts.

The son, Troy V. Post Jr., has appealed his 18-to-24-month sentence to the Court of Appeals for the District of Columbia. From there, his only appeal would be to the Supreme Court.

Before he became a justice, Mr. Fortas was a director of the Greatamerica Corporation, a holding company. The elder Mr. Post was its chairman and president.

Friends of Justice Fortas have said that he was not told that Mr. Post was one of the contributors, and they pointed out that he has routinely excused himself from consideration of all cases involving former clients or business associates.

FREE PENDING DECISION

The younger Post was convicted of conspiracy and 12 counts of mail fraud in Federal District Court here on June 20, 1966. He and two other men were found guilty of collecting $1.5-million by selling memberships in a proposed new golf club in nearby Rockville, Md., and of siphoning off much of the money into their own pockets.

The appeal was argued before the Court of Appeals on Dec. 5, 1966. Post, a 38-year-old former lawyer in Texas and the District of Columbia, is free pending a decision on the appeal. He is employed by an insurance company in Birmingham, Ala.

It was disclosed before the Senate Judiciary Committee last week that Justice Fortas was paid $15,000 plus secretarial expenses for conducting a nine-week seminar on law and the social environment.

The money was paid by American University from a $30,000 fund raised last winter by Paul A. Porter, a former Washington law partner of Justice Fortas, from the elder Mr. Post and four other wealthy businessmen who were friends of Mr. Porter or Mr. Fortas.

According to Judiciary Committee records, Mr. Post contributed $5,000 to the fund. Neither Justice Fortas, Mr. Porter, Mr. Post nor any of the other contributors is an alumnus of American University.

Although a justice in Mr. Fortas' position would routinely excuse himself from the case if the appeal reached the Supreme Court, the incident is expected to provide ammunition for Senator Robert P. Griffin, the Michigan Republican who is leading the effort to block the Fortas nomination.

Senator Griffin said yesterday that one of his main arguments against the nomination on the Senate floor would be "Justice Fortas' failure to comply with the proper standards of judicial ethics."

He quoted from the Canons of Judicial ethics of the American Bar Association several sections that he said Justice Fortas might have violated. One of these was Canon 32, which reads:

"A judge should not accept any presents or favors from litigants, or from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgment."

The majority and minority forces within the Judiciary Committee have until midnight Friday to file their formal reports on the nomination. This will probably keep it from reaching the Senate floor until Monday or Tuesday.

GRIFFIN TO SPEAK FIRST

There it will be met with a lead-off filibuster speech by Senator Griffin, followed by speeches by Senator Howard H. Baker Jr. of Tennessee and others among the 18 Republicans who have joined in the anti-Fortas effort.

Spokesmen for Mr. Griffin said today that the Republicans expected to consume four days in their first round of speeches. None of the Southern Democrats who oppose the nomination have been recruited for the filibuster effort, the spokesmen said, but most of them are expected to contribute long speeches later.

The Senate Majority leader, Mike Mansfield, said today that he would probably let the debate continue all next week and would probably move to cut it off after Sept. 30.

The Montana Democrat has previously said that if such a move was defeated, he would probably wait a few days and try once again, then give up. On other occasions he has threatened to call the Senate back into session after the November election if the nomination is not approved by then.

An Associated Press survey released today found 47 Senators favoring confirmation of Mr. Fortas and 27 opposed. Twenty-two described themselves as uncommitted and four were not reached.

Opponents of the nomination say that some of those who favor the nomination would not vote to cut off debates, as a matter of principle. If all 100 Senators voted, 67 votes would be necessary to end the debate. Those voting for the nomination in the Judiciary Committee were:

Democrats—Thomas J. Dodd of Connecticut, Philip A. Hart of Michigan, Edward M. Kennedy of Massachusetts, Birch Bayh of Indiana, Quentin N. Burdick of North Dakota, Joseph D. Tydings of Maryland and George A. Smathers of Florida.

Republicans—Everett McKinley Dirksen of Illinois, the minority leader; Roman L. Hruska of Nebraska, and Hugh Scott of Pennsylvania.

Senator Edward V. Long, Democrat of Missouri, was absent but was permitted to record a vote in favor of the nomination.

Those voting against the nomination were:

Democrats—James O. Eastland of Mississippi, John L. McClellan of Arkansas and Sam J. Ervin, Jr., of North Carolina.

Republicans—Hiram L. Fong of Hawaii, Strom Thurmond of South Carolina and Senator Baker.

[From the Wall Street Journal, Sept. 18, 1968]

JUDICIAL PROPRIETY: THE FORTAS CASE

(By Jerry Landauer)

WASHINGTON.—Every so often some judge doffs his black robe and becomes entangled in a matter that requires a new look at prevailing expectations of judicial behavior. One such matter is Supreme Court Justice Abe Fortas' recent and most rewarding series of lectures at American University.

The implications of Mr. Fortas' summer services are being disputed, but the facts seem plain: He was paid $15,000 for a series of nine law school lectures and for preparing materials for future seminars. His fee came from a $30,000 kitty solicited by Paul Porter, Mr. Fortas' former law partner. The remainder went for expenses including tuition for the 17 students and the salary of a researcher hired to help the Justice prepare.

Except for its exceptionally handsome size (approaching 40% of his $39,500 annual salary), the fee would hardly be questioned if it had been paid by the university or by a large group of anonymous donors. But former partner Porter raised the money from a select circle—Gustave Levy, chairman of the New York Stock Exchange and partner in Goldman Sachs & Co.; Troy V. Post, chairman of Greatamerica Corp.; John L. Loeb, partner in Carl M. Loeb, Rhoades & Co.; Paul D. Smith, general counsel of Phillip Morris Inc., and Maurice Lazarus, vice chairman of Federated Department Stores.

FACULTY LUSTER

To be sure, B. J. Tennery, the law school's youthful dean, was simply seeking to enhance his faculty's luster and to offer top students a rewarding experience. Mr. Porter raised the money as he saw fit at the school's request, and Dean Tennery says he sent the $15,000 upon conclusion of the series and without consulting lecturer Fortas. "He left the amount entirely to me," the dean explains, telling interviewers, "We made a conscientious effort not to let him know the names of the contributors."

Aside from embarrassing his Supreme Court star, Dean Tennery harbors no regrets or doubts. Enlisting the Justice's teaching skills was a truly rewarding experience, he says. But Sens. Robert Griffin, Sam Ervin, Strom Thurmond and other foes of the Fortas nomination to become Chief Justice are seizing on the lucrative lectures as another reason for denying Senate confirmation. "This is the last straw," Sen. Griffin asserts, suggesting a violation of judicial ethics.

More likely, though, the extra Fortas earnings pose questions more of propriety than of ethics. In part this is because Justice Fortas wouldn't in any event participate in Supreme Court cases involving the five contributors. Most are or were regular clients of Arnold, Fortas & Porter (now Arnold & Porter), and in such circumstances judges invariably withdraw. Hence conflict of interest in the classic sense appears remote.

But the conduct of any judge to say nothing of one on the highest court, surely should be measured against more exacting standards—ones sensitive enough to assure not only the avoidance of wrongdoing but the avoidance of suspicion.

Admittedly, such standards can't neatly be codified in some handy manual to which a judge can turn when in doubt. So, though the Fortas fees are bound to figure in the Senate struggle over confirmation, their propriety ought really to be resolved in calmer deliberation, using traditional techniques that have helped the judiciary maintain a reputation for rectitude.

Over the years and case by case, bench and bar have gradually developed informal yet widely accepted codes of conduct to help judges steer clear of trouble and to shore up confidence in the impartiality of the courts. From time to time the United States Judicial Conference, composed of the chief Federal circut judges and the Chief Justice, issues rulings that though lacking the force of law are nonetheless generally obeyed. Thus in 1963, when this newspaper discovered judges sitting as officers and directors of profit-making enterprises, the conference promptly prohibited the practice.

Justice Fortas' fees don't transgress the letter of that resolution. But the conference might consider whether such payments from businessmen do breach the spirit. (The question is magnified by the size of the Fortas payment; according to Dean Tennery, $2,000 is the normal fee for American University guest lecturers.)

Certainly by inference, the Canons of Judicial Ethics, fleshed out by advisory opinions of the American Bar Association's Committee on Professional Ethics, already discourage acceptance of such fees. According to Canon 25, judges should avoid giving ground for suspicion that they're wielding the prestige of office to persuade or coerce contributions for charity. Bar association opinions dating to 1942 further urge judges even to discourage use of their names on fund-raising pamphlets for such civic causes as art museums.

POSSIBLY UGLY PRECEDENT

Implicit in all these is a prohibition against a judge himself benefiting outright from gifts to a non-profit university—gifts solicited, moreover, by a former associate. Just as ignorance of the law is no legal excuse for breaking it, so purity of motive or even ignorance of the circumstances is no protection against possibly ugly precedent.

Justice William O. Douglas' off-the-bench earnings emphasize the need for clearer, tighter standards. Late in 1966 the Los Angeles Times discovered that Mr. Douglas was receiving $12,000 a year from the Albert Parvin Foundation, "largely as an expense account," the Justice explained, but one which he wasn't required to itemize. The foundation holds a large mortgage interest in a Las Vegas casino, plus stock in companies employing gamblers who've become involved in celebrated "bugging" cases—of the kind that frequently reach the Supreme Court docket.

Inevitably, permissible conduct by members of the Supreme Court tends to affect the rest of the judiciary. Chief Judge William J. Campbell of Federal District Court in Chicago served with Justice Douglas on the Parvin Foundation (without pay, however, Judge Campbell says). Similarly, Justice Fortas' backstage advising of old friend Lyndon Johnson finds parallels in the lower courts. In Missouri, a district judge who in 1967 struck down the state legislature's plan for Congressional redistricting later met quietly with Gov. Warren Hearnes and with legislative leaders. The Supreme Court subsequently stayed the decision on other grounds, but the impropriety remains—the judge talked with participants about a political matter that will likely wind up again in his court.

Such lapses do seem exceedingly rare. For the most part the judiciary has avoided scandal and warded off Congressional interference by moving quickly to suppress public doubts and by clearing up ambiguities in the evolving body of judicial standards. The bench has resisted initiatives in Congress, by Democratic Sen. Joseph Tydings of Maryland among others, that would require disclosure of financial interests to judicial superiors. "Regardless of the merits," the Judicial Conference successfully argued on Capitol Hill, "Federal judges should not be singled out from other officials of the Government to make such reports."

CONFIDENTIAL STATEMENTS

Since then, however, Congress has begun requiring high officials in the Executive branch to submit confidential statements of assets and income. This year, too, both the Senate and House, in adopting codes of ethics, compelled legislators to file similar statements, part for public inspection and part for examination only by Congressional ethics committees if the need arises. Perhaps judges oughtn't to be excluded from similar efforts to impose additional self-restraint.

If the judiciary's established methods fail to resolve questions about the highest judges in the land, the Supreme Court itself should exercise its broad rulemaking and supervisory powers. As author Joseph Borkin suggests, the nine Justices could begin requiring financial reports from the 469 Federal judges, refining standards of conduct—including their own—when indicated.

If the bench doesn't police its own members, it will inevitably invite the scandals it wants most to avoid.

PRESIDENT'S COMMISSION FOR HUMAN RIGHTS SHOULD BE MADE PERMANENT

Mr. PROXMIRE. Mr. President, the Commission for the Observance of Human Rights Year has performed magnificently under very difficult conditions to bring the cause of human rights to the attention of every sector of American life. The various distinguished members of the Commission have each had a constituency, as it were, to which they spoke in behalf of ratification of the Human Rights Conventions and the cooperative creation of international procedures and mechanisms that would truly internationalize the protection of the basic human rights of all men.

For various reasons—some of them very difficult to accept—the Committee on Foreign Relations has been virtually deaf to the Commission's continued calls for the ratification of the various conventions. Even within the administration, it must be admitted, support for ratification has been embarrassingly spotty. This is true particularly in regard to the Convention Against Genocide.

Through no fault of its own, the Commission's vital mission remains to be completed. Ratification of the conventions has not been achieved. American leadership has yet to be reasserted in the field of human rights. International factfinding and adjudicative bodies have yet to be created. Even the tremendous task of basic education in this area has not yet been realized for Americans, much less for the rest of the world community. Certainly the work of the Commission is more than to preside over the celebration of a basically hollow festival.

Clearly much needs to be done. And what remains to be done is so vital that the various functions of the President's Commission must be continued. Indeed, they should be expanded if events in Nigeria-Biafra and Czechoslovakia have taught us anything about the ease with which human beings revert to uncivilized treatment of their fellows.

Mr. President, I urge the President and the Commission to consider various means for continuing the work of the Commission. We have had a number of international conferences during this International Year for Human Rights. All have unanimously called for continued efforts in the field of human rights.

The United States must reassert its leadership in this single, most important area. The work of the Commission must be continued and intensified. Unless the area of basic human rights for all men is made secure, nothing else, including a truly inviolable national sovereignty for all nations, will ever be secure.

DEATH OF FORMER SENATOR WILLIAM H. McMASTER

Mr. MUNDT. Mr. President, it is my sad duty to inform the Senate of the death of Hon. William H. McMaster, former Governor of South Dakota and U.S. Senator from 1925 to 1931, at the age of 91, in Dixon, Ill.

Born in Sioux City, Iowa, Senator McMaster moved to Yankton, S. Dak., in 1901, where he entered the banking business. He served in the State house of representatives in 1911 and 1912 and in the State senate from 1913 to 1916. He was elected Lieutenant Governor of South Dakota in 1917 and Governor in 1921.

The people of South Dakota honored him with every office he sought, and William H. McMaster in turn always worked for the best interests of "his people."

I ask unanimous consent to have printed in the RECORD an article published in the Washington Evening Star of September 17 and an article published in the Washington Post of September 18, relating to the death of former Senator McMaster.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Sept. 17, 1968]

W. H. MCMASTER, FORMER SENATOR FOR SOUTH DAKOTA

William H. McMaster, 91, a retired banker who served in offices ranging form state representative to U.S. senator from South Dakota, died Sunday at his home in Dixon, Ill.

A native of Iowa and a 1899 graduate of Beloit College in Wisconsin, he moved to Yankton County, S.D., in 1901 and began his banking career.

Mr. McMaster, a Republican, held elective offices beginning as a state representative in 1911 until 1931 when he was defeated for re-election to the U.S. Senate.

He was also a state senator, lieutenant governor and governor before election to the Senate in 1924.

He moved to Dixon in 1933 and continued his banking career, retiring several years ago as president and board chairman of the Dixon National Bank.

Services were to be today in Dixon.

[From the Washington Post, Sept. 18, 1968]

SOUTH DAKOTA EX-GOVERNOR AND SENATOR

DIXON, Ill., September 17.—William H. McMaster, former Governor of South Dakota and U.S. Senator from that State, died yesterday in his home in Dixon at the age of 91.

Mr. McMaster, a Republican, was Governor of South Dakota for two terms from 1920 to 1924. He was Senator from South Dakota from 1926 until 1932. Previously he had been a banker in South Dakota.

From 1933 until his retirement several years ago, Mr. McMaster was president and board chairman of the Dixon National Bank.

MONDALE ASKS YOUTH FOR CRITICISM WITH AFFECTION

Mr. NELSON. Mr. President, the junior Senator from Minnesota [Mr. MONDALE] helped to welcome new students to the University of Minnesota in Minneapolis earlier this week. I believe his remarks are worth noting.

Senator MONDALE described a Nation of opportunity and despair, of power and impotence, of free criticism and irrational rage, of human rights and growing racism, of dedication to peace and immense waste in war, of compassion frustrated by rigidity and persecution.

He remarked on the growing gap between what we want and what we are willing to do, and our disappointing tendency to seek easy excuses for our failures.

Then Senator MONDALE spoke of the hope so many of us have that the bright, committed young people of today will help us to do better. Simply living a decent and humane life is not enough, he told them; achieving political power is essential.

Senator MONDALE also spoke directly to the questions of protest and violence that are before us so much today. He said:

> The right to demonstrate, protest, picket, and in other peaceful ways to dramatize one's viewpoint—including peaceful civil disobedience if one is willing to pay the price imposed by law—ths right must be an accepted and protected part of American life. And those few law enforcement officers who disagree must just learn to live with this indispensable right of a free people. . . .
>
> But there is another tactic I hope you will reject; that is, the effort to impose opinion by force. Some will tell you that violence will more quickly and effectively achieve your goals. They tell us that "democracy is in the streets"; meaning that issues must be settled by violent conflict. They would substitute the law of force for the force of law.
>
> Those who resort to such tactics will not only lose personally but will greatly injure their cause. Undoubtedly the growing strength of the right-wing repressive movement in this country is partly attributable to the violence we have seen.
>
> For I do not believe that a society can be both free and violent. A free society must maintain itself in love and hope, not hate and fear.

Mr. President, Senator MONDALE's appropriate remarks deserve the attention of all Senators. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR WALTER F. MONDALE AT THE WELCOME WEEK CONVOCATION, UNIVERSITY OF MINNESOTA, MINN., SEPTEMBER 16, 1968

I am delighted to participate in Welcome Week, particularly since your theme is "When no one is aware." By now you know that you are welcome; let us pray that you are also aware.

We always begin speeches like this one by saying that youth has never been more needed; the only difference is that right now it is undeniably true. If there was ever a generation of American adults who should feel the need for the help of the young, it is ours.

What a strange, confused, disoriented, and in some ways embittered nation this is! Indeed, we may be on the verge of being two Nations, as one official report puts it: one white, one black; separate and unequal.

For most of us—for almost all of us in this auditorium this morning—this is a Nation of unprecedented wealth, employment, and opportunity. But for millions of other Americans this is another nation—impoverished, under and unemployed, poorly housed, ill and undernourished, and, perhaps worst of all crippled by frustration, despair, and rage.

We have produced a nation of unparalleled power, but we have proved our impotence in our cities and in Vietnam.

We have produced a nation whose devotion to liberty and justice and free criticism is both fundamental and historic, and yet we recently saw, as one analyst put it, "a sudden convulsion of irrational rage directed by some of us against others of us, a devastating tantrum of armed and uniformed adults against a youthful, helpless, and largely innocent rabble."

Our nation, proud of its commitment to human rights, reads public opinion polls which show one of our top racists building such a following for President that he could conceivably become a fundamental force in setting the future direction of this country.

While we declare our commitment to peace, more than 27,000 Americans have died in Vietnam and the cost of the war—now near $30 billion annually—sharply diminishes our capacity to deal with our human problems here and abroad.

I believe we have tried for peace and sincerely want peace. But I do not believe we have been willing to take as great a risk to achieve a settlement as we once took to win the war through escalation.

We are a nation proud of our institutions—churches, schools, governments, and business, labor, and other cooperative organizations. But for all they have done, our institutions have still too often become, as one of our chief social critics puts it, an "enormous potential source of arbitrary impersonal power which folds, bends, spindles, and mutilates individuals but keeps IBM cards immaculate."

We are a nation proud of our compassion—the story of the good Samaritan is almost an American folk tale. But we have built and maintained a deeply entrenched welfare system that shatters pride and discourages effort. It provides so little help for so many that what should be their temporary need for assistance and hope has become a permanent dependence and despair.

Whether the acknowledged objectives be decent education, housing, nutrition, health, or employment, there is a growing gap between what we want done—what we favor, the dreams we endorse, the hopes we arouse—and what we are willing to do. The gulf between our goals and our willingness to spend to achieve them has created a political environment that enables a critic to claim: "The rhetoric of public men . . . abounds in big ideas with small price tags. Or big ideas with no price tags at all."

And, ominously, some are now intensifying the old attempt to portray the human problems of this nation as the result of one single, simple cause: the lazy attitude of the mythical man who is able, but unwilling, to work.

Since the problem is so simple, so is the proposed solution: more "law and order" (whatever that means); a change in attitude that is free because it requires only an act of will; a willingness by courts and police to get tough.

Despite our commitment to human improvement, we defend Khesanh and abandon Job Corps camps; we head for the moon while men cannot afford to commute to work.

We say we oppose violence, and yet we cannot pass legislation to reduce the toll of 18,000 lives a year lost by gunfire. In the past five years, the victims have included President Kennedy, Martin Luther King, and a young man who entered the freshman class of the Senate with me—Robert Kennedy, a man who truly did "dream of things that never were and wonder why not?"

If I sound disappointed, I am. If I sound discouraged, I am not.

I am not discouraged for many reasons, but none is more important than my faith in you and the other young people of this country.

Many of us hope we are correct when we say we believe you are different; that something new is afoot; something qualitatively different is occurring.

Your generation appears to us to be more idealistic, more human, more concerned with personal honesty and commitment than any previous generation.

The quality of personal relationships seems to concern you more than it did the activists of my campus days, or than it does those in my political environment today.

I sense in you a healthy reaction from the impersonality of the institutions facing you; I see a strong desire for a society which is humane.

If this observation is accurate, then I hope you never grow up. I hope instead that you are able to infect the rest of us with your kind of maturity.

Having said this, I must add that I see some disturbing tendencies among some of your generation—disturbing in that they are wasteful.

The first tendency is perhaps best illustrated by a long and frustrating conversation I had in Washington with one of our nation's most gifted student leaders. I was trying to discover what it was that caused him to believe that existing institutions, particularly government, could not be reformed.

Finally in despair I asked him what he thought I could do as a United States Senator to help. I'll never forget his answer. He said, "There isn't much you can do here."

I believe this comment reflects a belief that, first of all, it is impossible to reform the system very much from the top, and second, that the fundamental problems of our society are those involving person-to-person relationships, which can only be dealt with at a level closer to the people.

The conclusion seems to be that politics at the center—particularly in Washington but also in the state capitols and city halls—isn't really that important or relevant to the major concerns of your generation.

One result of that conclusion appears to be that some of the brightest of your generation are "opting out" of the political process. Many young people organized brilliantly to change our national life in the area of civil rights. Many of you organized brilliantly to change our national policy in the area of foreign relations. And you have won.

But others now seem to be limiting their actions to the range of their perceptive selves.

What bothers me is the fear that the young may be threatening their high values with some lousy strategy.

Working out one's identity and trying to live as a decent human being is a crucial goal. But I believe that the political system is such that it cannot forever be ignored; it must be used, molded, wrenched, or even fought.

And if you don't make the effort to influence or capture political power at the center, then I just don't see how the plan of simply living a decent and human life will work.

You won't be able to climb a hilltop and enjoy the flowers—or even the grass—because we will have polluted the air and killed practically everything that grows.

You won't have a view from that hill, because we will have blocked it off with billboards.

And you won't be left in peace by a hungry world that we won't help feed.

And the process of dehumanization will continue as our institutions and our society pass entirely out of your control.

What I'm saying is this: I'm glad you are experimenting, both organizationally and personally, to solve problems in ways more imaginative than before and on many more levels than before. I am simply suggesting that these experiments should not be accompanied by rejection of the effective use of political power.

If you accept my suggestion that you are important to the political process, may I make a few closing observations about the tactics and attitudes I believe to be needed.

The right to demonstrate, protest, picket, and in other peaceful ways to dramatize one's viewpoint—including peaceful civil disobedience if one is willing to pay the price imposed by law—this right must be an accepted and protected part of American life. And those few law enforcement officers who disagree must just learn to live with this indispensable right of a free people. The objective here is to persuade, to make one's point of view more visible and dramatic.

But there is another tactic I hope you will reject; that is, the effort to impose opinion by force. Some will tell you that violence will more quickly and effectively achieve your goals. They tell us that "democracy is in the streets"; meaning that issues must be settled by violent conflict. They would substitute the law of force for the force of law.

Those who resort to such tactics will not only lose personally but will greatly injure their cause. Undoubtedly the growing strength of the right-wing repressive movement in this country is partly attributable to the violence we have seen.

For I do not believe that a society can be both free and violent. A free society must maintain itself in love and hope, not hate and fear.

Long ago William Butler Yeats described a declining society in phrases that should haunt us today:

"Things fly apart; the center cannot hold. The best lack all conviction, and the worst are filled with passionate intensity."

He was describing another time, and another kind of passionate intensity. But his words are a warning to us now.

Let us turn away from that kind of passion, and let me close with some final thoughts about this society. One of the exciting things about living now is that John Gardner, former Secretary of Health, Education, and Welfare, is living and writing, too. He must be one of America's great citizens.

In his commencement address this year at Cornell University, Gardner reported on his discovery of a system by which one could look three centuries ahead and evaluate the quality of life today by hindsight.

His 23rd century scholars discovered that in the last third of the 20th century "the rage to demolish" American institutions succeeded "beyond the fondest dreams" of the "dismantlers."

Following the destruction of our culture, "there followed less than a century of chaos and disorder," unlike the long dark years of the Middle Ages.

When society had rebuilt, a study was commenced to determine what caused the downfall of civilized society in our time. They asked: "Why did men turn on their institutions and destroy them in a fit of impatience?"

They found that our "demands for instant performance led to instant disillusionment, for while aspirations leapt ahead, human institutions remained sluggish—less sluggish to be sure, than at any previous time in history, but still inadequately responsive to human needs."

The 23rd Century scholars, looking back on us, made a very telling osbervation, Gardner reports.

"They pointed out that 20th Century institutions were caught in a savage crossfire between uncritical lovers and unloving critics. On the one side, those who loved their institutions tended to smother them in an embrace of death, loving their rigidities more than their promise, shielding them from life-giving criticism. On the other side, there arose a breed of critics without love, skilled in demolition but untutored in the arts by which human institutions are nurtured and strengthened and made to flourish.

"Between the two, the institutions perished."

And then the scholars concluded something which I would like to make my conclusion, too. I do so as one who has spent his entire adult life trying to reform our institutions; one who has been privileged to be your Attorney General and one of your Senators; one who believes with Gardner that our institutions desperately need reform *and* affection.

The scholars decided this:

". . . where human institutions are concerned, love without criticism brings stagnation, and criticism without love brings destruction."

What we need are loving critics; persons "sufficiently serious to study their institutions, sufficiently dedicated to become expert in the art of modifying them."

The 23rd Century scholars discovered that in our time there were men who tried to "redesign their own society for continuous renewal."

But no one was listening. In words that fit the theme of Welcome Week, no one was aware.

May those 23rd century scholars learn instead that you here matched your idealism with your learning at this great University and that you not only became aware but committed yourselves to a lifetime of service in the cause of "continuous renewal of human institutions."

May they learn that because of you both the advice of the uncritical lovers leading to stagnation and that of the unloving critics leading to destruction, was rejected, and that in this place at this time we developed a nation of loving critics who so reformed human institutions that freedom, hope, opportunity, and fulfillment became a reality for all of our people.

Or, finally, to come back once more to what it means to be aware in the 20th Century, let us work in all our ways—let us work together above all—so that all of us might be remembered "simply as (good and decent men), who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it.

Welcome to the University of Minnesota.

NOMINATION OF JUSTICE FORTAS

Mr. BROOKE. Mr. President, the distinguished Senator from Michigan [Mr. GRIFFIN] and I do not agree on the merits of the pending nomination of Mr. Abe Fortas as Chief Justice of the United States. However, we are close associates and friends in the Senate, and I know that some of the attacks which have been leveled against the junior Senator from Michigan are very unfair. For that reason, I believe a recent article published in the Baltimore, Md., Jewish Times should receive public attention.

Mr. President, I ask unanimous consent that the Baltimore Jewish Times article, written by editor Lewis Fields, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Jewish Times,
Sept. 6, 1968]

AN INTERVIEW WITH SENATOR ROBERT P. GRIFFIN

I was plagued with a feeling of tension and eagerness as I looked for a parking spot in front of the Old Senate Office Building in Northeast Washington.

The confronting situation emitted the atmosphere similar to a crowd-filled stadium looking down at a three and two count on the clean-up hitter, with two out, bases loaded, a tie ball game, and the pennant at stake. Both hitter and pitcher aim to do what is right for all parties concerned. In the case of my quickly-approaching interview with Senator Griffin of Michigan, it didn't matter what position he was placed in. Batter or pitcher, he believes he performed ethically and positively as his conscience dictated in the Fortas issue.

I was greeted in the receptionist's office by Mr. Holland his executive assistant and told that the Senator would be a few moments. A couple of minutes later, Senator Griffin came out and we were introduced.

The tense atmosphere was broken with coffee for all and we kidded a bit while our photographer, Bill Clinton took some pix.

Your columnist spent many hours in the

Library of Congress doing research on the Senate Judiciary hearings; Congressional Records, and news clips from all over the nation to assess the reaction and impact of the Fortas case.

There were mountains of material to look through and after sifting the reality from the chaff, I concluded the best way to conduct the interview would be with questions and answers rather than discussion on specific points. The time element allotted us also served to determine this tack.

It might serve well to realize at this point that the Senate Judiciary hearings are still open and many questions could not be completely answered. I would also like to make a correction on my own behalf. I stated in a previous column that the Honorable Mr. Griffin was a member of the Judiciary Committee. The Senator is not a member.

To conserve space, we took the meat out of each answer and did away with insignificant elaboration.

The first two questions were used as a warm-up and a basis to acquaint each other with approach.

Question 1: Do you think the performance of the Democratic Convention will aid GOP election chances in November, notwithstanding past circus performances which have become an integral part of the Democratic Party image?

Senator Griffin: "Only time will tell. On a broader aspect, it has served violence more than our disagreements. It emphasized and underscored the deep divisions in our country and how difficult it will be for the next President—whether it is Nixon or Humphrey—to unify the country and to reestablish the needed respect for government. Our institutions of government and institutions of political processes are deteriorating. The young people are disillusioned. This is the real challenge."

Question 2: With Senator Muskie almost as "unknown" as Governor Agnew, what is your assessment of the election now that the race has logically narrowed to Humphrey and Nixon?

Senator Griffin: "Your question is well-worded . . . Humphrey and Nixon. Regardless of who is in the VP slot, the people will vote for the Presidential candidate. My strong suspicion is that what happened did not help Humphrey, but there is a lot of time left in the campaign. It is possible that some dramatic move or dramatic happening could change the situation drastically."

Question 3: The Senate Judiciary Committee used the technicality of a letter of resignation written by Chief Justice Warren as an emphatic indication that no vacancy exists. Am I right?

Senator Griffin: "Some members of the Judiciary Committee take that position, but I don't know what the Judiciary position is because the hearings are still open. They will go into executive session, when they close testimony to take a vote within the committee. When they issue their report, we'll know what they have decided."

Supplementary question: I understand. But, what I want to know is whether the letter written by Justice Warren constitutes or does not constitute a vacancy?

Senator Griffin: "If you are asking my opinion, I don't think there is a vacancy at this time. I think it's pretty clear at this time. Mr. Warren's letter to the President was clear in stating, 'I will retire at your pleasure, Mr. President,' and Mr. Johnson replied 'that I will accept your declaration to retire effective when your successor has qualified'. There would be a vacancy if Mr. Fortas is confirmed by the Senate. It is also interesting to note there was never a resignation by a Justice of the Supreme Court in this manner. All vacancies in the past have occurred because of death or through absolute retirement. The exchange of letters reveals a charge of suspicion that some sort of manipulation or political operation is going on where the Chief Justice and the President are trying to determine a particular appointment. I believe very strongly that this is not the function of the Chief Justice and that he should either serve or retire."

Question 4: Then how do you account for the statement in your speeches and those of your colleagues quoted in newspapers, and other media, and the Congressional Record in which you state there is a vacancy, i.e. I would approve of Ambassador Goldberg filling the vacancy?

Senator Griffin: "Let me review the history leading to the statement. June 14: an item appeared in the Wall Street Journal stating Chief Justice Warren may quit to have a voice in the selection of his successor. June 21: many newspaper stories said, 'authoritative sources' said that Mr. Warren submitted his resignation to Mr. Johnson. The reports did not really state whether it was a letter of resignation. During the five-day period all we had were reports. I appeared at the Michigan Press Association in Sault Ste. Marie, Mich., on June 22. Before I knew anything, I indicated disagreement with the retirement and its purpose. I did not approve of the maneuver and I stated I would oppose the nominee under those circumstances regardless whom President Johnson might name. I made reference to the President as a lame-duck President and I know now how inappropriate it seems to some people; but with the two parties having nominated their Presidential candidate, the term now seems more and more appropriate. However, someone asked me what I would do if Ambassador Goldberg were named to fill the vacancy. I said he would be the one exception to my statement. The reason is that in the minds of most people whether you agree or disagree with his philosophy, he has been on leave from the United States Supreme Court to serve his nation in the United Nations. People expect him to return to the court—and I expect him to return to the Court. If President Johnson made this nomination, I would not oppose it. Now, this is the context."

Question 5: A feeling there is bigotry on the panel of the Judiciary Committee exists. Some people feel that Senators Thurmond and Eastland and Erwin are the biggest offenders. It is an unkind thing to say, but some people are judged by the company they keep. A refusal to confirm has snowballed. Senator Javits said he would approach Mr. Nixon to calm the waves. Do you think the southern bloc will maintain their present objection even if you reverse your attitude?

Senator Griffin: "No, I'll not change my position and it does not only relate to Mr. Fortas, but to Mr. Thornberry as well. But I would like to make a statement which you have not questioned yet. All of the Senators in the negative or positive do not base the situation on religious affiliation. Senator Jake Javits who is a very close friend of mine and with whom I work on the Labor and Welfare Committee made it clear. I would like to refer to a speech made to the National Press Club. I was disappointed in that Mr. Johnson named Mr. Thornberry, a close personal friend of his for many long years, but also a person that some leaders of the Bar Association do not support enthusiastically. He is also from Texas. In naming a Texan, Mr. Johnson followed an old practice which ought to be discredited in this day and age. For a number of years we have had one Catholic judge, one Jewish judge and one Texas judge on the Supreme Court. And when, he nominated Mr. Thornberry, he perpetuated that practice. I don't know why it wouldn't be acceptable, proper, and indeed, commendable to have done what I indicated would have met my approval. That is to name Mr. Goldberg to the 'vacancy'. Why can't we have two Catholic justices; why couldn't we have two Jewish justices; why must we have a Texas judge on the Supreme Court? When people raise religious thinking with Senators, they should remember 1959. A Democratic majority led by Senator Lyndon Johnson who was Senate Majority leader rejected the nomination of Lewis Strauss to be President Eisenhower's Secretary of Commerce. It is easier to confirm a nominee for cabinet appointment, because he serves only with the President. When the President's term is up, he goes out. It is almost inexcusable to deny an appointment of the President to the Cabinet. Strauss, I think, was chairman of the National Council of Christians and Jews and an outstanding lay leader. There wasn't any reason for his being rejected by Mr. Johnson or any other person because he was a Jew. They did not like his philosophy and there were many other positions taken, such as the Tennessee Valley Authority. It didn't have anything to do with his religion; and I hope that the vast majority of people in the Jewish community do not feel this is the case here either."

Question 6: Other than being an esteemed member of the Senate, how do you qualify your judgment that Associate Justice Fortas is not an adequate candidate for the higher office, and for what reasons do you do so?

Senator Griffin: "I indicated before that I took the position after the notice in the Wall Street Journal of Mr. Warren's resignation and before Mr. Johnson named anyone, that I would oppose the nominations under those circumstances regardless of who he would nominate. The question of Mr. Fortas' or Mr. Thornberry's qualifications aren't really a part of the issue at the present."

Question 7: The Washington Post had an article which stated in part, "Among objections to Griffin was the complaint already made in Jewish communities, that the Griffin led campaign has stirred antisemitic sentiment. Although not accepted by most at the meeting, the party could not risk a man who might provide unwanted controversy. Are they saying they entertain some doubts you might be anti-semitic?

Senator Griffin: "It's more difficult for me to interpret that than it is for you. Of course the language is ambiguous. I wasn't sitting in on the meeting of my fellow Republicans where some of them discussed the possibility I might be a part of the ticket. There is no question among my colleagues that my position has no relationship to the religious affiliation of either nominee. My good friend, Jack Javits asked me, if anybody in or out of the Jewish community raises the question on my motives; to let him know who they are as he would like to contact and talk to them about it. Jack Javits has been very helpful in that respect. Let's recognize the fact. Regardless of my reasons, I suspect they are misunderstood by some segments of the Jewish community and that is unfortunate. Reporting has not been confined to the facts. It has been more of the editorial commentary type, and whether or not it has been fair, the fact is the question has been raised and I commend you, and the Baltimore Jewish Times, for being here in my office today to give me the opportunity to at least present my views. I also want to emphasize I was never a candidate running for the office. But I suspect others were eliminated because they were controversial for other reasons.

Question 8: Many outstanding citizens, including Abe Goldberg, endorsed Abe Fortas as being most qualified. The Judiciary Committee insists he is not. What I would like to know is: Is he or isn't he?

Senator Griffin: "The Judiciary Committee has really not passed judgment. Some members of the Committee have, individually. I feel most people believe when the Committee takes a vote, a majority will report favorably on the nominations.

Supplementary question: The American Bar Assn. issued a statement on the Supreme Court and criticized methods used by opponents of Abe Fortas for Chief Justice. They also considered it "inappropriate" for Senators "to interrogate a nominee for judicial office as to the rationale or motivation of particular judicial decisons, whether or not the nominee participated therein." And, they have also approved of Fortas.

Senator Griffin: "The US constitution doesn't say that appointments shall be made to the Supreme Court by the President with the advice and consent of the ABA; it says with the consent and advice of the US Senate. The Justice Dept. does call upon the ABA, which delegates responsibility to its Judiciary Committee, to pass on legal qualifications of an appointment. It's important to keep in mind that the ABA standards do not satisfy the Senate's responsibilities which are broader. There are few instances where the Senate rejected anyone with adequate legal qualifications. A Mr. Parker was rejected in the '30's for his views on economic and social issues. It is proper and appropriate for the Senate to take these factors into account, whereas the ABA would not, to emphasize the ABA has only a limited responsibility here. In the case of Mr. Fortas, he probably not only meets them, he far exceeds them. He is recognized, I think, as a brilliant lawyer. But that's not the question as far as the Senate is concerned."

Question 9: Allow me to refer to Aug. 12. I can't expect you to answer for someone else; but since you are a part of the company you may be able to. On a radio program, Jack Anderson said Senator Thurmond met with Nixon weeks prior to the GOP Convention. Nixon promised to discuss all nominess to the Supreme Court with Thurmond. On Aug. 22, Drew Pearson stated he had evidence about this too. And said Fortas would resign shortly after being rejected by the Senate Judiciary Committee. At the convention, I think it was Sandor Vanocur who interviewed Thurmond who said he had a veto on Supreme Court nominations and quickly retracted the statement. How would you assess the impact evolving therefrom, and the possibility that forces may weld to defeat you for any future public office?

Senator Griffin: "I do not believe and I reject any report, suggestion or charge that Senator Thurmond is going to have some sort of veto power. He is one of the U.S. Senators and would certainly have all the prerogatives of any Senator. But in my own mind, I do not accept any insinuations indicated in the reports you quoted. As for the political impact, I don't know what it would be. I'm sure if I discharged my responsibilities on the basis of political impact, I might be the spineless person who never took a position on anything because it would be the easiest way for reelection. The history of my involvement, position, and participation is a matter of public record. I've taken a position and I've pursued this course because I think it's right. I think if we do prevail, future Presidents will not send up cronies for appointments; and we may see people like Justice Cardoza and Justice Brandeis being appointed simply because they are the best available for a particular position. These tainted appointments do not help build respect for the institutions of government at a time when we need to restore respect to the courts and the Supreme Court, for the Presidency, and for the Congress. We have to reject these nominations for the reasons that are on the record."

Question 10: Senator. What is your stand in the Middle East issue and how do you project your stand for Israel, if you do?

Senator Griffin: "I've jointly sponsored a resolution (S. Res. 383—July 29, 1968) calling for the President to expedite the sale of Phantom jets to Israel. If I may, I'd like to go back to a question which I do not think was completely answered. You referred to Sens. Thurmond and Eastland being on my side and the type of company I keep. This matter is always difficult in the Senate. This is a good question because it's on people's minds, but it suggests the concept of guilt by association. Many people and liberals deplore this. In almost any major issue that comes up in the Senate, someone is on either side of me whom I differ with and who may be in public disfavor, but I have to vote, and either way I am encamped with someone I wouldn't want to be in camp with. The fact is some southerners are on my side for different reasons; perhaps against the Warren court as much as Fortas and some of his decisions. I have voted for every civil rights issue in the last 12 years and on the other hand, I've disagreed with some of the decisions in the area of crime. And in the same sense, I don't base my objections to the nominations on a review of Supreme Court opinions. There action might be weighed in the light with Mr. Fong of Hawaii who also agrees with me. You must look at each Senator and weigh his issues alone."

Senator Griffin impressed me as a person with a high standard of ethics. His integrity projects the courage to do the right which his conscience dictates without wavering one iota. Our conversation continued beyond that which the tape consumed, and if the Jewish community ever had a friend in the Senate, they could not overlook the junior Senator from Michigan.

TOWARD A SECRETARY OF PEACE

Mr. HARTKE. Mr. President, yesterday I was happy to ask unanimous consent that the Senator from West Virginia [Mr. RANDOLPH] might be listed as a cosponsor of my bill S. 4019 to establish a new Cabinet-level Department of Peace.

I invite attention to the fact, which does not appear in the request, that as a Member of Congress in 1945, the then Representative JENNINGS RANDOLPH offered a similar bill for a Department and a Secretary of Peace. He also introduced such a bill in 1959 after becoming a Senator, and by coincidence he served in August as chairman of a Democratic platform committee panel before which I appeared to urge the inclusion of such a proposal as a platform plank.

As I noted in introducing the bill 1 week ago today, the history of such proposals in this country goes back to Dr. Benjamin Rush, a signer of the Declaration of Independence, who wrote a short essay on "A Plan of a Peace-Office of the United States" in 1799. More recently, legislative proposals have been offered for the same basic purpose in one form or another by such persons as Senator EVERETT DIRKSEN while a Member of the House of Representatives; Senators Alexander Wiley, of Wisconsin; Matthew Neely, of West Virginia; and Chapman Revercomb, of West Virginia; and Representatives HARLEY STAGGERS, CHARLES BENNETT, and MELVIN SNYDER. Senator HUBERT HUMPHREY also offered such a bill in 1960.

Twice, in 1945 and 1947, hearings on the subject were held in the House, and one of the bills considered at the earlier date was that of Senator then Representative RANDOLPH.

Since Representative SEYMOUR HALPERN also introduced such legislation last week in a parallel bill which now has 25 cosponsors, I trust that many more Senators will join me when I offer this bill again in the 91st Congress, and that Senator RIBICOFF's Government Operations Subcommittee will schedule it for serious hearings. I hope that in the meantime a great number of citizens across the Nation will learn of the Hartke-Halpern Department of Peace bill and will make their support heard in the offices of every Senator and Representative, so that this vital proposal may become a reality.

FORTAS AND THE CLAIM OF EXECUTIVE PRIVILEGE

Mr. GRIFFIN. Mr. President, earlier in the week, two officials of the Johnson administration refused to appear and testify before the Committee on the Judiciary concerning reports that Justice Abe Fortas had helped the White House in drafting legislation this year.

In letters to the committee, Treasury Undersecretary Joseph W. Barr and W. DeVier Pierson, associate special counsel to the President, based their refusal on the claim of "executive privilege."

In hiding behind the claim of "executive privilege," they and the administration repudiated an explicit policy established by the late President John F. Kennedy and adopted by President Johnson. Both Presidents assured Congress in writing that information would not be withheld on the ground of "executive privilege" unless the President himself invoked it.

In a letter dated March 7, 1962, to Chairman JOHN MOSS of the Special Government Information Subcommittee of the House Committee on Government Operations, President John F. Kennedy wrote:

> As you know, this Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents, correspondence and information. This is the basic policy of this Administration, and it will continue to be so. *Executive privilege can be invoked only by the President and will not be used without specific Presidential approval.*

In a letter of April 2, 1965, to Representative Moss, President Johnson wrote:

> Since assuming the Presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 7, 1962, dealing with the subject. *Thus, the claim of "executive privilege" will continue to be made only by the President.*

To my knowledge, the refusal this week by Messrs. Barr and Pierson is the first outright violation of that sound policy. If there have been other instances, I am not aware of them.

While I served in the House, I was a member of the Moss subcommittee, which fought long, hard, and successfully against efforts by the executive branch to restrict and withhold information from Congress and the public. I was very active in that struggle, which had the strong support of the press.

I wonder what the reaction of the Nation's press will be to the sudden junking this week of the sound policy which was so difficult to obtain.

Although we have seen no evidence yet in the newspaper of an outcry, I am confident that the press will not remain silent.

Congress and the public are indebted to Mr. Samuel J. Archibald, of the Washington office of the Freedom of Information Center, for his warning that: The principle of congressional access to executive branch information is too important to let stand the informal claim of "executive privilege." To do so will establish a dangerous precedent as a new administration is about to take office and conflicts over access to information can be expected between Congress and the executive branch.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD at the conclusion of my remarks: the text of President Kennedy's letter of March 7, 1962, and of President Johnson's letter of April 2, 1965, to chairman JOHN E. MOSS of the House Government Information Subcommittee; the text of Under Secretary Barr's and Mr. Pierson's letters of refusal to the Senate Committee on the Judiciary; and the text of a September 17 letter to Chairman Eastland of the Senate Judiciary Committee from Samuel J. Archibald, of the Freedom of Information Center.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 7, 1962.

Hon. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee of the Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of last month inquiring generally about the practice this Administration will follow in invoking the doctrine of executive privilege in withholding certain information from the Congress.

As your letter indicated, my letter of February 8 to Secretary McNamara made it perfectly clear that the directive to refuse to make certain specific information available to a special subcommittee of the Senate Armed Services Committee was limited to that specific request and that "each case must be judged on its merits."

As you know, this Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents, correspondence and information. That is the basic policy of this Administration, and it will continue to be so. *Executive privilege can be invoked only by the President and will not be used without specific Presidential approval.* Your own interest in assuring the widest public accessibility to governmental information is, of course, well known, and I can assure you this Administration will continue to cooperate with your subcommittee and the entire Congress in achieving this objective.

Sincerely,

JOHN F. KENNEDY.

THE WHITE HOUSE,
Washington, April 2, 1965.

Hon. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee of the Committee on Government Operations, House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I have your recent letter discussing the use of the claim of "executive privilege" in connection with Congressional requests for documents and other information.

Since assuming the Presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 7, 1962, dealing with this subject. Thus, the claim of "executive privilege" will continue to be made only by the President.

This administration has attempted to cooperate completely with the Congress in making available to it all information possible, and that will continue to be our policy.

I appreciate the time and energy that you and your Subcommittee have devoted to this subject and welcome the opportunity to state formally my policy on this important subject.

Sincerely,

LYNDON B. JOHNSON.

[From the Washington (D.C.) Post, Sept. 17, 1968]

TEXTS OF BARR, PIERSON LETTERS

(NOTE.—*Following are letters to Senate Judiciary Committee Chairman James O. Eastland (D.-Miss.) from Treasury Under Secretary Joseph W. Barr and White House aide W. De Vier Pierson declining to appear at Committee hearings on the nomination of Abe Fortas as Chief Justice of the U.S.*)

BARR'S LETTER

I have your invitation to appear before the Committee on the Judiciary to testify in the hearings on the nomination of Mr. Justice Fortas to be Chief Justice.

My understanding is that the Committee wishes my testimony concerning the development of legislation authorizing Secret Service protection to Presidential candidates, which was enacted on June 6, 1968 on an urgent basis following the assassination of Senator Robert F. Kennedy. The legislation had been in preparation for some time as a cooperative effort of the Appropriations Committee and the Executive branch. In the development of this legislation, I participated in meetings with representatives of the White House and discussed the matter directly with the President.

Based on long-standing precedents, it would be improper for me under these circumstances to give testimony before a Congressional committee concerning such meetings and discussions. Therefore, I must, with great respect, decline your invitation to appear and testify.

PIERSON'S LETTER

I have received an invitation from the Chief Counsel of the Senate Judiciary Committee to appear at hearings being held to consider the confirmation of Mr. Justice Fortas as Chief Justice of the United States. I understand that the Committee wishes to interrogate me regarding the drafting of legislation authorizing Secret Service protection for Presidential candidates.

As Associate Special Counsel to the President since March of 1967, I have been one of the "immediate staff assistants" provided to the President by law. (3 U.S.C. 105, 106.) It has been firmly established, as a matter of principle and precedents, that members of the President's immediate staff shall not appear before a Congressional committee to testify with respect to the performance of their duties on behalf of the President. This limitation, which has been recognized by the Congress as well as the Executive, is fundamental to our system of government. I must, therefore, respectfully decline the invitation to testify in these hearings.

FREEDOM OF INFORMATION CENTER,
Washington, Setember 17, 1968.

Senator JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: I hope the Senate Judiciary Committee will not accept the claim of "executive privilege" by two government officials in direct violation of policies established by Presidents John F. Kennedy and Lyndon B. Johnson.

In a letter of March 7, 1962 to Congressman John E. Moss, chairman of the House Government Information Subcommittee, President Kennedy stated that "executive privilege can be invoked only by the President and will not be used without specific Presidential approval." This policy was continued by President Lyndon B. Johnson in a letter of April 2, 1965 to Congressman Moss when he stated that "the claim of 'executive privilege' will continue to be made only by the President."

Treasury Undersecretary Joseph W. Barr and White House Aide W. DeVier Pierson in letters to your Committee have refused to provide information to the Congress on the basis of "precedents," harking back to a Presidential letter of May 17, 1954 which became the basis for dozens of refusals by Executive Branch officials, without specific Presidential authority, to ignore Congressional requests for information.

As Staff Director of the Moss Committee, I supervised the studies of the problem of "executive privilege," drafted the letters from Congressman Moss to Presidents Kennedy and Johnson and negotiated the answers with White House officials. Since Presidents Kennedy and Johnson established the policy that "executive privilege" is a Presidential prerogative, not one single claim of "executive privilege" has been allowed to stand in the face of a formal Committee request for information.

Regardless of the absurdity of some of the issues discussed at the hearings on the nomination of Associate Justice Abe Fortas, the principle of Congressional access to Executive Branch information is too important to let stand the informal claim of "executive privilege." To do so will establish a dangerous precedent as a new administration is about to take office and conflicts over access to information can be expected between the Congress and the Executive Branch.

At the very least, the Senate Judiciary Committee should decide whether or not the informal claim of "executive privilege" by Undersecretary Barr and Mr. Pierson should be accepted. If not, the Committee should insist that President Johnson either support their claim or reject it.

Sincerely,

SAMUEL J. ARCHIBALD,
Washington Office, FOICUM.

"THERE IS A LESSON"—DISCUSSIONS ON VIETNAM

Mr. HARTKE. Mr. President, today a number of Senators, some members of the press, and staff members of the Foreign Relations Committee and of some Senators who could not attend, joined me in discussions on Vietnam at a luncheon arranged by my staff with the cooperation of the Vietnam Education Project of the United Methodist Church.

Our guest speakers were Richard Berliner, who returned only Sunday from 2 years with the International Voluntary Service in Vietnam, and Dr. David Marr, of the University of California. Other Vietnam-speaking persons present included Tran Van Dinh, Washington journalist, and former Ambassador from Vietnam; Gene Stoltzfus, former deputy director of IVS in Vietnam; and Stuart Bloch, a Harvard Law School graduate who spent several months in the same capacity in 1967 and 1968.

I bring this to attention particularly because of a brief but compelling analysis written by Dr. Marr of the lesson we should learn from Vietnam, a copy of which each person attending received. Before asking consent for its inclusion in the Record, I want to note the remarkable background of Dr. Marr. A 1955 Dartmouth Phi Beta Kappa graduate in international relations, he followed his ROTC training with service in the U.S. Marines, where he learned Vietnamese and became a Marine intelligence officer. He was among the first contingent to serve in Vietnam in 1964 under the new policy which allowed American troops to go beyond advisory duties and shoot back if shot at. Following his discharge as a captain, he undertook graduate work on a defense foreign language fellowship for Japanese and East Asian studies. His master's thesis, based on research in Vietnam, dealt with the attitudes and activities of South Vietnam's "young urban intellectuals." There followed doctoral study under a Fulbright-Hayes fellowship, again on the scene, which produced a dissertation on the anticolonial movements in Vietnam against the French from 1885 to 1925. In all, he spent 5 years in Vietnam and is also married to a Vietnamese. Now a recognized historian specializing in Vietnam and Asian problems, he returned from Vietnam at the first of this year to begin his university teaching.

With these qualifications, military as well as academic, Dr. Marr speaks of our Vietnam situation with unusual knowledge and the objectivity of the scholar. Consequently, I wish to share the material he has written, entitled "There Is a Lesson," with Senators who were unable to accept my invitation to join us.

Mr. President, I ask unanimous consent that the analysis be printed in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

There Is a Lesson

Regardless of political affiliation, every American must hope that we will learn something from our Vietnam experience. If, shall we say, the United States were to be granted one single oracle on this subject, no more, it might go about as follows:

A nation may be the most powerful on earth, but it cannot possibly know what is happening everywhere, everytime. On the other hand, it is tragic folly to commit one's blood and treasure without learning the history, politics and sociocultural background of the area involved and, equally important, conveying this knowledge to men at all levels charged with implementing policy. In short, *priorities must be established*, both as to strategic interests and serious, long-term studies.

U.S. power was applied in the politics of Indochina as early as 1944 and by 1955 we had taken on major commitments of which most Americans, including many in government, simply were not aware. By 1962, when we were being forced to back up our commitments with thousands of men and hundreds of aircraft, the man in the street was still completely unconcerned, and his government was doing little to enlighten him. Enlisted men arriving in Vietnam by air from Okinawa or Clark Field were still asking the briefing officer whether they were closer to Japan or France. Helicopter pilots, while mostly college educated and well aware of geographical locations, knew absolutely nothing about the people of Vietnam. The result: everyone grabbed for quick stereotypes—"slopeheads," "money-grabbers", "shifty-eyed" "dirty." The men hung on to these images and, worse yet, soberly conveyed each of them to their replacements six months or a year later.

At command and staff levels, where decisions were being made everyday, regardless, the situation was almost as grim. There were only a dozen or so Vietnamese linguists and not one American on the spot really familiar with the history and culture of the country. Whatever was provided on such subjects had been culled from a few, highly generalized French texts. Staff intelligence briefings stressed enemy numbers, weaponry, locations of main units, but had almost nothing on political motivation of the enemy, local cell structure, or the relationship of the mass of the villagers to the conflict at hand.

In 1963–64, when U.S. military and civilian echelons began to involve themselves in day-to-day attempts at governing the country, it was still only the CIA that maintained a sizable active file on Vietnam's political personalities; and most of this was gathered from old French files or from local informations who had been playing this game, for money, well back into colonial days. Top-level generals being briefed in Hawaii hardly concealed their impatience at the mention of Vietnam's turbulent politics and insisted on calling major Vietnamese personalities by nicknames, rather than learning correct pronunciations. An enterprising Marine Sergeant and intelligence specialist developing a personality file for future reference was ordered to cull out all but high-ranking officers and cabinet officials.

Back in the U.S. in late 1964 and 1965, where decisions were made to bomb North Vietnam and commit hundreds of thousands of American combat troops, there still was not an acceptable book in English on the history of Vietnam. Journalists and a few scholars rushed books into print to feed the demands of an increasingly concerned American public. Such efforts, while generally sincere, often served only to demonstrate how minimal was our store of hard, primary data on Vietnam.

Today, in 1968, there still is not a center for Vietnamese studies at any American university. Our top echelon in Saigon, the U.S. "Mission Council", still does not include a single person who speaks fluent Vietnamese. Considerable gains have been made in the collection of intelligence, but only at the expense of a general encroachment on parallel Vietnamese organizations. We still do not know what motivates various segments of the NLF and North Vietnamese apparatus, finding it easier to simply point in horror at examples of terror and coercion, or talking ourselves in circles as regards their amazingly complex organizational system.

It may well be that such questions, at least as they relate in a policy sense to Vietnam, are rapidly losing their obvious cogency. After, all, America's registered voter in Summer, 1968 does not have to read a book, much less study Vietnamese or research the psychology of the Vietnamese peasant, to know that something is radically wrong. He doesn't necessarily have to know how we got into this mess in order to decide that we must extricate ourselves, soon.

Nevertheless, our concern here, beyond events of the moment, is that enough Americans will come to understand the sequence, the manner in which we reached today's sorry situation, in order that they will know better what to do when similar circumstances arise elsewhere. This will not bring back the tens of thousands of Americans and hundreds of thousands of Vietnamese who have died. But it may save our children and grandchildren, perhaps all humanity, from a similar fate.

August 19, 1968.

CHEMICAL AND BIOLOGICAL WARFARE

Mr. CLARK. Mr. President, on July 30, 1968, I spoke on the floor of the Senate about the rising concern of scientists and other responsible citizens over the chemical and biological warfare program now being carried out by the Department of Defense. This concern has been heightened by the tragic events which occurred near the Dugway Proving Grounds in Utah when 6,000 sheep died from a nerve gas associated with military tests taking place at the time. On August 20, 1968, the Department of the Army agreed to pay compensation for the loss of these sheep, but because of the secrecy surrounding the military interest in this area of warfare, few details are known, and Defense Department officials refuse to assume responsibility for this accident.

This incident and other aspects of chemical and biological warfare are examined in some detail by Seymour Hersh in an article published in the New York Times magazine, of August 25, 1968. Mr. Hersh reviews the policies which have led to a budget of an estimated $300 million for the research, development, and employment of chemical agents, including a $70 million investment for defoliation in Vietnam.

Mr. President, because of the interest by members of the 18-nation Disarmament Conference in promoting a treaty to outlaw the use of such weapons, this subject deserves our serious attention. I ask unanimous consent that the article, entitled "The Secret Arsenal," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Chemical and Biological Weapons: The Secret Arsenal

(By Seymour M. Hersh) [1]

Washington, D.C.— The Dugway Proving Grounds, main weapons-testing center for America's chemical and biological warfare (C.B.W.) research program, is a well-isolated military base; most of its one million acres are spread across the Great Salt Lake Desert in western Utah. The base's eastern edge—and the only access road to it—is about 80 mountainous miles west of Salt Lake City. In between are some small mountain ranges and sparsely inhabited valleys, where ranchers control vast acreage and thousands of sheep graze.

Until this spring, most Americans had never heard of the proving grounds, although Dugway has been testing chemical and biological weapons since World War II. The base's obscurity ended in March.

At 5:30 P.M. on Wednesday, March 13, an Air Force jet flew swiftly over a barren target zone and sprayed 320 gallons of a highly persistent, lethal nerve agent known as VX during a test of two new high-pressure dispensers for the gas. The test site was about 30 miles west of Skull Valley and about 45 miles west of Rush Valley, two large sheep-grazing areas. The site also was about 35 miles south of U.S. 40, one of the nation's most heavily traveled highways and a main link between the Midwest and California.

The winds were blowing from the west that day, with gusts reaching 35 miles an hour. Testing in strong winds was nothing new to the Army researchers; since the early nineteen-fifties millions of dollars had been spent on meteorological equipment and gauges at Dugway, and the scientists had long been able to predict accurately the dispersal of the killer gases—or so they thought.

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[1] Seymour M. Hersh, a Washington-based freelance, wrote "Chemical and Biological Warfare: America's Hidden Arsenal."

On Thursday the sheep began to die in Skull and Rush Valleys. By Sunday more than 6,000 sheep were dead, and the top command at Dugway was informed of the outbreak by the ranchers. Veterinarians began inoculating thousands of sheep that day, but found that none of several vaccines used had any effect.

A week after the secret test flight, the Salt Lake City newspapers published dispatches telling of the mysterious sheep deaths and linking them to "some kind of poison." A spokesman for Dugway told the newspapers that tests on the base "definitely are not responsible" for the deaths. "Since we first found out about it," the official said, "we checked and found we hadn't been running any tests that would cause this."

How long the Army would have gone without telling the ranchers of the nerve gas tests is problematical; when the facts became known, it was by accident. On Thursday, March 21, the Pentagon responded to a request for more information from Senator Frank E. Moss, Utah Democrat, by sending a fact sheet to his office marked "For Official Use Only," an informal security classification intended to prevent public release. A young press aide in Moss's office promptly made the fact sheet public; the Army's attempt hours later to retrieve the document was too late.

The military quickly canceled all aerial spray tests at Dugway and spent the next three weeks issuing denials that nerve gas from Dugway had anything to do with the death of the sheep—even in the face of medical reports directly linking them to organic phosphate compounds (nerve gas is one such). On April 18, the Army acknowledged that "evidence points to the Army's involvement in the death of the sheep." By this time, the case of the poisoned sheep received little attention in the press.

The military's performance in the Dugway affair was consistent with its long-standing avoidance of public discussion of the controversial chemical and biological warfare program. Yet C.B.W. is a major effort, as can be seen in this partial catalogue of America's arsenal.

Chemicals: Odorless, colorless nerve gases that paralyze the nervous system and kill in minutes . . . strong anesthetic or psychochemical gases that produce temporary paralysis, blindness or deafness and can cause maniacal behavior . . . tear gases, one of which has the scent of apple blossoms, that can incapacitate in 20 seconds and, in heavy concentration, cause nausea . . . improved versions of World War I gases like adamsite (headache, nausea, chest pains) and mustard gas (lung and eye burns, blisters) that can kill in heavy doses . . . defoliants (for trees) and herbicides (for food plants) that in low dosage are not toxic to man—though heavy concentrations cause illness and, in the case of those with arsenic base, may cause arsenic poisoning.

Biologicals: Specific agents are unknown, but the military is known to have studied the following highly contagious diseases with C.B.W. intent—anthrax, fatal within 24 hours if it attacks the lungs . . . bubonic plague (the Black Death) and pneumonic plague . . . Q-fever, acute but rarely fatal, caused by an organism that can remain alive and infectious for years on end . . . encephalomyelitis, ranging from debilitating to fatal . . . brucellosis, also known as undulant fever. Using genetic knowledge and techniques developed within recent years, Army scientists have been able to devise subtle new strains of some of these diseases, changing their cellular make-up so that they become resistant to known antidotes.

When asked why the United States is developing its C.B.W. arsenal, military men at the Pentagon refer to a statement made by then Deputy Secretary of Defense Cyrus Vance stockpile consists of about one-sixth chemical munitions. Russian leaders have boasted that they are fully prepared to use new

After explaining that the United States seeks international agreements to curb the spread of C.B.W., Vance added: "As long as other nations, such as the Soviet Union, maintain large programs, we believe we must maintain our defensive and retaliatory capability. It is believed by many that President Roosevelt's statement in 1943, which promised 'to any perpetrators full and swift retaliation in kind,' played a significant role in preventing gas warfare in World War II. Until we achieve effective agreement to eliminate all stockpiles of these weapons, it may be necessary to be in a position to make such a statement again in the future."

The U.S. and the U.S.S.R., at any rate, are not alone in developing C.B.W. arsenals. Since World War II at least 13 other countries—Britain, Canada, Communist China, Nationalist China, France, West Germany, Poland, Sweden, Spain, Egypt, Cuba, Israel, and South Africa—have either publicly revealed that they are doing C.B.W. research, reluctantly confessed that they are doing "defensive" C.B.W. research, been accused of using such weapons or actually have initiated gas warfare in combat.

There have been, over the years, international efforts to curb chemical and biological arms production and use. A treaty prohibiting gas warfare was signed by Germany, France and other nations (not including Britain or the U.S.) at The Hague in 1899. It didn't stop gas warfare in World War I. Similar treaty negotiations failed in 1921, but four years later at the Geneva Conference a treaty was signed outlawing the "use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices." The U.S., Japan, Czechoslovakia, Argentina and Brazil did not sign. The United Nations passed a resolution in 1966 urging all countries to abide by international law affecting C.B.W. And just this month the British Government urged that a new international convention be drafted to update the Geneva ban. Meanwhile the weapons race has gone on.

American officials have made it plain that this nation considers itself bound by the Geneva treaty; they insist that the use of crop-killing chemicals and riot-control gases in Vietnam does not violate the treaty's ban. But critics here and abroad take strong issue with the U.S. interpretation of the treaty language—less than two weeks ago the Soviet Union charged that American use of chemicals in Vietnam violated international law. Critics also point out that American use of nonlethal gas in Vietnam has already escalated. Initially tear gas was used to control crowds or to clear bunkers—the intent being to prevent unnecessary loss of civilian and military lives. Now the South Vietnamese and American forces deploy nausea gas to clear out enemy bunkers—the intent being to set the enemy up for bombing missions. Fear of such escalation has historical precedent. As Elinor Langer noted in a series on C.B.W. in Science magazine last year, most of the World War I gas warfare deaths resulted from mustard gas, which was not introduced into combat until after both sides had tried tear gas.

The controversy over C.B.W. has elements in common with those that accompanied the development of nuclear weapons. Thus, proponents warn that other nations are ahead of the U.S. and speak of a chemical-biological "gap." Opponents insist that the American program is fostering a proliferation of C.B.W. weapons. But the whole subject has overtones of horror and revulsion that far outstrip the world's fears of a nuclear holocaust.

During World War II, chemical and biological warfare was a top-secret area of research in America. The research was continued after the war, but on a reduced level—during much of the nineteen-fifties, at between $50-million and $75-million a year, enough only to sustain existing programs. But in the last years of the Eisenhower Administration, C.B.W. spending increased, and in the fiscal 1962 budget, the one inherited by President John F. Kennedy, nearly $100-million was recommended. Over the next three years, as the Kennedy Administration moved from an overreliance on nuclear weapons toward a more flexible defense posture—with an emphasis, for example, on counterinsurgency methods—C.B.W. spending climbed to nearly $300-million a year with as much as 30 per cent of its budget earmarked for the manufacture of delivery systems such as bombs, shells and spray devices.

The last C.B.W. budget made public, for fiscal 1964, included a total of $157.9-million for research into C.B.W. agents, most of it for the Army Chemical Corps, and $136.7-million for the procurement of delivery systems. It is not known if maintenance and construction costs and wages are included in these totals. Today procurement costs are still classified, but Pentagon officials say spending on research has dropped by 5 per cent each year since 1964. It seems clear, however, that the overall investment in the C.B.W. program has grown with the advent of the Vietnam war. More than $70-million will be spent in the fiscal year that began July 1 on the purchase of defoliants.

The Army is generally responsible for the nation's C.B.W. work. The Navy and Air Force both have rapidly expanding programs but must conduct much of their research at Army installations on a pay-as-you-go basis. The Army operates five high-security C.B.W. bases and has leased another to a private firm; according to statistics made available by the bases, more than 3,750 officers and men and 9,700 civilians are employed in the system. The total value of the bases is about $1-billion; all have ambitious building programs.

The huge increases in research spending in the early nineteen-sixties enabled the Pentagon to turn more and more to the aerospace corporations and the multi-universities for aid in solving the complex meteorological and biochemical problems involved in spreading germs and gases in air and/or water. By 1964 all of the military's C.B.W. research facilities were fully computerized, and expensive research into such fields as biomathematics was making it possible to know beforehand how the agents could be most effectively dispersed.

The result was inevitable: major advances along the entire spectrum of chemical and biological warfare. Scientists—working at military bases, at more than 70 universities around the world at an even greater number of private and nonprofit corporations—have perfected a massive array of deadly agents. Complex delivery systems have been evolved: germs and gases have been successfully tested in guided missiles, hand grenades, bomb clusters, artillery shells and aerosol sprays. It is known that gas-carrying weapons have been distributed to U.S. forces throughout the world. There is no evidence of any similar distribution of germ-bearing weapons, but they are known to be stored in this country.

The military has consistently refused to make public many of the facts about C.B.W., including details about the Soviet program. When I asked one military man the reason for this policy, he said there is "very little one can say because it reveals our intelligence sources." Yet Pentagon officials have, on occasion, when seeking additional funds for C.B.W., talked on the record about the Russian effort.

In 1960 Lieut. Gen. A. G. Trudeau, then Chief of Army Research, told a House subcommittee on Defense appropriations that "we know that the Soviets are putting a high priority on development of lethal and nonlethal weapons, and that their weapons stockpile consists of about one-sixth chemical munitions. Russian leaders have boasted that they are fully prepared to use new chemical weapons of great significance, and we know Soviet forces are trained in their use."

The generals have consistently told Congress that Russia is ahead in C.B.W. development. Former Defense Secretary Robert McNamara testified at House hearings on the 1969 Department of Defense budget that America's C.B.W. position was "adequate at the present time." He added: "The Soviets probably continue to do more than we do in this field, however."

A 1960 Army report to Congress stated that the Russians had within each military division "a specific unit devoted to the field of chemical warfare" and that they had large stockpiles of nerve gas. The report added that "Soviet medical and technical reports . . . show that they are equally well versed in biological warfare." And a Soviet general was quoted as saying: "Many of our scientists . . . regard research on the actions of poisons and on the development of antidotes to be their patriotic duty." In this report and elsewhere, mention has been made of a nationwide C.B.W. civil defense program in Russia; yet the importance of protecting the public against C.B.W. has certainly not been a preoccupation in this country. Neither the Defense Department nor any civil defense agency has made any significant attempt to inform the American public about the possible threat of such an attack; few gas masks are available for civilians; government warehouses have only a limited supply of the antibiotics and other antidotes that would be needed.

The need for what defense officials call "retaliatory capability as a deterrent" is only one of the arguments the U.S. military presents for continuing or even expanding the C.B.W. program. Another, as expressed in an interview with a high-ranking Pentagon officer: "In order for us to develop defenses against the tactical use of C.B.W. weapons, it's necessary to know what their offensive capabilities are. We've got to push the offensive as much as possible." Masks and protective shelters, plus antidotes for germ agents, are the only defense mechanisms now available. Large-scale programs dating back to the early nineteen-fifties have sought to evolve an early-detection system, but no substantial progress has been reported.

For many military planners, the appeal of C.B.W. lies in what they term its "humaneness" and "efficiency." "It can be just as disagreeable as any of the other forms of destruction in vogue in the world," an Army presentation admits, "yet it also offers some rays of hope for a more sane approach to an activity which we wish could be classified as irrational." Thus C.B.W. can be practiced over "a whole graduated spectrum of degrees of severity, and at the milder end of the spectrum may represent a far lesser evil than many presently accepted forms of warfare." The report goes on to cite the taking of Iwo Jima in 1945, with the loss of 28,000 Japanese and American lives: "If the new incapacitating agents had been available, it is conceivable that neither side would have lost any appreciable number of men."

Air Force Col. Jesse Stay, deputy director of information at the Pentagon, told me bluntly: "We're using herbicides and riot control agents in Vietnam. Everybody knows we're using them. They're serving a good purpose. Nobody's hiding the fact that they're being used—and nobody's ashamed of that fact."

The use of riot-control gases and defoliants in Vietnam has, however, seemed inadequate to some military men. In October, 1966, two retired generals had their say on the subject. The director of chemical warfare research in the nineteen-fifties, Brig. Gen. J. H. Rothschild, called for the use of mustard gas in clearing land and rendering Vietcong bunkers useless; it would, he added, save lives, not only of Americans and of our allies but also of the enemy." And Maj. Gen. John Bruce Medaris, former commander of the Army Ordnance Missile Command, advocated the use of nerve gas.

In a recent letter to The New York Times, General Rothschild summed up many of the arguments for the C.B.W. program:

". . . if the United States is forced into a large-scale war against superior manpower, e.g., a nation such as Communist China, we cannot afford to meet on a man-to-man basis, as we did in the Korean war, when we took large numbers of unnecessary casualties. . . . [We] will have to use weapons of advanced technology. These include the nuclear weapons, chemical weapons or biologicals. We don't want to use nuclear weapons certainly, because of the danger of worldwide involvement with the completely unacceptable physical damage which would result, the great loss of life and the possibility of genetic effects. The use of chemical weapons could eliminate all of these dangers but still give us the means of successfully combating the superior manpower. Furthermore, it could result in the saving of large numbers of civilian lives."

Criticism of America's C.B.W. program has come primarily from two groups—scientists, both within and outside the military, and students. Criticism ranges from those who, as one top Pentagon planner expressed it, want "restraints" on the program and an emphasis on defensive techniques to those who call for a complete and total phasing-out of C.B.W. activities. In recent months the Federation of American Scientists has urged discontinuance of C.B.W., which it said is not in the nation's interest. Member protests have led the American Society of Microbiology to poll its membership on the question of continuing its long-standing agreement to serve Fort Detrick in an advisory capacity. In April at least 16 scientists refused to take part in a symposium on genetics at Fort Detrick. A two-year protest by students at the University of Pennsylvania led to the university's cancellation of two secret C.B.W. research projects, worth $845,000 a year, and similar protests are underway at dozens of other campuses.

Inevitably, the arguments against chemical and biological weapons have a strong emotional overtone; the subject is almost too horrible for rational debate. This distaste for C.B.W. even pervades parts of the Pentagon; some military men I spoke with conveyed the impression that the use of gases and biologicals isn't manly: it isn't the kind of warfare that cadets learn about at West Point; it's "sneaky."

But the criticism is by no means limited to emotional appeals. Some opponents, for example, are concerned that by advancing the C.B.W. state of the art the U.S. is handing small, possibly irresponsible nations a deadly weapon. Matthew Meselson, a prize-winning Harvard University biologist, last year told an interviewer for the Harvard Alumni Bulletin that the C.B.W. program places "a great premium on the sudden, unexpected, hopefully decisive blow, on the order of Pearl Harbor. So we have here weapons that could be very cheap, that could be particularly suitable for attacking large populations, and which place a premium on the sudden, surprise attack. . . . If you look at the engagements in which the United States has been involved in the past, or try to think of those in which we might in the future, it seems to us that these are just those characteristics which we should not want in weaponry—you could almost not ask for a better description of what the United States should not want to see happen to the art of war."

Other critics look upon the American use of C.B.W. weapons in Vietnam as a violation of the spirit, if not the letter, of the Geneva Convention—and most believe that the letter, too, has been violated. They listen to the arguments that the chemicals used in Vietnam are humane, and they ask questions such as those posed by Prof. William V. O'Brien, international law expert at Georgetown University, during a 1966 campus debate:

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Of great concern to many scientists is another unanswered question of biological warfare: Can disease, once spread, be controlled? Dr. Theodor Rosebury, a Chicago bacteriologist who did biological warfare work during World War II, has written that "it is next to impossible to know beforehand what to expect from a strategic B.W. [biological warfare] attack; there is no satisfactory way of testing it in advance." Thus, some argue, to initiate the use of plague or anthrax, diseases that can kill more than 90 per cent of their victims, would be to set in motion a doomsday machine on the planet—striking down attacker and defender alike. The Pentagon consistently refuses to discuss such questions with newsmen, but it is well aware of the unpredictability of B.W. Writing in a medical journal in 1964, Dr. Leroy D. Fothergill, former director of the laboratories at Fort Detrick, offered this assessment of the effects of a major B.W. attack:

"It is possible that many species would be exposed to an agent for the first time in their evolutionary history. We have no knowledge of the range of susceptibilities of these many species of wildlife to specific micro-organisms, particularly through the respiratory route. . . . What would be the consequences? Would new and unused zoonotic foci [animal transmitters] of endemic disease be established? Would it create the basis for possible genetic evolution of micro-organisms in new directions, with changes in virulence for some species? Would it create public health and environmental problems that are unique and beyond our present experience?"

These sorts of ecological and epidemiological problems are being studied intensely at Fort Detrick and the Dugway Proving Grounds. Scientists there believe that with enough study it will be possible to predict accurately the effects of a biological attack. Many knowledgeable C.B.W. critics have their doubts.

An indication of the complexity and importance of C.B.W. considerations is to be found in the varying views on the question of possible unilateral disarmament by the U.S. in the C.B.W. field. Critics of the program argue that nuclear weapons provide all the deterrent needed to forestall any enemy C.B.W. attack. Their opposite numbers in the military claim that reliance on nuclear retaliation alone would, in fact, seriously weaken the deterrent to biological attack. They point out that some of the possible biological warfare diseases have three- or four-day incubation periods before they break out. Would the United States be willing to unleash nuclear missiles, they ask, four days after a biological attack was confirmed, and tell the world it was "retaliating"? If not, it is argued, a policy resting only on a nuclear deterrent could encourage C.B.W. attack, rather than deter it.

ALL SIDES AGREE THAT CBW ARMS RACE MUST END

Though the controversy over America's C.B.W. program is bitter, there is general agreement on at least two points: it is essential that the world never be exposed to the ravages of a chemical-biological war; a de-escalation of the C.B.W. arms race, followed by international disarmament agreements, is a possible means to that end.

Once again the situation has elements in common with the nuclear arms race. If there is to be any meaningful international accord on C.B.W., many Administration experts feel, there must be some scientifically valid procedure for policing it. Studies of detection systems are being conducted by scientists, including some Americans, working with the Stockholm International Police Research Institute. But progress has been slow. Last year the Johnson Administration allotted the Federal Arms Control and Disarmament Agency only $100,000 for research into C.B.W. control and detection.

What is desperately needed, if the world is to move toward an answer to the C.B.W. problem, is an open, rational public debate of the political and military implications involved. The Vietnam war, the campus protests over military research contracts, the trouble at Dugway Proving Grounds, the disenchantment of large segments of the scientific community—all these have set the stage for such a debate in this country. But it cannot begin until more information is made available. The Pentagon should immediately re-evaluate its security restrictions about C.B.W. If Russia is indeed engaged in a major C.B.W. build-up, this information should be made known. The types of agents, their possible effects and the national policy surrounding actual deployment of chemicals and biologicals should be released for public evaluation.

Americans—and Russians—know a great deal about the horrible consequences of atomic attack; this knowledge is as significant a deterrent as the I.C.B.M. rockets shielded deep in their silos. If the world knew more about the potential horror of nerve gases and deadly biologicals, the drive for de-escalation and disarmament would be increased. And the United States, as one of the leaders of C.B.W. research and development, would have an obligation to lead that drive.

CBW BASES AND WHAT THEY DO

Because of the secrecy surrounding the C.B.W. program, it is impossible to detail completely the functions of the military bases involved. What follows is necessarily a capsule summary.

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Much time and money are invested at Edgewood in the quest for the perfect incapacitating agent, presumably a psychochemical or anesthetic weapon. The only such agent known is BZ, and it has yet to see combat use. The chief problem with the incapacitating agents is the requirement for a uniform dosage level—that is, they must be capable of being spread evenly; otherwise, they might kill in areas of high concentration and have no effect at all in areas of lower concentration.

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(By Marshall McNeil)

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Senators are foolishly challenging the right of the President, because he has decided not to run again, to nominate men to the Supreme Court. Others are crying "cronyism," or profess to be perturbed about decisions on pornography, or claim the nominee has violated the doctrine of separation of powers by advising the President while sitting on the court.

There also doubtless is some anti-Semitism in the opposition to Fortas. And some of his opponents, perhaps unconsciously, peg their position to his views on civil rights.

But what is important in Senate consideration of the Fortas nomination—of any Supreme Court nomination—is the philosophy of the nominee, his implementation of that philosophy in decisions to which he is a party, and the prospects of his further making his philosophy effective as chief judge of our highest court.

For this reason the speech made this week by Sen. Harry F. Byrd, Jr. (D., Va.) on Fortas and on the Supreme Court under Chief Justice Earl Warren is important because it deals with the philosophy of the court and of the nominee.

Others may not agree with him, but Byrd—not a lawyer but a businessman and newspaper owner—stated a case that has widespread support, for the mystique of the court is vanishing and in many quarters it is held in low repute.

"At a time when government should be closer to the people, the Warren court is determined to centralize more and more power in Washington," said Byrd.

"The Warren court (and by this he said he meant a majority not the total membership of the court) has usurped power to which it is not entitled . . . has established itself as a super legislature . . . has shackled the people's elected representatives as well as the law enforcement officials of our nation . . . has thrown precedents out of the window and has said, in effect, that the law is whatever five present lifetime appointees say it should be.

"During the time Mr. Fortas has been a member of this court," Byrd continued, "he has established himself as a disciple of Chief Justice Warren and has embraced wholeheartedly the Warren philosophy."

Byrd quoted Justice John Marshall Harlan, a present member of the court, who said:

"This court can increase respect for the Constitution only if it rigidly respects the limitations which the Constitution places upon it, and respects as well the principles inherent in its own processes. In the present case . . . we exceed both, and . . . our voice becomes only the voice of power, not of reason."

That, Byrd said, has often been the hallmark of the Warren court: "The voice of power, not of reason."

Byrd's views may well be credited to his heritage as a conservative Virginia Democrat. Indeed, he said:

"As a Senator from the state of Virginia, as one who believes deeply in the fundamental constitutional principles upon which our nation was founded and developed—and on which our liberties are based—how can I vote to give the chief judgeship to one who follows a policy of judicial oligarchy; to one who espouses a philosophy of concentrating more and more power in Washington, when I feel that the great future danger to the liberties of our people is big government?"

But there is no hint of anti-Semitism in his position. He reminded his listeners that as a young newspaperman in Virginia he supported the nomination of Felix Frankfurter, and further said:

"I believe strongly that members of the Supreme Court should be of a caliber and in the tradition of Oliver Wendell Holmes, Louis D. Brandeis, Charles Evans Hughes, chemical weapons of great significance, and we know Soviet forces are trained in their use."

The generals have consistently told Congress that Russia is ahead in C.B.W. development. Former Defense Secretary Robert McNamara testified at House hearings on the 1969 Department of Defense budget that America's C.B.W. position was "adequate at the present time." He added: "The Soviets probably continue to do more than we do in this field, however."

A 1960 Army report to Congress stated that the Russians had within each military division "a specific unit devoted to the field of chemical warfare" and that they had large stockpiles of nerve gas. The report added that "Soviet medical and technical reports . . . show that they are equally well versed in biological warfare." And a Soviet general was quoted as saying: "Many of our scientists . . . regard research on the actions of poisons and on the development of antidotes to be their patriotic duty." In this report and elsewhere, mention has been made of a nationwide C.B.W. civil defense program in Russia; yet the importance of protecting the public against C.B.W. has certainly not been a preoccupation in this country. Neither the Defense Department nor any civil defense agency has made any significant attempt to inform the American public about the possible threat of such an attack; few gas masks are available for civilians; government warehouses have only a limited supply of the antibiotics and other antidotes that would be needed.

The need for what defense officials call "retaliatory capability as a deterrent" is only one of the arguments the U.S. military presents for continuing or even expanding the C.B.W. program. Another, as expressed in an interview with a high-ranking Pentagon officer: "In order for us to develop defenses against the tactical use of C.B.W. weapons, it's necessary to know what their offensive capabilities are. We've got to push the offensive as much as possible." Masks and protective shelters, plus antidotes for germ agents, are the only defense mechanisms now available. Large-scale programs dating back to the early nineteen-fifties have sought to evolve an early-detection system, but no substantial progress has been reported.

For many military planners, the appeal of C.B.W. lies in what they term its "humaneness" and "efficiency." "It can be just as disagreeable as any of the other forms of destruction in vogue in the world," an Army presentation admits, "yet it also offers some rays of hope for a more sane approach to an activity which we wish could be classified as irrational." Thus C.B.W. can be practiced over "a whole graduated spectrum of degrees of severity, and at the milder end of the spectrum may represent a far lesser evil than many presently accepted forms of warfare." The report goes on to cite the taking of Iwo Jima in 1945, with the loss of 28,000 Japanese and American lives: "If the new incapacitating agents had been available, it is conceivable that neither side would have lost any appreciable number of men."

Air Force Col. Jesse Stay, deputy director of information at the Pentagon, told me bluntly: "We're using herbicides and riot control agents in Vietnam. Everybody knows we're using them. They're serving a good purpose. Nobody's hiding the fact that they're being used—and nobody's ashamed of that fact."

The use of riot-control gases and defoliants in Vietnam has, however, seemed inadequate to some military men. In October, 1966, two retired generals had their say on the subject. The director of chemical warfare research in the nineteen-fifties, Brig. Gen. J. H. Rothschild, called for the use of mustard gas in clearing land and rendering Vietcong bunkers useless; it would, he added, save lives, not only of Americans and of our allies but also of the enemy." And Maj. Gen. John Bruce Medaris, former commander of the Army Ordnance Missile Command, advocated the use of nerve gas.

In a recent letter to The New York Times, General Rothschild summed up many of the arguments for the C.B.W. program:

". . . if the United States is forced into a large-scale war against superior manpower, e.g., a nation such as Communist China, we cannot afford to meet on a man-to-man basis, as we did in the Korean war, when we took large numbers of unnecessary casualties. . . . [We] will have to use weapons of advanced technology. These include the nuclear weapons, chemical weapons or biologicals. We don't want to use nuclear weapons certainly, because of the danger of worldwide involvement with the completely unacceptable physical damage which would result, the great loss of life and the possibility of genetic effects. The use of chemical weapons could eliminate all of these dangers but still give us the means of successfully combating the superior manpower. Furthermore, it could result in the saving of large numbers of civilian lives."

Criticism of America's C.B.W. program has come primarily from two groups—scientists, both within and outside the military, and students. Criticism ranges from those who, as one top Pentagon planner expressed it, want "restraints" on the program and an emphasis on defensive techniques to those who call for a complete and total phasing-out of C.B.W. activities. In recent months the Federation of American Scientists has urged discontinuance of C.B.W., which it said is not in the nation's interest. Member protests have led the American Society of Microbiology to poll its membership on the question of continuing its long-standing agreement to serve Fort Detrick in an advisory capacity. In April at least 16 scientists refused to take part in a symposium on genetics at Fort Detrick. A two-year protest by students at the University of Pennsylvania led to the university's cancellation of two secret C.B.W. research projects, worth $845,000 a year, and similar protests are underway at dozens of other campuses.

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"At a time when government should be closer to the people, the Warren court is determined to centralize more and more power in Washington," said Byrd.

"The Warren court (and by this he said he meant a majority not the total membership of the court) has usurped power to which it is not entitled . . . has established itself as a super legislature . . . has shackled the people's elected representatives as well as the law enforcement officials of our nation . . . has thrown precedents out of the window and has said, in effect, that the law is whatever five present lifetime appointees say it should be.

"During the time Mr. Fortas has been a member of this court," Byrd continued, "he has established himself as a disciple of Chief Justice Warren and has embraced wholeheartedly the Warren philosophy."

Byrd quoted Justice John Marshall Harlan, a present member of the court, who said:

"This court can increase respect for the Constitution only if it rigidly respects the limitations which the Constitution places upon it, and respects as well the principles inherent in its own processes. In the present case . . . we exceed both, and . . . our voice becomes only the voice of power, not of reason."

That, Byrd said, has often been the hallmark of the Warren court: "The voice of power, not of reason."

Byrd's views may well be credited to his heritage as a conservative Virginia Democrat. Indeed, he said:

"As a Senator from the state of Virginia, as one who believes deeply in the fundamental constitutional principles upon which our nation was founded and developed—and on which our liberties are based—how can I vote to give the chief judgeship to one who follows a policy of judicial oligarchy; to one who espouses a philosophy of concentrating more and more power in Washington, when I feel that the great future danger to the liberties of our people is big government?"

But there is no hint of anti-Semitism in his position. He reminded his listeners that as a young newspaperman in Virginia he supported the nomination of Felix Frankfurter, and further said:

"I believe strongly that members of the Supreme Court should be of a caliber and in the tradition of Oliver Wendell Holmes, Louis D. Brandeis, Charles Evans Hughes, Harlan Fiske Stone, Benjamin H. Cardozo and Felix Frankfurter."

Agree with him or not, Byrd has put his opposition to Fortas on a broad philosophical base, where it belongs.

The Senate, exercising its own constitutional authority, should decide the confrontation of Fortas on the same base, and promptly, without allowing those who fear our democratic processes to evade or avoid a showdown through filibuster.

THE PANAMA CANAL

Mr. TOWER. Mr. President, the questions and problems of the Panama Canal loom before us today as great as ever before. The answers to this complex situation are not easy and require a profound understanding of the history, both diplomatic and social, of the isthmian situation.

In this vein, I wish to recommend to Senators and other interested persons a book that has recently been released in a new edition, "Cadiz to Cathay," written by Capt. Miles P. DuVal, Jr. I ask unanimous consent that a review of this book by Brig. Gen. James H. Banville, published in a recent edition of the Retired Officer, be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

["Cadiz to Cathay." By Miles P. DuVal, Jr., Publisher, Greenwood Press, New York]

ISTHMIAN CANAL

(Reviewed by Brig. Gen. James H. Banville)

History seldom repeats itself to suit the convenience of authors. A notable exception is that of the interoceanic canal situation in which is now being reenacted, in a different form, the old argument over the choice of site for an Isthmian Canal, known as the "battle of the routes." This debate has led to the publication, under arrangements by Stanford University Press with the Greenwood Press of New York, of the third edition of *Cadiz to Cathay* by Captain Miles P. DuVal, Jr., distinguished former director of the Retired Officers Association.

This edition of *Cadiz to Cathay* supplies a comprehensive record of the diplomatic background and history of the Panama Canal. Starting with a brief historical summary of the agitation for a canal from the time of Columbus, Captain DuVal presents, without bias or partiality, the essential features of the long diplomatic struggle for an Isthmian waterway. In so doing, he gives credit to each of the nations and leaders involved, with an extensive account of the crescendo of stirring events that led to the grant in perpetuity by Panama of the Canal Zone territory to the United States, all of which is carefully documented.

Now that the operation, administration and jurisdiction of the Panama Canal and Canal Zone have become fundamental issues between the Governments of the United States and Panama, Captain DuVal's *Cadiz to Cathay* is indispensable for all who wish to understand the questions involved and to protect the security of the United States; and particularly important for these purposes are the documents quoted in the volume's appendix, which include the tests of the key Canal treaties.

INTERSTATE AND DEFENSE HIGHWAYS FEDERAL TRUST FUND PAYMENTS

Mr. HANSEN. Mr. President, much to the chagrin of officials in the 50 States, the administration once again has frozen Federal trust fund payments to the States for construction of the National System of Interstate and Defense Highways.

Since this is not the first time the funds have been cut off without warning or valid explanation, officials of the various highway departments and governments in the States might well have anticipated the Federal Government's most recent move in this area.

Nevertheless, each time a freeze on funds has been ordered—this most recent instance included—many of us are dismayed anew that the executive branch would play politics with a vital program that was clearly intended, by its very design, to be immune from such tactics.

Each time the word comes that no more bids are to be advertised or contracts let for federally-financed highway construction, those of us concerned with the completion of the highway system and with the stability of State economies largely dependent on the well-being of the construction industry, are forced to trot out the old arguments against such action.

Even though these arguments have been made over and over, they remain valid and clearly supported by the intent and purpose of the law which governs the development of a national interstate and defense highway system.

Because Congress acted, and rightly so, to reduce Federal spending by $6 billion to head off inflation and avert a fiscal crisis, the executive branch seems to have chosen to demonstrate its dislike for this action by throwing the highway program into a state of chaos.

We who voted for the spending cut did so with the clear understanding that it would affect nearly all Government agencies and would have an adverse impact on many popular programs.

Cuts that must be imposed in order to achieve the $6 billion expenditure reduction are bound to inconvenience many citizens and slow down or stretch out many meritorious programs.

But this is the price we must pay to combat inflation, which had the same effect last year on Wyoming taxpayers as would have resulted if an additional 5-percent sales tax had been levied on top of the existing 3-percent tax. We had to stop the kind of inflation that strikes hardest at those with the smallest incomes—those who receive social security benefits or retirement funds, and who have to make ends meet in the face of higher medical expenses and the higher cost of living.

But the $6 billion spending cut in the budgets of the executive agencies has no connection with the freeze on highway funds, because the highway money is not a part of general revenues and is not subject to the provisions of the spending cut order.

The Federal Aid Highway Act of 1956 authorized establishment of a special trust fund—the only one of its kind in Government—consisting solely of fees and taxes paid by highway users.

The act specifies that these moneys cannot be used by the Government for any other purpose or program than the one for which they are intended—the construction of a National System of Interstate and Defense Highways.

Thus, the administration's claim that the withholding of some $200 million in highway funds will help achieve the goal of reducing spending from the general fund is clearly false.

There is enough money in the fund to pay for the necessary construction to complete the planned system in the required amount of time, which is set by law.

When Congress passed the 1956 law, it contained safeguards to see that the States received their fair entitlements, and to insure that the States would fulfill their obligations toward the ultimate objective of completing the system.

But Congress failed to foresee that the trust fund would become a political tool which could be used to punish Congress or the public under the guise of reducing Federal spending.

Such manipulation of these trust moneys as has occurred too regularly these past several years has an unfair and adverse impact in the States, where careful long-range planning is suddenly disrupted by the fund cuts.

In my own State of Wyoming, five major roadbuilding projects which have already been through the preliminary study and planning processes, are in a state of limbo as a result of the most recent freeze.

Some $8 million in funds for Interstate Highway construction and more than a million dollars for primary and secondary road construction is involved in this freeze. This, of course, means that $8 million to be paid to contractors, who in turn pay it to their employees, who spend it in Wyoming, is being withheld from my State's economy with serious consequences.

It means that several small contracting firms who have continuous payments to make and who need to know what contracts they will be working on in advance are faced with possible bankruptcy.

And it means that highway planning and construction in Wyoming and the rest of the States will be thrown behind schedule, making it more and more unlikely the national system will be completed by 1972, as specified in the law.

Mr. President, I invite Senators whose State economies and construction industries are also adversely affected by this move to join with me in an effort to persuade the administration to abandon this false attempt at economy and to restore immediately these vitally needed funds to the States.

CONNECTICUT RIVER PLAN PRAISED

Mr. McINTYRE. Mr. President, last week the Bureau of Outdoor Recreation released a report that recommends the creation of a 125,000-acre Connecticut River Recreation Area to stretch from the Canadian border to Long Island Sound. The large recreation and conservation area will include land under Federal, State, and local administration in the great State of New Hampshire, as well as the States of Vermont, Massachusetts, and Connecticut.

The rapid implementation of this imaginative study will protect an area rich in natural beauty, and colorful with history. For instance, the area will include Old Fort No. 4, in Charlestown, N.H., where Robert Rogers, leader of the famed Roger's Rangers, ended his heroic flight from marauding Indians in 1759. The people of New Hampshire, under the direction of the New Hampshire Federation of Women's Clubs, are now restoring the site of famous Old Fort No. 4.

An editorial published in today's New York Times asks that the Federal Government and the State and local governments concerned set to work on implementing this plan as soon as possible.

The editorial also mentions that the bold plan is primarily the work of the distinguished Senator from Connecticut [Mr. Ribicoff]. The Bureau of Outdoor Recreation report is the product of his vision.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record as follows:

[From the New York Times, Sept. 18, 1968]

The Most Beautiful Cesspool

Long regarded as among the world's most beautiful rivers, the Connecticut meanders 400 miles from the Canadian border to Long Island Sound through the mountains and plains, fields, forests and marshes of four New England states. But this scenic setting—like that of many other once-beautiful New England rivers, such as the Housatonic—is increasingly threatened by encroaching industrial and residential growth. The river itself has been transformed into a foul sewer —"the world's most beautifully landscaped cesspool," as one aggrieved New Englander has put it.

To preserve the natural beauty of the Connecticut Valley and to develop this "main stream" of New England as a source of solace and recreation for forty million Americans who live within easy reach of its banks, the Federal Bureau of Outdoor Recreation has proposed a master conservation plan.

The plan calls for creation of a series of Federal and state parks and for federally protected open spaces running through all four states; for establishment of a 300-mile Connecticut Valley Trail for hikers, and for designation of a winding tourway, a network of existing roads crisscrossing the river for its entire length.

This bold scheme to save a lovely river, for which Senator Ribicoff of Connecticut and many dedicated private individuals and groups have labored, depends on and deserves the support of Federal, state and local governments and private landowners in the valley. They cannot begin too soon to work together to make its recommendations a reality.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 747. An act for the relief of Dr. Earl C. Chamberlayne;

S. 772. An act for the relief of Dr. Violeta V. Ortega Brown;

S. 905. An act for the relief of John Theodore Nelson;

S. 1327. An act for the relief of Dr. Samad Momtazee;

S. 1354. An act for the relief of Dr. Bong Oh Kim;

S. 1470. An act for the relief of the Ida group of mining claims in Josephine County, Oregon;

S. 2250. An act for the relief of Dr. Hugo Vicente Cartaya;

S. 2371. An act for the relief of Dr. Herman J. Lohmann;

S. 2477. An act for the relief of Dr. Fang Luke Chiu;

S. 2506. An act for the relief of Dr. Julio Epifanio Morera;

S. 2706. An act for the relief of Yung Ran Kim;

S. 2720. An act for the relief of Heng Liong Thung;

S. 2759. An act conferring U.S. citizenship posthumously upon S. Sgt. Ivan Claus King;

S. 3024. An act for the relief of Richard Smith (Noboru Kawano);

S. J. Res. 185. Joint resolution to grant the status of permanent residence to Maria Mercedes Riewerts;

H.R. 8953. An act to amend the act of November 21, 1941 (55 Stat. 773), providing for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority; and

H.R. 18763. An act to authorize preschool and early education programs for handicapped children.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 26 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 19, 1968, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 18 (legislative day of September 17), 1968:

Diplomatic and Foreign Service

Parker T. Hart, of Illinois, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State, vice Lucius D. Battle.

Angier Biddle Duke, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

EXTENSIONS OF REMARKS

POLICE WIVES UNITED EXPRESS SUPPORT OF H.R. 14430

HON. JOEL T. BROYHILL

of Virginia

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, I recently received a letter from an organization known as Police Wives United, expressing solid support for my bill H.R. 14430, to establish a commissioner of police for the District of Columbia and consolidate the five separate police departments now operating in the District under a single commissioner.

Attached to the letter were petitions signed by 360 persons, which read:

The undersigned petitioners hereby request the passage of H.R. 14430, a proposal sponsored by Representative Joel T. Broyhill, regarding the establishment of a Commissioner of Police for the District of Columbia and the consolidation of all District of Columbia Police Departments under this Commissioner.

Mr. Speaker, I am proud to have the support of these many fine citizens, and welcome this opportunity to call their support for my legislation to the attention of my colleagues.

I insert the text of the letter in full, as it describes the difficulties this group is having in making its campaign known and may encourage others who have not had an opportunity to sign their petition to make their support for this measure known.

The letter reads as follows:

Lanham, Md.,
August 1, 1968.

Representative Joel T. Broyhill,
House of Representatives,
Washington, D.C.

Dear Representative Broyhill: We enclose herewith the petitions in support of H.R. 14430 in the hope that the members of the House District Committee can understand the difficult situations under which these petition signatures were gathered.

We met with the problem of lack of cooperation by the news media to publicize the locations where the petitions were available for signature. In many instances we were told that "the issue was too controversial for public service announcements, but it could be handled as a news item." After releasing the information as a news item we found, *as usual,* that the item wasn't "newsworthy" enough.

Also, understandably, many men were reluctant to let their wives collect petition signatures in the Washington, D.C., area for fear of their safety. We feel it is essential to inform you that the response from the people contacted netted almost a one-hundred percent response. Many of these people came forth with their own story of having lived in the District of Columbia and of having to move because of their own personal fear for life and property.

There are still petitions due to be mailed directly to your office from various other states. Since the Nation's Capital belongs to all of us in the United States, we should all be concerned with its problems. Thus, we have mailed to friends and relatives copies of this petition and have asked their support.

The Nation's Capital should be a model for each and every state. It is very important that the Police Departments in Washington, D.C., be maintained by a governing body that would allow the Police Departments to function at their greatest capacity in enforcing the law and protecting the public. We do not feel that this can be accomplished with the "citizen control and pressured influence" under which the departments are now being operated.

We sincerely urge the members of the House District Committee to lend their support to the passage of this bill. It is of extreme importance to us and to every law-abiding citizen, not only in the District of Columbia, but all over the United States.

Sincerely,

POLICE WIVES UNITED.

THE MUSHROOMING PROBLEMS OF AIR TRANSPORT

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Wednesday, September 18, 1968

Mr. COTTON. Mr. President, nothing worries the congressional committees and Government agencies concerned with transportation more than the problems which are just beginning to mushroom in the field of air transport.

Members of the Senate Commerce Committee and our colleagues on the House side are seriously concerned with the air traffic delays being experienced at every major airport in this country. They are only the beginning of our troubles unless we undertake a tremendous amount of direct action in not only clearing up the present problems but in anticipating the ones to come.

Mr. President, the current edition of Look magazine contains a most illuminating interview between Najeeb E. Halaby, president of Pan American World Airways, and Mr. Ben Kocivar, Look senior editor.

Mr. Halaby, as most of us will remember, served with tremendous distinction during the Kennedy administration as Federal Aviation Administrator. Just 3 years ago this week, Mr. Halaby became a senior vice president of Pan Am and last May was elected to the presidency of that pioneer international air carrier.

Mr. President, I have read with great avidity the interview in Look between Mr. Halaby and Mr. Kocivar and I urge all my colleagues fascinated with the future of air transportation to read it and to take encouragment in that aviation executives like Mr. Halaby are doing some long-range thinking with solutions to our transportation problems in mind.

I ask unanimous consent that an article entitled "Subways in the Sky" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEXT: SUBWAYS IN THE SKY

(By Ben Kocivar)

What's coming up in air transportation? By 1980, we will have an eight-hour world. We will be able to go from any major point on the earth's surface to any other major city in less than eight hours' flying time. The problem will be, how do we get from the airport to where we are really going?

Do you think our new cities will grow up around airports? It has already happened out at Kennedy. Inglewood in Los Angeles, which was just bean fields thirty years ago, is now a major metropolitan center within Southern California.

Today, the political, financial and social problems of building railroads, monorails or subways across cities are so great that the only practical solution is to overfly the surface obstacles.

Are we going to have skies full of helicopters going from airports to downtown areas? There will be a much greater use of the sub-airspace, the airspace below fifteen hundred feet over the city. Manhattan has many cubic miles of airspace not presently utilized. We're going to have "subways in the sky." This will mean more advanced helicopters and high-lift, fixed-wing, short, steep takeoff and landing aircraft.

There will be an aircraft by 1980 that we haven't yet commercially seen. It will take off and land almost vertically, yet be quiet enough to be acceptable. Contrary to popular belief, propeller-driven STOL [short takeoff and landing plane, with fixed wing] aircraft of increased size can be, have been, built that will be quieter than today's relatively quiet Twin Otter.

What can alleviate the noise problem? Let's call it the anxiety factor rather than just the noise problem. Noise generated by aircraft is associated with fear of falling objects. The good record of helicopter operations over the last thirty years tends to allay some of the fear that the thing making the noise will fall on you.

Manhattan, for example, is endowed with heliport and STOLport sites. Besides the STOL runway at LaGuardia Airport, we've identified at least ten places where you will be able to land or take off without creating problems.

Will helicopters or short takeoff and landing airplanes reduce automobile traffic? I don't think that the helicopter will ever replace the automobile. There are ninety-seven million automobiles in the United States now. By the year 2000, we may have three times as many. The number of automobiles will probably increase because of apparent convenience, regardless of what kind of air vehicles are built.

Will copters from airports to downtown facilities operate along fixed routes? Yes, along multiple tracks.

How close to each other will they fly? The new navigating systems will permit separation at speeds of a hundred and fifty miles an hour to be reduced to as little as one thousand feet.

How about snowstorms, hailstorms or heavy rainfall? There may be certain special circuitous routes for very bad weather; however, we expect technological advance in navigation and control means to minimize this.

Metropolises now go far beyond city boundaries. Will adding the helicopter and high-speed airplane enlarge communities even more and thereby alleviate the crowding problem? The Regional Plan Association for several decades has been working on a region of about fifty miles radius from Times Square rather than city limits as a proper area for planning. They are emphasizing that the concentration of talent and opportunity in the center of the big cities can enhance the quality of life tremendously if we plan our building, our transportation and our communications. Referring to the access tree, the roots would be the transportation, the branches would be the working area. If you cluster these sub-cities within the whole metropolitan region in a sensible way, we can have a high-quality life grow in the city.

For years, the Japanese, the French and the Germans have run trains that do a hundred miles an hour. Yet, in our country, it's still a novelty that we may see in test this year. Is this competitive to your metroplane concept? I don't think airmen feel hostility toward other modes. We are more interested now than ever in having high-speed trains for the short haul to and from airports and between Philadelphia, New York and Kennedy Airport, or New Haven and the fourth jetport. All of these and others need high-speed rail.

The technology of high-speed railways is very difficult. You have to have a precise, highly controlled roadbed. The first experiments ran into serious difficulties when two high-speed trains passed each other. The shock waves were so great that windows blew out. In Japan, where I've ridden the Tokaido Express between Tokyo and outlying cities, the train has to slow down when it goes through a tunnel because the airflow is so disturbed.

Could this be solved by having the rails farther apart, pretty much the way we've done with the superhighways and automobiles? That could be a very expensive undertaking The Metropolitan Transportation Authority indicates the problem is solvable with the use of a sealed-window design.

What about the next five years? The two important developments will be an improved conventional helicopter and a STOL plane that will carry sixty to eighty passengers over very short routes. This will be an evolution of today's STOL plane. For example, the Twin Otter with eighteen passengers can land or takeoff in less than a thousand feet and is now serving many cities.

Do you see any air-pollution problems? Present jets supposedly affect weather in certain conditions. I would guess that, to 1975, all of the commercially operated metropolitan air vehicles would pollute the air about as much as five percent of the surface vehicles do. If you could just get five percent of the surface vehicles off the streets, or get their mufflers and engines fixed, it would more than counteract the effect of air vehicles.

How will this increased air traffic affect small aircraft? It will deter them from coming into the sub-airspace over major cities. They'd have to have special equipment and special qualifications to navigate through the subways in the sky. Most of them would simply land at peripheral airports and take the metroplane in.

Will all this new airborne traffic increase the number of small STOL airplanes? Definitely. There will be STOL taxis, or metrocabs, as well as STOL buses. The principal deterrent to the manufacturer of STOL planes now is the lack of STOLports; second disincentive is the lack of the FAA-approved STOL-ways, or sub-airways; and, finally, there are no FAA-approved standards and air-traffic procedures for STOL aircraft and STOL facilities.

Are the slower flying STOL airplanes safer than other small planes? The main thing is their ability to land at a slow speed in a few hundred feet. The DeHavilland Twin Otter with eighteen people on board can be landed at a speed of about sixty miles an hour. The Helio Courier, a smaller machine, could probably touch down at twenty-five miles an hour. That slow landing speed is a distinct safety factor.

As we have increased our mobility, our crime rate at almost all levels seems to have increased. Murderers and smugglers now move by jet, and this has brought a whole new problem for law enforcement. Is there going to be more crime? I think that's coincidental. I don't believe that mobility breeds crime. I would also suggest that most of the increase in crime is occurring within city limits rather than between cities. Characters like James Bond have made intercontinental crime fascinating, and airplanes have been used as part of crime. As example is skyjacking.

Don't you think James Bond has only been a mirror to our civilization? I don't

know. Some of the stories themselves have incited crime. Certainly, the skyjacking, where a criminal takes over an airplane by holding a pilot or stewardess hostage, has increased. This, however, has been almost entirely related to the Cuban situation. The most popular place to skyjack a plane to is Havana. But mobility has also helped crime prevention. The helicopter is being used throughout the nation for traffic and even in the apprehension of criminals.

Technology is changing more rapidly than our sociology and as a result, we are, I think, going to have to reshape some of our political boundaries, particularly in fire, police, and ambulance work.

I've heard criticism that airlines like to hold on to the profit-making segments of air transportation and turn over profitless segments to public tax authorities. Is there any pattern to this? No. I think that's mainly talk by those who wring their hands because they have to serve the short, less profitable routes while others garner profits on the longer ranges. I think it's really more irritation than policy formulation. The Civil Aeronautics Board tries its best to maintain a balance.

Don't you think something drastic is going to be required to fill those new airbus seats and keep those planes going? Some form of public subsidy on air travel? No, this is not desirable or, I trust, necessary. With public subsidy comes further bureaucratic control, and there is enough regulation now. Possibly in the period '69 to '71 there may be excess capacity, where demand and supply are out of balance. If so, we'll just have to work through that as we have past problems.

Will a great increase in air freight be more important than flying passengers? I don't think that in the near future the return from air cargo will exceed that from passenger service. Over the last third of this century, when we have larger aircraft of a million to two million pounds in weight, perhaps nuclear-powered, the cargo volume may approach or surpass the passenger volume.

What is the present status of the American SST? Should the whole thing be dropped? The politics surrounding the U.S. SST has been confused by a failure to understand that this is a temporary investment by the Government in a project that, if successful commercially, will pay for itself. The main attack has been by those who feel that our first urgency for Federal investment is in education, housing, renewal of our cities. People attack the war in Vietnam for the same reason, as a diversion of resources. But in the case of the supersonic transport, Uncle Sam, like many wise investors, is putting in venture capital to get a project started that may produce a big return. In compressing the globe from a twenty-four-hour world to an eight-hour-world, we are making more people mobile, and therefore widely productive, providing greater understanding between people. Finally, in this one project, there is the potential to earn more foreign exchange than from any other project in the history of the United States.

Is the supersonic-transport program an answer to our slum and ghetto problem by offering employment opportunities in manufacture, support, maintenance and service? I'm afraid I couldn't make that vast a claim. I can say that the manufacturers, who are spread over forty-eight of the fifty states, and the operators, who are all the major airlines of the world, are pressing technology forward, and there will be considerable fallout for the general public.

The same companies that are currently, or in the future will be, involved in developing and producing the SST are now making many more jobs available to the hard-core unemployed. V/STOL and SST aircraft represent technological progress. The subway in the sky and the SST are interrelated, necessary steps into the future.

RURAL-URBAN BALANCE

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. TUNNEY. Mr. Speaker, when our country was born, 90 percent of the people lived in rural areas. Today 70 percent of all Americans live on less than 2 percent of the land. Over 600,000 people a year are leaving rural areas for overcrowded urban metropolitan areas.

Most of the rural exodus is generated by the deterioration of opportunities in rural America—and the resulting hope for better opportunities in the cities. However, hopes and dreams are being submerged beneath a concrete morass. Instead of a better life what is encountered is a different type of poverty in overcrowded depersonalized cities with substandard housing, polluted air, uncontrolled crime, congestion, rundown schools, with resulting discontent and frustration. People arriving in urban areas searching for a better life usually find their hopes shattered, their frustrations and discontent heightened. We have seen the fruits of this discontent this year and last.

The answer commonly given is to improve our urban areas. There is no doubt that they must be renovated. However, it is time for us to question whether urban areas can ever catch up when thousands of people every year are arriving, adding to already critical problems. In view of this, plus the increasing birth rate in the cities, it appears unlikely that public and private efforts can ever be sufficient to adequately deal with urban problems.

What is needed is a reversal of this population trend. Rural America offers a viable alternative to further urban crowding. We must begin to establish a rural-urban balance. It is time to literally give our urban areas breathing room. In order to accomplish this, there must be a concerted effort to develop our rural communities—in our rural areas. Rural America must no longer be a forgotten land—a land to be from; a land of declining economies, a low level of limited job opportunities and dwindling local tax bases. Instead it must become a land of new opportunities and progress.

First, we must improve agricultural and nonagricultural job opportunities. There must be increased public and private investment. People must be given encouragement and incentive to remain in rural areas. Industry must be encouraged to locate in rural areas.

I am cosponsoring two bills designed to develop business and employment opportunities in rural areas, smaller cities, and areas of unemployment and underdevelopment. The first provides certain preferences for prospective Government contractors in such cities and areas.

This legislation proposes that in the awarding of a Government contract, credit be given for the size of the city as well as the degree of emigration.

First. If the bid received is from a city of 250,000 or less, a 1-percent credit is given.

Second. If the city is under 100,000, a 2-percent credit is given.

Third. If the city is under 50,000 population, a 3-percent credit is given.

Fourth. If the area bidding is one where unemployment and underemployment exceeds the national average or where serious emigration problems exist, a 2-percent credit would be given.

The Secretary of Labor would determine at least quarterly those areas of serious emigration.

The second bill provides incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas. The Secretary of Agriculture will designate economically deficient rural areas. Business desiring to locate in these areas will be able to receive increased tax credit for plant investment, accelerated depreciation schedules and additional wage deductions for low-income workers and training assistance for new employees. To qualify the firm must show that it will create new jobs and be able to employ low-income labor from the area. If a firm meets these criteria it will receive the following tax incentives:

A 14-percent investment credit on machinery instead of the regular 7-percent credit.

A 7-percent investment credit on the cost of the building. An accelerated depreciation of two-thirds for the normal life of the machinery, equipment, and building.

A 125-percent reduction for wages paid to low-income employees for a 3-year period.

These bills would discourage further concentration of population in large crowded metropolitan areas and the intensification of presently existing urban problems.

I feel that the passage of these bills would help to encourage a national policy of urban-rural balance.

Rural emigration to urban areas has created a crisis for each. The only permanent solution lies in a reversal of our emigration trend—a trend that is illogical and dangerous under present conditions. I hope that the Congress will act to encourage rural residence, and strike at the heart of the emigration problem—the lack of opportunity for employment in nonfarm production and services. I feel that the incentives proposed in these bills are in the best interest of our rural community, our urban areas, and of the Nation as a whole and its future.

DISCOMFORTING REVIEW OF U.S. FOREIGN POLICY

HON. MARK O. HATFIELD

OF OREGON

IN THE SENATE OF THE UNITED STATES

Wednesday, September 18, 1968

Mr. HATFIELD. Mr. President, this month's issue of Harper's magazine contains an article written by the respected economist and foreign affairs analyst, Robert L. Heilbroner. Professor Heilbroner presents an incisive—and not particularly comforting—review of U.S. foreign policy and outlines a realistic international approach for our Government to follow in a revolutionary world. I believe the author has presented his views very convincingly; and whether or not Senators agree with his conclusions, I think they will find Professor Heilbroner's ideas and forecasts provocative.

It is imperative that we prepare ourselves for several decades of international turmoil and political upheaval which we can neither prevent, suppress, nor control. And we must learn to live with the unhappy fact that these revolutions will not always result in the establishment of democratic governments.

I recommend "Making a Rational Foreign Policy Now" to anyone who feels that the present U.S. foreign policy is inadequate and who is concerned with developing more realistic guidelines to our relationship with, and reactions to, other nations and their policies.

I ask unanimous consent that Mr. Heilbroner's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAKING A RATIONAL FOREIGN POLICY NOW

(By Robert L. Heilbroner)

(NOTE.—Robert L. Heilbroner has written a number of influential books, including "The Worldly Philosophers," "The Future As History," and "The Limits of American Capitalism." He is professor of economics at the Graduate Faculty of the New School. In World War II, Mr. Heilbroner, a Harvard graduate, served as an Army Intelligence officer in the Philippines, New Guinea, and Japan.)

The great lesson of the Vietnam war is now clear. It is that the mightiest nation in the world has not been able to defeat the forces of revolutionary nationalism in one of the smallest nations in the world. We may even yet work out the kind of settlement that will enable us to proclaim at least some kind of victory in the struggle against "aggression," but it is quite plain that the United States has lost the war. For the ultimate purpose of our intervention in Vietnam was not to beat a national enemy—no one ever accused North Vietnam of threatening our territorial integrity. It was to beat a revolutionary force, to demonstrate beyond a doubt that "wars of national liberation" would end in disaster for the revolutionaries.

Now, by a supreme irony, we have shown just the opposite. For what the Vietnam war has revealed above all else is the extreme difficulty of defeating a determined national revolutionary group. Inevitably this must both encourage the rise of such groups elsewhere and discourage our own future willingness to meet their force with counterforce. Thus if the Philippines explodes in an outraged revolt, as seems very probable in a nation where half the customs receipts disappear between the dock and the Treasury; or if guerrilla warfare on a large scale breaks out again in Guatemala, as seems likely in view of the increased revolutionary activity there; or if India dissolves into linguistic parts and these parts are taken over by revolutionary parties, as would certainly be the case in some areas; or if the muted civil war in Venezuela or Colombia or Bolivia or Northeast Brazil again assumes major proportions, it will not be so easy for the United States to intervene on the side of the existing governments. For this first rule of American politics in the next years will be: No more Vietnams!

But will revolutionary activity break out in these nations? For reasons that I shall spell out in this article, I think it extremely likely, although it is easier to indicate the broad areas where revolution impends rather than the individual countries. I would think that by the year 2000 and possibly much sooner, we would find revolutionary governments installed, or formidable revolutionary armies fighting, in most of Asia, in at least a half-dozen Latin-American countries, and probably in a fair number of nations in West and Central Africa, and the Near East.

The prospect, in other words, is one of worldwide upheaval in which, retrospectively, the Vietnam war will have been only the first successful campaign. If this prospect comes about, it will present the United States with the gravest challenge of its national existence. It would entail nothing less than the risk of becoming embroiled in Vietnam-like situations in many countries at once. If it has proved almost unbearably costly to wage war against revolutionary nationalism in a nation of fifteen million, what will it be like trying to quell the forces of revolution that can call on the human resources of three continents?

There is no more pressing requirement for the American people than to consider what policies their nation can pursue to pass safely through this unprecedentedly dangerous era. But it is little use seeking to articulate policies until we have a clear idea of what it is that we are up against. And here there is a fundamental lesson that has yet to be learned about the origins of the revolution that threatens us.

We have been taught that the ultimate cause of the worldwide threat of revolution is the subversive and conspiratorial activities of communism. Now, although these activities have often been grossly exaggerated, they certainly exist, and there is no doubt that communist maneuvering can be discovered near the center of nearly every revolutionary situation. Yet to blame the danger of these explosive situations themselves on the presence of communists is like blaming the inherent danger in a huge mass of exposed combustible materials on the possible presence of arsonists. The revolutions we must come to terms with would break out even if communism as an idea and as a political force disappeared from the face of the world tomorrow. For the harsh facts we have yet to acknowledge are these: (1) in many countries of the underdeveloped world only revolutionary activity will rescue the populace from its unending misery, and (2) the United States has consistently opposed the kinds of revolutionary action that might begin such a rescue operation. Thus the real tragedy of the coming decades is not that revolutionary action will be necessary, but that it is likely to have a bitter anti-American flavor because of our unwillingness to allow the forces of economic development to take their essential course.

This is an assertion that seems to fly in the face of the facts. No government among wealthy nations has tried harder to promote economic development than the United States. Our foreign-aid program may not be very large in relation to our capabilities, but it towers over the efforts of other Western nations, not to mention those of Russia. Moreover the struggle for economic development has captured the natural sympathies of the vast majority of Americans; indeed, the very slogan that we ourselves have coined for development—"the revolution of rising expectations"—conveys in itself our goodwill for the peoples struggling to escape from poverty.

All this is true. But the problem is that few Americans understand what the process of "economic development" entails, or what the "revolution of rising expectations" really means. To most of us, development is merely a matter of money with which we assume economic advancement is bought. Unfortunately, money is the last, if not the least, step in the development sequence. For the long climb out of backwardness is not merely a matter of getting "richer." It is first and foremost a matter of changing an entire society in ways that must go to the roots of its ordinary life and that are bound to shake or topple its basic structure of power and prestige.

Actually, we have had a glimpse of the difficulties and dangers in trying to initiate "economic development" in the problems we have encountered at home in Harlem or Watts. We have learned, for example, that an enormous gulf must be bridged between the people who have to "develop" and those to whom the guidance of development is entrusted. The business and government leaders of Caracas or Rio or Calcutta have little or no contact with the dirty, ignorant, primitive people of the urban and rural slums of their countries—in which live, however, not 10 or 20 per cent, but 70 or 80 per cent of the population. In turn, the inhabitants of the villages and urban slums regard the upper classes as representatives of a class whose only relation with themselves has been arrogant, exploitative, patronizing, or indifferent.

Second, both the slum and the underdeveloped areas smart under the constraints of absentee domination. We know of the resentment of the "radical" Negro against white-owned stores. Far greater is the resentment of the radical Asian, African, or Latin American against the foreign ownership of the main instruments of production in his country—the utilities, the manufacturing plants, railroads, plantations, or oil fields. To be sure, one can answer that the supply of native entrepreneurship is small and that these foreign companies introduce capital and expertise that would otherwise be lacking. But they introduce as well a steady drain of earnings out of the country, and a basic orientation of business interest that is geared at least as much to the needs of the corporate home office as to the requirements of its host nation.

Last, we find another similarity between ghetto and backward land that may help us visualize the problems of economic development. This is the population problem that cuts away at both milieux. At home the rolls of relief mount steadily as the city poor produce more children than can be easily absorbed into society. Abroad, this disproportion between the rate of production of impoverished human beings and their social absorption takes on nightmarish dimensions. Each year we have watched Asia, the Near East, much of Africa and Latin America in a race between survival and starvation—a race that has already produced a devastating famine in India two years ago. By the year 2000 we shall have to run this race with twice as many human beings, and even with the brightest hopes for agricultural improvement, no one can face that prospect without flinching. President Ayub of Pakistan has put the threat succinctly: "In ten years' time, human beings will eat human beings in Pakistan."

TEN THOUSAND A DAY

These are some of the obstacles to economic development—obstacles that are obscured behind the bright slogan of "the revolution of rising expectations." They make it clear that much more is needed to bring improvement to the backward areas than money, just as much more is needed in our slums. At home, moreover, we are dealing with a minority that is in some kind of touch with a prevailing culture into which most of its members would, if they could, gladly enter. Abroad we are dealing with an ingrown, suspicious peasantry that has little or no understanding or acceptance of the modern ways that produce "loose" women and "disrespectful" children and a snubbing disregard of the wisdom of the village elders. So, too, at home we have an upper class that, however insulated from the slums, does not find its social position fundamentally incompatible with slum clearance. Abroad the clearance of the vast rural slums requires that its beneficiaries—the landed ruling class—give up their power and position to another ruling group. And finally, whereas the population problem at home exacerbates the problem of bringing economic improvement to the slum, abroad it renders this problem unmanageable.

Thus although Harlem and Watts give us some insights into India and Brazil, the problems of the latter are a thousandfold larger and more intractable than those at home. That is why the changes needed to bring development to the backward areas are so far-reaching that they are hard to describe as "reforms." Take, for example, the question of land reform—the breakup of the vast semi-feudal land holdings that everyone, including our government, recognizes as incompatible with development. In Latin America, according to Oscar Delgado, an official in the Inter-American Committee on Agricultural Development in Washington, "There are families who own more land than is occupied by a number of sovereign states. . . . Statistically speaking, Latin America has the highest index of concentrated rural property in the world."

To urge land "reform" on such a society is tantamount to a visitor from Mars urging stock "reform" on us—telling us that great social benefits would accrue from breaking up the concentration of two-thirds to three-fourths of all privately owned corporate stock that lies in the hands of the top 2 per cent of American families. With how much enthusiasm would such a proposal be received in the U.S. and with how much carried out? Precisely the same response has greeted other proposals for land reform in Latin America.

But the trouble is not wholly that of upper classes who are unwilling to change the social system on which their power and prestige are based. There are other nations in the world—India is of course the prime example—where the terrible and persisting absence of necessary social change comes from the inability of mild men of goodwill to translate good intentions into effective deeds. Somehow a squabbling Congress, a nepotistic bureaucracy, and an overpowering atmosphere of futility have smothered every impetus to change, so that despite the intelligence and humane aspirations of the national leadership, we look with horror at the spectacle of the rotting poor who somehow cannot be housed or fed or put to work; at the world's largest collection of cattle, roaming through the country as an untouchable symbol of holiness and active agent of famine; at tens of thousands of still isolated villages where tens of millions of women remain in ignorance or fear of birth control.

It would be cruelly wrong to suggest that no progress has been made in the underdeveloped world. Compared with the past, giant strides have been taken. In Asia and Africa, millions of persons who, had you asked them to identify themselves a generation ago would have answered that they were so and so of such and such village, now answer that they are Pakistani, or Algerian, or whatever: the dangerous but necessary infection of self-conscious nationalism has become virtually pandemic. So, too, stirrings of modernization have made their way into the remote hamlets of Asia and Latin America alike: radios bring news of events in the capital city and the outer world; the cinema stirs imaginations; visitors from the cities bring new seeds which, cautiously tried, often bring better crops; there is talk of a school; a road is improved; an irrigation dam is built.

These changes are important and cumulative, but they must not be magnified out of proportion. First, were there no such changes, the Malthusian dilemma would by now have pushed even more millions below the starvation line (as it is, an estimated 10,000 people a day die of malnutrition in the underdeveloped areas). Second, the sum total of all these changes has not been enough to accelerate the rate of economic growth. In Latin America as a whole, gross national product has grown by a smaller percentage in each successive five-year period between 1950 and 1965. Virtually nowhere in Asia or the Near East or Africa does output per capita show a strong steady upward trend.* And last and most important of all, there is no evidence that the people themselves have been roused from their torpor, no release of energies from the great stagnant reservoir of humanity that is the basic repository of backwardness itself.

Instead what we see in virtually every corner of the underdeveloped world is a terrible changelessness that it seems impossible to affect. What we call "economic development" is in truth little more that a holding action that has succeeded only in building up the dikes just enough to keep the mounting population from washing away everything, not a movement that has invested life with a new quality. Change, insofar as it is being introduced, comes at a pace that is discouraging even to the most dedicated enthusiast. Thus we no longer hear the trumpets sound for the Alliance for Progress or the U.N. Development Decade. The outlook is for a continuation, no doubt with some small improvements, of the prevailing misery, filth, ill-health, and hunger for as long ahead as we can see.

This is not a "pessimistic" estimate. To be pessimistic would be to suggest a worsening of current trends—a cut in foreign aid, a petering out of the few birth-control programs that have begun, a collapse of foreign or domestic investment in the underdeveloped world because of growing unrest there, a deterioration rather than an improvement in the caliber of governments. An optimistc appraisal would assume the contrary of these things. A realistic appraisal, I think, assumes that matters will go on much as they have gone on—a forecast that offers little room for rising expectations on our part.

To this general outlook for a continuation of the prevailing hopelessness of the backward world we must now add one final, all-important exception. It is that the sapping inertia of the underlying populace has been overcome within the last half-century in a very few nations.

One of these is of course Russia, whose leap into modernity has been the most extraordinarily rapid social transformation in history. Another, still more striking, is China. Even more hopeless, corrupt, and miserable than Russia, China was the source of endless horror stories of peasants eating mud when the crops failed, of the sale of daughters into prostitution to ward off starvation, of the subhuman degradation of the "coolie," the ricksha boy, the city homeless China, in a word, was like India. But that too has changed. In China, we no longer find the homeless on the street, or forced prostitution, or children deliberately mutilated to become appealing beggars, although we still find all of these things in India. Nor do we find corruption in government, or an inability to distribute food supplies in bad times so as to provide a fair ration for all. More significant, we see an all-important redirection of Chinese life away from the endlessly static past to a new future—a redirection nowhere more dramatically expressed than in the spectacle of the youthful Red Guards indulging in the heretofore unthinkable action of defying their elders. To be sure, as the Red Guard also symbolizes, China is a nation in a paroxysm of change that has brought much that is ugly, cruel, and mean. And yet, before we condemn it for its very obvious evils, let every reader ask himself into which society he would take his chances as an anonymous human being today—India or China?

Last, there is the case of Cuba, never so impoverished as the other two, but also afflicted with the curses of underdevelopment in an uneducated rural proletariat and a corrupt city once. Every report from Cuba emphasizes that a tremendous effort is being made to eradicate these ills. Gambling and prostitution have disappeared in Havana. A great effort is being made in the countryside to bring education and agricultural reform. And if we may believe the testimony of articles both in *Look* Magazine and in the *New York Times*, a new and genuine spirit of idealism and endeavor is to be found among the young.

I do not wish to rhapsodize over these countries in which life is still hard and harsh, and if one is an intellectual, often impossibly demeaning. Nor should one slight the important fact that China has not tackled its population problem and that Cuba has not yet built a well-functioning economy. Both nations may fail to bring about economic growth. Yet I would insist on one central achievement whose importance it is impossible to overstate. It is that these nations have succeeded in touching and bringing to life the deadened humanity that is the despair of the underdeveloped world. Even if they fail now, they have opened the way for a future assault that can succeed. One may fault the communist nations on many grounds, not least that of morality—and on that score I will have more to say later—but one must also admit that they have brought hope, enthusiasm, and effort to the common people of their lands. Of how many other backward nations can this be said?

IS COMMUNISM THE ANSWER?

Does this imply that only a communist government can bring about the revolution of rising expectations that is indeed the foundation on which development must rest?

This is not the conclusion I wish to urge. There are also a few noncommunist—although, please note, revolution-based—countries, Turkey and Mexico in particular, where at least the beginnings of a mass awakening have been carried out. Thus it is not communism, either as a system of philosophy or as a particular party, that makes the crucial difference, but a political movement that has the courage, conviction, and ruthless energy to carry through a program of modernization from top to bottom.

What is the galvanic force of such a movement? It lies first in the overthrow of an existing regime that is unable or unwilling to change the social order on which it rests. But that is only the initial stage in a developmental revolution, as contrasted with a purely political one. Next, such a movement must move with the full power of an authoritarian will to impose a program of change—often unwanted change—upon the very people in whose name the revolution has been waged—the underlying peasantry. Finally, it must bring to bear whatever economic compulsion is needed to mount the massive redeployments and concentrations of labor that will be needed to move the economy off dead center.

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*But what about the fabulous new agricultural techniques, such as the new seeds that yield up to twice the weight of output of present varieties? Our eager endorsement of technology as the cure for underdevelopment reveals all too clearly our failure to understand the social environment in which the process of change takes place. For the new seeds (in India and South America) are first used by the richer peasants. The poorer ones cannot afford to experiment for fear of starvation if the seed fails, or simply because, being poor, they are least "ready" for change. As a result the disparity in income between the upper stratum of peasants and the lowest widens. There is more food—but there is also more social misery.

In this painful process, the spread and degree of development that can be accomplished depend very largely on the willingness and ability of the revolutionary group to press relentlessly for change. It is for this reason that democracy and capitalism are not instruments of the revolutionary impulse, for there are certain changes that neither one permits even when they are essential for modernization. For instance, our own national goal of racial equality—a change that might be regarded as part of our own modernization—has been seriously impeded by the democratic process of consulting the will of the majority. How fast can one bring equality when large numbers—perhaps even majorities—do not wish to have it brought? So, too, our ability to raze and rebuild the slums is crippled by our insistence on relying on a market mechanism and on deferring to prerogatives of private property, with the result that urban renewal has come to a virtual halt. It is not surprising, then, that revolutionary parties, facing emergencies of far greater seriousness than anything we must deal with at home, utilize authority and command, and do not brook democratic dissent or rely on market incentives.

CHANCES FOR SLOWING DOWN

Thus revolution, authoritarianism, and collectivism are often the only instruments by which essential social changes can be made. But having stated this as a generalization, let us now modify and soften the case as it applies to many individual nations. One need hardly say, for instance, that the prognosis for revolutionary change does not apply to Europe, where communism is an agent not at all for modernization but rather for political retrogression. But even in the backward world it would be wrong to deny the possibility of a more gradual and less traumatic evolution in some instances. In Africa, for example, many new nations are now undergoing the first trials of nationhood, including above all that of creating national consciousness and loyalties where only tribal affiliations existed before. These countries may experience their share of coups and turmoil, but it is unlikely that they will constitute fertile ground for mass revolutionary activity until a genuine national community has been forged. And perhaps by that time a workable "African socialism" will permit the rigors of a revolutionary movement to be by-passed.

In Latin America the situation is much more revolution-prone, but even here some important nations may carry out their internal transformations without wholesale revolution. Argentina, with its relatively high standard of living and its low rate of population growth may be one such; Chile—provided that the reforms of President Frei are not blocked by the landholding and foreign interests—is another. As we have already said, Mexico, with a bloody revolution of national identity and foreign expropriation behind it, should be a third. In Asia, the long-run outlook is, perhaps least propitious of all, and yet even here a few nations may bring development to pass without resort to violent upheavals. Moreover, even in these most labile areas, it is unlikely that revolution impends immediately. The incumbent governments in Latin America have strong military forces at their disposal (and are using them); the peasants in Asia are as yet largely unorganized and apathetic. Hence the outlook is not for uprisings everywhere, but for a gradually mounting pressure, a growing instability, as the combination of weak and inept governments and cancerous population growth works its fatal results.

Finally, taking the world as a whole there is always the possibility that a heroic effort to bring birth control to the masses, especially through the use of the plastic intrauterine device, might slow down the Malthusian timetable sufficiently to allow slower processes of change to work their way. Yet realism tells us that such a program will take decades to carry out; 97 per cent of the world's women do not use the pill or the plastic insert.

Last, when revolution comes, the leadership may spring from many sources other than Communist party membership. Angry and disillusioned army officers, idealistic middle-class intellectuals, even peasant guerrilla leaders may provide the nuclei that seed the clouds of potential disaffection. A movement that begins as a mere palace coup may find itself carried on its own momentum into a revolutionary trajectory. Thus revolution and communism are by no means synonymous although it is undeniably true that communists are working for and eager to lead a revolutionary thrust.

Whatever the leadership, however, it is clear that some sort of authoritarian nationalist socialism will be the vehicle of change. Whether or not this socialism will become communist—that is, whether it will accept the dogmas and doctrines of Marxism and Maoism or seek active alliance with Russia and China—depends on many events internal and external to the nation in question (including our own actions). The nationalism that is so powerful a motive force in revolutions tends to drive the leadership away from communism because of its danger of vassalage to a great state; the need for moral support and technical advice may drive it toward accepting or concocting some version of the communist catechism.

But it is important to realize that we should not expect the attitude of a noncommunist revolutionary regime toward the United States to be very different from that of a communist one. For it is the unhappy fact that the United States in recent years has thrown its support against all revolutions and provided its backing for all groups that have opposed revolutions, regardless of the merits of the one or the demerits of the other—the scandal of our Dominican invasion, our Guatemalan "success," and our Cuban "failure," our backing of the militarist Branco in Brazil, and now our intervention in Vietnam all being instances in point. In the essential process of social surgery that must be performed if many backward nations are to be brought to life, it is the United States—for good reasons or bad—that delays the necessary stroke of the blade. That is why the revolution of economic development must become an anti-American revolution unless the United States changes its ways.

IN PLACE OF FORTRESS AMERICA

But how to change our ways? How to cope with the forces of economic development? To date we have lived with it in a curiously schizophrenic way. On the one hand we have been the leading agent of international assistance through AID, the Peace Corps, Food for Peace, etc. On the other hand we have been the leader of the antirevolutionary forces of the world.

We have not, of course, meant to be schizophrenic. The possible connection between revolution and development has never been pointed out to us, particularly since the modernizing efforts of communism have been obscured by our steady emphasis on its repressive elements. Nor have we meant to oppose development in backing rightwing or center governments of Latin America or Asia. We continue to believe that development can take place gradually and peaceably, preferably with governments that "understand" the needs of the American business community. Hence our schizophrenia has ultimately been the price of self-deception of unwillingness to confront the demanding process of development fearlessly or to acknowledge the inadequacies of our client governments to initiate deep and rapid social change. But now, if my prognosis is correct, this self-deception will be increasingly difficult to practice. As the pressures of revolutionary change build up, partly as a result of the bankruptcy of American policy in Vietnam, we shall have to face more squarely the harsh calculus of the developmental process. Indeed, the rise of the development revolution will force us to choose among one of three policies for the future.

The first of these is a continuation of our present policy. This will commit us to determined antirevolutionary activity, both political and military, wherever radical elements threaten to overthrow existing governments, I will not argue the consequences of this policy except to point out again that it represents the likelihood of a succession of Vietnam wars for the indefinite future.

An imaginable alternative is a volte-face in policy that would turn us away from all contact with the underdeveloped world. This would entail the creation of a fortress America, without diplomatic or economic—or direct military—contact with any revolutionary nations, defensively turned away from the inimical changes taking place in the underdeveloped continents. In the end this may be a policy to which we are forced to retreat, but it presents obvious dangers to the United States. An isolationist America, at bay in a revolutionary world, would bring forth the worst tendencies in this country, encouraging every superpatriot, fanning the fires of suspicion and fancied subversion, and submerging the humanitarian impulses that are the best side of the American national character.

The third policy is by far the most difficult to pursue, but is ultimately the only constructive course to follow. It is a policy of neutrality toward the revolutionary movement—a neutrality that ceases to oppose all revolutions as such, although not ceasing to differentiate between revolutionary regimes that we can actively support and those that we cannot. Such a policy does not ask us to endorse regimes that are bitterly anti-American in utterance or intolerable in behavior, nor does it prevent the political and military support of conservative government regimes threatened by subversion or submersion from neighboring states, provided that these governments have the support of their people as a whole.

But it would force us to change our present attitudes and actions in several regards. First it would call for an immediate halt to military aid to reactionary regimes and for a cessation of clandestine activity against revolutionary movements. Second, it would require an acceptance of some form of revolutionary nationalist socialism as the political and economic order most suited to guide many developing nations in their desperately hard initial stages of change. Third, it would permit the continuation of humanitarian programs of food and medical aid, as well as technical assistance of a nonmilitary kind, for all governments, revolutionary or not, provided that reasonable standards of international behavior were met.

I need not point out the problems of steering such a course—of determining which revolutionary governments were acceptable and which governments under pressure warranted our support. But these problems would certainly be less than those encountered under a policy that recognized no revolutionary governments and that supported all antirevolutionary ones. Indeed, if such a pragmatic and noninterventionist policy could be pursued in the future, a kind of victory could yet be snatched from the otherwise pointless and hideous sacrifices of the Vietnam war. For then it could be said some day that this war was for American foreign policy what the Great Depression was for domestic policy.

However difficult to carry out abroad, the real difficulties of such a policy of neutrality are apt to be encountered at home. For in changing our stance from one of belligerent opposition to one of neutrality, recognition, and selective aid, we would be sure to hear two frightening accusations from many groups in America.

The first of these would be that we were aiding and abetting an international aggressive movement whose rise would eventually engulf us. Frightening though it is, the accusation could be answered with some degree of assurance. For one thing, the alternative—military action abroad—has been revealed by the Vietnam war to be a policy that can bleed us white. For another, it is increasingly evident that communism is no more of a unified world force than capitalism ever was, and that the rise of many intensely nationalistic revolutionary states is much more apt to result in internecine warfare among themselves than in military action against us. Let us recall the tensions between Russia and its satellites, between Russia and China, and between both nations and Cuba when the cry of a communist "bloc" is raised. And last, there is simply the enormous disparity in industrial and military strength between America and Europe (and perhaps Russia on our side as well), and the populous but impoverished masses of the revolutionary world. A revolutionary world will assuredly be an extraordinarily dangerous, thin-skinned and rhetorically aggressive environment in which to make our way; but the specter of concerted military action of its impoverished governments against the rich nations an ocean's distance away is a fantasy that should not be difficult to destroy.

Not so easy to allay is another alarm that would accompany a policy of neutralism. It is that in acquiescing in the rise of communist (or even noncommunist) regimes, we were condoning evil for expediency's sake.

This is not an accusation that can be readily countered by an appeal to reason. There is a strain of fundamentalism among sections of the American people that regards communism as the ultimate evil with which no compromise is imaginable and toward which no attitude but fear and loathing is possible.

It is true enough that communism has been a perpetrator of evil and it is all too likely that more evil will be committed in its name (or in whatever name is inscribed on the banners the revolutionists of development will carry). Yet if one cannot and should not seek to minimize the weight on that side of the scale of human suffering, one should also have the courage to pile up whatever weights belong on the other side.

This is not an operation we have carried out honestly. We tend to count carefully each corpse attributable to the terrorists, guerrillas, or avowed soldiers of revolutionary action, but to ignore the bodies of those who perish because of the actions of our own side, military or not. To whom, for example, should be charged the permanent and irreversible mental and physical stunting of Latin America's children that follows from an inability to alter the established social order? To whom shall we debit the grisly corpses, living and dead, in the streets of Bombay? In what account shall we enter the hunger of those who live within sight of the expensive restaurants of New Delhi or Lima or Hong Kong?

One does not know which way the scales of history would tilt if all the evils attributable to both sides were piled on their respective balances. But there is the uncomfortable suspicion that ours might not necessarily be the lighter side of the scale. What exists in most of the world beyond our borders is a condition of human indignity and degradation that verges on the unspeakable. If we are to set ourselves against a movement, however violent or cruel, that has demonstrated its ability to lead such men out of their misery for at least the first critical stage of the journey, we must at least offer something as good in its place. At this juncture it is the shameful fact that we have nothing as good, and worse than that, have ranged ourselves against nearly every movement that might have led men toward a better life, on the grounds of our opposition to communism. Now the question is whether America will take its ultimate stand on the side of humanitarianism or moralism, self-reliance or fear, open-mindedness or dogma. The challenge goes to the very core of this nation—its structure of power and economic interest, its capacity for reasoned discussion, its ultimate inarticulate values. It is not alone the life and death of anonymous multitudes that is weighed in the balance, but that of American conscience, as well.

U.S. IMAGE ABROAD AT NEW LOW

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. DERWINSKI. Mr. Speaker, in 1960 the question of U.S. image abroad was a major topic in the presidential campaign debates. Very properly the present U.S. image abroad is a subject that we must be concerned with during the 1968 presidential campaign debates. Therefore, I insert into the RECORD a very thoughtful analysis of the U.S. image abroad carried in the Aurora, Ill., Beacon-News, August 11, by the internationally renowned columnist of the Copley Press, Dumitru Danielopol:

U.S. IMAGE ABROAD AT NEW LOW

(By Dumitru Danielopol)

WASHINGTON.—"The image of the United States abroad is now at an all-time low," said Edward W. Barrett, dean of the Graduate School of Journalism, Columbia University.

He was testifying before the House Subcommittee on International Organizations and Movements.

Eight other witnesses agreed with him, including George Gallup Jr. (Gallup Poll); Frank Stanton, president of the Columbia Broadcasting System; and Leonard Marx, director of the U.S. Information Agency.

The reasons for this loss of face and favor, they said, was the war in Vietnam, the civil disorders in our cities; reports of rural poverty amid plenty and the assassinations of President Kennedy, Sen. Robert Kennedy and the Rev. Martin Luther King Jr.

The peoples of Europe, Asia, Africa, and Latin American have lost faith in the "American dream of political freedom, social justice and political well-being," they said.

Remedies suggested included a strict gun control legislation and full scale attention to solving the civil rights and racial problems.

These measures would help "regain our international stature," they testified.

"Foreign policy begins with domestic conduct," one witness said.

Though each reason cited by the witnesses is valid, the truth is that American prestige has been on the skids long before the assassinations or the rioting and racial turmoil.

It began to erode early in the Kennedy-Johnson administration when the United States showed weakness and hesitation in the use of power.

The Berlin Wall, the Bay of Pigs, the Cuban missile crisis set the stage for what followed.

The war in Vietnam hurts our prestige, but not because it is generally unpopular, but because the United States seems incapable or unwilling to win. Our performance in Vietnam has not been reassuring to our allies.

Time and time again during my trips to Europe in the last few years I heard observers say "Forget what other people think, go ahead and win."

The emphasis on gun controls, civil rights and racial problems also overlooks such important factors as the balance of payments deficit, huge budget deficits, the gold drain and dollar crisis which have shaken the faith in our economy.

Europe also worries about increasing U.S. isolationism, defeatism and appeasement.

Each American weakness has been effectively distorted by Communist propaganda to make this country look like "a paper tiger" rather than a world power.

If we are to find the right solutions it is important that we look at all ills, not just the emotional ones that hold the headlines of the moment.

GREETINGS ON THE JEWISH NEW YEAR

HON. JOSEPH S. CLARK

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 18, 1968

Mr. CLARK. Mr. President, a few days from now, on September 23, Jewish communities around the world will celebrate Rosh Hashana and the advent of the year 5729.

But for Jews in many parts of the world, the High Holidays this year will mark a time not for rejoicing but for anxiety and fear. In the Soviet Union and in Poland, the remnant of once great Jewish communities live in an atmosphere of official constraint where the continued practice of their religion is under constant governmental attack. In Czechoslovakia, there are new fears of a resumption of the anti-Jewish purges that so bloodied the Stalinist era in the Soviet Union.

But nowhere in the world are Jews facing a greater threat than in the free democratic nation of Israel. It is not necessary to quote Nasser's rantings to know that Israel's Arabs enemies are preparing to strike against Israel again, as soon as they feel that the military balance has tipped in their favor. Their goal today is what it was at Israel's birth, 20 years ago—Israel's extinction.

Mr. President, that must never come to be. We must never let the flame that is the State of Israel flicker out.

Just as our country bears a special place in Israel's short but glittering history as a modern nation, our country also bears a special responsibility. It behooves us to fulfill that responsibility by providing Israel with the means of providing a credible military deterrent against her Arab neighbors.

Israel has said that she needs modern supersonic jets to keep her enemies in check. I believe we must supply them.

Let me make it plain that this arms race is not of Israel's making or of ours. The need for these new airplanes is a direct result of Russia's rash and provocative acts in building up the Arab arsenals which were destroyed by Israel in the lightning war of June 1967.

I have long insisted that our goal in the Middle East must be an enforceable arms control and disarmament agreement, which will safeguard the national rights of all of the countries of that troubled area, and permit them to devote their total resources to economic development. Israel has long stood ready to enter into negotiations for such a pact. So have we. But the Arabs still are set on Israel's eradication, and Russia has fueled their enmity and hardened their intractability by providing arms and other forms of military assistance.

So our policy must be twofold: First, to do what we must do to help Israel keep her guard up, and second, to continue to work for a fair peace settlement in the Middle East, including an effective arms control and disarmament agreement.

Here in the United States, Jews, like all Americans, are viewing the coming year with a certain measure of concern. All of us pray that the new year will bring us peace in Vietnam and peace in our cities, and that we will be able to summon the resources and the resolve to bring about true social and economic justice for all Americans.

With those sentiments in mind, Mr. President, I should like to extend a Happy New Year to all of my Jewish constituents—L'shana tova.

TECHNICAL AID IS BEST WEAPON AGAINST FAMINE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. FRASER. Mr. Speaker, I wish to draw to the attention of Members of Congress the publication of an absorbing book, "World Without Hunger," written by Secretary of Agriculture Orville L. Freeman.

Secretary Freeman's book, which deals with the world hunger problem, was published this summer and has received high critical acclaim.

Under leave to revise and extend my remarks, I insert at this point in the RECORD a story which appeared recently in the Kansas City, Mo., Star under the byline of the Star's agricultural editor, Roderick Turnbull.

The article follows:

TECHNICAL AID BEST WEAPON AGAINST FAMINE

(By Roderick Turnbull)

A massive program of mostly technical assistance to the under-developed nations of the world to help them meet their food requirements is proposed by Orville L. Freeman, secretary of agriculture, in a new book, "World Without Hunger" (Frederick A. Praeger, New York, $5.95).

Secretary Freeman doesn't write off direct food aid to these countries, but he proposes that such help be used to "buy time" until the nations involved can take care of themselves.

It is the only solution to the world's food problems, he insists, basing his conclusions on eight years of experience in which he has been involved in probably the greatest aid and distribution efforts in all history.

Ironically, Freeman's book with its recommendations on how to alleviate world hunger comes at a time when he is under criticism for not sufficiently helping the poor of the United States. However, such criticism doesn't detract from the book because it is directed at a problem in which the whole world is interested. Also, at no place in the book does Freeman suggest that any money or food that might be used for the poor in the United States be shifted to foreign countries.

Actually, his theory that the underdeveloped countries must do more to help themselves, aided and abetted by outside technical assistance, eventually would lead to less reliance on the United States for direct contributions. In theory also, however, these same underdeveloped countries eventually might be better dollar customers for the U.S.

In writing his book, Freeman has drawn on a wealth of data available in the Department of Agriculture on food aid programs over many years. He mixes history and statistics with his own philosophy and conclusions.

What he considers as a basic fact is that agriculture is the key to economic development in any country.

Putting it another way, a nation with hungry people can't make much industrial progress. Neither is it possible to maintain industrial progress if most of the labor available in a country must be utilized just to produce enough food. This is something that is given scant thought in the United States where we never worry in the slightest about the lack of food. The United States has an abundance of labor outside agriculture for any undertaking because so few people actually are required, percentagewise, to produce an abundant supply of food for all.

But some of the poorer countries would like to enjoy the affluence of America without first taking care of their food needs. Not only that, the poorer nations even have downgraded agriculture because they equated affluence with industrial development.

The reasoning was that the rich nations were industrially developed while the nations where farming dominated were poor. Therefore, to be rich required industrialization.

Only in the last few years, Freeman writes, have the leaders of some of the poorer nations finally been convinced that food comes first.

"Without agricultural development, general economic development soon bogs down in problems of inflation, unemployment and scarcities," Freeman says. "The emergence of such problems in country after country has led us to re-examine our basic theories. We have come to realize that all of today's advanced nations, even those like the United Kingdom and Japan, which rely heavily upon imported supplies of agricultural products, moved from subsistence agriculture to commercial agriculture in the earlier stages of development."

In industrialized nations, such as America, people spend a relatively small part of their income on food which means they have money left to buy other things. As more people become engaged in nonagricultural pursuits, more food production is required from farmers.

But under a system of subsistence agriculture, such as prevails in the poorer countries, farmers and their families consume the bulk of their own production. The typical subsistence farmer is poor. If he is fortunate enough to raise more, his family eats better, but not much more is sent to market. Thus he doesn't supply food for a greater work force.

"The plain fact is that subsistence agriculture cannot sustain a growing economy," Freeman contends.

Such comments from the secretary of agriculture are the ground work he is laying for his contention that the poorer countries must develop their own resources. But these same comments also point up how fortunate the United States is in having a highly efficient agricultural system.

It is American affluence, more than that of any other nation, which is sparking "a revolution of rising expectations in which all peoples of the world seek abundance for themselves," Freeman says. He adds:

"If anyone were to ask me what is most responsible for this revolution, I would say the transistor radio. Everywhere, in grass shacks and mud huts, people once completely cut off from industrialized society can be found with little transistor radios, hearing about a great world outside, where it sounds as if people live much better.

"Naturally, these enchanted listeners, aspire to the life about which they are learning. Furthermore, they usually want it not next year, next month, not even tomorrow, but today."

They are not going to get it today, Freeman avers, but he is optimistic that a food crisis, which is now on the way, can be averted in years to come through greater production and population control. It will take both, he agrees.

"Men, land and knowledge can be brought together to banish hunger and malnutrition throughout the world," Freeman declares.

"Many in the developing countries are caught," Freeman continues, "in a vicious circle of malnutrition, underemployment, and ignorance. The circle can be broken, but only by a world-wide effort. Technical assistance is an important part of that effort. While food from the developed world buys time, a vital, forceful program of technical assistance, with adequate capital support, can bring about an increase of food production throughout the world by exporting technical agricultural 'know-how.' But this task is not simple. It calls for decision, dedication, determination and heavy investment."

The idea of technical assistance covers a tremendous field. It is far more than showing a farmer how to use a steel plow or to put on some fertilizer. Obviously better farming methods are involved. But technical assistance includes, for example, extensive research into crop and land use and the development of better and adapted varieties. In some parts of the world, Freeman points out, the greatest need is for immediate marketing reforms that will help farmers dispose of their products at a profit. At the same time, processing plants are a necessity. We take these for granted in this country. Food is canned, packaged or frozen at harvest time for use throughout the year. We have warehouses for storing such food.

Transportation is another absolute requirement for food distribution and it becomes a part of the technical assistance program. Credit is one more field that is wide open for exploration and development in the poorer nations.

"One of the difficult problems in developing countries," Freeman cites, "and one on which much work needs to be done, is price policy . . . Price policies that will encourage the adoption of more efficient practices in the short run, and the modernization of farming the long run, are essential for every developing nation.

"Our technical assistance programs should include agricultural economists to carry out the research necessity to formulate meaningful alternative economic policies. Obviously, farmers will not adopt new measures that cost more than they get in return from increased production; however, countries with large urban population that demand cheap food face practical and urgent political difficulties in trying to establish sound price policies for agriculture. In some countries, the answer may be to subsidize such things as fertilizers, improved seed and insecticides. In other cases, subsidies may be used to hold down consumer prices. One way or another, the producer must get an incentive price before he will apply new practices quickly."

How is all this technical assistance to be accomplished. In the first place, the United States, although obligated to be a leader, can't do the whole job, Freeman admits. Other developed nations of the world must help. And, he adds, they have started to help.

As for the United States, he strongly urges as a starter that this country renew P.L. 480 and the farm program enacted in 1965. P.L. 480 is the law under which this country can make concessional sales to needy nations—taking their currency as payment for farm commodities.

"Then," the secretary of agriculture says, "I propose that the United States establish a goal to commit each year, for 10 years, 1.5 per cent of its national income to development, with emphasis on technical assistance in food production (for the needy nations).

"Our immediate goal should be to achieve a total flow of resources, governmental and private, of 1 per cent of our national income. This would mean an immediate increase of 2 billion dollars yearly. (In 1966, 1 per cent would have been 6.6 billion dollars, as compared with the 4.6 billion actually transferred. Of the latter, 3.6 billion came from the government and 1 billion from private investment and lending).

"As soon as the immediate goal is achieved, and when we, in co-operation with the developing nations, have made sound plans to encourage self-help, the level should be raised to 1.5 per cent of our national income. Of that total amount, the 1 per cent should come from the government and the other 0.5 per cent from private investments."

Concerning private investment, Freeman says that private enterprise is becoming increasingly aware of the importance of investment in developing countries. But private investment naturally tends to flow into the most promising areas. So some way must be evolved to get such investment where it is needed most. The secretary of agriculture proposes the creation of something new, perhaps a co-operative endeavor involving private industry and the government. It would take planning and congressional action.

In a giant technical assistance program, capable manpower would be the big problem.

Freeman proposes, among other things, that the government finance the training for qualified volunteers who would agree to serve overseas for a period of not less than two years. In addition, professional agriculturists in the Department of Agriculture and in land grant colleges should plan for extended tours in the developing nations.

Putting all his proposals together, Freeman says he believes that, in this last half of the 20th century. "We have the opportunity to remove from the face of the earth the threat of famine that Malthus predicted nearly two centuries ago."

LOOPHOLES THREATEN MANDATORY OIL IMPORT PROGRAM

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. **SHRIVER**. Mr. Speaker, I am particularly disturbed about the course and direction of the vitally essential mandatory oil import program. That program was initiated under President Eisenhower, and has been continued under both Presidents Kennedy and Johnson. In every study ever conducted by the Congress, by cabinet committees, or by administrative agencies, the need for effective controls on oil imports has been overwhelmingly confirmed.

That need rests on one very real fact of life. That is the obvious truth that the largest energy-consuming nation in history, the United States of America, is dependent on petroleum fuels for almost 75 percent of its energy requirements, and, if this Nation is to maintain a position of strength with which to deal with the world's problems it has no alternative except to maintain adequate supplies of petroleum fuels within its own control.

With the advent of the development of tremendous low-cost oil deposits in the Middle East, Africa, and other world areas, it has long been clear that these remote and vulnerable supplies exist in such quantities that foreign oil could entirely displace and kill off the domestic oil-producing industry, without effective and reasonable restraint on petroleum imports.

Mr. Speaker, the Arab-Israeli war of last summer—and the inflamed passions which still persist in the Middle East—are all the reminder which reasonable men require to recognize that our security as to energy supplies would be short-lived indeed should we abandon an effective oil import policy and choose, instead, a course of growing reliance in foreign oil.

Yet, I am distressed to say, that is precisely the course which we appear to be pursuing. We are not doing it at a fell swoop, by abandoning import controls outright, but we are doing it by piecemeal dismantling of the oil import program through exemptions and exceptions contrived by those seeking the special privilege of claiming for themselves access to very lucrative loopholes in the oil import program.

I will not detail the exemptions and exceptions to the program which have been permitted in the past 2 years by the Department of Interior. Instead, to my colleagues who are interested, I recommend a thorough reading of a report on the mandatory oil import program by the Committee on Interior and Insular Affairs, based upon 3 days of hearings conducted by its Subcommittee on Mines and Mining. This report documents in detail the dismembering which has been permitted in this vital national security program.

The latest and most ambitious proposal to knock the biggest loophole yet in that program is not covered in the committee's report. I refer to the project of Occidental Petroleum Corp. to locate a 300,000-barrel refinery inside a "foreign trade zone" at Machias Bay, in the State of Maine. This plant would operate entirely on foreign oil. From the products refined, the company proposes to ship 300,000 barrels daily into the U.S. market—90,000 barrels daily of home heating fuel, 10,000 barrels daily of gasoline, and 100,000 barrels daily of residual fuel.

In other words, this trade zone would not be used in the manner intended by the Congress when it adopted the Foreign Trade Zones Act—to "expedite and encourage foreign commerce." It would be used as a subterfuge for the importation of foreign petroleum products which otherwise could not be imported under the mandatory oil import program. It is intended to gain for Occidental Petroleum a privileged status not accorded any other oil company by enabling it, and it alone, to operate a major refinery 100 percent on foreign oil.

I do not raise this issue here, Mr. Speaker, only because the chief executive officer of Occidental is one of the members of the President's new Trade Policy Committee, although I must say the naming of such a body of one having such an overwhelming economic interest in a project of this nature raises in my mind considerable doubt as to the propriety of this appointment.

Mr. Speaker, the application for the "foreign trade zone" in Maine, to confer upon Occidental Petroleum a privilege not accorded any other oil company, is now under active consideration before the Foreign Trade Zones Board, whose chairman is Commerce Secretary C. R. Smith. In addition, Secretary Stewart Udall, whose Department of Interior would have to authorize the imports for such a plant, is said to be in process of developing policies with respect to how such "foreign trade zones" would be accommodated under the mandatory oil import program.

If this project is approved, we can throw away what is left of the oil import program. It would be the "granddaddy" of all of the loopholes in that program. Competing companies would be forced by economic circumstance to seek and be accorded similar treatment.

Let us look at some of the consequences and some of the facts involved:

First. If the Occidental trade zone were approved, it would result in an increase of 14 percent in the imports now authorized under the mandatory oil import program in the area east of the Rockies—all by one company.

Second. The 100,000 barrels a day of light petroleum products—home heating fuel and gasoline—which Occidental proposes to bring from the proposed trade zone into U.S. markets is almost the equivalent of the total imports of such products—107,000 barrels daily—permitted by all other companies under the import program.

Third. Occidental would be the only company operating a U.S. refinery 100 percent on foreign soil. Its competitors, now permitted imports equivalent of about 9 percent of their refinery runs, would have to get along on an even smaller ratio after moving over for Occidental.

Fourth. The entire underpinning of the oil import program would be swept away, and the domestic oil-producing industry—already shrinking and in economic difficulty—would be dealt a crippling blow.

Mr. Speaker, approval of this project would be in gross violation of the intent and purpose of the oil-import program. It would constitute an abuse of the purpose of two programs, in fact. The Congress never intended that foreign trade zones be used as an escape hatch to circumvent other essential programs. Certainly, it never intended that the oil-import program be misused for the purpose of serving the economic interests of private companies.

I hope my colleagues who share my conviction that a sound and consistent import program, unencumbered by such special exemptions and exceptions, still is vitally necessary to the energy security position of the United States, will make known their views on this matter. I cannot conceive of such special privilege being granted to one company, but I have learned that the unbelievable, indeed, can happen if such proposals are met only with silence.

RUSSIA MAJOR ENEMY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. Edward J. Sloane of Springfield, Va., in my congressional district, called my attention to a letter he had written to the editor of the Manchester, N.H., Union Leader last July concerning the large number of Soviet Russian ships supplying the enemy in North Vietnam.

Mr. Sloane said he believes these facts are not generally known to the American public and he has asked that his letter be made a part of this RECORD. I am pleased to insert his letter in full at this point in the RECORD:

[From the Manchester (N.H.) Union Leader, July 23, 1968]

RUSSIA MAJOR ENEMY

To the EDITORS: An obvious reason—probably the major reason—for Soviet Russia's offer to negotiate a de-escalation of anti-missile devices—was the hardening up of the U.S. on the subject. Specifically, the Senate followed the House, and authorized construction of the "Sentinel" system of protection from blackmail by missile. In brief, we became firmer and Russia became "softer." But, don't forget this: they are the major enemy in Vietnam.

Sen. Harry Byrd of Virginia has just released figures which were held back as "top secret" by DIA, until released on Saturday, June 29, 1968 at 6:30 P.M., EST:

Total number of Russian ships, carrying deadly weapons and supplies to be used against American soldiers, arriving in North Vietnam harbors, during first four months of 1968: 72.

At the rate of 72 Russian ships arriving in North Vietnam during first four months, the 1968 rate can be calculated as 216! This is higher than 181 ships (actual) in 1967, and 122 ships (actual) in 1966.

Two-thirds of all ships going into North Vietnam harbors during 1966, 1967, 1968 are Russian. So, the rockets fall on Vietnam, from Russian ships, and this is a central fact we must not forget, when the Russians make approaches for "detente" these days.

Don't forget that with the Russians, it is always "One Step Backward and Two Steps Forward." This is a backward step by them to pull us back. Don't forget they continue going to North Vietnam harbors on an increasing scale this year, so far. (A delegation from Hanoi is reportedly in Moscow, now, to get faster deliveries!)

EDWARD J. SLOANE.

SPRINGFIELD, VA.

AUGUST 12, 1968.

DEAR JOEL: The above facts on Russian aid to North Vietnam is not known to the public. I have not seen one newspaper that has printed this information. I respectfully request your placing it in the Appendix of the Record.

Best regards,

ED SLOANE.

COLUMBIA UNIVERSITY REBEL IS DISTRICT OF COLUMBIA RESEARCHER

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 12, 1968

Mr. LUKENS. Mr. Speaker, it has come to my attention that the District of Columbia City Council members are apparently supporting a member of the new left whose past history includes proud participation in the Columbia University student riots.

In fact, the only apparent qualification of this young man, Mr. Jonathan D. Schiller, is his experience in the Columbia student disaster. If this self-styled radical has something to offer this city in terms of constructive solutions to social and economic problems here, it is not obvious to those of us who are familiar with his rather limited experience and skill in community relations.

I am not sure that with this limited background and his emergence from prejudiced and destructive student leadership whether he is qualified to participate in the preparation of an analysis of police-community relations in Washington, D.C., or any city.

Certainly this young man is not unprejudiced or unbiased in his approach to solutions of the problems in any city, let alone Washington, D.C. His beliefs seem more in line with the Black United Front than with the majority of Americans, black and white. I see no reason why Washington, D.C., under its present moderate and fair leadership, should lean over backward to appease any minority—particularly one supporting the idea of lawbreaking. We have excused such nonsense as "justified lawbreaking" long enough. This Nation—its entire social and economic structure, time proven and time tested beyond all others—is not in need of leadership shouting "burn, destroy, and kill."

I include in the RECORD at this point the following material to make it clear that I support these particular efforts of the District of Columbia Police Wives Association:

AN OPEN LETTER TO ALL DISTRICT OF COLUMBIA CITY COUNCIL MEMBERS

DISTRICT OF COLUMBIA POLICE
WIVES ASSOCIATION, INC.,
Clinton, Md., September 5, 1968.

Hon. JOHN W. HECHINGER,
Chairman, District of Columbia City Council,
Washington D.C.

DEAR MR. HECHINGER: We charge that the D.C. City Council has made a major contribution to the deterioration of police-community relations. This is proved by a little-noticed report in the Washington Post of September 2, 1968, (page B 4) in a 2-column article titled "Columbia U. Rebel Is D.C. Researcher." The Post reported, in part, as follows; "Jonathan D. Schiller, 21, connects the Columbia University riots of last spring with Washington's police-community relations crisis of this summer. A 6-foot, 5-inch exponent of the New Left, Schiller threw his considerable bulk between the police and the Columbia demonstrators, an experience he brought to bear recently when, as a research assistant for the D.C. City Council, he helped prepare its report on a police-community relations. . . . Now a $100-a-week summer intern for the City Council, Schiller has tucked his knees under a low desk and helped turn out the 43-page report on police-community relations that is still being considered by the Council. For two weeks, with his Columbia experience still fresh in mind, Schiller plowed through reports of various crime commissions, called police and law enforcement officials and conferred with specialists from the Justice Department. 'The Columbia riots taught me a lot about power,' he said. 'And working here has enabled me to get a perspective on the art of power and that a real citizen influence is necessary. It gives me an awareness of when and under what conditions it will be feasible.' The image of a 'Columbia rebel' may clash with that of the municipal Bureaucrat hunched over a desk shuffling papers into oblivion, but Schiller, articulate as usual, has an answer. 'A radical or extremist probably considers summertime work in city government an exercise in futility,' he conceded. 'But my job with the Council has been educational and productive. I've learned something.' "

We thought, and certainly we, as well as the rest of the community were led to believe from earlier newspaper and radio-TV reports, that the City Council's study on police-community relations had been prepared by the members of the Council's Public Safety Committee. These members are William S. Thompson Chairman, Margaret A. Haywood, Polly Shackleton, Rev. Walter E. Fauntroy, John A. Nevius, and yourself as an ex officio member. Whatever Mr. Schiller may consider he has learned about the "art of power," we think this Washington Post article, shocking and revealing as it is, clearly calls for decisive action by the City Council.

We are demanding that you (1) publicly identify the sections of the City Council's 43-page report on police-community relations on which Mr. Schiller worked, and those he contributed to; and (2) issue a completely frank and open report on the extraordinary circumstances surrounding the hiring of this "Columbia U. Rebel". Please bear in mind that this 43-page report is not a mere student's thesis on "the art of power" and citizen control of the police.

Mr. Schiller, an avowed "radical or extremist", has successfully included some novel proposals clearly acceptable to the Black United Front, but not to Public Safety Director, Patrick V. Murphy who has totally rejected a number of recommendations in the report. The City Council should have consulted experts personally in preparing its report. Its use of a self-admitted "radical or extremist" such as Mr. Schiller to do its work seems to vitiate this 43-page report.

In the Federalist papers, Alexander Hamilton called for a "check upon a spirit of favoritism" which would "prevent the appointment of unfit characters from state prejudice, from family connection, from personal attachments, or from a view to popularity." Clearly, such a check is desperately needed in the City Council. May we hear from you?

Sincerely yours,

(Mrs.) JOAN ABBOTT,
President.

Open Letter to District of Columbia City Council Members

Federation of Citizens Associations of the District of Columbia,
September 5, 1968.

Re What part did Jonathan Schiller, Columbia U. Rebel, have in writing the City Council's report on police-community relations?

Hon. John W. Hechinger,
Chairman, District of Columbia City Council, Washington, D.C.

Dear Mr. Hechinger: What part did Jonathan Schiller, whom the *Washington Post* (Sept. 2) called a "Columbia U. Rebel" have in writing the 43-page Police-Community relations report? The *Washington Post* is unusually reliable and informed on community and police matters, and it reported that: "Now a $100-a-week intern for the City Council, Schiller has tucked his knees under a low desk and helped turn out the 43-page report on police-community relations that is still being considered by the Council. For two weeks, with his Columbia experience still fresh in his mind, Schiller plowed through reports of various crime commissions, called police and law enforcement officials and conferred with specialists from the Justice Department."

Earlier this week Public Safety Director Patrick V. Murphy appeared before the City Council and flatly turned down and rejected a number of the recommendations in the 43-page report which Schiller "helped turn out". Why didn't the City Council turn to Public Safety Director Murphy, instead of Schiller, to prepare its 43-page report on police-community relations? What expertise did Schiller, a self-styled "radical or extremist" possess which Mr. Murphy did not? What purpose is Mr. Murphy in the D. C. Government to serve if it is not to be in the preparation of such a sensitive and vital report as the 43-page Report on Police-Community Relations claims to be? The City Council certainly considers Mr. Murphy to be on the same team as the City Council is supposed to be? The use of such a "radical or extremist" as Mr. Schiller to help "turn out" the City Council's report is an extremely curious matter. Upon inquiry today, I find that Mr. Schiller has suddenly departed from his job? Why and under what circumstances did he leave? Do you consider that he contributed to better police-community relations? Why was he employed, and Chief Layton and Mr. Murphy were not? The employment of Schiller by the City Council could be the straw which broke the camel's back where the 3100 men of the Police Department are concerned—coming on top of the "justifiable homicide" resolution drafted by Rev. Channing Phillips, Democratic National Committeeman. I would urge that you immediately issue a public explanation of the use of Mr. Schiller before the matter further exacerbates relations between the police (who are risking their lives to protect law-abiding citizens) and the D.C. City Council. In any event, I would hope you would give me an explanation of this matter so that I can bring it before the Federation of Citizens Associations at its upcoming meeting. May I hear from you?

Sincerely yours,
John R. Immer,
First Vice President.

[From the Washington (D.C.) Post, Sept. 2, 1968]

Columbia U. Rebel Is District of Columbia Researcher

(By Richard M. Cohen)

Jonathan D. Schiller, 21, connects the Columbia University riots of last spring with Washington's police-community relations crisis of this summer.

A six-foot, five-inch exponent of the New Left, Schiller threw his considerable bulk between the police and the Columbia demonstrators, an experience he brought to bear recently when, as a research assistant for the D.C. City Council, he helped prepare its report on police-community relations.

"There is a very close working relationship between what happened at Columbia and what's happening here," Schiller said.

A two-year member of Columbia's basketball team ("The best in the East, 23–5 last year"), Schiller went on:

"The frustration felt by many ghetto residents in terms of police grievance procedures very closely resembles what happened at Columbia. There the students wanted participation in the administrative and grievance procedures too. It's quite similar."

MIDDLE CLASS FAMILY

Schiller, the product of an upper middle-class Cleveland Park home, could, despite his penchant for New Left jargon, submit a resume to warm the heart of any Dow Chemical recruiter.

A graduate of the private Landon School and a good enough student at Columbia to consider applying to Harvard Law School, Schiller is the son of an administrative judge for the Securities and Exchange Commission and a woman who also holds a law degree but practices as a marriage counselor. His sister, a veteran of the Peace Corps, is now at the University of London.

Love for basketball drew Schiller from the white world of Cleveland Park into the black world of inner-city playgrounds.

"I used to go downtown to watch guys like Elgin Baylor play and hope to get into a game. I also was a ballboy for the American University team. I traveled with the team to nearby games and got to know the players. Basketball," he observed, "has always been integrated."

LED 70 CHILDREN

Later Schiller became a summer block leader for the Adams-Morgan Community Council. With a staff of eight he set up arts and crafts and cultural activities for his 70 children.

Two years ago he participated in Operation Champ, setting up basketball clinics with enough expertise to take his team to the New York final.

Now a $100-a-week summer intern for the City Council, Schiller has tucked his knees under a low desk and helped turn out the 43-page report on police-community relations that is still being considered by the Council.

For two weeks, with his Columbia experience, still fresh in his mind, Schiller plowed through reports of various crime commissions, called police and law enforcement officials and conferred with specialists from the Justice Department.

"ART OF POWER

"The Columbia riots taught me a lot about power," he said. "And working here has enabled me to get a perspective on the art of power and that a real citizen influence is necessary. It gives me an awareness of when and under what conditions it will be feasible."

The image of a "Columbia rebel" may clash with that of the municipal Bureaucrat hunched over a desk shuffling papers into oblivion, but Schiller, articulate as usual, has an answer.

"A radical or extremist probably considers summertime work in city government an exercise in futility," he conceded. "But my job with the Council has been educational and productive. I've learned something."

[From the Washington (D.C.) Evening Star, Aug. 29, 1968]

Africa Project Cheery

(By Joy Billington)

Afro-American consciousness raised a soft voice and beams of Establishment approval last night when the forerunner of the Peace Corps, Crossroads Africa, swung a dignified reception for African diplomas and Washington African-oriented black and white youth.

Meridian House, the elegant old place that is so many things to so many people as an international center, served straight American liquor and canapes to the tones of African music carefully subdued below conversation level.

Under the linden trees on the terrace, bright robed Afro-Americans and dark suited Africans talked about Crossroads, Africa's plan to send Washington high school students—black and white—to Africa next summer, in a pilot project marking a shift in emphasis from its traditional college-student participation.

Dr. James Robinson, the Harlem Presbyterian minister who in 1958 started the program President Kennedy called "the progenitor of the Peace Corps" said that next year's "African Trek" will be a real innovation in enlisting inner city youth to join summer work camps in Africa.

Taking the idea one further, Melvin Deal, director of the African Heritage Dancers and Drummers, thought perhaps that such a movement could start closer to home, here in Washington.

In his stunning Ghanian "sarong kerite," Deal said that diplomatic circles in Washington could sensibly and profitably, open their doors to articulate inner city youth.

"Most African diplomats only meet college students," he said.

Mr. Walter Washington, arriving with the Mayor, who was still rubbing his eyes wearily from an afternoon-long TV appearance, agreed.

"Foreign diplomats, from all countries, want a real viable meeting and dialogue. It would be enriching to so-called polite society, to the whole range of diplomatic life, to meet inner city people—young people particularly."

Mrs. Washington, after a few affectionate words with pretty Nancy Hechinger, just back from teaching French to Biafran refugees in Togo, said that she was delighted about Rev. Channing Phillips' nomination.

"It's remarkable, an individual black being put up as a favorite son . . . it's really part of the new thrust."

Mayor Washington and Peace Corps director Jack Vaughn congratulated each other on their work, before Mrs. Washington edged the Mayor off to one more party. Later they planned to watch the convention on TV.

Politics was strictly secondary to the cultural exchange theme of the evening, with the feeling that whatever happened, it would still all be there next summer for the volunteers.

Jack Vaughn cracked a few affectionate jokes about Sargent Shriver, his predecessor at the Peace Corps. "He is reported to be circling Chicago . . . or having lunch with de Gaulle."

Uganda's Ambassador Otema Allimadi, sipping a drink on the terrace, smiled that no, he wasn't in Chicago, but had been to Miami. "It was just like the convention we had in Uganda."

A MAN OF INTEGRITY

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. PRYOR. Mr. Speaker, I join many of my fellow citizens in the State of Arkansas in mourning the passing of County Judge Judson L. Erwin of McGehee. We have lost one of our most capable and dedicated public servants.

Judge Erwin's distinguished career in government extended over a period of almost 30 years.

His vast accomplishments during his long service as county judge of Desha County are set forth in an editorial which appeared in the September 11 edition of the Dumas Clarion. Under leave granted to extend my remarks, I include the editorial:

A MAN OF INTEGRITY

An era in county government has ended with the death of Judge Judson L. Erwin of McGehee.

A man of integrity, Judge Erwin was never intimidated. He could be persuaded, and he would listen to the people, but he was never pressured into action. He weighed the situation, whatever it might be, and took the action which he deemed in the best interests of the county.

Judson Erwin's fine career in government began in 1939 when he was elected to the state legislature as the representative from Desha County. He was qualified by the fact that he was a law graduate and he was reelected because of his ability to keep touch with the people and see their needs and problems.

When he failed the examination for military service because of a lung condition, Representative Erwin took a job with the railroad because he felt he was thus aiding the war effort. He became a railroad engineer, a job he kept after he was elected county judge during the summer of 1946. The position of judge was not greatly financially endowed, and the judge used railroading, which he truly liked, to supplement his income.

However, the county came first and he never neglected its interests. On January 1, 1947, when he took office, he found county bonded indebtedness totalled $50,000. He battened down the county finances and in four years, had paid off that indebtedness. From then on, there was never any doubt that Judge Erwin was charting the county financial course, and the finances improved measurably.

A man who enjoyed reading to the fullest, Judge Erwin left a lasting memorial in the libraries he provided for this county. He believed that reading was the key to learning, and he sought to further the education facilities of the county by libraries in McGehee, Dumas, Watson and Arkansas City. When first constructed, the Dumas library was considered a model for small cities in the state—and Judge Erwin was a model judge to the Arkansas Library Commission.

He was greatly interested in preserving history, and helped with the establishment of the museum in Arkansas City.

But these were not the only truly lasting achievements of Judge Erwin's administration. His leadership helped the county to achieve excellent medical facilities—the first of which was paid off far ahead of schedule. He always had a sympathetic ear for hospital leaders—time and again stepping in to help when needed but insisting that the hospitals be operated by private, nonprofit corporations and not by the county.

Under his administration, the county road fund grew from $10,000 to $65,000, and the miles of graveled and maintained roads were greatly increased.

Judge Erwin was not all things to all men. He couldn't be and achieve the kind of record he charted. He was sometimes verbally abused—but the real proof of his ability lay in the fact that he was opposed only once during his 22 years in office, and that was 20 years ago. Desha Countians might disagree with him but they never doubted Judge Erwin's integrity.

His simple legacy to anyone who wishes to serve in county government was to listen, to ponder and then to chart the course affirmatively and conservatively.

It led to marked achievements for him, and more importantly in his opinion, for Desha County.

THE CONSERVATIVE MASTON O'NEAL

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. HAGAN. Mr. Speaker, our colleague from Georgia, Hon. MASTON O'NEAL, is the subject of an interesting article recently published in the Sunday magazine section of the Atlanta Journal and Constitution.

While the paper and the writer, Wayne Kelley, have frequently disagreed with the Congressman on political and philosophical matters, the sketch entitled "The Conservative MASTON O'NEAL" clearly portrays his many fine qualities and shows why his constituents elected and relected him as solicitor general for 24 years and then have elected and reelected him to Congress.

I would like to share this with all of our colleagues, as follows:

THE CONSERVATIVE MASTON O'NEAL

(By Wayne Kelley)

Congressman Maston Emmett O'Neal Jr., a gentle, white-haired south Georgia conservative with a voting record that would whistle "Dixie" if set to music, tells the story on himself:

Rep. Thomas P. O'Neill Jr., D-Mass., a hefty and friendly liberal from Cambridge, had served 12 years in the House before Rep. O'Neal of Bainbridge arrived in 1965.

The Georgian's name immediately precedes Rep. O'Neill's on the House roll call. One day the portly Northern congressman called Rep. O'Neal aside to make a confession.

"Before you came to Congress, I used to rush to the floor and was never sure how I should vote when my name was called," Rep. O'Neill said. "Now I just listen to you and vote exactly the opposite."

Maston O'Neal smiled as he recalled the conversation, and the smile compressed laughter lines high on his cheeks until his blue eyes were barely visible.

No one who has heard it doubts that the story is accurate. For if O'Neill of Massachusetts is liberal on civil rights, the Great Society, and federal spending, O'Neal of Georgia is his mirror opposite.

In fact, there are few representatives in the 435-member House who are more conservative than the Decatur County Democrat.

At the end of his first year in the 89th Congress, one survey of voting records ranked Rep. O'Neal among the dozen congressmen with the lowest percentage of party-unity votes. He has been a constant delight to the Americans for Constitutional Action, the conscience of conservatives in Congress. O'Neal of Georgia has an average ACA rating of 85 per cent while O'Neill of Massachusetts weighs in at 5 per cent.

Rep. O'Neal is also well on his way to becoming one of those Southerners whose solid support at home returns him to Congress every two years to build seniority and eventually to dominate the committees and machinery of the legislative branch of government.

When he came to Congress four years ago, Rep. O'Neal sought a seat on the House Judiciary Committee. He was assigned instead to the Agriculture Committee.

This combination of fate and politics (Judiciary Chairman Emanuel Celler, D-NY., was said to oppose assignment of a Southern conservative to his committee) has worked wonders.

Since former Rep. Carl Vinson, D-Ga., retired in 1964, no member of the Georgia House delegation has been a committee chairman. Rep. O'Neal is headed toward the top of the Agriculture Committee at a speed rated supersonic by congressional standards.

In January 1965, Rep. O'Neal began his service on the committee at the lofty perch of 14th among 20 Democrats. When the 90th Congress convened in 1967, he jumped to ninth by virtue of some Democratic losses and retirements.

While fellow congressmen plotted out their 1966 campaigns in the heat of the summer months, Rep. O'Neal was unopposed for the second straight time.

Two Democrats on the Agriculture Committee are retiring. Simply by showing up to take the oath of office next January, Rep. O'Neal is assured of being at least the seventh ranking Democrat on his committee.

Rep. O'Neal has been involved in Georgia politics for 28 years. He was solicitor general of the six-county Albany Judicial Circuit from 1940 through 1964.

Only twice in eight races for office has the Bainbridge conservative had opposition. He edged out Harry L. Wingate Jr. of Albany in 1964 by about 600 votes to win his seat in Congress. The only other time Rep. O'Neal faced an opponent at the ballot box was back in 1940 when he scored an equally narrow victory by some 145 votes to become solicitor general.

Once he was in office, however, the voters of southwest Georgia found Mr. O'Neal very much to their liking. "The people of the 2nd Congressional District will elect Maston as long as he wants to run," a member of the Georgia General Assembly said.

Rep. O'Neal has followed the footsteps of some of the Deep South's most powerful congressmen during his career in the House. He has sponsored little legislation, but has established a record calculated to keep any opponent from easing up on his political right.

"Maston does demagogue a little bit up here," a House colleague said recently. "But he admits it (privately) and knows that history is catching up with him."

The 2nd District congressman has blasted the Poor People's Campaign, has uncovered "Communists" in demonstrations for the needy, has damned flag desecraters in long statements and has seen civil rights legislation leading to "anarchy." He views the Great Society as something akin to Asian flu, and has opposed programs to feed the hungry. The poverty program is not his cup of tea.

At a time when the race issue has driven many politicians to elaborate semantic evasions, Rep. O'Neal still speaks directly. "I think the races in south Georgia are happier when left to themselves," he said. "Birds of a feather flock together."

This is the politics of the Deep South, honored for years in the Black Belt regions of Georgia, South Carolina, Mississippi, Alabama and Louisiana. Rep. O'Neal concedes change may come, but "footdragging," as he calls it, plays an important role.

"Certainly history does not stand still," the congressman commented. "But one thing that would be bad for the country is to change too abruptly. Evolution is better than revolution."

Rep. O'Neal may be considered a reactionary by the new left and a hidebound conservative by proponents of the Great Society. But he is not a racist orator who takes the floor of the House with fire in his eye and malice in his heart.

Most of his stronger statements are delivered with restraints or are merely inserted in the Congressional Record.

Even colleagues who have found occasion to disagree with him regard Maston O'Neal as one of the most diligent and congenial members of Congress.

The courtly and courteous 61-year-old congressman believes as strongly in his convictions as do those who favor more federal involvement in solving social problems. "The pendulum has swung too far and it has got to swing back soon from a fiscal standpoint," he asserts.

"I would not necessarily be a conservative at every point in the history of our country," he adds. "I think there were times in history when I would have been a liberal had I been in Congress."

One of those times when he might have been a liberal was during the depression years of the 1930s. He says that "the conservatives were far too reactionary" then.

There is real sincerity in Rep. O'Neal's assessment of his "liberal" feelings about the early 20th century. Sen. Richard B. Russell, D-Ga., and other prominent Southern politicians reacted in the same way to the depression and the hardships it visited on their homeland.

"It is the excesses that people go to after they get in power that disturbs me," Rep. O'Neal said. "I think the conservatives were far too reactionary in the early part of this century. It is the liberals who have been excessive in recent years and it is time for the conservatives to put a stop to it."

One facet of his personality which distinguishes Rep. O'Neal from the far-right zealots is his abiding sense of humor.

He lives in a comfortable two-bedroom apartment which overlooks the Supreme Court Building. Obviously, few men in Washington have been more disturbed about the "activist" record of the U.S. Supreme Court than the Georgia congressman.

He walked to the window of his apartment on a recent evening and looked across the street at the white marble building. "I would enjoy the view more if I thought more of the tenants," he said with a chuckle.

Mrs. O'Neal, the former Charlotte Tyson of Americus, is one of the most popular congressional wives on Capitol Hill. She is active in a prayer group which includes the wives of House and Senate members, and she devotes time to the Congressional Wives Club, of which she is historian.

"Charlotte O'Neal is the warmest person you will ever meet," said an admirer in the Georgia delegation. "She loves everyone and everyone loves her."

The O'Neals miss their ranch-style Bainbridge home when they are in Washington—and they've been there just about all the time in recent years. But they attend a number of functions which Rep. O'Neal describes as "educational" and the Washington press often considers "social."

Mrs. O'Neal is an outstanding cook and an avid gardener. On the one-acre homestead in Bainbridge she has raised camellias, azaleas, flowering shrubs and a notable collection of varieties of day lilies.

Though she misses the garden, Charlotte O'Neal would be at home just about any place she went. Soon after arriving in Washington the O'Neals dropped in at a reception given by Vice President Hubert Humphrey and Mrs. Humphrey. They prepared to leave soon after arriving, explaining to the Humphreys that they had lost the way to the party in a heavy snowstorm. "We have to have time to get lost on the way to the next reception," Mrs. O'Neal told the vice president.

After leaving the party, Mrs. O'Neal discovered that she had forgotten her handbag. Thinking that someone still at the party might bring it to her, she asked a friend for the Humphreys' phone number.

Without realizing it, she got the vice president's private number. The phone rang and a terribly familiar voice answered. "It was the vice president," Mrs. O'Neal said in her soft Southern accent. "I just didn't know what to say. I had expected to get a butler or a maid, or something.

"I pretended I didn't recognize his voice and explained that I had left my purse," she said. "He just laughed and said, 'Well, lost lady, I'll see that someone brings it to you.'

"Ever since then," said Mrs. O'Neal, "whenever I have seen the vice president, he has smiled and called me the 'lost lady.' "

Mrs. O'Neal is one of those effervescent Southern women who can call almost anyone "darling" (pronounced DAR-lin) and make it sound as if she is welcoming a new member to the family. "Your husband has got the sense," a voter once told her, "but you sure have got the 'howdy.' "

The O'Neals have two children, a daughter, Susan Charlotte (Mrs. Jerry Montgomery Bowden), and a son, Maston Emmett O'Neal III. Mrs. Bowden, who lives in Sandy Springs, an Atlanta suburb, has two sons, Mark, 7, and John, 6.

The O'Neals' son is an Air Force lieutenant who recently returned to the United States after flying 100 missions in a fighter-bomber over North Vietnam from a base in Thailand.

Rep. O'Neal's roots run deep in his hometown of Bainbridge. His father was solicitor general before him for 11 terms. The congressman's great-grandfather, Daniel Odum Neel, was the first clerk of Decatur County when it was formed in 1822. The town of Bainbridge was founded when Neel bought a parcel of land, laid it off into streets and sold the property for a profit. Bainbridge was chartered in 1829.

The daughter of Daniel Neel married William O'Neal, a youth of Scotch-Irish ancestry who came to Decatur County from South Carolina. He brought with him three assets—a horse, a rifle and an ax.

Congressman O'Neal has on a wall of his home the muzzle-loading rifle carried by William O'Neal when he made the journey. There is a rich heritage of proud people staking out a new life.

Rep. O'Neal's desk in his Washington office looks a little like a pawnshop window. It is cluttered with several models of jet airplanes, stacks of papers, a small bulldog trophy presented him by the National Association of Businessmen as a "Watchdog of the Treasury Award for 1965–'66."

Somewhere in the jumble are three miniature American flags and a gift from Mrs. O'Neal, a music box with a Confederate soldier and cannon on top. When wound, the top rotates and the music box plays a plinkity-plink version of "Dixie."

Behind the desk, to the congressman's right, is a large American flag. At his left stands the Georgia state flag.

He is signing his mail. "Here is a letter from a woman who wants me to send her the names of all the liberals in Congress," Rep. O'Neal muses. He does not say what she proposes to do with the list.

"How can I answer something like that?" he asks. "It depends on your point of view." He signs a letter explaining to his correspondent that the Senate has 100 seats, the House 435; and as her congressman he is very busy trying to represent the 2nd District of Georgia.

On the base of one of the small flagpoles on his desk is an inscription credited to Ed W. Hiles:

"We can lose our freedom just as surely, just as completely and just as permanently—tax by tax, subsidy by subsidy and guideline by guideline—as we can bullet by bullet, missile by missile or bomb by bomb."

Does the congressman agree with that?

"Well, I don't disagree with it," he said, a slight smile touching the corners of his mouth.

Rep. O'Neal is far from being an opponent of all subsidies. He votes for farm subsidies. He has urged the secretary of agriculture to raise parity for peanut farmers, a big industry in his district.

His philosophy is simple. "I vote the views of the people of my district. As far as my voting record goes, I don't know whether Negroes approve or disapprove. But I have had no complaints.

"Every request that I have had from a Negro constituent has gotten the same close attention and desire to help that I would give to any other constituent."

This answer evades the question of whether 2nd District Negroes really believe Rep. O'Neal represents them—or, as one observer said, "whether they even have the paper and pen, not to mention the education, to write him."

Rep. O'Neal's opposition to a two-year extension of the federal food stamp program for the needy put him on the spot last year.

The Georgia congressman introduced a peanut bill authorizing the lease, sale or transfer of acreage allotments among farms within a county. When the bill came up for a vote, Rep. Leonor K. Sullivan, D-Mo., a sponsor of the food stamp bill, appeared out of nowhere with other liberals and verbally roasted the peanut bill. It fell 28 votes short of a required two-thirds majority.

Although Rep. O'Neal finally steered his peanut acreage measure through the House some weeks later, he was shaken by the outburst at his expense.

"The attack on the peanut bill was nothing against Mr. O'Neal," said Rep. Sullivan a few weeks ago. "We decided to oppose it about half an hour before it came up."

Rep. Sullivan was feuding with Agriculture Committee Chairman W. R. Poage, D-Texas, and Rep. O'Neal was caught in the crossfire. Nevertheless, Mrs. Sullivan believes the issues in the fight were symbolic.

"I think that members in rural areas are going to have to get away from the idea that they are voting for only one little, tiny segment of the country," Rep. Sullivan asserted. "They must see the problems of the cities and urban areas."

The Missouri congresswoman said that representatives from cities do not intend to oppose bills aiding rural citizens. "If we don't make it possible for farmers to earn a living, how can you expect them to buy things produced in the cities?" she said.

Mrs. Sullivan described Rep. O'Neal as "a real Southern gentleman." But the difference of philosophy was apparent.

"With the reapportionment of congressional districts, the day will come when they (rural representatives) need us more than we need them," she said. "There is really an awakening to a fundamental concept of looking at legislation without being parochial.

"I don't know if we are ever going to win them (rural congressmen) over," she added. "I think the awakening will be more in the people."

Despite differences of opinion on many matters with House liberals, Rep. O'Neal has found his conservatism to be no handicap. House Speaker John McCormack, D-Mass., helped him reschedule the peanut acreage bill at a strategically favorable time.

Former Republican Congressman Howard (Bo) Callaway of Georgia once urged Rep. O'Neal to switch parties. But the south Georgia Democrat is rising quickly in his committee and has not been pressured by party leaders to change his votes.

Rep. O'Neal replied that switching his party "wouldn't change a vote I have made here on the floor. The only thing that would change would be my effectiveness as I represent the individual constituents of my district."

In his 1964 congressional race, Rep. O'Neal lost considerable ground when his runoff opponent, Harry Wingate, Jr., announced that he would vote for Republican presidential candidate Barry Goldwater.

Mr. Goldwater even gave Mr. Wingate his personal endorsement during a campaign visit to Atlanta in September 1964. Rep. O'Neal said he would vote for the Democratic presidential electors, although he did not back President Johnson's administration.

With the help of many friends, including former Gov. Marvin Griffin (they were Boy Scouts together), Rep. O'Neal weathered the political trade winds. Mr. Griffin was an official of the "Democrats for Goldwater" at the time.

Some Southern Democrats who publicly endorsed Mr. Goldwater lost their committee seniority. It would not have been out of the question for Mr. Wingate, if elected to have been denied assignment to any committee.

The trade winds are up again in 1968, this time blowing strong support for third-party presidential candidate George Wallace throughout south Georgia. But Maston O'Neal, firmly established as a strong conservative, will not leave the Democratic party this year, either.

"I'm not planning to bolt the party," Rep. O'Neal stated. "While I seldom, if ever, agree with the national party leadership, I am convinced I am best serving my constituents staying in the party whether they do or not."

This means, says Rep. O'Neal, that he will be voting for the Democratic presidential electors this November, as he did in November four years ago. That may be all he does for his party's national ticket in 1968. But few Deep South Democratic politicians will do more.

CONGRESSMAN DANIELS HAILS DR. FRANK CORDASCO FOR HIS BOOK, "PUERTO RICAN CHILDREN IN MAINLAND SCHOOLS"

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. DANIELS. Mr. Speaker, I would like to call to the attention of all Members of this House that a very talented constituent of mine, Dr. Frank Cordasco, professor of education at Montclair State College, Montclair, N.J., is the coauthor of a newly released book which is worthy of the attention of all persons who are interested in the educational development of the Spanish-speaking child.

Dr. Cordasco with his equally talented coauthor, Prof. Eugene Buccioni, of the City University of New York, is the author of a most useful volume entitled, "Puerto Rican Children in Mainland Schools: A Source Book for Teachers."

It is a collection of readings that has special significance for teachers, social workers, and others who have special interest in the education and training of Puerto Rican children in mainland schools.

Dr. Cordasco has been a leader in Hudson County in programs dealing with the Spanish-speaking community. He has done much to familiarize other Americans with the ancient Hispanic culture of the Spanish community. In addition, he has worked to assist Spanish-speaking residents in familiarizing themselves with the sometimes strange ways of mainland America.

Mr. Speaker, I salute a very distinguished citizen on this latest achievement in the academic world.

WALDO E. FINNOFF: "MR. VETERAN"

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. CORMAN. Mr. Speaker, Waldo E. Finnoff, known to his friends as Wally, and better known throughout the San Fernando Valley of California as "Mr. Veteran," is being honored by the San Fernando Valley Legion Luncheon Club on October 7, 1968. A citation, testifying to the fact that Wally has formal claim to this title, will be presented to him at the luncheon. It will be a proud moment for him, for his family, his friends, and his fellow veterans—for Wally is a truly great American and, in the best tradition of the word, he is "Mr. Veteran."

Wally Finnoff was born on May 29, 1899. In 1916, at the age of 17, he enlisted in the National Guard, 1st Pennsylvania Cavalry, later transferring to the 107th Field Artillery. He was sent overseas and while on active duty in September 1918 was gassed during the Meuse-Argonne operation. During World War II he enlisted in the Coast Guard and served in California.

Wally joined the American Legion in France in 1917, and has been an active member for over 50 years, serving first in Michigan and then in California. Presently, he is a member of Van Nuys Post 193. He joined the Veterans of Foreign Wars in 1922, and with the exception of a short period of time, has been an active member, holding many offices and positions.

Wally has devoted these past 50 years to finding ways to help veterans. It has become an article of faith with him, and he has worked day and night for their rights. Finding jobs for veterans is an obsession with him, and he has been most successful in this endeavor. He has spent many hundreds of hours visiting veterans who are ill, in and out of hospitals. He has helped many families who have lost their loved ones and those who are in need of assistance. Armed Forces personnel returning to civilian life owe a great deal to Waldo Finnoff. He is their friend and does all in his power to show his appreciation for the service they have given to their country.

Presently, Waldo Finnoff is chairman emeritus of the San Fernando Valley Veterans Employment Committee and vice chairman of the Department of California, Los Angeles Metropolitan Area Veterans Employment Committee. He is chairman of the press and publicity committees of the San Fernando Valley American Legion Luncheon Club and the 20th district of the American Legion; chairman of the Veterans of Foreign Wars, district 7, credit union; post commander of Van Nuys Barracks, Veterans of World War I; and chairman of their Armistice Day program.

This list does not begin to tell the whole story of the civic activities of Waldo Finnoff. Community organizations, as well as veterans organizations, have benefited from his selfless energy and sense of civic responsibility. He has worked tirelessly for the welfare of his community and those who live in it—veteran and nonveteran alike.

The American Legion Luncheon Club is justly honoring Wally as "Mr. Veteran." I proudly join in this tribute. I add to it my personal congratulations and my affection.

NO-WIN MILITARY POLICY

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. COWGER. Mr. Speaker, last year, when I returned from my inspection tour of the Far East, I submitted a report to the President, and to the Congress, of recommendations pertaining to our involvement in Vietnam. These were not exclusively my opinions, but were the joint findings of the 10 experts who accompanied me. It was quite obvious to us that the Johnson-Humphrey administration was following a no-win military policy in Vietnam. Their refusal to use offensive bombing of military targets to bring the war to an end was apparent. I have always said that if we had no intention of winning the war, we should get out. Therefore we recommended a gradual "de-Americanization" of our involvement in South Vietnam. As the United States was able to train the military forces of the South and strengthen their government, we should withdraw American troops.

On Monday, September 9, Gen. William Westmoreland, Chief of Staff, reported the following in an interview. He stated that the spring Tet offensive had awakened and solidified the people of South Vietnam. He also stated that the Saigon government was stronger than ever before and that the size of the South Vietnamese Army will soon number almost 1 million men. Now is the time to tell President Thieu and his government that in January of next year, we will withdraw 50,000 of our support troops. When this has been accomplished, a judgment will be made and a date arrived at, for returning another 50,000 troops. At the same time, President Johnson should release the 14,000 reserves who were called up during the "*Pueblo* incident." Vice President HUMPHREY recently came close to recommending the same action—but turned chicken. He backed down when his hands were slapped by President Johnson and then tried to recover with a phony report that the 27th Marine Regiment was being withdrawn. As a member of the administration, HUMPHREY has been a part of the no-win policy of President Johnson.

As a member of the National Security Council, he knows that it is time for us to de-Americanize the Vietnam war, yet he did not have the backbone to stand on his original statement.

I have always strenuously objected to the news media's use of the words, "hawk" and "dove" to describe a person's opinion relative to the war in Vietnam. With 200 million people in this country of ours, there must be at least that many differing opinions. I have solidly maintained that we should never enter a war unless we are prepared to win it. At the same time, we should not commit our young men to do all the fighting for the free world, without help from our friends and allies. Having spent 2 years in Congress studying our involvement in the Far East, I have never once deviated from my position on the prosecution of the war. The press, by using the labels "hawk" and "dove" have confused and oversimplified the opinions of many public officials.

ADDRESS BY HON. GEORGE J. FELDMAN, U.S. AMBASSADOR TO LUXEMBOURG, LABOR DAY REMEMBRANCE CEREMONY, AMERICAN MILITARY CEMETERY, HAMM, LUXEMBOURG, SEPTEMBER 2, 1968

HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. McCORMACK. Mr. Speaker, in my remarks I include a splendid address delivered on September 2, 1968, by the Honorable George J. Feldman, U.S. Ambassador to Luxembourg, to the General Federation of Workers of Luxembourg—CGT—who gather each year at the American cemetery in Hamm to hold remembrance ceremonies in honor of American soldiers who died in World War II in Luxembourg. This year, the General Federation invited Ambassador Feldman with a suggestion that he make a speech on the American labor movement. In my remarks, I include the splendid address made by Ambassador Feldman on the American labor movement, and stirring remarks in relation to Americans who died in Luxembourg during World War II, and who are buried at the American cemetery in Hamm, which place the meeting and ceremony took place. The address follows:

Address by Hon. George J. Feldman, U.S. Ambassador to Luxembourg, Labor Day Remembrance Ceremony, American Military Cemetery, Hamm, Luxembourg, September 2, 1968

It is indeed a pleasure and an honor to join you on these hallowed grounds on this Labor Day, 1968. Together we pay homage to the memory of thousands of brave Americans—workers, farmers, businessmen, professionals, students—all fallen in their youth for a common cause: those ideals of liberty, democracy and freedom we all cherish.

I think it particularly appropriate that you have chosen Labor Day to honor the memories of these brave men. When we reflect on the fullest meaning of this day, we find that it is a day which commemorates much for what these men fought and died.

Let us look for a moment at the story of Labor Day and of the American labor movement which it honors.

First, the day itself. In 1882, a New York carpenter named Peter McGuire felt the laboring man in the rapidly industrializing Republic should be recognized by a special day. As a result of his efforts, the first Labor Day was celebrated in New York in September of that year.

As in other places, American labor unions had their beginnings in associations of skilled artisans. But more than 100 years passed before America's many independent trade unions joined together to form in 1881 the Federation of Organized Trade and Labor Unions. The American Federation of Labor followed in 1886. Another 70 years passed before the formation of the AFL–CIO, an historic merger which brought 16 million workers—85 percent of American's union membership—into a single organization.

American labor unions first amalgamated to help their members counter-balance an unbridled, unenlightened, even primitive, but very vigorous capitalism; dynamic entrepreneurs yet to understand that the key to industrial progress and prosperity lay in the establishment of social justice.

This was the era of the 10 and 12-hour day, the six and even seven-day week. The sweatshop, competitive wage cutting, and unregulated child and woman labor ruled the day. And perhaps worst of all, job insecurity and the ever present spectre of unemployment, the result of arbitrary dismissal or uncompensated injury, confronted the worker. But the American working man came to realize that although there was much opposition, conditions could be changed; that the worker's lot could be improved through organized cooperative action.

At that time, management's refusal to recognize the legitimate rights of labor to decent conditions had the support of the federal and state legislatures and courts. It took hard work and dramatic events to change this situation.

On a cold March day in 1911, a catastrophic fire vividly brought home to the American people the terrible cost of the sweatshop—146 workers, mostly women, perished in New York's Triangle Shirtwaist Co. fire. The New York Factory Investigation Commission grew out of this tragedy and led to improved factory conditions. The next year, my native state of Massachusetts adopted the nation's first minimum wage act for women and minors.

In 1914, organized labor won legal recognition of the right to strike. Picketing and other union activities were declared lawful and management's use of court injunctions in labor disputes was limited.

Still the road to full union recognition was an arduous one, with a long series of reverses.

President Franklin D. Roosevelt was a dynamic, new leader who promised an end to the misery of the Depression and a New Deal for the American worker. The Wagner Act of 1935 protected the rights of workers to organize and elect representatives for collective bargaining. Legislation outlawing strike-breaking and establishing minimum labor standards for government contracts followed. Management attitudes began to change and in 1937, two American industrial giants, General Motors and U.S. Steel, led the way by recognizing the United Auto Workers and the Steel Worker's Organizing Committee as the bargaining agents for their members. Finally, the Fair Labor Standards Act of 1938 established a federal minimum wage and the concept of time and one-half for work over 40 hours. This key Act has been amended over the years and the Federal Minimum Wage now stands at $1.50 an hour, three times what it was in 1938.

Although prices have risen steadily in America, the purchasing power of the American worker has increased at a faster rate. It is fair to say that the worker's buying power in present day America, is more than three times what it was in the closing decades of the 19th Century.

So, my friends, we have traced one facet of the history of America's struggle to achieve social justice and social progress for its people. It is, in large measure, the history of organized labor's struggle, against seemingly impossible odds, for recognition and the right to represent their membership at the bargaining table. It is a history of slowly mounting victory and frequent temporary defeat, a history stained with bitterness, dissension, and violence. Yet today, more than 22 million members of American organized labor, secure in their right to democratic trade unionism and working in cooperation with management and government, have won their rightful share in the economic miracle that is America's democratic free enterprise system.

It is not only American labor that has come of age, but American industry as well. It has realized that it cannot afford a negative labor policy; that its own best interests and those of the nation are best served by support of and cooperation and negotiation with a vigorous and responsible body of organized labor. Modern American business has brought this attitude with it as it ventured beyond our shores. I am proud to say that the largest American company operating here in Luxembourg practices a positive and enlightened labor policy and enjoys excellent relations with organized labor.

The lesson of the history of labor in America has been a hard one, painfully administered.

I would like to leave two basic thoughts concerning this lesson with you today. First, America's experience in the field of labor-management relations and labor and social legislation points to one overriding truth: no nation, large or small, can hope to achieve social justice and social progress for all its people without a flourishing trade union movement, fully recognized by management.

Secondly, I want to say that the achievements of organized labor in America have given a new dimension of meaning to the tenets upon which our nation and political system were founded: a Government of the People, by the People and for the People.

Let us turn our thoughts once more to the men who lie interred in this serene field. These brave men crossed the seas to fight a war, a war not of their making, not of their seeking. They left their native cities, farms and factories because they understood that any aggressive threat to liberty and the rule of law—conceptually the very soil in which democratic trade unionism and social justice have flourished in their own land—must be thwarted no matter how distant or seemingly remote. They knew then, just as we know today, that the jackboot of aggression and tyranny threatens the liberty of free men everywhere.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. SCHERLE. Mr. Speaker, this is the 240th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

GUN CONTROL LEGISLATION

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. NICHOLS. Mr. Speaker, there are many times in a man's political career when he finds himself at odds with his personal friends over important issues. Just this week, two good friends of mine have written articles in the Birmingham News expressing their views on the issue of gun control. Dr. Edward Williamson, associate professor of history at Auburn University, favors strong gun control legislation. Dr. Williamson and I served in the Army together in World War II. Earl Kennamer, extension wildlife specialist at Auburn University, opposes further restrictions on the ownership of guns. Earl is one of the best hunters in the South.

My own position on the gun control question is clear. I have opposed Federal legislation here in the Congress. Most States have some type of gun control laws, and these should be strengthened if the State legislatures feel it is necessary. But for the sake of airing both sides of this question, I insert the two articles by my friends who take opposing sides on this question:

FIREARMS CONTROL: THERE REALLY IS NO CHOICE

(EDITOR'S NOTE.—The following is one of a series of interpretive articles on topics of current interest by members of the faculties of Alabama's universities.)

(By Dr. Edward C. Williamson, associate professor of history, Auburn University)

We Americans are at a fork in the road. Violence must be curbed if law and order are to triumph. Gun control has been needed in this country since the Paxton Boys, armed frontier ruffians, terrorized Philadelphia in 1741. Two hundred twenty-seven years later those who oppose any controls on firearms say that we should not be hasty. We have not been.

A serious problem regarding the almost unrestricted sale, ownership and use of firearms in many states, including Alabama, has long existed. It is high time that the voice of the majority of people be heard. In the Louis Harris poll last April, 71 per cent of the American public supported gun control.

Proposed gun control legislation would follow the same guidelines as licenses for other possessions and activities, such as boating and driving. Congress should respond to the will of the citizenry. The powerful gun lobby must be defeated.

Violence and instruments of violence breed violence. Violence is like a cancer. Cancer must be controlled. The United States, according to the chief of the Los Angeles Police Department, has the dubious distinction of being the most lawless nation in the world. Since 1900 nearly 800,000 Americans have been put to death by firearms (not including those who lost their lives in war.)

Loss of life by firearms includes murders, suicides, and accidental killings. In 1967 guns were used in 7,700 murders, 55,000 aggravated assaults, and 71,000 robberies. Total deaths by guns annually exceed 20,000; injuries approach 100,000.

UNPREMEDITATED DEATH

Nor do most murders in the United States involve people with a previous criminal record. In 1965, only 16 per cent of the murders were accomplished by criminals, whereas 31 per cent resulted from family arguments, and 48 per cent involved angry altercations among acquaintances. Twenty-one per cent came as a result of lovers quarrels and 17 per cent from drinking situations.

It is obvious in a number of these cases that without the handy gun, a black eye or a bloody nose would have been the sole casualty, not the loss of a life. Add to these deaths accidental shootings, particularly those where children have easy access to the family firearm, and suicides where the presence of a gun was a temptation. Gun control is just good common sense.

Long time FBI Chief J. Edgar Hoover has said that "those who claim that the availability of firearms is not a factor in murders in this country are not facing reality." To the often-used old wives' argument that gun registration is a confiscatory measure, former astronaut John H. Glenn Jr., answers that it would be "no more inconvenience than licenses for our dogs or the operation of our cars."

Although automobiles cause many deaths and injuries each year, the utility of a car is transportation. It is not a weapon. Even so drivers are given written and practical tests. Cars are registered in all states and given safety tests in the more progressive.

These precautionary regulations have saved countless lives. The prime purpose of a gun is to kill. It is not as American as apple pie; in the house it should be treated the same as drugs and poisons and kept out of the reach of children. Toy guns in making a weapon a desirable possession to a child do much to perpetuate disrespect for human life.

GUNS AND HUNTING

Hunting today is a luxury sport, no longer necessary for subsistence. Instead of hunters passing tests in gun safety, hunting licenses are merely fee receipts. Yet hunting itself is carefully controlled by conservation experts.

Wild animals are protected by quantitative rules and closed seasons. Perhaps we should have a closed season on human beings; man is the only higher animal to kill his own species, deliberately.

Gun lobby and sportsmen interests would have us believe that they founded conservation. History tells us otherwise. Systematic extermination of wildlife had reached epic dimensions in 1901. The hunters would have had nothing left to hunt had they depended on self regulation.

In that year the Audubon Society became a national organization. Conservation efforts by the society were opposed by the hunters and gun lobby of the day. This is easy to understand. Whether they be the liquor interests, the tobacco people, the railroad men, the meat packers, the stock brokers, the bankers. American vested interests have shown little interest in voluntary restraints. All bitterly opposed governmental restraints but had to be brought under the law in the interest of the general public. It is now high noon for gun regulation.

The failure of prohibition was not in the law or in the sincerity of the ladies of the WCTU but in the public refusing to obey the law. Such a climate now exists insofar as gun control laws are concerned. Movie and television stories that perpetuate the violence myth help make gun control impossible. Screen epics that make heroes out of frontier juvenile delinquents such as Billy the Kid have a bad influence on adult and adolescent alike.

Our heritage is ambivilent. We give lip service to law and order and then make a modern Robin Hood out of Jesse James, a common bank robber. Thus the amusement media in their search for realism discard morality. Decision, published by the Billy Graham Evangelistic Association, last August editorialized that the motion-picture and television industries should voluntarily reduce the amount of crime and violence in their future programming.

The gun lobby people continue to defend an extremely permissive amoral philosophy relative to law and order. Let us take a different view. A gun is a protective device in the hands of a policeman or soldier. For every man to be his own policeman is a dangerous theory insofar as the extremist is concerned.

The whole concept of law and order breaks down when such an extremist takes the law into his own hands with a rifle in the ghetto. It also breaks down in rural areas when in Klan-like organizations the extremist considers himself above the law. Gun control laws must remove weapons from the reach of such individuals.

It is extremely late in the day for gun control laws to be passed. But the sound thinking of J. Edgar Hoover and of Attorney General Ramsey Clark must prevail. For those who advocate gun control an organization now exists, The Emergency Committee for Gun Control, 1628 K Street, N.W., Washington, D.C. 20006. Its chairman is John Glenn, Jr.

PERSPECTIVE: THE CAMPUS VIEW—GUN CONTROL WILL NOT SOLVE NATION'S MURDERS

(EDITOR'S NOTE.—The following is one of a series of interpretive articles on topics of current interest by members of the faculties of Alabama's universties.)

(By Earl F. Kennamer, extensive wildlife specialist, Auburn University)

Citizens who hunt with firearms or who keep guns for protection are undergoing unjust persecution by antigun enthusiasts capitalizing on recent assassinations of two public figures.

Anti-gun legislation is nothing new. Absurdities have been offered almost annually as bills in Congress to hamper firearms ownership. Happily, reason prevailed and the American hunter persuaded legislators to kill these bills.

But national leaders recently pressed the panic button. As a result, we have legislation to curb mail order purchases of rifles and shotguns. This means the discriminating hunter might not be able to purchase top-grade double barrel shotguns, handmade by the finest European craftsmen.

"Control guns and you'll control crime," is a cry of anti-gun legislation promoters.

But in 1966 only 3.4 per cent of the 3,243,000 serious crimes committed in the U.S. involved all firearms, including zip guns, fake guns and gangster weapons. In essence, if we banished all guns, we would theoretically still have 96.6 per cent of criminal acts!

DEATH FACTOR

Some wags continually try to stun you with the statistic that 750,000 or more Americans have died by means of firearms since 1900. This figure has been pulled from a magician's hat, because there is no reliable data on these deaths available anywhere.

J. Edgar Hoover said in reference to this figure: "The bureau does not have any reliable figures on . . . Americans killed by firearms since 1900. We began compiling data on the subject in 1961 . . . " (If anti-gun mongers include battlefield fatalities, the quoted figure is out of context.)

In 1965, guns "killed" approximately 17,000 Americans. This figure has been misconstrued as murders. Breakdown shows 2,200 accidential deaths, 8,898 sucides and 5,643 criminal homicides. Physicians seem to agree firearms did not trigger suicides. Said Dr. Albert Ingram, director of Pennsylvania State University Health Service, psychiatrist, and professor of clinical psychology ". . . A person intent on suicide . . . does not need a gun . . . He will suicide with whatever means he wishes whether the means are readily available or not . . . " Should all high bridges and all buildings above two stories be put "off limits" because of suicidal possibilities?

Anti-gun people have not pointed out the annual downward trend in U.S. homicides from 1910 to 1967, despite population increase and rising numbers of firearms bought each succeeding year.

Anti-gun crusaders insist gun registration will enable law enforcement agencies to locate firearms used in crime. In one year in New York City the majority of confiscated guns used in crimes were zip guns—the home workshop type. Now, how can you register a plugged piece of pipe capable of delivering a death-dealing charge?

MAIL ORDER ISSUE

The furor over mail order control of rifles and shotguns is absurd. In 1966 only one half of one per cent (0.005) of crimes committed involved shotguns.

Anti-gun faddists bring out an incongruous comparison. "We register our automobiles," they say, "why not guns?" They fail to point out that car tags and fees are required for tax purposes to build and maintain highways. You don't need a permit to buy a car.

If recently proposed anti-gun legislation became law:

You would have to give your life history and that of the gun you wanted to purchase.

You would pay a registration fee of $1 per gun, carry it with the gun, present it upon demand by law enforcement officials.

You would get a statement within six months by the chief law enforcement officer in your community indicating you are not under indictment have not been convicted of a felony, are not a fugitive from justice.

You would get a signed statement by a physician that you are capable of possessing firearms. (I've seen psychiatric approval of questionable persons, who, within months, committed insane firearms murders.)

Cases prove proper training and firearms ownership is a crime deterrent. In Orlando, Fla., police trained more than 2,500 women to use firearms properly in 1966 after a series of robberies and rape of women in their own homes. As a result, in the first nine months of 1967, robberies and attacks were reduced 90 per cent, forcible rapes, 25 per cent, and aggravated assaults and burglaries, 24 per cent, as compared to the same period of 1966.

Anti-gun idealists point to the .06 homicide rate per 100,000 population in England in 1966, the .04 rate in Japan in 1962 and low rates of other European countries, compared to 3.5 homicide rate in the U.S. in 1966.

Shotguns are readily bought by mail in Great Britain, and the law is not restrictive on purchase of hunting shotguns. Nobody has bothered to find out why Mexico had 12.7 homicide rate per 100,000 population and El Salvador 10.8 in 1965.

Isn't it peculiar that Canada in 1966 had .45 homicide rate per 100,000 population? Although not a sociologist, I believe the low homicide rates above stem from the basic acceptance of human responsibility and adherence to the law.

At least two states have stringent gun control laws. In New York the Sullivan law has not halted the upsurge of crime in the past several years. In California where the alleged assassin killed Senator Robert F. Kennedy, he violated five laws involving ownership and use of guns.

Sportsmen agree certain gun control is necessary—no juvenile, no habitual criminal, or person with mental instability, drug addict or alcoholic should own a gun.

What, then, is the answer? I say it is not more laws—especially laws infringing upon the American sportsman's freedom. The solution is (1) strict enforcement of current laws; (2) less leniency by courts to free criminals; (3) education.

As a realist, not an idealist, I know we will have more assassinations and murders, because man is biologically an animal and biological urges can't be changed overnight.

The human race has carried on for 80 generations since the death of Christ. By the way, He was murdered, too!

HOUSE REPUBLICAN POLICY COMMITTEE STATEMENT ON ELECTORAL COLLEGE REFORM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. RHODES of Arizona. Mr. Speaker, the House Republican policy committee urges the prompt consideration of electoral college reform legislation. Due to the defects in the present electoral system, the American people are confronted with a potentially dangerous situation every 4 years. The final selection of the President is subject to numerous uncertainties. A stalemate in that selection or a protracted period of doubt and confusion are alarming possibilities.

Under our present system, the President is elected by ballot in the electoral college. Every State is represented by electors equal in number to the State's representation in the House and Senate. These electors are selected in the manner determined by the individual State legislatures. In addition, the District of Columbia is granted three electors by operation of the 23d amendment. A candidate for President must receive a majority of the 538 ballots cast, or 270 votes, to be elected. The electoral college never assembles in one place, but rather meets separately in 51 jurisdictions. There is only one round of balloting. If no candidate receives a majority, then the House of Representatives elects the President and the Senate elects the Vice President.

The present electoral college system is dangerously inadequate. For example:

First. It has permitted a candidate with fewer popular votes than another candidate to be elected President.

Second. It has allowed electors to disregard the mandate of their election in casting an electoral ballot.

Third. The winner of the plurality of the popular vote in a State wins all of the electoral votes in that State regardless of the vote received by the other candidates.

Fourth. It has required the House of Representatives to decide elections when no candidate received a majority of electoral votes. In this process, each State, regardless of population, is given one vote.

Fifth. Under the present system, the President and Vice President that are finally chosen can be from different political parties.

Sixth. There is no provision made in the present law for the selection of a successor in the event of the death of a presidential or vice presidential candidate in the 41-day period between election day in November and the meeting of the electors in December. Similarly, the situation that would be presented by the death of a presidential or vice presidential candidate after the meeting of the electors but before the counting of the votes is not specifically covered by law.

There have been a number of plans proposed to correct the deficiencies in the present system. One plan retains the electoral votes of the States, abolishes the office of elector and automatically awards the electoral votes of a State to the popular winner in that State. A second, the "district" plan continues both the office of elector and a State's electoral votes but provides that the electoral votes are to be spread among equipopulous districts—equal in number to the number of Representatives in the House—plus two at-large districts. The winner of each district automatically receives its electoral vote. A third plan abolishes the office of elector but retains the State's electoral votes which are divided among the candidates in proportion to their shares of the total popular vote within the State. And a fourth plan proposes that the President be elected by direct vote of the people. Under this plan, the present electoral college system would be abolished.

The fundamental and serious defects in the present system require the immediate analysis of proposed reforms and the prompt congressional consideration of appropriate constitutional amendments. This Nation's method of selecting its Chief Executive must be responsive to the demands of the space age and consistent with our cherished principles of self-government.

Certainly, one of the first things the next Congress must do is solve this serious problem and then, without further delay, present to the American people a workable plan.

CHICAGO DAILY NEWS AGAINST GUARANTEED RURAL FARM INCOME

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. MADDEN. Mr. Speaker, I have received hundreds of letters from over the Nation against the farm annual subsidy for idle land. The letters run 8 to 1 for a $10,000 to $20,000 limitation annually. Newspaper editorials are almost unanimously against large cooperate farms receiving almost $3½ billion annually. The six-figure annual payments to over 400 farm operators should be investigated by the U.S. Attorney General.

The following is an editorial from last Monday's Chicago Daily News:

TIME TO CUT FARM SUBSIDIES

The only farmers who would be hurt by a $20,000 ceiling are those least in need of help from Uncle Sam. If the fat cats of agriculture have reached a point where they feel they must protect their investment by the type of intimidation usually associated with big-city racketeers, it is one more compelling reason for drastic curtailment of the entire subsidy program.

For the past two years price propping payments of various sorts have run at the rate of more than $3 billion a year, and are expected to jump nearly a half billion in the current fiscal year. A disproportionately high amount has gone to relatively few farm operators. Figures released by Sen. John Williams, that vigilant Delaware watchdog over government extravagance, present a shockingly lopsided picture: Payments ranging from $50,-

000 to $4,000,000 each went to about 1,700 big operators, while the overwhelming majority of farmers received peanuts by comparison.

Every effort should be made to bolster the farm economy in such a way as to enable the farmer to stand on his own in a free market. But the taxpayer should not be asked to subsidize big operators who are now skimming the cream off a program intended for the small farmer.

The Findley-sponsored amendment for a $20,000 ceiling is reasonable and long overdue. It was adopted by a 203-to-160 vote when the House recently passed a bill extending basic farm price supports for one more year. The Senate bill contains no ceiling.

Findley plans to ask the House to reaffirm its support of the ceiling before the bill goes to conference with the Senate. The House should do so—not only as a matter of sound public policy but as a repudiation of the coercive tactics employed against Findley and his colleagues.

THE PROBLEM OF LAND DISTRIBUTION

HON. THOMAS G. MORRIS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. MORRIS of New Mexico. Mr. Speaker, the other day I placed in the RECORD the first part of an article written by Mr. Gilbert Espinosa concerning the Spanish and Mexican land grants controversy in the Southwest. Because of the importance of this subject, I am placing the remainder of the article in the RECORD at this point:

THE PROBLEM OF LAND DISTRIBUTION

When Don Juan de Oñate took possession of New Mexico on the banks of the Rio Grande, in the vicinity of El Paso, Texas, he proclaimed to the world that:

"I take possession, without excepting anything, Kingdom of New Mexico, with all its mountains, valleys and passes and all its native Indians." (Villagrá 1610 Hist. N.M. Espinosa translation Quivira Society publication). This leaves little question that what he claimed absolute ownership, for the crown. He established his colony temporarily at the present Indian pueblo of San Juan and after a few months moved his headquarters to San Gabriel, where he established his first capital, and for purposes of housing took over the entire Indian Pueblo of Yúnque, just a stone's throw to the east. (Sept. 18th, 1598)

Under Spanish Law the establishment of a town or villa did not automatically confer a grant of land to the town, but the right to hold public lands required confirmation by the crown and individual allotments made by the Governor or other authorities necessarily depended upon a valid Grant. (U.S. vs Santa Fé, 165 U.S. 175) In taking this Grant and in the allotments of lands to individuals, consideration was to be given Indian rights:

"We command that the farms and lands which may be granted to Spaniards, to be so granted, without prejudice to the Indians; and that such as may have been granted to their prejudice and injury be restored to whoever of right they shall belong." (Laws of the Indies, Book 4, title 12, Ley 9 II, 41) Quoted by Brayor-Pueblo Indian Land Grant.

Individual titles were established under the following methods.

First, Grants which were given in reward for Military Service. Originally, according to Reynolds, these were known as "Caballerias" being the amount of land a horseman could encircle in a day and the area was fixed at 1051.75 acres. The original meaning apparently was not followed in New Mexico. In this type of Grant, a fee title was given. There must have been restrictions and conditions which applied to its tenure. A Grant of this type is the Alameda Grant, extended on January 2nd 1710 by Governor Chacón, to Francisco Montes Vigil y Oca. This Grant in Sandoval County was for 63,746 acres. When Vigil sold the Grant to Captain Juan González, several years later, purportedly for 1,000 cows, the approval of the Governor was required and obtained.

The earliest Grant shown in the Archives is of this type. It was given on September 18th, 1692, to Alfonso Rael De Aguilar, Royal Ensign and companion in arms of the Re-Conqueror, Don Diego de Vargas. The informal manner in which it was granted invites attention. Aguilar presented a petition, it was granted by the Governor and the petition and granting order were returned to the applicant which apparently was his title. If it was presented to any official other than Governor, there is no record. Because the transcript is brief and interesting it is shown in part:

Omitting the prayer for confirmation:

"I enter a tract of land, situated in the city of Santa Fe, from four to five leagues and called, the Cerillos Tract."

The Grant reads:

"At this fortified town and garrison aforementioned, in the City of Santa Fe in the province of New Mexico, on the 18th day of September in the year 1692, before me Diego de Vargas, Zapata Lujan, Ponce de Leon. His Majestys Governor and Captain General of said Province and its domain and districts, and Castellan of the forces and garrison therein, the foregoing petition was presented by the petitioner who is a soldier in the garrison and my secretary of state and war, and, in consideration of his services and of the loyalty with which he has served and the love he has born for His Majesty, I the said Governor and Captain General do, in the name of his Majesty, make him a grant of land together with its pasturage, waters, timber, watering places, uses and customs and the appurtenances so that he may, God and father willing, enjoy the same for himself and his heirs as the will of the Lord, our King, in whose Royal name and consideration of the merits and services of the party, I make him said grant.

In testimony whereof I signed this with two witnesses, the same being the Captain and Ensign of the garrison and I return to the party the said petition and the granting decree thereon in the presence of the Sergeant Major Fernando de Chavez and Captain Antonio Jorge, residents of said Province and partipants in the said conquest."

The informality of this Grant invites attention. The Petitioner asked for the Grant; it was given, and apparently no confirmation of any official was required nor was the Viceroy or any other official notified.

The Alameda Grant was the subject of much litigation involving an appeal to the Supreme Court of the United States, and was finally partitioned, all of which is fully set forth in the case of Vicenta Montoya et al., Plaintiffs vs The Unknown heirs of Francisco Montes Vigil. 25 N.M. 536.

Another method was by Grants made to encourage settlement and establishments of town. These were of two types, first those initiated by "empresarios." We might call them promoters.

"Towns were established in two ways; by their formation by Empresarios, or contractors, the title to the lands granted vesting in the contractors and settlers, minute provisions being made in relation thereto". U.S. vs. Sandoval 167 U.S. 280.

It should be noted that in this type of Grant, title passed to the impresarios and those who joined with them in establishing a settlement, whether the lands were occupied or not.

A Grant of this class is the Tierra Amarilla Grant, extended by Santiago Abreu, Governor and Captain General of New Mexico, on May 15th, 1832. Quotations from the Transcript are of interest for the quaint phrasing used, and it shows a record as to procedure used in Mexican times to apply for and obtain grants.

"The citizen Manuel Martinez, together with eight male sons and others who may voluntarily desire to accompany him,—having requested a tract of land—", for the purpose of obtaining from its Excellency the proper Grant in the name of the Mexican Nation, to which I have the honor to belong—. I pray its Excellency, to accede to my petition so that on the day fate shall cut asunder the thread of my life, it may terminate with the assurance that I leave my family with the means of procuring their sustenance."

Abreu referred the Grant to the Territorial Deputation which returned it with a favorable recommendation; the Governor then signed the Grant and by his order a Justice of the Peace placed Martinez in possession.

The next type of Grant was made to groups of individuals who associated together to establish a settlement. These are distinct in rights from those initiated by the "empresarios". The settlements were established as municipal bodies with their Ayuntamiento and officials with jurisdiction over the settled portions and surrounding areas; these as stated were established by:

"Individuals associating themselves together for that purpose and applying to the governor of the province, through whose action a city, villa, or place was established. These municipalities appear to have been quasi corporations, corporations sub modo, and their ayuntamientos exercised political control over the pueblos and over surrounding country attached to their jurisdiction. The alcalde made allotments subject to the orders of the ayuntamiento, and they again were apparently subject to the provincial deputation or an equivalent superior body. At all events, unallotted lands were subject to the disposition of the government." U.S. vs. Sandoval 157 U.S. page 298.

It is very important to note that in this type of Grant title only passed to the settlers as to the allotted lands. All other lands, held in common, remained the property of the sovereign and upon the cession to the United States became a part and portion of the public domain. These were subsequently given by United States Patent to the inhabitants of the towns, for the use and benefit of the inhabitants and their successors in interest and are the basis of all community land Grants in New Mexico. Contrary to general opinion Community Land Grants do not stem from Spain or Mexico but from the United States, and are American titles:

"In other words, the only title that passed from the crown was to the allotments and these to each of the allottees respectively, and not to the community to be held in common as the property of all. The outlying land remained to the crown subject however to the use for pasturage and other purposes by the members of the community. That this last constituted a title in no sense but simply a permissive use at the pleasure of the crown was pointed out in the Sandoval, Rio Arriba and Peña cases above referred to (these are cases decided by the Supreme Court of the United States, previously cited (writers comment) Bond et al., vs Barela et al., 16 N.M. 648.

The "Cañon de Carnué Grant" in Bernalillo County is typical of this class of Grants and an interesting one to study because of its very complete record before the Office of the Surveyor General, before the Court of Private Land Claims, and to Patent.

The Records of the Surveyor General's Office in Santa Fe, show:

On January 10th 1882, a Petition was filed with the Surveyor General for confirmation of the "Cañon de Carnué Grant." The Petition recited that on February 11th, 1819, the Governor and Captain General, Facundo Melgares, had given their ancestors this Grant. On March 5th, 1885 an Amended Petition was filed stating that this Grant had been given to certain settlers from Albuquerque, by Governor Tomás Vélez Cachupin in the year 1763; that these settlers were driven from these lands in 1771 by hostile Indians and refusing to return, the Grant was cancelled, and they wanted to make it clear they were not claiming under the prior Grant, but under the 1819 Grant.

Thereafter, hearings were had before the Surveyor General and from the record, the transcript shows the following evidence was submitted.

EXHIBITS

A. Original Title papers 1763.
B. Original Title papers 1819.
C. Original Title papers 1819.
D. Laws governing settlers in grants.
E. Laws governing water rights in grants.
F. Report and account of harvests.
G. Report as to number of settlers in Grant.
H. Report as to settlers.
I. Petition of Jose Lauriano Lopez and others for rights in Grant.
J. Original title papers.
K. Title papers of petitioners.
L. Title papers of petitioners.

The transcript shows that on September 29th, 1894, a recommendation of confirmation was filed, by the Surveyor General and a survey ordered, notice thereof being published. The Surveyor General in his Report at length reviewed the evidence and the Findings and Conclusions to all effects as a Court would make Findings of Fact and Conclusions of Law in a Civil case; this was submitted to the Court of Private Land Claims and confirmation was had in an order signed by H. C. Sluss, Associate Justice, and patent issued, signed by President Theodore Roosevelt on February 2nd, 1903.

COMMUNITY LAND GRANTS

As shown, Community Land Grants stem from original and independent grants from the United States. The inhabitants of these towns, communities or settlements, whatever we term them, had only a permissive use of these lands and title from the United States patents is in community interest, not severalty.

The general misunderstanding as to the individual rights of the owners of interest has resulted in endless confusion and litigation.

"Where those under whom plaintiffs claim interest in common lands of Atrisco Land Grant, procured incorporation of the Town of Atrisco on the claim the grant was communal and procured decree of the Court of Private Land Claims similiarly holding the Grant to be communal, they have participated in its operation too long a time to now question their interest." Armijo vs Atrisco 56 N.M. 2.

In part, this misunderstanding has resulted from the repeated inept use of the word "heirs", by our legislature, from earliest times and even in the wording of some of the Acts establishing these grants as corporations, by Special Act. This has encouraged the belief that there are inheritable rights. A number of years ago there was established in the District Court of Bernalillo County, a "Determination of Heirship" of the Atrisco Grant with fractional interests designated to hundreds of persons. This file disappeared and has never been located and, in the writer's opinion, nothing was lost. The only proper term to designate these beneficiaries is, "Owners and proprietors of interest."

In Bernalillo County the Town of Atrisco Land Grant presents a difficult problem. With the rapid expansion of the City of Albuquerque, its limits have invaded grant lands and a large area was sold by the Grant with court approval and subdivided by the purchasers. There remain thousands of acres, of immediately adjoining lands, potentially of great value, which eventually will be taken into the City, or separately developed as suburban areas. Just who are the owners of interest? If sold, what is to be done with the proceeds? Can these areas be now divided and distributed among the proprietors of interest as they insistently demand? Should it be done?

The only authority in law to spend Grant money is "for the support and maintenance of non sectarian public schools within the limits of said grant" 8-2-17 1953 N.M.S.A.; this and for the defraying of the expenses and obligations of the corporation.

In the year 1940 the Board of Trustees of the Town of Atrisco attempted to, and did, partly solve these problems by distributing 5 acre tracts to the owners of interest, by sales conducted according to the statute, and for nominal consideration. Hundreds of tracts were sold and deeds issued. Along with the validly issued deeds were numerous deeds shown invalid and numerous deeds which were duplications due to conflicting surveys, all to such an extent that the District Court of Bernalillo County, on petition of interest owners has placed the Grant under the supervision of the Court; all sales made of the common lands must now be approved by the Court and the County Clerk is restrained from recording any deeds from the Atrisco Grant except with Court approval. (Antonio Jose Carabajal et al., vs Magdaleno Candelaria et al., No. 27432 District Court, Bernalillo County)

In 1955 the Board of Trustees, again in the face of the demand of the owners of interest, made a distribution of 74 five-acre tracts, with Court approval, to owners of interest selected by lot. The Supreme Court in the case of Armijo vs Atrisco 62 N.M. 440, declared this distribution invalid.

The nature of a Community interest is alien to other systems of land tenure we have and its continuance serves no interest to any of the beneficiaries. The writer has always felt that the solution is to change the nature of the tenancy so there will be an inheritable and vested interest in the beneficiaries, by legislation if possible, otherwise by distribution or sale to the owners of interest. In the case of Merrifield vs Buckner, 41 N.M. 442, the Court stated:

"The Board of Trustees of the Chilili land grant was a creature of legislature, and had only such powers as were confirmed upon it, and no authority to sell the common land."

If the above is so, would not the Legislature have power to decree a partition among the owners of interest? Those Grants which chose not to incorporate under the Act of 1897 and incorporated under Special Act, and as to which Special rules were made for their management, are:

The Chaperito Grant in San Miguel County, incorporated under the laws of 1921, Ch. 160. The management was vested in a Board of Trustees of 3 members. Rules of management are set forth in Article 3, 8-3-1 et seq. 1951, 3 N.M.S.A. There was no power given to sell the common lands. Voting rights were limited to each actual inhabitant of the lands and the owners of land therein, being over the age of 21 years.

The Doña Ana County Grants. These are three: The Mesilla Civil Colony Grant, the Refugio Colony, the Doña Ana Bend Colony, and the San Tomas y Yturbide colony.

These were incorporated under the provisions of Chapter 21 Laws of 1905, 5-8-1 et seq., 1953 N.M.S.A. Legal and equitable title to the Common lands was vested in a Board of Trustees. Among the powers are:

To sell, convey etc., under such rules and regulations as the board may adopt for the purpose, the unallotted and unappropriated lands of the Grant.

Any sale was subject to: "appraisal by two disinterested inhabitants of the Grant named by the judge of the district, nor for a sum less than ⅔ of appraised value.

Authority to confirm by deed all bona fide adverse holdings of land within the grant. The actual inhabitants and owners of land within the Grant over the age of 21 years were entitled to vote.

The Las Vegas Grant incorporated under the Act of March 12th, 1903. The District Court was vested with jurisdiction to manage and control the Grant with a Board of Trustees.

The Las Vegas Grant is subject to the District Court and has the same status as corporations under receivership.

POWER OF SALE

The power of sale of common lands is not specifically granted in some of the Grants formed by Special Act, in others it is. It is not specifically granted to unincorporated Grants but is as to incorporated grants. This of course does not imply the power does not exist.

The proceeds from sales of common lands and other income are to be used for the benefit of the Community lands; under all grants to those Grants incorporated under the Act of 1897, it is to be used to establish non sectarian public schools within the Grant areas.

In the case of the Socorro Grant, the funds are to be used to pay off the bonded indebtedness of the City. Apparently this was on the assumption that every resident of the town of Socorro is a beneficiary of the Grant.

Who are the Owners of Interests?

The answer to the question is found in the qualifications set for the voters who participate in the management of the grant, and in the case of Grants incorporated under Private Act, it is generally those who are residents and owners of lands within the Grant. This also applies to unincorporated Grants.

As to those Grants which are organized under the law of 1897, the qualifications are set forth in 8-2-18, N.M.S.A.

The Las Vegas Grant was incorporated under the Act of March 12th, 1903. The District Court was vested with jurisdiction to manage and control the Grant, with a Board of Trustees named by the District Judge, with the same authority that court of equity have over Receivers appointed by them.

The Board under the direction of the Court has the right to lease and sell land for such price and upon such terms and conditions as the Board and the Court deemed advisable and to use the proceeds for the best interests of the communities for which the Grant was made.

Management vested in a Board of five commissioners; power was conferred on said commissioners: "to make, give and execute deeds and titles for lands within said grant, for the purpose of agriculture. Provided no title is given for more than 80 acres".

Qualifications of Commissioners are provided. No mention is made of who the qualified voters of the Grant are and no specific power is given for sale of lands except as above. The Nuestra Senora del Rosario, San Fernando y Santiago Grant, in Rio Arriba County, was incorporated under the provisions of Chapter 52 of the laws of 1907. In part it is provided that, every owner of an undivided interest in the grant shall have one vote. There is no authority to sell any part of the common lands.

In the case of the Tome Grant this has been accomplished. By action in the District Court, a determination was had of the owners of interest in the Grant. These owners of interest then organized a corporation and the Grant sold the Tome Grant to this corporation, the corporation subsequently quieting its title in District Court. Now, the Tome Grant lands are owned by a corporation composed of the former owners of interest or proprietors in the Grant, each of whom has one share in the corporation.

MANAGEMENT

The Act of February 26th, Chapter 86, of the laws of 1891, later repealed, provided for the incorporation of Community Land Grants. By the Act of March 14th, 1897, which superseded the 1891 Act, it was provided that:

"The owners and proprietors of any tract of land in the territory, ceded or granted by the Government of Mexico or Spain, to any colony, community or town or to any person or persons for the benefit of any town, colony or community, who shall accept the benefits of the provisions of this Act, in the manner hereafter designated, shall become a body corporate and politic with all the powers hereinafter mentioned, and shall have perpetual succession."

Before the passage of either of these Acts, in 1876, the Town of Chilili was incorporated by Special Act, Chapter 56, Laws of 1876.

Socorro grant: This grant was organized under the provisions of Chapter 77 of the Laws of 1893. Apparently the purpose of the Grant was to take care of privately owned lots in the city. The City council is authorized to sell lands not owned in severalty, after appraisal by 3 disinterested citizens at not less than ⅔ appraised value and the proceeds used to pay the bonded indebtedness of the Town of Socorro. Article 9, 8–9–1 1953 N.M. Code Ann.

The Tecolote grant: Was organized under provisions of Chapter 77 of the Laws of 1903. The management and control is vested in a Board of Trustees of 5. Owners of real estate within the Grant and qualified electors at the general elections are qualified voters. No registration is required.

Other than the above 8 Grants all remaining Community land Grants are subject to the provisions of Chapter 42, Laws 1907 and Chapter 3, Laws 1917, Chapter 8 Articles 1–2, 1953 N.M.S.A. Those grants which have not incorporated under the Act of 1897 are subject to article 1, (above cited) whose provisions are very much like those incorporated by Special Act. Authority is given for the sale of common lands, subject to approval by the District Court.

For those Grants that incorporated under the Act of 1897 a complete and comprehensive Code was set up—Article II, 8–2–1 to 8–2–18 N.M.S.A. 1953. It provides:

Power to sell.

No sale to non-heirs except after an election called.

No sale of common lands except by a resolution adopted at a Regular meeting.

No Resolution to take effect until 30 days after meeting where it was adopted. If no protest is filed, the president and Secretary are directed to sign the deeds.

If there is a protest within 30 days an election is called.

Right to vote defined: "All persons residing within the exterior boundaries of such grant who have so resided continuously for not less than 5 years, who claim to have improvements thereon and who have paid taxes levied on such improvements and who own one or more tracts of parcels of land within such exterior boundaries."

By an Amendment passed in 1939, it is provided that only persons who are members of the colony, community or town to which said grant was originally made or their heirs or descendants, residing within the exterior boundaries of such grant, and who own one or more parcels of lands within such exterior boundaries, shall be qualified or permitted to participate in the election or permitted to hold office.

This Amendment while offered in behalf of the Atrisco Grant, applies equally to all Grants incorporated under this statute. Its purpose is clear, to limit the right to participate in Grant matters to those of Spanish descent, and its constitutionality is questionable. This Amendment, 8–2–18 1953 N.M.S.A., Sections 81–21, 1953 Code, contains the following, also a 1953 Amendment: "any person or person who through purchase or lease may come to live within the limits of the Anton Chico land grant shall have a right only to the lands he agrees through said lease or purchase but not to the common lands of the Grant."

This applies only to the Anton Chico Grant. The Amendment is questionable. The owners of interest in a Community Land Grant are not limited to the descendants of the original owners of interest. They may come and establish interests and leave and lose their interest.

There is no authority under any law to distribute grant income to the owners of interest or to partition the lands among the owners of interest.

WATER RIGHTS

Inseparable from the ownership of lands is the use of appurtenant waters discussed in the case of Cartwright vs. Public Service Company of New Mexico, et al., 66 N.M. 64, wherein the Court affirmed the right of the Town of Las Vegas, a colonization grant established under Mexican sovereignty, to priority rights in the use of the waters from the Gallinas river relying upon the so-called Pueblo water rights doctrine. It possibly could be that such affirmance of priority rights to water use was correct; however, in the opinion of this writer, if that was the principal or underlying basis upon which the decision is bottomed, as it seems to be, then a compelling thought or question arises, why? or how? since and because, those rights stemmed from the laws of Spain and Mexico in effect long prior to the pronouncement of the "Plan of Pictic", which the California courts used as predicate and spring board for the evolvement of the so-called "Pueblo Water Rights Doctrine," and which our Supreme Court in effect adopted as a rule of law for New Mexico in the Cartwright case, supra.

In 1789 when the King of Spain authorized the establishment of the Town of Pictic, in Sonora, Mexico, and laid down a set of rules and regulations for its government, including apportionment of water rights, he was establishing no new rights. Had this been so most of the New Mexico Grants which were prior to 1789, would not be subject to this subsequent legislation. This was not the case, however. Quoting from the Cartwright case, "Yet, even he, the King, but bespoke a fact as old as the hills when he became the author of the 'Pictic Plan.' As urged in the dissenting opinion filed in the Cartwright case, the effect of recognizing as a rule of law in New Mexico the California Pueblo Water Rights Doctrine is a deviation from and antagonistic to, the doctrine of prior appropriation and beneficial use long followed in New Mexico and such departure was unnecessary in the determination made in the Las Vegas case.

The City of Albuquerque, New Mexico, which appeared as *amicus curiae* in the Cartwright case, filed an action in the District Court of Bernalillo County, No. 70600. In Re: City of Albuquerque, et al., vs. S. E. Reynolds, State Engineer etc., the City claiming water rights in the City of Albuquerque as successor to the Villa of San Felipe de Albuquerque, under a 1706 colonization grant, is contesting efforts of the State Engineer to limit the City in its use of underground waters by drilling wells. The court in its decision ruled that the City of Albuquerque as successor to the "Villa of San Felipe de Neri", held an unconditional right to divert and use as much of the surface and underground waters of the Rio Grande as were necessary for the use of its inhabitants, and that the pueblo water right is a vested right which grows with the natural growth of the applicant, the City of Albuquerque.

The above decision is now before the Supreme Court on appeal.

Apparently the District Court of Bernalillo County has followed the California Pueblo Water Rights Doctrine even further than the Supreme Court did in the Cartwright case. In the Albuquerque case no mention or consideration was given to the fact that title to the common lands did not pass to the inhabitants of the settlements; so with no title to the lands the only water rights were those which were held in private ownership, since there never was a confirmation of the Town of Albuquerque Grant (171 U.S. 685) and the only right given the City of Albuquerque was that by Act of Feb. 18th, 1901, when it was designated as Trustee to execute quitclaim deeds as agent of the United States to such persons as claimed individual holdings within an area of six square miles from the church in the Villa of Albuquerque. Conceivably the Congress could name as its agent the separate municipality of the City of Albuquerque or any other municipality; however, it is difficult to conceive how such a designation would vest the City of Albuquerque with water rights.

There remains unanswered the question as to what water rights attach to Community grant lands. Since the inhabitants of these settlements received no title from Spain or Mexico to the common lands, it is difficult to figure how having no title to the land they could derive any water rights from Spain or Mexico. It follows that since title to those lands was extended as an independent title from the United States, whatever water rights they have are under that title, and are no different from those held by any person acquiring title from the Government such as under the homestead laws or otherwise.

In the case of the Atrisco Grant in Bernalillo County, the question of water rights is presently important. Here are approximately 47,000 acres of lands from an original grant of 87,000 acres, on which there is not a single spring or stream. Neither the Plan of Pictic nor the Law of Water Rights, under Mexican and Spanish law, had in view anything but surface waters. The problem here is underground waters.

SUMMARY

All private titles to lands in New Mexico were adjudicated and established under the jurisdiction of the Office of the Surveyor General, the Court of Private Land Claims and ultimately by United States patent. Disputes as to ownership and boundaries are no longer subject to Mexican or Spanish Law but are matters for our Courts to decide, under our laws.

When Grant titles were established, private holdings within Private Land Grants, were confirmed in the Grantees, their heirs and assigns, as to both the occupied and the unoccupied lands.

As regards Settlement Grant titles were confirmed as to the occupied areas in those who established ownership. Title to the unoccupied areas, the common lands as they are referred to, vested in the United States which by patent conveyed these common lands to the inhabitants of the respective settlements, in Community interest. This is the origin of the present Community Land Grants.

Eight of these Communities formed corporations by Special Legislative Act and their management is governed by the provisions of those Acts.

These communities were given the option of incorporation under the Act of 1897. Some took advantage of this and are governed by the provisions of the Act of 1907, previously cited. Those which did not exercise the option to incorporate under the 1897 act were nevertheless given the status of corporations and are governed by the General provisions of the Act of 1907: "all persons who have resided within the exterior boundaries of such grant, for not less than five years, who claim improvements thereon and who have paid taxes levied on such improvements and who own one or more tracts within the exterior boundaries."

This has been the rule followed. However, we have an amendment of this original 1907 statute 1–15 which provides that: "any delinquent person who moves outside the exterior boundaries of such grant and resides outside such exterior boundaries for a period of five years, such person shall lose all right or interest that he may have had in the common lands unless he pays in full all legal assessments due by him."

In the case of the Atrisco and Tome Grants, the Court has repeatedly held that once a person removes from the Grant and no longer owns lands within the Grant, he loses all rights as an owner of interest. As the State of New Mexico continues to grow and cities encroach on Community Grant lands, making these very valuable, it is presently a matter of increasing importance.

EDWARD GERRITY OF THE SCRANTON SUNDAY TIMES RECALLS HIS YEARS OF FRIENDSHIP WITH JIM FARLEY

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. CAREY. Mr. Speaker, earlier this year Edward J. Gerrity, columnist for the Scranton, Pa., Sunday Times, wrote an excellent article concerning the activities of the Honorable James A. Farley, former Democratic national chairman and Postmaster General. Although the account deals to a great extent with Mr. Farley's association with the interests and people of Scranton, I believe its contents will be of interest to all our colleagues.

I include the text of the article at this point in the RECORD:

This Is My Town

(By Edward J. Gerrity)

News stories published in papers throughout the country calling attention to readers that James A. Farley, former Democratic national chairman, former postmaster general, and now board chairman of the Coca Cola Export Corp., with headquarters in New York City, observed his 80th birthday last May 30, brings to mind the several visits to Scranton made by the genial Mr. Farley.

Known to his friends as "Mr. Memory" and "Mr. Political Prophet," Mr. Farley, whom we have known for years and with whom I've had breakfast at the Waldorf-Astoria Hotel a few times, sent the writer a note a few weeks ago in reply to a congratulatory message sent to him on his anniversary.

"Thanks for your note of remembrance on my birthday anniversary. Please give my best wishes to all my Scranton friends you see regularly," stated Mr. Farley in his note.

Mr. Farley, termed "the kingmaker" and "maker of presidents" by some writers, is in excellent health and looks as stately as ever to the full length of his six feet, two inches. He doesn't smoke nor drink and his only vices consist of chewing gum and eating peppermint lozenges. He likes to walk and on occasion when I attended conventions of the American Newspaper Publishers Association in New York for a number of years, Mr. Farley was on his way out of the Waldorf, where he lives, on his way to 8 o'clock Mass in St. Patrick's Cathedral and as we met we would walk to and from Mass together.

On such occasions he always inquired about members of the family of E. J. Lynett, late editor and publisher of The Times; John F. Durkan, former mayor who often conferred with Mr. Farley, and a number of Scranton businessmen and industrialists, William R. Lynett and his brother, Edward J. Lynett, both deceased, were among the Scrantonians who met and chatted with "Big Jim" on their visits to New York and when Mr. Farley came to Scranton.

A check of our reference department and a reading of clippings disclose that Mr. Farley, who was instrumental in getting the late Franklin D. Roosevelt elected as president of the United States on two occasions, came here on Aug. 13, 1933, to speak at an Irish Day celebration at Rocky Glen and again in 1936. However, he passed through Scranton a number of times over the years and during one of these brief stays here I interviewed him while he was having lunch in Hotel Jermyn.

Mr. Farley amazed me during our talk by the way he rattled off names of prominent citizens of this region with whom he was well acquainted. He inquired how so-and-so was getting along and asked to be remembered to him. Several months ago when myself and son, Thomas W. Gerrity, were in New York, we went into the Oscar Restaurant at the Waldorf for breakfast and met Mr. Farley, who always has a table in a corner of the Oscar reserved for him. During breakfast, the man who is looked upon as one of the dynamic powers and giants of the business world, wanted to know how things were going in Scranton.

"You know," he said, "a lot of my old Scranton friends have passed on and I miss seeing or hearing from them. But their families seem to remember me and every once in a while I meet the son or daughter of an old Scranton friend and they stop and tell me who they are. It makes a fellow feel good after talking to them."

BUCKLEY CHAIRMAN

The late John F. Buckley was general chairman of the Irish Day celebration at Rocky Glen in 1933 and a few days before the gathering of the clan from the Emerald Isle he announced that Reps. Harry O'Neill, Dunmore, and W. J. Munley, Archbald, both Democratic members of the House in Harrisburg, would go to Stroudsburg with the general committee to meet Mr. Farley, who was coming by train on the Lackawanna. Former Mayor John F. Durkan, Joseph E. Brennan, Democratic state committeeman from Carbondale; John F. Healey, Democratic county commissioner, and Joseph G. Casey were added to the committee of welcome at that time.

Fifty members of the Friendly Sons of St. Patrick of Pittston, headed by St. John's High School Band, were at the Lackawanna Railroad Station to greet Mr. Farley. Hundreds of people were gathered there and as the train pulled in and Mr. Farley appeared on the platform and then was escorted to an automobile, a mighty roar of applause rang out. Mr. Buckley presided at the Irish program that day and was presented by M. E. Comerford, theatrical magnate, who was a close friend of the distinguished New York resident Bishop Charles O'Reilly of Scranton and Mayor Fred K. Derby were among the guests of honor.

It was a great day for the Irish. And why shouldn't it be? Wasn't the great Jim Farley there as the chief speaker? Flanagan's Irish Band of New York came along on the train, and Eddie Dowling, New York musical comedy star, was side by side with Jim, and did some entertaining. Another star entertainer from Old Gotham was John L. Fogarty, who outdid himself in making everybody happy. James J. Flynn of Boston was there, too. Both he and Mr. Fogarty were stars of the radio as soloists.

Scranton presented its own entertainers, too, in Miss Marita Dean and Thomas Lynn, vocalists. There were other forms of entertainment for the huge crowd and after Mr. Farley finished telling his audience what great people the Irish are, sure nobody wanted to go home.

Mr. Farley's visit to Scranton three years later, on July 18, 1936, was when he stopped here on his way to Skytop to join his wife and family. Jim told reporters that he purposely timed the auto trip so that he could reach Scranton at noon and get a good meal. His daughter, Betty, then 13, was up at Camp Tegawitha, near Tobyhanna.

James A. Farley, who is well-proportioned with about 215 pounds to fill his frame, was born at Stony Point, N.Y., across the Hudson River from Hyde Park, birthplace of the late President FDR, the man Jim put in the White House. His mother ran a grocery store and as a youth Jim became acquainted with the customers and although it was a Republican neighborhood he became interested in politics as a Democrat. He soon branched out as a politician and before he was 21 he was building up a Democratic organization in Rockland County, using New York City's Tammany Society as a model.

Jim's first political job in his home land of Stony Point was as town clerk. He had served in the legislature in 1922 when New York's former Gov. Alfred E. Smith named him chairman of the state boxing commission. One of his acts in that capacity was to bar the Dempsey-Tunney fight from New York because Dempsey, as champion, had refused to accept the challenge of Harry Wills. The fight for the title shifted to Philadelphia, where Tunney gained the title on a decision. There were hundreds of Scranton sportsmen at the ringside that night in a heavy downpour of rain that drenched everybody in the open area.

As his political star ascended, Jim Farley became known all over America. He gained considerable fame as a political prognosticator when he predicted FDR would be elected president with a popular plurality of 7.5 million in 1932. His estimate was less than a half million too high.

In 1936, when Farley again directed the Democratic campaign, he predicted the result even more accurately. His scoffed-at forecast that Roosevelt would carry every state but Maine and Vermont proved exact when the returns were in. The electoral vote was the most nearly unanimous since George Washington's day.

All eyes of America and the rest of the world turned on Jim Farley after his amazing prediction that FDR would lose only two states.

"Who is this remarkable man?" thousands of Americans asked. And right here in Scranton we can answer that question: "Jim Farley is a wonderful man and going strong and at his office daily at 8 tending to business and keeping a sharp eye on the political arena."

DUNDALK SOLDIER DIES IN VIETNAM MORTAR ASSAULT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. LONG of Maryland. Mr. Speaker, Pfc. Roland A. Gorschboth, a fine young soldier from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

DUNDALK SOLDIER DIES IN VIETNAM MORTAR ASSAULT

An Army private from Dundalk, who was a graduate of the University of Maryland, has been killed in Vietnam, the Defense Department announced yesterday.

Pfc. Roland A. Gorschboth, 23, who had been stationed in Vietnam less than two months, was killed September 11 during a mortar attack.

He was sent to Vietnam August 1 and served with a light artillery unit of the 11th Infantry Division.

MAJORED IN HISTORY

Private Gorschboth was a graduate of Dundalk Senior High School and was graduated from the University of Maryland in 1967, where he majored in history.

After graduation, he went into the Peace Corps and was in training at Colorado Springs, Col., when he was drafted in September, 1967.

He was stationed at Fort Dix, N.J., and Fort Carson in Colorado before being sent to Vietnam.

He had planned to attend the University of Maryland Law school after he left the Army.

Survivors include his mother Mrs. Delores J. George; his stepfather, Earl S. George; two brothers, Gilbert E. and Calvin D. Gorschboth; and a sister, Miss Delores W. Gorschboth, all of Baltimore.

OUTSTANDING CIVIL SERVANT RETIRES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. UDALL. Mr. Speaker, important Federal employees all too often come and go without recognition of the impact which their devotion to performance can have on the entire Nation. The public, on the other hand, sometimes too generously belittles career employees as a class of public servant to be, at best, tolerated.

This month one of those career employees who is widely and wisely recognized as a civil servant's civil servant brings to a formal end his productive career with Government.

Roger W. Jones, the special assistant to the Director of the Budget Bureau, brings to a close a career exemplifying the continuity and productivity of the hard-working employees who in fact keep the gigantic Government machinery operating smoothly through the years and through administration changes.

Early in my own service in Congress I learned to value the wise counsel of Mr. Jones. And in many ways the landmark progress in civil service legislation carries the stamp of Roger W. Jones whose advice became a source of exceptional help to many of us serving on the Post Office and Civil Service Committee.

I know my colleagues share this high regard for this exemplary public servant and I know they will find the following column about Roger Jones an interesting summary of this talented man's contributions to Government:

[From the Washington (D.C.) Post, Sept. 16, 1968]

ROGER W. JONES RETIRES AFTER A COLORFUL CAREER

(By Jerry Kluttz)

He's a civil servant's civil servant.

He has reached heights in Government rarely touched by senior career officials.

He has been an adviser to the last four Presidents but he also has counseled thousands of rank-and-file employes on careers in the Federal service.

He has had a hand in every major piece of Federal employe legislation and every significant employe policy over the past score of years.

He has won such honors as the President's award, the Rockefeller public service award and the National Civil Service League award for standout civil servants.

He's one of the handful of persons who have an intimate knowledge of the career service, the Government power structure and how the bureaucracy functions.

He began his Federal career as a $1700-a-year senior clerk 35 years ago, and will retire Sept. 30 at 60 as assistant to the director of the Budget Bureau.

His name: Roger W. Jones.

But he won't completely sever his connections with Government. He couldn't. He will continue to devote his talents to the improvement of governments at all levels.

He will become the senior civil servant in residence at Princeton's Woodrow Wilson School for Public Administration where he will work to prepare students for public service.

He also will devote time to the new Federal Executive Center to open next month in Charlottesville, Va., and he will work on manpower programs for State and local governments.

He isn't likely to accept any of the numerous financially attractive positions he has been offered over the years for fear of becoming "bored stiff."

Modest and unflappable, Jones was referred to as "my conscience" by former President Truman. At the time he was director of the Budget Bureau's Legislative Service and he advised Mr. Truman on bills to sign or veto.

President Eisenhower appointed him Deputy Director of the Budget Bureau and later Chairman of the Civil Service Commission. He also encouraged Fortune Magazine in November, 1953, to use the article, "This Is a Bureaucrat," which told of Jones and his service to the Nation.

President Kennedy appointed Jones Deputy Undersecretary of State for Administration. It was during this period that career employees, for the first time, were called in for private chats with a President. Jones helped to arrange for career Foreign Service officers to talk with Mr. Kennedy.

Jones has been in his present post since Mr. Johnson has been in the White House, but it didn't take the President or his staff long to become aware of his extraordinary talents.

Mr. Johnson appointed him to the committee to study the Hatch Act, and as staff director of two panels to study executive salaries. He was the Budget Director's alternate on groups that studied reforms in the labor-management program and the Civil Service retirement system.

Looking back, the Budget official is convinced that Federal personnel have been very fortunate in having Presidents Truman, Eisenhower, Kennedy and Johnson.

"All of them," he declared, "were employee-oriented and each had a real feel for personnel policy." Often, he added, these Presidents were ahead of their advisors on personnel affairs.

Mr. Truman, he recalls, was "great institutionally; he knew how to use the machinery of Government."

Mr. Eisenhower advanced the Federal employee health and life insurance programs even before employees had thought of them. He also made the first start toward a system of comparable salaries for Federal employees, and launched what have become major programs of training employees.

Mr. Kennedy, he said, had a deep interest in Federal employees. He issued the first order setting up a labor-management program; he started implementation of the comparability salary principle; he improved fringe benefits, and unveiled the "total compensation" concept for employees.

Mr. Johnson, Jones finds, is basically management-minded. "He likes to participate in employee award programs, to lead campaigns to reduce costs and to increase productivity." But he also has made extensive use of career people whom he likes and trusts, and he has seen and talked with more of them than any Preisdent.

Jones' service in Government faced a crisis when he crossed from the career service to accept two jobs in the political area, jobs which were regarded as points of no return.

He didn't have to return to the Budget Bureau in a Grade 18 career job but he did. Why? "Because," he explained, "I felt I owed it to the career service to demonstrate that it was possible to take a political post and return and be of service in a career job." He proved his point.

A CALL FOR REASON

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. DINGELL. Mr. Speaker, the New York Law Journal of September 16, 1968, contains an excellent editorial on the nomination of Associate Justice Abe Fortas to be Chief Justice of the United States.

So that my colleagues will have an opportunity to be familiar with this editorial, I include the text of the editorial at this point in the RECORD:

A CALL FOR REASON

The Senate Judiciary Committee will, hopefully, conclude tomorrow its unprecedented, lengthy and sometimes questionable deliberations on the nomination of Associate Justice Abe Fortas to be Chief Justice of the United States and report the matter out to the Senate floor. Presumably, the matter of the nomination of U.S. District Judge Homer Thornberry to the high court also will be reported out.

The New York Law Journal has deplored the threats of a filibuster or other obstructive techniques to frustrate the appointive process and fully supports the distinguished Lawyers Committee on Supreme Court Nominations in its opposition to the use of irrelevant issues for attacks on the judicial branch of the government or the soundness of particular decisions of the court.

Justice Fortas should, and must, be considered for the appointment on the merits of *his* qualifications. Some members of the Senate have, it seems, exploited the nomination to air political and other grievances that have nothing to do with the matter before them.

We believe—and we are certainly not alone—that Justice Fortas is eminently qualified to sit as Chief Justice. We respect the views of senators who disagree, and their valid reasons for doing so. But we urge the full Senate to reflect the desire of what must be the great majority of their constituents to make their judgments with the integrity and demeanor that the public demands without resorting to filibustering and other tactics that only contribute to a citizen's lack of confidence in his elected representative.

LETTER FROM AMERICAN FARM BUREAU FEDERATION REGARDING THE REVENUE AND EXPENDITURE CONTROL ACT OF 1968

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. COLLIER. Mr. Speaker, I call the attention of the House of Representatives to a letter I received from the American Farm Bureau regarding the Revenue and Expenditure Control Act of 1968. While I do not know how many other Members of the House of Representatives received this communication, I am taking the liberty of placing it in the RECORD because I think it is very significant and reflects the attitude not only of the board of directors of this organization but the feeling of millions of Americans who are deeply concerned with the inflationary policies of this administration.

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., September 16, 1968.

Hon. HAROLD R. COLLIER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN COLLIER: As you may recall, Farm Bureau supported Congressional enactment of the Revenue and Expenditure Control Act of 1968.

Last week the President and some Congressional leaders announced plans to ask Congress to exempt the Commodity Credit Corporation and the Medicaid program from the expenditure limitations provided in this legislation. This announcement came after the Bureau of the Budget reported that CCC spending in 1969 would exceed earlier budget estimates by $700 million and Medicaid would be up by about $400 million.

The American Farm Bureau Federation Board of Directors last week adopted the following statement, opposing any further exemptions from the spending control provisions of the Act:

"Farmers and ranchers are continuing to suffer from an increasing cost-price squeeze. The cost aspect of this economic pincer is the direct result of excessive government spending. Farm Bureau, as did several other responsible groups concerned with inflation, made its support of the ten percent surtax contingent upon federal expenditure cuts of at least $6 billion from the President's 1969 budget. The provisions of the Revenue and Expenditure Control Act clearly reflect acceptance of this principle. We are appalled at efforts to get the Congress to disregard this commitment and, in effect, reverse the Congressional mandate in this regard. Efforts to exempt additional items from expenditure control, including those involving CCC and Medicaid expenditures, invite a further breakdown in fiscal responsibility and would, if approved, amount to breaking faith with the American people. We urgently recommend that no further exemptions be granted."

It must be understood that if Congress does not grant these exemptions, Medicaid and CCC programs required by law can still be carried out. However, refusal to grant the exemptions would bring about a great deal of pressure on administrators of these programs to make every dollar count since each dollar spent on them in excess of budget estimates would represent a dollar of deeper cuts in other programs and agencies.

Sincerely yours,

JOHN C. LYNN,
Legislative Director.

PITTSBURGH DEMOCRATIC SLIDE ILLUSTRATES PLIGHT OF THE PARTY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

PITTSBURGH DEMOCRATIC SLIDE ILLUSTRATES PLIGHT OF THE PARTY

(By Joseph Kraft)

PITTSBURGH, PA.—It is easy to blame the woes of the Democrats on the feeble campaign of the Vice President, but the true seat of the trouble lies in the weakening internal fabric of the party itself. And a dramatic index of the weakening is provided here in Pittsburgh, a one-time bastion of Democratic strength which the Vice President visited last weekend.

Mr. Humphrey encountered friendly crowds at a parade downtown, and then at a municipal celebration in the industrial suburb of Millvale. Local Democratic officials were jubilant to find Millvale showing scant enthusiasm for George Wallace, and none for Richard Nixon.

But the downtown parade was the affair of a Pittsburgh TV station which the Vice President crashed. Millvale turned out to celebrate the town's centennial. Thus neither affair was put together by the Vice President's official backers.

In contrast, an annual Democratic Party picnic drew fewer people for the Vice President than normally turn out on an off year to cheer the candidates for county assessor. A get-together of union leaders for the Vice President featured mainly grumpy comments about the hawkish position on Vietnam adopted by AFL–CIO President George Meany. "This year," a Democratic Congressman said, "I'd hate to be running in anything but a safe district."

Behind this obvious falling apart of the Democratic party are strains imposed by long years in power on city organization put together in the depression years by the late Mayor of Pittsburgh, David Lawrence. The organization rested chiefly on the support of ethnic and racial minorities and their unions in the metal and food processing industries dominating Pittsburgh.

But in order to govern effectively, Mayor Lawrence forged an alliance with the Republican business community. And in case after case, actions taken by Democratic officials to improve the city have damaged ties with the Party's basic following.

Urban Renewal, for example, has completely refurbished the downtown business section of the city—the so-called Golden Triangle. In the process, however, Negroes who used to live on the Hill at the margin of the district, have been moved out. Now civil rights leaders have put on the fringes of the Hill a defiant sign: "Urban Renewal Stops Here."

Moreover, the Negroes who were moved out of the Hill district tended to settle in neighborhoods formerly dominated by low income whites many of them recent immigrants from Italy, Poland and other East European countries. With property values going down, and neighborhood tensions on the rise, the low income whites sought help from their old friends in the union and the Democratic Party. To little avail.

The Democratic Party, top-heavy with officeholders of long vintage, was not able to meet the new demands with the usual technique of passing out prestigious jobs. In the last two Democratic primary fights, candidates of Italian descent—Michael Musmanno and John Dent—have been denied Democratic gubernatorial and senatorial nominations.

As to the unions, I. W. Abel, head of the dominant steelworkers, seems to be set on succeeding George Meany as the top labor leader in the country. His instructions are not to rock the boat. And while middle level union leaders, particularly in other unions, feel that something is wrong, about the only way they can attract attention is through noises about the Meany stand on Vietnam.

In this situation, the rank and file is simply turning away from the Democratic Party. Party affairs are lifeless and sparse in attendance. Registration figures show that in the county around Pittsburgh, more than twice as many persons as ever before have signed up as independents. And there appears to be a big fall-off in Negro registration from the record that signed up with the Democrats to vote against Barry Goldwater in 1964.

What this means is that the Democratic plight in 1968 requires more than a quick fix—a little change in the Vice President's campaigning techniques. The basic fact is that the Democratic Party is undergoing the political equivalent of what causes airplanes suddenly to fall apart—metal fatigue.

Before the Party can pick up its vitality, there is probably required a long period of rethinking and rebuilding. And in the interim it may be just as well for the Republicans to be running the country.

DOMESTIC TRANQUILLITY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1968

Mr. DORN. Mr. Speaker, today we celebrate the signing of the Constitution in Philadelphia 181 years ago. The Preamble to the Constitution speaks of insuring "domestic tranquillity." Today in our country we do not have peace and tranquillity. Riots and violent demonstrations erupt in the streets. There is crime, fear, moral decay, and grave concern about the future.

Our Constitution provides for the election of a President every 4 years and for the election of a Congress. The Democratic Party, meeting in Chicago to name a candidate for President, was threatened with mob violence and anarchy. The police of Chicago, trained and dedicated to keeping peace and domestic tranquillity, were subjected to an attack without parallel in American history. Dirty hippies, peaceniks, and yippies, led and inspired by hardcore Communists, hurled every abuse and filth imaginable at these men in uniform who were standing guard in the streets of this great city. Bottles, human waste, and golf balls with nails were directed at these gallant peace officers. One hundred twenty-seven police were hospitalized, some critically. Fortunately no one was killed. The police in this raging battle did prevent the convention from being overrun and the city of Chicago set aflame and possibly destroyed.

In Miami, Fla., during the Republican National Convention, violence broke out in North Miami. Three people were killed and scores were wounded. This violent disturbance was aimed at the convention, but the site was protected by its geographical location and by the alertness of the police and security officers.

The lives of all candidates for President have been threatened as well as that of the incumbent President. One candidate, the father of 11 little children and a Member of the U.S. Senate, was assassinated in cold blood and buried during the campaign. Our domestic tranquility has deteriorated into that of a "banana republic"—a condition undreamed of by George Washington and those who signed the Constitution.

It is the duty of each citizen to practice self-discipline and restraint. It is our duty to train young people to revere the Constitution and to stand up for law and order by respecting everyone in uniform—the policemen, sheriff's deputies, patrolmen, our soldiers, and all those devoted and dedicated to promoting and preserving domestic tranquillity.

We must strengthen our laws—local, State, and National—to deal with the anarchists, Communists, and trained agitators who cross State lines to overthrow our democratic processes and create chaos. The paramount need is for the Supreme Court and the Attorney General to support law enforcement rather than protecting the criminal.

LETTER IN SUPPORT OF TARIFF ON COPPER IMPORTS

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. OLSEN. Mr. Speaker, as you know, I have spoken in this Chamber frequently against further suspension of the 1½-cent tariff on copper imports. Many of the miners in my district have not been returned to work, yet the major producer has announced expansion of its overseas operation. Meanwhile, imports have remained at a very high level even after the strike. This has been to the disadvantage of our national balance of payments as well as copper workers across the country.

I have just received a letter from James W. Murry, executive secretary of the Montana State AFL–CIO, which included a resolution in support of my position.

I include it at this point in the Record.

Helena, Mont.,
September 11, 1968.

Hon. Arnold Olsen,
U.S. House of Representatives,
Washington, D.C.

Dear Representative Olsen: The 12th Annual Convention of the Montana State AFL–CIO went on record in complete and full support of legislation imposing the 1½¢ per pound tariff against foreign produced copper.

It is the position of the Montana State AFL–CIO that the 1½¢ per pound tariff on foreign produced copper is needed to protect the jobs and economic welfare of Montana families dependent on the copper industry for their livelihood.

This needed tariff is a fair way of protecting the jobs of Montana's miners and smeltermen against the unfair competition of foreign produced copper by American copper companies in their own mines in Chile, Peru, Africa, and Australia.

The following resolution was passed unanimously by the delegates representing the 250 local unions, in our state organization, at our recent 12th Annual Montana State AFL–CIO Convention:

"Whereas, during the 1967–68 strike by the non-ferrous metal workers, the employers were able to import substantial supplies of copper and other metals, without restrictions, which abetted their ego and prolonged the strike; and

"Whereas, these employers are presently in the process of expanding their production facilities in foreign operations resulting in the loss of jobs of many of our members; and

"Whereas, the companies are presently engaged in an all-out effort to prevent the restoration of the meager 1½¢ per pound tariff on copper imports; be it therefore

"Resolved, that this 12th Annual Convention of Montana AFL–CIO go on record as opposing any effort of the employers to delay the 1½¢ per pound tariff and that the Montana Congressional delegation be so informed; and be it further

"Resolved, that this Convention go on record as supporting the actions of our friends in Congress in their efforts to enact proper legislation or impose proper tariff restrictions on imports of non-ferrous metals which is essential for the protection of the jobs of non-ferrous metal workers in the United States."

Thank you for your consideration.

Sincerely yours,

James W. Murry,
Executive Secretary, Montana State AFL–CIO.

AMENDING IMMIGRATION AND NATIONALITY ACT

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 16, 1968

Mr. MINISH. Mr. Speaker, I am proud to rise in support of H.R. 15450, a bill to amend the Immigration and Nationality Act of 1965 to grant religious sisters, nuns, brothers, and missionaries the same special immigration status now assigned to ministers of religion. In effect, the measure would exempt from the numerical limitation on immigration any immigrant seeking to enter the United States solely for the purpose of serving as a member of a recognized religious community, and whose services are needed by a religious denomination having a bona fide organization in the United States.

Prior to the enactment of the new immigration law in 1965, brothers and nuns were admitted to the United States as nonpreference immigrants. During the last few years some have been able to qualify under the third and sixth preferences. Today, however, and for the foreseeable future, these preference classifications will be hopelessly oversubscribed, thereby denying admission to these deserving applicants.

The number of persons who would be admitted each year under this special status is small—it has been estimated at less than 2,000 per year. Yet the contribution they will make to our national life and well-being is very great indeed. These dedicated and selfless individuals will staff schools, hospitals, orphanages, homes for the aged, and numerous other welfare institutions throughout the country. All these fields currently experience an acute shortage of qualified workers.

Mr. Speaker, I urge all Members to support this legislation as a first step toward correcting some of the inequities which have arisen since the revision of our immigration policies in 1965. I further urge the Judiciary Committee to give immediate consideration to my bill, H.R. 16657, and similar measures. This legislation is designed to lift unforeseen barriers to immigration from Ireland, Germany, and other Western European nations which have resulted from the 1965 act. In this way, we will carry forward more effectively and humanely our promise of equal consideration and justice for all persons seeking admission to the United States.

VICE PRESIDENT HUBERT H. HUMPHREY SPEAKS AT SEA GIRT, N.J.

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. WILLIAM D. FORD. Mr. Speaker, Vice President Hubert H. Humphrey is campaigning for the Presidency of our Nation on a solid record of Democratic accomplishments. In stark contrast, his opponent's campaign reflects typical Republican reluctance to come to grips with vital issues.

In a speech last Friday at Sea Girt, N.J., Mr. Humphrey boldly confronted the issues and repeated his proposals to solve problems in the areas of crime, education, the cities, and medical care.

Mr. Speaker, this speech demonstrates how aggressively Mr. Humphrey is making his position clear on major issues, as compared to the issue-dodging stance of his Republican opponent. I ask that Mr. Humphrey's speech be reprinted in the Record.

Remarks of Vice President Hubert H. Humphrey at Sea Girt, N.J., September 13, 1968

I have not come here to this place of presidents to talk about my campaign to become your President in 1969.

I am here to talk with you about something more important—more enduring—more precious—the Democratic Party, and our Party's role in America's future.

Presidents come and go. Campaigns end. Platforms are sometimes forgotten.

But what outlasts us all—what binds us together into one unity of national purpose no matter how different we are—is the Democratic Party, and our common abiding faith in America.

At stake this November is the future vitality of our Party, the future of America—*and these stakes are high.*

I have no illusions about this campaign. The Democratic Party is being tested as never before. We shall either be one Party, together in victory or we shall be many parties, separated in defeat.

I am not one of those people who thinks

that parties rejuvenate themselves in defeat. They grow young and strong in *victory*.

So I propose *victory* in November.

I am told there are some Democrats who are thinking of "sitting it out" this year.

To these friends I say sincerely—there is not one fundamental difference of principle we cannot bridge—not one policy we cannot work out together.

This battle is our battle—and the battle of all Americans concerned about the future of our country.

So I propose *victory* in November.

For 25 years, we Democrats—you and I—have stood together and fought. Think what we have done together, in just eight years under the Kennedy-Johnson-Humphrey Administrations. We negotiated a treaty limiting the testing of nuclear bombs; we passed Medicare for our older citizens; we achieved full employment and the right to a decent wage; massive Federal aid to help our school children—all our school children; the most just, far reaching civil rights laws in the history of our country; reform of the biased immigration quota system—the system supported by Mr. Nixon.

And we have brought hope to the hopeless—help to the helpless and the poor. This is a great record of a great Party and a great people. And we *are* proud of it.

Will anyone in our Democratic Party—in New Jersey or any other state—sacrifice a quarter century of progressive, liberal accomplishments in a moment of displeasure or fatigue?

When the chips are down—and they are down now—I do not think any Democrat, any man who cares for his country and his Party, will fail to answer this call.

We shall fight together, and we will win.

For 35 years the Democratic Party has been the sole political ally of labor. We have stood with the industrial worker—with the man who has a trade, a craft, and with all workingmen. We have stood with them in their loneliest and darkest hours—not out of pity, but out of a sense of justice. And we stand with them now.

No Democrat—no man who works for a living—will believe for a moment that the Party of Taft, of Hartley, of *Nixon* could be the Party of *labor*.

And old people.

We led a whole nation to think of them—your parents and mine—not as objects of private misery; not as objects of public pity; but as *human beings* with rights, earned benefits under Social Security and Medicare—and a *sense of dignity and worth*.

Richard Nixon says Medicare is wrong—a socialist scheme—and he opposes it to this day.

Think what we have done to bring the benefits of education to all Americans. We turned the closed colleges of this land into open institutions in which the sons of the poor could mingle with the sons of the rich, where the wisdom and benefits of higher education could come to all Americans—our sons and daughters—regardless of their native land, the color of their skins, their mother tongue, or the size of their bank accounts.

The supreme lesson of the Democratic Party is this: we are the *only* Party truly open to all people—and we are the only Party truly ready to serve *all* the people.

Now what of Mr. Nixon and his Republicans?

Mr. Nixon's record is curious indeed. He has been for *and against* Social Security; for *and against* minimum wage coverage; for *and against* civil rights.

Now he clears it with Strom—leading spokesman of the Nixiecrats.

This year we wonder about his position on Vietnam; on the Non-Proliferation Treaty; on the confirmation of Justice Fortas; on programs to rebuild our cities; on the crucial issues of human rights.

When Mr. Nixon talks about help for the cities, aid to education, health, homes, and jobs—just remember how Nixon-Republicans *voted* on these issues—70 percent, 80 percent, 90 percent against Federal aid to schools, *against* cities, Medicare, Social Security, slowing the arms race. Why they even voted 97 percent *against* the control and extermination of rats.

I am not concerned about the "new Nixon" or the "old Nixon". What worries me is the *real* Nixon—and his Nixiecrat allies.

Fifty years ago, President Woodrow Wilson—an illustrious leader from New Jersey—said: "A great nation . . . is led by a man who speaks *not* the rumors of the street, but a new principle of a new age."

I call upon the Democratic Party in 1968 to bring before America the new principles of a new day.

And the first of those principles is unity—not of one mind but one spirit.

Unity demands justice for every citizen. It demands growth. It demands that we prevent America from becoming divided—between rich and poor, white and black, Northerner and Southerner.

And no issue is more urgent in this election year.

Our principles must include new security for every American in his home and in his neighborhood.

Crime *is* a growing problem in America. And it calls for a calm, reasoned but tough response.

So I have proposed a detailed program of Federal help for our local law enforcement officers, our courts and our penal institutions.

And I tell this to America, the Republican Party—which opposes such public help as an act of faith—and the Republican candidates who attack our courts, and ridicule our Attorney General—this Party and these men are not ready, by ability or temperament, to bring *results* in our assault on crime.

Our principles for a New Day must include salvation for our cities and the people who live in them. I have offered a Marshall Plan and proposed a Urban Development Bank—both will call upon the private sector for its contribution but both recognize that government help will be needed too.

And education for every child, from his fourth year through college or vocational school. This is a principle that befits our Democratic heritage—and our potential as a nation.

There is much more we *can* do—more we *must* do.

Our great work of building this nation will be carried forward by a Democratic victory, or—mark my words—it will not go forward at all.

Remember, we had to *get* America moving in 1960. Now lets *keep* America moving in 1968.

It is now or never for unity and progress in America.

And I call upon all Democrats to make it now.

ABE FORTAS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. DINGELL. Mr. Speaker, the New York Law Journal of September 16, 1968, carries a letter, originally published in the Washington Post of September 11, 1968, in which Dean Emeritus Joseph O'Meara of the Notre Dame Law School discusses the nomination of Associate Justice Abe Fortas to be Chief Justice of the United States.

I believe Dean O'Meara's discussion of this question to be most incisive. So that my colleagues may be aware of Dean O'Meara's views, under unanimous consent I submit the text of his letter for inclusion in the Congressional Record, as follows:

An Unfair Issue: Justice Fortas and Obscenity Cases

(By Joseph O'Meara)

(Note.—The following article by the dean emeritus of the Notre Dame Law School was written as a letter to the editor of the Washington Post and published on September 11.)

A few United States Senators seem determined to block the confirmation of Mr. Justice Fortas's nomination as Chief Justice of the United States because of his votes in two recent obscenity cases. To attack Mr. Justice Fortas because of those votes is unfair, misleading and dangerous.

First, it is unfair because it attempts to measure a sitting justice's judicial fitness on the basis of the scanty evidence of his recorded vote in cases decided without written opinion, two cases only.

I take it to be a general rule that no active justice should be called to account in the Senate for his votes in particular cases. But, passing that, it seems to me clearly wrong to impugn Mr. Justice Fortas for his votes in the two cases in question. The senatorial opposition has focused on the court's reversals of convictions in Schackman v. California, decided per curiam on June 12, 1967, and in Jacobs v. New York, which was dismissed as moot on the same day. In neither of these cases did the court issue a written opinion explaining its reasoning, and in neither of the cases did Mr. Justice Fortas issue a separate statement of his own views. I am quite unable, therefore, to see how one can single out Mr. Justice Fortas's actions in these cases from those of his colleagues, or extract from his votes very much about his position on the complex obscenity issue.

This conclusion is reinforced by an examination of the issues presented to the court in those two cases. Each was unique. The briefs to the court state that Schackman involved a "peep-show" of a filmed burlesque performance not unlike those presented fairly widely in burlesque houses throughout the country. Jacobs, on the other hand, involved a nearly private screening of what we are told was a seriously intended, if unconventional, underground art film, and the showing was not advertised in any way to the public at large. In addition, in Schackman, there was presented the question of unlawful police seizure of the film prior to any lawful determination that it was in fact obscene under the local statute. For my part, I am unable to see that these cases tell us much about Mr. Justice Fortas's particular views.

Secondly, the attack on Mr. Justice Fortas's votes in these two cases is misleading because it overlooks his total record in the field. From the time of his landmark Roth decision in 1957 until Mr. Justice Fortas was appointed to the court in 1965 the court had never squarely sustained a finding of obscenity. However, in the October, 1965, term Mr. Justice Fortas voted with the majority to sustain the obscenity convictions of Ralph Ginzburg and Edward Mishkin. He did not issue an opinion in either case. The court's opinions, however, spell out a new theory and they broke the impasse which had developed over the obscenity issue in the years before his appointment. The court held that the manner in which a defendant merchandised allegedly obscene material could be taken into account in determining whether those materials were "obscene."

More recently, and again with the support of Mr. Justice Fortas, the court dealt with "variable concepts of obscenity," holding that the First Amendment does not preclude legislation to protect children from materials which might not be "obscene" if purveyed to adults. In his separate opinion in that case (Ginzberg v. New York, decided April 22, 1968) Mr. Justice Fortas stated:

"The state's police power may, within very broad limits, protect the parents and their children from public aggression of panderers and pushers. This is defensible on the theory that they cannot protect themselves from such assaults."

To attack Mr. Justice Fortas on the basis of his votes in two per curiam decisions (Schackman and Jacobs), therefore, is to distort the record. His vote in the first Ginzburg case, and his opinion in the more recent Ginzburg case, to the extent that one can isolate his views from those of the other justices, reflect a developing sensitivity to the complexities of the problem, a realistic appreciation of the significance of the way challenged films and books are marketed, and a concern with the peddling of obscenity to the young. One need not agree or disagree with the court or with Mr. Justice Fortas. I for one do not agree. I have argued that the burden of deciding obscenity cases should be shifted to local juries and away from appellate courts. But surely one can see, from Mr. Justice Fortas's record since his appointment, a commendable, judicious temperament wholly undeserving of the kind of attack which has been launched against him in the Senate.

Finally, to attack Mr. Justice Fortas on the basis of two per curiam decisions is dangerous, because it threatens not only this specific judicial appointment, but involves fundamental constitutional considerations as well. At stake in these cases is the sensitive balance to be struck between a society's interest in protecting itself from smut and its deep need to preserve and enhance freedom of artistic and literary expression. The constitution places the responsibility for determining where that thin line is to be drawn on the nine justices of the Supreme Court. It should remain there.

Moreover, if Mr. Justice Fortas is to be punished for his votes in the two obscenity cases above mentioned, consistency would require that a majority of the court be impeached.

The time is long past when the Senate should be allowed to express its judgment whether, on the basis of Mr. Justice Fortas' entire career, it consents to his appointment as a fit Chief Justice of the United States. That judgment ought not to be frustrated or obscured by a fixation on votes in two recent obscenity cases, both decided without opinion.

I am authorized to state that the following deans, namely, Reverend Robert F. Drinan, S.J., Boston College Law School; Charles E. Ares, University of Arizona College of Law; Louis H. Pollak, Yale Law School; John W. Wade, Vanderbilt University School of Law, join in the views expressed here, with the single exception of my personal opinion that obscenity, like negligence, is a jury question.

REPORT BY RICHARD L. ROUDEBUSH

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. ROUDEBUSH. Mr. Speaker, my newsletter follows:

Congressman Richard L. Roudebush, Fifth Indiana District, Reports From Washington, September–October, 1968

COMMUNISTS PLAN TO DISRUPT PRESIDENTIAL ELECTION

The same gang of scum that invaded Chicago to disrupt the Democrat National Convention have announced plans to interfere with the Presidential Election on November 5.

One of the young revolutionaries is bragging that there will be no election without the National Guard, and that the riots will continue until the inauguration of the next President on January 20.

This is the same type of advance warning that the internal communist traitors gave before the trouble in Chicago.

The 90th Congress has given the Johnson-Humphrey administration a tool to combat this type of activity, but trying to get Attorney General Ramsey Clark to take any effective action is exceedingly difficult.

Clark, who still won't even admit this country is in the midst of a crime wave, could utilize the new law that makes it a Federal crime to cross state boundaries to incite riots.

Under Clark's inept guidance, the Justice Department has not even sought any indictments under the provisions of the law, as the LBJ-HHH administration seeks to maintain the fiction that the disturbances which have shaken the United States apparently spring unassisted from so-called local grievances.

The communist pattern of revolution in this nation is following familiar lines; portray all police and law enforcement officers as brutal; infiltrate, subvert and incite unrest in the colleges and universities; seek converts and sympathizers among the clergy, the media, the intellectuals and other opinion-makers in the community; exploit and inflame grievances and differences among the races and classes of people, and ridicule, belittle and attack the basic foundations of government such as the Congress and the Presidency.

The enemy is within our gates; the danger can no longer be ignored.

The missile gap which was such a big issue during the Nixon-Kennedy race of eight years ago is seldom mentioned now. But, Congress has received disturbing news in recent days that Russia has all but closed any superiority we have enjoyed. Latest available information indicates the Reds have 900 to 1,000 liquid-fueled ICBMs vs. 1,054 solid-fuel Minutemen in the U.S. arsenal. I'm afraid the policy that has prevailed during the past years of allowing the Reds to gain missile parity in the hopes that they would "mellow" has been another tragic mistake, and unless we regain our lead, we may find ourselves at the mercy of the Red criminals.

Contrast: On January 15, President Johnson said: "We are going to take all the money we think is unnecessarily being spent, and take it from the 'haves' and give it to the 'have nots.'"

Contrast that socialistic philosophy with the immortal words of Abraham Lincoln, who said: "Any society that takes away from those most capable and gives to those least capable will perish."

The President's attempt to install Abe Fortas as Chief Justice of the Supreme Court has captured center-stage in the 90th Congress during recent weeks. Fortas should not be on the Supreme Court in any capacity whatsoever, let alone as Chief Justice. The whole episode reeks with the aroma of a three-way deal between LBJ, Earl Warren and Fortas. The appointment is for life and Fortas would continue Warren's re-writing of the Constitution by Supreme Court edict. Fortas' background and voting record should be examined by every American. He has voted to let communists work in defense plants; voted to handcuff law enforcement officials and voted in favor of the purveyors of filth in 23 of 26 pornography cases before the Supreme Court. Some of the films loosed on the public with the aid of Fortas' vote have been described in the Congressional Record and are sickening to the people of this country. This past summer, Fortas augmented his $39,500 annual income by exploiting his public position. For *18* lectures he received *$15,000* in a special arrangement cooked up by his former law partner with well-heeled business magnates footing the bill. Many, many readers of this newsletter have written for a copy of Fortas' complete background and voting record. If you have not done so, write me at 1503 Longworth Building, Washington, D.C., 20515, and we will send you a copy of the information on this man that LBJ–HHH would foist upon the American people for life.

The rewards of piracy—We thought when LBJ fired former Defense Secretary Robert Strange McNamara and kicked him upstairs into the lucrative-paying post as President of the World Bank, McNamara wouldn't be able to do much harm. We were in error. It has just been disclosed to Congress that McNamara's World Bank has just agreed to loan Ecuador $5.3 million to develop that country's tuna fleet. This is McNamara's response to the fact that Ecuador has repeatedly seized and shaken down U.S. tuna boats and their crews. The World Bank, of course, is financed chiefly by Uncle Sam.

The Vice-President has charged that anyone who talks about Vietnam, law and order, crime, inflation, the Pueblo, riots and the Supreme Court are "exploiting the fears of the American people." We can understand the desire to ignore these subjects, but they are being discussed in the Congress every day, and more important, in the cities and towns and on the farms of America. And, after five years of the Great Society, we do find the people fearful of a war that the administration cannot end and won't try to win; fearful of losing their life's savings; fearful about the cowardly abandonment of the Pueblo; fearful about the unquelled riots; fearful about a foreign policy that sends young Americans to die on the other side of the world fighting communism while letting it flourish in Cuba and here at home; fearful about rampant crime and Supreme Court decisions that have stamped out prayer and Bible reading by school children, but have opened the flood gates to smut, all but gutted America's internal security laws and opened legal loopholes for criminals to wriggle through.

Who said what: "A great civilization is not conquered from without until it has destroyed itself within. The essential causes of Rome's decline lay in her people, her morals, her class struggle, her failing trade, her bureaucratic despotism, her stifling taxes, her consuming wars. The political causes of decay were rooted in one fact—that increasing despotism destroyed the citizens' civic sense, and dried up statesmanship at its source."—*Dr. Will Durant, The Story of Civilization, Vol. III "Caesar and Christ."*

He said it! "But the words of the Constitution were not written with a meaning that persists for for all time."—*Supreme Court Justice Fortas, March 20, 1968, American University.*

News note: The administration today announced stern, retaliatory action against the Soviets for invading Czechoslovakia. Appearance of the University of Minnesota band in the Soviet Union is cancelled.

Write Congressman Roudebush.

PEANUT POLITICS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. FINDLEY. Mr. Speaker, we have heard of the tradition of political logrolling during an election year, but I believe the incumbent administration has come up with a political first: election year peanut rolling.

In this regard, I wish to bring to the attention of the House a few facts which developed while we were in recess for the political conventions.

On August 13, Secretary Freeman announced a 1968 crop peanut national average support price of $240.25 per ton, and increase of $13.25 over the 1967 support price.

The increase comes during a time when the President and the administration are lagging in reducing budget outlays by $6 billion as ordered by the Revenue and Expenditures Control Act of 1968. In fact, only 48 hours after this increase was announced, Budget Director Charles Zwick informed the President that it would be necessary to cut $1 billion from the Federal budget in order to meet unexpected expenditures, including no less than $700 million additionally needed to cover Commodity Credit Corporation purchases.

To be sure, we are told by the administration's political peanut rollers that the increase in peanut subsidies was necessary because the income of peanut producers cannot otherwise be maintained at a fair level. In effect, they say the peanut farmer is hurting.

Well, I couldn't agree more that farmers in general are hurting. But what concerns me is that the real motivation behind Secretary Freeman's action is that the administration's political fortunes are hurting on its southern flank. This exorbitant increase is motivated by the political needs of the Democratic Party in the South, rather than the economic needs of a beleaguered agricultural program.

But if the peanut farmers of the South are remembered, what of the "forgotten man" of the Johnson-Humphrey administration: the American taxpayer, North, South, East, and West who must foot the bill for the administration's peanut politics?

Moreover, considering the administration's economy drive on programs bearing on the problems of the poor and the cities, this special concern for the plight of the peanut farmer seems especially misplaced. Actually, the peanut farmer has ridden the tide of technology to ever-cresting heights. Since 1949, when the present program for peanuts went into effect, production has more than doubled, from about 800 pounds an acre to more than 1,700 pounds an acre. Admittedly, production costs have increased, but during this same period farm value has soared by about $90 million—from $193 million in 1949 to $283 million in 1967. In addition, in the decade 1957 to 1967, the gross per acre return on peanuts just about doubled. In this same decade, cash receipts from peanuts shot upward from about $1,300 an acre to more than $4,200 an acre.

In view of the plight of many of our other farmers, these record increases in yield, value and receipts detract strongly from the special case being made for peanut farmers.

Indeed, peanuts receive an inordinate amount of attention compared to other commodities which are far more important in terms of farm income, total cash receipts, and our Nation's basic food supply.

Consider the fact that peanuts, although ranked 21st in cash receipts for commodities by recent annual estimates, are given priority as one of six so-called basic commodities.

Consider, too, the special protective quotas which limit peanut imports to 1.7 million pounds annually.

Let me make plain that I have no quarrel with the aspirations of any group of farmers for better income. I support these aspirations, and shall continue to work to make them come true. But as I have pointed out before in discussing the administration's proposed certificate program for peanuts, H.R. 18145, the special attention given the peanut economy is far out of proportion to the overall needs of a sound, balanced agricultural economy.

Indeed, the real reason that such legislation was proposed is because operating costs for the present peanut program have skyrocketed to such a level that they can no longer be tolerated by this Congress. Make no mistake about this fact. What the administration seeks to do is to hide a portion of these costs by transferring them from the back of the taxpayer to the back of the consumer. The high cost of the program is an unmistakable economic fact. Between fiscal years 1957 and 1960, program costs held in the range of from $9 million to $17 million a year. But by 1966, this program, which affects roughly only 86,000 producers, was costing $44 million. In 1967, costs remained at that same high level. And this year, costs are expected to rise even further. The taxpayer now pays carrying charges on tons of peanuts currently in oversupply.

The administration shied away from these cost figures for 2 years before it finally decided to act. And then it acted only after a study by the Government Accounting Office told us what we already knew—quite bluntly, that $44 million is too much for peanuts.

It was then that the administration came forward with H.R. 18145, which would change the program and change it radically. What a paradox this proposed change constitutes. While the administration loudly professes its intention to trim the present budget to a reasonable level, it also asks us to approve a new peanut program that would cost more money. How much more, we do not know. We know only that a portion of the expense involved can be conveniently hidden through a certificate tax to be paid by the consumer.

What, in effect, the administration proposed in this certificate program is an undelectable sandwich—financially unattractive and fiscally indigestible. It proposes to support the price of peanuts at a higher level—which means a further strain on the taxpayer. And it proposes to put a tax on peanuts—which means a further strain on the consumer, the housewife, every time she buys a jar of peanut butter.

Apparently, the administration feels that since there already is a tax on bread, there might as well be one on peanut butter—that taxed peanut butter will spread smoothly over taxed bread, and that the already overburdened consumer will encounter no difficulty swallowing it. Sooner or later, if this policy is taken to its ultimate end, the housewife can quit counting calories, and say: "Well, this sandwich has a tax count of about 10 cents."

In essence, this legislation would place yet another tax on the consumer, just as Secretary Freeman has placed an added burden on the taxpayer by increasing peanut price supports.

The proponents of the wheat tax—the "bread" tax—proudly claim that it has not caused any appreciable increase in the price of bread. What they fail to point out, however, is that we are currently supporting wheat at $1.25 a bushel. In addition, we have a processing tax—the certificate payment—of 75 cents a bushel. This amounts to a 60-percent excise tax on wheat used for flour. And in addition to both of these—and this is the key point—the U.S. Treasury makes a payment that brings total support on wheat for U.S. food use up to 100 percent of parity. In other words, the Government right now is paying about 63 cents a bushel in addition to the price support loan rate and the certificate payment. And we are doing this simply because this administration knew that the housewife just would not stand for what that additional 63 cents—if it had been lumped into the certificate tax—would have done to the price of bread and flour.

Now, under the current plan for peanuts, we will not have any supplemental payments from the Treasury. So we do not know exactly what is going to happen to the price of peanut butter. But I can tell you what industry spokesmen have told me: They say this certificate program will mean a 10-percent increase for the consumer.

What this legislation boils down to is another example of the administration closing its eyes, making a prediction and hoping that it will turn out right; hoping that it can guess what production will be; hoping that it can cut peanut acreage a little, and hold the line with production.

But this closed-eye policy has not worked in the past, and it will not work now. We cannot wink these problems away. And the administration cannot wink away the fact that the consumer has been completely neglected in the development of this legislation. To my knowledge, the administration's spokesman for the consumer, Miss Betty Furness, has not expressed her views on this legislation, nor has any other consumer spokesman.

The politics of peanuts say: Ignore the need for a balanced budget; ignore the fact that an increase in costs will mean a decrease in demand; ignore the plight of the already overburdened consumer, and lastly, ignore the fact that yet another tax on yet another commodity will not solve the problem.

Obviously, in the politics of peanuts, national priorities and sound fiscal policies take a back seat to the interests of the Democratic Party's southern contingent.

TWO EXCELLENT EDITORIALS IN THE LONG ISLAND PRESS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. WOLFF. Mr. Speaker the Long Island Press has long been a leading newspaper in the greater New York area. It has a respected editorial voice built on a history of speaking out honorably and clearly on the major issues facing Long Island, New York State, the Nation, and the world. This week the Long Island Press demonstrated again why it is so respected a newspaper. Two editorials on two subjects, one printed Monday and the other on Tuesday, have moved directly and correctly to the heart of two major problems.

The first editorial is a sophisticated, thoughtful look at "The Police and Law and Order." The second explains the need to provide Israel with Phantom jet fighters. Under leave to extend my remarks, and so that my colleagues may have the benefit of reading these editorials, I wish to place them in the RECORD at this point:

[From the Long Island Press, Sept. 16, 1968]

THE POLICE AND LAW AND ORDER

The resolution passed last week by the Patrolmen's Benevolent Association condemning any group or person bringing discredit on the New York police through "unlawful, antisocial or violent acts" was a welcome expression of responsibility.

The resolution was stimulated by a power struggle in which the PBA regarded the dissidents in its ranks as a threat to its strength and effectiveness as a unified police voice. But it is also reassuring to note that in this struggle the PBA chose to base its position on a reaffirmation of our traditional understanding of the role of the policeman.

This understanding lies at the heart of one of the most crucial issues—"law and order"—in this most crucial of election campaigns. At one extreme we hear George Wallace proclaiming that the answer to our anguish is simply to let the police run the country for two years. This is a most chilling echo of totalitarian political philosophies—communist and fascist—that base their "law and order" on police rule. At the other extreme we hear new left fanatics screaming that we already live in a police state and that the outlandish conduct of some Chicago policemen is the sum total of all American policemen.

But to worship the police as potential saviors is the other side of the absolutist coin that condemns them as the devils of doom. Each of these attitudes reflects a desire to remake America into different kinds of tyrannies, heads in the name of "order," fails in the name of "freedom." The trouble is that one group promotes order at the price of freedom and the other promotes freedom at the price of order. But all that's sure to be delivered under such terms is terror.

America is most surely in a crisis of law and order. But the answer will not be found in alien, extremist ideas. Our trouble today is that too many people are already living these philosophies, turning to violence and confrontation to satisfy personal desires and to promote narrow interests. The answer will be found only in a return to that peculiarly American tradition of tolerance for diverse people with diverse ideas, a tolerance typified by the traditional impartiality of the policeman in the performance of his duty.

This impartial devotion to our laws and to the maintenance of order is the basis of freedom and safety. When the police join the fray as partisans, then freedom dies—and with it safety. The continued discipline and restraint of the vast majority of the police force in the face of gross provocation and difficult challenge is a major bulwark against the threats of repression and anarchy.

Too much attention has been paid to the acts of a few extremist cops who have shown how frightening and ugly they appear when they adopt the tactics of the provocateurs. To understand the cop is not to point to the renegades and say that's the whole bit. It's to be aware of what the rank and file is up to.

It is not just the club or the gun, essential for the fight on crime, that is central to the policeman's lot. There are also the pencil, the memo book in his back pocket and the aided card he must file every time he helps someone in trouble. A look at that memo book or a file of aided cards will reveal a major dimension of a cop's daily service, taken so much for granted that it is forgotten and degraded in this day of glib condemnation.

The memo book and the aided card record every call for an ambulance, for a blocked driveway, for a fire, for an accident, for a noisy party, for a lost child, for a fighting family, for a barking dog, for all the big and little frictions and fracasas, crisis and catastrophes that make "police" a synonym for "Help!".

In New York, we have every right to be proud of the performance of our police force under the pressures of publicized, extraordinary events, just as we owe them thanks for their performance while "on call" 24 hours of every unnoticed, ordinary day. The PBA's reaffirmation of its dedication to this tradition is an act of sanity at a time of growing depravity.

[From the Long Island Press, Sept. 17, 1968]

LET'S SELL THOSE JETS TO ISRAEL

The question behind the sale of supersonic F-4 Phantom Jets to Israel involves not just questions of life and death for this small state, but for the free world.

As Vice President Humphrey pointed out Sunday night, there are strong parallels in the struggles of South Vietnam and Israel. In both cases small countries face aggressors using terror, guerrillas and conventional warfare in their drives for Russian-sponsored "liberation."

Beyond this, the fate of both these small nations is entwined with the fate of their neighbors and allies. If there were no United States support, it takes little imagination to figure how the Communists and their lackeys in arms would fill the vacuum.

President Johnson, eager to reach Mid-East peace through an agreement with the Soviet Union, is reported unwilling to send Israel the jets because he feels this would reduce the chances for a summit conference with Soviet leaders and might reopen a new phase in the Mid-East arms race.

This would be valid if there were evidence the Arabs are willing—or even able, under the bonds of their own prejudices and their ties to the Soviet Union—to work for such a peace. But as Egyptian President Nasser reaffirmed the other night, the Arabs are living only for the day when they can once again launch a "war of liberation," which he called "a sacred duty in fullfillment of which we cannot hesitate." History shows he means this.

In the face of such intransigence—and in face of the New Soviet drive to establish its hegemony from Suez to Singapore—the insistence by Mr. Humphrey and former Vice President Nixon that Israel get those jets now is not simply a convenient issue for the candidates. It is a common sense way of emphasizing what we have already made clear to the Arabs and the Russians—that coexistence with Israel is the only realistic choice open to them. This in no way precludes negotiations. In fact, it is a way of furthering peace by talking the language of strength which the Russians—if not the Arabs—understand.

REPORT TO CONSTITUENTS

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. SNYDER. Mr. Speaker, under leave to extend my remarks, I include the following report to my constituents of the Fourth District of Kentucky:

SEPTEMBER, 1968.

DEAR FRIENDS: After a recess for the national conventions, Congress reconvened again on September 4 and the question that has been most heard here in the Capitol and particularly around the cloakroom is "How long will the session drag on before final adjournment comes?" The Senate Democratic Leader Mike Mansfield observed just recently that Congress might have to return in November to finish its work—and there is more and more talk that we will be here when the snow flies.

That it was necessary for Congress to return for a post-convention session is somewhat of an indictment of the leadership that we have in the House and the Senate because, as you may know, current law requires Congress to adjourn not later than the last day of July, except in time of war or national emergency. The problem is that they never seem to get down to work here until time to adjourn. I remember that the lengthiest of the first three sessions in January consumed only 70 minutes. During the month of January, the House was in session only 10 days and on 5 of those we adjourned in less than 90 minutes. The record of February was a little better. Of the 15 days the House was in session, adjournment came in less than 2 hours on 4 occasions and from the beginning of the session in January through July 5, the House met only once on Friday to conduct any business. In other words, for too many weeks the House actually observed a 3-day workweek which, you know and I know, no commercial enterprise could operate on without soon going into bankruptcy. Now when adjournment is long past due, we stay in session until 10 and 11 at night.

After all of this wasted time, they are now talking about a lame-duck session after the election. We all recognize that lame-duck sessions are legal and that lame-duck members of the House and Senate have a legal right to vote on legislation, but I question whether or not they have a moral right to do so. As we go to press, there are already 11 confirmed lame ducks in the Senate and 28 lame ducks in the House. These are members who have either announced their retirement or have been defeated in primaries. There will be, no doubt, additional members of both parties who will not survive the November elections.

The question, quite frankly, is should these people be permitted to vote upon such important matters as the confirmation of Abe Fortas as Chief Justice of the Supreme Court—who, if he lives as long as Chief Justice Charles Evans Hughes—could be Chief Justice until 1996—such important matters as the nuclear treaty and gun legislation.

I recently said, and I still have not changed my mind, that the best thing that the Congress could do is to pass the housekeeping legislation—such as the appropriation bills to run the government—close up shop and go home and give the taxpayers a break. There is already enough spending legislation on the books.

Certainly it would seem to me that it would be in order for the leadership of the next Congress—regardless of who that leadership rests with—to start out on a full 5-day work-week—and six if necessary, so that Congress can get the appropriations passed before the fiscal year ends on June 30.

OUR MEN IN VIETNAM

Regardless of any individual or group criticism of the Administration's Vietnam policy and the tragic length of the war, I believe we should emphatically emphasize our national respect, appreciation and support for our servicemen who are performing their duty as directed. Collectively and individually, men of the American Armed Forces in Vietnam are serving in the greatest traditions of our Nation.

We Americans are served by the world's best trained, most dedicated, resourceful and loyal defense force. As I have often emphasized, our men in service are far more representative of the virtues and character of our Nation and are doing much more to assure the success of our national goal to achieve permanent freedom and peace than the organized bearded anarchists who disrupt college campuses and subjected our Nation to international embarrassment during the Democrat Convention.

We as a Nation are dedicated to achieving peace under freedom. Our military strength is a positive force through which peace and freedom can be maintained and the effectiveness of our Armed Forces is a major deterrent against aggression, since unlike the Soviet Union and Red China, we are not interested in seizing other lands or subverting other nations.

CZECHOSLOVAKIA—WHAT IT REALLY MEANS

The Soviet occupation of Czechoslovakia demonstrates the fundamental error in the President's policy of coexistence with Moscow and its satellite governments in Eastern Europe. Contrary to wishful thinking that has prevailed in the State Department, the Soviet Union and other Communist governments are not mellowing and have demonstrated the fact that the freedoms we take for granted are nonexistent in the Communist world. When we take note of the Soviet build-up in the Mediterranean, the disarray of NATO, Soviet military presence in Nigeria, the Pueblo, and now Czechoslovakia, we have a tragic picture of the complete collapse of U.S. foreign policy. I have repeatedly recommended that the United States take the offensive against the Communist dictatorships on economic, propaganda and diplomatic levels instead of reacting to Communist pressures in a confused and inconsistent manner.

If we gain the upper hand in all phases of the Cold War we will keep the Communists off balance and on the defensive, thus thoroughly restricting their plans to produce new Vietnams.

HIPPIE HEAVEN

Los Angeles magazine reports that a dozen young "swingers" have pooled their unemployment benefits. With the $55 weekly each gets, they have about $2,800 per month, which permitted them to rent a six-bedroom home with sauna bath and swimming pool, and still have a bundle left over for eating and entertainment. This "Club 55" is co-educational with six men and six women. Those getting a job are bumped off the gravy train—but there is a waiting list a year ahead of those "earning" unemployment benefits now, by working long enough to qualify for benefits and a home in hippie heaven.

FAIR TIME

In closing, I want to thank all who visited with me at the various fairs throughout the Fourth Congressional District—and at the State Fair. The picture on the left was taken at the State Fair with officials of the Kentucky Farm Bureau.

CONGRESSMAN WHALEN COMMENDS COMPILERS OF THE UNITED STATES CODE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. WHALEN. Mr. Speaker, as you will recall, a former distinguished Congressman from the Third District of Ohio, which I now have the honor of representing in Congress, was instrumental in the compilation of the United States Code. In fact, the late Honorable Roy G. Fitzgerald, who served as chairman of the Committee on Revision of the Laws of the House of Representatives, is considered the father of the code.

Collaborating with Congressman Fitzgerald on this monumental task were Mr. Homer P. Clark, former president of West Publishing Co., and Mr. M. Blair Wailes, president of the Edward Thompson Law Book Publishing Co. In addition, Mr. James D. Herrman, secretary to Congressman Fitzgerald, and Mr. Robert F. Klepinger, clerk of the committee, made important contributions to the completion of this work.

Nevertheless, Congressman Fitzgerald and Mr. Clark were primarily responsible for the actual preparation and passage of the code, which has been described as the greatest codification ever enacted by a parliamentary body in history.

In recognition of this achievement and in tribute to each of these outstanding gentlemen, I ask unanimous consent to insert at this point in the RECORD an article which appeared in the St. Paul, Minn., Dispatch on July 4, 1968. The story is written on the occasion of Mr. Clark's 100th birthday. It is a testimony to his foresight and perseverance and, I believe, is also a commendation of all those who labored in pursuit of the goal of a code of laws of the United States.

HOMER P. CLARK, WHO HELPED SHAPE CIVIC PATTERNS, TO BE 100

(By Ella Warmington)

The husky, deliberate voice on the top recording recalled the early days of St. Paul.

Days when new railroad coaches rumbled impressively into the city and debutantes danced in the chandeliered ballrooms of Ramsey House.

Days when small parties of Sioux and Chippewa Indians were known to drop in unpectedly at the few homes on Summit Avenue.

Days when men like Homer P. Clark, who made the Minnesota Historical Society tape recording four years ago, and men like Henry Sibley, Alexander Ramsey, Henry Rice, and James J. Hill were shaping the first civic and economic patterns for St. Paul.

Homer Clark will be 100 years old Saturday.

And St. Paul leaders acknowledge him as a man who contributed much, and wisely, to those patterns.

Long considered St. Paul's "first" citizen, Clark accepted the first Great Living St. Paulite Award in 1963. He was a former president of West Publishing Co. and the Waldorf Paper Products Co., and was director of the Ninth District Federal Reserve Bank for more than 30 years.

"Very few decisions in the civic or business life of this community were made without asking his judgment," said Julian Baird. "He was known for his very soft, quiet 'sell.' "

Baird served under President Eisenhower as Treasury undersecretary for monetary affairs and as board chairman of the First National Bank of St. Paul.

He compared Clark's enthusiasm for civic and charitable affairs to the business and economic interests of James J. Hill.

Now Clark's hair and mustache are white and he spends his time at home at 534 Summit Ave., listening to the Twins' baseball games and smoking a good-sized cigar.

Until he was 98 years old, he visited his office at West Publishing Co. A graduate of the University of Minnesota School of Law, Clark considers his most challenging experience the work he did in directing and supervising the compilation and codification of the general and permanent laws of the United States.

According to a 1944 autobiography by George Wharton Pepper, who served on a Senate committee charged with "revising the laws", West Publishing Co. and a New York lawbook publisher, the Edward Thompson Co., collaborated on the project.

An earlier attempt at revision and codification of the federal laws was rejected by the Congress.

The new attempt by the two lawbook companies was a compilation of the congressional legislation since 1789, and was included in a single bill which was perhaps the most voluminous that had ever come before Congress.

When the bill was passed in 1926, the publishers brought out an elaborately annotated edition of the code in 50 volumes, considered an epoch-making work.

The Code of the Laws of the United States thus passed by Congress incorporated all the laws of a general and permanent nature in force at the beginning of that session, that is, Dec. 7, 1925.

Friends comment on Clark's remarkable physical condition. He stopped curling, a favorite sport, when he was 80, and recalls colorfully events that for most people are left to history books.

He remembers when Chief Sitting Bull, the rebellious Sioux leader responsible for the massacre of Custer and his men at the Little Bighorn, came to St. Paul in 1884.

And he remembers seeing the first of Minnesota's three Capitol's burn to the ground in 1881.

He talks knowledgeably about De Gaulle and Resurrection City and, although he doesn't read newspapers himself anymore, he may ask a reader, "Give me just a little bit more on that."

He speaks his mind. In the Historical Society tape recording. Clark disagreed with some of the new plans for St. Paul, fearing that the city might be over-extending itself.

"They're talking too much money for the town," he said.

Clark was a director of the St. Paul Insurance Companies and a member of the post-World War II Capitol Approach Commission. He supported the Hill Reference Library and was a member of the executive council of the Minnesota Historical Society.

Born in Dorchester, Mass., Clark spent his first winter in St. Paul in 1873–74 with his parents in a log cabin. "Clark's friendships reach back to the pioneer generation of Minnesotans," said Russell Fridley, director of the Minnesota Historical Society.

"Few people realize how many causes have been helped by this man's quiet philanthropy," Fridley said.

John Myers, president of Waldorf Paper Products Co., recalled Clark's responsiveness to civic projects.

"His door was always open," Myers said. "If he thought well of a project, he would reach down and get his checkbook, and personally write out a check. Most men would leave that to a secretary."

Homer Clark will have a quiet 100th birthday—with his wife, Elizabeth, some of his family, some birthday cake, and a good-sized cigar.

OUTSTANDING ARIZONA JOURNALIST HONORED

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. UDALL. Mr. Speaker, one of the Nation's foremost outdoor sports and conservation writers is Mr. Ben Avery, outdoor editor for the Arizona Republic of Phoenix.

This week he received the Conservation Service Award from the Department of the Interior in recognition of his outstanding work in safeguarding natural resources.

I have known and worked with Ben Avery for a number of years. Arizona is a big State and Ben has ranged over its deserts, mountains, rivers, and lakes, guarding them with his typewriter. He is, by the way, a reporter with wide experience outside of conservation. Seeing things from all viewpoints has given him a broad perception which leads him into support of multiple-use management on public lands and other programs which attempt to blend use of resources for the greatest good. His outdoors interest, though naturally centered on Arizona, embrace the whole country and he has many friends around the Nation.

Ben is a fine father who has instilled in his children his own desire to undertake work which helps this confused, battered world run a little bit better. And with characteristic loyalty to his employer he notes that his latest award is made possible only by his working for a newspaper willing to publish his editorials, columns, and news stories.

I congratulate the Department for selecting Ben to receive its Conservation Service Award. Secretary Udall's citation letter reads:

THE SECRETARY OF THE INTERIOR,
Washington, September 5, 1968.

MR. BEN AVERY,
The Arizona Republic,
Phoenix, Ariz.

DEAR MR. AVERY: It is a pleasure to present to you the Conservation Service Award of the Department of the Interior in recognition of your outstanding editorial achievements in this field during the past twenty-five years. As outdoor editor of *The Arizona Republic* in Phoenix, your courageous and forthright editorials have scored a multitude of conservation triumphs, with many having a direct bearing on programs of the Bureau of Land Management and other agencies of the Department.

As a staunch advocate of the Department's programs and projects, you stand today as a conservation voice in Arizona, keeping sportsmen informed on the day-to-day events of interest to those participating in outdoor recreation. You have provided outspoken and vigorous support of multiple use management on public lands and have helped to move the recreation program from paper to reality. In regard to the "Green Belt" project, involving some sixty thousand acres of prime wildlife nesting habitat along the Gila River, you strongly supported the proposal for classification of the area for retention under Federal ownership. A distinct contribution is made through your writing toward rancher-sportsmen relations and the encouragement of respect for both public and private lands. You have fostered, endorsed and enlisted effective public support for numerous programs of the Department, including wildlife management based on scientific principles and procedures.

Please accept my congratulations for your excellent public service and loyal support of the Department's resource management and conservation projects.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

HUBERT HUMPHREY ON CRIME

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. FRASER. Mr. Speaker, on Monday a 12-member panel appointed by Vice President HUMPHREY issued a report on crime. The report of Mr. HUMPHREY's Task Force on Order and Justice represents, in the words of a Washington Post editorial today, "an admiraable assessment of the problem, extraordinarily enlightened in its approach, realistic in the remedies it proposes and closely consistent with the much more detailed and extensive report of the President's Crime Commission issued about a year and a half ago."

I endorse the Vice President's approach. The proposals of his task force indicate a balanced effort to deal with both the causes and effects of antisocial behavior.

They seek neither to exploit nor to downgrade the seriousness of the growing crime problem.

Perhaps most significantly, these proposals carry out the Vice President's pledge that considerations of law and order must be accompanied by an equal concern for social justice.

Mr. HUMPHREY's approach contrasts sharply with the efforts of the other two candidates for President who, thus far, have spoken very little of the need for social justice but have, instead, exploited the fears and uncertainties of the people of the United States.

The Post editorial follows:

CRIME AND THE CAMPAIGN

George Wallace's dictum that there isn't a dime's worth of difference between the policies of Hubert Humphrey and Richard Nixon is hardly applicable to their approach to the crime problem. Both men have indicated that they consider it a major issue of the campaign. Both have said, in very nearly identical words, that they are ardently opposed to crime, that they deem its challenge in a free society to be a most serious one and that they mean to curb it if elected. Beyond this, however, their philosophies seem in sharp contrast.

Mr. Humphrey's approach to the crime problem has now been set forth more coherently and comprehensively than Mr. Nixon's through the publication of a Task Force Report on Order and Justice prepared for and endorsed by the Vice President. It seems to us in every respect an admirable assessment of the problem, extraordinarily enlightened in its approach, realistic in the remedies it proposes and closely consistent with the much more detailed and extensive report of the President's Crime Commission issued about a year and a half ago.

It seems fair to say, in general, that the Vice President's approach to crime places primary emphasis on prevention, while Mr. Nixon places primary emphasis on punishment. Mr. Humphrey argues for better training, better pay, better education, better equipment of police forces, radical improvement of correctional institutions—which now, his Task Force says, are no more than "schools for crime"—provision of additional manpower and modern administrative techniques for courts, expanded services and help for juveniles and the correction of social ills which are the root causes of crime.

Perhaps Mr. Nixon will advocate like measures when he expounds his crime program in a more throughgoing fashion. So far, however, he has insisted that much of the responsibility for crime lies with the courts. "I believe," he put it in a speech at Houston, "that some of our courts, including the United States Supreme Court, have gone too far in weakening the peace forces against the criminal forces."

In direct contradiction, the Vice President endorses the following statement by his Task Force: "Some candidates for high public office have sought refuge from the complex problem of crime in a free society in the decisions of the Supreme Court of the United States and of lower courts. The High Court's decisions, it is claimed, are a principal cause of the crime rise, the failures of criminal justice, and alleged moral laxity. Whether these views be sincere or whether they represent political irresponsibility, it is our belief that they are just plain wrong . . . Most important, the hysterical cry that murderers can now roam the streets with impunity as a result of Supreme Court decisions constitutes a dangerous kind of fraud and deception."

Another notable distinction between Mr. Humphrey and Mr Nixon lies in the former's strong endorsement of legislation to control the spread of firearms. The latter has been surprisingly silent on this subject.

Most important of all, in our view, is the stress Mr. Humphrey has placed on civil liberty. "A great nation can and must move decisively to assure personal security without compromising those precious constitutional guanantees which assure personal freedom and individual liberty." This seems to us to be a cornerstone of any free concept of the administration of justice.

Throughout the campaign, Mr. Speaker, the Vice President has dealt with the crime issue in positive, creative terms. Another example of his enlightened approach was his September 11 speech to the American Legion national convention in New Orleans, La. Following is what he said:

HUBERT HUMPHREY ON CRIME

Thirty-five years ago, Franklin Roosevelt said of America: "The only thing we have to fear is fear itself."

In the depths of depression, our nation looked to its President for leadership, and he gave it—in specific proposals and concrete plans.

Today we face the problem of crime. And again, fear is the enemy.

It paralyzes.

It produces more empty slogans than it does hard answers.

Fear and paralysis are not worthy of America.

We are known as a nation of people who *do* things—governed more by our hopes than by our fears . . . trusting more in practical analysis than dark foreboding.

Crime in America is a national challenge.

It is not—and should not be—a partisan political issue.

I could give you figures to prove that the crime rates are highest in states with Republican governors and lowest in states with Democratic governors. But those numbers wouldn't mean a thing.

Who is responsible for crime?

Crime is committed by criminals—not by governors, Republican or Democratic.

Not by presidents—Republican or Democratic.

Not by attorneys general, Republican or Democratic.

So let's stop the double talk. Political quibbling and election-year slogans about law and order are not going to lick crime.

We need a massive, unified, non-partisan, national campaign to meet the challenge.

I began my public career as mayor of a great city.

When I came into office, Minneapolis was racket-ridden. When I left for the United States Senate four years later, we had driven the rackets out.

So I think I can speak to you with some authority.

My prescription was this:

Be fair.

Be tough.

Spend enough.

And, above all, know your enemy.

No general goes into battle without the best intelligence he can gather—or without equipping his own forces to meet the enemy on advantageous terms.

Who is the enemy?

Where is he?

How is he supplied . . . reinforced?

What are his objectives? What are his tactics?

Where are his weak points?

What do you need to beat him?

First, who commits crime?

We must know the hard truth—mostly juveniles and young adults.

Crime rates for adults have remained relatively stable.

In fact, the entire increase in the crime rate since 1960 is caused by those who are under 18.

What does that tell us about our tactics?

It suggests that an important part of the answer lies in activities designed to give young people positive activities to lead them away from crime and violence.

(1) We must look to new programs designed to strengthen family ties.

(2) Our present welfare system often disrupts rather than fosters family life. This must be changed.

(3) Most schools close their doors at 4 p.m. and over the weekend. Constructive activities after classes—for parents as well as children—make better sense.

(4) More extensive daycare centers would help working mothers provide a healthy environment for young children at a critical time in their lives.

(5) For older children we simply must provide a wide variety of constructive programs—after school, during weekends, and throughout the summer.

The American Legion and the police boys clubs know this—and you have acted. Your programs are just as important—no, more important—than courts, police and prisons.

As Vice President, I have spent three years heading a national report to give our young people—especially forgotten youths, of our slums, the chance to hold a job, get to school, and compete in sports.

Let me tell you this: given an even break, few kids are going to let you down. You know it. And I know it.

Crime affects all of us. It threatens all the safety of all our communities.

But crime rates are higher among the poor and disadvantaged—who commit more crime, but *who also suffer more crime.*

In the long run, we can only cut crime by getting at its causes: slums, unemployment, rundown schools and houses.

This is where crime begins, and that is where it must end.

At the same time—and with equal commitment—we must press the battle on crime itself—and with all the resources at our command.

What are our forces?

First, there are the front-line forces—the local police who carry the burden of our battle against crime.

When we look at our police, what do we find?

We find that we have neglected and overlooked and shortchanged our policemen for decades.

Our police forces are undermanned . . . and the men are underpaid and often undertrained.

We give these brave men one of the most important jobs in our society. Then we pay them on the average of two-thirds of what is necessary to support a family in moderate circumstances.

We make them the agents of social order, and rightly demand that they behave lawfully in the face of extreme provocation from lawbreakers.

But we rarely give them the kind of quality training they know they need to do their jobs effectively.

We don't give them modern technical equipment.

We even tie them up with clerical work unconnected with the business of preventing, deterring, and detecting crime.

We don't adequately train them in community relations.

We just don't back them up.

Is it any wonder that we often don't have the kind of law enforcement we want, demand, and deserve?

I am going to do something about it.

I'm going to put the resources of the Federal Government—for the first time on a major scale—behind our local police force.

Second, we have our courts, we hear in some quarters today that they are causes of crime . . . that they condone it.

Courts are an easy target for anyone who wants to find an easy scapegoat to explain inaction.

Our courts are ethical and devoted to justice.

Let's face the fact. Where our courts fail, they do so primarily for one reason: they are understaffed, overworked, and overcrowded.

The solution is to give the courts the tools to do their job. And I intend to do just that.

The Federal Government will support training and recruitment of court personnel, and we will make the criminal justice process in the District of Columbia a model for the nation.

Third, we have our correctional institutions.

When 75 percent of all people arrested prove to be repeaters, these institutions are not providng adequate correction.

Too often our prisons provide only custody, not rehabilitation.

They are not institutions designed to help as many prisoners as possible and to protect society against the rest—not institutions to provide work and education . . . but merely schools for crime.

This must be stopped.

As President, I would propose that the Federal Government provide assistance to our state and local correctional institutions—while also doing a better, more effective job in Federal penitentiaries.

We can and we will rehabilitate those offenders who can be returned to society to live productive lives free from crime. And we will protect the public from those we cannot cure.

We can and we will do no less than this.

Local police . . . courts . . . correctional institutions—we can radically improve them all.

But I am convinced that to cope with crime, we must go farther.

To wage war on crime in our modern society, we need professional people whose training combines the highest standards and the best interdisciplinary training in crime prevention, crime control, and the protection of human rights.

That means professional programs in our colleges and universities. Too few have them today.

I believe it also means new federally supported schools of criminal justice—like schools of law or schools of medicine.

As President, I would propose the assistance necessary to bring the vital work of law enforcement and crime prevention to professional standing.

On the issue of crime in America there is no substitute for plain talk . . . honest talk . . . and responsible talk.

And so I put it plainly: rioting, burning, sniping, mugging, traffic in narcotics and disregard for the law are the advance guard of anarchy.

They must—and they will be stopped.

And so I put it responsibly:

The answer does not lie in attacks on our courts, or our laws, or law enforcement officials.

The answers lie in reasoned, effective action by state, local and federal authority—each bearing its share of the burden . . . each exercising its rightful responsibility to protect the lives and property of all our citizens.

We do not want a police state. But we must have a state of law and justice.

I say the time has come to support our local police.

I say we must support them with action—not with slogans.

We must support them with better salaries—so they can raise their families in security and dignity.

We must support them with better training—so they have the skills needed to fight crime successfully.

We must support them with better equipment—so they have the benefit of every possible technological advance.

We must support our police, with effective gun control legislation—for we know that the use of guns to murder in cities with weak gun laws is nearly double that in cities with strong laws. And we know that of the 355 police officers murdered since 1960, 96 percent were killed with guns.

And we must support our police by *building communities and neighborhoods of law observance*—where citizens obey the law willingly because the law is just and because their lives have meaning and opportunity—and that means jobs, education, training, and above all, a spirit of true community and equality among all our people.

And, in the end, we must support our police with dollars as well as with sense. Because all these things are not cheap.

All these things demand a new commitment at every level of government.

Yes, the bumper stickers are right: "Support your local police."

But I say to you: the man who is not willing to support our police with the money it takes to do the job—this person is fooling himself and his family.

Finally, I think it is time for moratorium on emotion and lack of reason when it comes to this issue.

I know of no important political leader or legitimate institution of this country opposing "law and order".

And the attacks on individual political leaders, and our institutions, on this basis do not serve the cause of either law or order.

They serve to break down job confidence in the very rule of law itself in this country.

The only question about civil peace in America is this: how do we best get it?

I have given you some suggestions today. And I guess my final summing up would be this: civil peace is made up, in two equal parts, of order and of justice.

The two go together.

You can't separate them. And those who say you can, would mislead you.

People must obey the law. And the law must be enforced.

At the same time, people must feel that the society of law in which they live offers them justice in the true sense.

So we have to keep moving on both fronts. We can't let down on either.

And so I appeal not to your fears, but to your reason.

I ask you to vote your hopes, not your hates.

I ask you to join me—with faith in the essential greatness of this country—in building in America a society where the rule of law is supreme, and where the people live by that law—because it is just.

I ask your help.

LEADERS OF THE YOUNG STRIKE FALSE DRUMBEAT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. DERWINSKI. Mr. Speaker, very pertinent and effective commentary directed at young activists of our time appeared in a column written by Patrick O'Sullivan, city editor of the Suburban Life, in the publication's Thursday, September 12, edition.

At a time when many false prophets are agitating among the young people of our land, Mr. O'Sullivan's sound observations merit attention.

The article follows:

LIFE STAFF VIEWPOINTS: LEADERS OF THE YOUNG STRIKE FALSE DRUMBEAT

(By Patrick O'Sullivan)

Let's put the Battle of Chicago in perspective.

In the first place let's realize that the "leaders" of the demonstrators, and I emphasize the word "leaders," came to Chicago with the intention of throwing the town up for grabs. In this they succeeded.

To throw the blame on the policemen, as was done by the TV networks and first reports in the metropolitan newspapers and wire services, is like blaming the disease on the symptoms.

I say without qualification: In my 21 years of experience as a reporter and editor I have never seen an instance where a policeman provoked an attack. I do not deny that there have been such instances but, personally, I've never seen one.

I have been associated with policemen all my newspaper life on the various police beats I have covered and socially. There have been many whom I disliked and many who disliked me. I have found policemen and police officials of all ranks who are thinskinned when it comes to publicity. Many are quite willing to accept the "favorable" and react quite the contrary to the "unfavorable." I have experienced both.

There are cases I can recall where policemen have run afoul of the law which were hushed up. I also know of many more cases where highly placed officials, sons and daughters of prominent people and yes, even newspapermen, have been spared adverse publicity via the hush up route.

In the main, however, I have found policemen to be a dedicated lot. The average cop is a decent, law abiding family man who is as much plagued with the complexities of existence as is the average Joe on the block.

Who among us is to be the first to criticize? We did not have to obey orders and hold the line against a mob that cursed the policemen, spat upon them and hurled bottles, debris and even human excrement.

Sure, the police reacted. Sure, there were a lot of heads busted. This is exactly what the leadership of the demonstrating youngsters held as their trump card. The leadership banks on the human frailty of reacting violently when constantly jabbed and pushed.

One of Mayor Daley's most vociferous critics, Walter Cronkite of CBS, was the picture of humbleness when he and the mayor came face to face on television. Who can forget the look of the "Sage of CBS" when Daley revealed for the first time that he was in possession of intelligence reports of plots to assassinate three candidates and himself?

Daley had the duty to protect the city, the candidates, the delegates and the citizens. His only weapons were the police, the National Guard, the FBI and the federal troops. I believe he did the right thing.

It was known for months that Chicago was the target of the leadership of the youngsters, a leadership which I believe, along with FBI director J. Edgar Hoover, is bent on destruction of this nation.

I sympathize with the youngsters who don't want to fight and die in a foreign land and who are fed up with the structure of the world today. I sympathize, especially, in that they're being used as pawns in a movement to undermine the United States by those whom they mistakenly revere as prophets.

The leaders are prophets, all right, prophets of doom. They're the reasons for the violence in Chicago, on the campuses and elsewhere. Their underground newspapers, sprinkled with obscenities, print detailed information on where to assemble, how to fight police lines, what routes to take in their demonstrations, etc.

I hate to admit it but the leaders have excellent organization. And they're duping the college student every inch of the way.

As a newspaperman I will not accept censorship nor frustration of the right of peaceful protest. At the same time, I cannot accept the way the protesting college students, hippies, yippies, dropouts and whatever are being led up the garden path by their leaders.

Lay off the cops and soldiers, kids; they're not your enemies. Look to your leaders. They're the ones who are taking advantage of your ideals and are selling you out.

You might ask your leaders where they're getting the money to travel about the country to lead the demonstrations and who financed their trips to North Vietnam.

JIM FARLEY APPRAISES THE DEMOCRATIC RECORD

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. CAREY. Mr. Speaker, the Honorable James A. Farley, former Postmaster General and Democratic National Chairman, who has long been recognized as our foremost political prophet and savant, issued a statement concerning the record of the Democratic Party and its candidates.

I include the text of his statement at this point in the RECORD:

THE DEMOCRATIC RECORD

There is a majestic continuity to American history. Down through the years, the American People have again and again demonstrated their basic stability. When the time comes to decide they look at the record; the long record instead of the passing headlines and popular opinion polls.

From President Franklin D. Roosevelt through Presidents Harry S. Truman and John F. Kennedy, the Democratic Party has carried forward and upward the banner of the Common People.

President Lyndon B. Johnson has advanced that banner to heights undreamed even by his illustrious predecessors. The record shows that President Johnson has initiated medical care of the old and education of the young on a scale never matched in human history. Civil Rights bills are new charters of liberty. His assistance to the poor equals that of all others combined. His legislative record shows an unprecedented ninety percent validation of campaign promises.

Vice President Humphrey is the preeminent heir to this great tradition. Many of the laws now in force were initiated by him more than twenty years ago. His pulse of enthusiasm and optimism expresses the vibrant heart of America—and confident America, strong in its faith and anxious to get on with the work of building its future and fulfilling its destiny.

The truly magnificent administration of President Johnson has carried the cause of American democracy to great heights. On the record Vice President Hubert H. Humphrey is the one man singularly qualified to carry on the traditions of the Democratic Party—and the American Republic, to still greater heights. I am immeasurably heartened by his boundless energy and enthusiasm for the great task remaining before him.

COMPLETION OF "GURNARD'S" SEA TRIALS OF SPECIAL SIGNIFICANCE TO CONGRESS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. WYMAN. Mr. Speaker, in this morning's mail I received a letter from Adm. Hyman G. Rickover in which he brought to my attention the successful completion of the first sea trials of the U.S.S. *Gurnard*—SSN662—our 36th attack-type nuclear submarine.

An event such as this is, of course, noteworthy in its own right for it represents an accomplishment not only for the Navy but for the men who built this ship and the men who sail her. But the sailing of *Gurnard* is especially significant to the Members of this House and of the other body, I think, because her captain is Comdr. William S. Cole, Jr., U.S. Navy, son of our longtime former colleague, Hon. W. Sterling Cole, of New York, who served in this body with distinction for 23 years as a member of the Naval Affairs and later Armed Services Committees; as one of the original members of the Joint Committee on Atomic Energy, and its chairman in 1953—the only House Republican to have held that office.

Mr. Speaker, that *Gurnard* sails today with Commander Cole as her skipper must be a source of great satisfaction and pride for Congressman Cole, for it represents both a great personal achievement for his son and a deep personal association with the fruits of his efforts many years ago in promoting our nuclear Navy.

Admiral Rickover's letter follows.

U.S.S. "GURNARD" (SSN 662),
At Sea, North Pacific, September 16, 1968.

Hon. LOUIS C. WYMAN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. WYMAN: We are returning from the first sea trials of the U.S.S. *Gurnard* (SSN

662), our 36th attack type nuclear submarine. The ship completed all tests, including full power operation, both surface and submerged. The *Gurnard,* second U.S. submarine to bear this name, was built by the Mare Island Naval Shipyard, Vallejo, California.

The first U.S.S. *Gurnard* (SS254) was commissioned September 18, 1942. In World War II, she made nine war patrols and sank ten Japanese ships for a total of 57,866 tons. She won six battle stars as well as the Navy Unit Commendation. After the war, the *Gurnard* was decommissioned and placed in the Pacific Reserve Fleet. She was activated in 1949 and used for naval reserve submarine training until stricken from the Naval Register in 1961 when she was sold and broken up for scrap.

The new *Gurnard* is equipped with the latest navigation and electronics systems, and a computer-controlled weapons system which enable her to detect and attack targets at various distances. These characteristics combined with her ability to operate at high speeds for long periods of time, and the environmental independence provided by nuclear propulsion make her a powerful weapon against surface ships and submarines alike.

In addition to the 36 attack type nuclear submarines, we also have 41 Polaris submarines, making a total of 77 nuclear submarines in operation. When all nuclear submarines presently authorized by Congress are completed, the United States will have a nuclear submarine fleet of 41 Polaris and 64 attack submarines, and a small submarine capable of exploring the ocean bottom.

The *Gurnard* is the first U.S. submarine to go on sea trials since the tragic loss of the *Scorpion*. Many fine young men—fine husbands, fathers, sons—went down with her. I knew many of them personally. They were outstanding representatives of the best of America's youth.

As a reminder of man's dependence on God, I present a bronze plaque to each submarine Captain as he completes his training in nuclear power. On it is inscribed the prayer which has been used by Breton fishermen for hundreds of years: "Oh God, Thy sea is so great and my boat is so small."

Respectfully,

H. G. Rickover.

FORTAS, NO

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. ROUDEBUSH. Mr. Speaker, a good editorial penetrates to the core of the controversy and reduces the arguments to their finest points.

Such an editorial appeared on September 13, in the Marion, Ind. Chronicle-Tribune, concerning the appointment of Abe Fortas to Chief Justice of the Supreme Court.

The arguments against this appointment are legion, of course, and his name should have been withdrawn long ago, but the Chronicle-Tribune wraps up the case against Fortas in a most convincing manner.

The editorial from the Chronicle-Tribune follows:

Fortas, No

The Senate Judiciary Committee is reopening hearing on the nomination of Justice Abe Fortas to be chief justice of the United States Supreme Court and has agreed to vote on whether to affirm his nomination next Tuesday.

That affirmation should be denied.

More controversy has surrounded the nomination of Fortas by his old friend, President Johnson, than any chief justice in recent times. One of the chief liabilities Fortas carries is his rulings in obscenity cases—in favor of the peddlers of filth of pornography. These decisions have not been popular with the majority of Americans.

No longer can it be said that the Supreme Court reached a decision by simply following the law. The truth of the matter is that the Supreme Court no longer interprets the Constitution. It rules on what the members think the Constitution should say, so the philosophies of a person nominated for chief justice are important matters for consideration.

The manner in which Fortas was nominated is suspect. Chief Justice Earl Warren submitted his resignation, to be effective when his successor was chosen. Some Capitol Hill observers are convinced his resignation was worded this way at the behest of President Johnson. Then there is the question of whether there is a vacancy, since Chief Justice Warren still is a member of the court.

Cronyism certainly enters into President Johnson's choice of Fortas for chief justice and another old Texas friend, Homer Thornberry, to become a justice in the vacancy which would be caused by the elevation of Fortas. Friendship and political debts often enter into political appointments, but it usually isn't that blatant, nor in such large doses.

The "lame duck" problem also must be considered. Should a President, a few short months from stepping out of office, make such an important appointment as a chief justice who may head the court and shape the future of the nation for years to come? This becomes especially important in view of the fact that come November, the voters are quite apt to reverse the roles of the two major parties. While it may well be in the President's power to make the nomination, it hardly seems prudent.

Another objection to Fortas is his testimony when he appeared before the Judiciary Committee earlier. Asked whether he had advised the President while a member of the nation's highest court, Fortas declared he had not. Later, put on the spot, he admitted that he had. We do not find the fact that he was advising the President nearly so objectionable as his denial, which was patently false. It never would have been such a big thing if he had not chosen to falsely deny he advised the President.

Democrats who charge "politics" against those who oppose Fortas ought to check their own skirts on this matter. They aren't exactly clean. For six years, while Democrats controlled Congress, President Eisenhower tried to increase the number of federal judges to relieve the case jam in federal courts. The Democrats would have no part of it. Even when Eisenhower offered to divide the appointments equally between Democrats and Republicans, they still said no. But the moment they gained the Presidency, they promptly added 73 federal judgeships. So let's have no sermons on that subject.

A distinct cloud hangs over the efforts to promote Abe Fortas to the nation's highest judicial post. The Senate should say no on his nomination.

SENATE—*Thursday, September 19, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, Thou hast ordained that in the leadership of the Nation the care of the many must ever rest upon the few. We beseech Thee, give understanding, humility, and charity to them who, in the name and for the Nation's sake, are entrusted here with the power of governance.

Thy mercy is broader than the measure of man's mind. Spirit of God, descend upon our hearts. Lead us this day in the paths of righteousness for Thy name's sake.

Bowing at this wayside altar of Thy grace, may we be vividly conscious that we need not turn back to bygone centuries to hear Thy voice, as if Thou dost speak no longer to those now upon the earth.

Give us ears to hear above the noise of crashing systems, Thy voice in and through the change and confusion of our day.

For Thine is the kingdom, and the power, and the glory. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 18, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Business and Commerce of the Committee on the District of Columbia be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of September 18, 1968, the Secretary of the Senate received the following message from the President of the United States, on September 18, 1968:

I nominate Albert Bushong Brooke, Jr., of Maryland, to be a member of the Federal

Power Commission for the remainder of the term expiring June 22, 1969, vice Charles Robert Ross.

Subsequently, on today, September 19, 1968, the above nomination was referred to the Committee on Commerce.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Post Office and Civil Service.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 3133. An act to extend for 1 year the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts, and for other purposes; and

S. 3379. An act to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore announced that on today, September 19, 1968, he signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 220. An act to authorize the sale of certain public lands;

S. 224. An act to provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes;

S. 444. An act to establish the Flaming Gorge National Recreation Area in the States of Utah and Wyoming, and for other purposes;

S. 747. An act for the relief of Dr. Earl C. Chamberlayne;

S. 772. An act for the relief of Dr. Violeta V. Ortega Brown;

S. 905. An act for the relief of John Theodore Nelson;

S. 1327. An act for the relief of Dr. Samad Momtazee;

S. 1354. An act for the relief of Dr. Bong Oh Kim;

S. 1440. An act to include in the prohibitions contained in section 2314 of title 18, United States Code, the transportation with unlawful intent in interstate or foreign commerce of traveler's checks bearing forged countersignatures;

S. 1470. An act for the relief of the Ida group of mining claims in Josephine County, Oreg.;

S. 1637. An act to amend the Tennessee Valley Authority Act of 1933 with respect to certain provisions applicable to condemnation proceedings;

S. 2250. An act for the relief of Dr. Hugo Vicente Cartaya;

S. 2371. An act for the relief of Dr. Herman J. Lohmann;

S. 2477. An act for the relief of Dr. Fang Luke Chiu;

S. 2506. An act for the relief of Dr. Julio Epifanio Morera;

S. 2706. An act for the relief of Yung Ran Kim;

S. 2715. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation or Tribe of Oklahoma, and for other purposes;

S. 2720. An act for the relief of Heng Liong Thung;

S. 2759. An act conferring U.S. citizenship posthumously upon S. Sgt. Ivan Claus King;

S. 3024. An act for the relief of Richard Smith (Noboro Kawano);

S. 3072. An act to amend the act entitled "An act to provide for the rehabilitation of Guam, and for other purposes," approved November 4, 1963;

S. 3182. An act to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Swinomish Indian Tribal Community, and for other purposes;

S. 3420. An act to authorize a per capita distribution of $500 from funds arising from a judgment in favor of the Confederated Tribes of the Colville Reservation;

S. 3566. An act to amend the Federal Aviation Act of 1958 with respect to the definition of "supplemental air transportation", and for other purposes;

S. 3578. An act to direct the Secretary of Agriculture to release, on behalf of the United States, a condition in a deed conveying certain lands to the South Carolina State Commission of Forestry so as to permit such commission, subject to a certain condition, to exchange such lands;

S. 3620. An act to provide for the disposition of judgment funds on deposit to the credit of the Quechan Tribe of the Fort Yuma Reservation, Calif., in Indian Claims Commission docket No. 319, and for other purposes;

S. 3621. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Muckleshoot Tribe of Indians in Indian Claims Commission docket No. 98, and for other purposes;

S. 3671. An act to provide for the striking of medals in commemoration of the 200th anniversary of the founding of Dartmouth College;

S. 3687. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio, and for other purposes;

S. 3728. An act to authorize the use of funds from a judgment in favor of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes;

S.J. Res. 185. Joint resolution to grant the status of permanent residence to Maria Mercedes Riewerts;

H.R. 5754. An act to amend section 1263 of title 18 of the United States Code to require that interstate shipments of intoxicating liquors be accompanied by bill of lading, or other document, showing certain information in lieu of requiring such to be marked on the package;

H.R. 8953. An act to amend the act of November 21, 1941 (55 Stat. 773), providing for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority; and

H.R. 18763. An act to authorize preschool and early education programs for handicapped children.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RUSSELL, from the Committee on Appropriations, with amendments:

H.R. 18707. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes (Rept. No. 1576).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MANSFIELD for Mr. Monroney, from the Joint Committee on the Disposition of Papers in the Executive Departments, to which were referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated September 9, 1968, that appeared to have no permanent value or historical interest submitted a report thereon, pursuant to law.

PRINTING OF REVIEW OF REPORT ON GULF INTRACOASTAL WATERWAY, ST. MARKS TO TAMPA BAY, FLA., AS A DOCUMENT (H. DOC. 386)

Mr. MANSFIELD. Mr. President, on behalf of the Senator from West Virginia [Mr. Randolph], I present a letter from the Secretary of the Army, transmitting a report dated June 6, 1968, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of the report on Gulf Intracoastal Waterway, St. Marks to Tampa Bay, Fla., requested by resolutions of the Committee on Commerce and the Committee on Public Works, U.S. Senate, adopted February 6, 1940, and December 20, 1950.

I ask unanimous consent that the report be printed as a House document, with illustrations, and referred to the Committee on Public Works.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF (for himself, Mr. Anderson, Mr. Bayh, Mr. Burdick, Mr. Case, Mr. Church, Mr. Harris, Mr. Hart, Mr. Inouye, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Nelson, and Mr. Pearson):

S. 4059. A bill to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income; to the Committee on Finance.

(See the remarks of Mr. Metcalf when he introduced the above bill, which appears under a separate heading.)

By Mr. HOLLINGS:

S. 4060. A bill to amend title 28, United States Code, with respect to the trial and review of civil rights proceedings involving student assignment issues; to the Committee on the Judiciary.

S. 4059—INTRODUCTION OF BILL TO AMEND THE INTERNAL REVENUE CODE OF 1954, RELATING TO DEDUCTIONS FOR CERTAIN FARMERS

Mr. METCALF. Mr. President, last November, I introduced a bill, S. 2613, to prevent persons who are not bona fide farmers from using what are technically tax losses from farming to offset large amounts of other income. On July 17 of this year, I announced that both the Treasury Department and the Department of Agriculture had just issued highly favorable reports endorsing the principle of the bill, S. 2613. At the same time, both reports suggested constructive modifications which have now been incorporated in a new bill which I am introducing today, joined by 15 of my colleagues as cosponsors, and which I now send to the desk. Those of my colleagues who have joined with me in introducing the new bill are Senators ANDERSON, BAYH, BURDICK, CASE, CHURCH, HARRIS, HART, MANSFIELD, MCGEE, MCGOVERN, MONDALE, MONTOYA, MOSS, NELSON, and PEARSON. We are doing this now so that during the adjournment period, farm groups and others will have an opportunity to study its provisions and prepare themselves for early hearings and action in the first session of the 91st Congress.

The problem which now exists is that liberal tax accounting rules designed for the benefit of the ordinary farmer are being manipulated by others who engage in farming for the purpose of creating losses which can be used to offset substantial amounts of their nonfarm income. This problem is spelled out in detail in the reports of both the Treasury Department and the Department of Agriculture.

Mr. President, I ask unanimous consent that the reports on the original bill, S. 2613, be printed in the RECORD.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, D.C., July 11, 1968.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the Treasury Department's views on S. 2613, a bill "To amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income", as it would be amended by Amendment No. 529. I note that S. 3443, while differing in many respects, is designed to deal with the same subject and has been referred to your Committee.

The objective of S. 2613 is to eliminate the provisions which presently grant high bracket taxpayers substantial tax benefits from the operation of certain types of farms on a part-time basis. These taxpayers, whose primary economic activity is other than farming, carry on limited farming activities such as citrus farming or cattle raising. By electing the special farm accounting rules—which were developed to ease the bookkeeping chores for ordinary farmers—these high bracket taxpayers show farm "tax losses" which are not true economic losses. These "tax losses" are then deducted from their other income resulting in large tax savings. Moreover, these "tax losses" frequently represent the cost of creating a farm asset (i.e., the cost of raising a breeding herd) which will ultimately be sold and the proceeds (including the part representing a recoupment of the previously deducted expenses) taxed only at lower capital gains rates. Thus, deductions are set off against ordinary income, while the sale price of the resulting assets represents capital gain. The essence of the bill is to deny high bracket part-time farmers the ability to use the generous farm tax accounting rules to reduce taxes on their non-farm income.

When a taxpayer purchases and operates a farm for tax purposes, it inevitably leads to a distortion of the farm economy. The tax benefits allow an individual to operate a farm at an economic breakeven or even a loss and still realize a profit. For example, for a top bracket taxpayer, where a deduction is associated with eventual capital gains income, each $1.00 of deduction means an immediate tax savings of 70 cents to be offset in the future by only 25 cents of tax. This cannot help but result in a distortion of the farm economy, especially for the ordinary farmer who depends on his farm to produce the income needed to support him and his family.

This distortion may be evidenced in various ways: For one, the attractive farm tax benefits available to wealthy persons have caused them to bid up the price of farm land beyond that which would prevail in a normal farm economy. Furthermore, because of the present tax rules, the ordinary farmer must compete in the market place with these wealthy farm owners who may consider a farm profit—in the economic sense—unnecessary for their purposes. Statistics show a clear predominance of farm losses over farm gains among high-bracket taxpayers with income from other sources.

The Treasury Department supports the objective of S. 2613, but suggests certain modifications in its operation. There is attached a memorandum which, in more detail, describe the problem involved, the reasons for the Treasury's position and its recommended changes.

The Bureau of the Budget has advised the Treasury Department that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely yours,
STANLEY S. SURREY,
Assistant Secretary.

AN ANALYSIS OF S. 2613 AND THE FARM LOSS PROBLEM

The objective of S. 2613 is to remove certain unjustified tax benefits available to high bracket taxpayers whose primary economic activity is other than farming through the operation of cattle and other farming activities on a part-time basis. This memorandum describes the general tax problem involved; and then discusses the remedy offered by S. 2613.[1]

The Treasury Department supports the objectives of S. 2613, but suggests certain modifications in its operation.

1. GENERAL BACKGROUND

Methods of accounting.—There are two principal methods of accounting used in reporting business income for tax purposes. In general, those businesses which do not involve the production or sale of merchandise may use the cash method. Under it, income is reported when received in cash or its equivalent, and expenses are deducted when paid in cash or its equivalent.

On the other hand, in businesses where the production or sale of merchandise is a significant factor, income can be properly reflected only if the costs of the merchandise are deducted in the accounting period in which the income from its sale is realized. This is accomplished by recording costs when incurred and sales when made, and including in inventory those costs attributable to unsold goods on hand at year's end. Deduction of the costs included in inventory must be deferred until the goods to which they relate are sold and is not permitted when the costs are incurred. Thus, under this method of accounting, income from sales of inventory and the costs of producing or purchasing such inventory are matched in the same accounting period thereby properly reflecting income.

Farmers, however, have been excepted from these general rules. Even in those cases where inventories are a material factor, they have historically been permitted to use the cash accounting method and ignore their year-end inventories of crops, cattle, etc. This has resulted in an inaccurate reflection of their annual income since expenditures are fully deducted in the year incurred, notwithstanding the fact that the assets produced by those expenditures (inventories) are not sold, and the income not reported, until a later year.

Capitalization of costs.—Farmers are also permitted another liberal tax accounting rule. In most businesses, the cost of constructing an asset (including maintenance of the asset prior to its being used in the business) is a capital expenditure which may not be deducted as incurred but may be recovered only by depreciation over the useful life of the asset. In this manner, the cost of the asset is matched with the income earned by the asset. Farmers, however, have been permitted to deduct some admittedly capital costs as they are incurred. For example, a citrus grove may not bear a commercial crop until 6 or 7 years after it has been planted. Yet, the farmer may elect to deduct as incurred all costs of raising the grove to a producing state even though such expenditures are capital in nature. Similarly, the capital nature of expenditures associated with the raising of livestock held for breeding may be ignored and the expenditures may be deducted currently. These premature deductions frequently result in artificial tax losses.

The problem.—These liberal deviations from good accounting practices were permitted for farm operation in order to spare the ordinary farmer the bookkeeping chores associated with inventories and accrual accounting.

However, many high bracket taxpayers, whose primary economic activity is other than farming, carry on limited farming activties such as citrus farming or cattle raising. By electing the special farm accounting rules which allow premature deductions, many of these high bracket taxpayers show farm losses which are not true economic losses. These "tax losses" are then deducted from their other high bracket income resulting in large tax savings. Moreover, these "tax losses" which arise from deductions taken because of capital costs or inventory costs usually thus represent an investment in farm assets rather than funds actually lost. This investment quite often will ultimately be sold and taxed only at low capital gains rates. Thus, deductions are set off against ordinary income, while the sale price of the resulting assets represents capital gain. The gain is usually the entire sales price since the full cost of creating the asset has previously been deducted against ordinary income.

Examples.—Under the present rules, if the taxpayer has chosen not to capitalize raising costs and also does not use an inventory method of accounting, he may deduct as incurred all the expenses of raising a breeding herd. These include breeding fees, costs of feed, and other expenses attributable to the growth of the herd. During the development of the herd, there is relatively little income realized to offset these expenses with the result that "tax losses" are incurred which may be used to offset the taxpayer's nonfarm income. When the herd has reached its optimum size, a taxpayer seeking the maximum tax savings will sell the entire herd.

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[1] The sponsor of S. 2613 has also offered Amendment No. 529. The proposed amendment is a minor technical change which does not affect the substance of the bill. The amendment has been considered in this analysis.

If he does, he may report the entire proceeds of the sale as capital gain.

The dollars and cents value of this tax treatment can readily be seen through a simple example. Assume that the expenses of raising the herd are $200,000. If the taxpayer is in the top tax bracket, the current deduction of these expenses will produce a tax savings of $140,000. On the sale of the herd, however, the entire sales price, including the $200,000 representing the recovery of these expenses, will be taxable only at the 25 percent capital gains rate. The capital gains tax on $200,000 is $50,000; or less than half the tax savings realized in the earlier years. Thus, the taxpayer in this situation would realize a $90,000 tax profit from a transaction which economically is merely a break-even.

In the typical situation, the taxpayer will then begin the entire cycle again by starting a new breeding herd which produces more losses and which is later sold at capital gains rates.

Similar advantages are available to one who develops citrus groves, fruit orchards, vineyards, and similar ventures. These assets require several years to mature; however, the development costs, such as the costs of water, fertilizer, cultivation, pruning, and spraying may be deducted as incurred and before the venture produces any income. When the operation has reached the stage where it is ready to begin producing on a profitable basis, the orchard, grove, or vineyard is frequently sold in a transaction which qualifies for the lower capital gains tax rates. Meanwhile, the expenses incurred in the years prior to the sale have been used to create "tax losses" which have been offset against high-bracket ordinary income from other occupations.

Effect of tax benefits on farm economy.—When a taxpayer purchases and operates a farm for tax purposes, it leads to a distortion of the farm economy. The tax benefits allow an individual to operate a farm at an economic breakeven or even loss and still realize a profit. For example, for a top bracket taxpayer, where a deduction is associated with eventual capital gains income, each $1.00 of deduction means an immediate tax savings of 70 cents to be offset in the future by only 25 cents of tax. This cannot help but result in a distortion of the farm economy, especially for the ordinary farmer who depends on his farm to produce the income needed to support him and his family.

This distortion may be evidenced in various ways: For one, the attractive farm tax benefits available to wealthy persons have caused them to bid up the price of farm land beyond that which would prevail in a normal farm economy. Furthermore, because of the present tax rules, the ordinary farmer must compete in the market place with these wealthy farm owners who may consider a farm profit—in the economic sense—unnecessary for their purposes.

Scope of the problem.—Statistics show a clear predominance of farm losses over farm gains among high-bracket taxpayers with income from other sources. The simplest statistics are: In 1965, among taxpayers with less than $50,000 of adjusted gross income, total farm profits were $5.1 billion and total farm losses were $1.7 billion; about a five-to-two ratio of *profits* to losses. Among taxpayers with adjusted gross income between $50,000 and $500,000, profits and losses were in an approximate one-to-one ratio. However, among taxpayers with adjusted gross income over $500,000, total farm profits were $2 million and total farm losses were $14 million, a more than seven-to-one ratio in the other direction—that is, *losses* to profits.

Conclusion.—These data demonstrate the scope and seriousness of the problem. The fact is that our tax laws have spawned artificial tax profits and have distorted the farm economy. S. 2613 is one avenue to a solution to this problem. The Treasury Department supports its objectives and the general approach it takes. The bill does, however, present certain operational problems discussed below. Where appropriate, we have suggested an alternative to overcome the difficulty.

2. AN ANALYSIS OF S. 2613

The essence of the bill is to deny wealthy part-time farmers the ability to use the generous farm accounting rules to reduce taxes on their non-farm income. To accomplish this, the bill would add a new section to the Internal Revenue Code which, in the case of taxpayers who are not "bona fide farmers"[2] as defined in the bill, would disallow as an offset to other income in any taxable year, the excess of all deductions attributable to the business of farming over the aggregate gross income derived from the business of farming in that year.

A bona fide farmer is defined as an individual (A) whose principal business activity is the carrying on of farming operations or (B) who is engaged in the business of farming as the principal source of his livelihood or (C) who is the spouse of an individual who falls under (A) or (B). A corporation would be considered a bona fide farmer if 80 percent or more of its stock were owned by individuals who are also bona fide farmers.

Definitional problems.—The bill thus would limit the tax benefits of farm losses to a defined group. In the Treasury Department's opinion, this approach will lead to administrative difficulty because the meanings of the defining phrases such as "principal business activity" and "principal source of livelihood" are not susceptible of precise definition, and therefore, will inevitably lead to much controversy and perhaps litigation.

As an alternative, we suggest placing a ceiling on the amount of nonfarm income which could be offset by farm losses in any one year. If there were excess farm losses, they could be carried backward and forward to offset farm income, but no other income, of other years. If part of a taxpayer's income for a year consists of capital gains, his carryover of excess farm deductions would be reduced by the excluded half of his capital gains income. No matter what the source of the nonfarm income, excess farm deductions arising from the special farm tax accounting rules would not be permitted to offset it. On the other hand, the ordinary farmer incurring a loss would be protected under this approach in two ways: First, by allowing a limited deduction for farm losses, an ordinary farmer who must take part time or seasonal employment to supplement his income in a poor year in his farm operations would not be deprived of his farm loss deductions. Second, the carryover and carryback provisions would be available to absorb large one-time losses. In other words, the provision would, in operation, only affect taxpayers with relatively large amounts of non-farm income, that is, individuals who do not have to depend on their farm income for their livelihood.

Corporate farms.—In his floor statement Senator Metcalf, the bill's author, noted that corporations were moving into farming at an increasing rate. While he was disturbed by this trend, he did not propose to prohibit corporate farming in this bill. Instead, the purpose was to "eliminate the possibility of corporations getting Federal tax rewards for engaging in loss operations in the farming field." The bill would achieve this goal by denying corporations the right to offset nonfarm income with farm losses unless 80 percent or more of the corporation's stock is held by bona fide farmers. CONGRESSIONAL RECORD, volume 113, part 23, page 30702.

The Treasury Department defers to the Department of Agriculture on the question of the desirability of corporate farming. However, whatever the decision on that matter, the corporate provisions in the bill do not appear to represent an effective approach to the issue. On the one hand they would deny the tax benefits of a farm loss on the basis of the make-up of the shareholders and not the nature of the corporation's activities. Thus, the farm loss abuse would still be available to a limited group of individuals who are able to arrange their farming and non-farming business so as to qualify as "farmers" based on their noncorporate activities although they would not be based on both their corporate and noncorporate activities. For example, if a taxpayer has two farming operations, but is primarily engaged in a non-farming business, he would not be entitled to deduct any farm losses (or, under the Treasury alternatives, only a limited amount). However, by transferring his non-farm business and one farm operation to a corporation and retaining the other farm business, he would qualify as a farmer since his only remaining business activity is farming. As a result, his corporation would be excused from the farm loss limitations. This result seems clearly inconsistent with the purpose of the bill.

On the other hand, as a discouragement to corporate farming, the provisions would affect only loss operations and not profitable ones, which likewise seems somewhat inconsistent. Thus, it does not appear that a proposal concerning "tax losses" is an appropriate vehicle for dealing with the general issues of corporate farming. It is therefore suggested that, in lieu of the corporate rules in the bill, corporations be covered in the same manner as individual farmers and farms run by a partnership.

Capital gains.—Under the bill, a taxpayer would be permitted to measure the amount of his allowable farm expense deductions for a taxable year by the full amount of any long-term capital gains for that year arising from sales of farm assets although, in fact, he receives a deduction equal to 50 percent of these gains in computing his income subject to tax. Thus, in this situation, the taxpayer will in effect receive a double deduction against his capital gain farm income. This is an important problem because of the special capital gain treatment allowed on the sale of farm assets such as draft and breeding livestock, and citrus groves. This problem could be solved by providing for an adjustment that would limit the measure of allowable farm deductions to the taxable one-half of capital gains.

Special treatment for certain losses and expenses.—On the other hand, it would seem appropriate to except some kinds of farm expenses from the disallowance provisions. One category of farm expenses would include taxes and interest which are generally deductible whether or not they are attributable to an income producing activity. A second category would include casualty and abandonment losses and expenses and losses arising from drought. These events are generally not in the taxpayer's control and disallowance of the loss or expense could create an undue hardship to the taxpayer since they may be catastrophic. These same expenses and losses are now excluded from the operation of section 270 which excludes losses in connection with a hobby operation.

Scope of the bill.—As noted at the outset, the farm loss problems at which the bill is aimed arise from the use of accounting methods which do not properly match income and expenses, such as the failure to use an inventory method where goods on hand at year end are a significant factor. Consequently, there would seem to be no reason to subject a taxpayer who adopts a proper method of accounting and capitalizes expenses to the restrictive rules of this bill. There is, in fact, a positive advantage in encouraging the adoption of sound accounting practices. Therefore, we recommend that the scope of this bill be limited to those taxpayers who, with respect to their farming operations, do not elect to use inventories and to capitalize all expenditures which should be capitalized under generally recognized tax accounting principles.

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[2] Taxpayers who were not bona fide farmers when a farming enterprise was acquired but who became bona fide farmers by the end of the second taxable year following the year of acquisition would qualify as such from the time of acquisition. There are also exceptions for a farming enterprise acquired from a decedent, acquired by foreclosure, or acquired in the ordinary course of carrying on the trade or business of buying or selling real property.

* * * * *

As indicated, these are not changes that go to the heart of the bill. We thoroughly agree with its objective and general approach. Our suggestions are generally to improve its efficiency.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 5, 1968.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of November 2, 1967, for a report on S. 2613, a bill "To amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not qualified farmers may not be used to offset nonfarm income;" to your request of February 19, 1968, for a report on Amendment No. 529, a technical amendment to S. 2613; to your request of May 9, 1968, for a report on S. 3443; and to your request of June 20, 1968, for a report on Amendment 853 to S. 3443. S. 3443 has purposes similar to S. 2613 but differs in some of the details.

These bills are designed to capture some of the taxes avoided by some individuals with sizeable income from sources other than agriculture, who operate farm enterprises at a loss and deduct farm losses from their income from other sources. It would accomplish this objective by providing that taxpayers engaged in the business of farming, but who did not have farming as their principal business activity as defined in the law, could deduct farm expenses only to the extent of their gross farm income.

The Department of Agriculture is certainly in agreement with the objectives of these bills. We believe that there are serious problems in the area of the tax treatment of farm income, and that these problems can be remedied. However, we feel that certain modifications in these bills would help to achieve their objectives more effectively, and at the same time would minimize other potential problems.

Perhaps the most important problem under these bills would be the effect on low-income farmers. Many of these farmers also hold nonfarm jobs, and off-farm income is often their most important source of livelihood. Under the proposed legislation, it would appear that these farmers would not be permitted to offset farm losses against income from their nonfarm jobs in years in which they lost money on the farm. Such a provision would have serious effects on present efforts to ameliorate rural poverty.

We believe the objectives of this bill could be accomplished more effectively if certain modifications were made. We recommend placing a reasonable ceiling on the amount of nonfarm income which could be offset by farm losses in any one year. If there were excess farm losses, they could be carried backward and forward to offset farm income, but no other income, of other years. Thus, no matter what the source of the nonfarm income, excess farm deductions arising from the special farm tax accounting rules would not be permitted to offset it. The ordinary farmer incurring a loss would be protected under this approach in two ways: First, by allowing a limited deduction for farm losses, an ordinary farmer who must take part-time or seasonal employment to supplement his income would not be deprived of his farm loss deductions. Second, the carryover and carryback provisions would be available to absorb large one-time losses. In other words, the provisions would, in operation, affect only taxpayers with relatively large amounts of nonfarm income, that is, individuals who do not have to depend on their farm income for an adequate living standard.

It would seem appropriate, however, to exclude from the definition of farm losses some kinds of farm expenses. One group of such expenses would include taxes and interest, which are generally deductible whether or not they are attributable to an income-producing activity. A second group would include casualty and abandonment losses and expenses and losses arising from drought. These events are generally not in the taxpayer's control and disallowance of the loss or expense could create an undue hardship for the taxpayer. These same losses and expenses are now excluded from the operation of Section 270, which excludes losses in connection with a hobby operation.

The special position of farm losses for tax purposes which this bill is designed to change arise from the use of cash accounting procedures by individuals and corporations with large incomes from nonfarm sources who also engage in farming. The cash accounting method does not properly match income and expenses for these firms and individuals. For example, the failure to use an inventory method where goods on hand at a year's end are of considerable value can significantly overstate losses. However, the present farm tax advantages do not apply to a taxpayer who adopts an accrual method of accounting and capitalizes expenses. Therefore, we recommend that the scope of this bill be limited to those taxpayers who elect to use the cash accounting procedures.

This Department is now studying the problem of corporation activity in agriculture, with the objective of obtaining better information on both its extent and its probable effects. We do not believe, however, that it is necessary to wait for the completion of this study to recommend modifications in the tax treatment of corporations engaged in farming. Simple equity would seem to us to dictate that corporations be covered under this proposed legislation in the same manner as are individual farmers and farms run by a partnership. To do otherwise would be to open up new possibilities for tax avoidance through changes in legal form of organization, and raise the danger of attendant problems of distortions in our economic organization due solely to attempts to claim tax advantages.

This Department is informed that the Treasury Department is making similar recommendations with respect to changes in the language of S. 2613. We strongly urge passage of legislation which eliminates existing "farm tax havens" for individuals and corporations with substantial nonfarm incomes.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,
ORVILLE L. FREEMAN,
Secretary.

Mr. METCALF. Mr. President, the bill which is now being introduced permits farm losses to be offset in full against nonfarm income up to $15,000 for those whose nonfarm income does not exceed that amount. This means that persons not only engaged in farming but also employed, perhaps on a part-time basis in a neighboring town, will be entirely unaffected by the limitation I have provided in this bill.

For those with nonfarm income in excess of $15,000, the amount against which the farm losses may be offset is reduced dollar for dollar for income above $15,000. In other words, those with nonfarm income of $30,000 or more cannot generally offset farm losses against their nonfarm income.

There is an important exception to this rule, however. The bill in no event prevents the deduction of farm losses to the extent they relate to taxes, interest, casualty losses, losses from drought, and losses from the sale of farm property. An exception is made for these deductions since they are in general deductions which would be allowed to anyone holding property without regard to whether it was being used in farming or because they represent deductions which are clearly beyond the control of the farmer; such as, losses from casualties and drought.

Even if farm losses should be denied under the provisions I have explained up to this point, they still will be available as offsets against farm income for the prior 3 years and the subsequent 5 years. In this case, however, they may not exceed the income from farming in these other years.

Still one more feature of the bill remains to be discussed. The limitation on the deduction of farm losses is not to apply to the taxpayer who is willing to follow with respect to his farming income, accounting rules which apply generally to other taxpayers; that is, using inventories in determining taxable income and treating as capital items—but subject to depreciation in most cases—all expenditures which are properly treated as capital items rather than treating them as expenses fully deductible in the current year.

It is important to note that this provision merely provides an opportunity for those who would otherwise distort the farm economy to follow instead regularly established, generally applicable accounting rules. No incentive to shift to an accrual accounting system is provided by this bill for anyone who derives his income largely from farming, or even from nonfarm income if it does not exceed $15,000 a year. It is fully recognized that bona fide farmers have good reasons for not always following accrual accounting methods and there is no intent here, directly or implied, to make a change in this respect.

The dollar figure as to the exact amount of nonfarm income against which farm income may be offset represents an analysis of available statistics as well as discussion generated by the introduction of the original bill. Substantially all the rest of the provisions of the new bill, however, represent suggestions contained in the reports of the Treasury and Agriculture Departments issued in July of this year.

As I have indicated in previous statements, beginning with the introduction of the earlier bill, this use of farming losses to offset other income is an ever-increasing problem in large part because this is creating a new breed of person, sometimes referred to as "tax farmers," who are more interested in farming the Internal Revenue Code than they are the land, and who are making it increasingly difficult for bona fide farmers to earn a fair and adequate rate of return on their effort and investment.

The intent of both the earlier bill and the one introduced today is to eliminate the provisions of the tax laws which presently grant high-bracket taxpayers substantial tax benefits from the operation—usually indirectly—of limited types of farm operations on a part-time basis. The principal economic activity of these taxpayers is other than farming—often running a brokerage firm, law business, practicing medicine or deriving income largely from the stage or motion picture productions. By electing the special farm accounting rules which, as the Treasury Department has indicated, were developed to ease the bookkeeping chores for ordinary farmers, these high-bracket taxpayers show farm "tax losses" which are not true economic losses. These tax losses are then deducted against their other income with resulting large tax savings.

In addition, these tax losses frequently represent the costs of creating a farm asset—such as the cost of raising a breeding herd of cattle—which will ultimately be sold and the proceeds taxed at capital gains rate not in excess of 25 percent. As a result, deductions are offset against ordinary income, currently saving as much as 77 cents on a dollar, while the related income may eventually be taxed at 25 cents on the dollar or less.

While I am, of course, concerned with the tax equity problem here—namely, the problem wherein high-bracket taxpayers are able to avoid paying their fair share of the tax burden by using farm losses to offset or eliminate other income—of still greater importance is the fact that the influx of these "tax farmers" is squeezing small and other bona fide farmers out of farming operations. These tax farmers bid up prices of land and other farm assets through the use of their very considerable financial resources. An example of this process is the effect of prices of breeding stock and of the increasing popularity of devices such as "rent-a-cow." High-income "tax farmers" are able to pay these prices because they make their profit from the farm loss deductions, not from the economic return on farming as such.

It is ironic that tax provisions primarily developed for the benefit of bona fide farmers have, in fact, been misused by others so that they, in reality, have injured the bona fide farmer by the movement of the "tax farmers" into farming operations with the resultant bidding up of farm asset prices. Certainly this was not intended by the Congress.

In summary, I would like to point out that the principal effect of this bill will be to remove the inflation in farm asset prices which arises from the encouragement which our tax laws give others than farmers to engage in specialized types of farming operations. The effect of this bill should be to restore a more normal relationship between farm property values and income to be derived from farming. This should also have the substantial, but side effect of substantially increasing the equity of our tax laws.

On April 25, 1968, I inserted in the Record a table showing how, in general, farm losses increase as the size of nonfarm income increases. If it were not for the presence of these "tax farmers" in the statistics, one would almost think that the larger one's nonfarm income, the greater one's inefficiency in farming.

Mr. President, I ask unanimous consent that the table be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

NET FARM LOSS, NUMBER OF RETURNS AND AVERAGE NET FARM LOSS, BY AGI CLASS, TAXABLE RETURNS, 1964, 1965, AND 1966

AGI classes (thousands)	1964			1965			1966		
	Number of returns	Net loss (thousands)	Average loss	Number of returns	Net loss (thousands)	Average loss	Number of returns	Net loss (thousands)	Average loss
$0 to $5	222,910	$236,049	$1,059	197,762	$203,526	$1,029	171,410	$167,024	$974
$5 to $10	314,346	340,867	1,084	319,741	334,943	1,048	324,312	349,196	1,077
$10 to $15	70,351	112,499	1,599	79,564	123,177	1,548	104,509	142,655	1,365
$15 to $20	17,969	48,817	2,717	23,843	60,292	2,529	31,667	35,370	2,380
$20 to $50	29,394	152,693	5,195	30,380	133,187	4,384	36,861	154,263	4,185
$50 to $100	6,865	63,526	9,254	7,424	76,852	10,352	8,863	76,402	8,620
$100 to $500 [1]	2,546	53,608	21,056	2,874	54,872	19,093	[1] 3,241	[1] 60,789	[1] 18,756
$500 to $1,000	145	5,295	36,517	170	6,625	38,971	193	7,566	39,202
$1,000 and over	76	4,500	59,211	103	7,630	74,078	88	3,555	40,398

[1] Greater detail available for 1966:

AGI classes (thousands)	Number of returns	Net loss (thousands)	Average loss
$100 to $200	2,350	$36,202	$15,448
$200 to $500	891	24,487	27,483

Mr. METCALF. Mr. President, I also ask unanimous consent that the new bill be printed in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 4059) to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income, introduced by Mr. Metcalf (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 4059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"Sec. 277. Limitation on deductions attributable to farming.

"(a) General Rule.—In the case of a taxpayer engaged in the business of farming, the deductions attributable to such business which, but for this section, would be allowable under this chapter for the taxable year shall not exceed the sum of—

"(1) the adjusted farm gross income for the taxable year, and

"(2) the higher of—

"(A) the amount of the special deductions (as defined in subsection (c)(3)) allowable for the taxable year, or

"(B) in the case of a taxpayer other than an electing small business corporation (as defined in section 1371), $15,000 ($7,500 in the case of a married individual filing a separate return), reduced by the amount by which the taxpayer's adjusted gross income (taxable income in the case of a corporation) for the taxable year attributable to all sources other than the business of farming (determined before the application of this section) exceeds $15,000 ($7,500 in the case of a married individual filing a separate return).

"(b) Exception.—

"(1) Taxpayers using certain accounting rules.—Subsection (a) shall not apply to a taxpayer who has filed a statement, which is effective for the taxable year, that—

"(A) he is using, and will use, a method of accounting in computing taxable income from the business of farming which uses inventories in determining income and deductions for the taxable year, and

"(B) he is charging, and will charge, to capital account all expenditures paid or incurred in the business of farming which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

"(2) Time, manner, and effect of statement.—A statement under paragraph (1) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Secretary or his delegate shall prescribe by regulations. Such statement shall be binding on the taxpayer, and be effective, for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Secretary or his delegate.

"(3) Change of method of accounting etc.—If, in connection with a statement under paragraph (1), a taxpayer changes his method of accounting in computing taxable income or changes a method of treating expenditures chargeable to capital account, such change shall be treated as having been made with the consent of the Secretary or his delegate and, in the case of a change in method of accounting, shall be treated as a change not initiated by the taxpayer.

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) Adjusted farm gross income.—The term 'adjusted farm gross income' means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year (including recognized gains derived from sales, exchanges, or involuntary conversions of farm property), reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the lower of—

"(A) the amount (if any) by which the recognized gains on sales, exchanges, or involuntary conversions of farm property which under section 1231(a) are treated as gains from sales or exchanges of capital assets held for more than six months exceed the recognized losses on sales, exchanges, or involuntary conversions of farm property which under section 1231(a) are treated as losses from sales or exchanges of capital assets held for more than six months, or

"(B) the amount (if any) by which the recognized gains described in section 1231 (a) exceed the recognized losses described in such section.

"(2) Net farm income.—The term 'net farm income' means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year, reduced by the sum of—

"(A) the deductions allowable under this chapter (other than by subsection (d) of this section) for such taxable year which are attributable to such business, and

"(B) in the case of a taxpayer other than a corporation, an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

"(3) Special deductions.—The term 'special deductions' means the deductions allowable under this chapter which are paid or incurred in the business of farming and which are attributable to—

"(A) taxes,

"(B) interest,

"(C) the abandonment or theft of farm property, or losses of farm property arising from fire, storm, or other casualty,

"(D) losses and expenses directly attributable to drought, and

"(E) recognized losses from sales, exchanges, and involuntary conversions of farm property.

"(4) Farm property.—The term 'farm property' means property which is used in the business of farming and which is property used in the trade or business within the meaning of paragraph (1), (3), or (4) of section 1231 (b) (determined without regard to the period for which held).

"(5) Disallowed farm operating loss.—The term 'disallowed farm operating loss' means, with respect to any taxable year, the amount disallowed as deductions under subsection (a) for such taxable year, reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

"(6) Business of farming.—A taxpayer shall be treated as engaged in the business of farming for any taxable year if—

"(A) any deduction is allowable under section 162 or 167 for any expense paid or incurred by the taxpayer with respect to farming, or with respect to any farm property held by the taxpayer, or

"(B) any deduction would (but for this paragraph) otherwise be allowable to the taxpayer under section 212 or 167 for any expense paid or incurred with respect to farming, or with respect to property held for the production of income which is used in farming.

For purposes of this paragraph, farming does not include the raising of timber.

"(7) Two or more businesses.—If a taxpayer is engaged in two or more businesses of farming, such businesses shall be treated as a single business.

"(8) Partnerships.—A business of farming carried on by a partnership shall be treated as carried on by the members of such partnership in proportion to their interest in such partnership. To the extent that income and deductions attributable to a business of farming are treated under the preceding sentence as income and deductions of members of a partnership, such income and deductions shall, for purposes of this chapter, not be taken into account by the partnership.

"(d) Carryback and Carryover of Disallowed Farm Operating Losses.—

"(1) In general.—The disallowed farm operating loss for any taxable year (hereinafter referred to as the 'loss year') shall be—

"(A) a disallowed farm operating loss carryback to each of the 3 taxable years preceding the loss year, and

"(B) a disallowed farm operating loss carryover to each of the 5 taxable years following the loss year, and (subject to the limitations contained in paragraph (2)) shall be allowed as a deduction for such years, under regulations prescribed by the Secretary or his delegate, in a manner consistent with the allowance of the net operating loss deduction under section 172.

"(2) Limitations.—

"(A) In general.—The deduction under subsection (a) for any taxable year for disallowed farm operating loss carrybacks and carryovers to such taxable year shall not exceed the taxpayer's net farm income for such taxable year.

"(B) Carrybacks.—The deduction under subsection (a) for any taxable year for disallowed farm operating loss carrybacks to such taxable year shall not be allowable to the extent it would increase or produce a net operating loss (as defined in section 172(c)) for such taxable year.

"(3) Treatment as net operating loss carryback.—Except as provided in regulations prescribed by the Secretary or his delegate, a disallowed farm operating loss carryback shall, for purposes of this title, be treated in the same manner as a net operating loss carryback.

"(e) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

Sec. 2. (a) The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"Sec. 277. Limitation on deductions attributable to farming."

(b) Section 172 (1) of such Code is amended by adding at the end thereof the following new paragraph:

"(3) For limitations on deductions attributable to farming and special treatment of disallowed farm operating losses, see section 277."

(c) Section 381 (c) of such Code is amended by adding at the end thereof the following new paragraph:

"(24) Farm operating loss carryovers.—The acquiring corporation shall take into account, under regulations prescribed by the Secretary or his delegate, the disallowed farm operating loss carryovers under section 277 of the distributor or transferror corporation."

Sec. 3. The amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act, except that for purposes of applying section 277(d) of the Internal Revenue Code of 1954 (as added by the first section of this Act) with respect to disallowed farm operating losses of any taxpayer for taxable years beginning after such date, such amendments shall also apply to the 3 taxable years of such taxpayer preceding the first taxable year beginning after such date.

Mr. METCALF. Mr. President, I also ask unanimous consent that the name of the distinguished Senator from Hawaii [Mr. Inouye], the present occupant of the chair, be added as a cosponsor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAYH. Mr. President, as one of the cosponsors, let me commend my distinguished colleague from Montana for introducing a perfected version of S. 2613, his earlier bill to prevent corporations and industries from buying up farmland and intentionally operating at a loss so that they can benefit from tax writeoffs. The new measure incorporates a number of technical modifications and other improvements. I am happy to join in cosponsorship of this proposal because it would contribute substantially toward solving the problem of small farmers.

The result of this growing practice of tax writeoffs by nonfarmers has been to make it more difficult for the family farmer to compete in the marketplace. A family farmer cannot purposely operate at a loss and remain a going concern. In addition, this practice, in effect, denies local, State, and Federal governments taxes. Corporate farms also get the benefit of a number of tax advantages not enjoyed by the family farmer. They can deduct for advertising, losses in any one of several areas of their huge operations, and other corporation expenses.

To illustrate the seriousness of the situation, there are nearly 18,000 corporate farms in the United States, only about half of which pay any Federal taxes. In total, these corporate farms are reported to gross $4.3 billion a year and pay only $70 million in Federal taxes, or about 1.7 percent of their gross. How much better off the family farmer would be if he only had to pay 1.7 percent of his gross income in Federal taxes.

The Treasury Department has also stated that statistics demonstrate a clear predominance of farm losses over farm gains among high-bracket taxpayers with income from other sources. For example, in 1965, among taxpayers with adjusted gross incomes of over $500,000, total farm profits were $2 million; total farm losses were $14 million. This amounts to a 7-to-1 ratio of losses to profits. At the other end of the scale, among taxpayers with less than $50,000 of adjusted gross income, a 5-to-2 ratio of profits to losses occurred.

The implications are clear. Either small farmers are much more efficient in their operations, despite the superior equipment and facilities available to the corporate farms, or the large corporate farms are taking advantage of an inequitable tax structure.

Mr. President, at the very least, our farm programs ought to help the producer who needs it the most: the small family farmer.

The annual migration from rural areas to the cities averaged almost 800,000 annually from 1960 to 1965. Most of these people went to urban areas, many to ghettos, ultimately creating a crisis in the cities. This is not only a farm problem; it is truly a national problem. It does not affect only families in the countryside; it affects families in the cities and the urban taxpayer as well.

Efforts must be made to stem this tide of migration. Let us give the small farmer the benefits that were originally intended to help him. This Nation has a sizable stake in the economic well-being of the agricultural community. It is time that those persons shared in the prosperity of this Nation.

The bill introduced today would simply insure that large corporations would bear an equal tax burden with their rural neighbors. It would not affect those with nonfarm income up to $15,000. Consequently, persons engaged in farming while at the same time holding down a part-time job, would not be affected. For those with nonfarm income over $15,000, losses would be reduced dollar for dollar. Those earning over $30,000 of nonfarm income could not offset farm losses against their income.

As my distinguished colleague stated, the bill would not prevent accepted, general deductions related to drought, sale of farm property, casualty losses, taxes and interest.

I hope the Senate will support this measure which is a modest attempt to aid bona fide farmers who are being driven off the farms in alarming proportions. We simply cannot afford to let the family farm die. If it does, then a handful of people will control the food supply for the whole Nation, which is too great a risk to take in a free society.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 19, 1968, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 220. An act to authorize the sale of certain lands;

S. 224. An act to provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes;

S. 444. An act to establish the Flaming Gorge, National Recreation Area in the States of Utah and Wyoming, and for other purposes;

S. 747. An act for the relief of Dr. Earl C. Chamberlayne;

S. 772. An act for the relief of Dr. Violeta V. Ortega Brown;

S. 905. An act for the relief of John Theodore Nelson;

S. 1327. An act for the relief of Dr. Samad Nomtazee;

S. 1354. An act for the relief of Dr. Bong Oh Kim;

S. 1440. An act to include in the prohibitions contained in section 2314 of title 18, United States Code, the transportation with unlawful intent in interstate or foreign commerce of traveler's checks bearing forged countersignatures;

S. 1470. An act for the relief of the Ida group of mining claims in Josephine County, Oreg.;

S. 1637. An act to amend the Tennessee Valley Authority Act of 1933 with respect to certain provisions applicable to condemnation proceedings;

S. 2250. An act for the relief of Dr. Hugo Vicente Cartaya;

S. 2371. An act for the relief of Dr. Herman J. Lohmann;

S. 2477. An act for the relief of Dr. Fang Luke Chiu;

S. 2506. An act for the relief of Dr. Julio Epifanio Morera;

S. 2706. An act for the relief of Yung Ran Kim;

S. 2715. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation or Tribe of Oklahoma, and for other purposes;

S. 2720. An act for the relief of Hang Liong Thung;

S. 2759. An act conferring U.S. citizenship posthumously upon S. Sgt. Ivan Claus King;

S. 3024. An act for the relief of Richard Smith (Noboro Kawano);

S. 3072. An act to amend the act entitled "An act to provide for the rehabilitation of Guam, and for other purposes," approved November 4, 1963;

S. 3133. An act to extend for 1 year the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts, and for other purposes;

S. 3182. An act to authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Swinomish Indian Tribal Community, and for other purposes;

S. 3379. An act to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness;

S. 3420. An act to authorize a per capita distribution of $500 from funds arising from a judgment in favor of the Confederated Tribes of the Colville Reservation;

S. 3566. An act to amend the Federal Aviation Act of 1958 with respect to the definition of "supplemental air transportation," and for other purposes;

S. 3578. An act to direct the Secretary of Agriculture to release on behalf of the United States, a condition in a deed conveying certain lands to the South Carolina State Commission of Forestry so as to permit such Commission, subject to a certain condition, to exchange such lands;

S. 3620. An act to provide for the disposition of judgment funds on deposit to the credit of the Quechan Tribe of the Fort Yuma Reservation, Calif., in Indian Claims Commission docket No. 319, and for other purposes;

S. 3621. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Muckleshoot Tribe of Indians in Indian Claims Commission docket No. 98, and for other purposes;

S. 3671. An act to provide for the striking of medals in commemoration of the 200th anniversary of the founding of Dartmouth College;

S. 3687. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio, and for other purposes;

S. 3728. An act to authorize the use of funds from a judgment in favor of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes; and

S.J. Res. 185. Joint resolution to grant the status of permanent residence to Maria Mercedes Riewerts.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO AMORTIZED DEDUCTIONS FOR CERTAIN ASSESSMENTS FOR DEPRECIABLE PROPERTY—AMENDMENTS

AMENDMENT NO. 981

Mr. HARTKE (for himself and Mr. Hart) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 982

Mr. GRIFFIN submitted an amendment, intended to be proposed by him, to House bill 2767, supra, which was ordered to lie on the table and to be printed.

CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 79—CORRECTION OF ERRORS IN ENROLLMENT OF SENATE BILL 827

Mr. JACKSON submitted a concurrent resolution (S. Con. Res. 79) to correct errors in the enrollment of S. 827, which was considered and agreed to.

(See the above concurrent resolution printed in full when submitted by Mr. Jackson, which appears under a separate heading.)

CONSUMER PROTECTION IN THE DISTRICT OF COLUMBIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1504, S. 2589.

The PRESIDENT pro tempore. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2589) to provide for the regulation in the District of Columbia of retail installment sales of consumer goods (other than motor vehicles) and services, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

TITLE I—GENERAL PROVISIONS AND DEFINITIONS

Section 1.101. Purposes, Rules of Construction.—

(A) This Act may be cited as the "District of Columbia Retail Installment Sales Act", and shall be liberally construed and applied to promote its underlying purposes and policies.

(B) Underlying purposes and policies of this Act are—

(1) to regulate retail installment sales of consumer goods (other than motor vehicles) and services and to safeguard consumers from unfair, unconscionable, or fraudulent advertising, sales, credit, and collection practices;

(2) to permit and encourage the development of fair and economically sound consumer credit practices;

(3) to further consumer understanding through disclosure of the terms of retail installment transactions and to promote and enhance competition among retail sellers of consumer goods and services; and

(4) to promote and develop programs for the education of retail credit consumers.

Sec. 1.102. Construction Against Implicit Repeal.—This Act being a general Act relating to the retail installment sale of consumer goods and services, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

Sec. 1.103. General Repealer.—All Acts or parts of Acts inconsistent herewith are, to the extent of such inconsistency, hereby repealed.

Sec. 1.104. Severability.—If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or the application of this Act which can be effected without the invalid provision or application, and to this end the provisions of this Act are severable.

Sec. 1.105. Effective Date.—

(A) This Act shall take effect on the first day of the first month which begins more than ninety days after the enactment of this Act.

(B) This Act and the regulations adopted and promulgated by the Council under the authority of this Act shall be applicable to retail installment contracts, open-end credit agreements, and extension or refinancing agreements entered into on or after the effective date of this Act, notwithstanding the provisions of any retail installment contract, refinancing or extension agreement, promissory note, or other instrument to the contrary.

Sec. 1.201. Definitions.—

(1) "Cash price" of goods or services means the price at which the goods or services are offered for sale by the seller to cash buyers in the ordinary course of business and may include, if separately itemized, any applicable taxes. The cash price of goods may not include the cash price of delivery, installation, servicing, repairs, alterations, or improvements. The amount by which the cash price stated in a retail installment contract exceeds the cash price of goods or services offered for sale by the seller to retail or cash buyers in the ordinary course of business shall be deemed a finance charge.

(2) "Commissioner" means the Commissioner of the District of Columbia or his designated agent; "Oouncil" means the District of Columbia Council or its designated agent.

(3) "Consumer goods" means tangible chattels bought for use primarily for personal, family, or household purposes, including certificates or coupons exchangeable for such goods, and including consumer goods which, at the time of the sale or subsequently, are to be so affixed to real property as to become a part of real property whether or not severable therefrom, but the term "consumer goods" does not include goods acquired for commercial or business use or for resale, nor shall such term include any motor vehicle as such term is defined in the first section of the Act approved April 22, 1960 (74 Stat. 69; title 40, ch. 9, D.C. Code), providing for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia.

(4) "Credit" means the right granted to a retail buyer to defer payment of debt or to incur debt and defer its payment.

(5) "District" means the District of Columbia.

(6) "Finance charge":

(a) "Finance charge" means the sum of all the charges directly or indirectly imposed upon and payable by a retail buyer, as an incident to the extension of credit in a retail installment transaction, including, but not limited to, amounts deemed a finance charge under subsection (1) of this section, loan fees, service and carrying charges, discounts, interest, time price differentials, investigators' fees, costs of any guarantee or insurance protecting the creditor against obligor's default or other credit loss.

(b) If itemized and disclosed in compliance with this Act and regulations promulgated thereunder, the term does not include (i) fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting or releasing or satisfying any security related to a retail installment transaction; (ii) taxes; (iii) charges or premiums, in compliance with this Act and regulations promulgated thereunder, for insurance against loss of or damage to property related to a retail installment transaction or against liability arising out of the ownership or use of such property; and (iv) charges or premiums, in compliance with this Act and regulations promulgated thereunder, for credit life, accident, and health insurance.

(7) "Home improvement contract" or "contract for home improvement work" means an agreement for the performance of home improvement work.

(8) "Home improvement work" means the construction of one or more additions to, other improvement, repair, restoration, alteration, conversion, or replacement of any residential property as herein defined, but the term "home improvement work" shall not extend to or include the sale or installation of any appliance, materials, household furnishings, or home equipment, if not made part of the realty.

(9) "Open-end credit agreement" means an agreement, prescribing the terms of secured or unsecured retail installment transactions, which may take place from time to time thereunder, and providing that the buyer's periodic unpaid balance is payable in installments.

(10) "Person" means an individual, firm, concessionaire, partnership, joint stock company, corporation association, incorporated society, statutory or common law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, committee, assignee, officer, employee, principal, or agent.

(11) "Residential property" means real property or interest therein consisting of a single-family dwelling or two-family dwelling, including an individual apartment or residential unit in a cooperative or condominium apartment building, together with any structure or grounds appurtenant to such dwelling.

(12) "Retail buyer" or "buyer" means a person who buys consumer goods from a retail seller in a retail installment transaction and not principally for the purpose of resale, or who, under a retail installment contract, buys services from a retail seller.

(13) "Retail installment contract" means a contract evidencing a retail installment transaction and which is entered into within or has substantial contact with the District.

(14) "Retail installment transaction" means any retail transaction between a retail seller and a retail buyer in which there is an agreement for the purchase of consumer goods, or services, or both consumer goods and services, for which the price is to be paid in one or more deferred installments, and such term shall include any transaction involving a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay compensation for the use of the consumer goods or services or both which are the subject of such contract and it is agreed that the bailee or lessee is bound to become, or, for no further, or a merely nominal, consideration, has the option, upon full compliance with the provisions of the bailment or lease, of becoming the owner of the consumer goods or services, or both; except that the term shall not include any retail transaction in which the purchase price is to be paid in full within not more than ninety days from the initial billing date, and no security interest in the consumer goods is retained by the seller and no other collateral or security is required or accepted by the seller, and no finance charge or other charge is made as consideration for the deferral of payment or extension of credit.

(15) "Retail seller" or "seller" means a person engaged in the business of selling consumer goods or services to retail buyers.

(16) "Services" means work, labor, or other kind of activity furnished, or agreed to be furnished, primarily for personal, family, or household use, and not for commercial or business use, whether or not furnished or agreed to be furnished in connection with the delivery, installation, servicing, repair, or improvement of consumer goods, including such work, labor, or other activity furnished or agreed to be furnished in connection with repairs, alterations, or improvements upon or in connection with real property, but the term "services" shall not include work, labor, or other activity furnished or agreed to be furnished for which the price or tariff charged or to be charged is required by law to be determined or approved by, or to be filed, subject to approval or disapproval, with the United States or the District, or a department, division, agency, officer, or official of either of such governments.

TITLE II—REGULATIONS AND GENERAL AUTHORITY TO COMMISSIONER AND COUNCIL

Sec. 2.101. The Council is hereby authorized to make and provide for the enforcement of such regulations as it deems appropriate to effectuate the purposes of this Act and safeguard consumers from unfair and unconscionable advertising, sales, credit, and collection practices in connection with retail installment transactions. Such regulations may include, without limitation, provisions—

(A) containing definitions, whether or not used in this Act, insofar as such definitions are not inconsistent with the provisions of this Act;

(B) defining and proscribing advertising, sales, and collection practices which, in the opinion of the Council, are inconsistent with the general purposes of this Act and existing laws including, without limitations—

(1) false, misleading, and deceptive advertisements relating to quality, quantity, price, finance charge or rate, or other terms relative to the sale of consumer goods and services, provided that such regulations shall not apply to the owner, publisher, employee, or agent of newspapers, magazines, publications, or printed matter wherein such advertisement appears, or to the owner, operator, employee, or agent of a radio or television station which disseminates such advertisement when the owner, publisher, operator, employee, or agent has no knowledge of the commission of a violation of regulations; and

(2) advertising and sales practices and techniques that depend for their effect upon an offer to sell consumer goods or services that is not accompanied by a bona fide offer to sell the offered goods or services, or upon an offer of terms or conditions surrounding a sale that is not contained in the retail installment contract or an offer that would mislead buyers as to the terms and conditions surrounding the obligations of a party or parties to a retail installment transaction, or as to the possibility of performance of such terms and conditions;

(C) respecting the form, execution, and delivery of retail installment contracts, open-end credit agreements, and notices of cancellation, including, without limitation, provisions for a more detailed description of the consumer goods or services to which any contract or agreement relates than is required by section 28:9–110 of the District of Columbia Code, provisions for a brief notice to one who cosigns a contract explaining the liabilities incurred by such signature, and additional provisions, and notices to be contained in such contracts, agreements, or notices of cancellation;

(D) requiring the showing in retail installment contracts of the amount, if any, to be charged retail buyers as a finance charge, or the basis on which such charge is to be determined, and the amounts, if any, to be charged such buyers for insurance premiums, delinquency charges, attorneys' fees, court costs, collection expenses, and recording or filing fees, such amounts to be itemized separately or to be grouped, as the Council may determine;

(E) requiring the showing in open-end credit agreements of the schedule, rate, or basis upon which the payments and finance charge will be computed, and the basis on which will be determined the amounts to be charged the buyer for insurance premiums, delinquency charges, attorneys' fees, court costs, collection expenses, and recording or filing fees;

(F) governing the form, execution, and delivery of promissory notes and other instruments whereby a retail buyer agrees or promises to pay the unpaid balance of the total amount to be paid under a retail installment contract or open-end credit agreement;

(G) respecting the form, execution, and delivery of notices required by this Act regarding repossession of goods and respecting the manner and methods of the sale or disposition of repossessed goods.

SEC. 2.102. No regulation shall be adopted by the Council under the authority of this Act until after a public hearing has been held thereon for the purpose of receiving evidence relevant and material to the proposed regulation. At the hearing, any interested person may be heard in person or by representative. As soon as practicable after completion of the hearing, the Council shall act upon such proposed regulation and make any final regulations public. Such regulations shall be based only on substantial evidence of record at such hearing and shall set forth, as part of the regulations, detailed findings of fact on which the regulations are based. The Council shall specify in the regulation the date on which it shall take effect, except that it shall not be made to take effect prior to the thirtieth day after its publication unless the Council finds that emergency conditions exist necessitating an earlier effective date, in which event the Council shall specify in the regulation its findings as to such conditions.

Any person who will be adversely affected by a regulation adopted by the Council, if it be placed in effect, may, at any time prior to the thirtieth day after such regulation is published, file a petition with the District of Columbia Court of Appeals for a judicial review of the regulation, alleging therein that the adverse effect so stated in the petition will result from an action of the Council which is (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; or (5) unsupported by substantial evidence. A copy of the petition setting forth the complaint as set forth above shall be forthwith transmitted by the clerk of the court to the Council or other officer designated by it for that purpose. The Council thereupon shall file in the court the record of the proceedings on which the Council based its regulation.

If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material, that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the Council, and that a written request for reconsideration and taking of such additional evidence has been made upon the Council and subsequently denied, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Council and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may seem proper. The Council may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, and its recommendations, if any, for the modification or setting aside of its original regulation, with the return of such additional evidence.

Upon the filing of the petition referred to in the second paragraph of this section, the court shall have jurisdiction to affirm the regulation, or to set it aside in whole or in part, temporarily or permanently, upon a showing by petitioner that the proposed regulation is violative of one or more of the enumerated grounds set forth in the proviso contained in the second paragraph of this section. In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. If the Council refuses to issue, amend, or repeal a regulation, and such regulation is not in accordance with law, the court shall by its judgment order the Council to take action, with respect to such regulation, in accordance with law. The findings of the Council as to the facts, if supported by substantial evidence, shall be conclusive.

The judgment of the court affirming or setting aside, in whole or in part, any such regulation of the Council shall be final, subject to review by United States Court of Appeals for the District of Columbia Circuit pursuant to applicable provisions of titles 11 and 17 of the District of Columbia Code.

Any action instituted under this section shall survive notwithstanding any change in the persons occupying the offices of the Council, or any vacancy in such offices.

The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

SEC. 2.103. The Commissioner and the Council, with the exception of the function of making regulations to carry out the purposes of this Act, are authorized to delegate, with power to redelegate, any of the functions vested in them by this Act.

SEC. 2.104. The authority and power vested in the Commissioner and Council by any provision of this Act shall be deemed to be additional and supplementary to authority and power now vested in him or them, and not as a limitation.

TITLE III—MAXIMUM FINANCE AND OTHER CHARGES

SEC. 3.101. INCLUSIVE CHARGES.—No fee, expense, or other charge whatsoever shall be taken, received, reserved, or contracted for in retail installment transactions except the following:

(A) finance charges permitted by this Act or regulations promulgated thereunder;

(B) charges for delivery, installation, repair, or other services upon the goods which are included in the contract separate from the cash price of the goods and which are not imposed on the buyer as an incident to the extension of credit;

(C) charges for official fees, taxes, and insurance which are itemized and described in the retail installment contract which qualify for exclusion from the definition of finance charges under section 1.201(6) of this Act; and

(D) additional charges authorized by this Act, or regulations promulgated thereunder.

SEC. 3.102. MAXIMUM FINANCE CHARGES.—No finance charge shall be taken, received, reserved, agreed upon, or contracted for in excess of the maximum rates established by regulations promulgated by the Council. Such rates shall be computed in accordance with rules, regulations, and instructions issued by the Council.

SEC. 3.103. ADDITIONAL PERMITTED CHARGES.—A retail installment contract may provide for the payment by the buyer of—

(A) charges or premiums for insurance, to protect from loss the seller or his assignee or any other person entitled to payment in accordance with the terms of a retail installment contract or any extension or refinancing agreement respecting such contract, of such types, maximum coverage amounts and rates as the Council shall by regulation prescribe;

(B) a delinquency charge on each installment in default for a period of not less than fifteen days, in such amount as the Council shall by regulation prescribe;

(C) an extension charge, in such amount as the Council shall by regulation prescribe for each installment from the date when such installment or part thereof would otherwise have been payable to the date when such installment or part thereof is made payable under the extension agreement: *Provided*, That when any such charge is made, no delinquency charge as provided in subsection (B) of this section shall be made (unless an installment as extended is not paid by the end of the period beyond the extended due date): *And provided further*, That the buyer may be charged the additional cost, if any, for such insurance coverage which is provided as permitted by subsection (A) of this section, and is provided in such extension;

(D) the payment of a reasonable attorney's fee in an action for the unpaid balance and, upon redemption by the buyer of repossessed goods, reasonable attorney's fees incident to the actual and reasonable costs of repossessing and holding the goods, in either case not to exceed 10 per centum of the unpaid balance, to an attorney not a salaried employee of the seller, assignee, or person suing on his behalf;

(E) court costs; and

(F) actual and reasonable expenses incurred in realizing on a security interest, following default of the buyer.

SEC. 3.104. SPLITTING OR DIVIDING TRANSACTIONS.—No seller shall induce or permit any buyer to split up or divide any retail installment transaction for the purposes of contracting for or receiving a higher finance or other charge than would otherwise be permitted by this Act.

TITLE IV—RESTRICTIONS ON RETAIL INSTALLMENT CONTRACTS

SEC. 4.101. Every retail installment contract shall be contained in a single document or single set of documents, signed by both the buyer and the seller, and completed as to all essential provisions before it is signed by the buyer. No provision shall be inserted in any retail installment contract or extension or refinancing agreement designed to nullify and make ineffective the provisions of this Act or regulations adopted pursuant thereto, or otherwise deprive a retail buyer of the protection afforded him by this Act or such regulations, nor shall any provision be inserted in any such contract or agreement whereby the buyer waives or purports to waive any provision of this Act. The insertion in any such contract or agreement of a provision in violation of or designed or intended to nullify this Act or the regulations adopted and promulgated pursuant to this Act, or to waive the requirements of this Act and such regulation, shall constitute a violation of this Act, and, in addition, such provision shall be void and of no effect.

SEC. 4.102. NEGOTIABLE INSTRUMENTS PROHIBITED.—Notwithstanding section 28:3–301 through 307 of the District of Columbia Code, in a retail installment transaction the seller may not take a negotiable promissory note or other negotiable instrument as evidence of the obligation of the buyer. If, as a part of a retail installment transaction, a promissory note is taken by the seller, such note shall state that it is subject to and governed by the retail installment contract out of which it arises and, in the hands of any subsequent holder, such note shall be subject to all defenses which the buyer might have asserted against the seller.

SEC. 4.103. PROHIBITED CONTRACT CLAUSES.—No seller or subsequent assignee shall at any time take or receive any retail installment contract or extension or refinancing agreement from a buyer which contains—

(A) any provision for the acceleration of the time when any part or all of the indebtedness becomes payable other than for a substantial default in payment or performance by the buyer, or on the same grounds as would authorize an attachment before judgment under paragraphs (2) through (5) of subsection (d) of section 16-501 of the District of Columbia Code, notwithstanding section 28:1–208 of the District of Columbia Code;

(B) any schedule of payments under which any one installment, except the downpayment, is not equal or substantially equal to all other installments, excluding the downpayment, or under which the intervals between any consecutive installments differ substantially, except that—

(1) the intervals for the first installment payment may be longer than the other intervals,

(2) the final installment payment may be less in amount than the preceding installment payment, and

(3) where a buyer's livelihood is dependent upon seasonal or intermittent income, the seller and the buyer may agree that one or more installment payments in the schedule of payments may be reduced or deferred;

(C) any confession of judgment or any power or warrant of attorney to appear for the buyer or for any surety or guarantor for him to confess judgment;

(D) any provision by which the buyer agrees not to assert against a seller or, notwithstanding section 28:9–206 and 28:2–316 of the District of Columbia Code, against an assignee, a claim, defense or express or implied warranty arising out of the sale of the consumer goods or services which are the subject matter of such contract;

(E) any provision by which the buyer relieves the seller from liability for any legal remedies which the buyer may have against the seller under the contract or under any separate instrument executed in connection therewith;

(F) any provision by which the buyer grants authority to the seller or assignee to enter the buyer's premises in the repossession of the collateral, if any;

(G) any provision by which the buyer waives any right of action against the seller, assignee or other person acting on behalf of either, for any illegal act committed in the collection of payments under the contract or in the repossession of goods; and

(H) any provision whereby the buyer executes a power of attorney appointing the seller, assignee, or other person acting in the seller's behalf, as the buyer's agent in the collection of payments under the contract or in the repossession of collateral security.

SEC. 4.104. Notwithstanding section 28:9–204 of the District of Columbia Code, the consumer goods which are the subject of a retail installment contract shall serve as security only for the obligation arising out of the sale of such goods and related collection and default charges and such goods shall not be made to secure any past or future advance or obligation of the buyer to the seller or to seller's assignee. This section shall not affect the right of a seller to take a security interest in accessions or in other goods to which such accessions are to be installed or affixed and shall not affect the right to place an encumbrance upon such fixtures or the real estate to which the article has become an accession or fixture.

SEC. 4.105. SIGNING IN BLANK PROHIBITED.—No seller or assignee shall at any time take or receive any retail installment contract signed by a buyer in blank or prior to the time all information required to be disclosed by this part and all terms upon which the parties have agreed at the consummation of the sale have been completed in the body of the contract, and the completed contract has been exhibited to the buyer and the buyer afforded reasonable opportunity to examine the contents thereof.

SEC. 4.106. DELIVERY OF COPY OF COMPLETED CONTRACT TO BUYER; ACKNOWLEDGMENT OF DELIVERY; REBUTTABLE PRESUMPTION.—The seller shall deliver to the buyer, or mail to him at his address shown on the retail installment contract, a legibly executed and completed copy thereof. Any acknowledgment by the buyer of delivery of a copy of the contract or compliance by the seller or assignee with the requirements of section 4.105 shall be in such format as prescribed by regulation of the Council. The buyer's acknowledgment, conforming to the requirements of this section, shall be a rebuttable presumption of such delivery and such compliance in any action or proceeding by or against an assignee of the contract without knowledge to the contrary when he purchases the retail installment contract.

SEC. 4.107. MAIL OR TELEPHONE SALES.—Any sale otherwise subject to the provisions of this Act which has been negotiated or entered into by mail or telephone without personal solicitation by a salesman or other representative of the seller, where the seller's cash and deferred payment prices and other terms are clearly set forth in a catalog or other printed solicitation of business which is generally available to the public, shall not be subject to the requirements of this Act that a copy of the contract be signed by the buyer or be delivered to the buyer: *Provided*, That the seller delivers to the buyer, before the date for the payment of the first installment, a memorandum of the purchase containing all of the essential elements of the agreement.

Nothing in this Act shall prohibit a seller from receiving an order containing blank spaces, where a sale is entered into in accordance with the provisions of this section.

SEC. 4.108. COMPLETION CERTIFICATE INVALID UNLESS TRUE.—In any transaction involving the modernization, rehabilitation, repair, alteration, improvement, or construction of real property, a writing signed by the buyer that such work has been satisfactorily completed shall not be valid unless the work to be performed by the seller is actually completed.

TITLE V—PAYMENTS

SEC. 5.101. OPERATION AND EFFECT OF PAYMENT.—Unless the buyer has written notice of actual or intended assignment of a retail installment contract, the buyer may pay or tender any amount due thereunder or give any notice required or permitted by the contract, to the person last known to be entitled to payment or notice under the contract, and such payment, tender, or notice shall be binding upon any subsequent assignee as fully as if made to him.

SEC. 5.102. RECEIPTS; STATEMENT OF ACCOUNT.—(A) When any payment is made on account of any retail installment contract, the person receiving such payment shall, if the payment is made in cash, give the buyer a complete written receipt therefor. If the buyer specifies that the payment is made on one of several obligations, the receipt shall so state.

(B)(1) Within six months after the execution of a retail installment transaction, including an open-end credit agreement, and within every six-month period thereafter until the buyer has discharged all his obligations under the contract, the seller or assignee, if any, in addition to any other statements or notices required by this Act, shall send to the buyer upon his written request a statement of account which shall list the following items designated as such:

(a) the amounts of each of the payments made by him or on his behalf, or the sum of the payments made by him or on his behalf during each billing period, depending on the manner in which the seller or assignee maintains his records, and setting forth any refunds and any payments of charges for delinquencies, expenses of repossession and extension, to the date of the statement of account but not to exceed a period of three years prior to such request;

(b) the amounts, if any, which have become due but remain unpaid, setting forth any charge for delinquencies, expenses of repossession and extensions; and

(c) the number of installment payments and the dollar amount of each installment not due but still to be paid and the remaining period the agreement is to run.

(2) The buyer shall be entitled to only one such statement in any six-month period free of charge. The sum of $1 may be charged for each additional written statement requested by the buyer before supplying such additional written statement.

SEC. 5.103. PAYMENT IN FULL BEFORE MATURITY.—

(A) Notwithstanding the provisions of any retail installment contract to the contrary, a buyer may pay in full at any time before the maturity of the final installment thereof, and thereby shall receive a refund credit and, if the contract included an amount for insurance, a further refund credit for such anticipation, whether or not the maturity of the scheduled payment of the contract was accelerated by reason of a buyer's default.

(B) Except as provided in paragraph (D), the amount of any such refund credit shall be calculated by the so-called sum of the digits method, and shall represent at least as great a proportion of the total amount of the finance charge as the sum of the scheduled periodic balances after the date of prepayment bears to the sum of the scheduled periodic total balances under the schedule of installments in the original or refinanced contract. In the event a contract has been extended and is prepaid in full during an extension period the buyer shall receive, in addition, the refund of that portion of the extension charge applicable to any unexpired months of the extension period.

(C) DETERMINATION OF THE DATE OF PREPAYMENT.—If the prepayment is made before the first installment due date, it shall be deemed to have been made on the first installment due date; thereafter, if the prepayment is made other than on an installment due date it shall be deemed to have been made on the next preceding or next succeeding installment due date, whichever is nearer to the actual date of prepayment.

(D) Where the amount of credit for anticipation of payment is less than $1, no refund need be made.

(E) In the event of prepayment, the seller shall be entitled to retain a finance charge of not less than $6.

SEC. 5.104. EXTENSION OF DUE DATE.—

(A) A seller or assignee may by agreement with the buyer extend the due date of all or any part of one or more installments under an existing retail installment contract or refinancing agreement.

(B) Except where an extension agreement extends the due date of only one installment or where no charge is made for the extension agreement, an extension agreement—

(1) shall be in writing and signed by the parties;

(2) shall incorporate by reference the agreement to which the extension agreement applies;

(3) shall state the terms of the extension; and

(4) shall clearly set forth regarding any extension charge, the dollar amount for each installment extended (which need not be separately stated if the amounts are substantially equal) the total additional dollar amount to be paid by the buyer for the privilege of extending the time of payment, and the dollar amount for the additional cost

of insurance, if any, resulting from the extension.

SEC. 5.105. REFINANCING.—

(A) A seller or assignee may by agreement with the buyer refinance the unpaid balance of a single retail installment contract or refinancing agreement to provide for a new schedule of the times or amounts of the payments, or both.

(B) The refinancing agreement shall be in such format as prescribed by regulation of the Council.

SEC. 5.106. ACKNOWLEDGEMENT OF PAYMENTS; RELEASE OF SECURITY.—Promptly on written request and in any event within sixty days after payment of all sums for which the buyer is obligated under a retail installment contract, the seller or assignee of such contract shall mail to the buyer, at his last known address, sufficient instruments to indicate payment in full and to release all security in the collateral, if any, under such contract.

TITLE VI—REPOSSESSION

SEC. 6.101. DEFAULT BY BUYER; RIGHTS OF SECURED PARTY; NOTICE OF INTENT TO REPOSSESS.—

(A) In the event of default by the buyer in performance of his obligations under a contract or instrument of security which expressly makes such default a ground for repossessing the goods, a secured party, pursuant to any rights granted by such contract or instrument, may (1) retake the goods and proceed as hereinafter provided, notwithstanding sections 28:9–501, 9–502, 9–504, 9–506, and 9–507(1) of the District of Columbia Code, or (2) proceed to recover judgment for the balance due without retaking the goods. In any case in which the proceeds obtained from the sale or other disposition of any such goods so repossessed are not sufficient to cover items (1), (2), and (3) of section 6.104, the secured party may, subject to section 6.105(A), recover the deficiency from the buyer. Unless the goods can be repossessed with the permission of the possessor and without use of force or breach of peace, they shall be repossessed by legal process.

(B) Not less than fourteen days before he repossesses, the secured party may, if he so desires, give notice to the buyer of his intention to repossess. The notice shall state the default, the balance due, and the period, if any, at the end of which the goods may be repossessed, and shall clearly, conspicuously, and briefly state the buyer's rights in case the goods are repossessed. The notice may be delivered to the buyer personally or be sent by registered or certified mail to his last known address.

SEC. 6.102. NOTICE; SERVICE; CONTENTS; PENALTY FOR FAILURE TO COMPLY.—Within five days after goods are repossessed the secured party shall deliver to the buyer personally, or send to him by registered or certified mail to his last known address, a written notice stating:

1. That the goods, including a general description thereof, have been repossessed;

2. The buyer's right to redeem within the fifteen-day period following the date that such notice is personally delivered to the buyer or if the mails are used the date the notice is sent to him by registered or certified mail to his last known address upon payment of the amount due and payable on such goods so repossessed;

3. The buyer's rights as to a resale; and

4. The exact address where any payment is to be made or notice delivered, and where the goods are stored.

SEC. 6.103. BUYER'S RIGHTS OF REDEMPTION.—

(A) The secured party shall retain possession of repossessed goods for the fifteen-day period following the date that such notice referred to in section 6.102 is personally delivered to the buyer or if the mails are used the date the notice is sent to him by registered or certified mail to his last known address, during which period the buyer may redeem the goods and become entitled to take possession thereof, by paying or tendering the amount specified below.

(B) To redeem the goods, the buyer shall:

1. pay or tender the full amount due under the contract or instrument of security;

2. perform or tender performance of any other promise the breach of which gave the secured party the right to repossess the goods; or

3. if the secured party has given notice of his intention to repossess under section 6.101(B), the buyer shall pay in addition, the reasonable costs of repossessing and holding the goods, including attorney's fees as provided in section 6.104(2).

SEC. 6.104. RESALE AND APPLICATION OF PROCEEDS.—After default and repossession of the goods and subject to the provisions of this section and section 6.103, the secured party may sell or otherwise dispose of the goods, the disposition to be carried out in a commercially reasonable manner. The proceeds of any such sale or disposition shall be applied in the following order:

1. If the secured party has given notice of his intention to repossess under section 6.101 (B), payment of reasonable expenses incurred in sale or disposition.

2. If the secured party has given notice of his intention to repossess under section 6.101(B), payment of reasonable expenses of repossessing and holding the goods, including reasonable attorney's fees where the attorney is not a salaried employee of the secured party or the seller.

3. Satisfaction of the balance due under the contract, less finance charges and insurance premiums, if any, allocable to installments due after repossession.

4. Surplus, if any, to the buyer without request.

SEC. 6.105. RECOVERY OF DEFICIENCY; ATTACHMENT OF GOODS PROHIBITED.—

(A) When the total amount paid by the buyer, however allocated by the seller, is at the time of default at least 75 per centum of the cash price of a retail installment transaction and the secured party elects to proceed by repossession in accordance with section 6.101(A)(1), the secured party may not recover any deficiency from the buyer or from anyone who has succeeded to the rights and obligations of the buyer.

(B) When the total amount paid by the buyer, however allocated by the seller, is at the time of default at least 75 per centum of the cash price of a retail installment transaction and the secured party elects to proceed to bring an action for the unpaid balance under section 6.101(A)(2), the secured party may not, pursuant to any judgment obtained therein, have the goods, which were the subject of the retail installment transaction, sold on execution or similar proceedings, notwithstanding section 16–544 of the District of Columbia Code.

SEC. 6.106. If it is established that the secured party is not proceeding in accordance with the provisions of this title VI disposition may be ordered or restrained on appropriate terms and conditions.

TITLE VII—PRIVATE REMEDIES

SEC. 7.101. (A) In the case of failure by any person to comply with the provisions of titles III and IV, and sections 5.104, 5.105, or any of the regulations promulgated by the Council pertaining thereto:

(1) such person or his assignee shall be barred from recovery of any finance charge or delinquency, collection, extension, or refinance charge, imposed in connection with the retail installment contract or refinancing or extension agreement; and

(2) for each violation, the buyer shall have the right to recover from such person or any person who acquires such a contract with knowledge of such noncompliance, a sum equal to the amount of any finance charge, imposed by the retail installment contract or refinancing agreement, plus 10 per centum of the principal amount of the debt.

(B) In the case of failure by any person to comply with the provisions of section 5.103, or any regulations promulgated by the Council pertaining thereto, the buyer shall have the right to recover from such person who acquires a retail installment contract or refinancing or extension agreement with knowledge of such noncompliance, a sum equal to twice the amount of the refund credit to which the buyer is entitled under that section.

(C) Failure of the secured party to comply with sections 6.102, 6.103, or 6.104, shall bar him from recovering any deficiency judgment from the buyer or from anyone who has succeeded to the rights and obligations of the buyer, and in addition, shall subject him to liability for any loss caused by the failure to comply with such provisions."

SEC. 7.102.—Penalties—Errors.—SEC. 7.101 (A) or (B) shall not apply to any violation which a seller or assignee establishes by a preponderance of the evidence to be the result of a bona fide error. Any good faith bookkeeping or clerical error and any unintentional failure by the seller to comply with any provision of this Act may be corrected within ten days after the seller or assignee notices such failure or is notified thereof in writing by the buyer and, if so corrected, neither the seller nor the assignee shall be subject to any penalty under this Act.

SEC. 7.103. In addition to the remedies specifically provided by this Act, the court may give such relief as it deems equitable and just.

SEC. 7.104. Except as provided to the contrary, the remedies provided by this part are cumulative to any additional remedies to which a buyer may be entitled under existing law, including, but not limited to, an action for actual damages that proximately resulted from a violation of this Act or regulations promulgated thereunder, and an action for conversion against a secured party who fails to proceed in accordance with sections 6.102 and 6.103.

SEC. 7.105. In any case in which it is found that a buyer, seller, or assignee has violated any provision of this Act, the court may award reasonable attorney's fees incurred by the party charging such violation.

TITLE VIII—ADMINISTRATION AND ENFORCEMENT

SEC. 8.101. There is hereby created a District of Columbia Department of Consumer Protection, subject to the general supervision of the Commissioner. The Department is authorized to employ such personnel as may be required to carry out its functions under this Act, and is hereby authorized and directed to—

(1) administer and enforce this Act and any regulations promulgated by the Council under this Act;

(2) conduct studies, investigations, and research with respect to retail installment transactions, including the retail sale of consumer goods and services and the purchasing of retail installment contracts;

(3) conduct educational programs, collect and disseminate information relating to retail transactions;

(4) establish and carry on continuous studies of the operation of this Act to ascertain from time to time defects therein jeopardizing or threatening to jeopardize the purposes of this Act, and to formulate and recommend changes in this Act and other laws of the District of Columbia which it may determine to be necessary for the realization of such purposes, and to the same end to make a continuous study of the operation and administration of similar laws that may be in effect in the United States and when it

deems advisable, make such studies available to the public;

(5) advise, consult, and cooperate with local governments within the Washington metropolitan region, the Federal Government, and interested persons and groups;

(6) encourage voluntary cooperation by persons or affected groups to achieve the purposes of this Act; and

(7) receive certifications by a clerk of court pursuant to section 8.105 and establish procedures for receiving and receive complaints from all persons affected by potential or actual violations of this Act or regulations promulgated under the authority of this Act, including members of the consuming public and persons engaged in the business of selling consumer goods and services or purchasing retail installment contracts.

Sec. 8.102. (A) The Commissioner or his duly authorized agent, in any case involving violation of the provisions of this Act or any of the regulations promulgated thereunder shall have the power to issue subpenas in the name of the chief judge of the District of Columbia Court of General Sessions to compel witnesses to appear and testify and/or to produce all books, records, papers, or documents.

(B) In case of disobedience to a subpena the Commissioner may invoke the aid of the District of Columbia Court of General Sessions in requiring the attendance and testimony of any person and the production of documentary evidence.

The District of Columbia Court of General Sessions may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear before the Commissioner or his duly authorized agent, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(C) no person shall be excused from attending and testifying or from producing documentary evidence before the Commissioner or his duly authorized agent in obedience to the subpena of the Commissioner on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no person except a corporation shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the Commissioner in obedience to a subpena: *Provided*, That no such person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 8.103. (A) The Commissioner or his duly authorized agents may administer oaths and affirmations to persons summoned in any investigation or hearing conducted under this Act. Any false swearing on the part of any person as to any material fact shall be deemed perjury and shall be punished in the manner prescribed by law for such offense.

(B) The Commissioner may order testimony to be taken by deposition at any stage of an investigation pending under this Act. Such depositions may be taken before any person designated by the Commissioner having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any persons may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Department as hereinbefore provided.

Sec. 8.104. In carrying out the purposes of this Act, the District of Columbia Department of Consumer Protection is hereby authorized to—

(1) hold hearings or otherwise gather information and conduct investigations relative to any aspect of, or matter in, the administration and enforcement of this Act or regulations promulgated under the authority of this Act;

(2) compel witnesses to appear, testify, or produce books, records, papers, or documents under the authority of and in the manner provided by sections 8.102 and 8.103; and

(3) initiate such proceedings as may be necessary for enforcement of sanctions provided in sections 8.201 through 8.204, or issue such orders as may be necessary to effectuate the purposes of this Act and enforce the sanctions provided in sections 8.201 through 8.204, and enforce the same by all appropriate administrative and judicial proceedings.

Sec. 8.105. Certification by a Clerk of Court.—Whenever the judgment of the District of Columbia Court of General Sessions or the United States District Court for the District of Columbia becomes final in a case in which it is found that any person has engaged in conduct violating this Act or regulations promulgated thereunder, the clerk of the court in which the judgment was entered shall certify such finding to the Commissioner or his duly authorized agent. A judgment shall be deemed to have become final for the purposes of this section—

(A) if no appeal is taken from the judgment, upon the expiration of the time within which an appeal could have been taken, or

(B) if an appeal is taken from the judgment, having been sustained, can no longer be appealed from or reviewed on a writ of certiorari.

CIVIL REMEDIES

Sec. 8.201. Injunctions.—

(A) Any person may be restrained by civil action brought by the Director of the District of Columbia Department of Consumer Protection, or his delegate, or by an aggrieved retail buyer, from engaging in conduct or enforcing any contract that violates this Act or any regulations promulgated thereunder.

(B) In an action brought pursuant to this section to enjoin and restrain any person from violating regulations promulgated by the Council under section 2.101(B), any advertising, sales, or collection practice that is subject to and complies with the rules and regulations of, and the statutes administered by the Federal Trade Commission, shall be rebuttably presumed to be neither unfair nor unconscionable, absent express provision in such regulations to the contrary.

(C) The court shall grant appropriate relief in an action brought pursuant to this section when it finds that the defendant has or is engaged or threatens to engage in conduct violating this Act or any regulations promulgated thereunder.

Sec. 8.202. Preliminary Relief.—With respect to and pending final determination of any action brought pursuant to section 8.201, after notice to a defendant and a hearing is held thereon, the court may grant such preliminary relief as it deems appropriate.

Sec. 8.203. Civil Penalty.—Any person who shall engage in a course of repeated and willful violations of this Act or any regulations promulgated by the Council under the authority of this Act shall be subject to liability for a civil penalty not exceeding $5,000. In all other cases, any person who shall willfully violate this Act or any such regulation shall be subject to liability for a civil penalty not exceeding $1,000.

AMENDMENT TO UNIFORM COMMERCIAL CODE—SECURED TRANSACTIONS

Sec. 8.301. Miscellaneous.—Section 28: 9–203(2) of the District of Columbia Code is amended by inserting immediately after the word "subject" where it appears the second time, the following: "to the District of Columbia Retail Installment Sales Act,".

Mr. TYDINGS. Mr. President, the Senate considers today a bill that will provide needed consumer protection for everyone who shops in the Metropolitan Washington area.

Last October I introduced S. 2589, a bill to end the deceptive and unjust practices of a few unscrupulous merchants who were systematically victimizing many honest, hardworking citizens who shop in the District of Columbia. Today, after 6 days of hearings and much committee consideration of the issues involved, a carefully drafted bill that is tough enough to provide the basic protection required yet not so tough as to penalize unfairly the honest merchants of the District—who are in the majority, I believe—is before the Senate.

I urge its prompt and immediate approval.

The Senate District Subcommittee on Business and Commerce, of which I am chairman, held extensive public hearings on S. 2589 in December of last year and January and February of this year. These hearings provoked a great deal of interest and were unusually well attended by Senators, interest groups, the communications media, and concerned citizens. They produced three important findings of fact: First, a large number of consumers in the District of Columbia and the entire Metropolitan Washington area are being taken advantage of in retail installment sales of consumer goods by a small number of dishonest merchants; second, presently there is no general legislative protection against fraudulent and unfair practices in such installment sales, as there are in other States; and, third, no administrative machinery exists with the District of Columbia government with a mandate to look after the interest of the consumer. My bill now before the Senate is designed to act on these three findings.

Before discussing briefly the bill, Mr. President, let me say that S. 2589 is a measure the Senate as a whole can be proud of. It is not an extreme bill. It is not an inappropriate overreaction to the problem. Nor is it what newspapers might classify as a bill "for liberals only." It is instead, I think, a moderate, sensible piece of legislation that defies any ideological split. It is a bill that received careful, diligent and severe scrutiny while in my subcommittee. What emerged from the subcommittee is a bill that is reasonable yet forward looking. In sum, Mr. President, it just makes good sense. And in this regard I want to thank my able colleague on my subcommittee, the junior Senator from Colorado, Senator Dominick, who contributed much to the final form of S. 2589.

The bill has wide support. Miss Betty Furness, the President's Special Assistant for Consumer Affairs, endorsed it as did the Honorable Paul Rand Dixon, Chairman of the Federal Trade Commission. The business community, represented by the Retail Bureau of the Metropolitan Washington Board of Trade, strongly supported effective consumer protection legislation and worked closely with my staff in the development of S. 2589. In addition, the Neighborhood Legal Services Project, the United Planning Organization, the Council of Churches of Greater Washington, and the Washington Urban League. As did B'nai B'rith, the American Home Economic Association, the American Veterans Committee, and the Office of Urban Affairs of the Archdiocese of Washington. Finally, the American Federation of State, County, and Municipal Employees, Local No. 1, the Ad Hoc Group of Law Professors Teaching in Law Schools of the District of Columbia, and District of Columbia Citywide Consumer Council all endorsed S. 2589.

The hearings I conducted on this bill reveal that far too many consumers in the District too often become the unwitting victims of overreaching and unconscionable commercial practices employed by the unethical and "fly-by-night" operators in the retail marketplace. Intent only on "making a buck" these hucksters misrepresent their goods, employ phony, and misleading advertising, deliberately misstate costs, and finance charges, and generally hustle their customers into unexplained, misunderstood, and onerous, unfair retail installment contracts. The capacity of man for inhumane action toward his fellow man was all too brilliantly illustrated in these 6 days of hearings. Permit me to give briefly some examples of what has been going on:

First. Bait-and-switch: Advertising techniques under which the customer is lured into the store by some appealing offer followed by high-pressure tactics designed to switch him to the purchase of another more expensive purchase. If the customer persists in pursuing the original enticement, the storekeeper reveals that it is "momentarily" out of stock.

Second. Balloon payment: A type of contract which contains, normally in fine print, provisions creating some installment payments disproportionately larger than others. The individual is paying, let us say, $25 a month and all of a sudden is expected to pay $125 for his last payment. He cannot and thus is forced to default.

Third. The add-on contract: Under which the security interest on each new installment purchase a buyer makes with the same merchant is consolidated with all of the security interests arising from his previous installment purchases with that merchant. If there is any default, all goods, being a part of the collateral for the single consolidated debt, are subject to repossession even if the total payments made by the buyer were sufficient to have paid for all but the last item purchased.

Fourth. Authorization for confession of judgment: A clause often attached to the contract. This highly objectionable practice permits the finance company to record a judgment on the property purchased and as soon as a monthly payment has been missed, the entire unpaid balance becomes due. Additionally, the confession of judgment authorizes any attorney or any court to obtain a levy on the consumer's property without notification. Usually the consumer also expressly waives any stay or exemption laws now in force or to be thereafter enacted. In effect, this type of clause allows the seller virtual legal carte blanche to act against the buyer as soon as a payment is missed for whatever reason. Fifteen States have already voided it as objectionable.

My consumer protection bill now before the Senate would void these unpalatable practices and others like them in the District of Columbia. Thus, the city shoppers from Prince Georges and Montgomery Counties in Maryland, from Virginia, and elsewhere would be safeguarded from the unscrupulous merchant. And, Mr. President, as you no doubt realize, the victims of these merchants are often our low-income citizens—those who can least afford the money taken from them and who are most susceptible to such unconscionable practices.

In addition, S. 2589 would establish in the District of Columbia government a Department of Consumer Protection, with a broad mandate to protect consumers against fraudulent or deceptive retail practices, in such areas as advertising, sales, credit contracts, and collection practices. The Department would be empowered to accomplish this through investigations, administrative hearings and orders, enforcing regulations adopted under this and other consumer protection laws, and through court actions. Here, however, I would like to emphasize that no such regulation would be adoptable by the Department until after a public hearing affording any interested party an opportunity to present evidence. Moreover, all the regulations must be based on substantial evidence of record and on detailed findings of fact. S. 2589 does not permit the government to ramrod through rules and regulations. The procedure is, I think, a fair one. Everyone gets an opportunity to be heard.

The bill also provides for broad and detailed disclosure of the terms of consumer credit contracts, an area of particular abuse by a few merchants within the District. Sellers would be required to deliver completed copies of the contract, to accept only completed and signed contracts, to furnish buyer a written receipt for all cash payments made on account of any retail installment contract. Other similar measures are included in S. 2589.

Here again another important point needs to be stressed. The disclosure aspects of this consumer protection legislation are directed against dishonest merchants. What is required by my bill is but standard operating procedure for the bulk of the metropolitan business community. You do not need laws directing the majority of hardworking businessmen to be honest and fair. They already are. This bill will not obstruct them in their work.

The bill would also provide for elimination of the so-called holder in due course doctrine in retail installment sales transactions. This doctrine, as it is presently applied, permits retail sellers to assign their rights to payment under sales contracts to finance companies, so that buyers must pay the full sales price to the finance companies even if the sellers failed to perform their part of the contracts.

If the buyer purchases a television set, for example, which was defective and immediately breaks down, he still must pay the full purchase price to the finance company—the holder in due course—and then initiate suit against the original seller for return of his money. Many consumers lack the means to get any redress in this cumbersome manner and thus get cheated.

Under the bill, the buyer could use his defense against payment to the original seller also against the finance company to whom the sales contract is assigned. This provision would not limit a seller's ability to obtain financing, since the contract remains assignable. But it would shift the risk that the seller has committed unlawful practices or become insolvent from the consumer to the finance company which is better able to protect its interest against the seller.

The record before my subcommittee stressed the desirability of eliminating the effect of the holder-in-due-course doctrine in retail installment transactions. Mayor Washington, Miss Furness and Chairman Dixon all urged this action. The doctrine, developed to assist bankers and merchants in their normal business intercourse, has been twisted with the advent, on a large scale, of retail installment transactions by consumers, a relatively recent phenomenon. The law has not adjusted to this change in the marketplace so it is our responsibility as legislators to modify the law preserving its undeniable usefulness in certain areas and preventing its equally undeniable misuse in others. This responsibility has been met, I believe, by S. 2589. I might add that Massachusetts abolished the holder-in-due-course doctrine in similar circumstances without flight of consumer credit capital from the Commonwealth or any diminution of credit business.

Finally, the District of Columbia Retail Installment Sales Act, as S. 2589 is entitled, authorizes the District of Columbia Council through its Department of Consumer Protection to prescribe maximum finance charges allowable in retail installment transactions. Ample precedent for this exists in the District. Maximum finance charges are regulated for installment sales of motor vehicles. See District of Columbia Code, section 400–901, and the following, approved April 22, 1960. And in my own State of Maryland, the Maryland Retail Installment Sales Act regulates finance charges in installment purchases of household and other consumer goods and services. The bill also contains provisions permitting private remedies in case of violations though good faith bookkeeping or unintentional errors, if corrected, are exempted from these provisions.

Mr. President, the bill now before the Senate is a good bill. It is a responsible piece of legislation directed toward a serious problem. It is strong enough without being either unfair or inflexible. As I have said, S. 2589 is a bill in which the Senate can take pride.

I urge my colleagues to join with me and vote for it.

Mr. PROUTY. Mr. President, as a

member of the Consumer Subcommittee of the Commerce Committee, I am interested in the furtherance of all measures to give added protection to the consumer. The bill before the Senate today deals with consumer protection on the local level. As a member of the Committee on the District of Columbia, I am particularly interested in consumer protection for residents of the District. S. 2589, the District of Columbia consumer protection bill, is the product of extensive hearings and many hours of deliberation and careful consideration of remedies to confront an onerous consumer fraud problem in the District of Columbia.

The poor and uneducated, Mr. President, have long been victimized by dishonest and deceptive retail practices perpetrated upon them by unscrupulous and unethical operators in the retail marketplace. Fortunately, these hustlers constitute a minority in the retail sales community of Washington, but they are an active minority whose prey—the poor and the uneducated—are the least able to resist their wiles and understand their devious misrepresentations. These victims do not comprehend "balloon payments," "add-on contracts," bait-and-switch advertising," and the myriad gimmicks used by these predators.

The intricate facets of an installment sales contract which relate to finance charges, express and implied warranties, repossession of merchandise, and waivers of their legal rights are not understood by them. Frequently they unwittingly and unknowingly sign such contracts ignorant of its terms and possible resultant consequences.

The bill under consideration today, Mr. President, is designed to give a measure of protection to these unwary purchasers and to provide them with safeguards from unfair and unconscionable advertising, sales, credit and collection practices in connection with retail installment transactions.

S. 2589, Mr. President, is responsive to the needs of the residents of the District of Columbia, and I hope the Senate will swiftly adopt this measure.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1519), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSES OF THE BILL

The purposes of S. 2589 are—

1. To regulate retail installment sales of consumer goods in the District of Columbia (other than motor vehicles) and to safeguard consumers from unconscionable, or fraudulent advertising, sales, credit, and collection practices;

2. To permit and encourage the development of fair and economically sound consumer credit practices;

3. To further consumer understanding through disclosure of the terms of retail installment transactions and to promote competition among retail sellers;

4. To promote and develop programs for the education of retail credit consumers.

NEED FOR LEGISLATION

Extensive hearings before the Business and Commerce Subcommittee in December 1967 and January and February 1968, a Federal Trade Commission Economic Report on Installment Credit and Retail Sales Practices of District of Columbia Retailers published in March 1968, and a report of the Federal Trade Commission of June 1968 on a District of Columbia consumer protection program conducted by the Commission during the period June 1965 to June 1968 clearly demonstrate the need for effective regulation of retail installment sales transactions in the Nation's Capital.

While the vast majority of retail merchants in the District of Columbia are honest, fair-minded, considerate businessmen, the record before your committee shows that far too many consumers in the District too often become the unwitting victims of overreaching and unconscionable commercial practices employed by a small ever-present group of unethical and "fly-by-night" operators in the retail marketplace. Intent only on closing the "deal," such hucksters misrepresent their goods, engage in phony and deceptive advertising, misrepresent costs and finance charges, and "hustle" their customers into unexplained, misunderstood, and onerous, unfair retail installment contracts. Such contracts often lead to default, repossession, money judgments in favor of third-party finance companies, and total and serious losses to the consumer.

Deceptive and dishonest retail practices—particularly in relation to installment purchases—can injure anyone in the marketplace, but their impact falls most heavily on the poor and the uneducated—those least able to defend themselves against the unscrupulous merchant (who may be the only seller available to them), and least able to afford the losses to which they fall prey. According to the aforementioned economic report of the Federal Trade Commission, installment credit is used much more extensively by retailers selling to low-income consumers than by retailers selling to other consumers in the District. The Commission's survey showed that low-income market retailers used installment credit in 93 percent of their sales, whereas the comparable figure for general market retailers was 27 percent.

The poor in Washington also pay more for the goods they buy. The Commission's survey found that, "on the average, goods purchased for $100 at wholesale sold for $255 in the low-income market stores, compared with $159 in general market stores." For example, the survey showed that the wholesale cost of a portable TV set to both low-income and general market retailers approximated $109. The general market retailer sold the set for $129.95. The low-income market dealer charged $219.95 for the same set. In the case of a clothes dryer wholesaling for some $115, the general market dealer charged $150 and the low-income market retailer $300.

Finance charges on retail installment transactions are often exorbitant, particularly in sales to low-income consumers who have difficulty obtaining credit in the general retail market. The Federal Trade Commission's survey shows considerable variation in such charges especially among low-income market retailers. Calculated on an effective annual rate basis, finance charges of low-income market retailers ranged as high as 33 percent per annum, averaging 25 percent on contracts assigned to finance companies and 23 percent on contracts the retailers held themselves. Comparable figures for general market retailers show that finance charges averaged 21 and 19 percent respectively. A representative of the Neighborhood Legal Services Project (NLSP) of the District of Columbia, which provides legal services for many indigents throughout the District, advised the subcommittee of cases in which low-income buyers have been charged 35 percent to 50-percent interest on retail purchases. According to NLSP, their experience shows that the highest interest rates like the most exhorbitant prices are imposed on buyers who are least able to protect themselves—buyers who are often forced to deal in a segment of the marketplace fraught with sharp, unconscionable, and fraudulent practices.

The record before the subcommittee, and the Federal Trade Commission's report on the Commission's District of Columbia consumer protection program point up numerous types of deceptive practices uncovered in connection with the investigation of consumer complaints, as follows:

"Bait-and-Switch" advertising technique under which the customer is lured by the touting of some fantastically appealing offer followed by high-pressure tactics designed to switch him to the purchase of another more expensive purchase.

False and misleading statements concerning the nature of the products and services offered.

False and misleading statements concerning guarantees.

Misrepresenting the nature of the seller's business.

Failure to reveal that installment contracts would be sold to a finance company or other third party.

Failure to furnish free merchandise or services when offered.

Failure to reveal the full amount of the purchase price and financing charges.

Deceptive pricing and misrepresentation of regular prices as reduced prices.

Using fake drawings, contests, telephone surveys and scholarships for promotional purposes.

Selling used merchandise as new.

Using fictitious wholesale price lists.

Refusing to provide itemized bills.

Failure to disclose terms regarding refund of deposits.

Inducing purchasers to sign blank installment contract forms.

Unconscionable high prices.

Referral selling tactics, a technique in which the seller induces purchases by representing that the merchandise can be "earned" by referring friends to the same seller, but in which referrals are not paid for, and the consumer's obligation to the seller is independent of and enforceable regardless of such representations.

Misrepresentation in connection with repair, refinishing, and workmanship.

Misbranding and mislabeling of textile products.

Deceptive methods of billing and handling of credit.

The subcommittee also found that some merchants induce buyers to rely on oral, unenforceable promises, or to sign contracts containing onerous conditions. Often these contracts include clauses disclaiming oral representations made by sellers, waiving legal rights of buyers, or permitting creditors to accelerate the entire sum owed on an installment contract even though the buyer has not defaulted. In other cases, sellers extract the buyer's consent to the use of forcible methods in repossession.

One flagrant example of several of these practices which came to the attention of the subcommittee involved the purchase of a stereo set. A door-to-door salesman showed a woman a stereo record player and said it sold for $349. The salesman explained how easy it would be for the woman to pay for it under his company's easy credit terms. The woman agreed to buy the set and signed a paper purportedly authorizing the company to check on her credit. When the stereo was delivered the woman was charged a $20 delivery fee. A short time later, she received a coupon book for making payments. The payments were to be $19.96 a month for 24 months. This would make a total of $479.04, not including the $20 delivery charge. The total price which the woman was required to pay under the contract she had been tricked into signing as a credit check authorization, was almost $500. The woman never received a copy of the contract nor any warranty and had to pay roughly $150 more than the salesman had told her she would have to pay.

Two practices, "balloon payment" and "add-on" contracts are, unfortunately, frequently used in the District. "Balloon payment" contracts are those which contain, often in fine print, provisions creating some installment payments disproportionately larger than others, the purpose being to force the buyer into defaulting in his payments so that the goods can be repossessed. Miss Betty Furness, Special Assistant to the President for Consumer Affairs, accurately described the dilemma of the consumer in this regard when she testified before the subcommittee:

"I also agree balloon payments ought to be outlawed. If a man organized his budget so that he can pay, for the sake of argument, $10 a month for his television set, then discovers that his last payment is $100, he is probably forced into default. The seller might as well have hit him on the head and taken his money."

The "add-on" contract also has as its objective the default of the buyer so that the goods may be repossessed. Under this stratagem, the security interest on each new installment purchase a buyer makes with the same merchant is consolidated with all of the security interests arising from his previous installment purchases with that merchant. If there is any default, all goods, being a part of the collateral for the single consolidated debt, are subject to repossession even if the total payments made by the buyer were sufficient to have paid for all but the last item purchased.

The subcommittee was informed of several cases in which District residents fell victim to the "add-on" contract. In one instance, a man signed 12 contracts over a period of 5 years, for articles including a used washing machine, a television set plus another TV to replace the first one, a living room set and bedroom furniture. The man purchased most of the items, unseen, from the collector, who visited him periodically to obtain payments. Eventually, this purchaser reached a stage at which he could not maintain his payments. He then received notice that all the merchandise he had purchased, and for which he had paid about $1,800 over the 5-year period, would be repossessed. Data supplied to his attorney by the company showed he still owed 13 cents on the first contract he had signed. It was also discovered that the victim had on several occasions purchased repossessed merchandise at several times the original cost to the seller.

Repossession of goods after a substantial amount of the purchase price has been paid can work hardship in additional ways. Consumer goods depreciate in value relatively quickly after purchase. When goods are repossessed after default and are resold, the resale price often is a small fraction of the original contract price. In these circumstances, under present law a deficiency judgment is often obtainable against the defaulting purchaser who no longer possesses the goods.

For example, the subcommittee was informed of an elderly District resident who had purchased a bed, a television set, and a chair from a store and had been making payments of $35 per month regularly for 3 years. Her daughter became ill and she had to assume responsibility for her three grandchildren and could not continue to meet her full payments. When the furniture company refused her offer to continue making smaller payments, the woman defaulted. The company repossessed all of the three pieces she had bought from them, even though she had paid more than $1,200 on her bill. Despite her large payment, and the fact that she had nothing for herself and the three children to sleep on except the floor after having paid more than $1,200, she was required to pay over an additional $200 to the company.

In the committee's view, this kind of result is obviously and grossly unfair. The present bill provides that where, prior to default, a purchaser has paid an amount equal to at least 75 percent of the cash price of the merchandise, the seller may elect either to exercise whatever contract right he may have to repossess the goods or to obtain a judgment for the balance due under the contract. Under the committee's proposal, he would have no right to both remedies. In the committee's judgment, such a provision is equitable and should discourage unscrupulous merchants from entering transactions with a calculated view toward repossession, resale of the same goods, and deficiency judgments against hard-pressed customers.

Another fundamental right of consumers which the committee found needs added protection is the right to have an effective legal remedy if, for some reason, goods or services purchased do not conform to the conditions of the sales contract. For example, if a man buys a television set and it fails to work when he brings it home, or if a woman buys a new sewing machine and the seller fraudulently delivers a used machine, there must be effective legal redress. Under present law, there is often no recourse because of the "holder in due course" doctrine of the present negotiable instruments law. Under this doctrine, a finance company is able to buy from a retail merchant a note signed by the consumer, and the finance company can require the consumer to pay this note even though the original sales contract was violated by the retail merchant. It might appear that the consumer has a remedy against the retail merchant since, although he must pay the finance company, he can sue the retail merchant and recover his money. In practice, however, the consumer generally lacks the resources to initiate legal action against the retail merchant to recover the money. Too often, unscrupulous merchants operate through dummy "judgment-proof" corporations, or the merchant is a "fly-by-night" who disappears leaving the consumer with worthless merchandise and huge debts on notes negotiated to the finance companies. The result is that too often the "holder in due course" doctrine does not operate fairly in retail installment transactions. Shielded by the doctrine's protections, third-party finance companies may receive and enforce consumer financial obligations without regard to what transpired between the merchant and the buyer—however nefarious the transaction may have been. The victimized purchaser's legal defenses against the seller are of no concern to the third party noteholder. He is told to take those matters up with the merchant, and irrespective of the injury done him must pay the "holder in due course" amount owing on the note.

The record before the committee preponderates in favor of eliminating the effect of the "holder in due course" doctrine in retail installment transactions. Such action has been strongly urged on the committee by the Commissioner of the District of Columbia who advised the committee as follows:

"In the light of testimony at the hearings, the District government has given further consideration to the provision of S. 2589 relating to the doctrine of holder in due course. It is apparent from such testimony that many consumer abuses flow from the unethical practices of some retail installment sellers who are able to exploit unwary purchasers—primarily the poor who are least able to afford such exploitation—by relying on the negotiation of retail installment instruments to third parties who are protected from the defenses that the buyer could otherwise make. The government of the District of Columbia therefore favors legislation that would eliminate the effect of the holder-in-due-course doctrine in retail installment transactions and thereby prevent the unscrupulous practices that have developed. Accordingly, we favor the enactment of the holder-in-due-course provision contained in S. 2589."

Representing the administration at the subcommittee hearings, Miss Betty Furness, Special Assistant to the President for Consumer Affairs, provided the following statement:

"Commendably, S. 2589 takes the sensible course of recognizing that the 'holder in due course' doctrine shall not apply to retail installment sales. This follows the example of Massachusetts where the holder in due course rule was abolished in 1961 (see Mass. Genl. Laws ch. 255, sec. 12C). The burden of proof should be on those credit lenders who may argue that retail credit will be damaged by such a step. In Massachusetts there has been no flight of consumer credit capital from the State, or any diminution of credit business.

"Additionally, section 4.102 will provide several beneficial effects not only in improving the consumer's position but raising the general tone of the marketplace:

"The factor singled out by the great majority of those interviewed in a study made by the University of Pennsylvania Law School (see 'Translating Sympathy for Deceived Consumers Into Effective Programs for Protection,' University of Pennsylvania Law Review, vol. 114, No. 3, January 1966) and characterized as the 'largest problem in the consumer fraud area' is the ability of finance companies or agencies to acquire by purchase installment debt paper free from the responsibility for any of the fraudulent practices perpetrated by the selling dealers. Without the benefit of section 4.102 the risk of dealer fraud rests squarely with the consumer since the financing agencies can purchase the installment note free of consumer defenses. Although it has been said that the consumer chooses to purchase from dealers who will defraud him, this act should not decide where the burden should rest because the finance company in the first instance selected the questionable dealer before it entered into arrangements to buy his installment paper. The finance company or holder in due course has avenues of investigation by which to ascertain the dealer's reliability and to make certain that his business ethics, products, advertising, and sales techniques are not fraudulent or misleading. Additionally, the holder can protect himself by dealing on a full recourse basis which requires the dealer to be liable to him for buyer default by executing a repurchase agreement, binding the dealer to buy back repossessed merchandise or requiring the dealer to set aside funding to protect himself against any contingencies. The improvement in the relationship between the finance company and the seller should prove to be an important indirect benefit to consumers.

"The finance company is better able to bear the risk in this proposal to shift the risk of dealer misrepresentation from the consumer to the holder. Loss of money on any particular transaction with the dealer can be recouped in subsequent transactions. The consumer on the other hand could find himself bankrupt by a major loss sustained from a dealer in a single transaction.

"The shifting of the risk of fraud to the holder would not only make it more difficult for fraudulent dealers to operate but should also result in the gradual elimination of financing agencies whose failure to check on retail outlets make such fraudulent practices against consumers possible."

Hon. Paul Rand Dixon, Chairman of the Federal Trade Commission, testified before the subcommittee that "The eliminating of the so-called holder in due course doctrine has a worthy objective—to make it simpler for the customer to obtain redress when dissatisfied with faulty or defective merchandise" and that "* * * our recent experience clearly indicates that the traditional reasons for protecting holders of negotiable instruments should be reconsidered, as does section 4.102 of S. 2589, in the light of an overriding need to protect consumers and to destroy the shield behind which too many businessmen have been hiding."

The Trade Commission's June 1968 report on its District of Columbia consumer protection program stated the following:

"Application of the holder in due course doctrine to consumer instruments has led to many abuses. It is simply unfair to permit a vendor to sell shoddy or defective goods, which sometimes are not even delivered, coax, wheedle, or coerce the buyer into signing a negotiable instrument, disappear or dissipate the funds, and, by assigning the instrument, prevent the deceived or defrauded consumer from asserting his legitimate defenses in an action on the note. Legislation similar to that enacted in Massachusetts and Vermont (citation omitted) and currently proposed for the District of Columbia (citation omitted) providing that commercial paper must be labeled as such and is not negotiable, and that the holder of such a note takes subject to all contract defenses and to all rights that the buyer would have under the State's consumer fraud law, is both reasonable and necessary."

Modification of the doctrine was also favored by the United Planning Organization and the Ad Hoc Committee on Consumer Protection, a broad-based coalition of religious, civic, veterans, and varied community action organizations deeply concerned over the problems of low-income residents and families in the District of Columbia.

Conscious that any such change in the law must be considered in relation to the implications it might have respecting commercial and financial affairs generally in the District, the subcommittee also obtained the views of businessmen and lawyers wtih special knowledge of the law of negotiable instruments. Testimony was received from representatives of the Metropolitan Washington Board of Trade, the District of Columbia Bankers Association, finance companies, the District of Columbia Bar Association, the Maryland-Delaware-District of Columbia Jewelers' Association, and other interested parties.

Based upon its full and very careful consideration of the matter, the committee concludes that the "holder in due course" doctrine has no proper or necessary commercial purpose in relation to retail installment transactions. Moreover, the committee is satisfied that abolition of the doctrine will not restrict the availability of credit to consumers or to legitimate, fair-dealing retail merchants. Finance companies can protect themselves from loss by inquiring into the reputation, reliability, and financial resources of the merchants whose paper they purchase. Indeed, a representative of one of the major finance organizations dealing in commercial instruments generated in the District of Columbia and throughout the Nation testified that his organization does investigate the reliability of its merchant-customers, and viewed without alarm the present proposal to abolish the doctrine.

According to testimony presented before the subcommittee, at least five States—Massachusetts, Connecticut, New York, Texas, and California—have eliminated to some degree the holder-in-due-course doctrine, and in other States the courts have acted to the same effect. Also, the committee understands that in a new uniform consumer credit code proposed by the Commissioners on Uniform State Laws, a special committee financed primarily by the credit industry itself has proposed that the doctrine be abandoned. According to the record before the subcommittee abandonment of the doctrine by Massachusetts in 1961, some 7 years ago, has not precluded or impaired the availability of retail installment financing in that State. In the committee's judgment, the same will be true in the District of Columbia under section 4.102 of S. 2589, which was drafted by the subcommittee in close coordination with representatives of the business community. The provision recommended by the committee is virtually identical to a statutory provision of same effect recommended by the Legislative Committee, Retail Bureau, of the Metropolitan Washington Board of Trade.

Further, on the question of the need for effective legislative action to protect low-income, poverty-stricken consumers, the Committee notes the concerns expressed in the Report of the National Advisory Commission on Civil Disorders over the exploitation of disadvantaged consumers by retail merchants. While the committee is in no position to confirm or deny the conclusions contained in that report, there would seem to be little doubt that predatory commercial practices that produce results of the sort illustrated earlier herein may well be a factor contributing to the unrest and violence that have marked the Nation's Capital and other cities these past few years.

In the committee's judgment, and entirely aside from any effort others may have made to ascertain the relationship, if any, between commercial exploitation and civil disorder, it is clear that the scales of justice in the low-income marketplace of the Nation's Capital are too often out of balance.

The reasonable regulation of installment sales of goods and services authorized by the recommended bill will help restore balance by safeguarding all consumers from unfair, unconscionable, and fraudulent advertising, sales, credit, and collection practices. This bill will encourage the development of fair and economically sound credit practices. By requiring full disclosure in all such transactions, S. 2589 will encourage public confidence and promote honest competition among all retailers in the District of Columbia.

Finally, in the committee's judgment, the legal protections afforded by S. 2589 will not be truly effective unless they are continuously and effectively enforced. Too often, consumers lack effective protection because they have no organized voice. All too often, no one speaks for the consumer interest, though organized and powerful voices speak for interest that may be inimical to the consumer.

This absence of organized support for the consumer extends into the government itself. To remedy this problem, the committee provides in the bill for the creation of a Department of Consumer Protection in the District of Columbia government. Among its functions, the Department would be empowered to enforce regulations adopted under the act and to initiate legal action in the courts to stop unlawful commercial practices, to undertake continuing investigations of commercial practices in the District of Columbia, and to carry out programs of consumer information and education. In short, the Department would be the "consumer's advocate" in the District of Columbia.

SLATOR C. BLACKISTON, JR.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1555, H.R. 6862.

The PRESIDENT pro tempore. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 6862) for the relief of Slator C. Blackiston, Jr.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, at the beginning of line 7, strike out "$9,515.73" and insert "$3,500.00".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1572), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to reduce the amount to be paid to the claimant to the maximum amount which could be paid under the Military Personnel and Civilian Employees' Claims Act if the claimant had been a member of the military service.

STATEMENT

The bill, as approved by the House of Representatives, provides for the payment of $9,515.73 to the claimant as the remaining balance of his loss above the amount for which he had been compensated.

The facts in the case were set forth in the report of the Committee on the Judiciary of the House of Representatives, as follows:

"The bill, H.R. 6862, was introduced in accordance with the recommendations of the Department of State in an executive communication and that Department recommends its enactment.

"Mr. Slator C. Blackiston, Jr., a Foreign Service officer, was assigned to the American Embassy in Jidda, Saudi Arabia. In connection with that assignment, his household effects were being transported from Baltimore,, Md., to Jidda aboard the vessel SS *Macedon* of the Admiralty Lines when that vessel foundered off the coast of Beirut, Lebanon in November of 1964. Mr. Blackiston originally submitted a claim in the amount of $25,909.98 for consideration under the procedures required by the Department in accordance with the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended. The State Department personnel considered the claim in accordance with applicable regulations and adjusted the amount allowable for each item of loss.

"In view of the size of the claim and the desire of the subcommittee considering the bill for full information concerning the nature of the loss and the manner in which the claim has been processed, the committee requested that the State Department furnish full information concerning the claim, including the items of loss and the reductions fixed by the State Department in the course of the claim's consideration. This information disclosed that the orders given to Mr. Blackiston at the time of his assignment authorized the full shipment of his household effects. With the exception of approximately 2,350 pounds left in storage in Washington, he shipped all of his household goods which were the contents of his home in Bethesda, Md. The home in Maryland was a four-bedroom house with a large basement and a two-car garage. The shipment to Jidda totaled 12,440 pounds net weight and 15,800 pounds gross weight. Mr. Blackiston lost all of his household goods in the sinking of the vessel. As is noted in the Department of State communication, after making some adjustments and deducting $3,950 which Mr. Blackiston received as compensation by insurance, the claim was approved by the Department in the amount of $16,015.73. Mr. Blackiston was paid $6,500 by the Government which is the amount authorized under the Military Personnel and Civilian Employees' Claims Act. The remaining balance of $9,515.73 is the amount stated in the bill.

"The committee feels that this case is a proper one for legislative relief. It is unusual that a Government employee suffers a total loss such as was the case here. The Military Personnel and Civilian Employees' Claims Act of 1964 originated as a bill considered by this committee. The testimony presented at the time of the consideration of that bill establishes that the amount of $6,500 would cover the bulk of the claims that might be expected to result from losses of this kind. When it is considered that the loss suffered by Mr. Blackiston was the result of a shipment required by his transfer to a Foreign Service post and further that the transfer is not that normally made by the average citizen, the committee feels that the Government owes a moral obligation to compensate him for his loss. Accordingly, it is recommended that the bill be considered favorably."

The Committee on the Judiciary of the Senate has consistently refrained from paying claims in excess of the $10,000 limitation set forth by the Military Personnel and Civilian Employees' Claims Act. The committee feels that in the present case as a matter of equity it is proper to allow an additional payment up to the maximum amount by which the claimant could have been compensated if he had been a member of the military service.

The committee believes that the bill, as amended, is meritorious and recommends it favorably.

AMENDMENT OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1964 FOR CERTAIN EMPLOYEES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1489, H.R. 18786.

The PRESIDENT pro tempore. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 18786) to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Inouye in the chair). Without objection, it is so ordered.

AMENDMENT OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1964 FOR CERTAIN EMPLOYEES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which Calendar No. 1489, H.R. 18786, was passed.

The PRESIDING OFFICER. Without objection, it is so ordered. The action of the Senate in passing the bill is vacated.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished junior Senator from Ohio [Mr. Young] be recognized for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WE SHOULD WITHDRAW TROOPS FROM WEST GERMANY

Mr. YOUNG of Ohio. Mr. President, West Germany is prospering and has prospered during the past 15 years on a more tremendous scale than ever before in its entire history. This strong independent nation, not even as large in area as the State of Oregon, has a population of 60 million people.

Last year its total national product was $130 billion—making it the third richest country in the entire world, ranking next to the United States and the Soviet Union. In foreign trade, exports from the ports of West Germany are so extraordinarily large that it is second only to the commerce and trade of the United States.

The currency of West Germany, like that of Switzerland, is one of the world's strongest. Here is a country with gold and dollar reserves of more than $7 billion, exceeding that of the Soviet Union and second only to our Nation.

Talk about the ability of any nation to defend itself, the facts are that the greatest output of steel production in free Europe is in West Germany. Unemployment in that nation at the present time is less than 1 percent compared with the unemployment rate in our country of approximately 4 percent.

Surely, it is outrageous and unthinkable that nearly a quarter of a century following the ending of World War II, the United States has at the present time more than 300,000 officers and men of our Armed Forces stationed in Western Europe; more than 238,000 officers and servicemen in West Germany alone. Just why should we be protecting this powerful nation in this manner and to this extent? Furthermore, it is shocking that Secretary of Defense Clark Clifford, who seems to be a captive of the generals of the Joint Chiefs of Staff and echoing every whim and desire of these generals, now proposes that the United States should send at least 12,000 additional troops to West Germany between now and early next year.

This is an indefensible position taken by our new Secretary of Defense who is quite likely to be an ex-Secretary of Defense by early next year. Frankly, I am certain that Vice President Humphrey, following his election as President, should and will select a Secretary of Defense in his Cabinet who will manifest better judgment.

West Germany has a conscription law drafting some of its nationals for a period of 18 months only. Furthermore, the total number drafted is insignificant compared with the draft in our Nation under our selective service law.

Very definitely, the United States should withdraw troops from West Germany instead of sending more troops over to protect a country well able to defend itself and giving to that country, West Germany, a form of foreign aid in the guise of six armored divisions, permanently stationed there together with their dependents, all spending American dollars and adding tremendously to the outflow of gold from our country and contributing to the deficit in our balance of payments.

Until and unless West Germany and all other NATO nations of Europe fulfill their commitments for the defense of Europe, we should certainly withdraw troops instead of sending more soldiers and their dependents to West Germany and to other nations of Western Europe.

The fact is that the United States is the only NATO member to have entirely lived up to its treaty obligations.

The expense of maintaining troops in Western Europe accounted for $1.5 billion of our foreign exchange deficit in 1967, most of which was due to the expense of keeping troops in West Germany. This, in addition to the more than a billion dollars spent annually in Western European countries by our servicemen and their families stationed there and by American civilians employed in Europe by the Department of Defense.

It is clear that bringing hundreds of thousands of officers and enlisted men and their dependents home from Spain, Belgium, West Germany, and other European nations would not only cut down the drain on our gold supply and improve our balance-of-payments problem, but would also make troops available for assignment to Vietnam.

While we maintain this huge force of highly-trained and professional fighting men in Western Europe, we send draftees, many with only 4 months of training, to fight in the ugly civil war in Vietnam which President Johnson has made into an American air and ground war. It does not make sense to send hastily-trained young draftees of 18, 19, and 20, to fight in the jungles and swamps of Vietnam while these highly-trained fighting men remain in Europe.

It is the nuclear umbrella of the United States that provides the real protection for Europe and West Germany, and not large numbers of ground troops. If there is really a need for some of our ground forces in Europe, then we should have a lean, trim, combat-ready force stationed there, and not hundreds of thousands of "squawmen" with their wives and children accompanying them. Furthermore, by our Operation Airlift we have proven we can airlift a combat-ready division to West Germany from the continental United States in a matter of hours.

The nations of Western Europe can today provide the necessary troops to defend themselves instead of continuing to depend on us. Let their young men be conscripted and drafted into their own Armed Forces. Why should the lives and aspirations of our teenage young men be disrupted to form the first line of defense for the Germans and French? Under the shelter of our protection these nations have waxed prosperous while our fiscal and monetary problems grow steadily more serious.

It is a stupid policy on the part of the Secretary of Defense and the generals of our Joint Chiefs of Staff to maintain in West Germany six of our best combat divisions made up in large part of enlisted men and noncommissioned officers who are career soldiers. Certainly draftees should be sent to Western Europe and no dependents permitted. If it is seriously claimed by our generals of the Joint Chiefs of Staff and if Secretary of Defense Clifford is gullible enough to share in the view that the Soviet Union is threatening warlike aggression to our NATO allies, then the Secretary of Defense has no business whatever in permitting dependents to be in Western Europe. It is outrageous for the President and his advisers to even consider a travel tax imposed on persons in modest circumstances who wish to visit Europe when we are permitting an outflow of gold of more than $1.5 billion a year being spent by our soldiers and dependents. The present proposal of Defense Secretary Clark Clifford makes no sense whatever. It should be rejected and repudiated.

MODIFICATION OF GLACIER PEAK WILDERNESS, WASH.

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1321.

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 1321) to establish the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes which was, on page 9, strike out lines 18 through 20 inclusive, and insert:

> SEC. 506. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than $3,500,000 shall be appropriated for the acquisition of lands or interest in lands.

Mr. JACKSON. Mr. President, the only amendment added to this bill by the House was a ceiling on the appropriation for the acquisition of interests in lands. The amount estimated to be necessary to acquire what few private holdings there are within the boundaries of the area has been approximately $3.5 million. This was the testimony which was presented before the House and Senate by the executive branch. The overwhelming amount of the land which is involved in the establishment of this superlative park and recreation area is already owned by the public. Therefore, the sponsors of the legislation on the part of the Senate have no objection to the appropriation limitation by the House, which, as I stated, corresponds to the information provided at our hearings.

I move that the Senate concur in the amendment of the House.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. JACKSON. I ask unanimous consent that a statistical summary of S. 1321 be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Statistical summary for S. 1321

Area (acres):	
North Cascades National Park	503,500
North unit	303,000
South unit	200,500
Ross Lake National Recreation Area	105,000
Lake Chelan National Recreation Area	62,000
Pasayten Wilderness	520,000
Glacier Peak Wilderness additions	10,000
Total private lands in park and 2 recreation areas	4,000
Costs (only for National Park Service units):	
Acquire private lands in park and recreation areas	$3,500,000
Development over first 5 years for park and recreation areas	29,000,000
Operation and maintenance, 1st year	300,000
Operation and maintenance, after 5th year	600,000

ESTABLISHMENT OF A NATIONWIDE SYSTEM OF TRAILS—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 827) to establish a nationwide system of trails, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER.** The report will be read for the information of the Senate.

The bill clerk read the report.

(For conference report, see House proceedings of September 12, 1968, pages 27316–27319, CONGRESSIONAL RECORD.)

The **PRESIDING OFFICER.** Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JACKSON. Mr. President, I believe the conference came up with a good bill to establish a national trails system. The bill, approved by the conference committee, provides for the immediate designation of over 4,300 miles of national scenic trails on each side of the continent. There is authority provided for the establishment of national recreation trails which will not require further authorization by Congress. The Agriculture and Interior Departments should seize upon this method of adding new outdoor recreation opportunities to the inventory available to the American people. This potential for new recreation trails, in my judgment, is one of the most important advantages of the act.

The Senate bill provided for the immediate designation of four national scenic trails—the Appalachian, Potomac Heritage, Northern Continental Divide, and Pacific Crest. The House version would have designated only the Appalachian and placed the other three trails in a study category. The conference committee, however, adopted language which authorizes, in the initial system, the Appalachian Trail and the Pacific Crest Trail. The Potomac Heritage and the Continental Divide Trails will be studied further for possible future inclusion.

A House amendment which requires prior authorization for comprehensive studies of other trails which might eventually be included in the system was adopted by the conference committee.

S. 827, as approved by the conference committee, places new emphasis on the need for the establishment and development of recreation trails in or near urban areas, where the demand for outdoor recreation has mushroomed in recent years. The conference adopted the basic language of the House, which affirms the importance of such trails near cities, but also amended the bill so it does not preclude designation of suitable recreation trails in more remote areas.

The Senate bill provided that 50 acres of land per mile could be acquired in fee or scenic easement, but acquisition in fee was limited to 25 acres per mile. As passed by the Senate originally, the bill also prohibited the use of condemnation where 60 percent of the land in the trail area is publicly owned. The House language allowing a limit on acquisition of 25 acres per mile of both fee and easements was adopted. Also an amendment was approved which would prohibit condemnation for acquisition of lands on the Pacific Crest Trail, where 80 percent of the land is already publicly owned.

The House version authorized $5 million for land acquisition for the Appalachian Trail, and the Senate version $10 million for land acquisition for the first 5 years for the four national scenic trails which it would have established. The conference committee recommends a provision calling for $5,500,000 for land acquisition for the two trails.

It was the general understanding of the conferees that the Secretaries should prepare comprehensive plans of their proposed development program for the scenic trails under their jurisdiction and present such plans to the Senate and House Committees on Interior and Insular Affairs prior to their request for appropriations. On this basis, the conferees deleted the language of the House amendment limiting the appropriations authorized for development purposes.

Mr. President, I move the adoption of the conference report.

Mr. HANSEN. Mr. President, I rise in support of the conference report to establish a nationwide system of trails. I had the privilege of participating in the conference between the Senate and the

House and I believe that the bill which we have returned now to both bodies is a good bill and one which is worthy of support of all Senators.

The bill we returned to the Senate today has been considerably tightened and sharpened by the conference committee. Of particular importance to Westerners is the fact that the Continental Divide Trail has now been placed in a study category which means that both the Department of Agriculture and the Department of Interior will sometime within the next several years be submitting additional material and justification to the Congress concerning this proposed trail. As I have told my Senate colleagues before, that while other trails designated in the bill has historic background, the trail proposed along the Continental Divide has, in reality, never existed. Further, I believe that the Congress must be extremely careful to prevent any legislative erosion of the principles set out in the Wilderness Act, and much of the proposed Continental Divide Trail passes through primitive and wilderness areas in Wyoming. The conference committee was wise in placing this in a study category and I am hopeful that the executive departments concerned will present full justification to the Congress in the future which will assure us of a preservation of the values which have been established by the Wilderness Act.

Of interest to all Senators should be the reaffirmation by the conference committee of the importance attributed to the development of trails near our cities. Heavy use by the hiking and recreation-seeking public can be anticipated in the very near future and it is essential that we concentrate on making recreational facilities such as will be established by this nationwide system of trails available near urban concentrations.

Other provisions are contained in the bill now which prohibits indiscriminate public acquisition of private lands and provides that on most of the trails in question condemnation proceedings by the Federal Government may not be utilized to acquire fee title or lesser interest to more than 25 acres of any one mile and that when used such authority will be limited to the most direct or practical connecting trail right-of-way.

I believe that the compromise worked out between the Senate and House have resulted in a good bill being brought before us at this time. I urge other Senators to join in supporting this measure which will add one more building block to the great conservation movement which is sweeping our country.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

CORRECTION OF TECHNICAL ERRORS

Mr. JACKSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 79. This is simply a measure to allow the enrolling clerk to correct a technical error in the bill to make it conform to the agreement of the conference committee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

There being no objection, the concurrent resolution (S. Con. Res. 79) was considered and agreed to, as follows:

S. CON. RES. 79

> *Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of the Senate, in the enrollment of the bill, S. 827, entitled "An act to establish a nationwide system of trails, and for other purposes," be authorized to make the following correction: In section 4(a)(1) after the words "such trails are reasonably accessible to urban areas, and" add a comma and insert the word "or" and in section 4(b)(1) at the end of the paragraph delete the comma after the word "and" and delete the word "or".

AMENDMENT OF WATER RESOURCES PLANNING ACT

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3058.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3058) to amend the Water Resources Planning Act to revise the authorization of appropriations for administering the provisions of the Act, and for other purposes, which was, strike out all after the enacting clause, and insert:

> That section 401 of the Water Resources Planning Act (Public Law 89-80; 79 Stat. 244) is amended by deleting "$300,000" and inserting in lieu thereof "$500,000".

Mr. JACKSON. Mr. President, the House granted an increase to the Water Resources Council of $200,000 per year for administration over the existing authority. The Senate had provided for somewhat more than that, but we on the Senate side have no objection to the House amendment.

Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

POLAND'S MOST-FAVORED-NATION TRADE STATUS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to speak for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, following the invasion of Czechoslovakia by forces of the Soviet Union and its satellites—Poland, Bulgaria, East Germany and Hungary—I wrote to Secretary of State Dean Rusk concerning the Department's attitude toward the continuation of Poland's most-favored-nation trade status.

I have great sympathy, Mr. President, for the Polish people. I have been to Poland and known the warmth of the people. But various actions of the Polish Government are most distressing.

I would like to read into the RECORD the letter which I addressed to the Secretary of State, dated September 5, 1968:

> MY DEAR MR. SECRETARY: As a result of Poland's aid to North Vietnam and its repressive measures against Polish Jews, there has been a growing demand for the withdrawal of Poland's most favored nation status.
>
> On July 24, 1967, the State Department rejected these demands in a letter to Congressman Findley of New York. Writing for the Department, Assistant Secretary Macomber said the following: ". . . we do not believe that this is the time for so drastic an action as the withdrawal of MFN from Poland because the evidence is not conclusive that an opposite trend has developed from that which is described in the attached Presidential determination on Poland."
>
> That Presidential memorandum noted among other things that ". . . Poland was not a nation dominated or controlled by the foreign government or foreign organization controlling the world Communist movement . . . This is still our judgment today."

My letter continues:

> In view of the participation of 10,000 Polish troops in the invasion of Czechoslovakia, and Poland's continued aid to North Vietnam, is it still the judgment of the Department that "the evidence is not conclusive" that the Polish government is subservient to the dictates of Moscow?
>
> I would appreciate your early reply to this question.
>
> With best wishes, I am,
>
> Sincerely,
>
> HARRY F. BYRD, Jr.

In a letter dated September 17, 1968, and delivered to me yesterday, the Assistant Secretary William B. Macomber, Jr., writing for the Secretary, had this to say in response to my question:

> We are unable to judge whether Polish troops were ordered by the Polish Government to take part in this action because of the latter's subservience to Soviet policies or whether the Polish Government acted willingly because it also deemed the signs of liberty in Czechoslovakia as a threat to the security of its own Communist system.

Mr. President, is it really material whether Poland's open aggression was at the prompting of the Soviet Union or whether it was a voluntary act which only happened to be in accord with the Soviet wishes and only happened to be closely coordinated with similar actions by the Soviet Union?

Can the question of motivation in a case like this ever really be resolved? How will we ever prove whether Polish leaders were responding to their own feelings and assessments of the situation in Czechoslovakia, or knuckling under to the expressed desires of the Soviet Union?

In his letter, Secretary Macomber indicates the Department is reviewing the developments in Eastern Europe with a view toward "determining our foreign policy interests and our further position in the circumstances."

The invasion of Czechoslovakia occurred a month ago, and in light of the participation of 10,000 Polish troops in the attack on Czechoslovakia, is there really any doubt about Poland's aggressive foreign policies?

The State Department inaction is important, because it ties in with the fact that our Government has been unwilling to bring financial and diplomatic pressure on those nations which are supplying our enemy in Vietnam.

While the invasion of Czechoslovakia by the Soviet Union and its satellites—including Poland—focuses attention on the problem, the fact is the problem has been there for some time.

Poland is second only to the Soviet Union among East European Communist countries in the number of ships it sends through the port of Haiphong each month. Poland is the only nation sending arms to North Vietnam which enjoys special trade benefits from this country.

The Polish Communist leaders openly boast of their country's aid to the North Vietnamese—witness the statement last year by Mr. Zenon Kliszko, a member of the Polish Communist Party Politburo.

The Associated Press quoted Mr. Kliszko as saying to the North Vietnamese:

> We are glad that Polish guns are bringing concrete results to you in your fight. We are giving, and we will continue to give material, political, and military aid.

It has been 3 years since we began our massive buildup in Vietnam where we have suffered more than 200,000 casualties.

Surely it is time we brought all financial and diplomatic pressure on those aiding our enemy.

How else are we going to bring this war to an end?

In that connection, I want to cite the latest casualty figures, the cumulative totals. The official figures for the year 1968, beginning January 1, 1968, through September 17, 1968, show that the United States suffered 86,800 casualties in Vietnam.

The significant aspect of that figure, Mr. President, is that it represents 41 percent of all the casualties we have suffered during the many years we have been in Vietnam.

The contention is made from time to time that conditions are improving in Vietnam, from the United States' point of view. Various statements are made by high officials that things are going better for the United States in Vietnam.

Well, let us consider these figures for a moment. For the first 8½ months of this year the United States suffered 41 percent of all the casualties it has suffered. Yet the Vietcong killed and wounded for those 8½ months amounted to only 36 percent of the total. The South Vietnam casualties for those 8½ months amounted only to 32 percent of the total casualties suffered by the people of South Vietnam. So I submit that the casualty figures do not bear out the assertion that things are improving to any great extent from the point of view of the American people and the American fighting men.

So I say again, How are we going to bring this war to a conclusion if our Government is not willing to bring all financial and diplomatic pressure against those nations supplying our enemy?

At this point, Mr. President, I ask unanimous consent that the text of the State Department's reply to my letter be printed in the RECORD:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> DEPARTMENT OF STATE,
> *Washington, D.C., September 17, 1968.*
> Hon. HARRY F. BYRD, Jr.,
> *U.S. Senate, Washington, D.C.*
>
> DEAR SENATOR BYRD: The Secretary has asked me to reply to your letter of September 5 regarding the participation of Polish troops in the invasion of Czechoslovakia.
>
> The totally unwarranted invasion of Czechoslovakia by Soviet and other Warsaw Pact forces, which has brutally repressed the progress of the Czechoslovak people toward internal freedom, has aroused deep feelings of revulsion throughout the world. We are unable to judge whether Polish troops were ordered by the Polish Government to take part in this action because of the latter's subservience to Soviet policies or whether the Polish Government acted willingly because it also deemed the signs of liberty in Czechoslovakia as a threat to the security of its own Communist systems.
>
> The United States considers the continuing occupation of Czechoslovakia a flagrant violation of the right of national independence, a challenge to international order, and a violation of the Charter of the United Nations. We are now carefully reviewing and assessing these recent developments in Eastern Europe in all of their implications for the future of that area with a view toward determining our foreign policy interests and our further position in the circumstances. Obviously, this reassessment must involve our relations with Poland as it does our relations with all of the other invading countries.
>
> I regret that we are unable to provide you with a more detailed reply at this point. However, if there is additional information which you believe we can furnish, please do not hesitate to let me know.
>
> Sincerely yours,
> WILLIAM B. MACOMBER, Jr.,
> *Assistant Secretary for Congressional Relations.*

LAW AND ORDER

Mr. LAUSCHE. Mr. President, a committee of the administration is taking testimony from witnesses dealing with the subject of riots and violence in our cities. It happens that Mr. Clark, the Attorney General, and Mr. Hoover, of the FBI, gave their views yesterday of what is happening in the Nation, and they obviously directed their attention to the Chicago riots at the Democratic National Convention.

The Attorney General of the United States said:

> Of all violence, police violence in excess of authority is the most dangerous.

Mr. Clark warned, without specific mention, of bloody confrontations such as that between the police and antiwar demonstrators in Chicago.

Mr. Hoover's view seemed diametrically opposite that expressed by the Attorney General. Mr. Hoover stated:

> There is no alternative but to use force when faced with vicious attacking mobs intent on destructive purposes.

As between the two, I prefer to accept the word of Mr. Hoover. This constant diversion of blame from the shoulders of the rioters and placing it upon the shoulders of the police is, I believe, one of the principal causes of the constantly growing defiance of law and order. It makes no difference what happens in a mob demonstration where violence follows; the charge is just as certain as the day following the night that police brutality was the cause of the violence.

I ask Senators whether it is not fair to infer that when contentions of that type are permitted repeatedly to be heaped upon the police, it gives encouragement to every subversive, and every individual misled by subversives into participating in demonstrations, to adopt violent means to achieve their objectives.

The Director of the FBI vigorously endorsed the actions of Chicago Mayor Richard J. Daley's police force, and clearly implied that professional demagogs, extremists, and revolutionaries had learned to use the news media, particularly television, to discredit law-enforcement officers.

There is no question that the plan to disorganize and throw into disorder the city of Chicago, and to destroy the convention, had its origin in an eastern city last June. The plan was laid for a mass descent upon Chicago. The mobs assembled there, not with any purpose of dissenting in the peaceful democratic way, but to take charge of the city, and finally to take charge of the convention.

I cannot help disagreeing vigorously with those who are condemning the Chicago police for what happened. They were taunted, baited, spat upon, and assaulted with cans containing urine, and in some instances with plastic bags containing human excrement. They stood there patiently while the assaults went on.

How much can an individual policeman endure? Is he different from the Presiding Officer of the Senate? He has a circulatory system. He has a nervous system. He has passions, emotions, and pride. Is the police officer, when someone comes up and throws urine at him, to act calmly and in complete control of himself?

I noted that Mr. Eisenhower, a member of the Commission, said that if someone threw urine at him, he doubted that he would control himself.

This testimony, as quoted in the Washington Post, from which I have been reading, is quite illuminating. In my opinion, it involves the issue of the day throughout the country. That issue is, Are innocent, law-abiding citizens to be held supreme, or are the police to yield to rioters, to insurrectionists, and, in frequent instances, to individuals who have a greater love for communism than they have for the democracy of the United States?

At the end of his statement, the Attorney General emphasized:

> It is the duty of law officers to control violence, not to cause it.

Are we to infer that the law officers caused the violence in Chicago? How can anyone come to that conclusion? Is this just a glib rhetorical gem? It sounds wonderful: Police officers are not to cause violence, but to control it. That would imply that the police officers of Chicago caused what happened there.

Mr. President, it is tragic and ironic that yesterday, while on the floor of the Senate we were discussing gun control to maintain law and order, the principal agencies for maintaining law and order in our Nation, the police departments, were being attacked by the highest law and order official in the Federal Government. I cannot stomach and I cannot tolerate that thought.

I yield the floor.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE REDWOOD NATIONAL PARK, CALIF.—CONFERENCE REPORT

Mr. **JACKSON**. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2515) to authorize the establishment of the Redwood National Park in the State of California, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER**. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 11, 1968, pp. 26576–26579, CONGRESSIONAL RECORD.)

The **PRESIDING OFFICER**. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. **JACKSON**. Mr. President, the Redwood National Park recommended by the conference committee is worthy of taking its place among the most magnificent of our national scenic treasures.

I am very pleased to bring back to the Senate a bill which is very close to what we approved last year. The conference committee recommends a Redwood National Park comprising a maximum of 58,000 acres, including approximately 32,500 acres of old growth redwood. The authorized expenditure for acquisition of private lands within the park boundaries would be $92 million.

This is the culmination of more than 2 years of intensive work in the Congress and many years of effort by supporters of a Redwood National Park. Let me say in all frankness that there were times during the consideration of this proposal when those of us who found merit in the creation of a Redwood National Park of significant content and dimensions found cause for discouragement. Early in the Senate consideration of this matter, support for a park was divided. An administration bill calling for a 39,264-acre park in the Mill Creek watershed, plus a 1,600-acre tall trees unit on Redwood Creek at a cost of $60 million had its adherents. A bill introduced by the junior Senator from Montana [Mr. METCALF] and others, calling for a 90,000-acre park in the Redwood Creek drainage at a cost of $200 million was supported by many organizations and individuals. The junior Senator from California [Mr. MURPHY] introduced another measure which highlighted the seashore in the redwood region.

The Senate Committee on Interior and Insular Affairs considered all of these bills and took extensive testimony at hearings in Crescent City, Calif., and Washington, D.C. It was clear that we were dealing with unique and unprecedented legislation. A meaningful Redwood National Park would require an expenditure for land acquisition far greater than any previous national park. The immediate impact on local industry would be great. Two of the proposals before us at that time would each have taken virtually all of the timber holdings of one redwood company or another. Thus, an already depressed local economy was threatened with further loss of employment, at least for a period of several years.

These factors were very carefully weighed by the committee. The senior Senator from California [Mr. KUCHEL] and I came to the conclusion that a new measure was required, combining what we considered to be the best features of the bills before the Senate, and taking into account the financial limitations facing us and the impact on the affected area. Instead of concentrating the park in only the Mill Creek area or only the Redwood Creek area, we proposed boundaries encompassing the most magnificent redwood groves and related scenic attractions in each area. We included within the boundaries of our plan all of the largest and most impressive redwoods—the 000 trees—in private ownership in Del Norte and northern Humboldt Counties. We included all of the magnificent beach—almost 30 miles long—from just south of Crescent City to just north of the town of Orick. We included some untimbered or cutover lands suitable for development as intensive public use areas. We included opportunities for public access without destruction of the scenic and scientific values of the park.

Three State parks—Jedediah Smith, Del Norte, and Prairie Creek—containing some of the most important stands of redwood in existence were within the proposed national park boundaries.

The bill we proposed spread the impact—both in benefits and transition problems—over two counties, not just one. It spread the adjustment impact to four lumber companies, not just one.

We also proposed to ease the economic adjustment for affected industry and employees and lessen the immediate cost burden on the U.S. Treasury by authorizing a reinvestment of certain lands under Forest Service jurisdiction. These lands in what is called the northern redwoods purchase unit, lying near the proposed park, are not of such a character or so located as to be suitable for inclusion in a Redwood National Park. We proposed that under the unique circumstances of the Redwood National Park legislation this area could be devoted to the highest and best use by being made available for trading in the acquisition from private owners of redwood groves essential to the national park.

The Committee on Interior and Insular Affairs accepted the new measure and on October 10, 1967, it was ordered reported as a clean bill and was introduced as S. 2515 with the senior Senator from Nevada [Mr. BIBLE], chairman of the Parks and Recreation Subcommittee, joining with Senator KUCHEL and me as sponsors. This was the measure approved by the Senate on November 1, 1967.

The House of Representatives passed S. 2515 this year after striking all after the enacting clause and substituting a new measure. The House bill proposed a Redwood National Park of 28,358 acres, including 18,487 acres in two State parks, at an authorized expenditure of $56,750,000 for land acquisition and $10 million for development.

The conference committee now recommends a bill which follows essentially the format of the Senate bill. The acreage to be acquired immediately from private owners is approximately 28,100 as compared to approximately 33,000 in the Senate bill. The reduction in acreage results from an adjustment of the park boundaries in the Mill Creek area between the Jedediah Smith and Del Norte State Parks and exclusion from the park boundaries of the Skunk Cabbage area north of the town of Orick. The Senate conferees regret the loss, particularly of the Skunk Cabbage area, but these adjustments were necessary in order to reach a compromise with the House under the pressure of reducing expenditures. Despite the exclusion of these areas, the bill before the Senate will still acquire all of the largest and most impressive redwood trees—the 000 trees—now in private ownership which were included in the Senate bill.

The Senate conferees accepted for inclusion within the park two areas which were authorized for acquisition in the House bill but not in the Senate bill—the so-called Flint Ridge area south of the Klamath River near the mouth and an addition to the Redwood Creek corridor to include the so-called Emerald Mile. The Emerald Mile area is a particularly desirable addition to the park.

The conference committee also recommends acquisition of all of the beach area which was authorized by the Senate plus an extension of the beach south to the northern boundary of the Dry Lagoon Beach State Park. Thus, over 33 uninterrupted miles of beach will be within the park.

The Jedediah Smith, Del Norte, and Prairie Creek State Parks are included within the Redwood National Park. The House receded from the provision of their bill which would have prohibited acquisition of any private lands for the national park until the State had donated the State parks. Under the Senate approach which was accepted, the State parks will come under Federal ownership and management only if donated by the State of California. We hope the State will take this step in the national interest. In any event, the Redwood National Park will be established, and until the State parks are donated the responsible management agencies may enter into agreements to assure that the State and Federal parks are administered on a compatible basis.

No more redwoods will be logged within the boundaries we establish in this bill. Under the terms of this legislation, immediately upon its enactment title to private timberlands will vest in the United States. Just compensation will be paid to the owners subsequently, by agreement with affected parties, or through court proceedings provided for in the act.

Mr. President, this is a great day in the history of conservation in our country. We are creating a magnificent new addition to the array of most cherished national possessions.

The Redwood National Park will include a variety of scenic attractions and opportunities for public enjoyment:

The redwoods, displayed in all their variety from ridge-top stands to slope and bottomland groves, to the seashore, with opportunities for people to admire them without damage to the park environment.

Over 33 uninterrupted miles of beach with the beautiful bluffs and headlands behind the beaches.

Streams and rivers of great natural beauty, with opportunities for fishing, swimming, and streamside walking and floating.

The tallest tree on earth and a host of slightly lesser brothers. Many of them have stood for more than a thousand years. They, themselves, grew from the fallen remains of ancient ancestors.

These giants will live out the years of their existence protected by man rather than threatened by man. It is our intention that a thousand years from now redwood seedlings of today will have lived, within this park, for the inspiration and wonder of future generations.

I ask unanimous consent to have included in the RECORD a section-by-section analysis of the bill.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF S. 2515

Section 1: This section would establish, effective upon date of enactment, the Redwood National Park in Del Norte and Humboldt Counties, California. This section also states the purposes of the Act.

Section 2(a): This section would provide that the boundaries of the new park shall be set forth in two maps numbered NPS–RED–7114–A and NPS–RED–7114–B. These maps show the boundaries of the park as agreed upon by the conference committee. Copies of the maps are to be kept available for public use and inspection in the offices of the National Park Service and, in addition, shall be filed with the appropriate officers in Del Norte and Humboldt Counties. The maps are dated September 1968, but the Secretary of the Interior may periodically adjust the boundaries of the park to better carry out the purposes of the Act. In addition to this overall standard, the Secretary is directed to pay particular attention to minimizing stream siltation, timber damage, and assuring the preservation of scenery if and when boundary adjustments are made.

Prior to making boundary adjustments, notice of boundary changes must be given by publication in the *Federal Register* of the changes and by filing the revised map and boundary description with the appropriate officers of the two counties. The acreage within the park boundaries may at no time exceed 58,000 acres, exclusive of submerged lands.

Section 2(b): This section would authorize the Secretary to acquire, but by donation only, State or county-owned highways and roads to the extent they are needed for park purposes. Once acquired, they would be park roads. Until acquired, the Secretary may cooperate with the State or county officials in patrolling and maintaining roads and highways within the park boundaries.

Section 3(a): This section would authorize the Secretary to acquire lands and interests in land within the park boundaries and, for administrative purposes, up to 10 acres outside the boundaries. Land acquisition may be accomplished by donation, purchase with appropriated or donated funds, exchange, or otherwise. The Secretary, however, can acquire State-owned lands only by donation. A donation or agreement to donate the existing State parks or other State and county-owned lands is not a condition precedent to the establishment of the Redwood National park. Should the State decide not to donate its parks and other lands, the National Park Service will nevertheless cooperate with State and local officials to minimize administrative and management problems which may arise.

Section 3(b):

Paragraph (1): The first paragraph would provide that, effective on the date the President approves this bill, title to all real property, except that owned by the State or a political subdivision thereof, and except the property within the park boundaries referred to in paragraph (3), will vest in the United States together with the right of immediate possession. This paragraph thus provides for a legislative taking by the United States of all right, title and interest in lands within the park boundaries effective on the date of enactment of this Act. Lands owned by the State of California or its political subdivisions are excepted from the operation of this paragraph. In addition, paragraph (3) of section 3(b) provides that private lands held in ownerships of fifty acres or less are not legislatively taken unless certain determinations and actions are undertaken by the Secretary. The legislative taking provisions of paragraph (1) would not apply with respect to lands subsequently included within the park as a result of boundary changes authorized pursuant to section 2(a).

Paragraph (1) requires that the Secretary must allow for the orderly termination of all activities and operations conducted by property owners, their lessees, licensees and contractees on lands acquired pursuant to this paragraph. The Secretary would also permit the removal of equipment, facilities, and personal property in an orderly manner.

All timber cutting operations would be required to cease on the date title vests, but the Secretary would provide a reasonable period of transition to enable these people to terminate all operations within the park. The Secretary will arrange for fire protection, resource protection and other necessary measures to avoid damage to the area during this transition.

The Committee has been advised by the Department of the Interior that where necessary for the orderly termination of operations the Department will, for a reasonable period of time, allow the regulated use of logging roads within park boundaries under revocable special use permits.

Section 3(b):

Paragraph (2): Paragraph (2) would provide that the United States pay just compensation to the former owners of the real property taken under section 3(b). The compensation would be paid either in the form of money derived from appropriations under the land and water conservation fund, or land available to the Secretary under section 5 of the Act for exchange purposes, or a combination of land and money. Interest would be paid at the rate of 6 per cent per annum from the date of taking to the date of payment. It is expected that the Secretary would seek the necessary appropriations to the land and water conservation fund this year.

Just compensation would be based upon the value of the properties taken pursuant to section 3(b) as of the date of the taking. The value would be established through negotiations between the Secretary and the former property owners, or through proceedings in the Court of Claims as provided in 28 U.S.C. 1491.

In the case of payment through the use of Federally-owned land, the Secretary could use either public lands which have been classified for exchange or disposal or land within the Northern Redwood purchase unit in Del Norte County, California, as he determines. It should be emphasized that it is not the intention of the conference committee that the Secretary first exhaust his available appropriations before negotiating with the property owners for an exchange of the above Federal lands. Also, the committee intends that the Secretary, in negotiating payments from appropriations, could agree to make the payments in installments.

The conference committee has been informed that it is the normal practice of the Court of Claims to appoint commissioners to take testimony at the place or places most convenient to the plaintiff or plaintiffs. The conference committee hopes that the Court would follow this practice in connection with any litigation which may arise by reason of the application of section 3(b), and that the Court would make every effort to minimize delay and avoid inconvenience or added expense to the former property owners.

Section 3(b):

Paragraph (3): Paragraph (3) provides that the provisions of section 3(b)(1) of the bill, relating to the legislative taking of lands within the park boundaries, do not apply to real property ownerships of fifty acres or less, *unless* the Secretary of the Interior (1) determines that on the effective date of the Act each such ownership is either held or occupied primarily for purposes other than residential or agricultural, and (2) notifies the owner or owners of such property within 60 days after the effective date of the Act that title did, in fact, vest by reason of the enactment of this section, in the United States. Thus, as to ownerships of fifty acres or less, there would be no legislative taking *unless* the Secretary makes the required determination and gives notice. As to real property on which the Secretary makes the required determination and gives notice, the date of the taking would be deemed to have related back to the effective date of the Act.

If notice is not given, title will not vest in the United States on the effective date of the Act, but the Secretary may later acquire the property under sections 3(a) or 3(c) of the bill for park purposes. Notice of the vesting of title is not required in the case of any ownership of more than 50 acres.

For the purpose of this section, agricultural purposes does not include tree farming and other forms of tree culture.

The term "primarily," as used in this paragraph, should not be construed strictly, but is designed to give the Secretary some flexibility to determine whether a particular ownership, while having some residential or agricultural status, is being used for purposes that are incompatible with park purposes.

The purpose of paragraph (3) is to exempt small ownerships (less than fifty acres) which are being used for residential and agricultural purposes from the operation of the legislative taking provisions of section 3(b)(1). It was the conference committee's judgment that with respect to these small ownerships it was not necessary to provide immediate and complete protection against the further cutting of timber and the destruction of park values. The Secretary is, of course, still authorized to acquire these ownerships under the authority granted in section 3(a) of the Act.

Paragraph (3) also gives the United States district court for the district in which the land is located jurisdiction to hear and determine any action brought by any person or persons having an interest therein for damages occurring by reason of the potential application of the legislative taking provisions of this paragraph between the effective date of the Act and the date the Secretary gives notice to the property owner or owners. This provision should not be construed in establishing in such person or persons a new cause of action or a right to compensation against the United States. It merely provides a forum to consider any claim compensable under present law that might be asserted by reason of the potential application of this section to tracts of fifty acres or less.

Section 3(c): This section authorizes the Secretary to acquire in their entirety any tracts or parcels of land that are partly inside and partly outside the park boundaries or the administrative site in order to minimize the payment of severance damages. Once acquired, the Secretary may dispose of the land outside the park boundaries by exchange for other land or interests therein within the park boundaries, or by disposal under the Federal Property and Administrative Services Act of 1949. The cost of acquisition of the land outside the park boundaries or the administrative site which is later disposed of by either of the above methods shall not be charged against the dollar limitation in section 10 of the Act.

Section 3(d): The Secretary is also authorized to acquire land by donation, purchase with appropriated or donated funds, or by exchange or otherwise, lands and interests therein bordering both sides of the highway between the southern boundary of Prairie Creek Redwood State Park and on Redwood Creek near the town of Orick sufficient to maintain or restore a screen of trees between the highway and the land behind the screen.

Section 3(e): This section would authorize the Secretary to acquire interests in lands from, and enter into contracts and cooperative agreements with, land owners on the periphery of the new park and on watersheds tributary to streams within the park. The purpose of this section is to provide protection to the timber, soil, and streams within the park boundaries. The term "interests in land" in this case does not include the fee title unless the Secretary finds that the cost of acquisition of the less than fee interest would be disproportionately high as compared with the cost of the fee itself. Before entering into any contract or cooperative agreement or before acquiring any such interest in land, except by donation, the Secretary must notify the President of the Senate and Speaker of the House of his action and of the cost and benefits to the United States at least 60 days beforehand.

Section 4(a): This section provides that where land is acquired by the Secretary under the provisions of this Act other than under the provisions of section 3(b), the owner of improved property may retain, as a condition to the acquisition, a right of use and occupancy for noncommercial, residential purposes for a term of not to exceed 25 years or in lieu thereof for a term ending at the death of the owner or his spouse, whichever is later. The right retained shall be subject to termination by the Secretary upon a determination that the property is being used in a manner inconsistent with the purposes of the Act. If the Secretary makes this determination, the retained right shall terminate by operation of law when the Secretary notifies the holder of the right of the determination and tenders him the fair market value of the right.

Section 4(b): The term "improved property" as used in the previous section means a detached, noncommercial, residential dwelling, the construction of which was begun before October 9, 1967, together with so much of the land on which the dwelling is located as is reasonably necessary for its enjoyment.

Section 4(c): This section authorizes the Secretary to sell or lease real property acquired in sections 5 and 8, township 13 north, range 1 east, Humboldt Meridian to the former owner. The lease-back, sell-back provisions must include conditions and restrictions which will assure that the property is not used in a manner or for purposes which would be inconsistent with the Redwood National Park.

Section 5: This section would authorize the Secretary to acquire non-Federal property for park purposes by exchange of certain Federal lands located within California. The Secretary can acquire the property from the grantor by exchange for any Federally-owned property under the jurisdiction of the Bureau of Land Management in California that is first classified by the Secretary as suitable for exchange or other disposal, except property needed for public use and management. The Secretary may also exchange any Federally-owned property that the Secretary designates for exchange purposes within the Northern Redwood purchase unit in Del Norte County, California, except the section designated as the Yurok Experimental Forest. These Federally-owned properties shall also be available to the Secretary for use by him in lieu of, or together with, cash in payment of just compensation for property taken under section 3(b) of this Act. The exchange provision of this Act is designed to supplement the exchange provisions of the Land and Water Conservation Fund Act and the provisions of that Act shall also be available to the Secretary in connection with acquisitions under this Act. It is the Committee's intent that the Secretary shall, to the greatest extent possible, by exercising his exchange authority, minimize any adverse impact on the local economy which may occur due to a reduction in employment resulting from any dislocation and disruption of the grantor's commercial operations. This latter requirement is aimed primarily at lands made available for exchange from the Northern Redwood purchase unit.

The provision authorizing exchange of property within the Northern Redwood purchase unit is not intended to be precedent setting. The unique circumstances involved in establishing a Redwood National Park justify this exchange, but the conference committee recognizes this to be an exception and does not contemplate that similar exchanges will be authorized or made in the future.

The exchange provisions of section 5 may keep the cash outlay for land acquisition below the $92 million authorized by section 10 of the Act. At any event, the $92 million figure is not intended to reflect a Congressional determination as to the value of the property involved. The actual value of the property and the expenditures needed for acquisition should be less than this amount because the appropriation authorization includes a substantial factor to cover unforeseen contingencies.

The conference committee does, however, anticipate that it will be necessary for the Department to request the total amount section 10 authorizes for appropriations so that funds will be available if needed in connection with the legislative taking authorized by section 3(b) and to deal with contingencies in the acquisition process.

Section 6: This section would authorize the transfer to the Secretary of the Interior of any Federally-owned property administered by another Federal agency which is within the park boundaries or a designated administrative site.

Section 7(a): This section is designed to supplement the advance contract authority found in the recent amendments to the Land and Water Conservation Fund Act. The advance contract authority would not be applicable to the lands acquired under section 3(b) of this Act, but would apply to areas to be acquired by the Secretary under sections 3(a), 3(c) and 3(e) of this Act. Under this authority, the Secretary could enter into contracts to acquire lands in advance of appropriations.

This section would also authorize the Secretary and the owner of any lands acquired under this Act to agree that the purchase price of the property will be paid in periodic installments over a period that does not exceed ten years with interest on the unpaid balance.

Section 7(b): This section would make the provisions of the Act of July 27, 1956, applicable in the case of condemnation actions brought under this Act. This means that judgments for $100,000 or less will be paid from the continuing appropriation pursuant to 31 U.S.C. 724a, and that judgments for more than that amount will be processed in the same manner that ordinary judgments against the United States are processed; that is, by being included in the items "Claims and Judgments" (*e.g.* 79 Stat. 1152) which is regularly transmitted to the Congress for appropriations.

Section 8: This section would direct the Secretary to continue the present practice of the California Department of Parks and Recreation of maintaining memorial groves of redwood trees named for benefactors of the State redwood parks.

Section 9: This section would direct that the Secretary administer the park in accordance with the National Park Act of 1916, as amended and supplemented.

Section 10: This section authorizes appropriations of $92,000,000 for land acquisition under this Act. Although no limitation is stated for development costs, it is the understanding of the conference committee that no appropriations will be made or requested for this purpose, except for such work as is required for immediate administration of the park, until a master development plan has been submitted to the two Committees on Interior and Insular Affairs.

Several Senators addressed the Chair.

Mr. JACKSON. Mr. President, I yield briefly to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I congratulate most heartily the distinguished Senator from Washington and those who worked with him on the accomplishment of this objective of several years, as I know.

The Senator has worked hard and long, and now he has succeeded, as I understand it, in getting almost all of his original objective accomplished and completed.

I believe that the generations of Americans in the future will be grateful to the Senator from Washington, just as the speaker is and just as everyone who is a believer in conservation of our natural beauties and natural values must be grateful to him. Many, many warm thanks.

Mr. JACKSON. Mr. President, I thank my good friend, the senior Senator from Florida, for his very generous comments.

I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I join in the remarks made by the distinguished senior Senator from Florida. He has put in words far better than I could my feelings about what has been accomplished. The Senator from Florida has delineated the years of struggle which the chairman, the Senator from Washington [Mr. JACKSON], has undergone to bring this proposal to a satisfactory conclusion—not as satisfactory as some of us would like, but certainly, in view of all the circumstances, a far better solution than many of us had anticipated.

Mr. President, on behalf of the distinguished Senator from Oregon [Mr. MORSE], I should like to ask some questions. However, before I do so, I yield briefly to my colleague from Montana.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. METCALF. As one of the original sponsors of the redwoods bill and one of those who was hopeful that we would have a larger park, I recognize the need for compromise. I concur with the Senator from Washington that this is a great day for conservation. This is a day that will go down in history along with the day when Yellowstone Park, Yosemite, and Glacier, were created. We do have a meaningful Redwood National Park. It is a Redwood National Park that, as the Senator from Washington has said, will preserve all the great trees and will, over the years, bring to future generations the enjoyment that we have had in our lifetime in visiting these magnificent trees.

The Senator from Washington [Mr. JACKSON] and the Senator from California [Mr. KUCHEL], who have worked so hard on this bill, deserve great credit for their statesmanship, for their diplomacy, and for their negotiating ability in creating one of the finest national parks in our entire park system and developing one of the greatest natural resources for future generations.

As one of the early sponsors, who worked on this matter in both the House and the Senate, I am glad that this day has arrived and that we are going to save these wonderful trees from the chainsaws and the development that would have taken place except for this bill.

Mr. JACKSON. Mr. President, the able junior Senator from Montana [Mr. METCALF] has long been in the forefront of the battle to save the redwoods. His interest goes back to his days as a student at Stanford University. Am I correct?

Mr. METCALF. The Senator is correct. While at Standford University, I used to visit Muir Woods.

If the Senator will pardon the reminiscence, I went into the Army and took basic training at Fort Ord. I got a 3-day pass and spent the time visiting Muir Woods, so I have a great sentimental attachment for these magnificent trees.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD several newspaper editorials in connection with this matter.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the San Francisco Chronicle, Sept. 10, 1968]

REDWOOD PARK VICTORY

In the congressional showdown on the Redwood National Park bill yesterday, the public interest came out the winner. A Senate-House conference agreed on legislation, regarded as almost certain to receive final approval on the floor, to create a redwood park of high quality and of ample scope for the recreation needs of future generations of Americans.

Senator Thomas H. Kuchel, who for three years has led the fight for the park, pronounced himself highly satisfied with the outcome; in many respects, he said here yesterday, the conference version is an improvement on his own bill that the Senate had passed earlier.

When the House last summer chopped the Kuchel 64,000 acre park to 28,000 acres conservationists were plunged into despair. They now have good reason for satisfaction and relief that the compromise will provide for one more than twice that size. The conference bill authorizes the Federal Government's acquisition of some 30,000 acres of redwood lands in Humboldt and Del Norte counties connected by a corridor that will include 33 miles of superbly scenic ocean beach. With three existing State parks of 27,468 acres, the combined Federal-State recreational reserve acted upon yesterday will be 58,000 acres. Donation of the State parks to the Federal government was not made a condition for establishing the national park, however. This was a wise decision which will remove any occasion for getting into a State political battle over the project.

Californians who have worked hard for this magnificent reservation of redwood lands, with their majestic old growth trees, have saved a heritage that does them honor.

[From the New York Times, Sept. 11, 1968]

REDWOOD VICTORY

The compromise version of the Redwoods National Park Bill worked out by House-Senate conferees is a substantial victory for the public interest.

The 58,000 acre park is much closer to the size and boundaries set forth in the Senate bill than to the hopelessly inadequate minipark provided in the House version. Moreover, the private lands to be included in the park have trees mostly of prime quality and are not the cutover areas which some timber companies had hoped to fob off on the public.

However, because of insistent pressures from Georgia Pacific and other timber companies, the park will be considerably less than ideal in its layout. The principal groves of trees in the southern section are tied to one another and to the state parks in the north by rather fragile, narrow corridors. The park will not be easy to protect and administer as a coherent ecological entity if, as expected, the public uses it intensively and there is continued growth in population and economic development in adjoining areas. But despite these potential problems, the magnificent trees in Redwood Creek Valley are very much worth saving, and the conferees deserve credit for drafting this satisfactory compromise.

The bill also makes an important breakthrough on the critical problem of soaring land prices. The complete acquisition of several new parks and national seashores has been delayed in recent years because the price of land has outstripped the funds appropriated by Congress. This bill provides that title to the privately held acreage in the proposed park will pass to the Federal Government when the President signs the bill into law.

The owners are to receive a fair price—subject to an appeal to the courts if a negotiated price cannot be agreed upon—plus 6 per cent interest for the period from enactment of the law to the final financial settlement. In addition to stabilizing the price, this provision eliminates the possibility that the timber companies might choose to cut the trees before the Federal Government actually took possession. If applied to other parks in the future, the precedent should go far to protect the Government against the greed of land speculators and despoilers of the nation's most precious natural resources.

[From the San Jose (Calif.) News, Sept. 11, 1968]

VICTORY ON PARK

Americans are going to get a good Redwood National Park in Northern California after all.

A Senate-House conference committee came up with a valid compromise after the House had emasculated the Senate's earlier version.

The park will take in 58,000 acres. The significant feature is that more than 30,000 acres of this land now is in private ownership and its magnificent stands of redwoods would be fair game for the lumberman's chain saw unless put in the new park. The remainder of the land is now part of the state park system. To help the lumber industry ride out the loss of this timber country, the bill authorizes a trade that would open up for lumbering about 14,000 acres of government-owned forest.

"I believe this bill is one of the great conservation achievements of this or any other Congress," said Sen. Henry Jackson, chairman of the Senate Interior Committee.

Much of the credit for bringing about this significant achievement must go to California's Sen. Thomas H. Kuchel. It probably will be his last major contribution as a senator, as he goes out of office in January.

[From the Los Angeles Times, Sept. 12, 1968]

REDWOODS PARK IN PUBLIC INTEREST

Although far from the optimum desired by many, the 58,000-acre California Redwood National Park proposed by a Senate-House conference committee represents a sound compromise.

Last year the Senate gave top-heavy approval to a 61,654-acre park. The Johnson Administration had recommended only 37,000 acres, and the House slashed the Senate figure to a hopelessly inadequate 28,500 acres in July.

Under this compromise, the state would be asked to donate the Jedediah Smith, Del Norte and Prairie Creek parks, with the two major units of the new national facility connected by a 33-mile stretch of ocean beach. Federal land acquisitions would be spread so as to protect the timber-based economy of the area. Federal timber would be made available as compensation for park quality land in some instances.

Private owners would be assured a fair price under a new section inserted into the bill. They would be entitled to court appeal if a negotiated settlement could not be reached, and 6% interest would be paid from the time the law is enacted until there is a final agreement on price. That clause would also serve to curtail logging off of lands before the government actually took possession.

Both Sen. Tom Kuchel, who played a major role in the drive for the national park, and Assemblyman Edwin L. Z'Berg, chairman of the Assembly Committee on Natural Resources, Planning and Public Works, have lauded the compromise.

It is in the public interest and deserves congressional approval at the earliest possible moment.

The Reagan Administration and the Legislature should also act promptly in taking whatever steps are necessary to bring the plan to fruition.

[From the Sacramento Bee, Sept. 12, 1968]

KUCHEL, PUBLIC WIN

A tremendous double-barreled victory is registered in the Redwood National Park bill which is expected to win easy congressional approval before the end of the month.

The first victor is the public interest. The Senate-House conference measure provides almost every feature sought by conservationists. The 58,000-acre park system in Northern California is ample to preserve this natural heritage for all the generations to come.

The second victory is the personal one of United States Sen. Thomas H. Kuchel who led the three-year fight for the park. In this as in so many other battles the California Republican was an exemplar of political statesmanship.

In the redwoods campaign Kuchel fought not only for the recreation and natural beauty heritage of this generation but for those voiceless citizens who comprise all the generations to come.

In the course of it he tangled with representatives of the lumber industry and other groups with lobbying muscle.

The people, the general public for whom Kuchel fought, could not bring to bear the same well-organized pressures. Only in time will many of them come to appreciate the momentousness of the issue. For had these priceless, irreplaceable monarchs of the California forests been lost, their like would not be seen again by man.

Now they will continue to stand as a monument to Kuchel's concern for tomorrow.

[From the San Francisco Examiner, Sept. 13, 1968]

Kuchel's Park

The long battle for establishment of a Redwoods National Park is over, or nearly so. A Senate-House conference committee has agreed on details; acceptance by both houses seems certain.

Much of the credit goes to California's Sen. Thomas H. Kuchel whose tireless concentration on the project defied all discouragement. Though other dedicated conservationists in the Congress share the laurels, this park can fairly be described as a splendid climax to Kuchel's outstanding senatorial career.

The park constitutes an elaborate compromise between the claims of ardent conservationists and equally ardent timber operators. A compromise can be defined as a settlement that falls short of the ideal, but in this case the shortcomings from both points of view must, in fair appraisal, be considered minimal.

Sen. Kuchel said: "The bill preserves the finest remaining specimens of the coast redwoods and protects the timber-based economy by spreading the impact of land acquisition among four companies and two counties. It makes some additional federal redwood timberland available to the companies as compensation."

An unexpected bonus is the inclusion in the park of a 33-mile strip of wild headlands and beaches.

The park will contain 58,000 acres composed of new purchases and existing state park lands. Management—perhaps a form of partnership—remains to be worked out. We hope state and federal authorities can approach this in the same spirit of amity and concord that marked their relations when the federal government established Yosemite National Park and the state continued in ownership of the valley floor for 20 years.

Mr. JACKSON. The able junior Senator from Montana did introduce what I thought was an excellent bill to set up a Redwood National Park. The only regret we in the committee had was that, due to financial limitations, we simply could not provide for as large a park as the able Senator from Montana had included in his proposal. The Senator was of tremendous help in getting the bill through.

I also wish to say that the able senior Senator from California, the distinguished ranking minority member of the committee and the able whip for the minority [Mr. Kuchel], cosponsored the bill that is now before the Senate for final action. It was a great privilege and pleasure for me to work with him, and for my staff to work with his.

Mr. President, this is truly a bipartisan effort to conserve one of the Nation's greatest resources. We are all in Senator Kuchel's debt for all he has done in helping to make this event possible today.

I yield to the able majority leader.

Mr. MANSFIELD. Mr. President, I join the distinguished chairman of the committee in the remarks he has just made about the deputy minority leader, the senior Senator from California [Mr. Kuchel]. I believe the Jackson-Kuchel team is a great combination, and they have accomplished .a tremendous objective in leading this proposal to its present position.

Mr. President, the distinguished senior Senator from Oregon [Mr. Morse] is absent momentarily because of official business. He has asked me to propound some questions of the chairman of the committee, and on his behalf I am about to do so.

May I point out to the distinguished Senator, on behalf of Senator Morse, that the measure calls for immediate vesting of title and rights to private land in the Federal Government upon the signing into law of the redwood park bill. But the question of fair value to be paid for it is a matter for negotiation between the Secretary of the Interior and the private owner. The bill provides that during the interim between enactment of the bill and payment to the owner, 6 percent interest shall accrue to the owner. However, the fifth amendment to the Constitution states that private property shall not be taken without just compensation, and interest is not compensation.

Can this method be said to meet the constitutional test of "just compensation"?

Mr. JACKSON. Mr. President, there is no question about the constitutionality of the provision to which the able Senator has referred.

I ask unanimous consent to have printed at this point in the Record a letter from the Solicitor of the Department of the Interior, dated September 18.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Office of the Solicitor,
Washington, D.C., September 18, 1968.

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: At the request of your staff, we are taking this opportunity to express our opinion on the provisions of section 3(b) of the Conference Committee Print on S. 2515—the Redwood Park bill. We understand that you are particularly concerned, first, with the precedents for a legislative taking of real property for a public purpose, and, second, with the appropriateness of the provision relative to the determination of just compensation by the Court of Claims rather than by a jury.

Section 3(b) of the Conference Committee print of S. 2515 provides that title and the right to immediate possession of all real property within the proposed boundaries of the Redwood National Park established by the bill "shall" vest in the United States on the date of enactment which is the date the President approves the bill. There are two exceptions to this general taking. First, the taking does not apply to real property owned by the State of California or by a political subdivision thereof. Second, the taking provision shall apply to ownerships of 50 acres or less only if (1) the Secretary of the Interior determines that such ownerships are not being "held or occupied" primarily for residential or agricultural purposes, and (2) the Secretary notifies the property owner of the applicability of this section 3(b) within 60 days after enactment. We construe the term "agricultural" in this situation as not including tree farming, since the purpose of the legislation is to preserve the timber within the park boundaries.

Section 3(b) of the bill also mandates that "just compensation to the owner of real property taken" under section 3(b) of the bill "will" be paid by the United States. The bill establishes two methods for determining just compensation.

The first would be by negotiation with the owner and the Secretary of the Interior. This procedure enables these two parties to determine by mutual agreement the value of the property to be taken and enter into an agreement to provide compensation through the use of appropriated funds or through the use of other Federally owned land in the State as an exchange or through a combination of both of these.

The second would be by action brought by the property owner in the Court of Claims.

The bill provides that where the payment is in the form of money such payment will be derived from any "money appropriated from the Land and Water Conservation Fund" subject to the dollar limitations in section 10 of the Act.

Lastly, the bill provides for the payment of interest "from the date of taking to the date of payment therefor."

The objective of this section 3(b) of the bill, as we recommended it to the House Committee is (1) to provide immediate and complete protection to the resource for which the park was established, namely, the redwoods, through the prevention of further cutting, and (2) to prevent an escalation of the price which, as experience shows, always attends the establishment of a national park or recreation area.

In our opinion, there is no question that Congress may take real property directly by legislative action.

The power of eminent domain pre-dates the Constitution. It is a power that could exist independently of the Constitution in the Federal Government. It therefore is a power of the sovereign (see *Kohl* v. *United States*, 91 U.S. 367 (1875); *United States* v. *Lynch*, 188 U.S. 455 (1903)).

The first general statute by Congress authorizing condemnation in the Federal courts was enacted in 1888 (see 40 U.S.C. 257). Since then, Congress has, on numerous occasions, authorized the Secretary of the Interior to acquire property by condemnation. It seems clear that if Congress can delegate this authority to the Secretary of the Interior and other heads of agencies, Congress can also exercise the power itself. As a matter of fact, Congress has on several occasions exercised this authority, e.g.—

The Act of May 9, 1924, 43 Stat. 117.
The Act of March 14, 1940, 54 Stat. 49.
The Act of July 30, 1941, 55 Stat. 612.
The Act of October 3, 1962, 76 Stat. 698.
The Act of October 3, 1962, 76 Stat. 704.

In all of these cases, whether the taking is done by the Congress or by the Secretary, the only constitutional requirement is that the Government has an obligation to make "just compensation" to the owner thereof.

The question then turns on how just compensation is to be determined. S. 2515 provides that such compensation shall be determined by the Court of Claims in cases where the Secretary of the Interior and the owners are unable to agree on the amount of the compensation. We understand that some contend that a person is entitled to a jury trial on the issue of just compensation under the seventh amendment to the Constitution which provides:

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United

States, than according to the rules of the common law."

The courts, however, have held uniformly "that condemnation is not a common law action and is not subject to the constitutional guarantee of a jury trial." *United States* v. *Alexander*, 47 F. Supp. 900, 912 (1942). (See also *Secombe* v. *Railroad Co.*, 90 U.S. 108 (1874); *United States* v. *Jones*, 109 U.S. 513 (1883); *Bauman* v. *Ross*, 167 U.S. 548 (1896); *Backus* v. *Fort Street Union Depot Co.*, 169 U.S. 557 (1897); *United States* v. *93.970 acres of land*, et al, 258 F(2) 17 (CCA 7th, 1958); *Atlantic Seaboard Corporation* v. *Van Sterkenburg*, 318 F(2) 455 (CCA 4, 1963); *Bencke* v. *Weick*, 275 F(2) 38 (CCA 6, 1960)). In *Backus* v. *Fort Street Union Depot Co., supra*, p. 569, the court said:

"All that is essential is that in some appropriate way, before some properly constituted tribunal, inquiry shall be made as to the amount of compensation, and when this has been provided there is due process of law which is required by the Federal Constitution."

Again the Supreme Court in *Bauman* v. *Ross, supra*, 548 p. 593 held: "By the Constitution of the United States, the estimate of the just compensation for property taken for the public use, under the right of eminent domain, is not required to be made by a jury; but may be entrusted by Congress to commissioners appointed by a court or by the executive, or to an inquest consisting of more or fewer men than an ordinary jury."

As a matter of fact, Congress, in the case of the Tennessee Valley Authority (see 16 U.S.C. 831), specifically chose not to follow the jury trial procedure. Rather, Congress directed the district court for the district in which the land taken is located to appoint 3 commissioners "to examine into the value of the lands" and "generally to take appropriate steps" to determine the value thereof. If an exception is filed to the commissioners award, 3 Federal district judges shall file their own award and thereupon there is an appeal to the court of appeals.

It is clear therefore that Congress can provide for the determination of just compensation by a system other than a jury trial. It is also clear that the United States may not be sued without its consent. In consenting to such a suit, "it rests with Congress to determine not only whether the United States may be sued, but in what courts the suit may be brought." *Minnesota* v. *United States*, 305 U.S. 382, 388 (1939). Congress in 28 U.S.C. § 1358, has conferred original jurisdiction, generally, in the district courts in condemnation actions. In addition, Congress, in 28 U.S.C. 1491, has also conferred jurisdiction on the Court of Claims "To render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress." S. 2515 specifically confers jurisdiction on the latter court to handle claims of just compensation arising under section 3(b) of the bill. Further, Rule 71A(h) of the Federal Rules of Civil Procedures provides that any tribunal "specifically constituted by an Act of Congress governing the case for the trial of the issue of just compensation shall be the tribunal for the determination of that issue." We believe this is a valid exercise of Congress' authority.

We believe that there are sound reasons for using a tribunal other than the jury trial.

First, the bill will condemn a large area of very similar land, involving a number of owners. The Court of Claims approach affords an opportunity to insure uniformity in awards and avoid the inconsistency that the jury system tends to promote. This assures fairness to all former landowners and to the Government alike.

Second, the actual trial, under Court of Claims procedure can take place in the vicinity of the lands. Landowners will not be required to journey to Washington for the trial of the issue of just compensation. The Commissioners of the Court of Claims, under Rule 48 of the Court of Claims Rules, take evidence at different times and different places and fix the place of trial with consideration to the convenience of all concerned.

In summary, we believe that the provisions of section 3(b) of the bill are within the scope of Congress' authority, are not unconstitutional, do not require the determination of just compensation by a jury, are consistent with previous precedents, and finally are quite workable.

Sincerely yours,

EDWARD WEINBERG,
Solicitor.

Mr. **JACKSON**. I shall quote a pertinent part of the letter which relates to the Senator's question:

> In our opinion, there is no question that Congress may take real property directly by legislative action.

The letter goes on to say that the power of eminent domain predates the Constitution.

At the end of the letter:

> In summary, we believe that the provisions of section 3(b) of the bill are within the scope of Congress' authority, are not unconstitutional, do not require the determination of just compensation by a jury, are consistent with previous precedents, and finally are quite workable.

Mr. **MANSFIELD**. Is it the opinion of the distinguished Senator that this method would be able to withstand a court test?

Mr. **JACKSON**. There is no question about it in my mind. As indicated in my previous reply, it is clearly constitutional, and it will withstand any such test.

Mr. **MANSFIELD**. When can an owner reasonably expect to receive compensation for land taken under this measure?

Immediately after funds are appropriated, if the negotiations referred to in section 3(b)(2) work out. If the former property owners go to court, payment would be made when the judgment of the court is entered and the funds are appropriated. If they negotiate a land exchange, then the payment in lands available to the Secretary under the act could be made as soon as agreement is reached. The provisions authorizing payment of compensation are spelled out in greater detail in the bill. It is the intent of the conference committee that the owners should be compensated at as early a time as is possible pursuant to the procedures available to the Secretary and the United States.

Mr. **KUCHEL**. Would the Senator permit a slight interruption?

Mr. **JACKSON**. I yield to the able senior Senator from California.

Mr. **KUCHEL**. I do want the record affirmatively to show, on that point, that our conference report specifically provides for the payment of interest at the rate of 6 percent on the amount subsequently to be determined as value, and to that extent represents a completely fair disposition.

Mr. **JACKSON**. The Senator is correct. The moment title passes, interest runs until a settlement is achieved and payment is made as a result of that settlement or court test.

Mr. **MANSFIELD**. I wish to point out to the Senator that the bill provides that jurisdiction over suits contesting fair value shall reside in the Court of Claims. This is contrary to the general practice under section 1358 of the United States Code, which gives original jurisdiction to the local Federal district court in cases involving real estate taken for use by the Federal Government. The Court of Claims is an administrative court, not part of the Federal judiciary.

Why is this unusual procedure in the redwood bill?

Mr. **JACKSON**. Mr. President, first of all, title 28 of the United States Code, section 1358, which is referred to by the able Senator from Montana, applies only in actions brought by the United States to condemn real estate, so the reference and the question are not entirely appropriate. The act involves a legislative taking and not a condemnation proceedings. I would point out that even if the Court of Claims had not been mentioned in the act, they would still have jurisdiction under existing law. The reference to the Court of Claims simply made it very clear as to that point.

I want to emphasize that if we had simply provided for a straight legislative taking without granting the right, or mentioning judicial review, that right would accrue automatically under existing law, even though the Court of Claims were not mentioned. The litigation would still go to the Court of Claims.

Also, the Court of Claims is not an administrative court and is a part of the Federal judiciary. This question was decided by the Supreme Court in the case of *Glidden* v. *Zdanok*, 370 U.S. 530, in 1962.

Mr. **MANSFIELD**. What is there different about taking private property for a park, that a different procedure should be used from that used for highways, urban renewal, dam reservoirs, or the taking of property for any other Federal use?

Mr. **JACKSON**. Mr. President, I might mention the overriding reason for this course of action was the existence of an emergency. The emergency, of course, is known throughout the length and breadth of the land. The emergency related to the cutting of these precious trees which could take place even after we had passed a regular park authorization bill, because title to the lands involved would not have vested in the United States.

It was because of this emergency that the conferees unanimously agreed there should be a legislative taking, placing title immediately in the hands of the Federal Government so that the present owners could not continue to cut down trees in the area which is to be designated as the Redwood National Park.

Mr. **MANSFIELD**. Does the Interior Committee contemplate that this procedure will be used in subsequent establishment of national parks, recreational areas, wildlife refuges, and other condemnations for management by the Department of the Interior?

Mr. **JACKSON**. This procedure applies only to this situation, as we stated, because this is not a normal situation.

Mr. **MANSFIELD**. Is this transfer of jurisdiction desirable in other cases of condemnation for military purposes, for example, or highways?

Mr. JACKSON. The question of the able Senator from Montana is not applicable. There is no transfer of jurisdiction. Also, this situation is unique and the question propounded was not before the conference committee.

Mr. MANSFIELD. They are made in behalf of the senior Senator from Oregon.

Mr. JACKSON. I understand, and that is true all the way through. The questions propounded in all instances here are on behalf of the senior Senator from Oregon.

It is not intended in this particular situation to make the provisions of this bill universally applicable. This legislation relates only to this emergency problem. We will have to meet future emergencies as they arise, and determine what remedy is best.

Mr. MANSFIELD. Is it the opinion of the conferees that taking jurisdiction away from the Federal courts is desirable because juries have been known to place a higher value on the property than someone else thinks it is worth?

Mr. JACKSON. As to the first point, the bill does not take jurisdiction away from the Federal courts. The Court of Claims is a Federal court and has been determined to be an article III court by the Supreme Court. What we are trying to do is to get a resolution of this problem in the most effective and in the most just way, considering both the interests of the Federal Government and the interests of the private owners.

Mr. MANSFIELD. Is it intended through this provision to keep the costs of acquisition within the $92 million authorized by the bill?

Mr. JACKSON. We, of course, do want to keep within the appropriation authorization of $92 million, but there is no relationship between the appropriation authorization and the legislative taking provision.

Mr. MANSFIELD. On behalf of the distinguished senior Senator from Oregon [Mr. MORSE], and for that matter, on behalf of the Senate, I thank the chairman of the committee for his lucid and to-the-point answers to the questions raised.

Mr. JACKSON. I thank the Senator.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to the able and distinguished junior Senator from California.

Mr. MURPHY. Mr. President, at the outset I wish to extend congratulations to the chairman of the committee, to my senior colleague from the State of California, and to all those who served on the committee, who have done this wonderful job. It is a worthy job, and it has been a long and tedious one. There was not only bipartisan cooperation in this Chamber but also I believe there was full, complete, and enthusiastic cooperation by the Governor of the State of California, my good friend and former colleague in another industry, His Excellency Ronald Reagan. I think this is an exceptional day that this is happening and I think it is great for the people of the country, present and future. It is the kind of thing we all hope for and look forward to.

However, Mr. President, I, too, must rise with a series of questions because of my interest in this particular instance and the manner of taking the land from the people. I may be repetitious because I could not hear clearly all of the questions propounded. I heard all the answers.

I heard one answer that this was done because of an emergency, an emergency because the trees might be cut.

I have continually tried to point out in this Chamber—I believe I made my first remarks as a result of a state of the Union speech—that the President had been badly misinformed.

The giant redwoods have been protected for about 70 years. No one has nor has anyone had any other intention for many years. Generally what we are talking about are ordinary redwood forests that are used for cutting lumber.

I would also like to point out, which is not generally known, that these are the fastest growing trees. We have trees that have been growing for 2,000 years and some longer than that. The ordinary tree replaces itself and grows very quickly.

I have gone into this matter to discover that under the new system of reforestation, or tree farming as they now call it, the destruction of these great forests, based on scientific knowledge of 20 and 30 years ago was a danger.

Today I do not think the danger exists to the extent that has been indicated.

My point in rising is to ask about the legislative taking of the land. I have been advised it is customary that if the Government needs the land, the Government gets the land. Then, one comes to the question of repayment to the individual owner of the land, the citizen who, perhaps, has lived there for years and has his entire fortune in that land and perhaps has a little farm where he has done a little lumber cutting himself. His property must pass to the Government and there is the question of the proper price and value.

I have been told that in the past it was customary in these matters that the representative of the Government and the individual owner would get together and if they could not agree on a fair price, then, as is customary, the individual and the Government would go into court, customarily into the district court, and the individual would have a right to a trial by jury, or a trial by a judge, whichever he chooses. However, his right under the Constitution in this matter included his right to ask for a trial by jury.

In other words, if he wished he could have the protection of the advice, the knowledge, the expertise of the people of his area who would go into court and testify what they thought the proper and fair value should be.

In the committee report, I have been told, there is an entirely new provision which was not suggested by the Members of this body, which was not suggested by Members of the other body, but which certaintly appears in the conference report. This, in effect, does something else. When the Government and the individual cannot agree on the fair price to be paid to the individual for his property, it is now sent to the Court of Claims in Washington rather than to the district Federal court in the area, where the individuals on a jury would have knowledge of and would be familiar with the local conditions and would know what the values are.

The other day—and I am sorry the distinguished senior Senator from Oregon [Mr. MORSE] is not here, but I would ask respectfully that his remarks be read very carefully in the RECORD, he spoke at great length and with great eloquence on this point. He said that when asked why this change had taken place, some one on the Government side said, "Well, they found out that some of the juries were awarding prices much too high. Therefore the decision was made to do away with that particular manner of ascertaining a fair price and bringing it back to Washington and putting it in the Court of Claims back here."

I am not too familiar with the Court of Claims, but I know one member. He is a lawyer from Chicago. I think I know another one, and he comes from Texas. I am not sure whether they have had any experience in the values of land in the redwood areas we are talking about.

One of the things that interested me was the fact that no provision for this was in either the report of the House or of the Senate. I would ask whether there were any hearings or testimony before this provision was put into the conference report.

Mr. JACKSON. The answer to the Senator's question is "Yes." The House did take testimony on this specific point.

Mr. MURPHY. But the Senate never took testimony, though.

Mr. JACKSON. We did not go into this specific matter; that is correct.

Mr. MURPHY. May I ask, from the testimony, who was in favor of this change, this completely new departure? Although my distinguished colleague said it is not the intent that this should set a precedent in other matters, there is no guarantee that it will not set a precedent, that this may not become customary in any manner, in any instance where the Government wants to take over private property for any reason whatsoever. Who is in favor and who suggested this?

Mr. JACKSON. The Department of the Interior, supported this approach in its report of May 11, 1968, on this legislation. Secretary Udall also supported this approach in testimony before the House Committee in May 1968. All of the conferees, House and Senate, were unanimous on adopting this means of resolving the problem. It was adopted unanimously.

Mr. MURPHY. May I ask one further question: Does not this, in effect—and this is extremely important—deny the right of a jury trial to a citizen involved, in California, in Oregon, and elsewhere, and to force him to bring his claim to Washington? Would that not work an undue hardship on him? Might it not place an impossible burden on some of these citizens?

Mr. JACKSON. I think the able Senator from California undoubtedly has in mind the seventh amendment to the Constitution of the United States which provides as follows:

> In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Now, to read from the Solicitor's opinion which I previously placed in the RECORD, here are the findings, and I quote from the Solicitor's opinion and the citation:

> The courts, however, have held uniformly "that condemnation is not a common law action and is not subject to the constitutional guarantee of a jury trial."

Then there follows a long list of citations in support of this proposition.

Mr. MURPHY. Will the Senator from Washington yield for another question?

Mr. JACKSON. I yield.

Mr. MURPHY. Has this not been customary over the years, the question of handling matters before a jury trial? Is this not a new departure which has been suggested?

Mr. JACKSON. This is a normal procedure, generally speaking, in condemnation actions.

Mr. MURPHY. Is it customary? Has it been customary?

Mr. JACKSON. The normal procedure in condemnation actions is to provide for the suit to be instituted in the district court with a jury trial if the parties elect or if the defendant elects. But this is not a normal condemnation action. S. 2515 authorizes a legislative taking of certain lands within the park boundaries. In the Solicitor's opinion, which I have placed in the RECORD, there are five previous occasions where Congress, first in 1924, and then as late as October 1962, provided for legislative taking—that is, where Congress by act of Congress takes title to the property. Therefore, this precedent is not new, in any respect.

Second, on the point that this is a special situation we are faced with; the problem is a very difficult one. The Court of Claims has had long experience in adjudicating complicated land problems. The land involved here is, generally, of the same nature.

If we go through the jury process, we run into the problem of one jury awarding one amount for property and another jury another amount for property which is similar. This lack of any kind of uniformity in the judgments that would be rendered by juries, is not fair to the former property owners and was an additional factor in our determination.

Mr. MURPHY. It would seem to me, with all due respect to the committee, the conference, the Solicitor General, and the fact that there have been five cases out of how many, should we say—50,000? 200,000?

Mr. JACKSON. I have cited only five. I did not want to limit it to five. Also, they are not cases, but five acts of Congress. There are many more than five. The ones I have mentioned are illustrative of what has been done in recent times by act of Congress.

Mr. MURPHY. Then this would be considered in this particular conference report an act of Congress,

Mr. JACKSON. This is, indeed, an act of Congress. It is nothing else. It is a legislative "taking," which means, of course, that the legislative branch of the Government is taking title to the properties involved pursuant to an act of Congress in which the President must concur.

Mr. MURPHY. Is there any language that will protect this from becoming general custom? Is this not a dangerous invasion of the rights of the individual? Is this not what should be a very carefully thought out progression, in order to expedite this park, which we all want, where the Solicitor General advises, "Fellows, we can do it better by bringing it back to the court of claims."

We have had hearings and, I repeat, the reason for this suspicion is a remark made by the Senator from Oregon [Mr. MORSE] where he said, "Why do they do that?" He was told that in some cases the juries awarded people too much money for their land.

My concern is not for the park in this instance. There will be a park. There is no question about that. I am happy and pleased that there will be a park, and all concerned should be congratulated.

My concern is not whether the Government gets a proper amount of land. There is no question about that. But I am very definitely concerned about the rights of an individual—a lonely individual—who is opposed on the other side by the great, majestic, frightening power of the United States. This sort of procedure is not the first instance that we have come across lately. More and more, it is decided that the decision shall be made in Washington. It shall be made by a man who has been appointed, a man who is not elected. He is not a representative of the people, really. He is only a copartner of the head of the administration, and to him he owes his complete allegiance and responsibility.

I am greatly concerned that if this procedure starts in this particular bill—and it may spread Lord knows where—it may become the general custom. Based on the legal opinion of the Solicitor General, suddenly we find individuals deprived of one of the most precious rights under our free system, the right of a jury trial. This is my concern.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to the junior Senator from Montana for the purpose of replying to the Senator from California.

Mr. METCALF. Mr. President, for many years I have had before the Congress a bill to provide for jury trials in condemnation cases and for jury trials in district courts. The district judge appoints a commissioner. If the judge makes a ruling, his ruling is final, without a jury trial. People come back here to the district court of appeals on grazing cases, as do people who are involved in various other cases, from the Senator's State and mine. They have to come to Washington. The junior Senator from Montana has objected to that. Many times it is required in legislation that, instead of going to the local district courts, the appeal under the Administrative Procedure Act must go to a circuit court. I have objected to that on the ground the Senator from California has objected. But I see no reason—until we correct all those things—not to take care of this real emergency to prevent people from cutting the redwoods and follow the procedure that is established. Really, it is an established procedure. We do not get jury trials in district courts. We do not get jury trials in grazing cases.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. MURPHY. The Senator raises the question of emergency. We are trying to build a park. This is not a question of keeping people from cutting trees. The trees involved replace themselves very quickly. We are not talking about the giants that have been protected in my State for 50 or 60 or 70 years. I am part owner in one grove. I think I own half a tree. They are wonderful trees. They are not big. They are not over 200 or 250 feet tall. But the majority of land we are talking about is used for trees for lumbering. Those trees replace themselves very quickly. So the emergency is not that great. As an old outdoorsman, I would never think of camping in the redwoods, because by midnight we would be covered by mildew; it is so damp in there. I am for building this park to preserve what is a great heritage, but I do not think it is necessary, in getting the park built properly and put together properly, to take a chance on destroying the right of our people to a jury trial simply on the suggestion of the Solicitor General, who, I am told, has been urged and prompted by the Secretary of the Interior to get this done.

I know something of the actions of the Secretary of the Interior. I know something of his other plans. I am going to object to them. I have had experience with the Secretary of Transportation and what the Solicitor General and his assistant said Congress meant, which was not what Congress intended. I asked if I could borrow his lawyer so they would understand what we meant by the legislation. He said "No," he would not provide me with the lawyer; I would have to get my own lawyer.

So I want to point out this danger. I want to be certain that the remarks of the Senator from Oregon, who is vitally interested in this matter, are brought to the attention of this body. That is my only purpose.

I believe, to achieve my purpose to the best of my ability, so I do not take any more time of this body—I do not mean to impede—I should only add that this conference report, without origin in the House and without origin in the Senate, but with origin in the executive branch, certainly shows a new way with legislative opinion. As one who believes in the complete separation of the three branches of government, more firmly now because of present activities and considerations than ever before, I felt compelled to rise and point this out. I do not think the emergency is so great. I am sure the park will be put together, but I think the rights of individuals must be carefully preserved. They get eroded.

In my lifetime I have seen them disappear. What happened? We do not know. I give as an instance the rights of the people in Czechoslovakia. They were not cautious and careful. One day their rights are gone. They try to get a few back. They are trampled under the heel. This is the very thing I came here to protect. I shall not take any more time. I congratulate my colleague on the great job he has done, and I rest my case.

Mr. JACKSON. Mr. President, I thank the able junior Senator from California for his comments. I must say the Senator has raised questions that should be raised and should be answered. The record will, in my judgment, disclose the answers to these questions.

I want to reiterate the point that the right of jury trial in cases of this nature, did not come up just now. The question was decided as early as 1883 in United States against Jones, where it was held that there was no absolute right to a jury trial. That case was decided in 1883. So the law has been settled on this very point from time immemorial, almost.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield.

Mr. KUCHEL. Mr. President, I believe I can allay some of the apprehension of my friend and colleague from California on the question he has raised. In order to do so, I want to take a moment or two to sketch a little background.

A prior Congress, a number of years ago, authorized the creation of a National Seashore in our State of California. It relied on the best estimates available as to the amounts of money the property was worth. It authorized the Secretary of the Interior to acquire that property either by agreement or by lawsuit. Speculators swooped in on that area, Mr. President, intent on making a fast buck. They took every conceivable parcel of property in the park area they could get their hands on. They subdivided the land, they built homes and sold them on a speculative basis. Prices of land in that whole area were inflated. Today I regret with all my heart, that Point Reyes National Seashore has not come into its own because the $19 million authorized to be appropriated bought less than one-half of the land at inflated speculative values.

From the beginning, Mr. President, I have been interested in the creation of a National Redwood Park. I did not want speculators to have a chance to inflate value. The problem of getting the Congress of the United States to agree was for a long time almost insurmountable. Opposition was potent. And among conservation groups there were conflicting opinions on what and where the park should be. The price tag for a meaningful park became, obviously, an important factor. But, back of everything else, those of us who believed that the public interest warranted—indeed, required—saving the redwoods, realized that we were approaching the last, clear chance to achieve it.

Many Senators on the Democratic side, and the Republican side, including the Senator from Washington [Mr. Jackson], the Senator from Vermont [Mr. Aiken], the Senator from Montana [Mr. Metcalf], the Senator from New Jersey [Mr. Case], the Senator from New York [Mr. Javits] and others, wanted a park. There was some disagreement, even among those who sponsored the park, as I say as to how big it should be, where it should be located, what kind of trees, and what kind of land should be included, and how much money should be spent.

Finally, we did obtain a general agreement in conference. After agreement on size, location, approximate cost were had, the problem remained: What is the best, most feasible, and most economical fashion for the Government of the United States to acquire this property? Should we authorize the Secretary of the Interior to take the matter to court, and meanwhile let title remain in the private owners, with the terrible hazard that, once again, speculators would cause the value of that property to skyrocket? Should we leave the trees we seek to protect in jeopardy of being cut before condemnation proceedings begin? Or should we, as this conference did, provide that Congress, by statute, transfer title to the property involved, to the people of the United States? We chose the latter method. Title will pass on the signing by the President of this conference report.

There is nothing new or novel about that procedure. The fact of the matter is, Congress many years ago authorized a legislative taking of Indian lands in California with respect to the construction of the gigantic Central Valleys project. Water rights were also taken for that project without the filing of a declaration of taking. For both the Indians and the landowners asserting water rights, the Court of Claims was the only court having jurisdiction to determine the liability of the United States to compensate its citizens.

Mr. JACKSON. Mr. President, will the Senator yield at that point?

Mr. KUCHEL. I yield.

Mr. JACKSON. It is my understanding that on the question of a legislative taking, representatives of the major companies involved informally agreed to an immediate taking. It is my understanding that they had no objection to it. It later developed, however, that at least one of the companies did not like the provision about the Court of Claims. However, if we had simply provided for a legislative taking, without reference to the question of jurisdiction it automatically would have been the Court of Claims on the basis of existing law authorizing suits against the United States.

Mr. KUCHEL. As to cases involving over $10,000, the Senator is correct. Jurisdiction is in the Court of Claims, and no other place, cases under $10,000 could have come to the district court under 28 United States Code, section 1346.

Mr. JACKSON. That is right. All we did was write into the act that which is already the law.

As it said earlier, the companies involved had agreed, according to the information passed on to me, that it would meet with their approval, if we passed a bill providing for a legislative taking.

Mr. KUCHEL. I think the Senator is completely correct, and the point he makes, Mr. President, should be persuasive to all of us.

Mr. JACKSON. This is the information, the Senator will recall, that was given to us in conference when this question was discussed.

Mr. KUCHEL. I do indeed; and when the legislative taking is approved by Congress, and signed into law by the President, under the law there is only one forum in which any issue over value for the parcels subject to the legislative taking can be tested and resolved, and that is the Court of Claims.

I sincerely believe that what the conference, under the leadership of the distinguished chairman of the committee in the House of Representatives, and the great assistance of the Senator from Washington was able to agree upon here, is completely in the public interest, and does not frustrate the constitutional rights of any person, or our fellow citizens.

I have listened with interest to descriptions of the Court of Claims as an "administrative court" subject to the vagaries of politics and passing out second-class justice. The Court of Claims is perhaps as little understood as the technique of "inverse condemnation" or "legislative taking" which we use on this bill. Both have roots deep in history.

To clarify one misconception, landowners will have their hearings closer to home under our bill than they would if the conference had adopted a special exception to normal procedures and placed these inverse condemnation actions in the Federal district court. A Court of Claims Commissioner will conduct hearings in the locale where the property is located, but the Federal district court is nearly 300 miles away in San Francisco.

The actions in the Court of Claims will be under the Tucker Act, 28 United States Code, section 1491, which was enacted over 80 years ago. To clarify any misunderstanding about the functions of the Court of Claims or the regularity of Tucker Act proceedings, I ask unanimous consent that excerpts from the opinion of the Supreme Court in *Glidden Company* v. *Zdanok*, 370 U.S. 530, 552 (1962) be printed in the Record at this point.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

VI

A. *Court of Claims.*—The Court of Claims was created by the Act of February 24, 1855, c. 122, 10 Stat. 612, primarily to relieve the pressure on Congress caused by the volume of private bills. As an innovation the court was at first regarded as an experiment, and some of its creators were reluctant to give it all the attributes of a court by making its judgments final; instead it was authorized to hear claims and report its findings of fact and opinions to Congress, together with drafts of bills designed to carry its recommendations into effect. § 7, 10 Stat. 613; see Cong. Globe, 33d Cong., 2d Sess. 70–72 (1854) (remarks of Senators Brodhead and Hunter). From the outset, however, a majority of the court's proponents insisted that its judges be given life tenure as a means of assuring independence of judgment, and their proposal won acceptance in the Act. § 1, 10 Stat. 612; see Cong. Globe, 33d Cong., 2d Sess. 71, 108–109 (Senator Hunter); 72 (Senator Clayton); 106 (Senator Brodhead); 110 (Senator Pratt); 114, 902 (the votes). Indeed there are substantial indications in the debates that Congress thought it was establishing a court under Article III. Cong. Globe, 33d Cong., 2d Sess. 108–109 (Senator Hunter); 110–111 (Senator Pratt); 111 (Senator Clayton); 113 (Senators Stuart and Douglas).

By the end of 1861, however, it was apparent that the limited powers conferred on the court were insufficient to relieve Congress from the laborious necessity of examining the merits of private bills. In his State of the Union message that year, President Lincoln recommended that the legislative design to provide for the independent adjudication of claims against the United States be brought to fruition by making the judgments of the Court of Claims final. The pertinent text of his address is as follows, Cong. Globe, 37th Cong., 2d Sess., Appendix, p. 2:

"It is as much the duty of Government to render prompt justice against itself, in favor of citizens, as it is to administer the same between private individuals. The investigation and adjudication of claims, in their nature belong to the judicial department. . . . It was intended by the organization of the Court of Claims mainly to remove this branch of business from the Halls of Congress; but while the court has proved to be an effective and valuable means of investigation, it in great degree fails to effect the object of its creation, for want of power to make its judgments final."

By the Act of March 3, 1863, c. 92, § 5, 12 Stat. 765, 766, Congress adopted the President's recommendation and made the court's judgments final, with appeal to the Supreme Court provided in certain cases. The significance of this nearly contemporaneous enactment for the light it sheds on the aims of the 1855 Congress is apparent.

There was one further impediment. Section 14 of the 1863 Act, 12 Stat. 768, provided that "no money shall be paid out of the treasury for any claim passed upon by the court of claims till after an appropriation therefor shall be estimated for by the Secretary of the Treasury." In *Gordon* v. *United States,* 2 Wall. 561, this Court refused to review a judgment of the Court of Claims because it construed that section as giving the Secretary a revisory authority over the court inconsistent with its exercise of judicial power. Congress promptly repealed the offensive section, Act of March 17, 1866, c. 19, § 1, 14 Stat. 9, once again exhibiting its purpose to liberate the Court of Claims from itself and the Executive. Thereafter, the Supreme Court promulgated rules governing appeals from the court, 3 Wall. vii–viii, and took jurisdiction under them for the first time in *De Groot* v. *United States,* 5 Wall. 419.

The early appeals entertained by the Court furnish striking evidence of its understanding that the Court of Claims had been vested with judicial power. In *De Groot* the court had been given jurisdiction by special bill only after the passage of two private bills had failed to produce agreement by administrative officials upon adequate recompense. This Court was thus presented with a vivid illustration of the ways in which the same matter might be submitted for resolution to a legislative committee, to an executive officer, or to a court, *Murray's Lessee, supra,* and nevertheless accepted appellate jurisdiction over what was, necessarily, an exercise of the judicial power which alone it may review. *Marbury* v. *Madison,* 1 Cranch 137, 174–175.

After the repeal of § 14, the Court was quick to protect the Court of Claims' judgments from executive revision. In *United States* v. *O'Grady,* 22 Wall, 641, a judgment had been diminished by the Secretary of the Treasury in an amount equal to a tax assertedly due, although the United States had not pleaded a set-off as it was entitled by the 1863 Act to do. The Court of Claims and this Court on appeal held the deduction unwarranted in law, with the following pertinent closing observation:

"Should it be suggested that the judgment in question was rendered in the Court of Claims, the answer to the suggestion is that the judgment of the Court of Claims, from which no appeal is taken, is just as conclusive under existing laws as the judgment of the Supreme Court, until it is set aside on a motion for a new trial."

Like views abound in the early reports. In *United States* v. *Union Pacific R. Co.,* 98 U.S. 569, 603, for example, referring to Article III, the Court said:

"Congress has, under this authority, created the district courts, the circuit courts, and the Court of Claims, and vested each of them with a defined portion of the judicial power found in the Constitution."

Such remained the view of the Court as late as *Miles* v. *Graham,* 268 U.S. 501, decided in 1925. There it was held, on the authority of *Evans* v. *Gore,* 253 U.S. 245, that the salary of a Court of Claims judge appointed even after enactment of the taxing statute in question was not subject to such diminution. Although the case was afterwards overruled on this point, *O'Malley* v. *Woodrough,* 307 U.S. 277, 283, what is of continuing interest is the Court's reliance in *Miles* upon *Evans* v. *Gore,* where Mr. Justice Van Devanter for the Court devoted six full pages to recitation of the importance of the guarantees of tenure and salary contained in Article III. How it was possible to say in *Bakelite,* 279 U.S., at 455, that the Court in *Miles,* decided only five years after *Evans* and with copious quotation from it, was unaware of the crucial question whether Article III extended its protection to a judge of the Court of Claims, is very difficult to understand.

In actuality, the Court's per-*Bakelite* view of the Court of Claims is supported by the evidence of increasing confidence placed in that tribunal by Congress. The Tucker Act, § 1, 24 Stat. 505 (1887), now 28 U.S.C. § 1491, greatly exanded the jurisdiction of the court by authorizing it to adjudicate.

"All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of an Executive Department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable. . . ."

All of the cases within this grant of jurisdiction arise either immediately or potentially under federal law within the meaning of Art. III, § 2. *Osborn* v. *Bank of the United States,* 9 Wheat. 738, 818–819, 823–825; see *Clearfield Trust Co.* v. *United States,* 318 U.S. 363; *Federal Crop Insurance Corp.* v. *Merrill,* 332 U.S. 380; Mishkin, The Federal "Question" in the District Courts, 53 Col. L. Rev. 157, 184–196. The cases heard by the Court have been as intricate and far-ranging as any coming within the federal-question jurisdiction, 28 U.S.C. § 1331, of the District Courts. *E.g., Causby* v. *United States,* 104 Ct. Cl. 342, 60 F. Supp. 751, *remanded for further findings,* 328 U.S. 256 (eminent domain); *Lovett* v. *United States,* 104 Ct. Cl. 557, 66 F. Supp. 142, aff'd, 328 U.S. 303 (bill of attainder); *Shapiro* v. *United States,* 107 Ct. Cl. 650, 69 F. Supp. 205 (military due process). In none of these cases, nor in others, could it well be suggested that the Court of Claims had adjudged the issues, no matter how important to the Government, otherwise than dispassionately.

Indeed there is reason to believe that the Court of Claims has been constituted as it is precisely to the end that there may be a tribunal specially qualified to hold the Government to strict legal accounting.

From the beginning it has been given jurisdiction only to award damages, not specific relief. *United States* v. *Alire,* 6 Wall. 573; *United States* v. *Jones,* 131 U.S. 1; see Schwartz and Jacoby, Government Litigation (tentative ed. 1960), 123–126. No question can be raised of Congress' freedom, consistently with Article III, to impose such a limitation upon the remedial powers of a federal court. *Lauf* v. *E. G. Shinner & Co.,* 303 U.S. 323, 330 (Norris-LaGuardia Act). But far from serving as a restriction, this limitation has allowed the Court of Claims a greater freedom than is enjoyed by other federal courts to inquire into the legality of governmental action. See *Larson* v. *Domestic & Foreign Commerce Corp.,* 337 U.S. 682, 703–704; *Malone* v. *Bowdoin,* 369 U.S. 643; Brenner, Judicial Review by Money Judgment in the Court of Claims, 21 Fed. B. J. 179 (1961).

"If there are such things as political axioms," said Alexander Hamilton, "the propriety of the judicial power of a government being coextensive with its legislative, may be ranked among the number." The Federalist, No. 80 (Wright ed. 1961), at 500. His sentiments were not ignored by the Framers of Article III. The Randolph plan, which formed the basis of that article, called for establishment of a national judiciary coextensive in authority with the executive and legislative branches. IV Farrand, The Records of the Federal Convention (rev. ed. 1937), 47–48. For, as Hamilton observed, a chief defect of the Confederation had been ". . . the want of a judiciary power. Laws are a dead letter without courts to expound and define their true meaning and operation." The Federalist, No. 22 (Wright ed. 1961), at 197. But because of the barrier of sovereign immunity, the laws controlling governmental rights and obligations could not for years obtain a fully definitive exposition. The creation of the Court of Claims can be viewed as a fulfillment of the design of Article III.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. HANSEN. I wish to pay my respects to the distinguished senior Senator from California for the exemplary job he has done in furthering the interests of all of the people of the United States, by protecting this great redwoods area. I had the rare privilege and opportunity to serve as one of the conferees, and I can see that every consideration, in my judgment, was given to all of the various interests; and they were conglomerate in nature. They represented private interests, purists who were concerned only with the protection of the redwoods, and a much broader area than either of those, that of the majority of the people of the United States, who, with their children and their children's children, will reap the benefits that were assured by the approval of this bill by the conference committee.

Mr. President, as a member of the conference committee, it is my great pleasure to urge the adoption of the conference report. The Redwood National Park provided for in the conference report is a great step toward the preservation of one of the unique areas in our Nation. It is a national park we can all be proud of. The majestic redwood is one of the most magnificent sights in the world. This legislation insures that the area containing the most outstanding redwoods would be preserved in its natural state for all times.

The legislation recommended in the conference report would establish a meaningful national park. It would include three great State parks and add to them the most inspiring stands of redwood which still remain in private ownership. The inclusion of the entire watershed of Lost Man Creek and Little Lost Man Creek have great importance to ecologists. They will be able to study life within a complete watershed which is totally unaffected by outside influences.

The proposed costs of establishing Redwood National Park is a realistic appraisal. The conference committee has taken great pains to insure that funds will be allotted fairly and that the establishment of Redwood National Park will not be detrimental to the establishment of national parks and national monuments in other worthy areas. We feel that the cost of this park is justified by its value to the Nation as one of the unique areas which should be preserved for future generations.

This legislation is a fine example of what the Federal Government can accomplish through cooperation with State and local governments. In addition to including present State parks within the Redwood National Park, the bill before us will make available certain Government lands for private ownership and thus help compensate for private lands included within the national park. This exchange not only will greatly reduce the cash outlay of the Federal Government but will also minimize any possible harmful effects which this legislation will have on the local economy of northern California.

I am proud to have served as a member of the conference committee and believe that the establishment of Redwood National Park will be considered one of the notable achievements of the 90th Congress.

Mr. KUCHEL. I thank my friend for his generous personal comment. His assistance, as a conferee, in the fashioning of this report was splendid and most helpful. He and I may take considerable pride that all of us on the conference, Republicans and Democrats, House and Senate, agreed on what has been brought before the Senate. We were unanimous. I thank my able friend very much.

Mr. President, I express to the Senate a keen sense of personal gratification that the dream of a National Redwood Park is about to become a reality. It has been a long fight, and, sometimes, acrimonious and bitter. Opposition to a redwood park has been powerful and imposing. Beyond that, among those who yearned for the establishment of a park, there existed serious divergencies of view as to what kind of a park they desired, how large it should be, and where it should be located.

But the differences, finally, have been composed, the opposition has been overcome, and, from the Senate-House conference, there comes to us a proposal to establish at once a superb national park of majestic redwood forests. In most respects, it is similar to the bill I coauthored earlier. Differences of opinion have been admirably composed. This report, now to be approved, represents an imposing milestone in American conservation.

During the 90th Congress, we have either passed, or will by the end of this session pass, legislation to assure adequate funding of conservation programs, a national trails bill, the first additions to the wilderness system under the Wilderness Act of 1964, a wild rivers bill, the North Cascades National Park in Washington, and legislation before us today which will create a Redwood National Park.

Surely the redwood issue has focused the conflict of conservation in the 1960's most clearly. Never before has Congress preserved in a national park an asset of such great commercial value, and never before has a national park been created when the competing demands of exploitative use have been so vigorously and persuasively advocated. Surely the passage of this bill to create a Redwood National Park is the climax of conservation's greatest year.

The struggle to preserve the finest redwood stands began just a half century ago when the Save-the-Redwoods League was founded. Through 50 years of cooperation between that organization, the Rockefeller family, and the State of California, a magnificent State park system has been established to preserve the redwoods. The names of the men whose vision has built those parks—Grant, Mather, Osborne, Merriam, Chaney, Drury—ring through the groves of Jedediah Smith State Park and the Rockefeller Forest in Humboldt County.

After a 1964 study of the redwoods by the National Park Service under a National Geographic Society grant, the Secretary of the Interior early in 1966 proposed a 39,264-acre Redwood National Park composed of the entire Mill Creek Watershed in Del Norte County, Calif., plus a 1,600-acre tall trees unit on Redwood Creek in Humboldt County. I introduced that bill as S. 2962 in the 89th Congress and again as S. 1370 in the 90th Congress. Some believe that the most significant redwoods are in the Redwood Creek area in Humboldt County south of Del Norte County, and their proposal was represented by amendment 487 to S. 2962 in the 89th Congress and by S. 514 in the 90th Congress. In an effort to reconcile as many of the conflicting interests as possible and with a view to preserving the most significant and beautiful old growth redwoods for all time, the distinguished chairman of the Senate Interior Committee, the Senator from Washington [Mr. JACKSON], and I, in 1967, proposed a park to span both counties, a park of 64,000 acres in the watersheds of Mill Creek, Redwood Creek, Lost Man Creek, Little Lost Man Creek, and Skunk Cabbage Creek, and incorporating three of California's State parks, Jedediah Smith Redwoods State Park, Del Norte Redwoods State Park, and Prairie Creek Redwoods State Park, within its boundaries.

That bill, S. 2515, was adopted by the Senate on November 1, 1967. In urging the Senate to adopt the conference report on the version of S. 2515 now before us I can assert with pleasure that this fine bill embodies nearly all of the features which were vital to the bill which the Senate adopted by a vote of 77 to 6 last year. The bill creates a park of 58,000 acres in both Del Norte and Humboldt Counties at a cost of $92 million. Within its boundaries will be included the finest remaining 33,000 acres of centuries-old redwoods. As I have often said, with a feeling of great awe, some of these trees were standing when Christ walked in the Garden of Gethsemane. With the passage of this bill, these amazing trees will remain untouched in perpetuity.

I would like to now indicate several problems with which we have had to deal in the consideration of the Redwood National Park proposals, and discuss how we dealt with them.

The redwood purchase unit was established in 1935 by the Forest Service. It was to be an area exhibiting sound forest management and demonstrating proper redwood logging methods to the timber industry of northern California. As originally contemplated, the redwood purchase unit was to include 863,000 acres of land in a northern and a southern unit. Of the contemplated 863,000 acres planned, only 14,567 acres were ever acquired, and these in the northern unit. Acquisitions ceased over 20 years ago, and the area has been managed on a sustained yield basis with timber being harvested by various commercial timber companies in the area. The Senate-passed Redwood National Park bill provided, and the conference committee agreed, that in light of the limited supply of redwood timber of commercial value remaining, the timberlands of the northern redwood purchase unit should be made available for exchange to those timber companies being forced to give up their commercial timberlands to the Federal Government for a Redwood National Park.

It was hoped that by using, in part, trees for trees, instead of only cash for trees, the commercial timber industry of this area of northern California would not be unduly hurt. The bill as reported by the conference committee excepts from exchange the Yurok experimental forest consisting of approximately 935 acres within which forest research is conducted by the Forest Service. I agree, as a general rule, that forest land under the jurisdiction of the Forest Service ought not to be used as the medium of exchange for acquiring park lands. However, the uniqueness of the land being acquired, and the existence of exchangeable redwood land in an all but defunct Federal program, dictates that an exception should be made in this case. It should be emphasized that the northern redwood purchase unit is not within the boundaries of a national forest. It is the residue of a project initiated over 30 years ago and is being administered for commercial timber purposes at the present time. I hope that the timber companies affected by the Redwood National Park bill, if given the opportunity to accept trees from the northern redwood purchase unit, will do so, and will undertake every exertion to sustain their employment levels into the future. I keenly regret any economic dislocation which may occur by virtue of the creation of a redwood national park, but I feel confident that by use of the northern redwood purchase unit, and by the developmental and operating activities of the Redwood National Park, the affected region of northern California will reap distinct economic benefits, from the creation of the Redwood National Park. This park will surely act as a magnet to attract peoples from all the country, and the world, to come and see its wonders.

As I have indicated, three very fine State redwood parks are included within the boundaries of the Redwood National Park. The approximately 28,000 acres encompassed within the boundaries of these State parks contain some of the finest examples of old-growth redwood remaining on the face of the earth. When joined with the magnificent trees included within the Redwood National Park exterior to these State parks, a truly inspiring collection of these age-old giants is obtained. When hearings opened on the various Redwood National Park proposals during the 90th Congress, the State of California indicated that it would consider donating its fine parks to the Federal Government only if certain Federal land with great recreational value located within the State of California was provided to the State for recreational development. Negotiations did take place between the State and Federal agencies concerned with the various areas, but no final agreement was obtained. Given that situation, we were faced with the disturbing problem of time. As we delayed in authorizing the Redwood National Park, the lumbermen's saws daily reduced our options. Waiting until the Federal-State negotiations were concluded successfully meant more uncertain delay. Therefore, we decided that our legislation should authorize a Redwood National Park magnificent within itself, but including the great State parks within its boundaries, which parks were to be donated to the Federal Government by the State of California, if and when the State determined to do so. This action will allow the authorization of a Redwood National Park without further delay. By not requiring the State to donate its parks as a condition precedent to the establishment of a national park, the proposal removes an unnecessary veto over the creation of the national park. We hope and believe that before too long the State of California will see the advantage of donating the concerned areas to the Federal Government for inclusion in the Redwood National Park. Until such time, arrangements can be made by which the administration of both areas may be harmonious and in the public interest.

Many of my colleagues are aware that over the years a continuing and serious problem has existed as to the limitation on lumbering activities in the areas being considered for a Redwood National Park. So-called timber-cutting moratoriums were established but controversy—sometimes bitterness—constantly existed as to the terms and extent of such moratoriums. The conference report before us today provides that upon its enactment, the major areas to be acquired, within the designated boundaries of the park, immediately become the property of the United States. Title passes. This, of course, stops all lumbering activities within the areas taken except as may be allowed by the Secretary of the Interior for the purpose of bringing to an orderly termination lumbering operations within the area. A legislative taking such as this also guards against an escalation in land values which usually occurs following the statutory designation of an area to be acquired as a national park. All too often real estate speculators and developers move into an area designated for Federal acquisition with a view to extracting the highest possible price from the Federal Government. The unfortunate delay between authorization and funding of many of our park and recreation areas provides an ample opportunity for such undesirable activities. The provision I have just mentioned will establish the date of taking of the areas concerned and, hopefully, will allow speedy funding and development of the concerned lands. Those whose lands are taken under this provision will receive interest on the amounts received for their land. The interest will be computed on the land value determined by mutual agreement or by decision of the U.S. Court of Claims and will be retroactive to the date the lands were taken for inclusion in the park.

One other provision requires comment. The committee desired to establish an unbroken corridor of coastal land between the northern unit and the southern unit of the Redwood National Park. Therefore, it was necessary to bring into Federal ownership approximately 100 acres of land located at the mouth of the Klamath River directly in the center of the Redwood National Park area. This land is owned and operated by a family of Indian heritage but was not acquired as part of an Indian reservation or by virtue of their Indian ancestry. The area is now being operated as a fishing camp, a use which will not interfere with the operation of the Redwood National Park. However, leaving this area out of the park would leave open the troublesome possibility that at some future time this centrally located area could be developed into an uninviting commercial operation completely incompatible with the very reasons for establishing the park. Therefore, the committee saw fit to include this property within the park boundaries, but provided that the Secretary of the Interior may lease or sell the land taken back to the Indian family with restrictions designed appropriately to limit the uses of the area. In such a manner the present owners can continue to operate on the land which has been in their family for some time, but they will not be able to use or dispose of the land for commercial development or engage in an unsuitable development themselves.

When our ancestors came to the American shore they looked upon a land of unlimited natural bounty. With vision and diligence they carved a great nation out of the land. As our numbers multiplied at the beginning of this century, it became apparent that our resources were not adequate to meet all of our demands. The great conservationists of that era, Gifford Pinchot and President Theodore Roosevelt enunciated a policy of multiple-use management of our public lands by which competing, yet compatible, uses might exist side by side. The policy has preserved our public lands and fostered the growth of our Nation for the last half century.

As population has doubled and redoubled and the demands of an industrial society have exploded, it has become clear in recent years that some natural assets are so precious that the single highest and best use of them for the future is that they be preserved in their primeval state for all time. The passage of the Wilderness Act was perhaps the most important public manifesto of that belief. Surely when the history of conservation is written, 1968 will be marked as a year in which the cause of sound conservation legislation reached its apex.

Mr. President, I am proud to have been connected with this fight for the people from the beginning. I am proud of the legislation which is before us from the conference committee, which will create a great Redwood National Park in my State of California. The conferees have acted in good faith. The public interest is well served. A wonderland, ancient and irreplaceable, will be preserved. I urge the adoption of the conference report.

Mr. President, as my tenure in the Senate of the United States now rapidly draws to its close, I am proud of this moment, I am proud of the legislation we are about to approve. I am proud that this last major legislative act with which I shall be associated during my service here preserves these ancient, majestic living giants for the enjoyment of the human race. This almost one hundred million dollar National Redwood Park constitutes an imposing milestone in the field of conservation. We may all thrill to the fact that in this action, the Congress of the United States is preserving one of the wonders provided by the Supreme Being, to be enjoyed by this and every generation for all time to come.

Mr. JACKSON. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. JACKSON. Mr. President, the Senate has completed action today on three major pieces of conservation legislation and sent them on to the President for his signature.

The North Cascades legislation establishes the most extensive and complete complex of outdoor areas in our country. The North Cascades National Park, the Ross Lake Recreation Area, the Lake Chelan Recreation Area, the Pasayten Wilderness, and the White Chuck and Suiattle additions to the Glacier Peak Wilderness Area complete an array of unmatched Alpine beauty.

The Redwood National Park will preserve forever the home of these ancient giants so they may continue to thrive for the inspiration and wonder of future generations.

The National Trails Act gives statutory status and protection to the Appalachian Trail and the Pacific Crest Trail, and provides a process for the study, planning, and designation of additional trails to be added to the system.

The Senate can take great pride in what has been accomplished in a most historic day in the conservation record of a great conservation Congress.

Mr. MANSFIELD. Mr. President, I extend my personal thanks to the distinguished Senator from Washington. I know that I speak for the Senate and express the feelings of all of us when I extend thanks to the distinguished chairman of the Committee on Interior and Insular Affairs.

Year after year the Senator has handled legislation expeditiously. There have been no holdups. The Senator has been in the forefront in the field of legislation which comprises so many fields in his committee.

I want the Senator to know that I think he has done a magnificent job as chairman of this committee.

Mr. JACKSON. Mr. President, the able majority leader has been most cooperative and helpful in all of the bills that we have brought from the Committee on Interior and Insular Affairs to the floor of the Senate. Without his support and without his special interest, we would not have been able to move as expeditiously as I think we have during the past Congress.

Mr. MANSFIELD. Mr. President, I was not asking for that. I wanted it to be the distinguished Senator from Washington's day in court because of his magnificent work done through the years in the Committee on Interior and Insular Affairs.

Mr. KUCHEL. Mr. President, I join with the distinguished majority leader to say that it has been a rewarding and enriching experience for every member of the committee, Republican and Democrat, who has served under the leadership of the distinguished Senator from Washington to know that, one after another, milestones of progress in the field of conservation have come from his committee.

I avail myself of the opportunity to join with the distinguished majority leader in paying tribute to the Senator from Washington [Mr. JACKSON].

Mr. JACKSON. Mr. President, whatever leadership has been provided, it has been shared with the able ranking minority member of the Senate Committee on Interior and Insular Affairs, the able senior Senator from California [Mr. KUCHEL].

DEMONSTRATIONS AND REVOLUTION

Mr. LAUSCHE. Mr. President, in the September 13 issue of U.S.A., there appears an article, written by Alice Widener, nationally syndicated columnist and authority on the so-called left, old and new.

The article, written by Mrs. Widener, has been reprinted in Barron's issue of September 16, 1968.

The article gives a detailed account of what happened at Rutgers University when the Socialist Scholars of the United States met at their annual conference. The guest of honor at the conference was Ernest Mandel, of Brussels. He is the editor of the Belgian Socialist weekly known as the Left.

Mrs. Widener tells us of the talk made by Mr. Mandel, of the enthusiastic and explosive reaction of the Socialist scholars who were in attendance and in detail describes the recommendation made by Mr. Mandel about how to prosecute the seizure of a government.

The article states:

> With militant young radicals wearing blue armbands marked "SSC," and guarding locked meeting room doors, the Socialist Scholars, revolutionary Marxist brain trust in U.S. institutions of higher learning, held their Fourth Annual Conference over the weekend of September 6–8, at Rutgers University, in New Jersey.
>
> Guest of honor was Ernest Mandel of Brussels, editor of the Belgian socialist weekly "La Gauche" ('The Left), and a main instigator of the student riots and workers' strikes in France during last May and June.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, the article further states:

> It is a pity that Mandel's speech at dinner in Nielsen Dining Hall, Rutgers, on Friday evening, September 6th, was not broadcast to the American public. He speaks excellent English and received a standing ovation from the Socialist Scholars and their guests, busloads of radical youths from New York City and other centers. Had the public heard what Mandel said, statistics in an opinion poll of approval or disapproval for security and riot control action taken during the recent Democratic National Convention would rise to 99.9% in favor of Mayor Daley and the Chicago police.

Mr. President, I skip the remainder of that paragraph and continue to read:

> "Students," explained Ernest Mandel, "are the detonators in the formula for triggering off a social explosion creating a revolutionary situation." To resounding applause, he made clear how he and other socialists use Marxism-Leninism as the device for timing, controlling and targeting the explosion.

He was referring to the recent riots and difficulties in France.

I continue to read from the article:

> Mandel went on to say that the May-June rebellion in France this year failed temporarily "only because of lack of a revolutionary organization which, at the decisive moment, could counterpose new centralized workers' power to existing capitalist power."

Mr. President, Mr. Mandel pointed out in his speech that the students absolutely took over the government in Nantes and Caen. They stopped all communications. They induced the issuance of new currency by the governments where they had control, and they obtained control to the degree that the merchants began accepting the bonds of credit issued by the revolutionary government.

When De Gaulle—and I admire his great bravery, though I disagree with him tremendously on his treatment of our country—showed a willingness to take hold and demonstrated the might of his government, those who took the bonds of credit from the newly instituted government of course lost their money.

The point I make is that we had better wake up and not be misled into the belief that there is not danger in our country.

Mr. President, I ask unanimous consent that this very worthwhile article by Mrs. Alice Widener, to which I have referred, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Barron's, Sept. 16, 1968]

THE DETONATORS: A REPORT ON THE FOURTH CONFERENCE OF SOCIALIST SCHOLARS

(NOTE.—The accompanying article is an excerpt from the September 13 issue of U.S.A., a bi-weekly published by Alice Widener, nationally syndicated columnist and authority on the so-called Left, Old and New.)

With militant young radicals wearing blue armbands marked "SSC," and guarding locked meeting room doors, the Socialist Scholars, revolutionary Marxist brain trust in U.S. institutions of higher learning, held their Fourth Annual Conference over the week-end of September 6–8, at Rutgers University, in New Jersey.

Guest of honor was Ernest Mandel of Brussels, editor of the Belgian socialist weekly "La Gauche" (The Left), and a main instigator of the student riots and workers' strikes in France during last May and June. Now banned from that country, Mandel made his welcome way into our own via Paris-Havana-Brussels. He was formally introduced to the Socialist Scholars by Paul Sweezy, editor of the leftist radical Monthly Review, who said: "Ernest Mandel is one of the most eminent and important Marxist theorists in Europe today. He spent considerable time last summer in Cuba. He was active in events which took place in France last spring and is banned by the French Government for his part in those events. We're all hoping he will go back to France and take part in events developing there now."

It is a pity that Mandel's speech at dinner in Nielsen Dining Hall, Rutgers, on Friday evening, September 6th, was not broadcast to the American public. He speaks excellent English and received a standing ovation from the Socialist Scholars and their guests, busloads of radical youths from New York City and other centers. Had the public heard what Mandel said, statistics in an opinion poll of approval or disapproval for security and riot control action taken during the recent Democratic National Convention would rise to 99.9% in favor of Mayor Daley and the Chicago police. Moreover, if TV networks had featured Mandel's speech, there would be no more confusion among loyal Americans about the revolutionary leadership of violent student rebellions and "peace" demonstrations.

"Students," explained Ernest Mandel, "are the detonators in the formula for triggering off a social explosion creating a revolutionary situation." To resounding applause, he made clear how he and other socialists use Marxism-Leninism as the device for timing, controlling and targeting the explosion. Mandel said the main strategy for overthrowing neo-capitalism in advanced industrial nations today, including the U.S., is "to put forth, through mass strikes and mass movements, concrete demands and goals which are unacceptable to the capitalist system and cannot be granted within the capitalist system."

Mandel went on to say that the May-June rebellion in France this year failed temporarily "only because of lack of a revolutionary organization which, at the decisive moment, could counterpose new centralized workers' power to existing capitalist power."

In his speech, Ernest Mandel said that French workers' affinity for Marxism determined their actions last spring, not working conditions or pay. "The remarkable thing," he explained, "was that the rebellion against neo-capitalism took place despite the fact that French per capita consumption is the highest in Western Europe except for Sweden." He said many facts showed the French workers "were starting a revolution." Among these, he noted, was the complete cut-off of the cities of Nantes and Caen from communication, and the establishment of "a workers' state which started to issue its own currency—bons de credits—which were accepted by the storekeepers." He admitted, parenthetically, that after the Gaullist Government "repression," the storekeepers lost their money.

Another significant fact, said Mandel, was that St. Nazaire shipyard workers had called for "a General Assembly (Assemblee Generale)," as in the French revolution of 1848 (At Columbia University this month, Students for a Democratic Society, which sparked the rebellion last April, called for a "General Assembly.")

Mandel said the St. Nazaire workers entered into a dialogue with the authorities that lasted for more than a week, but "refused to make any precise demands within the framework of the capitalist system." He said the only reason the Marxist revolution failed in France last spring was that the mass of workers made demands—such as the 10% wage increase—which could be granted. Had there been "nuclei of revolutionary workers in the factories, in the key industries to take decisive control at the propitious moment," he said, "the workers would have been able to set up a dual government within France and topple the capitalist state by protracted revolutionary class struggle."

The three key issues on which Marxists must make their stand, said Mandel, the issues on which capitalists cannot compromise without forfeiting capitalism, are: (1) workers' control; (2) workers' "self-defense" (meaning armed might); and (3) government by workers' councils, instead of bourgeois power. "Never," cried Mandel dramatically, "never, I assure you, were Frenchmen so free, so truly free, as in the days of May-June!"

Shouts of approval came from the long-haired, bearded youths in Neilsen Dining Hall, many of whose faces had stared out of front-page news photos during the demonstrations at the Pentagon and Columbia University, at draft-card burnings and in street actions, and in attacks on the Chicago police during the Democratic National Convention in August. Members of the Old Left attending the dinner—Corliss Lamont, Russ Nixon, Harry Magdoff et al—were equally enthusiastic.

When the applause died down, Ernest Mandel quoted a statement by James M. Roche, president of General Motors, published in a news weekly, September 30, 1967: "We live in a world of change. We work in a world of change." Smiling sarcastically, Mandel paused a moment to look around the dining hall at the Socialist Scholars, then moved to the climax of his speech. "It may seem strange that I would agree on anything with such a person," he said, "but I would accept that statement and amend it a little bit." Slowly and with utmost emphasis, he said that "there is a possibility that the very society will change."

Applauding loudly, the Socialist Scholars rose to pay homage to the speaker. Certainly, if they and their associates have their way, American society will be so changed that private enterprise cannot exist. The tenet of the entire week-end conference at Rutgers was that after a social explosion has been detonated in the U.S., only a revolutionary organization, directed by socialists adhering to an advance Marxist-Leninist plan, can exercise decisive leadership. They believe it is the function of socialist scholars to formulate the plan and adapt it to given conditions while adhering to basic Marxist-Leninist strategy.

The official Socialist Scholars program for the Rutgers conference listed the following topics for discussion: "The Role of the Intellectuals in Social Change; New Thoughts on the Historiography of the American Working Class; The Working Class and Neo-Capitalism; Black Power and Socialism; The Preconditions for a Mass Socialist Party in the United States."

Participants came from universities across our nation and from abroad. Panel discussion leaders included: Warren Susman, Rutgers University; Christopher Lasch, Northwestern University; Herbert Gutman, University of Rochester; Melvyn Dubofsky, University of Massachusetts, Amherst; Philip Foner, Lincoln University; Alexander Erlich, Columbia University; Eugene D. Genovese, Sir George William University, Montreal; Sterling Stuckey, Northwestern University; Alphonse Pinckney, Hunter College; Harold Cruse, author of "The Crisis of the Negro Intellectual"; Ann Lane, Douglass College; Gar Alperovitz, MIT; Michael Greenberg, Polytechnical Institute of Brooklyn; Geoff White, Berkeley.

(Programmed but unable to attend were Conor Cruise O'Brien of New York University, who conducted "liberation" classes for rebel students at Columbia, and Louis Salkever of State University of New York, Albany.)

At the Friday morning session on the role of the intellectual, Christopher Lasch said, "The emergence of a mature American culture depends on the emergence of revolutionary change." He added: "The responsibility of the intellectual is the same as that of the street organizer." Intellectual leadership, he explained, can come only from intellectuals having confidence in themselves "as a class." He said, "American intellectuals have been mostly amateurs ignorant of their craft, and their failure is due to the absence of revolutionary structure."

Prof. Eugene D. Genovese, now teaching in Canada, but formerly of Rutgers (where, in 1965, he proclaimed "I would welcome a Viet Cong victory"), was persona grata and seemed very sure of what he was doing. He discussed "Black Power and Socialism," criticized some aspects of Harold Cruse's book, "The Crisis of the Negro Intellectual," but said the author's "ideological manifesto wiped out decades of ideological drivel." Genovese attacked American society for using "the same terrorist methods against black nationalism that the Zionist bund uses," and said, "White America must be restructured if Black America is to be free."

(Genovese used the exact terminology of the uncensored edition of Joseph Stalin's, "Marxism and the National and Colonial Question," which contains two chapters on Zionism as "a Fascist bund movement." To Leninist-Stalinists, all nationalist movements are "fascist" except those directed by Communists and set up for the sole purpose of leading a nation or minority group into absorption by the Communist bloc, Khrushchev denounced Stalin but affirmed Kremlin adherence to Marxism-Leninism-Stalinism. The present Soviet regime, led by Kosygin and Brezhnev, sticks rigidly to that ideology, as does Gomulka of Poland. The Communist attitude toward Zionism has nothing to do with pro- or anti-Zionism; the attitude solely concerns orthodox Marxism-Leninism-Stalinism on the national and colonial question.)

Eugene Genovese stated at the Socialist Scholars panel on Black Power that there can be no successful "black enclave economy" in the United States. He maintains that only in a worldwide radical Marxist economy can there be an end to racist exploitation.

The establishment of such an economy was the theme of the entire Socialist Scholars Conference. The aim—as Warren Susman put it—is "to formulate a revolutionary plan for the future which will remove the power of past traditions and create a Socialist America."

On Saturday morning, Professor Alexander Erlich of Columbia University, who last June delivered the "anti-commencement" address to rebel student walkouts from the official exercises, shared the Socialist Scholars platform at Rutgers with guest-of-honor Ernest Mandel to discuss "The Working Class and Neo-Capitalism." Prof. Erlich was introduced to the audience by John Cammett of Rutgers, 1967–68 president of the Socialist Scholars, who said about Prof. Erlich, "He is a member of the Russian Institute at Columbia and one of the very few professors to take a constructive role in the student events there."

Erlich speaks English with such a heavy accent it was difficult to hear what he said. The poor acoustics in Blake Hall, a depressing, cheaply built cement-cell edifice, worsened Erlich's diction. But his views were plain as he nodded in agreement when Ernest Mandel said, "The student revolt can become the vanguard of the working class."

An extremely important part of the Socialist Scholars Conference was the book exhibit at the Rutgers Labor Education Center, where most of the meetings and activities took place. According to a Frenchwoman selling photographs at $10 apiece of the May–June students' revolt in Paris, the troubles in France will begin again this month. A Parisian school teacher, she was in charge of a literature table heaped with copies of "L'Enrage," a vile publication in unprintable four letter words translated into English for students at Berkeley by Ruth Porter of Merit Publishers in New York City, an outfit run by the Socialist Workers Party in our country. The Frenchwoman said much of the translation from French into English was done over the trans-Atlantic telephone between Paris and New York City; student support from America "was a big help to us."

Two major documents which surfaced at the book exhibit were in great demand: (1) A leaflet printed by the Radical Education Project (REP) at Ann Arbor, Mich., which was founded by Students for a Democratic Society; and (2) a "Research Methodology Guide," put out by the North American Congress on Latin America (NACLA) in New York City.

Under the heading "REPs Politics," the Radical Education project leaflet contains statements on beliefs, including: "the great promise of American abundance is perverted and thwarted by the functioning of contemporary capitalism;" "America is held in political and moral stalemate not only by sheer economic and political force, but also by deadening ideology . . . celebrating the American Way of Life, the American Dream, the American Century; anti-communism is a central element in this ideological manipulation of belief . . .; violent revolution is to be recognized and deplored for its high human cost; but . . . where the oppressed lack political power, violent overthrow may be the necessary, though not sufficient, precondition to economic and political freedom."

In the light of events during the Democratic National Convention and loud denunciations of Mayor Daley and Chicago police by intellectuals in the press and on television, it is enlightening to study a list of sponsors printed on the last page of the Radical Education Project. They are: Ralph Andreano, Philip Berrigan, Julian Bond, Robert Browne, Richard Cloward, David Dellinger, Stanley Diamond, Douglas Dowd, Hal Draper, Barrows Dunham, Robert Engler, Jules Feiffer, W. H. Ferry, Phillip Foner, Norm Frutcher, William Gamson, Julien Gendell, John Gerassi, Ernest Goodman, and Paul Goodmen.

The list also includes Nat Hentoff, David Horowitz, Leo Huberman, Raghavan Tyer, Paul Jacobs, Julius Jacobson, Gabriel Kolko, Andrew Kopkind, William Kunstler, Paul Lauter, Richard Lichtman, Staughton Lynd, Herbert Marcuse, Seymour Melman, Jack Minnis, Barrington Moore, Charles Moskos, Charles E. Osgood, Linus Pauling, Victor Perlo, James A. Pike, Marc Pilisuk, Victor Rabinowitz, Anatol Rapoport, Marc Raskin, Kenneth Rexroth, Sumner M. Rosen, Richard Shaull, Sol Stern, Harvey Swados. Harold Taylor, Michael Walzer, Arthur Waskow, Harvey Wheeler, William A. Williams, Marshall Windmiller and Howard Zinn.

Three of the foregoing REP sponsors became nationally known via television during the Chicago demonstrations: Julian Bond of Georgia; David Dellinger, a revolutionist; and Staughton Lynd, formerly of Yale University, who went to Hanoi in 1967 with Herbert Aptheker of the Communist Party, U.S.A.

Heavily represented on the list is the Fund for the Republic's leftist Center for the Study of Democratic Institutions at Santa Barbara: W. H. Ferry, its vice president; Linus Pauling, James A. Pike and Harvey Wheeler, fellows at the Center; and Raghavan N. Tyer and Paul Jacobs, official Center consultants.

Among academic REP sponsors listed are the following Socialist Scholars: Profs. Richard Cloward and Seymour Melman of Columbia University; as well as Prof. Herbert Marcuse of the University of California at San Diego, internationally known as the intellectual mentor of "Red" Rudi Dutschke in Germany and "Red" Daniel Cohn-Bendit in France.

The other vital document to emerge at the Socialist Scholars book exhibit was the "Research Methodology Guide" put out by the North American Congress on Latin America (NACLA), an outfit claiming as its target "the Empire," meaning every U.S. corporation doing business abroad, especially in Latin America, as well as U.S. Government agencies dealing with domestic and foreign economic and military operations.

The three authors of the NACLA guide are Lois Reivich, Michael Locker and Edie Black (who said at the SDS-sponsored Radical Education Project regional conference held at Princeton University in February 1967, "I am a revolutionist, not just a Marxist, a revolutionist").

The three young radicals have written what is tantamount to a two-part guidebook for espionage. Part One is entitled "Researching The Empire—How to Research the Imperial Elite: Corporations, People, Non-Profit Organizations, Government Agencies, Universities." Part Two is entitled "Campus Reconnaissance—How to Investigate Campus Military Contracting." Here are excerpts from both parts of the NACLA guide:

Page 17: "Field Work" "At times interviews and observation can not be directly undertaken without creating a role that legitimizes (sic) their necessity. Covers can be easily erected by getting a friendly faculty member to authorize the research through a course or enlisting the aid of a campus newspaper reporter. In some situations, where security is tight, inside informers will be the only way to secure vital information. Personal contact with friends or political associates who have positions providing access to the information (i.e., secretaries, research assistants) can prove quite helpful. If necessary someone may have to take a job on the project or in the research facility to gain access to such information. Persons in positions of public authority, such as federal or state congressmen, senators, executive officials and their assistants, can easily acquire restricted (but not necessarily classified) information and forward it to you. . . .

"Whatever the method, the problem of getting inside information (no matter its classification) essentially involves finding a person with legitimacy in the authority's eyes who has access to the material and can transmit the data either secretly or without the threat of reprisal. Obviously such a person should be handled with discretion and the smaller the number of persons who know about it the better your chances of success."

At the opening of the Fourth Annual Conference of Socialist Scholars at Rutgers University, September 6, the radical group's president, John Cammett, said, "We decided previous conferences were too large and not carefully enough organized." He explained the Fourth Conference had been narrowed down so that it would not "dampen discussion with people of more or less similar ideas," and said sessions could thus "be more organically related."

It seems plain that the Socialist Scholars are organically related to all Marxist revolutionary groups in this country and abroad. At their conference this month, it grew clear that they and their associates believe "phase one" of their operations in the United States has been successfully completed and that they are entering on "phase two."

Phase one included revolutionary propaganda and activity to promote the demonstration at the Pentagon last October, the rebellion at Columbia University last April, "the abdication" (as they call it) of President Johnson, and the mass demonstrations during the Democratic National Convention in Chicago last month. During phase one, Students for a Democratic Society (SDS), acting in concert with David Dellinger and other self-proclaimed Communists, played a principal role.

In phase two of the Marxist brain trust operations, action will grow more disciplined and sophisticated. Students for a Democratic Society is slated to be taken out of undergraduate leadership, molded into the "Movement for a Democratic Society (MDS)" and meshed closely with the international Marxist-Leninist apparatus. Guided by members and affiliates of the Socialist Scholars, the new MDS and Youth International Party (Yippies, many of whom were at Rutgers wearing SSC armbands, including young American draft evaders now living in Canada) will be used as "detonators." In this country, the SDS-initiated Radical Education Project and North American Congress for Latin America will be used in intelligence and espionage operations.

The near-future goal of the Socialist Scholars was ably set forth in the Guardian, independent radical news weekly, August 24, 1968, by Irving Beinin, who was present at their conference at Rutgers. "Disruption is not a program, and sometimes it can be a cover for lack of a program. Yet this year, without an effective alternative, disruption seems to be the most creative thing to do for the left in most of the country. But beyond disruption, it is also a time for putting together the scattered forces of radical opposition, for building a viable left which is capable of inspiring the confidence that it can develop a real alternative and a real challenge to U.S. capitalist state power."

Between-sessions and corridor conversations at the Socialist Scholars Conference disclosed that most of the participants and their youthful adherents, "the detonators," believe they can continue operations unharassed if Hubert H. Humphrey is elected in November, but will be "repressed"—to use the Socialists' term—if Richard M. Nixon wins.

Whoever wins, the Socialist Scholars intend to continue their Marxist-Leninist revolutionary struggle at home and abroad, acting as a fuse to human detonators to set off social explosions.

NATIONAL BUSINESSWOMEN'S WEEK

Mr. CANNON. Mr. President, in recognition of women's contributions to the Nation and to center national attention on the role women play in today's business and professional world, we set aside 1 week each year to honor those women who are actively involved in the business and professional life of this Nation.

President Johnson has set the observance of National Business Women's Week on October 20–26, 1968.

The National Federation of Business and Professional Women's Clubs of America has sponsored this official recognition of America's businesswomen since 1926.

This year my State of Nevada is honored that one of her citizens, Mrs. Hope Roberts, of Reno, has been chosen president of the national federation. I, too, feel honored to claim the friendship of Mrs Roberts.

I ask unanimous consent to have printed in the RECORD the statement by President Johnson in tribute to National Businesswomen's Week.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
August 8, 1968.

Sponsored annually by the public-spirited members of the National Federation of Business and Professional Women's Clubs, National Business Women's Week focuses on the indispensable role of the American woman doer.

The Federation serves as a catalyst for action in many strategic areas of civic endeavor. It develops in its members the leadership needed to advance not only the economic well-being of the nation but its social, civil, and political progress as well.

It is a fitting tribute to our working women that we set aside National Business Women's Week to applaud their vital share in a prospering America. And it is a continuing compliment to the National Federation of Business and Professional Women's Clubs that this traditional observance gains in meaning and momentum with every passing year.

LYNDON B. JOHNSON.

WHAT KIND OF CONTINUING BODY SHOULD CARRY ON FIGHT FOR HUMAN RIGHTS?

Mr. PROXMIRE. Mr. President, I discussed yesterday before the Senate the necessity of carrying on the functions of the President's Commission on Observance of Human Rights Year. I pointed out that despite wholehearted efforts on the part of the distinguished membership on the Commission the practical accomplishments of that body have just begun to emerge.

The expectation that the Commission could complete the task of education in human rights, and secure ratification by the Senate of the various human rights conventions, all in a year's time, was and is now proven unrealistic.

Much needs to be done before the people of the Nation are fully aware of the necessity for the universalization of the same rights we enjoy here in America. Indeed, the major task of educating the Senate still remains to be accomplished.

In my remarks yesterday, I called for the President and the Commission to consider the various ways in which the work of the Commission could be continued and intensified. I pointed out that the importance of continuing this struggle is paramount and that all other efforts at achieving world peace must be built on a foundation of international respect for the rights of all men.

The Commission ceases to exist on January 30, 1969. Mr. President, the momentum gained for human rights by the work of the Commission must not be lost. We must continue to progress in this area, building on what has already been achieved.

Frankly, I am not quite sure exactly what kind of body is needed to continue the work of the Commission. Particularly since much of the effectiveness of what they will be trying to do will depend on the administration that takes office next January.

During the next week or so, I would welcome suggestions from those interested in the cause of human rights as to how the work of the President's Commission might be continued.

The ground gained during the International Year for Human Rights must not now be lost.

SHOULD AMERICANS SUPPORT LAW AND ORDER?

Mr. MUNDT. Mr. President, 2 weeks ago astonished Americans sat transfixed before their television sets, appalled and frightened at the scenes of violence on the streets of Chicago. A great political party had convened itself in that city to ponder and decide its course for the next 4 years.

Coincidentally other groups not officially associated with that convention convened themselves in that city with the announced purpose of disrupting and even bringing to a standstill that convention. The actions of those separate groups resulted in confrontations between themselves and the police of Chicago which shocked Americans from one end of this land to the other. We do not at this time have before us all the evidence as to which party was most guilty of the brutalities ascribed to each. That is something which is now under study and until that report is in we should reserve judgment. We do, however, know that these other groups went to Chicago to create civil disorders and in this undertaking there can be no one who can deny that they were successful.

This fact has added to the already serious concern which many of our people have for civil unrest and violence in the streets which has become so characteristic of those who do not wish to work within our normal political channels and processes.

This concern is so articulately stated in a letter which I have received from Mrs. Standford L. Smith, of Sioux Falls, S. Dak., that I ask unanimous consent that it and articles she enclosed be printed in the Record.

I commend Mrs. Smith's letter to the attention of Senators.

There being no objection, the letter and articles were ordered to be printed in the Record, as follows:

Sioux Falls, S. Dak.,
September 2, 1968.

Senator Karl Mundt,
Senate Office Building, Washington, D.C.

Dear Senator Mundt: Enclosed are two articles which appeared in the September 1st issue of the Minneapolis Tribune and one from the Sioux Falls Argus-Leader of August 30th. One is an article about the young radicals congratulating themselves on the disturbances they caused in Chicago during the Democratic National Convention, and the plans they have for creating 200 to 300 "little Chicagos" wherever the Presidential candidates appears. The other article in the Tribune quotes FBI Director J. Edgar Hoover, who warns that the young radicals plan to launch widespread attacks on American campuses this fall, creating "many Columbias."

A law was recently passed by the Congress of the United States, making it a Federal crime to cross State lines to incite riots. There seems to be much evidence available as to the identities of the instigators of these plans. They very openly state their objective of destroying the government by force and violence, and there have already been many occasions when they have used violence in an attempt to carry out their objective. Isn't that enough evidence for arrest and conviction? Why should it be necessary for this nation to tolerate *one* more "Chicago" or *one* more "Columbia," let alone stand still for 200 to 300 "Chicagos" or "many Columbias"? There *are* laws against inciting violence, and I for one want to know why they are not enforced. Why are the leaders of the groups who caused the disturbances in Chicago allowed to go free and assemble with their followers to make plans for further disturbances?

The danger to the country is not so much that they can achieve their objective. The riots are eventually stopped, after much destruction, many injuries, and sometimes deaths. It has been the history of this country that whenever mass violence has been used to further a cause, no matter how worthy, that cause has been set back many years. The danger is that this violence, if allowed to continue, will cause the people of this country to reject the effort that is necessary to solve the problems that confront us. The violence of the few naturally receives more publicity than the efforts of many more, who have been working patiently to improve the conditions of those among us who are distressed and impoverished, who have been working to improve our educational system, who have been working to improve the methods of selecting candidates for office, and to change the Electoral College system. They will continue to do so, if they do not see their achievements destroyed by violence. Why is that violence tolerated, if not condoned, by some who are responsible for maintaining the security which is due to all citizens?

The article in the Sioux Falls Argus-Leader quotes Senator Eugene McCarthy as saying that the destruction of our present political system may have to be risked. This is the system that has achieved more general prosperity, happiness and freedom than has ever been known to man. This is the country where a black child in Mississippi has a better chance to obtain a college degree than a white child in any other country in the world. We are a people who have shown more sympathy for the poor, the handicapped and afflicted throughout the world, and who have done more to relieve their distress—individually, through private organizations, and government programs, than any other people have ever done. That a major candidate for the highest office in the land should even hint at the desirability of destroying the system that has made possible all of these things, is almost beyond belief.

I urge you to do all in your power, commensurate with the high position you hold, to end the violent and destructive activities of a minority of our people who are resorting to such tactics. If this is done, the majority will continue to strive toward the goal we have always sought, the goal of liberty and justice for all.

Sincerely,

Helen L. Smith.

[From the Minneapolis (Minn.) Tribune, Sept. 1, 1968]

Wherever Candidates Appear: Young Radicals Vow To Create "Little Chicagos" Across Nation

Downers Grove, Ill.—The young radicals were sitting on the lawn of Herb Nadelhoffer's farm, drinking beer, eating hot dogs and telling each other war stories of a week of demonstrations in Chicago, Ill., teargassing and bloody clashes with the police.

Under a black anarchist flag fluttering from the barn's hayloft, others were tossing around a softball, wandering into the sunny fields of corn and soybeans and playing football.

Dozens of young people had come to Nadelhoffer's 177-acre farm about 30 miles from Chicago Friday afternoon to relax and, inevitably, to talk about where "the movement" is heading.

"We're going to create little Chicagos everywhere the candidates appear," said Tom Hayden, a co-ordinator of the demonstration.

"Our goal is to underscore the illegitimacy of the government and to show that it doesn't have any hope of governing without social change beginning with ending the war.

"There's coming a time when the American movement will become more violent for defensive and survival reasons," he added.

Among the young people was a sense of pride that they had faced the police on the streets and the expectation that they will do so again as they move toward "resistance."

"Some of the kids yesterday were gassed two or three times in the same spot and they held it," a girl from the Berkeley Commune was saying.

A mustached young man from the University of Wisconsin added, "another good thing about last week is that black people started respecting white radicals for the first time. They're saying we stood up to the cops."

Some of the youths began their active protest only in the last week. They drove up in cars spotted with flowered McCarthy stickers. Others were veterans of the civil rights movement or campus radical groups.

Occasionally police cars cruised by on the gravel road fronting the farm's lawn, and the youths pointed out to one another a man with a thin mustache and a yellow shirt who, they said, was a Federal Bureau of Investigation agent.

"We're planning a national GI Week, probably in late October," said Rennie Davis, the other demonstration co-ordinator.

"This will be a demonstration of support by the antiwar movement for the forgotten victims, the servicemen, and their right to come home.

"Then there will be action at the ballot boxes in November—some kind of voting no. We may sit in the booth all day long, forcing the police to remove us.

"And we expect a lot of action at the universities."

Like Hayden and Davis, David Dellinger, the long-time pacifist who heads the National Mobilization Committee to end the War in Vietnam, saw future action occurring in the streets rather than in fourth party politics.

"A lot of things will never be the same," Dellinger said. "After this week, the kids have got a sense of their own strength."

He said that the activists will return home to "create 200–300 Chicagos."

Similar to Columbia University: Hoover Says Leftists Plan Campus Attack

Washington D.C.—FBI Director J. Edgar Hoover warned Saturday that radical New Left students plan to launch a widespread attack on American campuses this fall similar to the recent uprising at Columbia University.

"A growing band of self-styled revolutionaries who are using college campuses as a base for their destructive activities . . . openly avow that their aim is to overthrow the existing order," Hoover said.

"Through these confrontations, they expect to smash first our educational structure, then our economic system and finally our government itself," he charged.

"It is vitally important to recognize that these militant extremists are not simply faddists or 'college kids' at play," he continued. "Their cries for revolution and their advocacy of guerilla warfare evolve out of a pathological hatred for our way of life and a determination to destroy it."

The FBI chief's remarks were contained in the September issue of the FBI law enforcement bulletin.

"Encouraged by their 'success' at Columbia," Hoover continued, "the anarchists in the new left movement are boldly spreading the word that they intend to 'create two, three, many Columbias,' in the manner of one of their 'heroes,' Che Guevara, the Cuban revolutionary who cried, 'Create two, three, many Vietnams!' "

The FBI director singled out the Students for a Democratic Society as the "main thrust" of the new left movement.

"Many of its members and some of its national leaders openly profess their faith in Communist concepts and their determination to 'restructure' our society."

Hoover concluded: "It would be foolhardy for educators, public officials and law enforcement officers to ignore or dismiss lightly the revolutionary terrorism invading college campuses. It is a serious threat to both the academic community and a lawful and orderly society."

[From the Sioux Falls (S. Dak.) Argus-Leader, Aug. 30, 1968]

McCarthy Isn't Endorsing Either Candidate

Chicago.—Minnesota delegates to the Democratic National Convention and the man they helped nominate—Hubert H. Humphrey—both will be heading home to Minnesota Friday.

The vice president will spend the weekend at his lakeside home at Waverly while delegates scatter to their homes to tell the natives about the rigors of conventioneering in Chicago.

Humphrey and the delegates during the week settled the question of who had the votes.

But the one question nobody settled was: What does Sen. Eugene J. McCarthy mean?

McCarthy, long an enigma in Minnesota politics, has smoothly transferred his operations to the national level.

It's traditional—at least in orderly groups like the Republican party—for the losers to get together and support the winner.

Not so with McCarthy. He said Thursday he isn't endorsing anyone for president, either Republican or Democrat.

McCarthy appeared before the Minnesota delegation Thursday afternoon for what might have been a unity meeting of sorts. But he didn't even hint he might forget his differences with Humphrey and join the effort to elect him.

"I have no regrets," McCarthy said. "We've raised all the issues we wanted to raise."

Summing up his nine-month campaign, McCarthy said he was asking for a basic reassessment of what America is.

There may come a time, he said, when the destruction of the present political system must be risked. "I haven't quite reached that point," he said.

Addressing a group of his mostly-young supporters Thursday afternoon, McCarthy lent little support to a fourth party move on his behalf.

ALASKA LAND SELECTION

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent to have printed in the Record a statement on the subject, "Alaska Land Selection." prepared by the distinguished senior Senator from Alaska [Mr. Bartlett], who is unable to be present today.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Alaska Land Selection

(Statement by Senator Bartlett)

Mr. Bartlett. Mr. President, I speak today to urge the passage of legislation vital to the continuing economic development in the State of Alaska. H.R. 17874, a bill to extend the time for filing applications for the selection of certain lands by the State of Alaska, is now before us.

The Alaska Statehood Act granted the State 25 years to select about 103 million acres from public lands. The provisions of the Act providing for these land selections were in the historic tradition of enabling States newly admitted to the union to carry out their governmental responsibilities and to encourage economic development. In short, the right to select land is vital to building a viable, self-sufficient State. No one can argue that it is not in the national interest that the federal government do what it can to encourage orderly growth in each of the states of the union.

In the interests of orderly growth, Congress, in approving the Statehood Act, set one limitation on the State selection of land. That limitation was a five-year period following statehood for the selection of land under federal mineral leases. I recall that the intent of that limitation was to avoid any possible confusion resulting from the continuing transfer of leases from federal to state ownership. It was felt that unity of ownership of geological units was in the interest of orderly economic development.

However, the selection of land by the State was delayed 18 months after statehood until regulations for the selection process were developed. Even after the regulations were promulgated, the selection process, for a number of unforeseen reasons, went slower than anticipated. Surveys were required and geological studies were needed to determine what areas held the most promise for mineral development.

In 1964, Congress, recognizing the need to extend the five-year deadline for the selection of land under federal lease, enacted S. 1877, which gave the State an additional five years to make such selections. That extension expires January 3, 1969.

Because of some of the same problems and because the Secretary of the Interior, acting after Alaska native people filed land claims on most of the State other than southeast Alaska, has refused to process further State selections, it is necessary and fair that the State be given additional time in which to make mineral claims.

At present, about 7 million acres are under federal lease in Alaska. Of that total, about one million acres has been withdrawn for one reason or another, and State selection patents are pending on a second one million acres. That means that about five million acres under federal lease are now available for State selection, land that will not be available for selection after January 3, 1969, until the lease expires.

Of the approximately 102 million acres the State is entitled to select from public lands, about 16.4 million acres have been selected. An additional 800,000 acres have been selected for educational, health, and other purposes.

Inasmuch as the principal reason for setting a deadline on selecting land under federal lease is no longer valid and inasmuch as the purpose of the land selection program is to foster orderly economic growth of Alaska, it now becomes quite clear that the State should have an additional time to select lands under federal lease. If that were allowed, the State would be free of having to make hasty and perhaps poor selections under the pressure of a deadline.

I introduced S. 3406, which calls for a 15-year extension of State selection time. This measure was reported favorably by the Committee on Interior and Insular Affairs, but the committee amended the selection time to five years. Even five years was agreeable. However, the other body has passed legislation granting an extension for only 9 months. I am informed that, in view of the late date in the session, if this body will not accept the 9 months, further action in resolving the time extension may not be forthcoming. With this in mind, I urge the passage of H.R. 17874.

RICHARD GOODWIN AND THE FORTAS CASE

Mr. GRIFFIN. Mr. President, in a memorandum to the chairman of the Senate Committee on the Judiciary, dated September 9, 1968, I called the committee's attention to an article by Daniel Yergin which appeared in New York magazine, July 22, 1968, and reads in part as follows:

> Nonetheless, (President) Johnson called him (Richard Goodwin) back to the White House to help prepare the State of the Union message in 1966. He was up two days straight working on it, and then a doctor came in and gave him an injection, as though he were a machine, so he could stay up even longer.
>
> *Then Johnson handed the speech over to Abe Fortas* and Clark Clifford, the old New Dealers and Fair Dealers, *who began chopping it up*. Goodwin retired to his hotel room exhausted.

My memorandum also called the committee's attention to a report carried by the UPI and published in Sunday, September 8, newspapers, which reads in part:

> The controversy over Abe Fortas' nomination . . . heightened yesterday with a charge being prepared for Senate debate that Fortas helped draft legislation while serving on the Supreme Court. * * *
>
> (Senator Gordon) Allott contends that as associate justice, Fortas took part in the drafting of an amendment to an appropriations bill providing Secret Service protection for all presidential candidates. * * *
>
> The White House did not deny the allegation. . . Fortas could not be reached for comment.

In light of these reports, I urged in the memorandum, that "the committee determine the accuracy of the reports noted above by taking testimony from Mr. Richard Goodwin, Defense Secretary Clifford, staff members of the Appropriations Committee, and others."

My memorandum appealed to the committee as follows:

> Particularly in view of the fact that the statements to the Committee by Mr. Fortas was qualified ("I *guess* I have made full disclosure now."), and in light of the subsequent disclosure concerning his call to the Business Council, I urge the Committee to proceed with a thorough investigation of these fresh reports with a view toward determining the full extent of Mr. Fortas' involvement in the operations of the Executive branch while sitting as a justice of the Supreme Court.

As the Senate knows, the committee did reopen its hearings and listened to testimony from Senator Gordon Allott and others. However, not only did Justice Fortas refuse to reappear, but Defense Secretary Clark Clifford, Under Secretary of the Treasury Joseph W. Barr, and Associate Special Counsel to the President W. DeVier Pierson also refused.

In addition, Richard Goodwin and Daniel Yergin failed to appear and testify on the question of Justice Fortas' participation in the drafting of the 1966 state of the Union address.

On September 17, the Committee on the Judiciary met in executive session and discussed the failure of Goodwin and Yergin to appear. It was agreed that a transcript of the discussion should be released to the public.

I ask unanimous consent that a transcript of that discussion be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

Mr. HOLLOMAN. Early last night, after I got home, Fred Graham, who covers the Supreme Court for the New York Times, called me at home and told me that he had found out where (Richard) Goodwin was, that it just happened that Goodwin called another newspaper man there at the Times Headquarters on another matter and he overheard it and got on the telephone and got his number. I called Goodwin at the number—I assume Hyannisport—and told him that the committee would like to have him down here this morning.

The CHAIRMAN. At 9:30.

Mr. HOLLOMAN. Yes, sir. He said that he doubted that he could get here without chartering a private plane to New York to catch the shuttle flight. And doubted the committee would want to pick up that expense. I replied that the committee would pick up that expense, to arrange for the private charter to New York, and to be here this morning. During the conversation he said that he had seen in the newspapers last week that the committee wanted him to testify and that later in the week he had seen where the committee had issued a subpoena for him. But he stated that he could have been found and that a number of people knew where he was. I had been unable to find out where he was during the week.

I asked him if he was familiar with the article that Mr. Yergan wrote, specifically that part where it referred to a State of the Union Message being drafted, at which time Mr. Fortas and Clark Clifford were present. He said he was familiar with the article and that particular reference.

I asked him if he would be willing to testify in regard to that matter. He indicated that he didn't know whether he would invoke executive privilege or not. He said that he had discussed the matter with the Attorney General, Ramsey Clark, but had not indicated that he had not made up his mind whether he would feel free to testify in regard to that occasion or not.

Senator DODD. You mean he had indicated?

Mr. HOLLOMAN. He indicated to me he had not made up his mind whether or not if he came down here he would invoke executive privilege.

He did say that it was obvious that he was Mr. Yergan's source, although, of course, those were not his words, referring to the article.

About an hour later he called me back at my home and told me that he had been unable to obtain a chartered flight to New York and thus would be unable to be here today. He did indicate, however, that he would be willing to come at some other time that the committee requested him to do so.

Senator ERVIN. Did he indicate whether he was willing to tell us anything after he got here?

Mr. HOLLOMAN. No, he didn't.

The CHAIRMAN. Here is a telegram from him dated September 17. "May I request that you inform the members of the Senate Judiciary Committee of my complete willingness—now or in the future—to testify before that committee or any other congressional group. I read with some surprise the reports that federal marshals had been instructed to contact me. The fact is I have been available at Truro, Massachusetts for more than two weeks. My location and phone number are known to the office of my last employer, Senator Eugene McCarthy, as well as to several associates. Many people, including members of the press, have contacted me easily. Despite that, I received no phone call or message from any member of the committee staff until after 9 o'clock p.m. last night, when it was too late to make plane connections in order to testify this mornnig. Therefore I was never even invited to appear before the Senate Judiciary Committee although I would gladly have responded to any invitation. Let me add that in my judgment as a former Supreme Court law clerk, President of the Harvard Review, and former Assistant Special Counsel for the President, I do not know of a single instance wherein Mr. Justas Fortas has offended the judicial propriety." Signed "Richard Goodwin."

Senator BAKER. May I ask Mr. Holloman a question. Do we have any basis for knowing whether Mr. Goodwin has in fact been in Hyannis or wherever for the last two weeks.

Mr. HOLLOMAN. Well, in speaking to Mr. Graham yesterday afternoon, he related a conversation to me with a friend of his—which may or may not be true—that he recalled that a friend of his has told him within the last day that he had seen Mr. Goodwin get off the airplane here in Washington, or possibly his recollection wasn't quite accurate, it may have been New York. But that is the extent of it. It was secondhand.

Senator ERVIN. Did he say when he talked to the Attorney General?

Mr. HOLLOMAN. No, sir.

Senator MCCLELLAN. Did he say he talked to him about this matter?

Mr. HOLLOMAN. Yes, sir.

Senator ERVIN. Did he say what day he read in the newspaper he was wanted?

Mr. HOLLOMAN. He said he read it last week. Of course the meeting was on Tuesday and it was in all the papers on Wednesday that the committee wanted him to testify and it was in the papers on Saturday that a subpoena had been issued.

Senator THURMOND. What time did you talk to him yesterday?

Mr. HOLLOMAN. Senator, I believe it was somewhere around 8 or 9 o'clock.

Senator THURMOND. Yesterday morning?

Mr. HOLLOMAN. No, sir, evening, after I got home.

Senator ERVIN. Well, I don't guess it seems unreasonable to infer he didn't talk to the Attorney General about executive privilege until after he knew he might be called on to testify. That would be the inference I would draw.

Senator THURMOND. I think it is obvious he hid out and made himself unavailable. I am sure Mr. Holloman did all he could to try to reach him.

Mr. HOLLOMAN. This is a rented summer home, I understand. That is what he told me. So it is not his regular address.

I first asked several staff members, who I had reason to believe were acquaintances of Mr. Goodwin, where he might be located and they gave me the address of this school up in Connecticut—I believe Middleton. And I called there and they gave me a number in Boston and an address and apparently he does have an address there because I asked information for Mr. Goodwin at that address and they gave me a number and I wasn't able to get an answer at that number.

Then I asked a number of members of the press if they knew where he was and they all told me they didn't know.

Senator BURDICK. In this process, did anybody call Gene McCarthy's office?

Mr. HOLLOMAN. No; I did not call Gene McCarthy's office. Mr. Goodwin has worked for a number of people this past year. But I did ask a number of newspaper men who had been with the campaign and a number of staff members who I thought might——

Senator THURMOND. Did you mention or did he mention the article quoting him?

Mr. HOLLOMAN. I did.

Senator THURMOND. On this matter. Did he deny the truth of the article?

Mr. HOLLOMAN. He didn't confirm it or deny it.

Senator DODD. When was the subpoena issued?

Mr. HOLLOMAN. Saturday morning.

Senator THURMOND. I believe we also issued a subpoena, or at least the committee did, for Mr. Yergan?

Mr. HOLLOMAN. Yes, sir.

Senator THURMOND. You talked to him over the telephone?

Mr. HOLLOMAN. Yes, sir.

Senator THURMOND. Several days ago.

Mr. HOLLOMAN. Wednesday of last week, I believe.

Senator THURMOND. Would you give us a report on that?

Mr. HOLLOMAN. The extent of that conversation was that Mr. Yergan stated that he wanted to talk to his attorneys and that he would call me back and let me know his decision. I told him that we didn't want to issue a subpoena for him, if it could be avoided, and that hearing no reply a subpoena would be issued for him. I knew where he was. And having received no reply a subpoena was issued for him. But apparently they had been unable to serve it.

Senator THURMOND. They have been able to locate him?

Mr. HOLLOMAN. Yes, sir.

Senator THURMOND. Did he ever call you back as he promised?

Mr. HOLLOMAN. No, sir.

Senator THURMOND. I think it is clear that he hid out, too.

Senator MCCLELLAN. Mr. Chairman, I understand that telegram closes by saying he knows of no impropriety on the part of Justice Fortas.

The CHAIRMAN. That is a conclusion.

Senator MCCLELLAN. But he does not direct himself to the specific instance as to what the facts were about that.

The CHAIRMAN. No, sir.

Mr. HOLLOMAN. The only thing he ever said, as I have already stated in reference to that particular article and that part of it is, "Obviously I was Mr. Yergan's source," but those are his words and not mine.

Senator BAKER. Did he say when he talked to Ramsey Clark?

Mr. HOLLOMAN. No, sir.

Senator BAKER. Could you draw any inferences about when he talked to him?

Mr. HOLLOMAN. No, sir.

Senator BAKER. Was there any question in your mind it was Mr. Clark that he spoke to?

Mr. HOLLOMAN. He mentioned it was the Attorney General and he mentioned later it was Ramsey Clark.

Senator DODD. When did he call your office?

Senator TYDINGS. Sometime late yesterday afternoon, because I didn't get word until 7:00 or 7:30.

Mr. HOLLOMAN. He made no mention in the conversation last night that he had called anyone trying to get in touch with the committee. In fact I asked him why, in view of the fact that he had read it in the newspapers, he had not tried to contact us; and he said that he had made no effort, he was waiting for us to contact him.

Senator THURMOND. Mr. Chairman, if there is no objection I would move that the notes on Mr. Holloman's report on these two witnesses be available to the press or anybody who wants them.

The CHAIRMAN. All in favor say "Aye."

(Chorus of aye.)

The CHAIRMAN. Opposed.

(No response.)

The CHAIRMAN. The ayes have it.

Senator Kennedy. Also, the telegram, Mr. Chairman?

The Chairman. Repeat?

Senator Kennedy. Does that include the telegram?

The Chairman. Yes. Why, of course it will be the whole record.

MUTUAL FUNDS ARE PRINCIPAL CAUSE OF DIFFICULTIES IN FINANCIAL COMMUNITY

Mr. McINTYRE. Mr. President, every student of economics in the United States knows Prof. Paul Samuelson as a highly distinguished economist. In recent years, through a regular column in Newsweek magazine, Professor Samuelson has turned his knowledge and ability to the task of educating millions of other Americans in the important economic problems of our time.

This week, Professor Samuelson's column is entitled "Reforming Wall Street." He devotes his attention to answering the question, is there any longer anything rotten on Wall Street? His answer, given in detail, is a resounding "yes."

What particularly interested me about this discussion was that each of the three major "rotten" situations described by Professor Samuelson is one created, or primarily aggravated by, one particular element of the financial community—the mutual fund industry. The mutual fund industry, by its extreme defense of its own selfish interests, is raising a cloud of scandal which cannot help casting a dark shadow over the brokers, the Exchange, and the other non-fund elements of the financial community.

Professor Samuelson concludes that the next moves are up to the Department of Justice, of the SEC, and Congress. I am not too familiar with the mood of the Justice Department or the SEC, but I am familiar enough with the thoughts of my colleagues in Congress to be quite certain that legislative action here in the near future regarding mutual funds is inevitable.

In view of this, I would hope that all responsible elements of the financial community could find it possible to take a cooperative attitude toward congressional efforts to establish a fair and reasonable set of rules for the regulation of mutual funds.

Mr. President, Professor Samuelson's column is timely in its content and significant in its insight. I ask unanimous consent that it be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Reforming Wall Street

(By Paul A. Samuelson)

Last year I pointed out in this column that something was rotten in Wall Street. This public service brought down on my professorial head considerable vituperation.

But time is vindicating my concern. Under fire, the New York Stock Exchange has now agreed to lower commissions on transactions in excess of 1,000 shares and has outlawed the nefarious practice of "give-ups."

And the Securities and Exchange Commission has agreed, on an interim trial basis, to accept the new commission schedule of the exchange.

Hence, in this new day there is no longer anything rotten in Wall Street? A muckraking columnist can now turn his attention elsewhere?

BAROMETER FALLING

With all respect, this is nonsense. The housecleaning in Wall Street is just beginning. I know it. Manuel Cohen, chairman of the SEC, knows it. The attorneys of the brokerage community know it. And, most important of all, the Antitrust Division of the Department of Justice knows it.

For make no mistake about it. It was not the fulminations of columnists that brought about a single cent's reduction in commissions. And, despite the propensity of the industry to complain about the SEC, it has, if anything, been soft in exercising its undoubted administrative powers. What has blown the whistle on the monopoly has been the new interventions by the Antitrust Division.

Since capitalism is too important to be left to the tender mercies of the capitalists, all who really cherish the efficient working and survival of an enterprise system must once again be indebted to the Antitrust Division. Space does not leave room for a full listing of all of the evils and defects of the present financial scene. So let me sample the more important structural weaknesses.

Competition doesn't work to bring costs down to the efficient minimum.

The New York Stock Exchange is an island of privileged monopoly. *It* limits it members and access to its floor. *It* sets minimum fees. If U.S. and Bethlehem Steel tried to act the way the New York and American exchanges act, Roger Blough would be in jail before you could say Merrill Lynch, Pierce, Fenner and Smith.

When the SEC asked Congress to put limits on the *maximum* loading fees that the mutual-fund industry could charge, the industry hired experts to testify that the present up-to-9 per cent loadings were the product of free competition. Senators were assured that competition could be relied on to ensure the public interest.

Now the industry is hiring experts—some of them the very same experts—to testify that taking away the stock exchange's monopoly powers to set *minimum* fees will result in "ruinous competition" and chaos. Balderdash!

"Give-ups" and "churnings" of portfolios are direct consequences of the uncompetitive fee schedule.

When a brokerage firm is sued and fined for decimating a widow's net worth through excessive buying and selling—that makes the headlines. But what about the non-criminal propensity to overtrade that goes on all the time and on a vast scale?

An acquaintance who runs a go-go fund explains that he could not motivate salesmen to push his fund if he did not generate more commissions from turning over the fund's portfolio than his trading judgment told him was profitable in its own right. For a long time no one complained, as the go-go boys seemed to coin instant wealth for their clients. This year the gravy ended. This year most of the large go-go funds have been falling behind the exchange index of all stocks. But even if they had not, that would be no excuse for rigged commission schedules and give-ups.

AGENDA FOR CHANGE

Mutual-fund loadings and particularly front-end loadings on periodic investment plans are so high as to create powerful vested interests.

These loadings are not the product of free competition. The law keeps you or me or Merrill Lynch from bringing the loading on 100 shares of, say, the Dreyfus or MIT fund down to the 1 or 2 per cent rate that would result under competition. Such price-maintenance regulations should go.

Next moves are up to the Justice Department, the SEC and Congress. Except as a first step, the new commission schedule is a token reform. Give-ups were only the visable part of the rigged schedule. Abolishing them only drives the evil underground and may even lessen the loopholes through which competition operated.

Can we hope to hear from the Presidential candidates—both of them?

RETIREMENT OF JAMES WEBB AS ADMINISTRATOR OF NASA

Mr. DODD. Mr. President, it was with deep regret that I learned of the resignation of James Webb as Administrator of the National Aeronautics and Space Administration.

Mr. Webb served the United States well as Administrator of such a vital agency as NASA.

During his administration, the United States moved through the infancy of space flight. His determination helped to move our space agency through some difficult times.

The milestones of space history made during Mr. Webb's tenure are too many to list. Under his guidance, the National Aeronautics and Space Administration has conducted the Mercury and Gemini manned space programs, and the Surveyor program, probably one of our most important scientific space programs.

I am sorry to see Mr. Webb leave.

Mr. Webb's successor, Thomas O. Paine, is well qualified to fill the Administrator's post. Mr. Paine has held the No. 2 post in the space agency, that of Deputy Administrator.

Mr. Paine is a scientist by profession and has worked in the aerospace industry for many years. He knows the space industry, and I am certain that under his leadership the National Aeronautics and Space Administration will expand and grow in scope as it should.

KENAI DEVELOPMENT

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent to have printed in the Record a statement entitled "Kenai Development," prepared by the distinguished senior Senator from Alaska [Mr. Bartlett], who is unable to be present today.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Kenai Development

Mr. Bartlett. Mr. President, the Senate yesterday passed legislation I introduced transferring 1.88 acres of land to the City of Kenai, Alaska. This legislation will enable the City of Kenai to continue with its rapid economic expansion in an orderly manner. Furthermore, it will guarantee to the residents of the City of Kenai area the continuing existence of a modern Public Health Clinic. The original legislation was unsatisfactory to the Department of Interior. However, the Department did accept an alternative I proposed, and this alternative has now passed both the House and Senate. This bill recognizes the extraordinary growth of the City of Kenai as well as the necessity of relocating the Public Health Clinic, and I note its passage with great satisfaction.

FARM PROGRAMS IN PERSPECTIVE

Mr. McGEE. Mr. President, the American farmer is not being deceived these days by clever slogans. Instead, he is judging farm programs by their results, as Mr. Raymond Johnson of Lingle, Wyo., puts it in a brief but pointed paper he entitles "Farm Programs in Perspective."

Mr. Johnson's paper deserves attention. He is well experienced in the farm business. He is a farmer. He has been in the business of farming and livestock feeding for 40 years and more, and does not desire to return to the days of no farm programs when, as he puts it, "a coyote pelt would bring more than a 2-year-old steer."

I ask unanimous consent that Mr. Johnson's paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

FARM PROGRAMS IN PERSPECTIVE

(By Mr. Raymond Johnson, a small Wyoming farmer)

For thirty-six years hungry politicians have unjustly preyed on farm programs by cleverly twisting facts for the sake of garnering votes, and 1968 promises to be no different.

So, henceforth let us judge farm programs by their true results rather than by politically manipulated motivations.

Using the American Farm Bureau, whose leadership has always been opposed to farm programs, as spokesmen for all agriculture is indeed misleading, for they represent only the thinking of a very small minority. The truth is a very large number of Farm Bureau members favor farm programs. In spite of the Farm Bureau's vigorous effort to defeat the wool referendum, their members voted overwhelmingly in favor of it.

Farm commodity organizations who are the true representatives of agriculture are working vigorously to renew or extend their various farm programs, because they know they are doomed if these acts are not renewed.

The National Grange and the Farmers Union are working for the renewal of all farm programs and the N.F.O. is in favor of these programs. Taking the total of these organizations into consideration makes the odds 16 to 1 in favor of farm programs.

Farm Journal polls showing 63% of the farmers favoring an end to all programs will go down in history as *wrong-way* polls.

Destroy farm programs and the economic repercussion will be felt by every American. Loss of buying power by the farmer will immediately be felt by labor and industry.

A study just completed by the Economic Research Service shows net farm income under farm programs during the 1961–67 period was $95.4 billion. Under the free market situation, net farm income was estimated at $60.9 billion, the researchers found.

Under the present supply management program gross farm income has gone from $37.9 billion in 1960 to $49.7 billion in 1966. With the ratio of gross farm income to the Gross National Product being 7 to 1 would mean an increase of $82.6 billion in the Gross National Product due to farm programs.

Present-day supply management farm programs have been updated to meet the needs of today and they do not in any way infringe on the farmers' freedom. The only time the Department of Agriculture becomes involved in the farmers' business is when the farmer chooses to participate in programs, then he is required to live up to the terms of his contract.

Farm programs are designed to prevent the build-up of surpluses which depress farm prices to such a low level that it creates unbearable losses to the farmer. The result of over-production is dramatically illustrated by turkey producers who last year got $36.9 million less for 126.6 million turkeys than they did the year before for 115.5 million turkeys.

Under 30 years of farm programs agriculture has made the greatest progress in the nation's history. It has gone from brutal brawn of man and beast to a highly sophisticated industry of brains and electronics. Each agricultural worker today produces enough food for himself and 40 others, whereas in 1940 he produced only enough for himself and 10 others.

The farmer, through wise use of farm programs, efficiency and technology, has made it possible for the consumer to buy the finest food on earth for only 18% of his disposable income. No nation on earth enjoys such bargains in food.

Farm programs are no longer designed as a welfare program for the small farmer. The exodus of the small farmer has come about because of mechanization and fierce competition, not because of farm programs. The decrease in number of farmers is a sign of progress and economic growth, not stagnation and decline. Increase in size of farm units clearly depicts progress. How else can a farmer achieve economic growth?

With equal participation farm programs protect the small as well as the large farmer from economic disaster caused by unmanaged surpluses.

Huge subsidies paid to large farmers (who depend entirely upon agriculture for their financial well-being) are just as necessary and proper as the subsidies paid to small farmers, for without them they would both perish. Large farmers who participate in the supply management programs contribute more in reducing surpluses and are therefore entitled to larger payments. Denying or scaling down subsidies to large agriculture producers would, in principle, be like denying or scaling down subsidies to large magazines, large shipping companies, large airline companies, etc.

Because of the unprincipled few, should we deny the farmer, who produces our food, a decent living? Huge farm subsidies paid to eligible money-mongers who do not depend on agriculture for a living and use them only for the sake of making mockery of farm programs does not justify the repeal of all farm subsidies, which are so very important to our entire economic structure.

A properly established National Board of Agriculture could do much in improving the image of farm programs and it could free them from the fangs of politics.

With the capability we have for producing wheat and feed grains, the repeal of the wheat and feed grain program would, in one year, create such a surplus that it would drive these commodity prices down to a ruinous level. For proof of this we need only look at the 1967 production. Low wheat and feed grain prices are also a fore-runner to low livestock prices; nor do low farm prices bring cheap groceries to consumers.

I have been in the farming and livestock feeding business for over 40 years and nothing has so drastically effected my economic well-being as surpluses of farm commodities that force prices down to nothing, such as the potato market this year.

The underlying reason for most of our agriculture problems in the past seven years lies not in the present programs, rather they are the direct result of the mismanagement of our farm programs by the previous Republican administration which led agriculture to the brink of economic disaster.

After eight years of farm program bungling under Secretary Benson, the government had acquired such huge quantities of wheat and feed grain that the cost of storage to the taxpayer was greater than the cost of program payments to the farmer, and it had reduced the farmers' net income from $15.3 billion in 1952 to $11.7 billion in 1960. Through this staggering accumulation of unmanageable wheat and feed grain surpluses was born the supply management program we have today.

It was crystal-clear that these huge surpluses would have to be reduced in an orderly manner so as not to raise havoc with the market; therefore the farmer was offered an incentive to curtail his production in order to give the government an opportunity to dispose of these surpluses. The disposal of these surplus commodities, accumulated under Benson's program, has been a real depressant on the market, but Secretary Freeman has done a remarkably good job of reducing these surpluses without breaking the market. Accusing Secretary Freeman of dumping corn on the market to force down food prices in 1966 is ridiculous stupidity. The entire corn crop, surplus and all, could be dumped on the market and it would not reduce the food price one penny.

No Secretary of Agriculture has worked so hard to improve the well-being of the farmer and has been so harshly criticized for it. This is the first time in history that the American farmer has not suffered enormous losses during a period of surpluses.

The supply management program for wheat and feed grain has indeed accomplished its purpose. It has reduced our surpluses to a prudent reserve, thus reducing the cost of storage to the taxpayer. It has stabilized livestock prices. It has prevented the farmer from taking heavy financial losses in times of surpluses, and it has increased the farmers' net income from $11.7 billion to $16.4 billion.

Cost of production in agriculture has reached such an enormous level that it would be economic suicide to destroy farm programs that have worked so very well in protecting the farmer from unbearable financial losses. Destroy farm programs and the economic impact resulting from unmanaged surpluses which depress prices to the farmer will be felt by every American, for low farm prices are bound to create joblessness in the city.

Now that we have licked our surplus problem, let us insist that Congress establish a strategic reserve so that the Secretary of Agriculture can establish acreage allotments without the fear of creating a shortage; then the farmer can look to the future with high hopes of gaining their rightful place in our economy.

We dare not return to the days of no farm programs where a coyote pelt would bring more than a two-year old steer, rather let us go forward improving farm programs and thus restore agriculture to its full potential buying power for the good of all America.

THE FORTAS NOMINATION

Mr. HART. Mr. President, today I shall examine briefly just two of the arguments often put forth by the opponents of Mr. Justice Fortas.

All of us, when we address this body to explain some position or some action, try to grace that position with logic. However, on some occasions we are able to find so many appealing arguments in support of our case that we are tempted to use them all, even though they do battle with each other.

Thus, occasionally we fall into the trap of the painter so fond of both pink and orange that he felt always drawn to use them both, even though in combination they rarely presented an appealing work of art.

One of the themes played against Justice Fortas is that a retiring President should not fill a Supreme Court seat, especially if his choice for the vacancy happens to be a friend of his. In presenting this argument the word "crony" is often thought more useful than the word "friend."

A second argument often used is that the voice of the people should be heard before any appointment is made and, thus, the next President ought to decide what sort of legal philosopher should occupy the Court's presiding seat.

Certainly, I can see why both of these arguments are considered to have political appeal. But this combination of pink and orange is not going to delight the logical mind.

Because the first argument clearly implies that the Supreme Court should be completely divorced from the Presidency, with no transmittal of the Presidential viewpoint into the Court Chamber.

The second argument, on the other hand, clearly implies that the new Chief Justice ought to be philosophically alined with the incoming President.

This idea that the Court should reflect the viewpoints of the new President is especially curious in the light of the often-repeated observation that the next Chief Justice may well hold office for 20 years or more.

The Constitution, as I recall it, provides that the President elected in November shall hold office for no more than two terms. Thus, his appointment of a Chief Justice could certainly affect the Court for years beyond his term of office.

I fear that many citizens, peering through the cracks in this logic, might suspect that something besides lofty constitutional principle is involved in this dispute.

Some cynics might even come to believe that the greatest misfortune of Abe Fortas is to have his appointment considered in an election year and in a time when personal political gain is tremendously important.

It simply seems to me that any true dedication to the independence of the Court dictates that we consider a nominee, not on the basis of who appoints him or what party he belongs to, but rather on the basis of his qualifications; his legal scholarship, his mental ability, and his dedication to the law.

Certainly, I would invite the Senate to make its judgment on this basis and to allow a majority of its Members to render a decision one way or the other.

It seems to me that the country will have small patience with those who claim victory because they muster a minimum one-third of the Senate's votes, enough to filibuster the nomination to death.

As a politician myself, I know how difficult it is to lay aside political considerations. But there are some matters where dedication to principle is the best politics.

And I submit that dedication to an independent judiciary, dedication to the idea that a nominee ought to be considered only in the light of his qualifications, should be numbered among these matters.

THE CALL OF THE PACK

Mr. FANNIN. Mr. President, Attorney General Ramsey Clark has sounded forth the newest leftward-ho line, and it will now be dutifully repeated in columns and speeches by left-leaning spokesmen.

The new line, in essence, is that police violence is more dangerous than mob violence. The convoluted reasoning responsible for this is—in the words of the Attorney General:

> Who will protect the public when the police violate the law?

He seems to ignore the fact that only an infinitesimal percentage of policemen are ever involved in law violations or violence. If he thinks the law was violated by policemen in Chicago, then the proper action is to bring them to trial, not make irresponsible statements on every available curbstone.

Mr. President, the public utterances of Mr. Clark bring on complete exasperation. Is the Attorney General totally without the most elementary understanding of the function of the office which he holds? Has the Attorney General ever heard of the Justice Department, which is supposed to bring criminals to justice? The Justice Department should be just as much concerned with bringing police who commit criminal acts to justice as any other individuals. Has the Attorney General read the sign on his door? He is not head of the Department of Beautification or executive secretary of the Flower Protective Association. He is the Attorney General of the United States, and I wish he would act like one.

Now comes a column by Adam Yarmolinsky—published September 19 in the Washington Post—alleged security risk; relegated to a Government post not requiring senatorial confirmation, for fear such confirmation would not be forthcoming; now a professor of law at Harvard University, who describes action by police in putting down unruly mobs as "rioting, and no less so because in some cases they—the police—were unreasonably provoked." Yarmolinsky goes on to describe the duty of a policeman like this:

> The policeman, particularly in the big city, must take his stand at the frontier where the orderly mechanisms for resolving social problems are breaking down. He is the immediate object of everybody's excess emotions. And as tension and hostilities build up, he feels them first and most directly. It is not surprising that he can turn in anger on the people who seem to be making his job more difficult. . . .

What precocious poppycock.

If Yarmolinsky and his ilk are to be credited, what we need for front rank policemen are not human beings but Harvard law professors.

The call of the pack has sounded, Mr. President, and the wolfpack has set off at a lope in pursuit of "rioting by police," or "police violence in excess of authority," or some other freshly minted catch phrase that completely ignores the realities involved in today's society. I expect we shall now be inundated as the semi-intellectual pack followers reword their stories and remouth the current catch phrases designed to make policemen the violators, rather than the protectors, of law and order. If such unreasoned reasoning was not so frighteningly sick, it would be funny.

DEATH OF DR. FEDOR HODZA, GALLANT SLOVAK LEADER

Mr. PELL. Mr. President, Dr. Fedor Hodza, a fine and gallant Slovak leader, who suffered under the Communists because of his beliefs, is being buried tomorrow in New York.

When I established the American Consulate General in Bratislava, Czechoslovakia, in February of 1948, Dr. Hodza did what he could to smooth our paths in those turbulent and difficult days. I shall always be grateful for his friendship and help at that time.

Finally, during the Communist putsch that month, Dr. Hodza made a dramatic escape from his home country to Britain.

Indeed, Dr. Hodza's life was inextricably entwined with the destiny of Czechoslovakia. His father, Milan Hodza, resigned as Premier of Czechoslovakia in 1938 at the time of the Munich agreement.

During World War II, Fedor Hodza served in his country's government-in-exile in London under Dr. Eduard Benes. After World War II, he returned to his country and became a member of Parliament and secretary general of the Slovak Democratic Party.

After fleeing his country, Dr. Hodza became a cofounder of both the Council and the Committee for a Free Czechoslovakia and the Assembly of Captive European Nations.

STOL AIRCRAFT IN SCHEDULED AIRLINE SERVICE COMING CLOSER—TO CARRY OVER 100 PASSENGERS AT CRUISING SPEEDS OF 500 MILES PER HOUR

Mr. RANDOLPH. Mr. President, it was a year ago that a knowledgeable airline executive made a significant speech which prompted me to comment in this forum: When a top airline executive declares that it is time for the industry to begin using new short-haul transportation aircraft because rising ground costs are making conventional means uneconomic, perhaps our country is on the verge of a breakthrough and possibly has at least a partial solution for the airport crisis, and the air traffic congestion problem.

The Congressional Record, volume 113, part 20, page 27032, records that I said:

> Arthur D. Lewis, senior vice president and general manager of Eastern Airlines—one of the major trunkline carriers—is reported to have said in a speech in New York City last week that the airline industry will have to get behind new short-haul concepts. He forthrightly asserted that the industry of which his company is a significant part "must move aggressively to develop STOL—short takeoff and landing—aircraft and STOL landing strips" to offset costs which he sees continuing upward. In fact, Mr. Lewis said:
>
> "Ultimately, Eastern's shuttle and other similar short-haul operations must be performed by efficient STOL airplanes."
>
> He declared, however, that before this can happen, the airline industry as a whole "is going to have to place STOL high on its list of priorities and aggressively push it."
>
> Mr. President, I believe it is incumbent on the airline industry to place a high priority on the STOL's—and on the aerospace equipment manufacturers to respond—because domestic aviation in this country has reached a new crossroad.
>
> Despite the efficiency of jet aircraft, substantial percentages of the savings that had been expected by converting from propeller craft to jets are being dissipated by other factors. In fact, it was Eastern Airlines' vice president and general manager—Lewis—who said that flight costs are declining as the ef-

ficient jets go into service, but these savings are being offset by the costs of delays due to congestion, landing fees, and ground servicing. According to one account I read, Mr. Lewis noted that placing a jet on Eastern's afternoon flight from Boston to Philadelphia had reduced the line's haul cost by 34 percent, but ground-handling expenses, airport congestion, and uneconomic operations below cruising altitude were up 27 percent, and the result has been that the jet cost per passenger for the trip is only 5 percent less than the propeller cost 2 years ago.

Mr. President, I also said in those September 27, 1967, comments, and I repeat with emphasis today, that a Washington Star business writer had quoted the then Director of FAA Aircraft Development Activities as having declared that STOL aircraft are both technically and economically practicable—those which become airborne in less than 1,500 feet of runway, compared to more than 5,000 feet needed by the big jets; and those with design concepts for planes to carry up to 120 passengers, cruise at 500 miles per hour, and land at speeds as slow as 60 miles an hour.

Yesterday, September 18, 1968, Charles Yarborough, aviation specialist and staff writer for the Washington Star, updated events and demonstrated how much closer to reality is the STOL aircraft to scheduled airline service than was even dreamed of a year ago. He reported:

> An airplane that is up, off, turned and gone while a big jet is taxiing out to wait in line flew its own "road map" out of National Airport today.
>
> It was a demonstration of what may be a big factor in solving today's problems of airport congestion and delay.
>
> The aircraft was a four-engine turboprop McDonnell Douglas 188, known in Europe as the French-built Breguet, probably the world's most advanced STOL—short take-off and landing.
>
> Eastern Airlines, McDonnell Douglas and the Federal Aviation Administration are running evaluation tests with the airplane, simulating air shuttle scheduling.

Mr. Yarborough further reported that in its demonstration flight yesterday, the McDonnell Douglas 188 required only 600 feet to take off; about 400 to land. And he wrote that, as though by design, the 188 made its final, steep downhill approach to National Airport's STOL runway at the same time an Eastern DC-9 was coming in on another runway. He commented that Eastern Airlines envisions as the ideal STOL in air shuttle routes a 400-mile-an-hour aircraft accommodating at least 100 passengers.

But, Mr. President, as was pointed out by an FAA expert a year ago, STOL's that can be airborne in less than 1,500 feet, carry 120 passengers at 500 miles per hour and land as slowly as 60 miles per hour are in design concept.

The demonstrator, a converted military craft, is fitted with 12 observer seats, but is capable of seating 64 persons, and cruises at 250 miles an hour. An Eastern spokesman is reported to have said that the STOL in demonstration can conceivably can be fully developed to carry 100 passengers at 400 miles per hour and be operated commercially with those capabilities by the early 1970's.

Today, Staff Writer Paul Valentine covered the same event yesterday at National Airport for the Washington Post as did Charley Yarborough for the Washington Star. He commented:

> Eastern Airlines unveiled a tubby, short-takeoff, steep-climbing turboprop craft that may be the prototype of a replacement for Eastern jets on the crowded Washington-New York-Boston shuttle services.

And he said:

> The high-wing plane, built by McDonnell Douglas Corp., will help relieve chronic air congestion—

Quoting Eastern Airlines officials as his source. He pointed out that this is so because it is a craft that can take off on currently unused airport pavement and fly in different patterns from conventional traffic.

It is significant to emphasize, as did both Mr. Yarborough, of the Star, and Mr. Valentine, of the Post, that the STOL demonstrator, now in a 7-week demonstration program simulating the Washington-New York-Boston shuttle service, will enable Eastern to measure STOL performance against that of the DC–9 jets now operating in the popular and useful shuttle service in and out of New York's LaGuardia Airport, Washington's National Airport, and Boston's Logan Airport.

Mr. President, because of the vital importance of these developments as the search continues for real solutions to the airways and airport glut, I ask unanimous consent to have printed in the Record both the Charles Yarborough report in the Washington Star and the Paul Valentine article in the Washington Post.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Evening Star
Sept. 18, 1968]

Short Takeoff, Landing Test Plane Offers Flight-Delay Relief

(By Charles Yarbrough)

An airplane that is up, off, turned and gone while a big jet is taxiing out to wait in line flew its own "road map" out of National Airport today.

It was a demonstration of what may be a big factor in solving today's problems of airport congestion and delay.

The aircraft was a four-engine turboprop McDonnell Douglas 188, known in Europe as the French-built Breguet, probably the world's most advanced STOL—short take-off and landing.

Eastern Airlines, McDonnell Douglas and the Federal Aviation Administration are running evaluation tests with the airplane, simulating air shuttle scheduling.

With its unique navigation avionics package, it is currently one of a kind. In a demonstration flight today, it required only 600 feet to take off; about 400 to land.

As though by design, the 188 made its final steep downhill approach to National's STOL runway at the same time an Eastern DC–9 was coming in on another runway.

What Eastern envisions as the ideal STOL in air shuttle routes is a 400-mile-an-hour aircraft accommodating at least 100 passengers.

With further advanced electronic navigation systems, STOL planes of what could be a very-near future could virtually "go it alone" with little dependence on air traffic control. Separated from other planes, it can expand the usable airspace and permit more efficient operations at major airports with time savings for the passenger.

The Model 188 in current evaluation is a flying test bed for an imposing array of equipment, most of it still uncanny in its performance.

One is the Decca Omnitrac system which permits the pilot to select in advance a number of check points over a selected route. The points positions are stored automatically in a computer, which automatically guides the flight director instrument.

Oversimplified, it's a moving map. Eastern has built up operational experience with the system in over 1,200 DC–9 shuttle flights in the last 15 months.

Another device on today's airplane—and one now in use by at least 24 airlines—is one which anticipates speed changes before they register on the airspeed indicator, assuring stability of speeds during all types of approaches.

NO IMMEDIATE SCHEDULE

As with other proposed remedies for airport congestion and delays, the STOL as a scheduled service in such intercity hopping is nothing immediate.

But its potential was outlined more than a year ago by Eastern's top echelon: "With properly-developed STOL airstrips, we can enormously expand capacity at our critical airports." The carrier recognizes that "delays on the ground and delays in landing pose a clear threat to future airline growth."

Actual STOL service, on a smaller scale, becomes a reality in the Washington area next Monday when Washington Airways—created by Butler Aviation and Pan-Maryland—begins regular flying schedules linking Dulles, National and Friendship airports with 64 operations a day.

The fare between any two airports will be $8.50 on the 12-passenger Dornier Skyservants, a German-built STOL under franchise to Butler in this country.

[From the Washington (D.C.) Post,
Sept. 19, 1968]

It'll Take Off Shortly

(By Paul Valentine)

Eastern Airlines yesterday unveiled a tubby, short-takeoff, steep-climbing turboprop craft that may be the prototype of a replacement for Eastern jets on the crowded Washington-New York-Boston shuttle services.

The high-wing plane, built by McDonnell Douglas Corp., will help relieve chronic air congestion, Eastern officials said, because it can land and take off on currently unused airport pavement and fly in different patterns from conventional traffic.

Newsmen went on a half-hour demonstration flight in the short-takeoff-and-landing (STOL) craft yesterday, circling over Washington. Navigation equipment included a moving map that showed the shifting position of the plane over the metropolitan area.

The STOL needs less than 800 feet of runway for takeoff and landing—in contrast to jetliners, which often need more than a mile.

It climbed steeply, banked abruptly and reached a low cruising altitude within seconds. The STOL demonstrator, a converted military craft fitted with 12 observer seats but capable of seating 64 persons, cruises at 250 miles an hour.

When fully developed, it will carry 100 passengers and fly at 400 miles an hour, Eastern officials said. The plane promises to be an economic boon, they said, by providing quicker, more efficient service.

It will be able to fly more direct routes, which are closed to conventional aircraft because of noise-abatement rules, they said, and it will have all-weather capability.

A spokesman said it is "conceivable" that the STOL craft will be operating commercially "by the early 1970s."

Eastern will put the aircraft through a seven-week demonstration program this fall, simulating the Washington-New York-Boston shuttle service and measuring the STOL performance against that of Eastern's DC–9 jets now operating on the shuttle.

MEDAL OF HONOR AWARD TO SGT. LEONARD B. KELLER, ROCKFORD, ILL.

Mr. PERCY. Mr. President, I was honored today together with Representative JOHN ANDERSON, to attend the ceremonies on the lawn of the White House when the President of the United States presented the Medal of Honor to Sgt. Leonard B. Keller, U.S. Army, of Rockford, Ill. The ceremony itself was deeply moving and impressive and was attended by the Secretary of Defense, Hon. Clark Clifford; the Chairman of the Joint Chiefs of Staff, General Wheeler; and by General Westmoreland as well as by many others.

What a proud moment for Sergeant Keller's family, as the honor guard presented the colors and the Medal of Honor citation was read. I take pride in reading the citation at this time, so that it might become a part of the CONGRESSIONAL RECORD for today. On behalf of Senator EVERETT MCKINLEY DIRKSEN, Representative JOHN ANDERSON, and myself, I offer the gratitude of the entire Congress to Sgt. Leonard Keller for the contribution he has made to his country and to the way in which he has distinguished the U.S. Army and brought credit to his State of Illinois and the Rockford community.

The citation reads:

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to Sergeant Leonard B. Keller, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Sergeant Leonard B. Keller distinguished himself on 2 May 1967 as a machine gunner with Company A, 3d Battalion, 60th Infantry, 9th Infantry Division in the Ap Bac Zone, Republic of Vietnam. Sweeping through an area where an enemy ambush had occurred earlier, Sergeant Keller's unit suddenly came under intense automatic weapons and small arms fire from a number of enemy bunkers and numerous snipers in nearby trees. Sergeant Keller quickly moved to a position where he could fire at a bunker from which automatic weapons fire was received, killing one Viet Cong who attempted to escape. Leaping to the top of a dike, he and a comrade charged the enemy bunkers, dangerously exposing themselves to the enemy fire. Armed with a light machine gun, Sergeant Keller and his comrade began a systematic assault on the enemy bunkers. While Sergeant Keller neutralized the fire from the first bunker with his machine gun, the other soldier threw in a hand grenade killing its occupant. Then he and the other soldier charged a second bunker, killing its occupant. A third bunker contained an automatic rifleman who had pinned down much of the friendly platoon. Again, with utter disregard for the fire directed at them, the two men charged, killing the enemy within. Continuing their attack, Sergeant Keller and his comrade assaulted four more bunkers, killing the enemy within. During their furious assault, Sergeant Keller and his comrade had been almost continuously exposed to intense sniper fire as the enemy desperately sought to stop their attack. The ferocity of their assault had carried the soldiers beyond the line of bunkers into the treeline, forcing the snipers to flee. The two men gave immediate chase, driving the enemy away from the friendly unit. When his ammunition was exhausted, Sergeant Keller returned to the platoon to assist in the evacuation of the wounded. The two-man assault had driven an enemy platoon from a well prepared position, accounted for numerous enemy dead, and prevented further friendly casualties. Sergeant Keller's selfless heroism, indomitable fighting spirit, and extraordinary gallantry saved the lives of many of his comrades and inflicted serious damage on the enemy. His acts were in keeping with the highest traditions of the military service and reflect great credit upon himself and the Unted States Army.

EQUAL PENSION RIGHTS FOR WOMEN

Mr. HARTKE. Mr. President, I invite attention to an amendment which I have offered on behalf of myself and the Senator from Michigan [Mr. HART] to H.R. 2767, which I understand will likely be the pending business tomorrow.

My amendment would delete section 2 of the bill and renumber this and succeeding sections accordingly. Section 2 is an amendment which was presented in the Committee on Finance where there was an inadequate explanation and about which there is now available a better understanding of the implications. It is this better understanding which I wish to share with Senators and alert them to the intended amendment and its meaning.

Mr. President, the amendment, added by the Finance Committee and discussed in the committee report on pages 6 and 7, provides for exceptions to the Civil Rights Act of 1964 and other portions of law dealing with the provision of private pensions for women.

At the present time, under the law the Equal Employment Opportunity Commission has issued regulations in this matter only last Friday. The mandate of the amendment provided in section 2 would nullify those regulations. Its deletion, restoring it to its House-passed status with regard to this matter, will continue the authority of the Commission to accomplish nondiscrimination by sex in relation to retirement plans.

I have checked with the Equal Employment Opportunity Commission, and find that they favor retaining the present status as my deletion amendment would do. I have talked with Esther Peterson, who has been here today explaining the necessity, for the sake of holding to nondiscrimination by sex, of killing section 2. In short, I am still in favor of treating men and women alike under the law, as I am sure is true of many Senators. Therefore, even though section 2 is presented as a beneficial change, I am supporting here a truer action in the interest of equality for women workers.

Mr. President, if we do not consider H.R. 2767 yet today, my amendment will be available tomorrow when I shall discuss it more fully. In the meantime, I ask unanimous consent that an analysis prepared by Mrs. Peterson, who is so well known both by her official position as Assistant Secretary of Labor and by her long-standing concern for the rights of women, be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

FACTS RESPECTING THE EFFECT OF THE RIDER IN SECTION 2 OF H.R. 2767, PERMITTING A DIFFERENCE IN RETIREMENT AGES FOR MEN AND WOMEN, BOTH OPTIONAL AND COMPULSORY, UNDER EXISTING FEDERAL LAW

1. This rider:

(a) Would overturn the principle of equality between the sexes in employment embodied in Title VII of the Civil Rights Act of 1964;

(b) Could adversely affect the principle of equality in the Equal Employment Opportunity Executive Order No. 11375, October 13, 1967;

(c) Is contrary to the principle of the same retirement ages for men and women in effect under the Civil Service Retirement Act.

2. To ease the adjustment in retirement plans relating to optional lower retirement ages and to protect the rights of women nearing retirement age, the EEOC could:

(a) Authorize a definite period of transition such as one year within which plans containing options for women's earlier retirement could be adjusted;

(b) Specifically provide for the preservation of retirement options for women in existing plans, within certain periods of retirement age, such as ten years.

3. The far-flung effects of the rider in amending Title VII of the Civil Rights Act have not been considered by the Judiciary Committee which framed that Act.

4. The probable effects of the rider in permitting the setting of "reasonable retirement ages" on the basis of employment *practices*, as well as retirement plans, notwithstanding the Age Discrimination in Employment Act of 1967 have not been considered by the Congressional Labor Committees which framed that Act.

5. An earlier optional retirement age for a woman is not necessarily a boon or really optional. This arrangement may in fact be the means for mounting subtle pressure for what amounts to compulsory retirement or may be used as a justification not to promote or advance in salary.

6. Women are serious in wanting equality, not pseudo-favoritism, in the conditions of employment as reflected in retirement plans as well as in wage rates.

7. Mrs. Griffith's statement in the Congressional Record states that 95% of all employee retirement plans do *not* discriminate on the basis of sex.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5910) to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15263) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bills and they were signed by the President pro tempore:

H.R. 17609. An act to authorize the Secretary of the Interior to convey to the city of Kenai, Alaska, interests of the United States in certain land; and

H.R. 18785. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

DUTIABLE STATUS OF ALUMINUM HYDROXIDE AND OXIDE, CALCINED BAUXITE, AND BAUXITE ORE

Mr. LONG of Louisiana. Mr. President, I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 7735) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported from the Committee on Finance, with an amendment, to strike out all after the enacting clause and insert:

That (a) items 907.15 (relating to aluminum oxide (alumina) when imported for use in producing aluminum), 909.30 (relating to bauxite, calcined), and 911.05 (relating to bauxite ore) of the Tariff Schedules of the United States (19 U.S.C. 1201) are each amended by striking out "7/15/68" and inserting in lieu thereof "7/15/70".

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1968.

SEC. 2. (a) In the case of a taxpayer—

(1) whose business properties in Europe, when released from enemy confiscation at the end of World War II, were again immediately lost by the taxpayer without compensation and placed under Communist control by reason of treaties and agreements made between the United States and the Soviet Union,

(2) to whom a non-interest-bearing award was made pursuant to section 202(a) of the War Claims Act of 1948, as amended, and

(3) who was certified by the Small Business Administration under section 213(a)(1) of such Act as a small business concern,

there shall be allowed, as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1954, an amount determined in the manner provided by subsection (c). Such credit shall be allowed ratably over a period of ten taxable years beginning with the taxpayer's first taxable year ending on or after the date of the enactment of this Act, except that if the taxpayer dies during such ten-year period, the amount of his unused credit (as defined in subsection (d)(2)) shall be allowed for the taxable year in which he dies. The credit provided by this subsection shall be treated as a credit allowed by part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954, and shall not exceed, for any taxable year, the tax imposed by chapter 1 of such Code, reduced by the sum of the credits allowable under sections 33, 35, 37, and 38 of such Code.

(b) For purposes of the tax imposed by chapter 1 of the Internal Revenue Code of 1954, the taxable income of a taxpayer to whom a credit is allowed under subsection (a) for a taxable year (determined before the application of this subsection) shall be increased by an amount equal to the credit allowed for such year. The amount of any credit or deduction allowable under such chapter shall not be increased or decreased by reason of the application of this subsection.

(c)(1) For purposes of subsection (a), the amount of the credit shall be an amount equal to (A) six percent of the taxpayer's award under section 202(a) of the War Claims Act of 1948, as amended (less any reduction of the taxpayer's tax under chapter 1 of the Internal Revenue Code of 1954 or corresponding provisions of prior income tax laws resulting from the prior deduction of the loss for which the award was rendered, unless such reduction was made on the face of the award), multiplied by (B) the number of years in the period from September 2, 1945, the date hostilities ended in World War II, to the date on which such award was rendered in favor of the taxpayer.

(2) The amount of the credit determined under paragraph (1) of this subsection shall be reduced by an amount equal to any payment the taxpayer receives under subsection (d), and such reduction in the credit shall be ratably spread over the taxable years of the taxpayer remaining in the ten-year period specified in subsection (a) beginning with the taxable year in which the payment is made to the taxpayer.

(d)(1) The Secretary of the Treasury is authorized and directed to pay to each person described in subsection (a), out of any moneys in the War Claims Fund on the date of the enactment of this Act, an amount equal to the credit to which such person is entitled under subsection (a). If the moneys in the War Claims Fund on the date of the enactment of this Act are insufficient to enable the Secretary to pay the full amounts to which all persons are entitled under the preceding sentence, the Secretary shall pay (in lieu of such amounts) to each such person an amount which bears the same ratio to the amount in the Fund on such date as the amount of such person's credit bears to the total amount of credits of all such persons.

(2) The Secretary of the Treasury is authorized and directed to pay to each person described in subsection (a), out of any moneys in the War Claims Fund which are covered into the Fund after the date of the enactment of this Act, an amount equal to the unused credit to which such person is entitled under subsection (a). If the moneys so covered into the Fund at any time are insufficient to enable the Secretary to pay the full amounts to which all persons are entitled under the preceding sentence, the Secretary shall pay (in lieu of such amounts) to each such person an amount which bears the same ratio to the amount so covered into the Fund as the amount of such person's unused credit bears to the total amount of unused credits of all such persons. For purposes of this section, the unused credit of any person, as of any time, is the amount of the credit to which such person is entitled under subsection (a) reduced by the sum of (A) the credits allowable to such person for prior taxable years (determined without regard to the limitation contained in the last sentence of subsection (a)) and (B) the payments made to such person under this subsection.

(3) Notwithstanding any other provision of law, payments from the War Claims Fund under paragraphs (1) and (2) shall have priority over all other payments from the Fund.

(4) Payments made under paragraphs (1) and (2) shall be subject to the tax imposed by chapter 1 of the Internal Revenue Code of 1954.

(e) At such time as no taxpayer described in subsection (a) has an unused credit to which he is entitled under such subsection, the Secretary of the Treasury shall transfer moneys from the War Claims Fund to the general fund of the Treasury, out of any moneys in such Fund at such time or thereafter covered into the Fund, until he has transferred an amount equal to the total credits allowed to taxpayers under subsection (a).

(f) Terms used in subsections (a), (b), and (c) shall have the meanings assigned to them under the Internal Revenue Code of 1954.

(g) The Secretary of the Treasury or his delegate shall prescribe such regulations as he determines necessary to carry out the purposes of this section.

SEC. 3. (a) Section 5134(b) of the Internal Revenue Code of 1954 (relating to claims for drawback of distilled spirits taxes on account of certain nonbeverage uses) is amended by striking out in the last sentence thereof "3 months" and inserting in lieu thereof "6 months".

(b) The amendment made by subsection (a) shall apply with respect to claims filed on or after January 10, 1967.

SEC. 4. (a) Items 911.10 (relating to copper waste and scrap), 911.11 (relating to articles of copper), 911.13 (relating to copper bearing ores and materials), 911.14 (relating to cement copper and copper precipitates), 911.15 (relating to black copper, blister copper, and anode copper), and 911.16 (relating to other unwrought copper) of the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/68" and inserting in lieu thereof "6/30/70".

(b) The following provisions of the Tariff Schedules of the United States are each amended by striking out "24 cents" each place it appears therein and inserting in lieu thereof "36 cents":

(1) headnote 5 of schedule 6, part 2, subpart C;

(2) item 602.28;

(3) item 603.49; and

(4) item 603.54.

(c) The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1968.

SEC. 5. (a) Schedule 8, part 4, of the Tariff Schedules of the United States (relating to importations of religious, educational, scientific, and other institutions) is amended by inserting after item 854.10 the following new item:

"	854.20	Cellulosic plastics materials imported for use in artificial kidney machines or apparatus.	Free	Free ”

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Mr. LONG of Louisiana. Mr. President, section 1 of this bill, as reported by the Committee on Finance, extends for 2 years until July 15, 1970, the period during which the duty on alumina, calcined bauxite, and bauxite ore is suspended. The House bill would have provided permanent duty-free entry for these products, but a committee amendment continues the past practice of suspending the duty on a temporary basis for a 2-year period. This will enable the committee to review the developing technology in this industry, and new domestic sources of raw materials which may be developed in the future.

The committee also added four other amendments to the House bill.

The first of these additional amendments provides a limited income tax credit, reduced by payments from the war claims fund, to American taxpayers whose small businesses in Europe originally taken by Germany during World War II were not returned to them at the end of the war but rather by agreement between the United States and the Soviet Union were immediately turned over to Communist control.

Under the War Claims Act of 1948, as amended in 1962, awards were made to American claimants for the loss of their properties located in certain countries in Europe. A priority in payment of these property loss claims was made for those who were certified by the Small Business Administration as small business concerns.

Yet, the War Claims Act awards made by the Foreign Claims Settlement Commission were based only on the value of the properties at the time they were initially taken by the Germans. The awards failed to reflect the continued loss of the use of the property from the end of the war until the dates when the awards were made. Such continued loss of the use of the property had been compensated for by the Foreign Claims Settlement Commission in its administration of other claims programs by including interest in the amount of the awards. The Commission chose not to do that under the War Claims Act. As a result, some claimants whose properties did not fall to Soviet control at the end of hostilities regained the use of their properties while other claimants whose properties were in East Germany or other parts of Eastern Europe that fell to Soviet domination after the war did not regain the use of their properties and received no compensation for this continued loss of the properties.

The committee amendment provides some relief to these claimants. It directs that any money in the war claims fund now or coming into the fund in the next 10 years be used first to pay these claimants what is, in effect, interest on the amount of their original awards, from the end of the war to the dates on which the awards were rendered.

However, since there is at present insufficient money in the war claims fund—only about $373,000—to pay the claimants the full amount to which they are to be entitled, and since there may not be enough money coming into the fund to make full payment in the future, a tax credit is allowed to the claimants to the extent that they do not receive payments from the fund.

This credit is spread in equal installments over a 10-year period so that the immediate revenue impact on the Treasury is minimized. Another provision in the committee amendment lessening the revenue impact requires the taxpayers receiving the credit to include in their taxable income in each of the 10 years they take the credit an amount equal to that part of the credit taken that year. In other words, if the total credit to which a taxpayer is entitled is $100,000, he will take a $10,000 credit for each of 10 years and at the same time he will have to include $10,000 in income for each of the 10 years. The inclusion in income of an amount equal to the credit makes the benefit derived from the credit depend on the rate at which the taxpayer pays tax. The higher the tax bracket, the less benefit to be derived from the credit.

There is no carryover of this credit so that 10 years after the date of enactment, the credit will expire, regardless of whether the taxpayers are able to avail themselves of it. And in no event can the combination of the credits and any payments made from the war claims fund under the amendment exceed the total credit allowable to these taxpayers.

If enough money is covered into the war claims fund to make full payment of this so-called unpaid interest to each of the taxpayers eligible to receive payment under this amendment, any money still remaining in the war claims fund must be paid into the general fund of the Treasury up to the amount of the credits allowed to the taxpayers. In this way, it is conceivable that the Treasury will regain all of the revenue lost through the use of the credit and the Treasury might actually gain revenue because any payments from the war claims fund to these taxpayers will be taxable. The war claims fund moneys are not appropriated. They are derived from the liquidated proceeds of alien property vested in the Attorney General of the United States or transferred to him under the Trading With the Enemy Act.

Mr. President, let me summarize why this amendment is needed.

It is needed to fully compensate 13 small business claimants for property lost during World War II which was ceded after the war to Communist control in accordance with the Yalta and Potsdam conferences.

It is needed to carry out the objective of Public Law 87-846—1962—which provided for total compensation of these losses and gave the small business concerns involved a priority for payment of their claims out of the war claims fund.

It is needed to restore these small business elements to the position in which they would have been if their property had been returned to them after the war as was true with respect to most other claimants.

It is needed to restore these small business claimants to the position in which they would have been if the Foreign Claims Settlement Commission had fully compensated them for their losses as Congress intended by the 1962 statute.

And, it is needed to substantially reflect the intent of the Senate as expressed in a 1966 amendment to H.R. 13935—89th Congress—that these small business concerns be paid interest as a measure of the just compensation they were denied by the Foreign Claims Settlement Commission.

Now, Mr. President, I would like to summarize what the amendment does.

It provides a limited tax credit—spread over a 10-year period—for these 13 small business claimants equal to the amount of compensation not paid to them when the Foreign Claims Settlement Commission made their award under the 1962 statute. The amount of the credit is calculated at 6 percent of the amount of the award from the end of the war—September 2, 1945, until the date the award was paid—1965, 1966, or 1967.

It reduces the tax benefit by requiring that an amount equal to the annual credit must be included in gross income for the year the credit is allowed.

It provides for reduction of the credit for any amounts subsequently paid to these small business claimants from the war claims fund.

It reimburses the Treasury Department by allowing it to recover the amount of the tax credit actually used from funds subsequently covered into the war claims fund upon the liquidation of alien property.

Finally, Mr. President, let me show the tax policy precedents for this amendment. The Internal Revenue Code provides numerous relief features to soften the harsh impact that income or property losses have on taxpayers. When confronted with particular situations in which the general loss provisions fail to provide adequate relief, Congress has patterned the law to suit the circumstances of the situation. The following paragraphs describe certain of these provisions specially designed because of the inadequacies of the general rules:

First. Cuban expropriation losses: Taxpayers are allowed a deduction over a 10-year period for business or nonbusiness losses arising out of the taking of their property by the Castro revolutionists. I sponsored this amendment.

Second. Disaster losses: Taxpayers who suffer a loss from a major disaster after his tax year closes but before his tax return is filed may offset the loss against income from the preceding year and thus realize the tax benefit a year early. This provision was sponsored by the distinguished senior Republican member of the Committee on Finance, the Senator from Delaware [Mr. WILLIAMS].

Third. Regulated transportation corporation: Special extensions of the regular carryover period have been provided for certain transportation companies who are unable to utilize their losses in the general period.

Fourth. Auto manufacturers: The regular 3-year carryback and 5-year carryforward provisions were reversed so that the benefit of certain losses could be immediately realized. Senators NELSON and PROXMIRE sponsored this provision.

Fifth. Imports: Corporations, injured by import competition, may carry their losses back 5 years rather than 3, so that the tax benefit can be immediately realized. This provision was the subject of a Presidential recommendation by the late President John F. Kennedy.

Mr. President, I have referred to five specially designed provisions.

It is to the everlasting credit of the distinguished Senator from Delaware, who while providing help for the citizens of Delaware who were injured by hurricanes, put something into the law which helped the people of Louisiana. When Hurricane Betsy hit, anybody who owed a tax liability to the Government was helped immensely. We appreciate that. I do not think he had Louisiana in mind when he offered the amendment, but rather the people of Delaware. However, we appreciate his consideration.

TIME FOR FILING DRAWBACK CLAIMS FOR THE DISTILLED SPIRITS TAX

The next committee amendment extends from 3 to 6 months the period in which a refund claim may be filed for the tax paid on distilled spirits when those spirits are unfit for beverage purposes.

When distilled spirits are used in the production of certain nonbeverage products such as medicine, food flavoring, and extracts, the excise tax previously paid on such distilled spirits can be recovered by the taxpayer. The claim for this drawback of taxes, however, must be filed not later than 3 months after the calendar quarter during which the spirits were used. If the claim for the drawback is not made within the 3-month period, the Treasury Department has no choice under the law but to keep the taxes. This 3-month period is shorter than the period in which claims for other tax refunds can be filed. The minimum period for filing a claim for a refund other than in this one instance is 6 months. In some cases, claims for refunds of taxes may be filed within 3 years after the taxes are paid.

Therefore, the committee decided to lengthen from 3 to 6 months the period for filing a claim for a drawback of the distilled spirits tax.

COPPER

The third amendment continues the temporary duty suspension on copper for another 2 years, and increases the peril price in the Tariff Schedules from 24 cents per pound to 36 cents per pound. As provided by the committee, if the domestic price of copper falls below 36 cents, a duty on most forms of raw copper and copper ores of 1.8 cents per pound will be applied. However, if the domestic price remains above 36 cents, copper imported from non-Communist sources can come in duty free.

Copper continues to be in short supply. This is partly due to the after effects of the 8½-month strike and to increased defense and industrial demands. However, the shortage is not confined to this country. The world price of copper has remained above the U.S. price since February 1964. At one point, in April of 1966, the world price, as measured on the London Metal Exchange, was nearly $1 per pound, or over 60 cents a pound higher than the U.S. price. More recently it has fluctuated between 47 and 55 cents per pound—5 to 13 cents higher than the present U.S. price of 42 cents per pound.

At the time the Congress last suspended the copper duties in February of 1966, the domestic price was 36 cents a pound. The shortage of copper brought about by the strike and the growing civilian and defense requirements has caused the price to increase to 42 cents per pound. The administration believes that without the continued duty suspension, the price would increase further, at least by the amount of the duties. An executive communication of April 11 from the Secretary of Commerce to the Senate stated:

> Although the permanent duty on copper is low (it is now 1.5 cents per pound and will ultimately be reduced to 0.8 cent per pound on January 1, 1972, because of staged reductions agreed on in the Kennedy round), the continued suspension of duty will provide savings to domestic copper mills. We know of no adverse effect from the present suspension on the overall interests of domestic copper producers, and none is anticipated if the suspension period is extended to June 30, 1970.

In order to protect the domestic miners from the price-depressing effects of large imports, the committee agreed to increase the "peril price" in the Tariff Schedules from 24 to 36 cents per pound. Not since October 2, 1950, has the price of copper been as low as 24 cents. The new "peril point" price of 36 cents, however, reflects copper prices which applied as late as December 1966, and if the supply situation should ease—and hopefully it will—the price could well drop below 36 cents. If it does, a duty ranging from 1.8 cents per pound in 1968 to 1 cent a pound in 1972 will be applied. This duty will help protect domestic miners from growing imports.

FILTERS FOR ARTIFICIAL KIDNEY MACHINES

The last committee amendment provides for duty-free treatment for certain cellulosic materials imported for use in artificial kidney machines. This material is used as filters to remove the poisonous matters from the human body that are normally removed by healthy kidneys. For the duty-free treatment to apply, the filters must be imported by a nonprofit organization—such as a hospital—established for educational, scientific, or therapeutic purposes.

At the present time the only producer of such filters is in West Germany, and therefore no U.S. industry will be adversely affected by a removal of the present 20-percent ad valorem duties.

There is no objection to this amendment from executive branch agencies.

Mr. President, to be sure that there will be a maximum number of Senators to hear the speeches for and against the bill, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, since we are dealing with committee amendments, do I understand correctly that the chairman does not want to agree to the committee amendments en bloc and make it a clean bill?

Mr. LONG of Louisiana. It would seem to me that it would be just as well to vote on the committee amendments.

Mr. WILLIAMS of Delaware. That is agreeable with me. That would mean that section 1 would be the first committee amendment to be considered; is that not correct?

The PRESIDING OFFICER. The Chair would inform the Senator that the pending business, H.R. 7735, is in the nature of a substitute, and that floor amendments would be in order at this time.

Mr. WILLIAMS of Delaware. They would be in order at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, do I understand correctly that amendments to sections 3, 2, and 1 of the bill will be in order at this time?

The PRESIDING OFFICER. That is correct.

Mr. WILLIAMS of Delaware. Does the Senator from Montana [Mr. METCALF] wish to proceed with his amendment to section 3 first?

Mr. METCALF. I will defer to the chairman of the committee as to how he wants the amendments brought up. I have an amendment, as the Senator knows, to strike out the provision for the copper suspension.

Mr. WILLIAMS of Delaware. I have an amendment to strike out section 2 but I am perfectly willing to defer to the Senator from Montana.

Mr. METCALF. If the Senator wishes to bring up section 2 first, that is perfectly all right with me.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. President, I send to the desk an amendment and ask that it be stated.

The bill clerk read as follows:

> Beginning on page 3, strike all the language on line 6 through line 16 on page 7, as follows:
>
> "SEC. 2. (a) In the case of a taxpayer—
>
> "(1) whose business properties in Europe, when released from enemy confiscation at the end of World War II, were again immediately lost by the taxpayer without compensation and placed under Communist control by reason of treaties and agreements made between the United States and the Soviet Union,
>
> "(2) to whom a non-interest-bearing award was made pursuant to section 202(a) of the War Claims Act of 1948, as amended, and
>
> "(3) who was certified by the Small Business Administration under section 213(a)(1) of such Act as a small business concern,
>
> there shall be allowed, as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1954, an amount determined in the manner provided by subsection (c). Such credit shall be allowed ratably over a period of ten taxable years beginning with the taxpayer's first taxable year ending on or after the date of the enactment of this Act, except that if the taxpayer dies during such ten-year period, the amount of his unused credit (as defined in subsection (d)(2)) shall be allowed for the taxable year in which he dies. The credit provided by this subsection shall be treated as a credit allowed by part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954, and shall not exceed, for any taxable year, the tax imposed by chapter 1 of such Code, reduced by the sum of the credits allowable under sections 33, 35, 37, and 38 of such code.
>
> "(b) For purposes of the tax imposed by chapter 1 of the Internal Revenue Code of 1945, the taxable income of a taxpayer to

whom a credit is allowed under subsection (a) for a taxable year (determined before the application of this subsection) shall be increased by an amount equal to the credit allowed for such year. The amount of any credit or deduction allowable under such chapter shall not be increased or decreased by reason of the application of this subsection.

"(c) (1) For purposes of subsection (a), the amount of the credit shall be an amount equal to (A) six percent of the taxpayer's award under section 202(a) of the War Claims Act of 1948, as amended (less any reduction of the taxpayer's tax under chapter 1 of the Internal Revenue Code of 1954 or corresponding provisions of prior income tax laws resulting from the prior deduction of the loss for which the award was rendered, unless such reduction was made on the face of the award), multiplied by (B) the number of years in the period from September 2, 1945, the date hostilities ended in World War II, to the date on which such award was rendered in favor of the taxpayer.

"(2) The amount of the credit determined under paragraph (1) of this subsection shall be reduced by an amount equal to any payment the taxpayer receives under subsection (d), and such reduction in the credit shall be ratably spread over the taxable years of the taxpayer remaining in the ten-year period specified in subsection (a) beginning with the taxable year in which the payment is made to the taxpayer.

"(d) (1) The Secretary of the Treasury is authorized and directed to pay to each person described in subsection (a), out of any moneys in the War Claims Fund on the date of the enactment of this Act, an amount equal to the credit to which such person is entitled under subsection (a). If the moneys in the War Claims Fund on the date of the enactment of this Act are insufficient to enable the Secretary to pay the full amounts to which all persons are entitled under the preceding sentence, the Secretary shall pay (in lieu of such amounts) to each such person an amount which bears the same ratio to the amount in the Fund on such date as the amount of such person's credit bears to the total amount of credits of all such persons.

"(2) The Secretary of the Treasury is authorized and directed to pay to each person described in subsection (a), out of any moneys in the War Claims Fund which are covered into the Fund after the date of the enactment of this Act, an amount equal to the unused credit to which such person is entitled under subsection (a). If the moneys so covered into the Fund at any time are insufficient to enable the Secretary to pay the full amounts to which all persons are entitled under the preceding sentence, the Secretary shall pay (in lieu of such amounts) to each such person an amount which bears the same ratio to the amount so covered into the Fund as the amount of such person's unused credit bears to the total amount of unused credits of all such persons. For purposes of this section, the unused credit of any person, as of any time, is the amount of the credit to which such person is entitled under subsection (a) reduced by the sum of (A) the credits allowable to such person for prior taxable years (determined without regard to the limitation contained in the last sentence of subsection (a)) and (B) the payments made to such person under this subsection.

"(3) Notwithstanding any other provision of law, payments from the War Claims Fund under paragraphs (1) and (2) shall have priority over all other payments from the Fund.

"(4) Payments made under paragraphs (1) and (2) shall be subject to the tax imposed by chapter 1 of the Internal Revenue Code of 1954.

"(e) At such time as no taxpayer described in subsection (a) has an unused credit to which he is entitled under such subsection, the Secretary of the Treasury shall transfer moneys from the War Claims Fund to the general fund of the Treasury, out of any moneys in such Fund at such time or thereafter covered into the Fund, until he has transferred an amount equal to the total credits allowed to taxpayers under subsection (a).

"(f) Terms used in subsections (a), (b), and (c) shall have the meanings assigned to them under the Internal Revenue Code of 1954.

"(g) The Secretary of the Treasury or his delegate shall prescribe such regulations as he determines necessary to carry out the purposes of this section."

Mr. WILLIAMS of Delaware. Mr. President, the purpose of the amendment is to strike from the bill section 2, which deals with the so-called war claims for 13 different taxpayers.

In arguing in favor of the amendment, the Senator from Louisiana suggested that there have been a series of precedents. He cited in particular as a precedent an amendment which I sponsored, dealing with hurricanes or disaster losses. I most respectfuly suggest to the chairman that there is no connection, no relationship, nor any comparison whatsoever between the two proposals.

The reason is, the amendment which I sponsored, and which dealt with disaster losses—and which, I might say, was not dealing with a particular, isolated case—is a part of the permanent law dealing with national disasters in any area of this country.

Recently, President Johnson, included as one of the great achievements of his administration the provisions dealing with disaster-stricken areas. I would not for a moment take any of the glory away from him, but the law was passed while his predecessor, President John F. Kennedy, was in office; nevertheless, it was supported unanimously. But so we can establish the difference between that provision and the proposed committee amendment, let us point out what we did then.

Mr. President, what that amendment did was to provide that if a national disaster—it referred only to disaster losses—which occurred during the first 3½ months of a calendar year in the case of individuals, or 2½ months in the case of corporations, whereby the amount of the loss would be known, the taxpayer could then use that loss in computing his income taxes for the preceding year, as if the disaster had happened on December 31. This treatment was available to every individual taxpayer in America.

Now, it did not give any taxpayer one single dime in tax credits; rather, it only allowed a taxpayer to take a deduction against income—not a credit against tax—1 year in advance. It was done that way because there were many people who had had a prosperous year prior to the disaster and who would owe income taxes on April 15, but who had had their businesses or homes completely washed out or destroyed, and were bankrupt. Yet they still would have a tax obligation on a profit which was earned the year before.

Without that amendment, they could not have deducted their losses until the succeeding year and then would have received a refund of their taxes, anyway. The amendment merely moved the process up by a year.

So not a taxpayer in America received one dime he would not have received without the amendment. The only thing was that he received the benefit a little sooner.

Now, what happens under this bill? Under this bill there is a direct payment or tax credit—there is no recovery—of \$1,546,787.65 to 13 different so-called taxpayers. This is a tax credit which will never be recovered again by the U.S. Government. It is a payment, not one dime of which could be gotten without the enactment of the bill. The way it is done under the committee amendment is that, instead of paying these people x amount, they are allowed to deduct this amount from their tax liability this year, next year, and so on for 10 years. They get this amount as a tax credit until they have received the whole amount.

Even if these people are entitled to help, an amendment to the Internal Revenue Code is not the manner in which to do it.

The first item involves a payment to Aris Gloves, Inc., of \$462,528.53. The second, a tax credit of \$42,250. The third, a payment of \$14,450. The fourth, a payment of \$76,770, and so on down the line. I shall place them all in the Record.

No evidence was presented to our committee as to whether we owe these people this money or not. But if so, it should be paid by the War Claims Commission. That is what the Commission was set up for. If there is not enough money in the War Claims Fund, let us use the orderly processes of appropriation, to provide the funds. But we should not use the Internal Revenue Code to provide funds to these 13 people.

The Finance Committee, without any hearings, and without any knowledge as to the validity of the claims of these people, says these people are entitled to these claims, and that we should give them this tax credit totaling over \$1½ million. To my knowledge, there has never been any such precedent. This would be a bad precedent. This measure is not endorsed by the Treasury Department, although their letter opposing it sounds more like "no—maybe." When I talked to the Treasury officials, they said they were opposed to it. There is no administration endorsement here. Heretofore the Department has taken such a strong position against tax credits, even amendments—sponsored by my friend from Florida and other Senators—which would give tax credits to parents sending children to college, that would have much more merit than this special privilege amendment. The administration has always taken a position against that type of tax credit.

In this particular case I see no reason why, in the closing days of the session of Congress, we should pass a bill which pays \$1.5 million to 13 taxpayers, when, as far as I know—perhaps other members of the committee know more about it than I do—and as far as any evidence presented to our committee is concerned, there is no basis upon which we can determine the validity of these claims. This is not the time or the place to provide for this type of relief.

I hope the amendment deleting this section will be adopted before we turn this bill into another Christmas tree affair.

I shall ask for the yeas and nays before we pass the bill.

Mr. LONG of Louisiana. Mr. President, the Senator from Delaware has made a very fine argument, and I shall state the case for the amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that further debate on the pending amendment be limited to 40 minutes, to be equally divided between the manager of the bill and the Senator from Delaware [Mr. WILLIAMS], 20 minutes to each side.

Mr. WILLIAMS of Delaware. Mr. President, I would have no objection to that request if it could be understood that we would have enough Senators present to get the yeas and nays ordered.

Mr. LONG of Louisiana. Mr. President, I make that request with the understanding that any time for quorum calls will not be charged to either side.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, protecting the rights of the Senator from Delaware, I shall——

The PRESIDING OFFICER. A quorum call is in progress.

Mr. LONG of Louisiana. I ask unanimous consent that the order for the quorum call be temporarily suspended.

Mr. FANNIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The call of the roll will continue.

The rollcall was resumed.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. LONG of Louisiana. I yield 5 minutes.

Mr. President, what we have here is a bill that involves tariffs that would be worth literally hundreds of millions of dollars to the Aluminum Co. of America, Reynolds Aluminum, Kaiser Aluminum, Anaconda Copper Co., and nobody is really excited about what we are doing to these major corporations; but here comes some little fellow, who had his property seized by the Communists, never to be returned. Thank the merciful Lord he managed to escape from behind the Iron Curtain. He was an American citizen all the time, and we are proud to have him back here. And so here is a little something that for 13 American companies would be worth about $800,000—nobody has ever even bothered to calculate how much this bill is worth to Aluminum Co. of America. But when some little fellow had everything he owned in life captured by the Communists, never to be returned, sold out at Yalta, and that little fellow gets a break, then, oh, my goodness, this is terrible, this must never happen; so we try to get around it by passing a bill unanimously, which we did, through the Senate.

I doubt whether my good friend has any idea how much money this bill will cost the Government for the benefit of the Aluminum Co. of America, Alcoa—how much will this cost the Government for their benefit, might I ask my good friend?

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Yes.

Mr. WILLIAMS of Delaware. I have not the slightest idea who benefits from the amendments in the committee bill and I doubt whether the Senator from Louisiana does, unless someone has been calling at his office and telling him something that was not told to the committee.

Furthermore, I think the RECORD ought to show that these 13 people we are discussing have already been paid 100 percent of their war claims. What this bill provides is in addition to what the War Claims Commission awarded them. This is a $1½ million bonus.

Mr. LONG of Louisiana. This is exactly the same proposition as if somebody stole your bond and, 20 years later, you got your bond back, but not the interest that accrued in the 20-year period. The interest might exceed the value of the bond, and you are entitled to get it back as well as the bond.

The Senator says he does not know the effects the bill on these big companies will be. Let me tell the Senator what effects the bill will have. The amendment waiving the tariff on imported aluminum could involve as much as $50,000 per shipload.

Mr. WILLIAMS of Delaware. Will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. WILLIAMS of Delaware. I am glad the Senator brought up that point. There will be another bill before the Senate later today dealing with the overexpanded ship subsidies. When that comes before us for consideration, I trust the Senator from Louisiana will join me in an effort to curtail that subsidy operation, too.

Mr. LONG of Louisiana. Well, Mr. President, my good friend, bless him, does not like the shipbuilders, and inasmuch as none of those people are in the State of Delaware, I think he is very wise. He would put them out of business any time for the benefit of the chicken industry; but if I do say it, he is a very avid fighter in behalf of the chicken industry, I applaud his efforts in behalf of the chicken industry of Delaware. We have some shipbuilders in Louisiana, and I like to protect their interests, if I can.

It is worth many millions of dollars to these big companies to pass this bill. That does not bother the Senator. If I do say it, he is the greatest man to swallow a camel and strangle on a gnat that I have met in some time.

So now we come to some little fellow who gets his property taken away, his business seized, some little fellow who managed to escape from behind the Iron Curtain, and the Senator from Florida [Mr. SMATHERS] offers an amendment to say that before we pay off the insurance companies, we pay off this little fellow who had his property seized and never got it back.

The Senator from Florida offered an amendment to say we will take care of these small war claims and small business people before we take care of the big ones.

Mr. President, I believe I can look on this matter in a somewhat judicious way. I suppose the biggest corporation in Louisiana, and one of my good friends, is Standard Oil of New Jersey. I want the Senator from Delaware to hear this.

These little people were denying the interest that they had a right to claim and here is the greatest corporation in my State—bless them, I love them with all my heart, they are good friends of mine, they have a plant right there in Baton Rouge, the biggest employer in my hometown—how much are they going to get, not out of this bill, but from war claims or settlements on their ships? $73,400,000. That does not bother the Senator from Delaware. All he is worried about is some little fellow whose property was seized, never to be returned, who was run out of his home, never to be able to go back, and the Senator is worried lest he get the interest——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. LONG of Louisiana. I yield myself 2 more minutes.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. He would get what he is supposed to get under the amendment, and that really upsets the Senator. The fact that Standard Oil received $73,400,000 and the fact that we spend as much money as we do going over to liberate these people does not bother the Senator at all.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield for just a moment?

Mr. LONG of Louisiana. If the Senator will wait just a second, I will yield to him.

If I do say it, this money was taken away from the little people to give it to Standard Oil of New Jersey.

They are a wonderful company. I love them. Some of their executives are my best friends. However, it is difficult to justify paying them and not the small businesses. Who else is mentioned? Who is the No. 2 on the list? It is the International Telephone & Telegraph Co. It received $28,100,000.

If I really had to say it, as much as I love Harold Geneen—he is one of the best friends I have in business—I would have to say that I would not take that money away from the poor little war orphans to give it to Mr. Harold Geneen. He is a wonderful executive. It is not that hard for him to make money. He is a wonderful, courageous executive. He is one of the best in the world.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, will the Senator yield so that I might ask a question?

Mr. LONG of Louisiana. I yield.

Mr. SMATHERS. Mr. President, is it not a fact that the Senate originally approved in other legislation the claims of these 13 small businessmen? That legislation was in the Judiciary Committee. It was passed by the Senate.

Mr. LONG of Louisiana. The Senator is correct.

Mr. SMATHERS. It was in conference between the Senate and House Judiciary Committees. Nothing came of it. However, the Senate approved it.

Mr. LONG of Louisiana. They approved it by a unanimous vote.

Mr. SMATHERS. Is it not a fact that the way this got to the Finance Committee was through an effort to try to give to the people some relief and get around the House position? We deemed it advisable to introduce an amendment which would give them a refund, in the form of a tax credit.

Mr. LONG of Louisiana. The Senator is correct.

Mr. SMATHERS. And at that point what happened was that we intended that they would also get the interest. However, that was not actually mentioned in the law. That is what this amendment is trying to do. It is trying to give the interest to these 13 small claimants, each of whom has to be certified by the Small Business Administration as qualifying as a small businessman. It also provides, does it not, that in the event they are repaid from the war claims fund, they then have to turn around and reimburse the Treasury for that amount which they receive?

Mr. LONG of Louisiana. The Senator could not be more correct. Furthermore, the Senator from Florida [Mr. SMATHERS] is a member of the Judiciary Committee and is also a member of the Finance Committee. The same thing is true with respect to the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]. He, too, is on the Judiciary Committee and on the Committee on Finance.

The war claims settlement was held up so long that I found some way to bypass the Judiciary Committee and pass a war claims bill. And the Senator from Florida helped to bypass his own committee. So did the Senator from Illinois [Mr. DIRKSEN].

We wanted to provide that, after 17 long years, these people could get some relief instead of being victimized forever. And the Senator from Florida stood on his feet and said: "We ought to take care of these little people."

We found our purpose was frustrated because the War Claims Commission did not allow interest—which they should have allowed.

The Senator from Florida then proceeded to try to help these people. So did the Senator from Illinois. We then passed by a unanimous vote a bill to give the relief we sought to give to begin with. Nothing happened because we could not get approval of the House. These two Senators who serve on the same committee then said, "Why don't we try to give these people a benefit through a tax credit cut?"

They followed the able precedent set by the fine senior Senator from Delaware who provided for his citizens when a hurricane came ashore in Delaware. It probably did more good for Florida and Louisiana than it did for Delaware.

The Senator from Delaware showed us how to do it. If one cannot get the benefit he seeks through the House, then he should try the tax route. That is what we did.

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 10 minutes remaining. The Senator from Louisiana has 8 minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. WILLIAMS of Delaware. Mr. President, it has always been said that figures do not lie; but individuals can do a lot of strange things with figures.

We have heard how much the Standard Oil and aluminum companies got here and there under the various proposals. The truth is Standard Oil and the aluminum companies are not involved in this amendment at all.

As with many of the oil companies, I agree that the Louisiana oil companies do not pay their proportionate part of their taxes.

I supported on several occasions amendments to make them pay their fair share of income taxes. With reference to the excessive large depletion allowance, I am glad that the Senator from Louisiana has seen the light. We need his assistance.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield on the time of the Senator.

Mr. LONG of Louisiana. Mr. President, I yield myself 10 seconds.

The Standard Oil Co. is one of the biggest taxpayers in Louisiana. I am sorry if they do not pay any money in Delaware, but they do pay very handsomely in Louisiana.

Mr. WILLIAMS of Delaware. Does your State recognize the same depletion allowance that the Federal Government does?

Mr. LONG of Louisiana. The State does recognize the same depletion allowance.

Mr. WILLIAMS of Delaware. I will welcome the Senator as a cosponsor of the amendment to reduce their depletion allowance.

Under the War Claims Act of 1948, there were 5,920 claimants who received $25,595,480. Included in that group were the same 13 mentioned today. And remember they have already been paid 100 percent of their claims. One hundred percent of their claims was paid but not the interest.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I will yield later. I have listened to the Senator's arguments and enjoyed it. I hope that the Senator enjoys what I am telling him. I hope that he pays attention to it as well.

Under the War Claims Act of 1948, there were 7,034 claimants who received $309,204,000; 1,119 of these were paid only 61.3 percent of the amount of their claims. The other 5,635 were paid the principal of their claim in full. This measure would give these 13 claimants interest on their previously paid claims as a special bonus.

If they are entitled to it, why is it not done as a separate, special bill?

Mr. LONG of Louisiana. Mr. President, will the Senator yield on my time?

Mr. WILLIAMS of Delaware. I will yield in just a moment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield on my time?

Mr. WILLIAMS of Delaware. I will not yield now.

Why is this not done as a separate bill? The Senator from Louisiana points out it was done as a separate bill and that it passed the Senate unanimously. It may be true that it passed the Senate as one of the calendar bills. So many bills are passed in that manner. And I for one should have known it was passed in that manner. However, I did not. Perhaps, it was one of those bills that looked very innocent and passed where we did not look closely enough at the bill. I will take my share of the responsibility for that. However, at least in conference the House conferees from the House Judiciary Committee rejected the bill.

So now these taxpayers are trying to bypass the Judiciary Committee.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 4 minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, I yield the floor.

Mr. LONG of Louisiana. Mr. President, I yield myself 30 seconds.

The Judiciary Committee did not turn us down. They did not even talk to us at all. So we did not even get a chance to present an argument, even though the Senate had agreed to the bill by a unanimous vote.

The PRESIDING OFFICER (Mr. HATFIELD in the chair). Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. You have 16 minutes.

Mr. WILLIAMS of Delaware. I yield myself 5 minutes.

Mr. President, certainly these people could not get their property back once it was destroyed. There is no argument about that. But they got paid for their property. They got paid 100 percent, and this amendment would give them an extra bonus.

I think it is a little early in the year to pass out Christmas presents. We had Christmas tree bills in the past, but I see no justification for acting in this manner with respect to these 13 so-called taxpayers. I do not even know whether they are citizens of this country, where they live, or where their property was. But they are not such little fellows. The interest alone on one's claim is $462,000. If his interest is $462,000, what was his principal? He is not such a little fellow. Let us not shed too many crocodile tears. A great many people in Louisiana could use this $1.5 million, to just as good an advantage as these people can use it. But they have been paid

100 percent of their claims already. Why pay this bonus?

There is no basis and no precedent for allowing these tax credits and paying interest on the claims in this manner. If there is a precedent, no one has advanced it.

Mr. President, I ask unanimous consent to have printed at this point in the Record a memorandum prepared by the staff of our committee, outlining the various payments that will accrue to the 13 taxpayers.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

July 8, 1968.

Memorandum

To the Honorable John J. Williams.
From Staff, Senate Finance Committee.

Pursuant to your request, following is a list of the taxpayers who received awards under the War Claims Act of 1948 as amended for small business concerns which were taken by Germany during World War II and then were again immediately lost at the end of the war by reason of treaties made between the United States and the Soviet Union. These are the taxpayers to whom would go the modified tax credit in the amendment proposed. Along with the names of the taxpayers are the amounts of their awards upon which the credit would be based.

Aris Gloves, Inc	$462,528.52
Anny Barkowsky	42,250.00
Wiktoria Iwric Bibla	14,450.00
Max Curran-Wujesch	76,770.00
Louise Mary Hardy	264,490.00
Erwin John	16,540.00
Zigmunt Krakowiak	7,547.17
Maisie Lemlich	70,000.00
Sam Moskowitz, Mollie Moskowitz	16,576.00
Aron Perlman	133,291.42
Robert Reiner, Inc	238,960.98
Laura Lore Sonntag, Eva Luise Ezri, Marianne Caroline Hafner, Carl Wolfgang Sonntag	144,000.00
Eugene J. Schwabach	59,383.44
Total	1,546,787.65

To the extent that payments can be made from the War Claims Fund (the money for which is not appropriated) the amount of the credit that can be taken by the taxpayers would be reduced. Presently there is in the Fund $375,000 which could be paid to the taxpayers in lieu of a portion of the credit available under the proposal.

Mr. WILLIAMS of Delaware. I also ask unanimous consent to have printed in the Record a letter from the Treasury Department stating that it is not right to use this tax credit approach for paying interest on these war claims.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Treasury Department,
Washington, D.C., July 19, 1968.

Hon. John J. Williams,
U.S. Senate,
New Senate Office Building.

Dear Senator Williams: Secretary Fowler has asked me to reply to your letter of July 10 concerning the tax credit amendment added by the Senate Finance Committee to H.R. 7735. This amendment in effect provided a tax credit to 14 taxpayers to compensate them for interest on certain war claims arising out of World War II.

The amendment essentially provides for the payment of claims by the Government to a limited group of taxpayers through a reduction of their tax liability. Whether the payment of these claims involving interest on amounts paid for property lost in World War II is justified or desirable is a matter not within the jurisdiction of the Treasury Department and we defer to Agencies more directly concerned with this matter.

Your inquiry also raises the question of whether, assuming the objective of the bill is meritorious, this is an appropriate use of the tax system. Neither the objective of the bill nor the mechanics of its implementation have anything to do with the measurement of income or with the general application of the tax laws. It simply provides that in lieu of the Government making payments to the taxpayers concerned, the same effect will be achieved by an offsetting of the amounts involved against taxes which would otherwise be due. The Treasury Department feels, therefore, that this proposal represents an inappropriate and undesirable use of the tax structure to achieve a non-tax purpose.

The Treasury and the Bureau of the Budget are generally opposed to financing Government expenditures through the tax system, because it avoids the normal authorization and appropriation process, obscures the cost of the programs, and frequently means that those most familiar with the substance of the program do not consider it.

I am sending a copy of this letter to Chairman Long for his information.

Sincerely yours,
Stanley S. Surrey,
Assistant Secretary.

Mr. WILLIAMS of Delaware. Mr. President, I hope that this amendment to delete the section referred to will be adopted.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. Mr. President, I was not present while the Senator made his presentation. Is there any precedent for the granting of this tax relief to persons occupying the positions of being recipients of awards on war claims or foreign claims?

Mr. WILLIAMS of Delaware. None whatever. It should be borne in mind that we passed the War Claims Act of 1948. That act as later amended in 1962 provided that small business concerns and individuals with claims up to x amount would be paid 100 percent of their claims. The remaining funds were to be prorated among the major claimants and it ended up that these latter claimants got approximately 61 percent of the amount they claimed.

Had there been enough in the war claims fund to have paid them 100 percent, and then enough for interest, it would have been paid. There is no question about that. But there was not enough in the fund.

Surely, they would like to have 100 percent of their claims, and they would like to have interest on the claims. But many people suffered—they lost their lives—during World War II. They are not being recompensed 100 percent. Why should these 13 people be singled out and be told, "You received your payment of 100 percent for your war claims under the 1948 act, but now we're going back retroactively and pay you all the back interest"?

Many religious and charitable organizations which were among the major claimants and did not fall into the small claims category were not paid 100 percent of their claims. They received only 61 percent. The claims of many of these religious organizations were settled with a payment of 61 percent. But would this amendment take care of them? Not at all. It just singles out 13 taxpayers and says, "You received a hundred percent of your claim, and now we're going to give you a bonus over that," without making up the claims of the religious organizations and colleges. In fact they will actually be penalized under the committee amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. I yield myself 1 additional minute.

There can be no justification for such action. If these religious organizations were being paid it might be a different story. But even then the appropriate committee that approved the War Claims Act first should hear testimony on this matter.

Not one person has ever testified in favor of this amendment before the Committee on Finance and the only views offered in executive session were those favoring the 13 taxpayers.

Mr. LAUSCHE. Against what governments are these war claims existent?

Mr. WILLIAMS of Delaware. I do not know the answer to that question.

Mr. LAUSCHE. Is it a fact that there is a different type of treatment granted to these 13 or 14 than is granted to other claimants in the same category?

Mr. WILLIAMS of Delaware. That is correct; there is a difference, yes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. I yield myself 1 additional minute.

Mr. LAUSCHE. How many other claimants are in the same category that are being given discriminatory and prejudicial treatment, considering the fact that these people would be allowed this tax grant?

Mr. WILLIAMS of Delaware. I do not have that figure, but I understand there were about 6,000 of which number 251 were classed as small business operations.

Mr. LAUSCHE. So 13 have been picked out; 6,000 have been ignored.

Mr. WILLIAMS of Delaware. I do not see any basis for such action; nor was there any testimony before our committee which indicated why these 13 people should be singled out for special treatment.

Mr. LAUSCHE. The Senator has offered an amendment to strike this section from the bill?

Mr. WILLIAMS of Delaware. Yes—my amendment would strike the section which would give special payments to this group of 13 persons.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LONG of Louisiana. Mr. President, the issue here is very simple. It is the same situation as if one were holding a bond. He paid $75 for the bond, and when it matures, it is worth $100. Someone steals the bond. When the bond falls due, the one who purchased it is entitled not only to the $75 he paid; he is also entitled to the interest.

The Senator from Illinois [Mr. DIRKSEN] offered an amendment to make it clear that these little people who were denied their property should be entitled to the interest on their war claim. But when the Interhandel matter was arranged a large amount was taken out of the war claims fund. Many companies got their property back, which, of course, they had to include in income and thus pay tax on. Now we are saying that these little people should be treated fairly and should get the same type of compensation according to preference they were supposed to have.

We passed by unanimous vote the Dirksen amendment to try to rectify the mischief that the War Claims Commission had committed. The House conferees from the Judiciary Committee would not even discuss the amendment with us.

Mr. DIRKSEN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 6 minutes remaining, and the Senator from Delaware has 9 minutes remaining.

Mr. LONG of Louisiana. I yield 3 minutes to the distinguished Senator from Illinois.

Mr. DIRKSEN. Mr. President, when this proposal was under consideration, I had no hesitancy in adding my name to it, because I thought it was a fair claim. It relates only to these 13 small business enterprises. To be sure, they received an award, but there was a long period when they received nothing for the use of their property; and, unlike so many other claimants, in this case under various treaties and agreements, those properties were finally given to the Soviet Union. That was one of the Yalta deals, and that left them high and dry.

Now, here comes a proposal to give back to them a tax credit over a 10-year period at the rate of 6 percent, so set up that, for practical purposes, the Treasury would lose virtually no revenue. Then, to make doubly sure that the Treasury would not lose, the Treasury will be reimbursed out of the war claims settlement fund if, as, and when more money is in that fund. My understanding is that while there presently is probably under $375,000 in the fund, at some time or other they likely will be able, in the liquidation of property, to get as much as $20 million. Therefore, the Treasury would be reimbursed. I think this claim has merit. I think it is perfectly equitable; and we try to do equity.

I served as chairman of the War Claims Committee for a long time. I went through many of these items, many of them difficult, with the State Department, the War Claims Settlement Commission, and others. In every case we sought to do equity, and that is what is sought to be done here.

That is the reason I support the amendment. I think in its present form it should be agreed to. I oppose the amendment to strike it out. I am talking about the amendment we wrote in the bill in the committee.

Mr. SMATHERS. Mr. President, will the Senator yield to me?

Mr. LONG of Louisiana. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 3 minutes remaining and the Senator from Delaware has 9 minutes remaining. Time will run equally unless someone is using it.

Mr. LONG of Louisiana. Mr. President, the Senator from Delaware has 9 minutes remaining. I suggest that he use some of his time. Then, we can use the remaining time.

The PRESIDING OFFICER. The Senator now has 2½ minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 1 minute.

Mr. WILLIAMS of Delaware. Mr. President, I want to save time and money. It should take me only 1 minute to point out and summarize why this committee amendment should not be agreed to.

First, no one knows who these people are—are they even American citizens today? Second, they already have been paid 100 percent of their claims. Third, there has been no testimony as to the merits of this further claim before any Senate committee. The only letter from the executive branch came from the Treasury Department which said it has no knowledge as to whether the claims were good or bad, but that in any event it was opposed to this tax credit as a means to pay these 13 persons. There can be no possible justification for this proposal, in my opinion, except that on the eve of an election, and as Christmas approaches, the Senate feels in a very generous mood and wants to put 13 bulbs on this Christmas tree.

I reserve the remainder of my time.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Mr. President, I yield to the Senator from Florida. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. SMATHERS. Mr. President, the 13 people we are talking about in this bill are not getting treatment that others did not get. We passed a law in 1962, which is known as Public Law 87-846. It provided that under certain conditions there would be small business people who previously had not been paid for their war claim who would have some consideration provided for by Congress. That is what we are now trying to do.

We attempted to approach the matter through the Judiciary Committee route but the House Judiciary Committee would not move on it. Then, we thought the only fair and equitable course, because we had done so in previous cases, was to provide tax credits. That is what we decided to do here.

The statement was made that these people were fully paid. They were paid the principal but not the interest. Everybody else who was paid received both principal and interest. All we can do is give these people an opportunity to get their money through a tax credit, as provided in this law, which applies to those certified by the Small Business Committee as being small business people.

Mr. President, this is obviously a just and fair amendment and it should be agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. LAUSCHE. Mr. President, how much time does the Senator from Delaware have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 7 minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 3 minutes, and then I shall yield to the Senator from Ohio.

Mr. President, the Senator from Florida said everyone else had been paid principal and interest. That is not correct. There were 5,920 claimants who were paid 100 percent of their claims: Of this number there were 251 small businesses who were paid 100 percent of their claims. They did not receive interest however, but they got 100 percent of the amount of their claims.

Another 1,119 with larger claims received only 61 percent of their claims. Included in this group were various religious organizations, many of which had lost their churches and various other properties in Europe. They received only 61 percent, along with all of the other business companies.

We have no knowledge where the properties, the subject of the amendment were located and no knowledge as to whether the claims in question are valid or not. There has been no testimony.

Mr. President, this is just an end run around the Judiciary Committee with a private claim bill. I repeat there has not been a single Government agency which presented testimony to the Finance Committee in support of this proposal.

Mr. President, at this time I shall make an additional short statement in opposition to the committee amendment contained in section 2 of the bill looking at the provision from the standpoint of the tax law.

Section 2 of this bill provides for the payment of interest to 13 taxpayers on certain war claim awards which arose out of World War II. It is dressed up as a tax credit all right, but that is the only connection it has with our tax system. It is just a disguised payment of interest—the matter is that plain and simple.

Section 2 of this bill is in reality the authorization and appropriation of governmental funds to 13 persons. And yet, because it is dressed up as a tax credit, it avoids all the steps of the authorization and appropriation processes which are normally required for governmental expenditures. Let me read to you what the Treasury Department has to say about this so-called tax credit:

> Neither the objective of the bill nor the mechanics of its implementation have anything to do with the measurement of income or with the general application of the tax laws. It simply provides that in lieu of the Government making payments to the taxpayers concerned, the same effect will be achieved by an offsetting of the amounts involved against taxes which would otherwise be due. The Treasury Department feels, therefore, that this proposal represents an

> inappropriate and undesirable use of the tax structure to achieve a non-tax purpose.
>
> The Treasury and the Bureau of the Budget are generally opposed to financing Government expenditures through the tax system, because it avoids the normal authorization and appropriation process, obscures the cost of the programs, and frequently means that those most familiar with the substance of the program do not consider it.

Mr. President, the fact that this tax credit has nothing at all to do with our tax system is clearly shown by the special repayment provision associated with it. That provision requires that after these taxpayers have been paid the interest through this tax credit, any moneys which come into the war claims fund are to be paid over to the general fund of the Treasury. This is to go on until enough funds have been transferred to pay the general revenues back for the credits which were allowed. Mr. President, whoever heard of providing a tax credit which reduces the general revenues and then requiring some other fund in the Government to reimburse the general revenues for the amount of credits. This repayment provision shows up the so-called credit for what it really is.

Mr. President, this payment of interest is dressed up as a tax credit for a very simple reason: because these taxpayers failed in their efforts to have the War Claims Act amended to allow direct payments of the interest. They could not get in the front door with a direct authorization so now they are trying to sneak in the back door with a tax credit. This is not only a completely unwarranted use of our tax structure, but an affront to the Judiciary Committees of the Senate and the House who have jurisdiction over the War Claims Act and the payment of interest on war claims awards.

Mr. President, in 1966 the Senate added a floor amendment which would have authorized the direct payment of this interest to a House bill. This was not a matter which had been considered by the Senate Judiciary Committee. The amendment was knocked out in conference because of the strong objections of the chairman of the House Judiciary Committee. That setback, however, does not seem to have discouraged these taxpayers. Instead, they devised this ingenious way to get the interest through a tax credit. By doing this, they make a mockery of the tax structure and, I am sure more importantly to them, they manage to completely avoid and bypass the Judiciary Committees of both the Senate and the House.

One of the arguments which is advanced for paying the interest through this tax credit is that there is not enough money in the war claims fund to pay the interest directly. Since when, Mr. President, do we enact a tax credit to make payments to private persons, instead of authorizing the payments and appropriating the necessary funds? Is this to be the new way of doing business? When a direct authorization and appropriation of funds to make payments to private persons fails to receive congressional approval, are we then to turn and enact a tax credit which does exactly the same thing?

Mr. President, if Congress wishes to expend Government funds to pay interest to these 13 persons on their World War II claims awards, it should be done through a private relief bill or an amendment to the War Claims Act, not through a tax credit.

Mr. President, section 2 of this bill should be vigorously condemned and I urge my colleagues to reject it.

Mr. LAUSCHE. Mr. President, may I have some time on the bill?

Mr. WILLIAMS of Delaware. There is no time on the bill.

Mr. MANSFIELD. There is only time on the amendment.

Mr. WILLIAMS of Delaware. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Delaware has 5 minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, the reading of the report on page 5 shows that these claimants under the original bill passed years ago were not qualified to receive benefits. In 1962, according to the report, and set forth in Public Law 87–846, as mentioned by the Senator from Florida, they were qualified to make claims. I wish to read on page 5 of the report:

> *Background.*—Public Law 87–846 (enacted Oct. 22, 1962) amended the War Claims Act of 1948 to provide relief to certain American claimants previously ineligible to receive benefits for their losses arising from World War II. Among the claims provided for in the 1962 amendments were those for the loss of property located in eastern Europe resulting from special measures directed against the property because of the enemy or alleged enemy character of the owner.

They are a special class. They were included because they suffered through special measures directed against the property because they were enemies or alleged to be enemies of the government that acted upon their property.

The point I want to make is that in 1962 we passed a special bill to give them special treatment. Now we are passing another bill, a special bill, again to give them special treatment—13 of them out of 6,000.

Why?

Mr. WILLIAMS of Delaware. The Senator is correct. These people originally were not eligible for 100-percent relief. Later, as a result of a 1962 modification of the law, they were made eligible. They were then paid 100 percent of their claims. Now they are here again wanting interest on their claims, as though we had not paid them anything before. This is something we do not do for other Americans. At a time when we are raising taxes by 10 percent on every American citizen, there is no possible justification for singling out these 13 individuals and giving them $1.5 million through income tax credits.

Mr. LAUSCHE. Who is able to tell what the special measures were which were directed against the property because of the enemy or alleged enemy character of the owners? They obviously were living there and yet special measures were taken. What were the special measures?

Mr. WILLIAMS of Delaware. Mr. President, I cannot answer that question, but——

Mr. SMATHERS. Mr. President, I will try to answer the question.

Mr. WILLIAMS of Delaware. Mr. President, I yield 3 minutes to the Senator from Florida.

Mr. SMATHERS. What happened was that there was an argument in Eastern Europe as to how that came about. The Germans wanted to claim that they owned the property the subject of the claim. What happened was that, as a result of the Potsdam and Yalta Conferences, the areas where these properties were located were placed under Soviet control and the property was given to the Soviet Union. There is no question on this point. This was clarified some time back by the War Claims Commission. That is why these claims are in a special category.

Mr. LAUSCHE. The facts are that in 1962 we passed a special law which was amended to give them special treatment again—the 13 claimants. Now we pass another special law to give them special treatment again, just to 13, while 6,000 were given entirely different treatment.

Mr. LONG of Louisiana. Mr. President, the Senator from Delaware asked for 3 additional minutes. I should like to ask for 3 additional minutes for my side.

Mr. WILLIAMS of Delaware. I did not ask for 3 additional minutes——

Mr. LONG of Louisiana. The Senator asked for 3 minutes.

Mr. WILLIAMS of Delaware. I asked for 3 minutes for the Senator from Florida. I did not ask unanimous consent for any additional time. I asked the Senator from Florida if he wished more time and then——

The PRESIDING OFFICER. The Chair informs the Senate that the time on both sides will be extended 3 additional minutes.

Mr. LONG of Louisiana. I want the Senator from Ohio to hear this. He talked about the special measures taken. Here is what happened. The people's property was taken and never given back to them. They were entitled to have it back, both the property and what the property would have earned for them if it had not been taken. That is the whole of the law, and the whole of the history of these war claims.

That is the special treatment these people got. We said: "All right, now, your claim will be paid. These little people, with their $800,000 will be paid." We did what we could to help these little people. All I am saying is that we intended to treat the little people fairly. Their property was gone as a result of the agreements at Yalta and Potsdam—and the Senator from Ohio was as much against that as any other man in America today. Having done that, we tried to restore to these people what they were supposed to have under the law as we passed it. We will try to do it again for them. It is just that simple.

Mr. LAUSCHE. I thank the Senator for trying to explain it. But I predict that there are other war claims that have not yet been settled—Rumania and others. There will be still others and we will have them asking for the same type of treatment.

Mr. LONG of Louisiana. There is absolutely no problem. We have paid off the claims in Italy and every other country we could find, with interest.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. WILLIAMS of Delaware. Mr. President, I have 4 minutes remaining. I promised to yield to the Senator from New York. He will be in the Chamber in just a moment; therefore, I suggest the absence of a quorum, with the time to be charged to neither side.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I should like to make some requests outside the time limitation on the bill.

The ACTING PRESIDENT pro tempore. Without objection, the Senator may proceed.

ORDER FOR ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HOLLINGS AND SENATOR FANNIN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the prayer and the disposition of the Journal, the distinguished Senator from South Carolina [Mr. Hollings] be recognized for not to exceed 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that following the speech to be made by the Senator from South Carolina, the distinguished Senator from Arizona [Mr. Fannin] be recognized for not to exceed one-half hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the speech to be delivered by the distinguished Senator from Arizona, there be a period for the transaction of routine business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969

Mr. DIRKSEN. Mr. President, I should like to have the distinguished majority leader clarify something for me. Is it the intention to bring up the Department of Defense appropriation bill on Monday next?

Mr. MANSFIELD. It is. I understand that the full committee will report the bill favorably this afternoon.

Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. How does the 3-day rule apply? Will Sunday count as one of the 3 days?

The ACTING PRESIDENT pro tempore. There must be 3 intervening days. Sunday will count.

Mr. MANSFIELD. I feel certain that we will be within the 3-day limitation, if necessary; nevertheless, I ask unanimous consent, if we are not, that if the bill is reported later than today, it may be called up on Monday next.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum, the time for the quorum call to be charged to neither side.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DUTIABLE STATUS OF ALUMINUM HYDROXIDE AND OXIDE, CALCINED BAUXITE, AND BAUXITE ORE

The Senate resumed the consideration of the bill (H.R. 7735) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore.

Mr. WILLIAMS of Delaware. Mr. President, I yield the remainder of my time to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I am sure that with his great ability the distinguished Senator from Delaware has already adequately covered the situation. But sometimes in the Senate little things go through which represent the fact that people just are not looking at them and for them as does the Senator from Delaware, and as we try to do in my office.

The question before us is, What is equitable or what is equity? I heard a little of the argument of the Senator from Louisiana, which was that the purpose of the bill is to make small business completely whole, including interest on its losses. No one has argued about its having been paid 100 percent, or whether it should be paid interest, the same as business, religious, charitable, and nonprofit organizations.

The change which would be made by the bill is that instead of religious, charitable, and nonprofit organizations getting roughly 60 percent of their claims, the interest claims will, for practical purposes, wipe out that opportunity. The vote, therefore, on this amendment will raise that question very sharply. No effort is made to do any equity beyond that.

The essence of my argument—I shall not detain the Senate, since I was late because of other exigencies—the essence of my argument is, Will the status quo be maintained, so that perhaps at least some fairer arrangement can be made? Or is it proposed, at one stroke, to wipe out completely the opportunity for religious, charitable, and nonprofit organizations, which include many different fine organizations?

With respect to charitable deductions under our tax laws, many institutions have submitted facts and figures to us and to other Senators. They represent some of the primary religious and similarly oriented institutions of various branches of the faiths in the United States. It is in an effort, at least, to preserve the status quo that is there involved that I would urge the Senate to approve the action which the Senator from Delaware [Mr. Williams] has called for and to reject the concept which is contained in the bill, a concept which will change completely and irrevocably the situation as it affects these very desirable claimants, in my judgment.

I thank the Senator from Delaware for his sterling defense of the situation and hope that the Senate will follow his judgment.

Mr. LONG of Louisiana. Mr. President, let me say in my 1 remaining minute—and I shall not ask for additional time beyond that minute—that the bill before us provides hundreds of millions of dollars of tax advantage to aluminum and copper companies. But when we take care of the 13 little companies which were badly elbowed out, that disturbs the Senator from Delaware and the Senator from New York.

Mr. WILLIAMS of Delaware. Mr. President, I understand——

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I may have half a minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. The Senator from Louisiana keeps talking about this bill costing hundreds of millions of dollars which will go to aluminum companies and copper companies. Let us get one thing straight. There is nothing in the other sections of this bill except for 2-year extensions of the same tariff rates totaling less than $20 million that have been in effect in the past. So the Senator's boxcar figures have no connection whatsoever with what we are talking about. They are a red herring dragged across this effort to try to get these tax credits for these people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Louisiana. Mr. President——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Louisiana. The Senator from Delaware talked beyond the allotted time. I ask unanimous consent that I may have 30 seconds.

The PRESIDING OFFICER. Is there

objection? Without objection, it is so ordered.

Mr. LONG of Louisiana. All I want to say is that the bill applies to companies that make money on their bauxite sites and copper companies that make money on their ore sites. That seems to be of no concern. Yet it concerns some people when a little fellow whose property has been stolen seeks to be paid for its use. That is all we want to do.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that each side get 1 minute.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator have the same amount of time, 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Louisiana talks about hundreds of millions of dollars being involved in this bill. To my knowledge, that is not true. If it were true, the bill ought to be recommitted, because somebody gave the wrong information to the committee.

This amendment merely affects the one and a half million special tax credit for 13 taxpayers.

The entire bill itself affects less than $20 million in tariffs on various metals.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. The vote is on what?

The PRESIDING OFFICER. The question is agreeing to the amendment of the Senator from Delaware to strike.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LAUSCHE. A vote to reject the payment or grant this dispensation would require a "yea" vote, and that is on the amendment. Is that correct?

The PRESIDING OFFICER. The question is on the adoption of the amendment to strike out section 2, beginning on page 3, line 6, down through and including line 16 on page 7.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Gore], and the Senator from Missouri [Mr. Long] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from West Virginia [Mr. Byrd], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from North Carolina [Mr. Ervin], the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], the Senator from Massachusetts [Mr. Kennedy], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], and the Senator from Connecticut [Mr. Ribicoff] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. Morse] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Tennessee [Mr. Baker], the Senator from Utah [Mr. Bennett], the Senator from Kansas [Mr. Carlson], the Senator from New Hampshire [Mr. Cotton], the Senator from Nebraska [Mr. Curtis], the Senator from New York [Mr. Goodell], the Senator from California [Mr. Murphy], the Senator from Maine [Mrs. Smith], the Senator from South Carolina [Mr. Thurmond], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Colorado [Mr. Dominick] and the Senator from Iowa [Mr. Miller] are detained on official business.

If present and voting, the Senator from Iowa [Mr. Miller], the Senator from California [Mr. Murphy], the Senator from Maine [Mrs. Smith], the Senator from South Carolina [Mr. Thurmond] and the Senator from Texas [Mr. Tower] would each vote "yea."

On this vote, the Senator from Colorado [Mr. Dominick] is paired with the Senator from Nebraska [Mr. Curtis]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Nebraska would vote "nay."

The result was announced—yeas 33, nays 33, as follows:

[No. 285 Leg.]

YEAS—33

Aiken
Allott
Boggs
Brooke
Byrd, Va.
Cannon
Case
Cooper
Fannin
Fong
Griffin
Hansen
Hart
Hatfield
Hickenlooper
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Lausche
Mondale
Mundt
Pastore
Pearson
Pell
Percy
Prouty
Scott
Spong
Tydings
Williams, Del.
Young, Ohio

NAYS—33

Anderson
Bayh
Bible
Dirksen
Dodd
Eastland
Ellender
Harris
Hartke
Hayden
Hill
Holland
Hollings
Jordan, N.C.
Kuchel
Long, La.
Mansfield
McClellan
McGee
McIntyre
Metcalf
Morton
Proxmire
Randolph
Russell
Smathers
Sparkman
Stennis
Symington
Talmadge
Williams, N.J.
Yarborough
Young, N. Dak.

NOT VOTING—34

Baker
Bartlett
Bennett
Brewster
Burdick
Byrd, W. Va.
Carlson
Church
Clark
Cotton
Curtis
Dominick
Ervin
Fulbright
Goodell
Gore
Gruening
Kennedy
Long, Mo.
Magnuson
McCarthy
McGovern
Miller
Monroney
Montoya
Morse
Moss
Murphy
Muskie
Nelson
Ribicoff
Smith
Thurmond
Tower

So the amendment of Mr. Williams of Delaware was rejected.

Mr. WILLIAMS of Delaware. Mr. President, I point out for the information of the Senate that this vote can be reconsidered later, as the Senator from Louisiana knows.

In order to correct the Record, just before the vote much was said about the hundreds of millions of dollars contained in the bill that will go to the large corporations. I said it was a lot of poppycock and a red herring.

Since that time I have had the staff compile the amount involved. It is a total of $19.5 million which, according to the Treasury Department, would be passed on to the consumers. It is a simple extension of existing tariff rates on three metals. It has nothing to do with the amendment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I will yield in a moment. The Senator may have the floor in his own right.

Mr. LONG of Louisiana. The Senator did not like what I said. But if he will yield, I will tell him something else that he will not like.

Mr. WILLIAMS of Delaware. The Senator from Louisiana very seldom ever speaks that it does not amuse me and a lot of the others. I enjoy it.

Much has been said to the effect that the aluminum corporations would get hundreds of millions of dollars. The total tariff reduction on aluminum is only $4,300,000 and even that is passed on to the consumers. The tariff reduction for copper for the full year is less than $10 million with $5 million tariff reduction for bauxite ore.

This totaled $19.5 million for all ores.

If the Senator from Louisiana has any evidence whatever that this amount of $19.5 million is in error, I wish he would speak up. I might say that these figures were furnished to me just a moment ago by the staff of our own committee. If there is any $300 million or $400 million that the Senator knows about, I will join the Senator in asking unanimous consent that the bill be recommitted to the Finance Committee.

Mr. LONG of Louisiana. Will the Senator tell me how much the copper companies got? They are in here, too.

Mr. WILLIAMS of Delaware. Assuming that the copper companies kept all of this tariff reduction, it would be $9.9 million. That is the total amount involved with the copper companies. This represents the difference in the rates of 1.5 cents a pound. The Senator from Louisiana said that Anaconda would get $100 million and Kennecott would get $100 million. I do not know how they could get that much when the total for all copper companies is only $9.9 million. And that amount assumes that the companies keep all of it, which we know is not true.

The Defense Department testified that the existing tariff rates should be extended because, to the extent that we added to the tariff, it would increase the prices paid by the Defense Department.

All of the hundreds of millions of dollars that the Senator from Louisiana was talking about could not possibly be obtained from the $9.9 million.

Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LONG of Louisiana. Mr. President, that is a debatable motion.

The basic statement I made was that the Senator can swallow a camel, but he strangles on a gnat.

The Standard Oil Co. received $73 million, not under this bill, but in settlements. I love that company. Their biggest plant is in Louisiana.

International Telephone & Telegraph got $28.1 million.

Corn Products got $22.4 million.

General Electric got $17.6 million.

No one complains about all of that. I do not complain for a moment about that.

This bill involves only $800,000 for these small businesses spread over 10 years.

Treatment of this type has plenty of precedents. The Senate passed an amendment to take care of the people in Delaware when the hurricane hit Delaware. I voted for that bill. Having done so, I thought that was a good precedent. I pursued that. I put in a provision to take care of the Cuban expatriates' losses. The senior Senator from Wisconsin [Mr. Proxmire] and the junior Senator from Wisconsin [Mr. Nelson] put in a provision to take care of automobile manufacturers. There were other provisions.

The Senator from Delaware opposed those provisions, although we helped to pass the measure to take care of the people in Delaware.

We then passed a measure which gave corporations injured by imports a 5-year carryback instead of a 3-year carryback.

When we get down to it, it depends on whether one is for the big fellow or the little fellow.

I was proud to vote for the measure of the Senator from Delaware to help the people in Delaware who suffered from the hurricane. The same thing should apply here.

Mr. MILLER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware to reconsider the vote by which the amendment was rejected. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia (when his name was called). On this vote, I have a pair with the Senator from Missouri [Mr. Long]. If he were present and voting, he would vote "nay"; if I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The legislative clerk resumed and concluded the call of the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Gore] and the Senator from Missouri [Mr. Long] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from West Virginia [Mr. Byrd], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Mississippi [Mr. Eastland], the Senator from North Carolina [Mr. Ervin], the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], the Senator from Arizona [Mr. Hayden], the Senator from Massachusetts [Mr. Kennedy], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Oklahoma [Mr. Monroney], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], and the Senator from Georgia [Mr. Russell] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. Morse] and the Senator from West Virginia [Mr. Randolph] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Tennessee [Mr. Baker], the Senator from Utah [Mr. Bennett], the Senator from Kansas [Mr. Carlson], the Senator from New Hampshire [Mr. Cotton], the Senator from Nebraska [Mr. Curtis], the Senator from New York [Mr. Goodell], the Senator from California [Mr. Murphy], the Senator from Maine [Mrs. Smith], the Senator from South Carolina [Mr. Thurmond], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from North Dakota [Mr. Young] is detained on official business.

If present and voting, the Senator from California [Mr. Murphy], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] would each vote "yea."

On this vote, the Senator from South Carolina [Mr. Thurmond] is paired with the Senator from Nebraska [Mr. Curtis]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from Nebraska would vote "nay."

Mr. WILLIAMS of Delaware. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The regular order is called for.

The result was announced—yeas 32, nays 30, as follows:

[No. 286 Leg.]

YEAS—32

Aiken
Allott
Boggs
Brooke
Case
Cooper
Dominick
Fannin
Fong
Griffin
Hansen
Hart
Hatfield
Hickenlooper
Hruska
Javits
Jordan, Idaho
Lausche
Miller
Mondale
Morton
Mundt
Pastore
Pearson
Pell
Percy
Prouty
Scott
Spong
Tydings
Williams, Del.
Young, Ohio

NAYS—30

Anderson
Bayh
Bible
Cannon
Dirksen
Dodd
Ellender
Harris
Hartke
Hill
Holland
Hollings
Inouye
Jackson
Jordan, N.C.
Kuchel
Long, La.
Mansfield
McClellan
McGee
McIntyre
Metcalf
Proxmire
Smathers
Sparkman
Stennis
Symington
Talmadge
Williams, N.J.
Yarborough

PRESENT AND GIVING A LIVE PAIR—1

Byrd of Virginia, for.

NOT VOTING—37

Baker
Bartlett
Bennett
Brewster
Burdick
Byrd, W. Va.
Carlson
Church
Clark
Cotton
Curtis
Eastland
Ervin
Fulbright
Goodell
Gore
Gruening
Hayden
Kennedy
Long, Mo.
Magnuson
McCarthy
McGovern
Monroney
Montoya
Morse
Moss
Murphy
Muskie
Nelson
Randolph
Ribicoff
Russell
Smith
Thurmond
Tower
Young, N. Dak.

So Mr. Miller's motion was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I understand the question now is on the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. LONG of Louisiana. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Delaware. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of Virginia (when his name was called). On this vote I have a pair with the Senator from Missouri [Mr. Long]. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

The bill clerk resumed and concluded the call of the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Gore], and the Senator from Missouri [Mr. Long] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from West Virginia [Mr. Byrd], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from North Carolina [Mr. Ervin], the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], the Senator from Arizona [Mr. Hayden], the Senator from Hawaii [Mr. Inouye], the Senator from Massachusetts [Mr. Kennedy], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from New

Hampshire [Mr. McIntyre], the Senator from Oklahoma [Mr. Monroney], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], and the Senator from Georgia [Mr. Russell] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. Morse], and the Senator from West Virginia [Mr. Randolph], would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Tennessee [Mr. Baker], the Senator from Utah [Mr. Bennett], the Senator from Kansas [Mr. Carlson], the Senator from New Hampshire [Mr. Cotton], the Senator from Nebraska [Mr. Curtis], the Senator from New York [Mr. Goodell], the Senator from California [Mr. Murphy], the Senator from Maine [Mrs. Smith], the Senator from South Carolina [Mr. Thurmond], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from North Dakota [Mr. Young] is detained on official business.

If present and voting, the Senator from California [Mr. Murphy], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] would each vote "yea."

On this vote, the Senator from South Carolina [Mr. Thurmond] is paired with the Senator from Nebraska [Mr. Curtis]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from Nebraska would vote "nay."

The result was announced—yeas 34, nays 27, as follows:

[No. 287 Leg.]

YEAS—34

Aiken
Allott
Boggs
Brooke
Cannon
Case
Cooper
Dominick
Fannin
Fong
Griffin
Hansen
Hart
Hatfield
Hickenlooper
Hruska
Jackson
Javits
Jordan, Idaho
Lausche
Miller
Mondale
Morton
Mundt
Pastore
Pearson
Pell
Percy
Prouty
Scott
Spong
Tydings
Williams, Del.
Young, Ohio

NAYS—27

Anderson
Bayh
Bible
Dirksen
Dodd
Eastland
Ellender
Harris
Hartke
Hill
Holland
Hollings
Jordan, N.C.
Kuchel
Long, La.
Mansfield
McClellan
McGee
Metcalf
Proxmire
Smathers
Sparkman
Stennis
Symington
Talmadge
Williams, N.J.
Yarborough

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUS RECORDED—1

Byrd of Virginia, for.

NOT VOTING—38

Baker
Bartlett
Bennett
Brewster
Burdick
Byrd, W. Va.
Carlson
Church
Clark
Cotton
Curtis
Ervin
Fulbright
Goodell
Gore
Gruening
Hayden
Inouye
Kennedy
Long, Mo.
Magnuson
McCarthy
McGovern
McIntyre
Monroney
Montoya
Morse
Moss
Murphy
Muskie
Nelson
Randolph
Ribicoff
Russell
Smith
Thurmond
Tower
Young, N. Dak.

So the amendment of Mr. Williams of Delaware was agreed to.

Mr. JAVITS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. WILLIAMS of Delaware. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The Chair would inform the Senator that a motion to reconsider is not in order.

The bill is open to further amendment.

Mr. LAUSCHE. Mr. President, what was the vote on the motion to table?

The PRESIDING OFFICER. The Chair would inform the Senator from Ohio that a motion to reconsider is not in order.

AMENDMENT NO. 908

Mr. METCALF. Mr. President, on behalf of my colleague the distinguished majority leader [Mr. Mansfield], and the Senator from Utah [Mr. Moss], I call up my amendment No. 908, which is at the desk and ask that it be stated.

The bill clerk read as follows:

Beginning on page 7, line 24, strike out all through and including line 18 on page 8.

Mr. METCALF. Mr. President, as the chairman of the committee has noted, the bill which came over to suspend certain duties on aluminum, aluminum ores, and so forth, was amended in several respects.

One of the amendments was to suspend the duty on copper. The duty on copper had been suspended from time to time. The report on page 9 contains a history of these suspensions.

Many times I have participated in such suspensions. At one time, I was the author of a bill in the Ways and Means Committee by which a suspension took place.

But, at this time, the copper industry has just finished one of the longest and most disastrous strikes in its history. It has gone through 9 months of a strike. It is just 6 weeks out of settlement of the strike.

During the period of that 9 months, the importation of copper from abroad by the various agencies belonging to the Montana, Arizona, and Utah copper companies, reached a new high.

At the present time, I have been informed by the Steelworkers Union, which is the union that is in control of the men employed in the Anaconda mine, that the 2,000 men employed before the strike began have not yet been reemployed by the Anaconda Copper Co.

At the same time, all of the domestic producers are expanding their interests and expanding their mines abroad.

This is no time in our economy to pass this suspension on copper. Congress will be in session for a while and will be right back in January, and we will then have an opportunity to assess what has happened and what has been the effect of the long-time strike and the extraordinary acceleration of the importation of copper from abroad as a result of 9 months of unemployment and nonuse of our copper mines in the United States.

Thus, it would seem that at this time, when we have the Kennedy round going into effect and we will actually be reducing some of the tariffs on copper from 3 cents a pound to 1½ cents a pound, this is no time to suspend the tariff.

This is the time to give our domestic producers an opportunity to recover.

This is also the time to give our domestic labor time to recover from the long, drawn-out strike.

Now I am delighted to yield to my good friend from Arizona.

Mr. FANNIN. Mr. President, I oppose the amendment of the distinguished Senator from Montana.

The State of Arizona is by far the largest copper producer in the United States, being responsible for more than 50 percent of the country's primary production. Expansion programs and development of new mines, now underway in my State, will substantially increase present output over the next several years. For these reasons, I am deeply interested in any legislation that may affect this industry.

An import duty was first established on copper in 1932. The United States was then an exporter of copper and it was felt that because foreign copper was being produced at a lower price, it would cut into the domestic market and thus bring about a reduction in domestic production.

The original duty was 4 cents a pound. Through the application of the Reciprocal Trade Agreements Act, and the Trade Expansion Acts, this tax has since been reduced to 1½ cents per pound.

While copper production in this country has continued to rise, the domestic consumption of the metal has also increased at an even faster rate. As a result, and stimulated by World War II, the United States has been a net importer of copper since 1940. With the decline in the threat of foreign competition, the duty on copper has been suspended by acts of Congress no less than seven times since World War II.

In 1966, with a total consumption of refined copper in the United States of 2,400,000 tons, net imports accounted for 10 percent. The figures for 1967 and 1968 are not representative because of the heavy imports necessary to offset the loss of production during the 8½ months' copper strike. It is predicted that in 1969 it will be necessary to import 12 percent of the country's copper requirements.

We have in my State an organization known as the Arizona Tariff Board. The membership is made up of copper producers in the State and other producing areas. It has always taken an active part in copper tariff legislation.

When H.R. 16654 was introduced in the House last spring, to extend the suspension of the copper tariff which expired on the first of July, this organization—the Arizona Tariff Board—objected to an extension of more than 1 year. However, their opposition was withdrawn as the result of an amendment made by the Finance Committee. In the existing law there is a provision that if the domestic price of copper should fall below 24 cents a pound, any tariff suspension would automatically be revoked. This so-called peril point was raised to 36 cents a pound by the Finance Committee.

The dislocation of the normal sources of domestic supply, because of the 8½ months' strike called by the steelworkers, is no reason to object to the suspension of this tariff. Imports have now declined to their prestrike levels. Operations which are no longer economical have been shut down, but this would have occurred with or without a strike and even if the copper tariff had been in force.

None of the U.S. producers are opposing the continuation of this tariff suspension because foreign-produced copper today is not a threat to domestic production. Foreign-produced copper is selling in the European markets at more than 8 cents a pound above the domestic producers' price of 42 cents. The domestic price 2 years ago was 36 cents a pound. Should the unexpected happen, and the domestic price decline to below 36 cents, then the tariff would automatically be reinstated.

Therefore, I see no reason why those consumers who must import copper to fill their requirements should be obliged to pay 1½ cents a pound more than foreign copper would cost them. This does not benefit the producers nor provide any more jobs for the copper workers; it simply means an added cost in that amount which will be passed on to the final consumer.

I, therefore, oppose the motion to strike the copper tariff amendment and urge my colleagues to do likewise.

Mr. MORTON. Mr. President, I merely rise in opposition to the amendment. As has been so well pointed out by the Senator from Arizona, we are definitely importers of copper. I realize there have been certain dislocations as a result of the very long strike. Some of this copper comes from mine shafts of 5,000 feet. It just so happens it is almost economically impossible to do this job 5,000 feet underground when around the world there are sources of copper much nearer the surface.

I serve on the committee with the distinguished junior Senator from Montana. He has been responsible for a very constructive part of this bill, that is, to raise the so-called peril point from 24 to 36 cents. In that I supported him.

I do, however, rise in opposition to his amendment. We are importers of copper. We are now, however, beginning to export some copper. This might be a help in our balance of trade.

For years now we have suspended this duty. I think it is in the interest of the consumer. I understand the feeling of both Senators from Montana in this connection. I want to pay tribute to the junior Senator from Montana for raising the peril point, which I think is a very constructive thing. I was happy to support him in that, but I do not support the amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. METCALF. I yield to my distinguished colleague.

Mr. MANSFIELD. Mr. President, I rise in support of the amendment now pending, offered by my distinguished colleague, the junior Senator from Montana [Mr. METCALF]. I agree with everything he says, and I point out, and with emphasis, that for some years, because of changing conditions, the tariff on copper was suspended; but I also emphasize the fact that just some months ago the copper miners, the smeltermen, as well as the companies, went through the longest and most difficult strike in the history of the copper industry. A settlement was finally achieved, but as a result of the settlement we find there are 1,000 fewer miners in Butte at the present time. We find a shift away from the shaft mining, and the open pit, the Berkeley pit, being enlarged; and I think some degree of protection should be offered to our own people, especially those who fit in this category.

Unlike some States, Montana is in the unfortunate position of having a company in control which is both a domestic producer and a foreign importer. So we have to look at this problem from two angles.

My colleague and I think this is the best way to face up to the problem. Furthermore, in our opinion, the imposition of this tariff, or the reimposition of it, will not hurt any of the foreign companies now producing, because the price of copper, as far as they are concerned, is considerably higher than that of domestic copper.

I would urge my colleagues to give support to the Metcalf amendment.

Mr. METCALF. Mr. President, I want to mention the peril point proposition which the Senator from Kentucky [Mr. MORTON] brought out. It was at my insistence, and by unanimous motion, that the peril point price was raised from the nonsensical and anachronistic price of 24 to 36 cents. Whether the tariff is suspended or not, it would go back in case the 36-cent price was reached.

But there is a reason why the 9-month strike should be taken into account at this time. The reason is that during those 9 months the domestic companies expanded their copper producing facilities abroad. They are still doing so. They are not taking care of domestic labor and domestic production. The way to require them to do so is to invoke the tariff that is already in effect and to turn down the proposed suspension.

We do not know what the copper situation is going to be in the future, but we do know it is imperative, both as a matter of national defense and as a matter of the economy of our Western States, to continue to produce and develop domestic copper. The way we can encourage the domestic companies to do so is to say, "Forget about this foreign development for a while and go ahead and hire the men, rehire them, and develop your own copper supplies and your resources in the States of the West."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. MANSFIELD. Is it not true also that as a result of the strike, as well as for other reasons, the strategic stockpile in copper has been depleted considerably and needs replenishment?

Mr. METCALF. Of course it is true. Copper was released from the stockpile to permit industries that needed copper to go forward during the strike, for defense purposes and purposes of Vietnam. It is imperative that we continue to be a domestic producer of copper, imperative for our national defense and our national economy. That is why we think it unwise to suspend the tariff. We can take a look at the situation as it develops. We can take a look at the situation as they go back to work or as they continue to develop our domestic mines. The Senators from Montana would be among the first to help the Anaconda Co. in its foreign production.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. FANNIN. I would like to ask the Senator how he thinks this amendment will give any further incentive to copper companies to go into mines that they are not working at the present time. Does the Senator believe it is going to raise the price of copper?

Mr. METCALF. No; I do not think it will raise the price of copper, but it will raise the price of imported copper, and encourage the development of domestic copper.

Mr. FANNIN. If I thought that would be the result, naturally I would be in favor of the Senator's amendment. I am sorry; I certainly do not like to disagree with these two distinguished Senators, the majority leader and the distinguished junior Senator from Montana, but here we have a case where the consumer will pay the difference in the cost of the copper, because the amount of copper that must be imported would cost 1½ cents more.

Why does the Senator advocate that the consumer pick up that differential?

Mr. METCALF. On the amount of copper that will be imported, that is true.

Mr. FANNIN. That is correct.

Mr. METCALF. But this will be an incentive to start producing domestic copper, so that they will not have to charge the 1½ cents more.

Mr. FANNIN. I would remind the Senator from Montana that we have domestic companies that do not agree with that argument, and they are not in favor of the tariff, and want the suspension to continue.

Mr. METCALF. Let me say to my friend from Arizona—and he is a very able advocate of resources development throughout the West—that if the copper companies will put these people back to work, as they were working, in economically feasible mines, before the strike, and continue to expand and develop their domestic resources, we can come back here in January and all of us will be together on the suspension of this tariff.

There is a long history of suspension, as shown in the hearings report. There have been times when we have reinvoked the copper tariff, and have not disrupted the industry. We have suspended it time after time, but under special and emergency situations—and I regard this, after a 9-month strike, as an emergency situation. I think we should wait until the industry adjusts. This is not a time for premature action.

Mr. FANNIN. As the Senator knows, I certainly was opposed to the continuation of that strike, and I certainly understand the dire consequences in our particular States. I, too, favor developing new processes. We have mines in

Arizona closed down just a few months ago, which will not reopen. They will not reopen because they are not economically sound to produce. We have that problem, too, unfortunately. I am very sorry that miners were put out of work in Montana, as I am sorry they were put out of work in my State. I wish we could develop a program where those mines could be developed differently, in order that they might become economically sound producers. But, unfortunately, I do not think that will be effected with this tariff, whether or not the tariff is suspended. Consequently, I think it is far more important to think about the general public and the consumer, as far as this tariff is concerned.

Mr. METCALF. Of course, the Senator and I have different opinions on that.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. METCALF. I yield.

Mr. LAUSCHE. The committee report, on page 9, states, under the heading "Committee Position" at the bottom of the page:

> The committee felt that the tight supply situation in copper which exists mainly because of defense requirements and growing industrial demands justifies a continuation of duty-free treatment for copper for an additional temporary period. The Commerce Department recommended this legislation and advises that we know of no adverse effect from the present suspension on the overall interests of domestic copper producers, and none is anticipated if the suspension period is extended to June 30, 1970."

To summarize, the committee says that because of war demands—and I suppose, though it does not say so, because of the scarcity in copper resulting from the 9-months strike—the demand is now much greater than it normally would be. What is the answer of the Senator from Montana to the statement of the committee and the statement of the Department of Commerce that we need no tariff now to insure an adequate supply of copper and a fair price for the consumer?

Mr. METCALF. I say to my friend from Ohio that the report that the Senator has read does not say anything about expansion of the domestic industry.

As I have pointed out, during this long, drawn out, 9-months strike, the various copper companies of America expanded and continued to develop their foreign operations, so that the importation of copper reached a new high point in the history of the United States during that period.

My answer is that the proper way to supply our military demands and take care of this industrial demand for copper is to expand our domestic industry, and the way to do that is to begin to hire men in our domestic mines.

While they see no adverse effect, overall, it is because the copper companies—Anaconda, Phelps-Dodge, Kennecott, and so forth—who, as my colleague from Montana stated, are also foreign producers—are expanding abroad, and failing to pick up, after the strike, domestically at home.

I think the greatest contribution that we can make to national defense is to further encourage the development of domestic copper supplies.

Mr. LAUSCHE. What answer will we give to the other segments of our economy that are wanting special treatment with respect to tariffs? What will we say to steel; what will we say to the shoe manufacturers; what will we say to the textile people?

Mr. METCALF. Is it suggested we will say we will take the tariffs off? We have a tariff on copper, and this bill suspends it. Are we going to say to the steel people, "We are going to remove your tariff"? Are we going to say to the shoe people, "We are going to remove any tariff you have"?

Mr. LAUSCHE. No; but they will want tariffs imposed.

Mr. METCALF. But we have a tariff. What I am saying is, let us keep the tariff we have.

Mr. LAUSCHE. By coincidence, I have a letter here dated September 14, in which a small steel man, now retired, points out what he says is a dangerous predicament in the steel industry, that will affect the workers and the steel structure, and therefore, he says, we should either fix quotas or impose a tariff.

Mr. METCALF. But are we going to say to steel, then, as the Senator is saying to the copper industry, "We are going to remove even the present protection you have"?

Mr. LAUSCHE. Yes; but the Department of Commerce, according to the committee, finds that the tariff is not needed to protect the copper industry of the United States.

Mr. METCALF. The committee may find a tariff is not needed to protect the steel industry, but at least they should have what protection they have, and not have it taken away from them.

Mr. COOPER. Mr. President, the Senate Finance Committee in amending H.R. 7735, provided for the suspension of duties on certain forms of copper to continue until June 30, 1970.

In turning to page 9 of the committee report I noted that the Senate Finance Committee reached a conclusion that because of "the tight supply situation in copper which exists mainly because of defense requirements and growing industrial demands justifies a continuation of duty-free treatment for copper for an additional temporary period."

In considering this matter the committee received the advice of the Department of Commerce and various Government agencies, and I understand that all support the committee amendment.

The committee reports that the Commerce Department advised concerning this legislation by the following comment:

> We know of no adverse effect from the present suspension on the overall interests of domestic copper producers, and none is anticipated if the suspension period is extended to June 30, 1970.

In lowering or suspending tariff schedules, Congress is always faced with the consideration that the tariff will result in a substantial increase in the supply of the product or commodity in this country to the detriment of domestic prices and the wage scales and employment of our workers. But to meet this possible objection, the committee amendment increases the "peril point" price of copper from 24 cents in the tariff schedule to 36 cents. With this provision we have the assurance that, if at any time, additional imports of copper result in domestic copper prices falling to 36 cents per pound, the tariff suspension provided by this bill would terminate and the higher tariff schedule of the present law would be reinstated. The committee report, on page 10, makes this clear:

> Under this amendment, if foreign copper is imported in such quantities as to depress prices below the level which existed when Congress last suspended the copper tariff, domestic miners would be protected by the restoration of the tariffs.

In summing up, Mr. President, I would point out that copper is in short supply in this country to meet our domestic requirements, and, of utmost importance, our national defense needs, which because of the war have increased substantially in the past 4 years, make additional demands on our existing supplies. The committee amendment would only provide a temporary suspension for a 2-year period. The appropriate committees of the Congress and the executive branch will review the situation in 1970.

My State is of course, a consumer of copper in various forms, and it has also a growing industry in the fabrication of copper wire of different types. Despite expansion programs now in progress in the production of primary copper in the United States, the demand exceeds the domestic supply. This has been true since 1940, and it may continue since the increase in copper consumption keeps rising faster than the production of this metal in the United States. I would like very much to see copper production increase in our own country.

For these reasons I urge that the amendment proposed by the distinguished Senator from Montana [Mr. METCALF], not be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. [Putting the question.]

The nays appear to have it.

Mr. METCALF. I ask for a division.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment in the nature of a substitute and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 7735) was passed.

The PRESIDING OFFICER. Without objection, the title will be appropriately amended.

The title was amended, so as to read: "An act to continue for 2 years the existing suspension of duties on certain alumina and bauxite, and for other purposes."

AMENDMENT OF THE TARIFF SCHEDULES OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1480, H.R. 653.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 653) to amend the Tariff Schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings.

The PRESIDING OFFICER. The question is on agreeing to the request of the Senator from Montana.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance, with an amendment to strike out all after the enacting clause and insert:

That (a) schedule 6, part 4, subpart A of the Tariff Schedules of the United States (19 U.S.C., sec. 1202) is amended by striking out item 662.20 and inserting in lieu thereof the following:

"	Other:		
662.18	Cast iron (except malleable cast iron) parts, not alloyed and not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues, and risers, or to permit location in finishing machinery	2.5% ad val.	10% ad val.
662.20	Other	10% ad val.	35% ad val. ".

(b)(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after the date of the enactment of this Act.

(2) Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, the entry or withdrawal of any article described in item 662.18 of the Tariff Schedules of the United States (as added by subsection (a)) which was made after August 30, 1963, and on or before the date of the enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the day after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of an entry or withdrawal of any article made before January 1, 1968, the rate of duty in rate column numbered 1 of item 662.18 of the Tariff Schedules of the United States (as added by subsection (a)) shall be treated as being 3 percent ad valorem.

(c) Effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1969, January 1, 1970, January 1, 1971, and January 1, 1972, item 662.18 of the Tariff Schedules of the United States (as added by subsection (a)) is amended by striking out the matter in rate column numbered 1 and inserting in lieu thereof, respectively, "2% ad val.", "2% ad val.", "1.5% ad val.", and "1.5% ad val:".

(d) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States (as amended by the subsections (a) and (c) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party. The rate of duty in rate column numbered 1 of item 662.20 of the Tariff Schedules of the United States (as amended by subsection (a)) shall not supersede the staged rates of duty provided for such item in Annex III to Proclamation 3822, dated December 16, 1967 (32 Fed. Reg., No. 244, part II).

SEC. 2. (a) The headnotes for schedule 3 of the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by adding after headnote 6 the following new headnote:

"7. With respect to fabrics provided for in parts 3 and 4 of this schedule, provisions for fabrics in chief value of wool shall also apply to fabrics in chief weight of wool (whether or not in chief value of wool). For the purposes of the preceding sentence, a fabric is in chief weight of wool if the weight of the wool componenet is greater than the weight of each other textile component (i.e., cotton, vegetable fibers except cotton, silk, manmade fibers, or other textile materials) of the fabric."

(b) Items 355.70, 356.30, and 359.30 of the Tariff Schedules of the United States are each amended—

(1) by striking out "32% ad val." and inserting in lieu thereof "37.5¢ per lb.+32% ad val."; and

(2) by striking out "50% ad val." and inserting in lieu thereof "50¢ per lb.+50% ad val.".

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after the date of the enactment of this Act.

(d)(1) For purposes of applying sections 256(4), 256(5), and 351(b) of the Trade Expansion Act of 1962 and section 350(c)(2)(A) of the Tariff Act of 1930—

(A) the rates of duty in rate column numbered 1 of the Tariff Schedules of the United States (as changed by subsection (b)) shall be treated as the rates of duty existing on July 1, 1962; and

(B) the rates of duty in rate column numbered 2 of such Schedules (as changed by subsection (b)) shall be treated as the rates of duty existing on July 1, 1934.

(2) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States (as amended by subsection (b)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

SEC. 3. Part V of title III of the Tariff Act of 1930 is amended by adding at the end thereof the following new section:

"Sec. 625. State regulation of transportation of intoxicating liquors.

"No provision of this Act or of any regulation issued thereunder shall be construed to prevent any State from regulating the transportation or importation for delivery or use therein of intoxicating liquors."

SEC. 4. (a) The Secretary of the Treasury is authorized and directed to admit the following articles free of duty:

(1) not to exceed four hydraulic operating tables imported for the use of the Newington Hospital for Crippled Children, of Newington, Connecticut,

(2) one mass spectrometer imported for the use of Arizona State University, and

(3) one mass spectrometer imported for the use of Utah State University.

The Secretary of the Treasury shall also admit free of duty all equipment, parts, accessories, and appurtenances for the articles enumerated in the preceding sentence which accompany such articles and are imported for the use of the respective institutions.

(b) Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, the entry or withdrawal of any article described in subsection (a) which was made before the date of the enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated in accordance with the provisions of subsection (a).

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

What is the will of the Senate? The committee amendment is open to amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

Mr. LONG of Louisiana. Mr. President, H.R. 653, as it passed the House, would restore the tariff on certain nonmalleable iron castings used in bottling and packaging machinery which existed prior to August 31, 1963.

Prior to that date, the tariff on these castings was 3 percent but in the changeover to the new tariff structure at that time the duty was raised to 11.5 percent. Under the Kennedy round it is presently 10 percent and will ultimately be reduced to 5.5 percent.

In most instances specified in the tariff schedules, cast iron parts are subject to reduced tariff if they are not advanced beyond cleaning, or machined to remove fins, sprues, or risers, or to locate in finishing machinery. In addition to these general operations, however, the House bill would have permitted cast iron parts for bottling and packaging machines to be first, normalized by heat treatment; second, machined for the purpose of determining its porosity; and, third, painted for protection against oxidation. Enumerating these processes in the statute apparently was considered necessary to restore prior tariff treatment to these castings. Unfortunately, specifying these processes under one provision raised questions as to whether rough iron castings described in other tariff provisions could qualify for the lower tariff if they had been similarly processed.

The Bureau of Customs was also concerned that the specified processes involved concepts which were new to customs administration, and could lead to substantial litigation before their meanings were clarified.

After the bill passed the House, the Bureau of Customs indicated that these additional processes were not such advancements in the manufacturing process as to require specific mention in the bill. Accordingly, since the specificity of the House bill is now unnecessary to achieve its objective, the Committee on Finance has omitted the unnecessary language from the bill. These technical amendments do not alter the purpose of the House bill in any way. Rather, they carry out the objective sought by the House bill of conforming the treatment of these castings to that applicable to other castings dealt with by the last Congress.

Moreover, in recognition of the passage of time since the bill passed the House, and particularly to reflect the tariff concessions granted during the Kennedy round of trade negotiations, the committee has added amendments providing that for 1968 the tariff on these castings is to be 2.5 percent, for 1969 and 1970, 2 percent, and for 1971 and thereafter 1.5 percent. The House bill provided a flat 3-percent rate, which existed prior to August 31, 1963. The schedule of tariff reductions in the committee's bill parallels the concessions granted with respect to the iron castings dealt with in the 1965 amendments, and reflects the tariff cut negotiated with respect to the duty presently applicable to these castings.

In addition to these technical amendments, the committee also added amendments relating to other matters as follows:

WOOL TARIFFS: CLOSE LOOPHOLE

The first of these amendments deals with certain practices under which high-rate woolen tariffs have been circumvented by combining low-value processed wool with other materials in such a way as to make them dutiable under lower nonwool rates.

Mr. President, the Congress has a history of closing loopholes in our tariff schedules—particularly in the textile provisions—to prevent tariff avoidance by foreign producers. These foreign producers, however, have found new loopholes each time the Congress has acted to close existing ones. In the opinion of the Committee on Finance, this amendment should substantially and permanently solve the recurring problem of fabrics essentially of low-value reprocessed wool being manipulated by foreign producers in a way to avoid the regular tariffs on wool products.

Let me describe the manner in which foreign producers have circumvented the high tariffs applicable to woolen fabrics. In 1965 Congress closed what was referred to as the wool-ramie loophole. Under this device foreign producers combined a small quality of high-value ramie or flax with a large quantity of reused wool to create a fabric which appeared to be woolen. However, because this fabric was in chief value of flax or ramie the high wool rates were avoided in favor of the far lower rates applicable to fabrics of vegetable fibers.

Hardly had Congress acted on this device before a new loophole was found. This time, a small quantity of high-value rabbit hair was combined with the low-value reprocessed wool to blend a fabric in chief value of animal hair, again dutiable at rates far lower than the wool rates. To deal with this further tariff avoidance device, Congress enacted new legislation in 1966 to treat this fabric at rates comparable to the woolen tariffs.

However, once again the ingenuity of foreign producers was not lacking. In a further effort to avoid the high woolen tariffs they began combining the low-value reused or reprocessed wool with silk in such a way that although the resultant fabric was for practical purposes a woolen fabric it was in chief value of silk, and thus was dutiable at a lower rate than if it had been in chief value of wool. In addition they have begun to laminate this wool-ramie, or wool-flax, or wool-rabbit hair fabrics with rubber or plastics or with another fabric, such as scrim, to create a special fabric to which the wool rates enacted in 1965 and 1966 would not apply.

To deal with these further devices, the committee has approved an amendment to subject any fabric which for practical purposes is a woolen fabric to duties which should apply to woolen fabrics. Specifically, under the committee amendment, any fabric which is in chief weight of wool will be subject to wool fabric duties, even though the combining of chief value in the fabric is some other fiber. The committee amendment reflects one of two suggestions submitted in a 1967 Tariff Commission report to the Committee on Ways and Means of the House as to how these loopholes might be dealt with on a permanent basis so as to avoid having to legislate in this area every year or two.

LIQUOR: END TAX EVASION PRACTICE

The next committee amendment is directed at the practice in some border States under which alcoholic beverages are purchased without payment of Federal or State tax ostensibly for consumption in a foreign country, but then is reimported back into the State for consumption without payment of either tax or tariff.

The committee amendment is intended to make clear that even though the tax-free trade as it has developed involves foreign commerce, the States may apply reasonable regulations to assure that alcoholic beverages sold on a tax-free basis for consumption in a foreign country are not unlawfully diverted or returned into the internal commerce of the State.

The amendment is not intended to authorize the prohibition of any legitimate export business, but it is intended to assure that a State may reasonably regulate interstate or foreign shipments of liquor for a good cause, and that where such regulations are reasonable the burden placed on the trade will not require the State regulation to be struck down in the courts. By so clarifying the role of States in establishing reasonable licensing or other regulations to aid in the detection and punishment of those who seek to divert tax-free export beverages for unlawful consumption in this country, the amendment should also benefit Federal revenues.

DUTY-FREE TREATMENT: SCIENTIFIC INSTRUMENTS AND HOSPITAL EQUIPMENT

The final committee amendment permits Utah State University and Arizona State University each to import on a duty-free basis, one mass spectrometer and accompanying parts. It also allows the Hospital for Crippled Children in Newington, Conn., to import duty-free four hydraulic operating tables for use in the hospital.

The **PRESIDING OFFICER.** The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 653) was read the third time and passed.

The title was amended, so as to read: "An act to amend the Tariff Schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings, and for other purposes."

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1481, H.R. 2767, that it become the pending business, but that no action be taken on the measure tonight.

The **PRESIDING OFFICER.** The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance, with amendments.

Mr. LONG of Louisiana. Mr. President, H.R. 2767 as passed by the House modifies the income tax treatment of a farmer who indirectly pays for depreciable property through assessments levied by a soil or water conservation or drainage district. The committee retained the basis approach of the House to this matter but made some perfecting amendments.

In addition, the committee adopted some seven amendments dealing with other matters. I shall deal first with the House-passed provisions and then with these other matters.

SOIL AND WATER CONSERVATION

Mr. President, the House bill provided that a farmer who pays an assessment levied by a soil or water conservation or drainage district for depreciable property which it buys may deduct this assessment for income tax purposes ratably over a 10-year period.

Under existing law a farmer generally may deduct capital expenditures he directly incurs for the purposes of soil or water conservation He also may claim this deduction where he makes these expenditures indirectly through the payment of an assessment to a soil or water conservation or drainage district which has incurred the expenditure.

This similarity of treatment where the farmer makes these capital expenditures directly or through a conservation district does not extend, however, to expenditures for machinery or other depreciable property. In these cases the farmer is allowed a depreciation deduction if he owns the asset himself, but receives no tax benefit if the asset is owned by a soil or water conservation or drainage district even though the farmer indirectly pays for the asset through his assessments.

Mr. President, this disparity of treatment led the House to allow farmers who are members of soil or water conservation or drainage districts a ratable 10-year deduction for assessments which are made to cover the cost of depreciable property acquired by the district in connection with soil or water conservation.

The Finance Committee retained this approach but adopted perfecting amendments. One of these amendments provides that the full 10-year amortization of assessments is not to be required in cases where a conservation or drainage district makes multiple assessments for depreciable property. Thus the 10-year spread is not required if a particular assessment does not exceed, by more than $500, 10 percent of the total assessments which have, and will, be made against a farmer for any given depreciable property. A second of these amendments grants the deduction without the 10-year spread where the assessments are small in amount; that is, not over $500. In other cases, 10 percent of the total assessment is currently deductible and the excess is deductible ratably over the following 9 years.

As under the House bill the amount of the assessment for depreciable property which a farmer may deduct may not exceed 10 percent of the total amount of the assessments by the district against all its members.

The committee also adopted an amendment which provides for the case where the farm, with respect to which the assessments were made, is sold during the period over which an assessment is being deducted. In this case the amendment provides that the portion of the assessment not yet deducted is to be added to the cost or other basis of the land instead of being deducted in future years.

The deduction allowed by this provision applies to assessments levied after the date of enactment of the bill. Assessments before the date of enactment, as well as those after that date, are to be taken into account, however, in determining the total assessments made, and to be made, against a farmer by a district for its purchase of depreciable property.

The Treasury Department does not object to this provision as amended by the committee.

AGE OR SEX DISCRIMINATION IN RETIREMENT PLANS OR PRACTICES

Mr. President, one of the other amendments the committee added to this bill corrects an unfortunate interpretation of present law by the Equal Employment Opportunity Commission regarding differential treatment on account of age or between men and women under pension or retirement plans which are qualified under the tax laws or retirement practices.

At present discrimination in employment on account of age or sex, among other things, is prohibited by the equal employment opportunity title of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967. The latter act contains a specific exception where an employer's actions are necessary to comply with the terms of any bona fide benefit plan. Although the Civil Rights Act does not contain a similar exception, the committee believes that Congress did not intend to prohibit reasonable differences in the treatment of male and female employees under retirement or pension plans. This is also suggested by the fact that Congress itself provided for retirement differentiation by sex in the social security program.

Nevertheless, the Equal Employment Opportunity Commission ruled at the beginning of this year that employers could not differentiate between male and female employees with regard to either optional or compulsory retirement ages under pension or retirement plans. The committee adopted this amendment to clarify congressional intent in this area.

Under the amendment an employer is not to be considered as violating the employment discrimination laws because the terms or conditions of a qualified pension or retirement plan or retirement practice provide for reasonable differentiation in optional or compulsory retirement ages between male and female employees or provide for, or require, retirement at reasonable ages. This rule, however, does not excuse an employer's failure, or refusal, to hire persons nor does it excuse the discharge of persons prior to retirement age on account of either their sex or their age. Moreover, the rule does not apply where the terms or conditions of the plan or practice are merely a subterfuge to evade the basic purposes of these employment discrimination laws.

RETROACTIVE QUALIFICATION OF UNION-NEGOTIATED PENSION PLANS

Mr. President, the committee also adopted an amendment concerning the income tax treatment of union-negotiated pension plans. Under present law a pension trust qualifies for income tax exemption—and employer contributions to it are deductible—only if the trust meets certain requirements as to coverage of employees and nondiscrimination in contributions and benefits.

In 1964 Congress provided that a trust which is part of a union-negotiated pension plan which the Treasury Department finds is a "qualified trust" under certain circumstances is to be considered a "qualified trust" from the time contributions were first made to it. For this retroactive qualification to be available, the Treasury Department must be satisfied that three conditions have been met. First, the trust must have been created under a collective-bargaining agreement with two or more unrelated employers. Second, disbursements from the trust before its actual qualification must substantially meet the tests under which the plan qualifies. Third, contributions to the trust before it constituted a qualified plan must not have been used in a manner which jeopardized the interests of the beneficiaries.

This retrospective qualification provision was adopted because of a difficulty which arises with respect to union-negotiated plans. To qualify under the tax laws, a plan must have a definite written program which has been communicated to the employees. However, collective-bargaining agreements generally require employer contributions to begin immediately, and often take a while to reduce the benefits provided under the agreements to the required definite written program. Thus, in many cases there was not time to meet the written program requirement, and plans could not, in the absence of the provision I have referred to, qualify. Accordingly, no deduction would have been available for the required contributions.

The committee's attention was called to a case which indicates that these same difficulties have arisen in plans negotiated with single employers, as well as in the case of plans negotiated with several employers. The specific case called to the committee's attention involves a pension trust set up by the National Tea Co. for its employees.

Since the same difficulties arise with respect to single employers as with multiple employers, the committee believed it was desirable to extend the application of the retrospective qualification provision to single-employer pension plans. Under the committee's amendment, as is true in the case of multi-employer pension plans, various safeguards must be met for the provision to apply.

The effective date of this amendment is the same as that of the existing provision, which in general applies with respect to contributions made after December 31, 1954.

The Treasury Department does not object to this amendment.

ACCUMULATIONS OF INCOME BY TAX-EXEMPT TRUSTS

Another amendment adopted by the committee permits an irrevocable, tax-exempt trust to accumulate income without losing its exempt status, if the income is from property transferred to the trust by its creator before 1951 and the trust instrument requires the income to be accumulated.

In 1950 Congress added a provision denying tax-exempt status to a trust that unreasonably accumulates its income. However, this provision was made inapplicable to a trust created by will before 1951. This exception was provided for the obvious reason that these restrictions could not have been taken into account when the trust was created, since they were not then in existence.

It has come to the committee's attention that a similar problem exists where property was transferred to an irrevocable trust before 1951 by a living grantor, instead of by will, and the trust instrument requires income to be accumulated. One specific case called to the committee's attention involves the Duke endowment trust, although we understand that others may also have the same problem.

The committee concluded that there is no rational reason for distinguishing between testamentary and inter vivos trusts created before 1951 which are making mandatory accumulations of income. As a result the committee adopted an amendment which provides that the tax-exempt status of trusts is not to be lost because of income accumulations if three conditions are met: First, the accumulated income is attributable to property transferred to the trust before January 1, 1951, by the creator of the trust. Second, the trust was irrevocable on that date. Third, the trust instrument requires the income to be accumulated, and this requirement was in effect on that date and at all times thereafter.

The amendment applies to taxable years beginning after December 31, 1950, when the provision restricting accumulations went into effect.

The Treasury Department does not object to this amendment.

ADVERTISING REGULATIONS

Mr. President, the committee also adopted an amendment which postpones for 1 year the application of the new Treasury regulations regarding the taxation of advertising income derived by tax-exempt organizations from publishing periodicals.

Under present law tax is imposed on the unrelated business income of certain tax-exempt organizations. Included in this category are educational and charitable organizations, religious organizations other than church, labor and agricultural organizations, business leagues, chambers of commerce and certain others. The tax applies, however, only where the trade or business is not substantially related to the organization's exempt purpose.

Although the Treasury regulation in effect prior to December 2, 1967, did not specifically deal with the matter of advertising income, in fact tax was not asserted with respect to advertising income derived by an exempt organization from publishing a periodical where the editorial material in the periodical was related to the exempt purpose of the organization.

Mr. President, my colleagues will recall that last December new Treasury regulations were issued which, in general, treat the advertising income derived by a tax-exempt organization from publishing a periodical as unrelated business income.

Concern has been expressed by many that these regulations go beyond the intent of Congress as they relate to this advertising income. In addition, it is estimated that approximately 700 organizations are affected by the regulations. It will be recalled that because of these considerations the Senate adopted an amendment regarding this matter when we considered the Revenue and Expenditure Control Act of 1968. This amendment was deleted in conference with the understanding that the Ways and Means Committee would consider the matter later in the year. It has been necessary, however, for that committee to hold the intended hearings in abeyance because of the large number of people who indicated they wished to testify.

Mr. President, since these new regulations have a substantial impact and are the subject of widespread concern, the committee believed it appropriate to defer their application for 1 year. This will provide us an opportunity to examine the subject and to determine whether we believe legislation is desirable. Accordingly, the committee's amendment delays the effective date of these regulations for a period of 1 year—and therefore postpones for this period the taxation of income from commercial advertising in a periodical published by a tax-exempt organization which contains editorial matter related to the exempt purpose of the organization.

SPINOFF BY LIFE INSURANCE COMPANY

The committee also adopted an amendment postponing the so-called phase III tax effects when a life insurance company distributes, or, "spins off," the stock of a wholly owned subsidiary corporation to a parent holding company. This amendment is similar to three other exceptions which Congress has enacted in recent years to the basic rule, treating a distribution by a life insurance company to its shareholders as a distribution, first, out of the insurance company's "shareholders surplus account" and, to the extent the distributions exceed the amount in this account, then as distributions out of the company's "policyholders surplus account." It is the distributions from the policyholders surplus account which give rise to the so-called phase III tax on the life insurance company.

The prior exceptions deal with tax-free spinoffs by life insurance companies of the stock of other life or casualty insurance companies. This amendment differs from the earlier exceptions in that it deals with the tax-free spinoff of the stock of any wholly owned business subsidiary corporation. The amendment applies, however, only if the insurance company has owned all the stock of the subsidiary at all times since December 31, 1957—that is, from a time before the Life Insurance Company Income Tax Act first imposed the phase III tax on insurance companies or when a company could have distributed the stock of a subsidiary without phase III tax effects.

This amendment differs from the prior exceptions which we adopted in a second important respect. The prior amendments, in the case of pre-December 31, 1957, contributions to capital of a spun-off subsidiary corporation completely eliminated the phase III tax consequences resulting from the spinoff. This amendment does not eliminate these phase III tax effects. Instead it merely postpones these effects until the business subsidiary makes distributions to the parent holding company, or until the holding company disposes of the stock of the business subsidiary corporation. Either of these transactions then is to have the same phase III tax consequences, with one limitation, as would have resulted if the life insurance company had retained the stock of the business subsidiary and, upon receiving funds from the business subsidiary or from the sale of the subsidiary's stock, had distributed the funds to the parent holding company. The limitation which I have referred to is that the fair market value of the stock of the business subsidiary at the time of the spinoff—reduced by any post-December 31, 1957, contributions to its capital which result in phase III tax effects at the time of the spinoff—limits the phase III tax effects resulting from these subsequent transactions.

The amendment I have just described removes the only objection the Treasury Department raised to this provision.

LOSS CARRYOVER OF INSURANCE COMPANY ON CHANGE OF FORM OF ORGANIZATION OR NATURE OF INSURANCE BUSINESS

Another amendment adopted by the committee also relates to insurance companies. It permits an insurance company which, as a result of a change in the form of its organization or the nature of its insurance business—such as change from a mutual casualty company to a stock casualty company or to a life insurance company—also changes its tax status, to carry over and deduct, after the change, losses incurred before the change. The amendment permits the deduction of the loss in these cases generally subject to the same conditions and limitations as in case of other loss carryovers, but with one important exception. The loss carryover cannot exceed the lesser of the carryover determined before the company's change in tax status or the carryover determined after the change in tax status, that is, determined as if the company had been subject to the same tax rules before the change as after the change.

This limitation which I just described is important because of the reason why existing law does not permit the deduction of a loss carryover following a change in the tax status of a life insurance company. The reason is that, in enacting the life insurance provisions, we did not want to permit a loss carryover that would result in too generous tax treatment. That is, we did not want to allow a loss to be deducted by a life company, for example, if the loss was computed under rules applicable to a casualty company which might allow a more generous loss carryover, or vice versa. This limitation prevents any too generous treatment. At the same time, it does not make it impossible for an insurance company to use its loss merely because it changes its tax status.

This amendment makes deductions for loss carryovers available in taxable years beginning on and after January 1, 1967, with respect to losses incurred in periods beginning on or after January 1, 1963. This latter date was the time when a series of amendments to the insurance company tax provisions made the treatment of all insurance companies substantially alike for purposes of computing loss carryovers.

The Treasury Department does not object to this amendment.

DEVELOPMENT COMPANY TREATED AS REGULATED INVESTMENT COMPANY

The last amendment adopted by the committee relates to the asset diversification requirement for a development company qualifying for regulated investment company tax treatment.

A development company is a company principally engaged in furnishing capital to new, small businesses; that is, a corporation principally engaged in developing or exploiting new products. The advantage to the company of qualifying for regulated investment company tax treatment is that by so doing it pays tax only on the income which it retains and not on the income it distributes to shareholders.

Present law generally requires a regulated investment company to diversify its investments within prescribed limits. A limited exception, however, is provided for development companies. A development company can rely on the exception, however, only if no more than 25 percent of the value of its assets represent securities of issuers in which the company has held an interest for 10 years or more and in which the development company's holdings represent more than 10 percent of the voting stock of the issuer. However, even after this 10-year period the company may retain its "excess holdings," and continue to qualify as a regulated investment company, by relying on a savings provision in present law.

A case has come to the attention of your committee where a development company is relying on the savings provision I have just described to continue to qualify as a regulated investment company. The company is continuing to so qualify, of course, even though it can no longer make "development company" type investments in small, new businesses. This situation frustrates the purpose of the present exception for development companies.

As a result, the committee decided to limit this general savings provision so that it can no longer apply to a development company. The result generally is to require a development company to dispose of its "excess holdings" if it is to continue to qualify for regulated investment company treatment.

Your committee believed that it would be unfair to companies which in good faith are relying on the general savings provision, however, to suddenly withdraw this right. The committee's amendment, therefore, permits a development company a 20-year period, as contrasted to the 10-year period of existing law, in which to dispose of its excess stock holdings. The company must evidence its intent to do so, however—if it wants to retain regulated investment company tax treatment—by disposing of 40 percent of its excess holdings at least by the close of the 15th year. In addition, the company must dispose of all its excess holdings by the close of the 20th year to continue to qualify for regulated investment company treatment.

The Treasury Department does not object to this amendment.

Mr. President, there will be some controversial amendments offered to the bill. And I am well aware of what some of those amendments will be. I have discussed the matter with the sponsors of the amendments. We all agree that at this time of the afternoon, it would be inappropriate to vote on them, because some of them are very controversial. That being the case, any Senator who desires to explain his position in support or opposition to an amendment may do so.

It was agreed between the distinguished majority and minority leaders that we should not vote on the bill at this time because some Senators have been led to believe that we will not have any further rollcall votes today.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOOD AND AGRICULTURAL ACT OF 1965—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17126) to amend the Food and Agriculture Act of 1965. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of September 25, 1968, p. 27990, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ELLENDER. Mr. President, the House bill would have extended the Food and Agriculture Act of 1965 for 1 year. It would also have limited payments under it to $20,000, and modified the law concerning base plans under milk marketing orders.

The Senate amendment would have extended the Food and Agriculture Act of 1965 for 4 years. It also contained a number of provisions relative to milk, feed grains, cotton, wheat, apples, and cropland adjustment, but these were not absolutely necessary.

The conference substitute extends the Food and Agriculture Act of 1965 for 1 year. It omits all other provisions of the House bill and of the Senate amendment. All it does is continue existing law for 1 additional year without other change. All conferees on the part of the Senate signed the conference report.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. HOLLAND. Mr. President, while I have been glad to work on the conference in reducing this bill to the form in which it is reported from conference, I am opposed to the bill; and I should like the Record to show that if a record vote were taken, I would be recorded as voting against the conference report.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the District of Columbia be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1964 FOR CERTAIN EMPLOYEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1489, H.R. 18786.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The Assistant Legislative Clerk. A bill (H.R. 18786) to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

The Senate resumed the consideration of the bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 2767.

Mr. MANSFIELD. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15263) to amend further the Foreign Assistance Act of

1961, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER**. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of today, pp. 27629–27634, CONGRESSIONAL RECORD.)

The **PRESIDING OFFICER**. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. **SPARKMAN**. Mr. President, the conference report on H.R. 15263, the Foreign Assistance Act of 1968, represents a fair, and I believe generally satisfactory, compromise of the differences between the House and Senate bills. The differences to begin with, were not so great as they have been in past years, either with respect to money or substantive provisions.

The House bill authorized a total of $1,993,850,000; the Senate, $1,945,900,000. The conferees agreed on a total of $1,974,050,000. I ask unanimous consent that a table be printed at this point in the RECORD, giving a detailed breakdown.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AUTHORIZATION OF FUNDS—FOREIGN ASSISTANCE ACT OF 1968 (FISCAL YEAR 1969)

[In thousands of dollars]

Program	(1) House	(2) Senate	(3) Conference	(4) Difference (H=House; S=Senate)
Development Loan Fund	350,000	350,000	350,000	
Technical cooperation and development grants	200,000	200,000	200,000	
American schools and hospitals abroad	13,000	14,600	14,600	H+1,600
Local currency	5,100	5,100	5,100	
Survey of investment opportunities	1,250			H−1,250
Alliance for Progress	420,000	420,000	420,000	
Loans	(330,000)	(330.000)	(330,000)	
Grants	(90 000)	(90,000)	(90,000)	
Partners of the Alliance	500	200	350	H−150 S+150
International organizations and programs	130 000	135,000	135,000	H+5,000
Children's Fund	1,000	1,000	1,000	
Indus Basin [1]				
Supporting assistance	420,000	400,000	410,000	H−10,000 S+10,000
Contingency fund	10,000	10,000	10,000	
Administrative expenses:				
AID	53,000	50.000	53.000	S+3,000
Department of State	(2)	(2)	(2)	
Total, economic assistance	1,603,850	1,585,900	1,599,050	H−4,800 S+13,150
Military assistance	390,000	360,000	375,000	H−15,000 S+15,000
Total economic and military assistance	1,993,850	1,945,900	1,974,050	H−19,800 S+28,150

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[1] The Foreign Assistance Act of 1967 authorized $51,220,000 for use beginning fiscal year 1969 for this purpose. The Executive requests $12,000,000 for fiscal 1969.

[2] Existing law contains permanent authorization.

Mr. **SPARKMAN**. Mr. President, the following are the more significant substantive provisions adjusted by the conferees:

Interest rates: The Senate bill increased interest rates on development loans and Alliance for Progress loans from 2 percent to 3 percent during the first 10 years and from 2½ percent to 3½ percent thereafter. The House bill did not change interest rates, and the House conferees were strongly opposed to changing them. In the end, it was agreed to leave interest rates at 2 percent during the first 10 years and to increase them from 2½ percent to 3 percent thereafter.

Investment guarantees: the Senate bill made no change in the existing ceilings on the total amounts of various kinds of investment guaranties which can be outstanding at any one time. The House bill increased all of these ceilings. The conferees agreed to raise the ceilings by one-half the amount provided by the House. This means that the new ceilings will be as follows:

Specific risk guarantees: $8.5 billion, compared to $8 billion in the present law.

Extended risk guarantees: $550 million, of which $390 million is for nonhousing guarantees and $1,250,000 is for credit union guaranties, compared to $475 million, $315 million, and $1 million, respectively, in the present law.

Latin American housing guarantees: $550 million, compared to $500 million in the present law.

In addition, under the present law, the authority to issue extended risk guarantees would expire June 30, 1970. The Senate bill left that unchanged; the House bill repealed the expiration date, thereby making the authority permanent. The conferees agreed to extend the authority 1 year to June 30, 1971.

Finally, the conferees accepted language in the Senate bill designed to prevent the issuance of guarantees to cover secondary investments—that is, reinvestments made by foreign financial institutions in which American investors have an interest.

Surveys of investment opportunities: The House bill expanded the authority to finance surveys of investment opportunities and provide a new authorization of $1,250,000 for use beginning in the fiscal year 1969. The Senate bill repealed this title of the act. The conferees agreed to leave the title in the act, but to provide no new money or additional authority. The effect is to permit the program to continue to operate with authorization of $850,000 remaining unappropriated from last year.

Utilization of Democratic institutions in development: The Senate conferees agreed to House language expanding title IX of the act to provide for more research and inservice training with respect to the utilization of democratic institutions in development.

Sophisticated weapons for underdeveloped countries: Both House and Senate bills had similar provisions; first, prohibiting the use of military assistance funds to furnish sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to certain countries; and, second, requiring the withholding of economic assistance in an equivalent amount from certain countries purchasing such systems. In both cases, provision was made for a Presidential waiver. The conferees agreed to the Senate language in both instances, with two minor changes. First, the Senate bill had referred to "advanced" jet aircraft; the word "advanced" was deleted by the conferees. Second, the Senate bill had referred to "any country"; this was limited by the conferees to "any underdeveloped country."

Military assistance to Latin America: The conferees agreed to a provision of the House bill authorizing the use of $10 million in grant military assistance to Latin America for strengthening coastal patrol activities. This is in addition to the law's limitation of $25 million on grant military assistance, other than training, to Latin America, but it is not in addition to the law's overall limitation of $75 million on military grants and sales to Latin America.

Assistance to countries trading with Cuba: The conferees agreed to delete a provision of the House bill prohibiting aid under the Foreign Assistance Act or sales under Public Law 480 to any developed country exporting to Cuba or permitting its ships or aircraft to trade with Cuba.

Pueblo crew: The conferees agreed to delete a provision of the Senate bill which, pending release of the crew of the *Pueblo*, would have prohibited a Presidential waiver of the general restrictions on aid to Communist countries.

Supplier eligibility: Both bills contained similar provisions making it easier to suspend the eligibility of AID suppliers. The conferees agreed to the Senate language, which in general gave AID broader authority to act promptly. The conferees also agreed to Senate language providing penalties for suppliers making false claims or furnishing ineligible commodities.

Strengthened management practices: The conferees agreed to a House provision for the application to foreign aid programs of advanced decisionmaking, information and analysis techniques such as systems analysis, automatic data processing, benefit-cost studies, and information retrieval.

Supersonic planes for Israel: Both bills contained provisions for the sale of supersonic planes to Israel. The conferees agreed to the Senate version, which expresses the sense of Congress in favor of the sales—rather than directing the President to make the sales—and which does not specify either the number or type of planes to be sold. It does, however, call for the sale of such number "as may be necessary to provide Israel with an adequate deterrent force."

School assistance in federally affected areas: The conferees agreed to delete a Senate provision prohibiting the obligation of certain foreign aid funds until appropriations for school assistance in federally affected areas have been committed.

Gold sales: The conferees agreed to delete a Senate provision prohibiting the sale of gold to nations in arrears in payment of their obligations owing to the United States.

Log exports: The conferees agreed to a modification of a Senate amendment putting a limit of 350 million board feet a year on the sale for export of unprocessed timber from Federal lands west of the 100th meridian. As it passed the Senate, this amendment applied to each of the calendar years 1968 through 1972. As agreed to in conference, it applies to each of the calendar years 1969 through 1971. In addition, the conferees added a provision authorizing the exclusion from this limitation of sales with an appraised value of less than $2,000.

It must be emphasized that the log export amendment is not intended to be a restriction on trade, but only to divert rising foreign purchases from logs to finished lumber products. If we keep the logs at home, our mills can produce enough lumber both for our booming domestic market, and for the export trade.

Hopefully, with adoption of this provision, Japanese trading companies will recognize that some arrangement is desirable that will call for sale to Japan of a "mix" of U.S. logs and lumber products. To work out an appropriate mix of this kind will require a high degree of cooperation within the U.S. industry and leadership from the responsible Federal agencies, especially the Forest Service. It will be necessary for the industry to do everything it can to identify the problems that will arise in milling wood to Japanese dimensions, and shipping in quantities that are economical for Japan to buy.

It will be necessary for the Departments of Agriculture and Interior, especially the Forest Service, to act promptly under that section of the amendment which calls for a public hearing, and a finding of quantities and species surplus to domestic needs.

But the essential burden of assuring that this amendment has the desired effect will rest with the lumber industry itself. During its 3-year term of application, the Foreign Relations Committee will continue to follow carefully the progress made in achieving a wood fiber trade with Japan that will conserve timber for American needs and also provide Japan with a reasonable quantity of wood products.

Public Law 480 currency: The conferees agreed to delete a Senate provision which amended Public Law 480 to exclude foreign currencies for international education and cultural exchange activities from the requirements of section 1415 of the Supplemental Appropriation Act of 1953.

Peace Corps Act Amendments: The conferees agreed to delete Senate provisions making a number of technical amendments to the Peace Corps Act.

Reappraisal of foreign assistance programs: The Senate bill contained a new part providing for a reappraisal of foreign aid programs, both by the President and by a new committee to consist of public, executive branch, and congressional Members. The conferees agreed to a reappraisal by the President, but deleted the provisions for a new committee. The President is to submit an interim report by July 1, 1969, and a final report by March 31, 1970. He is particularly to take into account proposals for the establishment of a Government corporation or federally chartered private corporation to promote the economic development of underdeveloped countries.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. JAVITS. As I understand it, this report contains a provision which calls upon the President to send us proposals for a complete reappraisal of the foreign aid program, including the possibility of operating a significant element of the program—the mobilization of private U.S. capital and know-how for investment in developing countries through a corporate form. I was made acquainted with that agreement of the conferees at an early stage of their proceedings, and I should like the Senator from Alabama to confirm to me the fact that that is in the report—the acceptance in the report.

I should like the Senator to advise me whether it is within the concept of the conferees that this should really be the authoritative effort for which we have struggled so long, to see if the entire foreign aid program can be reoriented so as the amendment declares to make this program once again an effective instrument of U.S. foreign policy.

Mr. SPARKMAN. Mr. President, the Senator has on several occasions advocated this approach to the problem. This year, the Senator will recall, he offered on the floor of the Senate a very long amendment which really consisted of two parts. I accepted it and told him I would take it to conference. The conference agreed to this part of it. They were not ready to accept the other part, and I understood that this is really the gist of what the Senator has been trying to do.

Mr. JAVITS. It is.

Mr. SPARKMAN. I believe he will find that we accepted it in almost the same words that he had—probably the same.

Mr. JAVITS. Does the Senator feel that the temper of the conferees is such that this really can be the basis for a major new departure in the foreign aid program?

Mr. SPARKMAN. Yes. That was the purpose of our acceptance.

Mr. JAVITS. I am very grateful to my colleague. He always handles these matters in not only the most statesmanlike way but also in the most gracious way personally, because I was kept informed at every stage of the conference as to just what was happening to this amendment.

Mr. SPARKMAN. I thank the Senator.

Mr. JAVITS. I ask unanimous consent that the original text of the amendment, my explanation of the need for this amendment and the subsequent discussion on the amendment may be made part of the RECORD at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, July 31, 1968]

AMENDMENT NO. 920

Mr. JAVITS. Mr. President, I call up my amendment (No. 920), and ask that it be stated.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is, at the end of the bill add the following:

"PART V—REAPPRAISAL OF FOREIGN ASSISTANCE PROGRAMS

"DECLARATION OF POLICY

"SEC. 501. The Congress declares that, in view of changing world conditions and the continued need to make United States foreign assistance programs an effective implement of United States foreign policy, there should be a comprehensive review and reorganization of all United States foreign assistance programs, including economic development and technical assistance programs, military assistance and sales programs, and programs involving contributions and payments by the United States to international lending institutions and other international organizations concerned with the development of friendly foreign countries and areas.

"REAPPRAISAL BY PRESIDENT

"SEC. 502. In furtherance of the policy of this part, the President is requested to make a thorough and comprehensive reappraisal of United States foreign assistance programs, as described in section 501, and to submit to the Congress, on or before March 31, 1970, his recommendations for achieving such reforms in and reorganization of future foreign assistance programs as he determines to be necessary and appropriate in the national interest in the light of such reappraisal. The President is requested to submit to the Congress, on or before July 1, 1969, an interim report presenting any preliminary recommendations formulated by him pursuant to this section. In formulating his recommendations, the President shall take into consideration any advice and recommendations submitted to him by the National Foreign Assistance Review Committee pursuant to section 504.

"ESTABLISHMENT OF COMMITTEE

"SEC. 503. (a) There is hereby established a National Foreign Assistance Review Committee (hereinafter referred to as the 'Committee') which shall consist of sixteen members, to be selected as follows:

"(1) Four members to be appointed by the President from appropriate departments and agencies of the executive branch concerned with activities in the field of foreign assistance or international development;

"(2) Four members to be appointed by the President from among private citizens of the United States who are widely recognized for their broad knowledge of or for their profound interest in the field of foreign assistance or international development;

"(3) Four members of the United States Senate to be appointed by the President of the Senate, two of whom shall be members of the minority party appointed after consultation with the minority leader, and not more than two of whom shall be members of the Foreign Relations Committee of the Senate; and

"(4) Four members of the House of Representatives to be appointed by the Speaker of the House of Representatives, two of whom shall be members of the minority party appointed after consultation with the minority leader, and not more than two of whom shall be members of the Foreign Affairs Committee of the House of Representatives.

"(b) Members of each class described in clauses (1), (2), (3), and (4) shall serve at the pleasure of the authority empowered to appoint such members.

"(c) The Committee shall select a Chairman and Vice Chairman from among its members.

"(d) The Committee shall be organized and shall hold its first meeting as soon as possible after the date of enactment of this part.

"(e) Any vacancy in the Committee shall not affect its powers and shall be filled in the same manner, and be subject to the same limitations, as in making the original appointment.

"FUNCTIONS AND DUTIES OF COMMITTEE

"SEC. 504. (a) It shall be the function of the Committee to assist and advise the President in formulating the recommendations referred to in section 502.

"(b) In carrying out its function, the Committee shall make such studies, with respect to United States foreign assistance programs, as are necessary to enable it to develop and submit to the President recommendations with respect to any needed reforms in and reorganization of such programs. Such studies shall include, but not be limited to, an analysis and consideration of—

"(1) the objectives and nature of United States foreign assistance programs and the extent to which such programs are related to and harmonious with vital United States interests;

"(2) the relationship of and experience derived by the various departments, agencies, and other instrumentalities of the United States engaged in or concerned with such programs and any duplications and overlapping of jurisdiction with respect to such programs, and the relationship of such departments, agencies, and instrumentalities of the United States to international agencies, banks, and other international organizations engaged in or concerned with development or relief programs;

"(3) the ways and means by which such programs might be improved, amended, or supplemented so as to provide for the most efficient, economical, and effective administration and operation of such programs;

"(4) the relationship of foreign trade to foreign assistance, and the extent to which private trade and private investment can and should complement or replace government-to-government assistance; and

"(5) the ways and means by which private enterprise and private sources, alone and in partnership with the Government, can participate in contributing to the flow of technology and capital to the less developed friendly countries and areas.

"(c)(1) The recommendations submitted to the President by the Committee shall include specific proposals concerning the establishment of a Government corporation or a federally chartered private corporation designed to mobilize and facilitate the use of United States private capital and skills in less developed friendly countries and areas.

"(2) In preparing such proposals the Committee shall consider whether such corporation should be authorized to—

"(A) utilize Government guarantees and funds as well as private funds;

"(B) seek, develop, promote, and underwrite new investment projects;

"(C) assist in transferring skills and technology to less developed friendly countries and areas; and

"(D) invest in the securities of development financing institutions and assist in the formation and expansion of local capital markets.

"(d) The Committee shall submit an interim report to the President on its recommendations not later than on June 1, 1969, and shall submit a final report to the President on its recommendations not later than on February 28, 1970. Upon the filing of its final report the Committee shall cease to exist.

"POWERS AND ADMINISTRATIVE PROVISIONS

"SEC. 505. (a) The Committee is authorized to appoint and fix the compensation of such secretarial, clerical, and other staff personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(b) The Committee may procure such temporary and intermittent services as are authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

"(c) The Committee or, on the authorization of the Committee, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this part, hold such hearings, administer such oaths, take such testimony, and sit and act at such times and places in the United States or abroad, as the Committee, Subcommittee, or member deems advisable.

"(d) Upon request made by the Committee, each department and agency of the Federal Government, including independent agencies, is authorized and directed (1) to furnish to the Committee such information, suggestions, or estimates as the Committee may determine to be necessary or desirable for the performance of its functions, and (2) to the greatest extent practicable, and with or without reimbursement as may be determined by such department or agency, to make its services, personnel, and facilities available to the Committee in the performance of its functions.

"COMPENSATION OF MEMBERS OF COMMITTEE

"SEC. 506. (a) Any member of the Committee who is appointed from any branch of the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties as a member of the Committee.

"(c) Members of the Committee, other than those referred to in subsection (a), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Committee and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Committee.

"EXPENSES OF THE COMMITTEE

"SEC. 507. There are authorized to be appropriated such sums as may be necessary to carry out this part."

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, the amendment I have proposed is, I believe, very important. I hope that Senators will agree. It seeks, at long last, to bring about a review and reappraisal of the foreign assistance programs of the United States and to provide by law for definitive recommendations to be made on the subject by the President, with a view toward formulating a totally new program and a totally new approach.

The President is requested to submit to Congress on or before June 30, 1969, an interim report, and approximately 1 year later, on or before March 31, 1970, a final report.

The amendment proposes the appointment of a National Foreign Assistance Review Committee to advise Congress and the President on this subject.

The committee is to be composed of 16 members, four from the executive branch, four from the Senate, four from the House, and four from the public domain, to be appointed by the President.

The purpose of this amendment is to recognize what is a situation, not a theory. It is well known that for many years—20 years now—including my service in the House of Representatives, I have been very favorable to the foreign aid program, and I believe it is indispensable to the public policy of the United States. Indeed, the committee says so in its report.

Also, we all know—we have been told many times, and there is no question about its truth—that the developing areas of the world are slipping behind instead of moving forward. They probably would have slipped behind much more had we not had some form of foreign aid. But the fact is that the gap between the rich and the poor nations is increasing, not decreasing, with tremendous danger that the world sweep of revolution is more likely to engulf them now than it otherwise would.

Notwithstanding these truths, the fact is that we now have such a severe cut in the foreign aid program—a billion dollars—as really to make Americans question whether it is meaningful at all in the form in which we actually pass it, and to dictate very strongly that there should be a complete review and an effort to come out with some kind of new plan.

Mr. President, members of the Committee on Foreign Affairs of the House and of the Committee on Foreign Relations of the Senate know that periodically the administration has promised to come in with a new plan for foreign aid. But always the pressure of events, the fact that the year's estimates almost come upon the heels—if they often do not anticipate—of the appropriations for the foreign assistance program, aborts the effort of the administration to come in with anything really new or different. So we have gone on from year to year very much like the elephants, locked tail and trunk together, without taking some stock of what we are doing and how me might do it better, and with a diversity of programs, including food aid, direct aid, technical assistance, the Alliance for Progress and military assistance, all lumped into one, and handled pretty much the same way and under the same heading.

Mr. President, it is time to stop and take notice, and review what we have done and plan something new for what we have to do in order to bring about a changed situation with respect to the foreign aid program.

This approach should be especially appealing to those who are for the program and who are deeply worried about seeing the program eroded to the point of ineffectiveness, and also to those who are in the middle of the road and who are willing to go along but not quite sure as to how to go about it. This is a way to provide a reassessment for foreign aid.

One of the major ideas in the foreign aid field has been the idea of a corporation to be organized by Government, essentially, but to operate with the flexibility of a corporation with the ability to seek, develop and underwrite view investment projects, utilizing Government guarantees and funds as well as private funds, to assist in the transferring of skills and technology to developing nations and possibly to invest in the securities of development financing institutions and to assist in the formation and expansion of local capital markets.

West Germany runs a part of its foreign aid program through such a corporation. If Senators will refer to the hearings held before the Committee on Foreign Relations, at page 365 they will find an analysis of the German plan. On page 387 of the same hearings Senators will find an analysis of the British plan. The German plan is called the German Corporation for Development Cooperation. The British corporation is called the Commonwealth Development Corporation. Both of these programs are new approaches along the lines of trying to bring about a partnership between Government and business for the purpose of pursuing the foreign aid program.

Mr. President, the amendment I have proposed also contains a provision calling for a report by the review committee on the question of whether a corporation should be organized by the United States to carry on certain basic elements of the foreign aid program. This particular section has been the subject of consideration with the officials of AID themselves and we have done our utmost to draft the provisions with respect to calling for recommendations on a Government corporation or a federally chartered private corporation to mobilize and facilitate use of U.S. private capital and skills in developing countries in a manner satisfactory to them and which they would be willing to support. To me that represents one of the most important aspects of this amendment.

We all love the Senator from Alabama because he is honest and fair with all of us. He has told me directly he is willing to take that part of this amendment which relates to review. He has some reservation about the question of whether or not a review committee should report on the corporation idea.

I feel that the review committee is fine. I am all for it and I am pleased that he is willing to take it. I hope he stays with it in conference.

However, to me the innovative part of the amendment relates to—and I do not commit the country to it—a specific report on this corporation idea. It is a new and enterprising idea and has been followed in both Germany and Great Britain.

I would say to the distinguished Senator from Alabama if he would just as soon do it this way I would be perfectly willing to have him take the amendment for a review committee, and to excise out of it the provision requiring a report on the corporation and let the Senate vote yea or nay on a rollcall vote on the corporation idea.

If the Senate thinks there is something in it, then the Senate will support it and there would then be a lot more chance of surviving in conference. If the Senate thinks there is nothing in it, the Senate will reject it and that will be the end of the matter for this session as far as I am concerned. I think these ideas are relatively separable to the extent I have gotten different cosponsors for the corporate idea than for the review committee idea.

I hope we might have the expression of opinion from the Senator from Alabama on this question.

To rephrase the matter so we can understand it, I think the idea of the review committee, which appeals to him is great. I hope very much he can take it and keep it in conference. As to the idea of a corporation, which is all this expresses, if the Senator does not feel the same way about that, I would be willing to excise it from the amendment he takes and submit it as a separate amendment, debate it for one-half hour or so, and vote on it, because I feel strongly that that is the innovative part of my proposal. The creativity of the corporate idea is something I worked on for years. I had it in separate bills with great specificity of what it should be and how it should be financed. I had about 12 cosponsors in the Senate. We have a report from the Foreign Affairs Committee in the other body by Representative FARBSTEIN of New York endorsing the idea of carrying on the foreign aid program of the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, this is an idea which is of great importance and significance. I would not wish to feel that it is just being cursorily accepted and then dropped in conference and that would be the end of that. I would rather take my chances on a rollcall vote.

Now, I would like to have an expression of opinion from the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, I wish to say to the Senator from New York that I fully subscribe to the idea of the reassessment. We have had many studies of foreign aid over the years. However, I think everyone must realize that we are in a time of change, a time of change that is indicated by the action of the Committee on Foreign Relations on this particular bill.

I would welcome a new study of it made in light of the new conditions. I can easily subscribe to that. As far as I am concerned, I would be glad to recommend to the Senate that we accept that.

On the second part, regarding the corporation, that is something I have not had occasion to study or think through as I should. I have indicated to the Senator from New York that I would be glad to let that stay with the amendment and take the whole thing to conference.

In the meantime, I would hope to do some study into the proposal for the corporation. Of course, we know that we must reckon with the House conferees. I have no idea how the House conferees would take to it. However, if the Senator is willing to go on that condition, I will assure him that I would be glad to recommend it be taken.

Mr. JAVITS. Mr. President, I think that is very kind. On that basis, I think I should, as I was concerned that the Senator might have some more definite feeling about it than he expressed. But the expressions of the Senator reassure me, knowing his character as well as I do. I know the amendment will have a fair shake in conference.

Mr. President, both the House of Representatives and the Senate Foreign Relations Committee have made clear by their overwhelming approval of major cuts in the foreign aid authorization bill that they have grave questions about this program.

Their action came as no surprise to those of us who have followed the annual authorization process in recent years. The severe budget deficit and balance-of-payments problems facing the country today and the heavy drain imposed on our resources by the war in Vietnam are largely responsible for this situation.

I have supported our foreign aid program as long as I have been a Member of Congress. I continue to favor U.S. aid to developing nations. I am prepared to face the fact, however, that for a variety of reasons, support for foreign aid in its present form has been so reduced in the Congress and among the public that the foreign aid program in its present form can no longer be maintained so as to perform a useful service to the Nation. We must revise the program to reflect current world conditions and make it again an effective tool of U.S. diplomacy.

It is important to note that the opposition to foreign aid is directed against its effectiveness and the economical use of its means rather than against the specific uses of the program—aid for agricultural development, technical assistance, loans to developing banks, saving and loan associations, cooperatives, the investment guarantee program.

While we have domestic troubles of our own, we remain a world power, with all the responsibilities that these responsibilities imply. We cannot expect to live in peace while two-thirds of mankind lives in abject poverty and hunger. We will have to do our share to alleviate these conditions and as the leading democratic nation we must inspire our fellow democracies to do their share. I believe the American people recognize this and are willing to do their fair share. It is fair to conclude that their reluctance to support foreign aid is not directed against our basic responsibility but that they want to find a way to make it more effective with the means we can devote to it.

It is for these reasons that I propose a basic reappraisal of foreign aid by the President, with the advice of a review committee composed of representatives of the President, Congress, and the public so that it may reflect the cooperation of all three which is needed to develop a new foreign aid program that will have the renewed support of the American people.

But I assure the Senator that the corporate concept is the creative aspect of the amendment. It has had many refinements and much study. I am not pressing the specifics of the corporation idea, which I had originally sponsored and have for many years, and which is the development of the thinking of my brother, Benjamin Javits, and of Leon Keyserling, but I do think the concept of the corporation is really the creative power of the amendment.

Mr. SPARKMAN. I know something about the German trading corporation and the British Government's operations in this field. The Senator will recall that we had hearings in the Joint Economic Committee, in which these matters were discussed.

Mr. JAVITS. That is correct.

Mr. SPARKMAN. So I am not making an empty statement that I will be glad to take the amendment to conference. I mean to give it real consideration. I am not so prepared to go all out on the Senator's other amendment for the reform.

Mr. JAVITS. I understand. Whether we have a rollcall vote on it or not, it will still be up to the Senator from Alabama. I have had much experience with him in conferences. I am going to submit the whole amendment.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 additional minutes.

Mr. JAVITS. I wish to spell out the cosponsors of the two amendments I introduced in this connection.

The amendment No. 919 which deals only with the corporation concept and calls for a report by the President on the corporation by June 30, 1969, is sponsored by Senators BROOKE, HARTKE, HATFIELD, MAGNUSON, MILLER, PELL, and PERCY. It has very important bipartisan sponsorship.

The amendment with relation to the review committee, but which also calls for a report on the corporation, has the sponsorship of Senators BROOKE, COOPER, HATFIELD, KUCHEL, and MUNDT. It is interesting to me that bipartisan sponsorship came—and we offered both to our colleagues—with the corporate idea which represented a matter of the greatest interest to me. I feel that we can turn to a new path in the foreign aid field. We are now beginning to appreciate the enormous resources available in the private field, both from investors and from the business concerns which are available. It is well known that I am considered to be the father of something called the Adela Investment Co., which was one of the really great creative efforts of private enterprise of the great industrial countries of the world to do something with respect to private enterprise efforts in Latin America. It has been supremely successful; and the concept which is contained in this corporate idea follows very much along the lines of the Adela Investment Co.

Thus, I shall rest my case at this point, and greatly appreciate the attitude of the Senator from Alabama. He gives me great faith that both of these ideas, the one he is sufficiently acquainted with and the one toward which he does not feel entirely oriented in terms of knowledge, will have very just treatment at his hands.

Mr. Brooke. Mr. President, I am pleased to be a cosponsor of the amendment being offered today by my colleague from New York [Mr. Javits]. His proposal to establish a bipartisan committee, composed of members of the executive branch, the legislature, and private citizens, to reappraise our entire foreign assistance program, is worthy of our full support.

Foreign aid can be, and should be, an effective instrument of foreign policy. Foreign aid should supplement our economic policy, not be a substitute for it, as has been the case in our relations with all too many of the developing nations of the world. Foreign aid should be an arm of our military policy, it should not make that policy by involving us in areas where we had not planned to establish a deep involvement. Foreign aid should support our political objectives, not subvert them by creating hard feelings when projects are delayed or when funds are suddenly cut back. Foreign aid, like foreign policy itself, must be long range and consistent. It must have a wide area of flexibility, and it must be adaptable to the particular needs of a wide variety of recipient states.

Mr. President, there are many doubts about the effectiveness of our foreign aid program. There are many complaints from recipient countries about the funds expended on surveys and administration, and the relatively small amount which is actually allocated to tangible development projects. There are many reports indicating maladministration and waste in a variety of foreign assistance programs. We are beginning to hear criticisms on our Public Law 480 program, on the grounds that it represents unfair competition with the commodity exports of developing countries. Increasingly, we hear countries asking for trade, not aid, for private investment rather than public loans. Yet the need for public assistance persists.

In the light of this discontent with the foreign aid effort, I would wholeheartedly agree with those who contend that our aid program should be reexamined and revised. Perhaps we have been wrong to expand rather haphazardly a program designed originally to supplement the efforts of our European allies. Perhaps we have overemphasized loans for construction of infrastructure, while overlooking the necessity for larger markets for the products which can thus be produced and transported. Perhaps we are simply not sufficiently aware of the needs of the new nations and our role in meeting them: Maybe we have expected too much progress in too short a time; maybe we have been unnecessarily disturbed when our efforts met with criticism and distrust.

As a government and as a nation, we need a clearer understanding of the goals each nation seeks to achieve. We need a deeper appreciation of our own interests and how they can be achieved. We need, in short to re-examine our foreign aid objectives and to review carefully the accomplishments and failures of the program to date. Then, and only then, can we begin to offer the orderly, well-conceived and well-administered program required and expected of a great nation.

I hope that the amendment of the Senator from New York will be adopted.

THE PROPOSED FOREIGN ASSISTANCE REVIEW COMMISSION

Mr. Kuchel. Mr. President, for many years there has been growing concern about the course of our foreign assistance program. There are many who feel that in the priorities of our national budget it has a low claim on our national resources. Indeed, the pending legislation before the Senate is a strong reflection of the weight which that point of view is gaining in the public dialog. There are many, on the other hand, who recognize that poverty breeds conflict and hostility and that it requires substantial capital investment to eliminate it. That simple relationship is valid in the urban ghetto of Watts, and equally so in the slums of Calcutta or Istanbul. The question then is how much we allocate for the relief of poverty outside our own country.

I do not intend to dwell on the merits of a foreign aid program. Let me simply state my point of view, which rests on two premises. First, there will be no infusion of capital to alleviate poverty in other nations of the world unless the rich nations of the world, led by the United States, take up the cause, Secondly, as Gen. Lucius Clay concluded following his study of the program in 1963, foreign assistance is a necessary adjunct to the collective security of the free world and the defense of the United States.

But, Mr. President, I do not vow to debate the merits of the program, or even of the foreign-aid idea. The amendment which I have joined the distinguished Senator from New York [Mr. Javits] in offering is aimed at resolving the questions surrounding the program in its present form—questions that all of us have in one form or another.

Let me point out that the proposal for a National Review Commission is not simply a question of studying the foreign aid program. As others in this body have pointed out, there have been many studies of the program. Some of these have been extremely complete and worthwhile. I cite particularly the work of the Special Committee on Foreign Aid under a series of distinguished chairmen, and whose chief consultant was our good friend, Mr. Frank Valeo, now the distinguished Secretary of the Senate. The issue is not whether we need a study. Of course we need information and recommendations. But more than that we need sound proposals that would not be ignored. That has been the problem too often in the past.

What we propose today is to create a special body bringing together the foremost representatives of the executive and the legislative branches of the Government to determine what the future of this program shall be. It is necessary to do this, not only because there are divergent points of view as between the Congress and the administration, but because both branches of the Government are closely involved with the problem. It is the hope of those of us who have put this proposition forward that the commission can reach a national conference which we can all accept. This commission may decide that there need not be more foreign aid. Or, it may decide that the program should be reviewed. The point is that whatever stand it takes will have the firm and united support of both Congress and the administration, and of both political parties.

Some may contend that this commission will tie the hands of a future President. This is indeed a grave constitutional problem. The author of this amendment in looking to the future recognizes that any new administration will immediately be seized with this problem. They also recognize that in the first 3 or 4 months of a new administration it will be extremely difficult to tie together all of the extraneous elements necessary to reach a full conclusion. They also recognize that it is quite possible that one political party may not control both the administration and the Congress—so that any effective programing will require a bipartisan approach.

Mr. President, I believe that this amendment is the most realistic way to deal with the continuing agony of the annual foreign aid bill and to resolve it in a manner most closely fitting the needs and desires of the American people.

Mr. Sparkman. Mr. President, I yield back the remainder of my time.

Mr. Javits. I yield back the remainder of my time, Mr. President.

Mr. Sparkman. Mr. President, I move adoption of the amendment.

The motion was agreed to.

Mr. Javits. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. Sparkman. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. SPARKMAN. Mr. President, I move the adoption of the conference report.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

ORDER OF BUSINESS

The **PRESIDING OFFICER.** What is the will of the Senate?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

The Senate resumed the consideration of the bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

AMENDMENT NO. 940

Mr. MILLER. Mr. President, I send to the desk my amendment No. 940, and I ask that it be stated and made the pending business.

The **PRESIDING OFFICER** (Mr. Spong in the chair). The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MILLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered, and the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On page 16, immediately after line 12, add a new section 9 reading as follows:

"CROP INSURANCE PROCEEDS

"Sec. 9. Section 451 of the Internal Revenue Code of 1954, as amended (relating to general rule for taxable year of inclusion), is amended by adding the following subparagraph:

> "'(c) In the case of insurance proceeds received as a result of destruction or damage to crops, a taxpayer reporting on the cash basis of accounting may elect to include such proceeds in income for the year following the year of destruction or damage provided he establishes to the satisfaction of the Secretary or his delegate that, under his practice, income from such crops would not have been reported in the year in which raised'."

Mr. MILLER. Mr. President, my purpose in calling up the amendment at this time is to enable Senators to have the opportunity to look it over in the RECORD tomorrow morning before we come in so they will understand it.

I believe my amendment is a simple amendment. It is designed to take care of a hardship situation which occurs in the case of some farmers.

Farmers who are on a cash basis of accounting quite often will raise a crop in one year and not sell it until the following year. They do this as a matter of practice, and have done so down through the years. It readily can be seen that where a farmer is in that situation, has sold a crop from the preceding year, and suffers hail or storm damage to his crop, and then receives insurance proceeds to cover loss, if he is on a cash basis, he must report the insurance proceeds the same year and this results in a doubling up of income from 2 years into 1 year.

My amendment would provide in this type situation, where the farmer has been following this type procedure consistently of raising a crop one year and selling it the following year, that where insurance proceeds are received in the year in which a crop was raised, he may elect to defer the reported proceeds of the insurance to the following year when he would normally have sold the crop.

I believe the amendment would take care of a hardship situation which arises only because of an act of God and not due to any fault of the farmer at all. I understand there have been a number of these hardship situations, not only in the Midwest, but also in other areas such as the citrus growing area, the wheat production area, the corn production area, and the cotton and rice areas.

I have discussed this amendment informally with the manager of the bill. I believe that Senators, when they read the amendment, will appreciate the fact that while the amendment is relatively simple, it is very fair and is necessary to cover an oversight which has occurred in the tax law down through the years.

Mr. President, I shall not discuss the amendment further at this time because I believe the explanation I have made covers the amendment sufficiently.

DOROTHY GORDON'S YOUTH FORUM OF THE AIR HAS 25TH YEAR ON RADIO AND TELEVISION

Mr. JAVITS. Mr. President, while open discussion and a free exchange between the youth of our Nation and their elders is essential in our society, yet the channels of communication are often not adequately open. Had honest free expression of dissent been permitted in Chicago during the Democratic National Convention, some of the tension and bloodshed might well have been avoided. If we used our stadiums as platforms for debate, then perhaps our streets would not be arenas for assault and violence.

A healthy and fresh skepticism exists among our young people—a desire to question ideas many of which are indeed now obsolete. We should explore with young people the questions arising out of America's past and present, so that we may share with them a more promising future.

If we are to realize the possibilities of the future, we must give our youth the opportunity to be heard; we must provide forums for their questions as well as channels for their dissent. Of those who have been working effectively toward this end, one of the pioneers of an open exchange between young people and their older fellow Americans is Dorothy Gordon.

Dorothy Gordon, a devoted champion of young people, is a believer in their potential wisdom and insight. She has directed her energy to providing them with an effective platform for their questions and their views. In 1945 she founded what is known now as the "Dorothy Gordon Youth Forum," a weekly television and radio show, which allows young panelists to question leading personalities in varying disciplines.

Dorothy Gordon's program has received national acclaim. She has been presented numerous awards, citing her unique contribution to the discussion of ideas and the enrichment of human relations. It is with great pleasure that I note the 25th anniversary of an enterprise that reflects a fine public service and a high degree of genuine community concern.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. WILLIAMS of Delaware. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 20, 1968, at 10:30 a.m.

NOMINATIONS

Executive nomination received by the Senate after adjournment of the Senate on September 18, 1968, under authority of the order of the Senate of September 18, 1968:

FEDERAL POWER COMMISSION

Albert Bushong Brooke, Jr., of Maryland, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1969, vice Charles Robert Ross.

Executive nominations received by the Senate September 19, 1968:

POSTMASTER

The following-named persons to be postmasters:

CALIFORNIA

Arthur I. Montoya, Palm Desert, Calif., in place of C. A. LaJaunie, resigned.

GEORGIA

Thomas E. Lacy, Jr., Cuthbert, Ga., in place of W. W. Wood, deceased.

Edwin J. Dye, Griffin, Ga., in place of J. W. Hammond, Jr., deceased.

HAWAII

Barbara M. Okita, Paauilo, Hawaii, in place of M. S. Ramos, Jr., retired.

IDAHO

Seth R. Bailey, Bancroft, Idaho, in place of J. H. Toolson, deceased.

IOWA

Robert Clark, Centerville, Iowa, in place of B. L. Evans, resigned.

Donald F. Tierney, Chariton, Iowa, in place of E. H. Curtis, retired.

KANSAS

Theresa Rupp, Ellis, Kans., in place of G. H. Niesley, retired.

LOUISIANA

Julia E. Farthing, Ball, La., in place of L. N. Davis, retired.

MAINE

Stanley J. Borodko, Searsport, Maine, in place of G. H. Jordan, retired.

MARYLAND

Irvin R. Walker, Colora, Md., in place of C. L. Liddell, retired.

MICHIGAN

Jean M. Cook, Homer, Mich., in place of F. H. Shear, retired.

MINNESOTA

Kenneth L. Storm, Cook, Minn., in place of C. F. Ardin, retired.

MISSOURI

Carol J. Freeman, Brighton, Mo., in place of F. E. Gabriel, retired.

NEBRASKA

Lawrence L. Waring, Bloomington, Nebr., in place of B. A. Hogeland, transferred.

NEW YORK

Stanley J. Orenkewicz, Bayport, N.Y., in place of G. W. Dedrick, retired.

Edwin R. Kilmer, Johnstown, N.Y., in place of G. D. McMillan, retired.

NORTH DAKOTA

John P. Severson, Minot, N. Dak., in place of W. H. Dunnell, retired.

OHIO

Arthur D. Dick, Mount Sterling, Ohio, in place of G. E. Pfeil, deceased.

William C. Baker, Tiro, Ohio, in place of J. B. Hilborn, retired.

Raymond F. Diersing, Twinsburg, Ohio, in place of F. P. Jung, retired.

PENNSYLVANIA

James S. Gaughan, Olyphant, Pa., in place of J. B. Lawler, deceased.

VIRGINIA

Marjorie M. Simpkins, Aylett, Va., in place of T. B. Simpkins, deceased.

WASHINGTON

Mildred A. Eller, Twisp, Wash., in place of G. I. Manning, retired.

WISCONSIN

Chester G. Hoel, Cottage Grove, Wis., in place of E. M. Reynolds, retired.

Arthur J. Stepenske, Fontana, Wis., in place of R. P. Porter, retired.

Dallas E. Dimmer, Stanley, Wis., in place of H. B. Ver Weyst, transferred.

HOUSE OF REPRESENTATIVES—*Thursday, September 19, 1968*

The House met at 12 o'clock noon.

Rev. James L. Duley, Aldersgate United Methodist Church, Alexandria, Va., offered the following prayer:

God, Creator of the world and nations, wake us up to the magnificent thing we are doing right now, for prayer is the way we open ourselves to You. As we bow, help us to make of this occasion more than a nod of acknowledgment in Your direction. May it become an affirmation of our belief that You are concerned about more than 3 billion of Your creatures across the earth and yet are concerned about each of us here as if we were an only child. We are grateful for even a momentary awareness of the power and meaning of prayer. Forgive us for using it only in the great emotional crises of sickness, fear, failure, sin, and death. Forgive our failures in the important areas of human relations, wherein we qualify the truth that every person is a creation of God. Realizing and accepting Your daily presence and forgiveness, may we rise above fearfulness of what might happen, appreciate every good that now is, and be strengthened to strive after what we ought to be. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 17022. An act for the relief of Pvt. Willy R. Michalik, RA 15924409; and

H.R. 17608. An act to authorize the Secretary of the Interior to convey to the city of Kenai, Alaska, interests of the United States in certain land.

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 17735. An act to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 3133. An act to extend for 2 years the authority for more flexible regulations of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues; and

S. 3379. An act to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5910) entitled, "An act to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18785) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes."

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate numbered 2 to the foregoing bill.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2214. An act for the relief of Arthur Rike; and

S. 2439. An act to increase the number and salaries of judges of the District of Columbia Court of General Sessions and the Juvenile Court of the District of Columbia, the salaries of the District of Columbia Court of Appeals and the District of Columbia Tax Court, and for other purposes.

FOREIGN AID APPROPRIATIONS, 1969

Mr. PASSMAN, from the Committee on Appropriations, reported the bill (H.R. 19908) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes (Rept. No. 1906), which was read a first and second time, and referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. JONAS reserved all points of order on the bill.

PERSONAL EXPLANATION

Mr. DULSKI. Mr. Speaker, I was absent for rollcalls No. 332, No. 333, and No. 334. Had I been present I would have voted "nay."

NIXON IS THE ONE?

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, for the past 2 days I have commented on the need for all Americans, including Richard Nixon, who have ideas in securing peace in Vietnam, to come forth with their ideas.

The distinguished gentleman from Michigan [Mr. CEDERBERG] obviously misunderstood my statement because he cited the Republican platform as a program for peace. Does the gentleman really believe that the verbiage of the Republican platform constitutes the specific proposals on Vietnam that Richard Nixon has promised the American people? Another colleague from the other side of the aisle called my statement demagoguery.

I believe the gravity of the situation in Vietnam places it beyond partisan politics, for certainly I have been critical of my own party. Is it demagoguery to care about the lives of American soldiers fighting in Vietnam?

A leading American, who has spoken of the Vietnam war only in vague generalities, was quoted in a March 13 Associated Press dispatch as saying:

> I do have some specific ideas on how to end the war.

Who is this American who remained silent while more than 4,000 young Americans have been killed since that statement?

Nixon's the one.

UNIFORM TERRITORIAL SEA LIMITS BEFORE THE U.N.

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, I want to inform the House that I have written today to United Nations Ambassador George Ball urging that the United States take the lead in requesting a United Nations conference to establish uniform territorial sea limits throughout the world.

Following the seizure of the U.S.S. *Pueblo*, I sponsored a resolution calling on the U.S. Government to extend its territorial limits to match those claimed by other nations.

It clearly makes no sense to allow Soviet intelligence ships free access to our coastlines while our ships are subject to seizure for the same practice.

The resolution also urges convening of an international conference, preferably through the United Nations, to agree on uniform territorial limits throughout the world.

As a U.S. delegate to the United Nations last year, I am convinced that the U.N. is the logical organization to handle this complex international problem. My proposal received the personal endorsement of former U.N. Ambassador Arthur J. Goldberg last February and I am hoping Ambassador Ball will offer similar encouragement.

I ask in my letter to Ambassador Ball that he request that this question of an international conference on territorial limits be placed on the agenda of the 23d General Assembly of the United Nations which is scheduled to convene next Tuesday. It is my earnest hope that the U.S. Congress and the administration will provide full support for this most important matter.

THE VOICE OF YOUTH

Mr. WYMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. WYMAN. Mr. Speaker, for sometime now certain elements of youth in America have been calling for a greater share in the responsibilities of Government. They have been calling for a voice, for a piece of the action so to speak. Under the Constitution a person must be 25 years of age to be a Member of Congress, yet as early as 18 or 19 he may be called to serve and perhaps die for his country.

I believe our young people should have a demonstrable agency through which they can give public expression to their views and convictions. Accordingly, I am today introducing a bill to establish a National Youth Commission to be a voice of young America in the Halls of Congress and in the executive branch of the Government.

My bill would create a National Youth Commission of 102 members, two from each State and the District of Columbia, to be elected annually by a convention in each State to which each accredited educational institution in that State sends delegates in accordance with a weighted formula. This National Youth Commission would have power to hold hearings and take testimony, and to be heard through its appropriately designated representatives before committees of the Congress, and boards, agencies, and commissions of the Federal Government.

In this way our young people will be provided in a responsible, demonstrable manner, an opportunity to participate in our Government and to be heard in connection with both legislative proposals and executive action that materially affects their future. I earnestly commend this proposal to Members of this body on both sides of the aisle as a needed and constructive response to the appeals of young America for the chance to be heard.

POLITICS AND THE WAR IN VIETNAM

Mr. CEDERBERG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, it is becoming increasingly obvious that my good friend, the gentleman from New York [Mr. WOLFF], is trying to somehow label the Republican Party as a party of war and the Democratic Party as the party of peace. We Republicans know that the record proves exactly the opposite.

Mr. Speaker, I read in the paper yesterday where the Vice President, who is a nominee for the Presidency under the Democratic Party, called Mr. Nixon a hawk. That is a very strange accusation coming from a party that got us bogged down in a war in Vietnam. Mr. HUMPHREY is one of the architects of this policy. No matter how fast he talks he cannot deny his role and support of this policy.

Mr. Speaker, a party as divided as is the Democratic Party will have trouble to come up with any solution of this problem. The Republican Party is proud of its record on behalf of peace. The Democratic Party does not like war any more than the Republican Party. We all hate war.

We want to be responsible but if it is your desire to raise the issue we will be very, very happy to debate this entire issue with you.

Mr. Speaker, the very fact that the Democratic Party cannot get together themselves and the President of the United States cannot attend the political convention of his own party, it seems to me the people of the United States are entitled to a change. The facts and the record indicate we are bogged down in Vietnam and I fail to see any policies set forth from the Democratic side of the aisle that promise any solution to this problem.

So, Mr. Speaker, certainly the Republican Party is willing to accept the responsibility of a fresh look at the problem; and I think when the Republicans elect a new President in November you are going to see a change for the better in Vietnam.

NEGLIGENCE ON THE PART OF THE ATTORNEY GENERAL IN THE EXERCISE OF HIS AUTHORITY

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BUCHANAN. Mr. Speaker, yesterday in testimony before the National Commission on the Causes and Prevention of Violence Attorney General Ramsey Clark stated, and I quote:

> Of all violence, police violence in excess of authority is the most dangerous. For who will protect the public when the police violate the law?

Mr. Speaker, that may be true if allowed to exist. But to get to the heart of the real problem in this country I would like to paraphrase the statement of the Attorney General:

"Of all the negligence, negligence by the Attorney General in the exercise of his authority is the most dangerous, for who will protect the public when the Attorney General refuses to enforce the law?"

BORDER PERSONNEL SHOULD BE INCREASED

Mr. BOB WILSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, the busiest international border crossing in the world is at San Ysidro, Calif., across from Tijuana, Mexico. The flow of people through these border gates has increased a hundredfold in recent years. Yet, the total number of U.S. immigration, customs, public health, and agricultural inspectors at the San Ysidro station today is nearly the same as it was in 1945. As a result, there are crushing traffic jams every weekend at this border point when thousands of Americans cross into Mexico to shop, tour, and enjoy the various recreational activities available in Baja California. Even the Governor of Baja California has been caught in these traffic jams on at least two occasions.

I must say that the U.S. inspection officials at San Ysidro are doing an excellent job in trying to handle this tremendous congestion. Last year, they processed more than 24 million persons who crossed the border. But they need more manpower and they need it desperately. I have urged the administration a number of times to add several personnel to the border station staff to help ease the weekend jam-up at San Ysidro. The reply I get is the same old saw that the personnel limitation ordered by Congress prevents any new hirings at San Ysidro. The Federal agencies involved, however, fail to acknowledge that my initial request for more manpower at San Ysidro was made many months before Congress even considered a ceiling on the Federal work force.

Mr. Speaker, there is no excuse for the administration's neglect of this problem. Inaction is causing needless inconveniences to thousands of American and Mexican citizens and has even put a slight strain on the friendly relations that Mexico and the United States have enjoyed for many years. Personal pleas by the mayor of Tijuana and the Governor of Baja California, for example, have drawn negative responses from the White House.

Official statistics show that the additional revenues which would accrue to our Government by adding several U.S. inspection officials at San Ysidro would more than cover the cost of these new hirings. The figures speak for themselves. During fiscal year 1968, revenue collections at San Ysidro amounted to $2,399,268, yet the cost of these inspection activities totaled $1,146,457. In other words, an inspection officer, on the average, collected about $2.03 for every dollar of his salary. So where is the so-called economy that the administration says it is exercising by undermanning the San Ysidro border station?

I suspect that similar situations exist at other border stations along the United States-Mexican border where revenue collections could be improved by adding a very small number of U.S. inspection personnel.

Mr. Speaker, I urge my colleagues to join with me in persuading the administration to correct this situation which is nothing more than false economy.

NATIONAL YOUTH COMMISSION

Mr. DENT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. **DENT**. Mr. Speaker, I heard the remarks of the gentleman from New Hampshire [Mr. WYMAN] and I am happy to say that I note he has been reading the papers, and his National Youth Commission is an excellent idea.

I know that he is happy and will be happy to know that Vice President HUMPHREY has made that part of his campaign earlier in the campaign, and has already announced it publicly.

I am sure that if the gentleman from New Hampshire [Mr. WYMAN] is sincere on this National Youth Commission he will support Mr. HUMPHREY in order to insure that the White House will go along with his proposal.

Mr. Speaker, I might say to the gentleman from Michigan who complained about the Democrats being defeated and being bogged down, that I remember a good many elections in my time, and I have never known one when the Democrats were together. We have always been divided. It is that kind of a party. But there is one thing we are not divided on, and that we are together on one issue, and that issue is that Mr. Nixon is not going to be the President of the United States.

THE IMPORTANCE OF 1-MINUTE SPEECHES

Mr. Mr. **McCORMACK**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. **McCORMACK**. Mr. Speaker, I am one who protects jealously the custom of the 1-minute practice that we have here in the House of Representatives, doing so at times when it is suggested to me very strongly by Members on both sides that we should dispense with it on certain days when we have a very extensive program, and I have been very hesitant to do that, as the Members have noted. I believe that the 1-minute practice has developed into a very important part of our procedure in the House of Representatives.

I have listened to the exchanges between the gentleman from New York [Mr. WOLFF] and the gentleman from Michigan [Mr. CEDERBERG] and I have no comments at this time to make on that—I will leave it on that level at the present time.

But when the gentleman from Michigan [Mr. CEDERBERG] extends himself and gets into a discussion of the national convention, then he gets into territory that is subject to comment on the part of we Democrats.

Mr. Speaker, we did not criticize our Republican colleagues in their convention at Miami when they had pain and travail, and there were incidents happening down there. I am just recalling this to my friend from Michigan so that he will confine his remarks in the future, and eliminate the conventions.

We had our troubles in Chicago, yes, but it was not our fault. There was trouble at the Republican Convention, and it was not the fault of the Republican Party, and that aspect we should appreciate.

There were some killings in Miami, there were none in Chicago, yet none of us made any adverse coments about that because we Democrats, fair, broad, and understanding, realize that the Republican Party was not to blame for the incidents that happened at Miami. It is rather strange, however, that the TV did not play it up. I am glad they did not for the Republican Party's sake.

Now, there was rather unusual focusing of the TV media at the Democratic Party Convention on certain disorders. We know that the public is aware of that.

Mr. Speaker, I rise not to make this a controversial matter, but to suggest to my friend from Michigan [Mr. CEDERBERG] to let the Democratic Party alone in convention. We left you alone. If you have been attacked because of what happened in your convention city, we defend you because it is not the fault of the Republican Party what happened in Miami. In the same way it is not the fault of the Democratic Party what happened in Chicago.

So far as I am concerned, I backed up Mayor Daley and the police for what they did. If it was not for that there would have been riots and burning and looting in Chicago. And there would have been riots and burning and looting in Miami, too.

It seems to me, so far as any further discussion about the two conventions is concerned and what happened there, we could lay both of them on the table from now on.

PROVIDING FOR CONSIDERATION OF H.R. 19908, FOREIGN ASSISTANCE APPROPRIATIONS, 1969

Mr. **COLMER**, from the Committee on Rules, reported the following privileged resolution (H. Res. 1308, Rept. No. 1907) which was referred to the House Calendar and ordered to be printed:

H. RES. 1308

Resolved, That upon the adoption of this resolution, notwithstanding any rule of the House to the contrary, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19908) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes, and all points of order against said bill are hereby waived.

CONFERENCE REPORT ON H.R. 15263, FOREIGN ASSISTANCE ACT OF 1968

Mr. **MORGAN**. Mr. Speaker, I call up the conference report on the bill (H.R. 15263) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1884)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15263) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the 'Foreign Assistance Act of 1968'.

"PART I

"CHAPTER 2—DEVELOPMENT ASSISTANCE

"TITLE I—DEVELOPMENT LOAN FUND

"SEC. 101. Title I of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to the Development Loan Fund, is amended as follows:

"(a) Section 201(d), which relates to rates of interest, is amended as follows:

"(1) Strike out '1967' and substitute '1968'.

"(2) Strike out '2½ per centum' and substitute '3 per centum'.

"(b) Section 202(a), which relates to authorization, is amended as follows:

"(1) After 'year 1967', strike out 'and' and substitute a comma.

"(2) After 'year 1968,' insert 'and $350,000,000 for the fiscal year 1969,'.

"(3) Strike out 'years ending June 30, 1967, through June 30, 1968, respectively' and substitute 'year ending June 30, 1969'.

"TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

"SEC. 102. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to technical cooperation and development grants, is amended as follows:

"(a) Section 211(d), which relates to availability of funds for certain research and educational institutions, is amended by inserting 'in any fiscal year' immediately after 'funds made available'.

"(b) Section 212, which relates to authorization, is amended by striking out '$210,000,000 for the fiscal year 1968' and substituting '$200,000,000 for the fiscal year 1969'.

"(e) Section 214, which relates to American schools and hospitals abroad, is amended as follows:

"(1) In subsection (c) strike out '1968, $14,000,000' and substitute '1969, $14,600,000'.

"(2) In subsection (d) strike out '1968 $2,986,000' and substitute '1969, $5,100,000'.

"TITLE III—INVESTMENT GUARANTIES

"SEC. 103. (a) Section 221(b) of title III of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to general authority for investment guaranties, is amended as follows:

"(1) In the proviso of paragraph (1), strike out '$8,000,000,000' and substitute '$8,500,000,000'.

"(2) Paragraph (2) is amended as follows:

"(A) In the third proviso, strike out '$475,000,000' and '$315,000,000' and substitute '$550,000,000' and '$390,000,000', respectively.

"(B) In the third proviso, strike out '$1,000,000' and substitute '$1,250,000'.

"(C) In the last proviso, strike out '1970' and substitute '1971'.

"(b) At the end of section 221, add a new subsection as follows:

"'(e)(1) No guaranty of a loan or equity investment of an eligible United States investor in a foreign bank, finance company, or other credit institution (hereinafter the original investment) shall cover any loss of a loan or equity investment of such bank, finance company, or credit institution; and in no event shall payment be made under any such guaranty except for loss of the original investment, and, where provided for by such guaranty, earnings or profits actually accrued thereon.

"'(2) In the administration of this subsection, the eligible United States investor may be deemed to have sustained a loss of the original investment only if the foreign bank, finance company, or credit institution in which the original investment was made becomes or is likely to become insolvent due to the occurrence of an event against which protection is provided by the guaranty.'

"SEC. 104. Section 224(c), which relates to housing projects in Latin American countries, is amended by striking out '$500,000,000' and substituting '$550,000,000'.

"TITLE VI—ALLIANCE FOR PROGRESS

"SEC. 105. (a) Section 252(a) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to authorization for the Alliance for Progress, is amended as follows:

"(1) Strike out '1967, $696,500,000, and for the fiscal year 1968, $578,000,000, which amounts are' and substitute '1969, $420,000,000, which is'.

"(2) Strike out '$100,000,000 in each such fiscal year of the funds appropriated pursuant to this section for use beginning in each such fiscal year' and substitute '$90,000,000'.

"(3) Strike out 'years ending June 30, 1967, through June 30, 1968, respectively' and substitute 'year ending June 30, 1969'.

"(b) Section 252(b), which relates to authorization for the Partners of the Alliance, is amended by striking out '1968, $714,000' and substituting '1969, $350,000'.

"TITLE IX—UTILIZATION OF DEMOCRATIC INSTITUTIONS IN DEVELOPMENT

"SEC. 106. Section 281 of the Foreign Assistance Act of 1961, as amended, is amended as follows:

"(a) At the end of subsection (c) add the following new sentence: 'In particular, emphasis should be given to research designed to increase understanding of the ways in which development assistance can support democratic social and political trends in recipient countries.'

"(b) At the end of section 281, add the following new subsection:

"'(e) In order to carry out the purposes of this title, the agency primarily responsible for administering part I of this Act shall develop systematic programs of inservice training to familiarize its personnel with the objectives of this title and to increase their knowledge of the political and social aspects of development. In addition to other funds available for such purposes, not to exceed 1 per centum of the funds authorized to be appropriated for grant assistance under this chapter may be used for carrying out the objectives of this subsection.'

"TITLE X—PROGRAMS RELATING TO POPULATION GROWTH

"SEC. 107. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, is amended by striking out '1968, $35,000,000' and substituting '1969, $50,000,000'.

"CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

"SEC. 108. (a) Section 302(a) of chapter 3 of part I of the Foreign Assistance Act of 1961, as amended, which relates to authorization for international organizations and programs, is amended by striking out '1968, $141,000,000' and substituting '1969, $135,000,000'.

"(b) Section 302 is further amended by adding at the end thereof the following new subsection:

"'(d) There is authorized to be appropriated to the President, for the fiscal year 1969, $1,000,000 for contributions to the United Nations Children's Fund during the calendar year 1969. Funds made available under this subsection shall be in addition to funds available under this or any other Act for such contributions and shall not be taken into account in computing the aggregate amount of United States contributions to such fund for the calendar year 1969.'

"CHAPTER 4—SUPPORTING ASSISTANCE

"SEC. 109. Section 402 of chapter 4 of part I of the Foreign Assistance Act of 1961, as amended, which relates to authorization for supporting assistance, is amended by striking out '1968 not to exceed $660,000,000' and substituting '1969 not to exceed $410,000,000'.

"CHAPTER 5—CONTINGENCY FUND

"SEC. 110. Section 451(a) of chapter 5 of part I of the Foreign Assistance Act of 1961, as amended, which relates to the contingency fund, is amended by inserting ', and for the fiscal year 1969 not to exceed $10,000,000,' after '$50,000,000'.

"PART II

"CHAPTER 2—MILITARY ASSISTANCE

"SEC. 201. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

"(a) Section 504(a), which relates to authorization, is amended as follows:

"(1) In the first sentence, strike out '$510,000,000' and '1968' and substitute '$375,000,000' and '1969', respectively.

"(2) Strike out the second and third sentences.

"(3) In the first sentence, insert the following proviso before the period: ': *Provided further*, That none of the funds appropriated pursuant to this subsection shall be used to furnish sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country, unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress'.

"(b) Section 506(a), which relates to special authority, is amended by striking out '1968' each place it appears and substituting '1969'.

"(c)(1) Section 507(a), which relates to restrictions on military aid to Latin America, is amended by striking out '$55,000,000, of which $25,000,000' and substituting '$25,000,000, of which any part'.

"(2) Such section 507 is further amended by adding at the end thereof the following new subsection:

"'(d) Notwithstanding the foregoing provisions of this section, not to exceed $10,000,000 of the funds made available for use under this part may be used to furnish assistance to the American Republics, directly or through regional defense arrangements, to enable such Republics to strengthen patrol activities in their coastal waters for the purpose of preventing landings on their shores, by Communist or other subversive elements originating in Cuba, which threaten the security of such Republics and of their duly constituted governments.'

"(d) Section 508, which relates to restrictions on military aid to Africa, is amended as follows:

"(1) In the first sentence, strike out 'or sales'.

"(2) In the second sentence, strike out 'and sales' and strike out '$40,000,000' and substitute '$25,000,000'.

"PART III

"CHAPTER 1—GENERAL PROVISIONS

"SEC. 301. Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended, which relates to general provisions, is amended as follows:

"(a) Section 604, which relates to procurement of commodities, is amended by adding at the end thereof the following new subsection:

"'(f) No funds authorized to be made available to carry out part I of this Act shall be used under any commodity import program to make any payment to a supplier unless the supplier has certified to the agency primarily responsible for administering such part I, such information as such agency shall by regulation prescribe, including but not limited to, a description of the commodity supplied by him and its condition, and, on the basis of such information such agency shall have approved such commodity as eligible and suitable for financing under this Act.'

"(b) Section 607, which relates to the furnishing of services and commodities, is amended by inserting '(a)' immediately before 'Whenever' and by adding at the end thereof the following new subsection:

"'(b) No Government-owned excess property shall be made available under this section, section 608, or otherwise in furtherance of the purposes of part I of this Act, unless, before the shipment of such property for use in a specified country (or transfer, if the property is already in such country), the agency administering such part I has approved such shipment (or transfer) and made a written determination—

"'(1) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

"'(2) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

"'(3) that the residual value, seviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.'

"(c) Section 620, which relates to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

"'(v) The President is directed to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes from any country, unless the President determines that such purchase or acquisition of weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress.'

"CHAPTER 2—ADMINISTRATIVE PROVISIONS

"SEC. 302. Chapter 2 of part III of the Foreign Assistance Act of 1961 as amended, which relates to administrative provisions, is amended as follows:

"(a) Section 621, which relates to exercise of functions, is amended by inserting '(a)' immediately after 'SEC. 621. EXERCISE OF FUNCTIONS.—' and by adding at the end thereof the following new subsection:

"'(b) The President shall issue and enforce regulations determining the eligibility of any person to receive funds made available under this Act. A person may be suspended under such regulations for a temporary period pending the completion of an investigation and any resulting judicial or debarment proceedings, upon cause for belief that such person or an affiliate thereof probably has undertaken conduct which constitutes a cause for debarment; and, after an opportunity has been afforded to such person for a hearing, he may be debarred for an additional period, not to exceed three years. Among the causes for debarment shall be (1) offering or accepting a bribe or other illegal payment or credit in connection with any transaction financed with funds made available under this Act; or (2) committing a fraud in the procurement or performance of any contract financed with funds made available under this Act; or (3) acting in any other manner which shows a lack of integrity or honesty in connection with any transaction financed with funds made available under this Act. Reinstatement of eligibility in each particular case shall be subject to such conditions as the President shall direct. Each person whose eligibility is denied or suspended under this subsection shall, upon request, be entitled to a review of his eligibility not less often than once every two years.'

"(b) Immediately after section 621 add the following new section:

" 'Sec. 621A. Strengthened Management Practices.—(a) The Congress believes that United States foreign aid funds could be utilized more effectively by the application of advanced management decisionmaking, information and analysis techniques such as systems analysis, automatic data processing, benefit-cost studies, and information retrieval.

" '(b) To meet this need, the President shall establish a management system that includes: the definition of objectives and programs for United States foreign assistance; the development of quantitative indicators of progress toward these objectives; the orderly consideration of alternative means for accomplishing such objectives; and the adoption of methods for comparing actual results of programs and projects with those anticipated when they were undertaken. The system should provide information to the agency and to Congress that relates agency resources, expenditures, and budget projections to such objectives and results in order to assist in the evaluation of program performance, the review of budgetary requests, and the setting of program priorities.

" '(c) The President shall report to the Congress annually on the specific steps that have been taken, including an evaluation of the progress that has been made toward the implementation of this section.'

"(c) Section 625(c), which relates to employment of personnel, is amended by inserting 'or any Act superseding part II in whole or in part,' between 'part II,' and 'not'.

"(d) Section 636(g)(1), which relates to provisions on uses of funds, is amended by inserting 'incurred in furnishing defense articles and defense services on a grant or sales basis by the agency primarily responsible for administering part II' between 'expenses' and the semicolon.

"(e) Section 637(a), which authorizes appropriations for administrative expenses of the agency administering part I, is amended (1) by striking out '1968, $55,814,000' and substituting '1969, $53,000,000'; and (2) by adding at the end thereof the following: 'The agency administering part I shall reduce the number of personnel, particularly administrative personnel, employed by it in order to conduct operations with the reduced amount of funds authorized for fiscal year 1969, except that such agency shall not take any action to limit or reduce auditing or training activities of such agency.'

"(f) At the end of such chapter, add the following new section:

" 'Sec. 640A. False Claims and Ineligible Commodities.—(a) Any person who makes or causes to be made or presents or causes to be presented to any bank or other financial institution or to any officer, agent, or employee of any agency of the United States Government a claim for payment from funds made available under this Act for the purposes of furnishing assistance and who knows the claim to be false, fraudulent, or fictitious or to cover a commodity or commodity-related service determined by the President to be ineligible for payment from funds made available under this Act, or who uses to support his claim any certification, statement, or entry on any contract, abstract, bill of lading, Government or commercial invoice, or Government form, which he knows, or in the exercise of prudent business management should know, to contain false, fraudulent, or fictitious information, or who uses or engages in any other fraudulent trick, scheme, or device for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any benefit or payment from funds so made available under this Act in connection with the negotiation, procurement, award, or performance of a contract financed with funds so made available under this Act, and any person who enters into an agreement, combination, or conspiracy so to do, (1) shall pay to the United States an amount equal to 25 per centum of any amount thereby sought to be wrongfully secured or obtained but not actually received, and (2) shall forfeit and refund any payment, compensation, loan, commission, or advance received as a result thereof, and (3) shall, in addition, pay to the United States for each such act (A) the sum of $2,000 and double the amount of any damage which the United States may have sustained by reason thereof, or (B) an amount equal to 50 per centum of any such payment, compensation, loan, commission, or advance so received, whichever is the greater, together with the costs of suit.

" '(b) In order to secure recovery under this section, the President may, as he deems appropriate, (1) institute suit in the United States district court for any judicial district in which the person alleged to have performed or participated in an act described by this section may reside or may be found, and (2) upon posting by registered mail to such person a notice of claim describing the basis therefor and identifying the funds to be withheld, withhold from funds owed by any agency of the United States Government to such person an amount equal to the refund, damages, liquidated damages, and exemplary damages claimed by the United States under this section. Any such withholding of funds from any person shall constitute a final determination of the rights and liabilities of such person under this section with respect to the amount so withheld, unless within one year of receiving the notice of claim such person brings suit for recovery, which is hereby authorized, against the United States in any United States district court.

" '(c) For purposes of this section, the term "person" includes any individual, corporation, partnership, association, or other legal entity.'

"Chapter 3—Miscellaneous Provisions

"Sec. 303. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to miscellaneous provisions, is amended by adding at the end thereof the following new section:

" 'Sec. 651. Sale of Supersonic Planes to Israel.—It is the sense of the Congress that the President should take such steps as may be necessary, as soon as practicable after the date of enactment of this section, to negotiate an agreement with the Government of Israel providing for the sale by the United States of such number of supersonic planes as may be necessary to provide Israel with an adequate deterrent force capable of preventing future Arab aggression by offsetting sophisticated weapons received by the Arab States and to replace losses suffered by Israel in the 1967 conflict.'

"PART IV—AMENDMENTS TO OTHER ACTS

"Sec. 401. The Act of April 12, 1926 (44 Stat. 242; chapter 117) is amended by adding at the end thereof a new section as follows:

" 'Sec. 2. (a) For each of the calendar years 1969 through 1971, inclusive, not more than 350 million board feet, in the aggregate, of unprocessed timber may be sold for export from the United States from Federal lands located west of the 100th meridian.

" '(b) After public hearing and a finding by the appropriate Secretary of the department administering Federal lands referred to in subsection (a) that specific quantities and species of unprocessed timber are surplus to the needs of domestic users and processors, such quantities and species may be designated by the said Secretary as available for export from the United States in addition to that quantity stated in subsection (a).

" '(c) The Secretaries of the departments administering lands referred to in subsection (a) may issue rules and regulations to carry out the purposes of this section, including the prevention of substitution of timber restricted from export by this section for exported non-Federal timber.

" '(d) In issuing rules and regulations pursuant to subsection (c), the appropriate Secretaries may include therein provisions authorizing the said Secretaries, in their discretion, to exclude from the limitations imposed by this section sales having an appraised value of less than $2,000.'

"PART V—REAPPRAISAL OF FOREIGN ASSISTANCE PROGRAMS

"DECLARATION OF POLICY

"Sec. 501. The Congress declares that, in view of changing world conditions and the continued need to make United States foreign assistance programs an effective implement of United States foreign policy, there should be a comprehensive review and reorganization of all United States foreign assistance programs, including economic development and technical assistance programs, military assistance and sales programs, and programs involving contributions and payments by the United States to international lending institutions and other international organizations concerned with the development of friendly foreign countries and areas.

"REAPPRAISAL BY THE PRESIDENT

"Sec. 502. (a) In furtherance of the policy of this part, the President is requested to make a thorough and comprehensive reappraisal of United States foreign assistance programs, as described in section 501, and to submit to the Congress, on or before March 31, 1970, his recommendations for achieving such reforms in and reorganization of future foreign assistance programs as he determines to be necessary and appropriate in the national interest of the light of such reappraisal. The President is requested to submit to the Congress, on or before July 1, 1969, an interim report presenting any preliminary recommendations formulated by him pursuant to this section.

"(b) It is the sense of the Congress that the reappraisal provided for in subsection (a) should include, but not be limited to, an analysis and consideration of proposals concerning the establishment of a Government corporation or a federally chartered private corporation designed to mobilize and facilitate the use of United States private capital and skills in less developed friendly countries and areas, including whether such corporation should be authorized to—

"(1) utilize Government guarantees and funds as well as private funds;

"(2) seek, develop, promote, and underwrite new investment projects;

"(3) assist in transferring skills and technology to less developed friendly countries and areas; and

"(4) invest in the securities of development financing institutions and assist in the formation and expansion of local capital markets."

And the Senate agree to the same.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
WAYNE L. HAYS,
WM. MAILLIARD,
Managers on the Part of the House.
JOHN SPARKMAN,
MIKE MANSFIELD,
WAYNE MORSE,
BOURKE B. HICKENLOOPER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15263) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate with an amendment, which is a substitute for both the text of the House bill and the text of the Senate amendment, and that the Senate agree to the same.

Except for conforming clerical changes and minor drafting changes, the differences between the House bill and substitute agreed to in conference are noted below.

AUTHORIZATION OF FUNDS

FOREIGN ASSISTANCE ACT OF 1968 (FISCAL YEAR 1969)

[In thousands of dollars]

Program	(1) House	(2) Senate	(3) Conference	(4) Difference (H=House; S=Senate)
Development Loan Fund	350,000	350,000	350,000	
Technical cooperation and development grants	200,000	200,000	200,000	
American schools and hospitals abroad	13,000	14,600	14,600	H+1,600
Local currency	5,100	5,100	5,100	
Surveys of investment opportunities	1,250			H−1,250
Alliance for Progress	420,000	420,000	420,000	
Loans	(330,000)	(330,000)	(330,000)	
Grants	(90,000)	(90,000)	(90,000)	
Partners of the Alliance	500	200	350	H−150 S+150
International organizations and programs	130,000	135,000	135,000	H+5,000
United Nations Children's Fund	1,000	1,000	1,000	
Indus Basin [1]				
Supporting assistance	420,000	400,000	410,000	H−10,000 S+10,000
Contingency fund	10,000	10,000	10,000	
Administrative expenses:				
AID	53,000	50,000	53,000	S+3,000
Department of State	(2)	(2)	(2)	
Total, economic assistance	1,603,850	1,585,900	1,599,050	H−4,800 S+13,150
Military assistance	390,000	360,000	375,000	H−15,000 S+15,000
Total economic and military assistance	1,993,850	1,945,900	1,974,050	H−19,800 S+28,150

[1] The Foreign Assistance Act of 1967 authorized $51,220,000 for use beginning fiscal year 1969 for this purpose to remain available until expended. The Executive requests an appropriation of $12,000,000 for fiscal 1969.

[2] Existing law contains permanent authorization.

PART I

Chapter 2—Development assistance

Title 1—Development Loan Fund

Increase in interest rates (Senate—section 101(a))

The Senate amended section 201(d) of the act to raise the minimum interest rate on development loans and Alliance for Progress loans (as well as Public Law 480 hard currency credit sales) by an additional 1 percent—from 2 percent to 3 percent during the grace period and from 2½ percent to 3½ percent after the grace period.

The House bill contained no comparable provision.

The committee of conference agreed to leave unchanged the interest rate during the grace period and to raise the interest rate after the grace period from 2½ percent to 3 percent. The managers on the part of the House noted that the interest during the grace period had been raised twice during the past 3 years. Since the grace period is one during which a facility or enterprise for which a loan has been made is beginning to contribute to the economic growth of the country, too costly an interest rate would slow its contribution. In the case of the postgrace period, it was agreed that a modest increase was acceptable in view of the cost of borrowing in the United States.

Title III—Investment Guarantees

Investment guarantee ceilings (House—section 103 (a) and (b) (1) and (2))

Section 103 of the House bill increased the ceilings for investment guarantees as follows (these are limitations on the volume of guarantees which may be issued and do not involve the authorization or appropriation of funds):

Specific risk from $8 billion to $9 billion;

Extended risk from $475 million to $625 million;

Extended risk for purposes other than housing from $315 million to $465 million; and

Guarantees to credit unions from $1,000,000 to $1,500,000.

The Senate amendment made no increases in the existing investment guarantee ceilings.

The committee of conference agreed to split the differences between the existing ceilings and the ceilings provided in the House bill.

The new ceilings are as follows:

Specific risk, $8,500,000,000;

Extended risk, $550,000,000;

Extended risk for purposes other than housing, $390,000,000;

Guarantees to credit unions, $1,250,000.

Extended risk guarantee termination date (House—section 103(b)(3))

The House bill eliminated the termination date on the extended risk guarantee authority.

The Senate amendment left unchanged the termination date of June 30, 1970.

The committee of conference agreed to June 30, 1971, as the termination date for this program, an extension of 1 year beyond the limitation in existing law.

Guarantees of investment in foreign financial institutions (Senate—section 103(b))

The Senate amendment prohibited payment of losses incurred by a U.S. investor through attribution to a foreign institution's losses on its investments and provided that no payment could be made under guarantees of U.S. investments in such institutions except where such institutions are or are likely to become insolvent due to an insured cause.

The House bill did not contain a comparable provision.

The managers on the part of the House accepted the Senate provision.

It was the understanding of the House conferees that insolvency means inability to pay debts as they become due, including inability to pay dollar repayable loans; that the amendment does not prohibit normal compensation, regardless of solvency of the foreign institution, for direct losses on its noninvestment assets, i.e., losses due to inconvertibility of the foreign institution's own local currencies or due to war, revolution or insurrection damage to, or expropriation of, the foreign institution's own tangible property; and that the term "foreign bank, finance company or credit institution" refers to the domicile of the corporation—it does not refer to U.S. banks, finance companies, or credit institutions doing business abroad.

The Agency for International Development has in recent months been expanding its program for guaranteeing investments by U.S. investors in foreign financial institutions. Certain aspects of AID's operations involve procedures and policies, the implications of which have not been adequately explored and evaluated by the Congress.

The managers on the part of the House recognize the desirability of encouraging private investment by U.S. investors in foreign financial institutions and do not wish to foreclose efforts by the Agency for International Development to devise procedures for removing obstacles to such investment.

They agreed with the Senate conferees, however, that the present program of attribution coverage for losses on the foreign institution's investments should be suspended pending further study.

Ceiling on Latin American housing guaranties (House—section 104)

The House bill provided for a ceiling of $600,000,000 on investment guaranties for Latin American housing, an increase of $100,000,000 over the present ceiling.

The Senate amendment retained the existing ceiling of $500,000,000.

The committee of conference agreed to split the difference establishing a ceiling of $550,000,000 (this is a limitation on the volume of guaranties which may be issued and no authorization or appropriation of funds is involved).

Title IV—Surveys of Investment Opportunities

Surveys of investment opportunities authorization (House—sections 106 and 107; Senate—section 104)

The House bill amended section 231 of the act in order to make the program more attractive and useful to small- and medium-sized enterprises.

The Senate amendment terminated the program.

Under this program, which has been operating for several years, the Agency for International Development reimburses United States firms up to 50 percent of the cost of pre-investment feasibility and market studies which they undertake in contemplation of possible investment in the developing countries. The U.S. firm makes the survey and if it decides to make an investment, the Agency for International Development pays no part of the survey cost. In case the firm decides that the opportunities are not sufficiently favorable to justify an investment, the Agency for International Development pays up to 50 percent of the cost of the survey.

The managers on the part of the House believe that this program should be continued and accepted a compromise providing that no changes should be made in existing law relating to this program and that no additional funds should be authorized for it.

It was the understanding of the committee of conference that all of the funds which have been authorized have not been appropriated and that the program can be carried forward under the existing authorization.

Chapter 3—International organizations and programs

Contributions to international organizations and programs (House—section 111(a); Senate—section 107(a))

The House bill authorized an appropriation of $130,000,000 for fiscal year 1969 for these programs.

The Senate amendment authorized an appropriation of $135,000,000 for fiscal year 1969 but earmarked $80,000,000 of that amount for the United Nations Development Program.

The managers on the part of the House accepted the Senate amount but rejected the earmarking provision. The executive request for these programs was $143,000,000, including $80,000,000 for the United Nations Development Program. To leave the latter amount untouched while reducing the total would mean that the other 14 programs funded under this authorization would have to bear a disproportionate share of the reduction. The effect of the deletion is to remove any preferential treatment for the United Nations Development Program.

PART II

Chapter 2—Military assistance

Sophisticated weapons (House—section 201 (a)(3); Senate—section 201(a)(3))

The House bill provided that none of the funds authorized by section 504(a) of the Foreign Assistance Act shall be used to furnish sophisticated weapons systems on a grant, sale, or loan basis to any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines, and Korea, unless the President determines that such grant, sale, or loan of equipment is important to the national security of the United States and reports within 30 days each such determination to the Congress.

The Senate amendment made the following changes in the House version:

(1) None of the seven countries listed in the House version were exempted from the restrictions;

(2) The restrictions in the House version were not limited to underdeveloped countries; and

(3) The illustrative list of sophisticated weapons systems referred to "advanced jet aircraft for military purposes" rather than to "jet aircraft for military purposes."

The managers on the part of the House agreed to a compromise under which no countries are named to which the provision does not apply, and the provision is expressly made applicable only to underdeveloped countries. This means the President will have to waive this provision for countries named in the House bill, as well as those not named, if sophisticated weapons are to be furnished to any such countries.

The Senate agreed to the deletion of the word "advanced" in reference to jet aircraft which had been inserted by the Senate.

PART III

Chapter 1—General provisions

Trade of developed countries with Cuba (House—section 301(c))

The House bill added a new paragraph (4) to section 620(a) of the Foreign Assistance Act. This paragraph provided that, notwithstanding section 640 of the act, no loans, credits, grants, or other assistance shall be furnished under the Foreign Assistance Act, and no sales shall be made under Public Law 480, to any developed country which sells or furnishes to Cuba, or which permits ships or aircraft under its registry to transport to Cuba (except for U.S. installations), any equipment, materials, or commodities (other than food and medical supplies), so long as the Castro regime governs Cuba and continues to export Communist subversion to any country of the Western Hemisphere. It further provided that no provision of the Foreign Assistance Act shall be construed to authorize the President to waive the provisions of the paragraph, except to fulfill commitments entered into before the date of enactment of the paragraph or to carry out bilateral or multilateral undertakings relating to the national defense of the United States.

The Senate amendment contained no comparable provision.

The managers on the part of the House accepted the deletion of this provision.

The Senate conferees pointed out that the provisions of existing law (section 620(a)(3) of the Foreign Assistance Act and section 107 of the Foreign Assistance Appropriation Act of 1968) prohibit giving assistance under the Foreign Assistance Act to any country permitting its ships or aircraft to carry commodities to or from Cuba, and that sales of agriculture commodities under Public Law 480 are not made to developed countries.

As a consequence, this provision would be more likely to affect our relations with developed countries with which we have agreements relating to our national defense, including our access to military bases, than to persuade other developed countries to cut off trade with Cuba.

Sophisticated weapons (House—section 301 (d); Senate—section 301(c))

The House bill adds to the act a new section 620(v) which directs the President to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country, other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines, and Korea, for the purchase of sophisticated weapons systems from any country, unless the President determines that such purchase is important to the security of the United States and reports within 30 days each such determination to the Congress.

The Senate amendment made the following changes in the House bill:

(1) None of the seven countries listed in the House version would be exempt from the restrictions;

(2) The restrictions in the House version would not be limited to underdeveloped countries; and

(3) The illustrative list of sophisticated weapons systems would refer to "advanced jet aircraft for military purposes" rather than to "jet aircraft for military purposes".

The managers on the part of the House agreed to a compromise under which no countries are named to which the provision does not apply, and the provision is expressly made applicable only to undeveloped countries. This means the President will have to waive this provision for countries named in the House bill, as well as those not named, if bilateral economic assistance is to be furnished to any such countries without the specified deduction for sophisticated weapons purchases.

The Senate agreed to the deletion of the word "advanced" in reference to jet aircraft which had been inserted by the Senate.

Chapter 2—Administrative provisions

Eligibility of suppliers (House—section 302 (a); Senate—section 302(a))

The House bill added to section 621 of the act a new subsection expressly authorizing issuance of regulations determining the eligibility of suppliers to receive payments under the act. Under such regulations eligibility could be denied or suspended, after public hearing, in any case in which the supplier or his agent had, in connection with a transaction financed under the act, (a) offered or accepted a bribe or other illegal payment or credit, or (b) committed a fraud, or (c) acted in any manner which shows lack of integrity or honesty. A debarred supplier would be entitled to have his eligibility reviewed at least once every 2 years.

The Senate amendment provided for the same grounds for suspension and debarment, but explicitly provided that the designated grounds are not exclusive grounds and preserve the rights of the Agency to suspend eligibility temporarily for "probable cause," permitted suspension and debarment to extend to affiliates of the suppliers involved, and permitted debarment for as long as 3 years.

The managers on the part of the House accepted the modifications of the House language contained in the Senate amendment as being entirely consistent with the objectives of the House provision while making certain minor changes which would improve the effectiveness of its administration.

False claims and ineligible commodities (Senate—section 302(e))

The Senate amendment added to the act a new section 640A providing for damages against persons making false or fraudulent claims for payment from funds made available under the act or covering ineligible commodities or commodity-related services.

The House bill did not contain a comparable provision.

The managers on the part of the House accepted the Senate provision with an amendment eliminating the word "penalties" in reference to the withholding of funds claimed by the United States.

The bill as approved by the committee of conference includes the provisions of the House bill relating to the eligibility of commodities and relating to the suspension of firms offering bribes or committing fraud.

This provision, in effect, further implements those sections of the bill by providing for recovery of damages in appropriate cases.

The damages, liquidated damages, and exemplary damages provided therein are similar to those provided under 41 U.S.C. 119 with respect to claims arising from the termination of war contracts, and should help deter fraudulent claims. It is anticipated that the setoff provision will be useful in obtaining recovery with minimum cost and delay for the Government.

Chapter 3—Miscellaneous provisions

Sale of supersonic aircraft to Israel (House—section 301(d); Senate—section 303)

The House bill directed the President to take such steps as may be necessary, as soon as practicable after the date of enactment of the bill, to negotiate an agreement with Israel for the sale of not less than 50 F–4 Phantom jet fighters, in order to provide Israel with an adequate deterrent force capable of preventing future Arab aggression by offsetting sophisticated weapons received by the Arab States and to replace losses suffered by Israel in the 1967 conflict.

The Senate amendment stated the sense of the Congress that the President should take such steps as may be necessary, as soon as practicable after the date of enactment of the bill, to negotiate an agreement with Israel for the sale of such number of supersonic planes as may be necessary to provide Israel with an adequate deterrent force capable of preventing future Arab aggression by offsetting sophisticated weapons received by the Arab States and to replace losses suffered fered by Israel in the 1967 conflict.

The managers on the part of the House accepted the Senate language. That language is broader than that adopted by the House in that it does not specify numbers or a particular type of plane. Rapidly changing technical advances may make it desirable to sell Israel a more advanced type of plane. Further, the Senate language does not intrude upon the President's constitutional authority and responsibility for the conduct of foreign affairs.

PART IV—AMENDMENTS TO OTHER ACTS

Limitation of log exports (Senate—section 401)

The Senate amendment added to the act of April 12, 1926, a section which would (a) prohibit the sale for export from Federal lands west of the 100th meridian of more than 350 million board feet of unprocessed timber in any of the calendar years 1968 through 1972; (b) authorize the appropriate Secretary to allow export of specific quantities or species in excess of the quantity only if he found, after a public hearing, that such quantities and species were surplus to U.S. needs; and (c) authorize the Secretaries of Agriculture and Interior to issue rules and regulations to prevent the substitution of timber from Federal lands for exported private timber.

The House bill did not contain a comparable provision.

The managers on the part of the House accepted compromise language limiting the period to which the limitation would apply to the 3 calendar years 1969, 1970 and 1971 rather than the 5 calendar years 1968 through 1972, and exempting sales of less than $2,000.00.

The managers on the part of the House were persuaded that the problems confronting the U.S. forest industries were of such urgency as to outweigh any possible adverse effect on our foreign policy. Before the limitation expires, there will be ample opportunity for the Committee on Foreign Affairs to observe its impact on our relations with other nations and for those committees of the Congress more directly concerned with U.S. forest industries to evaluate its effect on the economy of the United States.

PART V—REAPPRAISAL OF FOREIGN ASSISTANCE PROGRAMS

Reappraisal of foreign assistance programs (Senate—sections 501, 502, 503, 504, 505, 506, and 507)

The Senate amendment included a declaration of the Congress in favor of a comprehensive review and reorganization of all U.S. foreign assistance programs to be made by the President and also provided for a National Foreign Assistance Review Committee to advise the President on such matters.

The House bill did not contain a comparable provision.

The managers on the part of the House accepted compromise language requesting the President to make such a comprehensive review and to consider proposals concerning the establishment of a Government corporation or a federally chartered private corporation designed to mobilize and facilitate the use of U.S. private capital and skill in less developed friendly countries.

The National Foreign Assistance Review Committee was eliminated.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
WAYNE L. HAYS,
WM. MAILLIARD,
WM. BROOMFIELD,
Managers on the Part of the House.

Mr. MORGAN (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

Mr. Speaker, this was printed in the RECORD on September 10 and I am sure that all Members have had an opportunity to read the report and statement.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Pennsylvania is recognized for 1 hour.

Mr. MORGAN. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I submit the conference report on H.R. 15263 without my apologies. I believe that the House conferees defended the House bill very effectively, and that in some respects we have brought back a better bill than we took to conference.

The House will recall that just before we adjourned for the conventions, I assured the gentleman from Iowa [Mr. GROSS] that I would fight to the bitter end against certain Senate amendments to the House bill which have nothing to do with foreign aid.

I believe that I have lived up to my commitment on this matter. All such amendments were eliminated from the bill except the so-called Morse amendment relating to log exports.

After breaking off the conference in disagreement before the conventions and after a month of informal discussions, we finally worked out a compromise which appears to be reasonable when all of the elements in a complex situation are considered.

The limitations on the export of logs contained in the Morse amendment covered a period of 5 years. We cut the period to 3 years and exempted sales of less than $2,000.

While the managers on the part of the House are not experts in the log and lumber industries, there is a good deal of evidence that the forest industries of the United States are confronted with a real problem and that action was necessary. At the same time, it appeared to us that the impact of this limitation on importers of U.S. logs would not be as great as some of the comment on the amendment would indicate.

At any rate, we fought hard, and I believe that the producers and the consumers of lumber in the United States will benefit from the action we have taken.

Let me say this about the other provisions of the conference report.

The money amounts did not present too serious a problem. Of the 15 authorizations of appropriations included in the bill, only seven were in conference. Otherwise, the bill that passed the Senate contained the House figures.

The total authorization approved by the House was $1,993,850,000; the Senate figure was $1,945,900,000.

The amount approved by the conference was $1,974,050,000—a reduction of $19,800,000 below the House figure and an increase of $28,150,000 above the amount in the Senate bill.

The details are shown in the table in the conference report at the beginning of the statement of managers.

I am particularly glad to report that the provisions of the House bill requiring a preaudit of transactions to prevent the shipment of ineligible commodities, such as Metracal, under the foreign aid program, as well as the House language providing for the suspension of the eligibility of firms engaging in bribery or fraud were either retained intact by the conference, or in a few cases strengthened by including additional language contained in the Senate bill.

The House will recall that the Senate had approved the creation of a National Foreign Assistance Review Committee to be appointed by the President, and to include distinguished citizens, including Members of the House and Senate, to be designated.

I am glad to say that this new high level committee to review the foreign aid program has been eliminated. The President is requested to make a comprehensive review of foreign aid but no special committeee is established and no funds are specifically authorized for this purpose.

Mr. Speaker, I urge that the conference report be approved. The position of the House has been maintained. This bill has been too long delayed. Let us get on with the business of the House.

Mr. Speaker, I yield such time as he may desire to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Speaker, as the gentleman from Pennsylvania has pointed out, the conferees on the part of the House in this instance worked very diligently and, I think, effectively, to uphold the position of the House. For those who are concerned with the matter of dollars involved here, let me make these observations. The foreign aid authorization bill submitted by the Executive asked for $2.961 billion. The Committee on Foreign Affairs reported out $2.364 billion—a reduction of 20 percent. Further reductions were made by this House to $1.993 billion. The committee of conference cut this to $1.974 billion. Thus the final figure upon which we will vote shortly is an authorization one-third below the Executive request.

Although I shall not vote for the conference report, I think in light of the diligence with which the conferees worked and the success of their efforts, it can be said that the House position was, to the maximum extent possible, sustained.

There are some minor changes in the proposed legislation from the form in which it left this House. The chairman has pointed those out, or at least the most important ones.

I call the attention of the House to two particular provisions of the bill that were not in the House bill.

Included in this authorization measure is a limitation of log exports from Federal lands west of the 100th meridian. The amendment was in the Senate bill. As the chairman has stated, we do not regard ourselves as experts on the problems of the logging industry. But the House conferees recognized that there was a problem of some urgency that should be dealt with in this bill. The limitation covers the next 3 calendar years. In that period there will be opportunity for other committees of Congress to examine more thoroughly the problems of the logging industry and to recommend, if necessary remedial legislation.

The Senate bill also called for a comprehensive review and reorganization of all U.S. foreign assistance programs by the President and provided for a National Foreign Assistance Review Committee to advise him on such matters. The conferees did not agree to such a committee. But with a change of administration next year it seemed reasonable and timely that the next President make such a review including proposals leading to a greater use of U.S. private capital in the aid effort.

Mr. TEAGUE of California. Mr. Speaker, I was surprised to see that the House conferees agreed to the rider, contained in part 4 of the Foreign Assistance Act, which would restrict log exports from all Federal lands west of the 100th meridian of more than 350 million board feet of unprocessed timber.

This amendment, which was added at the insistence of the Senate, places a severe limitation on the exportation of logs and is obviously directed against Japan. The House had previously taken the position that export restrictions are in the realm of foreign trade and should not be included in legislation which deals with foreign assistance. This is a sound position, and I see no reason why the House should recede from its objection to this amendment. On the other hand, there are some consequences which could well result from this rider which would have a serious impact on the export programs for many agricultural products.

The United States is not the only country from which Japan can purchase its raw timber requirements. Furthermore, there is doubt whether this measure will conserve our timber resources at all. Nothing indicates that the allowable cut from Federal lands will be changed because the export of timber is curtailed. Certainly these are questions which ought to be studied in more detail before the House should agree to such a restriction measure.

Japan is an excellent customer of the U.S. industry, especially the agricultural industries. This amendment is designed to curtail shipments of timber to the Japanese. If the results of this measure are successful, the Japanese must look elsewhere for their supply of timber, and they may well find other suppliers for the many agricultural products which they also buy from U.S. producers. Many years and hard work have been spent by agricultural producers to develop good export markets. A great deal of time has been spent in Congress and by Government agencies in promoting freer trade and ready access of our agricultural products to foreign markets.

This is an extreme measure and should be adopted only if circumstances compel its passage. It should be adopted as a part of foreign trade legislation and not as a part of foreign assistance legislation. It should not be passed and enacted into law until the Congress has had a chance to consider the real possibility of adverse effect on exports of agricultural commodities, a matter of great importance in the field of world trade. Timber is an important resource of the United States. It is essential to keep our lumber milling industry healthy and progressive. But agriculture is also an important industry and it is important to the health of our agriculture industry to maintain our foreign markets.

The nature of this amendment, and the possible retaliatory action which might be taken, are such that this measure should not be passed without further careful study by appropriate subcommittees, and witnesses heard who can explain the possible consequences of this action.

Mr. JOHNSON of California. Mr. Speaker, I want to express my appreciation of the action of the House-Senate conference committee on one feature of the Foreign Assistance Act for 1968. This relates to log exports to Japan from California and other Western States.

Our Japanese friends have been seeking building materials from the United States to meet their growing housing needs. They have sought this material in the form of raw logs which would also provide increased employment for Japanese processors. The effect has been an export of both our raw materials and our job opportunities. We can afford to export some of the timber in processed form and our industry is attempting to do that. However, outside of Alaska—where there has been a 40-year prohibition on the export of whole logs from Federal lands—the Japanese have shown little interest in our lumber and plywood as long as logs have been available.

The export of logs to Japan from Oregon, Washington, and California increased about 50 percent last year over the 1966 level, which had been up sharply from the previous year.

Early this year, the administration imposed limitations on the export of logs from Federal lands in western Oregon and western Washington because there had been a damaging impact on the economy of a number of the timber depending communities in that area.

Since the limitations were imposed in western Oregon and Washington, there has been a significant increase in export from other western areas. According to the Department of Commerce, the volume of logs from all sources exported to Japan from ports in Oregon, Washington, and California in the first 7 months of this year were up 16 percent over such exports in all 12 months of 1966. However the California share of the exports increased four and a half times between the two periods. Log exports to Japan from California in July alone were ahead of such exports for all of 1966.

National forest and Bureau of Land Management timber is a basic part of the economy of much of the West. The timber is offered for competitive bid to any individual qualified to pay for it and perform the contract. As a consequence, there is no tie between the processing plants that are the economic backbone of many communities, and the raw-material supply. The timber may go to an outsider who has sufficient funds to bid beyond the economic reach of the local processor.

This year there have been a number of Federal timber sales in California that have gone to known exporters at stumpage rates well above the appraised value. In some instances, the bid rates have been three to four times above the advertised prices. Domestic firms dependent upon this timber have not been able to get needed raw materials.

This problem is of particular concern to me since many of the counties in my district include areas with a high rate of unemployment. This is characteristic of other forested counties in the West.

The best hope for economic improvement in many of these areas is an increase rather than a decrease in the amount of processing given to the basic timber resolution.

Therefore, I wish to commend the conferees who, I understand, were unanimous in recommending to the House of Representatives and the Senate, the conference report which we have now before us. This conference report, adopted in slightly modified fashion the Senate's amendments to the act which would impose the 350-million-board-foot restriction on the export of unprocessed logs harvested from Federal lands west of the 100th meridian. It will incorporate in the language provisions for the export of any surplus logs so will not in any way hinder the domestic industry. The restrictions would be imposed only during the calendar years 1969, 1970, and 1971.

Mr. Speaker, since the restrictions presently in effect in western Oregon and western Washington have caused pressure to build on other Pacific coast regions, I believe that these restrictions should be made uniform throughout the Pacific coast area. The language contained in the conference report will accomplish this and I respectfully urge the House of Representatives to approve the conference report as submitted by the conferees.

Mr. PODELL. Mr. Speaker, war clouds darken the Middle East and threaten to shatter the world with their thunder. In 1956 and again in June 1967, the wars in the Middle East were geographically confined to that critical area. But the war next time may engulf the civilized world in its fury because the Middle East has now become the focal point in the cold war between the Soviet Union and the United States.

The mounting crisis in the Middle East is visible to anyone who cares to see. After 14 months of unremitting efforts, Dr. Gunnar V. Jarring, the Special United Nations Envoy, has been unable to move the Arab States even a single inch toward a peace conference. The futility of the Jarring mission was indeed foreordained since it was clearly sabotaged and frustrated by Soviet Union policy to penetrate that area with massive force and strength.

During the past several weeks, Arab and Jordanian violations of United Nations truce agreements have increased in number and intensity. Indeed these incursions can no longer properly be called "border incidents" since their frequency and the armaments employed are more characteristic of the probing prelude to massive invasion.

This conclusion is fortified by compelling and probative evidence. Just last week Alistair Buchan, the director of the London-based Institute for Strategic Studies, said:

> Since the end of the 1967 six-day war between the Arabs and Israel, the Soviet Union has delivered enough armaments to her Arab friends to bring their numbers of aircraft, tanks, and guns nearly up to the level that prevailed before the outbreak of fighting.

The extent to which the Soviet Union now dominates Arab military and political policy was clearly indicated by Brigadier Kenneth Hunt, the deputy director of the Institute for Strategic Studies. According to Brigadier Hunt, the number of Soviet Union military advisers sent to the Middle East since June 1967 has doubled and now number 3,000 such advisers.

If, as the Institute asserts, Soviet Union armament shipments have virtually brought Arab military strength up to the level prevailing in June 1967, then it must be concluded that the total military power is far in excess of June 1967, because of armaments received from sources other than the Soviet Union.

For example, just this past Friday, September 13, 1968, King Hussein of Jordan announced that he had concluded a $100 million armament deal with the United States. Not too long ago, within the past 3 months, Jordan received 54 Patton tanks from the United States and expects to receive shortly from the United States two squadrons of F–104 Starfighters together with Hawk rocket missiles.

Just a year ago there was every prospect that King Hussein would be sent on an early date with his Maker by a Jordanian citizen outraged by his military and political ineptitude. Only the generosity of American aid kept Hussein alive and on his throne. Under the circumstances, it is hardly surprising that Hussein today has the arrogance to lecture the United States on its policies in the Middle East, coupled with warnings and threats because both HUBERT HUMPHREY and Richard Nixon favor the sale of Phantom jet fighters to Israel. Apparently, our State Department has not yet learned that the wages of appeasement are contempt.

Further evidence of the plans of Arab States to destroy Israel shortly by another war comes from public statements made by President Nasser of Egypt calling once again upon the Arabs to wage a holy war against Israel. In addition to his statements, there is unmistakeable evidence that Nasser is moving heavy military equipment to the Suez Canal Zone readying for renewed attacks on a massive scale.

In a front-page story, the New York Times reported on Sunday, September 15, that President Johnson had reached a final decision not to sell Phantom jets to Israel. This report was denied by the White House on Monday. However, irrespective of the accuracy of the Times report and a denial of its accuracy by a White House spokesman, the failure of the administration to make Phantom jets available to Israel and the months that have passed since the meeting in January between President Johnson and President Eshkol speak more eloquently and more authoritatively than any White House denial. The sheer failure of the United States to respond to Israel's plea for Phantom jets at a time when we have opened the doors of our munition resources to Jordan is a clear clue to the Arab States of apparent American intention.

Under the circumstances, America will never be able to exonerate herself for responsibility for the tragic events which will attend a new war in the Middle East.

It is tragic for all humanity that the occupants of Middle East desks in the State Department are so shortsighted. Their assertions that the military balance of power is not yet so tipped as to favor the Arab States and that consequently Israel does not need Phantom jets is sheer nonsense. Their approach is fitting for a gambler at the gambling tables of Las Vegas but is pure stupidity when the stakes are the peace and security of the world.

Both Houses of Congress believe that Phantom jets should be sold to Israel. The major party candidates for President are in full agreement on this policy. The failure to agree to this sale brings joy only to the Arab States and to the Soviet Union.

Mr. **GRIFFIN**. Mr. Speaker, I think everyone concedes that we must give encouragement and support to our friends throughout the world. Nevertheless, it is long past time for us to eliminate gratuities when the economy of the recipient nation is booming.

In this connection I would like to mention the Ryukyus Islands. Last year Congress appropriated $14,956,000 for grant aid to the Ryukyuan economy which included administrative activities. The budget request this year was for $20,772,000 or $5,694,000 more than appropriated last year.

I would like to call the committee's attention to newspaper reports which indicate that the legislature of the Ryukyu Islands has reduced Ryukyuan income taxes by $11.2 million in fiscal year 1969. Thus, U.S. taxpayers are subsidizing a tax reduction for people overseas.

Also, on August 11, 1968, the Department of Agriculture announced that the Ryukyu Islands would receive $499,000 worth of free wheat.

Within the last few weeks, Ryukyuan High Commissioner F. T. Unger has approved a 44-percent increase in the gross annual rentals paid by the United States to landowners of the Ryukyu Islands. The new total annual rental will be $10.07 million as compared to the annual total of $6.9 million previously paid. From 1958 through June 30, 1968, the United States has paid the Government of the Ryukyu Islands a total of $62,024,376 in land rentals.

Both the Committee on Foreign Affairs and the Committee on Appropriations are to be commended for their diligent scrutiny of foreign aid budget requests this year. Nevertheless, I feel compelled to vote against this measure because of the example of excessive generosity previously cited.

The long-suffering American taxpayer is entitled to relief from the burden of wasteful and unnecessary spending. It is our responsibility to provide such relief and I hope the House will do so by defeating this measure.

Mr. **MORGAN**. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER** pro tempore (Mr. MATSUNAGA). The question is on the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. **TAFT**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 196, nays 150, not voting 85, as follows:

[Roll No. 343]

YEAS—196

Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Bates
Biester
Bingham
Boggs
Bolton
Brasco
Brooks
Broomfield
Brotzman
Buchanan
Burke, Mass.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Clausen, Don H.
Cohelan
Conable
Corbett
Culver
Daddario
Daniels
Davis, Wis.
Dawson
Dellenback
Dent
Dingell
Dow
Downing
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Flood
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gibbons
Gilbert
Gonzalez
Green, Oreg.
Green, Pa.
Gude
Halleck
Halpern
Hamilton
Hanley
Hansen, Wash.
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Howard
Irwin
Jacobs
Joelson
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
Kyl
Kyros
Laird
McCarthy
McClory
McCloskey
McDade
McEwen
McFall
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Mathias, Calif.
Mathias, Md.
Matsunaga
Meeds
Minish
Mink
Monagan
Morgan
Morse, Mass.
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
O'Hara, Ill.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins

Pickle
Pike
Pirnie
Podell
Price, Ill.
Pucinski
Purcell
Quie
Railsback
Reid, N.Y.
Reuss
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Scheuer
Schneebeli
Schwengel
Selden
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steed
Sullivan
Taft
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vigorito
Waldie
Whalen
Widnall
Wiggins
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Young
Zablocki

NAYS—150

Abernethy
Adair
Andrews, Ala.
Andrews, N. Dak.
Baring
Battin
Belcher
Bennett
Berry
Betts
Bevill
Blackburn
Blanton
Bow
Bray
Brinkley
Brock
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson
Cabell
Carter
Casey
Cederberg
Chamberlain
Cleveland
Collier
Collins
Colmer
Cowger
Cunningham
Davis, Ga.
de la Garza
Delaney
Denney
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Duncan
Edwards, Ala.
Edwards, La.
Eshleman
Everett
Fino
Flynt
Fuqua
Galifianakis
Gathings
Gettys
Goodling
Griffin
Gross
Grover
Haley
Hammerschmidt
Harsha
Harvey
Henderson
Herlong
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Mo.
Jones, N.C.
King, N.Y.
Kleppe
Kornegay
Kuykendall
Landrum
Langen
Latta
Lennon
Lipscomb
Long, La.
Long, Md.
McCulloch
McDonald, Mich.
McMillan
Marsh
Martin
May
Meskill
Miller, Ohio
Minshall
Mize
Montgomery
Moore
Morris, N. Mex.
Myers
Natcher
O'Neal, Ga.
Passman
Poage
Poff
Price, Tex.
Quillen
Randall
Reid, Ill.
Reinecke
Rogers, Fla.
Roth
Roush
Ruppe
Sandman
Satterfield
Schadeberg
Scherle
Scott
Shriver
Sikes
Skubitz
Smith, Calif.
Snyder
Staggers
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Taylor
Thompson, Ga.
Tuck
Utt
Waggonner
Walker
Wampler
Watkins
Watson
Whalley
White
Whitener
Whitten
Williams, Pa.
Willis
Wilson, Bob
Winn
Wylie
Wyman
Zion
Zwach

NOT VOTING—85

Abbitt
Ashbrook
Ashmore
Bell
Blatnik
Boland
Bolling
Brademas
Brown, Calif.
Burton, Utah
Bush
Button
Celler
Clancy
Clark
Clawson, Del
Conte
Conyers
Corman
Cramer
Curtis
Diggs
Donohue
Esch
Fisher
Ford, William D.
Fountain
Gallagher
Gardner
Giaimo
Gray
Griffiths
Gubser
Gurney
Hagan
Hall
Hanna
Hansen, Idaho
Hardy
Harrison
Hays
Hébert
Hosmer
Jones, Ala.
Karsten
King, Calif.
Kirwan
Kluczynski
Kupferman
Leggett
Lloyd
Lukens
McClure
Mayne
Michel
Miller, Calif.
Mills
Moorhead
Morton
Moss
Nichols
O'Hara, Mich.
O'Konski
Olsen
Pettis
Philbin
Pollock
Pryor
Rarick
Rees
Reifel
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Saylor
Schweiker
Shipley
Smith, Okla.
Stratton
Talcott
Vander Jagt
Vanik
Watts

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Shipley against.

Mr. Philbin for, with Mr. Nichols against.

Mr. Donohue for, with Mr. Fountain against.

Mr. Boland for, with Mr. Ashmore against.

Mr. Miller of California for, with Mr. Hagan against.

Mr. Kirwan for, with Mr. Abbitt against.

Mr. Blatnik for, with Mr. Olsen against.

Mr. Celler for, with Mr. Rivers against.

Mr. Giaimo for, with Mr. Ashbrook against.

Mr. Moorhead for, with Mr. Burton of Utah against.

Mr. Moss for, with Mr. Clancy against.

Mr. Pryor for, with Mr. Del Clawson against.

Mr. Stratton for, with Mr. Hall against.

Mr. Vanik for, with Mr. Cramer against.

Mr. Leggett for, with Mr. Gardner against.

Mr. Conte for, with Mr. Gurney against.

Mr. Button for, with Mr. Hansen of Idaho against.

Mr. Kluczynski for, with Mr. Harrison against.

Mr. Morton for, with Mr. Lloyd against.

Mr. Gubser for, with Mr. Lukens against.

Mr. Hosmer for, with Mr. McClure against.

Mr. Bell for, with Mr. Michel against.

Mr. Jones of Alabama for, with Mr. Vander Jagt against.

Mr. Brademas for, with Mr. Talcott against.

Mr. Clark for, with Mr. Smith of Oklahoma against.

Mr. Corman for, with Mr. Saylor against.

Mr. Gray for, with Mr. Rhodes of Arizona against.

Mr. Gallagher for, with Mr. Pollock against.

Mrs. Griffiths for, with Mr. Pettis against.

Mr. William D. Ford for, with Mr. Rarick against.

Mr. O'Hara of Michigan for, with Mr. Mills against.

Mr. Hanna for, with Mr. Watts against.

Mr. Rees for, with Mr. Fisher against.

Mr. Diggs for, with Mr. Brown of California against.

Mr. Esch for, with Mr. Reifel against.

Until further notice:

Mr. King of California with Mr. Mayne.

Mr. Karsten with Mr. Bush.

Mr. Hardy with Mr. Roudebush.

Mr. O'Konski with Mr. Conyers.

Mr. Hays with Mr. Curtis.

Mr. Kupferman with Mr. Schweiker.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report on the Foreign Assistance Act of 1968.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONFERENCE REPORT ON H.R. 17023, INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1969

Mr. EVINS of Tennessee. Mr. Speaker, I call up the conference report on the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development, for the fiscal year ending June 30, 1969, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1904)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17023) "making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 11, 12, 13, 14, 16, 19, 20, 29, 31, 33, 35, 42, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 9, 10, 17, 18, 21, 23, 26, 30, 36, 37, 39, and 40; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,800,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$173,600,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,000,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$37,200,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,100,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$275,000,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,500,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$750,000,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$43,838,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$312,500,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$625,000,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,000,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$30,000,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$93,000,000" and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 15 and 41.

Joe L. Evins,
Edward P. Boland,
George E. Shipley,
Robert N. Giaimo,
John O. Marsh, Jr.
David Pryor,
George Mahon,
Charles R. Jonas,
William E. Minshall,
Louis C. Wyman,
Burt L. Talcott,
Frank T. Bow,
Managers on the Part of the House.
Warren G. Magnuson,
Allen J. Ellender,
Richard B. Russell,
Spessard L. Holland,
John O. Pastore,
Clinton P. Anderson,
Gordon Allott,
Roman L. Hruska,
Norris Cotton,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at a conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I

Office of Science and Technology

Amendment No. 1: Appropriates $1,800,000 for salaries and expenses instead of $1,750,000 as proposed by the House and $1,850,000 as proposed by the Senate.

Appalachian regional development programs

Amendment No. 2: Appropriates $173,600,000 for Appalachian regional development programs instead of $168,600,000 as proposed by the House and $178,600,000 as proposed by the Senate. The conference committee feels that the $5,000,000 increase over the House amount should be used for health programs.

Disaster relief

Amendment No. 3: Appropriates $10,000,000 for disaster relief instead of $5,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Civil Service Commission

Amendment No. 4: Appropriates $37,200,000 for salaries and expenses instead of $37,000,000 as proposed by the House and $37,564,000 as proposed by the Senate.

Commission on Executive, Legislative and Judicial Salaries

Amendment No. 5: Inserts Senate proposal to appropriate $100,000 for salaries and expenses of the Commission.

Federal Communications Commission

Amendment No. 6: Appropriates $19,750,000 for salaries and expenses as proposed by the House instead of $20,000,000 as proposed by the Senate.

Federal Power Commission

Amendment No. 7: Appropriates $15,100,000 for salaries and expenses instead of $15,000,000 as proposed by the House and $15,200,000 as proposed by the Senate.

General Services Administration

Amendment No. 8: Appropriates $275,000,000 for Operating Expenses, Public Buildings Service, instead of $271,881,000 as proposed by the House and $276,763,000 as proposed by the Senate.

Interstate Commerce Commission

Amendment No. 9: Inserts language earmarking $150,000 for pipeline valuation work as proposed by the Senate. The committee of conference notes that the Commission currently makes no charge for pipeline valuations, although the industry uses the valuations as the basis for determining allowable earnings. Under a Supreme Court consent decree, earnings may not exceed 7 percent on their valuation. The Commission is urged to review its fee structure to cover the cost of such valuation work.

National Aeronautics and Space Administration

Amendment No. 10: Appropriates $3,370,300,000 for Research and Development as proposed by the Senate instead of $3,383,250,000 as proposed by the House. The committee of conference notes that the Administrator has flexibility within this appropriation to use such funds as may be required and deemed necessary to continue the nuclear rocket engine (NERVA) development program.

Amendment No. 11: Appropriates $21,800,000 for Construction of Facilities as proposed by the House instead of $34,750,000 as proposed by the Senate.

National Science Foundation

Amendments Nos. 12 and 13: Authorize the maintenance and operation of three aircraft as proposed by the House instead of the purchase of one aircraft and the maintenance and operation of four as proposed by the Senate.

Amendment No. 14: Appropriates $400,000,000 for salaries and expenses as proposed by the House instead of $410,000,000 as proposed by the Senate.

Amendment No. 15: Reported in technical disagreement. The House conferees will offer a motion to recede and concur in the amendment.

Renegotiation Board

Amendment No. 16: Appropriates $3,000,000 for salaries and expenses as proposed by the House instead of $3,080,000 as proposed by the Senate.

Securities and Exchange Commission

Amendment No. 17: Appropriates $17,830,000 for salaries and expenses as proposed by the Senate instead of $17,730,000 as proposed by the House.

Veterans' Administration

Amendment No. 18: Appropriates $46,850,000 for Medical and Prosthetic Research as proposed by the Senate instead of $45,850,000 as proposed by the House.

Amendment No. 19: Appropriates $195,000,000 for General Operating Expenses as proposed by the House instead of $197,000,000 as proposed by the Senate.

Department of Defense

Civil Defense

Amendment No. 20: Appropriates $48,040,000 for Operation and Maintenance as proposed by the House instead of $48,640,000 as proposed by the Senate.

Amendment No. 21: Authorizes $19,100,000 for matching grants for personnel and administrative expenses of State and local civil defense organizations as proposed by the Senate instead of $18,500,000 as proposed by the House.

Amendment No. 22: Appropriates $12,500,000 for Research, Shelter Survey and Marking instead of $10,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

TITLE II

Amendment No. 23: Inserts heading as proposed by the Senate.

Department of Housing and Urban Development

Amendment No. 24: Inserts language for Urban Renewal Programs as proposed by the Senate and appropriates $750,000,000 for such programs instead of $1,250,000,000 as proposed by the Senate.

Amendment No. 25: Appropriates $43,838,000 for Urban Planning Grants instead of $38,838,000 as proposed by the House and $47,500,000 as proposed by the Senate.

Amendment No. 26: Appropriates $165,000,000 for grants for basic water and sewer facilities as proposed by the Senate instead of $150,000,000 as proposed by the House.

Amendments Nos. 27 and 28: Appropriate $625,000,000 for Model Cities Programs including $312,500,000 for urban renewal projects within model cities programs, instead of $500,000,000 as proposed by the House and $1,000,000,000 as proposed by the Senate, and earmarking $100,000,000 for urban renewal as proposed by the House and $500,000,000 as proposed by the Senate.

Amendment No. 29: Deletes proposal of the Senate to appropriate $2,500,000 for Urban Information and Technical Assistance.

Amendment No. 30: Appropriates $1,400,000 for salaries and expenses as proposed by the Senate instead of $1,860,000 as proposed by the House.

Amendment No. 31: Restores language proposed by the House and stricken by the Senate pertaining to the administration and implementation of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.

Amendment No. 32: Appropriates $11,000,000 for Urban Research and Technology instead of $10,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Amendment No. 33: Restores language proposed by the House and stricken by the Senate limiting administrative expenses for urban research and technology to $500,000.

Amendment No. 34: Provides $30,000,000 annual contract authorization for the rent supplement program instead of $25,000,000 as proposed by the House and $65,000,000 as proposed by the Senate. The committee of conference agrees that the Congress intended market rate mortgages in the rent supplement program to be financed in the private market in the usual conventional way, and expects the Secretary to be guided accordingly. In those cases where this is not possible, in every rent supplement project the sponsor shall be required to provide at least a 10 percent equity investment, except for nonprofit organizations where 5 percent is required if assistance is sought under the special assistance program of FNMA.

Amendment No. 35: Deletes proposal of the Senate to appropriate $9,000,000 for the fair housing program. The budget request for this item was submitted to the Senate on the passage of a new law after the House had acted on this bill. The Department of Housing and Urban Development, as well as a number of other Federal agencies, are already engaged in the activities provided for in the Senate proposal with substantial personnel engaged in such activities. If facts can be presented in the future to prove the necessity for additional funds the Committee will consider such a request.

TITLE III—CORPORATIONS

Amendment No. 36: Changes the center heading to Title III instead of Title II as proposed by the Senate.

Amendment No. 37: Authorizes $11,675,000 for administrative expenses of the Federal Housing Administration as proposed by the Senate instead of $11,500,000 as proposed by the House.

Amendment No. 38: Authorizes $93,000,000 for nonadministrative expenses of the Federal Housing Administration instead of $92,000,000 as proposed by the House and $94,000,000 as proposed by the Senate.

Amendments Nos. 39 and 40: Change title numbers as proposed by the Senate.

Amendment No. 41: Reported in technical disagreement. The House conferees will offer a motion to authorize $357,000 for the President's Council on Youth Opportunity as proposed by the Senate, $485,000 for the Interagency Committee on Mexican-American Affairs instead of $575,000 as proposed by the Senate, $300,000 for the U.S.-Mexico Commission for Border Development and Friendship instead of $455,000 as proposed by the Senate, and $100,000 for the National Council on Indian Opportunity instead of $375,000 as proposed by the Senate.

Amendments Nos. 42 and 43: Restore the language of Sec. 308 of the bill to the original House language instead of inserting and deleting certain language as proposed by the Senate.

JOE L. EVINS,
EDWARD P. BOLAND,
GEORGE E. SHIPLEY,
ROBERT N. GIAIMO,
JOHN O. MARSH, Jr.,
DAVID PRYOR,
GEORGE MAHON,
CHARLES R. JONAS,
WILLIAM E. MINSHALL,
LOUIS C. WYMAN,
BURT L. TALCOTT,
FRANK T. BOW,
Managers on the Part of the House.

Mr. EVINS of Tennessee. Mr. Speaker, we bring back a conference report on the Department of Housing and Urban Development and several independent offices and agencies.

This bill passed the House on May 5 on the regular schedule. It was not considered in the Senate until just before the recess, and then it was sent to a conference.

All legislation, as we know, is a matter of compromise. Substantial reductions were made in the bill, and we have brought back what we feel is a good conference report, signed by all members of the conference on the part of the House and the Senate.

Initially, the Senate agreed with some 40 items, and stated throughout the report they concurred in the House findings. We concurred in several items.

There were about 30 items on which we were in disagreement. Of these 30 items in disagreement, Mr. Speaker, the Senate yielded on 14 items and the House yielded on about 13 items. We have made some substantial reductions.

In an overall way I would say the bill for the 21 Independent Agencies and the Department of Housing and Urban Development carried a budget request of $18,353,717,300. The bill after the conference calls for $14,570,395,000. This is a cut, reduction under the budget of $3,783,322,300, or a cut of three and three-quarters billion.

Mr. Speaker, I would like to reemphasize this. The conference report which we bring before the House today makes a reduction from the President's budget of more than three and three-quarters billion dollars.

This is one of the largest of the several annual appropriation bills, this is one of the largest reductions and this reduction compares favorably with that made in the Defense Department appropriation which was considered recently.

All members of the conference are familiar with the conference report, and we are here to answer any questions that may arise in the minds of any of the Members.

By way of breakdown and to supply my colleagues with additional details, the Senate bill called for $1,250,000,000 for the regular urban renewal program throughout the United States.

The House did not consider this item in its bill because the new housing bill which included the urban renewal authorization was passed after the independent offices and HUD appropriations bill passed the House last April.

The conference report recommends $750 million for the regular urban renewal program—a $500 million cut and reduction under the Senate bill.

For the model cities program the House originally approved $500 million—a half billion dollars. The Senate approved $1 billion. The conference report calls for $625 million which represents a $375 million cut and reduction under the Senate bill.

For the rent supplement program the budget request was for $65 million in new contract authority. The House originally approved $25 million and the Senate approved the full request of $65 million. The conference report calls for $30 million in new contract authority.

In terms of the 40-year commitment which each appropriation for rent supplement carries, the conference report involves contract authority totaling $1.2 billion. This represents a cut and reduction of $1.4 billion from the $2.6 billion contract authority over the 40-year period in the Senate bill.

Concerning the model cities, Mr. Speaker, Congress made its commitment and we must move ahead with the program in line with our commitment. We must keep faith with our mayors who are in the front lines in the battle to solve the problems of our cities.

It is our information that planning is well underway in 75 cities announced in the initial round of model cities—and 33 more cities recently have been added.

I want to emphasize that private enterprise supports the program. Support has come from such national leaders as Mr. Fred Borch, president of General Electric Corp.; D. C. Burnham, president of Westinghouse Corp., and David Rockefeller, president of Chase Manhattan Bank, among others.

It is important to stress also that the model cities program represents a total approach to solution of the problems of our cities—a coordinated approach utilizing all the resources of the Federal, State, and local governments together with private enterprise to solve the problems of a model city area. This contrasts with the piecemeal approach which has been the pattern in the past.

Concerning the rent supplement program, this is an on-going successful program. This program is being utilized.

Today there are 625 projects in 372 cities in 48 States.

These projects contain a total of almost 62,679 units of housing and 3,017 families are occupying rent supplement units.

As has been often emphasized, the rent supplement program is a private enterprise approach to providing needed low-rent housing, and offers an alternative to Government-financed, Government-operated, Government-regulated public housing.

The need is urgent: An estimated 6,000,000 families live in substandard housing and 500,000 are on the waiting list for public housing.

This is a program for the poor and requirements are even stricter than those for admission to public housing.

A comparative statement of conference action follows:

INDEPENDENT OFFICES AND HUD APPROPRIATION BILL, 1969 (H.R. 17023)

COMPARATIVE STATEMENT OF CONFERENCE ACTION

Agency and item	New budget (obligational) authority, fiscal year 1968 [1]	Budget estimates of new (obligational) authority, fiscal year 1969	New budget (obligational) authority recommended in House bill, fiscal year 1969	New budget (obligational) authority recommended in Senate bill, fiscal year 1969	Conference action	Conference action compared with—		
						Budget estimate	House allowance	Senate allowance
TITLE I								
EXECUTIVE OFFICE OF THE PRESIDENT								
National Aeronautics and Space Council								
Salaries and expenses	$524,000	$524,000	$500,000	$500,000	$500,000	−$24,000		
Office of Emergency Planning								
Salaries and expenses	4,700,000	5,043,000	4,850,000	4,850,000	4,850,000	−193,000		
Salaries and expenses, telecommunications	1,945,000	1,986,000	1,675,000	1,675,000	1,675,000	−311,000		
Civil defense and defense mobilization functions of Federal agencies	3,102,000	3,135,000	3,100,000	3,100,000	3,100,000	−35,000		
Total, Office of Emergency Planning	9,747,000	10,164,000	9,625,000	9,625,000	9,625,000	−539,000		
Office of Science and Technology								
Salaries and expenses	1,550,000	1,985,000	1,750,000	1,850,000	1,800,000	−185,000	+$50,000	−$50,000
Energy study		500,000				−500,000		
Total, Office of Science and Technology	1,550,000	2,485,000	1,750,000	1,850,000	1,800,000	−685,000	+50,000	−50,000
President's Commission on Postal Organization								
Salaries and expenses	1,000,000							
Total, Executive Office of the President	12,821,000	13,173,000	11,875,000	11,975,000	11,925,000	−1,248,000	+50,000	−50,000
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian regional development programs	126,700,000	213,600,000	168,600,000	178,000,000	173,600,000	−40,000,000	+5,000,000	−5,000,000
Disaster relief	20,000,000	15,000,000	5,000,000	15,000,000	10,000,000	−5,000,000	+5,000,000	−5,000,000
Total, funds appropriated to the President	146,700,000	228,600,000	173,600,000	193,600,000	183,600,000	−45,000,000	+10,000,000	−10,000,000
INDEPENDENT OFFICES								
Appalachian Regional Commission								
Salaries and expenses	[2] 745,750	879,000	850,000	850,000	850,000	−29,000		
Civil Aeronautics Board								
Salary and expenses	9,082,000	9,700,000	9,350,000	9,350,000	9,350,000	−350,000		
Payments to air carriers (appropiation to liquidate contract authorization)	[3] *(52,500,000)*	*(47,600,000)*	*(45,000,000)*	*(45,000,000)*	*(45,000,000)*	*(−2,600,000)*		
Total, Civil Aeronautics Board	9,082,000	9,700,000	9,350,000	9,350,000	9,350,000	−350,000		
Civil Service Commission								
Salaries and expenses:								
Appropriation	36,910,000	39,309,000	37,000,000	37,564,000	37,200,000	−2,109,000	+200,000	−364,000
By transfer	*(6,100,000)*	*(6,460,000)*	*(6,460,000)*	*(6,460,000)*	*(6,460,000)*			
Annuities under special acts	1,378,000	1,366,000	1,350,000	1,350,000	1,350,000	−16,000		
Government payment for annuitants, employees health benefits	40,748,000	40,780,000	40,748,000	40,748,000	40,748,000	−32,000		
Payment to civil service retirement and disability fund	71,000,000	72,000,000	72,000,000	72,000,000	72,000,000			
Total, Civil Service Commission	150,036,000	153,455,000	151,098,000	151,662,000	151,298,000	−2,157,000	+200,000	−364,000
Commission on Executive, Legislative, and Judicial Salaries								
Salaries and expenses		[4] 100,000		100,000	100,000		+100,000	
Commission on Mortgage Credit and Interest Rates								
Salaries and expenses		[5] 775,000				−775,000		
Commission on the Political Activity of Government Personnel								
Salaries and expenses	25,000							
Federal Communications Commission								
Salaries and expenses	19,170,000	21,271,000	19,750,000	20,000,000	19,750,000	−1,521,000		−250,000
Federal Power Commission								
Salaries and expenses	14,660,000	16,060,000	15,000,000	15,200,000	15,100,000	−960,000	+100,000	−100,000
Federal Trade Commission								
Salaries and expenses	15,281,000	16,127,000	16,000,000	16,000,000	16,000,000	−127,000		

See footnotes at end of table.

INDEPENDENT OFFICES AND HUD APPROPRIATION BILL, 1969 (H.R. 17023)—Continued

COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued

Agency and item	New budget (obligational) authority, fiscal year 1968[1]	Budget estimates of new (obligational) authority, fiscal year 1969	New budget (obligational) authority recommended in House bill, fiscal year 1969	New budget (obligational) authority recommended in Senate bill, fiscal year 1969	Conference action	Conference action compared with—		
						Budget estimate	House allowance	Senate allowance
INDEPENDENT OFFICES—Continued								
GENERAL SERVICES ADMINISTRATION								
Operating expenses, Public Buildings Service	$262,715,000	$278,763,000	$271,881,000	$276,763,000	$275,000,000	−$3,763,000	+$3,119,000	−$1,763,000
Repair and improvement of public buildings	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000			
Construction, public buildings projects	66,757,900							
Sites and expenses, public buildings projects	20,285,000	10,995,000	10,995,000	10,995,000	10,995,000			
Payments, public buildings purchase contracts	2,350,000	2,400,000	2,400,000	2,400,000	2,400,000			
Expenses, U.S. court facilities	1,000,000	1,200,000	750,000	750,000	750,000	−450,000		
Operating expenses, Federal Supply Service	69,596,000	76,534,000	72,500,000	72,500,000	72,500,000	−4,034,000		
Automatic data processing fund	10,000,000							
Operating expenses, National Archives and Records Service	17,887,000	18,728,300	18,300,000	18,300,000	18,300,000	−428,300		
National historical publication grants	350,000	350,000	350,000	350,000	350,000			
Operating expenses, Transportation and Communications Service	6,025,000	6,510,000	6,150,000	6,150,000	6,150,000	−360,000		
Operating expenses, Property Management and Disposal Service	27,572,000	30,500,000	28,500,000	28,500,000	28,500,000	−2,000,000		
Salaries and expenses, Office of Administrator	1,793,000	1,944,000	1,820,000	1,820,000	1,820,000	−124,000		
Allowances and office facilities for former Presidents	251,000	267,000	267,000	267,000	267,000			
Expenses, Presidential transition		900,000	900,000	900,000	900,000			
Administrative operations fund (limitation on administrative expenses)	*(16,650,000)*	*(14,165,300)*	*(13,700,000)*	*(13,700,000)*	*(13,700,000)*	*(−465,300)*		
Working capital fund		200,000				−200,000		
Total, General Services Administration	566,581,900	509,291,300	494,813,000	499,695,000	497,932,000	−11,359,300	+3,119,000	−1,763,000
INTERSTATE COMMERCE COMMISSION								
Salaries and expenses	23,846,000	23,995,000	23,846,000	23,846,000	23,846,000	−149,000		
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION								
Research and development	3,925,000,000	3,677,200,000	3,383,250,000	3,370,300,000	3,370,300,000	−306,900,000	−12,950,000	
Construction of facilities	35,900,000	45,000,000	21,800,000	34,750,000	21,800,000	−23,200,000		−12,950,000
Administrative operations	628,000,000	648,200,000	603,173,000	603,173,000	603,173,000	−45,027,000		
Total, National Aeronautics and Space Administration	4,588,900,000	4,370,400,000	4,008,223,000	4,008,223,000	3,995,273,000	−375,127,000	−12,950,000	−12,950,000
NATIONAL SCIENCE FOUNDATION								
Salaries and expenses	495,000,000	500,000,000	400,000,000	410,000,000	400,000,000	−100,000,000		−10,000,000
RENEGOTIATION BOARD								
Salaries and expenses	2,651,000	3,080,000	3,000,000	3,080,000	3,000,000	−80,000		−80,000
SECURITIES AND EXCHANGE COMMISSION								
Salaries and expenses	17,730,000	17,903,000	17,730,000	17,830,000	17,830,000	−73,000	+100,000	
SELECTIVE SERVICE SYSTEM								
Salaries and expenses	64,175,000	−63,568,000	63,568,000	63,568,000	63,568,000			
VETERANS' ADMINISTRATION								
Compensation and pensions	4,605,500,000	4,654,336,000	4,654,336,000	4,654,336,000	4,654,336,000			
Readjustment benefits	427,200,000	617,600,000	612,000,000	612,000,000	612,000,000	−5,600,000		
Veterans' insurance and indemnities	5,150,000	9,350,000	9,350,000	9,350,000	9,350,000			
Medical care	1,361,593,000	1,420,264,000	1,420,264,000	1,420,254,000	1,420,264,000			
Medical and prosthetic research	45,850,000	47,953,000	45,850,000	46,850,000	46,850,000	−1,103,000	+1,000,000	
Medical administration and miscellaneous operating expenses	13,975,000	14,734,000	14,200,000	14,200,000	14,200,000	−534,000		
General operating expenses	189,221,000	198,549,000	195,000,000	197,000,000	195,000,000	−3,549,000		−2,000,000
Construction of hospital and domiciliary facilities	52,600,000	33,338,000	7,926,000	7,926,000	7,926,000	−25,412,000		
Grants for construction of State nursing homes	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000			
Grants to the Republic of the Philippines	1,325,000	1,776,000	1,776,000	1,776,000	1,776,000			
Loan guarantee revolving fund (limitation on obligations)	*(386,046,000)*	*Language*	*(450,000,000)*	*(450,000,000)*	*(450,000,000)*	*(+450,000,000)*		
Participation sales authorization	850,000,000	515,000,000				−515,000,000		
Payment of participation sales insufficiencies	665,000	[6] 11,580,000	9,505,000	9,505,000	9,505,000	−2,075,000		
Total, Veterans' Administration	7,557,079,000	7,528,480,000	6,974,207,000	6,977,207,000	6,975,207,000	−553,273,000	+1,000,000	−2,000,000
Total, independent offices	13,524,962,650	13,235,084,300	12,197,435,000	12,216,611,000	12,189,104,000	−1,045,980,300	−8,331,000	−27,507,000
DEPARTMENT OF DEFENSE								
CIVIL DEFENSE								
Operation and maintenance	66,100,000	[7] 55,200,000	[7] 48,040,000	[7] 48,640,000	[7] 48,040,000	−7,160,000		−600,000
Research, shelter survey and marking	20,000,000	21,600,000	10,000,000	15,000,000	12,500,000	−9,100,000	+2,500,000	−2,500,000
Total, civil defense, Department of Defense	86,100,000	76,800,000	58,040,000	63,640,000	60,540,000	−16,260,000	+2,500,000	−3,100,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
PUBLIC HEALTH SERVICE								
Emergency health activities	9,000,000	2,400,000		0		−2,400,000		
Total, Title I	13,779,583,650	13,556,057,300	12,440,950,000	12,485,826,000	12,445,169,000	−1,110,888,300	+4,219,000	−40,657,000

See footnotes at end of table.

INDEPENDENT OFFICES AND HUD APPROPRIATION BILL, 1969 (H.R. 17023)—Continued

COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued

Agency and item	New budget (obligational) authority, fiscal year 1968[1]	Budget estimates of new (obligational) authority, fiscal year 1969	New budget (obligational) authority recommended in House bill, fiscal year 1969	New budget (obligational) authority recommended in Senate bill, fiscal year 1969	Conference action	Conference action compared with—		
						Budget estimate	House allowance	Senate allowance
TITLE II								
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
RENEWAL AND HOUSING ASSISTANCE								
Housing for the elderly or handicapped fund	[8] $25,000,000	[9] $25,000,000	$25,000,000	$25,000,000	$25,000,000			
Alaska housing		1,000,000	1,000,000	1,000,000	1,000,000			
Grants for neighborhood facilities	30,000,000	40,000,000	35,000,000	35,000,000	35,000,000	−$5,000,000		
Urban renewal programs, 1969	750,000,000							
Urban renewal programs, 1970		1,400,000,000	(10)	1,250,000,000	750,000,000	−650,000,000	+$750,000,000	−$500,000,000
Low-rent housing annual contributions	295,000,000	358,000,000	350,000,000	350,000,000	350,000,000	−8,000,000		
Salaries and expenses	32,803,600	36,360,000	34,000,000	34,000,000	34,000,000	−2,360,000		
Total, renewal and housing assistance	1,132,803,600	1,860,360.000	445,000,000	1,695,000,000	1,195,000,000	−665,360,000	+750,000,000	−500,000,000
METROPOLITAN DEVELOPMENT								
Urban planning grants	45,000,000	55,000,000	[11] 38,838,000	47,500,000	43,838,000	−11,162,000	+5,000,000	−3,662,000
Open-space land programs (appropriation to liquidate contract authorization)	*(75,000,000)*	*(85,000,000)*	*(75,000,000)*	*(75,000,000)*	*(75,000,000)*	*(−10,000,000)*		
Grants for basic water and sewer facilities	165,000,000	150,000,000	150,000,000	165,000,000	165,000,000	+15.000,000	+15,000,000	
Salaries and expenses	6,289,200	8,700,000	7,000,000	7,000,000	7,000,000	−1,700,000		
Urban mass transportation grants, 1969	175,000,000	[12] 15,000,000		0		−15,000,000		
Total, metropolitan development	391,289,200	228,700,000	195,838,000	219,500,000	215,838,000	−12,862.000	+20,000,000	−3,662,000
DEMONSTRATIONS AND INTERGOVERNMENTAL RELATIONS								
Model cities programs	[13] 312,000,000	[14] 1,000,000,000	[13] 500,000,000	[14] 1,000,000,000	[15] 625,000,000	−375,000,000	+125,000,000	−375,000,000
Urban information and technical assistance	2,200,000	5,000,000	(16)	2,500,000		−5,000,000		−2,500,000
Community development training programs	3,000,000	7,000,000	3,000,000	3,000,000	3,000,000	−4,000,000		
Fellowships for city planning and urban studies	500,000	500,000	500,000	500,000	500,000			
Salaries and expenses:								
Appropriation	1,891,300	1,860,000	1,860,000	1,400,000	1,400,000	−460,000	−460,000	
By transfer	*(2,580,000)*	*(8,380,000)*	*(6,000,000)*	*(6,000,000)*	*(6,000,000)*	*(−2,380,000)*		
Urban research and technology	10,000,000	20,000,000	10,000,000	15,000,000	11,000,000	−9,000,000	+1,000,000	−4,000,000
Low-income housing demonstration programs (appropriation to liquidate contract authorization)	*(2,000,000)*	*(4,496,000)*	*(2,000,000)*	*(2,000,000)*	*(2,000,000)*	*(−2,496,000)*		
Total, demonstrations and intergovernmental relations	329,591,300	1,034,360,000	515,360,000	1,022,400,000	640,900,000	−393,460,000	+125,540,000	−381,500,000
MORTGAGE CREDIT								
Rent supplement program:								
Increased limitation for annual contract authorization	*(10,000,000)*	*(65,000,000)*	*(25,000,000)*	*(65,000,000)*	*(30,000,000)*	*(−35,000,000)*	*(+5,000,000)*	*(−35,000,000)*
Appropriation for payments	5,000,000	15,000,000	12,000,000	12,000,000	12,000,000	−3,000,000		
Administrative expenses	1,100,000	1,600,000	1,350,000	1,350,000	1,350,000	−250,000		
Total, mortgage credit	6,100,000	16,600,000	13,350,000	13,350,000	13,350,000	−3,250,000		
DEPARTMENTAL MANAGEMENT								
General administration	4,131,000	8,000,000	6,000,000	6,000,000	6,000,000	−2,000,000		
Regional management and services	5,455,200	8,925,000	6,500,000	6,500,000	6,500,000	−2,425,000		
Fair housing program		[5] 11,100,000		9,000,000		−11,100,000		−9,000,000
Working capital fund	[17] *(1,500,000)*	2,000,000		0		−2,000,000		
Total, departmental management	9,586,200	30,025,000	12,500,000	21,500,000	12,500,000	−17,525,000		−9,000,000
PARTICIPATION SALES								
Participation sales authorization	2,385,000,000	[18] 1,570,000,000		0		−1,570,000,000		
Payment of participation sales insufficiencies	23,000,000	[6] 57,615,000	47,638,000	47,638,000	47,638,000	−9,977,000		
Total, participation sales	2,408,000,000	1,627,615,000	47,638,000	47,638,000	47,638,000	−1,579,977,000		
Total, Department of Housing and Urban Development—Title II	4,277,370,300	4,797,660,000	1,229,686,000	3,019,388,000	2,125,226,000	−2,672,434,000	+895,540,000	−894,162,000
TITLE III—CORPORATIONS								
ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES								
[Limitation on accounts of corporate funds to be expended]								
Federal Home Loan Bank Board:								
Administrative expenses	*(4,590,000)*	*(5,088,000)*	*(5,000,000)*	*(5,000,000)*	*(5,000,000)*	*(−88,000)*		
Nonadministrative expenses	*(13,650,000)*	*(14,396,000)*	*(14,396,000)*	*(14,396,000)*	*(14,396,000)*			
Federal Savings and Loan Insurance Corporation	*(298,000)*	*(340,000)*	*(340,000)*	*(340,000)*	*(340,000)*			
Department of Housing and Urban Development:								
Housing for the elderly or handicapped	*(1,272,000)*	*(1,282,000)*	*(1,272,000)*	*(1,272,000)*	*(1,272,000)*	*(−10,000)*		
College housing loans	*(2,275,000)*	*(2,285,000)*	*(2,275,000)*	*(2,275,000)*	*(2,275,000)*	*(−10,000)*		
Public facility loans	*(1,227,000)*	*(1,235,000)*	*(1,227,000)*	*(1,227,000)*	*(1,227,000)*	*(−8,000)*		
Revolving fund (liquidating programs)	*(100,000)*	*(104,000)*	*(100,000)*	*(100,000)*	*(100,000)*	*(−4,000)*		
Federal Housing Administration:								
Administrative expenses	*(11,000,000)*	*(11,950,000)*	*(11,500,000)*	*(11,675,000)*	*(11,675,000)*	*(−275,000)*	*(+175,000)*	
Nonadministrative expenses	*(87,000,000)*	*(95,600,000)*	*(92,000,000)*	*(94,000,000)*	*(93,000,000)*	*(−2,600,000)*	*(+1,000,000)*	*(−1,000,000)*

See footnotes at end of table.

INDEPENDENT OFFICES AND HUD APPROPRIATION BILL, 1969 (H.R. 17023)—Continued

COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued

Agency and item	New budget (obligational) authority, fiscal year 1968[1]	Budget estimates of new (obligational) authority, fiscal year 1969	New budget (obligational) authority recommended in House bill, fiscal year 1969	New budget (obligational) authority recommended in Senate bill, fiscal year 1969	Conference action	Conference action compared with— Budget estimate	House allowance	Senate allowance
TITLE III—CORPORATIONS—Con.								
ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES—Continued								
Department of Housing and Urban Development—Continued								
Federal National Mortgage Association	*($9,800,000)*	*($10,340,000)*	*($10,000,000)*	*($10,000,000)*	*($10,000,000)*	*(−$340,000)*		
Total administrative expenses	*(131,212,000)*	*(142,620,000)*	*(138,110,000)*	*(140,285,000)*	*(139,285,000)*	*(−3,335,000)*	*(+$1,175,000)*	*(−$1,000,000)*
Total, new budget (obligational) authority	18,056,953,950	18,353,717,300	13,670,636,000	15,505,214,000	14,570,395,000	−3,783,322,300	+899,759,000	−934,819,000
Consisting of—								
Appropriations:								
Fiscal year 1968	(13,896,953,950)							
Fiscal year 1969	(925,000,000)	(14,843,717,300)	(13,670,636,000)	(14,255,214,000)	(13,820,395,000)	[19](−1,023,322,300)	(+149,759,000)	(−434,819,000)
Fiscal year 1970		(1,400,000,000)		(1,250,000,000)	(750,000,000)	(−650,000,000)	(+750,000,000)	(−500,000,000)
Authorizations to spend agency debt receipts (participation certificates)	(3,235,000,000)	(2,110,000,000)				(−2,110,000,000)		
Memoranda—Appropriations to liquidate contract authorizations	(129,500,000)	(137,096,000)	(122,000,000)	(122,000,000)	(122,000,000)	[11] (−15,096,000)		
Grand total	(18,186,453,950)	(18,490,813,300)	(13,792,636,000)	(15,627,214,000)	(14,692,395,000)	(−3,798,418,300)	(+899,759,000)	(−934,819,000)

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[1] Reserves under Public Law 90-218 are not reflected, and transfers or releases are excluded.

[2] Excludes $11,000 reappropriation provided in Public Law 90-103 (Appalachian Regional Development Act Amendments of 1967).

[3] Includes $1,500,000 new budget (obligational) authority.

[4] Budget amendment in H. Doc. 318.

[5] Budget amendment in S. Doc. 80.

[6] Estimated amount of indefinite appropriation.

[7] Excludes $500,000 transfer from civil defense procurement fund.

[8] Additional financing provided through the sale of participation certificates.

[9] Participation sales authorization.

[10] Not considered by House due to lack of legislative authorization.

[11] Excludes $16,162,000 not considered by House due to lack of legislative authorization.

[12] Excludes $230,000,000 advance funding for fiscal year 1970. Item transferred to Department of Transportation.

[13] Includes $100,000,000 transfer to "Urban renewal programs."

[14] Includes $500,000,000 transfer to "Urban renewal programs."

[15] Includes $312,500,000 transfer to "Urban renewal programs."

[16] Not considered by House due to lack of legislative authorization.

[17] By transfer.

[18] Excludes $25,000,000 new budget (obligational) authority included under "Housing for the elderly or handicapped fund."

[19] It is tentatively estimated that these reductions will result in expenditure reductions of about $373,000,000 below budgeted 1969 expenditures.

Mr. Speaker, this is a good report—a report which reflects great economies and a report which is responsive to the needs of our cities and people throughout the Nation. I urge its passage.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, I concur with the views expressed by the distinguished chairman of the subcommittee. This is a fine report and represents the best effort we could give and the best compromise we could work out with the Senate.

I support the conference report. It is a good report. The total for the bill is $14,570,395,000. This is $3,783,322,300 below the budget and is also about $1 billion under the Senate bill. It is substantially above the House bill, but that is because we had to add $750 million for urban renewal, which had not been considered in the House because we were waiting for the authorization bill.

I support the conference report and urge its adoption.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I rise to support the appropriations bill now before us not because it offers the optimum amount of resources to meet the great needs of our troubled cities, but because it is a bare minimum below which we dare not go. It was necessary to make deep cuts that will seriously affect how well our Nation can respond to the needs of urban areas. Anything less than what is provided for in this bill would make our national commitment to solving the problems of our cities a travesty.

I would point out to you, for example, that the $625 million included in this bill for the model cities program represents only about three-fifths of what was originally requested. The model cities program which began about a year ago with the naming of the first 75 cities is now at a crucial stage. During this first year we have begun to see the fulfillment of the promise of model cities as an entirely new approach to urban problems.

By the beginning of next year 30 of these 75 cities will have completed their plans. They will have tackled the difficult job of looking deep into the problems of their neighborhoods and setting out strategies to meet those problems. By next June all 75 cities will be into the first action year of their programs. Another 33 cities are just now embarking on the first year of planning. These cities will soon be joined by an additional 40 cities which see the model cities program as a new path to free themselves from the poverty, dilapidated housing, and frustration of citizens without hope.

What will come from these cities? For the first time they are offered the opportunity to deal with their problems, not as single unrelated parts, but as a whole. They are given the opportunity to pull together fragmented programs in education, job training, health, and housing and make them work together to accomplish broad goals. They are given the opportunity to tailor their own programs to meet local needs rather than have the problems and the solutions dictated to them from Washington. Model cities offers them the chance to go beyond existing Federal programs and try out new approaches.

From a broader national viewpoint model cities will mean several things. First, and most importantly, it will mean more value for each Federal dollar spent in these cities. The concentration of public and private resources in these neighborhoods, the end of waste caused by a series of fragmented and overlapping programs will give a new impact to our national urban effort. Second, these cities in demonstrating new techniques, can truly become laboratories for experimentation in the solution of urban problems. Their successes and failures will be sources for all other cities to use in meeting similar problems.

The task we have given these cities is not an easy one. The job of working out new relationships with citizens, changing institutions to make them more responsive to the needs of people, and coordinating the numerous activities in the city is difficult. The first year when much of this groundwork must be laid is perhaps the most demanding. In observing the first 75 cities that have been developing model cities plans, I have been impressed and encouraged by their progress.

A truly new spirit is appearing in our tired cities. Suspicious and heretofore alienated residents of poor neighborhoods have overcome their suspicion to move into working partnerships with their city governments. Why? Because they see the model cities program as a workable solution to the problems of their neighborhood. New springs of pride and dignity are flowing in these neighborhoods. No longer are they talking merely of making their neighborhoods better places to live, they are talking of making their neighborhoods the best places to live. They see the model cities program as a vehicle to create neighborhoods that they and their whole city can look to with pride. The city, neighborhood residents and the wider community have been working enthusiastically to forge the plans for a new life in these communities.

But this new enthusiasm, this new pride, this new spirit carries with it a very real danger. Citizen leaders and city officials alike have staked their credibility on this program, and the major question coming from these 75 cities today is, "Will there be enough money to carry out the plans that we have worked so long and hard to produce?" We here in Congress have the grave responsibility for answering that question.

Our answer today must be yes to the $625 million included in this bill for model cities supplement funds and urban renewal funds. It is not a total answer but it is a start we can make today.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: On page 22, strike out ": *And provided further,* That no part of this appropriation shall be available for or paid out to the benefit of any individual who at any time after the effective date of this Act, willfully refuses to obey a lawful regulation of the university or college which he is attending or at which he is employed." and insert ": *And provided further,* That if an institution of higher education receiving funds hereunder determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual."

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Evins of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee [Mr. Evins].

Mr. EVINS of Tennessee. Mr. Speaker, at this point I yield to the distinguished gentleman from Pennsylvania [Mr. Barrett].

Mr. BARRETT. Mr. Speaker, I rise in support of the conference report on the independent offices appropriation bill, which among other things, carries funds for the vital model cities program. This program is just 2 years old, and was funded for the first time by Congress about a year ago.

Let me emphasize that the model cities program is not just another federally funded project. It does not merely add more tools or measures to those already available to attack the deep-seated problems of the slums and blight so prevalent today in many of our cities—both large and small.

In sharp contrast to the past fragmented approach to the social, physical, and economic problems of slums and blight, the model cities program launches a large-scale attack on the multiple causes of urban blight and the social damage that accompanies blight and physical deterioration.

The 75 cities now deep in the planning process, and the additional 33 recently selected to move into planning, represent a cross section of virtually every physical and social problem faced by our cities today. The model cities program embraces large communities whose economic base is heavy industry to small towns supported by marginal agriculture.

In our concern for the plight of our cities we must not lose sight of the fact that the model cities program emphasizes human as well as physical rehabilitation.

The tragic disorders that were almost daily occurrences in scores of American cities from border to border were symptomatic of an illness that demands more than quick and easy panaceas. The riots were signals that the disadvantaged and the deprived—regardless of color or race—were deserving of much more than a minimum existence.

Let us look at the practical side. The urban slum not only erodes human potential, but it manifests itself in high local taxes, loss of consumer dollar, and a decline in the Nation's prestige.

There are very sound reasons of conscience and practical economics, that lead to one obvious conclusion—slums and blight must be eliminated. The cost may be high—but if the conditions that breed disorder are ignored—the costs are well-nigh incalculable. And as a parallel consideration, we can no longer deny entrance to the mainstream of our society of the disadvantaged and the deprived.

In essence, then, the model cities program is an effort by the Federal Government to help large and small communities across the Nation develop and carry out intensive coordinated attacks upon the basic problems of major blighted neighborhoods. In other words, a well-directed attack upon slums and the reasons for their existence.

The model cities program will enable these communities to undertake the major rebuilding and rehabilitation of houses and buildings and building new housing. Streets and schools, and even water and sewer systems will be improved or provided, as necessary. The people in the blighted neighborhoods will be given better police and fire protection, and even improved garbage collection. They will be given better transportation to get them to jobs outside of their immediate neighborhood. A model cities program may also provide supplemental health services, new adult educational systems, job training. But more than this, there will be intensive social rehabilitation.

Bear in mind that the people who live in the neighborhoods that will get model cities treatment are actively and thoroughly involved in planning and carrying out their own program. The people themselves are given a stake in molding the shape of the neighborhood in which they will live and work. This is an entire new departure from the past method of federally aided urban oriented programs.

We recognize that the model cities program is not modest either in cost or potential. The program has been conceived as the basis for a broad national investment in urban reconstruction.

You and I know that all the problems of our cities—joblessness, bad housing, crime and disease, inferior physical and social environment cannot be solved overnight. But we also know that a massive national effort, on the scale of the model cities program, is an effective way of moving into a promising future.

I am not unmindful of the fact that the conferees have agreed on a dollar amount substantially less than that in the administration's budget. But I am mindful of the fact that the model cities program has reached the stage where funds must be available to the cities if they are to progress with their programs in a meaningful manner.

I therefore urge you to accept the conference report. We must keep faith with the people in the cities who look to the model cities program as the start of a bold venture in urban reconstruction.

Mr. EVINS of Tennessee. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. Reuss].

Mr. REUSS. Mr. Speaker, I thank the distinguished chairman of the subcommittee for yielding.

As I read the conference report, there are no funds in the bill for the continuing role of the Department of Housing and Urban Development in urban mass transportation. While many of the functions of urban mass transportation, particularly with respect to hardware, such as subway cars and buses, and so on, have been transferred—and I think quite properly so—by executive reorganization plan this year to the Department of Transportation, the Department of Housing and Urban Development has retained responsibility for research and development in the nonhardware aspects of urban transportation; that is, what kinds of cities do we need in order to minimize the transportation problem?

I wonder if the gentleman could tell me whether funds will in the future be available to HUD for this purpose and why they are not here now?

Mr. EVINS of Tennessee. As the gentleman stated, no funds are provided in this conference report for HUD for mass transportation grants. Under the reorganization bill adopted by the Congress, the grants are all under the Department of Transportation. HUD will continue in the planning field. We could not plan the development of cities without planning for urban transportation, so under the division of authority the urban transportation planning will remain with HUD, but the grant program will be administered by the Department of Transportation.

Mr. REUSS. If the gentleman will yield further, do I correctly understand that HUD has already received funds which cover its portion of the mass transit research and development program?

Mr. EVINS of Tennessee. That is correct.

Mr. REUSS. And that in the future, specifically in the next fiscal year, there presumably will be a request for funds to fund that portion of the total which remains with HUD?

Mr. EVINS of Tennessee. The gentleman is correct.

Mr. REUSS. I thank the gentleman.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to my friend from North Carolina.

Mr. JONAS. If my friend, the gentleman from Wisconsin, will recall, the appropriation bill for the Department of Transportation contained grant funds for the mass transportation program. Mass transportation had previously been funded in this appropriation bill, but now is a separate appropriation for the Department of Transportation, following the primary intent of the reorganization plan.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee [Mr. Evins].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 41: On page 48, line 6, insert the following: ", except that during the fiscal year 1969, appropriations of interested departments and agencies shall be available, in aggregate amounts not to exceed those listed herein, for contributions toward expenses of the following committees: President's Council on Youth Opportunity, $357,000; Interagency Committee on Mexican-American Affairs, $575,000; U.S.-Mexico Commission on Border Development and Friendship, $455,000; National Council on Indian Opportunity, $375,000."

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Evins of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert ", except that during the fiscal year 1969, appropriations of interested departments and agencies made in this and other appropriation Acts shall be available, in aggregate amounts not to exceed those listed herein, for contributions toward expenses of the following committees: President's Council on Youth Opportunity, $357,000; Interagency Committee on Mexican-American Affairs, $485,000; U.S.-Mexico Commission for Border Development and Friendship, $300,000; National Council on Indian Opportunity, $100,000."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks on the conference report just passed and to include tabular material, and that other Members may also revise their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONFERENCE REPORT ON H.R. 5910, LANDS IN TRUST FOR THE PAWNEE INDIAN TRIBE OF OKLAHOMA

Mr. HALEY. Mr. Speaker, I call up the conference report on the bill (H.R. 5910) to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1894)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5910) to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3; and agree to the same.

That the Senate recede from its amendment to the title of the bill.

James A. Haley,
Ed Edmondson,
Roy A. Taylor,
E. Y. Berry,
James A. McClure,
Managers on the Part of the House.

George S. McGovern,
Paul Fannin,
Managers on the Part of the Senate.

Statement

The managers on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 5910, to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma, submit this statement in explanation of the effect of the language recommended and adopted in the accompanying conference report.

The bill conveys to the Pawnee Tribe of Oklahoma certain lands and improvements that were formerly a part of the Pawnee school and agency reserve.

The bill as it passed the House provided that the title would be held by the United States in trust for the Tribe. Senate amendments numbered 1 and 4 provided that the fee title would be conveyed to the Tribe in an unrestricted status. Inasmuch as the lands were formerly a part of the Pawnee Reservation, and other lands allotted to individual Indians within the reservation area are still held by the United States in trust for the allottees, the conferees agreed that title to the school and agency lands restored to the Tribe by the bill should also be held in trust status.

The bill as it passed the House conveyed to the Tribe the reversionary interest of the United States in two 20-acre tracts that had previously been conveyed to the City of Pawnee. It also conveyed the minerals in these two tracts. Senate amendments numbered 2 and 3 deleted from the conveyance the reversionary interest and the minerals in these two tracts. The conferees agreed to the deletion because the possibility of a reversion is remote and Congress can provide for a conveyance of those lands to the Tribe if the reversion should occur.

The omission of the reversionary interest and minerals in these two 20-acre tracts reduces the total acreage conveyed by the bill from 726 acres to 686 acres.

Senate amendment numbered 3 also deletes the Indian Claims Commission set-off provision. The conferees agreed because the Tribe has no claim pending before the Commission to which a set-off could be applied.

James A. Haley,
Ed Edmondson,
Roy A. Taylor,
E. Y. Berry,
James A. McClure,
Managers on the Part of the House.

Mr. HALEY (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

Mr. SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, I support this conference report on H.R. 5910.

As a conference on this bill, I have urged that a bill be passed which assures trust title for the Pawnees, as the bill was introduced by our colleague, the Honorable Page Belcher.

I am convinced the tribe prefers trust title to the 686 acres which this bill rightfully returns to tribal ownership, and am glad agreement on this vital point was reached in the conference. Our colleagues, Senators Monroney and Harris, were most helpful in securing agreement of the Senate conferees on this point.

I hope and trust the President will speedily approve this bill and assure early tribal use and benefit.

Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. Belcher] may extend his remarks at this point in the Record.

Mr. SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BELCHER. Mr. Speaker, I urge adoption of the conference report, which has the unanimous approval of our House conferees.

I introduced H.R. 5910 to return to the Pawnee Tribe lands which rightfully belong to the tribe, and which are surplus to Government needs. The tribe was never compensated for these reservation lands, except for a small portion of the acreage in this bill, and it should not have to pay for their return.

I am glad the other body accepted the House position that the lands should be in trust, as my bill provided from the first. This is only just, and meets with community as well as tribal approval.

Mr. HALEY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

THE LATE JOSEPH McDONOUGH

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

Mr. SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, word has reached me of the passing of Joseph McDonough, the circuit court clerk of the county of Cook. Joe was more than a great Democrat. He was a great citizen in our society. He was an American who believed strongly in his Creator, in his country, and in the government that he served. His public record is known to all of us in Illinois, but to those of us who were close to him, his record as an individual man was something that could make one envious. He was admired in his community, respected by his employees, and loved by those of us that were close. We lose in Joe the warmth, the compassion, the understanding that he generated, but he left us a better society because of the effort he displayed as a public official.

To Virginia, his wonderful wife, and to his sons Joseph and John, and to his daughters Mary Grace, and Ginger, I am sure that I express, from our entire delegation in Illinois, our heartfelt sympathy.

FOREIGN ASSISTANCE APPROPRIATIONS, 1969

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1308 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1308

Resolved, That upon the adoption of this resolution, notwithstanding any rule of the House to the contrary, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19908) making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes, and all points of order against said bill are hereby waived.

The SPEAKER. The question is, will the House now consider House Resolution 1308?

The question was taken

Mr. FRELINGHUYSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 293, nays 58, not voting 80, as follows:

[Roll No. 344]

YEAS—293

Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Bates
Battin
Belcher
Bennett
Berry
Betts
Biester
Bingham
Blackburn
Boggs
Bow
Brasco
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Clausen, Don H.
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Corbett
Cowger
Cramer
Culver
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Devine
Dickinson
Dingell
Dole
Dow
Downing
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Fino
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Garmatz
Gathings
Gettys
Gibbons
Gilbert
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Gross
Grover
Haley
Halleck
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Herlong
Hicks
Holifield
Howard
Hull
Hunt
Hutchinson
Irwin
Jacobs
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Mo.
Karth
Kastenmeier
Kazen
Kee
Kelly
Kirwan
Kleppe
Kornegay
Kuykendall
Kyros
Laird
Landrum
Langen
Latta
Lipscomb
Long, La.
Long, Md.
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Meeds
Meskill
Miller, Ohio
Minish
Mink
Mize
Morgan
Morris, N. Mex.
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Podell
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Railsback
Reinecke
Reuss
Rhodes, Pa.
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Scott
Selden
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Wis.
Stephens
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Ullman
Utt
Van Deerlin
Vigorito
Waggonner
Waldie
Walker
Watkins
Watson
White
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zwach

NAYS—58

Abernethy
Baring
Blanton
Bolton
Bray
Brinkley
Brock
Broomfield
Cunningham
Dellenback
Denney
Derwinski
Dorn
Dowdy
Duncan
Esch
Everett
Findley
Flynt
Frelinghuysen
Galifianakis
Griffin
Gude
Hagan
Horton
Hungate
Ichord
Jarman
Jones, N.C.
Keith
King, N.Y.
Kyl
Lennon
McMillan
Minshall
Monagan
Montgomery
Moore
Morse, Mass.
Poff
Quillen
Randall
Reid, Ill.
Reid, N.Y.
Schneebeli
Schwengel
Steiger, Ariz.
Stubblefield
Stuckey
Taft
Thompson, Ga.
Wampler
Whalen
Whalley
Whitener
Whitten
Wilson, Bob
Zion

NOT VOTING—80

Abbitt
Ashbrook
Ashmore
Bell
Bevill
Blatnik
Boland
Bolling
Brademas
Brown, Calif.
Burton, Utah
Bush
Button
Clancy
Clark
Clawson, Del
Conte
Conyers
Corman
Curtis
Diggs
Donohue
Fisher
Fountain
Gallagher
Gardner
Giaimo
Gray
Griffiths
Gubser
Gurney
Hall
Halpern
Hanna
Hansen, Idaho
Hardy
Harrison
Hays
Hébert
Henderson
Hosmer
Jones, Ala.
Karsten
King, Calif.
Kluczynski
Kupferman
Leggett
Lloyd
Lukens
Mayne
Michel
Miller, Calif.
Mills
Moorhead
Morton
Moss
Nichols
O'Konski
Olsen
Pettis
Philbin
Pollock
Pryor
Rarick
Rees
Reifel
Resnick
Rhodes, Ariz.
Rivers
Roudebush
Saylor
Schweiker
Shipley
Smith, Okla.
Staggers
Stratton
Talcott
Vander Jagt
Vanik
Watts

So (two-thirds having voted in favor thereof), the House agreed to consider House Resolution 1308.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from California [Mr. SMITH]; pending that I yield myself such time as I may use.

Mr. Speaker, the House has just voted to consider the resolution which provides for consideration, in turn, of the foreign aid appropriation bill.

Frankly, I do not subscribe to this procedure generally. I do subscribe to this procedure in this particular instance.

This matter was presented to the committee only this morning. The conference report on the authorization bill was adopted only a few hours ago by the House. But it is anticipated that the other body will approve it and that it will go to the White House for the President's signature.

Personally, I voted against that authorization. I voted against that conference report. I personally feel that we have too long engaged in the practice of trying to help everybody in the world.

We are making some progress in curtailment but, as this House is aware, for some time there was no country too rich or too poor, too large or too small, to receive Federal aid from the hands of the taxpayers of America.

I am happy to say that we have made some progress in cutting back in this field, but certainly some day the time must come when we are going to have to look after our own and try to get something bordering on a balanced budget and get some real down-to-earth sanity in our fiscal affairs. However, be that as it may, we are faced with this situation. My own interest in this matter is that I again emphasize the desirability, if not the necessity, for this House to get its business done and for this Congress to adjourn sine die. With that in mind, your Committee on Rules back in June served notice that it would not entertain new bills or bills for legislation that came before it later than July 9 except in cases of emergency or procedural matters. This bill comes within the latter category. So what we are doing here is to expedite the consideration of this appropriation bill so that we will not have to hang around here, if I may use that term, while the other body is talking at length about some other matters. This is an effort to get it behind us so we can either adjourn sine die or, if the situation is prolonged in the other body, so we can recess this House from day to day and let the Members go home and look after their own welfare for a little while. I assume most of the Members of this House are candidates for election and would like to see the people back home, and I am sure the people back home would like to see them. That is the whole purpose of this resolution. If you are for the bill and if you are for foreign aid, this is not going to change anything. Or, if you are against foreign aid as I am, this is not going to change anything. Frankly, I am going to vote against it. I am going to vote for this rule to expedite its consideration for the reasons that I have just stated.

I might add further—and I think I should—that before your committee considered this application for a rule, it saw to it that the legislative committee handling this matter was satisfied so that there would be no jurisdictional dispute. At least, we asked that the matter be cleared with the chairman of the Committee on Foreign Affairs and the ranking minority member. We were assured this was done. So, we have tried to bring you something here if in a rather unorthodox manner at least in a fair manner and in a desire to expedite the consideration of this legislation.

Mr. Speaker, in this connection I should like to compliment the distinguished gentleman from Louisiana [Mr. PASSMAN], the chairman of the Subcommittee on Appropriations who is handling this bill, not only for the diligent work that he did in committee but also for his cooperation with the Committee on Rules in pointing out what matters in the bill would be subject to a point of order and in otherwise generally cooperating to the end that this matter might be expedited.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the Committee on Rules [Mr. COLMER], has explained the situation in an extremely excellent manner. I concur in each and every statement that the gentleman has made thereon.

However, by way of a simple review of the matter, the last vote was for two-thirds to consider this particular resolution, House Resolution 1308. Otherwise it would have had to have laid over until tomorrow or next week.

Mr. Speaker, this procedure is as the chairman of the Committee on Rules said, unorthodox and unusual, and insofar as I am concerned I doubt that there will be any other type of piece of legislation that I would agree to this particular procedure being worked upon a bill.

After all, the bill is here and the conference report has been adopted. Further, if we are ever going to adjourn we will have to proceed in this particular manner even though it is a little unusual.

The matter we have under consideration right now is House Resolution 1308 that waives points of order on the foreign assistance bill; namely, H.R. 19908. If this rule is adopted by a majority vote then we can proceed to its consideration with 2 hours of debate, proceed to the consideration of the Foreign Assistance Act for the fiscal year ending June 30, 1969, with the time equally divided.

Mr. Speaker, there will be a final vote on the matter. Those who might be opposed to foreign aid—I have never supported an authorization or appropriation for foreign aid and I shall vote against the foreign aid appropriation bill on the final vote—but I can support voting for the rule since we have to consider all appropriation bills. Accordingly, I wish to cooperate and in that manner I would like to help the Members who are in support of the resolution pending before this Congress.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I would like to say to the gentleman from California that I agree with him completely on the adoption of this rule. I shall probably vote against the bill as I always have in the past. However, I should like to point out to the membership that we are getting down to the point of hoped-for adjournment and I feel we ought to bring these bills up as soon as we can so they can get through the House and through the other body.

I should like to also say that there has been some suggestion of the possibility of another continuing resolution. If we have another continuing resolution, that means we go on and on. If we can dispose of these bills, then we are in a position to oppose continuing resolutions.

So, Mr. Speaker, I would hope that this rule, even though I am generally opposed to this sort of procedure, I would hope that this rule will be adopted and we can go ahead with the consideration of the bill today and pass it so we can move it over to the other body.

I think the leadership of the House and the leadership of the Senate and all of us agree that there is some opposition to continuing resolutions. This is the one way we can prevent further continuing resolutions being passed by adopting the rule which is now pending before us. I thank the gentleman from California for yielding this time to me.

Mr. SMITH of California. Mr. Speaker, I simply would like to say further that I have no intention of supporting any request on other bills of this nature. This particular request in my opinion does not represent a precedent on my part. It is simply an effort to cooperate with the leadership. Certainly any Member who does not desire to have the bill considered here today on the floor has a right to object and I do not take any issue with him.

I do not take any issue with them whatsoever, but I do feel we should proceed.

Mr. Speaker, at this time I yield 5 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I would like to thank the gentleman from California for allowing me this time. I might say that I objected to the vote just taken on the ground that a quorum was not present because I feel it is most unfortunate indeed, indeed I believe it is really outrageous, for us to violate our own rules in an effort to get home to do personal campaigning. It does seem to me that an orderly consideration of legislative bills is still in order, even though we are perhaps nearing adjournment.

It has been said that this is unorthodox and unusual procedure, one that should not establish a precedent; that we do not normally indulge in such things. I would like to point out that there really is, insofar as I can see, no excuse for an exception on this occasion. If we should follow normal rules this would be in order for consideration tomorrow. Of course, I recognize that Members may have made commitments for tomorrow, and I would like to have done so myself. I recognize also that at the beginning of next week there are some religious holidays, which will mean there will be no legislative business. Nonetheless, there is no justification for considering the necessity of disposing of this bill today. We are having it jammed down our throats without even looking at certain reductions in a significant program. No matter whether you are for or against the foreign aid program, you should be against this procedure.

It has been stated that the legislative committee, the Foreign Affairs Committee, has been satisfied with the procedure which is being adopted. I do not know how far down among the members of the legislative committee any inquiry was made as to how we felt. I might say until 10 minutes ago I did not know how much debate would be allowed on the appropriation bill. Certainly, I had no inkling that it would be necessary for any of us to evaluate the recommendations for cuts which are being recommended. We have had no opportunity to prepare amendments if we felt that in order.

Just because we are in a hurry to go home there is no excuse to play fast and loose with this particular bill. Perhaps this year foreign aid is being regarded as something that should be disposed of without looking at it. I believe it outrageous that we should violate our normal procedures. This really should not happen, and we should not be willing to go along with the leadership, unless the leadership has some better reason to advance as to what is going on.

In closing, I would like simply to register my protest over the way this is being handled. It makes it an impossibility for genuine and adequate consideration to be given the very far-reaching recommendations which will affect adversely a great many of our friends in Latin America and other countries. We have no opportunity for understanding the significance of these recommendations.

I might add that one of the ranking members of the committee went so far as to tell me that I should not really be worried that there is no committee report, in fact, no bill even up for us to look at. He pointed out that some of this material,–the recommendations of the committee, had been released to the newspapers a few days ago.

What way is that for the Committee on Appropriations to act? It is wrong to have the Members rely on what we read in the newspapers so we will know how we are to respond to recommendations when they are forthcoming. I would suggest that this procedure today should be an example which should never be repeated.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TAFT].

Mr. TAFT. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from New Jersey, and emphasize how useless the entire work of the Committee on Foreign Affairs on the foreign aid bill now appears.

We had hearings for many months on this bill, and came before the House and presented the arguments on it. At that time I took the floor and indicated that I felt that there was an irreducible minimum below which we should not go if we were to have a meaningful foreign aid program. I pointed out the very general agreement of this in the committee, whether the members were for or against foreign aid, upon that proposition.

We would now have presented before us through the adoption of this rule—if it is adopted—a proposal to cut back very substantially upon the decision made at that time.

Therefore, insofar as the opinion of most of the Committee on Foreign Affairs is concerned, we will go ahead with really what amounts to a futile attempt to continue the program below a level at which it will mean anything. This is in spite of the fact that we are going into a new administration where everyone admits, as I pointed out before when we were considering the foreign aid authorization bill, that, whoever is President of the United States, he is going to come before the Congress early next year—and propose a foreign aid program.

The adoption of this rule today would not only be unfortunate, but it would be tragic, for we have had absolutely no time and no basis for going back and reviewing where these proposed cuts are, what the meaning of them is, and what the justification for them might be.

Like every Member except those in leadership, I had no notice when I came to the floor today that this bill would be brought up. We have had no chance, really, to review the various appropriations that are suggested and to study where they have been cut below the authorization figure.

I think it is interesting, too, that everyone who has spoken in favor of the rule thus far has indicated that he opposes the Foreign Aid Appropriation Bill and that they opposed the authorization bill.

I wonder, for instance, where the watchdogs of our procedures are—the great objectors—where are they today to insist on the standard procedures of the House and to give the Members a chance to be prepared and to be able to use some intelligence in voting upon what is coming before the House. We will be legislating in ignorance.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I yield to the gentleman from Ohio.

Mr. BOW. I would just like to point out that this House has now been in session, as I recall, since January 10. It seems to me rather unfortunate that the authorizing committee today, on the 19th day of September, just brought in an authorizing piece of legislation. I should hope that in the future where there are to be authorizations that the authorizing committees will bring the bills to the floor so that this complaint cannot be made.

We are now down at the very deadline and I would hope that the authorizing committees in the future would bring their bills in so that this gentleman would not be able to complain about what he is complaining today.

Mr. TAFT. I thank the gentleman from Ohio and I strongly endorse just exactly what he has said. I could not agree with the gentleman more.

Although it is traditional that we have this authorization finally coming before the House at this late point in the session, that does not excuse this House from going ahead in ignorance and legislating on it in ignorance as they are.

Mr. MATHIAS of Maryland. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I am glad to yield to the gentleman.

Mr. MATHIAS of Maryland. Mr. Speaker, I find myself in the position of being able to agree very heartily with both my good friends, and the distinguished friend from Ohio, in the colloquy that has just taken place. But I would particularly like to associate myself with the admonition that the gentleman in the well has just given to the House because I think it makes sense and makes very good sense. We are going to find the case as he predicts it will.

I agree very heartily with the sentiments that have just been expressed by the gentleman from New Jersey.

This is a case from which this House should be learning a very serious lesson.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I am glad to yield to the gentleman.

Mr. BROOMFIELD. Mr. Speaker, I also would like to join in the gentleman's remarks that he has just made and also with the gentleman from New Jersey.

I would like to point out that our Committee on Foreign Affairs was somewhat slow in reporting out the authorization bill. But I think all of the members of our committee will agree through the able chairmanship of the gentleman from Pennsylvania [Mr. MORGAN] and the gentlewoman from Ohio [Mrs. BOLTON], we did a good job in reviewing the program.

I think it might also be pointed out that one of the problems today is how quickly the Committee on Appropriations acted and maybe it would have been better if the Committee on Appropriations took a little bit more time than merely taking a meat ax cut on this appropriation.

I commend the gentleman for his statement.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I yield to the gentleman from Connecticut.

Mr. MONAGAN. I wish to add that the responsibility for the delay in reporting the authorization bill to the House lay not so much with the House committee as with the other body because of the delay that existed there.

Mr. TAFT. The gentleman is, of course, correct; and that should be pointed out. I meant to imply nothing different in my response to the gentleman from Ohio [Mr. Bow].

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I yield to the gentleman from Iowa.

Mr. KYL. In spite of the delay that may have occurred in either of these two committees, the procedure we are following is absolutely wrong, and it cannot do anything but weaken this body.

Mr. TAFT. I thank the gentleman.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Speaker, I reiterate that I shall probably vote against the bill. But I feel very keenly about a statement just made on my side of the aisle that a meat-ax approach was used on this bill. I have the greatest respect for the committee that has brought this bill before the House. They have spent hours and hours and hours and days in the consideration of every item, and every item was considered carefully. No one can ever say that this committee or this subcommittee or the full committee of the Appropriations Committee has used a meat ax. There has been deliberation of each item, and I think it should be definitely understood that this is not a meat-ax approach but one of very careful consideration of the entire bill. I appreciate the gentleman yielding.

Mr. COLMER. Mr. Speaker, I feel that this matter has been thoroughly dis-discussed and I feel that the Committee on Rules and the House are justified in the position taken here today in an effort to adjourn this Congress at a foreseeable date, and that should be one of the prime objectives in the best interest of the taxpayers of the country.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. ROONEY of New York). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

Mr. PASSMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19908), making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to not to exceed 2 hours, 1 hour of time being controlled by the gentleman from Kansas [Mr. SHRIVER] and 1 hour by myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. KYL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KYL. Was the vote which was just taken on the motion to close debate, or was it on the adoption of the rule?

The SPEAKER pro tempore. The Chair must point out that the previous question was ordered without objection, and the Chair then put the question on the resolution.

Mr. KYL. I thank the Speaker.

The SPEAKER pro tempore. Is there objection to the unanimous-consent request of the gentleman from Louisiana [Mr. PASSMAN]?

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GROSS. All that was adopted was the previous question. I never heard the question propounded on the rule.

The SPEAKER pro tempore. The gentleman is in error. The Chair inquired if there was objection to the previous question. There was no objection, and the Chair then put the question on the resolution, and the resolution was agreed to.

Is there objection to the request of the gentleman from Louisiana?

Mr. BROOMFIELD. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The question is on the motion offered by the gentleman from Louisiana.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The gentleman makes the point of order that a quorum is not present and objects to the vote on that ground.

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. YATES. What is the motion before the House?

The SPEAKER pro tempore. The motion of the gentleman from Louisiana that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 19908.

Mr. PASSMAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PASSMAN. Mr. Speaker, did I not move that the House resolve itself into the Committee of the Whole House on the State of the Union?

The SPEAKER pro tempore. The gentleman did so move, and the Chair put the question on the motion offered by the gentleman from Louisiana. The Chair announced that the yeas appeared to have it and the gentleman from Michigan [Mr. BROOMFIELD] objected to the vote on the ground that a quorum was not present.

In the opinion of the Chair, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 270, nays 64, not voting 97, as follows:

[Roll No. 345]

YEAS—270

Adair
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ayres
Barrett
Bates
Battin
Belcher
Bennett
Berry
Betts
Biester
Bingham
Blackburn
Boland
Bow
Brasco
Brock
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Clausen, Don H.
Cleveland
Collier
Collins
Colmer
Conable
Corbett
Cowger
Cramer
Culver
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Dent
Devine
Dickinson
Dingell
Dole
Dow
Downing
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Fallon
Farbstein
Fascell
Feighan
Fino
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Garmatz
Gathings
Gettys
Gibbons
Gilbert
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Grover
Halleck
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Herlong
Hicks
Holifield
Horton
Howard
Hull
Hunt
Hutchinson
Irwin
Jacobs
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Mo.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kleppe
Kornegay
Kuykendall
Kyros
Langen
Latta
Lipscomb
Long, Md.
McCarthy
McClory
McCloskey
McEwen
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Meeds
Meskill
Miller, Ohio
Minish
Mink
Mize
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pirnie
Poage
Podell
Poff
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Reid, Ill.
Reid, N.Y.
Reinecke
Reuss
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
St. Onge
Sandman
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Selden
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stubblefield
Sullivan
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vigorito
Waldie
Whalen
White
Whitten
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wolff
Wyatt
Wydler
Wylie
Young
Zwach

NAYS—64

Abernethy
Anderson, Ill.
Baring
Blanton
Bolton
Bray
Brinkley
Broomfield
Broyhill, N.C.
Cunningham
Denney
Derwinski
Dorn
Dowdy
Duncan
Findley
Flynt
Frelinghuysen
Galifianakis
Griffin
Gross
Gude
Hagan
Haley
Henderson
Hungate
Ichord
Jarman
Jones, N.C.
Kyl
Lennon
Long, La.
McDonald, Mich.
McMillan
Mathias, Md.
Minshall
Monagan
Montgomery
Moore
Morse, Mass.
O'Neal, Ga.
Quillen
Randall
Satterfield
Schadeberg
Snyder
Steiger, Ariz.
Taft
Taylor
Thompson, Ga.
Thomson, Wis.
Tuck
Utt
Waggonner
Walker
Wampler
Watkins
Watson
Whalley
Whitener
Wyman
Yates
Zablocki
Zion

NOT VOTING—97

Abbitt
Ashbrook
Ashley
Ashmore
Aspinall
Bell
Bevill
Blatnik
Boggs
Bolling
Brademas
Brown, Calif.
Buchanan
Burton, Utah
Bush
Button
Clancy
Clark
Clawson, Del
Cohelan
Conte
Conyers
Corman
Curtis
Diggs
Donohue
Evins, Tenn.
Fisher
Fountain
Gallagher
Gardner
Giaimo
Gray
Griffiths
Gubser
Gurney
Hall
Hanna
Hansen, Idaho
Hardy
Harrison
Hays
Hébert
Hosmer
Jones, Ala.
Karsten
King, Calif.
Kluczynski
Kupferman
Laird
Landrum
Leggett
Lloyd
Lukens
McClure
McCulloch
McDade
Machen
Mayne
Michel
Miller, Calif.
Mills
Moorhead
Morris, N. Mex.
Morton
Moss
Nichols
O'Konski
Olsen
Pettis
Philbin
Pike
Pollock
Pryor
Railsback
Rarick
Rees
Reifel
Resnick
Rhodes, Ariz.
Rhodes, Pa.
Rivers
Roudebush
Saylor
Schweiker
Shipley
Sikes
Smith, Okla.
Stratton
Stuckey
Talcott
Vander Jagt
Vanik
Watts
Willis
Wilson, Charles H.
Wright

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Saylor.
Mr. Rivers with Mr. Conte.
Mr. Giaimo with Mr. Talcott.
Mr. Philbin with Mr. Rhodes of Arizona.
Mr. Donohue with Mr. Ashbrook.
Mr. Blatnik with Mr. Roudebush.
Mr. Aspinall with Mr. Gubser.
Mr. Evins of Tennessee with Mr. Smith of Oklahoma.

Mr. Leggett with Mr. Del Clawson.
Mr. Pike with Mr. Reifel.
Mr. Machen with Mr. Hall.
Mr. Miller of California with Mr. Bell.
Mr. Vanik with Mr. Railsback.
Mr. Nichols with Mr. Pollock.
Mr. Fountain with Mr. Pettis.
Mr. Hays with Mr. Button.
Mr. Shipley with Mr. Michel.
Mrs. Griffiths with Mr. McCulloch.
Mr. Stratton with Mr. McDade.
Mr. Ashmore with Mr. Buchanan.
Mr. Pryor with Mr. Vander Jagt.
Mr. Kluczynski with Mr. McClory.
Mr. Clark with Mr. Clancy.
Mr. Boggs with Mr. Laird.
Mr. Charles H. Wilson with Mr. Hosmer.
Mr. Brademas with Mr. Burton of Utah.
Mr. Mills with Mr. Morton.
Mr. Rhodes of Pennsylvania with Mr. Mayne.
Mr. Olsen with Mr. Lloyd.
Mr. Abbitt with Mr. Bush.
Mr. Wright with Mr. Lukens.
Mr. Jones of Alabama with Mr. Curtis.
Mr. Cohelan with Mr. Gardner.
Mr. Bevill with Mr. Gurney.
Mr. Landrum with Mr. Hansen of Idaho.
Mr. Brown of California with Mr. Schweiker.
Mr. Moorhead with Mr. O'Konski.
Mr. Morris of New Mexico with Mr. Corman.
Mr. Gray with Mr. Kupferman.
Mr. Hanna with Mr. Harrison.
Mr. Resnick with Mr. Conyers.
Mr. King of California with Mr. Karsten.
Mr. Gallagher with Mr. Diggs.
Mr. Sikes with Mr. Rarick.
Mr. Rees with Mr. Stuckey.
Mr. Willis with Mr. Watts.
Mr. Ashley with Mr. Fisher.
Mr. Moss with Mr. Hardy.

Mr. DULSKI changed his vote from "nay" to "yea."

Mr. TAYLOR changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19908) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. PASSMAN. Mr. Chairman, I ask unanimous consent that debate on the bill H.R. 19908 be limited to not to exceed 2 hours, 1 hour to be controlled by the gentleman from Kansas [Mr. SHRIVER] and 1 hour by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana is recognized for 1 hour.

Mr. PASSMAN. Mr. Chairman, I yield myself whatever time I may consume.

I think that I should call to the attention of the House that this is the 14th year it has been my privilege to report the appropriation bill for the foreign aid program. One year, of course, it was necessary that I yield to another Member because my conscience would not allow me to support the amount that the subcommittee had recommended.

Maybe it would be well to point out that during many of those years I have handled this legislation between midnight and 5 o'clock in the morning. On one occasion it was disposed of on Christmas Eve morning. Only last year we waited to within 50 days of Christmas for an authorization bill so that the appropriation measure could be disposed of.

We completed our hearings on this year's bill so long ago I have actually forgotten the testimony. It has been over a quarter of a year since we completed our hearings and we have been standing by waiting for the authorizing legislation.

About 3 hours ago we finally adopted the conference report on the authorization bill. We had anticipated that it would be delayed, so we put the machinery in motion to get a rule to handle this bill at this time. So far as I know, there is nothing objectionable in this bill to the Foreign Affairs Committee, because those provisions that were objectionable were modified before we went before the Rules Committee to get a rule waiving points of order to expedite consideration of this bill.

It is somewhat difficult for me to understand why Members are unhappy about the lack of information on this bill. I have spent a good part of my stationery allowance in putting out information on this bill, showing the amount of the request, showing the pipelines, and other pertinent information, so that the Members would have some knowledge of the figures involved in this legislation.

At this time I think it would be appropriate to put in the RECORD page 8 of the committee report which shows the budget estimates, the authorization, and the recommendations of the committee with appropriate comparisons:

FOREIGN ASSISTANCE ACT ACTIVITIES

Program	Budget estimates of new (obligational) authority, fiscal year, 1969	Authorization, fiscal year 1969, (H.R. 15263)	New budget (obligational) authority recommended in the bill	Bill compared with— Estimates, fiscal year, 1969	Bill compared with— Conference authorization (H.R. 15263)
Economic assistance:					
Technical cooperation and development grants	$235,000,000	$200,000,000	$150,000,000	−$85,000,000	−$50,000,000
Surveys of investment opportunities	3,000,000	(1)	....	−3,000,000	(1)
American schools and hospitals abroad	15,100,000	14,600,000	14,600,000	−500,000	....
Special foreign currency program	(3,100,000)	(5,100,000)	(5,100,000)	(+2,000,000)	....
International organizations and programs	142,255,000	135,000,000	119,000,000	−23,255,000	−16,000,000
U.N. Children's Fund	....	1,000,000	1,000,000	+1,000,000	....
Loan program	12,000,000	12,000,000	....	−12,000,000	−12,000,000
Supporting assistance	595,000,000	410,000,000	365,000,000	−230,000,000	−45,000,000
Contingency fund	45,000,000	10,000,000	5,000,000	−40,000,000	−5,000,000
Alliance for Progress:					
Technical cooperation and development grants	110,000,000	90,000,000	70,000,000	−40,000,000	−20,000,009
Partners of the Alliance	....	350,000	....	....	−350,000
Development loans	515,000,000	330,000,000	209,000,000	−315,000,000	−130,000,000
Development loans	765,000,000	350,000,000	265,000,000	−500,000,000	−85,000,000
Administrative expenses:					
AID	58,775,000	53,000,000	51,000,000	−7,775,000	−2,000,000
State	3,870,000	3,870,000	3,500,000	−370,000	−370,000
Subtotal, economic assistance	2,500,000,000	1,609,820,000	1,244,100,000	−1,255,900,000	−365,720,000
Military assistance	420,000,000	375,000,000	375,000,000	−45,000,000	....
Total, foreign assistance act activities	2,920,000,000	1,984,820,000	1,619,100,000	−1,300,900,000	−365,720,000

[1] Program to be funded from prior year unobligated balances.

And may I say, that these recommendations have been achieved with the close cooperation of each of the members of the Foreign Operations Subcommittee, and, in particular, my good friend, the gentleman from Kansas [Mr. SHRIVER].

There is some confusion about the amount of funds requested for foreign aid for the fiscal year 1969. May I say we have 21 separate items in foreign aid and foreign assistance. It seems that most of the controversy revolves around mutual security, which is title I of the bill.

This year the budget request for title I was $2,920,000,000. But it would not be fair to this House and to the country for me not to point out that this bill has been so fragmentized that we have to go through the budget to pick up all the pieces that are not included. If we put those pieces back into title I, known as Mutual Security, this year's request would be one of the highest since the inception of foreign aid in 1948.

If Members want to know where those pieces can be found, all they have to do is to refer to page 3 of the committee report. There they will find the total request for foreign aid and assistance—some of it good, some of it bad, and some of it in between.

The total request for authorizations and appropriations amounts to $10,847,940,000. So Members should not concern themselves too much with reductions we have made in title I, they will find that in title II and title III there are funds recommended that will do the very same thing that were originally in title I, the mutual security program.

I think it is also important to note that while we have been spending borrowed—for 118 countries of the world, 72 countries who are now or have been recipients of our generosity have purchased from us in the past 10 years over $10 billion of our gold. I will insert in the RECORD pages 5 and 6 of the committee report which gives the detail:

NET SALES OF U.S. GOLD TO PAST AND PRESENT RECIPIENTS OF U.S. FOREIGN ASSISTANCE DURING 1958-67

[In millions of dollars; negative figures represent net sales by the United States; positive figures represent net purchases]

Country	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	Total
Afghanistan									-$3.7	-$1.4	-$5.1
Algeria						-$15.0				-149.6	-164.6
Argentina	+$67.2		-$50.0	-$90.0	+$85.0	-30.0			-21.5	-.8	-40.1
Austria	-84.2	-$82.7	-1.1		-145.2	-82.1	-$55.4	-$100.0			-548.0
Belgium	-329.4	-38.5	-140.9	-144.4	-63.0		-40.1	-82.7			-839.0
Burma			-3.8		-20.9					-.1	-24.8
Burundi										-.1	-.1
Cambodia			-12.0	-3.1	-1.7	+1.0					-15.8
Cameroon Republic						-1.9				-.2	-2.1
Central African Republic						-.7				-.1	-.8
Ceylon		-7.5						-4.3	-.1	-.4	-12.3
Chad						-.7				-.1	-.8
Chile	+3.0	-1.3	-2.0	-6.6			-2.3	-4.9	-6.0	-3.0	-23.1
Congo (Brazzaville)						-.7				-.1	-.8
Congo (Kinshasa)						-3.1	+1.6			-2.4	-3.9
Costa Rica				-2.3	-.5			-1.6	-.4	-.6	-5.4
Cyprus				-2.0							-2.0
Dahomey						-.8				-.1	-.9
Denmark	-17.0	-15.0	-15.0	-35.0	+15.0				-5.0		-72.0
Dominican Republic				-3.0			-2.6	-.2	-.3	-.4	-6.5
Ecuador					-3.2	-2.3				-6.9	-12.4
Egypt			-7.5	-7.8	-1.2	-2.2	-10.8	-4.1	-1.1		-34.7
El Salvadore				+.7			-2.2	-1.5		-2.5	-5.5
Country A		-4.7	-3.0				-5.0				-12.7
France		-265.7	-173.0		-459.1	-517.7	-405.1	-884.2	-600.9		-3,305.7
Gabon						-.7				-.1	-.8
Germany			-33.8	-22.5			-225.0				-281.3
Ghana			-5.6								-5.6
Greece		-15.0	-47.0	-10.2	-19.1				+9.0	+19.0	-63.3
Guatemala										-.1	-.1
Guinea						-2.8					-2.8
Haiti									-.1	-.2	-.3
Honduras			-.8						-.1		-.9
Iceland			-2.6	-2.0	-5.1						-9.7
Indonesia		-11.0	-24.9							-2.3	-38.2
Iran	-2.3		-.4	-16.1		-5.9		-7.5		-15.0	-47.2
Iraq			-29.8					-10.0		-21.3	-61.1
Israel		-4.4			-10.0	-7.0	-2.0				-23.4
Italy	-348.8			+100.0			+200.0	-80.0	-60.0	-85.0	-273.8
Ivory Coast					-1.5					-.2	-1.7
Jamaica									-1.0		-1.0
Japan	-30.1	-157.4	-15.2								-202.7
Jordan								-.6			-.6
Korea		-1.6									-1.6
Laos				-1.9							-1.9
Lebanon				-21.0	-32.1		-10.5		-10.8	-.6	-75.0
Liberia									-1.5	-.4	-1.9
Malagasy Republic						-2.3					-2.3
Mauritania						-.8				-.1	-.9
Mexico		-30.0	-20.0			-4.0			+10.0	-10.0	-54.0
Morocco			-21.0					+4.7		-.9	-17.2
Netherlands	-260.9	-29.9	-249.4	-24.9			-60.0	-35.0			-660.1
Nicaragua									-1.2	-.1	-1.3
Niger						-.8				-.1	-.9
Nigeria				-20.0							-20.0
Pakistan			-12.5						-.8	-.9	-14.2
Panama								-2.7			-2.7
Portugal	-20.0	-10.0									-30.0
Rwanda										-.3	-.3
Saudi Arabia			-11.3	-47.5	-12.6						-71.4
Senegal						-1.7					-1.7
Somalia					-1.9					-.3	-2.2
Spain	+31.7		-113.7	-156.2	-146.1	-130.0	-32.0	-180.0			-726.3
Sudan								-7.6	-.3	-.7	-8.6
Surinam	-2.5		-2.5		+2.5		+2.5		-2.5	-8.9	-11.4
Syria			-2.1		-1.3	-.4	-3.1	-.8	-2.0	-.6	-10.3
Tunisia			-.5		-.5	-.5			-1.8	-.5	-3.8
Turkey			-6.1	-2.5	-1.1	+2.0	+1.3	-36.8	-12.5		-55.7
United Kingdom	-900.0	-350.0	-550.0	-305.7	-387.0	+329.3	+617.7	+149.7	+79.8	-878.5	-2,194.7
Upper Volta						-.8				-.1	
Vietnam										-1.3	-1.3
Yugoslavia		-1.5	-15.9		-1.5	-1.9	-2.5	-2.3	-2.8	-3.1	-31.5
Total	-1,893.3	-1,026.2	-1,573.4	-824.0	-1,209.4	-484.5	-35.5	-1,292.4	-637.6	-1,181.4	-10,157.7

But, Mr. Chairman, if we should deal at this point only with title I, Mutual Security, the budget request for fiscal year 1969 amounted to $2,920,000,000. The conference report that we adopted a few hours ago reduced this amount to approximately $1,985,000,000.

We believe that it was intended that the Committee on Appropriations, who are charged with the responsibility for providing funds, would examine the bill and establish the actual need for carrying out our commitments. We made a further reduction of approximately $366 million.

So, dealing only with title I, Mutual Security, the budget request has been reduced from $2,920,000,000 to $1,619,100,000.

If Members will refer to page 8 of the committee report they will find exactly where these reductions were made, and they will also find certain items where we did not make any reductions whatsoever, I should like to point those out, because some Members are concerned with them.

We did not make any reductions in the military assistance program. The committee recommended the full authorized amount of $375 million. We had good reasons for doing so—we are in a shooting war. If we take a close look at the military assistance program, we will find that four countries receive a very substantial part of the appropriation and a very small portion goes to a great many countries. Since the figures are classified, I cannot go into the amounts, but the committee felt we should not make any reductions in the military assistance program—because of the shooting war and because we realize a great part of this goes to some of our stanch allies in the Far East.

There was one other item we felt should not be reduced and that is the Ryukyu Islands. That is a very valuable piece of real estate and every Member realizes the importance of the Ryukyus, our purpose there, and our investment there. This is a very small amount of money when we take into account the purpose the base is serving.

There is one other item in which we recommended the full authorized amount, and that is the item for American schools and hospitals abroad. We found that the major portion of this money was for the American University at Beirut, Lebanon. Our Government has invested approximately $50 million in that great university, and it is, indeed, a peacekeeping organization. We were told that many more of the Middle Eastern countries would have broken off diplomatic relations last year had it not been for the influence of this great university.

I believe every Member of the House realizes the importance of the American University at Beirut. We are constructing a teaching hospital and medical school. We have already fully funded phase one and phase two of the construction program. The amount of money in this bill is to fund phase three. It had to be funded in entirety or not funded at all. So we recommended the full amount for this item.

I believe it important to discuss with you very briefly our contribution to some of our international lending organizations. The money for these organizations is contained in title II of this bill.

I am not doing this just to be speaking in a critical vein, but I am making some statements of fact so that Members can understand what happens when American dollars get into these international lending organizations. We lose control over that money. In fact, we lost control over any minute examination of what they actually do with the money.

So this year, even at the expense of displeasing some foreign nationals and having some of the striped pants boys down at the State Department say, "You are going to embarrass us," we thought we had better make a rather thorough examination into just one of these international organizations so that the committee, the Congress, and the country would have some idea about what happens when we create some of these international lending organizations.

There are many of them. There is the Inter-American Development Bank, the International Development Association, the African Development Bank, and the Asian Development Bank. Let us discuss, if we may, the Asian Development Bank. It is domiciled in Manila. We assisted in setting up the organization. Our first commitment was $200 million, $100 million to be provided in callable capital and we also agreed to make five $20 million annual installments to the Asian Development Bank.

So we proceeded in our hearings this year, after we had made available the first two installments in the total amount of $40 million, to determine what they had done. We asked them when they opened for business. They said, "In December 1966."

We then discussed their financial statement.

Here is the way it reads: "Cash on hand, $193 million. Total applications for loans or grants from all sources in that part of the world, $30 million. Total amount of disbursements, zero."

Not one dollar had been disbursed, and the aggregate of all loan applications totaled only $30 million.

I said, "That is a remarkable statement, but we notice over here that you had a profit of $5.4 million. How did you earn that profit?"

The answer was that they took the money that the donor nations had paid in and they loaned it back to the same nations. The $20 million we had given to them, the first installment, we borrowed back at 6 percent. So during the first 12 months and 11 days of operation they made a $5.4 million profit without spending $1 on any project for which the Bank was created.

We decided we should go a bit further into this operation. We found out they had 187 employees, and it appeared that they liked to travel as each one of the 187 spent about $2,750 for travel.

Then we decided we would look at their representation expenses, because the gentleman from New York [Mr. Rooney] has very sensitive feelings about representation.

"How much did the Board of Directors spend for representation?"

They said, "Nothing; they got theirs from some other source."

How about the staff? They said the staff spent over $20,000 for representation during the first year. Now, we could talk for 2 hours about these international organizations. The purpose of bringing it up is that in all probability, when this legislation goes to the other body, they may try to strike our proviso and make it possible to transfer out of the development loan fund a certain percentage of that money to an international organization.

Mr. Chairman, there is one other item that I think we should mention that will be brought up later, I am sure. This involves three institutions which are to be financed out of what we refer to as excess foreign currency. One of those schools is the American University in Cairo. This is an ongoing project. We have been contributing U.S. dollars to it for many years. However, this year the amount for the American University in Cairo will be $1 million of excess currency.

Then there is the Children's Hospital in Poland. We have a tremendous investment in that Children's Hospital. Not only did we build that hospital with excess local funds but we provided U.S. dollars to buy the equipment for it so that these crippled and sick children could use the facilities of this hospital. This year they said that they needed an additional $2.1 million in excess local currency to complete the project. It has been under construction for some 4 years.

Then we have $2 million in excess local currency for a university or college in Morocco.

Mr. Chairman, of course, I could find other things to do other than to spend hundreds of hours doing my homework trying to know something about this complex foreign aid program. It is most difficult to handle a bill of this type because pieces of it are scattered throughout the Budget. But for those who feel we may have made too deep a cut, let me respectfully ask you to refer to page 3 of the committee report, which I will insert in the Record at this point:

Thus far this session the President has requested $10,847,940,000 for selected programs involving international activities, as indicated in the following table:

Budgetary requests for appropriations and authorization for selected programs involving international activities during 90th Congress, 2d session

1. Foreign assistance (mutual security)	$2,920,000,000
a. Military assistance supplemental (Korea)	100,000,000
2. Receipts and recoveries from previous programs	285,331,000
3. Military assistance (in Defense budget)	1,765,300,000
4. Economic assistance (in Defense budget)	104,900,000
5. Foreign military sales fund (supplemental)	296,000,000
6. Military Assistance Advisory Groups (MAAG's)	36,000,000
7. Export-Import Bank (long term credits)	2,065,000,000
8. Export-Import Bank (regular operations)	492,000,000
9. Export expansion program (supplemental)	200,000,000
10. Public Law 480 (agricultural commodities)	918,143,000
11. Inter-American Development Bank (FSO)	300,000,000
a. Callable capital (supplemental)	205,880,000
12. International Development Association (supplemental)	240,000,000
13. Asian Development Bank	20,000,000
a. Special Funds (authorization request)	200,000,000
14. Peace Corps	112,800,000
15. Permanent military construction overseas	381,477,000
16. Contributions to international organizations	118,628,000
17. Educational (foreign and other students)	50,224,000
18. Ryukyu Islands	20,772,000
a. Supplemental for fiscal year 1968	5,500,000
19. Migrants and refugees	5,485,000
20. Atomic Energy Commission (Euratom)	2,500,000
21. Inter-American Highway	2,000,000
Total	10,847,940,000

This request for $10,847,940,000 compares with the requests for fiscal 1968 of $9,206,154,000, and for fiscal 1967 of $8,174,909,000.

The table below is a listing of the unexpended balances of the foregoing programs:

Unexpended balances for selected programs involving international activities

1. Foreign Assistance (Mutual Security)	$6,369,013,000
2. Military Assistance Advisory Groups (MAAG's)	980,000
3. Military and supporting assistance in Defense budget (estimate)	1,980,000,000
4. Export-Import Bank, long-term credits	3,244,100,000
5. Export-Import Bank, regular operations	19,200,000
6. Export-Import Bank, uncommitted borrowing authority	4,590,000,000
7. Public Law 480 (agricultural commodities)	1,529,505,000
8. Inter-American Development Bank	1,677,914,000
9. International Development Association	140,000,000
10. Asian Development Bank	120,000,000
11. Peace Corps	44,054,000
12. Permanent military construction overseas	977,000,000
13. Contributions to international organizations	3,731,000

Unexpended balances for selected programs involving international activities—Con.

14. Educational (Foreign and other students	$39,586,000
15. Ryukyu Islands	5,690,000
16. Migrants and refugees	1,944,000
17. Atomic Energy Commission (Euratom)	3,142,000
18. Inter-American Highway (Latin America)	17,067,000
Total	20,762,926,000

Those two tables show the total amount of funds requested for foreign aid and the unexpended balances for the same programs. Let us take a look at the Alliance for Progress program in Latin America where we have made a substantial reduction. But remember that they can draw out of 21 different spigots of aid. They do not get their money just out of the Alliance for Progress. They are eligible for aid out of all of the sections of this bill and we are funding the entire $505.8 million request for the Inter-American Development Bank. If you will just refer to the report, you will see that Latin America has adequate funds, and do not let anybody tell you that they are not doing the same thing in the Inter-American Development Bank that they are doing out of the other spigots of foreign aid. Now, those of you who may still feel that the cuts in this bill are going a little bit too deep, let us have a look at the Export-Import Bank. You know that we passed legislation—the export expansion program—that would provide the Export-Import Bank authority to lower their credit criteria, I believe, on $200 million in an effort to sell more American products. That is good, but the lowering of the credit criteria is not good, in my opinion. This may be a good point to place in the RECORD the story on our international balance-of-payments account for the past 18 years.

U.S. INTERNATIONAL BALANCE OF PAYMENTS

The continuing deficit position in our international balance of payments account is of concern to the Committee. While our commercial trade balance over the years has been the major factor in keeping the deficit in our international balance of payments from being even higher, our competitive position in world trade is narrowing. Consequently, for the first time in five years—in March, May, and June of this year—we experienced a *trade* deficit. Unless there is a substantial increase in our commercial exports, we can look forward to another substantial deficit in our international balance of payments account in calendar 1968. The table below shows the detail of our balance of payments position for the past 18 years:

U.S. balance-of-payments position (regular transactions)

1950 net deficit	—$1,912,000,000
1951 net deficit	—578,000,000
1952 net deficit	—1,100,000,000
1953 net deficit	—2,100,000,000
1954 net deficit	—1,500,000,000
1955 net deficit	—1,100,000,000
1956 net deficit	—1,000,000,000
1957 (only credit in 18 years)	+500,000,000
1958 net deficit	—3,400,000,000
1959 net deficit	—3,700,000,000
1960 net deficit	—3,800,000,000
1961 net deficit	—2,400,000,000
1962 net deficit	—2,200,000,000
1963 net deficit	—2,660,000,000
1964 net deficit	—$3,006,000,000
1965 net deficit	—1,306,000,000
1966 net deficit	—2,077,000,000
1967 net deficit	—3,650,000,000
U.S. balance-of-payments deficit, calendar years 1950 through 1967	—36,989,000,000

Now, Mr. Chairman, I am happy to yield to the distinguished gentleman from Texas [Mr. CASEY].

Mr. CASEY. Mr. Chairman, I thank the gentleman for yielding to me at this time.

As the gentleman will recall earlier I had a discussion with you relative to the Partners of the Alliance program. In your committee report on page 15 you state that the committee did not appropriate any funds for the new authorization for $350,000, but that the bill did include $500,000 for the Partners of the Alliance program.

I would like to ask the distinguished chairman, may this $500,000 that has been allocated out of the Alliance for Progress program to the Partners of the Alliance program be used in the stimulation of exchange like it has in the past? May it be used for travel, if they think that is a necessary element of the program?

Mr. PASSMAN. Let me say to the distinguished gentleman from Texas, that that is my understanding. This procedure is nothing new in this legislation. The justifiers of this legislation feel that if you cut them back a little bit too far here, they will create a new program with a slightly different title which amounts to what we call down in my home State of Louisiana "double dipping."

It is my understanding that they have funds that can be used to carry out the purposes of the $350,000 and in addition to that, if there should be a shortage of funds, under this legislation, they have the right to transfer from other sections of the bill. It could even be taken out of the President's contingency fund.

However, may I say to my distinguished friend, the gentleman from Texas [Mr. CASEY], that I live close to Latin America and with one little push I would fall into the Gulf of Mexico. But I too am for the Alliance for Progress program.

Mr. CASEY. I thank the distinguished gentleman for his response. I am sure those of us who are interested in the Alliance for Progress program, the partners program, which involves the business sectors of your State and my State as well, do not want to cut out all of the progress you have made in this program. I do not want the agency to use the excuse that failure to appropriate the $350,000 prevents the continuance of travel, can the $500,000 in the bill be used for this purpose?

Mr. PASSMAN. I can assure the gentleman from Texas that they can use this money for that purpose.

Mr. CASEY. And can transfer other money?

Mr. PASSMAN. If it becomes necessary to increase this amount, they can transfer out of other funds. This bill is strictly on an illustrative basis and they can transfer funds from one project to another or from one country to another.

Another example that I should bring to the attention of the House is the special authorization for the U.N. Children's Fund. The President did not request that special appropriation. It was added to the bill by the Congress.

But to save a lot of bookkeeping and paper and ink, we decided to put the entire $13 million in the bill. And we have language in the report that none of this reduction will affect the UNICEF.

I now yield to the gentleman from Missouri [Mr. ICHORD].

Mr. ICHORD. Mr. Chairman, I thank the gentleman for yielding.

I was rather amused to read the usual "Otto Passman editorial" in one of the local newspapers, lambasting the committee, and particularly the gentleman in the well for making these tremendous cuts. Of course, the editorial did not mention that foreign aid has been fragmentized among several different places in the budget.

The gentleman from Louisiana has mentioned that there were appropriation requests in the amount of $10,847,940,000, as compared to 1968 of approximately $9 billion, and 1967 of $8 billion. Those are requests for appropriations. I am wondering how this bill, added to the other bills, will compare insofar as appropriations are concerned. How do they compare in regard to past appropriations?

Mr. PASSMAN. In reply to the gentleman from Missouri, I would state that I am of the opinion we are going to have to wait until Congress adjourns to know that, because some of the bills are actually pending over in the other body. We do not know whether or not they are going to get authorizing legislation on IDA, but I am of the opinion that when we have finally dropped the curtain that the grand total will be something less than that of last year.

Mr. ICHORD. Somewhat less than last year?

Mr. PASSMAN. I would hope so, anyway. May I leave it that way—that I would hope so.

I would say, of course, that what the Washington Post said is very important, and with a great deal of effort I got that editorial placed on the front page of the paper in my hometown of Monroe this morning. I also asked if the editor would run it again this afternoon. He would not promise me that he would, but I was somewhat encouraged that he would put it back in again, because anything that is said about me in the Washington press carries considerable weight among the people in my district, among an awful lot of the voters, and is responsible for their solid support for me.

I was becoming worried because the Washington Post had left me out of their paper for so long. This editorial yesterday, was a great compliment.

In that connection, I believe I should call this to the attention of the editorial writer, that is, if he is a citizen, or a resident in the United States—I never had time to ask that question, whether or not he was in the United States. I would assume so because the paper carries a Washington dateline, but in this very complimentary editorial it said:

> The Senate Foreign Relations Committee has before it a request for a relatively modest United States contribution to the Special Fund of the Asian Development Bank. This is an admirable new venture into multilateral aid, by which other nations, and notably the Japanese in this instance, help share the burden of uplifting the less developed half of the world. Yet the Senate committee has been balking even at this share-the-load approach; it ought to pull itself together, muster a quorum, and vote that measure out onto the Senate floor today.

Now, my friends, I hope—the writer of this editorial—and I am repeating this in a humorous vein—if he is in the United States he should read our printed committee hearings.

I want that editorial writer to give me one good reason why we should give the Asian Development Bank an additional $200 million when they had $193 million on hand on December 31, 1967.

I hope he reads this RECORD and drops me a note explaining his reasons for his recommendation.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman for a question.

Mr. FRELINGHUYSEN. I hate to interrupt the gentleman's flow of words.

Mr. PASSMAN. I like to be interrupted if it will help the gentleman's understanding of the bill.

Mr. FRELINGHUYSEN. I have a couple of questions to ask about this so-called committee print which I guess is a substitute for what should be the committee report on this bill.

Mr. PASSMAN. That is the gentleman's statement—and I do not agree with it at all.

Mr. FRELINGHUYSEN. Normally, I am sure, and the gentleman does agree, that a committee report is available on a bill that we have up for consideration.

Mr. PASSMAN. What is the gentleman's question?

Mr. FRELINGHUYSEN. I have two questions.

Mr. PASSMAN. Yes.

Mr. FRELINGHUYSEN. If I might Mr. Chairman.

Mr. PASSMAN. Surely.

Mr. FRELINGHUYSEN. On page 12 of this full committee print, I think it is called.

Mr. PASSMAN. It is the full committee print which was filed in the House at noon today.

Mr. FRELINGHUYSEN. I am glad that the gentleman pointed that out.

Mr. PASSMAN. It is the committee report.

Mr. FRELINGHUYSEN. It says at the bottom of the page:

> The Committee has also disapproved the estimate of $12,000,000 for loans to the Indus Basin Development Fund.

Mr. PASSMAN. Yes.

Mr. FRELINGHUYSEN. It seems that there was provided a $12 million figure for the Indus Basin Development Fund. Do I understand that the committee is or is not providing funds for that project?

Mr. PASSMAN. It is not providing funds for that project.

May I tell the gentleman the reason why?

Mr. FRELINGHUYSEN. I ask the gentleman what the figure means in the tabulation, if you are not providing funds for the project.

I hope I have not embarrassed the gentleman.

Mr. PASSMAN. You do not embarrass me.

Mr. FRELINGHUYSEN. Did the gentleman hear the question?

Mr. PASSMAN. Where do you find this listed?

Mr. FRELINGHUYSEN. It is just at the bottom of the tabulation in the middle of the page, on page 12, where it says: "Indus Basin Development Fund—$12,000,000."

Mr. PASSMAN. That is the President's budget program. It is not our recommendation. We included the budget request in the report.

Mr. FRELINGHUYSEN. This would be the President's recommendation and not the recommendation by the committee—but by the President?

Mr. PASSMAN. The committee denied it. We usually quote the request and the committee denied that request.

Would the gentleman like to know why?

Mr. FRELINGHUYSEN. I would like to know why the request was denied in its entirety.

Mr. PASSMAN. Would the gentleman like me to answer his first question before asking me his second question?

Mr. FRELINGHUYSEN. Could I get an answer to the first question before I go on to the second?

Mr. PASSMAN. I will answer the gentleman, if the gentleman will permit me to at this point.

Four years ago somebody in the executive branch made a commitment for $51 million without any consultation, recommendation, or authorization from either the legislative committees or the Committees on Appropriations.

Now, the next question.

Mr. FRELINGHUYSEN. I am disappointed in the gentleman's answer to the first question.

Mr. PASSMAN. I am not surprised.

Mr. FRELINGHUYSEN. On page 8, it seems to tell us where proposed reductions are to be made.

I notice that the gentleman mentioned during his remarks that everything that is being recommended can be justified.

Would the gentleman go into some detail as to how we can justify as big cuts in the Alliance for Progress as are being recommended?

Mr. PASSMAN. I can answer the gentleman quickly.

It is simply because the Latin American countries are eligible to draw money out of the spigots of foreign aid. You have special spigots for the Alliance for Progress. The Inter-American Development Bank is funded with over a half billion dollars.

In addition to that, if you put together the aggregate of all the unexpended funds to the credit of Latin America, it amounts to $1,285,000,000.

We thought there was some justification to reduce the funds requested in title I, especially when you take into account the appropriation of over a half billion that we are recommending for the Bank, which was created to make loans for development purposes in Latin America.

I now yield to the distinguished gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, I was going to ask if it were not true that just within this week the Soil Conservation Service of the United States has been asked to curtail expenditures on new construction or on ongoing construction in soil conservation districts across the country which are part and parcel of the watershed problem of the United States.

Mr. PASSMAN. That is a statement of fact.

Mrs. HANSEN of Washington. May I also ask, Is it not true that many Members of this House supported $6 billion expenditure cut, and when you impose a $6 billion expenditure cut, it is necessary to cut very deeply into some worthwhile programs?

Mr. PASSMAN. The committee considered that. We thought we were extremely lenient when we must take into account—and the hearings will certainly substantiate this statement—that we are completely abandoning, or discontinuing projects in this country, while we are starting similar projects in foreign countries.

Mr. SHRIVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the subcommittee held many weeks of hearings on this bill. Under the leadership of our distinguished chairman, the gentleman from Louisiana [Mr. PASSMAN], the programs funded in this bill were extensively investigated. I certainly agree, and concur with our capable chairman in his remarks; our subcommittee chairman works long and hard in behalf of the taxpayer, and I know of no one who is better informed on this bill and related matters than our chairman, the gentleman from Louisiana.

I would further give credit to all members of the Subcommittee on Foreign Affairs of the Appropriations Committee for their painstaking efforts to do a conscientious job over a period of many weeks on this important responsibility. I personally am grateful to the other members from the minority for their dedication and devoted service to the committee.

Mr. Chairman, the 90th Congress has made a commitment to the American people. When the painful but necessary 10-percent surtax was adopted in June, the people were told that Congress and the administration would cut fiscal 1969 Federal expenditures by at least $6 billion. The House Appropriations Committee has been working for months to honor this commitment. The foreign assistance and related agencies appropriation bill for 1969 before the House today represents the last regular money bill of this year on which action can be taken to further reduce expenditures.

When the administration proposed an

increase in taxes in January, it was to be expected that the budget submitted to Congress would be reduced accordingly. Regrettably, this was not the case. The budget estimates presented for the title I foreign aid programs were nearly $625 million higher than the appropriations for fiscal 1968.

Your Foreign Operations Appropriations Subcommittee has devoted over 6 months to the examination of thousands of pages of budget justifications and official testimony in an effort to determine priorities within this inflated request. While some of us would like to have seen further reductions made on various items in this bill, the reported appropriation represents the collective judgment of your Appropriations Committee.

This bill provides for new appropriations for fiscal 1969 of $2,341,011,000. This total is $640.2 million less than the fiscal 1968 appropriations, and $1.3 billion lower than the administration's budget requests.

Under title I the bill provides $1,244,100,000 for economic assistance and $375 million for military assistance. The $1,619,100,000 total for title I programs is $776.5 million lower than the fiscal 1968 appropriation and $1.3 billion less than the President requested. The title I recommendation is $365.7 million below the amount expected to be authorized.

It should be pointed out that in reporting this bill, the committee is dealing with but little more than one-third of the total foreign assistance programs for which funds have been requested. I refer you to page 3 of the report, which shows the 21 separate items involving international activities for which there are budget requests totaling $10.8 billion, or $1.6 billion higher than last year's requests.

I would also call your attention to the fact that this $1.3 billion, or 45 percent reduction in the fiscal 1969 budget requests will result in a reduction of only about $237 million in actual expenditures out of the new appropriation.

Special mention should be made of several of the individual items in this bill. The committee recommends a reduction of $230 million from the request for supporting assistance. Two of the largest recipients of this program will be Thailand and South Vietnam, with a total of $530 million requested for these two countries alone. The reductions will not hamper defense efforts in these countries, but will serve to stimulate them to use some of their own growing gold and foreign exchange reserves to support their own economies at a time when we are having balance-of-payments problems here at home.

With respect to Thailand it was disturbing to the committee to read in the justifications that our development loan program had been discontinued there because their economy was strong enough to service higher interest World Bank loans, but that our grant program was to be increased. On such logic is our AID program built.

The committee recommendation reduces the appropriation for the Alliance for Progress development loan program by $315 million below the request. At the same time, title II provides a total appropriation of $505,880,000 for the Inter-American Development Bank, making the total new loan assistance package of over $700 million for Latin America in fiscal 1969. In addition, the availability of $4.3 million in carryover funds and over $250 million in authorized, but unsigned loans will provide for the possible disbursement of nearly $1 billion in loan funds in fiscal 1969. This certainly should be adequate.

When considering the recommendation for military assistance, which is the same amount expected to be authorized, it should be remembered that this figure does not include the $1.8 billion for assistance programs formerly funded in this bill which are now contained in the Defense Department appropriation. The total military assistance appropriation should also include the funds to be considered later for the foreign military sales program.

In an effort to consolidate an unjustified dual-funding arrangement, the committee recommends that all costs involved in the Cuban refugee program be absorbed within the increased appropriation for this program in the Department of Health, Education, and Welfare. The funds requested through the migration and refugee assistance program of the State Department for the transportation of the Cuban refugees are to be appropriated to State to cover increased costs expected because of Czechoslovakian refugees and for the Far East program.

The provisos inserted into the Appropriation Act for fiscal 1968 which prohibited the initiation of projects under the technical assistance and international organization programs prior to their justification to Congress have served to restore to the legislative branch its constitutional responsibility to control appropriations. Accordingly, it is now recommended that a similar prohibition be adopted for the Alliance for Progress technical assistance grant program. Testimony by the Secretary of State revealed that these prohibitions had caused no diplomatic difficulties.

The annual wave of hysteria has arisen in some of the local press reaction to the reductions proposed in this bill. However, the committee has spent a good deal more time studying the nuts and bolts of our foreign aid program than any editorial writers we know of. Only by making a project-by-project examination of this program can one begin to understand the dynamics, the strengths, the weaknesses, and the direction of our country's assistance efforts in the underdeveloped world.

As the hearings progressed, it became more and more clear to the committee that, rather than dooming the world to some unexplained fate, the reductions in the foreign aid program instituted last year actually improved the chances of ever developing an effective and efficient aid program. Both the administrators and the recipients of assistance projects were forced to take a closer look at the overall objectives of the program.

The administrators, especially those in the field, can understandably be overwhelmed by the vast scope of the need in the underdeveloped countries, thus losing sight of the long-range purposes and potential of the individual projects. But cutting this program further, Congress will stimulate a reevaluation process wherein superfluous projects will have to be dropped, and all new projects will be more carefully scrutinized.

We have been told that AID cannot live off the $20 billion "pipeline." However, this bill provides enough new money for crucial new projects, and the reduction should encourage a faster drawdown of the funds and commodities from the unexpended balances. Last year's reduction had just this effect. The pipeline was $700 million lower in June 1968 than in June 1967.

There is reason to believe that the recipient countries do not view our assistance as entirely helpful to their development efforts. Earlier this year news stories reported that a high official in India, on being informed of the House's action on last year's aid bill, said: "Good. I almost wish they had cut out aid entirely. Then perhaps we would do the things we need to do ourselves."

It should be very clear to the administrators of this program that the American people are fatigued and frustrated with the continuing increase in the total foreign assistance expenditures, and the accompanying decrease in its effectiveness. Our citizens have been asked to tighten their belts in this period of domestic fiscal and social crisis compounded by a tragic and expensive conflict in Southeast Asia.

When the tabulations were completed on my annual questionnaire of the opinions of my constituents, the Federal program which received the highest percentage for a cutback in expenditures was foreign aid. At no time during the long hearings on this bill did I hear any testimony which I could use to justify this program to these taxpayers.

These same American taxpayers have proved themselves to be the most generous and charitable people in the history of civilization. Since 1945, they have sent over $171 billion, including interest, to foreign lands to help their fellow man. But as generous as they are, they are also sensible. They would not regret the expenditure of one penny of this money if they could believe that it was accomplishing their objectives.

Mr. Chairman, I support the appropriation recommended by the committee. This program must be cut back. It must be cut back for very obvious domestic fiscal purposes. It must be cut back to alleviate our balance-of-payments deficit. It must be cut back because of the stark necessity of wartime expenditures. But most important, it must be cut back to clear the air within the program itself. The new administration in January will have to resurvey the entire concept of foreign aid and have the freedom of action necessary to establish new priorities, unencumbered by the old, unproductive projects which are strangling our assistance efforts.

I yield such time as she shall require to the gentlewoman from Illinois [Mrs. REID].

Mrs. REID of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I am glad to yield such time as she may use to the gentlewoman from Illinois.

Mrs. REID of Illinois. Mr. Chairman, as a member of the Foreign Operations Subcommittee of the Committee on Appropriations, may I first say a special word of commendation to our subcommittee's distinguished and dedicated chairman, the gentleman from Louisiana [Mr. PASSMAN], and our extremely able ranking minority member, the gentleman from Kansas [Mr. SHRIVER], for the splendid leadership they have afforded our group as we have endeavored to evaluate and assess foreign assistance needs for fiscal 1969. In view of the enormity of our Nation's aid commitments throughout the world and the increasing awareness of our domestic problems here at home, this annual reappraisal has been a most difficult task, to say the least—and we are fortunate to have the special knowledge and expertise these gentlemen contribute to this discussion. I believe that the hearing record this year again gives all of us a better understanding of the strengths and weaknesses of our foreign assistance program, and I consider it a privilege to serve with everyone on the subcommittee.

Certainly no one will deny that popular support for the foreign aid program has been steadily declining throughout the country, and this is true in my own congressional district as well. In response to a question in my annual legislative questionnaire last year, over 78 percent of those responding expressed the view that our aid program has not been effective. By contrast, this year 86 percent felt that the foreign aid program as now constituted should not be continued.

There are undoubtedly a number of reasons for this deep and growing concern. As our committee's report points out, there is the serious fiscal situation in our own country. The budget deficit for fiscal 1968, which ended last June 30, exceeded $25 billion, with still another unbalanced budget ahead. Our citizens are particularly conscious of Federal deficit spending this year—and with good reason. The recent tax increase and congressional action to place a ceiling on Government spending has emphasized the urgent need for new priorities in Federal spending.

Our people are disturbed about the costs of the war in Vietnam, not only in human suffering and loss of life but also its implications in a budgetary sense.

They are alarmed about the increasing rate of inflation.

They are anxious over the continuing gold outflow, particularly when they learn that each one of the countries which has been acquiring sizable gold stocks from us has been or is now a recipient of U.S. assistance in some form. These actions have cut our gold reserve almost in half—from $22.8 billion in 1957 to $11.9 billion as of last December 31.

Americans are uneasy, too, that in 17 of the past 18 years the United States has had a serious balance-of-payments deficit, with the prospect of still another ahead.

Our committee's report also sheds new light on what I believe is a rather prevalent misconception of the extent of American foreign assistance. The foreign aid authorization for this year is heralded as the lowest in the history of the program—a "bare bones" request. Yet, we must remember that certain new programs and lending organizations have been created and new procedures have been instituted which have removed some portions of foreign aid from this annual authorization and appropriation process. These, too, must be added to the President's budget estimate—and if this is done, as the committee points out, the total would be one of the highest ever considered—not the lowest. Thus far this session, for instance, the President has requested $10.8 billion for programs involving international activities, with over $20.7 billion in unexpended balances still remaining. So if we add up all the foreign aid and assistance-type activities funded by this and other bills, we find that the United States last year contributed 53 percent of the total assistance given to the developing countries by the various members of the OECD Development Assistance Committee. Since World War II, grants, loans, and interest for foreign assistance have cost the American people $171 billion.

Proponents of increased foreign aid generally refer to the fact that such assistance represents merely one-half of 1 percent of our gross national product. Yet, as a member of the Foreign Affairs Committee pointed out during debate on the authorization bill last July, no other appropriation is described in terms of gross national product, but in terms of total budget receipts. If we do the same with foreign aid, therefore, it was pointed out that this program represents between 4 and 5 percent of our budget receipts—which is quite a different story.

It seems to me that the urgent need today is for the Congress to put the question of foreign aid in proper perspective. We need to set realistic priorities in this field just as surely as in our domestic policies, and I applaud the action of the conference committee in amending the Foreign Assistance Act of 1968 considered earlier today to include a declaration by the Congress in favor of a comprehensive review and reorganization of all U.S. foreign assistance programs to be made by the President and to also provide for a National Foreign Assistance Review Committee to advise the President on such matters. Since coming to Congress, I have always advocated just such a review. All of us, of course, recognize that many foreign assistance activities are meritorious and in our best interests as well. But we know, too, that many yield no appreciable permanent benefits either to the recipient or to us. We need to eliminate those portions of the program and those concepts which are outdated and are proving ineffective.

I did not support the foreign aid authorization bill when it was passed by the House several months ago because I am honestly concerned about the urgency of our own budgetary problems in this country. We are faced with the uncertainties of the war in Vietnam and a growing list of costly domestic problems at home—all of which are making heavier demands on our financial resources. While I recognize that we have an obligation as the leader of the free world to do what we can to promote international stability and world peace, we have at the same time an obligation to our own citizenry to protect the fiscal solvency of our own Nation and to provide for their needs. As I have said on many occasions, I believe we have come to the end of the road in deficit spending. In my judgment, to pursue it further spells disaster.

The bill before us today recommends new appropriations in the amount of $2,341,011,000 for foreign assistance and related agencies for fiscal 1969—a reduction of $1,313,700,000 below the budget estimates. Certainly this reduction is a giant step in the right direction. The fact remains, however, that there is still $6.3 billion in the foreign assistance pipeline—funds which are available to continue programs for at least another year. It seems to me, therefore, that in view of the widespread dissatisfaction both in and out of Congress with the present program—and with the availability of substantial unexpended funds in the aid pipeline—a moratorium on new aid spending for 1 year would not be unreasonable and would not seriously jeopardize any essential foreign commitment of this country. Obviously, this would require additional special legislation to deobligate and reprogram some present commitments so that necessary military assistance in particular would not be interrupted.

While I support the efforts of my Foreign Operations Subcommittee and the Committee on Appropriations to reduce foreign aid spending this year, I personally feel that the fiscal crisis in our own country and urgent domestic needs make it imperative that we go even further in redirecting this program and setting new priorities—so for these reasons, I shall not vote for the bill.

Mr. MESKILL. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I am happy to yield to the gentleman from Connecticut.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I will say that I listened with interest to his remarks and regret that I cannot agree with many of his conclusions. I would like to point out that we spend in Vietnam in a month more than is being proposed for all of the countries that would benefit from our assistance here.

I have a particular question about the supporting assistance reduction. I note the committee is recommending no cuts in military assistance and yet a very substantial cut of $280 million below the amount requested in supporting assistance. As the gentleman himself pointed out, most of this is going to Vietnam and Thailand. His suggestion, was as I recall it, that in some way Vietnam could absorb some of these reductions.

Mr. SHRIVER. No. I did not say that. I was referring to Thailand and not Vietnam.

Mr. FRELINGHUYSEN. Again it seems to me that we may be pennywise and pound foolish if we are going to say that because a particular country has some stocks of gold that we do not need to worry about their ability to defend themselves against Communist infiltration. It is this kind of thinking that can precipitate future Vietnams, in my opinion. It is through such things that we face the problem that we now face in Vietnam. We may well be facing them in such an area as Thailand. It seems to me that the committee is on vulnerable ground in making such substantial cuts in areas of the kind of assistance which is close to military aid if not exactly military assistance. I just call attention to the fact that it seems to be an area where cuts may well have been too deep.

Also it worries me and I would like to get your opinion about the cuts in the Alliance for Progress. As the gentleman points out, they have been substantial. He says from other sources, international and others, there should be enough money to go around, but if he agrees with the committees own statement that progress is not automatic in the less-developed countries and our assistance is designed to provide help to enable these countries to move forward from a heritage of violence and despair to one of sustained and peaceful development, I should think we should think twice of the type of thing that we may be doing to our friends in Latin America as it will be harmful. Do you not think it is a fact, that these cuts may impair or slow the progress which is being made by our neighbors to the south?

Mr. SHRIVER. I would refer the gentleman from New Jersey to the statement we have in the report of the committee and the committee print relating to the Alliance for Progress development loan funds.

Mr. FRELINGHUYSEN. I have had an opportunity hastily to read that report, but I was wondering what the gentleman's own views were.

Mr. SHRIVER. It says in the report:

> Many factors entered into the committee's decision as to how much to recommend for this purpose. One of the major factors was the critical fiscal situation in this country—

Which I alluded to in my remarks a moment ago—

> A second major factor was the fact that the committee is recommending in Title II of this bill a total appropriation of $505,880,000 for the Inter-American Development Bank which makes loans for the economic development of the countries of Latin America.

In my judgment at the moment, after hearing the testimony and the consideration given by the committee, I feel it should be adequate for this year.

Mr. FRELINGHUYSEN. Will the gentleman yield very briefly for a further statement?

Mr. SHRIVER. Yes.

Mr. FRELINGHUYSEN. I might say that Ambassador Sol Linowitz, our representative to the Organization of American States, testified in executive session before a subcommittee of the Committee on Foreign Affairs yesterday. I do not know what he said publicly, but I know that he certainly expressed disappointment and concern about the substantial nature of the cuts being made in that area. I would hope that there would be some sympathetic consideration given to a restoration of some of the amounts in that area, preferably here in the House or, if not, in the other body.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman from Kansas for yielding.

I regret that I did not have the time this year to read as carefully as I should and as much as I should of the excellent hearings that the subcommittee held on this so-called foreign aid bill.

Mr. Chairman, I was wondering if the committee went into the NAPCO deal whereby Max Kampelman and his cohorts in that setup unloaded several million dollars of obsolete and junk machinery on India, and whether another associate of Vice President Humphrey, by the name of Waters, an official in charge of surplus materiel that was being renovated in Belgium, but who, as a result of an investigation, suddenly resigned and little or nothing has been heard from him since.

I wonder if the committee went into either of these cases?

Mr. SHRIVER. Specifically we did go into many projects, but I shall be glad to yield to the chairman of the subcommittee, the gentleman from Louisiana [Mr. Passman], if he recalls the facts with respect to those two items.

Mr. PASSMAN. Mr. Chairman, if the gentleman will yield, I would refer the gentleman from Iowa [Mr. Gross], to page 742, part II of the hearings, where he will find that the NAPCO project in India was discussed by the distinguished gentlewoman from Illinois [Mrs. Reid].

Mr. GROSS. Page 742 of part II of the hearings?

Mr. PASSMAN. Yes, sir.

Mr. GROSS. That dealt with NAPCO and Max Kampelman, an associate of Vice President Humphrey?

Mr. PASSMAN. I do not think the gentleman would be impressed with a name-calling discussion of this matter.

Mr. GROSS. I thank the gentleman. I am perfectly willing to name names because there is no question about the identity of those who unloaded the machinery on an unsuspecting group of people over in India, and obtained foreign aid financing to do it, nor is there any question about the identity of those Government employees who were living high in Belgium.

Mr. PASSMAN. Mr. Chairman, I am compelled to elaborate a bit further on tihs program so as to clarify my position.

You cannot satisfy the appetite of the bureaucratic spenders. If you think you can, you had better think twice.

Mr. Chairman, it is not my aim or purpose to criticize any committee of this Congress, but the type of examination conducted by the Committee on Foreign Affairs and the type of examination conducted by the Committee on Appropriations are very different. The Agency people are not going to volunteer any information. You have to ask questions. So, there are two types of examinations.

Mr. Chairman, over the years this program has been reduced in excess of $10 billion, and every year when we would make our reductions they would squeal like a stuck pig. But we still have programs to fund, in spite of our budget deficit, in spite of our financial siutation, and in spite of our higher interest rates in this country. We are still going to disburse foreign aid funds in 98 countries plus five territories during fiscal 1969.

Mr. Chairman, allow me to talk about Latin America. That section of the world is sensitive to some of us. As I said earlier, I live close to Latin America and if you gave me a little push into the Gulf of Mexico, I would end up in Guatemala.

That is how close I am to it.

So I do not want to be offensive. If you had read the hearings you would not have any quarrel with the committee recommendations. I believe there might even be a motion to abandon the entire program. Therefore, I did not include all I could have in my formal presentation. But since the testimony before the Committee on Foreign Affairs differed so completely with the testimony given to the Committee on Appropriations, I am going to have to refresh the memory of some of the members.

I would like to refer, if I may, to page 1716 of part 2 of our hearings. This is Mr. Fowler's testimony. He said:

> In past years we have reported to this committee figures which indicate the annual level of commitments, disbursements, and undisbursed balance—"pipeline"—of U.S. bilateral economic and military programs in Latin America, as well as the economic assistance of the multilateral lending agencies. During fiscal year 1967 these agencies, excluding the IBRD, committed $1.7 billion for development projects and programs in Latin America. During fiscal year 1968, this level is expected to drop to $1.5 billion. The "pipeline" of undisbursed commitments of these agencies stood at $3.4 billion at the end of fiscal year 1967, and is expected to rise to an estimated $3.5 billion at the end of fiscal year 1968.

So if we did not give them one penny, there would still be $3.5 billion to disburse in these Latin American countries.

If we should continue the chances are the gentleman will offer an amendment to reduce it even further rather than to increase it. I am addressing myself to the distinguished gentleman from New Jersey. Let us have a look at some of the things they are doing that I did not want to bring up because I did want peace and harmony today. Borrowing the expression of Frank Boykin, our former colleague, I want to close this session knowing that "Everything is made for love."

Mr. FRELINGHUYSEN. Mr. Chairman, would the gentleman yield at that point?

Mr. PASSMAN. Not at this moment.

Let me say to the gentleman, that 45 percent of the total 1968 loan program was authorized in June, and not one of those loan agreements was signed.

Let us look at the Alliance for Progress. They authorized $250,550,000 in June and not one of those loan agreements had been signed. They put this money behind this gray curtain of an authorization and it is regarded as being "obligated."

They are even carrying $43,530,000 of fiscal year 1967 alliance loan funds in this so-called obligated status, and it is buried in the $20 billion pipeline.

Do not make me go too far into the weaknesses of this bill, because you may end up without an appropriation bill. These are statements of fact, and if the gentleman will only take the time to read the hearings of the Committee on Appropriations he will find that every word I have uttered are words of fact.

Mr. FRELINGHUYSEN. Mr. Chairman, would the gentleman yield at that point?

Mr. PASSMAN. I will yield to the gentleman from New Jersey for a question.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I said I would yield to the gentleman for a question.

Mr. FRELINGHUYSEN. I might say to the gentleman that I have not had an opportunity to read the hearings. If the bill had not been brought up so abruptly I might have had time.

Mr. PASSMAN. The hearings have been available to the gentleman since July of this year. Next year I will personally mail the gentleman a copy of the hearings.

I will say to the gentleman that they have been available in the main committee room, which is just 50 feet away from the gentleman, since last July.

Mr. FRELINGHUYSEN. I would like to say that the gentleman is talking so hard and so loud that I find it virtually incomprehensible.

Mr. PASSMAN. I believe these facts are good and clear, and if the gentleman did not hear them, it is because he did not want to.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman.

Mr. FRASER. I thank the chairman for yielding.

One of the visits I made along with my colleague, the gentleman from New Jersey, was to India to take a look at the program of agricultural development which is very important to that country.

I wonder if the chairman could tell us how much there is intended to be provided to India in the development loan amount which is provided in this bill.

Mr. PASSMAN. I might say I have a very high regard for the distinguished gentleman from Minnesota and the Foreign Affairs Committee, but your committee does not provide money for any country.

You authorize it on an illustrative basis without specifying where they can spend it. AID says give it to us in a lump sum and after you give us the authorization and the money, we will decide which program to fund.

On an illustrative basis it is impossible to know how much will be allocated to India. That is a decision that will be made by AID.

Mr. FRASER. The reason I ask is that India has been heavily dependent upon our participation in the consortium that provides loan money. I understand that half of the money we provide India in this coming fiscal year would be used for the purchase of fertilizer which is a very important import to India because it is one thing that may help them to reach self-sufficiency in food production. Because India is the largest single recipient of United States aid, I thought perhaps in your reduction of the development loan fund, you would have looked at India and made some decision with respect to how much money India might in fact need and how much was required to help them to overcome their very severe problem of food production.

Mr. PASSMAN. I can assure the gentleman, we have spent hundreds of hours looking over all these programs and when we came to India, we found that we have already given her in excess of $7 billion.

We were also led to believe that when the Russian Mig plant gets into full production it would reduce our large annual allocations to India.

AID could give India the full amount of the development loan appropriation if they wanted to.

They can do whatever they want with the appropriated funds. They can actually ask for funds for a hospital in Guatemala and with that money build a summer resort in Morocco. They can still do that within the limits of this legislation.

Mr. FRASER. I am at a loss to understand how you arrive at the reduced figure. Has the gentleman taken into account similar programs for some of these major countries——

Mr. PASSMAN. We took into account every program that was presented to this committee.

If I remember correctly, and it has been such a long time since we completed our hearings—I think there are some 4,200 projects and subprojects scattered all over the world and it would take years to examine each one of them. So all we can do is to examine these people on these different funds—the 21 different spigots of foreign aid.

I can assure the gentleman, there are adequate funds in this bill that do more for foreigners than we are going to be able to do for the people of America.

Does that answer the gentleman's question sufficiently?

Mr. FRASER. The gentleman indicates that there has been a general reduction and leaves the AID agency to allocate funds—I understand that is the way it works.

Mr. PASSMAN. But additional funds are provided in the other titles of the bill.

If the gentleman will refer to page 3 of the report, he should be very sympathetic to the committee for the small reduction made, percentagewise, when you take the aggregate sum of money that is being requested for foreign aid.

Would the gentleman look at pages 2 and 3?

Mr. FRASER. I have been looking at page 3 and looking at your list and I do not find in there any sources that provide major loans for India.

Mr. PASSMAN. You are an educated man, with a lucid type of mind. I understand you help write the legislation. The AID Agency wants it in a lump sum and we give it to them that way and then they make up their minds what part of it is going to India. The only people who can tell you what India is getting would be the AID distributors downtown who have the right to slice it thin or to slice it thick.

Mr. FRASER. Mr. Chairman, I would like to pursue one other question.

I gather that the gentleman really thinks we should terminate the foreign aid program. I assume the gentleman is a very strong and vigorous supporter of our expenditures in Vietnam.

I am curious as to whether it is the opinion of the gentleman that by moving defense today up toward $80 billion a year and cutting the foreign assistance back to the lowest level since the program began some 20 years ago—whether the gentleman really thinks that we are buying the kind of security that is going to protect this country.

Mr. PASSMAN. I should like the gentleman to speak for himself and not let his words indicate that he is speaking for me. This is not a low program. This is one of the highest foreign aid programs since the inception of the program in 1948. When we go back and pick up the many slices of aid that the AID agency very cleverly pulled out of this bill and placed in other appropriation bills—one item alone that was pulled out of my bill 3 years ago now amounts to $1,765,000,000—if you would put those pieces back together, and I am not going to take the time to do it for you, you will find that this year's request is one of the largest requests for foreign aid since I have been chairman of the committee. Do not blame me if your committee permits this bill to become so fragmentized that the most astute Member has to spend 100 hours to put it back together for you.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. If I may have the attention of the gentleman from Minnesota, I would like to point out the following statement on page 2 of the report:

> The Committee believes that the Foreign Assistance Program is important to our national interest in that it provides funds designed to strengthen the capability of selected allied and friendly nations—

I would also like to point out to the gentleman from Minnesota that approximately $30 billion a year is being spent in Vietnam which could be called nothing less than foreign aid for 30 million people. There are 200 million Americans. Yet in the so-called controllable items of the budget there is $35 billion. The question is how much money do we take to spend around the world at a time when we have problems in our cities, problems all over the United States, that are deep and of great concern to the American people.

The Subcommittee on Foreign Operations has not been unmindful of the problems of Ethiopia and the problems of India and the problems of Brazil, but we have been overwhelmingly concerned also with the problems of Americans in the United States and the problems that face us today.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I cannot yield any further because I do not have the time available. The time belongs to committee members, and I believe I am permitting the members of other committees to consume too much time. Therefore, I respectfully ask the ranking minority member of the subcommittee, the gentleman from Kansas [Mr. SHRIVER], if he would give thought to yielding to a member of the minority at this time.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. REID].

Mr. REID of New York. Mr. Chairman, I thank the gentleman, the distinguished ranking minority member from Kansas, for yielding. I would like to make a few brief statements to try to add a little comment, possibly even some perspective, to the debate today. The bill before us today represents a shocking retreat on foreign aid and is totally inadequate for the needs of tomorrow. The fact is that in Latin America, dealing with one respect of this bill, in the next 15 years we will see a 50-percent increase in population. We are seeing poverty become more serious; we are seeing the possibility of some of the economies reaching the threshold of economic development. But this will not be advanced if we sharply cut back. We are seeing the possibilities of some breakthrough in agriculture; but not if we cut back.

Very simply, this bill does not meet the test of the needs of the future. It does not meet the needs of the youth of Latin America and a majority of the world population are now under 25. It is a bill that shows our joint commitment is getting smaller and smaller. It is a bill that shows we are spending far less than 1 percent of our gross national product and, specifically, this bill contains severe and harsh cuts that I believe will be interpreted all over Latin America as meaning that the United States is going back on its pledged word.

It is going back on the pledged word of two Presidents. Specifically, let me just say it was my understanding that at Punta del Este, the United States agreed to try to provide $100 million more for the Alliance effort, but here today, we are cutting back by $200 million. This is just not acceptable, in that it represents a reduction of $300 million from the figure to which we are committed. In case there is any doubt as to the figures, my understanding is that we are cutting the Alliance by $199 million, and we are cutting from $469 million to $270 million. Within these figures, grants are being cut $10 million, from $80 million to $70 million, and loans are being cut $189 million from $389 million for fiscal year 1968 to $200 million for fiscal year 1969. We are cutting $170 million in the Development Loan Fund, from $435 million last year to $265 million this year. In technical cooperation, one of our most basic and important programs, we are cutting $30 million from $180 million to $150 million. In the Peace Corps we are cutting from $107.5 million for fiscal year 1968 to $100 million for fiscal year 1969 or a cut of $7.5 million here. The total cuts in this bill represent $680 million.

I do not see how the United States, as a partner in Latin America and as a committed member of the family of nations, trying to do something for mankind, trying to meet the revolution of rising expectations, can go into a conference such as Punta del Este and make clear an explicit pledge that we are going to maintain our fair share and indeed even going to try to provide $100 million more, and a year later come and cut that pledge by $300 million.

Our word just will not be wholly respected. I think it important to have the record here today show that some of us in this body are concerned, that support for Latin America's efforts will continue in the United States and that some of us are going to do everything we can to see that the pledges of the United States will be maintained. If indeed there is a cut here this year, some of us will fight to make sure the pledged word of the United States is made good, and we will stand with other countries in Latin America to see the cuts restored—and hopefully, to see an aid program which represents at least 1 percent of our gross national product.

As James Perkins, Chairman of the President's Advisory Committee on Foreign Aid, has written:

> We are not discussing a problem to be solved in a year or even a decade. We must consciously adopt a program that will last for the rest of the century—and perhaps into the next.

If we are to keep faith with our friends in Latin America, we must restore these cuts.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding.

I want to compliment the gentleman from New York on his statement and also point out that not only was such a commitment made with respect to increasing our assistance to Latin America at Punta del Este, but this body went on record—not with a legal commitment, but certainly with a moral commitment. It was a commitment to look sympathetically about advancing some additional substantial resources—I think that was the language in the resolution—if an adequate effort was being made by the Latin American countries themselves. If they could meet this test of self-help, we said in our resolution we would look sympathetically on their need for additional resources from us.

There was disagreement as to the advisability of that resolution, but I might point out it did pass this House in April 1967. Passage of that resolution was a clear indication of support, in a long tradition of history of sympathy and interest for Latin America.

I agree with the gentleman entirely that the action proposed today would be a serious setback to a longstanding and appropriate tradition.

Mr. REID of New York. Mr. Chairman, I thank the gentleman for his comment. I would merely add that his comment about the House resolution—at least the moral pledge undertaken by this body—is true and further it is true with respect to the self-help. There are indications, I believe, in Brazil that self-help in terms of stabilization of the economy is starting to go forward, and there are the beginnings of agricultural reform in Chile, and there is some progress in Colombia in the development and use of improved seeds and mechanization of agriculture.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I yield to the gentleman from California.

Mr. MAILLIARD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I join with the gentleman from New Jersey in praising the gentleman from New York for laying this before the House. There are a great many of us who felt in our own committee that our Committee on Foreign Affairs had cut the Alliance for Progress to the point where we were barely going to maintain our moral commitment. Now, with this additional cut, we are really falling below what we said we would do and what, for our own self-interest, we ought to do.

It is my intention, if no one else does it ahead of me, to offer an amendment for an inadequate but at least partial restoration in this very, very deep cut.

Mr. REID of New York. Mr. Chairman, I thank the gentleman for his comment. I hope there will be broad support for his amendment. I hope the United States will do everything possible to honor its commitments to the Alliance.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. Mr. Chairman, I yield to the gentleman from Ohio [Mr. BOW], the distinguished ranking minority member of the Appropriations Committee.

Mr. BOW. Mr. Chairman, I wonder if the gentleman realizes we have over $500 million in the Inter-American Bank? This is a sizable sum that can be used in the programs the gentleman is interested in.

It may be a little difficult many times for the people in the cities of America, that the gentleman is interested in, where there is no bank set up for the people in the ghetto areas to get $500 million we are talking about. Since we have $500 million in the International Bank for Latin America, does not the gentleman feel that is about as far as we can go when we have our own problems at home, probably more serious in some areas than they have there?

Mr. REID of New York. In response to the gentleman, my understanding is that last year in the appropriation there was $300 million for the Inter-American Development Bank for soft loans, and that the same figure, $300 million, is in this bill, and that the additional $205 million, making it $505 million, refers to callable capital loans, which are hard loans of 6 to 7 percent interest, essentially to be used to back up bond issues. No expenditure of these hard loan funds is foreseen, as the Bank borrows money in private capital markets against the U.S. subscription on a 1-to-1 basis.

Mr. SHRIVER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. I thank the gentleman for yielding.

I have asked for this time to make an inquiry with respect to the motor vehicles which are being used by our MAAG people in Thailand.

As the gentleman knows, for a number of years I have been concerned about the fact that, in Thailand, we have been using many foreign-made vehicles in our MAAG motor pool. Last year, when we were considering this bill, I reported to the House that 56 percent of all the motor vehicles in the motor pool in Thailand were of foreign manufacture.

Likewise I was concerned earlier this session when we had the military authorization bill before the Committee on Armed Services, because I had found that in Vietnam there were many Japanese buses being used by the U.S. Army. Upon further inquiry I found that there were several hundred Japanese buses which our armed services were leasing to get around the "buy American" requirements.

So I would like to ask the chairman of the committee or the ranking minority member if they can advise us whether or not any of the funds being made available in this bill are going to be used for the leasing of foreign-made vehicles in any of the nations we are assisting by this legislation.

Mr. PASSMAN. So far as I know, there are no funds in this bill for leasing motor vehicles overseas.

Mr. CHAMBERLAIN. I thank the gentleman for that information.

I commend the chairman of the committee, as well as all the members of the committee, for retaining in the bill the provision which prohibits the use of funds in this appropriation to purchase vehicles abroad.

Because I have raised this question in years past I feel it is only fair that the RECORD include a telegram I have received relating to this problem, which I read for the information of the Committee:

Hon. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.:

Unclassified From: HCO.

Subject: USMACTHAI/JUSMAGTHAI Vehicle Inventory.

1. In anticipation of your inquiry, the following information pertaining to the vehicle inventory at this headquarters is furnished.

A. The following vehicles are provided USMACTHAI/JUSMAGTHAI by the Thai Ministry of Defense.

Vehicle make	Year	Currently on hand	Reported Aug. 7, 1967	Country of manufacture
International Scout	1968	3	0	United States.
Ford Falcon	1967	3	0	United States-Australia.
Do	1966	50	50	Do.
Mercedes	1964	30	30	Germany.
Chevy II	1963	18	19	United States.
Studebaker	1963	2	24	Do.
Mercedes Bus	1963	10	10	Germany.
Volkswagen Bus	1960	0	5	Do.
Morris	1959	11	40	England.
Consul (Ford)	1959	3	11	Do.
Zodiac (Ford)	1959	2	4	Do.
Mercedes	1958	7	17	Germany.
Total		139	210	

B. 77 vehicles have been turned in as uneconomically repairable. 6 new US brand name vehicles have been received.

C. The Ministry of Defense has been requested to order 70 US brand name vehicles.

2. To prevent a reoccurrence of our message problems experienced a year ago, respectfully request receipt of this information be acknowledged.

This indicates that progress has been made during the past year, in reducing the number of foreign-made vehicles in the motor pool in Thailand from the 56 percent a year ago to 45 percent this year.

I would ask the chairman if he feels it is good policy for us to give funds to foreign countries and find that they use them in part to furnish our U.S. personnel with foreign-made vehicles.

Mr. PASSMAN. If the gentleman will yield, I certainly agree that they should not use funds for that purpose.

Mr. CHAMBERLAIN. I thank the gentleman.

I think the RECORD should show that we here in the Congress feel that if the American people are going to help foreign countries they should not reciprocate by providing foreign-made vehicles for our personnel abroad.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I am glad to yield to the gentleman from Minnesota.

Mr. FRASER. I want to say that I am generally sympathetic to what the gentleman is saying, but I also wish to point out that in some countries where they drive on the other side of the road from the side which they do in the United States, the requirement that these be American-made cars with a left-hand drive actually presents a safety hazard to those people who have to drive over what are very difficult roads and very poor roads. I suggested to him that if he would drive over some of the rural roads that are crowded with various animals and old conveyances and broken down buses and if he had to drive on what we would consider to be the wrong side of the road, he would see that you are taking not only a risk to yourself but to the nationals of these countries. I hope sometimes we could make an exception in those cases.

Mr. CHAMBERLAIN. I think the gentleman's point is very well taken, but I wish to point out that we have many right-hand-drive vehicles delivering the mails all over this country. I am sure that right-hand-drive vehicles can be procured to send abroad if such vehicles are needed.

Mr. SHRIVER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. I thank the gentleman for yielding me this time.

I would like to direct a few questions to the chairman of the Subcommittee on Appropriations handling this matter regarding the line item of Partners of the Alliance program. I note in the report that this has been excluded from the bill. I would merely like to make an observation that I have been concerned about the Partners of the Alliance program, because I think this is one phase of our aid program which has witnessed remarkable growth and helped a great deal to generate growth in Latin America. I would like to point out that in Michigan alone we have taken over British Honduras as the program for our State. Last year alone more than $10 million was generated to British Honduras. I understand there are some 30 States involved in this throughout the country. I would like to get a comment from the chairman on what his feelings are on this particular program.

Mr. PASSMAN. Does the distinguished gentleman want to know how I feel about the program, or do you want to know the facts about the program?

Mr. BROOMFIELD. Yes.

Mr. PASSMAN. That is an altogether different question. I shall refrain from telling the gentleman how I feel about the program and just answer the question with respect to the facts about the Partners of the Alliance program.

The Partners of the Alliance program has been in existence for a number of years and prior to the legislation authorizing this $350,000 item. The budget estimate for the Alliance for Progress Technical Cooperation program also included $500,000 for the Partners of the Alliance which can be used for the same purpose as the $350,000 is proposed to be used for. It is a duplication, and we so stated in our committee report. Therefore it was denied.

Mr. BROOMFIELD. But you do feel that the AID agency could go ahead with a reasonable program under the Partners of the Alliance?

Mr. PASSMAN. That is my understanding. In addition, as the gentleman knows, the entire program is on an illustrative basis. We know that AID adheres rather closely to the justifications, but the funds are not earmarked. If this program should become short of funds, AID could transfer funds out of other grant programs to the Partners.

Mr. SELDEN. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. Mr. Chairman, I rise also to express my concern, shared by many of my colleagues in this body, that the line item for the Partners of the Alliance program, authorized in the conference report on the Foreign Assistance Act, has been eliminated by the House Appropriations Committee.

To me, it is most distressing that, at a time when the private sector of this country has been called upon to participate more fully in the work of the Alliance for Progress, a proven program involving civic, professional, labor, education, and business leaders in 37 of these United States, has been smitten by a 100-percent cut in funding. It is most unfortunate that the talents of hundreds of well-meaning individuals in this Nation must go for naught in their desire to pool their efforts with similar private sector leaders in Latin America in a noble attempt under the Partners of the Alliance program to compliment the government-to-government program launched by President John F. Kennedy in 1961.

In the less than 5 short years in which the Partners of the Alliance program has been operational, hundreds of professional and technical people have traveled between the United States and Latin America assisting in the development process of the hemisphere. For the price of a round trip plane ticket and per diem, and at no contract cost to the Government, the expertise of these many hundreds has been voluntarily shared with those in Latin America who have seen in the Partners program an opportunity to personally participate in the economic development of their countries. In the same 5 years, just short of $1,000,000 in Government transportation funding has been expended by the Partners, and I think it is imperative that my colleagues in the House know that the cost-benefit ratio of this expenditure has brought a return of over $12,000,000 in goods and services from this private sector of this country. It is a record which few programs in our entire experience of foreign relations can match. And it is a record which the Congress should be willing to expand and strengthen, rather than to sever the desire of the peoples of the Americas to work together toward the common goals of the development of this hemisphere. Mr. Chairman, I would urge that this misguided step be corrected.

Mr. PASSMAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. YATES].

Mr. YATES. I thank the distinguished chairman of the subcommittee for yielding to me at this time.

Mr. Chairman, section 651 of the authorizing legislation contains a section providing for the sale of supersonic planes to Israel. I was very pleased to see that section included both by our conferees and the conferees of the other body. I would have preferred the other section that passed the House of Representatives, but it is my opinion this section will provide the basis for stability and peace in the Middle East.

Mr. Chairman, last year after the 6-day war, we were able to say with thanks that Israel had won its war quickly and that there was no need for American intervention of any kind.

But, Mr. Chairman, this is another year and the situation in the Near East which exists between Israel and the Arab States is precarious indeed, although a different situation exists. There are border skirmishes and there is border warfare against Israel almost daily. They have become almost daily occurrences. There are frequent artillery duels across the Suez Canal and there are present indications that war is threatening.

Mr. Chairman, the effect of the crushing defeat of the Arabs at the hands of the Israelis last year has been pretty well vitiated as a result of the massive rearmament of the Arabs by the Soviet Union. A part of the difficulty is in connection with the armaments that the Soviets have given to the Arabs this year, giving them very sophisticated equipment including the latest supersonic Mig-24 airplane.

Mr. Chairman, there are three nations of the world that manufacture supersonic military aircraft. One is Russia, one is France, and the other is the United States. Russia is providing Egypt with the Mig-24. France has denied to Israel the opportunity to purchase the Mirage aircraft, the supersonic aircraft used in devastating the Arab Air Force, although the Israelis had a firm contract with the French for the purchase of such aircraft. However, President de Gaulle has reneged on this agreement on payments that have already been made for these aircraft by the Israelis, jets that are already built and paid for.

Mr. Chairman, a former French Ambassador to Israel has properly denounced this breach of faith on the part of France as "The second Dreyfus affair."

So, Mr. Chairman, Israel is having to face a rearmed group of Arab nations through the Soviet Union, plus the disaffection of France. Israel occupies a lonely position in which it finds itself today.

What is the role of the United States to be in this situation? Are we not still the arsenal of democracy? Our administration says that what we seek to do is to provide for a balance of strength in the Middle East.

Mr. Chairman, in view of what the Soviet Union has done in rearming the Arab nations, in view of the fact that supersonic aircraft have been delivered to the Arab nations, how then can we not enter negotiations quickly to provide for the sale of F-4 Phanton jets to Israel to strengthen the Israeli Air Force? Both presidential nominees have stated that they favor the sale of such aircraft to Israel. Congress has declared itself in favor of such a sale. I say, Mr. Chairman, that the announcement by this administration that the Phanton jets will be made available to Israel would do much to stabilize the situation in the Near East, and would provide for ameliorating immeasurably the balance of armaments.

If America's commitment to freedom and peace is to mean anything in this world, we must make clear that we support Israel in her will to live free from aggression. I would urge the President to take the steps necessary to preserve peace in the Middle East by making the Phantom jets available to Israel.

Mr. BINGHAM. Mr. Chairman, would the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman. I would like to commend the gentleman on the statement he has just made. I believe it is a splendid statement of facts and of what this administration should do. I would like to be associated with the remarks of the gentleman.

Mr. YATES. I thank the gentleman.

Mr. FRASER. Mr. Chairman, would the gentleman yield?

Mr. YATES. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I thank the gentleman for yielding.

I too want to join in commending the gentleman for a very clear and very succinct statement of the problem of maintaining peace in the Middle East. I believe that the views expressed by the gentleman from Illinois are realistic and certainly are entitled to careful consideration.

Mr. YATES. I thank the gentleman.

Mr. SHRIVER. Mr. Chairman, I have no further requests for time.

Mr. PASSMAN. Mr. Chairman, I yield to the distinguished gentleman from Alabama [Mr. SELDEN] such time as he may consume.

Mr. SELDEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I also am concerned by the deep cut made by the Appropriations Committee in funds for the Alliance for Progress.

The Foreign Affairs Committee recommended an authorization of $495 million for the Alliance for Progress for fiscal year 1969. This represented a reduction of $130 million from the administration's request. The final passage of authorization bill reduced this to $420 million. The Appropriations Committee would now have us cut the total funding for development loans and technical cooperation for all Latin America to $270 million, or by more than 50 percent of the original Executive request.

The report of the Foreign Assistance Act by the Foreign Affairs Committee recognized that serious international and domestic problems require a husbanding of our resources. At the same time, the report acknowledged that the Latin American countries could make effective use of a larger amount than the $495 million authorization recommended by the Foreign Affairs Committee. The reduction in funds for the Alliance for Progress recommended by the Foreign Affairs Committee thus represented a compromise between what could usefully be accomplished with additional funds and the hard realities of our current fiscal situation.

As chairman of the Subcommittee on Inter-American Affairs for the past 10 years, I have followed Latin American developments closely. I have on occasion been critical of AID operations in the region. On study missions to Latin America, my colleagues and I have discovered certain abuses and misuses of funds and have constantly pressed the executive agencies involved to tighten administrative procedures or reevaluate programs.

Nevertheless, in the eventful 10 years during which it has been my privilege to serve as subcommittee chairman, I have become convinced that U.S. policy toward Latin America has been evolving along the right lines. Latin American governments are under constant pressure from the left and right as they try to solve centuries-old problems in order to achieve political and social democracy. There are no formulas or panaceas for the region's problems. Admittedly, much of the effort is trial and error, some steps forward, some disappointments. But the unity of purpose attained through the Alliance for Progress remains the most hopeful ingredient for achieving the peaceful progress which democratic elements throughout the hemisphere crave. And it is that peaceful progress toward social justice which represents the most effective and lasting bulwark against communism, or the anarchy upon which the Communist feeds.

The success of the Alliance for Progress and our Latin American policy in general is evidenced by the fact that, despite Castro's ardent efforts, no other nation in Latin America has followed Cuba into the Communist orbit. It would be a tragic irony if that very success were now to blind us to the necessity for continuing to pursue vigorously the goals of the Alliance for Progress.

The Organization of American States has just elected fresh leadership. Its agencies devoted to economic cooperation are being strengthened. There is a new emphasis on regional cooperation and integration to break down the physical barriers which have isolated many of the countries from each other and hampered their advance. Meanwhile, former European colonies in the Caribbean, upon achieving independence, are joining the regional organization as a mechanism for pursuing their security and prosperity—certainly a welcome alternative to a floundering rudderless course on the international scene.

It makes no sense to slow the momentum of these promising developments by cutting back our assistance to the point where it no longer represents a vital contribution.

Furthermore, the severe cut recommended by the Appropriations Committee is certain to be interpreted throughout Latin America as an indication of U.S. inconstancy toward the region. It is the kind of abrupt, unilateral action destined to sow distrust of our intentions. It will, moreover, undoubtedly undercut those leaders in Latin America who have urged cooperation with the United States for the common good.

It makes no sense to spend billions fighting communism in Vietnam, while at the same time permitting our Latin American policy to again fall into disarray, thereby aiding the forces of international communism here in our own hemisphere.

Ambassador John Gordon Mein, the kindly, intelligent, and dedicated man who was assassinated in Guatemala last month, knew full well that Latin America remains a battleground in our struggle for security. Shall we now ignore his sacrifice by selling short his colleagues in Latin America who continue the day-by-day struggle to realize the goal of a peaceful and prosperous hemisphere?

It is my fervent desire, therefore, that the House resist these drastic cuts in Alliance for Progress funds proposed by the Appropriations Committee. But should the House fail to do so, it is my hope that the conferees will carefully consider the consequences of these cuts. It would be a grave disservice to our Nation to hand whatever administration takes office next January a Latin American policy in shambles.

Mr. PASSMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Mrs. HANSEN].

Mrs. HANSEN of Washington. Mr. Chairman, I rise in support of H.R. 19908.

AID has worked to feed, educate, and improve the health of the children in the less developed countries of the world. A few of AID's activities that have a direct and immediate impact on children are cited below.

NUTRITION

Poor diet means physical and mental retardation for children in the less developed countries. Malnutrition has maimed and stunted tens of millions of the world's children.

AID is using food aid, research, and other tools, to try to arrest this toll. AID helped finance the research and development of CSM, a protein-rich compound of corn, soybeans, and milk now being given to 40 million children throughout the world under Public Law 480, title II programs.

A program to develop and market U.S.-produced fish protein concentrate will be expanded in fiscal year 1969. In addition, AID has signed agreements with seven private firms to develop and market other low-cost high-protein foods. In El Salvador, for example, a high-protein beverage is being developed with the help of the Pillsbury Co.

EDUCATION

Some 300 million school-age children are not now attending school in the less developed countries. AID is working at reducing this number as well as improving the quality of education in the less developed countries. Between fiscal year 1962 and fiscal year 1968, AID distributed nearly a billion textbooks and helped build over 200 million classrooms. A substantial number of these were for children in elementary schools. Today, 180,000 students are enrolled in teacher training schools which have been assisted by AID in 38 African, Asian, and Latin American countries. The graduates of these institutions have filled and will continue to fill the urgent educational needs of many times their numbers in the less developed countries. AID is also sponsoring experimentation with educational television and radio. Use of these modern techniques will help compensate for the critical teacher shortage in the less developed countries and greatly increase school-age children's accessibility to education.

UNICEF

The United States is a major contributor to the United Nation's Children's Fund—UNICEF—an organization that works at improving the lot of children and youth. The United States provided about 40 percent of the $28 million pledged or contributed to the UNICEF central account in calendar year 1967. Governments which receive UNICEF assistance make matching contributions. On the average, matching contributions from countries have amounted to more than twice the value of the UNICEF contributions.

As of mid-1967, UNICEF was providing aid for 570 projects in 120 countries and territories. These projects were primarily in the field of health, disease control, nutrition, and education.

UNICEF's accomplishments are many. It is helping 104 countries to build up health services which emphasize maternal and child health networks. Equipment has been given to more than 10,000 health centers and 24,500 subcenters.

UNICEF has helped to equip more than 550 teacher training schools, 8,900 associated primary schools—for practice teaching—and 390 vocational training schools, while training grants have helped prepare 55,000 teachers, supervisors, and other educational personnel.

PROPOSED FISCAL YEAR 1969 PROGRAMS—SECTION 214(d)

I. POLISH CHILDREN'S HOSPITAL

The entire amount of the 50 million zloty appropriation—$2.1 million equivalent—will be used for construction of facilities at the hospital. The cost estimates were derived from a feasibility study done for AID by Leo Daly Associates last year. The detailed plans and specifications for the construction are expected to be prepared by grantee in the next few weeks utilizing prior-year grant funds.

II. THE AMERICAN UNIVERSITY IN CAIRO

The proposed grant to AUC in fiscal year 1969 will be the same as in fiscal year 1968; that is, $200,000 in dollars and 555,555 pounds—$1 million equivalent—for salaries and related personnel support such as travel, retirement insurance, and so forth; operational and expendable equipment, material and supplies. An estimated 95 percent of total will go to first category—salaries and related support. These grants, representing about 30 percent of AUC dollar budget and 40 percent of LC budget are critical to continued operation with U.S. staff. They represent a decline in the proportion of the total budget financed by AID over fiscal year 1968.

JOHN F. KENNEDY

The United States has helped the Government of Hong Kong build facilities to care for disabled children. The John F. Kennedy Center for Spastic Children, constructed with funds donated by the United States was opened in 1967. The United States is financing the center's operating expenses in 1967–68 as well. Future financing will be borne by the Government of Hong Kong. The United States provided about $511,000 for the construction and operation of the center as of December 31, 1967.

The center is specially designed for physically handicapped children. It has facilities and skilled personnel for medical care and therapy and a curriculum tailored for handicapped children's educational needs. The center's enrollment is expected to reach a maximum capacity of 60 residents and 20 day students late in 1968.

Mr. PASSMAN. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The Chair will state that the gentleman from Louisiana has 4½ minutes remaining.

Mr. PASSMAN. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New York [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, I thank the distinguished chairman for yielding.

I would first like to say that in my view this bill represents a shortsighted approach to the problems of the world. I believe that the programs represented here are important in terms of our investment in peace for not only the generations of today, but the generations of the future. I believe we are interested in trying to prevent more Cubas in Latin America. We are trying to bring about peace and stability all over the world as best we can.

To me it is all out of proportion for us to be spending so much in Vietnam on security matters and at the same time to quarrel with much smaller expenditures that can prevent future Vietnams if wisely invested.

Mr. Chairman, I would like to make some comments specifically on the programs under the heading of international organizations and programs, which have been quite severely cut in this measure.

First of all, I am glad to see that the United Nations Childrens' Fund is well considered, but I question whether it should be given the kind of priority that is represented here by the words of the report. Much of what the Children's Fund does is very appealing, but it is also simply in the business of relief, as it were, and does not have the multiplication factor of some of the other developmental programs which I believe to be in the long run more important.

I do hope that some cuts can be made as we go along in the United Nations Relief and Works Agency. This is an area where, I believe, there are grave abuses going on, and I believe that the United States has carried too much of the share of this program over the years, and I hope it will be cut in the future.

Mr. Chairman, I specifically disagree with the wording of the committee report in regard to the $150,000 requested for the U.N. programs for southern Africa.

I request that the administration will not regard this as anything more than the views of the committee. Certainly the House is not being asked to pass upon this sentence.

I, for one, think these programs are very important in terms of our relations with the great majority of the African peoples. They are small in amount and it is a very insignificant item financially. But the policy question of carrying on these programs is one that it seems to me falls within the province of the Committee on Foreign Affairs.

Mr. SHRIVER. Mr. Chairman, I yield 2 minutes to the distinguished ranking member of the Committee on Appropriations, the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Chairman, I did not intend to take more time, but the gentleman who just addressed the House said he felt the Alliance for Progress reductions here might cause more Castros or more Cubas.

I should like to point out to the House that before Mr. Castro—or I should not say "Mr. Castro"—before that bearded gentleman took over in Cuba, we had spent $43 million in aid to Cuba.

Now that $43 million that we gave them down there did not include that huge subsidy in sugar. So the spending of money itself certainly does not stop the Castros or the Cubas. It is a question of the relationship between countries—when you give $43 million and you still have a Castro and you give the sugar subsidies that we have given them in the past, we should not try to delude the House with the idea that by giving money alone you are going to stop future Castros or future Che Guevaras.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. BINGHAM. Of course, I agree that money alone will not prevent Castros. But if the money is wisely spent in the development programs, that is the best method in my judgment of doing the job.

I would like to suggest also that the mere fact that we spent a lot of money and do not have total security and do not have peace, does not mean that we should give up the effort.

We have spent over a trillion dollars since World War II on defense and we do not have security.

Mr. BOW. We have spent over $300 billion on mutual security and we do not have peace.

Mr. BINGHAM. That is correct.

Mr. BOW. So I say to the gentleman that the spending of money—and during this period of time when the gentleman's administration has been handing out this gold—and I hear my friend, the gentleman from Illinois, in his seat in his soft voice just said—what Mr. Eisenhower did—but to compare the amount and to compare the relationship of the countries today with what you had under Eisenhower—where were our friends when we had them and they supported us. Where are they now? Do not tell me that. The question, that Eisenhower did it—you ought to know better than that—that is an old cliche.

Mr. MESKILL. Mr. Chairman, I rise in opposition to this appropriation measure, though I welcome the substantial cuts that have been made. Still, $1.6 billion is too much to be spent on a program which does not benefit this country and which is of doubtful long-range benefit to most of the recipients.

I voted against the authorization and I shall oppose the appropriations bill. This position is consistent with the position I have taken on this program since coming to Congress and fulfills a commitment made to my constituents 2 years ago when I was seeking this job. I pledged to cut spending and fight inflation and here is a first-rate place to cut. It just does not make sense to ship out money to foreign countries when our own country—the last, best hope of freedom—is in such dire financial troubles. A lot of our troubles are due to the foreign-aid program. When you consider that we have to borrow money in order to give it away, the program takes on an air of madness, like something out of Alice in Wonderland.

While on this subject of the authorization bill, I wish to register strong opposition to the manner in which the resolution in support of supplying supersonic aircraft to Israel was handled.

Had it been embodied in a separate bill, I would have voted for it gladly. I certainly do not want it said that my vote against the costly, outmoded, ineffective foreign-aid program implies opposition to efforts to maintain the strength of Israel. It most certainly does not.

It should be remembered that the Foreign Assistance Act becomes a law, while a clause expressing the sense of Congress binds no one. It merely expresses an opinion. I can express an opinion through a statement on the floor of the House, as I am taking the opportunity to do now.

Clearly I cannot cast a vote for a bad law merely in order to express support of an opinion which was wrapped up with it.

At any rate, the question is quite academic. President Lyndon Johnson already has the power to sell Phantom jets to Israel. All he has to do is give the order and sign the necessary papers and the jets are on the way.

Perhaps the sense of Congress resolution will persuade him. I sincerely hope so, but I doubt it.

Mr. DORN. Mr. Chairman, year after year I have taken the floor here in the House of Representatives to speak out against foreign aid. It gives me some satisfaction to note that we have continued to cut the program each year, but even with the cuts that have been made by the Congress, I cannot vote for this bill.

Mr. Chairman, I do not believe foreign aid can ever bring the world closer together in better understanding, love, and respect for the United States. We lavished $11 billion on Communist Russia during her hour of greatest danger and she rewarded us by ingratitude and the Berlin wall. China was the recipient of our mercy, and aid for generations and today we cannot even visit China. But the best example is France. We saved France twice in modern times only to be villified, lambasted, and abused by DeGaulle.

The time has come to call a halt to this fantasy and use these billions to balance our budget, save the American dollar, and keep our country truly invincible. We are spending over $30 billion annually in Southeast Asia fighting communism. Add to this inflation, increased taxes, cost of living increases, gold outflow, increased costs for education, larger drug and medical costs, and you place a tremendous burden on the American taxpayer. To ask this individual to then pay out of his pocket additional sums to so-called underdeveloped countries is simply unthinkable.

Mr. Chairman, I predict the vote will be extremely close today. The serious fiscal situation of our country is reason enough to defeat this foreign aid bill. America is a humanitarian nation. We are a compassionate people. We are more concerned about the hunger, poverty, disease, unemployment, and distress in the world than any other nation. Americans will respond to the needs of our friends abroad, but we are tired of supporting socialist dictatorships who in turn visit us with ingratitude and hatred.

Mr. Chairman, the time is at hand to vote against all foreign aid.

Mr. GROSS. Mr. Chairman, there has been much wailing here today by those who claim the so-called foreign aid bill has been cut too deeply. The truth of the matter is that the foreign handout programs are as well financed as they have been in the past—the money is being spewed out through other faucets.

It is also interesting to note that most of those who seek to increase the amounts contained in this bill are among those who voted for and, therefore, are pledged to carry out a $6 billion cut in spending and a 250,000 reduction in Federal personnel in exchange for the 10-percent increase in Federal taxes they loaded on the backs of the American people. How can they logically support increased spending under this or any other bill and carry out their pledge?

Mr. Chairman, with this country facing financial disaster, the day has come to end checkbook diplomacy and tell the world that we can no longer play the role of financial wet-nurses.

I am convinced of the utter futility of offering amendments to try to further reduce the cost of this bill. I will oppose any and all amendments to increase it and then vote against it on final passage as I have for the past 20 years.

It is my fervent hope that with a change of administrations next year Congress will come to its senses and really slash all facets of this foreign giveaway program which has cost the people of this country $171 billion since the end of World War II. This is fiscal irresponsibility at its worst and the time has come to stop it.

Mr. BOW. Mr. Chairman, it would be noted on page 12 of the committee report that the committee has specifically disapproved the request for $150,000 for the United Nations programs for South Africans.

I think it should be explained that these were funds being used for legal aid. It should be further pointed out that in the Republic of South Africa, as in any other civilized country, adequate provision for legal aid is available for defendants in court cases. The state makes provision for the grant of relief for dependents of indigent offenders during their period of imprisonment or detention.

I think the committee has properly deleted this item for there is no reason why the United States should be contributing to legal aid in any country that has adequate provision for its own people. Let us look further into these trust funds.

EDUCATIONAL AND TRAINING PROGRAM

In discussing the educational and training program, it is stated:

> The United States has contributed $75,000 to date for the training of South Africans.

Mr. Chairman, is this expenditure warranted when the training and educational facilities for nonwhites in South Africa are taken into consideration?

Today South Africa has over 3,000 Bantu or black university graduates. That is a greater number of graduates than eight other countries in Africa with a combined population of over 118 million have together. Over 7,000 nonwhite undergraduates are currently studying at various South African universities.

Over 85 percent of all black children in South Africa in the age group 7 to 14 attend school. In most other African countries the percentage ranges from 49 down to only 5. There are approximately 9,000 schools in the Republic with an enrollment of about 2 million children and about 35,000 teachers.

There are 50 schools for the vocational and technical training of black students, 10 schools for the physically handicapped, four agricultural schools, 36 training schools for teachers, and four special schools for the sons of chiefs.

In 1966 expenditure by the South African Government on education for black people totaled over $44 million.

In certain African countries people are being trained in terrorism involving murder, arson and the use of ruthless methods of violence against people in the Republic of South Africa, South West Africa and other neighboring territories.

There is sound evidence that the so-called educational and training program is being used to finance the training of terrorists and, with this end in view, to inveigle people out of South Africa and South West Africa under false pretenses. Basic training in terrorist activities is given predominantly in Tanzania. Further training is given elsewhere.

In the Secretary-General's report on the educational and training program for South West Africa—U.N. Document A/6899 dated November 20, 1967—it is stated on page 8 that the U.S. Government "was at present providing scholarships to South West Africans to study at the secondary school level in Africa. Forty-one South West Africans on U.S. scholarships were attending school at Kurasini, United Republic of Tanzania, and 26 were attending school at Nkumbi, Zambia."

Impartial observers have noted that these schools, which have a total capacity of 550 students, are infiltrated by terrorist elements which may yet cause the United States considerable embarrassment in Africa.

In testimony during a recent trial in Pretoria, a witness told the court that:

> At Dar-es-Salaam, he and some other men from South West Africa attended what he was told was "an American school" for a month, where they had been taught to read English.
>
> From the "American school" he had been sent to the military camp, Kongwa, just outside Dar-es-Salaam. There he had been told that he and a few others were to be sent to Moscow to be trained as wireless operators. (U.N. Document A/7045/add. 9, dated 19th February, 1968.)

It is probable that contributions to the United Nations Trust Fund and the United Nations educational and training program, and the latter in particular, will further be used to encourage even more terrorist activities in the whole of southern Africa.

Mr. Chairman, it is long past the time when we should take a long hard look at all these programs which have not yet been fully presented to the Congress.

Mr. COHELAN. Mr. Chairman, I rise in support of this appropriation. Not because it is the foreign aid appropriation I would have liked to see, or the one I would have drafted myself, but because it appears to be the best we can get under the circumstances.

It is tragic that this country and especially we in the Congress have not learned as a lesson of Vietnam, that it is much cheaper and much less risky to help the forces of social and economic development through technical and financial assistance than it is through the waging of war.

Vietnam has cost the United States more than all the foreign military and economic assistance we have extended since the inception of the aid program; more than $120 billion.

We seem to take the view that for all our foreign aid we get nothing in return. The truth is that we ease the conditions which give rise to the strife of places like Vietnam, when we contribute wisely to the progress of less developed nations.

All of our foreign aid is now tied, which is to say that it must all be spent for American made goods. When this fact is combined with the repayments we are receiving on the past extentions of aid, we find that the foreign aid program is a net earner of foreign exchange.

But it is not even with the general view of foreign aid evidenced by this body that I am most disappointed.

In my view it is deplorable that we have so drastically reduced our contribution to the Alliance for Progress, for technical assistance, for development loans, for the Tarkela Dam, and the Peace Corps.

Particularly we should understand that the United States is a leader in many of the assistance consortiums that have been put together. When we reduce our commitment it has a multiplier effect that seriously lessens the aid available to needy countries out of all proportion to our own reductions.

The Peace Corps has contributed enormously—on a people-to-people basis. There is no justification for cutting it back at this point.

Mr. Chairman, I deplore these cuts. It is my hope that some day soon we in the Congress will awaken to the essentiality of foreign aid as a humanitarian aim and as an alternative to violent wars and revolutions.

Mr. PASSMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Alliance for Progress, technical cooperation and development grants: For expenses authorized by section 252(a), $70,000,000: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress.

AMENDMENT OFFERED BY MR. MAILLIARD

Mr. MAILLIARD. Mr. Chairman, I offer amendments involving both the paragraph which has been read and the following paragraph, and I ask unanimous consent that I may be permitted to offer them as a single amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. MAILLIARD: On page 3, line 13, strike out "$70,000,000" and insert in lieu thereof the following: "$80,000,000".
>
> On page 3, line 17, strike out "$200,000,000" and insert in lieu thereof the following: "$240,000,000".

Mr. MAILLIARD. Mr. Chairman, we ought to take a look at the Alliance for Progress program in some perspective. If one were to believe what has been said this afternoon by some Members, one would visualize a program carried on the backs of the taxpayers of the United States.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. GROSS. Mr. Chairman, I withdraw the request.

The CHAIRMAN. The gentleman from California is recognized.

Mr. MAILLIARD. Mr. Chairman, while it is true that the taxpayers of the United States have invested a great deal of money in the program, I think we ought to realize that, if we put it in perspective, our share is not as large as the critics of the program would have you believe. Since the beginning of the Alliance, in the years 1961 to 1967, the cumulative capital investment in Latin America is approximately $115 billion. Eighty eight percent of this was financed by the Latin American countries themselves. Approximately 7 percent came from the United States, and this includes not only the Alliance, the direct AID program, but also our contributions under Public Law 480, the Ex-Im Bank, and the soft loan window of the Inter-American Development Bank.

Other outside sources, outside the United States and the Latin American countries, total the remainder of approximately $6 billion.

So our part in this is vital, but it is generating a tremendous amount of investment from the nations involved themselves.

I offer here a restoration of $50 million out of the $150 million cut below the authorized amount in the conference report which we agreed to earlier today. Of this, $10 million would go to the grant program and $40 million to the loan program. This would restore the grant program to the precise amount that the Appropriations Committee gave them last year—$80 million.

What would this additional $50 million do? It certainly is not very much when you consider the cuts as against the requests that have been made for this program. It would enable us to carry forward certain priority programs, which would have to be eliminated without these additional funds, in agricultural development, including agrarian reform and education in the key countries of Brazil, Chile, and Colombia. Plans are well advanced for substantial loans in these areas and countries, and important country efforts have already been started which the United States should support, but will not be able to support without this additional money.

Additional funds would also permit a continuation of our effort to support and strengthen programs for economic stabilization and development in those countries which have been making steady progress in bringing under control the problems of runaway inflation.

In many of the smaller countries important efforts are being undertaken in the fields of agricultural and educational reform which could be supported by small but important loans to those countries.

In addition to the critical loan programs which could be carried out, we would be able to continue essential technical assistance activities in the fields of social and civic development, including such important areas as title IX, "Political Development," which our committee has laid such stress on in the last couple of years and the important field of family planning. An additional $10 million in the technical assistance appropriation would permit us to continue these activities and, in addition, provide the margin to allow support of important multilateral efforts now being undertaken by the Latin American countries in education and science.

I urge the Committee to accept this. I realize the economic situation, and that is why I have made my suggested increase only one-third of the cut that was made below that which the House and Senate had agreed to authorize for this program.

It is a very modest suggestion, but I think it could be very important in our relations with our neighbors to the south.

Mr. PASSMAN. Mr. Chairman, I rise in opposition to the amendment. I can understand the anxiety of a few of the Members, especially if they did not take the time to read the hearings, but I would like to bring to the attention of the Committee that last year, that under the technical aid program for Latin America we allowed $80 million. Our recommendation is $10,000,000 below last year's appropriation, which is a very small reduction in view of our critical fiscal situation in this country. I think the Committee would like to know that the authorizing legislation was $90 million and our committee recommended $70 million; but keep in mind that there is $52,456,000 in funds in the pipeline carried over from previous years. If we approve the $70 million, there would then be $122,456,000,000 for this Latin American technical aid program, which is about two and a half years of pipeline, according to past expenditure rates.

I would now like to discuss, if I may, the Alliance for Progress development loan program. The committee recommended $200 million. Here are the reasons why. We found that there is—now listen to this—$1,156,775,000 in the pipeline in undisbursed funds under this one spigot, and, as the witnesses testified, there will be $3.5 billion in the pipeline from all spigots for Latin America as of June 30 this year.

But limiting my argument to this one appropriation, there was $1,156,775,000 in the pipeline as of June 30, 1968.

I am sure the gentleman who offered the amendment must not have heard me earlier when I stated that the AID Agency put $250,550,000 in the pipeline in June.

There are no contracts signed. They picked up some loan applications, authorized them, and then they call them obligations.

That is the reason why this pipeline has gone up and up, until we now have $1,156,000,000 in unliquidated funds for this one item.

Mr. FRASER. Mr. Chairman, I rise to speak in support of the amendment.

Mr. Chairman, I will not take my 5 minutes, but I think this amendment, which is a very modest gesture, shows that we, in fact, do support the idea of the Alliance for Progress, and that we do stand back of the commitments that have been made by succeeding Presidents of the United States, and that we do have a concern for the people of Latin America.

I believe this modest amendment ought to be passed. The amount of money involved in the amendment is very small. The truth of the matter is that the amount of actual expenditure in fiscal year 1969 will be smaller yet, because $40 million of this is to be found in the loan side, and the loan side is not paid out, usually, in the year authorized. It may be obligated, but it is not paid out, so this does not reflect any important addition to the actual dollar drain on the United States Treasury.

One of the big disappointments about what the subcommittee has done has been the relative immunity it has given to military assistance around the world. It seems more and more the United States is moving away from those areas in which we build mutual cooperation and trust, in which we build up the institutions and the capacities of other societies toward their own people, to an ever-increasing reliance on military hardware. We are saying, "We do not any longer believe in social or political justice or the creation of the kinds of societies that will serve people; we believe in military hardware, we believe in weapons, we believe in those instruments of war which are designed only to provide defense or, in some few cases, even to provide repression of their own people."

Here is one very small amendment which would help to redeem our concern for the people in these countries. I believe the House would do well by the U.S. Government if it would show its concern that the Alliance for Progress is not to be treated cavalierly and cut arbitrarily. I really hope that the Committee will consider giving support to this very small, very modest amendment which will, I believe, really help to provide the kind of support we need to provide.

Mr. PASSMAN. Mr. Chairman, will the distinguished gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from Louisiana.

Mr. PASSMAN. I hope the distinguished gentleman from Minnesota did not misunderstand me when I said a moment ago that there is now $250 million in the pipeline for this one item, and that there is $1,156,000,000 of unliquidated funds under this one spigot. This is more money than they know what to do with. Do not confuse them by giving them more money than AID can intelligently obligate. They put 45 percent of a whole year's appropriation in the pipeline in the last month of the past fiscal year. This simply means they have so much money they cannot intelligently obligate it, so they authorize a loan, which we respect as an obligation, and it gets into the pipeline.

I hope the gentleman understood what I said previously that there was $1,156,000,000 of unliquidated funds in this one "spigot" for Latin America.

Mr. FRASER. I thank the gentleman. May I say, the fact that there is money in the pipeline has nothing to do with the problem of trying to provide new obligational authority. I agree that the chances are they obligated a lot of this toward the end of the fiscal year. The truth of the matter is that we did not finish processing the bill until very late in the fiscal year, and they did not have many months to get the contracts in order. I believe one of the problems we impose on AID and the effectiveness of the program is this year-to-year obligation procedure.

Let me go again to the pipeline question. The gentleman knows that the Defense Department and every department of the U.S. Government has enormous pipelines built up. As a matter of fact, these are a reflection of prudence, of care, designed to make sure that money is not paid out until performance is put on the line.

When we move from grants to loans, we say we are not going to pay out until the contract is performed. The money is obligated for the contract. Just as we pay for airplanes and obligate the money, we do not pay the money out until delivery is made. The same is true as to the development projects and the loan programs of the Alliance for Progress.

It is neither fair nor responsible to look at the pipeline and say, "This is an adequate substitute for on-going, continuing, reasonably sized programs that meet our obligations under the Alliance for Progress."

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(On request of Mr. PASSMAN, and by unanimous consent, Mr. FRASER was allowed to proceed for 1 additional minute.)

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman for a half minute.

Mr. PASSMAN. The gentleman evidently has been misinformed. This agency operates under the continuing resolution just as all other Government agencies do. They can put in the pipeline the same amount of money that they put in the previous year without the new authorization bill or the new appropriation bill. Furthermore, there is $250 million that they reserved which we regard as obligated. It has not yet been obligated, and that is a part of the $1,156 million pipeline.

Mr. FRASER. If the gentleman will go back and read the agreements we have made under the Alliance for Progress, he will not find written down there that whenever there is any backup in the pipeline we will default on our obligations. We have agreed to go ahead at a certain level of input over the life of the Alliance for Progress, and that is what is at stake in this program.

Mr. ROSENTHAL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California [Mr. MAILLIARD], the distinguished member of the same committee that I serve on, the House Committee on Foreign Affairs. I would like to suggest to the House, in complete agreement with the gentleman from Minnesota, that these are the times when we can save future money, future commitments, and future trouble by understanding what we are doing here. Until we can have obligational authority where people can intelligently look to the future for 2, or 3, or 5 years we simply will not be able to have a consistent program. If we cut off that amount of money, they will have strangled the program, and we might just as well admit it.

I want to say also to the members of the Committee, Mr. Chairman, that early this year I spent 21 days visiting four South American countries. I spent considerable time in the barrios in Lima and in Brazil and began to have some understanding of what it is like. You really cannot have the feeling, until you have been there, of the kind of poverty, oppression, and depression that people live in in South America. Perhaps in some cases it is worse than we have in our cities in this country and perhaps in other cases it is not, but at any rate it is a horrible mistake to think for a moment that by reducing our expenditures we can buy peace for the future. If one wants to look at this completely disregarding the moral responsibility and purely from the standpoint of self-preservation, we can buy many, many dollars worth of self-preservation and self-interest with a few cents of obligational authority here today.

There is no question in my mind but that future Vietnams lie much closer to home in South America than they do 9,000 miles away. If we can do anything to contribute to stability and to eliminate poverty and to help throw over the oligarchies in South America and to give help and to provide technical assistance, we are contributing to our own national security. If, and when a conflagration arises in South America—and it will surely come if conditions persist as they are now—we will be faced with a tragic decision as to which side to intervene on. If we can improve conditions and prevent the possibility of that occurring, we will never have to make that very sad and potentially dangerous decision.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I am glad to yield to the gentleman.

Mr. FRELINGHUYSEN. I would like to congratulate the gentleman on his statement. He mentions stability in some of these countries. I want to point out the fact that he knows that I know that in 18 countries of Latin America there will be major elections in the next 2 years. Those governments are now moderate elected governments. The fact that they have been receiving aid from us is already a source of criticism from the extremes in those countries. If we should suddenly reduce that amount substantially, they will be vulnerable increasingly to attacks from both extremes, on the left and right. So, it is to our advantage in my opinion, and I agree with the gentleman that we must provide adequate and continuing programs of aid to these countries.

Mr. ROSENTHAL. Mr. Chairman, I think there is nothing wrong with saying saying that I am willing to be my brother's keeper, particularly when I recognize that today in the nation of Brazil the average income is about $98 a year. People on this continent and people on that continent cannot survive with that type of income.

Mr. Chairman, I cannot conceive how anyone can, in good conscience and good responsibility and in recognizing the interests of the United States involved here, bring himself to vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MAILLIARD].

The amendment was rejected.

AMENDMENT OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRELINGHUYSEN: On page 3, line 8, strike out "$365,000,000" and insert "$410,000,000".

Mr. PASSMAN. Mr. Chairman, I make the point of order that we have already passed that section of the bill.

The CHAIRMAN. The gentleman is correct. The section has been previously read and we are on the following paragraph.

Mr. FRELINGHUYSEN. Well, Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the indecent haste with which we are operating today and the completely unnecessary haste is demonstrated by the fact that the Chair has now ruled that the section that I was intending to offer an amendment to has been passed. Of course the whole section has not been read as yet but I do not wish to argue with the Chair because I suppose any amendment which is offered designed to increase the amount of money carried in this program would not be adopted anyway.

But, Mr. Chairman, if I could have the opportunity to offer this amendment, I was trying to increase the assistance figure from $365 million to $410 million.

Mr. Chairman, I refer the members of the Committee of the Whole House on the State of the Union to page 13 of the so-called committee report to indicate my concern at the nature of expenses or supplies which are furnished in this area. The various members will, of course, recognize that certain titles are not touched, such as military assistance which seems to be a sensitive program with this committee.

Mr. Chairman, I might say that supporting assistance is about equally sensitive to the interest of this Nation. For instance, there is the sum of $22.5 million which is to go to Latin America, including the sum of $20 million to the Dominican Republic and the sum of $2.5 million to Haiti. With reference to Africa there is a regional program of $1 million and a program of $8 million to the Congo.

In East Asia there is to go to Korea $25 million; Laos, $39 million; and, Thailand, $50 million, plus the country program in Vietnam of $451 million.

What will a cut like this mean, if the committee has done such a good job in deciding that a substantial cut can be made in these areas intimately associated with the effort now being made in Vietnam? What, specifically, do they think can be eliminated? I would suggest that we are bordering on the area when we cut in that area of supporting assistance that affect other programs now in progress.

Mr. Chairman, one will note that the committee voted for one program more than was authorized. I suggest that we get back to the authorized level would be the sensible thing to do. I regret that the parliamentary situation does not permit me to offer my amendment, but I do suggest that we may be acting unwisely.

I also regret that an amendment should be made to restore the money for the international organization because there again the example of the reduction when we consider the size of the program and its workability and our contribution to international programs I think set a precedent which others will only be attempted to follow. I might say that during the past 5 years other countries have contributed to these programs far more than the United States.

I believe seven countries contribute to the Development Fund and are contributing a greater portion of their gross national product than does the United States.

So here again I would be reasonably sure that we would be penny wise and pound foolish.

Mr. **FRASER**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the committee chairman a question, if I may?

Mr. Chairman, in an earlier discussion between us when I asked about what the subcommittee had decided should be provided for the country of India in development loans, the chairman indicated that all of these proposals were illustrative, and that the AID Agency was not bound to present any particular program, but could expend within the limitations that were provided for in the appropriation measure. Is that correct?

Mr. **PASSMAN**. That is correct as to the development loans appropriation, but they cannot transfer Alliance for Progress funds to India.

Mr. **FRASER**. I appreciate that fact, that the Alliance for Progress is devoted to Latin America. I am more interested in the international organizations and programs. I notice that a cut has been made of roughly some $20 million. Could the chairman tell me which programs are specifically aimed at there?

Mr. **PASSMAN**. Yes, I can. It is upon the recommendation of the gentleman's own wonderful committee that this program is on an illustrative basis, so that it is authorized in a lump sum, and it is appropriated on an illustrative basis. AID could give it all to one program, or they could divide the appropriation in any way they see fit.

Mr. **FRASER**. I would like to point out to the chairman that there is a bar, or there is a direction to the President not to issue any new contributions to development programs of the United Nations which would be used for projects to help the Government of Cuba so long as it is governed by the Castro regime. That is an effort to impose a specific restriction on the use of those funds?

Mr. **PASSMAN**. That would be my understanding.

Mr. **FRASER**. But other than that specific restriction, you are not intending to cut any specific program. That is left up to the agency, as I understand it.

Mr. **PASSMAN**. I believe the gentleman will find that during the past 14 years there have only been two instances where we have earmarked funds. Once we earmarked funds for Spain. This year we are protecting the $13 million for the U.N. Children's Fund. It is specifically stated in our report that no part of the cut should apply to UNICEF. The rest of the program is completely illustrative, and may be allocated by the administrator as he sees fit.

Mr. **FRASER**. I just wanted to make sure from what the chairman has said that the restrictions that you have intended on this money are those that are written into the statute?

Mr. **PASSMAN**. Nothing else but what is written into the statute.

Mr. **FRASER**. I thank the gentleman.

The **CHAIRMAN**. The time of the gentleman from Minnesota has expired.

The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. **PASSMAN**. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 19908) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes, pursuant to House Resolution 1308, he reported the bill back to the House.

Mr. **PASSMAN**. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER**. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. **GROSS**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 174, nays 138, answered "present" 1, not voting 118, as follows:

[Roll No. 346]

YEAS—174

Adams
Albert
Anderson, Tenn.
Annunzio
Barrett
Bates
Biester
Bingham
Blatnik
Boggs
Bolton
Brasco
Brooks
Broomfield
Brotzman
Burke, Mass.
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Conable
Corbett
Culver
Daniels
Dawson
Dellenback
Diggs
Dow
Downing
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Findley
Flood
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Gude
Halleck
Halpern
Hanley
Hansen, Wash.
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Howard
Joelson
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
Kirwan
Kyros
McCarthy
McClory
McCloskey
McEwen
McFall
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Mathias, Calif.
Mathias, Md.
Matsunaga
Meeds
Minish
Mink
Morgan
Morse, Mass.
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Podell
Price, Ill.
Pucinski
Purcell
Quie
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Rumsfeld
Ryan
St Germain
Scheuer
Schneebeli
Schwengel
Selden
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton
Steed
Sullivan
Taft
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tiernan
Tunney
Udall
Van Deerlin
Vigorito
Waldie
Whalen
Widnall
Wiggins
Wilson, Bob
Wolff
Wright
Wydler
Yates
Young
Zablocki

NAYS—138

Abernethy
Adair
Andrews, Ala.
Andrews, N. Dak.
Baring
Battin
Belcher
Bennett
Berry
Betts
Blackburn
Blanton
Bow
Bray
Brinkley
Brock
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson
Burton, Utah
Carter
Casey
Cederberg
Chamberlain
Cleveland
Collier
Collins
Colmer
Cramer
Cunningham
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Denney
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Duncan
Edwards, Ala.
Eshleman
Everett
Flynt
Fuqua
Galifianakis
Gathings
Gettys
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hammerschmidt
Harsha
Harvey
Henderson
Hull
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, Mo.
Jones, N.C.
King, N.Y.
Kleppe
Kyl
Langen
Lennon
Lipscomb
Long, La.
Long, Md.
McCulloch
McMillan
Marsh
Martin
May
Meskill
Miller, Ohio
Mize
Montgomery
Myers
Natcher
O'Neal, Ga.
Poage
Poff
Price, Tex.
Randall
Reid, Ill.
Reinecke
Roberts
Rogers, Fla.
Roth
Roush
Ruppe
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scott
Sikes
Skubitz
Smith, Calif.
Snyder
Staggers
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Thompson, Ga.
Thomson, Wis.
Tuck

Utt
Waggonner
Walker
Wampler
Watson
Whalley
White
Whitener
Whitten
Williams, Pa.
Willis
Winn
Wyatt
Wylie
Wyman
Zion
Zwach

NOT VOTING—118

Abbitt
Addabbo
Anderson, Ill.
Arends
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Bell
Bevill
Boland
Bolling
Brademas
Brown, Calif.
Brown, Ohio
Buchanan
Bush
Button
Carey
Celler
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cohelan
Conte
Conyers
Corman
Cowger
Curtis
Daddario
Dent
Dingell
Donohue
Edmondson
Edwards, La.
Evins, Tenn.
Fino
Fisher
Ford, William D.
Fountain
Gallagher
Gardner
Giaimo
Griffiths
Gubser
Gurney
Hall
Hamilton
Hanna
Hansen, Idaho
Hardy
Harrison
Hays
Hébert
Herlong
Hosmer
Hungate
Hunt
Ichord
Irwin
Jones, Ala.
Karsten
King, Calif.
Kluczynski
Kornegay
Kupferman
Kuykendall
Laird
Landrum
Latta
Leggett
Lloyd
Lukens
McClure
McDade
McDonald, Mich.
Mayne
Michel
Miller, Calif.
Mills
Minshall
Monagan
Moore
Moorhead
Morris, N. Mex.
Morton
Moss
Nichols
O'Konski
Olsen
Pettis
Philbin
Pollock
Pryor
Quillen
Railsback
Rarick
Rees
Reifel
Resnick
Rhodes, Ariz.
Rhodes, Pa.
Rivers
Roudebush
St. Onge
Schweiker
Shipley
Smith, Okla.
Stratton
Tenzer
Ullman
Vander Jagt
Vanik
Watkins
Watts
Wilson, Charles H.

ANSWERED "PRESENT"—1

Jacobs

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Shipley against.

Mr. Philbin for, with Mr. Nichols against.

Mr. Donohue for, with Mr. Fountain against.

Mr. St. Onge for, with Mr. Ashmore against.

Mr. Miller of California for, with Mr. Edwards of Louisiana against.

Mr. Jacobs for, with Mr. Ichord against.

Mr. Rhodes of Pennsylvania for, with Mr. Abbitt against.

Mr. Celler for, with Mr. Olsen against.

Mr. Giaimo for, with Mr. Rivers against.

Mr. Stratton for, with Mr. Brown of California against.

Mr. Vanik for, with Mr. Watts against.

Mr. Leggett for, with Mr. Fisher against.

Mr. Kluczynski for, with Mr. Hungate against.

Mr. Jones of Alabama for, with Mr. Bevill against.

Mr. Clark for, with Mr. Kornegay against.

Mr. Corman for, with Mr. Landrum against.

Mr. Griffiths for, with Mr. Mills against.

Mr. William D. Ford for, with Mr. Morris of New Mexico against.

Mr. Hanna for, with Mr. Rarick against.

Mr. Rees for, with Mr. Ashbrook against.

Mr. Moorhead for, with Mr. Brown of Ohio against.

Mr. Addabbo for, with Mr. Clancy against.

Mr. Kupferman for, with Mr. Del Clawson against.

Mr. Boland for, with Mr. Gardner against.

Mr. Arends for, with Harrison against.

Mr. Aspinall for, with Mr. Don H. Clausen against.

Mr. Daddario for, with Mr. Fino against.

Mr. Dent for, with Mr. Kuykendall against.

Mr. Pryor for, with Mr. Hunt against.

Mr. Gallagher for, with Mr. Laird against.

Mr. Anderson of Illinois for, with Mr. Quillen against.

Mr. Ayres for, with Mr. Rhodes of Arizona against.

Mr. Railsback for, with Mr. Smith of Oklahoma against.

Mr. Conte for, with Mr. Pettis against.

Mr. Button for, with Mr. McDonald of Michigan against.

Mr. McDade for, with Mr. Cowger against.

Mr. Morton for, with Mr. Gurney against.

Mr. Gubser for, with Mr. Hall against.

Mr. Ashley for, with Mr. Hansen of Idaho against.

Mr. Brademas for, with Mr. Watkins against.

Mr. Carey for, with Mr. Vander Jagt against.

Mr. Cohelan for, with Mr. Reifel against.

Mr. Dingell for, with Mr. Pollock against.

Mr. Edmondson for, with Mr. Latta against.

Mr. Hamilton for, with Mr. Minshall against.

Mr. Tenzer for, with Mr. Michel against.

Mr. Irwin for, with Mr. McClure against.

Mr. Moss for, with Mr. Lukens against.

Mr. Monagan for, with Mr. Lloyd against.

Mr. Buchanan for, with Mr. O'Konski against.

Mr. Hosmer for, with Mr. Moore against.

Mr. Charles H. Wilson for, with Mr. Herlong against.

Until further notice:

Mr. Evins of Tennessee with Mr. Bush.

Mr. Hardy with Mr. Bell.

Mr. Hays with Mr. Curtis.

Mr. King of California with Mr. Mayne.

Mr. Ullman with Mr. Roudebush.

Mr Conyers with Mr. Schweiker.

Mr. Resnick with Mr. Karsten.

Mr. JACOBS. Mr. Speaker, I have a live pair with the gentleman from Missouri [Mr. Ichord]. If he had been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington one of its clerks announced that the Senate has passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 79. Concurrent resolution to correct errors in the enrollment of S. 827.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 827) entitled "An act to establish a nationwide system of trails, and for other purposes."

TO CORRECT ERRORS IN ENROLLMENT OF S. 827, ESTABLISHING NATIONWIDE SYSTEM OF TRAILS

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (S. Con. Res. 79) to correct errors in the enrollment of S. 827.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 79

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill, S. 827, entitled "An Act to establish a nationwide system of trails, and for other purposes," be authorized to make the following correction: In section 4(a)(1) after the words "such trails are reasonably accessible to urban areas, and" add a comma and insert the word "or" and in section 4(b)(1) at the end of the paragraph delete the comma after the word "and" and delete the word "or".

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3068, AMENDING FOOD STAMP ACT OF 1964

Mr. POAGE submitted a conference report and statement on the bill (S. 3068) to amend the Food Stamp Act of 1964, as amended.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE REPORTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight tonight to file sundry reports on District of Columbia bills.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I yield to the distinguished majority leader, the gentleman from Oklahoma [Mr. Albert] to inform us as to the legislative program.

Mr. ALBERT. Mr. Speaker, we have completed the program for this week and will ask to go over until Monday following the announcement of the program for next week.

The program for next week is as follows:

On Monday, District day, there are eight bills.

H.R. 17845, authorizing construction of parking facilities; S. 1246, District of

Columbia Public Space Utilization Act; S. 1247, District of Columbia Public Space Rental Act; S. 2012, to amend the District of Columbia Public School Food Services Act; H.R. 18980, to authorize the District of Columbia to convey interests in certain property in Prince William County, Va.; S. 2496, to authorize reciprocal agreements for police mutual aid on behalf of the District of Columbia; S. 2592, to provide notice of the enforcement of a security interest in real property in District of Columbia; and S. 2017, to authorize the District of Coluumbia to enter into contracts for the inspection, maintenance, and repair of District-owned buildings.

On Tuesday:

S. 945, the Federal Magistrates Act—continue consideration, and

S. 2484, extension of New Senate Office Building site—open rule, 1 hour of debate. The rule has already been adopted.

POSTPONING VOTES ON MONDAY AND TUESDAY UNTIL WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, if the gentleman will yield for this purpose at this point, in view of the fact that Monday and Tuesday are Jewish holy days, I ask unanimous consent that rollcall votes on other than procedural matters on Monday and Tuesday may go over until Wednesday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, this again poses the question of record votes on bills that are considered on Monday and Tuesday. I have no knowledge whatever of the District bills and there are, I believe, eight of them. As to whether any of those bills are of an important nature—I mean in the sense of importance to the rest of the country—I have no knowledge. I do know something about the Federal Magistrates Act and the Senate Office bill.

I have had difficulty in the past with respect to record votes after a piling up of measures on which record votes were demanded. I regret to say at that I was not able to get votes that otherwise would have been obtainable. I am speaking now of situations of this kind in years past.

Can we have some assurance from the leadership that record votes will be in order on the two bills scheduled—at least the two bills—scheduled for Tuesday, during that time the gentleman is asking that rollcall votes be put over? Is there any way that we can have some assurance that there will be rollcall votes on at least both those two bills if rollcall votes are sought?

Mr. ALBERT. Mr. Speaker, will the gentleman yield, so that I may respond to him?

Mr. GROSS. I am glad to yield to the gentleman from Oklahoma.

Mr. ALBERT. Of course, this procedure is very rare, and has been since we stopped putting rollcall votes over for primaries.

Mr. GROSS. I understand that.

Mr. ALBERT. The gentleman knows that the matter of rollcalls is within the judgment and power of the House itself. It is something over which I have no control. So far as I am concerned, I would say to the gentleman that I have no objection to having record votes on those measures and, speaking for myself personally, I would be glad to assist in obtaining record votes if only a few Members wanted me to do so. I will stand up for yea-and-nay votes. That is as far as I can go.

Mr. CAHILL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from New Jersey.

Mr. CAHILL. As the majority leader knows, the Federal Magistrates Act was completed—general debate was completed. There were no amendments at the Clerk's desk. When the Committee rose on yesterday, the Committee was ready to resolve itself back into the House, and there would have been a request for a vote. I am wondering if the Federal magistrates bill, since all debate is completed and there are no amendments at the Clerk's desk, could not be continued over to Wednesday, and then there would be no question. I think Members on the majority side could assure the majority leader that what I have said is a fact.

Mr. ALBERT. If the gentleman will yield, I understand that there is one technical amendment which is required for purposes of correction.

Mr. CAHILL. A technical amendment.

Mr. ALBERT. A technical amendment only.

Mr. CAHILL. That is correct.

Mr. ALBERT. We had hoped that we could get into these other bills early on Wednesday, but as far as I am concerned, I would be willing to have the Federal magistrates bill made the first order of business on Wednesday.

Mr. CAHILL. I thank the majority leader.

Mr. GROSS. I think that would solve the problem.

Mr. ALBERT. We will schedule, then, H.R. 17682, civil service retirement, on Tuesday. However, I have been advised that the gentleman handling that bill may not be here Tuesday, in which event the bill will be considered later in the week.

Mr. GROSS. I do have that assurance of the distinguished majority leader.

Mr. ALBERT. We will put the Federal Magistrates Act down as the first order of business, if it is down to the question of voting, on Wednesday, or, in any event, not later than immediately after the conference reports which are already scheduled.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, in accordance with the agreement just now reached for Wednesday and the balance of the week, we have two conference reports which we are putting down:

H.R. 17126, Extension of Food and Agriculture Act of 1965; and

H.R. 18249, to amend the Food Stamp Act of 1964.

We may or may not take these ahead of the Federal Magistrates Act, but we hope to have all three bills on Wednesday.

May I say to my colleagues also that we do expect other conference reports next week. There will probably be a conference report on the higher education bill, and there may well be a conference report on the vocational education bill. There are, of course, conferences pending on appropriation and other bills.

To make even more clear a statement I have previously made, if the gentleman handling H.R. 17682, the Civil Service Retirement Financing Act, is here on Tuesday, we would expect him to call that bill up on Tuesday. If not, he will call it up after the other bills on Wednesday or Thursday. I think that is clear.

Under the agreement made, there will be no rollcall votes until Wednesday, except on procedural matters.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

Mr. Speaker, with respect to the program announcements, the distinguished chairman of the Committee on Ways and Means has asked us to add to the list of bills which he hopes to call up by unanimous consent certain other bills which have been unanimously reported from the Committee on Ways and Means. The RECORD of September 5, on page 25842, contains a list of the other bills, all of which the distinguished chairman of the Committee on Ways and Means hopes to call up by unanimous consent some day next week.

Mr. Speaker, I ask unanimous consent that the list of additional bills may be printed in the RECORD at this point.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADDITIONAL BILLS REPORTED UNANIMOUSLY FROM THE COMMITTEE ON WAYS AND MEANS

H.R. 14095, relating to the production of wine.

H.R. 15023, regulated investment companies furnishing capital to development companies.

H.R. 17332, credits and payments in the case of certain uses of gasoline and lubricating oil.

H.R. 18253, definition of earned income for pension plans of self-employed individuals.

H.R. 18373, implementing certain customs conventions.

H.R. 18486, tax treatment of income from communications satellite system.

H.R. 18942, tax treatment of certain statutory mergers.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The **SPEAKER.** Without objection, it is so ordered.

There was no objection.

ADJOURNMENT TO SEPTEMBER 23, 1968

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, can the distinguished majority leader give us any encouragement, any hope that we will be adjourning in the near future?

Mr. ALBERT. Mr. Speaker, we have hopes. I think the gentleman can see we are moving to conference reports, and we have very little initial legislation on the program for next week—only three bills, as a matter of fact.

I have just been advised by the gentleman from North Carolina that the scenic rivers conference report will be ready for next week, and we will expect to call it up next week one day, probably on Wednesday or Thursday of next week.

Mr. GROSS. Mr. Speaker, we can hope to call it up next week, one day, probably follow on the foreign aid appropriation bill will wind up in much less time than the conference on the foreign aid authorization bill.

Mr. ALBERT. Mr. Speaker, I share the gentleman's hope on that.

Mr. GROSS. Mr. Speaker, I thank the gentleman, and I hope we can be out by the 1st of October, and not later than the third or fourth. They say the fishing in Iowa is improving, especially the fishing for votes, and I would like to get out there.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ELECTION TO STANDING COMMITTEE ON EDUCATION AND LABOR

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged Resolution (H. Res. 1310) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1310

Resolved, That James M. Collins, of Texas, be, and is hereby, elected a member of the standing committee of the House of Representatives on Education and Labor.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 698, INTERGOVERNMENTAL COOPERATION ACT OF 1968

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 698) to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasing complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri? The Chair hears none, and appoints the following conferees: Messrs. HOLIFIELD, BLATNIK, and REUSS, Mrs. DWYER, and Mr. ERLENBORN.

APPOINTMENT AS MEMBER OF HOUSE OFFICE BUILDING COMMISSION

The **SPEAKER.** Pursuant to the provisions of 40 U.S.C. 175 and 176, the Chair appoints the gentleman from Florida, [Mr. CRAMER] as a member of the House Office Building Commission to fill the existing vacancy thereon.

PHANTOM JETS TO ISRAEL

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILBERT. Mr. Speaker, I regret the decision made by the President to withhold from Israel the 50 Phantom jets that are needed to restore the balance of power in the Middle East.

I think this decision may very well contribute to a reopening of hostilities between Israel and its neighbors.

Vice President HUMPHREY was correct, in my view, in pledging the dispatch of these aircraft. All of our available intelligence information indicates that the air forces of the Arab countries are stronger than they were before the June war of 1967. It is widely acknowledged that the Arabs now have at least five or six times the number of jet aircraft that the Israelis have. Admittedly, Israel's training and technological superiority help to compensate for this discrepancy, but, at a certain point, sheer numbers must make themselves felt. In the case of another war, Israel probably cannot expect to knock out the enemy's air forces the way it did in 1967. The evidence indicates clearly that only the reinforcement of the Israel Air Force with first-class planes can maintain the balance needed to deter a further armed struggle.

It is no secret, Mr. Speaker, that the power of the Arab States derives directly from the Soviet Union and its satellites Russia, having consolidated its power in central Europe by invasion of Czechoslovakia, would like nothing better than to wipe out in similar fashion all challenge to its hegemony in the Middle East. Israel stands in the way of Russian domination of that area of the world. It is unquestionably to America's interest to see that Israel remains unassailable.

For that reason, Mr. Speaker, I do not understand the President's decision to withhold Phantom jets from Israel. It is a decision that, in my view, is contrary to American interests, as well as Israel interests. I commend the Vice President for forthrightly calling for the reverse of this position. His candor is essential to giving fresh direction to American foreign policy. I trust that America's current posture toward Israel—on the subject of the Phantom jets, at least—will soon be reversed.

AUSTRALIA AND NEW ZEALAND VOLUNTARILY AGREE TO RESTRICT BEEF EXPORTS TO UNITED STATES

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. KLEPPE. Mr. Speaker, I have learned unofficially but I think reliably that Australia and New Zealand have voluntarily agreed to restrict beef exports to the United States for the remainder of 1968.

The decision was reached at a joint session of the meat boards of the two countries in Wellington, New Zealand, over the last weekend.

Meat imports have been running at an unusually high rate during the first 9 months of the year. A continuation of imports in such heavy volume would have required Secretary of Agriculture Orville L. Freeman to impose country-by-country quotas under the Meat Import Act of 1964.

Without the voluntary restrictions being imposed by the two major meat exporters, Australia and New Zealand, imports for the calendar year could have exceeded 1.1 billion pounds—well over the 1.045 billion pound figure which would automatically "trigger" import quotas.

Secretary Freeman estimated in June that U.S. meat imports would total 935 million pounds for the year. He will be forced to revise that figure sharply upward in the final estimate he is required to make October 1.

I called this to the Secretary's attention in a letter on August 28, in which I further said:

> It would be most helpful if you and other administration leaders would urge such major exporting countries as Australia and New Zealand to place voluntary quotas on meat exports to the United States for the remainder of this calendar year.

Reduction in the volume of meat shipments from these two major exporters may temporarily take some of the pressure off the domestic cattle market. What is really needed, however, is a drastic overhaul of the Meat Import Act with a view to reducing future imports sharply.

FEDERAL GUN CONTROL

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, over 18,000 citizens in my congressional district have replied to my questionnaire asking their opinion of the proposed law to require Federal registration and licensing of firearms. The latest tabulation discloses that 17,500 opposed any individual registration and licensing of firearms by the Federal Government.

Mr. Speaker, only 700 favored Federal registration and licensing of firearms. My people, thus, rejected this Federal gun control bill by a vote of 25 to 1. Each vote in my district against Federal registration of firearms often represents several members of a family or several in a place of business. This is a remarkable response to a ballot of this nature. It indicates the intense opposition to any further regimentation of the individual by the Federal Government in Washington.

This vote against Federal registration of firearms is another manifestation that the people of this country fear centralized Federal power. They favor the right of each citizen to bear arms for the protection of his own home. The American people are sick and tired of Federal regulation of every act of the individual. They are tired of Federal snooping. They believe that the Federal Government has already gone much too far down the road of centralization in Washington. They believe that the right of the individual to bear arms is a basic right guaranteed to them comparable to having a militia and the Armed Forces to preserve our liberty and freedom.

Mr. Speaker, may I remind this House today that the hippies and the yippies are for strong Federal gun control legislation. The anarchists are for Federal gun control. The Communist organizer who is seeking to wreck our cities is for Federal gun control. The gangster, the criminal, and the arsonists, of course, would favor Federal regulation of firearms. These criminal elements are opposed to the individual having firearms as this would be a deterrent to his looting, stealing, and robbery. The criminal, swearing no allegiance to any social order or moral code, could get firearms through the bootleg route, from foreign agents or underground sources here at home while the good citizen would be denied his basic liberty and freedom to protect that which is his.

Mr. Speaker, as night follows the day, Federal registration of firearms could lead to Federal restriction of the individuals right to own firearms.

THE BIG BUSINESS OF PORNOGRAPHY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. CUNNINGHAM] is recognized for 10 minutes.

Mr. CUNNINGHAM. Madam Speaker, three-quarters of all arrests for crime in the United States each year are people under 25 years of age. The greatest class of criminals in the United States are 15 years of age, and the second greatest class are 16-year-olds. One thousand five hundred teenagers a day are afflicted with venereal disease. Rape in the United States has increased 61 percent since 1960 and this rate rose 7 percent from 1966 to 1967 nationwide. What is worse the rate of forcible rape in our major cities increased 12 percent from 1966 to 1967. This is a fire, and obscenity and pornography are gasoline that is splashed on this fire at the rate of 100 million pieces of objectionable material a year through the Post Office Department. These figures are based on the President's Commission on Law Enforcement and Administration of Justice, recent FBI and Public Health Service figures.

WHERE DO WE STAND?

Crime is then largely a youth problem and becoming more so. The 15- and 24-year-old group is the fastest growing part of the population. The growth of crime is much faster than the growth of our population, but the problems that our youth are having are part of the nationwide crime problem. If we are to start solving the crime problem we must start with the problems young people have. The problem of adolescence is for the most part adjusting relationships to the opposite sex and these relationships are being twisted by the free distribution of obscenity and the greed of smut merchants. The curse of very young lives is "obscenity."

WHAT IS OBSCENITY?

Obscenity inflames the curiosity of the young and their imagination. Most obscene materials are directed at the very young. Smut mailers pay a very high price for the names of youngsters in the 12 to 14 age bracket. It is a great wrong because it presents members of the opposite sex as subjects for physical satisfaction only. In addition, members of the opposite sex are presented as masochistic creatures who can only respond to cruelty.

A teen-age boy who lives in his imagination on a diet of obscenity can think of young girls only in terms of their being things. Obscenity, like all literature, teaches and it teaches that women and girls are only subjects for aggression. The complicated and beautiful relationship between men and women is presented as based on hostility. Obscenity promises immediate gratification. It builds a need for immediate gratification—a "freedom now" from self-control and humaneness. The obscenity mixture is about eight parts sadism. A young man's normal decent protectiveness toward females is twisted into hostility, hate, and aggressiveness. Usually the freezing of affection toward parents and members of the family follow. We need only look to Chicago and ask ourselves how the young people who attacked the police with plastic bags filled with excrement, their mouths filled with filth more profound than anything heard in the stockyards prior to that time, and who in addition threw reserve weapons such as golf balls filled with nails, got that way. What kind of parents will they make, what kind of children will they have? Calling this type of action "new politics" does not answer any question. It only confers a twisted blessing. Once damaged by obscenity and attitudes formed, years of psychiatry is the only cure to restore a full personality. This theory on the effect of obscenity is based on "Society and the Sex Criminal," by Gladys Schultz, and Postal Operations Subcommittee hearings in 1967.

FILTH FOR PROFIT, A BIG BUSINESS

You may say that "granting obscenity is bad for individual youths, is it a nationwide problem that cannot be left to local communities?"

The answer is "No" because 100 million copies of objectionable material are sent through the U.S. mails every year at subsidized rates. Half a billion dollars worth of this material is distributed by mail or truck and express. Pornography is a big business and its bigness comes from the unwitting help of the American people through a subsidized mail service.

WHAT CAN WE DO ABOUT IT?

Since the Cunningham bill became law as part of the 1967 Postal Rates Act, I have given considerable thought to what further steps we can take. Now the American family can demand that their names be removed from mailing lists.

Since pornography is a cold, hard business, I think we need a further law that will end the subsidy for pornographers. If the pornographers lost their second- and third-class mailing permits and the right to send material by fourth-class rates, a great deal of the profit would be taken out of the obscenity business. Recent judicial decisions may permit the free exchange of ideas between consenting adults. But I see no reason why the American people should pay out of their own pockets for the fast and complete distribution of the U.S. mails. There is no obligation on the part of the American people to make pornography profitable.

For this reason I am today introducing a bill that will end second-, third-, and fourth-class mail rates for those mailers who distribute obscenity by mail. Administrative hearings will be held by the Postmaster General before he or a representative makes a ruling in an individual case. Appeal rights will be given in that cases can be taken to the Federal courts and as far as the U.S. Supreme Court. Justice will be slow, but I am convinced it will be certain. I do not think the Supreme Court will demand that the American taxpayer continue to pay the bill of these mailers.

Mr. Speaker, I know that this will be a long fight. Obtaining for Americans the right to have their names removed from smut merchant mailing lists took years. But I think that now that the first blow has been struck, we will be able to move much faster. The times have changed. Judges are changing their minds as well as citizens who knew long ago that the tide of obscenity had to be rolled back.

COMMUNISTS MAY TRY TO UPSET THE GREEK ELECTION ON A CONSTITUTION SET FOR SEPTEMBER 29

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. Pucinski] is recognized for 15 minutes.

Mr. PUCINSKI. Madam Speaker, on September 29 the people of Greece will have an opportunity to cast their votes on a Constitution which is being submitted for their consideration and approval of the present caretaker government of Greece.

It is a constitution which I hope the Greek people will approve. However, we can confidently expect at this time that the communists will undoubtedly attempt to create some provocation between now and the 29th of September in the hope of getting the Greek Government in to react and perhaps to institute some repressive measures to curb the disturbance. Mr. Louis Kuchuris, prominent Chicago industrialist, told me this of course will be part of the Communist plan to discredit the election, to discourage the people from participating in the election, and to do everything they can to bring about the downfall of the present regime in Greece.

Ever since this regime came to power on April 21 of last year, the Communist apparatus all over the world has been working overtime trying to discredit it. The Communists know that the present government with Prime Minister Papadapoulas and Deputy Prime Minister Patakos has saved Greece from complete chaos and kept Greece in NATO.

I have studied the Greek Constitution which will be submitted to the people of Greece. I had occasion to put it in the Congressional Record for the information of all my colleagues and those who follow the affairs in that part of the world.

Certainly we recognize that the Constitution being offered to the people of Greece on September 29 is not the Constitution under which we Americans operate. Certainly we recognize it does not have all the guarantees of freedom, free speech, free press, free assembly that our Constitution has; but I believe it might be wise to point out that it took us Americans several years, when our Republic was first founded, to agree on a basic doctrine which was going to guide our destiny.

It is fair to point out that our own Nation on 25 different occasions, since the founding of the Republic, has deemed it necessary to adopt constitutional amendments to improve the Constitution. Our Constitution is a living document. We Americans are constantly improving it to make it even more responsive to the needs of a free nation.

So I am not one to say that the Constitution being submitted to the people of Greece on September 29 is the model constitution for free people. But it is a good start.

President Kennedy once said that even a journey of a thousand miles requires a first step. This is that first step on September 29 toward restoring constitutional government to Greece.

I honestly believe that this is a step in the right direction. It is my hope that the people of Greece will approve this document overwhelmingly. I have been told the present regime will institute many of the provisions of that constitution as quickly as possible. It is my hope that the government will hold an election as quickly as possible to elect members to parliament and restore a fully constituted constitutional government. It is my hope that the king will return to Greece as quickly as possible after this constitution is adopted.

Mr. Speaker, there is no question in my mind that if ever we needed understanding and compassion for the problems of the people of Greece we need it now. One of the things that remains indisputable is that we need Greece today a great deal more than Greece needs us.

The Middle East is one of the most explosive spots in the world today. What is going on in the Middle East has been obscured by our involvement in Vietnam.

I said Sunday—and I have since been confirmed in the statements I made by the statements of the most responsible leaders of this Government and Israel—that an invasion of Israel is imminent. We know that the Soviets rearmed every one of the Arab States, and they are now pressing these Arab States to wage aggression against Israel, because tiny and brave little Israel stands in the way of Soviet expansion in the Middle East and on the African continent. So we need Greece because her government has said it will remain in the NATO orbit. We need Greek soldiers and we need their security in NATO. You can say what you like about the present government in Greece but the fact still remains that immediately after it took over, it reaffirmed Greece's commitment to NATO. NATO is again being called upon to provide the kind of deterrent to aggression in Europe and the Middle East that it has so long provided. I say that we Americans ought to expose any efforts by the Communists to create turmoil in Greece before the elections on September 29 and we ought to understand this regime has made certain commitments. It made commitments to institute as many of the provisions of the constitution as quickly as possible and also made a commitment to hold elections as quickly as possible.

Mr. Speaker, I take this time today to warn and to point out that there will undoubtedly be some Communist provocation. We can count of that, because that is the way the Communists operate. Whenever there is a field for turmoil, you can count on the Communists to be there to exploit it.

For that reason I hope that the United States and the free world will understand, if certain actions must be taken by the present Government of Greece to assure its people an opportunity for an orderly election on September 29 in order to adopt this constitution. I think all of us ought to understand why these steps are necessary if the Communists do indeed create such a provocation.

Certainly with the advancement of the Soviet fleet into the Mediterranean, the Middle East is very much in danger. The situation is very tense. I feel very strongly that NATO may very well be the deciding factor in preserving peace in that troubled part of the world. For that reason I am hopeful that the people of Greece will have an opportunity peacefully to participate in an election on September 29 and adopt this Constitution and let this present Greek Government fulfill its NATO commitment and return many of the constitutional freedoms that have been enjoyed by the Greek people for many years.

My hope is that the American people will be able to understand what is going on in Greece. I have every reason to believe that given a free opportunity, the present Greek Government will move toward restoring parliamentary procedures and constitutional government.

Madam Speaker, I think that the free world ought to give the Greek people a chance to solve their problems within their own nation in a peaceful and in an intelligent manner without any outside interference from those who try to menace that country through turmoil and in some way discredit the elections.

DETROIT STRANGLES THE GOLDEN GOOSE

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, this past June, after almost 1 year of soul-searching and painful deliberation, the Congress passed and sent to the President a tax bill designed to still the forces of inflation. As we all know, that policy can only be successful if each American is prepared to forego a little something as an investment in future prosperity. Yet a great major corporation in this country has just refused to do its part in the fight for price stability.

Mr. Speaker, let me make it perfectly clear before proceeding further. I realize stockholders in a corporation must make a profit. I am for that—I always have been. This is a free-enterprise system. But needless price increases will spiral inflation. When this happens the consumer and, eventually, the great free enterprise system which I have always defended and championed, is the loser. This is what concerns me.

It is my understanding Chrysler's profits last year were great. Sales among the leading automobile manufacturers were better than ever before. That being the case, Mr. Speaker, why should the consumer be asked to pay an additional $84 or $100 out of his pocket for the same model car this year? The individual working in business, industry, or government gets a small cost-of-living increase in wages and he never realizes it because it is immediately taken away by increased prices.

Mr. Speaker, 8 years of prosperity have benefited no major industry more than the automobile industry. Volume has swollen and profits have increased—bringing vitality to Detroit and profits to auto stockholders—yet today we see prosperity's major beneficiary thoughtlessly strangling its own golden goose. I hope that this great corporation with its splendid leadership and superb employees will yet rescind this price increase and help us curb inflation and protect the American dollar.

I would like to insert in the RECORD both the statement by President Johnson and the statement by the Cabinet Committee on Price Stability which indicates this action by Chrysler Corp. is clearly not in the national interest. I would hope that other leading automobile producers would make a wiser pricing decision when it is their turn.

The statements follow:

STATEMENT BY THE PRESIDENT, SEPTEMBER 17, 1968

Yesterday, the nation's effort to fight inflation received a sharp blow when one of the major automobile manufacturers announced an excessive price increase on its 1969 models. If this price increase prevails throughout the industry, it would take three-quarters of a billion dollars out of the pockets of American families when they buy new cars. This is an onerous and unfair burden on the consumer.

The Cabinet Committee on Price Stability has informed me that there is absolutely no excuse for the Chrysler action and that this price increase should not stand.

No major industry has benefited more from the prosperity of recent years than the automobile industry. No major industry has a greater stake in protecting that prosperity.

So today, I urge the auto manufacturers to recognize the public interest and exercise restraint and responsibility at this critical hour in the nation's battle against inflation.

STATEMENT BY THE CABINET COMMITTEE ON PRICE STABILITY, SEPTEMBER 16, 1968

The Cabinet Committee on Price Stability, composed of the Secretaries of the Treasury, Commerce, and Labor, the Director of the Bureau of the Budget, and the Chairman of the Council of Economic Advisers issued the following statement. CEA Chairman, Arthur M. Okun, served as spokesman for the Committee.

"The American automobile industry is a keystone of our economy. In the past, the economy has benefited from its increasing efficiency and rising productivity. The industry, in turn, has received enormous benefits from the 91 months of continued prosperity, through sharply rising sales and a doubling of profits.

"The Administration has repeatedly asked that business absorb cost increases wherever possible, and it is surely possible in the automobile industry. The American people have every right to expect this highly profitable industry to make a maximum contribution to price stability. This is a critical moment in the Nation's major effort to achieve that goal.

"After a careful review of costs, profits and product improvements, we conclude that the Chrysler announcement of an average price increase of $84 is a severe setback to the cause of price stability. If it becomes the pattern for the industry, it would cost the American consumer $750 million. This price increase is manifestly excessive and would significantly contribute to inflationary pressures. The Chrysler action is clearly not in the national interest.

"We urgently request the other automobile manufacturers to head off this dangerous inflationary threat. It is essential that their pricing decisions on 1969 model passenger cars give the utmost weight to the public interest as well as to their own costs and profits."

OPPORTUNITIES FOR YOUR EDUCATION

Mr. BETTS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BETTS. Mr. Speaker, education has long been considered one of the most important elements of American culture. As we have passed from a frontier, rural way of life to a technological and urban community, the emphasis placed on education has become greater. Industry, business, government, the arts—all aspects of modern life are dependent upon the level of education that we as a country achieve. Today in America, higher education is not just a dream, it is a vital necessity to the future of our country.

Our high school graduates are encouraged to continue their education in our colleges and universities, and for those who find it financially difficult, government has a definite role and responsibility to assist students in going to college. I support the Federal programs of financial aid to deserving men and women in our universities. Assistance under the National Defense Education Act includes scholarships and loans to those who maintain high grades in our institutions of higher learning. Government programs of this type give many people, who otherwise would not go to college, the opportunity to continue their education. I have introduced a bill to provide parents and students tax deductions for the amounts paid for tuitions and fees to colleges. My plan is unique in that it is the only one which allows a tax credit to students whose earnings above $600 are now taxed.

Yet, even with all of these Government programs, some students are denied the opportunity of a higher education due to financial limitations. I have received many inquiries concerning financial assistance for college, and I have found many parents and students do not realize the opportunities that do exist. Many private groups have scholarship and loan programs to assist deserving young people, in addition to State and Federal aid. I think it is important that students and parents be aware of all existing opportunities, and for this reason I have prepared a compilation of information on the various Government and private programs available for the prospective college student. I am pleased to present this report, entitled "Opportunities for Your Education":

OPPORTUNITIES FOR YOUR EDUCATION

This booklet attempts to give briefly the possibilities of obtaining college loan or scholarship aid from all available sources. In addition to those mentioned in this booklet, there are countless loan, scholarship, and work-study opportunities at the individual colleges and universities and you should not overlook the possibility of obtaining some kind of financial assistance from the college or university of your choice.

You may have to combine several sources to finance your educational program. Complete information on the details of such programs can be secured *only* by writing directly to the institution.

If you have a good high school record and need financial help, you should proceed as follows:

1. Check with your high school guidance counselor, principal or advisor for scholarship information.
2. Write to admission directors at the colleges in which you are interested. New scholarship programs are being established every day and it would be impossible to list them all in this booklet.
3. Write to foundations and private businesses which offer special grants, such as the General Motors and Ford Foundation Scholarship Plans; the Kroger Company; Sears, Roebuck Foundation; Procter & Gamble; etc.
4. Write to the College Scholarship Service of the College Entrance Board, 475 Riverside Drive, New York, New York 10027. They will provide information on their services and a parental financial statement upon request.
5. Write to the Division of Student Financial Aid, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20201, for a copy of "Federal Aids for College Students." There is no charge for this publication.

The national merit scholarship program awards 4-year scholarships which may be used in any accredited college or university in the United States. Students are selected through a process starting with nation-wide competitive examinations. This is a national program, and students compete each year for over 2,300 awards ranging from $100 to $1,500 per year in value. Applicants must take the National Merit Scholarship Qualifying Test in the year preceding high school graduation, normally as juniors. For detailed information, consult your high school counselor or write the National Merit Scholarship Corporation, 990 Grove Street, Evanston, Illinois 60201.

The national achievement scholarship program awards 4-year scholarships to outstanding Negro students in an annual nation-wide competition. Winners may use their awards at any accredited college or university in the United States and receive from $250 to $1,500 per year. Over 250 awards are given annually. The program is administered by the National Merit Scholarship Corporation. For detailed information, consult your high school counselor or write the National Achievement Scholarship program, 990 Grove Street, Evanston, Illinois 60201.

Knights of Columbus educational trust fund—Scholarships are available to sons and daughters of Knights who were killed or disabled as a result of military service during World War II, the Korean War or the Viet Nam War. In addition, special $1000 scholarships are awarded for undergraduate study at The Catholic University of America, Washington, D.C., for sons and daughters, brothers and sisters of living or deceased members of the Knights of Columbus. Write to the Supreme Secretary, Knights of Columbus, Drawer 1670, New Haven, Connecticut 06507.

Westinghouse science scholarships and awards—The Science Clubs of America conduct an annual talent search for outstanding students who are interested in science. 40 winners are selected with the top five getting $25,000 in scholarships and the other 35 awards of $250 each. Information may be obtained from the Science Clubs of America, 1719 N Street, N.W., Washington, D.C. 20036. Deadline for all materials is December 27.

The Elks have scholarship programs for children of members who were killed or died in the armed services. Applications should be made directly to the lodge of which their father was a member.

Fraternal Order of Eagles offers medical, dental and educational assistance to minor children of Eagle members who lost their lives while in the armed services. For information contact the local Eagle Aerie or Eagles Memorial Foundation, 4710 14th St., W., Bradenton, Florida 33505.

The AMVETS grant scholarships to high school seniors whose fathers are deceased or disabled veterans of World War II or the Korean War. Write: AMVETS, 1710 Rhode Island Avenue, N.W., Washington, D.C. 20036.

American Association of University Women Educational Foundation—Awards about 50 fellowships. Write American Association of University Women, 2401 Virginia Avenue, N.W., Washington, D.C. 20007.

The Hattie M. Strong Foundation makes loans without interest or collateral up to $3,000 to students who are within 2 years of their final degree. Loans are based almost entirely on need—top limit of $1,500 per year per student. For additional information write the Hattie M. Strong Foundation, Room 409, 1625 Eye Street, Washington, D.C. 20006.

The Woodrow Wilson National Fellowship Foundation grants 1,000 fellowships for first year graduate students interested in college teaching careers in the liberal arts field. Current grants are contingent upon availability of funds beyond June, 1968. Write the Woodrow Wilson National Fellowship Foundation, Box 642, Princeton, New Jersey 08540.

Foundation for Independent Education, 224 Clarendon Street, Boston, Massachusetts. Approximately 8 to 10 scholarships valued at $300 are awarded annually to attend private junior colleges. For information write: Funds for Education, Inc., 319 Lincoln Street, Manchester, New Hampshire 03103.

Church scholarships are available through many denominations. 500 National Methodist Scholarships are awarded to outstanding students in over 100 accredited Methodist institutions. Students may also obtain loans from the Methodist Student Loan Fund while attending any institution of higher education accredited by its regional accrediting association. Write, Department of Student Loans and Scholarships, P.O. Box 871, Nashville, Tenn. 37202. The American Baptist Student Aid Fund also awards national scholarships and further information on this program may be obtained by writing, American Baptist Student Aid Fund, Valley Forge, Pa. 19481. The United Presbyterian Church U.S.A. offers 50 scholarships to qualified Presbyterian youths entering 45 church-related colleges. Application forms may be secured from the Board of Christian Education, United Presbyterian Church, 425 Witherspoon Building, Philadelphia, Pa. 19107. The Lutheran Churches affiliated with the Lutheran Council in the U.S.A. have a unified graduate scholarship program in social work for qualified Lutheran applicants. For details write: Division of Welfare Services, LCUSA, 315 Park Avenue South, New York, New York. 10010. The National Jewish Welfare Board, 145 East 32d Street, New York, N.Y. 10016, will furnish information about careers in social group work and scholarship help for graduate social work education.

United Daughters of the Confederacy Committee on Education provides annual scholarship grants and loans which range from $50 to $500. For further information, write UDC Divisions or Chapters in the States or Mrs. Pansy B. Fetzer, Box 1167, Shelby, N.C. 28150.

THE FIELD OF MEDICINE

Federal: The Health Professions Educational Assistance Act of 1963, as amended in 1965, provides for loans up to $2,500 per year for students pursuing a full-time course of study leading to a doctorate degree in medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and surgical chiropody. The 1965 Amendments provide for scholarships up to $2,500 per year for students in schools of medicine, osteopathy, dentistry, and optometry. Specific enquiries should be addressed to the institution to which students have applied for admission, or at which they are enrolled.

Medical Social Work: Medical Social Work Section, National Association of Social Workers, 2 Park Avenue, New York, N.Y. 10016.

Physical Therapy: American Physical Therapy Association, 1740 Broadway, New York N.Y. 10019.

Medicine: Council on Medical Education and Hospitals, American Medical Association, 535 North Deadborn Street, Chicago, Illinois 60610 or Association of American Medical Colleges, 2530 Ridge Avenue, Evanston, Illinois 60201.

Occupational Therapy: American Occupational Therapy Assn., 251 Park Ave., South, New York, N.Y. 10010.

NURSES

If you are interested in a career as a nurse, or in furthering your education if you are presently in nursing, you may want to contact the following sources for information:

Department of Information Services, National League for Nursing, 10 Columbus Circle, New York, N.Y. 10019.

The National Foundation, 800 Second Ave., New York, N.Y. 10017.

The 8 and 40 Tuberculosis Nursing Scholarship Fund assists students in securing advanced preparation for positions in supervision, administration or teaching with a direct relationship to tuberculosis control. Write: Box 1055, Indianapolis, Indiana 46206.

A list of institutions offering nursing traineeships is available at no cost from the Division of Nursing, Public Health Service, Room 407, 800 N. Quincy St., Arlington, Va. 22203.

The nursing student loan program provides for the establishment of a student loan fund in those public or nonprofit schools of nursing which wish to participate.

Talented high school graduates in need of financial assistance to enter and complete basic programs in nursing should apply for admission to the schools of their choice. Once admitted, they are eligible for loans under this Act. For information, write: Division of Community Health Services, Rm. 810, 800 N. Quincy St., Arlington, Va. 22203.

Students may cancel up to 50% of their loan for full-time employment as a professional nurse in any public or nonprofit private institution or agency. For each complete year of service, the rate of cancellation shall be 10% of the loan, plus interest, which is unpaid on the first day of employment.

FEDERAL ASSISTANCE

The national defense student loan program

In 1958, President Eisenhower signed into law the National Defense Education Act in which most colleges and universities in the United States participate.

High school graduates who have been accepted for enrollment by colleges and universities and who need financial help for educational expenses are eligible for student loans.

An undergraduate student may borrow up to $1,000 each academic year—to a total of $5,000. Repayment does not begin until 9 months after college; interest also does not begin until then. Repayment at 3% interest per annum may be extended over a 10-year period although the school may require a minimum repayment of $15 a month.

The "Teachers' Forgiveness Clause" in this program provides that if a borrower becomes a full-time teacher in an elementary or secondary school or an institution of higher education, up to half of the loan may be forgiven at the rate of 10% for each year of teaching service. Borrowers who elect to teach in certain eligible schools located in areas of primarily low-income families or to teach handicapped children may qualify for cancellation of their entire obligation at the rate of 15% per year.

The colleges and universities—Not the Federal Government—approve and make the loans. A student desiring this financial assistance should make application directly to the college or university which has accepted him.

A booklet containing a summary of this loan program and listing participating colleges and universities may be obtained by writing to the Department of Health, Education, and Welfare, Office of Education, Washington, D.C. 20201 or to me.

Federal grants and guaranteed loans

One of the final acts of the First Session of the 89th Congress was the Higher Education Act of 1965, which authorizes both Federally-financed grants and guaranteed student loans.

The grants are available through colleges and universities for students found to be in exceptional financial need. The maximum annual grant will be $800, except that a student who is in the upper half of his college class scholastically may receive an additional $200.

The colleges and universities will determine who is to receive the scholarships, and in what amount, so that application should be made directly to the college the student is attending or plans to attend.

Special emphasis will be placed upon identifying able students while they are still in high school with the promise of scholarship aid upon graduation from high school.

Guaranteed student loan program

Under this program, students may borrow from a local commercial bank, savings and loan association, mutual savings bank, insurance company, credit union, or other eligible lender to help meet college costs. The loan is made directly to the student, and is, in turn, guaranteed against default by a guarantee agency designated for each State. Loans may range up to $1,500 per year. Repayment may begin not less than nine nor more than twelve months after the student leaves college. For such loans, the Federal Government will pay a portion of the interest charges for eligible students.

Training for teachers of handicapped children

Grants are available through selected institutions for individuals for training as teachers or specially trained education personnel for children who are mentally retarded, seriously emotionally disturbed, hearing, speech or sight impaired, crippled, or otherwise health impaired. Available are traineeship grants for full-time senior year undergraduate study as well as post-graduate study. For information write: Division of Handicapped Children and Youth, U.S. Office of Education, Washington, D.C. 20201.

Federal loan assistance for vocational students

Students attending public and private vocational schools (including private schools operated for profit) may also apply for loans under a loan guarantee program highly similar to that described above. Such students are also eligible for Federal interest benefits.

Information concerning this assistance may be obtained through local Commissions for Higher Education, from high school counselors and from the business, trade, or vocational school the student plans to attend.

The U. S. Army sponsors the Army Reserve Officers Training Corps (AROTC) wherein a male student may earn a commission in the Regular Army of a Reserve Component. The student may enroll in a 4-year program in his freshman year of college or, under a new program, may qualify for enrollment in a 2-year program in his junior year of college. 4-year and 2-year ROTC scholarships are also available for selected students who are interested in a military career. For detailed information, write to the Professor of Military Science at any Army ROTC or to Army ROTC, Fort Monroe, Virginia 23351.

The Army has a pamphlet, "Educational Scholarships, Loans, and Financial Aids," which contains information regarding the Army Scholarship and Loan Program and numerous other public, private and military programs which offer financial aid for education primarily to dependent children of active, retired and deceased military personnel. Copies of this publication may be obtained from The Adjutant General, Department of the Army, Attn: AGMD–D, Washington, D.C. 20315. Another Army publication, "Study for Your Future with the New Action Army," contains information regarding opportunities to continue various levels of education while on active duty. Copies of this publication may be obtained from the Adjutant General, Department of the Army, Attn: AGMG–G, Washington, D.C. 20315.

The war orphans' education program offers assistance to the children of deceased or permanently and totally disabled veterans in certain categories. Financial aid is available for the education of children of veterans who are, or who died while, permanently and totally disabled from or whose death was due to disease or injury incurred or aggravated in the line of duty during the Spanish-American War, World War I, World War II, the Korean Conflict, the Vietnam Conflict and the induction period. The latter is the period, exclusive of war time, when young men are liable to induction under the University Military Service and Training Act.

Children of the above veterans may be entitled to help for 36 months or 4 academic years. Those who attend approved colleges, vocational and business schools can receive $130 monthly if on a full-time basis. Those on a ¾ time basis may receive $95 monthly and those on half-time may get $60 monthly.

To inquire about this program, write to the Veterans Administration Office nearest to your home, or to me.

The U.S. Navy enrolls in the Regular Naval Reserve Officers Training Corps (NROTC) selected male candidates who are sincerely interested in pursuing careers as officers in the Regular Navy and Marine Corps. High school seniors and graduates are eligible to take the Navy College Aptitude Test, the qualifying mental examination, which is given each December. Selectees are appointed Midshipmen, United States Naval Reserve, and receive not more than four years of training and education at one of 52 colleges and universities. Midshipmen receive tuition, educational fees, uniforms, Naval science textbooks, and a subsistence allowance of $50.00 per month.

NROTC Bulletins of Information with application blanks are available each spring at high schools. Navy Recruiting Stations, NROTC colleges and universities, from the Chief of Naval Personnel, Department of the Navy, Washington, D.C. 20379, or from my office.

The Navy also enrolls male college freshmen in the Contract NROTC Program, which commissions graduates as reserve officers in the Navy and Marine Corps. Selections are made by Commanding Officers of NROTC Units at 53 colleges and universities. Students may also enter this program at the junior level by attending a special summer course. During the junior and senior years, students receive $40.00 a month subsistence allowance. Brochures are available at Naval Recruiting Stations. NROTC Units, and the Bureau of Naval Personnel.

Navy-Marines

Scholarship awards are available for sons and daughters of officers and enlisted men of the Navy and Marine Corps, active, retired with pay, or deceased. Applications may be obtained from Chief of Naval Personnel, Navy Department, Washington, D.C. Dependents of discharged personnel are not eligible for these benefits.

Air Force education assistance

Central Welfare Education Assistance Program—The Air Force, through the United States Air Force Central Welfare Education Assistance Program, will provide financial assistance to a limited number of dependent children of its military members to obtain a college education. Funds from this program will be used annually to support four-year Air Force Merit Scholarships. Air Force Regulation 214–13 sets forth the eligibility criteria. Information about the program may be obtained from the Personnel Services Office at any Air Force base.

Education Services Program—The Air Force, through the Education Services Program, provides tuition assistance to eligible active-duty personnel who participate in off-duty college programs either on or nearby Air Force Installations. The amount of assistance, as authorized by law, may provide for as much as 75% of the tuition cost or fees in lieu of tuition not to exceed $14.25 for each semester-hour credit or $9.50 for each quarter-hour credit. All Air Force personnel are encouraged to participate—provided it does not conflict with their primary duty responsibilities. A wide range of college courses qualify for such financial assistance.

Reserve Officers' Training Corps—The Air Force enrolls male college freshmen in the basic Reserve Officers' Training Corps (AFROTC). Students are selected for enrollment in the advanced AFROTC course from a list of eligible applicants by Professors of Aerospace Studies at colleges which have these programs.

Transfer students from junior colleges and sophomores enrolled in a 4-year course of studies may also apply for admission in the advanced course. However, these qualified applicants must successfully complete a six-week basic military training program between their sophomore and junior years before being admitted into advanced AFROTC.

Students selected for the advanced course receive $40.00 a month during their junior and senior years. Necessary uniforms and textbooks are furnished at no cost to the student. Students enrolled in a 4-year ROTC program may apply for scholarship assistance covering the cost of tuition, fees, books and laboratory expenses.

For a complete list of colleges participating in this program and information concerning scholarships, write: Commandant, AFROTC, Maxwell AFB, Alabama.

The U.S. Coast Guard appoints qualified young men as cadets, and upon the successful completion of a 4-year course at the U.S. Coast Guard Academy in New London, Connecticut, they receive a Bachelor of Science degree and a commission as Ensign in the U.S. Coast Guard. Candidates are selected solely on the basis of a nationwide competitive examination and must apply to the Coast Guard prior to 15 December each year. Candidates themselves must also arrange to take the prescribed College Entrance Examination Board tests given in December and request that the scores be sent directly to the Coast Guard Academy. This should be done prior to the late October deadline set by the CEEB for receipt of applications. They must take both the verbal and mathematics scholastic aptitude tests and the achievement tests in mathematics (level I or level II), and English composition (not the writing sample).

The Academy will inform applicants of their status in mid-February. Submit application prior to the date of the December College Entrance Examination Board test to: Director of Admissions, U.S. Coast Guard Academy, New London, Connecticut 06320.

MILITARY SERVICE ACADEMIES

A Member of Congress may appoint qualifying men to the U.S. Military Academy at West Point, N.Y.; to the U.S. Naval Academy at Annapolis, Md.; to the U.S. Air Force Academy at Colorado Springs, Colo.; and the U.S. Merchant Marine Academy at Kings Point, N.Y. I authorize applicants to take a series of competitive examinations and, based on the results of these examinations, nominations will be made for the entrance and substantiating examinations for the next year. Catalogues issued by the Academies and application blanks can be obtained by writing to me at 2310 Rayburn House Office Building, Washington, D.C. 20515.

STATE OF OHIO COLLEGE ASSISTANCE

Ohio colleges and universities offer scholarships and financial aid to high school seniors. A complete list is available at your school. If you do not have it, ask your counselor or principal to contact: Ohio Scholarship Tests, Division of Guidance and Testing, State Department of Education, 751 Northwest Boulevard, Columbus, Ohio 43212.

Ohio has a loan program set up to help students attend institutions of higher education by guaranteeing loans made to them through commercial banks in the State. The participation of the State of Ohio is limited to the guarantee of the loan and the administration of the program. Ohio residents, who are full-time students in good standing, may borrow from $500 to $1,000 per year to attend an approved college, university, or nurse training hospital. If your local banker cannot supply the needed information, write: Ohio Higher Education Assistance Commission, 21 West Broad Street, Columbus, Ohio 43215.

Ohio Representatives to the General Assembly may designate a limited number of tuition scholarships at Central State College at Wilberforce, Ohio.

ADDITIONAL REFERENCES

Federal: The Health Professions Educational Assistance Act of 1963, as amended in 1965, provides for loans up to $2,500 per year for students pursuing a full-time course of study leading to a doctorate degree in medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and surgical chiropody. The 1965 Amendments provide for scholarships up to $2,500 per year for students in schools of medicine, osteopathy, dentistry, and optometry. Specific enquires should be addressed to the institution to which students have applied for admission, or at which they are enrolled.

The U.S. Department of Health, Education and Welfare publishes a booklet entitled *"Financial Assistance for College Students,"* which enumerates the tuition and fees, scholarships, loans, grants in aid and student employment of every college and university in the United States. A copy of this publication may be obtained by sending 50c to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The American Legion publishes a booklet entitled, *"Need a Lift?"* This booklet lists scholarships and fellowships available through private and public sources and may be obtained by sending 25c to the Child Welfare Service, American Legion, Indianapolis, Indiana.

"How About College Financing?" is a booklet describing various approaches to college financing for students and parents. Copies may be obtained for 30c from the American School Counselor Association, 1605 New Hampshire Avenue, N.W., Washington, D.C. 20009.

"How to Pay For Your Child's College Education" may be obtained by sending 25c to Public Affairs Pamphlets, 22 East 28th Street, New York 16, New York.

"The New American Guide to Scholarships, Fellowships and Loans" may be obtained at 75¢ a copy by writing New American Library of World Literature, 501 Madison Avenue, New York 22, New York.

Visit your local library and ask to see a copy of *"How to Finance a College Education"* by W. Bradford Craig, Published by Henry Holt and Company, 1959.

The United Business Schools Association maintains a listing of schools it has accredited. Many of these schools offer general work or service scholarships to eligible students. Some also offer work-study programs.

For a listing of these business schools write: Guidance Department, United Business Schools Association, 1518 K Street, N.W., Wash., D.C. 20001.

TO AMEND THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Mr. REINECKE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REINECKE. Mr. Speaker, the Manpower Development and Training Act of 1962 is an outstanding example of occupational training at Federal expense under the terms of a workable, imaginative, and highly effective program.

There are, however, some shortcomings in the operation of the program, as it relates to other federally sponsored and certain State-sponsored programs of a similar nature.

With the object of erasing these defects, I am today cosponsoring a bill to amend the Manpower Development and Training Act of 1962. The purpose of the bill, simply stated, is to provide a method whereby State governments can utilize Federal matching funds, together with State funds, to supplement and coordinate the effectiveness of services available under the several Federal manpower programs.

The Senate is currently considering an identical measure cosponsored by Senator GEORGE MURPHY, of California, and the California State Assembly has adopted a joint resolution memorializing Congress to add this new title to the Manpower Development and Training Act.

Support for the measure, in my district—the California 27th Congressional District—is clearly bipartisan, as it is elsewhere in the State. Leaders of both parties in the California Legislature have firmly declared themselves in its behalf.

I therefore recommend passage of this legislation to amend the Manpower Development and Training Act of 1962 in a way that is urgently needed and of great social and fiscal utility.

GALLANT SOLDIER FROM HOUSTON AWARDED MEDAL OF HONOR

Mr. CASEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a citation for the Medal of Honor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASEY. Mr. Speaker, this morning, on behalf of a proud and grateful Nation, the President of the United States awarded to five brave and gallant soldiers our highest award—the Medal of Honor.

What a proud moment it was for me to be present at this ceremony at the White House.

And what a proud moment for the people of Houston, Tex., to know that one of our finest young men was the recipient of this award.

To 1st Sgt. David G. McNerney, Company A, 1st Battalion, 8th Infantry, U.S. Army, and to his family, on behalf of the people of Houston I extend our warmest congratulations. You, and your four comrades-in-arms have exemplified the highest ideals of the American citizen-soldier.

I consider it unfortunate, indeed, that the world hears more about our raucous dissenters from the gutter than they do of our David McNerney's who give so much at such terrible risk in the noble cause of freedom.

Because I want my colleagues and the world to know the caliber of this man, the unbelievable gallantry and bravery he displayed, I include the citation accompanying his award at this point:

CITATION

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to First Sergeant David H. McNerney, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

On 22 March 1967, First Sergeant McNerney distinguished himself when his unit, Company A, 1st Battalion, 8th Infantry was attacked by a North Vietnamese battalion near Polei Doc, Republic of Vietnam. Running through a hail of enemy fire to the area of heaviest contact, he was assisting in the development of a defensive perimeter when he encountered several enemy at close range. He killed the enemy but was painfully injured when blown from his feet by a grenade. In spite of this injury, he assaulted and destroyed an enemy machine gun position that had pinned down five of his comrades beyond the defensive line. Upon learning his commander and artillery forward observer had been killed, he assumed command of the company. He adjusted artillery fire to within twenty meters of the position in a daring measure to repulse enemy assaults. When the smoke grenades used to mark the position were gone, he moved into a nearby clearing to designate the location to friendly aircraft. In spite of enemy fire he remained exposed until he was certain the position was spotted and then climbed into a tree and tied the identification panel to its highest branches. Then he moved among his men readjusting their position, encouraging the defenders and checking the wounded. As the hostile assaults slackened, he began clearing a helicopter landing site to evacuate the wounded. When explosives were needed to remove large trees, he crawled outside the relative safety of his perimeter to collect demolition material from abandoned rucksacks. Moving through a fusillade of fire he returned with the explosives that were vital to the clearing of the landing zone. Disregarding the pain of his injury and refusing medical evacuation First Sergeant McNerney remained with his unit until the next day when the new commander arrived. First Sergeant McNerney's outstanding heroism and leadership were inspirational to his comrades. His actions were in keeping with the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. HANSEN of Washington, for the week of September 23 through 27, on account of official district business.

Mr. McCULLOCH (at the request of Mr. GERALD R. FORD), for today, on account of official business—National Commission on the Causes and Prevention of Violence.

Mr. McDADE (at the request of Mr. GERALD R. FORD), for the balance of week, on account of illness in family.

Mr. MAILLIARD, for next week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PUCINSKI, for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ASPINALL and to include extraneous matter.

Mr. O'HARA of Illinois in five instances and to include extraneous matter.

Mr. DULSKI in three instances and to include extraneous matter.

Mr. RYAN in three instances and to include extraneous matter.

Mr. MADDEN and to include an address by the Reverend Joseph J. Collins.

Mr. COLMER.

Mr. RANDALL in two instances.

(The following Members (at the request of Mr. DAVIS of Wisconsin) and to include extraneous matter:)

Mr. CURTIS in two instances.
Mr. SPRINGER.
Mr. RIEGLE.
Mr. MORSE of Massachusetts.
Mr. SCHERLE in three instances.
Mr. CLEVELAND in two instances.
Mr. THOMPSON of Georgia.
Mr. DUNCAN.
Mr. DENNEY.
Mr. WIDNALL in two instances.
Mr. BROTZMAN.
Mr. UTT.
Mr. TEAGUE of California.
Mrs. BOLTON in two instances.
Mr. MESKILL in two instances.
Mr. ASHBROOK in two instances.
Mr. MILLER of Ohio in two instances.
Mr. EDWARDS of Alabama.
Mr. PETTIS.
Mr. COLLIER in two instances.
Mr. BERRY.
Mr. SCOTT.
Mrs. HECKLER of Massachusetts.
Mr. DERWINSKI.
Mr. SAYLOR.

(The following Members (at the request of Mr. BRINKLEY) and to include extraneous matter:)

Mr. PODELL in three instances.
Mr. WILLIAM D. FORD in two instances.
Mr. EILBERG.
Mr. JONES of North Carolina in two instances.
Mr. GONZALEZ in three instances.
Mr. MONAGAN in two instances.
Mr. OTTINGER.
Mr. GRIFFIN.
Mr. FASCELL.
Mr. McFALL in three instances.
Mr. DANIELS.
Mr. WALDIE.
Mr. NEDZI in two instances.

Mr. Holifield.
Mr. Mahon in four instances.
Mr. Culver.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2214. An act for the relief of Arthur Rike; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 17609. An act to authorize the Secretary of the Interior to convey to the city of Kenai, Alaska, interests of the United States in certain land; and

H.R. 18785. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 3133. An act to extend for 1 year the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts, and for other purposes; and

S. 3379. An act to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N.J., as wilderness.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 5754. An act to amend section 1263 of title 18 of the United States Code to require that interstate shipments of intoxicating liquors be accompanied by bill of lading, or other document, showing certain information in lieu of requiring such to be marked on the package;

H.R. 8953. An act to amend the act of November 21, 1941 (55 Stat. 773), providing for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority; and

H.R. 18763. An act to authorize preschool and early education programs for handicapped children.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Monday, September 23, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2217. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 6, 1968, submitting a report, together with accompanying papers and illustrations, on a review of the report on Gulf Intracoastal Waterway, St. Marks to Tampa Bay, Fla., requested by resolutions of the Committee on Commerce and the Committee on Public Works, U.S. Senate, adopted February 6, 1940, and December 20, 1950 (H. Doc. No. 386); to the Committee on Public Works and ordered to be printed with illustrations.

2218. A letter from the Comptroller General of the United States, transmitting a report on a proposed revision to the Internal Revenue Code governing interest payments on certain types of Federal income tax refunds, Internal Revenue Service, Treasury Department; to the Committee on Government Operations.

2219. A letter from the Comptroller General of the United States, transmitting a report of the need for additional criteria for evaluating motor vehicle use and estimating vehicle needs, Corps of Engineers (Civil Functions), Department of the Army; to the Committee on Government Operations.

2220. A letter from the Secretary of Commerce, transmitting a report on Federal participation in the Alaska Purchase Centennial Celebration, pursuant to the provisions of section 4 of Public Law 89–375; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PASSMAN: Committee on Appropriations. H.R. 19908. A bill making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes (Rept. No. 1906). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1308. A resolution waiving points of order against H.R. 19908, bill making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes (Rept. No. 1907). Referred to the House Calendar.

Mr. POAGE: Committee of Conference. S. 3068. An act to amend the Food Stamp Act of 1964, as amended (Rept. No. 1908). Ordered to be printed.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 18980. A bill to authorize the government of the District of Columbia to convey interests in certain property owned by the District of Columbia in Prince William County, Va., and for other purposes; with amendments (Rept. No. 1909). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 2017. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods not to exceed 3 years (Rept. No. 1910). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 2496. A bill to authorize the Commissioner of the District of Columbia to enter into and renew reciprocal agreements for police mutual aid on behalf of the District of Columbia with the local governments in the Washington metropolitan area (Rept. No. 1911). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 2592. An act to amend section 539 of the act approved March 3, 1901, so as to provide notice of the enforcement of a security interest in real property in the District of Columbia to the owner of such real property and the Commissioner of the District of Columbia (Rept. No. 1912). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. S. 1246. An act to authorize the Commissioner of the District of Columbia to enter into leases for the rental of, or to use or permit the use of, public space in, on, over, and under the streets and alleys under his jurisdiction, other than freeways, and for other purposes; with amendments (Rept. No. 1913). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 1247. An act to authorize the Commissioner of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under such streets and the correction of dangerous conditions of vaults in or vault openings on public spaces, and for other purposes; with amendments (Rept. No. 1914). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 2012. An act to amend the District of Columbia Public School Food Services Act; with amendments (Rept. No. 1915). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PASSMAN:

H.R. 19908. A bill making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes.

By Mr. DENNEY:

H.R. 19909. A bill to provide that the burden of proving that the taxpayer's treatment of certain expenditures is erroneous shall be on the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. MEEDS:

H.R. 19910. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. MESKILL:

H.R. 19911. A bill to provide compensation for firemen not employed by the United States killed or injured in the performance of duty during a civil disorder, and for other purposes; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 19912. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 19913. A bill to prohibit the furnishing of mailing lists of names or addresses by Government agencies to the public in connection with the use of the U.S. mails, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYMAN:

H.R. 19914. A bill to establish a National Youth Commission to present to the Federal Government the views of the youth of the United States; to the Committee on Education and Labor.

By Mr. BARING:

H.R. 19915. A bill to provide that the reduction in expenditures required by section 202 of the Revenue and Expenditure Control Act of 1968 shall not apply to expenditures from the highway trust fund; to the Committee on Ways and Means.

By Mr. CULVER (for himself, Mr. BINGHAM, Mr. EVANS of Colorado, Mr. HAMILTON, Mr. HATHAWAY, Mr. McCARTHY, Mr. KASTENMEIER, and Mr. REUSS):

H.R. 19916. A bill to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 19917. A bill to provide for the withdrawal of the second- and third-class mailing permits of mail users who have used these permits systematically in the mailing of obscene, sadistic, lewd, or pandering mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PURCELL (for himself and Mr. WRIGHT):

H.R. 19918. A bill to allow, in a pension plan whose terms or conditions are qualified under section 401 of the Internal Revenue Code of 1954, reasonable differentiation in retirement ages between male and female employees, as well as provisions or requirements for retirement at reasonable ages; to the Committee on Ways and Means.

By Mr. GUDE (for himself, Mr. JACOBS, and Mr. ADAMS):

H.R. 19919. A bill to provide for the regulation in the District of Columbia of retail installment sales of consumer goods (other than motor vehicles) and services, and for other purposes; to the Committee on the District of Columbia.

By Mr. KEE:

H. Res. 1309. Resolution creating a select committee to conduct an investigation and study of all aspects of crime in the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 19920. A bill for the relief of Richard Joseph O'Callaghan; to the Committee on the Judiciary.

By Mr. BOW:

H.R. 19921. A bill for the relief of Francesco Ferrante; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 19922. A bill for the relief of Giorgio Colarusso; to the Committee on the Judiciary.

H.R. 19923. A bill for the relief of Mario Rossi; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 19924. A bill for the relief of Kin Thi Dang; to the Committee on the Judiciary.

H.R. 19925. A bill for the relief of Maung Win; to the Committee on the Judiciary.

By Mrs. DWYER:

H.R. 19926. A bill for the relief of Mr. Tong Li Fat; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 19927. A bill for the relief of Concetta Fulco; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 19928. A bill for the relief of Antonina Panzarella and Giacinta Panzarella; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.R. 19929. A bill for the relief of Angel Llona; to the Committee on the Judiciary.

By Mr. HARVEY:

H.R. 19930. A bill for the relief of Aurora M. Evangelista; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 19931. A bill for the relief of Antonio Gargane; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 19932. A bill for the relief of Aurelio Papa; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 19933. A bill for the relief of Joseph J. Frank; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 19934. A bill for the relief of Houmer C. Godje; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 19935. A bill for the relief of Marlene Ewart; to the Committee on the Judiciary.

H.R. 19936. A bill for the relief of Sarah McPherson; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 19937. A bill for the relief of Lidia Lovas and her son, Joseph Lovas; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 19938. A bill for the relief of Chalom Elbaz, his wife, Esther Elbaz, and their four minor children, Annette Elbaz, Jacob Elbaz, Meyer Elbaz, Makhlouf Elbaz, and their daughter Mira Elbaz; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 19939. A bill for the relief of Erodita Agard; to the Committee on the Judiciary.

H.R. 19940. A bill for the relief of Fani Haier; to the Commitee on the Judiciary.

H.R. 19941. A bill for the relief of Sergio Villar; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 19942. A bill for the relief of Mrs. Hannah W. Davidson; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 19943. A bill for the relief of Santo Ferrara; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

399. The SPEAKER presented a petition of Henry Stoner, of Portland, Oreg., relative to tax reform, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

PRIVATE ENTERPRISE SEEKS SOLUTIONS TO COMMUNITY PROBLEMS

Hon. EVERETT McKINLEY DIRKSEN

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Thursday, September 19, 1968

Mr. DIRKSEN. Mr. President, a unique program has been developed by the new president of Shimer College, Mount Carroll, Ill., Milburn P. Akers, who is the retired editor of the Chicago Sun-Times.

This program is a fine example of a private enterprise seeking to find solutions to the problems of the community in which this school is located. The costs of the program are borne by the college.

It is my thought that a program of this type—the private sector helping an entire community—would make refreshing reading for my colleagues.

Mr. President, I ask unanimous consent that a recent release on this program be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

MOUNT CARROLL, ILL.—The problem of restless youth in the summer is not strictly an urban dilemma, a former metropolitan editor turned college president found. His solution: Lend the campus to the youngsters of this college town and provide a creative arts and recreation program.

"We've tried to do it on our own, but because of a lack of facilities or people to supervise it, we could just never get it going," said Lyle Richter, mayor of the rural northwestern Illinois community a few minutes from the Mississippi River.

Shimer College, privately financed, did have the facilities, a supervisor and an entire campus vacant since Shimer has no summer school program. Now, for the first time, some 200 children in Mount Carroll (population 2100) are enjoying an organized recreational program at no charge to the town or the participants.

The idea to provide the town with the school's facilities, manpower and equipment was that of Milburn P. Akers, retired editor of the Chicago Sun-Times and new president of the 116-year-old, co-educational school.

He learned of the community's needs, knew what Shimer had to offer, and asked Robert J. Schuler, 29, a teacher of literature at the college, to direct a summer recreation program. Schuler, while attending Stanford University, had spent two summers as a recreation director.

Before the Shimer program began in June, Schuler had the task of informing the townspeople, interesting the children and securing the necessary volunteer help for the program.

"I presented the program before civic organizations, such as the Mount Carroll Community Council, discussed it with leading officials of the town and sent questionnaires to the high school and grammar school to seek their opinions on what kind of activities they thought we should offer," Schuler said.

When the program began for children ages five through 18, Schuler claimed support of the community as evidenced by the fact that he was able to obtain the volunteer services of about a dozen townspeople.

"I read about the program in our local newspaper," said Mrs. Paul Dewey, one of the local volunteers, "and suggested to Mr. Schuler that a drama workshop might be a good idea as part of the program."

Not only did Schuler accept her sugegstion, but he also accepted her offer to take full responsibility for the workshop.

When the first day of the program began, Schuler had a complete schedule of summer activities ready to give each child who signed up.

Schuler himself is in charge of tennis lessons, basketball, baseball and other outside activities. Mrs. Blendon Kneale, wife of the late artist in residence at Shimer and an accomplished artist herself, conducts an arts and crafts program. Local teachers and housewives, plus Schuler's own wife, Carol, volunteered to conduct other activities such as story hours and children's games.

"The program isn't as rigid as the schedule may suggest," said Schuler. "If a group comes to me and requests we do something that doesn't happen to be scheduled at the time, we do it."

The program takes in the broadest range of children possible, Schuler explained. Because the older teen-agers need something more than daytime activities, a record hop takes place two nights a week in the Shimer gymnasium. Schuler uses his own records which he's accumulated over the years in San Mateo, California, where he was born and raised.

Some start-up problems did occur. On the first day Mrs. Dewey held her drama workshop in one of Shimer's lounges, "about 45 children attended ranging in age from eight to 18," she said. "I had intended to have only two classes, two days a week, but I'm planning to break up the children into age groups and schedule more classes."

In the drama workshop the children select their own readings and plays. Mrs. Dewey explained that she started with the basics of speaking distinctly, audience contact and the simple disciplines of expressing emotions.

"I think a program like this helps a child get over his self-consciousness, gives him a sense of security the next time he has to speak before a group or express himself to anyone."

Baby-sitting could have been a problem for some of the volunteers, but the fact that the program offers something for every age group allows the women, such as Mrs. Dewey with three children, to conduct their own activities while their children are enjoying others.

When Schuler and his wife are both involved in projects, they let their two children, ages one and three, play in whatever area they happen to be. "This arrangement works out just fine," said Schuler. "Our children enjoy being around all the other youngsters."

Probably the most popular activity and the one most praised by the townspeople is the arts and crafts.

Mrs. Kneale, along with six other volunteers, conduct painting, clay modeling and papier-mache classes for about 90 children. A different age group meets daily for about an hour and a half ("but it usually runs longer because the children are so enthusiastic.")

Mrs. Kneale had a problem with the Fourth of July when the summer program was closed for the holiday. "That fell on the second meeting of the 10–to–12 age group," explained Mrs. Kneale, "and I found that many of the children asked their parents if they could attend the class rather than going on an Independence Day outing."

She said her classes strive to develop the children's senses to the world around them and how they can express this world in various materials that artists use.

As in all classes and activities, the assistant director, for want of a better title, are allowed a free hand as to what they can offer.

At the end of the summer program session, Mrs. Kneale and her staff plan to take each group out to a nearby lake to make sand castings on the beach. Transportation? They plan to use their own cars.

People of the community agree that such a program compensates for a shortcoming not often recognized to exist in rural areas by those in urban centers.

"We may have an abundance of open space out here that you don't have in the city," said Mayor Ritcher, "but the children still need organized and supervised activities. We have a pool in town but children can't swim all the time. That's why I'm very much in favor of the Shimer program."

The major strength of the program, according to the Rev. Earland Lilly, minister of the American Baptist Church of Mount Carroll and one who helped in recruiting volunteers, is in the arts and crafts and drama workshop.

"This is an excellent attempt to fill a creative gap suffered by rural communities," he said. "We're suffering from the problems of affluence out here as well and the young people just don't know how to entertain themselves, creatively or productively."

He added that the summer recreational program at Shimer was "one of the finest gestures on the part of the college to work with the community."

The college has come to the aid of the community previously.

Two years ago, the Methodist Church instituted a tutoring program for the area children who were lacking certain academic skills. A team of volunteer students from Shimer spent one day a week for an entire semester helping these children.

Activities such as this and the current summer program, "shows that the college is really interested in serving the community," according to the Rev. Mr. Lilly.

Shimer has a national reputation for academic experimentation. Its enrollment during the school year approximates 500 representing most states and some foreign lands.

EARL SANDT: AVIATION PIONEER

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. SAYLOR. Mr. Speaker, the heroic contributions of Earl Sandt, a native of Brookville, Pa., were a major factor in aviation's early progress.

Though an airplane crash took his life at age 25, Earl Sandt provided incentive and courage in the development of air transportation. A mechanical genius with extraordinary vision, he helped to stimulate the determination in other aviation pioneers and confidence in an entire Nation.

Earl Sandt was the first man to fly over Lake Erie and over the city of Pittsburgh. He created interest necessary for the creation of a great industry.

Dr. Ralph Marsh, of Dubois, who as a youngster witnessed the young aviator's historic flight from Brookville to Punxsutawney in 1912, has documented the experience and other pertinent information about Earl Sandt's life in the Dubois Courier-Express. Because of the historic importance of this chronicle, I insert it in its entirety in the CONGRESSIONAL RECORD:

EYEWITNESS TO HISTORY RECORDED JUNE 29, 1912, TELLS STORY OF THE FIRST FLIGHT, BROOKVILLE TO PUNXSUTAWNEY—BROOKVILLE'S SANDT PIONEERS AREA AVIATION

(By Dr. Ralph Marsh)

In these days when super sonic jets fly across the continent in less than four hours and the X-Class Experimental Planes at Edwards Air Field in California, can develop speeds up to 2,000 miles per hour, it's just hard to believe that in our life time, a non-stop flight from Brookville to Punxsutawney caused great excitement some years ago. This plane and the flight were the first ever seen in these parts.

Earl Sandt, the pioneer airman was born in Brookville in 1888, and at an early age showed great mechanical ability. At 15, he wired his father's home for electricity, at 16 he bought the first motorcycle in town, and at 17 was driving one of the first automobiles seen in Brookville. At 20, he became fascinated with infant aviation and he sought out Lincoln Beachey, an early airman, to teach him to fly.

We must remember that it was only nine years before that the Wright Brothers made the first successful plane flight at Kitty Hawk, and that was only a few feet in distance. As recent as 1908, a flight of a mile and up to about 10 feet was considered progress. Then on July 29, 1909, Louis Bleriot, a Frenchman, won world acclaim by crossing the English Channel, a distance of 31 miles in 37 minutes. And this was over water.

Earl Sandt was the first airman to fly over Lake Erie, and the first airman to fly over the City of Pittsburgh. On the day he was to fly over Pittsburgh, the sky became a little cloudy and it looked like rain and his backers tried to dissuade him from going up. They thought the weather would be too stormy. A Pittsburgh cigar was named for him that day. The Pittsburgh newspapers referred to him as the Bird Man and to his plane as the Bird Machine.

He then came to Brookville to prepare for his great non-stop flight to Punxsutawney. The plane came to Brookville by railroad freight and was hauled to the take off field by dray horses, where a mechanic from the Curtis plant had arrived to reassemble the plane.

June 25, 1912, was the day scheduled for the great flight. A crowd of people, estimated at between four-five thousand people, came from a wide area over dusty roads in their horse drawn buggies and wagons, bringing their families, and baskets of food. It was a gala holiday. All the stores on Main Street closed at noon, so that everyone could see the flight. A baseball field, where the new houses on Walnut Street are now, was the scene of the take off. The only houses on the street then were Luca's and Barrett's. At the end of the field were two yellow brick houses on Caldwel Street.

Our energetic school principal, Prof. C. E. Wilson, lived on the edge of the field, and had secured the ice cream cone concession. His chief aides were his two small sons, Merridith and Ray. The distributing point for the ice cream was the Wilson kitchen, where the wooden tubs held the ice cream containers. Prof. and Mrs. Wilson dipped out the cream and filled the cones. The boys carried the cones in a wooden holder, with neat holes cut out to hold the cones, and a handle was fastened underneath so that it could be carried with one hand, leaving the other hand free to collect the money. No one seemed to mind the dust on the cones which was kicked up by the crowd.

This great crowd had gathered to see a sight never before seen in these parts, a machine defying gravity and with power would rise and fly to a destination under the guidance and direction of an operator. The spectators were thrilled about seeing this new exhibition. To many it was like seeing a great circus for the first time. Different too, was the airplane, there would be no half way performance, it would either go up or it wouldn't.

On this first attempted take off on June 25th, one wheel ran into an embankment, this slowed up the speed and Sandt quickly sensing danger, turned the plane to the side to stop it, turning it over and causing some damage to the plane. Everything had to be called off until repairs could be made. If the big crowd was disapponted, they didn't show it. They were to return four days later, the crowd bigger than before.

Red Verstine, a young cousin of Sandt's was a passenger on the first try, and it was thought this extra weight had something to do with the failure of the plane to gain enough speed to take off when the McGiffin and Monroe homes loomed in sight too soon.

When the propeller was started, a great cloud of dust rose and filled the eyes of the crowd, and it wasn't until the dust had settled and the air cleared, that people realized there had been a crack up, and that the plane had not gone up.

The disappointment and delay added fuel to the excitement. The crowd came back again, perhaps bigger, again with their wagons and picnic baskets. The ice cream cone business reaped a harvest once more. The passenger, Red Verstine, had changed his mind about flying and instead became a spectator to the second flight try. The second try came four days later and was successful.

LARGE CROWD

Surrounded by a rope fence and with guards to hold back the curious, was the bird machine, certainly having no resemblance to a bird. We had seen pictures of the Wrights with their gliders and plane, and we could compare them to the likeness of a box kite, swelled to an enormous size. It was a biplane, having an upper and a lower wing, which were twenty-four feet long from tip to tip.

The wings were connected to each other by bamboo struts, all braced together with piano wire. The upper and lower frames were covered with canvas.

The tail portion, with the rudders, later called ailerons, was only a short appendage, extending back about eight feet. A gasoline engine, with less horsepower than our smallest automobile today, was set in the center of the frame. A single propeller, made of wood, was connected to the rear of the motor.

The pilot sat out front, holding a wheel similar to an automobile steering wheel, on which were the engine controls. Levers at the side controlled the rudders. A belt held the flyer firmly in his seat, and when looking over his knees, he could see his feet, and beyond these, the ground below. There was no cockpit, only a seat out front. Goggles and a cap with the peak turned to the back, completed the necessary equipment.

On June 29, 1912, with the same great faithful crowd, the second attempt was made. The propeller was started, began to whirr, then grew to a roar and crescendo like the buzz saw in a logging mill.

The wind created by the propeller whipped up a tornado of dust and dirt and showered just about everyone as it did four days earlier. But this time everyone covered their eyes, and just getting dirt in their mouths and ears. The plane sped down the run way, then off the ground, up and up, to about a thousand feet. The pent up excitement now gave way and people began to shout and cheer, and men threw their hats into the air. Now they were sure the plane had left the ground.

The fire whistle began to blow, church bells rang, and several locomotives in the railroad yards had their whistles tied down. The plane circulated over town and then headed southward towards Punxsutawney.

Two of Earl's friends, Marlin Reed and Blake Irvine, had a long green touring car parked near the plane, and when it seemed the plane would stay up, the purpose of the automobile became evident. They were to start across country, they had several doctors and nurses aboard, and a stretcher and medical supplies. With cut out open, they dashed away in the direction of Punxsutawney, keeping to roads as near as possible to the air route, to be on hand, just in case. They made the 20 mile trip in 32 minutes, a speed record which stood for many years. In the meantime, in Punxsutawney, the townspeople had gathered in the Fairgrounds, on the roof tops and other vantage points, many scanning the sky with binoculars. He soon dove into sight, came down gracefully and landed in the Fairgrounds, making the 18 mile air trip in 16 minutes.

THE HERO

Girls hugged and kissed him, much to Earl's embarrassment, as he was a very bashful young man. Girls loved heroes even in those days. It was a very clear day and the visibility perfect, spectators with binoculars could see the plane in flight from Brookville for eight minutes and those in Punxsutawney could see him coming for eight minutes. People watching him land at his destination were as excited and thrilled as we were in Brookville.

Calling it a day, Earle came back to his home that evening by automobile.

Earl Sandt continued to make exhibition flights and a year after the Brookville flight, on June 20, 1913, his plane fell into a barnyard near Grove City. Lockjaw developed and he died on June 22, 1913, at the age of 25 years. If penicillin had been available in those days, two dollars worth would have saved his life.

Charles Lindbergh had read about Earl Sandt, and in May 1931, Mrs. Evangeline Lindbergh, the flier's mother, came to Brookville to lay a wreath on Earl Sandt's grave.

On May 7, 1957, when as a Member of the Legislature, I introduced a Resolution commemorating the life and exploits of Earl Sandt. A copy of the Resolution was directed to be sent to the three nieces now living in Brookville.

Some years ago I wrote the story of the Earl Sandt Flight from Brookville to Punxsutawney, as seen through the eyes of a small boy, and it was purchased by Flying magazine, one of the world's foremost aviation magazines.

Official recognition for Earl Sandt and the sequel to this story came 50 years after the first memorable flight to Punxsutawney. A public spirited citizen of Brookville, Cedric Hurley, organized the Golden Anniversary—of the Earl Sandt Memorial Flight, which was held on Sunday, June 17, 1962. A Committee of Brookville and DuBois men and women were appointed on a Committee, of which I was a member.

AND TODAY

At the Anniversary ceremonies at the DuBois-Jefferson County Airport, the new Flight Service Station was dedicated and named in honor of Earl Sandt. A plaque was placed on the building commemorating this event. A "Queen of Flight," Faye Keller with her court, had been chosen to lend the affair charm and grace.

Allegheny Air Lines instituted the "Earl Sandt Anniversary Flight" with a huge banner proclaiming the fact attached to each side of the plane. The plane, a special DC 4, on a flight from Newark, N.J. to Pittsburgh, was piloted by Clifford Barraclough, a son of Roland Barraclough, who once lived near the Sandt's in Brookville.

Robert D. Shick, Commander of the DuBois Group of the Pennsylvania Civil Air Patrol, had sent out invitations to 92 Squadrons, and to 300 Airports in the Tri-State area, inviting them to take part in the dedication ceremonies. During the day, more than 150 light planes arrived from many points to pay their respects. The local group was very active in the participation of the celebration.

After the ceremonies at the DuBois-Jefferson County Airport, the big Allegheny plane picked up relatives of Earl Sandt, The Queen of Flight and her Court, the members of the various Committees of the Anniversary Flight and flown to Pittsburgh, for further dedications and celebrations.

The party from the DuBois-Jefferson Airport was met at the Greater Pittsburgh Airport by John Evans of the Pittsburgh Aero Club, and the Allegheny County Commissioners, headed by Dr. William D. McClelland. A basket of rose petals gathered from gardens in Jefferson County was transferred from the Anniversary Flight Plane to a helicopter, which scattered them over the Golden Triangle in Pittsburgh, in commemoration of the Sandt Flight over Pittsburgh on June 15, 1912.

The party from the DuBois * * * the main foyer of the Airport Building where a plaque was unveiled in honor of Earl Sandt, by his sister, Mrs. Valetta Gerg, of Butler. This is one of the two plaques ever to be installed in the Allegheny Airport Terminal. Then the entire party was conducted on a tour of the entire airport.

The party was flown back to DuBois that evening by Allegheny Airlines. The Allegheny Air Lines Magazine published a full account of the day.

In the main address of the afternoon, Walter E. Morris, later the State Senator from Jefferson-Indiana District said: "The flights of Earl Sandt were more daring in spirit than the recent Space Flights, for when Sandt flew, he was up there alone, without any guidance or assistance from the ground."

"He pointed out that trips such as Earl Sandt made paved the way for the great strides that American Aviation has made in this past half century. Truly, Earl Sandt was a great pioneer in aviation.

LEGISLATION TO AMEND THE INTERNAL REVENUE CODE

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. DENNEY. Mr. Speaker, today I have introduced legislation to amend the Internal Revenue Code. This amendment provides that if the Internal Revenue Code expressly provides that an item of expenditure may either be deducted or charged to a capital account, the burden of proof will be upon the Internal Revenue Service to show the taxpayer's error. During my years in the general practice of law, I have prepared hundreds of income tax returns and worked with numerous Internal Revenue agents for whom I have the greatest respect. I also recognize the necessity to discover and penalize tax evaders.

However, I strongly adhere to the principle that a person is presumed innocent until proven guilty. The Internal Revenue Service should be required to show evidence that the method of deduction used by the taxpayer is erroneous.

Our voluntary tax has been successful because of the faith the taxpayers have in this system. Our voluntary tax system will continue to be successful because as we discover inequities, appropriate legislation will be enacted.

AN INVASION OF PRIVACY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. WALDIE. Mr. Speaker, I am today introducing a measure designed to prevent the practice of agencies of the U.S. Government selling names and addresses of citizens that utilize their services to private business firms.

At the present time, any agency of our Government is required to provide any person so seeking, the names and addresses of citizens that utilize the services of the particular agency.

As an example, the FAA sells the names and addresses of all pilots in the United States to firms that are desirous of soliciting business from those pilots. Such practices are widespread in the Federal Government.

Such practices constitute an unacceptable invasion of privacy that is condoned, encouraged, and profited from, by the U.S. Government.

I believe these practices should be prevented. When a citizen has recourse to his Government, either voluntarily or under compulsion of law, he should not, as a result, be harassed and solicited by individuals seeking to sell him goods or services.

AMBASSADOR FRANKLIN H. WILLIAMS—UNCONVENTIONAL DIPLOMAT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. RYAN. Mr. Speaker, recently Columbia University opened a new Center for Urban Community Affairs and chose as its first director Franklin H. Williams, former U.S. Ambassador to Ghana. This indicates that Columbia is beginning to realize that it must become involved more intimately and positively with the problems of the local community.

Ambassador Williams exhibited great skill in his role as America's Ambassador to Ghana. The Palo Alto Times of May 1 carried an article written by Eddie Agyemang, journalist, who was most impressed with the performance of Ambassador Williams. The article follows:

GHANAIAN GIVES HIGH PRAISE TO RETIRING U.S. AMBASSADOR

(By Eddie Agyemang)

The name Franklin Williams will go down in the annals of Ghana's diplomatic history as the most enterprising and practical diplomat this country has ever played host to.

The first American Negro to represent the United States in Ghana, 51-year-old Ambassador Williams is retiring from the diplomatic service and is leaving Ghana on May 1 to take up an appointment as a director of a new Center on Urban and Minority Affairs at Columbia University in New York after nearly three years assignment in Ghana.

The secret of Williams's success and popularity in Ghana is his obvious abhorrence of protocol and officialdom.

His name is a household word in almost every town, village and hamlet and in the remotest part of the country.

NAME ON PLAQUES

His name has also been institutionalized, judging from the number of plaques on village and public buildings throughout the country which bear his name for either cutting the first sod to mark the beginning of work on them or performing their opening ceremonies.

Ambassador Williams performed a variety of official and unofficial functions from the laying of the foundation stone of a village community center, addressing tribal meetings, being installed honorary tribal chief, to the signing of official agreements between the United States and Ghana.

It was not uncommon to see Williams, draped in Ghanaian tribal robes, dancing merrily to tribal drumming.

It was also a common sight to see him dressed in an open-neck shirt, touring villages and presenting cutlasses, farming implements and sports equipment to farming groups and schools as his personal contribution to their development programs.

His services to Ghanaians were seen to be born out of a genuine desire to help a fellow human being rather than just a mere propaganda or a calculated attempt by a paid diplomat to "sell" his country to the host country at all costs.

The degree of his concern for the development of Ghana and the enthusiasm with which he performed his duties, both official and unofficial, were a sufficient testimony to his sincerity to help the Ghanaian improve upon his lot. If anything at all the propaganda aspect of his activities was minimal.

He got invited to village functions more than any other diplomat in Ghana, not excluding the African diplomats, most of whom are sadly more protocol-conscious, reserved, conservative and socially rigid.

BEST CHOICE

In fact Washington could not have made a better choice at the time Williams was posted to Ghana in 1965.

Ghanaian-American relationships then were at lowest ebb due to the lunatic and pro-Communist policy pursued by the government of deposed President Kwame Nkrumah.

Nkrumah's regime incited and organized Ghanaians to hold protest demonstrations against the United States at the least provocation.

The Nkrumah government's controlled newspapers had plunged into a campaign of vilification against America and this had obviously tarnished the image of the United States in the face of the average Ghanaian who had hitherto had a soft place in his heart for Americans due partly to their stand against colonialism and partly to their generosity.

IMPERATIVE

Therefore after the coup which overthrew the Nkrumah regime it became imperative that the United States needed a man with the ingenuity and caliber of Franklin Williams to work ceaselessly and selflessly to restore the relationship between the two states and that was in shambles.

In that task Franklin Williams has excelled and America and Ghana are now the happy beneficiaries of his untiring and devoted service.

Forever, Ghana and the United States will owe Franklin Williams a huge debt of gratitude.

CONGRESSMAN DOMINICK V. DANIELS CONGRATULATES HOLY CROSS CHURCH, HARRISON, N.J., ON ITS 100TH ANNIVERSARY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. DANIELS. Mr. Speaker, last Saturday, Holy Cross Church in Harrison, N.J., observed the 100th anniversary of its founding. This fine old parish is the oldest Roman Catholic house of worship in the West Hudson County area.

Mr. Speaker, I would like to take this opportunity to extend my best wishes to Msgr. Harold Fitzpatrick, pastor of Holy Cross Church, and to all his parishioners. I include, following my remarks, an article from the voice of West Hudson County, the Observer, a highly respected weekly newspaper, in its entirety. The article was published September 12, 1968.

The article follows:

HOLY CROSS TO MARK CENTENNIAL

Archbishop Thomas J. Boland will preside at a concelebrated Mass with more than 25 priests on the alter of Holy Cross Church, Harrison, at 10:30 A.M. Saturday to celebrate the 100th anniversary of Holy Cross, the oldest Catholic Parish in the West Hudson area.

Msgr. Harold Fitzpatrick, pastor will be the principal celebrant. He will be joined by the present and former curates of the church and by 25 of the more than 40 priests who grew up in the parish. They will be coming from several states to take part in the celebration. Msgr. Thomas Gilhooley will preach.

An anniversary dinner will be held at 8 p.m. Saturday at the Robert Treat Hotel, Newark, with Gov. Richard J. Hughes heading the list of guests from religious, public and private life.

Over the past century, the parish has grown in population but decreased in area. In 1868, when it was founded as a mission parish, it numbered about 400 families and stretched north as far as Lyndhurst. Now covering only Harrison, it serves approximately 2,500 families. Holy Cross is the mother church of St. Cecilia parish, Kearny.

The name has also been changed. When the mission church of St. Pius at Third and Jersey Sts. was replaced by the present imposing edifice in 1883, it was consecrated as the Church of the Holy Cross. Parish records do not reveal any reason for the name change.

Served in early years by priests from St. Patrick's Pro-Cathedral. Newark, the parish's first resident pastor was Rev. James J. McGahan, who came in 1871.

He was succeeded in 1874 by Rev. Thaddeus Hogan. In 1878 Rev. Pierce McCarthy became pastor and in 1883 Rev. Maurice P. O'Connor assumed the pastoral duties. It was during his pastorate that the present church was built, with the cornerstone being laid on the Feast of Assumption, August 15, 1886. Father O'Connor was very active in the community affairs until his death, Dec. 13, 1913.

In April, 1914 Msgr. George Fitzpatrick became pastor. It was he who in 1928 erected the twin towers of the church which house one of the finest sets of chimes in the country, an 11-bell carillon.

Unused for 10 years because parts had worn out, the chimes were rung again for the third time last Easter after having been refurbished under the direction of the present Msgr. Fitzpatrick.

An expert carillonier is coming from out of state to play them Saturday.

The present Holy Cross School was erected at Third and Jersey St. in 1915 during the pastorate of Msgr. Fitzpatrick.

In June 1942 Msgr. William Costelloe, who had been a curate at Holy Cross, became pastor. Under his administration the extensive library was established in the school and the children's playground property was acquired.

Following the death of Msgr. Costelloe, the present Msgr. Fitzpatrick became pastor in 1964.

ALCOHOLISM—A HEALTH HAZARD

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mrs. BOLTON. Mr. Speaker, one of my constituents, N. R. Calvo, of Cleveland, Ohio, recently wrote a letter to the editor of the Cleveland Plain Dealer pointing out the dangers of alcoholism. Statistics show that alcoholism is the Nation's fourth largest health hazard. Believing Mr. Calvo's letter will be of interest to my colleagues and other readers of the RECORD, I include it herewith:

READERS' FORUM: ALCOHOL MAY BE HABIT FORMING

Our nation has many internal problems—not the least of which is alcoholism. We have conquered many other diseases that plagued our nation's health, but the rising total of ruined lives through this disease remains unchecked. The statistics prove that this is the nation's fourth largest health hazard. This has become a $4 billion hangover to the business and industry of the country. This makes for an enormous loss represented by absenteeism, tardiness, sick leaves, and other forms of inefficiency, to say nothing of the headaches it gives to families of the afflicted persons and the constant drain on public money for incurable cases.

One does not have to be a teetotaler or a member of the temperance union to realize the impending danger of such a universal problem. We've made strides in warning the public about cigarette smoking by proper labeling, why can't we put a new label on alcoholic beverages? I'd suggest:

"Caution: Consumption of alcoholic beverages may be injurious to your health and may be habit forming."

N. R. CALVO.

FOREST POLICIES

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. ASPINALL. Mr. Speaker, one of the outstanding national organizations dealing with this Nation's natural resources is the Society of American Foresters.

The society was formed by Gifford Pinchot and six other pioneer American foresters in the year 1900. Through the years the members of the Society of American Foresters have applied their knowledge and expertise toward insuring a bountiful flow of high-quality products and services from our Nation's forested lands.

The members of the society work toward these objectives: First, to represent, advance, and protect the interests and standards of the profession of forestry; second, to provide a medium for exchange of professional thought; and third, to promote the science, practice, and standards of forestry in America.

This year the society held a national referendum to enact a statement of policies covering a wide range of critical forest principles. I have received a copy of these policies and commend them to you for information, and ready reference. That statement follows:

FOREST POLICIES OF THE SOCIETY OF AMERICAN FORESTERS 1968

PREAMBLE

The forests, comprising one-third of the land area of the United States, constitute a basic natural resource vitally important to the economic and spiritual well-being of the American people. Foresters and the Society of American Foresters as their professional organization have an obligation to promote the development and public acceptance of a wise-use conservation ethic and natural resources policy.

Any acceptable statement of forest policy must be the product of the work of many members of the Society, differing frequently in their views on individual issues, but united in a determination to advance beneficial forest practices and the profession of forestry. Forestry is the science, the art, and the practice of managing and using for human benefit the natural resources that occur on and in association with forest lands. These resources are not limited to trees but include other plants, animals of all descriptions, the climate, the soil, and related air and water. The ability to manage these resources is dictated in large measure by the concepts and policies of the landowner, whether the people of a political unit, the shareholders of a corporation, or an individual.

The Society of American Foresters recognizes the obligation of bringing specialized training and technical skill to bear on the continuing evolution of enlightened forest concepts and policies.

CONSERVATION

Conservation is the wise use of natural resources, involving the management of forest land for specific objectives. It is management for one or more purposes, including water, timber, forage, wildlife, and recreation. Conservation provides for the continuation of some lands in the wilderness state for spiritual enjoyment, scientific study, and primitive recreation. It recognizes the need for perpetuating or restoring scenic beauty, clean air, and water quality.

The Society recognizes the interrelation of air, water, soil, plants, and animals. It is keenly aware that ecology is basic to forest land management, and that man himself is a significant part of any ecological system. It believes that forest conservation must be based on an understanding and application of both ecological and economic principles. These principles must be applied in all aspects of forest land management ranging from the intensive production of timber products to wilderness preservation.

Professional foresters, individually and collectively, should provide leadership in the development of programs and initiation of actions to meet the material and spiritual needs of mankind.

The Society recognizes that forest resources are only one factor in the ratio of man to land. Integrated planning of all natural and human resource programs is important to a total conservation effort. If human populations expand uncontrolled, no program of natural resources conservation can long be successful. Therefore the Society endorses efforts to place before the public scientific information on the dangers of unlimited population expansion and means of coping with that problem.

OWNERSHIP OF FOREST LANDS

The Society encourages the exchange, acquisition, and disposal of lands where these processes will simplify administration and management and promote conservation through more efficient use of resources. Major shifts in forest land ownership, however, should be made only after careful study has determined that the social, economic, and managerial benefits therefrom exceed those possible under existing ownership.

USE OF FOREST LANDS

Optimal use should be made of forests and related lands. This may mean the utilization of an area for one or more limited purposes. Ordinarily, however, forest lands will contribute the most benefits to the economy and to society if administered under the multiple-use concept of land management.

In the absence of demonstrable need for single or limited use, skillful coordination of uses should be the goal of professional forest land management.

Professional foresters should participate in land-use planning and should make the specific recommendations on forest practices.

FOREST INVENTORIES

Forest surveys form the basis for periodic appraisals of the forests of the United States. Inventory data on the quantity, quality, and condition of forest resources are necessary for the development of forest policies and programs by both public and private forest managers. Land surveys are fundamental to forest inventory and management. Surveys and economic assessments of soil, water, forage, wildlife, and recreation resources are needed, and should be made sufficiently often to keep data current.

The Society strongly supports professionally planned and conducted inventories of all forest resources financed in balance with the need and intended use.

FOREST PROTECTION

Protection commensurate with the values protected is essential to the management of all forest land resources. The Society advocates coordinated, intensive efforts to reduce and prevent forest losses from fire, insects, diseases, animals, and other causes. Cooperation among all protection organizations and forest landowners will best achieve these objectives. Prevention is the ideal form of protection and is furthered through strong information and education programs. Public and private forest owners and the general public share the responsibility and the benefits of adequate forest protection.

The Society endorses programs of integrated protection involving judicious uses of ecological, biological, chemical, and mechanical control.

WATER MANAGEMENT

The Society recognizes the importance of forest land for water in soak and storage and as a source of water supply. Forest management influences the quantity, quality, and timing of water yield. It can have a profound effect on sedimentation, pollution, fish habitat, and streamside values. The objectives of watershed management include production of water, maintenance of soil stability, and regulation of stream flow through coordinated management and use of forest land.

The Society believes that the management of the forest for water is usually compatible with management for other purposes but that protection of a water supply, under special conditions, may be of overriding significance. It recognizes the responsibilities of forest landowners to employ land-use practices which protect watersheds.

SOIL MANAGEMENT

Soils constitute an essentially nonrenewable natural resource which is vital to the production of timber, forage, water, wildlife, and recreation. Soil management consists of using forest lands to achieve their optimal productivity while protecting the soil from impairment. Acceptable means of soil improvement include water and biotic management, chemical and other additives, and mechanical treatment.

WILDLIFE MANAGEMENT

Wildlife and fish are important renewable forest resources and are products of their habitats. Timber, forage, and wildlife can be produced together when the resource manager and public cooperate to keep animal populations in balance with other land uses and food supplies. The Society supports the principle of maintaining wildlife populations in balance with the carrying capacity of forest lands. It encourages the cooperative efforts of resource managers, sportsmen, and others to work toward purposeful wildlife habitat management.

TIMBER MANAGEMENT

Wood products are essential to our economy and standard of living. Because of demands for other products and services of forest land, the area available for wood production is not expected to increase. Thus, land devoted to wood production must produce more efficiently to meet the forecasted demands. The need for capable professional forest management is evident.

The Society urges private landowners and public administrators to employ professional foresters to plan and conduct stand improvement and timber harvest practices. The goal in managing commercial timberlands should be to increase wood production.

Silvicultural practices must become more intensive if wood yields and the economic returns therefrom are to be optimized. Maximum efficiency in harvesting, utilization, and marketing is essential to successful timber management.

RANGE MANAGEMENT

Forage is a major resource of some forest lands. The Society endorses grazing of domestic livestock on forest lands where it is economic, compatible with other major uses, and managed to maintain optimal forage levels. The use of forest range by livestock and game animals should be regulated so as to maintain a balance between forage production and use.

RECREATION MANAGEMENT

Recreation is one of the major uses of forest lands and related waters. The Society urges forest owners to identify and protect the recreational values of their lands. Where feasible, these values should be enhanced and made available to the public. Forest owners and managers should acquaint the public, as users of forest lands, with the costs and problems involved.

Most forms of forest recreation are compatible with other major uses of forest lands. Where this is the case, professional forest managers should coordinate recreation with other uses.

The problem posed by the fast-mounting pressures for recreational use of the forest is how to make lands available to many people without impairment of either the resource or the quality of the recreational experience. Technical and social skills should be employed by professional foresters in managing forest lands and deploying people to enhance and protect recreational opportunities.

The Society supports the establishment and use of forest parks, recreation areas, and natural areas for scenic, historical, scientific, and inspirational purposes where intensive study demonstrates that the long-term public interest requires permanent sacrifice of alternative uses and values.

EDUCATION

The Society acknowledges a responsibility in professional and vocational forestry training, continuing forestry education, and informational programs for forest landowners and the general public.

The Society shall continue efforts to evaluate and strengthen existing programs for professional education in forestry. It will lend its support to efforts to recruit promising young men and women into these programs so as to meet the broadening demands made on the forestry profession. In undergraduate programs in liberal arts, as well as in professional curricula, courses in the ecology and management of natural resources should be offered. Such courses should stress the interrelationships between forestry and the principles of ecology, economics, and management.

The Society should provide guidance in the development of programs at the vocational level designed to train forest technicians and woods workers.

The principles of scientific land management that form the basis of the training of the professional forester are an important part of our nation's cultural base. The Society encourages the dissemination of these principles and their applications to the general public in every way possible.

FOREST RESEARCH

Progress in forestry and related resource management is based upon knowledge gained through research. Strong programs are needed in both basic and applied research.

Forest research programs should be based upon comprehensive, long-range planning, coordination between public and private organizations at all levels, and rapid dissemination and application of research knowledge.

The Society recommends sustained funding of qualified research organizations commensurate with the needs of forest owners, managers, and the public interest.

WORLD FORESTRY

The Society is aware of our nation's opportunity and responsibility to cooperate with other nations of the world in the advancement of forestry and conservation of natural resources. We encourage the development of professionalism in forestry among the nations of the world. The Society and its members should participate in the international exchange of personnel, knowledge, and ideas.

FOREST TAXATION

Forest land ownership involves high risk investments held for long periods of time. While the Society recognizes that private forests should contribute their fair share of taxes in support of government, inequitable forest taxation can be a serious deterrent to forest conservation, stable ownership patterns, and successful forest management.

Equitable taxation procedures include those based upon the use and productivity of the land. These procedures should recognize the values of recreation, wildlife, and water yield which accrue to the public from good forest land management.

Taxation of revenue from the harvest and disposal of timber should be on a basis that recognizes the unusual economic aspects of forest investment. The use of the capital gains principle has encouraged investment in private forestry and should be continued.

GROWER REFUTES POOR PAY CLAIM

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. UTT. Mr. Speaker, proof of the fallacy of the oft-repeated claim that wages of the fruitpickers in California are at the root of the labor controversy, is contained in the following article which appeared in the Sunday, September 15, 1968, edition of the Modesto Bee, of Modesto, Calif. The article accompanied a picture showing peachpicker Juan Oliveris transferring a bucket of peaches to the gondola trailer. He removed fruit at the rate of a bucket every 43 seconds during the harvest, earning in one 3¼-hour period the sum of $31.20.

The real reason for the attempts by union leaders to organize these workers is their greedy contemplation of the rich rewards which they can pluck from the pickers through unionization. The interests of the workers are of little concern to them. The article follows:

GROWER REFUTES POOR PAY CLAIM

Refuting claims that peach pickers in California are grossly underpaid, a Modesto grower has submitted payroll records for the season that indicate that at least one worker on his ranch earned more than $8 an hour during the peak of the harvest.

Work crews on the Dave Orth Ranch, on Whitmore Avenue east of Hughson, accrued an average of $3.56 hourly in the Freestone harvest and $2.90 per hour in the Cling harvest which concluded this week. Both figures are well above the minimum standards set by law.

Orth said the Freestone figure was compiled by a crew of 68 men who worked in the harvest six days. The workers picked an average of 20¾ boxes of fruit each hour they were in the orchard.

In the Cling harvest where gondolas were utilized, the men picked an average of 20¼ buckets per hour. The rate was made by 58 men working 38 days.

PICKING CHAMP

But on an individual basis, many pickers excel the others by far. The high single wage earner in Orth's Freestone harvest averaged $8.85 per hour and in clings, $7.85 per hour.

On Tuesday, one of Orth's three crews harvested an average of five tons of picked fruit per man. The group of 13 men was filling the five-ton gondola trailers at the rate of one every 22½ minutes.

One man was declared the champion peach picker in the area after he was observed by Rae Codoni, executive secretary of the Growers Harvesting Committee of Stanislaus and Merced Counties.

Juan Oliveris, 27, was dumping a full bucket of fruit every 43 seconds and had harvested 240 buckets in a three-hour, 15-minute time period. Figured at 13 cents, Oliveris had earned $31.20, in the time period.

OFFERS BONUS

Checking figures compiled over a four-day period, Codoni found that Oliveris picked 360 buckets on Monday, 453 on Sunday, 241 on Saturday (he left work early), and 367 on Friday. At the same time the crew in which Oliveris is a member, harvested a total of 2,098 buckets on Friday, 2,769 on Saturday, 3,506 on Sunday and 3,332 on Monday.

Running a close second to Oliveris in the same orchard was Fermin Cantu Jr. who actually has earned more than the "champion" in the 6½-week harvest. Fermin has accrued wages totaling $1,168 and Oliveris $1,118, mainly because Oliveris had to leave early on several working days.

A farmer himself in Sahuayo, State of Michoacan, Mexico, Oliveris travels from crop to crop in California, beginning with apricots in Hollister, peaches here and finally apples. He said he is considering a permanent move to the area.

Because he offers a bonus for workers who complete the season, Orth is able to keep the bulk of his work force. He reports his turnover this past season was less than 5 per cent.

Orth says at least 70 per cent of his crews return every year to help him harvest his crops.

His incentive bonus, 1 cent per bucket or box, Orth feels pays for itself because of the more reliable workers he attracts.

LOG EXPORTS TO JAPAN

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the following letters relative to the Morse amendment:

WESTERN FARMERS ASSOCIATION,
Seattle, Wash., September 4, 1968.

Hon. CHARLES M. TEAGUE,
House of Representatives,
Longworth Building,
Washington, D.C.

DEAR MR. TEAGUE: This is to express our continuing concern over the potential loss of our major cash market for Northwest agricultural commodities. We find our Japanese customers increasingly more willing to look to other nations as potential suppliers. We believe twenty years of market development activities by various government agencies, agricultural associations, private trading firms and individuals are in jeopardy because of the threatened imposition of log export restrictions directed at the Japanese.

Western Farmers Association concurs with regulations providing for proper conservation of our timber resources for future needs and understands that the administration has authority to regulate exports for this purpose. Further, we are certain that our Japanese friends understand the necessity of conservation and planning for the future. But the Japanese can be expected to take direct retaliatory action against our agricultural products, if exports of logs are restricted for what are judged by them to be arbitrary reasons or expedients enacted against their best interests.

At a time when exports of grains are declining under the new International Trade and Tariff Agreement, the loss of even a portion of our cash markets for agricultural products is unthinkable. In our opinion, such a loss will result from passage of the "Log Export Amendment" to the Foreign Aid Bill. Conversely, the United States will benefit from continued unrestricted trade—both in terms of balance of payments and tax receipts.

We sincerely urge that your conference weigh carefully the consequences of enacting further legislation which may tend to restrict exports.

DALE SMITH,
General Manager.

NATIONAL COUNCIL OF
FARMER COOPERATIVES,
Washington, D.C., September.

Hon. CHARLES M. TEAGUE,
House of Representatives,
Longworth Building,
Washington, D.C.

DEAR MR. TEAGUE: The National Council of Farmer Cooperatives opposes the foreign aid bill's amendment to further restrict log exports to Japan.

Especially in view of current U.S. pressures to open up Japanese markets still further to our farm and other exports, and Japanese concessions being made in steel and auto trade, such a unilateral action would likely trigger retaliation against U.S. exports. Long range dangers of such retaliations and possible counter-retaliations represents threats of a spiraling trade war which could easily destroy American jobs in export industries faster than it creates them in protected import groups.

Sincerely,

ROBERT N. HAMPTON,
Director of Marketing and International Trade.

BRILLIANT WOMAN FROM LIBERIA TO HEAD U.N. GENERAL ASSEMBLY

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. O'HARA of Illinois. Mr. Speaker, when the General Assembly of the United Nations convenes in 1969 its presiding officer will be a woman, the able and charming Miss Angie Brooks, Under Secretary of State for Liberia, with whom I served as a fellow delegate to the United Nations and for whom I have a feeling of deep respect and warm friendship.

This will be the second time that a woman has wielded the gavel over an assembly that represents the nations of the world. Her induction into office as the President of the U.N. General Assembly will be an event pleasing, I know to the Members of this body where the distinguished gentlewomen on both sides of the aisle have established an enviable record for ability, industry, and statesmanship as well as charm.

I am extending my remarks to include the following article from the Washington Star of September 17, 1968:

WOMAN TO HEAD U.N. IN 1969

A veteran Liberian woman diplomat with a reputation for loquaciousness is expected to be sitting in the president's chair when the U.N. General Assembly convenes a year from now.

Indorsement by the African chiefs of state in Algeria this week virtually assured the election of Miss Angie Brooks, Liberian undersecretary of state, as president of the 1969 U.N. General Assembly.

Thus she would become the second woman to head the assembly. Mrs. Vijayalakshmi Pandit of India served as president in 1953.

Guatemala's foreign minister, Emilio Arenales Catalan, already has been agreed upon as president of the 23rd session of the assembly which opens Sept. 24, and is expected to be elected without opposition.

Miss Brooks was chosen under the assembly's system of regional rotation, as the presidency is due to go to an African in 1969.

The action of the African chiefs of state resolved a contest among Liberia, Uganda and Morocco for the backing of the African bloc.

It is customary for the assembly to accept the candidate of the bloc concerned when its turn comes for the presidency.

A former vice chairman of the U.N. Trusteeship Committee, on which she bubbled forth her views for five years before her election to its number two post, Miss Brooks earned the affectionate nickname "Our Miss Brooks" (after a former TV schoolmarm).

One of them estimated she spoke out in the committee about once every 20 minutes, quite an average when the competition represented 82 delegates.

"It isn't how much or how often she speaks," commented one delegate of the lady lawyer, "but what she says."

Sometimes her penchant for saying whatever popped into her head was startling—like the time during a heated debate, she suddenly asked for the floor to announce she'd just been named her country's assistant foreign minister.

Miss Brooks also enjoys the distinction of being the only woman in the world to have acted for the president of a nation.

That was in 1958 when both the president and secretary of state were out of the country. As assistant secretary and third in command she took over the reins of government for what she calls her "one-week ordeal."

DR. ELMER BROWNING

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. JONES of North Carolina. Mr. Speaker, in this day of emphasis on the disorders and disturbances, it is all too easy to overlook the accomplishments of those who during their careers have accepted a challenge to contribute their talents to improvement of this Nation. The term "unsung heroes" is most descriptive.

In this category, I call to the attention of this House, Dr. Elmer Browning, dean of the School of Business, East Carolina University, Greenville, N.C., from 1936 to the beginning of the school year of 1968. His successor, Dr. James H. Bearden, now dean of the School of Business, ECU, made several appropriate remarks at the convocation of the business faculty on September 9, 1968, regarding the outstanding leadership of Dr Browning, a part of which I now place in the RECORD:

He (Dr. Browning) saw the Department which he organized become a School and just as he had served as the first Director of the Department of Commerce, the Department of Business Education, and the Department of Business, he served as the first Dean of the School of Business. That School of Business had an enrollment last year of 1,785 undergraduate students surpassing by 120 the total enrollment of 1,665 which East Carolina Teachers' College boasted when Dr. Browning came in 1936.

And just so I don't fall victim to the malady of portraying history in quantitative terms only, let me say quality has been a characteristic of the School of Business. Evidence of this is provided by the fact that East Carolina University is one of the 132 schools of business in the United States boasting membership in the American Association of Collegiate Schools of Business, the national accrediting agency for higher eudcation in business. One need only examine the membership roll of the Association to assess the quality of our program.

In regard to the second vista which Dr. Browning talked about, he did indeed see a growth in the Master of Business Administration Program. Last year the School of Business had the largest enrollment of full-time graduate students on this campus.

Again, this growth is not just in numbers. I am told by the Graduate Division that comparative data furnished to President Jenkins reveal that our MBA students have the most favorable standing of any graduate program at this University. In addition, Dr. Browning was able to see more than just the development of a strong Master of Business Administration Program. He saw the broad outline of what will come from this program. This was spelled out in 1967 by a "Blue Ribbon Committee" of outside experts appointed by the North Carolina Board of Higher Education to evaluate this institution's application for university status, and more specifically our "readiness to undertake within the next few years the offering of doctoral work."

In referring to the School of Business, this committee stated: "There is no reason to believe that given additional maturity and resources, the School could not aspire to still further development of graduate work with perhaps a Doctor of Business Administration Degree of a Ph.D. in Economics as ultimate objectives" If Dr. Browning were making a prognosis for the decade of the seventies, I am sure he would include the notion that such a doctoral program would become a reality.

Thus, from a beginning of about fifty students and two full-time faculty members in 1936, the School of Business has increased to about eighteen hundred students, 51 full-time faculty members, and 20 graduate teaching fellows. Similarly, while 17 courses in business and economics were listed in the catalog for 1936, the 1968–1969 catalog lists course offerings totaling 107.

What I have tried to do is let you see what has happened here in the last thirty-two years.

Mr. Speaker, I am happy to join in this tribute to my good friend, Dr. Elmer Browning.

THE GENUINE PARTS CO., OF ATLANTA, GA.

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. THOMPSON of Georgia. Mr. Speaker, the Fifth Congressional District of Georgia has an economy whose backbone is made up of the thriving businesses which have made Atlanta the business capital of the Southeastern United States. In finance, transportation, communications, warehousing, insurance, and many other aspects of business, my district is a regional leader.

We are, therefore, extremely proud of the individual businesses which have become leaders in their particular fields. Three of these firms were recently paid tribute in the summer issue of Dixie Business magazine, of which Mr. Hubert F. Lee is the editor. Genuine Parts Co., for example, grew from one store and one warehouse operation in 1929 into one of America's outstanding corporations. Georgia Highway Express began in 1928 as a two-truck operation between Macon and Atlanta. Today it operates in three States with 32 terminals and 1,300 employees. And, the Atlanta Federal Savings & Loan Association has mushroomed from a firm which in 1929 had assets of under $98,000, to one which today has assets of more than $355,000,000.

So that my colleagues and others who read the RECORD might have the opportunity of learning more about these businesses which have helped make Atlanta great, I insert in the RECORD the articles about them which appeared in Dixie Business magazine.

The material follows:

ATLANTA BUSINESS GROWS

ATLANTA FEDERAL SAVINGS & LOAN ASSOCIATION

W. O. DuVall, who in 40 years piloted the Atlanta Federal Savings & Loan Association into one of the largest savings institutions in the South, has been given another Honorary Doctor of Laws degree.

Last year, on June 20, 1967, I saw him receive the LLD degree from the Atlanta Law School at the Yaarab Temple after a dinner honoring our Imperial Potentate Orville Rush. Thirty years ago Noble Rush wrote an article for me. Noble Rush and Rev. Walter E. Farrar also received LLD honorary degrees.

This year it was his alma mater, the University of Florida that conferred on Mr. DuVall the LLD degree.

The second annual report in 1929 of the old Georgia Securities Commission showed the Atlanta B&L as having 50 shareholders, 42 borrowers, 10,699 shares in force and total assets of $97,076.68.

Today (June 30, 1968) assets have skyrocketed to $355,595,084.66; borrowers to 19,638; savings accounts to 109,350 up from 501 shareholders (old term) amount of savings $304,658,543.48.

GEORGIA HIGHWAY EXPRESS, INC.

Dillon Winship, Sr., started the Georgia Highway Express in 1928 by buying out a milk route between Macon and Atlanta . . . a small two-truck operation.

Now, 40 years later, it is one of America's best motor freight line, operating in Georgia, Alabama and Tennessee, with 32 terminals and 1,300 employees.

Mr. Winship's three sons are following in their dad's footsteps.

Dillon, Jr., became president in 1966, when his father assumed the Chairmanship. Wadleigh, the youngest, is vice president-Customer Service while Emory is Regional Sales Manager in Brunswick and area.

The Atlanta Magazine in the November issue had a feature by Norman Shavin, "Young Man on the Go: Dillon Winship, Jr., from which I quote:

"Winship is a man of ambition, which he equates with drive—and he feels all men have, or should have two thrusts.

One of the few motor freight lines under original management, GHX makes same night delivery from most points to Atlanta airport connecting with major airlines.

Dillon, Sr., is one of many leaders who encouraged me in the early days of Dixie Business.

He is involved in a number of businesses and does well in all of them.

But his greatest success in life is having three sons to carry on the Georgia Highway Express, Inc.

GHX uses all the modern means of operating a tight ship.

A IBM 360 Computer is now being installed as the 1408 has become out-of-date for the greater demands at GHX.

GENUINE PARTS CO.

In 1929, when I started Dixie Business the Walter Brown Printing Co. my first printer, was located on Ivy and Baker Sts. in Atlanta.

On the ground floor of the building the late Carlyle Fraser operated the Genuine Parts Company, which he had begun the year before, (in 1928.)

Now, the company has grown from one warehouse, one jobbing store, and original capital of $40,000 into one of America's outstanding corporations.

On August 20, 1968 it's common stock was admitted to trading on the New York Stock Exchange.

Wilton Looney, president and top executive officer, who joined the company in 1938, purchased 100 shares.

Looney was born in Vanna, Ga., and educated in Royston.

My good friend Editor "Mac" McCleary helped make Genuine Parts famous with the company's publication "PARTS PUPS" which he started in 1932.

Courts & Company played a part in the growth of the company by underwriting securities and assisting in negotiation of mergers and acquisitions.

At the end of 1968, Genuine Parts was operating in 43 states across the nation, with sales totalling $204,893,008.

REV. JOSEPH B. COLLINS, S.S., OF CATHOLIC UNIVERSITY, ON EDUCATION

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. MADDEN. Mr. Speaker, during these days of renewed interest in education, the following consideration of the calling of the teacher of religion will be both timely and fruitful:

HOMILY OFFERED ON THE OCCASION OF 25TH ANNIVERSARY OF ORDINATION OF MONSIGNOR RAPHAEL COLLINS, BY FATHER JOSEPH B. COLLINS, S.S., CATHOLIC UNIVERSITY, WASHINGTON, D.C., AT ST. PAULINUS CHURCH, SYRACUSE, NEBR.

I would like to take Christ the Teacher as the theme of my homily to you today. We are celebrating together the silver jubilee of a priest who by this ordination and by commission is both a priest and teacher.

Through the power of Holy Orders, he participates in the one priesthood of Christ and in the commission to teach which he receives from his bishop, he participates and shares in the teaching office of Christ the Teacher.

But in a very true sense all of us are engaged in one way or other in the great work of teaching. Some of us are formally involved in the schoolroom, others such as parents are the first teachers in the home, and all of us have a special calling to teach by good example in the lay apostolate of the people of God. And so we all participate in our own degree in that divine commission given by the heavenly Father to Jesus Christ who in turn solemnly committed this sacred mission to the apostles and their successors in the Church.

The liturgy of the Church provides for special honor to be offered to many of the prerogatives of our Lord. Among them we may recall are the feasts of Christ the King, of Christ the Worker, of Christ the Priest, and I like to mention the inscription to Christ the Divine Healer at the base of the heroic statute of Christ in the entry of the Johns Hopkins Hospital in Baltimore.

It is good for us to give thought to the sacred work of Jesus as the divine Teacher, not only that He be our model but also a source of authority, of strength, and of perseverance for our own teaching in whatsoever way we are called to exercise this mission of love for others. There is so much misunderstanding today as to what we should teach and there is such tension because of different opinions, that we must keep close to Christ the Teacher and to His Gospel message. Thus shall we learn what He taught and how He explained the simple truths of faith in God and love for all men.

First of all let us see more clearly from Christ's own words, how He considered himself a teacher as He went about doing good. In fact, the testimony of the gospels on the work of the Lord as teacher is exceedingly rich and varied. We gather that the teaching office of Christ follows from His office of Prophet, just as He is Priest and King. Thus He could say in confirmation of this truth: "You call Me Teacher and Lord, and rightly so, for that is what I am" (John 13:13). However, not by word alone but in works and example is Jesus the divine Teacher. "Learn of me," He declared, "because I am gentle and humble of heart" (Mat. 11: 29).

We can say that Christ is truly our Teacher as God and as Man. He is the Son of God, the second person of the divine trinity, one is substance with the Father: "I and the Father are one" (John 14: 25). And so we can by what theologians call the principle of appropriation, attribute the prerogative of Teacher to each of the divine persons. It is God who teaches. God is our teacher both in the natural as well as in the supernatural order.

In the natural order, God teaches all men by way of the human powers of intelligence, of knowing, of perceiving relations, of exercising our senses daily. We can, then, by using our powers of mind and will, gain certain knowledge of God; and through observation, study, and research, we can know a great deal about the created universe around us "through the things that He has made" as Paul tells us (Rom. 1: 30). As God is their principal Cause, so He teaches us by the effects which we see or deduce from the secrets of the world around us—all of which are so many signs of the inscrutable mystery of God.

In the supernatural order, God is our Teacher also. "I am your Teacher," declared God through Moses (Ex 4: 12). He reveals himself in His Word through the Scriptures. "The Bible," according to St. Jerome, "is a letter composed by our heavenly Father, and transmitted by the sacred writers to the human race in its pilgrimage so far from its heavenly country." The Word of God is ever alive and active. It has been teaching us from the beginning. St. Paul explains it this way: "Long ago God spoke to our Fathers through the prophets; in these, the last days He has spoken to us through His Son" (Heb. 1: 1). How familiar to us teachers is this reference to the *mystery of Christ* as found in the documents of Vatican Council II, which we proclaim daily to our students, unveiling for them the joyful tidings of salvation that for long centuries was hidden but now is fully revealed in Christ the Teacher.

Let us also remember that God is our Teacher in the pages of salvation history. It is our privilege as teachers to trace in the Bible the story of God's love for men. Here is God's own catechism. God is like a parent instructing his children as He gives us glimpses of His plan for mankind in the living chronicle of His patience and mercy with the people of Israel. Here we see the firm hand tempered by the Father's heart. By word and example, by advice and counsel, by command and precept, by threats and punishment, but mostly by love forgiving and consoling, God deals with His people. He leads them at each successive step in the ascent of pilgrim man. He shows that He is always ready to receive His erring children to His bosom. A veritable "Hound of Heaven" is He, following ever after us and awaiting our every response to His loving call for affection and service.

Now let us think of Jesus as the divine Pedagogue, as Clement of Alexandria called Him, while going about doing good. How many times the gospels tell us that Jesus "was teaching daily in the temple" (Luke 19:47), "in synagogues" (Mat. 4:23), or "by the seaside'" (John 6:26) or "as He made a circuit of the villages" (Mk. 6:7). The Lord was truly a model for all teachers. His school was not confined to man-built walls; it extended over the hills and valleys—wherever people stopped to listen, whenever the Spirit moved Him to heal both soul and body of the poor and the rich and the sinful. No bell summoned His students; there were no facilities for their physical comfort. He used no pedagogical aids save the great lessons of nature; the mountains, the sea, and simple growing things, and the visible, ever-changing happenings in the daily lives of the people.

The reports that we gather from the gospels point out that Christ was a teacher of extraordinary power, skill, and effectiveness. We hear that "He was teaching as one having authority" (Mt. 7:29) and that "never has man spoken as this man" (Jn. 7:47). Conscious of His divine mission, He was not afraid to oppose and overturn outworn traditions and customs of the past, mere forms that had strayed far from the pure worship of God "in spirit and truth" (Jn. 4:24). He excoriated the minutiae of rites and the legalism which bound and constricted under law the primitive precepts of love and liberty—that alone can lead the free sons of men to God their Father.

Our Lord taught with love and benevolence, with kindly sympathy and understanding. His method of teaching remains a model for all teachers on all academic levels. He taught in simplest terms, accommodated to the minds of His hearers. To city dwellers, He spoke of the vanity of riches and of the eternal value of brotherly love; to the shepherds in the fields, He was a model of the good shepherd who is ready to give his life for his sheep. To the farmer, He talked in terms of seedtime and harvest; and He turned the thoughts of the fisherfolk from their nets and their catch to the image of the final fate of all mankind.

The divine Teacher met with difficulties—as do all teachers! He encountered dullness of mind, weak and wavering faith, petty jealousy, the strong pull of worldly cares and distractions, and the power of vested interests. Some listened and turned away. Others, like the good seed sown on fertile ground, followed Him with hearts touched and ennobled by His words and works of love; and a few stood by Him even to the final stark struggle between the forces of good and evil which culminated on the cross.

SOME CONCLUSIONS

I am sure that much of this strikes a familiar chord in our hearts. We teachers and parents especially meet with many difficulties; but in the main they are offset by the gratified response of our pupils, our children, our students, and by our own realization that we are sharing in the mission of Christ the Teacher. He indeed is working with us to form living, zealous witnesses of our faith and love. Surely, our mission as teachers will be successful to the extent that Christ's person, His words, His love, permeate all that we teach, all that we do, all that we are. Then those who hear us will begin to glow with love for Him by whom they were first loved. What a self-sustaining and rewarding vocation is given to those who teach. They are following Christ the Teacher in His joys and in His trials; in His consolations and in His toils. Theirs is the satisfaction that comes from doing their best to bring others to a fuller knowledge of the loving Father in Christ through the Holy Spirit. They are called to be God's instruments, to be His voice and His love in the divine work of redemption and sanctification of the world. Our vocation is to cooperate with God in carrying out His providential designs among men.

And so with Christ the Teacher newly set before us today, may we with fresh vigor carry out our work as teachers of His message, of His love and justice and peace for all men. It may be at home, in the family circle, or in the office, shop or field, or it may be in any of our centers of religious education for children, youth, adults. We all to a certain extent are teachers after our Lord's own heart when we bear witness by word and work to what we know and believe in the practical affairs of daily living.

It is on happy occasions such as this—the 25th anniversary of one who by ordination and commission is authorized to teach, that we come to appreciate the unconditional necessity of the teaching profession. The passing of the years adds to the experience of every teacher and to his capacity both to learn and to teach. A teacher is also a learner. His zest for new knowledge and know-how must equal his zeal to proclaim the Truth which the divine Teacher so lovingly and yet so firmly places upon his lips. Indeed our call to follow Christ the Teacher knows no limitation of time or place.

"It goes on so long as grace and strength
abide,
Mindful of the reward promised by God
Through the lips of His prophet Daniel:
'Those who teach many unto justice
Shall shine like the stars for all eternity.'"

NEED FOR DRAFT REFORM

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. BROTZMAN. Mr. Speaker, I think that few would disagree that the present Selective Service System is basically unfair and defective and is in need of change or reform.

Last year, when we extended the present Selective Service Act, we had an opportunity to make meaningful changes in the present Selective Service System. But, Mr. Speaker, we did not take that opportunity. Many Members thought it would be unwise to tamper with the draft at a time when this country was engaged in a war in Vietnam, which has been taking more and more of our young men. I do not agree. The inadequacy, the unfairness, the inconsistency of the present draft goes beyond Vietnam.

It is true that our present Selective Service System has served the need of recruiting an army. But this fact does not excuse the inconsistencies which rack the system. The Selective Service System was literally thrown together overnight back in 1941 to meet the threat of war hanging over America at that time. It has not been significantly changed since its inception.

During the past year I have studied many draft reform proposals and have found that most of them create about as many problems as they remedy. One of the most imaginative, yet realistic approaches to draft reform, is to be found in a book authored by several of our colleagues entitled "How To End the Draft." This book, authored by Representatives STAFFORD, HORTON, SCHWEIKER, SHRIVER, and WHALEN, proposes a plan which would phase out the current system of draft calls and make conscription unnecessary except during times of extreme national crisis. I would like to associate myself with this plan and call upon the Congress to enact legislation to implement its principal features.

The key points of the plan can be summarized as the following:

First. Congress should amend the Selective Service Act to establish an official policy that military manpower requirements must be met through voluntary enlistments, even during periods of relatively high activity, such as we have seen during the Vietnam war.

Second. Current military pay scales must be made comparable to those of equivalent civilian positions. It must be made possible to serve in the military service without suffering a permanent financial liability.

Third. A new system of retirement benefits should be adopted—one in which each serviceman contributes to his own benefit fund, as is now the case in most civilian retirement plans. This would facilitate establishment of limited retirement benefits after 8 or 10 years of service, although full benefits still would be contingent upon 20 or more years of service.

Fourth. Educational opportunities for servicemen should be strengthened. Also, more emphasis should be placed on educational benefits for dependents of military personnel.

Fifth. The Department of Defense should strengthen its information program for prospective enlistees. For instance, better reference material outlining various service alternatives available through voluntary enlistment should be developed.

The 1968 platform of the Republican Party supports this approach to draft reform with the following words:

> When military manpower needs can be appreciably reduced, we will place the Selective Service System on standby and substitute a voluntary force obtained through adequate pay and career incentives.

I strongly support this plank of our party platform.

The implementation of an all-volunteer military would bring an end to a system which tends to place most of the burden of conscription upon the disadvantaged and those who do not pursue higher education. I do not think such a system can be tolerated any longer.

The key to maintaining an all-volunteer army is to slow the rate of attrition of career men who fail to reenlist because of financial problems. The incentives of better pay, more educational opportunities, better retirement benefits, better housing, more recreation and travel opportunities, and other special benefits would encourage enlistments in an all-volunteer army.

There is little doubt that the present Selective Service System both perpetuates and increases the inherent inequities of the System. The time has come to change it.

CRIME IN AMERICA

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. RIEGLE. Mr. Speaker, Mr. James R. Dunn, deputy district attorney for the county of Los Angeles, recently spoke out on the issue of crime in America. As one of America's best frontline crime fighters, Jim Dunn speaks from personal experience on this issue. The text of his remarks follows:

CRIME IN AMERICA

Increasing crime in the United States has become a fact of life for every American. Its effects are being felt in every home and in every community and in every strata of our society. It is changing the habits and eroding the basic quality of life for many of our citizens.

The fact is . . . we are afraid. Afraid to do the ordinary things we used to do. To walk through the park at night. To answer the door. To lend a helping hand to a motorist in distress. We read the headlines in the morning paper . . . assault, robbery, murder . . . and then we don't do these things. Because we are afraid.

The most recent FBI statistics show that crimes of violence increased at an alarming rate over last year: robbery . . . up 24%, murder . . . up 16%, forcible rape . . . up 19%, aggravated assault . . . up 13%. And closer to home for all of us, the Inglewood office of the Los Angeles County District Attorney, has experienced a dramatic increase in felony cases in the most recent twelve month period.

There is no disputing the statistics. Crime is on the rise. But why it is happening? And what we should do about it? This is where men differ.

Unfortunately, much discussion of the problem has the ring of partisan political rankling. "Crime in the streets," "law and order," and other slogans of vague meaning and intent often add fuel to the fire made to order for the political demagogue. And yet it is just this sort of reaction to the issue that makes it so volatile. And so dangerous. For fear of crime and violence feeds upon itself and the temptation is to offer as a solution to violence, more of the same.

I believe the American people need pause for some hard thinking about the rise of crime in America. A rational and reasonable search for some answers, and a little less reacting off the cuff. I hope to do that here today. To offer what I believe are some sound and effective ways to deal with street crime, one of our most serious domestic problems.

And I say "street crime" as I will not attempt to deal here with the political dissenters or disorders on our campuses, mass rioting or other incidents which also have been loosely described as problems of "law and order." They too pose a serious crisis for America, and in some respects are tied in with this general discussion, but they are subjects for a separate discussion at some other time.

Some say we cannot have order unless we first have justice. Others, that order must come before justice can be assured. The simple and necessary answer is: we must have both. And we must move toward both *now*. The search for a cure to the basic underlying causes of crime must continue while we mount a forceful and vigorous attack on its outward symptoms in order to insure the safety of the vast majority of the law abiding citizens.

Why the rise in crime? What are the causes? I believe there are many and that the complex interplay makes it impossible to give the simple answers so many offer . . . and so many crave.

There are those who believe that recent decisions of the United States Supreme Court have given rise to the crime wave. This answer often results in personal attacks on the Court or individual justices. In my judgment this merely adds to an already scandalous disrespect for the law. While I personally do not always agree with the opinions of the Court, I do not believe that the decisions of the Court have been the *cause* of the problem. Indeed they have made law enforcement more difficult and placed more demands on our police departments. I know this from personal experience. But that is exactly what they were intended to do in order to conform law enforcement practices to constitutional standards. I sympathize with our police departments in their running effort to keep up with the rapidly changing law of the Court, and I support every effort to assist them. But I believe that the answer lies here . . . with assistance to the police . . . and not with attacks on the Court.

Another popular explanation for the increase in crime is the rapidly expanding population under twenty five years of age. Since it is within this age group that most of the crimes are committed, the argument goes that the rise is merely a natural increase commensurate with population growth. A similar argument is made with relation to the modern and improved methods of reporting crimes. These are valid explanations but they fall far short of telling the whole story.

A general permissiveness in society and a breakdown of parental authority is advanced by others, and I agree that this is indeed a major cause of criminal behavior. Much of the answer here, however, lies with the family unit and is outside the influence of government.

A general disrespect for law occasioned by leniency in the courts is also part of the problem. Light sentences, dismissals or probation may well tempt the potential lawbreaker who hears the word through the grapevine of the neighborhood underground.

And finally, with the exception of certain crimes of passion, which sadly we must attribute to basic human nature, crimes of violence on the person and property of another are more often committed by those who have little or no stake in society. The man who commits an armed robbery most likely does not live in Ladera Heights or Baldwin Hills. More often, he comes from a home and environment of little substance. And while it has been grossly overemphasized by some, even to the mistaken conclusion of excusing personal criminal conduct, the fact remains that the brutalizing effect of a culture of poverty rarely produces a man or a boy with a developed sense of respect for law as we know it.

Our system of criminal justice operates on the assumption that individuals are responsible for their actions. And I believe that. But we must also recognize that our society has been unable to ensure that all its members have the same opportunity to assume that responsibility. Many have grown up untaught, unmotivated and unemployed. One cannot deny it. The roots of crime grow deep here.

So what can be done about it? I believe we can make a start in four broad areas: (1) tightening up sentencing and procedures in the courts, (2) increasing the size and effectiveness of our police departments, (3) improving relationships between the police and the community, and (4) a subject beyond the scope of the discussion here today, developing workable programs to attack the problems of our blighted areas: housing, jobs and education being the most critical needs.

I see no shame in demanding that a man pay his debt to society for committing a crime against that society. To this end I would recommend stiff sentences for those duly convicted of blatant crimes of violence such as aggravated assault, murder, forcible rape, armed robbery, and other crimes committed with a firearm. Laxity in the use of probation as a tool of the courts must be stopped in crimes of this nature. If probation is appropriate then I am for it. If it is being applied because of a shortage of judges or a lack of space in our penal institutions, then let us look into solving the more basic problem, and not stand by while dangerous men are being put back on the streets. At the same time, we must bring reform to the penal system and devise new methods of educating and rehabilitating inmates so as to reduce the instances of recidivism.

Our Los Angeles Police Department, one of the most well trained in the nation, is woefully undermanned. We had approximately the same number of men in 1946. I propose that the number of policemen be increased substantially by upgrading police careers to professional status, and by providing increased salaries, benefits and opportunities for advancement within the department. Steps should also be taken in the departments and the community to establish a positive image of the police officer. Under present circumstances in most cities, it is the most thankless job on earth. Much of this must come from the average citizen and his view of his police department.

The police must also be afforded opportunities for greater cooperation with the judiciary and the prosecutor's offices in order to establish guidelines for arrest, interrogation and search procedures. Education programs must be developed to keep these departments abreast of the changes in the law, so that the guilty will not go free simply because of legal technicalities occasioned by the difficult job of keeping pace with the changing laws.

Improving police-community relations must also be high on the priority list. I believe that every big city police department should have a community relations division where both recruits and veterans officers are trained in new techniques to deal with the many human problems generated by rapid social change. Police officers should be provided guidelines to assist them in making critical decisions in areas where police conduct is likely to create tensions. As a step toward bringing the police closer to the community, more officers should be placed back on the beat where possible. In many areas, programs must be introduced to bring more minority members into police work and promotion practices for minority members of the force should be reviewed and, where necessary, revised.

The Federal Government can take a direct hand in providing funds, such as in the recent Omnibus Crime Bill, for basic research into the root causes of crime, juvenile delinquency and drug addiction, and also in providing local police departments with the most modern equipment and the latest in technology and teaching.

The list is long, and I do not intend to be all inclusive here today. These are merely the outlines of what I believe to be a sound approach to the problem of street crime in America.

It is important to recognize that there are elements in our society that would have order at the expense of justice. Recent events strengthen their case and hasten the day we shall regret. That is why it is vital that those of us who are genuinely concerned with equal justice take the lead in the fight against crime. Although primarily concerned with eradicating its root causes, we must not be distracted by these deeper causes and long range solutions to the point that the outward manifestations of the crime boom overwhelm us. For if a lawful society is lost in the name of justice and progress, it is justice and progress that will fall victim to the demands of absolute suppression in the guise of law and order. To restore order now is to assure a future of justice and true social progress for all our citizens.

THE METRIC SYSTEM

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. MONAGAN. Mr. Speaker, in this session, Congress has approved legislation authorizing an investigation of the advantages and disadvantages to the United States of adopting the metric system of measurement.

As a contribution to the dialog that is certain to develop on this subject, I commend to the attention of my colleagues a thoughtful article by Mr. Blanton C. Wiggin, from the magazine Assembly Engineering:

THE MAGNIFICENT INCH—MAINSTAY OF OUR REMARKABLE ENGLISH SYSTEM OF MEASURE

(By Blanton C. Wiggin)

Surely, you've seen them. Those articles that show up periodically, praising the merits of the metric system, and urging the United States to adopt it? They paint a glowing picture of a golden Utopia in which measurements are sheer joy—a world of decimal magic and easy conversions.

The theme is almost always the same. Life in America would be more efficient if the U.S. adopted metric units.

Well, here is news. We *have* adopted the metric system! We did it nearly a century ago. The metric system is official; it's permitted and it's encouraged. In addition, until recently, our whole system of measure has been based on certain metric master standards established in 1866.

So the metric system is here—yet nothing seems to have happened. The seed has been planted and watered, but it doesn't seem to germinate. Hardly anyone in the U.S. uses the metric system. The public couldn't care less. Oh yes, a few specialists use some metric units, but not universally.

About 98% of American trade is with people also using English units. This concentration of activity leads one to believe that the only reason the metric articles and proposals are worth publishing is because they are novel, or because they are authored by a popular figure or prominent man.

Studies show not only that our English system is stronger and more useful than ever today, but also that the metric system seems to be less understood. Perhaps if we were to look a little deeper, we would find good and proper reasons for this, reasons why these periodic metric proposals fall on deaf ears and stir fewer and fewer people.

Consider these facts which emerge from a present-day study of the "English System":

The modern English system is heavily decimal.

Many of the commonly cited awkward units are already dead.

Most world trade is done in English units.

The commonly used English conversions are not difficult.

The overwhelming majority of English-speaking people understand English units.

THE MODERN ENGLISH SYSTEM

This may come as a surprise, but a major part of the engineering design in America is based on the *decimal* inch not fractions. The entire automotive and aviation industries have been using decimal inches for twenty years or more. The gallon is decimalized for the retail fuel business in gasoline and heating oil.

It is common knowledge that automobiles record decimal miles. Not so generally known is the fact that surveyors use decimal units almost exclusively.

Ever look at an engineering table of weights, say for steel or pipe? They are all worked out in decimal pounds.

The examples are endless. With more and more items measured by machine, decimalization will expand.

DEAD AWKWARD UNITS

Who uses rods or stadia any more? They are as dead as the span or the cubit. Natural selection has led to common agreement on single units for weight, length, and volume in almost every area of human activity. They may be different single units, from industry to industry, but they are agreed upon, well defined, and almost universally used.

Even here there has been great simplification and standardization. Many of the varying thickness gages and sizes of 50 years ago have been clarified or weeded out. Tool engineers are presently considering an even further simplication of drill sizes expressed simply in decimal inches, doing away with the letter and number series.

WORLD TRADE IN ENGLISH UNITS

About 75% of world trade is carried on in English units. About 98% of total American trade is done in English units, with English-unit people.

The currently used English units are better understood in metric countries than the metric system is in ours. The inch is used widely in many countries of the world and is widely understood, just like the English language. Many industries think almost exclusively in inches; for example, refinery design, construction, and maintenance, and tire manufacture. In metric Europe and Japan, which profess to be on the metric system, there are whole industries turning out great quantities of Unified screw threads based on the inch. It has been estimated that 50 to 75% of the screw threads made in some of these countries are inch-based.

An example of the use and understanding of English units is provided by the well-known German unit of length, the "zoll." The zoll is exactly one inch! Also the French "pousse."

COMMONLY USED ENGLISH CONVERSIONS

Arithmetic book writers delight in telling the school child that: 1 rod = 5½ yards, 1 pound = 7000 grains, 1 stone = 14 pounds, 1 mile = 8 furlongs, 1 furlong = 220 yards, 1 barrel, cranberry = 86 45/64 dry quarts, 1 gallon, U.S. = 231 cubic inches, 1 chain, Gunter's = 66 feet, 1 mile, nautical = 1013.4 fathoms.

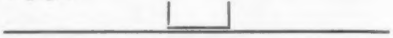
Honestly, now, how many of these do you actually use in everyday life? Probably none.

Chances are you probably use only the following in familiar conversions: 1 foot = 12 inches, 1 yard = 3 feet, 1 mile = 5280 feet, 1 pound = 16 ounces, 1 gallon = 4 quarts, 1 quart = 2 pints.

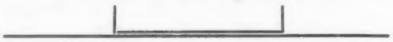
These are not round-number conversions, but they are simple and they don't tax anyone's mental equipment. The few others that a specialist might need in his own field, he has no trouble learning.

ENGLISH-SPEAKING PEOPLE UNDERSTAND ENGLISH UNITS

If this isn't self-evident, just pick 50 people at random, even educated people, professional people. Make two marks on a piece of paper:



Ask these people what this metric unit of distance is. Then ask the same people, or people in the lowest educational or income stratum you can find, what this unit is:



This familiarity with one and bewilderment with the other is so universal that even the professional ruler and scale makers of the country are confused. Just examine any school ruler in a stationery store. It may have a centimeter scale, but the designer of that ruler didn't know that he was dealing with centimeters. He vaguely labeled it "metric," which is next to useless to the uninformed. In more than one instance, the centimeter graduations on such rulers are actually labeled "mm"!

FACT AND FALLACY

The vigor and strength of the English system of measure in America was never greater than today. In the past there have been periodic efforts to bring about mandatory conversion to the metric system in the U.S. With each succeeding year, however, the English system gets more decimal; awkward units in conversions are forgotten; and the need for the metric system becomes less urgent.

During the first half of the last century, engineers and scientists learned to measure things more accurately than ever before. There was a tremendous need to improve master measurement standards and to sharpen up unit definitions. Inert, unchangeable bars and weights were built and carefully protected.

When this effort ended, America procured a master platinum-iridium bar with a couple of scratches representing the meter. Most other civilized countries did likewise, and local units were defined in terms of these duplicate masters. There were also master containers for volume, and there were master weights.

Today, interestingly enough, refinement has gone so far that most primary standards are no longer based on objects or meter bars that you can feel or see. Today length and time are both defined in terms of electromagnetic radiation from the vibration of electrons. At the moment, only units of weight stem from a physical object. This standard is the kilogram, and it may even disappear in favor of some constant of nature. So the metric system is not justified by most 1964 master standards.

There was a strong effort in the United States to make the metric system compulsory in everyday life a century ago. But the common sense of the situation simply made the metric system permissive, along with existing units.

There was another great American debate in 1901–1902, but of slightly lesser magnitude. On one side were Congressman Southard of Ohio and educators and scientists. On the other side were editor F. A. Halsey and the mechanical engineers. The debate was noisy, acrimonious, and raged for months.

The arguments mustered then, and the resolution of the battle in favor of English units, reduced the effectiveness of another metric argument in 1920. This contest was not as spirited; America had become more industrial, less agricultural. The cost of change was frightening even then.

Dr. Joseph Mayer's survey for the National Industrial Conference Board showed that only one American in 1,000 used metric units. The English system triumphed easily, and since then there have been no major challenges. The once influential Metric Association is virtually silent these days.

In 1958–1959, the American Association for the Advancement of Science promoted a change to the metric system, but the effort never got off the ground. The need was dead.

The metric system is permitted anywhere in the United States. There is full freedom of choice—metric or English. Yet the English units survive and become stronger.

This idea of natural selection is interesting. As pointed out before, most metric countries are thoroughly familiar with English units and use them regularly. In addition, many metric countries have old native units which have survived the metric system, and which no amount of compulsion in some areas seem to be able to kill. Good examples are two German units: pfund (weight) and morgen (area). These older native units must have a certain usefulness.

In the 1790's, there existed in France not only a bewildering variety of units but, more importantly, many definitions of the same unit. Obviously, universal definition of particular units was then needed even more than universal units.

In Germany, the same situation existed 80 years later when the German Empire was formed of many kingdoms, duchies, and principalities. In Italy and other West European areas in the 19th century, and then within Russia, India, and Africa in the 20th century, this situation has existed.

In England, a bewildering variety of units was periodically simplified by evolution and by legislative refinement. For example, it had been useful to define a pint as a pound, which was very convenient for measuring and trading in a particular commodity. Even though wine, milk, barley, and other materials have different volumes per pound, few traders in barley sold milk, so this created no confusion.

More importantly, each commodity has natural variations *within itself*. This is more likely the real, even if not expressed, reason that pints and other volumes were simplified and standardized by the 1824 Westminster rule.

This simplification and standardization lessened the need for the metric system. All during the 19th and 20th centuries, this peaceful development continued in English-speaking countries.

The fact is that within the metric system itself a bewildering variety of units has led to the preference for some over others. Today we seldom hear of hectaliters, kiloares, myriameters or decigrams.

Whenever one of our good scientists proposes extending the metric system out of his narrow field to the whole nation on a compulsory basis, he advances a group of arguments which are specious to say the least. They look good on the surface, but they seldom are practical in terms of the broad spectrum of life in general. These arguments usually fall into certain categories: 1. bad conversions, 2. decimal advantages, 3. war potential, 4. standards, 5. foreign trade.

BAD CONVERSIONS

Without question, the English system has a closet full of conversion skeletons. However, it is interesting to note that refinements in the metric system have produced some that are even worse. That's the problem of refinements of standards.

As the previous listing shows, most English conversions are exact to 2 or 3 significant figures. Now look at some of the "simple" metric conversions: 1 milliliter=1.000027 cu. centimeters, 1 International Watt=1.000165 absolute watts, 1 International Ohm=1.000495 absolute ohms, 1 millibar=1.01971 grams/cm^2, 1 atmosphere=1.03508 dekameters, water (20°C), 1 International Ampere=0.999835 absolute ampere, 1 dyne=1.01971 milligram.

The real question, however, is: Who converts? Within a particular industry or trade, almost everyone uses the same units. Engineering and the metal trades employ the inch, seldom converting to the foot. Surveyors use the foot, never converting to the inch. The same situation applies to liquid volume, and generally to dry volume, where the classic examples of confusion exist. But as pointed out earlier, barley traders don't trade in wine.

Tires are inch-based everywhere, while spark plugs are metric everywhere. Yet no one gets spark plugs mixed up with tires. Keep in mind that schoolbook examples such as rods, chains, and links have almost died. No one uses them in common practice.

Everyone buys gasoline by the gallon and has no trouble expressing his needs, or understanding those of others. The same people buy milk by the quart. Milk and gasoline are seldom equated, converted, or confused.

DECIMAL ADVANTAGES

No doubt there is great magic to the decimal features of the metric system, but a great unrecognized feature of the English system has been its ability to decimalize its own units and to borrow useful prefixes for multiples of a thousand. The milli-inch ("mil"), the micro-inch, and the megaton are all widely understood. Sixty years ago, or earlier, fractions were a very telling argument of the prometrics, but they aren't today, and they are growing more and more minor. As soon as our schools switch over to decimal inches (some engineering schools have), the argument will be dead.

WAR POTENTIAL

Dr. Edward Teller and others have said that the great secret weapon of the Russians is the metric system. They forget the great secret weapon of the free world is freedom and private enterprise. The industrial strength of the West was built through private investment, a feat which state socialism can never accomplish. A system of units which is 99% as good as the enemy's is a very minor disadvantage indeed, when viewed through the forest of smokestacks and factories that free men build for hope of profit.

STANDARDS

Many writers seem to confuse a standard with a unit of measure. All units of measure are related to standards. But this should be clearly understood: Units of measure do not have to be exactly the same size as standards. For example: 1 meter=1,650,763.73 wavelengths of Kr^{86} orange-red light, 1 pound=0.45359237 kilograms.

Standards are refined from time to time, and today only the standard of weight is something concrete that one can touch, feel, or see. The other standards are expressed as long multiples of some natural phenomena. The physical world requires special apparatus even to reproduce them. All of the units of the English system of weights and measures are as accurately defined in terms of these physical phenomena and standards as are the units of the metric system, so actually the argument about standards is null.

FOREIGN TRADE

"We can't compete against the Europeans because they use the metric system" is a claim often heard. But two things should be kept in mind:

1. About 96% of American trade is internal. Of the remaining 4%, over half is with other English-speaking, English-unit countries. Should we adopt compulsory change to accommodate the remaining 2%? It's about as logical as making everyone speak *only* French in America.

2. Even in pro-metric discussion in hearings, the most vocal proponents of a compulsory shift have had to admit that there is no record of any business having been lost because the seller offered his goods in the wrong units.

It will be a changed day, indeed, when salesmen cease to be sensitive to the needs of their buyers. Americans who have to, offer their goods in metric units to get the business, and no amount of Congressional action or compulsion will change this situation. The fact is, the English system would survive in trade even if the metric system did become compulsory, so great is its strength, universal acceptance, and need.

It is sometimes said that within the English-speaking world there is no uniformity. True, in volume measure there are two or three systems; however, elements of each find their usefulness in certain industry or geographical areas.

Two areas, in particular, illustrate the resiliency of the English system to the times. For many years, the American and British screw threads were similar, but different. An effort after the war produced the Unified Screw Thread Series, which has taken the best features of both, made them compatible with old threads, and produced one system which is interchangeable around the world, based on the inch.

The most recent example of refinement is the new American-British-Canadian inch. Up to the late 1950's, the inch was officially shortest in Britain, and shorter in Canada than in the U.S. (not much, only 4 parts in a million). Precision industries had outstripped the definition of the inch. So, sparked by private, industry groups, such as the American Standards Association, a common inch was agreed to, used, and then legally adopted by the three countries.

That such things can happen within the English system is a tribute to its strength. It implies, in effect, that we are perfectly willing to live side by side with anyone who prefers to use the metric system. Admittedly the metric system is excellent. But metricists sometimes forget:

The trillions of screws that are in use, all inch-based.

The existing $130 billion investment in machine tools.

The $700 billion investment in all of the various things of life, all dimensioned in round English sizes. These would be expensive to change even in 30 or 100 years.

The chaos of having two sets of every spare part for 30 or 100 years.

This is the testimony to the fact that *modern* English measure is useful, durable, and vigorous. It has overcome most of the metricists' criticism. And, just as the metric system is useful where it is established, so the modern English system—typified by the durable decimal inch—will continue to thrive, prosper, and be useful to the English-speaking world.

RESULTS OF 1968 LEGISLATIVE QUESTIONNAIRE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. DUNCAN. Mr. Speaker, I undertake an annual project of polling my constituents on their opinions on some of the major legislative issues facing the Congress and this Nation.

The response I get is tremendous and reflects the people's concern with national and international problems.

I would like to place in the RECORD the results of my 1968 legislative questionnaire as compiled on a percentage basis by an electronic data processing firm:

[Results in percent]

1. Do you favor the 10-percent surcharge on income taxes that is now pending final action by the Congress?

Yes	28.3
No	60.9
No opinion	10.8

2. Do you favor U.S. trade with nations who are aiding North Vietnam?

Yes	12.4
No	83.3
No opinion	4.3

3. Would you favor a requirement for specific congressional approval before the President could commit U.S. forces in the future to an undeclared war like that in Vietnam?

Yes	75.8
No	11.3
No opinion	12.9

4. Are you satisfied with the President's efforts to negotiate a peace in Vietnam?

Yes	47.6
No	34.8
No opinion	17.0

5. Would you like Communist China admitted to the United Nations?

Yes	13.3
No	70.7
No opinion	16.0

6. Should we eliminate the compulsory draft system in favor of a voluntary army?

Yes	21.8
No	62.5
No opinion	15.7

7. Do you favor the proposed restrictions on foreign travel by means of travel taxes as a way to improve our balance of payments?

Yes	40.1
No	42.2
No opinion	17.7

8. Do you believe in a Government-guaranteed minimum annual wage or income?

Yes	9.7
No	77.2
No opinion	13.1

9. Would you want the Census Bureau to have the power to prosecute persons who refuse to answer all questions on the 1970 census questionnaire?

Yes	15.4
No	67.5
No opinion	17.1

10. Do you want to abolish the electoral college and elect the President and the Vice President by direct popular vote?

Yes	70.9
No	14.7
No opinion	14.4

11. Do you believe that stricter handling of rioters and demonstrators by the police and courts would help reduce civil disorders?

Yes	86.1
No	3.2
No opinion	10.7

12. Do you believe that restrictions recently imposed on procedures of arrest have placed undue handicaps on the police and other law enforcement officers?

Yes	82.6
No	4.8
No opinion	12.6

REPRESENTATIVE OTTINGER OPPOSES PENN-CENTRAL FARE HIKE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. OTTINGER. Mr. Speaker, the Public Service Commission of New York is considering an application from the newly formed Penn-Central Railroad to increase the fares on its New York commuter lines.

Another fare hike would be a very serious blow to New York commuters and it ought not to be granted. But the issue involved is even broader and speaks, I think, to the whole problem of developing a sound transportation system to serve our growing cities and their important suburbs. For this reason, I would like to bring my testimony before the public service commission to the attention of my colleagues:

STATEMENT OF CONGRESSMAN RICHARD L. OTTINGER, 25TH DISTRICT, NEW YORK (WESTCHESTER AND PUTNAM COUNTIES), BEFORE THE PUBLIC SERVICE COMMISSION OF NEW YORK AT HEARING ON PROPOSED PENN-CENTRAL RAILROAD FARE INCREASES, NEW YORK CITY, SEPTEMBER 19, 1968

When the Penn-Central Railroad first proposed the pending fare increases on its New York commuter lines, I wrote to Chairman Lundy of this Commission to urge that the Penn-Central's request be considered in light of two vital factors:

First, the willingness of the Penn-Central to make a firm commitment to improve passenger service, not only in terms of the numbers and schedules of commuter trains, but also in terms of the quality of the equipment used; and

Second, the willingness and ability of the Penn-Central to comply with this Commission's order to draw up and implement a modernization and safety program on all existing equipment.

It is with regret that I feel constrained to point out that the Penn-Central has failed both tests, and under the present circumstances I urge the Public Service Commission to deny the railroad's request for fare increases.

It is worth noting that the merger of the Pennsylvania and New York Central railroads started out as a marriage of necessity but ended up as one of convenience. When the merger was formally proposed seven years ago, both railroads made convincing arguments of their need for each other, the primary argument being that a large part of their problem was costly duplication of services and facilities.

Today, executives of the merged carrier make no secret of their belief that the Penn-Central is virtually depression proof. Top officials of the railroad have stated on the record that the Penn-Central will realize operating savings of $81.2 million a year after eight years of unified operation and railroad experts know that this estimate is conservative. A prominent New York Stock Exchange firm says this estimate is about 30 per cent too low and estimates that the railroad can expect savings of between $40 million and $55 million within three years, $80 million to $85 million after five years and $100 million after eight years of joint operation.

Now, where does this rosy corporate picture leave the commuter, who is fast becoming the forgotten man of the U.S. transportation scene?

Just a few months ago, Secretary of Transportation Alan S. Boyd told a Senate subcommittee that although a railroad merger may result in cost savings, "it is unrealistic to think that railroad management will divert a large portion of these savings to commuter operations." He further noted that railroad managements tend to seek larger returns by investing in non-commuter services, such as freight operations.

I am not content to accept that state of affairs, and I think the Public Service Commission must see that the railroad meets its responsibility to the public by providing commuter services in keeping with modern-day demands and needs. After all, if a railroad is to be granted substantial economic benefits through a government-sanctioned lessening of competition, it has an even greater public responsibility. I think it is clear that the Penn-Central has not met that responsibility voluntarily. It has done little to attract new commuters. In fact, its apparent policy is to make commuting by rail so unattractive that more people will take to our already overcrowded highways.

The Penn-Central's concept of public responsibility appears to be based on less service, rather than more. My office has been literally deluged with complaints from commuters who find that service has been drastically cut back during rush hours, and this is true from Cold Spring to Yonkers and from Brewster to Bronxville.

It is incumbent upon the Public Service Commission to set realistic standards of commuter service and see that the railroads meet those standards, not only in terms of schedules but also in terms of the safety of the equipment in use. Reports of breakdowns and fires are becoming all too common, as this Commission realizes. It is almost three months since the PSC ordered the Penn-Central to prepare a comprehensive safety program for its operating equipment. It is a disgrace that such a program has not been made public. If it exists at all, I urge that it be made a part of this proceeding.

In conclusion, I think it only fair to point out that commuter service in the United States will probably never meet expectations unless we develop a comprehensive action program involving not only the railroads, but the Federal, state and local governments. It is not enough to sit back and expect the railroads to carry the entire burden of mass transportation, and if the current trend continues, the absence of a full-scale program encompassing all levels of government and the railroads could well mean the end of passenger rail service altogether.

NEWARK STAR-LEDGER BUSINESS PAGE GUEST COLUMNIST, PETER W. RODINO, EXPLAINS VALUE TO ETHICAL BUSINESSMEN OF GOOD CONSUMER LAWS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mrs. SULLIVAN. Mr. Speaker, I have just had the pleasure of reading the "Jersey Business" column of the Newark Star-Ledger for Wednesday, September

4, in which our able colleague from New Jersey, the Honorable PETER W. RODINO, JR., appears as guest columnist for the regular columnist, Mr. John Soloway. As usual, Congressman RODINO's words are worth reading. He has given excellent advice to New Jersey businessmen on the value to them, as well as to consumers, of legislation which prevents fraud, deception, and unfair practices by the unscrupulous operator.

As Congressman RODINO states in this article:

> The shady dealer, the quick-profit artist, the unconscionable corner-cutter, all operate at the expense of the legitimate businessman in today's highly complicated marketplace.
>
> A sale that goes to a cheat or fraud is a sale that is lost to the honest businessman.
>
> In essence, the unscrupulous operator is a source of unfair and dangerous competition and poses a serious threat to all who attempt to operate honestly. The legitimate businessman, faced with such competition, may be forced to choose between adopting unethical practices or going out of business. In either case, the American consumer is the big loser.

CONGRESSMAN RODINO A STRONG SUPPORTER OF CONSUMER CAUSES

Mr. Speaker, the author of this excellent column addressed to New Jersey businessmen has been an outstanding supporter of consumer causes in the Congress. As chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, I was delighted to have his assistance as a cosponsor of the Consumer Credit Protection Act of 1968. He was also a cosponsor of my bill this year to expand our food stamp program for combating malnutrition in the United States. And I salute him for the outstanding work he has done as a ranking member of the House Committee on the Judiciary on the extremely important issue of automobile insurance rates.

CONGRESSMAN RODINO'S COLUMN IN THE NEWARK STAR-LEDGER

Because I am sure other Members of the Congress will be as interested as I was in the excellent and forthright article our colleague has written on the subject of the businessman's own interest in good consumer legislation, I am happy to submit it for inclusion in the RECORD, as follows:

[From the Newark (N.J.) Star-Ledger, Sept. 4, 1968]

PROGRESS: THE BUILT-IN "EXTRA" IN CONSUMER LEGISLATION

(By Peter W. Rodino)

(NOTE.—Representative Peter W. Rodino, Democrat, 10th District—Jersey Business' guest columnist today—is dean of the New Jersey congressional delegation, assistant majority whip, and a ranking member of the House Judiciary Committee. He represents Congress at the NATO Parliamentarians Conference and the Intergovernmental Committee for European Migration. An attorney and a veteran of World War II, he has been a member of Congress since 1949 and a lifelong resident of Newark.)

Much has been written and a great deal has been said about the obvious benefits of long-needed consumer protection laws passed by the Congress in recent years.

Almost totally ignored in the discussions and the analyses, however, are the equally important benefits that such legislation extends to producers, manufacturers, distributors, retail merchants and those engaged in banking and finance.

The built-in "extra" in consumer protection legislation is the protection it gives to the decent, honest, ethical members of the business community—that overwhelming majority that take pride in the legitimate conduct of their operations, whether they are involved in the making or selling of products or services.

The shady dealer, the quick-profit artist, the unconscionable corner-cutter all operate at the expense of the legitimate businessman in today's highly complicated marketplace.

A sale that goes to a cheat or a fraud is a sale that is lost to the honest businessman.

In essence, the unscrupulous operator is a source of unfair and dangerous competition and poses a serious threat to all who attempt to operate honestly. The legitimate businessman, faced with such competition, may be forced to choose between adopting unethical practices or going out of business. In either case, the American consumer is the big loser.

Congress has recognized that the government must act to protect the consumer and the honest businessman alike against fraud, deception and indifference in the marketplace.

To achieve this goal, landmark legislation has been enacted and signed into law since 1965.

Historic steps have been taken to protect the consumer—and every American is a consumer—against misleading labels and packages, impure and unwholesome meat, poultry and fish, hazardous appliances and products around the house, unsafe tires, dangerous toys and fire-prone clothing and blankets, and misleading credit terms and hidden costs on loans.

These measures add up to assurance of new safety for the American consumer, not only of life and limb and health, but of his right to be fully informed so that he may choose wisely, whether the transaction involves a personal loan or a package of soap flakes.

At the present time, a study is underway to determine whether new legislation is needed with respect to repairs, warranties and guarantees.

It was initiated as the result of a complaint that is all too familiar to American housewives: "I wish I could buy an appliance that would last until I've finished paying for it."

In his message on consumer affairs last February, President Johnson quoted the complaint and said it is one that cannot be ignored.

"The products of American industry," the President said, "save us hours of work, and provide unmatched convenience and comfort.

"But they can be a source of annoyance and frustration.

"Consumers have no way of knowing how long these products are built to last.

"Guarantees and warranties are often meaningless—written in vague and complex language.

"Repair work is sometimes excellent, sometimes shoddy, and always a gamble."

And so the Special Assistant to the President for Consumer Affairs, the chairman of the Federal Trade Commission, the Secretary of Commerce and the Secretary of Labor are working with industry to determine what can be done to encourage improvements in the quality of service and repairs, assure that warranties and guarantees say what they mean and mean what they say and to let the consumer know how long he may reasonably expect a product to last.

Finally, it was a matter of personal interest to me that President Johnson included in his consumer program this year the problem of automobile insurance and the need to find ways and means to improve the present system, to make it fair, simple and efficient.

Rising premiums, selective coverage and arbitrary policy cancellations are a few of the aspects of auto insurance that underline the fact that the present system is overburdened and unsatisfactory.

This finding, which I had long suspected, was confirmed by a study which was undertaken at my insistence by the House Judiciary Committee's Antitrust Subcommittee. The report on that study, issued in September of 1967, focused attention on the ills of the present system and paved the way for the present effort by the President to press the search for solutions.

NUCLEAR PROPULSION OF NAVAL WARSHIPS

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. HOLIFIELD. Mr. Speaker, since nuclear propulsion of our naval warships is a very critical item concerning our security, I make every effort to keep up to date in developments in this field. Since a great deal of action has taken place on the part of various committees of Congress concerned with national defense during this past year, I have had the Joint Committee on Atomic Energy staff prepare for the committee a summary of what has happened and where we stand in the field of nuclear propulsion of naval warships.

I invite my colleagues' attention to the three main sections in the summary report of the status of the naval nuclear propulsion program. The first section summarizes the reasons why the Congress is so critically interested in this program; the second section summarizes all of the action the Congress instigated this year to add impetus to the nuclear warship program; and, the third section summarizes what must still be done by the Department of Defense to implement the intent of Congress in the field of nuclear warship propulsion.

The report follows:

[From the Joint Committee on Atomic Energy, Congress of the United States, Sept. 16, 1968]

CURRENT ISSUES CONCERNING NUCLEAR PROPULSION FOR SUBMARINES AND SURFACE WARSHIPS

1. The House Armed Services Committee and its ASW Subcommittee, the Senate Armed Services Committee and its Preparedness Investigating Subcommittee, the Defense Subcommittee of the House Appropriations Committee and the Joint Committee on Atomic Energy have examined issues concerning the naval nuclear propulsion program at great length this year. This extensive congressional interest has been brought about mainly by the following key issues:

(a) The Soviet submarine threat is expanding much more rapidly than had been predicted by the intelligence community.

(b) The FY 69 defense budget request includes only two nuclear warships—two *Sturgeon* class submarines. This is the smallest number of nuclear warships included in any annual defense budget since 1955.

(c) The Department of Defense FY 69 budget request did not include funds for procurement of long leadtime items for a new design High Speed Submarine to be built in the FY 70 program, as had been requested by the Navy.

(d) In late May, the Department of Defense suspended further commitment of funds on the Electric Drive Submarine and announced that termination of this important project is being considered.

(e) Long range Department of Defense plans presented to Congress call for terminating the nuclear submarine building program after the authorization of two more submarines in FY 70.

(f) Although the Secretary of Defense stated last year that full funding for the third nuclear aircraft carrier, CVAN69, would be requested in the FY 69 budget, only $82.4 million was actually requested by the Department of Defense for FY 69 and the Secretary of Defense stated the remainder would be delayed until FY 70.

(g) Long range Department of Defense plans call for building only four more nuclear escorts, two in FY 70 and two in FY 71. These four ships, when added to the five nuclear escorts already built or building, will provide enough escorts for only two of the four planned nuclear aircraft carriers.

2. As a result of the congressional reviews this year:

(a) Numerous floor statements, committee reports, and letters to Department of Defense officials from Members of Congress and committee chairmen have strongly supported continuing with the Electric Drive Submarine.

(b) Congress authorized $22.5 million for the procurement of long lead items for the new design High Speed Submarine and $4 million for FY 69 research and development to support this program. Secretary Clifford subsequently announced that the Department of Defense decided on 1 July to go ahead with this project.

(c) Congress added $16.4 million to the FY 69 defense authorization to start development of an improved nuclear propulsion plant for new design submarines of the mid-1970's.

(d) Numerous floor statements and committee reports expressed the Congressional intent that the United States must maintain a dynamic nuclear attack submarine design and building program—that the present Department of Defense plans to terminate the nuclear submarine building program with the two submarines to be authorized for FY 70 must be changed.

(e) In addition to approving the $82.4 million requested by the Department of Defense for CVAN69, Congress authorized $39.3 million for procurement of nuclear propulsion plant spare components for NIMITZ class carriers which the Navy had requested but which the Department of Defense had denied.

(f) Congress authorized $52 million requested by the Department of Defense for procurement of long lead items for two nuclear escorts the Department of Defense said would be included in the FY 70 program. The defense authorization act stipulated that these funds should be used only for procurement of items which are suitable for installation in the new design DXGN proposed by the Department of Defense or the DLGN class currently being procured.

(g) Numerous floor statements and committee reports made it clear that Congress expects the Department of Defense to expand the nuclear escort building program to at least provide all nuclear escorts for all nuclear carriers. The design funds requested by the Department of Defense for contract definition of the new design oil-fired guided missile escort class, called DXG, were not authorized by Congress.

(h) Several Members of the House and Senate have included statements in the RECORD recently that the minimum nuclear warship program that can be accepted for FY 70 is to complete the five ships for which long lead procurement funds are included in the FY 69 authorization; that is, two submarines including the High Speed Submarine, one nuclear aircraft carrier, and two nuclear escorts.

3. The following steps remain to be taken by the Department of Defense if the expressed intent of Congress is to be implemented:

(a) *Attack Submarines.*

(1) Authorize the Navy to proceed with the FY 68 Electric Drive Submarine.

(2) Release FY 69 funds for procurement of long lead components for the FY 70 High Speed Submarine as soon as possible. The Department of Defense FY 69 budget request included $18 million for advance procurement for FY 70 submarines. These funds could be released *now* for the High Speed Submarine under the authority of the continuing resolution. Remaining FY 69 long lead funds can be released when the FY 69 defense appropriations act becomes law. (Senate appropriations action not taken yet.)

(3) Release to the Navy as soon as possible the $16.4 million authorized by Congress for FY 69 to start development of an improved nuclear propulsion plant for new design submarines of the mid-1970's.

(4) Include at least two SSNs in the FY 70 program, including the High Speed Submarine.

(5) Continue nuclear attack submarine building programs beyond FY 70, at least until all diesel submarines are replaced with nuclear submarines. (A program of about 5 nuclear attack submarines per year is required to do this.)

(b) *Surface Warships.*

(1) Release $82.4 million of FY 69 funds to the Navy *now* for procurement of long lead components for second *Nimitz* class carrier, CVAN69.

(2) Release to the Navy as soon as possible the $39.3 million of FY 69 funds added by Congress for nuclear propulsion plant spares for *Nimitz* class carriers. (Senate appropriations action needed yet.)

(3) Release $52 million of FY 69 funds to the Navy *now* for procurement of long lead components for two nuclear escorts in the FY 70 program.

(4) Include remaining funds for CVAN69 in FY 70 program and include third *Nimitz* class carrier, CVAN70, in FY 71 program as stated in former Secretary McNamara's Posture Statement on FY 69 budget request.

(5) Include at least two nuclear escorts in FY 70 and two more in FY 71 in accordance with Secretary Clifford's letter to the President of the Senate of April 1, 1968, with the enclosed Presidential Determination to build DLGN37 and 4 nuclear destroyers. The Presidential Determination was based on Secretary Clifford's memorandum to the President of March 25, 1968, which called for 2 nuclear destroyers in FY 70 and 2 in FY 71.

(6) Establish a firm long range nuclear escort building program that will at least provide all nuclear escorts for all the nuclear carriers.

COMMENTS ON THE 1968 CAMPAIGN

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. SPRINGER. Mr. Speaker, I attach herewith two very thoughtful articles by Joseph Kraft and David S. Broder in the Tuesday, September 17, issue of the Washington Post. I am sure many of my colleagues will be interested in reading these two columns on the impending campaign:

PITTSBURGH DEMOCRATIC SLIDE ILLUSTRATES PLIGHT OF THE PARTY

(By Joseph Kraft)

PITTSBURGH, PA.—It is easy to blame the woes of the Democrats on the feeble campaign of the Vice President, but the true seat of the trouble lies in the weakening internal fabric of the party itself. And a dramatic index of the weakening is provided here in Pittsburgh, a one-time bastion of Democratic strength which the Vice President visited last weekend.

Mr. Humphrey encountered friendly crowds at a parade downtown, and then at a municipal celebration in the industrial suburb of Millvale. Local Democratic officials were jubilant to find Millvale showing scant enthusiasm for George Wallace, and none for Richard Nixon.

But the downtown parade was the affair of a Pittsburgh TV station which the Vice President crashed. Millvale turned out to celebrate the town's centennial. Thus neither affair was put together by the Vice President's official backers.

In contrast, an annual Democratic Party picnic drew fewer people for the Vice President than normally turn out on an off year to cheer the candidates for county assessor. A get-together of union leaders for the Vice President featured mainly grumpy comments about the hawkish position on Vietnam adopted by AFL–CIO President George Meany. "This year," a Democratic Congressman said, "I'd hate to be running in anything but a safe district."

Behind this obvious falling apart of the Democratic party are strains imposed by long years in power on city organization put together in the depression years by the late Mayor of Pittsburgh, David Lawrence. The organization rested chiefly on the support of the ethnic and racial minorities and their unions in the metal and food processing industries dominating Pittsburgh.

But in order to govern effectively, Mayor Lawrence forged an alliance with the Republican business community. And in case after case, actions taken by Democratic officials to improve the city have damaged ties with the Party's basic following.

Urban renewal, for example, has completely refurbished the downtown business section of the city—the so-called Golden Triangle. In the process, however, Negroes who used to live on the Hill at the margin of the district have been moved out. Now civil rights leaders have put on the fringes of the Hill a defiant sign: "Urban Renewal Stops Here."

Moreover, the Negroes who were moved out of the Hill district tended to settle in neighborhoods formerly dominated by low income whites, many of them recent immigrants from Italy, Poland and other East European countries. With property values going down, and neighborhood tensions on the rise, the low income whites sought help from their old friends in the union and the Democratic Party. To little avail.

The Democratic Party, top-heavy with officeholders of long vintage, was not able to meet the new demands with the usual technique of passing out prestigious jobs. In the last two Democratic primary fights candidates of Italian descent—Michael Musmanno and John Dent—have been denied Democratic gubernatorial and senatorial nominations.

A candidate of East European extraction, Joseph Gaydos, has a Democratic congressional nomination from Pittsburgh. But this is the first time for the Pittsburgh area, though the largest ethnic bloc is East European.

As to the union, I. W. Abel, head of the dominant steelworkers, seems to be set on succeeding George Meany as the top labor leader in the country. His instructions are not to rock the boat. And while middle level union leaders, particularly in other unions, feel that something is wrong, about the only way they can attract attention is through noises about the Meany stand on Vietnam.

In this situation, the rank and file is simply turning away from the Democratic Party. Party affairs are lifeless and sparse in attendance. Registration figures show that in the county around Pittsburgh, more than twice as many persons as ever before have signed up as independents. And there appears to be a big fall-off in Negro registration from the record that signed up with the Democrats to vote against Barry Goldwater in 1964.

What this means is that the Democratic plight in 1968 requires more than a quick fix—a little change in the Vice President's campaigning techniques. The basic fact is that the Democratic Party is undergoing the political equivalent of what causes airplanes suddenly to fall apart—metal fatigue.

Before the Party can pick up its vitality, there is probably required a long period of rethinking and rebuilding. And in the interim it may be just as well for the Republicans to be running the country.

Cheerfulness and Loose Tongue Are Hurting HHH in Campaign

(By David S. Broder)

Hubert H. Humphrey, who describes himself quite accurately as "a very positive thinker," told Marie Torre, the Pittsburgh television interviewer, the other day how he came by the optimism that is so much a part of his nature and so much at the root of his current political troubles.

"My father," he said, "always told me that most of your troubles are in your own mind."

That is a terribly revealing sentence.

Optimism is so much the essence of Humphrey that his biographer, Winthrop Griffith, inevitably began his book with the words: "He is a happy man. He looks uncomfortable when he is not smiling."

So when Humphrey dubbed his 1964 campaign plane. "The Happy Warrior," no one thought it an affectation.

Cheerfulness is an admirable quality in a man. It has stood Humphrey in good stead, permitting him to shake off the disappointments and defeats he has suffered in a fashion that commanded admiration from all.

Yet, this year, it must be said, Humphrey's cheerful optimism has betrayed him. The "politics of happiness" proclaimed as his goal when he announced his candidacy last spring came to sound like a mockery after Robert Kennedy's murder. His good humor enrages dissident Democrats. A Vietnam war protester, who saw Humphrey marching in a parade in Pittsburgh, shouted in rage: "Why are you smiling when men are dying?"

No one who knows Humphrey believes for a moment that the war in his eyes, is anything but a curse. But where Kennedy and Eugene McCarthy could agonize in public over the war, Humphrey remained doggedly upbeat.

His bedrock belief that things are bound to get better extends to his attitude toward his staff, which is notorious among politicians for its mediocrity. Humhprey has borne with the limitations of his aides for years, in apparent confidence that they were bound to improve, but he is campaigning today without the kind of assistance a presidential candidate deserves, and this can be blamed on no one but himself.

The indulgence he extends to his staff he also uses to excuse bad habits of his own, particularly his loose tongue.

As a speaker, Humphrey rarely lets one sentence suffice when five paragraphs come to mind. In the first week of his campaign, he caused himself uncounted damage by failing to weigh his own words.

In seeking to offer some cheer to a young questioner in Philadelphia and a McCarthy delegate in Denver, he managed to make statements about the withdrawal of American troops from Vietnam and about his own attitude toward the bombing of North Vietnam that undercut months of careful decision-making.

Through such self-indulgence, the whole concept of a "politics of confrontation," which was sound enough in itself, was seriously compromised by Humphrey's generous tendency to tell each questioner something he thought he wanted to hear.

That same optimism and self-indulgence may be at the root of Humphrey's problems with the Vietnam war issue. This reporter is convinced that Humphrey believes the war is a tragic misuse of American power, but over the years he has allowed himself to believe that something was bound to turn up to provide an escape from the situation.

Two years ago this summer, he told a private meeting of the National Governors Conference in Los Angeles that the enemy was over-extended and could not hold out much longer. This summer, he was hinting broadly at an imminent breakthrough in the Paris peace talks. Last week, he said he could "confidently predict" that "some" American troops could start coming home within months.

Such oft-repeated and ill-founded hopes raise a real question as to whether Humphrey has, in fact, faced up to the hard choices the United States confronts in Vietnam.

Similarly, his tendency to put the most cheerful interpretation on every situation also impedes his ability to deal candidly with the American domestic crisis. Humphrey has dedicated his campaign, with obvious sincerity, to the cause of "national unity."

But he has yet to acknowledge the contribution of the Johnson Administration to the disunity that prevails. As a result, he has not yet made the tough-minded decision that many Democrats think is necessary—to separate himself from the divisive aspects of the Administration's record.

It is well and good to call for "One America," as he does, but Humphrey has yet to indicate an understanding that America can be reunited only under leadership of a different kind from that offered by Mr. Johnson. By not distinguishing himself from the President, Humphrey in effect is forcing those who are seeking a change to turn to his opponent.

This is, one suspects, what really ails his campaign. He has made his slogan "The New Day," but he has not yet put the Old Day firmly to bed.

For all his decency, for all his honor and for all his contributions to the public welfare in the last 20 years, Hubert Humphrey today is not coming across as a credible alternative to President Johnson.

He now says that "events" will have more to do with the election outcome than the words of any of the candidates, but if this is more than the last gasp of his perennial optimism, he has not explained it.

The good heart and the cheerful spirit that are Hubert Humphrey are endearing qualities; but by themselves they will not win for him this fall. A President is more than a cheerleader.

BRITISH AEROSPACE AND AIRCRAFT INDUSTRIES

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. PETTIS. Mr. Speaker, as a member of the Committee on Science and Astronautics, I have attended and officially represented this Congress at the Farnborough Air Exhibition and Display during the past few days in Farnborough, England. The British aerospace industry sponsors the event, and international visitors from around the world gather at Farnborough, England, for a review of their latest developments in the field of technology, navigation and guidance systems, and engine sophistication.

It has been my observation that the American people are so confident in the technological capabilities of the United States that we often tend to undervalue the successes of other nations and the importance of their work in military and commercial aviation. At Farnborough, we were exposed to a British aviation and aerospace industry which has come far in recent years and today is preparing to fly, in coming weeks, the supersonic transport, the Concorde. It was an occasion to applaud the British for their spirit and their accomplishments in these technological fields. It was also an occasion to remind Americans that we are more than ever in a world influenced by rapidly developing air transportation and aerospace technology, with tremendous impact in such areas as communications, economics, and national survival.

As an example of what others are doing in the aviation field, while we debate the subject, is the development of the supersonic transport known as the Concorde. After almost 12 years of planning and diplomacy by aircraft manufacturers in Britain and France, this supersonic aircraft now stands poised for flight at Toulouse, France. The first flight of the 001 prototype, built in France by the British and French, under Government agreement for a joint design, development, and manufacture will take place in a matter of weeks. Taxi tests are nearly complete. The flight of this plane will mark the beginning of a new era for commercial transportation and will give the Europeans a position in this particular field that is enviable.

Both the British and French Governments are taking an active role in financing the Concorde, and it will have a tremendous impact on their balance of payments if it goes into production on schedule. Prototype 002 of the Concorde is at Bristol, England, and follows 001 by only a few weeks. Work has already begun on two preproduction aircraft as well as the first three production models. On schedule certification of safety is expected. By late 1971 and, by 1973, more than 50 of these airplanes should be in international air service carrying passengers between Paris and New York at over twice the speed of sound.

Optimists in Europe see a gap of as much as 7 years between the Concorde's introduction and the U.S. supersonic transport—now to be designated the "Boeing 2707." Original estimates gave the Concorde only 3 years' headstart, but the SST production schedule here in the United States has slipped considerably since then, while Concorde problems have been solved as they arose. The American plane will now follow the British lead by keeping the single position wing and utilizing the delta design. Estimates are that each of the years between Concorde and our SST means the sale of 25 more aircraft to the British-French enterprise.

As the representative of the Committee on Science and Astronautics and a professional pilot, I was particularly interested in the 1968 Farnborough Exposition, with the demonstration of the

Hawker-Siddeley Harrier-V/STOL aircraft. This military jet has both the short takeoff and landing capabilities as well as a speed in excess of mach 1. In demonstration, it appeared to be an excellent aircraft for close-in military support operation. Although it is a "short-legged" craft, where long range capability is not essential, the Harrier offers a dramatic step forward in military technology. Flashing by at approximately 700 miles an hour, the Harrier makes a virtual stop in midair to land in spaces reserved for helicopters. The plane engines are manufactured by Rolls Royce, who have recently won a contract with Lockheed to supply the RB-211 engines for the L-1101 air bus. To date, 176 of these huge Lockheed air buses have been sold.

On my recent visit to Vietnam, I observed American Phantom jets taking off from the carrier *Kitty-Hawk* to make ordnance and tactical trips over the jungles of Vietnam not more than 100 miles away. The use of the phantom aircraft and aircraft carrier combination results in fantastic costs when compared to the same missions as potentially performed by a Harrier-V/STOL type of craft. Such planes could be based on jungle pads within the country for the numerous ordnance missions essential to troop support. True, these bases would require ground protection from enemy sabotage or attack, but would permit planes to be based separately from one to the other and away from a huge air base complex. They could also be flown from much smaller aircraft carriers at sea than the present aircraft carriers. It would appear to me that our military planners should consider this type of V/STOL aircraft in their future planning for military operations such as are now being conducted in Vietnam.

As a pilot, I was particularly interested in studies the British have undertaken having to do with the physiology and psychology of the normal individual as they are affected by or related to the environment of flight. The Royal Air Force Institute of Aviation Medicine has studied the efficiency and safety of flying personnel. The physiological responses to the individual stresses of flight such as an anoxia and acceleration are well established, but the effect of the combination of two or more stresses is not well understood, nor sufficiently known to establish the limits of minor degrees of impairment which may effect flight skills. The physiological interaction, particularly of rotation and linear accelerations, are being studied with greater sophistication by the RAF Institute.

Likewise, it is impossible to define limits of temperature within which man will be efficient as a physiological machine, but it may not be practicable to provide these conditions in aircraft. Military officers responsible for command decisions must know the costs in operational terms of marginal departures from the ideal environment. The relationship between human error and omissions and the marginal stresses such as mild lack of oxygen, low humidity, vibration, acceleration, change of diurnal rhythms, and fatigue—all of which occur routinely in flight—is an important field of research.

The British research effort is most impressive, and where research is not a competitive economic endeavor, we in the United States and Britain should seek to avoid duplication in nonclassified essential research.

I most certainly urge a close coordination of our national research efforts where our goals overlap so much and the resources available are so limited.

In summary, I would like to commend the British Aerospace and Aircraft industries and their Government for a most impressive exhibition and symposia of their progress in the aerospace field. I feel that we Americans should not allow ourselves to become complacent in these highly competitive and highly technical fields, nor should we ignore the potential for economy offered to us by the military innovations made on the other side of the Atlantic Ocean.

CLEVELAND'S ANNUAL QUESTIONNAIRE RESULTS AND COMMENTS

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. CLEVELAND. Mr. Speaker, for the sixth consecutive year, I have sent questionnaires to my constituents. Once again, I wish to share this year's results with my colleagues.

New Hampshire has a good record for citizen participation in government; it is consistently among the Nation's leaders in voter turnout and it takes a great interest in all levels of government, from town meetings to the national level. Consequently, these results are an indication of how a considerable number of thoughtful and concerned people are thinking.

Some prominent political figures have downgraded the significance of political activities in New Hampshire; in particular, the State's first-in-the-Nation presidential preference primary. Such people speak from ignorance. New Hampshire is, on a per capita basis, among the two or three most heavily industrialized States in the Nation, and yet an important segment of its economy is still based upon agriculture and forestry. At the same time it has a tremendous recreation and resort industry on a four-season basis. New Hampshire is truly a microcosm of the entire Nation. Of only five counties in the entire country which have gone with every presidential winner since 1900, two are in New Hampshire. It is not surprising, then, that New Hampshire primaries have often been accurate forecasts of presidential elections. There are those who have learned too late the unhappy lesson of not paying proper respect for the attitudes of the New Hampshire body politic.

NEW FORMAT—RECORD RESPONSE

My questionnaire this year involved a different kind of format, in that I asked my constituents to record their views on a computer punchcard. Although this approach was less personal, the very simplicity of the card encouraged the highest number of responses ever received. Upward of 16,000 answers were received, about four times as many as last year. However, I must confess to having made one mistake when I mailed out these cards to my constituents, for which I apologize. I did not make it clear that for those questions which had several alternative answers only one alternative should have been indicated. Several of the questions clearly invited approval of more than one alternative, question No. 9 in particular. The mechanical tabulation system rejected cards with more than one answer indicated, which explains why the total recorded responses for some questions is smaller than for others.

LEGISLATION BY LUMP AND LABEL

Many people returned their questionnaires with thoughtful letters of comment, making it most difficult for me to reply in a manner to do them justice. I was particularly struck by how many commented on the difficulty of answering some of the questions with a simple "yes" or "no" answer. I agree, and took the occasion to point out that a Congressman is constantly faced with the same problem. Very often, he is obliged to vote on a highly complex omnibus bill, dealing with numerous and varied programs and usually lumped together with a lovely sounding label. This is a practice which I deplore. Coupled frequently with the fallacy that the mere passage of such a bill and setting up expensive, Washington-controlled programs can solve almost any problem, it has severely handicapped the development of meaningful debate and sound legislation.

COMMENTS ON QUESTIONNAIRE

On the first question, concerning gun controls, a small majority of my constituents favored the banning of the interstate sale of firearms. My questionnaire was prepared before proposals to require Federal licensing of gun owners and the Federal registration of their firearms—which I oppose—became of intense interest. This interest developed upward of 4,000 communications last summer, more than 10 times the number of communications I have received on any other single issue during my 6 years in Congress.

Year-around daylight saving time has caused considerable discussion in my recreation-minded State and a majority favors the proposal.

My constituency is obviously dissatisfied with the administration's handling of the Vietnam situation. Eighty percent expressed dissatisfaction with the way things are going, while only 10 percent said they were satisfied. Although this question was phrased somewhat differently in my past questionnaires, it is clear to me in looking over the results from previous years that support for the administration's conduct of the Vietnam conflict has dropped dramatically. I do not believe, however, this intense and increasing dissatisfaction necessarily implies disagreement with our country's commitment to defend South Vietnam from aggression by North Vietnam.

ALL OUT OR GET OUT

Less in agreement are my constituents concerning alternatives to present policy. About the same number—10 percent in each case—felt that we should withdraw immediately, reduce our military effort, or increase our military effort. However, while only 5 percent said that we should continue our present military effort, surprisingly 59 percent said that we should go "all out or get out." This year I did not even bother to ask my constituents, as I have for the past 2 years, whether they felt the administration was giving them adequate information concerning Vietnam, because of the overwhelming negative response previously encountered. The credibility gap is not only regrettable but makes meaningful discussion of this issue almost impossible. Nor did I inquire this year whether the United States should take stronger and more frequent initiatives to begin negotiations. Last year's response to this question was overwhelmingly favorable, and at the time the questionnaire was mailed out the Paris talks had already begun.

THE FISCAL CRISIS

My constituents' uneasiness over our present fiscal crisis is clearly reflected by their demands to reduce spending on space and foreign aid programs. Continued lack of support in my district for foreign aid spending is undoubtedly accentuated by an awareness of the existing monetary squeeze—the dollar crisis and gold flow—and mounting concern for solving our own problems first—"Charity begins at home" said many. An added factor is unquestionably the lack of support by our free world allies for our efforts in South Vietnam.

INFLATION

Although question No. 7 and the answers to it are dated somewhat by the tax bill recently signed into law, they are nevertheless interesting for they show how the people themselves would try to hold down inflation. More—51 percent—favored reducing Government spending than any other proposal. About a quarter—22 percent—advocated what Congress has, in fact, done—reduce Government spending and increase income taxes at the same time. Fifteen percent favored instituting wage and price controls. Very few favored increasing taxes alone or doing nothing at the present time.

The distribution of answers to the question about the military draft indicates that my constituents as a whole either do not have strong views about draft reform or do not fully endorse any one of the various proposed alternatives to what we have now. Forty percent felt that the system should be continued pretty much the way it is.

Many of my constituents gave more than one answer to the question of what should be done to curb rioting and disturbances in our cities, indicating that they, too, recognize the great complexity of this problem and that there is no single, simple solution to it. As indicated previously, those cards with more than one answer to a single question were rejected by the tabulator. The single choice most frequently selected was tougher law enforcement and riot control by authorities, although more emphasis on job training and educational opportunities ran a strong second.

Finally, I gave my constituents the chance to express what they would do about Government spending in general, considering national needs and problems in terms of priorities and resources. The great majority responded that they would hold the line on spending, even if it meant cutting back on some desirable projects. This is clearly a gratifying call for greater restraint on Federal spending and the reordering of priorities. These are objectives for which I have labored long and loud.

CLEVELAND ANSWERS QUESTIONNAIRE

As I do each year, I will now comment for the record on my questionnaire. In answer to the question concerning the interstate sale of firearms, I have in fact voted affirmatively on two occasions to restrict the traffic of guns between States. In both instances, this ban was only one of numerous provisions in the bills. The Crime Control and Safe Streets Act, which passed last June by a 368-to-17 margin and is now signed into law, bans the mail-order sale of handguns. Last July on a 305-to-118 vote, the House also passed the State Firearms Control Assistance Act, extending this ban to include both guns and rifles, except in instances where the purchaser lives in an adjacent State. There are other provisions in this latter bill too numerous to mention, but perhaps most significant is a mandatory, nonsuspendable sentence for carrying a firearm during the commission of a Federal felony.

I favor making daylight saving a year-around affair. Skiers, schoolchildren, and others would benefit by adding an additional hour of sunlight to the afternoons during late fall, winter, and early spring.

VIETNAM

My comments on question No. 3 are coupled with question No. 6, as they both involve Vietnam. As I have said, the credibility gap has made discussion of Vietnam almost impossible. However, it is the No. 1 issue of the day. It cannot be ignored. In a free country, however difficult it may sometimes seem, forthright discussion of the most tortured issue is essential. Lawful dissent is a vital ingredient of the democratic process.

With the great majority of my constituents, I am totally dissatisfied with the administration's handling of the Vietnam situation. It has produced a credibility gap not only at home but abroad. It has led to growing frustrations, uncertainty, and doubt at the very time when the need for patience and fortitude is greatest. It has developed a growing isolation and weakened moral support for our gallant fighting men. I do believe that what our Nation has been trying to do—that is, defend South Vietnam against aggression—is right. To reward aggression can only invite further aggression. It is the sorry conduct of the endeavor with which I disagree.

There is reason to believe that much of this lamentable state of affairs started with the unfortunate introduction of the peace issue into the 1964 presidential campaign. In light of 1964, I hope people will think twice as the easy political promises of certain peace are unleashed again. The 1964 campaign assurances in my opinion paved the way for miscalculations abroad and for lack of purpose, confidence, and resolve at home. It laid the groundwork for the apparent hesitancy and uncertainty that has characterized so much of our efforts to defend South Vietnam.

ALL OUT OR GET OUT

The majority of my constituents answered that we should go all out to win the war in Vietnam or get out. I am in sympathy with what I believe those who answered this way mean. Certainly I share their obvious desire to see this seemingly endless and poorly conducted conflict come to an end. My own devotion and yearning for peace is not of recent vintage. Still, I cannot abide by this answer because, on the one hand, I do not believe that we can simply get out. And, on the other hand, I do not think a nation with the potential power of the United States has to go "all out" to obtain its objectives in Vietnam. The fault for having not yet obtained our objectives lies elsewhere.

Among our many mistakes is that the Vietnam effort has been from the outset virtually a unilateral effort. The present administration has apparently been hypnotized by a prevailing fallacy that Washington—given enough men or money—can accomplish any objective. They have failed to enlist full participation by Southeast Asian countries and the South Vietnamese themselves. The same hypnotic confidence by Washington in its own omnipotence has created attitudes that we can be the policeman for the world, ignore the U.N., and go it alone. It has also led to the naive belief that we can fight a major conflict abroad and still enjoy costly new programs and business as usual at home.

DE-AMERICANIZATION OF THE WAR

Following my trip to Vietnam last winter, I wrote a report—Washington Report No. 5, copies available—in which I set forth some of my conclusions. In essence they were that far stronger efforts should be made to de-Americanize the war. Since that time there has been some encouraging recognition of such proposals and some promising evidence that they are being successfully effectuated.

I do not feel that we can begin to withdraw until the de-Americanization steps underway have reached fuller fruition. Nor do I feel we can substantially reduce our military effort, although token withdrawals are being seriously discussed and may soon be in order. Current reports indicate that additional commitment of the military is not now necessary. Therefore, it appears we should continue with our present military effort, providing, as I have already indicated, the base is continually broadened and the Southeast Asian countries and the South Vietnamese are firmly and successfully encouraged to carry an increasing share of the burden.

GOVERNMENT SPENDING AND INFLATION

Turning to fiscal matters generally, and questions 4, 5, and 7 specifically, I have long stressed the fact that this country simply does not have enough means or money to fully implement all programs, however desirable. I have repeatedly asked and voted for a reordering of national priorities. The $25 billion deficit for fiscal year 1968 has now underscored the need beyond any doubt. For this reason I do not feel we should continue spending on the space program at either higher or current levels and have so voted. We not only should stretch out our space effort, but there is some evidence that doing so would improve it.

Likewise, for the second time since I have come to Congress, I voted against the foreign aid bill. With so many unsolved domestic problems we simply cannot afford to spend billions abroad on foreign aid at this time. To do so also adds to the balance-of-payments problem. The fact that our country has received so little support from those we thought were allies in our defense of South Vietnam is another reason for my vote. The general principles of the program still deserve support, but it is discouraging that so many friends of foreign aid seem blind to the program's shortcomings and virtually deaf to constructive suggestions for improving them. Sad to say, at this very time the Federal Government actively discourages private investment abroad, which has been the only bright spot in the balance-of-payments problem. Even sadder is the fact that a government which proudly insists on fair wages and good working conditions at home is actively encouraging the products of virtual slave labor to flood into the country.

INFLATION

Many of us have been warning about inflation for years. Now it is here with a vengeance and can no longer be swept under the table and ignored. In answer to question No. 7, I voted for the Revenue and Expenditure Control Act of 1968 on the evidence that this tax increase-budget cut bill was necessary to save the country from the results of the wild spending binge of past years. It was my one sure chance to strike a blow for fiscal restraint and sanity. It was a tough decision to make, to raise taxes on an already overburdened public, but it is Congress' responsibility to make the tough decisions. Failure to do so could only have resulted in higher prices and a weaker dollar.

Let me add, however, that, despite the need to hold down inflation, I would have voted against the tax bill had it not included a provision which requires the President to submit to Congress shortly a comprehensive program of tax reform. The inexcusable loopholes, the outdated exemptions, and many other inequities in our present tax structure, such as the oil depletion allowance, made it impossible for me to support any tax increase without at least taking some steps toward tax reform. This is the least we can do for the forgotten man, the guy in the middle who earns too much to get Government help but too little to escape the ravages of inflation or avoid taxes.

THE MILITARY DRAFT

In regard to the draft, I voted for passage of the Military Selective Service Act of 1967 which passed the House 362 to 9 last year. Thus I am on record in this regard. If I had the opportunity, however, I would have voted for only a 1- or 2-year extension, because I think the Congress left certain things undone, particularly in developing a program for a volunteer professional Army. In this regard I commend to my constituents a book, "How To End the Draft: The Case for an All-Volunteer Army," by my colleague, Congressman BOB STAFFORD, of Vermont, and others.

Question No. 9, as I have already indicated, apparently invited more than one affirmative answer. Coupled with tougher law enforcement and riot control, I feel there must be a greater emphasis on job training and educational opportunities, with particular emphasis on the involvement of private interests. For this reason, I have consistently supported a rather impressive list of Republican alternative proposals, such as the Human Investment Act, Community Self-Determination Act, Opportunity Crusade, National Home Ownership Foundation, and the Human Renewal Fund. The thrust of most of these programs could be to unleash the power of private enterprise and to give the disadvantaged and minority groups a piece of the action. We must constantly remind ourselves that we are a great Nation, not because of what our Government has done for the people but basically because of what the American people have done for themselves.

NEW APPROACHES

In this connection I wish to add a word of caution. The Republican alternative proposals which I have referred to are not offered as an end in themselves, with claims that they will solve all our domestic problems. They are offered as a beginning to debate and deliberation which will mark new approaches. There is a fundamental and prevailing fallacy that mere programs and more money can solve all our problems. As a matter of fact, we probably already have too many laws and programs. The real issue is often how these laws are enforced and how the programs are administered. One of the most encouraging recent developments has been an awakening to the wisdom of Prof. Daniel Moynihan's observations of last year, which I have so frequently quoted. Moynihan, you will recall, has called for stability and a new alliance between conservatives and liberals who recognize that meaningful progress must be built on a platform of stability.

Finally, my answer to question No. 10 must be apparent to all who have read this commentary. We must, of course, hold the line on spending, even if it means cutting back on some desirable programs, and even if it hurts.

THANK YOU

In conclusion, I would like to express my thanks to those of my constituents who participated in this year's questionnaire, not only for returning their questionnaires but for their many interesting and constructive comments. These are indeed troubled times, but I think it is important to remember that Americans have faced trying times before and have done it with dignity, courage, and abiding faith in divine guidance. As we head toward the presidential elections, deep divisions reappear and harsh words will sound out across the land. But, as I said last Memorial Day, it is important to remember that this is the strident music of representative government at work. We must remind ourselves of the many issues on which the American people as a whole are firmly and devoutly united. We must face the future with confidence that our system of government can and will successfully meet the challenges of changing times.

The questionnaire results follow:

RESULTS 1968 CLEVELAND QUESTIONNAIRE

	Yes	No	Undecided
(1) Would you favor banning the interstate sale of all firearms?	8,277	6,746	637
Percent	51.6	42.0	4.0
(2) Do you favor year-round daylight savings time?	9,461	5,201	957
Percent	59.0	32.4	6.0
(3) Are you satisfied with the administration's handling of the Vietnam situation?	1,507	12,795	1,237
Percent	9.4	79.8	7.7

	Higher	Current	Lower
(4) Should we continue spending on the space program at higher, current or lower levels?	1,635	5,541	8,266
Percent	10.2	34.7	51.7
(5) Should foreign aid spending be continued at higher, current or lower levels?	401	1,683	13,272
Percent	2.5	10.5	82.8

	Responses	Percent responses
(6) In Vietnam, assuming immediate peace, which we hope for, is not attained, should we—		
(a) withdraw immediately?	1,619	10.4
(b) reduce our military effort?	1,862	11.9
(c) continue our present military effort?	824	5.3
(d) increase our military effort?	1,487	9.5
(e) go all out or get out?	9,176	58.9
No response	618	4.0
Total responses	15,586	
(7) Should the government attempt to hold down inflation by—		
(a) increasing income taxes?	527	3.5
(b) reducing government spending?	7,893	51.8
(c) reducing government spending and increasing income taxes?	3,370	22.1
(d) instituting wage and price controls?	2,317	15.2
(e) take no steps at this time?	498	3.3
No response	638	4.2
Total responses	15,243	

RESULTS 1968 CLEVELAND QUESTIONNAIRE—Continued

	Responses	Percent responses
(8) Do you think the military draft should be—		
(a) abolished in favor of a professional Army?	2,982	18.9
(b) continued pretty much as is?	6,267	39.8
(c) changed to a strict lottery?	2,879	18.3
(d) changed to draft 19-year-olds first?	1,671	10.6
(e) changed to give college graduate students automatic deferments?	915	5.8
No response	1,051	6.7
Total responses	15,765	
(9) Should we attempt to curb rioting and disturbances in our cities by—		
(a) more money and more Federal programs for our ghettos?	368	2.8
(b) tougher law enforcement and riot control by authorities?	7,215	55.1
(c) more emphasis on job training and education opportunities?	3,460	26.4
(9) Should we attempt to curb rioting, etc.—Continued		
(d) more emphasis on involvement of private interests in aiding minority groups?	1,264	9.6
(e) don't know?	427	3.3
No response	371	2.8
Total responses	13,105	
(10) In general, considering national problems and needs in terms of priorities and resources, do you—		
(a) increase spending to accomplish needed goals, even if it means a tax increase?	2,480	15.5
(b) hold the line on spending, even if it means cutting back on some desirable programs?	9,058	56.6
(c) drastically cut spending, even if it means restraining needed programs?	3,668	22.9
No response	809	5.1
Total responses	16,015	

Note: Total number of Respondents to the 1968 Questionnaire: 16,086.

FEDERAL MARITIME COMMISSION TAKES ACTION TO HELP THE BALANCE OF PAYMENTS

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. CURTIS. Mr. Speaker, at this time of a grave balance-of-payments problem, it is encouraging to note that at least one agency of the Federal Government has shown a proper concern for our balance of payments. Enough improper action has been taken, such as restricting private investment abroad. I have long been concerned with these improper actions and the adverse effects they have on our balance of payments, for example, see minority views to Interest Equalization Tax Extension Act of 1967, Report No. 68, Ways and Means Committee, pages 47 to 51; also administration's balance-of-payments proposals hearings before Ways and Means Committee, part I, February 5 and 6, 1968, pages 290 to 331; 6, 1968, pages 16335–16337; June 19, 1968, pages 17906–17907; July 19, 1968, 22420 and 22421.

The Federal Maritime Commission—FMC—recently ordered six specific outbound commodity ocean freight rates reduced as well as the general cargo rate which comprises approximately 11 percent of all outbound commodities. This should help U.S. exports to move in increasing quantities thus helping the U.S. balance of payments.

The recent FMC decision is an outgrowth of 1965 hearings of the House-Senate Joint Economic Committee—on which I serve as ranking Republican—which expressed concern that ocean freight rates higher outbound than inbound were discouraging U.S. exports and encouraging imports.

The recent FMC decision, based on 3 years of intensive research and analysis by the Commission's staff, bears out the concern of the Joint Economic Committee. The Commission ordered the North Atlantic United Kingdom—NAUK—shipping conference to reduce outbound shipping rates on egg albumen, meat offal, onions, plastic sheeting, sleds and toys in addition to the general cargo rate. The general cargo rate technically covers about 11 percent of all outbound commodities. However, a recent sample run on outbound commodities showed 18 percent moving under the general cargo rate. Thus the possibilities for improving U.S. exports are substantial.

The NAUK has been ordered to file new lower rates with the FMC within 90 days. As the NAUK member lines carry 98 percent of the eastbound liner cargo from the United States, the FMC division covers the vast majority of U.S. exports in Atlantic trade.

This action by the FMC is the most sweeping decision the Commission has ever made in its history of overseeing shipping conferences. It is precedent making. Very important is the fact that the Commission's decision was unanimous, adding extra weight to its findings.

This decision will help U.S. exports as discriminatory higher outbound rates inhibit U.S. exports and those goods that are exported must bear higher prices, making them less competitive on world markets. Lower rates will cause more cargo to move, helping the U.S. balance of payments.

As an example of the discrimination U.S. exports face, the general cargo rate outbound is $70.75 per ton weight or measurement—32 percent higher than the general cargo rate inbound. In many cases the higher outbound rate prevents exporters from being able to sell overseas—thus cargo does not move.

Preliminary studies show that if the outbound rate were reduced to the inbound rate, on some commodity exports profit margins would be doubled. Logic would seem to say that a doubling of profit margins would encourage more exporters to start shipping overseas.

Extremely encouraging also is the fact the FMC does not intend to let the matter rest with its recent decision. Already it is conducting preliminary discussions with the Treasury Department on ways to further reduce disparities between inbound and outbound rates. One idea currently being given consideration is to inspect the manifests of inbound shipments at U.S. ports. Where the inbound rate is found to be less than the comparable outbound freight rate, a freight rate equalization fee in the amount of the difference in rates would be levied against the inbound shipment. This in time could lead to the raising of the inbound rates to the outbound levels.

The recent action by the Federal Maritime Commission in disapproving certain outbound ocean freight rates was a major step forward and of real help to the U.S. balance of payments.

I hope that other government agencies will be as farsighted and progressive as the FMC in making decisions bearing on the U.S. balance of payments.

BRITAIN REMEMBERS THE VICTIMS OF COMMUNISM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. DERWINSKI. Mr. Speaker in view of the Soviet seizure of Czechoslovakia, the history of Communist oppression of peoples throughout Europe and Asia should very logically be noted since we have new evidence of the fact that communism is not and cannot mellow.

My attention has just been directed to an article by Mr. Stefan Kleczkowski in the Contemporary Review published in August 1968, in London, which is a very timely and moving recapitulation of the millions of victims of Communist aggression. I believe this article has unusual current interest and, therefore, I insert it in the RECORD:

BRITAIN REMEMBERS THE VICTIMS OF COMMUNISM

(By Stefan Kleczkowski)

For the first time in Britain's post-war history, a mass remembrance rally was held on October 31, 1967, at the London Albert Hall, in presence of some 4,000 spectators and delegates of 20 oppressed nations who in speeches, prayers and hymns paid tribute to the memory of 94 million dead at the hands of Communist régimes.

At the same time, the rally gave lie once more to the Soviet propaganda that Soviet Russia was a bulwark of freedom, peace and brotherly love among nations, while in fact she only brought misery, enslavement and death, not only to her own nationals but also to some 100 million East-Europeans—rightful heirs to the western and Christian civilisation. In this way, the rally again unmasked the ramifications of the Soviet imperialism which found full expression in the great military displays held in Moscow on October 7, 1967, and in May, 1968, with the obvious threat of mass annihilation of all free nations in the world. It also emphasised the fact that, contrary to the belief of some gullible people, the Soviet system did not represent a social and economic progress of a peculiar kind, but essentially a military hegemony bent upon the subjugation and subordination of all free peoples everywhere, with the help of new and more sophisticated methods of coercion and exploitation. True to the Lenin precept that the Soviet Union will not be safe as long as a single free country exists, its aim is to dominate all nations whose fault is that they are different racially, religiously and from the cultural point of view. Taken in this context, the Soviet system is best summarised as a monster of lies, despotism and tyranny spread by improved media of propaganda, violence and oppression.

The rally was organised under the title "Britain remembers the victims of Communism" by the "Foreign Relations Circle" whose President is Dowager Lady Birdwood, widow of a British Fieldmarshal, Rt. Hon. Lord St. Oswald, M.C., D.L., Vice-President, and Mr. D. G. Stewart-Smith, editor of the *East-West Digest*, in conjunction with representatives of the countries concerned, to "commemorate all those who died as a result of Communist persecution between 1917 and 1967" Hushed and dimly-lit Albert Hall, famous for so many historical rallies, was best suited for the staging of this significant occasion which lasted nearly three hours and brought together spectators and delegates of 20 European and Asiatic nations who have suffered untold miseries, persecution and death at the hands of the Communist imperialists.

First spoke the Lord St. Oswald in an atmosphere of almost religious fervour. In phrases worthy of a Cicero, he began by saying that it was fitting that this country which provided shelter to Karl Marx for 35 years should also give refuge to the living victims of Marxism, and pay tribute to the people who have suffered and died from the hands of those who adopted its precepts. "We came to praise," he said, "not simply to mourn those victims of an oppression which still burdens the world. We came to learn from them and to seek a part of their courage. They stand in our minds as an entity far more significant and full of hope than the vast fields of tombstones, beside humanity's path into the unknown.

"Those are men and women who have done this country the honour of taking shelter here—lending wholeheartedly their efforts, their skills, their understanding and their loyalty to Britain. They are also men and women who have not abandoned loyalty to those oppressed and afflicted in their native lands. They have not, in the comparative comfort and safety of this country, forgotten or broken faith with those who were left behind. Here they gave us the opportunity to join them, to keep faith as well, with those legions who paid a tragic price for our survival, by not submitting to that power which has declared and never renounced its purpose to consume us all. That is why I, and I hope many more, have come here tonight to affirm that the millions who have died at the hands of Communism, died not in vain . . . Should we forget them, we shall be inviting history to forget us. We shall not merit the freedom for which they strove and which we, for the present, enjoy . . . The main hope the Communists have is that we, in the rest of the world, should comfortably forget their deeds, and the price in blood and torment which others have paid."

Speaking about Svetlana's escape to the West, Lord St. Oswald said: "Her escape could be seen as a kind of poetic vengeance, but it was rather as a justification a triumph even, for those whose spirits withstood the terror in earlier days. There is poetry indeed, comfort and promise too, in this individual victory, a long-delayed victory of the spirit." Concluding this thought-inspiring oration, Lord St. Oswald declared that: "We here have come to state our gratitude and our debt to those who suffered and who died. They did so for that intangible and finally invincible idea called liberty—which penetrates and inspires our whole existence . . . and we offer our pledge . . . that their sacrifices will not be wasted. That sacrifice will be identified and proved before the world as a positive living benefit to mankind. In this manner we have associated ourselves with them."

The next speaker was Mr. John Biggs-Davidson, Conservative M.P., who spoke on behalf of Britain. "This great gathering", he said, "was a manifestation not of hatred but of love, not of propaganda but of prayer, to remember those who have fallen for faith and freedom, from Albania to Zanzibar . . . We pity even their persecutors, but we seek peace and we favour normal relations with Communist states. But we would betray those we commemorate, and we would dishonour ourselves, and we would be despised by the Communists themselves, if in our longing for peace we departed from justice . . . We in Britain have no preachers of but practitioners of self-determination, and the late President John F. Kennedy was right to insist that the self-determination of the Eastern European peoples was pre-requisite of truly peaceful co-existence . . . If we pity the persecutors of those whom we commemorate, it is because it is the victims we salute who will become the victors."

Mr. V. Cami who represented captive Albania said that "the bitterest blow to my country came from the Communists who, during our struggle with the Italian invaders were preparing and organising a vicious attack against our resistance movement using all the well-known tactics of the 'Big Lie' and terror. Their Albanian opponents had already paid a heavy toll. In 1944, after a bitter civil war, the Communists seized power in Albania. Then followed the purges against all those who refused to submit. The security police in Albania made good use of the instruments of torture which they had inherited from their predecessors, whilst across the frontier Tito's henchmen were massacring tens of thousands of Albanians."

Father J. Lang, S.J., speaking on behalf of Czechoslovakia, recalled that "the Czechs came first into conflict with the new Communist régime, resulting from the October revolution. The Communists succeeded there 30 years later, after the end of the Second World War. According to the U.N.O. report, in 1954 there were 250 concentration camps with 350,000 prisoners of all ranks, including Cardinal Beran. Between 300–400 men were executed, many died in uranium mines, camps and prisons, while others were put in solitary confinement. The reason: they refused to accept Marxism and the Communist dictatorship."

Speaking on behalf of Estonia, Dean Dr. J. Taul reminded that "the Estonians have suffered terribly at Christmastime in 1918 when the whole Estonian nation fought an heroic fight for independence. Mass arrests and executions of Estonians took place in many parts of the country. In 1940 the Communists swallowed Estonia, and 60,000 Estonians were deported under the most inhuman conditions, and half of them died. In my own town", Dr. Taul said, "I witnessed an execution of 132 people in the local jail. Their bodies were afterwards thrown into wells or buried under prison cellars. During the battle of liberation the Estonians buried them in common graves among scenes of great anguish, but when the Communists returned, they destroyed all these graves, broke up all crosses and desecrated them."

The next speaker was Mgr. Bela Ispanki on behalf of Hungary. In a short prayer for the victims of the 1919 and 1956 anti-Communist Hungarian uprisings, he asked the Almighty to grant eternal rest to the victims of these uprisings, and to strengthen their brethren in prisons and hard-labour camps, the widows and the orphans.

He was followed by Very Rev. Ringolds A. Muziki on behalf of Latvia who spoke in a prayer for the martyrs of the Latvian nation and those who are still imprisoned and oppressed for their faith and love of freedom.

Rev. A. Geryba, M.I.C., on behalf of Lithuania, recalled that "in 1940 Communist Russia invaded his country, deporting thousands of men, women and children to Siberia. Many of them died from starvation and many more were killed. Thousands met the same fate in later years." Miss Zivile Siekety then read extracts from a small prayer book smuggled from Siberia and written by exiled Lithuanian girls on scraps of paper, describing the suffering for freedom and the faith of the imprisoned Lithuanians.

Speaking on behalf of the Ukraine, Very Rev. S. Wiwcharuk, S.T.D., said that "the Godless and inhuman Communist system established itself 50 years ago in Russia and afterwards invaded Ukraine. Its victims are numberless. Countless Ukrainians died as a result of Communist oppression, caused by Moscow's ruthless policies (Khrushchev was then Ukraine's red boss). Thousands of families were broken, leaving numberless orphaned children. Ukrainian leaders were executed, the intellectual élite decimated, writers and poets silenced or forced to sing praises of the Communist régime. The prosecution of the Ukrainian church is symbolised by the death in a concentration camp of its Metropolitan, Rev. Vasyl Lypkivískyi, and of a great number of clergy, the destruction and desecration of 90 churches, and loss of innumerable art and religious treasures. The Ukrainian Catholic Church fared no better. Hundreds of priests were sent to prison, were tortured and most of them died."

Tales of martyrdom, persecution and exploitation were later brought to light in "pink" Yugoslavia by M. Marcetic who said that "the very beginning of Communism in Yugoslavia was marked by violence and acts of terrorism. In the 30s, when the Communist party was reorganised under Tito, its leading members, then in Russia, were decimated by Stalinist purges, aided and abetted by Tito himself."

One of the most significant pronouncements was made by Mr. W. Bienkowski, a prominent Polish journalist, who delivered a terse and concise litany of the tragic events which characterised Polish history since the first world war.

"1920: Poland invaded by Soviet Russia: thousands deported and killed, but the Red Army is beaten at the gates of Warsaw, and Europe is saved from the scourge of Communism for the next 20 years.

"1939: Poland is stabbed in the back by Russia on September 17, 1939. Already invaded by Hitler's armies, Poland receives a mortal blow from the invading Communist armies, in fulfilment of a secret Molotov-Ribbentrop agreement. Nearly one and a half million Poles of both sexes are deported to the Russian interior and half a million perish in Soviet concentration camps.

"1940: Poland is made a martyr—14,500 Polish prisoners of war, officers and professional men, an elite of Poland, are massacred in cold blood by the Soviet Army in three camps near Katyn Wood in Smolensk area.

"1944: Poland is betrayed by the Allies at the Yalta Conference. Warsaw is left to die after an abortive uprising, while Soviet Armies poised on its confines watch in silence and with indifference its tragic fate. Allied air drops prove inadequate. Warsaw loses 250,000 inhabitants and is razed to the ground. Yalta Conference seals Poland's fate as Russia's satellite state.

"1945: Poland partitioned for the fifth time in 150 years, loses a population of 13 million handed over under Yalta Agreement to Soviet Russia. Millions of Poles are uprooted and deported to Russia and Siberia, thousands die or linger in Soviet concentration camps.

"1967: Poland struggling for freedom. 32 million Poles deprived of basic freedom and fight against Soviet oppression and exploitation—for freedom, independence and ancient right for self-determination, wage a silent faith."

Other speeches were delivered by the representatives of Bielorussia, Germany, Rumania, Vietnam, Tibet, Nationalist China and Korea. Mr. Than Trong Ngia, counsellor of the Embassy of Vietnam, spoke of the Communist infiltration of his country in connection with the present war there. The rally was highlighted by the laying of wreaths at the flagpoles of the nations concerned by children of these nations. Miss Gabrielle Moss, of double English and Polish parentage, laid a wreath on a British flagpole.

At the end of this memorable rally, "The Flowers of the Forest" was played on bagpipes by Sgt. MacLeod, Scots Guards, by kind permission of Major J. H. B. Acland, Commanding "K" Coy, Scots Guards.

To conclude this historical occasion, I am reprinting below statistics of the victims of Communism gathered together by the "Foreign Affairs Circle" which do not need comment:

In the Soviet Union:	
Russian Revolution and Civil War	1,500,000
Civilian deaths caused by famine and Civil War	13,000,000
Liquidation of class enemies and minorities	3,000,000
Famine due to the first 5-year plan	7,000,000
Communist purges	1,500,000
Deaths in slave labor camps, 1921–60	19,000,000
Total	45,000,000
In Europe:	
Revolutions and invasions	500,000
Liquidation of "class enemies"	2,000,000
Communist purges	1,000,000
Deaths in slave camps since 1946	100,000
Total	3,600,000
In Asia:	
Chinese Civil War, 1927–1949	20,000,000
Liquidation of "class enemies"	9,500,000
Famine caused by the "Great Leap Forward"	13,000,000
Deaths in slave camps since 1950	2,000,000
Tibet, invasions and revolts	200,000
The Korean war	1,500,000
Total	46,200,000
Grand total	94,000,000

But, where there is life, there is hope.

VIETNAM VALOR AWARDS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. FASCELL. Mr. Speaker, with the wealth of publicity given to the critics of the war in Vietnam, I wish to offer recognition and praise to the true hero of the 1960's—the American soldier serving in Vietnam.

The Miami Herald shares my feeling that we at home should make known our support and encouragement of the boys in Vietnam, our appreciation for their fighting to make the world a better place and to protect the democratic freedoms of people everywhere.

I am very anxious to bring to the attention of my colleagues in the House of Representatives a report of distinguished service performed by soldiers whose homes are in Dade County, Fla. I know that my colleagues will join my applause for these fine men who have served our country so honorably:

VIETNAM VALOR AWARDS

Many young Dade County mėn are distinguishing themselves in the war in Vietnam. From time to time, The Herald will publish an account of their actions. Following are descriptions of the deeds of several Dade County medal winners:

Sp-5 Jerome E. Wood of Coral Gables has won the Bronze Star for meritorious service and the Army Commendation Medal for valor while serving with the 101st Airborne Division in Vietnam. After a 30-day leave here with his parents, Capt. and Mrs. Jerome E. Wood, 1001 Coral Way, he was assigned to Fifth Army Headquarters at Ft. Sheridan, Ill. A graduate of Christopher Columbus High School, he attended Gordon Military Academy and Miami-Dade Junior College. He plans to make the Army a career.

Pfc. Grover Lamar Heath, 990 W. 33rd St., Hialeah, recently was awarded the Purple Heart for wounds suffered in action in Vietnam. He was struck by enemy gunfire in his left hand and arm and right leg and is now in a hospital at Cam Ranh Bay, Vietnam. Pfc. Heath, who is serving with the 101st Airborne Division, was employed by Aerodex, Inc., before entering the service in November, 1967. His parents, Mr. and Mrs. G. W. Heath, live in Talladega, Ala.

SP-4 Roger Rychlik, son of Mr. and Mrs. Bruno Rychlik, 3930 NW 178th St., received the Purple Heart for injuries suffered when two helicopters collided while evacuating wounded troops during hostile action in Vietnam. Four fingers of his right hand and two of his left were amputated after he was evacuated to Japan. He later was removed to Martin Army Hospital, Ft. Benning, Ga., where he will undergo more surgery. He was serving as a helicopter crew chief and gunner.

Air Force Capt. William Flood has won numerous decorations during his two tours of duty in Vietnam. They include the Distinguished Flying Cross, Silver Star, 10 Air Medals, Air Force Commendation Medal, Air Force Outstanding Unit Award with Oak Leaf cluster, Republic of Vietnam Campaign Medal, Vietnamese Service Medal, Air Force Longevity Service Award and National Defense Service Medal. The 1964 graduate of West Point is the son of Mr. and Mrs. William T. Trotter, 3722 SW 85th Ave.

TRIBUTE TO FRANK F. COLE

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. COLLIER. Mr. Speaker, in these days of mass communication, large circulations, nationwide television, it is unusual that a community newspaper editor can make a lasting mark on the history of his city. Such a man was Frank F. Cole, 63, editor of the Park Ridge Herald for the past 36 years, whose death I announce with sadness.

Cole's gentle, soft-spoken manner, his selfless approach to the news and his home-town philosophy in his weekly column, "Round the Ridge," endeared him to thousands through the years in and around the suburban community of Park Ridge. He won many friends by his unselfish work in many worthwhile community causes down through the years while maintaining a sharp eye on governmental affairs.

A native of Albion, Mich., Mr. Cole majored in journalism at Albion College, graduating in 1927. From there he moved to Park Ridge where he became editor of the Park Ridge Weekly. When that paper merged with the Herald in 1932, Mr. Cole became editor. Mr. Cole personified the very best of journalism and service to the community. I join with his many friends in expressing my sympathy to his family.

REEVALUATION OF FOREIGN TREATY MILITARY COMMITMENTS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. COLLIER. Mr. Speaker, it is apropos that as we are considering the foreign aid bill for fiscal 1969 we pause to scrutinize our foreign commitments in these turbulent times when we have more than 1 million Americans stationed at military posts around the world. If we have learned nothing else from the current dilemma of Vietnam, it seems to me that a careful and deliberate evaluation of our foreign military commitments is vital to our future.

While we must never abandon the hope of achieving a peaceful world, and must strive with every effort in this direction, we must also recognize that at this time the probability of attaining world peace appears remote at this time in our history. So entangled in the growing troubles of the world is the United States that even the chaotic conflict in Vietnam demands only one-fourth of our military personnel. To question any future entanglement of the United States in foreign conflicts becomes ex post facto if we are already firmly committed by international agreement. It is this subject to which I wish to direct my remarks this afternoon.

I contend that this Nation can no longer afford the luxury or the folly of policing the world. Yet, we are committed to the common defense of more than 40 nations today as a result of nine treaties that have been ratified in the past two decades.

Let us look for a moment at the texts of some of these international agreements. The upheavals in the North Atlantic Treaty Organization notwithstanding, we are pledged to action if any of the 15 members involved in this alliance are attacked by another foreign power. NATO includes in its signers Italy, Norway, Great Britain, the Netherlands, Denmark, West Germany, Canada, Belgium, Luxembourg, Iceland, Portugal, France, Greece, Turkey, and ourselves.

The Southeast Asia Treaty which has frequently been used as the basis for our military intervention in Vietnam includes New Zealand, Australia, Thailand, Pakistan, and the Philippines. Presently these five nations have an aggregate of 15,000 combat troops in Vietnam which is actually a token force compared to more than 500,000 Americans fighting in Southeast Asia. Then there are the Central Treaty Organization, ANZUS, and the Philippine Treaty. We are also involved in commitments under the Japan, Rio, Korean, and Nationalist China treaties.

I seek to make the obvious point that such treaties which result in action by a nation on a unilateral basis simply destroys the intent and purpose of such an agreement. It is quite like organizing a multiple partnership and establishing rules which any one partner may pursue while the others act permissively to suit their personal convenience at any particular time.

In order for treaty alliances of a military nature to be effective and meaningful, it seems to me that action by the majority of the member nations be considered at any time it is necessary to fulfill a commitment under such an agreement.

It is for this reason that I contended more than 3 years ago, and repeatedly since that time, that the Congress and the executive branch of Government had an obligation to embark upon an orderly review and reevaluation of all treaty commitments. Not only is this necessary in the interest of the changing positions and attitudes of member nations, but it seems imperative that those countries which have cosigned these treaties review these commitments in good faith and full force at regular intervals so that they are acting in a sense of mutuality in carrying out any commitment at any time. It certainly seems to me that in some instances commitments which we have made in the past may no longer be necessary or even in the best interest of this or any other nation presently or in the future.

I wish to make it clear that my proposal would certainly not necessarily involve a withdrawal from any particular alliance. Any such action should be studied in the light of the international situation and such developments as might tend to change from one time to another. It is simply a fact of life that any alliance should be a contract equally respected and implemented by and between all parties involved which commits them equally to a common cause or purpose. It should be a contract subject to amendment by mutual agreement at any time that such alteration becomes proper and feasible. Otherwise the next generation may find itself in a world which has paper commitments as flexible as the interpretation any regime in power deems expedient.

It is my hope that this attitude and implementing action will be made an essential part of our foreign policy as soon as an orderly review and evaluation of our many alliances involving military commitments is possible.

WE, THE PEOPLE, 1968

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. QUILLEN. Mr. Speaker, "We, the People, 1968," an editorial in the Sunday, September 15, issue of the Johnson City Press-Chronicle, is most appropriate as we observe Constitution Week, September 17–23:

> We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

I agree that—

> The United States was built upon the rocks of people power and people faith. And on these rocks it has endured nearly two centuries.
>
> It will never die unless these rocks crumble.

I would like to share this editorial with the readers of the RECORD, as follows:

> WE, THE PEOPLE, 1968
>
> The United States was built upon the rocks of people power and people faith. And on these rocks it has endured nearly two centuries.
>
> It will never die unless these rocks crumble.
>
> "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."
>
> We need to review these words as we observe Constitution Week (Sept. 17–23).
>
> "We, the people . . ."
>
> Not we, the government. Not we, the ruling class. Not we, the property holders. Not we, the white race. Not we, the Anglo Saxons. Not we, the Protestants. Not we, the Catholics.
>
> "People" is the key word, and it is all-inclusive. It means everybody. The "blessings of liberty" are not to be restricted by class, by religion, by race or by any other consideration.
>
> Obviously the writers of the Constitution envisioned a united country. They knew there was, and would be, great diversity but they expected a basic unity in that diversity. The document they wrote was intended to be an umbrella for all.
>
> Just as obviously the writers anticipated a country of loyalty based on the supremacy and majesty of people. Not governments, not courts, not political parties, not pressure groups, not lobbies, not demonstrators. People!
>
> And for 181 years the "people" of the United States have been the envy of the world, because they have enjoyed more life, liberty and pursuit of happiness—more abundant living in every way—than the inhabitants of any other country in the world.
>
> This causes us to say that the United States will continue to be great so long as her people continue to be great. No President can make a country great. Nor can Congress, the Supreme Court, the Democratic Party, the Republican Party or any other organization or instrumentality. Only the people can do this.
>
> We must be earnestly concerned, then, about the quality and faith of our people. How high is that quality today? How great is that faith?
>
> We look about us and see much that is disturbing: rampant crime, violence in the streets, burning of the flag, open espousal of our enemies, vile contempt for our leaders, and anarchistic attacks on all our institutions.
>
> There is no greatness in all this, and somehow it must be purged from our midst. If it is not, it will destroy us. Certainly we can not survive if we fall under the domination of thugs, bums, cynics, nihilists, revolutionists and terrorists and traitors.
>
> "We, the people" must do some serious inventory-taking, and perhaps some serious praying, during this Constitution Week 1968.

THE REVERSE BUSING DILEMMA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. EILBERG. Mr. Speaker, the Pennsylvania Human Relations Commission has mandated a program by the Philadelphia Board of Education to end racial imbalance. I cannot agree with that plan and have communicated my disapproval to the State commission. It would be easy for me to get mad over what the commission is trying to do to northeast Philadelphia, but instead, I think it is a time to keep our heads. I support a calm, but good statement of the matter which appears in this morning's Philadelphia Inquirer and which is attached to the conclusion of this statement.

I think, also, it is necessary to correct the record insofar as the Federal Government is concerned. My investigation in Washington shows that the Department of Health, Education, and Welfare is directly concerned with compliance with the Federal Civil Rights Act. The Department has the power to investigate, but there has been no investigation made in Philadelphia. Also, HEW has not instructed the Pennsylvania Human Relations Commission to order the Philadelphia Board of Education to come up with a plan to end racial imbalance. In fact, the Federal Government has no authority even to act in questions of imbalance because racial imbalance is directly exempted from Federal action under title 6 of the Civil Rights Act.

The Civil Rights Board of HEW does have authority over questions of illegal segregation—such as segregation ordered by public officials in violation of the 1954 Supreme Court order—segregation by gerrymandering, and racial assignments of teachers by boards.

Title 6 does state that Federal funds shall not be used for programs which are illegally segregated, but this does not concern the Philadelphia problem, which is one of imbalance, and as stated above, directly exempted from the law.

I believe that pressure should be directed to the Pennsylvania Human Relations Commission to change its mind and that if it does, the Philadelphia Board of Education will go along. I believe that the proper education of our children should be above politics and also that harebrained ideas should not be permitted to prevail in the name of civil rights. The Philadelphia Inquirer lead editorial of Thursday, September 19, 1968, follows:

THE REVERSE BUSING DILEMMA

There is no use pretending that the problems of the Board of Education in trying to comply with the orders of the State Human Relations Commission are simple. They are more complicated than the Commission seems to realize.

That should be evident from the strong, emotional reaction of parents who jammed the auditorium of Joseph J. Greenberg Elementary School in the Northeast. They were nearly unanimous in their opposition to the integration plan calling for a one-day-a-week exchange of pupils between schools in predominantly white neighborhoods and those in the ghettos.

The viewpoint of the objecting parents deserves a fair hearing. If busing pupils from the white neighborhoods to the ghettos means a downgrading of their educational opportunities and a threat to the safety of the pupils, as they firmly believe it does, they have a legitimate complaint. They are doing no less on behalf of their children than are the parents in black ghetto neighborhoods who demand with equal force that the schools their children attend be upgraded.

When children from overcrowded, rundown ghetto schools are bused to better schools where there is more room the quality of education they receive should obviously be improved. How can the opposite be justified? It might be argued that reversing the procedure would enlist the parents of white children in the cause of improving the ghetto schools. That is, however, a dubious hope.

Another hope might be that children, starting early, will learn to work together from the beginning without the racial biases which have had a chance to harden by the time they reach the secondary school level. But few white parents are favorably swayed by these arguments.

Their immediate and understandable interest, is in maintaining the quality of education available to their children. Both the State Human Relations Commission and the Board of Education ought to understand that and take it realistically into consideration in devising integration proposals.

The aim is to improve opportunities, not eliminate them. The end result of this plan, if left unaltered, seems certain to be a downgrading of the quality of public school education available in Philadelphia for both black and white pupils. It is not the answer to the integration problem.

APPROVAL OF COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT ACT EXTENSION

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. MONAGAN. Mr. Speaker, as the author of similar legislation, I am very pleased by the approval this week of H.R. 18808, which extends for an additional 4 years the provisions of the Commercial Fisheries Research and Development Act of 1964. The funds made available by the act have been used to aid the States in carrying out research and development projects related to commercial fisheries, and they have also provided disaster assistance in cases where particular fisheries industries have been adversely affected by natural causes.

My own State of Connecticut has received more than a quarter of a million dollars in funds under the act, and as a result, the herring, lobster, and oyster industries have benefited enormously. I am sure that other States have been similarly aided.

As I pointed out in a statement at the time I introduced my bill on this subject, H.R. 19414, increasing pollution, the use of pesticides, and other aspects of modern life are posing a serious threat to many marine species. At the same time, much technical information in the area remains unknown. I, therefore, am gratified that the House has acted favorably on this measure to continue for America's fisheries industry the kind of support which most modern maritime nations give to theirs.

CULVER INTRODUCES LEGISLATION TO PROTECT THE FAMILY FARM FROM CORPORATE COMPETITORS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. CULVER. Mr. Speaker, on May 23, I introduced H.R. 17478, a bill to prohibit persons who are not bona fide farmers from using losses incurred in their farming operations as an offset to income from other sources.

I sponsored that legislation for three reasons: First, to end the unfair advantage it gives hobby farmers over genuine farmers who must make a profit or go out of business; second, to close a flagrant tax loophole which costs the American taxpayers an estimated $200 to $400 million a year; and third, to prevent the long-range adverse effects on consumer food prices if corporate farming drives the individual producer out of agriculture.

In July of this year, the Treasury Department and the Agriculture Department both issued highly favorable reports on this legislation. In pointing out the seriousness of the situation, the Treasury Department noted, in part:

When a taxpayer purchases and operates a farm for tax purposes, it inevitably leads to a distortion of the farm economy. The tax benefits allow an individual to operate a farm at an economic breakeven or even a loss and still realize a profit. For example, for a top bracket taxpayer, where a deduction is associated with eventual capital gains income, each $1.00 of deduction means an immediate tax savings of 70 cents to be offset in the future by only 25 cents of tax. This cannot help but result in a distortion of the farm economy, especially for the ordinary farmer who depends on his farm to produce the income needed to support him and his family.

This distortion may be evidenced in various ways: For one, the attractive farm tax benefits available to wealthy persons have caused them to bid up the price of farm land beyond that which would prevail in a normal farm economy. Furthermore, because of the present tax rules, the ordinary farmer must compete in the market place with these wealthy farm owners who may consider a farm profit—in the economy sense—unnecessary for their purposes. Statistics show a clear predominance of farm losses over farm gains among high-bracket taxpayers with income from other sources.

The Department of Agriculture underscored those arguments in support of the legislation, and noted:

This Department is now studying the problem of corporation activity in agriculture, with the objective of obtaining better information on both its extent and its probable effects. We do not believe, however, that it is necessary to wait for the completion of this study to recommend modifications in the tax treatment of corporations engaged in farming.

We strongly urge passage of legislation which eliminates existing "farm tax havens" for individuals and corporations with substantial nonfarm incomes.

Mr. Speaker, because both the Department of Agriculture and the Treasury Department had recommendations for technical changes in the language of the bill, a new measure has been drafted, incorporating those suggestions.

I am introducing that measure today in the House, with the cosponsorship of seven of my colleagues. An identical measure is being introduced by Senator METCALF and a bipartisan group of cosponsors in the other body.

This proposal will restrict the amount of excess farm losses which either individuals or corporations can use as an offset against their nonfarm income in a given year. At the same time, safeguards are provided to exempt from the bill ordinary farmers who find it necessary to supplement their farm income by other means.

Mr. Speaker, if we are to be assured of an adequate food supply at reasonable prices, and at the same time maintain the integrity of the family farm which has been the basis of strength in our agricultural economy, then we must insure that corporations do not drive the individual out of farming.

This legislation is one significant step toward that objective, and I urge prompt and favorable consideration.

I include at this point in the RECORD the bill as introduced today:

H.R. 19916

A bill to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"Sec. 277. Limitation on deductions attributable to farming.

"(a) GENERAL RULE.—In the case of a taxpayer engaged in the business of farming, the deductions attributable to such business which, but for this section, would be allowable under this chapter for the taxable year shall not exceed the sum of—

"(1) the adjusted farm gross income for the taxable year, and

"(2) the higher of—

"(A) the amount of the special deductions (as defined in subsection (c)(3)) allowable for the taxable year, or

"(B) in the case of a taxpayer other than an electing small business corporation (as defined in section 1371), $15,000 ($7,500 in the case of a married individual filing a separate return), reduced by the amount by which the taxpayer's adjusted gross income (taxable income in the case of a corporation) for the taxable year attributable to all sources other than the business of farming (determined before the application of this section) exceeds $15,000 ($7,500 in the case of a married individual filing a separate return).

"(b) EXCEPTION.—

"(1) TAXPAYERS USING PROPER ACCOUNTING RULES.—Subsection (a) shall not apply to a taxpayer who has filed a statement, which is effective for the taxable year, that—

"(A) he is using, and will use, a method of accounting in computing taxable income from the business of farming which uses inventories in determining income and deductions for the taxable year, and

"(B) he is charging, and will charge, to capital account all expenditures paid or incurred in the business of farming which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

"(2) TIME, MANNER, AND EFFECT OF STATEMENT.—A statement under paragraph (1) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Secretary or his delegate shall prescribe by regulations. Such statement shall be binding on the taxpayer, and be effective, for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Secretary or his delegate.

"(3) CHANGE OF METHOD OF ACCOUNTING, ETC.—If, in connection with a statement under paragraph (1), a taxpayer changes his method of accounting in computing taxable income or changes a method of treating expenditures chargeable to capital account, such change shall be treated as having been made with the consent of the Secretary or his delegate and, in the case of a change in method of accounting, shall be treated as a change not initiated by the taxpayer.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ADJUSTED FARM GROSS INCOME.—The term 'adjusted farm gross income' means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year (including recognized gains derived from sales, exchanges, or involuntary conversions of farm property), reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the lower of—

"(A) the amount (if any) by which the recognized gains on sales, exchanges, or involuntary conversions of farm property which under section 1231(a) are treated as gains from sales or exchanges of capital assets held for more than 6 months exceed the recognized losses on sales, exchanges, or involuntary conversions of farm property which under section 1231(a) are treated as losses from sales or exchanges of capital assets held for more than 6 months, or

"(B) the amount (if any) by which the recognized gains described in section 1231(a) exceed the recognized losses described in such section.

"(2) NET FARM INCOME.—The term 'net farm income' means, with respect to any taxable year, the gross income derived from the business of farming for such taxable year, reduced by the sum of—

"(A) the deductions allowable under this chapter (other than by subsection (d) of this section) for such taxable year which are attributable to such business, and

"(B) in the case of a taxpayer other than a corporation, an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

"(3) SPECIAL DEDUCTIONS.—The term 'special deductions' means the deductions allowable under this chapter which are paid or incurred in the business of farming and which are attributable to—

"(A) taxes,

"(B) interest,

"(C) the abandonment or theft of farm property, or losses of farm property arising from fire, storm, or other casualty,

"(D) losses and expenses directly attributable to drought, and

"(E) recognized losses from sales, exchanges, and involuntary conversions of farm property.

"(4) FARM PROPERTY.—The term 'farm property' means property which is used in the business of farming and which is property used in the trade or business within the meaning of paragraphs (1), (3), or (4) of section 1231(b) (determined without regard to the period for which held).

"(5) DISALLOWED FARM OPERATING LOSS.—The term 'disallowed farm operating loss' means, with respect to any taxable year, the amount disallowed as deductions under subsection (a) for such taxable year, reduced, in the case of a taxpayer other than a corporation, by an amount equal to 50 percent of the amount described in subparagraph (A) or (B) of paragraph (1), whichever is lower.

"(6) BUSINESS OF FARMING.—A taxpayer shall be treated as engaged in the business of farming for any taxable year if—

"(A) any deduction is allowable under section 162 or 167 for any expense paid or incurred by the taxpayer with respect to farming, or with respect to any farm property held by the taxpayer, or

"(B) any deduction would (but for this paragraph) otherwise be allowable to the taxpayer under section 212 or 167 for any expense paid or incurred with respect to farming, or with respect to property held for the production of income which is used in farming.

For purposes of this paragraph, farming does not include the raising of timber.

"(7) TWO OR MORE BUSINESSES.—If a taxpayer is engaged in two or more businesses of farming, such businesses shall be treated as a single business.

"(8) PARTNERSHIPS.—A business of farming carried on by a partnership shall be treated as carried on by the members of such partnership in proportion to their interest in such partnership. To the extent that income and deductions attributable to a business of farming are treated under the preceding sentence as income and deductions of members of a partnership, such income and deductions shall, for purposes of this chapter, not be taken into account by the partnership.

"(d) CARRYBACK AND CARRYOVER OF DISALLOWED FARM OPERATING LOSSES.—

"(1) IN GENERAL.—The disallowed farm operating loss for any taxable year (hereinafter referred to as the 'loss year') shall be—

"(A) a disallowed farm operating loss carryback to each of the 3 taxable years preceding the loss year, and

"(B) a disallowed farm operating loss carryover to each of the 5 taxable years following the loss year, and (subject to the limitations contained in paragraph (2)) shall be allowed as a deduction for such years, under regulations prescribed by the Secretary or his delegate, in a manner consistent with the allowance of the net operating loss deduction under section 172.

"(2) LIMITATIONS.—

"(A) IN GENERAL.—The deduction under subsection (a) for any taxable year for disallowed farm operating loss carrybacks and carryovers to such taxable year shall not exceed the taxpayer's net farm income for such taxable year.

"(B) CARRYBACKS.—The deduction under subsection (a) for any taxable year for disallowed farm operating loss carrybacks to such taxable year shall not be allowable to the extent it would increase or produce a net operating loss (as defined in section 172 (c)) for such taxable year.

"(3) TREATMENT AS NET OPERATING LOSS CARRYBACK.—Except as provided in regulations prescribed by the Secretary or his delegate, a disallowed farm operating loss carryback shall, for purposes of this title, be treated in the same manner as a net operating loss carryback.

"(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

SEC. 2. (a) The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"Sec. 277. Limitation on deductions attributable to farming."

(b) Section 172 (1) of such Code is amended by adding at the end thereof the following new paragraph:

"(3) For limitations on deductions attributable to farming and special treatment of disallowed farm operating losses, see section 277."

(c) Section 381 (c) of such Code is amended by adding at the end thereof the following new paragraph:

"(24) FARM OPERATING LOSS CARRYOVERS.—The acquiring corporation shall take into account, under regulations prescribed by the Secretary or his delegate, the disallowed farm operating loss carryovers under section 277 of the distributor or transferor corporation."

SEC. 3. The amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act, except that for purposes of applying section 277 (d) of the Internal Revenue Code of 1954 (as added by the first section of this Act) with respect to disallowed farm operating losses of any taxpayer for taxable years beginning after such date, such amendments shall also apply to the three taxable years of such taxpayer preceding the first taxable year beginning after such date.

HEROIC DEEDS OF MEDAL OF HONOR RECIPIENT, WHO SACRIFICED HIS LIFE IN ORDER TO SAVE THE LIVES OF HIS SHIPMATES, IRRESPONSIBLY PORTRAYED IN CARTOON MAGAZINE DEDICATED TO FUN

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mrs. HECKLER of Massachusetts. Mr. Speaker, the distraught parents of the late Seaman David G. Ouellet, of Wellesley, Mass., have forwarded to me the August 1968 issue of Army Fun magazine.

This publication, whose front and rear outside covers both contain cartoons of scarcely clad girls, has devoted practically all of the space in this issue to jokes and cartoons.

That is, with the exception of page 29, which is devoted to the posthumous award of the Medal of Honor to Seaman Ouellet.

Seaman Ouellet, the son of Mr. and Mrs. Chester J. Oullet, 3 Lake Street, Wellesley, was the second Navy man to be awarded the Medal of Honor for heroism in Vietnam. While on patrol along the Mekong River, he saw a grenade being launched toward his ship—PBR–124. By hurling himself upon the grenade, he saved the lives of his shipmates while losing his own.

The parents understandably were hurt by the inclusion of this feat in a cartoon magazine dedicated to fun, and have protested to Rear Adm. Roy S. Benson, commandant of the First Naval District, and to me.

Admiral Benson's reply to Mrs. Ouellet, in which he expresses his personal feelings about this matter, echoes my own sentiments, which I have expressed to the editor of Army Fun. Both letters are herewith inserted.

The heroic deed of Seaman David Ouellet needs no assistance from a cartoon magazine. It stands by itself as a monument to courage, daring, selflessness, and love of country and will be recorded in the annals of our Nation alongside the feats of other American heroes.

That a grateful nation cares is now attested to by the construction of a new destroyer escort, to be named for Seaman Ouellet. The keel of this fighting ship—DE 1077—was laid last Monday, September 16, at Avondale, La., and she is scheduled for launching next May.

Mr. Speaker, I am sure that every Member of the Congress shares my pride in this recognition by the Navy of Seaman David Ouellet's intrepid action under fire. I am equally sure that each of my colleagues shares my anger and my revulsion at the lack of respect shown for the parents of this American hero—and for his memory—by the tasteless chronicling of his supreme sacrifice. My feelings are set forth in my letter to the editor, and I herewith insert into the CONGRESIONAL RECORD copies of both that letter and the one written by Admiral Benson:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 19, 1968.

Mr. SAMUEL BIERMAN,
Editor, Army Fun,
New York, N.Y.

DEAR MR. BIERMAN: Words are not enough to express my outrage at page 29 of the August 1968 issue of the Army Fun, which deals with the posthumous award of the Medal of Honor to Seaman David Ouellet, whose parents reside in Wellesley, Massachusetts.

Any responsible editor should know that the sacrifice of a man's life for the lives of his comrades is an event that scarcely lends itself to publication in a cartoon magazine devoted to "fun." Your inclusion of this award in a publication of the nature of yours is shoddy, irresponsible editing at its worst, and on behalf of all Massachusetts veterans, their families and their friends, I strongly protest such inappropriate and distasteful use of the Ouellet story in a cartoon magazine.

Such irresponsibility deserves to be brought to public attention and I am registering my outrage by reprinting this letter in the Congressional Record.

Sincerely yours,

MARGARET M. HECKLER,
Member of Congress.

HEADQUARTERS, FIRST NAVAL DISTRICT,
Boston, Mass., July 31, 1968.

Mrs. CHESTER J. OUELLET,
Wellesley, Mass.

DEAR MRS. OUELLET: The First Naval District Legal Office has brought to my attention the August 1968 issue of Army Fun which publicized your late son, Seaman David G. Ouellet, the second Navyman to be awarded the Medal of Honor for heroism in Vietnam.

It is regrettable that a nonmilitary publication devotes 95 per cent of its entire contents to humorously ridiculing the United States Army—one of our sister Armed Forces—and to me it is a new height of poor taste when, in the same publication they include facts concerning a Navyman who paid the supreme sacrifice for his country.

Mrs. Ouellet, the ranks of Medal of Honor men are thin—a few of them are living—the majority of them have joined the Valhalla of all fighting men. While the Navy salutes your gallant son, may I point out a grateful Navy and nation salutes you—the mother of a man who lost his life protecting his own shipmates. The Navy and the nation owes you and your son a debt that can never be repaid.

I know how you must have felt when you read this publication and I regret there is nothing the Navy Department can do to correct this unjust action. However, a letter signed by you could be sent to editor, Samuel Bierman, Army Fun, 32 West 22nd Street, New York, New York 10010, voicing your opinion.

It is my earnest hope that the Gold Star in your window will shine more brightly than ever—there are not enough words to fully describe the valiant efforts of Seaman David G. Ouellet.

Sincerely yours,

ROY S. BENSON,
Rear Admiral, U.S. Navy.

A $180 MILLION BAUXITE OPERATION IN GUINEA

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. O'HARA of Illinois. Mr. Speaker, September 18, 1968, was a day in history. It was the day on which the World Bank, the Republic of Guinea, the United States Agency for International Development, and seven international aluminum companies signed agreements for the joining of efforts and resources for a $180 million bauxite mining operation in Guinea. The importance of the events of the day and their large contribution to the industrial development of Africa and the encouragement of international cooperation of private capitol with the Government of Guinea on a partnership basis cannot be overstressed.

Assistant Secretary of State Palmer observed the day by acting as host at a State Department luncheon celebrating the events of the day and toasting the President and the Government of Guinea. It is my intention to include in my remarks on the floor of the House early next week the full text of the address at the Palmer luncheon and details of the signing the agreements culminating with the luncheon. At this time I am extending my remarks to include the following news article from the New York Times of this morning:

LOANS ARE SIGNED FOR GUINEAN MINE

(By Gerd Wilcke)

The development of a $180-million bauxite mining operation in the Republic of Guinea moved a big step forward yesterday with the signing of loan agreements among the World Bank, the Republic of Guinea and the United States Agency for International Development, and supporting agreements by seven international aluminum companies.

The project calls for the construction of an 85-mile railway from the mine site at Sangaredi in the area of Boke, to the coast; the construction of the port and township of Kamsar; and the construction of mining installations and a township at Sangaredi, together with related facilities.

LOCAL COST $21-MILLION

The loan from the World Bank, which is officially known as the International Bank for Reconstruction and Development, amounts to $64.5-million and is one of the largest the institution has ever made to an African country. The loan is to finance the foreign-exchange cost of the railway, the port and the township of Kamsar.

The local-currency cost of the railway, port and township is to be covered by a loan equivalent to about $21-million in Guinea francs from the United States Agency for International Development, which will use local counterpart funds.

The bauxite mine will be constructed and operated by the Compagnie des Bauxites de Guinee (C.B.G.), owned jointly by the Guinea Government (49 per cent) and Halco (Mining) Inc. (51 per cent). Halco is owned by Alcan Aluminium, Ltd., the Aluminum Company of America, Harvey Aluminum, Inc., Compagnie Pechiney, Ugine Kuhlman, Vereinigte Aluminium-Werke, A.G., and Montecatini Edison S.p.A.

The Guinean company's investment is expected to be the equivalent of about $100-million. It will cover the cost of the mine and the township near Sangaredi, certain handling, processing and storage facilities, part of the township of Kamsar and ore-carrying trains.

The aluminum companies have entered into contracts with the Guinean concern for the purchase of bauxite, initially 4.7 million tons a year, and 5.1 million tons a year from the sixth year of operations.

The World Bank loan is for a period of 24 years, including a 5-year grace period, with interest of 6.5 per cent. The Government of Guinea will receive 65 per cent of the net taxable profit of C.B.G., and the World Bank loan will be repaid in effect from these revenues.

AMERICA: LOVE IT OR LEAVE IT

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. GRIFFIN. Mr. Speaker, in these times when the actions of violent protesters and unreasonable dissenters dominate the headlines, it is refreshing and satisfying when enormously respected organizations such as the American Legion reaffirm their faith in the true tenets of Americanism.

At its annual convention in New Orleans, La., the American Legion adopted a resolution the subject of which should become the individual slogan of all patriots: "America: Love It or Leave It."

In a commentary on the Legion's resolution, Editor Louis Cashman of the

Vicksburg, Miss., Evening Post expressed the basic views of reasonable Americans on the issues of dissent, loyalty, and support of our national ideals.

Under leave to extend my remarks, I include the following editorial which appeared in the September 15, 1968, issue of the newspaper:

AMERICA: LOVE IT OR LEAVE IT

Down in New Orleans, the annual convention of the American Legion was held. This was probably as great a pro-American group as ever gathered. Membership in the Legion is open to those who have served in the armed forces of their country. These are the men who, in other years, have sprung to the colors. To them has come the sacred privilege of defending our country and of fighting in the cause of freedom. They, and their buddies who did not come back, and those whose lives are lived out with broken minds and limbs,—these are the patriots upon whom all America rested her hopes and prayers—and how gallantly they performed! For God and Country they wrote magnificent chapters in our nation's history. And from them, should come the inspiration to carry on in the true American tradition.

These men who have been tempered by war, have a deep and abiding faith in the nation they love. In every Legion meeting, the accent is on patriotism—on real Americanism. In their national conventions, they speak out on the issues of the country, and their voices should be heard more often. Probably their greatest concern is the steady drift toward the communistic system, which has gained so much momentum in the past few years, because of dubious decisions which have negated our laws against subversion. They spoke out in New Orleans against civil disobedience, and against the usurpation of our educational institutions, and they were loud in their condemnation of those who burn draft cards.

A set of resolutions under the heading of "National Security" was prepared and presented to the convention, dealing with many of the ills of our present national scene. These resolutions were the work of those whose loyalty and devotion to country could not be questioned. When the resolutions were presented to the convention, one delegate took the floor and proclaimed, "I second the motion to adopt these resolutions with these words America! Love it or leave it!" There was not a dissenting vote.

We have great admiration for the one who coined that phrase, for it expresses our own views. If there is so much wrong with the country which has provided the greatest freedom in the world, and which has given to our people the most wonderful standard of living, then those who are not satisfied should go elsewhere and find out for themselves, the hard way, just what a blessing it is to live under the Stars and Stripes. If the "system," or the "establishment"—terms which have been bandied about—are so obnoxious, maybe it would be better to get a comparison by just moving out to another country. In other words, we believe, and we sincerely believe, that he who fails in his love and loyalty to his country, should go where he will be better satisfied—if he can find such a place.

The protest and dissension against our form of government—against the "system"—have become too vociferous not to be taken seriously. And the ironic aspect of this is that the "system" provides means by which laws can be changed through the regular process. But the present day protestors and the dissenters are not willing to follow the regular process. They prefer to impose their beliefs and philosophies by frontal attacks upon law and order and upon the rights and properties of others. The basis for the Legion's resolutions was for a realistic approach to disloyalty—not permissiveness. This nation has endured through many problems and obstacles, and we will come through the problems which the disloyal have imposed upon us. But we will overcome these problems, only when backbone is restored to officialdom and disloyalists are treated for what they are—traitors.

FLOATING AIRPORT DEEMED ENTIRELY FEASIBLE BY FAA ADMINISTRATOR

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. PUCINSKI. Mr. Speaker, for some time now I have been urging that studies be made on the feasibility of floating airports for those cities near a large body of water as one way of solving the mounting crises in air traffic congestion.

I am particularly anxious to fully study the possibility of a floating airport at least 10 miles offshore in Lake Michigan to provide a third major airport for the city of Chicago.

I was very pleased to receive an assurance from Mr. D. D. Thomas, Administrator of the Federal Aviation Administration that an offshore airport is entirely feasible and that the problems that must be studied are matters of operational and economic feasibility.

I was also very pleased to learn from Mr. Thomas that the FAA is undertaking a study of a number of separate proposals for offshore airports which it has received including New York-New Jersey, Boston, Chicago, New Orleans, San Diego, Los Angeles, and Seattle areas.

I wish to commend Mr. Thomas for his foresight and I am tremendously pleased that we have an administrator in the FAA who recognizes the need for looking to new dimensions for the solution of our problems.

Mr. Thomas' very encouraging letter follows:

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., September 13, 1968.

Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR MR. PUCINSKI: In response to your keen interest in offshore airports, as evidenced during our meeting of August 1, 1968, and your previous correspondence on the subject, I wish to advise you of our activities in this matter.

We have given particular attention to the floating airport concept you described. An idea along this line, submitted about a year ago, was reviewed in some detail. We gave serious consideration to a further study of this approach, but higher priority demands for our research and development funds precluded this. However, we are now reconsidering a research project in view of the numerous proposals for watersite airports. If we find that our available funds will not allow pursuit of an overall water-site airport study, steps will be taken to secure additional funds.

During the past several months, we have reviewed no less than 25 separate proposals for offshore airports. These proposals were related to the New York-New Jersey, Boston, Chicago, New Orleans, San Diego, Los Angeles, and Seattle areas. The various concepts consist of airports enclosed by dikes, built on embankments, constructed on piles, or floating. Our review indicates that each site is unique with respect to the natural environment and that no one concept can be universally applied. As in all engineering endeavors of this size, it becomes a matter of the most economical design to fulfill the purpose intended.

From a construction standpoint, an offshore airport is entirely feasible; consequently, it becomes a matter of operational and economical feasibility as to when and where such airports can be built.

We appreciate your personal interest in the construction of such an airport. While it would not solve all of our large airport problems it could, as you point out, result in a substantial alleviation of a number of them which are plaguing some of your constituents.

Sincerely,

D. D. THOMAS,
Acting Administrator.

BETTER DAIRY IMPORT-CONTROLS NEEDED

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. MESKILL. Mr. Speaker, it is most alarming to study the findings of the Republican task force on agriculture. These findings show that American dairy producers have lost more than $600 million because of dairy imports and a decline in exports since 1963. During that period, the dairy farmers' market has been affected by the equivalent production of nearly 80,000, 25-cow farms. That is more than 17 billion pounds of milk equivalent.

It was gratifying to see the administration take positive action on our requests to restrict massive imports in June of this year and of last. It is also encouraging that the administration has called for an investigation into the actions of foreigners who are apparently circumventing our restrictions.

But in spite of these encouraging signs, 6-month dairy import totals just released by the Department of Agriculture confirm the need for the present Tariff Commission hearings to come forth with added restrictions at the earliest possible moment. Ideally, too, the administration would be well advised to get behind my legislation providing for carefully scaled restrictions on dairy imports.

If immediate action is not taken, our dairy farmers will be faced with further income and market losses.

The Republican task force report points this out dramatically. It notes that evaporated milk imports increased 527 percent during the first 6 months of this year compared with the same period of 1967. Other items increasing over this same period include commercial-use milk chocolate, up 140 percent, and certain cheese and cheese substitutes, up 53 percent.

These figures make it clear that our Government must not stand still as our struggling rural economy suffers further blows.

NEWSLETTER

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. BERRY. Mr. Speaker, I insert in the CONGRESSIONAL RECORD the September issue of my Newsletter, which follows:

NEWSLETTER

DEAR FRIEND: Congress has returned to work after the August recess. On the House side the slate is relatively clear with little except conference reports and a wind-up of appropriations bills requiring attention. A much heavier schedule faces the Senate, including the controversial confirmation of the President's Supreme Court nominations of Abe Fortas to succeed Chief Justice Earl Warren, and Homer Thornberry to fill the anticipated vacancy through elevation of Fortas.

The House Rules Committee apparently intends to stick to its decision not to consider any new legislation. If this decision stands, once the essential legislation has been cleared, it is possible the House may recess while the Senate tackles the nominations.

While politics permeates the cloakroom conversation, action on the floor proceeds routinely. As we go into the home stretch, some of the major measures to be considered include:

GUN CONTROL

The House passed this bill prohibiting the mail-order sale of rifles and shotguns, but it does not include the licensing of guns. It is possible Senate action may make some changes although the House is expected to stand firm.

RADIATION CONTROL

This is another measure passed by the House. The Senate is expected to clear the bill soon. It requires the Secretary of Health, Education and Welfare to establish by January 1, 1970, performance standards for electronic products, particularly color television.

FOREIGN AID

Further cuts are expected in this appropriation bill, following a $1 billion reduction in the authorization. The authorization bill which is just under $2 billion is the smallest in the history of the program.

DRUG CONTROL

Senate approval is expected of a House-passed measure to impose harsher penalties for the use or possession of drugs such as LSD, pep pills and barbiturates.

FARM PROGRAM

As has been customary during the past five or six years, farm legislation seems to have a low priority. With farm income standing at 73 percent of parity, the lowest in a quarter of a century, the only action taken was an extension of the existing program. The House version provided a one-year extension with a ceiling of $20,000 on the benefits payable to any one farmer. The Senate-passed verision provided a four-year extension, rejecting any ceiling limitation. Conferees should soon be named.

FOOD STAMP PROGRAM

Conferees will also have to iron out the differences between the House-passed version continuing the program for three years with no limitation on funds authorized, and the Senate one-year authorization of $245 million.

DEFENSE

The largest Defense Appropriation bill in history with a price tag of $72 billion passed the House with few dissenting votes. It was pointed out that the Soviets have a fighter plane, the Foxbat, which is five years ahead of anything we have. During the last two years, they have tripled the number of their ballistic missiles. Admiral Rickover, the father of the nuclear submarine, has warned us that we are falling behind in this area. The Soviet merchant force has been increased 500 percent, while ours has decreased 26 percent. These are ominous warnings, but it demonstrates what can happen under the jurisdiction of a "McNamara" for Secretary of Defense. We can negotiate only from strength. When that strength is gone, we have lost our only trump card. Early next year we must come up with a more aggressive program to fit the demands of the times and not permit this country to remain "second best." Programs and the spending of the Defense Department must be more carefully scrutinized. There is much too much waste and duplication under present policy.

NONPROLIFERATION TREATY

The treaty to ban the spread of nuclear weapons awaits Senate confirmation. Soviet intervention in Czechoslovakia has made its fate uncertain. As serious as this Soviet move was, it may, however, have served the purpose of shocking the West out of its complacency.

FISCAL PROBLEMS

Those of us concerned with maintaining a sound dollar have had increasing cause for alarm. On June 30 we closed the books on fiscal 1968 with a deficit for the year of $25.4 billion. The cost of living for the average family has increased 11.6 percent since January, 1965. The latest cost of living index for June and July showed costs rising at an even more rapid rate of six percent annually. In "pocketbook terms," this is what has happened to your dollar in the last three and one-half years: a $10 bill is worth $8.96; a $500 savings account is now worth $448.15; a $10,000 insurance policy has depreciated more than $1,000.

LIGNITE GASIFICATION PLANT

A scale model of the lignite gasification plant to be constructed at the School of Mines in Rapid City was displayed in the office of Interior Secretary Stewart Udall. Construction on the plant is expected to begin soon. Credit for locating this plant in South Dakota is due to the efforts of Senator Karl Mundt who was able to get the funding through his Appropriations Committee in the Senate.

SPENDING CUTS

The difficult task of implementing the Revenue and Expenditures Control Act is now underway. The revenue part was simple —income taxes were increased immediately by ten percent. It is estimated that more than $15 billion in additional revenue will be collected from the American people. Expenditures control is more difficult, and indications are that the President will direct cutbacks in spending for space programs, highway building, and non-Vietnam defense items rather than Great Society welfare programs. The law further required a ceiling on the number of permanent civilian employees at June 1966 levels, but exemptions have already been granted. First to be exempt were postal employees after a blackmail attempt by the Post Office Department threatened to sharply curtail essential service. Others exempted include the Federal Aviation Administration, the Tennessee Valley Authority, and the FBI. Among those seeking similar exemptions are the Internal Revenue Service, CIA, Federal Trade Commission, AEC, Small Business Administration and many more. It should be pointed out that the cutback in personnel was intended to be achieved gradually. The law provides that agencies should fill only 75 percent of vacancies until the June 1966 level is achieved. Thus no abrupt lay-off would be required, but only a slow attrition as one out of every four vacancies is not filled. We can be sure, however, that demands for exemptions will continue, and the only one who will not be exempt from the law is the taxpayer!

WHITE HOUSE PENS

My collection of Presidential pens used in the signing of legislation I have authored increased substantially during this session with the addition of those used in the signing of the Oahe authorization bill, extension of the Badlands National Monument and Gunnery Range Settlement, settlement of the Big Bend dam claims, extension of unpatented mining claims act, and such cosponsored bills as prohibiting flag desecration, anti-riot law, creation of Commission on obscenity and pornography, Social Security increase, blocking highway beautification program and several more.

SOUTH DAKOTA BRIEFS

In notifying the Senate-House Government Operations Committee that it plans to sell a portion of the Black Hills Ordnance Depot at igloo to Edgemont, GSA has taken the final step in allowing the City to proceed with its plans for development of the area industrially, commercially and agriculturally . . . The military construction bill included $1,151,000 earmarked for Ellsworth Air Force Base.

RESTRICTING THE APPELLATE JURISDICTION OF THE U.S. SUPREME COURT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. ASHBROOK. Mr. Speaker, perhaps the furor surrounding the Senate hearings on the confirmation of Justice Abe Fortas as Chief Justice will result in some genuine gains for the people of the United States. Yesterday, September 18, Senators DIRKSEN and MANSFIELD introduced S. 4058 which would limit the appellate jurisdiction of the Supreme Court in obscenity cases. This would mean that the U.S. Supreme Court could no longer decide cases in this area which did not involve a constitutional issue. In the Washington Daily News of September 18, Senator MCCLELLAN, of Arkansas, was quoted as saying of this proposal that it would be a "far harsher and more severe" indictment of the Court than refusal to confirm Justice Fortas.

The attention of the public and the Senate was directed to the long list of recent Supreme Court decisions in the area of obscenity and pornography by the Citizens for Decent Literature, an organization founded 10 years ago and composed of citizens who were concerned about the enforcement of statutes restricting obscene and pornographic materials. The lawyers for the CDL researched the many Court decisions in this area over the past several years and presented their findings to the Senate Judiciary Committee in testimony on the confirmation of Justice Fortas. Attorney James L. Clancy of the CDL stated in his testimony before the committee that Justice Fortas and other Supreme Court Justices had "released the greatest deluge of hard-core pornography ever witnessed by any nation."

In addition to their testimony, the lawyers for the CDL brought for viewing several films which were the subject of Court decisions and which the Justices had reviewed. According to the Chicago Tribune of August 1 these films were shown to five members of the Senate committee with this result:

> Even some of the strongest backers of Fortas found the movies filthy and disgusting.

One can judge just how extreme this material must be and how questionable the U.S. Supreme Court decisions are when the leaders of both political parties in the Senate propose legislation to take jurisdiction away from the Court in this area.

I include the above-mentioned article from the Washington Daily News of September 18 and the text of the bill referred to above in the Record at this point:

Obscenity Proposal Could Relieve Pressure: Break for Fortas?

Backers of the Abe Fortas' nomination to head the Supreme Court reviewed their strategy today in light of developments that possibly could help them win Senate confirmation of his controversial appointment.

The Senate Judiciary Committee approved the nomination yesterday after three months of sharp dispute, but a threatened filibuster by opposition Republicans and Southerners threatens to prevent a floor vote.

Justice Fortas' supporters were taking a closer look, however, at a move in the Senate that might give critics of the Supreme Court another way to vent their censure, perhaps thereby relieving some of the pressure against the nomination.

AUTHORITY RESTRICTION

This was Republican leader Everett M. Dirksen's proposal to strip the court of its appellate authority over lower court cases involving obscenity and pornography.

Sen. Dirksen's proposal, submitted as an amendment to the gun control measure now being debated on the floor, would prohibit the High Court's reviewing Federal or state court decisions as to what is obscene.

Some opponents of Justice Fortas have criticized the decisions he has made on obscenity cases during his tenure as an associate justice.

Senate Democratic leader Mike Mansfield endorsed Sen. Dirksen's proposal, and both said they felt it would win wholehearted Senate approval, although it might die in a later Senate-House conference committee.

BROAD CRITICISM

Both Sens. Mansfield and Dirksen support the Fortas nomination, but Sen. Dirksen said his obscenity amendment was not designed to "take the heat off" it.

Sen. Mansfield said he felt the five-man majority that decided most of the Supreme Court obscenity cases being criticized should be held for an accounting.

"I do not believe in taking out on one man our feelings on a whole court," Sen. Mansfield said.

Sen. John L. McClellan (D., Ark.) told the Senate, Sen. Dirksen's proposal would be a "far harsher and (more) severe" indictment of the court than refusal to confirm Justice Fortas.

He called it the harshest penalty Congress could assess the court "short of impeachment."

The Fortas nomination is scheduled to be filed in the Senate next Monday. Sen. Mansfield indicated he will let the debate run for about a week before moving to shut it off with a cloture vote.

If the vote is within half a dozen votes of the two-thirds majority needed to halt a filibuster, another attempt may follow. If not, the nomination may be dropped.

S. 4058

A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1466. Determinations of fact

"In every criminal action arising under this chapter or under any other statute of the United States determination of the question whether any article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy shall be made by the jury, without comment by the court upon the weight of the evidence relevant to that question, unless the defendant has waived trial by jury."

(b) The section analysis of that chapter is amended by inserting at the end thereof the following new item:

"1466. Determinations of fact.".

Sec. 2. (a) Title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 176.—ACTIONS INVOLVING OBSCENITY

"Sec.

"3001. Judicial review.

"§ 3001. Judicial review

"(a) In any criminal action arising under any statute of the United States for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States or of the District of Columbia shall have jurisdiction to review, reverse, or set aside a determination made by a jury on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy.

"(b) In any criminal action arising under any statute of any State or under any law of any political subdivision of any State for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States shall have jurisdiction to review, reverse, or set aside a determination made by a court of such State on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy."

(b) The analysis of title 28, United States Code, preceding part I thereof is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity---- 3001".

(c) The chapter analysis of part VI, title 28, United States Code, is amended by adding at the end thereof the following new item:

"176. Actions involving obscenity----- 3001".

HOW WIDE IS CIA'S INVOLVEMENT?

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. MILLER of Ohio. Mr. Speaker, the Central Intelligence Agency is in the position of being secret. Secret not only in the work it does but in its accounting to the Government that supports it. On Tuesday, September 17, 1968, the Lancaster Eagle-Gazette of Lancaster, Ohio, published an editorial which raised a question concerning the involvement of the CIA. I would like to insert that editorial in the Record at this point:

How Wide Is CIA's Involvement?

America's principal foreign intelligence corps, the Central Intelligence Agency (CIA), has been blamed for many things by many people over the years.

Because it is accountable only to the President and is so secret even Congress is not permitted to know details of its operations, the CIA remains an enigma.

Certainly the CIA has been blamed for many acts of international political intrigue of which it was innocent.

Careful analysis of some of the sources of these charges makes it clear the CIA is a favorable whipping boy for leftist groups of many stripes, from Castro communists to "new left" groups in the United States.

But there also has been at least circumstantial evidence difficult to refute which suggests the CIA is not entirely innocent of intrusion into the political affairs of other governments.

No one really knows the truth about the CIA except the president and perhaps some of his closest advisers. If it were otherwise, the CIA would serve no useful function.

But there is even the distinct possibility that a far-flung secret agency such as this may be involved in activities of which the president is not aware and which he would not approve if he were.

With this by way of introduction, Americans should be familiar with—but accept with tongue in cheek—the claims by former Bolivian minister of government, Antonio Arguedas Mendieta.

Arguedas was one of the most influential men in the Bolivian government until forced to resign in the bizarre aftermath of the death of the Cuban guerrilla, Che Guevara.

It should be noted that Arguedas is fond of the Cuban revolution. It was he who sent a copy of the Guevara diary to Cuba, an act for which he is now under arrest.

But in an unprecedented press conference after his arrest, the former head of Bolivia's intelligence implied that his government had been little more than a mouthpiece for the CIA for the last three years.

Arguedas is reported to have named names to support his argument that he was used by the CIA to "corrupt" politicians, journalists and businessmen in his country.

Only the upper echelons of the Johnson administration know whether there is any substance to these charges by an ousted left-winger.

But there is a possibility that they have damaged American-Bolivian relations, as they were no doubt intended to do.

THE FORGOTTEN MEN

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. MORSE of Massachusetts. Mr. Speaker, Mr. W. R. Sanders of Billerica, Mass., is a constituent, a veteran of World War I, and a sincere and concerned citizen. He recently let me know of his support for a realistic and just program for his fellow veterans of the First World War and included two articles reflecting his deep concern, which I know we all share, with these fine patriots of our land. I know my colleagues will be interested in these statements.

and am presenting them here for their attention:

[From the Torch, September 1968]

DEMOCRATS HEAR FAIR DEAL IS VETERAN'S GOAL, NOT CHARITY

National Commander Philip F. O'Brien, of the Veterans of World War I, recently gave to the Committee on Resolutions and Platform of the Democratic convention at Chicago his organization's hopes and views on legislation that should be enacted in the interest of veterans. He pointed out that his organization numbers approximately 400,000.

His statement follows:

"I am appearing before you today to ask your consideration in liberalizing pensions for the veterans of World War I. Many thousands of our veterans are now living on the ragged edge of poverty, existing on the minimum Social Security and their veteran's pension which is utterly inadequate to take care of even a minimum standard of living.

The veterans of World War I did not have the advantages in the way of adequate Social Security or retirement benefits that this generation has today. The Veterans of World War I were concerned that when their sons came home from service in World War II, that education benefits would be available; that jobs would be available; that they would not be forced to sell apples on the street, as was the case after World War I. The average age of the veteran of World War I is approximately 73½ years. These are people who are not able to take care of themselves any more.

PENSION THREATENED

"The Social Security law says that a man over 72 will not be penalized if he earns a little income, and he will still be able to draw his Social Security benefits. If a veteran of World War I, however, so much as takes a part-time job to implement his income, he is in grave danger of losing his pension. We feel this is very unjust to the veterans of World War I. We believe that the income from Social Security or public or private retirement plans should not count as income for pension purposes.

"We feel it is very unjust to ask a veteran or widow who has passed the age of 72 and who has been on the pension rolls for the previous two years to fill out an income questionnaire. There is certainly very little chance of any veteran of this age increasing his income. As a matter of cold facts, his income steadily declines as well as the few dollars in savings he might have accumulated. This particular provision in the pension laws has created a great hardship to the veterans of World War I. Approximately 30,000 veterans and widows lost their pension temporarily as of Feb. 1, 1968, because they filled out wrong answers on the questionnaire. Gentlemen, you must realize these people are not able any more to travel 20-25 miles to a county service officer to have this questionnaire filled out. They attempt to do it themselves, and due to the infirmities of age, this results in wrong answers. They are at least temporarily taken off the pension rolls until these errors are corrected. As all non-service-connected pensions are on a needs basis, we definitely feel this provision in our pension laws should be deleted from the law.

LAST INCREASE IN 1954

"We also believe that the 1,300,000 veterans and widows who are on the pension rolls today are being penalized in that their pensions have never in any way kept up with the increased cost-of-living. Over 450,000 on the pension rolls have not received an increase in pension since 1954. We feel this is a grave injustice to these veterans.

"We are also of the opinion it would be more economical for the government to establish additional nursing homes to take care of these veterans who are, in increasing numbers, in need of this care than to keep them at the Veterans' Administration hospitals. Thousands of our veterans of World War I are spending at least 20–25 percent of their monthly pension on doctors and medicine, particularly medicine. We feel that the veteran over 65 who needs this assistance should be furnished medication free, thru the Veterans' Administration.

"I want to particularly call your attention, gentlemen, to the plight of the widows of our veterans. We do not have the exact figures of the rate of deceased veterans, but we do know we lose approximately 25,000 a year in our own organization. These widows are left with a minimum Social Security and a small widow's pension of from $50 to $60 per month which is grossly inadequate to sustain them and even supply the bare necessities of life.

DON'T WANT CHARITY

"The Veterans of World War I are, in this day and age, very peculiar people. They do not want charity and will not accept charity. In many of the states in our Union, they would be better off to forego Social Security and pensions and go on welfare, but they will not do it. Our generation has never been brought up to rely on charity.

"I am submitting to your Committee our legislative program which we are hopeful will be written into the Democratic platform. We feel this is a very realistic program—one that will at least give some semblance of justice to the veteran of World War I.

"Thank you, gentlemen, for your kind attention. On behalf of the Veterans of World War I, I want to express my sincere appreciation for the opportunity extended to me to appear before you here today."

[From the Stars and Stripes-The National Tribune, Sept. 12, 1968]

THE FORGOTTEN MEN—ORDINARY FOLK REAL BUILDERS, SAYS VET AUTHOR

"Veterans News" of Springfield, Mass., recently published an editorial, "The Forgotten Men", by Peter R. Patrus, publicity chairman for the General Veterans Memorial Day Committee of Holyoke, Mass. The Stars and Stripes reprints it as follows:

Political conventions are a bewildering mixture of deadly earnestness and boyish frivolity. Staged enthusiasm and rambunctious gaiety are an inevitable part of a political convention. It has to be that way, because delegates must strive desperately to create an illusion.

They must make the voting public believe that they are witnessing a real, live fairy tale. A hero, a champion, a deliverer must somehow emerge in this drama, looking for the magic of a name, yearning for a man who can spark the enthusiasm of followers. And when the shouting has quieted down, the placards tossed in the rubbish barrel, and the confetti swept from the convention floor, the time for childish make-believe is over.

But the builders, leaders and architects of such a society are the people who rush to work each day, read the newspapers, pay their taxes, love their families, learn from television and go to the polls. Yes, go to the polls and vote. Study the man's record you are going to vote for. And now, Congress Pay Hike is being quietly discussed as the November election campaigns begin to roll. A new federal commission is making a study of government salaries. It could recommend before next Jan. 1, that Congressional salaries be raised to $40,000 or even $45,000 a year. At present they are $30,000. The commission also is expected to recommend higher salaries for many top government officials, including federal judges and cabinet members.

Facts are facts. "Let's face it." Business is business. The Veterans of World War I treatment of their pension laws has been a little shabby, compared with veterans of other wars. This kind of action does harm, and gives cause for "prejudice." The rank and file, the man or buddy who has retired in poverty will be forgotten again, because the lawmakers will be looking for that greener grass, for them. Some should be sent out to pasture on their own.

Today, life expectancy is 67 years for men. This is an accomplishment of which we may justly be proud. Now, all buddies of World War I are past 70 years of age. These old soldiers have too often been characterized as lonely, sick, garrulous, or grouchy. For too long they have been referred to as a minority group in the strictest sense.

And like other minorities, they have suffered the unfortunate consequences of such stereotyping, and leading lives of silent resignation waiting only for the release of death. (Or the way the lawmakers figure, we should have gone at the age of 67 years.) Yet for buddies, life after 65 is neither bitter nor bleak. To them, in the process of growing old presents no "problem group," many of them enjoy good health, many are rich in talent, in energies, in wisdom.

Our task is to find ways in which to free such resources for private satisfaction as well as for public good. You must do more, and you will do more. New and imaginative approaches must be found to meet our obligations to these buddies of World War I, who have contributed so much to the nation.

It is the quality of life that matters. Independence, health, security, and usefulness, these are the basic ingredients of the good life for us.

MAYOR DALEY FOR ATTORNEY GENERAL

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. RANDALL. Mr. Speaker, in the September 1968 issue of the One Grand, the publication of Post 1000, Veterans of Foreign Wars of Independence, Mo., I discovered an editorial which in my opinion is worth sharing with my colleagues and those who read the CONGRESSIONAL RECORD. Its author is J. Guy Hatfield, editor of the Post publication. Although now retired, he had risen to the rank of captain in the U.S. Marine Corps in which he served with distinction for many years. Mr. Hatfield, as author of the following editorial, has in my opinion commented most logically and clearly upon the fine work of Chicago's Mayor Daley and his dedicated police department in connection with the disturbances in that city last month.

I was particularly impressed by Mr. Hatfield's distinction between legitimate protest and mob action. It was also more than just in fun that he suggested Mayor Daley would make a good Attorney General. The fact is the mayor has been one of the few city officials in this country who has stood firm against rioting in city streets.

My hat is off in salute to Captain Hatfield for his editorial. All I can add, is "Amen!"

The editorial follows:

EDITORIAL FROM THE ONE GRAND, SEPTEMBER 1968

A flood of crocodile tears have been shed over the so-called inhuman treatment the Chicago police dealt out to the yippies (note we do not even capitalize their moniker) during the Democratic Convention.

A great deal of abuse has been heaped upon Mayor Daley of Chicago for being the Guiding Light in preventing the fuzzies from taking the town apart which was their avowed intention. They asked for it and they got it (right over the head).

The T.V. and news casts were profuse in their coverage of the so-called brutality but did they explain and show how the police were attacked not only with brick bat and other hard material, but by the most profane of language and even throwing of defecation on the person and in the faces of the police. The only regret we can hold is that there were not more skulls split than were.

When we have a few more police departments that will stand up to their duty led by men with guts like Mayor Daley then this foolishness in the streets will stop. Legitimate protest is one thing, mob action is another.

Were we in a position to recommend, Mayor Daley would be at the top of our list for Attorney General. Perhaps with his view of dissent as carried on today in the form of rioting and plundering would give cause to stop and consider before indulging in the treasonable acts now engaged in by some of our alleged abused minority groups.

In our present state of almost full employment anyone who does not find gainful work doesn't want to work. We can't all be chiefs, there must be more Indians. If one is not prepared for certain jobs, he must be willing to perform those less desirable. One does not start at the top.

And how much longer must we condone the taking over of our large universities by our "far out" cult? Since when has the will to enforce law and order given way to the Dr. Spock crowd. Who pays the cost of the upkeep of the universities these punks are determined to destroy? Do they really want to obtain an education or were they sent to college to get them out of the hair of parents who cannot or will not control them.

Until there is some semblance of control over these unruly elements we can only hope for more Daleys, more police chiefs who will carry out constituted authority and more police who will look for the big things rather than hiding out on dark corners to get their quota on minor traffic infractions.

J. G. H.

A THOROUGH REVIEW OF OUR POLICY IN THE MIDDLE EAST IS NEEDED

HON. FRANCES P. BOLTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mrs. BOLTON. Mr. Speaker, 15 months after the establishment of a cease-fire in the Middle East, the leader of the United Arab Republic is once again playing the dangerous game of saber-rattling.

It seems incredible that Gamal Nasser's memory of the disaster visited upon his nation in June 1967 should have faded in so short a time. Even more incredible and tragic is the fact that the people of the United Arab Republic seem headed down the same destructive path.

How can this be possible? It is possble, let us not ourselves forget, because the leadership of the Soviet Union recklessly decided to rearm their defeated Middle East allies following the June 1967 debacle.

In my opinion, the United States erred in not taking a firm position regarding this military reescalation by the Soviets. Certainly President Johnson, who found voice to warn the Soviets regarding the territorial integrity of Rumania, should have been at least as concerned over Communist rearming of United Arab Republic military forces after the June war.

What did American leadership do to discourage this Soviet renewal of the Middle East arms race? Was it not within our diplomatic power to warn the Kremlin about their rearming Nasser, in the same way that the President is said to have warned Soviet leaders about Rumania?

The fact that U.S. leadership did not make its voice heard clearly and firmly on this Middle East rearmament issue may go down in history as one of the greatest international policy failures of our time.

Consider the fact that the destruction of the Nasser warmaking machine made possible, for the first time, the establishment of a Middle Eastern peace based on recognition of the territorial integrity of all nations in the area.

Now, however, the Soviets' rapid rearming of United Arab Republic forces makes another round of hostilities a real possibility. And the United States, which, figuratively speaking, was "taken off the hook" by the Israel forces' swift June 1967 victory, once again faces a dangerous situation in that volatile area of the world.

It is all part of the same international policy pattern pursued by this administration. The President and his policy advisers obviously prefer to sweep problems under the rug, to defer decisions, to drift and wait. Meanwhile, we leave the initiative in world affairs to our opponents.

I have already stated my position regarding the need to furnish such jet aircraft to Israel as will maintain a balance of military power in the Middle East. It is regrettable that the administration has not acted toward that end in a positive manner. However, I also believe that the RECORD should show the fact that while the Johnson-Humphrey administration has spent a year building so-called bridges of understanding to the Soviet Union, the leaders in the Kremlin have spent the same period building the warmaking capabilities of their Middle Eastern allies.

Certainly, one of the first orders of business of the new administration that will take office in Washington next January must be a thorough review and reshaping of our policy in the Middle East.

SUNDRY CLAIMANTS—H.R. 16187

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. SMITH of New York. Mr. Speaker, during the end of the debate upon the amendment of the gentleman from Iowa [Mr. GROSS] to title XIII, H.R. 6446, for the relief of Robert M. Gilkey, Jr., the gentleman from Missouri, Dr. HALL, had asked me a question about Public Law 88–558, the Military Personnel and Civilian Employees Act of 1964, and had made a statement concerning his interpretation of that act.

In order to set the record straight, the answer to the question of the gentleman from Missouri is that his interpretation is not correct and my interpretation was and is correct. In other words, Public Law 88–558, as amended by Public Law 89–185, states:

> Subject to any policies the President may prescribe to effectuate the purposes of this subsection and under such regulations as the head of an agency, other than a military department, the Secretary of the Treasury with respect to the Coast Guard, or the Department of Defense, may prescribe, he or his designee may settle and pay a claim arising after the effective date of this Act against the United States for not more than $6,500 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind.

JOB OPPORTUNITIES IN THE SERVICE OCCUPATIONS

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. CURTIS. Mr. Speaker, the August 1968 issue of Business in Brief, a publication of the Chase Manhattan Bank, contains a most interesting article entitled "Job Opportunities in the Service Occupations."

Employment in the service occupations will show the highest growth rate other than the professions between now and 1975—expanding 66 percent faster than overall employment.

Although service occupations in general require less training and education than other occupations, many jobseekers reject them because of their low status and low pay.

Thus at the same time demand for services is rapidly rising, many people reject such jobs due to their dead end nature. Earnings of service workers are below the average for all occupations; fringe benefits are below average; upward mobility is restricted; and the social status of many service jobs is low. To attempt to correct this situation by simply pushing up wage scales could be self-defeating if the services then price themselves out of the market.

What are possible solutions?

If productivity could be increased, wages could rise without a proportionate rise in prices. Upward mobility would also be increased as job categories would become more specialized. The National Bureau of Economic Research suggests that greater productivity in service jobs can be achieved through restructuring job content and through the use of more capital equipment.

Hospitals are now attempting, through training programs, to improve skills of low-wage workers so that, together with more specialized equipment, they can move up into technical positions. Attempts are also being made to make household occupations more attractive to potential workers.

These efforts are premised on the hope that by making service occupations more attractive and increasing productivity in these occupations that more people can be attracted to them. Changes such as these are necessary if the demand for service workers is to be met in the years ahead.

I have long been interested in this issue of technological progress and job opportunities. For a recent statement, see my supplemental views to the report of the Joint Economic Committee on "Employment and Manpower Problems in the Cities: Implications of the Report of the National Advisory Commission on Civil Disorders"—See Congressional Record, September 17, 1968, pages 27268–27271.

I think the evidence is clear, as this article further bears out, that automation and increased productivity actually render more people employable. To enable people to take advantage of these new job opportunities, training programs are necessary—such as those mentioned in the article being provided by hospitals. Well-structured training programs are necessary to enable jobseekers to fill new jobs created by automation and greater productivity.

I believe that there are many jobs yet to be filled in this economy and that there are people who can fill them. With good training programs there is every reason for optimism that more people will have the opportunity to be gainfully employed throughout their lifetimes.

The article from Business in Brief follows:

Job Opportunities in the Service Occupations

Employment in the years ahead will grow most rapidly in occupations that require a large investment in education and training and, in turn, reward participants with relatively high status and high pay. Often forgotten is the other end of the job spectrum, which is also expanding. After the professions, service occupations will show the highest growth rate between now and 1975, expanding 66% faster than overall employment.

Jobs in the catch-all service category cover a wide range of skills—from firefighter to houseworkers to midwife. In general, these jobs require less training and education than other growth occupations. Although this could be encouraging to those trying to develop job opportunities for persons with relatively little education, it turns out that jobseekers often reject service occupations because of their low status and low pay.

Thus the demand for services is rising at the same time that job interest in service occupations is diminishing. One way to approach the problem is to see how service occupations can be made more attractive without pricing the services themselves out of range for the ultimate consumer.

JOB OPPORTUNITIES EXPAND

Today, 9.4 million persons—12.6% of the employed—are service workers. Over 2 million persons work as waiters, cooks and bartenders; 1.8 million are private household workers; over 1 million are hospital attendants and practical nurses. Service workers employment, excluding private household work, has expanded 25% since 1960 against a 13% gain for total employment. Only the professional field has risen faster.

These trends will surely continue. The nation is becoming wealthier, more educated and increasingly urban. Americans are eating out more, going to the beauty parlor more frequently, spending more on health care. As an urban society, the U.S. has greater need for protective services. More women with college degrees are seeking adequate child care and home maintenance services so that they themselves can enter the work force.

Altogether, service employment is projected to reach 12 million by 1975 for a 29% gain compared with a 17% increase for total employment. Specific occupations in which employment should rise rapidly are hospital attendants, practical nurses, beauticians and cooks.

LOW PAY AND LACK OF STATUS

Today, service workers average 5.5 years less schooling than those in professional fields. Even though many of the rapidly expanding service jobs will require higher educational attainment in the future, the field as a whole should be a source of jobs for new entrants to the labor force. However, the potential existence of a large number of service jobs is viewed with ambivalence, for the service job is thought of as a "dead-end" position:

Earnings of service workers are below average. Wages and salaries of men working full-time, year-round as service workers averaged $5,078 in 1966 against $6,848 for all occupations.

Fringe benefits are below average. About 20% of plant workers in service industries receive no paid holidays against a 4% industry-wide average. And about 20% have no company hospitalization insurance against only 6% in all industries.

Upward mobility is restricted. Service jobs are concentrated in small businesses. There are no intermediate job categories to bridge the gap between wage earner and owner.

Social status of many service jobs is low. Waiting on others is not part of the American tradition.

Given these characteristics, it is not surprising to find service occupations dominated by the following groups:

Women outnumber men by two to one. When domestic household jobs are excluded, 4.3 million women hold service jobs against 3.3 million men. Eleven years ago more men than women held nonhousehold service jobs.

Over 14% of nonwhite male workers have service jobs against only 6% of white men. Half of employed nonwhite women are in service jobs compared to 18% for white women.

The unemployment rate is relatively high, averaging 4.5% in 1967 compared to 3.8% for all workers. The high rate reflects lack of career opportunities in service jobs and an inability to find employment in other occupations.

We thus find that the prospect of more service jobs is considered a mixed blessing. The female orientation of many such positions complicates matters for the unemployed Negro male. Low status and low pay result in jobs with no takers. Pressures to push up wage scales could be self-defeating if the services price themselves out of the market or if higher skilled employees are successful in maintaining historical wage differentials.

RESTRUCTURING SERVICE OCCUPATIONS

If productivity could be increased, then wages of service jobs could be raised without a proportionate rise in prices. Increased productivity would also offer potential upward mobility because job categories would become specialized. As a by-product, the social status of service jobs might well be lifted.

A recent National Bureau of Economic Research analysis shows that productivity has increased in service industries but not as rapidly as in the economy generally. Divergent productivity experiences of beauty salons and barber shops illustrate the impact that simple technological developments can have in these industries. Plastic hair rollers revolutionized hair dressing; barbering has lagged in technology and productivity.

The National Bureau data, though fragmentary, suggest that greater productivity in service jobs can be achieved through restructuring job content and through the use of more and better capital equipment. Recent experience in the health and household service fields illustrates some of the problems involved.

MEDICAL AND HEALTH SERVICES

The National Advisory Commission on Health Manpower recently reported: "*Unless we improve the system* through which health care is provided, care will continue to become less satisfactory." Increases in wages of relatively low-paid hospital employees and the growing complexity of hospital plants have caused hospital daily service charges to double in a decade. The recent success of unionized hospital workers in winning a $100 minimum weekly wage in New York City adds further impetus to spiraling medical costs.

Today, service workers such as aides, orderlies and practical nurses account for 36% of total employment in the medical and health industry. Between 1966 and 1975 their numbers should rise by 52%. To meet this goal at the same time that health workers improve their relative wages (hospital employees have been covered by minimum wage legislation only since 1967) more efficient use must be made of less-skilled labor.

Several hospitals now have training programs for improving skills of low-wage workers so that they can move up into technical positions. Midwives are being trained to free scarce physicians' time. Computer technology in medicine should permit more efficient division of labor. And better organization of the health industry—with more emphasis on out-patient care and comprehensive health services—could cut total costs.

HOUSEHOLD HELP SERVICES

In spite of our spreading affluence, millions of housewives feel tied to their homes because of inability to find domestic help, and millions of husbands wash windows and mow lawns because household maintenance services are nonexistent or over-priced. The number of household workers has actually dropped by nearly 300,000 in the past three years. Several experiments are now underway across the nation to make household occupations more productive and more attractive to potential workers:

Franchised house cleaning service on a contract basis has been started by one of the nation's retailers. Relatively little capital is required to enter the business. The franchise serves as a link between working for wages and outright ownership.

The National Committee on Household Employment in cooperation with the U.S. Department of Labor has developed pilot projects to upgrade household employment standards and opportunities. Employees are trained; for day work, cleaning "teams" are sometimes used. The worker is not employed directly by a housewife, but shares in the "profits."

Projects such as PRIDE, Inc. in Washington combine job training with the prospect of equity interest to attract young men of the ghetto into the landscaping and home maintenance business.

Common to many of these projects is the concept that young people can be attracted to relatively low-paid service work if some hope is held out that they are not permanently locked into the lowest level jobs. Further, if the services are organized on a business basis, economies of scale and job specialization become feasible, thus increasing productivity. More changes such as these are necessary if the supply of service workers is to meet potential demand in the years ahead.

BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. SCOTT. Mr. Speaker, since election to the Congress I have endeavored to make a report to constituents and am inserting a copy of the September Newsletter in the RECORD at this point for the information of the membership. In the event we adjourn within the next few weeks, this, of course, will be the last newsletter to be issued until the reconvening of the new Congress. The report follows:

YOUR CONGRESSMAN BILL SCOTT REPORTS

ADJOURNMENT OF CONGRESS

Congress reconvened on September 4 after being in recess for approximately a month. While we have only a few major matters to be considered in the remaining days of this session, there are a number of appropriation bills to cover government expenses for the fiscal year beginning July 1, 1968, and ending June 30, 1969; conference reports on bills previously passed by the two Houses of Congress in different forms, and others of minor national significance coming up under suspension of the rules. In all probability, we will not adjourn until after the first of October although an earlier date had been thought possible.

SUPERGRADE POSITIONS

Ordinarily when a matter involving Federal employees reaches the House floor it receives favorable consideration, but a few days ago a bill to add 428 additional Grades GS–16, GS–17 and GS–18 and to remove restrictions on the number of scientific and professional positions within the National Security Agency was defeated by a vote of 221 to 134. The House apparently felt that it could not be attempting to reduce the Federal deficit on the one hand and adding additional high level positions on the other. Many did not want additional top government jobs to be filled shortly before a national election. It seems reasonable for the Congress to review the entire supergrade position structure in view of the far larger number of top salaried positions existing in some agencies than in others, rather than further existing inequities in the departments and agencies. The pay range of these positions is from $22,835 to $28,000. I might add that even without the bill, the Committee report indicates that there are 9,320 supergrade or the equivalent positions in the Federal government.

POLITICAL ACTIVITIES

A number of constituents who are government employees have requested information regarding the extent to which they can participate in political matters and not be in violation of the Hatch Act. In order to answer questions on this subject, I have obtained copies of a pamphlet issued by the Civil Service Commission which sets forth rules for Federal employees. Let me know if you desire a copy of this pamphlet.

FUNDS FOR THE SALEM CHURCH DAM

As you know, this project has been authorized by Congress, but a separate bill is necessary to obtain funds. While no appropriation will be made this year, I have requested the Department of the Army and the Director of the Bureau of the Budget to give consideration to the project in preparation of next year's budget. It will be much easier to obtain the funds if provisions for them are included in the budget submitted to the Congress by the President in January. However, I have also contacted Congressman John Rhodes who will be Chairman of the subcommittee considering the matter in the event the Republican party controls the House of Representatives next year. He has assured me that the Committee will consider funding the project.

COAST GUARD ACADEMY

Although the time within which young men from our District could apply for nominations to the Air Force, Army, Navy and Merchant Marine Academies ended September 1, there is still time to apply for admission to the Coast Guard Academy. A Congressional appointment is not required, and applications to take the examination may be made until November 2, 1968, for classes beginning in July 1969. Application forms and catalogs are available upon request from this office, or you may secure them through your school guidance counselor.

PINEY POINT OIL REFINERY

Considerable concern has been expressed by the people of the Northern Neck about the possibility of the establishment of an oil refinery and freetrade port adjacent to the Potomac River at Piney Point, Maryland. While this is primarily a matter to be determined by Maryland authorities, I have contacted a number of Federal agencies which exercise a degree of control over the Potomac River and urged that they consider the possiblity that this project will further pollute the Potomac and have suggested that the installation be located in a more inland area. I recently discussed the matter with Governor Agnew of Maryland during his visit to the Capitol and have also contacted him by letter. It does not appear that any decisions have been made, and I am hopeful that we were able to intercede in time.

CONGRESSIONAL REORGANIZATION

An interesting development several days ago was an attempt by a group of Members to obtain House consideration of an election reform bill and a Congressional reorganization act. Both have been before the House Rules Committee for several months without any action being taken. In order to demonstrate the need for Congressional reform, these Congressmen resorted to parliamentary maneuvers such as objecting to measures requiring unanimous consent and demanding roll calls and quorum calls, thereby delaying regular consideration of legislation. This delay continued for about three hours one day but apparently, satisfied at having made their point, the group then permitted orderly procedure to resume.

The Reorganization Act passed by the Senate provides for open business meetings of committees and public disclosure of votes taken in committee, more equitable staffing of committees, live television and broadcasting of open committee hearings and automatic data processing of Federal budget information. Altogether there are more than a hundred proposals for streamlining Congress. Of course, it is impossible to change procedure in the House or to change a law without obtaining a majority vote, but perhaps the dramatization of this matter will have a desirable effect and enable a future Congress to reorganize and modernize the procedure.

Legislation enacted which I introduced or co-sponsored:

To provide additional free mailing privileges for overseas servicemen

To authorize construction of the Salem Church Dam

To increase the amount of Federal contribution to the cost of construction of the Potomac-Dulles Interceptor Sewer and reduce amount to be re-paid by the localities.

To require completion of the interstate highway system in Washington, D.C.

To assist farmers in the cooperative marketing of their products.

To compensate survivors of local law enforcement officers killed while apprehending persons who have committed Federal crimes.

To define a riot and provide criminal penalties for rioting in D.C.

To regulate the mailing of master keys for motor vehicle ignition switches

To define the jurisdiction of Federal courts regarding admissions or confessions of the accused in criminal cases

Pending legislation, not yet enacted, which I introduced or co-sponsored:

To provide a tax incentive to business to hire and train unemployed people lacking essential job skills.

To provide for the sharing of Federal taxes with the states

To provide a tax credit to stimulate the construction of air and water pollution control facilities by private businesses

To establish a National Crime Statistics Center to fill the gap in our knowledge of criminal activity

To increase from $600 to $1,000 personal tax exemptions

To establish a National Cemetery within Manassas National Battlefield Park

To grant Congressional approval to the amended Potomac River Basin Compact

To authorize the District of Columbia to convey land to Prince William County

To permit Federal employees to retire with an immediate annuity, regardless of age, upon completion of thirty years service

To amend the Constitution to permit nondenominational prayer in buildings supported from public funds

To enable the residents of Dahlgram Naval Weapons Laboratory to vote

To limit the number of questions which may be asked in the decennial census

Legislation not adopted by the time Congress adjourns this year will have to be reintroduced next year for further consideration

ELECTORAL COLLEGE

Having several candidates this year raises the possibility of the selection of the President by the House of Representatives. My understanding of the matter is that a person must receive a majority of the electoral votes to be elected. In the event no candidate receives a majority, the House decides from among the top three candidates, who will be President and the Senate decides who will be Vice President. Should the election be thrown into the House, each state would have one vote and the Members of the House from each state would caucus to decide how that vote would be cast. In the present Congress the Republican party has a majority of members in 18 state delegations and the Democrats have a majority in 29 state delegations with the remaining states equally divided. Each member of the House is subject to re-election this year and the new Congress, meeting in January, would make the decision. Certainly we do not know which party will control a majority of the state delegations. At best it is a technical and undesirable way to elect our Chief of State. Therefore, I do hope that the next President will be elected by the people on November 5 rather than to have the election in the House of Representatives.

SOMETHING TO PONDER

Wouldn't it be preferable to give those on welfare a hand-up rather than a handout?

ALTERNATIVES TO WELFARE

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. GONZALEZ. Poverty, Mr. Speaker, is a lack of money. The fight against poverty can only be won when ways are found to help keep families permanently above the poverty line. Our present welfare system must be revamped, for it basically just aids the blind, the disabled, the aged, and the dependent child. If a man is working full time and despite his best efforts cannot keep his family decently clothed, housed, and fed, then the ravages of poverty will spread, not abate.

The Washington Post recently contained a succinct analysis of the current discussion about alternatives to our present welfare system. As the first Congressman to introduce a bill establishing a national program of children's allowances and a "right to work" bill establishing the Federal Government as employer of last resort to any person willing and able to work, I welcome this dialog and commend this article to the attention of my colleagues:

PROPOSED REFORMS OF NATION'S WELFARE SYSTEM HAVE THEIR FLAWS, ALSO

(By Philip Meyer)

The country is becoming increasingly ready to fight poverty with heavier artillery than ever has been considered before.

A guaranteed income for all, or a negative income tax, or making the Government the employer of last resort are among ideas now being discussed with increasing seriousness by conservatives and liberals alike.

In both camps, there is growing discontent with the inadequacies of the present welfare system and its built-in tendency to discourage work.

"The end of the welfare system is to go out of business. Unless welfare is a self-liquidating enterprise, it is a failure," says Rep. Martha Griffiths (D-Mich.), chairman of the Joint Economic Subcommittee, which has just ended two weeks of hearings on alternatives to welfare.

By this and other standards, welfare is a failure. But the alternatives have flaws, too. All of the dozens of ideas now being dissected on Capitol Hill fall into three major approaches, each a mixed bag of costs and benefits.

They are:

1. Keep the welfare system and try to improve it.
2. Guarantee everyone a job, even if it is a make-work Government program.
3. Guarantee everyone a minimum income, whether he works or not.

And here's how the arguments over these ideas are shaping up:

KEEP WELFARE

What we now call welfare is really four different Federal programs: aid to the blind, aid to the permanently and totally disabled, old age assistance, and aid to families with dependent children (ADC).

In all, they reach 8 million people, more than half of them in the ADC category. The total cost is about $5 billion a year.

Main advantage of keeping the system is that its existing machinery can translate new spending into benefits with a minimum of fuss:

The flaws in the system:

Payments vary widely because of different State rules. Children in Mississippi get $8.35 per month while those in New Jersey get $56.05.

The 8 million welfare recipients represent only one-fourth of all those living in poverty. More than half of the children eligible for ADC under Federal rules don't get it. (However, a recent Supreme Court ruling will broaden the coverage. The Court struck down State laws barring aid to children in families with employable males, the so-called "man-in-the-house rule." The Government issued new welfare rules to follow the court order.)

Recipients who might work have little incentive to do so. Welfare clients who earned money have had their payments reduced by the amount of their earnings—in effect, a 100 per cent tax on their income. A new law taxes their earnings at 67 per cent, still high enough to discourage working.

It takes a cumbersome bureaucracy to tell who is eligible and who isn't. The same bureaucracy provides counseling services, whether the people involved want them or not.

GUARANTEE JOBS

The enthusiasm for a guaranteed income among economists, some Congressmen, and other opinion leaders has not filtered down to the public, according to the Gallup Poll. But the Poll shows 78 per cent are in favor of a plan to guarantee every person enough work to earn at least $60 a week, a little over $3100 a year.

Such a program would probably not be very costly, because unemployment is not a very large cause of poverty. Therein lies the main flaw of guaranteed work as a solution to poverty.

The statistical evidence:

More than half the poor are either under 16 or over 65, and therefore not available for work.

More than half of the male heads of poor households in the normal working ages are already working full time at least 40 weeks a year. They are poor in spite of it.

Of all the new ideas being studied, a plan to make the Government the employer of last resort is probably the closest to being enacted. But it's no cure-all for the poverty problem, and it would not replace the welfare system.

GUARANTEED INCOME

In 1962, economist Milton Friedman, an adviser to Barry Goldwater, proposed the negative income tax: People with incomes below a certain level would not pay the Government, instead the Government would pay them. With such a simple, straightforward system, the welfare establishment could be junked.

Another economist, James Tobin of Yale, proposes a flat system of payments to achieve the same result. Although the figures in the Friedman and Tobin plans are different, both have the same basic effects:

A minimum income for everyone, based on the size of the family.

An incentive to work. Recipients who earned money would be allowed to keep half of it under Friedman's plan, 60 per cent under Tobin's.

An end to red tape. A simple statement of need would determine eligibility. Spot checking to find chiselers would be equivalent to spot checking for tax cheaters. In other words, the system, like the income tax, would be largely self-regulating.

Such a plan has been endorsed by 1200 economists. It would, in one splendid swoop, wipe out all the disadvantages of the welfare system. But it would have some disadvantages of its own. Among them:

High cost. A national guaranteed income system would cost from $4 billion to more than $25 billion more than the present welfare system, depending on the income floor and the kinds of incentives for work.

Upward leakage. Recipients of aid are encouraged to work and allowed to keep some of their earnings. These earnings could put some above the poverty line, but leave them still eligible for help.

Public resistance. It may not be possible to sell such a plan to a work-oriented society accustomed to helping only the "deserving poor"—those who can't work. "I can understand why 1200 economists are for it, but it would be hard to find 1200 other people," says Sen. William Proxmire (D-Wis.).

Cost estimates vary so widely because it is hard to pinpoint the level of support and the work incentives that would give the program the biggest good for a buck.

No one can be sure just how many people getting guaranteed income payments would decide to work if they were allowed to keep, say, half of what they earned.

The Office of Economic Opportunity is, however, trying to find out. OEO is setting up a guaranteed income plan among 1000 families in New Jersey.

These families are matched with 200 others who are not getting the money and who will serve as a control group for comparison. First results will be available in about a year.

"It will provide a very substantial, technically competent basis for determining estimates of costs and effects of alternative programs," says OEO Research Director Robert A. Levine.

Meanwhile, he is willing to guess at what the experiment will show. People who predict that those getting income maintenance will work more than those getting nothing are probably overoptimistic, Levine says.

Instead, he expects them to work less. "I do not believe," he adds, "that this drop-off will be substantial."

Even if there are some who do not work as much as they should, Levine says, this is something "that I would be willing to accept as a price of the system."

Like everything else in politics, the income maintenance problem may be pushed and pulled into a compromise program that will borrow something from many different proposals.

A typical compromise comes from Lisle C. Carter Jr., deputy director of the Urban Coalition, who favors a piecemeal approach that would gradually phase out traditional welfare.

Carter favors guaranteed public employment, a special allowance for families with children and an expanded Social Security program. These would take care of a majority of the poor.

At the same time, he would improve welfare by streamlining it into something approaching a guaranteed income. The streamlining would be done in four steps:

1. Set a national standard for minimum payments.
2. End all eligibility requirements except need.
3. Do away with the caseworker approach by separating the money program from counseling and other services.
4. Increase the incentive for work, by letting welfare recipients keep more of what they earn.

THE TRIUMPH AND THE ECSTASY IN DETROIT

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. NEDZI. Mr. Speaker, there is good news from Detroit. And there is good news in Detroit.

The Detroit Tigers and their fans, after 23 long years of agonized waiting, have won the American League pennant.

As a longtime Detroit Tiger fan, I share the universal happiness in Detroit with the success of our baseball heroes. Baseball fever has been running high in Detroit since the Tigers swept into first place on May 10. More than a pennant was at stake. The very soul of the city seemed to be riding on the run for the flag.

The Tigers have done on the field what the entire city would like to do: work together—young and old, black and white—for understanding and success. The old—Manager Mayo Smith, General Manager Jim Campbell, Head Scout Rick Ferrell—have combined with veterans—the illustrious Al Kaline, the fabulous Denny McLain, the slugging Willie Horton, the pinch-hitter par-excellence Gates Brown—and the young and hard-throwing bullpen, to achieve this great victory.

The Tigers have been "a come-from-behind ball club" all year. It was appropriate, then, that they came from behind to nail down Denny McClain's victory last Saturday and again when they clinched the pennant Tuesday night. They are also a united ball club, getting help from every man on the 25-man roster. Characteristically, two relatively minor figures in the cast, Joe Sparma and Don Wert, were the decisive figures in the Tuesday triumph.

It is with pleasure that I take this opportunity to salute the pennant-winning Tigers. My colleagues from Pittsburgh and Boston, who in recent years have experienced this same pennant fever, will understand the great feeling we have in the city this week.

Under leave to extend my remarks in the RECORD, I place herein three articles, one dealing with the clinching of the pennant, and a second telling of the day Denny McClain won his 30th victory, and the third describing that old pennant fever:

[From the Washington, (D.C.) Evening Star, Sept. 18, 1968]

UNLIKELY HEROES CAP TIGERS' RUN TO FLAG: SPARMA, WERT HELP SET OFF WILD FESTIVAL

The Detroit Tigers, loaded with talent and full of power, drank a champagne toast to some unlikely heroes who finalized their drive to the American League pennant.

The likes of Denny McClain, the 30-game winner, and season-long hitting superstars Al Kaline and Tony Horton must be given credit for getting the Tigers there, but it was a sub-.200 hitter, a pitcher who had spent a month in the doghouse and the Boston Red Sox who got them over the top last night.

Don Wert, hitting only .198 delivered a two-out single that scored Kaline with the winning run in the ninth inning and Sparma pitched a five-hitter to beat the New York Yankees 2–1.

Actually, the Tigers already owned the pennant about 15 minutes before Wert's hit, because second-place Baltimore had been eliminated by a 2–0 loss to the Boston Red Sox.

SLIGHT PAUSE

This was the day the Tigers and their fans had awaited for 23 years, but they had to wait a few more minutes before beginning a wild celebration that turned the Motor City inside out with jubilation.

The 46,512 spectators in Tiger Stadium, were not told of the Orioles' defeat because club officials feared a demonstration that might have disrupted the finish of the Tigers' game.

The pause, however, did not dampen the celebration, which moved into the heart of downtown Detroit and continued into the wee hours of the morning.

LATE REPLACEMENT

Sparma, a last-minute replacement when Earl Wilson turned up with a sore shoulder seven minutes before game time, produced Detroit's first run with a single in the fifth that scored Bill Freehan. The Yanks tied it in the ninth on Jake Gibbs' two-out single.

Sparma had gotten in a tiff with Manager Mayo Smith when Mayo took him out of a game after three scoreless innings. Sparma didn't like it and said so. Smith said Sparma was entitled to his own opinion.

The crowd jumped on Sparma with boos last night when his name was announced, but the shouts later changed tune.

"We want Sparma, We want Sparma!" they chanted, as police and stadium attendants tried to prevent them from over-running the Tiger dugout after Wert's heroics.

The Tigers didn't risk life and limb by returning for a bow. They were too busy risking life and limb celebrating in the dressing room.

Corks popped and champagne poured over the heads of most of those present. Nearly everyone was covered with shaving cream, champagne or both.

Most of the players and coaches, and at least one sports writer, were dumped into the whirlpool bath by estatic ballplayers, and McLain led a sixman chorus in fight songs.

"The only thing I can say is I hope nobody slips and falls," Smith said.

He said he was worried about the crowd.

"I thought they might tear the stadium down."

A 15-YEAR WAIT

Kaline walked into the manager's office and embraced Mayo.

"Fifteen years, boy, and I'm real happy for you," Smith said, referring to Kaline's tremendous Tiger career that began in 1953 and includes every honor except playing in a World Series.

"I've had great thrills, but this has got to top them all," Kaline said.

McLain, scheduled to pitch tonight against the Yankees, bounded into Smith's office and said with a champagne accented laugh:

"I ain't pitching tomorrow, get somebody else."

The celebration in downtown Detroit reached its loudest point shortly after midnight, about two hours after the Tigers had clinched the flag.

The thousands in the vast, milling crowd at Kennedy Square forced the mobilization of a strong force of police.

When the police entered the throng, the crowd cheered them. In fact, the crowd cheered just about anything.

Eight-lane Woodward Avenue, the main street that cuts the city in half, was blocked bumper-to-bumper with cars, and all horns were blaring.

There were snake dancers weaving in and out between the jammed autos, and the milling fans migrated from spot to spot.

PAPER SHOWER

They moved to a bonfire in the middle of Michigan Avenue, where they performed a war dance for the upcoming battle with St. Louis, then to Washington Boulevard—hotel row—where the guests were ripping up phone books, toilet paper and anything they could get their hands on and throwing the mess out the upper floor windows.

Ticker tape isn't easy to come by late at night with the stock market closed, but the two wire services pitched in and dumped as much as they could find out fifth- and sixth-floor windows of the building they share.

Back at Kennedy Square, a cute blonde was wading in the reflecting pool. Nobody bothered her.

The two flag poles in the park were one source of frustration for both the fans and the police. Tiger fans, pennants in hand, kept trying to shinny up the poles to put the proud banners atop the 50-foot poles. No one ever quite made it, but they tried.

MOVES SHOP

A three-block stretch of Michigan Avenue was finally blocked off to the traffic, and what a block party it turned out to be.

Almost everyone had a bottle of beer in his hand. Many had two or three beers. The police didn't bother them. But they didn't join in.

One enterprising lad brought out a keg from a local pub, set it down in the middle of the street and was willing to play host to all comers until an officer stepped in.

"You don't want to lose that, do you?" the officer asked the obviously under-age youth.

"Nope," he answered.

"Then, get it out of here," the officer warned. The youth obliged him, moved down one block, set up shop again and was quickly drained.

There was a lot of noise and a lot of chanting about the upcoming World Series with St. Louis. Most couldn't be printed.

The night-time festivities were fun. Give the Tigers a series victory and the championship during the daytime, and then try to get into downtown Detroit.

GOLDEN 30 FOR SHOW BIZ DENNY

(By Alfred Wright)

Until he stepped on the mound, you couldn't tell the man from the celebrities. Then Denny McLain began to pitch, and baseball had its first 30-game winner since 1934, when Diz became an American original.

As we all know, there are those awkward moments in life when it seems as if the whole world is staring at you. For instance, when you get your school diploma or you get married or have a massive hangover. Although last week none of those things happened to Denny McLain, the Detroit pitcher felt that way nonetheless. In fact, he usually does. But last week was something special, for McLain pitched and won his 29th and 30th games of the 1968 season. True, he was only the 46th pitcher in history to do this, but he was the first since Dizzy Dean in 1934, a year in which they were still looking for the Lindbergh ransom money, Hitler had just become Fuehrer and Clark Gable won the Academy Award for *It Happened One Night*.

Denny McLain bathed happily in all the front-page fuss. Brash and Irish, he often acts as if it were his world and the rest of the people were just passing through. He is also pure show biz from the top of his square head to the soles of his itchy feet. So it was fitting that he spent the first half of his week winning his 29th game against the California Angels within sight of Disneyland and making occasional strafing runs on Hollywood itself. Back home in more prosaic Detroit, McLain completed his 30th victory with an anything but prosaic six-hit melodrama against the visiting Oakland Athletics in front of coast-to-coast, living-color TV. Beforehand he managed to create a kind of ersatz Hollywood of his own right in his suburban Detroit split-level. From morning to night the place was choked with booking agents in sideburns and mod suits and their miniskirted chicks—all of them shouting at each other and over the long-distance phone while McLain, accompanied by the members of his four-piece combo, was down in the den, shattering neighbors' eardrums with his X–77 Hammond organ as ABC–TV cameras cranked away.

Well, that's Denny McLain for you. He may look like a linebacker after 10 years of NFL combat, and he may have the jumpingest fastball in the American League, but it is the incandescent flame of show biz that burns in Denny's heart. Thirty games? Ho-hum. *The Ed Sullivan Show?* Yeah, baby.

Last things first. Baseball's 30-game winner-to-be got up last Saturday morning around 10:30 and wolfed down the scrambled eggs and sausage his wife Sharyn had just dished up. The neighbors must have thought he was sick or something, because he only spent a couple of minutes on the organ, banging out a thing called *Girl Talk* that is on his new Capitol Records album. There was barely time for a few phone calls and just one argument with Frank Scott, his agent in New York. Then his brother drove him to Tiger Stadium in the Caddy convertible that a local dealer has given McLain for a second car.

Waiting in the Detroit clubhouse was a riot of newspaper, magazine, TV and radio reporters, poised with pencil and mike to record McLain's confrontation with immortality. After his first full night's sleep since Monday, he was in full stride—rascally one minute, sincere as a scoutmaster the next. "What did you do last night, Denny?" someone asked.

Sitting on a stool in front of his locker half undressed, McLain shuffled through some mail. He looked up at the reporters and the mikes that were shoved at his face. "Oh, I talked on the phone until about midnight. Then I went to bed and kept dreaming I'd lost my contact lenses. I spend more money on contact lenses than most guys make."

"Are you in the right mood for today?"

"I was until one of you guys started calling me 'McLain.' Look, it's Denny or Dennis or Mr. McLain. Anything but 'McLain'."

"Is this the biggest game you've pitched all year?"

"No. That was when we came back after losing five of six games and I won over California 6–1."

"Where'll we meet you after you win the game today, Denny?"

"You guys are presuming a lot, aren't you?"

And so out to the field for batting practice, more interviews, the warmup and finally the game. The crowd of 44,087, which surprisingly failed to fill Tiger Stadium on this balmy, climactic afternoon, emptied its throats at the sight of, uh, Denny. They had forgotten he once called them "the world's worst fans." The edgiest man on the premises was white-haired Dizzy Dean, who had come all the way from his home in Mississippi to watch Denny tie the record he made on the last day of the 1934 season to put St. Louis into the World Series. "You got a cigarette, podner?" Dean asked a man in the press dining room. "I'm so nervous I can't eat."

The game began placidly despite all the tension. Denny threw 44 pitches in the first three innings, allowing only a harmless single to Danny Cater in the first. He felt good and he had his stuff. But in the fourth with one man on, Reggie Jackson hit "a good curveball," as Denny later described it, into the lower stands in right field for a home run, and Denny was behind 2–0. Later that inning when he reached first base on a walk, Denny said to Cater, "Tell Jackson to be expecting that same pitch the next time he comes up." Denny considers it an accident if anyone hits one of his good pitches.

Norm Cash hit a three-run homer for the Tigers to give Detroit a one-run lead, but Denny quickly lost it. He walked Dave Duncan, the catcher, and the Athletics worked him around the bases. Reggie Jackson reappeared in the sixth inning, and Denny threw him what he threw him what he called "my only bad pitch of the game." It was a change-up that just hung there, and Jackson put it in the upper deck.

The score stayed 4–3 for the A's until the Tigers came to bat in the ninth, their last chance. Denny was first up, so Manager Mayo Smith replaced him with Pinch Hitter Al Kaline. Now it would take two Detroit runs to bring Denny his victory. Kaline walked, and Mickey Stanley moved him to third with a single. Frenzy shook Tiger Stadium as Jim Northrup came to bat. He topped a ball halfway to first, which Cater fielded and threw over the catcher's head as Kaline scored to tie the game. Next came Willie Horton, a fireplug of a man with 35 home runs so far. With only one out, the Athletics moved everyone including the outfielders in close to cut off the run from third. Horton drove a 2–2 pitch past the leftfielder for the winning run.

All this while, Denny had been pacing up and down the silent Detroit dugout, hatless and shouting exhortations. "Calm down," Mayo Smith told him. Denny calmed down until Horton's hit, then he rushed on the field like Zsa Zsa Gabor at a party, embracing everyone he saw. His teammates made an awkward attempt to hoist him to their shoulders in reciprocity, for, after all, it was Denny's pitching that had carried them to within sight of Detroit's first pennant in 23 years. Miraculously, Denny would not levitate.

Fittingly, Denny's big week began alongside the Smothers Brothers' swimming pool in Los Angeles, discussing an hour-long Special in which the Smothers wanted to star him. He read the mimeographed "presentation" they gave him and liked it. "I don't want any gimmicks," Denny told his agent later. "If it's going to be a Special, I just want me alone and nobody else. That's what I like about this show."

"Yeah, Denny," the agent said.

After the Smothers stopover, Denny just did get to Anaheim in time to check into the hotel and get to the ball park for the pregame warmup. It is things like that that can make life a drudgery. Denny was not due to pitch again for another 24 hours, so he spent most of the game leaning on the rail in front of the dugout, ostensibly to study the Angels but more realistically to let his mind wander around among some new arrangements for the combo or a weekend booking in Saginaw.

That night Denny and his roommate, Shortstop Ray Oyler, tucked it in right after the game. If there is one thing Denny takes seriously, it is a good night's sleep before he pitches. The next day the long-distance calls from the booking agents began coming in at 10:30 in the morning. The Smothers Brothers called. So did Glen Campbell, the TV personality, to tell Denny he would be at the game that night. Somebody from the *Steve Allen Show* phoned about an appearance the next day. Between phone calls, Denny and Oyler played a little gin, watched an old Errol Flynn movie on TV and another TV show with Abbott and Costello.

When batting practice was over on Tuesday evening, Denny went back in the clubhouse to wait until it was time to warm up. Who should come in but Ed Sullivan, resplendent in a jacket of dried-blood maroon and fuchsia slacks. The clubhouse of a visiting baseball team is one of the fascinating scenes in all of sport. The players, having nothing better to do, sit silently on the stools in front of their lockers staring vacantly out toward the center of the room, immobile as the statues in a Florentine garden. With Ed Sullivan and retinue surrounding Denny, there was something to look at for a change. Denny finally took Sullivan over to a row of stools and introduced him to a few of the Tigers like, fortuitously, Willie Horton. "It's a great honor," Denny explained, "having those people come into the clubhouse. The players really get a kick out of it."

It was time for Denny to pick up his jacket and head for the field. "Have you any goals?" a reporter asked him as Denny was leaving.

"Yeah," he said, "To be a musician."

This game, No. 29 on Denny's list of victories, looked like a laughter all the way. In the third inning he hit a triple over the centerfielder's head and came puffing into third in a slide. "I didn't need to slide," he said, "but I was out of gas and wanted to sit down." It was Denny's first triple of the year and not something he particularly likes to do. He would much prefer to stop at each base along the way and chat with the players and umpires. By the end of the fourth inning, Denny's teammates had given him a 6–0 lead. It was fortunate, for in the sixth Denny threw home-run balls—his 27th and 28th of the year to Rick Reichardt and Tom Satriano, costing a local radio station $3,900 in prize money to its listeners, who profit from something called a "Home-run-for-the-money inning." The Angels had little to complain about, however, for Denny had attracted 22,618 into the ball park, which was 13,000 over the recent average. For a community like Orange County, which makes an art of sitting on its wallets, this was a historic splurge.

Settling down after his shaky sixth inning, Denny gave Orange County the victory it came to see. In gratitude, the residents stood and cheered each one of Denny's final pitches as he struck out Pinch Hitter Roger Repoz. Afterward Denny went out for a few drinks with Glen Campbell and the others who came down from Hollywood.

The next morning Denny was up early and down the street to Disneyland to arrange for some bookings after the World Series. "I have agents for everything," he explained, "but when it comes down to it, nobody can make the decisions but the personality himself." Then he was off along the freeway into Hollywood for some publicity stills at Capitol Records. Somebody brought in a copy of Denny's new album and put it on the record player, and Denny listened intently. After the first tune he said, "The more I hear it, the more I dislike it," but he didn't really mean it. "I have the album at home," he went on, "but I think I've only played it a dozen times. It's like pitching. Right after you've done it, you lose interest."

It was time to move down Vine Street for the *Steve Allen Show,* which was being taped for a later date. Allen chatted with Denny onstage and then sat him down at a Hammond organ. Without so much as a rehearsal, Denny dashed off one of the rhythm numbers that are the strong part of his repertoire. After that, Denny and Allen put on some stray baseball blouses and went out to the sidewalk in front of the theater to play catch with Pat Harrington Jr., one of the fixtures on the show.

It was past one o'clock Friday morning when the Tigers' 727 took off for the night flight to Detroit. And who was sitting up in the check-pilot's seat for takeoff? Denny McLain, of course. And for the landing, too, at 7:30 that morning. In between, he caught a couple of hours' sleep stretched out on a seat with a blanket over him.

It was all the sleep Denny would get over a stretch of some 40 hours. The bookers and agents and musicians and TV crews were waiting for him at home, where another normal day in the life of Dennis McLain was about to begin. He trusts that if he survives the rest of the season and the World Series and *The Ed Sullivan Show* and the *Smothers Brothers Special* and the disapproval of Mayo Smith, who looks like an English vicar when his face hardens at the thought of Denny's extracurricular distractions; if he survives all that and the Las Vegas and Saginaw and other combo bookings he is making for the winter, "We might gross a quarter of a million."

"Isn't that what it's all about?" he asks. "Money?"

[From the Detroit (Mich.) Free Press, Sept. 18, 1968]

PENNANT FEVER: WHAT IS IT?

As a boy who grew up in New York City, I am slightly baffled by all this hysteria over winning a pennant.

My team was the Yankees and I can't recall a single incident of anyone getting ecstatic over the Yankees winning a pennant.

Maybe it's because they won all the time. Maybe it's because New York is such a big city. We had Giant and Dodgers fans there too.

Yankee fans somehow were different. More reserved. Quieter than the others. Certainly less argumentative. You had Joe D. on your side and he was the best and so what was there to argue about?

I don't remember ever seeing anyone get excited over the Yankees winning—certainly none of this dancing in the streets or throwing things around or acting looney.

My earliest recollection of the Yankees winning anything was the day they were playing the final game of the 1939 World Series against the Cincinnati Reds. My father and brothers were listening to the game in the living room. It was a Sunday afternoon and we had company.

I vaguely remember somebody grounding out for the Reds and one of the guests saying, "How about those Yanks—four straight again!" and then—click!—turning off the radio.

That was it. Nothing more. Game's over, Series is over—click! The baseball season was forgotten that quickly.

MAD TIME IN PITTSBURGH

I've seen plenty of baseball celebrations as a newspaperman but this was always as a deteched observer. Even when I was on hand to see the Yankees win, I never got excited.

I was too wrapped up in trying to do my job.

They talk about the wild celebration up in Milwaukee after the Braves won the 1957 Series from the Yankees. It was nothing compared to Pittsburgh in 1960—just a lot of kids driving through downtown Milwaukee honking their horns.

But Pittsburgh was something. Pittsburgh was mad.

Bill Mazeroski's home run touched off the wildest scene I've ever seen after any sports event.

By six o'clock that evening the streets were so littered with papers that it was knee deep in some spots. All the stores remained open and the proprietors set up radios or phonographs outside so the people had music to dance to.

They had to seal off the lobbies of the major hotels because they became so jammed it was impossible to move. And with all that glass around it became a real hazard.

I've never seen the Mardi Gras in New Orleans but it couldn't be wilder than Pittsburgh in 1960.

It seemed everyone in the city was celebrating. They were sounding horns, clanging cowbells and singing and shouting raucously.

The din was terrific.

It was an oppressive night. The heat was stifling. When I went back to my hotel room to write my stories, I had a choice to (a) leaving the window open and nearly being knocked over by the noise or (b) shutting the window and suffocating from the heat.

I went for the suffocation.

A TOUCH OF ENVY

Detroit hasn't had a pennant celebration for 23 years. I guess the big ones they had around here were the first of the Cochrane pennants in 1934, then the day The Goose lined his single into centerfield to win the '35 Series against the Cubs.

I've seen the faded pictures in our morgue of the mobs around the Sheraton Cadillac hotel and the people climbing on the street cars and waving from the windows.

But now, as I look around at the emotions which are gripping our city, I envy the young fans, the boys and girls who live and die for this team.

Because it never means more to you than when you're young.

I know. I grew up in New York City.

NATION PAYS DESERVED TRIBUTE TO STOCKTON MEDAL OF HONOR WINNER

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. McFALL. Mr. Speaker, it was a great privilege to be in attendance this morning when the President presented to Army S. Sgt. Delbert O. Jennings, of Stockton, Calif.. the highest honor which a grateful nation can bestow upon one of its citizens, the Congressional Medal of Honor.

Also at the White House were Sergeant Jennings' very proud parents, Mr. and Mrs. Neal Jennings, who were in the reception line after the ceremony with their son to receive expressions of appreciation and congratulations from guests.

Earlier this year I attended a similar ceremony at the Pentagon when the President paid tribute to Marine Sgt. Richard E. Pittman, of Stockton, the first recipient of the Medal of Honor from San Joaquin or Stanislaus Counties resulting from bravery above and beyond the call of duty in the Vietnamese war.

I know that all Americans share a common sense of respect and pride in the accomplishments of Sergeant Jennings and Sergeant Pittman and join in a deserved salute to these gallant men, both living and dead, who have been so honored.

At this point I insert the official announcement from the White House of September 18, presenting details of the courageous acts by Sergeant Jennings, as follows:

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of the Congress the Medal of Honor to Staff Sergeant Delbert O. Jennings, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty.

Staff Sergeant Delbert O. Jennings distinguished himself with Company C, 1st Battalion (Airborne), 12th Cavalry, 1st Air Cavalry Division, in Kim Song Valley, Republic of Vietnam, on 27 December 1966.

Part of Company C was defending an artillery position when attacked by a North Vietnamese Army regiment supported by mortar, recoilless-rifle, and machine gun fire. At the outset, Sergeant Jennings sprang to his bunker, astride the main attack route, and slowed the on-coming enemy wave with highly effective machine gun fire.

Despite a tenacious defense in which he killed at least twelve enemy, his squad was forced to the rear. After covering the withdrawal of the squad, he rejoined his men, destroyed an enemy demolition crew about to blow up a nearby howitzer, and killed three enemy at his initial bunker position. Ordering his men back into a secondary position, he again covered their withdrawal, killing one enemy with the butt of his weapon. Observing that some of the defenders were unaware of an enemy force in their rear, he raced through a fire swept area to warn the men, turn their fire on the enemy, and lead them into the secondary perimeter. Assisting in the defense of the new position, he aided the air-landing of reinforcements by throwing white phosphorous grenades on the landing zone despite dangerously silhouetting himself with the light.

After helping to repulse the final enemy assaults, he led a group of volunteers well beyond friendly lines to an area where eight seriously wounded men lay. Braving enemy sniper fire and ignoring the presence of booby traps in the area, they recovered the eight men who would have probably perished without early medical treatment.

Sergeant Jennings' extraordinary heroism and inspirational leadership saved the lives of many of his comrades and contributed greatly to the defeat of a superior enemy force. His actions stand with the highest traditions of the military profession and reflect great credit upon himself, his unit, and the United States Army.

UNFINISHED APPROPRIATIONS BUSINESS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. MAHON. Mr. Speaker, with passage of the foreign assistance appropriation bill today, the House has concluded initial consideration of the 13 regular appropriation bills for fiscal year 1969.

And with the adoption earlier today of the conference report on the independent offices-HUD bill, only three of the 13 regular bills remain to be cleared through Congress.

First. The Labor-HEW bill is in conference. We met, and made considerable progress on that bill yesterday. We are to meet again next week, and I believe we may very probably conclude an agreement at that time.

Second. I am advised that the $72 billion defense bill will probably be taken up and passed in the other body early next week. It should be expeditiously handled in conference.

Third. I would expect likewise expeditious handling in the other body, and in conference, of the foreign assistance bill.

Then there is the matter of any closing supplemental requests. We do not at the moment have firm plans in hand as to supplementals, but hope to very shortly.

HOUSE ACTIONS ON 1969 APPROPRIATION BILLS

In summary, as to the totals, the House, in the 13 regular appropriation bills for 1969, has reduced the budget requests for fiscal 1969 new budget—obligational—authority by $12.9 billion in the aggregate, including, as Members know, the so-called participation sales authorizations which were disallowed. In other words, we have gone well over the $10 billion goal in the expenditure reduction bill. There will be a few offsets where the House, in legislative bills, has increased new budget authority but they will not materially alter the total picture.

Now, speaking in terms of expenditures

rather than budget authority or appropriations, our best tentative calculations are that the $12.9 billion of reductions would translate, if enacted into law, into reductions of about $4 billion in budgeted expenditures for 1969—that is, toward the $6 billion expenditure reduction goal. Of course, House bills have been and will be altered in the Senate and in conference.

COMPLETED APPROPRIATION BILLS

Mr. Speaker, in the 10 appropriation bills for 1969 on which action has been completed, Congress considered budget requests for new budget authority of about $40.3 billion. We made reductions of $6.7 billion, all except about $0.7 billion of which would count toward the $10 billion goal in the tax-expenditure reduction bill. That cut in new requests would translate into reductions from the 1969 budget estimates of expenditures, in 1969, of about $1.5 billion, more or less, according to our best approximations. This would count toward the $6 billion expenditure reduction goal in the tax-expenditure reduction bill.

The three remaining bills—Defense, foreign assistance, and Labor-HEW—embrace the far greater proportion of the budget totals and involve the greater portion of probable reductions from the budget. We cannot be too precise as to what the final outcome will be, but I would say that on the 13 bills, we will probably cut the appropriations or budget authority requests in the area of $12 billion.

In terms of expenditures rather than appropriation reductions, I would say that on the 13 appropriation bills, we may finally effectuate reductions of $3.5 billion, or thereabouts, which would count toward the $6 billion reduction goal. There are a few offsets arising from expenditure increases in certain legislative bills that will affect the comparison with the $6 billion reduction requirement.

Of course, under the expenditure reduction law, the executive branch must take whatever additional steps are necessary to achieve the $6 billion expenditure cut. And as Members know, there are certain overruns in the area of price supports and public assistance expenditures as compared to the original January budget estimates, which if not exempted from the expenditure ceiling will have to be offset by deeper cuts than otherwise necessary. The rough figure on this basis is about $7 billion of expenditure reductions rather than $6 billion.

NEWSLETTER

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. EDWARDS of Alabama. Mr. Speaker, I wish to call to the attention of the readers of the CONGRESSIONAL RECORD to the July newsletter issued by my colleague, the Honorable BILL DICKINSON, of Alabama's Second Congressional District:

DEAR FOLKS: Recently the Alabama American Legion dedicated its truly beautiful and outstanding Memorial to Alabama War Veterans of all Wars. Five of Alabama's twenty-one Medal of Honor winners were present (Col. Davis, Major Mize, Sgt. Bolden, Sgt. Erwin, and Sgt. Lindsey), along with Audie Murphy, the most decorated hero of World War II. I felt very honored to be invited to participate in the dedication ceremony in Montgomery.

How do you stand on your Social Security payments? Do you have enough "good quarters" to enable you to draw benefits at age 65? Are your Social Security records correct? If you want to know, fill out, stamp and mail the enclosed card as directed. Please do not mail the card back to me.

The registration and licensing provisions of the Gun Control Bill were defeated. Registration was defeated 68 to 172, and a requirement to license guns was defeated 84 to 179. I opposed these provisions, and I am pleased to have had a small part in their defeat. I don't think gun registration and licensing will come up again since they were defeated so soundly.

My report card through July 1, 1968: I answered 108 roll call votes out of the 117 taken. This puts my voting record this year at 92.3%.

We have on hand a limited supply of the 1965 Dept. of Agriculture Yearbooks, entitled *Consumer All*. These are very fine books and offer many helpful ideas that are of particular interest to homemakers. I will be glad to send anyone a complimentary copy if you will drop me a postcard or a letter with your full name and address clearly printed.

GOOD NEWS

I have been informed by the Bureau of the Census that they cannot foresee any change in the number of representatives the State of Alabama will have after the census that is to be taken in 1970. The Census Bureau has taken into account every circumstance which is likely to arise, and the results show that the population of Alabama is growing rapidly enough to maintain its present level of eight U.S. Congressmen. Unfortunately, the Census Bureau could not state whether or not the boundaries of the different districts will have to be changed, since they do not have estimates of the relative growth of districts.

THE NATION'S CARES

Our recess for the Political Conventions is over, and there is still a stack of work ahead. The recess lasted over a month, from August 2 to Sepember 4, and I profited from the time I spent talking to you and exchanging ideas in Brewton, Montgomery, Andalusia, Atmore, Opp, Greenville, and Troy. You were so well informed and honestly concerned that I felt you would like to know about the action on the following bills.

Agriculture: H.R. 17126 the bill to extend the Farm Act of 1965, and H.R. 18249, the Food Stamp Act, will go to conference.

Appropriations: The Defense Appropriations Bill is ready for floor action; the Supplemental Appropriations Bill is ready to be reported; the HEW Appropriations Bill has been reported in the Senate.

Education and Labor: H.R. 15067, the Higher Education Act is in conference; H.R. 14314, Trust Funds for Educational Scholarships and Child Care Centers, is ready for floor actión; H.R. 15045, Manpower Development Act, passed in the House on September 5th.

Foreign Affairs: H.R. 15263, the Foreign Aid Bill, is waiting for the conference report.

Interior: S. 2515, a bill to establish the California Redwood National Park, is in conference.

Public Works: S. 2658, a bill to increase size and weights of vehicles on interstate highways, is on the calendar.

From cucumber to pickle: I have had the pleasure of watching the continuing industrial growth of the Second District. Mr. Harvey Phillips is showing me the basic ingredient of our growth, an excellent farm operation; Mr. Robinson, the manager of the Whitfield Pickle Company plant in Atmore, is showing me how he utilizes this excellent farming operation. (Photo caption.)

Photo caption: This photo was taken after the ribbon cutting at the grand opening of the new $2,000,000 Covington Mall in Andalusia, Ala. On my right is one of Andalusia's loveliest, Miss Kay Hassell, "Miss Andalusia of 1968." On my left, is Mrs. A. E. Anderson who owns the real estate upon which the shopping center is built. The land is being leased from Mrs. Anderson.

THE SUPREME COURT AND JUSTICE ABE FORTAS

The American people are taking a long hard look at the Supreme Court. They are making their feelings known through their duly elected representatives, especially their senators, who confirm Supreme Court nominations. The American people see a court which seems to be saying "no prayers in our schools, but plenty of criminals on our streets." They see a court which allows the pornography racket to rake in millions of dollars each year. They see a court which gives its blessing to any communist who wants to teach in our public school system or who decides to work in a defense installation. The American people do not want as Chief Justice of the United States a man who—

Voted to throw out the requirement that Communist party members must register with the government;

Voted to allow admitted communists to work in defense plants;

Voted to strike down a loyalty oath which would have kept communists from teaching in public schools.

Presidential candidate George Wallace spoke to the 33rd Annual Conference of the National Association of Counties here in Washington recently. The membership of the Association is comprised of County Commissioners and Boards of Revenue from all over the U.S. On July 31, Richard Nixon, Hubert H. Humphrey and Governor Wallace spoke to the Association. According to even the liberal Washington press, Governor Wallace got the longest and loudest applause.

Baldwin County was honored recently by having the National President of the Farm Bureau speak to the Annual County Farm Bureau meeting. It was an excellent meeting with over 300 in attendance. It is a feather in Alabama's cap and Baldwin County's cap when the National President will come to speak to a county meeting.

The recent denunciation of police conduct during the Democratic Convention in Chicago is completely unjustified. This slur upon very dedicated men points out that there are a number of people in this country who seem to think that a policeman is due no respect at all. Contrary to this belief, I believe, and I am happy to report that most Alabamians believe, the policeman is due at least the common courtesy accorded other people, if not a greater amount of respect.

I have talked to many a policeman who has put in a fourteen-hour day. I have seen policeman kicked, stoned, punched, and verbally insulted. I have seen the police hampered by unconcerned citizens, frustrated by courts which place all their concern for the criminal and none for the victim, and admonished just because they had done their duty. All I can say to the policeman who has continued to serve his community in spite of the obstacles placed before him is, "Well done, Mr. Policeman, and thank you for your steadfastness."

Photo caption: On my far right, is Mr. Charles B. Shuman, National Farm Bureau President, and standing beside me is Mr. George Kaiser, Baldwin County Farm Bureau President.

As your Representative, it is important that I know your views on major issues facing

Congress. For that reason, I welcome your letters and your comments.

Be assured that your views will be taken into account in the decisions I make here affecting you.

With best wishes,

BILL.

SCOTT HODES SPREADS GOSPEL OF DEMOCRACY

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. O'HARA of Illinois. Mr. Speaker, in 1934 the Chicago Junior Association of Commerce included Barnet Hodes among its 10 outstanding young men. Mr. Hodes later was corporation counsel of Chicago, is author of a work on taxation that long has been a classic, and with Col. Jacob Arvey now heads one of Chicago's largest law firms. I think there is no question in the minds of those closest to the facts that Barnet Hodes was the originator and the engineer of the final thrust that won the presidential election of 1948 for Harry Truman.

This year, 34 years later, Barnet Hodes' son, Scott Hodes, is one of the 10 recipients of the 1968 awards. I am extending my remarks to include the following article by Norman Ross in the Chicago Daily News of September 14, 1968:

SPREADING MESSAGE OF DEMOCRACY

(By Norman Ross)

Now that any American more than 27.7 years old is classed as middle-aged, the Chicago Junior Assn. of Commerce and Industry may have to lower the 35-year age limit for its Ten Outstanding Young Men awards.

When this year's Chicago recipients were honored at a luncheon Thursday, one of the prouder men in attendance was attorney Barnet Hodes, who won the same honor in 1934 as a nominee of Mayor Edward J. Kelly.

One of this year's winners, nominated by Judge Otto Kerner, was Hodes' son Scott, who has served on the Pentagon staff of the Army judge advocate general and as chairman of the Federal Bar Young Lawyers.

Scott is National Chairman of the Lawbooks U.S.A. program, which has distributed nearly 25,000 paperback books on the basic nature of the American legal system. The books have gone to selected lawyers, jurists, teachers and law students in Africa, Australia Southeast Asia, Latin America and the Middle East.

Dissension and ferment among intellectuals and students is, of course, a worldwide phenomenon and no respecter of ideology. It is as likely to occur under a rightist regime in Spain as under a leftist one in Czechoslovakia, in new African nations or on 100 campuses in the United States.

At any time it is obviously in the American interest to acquant as many as possible of the world's present and future leaders with our heritage of due process, trial by jury, the presumption of innocence until proven guilty and our concept of governmental checks and balances.

But the need is particularly great now because the aura of lawlessness and violence long depicted in American motion pictures and television programs is being compounded by the riots, assassinations and demonstrations foreigners see in this country.

Our opportunity to impress the lawyers and students who constitute perhaps the greatest source of political and intellectual leadership of emerging nations is enhanced by the Soviet rape of Czechoslovakia. It has shattered the pretensions the Soviets try to foist on the world through millions of books in dozens of languages they export to scores of non-Communist nations.

A donor can send a packet of eight paperback books dealing with the philosophy and spirit of our legal system to a specific country or leave the choice to the U.S. Information Agency. His name and address are included so a recipient may correspond with him.

The cost is a mere eight tax-deductible dollars or any multiple thereof, sent to lawbooks U.S.A., 1815 H St. NW, Washington, D.C. 20006.

As Edward R. Murrow said: "This is a small price to pay for helping to keep the human spirit unshackled and the desire for freedom alive."

The idea is to promote understanding of the true spirit of liberty, which, in the words of the great jurist Learned Hand, "is the spirit which is not too sure that it is right . . . which seeks to understand the minds of other men and women . . . which weighs their interests alongside its own without bias. . . ."

Come to think of it, the Jaycees, who are co-operating with Hodes' committee in distributing the paperbacks, might make the packets available to voters confused by "law and justice" as opposed to "law and order." We could use the enlightenment.

HISTORY REPEATS

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. MILLER of Ohio. Mr. Speaker, an editorial in the Athens Messenger, published at Athens, Ohio, on Tuesday, September 17, 1968, deals with the similarities between actions in Czechoslovakia 20 years ago and just recently.

Under unanimous consent I submit the editorial "History Repeats Itself" for inclusion in the CONGRESSIONAL RECORD, as follows:

HISTORY REPEATS ITSELF

It was June 7, 1948, that Eduard Benes resigned as President of Czechoslovakia. He was succeeded by Klement Gottwald, a Communist. Benes, broken-hearted, died three months later. Soviet troops had entered Prague with some Czech contingents three years earlier, but the Soviet made a show of allowing the Czechs their own government while tightening its own control. Gottwald's accession ended the farce.

Twenty years later, Soviet troops with the token troops from its hard-line allies—Poland, East Germany, Hungary and Bulgaria—had toppled the government of Czechoslovakia through occupation. There was no pretense this time of a slow takeover. But no one was found to act the Quisling and President Ludvig Svoboda made a visit to Moscow to negotiate "an honorable and dignified way out of the present situation."

Svoboda found the present-day Soviet masters just as tough as their predecessors. The terms they presented were unbearable. They were not dignified and they did not respect the sovereignty of the Czechs. They did offer Czech rule, but under tight Soviet control.

Moscow had learned that the Czechs had tasted freedom and were not going to be easily turned away from it. They sought an easy way to reverse the reforms but none was evident. Short of brute force, the Czechs were not going to give up the little freedom they had won. They had behind them outraged world opinion, and that alone stood in the way of their obliteration the way the Hungarian freedom fighters were eliminated twelve years ago.

Svoboda's fight is the more gallant because he had so little choice. He has the example of Hungary to remind him of the ruthlessness of the Soviet Union. He knows he can expect little aid from Rumania and Yugoslavia, both of whom supported Czechoslovakia. He knows there is no possible help from the West, for the United States showed in the case of Hungary that it will not be involved in defense of Eastern Europe.

So Svoboda made the best deal he could. If it falls short of the freedom his countrymen want, they must be reconciled to the fact that the Soviet Union cannot be challenged in Eastern Europe, its vital sphere of influence. They must wait until the wind of freedom blows strong in all the countries of Eastern Europe, and even in the Soviet Union itself.

This is the time of year when many Christians are studying the Gospel of the Good Samaritan. Czechoslovakia freedom lovers must be wondering where is that Good Samaritan among the nations of the world now?

NOMINATING CONVENTIONS AND NATIONAL PRIMARIES

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. PODELL. Mr. Speaker, the confluence of opposites at their extremes is a common phenomenon. Hot and cold, love and hate, the bitter and the sweet share at their extremes common characteristics and attributes. Opposites do, in fact, meet, like parallel lines in infinity.

Thus it is, too, with national presidential nominating conventions. In a fatuous and vacuous fashion, the delegates to the Republican Nominating Convention completed their appointed rounds undeterred neither by beaches nor by ocean front, neither by bathing beauties nor by Miami sunshine, nor even by the competing convention of America's Associated Morticians, which, according to the testimony of dispassionate observers, showed more life and zest than the Republican Convention.

Stage managed and controlled by invisible hands of steel, the delegates were put through their paces, superbly mincing and bowing like marionettes guided by the skilled and delicate fingers of the invisible puppeteer.

Similarly invisible were either efforts or desires to come to grips with the grave issues that divide our people, the issues of war and peace, the urban crisis and rural poverty, the role of America in an universe crouching in the shadow of thermonuclear explosion. Nor did the Republican Convention address itself to the ideals and goals and the direction which must be taken by the last generation before the dawn of the 21st century rises above the horizon.

Things were indeed much different at the Democratic National Convention. Where the Republican Convention was insufferably bored and passive, the Democratic Convention was excited and raucous. Yet who will assert that in the last third of the 20th century America was not exciting and not raucous.

Where the Republican delegates were submissive and patient, the Democratic delegates were undisciplined and unruly. Yet who would suggest that the American people today are submissive to the false clichés and empty shibboleths of a bygone era? Who would claim that the Americans today are patient with the hunger, the poverty, and the despair which afflicts so many of us, side by side with unparalleled affluence? America today is indeed undisciplined and unruly, unable to accept the inevitability of war, the elusiveness of peace, the failure of society to respond to the reasonable needs of all of its people for decent food, clothing and shelter, for reasonable opportunity for education and employment, for solace, security and comfort for the aged.

The Democratic Convention did not run away from the issues that divide our Nation. It engaged in great debate on how to achieve peace in Vietnam. The mortmain of party machinery control over the national convention was removed by abolishing the unit role of voting at the lowest level of party organization in the selection of convention delegates. The convention opened new opopportunities for participatory politics among minority groups, heretofore excluded by archaic, discriminatory party rules at precinct and county levels.

It is very unfortunate that many of the achievements of the Democratic Convention were obscured by street tensions and violence, by disastrous confrontation between police and demonstrators. The evidence is clear that the vast majority of demonstrators were motivated by peaceful pursuits interested only in exercising their democratic right to petition. Unfortunately, a comparative handful were intent on provoking a riotous confrontation with deliberate intent to provoke intemperate police action. In this effort, they were successful and unfortunately many innocent people were ensnared in the trap of street violence, many were arrested and many injured.

Mayor Daley's reaction to events brought no honor to him, the city of Chicago, nor to the Chicago Police Department. Certainly, he could have taken steps to cool the confrontation instead of stimulating overaction by the police to events which were indeed provoking but certainly did not warrant the clubbing of innocents nor the indiscriminate use of tear gas. What happened on the streets of Chicago was clearly not the responsibility of the Democratic Party. Indeed, many delegates made clear their objection, apprehension, and concern over the needlessly sharp reaction to the activity of the demonstrators.

The two conventions were in marked contrast, each to the other. They meet at the point where the circumstances each of them has given rise to serious speculation as to whether conventions have not outlived their usefulness and should be replaced by a more efficient, more democratic procedure for selecting party nominations for President and Vice President. Those who feel that conventions are an anachronism in our technological world look toward national presidential primaries as the ultimate escape hatch from convention frenetics. Unquestionably, there is much to be said for a national presidential primary. There must also be said a word or two of caution.

Clearly a national presidential primary will add immeasurably to the huge burdens of cost which already attend presidential election campaigns. It is not unlikely that costs would become so prohibitive that invasion of the Federal Treasury to help finance campaign costs would become imperative. Alternatively, only people who could match Croesus dollar for dollar would be able to put themselves forward as national candidates.

Paradoxically, a national presidential primary also raises the problem of too many presidential candiates, among those exploiting sectionalism, racial differences, favorite sons, and sons not so favored, a host of political adventurers of every size, shape, and ideology.

It is indeed precisely within this area that the convention method of presidential nominations becomes a product of the political genius of the American people when the conventions have historically served well. The national convention has served as a catalyst smoothing the crenulated edges of sectionalism, economic power or its lack, racial tensions, and other issues which divide us. The convention is the arena in which these differences are ironed out, essential principles agreed to, and party discipline encouraged.

The alternative may lead to a multiplicity of parties like in France, which since party differences must be ironed out within the government instead of within a party structure, has produced such government instability, that only the dictatorship of De Gaulle prevented political anarchy in France.

The issues are indeed serious and complex. I support various bills introduced by our colleagues in this House and in the Senate seeking to establish various commissions to explore these problems. If any such commission is created, and I earnestly urge that this be done, I urge the commission to give particular attention to one phase of this problem which troubles me deeply.

If we discard the present system for a national primary, what happens to New Hampshire. For years now, the people of this State have voluntarily, gallantly, and I might add eagerly, hibernated for 3 years for their quadrennial moment in the sun as the Nation's first political barometer. Such loyalty and devotion deserves a fate more glorious than grinding down by the insensate wheels of progress.

THE "PUEBLO"—HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. SCHERLE. Mr. Speaker, this is the 241st day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

SENATE—*Friday, September 20, 1968*

The Senate met at 10:30 a.m., and was called to order by the President pro tempore.

Bishop W. Earl Ledden, Wesley Theological Seminary, Washington, D.C., offered the following prayer:

Eternal God, our Heavenly Father, for yet another day of life we give Thee heartfelt thanks. Unnumbered—and unnoticed—blessings come from Thee, new every morning; and with the blessings, burdens to be borne. Make us sensitive to Thy goodness, and responsive to Thy will. Give us, we pray, strength equal to our tasks, integrity equal to all testings.

And grant, O God, that our minds may be so open to Thy truth, our wills so dedicated to the Power that hath made and preserved us a nation, that we, servants of Thine and of the people, may be privileged this day to strengthen the forces of righteousness and justice and good will, and subdue all violence of prejudice and partisanship and arrogance.

Move Thou upon the hearts of leaders of all lands to the end that men may yet recognize each other, across all frontiers, as members of one great human family destined by their Creator to dwell in peace upon the face of the earth.

In the name of Christ. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of 40 United States Code 175 and 176, the Speaker had appointed Mr. CRAMER, of Florida, as a member of the House Office Building Commission.

The message announced that the House had agreed to the concurrent resolution (S. Con. Res. 79) to correct errors in the enrollment of S. 827.

The message also announced that the House insisted upon its amendment to the bill (S. 698) to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to authorize the consolidation of certain grant-in-aid programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HOLIFIELD, Mr. BLATNIK, Mr. REUSS, Mrs. DWYER, and Mr. ERLENBORN were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 19908) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 19908) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 19, 1968, be dispensed with.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The **PRESIDENT** pro tempore. Under the order of yesterday, the Senator from South Carolina [Mr. HOLLINGS] is recognized.

Mr. **MANSFIELD**. Mr. President I ask unanimous consent that the distinguished Senator from South Carolina yield to me briefly, with no diminution of his time.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

FARM CREDIT ADMINISTRATION—RETIREMENT OF GOVERNMENT CAPITAL

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1557, S. 3986.

The **PRESIDENT** pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3986) to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to expedite retirement of Government capital from Federal intermediate credit banks, production credit associations and banks for cooperatives, and for other purposes.

The **PRESIDENT** pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205(a)(1) of the Federal Farm Loan Act, as amended (12 U.S.C. 1061(a)(1)), is amended by adding the following two paragraphs at the end thereof:

"As to any class A stock held by the Governor of the Farm Credit Administration on behalf of the United States at enactment of this paragraph, the Governor may at any time require the bank to retire such class A stock if, in his judgment, the bank has resources available therefor, and he may accept in payment for such stock, such amount not in excess of par as in his judgment and with the concurrence of the Secretary of the Treasury represents a fair value of such stock, or such retirement may be effected upon delivery to the Governor of an amount of United States Government bonds the market value of which on the date of transaction represents the fair value of the class A shares as determined by the Governor with the concurrence of the Secretary of the Treasury.

"After all class A stock held by the Governor of the Farm Credit Administration on behalf of the United States has been retired from all of the Federal intermediate credit banks, and full private ownership has thus been achieved, short-term Federal investments in such class A stock to help one or several of the banks to meet emergency credit needs shall not be deemed to change this ownership status: *Provided, however,* That this sentence shall not alter the application of the Government Corporation Control Act, as amended (31 U.S.C. 841–870), and section 206(a)(4) of the Federal Farm Loan Act, as amended (12 U.S.C. 1072(a)(4)) (relating to payment of a franchise tax to the United States if the bank has outstanding capital stock held by the United States)."

SEC. 2. (a) Section 6 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1131c), is amended by adding the following sentence at the end thereof: "If an association is deemed not to have resources available to retire and cancel any class A stock held by the Governor in such association, but in the judgment of the Governor the Federal intermediate credit bank of the district has resources available to do so, the Governor may require such bank to invest in an equivalent amount of class A stock of said association and the association then shall pay the proceeds thereof into such revolving fund in retirement of the class A stock held by the Governor."

(b) Section 16(a) of the Farm Credit Act of 1953, as amended (12 U.S.C. 1131c–1(a)), is amended by adding the following sentence at the end thereof: "If an association is deemed not to have resources available to retire and cancel any class C stock held by the Governor in such association, but in the judgment of the Governor the Federal intermediate credit bank of the district has resources available to do so, the Governor may require such bank to invest in an equivalent amount of class A or class C stock of said association and the association then shall pay the proceeds thereof into such revolving fund in retirement of the class C stock held by the Governor."

SEC. 3. Section 43 of the Farm Credit Act of 1933 (12 U.S.C. 1134e) is amended by adding the following two paragraphs at the end thereof:

"As to any class A stock of any such bank held by the Governor of the Farm Credit Administration on behalf of the United States at enactment of this paragraph, he may accept in payment for such stock, such amount not in excess of par as in his judgment and with the concurrence of the Secretary of the Treasury represents a fair value of such stock, or such retirement may be effected upon delivery to the Governor of an amount of United States Government bonds the market value of which on the date of transaction represents the fair value of the class A shares as determined by the Governor with the concurrence of the Secretary of the Treasury.

"After all class A stock held by the Governor of the Farm Credit Administration on behalf of the United States has been retired from all of the banks for cooperatives, and full private ownership has thus been achieved, short-term Federal investments in such class A stock to help one or several of the banks to meet emergency credit needs shall not be deemed to change this ownership status: *Provided, however,* That this sentence shall not alter the application of the Government Corporation Control Act, as amended (31 U.S.C. 841–870), and section 36(a) (3) of the Farm Credit Act of 1933, as amended (12 U.S.C. 11341(a) (3)) (relating to payment of a franchise tax to the United States if the bank has outstanding capital stock held by the United States)."

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1573), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

This bill would—

(1) permit retirement of Government capital in the Federal intermediate credit banks and banks for cooperatives at fair value, instead of par;

(2) permit emergency short-term Federal investments in such banks after they have achieved full private ownership without changing their private ownership status; and

(3) authorize the Governor of the Farm Credit Administration to require the credit banks to purchase stock in production credit associations so that such associations can retire their Government capital.

The principal objective of the bill is to expedite retirement of Government capital in the credit banks and banks for cooperatives, so that they will not be required to curtail lending operations to accomplish the reduction in budgeted Government expenditures required by section 202 of the Revenue and Expenditure Control Act of 1968. Funds used in lending operations by these banks are acquired from the investing public, and a reduction in their lending operations would deprive borrowers of needed funds without effecting a real reduction in the expenditure of Government funds.

CONTROL OF NOXIOUS WEEDS

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1558, S. 2671.

The **PRESIDENT** pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2671) to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government.

The **PRESIDENT** pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on

Agriculture and Forestry, with amendments on page 1, line 6, after the word "of" strike out "nonxious" and insert "noxious"; on page 2, line 1, after the word "agency" insert a colon and "*Provided,* That no entry shall occur when the head of such Federal department or agency, or his designee, shall have certified that entry is inconsistent with national security;"; and in line 13, after the word "by" insert "the"; so as to make the bill read:

S. 2671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heads of Federal departments or agencies are authorized and directed to permit the commissioner of agriculture or other proper agency head of any State in which there is in effect a program for the control of noxious plants to enter upon any lands under their control or jurisdiction and destroy noxious plants growing on such land if—

(1) such entry is in accordance with a program submitted to and approved by such department or agency: *Provided,* That no entry shall occur when the head of such Federal department or agency, or his designee, shall have certified that entry is inconsistent with national security;

(2) the means by which noxious plants are destroyed are acceptable to the head of such department or agency; and

(3) the same procedure required by the State program with respect to privately owned land has been followed.

Sec. 2. Any State incurring expenses pursuant to section 1 of this Act upon presentation of an itemized account of such expenses shall be reimbursed by the head of the department or agency having control or jurisdiction of the land with respect to which such expenses were incurred: *Provided,* That such reimbursement shall be only to the extent that funds appropriated specifically to carry out the purposes of this Act are available therefor during the fiscal year in which the expenses are incurred.

Sec. 3. There are hereby authorized to be appropriated to departments or agencies of the Federal Government such sums as the Congress may determine to be necessary to carry out the purposes of this Act.

Mr. CARLSON. Mr. President, I want to express my appreciation to the members of the Committee on Agriculture and Forestry for their efforts to expedite this bill to aid in the control of weeds on Federal lands. I want also to commend the Department of Agriculture for their cooperation in helping to put this bill together in a form which would be acceptable to the various Federal agencies affected while still accomplishing the purpose of the bill.

Weeds continue to be a serious problem in this country. Weeds impair the health and efficiency of many, many Americans, particularly those who suffer allergies. They provide protection for disease-carrying insects and serve as a reservoir for disease producing organisms.

Weeds are a threat to American agriculture. They reduce yields and lower the quality of crops and livestocks. They reduce the efficiency of production and harvesting equipment.

Weeds also spoil many of our conservation and recreational areas. They reduce the use of lakes, ponds, waterways, parks, and other areas. They make our water management programs more difficult. Weeds can be an unsightly detraction in locations which might otherwise be beautiful.

Efforts are being made at all levels of Government to do something about the control of weeds. The Federal Government has recognized the problem and has several programs underway to help in the control of weeds.

Unfortunately, however, it has not always been possible because of limitations of authority or funds to devote sufficient effort to provide for the effective control of noxious weeds on Federal lands.

At the same time, many of our States have developed adequate noxious weed control programs. In these States, there is concern about the lack of control on Federal lands for such land frequently serves as a source of reinfestation on private or State land.

It was with this in mind that I introduced S. 2671. I believe it is important that the Federal Government do all that it can to cooperate with the State and local governments and private interests which are fighting the war on weeds.

Cultural, mechanical, ecological, and other biological methods of weed control have been adopted in the struggle to control noxious plants.

More than 400 million acres of cultivated crops receive treatment each year. More than 1 billion acres of hay, pasture, and rangelands, and millions of acres of nonagricultural lands, aquatic sites, and rights-of-way are subject to weed control practices.

Yet, despite significant developments in chemical and nonchemical methods of weed control, the annual losses caused by weeds are intolerable. The U.S. Department of Agriculture estimates that weeds reduce agricultural production on all levels about 8 percent each year.

Farmers spend about $2½ billion each year to control weeds. Nevertheless, the losses caused by weeds and the cost of their control is estimated at $5 billion each year, a loss our country should not and cannot continue to bear.

Private interests have done much concerning weed control, however, their fight against this agricultural menace is only one-half of the picture. Federal agencies are responsible for the management of about 1 billion acres of public land; land closely associated with private land used for crop production, grazing and forestry.

Most of the public land is infested with one or more species of weeds; more than 10 million acres are infested by weeds classified as noxious. Many States have enacted noxious weed control laws, however, State programs are ineffective unless noxious weeds are controlled on public lands.

The losses caused by weeds on privately owned lands cannot be reduced unless weeds on federally managed public lands are controlled. Weeds on public lands and nonagricultural lands are a constant source of reinfestation of privately owned farmlands. Annual reinfestation increases the cost of control. The burden becomes endless for those who produce our Nation's food and fiber supply.

The loss to farmers is only a part of the total picture concerning the national weed menace. Many acres of public land are infested with poisonous plants. In many of our national parks, poison ivy, poison oak, and similar plants cause nearly 2 million cases of skin poisoning and other skin irritations, all of which adds up to an annual loss of 333,000 working days. In addition, these poisonous weed plants cause 3.7 million days of restricted activity and one-half million days spent in bed. We do not have statistics on the reduced efficiency, cost of medical care, and other information related to losses caused by ragweed and by other weed pollens to which hundreds of thousands of people are allergic. Weed pollens are a constant and expensive irritation to thousands of citizens who suffer from allergies.

I would like to stress that today's modern technology can provide us with the means of effectively winning the war against weeds. Recent advances in chemical and nonchemical weed control technology make it possible to control weeds effectively, safely, and economically on federally managed public lands.

We can win the war against noxious and other weeds that pose such a serious threat to health and agriculture. We must provide adequate authority and the resources needed to accomplish this important objective.

I would also like to insert in the Record two resolutions that expressly point out the importance of weed control; the resolution adopted by the National Association of State Departments of Agriculture and the resolution adopted by the Western Governors' Conference. Both resolutions demonstrate the growing national awareness over the need for action concerning noxious weed control. I ask unanimous consent that these resolutions be inserted with my remarks in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolution XXII—Weed Control on Federally Owned Lands

(Adopted by the National Association of State Departments of Agriculture in convention in Atlanta, Ga., October 1–5, 1967)

Whereas, the American farmer has been beset by continually increasing production costs in producing a bountiful food supply for the American public as well as a large part of the world; and

Whereas, the farmer through assessment in perennial type annually cut production of crops a considerable amount; and

Whereas, the farmer through assessment in weed districts and personal expense has expended almost prohibitive sums of money in attempting to control and eradicate perennial weeds; and

Whereas, especially in our mountainous areas of the western states much of the land on the upper reaches of our rivers is federally owned; and

Whereas, much of this type of federal land is not easily accessible and is difficult to treat for perennial weed control and eradication; and

Whereas, the seed from perennial weeds on the upper reaches of our rivers is carried downstream and reinfests areas upon which private and public funds have been expended and negates much of the progress made in weed control: Therefore be it

Resolved, That The National Association of State Departments of Agriculture in convention assembled in Atlanta, Georgia, October 1–5, 1967, through its Board of Directors, lends its support to legislation now before the Congress to appropriate necessary funds that will enable the treatment of federally-owned lands for weed eradication and control; and be it

Resolved further, That The National Association of State Departments of Agriculture requests the Agricultural Research Service of the U.S. Department of Agriculture to increase its activities in the field of research on chemicals and methods to control perennial weeds on the upper reaches of our rivers.

VII NOXIOUS WEED CONTROL

(Resolution adopted by 1967 annual meeting Western Governors' Conference, June 28, 1967, West Yellowstone, Mont.)

Whereas, Noxious weeds are a problem in all states of the United States and it is difficult for states individually to control noxious weeds without interstate cooperation; and

Whereas, A large part of the land in many states is controlled by the federal government and therefore federal cooperation is essential to effective weed control; and

Whereas, Noxious weeds do invade the states from other states and foreign countries; ~~and~~

~~Whereas,~~ The United States Department of Agriculture is limited in its authority of noxious weed control to the protection and improvement of future productivity of range lands;

Now, therefore, be it resolved, By the 1967 Annual Meeting of the Western Governors' Conference at West Yellowstone, Montana, that the Secretary of Agriculture be urged to obtain a noxious weed control law affecting federally-owned lands.

The **PRESIDENT** pro tempore. The question is on agreeing to the committee amendments.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1574), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

This bill would permit State officials to destroy noxious plants on Federal lands, subject to approval of the head of the Federal agency having jurisdiction over the land and under the procedures applicable to private lands. The State would be reimbursed to the extent of available Federal funds.

COMMITTEE AMENDMENTS

The committee amendments are technical in nature. They correct spelling and grammar and include an amendment suggested by the Department of the Army to make it abundantly clear that no entry of Federal lands inconsistent with national security shall be permitted.

INTERNATIONAL CENTER COMPLEX

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1559, H.R. 16175.

The **PRESIDENT** pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 16175) to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes.

The **PRESIDENT** pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1575), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 16175 is to authorize the Secretary of State to sell or lease approximately 34 acres of property located in the old National Bureau of Standards site to foreign governments and international organizations "upon such terms and conditions as he may prescribe." The property involved is bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street.

PROVISIONS OF BILL

Under the terms of the bill, the Secretary is authorized to transfer or convey to the Organization of American States, without monetary consideration, all right, title, and interest of not to exceed 8 acres of land located in the Bureau of Standards site. The OAS is expected to construct a headquarters building and related improvements on the property. In return for the 8 acres the OAS will convey to the U.S. Government, without monetary consideration, its present administration building located at 19th and Constitution Avenue NW. The bill also authorizes the conveyance to the OAS, without monetary consideration, title to the property on which the main building of the Pan American Union is situated at 17th and C Streets NW., together with all interests of the United States in the improvements thereon.

In addition, it is understood that about 16 acres of the Bureau of Standards property will be sold or leased to foreign governments for chancery sites and that the remaining 10 acres will be devoted to park areas. The proceeds from the sale or lease of the property to international organizations and foreign governments are to be deposited in a special account in the Treasury to pay for the costs of construction of streets, sidewalks, sewers, water mains, et cetera, and any amounts remaining after the completion of such projects are to be covered into the Treasury as miscellaneous receipts.

COMMITTEE ACTION AND RECOMMENDATION

H.R. 16175 was passed by the House of Representatives on September 16, 1968, and referred to the Committee on Foreign Relations on September 17. The following day the committee held a public hearing on the bill and received testimony from Mr. Leonard C. Meeker, the Legal Adviser of the Department of State. His statement is reproduced in the appendix to this report. Also included in the appendix is a statement submitted by Mr. John W. Ford, the alternate U.S. representative to the Council of the Organization of American States. No public witnesses asked to be heard and, as far as the committee is aware there is no opposition to H.R. 16175.

In the committee's view, the enactment of H.R. 16175 will help to alleviate the long-standing problem of finding adequate and suitable sites in the District of Columbia for foreign chanceries and international organizations. It is hoped, therefore, that the Senate will approve the bill at an early date.

SHALL WE APPEASE COMMUNIST CHINA?

Mr. **HOLLINGS**. Mr. President, within the coming weeks the U.N. General Assembly will again convene, and once again, there is bound to be impassioned debate over the question of U.N. membership for Communist China.

One would have thought that the horrifying stories that have come out of Communist China since Mao Tse-tung launched his cultural revolution 2 years ago would have been enough to dampen the ardor of those non-Communist governments who have in recent years sought to bring Red China into the world organization. But, surprisingly, the obvious disintegration of Communist rule and the gruesome revolutionary terror that now exists in Red China seem to have had precisely the opposite effect.

In recent months, the suggestion has been made by a number of people prominent in public life that we change our China policy. We are told that the policy of political isolation has failed; that Communst China is here to stay; and that if we sincerely desire to achieve peace in the Far East, we will first have to achieve some kind of understanding with Red China.

This position has been spelled out, with minor variations, in recent statements by a group of American scholars specializing in Asian affairs and by prominent Members of Congress.

The call has been made in all of these statements for a serious effort to build bridges to the Chinese people. Implicitly, and sometimes explicitly, the argument has been made that our present policy is rigid and futile and that, instead of opposing the admission of Red China to the U.N., we should actively sponsor her admission.

All the indications are that we are witnessing the beginning of another big drive to admit Red China to the United Nations and, ultimately, to grant her diplomatic recognition.

It is true that changing circumstances sometimes require changing policies. But the question that has to be decided before one can recommend a new policy is whether the current policy gives evidence of succeeding or of failing. And the evidence is overwhelming that our present China policy has been successful in terms of the objectives we set ourselves.

Our China policy has not failed. The policy of containment which we have pursued has, for almost two decades now, provided an umbrella of security for the countries on China's periphery. And this policy also deserves a very large share of the credit for the chaos and demoralization that now afflict the Chinese Communist regime.

It would be useful to examine the major arguments advanced in support of changing our China policy, because the chances are that we shall hear these same arguments repeated over and over again during the coming period—and because the time to squelch a fallacy is at the beginning and not after it has achieved widespread currency.

WISHFUL THINKING AND APPEASEMENT

It is the most human thing in the world to run away from difficult situations by indulging in wishful thinking. And the more difficult and threatening the circumstances, the greater the temptation to deny reality—the greater the temptation to delude one's self into believing that all the dangers threatening us can be dissipated by a few simple devices.

Because of its association with Hitler and World War II, the word "appeasement" has become one of the most despised words in the English language. It should, therefore, not be bandied about lightly.

Some of the arguments that are now advanced with regard to Red China bear a frightening similarity to the arguments that paved the way to the Munich agreement and to the ultimate disaster of World War II.

The similarities are many.

Then, as now, we were confronted with a ruthless, aggressive totalitarianism, contemptuous of human life and fanatically committed to the destruction of the free world.

Then, as now, the prospect of another world war was almost too horrible for civilized men to contemplate.

Then, as now, there was a terrible temptation to deny reality and to indulge in wishful thinking—to hope that the Nazis were not totally unlike ourselves; that they were not altogether impervious to reason and good will; that an accommodation with them was necessary and possible; and that war could be avoided by the simple devices of more contacts and more diplomacy.

This was not the thinking of Neville Chamberlain alone; it was the mood of an entire era to which history has given his name. The result was that, when Chamberlain came back from Munich and waved the piece of paper which, he said, promised "peace in our time," he was applauded by the overwhelming majority of his countrymen, Tory, Liberal, and Labor.

But then reality prevailed, as it always does in the end, and the wishful thinking and the wishful thinkers were swept aside by the march of events.

Two essential lessons emerged, or should have emerged, from this experience.

The first lesson is that the 20th century has spawned totalitarian regimes with which no permanent reconciliation is possible—as much as we may desire it and as hard as we may labor to achieve it—for the simple reason that they are implacably committed to the destruction of the free world.

The second lesson, which is related to the first, is that any effort to buy off or appease the totalitarian fanatics of our time is doomed to failure, and that it runs the almost certain risk of provoking the wider war which it seeks to avoid.

Those who today urge reconciliation with Communist China would be prepared to concede the truth of these statements about the Nazi regime and about the impossibility of achieving a genuine understanding with it. But they will argue that there are important differences between the Chinese Communists and the Nazis, and that it is therefore wrong to equate them.

Of course there are important differences between the Chinese Communist regime and the Nazi regime. But the essential attributes which they have in common far outweigh any differences that do exist.

Certainly no one will challenge the assertion that the Chinese Communist dictatorship is every iota as totalitarian as the Nazi dictatorship.

Nor could anyone who has knowledge of the situation challenge the assertion that the Maoist regime is as contemptuous of human rights and human life as the Nazi regime was at its worst. It is estimated by China scholars that upwards of 25,000,000 Chinese perished in the merciless purges that followed the Communist conquest of the mainland.

Nor can there be any doubt that Mao's cohorts—by their ideology, by their program, by their doctrinal pronouncements—are just as committed to the destruction of Western democracy and American power as were Hitler and his Nazi movement. One of this country's most distinguished China scholars, Prof. Richard L. Walker, director of the Institute of International Relations at the University of South Carolina, has said:

> It is doubtful whether ever in history a group of leaders has carried on as protracted and intense a campaign of international and domestic hatred as Mao Tse-tung and his colleagues have carried on against the United States.

One of the many examples he offered was this quotation from Chou En-lai in his report to the National Peoples Congress:

> U.S. imperialism has done all the evil things it possibly can. It is the most arrogant aggressor ever known to history, the most ferocious enemy of world peace and the main prop of the forces of reaction in the world. Peoples and nations all over the world that want to make revolutions and liberate themselves, all countries and peoples that want to win their independence and safeguard their sovereignty, and all countries that want to defend world peace, must direct the sharp edge of their struggle against U.S. imperialism.

To complete the roster of parallel attributes, the Maoist regime, like the Nazi regime, seeks to uproot and destroy religion. Like the Nazi regime, it seeks to wipe out completely the humanizing traditions and culture of the past. Like the Nazi regime, it carries the excesses to the point of lunacy. Like the Nazi regime, it glorifies the role of force through countless preachments like Mao's famous statement that "power grows out of the barrel of a gun."

Like the Nazi regime, it is openly and blindly committed to aggression. But whereas Nazi aggression was conceived in traditional military terms, the Chinese Communists practice both traditional military aggression, and the more indirect, more subtle, more dangerous form of aggression to which they have given the name "People's Wars of National Liberation."

The parallel between Hitler and Mao has been confirmed by more than one Western observer who had intimate experience with the ill-fated appeasement of Hitler. Thus, Andre Francois-Poncet, the French Ambassador to Berlin in the 1930's—a man whom William L. Shirer has described as "probably the best informed ambassador in Berlin," wrote recently:

> Mao Tse-tung needs a lesson. If he does not get it soon, tomorrow will be too late to administer it to him. If we had taken action against der Fuhrer, when he first stepped out of line, perhaps he would not have dared to go further. He (Mao) wants to be master of Asia and Africa, of the yellow and black races . . . Indochina is the one obstacle in his path. If he can break it down, there will be no stopping him. By blocking him, America is defending the cause of the free world, our cause, and we should give it our support.

Remarkably enough, this assessment of Red Chinese expansionism is shared completely by its Soviet neighbor. An article in the Moscow Literary Gazette, earlier this year, said:

> Mao proposes to include in his "Reich" apart from China itself, Korea, the Mongolian People's Republic, Vietnam, Cambodia, Laos, Indonesia, Malaysia, Burma and several other countries. . . . From the statements of Mao Tse-tung himself, the conclusion may be drawn . . . that a third world war will have to precede the realization of the "Mao Plan". . . . That is why Peking continues year after year doing everything to increase international tension and pour oil on fire wherever it breaks out in the world.

Against the background of these facts, one is constrained to conclude that the policy of reconciliation with respect to China smacks dangerously of appeasement.

IS RED CHINA REALLY PEACEFUL?

A leading Member of Congress in a recent speech challenged the assumption that the Chinese Government is an expanding and aggressive force. He said that "the present Chinese Government has not shown any great eagerness to use force to spread its ideology elsewhere in Asia." And while he conceded that Red China has given enthusiastic encouragement to wars of national liberation, he immediately discounted this concession with these words:

> However, China has not participated in these wars, and support, when it has been forthcoming, has been limited and circumspect.

This depiction of Red China as an essentially peaceful nation whose actions have been exaggerated and misunderstood is at complete odds with the facts.

Ask the Burmese Government who has inspired, sustained, and supplied the guerrilla insurrection in their country—and the answer will be plain and unequivocal. And while we are on the subject of Burma, it should be pointed out that there are no American bases or military advisers in the country, that until recently it had virtually no Western aid program of any kind, and that its economy has been almost completely socialized, apparently in the hope that this will somehow appease the gods of communism.

Ask the Government of Indonesia whether or not the Chinese Communists practice subversion and aggression—and everyone knows what the answer will be. And here, again, the government which the Communists sought to overthrow was not right wing or pro-American, but leftist-neutralist and anti-American.

Ask the Governments of Malaysia and Laos and Thailand and even Cambodia the same question—and, once again, there can be no doubt about their replies.

The assertion that Red China's policy toward her neighbors represents a simple extension of China's centuries-old concern for security on her frontiers, simply cannot be sustained by the facts. The pattern is too brutal and too overwhelming.

Nor can we solve our consciences or solve any of our problems by relegating all of the smaller nations on China's periphery to a Chinese Communist "sphere of influence," as Professor Hans Morgenthau has proposed. Secretary of State Rusk put the matter aptly in these terms:

> I can see no possibility of a stable peace through spheres of influence. Who is to determine which are to be the "master" nations—and which their vassals? And what happens when the "master" nations engage in struggles among themselves about spheres of influence? I cannot imagine a surer path to war—and much more devastating wars than the world has ever known. I would think that the United Nations Charter is right—that every nation, large or small, has a right to live in independence and peace, even though it is next door to a great power.

How many crimes are to be excused in the name of seeking security or in the name of "spheres of influence"?

And where does the process of seeking security end? If the whole of Southeast Asia were to fall under Chinese control, would this not create new frontiers which, applying the same logic, could only be protected by a further round of territorial expansion? And would it not be thus ad infinitum, each new acquisition of territory compelling a further acquisition of territory in the name of security?

Is there not some indication of a commitment to global imperialism in the aggregate of Red China's actions since Mao Tse-tung came to power—in Red China's intervention in Korea, in her genocidal annexation of Tibet, in her two attacks on India, in her attempted coup in Indonesia, in her support for the Vietcong movement in Vietnam, for the Pathet Lao movement in Laos, for the Thailand Independence Movement, for the Malayan National Liberation Army, for the Hukbalahap Movement in the Philippines, for the Communist insurgents in Burma?

RED CHINA AND AFRICA

Those who discount Red China's repeated acts of aggression against her neighbors and who deny that Red China has global imperialist ambitions would have a little more difficulty justifying Peking's subversive activities in Africa in terms of traditional Chinese policy. These activities have succeeded in installing pro-Peking regimes in the Island of Zanzibar on the East Coast of Africa and in the Brazzaville Congo on the West Coast; and they have been the subject of protests and denunciations and warnings by the governments of at least a dozen African countries. Such protests and denunciations have come from the Governments of Burundi, Niger, the Ivory Coast, Dahomey, Upper Volta, Malawi, the Central African Republic, Kenya, and Ghana. Several of these governments have charged Peking with organizing insurgent armies against them. Three of them—Burundi, Dahomey, and the Central African Republic—have broken off diplomatic relations with Peking to reinforce their protests against Peking's intervention in their internal affairs.

The Kenyan Government of Jomo Kenyatta has accused Peking of sending arms under disguise to pro-Communist elements in Kenya. And, when the government of Kwame Nkrumah was overthrown in Ghana, correspondents were taken to a training center for African guerrillas and saboteurs, which Peking has operated in collaboration with Nkrumah.

Even stretching a few points, it is clearly impossible to explain all this in terms of China's traditional policies and the quest for security. There is only one explanation that really makes sense—that the Chinese Communists are in deadly earnest when they talk about world revolution and about People's Wars of National Liberation.

Hitler spelled out his beliefs in the clearest terms in Mein Kampf. But the Western World was prone to dismiss his statements as the rantings of a madman. The price they paid for failing to take his writings seriously was World War II.

We run the risk of paying an even heavier price if we ignore the writings of Mao Tse-tung and Lin Piao, and if we discount their solemn doctrinal pronouncements as revolutionary rhetoric which bears no relationship to the realities of Chinese Communist policy.

RED CHINA AND VIETNAM

We are told that, in order to improve the situation in Vietnam, it is "desirable" to take "initiatives toward" the Chinese Communists and to "reshape the relationship" with them "along stable and constructive lines."

Even if one could realistically hope for an improved relationship with Communist China through new initiatives and through the patient pursuit of understanding, I think the Senators would be prepared to agree that this is something we could not look for overnight. Under the best of circumstances, it would take many years. The possibility of improved relations, even if it should exist, bears little application to the problem that confronts us today in Vietnam, or in the negotiations that are now taking place in Paris.

If there is one point on which Far Eastern experts, both doves and hawks agree, it is that Red China has been using all of its influence with Hanoi to keep the war going, and that, if Hanoi ever does agree to a reasonable settlement, it will be despite Peking's advice and against her pressure.

The commitment to "People's Wars of National Liberation," and the inevitability of their success, constitute cardinal articles of faith in the perverted totalitarian religion of Mao Tse-tung and Lin Piao. It is utterly unrealistic to hope that they will respond to an American show of friendship by calling off the war in Vietnam and abandoning their commitment to wars of national liberation. This would just about be tantamount to the Pope repudiating Christianity.

The fanatical doctrinal commitment to the destruction of America which characterizes all the speeches and statements of the Chinese Communist leaders is something that bears no relationship to traditional politics or normal human psychology. One can only comprehend it by entering into the realm of political abnormality—the realm inhabited by the ghosts of Adolf Hitler and Joseph Stalin and the other tyrannical madmen who have bloodied the pages of history.

How does one undo the fanaticism of a Lin Piao who said the following:

> Everything is divisible. And so is this colossus of U.S. imperialism. It can be split up and defeated. The peoples of Asia, Africa, Latin America, and other regions can destroy it piece by piece, some striking at its head and others at its feet. That is why the greatest fear of U.S. imperialism is that peoples' wars will be launched in different parts of the world, and particularly in Asia, Africa and Latin America . . . History has proved and will go on proving that peoples' war is the most effective weapon against U.S. imperialism and its lackeys . . . U.S. imperialism, like a mad bull dashing from place to place, will finally be burned to ashes in the blazing fires of the peoples' wars. . . .

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. LONG of Louisiana. Mr. President, I ask the Senator what he has just been quoting from.

Mr. HOLLINGS. That is a quotation from Lin Piao in one of his most recent speeches in Red China.

Mr. LONG of Louisiana. I thank the Senator. It is a very interesting quotation from Communist philosophy, might I say.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Louisiana, our very informed chairman of the Finance Committee, for his interest in this particular matter this morning.

It is not only a question of keeping Red China out of the United Nations, but it is also a matter of maintaining the security of the United States and of the free world.

What hope is there that Mao Tse-tung, given a more friendly approach by the United States, will intervene to promote a conciliatory settlement of the Vietnam conflict—against the background of a thousand statements like the following:

> The revolutionary upheaval in Asia, Africa, and Latin America is sure to deal the whole of the old world a decisive and crushing blow.
>
> The great victories of the Vietnamese people's war against United States aggression and for national salvation are convincing proof of this.
>
> The proletariat and working people of Europe, North America and Oceania are experiencing a new awakening.
>
> The United States and all other such vermin have already created their own grave diggers and the day of their burial is not far off.

RED CHINA AND THE RACE CRISIS IN THE UNITED STATES

Any assessment of Red China, and of the possibility of achieving a reconciliation with the present Chinese leaders, would be incomplete without an examination of China's role in exacerbating race relations in the United States and in fomenting race violence.

Now, the epidemic of riots which has plagued our country in recent years is not entirely the work of extremist agitators. Our Negro citizens have many legitimate grievances, and we have to do our utmost to redress these grievances. Unquestionably, these grievances play an important role in the incubation of riots. But there can be no question, either, that extremist agitators belonging to a variety of organizations have played a major role in exploiting and expanding racial tensions, and in fanning what might have been minor disturbances into city-consuming holocausts.

If anyone has any doubt on this score, he should read the report on "Guerrilla Warfare Advocates in the United States" recently put out by the House Committee on Un-American Activities.

In this agitation, Peking plays a role of major importance through the control it exercises over two important extremist organizations—the Revolutionary Action Movement, which calls itself RAM for short, and the Progressive Labor Party, which is the pro-Peking Communist party in this country.

The Revolutionary Action Movement is led by a Negro militant named Max Stanford. However, it takes its lead from another black extremist, Robert Williams, who, for a period of time, broadcast inflammatory diatribes to American Negroes over Castro's radio, and who now makes his headquarters in Peking. Mao Tse-tung has personally praised Williams' activity and has pledged the "resolute support" of Red China to him.

With money provided by his Peking masters, Williams prints and mails to his country, in some thousands of copies—no one knows just how many—a newspaper called the Crusader.

The Revolutionary Action Movement and Robert Williams make no efforts to conceal their intentions. Calling for urban violence on a massive scale, Robert Williams said the following in his newspaper:

> When massive violence comes, the USA will become a bedlam of confusion and chaos. The factory workers will be afraid to venture out on the streets to report to their jobs. The telephone workers and radio workers will be afraid to report. All transportation will grind to a complete standstill. Stores will be destroyed and looted. Property will be damaged and expensive buildings will be reduced to ashes. Essential pipe lines will be severed and blown up and all manner of sabotage will occur. Violence and terror will spread like a firestorm. A clash will occur inside the armed forces. At U.S. military bases around the world local revolutionaries will side with Afro G.I.'s. Because of the vast area covered by the holocaust, U.S. forces will be spread too thin for effective action. U.S. workers, who are caught on their jobs, will try to return home to protect their families. Trucks and trains will not move the necessary supplies to the big urban centers. The economy will fall into a state of chaos.

Max Stanford, Williams' chief disciple in this country, described what will happen when the day of liberation arrives in these lurid terms:

> Black men and women in the Armed Forces will defect and come over to join the black liberation forces. Whites who claim they want to help the revolution will be sent into the white communities to divide them * * * The revolution will "strike by night and spare none." Mass riots will occur in the day with the Afro-Americans blocking traffic, burning buildings, etc. Thousands of Afro-Americans will be in the street fighting; for they will know that this is it. The cry will be "It's On!" This will be the Afro-American's battle for human survival. Thousands of our people will be shot down, but thousands more will use sabotage in the cities—knocking out the electrical power first, then transportation, and guerrilla warfare in the countryside in the South. With the cities powerless, the oppressor will be helpless.

Unfortunately for the United States, the propaganda put out by Robert Williams and Max Stanford cannot be dismissed as meaningless rantings. The fact is that members of the Revolutionary Action Movement have been active in a number of major riot situations. For example, in Cleveland—the hometown of the present distinguished Presiding Officer—the grand jury which investigated the riots in that city found that, under RAM leadership, rifle clubs have been formed before the riots and instructions have been given on the making and use of Molotov cocktails.

In Harlem, just before the major riot which took place in July 1964, William Epton, a leader of the pro-Peking Progressive Labor Party, addressed a Harlem open-air rally in these terms:

> We will not be fully free until we smash this state completely and totally. Destroy and set up a new state of our own choosing and our own liking.
>
> And in that process of smashing this state, we're going to have to kill a lot of these cops, a lot of these judges, and we'll have to go up against their army. We'll organize our own militia and our own army. * * *

Peking does not have any mass movement in this country. At the most, the adherents of RAM and the Progressive Labor Party can be numbered in thousands—with some additional thousands of Peking sympathizers in other leftist movements like the Students for a Democratic Society and the Student Non-Violent Coordinating Committee. But, through these several thousand adherents over whom it exercises ideological control, Peking is able to play havoc with the security of our cities. After all, a hundred men, each of whom throws a dozen Molotov cocktails, are enough to set an entire city on fire.

The record is admittedly incomplete. But when all the secrets are out and the full history of our time is written, there will certainly be evidence of Peking's complicity in the continuing orgy of violence, looting, and arson that afflicts our cities.

It would be dangerous to ignore the fact that certain major riots have been incited by black extremists, some of them under Peking's influence, and that the adherents of the various extremist groups have fanned the flames in virtually every major riot situation. Nor can we ignore the fact that, to the extent that it has the power to influence and direct its adherents in this country, Peking uses this influence not to urge restraint, but to foment division and chaos and rioting.

When American cities burn, Peking Radio gloats.

RED CHINA'S CRISIS

There are some people who tell us that China has a functioning leadership, that it has achieved economic progress, and that the worst of the upheavals within China appear to have ended months ago without any irreparable break in the continuity of the Government or the operations of the economy.

In recent weeks Peking has announced the establishment of so-called revolutionary committees in the last of China's 27 provinces. But it is clear that many of these committees exercise only the most nominal control and that Red China's grotesque civil war, which, according to some observers, has already cost more than 5 million lives, is still continuing.

Reports in recent months from the professional China watchers in Hong Kong were agreed that the so-called "cultural revolution" has reduced the Communist Party itself, and the Communist administrative bureaucracy, to a state of chaos.

Most of Mao's original comrades, including President Liu Shao-chi, have been purged or denounced, in the idiom of Communist lunacy, as "high party persons in authority taking the capitalist road." The powerful Peking Party Committee was one of the first casualties in Mao's war against his former comrades. Thus far, the Maoists have been able to solidify their position in only a small minority of China's 60 major cities—but wherever they have come to power, it has only been after a full-fledged civil war between the party apparatus and Mao's so-called Revolutionary Committee.

The schools remained closed for more than 2 years despite repeated efforts to open them. What measure of success the Communist regime will have in its current effort to reopen the schools remains to be seen.

In calling out the students of China and organizing them into the Red Guard as an instrument of struggle against the Communist Party apparatus, Mao has truly sown the wind and reaped the whirlwind.

It was in the summer of 1966 that Mao ordered the schools closed so that the students could take part in the so-called cultural revolution. Perhaps Mao contemplated a quick victory over his opponents. But the Red Guard movement soon turned into a Frankenstein monster which even the Maoists could not control. The excesses of the Red Guards revolted all the members of the older generations, including the older generation of Communists. But beyond this, their excesses have done so much damage to the Chinese educational system that it will be years before it returns to normal.

Peter J. Kumpa, of the Baltimore Sun, one of the ablest of the American correspondents in Hong Kong, made this report last December on the damage done to the Chinese education system by the Red Guard movement:

> In the unexpected violence that followed, many schools were physically torn up. In dormitories, used by Red Guards as headquarters, desks, tables, and other combustible materials were chopped up and used for fuel last winter. Windows were shattered and some schools were even burned during factional fighting between students.
>
> More serious than plant damage was that done to the teacher corps. Encouraged by the Maoists to eliminate bourgeois ideology, Red Guard students turned on their once highly respected tutors in a violent struggle movement. Tens of thousands of teachers were persecuted, humiliated, denounced, sent out to forced labor camps. Some were killed. Many committed suicide.

Kumpa quoted a report which appeared in the Peking Daily on the results of the cultural revolution in one small provincial university, Lanchow University. According to the Peking report, there were 1,038 teachers and students at this university who were "struggled against." Of these, 61 were killed or ran away, six committed suicide, 14 made unsuccessful attempts at suicide, and 41 escaped their tormentors. The statistics which Peking Daily so proudly presented were for last winter alone. According to Kumpa, what happened at Lanchow University was a mild example of the cultural revolution.

No wonder, then, that there has been a wholesale departure from the teaching profession and that repeated efforts to entice the teachers back to their jobs have failed.

The chaos in the educational system is representative of the chaos that afflicts every aspect of Chinese society today.

An article by John Hughes in the Christian Science Monitor of July 22 reported that "the flame of revolt and disorder is licking across the great southern arc of Communist China." He said that Hong Kong observers now have overwhelming evidence of major bloodshed in Kwangtung, Kwangsi, and Unnan, the three provinces adjacent to North Vietnam. Noting that Kwangtung was supposed to be governed by a revolutionary committee, Mr. Hughes reported that, according to local radio and newspaper accounts, the pro-Mao factions in Kwangtung were protesting that their followers were being "slaughtered" by supporters of President Liu Shao-chi, in league with "die-hard capitalists, special agents, unreformed landlords, rich peasants and other bad elements."

Again quoting from Communist sources, Mr. Hughes reported that in a major battle which took place in the city of Wuchow in Kwangsi Province during April and May, more than 2,000 buildings were destroyed and 40,000 inhabitants rendered homeless. Before the fighting was over, hundreds of Mao supporters had been killed and some 3,000 arrested.

The degree of the chaos that afflicts Communist China is further dramatized by an article in a publication of the Transport Workers Union in Canton, South China's largest city. The publication charged that anti-Maoist elements had disrupted electricity, water supply, and public transportation. The Transport Workers publication said that these anti-Maoist elements—and here I want to quote:

> Beat up and kidnaped more than 110 of our drivers and conductors. More than 50 of our comrades sacrificed their precious lives or shed their precious blood in defense of the people's transport, and more than 33 drivers and conductors were kidnaped and their whereabouts are still unknown. The bandits seized our people's buses more than a hundred times . . . they seized 53 buses. They were never so mad before. The bus terminals were smashed and attacked more than 16 times.

An article by Stanley Karnow in the Washington Post of July 30 reported that the Chinese Communist leaders had still found it impossible to put an end to the factional disorders in South China which were seriously disrupting both Chinese and Soviet military aid to North Vietnam.

Mr. Karnow quoted from a top Communist directive, printed at the end of June in a Red Guard publication, calling on "competing Red Guards and labor groups in the Kwangsi border region adjoining Vietnam to surrender weapons and other supplies stolen from southbound freight trains and from Chinese troops based in the area."

The directive noted that "certain mass organizations" had looted arms and equipment bound for Vietnam, attacked trains and damaged railways, and "completely disrupted railway traffic in the Liuchow district."

In addition to asking all Chinese to surrender stolen weapons and equipment, the directive asked that all railway employees "should immediately return to their own work posts" in order to "lose no time in restoring communications and transport."

A measure of the desperation of the Chinese leaders was that they were obliged to promise that those who had been guilty of these crimes would no longer be held responsible for what they had done if they corrected their ways.

Rather than abating, therefore, all the indications are that China's internal struggle continues to grow in severity. Official newspapers now openly complain about "anarchism." In recent months, there have been an increasing number of reports of group executions of anti-Maoist elements, conducted in public before mobs of thousands of persons whom the Maoists had assembled to witness the spectacle.

Mao Tse-tung and Chou En-lai have sought to limit the destruction and turmoil by calling for unity, and even reinstating some of the purged governmental and party functionaries, military commanders, teachers, managers and technicians of industrial establishments, and leaders of farm production teams. But the cleavages remain as deep as before.

To the extent that there is any administration worthy of the name, it is kept going by a loose coalition of a small group of party chiefs led by Chou En-lai and senior officers loyal to Lin Piao who have not been too seriously discredited by the Red Guards.

The Peking regime and the Party Central Headquarters wield little effective power outside the capital. Local controls depend on the garrison commanders, while in the communes the leaders of the farm production teams have become markedly more important.

To cope with the situation, the armed forces, under Lin Piao, have been obliged to take over much of the administration and the government of the country. Not only do the armed forces manage factories and railroads and run municipal governments, but they have frequently had to discipline units of Mao's Red Guards who have run amok, and step in as arbiters between the contending Communist factions.

The most recent report indicates that the Communist civil war is entering a new stage. In the first stage the high school and university students were organized into the Red Guard organization and used as a weapon by Mao against President Liu Shao-chi and the Communist party apparatus. The second stage was characterized by desperate efforts to bring the rampaging Red Guard under control, including not infrequent intervention by the Red Chinese Army. In the new stage, the Communist propaganda apparatus, apparently with Mao's assent, has come out openly against the Red Guards and have called upon the working class to exercise leadership. According to a dispatch by Stanley Karnow in the Washington Post of September 3:

> Organized groups of soldiers, workers and peasants are moving into schools and universities, newspaper offices, factories, mines and other enterprises in order to quell unruly young activists originally mobilized by Mao as the spearhead of his drive to purify China.

Karnow quoted a Shanghai editorial which referred to the Red Guard factions as "nests of hornets that must be eradicated." The editorial said that speakers sending out worker teams in Shensi Province told them:

> We will never allow young students and intellectuals * * * to wave their hands and feet and manipulate or interfere with the proletariat.

All the indications are that no reshuffle of authority will put an end to the contradictions that are tearing Red China apart and that, even under the new directives which place workers and peasants over students and intellectuals, mainland China is in for continuing turmoil and unrest. For what is involved here goes far beyond what is commonly supposed to be a struggle between contending Communist factions. Such a struggle does indeed exist. But the scope and intensity of the conflict, as well as the specific forms which it is taking, stem from the fact that the masses of the Chinese people are taking advantage of this factional struggle to vent their hatred of the Communist regime. There is no other way of explaining the theft of weapons and equipment from the Red army and of military equipment moving by rail toward Hanoi, or the sabotage of railroads, or the strikes of railroad workers, or the sabotage of the municipal transport systems in Canton and other cities.

While those who advocate accommodation appear certain that the Chinese Communist regime is here to stay, some of the most knowledgeable experts who watch developments in China on a day-to-day basis would take sharp issue with this assessment. For example, L. La Dany, the editor of China News Analysis, who has an international reputation as the No. 1 China watcher in Hong Kong, has expressed the firm opinion that Mao's dynasty cannot survive, and that it is impossible to know who will emerge when it falls. He pointed out that once before in Chinese history, some 2,000 years ago, a tyrannical regime launched a campaign very similar to Mao's campaign against "old culture, old thoughts, old customs, old habits," burying scholars and burning books in the process. This regime was finally overthrown by the people.

What, then, should our policy be toward Red China?

If the proof of the pudding is in the eating, then the policy we have pursued toward Red China in recent years has been eminently successful. The Chinese Communist tyranny is crumbling in disrepute and chaos. From the separate standpoints of China's people, China's neighbors, and the peace of the Far East, this is all to the good.

I am opposed to the proposal that we alter our China policy and seek an accommodation because its only effect would be to reverse the process.

The measures recommended, or clearly hinted at, by various spokesmen include the normalization of relations, increased trade, diplomatic recognition, and admission to the United Nations. All of these measures would serve to enhance the prestige of the Maoist regime in the world community, and, by this token, would help it to reconsolidate its position at home.

By helping the Maoist regime to overcome its internal difficulties, they would augment its capacity for aggression and subversion.

They would increase the danger to the peace throughout the Far East and in doing so they would have the gravest consequences for our own security.

The United Nations is already more than half paralyzed by the frequent vetoes and persistent obstructionism of the Soviet Union. But if Maoist China were ever admitted to membership in the United Nations, it would so poison the atmosphere and stultify the proceedings that the limited ability which the U.N. still retains to deal with world problems would be completely destroyed, while even those who are today stanch supporters of the organization would turn against it in disgust.

For all of these reasons, I believe it would be a fatal mistake to admit Red China to the U.N. or to commit ourselves to a policy of accommodation at this juncture.

I am just as strongly opposed to the proposal that we neutralize Taiwan and encourage its reunification with Communist China.

The existence of the Chinese Nationalist Government on Taiwan not merely helps to keep alive the resistance on the mainland. It also serves to keep alive the Chinese culture and Chinese traditions and the Chinese Confucian morality which Mao Tse-tung is trying so desperately to destroy.

The mere existence of its army of 650,000 soldiers—one of the largest and best trained forces in all of Asia—constitutes a powerful deterrent to Communist aggression. Its destruction or neutralization, conversely would seriously unhinge the balance of military power in the Asian continent and, in doing so, would serve to encourage Red Chinese aggression.

The existence of the Chinese Nationalist Government on Taiwan contributes in another way to the security of those Far Eastern countries that harbor substantial Chinese communities. Without the Nationalist Government on Taiwan, Peking would be in an infinitely stronger position to bid for the loyalty of the so-called "overseas Chinese" and to use them for purposes of subversion. But as long as the Nationalist Government exists, the overseas Chinese have the option of combining their natural sentimental loyalty to China with loyalty to the cause of freedom. Not all of them will take advantage of this option. But the record certainly suggests that the great majority of overseas Chinese, given the choice, will opt for freedom.

For the United States to use its great influence and power to shore up the Maoist regime in China, when all the evidence indicates that it is crumbling, would be a disservice to the Chinese people, to the security of China's neighbors, and to the cause of peace in the Far East.

Those who urge the appeasement of Red China, who call for building bridges to it and for its admission to the U.N., have, unfortunately, received a degree of attention that is out of all proportion to their actual numbers or influence.

I am convinced that they do not reflect the views of the American people. Nor do they reflect the views of Congress. This has been apparent from the impressive congressional support accorded year after year to the Committee of One Million Against the Admission of Red China to the U.N.

The Committee of One Million, I should explain, has from the beginning been a broadly based bipartisan movement, more or less evenly divided between Democrats and Republicans liberals and conservatives. And I am personally proud to be associated with it as a member of its congressional steering committee.

Let us do everything in our power to hasten the demise of the Maoist regime, rather than shoring it up.

If we adhere to the policy of firmness and resist the counsel of appeasement, we can be confident that the day will come when a free Chinese people, liberated from the cruelest tyranny in history, will take their rightful place in the community of nations.

AMENDMENT OF THE MERCHANT MARINE ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1413, H.R. 17524.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 17524) to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LAUSCHE. Mr. President, I send to the desk an amendment sponsored by myself and the Senator from Delaware [Mr. WILLIAMS] and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> Strike the date "June 30, 1970", on line 6, and insert "June 30, 1969".

Mr. LAUSCHE. Mr. President, as indicated, the amendment which I have just sent to the desk, under the sponsorship of myself and the Senator from Delaware, contemplates the extension of the shipbuilding subsidy program until June 30, 1969, instead of June 30, 1970, as provided in the bill as it came to the Senate from the Committee on Commerce.

For the last decade we have been extending, about every 2 years, the subsidy program for the building of private passenger- and cargo-carrying ships, under the guise that eventually a program of reform would be worked out. No program of reform has been worked out.

I have personally been of the opinion that the subsidy program for the carriers of passengers and cargoes on the high seas has been a black spot in the handling of the money of the taxpayers of our Nation. This program has been in existence for about 32 years. When it was originally adopted, it was said that the United States needed a merchant marine, and that to build a merchant marine would require subsidies from the taxpayers to the private owners of passenger and cargo ships.

In 1936, when the program was originally adopted, the cost of building a ship in the United States was about 35 percent more than it would have cost to build a similar ship in one of the foreign shipbuilding nations.

Those who advocated this program also argued that the cost of operating the ships of America, owned by private owners, hiring American labor, was far greater than the cost incurred by the foreign carriers in hiring foreign labor.

Thus, in 1936, two programs were adopted; the first, to subsidize shipbuilding; the second, to subsidize ship operations.

With respect to the shipbuilding subsidy, it was said that in the course of time the cost of labor in the foreign countries would go up far faster than the cost of labor in the United States, and therefore the gap in the cost of building ships would eventually be removed.

The act of 1936 said to the taxpayers of the United States, "In order to have a merchant marine, we must subsidize the private carriers, but in no event at a cost more than 50 percent of the cost of building the ship."

Well, the cost of building a ship in the United States in 1936 was 35 percent more than if the ship were built in the Netherlands, Japan, England, Yugoslavia, or any other country that had a shipbuilding capacity.

So we placed a limit of 50 percent of the amount that we would subsidize. If the ship cost $1 million, the U.S. taxpayer would not subsidize by more than $500,000. In this illustration, if the ship were built in 1937, the taxpayers put up $350,000 and the private owner put up $650,000.

It is interesting to examine what has happened to the argument that in the course of time the gap would be eliminated. It is now 32 years later, and the subsidy now is 55 percent as compared with 35 percent in 1936.

To make things worse, the merchant marine of the United States is now in a deteriorating position compared with its condition in 1936.

The subsidy has acted as an opiate. It has been a drug on the industry. It has caused management and labor leaders to abandon any effort to solve the problem, knowing that, regardless of what they did, the taxpayers' money would flow into the coffers of the private operators.

The amount of the operating subsidy paid by the taxpayers is the difference between the cost of operating a ship of, let us say, Japan with Japanese labor and the cost of operating a ship of the United States with U.S. labor.

Mr. President, what do you think the difference is? About 20 cents to a dollar. And it is growing worse instead of better.

It is my understanding that for every passenger ticket sold to take a trip across either the Atlantic or the Pacific, the Government, or the taxpayer, pays $275 of the cost of the ticket. That might be good if our merchant marine were getting better, but it is getting worse.

What are the subsidies that we have provided for this industry? First, the construction subsidy that has gone on for 32 years. Second, the operational subsidy. Third, the reconstruction subsidy which is supplied in order to reconstruct a ship. Fourth, the tax benefits which are granted to these operators by permitting them to set aside reserves. Fifth, the subsidy derived from compelling shippers of food of the United States—and that is the farmer—to use American ships instead of hiring foreign ships.

What the amount involved in that instance is, I do not know.

The last two Administrators of the merchant marine have publicly stated that this program is wrong; that it ought to be reformed.

Mr. Alan Boyd, Secretary of the U.S. Department of Transportation, has said that the program is wrong and ought to be reformed. The President said that he would submit a program of reformation, but that program has not come through.

I have suggested that the period of extending this program, instead of being for 2 years, be made 1 year. I think that is sound because there will be a new administration, I believe under Mr. Humphrey or Mr. Nixon or possibly the third candidate, and the new administration ought to take a look at this item. I think it needs reform. It is wrong, and ought not to be permitted to continue beyond June 30, 1969.

To set forth my reasons for limiting the extension to 1 year instead of 2 years, I will read that part of the Congressional Record of June 11, 1968, in which I set forth fully the pertinent aspects of this program warranting the reduction of the 2-year period to 1 year.

The Senator from Delaware [Mr. Williams] participated with me in the dialog, and therefore his remarks will also be read:

> Mr. Lausche. . . . I speak on this subject today, Mr. President, because, in my opinion, the deterioration of the maritime fleet of the United States has been of such a grave nature as to indicate that Government subsidies operate as an opiate rather than as a tonic in the development of any segment of the economy. The number of ships in the merchant marine has gradually gone down in number. In 1936, when the subsidy bill was passed, it was argued that we need a strong, privately operated merchant marine; that the only way to achieve that objective was for the Government to provide money in the building of ships and in the operation of them.
>
> Mr. President, since 1936 the U.S. Government has provided for the carriers in the merchant marine, as an operating subsidy, the sum of $2,316 billion. Secondly, it has provided for the private operators of the merchant marine sailing on the high seas $920 million. It has also provided for them, as a reconstruction subsidy—different from the building of new ships—in the sum of $52 million. The total amount of money given by the taxpayers to the operators of our ships on the high seas has been $3.3 billion.
>
> When the subsidy program was adopted, it was argued that, with our high wages in the United States, we could not compete in the shipbuilding industry with foreign shipbuilders, nor with the carriers of foreign countries, because in each of those instances the cost of operation of a foreign government was far less than the cost of operation in the U.S. market. It was argued, however, Mr. President, that in the course of time, wages in Japan, Germany, Britain, and other shipbuilding nations would go up, and that the gap between the high cost in the United States and the low cost in foreign countries would disappear. That argument was made 32 years ago.
>
> In 1936, the subsidy for shipbuilding was limited to 50 percent. In no event was the taxpayer to be asked to put up more than 50 percent of the cost of the building of a ship. If the ship cost $3 million, the maximum that the taxpayer would put up would be $1.5 million. But, in 1936, the differential was 35 percent. So that on a $3 million ship, the Government of the United States would put up $1,050,000.
>
> I now get back to the argument then made that, in the course of time, the gap will be eliminated. What are the facts? The differential now is 55 percent. Instead of the gap being reduced, it has been widened by 20 percent. We had to rewrite the law a few years ago and, over the objections of the Senator from Delaware [Mr. Williams], myself, and other Senators, the 55-percent limitation was adopted.
>
> Now, getting to the operation of the subsidy, the taxpayers of the United States pay the difference to a carrier on the high seas between the cost of operating his ship with high-priced U.S. labor and the supposedly low-priced foreign labor. I have just stated that the cost of subsidizing the operating differential since 1936 has been $2.316 billion. Our ships sail on the Pacific and on the Atlantic. They are liners of magnificent structure. They provide all of the conveniences and luxuries that one can find on the land, and even more.
>
> But, Mr. President, to the operators of passenger ships alone our Government pays, each year, $50 million. I repeat that figure: $50 million in 1 year we pay to the operators of the passenger ships on the Pacific and the Atlantic.
>
> How much does the Senator from Delaware think the taxpayers pay to the operators of the passenger ships for carrying each passenger who is taken across the Atlantic or the Pacific? As I say, at present $50 million of taxpayers' money goes annually for the support of 13 passenger liners. This is equivalent to the taxpayers putting up $275 for each passenger ticket sold.
>
> What good does that do for the United States? Certainly it brings a bit of prestige. But it is an expensive cost to carry: $50 million paid to 13 passenger ships, or a rate of $275 per passenger.
>
> Mr. President, I have already identified three classes of subsidies: First, the construction subsidy, second, the operation subsidy, and third, the reconstruction subsidy. I go now to a fourth.
>
> Congress—in my opinion unwisely—wrote into the law the requirement that 50 percent of Public Law 480 shipments must be carried in American bottoms, or in American ships. That 50-percent requirement is an indirect subsidy, and costs the taxpayers about $100 million a year.
>
> In addition—and this is sound, in my opinion—all military equipment, all equipment needed in war or in the operations of the Department of Defense, must be carried in American bottoms.
>
> So we have subsidies for construction, subsidies for operation, subsidies for reconstruction, and subsidies by way of commands that only American bottoms can carry goods under certain circumstances. The total cost of these subsidies since 1936, I repeat, has been $3.3 billion.
>
> Mr. Williams of Delaware. Mr. President, will the Senator yield?
>
> Mr. Lausche. I yield.
>
> Mr. Williams of Delaware. The Senator from Ohio is performing a useful service in calling attention to the amount of these subsidies, but there is an additional subsidy which should not be overlooked. When we entered World War II and again when we entered the Korean war the Government took over many of these ships, and they were priced and paid for at wartime prices. Then at the end of the war the ships were declared surplus and sold oftimes to their former owners at an insignificant fraction of their original cost and an insignificant fraction of the amount which had been paid for them by the Government. Some of them, as I have mentioned on previous occasions, were sold for as litle as 10 cents on the dollar. For example, a ship just off the ways in the Bethlehem yard in Baltimore which cost around $6.5 million was sold for approximately $400,000 net.
>
> This, too, is a part of the subsidy program. I agree fully with the Senator from Ohio that this is one subsidy program which has gotten out of hand, and instead of working in the direction of reducing the cost to the taxpayers on an annual basis it has been the opposite in that each year the requests for subsidies grow larger and larger.
>
> The Senator from Ohio is rendering a useful service today to Congress and to the taxpayers in pointing out the extent to which we have become involved.
>
> Mr. Lausche. Mr. President, I am glad that the Senator mentioned the sale of the ships after World War II. They were sold for 10 cents on the dollar of cost, and they are now in operation, many of them.
>
> Mr. Williams of Delaware. That is correct.
>
> Mr. Lausche. Among my papers—though I cannot lay my hands upon them at the moment—are figures which show that subsidizing the operation of those ships cost the Government $600,000 a year.
>
> Mr. Williams of Delaware. The Senator is

correct. If he will yield further, there is one additional advantage in operations afforded the merchant marine in that they are permitted to set aside each year, before taxes, a portion of their earnings to be used toward the procurement of ships, to pay a part of the 45 percent which they must advance. That is really before-tax money.

As the result of the elimination of the tax, the Government, in effect, is paying, under existing 48 percent rates, nearly half of the industry's part of the cost of the ship. This is in addition to the 55 percent direct subsidy on construction.

So this subsidy seems to be multiplying from every angle, and I think the time is long overdue when the merchant marine, which boasts of being a part of our free enterprise system should recognize that with this free enterprise system goes a responsibility not to lean on the Federal Government and the American taxpayers for all of their operational capital and profits, but that they should assume some risks themselves.

Mr. LAUSCHE. I am grateful to the Senator from Delaware, and I think it would be worthwhile to repeat now, for the purpose of the RECORD, the list of subsidies which the operators are receiving.

First, the construction subsidy.

Second, the operational subsidy.

Third, the reconstruction subsidy.

Fourth, the tax benefits which are granted to these operators by permitting them to set aside reserves.

Fifth, the subsidy derived from compelling shippers of food under the Public Law 480 program to use American ships to carry 50 percent of their shipments across the sea.

Mr. President, the query is this: What has become of the merchant marine of the United States, in the face of the fact that the taxpayers have given it, with all of these items involved, in the last 32 years, some $4 billion?

Has it been strengthened? Has it been weakened? What has been the effect of a Socialist operation through which the government has subsidized the merchant marine on a basis different from the treatment that it accords to the railroads and the airlines? It is, of course, important to know that we have burdened the taxpayers in the amount which I have described. But of greater import to me is the absolute demonstration that governmental subsidies in the merchant marine have acted as an opiate. The subsidies nave deadened the activity of the economic body of the merchant marine. The operators and labor leaders have forgotten the need to exercise their skill so as to place them in a competitive position with the merchant marines of other countries of the world.

What is the situation in the aircraft industry? American Airlines, Pan American Airways, Braniff, Trans World, United Air Lines, and others can buy airplanes in Europe if they can get them cheaper there.

What is the situation with respect to railroads if they need locomotives or cars? They can go anywhere in the world and buy them.

But the merchant marine has to buy its ships in the United States.

The aircraft industry has thrived. The railroads have not had great success, but they have not fallen into the stagnant state which confronts the merchant marine of our country.

Only one deduction can be made: When the paternalistic hand of government begins to give handouts, individual energy and dynamics are destroyed. The more the destruction, the greater the handouts that are demanded. It is just like the human body taking a drug. The more the drug is taken, the more it is wanted; and ultimately there comes complete collapse.

The amendment that will come before the Senate, offered by the Senator from Delaware [Mr. WILLIAMS] and myself, is simple. The President and the Department of Transportation, headed by Secretary Boyd, are conscious of the need for the reform of this indefensible program which is draining the taxpayers' money and is bringing about the destruction of a merchant marine that is so vitally needed in the United States.

Mr. President, appearing before the Committee on Commerce was Mr. Alan S. Boyd, Secretary of Transportation. He spoke for the President. I ask unanimous consent that the text of Mr. Boyd's statement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUSCHE. Mr. President, Mr. Boyd said, among other things:

"We believe that America's maritime industries can reestablish their position of importance in the commercial life of this Nation if they are (1) revitalized through the application of advanced industrial technology and sound business practices; (2) incorporated into an integrated transportation system."

Let us take the first statement: "Revitalized through the application of advanced industrial technology." Technology has been disregarded by the industry. It has been disregarded because both the operators and the labor leaders knew that regardless of the greatness of the cost of building or operating, the taxpayers would contribute the cost in part.

The second point: The industry can be revitalized if it is incorporated into an integrated transportation system. That brings me to another thought. As I recall, it was last year or the year before last that Congress passed the bill to establish the Department of Transportation. That bill was designed to put under one head—the Secretary of Transportation—the railroads, the truckers, the inland water carriers, the high seas carriers, the pipelines, and the airlines. The bill was submitted to the Senate for the purpose of having one set of eyes to watch what the Government was doing toward helping or hindering, separately, any of the five parts of the transportation system. Everyone hailed the recommendation as sound. It was recognized that we could not help the airlines inordinately without hurting the railroads; that we could not help the railroads inordinately without hurting the carriers on the high seas and on the inland waterways.

So we proceeded to vote on the bill for an integrated transportation system. Four of the systems were allowed to remain in the bill. The operators of the merchant marine and those associated with them had the power to influence Congress to omit the merchant marine from the integrated transportation system. So Mr. Boyd states that it is needed to put this segment of the transportation system of the United States within that one department.

What did the administration propose? It proposed five major steps:

"1. Expand the scope and improve the system of ship operating subsidies, and establish the amount of subsidies according to the size of the fleet necessary for national security."

I invite the attention of the Senator from Delaware to that statement. In other words, the subsidies shall be commensurate with the moneys needed to protect the national security through the transportation facilities of our country. The issue of national security is one of the principal underlying reasons for the granting of subsidies to the merchant marine.

"2. Reform the construction subsidy system and relate this subsidy to the Nation's need for an adequate shipyard capacity for national security."

In other words, with reference to the construction and operation, the administration properly recommends that the subsidy shall be one in an amount needed to serve the national security fully.

The amount should not include the purpose of subsidizing the commercial aspect of this industry outside of what is needed for the national security.

"3. Remove restraints on the freedom of shipowners to purchase ships in the world market—treating shipowners like other American purchasers of transportation equipment and subject to the same restrictions on foreign investments and expenditures."

We compel the industry to have their ships built in the United States. That has produced a situation in which at present if a ship, built in the United States costs $8 million, in a foreign country it would cost $3.450 million. For every one ship bought with American dollars in the United States, you could buy $2\frac{1}{20}$ ships in a foreign country. But we prohibit the operators from buying in foreign countries. We prohibited them because we wanted to build up a strong merchant marine industry. The result, however, has not been a buildup but a destruction of it.

"4. Expand maritime transportation research."

To this proposal of the President and the administration there has been objection on the ground that no good can come from it. Well, that has not been true in the railroad industry, and it has not been true in the airline industry.

"5. Transfer the Maritime Administration to the Department of Transportation."

I have already dealt with that subject, and it needs no further elaboration.

Mr. President, someone might argue that it is folly to build in foreign countries, to buy in foreign countries, instead of buying in the United States. The answer to that argument is that Russia buys the major part of her fleet in foreign countries. It buys in foreign countries because it believes that it can build up its merchant marine by purchases in foreign lands better than it can by purchasing in its own country.

With regard to the assertion that if we buy in foreign countries, American dollars will go out and the balance of payments will become more acute, we can guard against that. A provision can be written into the law that whenever an American carrier buys in a foreign country, the moneys needed to make the purchase must be financed in the foreign country where the ship is purchased. That would eliminate the argument with regard to the balance of payments.

Now, Mr. President, what is the status of our military requirements? Mr. Boyd says:

"The merchant marine—like any other program requiring Government support—should be subsidized only to the extent necessary to meet a compelling national need. That need can be clearly identified."

And the need is related to the national security.

"Subsidy reform: The subsidy system itself is in clear need of reform. Instead of encouraging innovation and productivity, the subsidy system focuses attention on the subsidy dollar as a source of income.

"A new system must be found that will induce the industry to take full advantage of advancing technology, management ingenuity, and the resources of the skilled labor force."

There is another aspect of this problem that has not been discussed at any length. The carrier, in order to get his construction subsidy and his operational subsidy, and the Government, must keep hired a large staff of workers so as to be able, with truthfulness, to set forth the actual cost of the ship and the actual cost of operation.

"It requires a network of government auditors in the steamship company's offices as well as an overseas staff of government employees to provide estimates of foreign operating costs.

"It imposes cumbersome administrative procedures upon the operator, who is forced to make a detailed justification for each of his subsidy related costs.

"It requires strict adherence to trade routes and restricts the operator from taking advantage of shifting market conditions.

"To correct these deficiencies—and at the same time to assure operators a reasonable rate of return on their investments—the present system must be restructured to promote business judgment and operational flexibility. . . .

"The administration recommends legislation to authorize the Secretary of Transportation to enter into contracts with qualified applicants to test more productive and competitive subsidy systems."

One further word on the passenger ships of the United States. Operators of passenger ships, according to Mr. Boyd, should be encouraged to terminate their subsidy contracts voluntarily so that the funds can be allocated to more productive purposes. Once important as emergency troop transports, the defense value of these passenger vessels is now minimal. Their subsidization can no longer be justified on this basis.

Mr. President, with the development of the 400-passenger airplane and the prospective 600-passenger airplane the passenger ships will no longer be used to any important degree in the carrying of troops on our high seas to places of involvement.

Now, I shall read a bit of Mr. Boyd's statement with regard to purchasing ships from foreign manufacturers.

"In the Nation's infancy, American shipowners were required by law to buy only American built ships. This was necessary then for the development of a shipbuilding industry. Today, America's ship construction industry is the largest in the world by nearly any measure."

Why is it so large? The Government buys $2 billion worth of military equipment each year from these shipbuilders in our country.

I shall read further from Mr. Boyd's statement:

"(The maritime industry) can draw upon the country's great technological resources. Its size and health are ensured by a naval construction and repair program which infuses more than $2 billion of government funds into the industry every year. Yet, our merchant shipowners are under almost the same constraints as those of two centuries ago."

Two centuries ago the Government was buying practically very little from American shipyards; purchases were mainly commercial:

"Since merchant ship work under government subsidy amounts to less than 10 percent of the shipbuilding industry's business, this restriction cannot be justified as essential to the industry's health."

Mr. President, 90 percent of the income of the shipbuilding industry comes from the Department of Defense, mainly through the Navy; only 10 percent of the income comes from the subsidized operations. I make that point to demonstrate that if the subsidies are stopped, nothing serious will befall the shipbuilding industry.

However, there is trouble in the industry because the cost in the United States is causing our number of ships to dwindle. The lethargy and the dumbness produced by the taking of the opiate provided by the Government in the form of a subsidy has deadened the virility and the energy of this industry.

For every ship taken off the seas because of the inactivity of the industry, people are thrown out of jobs and thrown out of them in great numbers. The best way to find jobs for this industry is to put it on its own, quit giving it taxpayers money and causing it to become indifferent about the adoption of technology and indifferent about the adoption of sound business practices.

Put them on the same basis as the railroads, airplanes, and other transportation systems of our country.

What is another problem produced by the subsidies of the Government? In no industry of the United States have there been as many strikes. We have not had any strikes for the last 2 years, but I would not be surprised that they are going to pop up again, strikes paralyzing the entire eastern coast, the entire western coast, and the gulf area and affecting industry throughout the country in a substantial degree. The query can well be made: Why the great number of strikes in the merchant marine? The strikes, in my opinion, are a product of the knowledge that the taxpayer will carry the increased cost of the burden.

Mr. President, I have before me a list containing the strikes in the merchant marine, beginning in 1945 and going down to 1964. I ask unanimous consent to have printed in the RECORD the list of strikes in the merchant marine covering that period.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

"SUMMARY OF STRIKES AND WORK STOPPAGES, MARITIME INDUSTRY, FROM 1945 TO 1964

"Year and industry category	Unions involved	Commenced	Number of—		Area
			Days	Workers	
1945—Shipyard	IUMSWA	Sept. 24	4	17,000	Camden, N.J.
Longshore	ILA	Oct. 1	19	30,000	Port of New York.
Seamen	CIO unions	Dec. 3	1	13,000	Atlantic, gulf and Pacific coasts.
1946—Longshore	ILWU	Jan. 2	15	1,100	Port Hueneme, Calif.
Do	ILA	Feb. 4	9	30,000	Port of New York.
Harbor	UMW	Apr. 5	6	18,000	Harbor craft, Philadelphia, Pa.
Longshore	ILWU	June 15	1	1,000	Port of Los Angeles.
Seamen	NMU/SIU	July 10	4	11,500	Atlantic coast ports.
Longshore	ILWU	July 12	1	4,050	Port of Los Angeles.
Do	ILWU	July 15	1	2,500	Port of Seattle, Wash.
Do	ILWU	July 31	3	12,000	Ports of San Francisco, Los Angeles.
Seamen	AFL/CIO	Sept. 5	17	[1] 132,000	Atlantic, gulf and Pacific coasts.
Do	MMP/MEBA	Oct. 1	54	[1] 142,000	Pacific coast ports (approx. 8,000).
Do	MMP (A&G)	do	26		Atlantic and gulf ports.
Do	MEBA (A&G)	do	22		Do.
Longshore	ILWU	do	54	13,000	California ports.
Do	ILWU	Nov. 23	16	2,150	Puget Sound ports.
1947—Seamen	NMU/ARA	June 15	5		All ports (stoppage incomplete).
Longshore	ILWU	do	5	12,000	California ports.
Shipyards	IUMSWA	June 26	134	50,000	All coasts (some settled in 30, 60, 90 days).
Longshore	ILWU	Oct. 1	6	2,700	Port of Los Angeles.
Do	ILWU	Nov. 7	1	2,350	Port of San Francisco.
Do	ILA	Nov. 10	17	37,000	Atlantic coast ports.
1948—Longshore	ILWU	Feb. 29	20	3,500	Ports of Los Angeles, Long Beach.
Clerical	UPWA	Aug. 16	2	50	Alabama State docks, Mobile.
Seamen	MEBA/ROU MCS/MFOW	Sept. 2	93	28,000	All Pacific coast ports.
Longshore	ILWU	do	93		
Do	ILA	Nov. 10	18	45,000	Atlantic coast ports.
Do	ILA	Dec. 18	4	5,000	Port of Philadelphia, Pa.
Do	ILWU	Dec. 21	9	2,000	Ports of Seattle, Tacoma, Wash.
Do	ILA	Dec. 23	3	3,000	Port of Houston, Tex.
1949—Longshore	ILA	Oct. 29	1	3,000	Do.
1950—Longshore	ILA	June 10	35	400	Port of Gulfport, Miss.
Do	ILA	July 6	43	4,500	Jersey City and Hoboken piers.
1951—Longshore	ILA	Jan. 3	5	5,000	Port of Philadelphia, Pa.
Seamen	MEBA/ARA/NMU	June 16	11	15,000	Atlantic and Gulf ports.
Longshore	ILA	Oct. 15	26	17,000	Ports of Boston and New York.
1952—Seamen	SUP	May 23	67	9,000	Pacific coast ports.
Do	MMP/ARA	July 29	3	1,000	Do.
Longshore	ILWU	Sept. 10	1	12,000	Do.
Seamen	SUP	Nov. 5	5	1,800	Do.
Longshore	ILA	Nov. 11	34	300	Port of Seattle, Wash.
1953—Seamen	NMU	June 19	1	2,000	Atlantic coast ports.
Shipyard	IAM	July 1	26	8,200	Pacific coast shipyards.
Harbor	UMD	July 3	5	80	Harbor tugs, Port of New York.
Longshore	ILA	July 7	6	72	Port of New York (local pier).
Shipyard	USW	July 16	2	350	Moore drydock, Oakland, Calif.
Do	IBB	July 24	5	50	Todd Shipyards, Pacific coast.
Longshore	ILA	July 27	1	234	United States Lines pier, Port of New York.
Shipyard	IBB	July 28	46	1,270	Pugett Sound Shipyards.
Do	IUMSWA	July 29	8	500	Bethlehem Steel yard, 27th St., New York.
Longshore	ILA	Aug. 4	11	400	Moore-McCormack piers, New York.
Shipyard	IUMSWA	Aug. 11	1	200	Todd-Johnson Yard, New Orleans.

See footnotes at end of table.

"SUMMARY OF STRIKES AND WORK STOPPAGES, MARITIME INDUSTRY, FROM 1945 TO 1964—Continued

"Year and industry category	Unions involved	Commenced	Number of—		Area
			Days	Workers	
1953—Seamen	MMP	Aug. 12	2	8	Harbor pilots, San Francisco.
Do	MMP	Aug. 16	4	14	Harbor pilots, Seattle.
Longshore	ILA	Aug. 25	2	300	Cunard piers, New York.
Shipyard	IAM	Sept. 1	48	260	Broward Shipyard, Fort Lauderdale, Fla.
Longshore	ILA	Sept. 2	2	425	AEL and APL piers, Jersey City.
Shipyard	IAM	Sept. 10	22	175	Seattle, Wash., shipyards.
Longshore	ILA/IBL	Sept. 22	1	110	Pier 25, North River, New York.
Do	ILA	Oct. 1	5	30,000	Atlantic and Gulf Coast ports.
Seamen	MMP	do	8	450	Tankers—Atlantic and Gulf Coast ports.
Longshore	ILA/IBL	Oct. 7	7	15	Local pier, New York.
Do	ILA/IBL	do	5	96	Local stevedore firm, New York.
Do	ILA	Oct. 10	2	184	Holland-America Line piers, Hoboken.
Do	ILA/IBL	do	2	225	Isthmian Line piers, New York.
Do	ILA/IBL	Oct. 11	56	130	Stevedore piers, New York.
Do	ILA/IBL	do	49	200	Local Jersey City piers.
Do	ILA/IBL	Oct. 14	3	96	Do.
Do	ILA	Oct. 16	10	300	Jarka Stevedoring piers, New York.
Shipyard	IAM	Oct. 19	12	560	American shipbuilding yards, Toledo and Lorain.
Longshore	ILA	Oct. 20	1	46	Pier 74, North River, New York.
Shipyard	IAM/IBB	Oct. 27	4	465	Savannah M. & F. Yard.
Harbor	UMD	Nov. 11	55	121	Harbor Tugs, Port of New York.
Seamen	MMP/MEBA	Nov. 20	18	353	B. & O. SS Co., Miami, Fla.
Longshore	ILWU	Nov. 23	1	51	APL piers, San Francisco.
Do	ILA	Dec. 1	1	6,300	Hudson River piers, Port of New York.
Shipyard	MTA	do	36	2,000	California shipyards.
Longshore	ILWU	Dec. 3	1	6,000	California ports.
1954—Longshore	ILA	Jan. 2	16	300	Brooklyn piers, Port of New York.
Harbor		do	40	10	Tank Barge personnel, New Jersey refineres.
Shipyard		Jan. 18	34	100	Marine Welding, New Orleans (plumbers).
Do		do	1	48	Hampton Engineering, California (repairmen).
Clerical	ILA	Jan. 28	1	103	Argentine State Line office, New York.
Do	ILA	Feb. 4	2	460	AEL offices and piers, New York.
Do	ILA	do	1	273	Argentine State Line office, New York.
Do	ILA	do	2	332	Luckenbach offices and piers, New York.
Do	ILA	Feb. 18	2	75	Royal Netherlands office and piers, New York.
Longshore	ILA	Feb. 19	8	22	Isthmian piers, New York.
Do	ILA	Feb. 23	2	125	Moore-McCormack piers, New York.
Do	ILA/IBT	Feb. 26	10	4,000	Longshore versus Teamsters, Port of New York.
Do	ILA	Mar. 5	29	30,000	Port of New York.
Shipyard	IBB	Mar. 9	1	500	Marine repair yards, Port of New York.
Longshore	ILA	Mar. 17	1	5,000	Port of Philadelphia, Pa.
Shipyard	USW	Apr. 1	2	4,500	Bethlehem Steel Shipyards, Baltimore.
Do	IBB	Apr. 6	3	6,600	New York Shipbuilding Corp., Camden, N.J.
Longshore	ILA	Oct. 5	2	20,000	Port of New York.
Seamen	SUP/ILWU	Oct. 27	91	45	(SS Pacificus case, 1 ship.)
Longshore	ILA	Nov. 6	15	5,000	Port of Philadelphia, Pa.
Seamen	ARA	Dec. 2	6	1,000	Ships in Pacific coast ports.
1955—Longshore	ILWU	June 6	1	13,000	California ports.
Seamen	MMP/MEBA ARA/NMU	June 14	7	28,000	Atlantic and gulf ports (tankers).
Harbor	ILA	July 13	17	125	Baltimore tug operators.
Rivers	MMP/MEBA	July 18	3	450	Mississippi River Barge Lines.
Shipyard	IUMSWA	Aug. 1	2	150	Mathis Shipyard, Camden, N.J.
Longshore	ILA	Aug. 23	2	600	Port of New York (local piers).
Do	ILA	Sept. 7	8	32,000	Port of New York (spread to Atlantic and gulf ports).
Do	ILA	Oct. 1	20	650	Port of New York (scalemen, weighers).
Shipyard	IUMSWA	Oct. 10	45	1,500	Sun Shipyard, Chester, Pa.
1956—Harbor	IBU	Jan. 6	3	85	San Francisco Bay tugs.
Do		Mar. 9	34	60	Norfolk, Va., tug operators.
Seamen	MMP/MEBA SIU	May 11	8	6,800	Atlantic and gulf coast ports.
Harbor		May 28	4	300	Great Lakes ports.
Shipyard	IUMSWA	July 24	3	1,300	Merrill-Stevens Yard, Jacksonville.
Seamen	MEBA	Aug. 3	32	1,800	Pittsburgh Steamship Co. (Great Lakes).
Do	MMP	Aug. 7	28		
Shipyard	IAM	Sept. 18	5	2,400	Bethlehem Steel repair yards, New York.
Longshore	ILA	Nov. 16	9	60,000	Atlantic and gulf ports.
1957—Harbor	UMD	Jan. 30	36	4,000	Tugs, harbor craft, Port of New York.
Longshore	ILA	Feb. 12	10	45,000	Atlantic coast ports.
Seamen	MMP/MEBA, SIU	Aug. 19	64	1,178	Bull Line piers and ships, New York.
Shipyard	IUMSWA	Nov. 11	28	1,500	Bath Iron Works Yard, Bath, Maine.
1958—Harbor	MMP	Apr. 25	7	30	Harbor pilots, Cleveland and Chicago.
Longshore	ILA	May 1	1	900	Cleveland, Chicago (support of pilots).
Seamen	MMP/MEBA, ARA/NMU	June 16	3	6 500	Atlantic and gulf ports (130 ships delayed due MEBA).
Clerical	OEIU	July 9	5	75	Greek and Belgian Lines piers, New York.
Seamen	MEBA	July 25	4	1,200	Atlantic and gulf ports (tankers).
Shipyard	IAM	Aug. 4	64	1 200	American Shipbuilding Yards, Toledo, Lorain, Buffalo.
Do	IUMSWA	Sept. 12	8	2.100	Maryland Shipbuilding Yard, Baltimore.
Do	IUMSWA	do	40	175	Craig Shipyard, Long Beach, Calif.
Seamen	MMP	Oct. 1	7	6,100	AMMI operators, Atlantic ports.
1959—Shipyard	MTA/IAM	Jan. 1	69	1,250	Ship repair yards, New Orleans.
Seamen	MFOW/MCS	Jan. 14	1	600	San Francisco.
Harbor	UMD	Feb. 1	7	4,000	Tugs and oil craft, Port of New York.
Shipyard	UMSWA	Mar. 1	1	1,100	Alabama DD and SB, Mobile.
Longshore	ILWU	Mar. 9	3	1,000	San Francisco.
Harbor	SIU	Mar. 16	20	24	Tug crews, New Orleans.
Longshore	ILA	Mar. 19	7	4,500	Port of Philadelphia.
Harbor	IBU	Apr. 1	165	110	Tug crews, Port of Los Angeles.
Do	IBU	May 15	259	175	Tug crews, Port of San Francisco.
Do	TWU	June 15	4	1,250	Railroad tugs, Port of New York.
Rivers	MMP/MEBA NMU	July 1	122	1,500	Mississippi River Barge Line.
Longshore	ILA	July 3	19	2,000	Sugar piers, Philadelphia.
Shipyard	MTA/IAM	Aug. 24	156	8,000	Ship repair yards, San Francisco to Seattle.
Do	MTA/IAM	Sept. 2	47	11,500	Pacific coast shipyards.
Longshore	ILA	Oct. 1	8	52,000	Atlantic and gulf ports (approximately 220 ships).
Shipyard	UMSWA	Nov. 23	42	1,100	Todd Shipyard, Los Angeles.
1960—Shipyard	UMSWA	Jan. 22	149	18,500	Bethlehem Steel yards, Atlantic coast.
Longshore	ILA	Mar. 8	92	60	Grain Trimmers, Port of New York.
Clerical	OEIU	Apr. 14	8	20,000	Port of New York (including longshore).
Longshore	ILA	May 15	19	3,800	Great Lakes ports.
Do	ILA	May 16	7	150	American Export Line piers, New York.
Do	ILWU	Aug. 12	14	3,500	Containership "Hawaiian Citizen," Los Angeles.
Do	ILA	Sept. 1	8	700	Grain elevator piers, Chicago.
Do	ILA	Sept. 8	14	75	Grain elevator piers, Buffalo.
Shipyard	UMSWA	Oct. 31	37	110	Merrill-Stevens, yard, Jacksonville.
Do	IAM	Nov. 2	12	1,100	Ship repair yards, New York.
Clerical	OEIU	Nov. 21	4	120	American Export Line piers, New York.
Longshore	ILA	Dec. 7	2	3,000	South Atlantic ports.

See footnotes at end of table.

"SUMMARY OF STRIKES AND WORK STOPPAGES, MARITIME INDUSTRY, FROM 1945 TO 1964—Continued

"Year and industry category	Unions involved	Commenced	Number of—		Area
			Days	Workers	
1961—Harbor	MMP/MEBA SIU	Jan. 10	13	600	Railroad tugs, Port of New York.
Longshore	ILWU	Feb. 9	5	125	East Bay piers, San Francisco.
Do	ILWU/IBT	Mar. 9	4	10,000	Automation, Los Angeles and San Francisco.
Do	ILWU	Mar. 27	2	1,500	Stop-work meeting, Seattle.
Clerical	OEIU	Apr. 28	8	106	French Line office and piers, New York.
Do	OEIU	May 15	1	120	American Export piers, Jersey City.
Seamen	MMP/MEBA ARA/NMU	June 16	18	13,200	Atlantic and gulf ports.
Do	MMP/MEBA ARA	June 16	18	2,600	Pacific coast ports.
Shipyard	IAM/IBE	July 1	70	1,300	National Steel Shipbuilding, San Diego.
Clerical	OEIU	July 13	4	150	Hellenic (Greek) Line piers, New York.
Seamen	MMP	Sept. 28	14	2,200	Pacific coast (resumption of June 16).
Longshore	ILWU	Oct. 9	19	60	Scrap metal piers, Los Angeles.
1962—Clerical	OEIU	Feb. 1	1	250	American Export piers, Jersey City.
Seamen	SUP/MFOW MCS	Mar. 16	27	5,300	West coast operators (excludes tankers).
Do	MEBA	Mar. 28	14	(2)	Isbrandtsen transfer of ships to AEL.
Shipyard	UMSWA	Mar. 29	13	100	American Shipbuilding yard, Buffalo, N.Y.
Seaman	MEBA	Apr. 12	7	(2)	Resumption of dispute with Isbrandtsen.
Do	MEBA	May 3	5	(2)	Do.
Do	NMU/SIU	May 16	27	1,600	Robin Line (19 Mormac ships idled).
Do	MEBA	June 13	53	(2)	Resumption of dispute with Isbrandtsen.
Shipyard	MTC	July 19	2	9,000	Metropolitan Trade Council/Electric Boat.
Seamen	MMP/ARA NMU	July 31	13	105	NS "Savannah," Yorktown, Va.
Shipyard		Aug. 3	1	200	Welders, Todd Yard, San Pedro.
Longshore	ILA	Oct. 1	5	70,000	Atlantic and gulf coasts.
Seamen	MEBA	Dec. 5	9	105	NS "Savannah," Los Angeles.
Longshore	ILA	Dec. 24		70,000	Atlantic and gulf coasts (ended in 1963).
1963—Longshore	ILA		33	70,000	Continuation of Dec. 24 strike; ended on Jan. 25, 1963; see above.
Shipyard		Mar. 4	2		Ship carpenters; New Orleans yards.
Longshore	ILA	Mar. 22	2	375	North Carolina State docks Wilmington, N.C.
Do	ILA	Mar. 22	2	125	North Carolina State docks, Morehead City, N.C.
Seamen	MMP/AMO	May 14	14	40	SS Dearborn, Brooklyn, N.Y.; MMP picketed due to AMO (MEBA) manning of deck officers.
Do	MEBA	May 6	(3)	120	NS Savannah, Galveston; engineers refuse to sail; implement resignations of Nov. 30, 1962, sailing canceled by M.A.
Do	SUP/NMU	May 19	22	90	SS P. & T. Forester, P. & T. Navigator at New Orleans; ships transferred by sale from SUP to NMU company; SUP refused to relinquish shipboard jobs.
Do	NMU/SUP	May 20	30	48	SS Mormacmar, San Francisco; NMU retaliation for P. & T. ships at New Orleans.
Do	NMU/MEBA	June 10	10	850	SS Maximus at Philadelphia, first voyage with new owners; ship manned by NMU and BMO: MEBA picketed against BMO, NMU retaliated by picketing MEBA ships on 3 coasts. 19 U.S. and 17 foreign-flag ships idled by 10th day. Truce ended stoppage June 20 to permit SS Maximus sail Cuba assignment.
Longshore	ILA	June 17	1	150	Port of Miami, ILA picketed 5 FF cruise ships for using nonunion labor handling passenger baggage.
Seamen	NMU/MNP MEBA	June 28	28	48	At Marcus Hook, Pa.; SS "Sinclair Texas" delivered by shipbuilders; unions delayed maiden voyage departure demanding increased manning; subsequently withdrew demands.
Do	MMP	July 25	20	48	Los Angeles; expiration lumber schooner contracts; SS "Cynthia Olsen" and "Alaska Spruce" strikebound; resumed operation Aug. 13.
Do	NMU/MEBA	Sept. 16	14	600	SS "America" at New York; NMU charged discrimination against NMU members by MEBA engineering officer. Sailings cancelled, crew paid off, ship laid up. Sailings resumed Feb. 7, 1964.
Shipyard	Welders	Sept. 6	14	368	Alabama Drydock and Shipbuilding, Mobile; Wildcat strike. Welders returned to work Sept. 20, 1963, grievances settled with management.
Do	Ironworkers	Sept. 23	7	400	National Steel and Shipbuilding, San Diego; seniority grievance; employees returned to work Sept. 30, 1963, pending negotiations with NASSCO.
Harbor Workers	UMD	Nov. 4	4		Port of New York; UMD Local 333 (NMU) pickets set out against ships of Sea-Land and Seatrain lines for using nonunion tugs in Puerto Rico; 2 Seatrain and 2 Sea-Land ships delayed at New York.
Ship Repair	IAM	Nov. 6	9		Port of New York; Machinists strike against 16 New York ship repair firms; 1 MSTS transport and 1 commercial ship strikebound in repair yards; FCMS acted to establish new contract; work resumed Nov. 15, 1963.
Longshore	ILA	Dec. 18	1	100	Port of New York; Norwegian-American Line pier; wildcat strike of 4 gangs; issues not given.
1964—Seamen	MMP/TOA	Jan. 3			SS "Point Vicente" (tanker) picketed by MMP (Pac) due to mates supplied by TOA, an MEBA affiliate. Minor delay to ship; Cole, AFL–CIO impartial umpire ruled against MMP action.
Do	MMP/AMO	Jan. 8			SS "Christopher" at Baltimore picketed by MMP due to deck officers supplied by AMO, an MEBA affiliate. Minor delay to ship; Cole found MMP in violation.
Do	MEBA	Jan. 16	3	9	SS "President Wilson" at San Francisco, MEBA refuses to sign on until pension demands met. 12 other ships in Pacific coast ports affected but without delay to sailings.
Harbor	UMD(NMU)	Feb. 1	33	3,000	Port of New York; commercial tug contract expired Jan. 31; crews of tugs, barges, and scows included in total workers.
Seamen	MMP/AMO	Mar. 3			SS "Columbia" picketed by MMP due to mates supplied by AMO (MEBA affiliate); ship harassed but sails; Mar. 15 longshoremen from Philadelphia join demonstration, Philadelphia, cargo activity suspended 4 hours; Apr. 10 MMP (Pacific) pickets ship at Pittsburg, Calif., terminal of U.S. Steel; MMP joined by ILWU in picketing; ship harassed but maintains schedule. Apr. 21 at Morrisville (Philadelphia) ship picketed by MMP and ILA picketing resumed at Pittsburg, Calif., May 9 and again at Morrisville, June 4. June 8, SIU crew supports ILA and leaves ship; June 18, Federal court halts ILA picketing; SIU crew rejoins ship; June 20 ship sails for west coast. July 7, ship arrives Pittsburg, Calif.; steelworkers cross MMP and ILWU picket lines. July 9, ILWU enjoined against picketing, ship departs for east coast; MMP plans for future picketing uncertain.
Longshore	ILA	Mar. 5	1	250	Brooklyn, wildcat strike re penalty cargo rate for handling talc rubber; 2 ships immobilized.
Shipyard	IBB	Mar. 16	16	3,500	New York Shipbuilding Corp., boilermakers in wildcat walkout due to employer's disciplinary actions; strikers return to work Apr. 6.
Longshore	ILA	Mar. 19	1	1,200	Port of New York; dispute with New York Waterfront Commission re seniority hiring.
Shipyard	Moulders	Apr. 6	7	15	Puget Sound Bridge & Drydock, work on MSTS 68a; moulders stage walkout over yard's contracting out work on capstan, winches, windlass, other castings. Moulders returned a.m. Apr. 13.

See footnotes at end of table.

"SUMMARY OF STRIKES AND WORK STOPPAGES, MARITIME INDUSTRY, FROM 1945 TO 1964—Continued

"Year and industry category	Unions involved	Commenced	Number of—		Area
			Days	Workers	
1964—Longshore	ILA	May 18	1	2,500	Port of New York; 500 chenangoes charge diversion of work to longshoremen; 2,000 L/S immobilized by pickets.
Seamen	NMU	May 28	5	550	NMU charge 4 Colonial Tankers sold to Western Tankers, Inc. (Isbrandt. Sub.) manned by SIU. 11 AEIL ships strikebound. Arbitrator calls meeting; NMU declines attendance; strike action suspended by NMU; $40,000,000 damage suit filed by NMU; rejected by courts.
Clerical	OEIU	June 5	17	110	New York, office workers picket French Line; no ships in port. Strike action extended to Baltimore June 16; French Line cargo ship delayed; new contract reached June 20, workers returned June 22.
Longshore	ILA	June 27	1	40	Pier 97, North River, N.Y., 2 gangs stage wildcat walkout due to pier superintendent refusal to hire 1 objectionable individual. Passengers from 2 inbound ships handle own baggage. Pier normal following day.
Seamen	MEBA	June 29	2		SS "Inger" (Reynolds Alum) at Galveston, picketed by MEBA claiming 75 percent ship's engineers were members MEBA altho represented by ALOA (American Licensed Officers Association) of Collin's Independent Tankers. Pickets removed by court order.
Shipyard	IAM et al	July 1	20	1,100	NASSCO Yard, San Diego; contracts expired June 30 for machinists, ironworkers, carpenters, electricians, operating engineers, painters, and truckdrivers. (Moulders' contract expires Sept. 1 but moulders joined walkout in sympathy.) Five other local shipyards/repair yards in area also strikebound; 5 MA-CDS hulls at NASSCO involved. Aug. 17, machinists, painters, electricians, and carpetners vote to accept terms; Aug. 19 teamsters and ironworkers vote to accept; pickets withdrawn noon Aug. 19; work resumes Aug. 20.
Seamen	MEBA	July 6			SS "Walter Rice" (Reynolds Aluminum) at Longview, Wash., picketed by MEBA, (same grievance as SS "Inger," above) Reynolds grants representative election; both SS "Inger" and "Walter Rice" vote against affiliation with MEBA.
Longshore	SIU	Aug. 1	159	35	Port of Galveston; grain elevator leased by Bunge (new lessee) resulted in discharge of 35 plant personnel; United Industrial Workers (SIU affiliate) picket in protest; temporary injunction halts picketing Aug. 4; no ships delayed or affected until Nov. 8 when foreign-flag ship attempts to load 390,000 bushels grain; picketing limited to elevator, foreign-flag ship SS "Jupiter" sails Nov. 12 without loading; dispute ended Jan. 7, 1965.
Do	ILA	do	5	12	Galveston, grain samplers ILA local 1849, contract expiration; longshoremen honor picket line; 1 ship affected Aug. 3; samplers return to work while negotiations resume; agreement reached Sept. 9; (20 cents over 2 years).
Do	ILA	Aug. 3	25	15	Houston, grain samplers, contract expires; pickets affect 50 percent of port activity; 17 ships idled when longshoremen honor picket lines; Aug. 6, picketing limited to grain elevators; 2 ships idled; Aug. 7 SS "Transyork" sailed without loading; agreement reached Aug. 28, (20 cents over 2 years).
Building trades	BTC	Aug. 4	6		Galveston, pickets protest wage scale in city contracts for pier renovation work; all port facilities idled except banana piers; Aug. 6, picketing restricted to pier 14, Aug. 13 pickets removed, port returns to normal.
Longshore	ILA	Aug. 19	1	1,500	Philadelphia, longshoremen protest location of new hiring center, 14 ships affected. Hiring center originally introduced May 1962, meeting with similar objection then; center is to eliminate 14 shapeup points on waterfront. Port returned to normal Aug. 20.
Seamen	MEBA	do	7		SS "Mormacargo" at Pascagoula; engineers dispute mechanized ship duties, refuse to sail vessel when delivered by builders; agreement between Mormac and MEBA reached Aug. 26; ship sailed Aug. 28 for Boston to load.
Do	MEBA	Aug. 20			SS "Margaret Brown" (Bloomfield) at Beaumont, engineers cause 33-hour work stoppage on rumors of ship's sale to States Marine; status of engineers' job security at issue.
Longshore	ILA	Aug. 25	4	2,000	Philadelphia, longshoremen resume work stoppage of Aug. 19 rehiring center; 27 ships affected Aug. 26; ILA executive committee ruled shapeup hiring to be resumed; port normal Aug. 29
Seamen	MMP	Sept. 23	16	36	SS "Gulf Crader" (GSA) at Avondale Yard, N.O., MMP refuse to sign on due to chief officer required to stand watch; dispute suspended at arbitrator's findings; GSA filed suit in Federal Court to compel MMP to provide deck officers; ship commenced loading Oct. 10, sails Oct. 20.
Longshore	ILA	Oct. 1	2	60,000	Atlantic and gulf ports; contract expired Sept. 30, 1964; 30 U.S. and 167 foreign-flag ships immobilized 1st day; restraining order Oct. 2, ports returned to normal Oct. 3; (ships crews remained assigned to their ships).
Do	ILA	Dec. 21	(4)	(4)	Atlantic and gulf ports; Taft-Hartley injunction expired Dec. 20; tentative agreement reached at Port of New York; wildcat strikes erupted at most principal ports on Dec. 31, Dec. 22, and Dec. 23; New York back to normal Dec. 23; Baltimore idle; Houston/Galveston provide 50 percent of labor required, no night gangs; Dec. 24, all Atlantic ports working except Baltimore, all gulf ports working except west gulf; Dec. 28, all Atlantic ports working, west gulf still hampered; Dec. 29, Houston longshoremen fill 70 percent of demand; Dec. 30, all ports normal except for Houston supplying 70 percent of demand.

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[1] Includes related idleness, seamen strikers only, approximately 70,000.

[2] MEBA picketing caused some dislocations in American Export operations of former Isbrandtsen ships and also some AEL ships. No loss in shipboard employment; approximately 300 longshoremen affected along several Brooklyn piers for sporadic periods.

[3] Indefinite.

[4] Varies.

Mr. LAUSCHE. Mr. President, the list indicates that there have been 230 strikes in that period of time in the merchant marine.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. WILLIAMS of Delaware. During one of the recent maritime strikes I was talking with representatives of the industry. They made it very clear that they were not in the least bit concerned about the size of the demands of the union and that they were perfectly willing to agree to all or any of the demands the following day provided the Government would also agree because, they said, to the extent any increase in wages would be granted it would automatically require an increase in their subsidy. Under the subsidy the Government would underwrite practically all of the increase.

It was not a negotiation between management and the union, but rather negotiation between the taxpayers and the union.

Mr. LAUSCHE. Exactly. When the union leaders and the operators know that the Government is going to pick up the tab, there is no restraint in trying to develop the industry, none whatsoever.

Mr. President, I also ask unanimous consent to have printed in the RECORD tabulation of the cost of the subsidies.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

"U.S. DEPARTMENT OF COMMERCE—MARITIME ADMINISTRATION

"EXPENDITURES FOR OPERATING-DIFFERENTIAL, CONSTRUCTION-DIFFERENTIAL, AND RECONSTRUCTION-DIFFERENTIAL SUBSIDIES—BY FISCAL YEARS FROM INCEPTION (JULY 1, 1936) THROUGH JUNE 30, 1967

	Operating-differential subsidy	Construction-differential subsidy	Reconstruction-differential subsidy
Inception through June 30, 1949	$16,601,213		
Inception through June 30, 1953		$131,571,571	
Inception through June 30, 1954			$3,286,888
Fiscal year ended:			
June 30, 1950	5,784,595		
June 30, 1951	14,018,284		
June 30, 1952	41,437,567		
June 30, 1953	62,838,704		
June 30, 1954	85,038,513	5,538,417	
June 30, 1955	115,391,111	5,358,663	
June 30, 1956	135,342,146	1,613,737	14,368,668
June 30, 1957	108,292,274	16,379,076	3,909,195
June 30, 1958	120,031,522	22,637,540	4,709,383
June 30, 1959	127,693,052	21,679,547	7,065,416
June 30, 1960	152,756,154	69,156,794	4,828,227
June 30, 1961	150,142,575	102,118,519	1,215,432
June 30, 1962	181,918,753	136,858,263	4,160,591
June 30, 1963	220,676,685	90,514,302	4,181,314
June 30, 1964	203,036,847	77,234,458	1,665,087
June 30, 1965	213,334,409	87,649,008	38,138
June 30, 1966	186,628,357	70,810,939	2,571,566
June 30, 1967	175,631,860	81,592,502	932,114
Total	2,316,594,621	920,713,336	52,932,019"

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield further?

Mr. LAUSCHE. I yield.

Mr. WILLIAMS of Delaware. The Senator speaks about the shipping industry and the ship-construction industry losing their initiative as a result of having been oversubsidized. I wonder if the situation is not somewhat comparable to the experience of a certain sportsman who was feeding migratory waterfowl on a pond on his farm. The waterfowl became so used to being fed that when the pond froze over and the sportsman did not put out the corn the waterfowl stood there waiting to be fed and starved.

The Department of the Interior and the Department of Agriculture have found that when there has been too much feeding of migratory waterfowl in an area it causes the waterfowl to forget how to search for food for themselves; once the food is taken away they stay there and starve.

Our shipbuilding industry, to an extent, has been feeding at the public trough so long that it has forgotten how to operate in the free enterprise system.

Mr. LAUSCHE. I think the illustration which the Senator has given is excellent.

At this point, I wish to ask the Senator from Delaware a question. I have the figures on my desk, but the Senator from Delaware can give them to me.

What amount did the administration recommend for the shipbuilding industry for fiscal year 1969?

Mr. WILLIAMS of Delaware. The administration recommended a construction of differential subsidy total of $119,800,000. The committee approved a total in the bill before us of $237,470,000. This represents an increase of almost double the amount which the administration asked for, or an increase from $119,800,000 to $237,470,000, which is an increase of $117,670,000. The pending amendment which is being offered on behalf of myself and the Senator from Ohio would reduce that figure to the exact amount requested by the administration, or a reduction of $117.6 million.

On another item——

Mr. LAUSCHE. Let us not go into that other item at this time. I hope the Senator will not insist——

Mr. WILLIAMS of Delaware. Surely.

Mr. LAUSCHE. Mr. President, the former head of the merchant marine of the United States, Mr. Johnson, based upon his experience as chairman of the board, practically made the same recommendations and the same argument that Mr. Boyd made, and the same approach the administration has made, about the need to reform the laws of the merchant marine.

I ask unanimous consent that the statement made by Mr. Johnson dealing with the subject be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"THE AMERICAN PARTNERSHIP: THE U.S. MERCHANT MARINE

"(Remarks prepared for delivery before the Mid-Gulf Conference on Transportation and Industrial Modernization for Profit and Growth, luncheon, New Orleans, La., February 9, 1965, by Nicholas Johnson, Maritime Administrator, U.S. Department of Commerce)

"Problems of modernization in the transportation industry are among the most exciting and potentially rewarding facing the United States today; and, of course, I think that those confronting the maritime industry present many of the most fascinating challenges of all.

"The shipping industry has only recently commenced to be attuned to modernizing and mechanizing the fleet. And now, when the pace of technological advance has picked up, we discover that modernization is not alone a question of technology. It is a search for new perspectives.

"This search has been an exciting one for me, for I have been seeking the ideas, experience and judgment of those who know the shipping business and of the laboring men who serve it. It has, I think, been exciting for the industry as well. We have stumbled over a few myths and misunderstandings, and found new truths.

"Some of our problems remind me of the fellow who joined the Navy and found himself on a training ship. When he lost his hat overboard one day, he was told he would have to pay for it. He protested, and said, 'Suppose I had borrowed a jeep and it had been stolen, would I have to pay for that?' The supply officer patiently explained that in the service one paid for all the government property lost. 'My Lord,' gasped the boot, 'now I understand why Captains go down with their ships.'

"The story has a special point for Americans, for as a nation we do have to pay for our ships, and although in doing so there is not yet any question of going down with our ships, our problems have certainly diminished our stature as a maritime nation.

"These are serious problems, for the merchant marine is an essential part of our economy and of our whole national life.

"We are the world's largest trading nation, supplying some 315 million tons of imports and exports each year—99% of which go by ship.

"Nearly six out of ever hundred workers in this country make their living on farms and factories providing goods for export. Last year America's 3.5 million farm families produced and sold over 1.6 billion bushels of grain for export. Most of the major cities of the United States, and scores of others, are ports. One ton of general cargo handled in a port generates between $15 and $20 for the economy of the surrounding area—close to $1 billion per year in our port communities.

"The shipping industry generates about $1.5 billion of gross national product, and pays about $75 million in federal and local taxes; its workers pay over $80 million in personal income taxes. It provides employment for about 200 thousand men, including longshoremen.

"The merchant ships under our control are vital elements in our power as a trading nation. We must have a strong voice in international shipping circles, and maintain an impact on world shipping rates. Our national security, in wars both hot and cold, requires the availability of U.S.-flag merchant ships for many support services. Our shipping policies affect virtually every Department in our federal government in some way.

"It is plain, therefore, that any serious diminution in our merchant seapower is a matter of grave national concern.

"In part, it is a problem which can be met by American shippers simply understanding the benefits—to them and to our nation—of shipping on American vessels. Our liner service is better than any in the world, and yet offers rates as low as on foreign ships.

"Because the merchant marine is an essential part of our economy, vary early in our national life there was created a uniquely American partnership of industry and government, a partnership whose goal was to create and maintain an American merchant marine. In times of crisis that partnership has produced miracles—like the 50 million gross tons of ships built during World War II. But even in times of calm the need continues.

"As one partner, it is my job to report to you the facts, problems, and alternative solutions—for solutions there are. It is our job together to make the choices that will rebuild our fleet—for rebuild we must. All my energies are presently committed to that end.

"Subsidized liners, 315

"A few figures will suggest the depth and immediacy of our problem. Our foreign trade liner fleet is composed of some 315 subsidized and about 100 unsubsidized liner ships. The subsidized ships are as fast and modern as any in the world, and although there have been some alterations in the original replacement schedule, the fleet nevertheless is being renewed.

"Unsubsidized liners, 100

"Of the 100 unsubsidized ships, however, all but 5 date from World War II. Yet no provision has been made for the replacement of this fleet. Unless we alter course, these 100 ships will disappear from the American-flag merchant marine over the next five to ten years.

"To grant applications for operating subsidy on these old ships would require an additional subsidy of about $50 million per year. To replace them under present programs would cost the government on the order of an additional $600 million.

"We are not faced with an easy choice. Look at the result if we do not replace these ships. In 1963 the total amount of government-sponsored cargo moving on American liner ships was about 7.2 million tons. Without the unsubsidized liners all of this cargo will have to go on the subsidized ships, and the percentage of purely commercial cargo on these ships will then decline to at most 40%. What would be left of our purely commercial merchant marine?

"If we look at the dry bulk segment of our fleet, the situation is even more serious. We now carry about 5% of our total dry bulk trade: wheat, coal, iron ore, etc. In the next twenty years the amount of dry bulk cargo in the international trade of the United States will leap from 140 million to 380 million tons. Meanwhile, our capacity to carry that trade will decline from today's small 7.8 million tons to a puny 3.9 million tons—about 1% of the total.

"Tramp fleet

"The tramp fleet is composed of about 130 vessels. Only seven of these ships were built since World War II. They are inadequately maintained. An American in India recently wrote to me that some were in such dreadful condition he was ashamed to see them flying the American flag. Last month off the coast of Florida one simply sank. Over the next five or ten years the rest of this fleet will be unable to meet class requirements—or will just break down forever in some foreign port.

"Today we are paying $80 million a year in subsidy through cargo preference freight-rate differentials to perpetuate this fleet. There presently exists no program to replace it. To put 100 modern dry bulk carriers under operating subsidy probably would cost the taxpayers on the order of $30 to $40 million a year in operating subsidy. To build them in American yards probably would cost the government an additional $400 to $500 million.

"I will not burden you with more figures on the decline of our fleet. The same sad story could be told about our domestic fleet. But it must be plain by now that our problems are acute: our fleet is growing smaller and more expensive.

"There is an almost unavoidable human tendency to act as my daughter did the other day when she and a friend were deciding who would ride the friend's new bicycle first. Finally my daughter suggested, 'Let's take turns. You have it today.' The friend agreed and began to walk away with the bike. 'Wait,' my daughter said, 'Now we are playing it's yesterday.'

"In many ways we are playing it is yesterday: boasting of our fleet even as it sinks.

"Let us for a moment play that it is tomorrow. What alternatives remain open for America?

"Shipbuilders

"It is appropriate to begin with our shipbuilding industry, for although little understood, many of the problems of the merchant fleet can be traced back to policies regarding the yards.

"The Maritime Administration's Office of Ship Construction is the largest in the agency, administering $100 million in subsidy for shipyards each year.

"The need for a shipyard subsidy derives from the statutory requirement that all subsidized ships in the U.S. merchant marine must be built in American shipyards. It costs more than twice as much to build a ship in the United States. The government pays the excess over world market price. Without the build-American requirement, however, shipowners would be free to build where they chose and would not require one dollar of construction subsidy.

"Russia

"The United States is the only major maritime nation in the world to require all of its subsidized commercial ships to be built at home. Under Russia's massive merchant fleet expansion program only 30% of the new ships are being constructed in the Soviet Union. Norwegian shipowners build over 80% of their ships abroad.

"Nor is any other American transportation industry required to purchase its equipment in this country. Other American businessmen may purchase and operate in the U.S. airplanes, locomotives, automobiles, trucks, and pipelines, which were manufactured abroad.

"What have been the reasons for our shipbuilding policy?

"Under ordinary conceptions of American free enterprise and world trade our shipyards would have gone out of the merchant ship business. Why have we prevented this happening? The experience in the First and Second World Wars was that a substantial shipbuilding capacity was required. During World War II, for example, we built over 5,600 vessels at a cost of more than $15 billion. That experience is still fresh in our minds.

"But do similar needs exist today? A great deal has changed since 1945—in both war and transportation. Perhaps today's needs are centered more on a fleet in being, quickly responsive to emergency needs, and less on long term shipbuilding capability. In any event, the magnitude of the need for shipbuilding capability ought not to be confused with the magnitude of the need for ships. They are significantly different needs. For example, it could be that both civilian and military requirements would suggest a larger fleet than we presently possess, even though the present level of shipbuilding capability were sufficient for emergency needs. The lack of relationship between ships and shipyards is further emphasized by the existence of our national defense reserve fleets, which provide for immediate expansion of the fleet without any new building at all.

"In fact, the relationship between the shipping subsidy and shipyard subsidy is no more inevitable than that between the farm subsidy and a subsidy for the farm tractor industry.

"What does the maritime shipyard subsidy mean to American shipyard workers and owners?

"The total government-sponsored input into Navy and private shipyards in this country runs to about $3 billion each year—mostly new construction and repair for the Navy. Thus, subsidized commercial shipbuilding represents less than 7% of the total. And of the 21 American private yards capable of constructing merchant vessels, only 5 are participating in subsidized shipbuilding. For example, America's largest yard, Newport News Shipbuilding and Dry Dock Company, which employs 19,500 men and presently has $511 million of work under contract, has not built a subsidized merchant ship for 2 years, and appears to have no plans to do so. Even among the five yards which are doing subsidized commercial work, an average of 50% of their income is generated by the Navy.

"Not only is the statutory restriction prohibiting subsidized shipowners from purchasing ships abroad doing little for the plight of the American shipyards, but it has had a devastating impact on the growth of our merchant marine.

"Our total merchant fleet has decreased from 3,421 ships in 1949 to 2,529 today. Even after discounting the decrease resulting from the sale or scrapping of war-built ships, our active commercial fleet has declined by 25% during the same years.

"Why

"Why is this so? It is in part because the build-American requirement means in practice that once the annual shipbuilding subsidy has been spent, no more ships will be built. Unless the Congress were to provide an unlimited appropriation for subsidizing American shipyards, the size of the fleet inevitably will be a function of the construction appropriation. And the cost of American construction is so sigh—over double world rates—that the restriction has been severe.

"Few Americans realize how severe our ship replacement needs are today. The 15 subsidized companies have a contractual obligation to replace their 317 ships. If the ships had been replaced at the end of their statutory 20-year lives, the operators would have built an additional 80 to 90 ships by now. In addition, the 100 unsubsidized liners have applied for subsidy—and subsidized replacement. Our domestic fleet, 192 dry cargo and passenger ships in 1949, has dwindled to but 93 ships today (excluding tankers). Our 120 tramp ships require replacement, and applications for nine new bulk carriers are pending before the Maritime Subsidy Board. Thus, hundreds of ships are required simply to hold our own. Expansion would require more than that.

"Nor does there appear to be much prospect for the costs of ship construction being reduced. American shipyards are relatively among the least competitive, by European Standards, of all U.S. industries. A study of 44 major American industries, using productivity in the United Kingdom as a base, revealed that many were 300% to 500% more productive than their foreign competitors—a difference fully adequate to offset higher wage costs. By this standard, our shipyards were ranked 44th—about equally as productive as the foreign competition. Today our yards charge about 220% of foreign ship prices, and yet reap relatively low profits. American shipyard owners are good businessmen, and shipyard workers are as efficient as any others. But shipbuilding is not readily adaptable to automation (about 750,000 man hours may go into a ship), and with the relatively few ships each year, and the 21 yards operating at only 42% capacity, there is little incentive for extensive capital improvements.

"These are some of the basic facts. What are our alternatives?

"(1) We could continue the status quo: require all subsidized merchant ships to be built in American yards and appropriate enough money to replace our fleet at the present level of 16 to 18 ships per year. We thus accept the fleet's continued decline, and at a faster rate than today because of the bloc obsolescence of the war-built ships.

"(2) We could continue the build-American requirement but increase the appropriation well beyond the present $100 million level.

"(3) Finally, we could determine our national security or other needs for shipbuilding capacity, and spend sufficient money in addition to naval construction to insure that this capacity is maintained. Beyond that the fleet could be expanded to its economic limits by permitting American shipowners to purchase ships wherever they wish.

"This third alternative, of course, carries with it an impact on the American shipyard workers. While the dimensions of the impact are far from inconsequential, they must be viewed in perspective. It is a fact that there are about 100,000 shipyard workers. It is also a fact, however, that all of the subsidized merchant shipbuilding put together creates no more than 7,600 jobs. So that the dimensions of this particular problem relate to 7,600 jobs—to which serious consideration must be given. Finally, preservation of these jobs may result in the loss of an even greater number of shipboard jobs if present policies continue.

"Bulk fleet

"That these are difficult decisions makes them no less inevitable.

"How about our bulk fleet? I spoke a few moments ago about our diminishing dry bulk capacity in contrast to the enormous growth of this element of our trade. Upon closer examination the inadequacy is even more disturbing. For example, in 1965 we will export about 45 million long tons of coal. We now possess only four aging ore carriers built in the first four years following World War II. By 1975 our coal exports will have jumped to 72 million long tons, and—if present policies continue unchanged—not a single ore carrier will be built to carry that coal.

"There have been a number of suggestions that an extension of the cargo preference principle is the answer to the problems of the dry bulk fleet. For example, quotas for American-flag carriage of ore imports have been suggested. Yet I think the experience of the past decade raises serious questions about this conclusion.

"In 1954 a series of temporary and individual cargo preference requirements finally culminated the adoption of Public Law 664—a permanent, general cargo preference statute requiring that 50% of government-sponsored cargo be shipped in American ships. The Senate and House Committee Reports make it clear that the cargo preference principle was chosen as a means of implementing the objective of carrying a substantial portion of our foreign commerce in American ships.

"Considerable controversy surrounded this legislation, and in 1956 the Secretary of Commerce, at the request of the President, reviewed the situation. His report supported the cargo preference principle. It pointed out that early fears the legislation would produce restrictive shipping legislation in other countries had no foundation; it countered the argument that cargo preference was undesirable as an indirect subsidy on the grounds that it was, quite plainly, a direct subsidy; and finally, the report speculated that the permanence of the P.L. 664 legislation would provide an incentive for the construction of a 'modern and efficient' dry bulk fleet.

"Unfortunately, our experience since that report has not borne out the predictions of its authors. Since 1956, 15 countries have adopted restrictive shipping legislation, and most of the maritime world points to United States practice as the cause. Whatever may be said regarding the futility of such laws for the countries in question, and their impact on American trade, it seems clear they are not in the best interests of American shipping. As a subsidy, direct or indirect, cargo preference has been a miserable failure: not a single new tramp ship has been built since 1956, and the cost of keeping the old ones in existence climbs higher and higher. A converted 10,000 deadweight ton Liberty employed in the grain trade costs the taxpayers about $700,000 in freight-rate differential payments annually. By contrast, our most modern liner ships, with 40% more carrying capacity and twice the speed require an average of only $500,000 per year; this means an equivalent shipping capability at 25% of the subsidy cost.

"Here, too, the American people are faced with a number of alternatives.

"(1) Present programs could be continued—at least so long as there is an agricultural surplus disposal program. The result would be a steady rise in subsidy cost as these vessels become increasingly inefficient, followed by a rapid decrease in the cost as the subsidy disappears with the ships.

"(2) The tramp fleet could be eliminated more quickly by simply eliminating the cargo preference program.

"(3) Cargo preference could be continued, but supplemented with construction subsidy for replacement ships. Because the present production of 100 tramp ships easily could be matched with only 22 modern dry bulkers, however, any meaningful dry cargo fleet cannot be hitched alone to the cargo preference grain trade. The future of the dry bulk fleet, like the rest of our merchant marine, necessarily depends upon the capacity to compete for commercial cargoes. Moreover, adding construction subsidy on to the existing cargo preference system would provide subsidy without any provision for mandatory ship replacement, for reserve funds, for recapture, or for any of the other safeguards of the public interest built into the 1936 Act.

"(4) Cargo preference could be eliminated gradually, no faster than some form of direct operating subsidy is substituted for it, making it possible for these ships to compete for commercial cargoes at world rates. Dry bulkers are more simple ships than liners, and proposals have been made to construct, for example, a 30,000 ton ship for as little as $9 million, and operate it with a small crew and only $300,000 to $400,000 in annual operating subsidy. In order to give you some idea of what these figures mean, if the present $80 million per year spent on cargo preference freight-rate differentials were all paid in operating subsidy to such new ships, we could maintain about 200 modern dry bulk carriers, with a total capacity about eight times our present dry bulk fleet. Even with reduced crews on highly mechanized ships it is obvious where the greatest long-term job opportunity is to be found.

"Necessarily, in making these choices the number of competing interests is too great to satisfy everyone completely. In discussing various new ideas with members of the industry, I sometimes feel like the fellow whose wife bought him two ties for Christmas, one red and one green. He expressed delight with both, and when she appeared skeptical about the genuineness of his feelings, he put on the red one to prove it. 'What's the matter,' she said, 'don't you like the green one?'

"This kind of a reaction is especially common in discussions about our passenger ships.

"American operators have 13 remaining passenger ships, staffed with crews ranging from 260 to 1,000. In 1965 these ships will absorb almost one quarter of the total money available for operating subsidy—about $46 million. And if they are expensive to run, they are even more expensive to build. The government's share of replacing the SS United States today, for example, could run to about $100 million. Like any other major investment the benefits derived from these ships—to the industry and to the government—deserve the closest examinations. The arithmetic is striking.

"In 1962 the then 15 passenger ships produced a loss, before subsidy, of about $44 million. The subsidy amounted to $48.7 million, or more than ten times the after-subsidy profits for the 15 ships. In 1963, financial results were little better. The subsidy bill was nine times the companies' profits after subsidy. Eight of the 15 ships lost money even after subsidy, and two others did little better than break even.

"By contrast, comparable figures for general cargo ships show a subsidy bill only two or three times profits after subsidy. For the companies operating both passenger and general cargo ships, the gross revenue from cargo operations was three times that for passenger operations, and profits after subsidy were more than seven times as high.

"It is not surprising that shipowners have shown little inclination to replace their passenger ships.

"Nor do the passenger ship operators have much hope for improved profits. The productivity of cargo ships has increased in recent years. But 73% of the crew on a passenger ship are stewards—cooks and waiters—and mechanization can do little to increase their productivity. Indeed, it is this personal service which tends to attract those relatively few people who travel by ship rather than air.

"Even if passenger ships are not a profitable business for the owners or the government, it is often argued that they are of great benefit to us as a nation. If so, they are surely worth the investment. But what are these alleged benefits?

"How about their balance of payments contribution? In 1963, the net balance of payments contribution of U.S.-flag passenger ships was about $47 million. Since we spent about $46.3 million in subsidy to secure that saving, you can see that it was bought rather dearly. By contrast, in 1962 the international commercial airline industry contributed $128 million to our balance of payments from passenger fares alone—and without the necessity of any contribution from the taxpayers. Or compare the like figures for general cargo ships. In 1963 the net balance of payments impact of the 285 subsidized cargo ships was about $204 million—at a subsidy cost of approximately $135 million. Thus, even by standards of return on shipping subsidy, the balance of payments impact of one dollar of subsidy spent on a cargo liner is almost double the impact of a dollar spent on a passenger ship.

"'Prestige' is also said to be a benefit of passenger ships. Of course, prestige is an elusive thing. Our present operating subsidy expenditures for passenger ships would support close to 100 modern liner ships, which might well do more for our prestige around the world than a few passenger ships known to be highly unprofitable.

"Moreover, two important reasons for having a merchant marine—trading leverage and stability of freight rates—are virtually unaffected by passenger ships.

"Finally, there is national defense. Historically, passenger ships have played a major role in our defense efforts. During World War II, for example, most of our troops were transported in ships which once sailed as commercial vessels. By the time of the Korean hostilities, however, the situation had changed and only one passenger ship was removed from commercial service for troop carrying to the war zone. Three small passenger ships under construction were transferred to MSTS but were fitted primarily as passenger ships for military dependents. All other troops were carried by MSTS troop carriers or by air.

"Our defense needs today still call for a passenger ship capability. But the development of new aircraft, like the C–141 and the recently announced 600 passenger plane, is eroding the justification for heavy government investment in constructing and maintaining commercial passenger ships.

"To some extent modern cargo liners could be converted to effective troopships if necessary. Even commercial passenger ships must be converted to troop-carrying conditions—still need conventional passenger ships it might better safeguard our national security if the conversion were done in advance, and the ships preserved in the reserve fleet in a high degree of readiness—at about one tenth the present annual cost.

"But all of this analysis really adds little to the stark economic reality that American businessmen have little desire to build and operate passenger ships at a loss. Unless some presently unforeseeable change comes about some 5,500 jobs will disappear from these ships over the next ten years irrespective of how the government feels about the wisdom of this $50 million subsidy account.

"The question before us is not whether the 5,500 jobs will be affected, but whether any ships and jobs will be substituted in their place.

"Of the 5,500 men on passenger ships about 4,000, or 73%, are stewards who can find ready transferability of their skills in the hotel and restaurant trades. But what of the 1,500 deck and engine men? Their jobs are not as easily transferable. If the $42 million passenger ship subsidy were used for cargo liners—even the most highly mechanized now imaginable—we would need about 3,000 men to operate them. The road to true job opportunity seems clear.

"Finally, I want to say a few words about two aspects of our present system of paying operating subsidy.

"First, the trade route idea.

"At the present time the Maritime Administration has designated 30 trade routes and three services as essential to the foreign trade of the United States. A subsidized shipping company wishing to move from one trade route to another is required by law to undergo a long and arduous public hearing, effectively eliminating its ability to respond rapidly to competitive pressures. In addition, an operator's activities on any particular trade route—the frequency of sailing and the ports at which has ships call—are all subject to the approval of the Maritime Administration.

"Many questions are called to mind. Is it not strange to have this high degree of protectionism for American operators against only a small part of their competition? For U.S. trade route restrictions obviously do not affect the foreign companies carrying about 70% of our liner cargo. What is the impact of these restrictions on the behavior of American shipping companies? What are the supposed benefits of the system, and how real are they?

"It is usually urged that the trade routes underlie the 'service' concept of the 1936 Act, and that they serve to prevent 'cutthroat competition.' Each of these assertions requires close examination.

"As for the first, to my knowledge there is not a single American operator serving a trade route because he was ordered to do so by the Maritime Administration. In each case the operator requested permission to serve that route because there was cargo to be carried. Look, for example, at the number of foreign companies, which may come and go much as they please, serving small ports on regular schedules because the existence of cargo makes it profitable for them to do so. Look at the American companies providing regular service to Alaska, Hawaii and Puerto Rico for the same reason. There is no reason to expect that American companies in foreign trade would act so very differently even if not bound by the strictures of the trade route concept.

"And if there is not sufficient cargo to justify shipping services at all, I doubt very much whether the framers of the 1936 Act intended that American companies be compelled to service ports at a loss to themselves as well as the taxpayers. For example, if it is cheaper to ship cargo by barge from a small to a larger port and then out by ship, that is probably the way the cargo ought to move. That is the basic principle underlying the new Lykes Sea Barge Clipper concept.

"I doubt, therefore, if a relaxation of the present rigorous trade route requirements would undermine adequate service for American shippers—quite the contrary.

"Many shipowners have told me that the tortuous procedures necessary to gain permission to operate on a different trade route, even for a short time, have forced them to forego many attractive commercial opportunities—to the benefit of the merchant fleets of other nations. This reminds me of the story about the Cape Cod garbage collector, whose weekly charge was twenty-five cents. One newcomer, seeking to do a little better, asked for his monthly rate. '$1.50,' was the reply. When the newcomer inquired why the monthly rate should be so much higher than four times the weekly rate, the old man replied, 'The extry is for bein' tied down.' I rather suspect that we may be paying 'extry' for tying down our shipowners, too.

"We turn, then, to the question of cutthroat competition. Whenever I hear that term, I am reminded of a story an old Texan used to tell about the general store in the small town where he grew up. The store had a monopoly for many years, but as the town grew it began to attract new business, and in due course a competitor opened his doors across the street from the general store. The old proprietor began to bemoan his fate to the town at large, and one young man, recently back from a freshman economics course at the local college said, 'But sir, isn't that just competition?' 'Oh, no,' he replied, 'it's worse than competition.' Some shipowners have expressed similar sentiments to me, explaining that they have competition now, and that relaxing trade route restrictions would be worse.

"Since trade route restrictions have no impact on the activities of foreign shipping companies, the danger arising from a relaxation of the trade routes must be seen to come from the competition of other American shipping companies. Some shipowners feel that a new American company will come on the route and take one-half of the 'American' cargo, putting them both out of business.

"But, by and large, an established steamship company will tend to stay on its old routes, since it is costly and time-consuming to develop new trade relations. Moreover, such a company will consider carefully whether it can make a sufficient dent in the foreign market on a new trade route. With such high capital costs, few shipping companies would be foolhardly enough to enter a wholly new competitive environment solely with the idea of taking away from a preexisting American company most of its established business.

"Moreover, shipping conferences will tend to act as a moderating force. For example, foreign-flag companies would seem to be in much the same position vis-a-vis each other as would American companies in the event of a relaxation of trade route restrictions. Yet there have not been a series of protracted rate wars.

"There is, of course, a perfectly legitimate basis for fearing the activities of an irresponsible 'raider,' an operator with no interest in establishing any sort of trade relations, whose sole aim is to skim off the cream of the trade at the peak of the season with exceptionally low rates. But this problem can be solved without abandoning the whole idea of trade route flexibility. There would seem to be no reason why a procedure could not be designated to sift the serious competitor from the fly-by-night.

"The present rigid system prevents companies from taking advantage of fluctuations in world trade. And to the extent that it is an effective shield against competition, it tends to insulate the companies on the trade route from the salutary effects or competition. Finally, the present system puts into the hands of the government too much of the question whether a shipowner will change trade routes.

"Finally, I would like to say a few words about what has come to be called an 'incentive operating subsidy.' I have spoken about this issue at length in the past, and there is no reason to belabor it here. But there is one common misconception which I would like to clear up.

"A number of people have told me of their impression that the incentive subsidy is an economy measure—that we will somehow end up with a lower subsidy bill. Nothing could be further from the truth. An incentive subsidy may result in increased productivity, higher profits and wages, and relatively less need for subsidy. But whatever the needs for subsidy may be they must be met if the industry is to continue. No one argues with that basic truth.

"I think that $380 million is a substantial sum and, as Maritime Administrator, I feel an obligation to insure that it is spent in the most productive way possible. If it is being spent under a system which could be improved, then that standard has not been met. If it is producing one less ship than it could, and I remain silent, I am not doing my job.

"In the shipping business, like most others, profits may be increased by cutting costs or increasing revenues. But operators have little incentive to reduce subsidizable costs under the present system, for the government will simply pay them less in subsidy. This puts a responsibility on the government alone to maximize the public's return from its subsidy bill. Often government is forced to take positions which segments of labor and management find objectionable. But under the present system it is inevitable.

"On the other side of the profit picture, one of the chief means for most businesses to increase the utilization of their capacity is by reducing rates.

"The conference system, however, precludes this. It would seem obvious then that the system could be substantially improved, especially by providing some meaningful incentive to management and labor to cut costs—removing the government from the process.

"As I see it, and as I hope you do, as well, there are many alternatives open to the American merchant marine. Each of our problems has at least one solution. Some require the expenditure of much larger sums of money; others seem to spell the continued decline of the fleet. Still others seem to promise more shipping capability at a relatively lower cost—even though perhaps pointing the way to larger total expenditures.

"The American merchant marine is at the crossroads. Basic decisions must be made. They must be made by you, and every American concerned about our trade and economic growth. We cannot hope to make every decision exactly right, but when the alternatives are clear before the people their record is pretty good.

"The problem is worthy of our effort."

Mr. LAUSCHE. Mr. President, in the face of Mr. Johnson's recommendations and in the face of Mr. Boyd's recommendations, as well as those of the President of the United States, a bill has been sent to the Senate floor raising the subsidy from the $119 million recommended by the President to $237 million.

Mr. President, I just cannot understand it. Taxes are being raised. Recommendations are being made to cut spending. The taxpayer is complaining. The 10-percent tax increase for 1968, in my opinion, will be inadequate to meet our deficits in 1970. Yet, a bill is sent to us for passage entailing an expenditure of $118 milion more than the administration recommended.

My query is: What does this industry feed upon? what does it take into its system that, in spite of all the help we have given it, practically $3 billion in the past 32 years, still is not content and wants more?

Where does it get its power? Upon whom does it operate? What chains does it have on Congress? How did it get itself exempted from the integrated Transportation Act?

How was it that the airlines, the railroads, the truckers, and the pipeliners have to be placed under one roof, but the merchant marine succeeded in getting itself exempted?

Mr. President, I shall be leaving the Senate next January. But one thing will remain everlastingly in my mind: How can this shameful condition be allowed to continue? Why can it not be stopped?

I think that the President and Mr. Boyd are on the right track. I hope they press it. My hopes are that the amendment offered by the Senator from Delaware and myself will be adopted.

There are one or two shipbuilding companies in Ohio. There are shipbuilding companies in Maryland, California, Pennsylvania, Virginia, and probably in Florida. But the selfish purpose of serving those industries at the expense of the general taxpayer should not be condoned. For the good of the merchant marine, it should be placed on the same basis as the airlines, railroads, and truckers. Preferential treatment should not be given to it.

Mr. President, I thank the Senator from Delaware [Mr. WILLIAMS], and I also thank the Chair.

Mr. President, I ask unanimous consent to include Mr. Boyd's statement at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"THE NEED TODAY

"(Statement of Alan S. Boyd, Secretary of Transportation, before the Senate Commerce Committee, Subcommittee on Merchant Marine and Fisheries, New Senate Office Building, May 20, 1968)

"During this Nation's first century, a strong merchant fleet carried American commerce—under the American flag—to and from the seaports of the world.

"From that early development of commercial water routes, our Nation grew to its present position as the world's largest trading power. In 1967 alone, more than 400 million tons of goods—valued at over $36 billion—moved in our oceanborne foreign trade. This was about one-sixth of the world's foreign trade, far more than any other country's share.

"Our national growth and prosperity have depended in part on this foreign commerce. Our future growth and prosperity demand that our trade in the markets of the world continue to expand. In little more than a decade—by 1968—our waterborne foreign trade should nearly double in size, reaching 700 million tons.

"In the course of our trade expansion, the U.S. Merchant Marine has lost much of its vitality. Because of outmoded and uneconomical practices, capital and operating costs have skyrocketed. Lower construction costs in foreign shipyards, and lower operating costs of foreign vessels, have made it difficult for the Merchant Marine to compete with ships of other nations to carry our foreign trade.

"Both the Merchant Marine and the shipbuilding industry have become increasingly dependent on Government subsidies. In fact, direct and indirect subsidies, together with preferential movement of Government cargo on U.S. flag ships, are largely responsible for keeping our Merchant Marine alive.

"This dependence on Government support has led to detailed Government involvement in matters of management.

"Over the past several years, programs to strengthen the industries have been subjected to exhaustive study and intensive debate—within the Government and in public forums as well. There have been a large number of proposals aired recently on what to do about the Merchant Marine. All of them agree that changes and reforms are essential and long overdue. At the same time there is little agreement regarding the direction or details of reform.

"The problem is not an easy one. For the last three years we have analyzed and discussed the many arguments and the suggested solutions. We have talked at length to all representatives of the merchant marine and shipyard industries—both on the management and labor sides. The Administration has thoroughly considered the possible alternatives. Now more than ever we are convinced that the future of our Merchant Marine demands a shift from past policies: To provide the streamlining and flexibility that is needed to enable it to cope with the competitive world of today and the future. These conclusions emerge:

"Subsidy support should be provided only to meet this Nation's security needs. Ship operating support should be clearly distinguished from ship construction support.

"Although Federal support must continue if the Merchant Marine is to survive, Federal dollars alone will not solve the problems of the maritime industries.

"The genius of the free enterprise system—of skilled labor and profit-motivated businessmen, stimulated by competition—must be called into full play if the industries again are to prosper.

"Our present subsidy systems do not provide incentives to use fully the resources and talents of American industry.

"A new maritime program

"I am here this morning to present the Administration's Merchant Marine program.

"We are convinced that the program being proposed is based on the kinds of public interest considerations which should guide the formulation of any Federal program.

"Certainly, the public interest requires of the maritime program that we examine:

"How much and what kind of a Merchant Marine we need to subsidize and for what purposes.

"How much shipbuilding capacity we need to support and to what extent this should be supported by subsidized merchant marine programs—rather than Navy or other programs for building and repairing government-owned vessels.

"What specific policies and programs would best implement our determinations of the public interest in these areas.

"We believe that America's maritime industries can reestablish their position of importance in the commercial life of this Nation, if they are—

"Revitalized through the application of advanced industrial technology and sound business practices.

"Incorporated into an integrated transportation system.

"Proposal

"The Administration proposes five major steps to accomplish these purposes to modernize our maritime industries:

"1. Expand the scope and improve the system of ship operating subsidies, and establish the amount of subsidies according to the size of the fleet necessary for national security.

"2. Reform the construction subsidy system and relate this subsidy to the Nation's need for an adequate shipyard capacity for national security.

"3. Remove restraints on the freedom of shipowners to purchase ships n the world market—treating shipowners like other American purchasers of transportation equipment and subject to the same restrictions on foreign investments and expenditures.

"4. Expand maritime transportation research.

"5. Transfer the Maritime Administration to the Department of Transportation.

"Ship operating subsidies

"Enduring through the years as a tradition, the Merchant Marine has declined as an industry. Its decline parallels its increasing dependence on Government support through subsidies of one kind of another. Subsidies—direct and indirect—have been a compromise answer to a difficult situation. They have prevented both the death and the nationalization of the Merchant Marine. At various times in our history, the Congress and the Executive Branch have shaped the principle of subsidy to meet the demands of the day.

"The Merchant Marine Act of 1936, which established the basic policy under which we operate today, was a remarkable accomplishment for its time. Three decades ago—and for a considerable period after—it helped to promote our foreign trade and our national security. Now it is time to take another thorough and searching look at the Merchant Marine and the subsidy system that sustains it. In this time of budget stringency, Government spending must meet the most rigorous tests of necessity.

"The Merchant Marine—like any other program requires Government support—should be subsidized only to the extent necessary to meet a compelling national need. That need can be clearly identified: We must have adequate shipping to meet our military requirements and those urgent non-military demands that would prevail in time of emergency. It is only to this extent that our maritime fleet should be subsidized. Beyond this level, the fleet should meet the tests of the free market.

"Subsidy Reform

"The subsidy system itself is in clear need of reform. Instead of encouraging innovation and productivity, the system focuses attention on the subsidy dollar as a source of income. A new system must be found that will induce the industry to take full advantage of advancing technology, management ingenuity, and the resources of a skilled labor force.

"The Government now subsidizes the ship operator to make up the differences between certain elements of his operating costs and those of his foreign competitors. This process has proven inadequate and unsound. For example:

"It requires a network of Government auditors in the steamship company's offices, as well as an overseas staff of Government employees to provide estimates of foreign operating costs.

"It imposes cumbersome administrative procedures upon the operator, who is forced to make a detailed justification for each of his subsidy-related costs.

"It requires strict adherence to trade routes and restricts the operator from taking advantage of shifting market conditions.

"It gives the operator little incentive to hold down costs, since increases are borne by the Government.

"This direct subsidy has only been available to a part of the fleet.

"To correct these deficiencies—and at the same time to assure operators a reasonable rate of return on their investments—the present system must be restructed to promote business judgment and operational flexibility, and minimize Federal involvement and intervention. The restructed system should be made available to other categories of ship operators to replace indirect subsidies they now receive.

"The Administration recommends legislation to authorize the Secretary of Transportation to enter into contracts with qualified applicants to test more productive and competitive operating subsidy systems.

"Over the past few years, a number of alternative subsidy systems have been studied and developed. These systems will be examined thoroughly. The Government and operators together will examine these systems and experiment with the most promising. Different systems can very likely be tried simultaneously, in different trading areas. Whichever are found the most productive through actual experience will then be put into effect. All operators will be required to use the systems selected to be eligible for subsidy support—new operators upon entry and the present subsidized operators upon expiration of their current contracts.

"Bulk cargoes

"Dry bulk cargoes total about 35 percent of our foreign trade. More than 140 million long tons are carried each year. By 1980, that trade is expected to rise to over 380 million tons. Very little of this goes on U.S. flag ships, however—because the American ships in this bulk trade are old and inefficient and unable to compete for commercial shipments. The answer is to promote the development of an efficient and up-to-date U.S. flag bulk carrier fleet. At the present, this cannot be done because operating subsidies are not extended to bulk carriers.

"The Administration recommends legislation to authorize a system of innovative operating subsidies, such as those described above, for new bulk carriers to be built under a new construction subsidy program—which is detailed later in this testimony.

"Passenger ships

"Passenger ship operations under the American flag are costly in subsidies, and return only minor benefits. The sharply accelerating trend to air travel raises serious questions about the economic future of this mode of transportation.

"At present, about $50 million goes annually to the support of 13 ships—which are turning more and more to luxury cruises. This is equivalent to $275 for every passenger carried.

"Once important as emergency troop transports, the defense value of these vessels is now minimal. Their subsidization can no longer be justified on this basis.

"Operators of passenger ships will be encouraged to terminate their subsidy contracts voluntarily so that the funds can be allocated to more productive purposes.

"Nuclear ship program

"There is serious doubt as to the attractiveness and wisdom of proceeding with a broader nuclear ship program at the present time. It appears that power reactors of the relatively small sizes required for merchant ship propulsion will continue to be non-competitive with oil over the foreseeable future.

"Construction subsidies

"At this time, the Administration does not seek increased subsidies for the construction of ships. For the present, I believe the construction subsidy program should be held at a level of about 110 million, roughly its present level. For the future, however, we need to know how much will be required to meet national emergency demands for shipbuilding capability.

"The proposed legislation would authorize the Secretaries of Defense and Transportation to recommend jointly to the President the level and character of ship construction subsidies.

"Each year the two Secretaries will:

"Determine the national emergency need for private shipyard activity and capacity.

"Ascertain how much and what kind of Federal support is necessary—beyond that provided through Navy and other programs which build Government vessels—to maintain an adequate emergency capability for ship construction and repair.

"Determine to what extent this additional support should be provided by subsidies for merchant marine construction.

"In making their determinations the Secretaries will consider such factors as long-range plans for emergency construction or repair, and the need to maintain specialized skills.

"For greater flexibility

"The present construction subsidy system is too inflexible. It does not encourage shipyards to propose a standardized design which several operators can use. It fosters, instead, costly individual designs. Under existing practice, an operator submits to the Maritime Administration a design tailored to his individual needs—for one ship or a few. This individual design is then put out for bids among the shipyards. The bids are generally high—reflecting the cost of constructing just a few custom-built ships. The small market for commercial ships in the U.S., and limited competition, add further to the cost of ships built in American yards. In large measure, these costs are borne by the taxpayer—since the Federal subsidy to the ship buyer is the difference between the shipyard's high price and the estimated cost the operator would pay in a foreign shipyard.

"The construction subsidy program should be made more flexible and better able to produce ships less expensively.

"The Administration recommends legislation to encourage the shipyard to design and develop ships which can be built with the modern production techniques that have made our aircraft industry predominant in the world today.

"Under this system, this subsidy would be paid directly to the shipyards. Shipbuilders would be told precisely what proportion of construction costs the Government would pay. The yards would then compete with each other for sales to domestic or foreign ship purchasers on the basis of what they could construct with available subsidy funds. The proposals calling for the latest subsidy dollar per productive unit would receive the subsidy.

"With preference thus going to shipyards producing at the lowest cost per ship, yards will be encouraged to design and sell their ships on an efficient multiple-production basis—just as aircraft companies aggressively market their designs to the airlines.

"Foreign ship purchase

"In the Nation's infancy, American shipowners were required by law to buy only American built ships. This was necessary then for the development of a shipbuilding industry. Today, America's ship construction industry is the largest in the world by nearly any measure. It can draw upon the country's great technological resources. Its size and health are ensured by a naval construction and repair program which infuses more than $2 billion of Government funds into the industry every year. Yet our merchant shipowners are under almost the same constraints as those of two centuries ago. To engage in domestic trade, or to be eligible for a subsidy, they must buy only in U.S. shipyards.

"Since merchant ship work under Government subsidy amounts to less than 10 percent of the shipbuilding industry's business, this restriction cannot be justified as essential to the industry's health. An American operator should not have to base his plans for purchases of new ships on the amount of construction subsidies available.

"After the necessary level of ship construction in U.S. shipyards has been reasonably assured, American ship operators will be permitted to purchase their vessels in the world shipbuilding market and these ships would be accorded the same treatment as ships built in American yards.

"To protect our balance of payments position, controls will be exercised in accord with our programs restraining foreign expenditures and investments. By requiring the cost of the vessels to be financed through foreign loans, we can avoid a drain on American dollars. Ships built in foreign shipyards for documentation under the U.S. flag would be required to meet all U.S. standards of safety and construction. They would be eligible for all privileges available to U.S. flag operators in the U.S. foreign trade. American flag operators in domestic trade would also be permitted to employ a limited number of foreign-built ships—with procedures to assure established operators will not be harmed.

"Reserve funds

"The maritime industry—as do many other industries—requires large amounts of capital for the construction of modern, efficient equipment. At present, certain ship operators are not taxed currently on funds put in reserve and used for this purpose. These operators therefore pay taxes on different terms from other ship operators and other businesses. This system is complex and inequitable.

"The Administration program contemplates that the setting aside of these funds will be terminated at the expiration of the present contract commitments. The future capital investments of the Merchant Marine can then come under the depreciation guidelines and the investment credit rules of the Treasury Department similar to those governing other industries. We also contemplate orderly liquidation—consistent with existing contracts—of present reserve funds over a reasonable period of time.

"In addition, the Secretary of the Treasury will undertake a review of our tax law as it affects the shipping industry including U.S. owned ships under foreign flags, with a view toward recommending other legislation to remove unjustified tax advantages.

"National defense shipping needs

"National Defense Reserve Fleet

"The National Defense Reserve Fleet was established at the end of World War II. It has served this Nation well in two major emergencies. During periods of crisis, the breaking-out of this inactive fleet has been an important factor in preserving our national security and in maintaining stable rates in the world shipping market. This method of meeting peak emergency needs is less expensive in limited emergencies and causes less disruption of commercial service than other alternatives.

"To improve this capability, we ask authorization for an initial appropriation of $30 million for Fiscal 1970, to revitalize the National Defense Reserve Fleet.

"These funds will be used to build a limited number of new vessels of austere type, and to convert some relatively unused reserve troop ships into general cargo ships. These ships will be retained in the reserve fleet for emergency use.

"Fast Deployment Logistic Ship Program

"No expansion of the Merchant Marine will fill the military need for rapid-response sealift. This vital need can best be met through the Fast Deployment Logistic Ship program.

"Fast Deployment Logistic Ships (FDL's) will not compete with the Merchant Marine. The ships are designed for quick and flexible military response. They can operate without ports, if necessary. They are an essential part of our strategic planning. They must be available at all times to enhance our national security. Last year the Congress did not act on the Administration's recommendation that an FDL program be started.

"This year, the budget includes a request for $184 million to fund this important program. The Administration urges the Congress to approve it promptly.

"Expanded research

"The Administration recommends a 5-year program of $25 million annually commencing in Fiscal 1970, to increase both basic and applied maritime research activity—conducted in cooperation with private industry.

"The goal of this research will be to improve the competitive position of the U.S. maritime industries by acquiring new knowledge of:

"Ship operations and design,

"Cargo handling systems on ships and ashore,

"Port facilities,

"Basic hydrodynamics related to modern merchant ship hull forms,

"Ship construction methods, and

"Integration of sea and land systems.

"Management-labor responsibility

"The program of reforms that I have outlined will aid in bringing the U.S. Merchant Marine into today's competitive world and make it an active and productive part of our commercial life and our future growth.

"The Government can go only a part of the way toward this goal, however. Essential steps must be taken by the elements of the maritime industries themselves—management and labor in the operating Merchant Marine, in the shipbuilding industry, and in allied industries. Federal subsidy dollars must not be dissipated through price inflation or excessive wage increases. Otherwise, their potential benefits would never be realized. America's maritime capabilities would remain weak and ineffective. An important part of the program being recommended today is to insure that wages will be stabilized and that bid prices will be reasonable and competitive.

"Wage Structure Stabilization and Work Stoppages

"If the U.S. Merchant Marine is to respond to the needs of the American shipper, both management and labor must work closely to—

"Eliminate the recurring interruptions in service caused by work stoppages. Such interruption destroys confidence in U.S. flag carriers. Shippers consequently turn to foreign flag vessels for their needs.

"Stabilize the maritime industry's wage costs.

"A series of labor-management agreements, negotiated in 1965 to help assure wage stability, have in practice accomplished the opposite. Under these agreements, if the members of one union receive a wage increase or other benefits, other maritime unions can reopen their contracts through a 'me too' clause and demand arbitration to obtain a matching increase. By the time several unions have received such increases, the first union is in a position to assert that it is once again behind the others—and the cycle starts over again.

"Because of this practice, employment costs in the industry have risen more than 30 percent since 1965. These costs increase Federal expenditures through the operating subsidy program and shipping costs on Government cargoes. They diminish the ability of the U.S. Merchant Marine to compete with foreign fleets. Not only do spiraling employment costs threaten the industry with economic ruin, they imperil the American public as well, for they have a shattering impact on our Nation's wage-price stabilization objectives.

"We call upon management and labor—working with the Secretaries of Labor and Transportation—to begin discussions promptly to solve this problem.

"An integrated transportation system

"No improvements we can make in our maritime fleet will permit it adequately to meet America's need today unless it is fully integrated into a unified national system of transportation. When the President signed the Department of Transportation Act in October 1966, he expressed regret that the new Department did not include the Maritime Administration. He expressed hope that the Congress would reexamine its decision. This reassessment is now vital to our maritime future.

"The Administration recommends legislation to transfer the functions of the Maritime Administration to the Department of Transportation.

"This step will bring increased recognition to ocean shipping in the transportation policy councils of the Executive Branch.

"The Department of Transportation was created to promote a more efficient national transportation system. This cannot be fully accomplished so long as the maritime component of the transportation system remains outside the Department's jurisdiction.

"The Maritime Administration itself suffers in its isolation from the new technology and promotional support which the Department now provides to other elements of our national transportation system. Potential developments which hold great promise for maritime commerce affect other modes of transportation as well. Ports, for example, must provide facilities which can rapidly handle cargoes arriving and leaving by rail and highway. Container systems must be developed which can be economically used on all modes of transportation, so cargoes can move without interruption from origin to destination.

"Transfer of the Federal Government's maritime programs to the Department of Transportation will permit fuller coordination of all our research resources for the improvement of our entire transportation system. Each mode will benefit greatly. But most important, the Nation's intricate and extensive transportation network will be strengthened, and better able to serve the complex needs of our society. This organizational change is the key to a truly effective maritime program. Legislation to accomplish this and other elements of the program I have outlined is attached as an appendix to this statement.

"Conclusion

"A strong and healthy Merchant Marine has been a proud element of our national strength. It can be so again.

"It is deeply in the national interest that we revitalize our Merchant Marine and make it both effective and competitive—a maritime service which is not just barely kept alive by Government subsidies and Government cargoes, but one able to attract a significant share of our commercial trade as well.

"I believe the program I have outlined will accomplish this. With its passage, and with the cooperation of maritime management and labor, we can realize the goals we have set. This program provides the cornerstone on which we can build anew the maritime tradition of the American past."

Mr. LAUSCHE. Mr. President, next January there will be a new President of the United States. It is my hope and fervent prayer that the incoming President will recommend a course that will relieve the taxpayers from this unjustified subsidy and stimulate the merchant marine under the free enterprise system to assume its responsibilities in a constructive way.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I join the Senator from Ohio in offering this amendment. I think this is the best solution, because it will enable this problem to be carried over so that it can be handled by the next administration, whatever it may be.

I feel very strongly, as does the Senator from Ohio, that these subsidies have got out of hand, and it is time that there be a revision downward, and the American taxpayer be given better protection than now exists.

Therefore, as I have stated, I join the Senator from Ohio in the offering of his amendment.

Mr. LAUSCHE. Mr. President, someone might ask, "How much is this costing the taxpayers of the Nation?" The answer is $300 million a year. That has been going on for 32 years. And while it has not cost that much each year, the aggregate cost has been about $5 billion.

Mr. WILLIAMS of Delaware. And has been getting greater.

Mr. LAUSCHE. With that $5 billion, how much could we do for the poor, for schools, and for others? But we have been unable to break this program because of the mighty power of those who run the merchant marine.

I shall not be here next January, but I say that this is an indefensible situation that prevails in the Government, and the program ought to be eliminated.

Mr. WILLIAMS of Delaware. The Senator is correct. In addition to that, the cost is getting higher each year. I can assure the Senator that this fight will continue for at least another couple years.

Mr. LAUSCHE. I thank the Senator from Delaware for the help he has consistently given me in bringing this subject before the Senate each year.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Ohio [Mr. LAUSCHE] and the distinguished Senator from Delaware [Mr. WILLIAMS] for their always diligent efforts in calling to the attention of the Senate, as here today, and of the American people, what is happening in total disregard of the original intent of Congress when these subsidies originated.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that certain significant excerpts from the report accompanying the measure be printed in the RECORD.

There being no objection, the excerpts from the report (No. 1433) were ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, H.R. 17524, is to amend section 502 of the Merchant Marine Act, 1936, as amended, so as to authorize the extension for an additional 2 years of the present 55-percent ceiling on construction-differential subsidy payments and 60 percent on reconstruction or reconditioning of passenger ships.

BACKGROUND AND NEED FOR LEGISLATION

Title V of the Merchant Marine Act of 1936, as amended, authorizes the Secretary of Commerce to make construction-differential subsidy payments so that approved U.S. steamship companies can purchase new vessels constructed in American shipyards at the estimated cost of building similar vessels in foreign shipyards.

Originally, the Merchant Marine Act of 1936 provided that the construction-differential subsidy should not exceed 50 percent of the total domestic prices of the vessels involved. However, in 1960 this ceiling was exceeded on several contracts, and the Congress authorized a 55-percent ceiling for new vessel construction, as well as a ceiling of 60 percent in the case of reconstruction or reconditioning of passenger ships. The 60-percent ceiling for reconstruction or reconditioning of passenger ships was allowed in recognition of the special problems arising in such work, it having been demonstrated at that time that in view of the large proportion of labor at higher American wages which goes into reconstruction and reconditioning work, as compared with new construction, the differential would usually be higher in such cases. This higher incidence of labor costs was shown to result from the necessity of tearing out and changing existing structures, as well as construction with new material.

Since 1960, the 55-percent ceiling on new construction, as well as the 60-percent ceiling on reconstruction or reconditioning of passenger ships, has been extended by the Congress on three occasions for a period of 2 years, and on two other occasions for a period of 1 year.

The final construction-differential subsidy rates approved by the Maritime Subsidy Board of the Federal Maritime Administration since August 1964 have averaged a little in excess of 53 percent.

There is no early prospect of reduction in the differential percentages. However, unless this bill is enacted, after June 30, 1968, the construction subsidy ceiling reverts to 50 percent, which would deny to the subsidized operators the ship construction cost parity intended by the 1936 act.

There are several reasons why the earlier 50-percent ceiling has been exceeded in recent years. Construction subsidy payments are related to the price level of shipbuilding in foreign shipyards which has declined in recent years owing to high volume construction in modernized shipyard facilities at a time when American merchant shipbuilding programs have been at a much lower volume level. Efforts to reduce the absolute cost to the Government have included such measures as multiple ship construction contract awards to shipyards where possible and a degree of standardization in vessel design. It should be borne in mind that the higher construction-differential subsidy rate does not necessarily mean a higher dollar cost to the Government, since the rate in any case depends on the cost difference between American yards and foreign yards on the same ship, and these differ at different times.

There was no opposition to this legislation. The Committee of American Steamship Lines, the association representing the subsidized lines, reported on the strong evidence indicating the continuance of construction-differential subsidy rates in excess of 50 percent in a letter of June 10, 1968, to the chairman of your committee that said:

> The large, high-speed, ships being built or planned by U.S. operators today represent a major advance in maritime efficiency, with a single new vessel often having the annual ton-mile capability of 3 to 5 old or more conventional ships. These new ships, with their high speed and advanced technology, are expensive with prices commonly around $20 million and occasionally over $30 million for a ship of a specialized type. With capital expenditures of this level and with the industry earnings remaining very low, parity on capital cost is perhaps more important than ever in the past.

The report of the Department of Commerce on this bill presented the necessary evidence to support its objectives by showing construction-differential subsidy rates approved by the Maritime Subsidy Board since August 1964.

The departmental report, however, without opposing this bill, called attention to a draft bill submitted to the Congress on May 20 embodying a proposed maritime program which included a section to achieve the objectives of this bill for the next 2 years. It should be pointed out in this case that the provisions of this bill are embodied in H.R. 13940 and S. 2650, initiated in the Congress calling for a long-range maritime program.

The administration's proposed maritime program involves a number of untried concepts which are in the opinion of your committee unrealistic and, in fact, destructive of the objectives of our national maritime policy. Accordingly, even if your committee were to consider the administration's draft bill, efforts to arrive at acceptable legislation would be too protracted to hope to achieve enactment soon enough to be anywhere near the June 30 expiration date of existing construction-differential subsidy ceilings.

Therefore, your committee believes it essential that this bill should be enacted as soon as possible without waiting for full and complete consideration of broader scale and more complicated long-range program legislation.

The enactment of this legislation is essential to the consideration of the current long-range ship replacement program of American-flag operators. Lacking adequate Government support in this program to keep the American operator on a parity with his foreign competitor could seriously impair the orderly replacement of aging American-flag vessels. Accordingly, your committee reports this bill and urges its prompt enactment.

COST OF LEGISLATION

The cost of this legislation during the next 2 years cannot be accurately estimated, since it will be dependent upon a number of unknown factors, including such matters as the future vessel construction cost in the United States and abroad as well as the number and type of vessels to be approved for construction under this section of the Merchant Marine Act of 1936, as amended.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 17524) was read the third time and passed.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the District of Columbia be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, due to the fact that there are only two other committees meeting this morning, Foreign Relations and Interior and Insular Affairs, I ask unanimous consent that those two committees be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, there may well be rollcall votes today.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Arizona is recognized.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. For what length of time is the Senator recognized?

The PRESIDING OFFICER. The Senator from Arizona is recognized, under the previous order, for not to exceed 30 minutes.

LOFTY LABOR BARONS

Mr. FANNIN. Mr. President, riding at anchor in the Washington Channel last week was one of the most audacious symbols of perverted union power existing in the United States today.

According to the September 9 issue of the Evening Star a 260-foot steam yacht was moored in the Washington Channel "to convince Capitol Hill of the worthiness of the Seafarers International Union and to this end, almost nightly parties with union leaders, Congressmen, and others are held." The ostensible reason for making this voyage to Washington was for "training" purposes. The plain fact of the matter is the SIU came to town in high style to wine and dine its friends and map strategy against its enemies.

Mr. President, I ask unanimous consent to have printed in the Record at the end of my remarks two articles published in the Washington Evening Star of Monday, September 9, 1968, which describe the luxurious "training ship" which the Seafarers and two other unions have chosen to bring to Washington at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. FANNIN. I suggest that my colleagues who, like myself, are regularly treated to the plight of the poor workingman as represented by union bosses, check into the stories of champagne and cigars, teakwood paneling, and white fir decks. They will get a somewhat better perspective on the "difficulties" endured by the union bosses "protecting" the workingman.

But I am happy the SIU chose this time to grace the Washington social scene with its official presence, Mr. President, because it points up a matter which I have brought before this body before and which I intend to keep bringing up until something is done about it—that is the strange case of SIU official Harold C. Banks, and $100,000 contributed to the Democratic presidential campaign.

On July 20, Mr. President, I brought this matter to the attention of the Senate and inserted into the Record a Wall Street Journal account of $100,000 contributed to the Democratic campaign of Vice President Humphrey shortly after administration officials intervened on behalf of Harold Banks, convicted of conspiracy to commit assault in Canada. The story details how a memorandum from Secretary of Labor Wirtz appeared to be instrumental in the decision of Secretary of State Dean Rusk's decision not to return Mr. Banks to Canada to serve the sentence he had posted a $25,000 bail to appeal. Members who wish to review that entire episode can refer to the Congressional Record of July 20, page 22478.

Also, my distinguished colleague from Delaware [Mr. Williams], feeling that there was enough substance to the charges exposed in the newspaper, put the same article in the Record and queried the Justice Department as to whether or not a violation of the Corrupt Practices Act had occurred. I hope the Senator from Delaware will let the Senate know if he has better luck with the Justice Department and Attorney General Clark—who is ever ready to lecture the Senate, but slow to function as Attorney General—than I have had with my inquiries to the Department of Labor.

On July 22 I dispatched a letter to Secretary of Labor W. Willard Wirtz in which I asked him to detail his role in the Banks matter.

Mr. President, I ask unanimous consent that my letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 22, 1968.

Hon. W. WILLARD WIRTZ,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: From information appearing in the public media as well as other facts that have come to my attention independently, it appears that you have become involved in the extradition proceedings involving Harold C. Banks, a Canadian official of the Seafarers International Union. This information indicates that you may have written a memorandum to the Secretary of State, apparently on behalf of Mr. Banks. If this is so, Mr. Secretary, as a member of the Senate Labor and Public Welfare Committee, it would be helpful to me and other members of the Committee if you would clarify your part in this matter by providing some information, including:

1. The content of the memorandum on the Banks case written to Secretary Rusk.

2. A justification of any possible recommendation that Mr. Banks not be extradited to Canada in view of his conduct and background.

3. The names of any union or Administration personnel who suggested that you make such an intervention in this international matter.

By now, Mr. Secretary, I am sure you are aware of the politically charged atmosphere surrounding this case on both sides of the border. I think it only fair to state also that among my colleagues in the Senate, with whom I have discussed this matter, there is considerable concern upon several points. Senators have questioned the propriety of a Cabinet level official intervening in an international question which has such obvious political overtones.

You know my continuing concern regarding the abuse of power, political and economic, by irresponsible union leaders. I am particularly alarmed by the published reports of sizable political contributions that are reported to have followed in the wake of this intervention and the subsequent release of Mr. Banks.

I shall appreciate your attentiveness to this matter and look forward to an early reply, before the end of this week if at all possible.

Sincerely,

PAUL FANNIN,
U.S. Senator.

Mr. FANNIN. On July 25 I received a phone call from the Secretary in which he was very courteous and summarized for me the details surrounding the fact that he had sent a memorandum to Secretary Rusk concerning Harold Banks and the SIU. Briefly he said it outlined the history of the Great Lakes labor problem. He said he did not feel he could release the memorandum but he would write me a letter summarizing it and his reasons for not sending it.

In response to my question he indicated that "top union officials" had conferred with him over the Banks matter and asked that he undertake to inform the Secretary of State as to what was at stake if Banks were to be returned to Canada.

Now I must pause here and state, Mr. President, that this is my recollection of what Mr. Wirtz said to me. I took a few longhand notes at the time of the conversation, but since Mr. Wirtz indicated he would repeat approximately the same thing in a letter he would shortly send to me I did not think it important to try to get an exact quote from the Secretary.

On August 2, over a week later, I received the letter from Mr. Wirtz. I ask unanimous consent that the letter to which I refer be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 31, 1968.

Hon. PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: I refer to your letter of July 22 and to our telephone conversation of July 25.

The Memorandum to which you refer was transmitted on December 26, 1967. It identified briefly the 10-year background of the Labor disputes on the Great Lakes, in which Mr. Banks was a central figure. It noted the possible relationship of the extradition proceeding to a potential renewal of that disruptive situation, and included the suggestion that further details would be supplied with respect to this if they were desired.

With respect to your inquiry about the relationship to the extradition procedure of Mr. Banks' conduct and background, I noted in my Memorandum my not being in a position to express a judgment on this—or on the disposition of the extradition case itself.

You ask for the names of "union or administration personnel who suggested that (I) make such an intervention in this international matter." The overtones of the form of your inquiry aren't important, and I note them only to disassociate my answer from them. There were no suggestions regarding this from any administration personnel. Nor was there such a suggestion—in the form your letter may seem to imply—from any union personnel. But "the Banks case" has been a matter of four or five years of concern to this Department (involving, among other things, conferences both in Washington and Toronto with the Canadian Minister of Labor), and conversations about the extradition proceedings phase of it go back to September or October, 1967. These include discussions at various times with various AFL–CIO and SIU personnel. The decision to acquaint the Secretary of State with the long international labor relations background of this matter was one for which I assume full and independent responsibility as Secretary of Labor.

Thank you for your courtesy and consideration of this matter in our telephone conversation.

Sincerely,

WILLARD WIRTZ,
Secretary of Labor.

Mr. FANNIN. As you can see, Mr. President, the tone of the letter, particularly paragraph four, is to my mind substantially different from the mood he projected on the telephone. Mr. Wirtz evidently finds something out of order in my inquiry, although he did not indicate that to me verbally. He does not offer to supply me with a copy of the Banks memorandum even though I asked for it. He seems to suggest that I am rather impudent for even asking about it. Perhaps I am overly sensitive, Mr. President, but when a man tells me he will respond on the telephone and then evades the question in a letter with a rather haughty tone, that is the best construction I am able to put on it.

Up until today, Mr. President, all that I had released to the public media was a copy of my original Senate speech and a copy of my letter to Mr. Wirtz. I only released the latter item after he had ample time to receive it and answer.

As one can well imagine, Mr. President, the Canadian press and radio have been most interested in this case. Some Canadian newsmen who are in Washington today were covering "Bluff Prince Hal," as he came to be known, when he received considerable notoriety for his skull-cracking techniques on Canadian waterfronts. Some of them have scars to show from their personal encounters with this "gentle" man's employees. They are interested in what the United States proposes to do about returning this fugitive from Canadian justice. So after an appropriate wait I released my letter to them. Today, however, is the first time I have made public Mr. Wirtz' reply.

After considering the Secretary's written response in the light of his verbal response, I decided to ask him once again for a copy of the memorandum. Accordingly on August 9 I wrote him the following letter which I make public today and ask unanimous consent to have it printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 9, 1968.

Hon. W. WILLARD WIRTZ,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: This is in reply to your letter of July 31, 1968.

In our telephone conversation of July 25, you had given me the impression that your answering letter would be much more responsive than it now turns out to be.

From your explanation on the telephone, although you indicated that you would not be willing to send the memorandum, I did feel that you were willing to explain in some detail what had transpired including what had prompted you to counsel the Secretary of State. It now seems to me that the matter can be more clearly understood if you could send a copy of the memorandum. I therefore renew my request for a copy of the memorandum.

My interest lies in seeing the individual working man benefit by having labor organizations free of coercive and hoodlum elements. You are, I know, interested in this same goal. I hope therefore that you will be able to provide me and other Senators who share my concern with more specific answers in this matter.

Sincerely,

PAUL FANNIN,
U.S. Senator.

Mr. FANNIN. I repeated my request for a copy of the Wirtz memorandum concerning Mr. Banks so complete light could be shed on the matter.

Receiving no reply after more than a month had gone by, on September 10 I wrote the Secretary again asking if he intended to respond and if he did to let me know within the next day or so. I ask unanimous consent to have this letter printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 10, 1968.

Hon. W. WILLARD WIRTZ,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: In checking my correspondence, I find the letter I dispatched to you on August 9, 1968 (copy enclosed) has to my knowledge received no acknowledgment or reply. I am still very interested in getting the information which I requested in my letter of August 9th, specifically that you supply me with additional information regarding the Harold Banks matter. It is my hope that you will be able to enlarge upon the role you and other Administration officials played in this very delicate situation.

I would appreciate having a response from you within the next day or two since more than a month has passed while I have been waiting.

Sincerely,

PAUL FANNIN,
U.S. Senator.

Mr. FANNIN. I suppose it is fairly evident that I still have received no reply from the Secretary and apparently he does not intend to voluntarily respond to a U.S. Senator who is a member of the Labor and Public Welfare Committee and very much concerned about this case.

I cannot imagine what is so damaging about this Banks memo that it cannot stand the light of senatorial scrutiny. Under the recently passed freedom of information law the public is supposed to be able to get such information as this if their interests are involved. I would hate to think that this administration has declined to the point where Members of the Senate would have to go to court to elicit information from the executive branch to which they are entitled.

Is the national security involved in this case? I think not. Are we revealing military secrets to let a Senator look at an executive memorandum that touches on extradition treaties which the Senate is expected to ratify? I cannot fathom any legitimate reason why the Secretary of Labor refuses to let me see the Banks memorandum, or even respond to my correspondence. This is a matter which I hope to pursue further.

I should like to point out why I am so concerned about this Banks case, as well as other abuses of union power. We are allowing a monstrous machine to grow unfettered in the midst of our economy. This ever-hungry political-economic power will eventually turn and devour the very economy which nourished it. Mine is not an idle warning. The state of the British economy gives fair warning to what can happen when the forces of big government and big labor join.

Mr. President, I am concerned, and I think the Nation should be concerned about the growing signs of unbridled power in the hands of union bosses. I am not only referring to the $100,000 which flowed from the SIU war chest into the campaign coffers after this administration freed an official of the Seafarers International Union; but I am also concerned that the few restraints we still have over abusive union power are largely being ignored.

I intend to lay the Banks case more fully before the Senate in just a moment, Mr. President, but I wish to cite just one example of the laxity and indifference which characterizes this administration's attitude toward law violations by union leaders.

After I became interested in the Banks matter and began to delve into the facts a bit, it came to my attention that one of the major maritime unions is apparently operating in open violation of the Corrupt Practices Act and the Federal Government has made no move to either prosecute the union leaders responsible, or otherwise induce them to comply with the act. I refer specifically to the National Maritime Union, which openly publishes the fact that funds are contributed to candidates for Federal offices. Yet this huge union has failed to file the first report with the Clerk of the House.

An NMU publication—published monthly by the union—lists at least three contributions made to candidates for Federal office since December 1967. As of today the Clerk of the House has not received a single political contribution report from the union. Four would have been required in that particular period from December of last year if the union were obeying the law. The listings are as follows:

Contributions:	
December 1967: Garmatz anniversary banquet committee	$500
February 1968: Citizens for Pucinski dinner	500
March 1968: Bert Podell, Democratic candidate for Congress in the 13th District	3,500

There are others. This is not an exhaustive list. I simply satisfied myself that these were Federal races and that no report exists in the files of the Clerk of the House. The question is, Why?

This union is sophisticated enough to register its lobbyists. It says it has more members than the Seafarers who claim around 80,000. Why is such a huge organization permitted to violate at least one section of the Corrupt Practices Act, and possibly two?

The Corrupt Practices Act, as amended, forbids a union from making direct political contributions, and provides stiff penalties for violation. Many unions get around these provisions by creating special political committees to which union members may contribute "voluntarily." But even these contributions to Federal elections in one or more States must be reported to the Clerk of the House. Is our Attorney General so busy lecturing the Senate, and indeed the Nation, on gun control and Supreme Court appointments that he has no time to attend to these duties?

Mr. President, this is a flagrant and open violation of a Federal law that is designed to check just such an abuse of union power. I ask the question:

Where has law enforcement drifted under this administration? Who is going to enforce the law?

To those who may say I am just playing politics—that this is a political year—I ask: Is there a more important year in which the laws surrounding our election processes should be enforced? This is an election year, true enough. We are electing a President of the United States this year. Is this a time to allow fat union cats to dole out money with both hands to those who either do their bidding or promise to do their bidding—with no accounting required? Are we to sit by and see $100,000 political payoffs apparently take place in front of our eyes and not even cry out? I say there is no more logical and necessary time to curb these abuses of the labor barons who openly moor their huge yacht within sight of the Capitol and let the champagne, cigars, and money flow freely. That such practices could be known and condoned bespeaks the low estate to which our national conscience may have settled.

Today, I am sending this information I have to the Justice Department asking that a full examination of the union files be made immediately and, if the union leaders are found in violation of the Corrupt Practices Act, that prosecution begin at once.

How is it, Mr. President, that some unions come by so much money to employ in political pursuits? I think it would certainly behoove the Senate to look into the method by which some of these so-called voluntary political contributions are extracted from union members. For instance, in these unions which have members at sea for long periods of time, the men do not get paid off until they reach port, at which time there are certain little green union forms to fill out before a seaman can collect his pay. Part of one of these forms includes a checkoff for the voluntary contributions.

I ask the Senate to imagine an ordinary seaman who has been at sea for 3 or 4 months—he is planning to rejoin his family or planning to engage in a shoreside celebration upon the completion of his voyage. Does one think he is likely to quibble with a union steward who is holding up his pay until all the items on that union form are checked off? Can a political contribution under such circumstances be called voluntary? That is what happens day after day in the seaports of our Nation.

There is tremendous pressure brought to bear on the individual union member to cooperate with his union leaders. Does the Senate realize that when all the initiation fees are added up in these unions the cost to join runs anywhere from $400 to $800? Union members joining the Seafarers International Union are required to pay every single special assessment levied since the union was organized. That means that some young men are paying for special union assessments that were made before they were born. Dues run $120 per year. When a man has an investment like that in a union membership, is he likely to quarrel with his leadership over a few dollars of voluntary political contribution? In most cases I think not.

Let us just look at some of the fantastic sums of money concentrated in the hands of these labor barons.

According to the SIU report—filed 1 week late with the Clerk of the House on September 17—as of the end of August 1968, the union had at its disposal for political purposes during the calendar year the total of $921,314. They carried over $500,366 in their two political committees—SPAD and COPE—from 1967. Since the first of January, SIU reports say the two committees have amassed $420,948. They have spent $539,732 in the 1968 elections. Twenty checks of $5,000 each were made out to Democratic presidential race committees around the country—that is $100,000. Apparently the SIU still has $391,582 on hand—plus what it collects between now and November—to funnel into helping its friends.

I submit to the Congress that this is simply an inordinate amount of money for a single union to be throwing around. Consider this: The SIU claims 80,500 members, according to the most recent Government statistics. Actual membership is reliably reported to be closer to 50,000. The Government's maritime figures show the union actually has contracts covering about 12,800 jobs at sea. However, if we use the maximum figure of 80,500 members, that means the union collected "voluntarily" better than $5.30 per man in the first 8 months of this year. A more accurate estimate comes to about $8.60 per man, and the union collected around $34.20 this year for each sea job it represents—all voluntarily, of course. Does that sound reasonable for men whose average weekly wage runs in the $150 to $200 bracket?

To get a better perspective, here is a comparison of the political contributions of the SIU with some other major unions:

	Union members[1]	Reported 1968 contributions to May 31, 1968	Amount per member
SIU	80,500	$294,639	$3.66
UAW	1,402,700	27,391	.0195
United Steelworkers	1,068,000	57,206	.0545

[1] Bureau of Labor Statistics, 1966.

The entire national AFL–CIO Political Action Committee—COPE—in its report covering the period of January 1 to May 31 of 1968 lists contributions of only $208,875 compared with the SIU's $294,639.

There may be something drastically wrong with the reporting system, or with the SIU's method of getting "voluntary" contributions—or both; but at the very least these figures indicate that Congress needs to take a good hard look at union funds again—specifically how they are collected and how they are disbursed. To me, this is a matter of utmost urgency.

Mr. President, the more I look into these matters involving the misuse of union power, the more convinced I become that we must have legislation that will correct this gargantuan imbalance that threatens to topple both our political and economic structures. I wish to remind the Senate of the great debt this Republic owes to the distinguished Senator from Arkansas [Mr. McCLELLAN], who did such superlative work in exposing labor rackets some years ago. I respectfully suggest that the time is apparently ripe for another look into the handling, or mishandling, of union-collected funds.

I think it is particularly apparent that these affairs are again in need of congressional inquiry, when the Secretary of State refuses to honor an extradition request by Canada. The man they want returned committed perjury before a Royal Investigating Commission, jumped $25,000 bail, and fled to the shelter of this great Seafarers' yacht that was moored here in Washington last week. In the absence of definitive administration information to the contrary, the Secretary of Labor apparently intervened with the Secretary of State on behalf of this man, who has a lengthy police record, who served time in San Quentin, who lives in the lap of luxury at Seafarers' expense, and who apparently sees to it that those who oppose him wind up in a cast or in the hospital.

Harold Chamberlain Banks' notoriety as a leader of labor goons is a blot upon the record of legitimate and honest unionists—yet his actions in fleeing Canada to avoid prosecution are not only being condoned by this administration, but also, he appears to be receiving protection from Cabinet-level officials in exchange for what amounts to one of the biggest single political "contributions" of recent times. Mr. President, in order that the background of this man, Harold C. Banks, be fully reported, I ask unanimous consent that a portion of an article from McLean's magazine entitled "Hal Banks—Waterfront Warlord," be printed at the conclusion of my remarks along with the other newspaper articles to which I have referred.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 3.)

Mr. **FANNIN**. Mr. President, I have attempted to investigate to the limit of my ability the facts surrounding this odious affair. I have attempted to be fair and to give administration spokesmen an ample opportunity to reply or explain. By their lack of candor, by simply ignoring my requests, by foot-dragging in legal prosecutions, I can put but one construction on the matter—they simply do not want these cases examined; they hope the Banks case will just "go away"; they have no intention of prosecuting union leaders for their openly illegal acts until compelled to do so by public opinion. If this construction is too harsh, then I shall be most happy to stand aside and listen to their explanation. Until then I can only lay the matter before the Senate and the American people, with the request that each Senator and each American take the action that conscience demands.

EXHIBIT 1

LAST STEAM YACHT RECALLS BYGONE ERA

(By Duncan Spencer)

It is difficult to realize that "Dauntless," the huge steam yacht recently moored in the Washington channel, is only one of the hundreds of similar ships which once were the diadem of American yachting.

She is the only one left. All of her graceful and impossibly luxurious sisters fell prey to taxes and death duties long ago. She deserves a long and hard look.

She was built of riveted plating on iron frames and launched near Detroit in 1921 for Horace Dodge of the auto family. One of the reasons for her longevity is that she has spent over half her life in fresh water—there is very little evidence of any corrosion in her hull.

One other reason she is still with us is that she was hardly ever used by the Dodges, and during her lengthy war service lay here at dockside, where she acted as flagship for Admiral Ernest J. King, U.S. Fleet commander.

Her deck is white fir laid over steel, her cabins and super-structure almost entirely of teak and in very fine condition. Her beam is 35 feet and her draught a whopping 18 feet.

The life that was once lived aboard such a vessel is difficult even to imagine now. A glimpse of it is offered in the writings and observations of L. Francis Herreshoff, son of the famous yachtman and designer.

Herreshoff, now in his 80s, writes: "One of the things I remember about the large steam yachts was their characteristic and delightful odor. If you passed under the stern or close to leeward of one of them, you smelled the combined odor of new varnish, linseed oil, brass polish, Havana cigars and champagne, all mingled with engine room smells and the slight odor of teak and other exotic woods, to say nothing of the burned gases of the naphtha launches. To a sailor this combination was delightful."

Such a bouquet can be conjured from the stern sheets of Dauntless.

The big steamer, with her original engines intact, has been since this spring the property of the Seafarers International Union and the Marine Engineers Beneficial Association. She is used in conjunction with the Harry Lundeberg School of Seamanship of Piney Point, Md., to train young merchant seamen.

On deck and below, Dauntless (she was known as the Delphine II under the Dodges) leaves an impression of complete unforced luxury and spaciousness. Her principal interior spaces include a large dining room, music room, an intimate ballroom and a main saloon. She is entirely paneled in teak, with elaborate mouldings and carvings, many of them painted.

Her cabins are as large as the bedrooms of many houses, her bathrooms fitted out in marble and white tile. The new owners have temporarily furnished her with rather nondescript modern furniture while gathering authentic period pieces from all over the world. Eventually, according to her captain, Joean Patrick, she will be completely outfitted as she was in the 1920's.

Dauntless seems a lively creature to those aboard, and a soft steady thrumming comes from the engine room. There, in a space as tall as a three-story building, are her two four-cylinder 1,500-horsepower steam engines. The engine room is crammed with a jungle of piping. The boilers are force fired by more than a dozen individual oil burners; a fireman is constantly in attendance for the fires burn 24 hours a day.

"This is a museum piece; you won't see another like it," said the fireman on duty. He stood on the central catwalk, and though not a small man, his body was dwarfed by one of the exposed connecting rods which extended both above and below him. He reported that the machinery on board is in A–1 condition in spite of its age, and that it ran as quietly as a sewing machine at 115 revolutions per minute, giving the "Dauntless" a speed of over 15 knots.

Reflecting on ships of Dauntless' size, Herreshoff concludes: "While in this corrupt age some may refer to them as the playthings of the rich, I see them as something quite different—a perfect combination of art and science and a moving home far grander and more satisfying than anything known before."

EXHIBIT 2

[From the Washington Star, Sept. 9, 1968]

MILLIONAIRE'S YACHT NOW UNION SHOWPIECE

(By Duncan Spencer)

Horace Dodge spent 2.5 million 1921 dollars to build himself a 260-foot steam yacht.

If he had ever dreamed even after a heavy lobster dinner, that she would come to be owned by three unions, and that she would come to be anchored in the Washington Channel to press the interests of the seagoing working class, he might have spent the money on race horses instead.

For his Delphine II, a steel-plated, varnished, teak-paneled vision of moneyed splendor is now the Dauntless, is now the chattel of deck swabs, and is now riding at anchor here. It's the American version of the storming of the Winter Place.

Dauntless is that huge ship at anchor between the East Potomac Park Golf Course and the high rise apartments of the new Southwest. She is the largest, if not the only, steam yacht still in operation anywhere in the world.

Dauntless is here on a mixed mission. Part of it is to train groups of apprentice merchant mariners in the intricacies of running a large ship. The youths, 18 of them in six-week tours, come from all parts of the country, receive instruction from the crew of 28 union mariners, and at the end of their time are awarded the rating of ordinary seaman, worth about $150 a week.

But the rest of her mission is to convince Capitol Hill of the worthiness of the Seafarers International Union, the Marine Engineers Benevolent Association and the Associated Maritime Officers Union.

To this end, almost nightly parties with union leaders, congressmen and others are held.

Within the huge ship is a strange combination of 1920's glory and motel. The dining room is finished in white and gold, mullions on the panels; the music room is a symphony of polished wood and painted walls, while the sitting room could accommodate a small political convention.

The bridge is paneled in freshly refinished teak and electronic gray, but the engine room is mainly revolving steel.

There is always too little or too much to be said about such a vessel. Luckily, she will be with us yearly, for a regular visit to Washington for labor conferences.

Deep in the bowels of the old hull the original engines, two 1,500-horsepower steam expansion motors, wait the call, indifferent to whether a Dodge or someone else turns the throttle.

There is a fireman on duty at all times, and the heat is intense. The massive connecting rods shine like silver; every tube is shined brass. Said the fireman on duty, "These engines sound like sewing machines." He spoke disparagingly of the noisy steam machinery of the Liberty ships he was used to.

The captain, Jean V. Patrick, sat in a motel mahogany armchair. He is a round-faced, sallow man in bermuda shorts and a plain white tee shirt. During World War II, he commanded a Liberty ship at the age of 23, making him the youngest U.S. shipmaster of modern times.

His mate, wearing sunglasses and reluctant to announce his name, offered cold beer from a small electric icebox hidden behind some intricate paneling. "Yes," he said, "You might say that while we're here, we gotta be the hostess with the mostest."

The mate explained that people in Washington had the wrong impression of the merchant marine and the unions that serve it, and that Dauntless provided a precious platform of proof that their thinking was wrong.

The unions came into ownership of Dauntless just this April. She had been in the Dodge family from her launching in 1921 until 1967, with a 54-month interval during World War II when she was here as flagship for Adm. Ernest J. King, commander of the U.S. fleet.

She is leaving now for Norfolk and refueling; she has only 14,000 gallons of her 96,000 gallons capacity left after cruising up and down the East Coast from her home base of Piney Point, Md., where the Merchant Marine keeps a sizeable fleet of unusual vessels.

EXHIBIT 3

[From Maclean's, May 18, 1968]

HAL BANKS—THE FIGHT TO BREAK CANADA'S WATERFRONT WARLORD

(NOTE.—The bully at the head of the Seafarers' International Union is a kind of Hoffa-in-Canada—a violent labor despot whose abuse of men and funds are on the record but whose grip on power has survived every effort to break it. This is the story of society's most recent look at Banks: last winter's sweeping inquiry into waterfront violence, conducted by Judge T. G. Norris, whose report will be issued soon.)

(By Peter Gzowski)

Harold Chamberlain Banks, fifty-two years old, rough, burly, arrogant, a public villain but friendly in person, ex-convict, ex-deckhand, arch-enemy of at least one big shipping company but arch-ally of others, scathingly disliked by most of the labor movement in Canada but cheered on and admired by such members of his own Seafarers' International Union as have never crossed his will, spent ten days in a witness box in Ottawa this winter and all but dared the long arm of the government to wrench him from his throne. The ten days were the 72nd through 81st of the special commission that had set out, under B. C. Appeal Court Judge T. G. Norris, to inquire into the disruption of shipping—the waterfront war—on the Great Lakes and St. Lawrence last summer. This commission eventually sat for a hundred and seven days scattered over nearly eight months, heard a hundred and ninety witnesses and took down four and a half million words of testimony. Sometime this spring or early summer, Mr. Justice Norris will bring out his recommendations about what the government might do to restore peace to our inland coastline.

The Norris commission was the climax of a long, bitter and, in its last stages, violent fight centered around one man: Banks. If there was war on the waterfront, he was the warlord. With him as its single and virtually unopposed head, the SIU stood off all enemies, labor and management. Banks' SIU brought to the struggle a long history of violence in the Forties and Fifties, and the SIU was clearly involved in the violence that brought Great Lakes shipping to a halt in the summer of '62. Whatever Judge Norris recommends will, by its implications, be focused on Banks and, just as precisely, the commission hearings came to a focus during the days Banks spent in the box.

Through these days, the chief antagonists in the dispute were face to face. On the one side, Banks, sometimes evasive, sometimes naively frank, sometimes smiling, sometimes surly. On the other, a trio of burrowing lawyers: Charles Dubin, senior counsel for the commission, formal, proper, but one of the fastest guns at cross-examination in the country; Maurice Wright, an Ottawa labor lawyer with years of battle-training before the Canada Labor Relations Board, representing a group of anti-Banks unions; John Geller, a glib corporation counsel from Toronto, representing Upper Lakes Shipping, the company that opposed the SIU. Banks had been on the witness stand twice before, on brief, specific matters. This time, the subject was purely and simply his record.

These were tense, dramatic days. Again and again the lawyers sprang their surprises. As the hearing wore on, former SIU members and even officials had quietly supplied the lawyers with more and more damaging evidence. Some of it was old copies of the "DNS" (for Do Not Ship) lists—the union blacklists by which Banks was said to dispose arbitrarily of anyone who displeased him. There was some question as to how many names he had put on. Grudgingly, he admitted to about a thousand. Maurice Wright began producing lists, none of which Banks attempted to deny. One by one, Wright added the lists to the record, until he had more than *two* thousand names of blacklisted sailors under Banks' nose.

No matter how slim or how serious the evidence, Banks never really admitted to any wrongdoing. Here is some typical dialogue:

DUBIN: "Are you a vain man?"

BANKS: "No."

DUBIN: "Then why should the apartment (a luxurious flat on Drummond Street in Montreal, paid for by the union but used mostly by Banks) contain fourteen mirrors costing a total of $1,082?"

BANKS: "I got dollar for dollar value."

DUBIN: "I put it to you that it was completely lavish and extravagant."

BANKS: "I deny that."

He could not deny everything. As the testimony rolled on, a clearer and clearer picture emerged of Banks' personal control over, and personal gain from, his union. It was a picture unlike anything revealed in Canada before, reminiscent in many ways of the picture of U.S. Teamster Boss Jimmy Hoffa that came out of the hearings of Senator John McClellan's committee on improper activities in the labor and management fields a few years ago. Twenty thousand dollars a year salary; another twenty thousand in expenses, with only about two thousand a year accounted for. A yearly Cadillac. Female companionship on business trips, at union expense. Furniture and appliances sent to his stylish Pointe Claire home, near Montreal, paid for by the union. A payment of five hundred dollars to a Montreal police officer (Banks: "He did some work for the union.") A payment of a hundred dollars by a public relations officer of Banks' to a hotel switchboard operator (Banks: "Maybe she did his laundry for him"). Night club bills. Hotel bills. Dinner parties. (Banks: "When you get to the entertainment, you always seem to raise your voice a little." Dubin: "I'm sorry, but there's absolutely nothing to support what you say in these statements.' Banks: "Mr. Dubin, I could carry a bookkeeper with me, but the bookkeepers expenses might be higher than mine.")

Most of these exchanges, with one or other of the lawyers droning out facts or figures from the union's files, were calm, even casual. Banks often seemed surprised that anyone would find his conduct or his expenditures unusual. When he was caught in a statement or shown a document that put him in an uncomfortable position—as when the lawyers proved that union funds under his supervision had gone to pay for hired tough guys—he blandly blamed the evidence on "a mistake." "There must have been a mistake," is one of his most frequently recorded utterances during the hearings. But his candor in some answers was as noticeable as his evasion with others. (WRIGHT: "Is it believable that every proposal of yours in the past three years has gone through unopposed?" BANKS: "Believable? It certainly is. It's a fact.") Only infrequently did the language get as bitter as it did on one of the occasions when Banks appeared as a witness on another matter. (GELLER: "Do you usually do the work your patrolmen should be doing or that your ships' delegates should be doing?" BANKS: "I am liable to be fixing a toilet, Mr. Geller." GELLER: "I have no comment, Mr. Banks.")

At the same time as they worked over the misuse of union funds, the lawyers sketched the lack of democracy in the SIU. Banks, it rapidly became clear, is in the true sense of the phrase a benevolent despot, and the only question the evidence left was of how significant his benevolence is. He is, it became obvious, ruthless with anyone who dares to oppose him or his conduct. The dreaded DNS list, which a court had ruled illegal in the mid-Fifties, had simply been replaced by a card-index. The SIU—meaning Banks—can add a notation of "ROC" (for Report of Charges) to a sailor's file card and keep that man from ever working on an SIU ship again. Yet Banks *is*—and this might have been brought out more clearly at the hearing—helpful to *his* kind of sailor. Sometimes, indeed, he is too helpful, and one of the facts that came out about the SIU's welfare fund was that sailors often got benefits they weren't, strictly speaking, entitled to.

So precisely was attention focused on Banks' personality and his personal conduct that it was often possible for the newspaper reader to believe that the Norris inquiry was not an inquiry at all, but a trial, in which the defendant was Banks and the prosecution was the commission. Well, it was not a trial. Banks faced no charges and was proved guilty of no crime. Yet the implications are unmistakable, particularly in the most shocking aspect of the shocking situation that the Norris commission revealed: violence.

A man who wants to sail on a Canadian lakeship faces more than the domination Banks exerts through ROC cards and other weapons within his own union. He faces the chance, if he joins the Canadian Maritime Union, the only other union that is now open to him, of getting his head beaten in. Witness after witness at the Norris commission testified about terrible beatings. One of them appeared on the stand in August, still wearing a cast from a beating suffered in April. At least one appeared still woozy. Some of them had been beaten by as many as seven men. Some had been struck by baseball bats. One had been nearly killed on his own front lawn. The victims included women.

As Norris himself said, after only twelve days of testimony: "Without at all at this time deciding who is responsible for these attacks, these cowardly attacks, it is very difficult for me to understand how in this state of our so-called civilization, things of this sort could happen in Canada. We have heard, day after day, witnesses coming here and telling us of these most cowardly attacks. That is why I referred to them as a pack of jackals."

In all the hundred and seven days of hearings, no one ever *proved* that the beatings were inflicted by the SIU. Certainly Banks, the central figure, was never even accused of being directly involved. Yet all the victims of the beatings had one thing in common; they opposed the SIU. Nearly all were members of the Canadian Maritime Union, Bank's only opposition. The testimony of William Dodge, vice president of the Canadian Labor Congress and an elder statesman of the Canadian union movement, seemed incontrovertible: "One has to make one's decision about who is responsible by a process of elimination. In the army we used to refer to self-inflicted wounds. I don't think we can consider that a possibility—that, for instance, an individual would take a crowbar and beat himself across the kneecap as a simple act of self-indulgence. I think the next possibility . . . is that the employees of the Upper Lakes Shipping Company and members of the CMU are simply accident prone . . . I think we have certainly to eliminate that. Obviously, there is a systematized program of beatings going on. If that is so, who is responsible for it? The Imperial Order of the Daughters of the Empire? The Women's Christian Temperance Union? The Steelworkers' Union? There is only one pattern that answers the question. . . . The Seafarers' International Union is clearly responsible."

Hal Banks came to Canada in 1949, when nearly everyone thought it was a good idea. The frankly communist Canadian Seaman's Union had forced chaos on the Canadian waterfront, calling sixty-six strikes and work stoppages, most of them illegal, in twelve months. The SIU had a foothold in Canada, with seven hundred members, and acting together, the Trades and Labor Congress (which had expelled the CSU) and the shipowners, approached the SIU's U.S. headquarters for help. The SIU volunteered Banks, who had been working as a troubleshooter in its San Francisco office.

The CSU was a tough union, made of tough men, and it took a tough man to break it. Just how tough Banks was, it now seems clear, no one in Canada really knew. It was a couple of years before his criminal record in the U.S. (he had done time in San Quentin, for writing bad cheques, but was later given a certificate of rehabilitation) was made known here. The SIU's battle against the CSU involved a number of broken heads and gunshot wounds—Banks received neither—and the SIU won it quickly and neatly. Banks then cleaned out the "deadwood" officials of his own union. By late 1949, he had converted to the SIU a·hundred and fifty-seven crews that had formerly been CSU.

The next months were peaceful ones. Banks and his union grew in stature, if not in wisdom, and the ships sailed on time. Yet through the whole period, Banks, who was only the "administrator" of the SIU's Canadian district, called no conventions, wrote no constitution, held no elections. In late 1950, there was pressure from a few sailors for more democracy. Appearing to bend to it, Banks called a convention for Montreal in January of 1951. There were only twenty-seven delegates, all picked by Banks. They voted for "autonomous democracy."

Democracy did not come. For the next decade, Banks intensified his personal powers. These powers had many bases. The first, of course, was the DNS list. Banks maintains that he needed the economic war club of the DNS to clear the communist off the lakes, but there is some question about how effectively he used it against them. The Canadian Labor Congress brief to the Norris commission says that only a few of the two thousand names on Banks' 1951 DNS list were the names of men who were known to be communists, and implies that there were many known communists *not* on the list. There is no question at all that he used the list to make certain that anyone who worked against him never worked on a ship.

How many men Banks put on the DNS list altogether is still an unanswered question. The list that Maurice Wright produced before the Norris commission was from 1951, and no one who appeared during the inquiry contended that it was complete. The ROC-card system that the SIU switched to after the DNS was outlawed is harder to draw an exact total from, but Marc Lalonde, the junior counsel of the commission who did much of its investigatory work, has reported that he saw 3,999 names on ROC cards in the SIU files. None of these men, of course, can work on SIU ships—which meant, until the Canadian Maritime Union was formed in 1961, that they couldn't work at all at their chosen trade.

The second source of Hal Banks' power over his men was, and is, persuasion. In an interview after the close of the Norris commission, Maurice Wright, the labor lawyer, said: "The most lasting impression I got from these hearings was one of brainwashing." The principal washrag is the *Canadian Sailor*, a tabloid organ published roughly once a month by the SIU and, perhaps, the principal reading fare of the seven thousand sailors who spend most of their time on board Canadian lakeships for eight months a year. The *Canadian Sailor*, not to put too fine a point on it, is a propaganda sheet, which usually refers to SIU members as the "decent men" who are up against the "finks" and the "scabs" and the "filthy commies." (In an issue published in 1957, which later led to a libel action, the *Canadian Sailor* outdid even itself with this sentence: "When this worm was brought out from under his slimy rock, the stench was so bad around the board hearing room, it was almost nauseating.")

Banks is, altogether, a master propagandist in the classic tradition. He, or the SIU (they are all but interchangeable), is an expert at, for instance, The Smear. One example of this technique in action that was brought out at the Norris commission was the SIU's publication, during its dispute with Upper Lakes Shipping, of a pamphlet called *The Strange Conspiracy to Destroy the Standards and Security of Canadian Workers*. This pamphlet goes once again into the somewhat murky record of James Norris, the U.S. millionaire who has been involved with, among other people, the mobster Frankie Carbo. The pamphlet's accusation is that the same James Norris controls Upper Lakes. The truth is, as was brought out in evidence, that the U.S. holding company that has money in Upper Lakes is controlled by *Bruce* Norris, and although James is Bruce's half-brother, James has no interest in the company whatever.

Seeing "conspiracy" all around it, to digress for a minute, is another favorite manoeuver of the SIU. The *Canadian Sailor*, in many of its issues, and Banks, frequently before the Norris commission, both saw plots around them everywhere—plots devised by the minister of labor and the Canada Labor Relations Board; devious stratagems on the part of the St. Lawrence Seaway Authority; collusion here and cliques there. Judge Norris, of course, was "prejudiced" from the outset, holding a "stacked deck" against the SIU. As Paul Hall, president of the international union, told an American reporter in March, "We proved that there was and is a conspiracy against this organization—the record brought that out to a 'T.' "

Another classic smear during the hearings was Banks' reference to Claude Jodoin, president of the CLC, as a "fellow-traveler." Banks' tricks, though, are often much subtler. The union rules about who may sail on what ships are called, by the union, the National Shipping Rules. During the commission, Banks referred to these rules as "legislation" until Norris told him to cut it out.

The minutes of SIU meetings, which are mimeographed and distributed to members, form still another instrument of propaganda. In these minutes, Brother Banks' speeches are usually received "with loud applause," and motions are always passed "unanimously." The reporting of all speeches and discussions is, to say the least, vivid, and were it not for their slight overtones of exaggeration—no union could run *that* smoothly—one could easily imagine the benign and harmonious atmosphere of a missionary society's annual convention. In fact, of course, the SIU *is* harmonious, and Banks *does* draw, if not unanimous, then nearly unanimous support for all his proposals. Partly, this is because anyone who disrupts the SIU or tries to battle Banks won't be in the SIU much longer. But Banks' support also relies on the fact that, materially, he has done rather well by his membership. A deckhand on a Canadian laker now draws more than $315 a month, compared to $189 he was getting as recently as 1953; an oiler gets about $375 compared to $225. Furthermore, the SIU halls around the lakeports, of which the headquarters in Montreal is the most elegant example, give a sailor in town a comfortable place to relax, get a shave, eat what one former SIU public relations man who now works for the Montreal *Star* described as "the best meal in town for a half dollar" and, of course, see what the job situation is.

Generally, over the past few years, the job situation has been bad. Although the union claims over fifteen thousand members, there have been, during the shipping season, only about seven thousand berths to fill. This has made the SIU hiring halls something very close to black markets in jobs. A man pays $240 to join the SIU, which can be deducted from his first six months' pay; but even then he doesn't get a vote on anything except a strike he will be involved in. He pays another hundred at the end of eighteen months to get his "book." There are, obviously, many questions that one could ask about the responsibility of a union that would continue to sign new members when it already had more than twice as many as could conceivably be working at one time. "You have jobs to sell," Charles Dubin, the commission counsel, said to Banks at one time during the inquiry. BANKS: "That's not true at all." DUBIN: "I put it to you: to get a job I have to go through a hiring hall. And I cannot go on the board (where names are picked for available jobs) unless I'm a member . . . You run the hiring hall. I cannot get a job in this country without going through the hiring hall." BANKS: "There are exceptions to that, but for all practical purposes what you're saying is essentially correct." The union has, on occasion, even profited from sailors' pockets *after* the sailors have done their jobs. Seamen, who can work only eight or nine months a year, often take their holiday benefits in cash, and, because some companies in the past had been guilty of not paying those benefits, the SIU arranged to have holiday pay given to the union when a sailor was signed off a ship. This curious practice gave to Banks, instead of the employers, the final say about who would be able to collect money that was legally owing to him. There were several cases put before Norris of men who had waited months to be given money they had already earned.

Banks' domination, however, is not confined to the men who depend on him for their right to work. To quite an astonishing degree, it became evident during the commission hearings, the shipping companies have played along with Banks. Some time after the hearings were over, in fact—after all the evidence about the way Banks runs his union was in—a reporter phoned T. Rodgie McLagan, the president of Canada Steamship Lines, the biggest employers in Canada of SIU personnel. The reporter said he wanted an interview to discuss Banks. "I'm not interested in making any derogatory statements," McLagan said. "We get along well with him. We get along well with the union. We're not in this fight."

Neither, it has turned out, were many of the other companies that put ships on the Great Lakes. The responsibility for Banks' presence in Canada is really threefold: the labor movement helped to bring him here and, in the face of strong evidence about the way he was running his union, took a very long time indeed before doing anything about getting rid of him; neither the Liberal government in power when he came nor the Conservative one that watched him prosper has done anything about him (Walter Harris, the Liberal minister of citizenship and immigration, quashed a deportation order for Banks on his last day in office), and nearly all the shipping companies that put vessels on the Great Lakes have played footsy with him. The attitude of the companies towards Banks has been not unlike the attitude of the English-speaking Montreal establishment toward the late Premier Maurice Duplessis: as long as there was no trouble directly concerning them, they have turned their back on the abuse of other men's liberty. At one point during the Norris inquiry, the representative of a company called Transit Tankers said he had quit supplying fuel to Upper Lakes Shipping—the firm with which Banks was then feuding—after Banks had done no more than *point out* to him on the phone that he had been Upper Lakes' supplier. "I thought it might be better in the interests of harmony," he testified. (Banks later denied making the call.)

THE STRAW that broke the toleration of Banks and the SIU on the Great Lakes, and eventually precipitated the Norris commission, was an incident of shooting. This incident occurred in June of 1961, off the shore of Seven Islands, Quebec. One man was wounded, but several others were, to say the least, scared silly, and a number of people got fighting mad. One of the men who got mad was Jack Leitch, the soft-spoken president of Upper Lakes Shipping company, owners of the boat that was fired upon.

This boat was the *Wheat King,* a converted tanker that Upper Lakes, through a subsidiary called Island Shipping, had just put into commission in the spring of 1961. Leitch and Upper Lakes at the time were on quite bad terms with Banks. The SIU had, the previous year, attempted to sign the "licensed" personnel—engineers—on all the Great Lakes boats as members and it had used some pretty devious means to do so. During a vote about representation, the Upper Lakes engineers were the only group who voted against joining the SIU and later, when the SIU's bid for certification had been thrown out because of fraud, the SIU apparently blamed its comeuppance on Upper Lakes. In any case, according to Tom Houtman, the personnel manager of the company, an SIU official had told them quite clearly that they would be "punished."

The SIU first agreed to put a crew on the *Wheat King,* but shortly after the ship was put in service, Island Shipping and the union began squabbling about how many men ought to be on her. The SIU wanted seven more than Island Shipping would agree to. On June 6, 1961, the crew walked off the *Wheat King* at Levis, Quebec. Island Shipping (still Upper Lakes in disguise) promptly charged them with desertion, and also laid charges of inciting to desert against two SIU officials who were in town at the time. After a telephone conversation between Leitch and Banks, though, the company agreed to put three more men on and drop the charges against the crew, but not against the two union officials. Shortly afterward, the *Wheat King* tried again to go to sea, but had engine trouble. She returned to Levis and, with a long delay envisioned, the crew was signed off. The engine troubles were cleared up quickly. The company asked the SIU for a new crew. The SIU declined to provide one, this time insisting that the charges against the union officials be dropped too. They were not, and Island Shipping signed on a new crew—a group of Greek immigrants who were found in Montreal and who were immediately enlisted in the Canadian Brotherhood of Railway, Transport and General Workers. The CBRT, as the union is generally called, already had a grudge against Banks dating back to a west-coast conflict that also involved violence and they were, presumably, only too glad to join the opposition.

It was this crew that was on the *Wheat King* a few days later when the ship was fired on off Seven Islands. A small boat pulled out in the early hours of the morning and peppered the *Wheat King* with rifle shots, shooting out, among other things, several of its lights. The *Wheat King's* captain, who had a .303 on board, began firing back, hitting one man in the boat.

These were the shots that were heard around the waterfront, in that they were the real beginning of the violence of 1961 and 1962.

Jack Leitch and Upper Lakes, though, probably could not have forced the government's hand in calling an inquiry into Great Lakes shipping without the simultaneous action of the Canadian Labor Congress. Just as Upper Lakes' record was not entirely unblemished in respect to Banks—they had dealt with him quite comfortably from 1950 almost until the *Wheat King* incident and, indeed, had been one of the companies that signed an agreement with the SIU for a group of men already under an agreement to another union—the CLC had played along with the SIU for years. As late as 1957, in fact, Claude Jodoin, then as now president of the CLC, testified at a citizenship hearing in favor of making Banks a Canadian. Banks broke with the CLC in 1959, when his union was temporarily suspended for "raiding" the membership of another group on the west coast, and the next year, when the SIU did not deign to appear at the CLC's convention to defend itself, the expulsion was made permanent.

In July of 1961, Island Shipping put another converted tanker onto the Great Lakes, the *Northern Venture,* with Upper Lakes acting as agent. With the *Wheat King* contract as a precedent, the CBRT was again asked to supply the crew. On July 6, the sailors began to go aboard at Port Weller, Ont., near St. Catherines. On July 10, the SIU began to picket. Several of the crewmen, who had not yet signed articles left the ship to join the picket line (the SIU was offering them cheap memberships). As the *Northern Venture* began her sea trials, crowds of SIU pickets paraded up and down the waterfront. On July 14, Upper Lakes got an injunction from the Ontario Supreme Court restraining picketing against both the *Northern Venture* and the *Wheat King*—which had perfectly legal agreements with their crews—but the picketers were so intent on harassing the *Venture* that the mayor of St. Catherines had to read the Riot Act to them before they'd disperse. The *Northern Venture* left for Duluth, Minn., to pick up cargo, but there it was picketed by American members of the SIU, and stayed tied up for a month before supervisory personnel loaded her themselves.

The summer of 1961 was a summer of battle between the SIU and the owners of the *Venture* and the *Wheat King.* Injunctions pretty well kept the pickets away from Canadian ports, but whenever one of the Island Shipping boats docked in a U.S. port it would be greeted by, first, SIU pickets and then, in states where the Island Shipping lawyers were able to get injunctions against the SIU, pickets carrying such signs as "unemployed sailors." There was scattered violence. That fall, Michael Sheehan, a burly Liverpool Irishman who had been one of Banks' chief aides in the SIU, but who had deserted, helped to form the Canadian Maritime Union. The CMU, which had strong backing from the Canadian Labor Congress, was created, as the CLC has made no bones about admitting, for the single purpose of getting the Seafarers' International Union off the lakes.

The next spring, the SIU put its contract demands before Upper Lakes. They were high, asking for increases that, according to Upper Lakes, would have raised their personnel costs more than sixty percent. Though personnel costs on the big lake ships—which can be crewed by about thirty men each—are a relatively low part of their overall operating expense, an increase of that dimension would have had a serious effect on the profit of Upper Lakes. Lake shipping is a tough, competitive business, and a raise in one companys' costs could hurt it quite severely. The company and the union met briefly, only to agree that they disagreed, and to ask for a conciliation board. While the conciliation board was sitting, the SIU, claiming that the hearings were unfair, managed to get a Quebec court to issue a writ of prohibition against it. Two of the three members of the board then wrote to the minister of labor, Michael Starr, in effect throwing up their hands and saying they couldn't bring the company and the union together. Starr chose to regard the letters of the two conciliators as a report. Legally, seven days after a conciliation board has reported that it cannot bring about a solution, the two parties it has been conciliating for may bargain for new contracts. Seven days after Starr made his announcement, Upper Lakes signed an agreement with Sheehan's CMU. The SIU claims—and some neutral authorities agree with them—that what really happened here was that Upper Lakes locked out the SIU. The SIU also charges that Jack Leitch of Upper Lakes and the union leaders who backed the new CMU were in collusion. These men have in fact, admitted that they were talking together while the SIU was still negotiating, but have maintained firmly that all their talks were conditional on the SIU being given every chance to keep the Upper Lakes crews. Whatever the background, Upper Lakes now had some twenty ships with more than three hundred and fifty men holding CMU cards, and Island Shipping had two ships with men holding CBRT cards.

Last summer the violence grew worse. Days lost because of picketing and harassment in American ports—injunctions still kept the pickets away in Canada—cost Upper Lakes more than one and a half million dollars. Private detectives, which Upper Lakes says it had to hire to protect its property, cost another three hundred thousand. CMU sailors were beaten up in a dozen ports, some in Canada, some in the U.S.

The most frustrating fact of these troubled times was that the ships being harassed were Canadian ships, manned by members of a Canadian union, whose right to representation had not been questioned by any Canadian court—and they were being picketed and held up in American ports. Upper Lakes had exhausted all its legal avenues by this time—except for a few places, like Minnesota, where it just couldn't get an injunction—and yet the problem continued. By this time too, the CLC was fed up. Both the CBRT and CMU were, of course, members in good standing of the Congress, their men were not being allowed to do their jobs properly and many of them were suffering violence. Both the CLC and Upper Lakes had made repeated requests to the government to step in, and the Congress had written to at least one senior official of the AFL–CIO, its counterpart in the U.S. (although the SIU is still *in* the AFL–CIO), asking it to stop the harassment of Canadian ships. When nothing was done, the CLC with, in the words of its lawyer Maurice Wright "considerable regret, nay trepidation," took a drastic step. The CBRT, which represents most of the men who man the St. Lawrence Seaway, decided to boycott ships with SIU personnel.

The head office of the CBRT asked the locals affected to present resolutions to their own memberships agreeing to take "retaliatory action." The evening before this resolution was to be presented to the union local in St. Catharines, John MacNamara, the local president and also lockmaster of the Number One lock on the Seaway, was viciously attacked in front of his own home, and assaulted with garden shears. The local members of the CBRT were outraged—as were most of the citizens of St. Catharines. The "retaliation" resolution passed the next day.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO

Mr. MANSFIELD. Mr. President, I ask unanimous consent—this is a little unusual—that the time which the distinguished Senator from Ohio [Mr. YOUNG] had requested begin, for not to exceed 15 minutes out of order, when he arrives in the Chamber.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Francesco Costagliola, of Rhode Island, to be a member of the Atomic Energy Commission, which was referred to the Joint Committee on Atomic Energy.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and refered as follows:

By Mr. MONDALE:

S. 4061. A bill authorizing construction of certain improvements on the Wild Rice River in Minnesota, in the interest of flood control and allied purposes; to the Committee on Public Works.

(See the remarks of Mr. MONDALE when he introduced the above bill, which appear under a separate heading.)

S. 4061—INTRODUCTION OF BILL TO AUTHORIZE WILD RICE RIVER FLOOD CONTROL PROJECT, MINNESOTA

Mr. MONDALE. Mr. President, I introduce, for appropriate reference, a bill authorizing the construction of a dam and reservoir on the Wild Rice River above Twin Valley, Minn., for flood control, general recreation, and allied purposes. Although I will not discuss the details or merits of this important project in this brief statement, I am requesting unanimous consent that pertinent reports supplied by the Secretary of the Army be reprinted in their entirety at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. Ordinarily such authorizations are recommended to the Senate by the Public Works Committee in an omnibus rivers and harbors bill. The project authorized by this proposal was reviewed by the distinguished members of both the House and Senate Public Works Committees and would almost certainly have been included in the 1968 bill, Public Law 90–483. Indeed, the legislation I propose today is offered only because Executive Branch delays in submitting essential reports to Congress resulted in the exclusion of this worthy and vital project from the 1968 omnibus bill. I believe it is important to stress that the essential Executive reports were submitted in late July and are favorable to the project. It is regrettable that they were not received in time to assure the inclusion of this project in the 1968 omnibus bill.

Mr. President, I am hopeful that the Senate Public Works Committee under the able leadership of Senator RANDOLPH will proceed to consider this bill and that construction of the Wild Rice River project, substantially in accordance with the provisions of House Document 366, 90th Congress, will be authorized at the earliest possible date.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4061) authorizing construction of certain improvements on the Wild Rice River in Minnesota, in the interest of flood control and allied purposes, introduced by Mr. MONDALE, was received, read twice by its title, and referred to the Committee on Public Works.

EXHIBIT 1

DEPARTMENT OF THE ARMY,
Washington, D.C., July 19, 1968.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am transmitting herewith a favorable report dated June 3, 1968, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim survey of Wild Rice River, Minnesota, in partial response to resolutions of the Committees on Public Works, United States Senate, adopted June 15, 1950, and House of Representatives, adopted June 27 and July 19, 1950.

The views of the State of Minnesota, the Governor of Minnesota, the Departments of the Interior, Agriculture, Commerce, Transportation, and Health, Education, and Welfare, and the Federal Power Commission are set forth in the inclosed communications, together with the reply of the Chief of Engineers to the Secretary of Agriculture.

The Bureau of the Budget advises that there is no objection to the submission of the proposed report to the Congress; however, it states that no commitment can be made at this time as to when any estimate of appropriation would be submitted for construction of the project, if authorized by the Congress, since this would be governed by the President's budgetary objectives as determined by the then prevailing fiscal situation. A copy of the letter from the Bureau of the Budget is inclosed.

Sincerely yours,

STANLEY R. RESOR,
Secretary of the Army.

DEPARTMENT OF THE ARMY,
Washington, D.C., July 19, 1968.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am transmitting herewith a favorable report dated June 3, 1968, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on an interim survey of Wild Rice River, Minnesota, in partial response to resolutions of the Committees on Public Works, United States Senate, adopted June 15, 1950, and House of Representatives, adopted June 27 and July 19, 1950.

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Sincerely yours,

STANLEY R. RESOR,
Secretary of the Army.

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., June 3, 1968.

Subject: Wild Rice River, Minn.
The Secretary of the Army.

1. I submit for transmission to Congress the report of the Board of Engineers for Rivers and Harbors, accompanied by the reports of the District and Division Engineers,

on Wild Rice River, Minnesota, in partial response to a resolution of the Committee on Public Works of the United States Senate, adopted 15 June 1950, and two resolutions of the Committee on Public Works of the House of Representatives, adopted 27 June and 19 July 1950, concerning the advisability of providing further improvements in the Red River of the North drainage basin, Minnesota, North Dakota, and South Dakota. The reports cover the flood and related water problems of the Wild Rice and Marsh River basins recognizing their relationship to problems in the Red River of the North basin.

2. The District and Division Engineers recommend construction of a dam and reservoir on the Wild Rice River above Twin Valley, Minnesota, for flood control, general recreation, and fish and wildlife enhancement, subject to certain items of local cooperation. They estimate the first cost of the improvement at $8,352,000, including $82,000 for future recreation facilities, of which $8,196,000 would be Federal and $156,000 would be non-Federal, after allowing for non-Federal repayment of one-half the separable cost allocated to recreation and fish and wildlife enhancement. The annual charges are estimated at $310,200, including $19,900 for maintenance, operation, and replacements. Average annual benefits with and without redevelopment benefits are estimated at $465,300 and $399,000, respectively. The benefit-cost ratio is 1.5 with, and 1.3 without, redevelopment benefits.

3. The Board of Engineers for Rivers and Harbors concurs generally in the findings of the reporting officers and recommends construction of the improvement subject to certain requirements of local cooperation. The Board considers, however, that the portion of the relocation of County Road 36 necessitated by the reservoir development should be constructed to the same design standards as other portions of the relocation, and the additional costs therefor (presently estimated at $7,000) should be borne by the Federal Government as a part of the project costs. Such adjustment would be minor and would have no significant effect on the benefit-cost ratio.

4. I concur in the views and recommendations of the Board.

WILLIAM F. CASSIDY,
Lieutenant General, U.S. Army, Chief of Engineers.

DEPARTMENT OF THE ARMY,
CORPS OF ENGINEERS,
Washington, D.C., March 26, 1968.

Subject: Wild Rice River, Minn.

CHIEF OF ENGINEERS,
Department of the Army,
Washington, D.C.

1. *Authority.*—This report is in partial response to the following resolutions adopted 15 June 1950, 27 June 1950, and 19 July 1950, respectively:

"*Resolved by the Committee on Public Works of the United States Senate,* That the Board of Engineers for Rivers and Harbors, created under Section 3 of the River and Harbor Act, approved June 13, 1902, be, and is hereby, requested to review the reports on the Red River of the North, Minnesota and North Dakota, submitted in House Document Numbered 185, Eighty-first Congress, and prior reports, with a view to determining if the recommendations contained therein should be modified at this time in view of the disastrous floods of April and May, 1950, and in view of the international aspects of the flood problem on which much information may be obtained from Dominion, provincial, municipal and other interests in Canada through the investigations already under way in accordance with Article IX of the Boundary Waters Treaty of January 1909."

"*Resolved by the Committee on Public Works of the House of Representatives, United States,* That the Board of Engineers for Rivers and Harbors be, and is hereby, requested to review the reports on the Red River of the North Drainage Basin, Minnesota, South Dakota, and North Dakota, submitted in House Document No. 185, 81st Congress, 1st Session, and prior reports, with a view to determining whether the recommendations contained therein should be modified in any way at this time."

"Resolved by the Committee on Public Works of the House of Representatives, United States, That the Board of Engineers for Rivers and Harbors be, and is hereby, requested to review the reports on the Red River of the North Drainage Basin, Minnesota, South Dakota, and North Dakota, submitted in House Document No. 185, 81st Congress, 1st Session, and prior reports, with a view to determining if the recommendations contained therein should be modified at this time in view of the disastrous floods of April and May, 1950, and in view of the international aspects of the flood problem on which much information may be obtained from Dominion, provincial, municipal, and other interests in Canada through the investigations already under way in accordance with Article IX of the Boundary Waters Treaty of January 1909."

It covers the urgent flood and related water problems of the Wild Rice and Marsh River basins, recognizing their relationship to problems in the Red River of the North basin. Other reports in response to the resolutions will be submitted later.

2. *Basin description.*—The Wild Rice River is an eastern tributary of the Red River of the North in northwestern Minnesota. The river heads at Lower Rice Lake in Clearwater County and flows westerly for about 160 miles, joining the Red River of the North about 30 miles north of Moorhead, Minnesota. In the latter part of the 19th century, local interests constructed a 10-mile-long ditch to divert a part of Wild Rice River floodflows into the adjacent Marsh River. These two streams drain an area of about 1,950 square miles, of which 300 square miles are in the Marsh River watershed. Above the point of diversion, the Wild Rice River drains 1,090 square miles. The lower portion of the basin is a nearly flat lacustrine plain which was the bed of glacial Lake Agassiz. Lacustrine deposits extend to great depths over this plain. Stream slopes average about 4 feet per mile in the upper reaches and about 1 foot per mile in the lower 27-mile reach. Channel capacity immediately upstream from the point of diversion is 3,100 cubic feet per second (c.f.s.). Below the diversion, the Wild Rice River channel capacity ranges from about 2,200 c.f.s. to 2,600 c.f.s. Marsh River channel capacities vary from 940 to about 1,360 c.f.s.

3. *Economic development.*—The population of Norman and Mahnomen Counties, which comprise most of the Wild Rice and Marsh River basins, totaled 17,594 in 1960. The largest communities in the basin are Ada, Mahnomen, and Twin Valley with populations of 2,064, 1,462, and 841, respectively, in 1960. Agriculture, primarily cash crop farming, is the major occupation. Industries are those associated with the processing or marketing of food and kindred products.

4. *Existing improvements.*—In 1954, the Corps of Engineers completed about 39 miles of channel improvement, of which about 15 miles were on the Wild Rice River above mile 27.3 and 24 miles on the Marsh River above mile 20.8. The improved channels are designed to carry floodflows corresponding to a discharge above the point of diversion of about 3,100 c.f.s. Federal costs have amounted to about $405,000. In 1964, snagging and clearing of a 12-mile reach of the Wild Rice River between miles 15.2 and 27.2 for flood control was completed by the Corps of Engineers at a Federal cost of about $86,600. In 1895. local interests constructed a diversion ditch together with a low concrete weir to divert part of the Wild Rice River floodflows into the Marsh River. In 1906, the State dredged a series of cutoffs on the Wild Rice River between miles 35 and 40 in the interest of flood control. Municipal and private interests have built several small dams for water supply and power, two of which still remain at miles 3.6 and 57.4.

5. *Floods and damages.*—Flooding along the Wild Rice and Marsh Rivers occurs frequently and high flows on these streams aggravate downstream flooding along the Red River of the North. The maximum flood of record in July 1909 inundated the entire community of Ada as well as nearly 100,000 acres of cropland in the Wild Rice and Marsh River basins. Average annual flood damages based on June 1966 prices are estimated at $497,800 of which $292,500 is agricultural, $20,600 is rural road and bridges and $174,700 is urban. In addition, average annual crop damages along the Red River of the North from the mouth of the Wild Rice River to the international boundary are estimated at $1,481,600 and urban damages to the city of Grand Forks, North Dakota, at $710,200.

6. *Improvements desired.*—At a public hearing held by the District Engineer in January 1963, local interests strongly favored multiple-purpose reservoir storage. They particularly desired provision of an assured water supply in anticipation of industrial expansion in the Wild Rice River basin which subsequently failed to materialize. Following the damaging floods of 1965 and 1966, they have urged early construction of a reservoir principally for flood control. They now strongly support the reservoir plan proposed by the District Engineer.

7. *Plan of improvement.*—The District Engineer finds that a reservoir on the Wild Rice River, with the dam located about 1 mile above Twin Valley, for purposes of flood control, recreation, and fish and wildlife enhancement, would constitute the most practical and economically feasible solution to the flood and water-related problems of the Wild Rice River basin and would also provide beneficial flood stage reduction along the Red River of the North. The drainage area at the damsite is 888 square miles. The dam would be a rolled earthfill structure about 90 feet high with a crest length of 4,280 feet including the spillway. The spillway would consist of a concrete ogee crest and chute equipped with two tainter gates. A gated low-flow outlet conduit would be combined with the spillway gate pier. The reservoir would provide 47,000 acre-feet of storage of which 39,500 acre-feet would be for flood control and 7,500 acre-feet for sediment reserve to be used as a conservation pool for recreation and fish and wildlife enhancement. The project plan provides for development of three recreation areas for public use, two along the rim of the reservoir and one below the dam.

8. *Economic evaluation.*—The District Engineer estimates the first cost of the proposed dam and reservoir project at $8,270,000 for initial construction and $82,000 for future recreation facilities of which the Federal cost would be $8,155,000 for initial construction and $41,000 for future recreation facilities. The initial and future non-Federal share would amount to $115,000 and $41,000, respectively. Using an interest rate of $3\frac{1}{4}$ percent and a 100-year period of analysis, the District Engineer estimates the annual charges at $310,200, including $19,900 for operation, maintenance, and replacements of which $7,300 would be non-Federal. The average annual benefits are estimated at $465,300, consisting of $363,700 for flood control, $31,300 for general recreation, $4,000 for fish and wildlife enhancement, and $66,300 for redevelopment effects. The ratio of benefits to costs is 1.3 without redevelopment benefits and 1.5 with these benefits included. The District Engineer recommends that a dam and reservoir on the Wild Rice River, Minnesota, be authorized for flood control,

general recreation, and fish and wildlife enhancement essentially in accordance with his plan, subject to certain specified local cooperation. He further recommends that, in accordance with the recommendation of the Director of the Bureau of Sport Fisheries and Wildlife, additional detailed studies of fish and wildlife resources be conducted as necessary, after the project is authorized, and that such reasonable modifications be made in the authorized project facilities as may be agreed upon by the Director of the Bureau of Sport Fisheries and Wildlife and the Chief of Engineers for the conservation, improvement, and development of these resources. The Division Engineer concurs.

9. The Division Engineer issued a public notice stating his recommendations and affording interested parties an opportunity to present additional information to the Board. Careful consideration has been given to the communications received.

VIEWS AND RECOMMENDATIONS OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS

10. *Views.*—The Board of Engineers for Rivers and Harbors concurs in general in the views and recommendations of the reporting officers. The proposed improvements are economically justified and the requirements of local cooperation are generally appropriate. The Board notes, however, with respect to the proposed relocation of County Road 36, that the portion of the relocation necessitated by the reservoir development should be constructed to the same design standards as other portions of the relocation, and the additional costs therefor (presently estimated at $7,000) should be borne by the Federal Government as a part of the project costs. Such adjustment would be minor and would have no significant effect on the benefit-cost ratio.

11. *Recommendations.*—Accordingly, the Board recommends the construction of a dam and reservoir on the Wild Rice River above Twin Valley, Minnesota, for flood control, general recreation, and fish and wildlife enhancement, generally in accordance with the plan of the District Engineer and with such modifications thereof as in the discretion of the Chief of Engineers may be advisable, at an estimated cost of $8,359,000 for construction and $19,900 annually for maintenance, operation, and replacements: Provided that, prior to construction, local interests furnish assurances satisfactory to the Secretary of the Army that they will:

a. In accordance with the Federal Water Project Recreation Act:

(1) Administer project land and water areas for recreation and fish and wildlife enhancement;

(2) Pay, contribute in kind, or repay (which may be through user fees) with interest, one-half of the separable cost allocated to recreation and fish and wildlife enhancement, presently estimated at $115,000 for initial development and $41,000 for future facilities;

(3) Bear all costs of operation, maintenance, and replacement of recreation and fish and wildlife lands and facilities, presently estimated at $7,300 annually;

b. Prevent encroachment which would reduce the flood-carrying capacities of the Wild Rice and Marsh River channels below the proposed reservoir;

c. At least annually inform affected interests that the project will not provide complete flood protection;

d. Provide guidance and leadership in preventing unwise future development of the flood plain by use of appropriate flood plain management techniques to reduce flood losses; and

e. Hold and save the United States free from damages due to water-rights claims resulting from construction and operation of the project.

12. The Board further recommends that additional detailed studies of fish and wildlife resources be conducted, as necessary, after the project is authorized, and that such reasonable modifications be made in the authorized project facilities as may be agreed upon by the Director of the Bureau of Sport Fisheries and Wildlife and the Chief of Engineers for the conservation, improvement, and development of these resources.

13. The Board further recommends that, following authorization of the project, detailed site investigation and design be made for the purpose of accurately defining the project lands required; that subsequently, advance acquisition be made of such title to such lands as may be required to preserve the site against incompatible developments; and that the Chief of Engineers be authorized to participate in the construction or reconstruction of transportation and utility facilities in advance of project construction as required to preserve such areas from encroachment and avoid increased costs for relocations.

14. The net cost to the United States for the recommended improvements is estimated at $8,203,000 for construction and $12,600 annually for operation, maintenance, and replacements.

For the Board:

R. G. MacDonnell,
Major General, U.S. Army, Chairman.

ADDITIONAL COSPONSORS OF BILLS

Mr. ELLENDER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma [Mr. Harris], be added as a cosponsor of the bill (S. 3987) to amend the Revenue and Expenditure Control Act of 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Utah [Mr. Moss] and the Senator from Idaho [Mr. Church] be added as cosponsors of my bill (S. 4049) to exempt highway trust fund moneys from the expenditure limitations of the Revenue and Expenditure Control Act of 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS TO DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1969

AMENDMENT NO. 983

Mr. RUSSELL submitted the following notice in writing:

In accordance with rule XL, of the standing rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, the following amendment, namely: On page 44, after line 21, insert the following:

"Sec. 542. Effective on the date of enactment of this Act—

"(1) The provisions of Section 201 of the Revenue and Expenditure Control Act of 1968, shall not apply with respect to those employees of the Department of Defense in positions established after June 30, 1966 in support of Southeast Asia operations and scheduled for abolition on termination of those operations: *Provided,* That this paragraph shall apply to not more than 150,000 of such employees.

"(2) In applying the provisions of such section to the departments and agencies in the Executive Branch those employees (not exceeding 150,000) covered by (1) above shall not be taken into account.

"(3) Notwithstanding the provisions of Section 201(a) of the Revenue and Expenditure Control Act of 1968, employment in temporary and part-time positions in the Department of Defense may be programed on an annual basis in an average number not exceeding the average number of such employees during 1967."

On page 44, line 22 strike out "542", and insert "543".

Mr. RUSSELL also submitted amendments, intended to be proposed by him, to House bill 18707, making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, which were ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT NO. 998

Mr. MANSFIELD submitted the following notice in writing:

In accordance with rule XL, of the standing rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, the following amendment, namely, on page 42, strike lines 23 and 24 over to and including lines 1 and 2 on page 43, and insert the following:

"Sec. 537. No part of the funds provided in this or any other Act shall be used to pay any recipient of a grant or contract for the conduct of a research project an amount for indirect expenses in connection with such project in excess of twenty-five per centum of the direct costs."

Mr. MANSFIELD also submitted an amendment, intended to be proposed by him, to House bill 18707, supra, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

PROTECTION OF THE PUBLIC HEALTH FROM RADIATION EMISSIONS FROM ELECTRONIC PRODUCTS—AMENDMENTS

AMENDMENT NO. 984

Mr. YARBOROUGH (for himself, Mr. Javits, Mr. Morse, Mr. Clark, Mr. Randolph, Mr. Williams of New Jersey, Mr. Pell, Mr. Kennedy, Mr. Nelson, and Mr. Mondale) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 10790) to amend the Public Health Service Act to provide for the protection of the public health from radiation emissions from electronic products, which were ordered to lie on the table and to be printed.

(See the remarks of Mr. Yarborough when he submitted the above amendment, which appear under a separate heading.)

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1969—AMENDMENTS

AMENDMENTS NOS. 985 THROUGH 994

Mr. MANSFIELD (for Mr. Clark) submitted 10 amendments, intended to be proposed by Mr. Clark, to the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO AMORTIZED DEDUCTIONS FOR CERTAIN ASSESSMENTS FOR DEPRECIABLE PROPERTY—AMENDMENTS

AMENDMENTS NOS. 995 AND 996 AND NOS. 999 AND 1000

Mr. WILLIAMS of Delaware submitted four amendments, intended to be proposed by him, to the bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 997

Mr. LONG of Louisiana (for himself and Mr. Hill) proposed an amendment to House bill 2767, supra, which was ordered to be printed.

NOTICE OF HEARING ON AIRCRAFT CRASH LITIGATION—S. 3305 AND S. 3306

Mr. TYDINGS. Mr. President, as chairman of the Senate Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce the continuation of hearings for the consideration of S. 3305 and S. 3306. These bills would improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of certain operations of aircraft.

The hearing will be held on September 25, 1968, at 9:30 a.m., in room 6206, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building, Washington, D.C.

ECONOMIC OPPORTUNITY LOAN PROGRAM

Mr. MONDALE. Mr. President, one of the most successful programs of the Small Business Administration is its economic opportunity loan program which helps disadvantaged persons become owners and operators of their own small businesses.

Time and again it has been demonstrated that many of these people in our inner cities have the capability of becoming successful business owners and operators, but they simply lack the financing and managerial skills that any successful business must have.

This program, which is the direct outgrowth of President Johnson's concern over the welfare of people in America's inner cities, is not something that is waiting for the future. It is providing help now.

As evidence of this, I offer the stories of three successful small businesses that have recently been started in the Twin Cities. In each case it was a Small Business Administration loan that made the difference. And the loans are being repaid, with interest.

These stories involve Matt's Auto Body Shop, 974 Rice Street, St. Paul, owned and operated by Matthew Walker; Robert Upholstering Co., 2139 Lowry Avenue North, Minneapolis, owned jointly by Russell R. Taylor and L. Williams Samuelson; and Phillips Groceries, 38th and 3d Avenue South, Minneapolis, owned by William Phillips.

Mr. President, the stories of these three successful small enterprises are related in articles appearing in the Minneapolis Spokesman for July 11, 1968; the Twin Cities Observer for July 11, 1968, and the Twin Cities Courier for July 13, 1968.

Because of the interest many people will have in these stories, I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Minneapolis Spokesman, July 11, 1968]

MATT WALKER AUTO BODY SHOP

Personable Matthew Walker is the owner and manager of Matt's Auto Body Shop located at 974 Rice Street in St. Paul. Matt was born in Dallas, Texas 38 years ago and came to St. Paul in August of 1957.

When he arrived and learned of the cold and heavy snowfalls that occurred in the winter in this area, he was nearly scared away and thought that perhaps he should return to Texas.

However, he decided to stick it out and got a job shortly thereafter washing cars at the Auditorium Garage in St. Paul. Later he became manager and in a period of two months he was washing and waxing 33 cars a week.

Subsequently Mr. Walker took over a parking lot for the S & L Company and built up a sizeable business.

While in Dallas Matt Walker had learned how to take the dents out of cars and became an expert auto body mechanic. One day one of his customers came in at which time Matt suggested a wax job. However, the customer said he wanted to wait for a week or two while he had a dent removed from one of his fenders. Matt learned that this job would cost $35 and since the dent was insignificant he thought it might be well for him to go back to his old profession of auto body work.

This he did and for several years worked with major automobile agencies and other body shops as a mechanic.

With all of his experience Mr. Walker decided that the time had come for him to start a business of his own and about three years ago he set up a shop which is located at 974 Rice Street. Mr. Walker is an expert body mechanic whose philosophy is that "if a job is worthwhile doing it is worth doing right." Under this philosophy Mr. Walker feels that he can always guarantee his customers a good job and at a reasonable rate.

Mr. Walker knows the hard knocks of life and was unable to go beyond the fourth grade in school. However, he taught himself with the help of his wife Jequita. He learned how to read and write and this happened in a very short time. In order to add to the family income his wife is in school learning to become an IBM key punch operator. During the past year it was necessary for Mr. Walker to expand his operation by increasing the size of his building and obtaining additional equipment. He went to Small Business Administration for a loan and was able to obtain the financing to bring this expansion about.

Mr. Walker is a kind and gracious individual living by the Golden Rule. If there is any one fault that he has it is being too good hearted. Mr. Walker has helped many people and given away much of his money to those out of money without their even knowing the source. Nevertheless this has given Mr. Walker much personal satisfaction and the feeling that he has contributed to the welfare of others. Mr. Walker, his wife and five children live at 644 Dayton Av., in St. Paul.

[From the Twin City Observer, July 11, 1968]

ROBERTS UPHOLSTERING AND PHILLIPS GROCERIES BOTH BENEFIT FROM SMALL BUSINESS ASSOCIATION

One of the fastest growing businesses in the Twin Cities is the Roberts Upholstering Company located at 2139 Lowry Ave. N., started nine years ago by Russell R. Taylor and L. William Samuelson.

Prior to starting their business, the owners had been close friends and had worked for the same furniture manufacturing company for many years, developing the technical skills that are so necessary to the success of a business. Now Taylor, the company president, has charge of production, while Samuelson is in charge of the office.

Roberts Upholstering, Inc., moved into its present location last August where they have approximately 6,000 sq. feet of floor-space. Since their business has doubled that of over a year ago, they now find that their present quarters are too small to accommodate the production necessary to keep pace with their sales.

About 60 per cent of their upholstering business comes to them from large firms; their domestic work runs about 40 per cent of sales.

The company received a big boost from the Small Business Administration about a year ago when an SBA loan was made to help them relocate and expand their business operation and provide for additional equipment. The company now has the best equipment available including one Cooper machine, the only one used by upholsterers other than manufacturers in the Twin City area.

William Phillips had a good job and security with the Minneapolis Post Office, but ever since graduating from high school and two years of business college in Birmingham, Ala., Phillips had his heart set on ultimately owning and managing a business of his own.

Five or six months ago Phillips saw an opportunity to purchase a vacant building on 38th and 3rd Ave. S., in Minneapolis, an ideal location for a small superette grocery store. But even though he had an educational background, he didn't know how to get the financial backing.

A friend suggested he visit the Small Business Administration where he learned he qualified for an SBA loan and made application. Shortly the loan was approved, and three months ago the doors of Phillips Groceries were opened.

Phillips has nine children to help him, and his 15 year old son is his righthand man in the operation. Phillips and his wife are active members of the Ascension Catholic Church in Minneapolis.

[From the Twin Cities Courier July 13, 1968]

PROFILE OF A BUSINESS: ROBERTS UPHOLSTERY

One of the fastest growing businesses in the Twin Cities is the Roberts Upholstering Company located at 2139 Lowry Ave. No. This business was started about 9 years ago by Russell R. Taylor and L. Williams Samuelson. Although these men are in their late thirties and early forties they have already developed a sizable business which employs

11 people other than themselves. Prior to starting their business the owners had been close friends and had worked for the same furniture manufacturing company for many years. During this time they developed the technical skills that are so necessary to the success of a business. By the time they started their company Taylor and Samuelson were real professionals in the art of making furniture.

Taylor, who is the company president, has charge of production, while Vice-President Samuelson is in charge of the office. The two owners are a smooth running team whose efforts complement each others to the fullest.

Roberts Upholstering, Inc. moved into its present location last August where they have approximately 6,000 square feet of floor space. Since their business has doubled that of over a year ago, they now find that their present quarters are too small to accommodate the production necessary to keep pace with their sales.

The firm has gained the reputation of being one of the top, if not the finest, upholstering shops catering to the medium to fine bracket in upholstering work. About 60% of their upholstering business comes to them from such large firms in the area as Donaldsons, Montgomery Ward, J. C. Penney stores, the Lintex Company, all of the hospitals of the Twin City area, motels and hotels. Their domestic work runs about 40% of sales. Their sales are not limited to north Minneapolis but come from all over the metropolitan area of the Twin Cities; in fact they had one customer not long ago who was located in New Richland, Minnesota, which is located about 100 miles from the Twin Cities.

Because of their expertise, Roberts Upholstering can provide some of the finest custom work upholstering that is available. Each piece of furniture that they re-do carries with it a five-year guarantee. According to Taylor, there has been a considerable increase in refurbishing antiques in recent years. The firm has 8,000 different patterns from which customers can make selection of materials and each pattern comes in an average of about four different colors. Taylor mentioned that the store will soon have its first original creation which will be something most unusual and entirely different from what is on the market today. This will be a one-piece lounge chair which will be made of simulated mink. Taylor indicated that one order has already been received based on the design drawings that have been made.

The company received a big boost from the Small Business Administration about a year ago when a SBA loan was made to help them relocate and expand their business operation, and provide for additional equipment. The company has the best equipment available and has one Cooper machine which is the only one being used by upholsterers other than manufacturers in the Twin City area.

Here is a business that is on the move and from which big things can be expected.

AIR FORCE ASSOCIATION STATEMENT OF VIETNAM POLICY—1968

Mr. MUNDT. Mr. President, the Air Force Association, under the direction of Robert W. Smart, president, has just concluded its fall meeting and aerospace development meeting in Washington, D.C.

At the time of this meeting, members were given a copy of National Defense Byline, the official publication of that organization. This carried the statement of policy of AFA.

I was impressed by the reasonable and logical approach to our Vietnam policy which was taken by this association.

The Air Force Association takes note of the involvement of the Soviet Union in the Vietnam war and points out that without this support North Vietnam could not stay in the war. I believe this statement of policy, written by experts in the area of foreign policy and military policy, deserves the attention of all our citizens. I therefore ask unanimous consent that the statement of policy be printed in the RECORD.

I call special attention to the portion of the statement printed under the subheading "Soviet Involvement." It points out once again that our own trade policies with Russia are prolonging the war in Vietnam and contributing to our seriously expanding casualty lists.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AIR FORCE ASSOCIATION STATEMENT OF POLICY, 1968

The Air Force Association, in this pivotal year of 1968, continues its support of United States commitment in Southeast Asia, and again declares:

We must stay.

We must prevail.

Nothing has happened in the past twelve months that would lead us to any other conclusions.

We are concerned, however, with the level and the tempo of the war effort. Time is not on the side of freedom. The level of effort must be raised. The tempo must be quickened.

And these things must be accomplished in the face of a growing body of American opinion which holds that we cannot prevail in Southeast Asia and that therefore we should not stay. The pressure to do less is rising at the very moment when the need to do more was never greater.

The struggle, then, is not so much for the hearts and minds of the Vietnamese, as has been said so often, but for the hearts and minds of the American people themselves. Not enough has been asked of them. Not enough has been confided to them. Their purpose has not been focused. Their patience is wearing thin.

We recognize both the desire and the responsibility of the President to seek peace by every honorable means. The bombing pause recently put into effect provides a case in point. Admittedly, it could involve grave military risks. It must produce a prompt and meaningful response from Hanoi or it will have failed. If it fails, there is no alternative, in our judgment, to a heavy increase in America's military effort.

THREEFOLD NEED

The need, then, becomes threefold.

First, the war must be won. A military victory will provide the only sound basis for a satisfactory political solution.

Second, the war must be won quickly. The war's burdens will not be borne indefinitely by Americans unless there is an end in sight.

Third, the American economy must be mobilized, both to provide the needed resources and to spread the burden of sacrifice and involvement among all Americans.

QUICKEN THE PACE

The war can be shortened only by a radical change in both the pace and direction of our military effort. Token increases will not suffice. The enemy must be hurt faster than he can recuperate. In our judgment, this will call for:

1. An end to sanctuaries in North Vietnam.
2. The denial of seaborne imports to North Vietnam by appropriate application of air and naval power.
3. Coordination of the above with a sustained air and ground offensive against the forces of North Vietnam and those of the Vietcong.

To support such an effort, business as usual on the home front must be put aside for the duration. Economic sacrifices at home must be required to support the personal sacrifices of our fighting men in Southeast Asia. The entire nation must get involved. Military solutions can be found in Southeast Asia. Political resolutions of the war can only be found here at home.

A MEANINGFUL CONFRONTATION

These are admittedly strong measures. We can justify them only if the war is placed in its proper context.

It is more than a matter of political self-determination for the people of South Vietnam.

It is more than a matter of honoring commitments made in the past to a government which no longer exists.

It is more than a matter of guaranteeing the territorial integrity of an ally.

Such aims, however noble, must be measured against our enormous national investment in this war to date and the increased effort called for from here on.

This investment can only be justified if the struggle in Southeast Asia is viewed as a meaningful confrontation with aggressive communism.

It can only be justified if success will lead to a dampening of further aggression, both in Southeast Asia and elsewhere in the world.

It can only be justified if a victory in Southeast Asia will lead us *away* from World War III, and not toward it.

Only in such a context can we justify the loss of blood and treasure being suffered by America and by the Vietnamese people, South and North. The result must be important enough to warrant such a fearful cost.

We believe sincerely that it is.

SOVIET INVOLVEMENT

A measure of proof can be found in the rising level of material support which the Soviet Union is providing to North Vietnam.

The Soviets are providing the sophisticated air defense system which has made North Vietnam the most heavily defended piece of real estate in the history of air warfare.

The Soviet Union provides the trucks which ply the Ho Chi Minh trail and the gasoline and oil which run them.

The Soviet Union provides the artillery, the ammunition, the rockets and launchers which are killing Americans daily.

The Soviet Union provides the aircraft and the ground-control system which challenges our pilots over North Vietnam targets.

Without Soviet support, North Vietnam simply could not stay in the war. Someone in Moscow must think that Southeast Asia is important.

Meanwhile, the Soviet Union takes advantage of U.S. involvement in Vietnam to make its presence felt in the Mediterranean, in the Middle East, in Korea, and in Western Europe, where the NATO Alliance is still a main Soviet target. Soviet Russia moves ahead on the technological front in a drive for strategic superiority over the United States. It looks with satisfaction on the prospect of an America divided at home and bogged down indefinitely in Southeast Asia.

NO NEUTRAL SOLUTION

An American loss in Vietnam would put enormous pressure on the other countries in Southeast Asia which already are experiencing Communist insurrections.

More important, an American retreat would affect the way that men in Moscow, and in Peking, and in many other places, shape their plans for the future.

This is why there can be no neutral solution in Vietnam. One side must win and the other must lose, and the impact will reverberate far beyond the boundaries of two tiny countries.

All this provides compelling reasons, not only for winning in Vietnam, but for winning quickly and decisively.

THE VOICE OF RESPONSIBLE INDUSTRY

Mr. MAGNUSON. Mr. President, it has been my good fortune to be sent a copy of a speech by Baron Whitaker, president of Underwriters' Laboratories, Inc., delivered before the American Society of Heating, Refrigerating, and Air-Conditioning Engineers at their annual meeting at Lake Placid, N.Y., last June.

Although the speech was prepared for a group of engineers, it could just as well—and applicably—have been made before any group within our vast and complex industrial economy.

I cannot commend too highly its tone of reason and moderation, its accurate, although necessarily sketchy, history of the growth of consumerism in the United States, its concern for all consumers and particularly those from the lowest economic levels, and its challenge to industry to show what it can do on its own initiative to both satisfy and protect consumers. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

CONSUMERISM—THE NEW FACE OF PRODUCT SAFETY

(By Baron Whitaker, president, Underwriters' Laboratories, Inc., Chicago, Ill.)

We are quick to refer to complex and involved subjects by rather simple words or phrases, particularly when identification of an area of interest between government and a specific grouping of its citizens is desired. Typical are such words as "communism," "socialism," and "consumerism."

Lacking an official definition of "consumerism," I use the word to identify the consumer protection movement present in this country today. If there is any doubt in your mind as to whether such a movement exists, may I direct your attention to these signs:

Approximately 100 bills introduced in Congress within the past two years have been aimed at increased consumer protection in such diverse areas as installment buying, fair packaging, wholesale meat, cigarette labeling, electric power reliability, fire safety, and guarantees and warranties.

The President of the United States appointed a Consumer Advisory Council in 1962 and established the Office of Special Assistant to the President for Consumer Affairs, an office now held by Miss Betty Furness. A special section has been set up in the Justice Dept. to deal with cases involving consumer interest. Many state governments and some large city governments have also created bureaus and other agencies to deal with local consumer problems.

In the private sector, the United States of America Standards Institute (USASI) created a Consumer Council as one of its arms when it recently reorganized under New York State laws. The American Society for Testing and Materials set up a special task force to explore the need for developing consumer standards—and my own organization, Underwriters' Laboratories Inc., got on the band wagon by creating a Consumer Advisory Council.

Several columnists and feature writers who had for a long time received only scant notice for their consumer-oriented writings now find themselves widely quoted as authorities in the field. Some books on the subject have turned up on the best seller list—such as "Unsafe at Any Speed," "The Innocent Consumer vs the Exploiters," and "The Dark Side of the Market Place."

The organized consumer groups have increased in number and in membership; 44 of them have banded together recently as the Consumer Federation of America.

Another recent manifestation of the consumer movement has been the introduction in Congress of a bill to create a Department of Consumer Affairs, headed by a full cabinet-rank secretary.

It is quite apparent that many groups are seeking the favor of the consumer—some by way of affording him greater protection, others by making more information available to him, and others by offering to listen to his complaints.

To the degree that a person can be protected from practices of the market place that thrive on deceit, misrepresentation, and general lack of information, such a movement could mark the end of "caveat emptor" (let the purchaser beware). It might well mark the beginning of a new era enunciated by Vice President Humphrey in swearing in the members of the National Commission on Product Safety—"Let the Maker Be Careful."

I hope we can all agree that government at any and all levels has the power and responsibility to enact and enforce such laws as we, acting through our representatives, deem necessary or desirable for the preservation of life, health, and property.

HISTORY OF PRODUCT SAFETY

Historically, government concern about product safety has been manifest primarily at the state and local levels, but over the years a few items have come under federal regulations. In most cases, such legislation came about as the result of national publicity associated with an accident phenomenon.

Some might consider the earliest form of consumer protective legislation at the national level to be embodied in our Constitution which gave Congress the responsibility for weights and measures. Others might consider it to be the Pure Food and Drug Act, which was passed by Congress in 1906.

In 1907 Congress authorized the United States Dept. of Agriculture to establish grading and inspection procedures for meat and poultry. During the past few months this legislation has been further revised.

Lesser known to the average consumer is the Wool Products Labeling Act passed in 1939, and the Textile Fiber Products Identification Act of 1960. Both Acts sought to promote truth in labeling, and certainly had overtones of producer protection as well as consumer protection. Enforcement responsibility was given to the Federal Trade Commission.

Coming closer to the categories of mechanical and electrical products, which are the more obvious concerns of this group, we find that Congress passed the Motorboat Act of 1940, which prescribed regulations for lifesaving equipment, backfire flame control, fire extinguishing equipment, sound producing devices, navigation lights, and ventilation systems for the bilges of engines and fuel tanks compartments. The law provides for involvement of the U.S. Coast Guard in vessel inspection pertaining to these items.

Obvious consumer protection is sought under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act passed by Congress in June 1947 and the Hazardous Substance Labeling Act, passed in 1960. Both Acts specified standardized markings to notify the public of the hazard to persons resulting from contact, breathing, ingestion, or burning of the products involved.

In 1953, Congress passed the Flammable Fabrics Act to outlaw a form of highly flammable clothing which had recently been introduced and which had been involved in several burnings involving loss of life. The law did not deal with the more conventional forms of fabrics used in the manufacture of clothing.

It seems unnecessary to remind you of "an act providing for safety devices on household refrigerators" enacted by Congress in August 1956. The Act required that all household refrigerator doors be equipped with provisions for opening from the inside to prevent suffocation of children who might become trapped inside.

More recently, a Refrigerator Safety Bill has been introduced that would require that refrigerators shipped in interstate commerce to be equipped with ventilating devices that operate when the appliance is not in use. This Bill has been referred to the Interstate and Foreign Commerce Committee.

In 1962, the Pure Food and Drug Act was amended to require that the effectiveness and *safety* of drugs be cleared prior to marketing. The present law is referred to as the Federal Food, Drug, and Cosmetic Act.

Considering the acts passed prior to 1963, it appears that Congress had not been overly concerned with the safety of most manufactured goods, but had acted where dramatic events had focused national attention on a situation that seemed to require immediate attention.

RECENT PRODUCT SAFETY LEGISLATION

By conrast, let us review what has happened to product safety legislation in Congress within the last two years.

In the vanguard of product safety legislation was the National Traffic and Motor Vehicle Safety Act of 1966 and associated legislation.

Also passed shortly thereafter was the Child Protection Act of 1966 which expanded the coverage of the Hazardous Substance Labeling Act to ban the sale of hazardous substances or products containing hazardous substances for which cautionary labeling is not an adequate safeguard.

In 1967 the Flammable Fabrics Act was amended to authorize the Secretary of Commerce to establish standards to reduce flammability of all textiles used in apparel and home furnishings.

The Medical Devices Safety Act of 1967 was introduced by Representative Staggers of West Virginia to require a pre-market demonstration of safety and efficacy for medical devices sold to the public. This and accompanying bills are still in committee.

The act establishing the National Commission on Product Safety, about which I will have more to say later, became official when signed by the President last November.

The Fire Research and Safety Act of 1967 was signed into law last March. It provides for a fire research activity under the direction of the Secretary of Commerce, and provides for establishment of a National Advisory Commission on Fire Prevention and Control.

The Radiation Control for Health and Safety Act of 1967 was introduced last June. Hearings on it and companion legislation are still underway in Congress. This bill would empower the Secretary of Health, Education, and Welfare to establish and enforce standards to cover all forms of potentially hazardous radiation from electronic products.

The National Gas Pipeline Safety Bill was introduced in March 1967. The Senate has acted to pass its version of the Bill but the House Committee has not yet reported its version to the floor.

Before committees of Congress at the present time is the Recreational Boat Safety Act of 1968 which empowers the Secretary of that department which includes the U.S. Coast Guard (currently the Dept. of Transportation) to establish standards pertaining to all aspects of recreational boating.

Still other bills that evidence concern about safety which have been introduced recently include the Manned Submersible Safety Act, Occupational Safety and Health

Act of 1968, a bill amending the Federal Aviation Act of 1958 to require additional precautionary measures aboard certain aircraft in the interest of safety to the traveling public, and the Electric Power Reliability Act of 1968.

On May 27, Senator Magnuson introduced the Safe Packaging Act to amend the Hazardous Substances Act to minimize the accidental poisoning of children by prevention through childproof packaging.

This listing does not purport to include all the bills which have been introduced in Congress relating to product safety—nor to convey the full impact of any of them. It is cited to indicate a rather sudden and pronounced concern of Congress in many areas about product safety. I believe that an obvious conclusion which can be drawn from this is that product safety is fast moving into the national political arena.

In 1961, the House Government Operations Committee listed 33 federal agencies assigned to consumer protection activities. They involved about 65,000 employees at an annual cost of about $1 billion. Estimates as to the current level of federal activity are not available, but recent additions, and the growth pattern of existing agencies, leave little doubt as to the firm direction in which the movement is headed. The President's Committee on Consumer Affairs, headed by Miss Furness, spent $164,000 in 1965, its first year of operation. Its 1969 budget request is $700,000.

One of the more recent federal government activities has been the appointment of a Presidential Task Force to upgrade quality of appliance repairs and servicing, and improve product warranties and guarantees. The Task Force includes the Secretary of Commerce, the Secretary of Labor, the Chairman of the Federal Trade Commission, and the Special Assistant to the President for Consumer Affairs. The announced purpose of the Task Force is to provide a cooperative effort by industry and government to encourage improvements in quality of service repairs, assure that guarantees and warranties are truthful, let the customer know the estimated life span of the product, and determine whether additional federal legislation is needed.

WHY THE PRODUCT SAFETY MOVEMENT

Some rather pertinent questions come to mind against this backdrop of expressed concern of the federal government: (1) why has this come about? (2) is it good or bad? (3) how should industry respond?

There probably is no single nor simple answer as to the cause of the consumer protection movement. It has been suggested that it is the outgrowth of an affluent society—one that is highly critical of its performance—and never satisfied with the results that it has produced. To the extent that we are no longer concerned with the bare essentials of survival and can afford to strive for a higher level of living, I suppose we could concede that such a thesis is sound. On the other hand, it should be noted that consumer movements appear to be rather common throughout the free world, not just peculiar to this country.

Some have described the movement as nothing more than a normal by-product of our modern technology and product sophistication. The argument runs that techniques of marketing, methods of manufacturing, and competition of products have changed so drastically in recent times that practices detrimental to the consumers' interest no longer correct themselves in the market place. Others have suggested that consumers are no longer able to make intelligent choices because advertising does not portray a product's capability in terms that make meaningful comparisons with competitive products possible.

Some have suggested that the federal government moves in only when an essential need of society is being neglected by local governments. Many have suggested that consumerism provides an attractive horse for politicians to ride, particularly when they can secure the services of an existing governmental agency to help develop the information needed to sell the program to Congress. Insofar as safety is concerned, there is a strong suggestion that industry self-policing efforts and local government controls have been inadequate.

I feel that each of the above reasons may have had some effect in producing and propelling the movement. Regardless of what we believe to be the real cause, it is more important to recognize that the movement is probably just getting started and that we are likely to encounter more, rather than less, as time goes on.

The General Counsel of the U.S. Senate Commerce Committee has warned that it would be a tragic mistake for business to dismiss the current wave of consumer legislation as political featherbedding. Constituents of elected officials have indicated their approval of such legislation, and politicians generally respond to the majority views of the voters in order to remain in office. Earl Lifshey, one of the more knowledgeable reporters of the consumer protction movement, has so aptly described the current situation: "Now it is no longer a question of whether there will be more standards for consumer goods and services; it's merely one of how far they are likely to go and how extensively they may be regulated and policed; for that one small cloud of consumer protection which appeared on the horizon five years ago has since grown to the point where its shadow and significance is cast across every corner of the market place."

NATIONAL COMMISSION ON PRODUCT SAFETY

Of the various acts which have been passed to date in the consumer protection field, I would surmise that none has greater potential impact on the heating, refrigeration, and air-conditioning industry than Public Law No. 90–146, which created the National Commission on Product Safety.

The principal functions of the Commission are to study and investigate: (1) the identity of categories of household products which may present an unreasonable hazard to the health and safety of the consuming public; (2) the extent to which voluntary self-regulation by industry affords such protection; (3) the protection against such categories of hazardous products afforded by common law in the states, including the relationship of product warranty to such protection; and (4) a review of federal, state, and local laws relating to the protection of consumers against categories of such hazardous products, including analyses of the scope of coverage, the effectiveness of sanctions, the adequacy of investigatory powers, the uniformity of application, and the quality of enforcement.

The Commission is to recommend, as it deems appropriate, remedial action, by the President, Congress, the states, and private industry.

The Commission, appointed March 27, 1968, was officially sworn in on May 15. It is composed of three lawyers, three engineers associated with testing laboratories, and a writer. Its Executive Director is on loan from the Public Health Service. Considering that the law requires the Commission to report its findings within two years, its assignment is indeed tremendous.

Apparently, the first item in the Commission's study will be to identfy household products which may present an unreasonable hazard to the health and safety of the consuming public.

One of the early decision which the Commission must reach in making this determination is how to identify hazards that are unreasonable, as opposed to those that are reasonable. For example, does the sharp point of an ice pick, or the sharp edge of a butcher knife or a pocket knife constitute reasonable hazards because no one has yet developed a practical guard which would effectively reduce the possibility of personal injury except by effectively limiting the intended utility of these products? Or do these products involve reasonable hazards because their potential for injury is readily recognized and they are therefore generally used in a manner as to avoid the likelihood of injury? Or do they constitute unreasonable hazards because children invariably learn as a result of being injured? Or are they considered to constitute unreasonable hazards because they are sometimes used as weapons?

Another decision facing the Commission is whether product safety is to be judged on the basis of the frequency and extent of injuries associated with product use, or whether it is to be judged on the basis of what might conceivably happen.

When asked whether it had cases of accidents resulting from leakage currents of appliances which had been reported to the Senate Commerce Committee as hazards—and there were 376 cases—Consumers' Union reported that it had none and had not sought to determine whether there had been any. When asked if it was aware of actual cases of injury resulting from ionizing radiation of color television receivers, the National Center for Radiological Health reported that it had no specific evidence of injury, but the Center was quick to point out that this did not assure that none had occurred.

The loading platforms of the New York City subways would certainly appear to be potentially hazardous when one considers the crowds, and the speeds with which the trains enter and leave the stations. Yet the facts are that about the only people who lose their lives at these locations are those who choose this method to commit suicide. Thus, any attempt to delineate between a reasonable and unreasonable hazard must surely factor accident experience into the determination.

The broad language of the bill creating the National Commission on Product Safety indicates that the concern of the Commission should be directed to the study of *all* aspects of product safety. So far, proponents of the bill have given no indication of the fact that accidents frequently result from improper use, improper installation, or improper maintenance of properly designed and properly manufactured products. If products are to enjoy the continued wide usage which has contributed so materially to our standard of living they cannot reasonably carry the entire burden of responsibility for safety.

A product and its user constitute an elementary system, and when each component of the system carries its proportionate share of the load, maximum benefit is achieved at minimum costs. All portable lamps and portable tools could be made safe to use when the user and the product are immersed in water. But such protection would undoubtedly increase the cost of these products to provide a safeguard against a potential use not expected nor required by the overwhelming majority of users. No less an authority than Dr. William Haddon of the Dept. of Transportation has conceded that safety does cost money. Without question improvements in product safety can be achieved through improved designs, but it appears likely that even greater gains might be achieved through consumer education relating to proper use and maintenance.

Substantial improvements in product safety design will invariably require more detailed information of field failures than has heretofore been readily available. To secure reasonably authentic information as to the cause of an accident or fire is seldom easy. Frequently the product is made unavailable for examination and tests because of potential legal action. In other cases, it is impaired or disarranged to the extent that the point of initial failure is most difficult to determine. When the point of origin has been determined, another judgment must be made as to whether failure resulted from improper assembly, failure of materials, or poor design. Yet this is the precise type of information that is needed if product design is to be improved so as to reduce the likelihood of product failure and accidents.

The end of useful life of a product is a point of concern for those involved with product safety, particularly in the case of electrical products. Because electrical insulation tends to become less effective with age and because conductive contaminants and dusts tend to collect with age, all other things being equal, the safety factor originally provided in the electrical system decreases with age. The safest electrical product is one that fails mechanically before it fails electrically, or that becomes obsolete and is replaced before it fails. I am sure you will recognize here, a conflict in merchandising philosophy: (1) make a relatively short life less costly product on the basis that it will be replaced after a short period of use; or (2) design for longer life with a higher initial cost and less servicing problems. How does the safety expert assure that products designed under either concept afford equivalent levels of protection for the user? Would safety requirements based on the manufacturer's estimated product life assure that the product would be replaced, or will most users continue to use the product until actual failure occurs or until the cost of repairs forces the replacement?

Many advances in product safety, as in product performance, arise out of patents granted in the best traditions of our free enterprise system. I was interested in the suggestion in one of the recent consumer best sellers that the washing machine industry should have been encouraged to use a patented device to improve safety of their machines. It might be that overall safety will be improved by requiring use of patented items, but there will certainly be a revolution in establishing safety requirements because it is difficult to imagine the pressures that will be placed on those establishing the requirements if such should come to pass. On the other hand, it is most doubtful that the abolition of patent rights for product safety concepts would result in safer products for the incentive to create and develop safety concepts would be substantially removed.

Safety features quite frequently have merchandising appeal—and manufacturers will continue to improve their products safetywise as long as they are permitted to realize compensation for their efforts.

Yet the protection afforded by patent rights does not in itself always assure that the public has the opportunity to share in a new safety advancement. Unless the advance is of such a nature as to be financially self-supporting, it might never see the production line, for the manufacturer is unlikely to place himself at a cost and price disadvantage with respect to his competitors. Most often product safety upgrading comes about through simultaneously-applied timetables utilizing non-patentable items and concepts by the safety enforcement authority.

I have attempted to indicate some of the problems which must be faced by the Commission in attempting to determine whether any given class of products has reasonable or unreasonable hazards. An equally difficult problem is to determine the extent to which the public is protected against such hazardous products by industry self-regulation or by local, federal, or state laws.

Unfortunately, statistical data on how many accidents have been prevented by a single safeguard, or by an entire system of safeguards embodied in a product are not obtainable. It is necessary, therefore, that rather indirect means be employed in evaluating the effectiveness of safety measures. Sometimes a rather broad perspective can be secured by noting the major causes of accidental deaths.

In 1965, the U.S. Public Health Service reported 108,000 persons succumbed to accidental deaths. Of these, 49,482 were associated with motor vehicles, 19,023 resulted from falls, 7347 lives were lost in fires, 5485 persons were drowned, 3984 lost their lives in transport other than motor vehicles, while electricity claimed 1071 lives. Just under 50% of these electrical fatalities were due to causes other than contact with energized lines. The remaining losses were due to various other causes.

During the same year, 1355 persons lost their lives in non-military air transportation, an activity regulated by agencies of the U.S. Government.

An overall concept of the effectiveness of electrical safety may be gained by comparing the ratio of fatalities caused by use of electricity in the years 1900, 1940, and 1965. In 1900 the annual fatality rate from all electrical causes was 19 deaths per million; in 1940, it was 7.6 per million; and in 1965 it was 5.5 million. During this period the exposure to electrically-energized appliances and material has obviously increased several fold resulting from increase in population and in the number of new electrical products that have been introduced. In 1965, the total consumption of electrical energy was 5.4 times that of 1940.

In evaluating these statistics, one should recognize that there is sufficient energy to produce a lethal electrical shock each time contact is made with metal parts of an electrical product or a wiring system. In consideration of this fact and the downward trends portrayed in these statistics, there would seem to be little doubt that the industry has indeed been realistically concerned about electrical safety.

The backbone of electrial safety regulation, insofar as the consumer is concerned, is the National Electrical Code. This Code, despite minor deviations at the local level, undoubtedly provides at least 95% of the electrical safety regulations in use in this country. In adopting the National Electrical Code the local inspection authority is given responsibility to determine the suitability of equipment and materials installed in his area under the rules of the National Electrical Code. He normally satisfies himself in this regard by ascertaining that the equipment and materials have been manufactured to recognized safety standards.

It is of interest to note that at the present time five members of the National Electrical Code-Making Panels representing agencies of the federal government participate in development of the Code requirements. One would hope that this demonstrated cooperation between government and industry could serve to indicate a pattern that might well be utilized in looking toward increased levels of safety for the consumer.

The legal protection against hazardous products has been described as a patchwork of laws, and in the sense that there is no single federal law in this country which empowers specific agencies of the federal government to exercise broad regulatory control over the design, manufacture, and sale of all products which have been involved in known accidents, this is certainly true.

There is no doubt that where local laws specifically deal with electrical safety there will be differences in interpretation and degrees of enforcement. In the National Electrical Code, responsibility for both these items is given to the local authority on the basis that he is the person best able to weigh all the factors in a given situation, and determine the course of action that provides the most satisfactory answer.

Even if absolute uniformity of interpretation were desirable, there is serious doubt as to whether the federal government, because of political pressures, is in a position to assure such. Many of you will no doubt recall the difficulties encountered by the National Bureau of Standards not too many years ago when it rendered an unfavorable report on a battery additive which a vendor proposed to sell to the General Services Administration.

Concerning the effect of other sanctions, the position of the American Trial Lawyers Assn. is that substantial improvement in safety for the public can be achieved under the theory that manufacturers will pay more attention to product safety if they are made to pay heavily for each accident in which their product is involved.

Another form of sanction incorporated in recent federal product safety bills is to subject the manufacturer to severe fines for failure to meet each and every provision of the safety standard. Product safety is seldom composed of individual items that distinguish a product between being safe and being hazardous. Invariably produuct safety results from a combination of materials, assemblies, and design features that, taken as a whole, produce reasonable assurance of safety.

Today's appliances are sophisticated assemblies of components which the appliance manufacturer secures from various sources to obtain the most favorable costs and to insure as best he can the continuity of his production. When product failure is a result of a component failure, which in turn is the result of the change of material which neither the component supplier nor the product manufacturer can readily detect, I believe you will find that the end product manufacturer bears the entire burden of responsibility for a violation of the product safety standard. Under these conditions, the obvious response of the product manufacturer is to purchase more product liability insurance and to increase the severity and thoroughness of his material acceptance and quality control programs. There is a practical limit, however, to which such programs can assure 100% compliance. Each product cannot economically nor physically be 100% tested before it is shipped. Some tests require chemical analysis, burning, breakage, and other destructive techniques. I do not suggest that there is no need for increased attention to production controls that will assure a higher level of compliance with the product safety standard. As a matter of fact, I would feel that for most appliances there is greater need for attention to production controls than to the shortcomings of existing standards. I simply want to point out that zero defects in our modern manufacturing technology is probably not attainable—if we are to judge from our own government's (and others') space program, where safety to personnel, property, and national prestige must have the highest priority and where considerations of cost have correspondingly low priority.

Depending upon company marketing philosophy, competition, and in-house manufacturing advantages, the manufacturers will undoubtedly secure that mixture of product liability insurance and production control which will give the lowest combined costs.

If legislation should require additional safeguards, costs involved in providing them must, like all other costs, ultimately be passed on to the consumer. It follows, therefore, that legislation of a consumer protection nature should logically be concerned that these increased costs are warranted, and that the consumer receives a significant increase in safety, commensurate with the increased costs he must pay.

Before concluding that the present status of product safety is entirely satisfactory or that the pronounced involvement of the federal government in product safety portends a significant increase in product safety, one should review the *modus operandi* of our present system, examining it critically for its strong points as well as its weak ones.

For electrical products, the system basically involves the concept of the National Electrical Code, produced under the voluntary standards system, the exercise of the state and local police power to assure legal compliance with safety laws through duly-constituted local authorities, and the use of product safety standards generally developed by and certified to by independent testing laboratories.

One of the chief characteristics of the system is that it provides a high degree of voluntary participation by manufacturers and by local authorities. If the local ordinances go far beyond the National Electrical Code and appear to the manufacturer to be unduly restrictive, he finds other places to market his product. If he decides that the testing laboratories' requirements, or its prices are unreasonable, he does not submit his product for investigation, or if he decides that the costs of modification are greater than he can afford, he does not make the changes in the product that would qualify it for listing. Under this system there are literally thousands of jurisdictions that are involved in the marketing of electrical products on a nation-wide basis.

Such a system obviously cannot assure 100% uniformity of action. There are local codes which deviate from the National Electrical Code. There are inspectors who do not interpret the code in exactly the same way. Similarly, certification to nationally-recognized safety product standards is not always satisfactory to local authorities.

I would hope that any sincere attempt to evaluate the system would look objectively at the results of the system, rather than whether it was centrally organized and controlled. I would hope that all segments of the industry, including the consumer, be afforded the opportunity to express themselves about the present system and to propose means that would be likely to produce increased safety.

In considering what industry response should be to the activities of the Commission and of the posture which industry might take during the time that the Commission is making its study, there appear to be at least three possible courses of action: (1) the one which I would sincerely hope that industry would not choose would be to resist in all possible ways the efforts of the Commission to perform its legally assigned job; (2) the one of passive resistance, primarily one of doing nothing other than complying with the bare requests which the Commission might place before them; and (3) the one I recommend for your careful consideration would be that of constructive cooperation and assistance.

Dr. Francis Laque, as Chairman of the Task Force of the Dept. of Commerce's Technical Advisory Board on Engineering and Commodity Standards, set the tone for standardization activities by pointing out that the needs of society can best be met by marshaling competence wherever it exists to attack those problems which need to be solved. Competence insofar as the achievement of electrical safety is concerned does not reside wholly in any single segment of the electrical industry, nor in any single level of government. It would appear, therefore, that the best interest of all would be served if industry and the Commission recognized this fact and worked together in the public interest. One possible approach might be for industry to suggest voluntary upgrading (1) where the field record indicated that such was necessary and desirable, irrespective of costs; (2) where such upgrading offered some increase in safety with only slight increase in product costs; and (3) where known technology permitted upgrading with no increase in costs.

An analysis of the field of safety hazards and safety hazard improvement, when viewed from this approach, will require a high level of statesmanship, both from the industry and the government sides. It might require professional engineering organizations such as yours to stand up and be counted, and take an active and truly professional role in safety matters. This approach is not likely to produce a great deal of scare headlines nor progress reports that will parallel our feats in space. It will require an appreciation on the part of industry of the responsibility which has been assigned to the Commission and a recognition on the part of the Commission members of a like responsibility to become fully acquainted and knowledgeable in the area of industries' design, production, marketing, and servicing problems.

It is apparent from reviewing the testimony given at hearings preceding enactment of the laws that elected officials are quick to accept information which appears to support an objective which they are attempting to attain. Industry has failed by and large to provide to its elected representative any counter evidence that will raise questions regarding the authenticity or applicability of such information received, or to provide a background against which information could be viewed so as to place it in proper perspective. I believe it is being unrealistic to expect that most of our elected officials in Congress will be as deeply concerned about these developments as we are. I think, on the other hand, it is too late to make passionate appeals after proposed legislation has been cleared by the appropriate committee of Congress. Informational and educational efforts, realistically oriented, should be presented to the appropriate legislators early in the period in which proposals are being considered.

Many of you can remember the highly dramatic cries of Walter Winchell some years ago when it was discovered that beryllium phosphors used in fluorescent lamps were poisonous and had caused a few cases of personal injury. The industry very quickly held a series of meetings with interested government officials and, in a very short time, substitute phosphors which did not present such a problem became the industry standard, voluntarily administered.

It seems to me that there is a message here which industry might well consider in taking a hard look at its own practices to determine if industry is honestly providing the highest levels of safety of which it is capable, consistent with its manufacturing and marketing philosophies. I do not believe that joint industry action in improving its safety standards has ever been challenged under the anti-trust laws.

Within the last few years, the Injury Control Div. of the Public Health Service has uncovered, through its injury survey teams, a considerable amount of helpful information which has been utilized by manufacturers and testing organizations in improving product safety. The National Center for Radiological Health has, through its field surveys, made the television industry quite aware of problems which can arise in the servicing of television units. It would seem that both of these government agencies might well continue their efforts along these lines of developing unbiased field experience information which manufacturers can use in product improvement, which standards writing and testing organizations can use in improving product standards, which enforcement authorities can use in improving product installation rules, and which consumer groups can use in educating the public in using today's electrical equipment.

The National Bureau of Standards has historically contributed to electrical safety in the field of electrical measurements and methods of evaluation. It is hoped and expected that this agency of the federal government will continue to work cooperatively, as it has in the past, with industry groups in solving problems requiring a high level of technical competence.

The electrical industry has by and large supported the local electrical inspection authority in his enforcement of the National Electrical Code. So long as the Code continues to serve the public interest, I would expect that it, too, would receive the backing and support of all agencies of government.

I believe it was Miss Furness who said that one of the most difficult areas for consumers is distinguishing between their wants and their needs. Most of us would certainly agree, and might add, that the difficulty in distinguishing between one's wants and needs appears to be greatest at the lowest economic levels.

Our competitive society is based on the generation and satisfaction of wants, irrespective of the economic level of the consumer. Protective consumerism, therefore, has a tremendous challenge in helping consumers, and particularly those in the lowest economic levels, distinguish between their wants and their needs. Many of the abuses of the market place flow not just from the avarice and greed of the seller or maker, but also, it seems to me, from this inability of the consumer to make this fine distinction and his own desire to be identified with society through possession of goods and services which society can provide.

Whether or not your industry and the electrical industry, of which it is a part, is to continue under the present safety system, or whether it is to be subjected to severe regulation, or to moderate regulations, or whether it is willing to make adjustments and improvements within its own self-administered procedures, only the future will tell. I do suggest that in any case, the answer is not completely in the hands of the gods, but might well be dependent upon the actions which the industry makes on its own initiative within the next one to two years.

LIQUIDITY FOR SAVINGS AND LOAN ASSOCIATIONS

Mr. SPARKMAN. Mr. President, yesterday the Senate cleared for the President's signature S. 3133, extending for 1 additional year the authority to regulate the maximum rate of interest paid on time and savings deposits. An important amendment was included in this legislation concerning the liquidity requirements to be maintained by savings and loan associations.

Mr. John Horne, Chairman of the Home Loan Bank Board has assured me that the liquidity amendment would be administered in the following fashion:

First, I understand the Board has no intention of raising the liquidity requirement under present mortgage market conditions. The broadening of the range of liquidity is designed to be used over a period of time to help smooth out the peaks and valleys of mortgage money supply. It would be used to build up liquidity in periods when mortgage money is plentifully available, and to reduce liquidity to assist the mortgage market when mortgage money is tight. Indeed, the Board, recently reduced the liquidity requirement to assist the mortgage market.

Second, even though the Board could prescribe a mix of liquidity under the new authority, I understand the specification of a mix will not as a rule be used so that institutions would have to dispose of any of their present securities in order to comply with the law and the regulations issued pursuant to it. To require institutions to dispose of some long-term securities would, because of the passage of time and the increase in interest rates, expose them to a loss which would be unnecessary in terms of the purposes of this legislation.

I understand the Board has also considered how the liquidity requirement would be calculated. It is the Board's view that a period should be selected which is long enough to permit a cycle of activities to occur within an association, yet not so long as to make the requirement indefinite. It, therefore, would select a 1-month averaging period. Within a month an association experiences peaks in inflows and peaks in payments. The averaging process would, thus, permit the associations to use some of their liquidity during the periods of peak payments and to carry a slight excess during periods of peak inflow so that as a whole it would meet the liquidity requirement.

The classification of institutions under the new authority would be in accordance with the spirit of the language. The classification schemes would be general and based on characteristics that deal with groups of associations rather than individual associations.

A question has been raised about how the Board would regulate certificates of deposit. In the past, when certificates of deposit were authorized to be counted as liquidity, the Board provided that the total amount of certificates held by an association could not exceed one quarter of 1 percent of the total deposits in any one commercial bank. I understand this rule, or some variant of it, will be readopted by the Board.

RETIREMENT OF ROGER JONES, ASSISTANT TO DIRECTOR OF THE BUDGET

Mr. **CARLSON**. Mr. President, Roger Jones, one of our Nation's outstanding Federal civil servants, is retiring after 35 years of dedicated and devoted service to our Nation.

As Jerry Kluttz stated in his column in the Washington Post under date of September 16:

> He has been an adviser to the last four Presidents, but he also has counseled thousands of rank-and-file employees on careers in the Federal service.

Personally, I am indebted to Roger Jones for his sound advice and counsel on many legislative matters that I have presented to the Senate on behalf of our Federal employees.

Federal workers will benefit for years to come as a result of his active and untiring efforts in their behalf.

Our Government has adopted many of his recommendations for modernization that is so essential to the efficient operation of an ever-expanding Federal Government.

I wish for my good friend, Roger Jones, many years of well-earned and well-deserved rest and retirement.

I ask unanimous consent that the article by Jerry Kluttz, published in the Washington Post of September 16, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROGER W. JONES RETIRES AFTER A COLORFUL CAREER

(By Jerry Kluttz)

He's a civil servant's civil servant.

He has reached heights in Government rarely touched by senior career officials.

He has been an adviser to the last four Presidents but he also has counseled thousands of rank-and-file employees on careers in the Federal service.

He has had a hand in every major piece of Federal employee legislation and every significant employee policy over the past score of years.

He has won such honors as the President's award, the Rockefeller public service award and the National Civil Service League award for standout civil servants.

He's one of the handful of persons who have an intimate knowledge of the career service, the Government power structure and how the bureaucracy functions.

He began his Federal career as a $1700-a-year senior clerk 35 years ago, and will retire Sept. 30 at 60 as assistant to the director of the Budget Bureau.

His name: Roger W. Jones.

But he won't completely sever his connections with Government. He couldn't. He will continue to devote his talents to the improvements of governments at all levels.

He will become the senior civil servant in residence at Princeton's Woodrow Wilson School for Public Administration where he will work to prepare students for public service.

He also will devote time to the new Federal Executive Center to open next month in Charlottesville, Va., and he will work on manpower programs for State and local governments.

He isn't likely to accept any of the numerous financially attractive positions he has been offered over the years for fear of becoming "bored stiff."

Modest and unflappable, Jones was referred to as "my conscience" by former President Truman. At the time he was director of the Budget Bureau's Legislative Service and he advised Mr. Truman on bills to sign or veto.

President Eisenhower appointed him Deputy Director of the Budget Bureau and later Chairman of the Civil Service Commission. He also encouraged Fortune Magazine in November, 1953, to use the article, "This Is a Bureaucrat," which told of Jones and his service to the Nation.

President Kennedy appointed Jones Deputy Undersecretary of State for Administration. It was during this period that career employes, for the first time, were called in for private chats with a President. Jones helped to arrange for career Foreign Service officers to talk with Mr. Kennedy.

Jones has been in his present post since Mr. Johnson has been in the White House, but it didn't take the President or his staff long to become aware of his extraordinary talents.

Mr. Johnson appointed him to the committee to study the Hatch Act, and as staff director of two panels to study executive salaries. He was the Budget Director's alternate on groups that studied reforms in the labor-management program and the Civil Service retirement system.

Looking back, the Budget official is convinced that Federal personnel have been very fortunate in having Presidents Truman, Eisenhower, Kennedy and Johnson.

"All of them," he declared, "were employe-oriented and each had a real feel for personnel policy." Often, he added, these Presidents were ahead of their advisors on personnel affairs.

Mr. Truman, he recalls, was "great institutionally; he knew how to use the machinery of Government."

Mr. Eisenhower advanced the Federal employe health and life insurance programs even before employes had thought of them. He also made the first start toward a system of comparable salaries for Federal employes, and launched what have become major programs of training employes.

Mr. Kennedy, he said, had a deep interest in Federal employes. He issued the first order setting up a labor-management program; he started implementation of the comparability salary principle; he improved fringe benefits, and unveiled the "total compensation" concept for employes.

Mr. Johnson, Jones finds, is basically management-minded. "He likes to particiapte in employe award programs, to lead campaigns to reduce costs and to increase productivity." But he also has made extensive use of career people whom he likes and trusts, and he has seen and talked with more of them than any President.

Jones' service in Government faced a crisis when he crossed from the career service to accept two jobs in the political area, jobs which were regarded as points of no return.

He didn't have to return to the Budget Bureau in a Grade 18 career job but he did. Why? "Because," he explained, "I felt I owed it to the career service to demonstrate that it was possible to take a political post and return and be of service in a career job." He proved his point.

ROBERT KENNEDY—CONSERVATIONIST

Mr. **METCALF**. Mr. President, the September issue of American Forests contains a fine article which adds to our insights into Robert Kennedy.

I commend James Craig, editor, for telling the highlights of a long and complex conservation issue and the role of Robert Kennedy in it with accuracy and objectivity.

"Access to the National Forests"—the subject of this story—was an issue needing resolution. I, too, played a part in this after Attorney General Kennedy issued his opinion in 1962.

Thus, I can vouch for the facts, and the personal observations Editor Craig includes faithfully meets my recollection, for example, of the discussions the Senator from Oregon [Mr. MORSE] held with Attorney General Kennedy.

This story is about Robert Kennedy, and he justly deserves it. Senator WAYNE MORSE, who has been the leader over the years on improving access policy for the national forests, receives proper mention. I recall well Senator MORSE discussing with other Senators and myself the reasons why he was persuaded that Attorney General Kennedy should be asked to resolve this matter.

Beyond the conservation meaning of this story, the way Attorney General Kennedy went about reaching his decision earned for him a great deal of respect for his thoroughness, his sensitivity to basic principles of law and procedure, and his objectivity.

Robert Kennedy, as this article suggests, understood the fabric of conservation. Its deeper and true meaning he fully grasped and thus he could and did approach this question of law for the forests as a man who respected equally the principles of justice and the meaning of conservation.

Senator EDWARD KENNEDY asked that his brother Robert not be made larger in death than he was in life. American Forests and its editor, Jim Craig, deserve commendation for respecting this wish.

Robert Kennedy was a great conservationist because he cared. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROBERT KENNEDY'S BIG CASE

(By James B. Craig)

When President Kennedy named his brother Attorney General in 1961 there was quite a bit of criticism from the rival party. Some said he was too young, too inexperienced, and that no President should name his own kinfolk to top Cabinet positions. The President had a way of disarming his critics and he did so in this case. He said he didn't see why anyone should object to his giving Robert some practical experience before sending him out to practice law on his own. Actually the President wanted someone in the job he could trust. He trusted Robert.

This episode was still fresh in people's minds when the young Attorney General received a visit from one of the top constitutional lawyers in the U.S. Senate, the Hon. Wayne Morse, of Oregon. Scotch-taped to the rich oak panels in the Attorney General's imposing office were gaily-colored drawings by the Kennedy children. The bottom drawer of the Attorney General's desk had been yanked out to provide a footrest for the Attorney General's feet. A football was handy nearby. On occasion, the Attorney General had surprised visitors by chucking it at them.

But on this day all was very formal. Senator Morse addressed his host as "Mr. Attorney General." After the most perfunctory of greetings, the Senator began to speak and the Attorney General listened. As is his way, the Senator presented both sides of the case with brilliance and clarity—his own side and the other side. The subject on this day was a very important aspect of national forest use.

To tell the story requires a bit of background.

In the era following World War II, use of the national forests, for every purpose for which these great public properties were created, increased in dramatic ways. Timber harvesting leaped upwards; less than two million board feet of timber a year was sold before the War; afterwards, sales doubled and would soon double again.

Railroad logging had been replaced by truck logging. There was a big demand on the Forest Service by the timber industry to put more timber up for sale. Outside the Forest Service, any recognition of the need for advance planning and construction for the road network was hard to obtain. The decade of the 50's found the Service constantly short of needed funds for roads; it came to rely heavily on timber purchasers for access road construction.

Even in the West, the national forests are not all solid blocks—they are interspersed with private lands very often held by timber companies. Forest management goals required cooperation between the Forest Service and the intermingled private timber landowners in construction of road networks. Where cooperation was not forthcoming, the national forests timber and associated resources could not adequately be managed. An informal interpretation of a section of the Act of June 4, 1897, by the Department of Agriculture's General Counsel in 1950 prevented the Forest Service from obtaining ingress to the national forest land across intervening private lands. Where a private timber landowner requested a permit to cross national forest land to reach his private timber, the Service was obliged to grant such access and could not require reciprocal rights of access to similarly reach and manage the national forest resources.

This story is about the role of Robert Francis Kennedy, Attorney General of the United States, in reviewing this policy as the chief law officer for the Executive Branch of the Federal Government.

The legal issue required an interpretation of these words in the statute which created the national forests out of the public domain:

The Secretary of Agriculture . . . may make such rules and regulations and establish such service as will insure the objects of such reservations; namely, to regulate their occupancy and use, and to preserve the forest thereon from destruction. . . . .

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations or from crossing the same to and from their property or homes; *and such wagon roads and other improvements to be constructed hereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of Agriculture. Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes including that of prospecting, locating, and developing the mineral resources thereof: provided, that such persons comply with the rules and regulations governing such forest reservations. (16 U.S.C. 478, 30 Stat. 36.)*

Agriculture's General Counsel thought that "actual settlers residing within the boundaries of the national forests" encompassed all landowners. Thus, it believed that when a timber landowner asked for a permit to build a road across the forest his request had to be granted. Thus the Forest Service did not believe it had authority to insist upon a reciprocal right to cross the private lands or to use the portion of the road on the private lands. The other point of view was that "actual settlers residing within the boundaries of the national forests" did not cover every natural person or corporation owning property within such boundaries, and thus a permit to cross national forest land to reach private timberlands could be conditioned. Agriculture agreed that this concept applied to the lands acquired under the Weeks Law and Bankhead-Jones Act.

In 1959, Secretary of Agriculture Ezra Taft Benson requested the 86th Congress to specifically authorize him to require reciprocal grants from private landowners for the 160 million acres of national forests created from public domain. When in 1960 hearings were held on the bill, S. 1797, timber industry spokesmen appeared in strong opposition. The landowning segment of the industry did not want any policy of reciprocity adopted. Several members of Congress, including Senator Morse, who had testified in favor of S. 1797, finally took the position that legislation really was not necessary because the 1897 law already provided the authority needed.

In 1961 after a series of meetings with Department of Agriculture officials, it became apparent that for the present they were willing to forego resolving this issue in order to see how far it actually could go in solving access needs without requiring reciprocity. Agriculture still believed that this authority would be useful.

This position meant, however, that the existing policy would persist: Road permits could continue to be issued without securing reciprocal rights. At this point a decision was reached to ask the Secretary of Agriculture to seek the advice of the Executive's chief legal officer, the Attorney General, in order to determine whether the legal authority already existed and, if so, how it might be applied.

In the spring of 1961, Senator Morse arranged to see Attorney General Kennedy, fully advising him, in advance, of the topic to be discussed. Having argued the merits of the case, the Senator went into the more subjective issues—especially the fact that the Attorney General in effect was being asked to rule on a matter the Secretary of Agriculture seemed reluctant to deal with.

At this juncture the Attorney General began to take an active hand in the conversation and what he had to say indicated he was thoroughly briefed on his subject. He indicated that in the Minnesota wilderness cases, which the Supreme Court had declined to review after the government won, the views of the Department of Justice were similar to Senator Morse's own position. (Perko vs. U.S., 204 F2nd 446.) He said he had already discussed this aspect of the matter with his staff.

Senator Morse then pointed out that were the Attorney General to undertake a review in order to give a formal opinion, he could expect concern from a substantial segment of the timber industry.

The Attorney General next revealed that he had a surprisingly broad background on the national forests and their importance—not only for timber production but for all their uses. In fact he spoke of various national forest programs with such ease and thorough familiarity that one could have been led to believe he might have once worked in the Forest Service.

In short, he had facts at his fingertips. He knew what the issues were, where the various parties stood and why. His expressions were tolerant of other views but even on this day in 1961 he used a characteristic word which he was to use again and again in his 1968 campaign.

That word was "unsatisfactory." And "unsatisfactory" was his view of a situation under which private landowners could require a permit to build a road across public forest with no reciprocity. He also used other expressions characteristic of his more recent campaign: "I want to help," and then the question: "How can I help you?"

The meeting closed with the Attorney General summing up the situation as he understood it. After each major point—pro and con—he asked if he was correct. Then Kennedy reached his initial decision: He would ask the Secretary of Agriculture to submit the question to him and his staff would then review the issues.

He ended on a note of caution and philosophy. He said where a practice long existed, one could make a good case that legislation might be needed. However, where the Executive already has the authority, it should not go back to the Congress to ask permission to do what it already could do. He made it clear that if there were material differences with the situation in the wilderness cases in Minnesota, a legislative enactment might be necessary. If there were not, then an executive agency should use its lawful powers in the public interest. The meeting closed with Kennedy commending the foresight of an earlier generation that had created the national forests and national parks from the public lands.

In April 1961, Senator Morse had submitted key questions to Secretary of Agriculture Freeman with the request that the Attorney General be asked to render a decision. In August 1961 the Secretary presented the questions to the Attorney General.

Before an opinion was handed down, another meeting was held at Justice at the request of Nicholas de B. Katzenbach, Assistant Attorney General, Office of Legal Counsel. He expressed the Attorney General's concern that some of the timber industry spokesmen had advised that should the Attorney General render an opinion to the effect that the Secretary of Agriculture had authority to require reciprocal rights, a suit would be filed to overturn it.

In that meeting another insight into Attorney General Kennedy's character emerged through his Assistant. Threats were not an effective way to persuade Robert Kennedy on the merits of a case.

On February 2, 1962, the Attorney General gave his opinion. The substance of the issue, he said, is whether the Secretary of Agriculture had the authority to grant a permit to use an existing road or to build a new road across a national forest on condition that the applicant confer on the United States a reciprocal benefit with respect to a road crossing his own property. Acknowledging that landowners might not be inclined to permit the Forest Service to cross their property, he described the situation in the recent past.

The Attorney General pointed out that "ordinarily, in order to avoid conflict with judicial tribunals, my predecessors have refused to issue opinions in situations similar to that here presented, i.e., in which there is a substantial likelihood that the issue discussed and the opinion would become the subject of litigation. Nevertheless, special circumstances exist in this instance which seem to me to justify a departure from this general practice." He noted that if he refused to supply the requested opinion the Secretary would be placed in the position of either having to follow his General Counsel's view in the administration of the statute with the consequence that the scope of his authority could not be determined judicially or otherwise or of disregarding his Counsel's views without further legal advice.

He went on, "My failure to issue an opinion consequently would place you in an awkward position. Further, in the Minnesota wilderness area litigation, this Department had already taken a position contrary to that of your General Counsel on one of the issues raised by your inquiry. In those unusual circumstances, I believe I have the obligation to depart from the normally applicable rule of declining to render an opinion where the issues presented in it are likely to become the subject of litigation."

The Attorney General's opinion held that the term "actual settler" must be a person claiming under the Settlement or Homestead Law the benefits which have been traditionally limited to natural persons to the exclusion of corporations and further that the settler must be residing on the land.

On reciprocity he said the issue was not whether the Secretary had "a mandatory duty to impose a reciprocity requirement on applicants who seek to cross national forests . . . but whether you possess any discretionary authority to do so. My conclusion that you generally possess this discretionary authority, of course, does not preclude the possibility that in the circumstances of particular cases, which are not before me, the area of your authority may be significantly narrowed by such circumstances. In any event, the question of whether you should exercise whatever authority you possess is a matter for you to determine. Problems of both policy and law may affect your exercise of discretion."

Since 1962, regulations have been issued by the Forest Service implementing broad and cooperative forest access and exchanges of rights-of-way. Public Law 88–657 of 1964 rounded out the authority of the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests. In the hearings, timber industry spokesmen made substantial efforts to have the Attorney General's opinion overturned; conservation leaders gave it their support. The Senate Public Works Committee, in reporting the bill, said that it was intended "neither to affirm nor to abrogate the Attorney General's interpretation of the Act of June 4, 1897." No court actions challenging the Attorney General's opinion have ever been filed.

In applying the Opinion, the Secretary of Agriculture concluded he would no longer issue automatic permits to people who wished to build roads across national forest land. He also concluded he would not automatically condition the grant of a right-of-way across the national forests upon receipt of reciprocal rights-of-way across the private land. The result has been to produce the policy goals sought while the larger authority is sheathed but right at hand. As a result, timber landowners who now seek to build roads across national forests willingly grant to the Forest Service the access it needs to manage them.

By May 1968 as a result of the combination of Attorney General Kennedy's 1962 Opinion and the 1964 Act, the Forest Service had made 323 'Share-Cost" agreements with private landowners. These agreements covered over 3,500 miles of road valued at more than $50 million and serviced forest lands containing 98 billion board feet, of which 71 billion board feet is public timber and 27 billion board feet is private timber. Efficient management of entire forest areas regardless of ownership has thus been materially advanced.

Many people were involved in proposing and opposing the development of this access policy. At various junctures the actions of one or another key governmental official was significant in propelling the issue toward resolution. Robert Kennedy made a unique contribution by acting positively when an easier choice would have been to stand back. He provided for timely action.

PROTOCOL AND U.N. CONVENTION ON STATUS OF REFUGEES MUST BE RATIFIED

Mr. PROXMIRE. Mr. President, this morning hearings are being held before the Committee on Foreign Relations on both the U.N. Refugee Convention and the recently submitted protocol to that convention. It is my hope that their deliberations will result in a unanimous recommendation for ratification of both instruments by the Senate.

The President submitted the protocol to the Senate on August 1 of this year and asked for immediate consideration. I am gratified that the committee has decided to hold hearings at this time so the Senate possibly will have the opportunity of ratifying at least one convention and one protocol relating to the protection of human rights. Surely this is the least the Senate can do during this year dedicated to internationalizing human rights.

The Convention, as modified by the protocol, provides for international protections for refugees without any time limit or date of eligibility for refugee status. It provides for the well-being of those who have had to flee their homes and countries because of persecution for their "race, religion, nationality, membership of a particular social group, or political opinion."

Mr. President, there is absolutely no reason that these instruments should not be ratified and loudly proclaimed. Ratification is called for by overwhelming humanitarian and foreign policy considerations.

Reservations included in the Letter of Submittal remove even the slightest possible conflict between Federal and State law and provisions of the Convention and protocol.

Mr. President, I invite the attention of Senators, and my friends in the press to these extremely important instruments for the protection of basic human rights of men everywhere. During this period when we are seeing a brutal civil war in Nigeria-Biafra and the reckless invasion of Czechoslovakia—both conflicts resulting in numerous refugees—it would be most fitting for the Senate to ratify the convention and the protocol and for the press to take notice of them. This is the kind of news that should be printed and printed again.

Mr. President, I ask unanimous consent that the letters of transmittal and submittal and the protocol, convention, and list of parties to both be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Message From the President of the United States Transmitting the Protocol Relating to the Status of Refugees, Done at New York on January 31, 1967

LETTER OF TRANSMITTAL

The White House, *August 1, 1968.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to accession, I transmit herewith the Protocol Relating to the Status of Refugees, which was endorsed by the United Nations General Assembly in December 1966 and soon thereafter opened for accession by the Secretary General. Annexed is the text of the 1951 Convention Relating to the Status of Refugees, to which the Protocol relates.

I transmit also, for the information of the Senate, the report by the Secretary of State with respect to the Protocol.

The Protocol constitutes a comprehensive Bill of Rights for refugees fleeing their country because of persecution on account of their political views, race, religion, nationality, or social ties. The United Nations has designated 1968 as International Year for Human Rights, and on October 11, 1967, I proclaimed the year 1968 to be Human Rights Year in the United States. Foremost among the humanitarian rights which the Protocol provides is the prohibition against expulsion or return of refugees to any country in which they would face persecution. Through a number of other specific guarantees, refugees are to be accorded rights which—taken together—would enable them to cease being refugees, and instead to become self-supporting members of free societies, living under conditions of dignity and self-respect.

It is decidedly in the interest of the United States to promote this United Nations effort to broaden the extension of asylum and status for those fleeing persecution. Given the American heritage of concern for the homeless and persecuted, and our traditional role of leadership in promoting assistance for refugees, accession by the United States to the Protocol would lend conspicuous support to the effort of the United Nations toward attaining the Protocol's objectives everywhere. This impetus would be enhanced by the fact that most refugees in this country already enjoy the protection and rights which the Protocol seeks to secure for refugees in all countries. Thus, United States accession should help advance acceptance of the Protocol and observance of its humane standards by States in which, presently, guarantees and practices relating to protection and other rights for refugees are less liberal than in our own country.

Accession to the Protocol would not impinge adversely upon established practices under existing laws in the United States. State laws are not superseded by the Convention or Protocol. In two instances where divergences between the Convention and United States laws would cause difficulty, appropriate reservations are recommended.

Refugee problems—in their origin and in their resolution—cannot be divorced from the strife, tensions and oppression which are so detrimental to the well-being of nations and peoples. Once refuges secure asylum, it is essential on humanitarian grounds alone that they be assisted. But emergency assistance—in the absence of rights such as those provided in the Protocol—can degenerate into permanent relief, fostering the refugees' human deterioration and permitting abandonment of responsibility by concerned governments. On the other hand, the provision of such rights can lead to just and lasting solutions to refugee problems. Such solutions in turn can help promote the reduction of tensions, the solution of broader issues and the stability of concerned nations.

United States accession to the Protocol would thus constitute a significant and symbolic element in our ceaseless effort to promote everywhere the freedom and dignity of the individual and of nations; and to secure and preserve peace in the world.

I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to accession, subject to two reservations, as recommended in the report of the Secretary of State.

LYNDON B. JOHNSON.

(Enclosures: (1) Report of the Secretary of State; (2) 1967 Protocol Relating to the Status of Refugees; (3) 1951 Convention Relating to the Status of Refugees; and (4) list of parties to the protocol and to the convention.)

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, July 25, 1968.

The PRESIDENT,
The White House:

I have the honor to submit to you, with a view to its transmission to the Senate for advice and consent to accession, a certified copy of the Protocol Relating to the Status of Refugees, done at New York on January 31, 1967. Also enclosed for the information of the Senate is a copy of the Convention Relating to the Status of Refugees of July 28, 1951, the substantive portions of which are incorporated into the Protocol.

In recommending that you submit the Protocol to the Senate, I particularly recall that the year 1968 has been designated by the United Nations as International Year for Human Rights and proclaimed by you as Human Rights Year in the United States.

The Convention and the Protocol are separate instruments. Both seek to promote effective protection for refugees, and to secure for them a number of specific rights designed to improve their legal, political, economic and social status within asylum or third countries. The Protocol incorporates the Convention's definition of refugees as persons who are outside of and are unwilling to return to their respective countries of nationality or habitual residence because of "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion."

The Convention, however, is applicable only to persons who have become refugees as a result of events occurring before January 1, 1951. The Protocol removes this dateline and also binds acceding States to apply substantive Articles 2 through 34 of the Convention. Thus, parties to the Protocol are bound to extend to refugees the benefits of the Convention without limitation as to eligibility imposed by the Convention's dateline. The Protocol, like the Convention, requires Contracting States to cooperate with the United Nations High Commissioner for Refugees (UNHCR) and to furnish certain information regarding refugees.

The Convention was adopted by a United Nations Conference of Plenipotentiaries in 1951, and has been adhered to by 53 states. It constituted the most comprehensive codification of the rights of refugees so far attempted on an international level. A fundamental provision of the Convention (Article 33) prohibits the expulsion or return of refugees to territories where their life or freedom would be threatened. Other important provisions deal with freedom of religion for refugees, the right of free access to courts of law, the right to hold gainful employment, to acquire property, to move freely, and to participate in the benefits of public education, relief, social security, unemployment compensation, and other programs. Given these rights, the opportunity exists for refugees to become self-supporting and to live in dignity and self-respect within asylum countries or third countries. Broader application of these rights could lead to the reduction or termination of international relief.

The Protocol was developed under the auspices of the UNHCR in 1965. The UNHCR Executive Committee submitted it in 1966 to the United Nations General Assembly through the Economic and Social Council. The General Assembly passed upon the Protocol in December 1966, and in March 1967—acting upon the request of the General Assembly—the Secretary General opened the Protocol for accession. It came into force for the parties to the Protocol in November 1967 with the accession of Sweden as the sixth party. (Annexed are lists of the 18 states which have acceded to the Protocol and the 53 states parties to the Convention.)

United States accession to the Protocol would be effected by the deposit of an instrument of accession with the Secretary General of the United Nations, and the Protocol would come into force for the United States on the date of such deposit. The United States would be able to withdraw its accession to the Protocol at any time by a notification addressed to the Secretary General. Withdrawal would take effect one year from the date of such notification.

As concerns refugees' rights within Contracting States, the general approach of the Protocol is to provide that refugees in each acceding country are to be accorded due process of law and, as specified, are to be treated without discrimination either as compared with other refugees, with other aliens or with nations. Among the most significant matters in which refugees would be guaranteed treatment comparable to that accorded other aliens are self-employment (Article 18 of the Convention); the practice of liberal professions (Article 19); housing, to the extent regulated by laws or regulations or controlled by public authorities (Article 21); public education above the elementary level (Article 22, paragraph 2); and freedom of movement (Article 26) within the territory of the Contracting State.

Refugees are to receive treatment equivalent to the most favorable treatment accorded to nationals of a foreign country (most favored nation treatment) as regards the right to participate in trade unions and other nonpolitical and non-profit-making associations (Article 15) and the right to engage in wage-earning employment (Article 17, paragraph 1).

The Protocol provides for refugees to receive treatment comparable to that given nationals in such matters as freedom in the practice of religion and in the religious education of their children (Article 4); free access to courts (Article 16); the protection of industrial property and of artistic, literary and scientific copyrights (Article 14); elementary education (Article 22, paragraph 1); public relief and assistance (Article 23); workmen's compensation and other benefits under labor and social security laws (Article 24); and the imposition of taxes, duties and other charges by Contracting States (Article 29). Most of these are rights and benefits comparable to those normally provided to non-refugee aliens in treaties of friendship, commerce and navigation and other treaties.

There is also provision (Article 28) for the issuance of a refugee travel document to facilitate travel abroad with the right of return within specified time limits.

United States accession to the Protocol would not impinge adversely upon the laws of this country. By virtue of Article VI of the Protocol, the United States would assume obligations only in respect of matters that come within the legislative jurisdiction of the Federal Government. State laws would not be superseded by any provision of the Convention. With respect to any articles of the Convention that may come within the legislative jurisdiction of the states under our constitutional system, the Federal Government is obligated to bring such articles to the notice of the appropriate state authorities with a favorable recommendation.

Further, only a few provisions of Federal law would be affected by the terms of the Convention. These matters, with two exceptions, present no serious difficulty for the United States. There is an apparent conflict, however, between Article 29(1) of the Convention and United States revenue laws pertinent to the taxation of nonresident aliens, which can be avoided by interposition of an appropriate reservation. Therefore it is proposed that the United States accession to the Protocol be accompanied by a reservation to Article 29(1) of the Convention in the following terms:

"The United States of America construes Article 29 of the Convention as applying only to refugees who are resident in the United States and reserves the right to tax refugees who are not residents of the United States in accordance with its general rules relating to nonresident aliens."

A second reservation is proposed to avoid a conflict between Article 24 of the Convention and certain provisions of the social security laws particularly in regard to residence requirements applicable to aliens but not to citizens. It is proposed that the reservation read as follows:

"The United States of America accepts the obligation of paragraph 1(b) of Article 24 of the Convention except insofar as that paragraph may conflict in certain instances with any provision of title II (old age, survivors' and disability insurance) or title XVIII (hospital and medical insurance for the aged) of the Social Security Act. As to any such provision, the United States will accord to refugees lawfully staying in its territory treatment no less favorable than is accorded aliens generally in the same circumstances."

Article 7(2) of the Convention provides that "after a period of three years residence all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States". The commentary on this article by the Committee on the Draft Convention Relating to the Status of Refugees notes that "since a refuggee is not protected by any State, the requirement of reciprocity loses its *raison d'etre* and its application to refugees would be a measure of severity. Refugees would be placed in an unjustifiable position of inferiority". In addition, Article 16(1) provides for free access to the courts of law on the territory of all Contracting States. These provisions would qualify, in regard to refugees, the reciprocity requirement of Title 28, United States Code, Section 2502 in relation to suits by aliens in the Court of Claims.

As stated earlier, foremost among the rights which the Protocol would guarantee to refugees is the prohibition (under Article 33 of the Convention) against their expulsion or return to any country in which their life or freedom would be threatened. This article is comparable to Section 243(h) of the Immigration and Nationality Act, 8 U.S.C. Section 1254, and it can be implemented within the administrative discretion provided by existing regulations. Article 32(1) of the Convention provides that, "The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order." Many if not most of the grounds for deportation set forth in Section 241 of the Immigration and Nationality Act, 8 U.S.C. 1251, are grounds of "national security or public order," including particularly the several provisions relating to subversive activities and criminal conduct. As refugees by definition are without a homeland, deportation of a refugee is a particularly serious measure, and it would not be humanitarian to deport a refugee for reasons of health or economic dependence.

Accession to the Protocol would promote our foreign policy interests through reaffirming, in readily understandable terms, our traditional humanitarian concerns and leadership in this field. It would also convey to the world our sympathy and firm support in behalf of those fleeing persecution. Actually, most refugees in the United States already enjoy legal and political rights which are equivalent to those which states acceding to the Convention or the Protocol are committed to extend to refugees within their territories. Under United States laws and practices, refugees entering this country normally have either been admitted as permanent resident aliens or have been provided opportunity to obtain such status within a reasonable period following their entry. These refugees have been given the opportunity to acquire citizenship in due course and meanwhile to receive rights shared by all other legally admitted aliens. With the exception of voting, such aliens enjoy in the United States virtually the same rights as United States citizens. A succession of special refugee imigration measures enacted since 1945 has been the chief element in our country's bi-partisan program for accepting refugee immigrants and according them status promoting their assimilation in the United States as citizens.

The removal by the Protocol of the refugee eligibility dateline in the Convention has caused international interest. It has been felt by many that, with the passage of time, it may become progressively difficult to establish a causal link between some refugee problems emerging in the future and events which took place prior to 1951. It is considered that the Protocol—having no cut-off date for eligibility—is more clearly applicable to current and future refugee problems, and thus provides a more effective basis for accomplishment. In these terms, the Protocol strengthens the Convention as an instrument of the United Nations.

The Protocol—like the Convention—provides that disputes concerning its interpretation or application that cannot be settled by other means may be referred to the International Court of Justice. The provision is similar to that included in our bilateral treaties of friendship, commerce and navigation since 1946 and in numerous multilateral treaties to which the United States is a party.

United States accession to the Protocol is strongly supported by numerous American organizations having broad domestic support. Both the American Council of Voluntary Agencies and the American Immigration and Citizenship Conference have petitioned the Government, in behalf of a total of 86 organizations, urging that the United States accede to the Protocol during International Year for Human Rights. The forty-three member agencies of the American Council include all of the major religious, nationality and other American voluntary agencies engaged in conducting refugee and resettlement programs in countries throughout the world (including the United States) and in coordinating the support and contributions of the American public for such purposes. Thirteen of these agencies were also among the 56 organizations which requested the American Immigration and Citizenship Conference to transmit to the Government their support of accession. The other 43 organizations represented in the Conference petition include major labor unions, nationality, religious and ethnic groups and a cross section of citizen organizations concerned with extending social and other assistance in this country to immigrants and other persons of foreign origin.

Respectfully submitted.

DEAN RUSK.

(Enclosures: (1) 1967 Protocol Relating to the Status of Refugees; (2) 1951 Convention Relating to the Status of Refugees; and (3) list of parties to the protocol and to the convention.)

PROTOCOL RELATING TO THE STATUS OF REFUGEES

The States Parties to the present Protocol,

Considering that the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 (hereinafter referred to as the Convention) covers only those persons who have become refugees as a result of events occuring before 1 January 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

Considering that it desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951,

Have agreed as follows:

Article I. General provisions

1. The States Parties to the present Protocol undertake to apply articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined.

2. For the purpose of the present Protocol, the term "refugee" shall except as regards the application of paragraph 3 of this article, mean any person within the definition of article 1 of the Convention as if the words "As a result of events occurring before 1 January 1951 and * * * " and the words "* * * as a result of such events", in article 1A(2) were omitted.

3. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with article 1B(1)(*a*) of the Convention, shall, unless extended under article 1B(2) thereof, apply also under the present Protocol.

Article II. Cooperation of the national authorities with the United Nations

1. The States Parties to the present Protocol undertake to cooperate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of the present Protocol.

2. In order to enable the Office of the High Commissioner, or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the States Parties to the present Protocol undertake to provide them with the information and statistical data requested, in the appropriate form, concerning:

(*a*) The condition of refugees;

(*b*) The implementation of the present Protocol;

(*c*) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Article III. Information on national legislation

The States Parties to the present Protocol shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of the present Protocol.

Article IV. Settlement of disputes

Any dispute between States Parties to the present Protocol which relates to its interpretation or application and which cannot be settled by other means shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

Article V. Accession

The present Protocol shall be open for accession on behalf of all States Parties to the Convention and of any other State Member of the United Nations or member of any of the specialized agencies or to which an invitation to accede may have been addressed by the General Assembly of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article VI. Federal clause

In the case of a Federal or non-unitary State, the following provisions shall apply:

(*a*) With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of States Parties which are not Federal States;

(*b*) With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

(*c*) A Federal State Party to the present Protocol shall, at the request of any other State Party hereto transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol, showing the extent to which effect has been given to that provision by legislative or other action.

Article VII. Reservations and declarations

1. At the time of accession, any State may make reservations in respect of article IV of the present Protocol and in respect of the application in accordance with article I of the present Protocol of any provisions of the Convention other than those contained in articles 1, 3, 4, 16(1) and 33 thereof, provided that in the case of a State Party to the Convention reservations made under this article shall not extend to refugees in respect of whom the Convention applies.

2. Reservations made by States Parties to the Convention in accordance with article 42 thereof shall, unless withdrawn, be applicable in relation to their obligations under the present Protocol.

3. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw such reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

4. Declaration made under article 40, paragraphs 1 and 2, of the Convention by a State Party thereto which accedes to the present Protocol shall be deemed to apply in respect of the present Protocol, unless upon accession a notification to the contrary is addressed by the State Party concerned to the Secretary-General of the United Nations. The provisions of article 40, paragraphs 2 and 3, and of article 44, paragraph 3, of the Convention shall be deemed to apply *mutatis mutandis* to the present Protocol.

Article VIII. Entry into force

1. The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.

2. For each State acceding to the Protocol after the deposit of the sixth instrument of

accession the Protocol shall come into force on the date of deposit by such State of its instrument of accession.

Article IX. Denunciation

1. Any State Party hereto may denounce this Protocol at anytime by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the State Party concerned one year from the date on which it is received by the Secretary-General of the United Nations.

Article X. Notifications by the Secretary-General of the United Nations

The Secretary-General of the United Nations shall inform the States referred to in article V above of the date of entry into force, accessions, reservations and withdrawals of reservations to and denunciations of the present Protocol, and of declarations and notifications relating hereto.

Article XI. Deposit in the Archives of the Secretariat of the United Nations

A copy of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, signed by the President of the General Assembly and by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat of the United Nations. The Secretary-General will transmit certified copies thereof to all States Members of the United Nations and to the other States referred to in article V above.

In accordance with article XI of the Protocol, we have appended our signatures this thirty-first day of January one thousand nine hundred and sixty-seven.

A. R. PAZHWAK,
President of the General Assembly of the United Nations.
U THANT,
Secretary-General of the United Nations.

UNITED NATIONS CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF REFUGEES AND STATELESS PERSON—CONVENTION RELATING TO THE STATUS OF REFUGEES

PREAMBLE

The HIGH CONTRACTING PARTIES,

CONSIDERING that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination.

CONSIDERING that the United Nations has, on various occasions, manifested its profound concern for refugees and endeavoured to assure refugees the widest possible exercise of these fundamental rights and freedoms.

CONSIDERING that it is desirable to revise and consolidate previous international agreements relating to the status of refugees and to extend the scope of and the protection accorded by such instruments by means of a new agreement,

CONSIDERING that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation,

EXPRESSING the wish that all States, recognizing the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States,

NOTING that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective co-ordination of measures taken to deal with this problem will depend upon the co-operation of States with the High Commissioner,

HAVE AGREED as follows:

Chapter I. General provisions

Article 1. Definition of the Term "Refugee"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfill the conditions of paragraph 2 of this section;

(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. (1) For the purposes of this Convention, the words "events occurring before 1 January 1951" in article 1, section A, shall be understood to mean either

(*a*) "events occurring in Europe before 1 January 1951"; or

(*b*) "events occurring in Europe or elsewhere before 1 January 1951";

and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Conventon.

(2) Any Contracting State which has adopted alternative (*a*) may at any time extend its obligations by adopting alternative (*b*) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily reacquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(*a*) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(*b*) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(*c*) he has been guilty of acts contrary to the purposes and principles of the United Nations.

Article 2. General Obligations

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

Article 3. Non-discrimination

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 4. Religion

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children.

Article 5. Rights Granted Apart From This Convention

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention.

Article 6. The Term "in the Same Circumstances"

For the purpose of this Convention, the term "in the same circumstances" implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfill for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature a refugee is incapable of fulfilling.

Article 7. Exemption From Reciprocity

1. Except where this Convention contains more favourable provisions, a Contracting state shall accord to refugees the same treatment as is accorded to aliens generally.

2. After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.

3. Each Contracting State shall continue

to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.

4. The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfill the conditions provided for in paragraphs 2 and 3.

5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Article 8. Exemption from Exceptional Measures

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this article, shall, in appropriate cases, grant exemptions in favour of such refugees.

Article 9. Provisional Measures

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

Article 10. Continuity of Residence

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

Article 11. Refugee Seamen

In the case of refugees regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

Chapter II. Juridical status

Article 12. Personal Status

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.

2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.

Article 13. Movable and Immovable Property

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article 14. Artistic Rights and Industrial Property

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

Article 15. Right of Association

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

Article 16. Access to Courts

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.

2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.

3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

Chapter III. Gainful employment

Article 17. Wage-earning Employment

1. The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.

2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:

(*a*) He has completed three years' residence in the country.

(*b*) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse.

(*c*) He has one or more children possessing the nationality of the country of residence.

3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

Article 18. Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 19. Liberal Professions

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

2. The Contracting States shall use their best endeavors consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.

Chapter IV. Welfare

Article 20. Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

Article 21. Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 22. Public Education

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarship.

Article 23. Public Relief

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

Article 24. Labour Legislation and Social Security

1. The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters:

(*a*) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

(*b*) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfill the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not

be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

3. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and noncontracting States.

Chapter V. Administrative measures

Article 25. Administrative Assistance

1. When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities or by an international authority.

2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities.

3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.

4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

5. The provisions of this article shall be without prejudice to articles 27 and 28.

Article 26. Freedom of Movement

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

Article 27. Identity Papers

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

Article 28. Travel Documents

1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.

2. Travel documents issued to refugees under previous international agreements by parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

Article 29. Fiscal Charges

1. The Contracting State shall not impose upon refugees duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

2. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

Article 30. Transfer of Assets

1. A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.

2. A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

Article 31. Refugees Unlawfully in the Country of Refuge

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

Article 32. Expulsion

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

Article 33. Prohibition of Expulsion or Return ("Refoulement")

1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

Article 34. Naturalization

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

Chapter VI. Executory transitory provisions

Article 35. Co-operation of the National Authorities with the United Nations

1. The Contracting States undertake to cooperate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.

2. In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:

(*a*) the condition of refugees.

(*b*) the implementation of this Convention, and

(*c*) laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Article 36. Information on National Legislation

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure application of this Convention.

Article 37. Relation to Previous Conventions

Without prejudice to article 28, paragraph 2, of this Convention, this Convention replaces, as between parties to it, the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 30 June 1928 and 30 July 1935, the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 and the Agreement of 15 October 1946.

Chapter VII. Final Clauses

Article 38. Settlement of Disputes

Any dispute between parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

Article 39. Signature, Ratification and Accession

1. This Convention shall be opened for signature at Geneva on 28 July 1951 and shall thereafter be deposited with the Secretary-General of the United Nations. It shall be open for signature at the European Office of the United Nations from 28 July to 31 August 1951 and shall be re-opened for signature at the Headquarters of the United Nations from 17 September 1951 to 31 December 1952.

2. This convention shall be open for signature on behalf of all States Members of the United Nations, and also on behalf of any other State invited to attend the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons or to which an invitation to sign will have been addressed by the General Assembly. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open from 28 July 1951 for accession by the States referred to in paragraph 2 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 40. Territorial Application Clause

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of

entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article 41. Federal Clause

In the case of a Federal or non-unitary State, the following provisions shall apply:

(*a*) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;

(*b*) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of states, provinces or cantons at the earliest possible moment.

(*c*) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action.

Article 42. Reservations

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16 (1), 33, 36–46 inclusive.

2. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

Article 43. Entry Into Force

1. This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

Article 44. Denunciation

1. Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the United Nations.

3. Any State which has made a declaration or notification under article 40 may, at any time thereafter, by a notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

Article 45. Revision

1. Any Contracting State may request revision of this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall recommend the steps, if any, to be taken in respect of such request.

Article 46. Notifications by the Secretary-General of the United Nations

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 39:

(*a*) Of declarations and notifications in accordance with section B of article 1;

(*b*) Of signatures, ratifications and accessions in accordance with article 39;

(*c*) Of declarations and notifications in accordance with article 40;

(*d*) Of reservations and withdrawals in accordance with article 42;

(*e*) Of the date on which this Convention will come into force in accordance with article 43;

(*f*) Of denunciations and notifications in accordance with article 44;

(*g*) Of requests for revision in accordance with article 45.

IN FAITH WHEREOF the undersigned, duly authorized, have signed this Convention on behalf of their respective governments,

DONE at Geneva, this twenty-eighth day of July, one thousand nine hundred and fifty-one, in a single copy of which the English and French texts are equally authentic and which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and to the non-member States referred to in article 39.

Schedule

Paragraph 1

1. The travel document referred to in article 28 of this Convention shall be similar to the specimen annexed hereto.

2. The document shall be made out in at least two languages, one of which shall be English or French.

Paragraph 2

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of a parent or, in exceptional circumstances, of another adult refugee.

Paragraph 3

The fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

Paragraph 4

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

Paragraph 5

The document shall have a validity of either one or two years, at the discretion of the issuing authority.

Paragraph 6

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.

2. Diplomatic or consular authorities, specially authorized for the purpose, shall be empowered to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.

3. The Contracting States shall give sympathetic consideration to renewing or extending the validity of travel documents or issuing new documents to refugees no longer lawfully resident in their territory who are unable to obtain a travel document from the country of their lawful residence.

Paragraph 7

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of article 28 of this Convention.

Paragraph 8

The competent authorities of the country to which the refugee desires to proceed shall, if they are prepared to admit him and if a visa is required, affix a visa on the document of which he is the holder.

Paragraph 9

1. The Contracting States undertake to issue transit visas to refugees who have obtained visas for a territory of final destination.

2. The issue of such visas may be refused on grounds which would justify refusal of a visa to any alien.

Paragraph 10

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Paragraph 11

When a refugee has lawfully taken up residence in the territory of another Contracting State, the responsibility for the issue of a new document, under the terms and conditions of article 28, shall be that of the competent authority of that territory, to which the refugee shall be entitled to apply.

Paragraph 12

The authority issuing a new document shall withdraw the old document and shall return it to the country of issue if it is stated in the document that it should be so returned; otherwise it shall withdraw and cancel the document.

Paragraph 13

1. Each Contracting State undertakes that the holder of a travel document issued by it in accordance with article 28 of this Convention shall be readmitted to its territory at any time during the period of its validity.

2. Subject to the provisions of the preceding sub-paragraph, a Contracting State may require the holder of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.

3. The Contracting States reserve the right, in exceptional cases, or in cases where the refugee's stay is authorized for a specific period, when issuing the document, to limit the period during which the refugee may return to a period of not less than three months.

Paragraph 14

Subject only to the terms of paragraph 13, the provisions of this Schedule in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories of the Contracting States.

Paragraph 15

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.

Paragraph 16

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not confer on these authorities a right of protection.

ANNEX

Specimen travel document

The document will be in booklet form (approximately 15×10 centimetres).

It is recommended that it be so printed that any erasure or alteration by chemical or other means can be readily detected, and that the words "Convention of 28 July 1951" be printed in continuous repetition on each page, in the language of the issuing country.

(Cover of booklet)

TRAVEL DOCUMENT

(Convention of 28 July 1951)

No.----

(1)

TRAVEL DOCUMENT

(Convention of 28 July 1951)

This document expires on------unless its validity is extended or renewed.

Name ------------------------------------
Forename(s) ------------------------------
Accompanied by -------- child (children).

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.

2. The holder is authorized to return to ------ [state here the country whose authorities are issuing the document] on or before ------ unless some later date is hereafter specified. [The period during which the holder is allowed to return must not be less than three months.]

3. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of his country of residence for a new document. [The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it.] [1]

(This document contains--pages, exclusive of cover.)

(2)

Place and date of birth------------------
Occupation ------------------------------
Present residence------------------------
*Maiden name and forename(s) of wife
----
*Name and forename(s) of husband--------

Description

Height ------------------------------
Hair --------------------------------
Colour of eyes-----------------------
Nose --------------------------------
Shape of face------------------------
Complexion --------------------------
Special peculiarities----------------
Children accompaning holder:
Name --------------------------------
Forename(s) -------------------------
Place and date of birth--------------
Sex ---------------------------------

(This document contains — pages, exclusive of cover.)

(3)

Photograph of holder and stamp of issuing authority. Finger-prints of holder (if required).

Signature of holder--------------------

(This document contains — pages, exclusive of cover.)

(4)

1. This document is valid for the following countries:

----

2. Document or documents on the basis of which the present document is issued:

Issued at-----------------------------
Date ---------------------------------

Signature and stamp of authority issuing the document:

Fee paid:

(This document contains — pages, exclusive of cover.)

(5)

EXTENSION OR RENEWAL OF VALIDITY

Fee paid:
From ------------------------------------
To --------------------------------------
Done at----------------------------------
Date ------------------------------------

Signature and stamp of authority extending or renewing the validity of the document:

EXTENSION OR RENEWAL OF VALIDITY

Fee paid:
From ------------------------------------
To --------------------------------------
Done at----------------------------------
Date ------------------------------------

Signature and stamp of authority extending or renewing the validity of the document:

(This document contains—pages, exclusive of cover.)

(6)

EXTENSION OR RENEWAL OF VALIDITY

Fee paid:
From ------------------------------------
To --------------------------------------
Done at----------------------------------
Date ------------------------------------

Signature and stamp of authority extending or renewing the validity of the document:

EXTENSION OR RENEWAL OF VALIDITY

Fee paid:
From ------------------------------------
To --------------------------------------
Done at----------------------------------
Date ------------------------------------

Signature and stamp of authority extending or renewing the validity of the document:

(This document contains—pages, exclusive of cover.)

(7–32)

VISAS

The name of the holder of the document must be repeated in each visa.

(This document contains—pages, exclusive of cover.)

PROTOCOL RELATING TO THE STATUS OF REFUGEES OF JANUARY 31, 1967

List of parties to the protocol

Algeria
Argentina
Cameroon
Central African Republic
Cyprus
Denmark
The Gambia
Guinea
Holy See
Iceland
Israel
Liechtenstein
Nigeria
Norway
Senegal
Sweden
Switzerland
Yugoslavia

Total, 18.

CONVENTION RELATING TO THE STATUS OF REFUGEES OF JULY 28, 1951

List of parties to the convention

Algeria
Argentina
Australia
Austria
Belgium
Brazil
Burundi
Cameroon
Central African Republic
Colombia
Congo (Brazzaville)
Congo (Kinshasa)
Cyprus
Dahomey
Denmark
Ecuador
Federal Republic of Germany
France
Gabon
The Gambia
Ghana
Greece
Guinea
Holy See
Iceland
Ireland
Israel
Italy
Ivory Coast
Jamaica
Kenya
Liberia
Liechtenstein
Luxembourg
Madagascar
Monaco
Morocco
Netherlands
New Zealand
Niger
Nigeria
Norway
Peru
Portugal
Senegal
Sweden
Switzerland
Togo
Tunisia
Turkey
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
Yugoslavia

Total, 53.

INTERNATIONAL ANTIDUMPING CODE

Mr. MONDALE. Mr. President, a week ago last Wednesday the Senate approved H.R. 17324, which would extend and amend the Renegotiation Act of 1951. I am opposed to the amendment which would repudiate the International Antidumping Code and would force the United States to withdraw from the Code.

This Code is an attempt to standardize the antidumping practices of the major trading countries. It sets out detailed substantive and procedural provisions to assure the fair and consistent administration of the various national antidumping laws.

Eighteen governments signed the Code in Geneva last year, including the EEC countries, Japan, Britain, and Canada, and it became effective July 1, 1968. Without U.S. participation, the Code will certainly collapse and a major attempt to harmonize antidumping procedures and liberalize world trading rules would fail.

The abondonment of the Code concerns me, since I believe it to be advantageous to American traders—exporters, importers, and domestic industry alike.

However, I am even more concerned about the international consequences. It would be bad enough for the United States to abrogate a multilateral agreement following its entry into force. This can only discredit us in the eyes of other countries and weaken confidence in our word. This would be particularly unfortunate at this present time, given our vital need to improve our trade balance as part of the overall effort of restoring our balance of payments to equilibrium.

There is an even more serious consequence, however. As we all know, so-called nontariff barriers are looming larger as tariffs are being steadily reduced, and especially as a result of the Kennedy round. By nontariff barriers I mean such devices as border taxes, buy-national requirements, arbitrary customs valuation, quantitative restrictions, and a host of others.

The International Antidumping Code was regarded—and rightfully so, I think—as a significant step in avoiding potential nontariff barriers; that is, the arbitrary imposition of dumping duties. If the United States is now forced to repudiate the Code, it can only lead other countries to conclude that negotiating agreements on nontariff barriers with the United States is a risky business. And this would be very serious, since the United States has an enormous stake—both economic and political—in a continuing liberalization of world trade.

In short, this amendment could severely hurt our chances of making substantial progress in future years in this critical area. I therefore hope that the conferees on this bill—both from the Senate and the House—will realize the full consequences of this amendment and will allow time in which to see how specific dumping cases are decided—both in this country and abroad—in light of the provisions of the Code. This will give us an objective basis for determining the value of the Code and avoid a precipitate and premature action which could do great harm to our overall foreign trade policy.

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[1] The sentence in brackets to be inserted by Governments which so desire.

*Strike out whichever does not apply.

MAJOR PROBLEMS FACING THE NATION

Mr. DOMINICK. Mr. President, San Luis, Colo., is one of the oldest and finest towns in our State. It has the dignity and courtesy so deeply associated with its fine Spanish heritage. Although far from wealthy in terms of per capita income, it has a fine newspaper and a wealth of honesty and imagination in its editorial content.

In the September 6 issue, the editorial deals bluntly and factually with one of the major problems which face the Nation: the multiplicity of Federal agencies and Federal programs. The enormous cost and complexity of these agencies and programs have been reflected in our ever-increasing budget, in ever-expanding deficits, and on ever-increasing taxes.

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Costilla County Free Press]

THIS PROBLEM MUST BE SOLVED

Federal bureaucracy gives words a new meaning. For example, "temporary" is synonymous with "forever"; "emergency" becomes "a way of life"; "failure" becomes "an incentive for expansion."

While business will drop an ineffective project after a short trial run, government is more likely to expand it on the theory that a little more money will assure its success.

So, old federal programs continue to pile up. New ones are added. In 1955, the Hoover Commission deplored the fact that 25 federal agencies had water resource development programs; in 1967, 40 agencies were involved.

In 1964, there were 239 programs of grants-in-aid to state and local governments; now there are more than 500.

Ten cabinet departments and more than 15 other agencies are involved in education; 8 departments and 4 agencies operate major credit programs. There are between 15 and 30 separate manpower programs administered by public and private agencies, supported by public funds, in each major metropolitan area.

A privately published, 1,000-page encyclopedia of government programs, not limited to assistance, lists more than 5,000 services—from "aerial photographs" to "zoological parks" provided by the national government in its 1968 edition.

Congress should take a long hard look at the many overlapping and conflicting agencies and take the necessary action for consolidation and elimination. It's time that cities and states look for problem solution closer to home!

W. A. "TONY" BOYLE, PRESIDENT, UNITED MINE WORKERS OF AMERICA

Mr. METCALF. Mr. President, one of the men who came out of the mines of Montana to become a national leader is the president of the United Mine Workers of America, W. A. "Tony" Boyle. I have known and worked with Tony Boyle since my service in the Montana Legislature more than 30 years ago.

I can vouch for his well-known attributes. He is tenacious. He is tough. He is effective.

I can also vouch for his other characteristics that are now so well known. Tony Boyle is a man of compassion and warmth, who bridles at injustice and arouses the indifferent to action.

There are many workers in my State, and in other States, who can testify personally to the fact that Tony Boyle helps an individual who has been hurt, or is down on his luck, and will do all that he possibly can to help a deserving family.

Kathryn Wright, Sunday editor of the Billings Gazette, captured a portion of this side of Tony Boyle. I am especially pleased that such an article has appeared in a major newspaper in Tony's and my home State.

Mr. President, I ask unanimous consent that the article, entitled "Portrait of a President," published in the Billings Gazette of September 1, 1968, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PORTRAIT OF A PRESIDENT

(By Kathryn Wright)

He strode toward a drilling rig near the mouth of a disaster-struck mine. A murmur went through the crowd of grim-faced, worried-eyed people as he called:

"Can you hear me?"

Faintly there came: "We can hear you."

"Good. This is Tony Boyle. Don't give up. We'll get you out."

From the depths of the slide-choked mine tunnel, a tremulous response: "Thank God! But," the voice quavered, "Mr. Boyle, we're not union."

"That doesn't make a damn bit of difference. You're humans, aren't you?"

Humans—particularly the underdog humans toiling underground in the coal mines of the world—have been redhaired Boyle's crusade motivation since he, himself, scrabbled for coal as a lad in Montana's mines.

W. A. (Tony) Boyle has rushed to the scene of almost every mine disaster in the country in his years as United Mine Workers of America District No. 27 president, headquartered in Billings, and later as eleventh president of UMWA.

He throws his own experience and strength and that of his office into fights for mine workers' safety; he talks to Presidents of the United States; testifies before senate committees.

It was Tony Boyle who turned that August, 1963, Sheppton, Pa., mine cave-in from a body-recovery operation into a rescue.

He ordered air shafts drilled into the earth where three miners of a small, independent company were thought to be imprisoned by a coal slide. After almost two weeks of entrapment, two of the men were brought up alive through an 18-inch, 308-foot deep hole bored into the ground.

Mine disasters are nothing new to Tony Boyle. As president of District No. 27, he was on the scene at Bearcreek where an explosion in 1943 took the lives of 74 men. One other died during rescue.

Coal miners love Boyle and respect him. He's tough, as they are tough. "There's no chicken blood in your president," he thundered at his first international UMWA convention in 1964 at Miami. Montanans and others from over the United States, Canada and Europe knew he spoke the truth.

From his childhood—Boyle was born at Bald Butte, Mont., "in a sagging cabin at the mouth of a mine," he says—the president of UMWA has been a fighter. As a young miner, he led strikes for better working conditions, for better wages, for vacation pay. He's bloodied plenty of noses and blacked a lot of eyes and he's been blacked and bloodied in the process.

But blended with the toughness and sentimentality of this Irish-Scot whose father, grandfather and great-grandfathers mined coal in Scotland and Great Britain, is a streak of shrewdness and suaveness resulting from years of learning practically at the knee of UMWA's defied John L. Lewis.

Stocky, muscular Boyle was in his late thirties back in 1948 when Lewis asked him to come to Washington, D.C., to be his assistant. "It was a challenge," Boyle says, 20 years later. "But I like challenges. I thrive on 'em."

He had plenty of challenges and experience from '48 to 1960. As Lewis' hand-picked man, Boyle represented UMWA on numerous government and industry boards and committees, including the Joint Board of Review and Joint Industry Safety committees.

Boyle became international vice president of UMWA in 1960 and on the death of UMWA President Thomas Kennedy in 1963, the Montanan, who'd had most of his formal schooling in the rough and tumble field of experience, was head of the world's oldest, 78 years, most powerful and wealthiest union.

"It's a union," he says with pride, "that's done the most to secure safe working conditions for its members, to get its members wages representative of the fruits of their labors and the union that's done the most to bring about the war on poverty.

"The UMWA," he says with a jab of his finger at the listener and a glint in his blue eyes, "is more responsible than any other group in bringing about the war on poverty. I've seen those hungry people—the Appalachia people and their kids potbellied from malnutrition. It wasn't right and the United Mine Workers brought that condition to the attention of the government."

Bringing it to "the attention" was done in a large part by Boyle. The late John Kennedy was his personal friend and the UMWA president treasures an autographed photo of himself and JFK. Boyle and his petite titian-haired wife, Ethel, a former Montana schoolteacher, often were guests at the White House during the Kennedy administration and they now enjoy the same cordial relationship with President and Mrs. Johnson.

In this part of his work as UMWA president and in the world-wide trips he takes in the interest of hardrock miners, the streak of suave diplomacy comes to the fore. Boyle reads widely and converses easily on a vast range of subjects—including banking, as he is a member of the board of directors of the UMWA-owned National Bank of Washington whose assets are more than $500 million. Boyle also is chairman of the National Coal Policy Conference, Inc., and is chairman of the John L. Lewis Scholarship Committee, established to make awards to professional nursing students in coal mining areas.

The UMWA president is "Mr. Boyle" or "Mr. President" to a lot of people. But—to thousands more he's "Tony," and Tony's never too busy, too weary or too forgetful to stop in the middle of what he's doing and shake hands and talk with friends and acquaintances. It takes him a long time to get across the lobby of a hotel during a UMWA meeting or convention, such as opens Monday in Denver. It took his wife, Ethel, an hour and a half to get from one end to the other of the

Americana Hotel lobby during the UMWA international convention in 1964 in Miami. She, too, never forgets a name or face and has a word, a smile and handshake for everyone.

Despite the prestige with which his office cloaks him and its acknowledged effect in industry, business and politics, Boyle has retained a modesty, a humbleness and an ability to joke about himself. "Not bad for a sagebrush kid," he'll laugh, winding up a conversation of his encounter with a head of state, foreign diplomat or business tycoon.

"Sagebrush kid" was what John L. Lewis called him once a few years after he'd brought Boyle to Washington. "Well, you've come a long way for a sage brush kid," Lewis said. "Are you still mad at me for bringing you back here?"

"Never was mad," Boyle says, recalling Lewis' question. "But, I do miss those wide open spaces in Montana and the relaxation you feel the minute you hit the state. There's no chance to relax here." Even when Boyle was hospitalized for a dislocated disc, he worked on UMWA business and negotiated one of its biggest and best contracts for miners.

"There's competition here," he says of Washington, D.C., "for just plain survival. And intrigue?" He laughs dryly at that. "There's more intrigue back here per square inch than I don't know what."

For brief respite from competition, intrigue and long, long working days, Boyle and his wife come back to the wide open spaces of Montana—Billings where his brother, R. J., is headquartered as UMWA District No. 27 president, and where his lawyer daughter, Antoinette, and her son, Daryl, nicknamed "Tiger," live. Then it's bowling, Little League baseball, drive-in movies, hamburgers, playing with Tiger's dog and casual clothes for Boyle as he devotes his time to his only grandchild.

But—Boyle's drawn back to Washington's whirlpool like a moth to a flame. "If I could live my life over," he says, "I'd be in labor. I like people and I like to fight for the underdog. I believe a man should enjoy the fruits of his labors."

He puts that point home with a quote from Abraham Lincoln: "Labor came first; without labor there'd be no capital."

DEATH OF HARVEY LEE NEAL

Mr. BAKER. Mr. President, many of my colleagues have, I am sure, been privileged from time to time to hear the superbly talented piano duo known as Nelson and Neal.

I deeply regret that I must report to you today the death of my friend, Harry Lee Neal, who, with his wife, Allison Nelson, achieved worldwide acclaim unparalleled among duo pianists.

Mr. Neal's death has touched me and my staff in a very personal way, as I am sure it has others here in this Chamber, for we have come to know and enjoy his young son, John, who serves the Senate faithfully and well as a page.

The tremendous contributions Nelson and Neal have made to the cultural revolution in which we now find ourselves go far beyond the brilliance of their performances.

Their tireless research has produced a startling array of North American and 20th century premieres of lost or forgotten original works by such composers as Schubert, Mendelssohn, Liszt, and Brahms.

For a number of years their summers have been devoted to practice, recording, and teaching the students who have come from all over America to study with them at Manorhouse, their home in Paris, Tenn.

Both distinguished educators, they coauthored a remarkable series of instruction books for student pianists. In addition, Mr. Neal was the author of a bestselling autobiography entitled "Wave As You Pass," published by Lippincott.

Not very long ago, I received a letter from Harry Neal which spoke eloquently of the uncommon generosity of this truly uncommon man. He wrote:

> From time to time you may run across a situation in which it would be convenient for you to furnish some form of serious music as entertainment. As a gesture of friendship, we would be delighted to appear there in your behalf. If we may serve you by performing anywhere from Washington to Los Angeles, just pick up the telephone and call us.

The Rochester Times-Union once said of this immensely talented pair:

> Nelson and Neal were a joy to hear.

Indeed, Harry Lee Neal was a joy to know.

My most heartfelt sympathy to his family.

FAILURE TO APPROPRIATE FUNDS FOR ENFORCEMENT OF FAIR HOUSING LAW

Mr. MONDALE. Mr. President, it was exceedingly disappointing to note that the independent offices appropriation conference report did not include any funds for the enforcement of the recently adopted fair housing law. We see once again that Congress does not mean what it says when it passes substantive legislation, and that Congress can and does speak with two voices when it comes to appropriating the funds to carry out laws already on the books.

The failure of the Congress to appropriate any funds for the implementation of the fair housing provisions of the 1968 Civil Rights Act is a denial of the basic human rights of a large segment of the American people, and a repudiation of the will of the Congress which passed the law by a large majority.

The Civil Rights Act of 1968 was a hard-won, but overwhelming congressional mandate to make economics and not race the sole determinant of purchase in the housing market. It also contained a mandate to the Department of Housing and Urban Development to participate in its enforcement through conciliation, mediation, and broadly based educational activities.

A decision not to appropriate funds to fulfill this mandate, in effect repeals that part of the law. This is a breach of faith with those in the black community who preached moderation and reliance in the Congress. It is a breach of faith with all of them who pursued their remedies in Congress and were told by Congress that their cause was just and right.

This cannot be permitted to stand. We simply must appropriate the money required.

The Senate Appropriations Committee provided $9 million for roughly 900 new positions both in Washington and in Housing and Urban Development regional offices for the manpower needed to handle the considerable responsibilities entailed in mediation and education. This amount was a reasonable and responsible figure.

I know that Senator WARREN MAGNUSON, chairman of the Senate conferees, fought hard to keep this in the conference bill. I commend him and support him wholeheartedly.

If we are to make any progress at all toward a unified society—and prevent what the Kerner Commission predicts—we simply must live up to our commitments. We have made a commitment in passing that law, a commitment which says that every man has a right to buy the house he wants regardless of his race or color. Not to appropriate funds to enforce, means that we have ignored and nullified our earlier commitment. I simply do not believe that the Congress wishes to go on record as repealing the Civil Rights Act of 1968 less than a year after substantial majorities in both Houses voted for it.

I, therefore, urge every Member of Congress to work for a decent level of appropriations, and live up to our word.

NIXON CALLS ON BUSINESS IN A CRISIS

Mr. DOMINICK. Mr. President, one of the contributing factors leading to the discouragement and unhappiness across our land today has been the failure of the majority of Government programs aimed at solving the problems of the slums and urban America. In the past 5 years we have been inundated with unrealistic promises, massive spending sprees, and a proliferation of Government bureaus, all attempting to alleviate poverty, unemployment, and the inequities faced by the ghetto dweller. This approach has not only miserably failed to bridge the gap between black and white Americans, but has bred frustration and violence and has fostered the very conditions it sought to overcome.

In his presidential nomination acceptance speech, Richard Nixon outlined this American tragedy and expressed the feelings of the majority when he stated "it is time to take a new road." The former Vice President summed up the situation saying "black Americans do not want more governmental programs which perpetuate dependency. They do not want to be a colony in a nation."

Long before his selection as the Republican standard bearer, Richard Nixon approached this problem with keen insight and innovative alternatives. An example is contained in an article written for the New York Amsterdam News printed in the May 25 issue. I believe it summarizes a bold new approach to overcoming the tangled crisis in the slums. His call to apply American ingenuity and talent is a call we can and must respond to. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON CALLS ON BUSINESS IN CRISIS

(By Clayton Willis)

Former Vice President Richard M. Nixon wants the nation's welfare setup overhauled from top to bottom.

In his first major statement on the crisis in America's slums since the wasteful slaying of Dr. Martin Luther King Jr., Nixon says "Bridges of understanding can be built by revising the welfare rules, so that instead of providing incentives for families to break apart, they provide incentives for families to stay together; so, they respect the privacy of the individual; so, they provide incentives rather than penalties for supplementing welfare checks with part-time earnings."

TO BUSINESSMEN

In a fire-side chat over the CBS Radio Network from Salem, Ore., geared to get him votes in the May 28 Presidential primary, the New York lawyer looked to the conscience of the private American citizen and businessman rather than to the government to supply the answer to this country's worse race crisis since the Civil War.

"Right now we face a short-term fiscal crisis, a crisis that William McChesney Martin Jr., the chairman of the Federal Reserve System, calls the worst in a generation. . . . At such a time . . . what we do need is imaginative enlistment of private funds, private energies, and private talents, in order to develop the opportunities that lie untapped in our own underdeveloped urban heartland," said the former vice president.

Nixon, who has a swanky apartment in the same building his chief rival, Gov. Rockefeller, occupies at 810 Fifth Ave., is saying what much of black America cries for from coast-to-coast: ". . . more black ownership, black pride, black jobs, black opportunity and, yes, black power, in the best, the constructive sense of that often misapplied term."

The Republican Presidential hopeful believes that more black capitalism must be developed.

LOAN GUARANTEES

"By providing technical assistance and loan guarantees, by opening new capital sources, we can help Negroes to start new businesses in the ghetto and to expand existing ones," he hopes.

The former U.S. Senator says "Educational bridges can be built, now, at little cost—bridges of tutorial help, of business training, of remedial assistance, using volunteers who in case after case have shown themselves both willing and effective."

Nixon explained that "we should listen to the militants—carefully, hearing not only the threats, but also the programs and the promises. They have identified what it is that makes America go, and quite rightly and quite understandably they want a share of it for the black man."

SENATOR LONG OF MISSOURI RAISES SERIOUS QUESTIONS REGARDING FDA IMPACT ON MEDICAL RESEARCH

Mr. PROXMIRE. Mr. President, the Senator from Missouri [Mr. LONG] has for some time guarded against excessive bureaucratic zeal as well as abuses of executive power, as chairman of the Administrative Practice and Procedure Subcommittee of the Committee on the Judiciary. His battle against "big brother" in the form of illegal wiretaps, one-way mirrors, and other police-state devices mistakenly used by such agencies as the Internal Revenue Service is great tribute to his concern over the rights of the individual.

Now the Senator from Missouri has come up with disturbing evidence that the Food and Drug Administration has had a hand in suppressing an extremely significant treatment for arteriosclerosis. Since Senator LONG cannot be here today, I ask unanimous consent that a statement he prepared for presentation to the Senate together with an analysis of the FDA's actions against the drug in question, Cothyrobal, and appropriate background documents, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR LONG OF MISSOURI

Mr. LONG of Missouri. Mr. President, I desire to alert the Senate and the public again to the dangers of undue government domination and control of medical research, which may impair free enterprise and deny important health benefits to the public.

Two years ago I submitted a rather detailed report of certain government activities in the field of cancer research. This report criticized loose and unproductive research by the National Cancer Institute, and also the arbitrary action of the Food and Drug Administration which blocked a promising line of cancer research using enzymes which had been developed by Dr. Frank L. Shively of Dayton, Ohio.

It is interesting and, I think significant, that the FDA blocked a small entrepreneur, Dr. Shively, who was a pioneer in the enzyme treatment of cancer; but since my report to the Senate on this two years ago, other large organizations have apparently taken up this line of research with the blessing of the FDA, and have announced favorable results with enzymes on a few cancer patients, and are going ahead full steam. However, Dr. Shively has never been cleared for further research.

I wish now to draw attention to another example where the Food and Drug Administration, by a series of short sighted and even scandalous maneuvers, has blocked a meritorious line of research and treatment in the field of hardening of the arteries.

It is scarcely necessary to point out the desperate need for more adequate prevention and treatment of the deadly diseases of arteriosclerosis, which result in many of our finest men and women being carried off before their time by coronary heart attacks, strokes, sclerosis and hemorrhages in many different organs, and even blindness as in diabetic retinopathy.

There must be better answers to these problems, highlighted by the fact that degeneration of arteries in general and coronary arteries in particular is far higher in the United States and some other Western Countries, whereas it is far lower, for example, in Korea and among the Masai tribe of Africa.

Also, I have come across a twelve year battle which Dr. Murray Israel of Long Island has been having with the FDA over his treatment of arteriosclerosis. His remedy is a unique and patented combination of thyroid hormone and Vitamin B_{12}, which is given intravenously.

His treatment has been favorably reviewed in the Journal of the American Medical Association and the American Journal of Digestive Diseases, and has been used by a sizeable number of reputable physicians who collaborate with Dr. Israel. An excellent lay account of the treatment was recently described by the Science Editor of United Press International and released on July 21, 1968.

The unreasonable and improper actions of the FDA in this case are almost incredible. They show just how dangerous it is for a government agency to have immense power which, operating in secret where its alleged scientific analyses are not open to public inspection, cannot be challenged except on the highest level; that is, only by Congressional investigation or Presidential action.

I ask unanimous consent that a report on Dr. Israel's struggle with the FDA and the UPI news release be printed at this point in the RECORD, along with the previously referred to Journal of the American Medical Association and the American Journal of Digestive Diseases articles.

FDA VERSUS COTHYROBAL

The following is the synopsis of the protracted difficulties, which Vascular Pharmaceutical Co. and Murray Israel, M.D., have had with the Food and Drug Administration for the last 12 years.

(a) Dr. Israel is an active practicing physician who the FDA admits is ethical and reputable.[1] Vascular Pharmaceutical Co. was organized by his patients to supply special combinations of hormones and vitamins at low cost, and he serves as its medical director without any financial compensation.

(b) He invented and holds a patent[2] on a drug combination, Cothyrobal,* composed of equal parts of thyroid hormone and vitamin B_{12}, which permits the safe administration of larger doses of thyroid than can be given alone. FDA admits his treatment may be of great significance in the treatment of arteriosclerosis.[3]

(c) The Journal of the AMA and the American Journal of Digestive Diseases have editorially favored his treatment, the latter stating, ". . . he has made one of the most important studies so far. . . ."[4]

(d) The evidence will show that the FDA, to the great detriment of private enterprise, unreasonably, unscientifically, and by improper if not corrupt methods refused to approve Cothyrobal and suppressed the dissemination and marketing of this invention, while simultaneously promoting and approving for marketing a competing **[73][5] drug, Choloxin, of a large drug company, Baxter Laboratories.

(e) In its discrimination against Dr. Israel in favor of a large and powerful drug company, the FDA made extensive and allegedly scientific analyses of the merits of Dr. Israel's invention, Cothyrobal, but has consistently withheld the details of these analysis from Dr. Israel so that he could not rebut them.[7]

(f) Dr. Israel submitted to the FDA a report of crucial animal experiments[8] performed by a large drug testing firm acceptable to the FDA, which showed the effect of doses of thyroid alone and of thyroid plus vitamin B_{12}. It was shown that a certain dose of thyroid alone killed 40 percent of the animals, and that same dose of thyroid given simultaneously with vitamin B_{12} (Cothyrobal) killed none. This experimental data further confirmed what was already thoroughly extablished in the scientific literature.[9]

The first thing an FDA pharmacologist, Dr. Grant, did was to ignore that Cothyrobal was used in the experiment, and claim that nothing but thyroid alone was tested, with the conclusion that the sponsor was guilty of misrepresentation.[10] The last two pages of the data specifically described the administration of Cothyrobal, and the FDA later privately noted that they demonstrated protective effect,[78][45] but Dr. Grant acted as if these two pages did not exist.[10]

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* Pronounced kō-thi'-rō-ball.

** FDA's Dr. Finkel, ostensibly in charge of approving both Cothyrobal and Choloxin applications now admits, as did FDA's Dr. Smith at the time, [73][5], that the two drugs are similar and compete with each other *ibid*, but a private FDA memo shows that inside the FDA councils when the issue was raised of conflict of interest of FDA's Cothyrobal consultants, Dr. Finkel argued that the drugs did not compete with each other.[5] Note that FDA's IBM printout on "chemically and pharmacologically related drugs" lists Choloxin and Cothyrobal side by side.[5]

Footnotes at end of article.

Dr. Grant's palpable error was constantly cited in major reports downgrading Cothyrobal by FDA Assistant Commissioner Rankin to Speaker of the House McCormack, other Congressmen and members of the public,[37][38][39] who had inquired as to why the FDA did not approve Cothyrobal. Mr. Rankin wrote that he had personally reviewed the Cothyrobal application. Eventually, the same Dr. Grant at the same stage of the Choloxin application, approved Choloxin without question for clinical use.[11]

(g) The FDA in September 1964 revoked the investigational new drug exemption (IND) for Cothyrobal on the grounds that it was not clinically safe,[71] despite unequivocal private FDA admissions that over a period of more than ten years there had never been a report of injury, and that its own Bureau of Medicine considered Cothyrobal safe:

"We are not in a position to charge that this procedure is unsafe, especially when used by a physician. We are not prepared to establish that this method presents a serious health hazard." [32]

By revoking the IND, a very rare action, the FDA legally blocked all further clinical investigation of Cothyrobal.

(h) In preparation for an FHA hearing in November 1963 on the merits of the Cothyrobal application, the FDA hired outside consultants to back up its refusal of the Cothyrobal application, and supplied them only with a derogatory FDA critique and not with any of Dr. Israel's animal and clinical data on the drug in FDA files.[12] One of these consultants, Dr. Kritchevsky, was on an annual stipend from Baxter and owned Baxter stock,[13] and another, Dr. Nodine, was head of a sub-department under the chairman of the department of medicine at Hahnemann Medical College, Dr Moyer.[73] At this very time, Dr. Moyer was actively assisting Baxter to get FDA approval for Baxter's Choloxin *ibid*.

In addition, a total of five heads of subdepartments (Drs. Likoff,* Nodine, Mills, Brest, Reimann) and three other doctors (Drs. Novack, Segal, Bender) all under Moyer at Hahnemann were also actively assisting Baxter to get FDA approval for Baxter's Choloxin [73]: The FDA was fully aware that these men were consulting on Choloxin for Baxter.

(i) Just before the FDA finally approved Baxter's Choloxin, it wrote about a dozen letters to unprejudiced and unpaid outside consultants of high clinical reputation in other medical schools seeking advice about Chloxin [16]. Their replies almost uniformly disparaged Choloxin [17], but this cogent advice the FDA cavalierly ignored and promptly approved Choloxin regardless.

NATURE OF DR. ISRAEL'S INVENTION

For many years and throughout the world, medical scientists have known and acknowledged that thyroid hormone is intimately involved in the deadly scourge of premature hardening of the arteries, which causes the premature death of millions of people, most spectacularly by coronary artery heart attacks, but equally in importance by the deterioration of small arteries in the brain and other organs causing strokes, kidney disease, high blood pressure, diabetic blindness, and many other deadly diseases.

Since some of the most extensive and early hardening of the arteries takes place in the thyroid disease of myxedema, in which there is a severe lack of the thyroid hormone [19], many eminent medical researchers in recent years have frankly stated that if there were only some way to administer the chief thyroid hormone, laevo-thyroxine, or some close chemical relative of it, without getting the well known and dangerous side effect of palpitation and strain on the heart, then such administration of thyroid hormone would be the ideal drug for the prevention and treatment of hardening of the arteries [20].

On this basic rationale, the FDA approved Baxter's Choloxin, which is a synthetic analogue (the *dextro* isomer) of the chief natural thyroid hormone; but ignored Dr. Israel's invention and patent, Cothyrobal, which consists of equal parts of the natural thyroid hormone, *laevo* thyroxine and vitamin B_{12}, which thus has the unique and patented feature that the B_{12}, protects the patient from bad side effects of thyroid [2].

Choloxin was approved by using the narrow criterion of its alleged ability to lower cholesterol.[30] The FDA admits that regular thyroid hormone also lowers cholesterol,[24] but the FDA has insisted that interminable clinical studies be done on Cothyrobal, *meeting standards never required of Choloxin*, to prove that Cothyrobal can also lower cholesterol,[25] a capability of Cothyrobal which the FDA paradoxically admits [26] is inevitable because of its content of thyroid hormone.

It was about fifteen years ago that numerous animal experiments by eminent authorities firmly established*, with no subsequent evidence to the contrary, that when vitamin B_{12} is given *simultaneously* along with thyroid hormone in proper doses, the metabolic stimulation of thyroid is obtained without bad side effects on the heart.[9] In fact, this phenomenon was used as the first method of analysis for the presence of B_{12} when the vitamin was discovered in 1948.** A series of animals is given a known amount of thyroid hormone or thyroid-stimulating protein along with the unknown sample containing vitamin B_{12}. The degree of protection from cardiac death in the series of animals delineated the amount of B_{12} which must have been present in the sample tested.

Dr. Israel recognized the importance of these new facts, ignored by other clinicians. Since 1934 he had been using thyroid, B complex, and other vitamins for the treatment of hardening of the arteries on a theoretical and empirical basis [9] before vitamin B_{12} was discovered. As previously mentioned, in 1962, he patented a combination of equal parts of natural thyroid hormone (laevo-thyroxine)—and vitamin B_{12} for human use under the name of Cothyrobal.[2]

Just as Banting and Best patented insulin, Dr. Israel hoped to control the development of his treatment and use the funds from the marketing of Cothyrobal for improved and badly needed research in the field of arteriosclerosis. Like Banting and Best, he set up a non-profit foundation, The Vascular Research Foundation, of which he is the medical director. But, unlike Banting and Best who allied themselves with the University of Toronto, he was unable to enter into an alliance with a university (1956) nor would any of the large drug companies desire to take over the thyroid-vitamin method because of adverse medical opinion at that time.

Therefore, Vascular Pharmaceutical Co. was set up by Dr. Israel's patients to supply Cothyrobal (and other special mixtures of thyroid and vitamins used by Dr. Israel and his colleagues to which the FDA does not object [69]). Dr. Israel has never received any remuneration from the Vascular Pharmaceutical Co. or the Foundation.

Dr. Israel and his colleagues in New York, Massachusetts and a number of other states have given Cothyrobal to thousands of patients for about ten years on an investigative basis, and the FDA acknowledges that all these doctors are competent and reputable [1] and that there has never been a report of injury from the drug.[32] A great many clinical reports on Cothyrobal have been filed with FDA by these doctors in the last ten years, describing the safety and efficacy of the drug, and an impartial study of the competency of these reports in comparison with the average of such reports regularly given credence by the FDA in its approval of drugs including Choloxin, will establish that they meet FDA standards.

It is not necessary, although it would be highly instructive, to go into these and other details of how the FDA managed by shifting and circuitous means to block Dr. Israel's Cothyrobal at every turn, while giving the green light to other drugs, especially Choloxin and Mer-29 used for the treatment of hardening of the arteries and the lowering of cholesterol. It is only necessary in this report to point out certain double standards, the most serious of which established a priori that the FDA has been unfair in this case.

FDA DOUBLE STANDARDS

Safety of thyroid and vitamin B_{12} already known

One of the first double standards practiced by the FDA was its presistent ignoring of the fact that the only active ingredients in Cothyrobal, thyroid hormone and vitamin B_{12}, are two of the most extensively studied drugs in the world, long ago approved by the FDA. We all know that the FDA frequently approves new combinations of previously approved drugs with only minimum requirements for toxicity tests in animals,[33] so it was unreasonable of the FDA to insist [71] that the Vascular Pharmaceutical Co. perform the most elaborate animal toxicity tests, which can easily cost large sums beyond the financial resources of a small research foundation. At the very time when the FDA was insisting on elaborate toxicity tests for "Cothyrobal, the FDA specialist in charge of evaluating both Cothyrobal and Choloxin, Dr. Finkel, now admits that she already believed no further toxicity tests were needed on Cothyrobal because of already available knowledge about thyroid ingredients and because the other active ingredient, vitamin B_{12}, has no known toxic dose.[35] In fact, way back in 1959, the FDA in its private memoranda suggested that toxicity tests were unnecessary, and Cothyrobal consultants, Dr. Nodine, privately deprecated them.[36]

The pharmacological falsehood

As previously described, the FDA practically denied the very existence of crucial pages in a Cothyrobal report of experimental tests in animals, and thereby repeatedly suppressed public inquiry about the FDA's handling of the Cothyrobal application [37][38][39]. The powerful animal evidence of Cothyrobal's unique protective action against the undesirable and dangerous side effects of thyroid hormone thus lies buried deep in the secret archives of the FDA.

This issue never came to a head because the FDA does not detail its criticisms to applicants it does not like, announcing for the most part merely the various chapters and verses of the general regulations which the FDA believes have not been complied with. Since there is no theoretical limit to the animal and human tests which can be made on a drug, it is easy for the FDA to stand on its enormous prestige and secret information, like an iceberg in the sea, and reveal to outsiders only the tip which suits its purpose.

The FDA's pharmacological falsehood had

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*FDA named Dr. Likoff a Cothyrobal consultant early in 1964 [49].

Footnotes at end of article.

*One of them was Dr. Sure, co-discoverer of vitamin E.

**Vitamin B_{12} is nearly the most potent biological substance ever discovered; for example, it saves the lives of patients, who would otherwise uniformly die of pernicious anemia, in doses on the order of 5 millionths of a gram per day.[27] No human blood cell can grow or mature without its quota of about a dozen molecules of vitamin B_{12}.[28]

the effect, at the very outset of Dr. Israel's submission of new animal data under the more restrictive 1962 drug law, of discouraging and blocking the prospect of all further animal testing. If first class work could be thus ignored,[10] not to mention the fact that its results merely reinforced what had long ago been thoroughly established in the scientific literature,[9] what object could there be in battering one's head against this stony resistance of the FDA?

To crown it all, the FDA proceeded to inform all inquirers, especially Congressmen, that Dr. Israel had submitted *no* animal evidence to show that Cothyrobal had any safety feature, citing the false statement in its own records as proof,[10,37] and that Vascular Pharmaceutical Co. and Dr. Israel were making money illegally from the distribution of Cothyrobal to doctors investigating the drug[37,38]. The charge of commercialization was untrue, and the FDA has carefully avoided ever landing in court with the Cothyrobal sponsors on this or any other charge.[40]

Rubber stamp consultants with conflicts of interest

The FDA admits that it never would have accepted a single Cothyrobal consultant if any of them had shown any interest in the possible benefits of Cothyrobal.[41] In fact, it backed off in great alarm when the most eminent man they approached, Dr. W. C. Hueper, then head of a department at the National Institutes of Health warned FDA emissaries that "Dr. Israel would be difficult to beat".[42] In their words, "We agreed this morning's conference with Dr. Hueper was a shocker . . . Onychuk and Levit agreed we don't want Hueper. . . ." (ibid).*

Perhaps the most effective action taken by the FDA to block Cothyrobal was the employment of certain outside consultants brought in to support the FDA's disapproval of the Cothyrobal application, and the majority of whom were in the pay of, or otherwise under heavy obligation to, the chief competitor of Vascular Pharmaceutical Co. and Dr. Israel, Baxter Laboratories[13,14,73]. This is a large drug company with several subsidiaries particularly active in the manufacture of intravenous solutions.

The first two Cothyrobal consultants were first paid to come down and give Guest Lectures at the FDA, at which times the FDA says they were enlisted as Cothyrobal consultants[44]. In retrospect, it is worthwhile to follow the chain of events to see what is known about how these consultants came to be selected and the role they played.

On November 27, 1962, when Dr. Israel and his attorney showed the FDA his new experimental evidence of Cothyrobal's unique ability to protect against the toxic effects of thyroid hormone, and expressed their dissatisfaction with the FDA's long delays since 1956, and they stated that they had decided to file the Cothyrobal application over FDA protest[45], thus making an administrative hearing on the matter mandatory.

The FDA immediately alerted its division in the New York area, where Dr. Israel has his office, to the fact that this experimental work had come in and that a hearing, rarely held by the FDA[46], was in prospect[45].

Within two months, massive inspections were made by the FDA of the firm supplying Cothyrobal and of Vascular Pharmaceutical Co., on the theory that the Cothyrobal sponsors were illegally making money out of the distribution of Cothyrobal to colleagues testing the drug under its investigation exemption (IND), and on March 12, 1963 the FDA declared the new drug application (NDA) incomplete.

But these were not the most immediate sequelae. On December 6, 1962, just nine days after Dr. Israel first gave the FDA the new animal data, FDA Acting Director of the Division of New Drugs, Dr. Ruskin, received the following memorandum from one of his subordinates:

"Subject: Guest Lectures in Pharmacology and Therapeutics.

"I wish to propose the organization of a series of Guest Lectures in Pharmacology and Therapeutics to be held primarily for the purpose of providing an intimate acquaintance between members of the Food and Drug Administration who are involved in the evaluation of New Drugs and prominent scientists who are leaders in various phases of drug research.

"These lectures would be of benefit for many reasons . . . and last, but not least, the necessity to widen the bureau's association with the objective and recognized medical scientists *on whom the Bureau may have to call on future occasions*."[47] (Italic supplied.)

Curiously enough, Dr. Ruskin arranged[48] for the first such talks to be given (in June and September 1963) by the consultants chosen to advise on Cothyrobal, Dr. Kritchevsky who was on a yearly stipend paid by Baxter Laboratories[13], and Dr. Nodine who was a subordinate[14] of the chief of medicine at Hahnemann Medical College and Hospital, Dr. Moyer, who was also a paid consultant of Baxter Laboratories and at that time actively helping Baxter get their Choloxin approved[73]. Altogether, Moyer had five sub-department heads and three other departmental subordinates at Hahnemann consulting with him or directly with Baxter on Choloxin *ibid*.*

Dr. Nodine at this time was in charge of a pharmacological research training program at Hahnemann, apparently supported in whole or in part by drug companies[50], and aimed at training pharmacologists how to develop drugs and other skills, including "special contact with pharmaceutical development, FDA procedures, clinical testing requirements, and marketing problems" *ibid*. Four Cothyrobal consultants participated in this training program, Drs. Nodine, Kritchevsky, Likoff, and Freyhan *ibid*. In another interesting development, Dr. Freyhan was invited by FDA's Dr. Smith on April 26, 1963 to conduct a clinical study at FDA expense at Saint Elizabeth's Hospital[51].

On May 15, 1963[37], FDA's Assistant Commissioner Rankin wrote a long letter to Speaker of the House McCormack, who had been inquiring about the FDA's actions on Cothyrobal. Mr. Rankin repeated the pharmacological falsehood[10] that no animal toxicity data had been submitted, and concluded with the false and defamatory charge (never documented nor pursued) that the Cothyrobal sponsors, including Dr. Israel, were making money illegally from the distribution of Cothyrobal to doctors investigating the drug[37,38,39].

On May 20, 1963, Mr. Rankin filed a memorandum of an acrimonious session he had with the attorney for the Cothyrobal sponsors, in which Mr. Rankin in a very rare if not unique recording of irritation and intemperance in official FDA records told the attorney:

". . . we would just have to face the fact that he had submitted a lousy new drug application . . ."[52].

The next day the Cothyrobal attorney formally requested an FDA hearing[53]. Six days later, FDA's Dr. Ruskin wrote Dr. Nodine[48] and then or earlier began the arrangements to bring down from Hahnemann the bevy of Choloxin adherents as paid lecturers and consultants to advise the FDA whether Choloxin's competitor, Cothyrobal should go on the market. According to the FDA, this advice was adverse.

In October 1963, just before the hearing, legal and medical FDA officers made a number of extraordinary and unprecedented visits to the Cothyrobal consultants in Philadelphia to brief them on Cothyrobal, and also made unprecedented[56] tape recordings of these interviews. Later, in 1964, similar trips to Boston with tape recordings and to Atlantic City were made.[57] All these tapes which recorded FDA arguments against Cothyrobal and consultant's responses have mysteriously disappeared,[58] * despite the invariable FDA policy of preserving memoranda of all FDA contacts involving drug applications, especially conferences, and including even telephone calls.[59]

Contrary to the most elemental scientific procedure, these consultants prior to the FDA hearing were given none[12] of Dr. Israel's voluminous raw data or reports which he and his colleagues submitted to the FDA in support of Cothyrobal. Instead, the FDA gave them nothing but its own critique of the Cothyrobal data, including a great many speculations of Dr. Finkel as to what besides Cothyrobal might possibly have produced the observed benefits in the patients. Such speculations were equally applicable to Choloxin, but were almost never raised.

No Cothyrobal consultant has ever submitted a written report, which would enable Dr. Israel and his colleagues to challenge it, and yet the FDA has constantly broadcast the alleged adverse opinions of the Cothyrobal consultants.[38,39] With strange unconcern, the FDA insists in one breath that the adverse advice given by its Cothyrobal consultants had a great influence on the FDA rejection of the Cothyrobal application,[60] and in the next breath that it never did learn what they thought.[61]

The hearing began on November 4, 1963, but was promptly aborted by mutual consent,[54] before the experts for either side could testify or be cross-examined, a mutual *agreement* having been reached that *there were no real obstacles to approval of the application* and that the FDA would cooperate fully henceforth to expedite approval *ibid*.

Ever since this time, however, the FDA has proceeded to inform Congressmen and members of the public that the Cothyrobal sponsor *unilaterally* withdrew, insinuating that Dr. Israel was afraid to face the FDA on scientific grounds in an open hearing.[38,39] On the contrary, aborting the hearing was a tactical victory for the FDA because this blocked the Cothyrobal sponsor's next remedy, which was the civil courts of law to which administrative rulings can be appealed. The attitude of the FDA forces was well expressed by one of the Cothyrobal consultants shortly after the hearing in a letter to FDA's Dr. Levitt in which he stated, "I was pleased to hear of the *successful* culmination, *for the moment at least,* of this case . . ."[50] (emphasis supplied).

There were two groups of Cothyrobal consultants, five for the November 1963 hearing, and a mostly different group of five in 1964 which never met. From January to August 1964, the FDA had been shaking up the second panel in an effort to get consultants who could survive its slightly more energetic enforcement of the conflict of interest regulations laid down by President Kennedy in May 1963 [66], and who would at long last provide some written advice as to whether or not Cothyrobal should be approved. Dr. Finkel, Dr. Ruskin's subordinate in charge of both the Cothyrobal and Baxter's Choloxin applications, says she wanted to have the Cothyrobal consultants' opinions in writing to support the FDA's position in case a Congressional investigating committee ever looked into the controversy [68]. In the end, despite an immense amount of contacts, tape recorded conferences, and correspondence with the consultants, *none of their opinions was ever put in writing*.

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* FDA's Dr. Finkel, who was there and who also carried on most of the correspondence and arrangements with the Cothyrobal consultants, remembers that ". . . we might possibly have gone out there with the idea that he might be a witness".[43]

Footnotes at end of article.

*It is inconceivable that FDA did not know that Moyer and his group were committed to Baxter and its Choloxin. A constant flow of letters from the Hahnemann consultants to Baxter and filed by Baxter with FDA had been going on since at least as early as August 1962[49].

*It is reasonable to presume that these tapes contained material showing that the FDA was not fair and scientific in urging the consultants to reject the Cothyrobal and/or that the consultants did not really agree on its rejection. This would explain the FDA failure ever to obtain a report from the consultants.

During this same period of time, the Cothyrobal sponsors were submitting much important clinical data for FDA consideration.* The FDA spend $2,000 to have the Cothyrobal application photostated for the second panel of consultants [67], but this was not done until *June* 1964. Only two consultants got copies [66 67]. The FDA had just suggested, and then shortly withdrawn the suggestion, that a prominent Boston physician sponsor the drug [66]. As late as May 1, 1964, the FDA coordinator for consultants, Dr. Miller, states that "the status of the whole situation is still not quite clear", and on June 14, the FDA was still trying to get the consultants to meet and render an unbiased written opinion [67 68].

Therefore, by any ordinary standards, from November 4, 1963 to August 1964, the whole question was very much *sub judice*. The FDA, however, was very busy behind all fronts. It solved the judicial vacuum, and refreshed its scientific reputation by widely disseminated statements such as the following to the Cothyrobal sponsors and to Congressmen:

". . . our consultants . . . feel that (the Cothyrobal new drug applications) fail to establish effectiveness of Cothyrobal" [68].

"In October and November 1963, four consultants, eminent in the fields of Clinical Pharmacology, Endocrinology, Cardiovascular Disease, and Biochemistry, reviewed the data submitted in the new drug application. They stated that the data were inadequate to establish safety and effectiveness of Cothyrobal for the uses proposed in these applications." [38 39].

The handy thing about these "feelings" and "statements" of the Cothyrobal consultants is that the Cothyrobal sponsors *could not possibly challenge what no one could lay hands on*. One FDA official, who should know since he is now head of FDA's Office of New Drugs, Dr. Hodges, had this to say:

"Dr. Robinson: The fact remains he (Dr. Israel) has never known what your consultants thought.

"Dr. Hodges: Neither have we." [69]

This was not all. In this same period of the first half of 1964, the FDA was also very busy planning to revoke the Cothyrobal investigational exemption (IND) as soon as possible [70 71].** Such revocation is quite rare,[64] and could be expected to bar anyone less determined than Dr. Israel and his colleagues from accumulating more evidence of Cothyrobal's merits.

FDA revoked the IND in September 1964 on grounds that Cothyrobal was not safe [71], despite unequivocal FDA admissions (a) that there had not been a report of injury [38]; (b) that Dr. Finkel was little worried about safety and deprocated the need for even animal safety tests [35]; and (c) most conclusive of all, FDA's Bureau of Medicine told its legal department:

"We are not in a position to charge that this procedure is unsafe, especially when used by a physician. We are not prepared to establish that this method presents a serious health hazard." [38]

By putting together these various conflicting FDA utterances, *ordinarily concealed from view in the secret catacombs of the FDA*, it thus becomes perfectly clear that the FDA used a false argument that Cothyrobal was unsafe to revoke the IND and block further accumulation of Cothyrobal efficacy.

And, of course, the ubiquitous Choloxin was hovering in the wings.

As early as September 19, 1962, FDA's Dr. Ruskin had an "informal discussion" with the medical director of Baxter about the "deficiencies in the Choloxin application" [73]. Three months later, Dr. Israel submitted his crucial animal data, and two days later Dr. Ruskin's subordinate submitted to him the plan for Guest Lecturers under which the Hahnemann doctors were paid to come down for talks and named as Cothyrobal consultants. On or about April 26, 1963 Cothyrobal consultant Dr. Freyhan was offered a research project to be paid for by FDA [51].

Cothyrobal consultants Drs. Nodine and Likoff, and their group of at least six more doctors at Hahnemann, were offered the prospect of conducting a postgraduate training course for FDA doctors and acting in the capacity of a permanent panel of outside consultants for the FDA [74 48]. As previously mentioned, all these Hahnemann men were at that time actively assisting Baxter's efforts to get Choloxin approved by the FDA. All this was going on in 1963 while the stage was being set for a very rare event an FDA administrative hearing on a new drug application; in this case, Cothyrobal.

After Cothyrobal was stymied in November 1963 by a hearing that was not a hearing, Dr. Finkel conferred with Baxter early in February about the Choloxin new drug application. She tried to hold as consultants on the second Cothyrobal panel those who were tied to Baxter, Drs. Nodine, Kritchevsky, and Likoff, but somehow the conflict of interest regulations caught up with the first two [75]. Three other Cothyrobal consultants who did not work at Hahnemann were dropped in 1964 for conflict of interest, Drs. Lardy, Ingbar, and Friend [77]. Yet as late as April 30, 1964, high officials of the FDA (Drs. Smith and Miller) were arguing that Dr. Kritchevsky's ownership of Baxter stock did not make him ineligible, because Baxter's new drug application for Choloxin was dormant [78], a very peculiar conclusion based on a most extraordinary untruth [78].

In 1966 Dr. Finkel or some one else in the FDA Bureau of Medicine again attempted to employ Dr. Nodine as a consultant on some matter other than Cothyrobal, but he was turned down for obscure reasons by the FDA Assistant Commissioner for Operations [79]. Cothyrobal had by this time been thoroughly knocked out of the running.

The FDA now makes a great pretense that members of the first group were *witnesses* for an FDA hearing and those of the second group were to be *true consultants*, thus explaining its negligence in failing to disqualify the first group for conflict of interest [80]. But the record shows that the FDA constantly used both terms for both groups * and planned to use all the men for both purposes [38 39 67].

The distinction is really academic, simply because the *function of the FDA*, so far as its drug approval function is concerned, *is to act as a judge. It is inexcusable for the FDA to perform its drug approval functions as a prosecutor rather than a judge in the exercise of its awful power over the very lives of millions of people, not to mention scientific reputations*. It is incumbent upon the FDA to call as neither witnesses nor consultants men who it knows are prejudiced or otherwise incompetent.

The incredible attitude of the old guard at FDA, which would rather play policeman than judge, and for whom the end seems to justify the means, is well expresed by Dr. Finkel's unsuccessful efforts to retain Drs. Nodine and Kritchevsky on the second Cothyrobal panel. FDA Coordinator of Scientific Committees, Dr. Miller, wrote the following in a memorandum May 1, 1964:

"I asked her whether these four scientists are to be unbiased experts or are they to be 'our witnesses'? She seemed a little uncertain about this . . . She regretted that she could not use Nodine and Kritchevsky . . . She had been in touch with Dr. Kritchevsky. He said that he would be willing to sell his Baxter Laboratories stock so that he could serve as a consultant." [67]

The FDA covers its malfeasance in this area with high-sounding praises, pseudo-generously bestowed upon its allies and its victims alike:

"Dr. Robinson: Dr. Miler of the FDA himself raised the point in a memo, which if we had time I would like to go over with you, in which he said he wasn't quite clear whether these people were witnesses or consultants. But my question is do you think it was really fair to Dr. Israel for a powerful Government agency like the FDA to have witnesses against him* who are not absolutely impartial?

"Dr. Finkel: As I said to Mr. Ohlhausen yesterday, I would hope that men of this calibre are not accused of being biased just as I am sure you are not accusing Dr. Israel and Dr. Barnard of being biased, either." [63]

The FDA has been obsessed with the purity, objectivity and eminence of its Cothyrobal consultants:

"Dr. Finkel: Well I was considering the calibre of the individual and these men are outstanding, are international, if you will, recognized authorities.

"Dr. Robinson: In the end you learned they had good reason to be prejudiced, didn't you, when you found out that Dr. Kritchevsky had stock in Baxter Company and had been a consultant for them, and so forth. Why would you want to hang on to a man like that for an imparial committee?

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* Dates of documents in FDA Cothyrobal file referring to scientific evidence in prospect or under discussion during 1964: 1–10–64, 1–20–64, 1–22–64, (2), 2–10–64, 2–19—64, 3–9–64, 3–17–64, 3–20–64, 4–1–64, 4–9–64, 4–10–64, 4–18–64, 4–21–64, 4–23–64, 4–24–64 (2), 4–28–64, 4–29–64, 5–13–64, 5–19–64, 5–28–64, 6–2–64 (2), 6–8–64, 6–10–64, 6–11–64 (2), 6–19–64, 6–18–64, 6–26–64, 6–29–64, 6–30–64, 7–2–64, 7–30–64.

** In contrast to denial of a new drug application there is no appeal from an FDA revocation of an investigational new drug exemption (IND). The FDA alone decides if an IND may be reinstated [72].

Footnotes at end of article.

* The following designations were used by the FDA to describe its Cothyrobal consultants; "Ad Hoc Advisory Committee on Cothyrobal" (May 1964, 7–1–64, 6–30–64); "our witnesses—unbiased experts—appointees" (5–1–64); "outside experts" (8–30–64); "Consultants Cothyrobal" (8–25–64); "Prospective consultants" (8–18–64); "Group of consultants" (8–18–64); "Cothyrobal Committee" (8–7–64); "Conference of Consultants" (8–6–64); "Committee on Cothyrobal" (8–6–64); "Panel of experts" (6–30–64); "Expert witnesses and committee of consultants for Cothyrobal" (6–4–64); "Panel to consider New Drug Application No. 15–497 (Cothyrobal)" (6–21–64); "Advisory Committee and panel" (5–21–64); "group of experts" (5–1–64); "Our consultants" (3–5–64); "Our outside consultants" (3–4–64); "Our expert witnesses" (10–30–64).

* That is, witnesses to testify for or against approval of the New Drug Application for Cothyrobal. It was this subject, not any charges against Dr. Israel, which was the purpose of this actual hearing in 1963 and a projected one in 1964.

"Dr. FINKEL: Well, first of all, I am not saying that they were prejudiced. I don't sort of honestly feel that men of that calibre would be prejudiced, if somebody owned 10 or 100 shares or something."

"Dr. ROBINSON: Even if he is a paid consultant for a competing company, you think that his eminence would cause him to rise above the (that) condition?

"Dr. FINKEL: Well, I think so. That if a person is that well qualified to become so well known in his field that he would not think that if he owned some shares or something that he would have to give a certain opinion. But in addition to that, we did have other consultants on the committee.[82]

"Dr. HODGES: We are interested to make sure we have completely clean hands. But I would make the point that Dr. Finkel has, that the fact that an individual of the stature of some of these people owning stock, even if it is an appreciable amount of stock in a company, I think it is unlikely to affect their judgment, because most of them are of such stature that they would lose more by any favoritism, if it ever came out, than they would ever gain." [83] *

On the eve of FDA's approval of Baxter's Choloxin in 1965, after Dr. Israel's Cothyrobal application had been thoroughly eliminated by many unscientific and unfair FDA maneuvers, the FDA's Dr. Finkel solicited the advice of about a dozen eminent heads of medical school departments around the country as to whether they thought Baxter's Choloxin was safe and effective.[16] She asked them merely for their opinion, and sent them neither raw data nor FDA criticism of any kind *ibid*. Their answers were almost entirely adverse as to either safety or efficacy.[17]

The chief reason for their disapproval of Choloxin was the danger of side effects on the heart which, as an analogue of the thyroid hormone in Cothyrobal, it similarly produces. It is this very side effect which Cothyrobal, by virtue of its concomitant content of vitamin B_{12}, has been shown by critical and objective evidence in animals to eliminate.[8, 9] Nevertheless, the FDA ignored the unprejudiced advice of its unpaid Choloxin consultants and approved Choloxin; whereas in the case of Dr. Israel's Cothyrobal, the FDA went to great lengths to line up paid prejudiced consultants who confirmed what the FDA asked them to confirm.

FDA schizophrenia and choloxin evidence

The FDA specialist in charge of both the Choloxin and the Cothyrobal applications, Dr. Finkel, who approved the former and disapproved the latter, condemned in no uncertain terms the honesty of the clinical reports of a certain Choloxin investigator.[84] Yet these very reports subsequently became major evidence in a statistical analysis participated in by FDA statisticians,[85] which analysis purported to prove that Choloxin was efficacious in lowering cholesterol, and on which analysis the FDA substantially based its subsequent approval of Choloxin.[86] These discredited reports were ultimately given star billing in Choloxin advertising.[87]

FDA partially in requirements for clinical tests

In the area of clinical tests of Cothyrobal, the FDA stipulated the most stringent conditions, but failed to specify or enforce the same stringent conditions for tests of Baxter's Choloxin, which has the same dangerous side effects on the heart as the thyroid component of Cothyrobal would have if it were not accompanied by vitamin B_{12}.

The FDA stipulations as to clinical testing which burdened and effectively blocked approval of Cothyrobal involve complicated questions of utility, great expense, and ethical considerations of fairness of the patient. For example, the FDA wanted Dr. Israel to perform a double blind experiment giving half the patients only the thyroid component without the protective presence of B_{12}, and the other half the complete Cothyrobal, so as to prove both the cholesterol lowering effect in man, and the protective effect of B_{12}.[88] Dr. Israel and his colleagues; properly rejected this experiment as dangerous for some patients who would get only the thyroid component.[89]

This FDA demand was all the more preposterous because, as mentioned earlier, the FDA already admitted that the thyroid ingredient of Cothyrobal lowered blood cholesterol [20]—the narrow technical basis on which the FDA approved Choloxin.[21] * Furthermore, everyone knows that thyroid is dangerous in any patients with damaged hearts, and yet tens of thousands of injections of Cothyrobal had been given in adequate doses to thousands of elderly heart patients without report of a single bad reaction much less death. The FDA acknowledges all this,[22] but FDA's Dr. Finkel incredibly grasps at a straw:

"For all we know, maybe there was one patient in the whole group that was treated by various investigators that did have a reaction." [90]

A partial list of the clinical requirements inflicted on Cothyrobal and almost totally neglected in the case of Choloxin will be given here only for background and general interest as follows: an original basal metabolic rate test followed by serial tests of the same; serial body weights; serial electrocardiographic tests; prohibition of testing the drug in patients with known heart disease (the very patients who stand to benefit the most); pretest estimation of the degree of heart failure; three determinations of baseline blood cholesterol; rigid protocols on every patient; minimum of one year testing on each patient; restriction of therapy to drug under test; and requirement that double blind studies be done (in which neither the doctor nor patient knows whether the drug or a placebo is being given).

The point at issue is not the utility, expense, or even ethical considerations, but the fact that these demands were neither made nor conformed to in the case of Baxter's Choloxin.* As previously mentioned, Cothyrobal consists only of drugs already approved by the FDA, whereas Choloxin is a new and never previously approved drug; and the requirements in question properly apply to any drug affecting the heart.

In addition, Choloxin is simply a rare isomer (same atoms but differently arranged as in mirror images) of the common thyroid hormone which is used in Dr. Israel's Cothyrobal, and the Choloxin insomer has the same kind of toxic effects as common thyroid hormone, as its action depends on its being converted to the latter after absorption. It is a basic biochemical axiom that dextro-amino acids are inactive until they are optically rotated to laevo-amino acids. Thus dextro-thyroxin is converted to laevo-thyroxin in indeterminate amounts. After absorption and conversion, naturally it is able to lower cholesterol.

The FDA and Baxter Laboratories technically avoid the liability for Choloxin injury by specifying in the Choloxin label that it should not be used in the presence of heart disease. This is a farce because (a) Baxter dextrously fills its Choloxin advertisements with allusions to use in connection with heart disease; [92] (b) the FDA admits it is impossible to rule out heart disease in elderly people [93] for whom Choloxin is freely prescribed; (c) independent highly reliable clinical studies by the Veterans Administration on Choloxin show that heart patients treated with Choloxin are between two and four times more likely to die than if not treated with Choloxin.[94] As has been described, almost *all of the consultants to whom the FDA wrote for advice about Choloxin concurred that it was dangerous for the heart.*[17]

CONCLUSION

The evidence is that Dr. Israel has been ground down between the upper millstone of FDA malfeasance and the nether millstone of a giant competitor in the drug industry. Not only has a grave injustice been done, but here in miniature we have a perfect example of destruction of the creativity of the individual which has made America great.

No person and no agency could hope to call the FDA to account in this matter unless it has the power to make a public inquiry. Under the guise of protecting manufacturing trade secrets, the FDA keeps strictly secret all the pharmacological and clinical data and its scientific analyses of that data, *not only secret from the public whose health depends upon the validity of that data and the analyses thereof,* but also secret from the protagonists themselves who make application to the FDA for approval to market drugs. In the vast majority of cases, no trade secrets are involved, or these are easily separated from the pharmacological and clinical data, which latter data alone in practically every case determine whether or not a drug is approved. By making FDA scientific files off limits to anyone except a Congressional subcommittee,* the FDA effectively maintains an imperious power to protect whatever selfish interests FDA officials or their friends in the drug industry may have, and to practice neglect, incompetence, or favoritism on a grand scale.

The sins of omission and commission of the FDA in Dr. Israel's case extending over a period of 12 years, have been so serious that the FDA establishment now appears to consider that its only safe course *is to stand upon the doctrine of infallibility and to cover its tracks as best it can.* Time and power are on the side of the FDA. Key FDA personnel who injured him have died or left the agency, some of them just this past year [97] and after the investigation by the Senate Subcommittee on Administrative Practice and Procedure began to take hold.

With great courage, Dr. Israel fights on to serve the public. He dares the FDA to stop him, as it has threatened to do [98], from sending to his colleagues around the country some of the separate ingredients and directions for his treatment. All of the ingredients are FDA approved drugs, but the two most important—laevo-thyroxin and vitamin B_{11} which are the crux of his treatment—the

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*Drs. Ruskin and Finkel were on intimate first name terms with many of the Cothyrobal consultants as shown by salutations in the letters: "Dear Art, Dear John, Dear Dave, Dear Marv, Dear Marion."

Footnotes at end of article.

*Every doctor, drug company, and FDA official knows that treatment aimed at lowering cholesterol is really aimed at preventing or decreasing hardening of the arteries. In a careful development of the unessential, the FDA straddled this fiction and let Choloxin through on the former basis, while blocking Cothyrobal on the latter basis with the specious argument that the medical profession does not recognize the use of thyroid for the treatment of hardening of the arteries. As a matter of fact, if one examines the Choloxin clinical reports submitted to the FDA, he will find frequent references to these patients having been treated with thyroid for their arteriosclerosis prior to the trial of Choloxin. Dr. Israel, caring about the deep effect of thyroid which goes far beyond the fluctuations of blood cholesterol levels, was carefully boxed in this FDA bureaucratic pigeon-hole *little related to either the art or science of medicine.*

*Congressmen evidently do not have the right to examine these files.[95]

FDA will not permit to be distributed in one bottle. There is no question of chemical conflict [62]. The FDA has simply ruled that the mass of accumulated evidence has not yet shown that the simultaneous administration of these two substances is safe and effective. The FDA even forbids the distribution of Cothyrobal for use in further investigation [71].

Doctors around the country now buy the vitamin B_{12} locally and mix it themselevs with thyroid hormone, which is awkward, inefficient, and considerably hampers the safety, ease, and surety of the treatment.

In effect, the FDA has condemned a whole new and promising principle of treatment, and done this without scruple. The prestigious FDA is on record, and misses no opportunity to remind all inquirers, whether laymen, doctors, or Congressmen, that it officially holds this treatment of Dr. Israel's to be without value [37, 38, 39]. To bolster this condemnation, FDA does not hesitate to state publicly its petty seizure actions of Cothyrobal and to spread innuendoes of commercialism about Dr. Israel [37, 39], while private FDA memoranda state that no question of Dr. Israel's ethics exists [99].

What is the basic evil in all of this? It should be clear that it is secrecy, behind the ceurtain of which malfeasance can hide. No one rightfully questions the general importance of the FDA's work and of its mandate to protect the public from useless or harmful food and drugs. No one can sensibly dispute the necessity of a strong, centralized government agency, gathering in the flood of new knowledge and steering the nation safely through a biochemical world.

The evils described in this report could scarcely occur if the data on drugs (other than manufacturing secrets in FDA files) and the FDA's scientific analyses of that data were open to independent scientists. This information should be in the public domain, because the health of the public thoroughly depends on its valadity. *And no less, does the honesty and efficiency of the FDA or any other government agency depend upon the vigilant exercise of public scrutiny.* It is not necessary that the strictly administrative affairs of the FDA be seen by the public. What is at issue are scientific data and the scientific analyses of that data by FDA experts. If science is clean—and we revere science for its purity and objectivity—then it can stand inspection. Taxpayers have a right to inspect government work which they pay for, in any field not involving national security.

As has been shown, when a feudal secrecy is the rule, as now exists in the FDA, there is a great danger of monopoly, exploitation, injustice, and obstruction of both private enterprise and progress. The Freedom of Information bill has had no effect on the FDA, which merely circulates new pledges for its employees to sign binding them to more stringent secrecy.[103]

Let us not forget that Liberty and Justice perish in the dark—and survive only in the light.

FOOTNOTES

COTHYROBAL: INDEX TO REFERENCES

[1] F–194 * F–429.

[2] Patent 5/22/62.

[3] F–61, F–193, F–473, F–474, F–475, F–476, F–477, F–472.

[4] Editorials JAMA 10/8/49, AJDD June 1955.

[5] 6/19/64, 4/30/64, F–438, F–207, F–208, Printout 11/23/64.

[6] 1/8/68, 8/21/67, Drug News Weekly—Report on Baxter Earnings.

[7] F–214.

[8] 12/7/62, D&S Acute Toxicity Study.

[9] Bibliography—Diabetic Retinopathy Paper.

* The capital letter, "F", in references refers to FDA's Dr. Finkel, and the page of the transcript of a pre-hearing conference.

[10] 3/15/63, Dr. R. L. Grant—Memorandum.

[11] 9/25/63, Memorandum from Dr. Grant to Dr. Kelsey.

[12] F–35.

[13] 10/25/67, Letter—Dr. Kritchevesky to Mr. Ohlhausen.

[14] 4/6/64, Letter—Dr. Nodina to Dr. Finkel.

[16] 7/28/65, 7/23/65, 7/23/65, 7/23/65, 7/28/65, 7/28/65, 7/29/65, 7/29/65, 7/29/65, 7/29/65, 7/29/65, 8/2/65, 8/2/65, 8/2/65, 8/2/65.

[17] 8/2/65, 8/3/65, 8/3/65, 8/5/65, 8/7/65, 8/9/65, 8/9/65, 8/10/65, 8/13/65, 8/20/65, pp. 1, 2, 16, 25, 28, 35; 9/1/65, 9/9/65, 9/10/65, 9/18/65 (FDA letter to Baxter), 9/16/65.

[19] F–413.

[20] F–445.

[23] F–385.

[24] F–26.

[25] F–364, 365.

[26] F–22.

[27] Bibliography—to be brought to hearing.

[28] Bibliography—to be brought to hearing.

[32] 5/12/67, 5/11/67, F–190.

[33] F–76.

[35] F–181, F–192.

[36] 10–8–59, 10–23–63, intra-administrative referral.

[37] 5/15/63, letter Mr. Rankin to Speaker McCormack.

[38] 3/3/64, 3/5/64, 3/2/64, 5/26/64, 6/15/64, 6/23/64, 7/8/64, 7/28/64, 12/14/64, letters—FDA to Congressmen, public, etc.

[39] ca. Sept. 64 FDA—report on Cothyrobal.

[40] 4/17/67, 1/25/67, F–77, F–78.

[41] F–110.

[42] 10/14/63, (2 p.) conference with Dr. W. C. Hueper—report.

[43] F–365.

[44] F–322.

[45] 11/27/62, memorandum of conference with Dr. Grant and Dr. Vos.

[46] F–67.

[47] 12/6/62, Memorandum Dr. Ellenhorn to Dr. Ruskin.

[48] F–329–330, 443, 8/3/62, 6/3/63, 6/19/63, 6/25/63, 7/18/63, 12/6/63, F–333, 9/17/63.

[50] Undated Hahnemann brochure re: drug support 2/4 to 2/15/63, undated outline of course at Hahnemann.

[51] 4/26/63, with p. 1. of protocol; 7/16/63, letter Dr. R. Smith to Dr. Cameron.

[52] 5/20/63, memorandum of conversation—Parker Jones and Rankin.

[53] 6/6/63, letter from Bureau of Medicine.

[54] F–460, 11/20/63; F–427, 428, 429, 430.

[55] 11/26/63, 3/5/64, letter—Dr. Ingbar to Dr. Levitt.

[56] F–13, F–12.

[57] 4–22–64, 5/9/64, 12/3/63, F–107.

[58] 8/27/67, 8/23–24/67, letters Mr. Onychuk to Dr. Brubakerk.

[59] F–14, 15.

[60] F–122.

[61] F–459, 462.

[62] F–419.

[63] F–159, 162, 141, 142.

[64] F–53.

[65] F–376, 377, 378.

[66] 5/19/64, letter—Commissioner Larrick to Dr. Brusch.

[67] 6/3/64 (3/17/64), F–133, 5/1/64, 5/13/64, 6/4/64; F–134, 160, 215, 393.

[68] 3/4/64, letter from Dr. Finkel which we never received.

[69] F–463.

[70] 6/25/64, 7/15/64 (Reg. ltr), memo—Dr. Kelsey to Mr. Randolph.

[71] F–17.

[72] F–16, 40, 43.

[73] 2/22/63, 2/26/63, 6/7/63, 6/14/63, 7/5/63, 8/6/63, 8/3/63, 9/25/63, 11/21/63, 12/30/63, Likoff & Moyer book; 1963 Bender paper, P. 406; 2/17/64, 2/23/65, F–434.

[74] 1/4/64, 5/21/64, 4/3/64, letters—Nodine to Finkel, Ruskin to Nodine, Nodine to Ruskin.

[75] 5/11/64, 5/11/64, letters—Moure to Nodine, Moure to Kritchevesky.

[76] 5/1/64, letter—Dr. D'Aguanne to Finkel.

[77] 6/30/64, 6/23/64, 8/7/64, 11/5/63, 3/18/65, 10/22/63, memoranda.

[78] F–207, 8.

[79] 6/9/66, memorandum C. O. Miller to Mr. J. Kirk.

[80] F–394, 395.

[82] F—497, 216.

[83] F–458.

[84] 8/20/65, p. 16, Choloxin report by Dr. Finkel.

[85] 9/18/61, Batson report, p. 1, cover p., 18, 19, table 18, 23.

[86] 9/18/62, p. 8, FDA conclusion based on Dr. Cohen's work.

[87] Baxter brochure, May 1967, p. 4.

[88] F–25.

[89] 2/4/64, letter—Dr. Israel to Dr. Finkel.

[90] F–191.

[91] 10/6/67, memorandum—Dr. Shaw to Dr. Schnaper.

[92] Choloxin heart innuendo.

[93] 9/18/62, p. 17, FDA report on Cholixin.

[94] 10/6/67, V.A. memo.

[95] 5/24/62, letter—Mr. McIntyre from Dr. Ralph Smith.

[96] 8/19/67, Health Bulletin.

[97] F–106.

[98] 4/24/67, letter—Mr. Morton Schneider to Dr. Murray Israel.

[99] FDA memorandum stating that there is no question of Dr. Israel's ethics.

[103] FDA memo, 5/67.

[From the Chicago (Ill.) Sun-Times, July 21, 1968]

IS THYROXIN AN ANSWER TO HARDENING OF THE ARTERIES?

(By Delos Smith)

NEW YORK.—Of 45 diabetics in the throes of going blind, 40 regained some part of their lost vision while being heavily and regularly dosed with thyroxin—the principal hormone of the thyroid gland—and an assortment of vitamins.

This hopeful outcome of an experiment with diabetic retinopathy, a leading and all but unstoppable cause of blindness, is being reported to members of the Vascular Research Foundation by its medical director, Dr. Murray Israel.

The experiment was Israel's newest effort to show that thryoxin is a natural preventive of hardening of the arteries. It kills more people than any other disease process, mainly from heart attacks and strokes. He chose diabetics with retinopathy because in their diseased retinas the hardening process is clearly visible and checkable. In all other body sites it is hidden.

For over 20 years Israel has been a tireless advocate in medical science of thyroxin medication for almost everyone older than 30 on the ground it would improve arterial health and prolong average life span.

Relatively few doctors have gone along, probably because of profound medical respect for thyroxin. It is a key stimulator and regulator of the body's energizing chemistry. When a thyroid gland produces too much thyroxin as a regular thing there is a racing metabolism which is very bad, particularly when blood vessels are already impaired by hardening or other vascular disorders.

When a gland produces too little, metabolism is sluggish. Orthodox medicine makes up such deficit by supplying thyroxin from the outside but in tiny amounts and only when a standard test—protein bound iodine, PBI—indicates a deficit actually exists.

Israel's long-standing unorthodoxy is to prescribe thyroxin, and in large doses, to persons with normal thyroid gland function according to their PBIs, including those with impaired vascular systems.

But he accompanies it with vitamins of the B-complex group which like thyroxin itself are involved in metabolism. They neutralize excess thyroxin, if there is any, according to Israel, and there can be no "racing" or other untoward rebound on body chemistry.

He has so treated more than 1,600 patients. Some have been taking thyroxin-vitamins daily for 20 years. And the benefits for a large majority have been dramatic, Israel reports.

Even persons debilitated by vascular diseases have "returned to vigorous life" due to stopping of the hardening process, stepped-up collateral blood circulation around centers of hardened arteries and generally improved metabolism. Periodically other doctors have reported similar results. The latest confirmation is the current issue of the American Geriatric Society's journal.

PBI measures thyroxin in the circulation blood and is not a precise test. Israel contends it is meaningless because thyroxin turnover in the cells is the real test of thyroxin sufficiency. This turnover is not readily measurable.

His basic argument is that the thyroid glands of almost all if not all people usually begin declining as thyroxin producers around the age of 30. As a result less and less thyroxin centers into the metabolic processes which clear cholesterol and other artery-hardening fats.

They then begin accumulating in artery linings and untold multitudes die much sooner than they would have if their thyroid glands had retained full vigor—of heart attacks, strokes and other vascular disorders.

In all these contentions Israel has had support from experimental laboratory science although not enough to prove them beyond question. That is why he turned to diabetics. They have much more generalized artery-hardening. Their vascular complications are many. Retinopathy is one. It develops in 64 per cent of those who have had diabetes for 11 years and in 93 per cent who have had it for 20 years.

The 45 subjects for the experiment were selected by opthalmologists who first tested their visual acuity and charted the diseased states of the network of tiny arteries and veins of the retina. In retinopathy the vessels clog. Periodically they hemorrhage and exude metabolic debris. Scar tissue forms, visual acuity declines and the eventual result is blindness.

The subjects were treated with Thyroxin-vitamins for a little more than a year by Israel and his colleague of the foundation's medical board, Dr. V. M. Walcsak of Los Angeles. The opthalmologists repeated the vision tests and retina checks during and after treatment.

The appraisals of improved visual acuity and of a lessening of the disease states were contained in Israel's report which is now being prepared for formal publication in the medical literature. During the treatment period there was no further hemorrhaging in 39 of the 45 and the absorption of debris from past vessel breaks was accelerated.

Israel's report acknowledged the variable nature of diabetic retinopathy. But "in a group of 45 patients, 25 of whom were legally blind and almost all of whom were beyond the possibility of remission, one could not expect spontaneous recovery in more than a minute fraction," it said.

[From the Journal of the American Medical Association, Oct. 8, 1949]

Prevention and Treatment of Atherosclerosis

Knowledge of the factors involved in atherosclerosis, i.e., the most common type of arteriosclerosis characterized anatomically by the deposition of lipoidal matter in the arterial intima, has made significant progress recently. The clinical and experimental evidence supplies added weight to the concept that an instability of the plasma lipids of transitory or persistent nature is related to the development of these lesions. Abnormalities of the fat and oxygen metabolism represent the primary cause of these colloidal plasmatic disturbances.[1]

After Moreton[2] pointed out that the postprandial episodes of macrochylomicronemia following the intake of fatty meals might be related to atherosclerosis. Pollak[3] showed that cholesterol dispersed in serum and intravenously injected into rabbits was taken up by the arterial endothelium within a few minutes after injection. Although the total amount of chylomicrons after a meal is always in direct proportion to the quantity of fat ingested, Setälä[4] observed that the metabolic rhythm of the visible lipoidal plasmatic aggregates, i.e., the chylomicron curve, is characteristic for the individual and remains comparatively constant under the same external conditions. While most persons showed a rapid increase of the chylomicrons after a fatty meal followed by an abrupt drop, some persons displayed one or more, generally lower "after-peaks." Boas, Parets and Adlersberg[5] observed the comparatively frequent appearance of atherosclerosis in persons with a hereditary disturbance of the cholesterol metabolism, associated with hypercholesteremia. The coarser dispersion of cholesterol in the plasma which often but not always accompanies hypercholesteremia predisposes to the formation of endothelial foam cells through phagocytosis of precipitated cholesterol micels and occasionally may lead to the production of cystalline cholesterol emboli in small arteries of internal organs, with the subsequent development of foreign body granulomas.[6]

The important role which the relative amounts of lecithin and albumin have in stabilizing the colloidally dispersed cholesterol in the plasma, even when present in excessive quantities, was demonstrated recently by Ladd, Kellner and Correll.[7] These investigators found that atheromatosis did not develop in rabbits that had received introvaenous injections of detergents (tween 80°), although there was a definite rise of the plasma cholesterol level, because there was a proportionally higher increase of the phospholipids. Probably the cholesterol-phospholipid ratio is important in modifying or preventing the development of atherosclerosis. Differences of this order may account for the fact that the diabetic hypercholesteremia in man is associated with a tendency to atherosclerosis, while alloxan diabetes in rabbits with dietary hypercholesteremia lacks this tendency.[8] Apart from a few exceptional conditions hypercholesteremia, such as that seen with lipid nephrosis, hypothryroidism, diabetes mellitus, essential xanthomatosis and pregnancy, favors the deposition of lipid in the arterial intima.

Ungerleider, Gubner and Rodstein[9] concluded from their analyses of 612 subjects that even so-called normal cholesterol concentrations (average cholesterol 211 mg. per hundred cubic centimeters) seem to predispose to the development of atherosclerosis, because the "normal cholesterol" level is in reality a high cholesterol level. If additional evidence should support this observation, Ungerleider and his co-workers proposed to make drastic changes in the American diet by restricting the fat intake. In connection with a study of the oxygen metabolism in old age, Chieffi and Kountz[10] found a decline in oxygen consumption during the early phase of degenerative arterial disease. While they expressed the opinion that the lowered oxygen consumption is unrelated to the thyroid activity, other investigators observed decreased activity of the thyroid with advancing age. Apart from the relationship existing between myxedema and atherosclerosis, these observations are important, because dietary atheromatosis in experimental animals (rabbits, chickens) can be prevented or delayed by the simultaneous administration of thyroid hormone, which seems to have value in the control of the human disease (Herrmann,[11] Chieffi and Kountz,[10] Israel[11b] and others). Another group of investigators attempted to attain this goal by influencing the fat metabolism through the administration of the lipotropic factors of the vitamin B complex, namely choline and inositol (Morrison, Herrmann,[11] Steiner and others). Although the preventive therapeutic results obtained in man and animals by this approach have not been consistent, they are sufficiently promising to merit further study, especially in connection with other factors influencing both the oxygen and fat metabolism. Since investigations of the prevention and therapy of atherosclerosis in experimental animals do not give results directly applicable to man, well controlled studies of patients are essential. From an evaluation and integration of the available data, measures suitable for the prevention and therapy of atherosclerosis must correct the fundamental metabolic disorders and the hematic colloidal disturbances. In a recently published discourse on this subject,[1] the following four approaches to atherosclerotic control were considered: (1) restriction of caloric and fat intake for all atherosclerotic patients who either are overweight or have a plasma cholesterol level above 220 mg. per hundred cubic centimeters and substitution of animal fat by vegetable fat, especially fats containing long chain fatty acids which form esters with cholesterol and which are poorly absorbed, as arachidic acid in peanut oil; stimulation of the oxidative processes by giving a diet rich in proteins, oxytropic members of the vitamin B complex (nicotinic acid, thiamine, riboflavin) and small amounts of thyroid hormone; (3) decholesterolization of tissue depots by the administration of the lipotropic factors of the vitamin B complex (cholinet, inositol, pyridoxine), and (4) stabilization of plasma cholesterol with adequate amounts of colloidal stabilizers, as lecithin and albumin.

Although effective prevention and therapy of atherosclerosis is still in the experimental stage, the general outlook has become brighter. With greatly intensified research in prospect for the near future, the chances of survival and recovery of patients with atherosclerosis will no doubt be improved greatly.

FOOTNOTES

[1] Hueper, W. C.: Arteriosclerosis: A Review, Arch. Path. 38: 162 (Sept.); 243 (Oct.); 350 (Nov.) 1944; 39: 51 (Jan.); 117 (Feb.); 187, (March) 1945; Prevention and Treatment of Atherosclerosis, M. Clin. North American 33: 773, 1949.

[2] Moreton, J. R.: Physical States of Lipids and Foreign Substances Producing Atherosclerosis, Science 107: 371, 1948.

[3] Pollak, O. J.: Development of Atheroma: An Acute Colloidal Phenomenon, J. A. M. A. 139: 1189 (April 23) 1949.

[4] Setala, K.: Preliminary Observations on the Effects of Irradiation Upon the Chylomicrons in Human Blood, Radiology 50: 803, 1948.

[5] Boas, E. P.: Parets, A. D., and Adlersberg, D.: Hereditary Disturbance of Cholesterol Metabolism Factor in Genesis of Atherosclerosis, Am. Heart J. 35: 611, 1948.

[6] Meyer, W. M.: Cholesterinkrystallembolie kleiner Organarterien und ihre Folge, Virchow: Arch. f. path. Anat. 314: 616, 1947.

[7] Ladd, A. T.; Kellner, A., and Correll, J. W.; Intravenous Detergents in Experimental Atherosclerosis with Special Reference to the Possible Role of Phospholipids, Federation Proc. 8: 360, 1949.

[8] McGill, H. C.: Parrish, I. E., and Holman, R. L.: Influence of Alloxan Diabetes on Cholesterol Atherosclerosis in the Rabbit, Federation Proc. 8: 361, 1949.

[9] Ungerleider, H E.; Gubner, R., and Rodstein, M.: Interrelationships of Cholesterol, Arteriosclerosis, Diabetes and Obesity, Progress report no. 22, Scientific Session, Am. Heart Association, 1949, p. 52.

[10] Chieffi, M., and Kountz, W. R.: A Study of Rate of Oxygen Consumption in Patients with Arterial Degeneration and a Consideration of the Relation of the Metabolic Processes to the Onset of Degeneration, Proc. Am. Soc. Study of Arterosclerosis, Am. Heart J. 35: 19, 1948.

[11] Herrmann, G. R.: Cholesterol Levels in Various Diseases and the Effects of Decholesterizing Agents, Texas State J. Med. 42: 260, 1946.

[11b] Israel, M.: Arteriosclerosis: Clinical Aspects, New York, Davenport Press, Inc., 1948.

[From the American Journal of Digestive Diseases, June 1955]

ARTERIOSCLEROSIS

As all physicians know, hardening of the arteries represents bed rock in modern medicine, being a condition which causes directly many diseases of varying symptomatology, is essential to coronary disease and cerebral accidents, and which, finally, appears as the stumbling block to any effort to increase greatly not only the span of human existence but to make the present years of expectancy enjoyable.

Murray Israel, M.D., Instructor in medicine at New York Medical College, presents, in this issue of our journal, an article which it would be well for us all to study diligently. While his logic and his modesty force him to admit that he has not, as yet, come up with a complete answer to the tremendous problem of atherosclerosis, it is nevertheless obvious that he has made one of the most important studies thus far in that direction.

The "aging" process appears to be the process of atherosclerosis and the latter, in the light of his present research, seems to be the natural result of a metabolism in *decrescendo*. By stimulating metabolism with thyroxin in organic union with vitamin B_{12}, plus the use of lipotropic agents, vitamins and a high-protein, low-cholesterol diet, he has without doubt obtained a rejuvenation of a new kind.

His work deserves attention first because of its practical application to coronary disease, which it has been shown to benefit very greatly. Furthermore, his work is likely to cause speculation with respect to many other problems, because his bold use of powerful therapeutic agents is not only harmless, but provides at least a down-payment on that priceless desideratum—an old age of vigor and enjoyment.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The BILL CLERK. A bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG of Louisiana. Mr. President, as far as I know, there is no opposition to any of the committee amendments except one, and an amendment is at the desk, offered by the distinguished Senator from New Mexico [Mr. ANDERSON], to strike the committee amendment he finds objectionable. In order to get on with the business of the Senate, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded for purposes of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to the request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

The amendments, agreed to en bloc, are as follows:

On page 1, line 5, after the word "the" strike out "third sentence and by inserting in lieu thereof the following new sentence" and insert "the last sentence and inserting in lieu thereof the following:"; on page 2, line 13, after the word "assessment)." strike out "For purposes of this section, in the case of any property described in clause (ii) of the preceding sentence, any amount paid or incurred by the taxpayer during the taxable year and attributable to such property shall be treated as paid or incurred ratably over the taxable year and each of the nine succeeding taxable years.';" after line 19, insert:

"(b) Section 175 of such Code is amended by adding at the end thereof the following new subsection:

" '(f) RULES APPLICABLE TO ASSESSMENTS FOR DEPRECIABLE PROPERTY.—

" '(1) AMOUNTS TREATED AS PAID OR INCURRED OVER 9-YEAR PERIOD.—In the case of an assessment levied to defray expenditures for property described in clause (ii) of the last sentence of subsection (c) (1), if the amount of such assessment paid or incurred by the taxpayer during the taxable year (determined without the application of this paragraph) is in excess of an amount equal to 10 percent of the aggregate amounts which have been and will be assessed as the taxpayer's share of the expenditures by the district for such property, and if such excess is more than $500, the entire excess shall be treated as paid or incurred ratably over each of the 9 succeeding taxable years.

" '(2) DISPOSITION OF LAND DURING 9-YEAR PERIOD.—If paragraph (1) applies to an assessment and the land with respect to which such assessment was made is sold or otherwise disposed of by the taxpayer (other than by the reason of his death) during the 9 succeeding taxable years, any amounts of the excess described in paragraph (1) which has not been treated as paid or incurred for a taxable year ending on or before the sale or other disposition shall be added to the adjusted basis of such land immediately prior to its sale or other disposition and shall not thereafter be treated as paid or incurred ratably under paragraph (1).

" '(3) DISPOSITION BY REASON OF DEATH.—If paragraph (1) applies to an assessment and the taxpayer dies during the 9 succeeding taxable years, any amount of the excess described in paragraph (1) which has not been treated as paid or incurred for a taxable year ending before his death shall be treated as paid or incurred in the taxable year in which he dies.'

On page 4, at the beginning of line 6, strike out "(b)" and insert "(c)"; in the same line after the word "by" strike out "subsection (a)" and insert "subsections (a) and (b)"; after line 9, insert a new section, as follows:

"SEC. 2. The terms or conditions of a pension or retirement plan qualified under section 401 of the Internal Revenue Code of 1954, or of a retirement practice, which provide for reasonable differentiation in retirement ages between male and female employees, or which provide for or require retirement at reasonable ages, shall not be construed to violate title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, any Executive order, or any rules or regulations issued under any of the foregoing, except that such terms and conditions shall not excuse the failure or refusal to hire individuals, or the discharging of individuals prior to retirement age, on account of their sex or age. The preceding sentence shall not apply if such terms and conditions are merely a subterfuge to evade the basic purposes of title VII of the Civil Rights Act of 1964 or the Age Discrimination in Employment Act of 1967."

"SEC. 3. (a) Section 401(l) of the Internal Revenue Code of 1954 (relating to certain union-negotiated pension plans) is amended—

"(1) by striking out 'Multiemployer' in the heading, and

"(2) by striking out paragraph (1) and inserting in lieu thereof the following:

" '(1) such trust was created pursuant to a collective bargaining agreement between employee representatives and one or more employers,'.

"(b) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1953, and ending after August 16, 1954, but only with respect to contributions made after December 31, 1954."

After line 14, insert a new section, as follows:

"SEC. 4. (a) Section 504(a) of the Internal Revenue Code of 1954 (relating to denial of exemption) is amended by inserting after the second sentence thereof the following new sentence: 'Paragraph (1) shall not apply to income attributable to property transferred to a trust before January 1, 1951, by the creator of such trust, if such trust was irrevocable on such date and if such income is required to be accumulated pursuant to the mandatory terms (as in effect on such date and at all times thereafter) of the instrument creating such trust.'

"(b) Section 681(c) of such Code (relating to limitation on charitable deduction of trusts by reason of accumulated income) is amended by inserting after the second sentence thereof the following new sentence: 'Paragraph (1) shall not apply to income attributable to property transferred to a trust before January 1, 1951, by the creator of such trust, if such trust was irrevocable on such date and if such income is required to be accumulated pursuant to the mandatory terms (as in effect on such date and at all times thereafter) of the instrument creating such trust.'

"(c) The amendments made by subsection (a) and (b) shall apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954. For purposes of section 3814 and 162(g) (4) of the Internal Revenue Code of 1939, provisions having the same effect as such amendments shall be treated as included in such sections effective with respect to taxable years beginning after December 31, 1950."

On page 6, after line 17, insert a new section, as follows:

"SEC. 5. For purposes of applying part II of subchapter F of chapter 1 of the Internal Revenue Code of 1954 (relating to the taxation of business income of certain exempt organizations) with respect to activities of soliciting, selling, and publishing commercial advertising in a periodical which is published by an organization subject to the tax imposed by section 511 of such Code and which contains editorial matter related to the exempt purposes of the organization—

"(1) sections 1.512(a)-1 and 1.513-1 of the Income Tax Regulations (as amended by Treasury Decision 6939) shall apply only with respect to taxable years beginning after December 12, 1968 (in lieu of the taxable years specified therein), and

"(2) sections 1.512(a)-2 and 1.513-2 of the Income Tax Regulations (as so amended) shall apply with respect to taxable years beginning before December 13, 1968 (in lieu of the taxable years specified therein)."

On page 7, after line 9, insert a new section, as follows:

"Sec. 6. (a) Section 815(f) of the Internal Revenue Code of 1954 (relating to definition of distribution) is amended—

"(1) by striking 'or' at the end of paragraph (3);

"(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof '; or ';

"(3) by inserting after paragraph (4) the following new paragraph:

" '(5) any distribution after December 31, 1967, of the stock of a controlled corporation to which section 355 applies, if such distribution is made to a corporation which immediately after the distribution is the owner of all of the stock of all classes of both the distributing corporation and such controlled corporation and if, immediately before the distribution, the distributing corporation had been the owner of all of the stock of all classes of such controlled corporation at all times since December 31, 1957.';

"(4) by striking out 'Neither paragraph (3) nor paragraph (4) shall apply' in the next to the last sentence and inserting in lieu thereof 'Paragraphs (3), (4), and (5) shall not apply'; and

"(5) by striking out 'paragraphs (3) and (4)' in the last sentence and inserting in lieu thereof 'paragraphs (3), (4), and (5)'.

"(b) Section 815 of such Code (relating to distributions to shareholders) is amended by adding at the end thereof the following new subsection:

" '(g) Certain Distributions Related to Former Subsidiaries.—If subsection (f)(5) applied to the distribution by a life insurance company of the stock of a corporation which was a controlled corporation—

" '(1) any distribution by such corporation to its shareholders (after the date of the distribution of its stock by the life insurance company), and

" '(2) any disposition of the stock of such corporation by the distributee corporation, shall, for purposes of this section, be treated as a distribution to its shareholders by such life insurance company, until the amounts so treated equal the amount of the distribution of such stock which by reason of subsection (f)(5) was not included as a distribution for purposes of this section.'

"(c) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 1967."

On page 9, after line 5, insert a new section, as follows:

"Sec. 7. (a) Part IV of subchapter L of chapter 1 of the Internal Revenue Code of 1954 (relating to provisions of general application to insurance companies) is amended by adding at the end thereof the following new section:

" 'Sec. 844. Special loss carryover rules.

" '(a) General Rule.—If an insurance company—

" '(1) is subject to the tax imposed by part I, II, or III of this subchapter for the taxable year, and

" '(2) was subject to the tax imposed by a different part of this subchapter for a prior taxable year beginning after December 31, 1962,

then any operations loss carryover under section 812, unused loss carryover under section 825, or net operating loss carryover under section 172, as the case may be, arising in such prior taxable year shall be included in its operations loss deduction under section 812(a), unused loss deduction under section 825(a), or net operating loss deduction under section 832(c)(10), as the case may be.

" '(b) Limitation.—The amount included under section 812(a), 825(a), or 832(c)(10), as the case may be, by reason of the application of subsection (a) shall not exceed the amount that would have constituted the loss carryover under such section if for all relevant taxable years such company had been subject to the tax imposed by the part referred to in subsection (a)(1) rather than the part referred to in subsection (a)(2). For pursoses of applying the preceding sentence—

" '(1) in the case of a mutual insurance company which becomes a stock insurance company, the deduction under section 832 (c)(11) (relating to dividends to policyholders) shall not be allowed, and

" '(2) section 812(b)(1)(A)(ii) (relating to additional years to which losses may be carried by new life insurance companies) shall not apply.

" '(c) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.'

"(b)(1) The table of sections for part IV of subchapter L of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

" 'Sec. 844. Special loss carryover rules.'

"(2) Sections 809(e)(5) and 823(b)(1) of such Code are each amended by striking out 'The' and inserting in lieu thereof 'Except as provided by section 844, the'.

"(3) Section 825(g)(2) of such Code is amended by striking out 'to or from' and inserting in lieu thereof 'except as provided by section 844, to or from'.

"(4) Section 825(g)(3) of such Code is amended by striking out 'to any' and inserting in lieu thereof 'except as provided by section 844, to any'.

"(c) The amendments made by subsections (a) and (b) shall apply with respect to losses incurred in taxable years beginning after December 31, 1962, but shall not affect any tax liability for any taxable year beginning before January 1, 1967."

On page 11, after line 11, insert a new section, as follows:

"Sec. 8. (a) Section 851(e) of the Internal Revenue Code of 1954 relating to investment companies furnishing capital to development corporations) is amended—

"(1) by striking out paragraph (2) and inserting in lieu thereof the following:

" '(2) Limitations—

" '(A) Excess investments after 15 years.—If—

" '(i) at the close of any taxable year (whether beginning before, on, or after the date of the enactment of this subparagraph), more than 25 percent of the value of the total assets of an investment company is represented by securities of issuers with respect to each of which the investment company holds more than 10 percent of the outstanding voting securities of such issuer and in respect of each of which or any predecessor thereof the investment company has continuously held any security for 10 or more years, and

" '(ii) at the close of the fifth taxable year following such taxable year (but only if such fifth taxable year begins after the date of the enactment of this subparagraph), the investment company has not reduced by at least 40 percent its holdings of each issue of securities described in clause (i) which represented the excess investment in such securities (as determined under paragraph (5)), the provisions of this subsection shall not apply at the close of any quarter of such fifth taxable year to such investment company, unless at the close of such year the securities described in clause (i) represent 25 percent or less of the value of its total assets (or are reduced to 25 percent or less of such value within 30 days thereafter).

" '(B) Excess investments after 20 years.—The provisions of this subsection shall not apply at the close of any quarter of a taxable year to an investment company if at the close of such quarter more than 25 percent of the value of its total assets is represented by securities of issuers with respect to each of which the investment company holds more than 10 percent of the outstanding voting securities of such issuer and in respect of each of which or any predecessor thereof the investment company has continuously held any security for 20 or more years preceding such quarter unless the value of its total assets so represented is reduced to 25 percent or less within 30 days after the close of such quarter.'; and

"(2) by inserting after paragraph (4) thereof the following new paragraph:

" '(5) Rules for application of paragraph (2)(A).—

" '(A) Excess investment.—For purposes of paragraph (2)(A), the excess investment with respect to any issue of securities described in clause (i) of such paragraph held by an investment company is an amount equal to an amount determined by multiplying—

" '(i) the aggregate value of the securities described in clause (i) of such paragraph, reduced by an amount equal to 25 percent of the value of the total assets of the investment company, by

" '(ii) a fraction the numerator of which is the value of such issue of securities and the denominator of which is the aggregate value of all securities described in such clause (i) held by the investment company.

" '(B) Substitution for less-appreciated securities.—If the percentage appreciation in value per share of any issue of securities described in clause (i) of paragraph (2)(A) is less than the average percentage appreciation in value per share of all issues of securities described in such clause, the reduction, or any part thereof, in the holdings of such issue required under clause (ii) of paragraph (2)(A) shall be treated as satisfied by a reduction (in addition to the reduction required under such clause) of a dollar amount of the holdings of any other issue of securities described in clause (i) of such paragraph, the average appreciation in value per share of which is higher than the average appreciation in value per share of all issues of securities described in such clause, equal to the dollar amount of such issue which would have to be disposed of to effectuate such reduction or such part. This subparagraph shall apply only if the investment company files a statement, at the time of making its return for the taxable year, identifying the transaction or transactions in which its holdings of such other issue were reduced in substitution for a reduction in the holdings of such issue.

" '(C) Time for making determinations.—For purposes of subparagraph (A) of this paragraph and clause (ii) of paragraph (2)(A), all determinations shall be made as of the close of the applicable taxable year referred to in clause (i) of paragraph (2)(A). For purposes of applying subparagraph (B) of this paragraph, all determinations shall be made at the time of the transaction identified by the investment company under such subparagraph.'

"(b) Section 851(d) of such Code (relating to determination of status of regulated investment companies) is amended by adding at the end thereof the following new sentence: 'If a corporation meets the requirements of subsection (b)(4)(A) at the close of any quarter of any taxable year (whether beginning before, on, or after the date of the enactment of this sentence) by reason of the application of the provisions of subsection (e), this subsection shall not apply to such corporation for any subsequent quarter of any taxable year (beginning after the date of the enactment of this sentence) for which the Securities and Exchange Commission fails to make the determination provided for in paragraph (1) of subsection (e) or for which the corporation fails to satisfy the limitation set forth in paragraph (2) (A) of subsection (e) or the limitation set forth in paragraph (2) (B) of such subsection.'

"(c) The amendments made by subsection (a) shall apply to taxable years beginning on or after January 1, 1967. The amendment made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act."

Mr. LONG of Louisiana. Mr. President, the Senator from Iowa [Mr. MILLER] explained his amendment on yesterday. I have not had an opportunity to study it.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Will the Senator from Louisiana suspend for a moment? The Chair wishes to announce that the pending question is the amendment (No. 940) offered by the Senator from Iowa [Mr. MILLER].

Mr. LONG of Louisiana. Mr. President, there are some points in favor of the Miller amendment and there are some good arguments to the contrary.

In view of this mixed situation I am willing to take the amendment to conference and let the conferees evaluate its merits there.

I have discussed this matter with the Senator from Delaware [Mr. WILLIAMS]. He seems to feel that would be the best procedure with regard to the amendment.

The PRESIDING OFFICER. Does the Senator make that request?

Mr. LONG of Louisiana. The amendment is pending, Mr. President. If there is no objection by Senators, I suggest we accept the amendment and take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 940) offered by the Senator from Iowa [Mr. MILLER].

The amendment was agreed to.

A GREATER SENSE OF PUBLIC RESPONSIBILITY NEEDED IN DRUG INDUSTRY

Mr. YOUNG of Ohio. Mr. President, the report issued last week by the task force on prescription drugs again stressed the need for implementing President Johnson's request to the Congress earlier this year to deal with the shocking cost of medical care and to make certain that American taxpayers do not pay exorbitant prices for prescription drugs used in federally supported programs.

The report pointed out again the tremendous waste in the drug industry on duplication of competitive products and the inability of many physicians to prescribe rationally largely because they rely heavily for their information on drug advertising and promotion. The report also rejects the notion that the high degree of risk in the manufacture of drugs justifies a profit rate that in 6 out of 10 years placed pharmaceutical firms first among the 41 leading industries.

The report revealed the shocking fact that the drug industry spends an estimated $3,000 per year per doctor on 20,000 salesmen, mailings, advertisements, and free samples in promoting their products. It reveals that the inability of physicians to prescribe drugs rationally amidst confusing claims is now a matter of serious concern to experts, and that the lack of knowledge and sophistication in the proper use of drugs is perhaps the greatest deficiency to the average physician today. There is a crying need for an unbiased publication giving doctors objective, up-to-date information on drugs, and to provide the public with truthful information on prescription prices.

Mr. President, immediately after the 91st Congress convenes—or during this session if possible—legislation should be enacted into law to correct these problems and other problems in the drug industry. Foremost should be legislation authorizing the Secretary of Health, Education, and Welfare to establish a reasonable cost range to govern reimbursement for drugs now provided under medicare and medicaid maternal and child health programs.

Mr. President, apart from the cost of drugs in federally sponsored programs, there is immediate need to end outrageous pricing practices in the pharmaceutical industry. Profiteering in the pharmaceutical industry is a national disgrace. In the past, congressional investigations of pricing practices in the drug industry have resulted in some remedial legislation. However, existing laws are still too weak and inadequate. The public is still being fleeced. For example, as the President pointed out in his health message, recent surveys revealed that 12 drugs of the same type range in retail price from $1.25 to $11 for 30 tablets.

The distinguished junior Senator from Wisconsin [Mr. NELSON] has been performing a great public service as chairman of the Monopoly Subcommittee of the Select Committee on Small Business which is investigating excessive pricing practices in the drug industry. Executives of pharmaceutical companies defend high prices of many drugs by maintaining that it takes a substantial investment to develop a new product, and that they are therefore entitled to a reasonable return on their investment. No one quarrels with that. Nobody objects to a company's need to recover investment costs as promptly as possible nor of its desire to turn a profit. However, maintaining absurdly high prices for an indefinite period of time after the original outlay has been retrieved cannot be justified and should not be condoned.

It is noteworthy that while the median profit as a percentage return on invested capital was 11.8 percent for all industries in 1965, the pharmaceutical industry had a return of 18 percent. Expressed as a percentage return on sales, the all-industry median was 5½ percent, while the pharmaceutical industry average was 10.3 percent.

Fortune magazine's 1966 directory of the 500 largest U.S. industrial corporations shows Smith, Kline & French Laboratories ranking 280th in total sales, but third in profits earned as a percentage of both sales and invested capital—and these are profits after all production, administrative, and research costs and after income taxes.

Testimony received before the Monopoly Subcommittee has indicated many other pricing shenanigans in the drug industry. For example, many drugs developed in European nations are sold in the United States at exorbitant prices. Research and development costs have already been made up by European consumers. When the American drug company acquires the manufacturing license to sell a drug in the United States, a reasonable percentage of sales is paid to the European company which developed the drug or owns the rights to its use. Nevertheless, in many cases the drugs are then sold in the United States at substantially higher prices than those charged the European consumer by the European manufacturer. The overcharge is only limited by what the traffic will bear.

A prominent example of this practice is the case of the well-known tranquilizer, thorazine. This miracle drug is to many people the difference between spending a lifetime in mental institutions or living a normal life. These pills cost the druggist in London 70 cents for 100 10-milligram tablets. The druggist in the United States pays $4.26 for the same quantity, or 608 percent more despite the fact that the American distributor is only a licensee, and did not make the investment to develop the drug. This is only one example of many heard by the Monopoly Subcommittee of the Select Committee on Small Business.

Another problem of major concern is the merchandising of drugs under protective trade names rather than by their generic names. It is true that many physicians feel more secure in prescribing drugs produced by well-known and professionally reputable pharmaceutical companies and distributed under trade names. However, the price differential is too often unwarranted and inexcusable.

For example, the drug Prednisone, an arthritic drug, is usually sold under its generic name for $2.20 per hundred and as cheaply as 59 cents per hundred. An identical drug distributed under the trade name of Meticorten was sold at the incredible price of $17.90 per hundred, and another identical drug marketed under the trade name of Paracort has sold for $17.88 per hundred. Other discrepancies in the prices of drugs differing only in name can be described by the dozens.

Mr. President, all Americans have greatly benefited from the hearings on pricing practices in the drug industry. On January 3, 1968, Parke, Davis & Co. cut the price of Paracort, by 80 percent to $3.45 a hundred. Officials of the Schering Corp. followed this example by cutting the price of Meticorten, its equivalent of Prednisone, by 40 percent to $10.80 per hundred which still allows for a very healthy profit margin. It is to be hoped that officials of other drug companies will follow these examples by reducing the vast discrepancies in the prices of drugs differing only in name.

One of the most flagrant areas of overcharging in the drug industry is the pricing of antibiotics. Their price has remained high for many years although their use is now widespread. Research and development costs incurred certainly have been recovered by now. Moreover, most antibiotics do not require expensive raw material or unduly expensive machinery for mass production. The fact is that the popular antibiotics are mass produced from mold cultures or other micro-organisms which grow on common and inexpensive substances. The extraction and purification of these antibiotics does not require highly-paid personnel. Pharmaceutical companies have been hard pressed to justify the price of 30 cents to 75 cents per capsule, common prices for antibiotics presently on the market.

In fact, three drug companies, American Cyanamid, Bristol Myers, and Pfizer & Co. were recently convicted for conspiring to control the production and distribution of antibiotics worth an estimated $1,700,000,000. The jury specifically convicted them for restraint of trade, conspiracy to monopolize, and monopoly violations of the Sherman Antitrust Act. Two other companies, Olin Mathieson Chemical Corp. and Upjohn Co. were named as coconspirators but not as defendants. These five companies were charged with entering into agreements to produce and distribute a number of antibiotics including an agreement to limit the manufacture of tetracycline, a drug widely used against infectious diseases.

The Government introduced evidence showing that the companies manufactured the drug for $3.87 per hundred capsules which were then sold to druggists for $30.60 per hundred and eventually sold to consumers for $51 per hundred. On February 28, a Federal judge levied maximum fines totaling $450,000. Frankly, this penalty does not, in my opinion, begin to meet the enormity of the offense of this conspiracy to corner the market on drugs required by millions of Americans.

Mr. President, here is proof positive of the flagrant disregard of the public welfare by officials of some drug concerns. In this case they were caught and their firms penalized. However, it is obvious from the recent hearings that there are many similar cases in which the companies are going scot free. The patience of American consumers is wearing thin in regard to the prices they are forced to pay for drugs vital to their well-being. Either the drug companies immediately face up to their responsibilities or legislation to require them to do so must be enacted.

Another example of the fleecing of the public by the drug industry is in the sale of multivitamin capsules. Sales total several hundreds of millions of dollars annually, in great part due to expensive advertising and promotional activities of drug manufacturers. The propaganda of the pharmaceutical industry has been so convincing that the public actually demands prescription of multivitamins. The competence of doctors who refuse to fall in line and prescribe the often superfluous and useless vitamins is then doubted by their patients who have been brainwashed by the advertising campaigns of the vitamin manufacturers and distributors.

For most people, vitamins can be supplied by a fairly well balanced diet. There are, of course, cases where for one reason or another an individual is not receiving the necessary vitamins or requires more than the ordinary amount needed. People with specific vitamin deficiencies have symptoms which any competent physician can recognize and treat. Officials of the Food and Drug Administration have at long last recognized the significance of this situation and have proposed regulations that would require multivitamin manufacturers to clearly label their products as follows:

> Vitamins and minerals are supplied in abundant amounts by commonly available foods. Except for persons with special medical needs, there is no scientific basis for recommending routine use of dietary supplements.

Executives of pharmaceutical firms are firmly opposing these proposed regulations.

The high price of some drugs and medicines often restricts their use to the well-to-do and is a matter of social significance. Many physicians and surgeons hesitate to prescribe expensive medication to a patient because the financial burden is often too great. In many cases a less effective but more reasonably priced substitute is prescribed instead.

It is unconscionable that in the United States, the richest country in the world, a situation should be permitted to exist whereby some are denied the most advanced benefits of medical science solely because of their financial status. There is no reason whatever why any American should not receive proper medication when he requires it.

Mr. President, medicines and drugs should be available to all our citizens. There should be no discrimination due to fantastic and unrealistic prices. The drug industry certainly is entitled to a fair return on investment. However, we cannot allow the health of citizens to be victimized by greedy profitseekers. The drug industry must recognize its public responsibility. It is preferable that officials within the industry practice self-regulation and self-restraint in pricing procedures rather than continue practices which offer no alternative but Federal regulation.

The distinguished junior Senator from Wisconsin [Mr. Nelson] and his subcommittee are to be commended for the outstanding service they are performing in further bringing this problem under public and congressional scrutiny. I am hopeful that their work will result in legislation which will remedy inequities that exist in the sale and distribution of drugs and medicine. All Americans will benefit.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. Mr. President, I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I am delighted that the junior Senator from Ohio [Mr. Young] has raised this point about exorbitant drug pricing. He has labored in that vineyard for some time, as has the junior Senator from Louisiana.

It would seem to me that one of these days we should find an appropriate vehicle to accomplish our purpose. The Senator may recall that we did pass a measure somewhat along the lines the Senator is advocating in one of our social security bills some time back. The House of Representatives took a part of that measure but not nearly as much as we would like to see adopted.

Mr. President, the statement which the President made about this matter is entirely correct and what the Senator from Ohio has said about this matter is entirely correct. Something should be done about these exorbitant drug prices.

Mr. YOUNG of Ohio. Mr. President, I wish to thank the distinguished junior Senator from Louisiana. I am very happy to support the Senator in the fine work he has been doing in recent years to achieve fair pricing in the drug industry, especially for drugs purchased under federally assisted programs.

What the distinguished assistant majority leader, the junior Senator from Louisiana [Mr. Long] said today, in addition to what he has said and done on this matter in the past, indicates that either later in the present session or very early in the 91st Congress, which convenes next January, something will be done in behalf of all the American people in connection with this important matter.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. YOUNG of Ohio. I yield.

Mr. LONG of Louisiana. Mr. President, apropos the statement the junior Senator from Ohio has made on this subject, it will be remembered that a year or two ago the junior Senator from Louisiana rose in this Chamber to tell about an international drug conspiracy involving several of the major corporations, which robbed poor people all over the whole wide world by causing them to pay 40 times what they should pay for tetracycline, one of the wonder drugs.

When the Senator from Louisiana made a speech about this matter and demanded that a suit be prosecuted rather than to permit those people to file nolo contendere pleas and get off with a slap on the wrist, all of those people in the drug industry shouted that the Senator from Louisiana did not know what he was talking about.

Since that time the Department of Justice has proved that I did know what I was talking about because they prosecuted those drug companies in New York City. Three defendant drug companies were convicted of a conspiracy to in effect rob poor people by fixing prices.

Then, in preparing to appeal the criminal conviction they presented an interesting argument. They took a poll in New York City to prove that they could not get fair treatment in New York. The poll indicated that over 90 percent of all those polled and 100 percent of all adult males agreed that those drug companies were fleecing and robbing the public in one way or another. When somebody takes a poll and finds that 100 men out of every 100 polled agree these drug companies are robbing the public, I would say that is just about the best informed public in the world.

What the poll did not show was that those people were under the impression they were being robbed by being charged three times too much. The fact was that in instances they were being charged 20 and 40 times too much. Obviously the public is very perceptive and intelligent in New York City when it comes to drug prices. If the truth be known, I suspect that not only could those drug companies not get an unprejudiced trial in New York, they probably could also not get one anywhere in the world because those people were in a conspiracy to rob every poor man, be he black, yellow, or white, throughout the world.

We are making a little headway in coping with this profiteering problem. As the Senator knows, we must have more cooperation from the House of Representatives. We made a fight last year in the Senate. The vote was close, but we did prevail, as the Senator knows. The distinguished Senator from New Mexico [Mr. ANDERSON] has labored long in this field as has his colleague [Mr. MONTOYA] who has also been a valiant battler to try to get people drugs at reasonable prices.

When the Long drugs bill is next before the Senate, I urge Senators to join us in renewing the battle. It is something that should be done not only on behalf of the 200 million people in America, but also the poor people throughout the world who are now being fleeced by some American drug corporations. It does not make me feel proud to have to say that some of our large corporations in America are fleecing and robbing people all over the world by making them pay 10 to 100 times more for drugs than they are worth.

I know that the Senator from Ohio feels the same way about that.

Mr. YOUNG of Ohio. Mr. President, we Senators certainly recall distinctly the great pioneering efforts in this field made by the distinguished Senator from Louisiana [Mr. LONG]. He had at that time the support of the majority of Senators. I am hopeful that when he renews his leadership in this matter, later in this session, and certainly early next year, he will find that he will have even greater support in the Senate. Let us hope that we will fare better in the other body next year in seeking to improve the well-being of and insure longer lives for all Americans, regardless of their financial status. It will be a splendid thing if the Senator from Louisiana succeeds in his efforts early in the new session of Congress next year.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

The Senate resumed the consideration of the bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

Mr. HARTKE. Mr. President, I have an amendment to the bill at the desk, which I know call up and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

> The Senator from Indiana [Mr. HARTKE] proposes an amendment, on page 4, beginning with line 10, strike out all through line 15.
>
> Renumber sections 3 through 8 as sections 2 through 7, respectively.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. WILLIAMS of Delaware. I am not now rising to speak for or against the amendment. But the Senator's amendment, I believe, has an error in its drafting. "On page 4, beginning with line 10, strike out all through line 15." I believe that should be all through line 25.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, in the preparation of this amendment I believe there has been a mistake either in drafting or the printing.

It should read as follows:

> On page 4, beginning with line 10, strike out all through line 25.

I ask that the amendment be modified accordingly.

The PRESIDING OFFICER. The amendment is modified as requested.

Mr. HARTKE. Mr. President, this amendment was placed in the bill in the Finance Committee and basically what it would do would be to eliminate from the provisions of pension plans the question of whether women should be treated differently from men. Under the Civil Rights Act of 1964, title VII, there should be no discrimination on account of race, color, creed, or sex. This deals with the question of discrimination in regard to sex.

In effect, what the amendment would do, which was introduced by the minority leader, would be to provide for a loophole or an exemption in the Civil Rights Act of 1964 under title VII, and provide that there shall be a continuation of discrimination under certain pension plans.

This is not alone a question of voluntary retirement but also a question of mandatory retirement. What happened here basically is that the Equal Employment Opportunities Commission has been attempting to deal with the problem, and has been attempting to issue regulations at the present time. Under the law, the Equal Employment Opportunities Commission issued regulations only last Friday. The amendment now pending, as provided in section 2, would, in effect, nullify the recommendations and statement put forth by the Equal Employment Opportunities Commission. Its deletion restores it to the House-passed status with regard to this matter which will continue the authority of the Commission to accomplish no discrimination by sex in relation to retirement plans.

I have checked this with the Equal Employment Opportunities Commission and I ask unanimous consent that the entire statement of the opinion of the General Counsel under date of September 13, 1968, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> EQUAL EMPLOYMENT OPPORTUNITY
> COMMISSION,
> *Washington, D.C., September 13, 1968.*
>
> OPINION OF THE GENERAL COUNSEL
>
> Subsequent to issuance of the Commission's guideline prohibiting discrimination between men and women with respect to optional and mandatory retirement ages under pension and retirement plans, a number of interested parties have asked whether Title VII permits a gradual adjustment of existing plans that provide for earlier optional retirement of women.
>
> In my opinion Title VII would permit such a gradual adjustment in this particular situation. Although the sex discrimination provisions in Title VII protect both men and women, discrimination against women led to their enactment. Since immediate removal of the earlier retirement option would be unfair to women close to retirement, it is in keeping with the purposes of Title VII to permit gradual adjustment when plans are brought into compliance with Title VII.
>
> For example: A corporation has a retirement plan providing for the retirement of all employees at age 65, with women permitted to retire at age 62 if they so elect. This plan violates the Commission's guideline. However, the Commission would permit the corporation to retain earlier optional retirement for all presently employed female employees who were 55 years of age or older on October 1, 1968.
>
> The precise cut-off point—whether it be women who are, for example, within 5, 7 or 10 years of being able to exercise their option—will depend upon the circumstances, such as number of people affected and refunding requirements, relating to the plan under consideration. The judgment of the parties, e.g., the employer and the union, as to what the cut-off point should be would carry considerable weight.
>
> DANIEL STEINER.

Mr. HARTKE. They say, in effect, that the guidelines which prohibit discrimination between men and women with respect to optional and mandatory retirement plans refer to some people who thought they should be exempted by title VII, that they should have a gradual or some type of phasing out under the present plan to provide for earlier optional retirement or mandatory plans.

Let me give an example. A corporation has a retirement plan which provides for the retirement of all employees at the age of 65, with women permitted to retire at the age of 62, if they so elect. In effect, they say this plan would violate the Commission's guidelines, however, because it would permit a corporation to retain the earlier optional retirement plan for female employees 55 or older on October 1, 1968.

What they are saying is that they are willing to recognize the fact that the employee cutoff would have a serious effect on some people who are close to retiring, but ultimately the purpose of the Antidiscrimination Act of 1964—the so-called Civil Rights Act of 1964—was to eliminate this type of discrimination. It was to provide for treatment of men and women as human beings and not as separate and distinct. The effect of this is to the contrary.

Now one of the people quite interested in this proposal is Esther Peterson. I have talked with her at great length and discussed this matter with her. She has been a long-time advocate of equal rights and equal employment opportunity for women. Also on the House side, one of the most distinguished of all women Representatives in Congress, Mrs. MARTHA GRIFFITHS of the 17th District in Michigan, has directed a letter to every Senator and has directed an analysis of what would be the effect of putting this type of amendment into the law and the effect it would have upon women, which would again restore discrimination when we have made so many steps forward in trying to provide for equal opportunity for women.

Here we see, 4 years later, that an attempt is being made to retain the situation and return it to the situation as it was before we went through that long civil rights debate, not alone on the question of color, but sex—including the great filibuster and other things.

I ask unanimous consent at this time to have the entire statement by the distinguished Representative from the 17th District of Michigan, Mrs. MARTHA GRIFFITHS, made a part of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ANALYSIS BY MARTHA W. GRIFFITHS, MEMBER OF CONGRESS

Section 2 of H.R. 2767, as reported by the Senate Finance Committee, to permit sex discrimination in pension and retirement plans, is based on misinformation and misunderstanding, and is unjustifiable. Section 2 should not be adopted.

H.R. 2767, as passed by the House of Representatives on March 14, 1967, would amend the Internal Revenue Code to permit tax deductions by farmers for assessments for depreciable property levied by soil or water conservation or drainage districts.

On August 1, 1968, the Senate Finance Committee reported out the bill with numerous amendments. One amendment added section 2, reading as follows (page 4, lines 10–25):

"SEC. 2. The terms or conditions of a pension or retirement plan qualified under section 401 of the Internal Revenue Code of 1954, or of a retirement practice, which provide for reasonable differentiation in retirement ages between male and female employees, or which provide for or require retirement at reasonable ages, shall not be construed to violate title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, any Executive Order, or any rules or regulations issued under any of the foregoing, except that such terms and conditions shall not excuse the failure or refusal to hire individuals, or the discharging of individuals prior to retirement age, on account of their sex or age. The preceding sentence shall not apply if such terms and conditions are merely a subterfuge to evade the basic purposes of title VII of the Civil Rights Act of 1964 or the Age Discrimination in Employment Act of 1967."

I. SCOPE AND PURPOSE OF PROPOSED AMENDMENT

Under this amendment, existing and future private retirement and pension plans, and retirement practices, may (a) provide different compulsory and optional retirement ages for men and for women, solely on the basis of their sex, and (b) permit or require retirement "at reasonable ages," regardless of the prohibitions in the following laws and executive orders:

(a) Title VII, Civil Rights Act of 1964 (Public Law 88–352; 78 Stat. 241, 253; 42 U.S.C. 2000e).

(b) Age Discrimination in Employment Act of 1967 (Act of Dec. 15, 1967, Public Law 90–202; 81 Stat. 602).

(c) Executive Order 11141, Feb. 13, 1964, prohibiting discrimination based on age by government contractors and subcontractors.

(d) Executive Order 11246, Sept. 24, 1965 (30 F.R. 12319), as amended by Executive Order 11375, Oct. 13, 1967 (32 F.R. 14303), prohibiting discrimination based on sex by government contractors and subcontractors and on federally-assisted construction projects.

The stated purpose of this sex-based amendment is to overturn the Guidelines issued in February 1968 (33 F.R. 3344; 29 C.F.R. 1604.31) by the Equal Employment Opportunity Commission which stated that a "difference in optional or compulsory retirement ages based on sex violates Title VII." The Commission has not ruled on whether other sex differences in pensions and retirement plans, such as differences in benefits to survivors, violate Title VII.

It should be noted that the amendment deals with two different subjects: One involves sex differentiation in retirement ages (affecting Title VII and E.O. 11246 and 11375). The second subject involves "retirement at reasonable ages" which does not necessarily involve sex discrimination (affecting the Age Discrimination Act and E.O. 11141).

II. SCOPE OF THIS ANALYSIS

This analysis deals only with the subject of sex discrimination.

III. REASONS STATED IN SENATE FINANCE COMMITTEE REPORT TO SUPPORT AMENDMENT

The full text of the Senate Finance Committee's reasons for adding section 2 is on pages 6 and 7 of S. Rept. 1497, 90th Cong., and is attached hereto as Appendix A. These reasons are as follows:

1. The report asserts that it is "not uncommon for a pension or retirement plan to differentiate between male and female employees with regard to optional or compulsory retirement ages. . . ." and that such differentiation is provided for in "the retirement practice of many employers."

2. The report points out that although Title VII of the Civil Rights Act of 1964 does not contain a specific exception for differentials in retirement age, there is a provision in the Age Discrimination in Employment Act of 1967 (sec. 4(f)(2)) which exempts a "bona fide . . . retirement, pension . . . plan" from the prohibition against age discrimination. The report then states: "Nevertheless when Congress originally enacted title VII, the committee believes it is clear that Congress did not intend to prohibit reasonable differences in treatment of male and female employees under retirement or pension plans generally, since differential treatment is accorded men and women under the social security program today. . . . In fact, the congressional view on this matter would appear to be specifically indicated by the retirement differentiation for sex it has provided in the social security program."

3. The report states that the primary purpose of Title VII and the Age Discrimination Act—namely, "the hiring of workers on a nondiscriminatory basis"—would not "be served" by prohibiting sex differentials in retirement age.

IV. THE FOREGOING ARGUMENTS ARE INACCURATE, MISLEADING, AND LARGELY IRRELEVANT

A. Over 95 percent of pension and retirement plans do not have sex differentials in retirement age.

It is misleading to state that it is "not uncommon" for a pension or retirement plan to contain differentials based on sex and that the retirement practice of "many employers" provides for differentials in retirement age. The fact is that over 95 percent of all retirement and pension plans under collective bargaining reported pursuant to the Welfare and Pension Plans Disclosure Act contain no distinction between men and women workers. Only 5 percent contain sex differentials concerning the age required for either (a) participation in the pension plan, (b) early voluntary retirement, (c) normal voluntary retirement, or (d) involuntary retirement. Of those 5 percent, only a few have sex differentials in all four age requirements. Furthermore, sex as such is almost never the basis for differences in the amount of benefits paid to the retired employee, or in the amount of credited service and earnings necessary to receive such benefits. Incidentally, of the 5 percent of the pension plans which differentiate in retirement age on the basis of sex, those of the Bell Telephone companies, the principal lobbyists for the amendment, affect the most employees.

B. The Social Security Act does not have different retirement ages based on sex.

The report's discussion of the Social Security Act is simply erroneous. The Social Security Act does not provide different retirement ages based on sex. The normal retirement age under that Act is 65 for both men and women. In 1956 the Act was amended to permit women to retire at age 62, with reduced benefits. In 1961, the Act was further amended to permit men also to retire at 62, with reduced benefits. So far as *retirement age* is concerned, the Social Security Act *does not differentiate* on the basis of the worker's sex.[1]

The report also fails to mention that there is no sex differentiation in retirement ages for men and women employees under the Federal Civil Service Retirement System.

C. Title VII prohibits sex discrimination in retirement age.

The clear language of Title VII prohibiting sex discrimination in the "compensation, terms, conditions, or privileges of employment" surely prohibits sex differentials with regard to retirement age. The requirement that an employee retire at a certain age is clearly a "condition" of employment; and the employee's option to retire voluntarily at a certain age is clearly a "privilege" of employment. Therefore, Title VII plainly prohibits sex discrimination with regard to retirement age under pension and retirement plans.

This conclusion is reinforced by the fact that while Title VII contains various exceptions[2] from the general nondiscrimination requirement, it has no exceptions with regard to retirement age and pension benefits. Furthermore, the fact that such an exception exists in the Age Discrimination in Employment Act of 1967, which relates solely to *age* discrimination, certainly has no bearing on the prohibitions in Title VII, which relate to discriminaton based on *race, color, religion, sex* or *national origin*. Surely no one could rationally contend that *race* discrimination is permissible with regard to retirement ages. The *same* language of Title VII applies to *sex* discrimination.

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[1] However, in computing the *amount of reduced monthly benefits* for workers retiring before age 65, the Social Security Act averages the man's credits over the number of quarters of covered employment he had after 1950 to the year he would reach 65, whereas a woman's credits are averaged only over the quarters up to the year she reaches 62. Secs. 202(a) and 215(b)(2) and (3), Social Security Act (42 U.S. Code 402(a), 415(b)(2) and (3)). Thus, if a man and woman work under social security for the same number of years, receive the same earnings, and retire at the same age (62 or over) in the same year, the woman would receive a larger monthly check.

[2] Section 706(f) permits discrimination against members of the Communist Party or Communist-front organizations. Section 706(g) permits discrimination against persons who have not fulfilled the requirements of the national security program, where applicable. Section 706(i) permits discrimination in favor of Indians living on or near an Indian reservation. Section 712 permits discrimination in favor of veterans.

D. The legislative history of title VII concerning sex discrimination in pensions and retirement plans does not modify the statutory prohibition against sex discrimination, and does not show a congressional intention to permit sex discrimination beyond that of the Social Security Act, which section 2 of H.R. 2767 would do.

Opponents of sex equality in pensions and retirement plans have sometimes cited an ambiguous colloquy between Senator Randolph and then-Senator Humphrey to show that Congress intended to permit sex discrimination in pensions and retirement plans. However, that colloquy is quite inadequate, under clearly recognized canons of legislative construction, to rebut the plain statutory prohibition against sex discrimination.

The Randolph-Humphrey colloquy consisted of only six sentences.[3] It clearly shows that Senator Randolph was inquiring whether Title VII would permit private pension and retirement plans to be compatible with the Social Security system insofar as concerns sex differentials. Senator Humphrey's response plainly indicates that he misunderstood the question. He said: "Yes, that point was made unmistakably clear earlier today by the adoption of the Bennett amendment; so there can be no doubt about it." But the Bennett amendment (sec. 703 (h) of Title VII) did not deal with pension or retirement plans at all. It related only to payment of wages as prescribed by the Equal Pay Act of 1963 which prohibits sex discrimination in wages of employees covered by the Fair Labor Standards Act. The Bennett amendment was simply intended to prevent inconsistent application of Title VII and the Equal Pay Act, not to permit sex discrimination in pensions and retirement plans.

Furthermore, although the Civil Rights Act of 1964 contains several provisions requiring Title VII to be harmonized with other laws,[4] there is nothing in Title VII requiring that its provisions be subject to, or harmonized with, any sex discrimination features of the Social Security Act.

But even if the ambiguous Randolph-Humphrey colloquy were regarded as requiring Title VII to be interpreted in conformity with the sex discriminations permitted under the Social Security law, it would not justify the enactment of section 2 of H.R. 2767. The fact is that the Social Security law for the past seven years has *not contained sex differentiations with regard to retirement age*. Hence, to adopt section 2 would be squarely inconsistent with the purpose which Senator Randolph expressed in that colloquy.

It should further be noted that although the Senate Finance Committee's report relies on the alleged (but non-existent) sex differentials in retirement age of the Social Security system, the committee amendment to H.R. 2767 is not limited to such differentials as may be in the Social Security Act. It simply provides for "reasonable differentiation in retirement ages between male and female employees" with no reference to the Social Security Act. Since it does not define "reasonable" or what criteria will be used to judge what is "reasonable," that word does not really limit the scope of the amendment.

The amendment is obviously intended to permit a lower compulsory and optional retirement age for women. Yet actuarial mortality tables demonstrate that sex differentials in retirement ages are NOT "reasonable" since women as a class tend to live longer than men. When a man retires at 65, he will receive approximately 10 years of social security benefit payments, while a woman who retires at 62 will receive approximately 20 years of such payments. If any sex is entitled to an earlier optional retirement age privilege, it should be the male. Frankly, no sex differential is reasonable for retirement age. What the amendment would permit is simply unwararnted discrimination in retirement age based on sex.

E. The primary purpose of title VII would be affirmatively served, not hindered, by having no sex discrimination in retirement ages.

Title VII of the Civil Rights Act of 1964 was enacted to prevent discrimination based on race, sex, etc., through the entire gamut of the employment relationship. It covers more than the hiring referred to in the Finance Committee's report. It applies to job advertising, to hire, to discrimination "with respect to . . . compensation, terms, conditions, or privileges of employment," and to "discharge." It would be wholly anomalous to prohibit an employer from discriminating in hiring, but to permit discrimination against the employee with regard to insurance coverage, promotions, transfers, on-the-job training, retirement ages, etc. In fact, the statistics in the First and Second Annual Reports of the Equal Employment Opportunity Commission show that most charges of discrimination based on race and sex against employers filed under Title VII deal with discriminatory terms and conditions of employment rather than with hire.

When the E.E.O.C., after two years of consideration as well as public hearings held in May 1967, issued its Guidelines of February 1968 interpreting Title VII to preclude sex differentials in retirement age, the E.E.O.C. was furthering, not disregarding, the explicit purpose of the Congress to eliminate discrimination in employment based on sex.

In sum, none of the reasons presented in S. Rept. 1497 can justify the proposed amendment to permit and encourage sex discrimination concerning the retirement ages of men and women employees.

V. ADDITIONAL REASONS FOR REJECTING SECTION 2 OF H.R. 2767

There are, also, additional reasons for rejecting the proposed section 2 amendment to H.R. 2767:

1. The amendment would overrule not only the February 1968 E.E.O.C. Guidelines and the basic purpose and language of Title VII of the Civil Rights Act of 1964, but also the President's Executive Orders (E.O. 11246, as amended by E.O. 11375) which prohibit sex discrimination by federal government contractors and subcontractors and on Federally-assisted construction projects. In this respect, the Executive Orders match the Congressional intent expressed in the similar prohibition in Title VII.

2. As mentioned above, 95 percent of the retirement and pension plans under collective bargaining agreements in this country, as well as the Federal Civil Service Retirement system, do not contain differentials in retirement age based on sex. Obviously, therefore, the overwhelming majority of public and private employers have concluded that such differentials are unnecessary, and that male and female employees can efficiently be offered the same compulsory and optional retirement age privileges. That, plus the clear Congressional purpose in Title VII to prohibit sex discrimination in the "compensation, terms, conditions, or privileges of employment," plainly require prohibiting, not encouraging and permitting, differentials in retirement age based on sex in the remaining 5 percent of the pension and retirement plans in this country.

3. The elimination of sex differentials in retirement age may displease some women who wish to take advantage of an earlier optional retirement age than is available to their male colleagues. But their concern must be balanced against the fact that the disadvantages of sex differentials in retirement age far outweigh their benefits. The proposed sec. 2 in H.R. 2767 would foster the continuation of discrimination now practiced against women who are able and desire to work beyond the optional retirement age. Experience has also shown that where such earlier options exist, many employers deny promotion to qualified women on the ground that they may be retiring at an earlier age. Many employers also exert pressure on women to retire at the earlier age in order to replace them with younger women or men. The earlier optional retirement age privilege is not an unalloyed benefit to women.

4. We should also consider the source of the argument that sex differentials in optional retirement age favor women and therefore should not be abandoned. That argument is not supported by the 178,000-member National Federation of Business & Professional Women's Clubs, a traditional protector of the rights of the working woman, or by the Citizens' Advisory Council on the Status of Women, or by the National Organization for Women whose goal is "full equality for women in truly equal partnership with men," or by the National Woman's Party which has fought for women's rights since the early 1900's. Among the principal lobbyists for sec. 2 of H.R. 2767 (and its counterpart sec. 6(d) of S. 3465) are the Bell Telephone companies, who have long relegated women to the lesser paid jobs in the communications industry, and who fear that the elimination of sex differentials in retirement age may result in earlier retirement for men, or longer service and increased credits for women, and thereby increase the companies' costs.

5. Furthermore, I find it difficult to understand the reasoning that a system which discriminates in some ways against men rather than against women need not, therefore, be amended. We in the Congress are elected by all the people, men and women, and it ill behooves us to discriminate against either men or women solely on the basis of sex. Indeed, I resent the implication that women should be favored over men on the assumption that women are incapable of withstanding unprotected the rigors of economic life and hence must be especially protected and favored by the law. Whatever validity that concept had five or six decades ago, it has

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[3] The whole colloquy is as follows (110 Cong. Rec. 13663–64):

"Mr. Randolph. Mr. President, I wish to ask of the Senator from Minnesota, Mr. Humphrey, who is the effective manager of the pending bill, a clarifying question on the provisions of Title VII.

"I have in mind that the social security system, in certain respects, treats men and women differently. For example, widows' benefits are paid automatically; but a widower qualifies only if he is disabled or if he was actually supported by his deceased wife. Also, the wife of a retired employee entitled to social security receives an additional old age benefit; but the husband of such an employee does not. These differences in treatment as I recall, are of long standing.

"Am I correct, I ask the Senator from Minnesota, in assuming that similar differences of treatment in industrial benefit plans, including earlier retirement options for women, may continue in operation under this bill, if it becomes law?

"Mr. Humphrey. Yes, that point was made unmistakably clear earlier today by the adoption of the Bennett amendment; so there can be no doubt about it."

[4] Section 703(h) (the Bennett Amendment) requires that Title VII be harmonized with the Equal Pay Act of 1963. Sections 708 and 1104 seek to harmonize both Title VII and the Civil Rights Act of 1964 with all state laws which are not inconsistent with the Act.

none today. The latest data available from the Labor Department shows that women head 10.6 percent of all families (March 1967), and comprise 36.4 percent of our total labor force 16 years of age and over (July 1968). Women are now certainly entitled to be rid of the "adult children" myth which brands them as incapable of equal participation in our present economy. They are willing to take their chances with equal privileges if society will but grant them equal opportunities.

Moreover, while the direct effect of an earlier retirement age for women primarily discriminates against men, its indirect effect also discriminates against women, namely, the wives and families of male employees who are denied retirement age privileges available to female employees. Discrimination is a seamless web. If we permit it to exist against the interests of one group, it will inevitably work against the interests of the other.

6. The people of this country are becoming increasingly sophisticated politically on the issue of equal rights for women. Congress recognized this in enacting the Equal Pay Act of June 10, 1963 (Public Law 88–38, 77 Stat. 56; 29 U.S.C. 206(d)), prohibiting sex discrimination in wage payments; Title VII of the Civil Rights Act of 1964; *supra*: the Social Security Amendments of 1967 (Act of January 2, 1968, Public Law 90–248, 81 Stat. 821, secs. 151 and 157), eliminating some of the sex differentials in that Act; and the Act of November 8, 1967 (Public Law 90–130, 81 Stat. 374), removing sex discrimination in the promotion and retirement of women in the armed services. The President also moved to eliminate sex descrimination when he signed Executive Order 11375 of October 13, 1967, prohibiting discrimination based on sex in the executive branch of the Federal government and by federal government contractors and subcontractors and on Federally-assisted construction projects. Twelve States and the District of Columbia have, since 1961, adopted laws prohibiting sex discrimination in employment, and many more States have been eliminating old laws which discriminated against women.

VI. CONCLUSION

The proposed section 2 of H.R. 2767 would squarely contravene this national policy of ending sex-based discrimination, and therefore should not be adopted.

APPENDIX A

(Excerpt from S. Rept. No. 1497, 90th Cong., 2d sess., report of Senate Committee on Finance on H.R. 2767 (Aug. 1, 1968), pp. 6 and 7)

III. DISCRIMINATION ON ACCOUNT OF SEX OR AGE IN RETIREMENT PLANS OR PRACTICES

Reasons for provision.—Under title VII of the Civil Rights Act of 1964 (the equal employment opportunity title) and the Age Discrimination in Employment Act of 1967, it is unlawful for certain employers to fail or refuse to hire, or to discharge, any individual, or to discriminate against any employee, with respect to a number of specified aspects of employment because of race, color, religion, sex, national origin, or age. In the case of the discrimination prohibited by the Age Discrimination in Employment Act of 1967, a specific exception is provided for the situations where the actions of the employer are necessary to comply with the terms of any bona fide employee benefit plan, such as retirement or pension plan. No similar specific exception, however, is provided in the case of title VII of the Civil Rights Act. Nevertheless when Congress originally enacted title VII, the committee believes it is clear that Congress did not intend to prohibit reasonable differences in treatment of male and female employees under retirement or pension plans generally, since differential treatment is accorded men and women under the social security program today.

On February 24, 1968, however, the Equal Employment Opportunity Commission issued a regulation regarding pension and retirement plans (29 C.F.R. 1604.31). This regulation provides that it is unlawful for an employer to differentiate between male and female employees with regard to either optional or compulsory retirement ages under pension and retirement plans. The Commission's interpretation on this matter is not consistent with the committee's view of the intent of Congress in enacting title VIII of the Civil Rights Act of 1964.

It is not uncommon for a pension or retirement plan to differentiate between male and female employees with regard to optional or compulsory retirement ages or to require retirement at specified ages, frequently before attaining age 65. Moreover, the retirement practice of many employers provide for a differentiation in optional or compulory retirement ages between male and female employees or provides for, or requires, retirement at certain ages. In fact, the congressional view on this matter would appear to be specifically indicated by the retirement differentiation for sex it has provided in the social security program.

Neither the intent of Congress in enacting title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, nor the primary purpose of those acts—the hiring of workers on a nondiscriminatory basis—would be served by making it unlawful for an employer's pension or retirement plan or retirement practice to differentiate between male and female employees with regard to optional or compulsory retirement ages or to provide for optional or compulsory retirement at specified ages. Accordingly, the committee's amendment provides that these types of differentiation or retirement requirements are not to be considered unlawful.

Explanation of provision.—The committee's amendment provides that the terms or conditions of a pension or retirement plan (which is a qualified plan under sec. 401 of the Internal Revenue Code of 1954), or of a retirement practice, are not to be considered as violating title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, any Executive order, or any rules or regulations issued under any of these because such terms or conditions (*a*) provide for reasonable differentiation in optional or compulsory retirement ages between male and female employees or (*b*) provide for or require retirement at reasonable ages. This rule is to apply to new and existing pension plans or retirement plans, and to both the establishment and maintenance of these plans. It is important to note that the differentiation in retirement ages and the retirement age requirements which are allowed under the committee's amendment are only those which are reasonable. Moreover, the rule provided in the committee's amendment is not to excuse the failure or the refusal to hire individuals or the discharging of individuals prior to retirement age on account of either their sex or their age. In addition, the rule provided in the amendment is not to apply if the terms and conditions of the pension or retirement plan or the retirement practice are merely a subterfuge to evade the basic purposes of title VII of the Civil Rights Act of 1964 or the Age Discrimination in Employment Act of 1967.

Mr. HARTKE. What Mrs. GRIFFITHS has asked us to do at this time is to do all we can to see that the efforts of the people who were instrumental in pushing this proposal are not mislaid. A statement has been made that most of the pension plans would be affected by the proposal. That is not so. About 95 percent of the retirement plans in this country would in no way whatsoever come into any kind of operation which would be in conflict with the Equal Employment Opportunity Commission's regulations. In other words, those regulations would not affect them. But about 5 percent, and probably the biggest employer of them all, the Bell Telephone System—and I have nothing against the system; it is a fine company and employs many women—should not be able to discriminate against women when 95 percent of the employers do not discriminate against them and could live within the framework of those provisions.

We ought not to take a step backward, but should continue forward to eliminate discrimination against people and treat people for what they are. They are human beings. The fact that they are men and women or different in any other way should not prevent their being treated on an equal basis.

It is important to eliminate the amendment which was offered by the Senator from Illinois. We should proceed to do that by the adoption of my amendment, which would eliminate that provision from the bill.

Mr. LONG of Louisiana. Mr. President, some private retirement plans permit ladies to retire at age 62 instead of age 65. There is nothing necessarily mischievous about that. We in the Senate passed a bill some years ago amending the social security laws to make it optional for for women to retire with benefit, at age 62 rather than 65, recognizing that there is a difference between the sexes and that a better argument could be made for the retirement of ladies at an earlier age than for men. Later we provided for optional retirement with benefits, for men at age 62, but our social security laws nevertheless continue to discriminate in favor of women, permitting them to drop 3 more low-earning years in computing their average earnings on which social security benefits are computed.

The amendment offered by the Senator from Illinois [Mr. DIRKSEN], which is a part of the bill, has to do with situations in which private plans make it possible for women to retire before men. In other words, they can retire at age 62, rather than having to wait until age 65.

Some persons may contend, strangely enough, that, because this is so, women are being discriminated against, these people argue that, where these plans exist, there might be some social pressure on a lady to retire early because she has that option. Other persons may argue, however, that we are discriminating in favor of women, because the bill permits private plans to allow ladies to retire with benefit, before men can.

The language of the amendment of the Senator from Illinois, which was adopted as part of the bill, makes clear what the intent is. It reads:

> The terms or conditions of a pension or retirement plan qualified under section 401 of the Internal Revenue Code of 1954, or of a retirement practice, which provide for reasonable differentiation in retirement ages between male and female employees, or which provide for or require retirement at reasonable ages, shall not be construed to violate title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, any Executive order, or any rules or regulations issued under any of the foregoing, except that such terms and conditions shall not excuse the failure or refusal to

hire individuals, or the discharging of individuals prior to retirement age, on account of their sex or age. The preceding sentence shall not apply if such terms and conditions are merely a subterfuge to evade the basic purposes of title VII of the Civil Rights Act of 1964 or the Age Discrimination in Employment Act of 1967.

If I recall correctly, it was the Senator from Florida [Mr. SMATHERS] who sponsored the Age Discrimination in Employment Act of 1967 which provided that no one is to be discriminated against because of age or sex. A similar provision was added in the Civil Rights Act of 1964 although that was not the original intention of the Civil Rights Act. However, someone raised the point in the House, and it was agreed to.

The provision raises some transitional problems with respect to some retirement plans—precisely which retirement plans this Senator was not aware of when he voted on the provision. But the problem was known to the Senator from Illinois, which is why he offered the amendment that we are considering now.

I would say the amendment was offered by the Senator from Illinois because employers and labor leaders had found that the regulations issued under the existing provisions created problems for them with respect to retirement plans and that this provision should be added to the bill to solve those problems.

Mr. DIRKSEN. Mr. President, the distinguished Senator from Louisiana is exactly correct. Under title VII of the Civil Rights Act of 1964, I think it was our intention to preserve in the law a reasonable differentiation.

Frankly, if the amendment to strike offered by the distinguished Senator from Indiana should prevail, women would be compelled to work until age 65 and would not be able to retire before. So far as pension plans are concerned, there are a good many thousands, and there are many reasons why there should be some differentiation between men and women. That is the only purpose of having that provision in the law.

The Equal Employment Opportunities Commission undertakes to say it adversely affects employment. It has absolutely no effect on employment, and is designed, only in the case of retirement, to see that those changes can be made and to make certain that they are reasonable and do not go beyond due bounds.

Frankly, I did not know that there was any opposition to this amendment to begin with. I am all the more determined that it ought to stay in the measure that is before the Senate at the present time.

I could read from the committee report, because it states the whole case. It is hardly necessary for me to trespass on the time of the Senate.

I may add at this point to what I have said that, insofar as I know, there are some 17,000 pension plans in the country, and some of them are applicable to little groups as small as 25 people. I am further advised that 11,000 of the 17,000, in one way or another, favor this provision and that it is within the bounds of reason. But all would be affected if the Hartke proposal prevailed and this language were stricken from the bill.

Section 2 of the bill under consideration was adopted by the Committee on Finance in order to permit reasonable differentiation between male and female employees in retirement and pension plans and to make clear that such plans are not to be construed as violating laws which prohibit discrimination in employment practices because of sex or age.

By rejecting the Hartke amendment and approving section 2 we will once more make clear that we intend to exempt certain pension or retirement plans from the provisions of various laws prohibiting discrimination in employment practices because of sex or age. In section 2 I note that the words "reasonable differentation" are used to qualify these exempt plans. The word "reasonable" is not always capable of precise definition. Now as I understand the amendment, its purpose is to avoid disruption to the thousands of existing pension and retirement plans and practices which include some differentiation on the basis of sex. The words "reasonable differentiation" are intended to be broadly construed in order that such existing plans will not be disturbed.

Thousands of pension and retirement plans include different actuarial practices based on sex. Other similar plans will be adopted in the future. These differences are the result of earlier retirement ages for women as well as their greater life expectancy. Also many business enterprises, particularly in manufacturing, have come to use different retirement ages and benefits for men and women for a wide variety of valid reasons. When we were considering the Age Discrimination in Employment Act of 1967 we were told by the U.S. Chamber of Commerce that about 75 percent of the pension plans in the country would be unlawful under that act if no exemption were included. Our own Federal social security system treats men and women differently; for example, a widow's benefits are paid automatically but a widower qualifies only if he is disabled or supported by his wife. As a matter of practice women generally retire earlier than men.

These differentiations are of course most significant in determining the nature of the benefits to be derived from a plan, its funding, and the amount of contributions to it. The elimination of such differentiations would undoubtedly and unnecessarily disrupt the functioning of such plans.

From the outset, as we have considered antidiscrimination statutes, we have tried to make clear that reasonable pension and retirement plans are to be exempt from literal applications of antidiscrimination statutes. In the floor debates on the Civil Rights Act of 1964, Vice President HUMPHREY, then floor manager of the bill in the Senate, specifically told us in response to a question from Senator RANDOLPH that it was "unmistakably clear" that differences in treatment among men and women in industrial benefit plans could continue in operation under the bill, see CONGRESSIONAL RECORD, volume 110, part 10, pages 13663–13664. Moreover, when we passed the Age Discrimination in Employment Act of 1967, we specifically incorporated a provision—section 4(b)(2)—which exempted all such benefit plans from coverage under that act.

The words "reasonable differentiation" in section 2, we believe, are adequate to protect existing plans and future plans and practices of a similar nature from application of sex and age discrimination statutes. Certainly that is our intent and a narrow and restrictive interpretation of these words by a Federal agency or the courts would be improper.

Mr. LONG of Louisiana. Mr. President, if the Senator would yield, there are certain obvious situations in which the law will have to discriminate between men and women whether we want it to or not.

Mr. DIRKSEN. That is right.

Mr. LONG of Louisiana. For example, if the law permits employment practices to provide that a person bearing a child be given 2 weeks' leave immediately before or immediately after the child's birth, the law would tend to discriminate in favor of women, because men do not perform the child-bearing function. There are certain situations in which we just must recognize that a man is one thing and a women is slightly different. That is what the Senator from Illinois is trying to achieve here to recognize this difference. The whole purpose of the provision is to help women and to provide them with a little better retirement. It was not the intent of title VII to deny a lady the option of retiring at age 62. We want to help, not hurt, the ladies.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HARTKE. Really, what is the purpose of this proposed retirement at an early age? In the first place, it is well recognized that women do live longer; why, then, try to force them out of employment?

I think the reason is very simple. The reason for forcing them out is that they are easier to replace. That is the whole point. That is why these women do not want to be put in the ridiculous position of being treated otherwise.

This has nothing to do with anything about a woman having a baby. What we are dealing with here is retirement plans. I do not know how many women have babies at the age of 62, but I am sure statistics will show not very many. There may be a rare case now and then; but that has nothing to do with this problem at all.

What we have here is the simple fact that this amendment leads to discrimination against women. That is all it is. And there is no question about it. It is admitted in the report of the Finance Committee that it does tend to descriminate against women.

What it would do is overrule the present law. It would overrule title VII of the civil rights law we passed in 1962, now Public Law 88–532. It would violate the provisions of the Employment Act of 1967, the act to end discrimination in employment, Public Law 90–202. It would overrule Executive Order No. 11141 of February 19, 1964, which prohibits discrimination based upon age by Government contractors and subcontractors, as well as Executive Order No. 11246 of September 1965, prohibiting discrimination based on sex by Government contractors and subcontractors and on Federal construction projects.

It is recognized that this is a transitional period, but the amendment of the Senator from Illinois does not deal with the question of transition; it deals with the situation of creating discrimination. What the Senator from Illinois has done is put his stamp of approval on discrimination against women.

I would have thought maybe we had made some progress in the last hundred years in the field of discrimination, that based on color, at least; and to return to the situation that we face now, after making that progress, and start discriminating against women, seems to me to be sheer folly.

Mr. President, the women do not want this measure. The reason they do not want it is that they do not wish to be forced out of the marketplace. If they want to quit, that is one thing; but they are going to live longer than the men, anyway, so why force them into early retirement?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. LONG of Louisiana. Mr. President, as I understand it, the retirement plan of the telephone company is the principal one affected by this amendment.

Mr. HARTKE. They are practically the only one of any significance.

Mr. LONG of Louisiana. Let us take a poll of the ladies who are working and see what they want. If they want optional early retirement, we can accept the Dirksen amendment, and if the ladies do not want the Dirksen amendment, we will accept the Hartke amendment.

Is that a fair proposition?

Mr. HARTKE. May I say to the distinguished Senator from Louisiana—he is such a lovable character, and so personable, that I can hardly refuse any proposition he suggests—that I am willing to consider his proposal, if the distinguished Senator from Illinois, the minority leader, is willing to withdraw his amendment from the bill at this time, until we can complete such polls and make a thorough study of the matter.

If the Senator from Illinois is willing to change his amendment and say that the matter should be studied further, I think I might agree to an amendment that the whole matter be deferred; that, instead of agreeing to this proposition which would actually discriminate against women, we both withdraw our amendments, and submit in lieu thereof an amendment saying we should complete a study of the matter and take a poll of the people affected.

I am willing to do that, if the Senator from Illinois will withdraw his amendment.

Mr. LONG of Louisiana. Mr. President, my impression is that when I go to the ladies in the State of Louisiana, who are working, and talk to those ladies, they are going to resent the fact that the Senator from Indiana [Mr. HARTKE] wants to take away their right to retire at age 62. That is what I imagine the result would be.

Mr. HARTKE. Does the Senator from Louisiana know that?

Mr. LONG of Louisiana. Is the Senator offering his amendment because the labor union is asking him to do it, or because the women of his home State want him to do that?

Mr. HARTKE. Because all the women want to be treated equally. They do not want discrimination against them.

There is no question that if they want to have an optional retirement plan, which is not discriminatory based on sex, I would not blame an employee for wanting an optional retirement plan.

What I am saying to the Senator from Louisiana is that we should not discriminate on any basis whatsoever—race, color, creed, age, or sex.

I submit that if Congress submitted a proposition to the people saying, "We are taking away your optional retirement," that would be another matter. But we are not talking about optional retirement plans; we are talking about discrimination.

I would say, if we show this thing in a fair light to the women, I think overwhelmingly the women would say, "We do not want to be in a position where we can have pressure put on us to retire at an early age. We do not want to be in that position. We would like to be in the position where, if we have an optional retirement plan, we will be treated just like men, both sexes alike."

Why not treat them that way? I do not see why, at this late date, we have to go back into this matter all over again.

This is nothing new. There have been hearings. Equal Employment Opportunities Commission hearings have been held on the matter; and as a result of their hearings, they have come up with regulations and guidelines, on last Friday, that recognize there is a transitional problem, with which this amendment of the Senator from Illinois does not deal; but as far as this so-called optional retirement is concerned, they think it is high time we start treating women as equal human beings, and not as something special.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. DIRKSEN. I say to my distinguished friend, if we are not talking about optional retirement, I do not know what we are talking about here. We are talking about voluntary, optional retirement, and there is no compulsion involved.

As far as the so-called Equal Employment Opportunities Commission is concerned, the problem there is that they are misinterpreting the act of 1964.

I remind my friend that when that bill was on the floor of the Senate, the then Senator HUMPHREY, now the distinguished Vice President of the United States, was the manager of the bill. Let me inform the Senator from Indiana as to what he said in response to a question that the Senator from West Virginia [Mr. RANDOLPH] asked.

He said:

> It is unmistakably clear that differences in treatment among men and women in industrial pension plans could continue in operation under the bill.

That was the bill we then had under consideration. So that was the interpretation then, and it should be the interpretation now. Inasmuch as it is on an optional basis, that is the reason for doing it.

With respect to the withdrawal of this amendment, I have a far more practical suggestion. In view of the fact that we are moving on toward the end of the session, I suggest that my friend withdraw his amendment; then we will let this bill go to conference and the Senator can call up women out there in Indiana and get the story.

Mr. HARTKE. If the Senator will yield, I have talked to those people. I do not know whether the Senator has talked to them or not.

Mr. DIRKSEN. I have talked to everybody.

Mr. HARTKE. Those women do not want this amendment. This is not sponsored by any women's group, or female employees' group, to my knowledge. Not one single labor union has endorsed the amendment of the Senator from Illinois.

Mr. DIRKSEN. We are not involved in labor unions here.

Mr. HARTKE. But what is involved here, and the Senator well knows it, is that they are not looking out for the benefit of women with retirement problems, as they call them. What they are looking for is a way to squeeze them out of the marketplace, to get them off the payrolls early, so they can go ahead and replace them. This is no altruistic scheme they have in mind.

Mr. DIRKSEN. They are not scheming to force anyone out of the marketplace. This is entirely optional. Nobody is squeezed from his job. Nobody leaves his job unless he wants to. They simply give them the benefit of the pension plans on a somewhat better basis than they would otherwise get.

Mr. President, I am willing to rest the case right there, and have a record vote on this issue. I think we should.

Mr. HARTKE. Mr. President, I should like to return to the colloquy between Senator RANDOLPH and the Vice President. I would be willing, if the Senator wants to delay this matter long enough, to ask what the position of the Vice President now is. I think I know what the position of the Vice President would be. He would be against the minority leader's position, because he is not in favor of discrimination against women. I am not, and I do not think anyone else is. The colloquy to which the distinguished minority leader referred dealt with whether or not a pension plan could retain the same provisions compatible with the Social Security Act. There is no question about that. There is no reason why pension plans should not be compatible with the Social Security Act. It dealt with the question of age at that time. That is the effect of the Senator's amendment, to which the Senator from West Virginia [Mr. RANDOLPH] directed the attention of the Vice President, at that time the senior Senator from Minnesota. That is an entirely spurious argument, as has been demonstrated quite clearly several times.

I think there is no question that this is simply a device whereby they can squeeze these women out of the marketplace and can put pressure on them. There is no altruistic intention whatever.

As the amendment itself states, this is a violation of section 7 of the Civil Rights Act of 1964.

What we see here is a remarkable step backward in time. I do not know for exactly how many years we have been trying to make women equal to men. However, if the Senate were composed equally of men and women, there would not be any question in my mind about the outcome of the vote. I think the men should be fair and charitable to the women in this instance.

Mr. LONG of Louisiana. Mr. President, in my judgment what the Senator from Illinois seeks to do is to discriminate in favor of the ladies. He proposes that they be able to retire with benefits at the age of 62 at their option.

It seems to me that we could call the amendment "the Dirksen chivalry for ladies is not dead" amendment.

Mr. DIRKSEN. The Senator is correct.

Mr. LONG of Louisiana. If I can find out from the ladies that they do not want this discrimination in their favor, I would be the first to ask the House to drop the provision. However, it seems to me that we would do the ladies a disservice.

If we follow the intent of the amendment of the Senator from Indiana generally, we would have to strike out all our Louisiana laws which protect the dowry for the women and which protect the interest of the women generally.

In any event there needs to be a transitional period to allow time for changes in existing retirement plans.

I hope the amendment of the Senator from Indiana is rejected.

Mr. HARTKE. Mr. President, that is not in the amendment. There is no question about it. It is not in the amendment. It is not a question of transition.

It is a question of stepping back to eliminate the national policy which is recognized by both Houses of Congress. It is recognized by the President. That national policy is that there shall be no discrimination against women. I know of no reason why the minority leader or any other Senator would want to put us in the position of taking whole pension plans and retirement plans away.

The national policy is that there shall be no discrimination against women. However, we are discriminating now. That is what the minority leader wants us to do.

I can guarantee that this measure will never become the law of the land. I know that the House of Representatives will never agree to this in conference. Why should we put our stamp of approval on discrimination when we know full well that the House of Representatives will not agree to do so?

I can assure the Senate that such a bill will never be signed by the President. No one wants to turn this country back for 200 or 250 years and treat women as chattels.

That day is gone forever, thank goodness. In some places in the world, women are still treated as chattels. But I do not want the United States to follow such a course of action.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, will the Senators agree to a time limitation on the pending amendment?

Mr. HARTKE. That is agreeable.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending amendment occur at 5 minutes after 1, and that the time be equally divided between the opponents and proponents.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, on the bill, I suggest the absence of a quorum, and ask unanimous consent that the time be divided equally between both sides. I do this for the purpose of merely ringing the two bells. I would ask the attachés of the Senate on both sides to call their respective Senators.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I want to make it perfectly clear so that everyone will know after reading the Record if he has not heard it, that he will be voting for discrimination if he votes for the amendment of the Senator from Illinois. The amendment of the Senator from Illinois would permit a continuation of the retirement plans and pension plans which deal not only with the question of voluntary retirement at their option, but also with pension plans which require women to retire at an earlier age than men.

This is pure discrimination. This is an absolute violation of the Civil Rights Act. It is a violation of the national policy as written by the law of the land. And this would be a great step backward.

I think that anyone who would take this step would have to say that this country is going to return to the barbarian times of old and that we will have to start treating women unequally and unfairly. We would have to treat women as unequal to men and regard them as pure and simple chattels.

Mr. DIRKSEN. Mr. President, let the Record also show that the statement made by the distinguished Senator from Indiana comes only as the unsupported opinion of one Senator. And there I am content to rest the case.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LONG of Louisiana. There is one further argument that should be made clear for the Record. In most marriages, the woman is usually about 1 or 2 years younger than the man.

Married couples like to retire simultaneously. When a man reaches the age of 65, in some cases he cannot retire because his wife has not reached retirement age. So, he must postpone his retirement until his wife has reached retirement age. However, if his wife can retire 2 or 3 years earlier than he through an optional provision in her retirement plan, there is no problem.

Some of these people like to retire and move to Florida or California or somewhere else. If the Hartke amendment is adopted, it would result in discrimination against the man and his wife. Having earned his own retirement, the man must then wait until his wife reaches retirement age so the two can retire at the same time. If the law is made the way we originally intended it to be, under the Dirksen amendment, when a man reaches 65 and his wife is 62 or 63, they can retire simultaneously.

As I see it, the rejection of the Dirksen amendment and the adoption of the Hartke substitute would mean discrimination against the man and the woman and would take away from a couple the retirement rights they presently have.

Mr. HARTKE. I do not believe the Civil Rights Act or any national policy holds that there is such a thing as equal rights for married couples. The Senator proposes that we pass the bill and provide that there shall be no discrimination against married couples. This is the first time I have ever heard that proposed. It is a remarkable innovation, and perhaps we should give some thought to it. But that is not the law or the purpose. This is an intention to retrogress.

The Equal Employment Opportunities Commission, a dedicated Commission, says this is dead wrong. If I stand alone, as the Senator from Illinois has said, it will not be the first time. That does not bother me. I would rather be on the side of right, standing alone, than on the side of wrong, standing on the side of the majority.

Mr. President, I ask unanimous consent to have printed in the Record a statement in support of the amendment, prepared by the distinguished senior Senator from Michigan [Mr. Hart], who is unable to be present today.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Hart

Mr. Hart. Mr. President, I am pleased to join the Senator from Indiana [Mr. Hartke] in sponsoring an amendment to delete section 2, added by the Committee on Finance to H.R. 2767, a bill allowing farmers an amortized tax deduction for assessments levied by soil or water conservation districts.

Section 2, which is totally unrelated to the purpose of the bill, would permit a difference in retirement ages for men and women.

Mr. President, the full implications of the committee amendment are not known to any of us because the hearings on it have been totally inadequate, Representative Griffiths placed in the Record of September 12, 1968, at page 26736, a masterly analysis which makes the following points:

(1) Over 95 percent of pension and retirement plans do not have sex differentials in retirement age. Therefore, it is misleading to say that it is "not uncommon" for a pension or retirement plan to contain differentials based on sex and that the retirement practice of "many employers" provides for differentials in retirement age.

(2) The Social Security Act does not have different retirement ages based on sex. So far as retirement is concerned, the Social Security Act does not differentiate on the basis of the worker's sex.

(3) There is no sex differentiation in retirement ages for men and women employees under the Federal Civil Service Retirement System.

(4) Title VII of the Civil Rights Act of 1964 prohibits sex discrimination in retirement age. The committee amendment would overturn the principle of equality between the sexes embodied in that Act.

(5) The legislative history of title VII concerning sex discrimination in pensions and retirement plans does not modify the statutory prohibition against sex discrimination, and does not show a congressional intention to permit sex discrimination beyond that of the Social Security Act, which section 2 of H.R. 2767 would do.

The deletion of this committee amendment, as the Senator from Indiana [Mr. Hartke] and I propose, is favored by the Labor Department, by the Equal Employment Opportunity Commission, and by women's organizations ranging from the General Federation of Women's Clubs to the National Federation of Business and Professional Women's Clubs to the National Organization for Women. I urge Senators to support us in eliminating this backward step.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the time to be charged equally to both sides.

The PRESIDING OFFICER (Mr. Jordan of North Carolina in the chair). Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Pursuant to the previous order, the Senate will now proceed to vote.

The question is on agreeing to the amendment of the Senator from Indiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll, and Mr. Aiken voted in the negative.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. It is not in order during a rollcall.

The assistant legislative clerk concluded the call of the roll.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from West Virginia [Mr. Byrd], the Senator from Nevada [Mr. Cannon], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Mississippi [Mr. Eastland], the Senator from North Carolina [Mr. Ervin], the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], the Senator from Arizona [Mr. Hayden], the Senator from Massachusetts [Mr. Kennedy], the Senator from Missouri [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from New Hampshire [Mr. McIntyre], the Senator from Oklahoma [Mr. Monroney], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from Connecticut [Mr. Ribicoff], the Senator from New Jersey [Mr. Williams], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I also announce that the Senator from Tennessee [Mr. Gore], the Senator from Michigan [Mr. Hart], the Senator from Hawaii [Mr. Inouye], and the Senator from Georgia [Mr. Talmadge], are absent on official business.

I further announce that, if present and voting, the Senator from Oregon [Mr. Morse] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. Bennett], the Senator from New Hampshire [Mr. Cotton], the Senators from Nebraska [Mr. Hruska and Mr. Curtis], the Senator from New York [Mr. Javits], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], the Senator from California [Mr. Murphy], the Senator from Maine [Mrs. Smith], the Senator from South Carolina [Mr. Thurmond], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from New York [Mr. Goodell], the Senator from Michigan [Mr. Griffin], and the Senator from Oregon [Mr. Hatfield] are detained on official business.

If present and voting, the Senator from Utah [Mr. Bennett], the Senators from Nebraska [Mr. Hruska and Mr. Curtis], the Senator from Iowa [Mr. Miller], and the Senator from Texas [Mr. Tower] would each vote "nay."

Also, if present and voting, the Senator from Maine [Mrs. Smith] would vote "yea."

The result was announced—yeas 12, nays 42, as follows:

[No. 288 Leg.]

YEAS—12

Bible
Brooke
Case
Hartke
McGee
Metcalf
Mondale
Pastore
Pell
Proxmire
Tydings
Young, Ohio

NAYS—42

Aiken
Allott
Anderson
Baker
Boggs
Byrd, Va.
Carlson
Cooper
Dirksen
Dodd
Dominick
Ellender
Fannin
Fong
Hansen
Harris
Hickenlooper
Hill
Holland
Hollings
Jackson
Jordan, N.C.
Jordan, Idaho
Kuchel
Lausche
Long, La.
Mansfield
McClellan
Mundt
Pearson
Percy
Prouty
Randolph
Russell
Scott
Smathers
Sparkman
Spong
Stennis
Symington
Williams, Del.
Young, N. Dak.

NOT VOTING—46

Bartlett
Bayh
Bennett
Brewster
Burdick
Byrd, W. Va.
Cannon
Church
Clark
Cotton
Curtis
Eastland
Ervin
Fulbright
Goodell
Gore
Griffin
Gruening
Hart
Hatfield
Hayden
Hruska
Inouye
Javits
Kennedy
Long, Mo.
Magnuson
McCarthy
McGovern
McIntyre
Miller
Monroney
Montoya
Morse
Morton
Moss
Murphy
Muskie
Nelson
Ribicoff
Smith
Talmadge
Thurmond
Tower
Williams, N.J.
Yarborough

So Mr. Hartke's amendment was rejected.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. LONG of Louisiana. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 955

Mr. ANDERSON. Mr. President, I call up my amendment, No. 955, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 6, beginning with line 18, strike out all through line 9 on page 7, and redesignate sections 6, 7, and 8 as sections 5, 6, and 7, respectively.

Mr. ANDERSON. Mr. President, I have discussed this amendment with the leadership and I hope that it will be accepted by the Senate.

Mr. LONG of Louisiana. Mr. President, I would hope that we could agree to a time limitation on the Anderson amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that there be a time limitation on the Anderson amendment of 20 minutes, to be divided equally and controlled by the Senator from New Mexico [Mr. Anderson] and the Senator from Illinois [Mr. Dirksen].

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. MUNDT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. ANDERSON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. ANDERSON. Mr. President, when the excise tax bill was before the Senate on March 27, an amendment nullifying the IRS regulation which would apply the unrelated business tax to advertising profits of tax-exempt organizations was introduced. IRS issued its regulation after lengthy study and exhaustive hearings. Without any hearings before either the Ways and Means Committee or the Senate Finance Committee, and without complete information, after very brief debate, the Senate passed this amendment. In the conference on the excise tax bill this provision was deleted, and I think wisely.

When the matter was before the Senate on March 27, I think we all must admit we knew very little about it. We did not know, for example, that we were opening up a loophole that could cost the general taxpayers $25,000,000 a year, and this at a time when we are raising taxes for everyone else.

Now, the committee's amendment is another attempt to nullify the IRS regulation, albeit if only for a year.

Mr. President, I hope that the Senate will agree to this action to strike out the committee's amendment. I limit myself to these remarks at this time. I believe my amendment to be a most important one which should be adopted by the Senate.

Mr. LAUSCHE. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. LAUSCHE. I shall support the amendment of the Senator from New Mexico. I think that the essence of the issue today goes far beyond merely what is involved in the bill. Charitable and tax-exempt foundations have been exploiting the general taxpayers of this Nation. The time has come when Congress must take a deep and incisive look into the operations of these charitable and tax-exempt foundations. They are given tax exemptions but they go far beyond being charitable institutions. Some of them are engaging in businesses yet are still exempt from paying taxes.

The Senator from Oregon—who is not here at the moment—when the tax bill was being considered seeking to impose the 10-percent surtax, argued against it and stated that we should take a look at tax-exempt foundations. These tax-exempt foundations are engaging in politics. They are spending their money in fields where they have no right to spend it.

Individuals are creating foundations solely to escape taxation. The whole subject should be looked into. I understand that the Finance Committee has already declared such a policy and one other agency has also so declared.

Let me ask the Senator from New Mexico: This means $25 million, is that correct?

Mr. ANDERSON. It surely does. I thank the Senator from Ohio for his statement. I am confident that the issues will be fully explored and considered in those hearings.

Mr. PASTORE. Mr. President, will the Senator from New Mexico yield?

Mr. ANDERSON. I yield.

Mr. PASTORE. First of all, I want to say that I am going to support the Senator's amendment. I think what Senators should bear in mind is that we have nothing against these groups who, in many instances, do a fine job and very good work. But we must understand that every time we alleviate, eliminate, or exempt any particular group from paying taxes, we add those taxes onto the rest of our taxpaying society. After all, a certain amount of money must be raised and all Americans should share the burden equally; otherwise, the heavier burden falls upon the remainder of American taxpayers. It is unfair to them to exempt others.

I hope that this amendment will carry, not because we have anything against these groups, not because they are not doing a good job, but I think that deep in their hearts they, too, should know that this is discriminatory.

Mr. ANDERSON. I thank the Senator from Rhode Island.

Mr. DODD. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I shall certainly support the amendment. I join the Senator from Ohio, the Senator from Rhode Island, and, of course, the Senator from New Mexico. I agree with all the sentiments they have expressed.

I am particularly disturbed about one organization. I know it is not included in the amendment. The National Rifle Association is tax exempt. I hope the Finance Committee will take a good look at all these problems. I am glad the Senator from New Mexico has raised this question, and I hope the amendment will be adopted. I shall vote for it.

Mr. ANDERSON. I am glad to hear the Senator say that. I am sure the Senator from Louisiana will look carefully into this situation and that we will have comprehensive hearings within a year.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I support the Anderson amendment. I think it is one that should be approved. It amounts to about $25 million a year in revenues. At this particular time I do not think the Government can afford to lose that amount of revenue. I shall support the amendment.

Mr. ANDERSON. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I yield myself 3 minutes.

There are about 700 organizations in the country that are involved in this matter. By "involved," I mean because they have unrelated activities and they do advertising through periodicals. Some of them are tax-exempt organizations already. So when the Internal Revenue Service, on December 11 of last year, modified its regulations to put a tax on those advertising revenues, we countered by inserting an amendment in the Senate version of the Expenditure Control Act, and in that form it went to conference.

The conference committee deleted that amendment; and so, if we were going to give them protection, it was necessary to reinstate the amendment, and that is done in this bill.

One factor that I think argues against the Anderson amendment is that the chairman of the Ways and Means Committee of the House, in connection with the deletion of the amendment, said that he was agreeable to holding hearings on this subject; but so many people asked to testify that it could not be accomplished in this session. As a result, we believe the status quo prior to December 11, 1967, ought to be maintained and let the House explore the whole matter.

This matter does not go to the question of foundations. This is a matter of organizations, and it involves organizations like the Boy Scouts, Girl Scouts, National Geographic Society, American Medical Association, and a great many others.

I think, before we move into that picture, we ought to continue the regulations that had been in effect, and then let the House explore and see what must be done. That is all that is involved insofar as the bill itself is concerned.

The amendment offered by the Senator from New Mexico proposes to strike this provision from the bill. To be sure, there may be some loss of revenue, but, on the other hand, if these organizations lose their revenues, they will have to tax their members a little more. Their dues will have to be increased to cover the gap. So finally, then, it is about as broad as it is long, as I see the picture. For that reason, I do not think there would be much to gain.

Therefore, I think, on equity, the Anderson amendment ought to be defeated.

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. ANDERSON. I yield such time to the Senator from Rhode Island as he may desire.

Mr. PASTORE. Mr. President, it is the understanding of the Senator from Rhode Island that the Boy Scouts of America do not want this discrimination. They do not care to have it perpetuated.

Mr. ANDERSON. That is correct. They do not want this amendment considered in light of their situation.

Mr. PASTORE. And I think that should be the spirit of every taxpayer in America. Any time anyone asks for special tax treatment, we hurt somebody else. The time is fast coming when we must remove all tax loopholes. They should be eliminated, because, as I said before, the burden of paying taxes should be shared by every American.

Mr. LONG of Louisiana. Mr. President, will the Senator yield to me?

Mr. ANDERSON. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I have mixed feelings about this amendment. Senators will recall that we debated this issue some time ago. I believe at that time it was the Senator from California [Mr. MURPHY] who offered an amendment to continue the favorable treatment that certain organizations received with respect to advertising income from their publications. I personally was opposed to it and supported the Senator from New Mexico in his effort to defeat it. No one was more surprised than the Senator from Louisiana when the roll was called and the Senate agreed to the amendment by a very decisive vote.

From the point of view of this Senator, inasmuch as the Senate accepted that amendment by a decisive vote, I saw no point in objecting to the instant amendment when it was offered in the committee, because that appeared to be the will of the Senate.

So far as this Senator is concerned, it is up to the Senate to decide this matter. If the Senate wishes to reverse itself on the previous position it took on this matter, we will be guided accordingly. What this Senator would like to know is what the Senate wants to do. If the Senate, by a very decisive vote, agreed to the Murphy amendment, and that is still the opinion of the Senate, I would think it would not want to agree to the Anderson amendment. If the opinion of the Senate is otherwise, it could wait until the House studied and acted on this matter.

Mr. CARLSON. Mr. President, will the Senator yield to me?

Mr. ANDERSON. I yield to the Senator from Kansas.

Mr. CARLSON. With reference to the

situation in the Finance Committee as we discussed this amendment, I believe the Senator from Louisiana suggested a moment ago what the Senate should do. As one who supported the amendment, at the present time I think this is a problem that ought to have more study. I would hope we could accept the amendment without a rollcall. In that way it would not prejudice us in any way until we could take another look at it.

Mr. ANDERSON. I know it will be well studied. I know the committee plans to do it.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I would like to concur in what the Senator from Kansas has said. I also would like to go further. I have talked with some sponsors of the measure. If we could delete this provision from the bill, with the understanding that it will be introduced next year as a bill, we could have hearings. Then, whatever was decided upon could be made effective for the taxable years to which the new Treasury regulations apply, which generally are the calendar year 1968 and later years. I would support that effective date without regarding it as retroactive, and I would support the date even though I might not be supporting the proposal itself. I think that is a fair solution which would give the committee a chance to study the proposal.

If this is not agreeable I will support the Anderson amendment today.

Mr. ANDERSON. I just do not think we should waste $25 million in revenues.

I yield to the Senator from Wyoming [Mr. HANSEN].

Mr. HANSEN. Mr. President, I want to take only a moment to say that I find much merit in the statement made by the distinguished senior Senator from Kansas. I shall support the amendment if we have a rollcall vote on it. I do that with considerable reluctance, because I appreciate the tremendous amount of good that a number of organizations receive from their tax-exempt status. At the same time, I am not unaware that there are a number of abuses. If it would make it easier for the Senate to act, I would hope the suggestion made by the Senator from Kansas [Mr. CARLSON] might be agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I yield myself 1 minute.

The trouble with all these suggestions is that we get very deep into 1969. Who knows when the Senate will ever get around to it? Meanwhile the tax under the new rules will attach.

That is just as sure as it can be. So it is faulty in that respect. We ought to leave the bill alone as it came out of the committee, and send it to the House of Representatives, and then, of course, let the House Ways and Means Committee go ahead with it, because if it is a tax matter, it has to be initiated over on the other side.

Meanwhile, here are some 700 organizations that are involved and would be affected.

With respect to the Boy Scouts, I think I know what happened. They were called in. They were told they would get the same treatment as the Sierra Club unless they separated their case from that of the other exempt organizations. With separate consideration they probably were told something could be worked out for them. A person would have to be blind not to know what is going on around here.

But that does not affect all these other organizations. So this matter ought to be let alone as it came from the committee. It passed the Senate by a vote of 57 to 35, and that ought to make it stand as the will of the Senate.

That is about all I have to say.

Mr. ANDERSON. Mr. President, I may have misunderstood the Senator from Delaware. Would he repeat his statement?

Mr. WILLIAMS of Delaware. What I said was that I am going to support the Senator from New Mexico. I said I supported the proposal of the Senator from Kansas that, if it could be done agreeably, this matter be postponed and studied in committee next year; but since that cannot be done, apparently, we have no alternative except to vote.

Therefore, I support the amendment of the Senator from New Mexico, because I do not think we can afford to lose this $25 million without having more knowledge than I have at the present time as to the various factors involved in this matter.

Mr. ANDERSON. Mr. President, I do not want to be in the position of promising what the Senator from Louisiana will do, but I am sure he will have a hearing. He is sitting here, and I am sure he will follow through.

Mr. WILLIAMS of Delaware. I am sure that is correct.

Mr. METCALF. Mr. President, I object, both on grounds of procedure and substance, to the committee amendment dealing with the income derived from commercial advertising appearing in exempt organization periodicals.

On grounds of procedure, it is wholly inappropriate to act upon legislation as important and controversial as this at the very end of a session, with no hearing, and with no consideration by either the Finance Committee or the House Ways and Means Committee.

While action of this sort is, as a general rule, undesirable, the study done and attention devoted to this issue by the Treasury Department—as well as the extraordinary public interest demonstrated on both sides of the question—make the precipitous action embodied in this floor amendment even more objectionable than usual.

On December 12 of last year, the Treasury Department issued regulations interpreting certain existing provisions of the Internal Revenue Code. Among other things, those regulations made clear that under existing law, commercial advertising profits of exempt organization periodicals were taxable. Before those regulations were published, the Treasury Department conducted a comprehensive study, called for written comments and oral testimony on proposed regulations—3 full days of hearings were held—and, in general, made an exhaustive inquiry into the appropriate tax treatment of exempt organization advertising income under existing law.

The adoption of this floor amendment would simply amount to a repudiation of existing law as interpreted by the Treasury Department, after careful consideration and hearings, with no real consideration of the merits on our part. The Ways and Means Committee has received 135 requests to be heard, on this subject. Those hearings will, no doubt, supply what we do not have today—information upon which to make an intelligent decision. In the absence of such information, I urge the Senate to defeat this attempt to overrule the carefully considered conclusions of the Treasury Department as to the state of existing law.

As a matter of substance as well, I urge the defeat of the proposed legislation. Existing law subjects certain tax-exempt organizations to tax on their unrelated business activities. The primary purpose of this tax is to remove the unfair competitive advantage which tax exemption would otherwise confer upon commercial activities of tax-exempt organizations. The need for application of this sound policy to the business activities of exempt organizations is nowhere clearer than it is in the area of commercial advertising appearing in exempt organization periodicals. The evidence gathered by the Treasury study and hearings graphically demonstrates that tax-exempt organizations compete against taxpaying periodicals for the sale of advertising space with all the tools available to their competitors, plus one—their exemptions. These tax-exempt organizations first, carry advertisements in their magazines identical to those carried by their commercial competitors; second, maintain fully staffed offices to promote the sale of advertising in their magazines; third, promote the sale of their advertising space through the medium of commercial periodicals addressed to potential advertisers and, in some cases, through aggressive direct mail advertising campaigns, complete with comparative price lists indicating the lower rates offered by them. They even offer prizes to their advertising salesmen who bring in the largest amount of advertising revenue; fourth, in their efforts to attract more advertising business, these organizations have, on occasion, hired professional advisers and consultants to make their magazines more attractive and appealing; and fifth, the size and number of these tax-exempt periodicals has reached a level where gross receipts from advertising exceed $100 million annually and tax-exempt periodicals represent nearly 30 percent of all business publications containing advertising material.

No matter how laudable the activities justifying tax exemption are, it is difficult to see why that tax exemption should be spread beyond its necessary limits to give a tax-exempt organization an unwarranted and unnecessary competitive advantage over its taxable business competitors. On the contrary—in all fairness to our taxpaying businesses—when a tax-exempt organization chooses to enter the commercial world for profit, it should be subject to all the rules and requirements of the game, including the burden of taxation borne equally by its competitors. Our concern for fairness to those whose incomes generate the tax revenues upon which essential governmental services rely, should require no less.

A great deal has been said about the Boy Scouts. The Boys Scouts' income from magazines is only 14 percent of the net income. This includes income from subscriptions. The argument about the Boy Scouts is de minimis. We are talking about three-tenths of one percent of the total tax.

This matter should be heard by the appropriate committees and the whole question thoroughly examined. In the event we cannot suspend action pending a hearing, we should vote for the Anderson amendment.

The PRESIDING OFFICER. All of the time of the Senator from New Mexico has been consumed. The Senator from Illinois has 4 minutes remaining. Does the Senator from Illinois yield further time?

Mr. DIRKSEN. No, Mr. President. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes. Is all remaining time yielded back?

Mr. DIRKSEN. I yield back the remainder of my time, and call for the vote.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from New Mexico. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CARLSON (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from South Carolina [Mr. THURMOND]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. HICKENLOOPER (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Texas [Mr. TOWER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. HOLLAND. Mr. President, I voted "nay," but on the calling of the tally, I understood the clerk to say that I am recorded as having voted "yea."

The PRESIDING OFFICER. The Senator from Florida is recorded as having voted in the negative.

Mr. HOLLAND. I thank the Presiding Officer.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. HART], the Senator from Hawaii [Mr. INOUYE], and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Maryland [Mr. TYDINGS], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Connecticut [Mr. RIBICOFF] would each vote "yea."

On this vote, the Senator from Michigan [Mr. HART] is paired with the Senator from North Carolina [Mr. ERVIN]. If present and voting, the Senator from Michigan would vote "yea," and the Senator from North Carolina would vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. COTTON], the Senators from Nebraska [Mr. HRUSKA and Mr. CURTIS], the Senator from New York [Mr. JAVITS], the Senator from Iowa [Mr. MILLER], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], the Senator from Maine [Mrs. SMITH], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New York [Mr. GOODELL] is detained on official business.

If present and voting, the Senator from Nebraska [Mr. HRUSKA], the Senator from California [Mr. MURPHY], and the Senator from Nebraska [Mr. CURTIS] would each vote "nay."

Also, if present and voting, the Senator from Maine [Mrs. SMITH] would vote "yea."

The respective pair of the Senator from South Carolina [Mr. THURMOND] and that of the Senator from Texas [Mr. TOWER] has been previously announced.

On this vote, the Senator from New York [Mr. GOODELL] is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from New York would vote "yea," and the Senator from Utah would vote "nay."

On this vote, the Senator from New York [Mr. JAVITS] is paired with the Senator from Iowa [Mr. MILLER]. If present and voting, the Senator from New York would vote "yea' and the Senator from Iowa would vote "nay."

The result was announced—yeas 32, nays 22, as follows:

[No. 289 Leg.]

YEAS—32

Aiken
Anderson
Bible
Boggs
Case
Cooper
Dodd
Hansen
Harris
Hatfield
Hollings
Jackson
Lausche
Long, La.
Mansfield
McClellan
McGee
Metcalf
Mondale
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Russell
Scott
Spong
Symington
Williams, Del.
Yarborough
Young, Ohio

NAYS—22

Allott
Baker
Brooke
Byrd, Va.
Dirksen
Dominick
Ellender
Fannin
Fong
Griffin
Hartke
Hill
Holland
Jordan, N.C.
Jordan, Idaho
Kuchel
Mundt
Percy
Smathers
Sparkman
Stennis
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Carlson, for.
Hickenlooper, for.

NOT VOTING—44

Bartlett
Bayh
Bennett
Brewster
Burdick
Byrd, W. Va.
Cannon
Church
Clark
Cotton
Curtis
Eastland
Ervin
Fulbright
Goodell
Gore
Gruening
Hart
Hayden
Hruska
Inouye
Javits
Kennedy
Long, Mo.
Magnuson
McCarthy
McGovern
McIntyre
Miller
Monroney
Montoya
Morse
Morton
Moss
Murphy
Muskie
Nelson
Ribicoff
Smith
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.

So Mr. ANDERSON's amendment was agreed to.

Mr. ANDERSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LONG of Louisiana. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, on behalf of the Senator from Alabama [Mr. HILL] and myself, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. SPONG in the chair). The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the bill, add the following new section:

> SEC. —. The limitations in section 201 of the Revenue and Expenditure Control Act of 1968 on the number of civilian employees in the executive branch shall not apply to the Social Security Administration, and employees in such Administration shall not be counted in applying such limitations to the rest of the executive branch.

Mr. LONG of Louisiana. Mr. President, the amendment seeks to make it possible for the Social Security Administration to hire the necessary people to process the medicare claims and the various other additional benefits that Congress has voted during the past couple of years.

Mr. President, the money is not the problem in so far as social security is concerned.

The Senator from Delaware [Mr. WILLIAMS], when he offered his proposal to impose a surtax and set a limit on spending wisely exempted the social security trust funds. So money is not the problem.

But the same bill which sets a spending limitation also sets a limit on Federal employment related to the number of employees on duty June 30, 1966. Medicare went into effect on July 1, 1966, the following day. With this employee ceiling, it will be impossible for the Social Security Administration to process the various medicare claims and various other benefits that Congress has voted on a timely basis.

Senators will recall that we had this kind of problem before. As Medicare was getting under way, the Social Security Administration found it difficult to process retirement claims in time. At that time we adopted an amendment in the Finance Committee; I believe it was known as the Scott amendment.

That amendment was designed to insure that the Social Security Administration process the claims of these individuals on a timely basis. Social Security Commissioner Ball of the Department of Health, Education, and Welfare, tells me that we are going to have a repetition of that same problem unless something is done about the personnel ceiling.

I stress again that money is not the problem. Our great problem is that we need a certain number of people to process claims for medicare and retirement benefits.

I have figures here on the number of employees and the workload of the Social Security Administration.

On June 30, 1966, the day before the medicare program went into effect, the Social Security Administration had 43,693 employees.

As we were informed at the time we passed the medicare bill, the number of employees had to be increased. They were increased. On June 30, 1967, the number of employees was 47,186.

On June 30, 1968, the number of people employed was increased to 53,142. Senators will note that this represents 9,449 more people employed in the Social Security Administration than that agency had 2 years before, on June 30, 1966.

If the department is able to fill only 3 out of 4 vacancies, this would reduce employment by about 1,600 people by June 30, 1969; that is, by next year the number of employees will be reduced to 51,500.

Between fiscal year 1966, the year before medicare went into effect, and 1969, the current fiscal year, the overall workload of the Social Security Administration rose 36 percent. Manpower increased by only 14 percent. Thus, productivity increased by 19 percent.

One cannot fault the Department of Health, Education, and Welfare for failing to do an efficient job. Their productivity is good, but the difficulty is that with the additional heavy workload, they simply must have additional employees.

Examples of the workload increase can be summarized in this fashion:

In the medicare area, 19,600,000 people are covered by hospital insurance, of whom 4,600,000 expect to receive services this year.

There are 18,600,000 persons covered by supplementary medical insurance, and of that number, 7,600,000 expect to receive services this year.

The cash benefits, of course, also have increased. Just this year they were increased for 25 million beneficiaries.

Furthermore, we have just provided benefits for disabled widows, and more than 200,000 claims will be filed in 1968 and 1969 under the new law providing benefits for disabled widows.

If the Social Security Administration is not permitted to hire additional employees, they will have to have employees work overtime, which will be much more expensive. Even if they do work long hours of overtime, they still will not be able to do the job they should in getting out the medicare checks and the cash benefits to families who have paid for the insurance. If they are not permitted this exemption, they will not be able to carry out the instructions of Congress, even though they will of course do the best they can in a difficult situation.

Mr. President, I doubt that the distinguished author of the employee limitation amendment really had in mind to make it impossible for the Department to do this job. It would hardly seem that he had this in mind, since he did exempt the social security trust funds from the expenditure limitation when he offered his amendment. That being the case, we have no problem about the money. The problem is with respect to the number of employees.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HARTKE. The fact is that the trust fund itself pays for these employees, and therefore it is not subject to the limitation provision of the tax law. Is that correct?

Mr. LONG of Louisiana. That is correct.

Mr. HARTKE. However, when it came to the question of how many people could be employed, and the so-called employment coverage and the limitation, they put in the limitation, even though the money itself was not coming out of the general fund.

Mr. LONG of Louisiana. Yes.

We are taking in more money in social security taxes than we are paying out. The Senator knows that.

Mr. HARTKE. We will take in approximately $2½ billion this year in addition to what will be paid out, even after all expenses of operation of the fund and the payments to which the people are entitled. We will then have a surplus.

We really are charging too much, and on top of that there would now be a cutback on the service, which in the long run would make it more expensive for the trust fund than it would be if the matter were handled in the usual business operation, as any sensible insurance company would operate—that is, if they have more claims and more checks, they will have to have the employees to handle it.

This amendment makes good sense, so I compliment the Senator from Louisiana for bringing it up. I shall support the position which exempts these people from the limitation which is presently extended under the law.

Mr. LONG of Louisiana. Mr. President, Senators will recall that approximately a year ago people were having trouble getting their checks. They wrote angrily to their Congressmen, as they had a right to do, and said, "What is the matter with you people in Congress that you do not get the job done?"

We adopted an amendment in the Committee on Finance to instruct the Social Security Administration to hire more personnel if necessary and to get the job done.

They are just now catching up with the backlog. But if we do not provide this relief for the personnel, Senators can expect that before Congress convenes next year, they will hear people complaining, as they did a year ago, that they are not getting the benefits for which they paid.

As the Senator from Indiana has pointed out, the money being paid into the fund exceeds the benefits being paid out.

The Senator from Delaware [Mr. WILLIAMS] wisely left the social security trust funds out of his expenditure limitation. The problem is not the money; it is the number of employees who are required to do the job. This amendment would take care of the problem of hiring additional people to get the checks out to these retired people and sick people.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. PROUTY. Is it not true that by 1972, the surplus in the social security trust fund will be in the vicinity of $56 billion?

Mr. LONG of Louisiana. The Senator might be correct about that. I believe that by 1972 we will have some more Prouty amendments to pay additional benefits, and some Hartke amendments and perhaps some Long amendments to pay some of the surplus to deserving people.

Mr. PROUTY. As the Senator is aware, that has been my approach for a great many years.

I offer a bill during this session of Congress, which was referred to the Committee on Finance, providing for a guaranteed annual income for persons 65 years of age or older. The figures I suggested were too small. They are almost inhumane because they were so small. But I assure the Senator that as long as I am a Member of the Senate, I shall press for legislation in that respect, because I believe this country has neglected—more than any other country—its elderly retired people.

Approximately 20 percent of these people are actually living in poverty today. Their lives are behind them. They have been productive, upstanding citizens, such as teachers and Government employees. With the inflationary pressures we are encountering, their plight in many instances is desperate.

I had thought of offering that amendment to this bill, but I felt it would be unwise to do so without having had hearings and an opportunity for Senators to know exactly what I propose. Certainly next year, and as long as I am a Member of the Senate, I shall work for that and other measures which I believe are fully justified, particularly because of the astronomical surpluses we have, which we do not need.

I understand that recently Mr. Wilbur Cohen, Secretary of the Department of Health, Education, and Welfare has apparently advocated substantially what I have recommended in my proposal for a guaranteed annual income for the aged.

I am happy to report but 40 out of the 41 State public welfare administrators who have expressed an opinion on the subject have also approved my proposal in principle.

Mr. LONG of Louisiana. All I am seeking to do at this time is to see that these people get these benefits, meager though they may be, which are on the statute books. If this amendment is not agreed to, we will have been derelict in providing the wherewithal—not money, but the employees needed to get the job done.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may yield to the Senator from Texas, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Mr. YARBOROUGH. Mr. President, last week the Senator from Alabama [Mr. HILL] asked me to assume the responsibility of managing H.R. 10790 on behalf of the Labor and Public Welfare Committee. The bill had been referred to our committee with instructions to report back to the Senate by September 20, 1968. At that time, I believed that there would be no problem in obtaining a quorum of the committee to consider the bill.

Unfortunately, however, during the intervening period the members of the committee have been engaged in conferences with the other body on several vital pieces of legislation in both the education and health areas. One of the conferences even lasted until 1 a.m. in the morning. Because of this onerous schedule, yesterday was the first day Chairman HILL was able to call a meeting of the committee. Unfortunately, due to previous out-of-town commitments, only eight members of the committee were able to attend yesterday's meeting. Since this is not a quorum of the committee, we were not able to report the bill. And like yesterday, a sufficient number of Senators will not be available to meet on the bill today.

In order to honor the instructions of the Senate, it is necessary for me, on behalf of the committee, either to ask for an extension within which to report the bill or to ask that the committee be discharged from further consideration of the bill. While the members of the committee with whom I have talked all feel that the committee could make a definite contribution to this legislation, they agreed that if the bill is not reported to the Senate today, it might be jeopardized for this session. Accordingly, although I shall propose an amendment to H.R. 10790 later today, which will be cosponsored by a great many members of the committee on Labor and Public Welfare, at this time I ask unanimous consent that the Committee on Labor and Public Welfare be discharged by the Senate from further consideration of H.R. 10790 as reported by the Committee on Commerce and that the bill be placed on the calendar.

The PRESIDING OFFICER (Mr. McGEE in the chair). Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 984

Mr. YARBOROUGH. Mr. President, a few moments ago I moved, on behalf of the Committee on Labor and Public Welfare, to discharge that committee from the further consideration of H.R. 10790, the Radiation Control for Health and Safety Act of 1968. At that time, I stated that the members of the committee considered that one amendment would greatly improve the bill. At this time I should like to offer that amendment on behalf of Senators JAVITS, MORSE, CLARK, RANDOLPH, WILLIAMS of New Jersey, PELL, KENNEDY, NELSON, MONDALE, and myself.

Mr. President, the general purpose of H.R. 10790 is to reduce the exposure of the public to all unnecessary hazardous radiation from electronic products and at the same time further the medical use of radiation as a benefit to mankind.

The legislation directs the Secretary of Health, Education, and Welfare to establish an electronic product radiation control program which would include the development and administration of performance standards to control the emission of radiation from electronic products and the undertaking by public and private organizations of research and investigation into the effects and control of such radiation emissions. The legislation covers all electronic products which purposely or incidentally emit radiation, and which are a source of human exposure at work, in the home, or during medical treatment. In carrying out this program, the Secretary is directed to maintain liaison and consult with industry, professional organizations, and appropriate Federal and State agencies.

One omission from the coverage of the legislation are workers who are engaged in the production and repair of these products. The amendment that I am proposing will protect these workers from the same dangers and to the same extent that the ultimate consumer will be protected by this act.

Mr. President, I ask unanimous consent that the text of the report from the Department of Health, Education, and Welfare, which indicates that the Department is "fully in accord with the objectives of this amendment," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, according to the Bureau of Labor Statistics, more than 1 million workers were employed as of January 1968, in the manufacture of radio and television receiving equipment; communications equipment—which includes telephone and telegraph apparatus, and radio and television communications equipment—and electronic components and accessories—including manufacture of electron tubes, and other electronic components.

In addition, there is a large but unknown number of workers who install, maintain and repair such equipment, and use it in other industrial processes, including toy manufacturing, industrial X-ray radiography, and so forth.

All of these individuals are faced with potential or actual exposure to non-ionizing radiation on the job and should be protected against the harmful effects from such radiation at their work environments.

The 1964 report "Protecting the Health of 80 Million Americans"—the so-called Frye Report to the Surgeon General of the U.S. Public Health Service, Department of Health, Education, and Welfare—had this to say in defining the most urgent occupational health problems faced by workers:

> Virtually nothing is known about the genetic effects of complex chemicals and other materials in the work environment, although certain chemicals and viruses, *as well as radiation,* (emphasis ours) are suspected of teratogenic (malformations) as well as mutagentic action. The very real danger of far-reaching effects of industrial exposures on generations yet unborn deserves intensive study. Criteria for employment of pregnant women are especially urgently needed.
>
> . . . Information is needed to determine tne effects upon the body by exposures to vibration, microwaves, ultrasonics, infrared, ultraviolet, lasers, masers, and other electromagnetic phenomena as these are developed.
>
> . . . New techniques should be developed to prevent eye damage from exposures to lasers and masers, infrared and ultraviolet light; and problems associated with glaucoma, induced hemorrhage, and vibration require study.

The 1967 report of the Task Force on Environmental Health and Related Problems recommended to the Secretary of Health, Education, and Welfare:

> Standards for safe tolerance levels must be developed for all who are exposed to radiation-generating materials and equipment . . . For maximum effectiveness within the federal government, there must be a coordinated effort to see that research conducted in the future will give us adequate knowledge for the establishment of human tolerance levels for radiation exposure. The Department must continue to lead a national program to prevent undue radiation to the occupationally exposed as well as the general population.

In the hearings before the Committee on Commerce, it is evident that there are biological hazards associated with human exposure to various forms of nonionizing radiation. The bill as reported by the Commerce Committee would protect consumers—that is, purchasers of products which could emit such radiation. The bill does not contain protection for one type of consumer—that is, the worker whose employer is engaged in the manufacture or repair of such products. During the course of his work and usually for a greater period of time than the normal consumer, he may be observing, testing, or working with a product which could emit radiation above the standards to be set by the Secretary. However, because of his technical situation, he is not a consumer within the terms of the bill. My amendment would remedy this omission.

EXHIBIT 1

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, September 17, 1968.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: This is in response to your request of September 16, 1968, for a report on possible amendments to H.R. 10790, which are being considered to authorize the promulgation and enforcement of standards for protection of individuals from injury from electronic product radiation incident to the manufacture, installation, operation, use, repair, or maintenance of such products. As we interpret these amendments, they would not modify the requirement that standards for the electronic product itself shall be performance standards as distinguished from design standards.

This Administration has recommended to the Congress the enactment of broad legislation which would authorize the development, promulgation, and enforcement of occupational health and safety standards designed to provide the protection of workers from all kinds of hazards to safety and health in the work places. The standard-setting provisions of the Administration bill are, of course, designed to eliminate the kinds of hazards at which your amendments are aimed. Thus we are fully in accord with the objectives of these amendments.

We believe that it would be preferable to afford such broad protection to workers through the more comprehensive approach included in the occupational health and safety legislation previously recommended to the Congress. However, if your committee finds it preferable to amend H.R. 10790 as you suggest, the amendments are certainly unobjectionable to this Department. (Our staff has communicated to the committee staff a technical drafting suggestion with respect to these amendments.)

The Bureau of the Budget has advised us that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

WILBUR J. COHEN,
Secretary.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD.

Mr. MANSFIELD. Mr. President, reserving the right to object—I shall not object—to make the RECORD clear, on the basis of this request, this proposal, having to do with hazardous radiation, will go on the calendar. Is that correct?

The PRESIDING OFFICER. The Senator from Montana is correct.

Mr. YARBOROUGH. I do not intend to seek any action on the bill today, Mr. President.

Mr. MANSFIELD. I do not object.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

AMENDMENT NO. 984

On page 9, line 10, after "prescribe" insert "(A)", and in line 12, after "products", insert the following: " , and (B) standards for the manufacture, installation, operation, use, repair, or maintenance of such products to protect individuals from injury (including genetic injury) from electronic product radiation,".

On page 30, line 14, strike out the word "manufactured" and insert in lieu thereof: "manufactured, operated, used, repaired, maintained,".

On page 35, line 10, strike out "or" and insert thereafter the following new subsection:

"(7) for any person engaged in commerce or an industry affecting commerce to violate any standard promulgated by the Secretary pursuant to section 358(a) (1) (B); or"

On page 35, line 11, strike out "(7)" and insert in lieu thereof "(8)".

On page 40, line 25, strike out "law." and insert in lieu thereof: "law: *Provided,* That nothing in this Act shall be construed or held to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment."

On page 4, line 19, between "industry" and "associations" insert "and labor".

On page 5, after line 4, insert "the Secretary of Labor,".

On page 8, line 21, after "professional" insert ", labor,".

On page 10, line 4, strike out "industries" and insert in lieu thereof "industry and labor".

On page 42, line 10, after "scientific", insert ", commercial, and labor".

On page 16, line 21, strike out the period and insert in lieu thereof a comma and add "of which at least one shall be a representative of organized labor."

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

The Senate resumed the consideration of the bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

Mr. WILLIAMS of Delaware. Mr. President, could we have the clerk read the amendment again? There is no printed copy of the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The bill clerk read as follows:

At the end of the bill, add the following:

"SEC. —. The limitations in section 201 of the Revenue and Expenditures Control Act of 1968 on the number of civilian employees in the executive branch shall not apply to the Social Security Administration, and employees in such Administration shall not be counted in applying such limitations to the rest of the executive branch."

Mr. WILLIAMS of Delaware. Mr. President, I thought that is what the amendment provided. I notice that the chairman of the committee said that a representative of the Social Security Administration of the Department of Health, Education, and Welfare, has been down to see him to explain the need for this amendment, which would exempt that agency from the restrictions of the expenditure controls, and to explain the dire results that will develop if this amendment is not agreed to.

What puzzles me is that I was the author of the original bill which was passed by the Senate 3 months ago which provided for the mandatory reduction of $6 billion in expenditures and provided for this rollback in civilian employment and I have not heard one word of complaint with the original law.

The Department of Health, Education, and Welfare was before the conference and along with the Budget Director, agreed on the expenditure controls and the President also agreed. The administration agreed they would support the controls over employees and expenditures as a part of a bill which would raise income taxes by 10 percent.

From that date until now not one representative of the executive branch, not one representative of any one of these agencies has ever called on me or been to my office to say they need to be exempted from the provisions of that bill. Yet every agency has been lobbying with other Senators asking for support of the amendments that would exempt their particular agency.

The Johnson administration is determined to repeal that $6 billion expenditure control and is doing this by asking for exemptions for these agencies one at a time.

They have not kept their promise to the taxpayers.

Mr. President, I grant that I am only one Member of the Senate, but I am the ranking minority member of the Committee on Finance, which deals with the work of this particular agency. I am sure, with a 2-to-1 majority, the Johnson administration feels that it does not have to pay attention to anyone on the minority side. These officials may be correct, but on the other hand they could be in error.

However, they should remember they would not have gotten their tax increase bill if someone in the minority had not introduced and pushed for enactment of that bill. The majority had failed to take the initiative either to raise taxes or to urge a little fiscal restraint.

When Congress passed that bill which raised taxes by 10 percent and cut expenditures by $6 billion the administration accepted the bill and publicly promised to help carry out that reduction. Since then they have reneged on that promise.

Mr. President, I resent this doubletalk, and particularly from an agency which comes under the jurisdiction of our committee. They did not have the courtesy to come to me, the author of the original bill, and show any need for their request.

It is true that Mr. Ball has been seen during the last 3 days around the Capitol canvassing, and I suppose lobbying other Senators for this amendment. Since the Senate convened today he sent word into the Chamber that he would like to see me, but I was then occupied on the floor of the Senate. They know where my office is had they seen fit to come see me. I do not think this amendment is going to pass today.

AUTHORITY FOR FILING REPORTS AND RECEIVING MESSAGES FROM THE PRESIDENT AND HOUSE OF REPRESENTATIVES DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the adjournment of the Senate today until

Monday next, all committees be authorized to file reports, together with any minority, individual, or supplemental views, if desired; and that the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESS BY SENATOR HATFIELD BEFORE UNION LEAGUE CLUB OF NEW YORK CITY

Mr. GOODELL. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the distinguished junior Senator from Oregon [Mr. HATFIELD] before the Union League Club of New York City on September 4, 1968.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR MARK O. HATFIELD BEFORE THE UNION LEAGUE CLUB, NEW YORK CITY, SEPTEMBER 4, 1968

For the past few years our city streets have echoed with shouts of "burn, baby, burn" and "hell no, we won't go." These cries have often been accompanied by violence and destruction. And now, out of the ashes of smoldering city ghettoes and burned draft cards, have risen both the sincerely concerned citizens *and* the demagogues who cry for "law and order"—an appeal as sacred as love of mother and flag. For how can any reasonable man be *against* "law and order?"

He can't. But he can stand back and ask what is meant by "law and order." Is "law and order" the stationing of a heavily armed policeman on every corner and then the labeling of gun control measures as a subversive plot. Is it instructing our police departments to shoot down looters to protect the rights of property owners and then being totally indifferent to the rights of suspected criminals and how they are treated by interrogating policemen in the local precinct house.

Is "law and order" to be defined by geography rather than justice? In the South this slogan has been used to justify the use of force to maintain policies of segregation.

A presidential candidate rants about the need for "law and order" in one breath and in the next boasts that if he is elected to the highest office in our country and a demonstrator lays down in front of *his* car, it will be "the last car he ever lays down in front of." This man would commit murder in the name of "law and order" and his followers cheer and applaud his viciousness.

More and more people concerned with the rising crime rate have begun to use it as a club with which to attack the institution of the court. There is little objective evidence, however, to support their contention that judicial rulings protecting the rights of accused criminals are *responsible* for the rising crime rate. These frustrated people would over-ride judicial protection of individual rights in the name of "law and order."

In the name of "law and order" many people cheered Mayor Daley and the police state tactics he designed and directed during the Democratic Convention in Chicago. Many of us were deeply repelled by this sadistic orgy of violence. But according to one poll, we were outnumbered four to one by people who felt that the Chicago police and security personnel did not use "unreasonable force" in their indiscriminant clubbing of youths, members of the press, and innocent bystanders. Eighty percent of the country evidently thought it was entirely appropriate for the police and national guard to enter hotel rooms, drag people out of their beds, and beat them all the way to the elevator. Only one person in five apparently questioned whether this was not excessive force and wondered if order could not have been maintained with a little less violence and a little more respect for the rights of these citizens. There is no question that many of the demonstrators in the .parks and on the streets deserved to be arrested for their conduct but judgment and punishment should be handed out by our courts, not by a policeman's night stick.

Other rights guaranteed the American people are also denied behind the facade of maintaining "law and order." The freedom of speech and assembly are increasingly being refused our citizens under this convenient and compelling slogan. More and more frequently, officials would deny public facilities and permission to those who wish to peacefully assemble to protest policies supported by these officials.

But even more insidious are the less public efforts to silence dissentors under the guise of enforcing the law and preserving order. General Hershey has very effectively used the draft as a weapon to stop young men from protesting the Vietnam war. The General has indicated to his selective service boards that a suitable punishment for young dissentors—who admittedly sometimes go beyond the reasonable tactics of dissent—is to draft them to serve in the war they are protesting. The General evidently does not see the hypocracy, the contradiction of purpose, in his use of extra-legal means to enforce his own definition of "law and order."

(The use of "extra-legal" means to enforce the views of government is a tactic you in business are becoming increasingly familiar with. Although the federal government has not been given authority for price control, several weeks ago the Administration forced U.S. steel companies to rescind across-the-board price increases by threatening to stop Defense Department purchases from companies who raised their prices. You no doubt recall another instance several years ago when steel companies were threatened by a different administration into backing down from price increases they felt were necessary.)

The U.S. House of Representatives would also suppress dissent and insure that our college campuses are docile by cancelling the National Defense scholarships of students that participate in "disruptive" actions.

Finally, "law and order" has become a respectable and sophisticated appeal to the racist instincts deeply rooted in many people. Black Americans are slowly being integrated into the mainstream of our social, economic and political life. This movement is met with prevasive fear and resistance among those white economic and social groups who perceive their positions and status to be threatened. Among these people we find some of the most vocal advocates of "law and order." In their hands this slogan becomes a means of suppression, a club with which to keep the Negro in his place. As the *Saturday Review* points out, "law and order" can easily become a commitment to the status quo, a weapon to use against any demand for change."

Is all this what we mean by "law and order"? I suggest that the problem is largely one of semantics. Of course we are all in favor of judicious enforcement of the law. Of course we all favor social and political tranquillity. But we must not allow the terms "law and order" to become an all-encompassing phrase with one meaning to the extremists and another to those who are as concerned with justice as they are with order. We must go beyond superficial slogans and demand that those who cry for "law and order" define what they mean and how they would arrive at this state. I think it is very important that we take great pains to draw these distinctions. To many people—particularly our already alienated groups, the young and the black—the slogan "law and order" means suppression. In using the language of the demagogues we blur the distinctions between the views of reasonable men concerned with justice and the views and venom of the extremists. By allowing ourselves to be cast in the same category as those who use appeals to "law and order" as an instrument of their fears and hatred, we only help polarize our society into two hostile camps and make continued conflict and disorder inevitable.

I believe there are three inter-related fronts from which we must launch our campaign to return the nation to social and political stability and to reduce the rising crime rate.

First, we must end the war in Vietnam. I don't believe we can overestimate the relationship between the violence in Vietnam and the violence in our city streets. The war in Vietnam has created a mystique of violence that pervades our entire society and erodes our national soul.

Every American who owns a television set is a participant in this violence. Every night as he watches the news before sitting down to dinner he is treated to battle scenes of action earlier in the day. Every morning while eating his breakfast the radio gives him the latest death count or kill ratio. He is gradually numbed to violence and death and habituate to the efficacy of force in resolving problems. An article published by the Prestigious Center for the Study of Democratic Institutions stated very clearly that "we can't have it both ways. As long as the American nation is officially engaged day by day, hour by hour, in violence abroad, which—because of television—is visible to all, we cannot hope to be free of violence at home.

Second, as we make a commitment to extricate ourselves from Vietnam we must also make a commitment to improving our police forces and legal processes. We must be willing to appropriate enough money so that our police departments can be adequately manned. We must be willing to foot the bill for better equipment, better salaries, and better training of our law enforcement officers. We must be willing to expand our court systems to relieve the backlog of cases and free judges, parole officers, and juvenile officials so that they can give more attention to the re-habilitation of offenders. Equally as important as upgrading police departments and court systems is assuring that all men have equal access to justice. Legal aid clinics offering free legal help to the poor need to be expanded and bail reforms should continue.

Third, as essential as it is that we improve our legal processes and police forces, such efforts will be largely ineffective in *eliminating* the problem of crime and lawlessness. These efforts may control the problem but they cannot resolve it because they leave untouched the conditions that cause disorder. No amount of sloganeering for "law and order" can alter this basic fact: our primary commitment must be to restoring in men a genuine sense of their brotherhood and their responsibility to one another if we are to return our society to stability and respect for the law.

The problem we are dealing with has two facets. One is the rising crime rate and the other is growing number of incidents of civil disorder and violence. Both of these aspects can only be fundamentally dealt with through the personal commitment of millions of Americans. "I am my brother's keeper" is not just an archaic religious dictum. This philosophy is the cement that binds individual men into a society—much as mortar holds bricks together to form a building. We must restore to our society a greater sense of *personal* responsibility for the well-being of others.

We will have law and order only when people *respect* the rules of society because they believe they were designed for *all* men and equally apply to *all* men. Violence and disorder and the consequent repressive measures adopted by authorities are largely due to a very serious breakdown in human relations. Instead of "love thy neighbor" people often fear and hate their neighbors. The bonds of compassion, understanding and communication are severed. We must mend the broken ties that bind all men together by emphasizing the fact that we are all human beings and brothers. We must be willing to tolerate our differences and underscore our similarities. We must be willing to grant to every other man the rights, the sympathy, the open-mindedness we would expect for ourselves if we were in his circumstances.

If we are to resolve the problem of city riots we must not only change the hearts of men, but also their environment. Out of the deplorable conditions of the ghetto have grown the frustration and bitterness that have led to disorder and if we want to end the rioting we must be willing to eliminate some of the *causes* of this violence. It means that vast amounts of our tax dollars will have to be spent improving living conditions in the ghettoes; in seeing that the poor have access to health facilities; in seeing that unemployed are trained and offered decent jobs; and—most important of all—in seeing that the children of poverty receive educations relevant to their background and needs. If we are going to ease the bitterness and frustration that leads to disorder, private enterprise will have to become involved in the problems of poverty and provide channels through which the poor can move into the economic mainstream.

Let me repeat again. Peace and safety will not return to our cities until we make an honest commitment to resolving the *causes* of disorder. How can we expect the poor to respect our property rights, our right to safe streets and neighborhoods when we make only token gestures at assuring *their* right to equal economic and educational opportunities. We will not be able to maintain police forces large enough to keep order and enforce the law unless we dedicate the personal, private and governmental resources necessary to the resolution rather than the repression of these problems.

I am not sure that the country is yet willing to make the needed commitment and I fear that disorder shall continue. The *Los Angeles Times* shares my concern. In an editorial earlier this year the *Times* stated "instead of a commitment to changing the basic conditions that lead to disorder, the national emphasis increasingly seems to be upon quelling riots rather than preventing them. Mass violence of course cannot be tolerated. The cities must be protected, peace must be preserved. . . . Urban disorder, therefore, presents the double challenge of prevention and repression. And to concentrate upon the rioting itself at the expense of its causes is to assure that unrest and violence will continue to grow worse."

It must become the task of everyone who is sincerely interested in resolving the problems of disorder to confront the *real* issue and to encourage the American people to face up to the basic nature of the problem. If we politicians and you, as citizen leaders, are to guide the nation in the right direction, we are going to have to forego the temptation of the simplistic solution, the appeal to only the slogan of "law and order." The fuse of revolution is too short to allow us to enjoy the demagoguery of the sloganeers or to allow us to delude ourselves that there *is* an easy answer that will require no sacrifices from the affluent and privileged in our society.

We must commit ourselves and guide our fellow Americans into a period of revolutionary social-political-economic change equal to the challenges we face. And as we transform our society to better conform with our historical dedication to equality and justice, we must make sure that the system remains open. We must assure that neither the sacredness of tradition nor the indifference of habit block equal access by all citizens to the political process that make laws and determine policy.

This, in large part, is what the unrest on college campuses is all about. Too many young people have lost faith in the democratic guarantee of equal voice in our political decision-making process. I have received a considerable amount of mail from young people who are extremely bitter about our system for nominating presidential candidates. They are angry at our party conventions where the delegates often don't reflect the interests of the people of their states and districts but represent the views of party bosses or the dictates of political expediency.

I believe that, to a large degree, the frustration of these young people is justified. In order to help assure that the peoples' views are fully represented in the presidential nominating processes, I support the concept of a national primary. I do not believe that procedural modifications of the party conventions can go far enough in providing for the open and representative selection of presidential candidates. Our nation must be willing to remold institutions that no longer serve the principles of our democratic system or the basic interests of our people.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. No. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested.

Mr. LONG of Louisiana. Mr. President, will the Senator withhold his request for a moment?

Mr. WILLIAMS of Delaware. No. I have suggested the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll; and the following Senators answered to their names:

[No. 290 Leg.]

Byrd, Va.
Case
Cooper
Dodd
Dominick
Griffin
Harris
Holland
Jackson
Jordan, N.C.
Jordan, Idaho
Kuchel
Long, La.
Mansfield
McGee
Mundt
Prouty
Randolph
Spong
Williams, Del.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Anderson
Baker
Brooke
Dirksen
Ellender
Fong
Hatfield
Metcalf
Pastore
Pell
Percy
Proxmire
Sparkman
Stennis
Yarborough
Young, N. Dak.
Young, Ohio

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 23, 1968, AT 10 A.M.

Mr. MANSFIELD. Mr. President, a quorum still not having responded, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock Monday morning.

The motion was agreed to; and (at 2 o'clock and 41 minutes p.m.) the Senate adjourned until Monday, September 23, 1968, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 20, 1968:

ATOMIC ENERGY COMMISSION

Francesco Costagliola, of Rhode Island, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1969.

EXTENSIONS OF REMARKS

CHAIRMAN GEORGE P. MILLER'S CONTRIBUTION TO SCIENTIFIC RESEARCH

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 20, 1968

Mr. COHELAN. Mr. Speaker, it is my privilege to share representation for the city of Oakland, Calif., with my distinguished colleague and friend Congressman GEORGE P. MILLER. But in his role as chairman of the House Science and Astronautics Committee GEORGE MILLER has a wider constituency and the stewardship of the scientific problems of the entire Nation.

Congressman MILLER's devotion to the cause of scientific research and development is well known to the Members of this House. On August 19, 1968, the periodical Chemical and Engineering News paid a tribute to GEORGE MILLER's contribution, and to those of Congressman EMILIO DADDARIO and Senator HENRY JACKSON, in the area of science and technology. Special commendation was given for the joint House-Senate conference on a review of Federal environmental policy.

Mr. Speaker, with your permission, I insert in the RECORD at this time a significant portion of this well-deserved tribute:

TRIBUTE TO GEORGE MILLER'S CONTRIBUTION

The need for an overhaul of the present creaky legislative machinery for science and technology also has been clearly documented. What Congress needs most in this regard is some sort of mechanism to provide its members with an adequate overview of the entire federal R&D effort—a device to enable it to consider scientific and technological programs on a governmentwide, rather than an agency-by-agency, basis. This need is particularly acute in light of recent budgetary pressures.

However, by its inaction on S. 355, Congress once again has demonstrated that it will not stand still for even the most minor organizational changes, let alone the radical reforms that really are needed. Recognizing the futility of the legislative approach, some members of both houses are exploring various informal approaches in an attempt to overcome some of the more glaring inadequacies of the present setup. An example of one such informal approach was the joint House-Senate colloquium on environmental policy late last month (C&EN, July 29, page 30). Billed as a "unique experiment in Congressional procedure," the colloquium brought together key members of the various Congressional committees with environmental jurisdiction as well as antipollution experts from the executive branch and nongovernmental organizations, to work up recommendations for a national environment policy.

The principal driving force behind the colloquium was Rep. Emilio Q. Daddario (D.-Conn.), chairman of the House Subcommittee on Science, Research and Development, with House Science and Astronautic Committee chairman George P. Miller (D.-Calif.) and Senate Interior Committee chairman Henry M. Jackson (D.-Wash.) lending major assists.

How well such informal coordinating procedures can substitute for formal ones remains to be seen. But the informal approach appears to be the only route open. The Daddarios, Millers, and Jacksons should be applauded for their pathfinding efforts.

PROBLEMS OF CONSOLIDATED EDISON CO.

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, September 20, 1968

Mr. METCALF. Mr. President, on July 2, I placed in the Record an article from the Wall Street Journal dealing with the effect of the surtax on electric utilities. That article, as I indicated, reflected utility press agency more than from reportorial diligence; it resembled a Wall Street Journal editorial more than an in-depth job of good reporting which usually characterizes the Journal's front-page articles.

I am pleased to note that the Journal has returned to reporting on utilities, this time on the basis of its own reporters' investigation. The article deals with Consolidated Edison. It recognizes the progress that has been made by the company under Chairman Charles F. Luce. It reports, too, problems that have beset Con Ed and its customers—high-handed dealing with customers, executive featherbedding, nepotism, questionable bidding procedures, the cozy relationship between regulators and the regulated industry.

I hope that newspapers in other parts of the country will follow the example set by the Journal in writing some of the news which the overstaffed public relations divisions of the utilities seek to suppress.

Mr. President, I ask unanimous consent to insert the article, "Unhappy Utility," written by Felix Kessler and Roger W. Benedict and appearing in the August 26 issue, at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Unhappy Utility: Bad Image, Inefficiency, Bloated Work Force Balk Con Ed Progress—New Chairman Retires Aging Executives, Trims Costs, Defends High Power Rates—Did Contractors Rig Bids?

(By Felix Kessler and Roger W. Benedict)

New York.—The host, a young professor of psychology, was mortified. In the middle of the party, the lights in his Manhattan apartment went out. He telephoned the local utility office. The bill hadn't been paid, he was told, so the electricity had been shut off.

The next day it became evident that the fault hadn't been his; through a clerical error, his payment to Consolidated Edison Co. had been misplaced, and a "disconnect" order had gone out. Talking with a company lawyer, the angry professor wondered aloud if the courts would frown on such a high-handed method of operating.

"Go ahead and sue," the lawyer replied. "I've got a drawerful of cases like yours."

An unusual way of dealing with an outraged customer? Undoubtedly. But almost everyone here has a Con Ed horror story. Even when it isn't flagrantly at fault, New York City's huge gas, steam and electricity utility seems to have a unique capacity for alienating its 4.2 million customers, including the biggest customer of all, the city itself.

TALES OF WOE

The complaints are familiar and legion: Con Ed charges the highest electric rates of any big-city utility, contributes a major share of New York's air pollution, noisily chops 40,000 holes in the streets each year, inefficiently operates an aging system that produces nearly 1,900 neighborhood power failures annually—and is rude in the bargain. Moreover, critics say, the company enjoys a highly permissive relationship with the Public Service Commission, the state agency charged with regulating utilities. Thus, they charge, the company acts as if it were a law unto itself.

With assets of $3.7 billion, more than any other electric or gas utility in the nation, Con Ed has a largely captive market in the five counties of New York City and adjoining Westchester County. But size apparently doesn't produce economy; whereas a Los Angeles resident pays $5.60 for 250 kilowatt hours of electricity, a Philadelphian $6.50 and a Chicagoan $7.50, the same amount of power costs a New Yorker about $10.

In defense, Con Ed points to its problems—a huge city and state tax bill of $200 million a year, high labor and construction costs, the expense of locating most of its cables underground, and the difficulties of doing business with the New York City bureaucracy.

The company finally is trying to do something meaningful about its troubles. In apparent recognition that the problems go deeper than a poor public image or the difficulties of operating in New York, the trustees last year picked Charles F. Luce, then Undersecretary of the Interior, as chairman and chief executive officer; he became the first outsider to head the company. Mr. Luce is trying to introduce a younger top management, trim a bloated employee force (double the size of that at comparable utilities), cut costs and bring the company closer to its customers.

VICE PRESIDENT DEPARTS

He has his work cut out for him. A major new problem surfaced early this year, when, according to Con Ed officials, the vice president for construction was forced to resign. The vice president had failed to disclose promptly an alleged extortion attempt involving, among others, Henry T. Fried, a millionaire contractor whose family-owned companies have dealt with Con Ed for 40 years. Con Ed canceled contracts with the Fried companies when Fried was implicated in bribing a city official in another matter. The affair focused anxious attention on Con Ed's close relationships with its suppliers and contractors.

Then, last week, the subject exploded again. Thirteen individuals, including Mr. Fried, and 14 companies, among them two Fried concerns, were indicted on charges of rigging bids for almost $50 million worth of utility contracts, including nearly $34 million in Con Ed work. A district attorney's investigation into the situation continues.

Con Ed perennially has stood in poor repute with investors. Its profit return of 5.77% on electric operations is almost the lowest in the industry. Total net income of $123 million in 1967 was equivalent to a 7.5% return on $1.6 billion of invested capital, again near the bottom of the industry. As of May, only 15 investment companies held Con Ed stock, compared with 26 a year ago.

By contrast, the number of companies holding stock of Pacific Gas & Electric Co. rose to 41 from 35, while those holding Commonwealth Edison Co. of Chicago climbed to 30 from 23. Both utilities had produced higher income than Con Ed; Con Ed frequently and unfavorably is compared to both by analysts.

STOCK PRICE DECLINE

Since reaching a high of $49.25 on the New York Stock Exchange during 1965, Con Ed's stock has fallen in price more than 31%; it closed Friday at $33.87 a share. The Dow Jones Index of 15 utility stocks (including Con Ed) has declined by 19.4% since reaching an all-time high in 1965.

Mr. Luce began his renovation effort at an obvious point—image-building. A management consultant notes that about 300 customers complain to the Public Service Commission about Con Ed each month. The Public Utilities Commission of California, in contrast, gets about the same number of complaints regarding Southern California Edison Co. during an entire year.

Con Ed is repainting its yellow trucks and equipment a vivid blue. Its little old Father Knickerbocker symbol is being retired as are the all-too-visible "Dig We Must" signs it posts at excavations (Mr. Luce found that Con Ed was being blamed for all city excavations, not just the one-third it undertakes). The new slogan is "Clean Energy," reflecting determination to move out of the No. 1 position in air polution.

Lippencott & Margulies Inc., a consulting company, was hired by Con Ed in 1967 to help the company achieve a better identity. However, "they thought that the entire problem was one of image," says Walter Margulies, president, "but our study showed that the problem went much deeper than that."

An outside specialist who has studied the company recalls his first impression before Mr. Luce's arrival. "It was that this was probably among the worst-run companies in the world. Never had I seen such incapable people, at all managerial levels."

Amid grumbling, the new chairman has taken some steps to revitalize management. Mr. Luce, who is 50 himself, has lowered the retirement age from 68 to 65, and a dozen of the 20 top officers are retiring by the end of next year. Another 175 lower-echelon executives also will retire soon. (When Mr. Luce entered the company, he found that the top 20 officers averaged 34 years of service. His predecessor, Charles Eble, had begun as a messenger in 1916.) Mr. Luce also has imported some bright young executives.

The management consultant firm of Cresap, McCormick & Paget, in a survey of the 240 top executive jobs at Con Ed, found that the duties of 71 executives consisted solely of supervising one other executive each. A surplus of executives seems to have resulted from Con Ed's many acquisitions over the years. The consultants also found that 40 executive committees met at least once a month, consuming valuable managerial time.

Other critics assert that the personnel problem cuts through all levels of the company. A former employee says that Con Ed's boast of being "one big family" is "too literally true, with tremendous nepotism and 10 or 11 members of the same family often working for the company."

Mr. Luce acknowledges that the payroll is overlarge, but says he managed to eliminate 600 jobs through attrition in the first half of 1968. However, with revenue running at an annual rate of $930 million, Con Ed has about 25,000 employees; Commonwealth Edison of Chicago, with revenues of about $716 million, has about 13,000 employes. Last year Con Ed's payroll costs were 57% higher than Commonwealth Edison's and its pension costs 88% higher.

Streamlining Con Ed to provide more economical and efficient service figures is Mr. Luce's most formidable task. In the past 10 years, while major utilities elsewhere have lowered their rates by an aggregate of $400 million, New York City rates have gone up by $100 million. Utility experts suggest the high rates help explain why the average New Yorker's use of electricity is less than half the national average.

Con Ed ritually pleads the special problems of doing business in New York, and it gets some support from Donald Cook president of American Electric Power Co. Says Mr. Cook: "New York is a magnificent city in which to work and live, but every night when I go to bed I thank God I don't have to operate a utility here." (Mr. Cook's company operates in seven Midwestern states.)

A BREAKDOWN

Mr. Luce says he is adopting a decentralization plan proposed by the Cresap firm. It calls for reorganization of the company into six divisions, one for each county in which Con Ed operates. The company hopes thus to produce tighter internal cost-accounting and budgeting, and to foster competition among the divisions.

The most pressing and thorny situation confronting Mr. Luce revolves around dealings with suppliers and contractors. Some contractors say privately that certain firms traditionally have been favored for Con Ed work. The president of one large construction company, according to a consultant explained that he didn't solicit Con Ed contracts because "you have to be 'in' to get that work."

Mr. Luce said recently that the company now is demanding competitive bids on all possible contracts. But in previous years much of its work—$36.9 million in 1967—has been parcelled out in negotiated contracts, thereby foregoing the possible savings on competitive bids.

Con Ed's letting of contracts—both negotiated and through bidding—became a matter of public concern this spring in the wake of the Federal court trial in which James T. Marcus, former city water commissioner, pleaded guilty to accepting bribes in connection with a contract to clean a city reservoir. Convicted with associates of Marcus was Henry T. Fried, the construction tycoon whose family concerns had done business with Con Ed for four decades. Fried had paid a bribe to get the reservoir-cleaning contract for one of his companies.

Marcus told the court that he had planned to make "millions of dollars" in payoffs in his job. One plan, he said, was to withhold permission for a Con Ed power line project line project until a Fried company got the contract. Fried has been arrested, but not indicted, on charges of conspiring with Marcus and others in that instance also. It was failure to report that alleged attempt that produced the firing of Gerald B. Hadden, Con Ed's vice president for construction.

HOW WIDESPREAD?

Con Ed says it is related to the conspiracy only in being the prospective victim. No Con Ed officials have been indicted. But the allegations last week of massive bid-rigging among the city's biggest contractors raised questions as to how much such illegalities might have cost Con Ed over the years. Mr. Luce discloses that another, lower-ranking official, was fired at about the same time as Mr. Hadden for accepting a substantial Christmas gift from Fried.

In a statement last Tuesday, Mr. Luce said Con Ed is considering damage suits to recover losses from the defendants in the bid-rigging case, if they are convicted, and he said that the company "has changed its purchasing and cost-estimating procedures in a number of ways intended to achieve more effective competition among bidders and lower costs for the company."

A consultant who studied Con Ed before Mr. Luce's arrival says he became concerned about relationships between some company officials and contractors. But he says he received a "very cool" reception when he passed this news along to top management. "After a time, I didn't know who I could go to," he says.

Mr. Luce hopes to end such suspicions. He also says he is ending the practice of having contractors play a large part in the company's dealings with city officials. "We have changed this to approach city officials directly," he says. "Every time we go to see a city official now, we find a whole roomful of people, and everyone seems to be extremely nervous." The nervousness is a legacy of the Marcus scandal.

CUSTOMER AND LANDLORD

Con Ed's relationships with the city always have been delicate and complex. The city last year bought $75.2 million worth of electricity, gas and steam from Con Ed, and Con Ed pays the city about $160 million in real estate taxes each year. While Mayor Lindsay and Mr. Luce enjoy a cordial "John" and "Chuck" relationship, the cordiality dissipates in public acrimony over Con Ed's rates.

The mayor accuses the utility of charging "incredible" rates, while Mr. Luce suggests that elected officials find Con Ed a handy scapegoat. "I think the mayor believes there are votes in whipping old Con Ed," Mr. Luce suggests.

The city's ire extends to the Public Service Commission, the state agency that regularly approves Con Ed rate increases, the most recent a $32.4 million hike placed in effect in 1966. "We feel the PSC in no sense represents the consumer," says Deputy Mayor Timothy Costello. "It seems to be far more interested in protecting the utility."

Mr. Luce argues that the PSC is "tough" on Con Ed. The PSC declines comment on grounds that it is investigating Con Ed's gas rates and local power failures. C. Girard Davidson, a utility expert commissioned by the city in a challenge to the last rate rise, was sharply critical of the PSC in a report. He charged that the PSC fails to exert proper supervision over Con Ed, and noted that the PSC has in the past prohibited the city from examining Con Ed's books.

Mr. Davidson pointed out that the commission's auditing staff is regularly stationed in Con Ed's offices, and that Con Ed in effect pays the auditors' salaries, by reimbursing the PSC for accounting costs. There are other, similar, situations. Con. Ed, for instance, pays $18,000 a year in salaries for two city employees who assess the tax value of transformer vaults installed by the utility; the utility, in effect, pays for its own tax assessments.

SEEING THINGS ALIKE

Close, prolonged working relationships tend to produce a single point of view among utility executives and city officials. One consultant recalls an interview with a city electricity official. "He threw out every idea I offered. They've been dealing with Con Ed so long, they reflect Con Ed's thinking."

William Wall, a new vice president at Con Ed, estimates that the utility "brushes up against government at about 75 different levels." It must contend as well with the general public and special interest groups affected by its operations, as in the utility's proposed $185 million pumped-storage hydroelectric plant on the Hudson River at Cornwall.

First proposed in 1963, the project ran into stiff opposition from conservationists who feared damage to fish and from groups that want to preserve the beauty of the river. In pushing for the project, the utility has spent more than $15 million, including a $2.8 million water system being built for the village of Cornwall.

Foes of the project charge that Con Ed is "buying" the village's approval. Con Ed denies this. "We don't see anything nefarious or unethical in this," Mr. Luce contends. "We're damned if we do, damned if we don't. If the village had been opposed to the project and we had fought them, then we'd have been accused of acting as the big bully."

Such delays force the utility to continue operation of other, obsolete plants, an expensive proposition. Twenty-three of Con Ed's 65 generators are more than 40 years old, and the older equipment contributes heavily to air pollution. But Con Ed, which now pumps more than 35 tons of soot into the air each year, says it will cut the figure to 12.5 tons by next summer.

EXPENSES AND SAVINGS

That effort is costing the utility $150 million, and other innovations, such as doing much work that formerly was contracted out, also are costing Con Ed heavily. But a cost-cutting program instituted by Mr. Luce is saving Con Ed about $15 million annually.

By threatening to do its own hauling of coal, the utility got a $90,000 reduction in the rates it pays an outside barge company. Buying equipment abroad, another innovation of the Luce management, also is saving money. The company recently ordered a turbine from a British company for $24 million, 20% less than U.S. bidders would have charged.

Mr. Davidson, the utility expert commissioned by the city, charged that Con Ed had paid "terrifying" legal fees in years of no particular crisis, including $1.6 million in 1967. Mr. Davidson also scored "exorbitant" institutional advertising by Con Ed; in one year, the New York utility spent $1.9 million on such ads, while Commonwealth Edison spent $80,000 and Pacific Gas & Electric $159,000.

Mr. Luce says Con Ed is going to reduce its outside legal work and expand its own legal department. Institutional ads have been eliminated, he adds. The chairman even got rid of two of the company's four Cadillacs, and uses his rarely. "It's not the best public relations in a crowded city like New York, where a smaller car (a medium-sized Chrysler, in his case) makes more sense," he says.

JAMES E. WEBB

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 20, 1968

Mr. TEAGUE of Texas. Mr. Speaker, the Honorable James E. Webb, Administrator of the National Aeronautics and Space Administration, has announced his retirement effective October 7, 1968. Jim Webb, statesman, business executive, educator, and leader of our national space effort has made the difficult decision to retire knowing that he has created an outstandingly competent NASA-industrial space team which can accomplish the objectives which he has shaped. All of this has been done within the framework of a bipartisan spirit. Our space program is and has been an effort of the whole Nation and not the property of one group or another. Jim Webb has well represented this point of view and this approach to our national space program. His record of Government service has been long, exacting, and demanding. Jim Webb has met the test of great responsibility and the demand of leadership. His abilities as a manager and a leader will be sorely missed. But he can leave NASA with a realization that he has established the greatest technological team that the world has ever known—a team well capable of reaching the goals which have been set forth.

Jim Webb would never have announced his retirement had he not assured himself that this great team that he has developed could continue on at the highest level of capability. At 62 years of age Jim Webb is retiring from the National Aeronautics and Space Administration, yet I look for his great energies, skills, and leadership to continue to provide service in whatever he may choose to do.

I share with Mr. Webb his continuing concern that the Soviets are determined to be the No. 1 power in space. Jim Webb has counciled us often and with great clarity on the seriousness of such a situation. We must heed Jim Webb's warning that the United States should be first in space. James E. Webb, Administrator of the National Aeronautics and Space Administration is to be congratulated for his unselfish dedication and great skill in leadership that he has demonstrated throughout his Government service and particularly with the National Aeronautics and Space Administration. It will be difficult for any man to fill those large and capable shoes.

Under leave to extend my remarks in the RECORD, I wish to include an article written by Garnett Horner which appeared in the Evening Star for September 16, 1968:

WEBB SAYS HE'LL RETIRE NEXT MONTH

(By Garnett D. Horner)

James E. Webb, head of the nation's space program for nearly eight years, will retire Oct. 7 as administrator of the National Aeronautics and Space Administration.

In announcing this today, Webb said Russia will be ahead of the United States in space for several years to come, but insisted that failure to win money from Congress for a more ambitious space program had "nothing whatever" to do with his retirement.

Webb said he and President Johnson had been planning on his retirement for the past year.

PAINE IN LINE

He said the President plans to name Dr. Thomas O. Paine, acting administrator of NASA when Webb leaves the agency. Paine was named deputy to Webb six months ago.

Webb, who noted that he had spent 25 years of the last 40 in full time government service, told reporters at the White House of his retirement plans immediately after conferring with the President.

He said the Oct. 7 date for his retirement was picked because he will be 62 years old on that date.

Webb has served previously as Budget Bureau director and as undersecretary of state.

He said that when he retires from NASA he does not intend to take any fulltime or paying job.

But he said he had agreed to remain as a consultant to NASA until Jan. 20, when Johnson will leave the White House.

In the future, he said he expects to spend some time in studying how technology developed in the space program may help solve some of America's urban problems.

While he will leave NASA "well prepared to fly out planned mission" in space, Webb said, he is "not satisfied" with the program because funds have not been provided to prepare for new missions in the 1970s and to enable the U.S. to "go forward to achieve a first position in space."

WARY ON '70 TARGET

Webb was wary of predicting that America will be able to land men on the moon by 1970—a target set several years ago by the late president John F. Kennedy.

He said the question of putting Americans on the moon will be clearer next spring after completion of planned test flights of the projected moon landing vehicle and Saturn 5 booster rockets in the Apollo program.

Webb noted that in making plans to put Americans on the moon by 1970, NASA had calculated the 15 Saturn 5 boosters would be needed to gain the necessary experience. This program was cut down to eight and now is down to seven planned Saturn 5 flights, he said, and "the question is whether we will win enough experience to do it in No. 7."

Although Russia will remain in the "No. 1 position" in space for several years to come, Webb said NASA will have the capability to start new programs as needed.

But he said that Russia will be flying soon a bigger booster than Saturn 5—the biggest the U.S. has. And he noted that production lines for building more Saturn 5s have been cancelled.

In response to further questions, Webb said he had thought that the U.S. had reached parity with the Russians about 2 or 2½ years ago except in heavy boosters and big spacecraft.

"They have been ahead of us all the time in that field," he said.

Webb said he did not know the President's plans for naming a new head of the space agency except that Paine will become acting administrator Oct. 7.

Paine, 46, spent 19 years with the General Electric Co. When he joined NASA, he was executive officer of TEMPO, a GE technology development unit in California known as the company's "think tank."

Webb described Paine as "qualified to run the job."

Paine's scientific background is unusual. He is a well decorated former submarine officer, a qualified Navy diver, a specialist in nuclear power plants using liquid metals, and a metallurgist. He holds a number of basic patents in magnetism.

Paine also headed GE's Instrument Division at Lynn, Mass., and helped develop guidance instruments in aviation and aeronautics.

But he also has a background in the less scientific area—while at TEMPO, for example, he worked on problems ranging from urban transportation to economics.

He says he looks to the manned flights to the moon as "one of the greatest human ventures of the century."

Paine is a graduate of Brown University and holds a commission from the Naval Academy and a doctorate from Stanford.

ANTITRUST AND THE ELECTRIC UTILITIES

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, September 20, 1968

Mr. METCALF. Mr. President, private power companies are stepping up their campaign against public power systems. The antitrust implications of this effort were discussed Tuesday by my executive secretary, Vic Reinemer, before the Municipal Electric Association of Massachusetts. I ask unanimous consent that Mr. Reinemer's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF VIC REINEMER TO THE MUNICIPAL ELECTRIC ASSOCIATION OF MASSACHUSETTS, LENOX, MASS., SEPTEMBER 17, 1968

When I was asked by Lance English and Curt Lancioni to talk to the Massachusetts municipals I accepted perhaps too readily. My response was affirmative and eager because of the memories I had of a trip here last year which was something like a homecoming.

I was to testify before the Massachusetts Consumers' Council on Beacon Hill. When I entered the Capitol, one of the first men I met was the lobbyist for the Massachusetts power companies. It was just like walking into the state capitol in Helena, to be greeted by the lobbyist for Montana Power. They even look alike.

It's that well-fed, "I've got mine—do you want yours?" look.

Then I got on an elevator and, quite by chance, met the then chairman of the Massachusetts Department of Public Utilities.

I noticed that this man had a copy of my book under his arm. So I complimented him on his choice of reading material. He proceeded to comment on a certain section of the book with animation, as had the chairman of the Montana commission. So, by the time I got into the hearing room I felt completely at home. Mike Collins of Wakefield dropped me off at the airport afterward and I resolved to return soon.

After accepting this year's invitation, though, and seeing the rest of the program, I had qualms. I noticed that I was to speak following a two-hour social hour, which was to follow an afternoon of unscheduled activity. I began to wonder how much of a message, if any, would be in order after such an afternoon and evening.

So I decided to consult your trade organization. After all, you maintain these experts in Washington, to give advice and counsel to representatives of government as well as yourselves. Why not get their guidance? So I called APPA.

The technical question I put was:

What does one say to members of a municipal association, their wives and girl friends, following a two-hour social hour preceded by an afternoon of unscheduled activity?

The response from Frank Frisk was swift and to the point.

"Vic," said Frank, "in those circumstances it won't make a bit of difference what you say!"

Thus relieved of responsibility, I decided to talk tonight about sex and Frank King.

The publisher of *Overcharge* has always been troubled by the Puritan ethic which pervades the book. We talk about bills, not pills. The chapter heading about who's under the bed is most misleading.

Even when we tried to loosen up, and had this poor family choosing between electricity and education, instead of having the man drop his subscription to *Playboy,* which of course could cause serious emotional and psychological problems, we simply have his wife primly drop the subscription to Parent's magazine.

But all that was before Frank King got into the act.

He and I were on a television interview program together in Boston last year. We were going through the preliminaries, telling a morning audience of housewives about the light bill, and had mentioned the abbreviated phrase for the investor-owned utilities, the I.O.U.s.

Coincidentally, our host on the TV show had been talking the day before about the I.U.D.—the birth control device popular with the Indian government if not its constituents.

Well, the host got mixed up. He substituted I.U.D. for I.O.U. Frank was on camera. The switchboard panel lit up. Phone calls flooded in from all these housewives who wanted his assistance. For a fleeting moment I thought that we had finally hitched the power issue to an irresistable and eternal force.

There is a lot of discussion of law and order during these campaign months. Sometimes the phrase is expanded to law, order and justice. I would like to say a few words about Justice—Justice with a capital J.

Last week I accompanied Senator Metcalf to the Justice Department. We discussed electric power matters with the assistant attorney general for antitrust and his staff. Some of the participants in that meeting came directly from a meeting with Mike Collins, Jim Baker, George Spiegel and Worth Rowley, who discussed with them antitrust matters that especially concern this association.

Certainly the Justice Department could say, last week, as it has written in correspondence over the past year and a half, that antitrust problems in the electric power industry are "under active consideration."

In one sense the Justice Department has made noticeable progress. This summer, for the first time in modern history, it filed an antitrust suit against a power company, in fact two companies, in Florida. And the heavens did not fall.

The Department alleges that Florida Power Corporation and Tampa Electric have eliminated competition between themselves for sale of wholesale power by making an arrangement as to how they would divide up the market.

At least a case was filed. That's more than can be said about the Department's record of exercising restraint on the nation's largest industry in previous years.

From 1961 through 1967 the Department filed 401 antitrust cases, none of them dealing with electric utilities. Nor did the preceding Eisenhower-Nixon Administration file any antitrust suits against the power companies. There was, in that period, a remarkable antitrust case involving price-fixing by manufacturers of electrical equipment. It was instigated by a Federal power agency—the Tennessee Valley Authority, a municipal power system—the Los Angeles Department of Water and Power, and a United States Senator—Estes Kefauver.

The catalyst in that case was a grand jury investigation. The result was prison terms for seven corporation executives, suspended sentences for 23 men, fines of $2 million for 29 companies and settlements in excess of $400 million for utilities which had been overcharged for equipment—and an amazing ruling by the Internal Revenue Service that permitted antitrust violators to deduct the damage payments as a necessary business expense!

It was the small public power segment of the industry, and a Senator with dogged determination, who broke up the price-fixing conspiracy and thus performed a public service and reduced costs for consumers of both private and public power.

I believe some analogies can be drawn between the situation then and the situation *now,* which in some ways is much more serious.

The I.O.U.s advertise nationally and repeatedly that they "can supply all the power that a growing America needs." They do not say that you and they, or you and the privately-owned co-ops and they, can do the job. No, they alone, can supply it all. In other words, complete monopoly. No municipals. No co-ops. No public utility districts. No competition.

I heard Donald C. Cook, head of American Electric Power, elaborate on that theme before the Federal Bar Association in Washington last fall. Mr. Cook would like to see about a dozen big power systems in this country. He regards most present systems as "obsolete, wasteful and expensive" anachronisms.

That's you he is talking about—you people who run municipal power systems, that sell more power at less cost than the I.O.U.s do.

Alex Radin followed Don Cook on the program. He did a beautiful job of rebuttal. And I liked Federal Power Commission Chairman Lee White's comment to Mr. Cook: "I don't see how you can be for that," said Mr. White, "and also favor a pluralistic electric power system."

The investor-owned utilities are not for a pluralistic electric power system. Their goal is complete monopoly. The effect of their effort to achieve that goal, will be higher local taxes and increased charges for utility services.

Cities and towns across the country are faced with more and more financial responsibilities. Despite the Federal aid programs, the local governments will have to raise money somewhere for law and order, pollution abatement, urban renewal, sewer and street improvement. I don't know of any program where the Federal Government in Washington or the State government in Boston or Helena or a private corporation comes into city hall with a check for the full amount and says: "Here's the money—fix things up."

No, the primary responsibility rests with the local governments. They are going to have to come up with new sources of revenue. There aren't many. And the public has had enough of increases in the property tax and the sales tax.

The cities and towns which have their own power systems have an advantage over the cities served by investor-owned utilities. From coast to coast, from Holyoke to Seattle, municipal power is providing more power for less money, and more essential city services as well.

Private power companies are stepping up their campaigns to buy out municipals. I think the I.O.U.'s have decided it is easier to move fast on the sell-out campaigns than it is to explain how municipal systems, which provide more power at lower cost, are somehow obsolete, wasteful and expensive anachronisms.

The Mayor of Detroit proposes to sell the city's public lighting facilities to Detroit Edison, whose ubiquitous chief executive, Walker Cisler, also happened to be the mayor's campaign treasurer.

Alleghan, Michigan's municipal system has been acquired by Consumers Power Company—which despite its name is an I.O.U.—and the FPC has denied a rehearing requested by opponents of the sale.

Waterville, Ohio sold its system to Toledo Edison.

Northern States Power, possibly miffed because the citizens of Le Sueur, Minnesota have again declined to sell their system, is starting sell-out campaigns in six other Minnesota cities.

There are sell-out campaigns in five Ohio cities and towns including Caldwell, which Ohio Power, a subsidiary of American Electric Power, is after.

That one, Caldwell, Ohio may be on the ballot this November. I think the people in that town should get ready for a rough campaign. I saw what American Electric Power put out in Danville, Virginia through its subsidiary, Appalachian Power. It was mean stuff and you should know about it.

The Danville municipal produces most of its own power. It would like to produce all that it needs, instead of having to rely on the American Electric Power system for about 15 per cent of its load. The city proposed to finance its expanded requirements through sale of bonds.

American Electric Power did not want Danville to be independent. AEP moved in with the saturation technique, on radio, in the newspapers and on the speaker's circuit. The attempt of Danville municipal leaders to take care of their own expanding power needs was portrayed as Un-American. One of the ads asked the voters whether this was Danville, Virginia, or Danville, Russia.

The company's campaign succeeded. The bond issue was narrowly defeated. The New York holding campaign kept its hold on a Virginia city.

Now I know that American Electric Power and its chief executive enjoy a deserved reputation for efficiency. And he is close to all the movers and shakers in Washington, some say even closer than Walker Cisler of Detroit Edison.

This is all the more reason why close attention should be paid to his campaign against small, independent, locally-controlled systems and the questionable campaign tactics used by his organization.

Speaking of campaign tactics, Senator Metcalf, when in North Dakota recently, picked up some interesting accounts of methods used to defeat a proposed municipal in the town of Velva, served by Montana Dakota Utilities. The good people of Velva were told that they would have to have the house rewired if a municipal served them.

You know, there is an organization known as the Fair Campaign Practices Committee, headed by Charles Taft. It will, of course, have its hands full for the next couple of months. But if it wants to perform a real public service after the national elections, it will interest itself in these municipal power elections.

In state after state, individual companies and combinations of companies are working toward their objective of destroying the small but vital public power movement. If defeated at the polls locally the companies use their other economic and political powers to throttle locally-owned systems.

Elbow Lake, Minnesota voted to go municipal, erected a distribution system. It obtained an allocation of Bureau of Reclamation power. Otter Tail Power Company has refused to wheel the power to which the municipal is entitled, forcing it to rely on high cost diesel generation.

Otter Tail has similarly refused to serve Hankinson, North Dakota. Hankinson had voted two to one for a municipal power system. Last month the town council, unable to finance that fight for its own power system, agreed to give Otter Tail a franchise.

In Pennsylvania, Duquesne Power has refused to sell power to the town of Pitcairn, despite the fact that Duquesne does deal with other utilities.

In California, Pacific Gas and Electric and San Diego Gas and Electric refused to wheel power to two preference customers, Anza Electric Cooperative and Mountain Empire Rural Electric Cooperative.

In Florida, the city of Gainesville has been unable to obtain an interconnection and back-up service from Florida Power Cooperation and Florida Power and Light.

And the biggest example of all is the one you know better than I, the refusal of the New England utilities to permit your systems to enter into planning or pooling and your exclusion from participation in large generating operations in which you seek to be paying partners.

In my opinion there is substantial evidence of a planned, nationwide attempt by the investor-owned utilities to destroy or seriously injure public power systems, and to achieve that end, with consequent increase in monopoly and hardhip on consumers, by irregular means. I believe that the appropriate forum for gathering the facts of the matter and acting upon them is, as it was nine years ago in the electric equipment conspiracy case, a grand jury. And I think that the time to impanel a grand jury is now.

Federal Power Commissioner Charles R. Ross, in a notable dissent on the Rushville, Indiana sell-out case, said in April, and I quote:

"I don't want the consumers to learn too late the benefits of having a strong public power system. At some period of time, we shall reach the point of irreversibility in the structure of the electric industry."

"I think," he said, "we are approaching that time . . ."

Charlie Ross is leaving Washington this month, going back to Vermont. That is good news for Vermont but bad news for the rest of us.

New England has sent both to Congress and the Commission men who helped immeasurably on electric consumer issues.

Senator Muskie's report on State Utility Commissions has aroused fear among I.O.U. officials, simply because they fear widespread circulation of the facts of regulation.

Among the five cosponsors of Senator Metcalf's Utility Consumer Counsel bill, S. 2933, is your own tremendous Ted Kennedy. The late Senator Robert Kennedy, who did so much for us all, was another. And so is the revered Senator Aiken of Vermont.

And as some of you know, the co-author of the Public Utility Holding Company Act, a former Senator from Montana, Burton K. Wheeler, is a native of Hudson, Massachusetts—another one of your municipal members—who got fleeced in a poker game in Butte and couldn't come home.

I have only one observation to make tonight on our utility consumer counsel bill, which would simply make full information available on utility operations, provide for representation of the public's case before courts and commissions and provide grants to universities to study the utility business. Some opponents of the bill fear it would cost a great deal. I always like to put the cost of our proposal in local perspective. The total expenditure authorized annually under that bill is less than the annual secret expenditures of the Defense Department at M.I.T.

Thurman Arnold, who once headed a once vigorous antitrust division of the Justice Department, observed that the Sherman Act made possible from time to time ceremonial observances of the American belief in competition. I commend those municipals and municipal associations, including yours, which have decided to stand and fight on the anti-trust issue, just as others chose to fight the price-fixing conspiracy nine years ago. It is a survival issue and you here in Massachusetts are providing the national leadership.

I think it appropriate that the town of Concord, where once the embattled farmers stood, is a member of your group.

For now, as in 1775, the citizens of Massachusetts, this time through your association, are standing at what the poet called "the rude bridge that arched the flood."

The pert battle cry of that event can be yours today.

On to Boston!

NEW U.S. PROBLEMS OVER SOVIET ROCKETS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 20, 1968

Mr. TEAGUE of Texas. Mr. Speaker, in the September 10, 1968, issue of the Washington Post, Staff Writer George C. Wilson discussed our position relative to the Soviets in the conquest of space and its use for military purposes. As Mr. Wilson points out the Soviets have planned and built large rockets for the express purpose of being preeminent in the vast ocean of space. This important article is included in the RECORD so that all the Members and the general public may benefit from the important message it contains:

NEW U.S. PROBLEMS OVER SOVIET ROCKETS

(By George C. Wilson)

The Soviet Union's penchant for thinking big in rocketry and spacecraft is confronting the United States with a whole new set of problems in this tenth anniversary year of American space flight.

It was not too long ago that U.S. officials rather smugly explained to Congressmen and others that the only reason Russian rockets were bigger than ours was that Ivan had not mastered the technique of making small warheads for them.

But that old superior attitude is giving way to deep concern as some of these same officials see new payoffs for the nation which can build big because of powerful rockets. There are even warnings coming out of the civilian National Aeronautics and Space Administration that the stage is being set for another "sputnik."

The warning rings true enough for both Presidential candidates to take out some insurance. Vice President Humphrey made sure the Democratic platform had plenty of positive statements about the vitalness of the national space program. Richard Nixon, while not hammering similar statements into his Republican platform, has just asked his staff to prepare a white paper on the national space program so he can make up his mind where to stand on the issue.

No one is willing to predict what form a new Soviet psychological sputnik would take. Instead, it is a gut feeling among space leaders that the United States will pay the price eventually for cutting back on its space program while the Soviets move right ahead on all fronts with theirs.

Even the monstrous Saturn V rocket being readied at Cape Kennedy to take three American astronauts to the moon by 1970 does not look big enough to close the thrust gap.

NASA Administrator James E. Webb—one of the most underrated administrators in Washington—warns that the Soviets are about to fly a rocket much bigger than the 7.5 million pound thrust Saturn V.

The bigger the rocket the bigger the chance the Soviets would have of beating the Americans to the moon, of putting a group of men up in space on the first orbiting laboratory, and of exploring the planets.

Skeptics can dismiss Webb's warning as "the Russians are coming" lobbying by an administrator trying to get money for his agency. And there already are lawmakers who question whether the existing national space program is necessary after all, given such domestic problems as the ghettos.

But there is no such complacency among military leaders at the Pentagon. The Soviet SS–9 rocket is a case in point.

The SS–9 is powerful enough to carry an H-bomb as big as 25 megatons, according to the high side of intelligence estimates. This compares to the U.S. Minuteman warhead of one megaton, plus.

Until now U.S. military analysts figured the SS-9 was relatively inaccurate—accurate enough to hit American cities but not missile sites.

But there is fresh evidence the Soviets are working on a MIRV (multiple-independently-targetable-re-entry vehicle) warhead for the SS-9. This changes things.

MIRV is the technique of putting several H-bombs on one ICBM and sending each of the bombs to a different target or all to one target. One SS-9 could send nine one-megaton bombs to the United States, according to some estimates.

Again, this tremendous load of destruction is made possible by the weight-lifting capacity of the Soviet Rocket. Minuteman 3, with a MIRV warhead, would have a total load of considerably less than one megaton.

So the Soviet MIRV complicates the problem of negotiating any offensive-defensive missile freeze with the Russians. The standing calculations on who has what must be revised.

The military Joint Chiefs of Staff would be reluctant to agree to a missile freeze as they figured the Soviets were way ahead in MIRV. The Chiefs' support is vital to getting any arms treaty through the U.S. Senate.

Besides worrying about the number of warheads the bigger Soviet boosters could carry, military leaders must worry about whether an SS-9 with a cluster of H-bombs up front represents a shift in Soviet strategy. Instead of aiming at cities, the Soviets could be working toward a counterforce offense—weapons to knock out our ICBMs before they can be fired.

Big multi-headed Soviet rockets do not foreclose a U.S.-U.S.S.R. arms limitation agreement. But they do put fresh obstacles in its path.

A less nightmarish but still important byproduct of the Soviet emphasis on big boosters is the luxury of weight it affords for communications satellites. The United States is communicating with satellites weighing 357 pounds at launch and 192 pounds in orbit. The Soviets are talking about launching 1000-pound satellites for a competing international communications system.

Before long, it is quite likely the United States and its communications satellite partners will be vying with a Soviet combine for international business. The Soviet Union's bigness in boosters and payloads will be an advantage in this contest between the two AT&Ts of space.

VICE PRESIDENT HUMPHREY'S OPPOSITION TO TRUCK BILL

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 20, 1968

Mr. McCARTHY. Mr. Speaker, I am delighted by the positive stand that Vice President HUMPHREY has taken in opposition to the bill pending in the House which would permit longer, wider, and heavier trucks on our highways. Once again, Mr. HUMPHREY has taken a strong, unequivocal position on a controversial issue. He states in no uncertain terms that he opposes the bill. I am hopeful that with his stanch support this truck bill will be defeated.

The Vice President's statement is as follows:

I oppose the legislation that would increase the vehicle weight and width limitations on the interstate highway system. In my opinion, it is not in the overall interest of the general public to permit triple-trailer trucks on our major highways and inevitably, on the streets of our cities and towns.

On this issue, as on most others, Mr. Nixon has planted his feet firmly on both sides of the street. He says the bill "raises serious issues" and he opposes action this year by the House of Representatives. But he also says his administration would "take a new, hard look" at the bill.

In my view, legislation not in the public interest in September is not likely to become so in January. I oppose the legislation. Period.

THE NEED FOR TAX REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 20, 1968

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the text of the fifth in a series of radio broadcasts to Ninth District residents:

If this nation really wants to get its fiscal house in order, then a major overhaul of the Internal Revenue Code is needed. The tax laws have not been thoroughly revised since 1954. The job is long overdue.

Each year billions of dollars are lost as federal revenues because of tax loopholes and glaring inequities that exist in the current law. And Senator Russell Long, Chairman of the Senate Finance Committee, estimates that current law allows about $100 billion of personal income not to be reported on federal tax returns at all.

My sense of fair play is jarred by this knowledge.

CURRENT LAW AND TAX PRACTICES

In theory our tax system is progressive—a system based on the principle that a person should be taxed according to his ability to pay. In other words, the greater a man's income, the higher should be the *percentage* of his income that he must pay in taxes. Disregarding the recent surcharge, taxes are currently levied at rates ranging from 14% on incomes under $5,000 to 70% on incomes over $100,000. These rates are levied on taxable income, income after deductions and exemptions. Experts testify that in theory our tax laws are designed so that low-income families should pay about 7% of their gross, or total income in taxes and that upper-income families should pay about 50% of their gross, or total, income in taxes.

In theory, this is the promise of our tax structure.

In practice, what are the real workings of our tax policies?

1. In 1965, the average taxpayer who earned less than $5,000 a year paid 7.3% of his gross income in taxes. He is paying his fair share according to the theory. However, at the upper end of the income scale, the taxpayer earning $50,000 or more paid only about 25% of his income in taxes. So the high-bracket taxpayer is actually paying only half of his fair share. In short, a tax system designed to be progressive is not so progressive, and the little fellow in America is paying the cost.

2. In 1965, 35 taxpayers with incomes in excess of $500,000 a year paid no income tax at all. And all totaled, in 1965, 5,381 taxpayers with incomes in excess of $20,000 a year paid no income tax.

3. In 1962, 3 taxpayers with incomes in excess of $5 million annually did not pay one cent of federal income tax.

4. In the period 1962 to 1966, one of the 20 major companies in this country did not pay one single cent in federal income tax even though in the year 1966 that company earned in excess of $127 million. Another company in the period 1962 to 1964, while it was earning in excess of $80 million, paid no income tax whatsoever, and in fact claimed in excess of $4 million in tax credits.

5. In 1964, as a result of the oil depletion allowance the 5 largest U.S. oil refineries paid the following percentages of their income in federal taxes: Standard Oil of New Jersey—1.7%; Texaco—0.8%; Gulf—8.6%; Mobil—5.9%; Standard Oil of California—2.1%.

These tax payments were made by the oil companies in a year in which other corporations were being taxed at the rate of 48%.

THE PROBLEM

Although the American tax system promises to be progressive, these facts make it clear that it is not. Tax laws are filled with special provisions which enable the lucky, and the shrewd, and the politically powerful to escape paying their rightful tax bills. Billions of dollars are being lost because of these tax loopholes and inequities. In a time when we are asking the average American and the poor American to pay more taxes, we ought also to be asking the rich and the powerful men to pay at least their fair share of taxes. And they don't today.

RECOMMENDATIONS

The Expenditure-Revenue Control bill passed by the 90th Congress required the President to submit to the Congress by the end of 1968 proposals for a comprehensive reform of the Internal Revenue Code of 1954. The Congress should do more than read this report, it should pass real reforms. I recommend that the Congress promptly consider closing the following 10 major tax loopholes. If all these loopholes were eliminated, the Treasury would earn more than $4 billion in new tax revenues.

1. Tax capital gains that now go untaxed at death. The federal revenues this year will be about $2.5 billion less because capital gains income on appreciated property that is passed on from generation to generation legally escapes all taxation. This loophole greatly favors those who have large amounts of accumulated wealth.

2. Eliminate the unlimited charitable deduction. A painless way to raise $50 million would be to abolish the little known loophole called the unlimited charitable deduction. The ordinary taxpayer may not deduct more than 30% of his income for his contributions to charity no matter how much he gives. This is not so with the millionaire. A special dispensation in the law allows him to deduct gifts to charity without limit, if in the 8 of the 10 previous years a total of 90% or better his taxable income has been given to charity or paid in taxes. In this way, the rich man can virtually escape paying income taxes, while giving away, or paying in taxes, substantially less than 90% of what he earns.

3. Eliminate special tax treatment for stock options. As a result of the stock option loophole, top executives of large corporations are able to receive part of their pay at favorable capital gains rates. The tax dodge works this way. When a corporation rewards an executive with a bonus or a raise, he must pay income tax on these at ordinary rates. If, however, the corporation rewards him by giving him on option to purchase its stock, the profit the executive receives when he sells the stock is taxed as a capital gain, at a maximum tax rate of 25%. Closing this loophole would save us $100 million a year.

4. Eliminate the $100 dividend exclusion. In 1964, one out of every seven taxpayers got a tax break which his fellow taxpayers did not. The lucky ones were generally the high bracket taxpayers who invest in stock. They paid no tax on the first $100 worth of dividends which they received. Abolishing this special privilege would increase treasury revenue by $200 million a year.

5. Eliminate the benefits derived from multi-corporations. A popular way to avoid high tax rates is to divide the income from one business source among a number of largely fictional companies. In other words, you divide a single business enterprise into a number of separate parts just to receive lower tax rates. Abolishing this loophole would save the Treasury $150 million annually.

6. Reduce the oil and mineral depletion allowance. All oil and mineral allowances should be reduced to 15%. This reduction would save the Treasury $800 million annually.

7. Establish the same rate for gift taxes and estate taxes. Proposed here is a simple 25% increase in the gift tax rate so that property given away is taxed at the same rate without regard to whether it is given during the donor's lifetime or at his death. This change would save us all $100 million a year.

8. Eliminate the payment of estate taxes by redeeming government bonds at par value. This would save us another $50 million.

9. Eliminate accelerated depreciation on speculative real estate. This would save us another $100 million.

I do not claim that this list of tax changes is exhaustive. Other loopholes undoubtedly exist within the elaborate maze of the Internal Revenue Code. But these changes could be a good beginning toward a fairer tax policy.

Tax reform is a long, arduous road, but the Congress should begin on the journey now. It is a monumental task to have fairness and equity in our tax code, but we can no longer use the complexities of the task as a proper excuse for delay.

Mr. Average Taxpayer deserves better treatment from his Government.

A MEMBER OF INDIA'S PARLIAMENT SPEAKS ON THE CZECH CRISIS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 20, 1968

Mr. COHELAN. Mr. Speaker, a friend of mine, Mr. Asoka Mehta, is one of India's outstanding political leaders and thinkers. Since his nation's independence in 1947, as leader of the Socialist Party and now as a member of the Congress Party, he has been in the forefront of India's economic development.

During the vigorous debate over the Czechoslovak crisis in the Lok Sabha, the lower house of India's Parliament, Asoka Mehta broke rank with his party, voting to condemn the Warsaw Pact countries for their heinous action in Czechoslovakia. He also resigned from his Cabinet position as Minister of Petroleum and Chemicals.

I would like to share with Members of the House his courageous speech presented in the Lok Sabha, hailing the Czech "bid to liberalize and democratize the political life of their country." I suspect that Mr. Asoka's speech states what the vast majority of Indians feel about their brethren in Prague and in Eastern Europe in general over the course of events which they have experienced during the past several months.

With your permission, Mr. Speaker, I insert Mr. Asoka's speech at this point in the RECORD:

SPEECH ON CZECHOSLOVAKIA BY SHRI ASOKA MEHTA, MP, IN THE LOK SABHA ON AUGUST 30, 1968

I am very grateful to my friend Shri Surendranath Dwivedy for giving us this opportunity to express our concern for and solidarity with Czechoslovakia.

Why are we so concerned about Czechoslovakia? Because of its history, its long history of struggle for freedom, of a profoundly rich culture and traditions of which any country can be proud. We are concerned with Czechoslovakia because we have enjoyed the valued friendship of that country; it rushed to our help when we were in difficulties, to strengthen our defences; it has helped us to build up our economy.

I know something about it because for a period of time I was Co-chairman of the Economic Commission between India and Czechoslovakia. We are more concerned about Czechoslovakia because there a struggle of paramount importance is being waged and people are struggling to make socialism—or, the proper word is communism—humane. It is the effort at giving humanity, imparting humanity, into communism that evokes our admiration.

It is not only a struggle for humane communism; it is also a struggle for humane international order. Between nations and between peoples, there has got to be a civilized code of behaviour, a code of behaviour which would evoke the allegiance of the 20th century man. Because it is that kind of struggle that is being waged there, that as socialists we are deeply and profoundly concerned.

Sometimes, it is said: why is it that some of us take such keen interest where the communist countries are involved? The reason is very simple. Those who claim to be the wave of the future have to maintain standards which have to be very different from those who are only the backwaters of the past.

The communists claim to be the wave of the future. We are entitled to judge them by the standards that history demands of us.

In this House there are many of us who are friends of the Soviet Union. I have myself had various opportunities of dealing with the leaders of the Soviet Union and but for the changed circumstances I had already planned a visit to the Soviet Union next month. Therefore, there is no question of our not being friendly with the Soviet Union. Because we are friendly to the Soviet Union, it becomes all the more necessary that when that country makes a grievous mistake, we do not hesitate to voice our protest and our deep regret.

Czechoslovakia has many lessons to teach us. When the people are endowed with a purpose and when the people are able to have a leadership that is committed to a cause, nobody is able to cow them down.

There are many colleagues of mine in this House who are constantly worried about arms. They do not know what will happen to India if we do not get all the arms that we need. I too am concerned about my country's defence. But it is not arms that will ultimately save a people; it is the mind and the heart of the people themselves.

If there is one country in the world that teaches this lesson that when the people are united, when they are filled with noble purposes, when their groupings are graced with a goal and when they have a leadership which is able to inspire them, even the mightiest army is not able to do anything that is Czechoslovakia. Trying to shape our policies in the quest of arms may have validity up to a point. But when we are concerned with deep and profound issues, we must ultimately anchor our hopes in the unity and the faith of our people and not in borrowed arms.

Then again, Czechoslovakia: whatever has happened, it was said that 10 days shook the world in 1917, two days shook the world in 1968. In these two days, the people of Czechoslovakia have shown that given the unity they are able to assert their will to a great extent. If they have not succeeded fully, it is because we have failed them; it is the peoples of the world who have been somewhat mute in their support to the people of Czechoslovakia.

We salute them for their solidarity, strength, determination and the dedication that they have shown. It is our failure. Let us accept that at this critical hour, when people, not with arms but with their bare bodies, with their hearts and minds, were trying to oppose aggression and tyranny, we did not stand up for them.

This is our sovereign Parliament, and I would therefore like to invite your attention to what the National Assembly of Czechoslovakia had to say on the 28th August. It adopted a resolution. I wish it were possible for me to read the entire text of it and let it form part of the records of this House, but I will read only two paragraphs from it:

"The National Assembly considers forthwith the occupation of the Czechoslovak Socialist Republic by the armed forces of the five Warsaw Treaty countries as illegal and contrary to international treaties and in violation of the United Nations Charter as well as the Warsaw Treaty."

It goes on to say:

"The National Assembly insists on uncompromising pursuance of the principles and policies proclaimed and adopted in the Action Programme of the Communist Party of Czechoslovakia and the Programme of the Government. The Members of the National Assembly pledge that they will do their utmost to keep the process of democratisation continued without any disturbances."

It is the will of the National Assembly, the will of the Czechoslovakian people that was expressed by the National Assembly in the declaration made on the 28th August.

For me, it is a matter of deep sorrow and abiding regret that our Parliament is the only Parliament in the world that has gone on record saying that there has been no violation of the United Nations Charter.

Sir, may I next invite your attention to what the President of the National Asembly said. Like our Speaker, Sir, he is the tribune of the people of Czechoslovakia, and what has the tribune to say after his return from Moscow? He says: "It is a painful subject. We chose the path of compromise, but it was not easy. Please believe we put forward every argument we had. We were aware in Moscow that the agreement which was concluded could be considered as unacceptable and even be interpreted as treason." He added:

"But it is only thanks to the grand firmness of our people that we were not obliged to accept a long occupation and an imposed Government. It was this firmness which finally influenced the position taken by the opposite side . . . 'Of course, there are moments when one must reject all compromises and risk the worst.' "

He went on:

"We made our decision as patriots and soldiers in the light of the number of cannons and planes on our territory."

18,000 tanks, 1,000 planes and 650,000 soldiers—that was the force of occupation that was imposed upon the little country of Czechoslovakia. He continued:

"We arrived at the conclusion that the ultimate moment had not yet come and that we could seek a compromise while bearing in mind the material and moral risks this would entail.

"The future will judge our decision. It will describe our choice either as wisdom or as treachery."

No one can charge, even history will not charge, the brave leaders of Czechoslovakia with treachery. But I do not know whether some of us will be condoned of that crime by history. They have been compelled to accept this compromise. What is the compromise? The President said:

"It will be necessary to grant the Government special powers concerning measures to be taken regarding the press and radio, the dissolution of clubs and bans on new political parties."

It is said:

Czechoslovak party and Government leaders today worked against time to find a communist party leadership acceptable both to Czechoslovakia and Moscow and to restore order throughout the country.

They have to find a leadership acceptable to someone outside their country! That is what that country is being called upon to do. It is being called upon to give up a part of its liberalisation programme. What is the crime that Czechoslovakia has committed? It has given freedom of the press and freedom of expression. This the Soviet calls counter-revolutionary.

In this House, we are functioning in a multi-party Parliament. In this country, there is full freedom of speech and full freedom of the press. If this is counter-revolution, I have no doubt that every single democrat in this House would be proud to be called a counter-revolutionary. If revolution is to smother the free voice of Czechoslovakia, I say, fie upon that revolution. If counter-revolution is to let the people speak out and express their legitimate right, that counter-revolution is something which the Indian people have cherished.

Therefore, let no attempt be made to cow us down by using these words. This House stands fully, firmly and squarely behind the rights for which the Czechoslovak people are fighting. They have been told, they will not be permitted to fight for these rights. They are being compelled to compromise. Why are they compromising? It is because 14 million people can fight only up to a point.

What about the rest of humanity? What about 500 million people of India? To what extent are we giving them our hand of friendship and cooperation? To what extent is our shoulder being put by the side of their shoulder in their fight for these rights? This is the humane phase for which we have been working. This is what the Father of the Nation taught us. This is what we learnt from our leaders.

If they are fighting for that, surely we are with them. If we do not say that, if millions of people in other parts of the world do not say that firmly and unequivocally, if they are frightened and petrified, if their own small interests come in the way of assertion of their basic personality, are we entitled to blame the Czechoslovakia people and leaders? Let him cast the first stone who has never sinned. I am a sinner and I will never cast the first stone at them.

God forbid, that our country should ever face this kind of situation. But if it ever does, I hope and trust that our people and Parliament would behave in the manner in which the Czechoslovak Parliament and people have done. This is the only tribute I can pay to Czechoslovakia. If ever, God forbid, such a situation comes, we shall emulate that illustrious example.

Why did the Russians do it? Mr. Ota Sik, one of the Deputy Prime Ministers of Czechoslovakia, was asked by the world famous Italian novelist Alberto Moravia, what he thought was the motive of the invasion. This is what the Deputy Prime Minister of Czechoslovakia had to say:

"Certain groups in power felt threatened by the happenings in Czechoslovakia. If our attempt had succeeded, for them, it would have been the end. Hence the reaction. It was a reaction not against a definite change, but against any sign of life or movement. It was the pure and simple defence of the political status quo."

It is with this attempt at freezing the whole situation in the world and at controlling the movement of the spirit of man that this offensive was launched with 6.5 lakh soldiers, 18,000 tanks and 1,000 aeroplanes. It is against that, as the embodiment of the same human spirit, we are being compelled to raise our voice of abiding protest.

There are many writers here. I also claim to be a humble writer. The occupation forces in Czechoslovakia have recently destroyed, razed to the ground, the Writers' Building because of their wrath against writers. As a humble writer, I would like to convey to the writers in Czechoslovakia that they can raze the structure, but they cannot destroy the spirit.

Sir, it is necessary for us to give our utmost support to Czechoslovakia. There is a very respected journal in our country. It had the most exalted association. I was distressed to find that from its mast-head it has removed the famous motto, "freedom is in peril, defend it with all your might." Maybe the journal thinks it worthwhile to erase that motto, but the deathless message that our departed leader gave this country will never be forgotten. Freedom is in peril. Wherever it be, we shall defend it with all our might.

May I, therefore, through you, Sir, appeal to the House, to both sides of the House, that the Government, the Parliament and the people must, in unequivocal terms, continue to support the people of Czechoslovakia because it is only then that they can be free. They are on razor's edge if we do not stand by them.

We read this morning in the National Herald that Czechoslovakia had been threatened that Slovakia would be made a part of the Soviet Union and Czechoslovakia would probably be made something else. Anything can happen there.

Therefore, let us discard, let us throw aside, limited ideas and think in terms of the greatness of the issues involved and extend to Czechoslovakia the fullest of support and our solidarity as the Resolution moved by my hon. friend Shri Dwivedy seeks to do. To those who seek to traduce and trample upon the protagonists of humane socialism all that I can say in the immortal words of the Spanish Republicans during the Civil War is *"no pasaran."*

NEGATIVE EFFECTS OF INTERNATIONAL WHEAT ARRANGEMENT ON U.S. WHEAT FARMER

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 20, 1968

Mr. CURTIS. Mr. Speaker, on July 26, I pointed out in the CONGRESSIONAL RECORD, pages 23790–23791, a number of the negative effects ratification of the International Grains Arrangement—IGA—was having on the U.S. wheat farmer. I had also previously spoken about this issue over the Mutual Broadcasting System on March 21, 1968, on the program entitled "What's the Issue?" Already in late July, as a result of ratification of the arrangement, a U.S. export tax had been applied on wheat exports, U.S. wheat exports had been restricted, U.S. wheat prices were down and thus net income of the U.S. wheat farmer was down.

I also stated that, based on judgments expressed by agricultural economists and farm leaders, I thought the United States would be unable to enforce the new minimum prices set up by the arrangement and other countries would begin to undercut the arrangement.

Since July 26 all these negative aspects of the IGA have worsened, further hurting the U.S. wheat farmer, as the experts warned us might occur.

The price of wheat has declined further, the export tax has been increased further, export volume has dropped even more alarmingly, and France and Australia have begun to undercut the minimum prices set in the arrangement.

Looking at statistical evidence bears out all these points.

On June 12, 1968, the day before ratification of the arrangement, September wheat futures closed at $1.35¾ a bushel in Chicago. At the close of trading on September 12, wheat closed at $1.19 a bushel, off 16¾ cents a bushel. In Kansas City on June 12, September wheat futures closed at $1.41⅜. At the close of trading on September 12, they closed at $1.28¾, off 12⅝ cents a bushel.

Earlier in the year, Department of Agriculture officials had stated that wheat prices were expected to average "somewhat" below the $1.39 average of marketing year 1967–68. "Somewhat" below is certainly an understatement as the actual figures show the decline in prices has been substantial.

Export taxes have been increased even more in the past month as a result of the IGA.

As of June 17 export tax figures were:

[Cents per bushel]

	Gulf	East coast	West coast
Hard Red Spring	7	8	[1] 14
Hard Red Winter	18	18	1
Soft and other	24	24	0
As of July 26 the new export tax figures were:			
Hard Red Spring	6	9	[1] 8
Hard Red Winter	22	22	0
Soft and other	31	31	13
As of Sept. 12 export tax figures were:			
Hard Red Spring	4	7	[1] 15
Hard Red Winter	25	25	15
Soft and other	41	41	15

[1] Export subsidy.

Exports of U.S. wheat are substantially off from the 1967–68 marketing year. July–August exports are estimated at 103,059,000 bushels contrasted with 128,028,000 in the same period of 1967 and 154,933,000 in the first 2 months of the 1966–67 crop year. The July–August outgo this year was the smallest for the period since 1962, when the 2-month outgo amounted to 94,483,000 bushels.

These figures contrast vividly with the fact that the Department of Agriculture has set the same wheat export goal for 1968 as for 1967—750 million bushels.

Additionally, Australia and France have begun to undercut the minimum prices agreed to in the IGA. On August 8 Under Secretary of Agriculture John A Schnittker admitted bugs in the IGA might be allowing Australia to undercut the minimum prices set in the arrangement. Australia is evidently doing this by passing off premium wheat at prices reserved for ordinary category wheat.

On August 20 reports stated France was selling wheat at 14 to 15 cents a bushel below the IGA minimums. Again on August 27 it was reported France made a sale to Japan at 18 cents below the minimum price.

Thus the United States bears the burden of world wheat management while other countries undercut the minimum prices of the IGA.

Australia has now called a meeting of the major IGA wheat exporters for this week in Canberra, Australia. Unless satisfaction is obtained by the United States at this meeting there are indications the U.S. Department of Agriculture may allow U.S. wheat to be exported at less than the IGA minimums.

This price undercutting, coming as soon as it does after ratification of the IGA, shows that the new minimums were unrealistic to begin with.

These higher price minimums have been set by the IGA at the same time as heavy wheat surpluses are developing in most major wheat producing countries. At a time of surpluses one should not raise prices in order to sell—one lowers them. This logic has somehow been lost on the U.S. Department of Agriculture.

Evidence of growing surpluses is amply at hand in the United States. U.S. farmers are putting much more wheat under price-support loans than in 1967. U.S. farmers through July 31—the first month of the marketing year—have impounded 127 million bushels of wheat—more than triple the 35 million bushels placed under loan in the comparable period in 1967. Some grain men now predict a record of more than 600 million bushels of the 1968 crop will be put under loan—up from 270 million bushels of the 1967 crop. The making of U.S. export prices of wheat more expensive through the new IGA minimums and thus reducing export possibilities will further increase U.S. wheat surpluses.

Thus critics of the International Grains Arrangement have been proved right on all grounds.

The IGA as led to the imposition of an ever-increasing export tax.

Domestic wheat prices have fallen.

The United States has been made noncompetitive in world markets and U.S. wheat exports have fallen off drastically.

Australia and France have begun to undercut the prices set by the arrangement.

All of these adverse effects have begun to occur within a month after ratification of the arrangement and the trends are growing even more negative.

Ratification of the International Grains Arrangement was a mistake. Let us admit it was a mistake and take effective action before U.S. farmers face greater tragedy. But it was a mistake that need not have been made if Secretary of Agriculture Freeman had been willing to listen to agricultural experts instead of bullying through his own views.

U.S. farmers have the right to compete for world markets. Let us get rid of these policies of unrealistically high export prices and let the efficient U.S. wheat farmer compete freely.

Let us quit mixing welfare programs, be they foreign aid to less developed countries or domestic welfare programs, with agricultural programs. Let government translate the need for food of those who cannot afford it into commercial demand through whatever welfare and foreign aid programs are deemed advisable and let the private agricultural sector then respond to meet this demand through the marketplace mechanism. Mixing welfare and agriculture programs results in poor and costly programs, both for agriculture and welfare.

If we do not change our policy the U.S. wheat farmer will see further wheat price erosion and his net income will fall even further, increasing the damage to the U.S. wheat farmer. Above all, let us have a Secretary of Agriculture in the future who will listen to differing points of view—particularly of those who are knowledgeable in the field and who are disciples of the private enterprise system, not an economic system run by political bureaucrats.

JAMES E. WEBB

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 20, 1968

Mr. TEAGUE of Texas. Mr. Speaker, the Washington Post of September 18 had an editorial which aptly identifies the achievements and outstanding character of James E. Webb, Administrator of the National Aeronautics and Space Administration, and a great American. I commend this editorial to your reading:

JIM WEBB RETIRES

Virtually from scratch, with the country in a swivet over Soviet prowess, James E. Webb took over the Nation's feeble space program and drove the United States firmly into the space age. A management specialist who earlier had conquered the heights of private industry and served as Budget Bureau director and Under Secretary of State, he created—in the civilian space agency—the largest and most labyrinthine engineering organization in American history, utilizing at its peak 400,000 people and 20,000 firms. In his eight-year stewardship, NASA proceeded under presidential and Congressional flogging toward the goal of a manned lunar landing "in this decade." It achieved repeated successes and but a single important failure—the fire that claimed the lives of three astronauts last year.

It is characteristic of this self-effacing, organization-minded man that he should choose to retire now at his 62d birthday, practically on the eve of the Apollo launching—a career-capping event if ever there was one. His purpose is to hand NASA over to his lieutenants before the change of administration, on the theory that the agency will thereby have a better chance of riding out next year's power transfer. The country is fortunate that Mr. Webb is in good health and determined to apply himself vigorously to further the Nation's understanding of the space age. For him this is far more than a manner of projectiles and orbits; it goes to the heart of the necessities and the aspirations of a great modern society.

Whereas Mr. Webb leaves NASA with its current missions adequately funded and its capabilities well formed, he does not leave it with a set mission beyond landing on the moon. This is hardly his fault. The fading American taste for competition with the Russians in space and the rising competition of other claimants for Federal funds explain NASA's uncertain estate; its budget has been cut $1.4 billion in four years. Americans are divided as to whether to despair or take cheer from NASA's plight. To the agency's retiring chief, of course, it is a bitter pill. At any rate, it will be up to the next Administration and the next Congress to chart America's future in space. That they have a choice is the singular achievement of Jim Webb.

MAYOR JOHN V. LINDSAY AND THE BOROUGH OF BROOKLYN

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 20, 1968

Mr. PODELL. Mr. Speaker, Mr. Edward O'Neill, a perceptive political reporter for the New York Daily News, suggested recently that admiration for John V. Lindsay, the mayor of the city of New York, varies correlatively with the square of the distance from our city. There is much evidence to support the O'Neill thesis.

Conversely, within the geographic boundaries of our city admiration for the mayor varies inversely with the distance from city hall. In recent years, the phrase "second-class citizen" has become a much-used and much-abused term. However, when applied to the circumstances of the people of Brooklyn in relation to the Lindsay administration, the phrase "second-class citizen" is employed in its classic pejorative sense.

According to the population census of 1960, the population of the five boroughs comprising the city of New York was as follows:

Brooklyn	2, 627, 319
Queens	1, 809, 578
Manhattan	1, 698, 281
Bronx	1, 424, 815
Richmond	221, 991

Students of the Supreme Court decision in *Baker* v. *Carr*, 369, U.S. 186, can enjoy a field day applying the Supreme Court doctrine of "one person, one vote" to the status of the people in Brooklyn. All available statistics clearly show that Brooklyn is the most populous borough in the city. And anyone reasonably conversant with Baker against Carr would assume that the borough's population plurality is reflected in its votes on the board of estimate. Yet nothing could be further from the truth.

Brooklyn has just two votes on the New York City Board of Estimate, precisely the number of votes on that board by the Borough of Richmond, with a population of 221,991 against a Brooklyn population of 2,627,319. I have a wholesome regard and respect for the people of Richmond, but as a Brooklynite, I cannot subscribe to the notion that one Staten Islander is equal to 12 Brooklynites.

Moreover, the Boroughs of Manhattan, Bronx, and Queens, each has fewer people than the Borough of Brooklyn. Yet each of those boroughs enjoy six votes on the board of estimate against the two votes given to the Borough of Brooklyn. Again, I have nothing but admiration for the people of Manhattan, of Bronx, and Queens, but I will fight to the death the notion that it takes more than three Brooklynites to equal one of them.

The discrimination against the people of Brooklyn in voting power on the board of estimate has been exacerbated by Lindsay appointments. The city of New York publishes annually what is popularly known as "The Little Green Book," an authoritative statement of who's who and what's what, which makes it the moral equivalent of the Congressional Directory.

According to the 1968 "Little Green Book" of all the high municipal officials in the Lindsay administration who enjoy the dignity and stature of having published their home address, 47 reside in the Borough of Manhattan and only eight in the Borough of Brooklyn. This is a phase about the Lindsay administration with respect to which the people in the Borough of Brooklyn cannot especially complain about. The people in the boroughs other than Manhattan are treated with equal disdain.

As Mayor Lindsay views the city of New York, only Manhattan counts. There are nine members of his urban design council, all Manhattanites. Apparently, according to Mr. Lindsay, no one in Brooklyn or in any of the other boroughs has any resident who contributes anything of value to urban design.

John Lindsay's youth counsel bureau has 17 members but only one of them is a Brooklyn resident. Apparently, Mayor Lindsay is afflicted with the notion that Brooklyn is the "borough of senior citizens."

John Lindsay's board of corrections has nine members, all of whom boast of Manhattan addresses. In Brooklyn we regard this distribution as a compliment. Apparently, Mayor Lindsay operates under the strange delusion that no one in Brooklyn ever winds up in an institution subject to the jurisdiction of the department of correction.

Mayor Lindsay is responsible for the appointment of four members as trustees of the New York City Educational Construction Fund. Three of those reside in Manhattan. Brooklyn is not represented on that board. But Cross River, N.Y., wherever that may be, is represented by the fourth trustee.

The three members of the board of ethics are all Manhattanites, as if there were no ethics in the other four boroughs. There is one Brooklynite on the board of health, the other four live in Manhattan. Of the 15 members on the commission for foster care of children, Brooklyn is represented by one member against 11 members from Manhattan. All 11 members of the art commission are from Manhattan. But one of seven members of the formidable city planning commission is a Brooklyn resident.

And so it goes all the way down the line. Another example: the department of social services is responsible for the welfare of approximately 1 million people and expends over $1 billion of taxpayer moneys a year, amounting to roughly 16 percent of the total city budget. The commissioner of this department resides in Scarsdale, N.Y., wherever that may be.

Under the circumstances, it is hardly

surprising that the Lindsay administration harbors the quaint notion that the city of New York is bounded on the north by the Harlem River, on the east by the East River, on the south by Upper New York Bay, and on the west by the Hudson River. This attitude on the part of the Lindsay administration has had dire consequences for the people of the Borough of Brooklyn.

For example, the Lindsay administration seems determined to build the Cross-Brooklyn Expressway, a truckway which no one wants but which Mr. Lindsay favors as a Manhattan bypass. This project would scorch the earth of Brooklyn, destroy homes, jobs, and rich community life. But all of this is as nothing to Mayor Lindsay, who sees Brooklyn only as a Manhattan bypass. John Lindsay's Manhattan-residing hospital commissioner has made a shambles out of the city's hospital services. How do you save his neck? Simply close Brooklyn's Coney Island Hospital, which serves a community of 750,000 people. Crime is on the increase in our city. How do you solve the crime problem? Lindsay's Manhattan-residing police commissioner says to close the 70th police precinct in the Village of Flatbush, in the Borough of Brooklyn. We have more fires in the city than the fire department can handle. The solution? Lindsay's Manhattan-residing fire commissioner says close down a firehouse in Coney Island. And so it goes.

Brooklyn is a community of 2,627,319 people. This makes Brooklyn the third largest city in the United States—third only to New York City itself and Chicago. Brooklyn has a greater population than Los Angeles, Philadelphia, Detroit, and almost three times as many people as Baltimore, America's sixth largest city.

The people in our borough are getting tired of playing second fiddle to Manhattan and are getting tired of the Lindsay administration which conceives of Brooklyn much in the same way as the Soviet Union looks upon Czechoslovakia, an area whose resources and wealth should be drained for the benefit of others.

Brooklyn had been a separate city up until consolidation of the Greater City of New York in 1898. It is highly likely that consolidation then was appropriate, but it may have outlived its usefulness. It may be that the city of New York should be unconsolidated, so that Brooklyn power may be fully employed for the benefit of its people with full opportunity to achieve their own destiny.

It is noteworthy to observe that this year marks the 70th anniversary of consolidation of the Greater City of New York. I take it that it was a matter of grace on the part of the Lindsay administration not to celebrate the occasion.

Obviously, the people of our city have nothing to celebrate. As Edward O'Neill put it: You have to live far away from New York City to admire Mayor John V. Lindsay.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 20, 1968

Mr. SCHERLE. Mr. Speaker, this is the 242d day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

HOUSE OF REPRESENTATIVES—*Monday, September 23, 1968*

The House met at 12 o'clock noon.

Rev. R. V. Coger, pastor of the Matthews Memorial Baptist Church, Washington, D.C., offered the following prayer:

God Eternal, Father of all our brethren of every land and race, we pray to Thee in whom alone our lives shall find their peace and power. We call out of our need and out of our longing. Thou dost know, O God, how our hearts are burdened by the world's sorrows and our own anxieties. We pray for all those who suffer from the denial of the privileges of freedom and especially for those who are overwhelmed by the cruelty of men. Bless the President, guide our legislators; give them wisdom born from on high. May they legislate wisely, act with justice and prudence, and themselves set the example of what a citizen should be. Save us, we pray, from violence, discord, lawlessness, pride, arrogance, pestilence, and famine. Make us such that we shall be a guide to all the other nations of the world, leading them into that higher life of citizens of the kingdom of God. These intercessions and thanks we leave with Thee through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 19, 1968, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of the clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 16175. An act to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes; and

H.R. 18766. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 653. An act to amend the tariff schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings;

H.R. 6862. An act for the relief of Slator C. Blackiston, Jr.;

H.R. 7735. An act relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore; and

H.R. 17524. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1321. An act to establish the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes; and

S. 3058. An act to amend the Water Resources Planning Act to revise the authorization of appropriations for administering the provisions of the act, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15263) entitled "An act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17126) entitled "An act to amend the Food and Agriculture Act of 1965."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2515) entitled "An act to authorize the establishment of the Redwood National Park in the State of California, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2589. An act to provide for the regulation in the District of Columbia of retail installment sales of consumer goods (other than motor vehicles) and services, and for other purposes;

S. 2671. An act to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government; and

S. 3986. An act to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to expedite retirement of Government capital from Federal intermediate credit banks, production credit associations and banks for cooperatives, and for other purposes.

KEEP TARIFF ON COPPER

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, shortly we will have before us here in the House a bill that exempts bauxite from a tariff.

This is a House bill, already passed here, that has been amended in the Senate to suspend the tariff on copper imports as well.

Mind you, bauxite is a clay from which aluminum is extracted. The tariff exemption applies only to the clay. The amendment attached in the Senate, however, does not just suspend the tariff on copper clay—it suspends the tariff on refined copper.

I do not think we can afford to suspend this 1½-cent tariff on copper any longer. Over the years it has cost us in jobs, and in the last year increasing copper imports cost us 1,600 jobs just in Butte, Mont.

And, while copper producing companies cut down on domestic mining and refining, they are projecting expansion of many of their foreign operations.

I submit the 1½-cent tariff is not enough. It should be increased. But we can take a step in the right direction by rejecting the Senate amendment to the bauxite bill and by rejecting this suspension of the copper tariff.

Log exports to Japan posed a comparable threat to the domestic timber industry. In this situation, the export of raw logs was the same as the export of jobs because our mills were denied the raw material.

Just last week we won that battle when the Congress approved a proposal to tightly restrict the export of logs from west of the 100th meridian.

Now we must turn our attention to winning the battle for workers in the copper industry. That is the reason I took the floor here today. I urge you to consider the importance of this industry and the importance of seeing that this tariff is imposed.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina [Mr. McMillan], chairman of the Committee on the District of Columbia.

AUTHORIZING CONSTRUCTION OF PARKING FACILITIES FOR GOVERNMENT EMPLOYEES AND VISITORS TO DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 17854) to authorize the Commissioner of the District of Columbia to administer a program to provide for the construction of parking facilities in the District of Columbia for Government employees and visitors to the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

The Clerk read the bill as follows:

There was no objection.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress hereby finds that within the District of Columbia a shortage of off-street parking spaces exists in the immediate vicinity of public buildings, national shrines, and in others areas of the District of Columbia visited annually by millions of citizens from all States of the Union and that such shortage creates a parking and transportation problem for employees of the Government and members of the public visiting Government buildings and their elected Members of Congress. Therefore, in order to facilitate the business of the Unietd States and provide for the needs of citizens visiting the Nation's Capital, it is the purpose of this Act to provide for the construction, operation, and maintenance of certain parking facilities for officers and employees of the Government and for members of the public transacting business with and visiting with the Government.

Sec. 2. (a) The Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commisioner") is authorized to contract for the construction, alteration, maintenance, and operation in connection with local, qualified, private parking operators, of such facilities on, above, or below Federal or District of Columbia properties in the District of Columbia as he determines necessary to carry out the purposes of this Act. The Commissioner shall consult with the Administrator of General Services in connection with the use of Federal property to carry out the purposes of this Act.

(b) The Commissioner may fix fees for the use of parking facilities provided under this Act. The fees fixed for officers and employees of the Government shall be nominal and shall be fixed taking into consideration the proximity of the parking facility to their place of employment. All proceeds from leases, fees, and other charges collected by the Commissioner under this Act shall be deposited in the Treasury as miscellaneous receipts.

(c) The Commissioner is authorized to make such rules and regulations as may be necessary to carry out this Act, including rules and regulations relating to hours of operation, general administration, management, allocation of parking spaces, and criteria for assignment of parking spaces.

(d) The Commissioner is authorized to lease parking facilities to carry out this Act and to contract with local, experienced, private parking operators for the operation of any parking facility. Each such lease and each such contract shall—

(1) state the amount of the parking fees to be charged users of each facility,

(2) authorize official Government-owned vehicles being used for Government business to park without charge,

(3 authorize the lessee or contractor during specific nonworking hours to permit the public to use the parking facility for reasonable fees and to retain, in whole or in part, the proceeds from such fees,

(4) require the lessee or contractor to have in force at all times during the period of the lease or contract public liability insurance saving the Government harmless from all damages arising out of the operation of the parking facility, and

(5) contain such other provisions as may be necessary to protect the interests of the United States.

Sec. 3. In carrying out his duties under this Act, the Commissioner shall take such action as may be necessary to insure the equitable distribution of parking facilities throughout the District of Columbia with due regard for the comparative urgency of need for such facilities, and to that end he shall take into consideration the availability of public transportation, other public as well as commercial offstreet parking facilities, and municipal, regional, and other planning for the future extension or improvement of public transportation and parking facilities. The highest priority shall be given to any project to provide parking facilities for motor vehicles of persons employed in the Government Printing Office's building on North Capitol Street. In determining the location and design of those parking facilities consideration shall be given to the incidence of crime in the area surrounding those buildings.

Sec. 4. As used under this Act—

(1) The term "parking facility" means any structure designed for offstreet parking of motor vehicles of the Government, its officers and employees, and members of the public visiting the Nation's Capital.

(2) Thet terms "construct" and "alter" include preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction or alteration of a parking facility.

(3) The term "United States" includes the District of Columbia.

(4) The term "Government" means the government of the District of Columbia and by any department, agency, or instrumentality of the executive branch of the Federal Government including any wholly owned Government corporation and any establishment in the legislative or judicial branch of the Government except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction.

(5) The term "qualified private parking operator" means an operator, financially responsible, wtih a proven record of large-scale, efficient operation.

AMENDMENTS OFFERED BY MR. M'MILLAN

Mr. McMILLAN. Mr. Speaker, I offer some amendments.

(By unanimous consent, the amendments were ordered to be considered en bloc.)

The Clerk read as follows:

Amendments offered by Mr. McMillan:

On page 2, strike out lines 9 and 10 and insert the following:

"Sec. 2. (a) The Administrator of General Services (hereafter in this Act referred to as the 'Administrator')."

On page 2, strike out the sentence beginning in line 16 and insert the following: "However, before constructing, altering, maintaining, or operating any parking facility under this Act, the Administrator shall secure the approval of the head of the department, agency, or instrumentality in whom jurisdiction and control over the Federal property involved is vested, or, in the case of District of Columbia property, the approval of the Commissioner of the District of Columbia."

On page 2, line 19, strike out "Commissioner" and insert "Administrator".

On page 2, beginning in line 24, strike out "Commissioner" and insert "Administrator".

On page 3, line 3, strike out "Commissioner" and insert "Administrator".

On page 3, line 8, strike out "Commissioner" and insert "Administrator".

On page 3, beginning in line 9, strike out "experienced," and insert "qualified".

On page 4, line 6, strike out "Commissioner" and insert "Administrator".

On page 4, beginning in line 7, strike out "throughout the District of Columbia" and insert "among the properties of the Government".

On page 4, line 11, strike out "public" and insert "Government".

On page 4, beginning in line 16, strike out "persons employed in the Government Printing Office's buildings on North Capitol Street" and insert "officers and employees of the Government employed in the buildings on North Capitol Street presently occupied by the Government Printing Office".

On page 4, line 21, strike out "under" and insert "in".

Mr. McMILLAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. What was the request?

The SPEAKER. The request was that the further reading of the committee amendments be dispensed with and that they be printed in the RECORD at this point. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

There is an immediate and direct Federal interest and responsibility in the Federal Government's providing adequate parking in the Nation's Capital, for the following reasons:

First. There are approximately 215,000 Federal employees who work in the District, about 50 percent of all employment in the city.

Second. Nearly 16 million Americans visit Washington each year.

Third. The embassies of foreign governments are located here, and at least 9,000 citizens of other countries are stationed here for the representation of foreign governments.

Fourth. There are all the people who come to Washington to represent their interests by petitioning Congress and the various Federal agencies.

GROWTH IN SOUTHWEST WASHINGTON

The phenomenal growth of Southwest Washington alone, in the area south of the Mall, in building construction, and employment, is sufficient to justify the enactment of H.R. 17854.

Since 1965, Southwest Washington between Capitol Hill and 12th Street SW., has been experiencing a dramatic change, and is fast becoming the major center of Federal employment in the District of Columbia.

This has been brought about by the extensive building program in Southwest Washington—a program that includes both Government buildings and private development which will include office buildings, stores, and a new hotel. In addition to the Federal departments and agencies already located there—the Department of Agriculture, the Department of Health, Education, and Welfare, the Department of Transportation, NASA, and others—the major new Government establishments in the area are the new Forrestal Building, which is expected to amount to a downtown version of the Pentagon, and the huge new headquarters of the Department of Housing and Urban Development. An extensive employment population explosion is already evident there, brought about by the establishment of the Department of Transportation whose employees now spill over into half dozen office buildings in Southwest occupied by NASA, HEW, and USIA. These are but a few of the Government agencies which will eventually be housed south of the Mall.

The present and projected employment figures for the Southwest Mall area illustrate the great change that is taking place there:

SOUTH MALL EMPLOYMENT

	Existing (1967)	Projected (1980)
Federal:		
Agriculture	9,700	11,000
Housing and Urban Development		5,600
Health, Education, and Welfare	8,500	17,000
Department of Defense		6,400
Department of Transportation		9,000
Treasury	4,200	3,800
Smithsonian Institution	900	1,000
National Aeronautics and Space Administration	2,400	2,400
Miscellaneous and other	7,800	12,300
Total	33,500	68,500
Private	1,200	18,800
Total	35,000	87,000

Prior to 1965, employment estimates of the National Capital Planning Commission represented that in 1980 there would be 46,000 jobs located in the Southwest area. Since then, the forecast has changed radically. By 1971 an estimated 85,000 workers will be traveling to and from their employment in Southwest. It is now estimated that this area's downtown daytime population will exceed the downtown populations in cities such as Seattle, Pittsburgh, and Baltimore.

Street traffic congestion is already severe in Southwest Washington, especially during rush hours. Much of the parking area that was available when the present basic system was authorized has disappeared. Street congestion is expected to be such a problem that in one report by traffic consultants the General Services Administration has been advised to delay a part of its public building program in Southwest until the subway rapid transit service is in operation within the area.

The General Services Administration study of Federal employee parking in the District of Columbia in 1962 showed that there were approximately 130,000 Federal employees in the area in 1961. Of this number, 40,000 came to work by car, all the way or part way. If all were to go all the way to work by car, 15,000 additional parking spaces would be needed. The total number of parking spaces on Government lots or in Government garage was 12,748. The ratio of parking spaces ranged from 1:4 in some agencies to 1:228 in others.

The District of Columbia Motor Vehicle Parking Highway Survey in 1961 showed that 64 percent of all offstreet parking spaces, in Government and private lots and garages were used for long-term parking by persons at work. Among other cities surveyed, the District had the highest percentage of all-day parkers.

The remainder of offstreet parking spaces were used primarily for business—21 percent—and shopping—10 percent.

The length of time parking spaces were used by persons, other than workers, averaged less than 2 hours. A parking space, not used for all-day work parking, served three or four times the number of parkers. Thus if parking is furnished for Government workers, who were transferred from downtown business parking to Government spaces would release short-term parking space for at least 3,000 parkers wanting to shop or do business.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question?

Mr. McMILLAN. I yield to the gentleman from Iowa.

Mr. GROSS. Why is this limited to a local contractor? I believe the bill specifies that the parking facilities must be operated through a local contractor. Why are all other contractors excluded?

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. The purpose of the bill is to provide adequate parking on federally owned or District-owned property for employees of the District government and the Federal Government, and people doing business with the Federal Government, the District government, and tourists. The general idea is to have these facilities constructed, maintained, and operated by experienced operators who know what they are doing. Therefore we felt it wise to place restrictions in the bill to assure that we would have people who are in the operation of parking business to make these contracts with the Federal Government.

Mr. GROSS. If the gentleman will yield further, there are people in the parking business all over this country. Why do you specify that they must be local operators, local contractors? Are they the only people who know anything about parking?

Mr. BROYHILL of Virginia. If the gentleman will yield further, they are more familiar with the parking problems here in the Nation's Capital. Actually, it could be opened to the general public to bid, but we wanted to make certain that we did have adequate and efficient parking facilities provided for in this bill.

Mr. GROSS. Why not open it to some competition in the matter of contracting?

Mr. BROYHILL of Virginia. There again it is a question of experience in operating parking facilities in the Nation's Capital. Contractors may have had experience elsewhere but would not be familiar with the problems, the cost of construction as well as the general employee problems, in the area.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. McMILLAN. I yield to the gentleman from Iowa.

Mr. GROSS. I suggest to the gentleman that contracts are made with contractors in Philadelphia, Boston, Chicago, and all over this country to construct buildings in the District of Columbia. I do not understand the reasoning that would limit the operation of parking lots on a large scale, as this bill provides if the terms of the bill are carried out, to local contractors. I do not know why.

Mr. BROYHILL of Virginia. Of course, if the gentleman will yield further, there is more than one local operator involved. There will be competitive bids. There may be a lot of garages that will have to be constructed that may have to operate at a loss but could be tied in with other parking garages and contracts in order to have a balanced program from a financial standpoint throughout the National Capital. If you start having limited bids on one project here and another project there, you will find some which will not be self-sustaining.

It is hoped and we do believe that this could be self-financing and self-liquidating and not cost the taxpayers one dollar.

Mr. GROSS. That is my next question. How much does the gentleman predict or envisage this is going to cost the taxpayers of the entire country?

Mr. BROYHILL of Virginia. If the gentleman will yield further, I will repeat my answer, the statement I just made, that with the adoption of the amendment the chairman just offered, we will authorize the General Services Administration to contract for the construction and operation of garages and charge fees. The General Services Administrator will set nominal fees. The Federal employees, tourists, and people doing business with the Government will be required to pay fees, and that should pay for these facilities.

Mr. GROSS. How about acquisition of sites?

Mr. BROYHILL of Virginia. This provides for construction of the facilities on Federal and District-owned property, on property now already owned.

Mr. GROSS. But is the gentleman prepared to give us assurance here today that this is not going to result in a bill of cost to all the taxpayers of this country?

Mr. BROYHILL of Virginia. It is my understanding of the legislation that if it costs the taxpayers any money, we would have to come back for further authorization.

Mr. GROSS. That is certainly not the answer I wanted. I want somebody here to tell me here and now, when we authorize large-scale construction and operation of parking lots in the District of Columbia and charge fees for those lots, that it is not going to cost the taxpayers of the country.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

Some of us on the committee have been attempting to determine just what might be done with this bill this morning. I regret to report to the House that the gentleman from California [Mr. SISK], who is the chairman of the subcommittee that has been dealing with the honorable chairman of the full committee, could not be here. I have talked with him by telephone this morning. I regret also that the gentleman from Minnesota [Mr. NELSEN] is not yet here. Both of those gentlemen have spent months on this bill, and both have introduced bills which should be presented to this House. Those bills are far superior to this bill presented by the gentleman from Virginia.

I would point out that this particular bill as introduced by the gentleman from Virginia does not provide for any actual downtown parking. It provides for Government employees basically. No adequate financing is provided in it. It limits the operation, as the gentleman from Iowa said, to what is presently the downtown parking establishment. It does not provide for condemnation; instead it basically requires the Government to pick up some land and then lease it back to the individuals who are presently the city's parking operators.

I know the chairman of our committee is trying to get a good bill out of this, and I know other members of the committee have felt the same way, but this particular bill in its present form is no good.

If this is an effort to get to conference so that some bill could be produced that would provide for something other than simply digging under the Mall at tremendous expense to provide for some Government parking, I know I and other members of the committee would support this.

I was hopeful that either the gentleman from Minnesota [Mr. NELSEN] or the gentleman from California [Mr. SISK] would be here to move a substitute, or that the chairman would announce to us an amendment had been prepared that would substitute or supplement the bill offered by the gentleman from Virginia [Mr. BROYHILL]. Then we could obtain a bill that would be an acceptable one for the entire District.

I have also tried to talk to Members of the Senate who have been trying to solve this problem, specifically Senator TYDINGS and some others, so that we should provide here a recognition that parking must serve the downtown shoppers as well as tourists and Federal employees. Also, this bill has not provided an opportunity for new entrepreneurs to move in, as mentioned by the gentleman from Iowa.

At this point, I see some gentlemen awaiting recognition so I will shorten my remarks. I am sorry we have been late on this, but I and many other Members have been trying to take care of some business in our districts, so we can return here next year. I think now is an ideal time for the gentleman from Maryland [Mr. GUDE] to try to comment on this point, so we can clear up the confusion as to whether the people downtown are in agreement or disagreement on this and whether or not an amendment will be offered.

Mr. GUDE. It is my opinion—and I thank the gentleman for yielding—that we must have a much more comprehensive approach than we are presently making to this parking problem. Parking has necessarily become a part of the transportation problem; the expressways, the fringe parking, the downtown parking. I do not believe we can just have a halfway approach in studying and planning parking. The Government has to be much more deeply involved than it is in this proposed bill.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the chairman of the committee.

Mr. McMILLAN. Mr. Speaker, our committee after approximately 2 years' study of the problem decided to abandon the Senate bill because of the fact that we do not feel the treasury of the District of Columbia is in any condition to take care of a $50 million parking authority at this time. I believe the expenses of the District of Columbia already have gone up more than $100 million in the past year. They are in no position to be asking the taxpayers to pay for a parking authority at this time.

Mr. ADAMS. I might well agree with the chairman of the committee, and have not indicated we advocate that immediately this should be done. Our position is that this bill is not adequate. If we should pass it and thereby foreclose the comprehensive approach I know we all feel is necessary to solve the parking problem in the area, we might be in the position, in effect, of cutting off our nose to spite our face by passing an inadequate bill. Therefore, I hope that the gentlemen who have been involved in this deeply, such as the gentleman from Maryland [Mr. GUDE], the gentleman from Minnesota [Mr. NELSEN], and the other gentleman from Maryland [Mr. MATHIAS], now on his feet, will address themselves to this, so that those of us who have been working on this side might hear their feelings regarding the bill.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

I regret that the gentleman from Washington has stated this bill is inadequate. I believe it is a far-reaching bill and will go a long way toward solving the problems of parking in the Nation's Capital.

Mr. Speaker, I earnestly solicit the support of my colleagues for the bill H.R. 17854, as improved by the proposed amendment. This bill is designed to provide in a practical, efficient manner the sorely needed offstreet parking facilities in connection with Government buildings, monuments, shrines, and centers of tourist interest here in the Nation's Capital.

This bill will authorize the Administrator of the General Services Administration, in cooperation with the Secretary of the Interior and the Commissioner of the District of Columbia to contract with local qualified private parking operators for the construction, maintenance, and operation of parking facilities on, above, or below property belonging to the Federal or District of Columbia government. These spaces are to be for the use of officers and employees of the Government, and of persons visiting or transacting business with the Government.

The administrator will fix nominal fees for the use of these parking spaces, and all proceeds from the leases and fees will be deposited in the U.S. Treasury. Government-owned vehicles on official Government business will, of course, use the facilities without charge, and the operators will be authorized to allow the public to utilize these spaces for reasonable fees during nonworking hours.

I have always believed that the need for offstreet parking facilities for shoppers in the downtown commercial area of the District of Columbia can continue to be satisfactorily provided by private enterprise, just as has been done in the suburban communities in my district. Also, I am confident that the forthcoming plan for the redevelopment of the downtown section of the District of Columbia will include the provision of proper and adequate offstreet parking spaces in connection with the new construction which is to change the face of that area of the city.

However, I feel strongly that there is another very acute problem of parking in the District of Columbia which the private commercial parking industry alone cannot be expected to solve. I refer to the crucial shortage of offstreet parking spaces which exists in the immediate vicinity of public buildings, national shrines, and the other areas of the District which are visited annually by citizens from all States of the Union. This shortage creates both parking and transportation problems for employees of the Government and also for members of the public visiting Government buildings and their elected Members of Congress.

The point is graphically illustrated by the following chart, which traces the increases in three categories of offstreet parking spaces—public, private, and Government—in the central business district of Washington, D.C., in the 12-year period from 1955 through 1967:

	1955	1961	1963	1965	1967	Increase, 1955–67
Type of space:						
Public	22,416	30,052	31,378	36,713	39,605	17,189
Private	7,307	7,318	7,589	8,634	8,523	1,216
Government	5,623	6,197	+6,227	7,220	7,271	1,648

The dynamic growth shown in the number of public offstreet parking spaces is eloquent testimony to the ability of private enterprise to provide these facilities—without tax relief, without the power of eminent domain, without pledging onstreet parking meter revenues, and without the pyramiding costs of a government bureaucracy.

I cannot express too strongly my conviction that the parking business in the District of Columbia, as all other commercial enterprises, should be kept in the hands of private industry.

In contrast with this rapid and consistent growth in the number of commercial parking facilities, however, the relatively insignificant increase in Government parking spaces, as shown in the above chart, illustrates graphically the critical and unmet need in this area. This problem also can be solved by private industry, in an efficient and practical manner, by the provisions of H.R. 17854 which will authorize adequate parking facilities to be constructed by or leased out to private operators, on Government-owned land which, of course, is not available to them on any other basis.

It would be impossible to exaggerate the present and growing need for adequate, convenient offstreet parking facilities for Government employees in the District of Columbia. Many of these employees are obliged to get to work an hour or more early in order to find a parking space. Others pay as much as $30 per month to park in commercial lots, and then must walk long distances to their offices.

This problem is properly the responsibility of the Federal Government, and I submit that thus far they have failed to deal adequately with the problem. For example, I learned recently that the Federal Government leased an entire building complex in Crystal City, in nearby Virginia. Although they leased this property while it was still being constructed, the Government failed to require sufficient parking space for their employees.

I am informed further that the extensive new government building program in Southwest Washington will also not include sufficient offstreet parking facilities to meet the needs of the thousands of personnel who will be employed there.

This proposed legislation will direct the Administrator of General Services to provide this parking, in appropriate cooperation with the Department of the Interior and the government of the District of Columbia, on Federal or District of Columbia property that is available in the areas where such facilities are so desperately needed. These areas, such as the Ellipse and the Mall, are ideally convenient to the Department of Commerce, the Department of Labor, the Post Office Department, the Department of Justice, and so forth.

The bill gives the highest priority to the construction of adequate parking facilities for persons employed in the Government Printing Office. The reason for this provision is the grave and even critical problem which confronts the employees who work in this building.

In recent weeks, I have been visited by representatives of the nine unions whose members are employed at the Government Printing Office. These men have told me of an appalling incidence of assaults, muggings, yokings, beatings, stabbings, and robberies being inflicted upon the employees working on the night shift at the GPO, on their way to and from their cars. The nearest available parking lot is several blocks from the Printing Office, and this situation has reached epidemic proportions. Without exception, these union spokesmen have told me that their members are growing increasingly fearful of working at night, and that unless corrective measures are taken the time will soon come when too few employees will be at work on the night shifts for the proper operation of the Printing Office. The director of personnel at GPO confirms that the absentee rate among night shift employees has risen alarmingly, and states further that the Office is presently losing printers faster than they can be recruited despite their best efforts to obtain replacements.

There is no question whatever that in the public interest, safe and adequate parking facilities must be constructed for these vitally essential employees at the very earliest possible date. H.R. 17854 takes proper recognition of this fact, and I consider this one of the most urgently important aspects of this proposed legislation.

The purpose of the amendment offered to this bill is to place the authority and responsibility for developing these parking facilities upon the Administrator of General Services, rather than upon the District of Columbia Commissioner as was provided in the bill as reported. This is entirely appropriate, inasmuch as nearly all the land upon which these facilities are to be located belongs to the Federal Government.

I support this amendment as an improvement to the bill.

I am assured that this bill so amended meets with the approval of leading business people in the downtown area, the Federal City Council, the General Services Administration, and the private parking operators in the city.

Mr. Speaker, I believe sincerely that the provisions of H.R. 17854 as amended will resolve the most serious of the parking problems existing in the District of Columbia today, in the most efficient and effective manner possible. For this reason, I commend this bill to my colleagues and urge its passage.

Mr. Speaker, this bill will provide relief for the people doing business downtown, because many thousands of the Federal and District employees have to use the downtown parking facilities that are available. Many of the facilities authorized by this bill will be built in downtown Washington, under the Ellipse, under the Mall, and at other areas.

We have worked out an agreement with the business leaders involved. They made a commitment to support this bill if we agreed to an amendment which has just been adopted. This agreement and commitment was made by the leaders of the two main downtown business organization; namely, the Downtown Progress and the Federal City Council. They have stated that they feel that this bill will do some good and will provide a great amount of relief if we proceed promptly with construction of these projects. They said they are willing to go along with it for a period of 3 years in order to see if it will help as much as some of us predict.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I am glad to yield to the gentleman.

Mr. ADAMS. It is my understanding that this is correct, and I would like to ask the gentleman four questions and have him answer them if he can.

First, the District government opposes this. Second, there is not an agreement between the two groups downtown. There has been a letter sent to the Hill indicating that there is not an agreement. Third, there is no District of Columbia land available. The only Federal land available is under the Mall and, therefore, is terribly expensive. Fourth, there is no financing or funding provided for creating this.

Will the gentleman please answer those questions?

Mr. BROYHILL of Virginia. Yes. In the first place there is District land available. It is available through urban renewal particularly in the area of the Government Printing Office which I referred to earlier. The property behind the District Building, which belongs to the Federal Government, of course, but which can be made available to the Federal employees as well as District employees, is available.

There was an agreement, as I said earlier, with the business leaders to go along with this because they felt it would help them some. Unfortunately there was a letter sent up here last Thursday that seemed to repudiate the fact that there was an agreement, but I have a letter in my hands dated September 23, which is today, signed by the president of the Downtown Progress Association, acknowledging the fact that we have had this meeting with the District people involved, with the Federal City Council, and with the District of Columbia private parking owners who have agreed to go along with this bill and give it a try for 3 years. They feel that it will provide some relief. Of course, they would like to have your taxpayers and my taxpayers subsidize it for their customers and employees and, of course, all of us want downtown business to improve but they acknowledge that this will do some good insofar as the downtown interests are concerned. There are no funds provided in this bill. The cost of these facilities is self-liquidating. This is one of the advantages of the bill; namely, that it will not cost the Federal taxpayers any money.

The **SPEAKER**. The question is on the amendments offered by the gentleman from South Carolina?

The amendments were agreed to.

AMENDMENTS OFFERED BY MR. MATHIAS OF MARYLAND

Mr. **MATHIAS** of Maryland. Mr. Speaker, I offer two amendments and ask unanimous consent that they be considered en bloc.

The **SPEAKER**. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read as follows:

> Amendments offered by Mr. MATHIAS of Maryland: On page 2 line 16 after the word "consult" insert, "and obtain the consent of".
>
> On page 3 line 9 strike the word "local".

Mr. **MATHIAS** of Maryland. Mr. Speaker, the action of the House in adopting the amendment which just preceded the amendment that I have already prepared makes the first part of my amendment unnecessary, because it merely would provide that the Commissioner, had he been the active party here, would have had not only to consult with but to obtain the permission of the General Services Administration for the use of Federal property. I think this was a necessary amendment. But in view of the fact that the General Services Administration itself has now taken over the function that was originally envisioned for the Commissioner, the first portion of the amendment is no longer pertinent and I think does not require the time of the House for its consideration.

The second amendment, Mr. Speaker, is a very simple amendment. It strikes the word "local." We are dealing with the Federal Government. There should be no monopoly of any kind involved here on the part of any group. Government business should be contracted out to those who can provide the goods and services which can meet the specifications and which can bid the lowest and best price. Now, Mr. Speaker, this should be kept in mind that this is in the category of the normal procurement of the Government and merely extends an existing Government practice. Therefore, I suggest that we strike the word "local."

Mr. Speaker, that is the thrust of the amendment.

There have been questions that have been raised about this bill and I would address myself to some of these questions. No one pretends for a moment that this is the comprehensive answer to the parking problem in the city of Washington, D.C.; it is not. It is one of several solutions that has been suggested as part of an overall parking plan in which there would be, under some versions, a public authority with power of condemnation and a provision for Government employee parking. The first portions of the overall plan proved to be impossible to bring to some sort of resolution in this Congress, but it does seem that we can get through that portion of the plan which relates only to Government employee parking and that is what we have pending before us.

It has been said, "Well, there is no power of condemnation here." There is no power of condemnation because this bill does not reach beyond Government employee parking on presently owned ground by the Federal Government.

It is my opinion that the amendment I have proposed and which is now pending before the House removes the monopoly question which has been raised. All in all, it is my further opinion that this bill is a step worth taking as one thing which can be done now to relieve the very serious parking problems that are besetting the Nation's Capital—employee parking. Across the board in modern industrial America, employee parking is the normal responsibility of the employer. And, if you go downtown you will find that not all of our Government employees are housed in governmental palaces on the Mall but are scattered in private housing and offices in places all over Washington. They are housed in congested places with very little room for parking.

It is important that the Government take a more active role as a result of this situation.

It does not solve the entire problem and no one says it does or that it will. But it is a part of the problem which is capable of solution.

We ought to adopt this particular program now.

The gentleman said earlier that he is afraid that if we adopt this now, it may leave us in a position later in which we will have had half the loaf and will have difficulty getting the other half. However, I say to the membership of the House that this is the half we can get now. It is not inconsistent with the programs that have been suggested and considered. The programs have been considered very seriously by a member of the Maryland delegation who serves in the other body and the principle of Government employee parking is a part of that program.

Therefore, it is my opinion that this is one step worth taking in view of the amendment that has already been adopted and with the amendment pending at the Speaker's desk.

Mr. **ADAMS**. Mr. Speaker, will the gentleman yield?

Mr. **MATHIAS** of Maryland. I yield to the gentleman from Washington.

Mr. **ADAMS**. I thank the gentleman for yielding. The gentleman, however, has referred to the fact that his colleague from Maryland who serves in the other body has been working on the total problem for a considerable period of time.

I know that the gentleman from Maryland, who is on his feet, has. Is it not true that this is one of two alternative approaches that are in effect incompatible with the other? Because one provides for a parking authority for an overall comprehensive plan with a staff, and with financing and with general public bids, whereas this one provides basically for the Government leasing land and turning it over to the present parking operators in the city of Washington, D.C., and having those people then charge the Federal employees for their parking?

Mr. **MATHIAS** of Maryland. In the first place, my amendment which is now pending eliminates the question of any limited group of people being able to handle this, this produces nationwide bidding. Second, it would not be my concept that there would be any broad acquisition of land by the Government, but the land presently owned by the Government would be improved for this purpose.

Mr. **BROYHILL** of Virginia. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER**. The gentleman will state his parliamentary inquiry.

Mr. **BROYHILL** of Virginia. The gentleman from Maryland [Mr. MATHIAS] offered an amendment, a part of which repeated language in the amendment offered by the gentleman from South Carolina [Mr. MCMILLAN]. What is the present situation there? The gentleman from Maryland [Mr. MATHIAS] stated that had he known it had been included in the amendment offered by the gentleman from South Carolina [Mr. MCMILLAN] he would not have repeated the same language.

The **SPEAKER**. The Chair will inquire of the gentleman from Virginia if the gentleman stated that a part of the language offered in the amendment presented by the gentleman from Maryland was also included in the amendment offered by the gentleman from South Carolina?

Mr. **BROYHILL** of Virginia. That is correct, Mr. Speaker, in that it provided that the Commissioner for the District of Columbia, who was directed by the original bill to construct the facilities, would be changed to the General Services Administrator.

The **SPEAKER**. Would the gentleman from Virginia call to the attention of the Chair the language in the amendment offered by the gentleman from Maryland [Mr. MATHIAS] that is also included in the amendment offered by the gentleman from South Carolina [Mr. MCMILLAN]?

Mr. **BROYHILL** of Virginia. Mr. Speaker, for example, on page 2, line 16, in the original bill it provided that the Commissioner, namely, the Commissioner of the District of Columbia, would consult with the Administrator of the General Service Administration. That has been changed in the amendment offered by the gentleman from South Carolina.

Mr. Speaker, would a unanimous consent request to correct this be in order at this time, that the amendment offered by the gentleman from Maryland [Mr. MATHIAS] be changed to read on page 3, line 9, to strike the word "local"? It will then continue the intent offered by the gentleman from Maryland, I believe.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. GROSS. Mr. Speaker, reserving the right to object, does that take care of the word "local" on page 2, line 12?

The SPEAKER. The Chair will state that that is part of the amendment that is pending now, the amendment offered by the gentleman from Maryland [Mr. MATHIAS].

The Chair understands that the amendment offered by the gentleman from South Carolina [Mr. McMILLAN] went to page 3, line 9, is that correct.

Mr. McMILLAN. It begins on page 2.

The SPEAKER. The Chair would like to obtain all of the facts before answering the parliamentary inquiry of the gentleman from Virginia.

Mr. MATHIAS of Maryland. Mr. Speaker, I believe we can resolve this question easily. My amendment was framed prior to the adoption of the amendment offered by the gentleman from South Carolina [Mr. McMILLAN], chairman of the Committee on the District of Columbia.

Mr. Speaker, I ask unanimous consent to withdraw my amendments, and then I will reoffer the amendments.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDMENT OFFERED BY MR. MATHIAS OF MARYLAND

Mr. MATHIAS of Maryland. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATHIAS of Maryland: On page 2, line 12, strike out the word "local" and the comma following the word "local" and the comma following the word "qualified".

On page 3, line 9, strike the word "local" and the comma following.

The amendment was agreed to.

Mr. NELSEN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I think Members are aware of my having introduced a bill that is similar to the one that was introduced in the other body, and which is much broader in its application than the proposal now before us.

In the committee's deliberations, it seemed obvious that my bill would not be agreed upon but that something ought to be done. The bill that is now before us was reported by our committee for consideration.

I was advised that the downtown progress group had agreed to an amended version of this bill. I personally checked, and find this to be true. They have so advised us by letter today.

I also want to make clear that this endorsement does not mean they have lost interest in the broader approach which our committee considered. They do feel however, that this proposal now before us is a move toward relieving the parking shortage in the District of Columbia.

I might point out that in the hearings the question of eminent domain was a matter of concern to many people. Of course, the authority to exercise eminent domain is a powerful implement, but I am of the opinion that the parking problem cannot be solved without it. It is used constructively in many other areas.

The bill under consideration today admittedly makes some progress and, of course, after its passage here we will go to conference with the Senate and I trust some agreement can be worked out. I certainly want it understood that in no way does my support of the bill mean that I have deserted the other long-range objectives.

At the same time, it was the judgment of members on our side of the aisle that this bill represents progress in a limited degree, and a move in the direction of providing parking for Federal employees. Certainly, it is a responsibility of the Congress of the United States to see to it that the Federal Government meets its share of the burden as far as parking is concerned.

So, Mr. Speaker, I am in support of this bill but also want to make it very clear that in the future the more expansive approach will be needed in the District of Columbia.

Mr. GUDE. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the health and vitality of our downtown businesses and commercial area is not only of local concern to the people of the metropolitan area of Washington but is also of national concern in this Congress, of course.

Public parking authorities are a recognized tool of municipal government all across this country. They are recognized as necessary adjuncts to good transportation systems and something of which the public sector must take cognizance and be involved.

As a suburban area Congressman, I see that my district lying right outside of Washington is benefiting tremendously in the commercial and business sphere because of ample parking—some public and some private—and also because of the good transportation system. I am always happy to see the growth and development of my own district for these reasons but I do not like to see this to the detriment of the inner city. Without a public parking authority downtown, business, and development will suffer.

I support this bill, but I think we should go much further. I am hoping that if we are not able to improve on this legislation in the House, we can make greater progress in the conference.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Washington.

Mr. ADAMS. I would like to take this opportunity to inform the House that I support anything and everything we can do to improve the parking situation here. But under the parliamentary situation in which we find ourselves today, some of the leading proponents of this bill have been unable to be here, the gentleman from California in particular. There is confusion as to letters that have come up from the District. So at an appropriate time I shall offer a motion to recommit and ask that there be a vote on it. I will make inquiry on this matter. The bill will go over to Wednesday, and perhaps we can straighten out the confusion as to whether the bill is supportable on the basis that it will go to conference or not. I wish to indicate to the chairman and the other members of the committee that I am doing this for this purpose so that on Wednesday we could thereby have a vote. Perhaps by that time we will have worked out what can or cannot be done with this particular bill. I hope we will have a good parking bill out of it. I happen to think that this bill is not at all adequate. It is a bad bill.

I thank the gentleman for yielding.

RACIAL PREJUDICE IN PRESIDENTIAL CAMPAIGN

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, even the disadvantaged in education among our citizens know that to win the peace in the world, we need friends among Europeans and Asians. Every American—yes, every American indeed—knows this except one—that one is running as vice-presidential candidate on the Republican ticket. A few days ago Mr. Agnew referred to the Poles as "Pollacks." Only yesterday, according to the Washington Post of this morning, Mr. Agnew referred to the Japanese as "Japs." Webster defines "Jap" as a shortened form of "Japanese" used in contempt, Mr. Agnew knows, or should have known this. He should be instructed that one does not make friends by insulting people of other racial background, particularly through mouthings of racial prejudice. Someone should take to Mr. Agnew this basic diplomatic teaching—Nixon's the one. Thank God, the American people are given a choice of a Humphrey-Muskie ticket.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. UTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. UTT. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. UTT moves to recommit the bill H.R. 17854 to the Committee on the District of Columbia.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. ADAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Under the unanimous consent agreement made a few days ago, further consideration of the bill will be postponed until Wednesday next.

Does the gentleman from Washington withdraw his point of order?

Mr. ADAMS. Mr. Speaker, I understand an agreement has been entered into in the House so that a record vote will occur on Wednesday. Is that correct, Mr. Speaker?

The SPEAKER. That is the order of the House.

Mr. ADAMS. Mr. Speaker, I withdraw my point of order.

KENNAN SEES NO DÉTENTE

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, as one who has long resisted the ill-advised and dangerous pressure to make a unilateral reduction of our military commitment to NATO, I was pleased to read the article in the New York Times of September 22 in which George Kennan, the scholar and diplomat, pointed out the absence of evidence to support a détente and even urged the increase of our troop commitment in Germany.

For several years I have emphasized the subjective nature of the alleged détente and have pointed out that the Soviet forces facing the West were in better quality, had been better trained and were better equipped than they had been at any time since the organization of NATO. I referred to General Lemnitzer's warning that NATO should not base its defenses upon a state of mind in the Kremlin, but upon the fact of physical presence of the Soviet arms in Hungary, Poland, East Germany, and the Soviet Union itself.

With tragic clarity the Czech invasion has underlined the training and machinelike efficiency of the Soviet armed forces. Instead of being stationed some distance from the Western border, they will now be poised at the West German frontier in readiness for instant action.

In the face of these realities I sincerely hope that those voices in the House and particularly the large number in the other body who have been urging the reduction of NATO will now realize how dangerous this step would be. I will agree that the European allies should make a greater commitment than hitherto and I believe that they will now be willing to do so, but I also feel that the continuing reality of Russian power and the willingness of the Kremlin leaders to use it should dispel from our minds any idea that our strong support is not needed in Western Europe.

Although I have not felt that Mr. Kennan was wholly aware of the implications of the Communist power thrust in all sections of the world, I believe that his statement is a helpful and illuminating one in today's critical situation in Eastern Europe.

The full article containing Mr. Kennan's statement follows:

KENNAN DECRIES TALK OF DETENTE—HE SEES NO ATMOSPHERE OF EAST-WEST COOPERATION

(NOTE.—The following interview with George F. Kennan was given to Endre Marton, a diplomatic correspondent for The Associated Press.)

PRINCETON, N.J., September 21.—The United States should send 100,000 troops to West Germany and then tell the Soviet Union: "We will not take them out until you leave Czechoslovakia," George F. Kennan, the scholar and diplomat, suggests. He describes as pure madness any idea of President Johnson's meeting with Soviet leaders under present circumstances.

"What respect would the Russians pay to the word of a lame-duck President," Mr. Kennan asked rhetorically during an interview. "What has Mr. Johnson to offer them? It is a bad policy to go and plead with people when you have no cards in your hands, no carrot and no stick," Mr. Kennan said.

The former Ambassador to the Soviet Union and to Yugoslavia, a retired Foreign Service officer now teaching at the Institute for Advanced Study here, spoke freely in the relaxed atmosphere of his spacious office. The 64-year-old Mr. Kennan, regarded as a leading American authority on Communism, strongly questioned that there would be a detente, or relaxation of tensions, between East and West.

"I have never understood this talk about détent." Mr. Kennan said, "I have not seen any evidence of détente and I wouldn't trust any so-called détente if it is not supported by free contacts between governments and peoples."

An atmosphere of cooperation with Russians, he explained, simply does not exist. "Their conspiratorial method of diplomatic action cannot create such an atmosphere," he said.

There has been some progress in the field of the central weaponry, Mr. Kennan said. But, he added: "This is not détente. This is simply the dictate of an obvious and bitter situation, presenting danger for both."

"An agreement on nonproliferation can be concluded without affecting our general political relations. The real test of relations would be if the Soviets permitted normal contacts between peoples."

"Any real detent," Mr. Kennan said, "would have to begin with agreement on the future of Eastern and Central Europe. But I don't see that anything has changed in this respect, or that we would be any closer to the solution of the German problem."

Mr. Kennan said in reference to published reports that President Johnson still wanted to meet with Soviet leaders:

"The suggestion of such a meeting at this time smacks of one of the worst phenomena of American diplomacy in earlier years, namely: the abuse of external relations of our people as a whole for the domestic-political advantage of a single faction or party. The idea of the President's going to Russia at this time strikes me as pure madness."

Although speaking in scholarly terms, Mr. Kennan did not conceal his emotions when he discussed Soviet-led invasion of Czechoslovakia. In 1938, after the Munich conference when Britain and France opened the way for Nazi occupation of Czechoslovakia, Mr. Kennan was assigned to the United States Legation in Prague, and six months later he witnessed the occupation of the country.

In the preface to his recent book, "From Prague After Munich," Mr. Kennan said that he recalled what happened 30 years ago "to illustrate for a modern public both the hideousness and the futility of the effort by one people to dominate another one, and to ride roughshod over its national feelings." He made it clear that he thought that what he had said about the "hideousness and futility" of Nazi occupation could be applied to the Soviet action.

"The Russians did not intervene in Czechoslovakia to reestablish a military balance. They intervened because of their internal weakness," he said.

BILL TO FORCE OFFICIALS TO DISCLOSE FINANCIAL INFORMATION INVOLVING FEDERAL LOAN OR GRANT

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, I am today introducing a bill, the purpose of which is to prevent officials of Federal agencies from hiding certain transactions involving the use of the public's money.

The necessity for this legislation has recently been demonstrated by the refusal of the Small Business Administration to disclose information concerning certain questionable loans to individuals and business firms.

The SBA adopted this policy earlier this year after I had been able to obtain documentary proof that it had been playing partisan politics with the public's moneys in at least two odorous instances.

One was the case in which the SBA showered almost $900,000 on Alaska's Democrat State central committeeman, L. Donald Pruhs, in the form of a so-called disaster loan to repair flood damage to his Fairbanks motel, while cutting in half the loan request of the Republican Governor whose motel was much more heavily damaged.

The second was the outrageous Universal Fiberglas Corp. case, involving $2 million handed over to cronies of Vice President HUBERT HORATIO HUMPHREY by one of his ex-aides—former SBA Administrator Eugene P. Foley—who reportedly is still among his top advisers.

In the case of Pruhs' loan, Mr. Speaker, I now find that the SBA has drawn the curtain of secrecy over the transaction in a brazen attempt to prevent the public and the Congress from finding out what is going on.

It will be remembered that Democrat functionary Pruhs was favored by the SBA with a 3-percent, 30-year loan of approximately $894,000.

Of that amount $140,000 was ostensibly to repair the flood damage to his motel; $704,000 was to retire existing debts, including $420,000 commercial bank loan that carried 8 percent interest; and another $50,000 for "working capital."

Pruhs claimed he was so hard up that he would go bankrupt if he did not get the SBA loan, but it will be remembered that 2 weeks after the loan disbursement, he and another Alaskan bought 800 acres of land in Yuma County, Ariz., for $203,000 and made an initial down payment on it of $13,500.

The question is, Mr. Speaker, where did this money come from?

But let me turn now to the latest chapter in this intriguing example of how the public's money has been used in recent years, and how the Small Business Administration flatly refused to provide me with information. In reply to one request for it, I received a letter which has to be a minor classic in the art of gobbledygook.

At any rate, the SBA fell back on the claim that "statutory limitations preclude this Agency from making public information of a confidential or privileged nature," but in spite of this attempt to hide what has been going on with the public's money in Alaska, I have learned the following:

Shortly after the loan was approved, the SBA authorized the Alaska National Bank to pay $107,400 of the loan money—which it was holding in escrow—to the contracting firm that was to repair the motel.

Is it really surprising then to learn that the name of the contracting firm was Pruhs & Associates, Inc., and that L. Donald Pruhs is its president?

When the SBA got around to asking Pruhs & Associates to itemize the manner in which the $107,400 was spent, the company replied that $89,500 was for materials and labor and that $17,900 was for overhead and profit.

Still later, Pruhs himself submitted to the SBA a batch of purchase receipts, payroll reports, and other information which sought to prove that repairs worth about $109,000 had actually been made to his motel.

Now we come to what may be the real reason the Small Business Administration has refused to open the files in this case.

At approximately the same time Pruhs was producing documents to substantiate the repair bills, an SBA inspector reported to his superiors that the cost of the repairs was only $50,569.91.

Pruhs was paid a total of $107,400 for repairing his motel, but the SBA inspector stated that only $50,569.91 had been spent to repair it.

What I want to know, Mr. Speaker, is what happened to the remaining $56,830.01.

This is not Pruh's money. It is not the SBA's money. It is not the Democratic Party's money. It belongs to the American people, and the American people have the right to know what has happened to it.

Here is a Democratic Party functionary who got the biggest single disaster loan in Fairbanks after last year's flood; whose financial status was so perilous he was on the verge of bankruptcy, yet who magically came up with enough cash to make a substantial down payment on a big tract of Arizona land 2 weeks after the SBA showered him with money; a man who made nearly $18,000 profit by repairing his own motel; and a man who tried to claim that he had spent $107,400 to repair that motel when he had actually spent less than half that much.

Mr. Speaker, the American people are sick and tired of this sort of business.

The bill I have introduced today would prevent the Small Business Administration from hiding its wanton, partisan squandering of the public's money by forcing its officials to disclose all financial information involving a Federal loan or grant.

LICENSE THE NETWORKS

The **SPEAKER.** Under previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, in a democratic society it is essential to maintain free, open, and responsible discussion. In a democratic society people must have access to information and must be able to decide for themselves the merits of public issues. All of this should go without saying, but the fact is that it is possible to have all the forms of democracy and still to lose its substance. It is possible to have all the forms of political liberty and still have none of its reality. It is possible, in other words, for us to lose the very heart of the free society we are charged with defending.

The people of this country need information. We should be able to assume that this is the best informed country in the world, with all our millions of radios, our numerous newspapers, our magazines and books and television sets. But information is only as good as its source. One of the most important sources of information in this country is television. The television networks produce news programs daily which reach tens of millions of people. They produce at irregular intervals programs that are sometimes called specials and sometimes called documentaries—that deal with a single issue for a period of 1 hour or more. The facts and opinions carried over the network outlets have a powerful ability to create public opinion or influence it. The combination of film and sound has always been a powerful one; it produces great drama, elicits strong emotions, sets loose fervid thought. Television networks have great power, and therefore they bear great responsibility in their use of it. But the fact is that the networks are responsible only to themselves, not to the public, not to any government agency, not to any individual. How, then, is misinformation to be corrected when it comes from the television networks? How are false statements to be corrected? Wherein lies redress when the networks fail in their responsibility?

Several months ago, CBS produced a film which purported to show the extent of hunger in America. That film opened with a picture of a tiny infant being treated with a resuscitator, while the narrator intoned:

> This baby is dying of starvation. He was an American. Now he is dead.

It was a shocking, almost terrifying scene, and probably one of the provocative films ever seen on television anywhere. But the question immediately arises, Was the picture really conveying the truth? The fact is, Mr. Speaker, that it was not. The fact is that CBS News did not have a picture of a baby dying of malnutrition, but a baby dying because it was born prematurely. Some premature babies are born when the mother is malnourished, but in this case, the mother was healthy and well nourished. CBS has never bothered to document its claim, and does not deny my contention that it is a false one. Yet they do not correct the record. They have broadcast fiction and presented it as fact. Now they are trying to win an award for their show. Poor reporting has been compounded by irresponsibility, and irresponsibility has been compounded by arrogant disregard for either truth or public responsibility. I have ample proof that CBS produced a shocking picture but one that was simply not true. Yet the network now has beautiful and expensive brochures touting their programs, and featuring that same picture. Apparently they are not content with falsehood, but want to win an award for having produced it.

The Federal Communications Commission is looking into hundreds of complaints about biased and inaccurate reporting of the Democratic National Convention. It became clear to one and all that some reporters lost their objectivity in the heat of events and emotion, and at least once the CBS reporter, Walter Cronkite, made an apology for letting himself be carried away. At one point he asked the mayor of Chicago for his views. But the network does not have the integrity shown by Mr. Cronkite, and his own efforts to bring balance into the reporting of the convention fell far short of the mark.

In yet another instance, the CBS Chicago affiliate showed a program about marihuana smoking. As part of the show, there was a film segment showing a "pot party" where numbers of people sat around smoking marihuana. The fact is that it was not a real "pot party" but one that was staged by the television program's producers. Not only did the program show a false picture, but it broke the law in order to get it—promoted the breaking of the law to get a picture that was fictitious. The network owns the station, but it claims to have no responsibility for this incident. The station management for its part claims that it knew nothing about the staged party, and was not responsible for it.

Who is to be responsible? Who is to guard the public interest, if it is not the people who own and manage and profit from these programs? I believe that the responsibility rests with Congress.

The television networks have a monopoly. There is no pressure from competition to get them to produce quality along with quantity. This was made clear as far back as 1956, and has since been reaffirmed many times. The networks own their production facilities and they own what they produce. If anyone wants to produce television documentaries, he can forget any possibility that the major networks will carry it. I know of only one independent documentary producer of any major importance, and his biggest trouble is finding a place to display his films.

Elementary economics teaches that a monopoly produces unhealthy circumstances. A monopoly is likely to produce shoddy goods at an inflated cost. The television networks, it is universally agreed, produce a great quantity of shoddy goods, and if the amount of commercials sold and their price to buyers is any indication, the cost of production is high indeed.

It has long been the practice in this country to regulate monopolies. Whenever, for some reason or another, it has become a matter of public necessity to create or permit the creation of a monopoly, the practice has been to make the monopoly responsible to the public. In short, the public grants a monopoly the right to exist, but only if it is accountable to the public from which it derives that right.

The television networks have an effective monopoly. They have a monopoly on the entertainment and news broadcast on television today. But there is no regulation of that monopoly. The networks have no license to exercise that monopoly. They have no one to whom they are held accountable. The only regulation is that very indirect and tenuous regulation the Federal Communications Commission exercises over the renewal of licenses to stations owned by the networks. But this constitutes no regulation of the networks themselves. There is no law which says that it is illegal for a network to broadcast a lie, no law against broadcasting the most blatant falsehoods, no law saying that the truth shall be the responsibility of the broadcaster. There is a monopoly, but there is no regulation of it.

Mr. Speaker, I am introducing a bill that will require the networks to get a license. I believe that any monopoly must be held accountable to the public. I believe that if the Federal Communications Commission is empowered to grant or withhold a license to the networks, they will at last be accountable. Otherwise they can continue to make a mockery of journalistic responsibility. They can continue to peddle fiction and call it fact, and then expect to win an award for it, unless Congress acts on my bill. I seek not to create a censor, and would fight against anyone who did. I seek only to restore some sense of public responsibility into networks which, like the robber barons of old, have none.

DREAMS DO COME TRUE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, both Houses of Congress have given approval and sent to the White House Congressman Tom Steed's bill, H.R. 9362, authorizing the construction of the Mountain Park reclamation project in Oklahoma.

This project, which has been sought by the citizens of Altus and Snyder for years, will assure them of a 50-year supply of water, ending their present shortage. It will mean ample water for the Altus Air Force Base, which has received the assignment of the new C5A.

The Altus Times-Democrat commented on enactment of the bill, in which Senators Monroney and Harris ably assisted, in the following editorial:

Dreams Do Come True

Since as far back as 1903, the people of Southwest Oklahoma have been talking about putting a dam on Otter Creek, calling it Mountain Park Reservoir, to provide water for Altus and Snyder.

It was more than 50 years ago that engineers and people who know about such things came to the conclusion that Otter Creek and its watershed offered one of the finest dam sites to be located in the Western Hemisphere—right there in Kiowa County.

And there was no question about the need for water.

Hope abounded for years that such a project would come our way. But that's all it was—hope.

Then at a chamber of commerce board of directors meeting one morning last winter, the subject was brought up almost casually, as President Weaver Creed recalls, by Dr. Bennett Wray.

It was suggested that somebody mention it to our new congressman, Rep. Tom Steed of Shawnee.

The events that followed are history now—the House and Senate have authorized construction of a dam to create Mountain Park Reservoir, a bill written and introduced by Tom Steed.

The point is that we whooped and hollered and waved our arms and went to Washington trying to get some attention all these years, but until Tom Steed came along nobody could accomplish anything on our behalf—Victor Wickersham said he would, but didn't, and there were other congressmen—Jed Johnson, Jr., Toby Morris, and Jim Smith—who tried.

Good things have happened to us since Tom Steed became our congressman.

ELECTION CHANGES

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, I want to call to the attention of my colleagues here in the House a thoughtful editorial on the various election reform proposals. I include it at this time in the Record:

Election Changes

Sen. Lee Metcalf, as our Senior Senator Mike Mansfield and District Congressman Arnold Olsen, has come up with an election reform proposal.

Mansfield and Olsen propose a national primary among other changes. Sen. Metcalf's proposal is for a new method of choosing delegates to the national conventions of the two major parties. He offered the plan to Montana Democrats at the recent platform convention.

The plan is any persons interested in going to the national convention must run for the honor and privilege. Their names would be put on a special ballot at the county level. There would be as many nominations as the county or district has in the legislature. This would meet the equal representation requirements. The county winners would then comprise the delegates who would choose the national delegates at the state convention.

Metcalf claims his plan, which he would like introduced in the state legislature, would "bring a little more democracy. It would mean a whole new ball game in selection of national convention delegates."

We favor the idea behind the proposal because it would simplify the present method, eliminate party organization bossism, and invite greater party participation at the county level. However, we would require the candidates for delegate must declare their presidential preference so that the voters would have a choice. This absence of choice is the major objection to the present system.

It is true some of the candidates for precinct posts did publicly declare their preference in the last primary in Silver Bow County. But the majority did not.

If the candidates at the precinct level had to publicly state their presidential preference and the ballot carried that information, the only change necessary would be to eliminate the complimentary delegate designations. The delegates to the state convention could then elect delegates to the national gatherings from within their group or from outside it. This would permit nondelegate party leaders to go to the national convention but only if they represented the viewpoint of the majority of the delegates.

Such a plan would be a compromise between the primary nominating election and the convention system.

There are other methods, which probably will be proposed before final action is taken. Our position is the legislature should seriously consider election reform at the local level as its contribution toward a nationwide movement to improve our electoral process.

POSTAL PAY

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the body of the Record.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, I am delighted that the Subcommittee on Compensation of the House Post Office and Civil Service Committee has undertaken to hold hearings in order to explore ways of achieving a more modern and more satisfactory way of determining fair wages for postal and Federal workers.

This is long overdue. The present system is obsolete and cumbersome and it almost guarantees that postal workers particularly—and especially those in the lower echelons—will remain permanently behind the economic parade.

We claim to be seeking "comparability" for postal workers, but even if we achieve that somewhat obscure goal when the next pay raise goes into effect on July 1, 1969—we shall be giving them comparability only with wages paid to workers in the private sector a year or 18 months previously.

We must come up with a viable and fair definition of exactly what we mean by comparability and then administer wages within the framework of that definition.

We must find a way of reducing the number of steps a postal employee must go through to achieve top salary. It now takes 21 years for a letter carrier, let us say, to achieve the highest pay available to his craft. In almost every other occupation of similar difficulty and responsibility in private industry, the maximum rate of salary is reached in 5, 4, 3, or even 2 years.

We must find a way of compiling pay data from the private sector more quickly, so that our action in the Congress can bestow on postal employees some semblance of contemporary comparability, and not just shop-worn outdated comparability.

And, Mr. Speaker, I have been favorably impressed by the recommendation made by the newly elected president of the National Association of Letter Carriers, James H. Rademacher, that the Congress establish a "third party" or ombudsman commission of objective experts who will examine the pay proposals of both the administration witnesses and the witnesses from the postal unions, and will then develop facts of their own for the formulation of a pay scale. Mr. Rademacher has quite frankly and fairly pointed out that neither the views of the executive branch nor the views of the unions can be termed objective, and that an element of enlightened objectivity is necessary if a modern and scientifically adjusted pay schedule can be attained. Certainly this idea is eminently worth consideration by the committee.

Mr. Speaker in almost every large urban center in America the Post Office is having difficulty in attracting and retaining the highest caliber of employee or potential employee. The turnover is far too high for an efficient operation, and the standards have been forced downward in order to accommodate less desirable applicants.

Patrick J. Nilan, the very able national legislative director of the United Federation of Postal Clerks, in his appearance before the Subcommittee on Compensation, testified that the turnover in the Post Office among career employees each year is 45 percent. As Mr. Nilan pointed out such a turnover in private enterprise would ruin any business.

This process can only result in inferior postal service because, despite all the machines and the talk of automation and mechanization, postal service means people—good people—efficient people—dedicated people.

Unfortunately, a young man of talent and ambition, about to embark on his life's work, scorns to enter the postal service. Why should he not? There are too many better-paying jobs with less responsibility available. Young men of today are simply not going to put up with the fussy, antiquated methods of employment and compensation which prevail today in the Postal Establishment.

The Post Office is simply not competitive in today's labor market. We must make it competitive if we are to conduct a decent postal service. These hearings should go a long way toward developing methods through which we can achieve this goal.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. GONZALEZ, for 10 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2589. An act to provide for the regulation in the District of Columbia of retail installment sales of consumer goods (other than motor vehicles) and services, and for other purposes; to the Committee on the District of Columbia.

S. 2671. An act to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5910. An act to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma; and

H.R. 17022. An act for the relief of Pvt. Willy R. Michalik, RA 15924409.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 827. An act to establish a national trails system, and for other purposes;

S. 1321. An act to establish the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes;

S. 2515. An act to establish a Redwood National Park in the State of California, and for other purposes; and

S. 3058. An act to amend the Water Resources Planning Act to revise the authorization of appropriations for administering the provisions of the act, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on September 20, 1968, present to the President, for his approval, bills of the House of the following titles:

H.R. 17609. An act to authorize the Secretary of the Interior to convey to the city of Kenai, Alaska, interests of the United States in certain land; and

H.R. 18785. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 347]

Abbitt
Adair
Addabbo
Annunzio
Ashley
Ashmore
Aspinall
Ayres
Baring
Barrett
Bates
Battin
Bevill
Biester
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Casey
Cederberg
Celler
Clark
Cleveland
Cohelan
Collier
Collins
Conyers
Corbett
Cowger
Cramer
Culver
Cunningham
Curtis
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dent
Derwinski
Dickinson
Diggs
Dole
Donohue
Dorn
Dow
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Eshleman
Fallon
Farbstein
Feighan
Findley
Fino
Fisher
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Gardner
Garmatz
Gilbert
Gray
Green, Pa.
Griffiths
Grover
Gurney
Hall
Halleck
Halpern
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Hathaway
Hawkins
Hébert
Heckler, Mass.
Helstoski
Herlong
Holifield
Hosmer
Hungate
Hutchinson
Irwin
Jacobs
Jarman
Joelson
Johnson, Pa.
Karsten
Karth
Kastenmeier
Keith
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Laird
Landrum
Long, La.
McCarthy
McClure
McCulloch
McDonald, Mich.
McEwen
Macdonald, Mass.
Mahon
Mailliard
Marsh
Mathias, Calif.
Mayne
Meskill
Michel
Miller, Calif.
Mills
Mink
Minshall
Mize
Moore
Moorhead
Morris, N. Mex.
Morse, Mass.
Morton
Moss
Murphy, N.Y.
Myers
O'Hara, Ill.
O'Hara, Mich.
O'Neill, Mass.
Ottinger
Pepper
Pettis
Philbin
Pickle
Pirnie
Poage
Podell
Pollock
Pucinski
Purcell
Quillen
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Rhodes, Ariz.
Ronan
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Ruppe
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schweiker
Scott
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Springer
Staggers
Stanton
Steiger, Wis.
Stephens
Taft
Tenzer
Thompson, Ga.
Thompson, N.J.
Tiernan
Tuck
Tunney
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Walker
Wampler
Watkins
Watson
Watts
Whalley
Whitener
Widnall
Williams, Pa.
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wydler
Wyman
Yates
Young
Zion

The SPEAKER. On this rollcall 188 Members have answered to their names, not a quorum.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 24, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2221. A letter from the Comptroller General of the United States, transmitting a report of examination of financial statements of Federal home loan banks supervised by Federal Home Loan Bank Board for the year ended December 31, 1967 (H. Doc. No. 387); to the Committee on Government Operations and ordered to be printed.

2222. A letter from the Comptroller General of the United States, transmitting a report of examination of financial statements for fiscal year 1967, Federal National Mortgage Association, Department of Housing and Urban Development (H. Doc. No. 388); to the Committee on Government Operations and ordered to be printed.

2223. A letter from the Director, the Federal Judicial Center, transmitting the first report of the Federal Judicial Center, pursuant to the provisions of section 623(b), Public Law 90–219 (H. Doc. No. 389); to the Committee on the Judiciary and ordered to be printed.

2224. A letter from the Comptroller General of the United States, transmitting a report on the need to improve the Army Tank-Automotive Command's supply management data system; to the Committee on Government Operations.

2225. A letter from the Secretary of Commerce, transmitting the 12th program report on the activities of the U.S. Travel Service for calendar year 1967, pursuant to the provisions of section 5 of the International Travel Act of 1961, and Public Law 89–348; to the Commitee on Interstate and Foreign Commerce.

2226. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation for the relief of Arthur C. Berry and others; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ABBITT: Committee on House Administration. H.R. 18797. A bill to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes (Rept. No. 1916). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DENT:

H.R. 19944. A bill to amend the Communications Act of 1934 in order to prohibit the broadcasting in a State of certain election results or projections of election results until all polling places in such State at which votes may be cast in such election are closed; to the Committee on Interstate and Foreign Commerce.

By Mr. GROSS:

H.R. 19945. A bill to amend section 1905 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 19946. A bill to provide for the establishment of a national wildlife refuge in the south San Francisco Bay area; to the Committee on Merchant Marine and Fisheries.

By Mr. HORTON:

H.R. 19947. A bill to amend the Internal Revenue Code of 1954 to provide that any unmarried person who maintains his or her own home shall be entitled to be taxed at the rate provided for the head of a household; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 19948. A bill to amend section 32 of Public Law 320, 74th Congress, to make funds available for loans and grants to assist cities and villages in the installation of public and municipal services necessary to support industrial development; to the Committee on Agriculture.

By Mr. HORTON:

H. Con. Res. 824. Concurrent resolution establishng the Joint Select Committee on Observance of the 50th Anniversary of Armistice Day; to the Committee on Rules.

By Mr. MONAGAN:

H. Res. 1311. Resolution condemning the invasion of Czechoslovakia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

389. By the SPEAKER: Memorial of the Legislature of the State of California, relative to Pacific mackerel; to the Committee on Merchant Marine and Fisheries.

390. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the tax exemption for American-owned, foreign-registered ships; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FARBSTEIN:

H.R. 19949. A bill for the relief of James Perdos; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 19950. A bill for the relief of Gwendolyn Agatha Bradshaw; to the Committee on the Judiciary.

H.R. 19951. A bill for the relief of Ciro DeFlora; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 19952. A bill for the relief of Michelangelo Barravecchia; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 19953. A bill for the relief of Maria Digirolamo; to the Committee on the Judiciary.

H.R. 19954. A bill for the relief of Manuel Espinola and Rosa Augusto de Melo de Veiga; to the Committee on the Judiciary.

H.R. 19955. A bill for the relief of Joao Gil Ramos; to the Committee on the Judiciary.

SENATE—*Monday, September 23, 1968*

The Senate met at 10 a.m., and was called to order by the President pro tempore.

Rev. John Evans Wright, pastor, Bedington Methodist Charge, Martinsburg, W. Va., offered the following prayer:

Almighty God, within these hallowed Halls stand poised a hundred chosen ones ready to set in motion the affairs of this day. Thus, it is imperative that Thou be permitted membership in this solemn assemblage for the sake of the world's people and the welfare of our Nation.

Without Thee, this noble embodiment is restricted and subjected to all the weaknesses of human frailty; with Thee it becomes the mightiest aggregation for good assembled on this terrestrial ball.

Therefore, may Thy spirit be upon them because they have been anointed to care for the poor; to proclaim release to the captive, to give recovering of sight to the blind, to set at liberty those who are oppressed, and to proclaim this day as the acceptable time of the Lord.

Hence, may these who serve be cognizant and receptive to Thy presence, possessing minds that respond to sacred persuasion. May their strength be commensurate with the task guiding their diligent labors and lofty aspirations to fruition.

Renew their strength as these legislators wait for Thee. May they mount up with wings like eagles, may they run and not be weary, may they walk and not faint.

This we ask in the Spirit of Christ. Amen.

CALL OF THE ROLL

The PRESIDENT pro tempore. The Senate having adjourned on Friday, September 20, 1968, in the absence of a quorum, the clerk will call the roll to ascertain the presence of a quorum.

The bill clerk called the roll, and the following Senators answered to their names.

[No. 291 Leg.]

Byrd, W. Va.	Hayden	Randolph
Cannon	Jackson	Sparkman
Dirksen	Long, La.	Spong
Hansen	Mansfield	Symington
Harris	Miller	Williams, Del.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Gruening], the Senator from Hawaii [Mr. Inouye], the Senator from Montana [Mr. Metcalf], the Senator from Georgia [Mr. Talmadge], and the Senator from Maryland [Mr. Tydings] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from Idaho [Mr. Church], the Senator from Mississippi [Mr. Eastland], the Senator from Arkansas [Mr. Fulbright], the Senator from Michigan [Mr. Hart], the Senator from Indiana [Mr. Hartke], the Senator from South Carolina [Mr. Hollings], the Senator from North Carolina [Mr. Jordan], the Senator from Missouri [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from Arkansas [Mr. McClellan], the Senator from New Hampshire [Mr. McIntyre], the Senator from New Mexico [Mr. Montoya], the Senator from Oregon [Mr. Morse], the Senator from Utah [Mr. Moss], the Senator from Wisconsin [Mr. Nelson], the Senator from Connecticut [Mr. Ribicoff], the Senator from Mississippi [Mr. Stennis], the Senator from New Jersey [Mr. Williams], the Senator from Ohio [Mr. Young], and the Senator from South Dakota [Mr. McGovern] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Tennessee [Mr. Baker], the Senator from Utah [Mr. Bennett], the Senator from Kansas [Mr. Carlson], the Senator from New Hampshire [Mr. Cotton], the Senator from Nebraska [Mr. Hruska], the Senator from New York [Mr. Javits], the Senator from California [Mr. Murphy], the Senator from Maine [Mrs. Smith], the Senator from Texas [Mr. Tower], and the Senator from North Dakota [Mr. Young] are necessarily absent.

The Senator from Iowa [Mr. Hickenlooper] is absent on official business.

The Senator from Massachusetts [Mr. Brooke], the Senator from New Jersey [Mr. Case], the Senator from Arizona [Mr. Fannin], the Senator from Pennsylvania [Mr. Scott], and the Senator from South Carolina [Mr. Thurmond] are detained on official business.

The PRESIDING OFFICER (Mr. Cannon in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Anderson
Boggs
Byrd, Va.
Clark
Cooper
Curtis
Dodd
Dominick
Ellender
Ervin
Fong
Goodell
Gore
Griffin
Hatfield
Hill
Holland
Jordan, Idaho
Kennedy
Kuchel
Lausche
Magnuson
McGee
Mondale
Monroney
Morton
Mundt
Muskie
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Russell
Smathers
Yarborough

The PRESIDING OFFICER. A quorum is present.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 20, 1968, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of September 20, 1968, Mr. Tydings, from the Committee of the Judiciary, on September 20, 1968, reported favorably the nomination of Abe Fortas, of Tennessee, to be Chief Justice of the United States, and submitted a report (Ex. Rept. No. 8, 90th Cong., second sess.) thereon, together with individual views.

PROGRAM

Mr. MANSFIELD. Mr. President, the Senate has just gone through a most shameful and degrading experience. After two votes on Friday, it had to adjourn because of lack of a quorum in this Chamber.

It seems to be almost impossible to get a quorum because too many Senators are interested in too many other things than the people's business. They can go downtown. They can stay in their offices. They can carry on conferences outside the Chamber, but some of them cannot find it possible to come to the Chamber and answer to a rollcall.

It is 2 hours and 15 minutes since the mandatory quorum call was instituted, and every Member knew what would be the order of business this morning when the Senate convened.

We have important legislation pending with important amendments proposed to it. We have conference reports which are going to be called up at appropriate times. We have an extraordinarily large Defense appropriation bill on the calendar awaiting consideration at the first opportunity. We have the Fortas nomination which will follow the Defense appropriation bill. I hope that, in that instance, those who plan to take off will first search their consciences and be in the Senate Chamber, because I am quite certain there will be a number of live quorums and that factor should be kept in mind.

There is also a nonproliferation treaty which it is my personal hope we can bring up this year.

I hope that the Senate does not turn into a Tuesday to Thursday club. That is not what the people sent us here to do. They did not send us here to meet 3 days a week, or 4, or 5, but 6 if need be, and to meet early and stay late.

The joint leadership can do nothing about the Senate and what it does unless the Senate cooperates. That means the cooperation of every Senator on both sides of the aisle. If that cooperation is not forthcoming, the joint leadership is powerless. Senators, individually and collectively, know that.

This country is in grave trouble. The people are highly dissatisfied. We are, by our accomplishments, making the Senate look ridiculous, picayune, and incompetent to handle the business of the people who sent us here to represent them.

The only ones who can correct this situation are ourselves.

I would hope that we would do everything in our power to come in early and stay late, and meet on Saturdays from now on to complete the Nation's business by October 15.

I would hope that, through that cooperation, it would be possible not to consider the possibility of returning after the elections to complete the unfinished business of the Senate.

ORDER FOR ADJOURNMENT TO 10 O'CLOCK A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Statistical Supplement, Stockpile Report

A letter from the Director, Office of Emergency Planning, transmitting, pursuant to law, the Statistical Supplement, Stockpile Report to the Congress, for the period ended June 30, 1968 (with an accompanying report); to the Committee on Armed Services.

Program Report of U.S. Travel Service

A letter from the Secretary of Commerce, transmitting, pursuant to law, the 12th program report on the activities of the U.S. Travel Service for the calendar year 1967 (with an accompanying report); to the Committee on Commerce.

Report on Federal Participation in the Alaska Purchase Centennial Celebration

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on Federal participation in the Alaska Purchase Centennial Celebration, 1967 (with an accompanying report); to the Committee on Commerce.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to improve the Army Tand—Automotive Command's Supply Management Data System, dated September 23, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of the examination of financial statements of Federal Home Loan Banks supervised by Federal Home Loan Bank Board for the year ended December 31, 1967, dated September 20, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on an examination of financial statements for the fiscal year 1967 of the Federal National Mortgage Association, Department of Housing and Urban Development, dated September 20, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for additional criteria for evaluating motor vehicle use and estimating vehicle needs, Corps of Engineers (Civil Functions), Department of the Army, dated September 19, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of a proposed revision to the Internal Revenue Code governing interest payments on certain types of Federal income tax refunds, Internal Revenue Service, Treasury Department, dated September 19, 1968 (with an accompanying report); to the Committee on Government Operations.

Relief of Arthur C. Berry and Others

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation for the relief of Arthur C. Berry and others (with accompanying papers); to the Committee on the Judiciary.

Report of the Board of the Federal Judicial Center

A letter from the Director, the Federal Judicial Center, transmitting, pursuant to law, the first report of the Federal Judicial Center, as approved by the Judicial Conference of the United States, dated September 19, 1968 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A resolution adopted by the board of supervisors, county of Los Angeles, Calif., praying for the enactment of legislation to appropriate certain moneys to implement the recreation plan for the Angeles National Forest; to the Committee on Appropriations.

A resolution adopted by the National Association of Negro Business and Professional Women's Clubs, Inc., Dallas, Tex., praying for increased appropriations for programs in the war on poverty; to the Committee on Appropriations.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, appoints the Senator from Alabama [Mr. Sparkman] and the Senator from Iowa [Mr. Hickenlooper] as advisers to attend the annual meeting, Board of Governors, International Monetary Fund and World Bank, to be held September 30–October 4, 1968, at Washington, D.C.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPONG, from the Committee on the District of Columbia, with amendments:

S. 3883. A bill to authorize the Government of the District of Columbia to convey interests in certain property owned by the District of Columbia in Prince William County, Va., and for other purposes (Rept. No. 1577).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Francesco Costagliola, of Rhode Island, to be a member of the Atomic Energy Commission.

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Ernest C. Arbuckle, of California, Edward J. Daley, of California, Edwin D. Etherington, of New Jersey, Edgar F. Kaiser, of California, James J. Ling, of Texas, John L. Loeb, of New York, Everett Mattson, of Texas, George Meaney, of Maryland, David Rockefeller, of New York, and John H. Wheeler, of North Carolina, to be incorporators of the Corporation authorized by section 902(a) of the Housing and Urban Development Act of 1968; and

Donald C. Burnham, of Pennsylvania, Gilbert W. Fitzhugh, of New York, William A. Hewitt, of Illinois, Andre Meyer, of New York, Stuart T. Saunders, of Pennsylvania, and Leon N. Weiner, of Pennsylvania, to be incorporators of the Corporation authorized by section 902(a) of the Housing and Urban Development Act of 1968.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MONRONEY:

S. 4062. A bill to amend title 13, United States Code, relating to census questions; to the Committee on Post Office and Civil Service.

By Mr. MAGNUSON:

S. 4063. A bill for the relief of Cho Johnny; to the Committee on the Judiciary.

By Mr. MANSFIELD (for Mr. McGovern):

S. 4064. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

S. 4065. A bill for the relief of Alvin D. Veloso; to the Committee on the Judiciary.

By Mr. MONRONEY:

S. 4066. A bill for the relief of Dr. Jose C. Fermo, Jr., and his wife, Dr. Merli Gorospe Fermo; to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. Hartke, and Mr. Brewster):

S. 4067. A bill to amend title 5, United States Code, to provide for the payment of overtime and standby pay to certain personnel employed in the Department of Transportation; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Randolph when he introduced the above bill, which appear under a separate heading.)

By Mr. DIRKSEN (by request):

S. 4068. A bill for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu; to the Committee on the Judiciary.

S. 4067—INTRODUCTION OF BILL RELATING TO REMOVAL OF PAY LIMITATIONS ON EMPLOYEES ENGAGED IN AIR TRAFFIC CONTROL AND AVIATION SAFETY

Mr. RANDOLPH. Mr. President, on behalf of myself, the Senator from Indiana [Mr. Hartke] and the Senator from Maryland [Mr. Brewster], I introduce, for appropriate reference, a bill to amend title 5, United States Code, to provide for the payment of overtime and standby pay to certain personnel employed by the Department of Transportation in the performance of duties which directly affect aviation safety and which are critical to the operation of the air traffic control system.

Mr. President, the purpose of this measure is to remove the GS–10 minimum rate limitation used in computing premium pay for overtime and standby time for certain employees of the Department of Transportation. The duties of these employes directly affect aviation safety—a critical national problem. This measure will affect approximately 9,000 to 10,000 air traffic controllers and approximately 6,000 airway facilities personnel who are classified in grades GS–10 and above.

Under existing law, payment of overtime is authorized at a rate of 1½ times the hourly rate of the employee's basic pay, if his basic pay does not exceed the minimum rate of GS–10. For those employees whose minimum rate exceeds the GS–10 level, their overtime compensation is based on the minimum rate for a GS–10. This system is applicable to the computation of pay for standby time.

In fact, employees above the GS–10 level receive less pay for overtime or standby time than for their regular work.

The measure I submit today will remove this inequitable limitation. It is identical to the legislation, H.R. 19136, which was approved by a 317 to 2 vote in the House of Representatives on September 16.

There is no need to elaborate on the fantastic demands placed on air traffic controllers and airway facilities personnel in this jet age. The excessive work hours, the strain, and the hardships to which these employees are subjected is known to us. The need to alleviate these conditions is obvious—it demands attention. This measure to provide increased compensation for overtime and standby time is certainly one way in which the Congress can act immediately to an inequity.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 4067) to amend title 5, United States Code, to provide for the payment of overtime and standby pay to certain personnel employed in the Department of Transportation, introduced by Mr. Randolph (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

RESOLUTION

SENATE RESOLUTION 395—RESOLUTION TO AUTHORIZE PRINTING OF A HISTORY OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE AS A SENATE DOCUMENT

Mr. HILL submitted the following resolution (S. Res. 395); which was referred to the Committee on Rules and Administration:

S. Res. 395

Resolved, That there be printed with illustrations as a Senate document a compilation of materials relating to the history of the Senate Committee on Labor and Public Welfare, in connection with its one hundredth anniversary (1869–1969); and that there be printed for the use of that committee one thousand additional copies of such document.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1969—AMENDMENT

AMENDMENT NO. 1001

Mr. CLARK submitted an amendment intended to be proposed by him, to the bill (H.R. 18707) making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954—AMENDMENTS

AMENDMENT NO. 1002

Mr. MONDALE. Mr. President, I rise today to offer an amendment to H.R. 2767 for myself and Senators Nelson, Harris, and Aiken.

This amendment relates to another aspect of the conservation problem in the United States—the conservation of human beings.

Mr. President, we hear a great deal these days about the need for self-help. We work ceaselessly to provide opportunities for jobs. In recent years, we have stressed the need for helping those who can, to pull themselves out of poverty and dependency through work.

Of all the groups that need support, all would agree I think to the importance of helping the mother on welfare to help make this escape. The mothers and children of this country now receiving aid to families with dependent children are among those most deserving of every kind of help we can provide to escape the vicious cycle of poverty that traps generation after generation, one after another.

In recent years, mothers across the country have been helped to help themselves escape this cycle. Through jobs in antipoverty and related programs, they have been able to both help the people they know best, and at the same time help themselves move from being "tax eaters" to being taxpayers.

One policy instrument that has helped in making this possible has been the work incentives provided in the Economic Opportunity Act and related acts. Under these arrangements, mothers have been permitted to keep part of the income they earn without having it deducted from their welfare grant.

The idea has worked well. When a mother receiving an AFDC grant is able to work and keep a portion of her earnings without having it deducted from her grant, she not only is taking a first step toward independence, but she also is able to lift her family a little above the poverty level. So far the policy has enabled many women working on such programs as teacher aides in elementary and secondary schools, Project Headstart, citizens community centers, and new careers to make an excellent contribution as effective staff assistants as well as enabling many to add needed income to their families out of their own efforts.

Not only have the women benefited, but also the community, both from the service they have provided, but also from the fact that the women and their families have been able to participate more as part of the mainstream of American life.

Unfortunately, this entire program now has been destroyed in many States. But the program can be retrieved, if the amendment I offer is adopted.

Under the 1967 Social Security Amendment, several earnings exemption plans for AFDC recipients employed in Federal programs were terminated as of June 30 of this year. In place of these special plans, the 1967 amendments establish a new general earnings exemption arrangement for all employed recipients regardless of the nature of their employment.

The 1967 amendments stipulate that State implementation of a new general plan is optional until July 1, 1969. After that date, States are required to adopt the system. However, the old plans stopped July 1, 1968.

The problem is this: many States need enabling legislation to implement the new earnings exemption. If the State legislature was not scheduled to meet, welfare departments could not start the new program last July.

The results in these States have been disastrous. AFDC recipients who were employed in poverty, education, and job training programs suddenly found themselves losing money. For all of a sudden, the earnings exemption was gone.

Mr. President, I should like to insert in the RECORD a chart prepared by HEW showing the status of this program now.

The report shows clearly that 31 States, including Minnesota, were unable to put the new earnings incentive plan into effect on July 1 when the old plans were terminated.

The cost in human terms already has been enormous; 1,709 people have been affected in Minnesota alone.

I should like to insert one of the many letters I have received from Minnesota concerning the human hardship that has already been created.

Mr. President, I am sure that it was not the intent of Congress that this happen as a result of the passage of the 1967 social security legislation. I am sure that the drafters of the legislation inintended, not that the incentives be discontinued and that people be forced to stop work, but rather that the incentives continue to provide needed aid to mothers already working.

It is with this in mind that I introduce the amendment to this measure this afternoon.

The very simple intent of this amendment is to permit the program to work with equity in the States.

This amendment would keep the former work exemptions in effect for those persons who were receiving them in June 1968, until the States have a chance to act. The amendment would terminate at the end of the State's next regular legislative session and in no event later than June 30, 1969.

It would apply only to those States that have not had legislative sessions this year.

Mr. President, this amendment has the endorsement of other Senators. Senators HARRIS, NELSON, and AIKEN are cosponsors.

The American Public Welfare Association, the State Welfare Departments, the National Assembly of Social Policy and Development, the Child Welfare League of America and other groups all have endorsed the intent of the legislation. Congressman FRASER has introduced a measure with similar intent on the House side. The Seventh Annual Midwestern Governor's Conference relative to aid to families with dependent children also has endorsed the need for legislation of this kind.

I ask unanimous consent to insert in the RECORD at this time letters and editorials endorsing the goal of this legislation. I hope this amendment will be approved.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the letters and editorials will be printed in the RECORD.

The letters and editorials, presented by Mr. MONDALE, are as follows:

ABILITY OF STATES TO IMPLEMENT 1967 AFDC AMENDMENT

(This report shows that 31 States, including Minnesota and Wisconsin, were unable to put the new earnings incentive plan into effect on July 1 when the old plans were terminated.)

Disregarding the first $30 of any income earned per month plus ⅓ of the remainder earned (Guam, Puerto Rico, Virgin Islands—not reported.)

Will implement July 1, 1968, or soon thereafter, 17 States.

California
Colorado
Connecticut
District of Columbia
Hawaii
Iowa
Kansas
Kentucky
Massachusetts
Montana
New Jersey
New York
North Dakota [1]
Ohio [2]
Oklahoma
Rhode Island
West Virginia

Cannot implement at present because of lack of State funds, 23 States.

Alabama
Alaska [3]
Arizona [4]
Arkansas [5]
Delaware
Florida
Georgia
Idaho
Illinois [6]
Indiana
Louisiana
Maine
Maryland
Michigan
Nevada
New Hampshire
New Mexico
Oregon [7]
Pennsylvania
South Dakota
Tennessee
Texas
Wyoming

Needs enabling legislation, nine States.

Minnesota [8]
Mississippi [9]
Missouri [10]
Nebraska [11]
South Carolina
Utah [12]
Vermont [13]
Washington
Wisconsin

Needs formal Board action, two States.

North Carolina [14]
Virginia [15]

[1] Has not made firm decision but probably will implement.

[2] Already implemented effective April 1, 1968.

[3] Estimate 231 persons will be affected.

[4] Estimate 125 persons will be affected.

[5] Estimate 100 or more persons will be affected.

[6] Estimate 300 persons, almost all on OEO projects, will be affected in Chicago, alone; expect strong adverse reactions to situation. However State agency already has a large deficiency in budget and is seeking a supplemental appropriation to meet it.

[7] Estimate 75 persons will be affected.

[8] Estimate 1,709 persons will be affected.

[9] Legislation being considered in current 1968 session.

[10] Estmiate 200 persons will be affected.

[10] Estimate 200 persons will be affected.

[11] Estimate 175 persons will be affected.

[12] Have prepared an amendment for consideration of legislature.

[13] Estimate only small number of persons affected.

[14] Have not asked for Attorney General's opinion; Board action will be necessary; availability of funds a factor.

[15] Proposal to be presented to State Board at July meeting.

Source: SRS—APA, June 18, 1968.

AUGUST 12, 1968.

DEAR SENATOR MONDALE: I am writing you concerning the Directive from Dept. of Publice Welfare which went into effect July 1. From Oct. 18 to June 18 I worked as an Outreach Aide for Goodhue Rice Wabacha Citizens Action Council, Inc. on June 18 I was notified that because of this directive my grant for July would be cut 82—from wages earned in *May* and I was cut $115 for wages earned in June. What kind of laws are passed that affect wages 2 months before we know of them. I was forced to quit work. $30 a month will not cover the increase in food costs, lunches away from home, dry cleaning, hosiery, etc. I applied for training under MDTA but do not live in the Twin Cities area so have been unable to receive it and there is no allowance for us to move into an area where there is training. We hear a great deal about the increase in costs of welfare but when we try to get off we're punished. I know I'm not the only AFDC mother hurt by this law but I do know how it hurt me and my family. Why do they feel we can work for nothing? Where is the incentive to try and get off welfare. I was hoping to use my earnings to pay for my own training; instead I'll be months trying to balance a budget upset by this change. If I had known prior to this directive I could have made arrangements but before I knew of the change I had lost $200. Surely Congress must realize a welfare family isn't in position to lose $200 without warning.

I do not know anyone who wants to be on welfare but where do we get help to get off. I receive 252 for basic needs plus 70 housing allowance for myself and 5 children, that certainly doesn't allow any extra for training or moving to where there is training, etc.

Does Congress want us to get off welfare rolls or to stay on.

I would very much like to know what our Senators and Representatives are doing to try and help those of us that want to be self supporting.

Sincerely,

KATHLEEN RICHARDSON.

MAZEPPA, MINN.

[From the Seventh Annual Midwestern Governors' Conference, Milwaukee, Wis., June 30–July 3, 1968]

RESOLUTION XI. AID TO FAMILIES WITH DEPENDENT CHILDREN

Whereas, 1967 Amendments to the Social Security Act (P.L. 90–248) and to the Economic Opportunity Act (P.L. 90–222) provide that after June 30, 1968, recipients of Aid to Families with Dependent Children will no longer be entitled to certain disregards of income currently provided by other federal acts including the Economic Opportunity Act the Manpower Development and Training Act, and Title I of the Elementary and Secondary Education Act; and

Whereas, Congress in amending the Social Security Act (P.L. 90–248) did provide a new disregard of income; and

Whereas, Congress further provided that the several States will have until July 1, 1969 to implement the new income disregards; and

Whereas, the majority of States will be unable to implement the new income disregards until sometime after July 1, 1968; and

Whereas, in those States unable to act until after July 1, 1968, many recepients of Aid to Families with Dependent Children in training and/or employment will be denied the benefits of income disregard which they are presently entitled to; and

Whereas, denial of income disregard benefits will discourage recipients both from remaining in training and/or employment and from entering training and/or employment under current federally-aided programs:

Now, therefore, be it Resolved that the Midwestern Governors' Conference urge Congress to take action deferring the effective dates of appropriate sections of P.L. 90–248 and P.L. 90–222 until July 1, 1969.

[From the Minneapolis Tribune, June 7, 1968]

PROTECTION OF POVERTY WORKERS' PAY ASKED

(By Dick Cunningham)

The Minneapolis Urban Coalition voted Thursday to apply its influence at the state level to see that mothers working in poverty programs don't lose the financial incentive that makes it possible for some of them to work.

The coalition—of major business, labor and community agency representatives—voted to ask Morris Hursh, Minnesota welfare commissioner, to administer regulations so the women will not lose $100 a month starting July 1.

If Hursh needs it, he should ask Minnesota Atty. Gen. Douglas Head for a legal opinion that would allow Hursh to save the money for the women, the coalition advised.

The group also empowered its executive director, Larry Harris, to ask the National Urban Coalition's new legislative unit in Washington, D.C., to work for a change in the national law that is jeopardizing the women's money.

Finally, the group voted to set up in a task force to study the 1967 amendments to the Social Security Act to seek changes in any that may threaten the well-being of Hennepin County poor people.

The specific change that threatens the income of some of the mothers in poverty programs is the result of an attempt by Congress to shift financial incentive from one law to another.

Congress repealed a provision of the Economic Opportunity Act that permitted women on Aid to Families of Dependent Children (AFDC) to keep $115 instead of only $15 of extra income each month, provided the income comes from work and/or training in a poverty program.

Congress provided for a similar incentive in an amenment to the Social Security Act, but the provision requires action by the state legislatures to become effective in Minnesota and in many other states.

The Minnesota Legislature does not meet until 1969.

Therefore, without action by Hursh or Congress, women under the program may lose $100 a month starting July 1, explained Cecil Newman, head of the coalition's employment task force.

More than 200 women in Minneapolis would be affected, said Harris. In one program alone, New Careers, about 60 women have said they will have to quit, said Mike Roan, community relations director of the Hennepin County Mobilization of Economic Resources.

[From the Minneapolis Tribune, June 23, 1968]

EARNINGS INCENTIVE LOST IN LEGAL SNARL

To the EDITOR:

When a mother receiving an AFDC (aid to families with dependent children) grant is able to work and keep a portion of her earnings, without having it deducted from her grant, she not only takes the first step toward independence, she is also able to lift her family a little above the poverty level.

This sensible policy, put into practice in the antipoverty programs, is known as an earnings-incentive program. It has enabled hundreds of women throughout the state working on such programs as teacher aides in elementary and secondary schools, Project Headstart, Citizens Community Centers, and New Careers to make an excellent contribution as effective staff assistants and to add needed income to their families out of their own efforts.

The community is enriched not only by the unique contribution these women make to these important programs but also by the fact that this policy enables AFDC families to participate more normally in the mainstream of life.

Now the earnings-incentive program, widely accepted by every knowledgeable expert as a necessary change in the welfare system, is going down the drain in Minnesota.

An amendment to the Social Security Act adopted by Congress last year provides an earnings-incentive program, but one that is pegged very much lower than that permitted under the antipoverty programs. It also eliminates the present incentive policy of the poverty programs.

Because the State Legislature did not pass enabling legislation, Minnesota cannot take advantage of even the incentive policy of the new amendment for a least a year.

The issue is more than just a technicality that was overlooked in the law. It is symptomatic of how confused we are in dealing with poverty.

On the one hand, everyone seems outraged at features of a welfare system that perpetuates chronic dependency. On the other hand, we have been led into a blind impasse that undercuts the one feature that could lead to a revived sense of self-reliance, a decent earnings-incentive program.

This legislative muddle illustrates the increased helplessness that poor people feel when confronted with bureaucracies.

Who will suffer? A sizable portion of the 42,000 children on AFDC grants.

What can be done? Congressman Fraser and Senator Mondale are working to try to solve this legislative snarl. But they and all Minnesota congressmen need the letters of interested citizens urging them to delay the effective date of the new Social Security Amendment on earnings incentives until July 1, 1969, so that AFDC mothers will not be penalized by having to give up the incentive program they now have under OEO.

This will give our legislature time to act to take advantage of the new federal law.

ESTHER WATTENBERG,
Project Director, New Careers Programs,
University of Minnesota, Minneapolis.

STATE OF MINNESOTA, DEPARTMENT
OF PUBLIC WELFARE,
St. Paul, Minn., June 6, 1968.

Re: Public Law 90–222, Public Law 90–248.

Hon. DONALD M. FRASER,
Representative in Congress,
Washington, D.C.

DEAR CONGRESSMAN FRASER: Under Congressional Amendments of 1967, the disregard of certain income of AFDC recipients will no longer be applicable after June 30, 1968. Programs affected are the Economic Opportunity Act, Manpower Development and Training Act, and the Elementary and Secondary Education Act.

An estimated 1700 AFDC recipients in Minnesota now participating in these programs will not have the benefit of the income exemptions after July 1, 1968. This means they will have no financial incentive to continue working since their total earnings (after employment expenses are allowed) will be deducted in determining the amount of their AFDC grant.

Public Law 90–248 does provide a new disregard of income for AFDC recipients, effective July 1, 1968, but in Minnesota we must pass enabling legislation to implement this new exemption provision. And this we cannot do until the Legislature meets in 1969. I assume that a similar situation prevails in many other states.

We will greatly appreciate anything that you can do to get the effective date of the provision referred to deferred for one year. This would make it possible for our AFDC recipients to get the exemptions they are presently receiving right up to the time we implement the new exemption provision of $30 per month plus one-third. (If Congressional action is taken on the June 30, 1968 date, it should relate both to P.L. 90–248 and P.L. 90–222.)

Sincerely yours,

MORRIS HURSH,
Commissioner.

NATIONAL ASSOCIATION OF SOCIAL
WORKERS INC., SOUTHERN MINNEAPOLIS CHAPTER,
Minneapolis, Minn., June 19, 1968.

Hon. DONALD FRASER,
House of Representatives,
Washington, D.C.

DEAR MR. FRASER: Our Southern Minnesota Chapter of the National Association of Social Workers is gravely concerned over the expiration of Title VII of the OEO Act on July 1, 1968. As you know, this means that AFDC mothers currently receiving income exemptions under that Act will no longer be able to receive these exemptions.

Because our state legislature will not convene again until 1969, our AFDC mothers will not be able to take advantage of the new income exemptions provided under the Social Security Amendments of 1967, as our state does not have the necessary enabling legislation. We urge you to take whatever measures you can to defer the effective date of Title VII until July 1, 1969.

While writing on behalf of work incentives for AFDC mothers, we would like also to express our disappointment over the low amount of $30 plus one-third of the remainder as provided in the Social Security Amendments. We do not feel that this provides an adequate incentive. Our NASW nationally has recommended a monthly exemption of $85 and one-half of the remainder.

Sincerely yours,

Donald C. Wilson,
President.

American Public Welfare Association,
July 29, 1968.

Hon. Gaylord A. Nelson,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

Dear Senator Nelson: It is our understanding that you are planning to propose an amendment to legislation pending before the Senate which would extend for another year the recently expired provisions for disregarding portions of income earned by public assistance recipients from programs under the Economic Opportunity Act, the Manpower Development and Training Act and the Elementary and Secondary Education Act.

I am pleased to inform you that the Board of Directors of the American Public Welfare Association has adopted a resolution in support of this measure. Because of the late date of enactment of the 1967 Social Security Amendments (actually, January 1968), the effective date of the termination of these provisions came quite abruptly. While a substitute provision was established, a number of states must first either enact legislation or appropriate additional funds before it can be put into effect. In the meantime, those families who are working under programs affected by these expirations are no longer allowed the exemption of part of their earnings, with the result that their net incomes are reduced and they are no better off for working than if they stayed at home and received assistance.

We are confident that most states who are thus affected will adopt the necessary remedial measures when their legislatures meet early next year. In the meantime the one-year extension of these expired provisions would enable them to continue to allow the exemptions, as they have prior to June 30, 1968.

We are appreciative of your effort in this regard and we are pleased to lend our endorsement to this measure.

Sincerely,

Harold Hagen,
Washington Representative.

Child Welfare League of America, Inc.,
New York, N.Y., July 10, 1968.

Senator Fred Harris,
U.S. Senate,
Washington, D.C.

Dear Senator Harris: The Child Welfare League of America wishes to endorse the legislation introduced by Mr. Donald Fraser in the House—and we understand by you in the Senate—that would permit states to continue in effect the earnings test presently being applied under Title IV of the Social Security Act until such time as the states can place in effect the new earnings exemption provisions required by the Social Security Amendments of 1967.

Without such legislation, we only add one additional major discouragement to those receiving funds through the AFDC program. Failure to pass such an amendment will only result in further thousands of recipients being locked into a degrading welfare program.

Sincerely yours,

Joseph H. Reid,
Executive Director.

The National Assembly for Social Policy and Development, Inc.,
New York, N.Y., July 11, 1968.

Hon. Fred R. Harris,
U.S. Senate,
Washington, D.C.

Dear Senator Harris: We are familiar with the objectives that are being proposed by Congressman Donald M. Fraser with respect to earnings exemption for AFDC recipients. We believe that an important principle is embodied in the earnings exemption which benefits the recipients, the community and the nation.

It is our hope that appropriate action will be taken to prevent cessation of the earnings exemption until new legislation can take effect in the several States.

Respectfully yours,

C. F. McNeil,
Executive Director.

AMENDMENT NO. 1003

Mr. COOPER (for Mr. Baker) submitted an amendment, intended to be proposed by Mr. Baker, to House bill 2767, amending the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 1004

Mr. ELLENDER (for himself, Mr. Holland, Mr. Sparkman, and Mr. Harris) proposed an amendment to House bill 2767, supra, which was ordered to be printed.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 23, 1968, he presented to the President of the United States the enrolled bill (S. 3058) to amend the Water Resources Planning Act to revise the authorization of appropriations for administering the provisions of the act, and for other purposes.

NOTICE OF COMMITTEE HEARINGS

Mr. YARBOROUGH. Mr. President, on behalf of the chairman of the Committee on Post Office and Civil Service, Senator Mike Monroney, I wish to announce that public hearings have been scheduled on various contested postmaster nominations which have been pending before the committee since the first session of this 90th Congress. The hearing will be held next Friday morning at 10 a.m., September 27, in room 6202 of the New Senate Building.

I ask unanimous consent to insert in the Record at this point a list of the nominations which will be considered, so those concerned will have notice.

There being no objection, the nominations were ordered to be printed in the Record, as follows:

Nominee and Post Office

Harold F. Johnson, Belvidere, Illinois.
Robert D. Yordy, Flanagan, Illinois.
David S. Miranda, Ashland, Kentucky.
Edmond J. Michel, Marksville, Louisiana.
Joseph V. Spreitzer, Allegan, Michigan.
Arthur J. Fiene, Alma, Missouri.
Roy E. Boham, Bassett, Nebraska.
Marvin R. Holz, Paxton, Nebraska.
Tadeusz Lepianka, Franklin, New Hampshire.
Jean M. Hickman, Cedarville, New Jersey.
Clair J. Nenno, Riverside, New Jersey.
Jerome P. Meyer, Corfu, New York.
Lowell R. Felder, Redwood, New York.
Francis J. Foote, Valois, New York.
Homer A. Crecelius, Bellevue, Ohio.
Herbert W. Miller, Biglerville, Pennsylvania.
Edwin J. Caprioli, Canadensis, Pennsylvania.
Michael Megaludis, Monroeville, Pennsylvania.
Bernard J. Brashears, New Oxford, Pennsylvania.

HECKLERS OF THE VICE PRESIDENT

Mr. McGEE. Mr. President, we who watched television in order to see the events in Boston last Thursday, when the Vice President was confronted with hecklers and worse, have renewed admiration for the Senator from Massachusetts [Mr. Kennedy]. He showed no hesitation. He braved the opprobrium of the hecklers himself. And he made it certain where he stands, saying:

> There is no room for seeking solutions by shouting and screaming.

Mr. President, I ask unanimous consent that an editorial entitled "Humphrey and Kennedy," published in today's Washington Post, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Humphrey and Kennedy

Toward the end of the congressional campaign of 1966, when Senator Edward Kennedy had given more speeches around the country than he could remember, he observed that he thought the best speech of the campaign had been Hubert Humphrey's impassioned plea on behalf of Senator Paul Douglas's failing candidacy. To a remarkable degree, the youngest Kennedy has always been specially responsive to his liberal forebears in the Democratic Party, and he has felt an evident sense of continuity with them. All this was apparent again the other day in Boston when Senator Kennedy went out of his way to identify himself with the Vice President's troubled campaign and to lend him much-needed help.

Thursday marked Senator Kennedy's first experience of the 1968 presidential campaign since the murder of his brother, Robert. That event in itself would have provided a reason for the Senator's declining to participate, had he wished to do so. Moreover, though the differences between him and the Vice President on Vietnam are not nearly so large as is commonly supposed, the Senator might have chosen—as others have done—to invoke them as a reason for playing a lesser role in the Humphrey campaign. On the contrary, however, he went further than some of his advisers thought prudent—either politically or in terms of his own physical safety—to associate himself with the Vice President's candidacy, insisting after the squalid heckling had occurred that he wished to change his plans and (despite understandable anxieties) to accompany the Vice President on an open motorcade through town. In view of these exertions, it hardly seems necessary to seek a better interpretation of the Senator's visible distress during the continually disrupted proceedings than that which he himself offered the rowdy crowd: "If there has been one lesson of 1968, it is that there is no room for anarchy, no room for violence. There is no room for seeking solutions by shouting and screaming."

To bend the events of Thursday into conformity with a pattern of political behavior Senator Kennedy has chosen not to follow, is not only to misread his longtime relationship with Vice President Humphrey. It is also to deny the Senator credit for what he did. At a time when others are unwilling to spend a little of their own political currency on an underdog's campaign, Senator Kennedy showed no such hesitation. As a public figure intimately involved with the protest movement of the young, he also challenged fashion and indicated that he feels some responsibility for what they think and say and do now——responsibility, in other words, to help lead the anti-war wing of his Party along a path he believes it is in their interest to follow. And finally he braved the opprobrium of the hecklers, making plain at some risk to himself that there was no confusion in his mind as to whose side he was on in the continuing confrontation between them and Vice President Humphrey.

IRS WISE TO PROPOSE REALISTIC BASIS FOR DEPLETION

Mr. PROXMIRE. Mr. President, I commend the Internal Revenue Service for proposing new, more realistic regulations governing the percentage depletion allowance. At long last someone is beginning to take steps to close the depletion tax loophole which has been abused for so long by the oil and gas industry.

According to a letter I received from the Internal Revenue Service, which I ask unanimous consent to have printed at the conclusion of my remarks, the proposed changes in the regulations could result in increased tax receipts of over $100 million a year. That is over $100 million a year that does not have to come from the pockets of overburdened ordinary taxpayers to meet our Nation's growing needs.

The new regulations would provide a more realistic base on which to figure the percentage depletion claimed by the oil and gas companies.

For example, the proposed regulations would establish actual market price as the yardstick on which to base the depletion allowance rather than the artificial selling price—the posted price—set by the major integrated companies. This means that the oil companies will no longer be able to set artificially high selling prices for crude oil when selling to their own refiners in order to get as large a depletion allowance as possible.

Another benefit might be realized from these regulations. It is said in the oil industry that "only fools, affiliates and the Agency for International Development pay the posted price for oil." By encouraging the lowering of posted prices to more nearly approximate costs, the regulations will save AID and the American taxpayer large amounts of money.

I sincerely hope that pressure from the oil and gas lobby which the Internal Revenue Service is sure to feel does not dissuade it from promulgating the new regulations. These regulations will narrow the loophole which has allowed literally billions of dollars to escape taxation.

The ordinary American should no longer have to bear the burden that the oil and gas companies have for so long avoided. In 1967, the major oil companies paid an average of 8.8% of their net income in taxes, while an individual with a taxable income of only $500 a year must pay at a 14-percent rate. This cannot continue.

I hope the leadership exhibited by the Internal Revenue Service will act as a spur to the next Congress to close the percentage depletion allowance loophole.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Wisconsin?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., September 10, 1968.

In reply refer to: CC:LR–1411 Br4:JPM
Hon. WILLIAM W. PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in reply to your letter to the Commissioner of August 23, 1968, concerning regulations, relating to percentage depletion, which were published in the Federal Register for July 26, 1968. Your letter had particular reference to the effect which the proposed regulations, if adopted, would have on the depletion allowance for oil and gas. Specifically, you inquired whether we consider the proposed regulation to represent a substantive or merely a technical change; what the total depletion deduction in dollars each year claimed by the oil companies on domestic and foreign production for the past five years has been; and what our best estimate is of the effect of the proposed regulations upon the amount claimed by the oil companies as a depletion deduction.

The percentage depletion regulations proposed last month contain some provisions which apply both to oil and gas and to "hard" minerals (coal, iron ore, clay, stone, oyster shells, etc.), some provisions which apply only to hard minerals, and some which apply only to oil and gas. Some of the more significant provisions of the proposed regulations, from the point of view of the oil and gas industry, are the following:

1. *Computation of dedication:* As you know, the percentage depletion allowance is computed by applying a percentage, ranging from 5 percent in the case of some hard minerals to 27½ percent in the case of oil and gas wells, to gross income from the property; gross income from the property is the actual or constructive selling price of the mineral at the cut-off point (*i.e.*, before conversion or manufacturing). The allowance cannot exceed 50 percent of the taxable income from the property. Ordinarily, in the case of oil and gas, gross income from the property is the actual or constructive selling price of crude petroleum or gas after the application of preliminary treatment processes on the least. Regulations of long standing in the case of both oil and gas and hard minerals have provided that, where the mineral product is not sold by the taxpayer at the cut-off point, the selling price is deemed to be the representative market or field price of minerals of like kind and grade sold at the cutoff point by the taxpayer or others. In the case of hard minerals, prior regulations required the use of the proprotionate profits method, or some other approved method, of arriving at a constructive selling price where there is no representative market or field price at the cut-off point. The proportionate method of arriving at a constructive selling price at the cut-off point in the case of inte- profits method has been accepted as a grated producer-manufacturers where approval of another satisfactory method has not been obtained. Under this method, income from the sale of manufactured products is apportioned between the production and the manufacturing segments of the integrated operation in the proportion that the costs of each such segment bears to total costs. The rationale of this method is that each dollar of cost earns the same rate of profit.

The use of this method could raise or lower depletion depending on the relationship of production costs to manufacturing costs. In the case of oil and gas, prior regulations were silent as to the method to be employed where there is no representative market or field price for crude petroleum or gas near the well. The prior regulations have been recently amended to provide guidelines for determining a representative market or field price. The proposed regulations in question extend these guidelines to oil and gas, and they also extend to oil and gas the same rules, previously applicable only to hard minerals, for arriving at a constructive selling price at the cut-off point where there is no representative market or field price for oil and gas at the cut-off point.

2. *Intercompany sales:* Ordinarily, where minerals are sold at the cut-off point to unrelated parties the actual selling price is the price on which percentage depletion is based. The proposed regulations contain a provision that where mineral products are sold by one member of a controlled group (*e.g.*, corporations having a common parent or a parent corporation and its subsidiary) to another member of the controlled group, the selling price is not necessarily controlling. In such a case, the representative market or field price (if available) or some other constructive price appropriately computed is to be used. Of course, it is conceivable that in some cases the actual intercompany price and the representative market or field price may be the same. The proposed rules in this area apply equally to hard minerals and to oil and gas.

3. *Treatment of net operating loss carryovers and carrybacks:* The proposed regulations provide that a net operating loss carryover or carryback, to the extent attributable to a particular mineral property, is to be taken into account in computing taxable income from the property for percentage depletion purposes. This, of course, could have the effect of reducing taxable income from the property below the 50 percent limit and, accordingly, lowering the depletion deduction.

The changes described under items 1 and 2 above will probably have no substantive effect in most cases, except where application of the proposed rules requires a significant change in the practice employed by the taxpayer. This could occur, for example, where the new proposals would require the taxpayer to adopt the proportionate profits method of computing a constructive price instead of the method presently being employed by him, or where the price used in the case of intercompany sales is wholly out of line with representative market or field prices. The change described under item 3 above is a major change from prior practice, since the proposed rule reverses a Revenue Ruling published in 1960.

There are a number of technical and clerical changes in addition to those specifically described above.

Apparently, there has been considerable misunderstanding in the oil and gas industry, perhaps originating with commentaries on the proposed regulations appearing in several oil and gas trade publications, as to the nature and magnitude of the changes proposed to be made. Apparently, there was a belief that the proposed regulations would require all oil and gas producers, including unintegrated producer-sellers of only crude products, to use the proportionate profits method of computing a constructive selling price. In response to inquiries, the Internal Revenue Service issued Technical Information Release 989, a copy of which is enclosed on August 30, 1968.

Your second question asked for the total depletion deduction in dollars each year claimed by the oil companies on domestic and foreign production for the past five years. Unfortunately, 1960 is the most recent year for which a breakdown between depletion claimed on domestic properties and depletion claimed on foreign properties is available. The figures set forth below, relating to depletion claimed on corporation tax returns are derived from a supplemental report to *Statistics of Income—1960* entitled *Deletion Allowances for Mineral Production Reported on U.S. Tax Returns*. A copy of this supplemental report is enclosed.

Corporations whose business is in crude petroleum and natural gas:	
Depletion on foreign properties:	
Percentage depletion	$215,974,000
Cost depletion	4,283,000
Subtotal	220,257,000
Depletion on domestic properties:	
Percentage depletion	[1] 309,297,000
Cost depletion	[2] 32,674,000
Subtotal	341,971,000
Corporations whose business is in petroleum refining and related industries:	
Depletion on foreign properties:	
Percentage depletion	416,849,000
Cost depletion	18,071,000
Subtotal	434,920,000
Depletion on domestic properties:	
Percentage depletion	[3] 1,155,601,000
Cost depletion	[4] 64,420,000
Subtotal	1,220,021,000
Total	2,217,169,000

[1] Line 14, column 9, table 21, less line 12, column 4, table 23.

[2] Line 15, column 9, table 21, less line 13, column 4, table 23.

[3] Line 14, column 21, table 21, less line 12, column 7, table 23.

[4] Line 15, column 21, table 21, less line 13, column 7, table 23.

Source: Tables 21 and 23, supplemental report to *Statistics of Income—1960*.

The five most recent years for which depletion statistics are currently available are the years 1961 through 1965. No breakdown between foreign and domestic production, or between percentage and cost depletion, is available for these years. The source of the following data is *Statistics of Income—Corporation Income Tax Returns;* in the case of 1964 and 1965, the figures are taken from preliminary reports.

Year	Crude petroleum and natural gas	Petroleum refining and related industries	Total
1961	$569,382,000	$1,644,951,000	$2,214,333,000
1962	625,833,000	1,836,947,000	2,462,780,000
1963	708,604,000	1,981,910,000	2,690,514,000
1964	580,731,000	2,119,635,000	2,700,366,000
1965	586,588,000	2,285,900,000	2,972,488,000

We might add that, as a result of last year's amendments to the regulations relating to information to be furnished in connection with depletion deductions, fairly detailed data relating to the depletion deduction is expected to be available on a more nearly current basis in the future. However, that amendment to the regulations is effective only for taxable years ending on or after December 31, 1967. It will be some time before all the data for 1967 will have been received and compiled.

The third question raised in your letter requested our best estimate of the effect of the proposed regulations on the amount claimed by the oil companies as a depletion deduction. For several reasons, we are unable to supply such an estimate. For one thing, the raw data necessary to make an estimate of the revenue effect of the various provisions of the proposed regulations are not available to us. Furthermore, the regulations are now outstanding in tentative form under the notice of proposed rule making procedure, and it is quite possible that the regulations finally adopted will differ in some respects from the proposed regulations. Therefore, it does not appear practicable to preapare an overall revenue estimate at this time. However, it is believed that the change in the treatment of net operating loss carryovers and carrybacks discussed earlier in this letter will, if adopted, have a significant impact on the depletion allowance. The revenue effect of the application of this provision to producers of oil and gas and to producers of "hard" minerals could be well over $100 million annually.

Your interest in this matter is appreciated, and we hope that the above discussion has been helpful. If you can be of further assistance, please let us know.

Sincerely yours,

LESTER R. URETZ,
Chief Counsel.

TELEVISION INTERVIEW WITH SENATOR BYRD OF WEST VIRGINIA ON U.S. TROOP STRENGTH IN EUROPE, NONPROLIFERATION TREATY, AND SHORTER PRESIDENTIAL CAMPAIGN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be printed in the RECORD a transcript of questions asked of me during a television interview September 18 and of my answers thereto.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

Television Interview With Senator Byrd of West Virginia on Reducing U.S. Troop Strength in Europe, Senate Ratification of the Nuclear Nonproliferation Treaty, and Shorter Presidential Election Campaigns

Question. Senator Byrd, in the wake of the Czechoslovak crisis the United States has announced that instead of pulling more men out we will return some 12,000 troops to Europe. Would you comment on this situation?

Answer. Heretofore, because of our balance-of-payments problem and our budget deficit, I have urged that we reduce our European troop strength to some extent, with our NATO allies taking up the slack. These nations, which have never really met their commitments, could well afford to carry a heavier share of the common defense costs.

However, in view of recent developments in Czechoslovakia, I think it would be unwise, at this time, for the United States to further reduce the number of troops stationed in Europe. By the end of this month we shall have withdrawn some 34,000 men, bringing our total European troop strength down to 303,000. This is as far as we should go at this time.

The Soviet invasion of Czechoslovakia has shown that, regardless of however well disguised its intentions may be, they are still warlike, and I would hope that this would hammer home to the nations of Western Europe—which would be the first to come up against a Soviet conventional attack—that it is in their own self interest to meet their NATO troop commitments. If they would do this, it would relieve the pressure upon the United States and we would not have to maintain as many troops in Europe as we presently have.

Question. Senator Byrd, how do you feel about the nuclear non-proliferation treaty?

Answer. In principle, I favor the treaty. About 80 nations have signed the treaty already, with West Germany and Italy and some other countries failing, thus far, to embrace it. I think its objectives are good. I believe that the United States and the Soviet Union should take the lead in an effort to halt the further spread of such fearsome weapons as the hydrogen bomb, and the nonproliferation treaty would be a good step in this direction.

But another complicating factor has entered the picture since the treaty was first sent to the Senate. And this is the invasion of Czechoslovakia by the Russians and the Warsaw Pact countries. This intransigence on the part of the Soviet Union, this naked, bald-faced aggression, in my judgment, should not go unnoticed by the United States. Consideration of the treaty, which the Russians want very much for us to ratify, should be delayed at least until a new Congress meets next year. This would indicate, in some measure, our condemnation of the occupation of Czechoslovakia.

Now as to my own position in regard to the matter, I expect, as of now, to vote for the treaty. But I do believe that action on it should be delayed until a later time and that we should give it further study in the light of world events at that time.

In any event, I believe that it would be difficult to secure the necessary two-thirds vote for its ratification in view of the invasion of the Czechoslovakian state.

Question. Senator Byrd, many people are now saying that the Presidential campaign is much too long. What do you think of that?

Answer. I have to agree with that. Presidential politics has been on television and on the front pages now for months. I suspect that many of the voters have already made up their minds. The extensive coverage given to the candidates and to the conventions surely has acquainted most citizens, by now, with the issues and the personalities involved.

I do not believe that there is any really good reason for spending three months between the conventions and the election on an old-style campaign that was geared for rail travel and radio. The voters become satiated and bored, and the candidates become exhausted. Our campaigns, from the time of announcement by candidates—sometimes a year in advance of the elections—waste a great deal of time and manpower and talent and money. I think they should be shortened. This could be done, and it could be done best by moving the general election day back from November to the first week in October. The better weather in October really would encourage a larger turnout of voters, in my opinion, and I believe that the voters and the candidates alike would welcome this change. The change could easily be brought about by an act of the Congress of the United States.

INTERVIEWER. Thank you, Senator Byrd.

THE PRESIDENCY

Mr. MILLER. Mr. President, I ask unanimous consent to have printed in the Record an excellent article entitled "The Presidency," written by a distinguished writer, Hugh Sidey, and published in Life magazine for September 20, 1968.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Presidency: A Party Dispirited With Itself

(By Hugh Sidey)

A strange political phenomenon is taking place in Washington. The party in power is disgusted and dispirited with itself. Among liberal Democrats, there is almost a death wish—that Richard Nixon would win the Presidency. He would then, they hope, perform some kind of purification rite, sweeping out the whole mess, tearing the smug power structure up by its roots. One hears expressions of this even in the sanctum of the White House. Not that Nixon has gained that much personal luster among these Democrats, but they see him at least running a professional operation. And he promises to bring with him to the White House a roster of men who could prove to be expert, energetic and maybe even exciting.

The problems all this presents the party—and Hubert Humphrey—were aggravated last week when the campaign really opened. There was another of the father-errant son acts which Johnson and Humphrey apparently plan to perform about every week. When the Vice President, talking too much again, promised to bring some Vietnam troops home soon, an irritated Lyndon Johnson jumped in his jet and huffed off to the American Legion convention in New Orleans to set every body straight: nobody, he said emphatically, can predict when our men can be shipped back.

The Abe Fortas nomination went through another painful phase and it is clear that whether the nomination is approved or not, the whole affair will leave an unpleasant aftertaste. It has already demonstrated that what we have in Washington is not participatory democracy or even a partnership, but a proprietorship. The branches of the government, once so sacredly separate, have been annealed—at least in the minds of Johnson and those around him—into a single unit. A man will move casually from one branch to another without concern for the consequences.

Those who know and admire Abe Fortas for his superb legal intelligence were both disillusioned and saddened by the casual way in which he justified his dual role of Supreme Court justice and presidential trouble shooter. What this suggests is that these two men—and a lot of others in this city—have such long histories of interlocking interests, both personal and public, that they cannot be free of each other if they want to be. What it ultimately suggests is that after holding the power for most of the past four decades. Democrats look on the national government as a party possession.

The Democrats cannot blame Lyndon Johnson for another source of the troubles that are wracking the party. The performance of John Kennedy's exiled palace guard over the past weeks is another of the things that has added to the problems and the pain. "When those aides and advisers had President Kennedy," noted one shrewd observer, "they were charged like iron filings around a magnet, forming a rational pattern. But after Kennedy was gone and there was no force to hold them together, there has been only confusion."

These men still move with power in politics outside the White House but they move in a dozen directions. There was Pierre Salinger wearing his "bangs," as one White House resident described Salinger's hair-do, leading the McGovern rebellion. There was the frenzied Richard Goodwin fueling the McCarthy revolt. Kenny O'Donnell conducted an antiwar crusade within the platform committee. Steve Smith and Ted Sorensen prowled the back corridors of the Chicago debacle trying to construct a movement of cautious dissent, not desertion. Finally, there was Larry O'Brien, in charge of the Humphrey movement which emerged with the mechanism but not the emotions of the party.

All of them and others had their joyous starts in the New Frontier and were brushed there with a kind of magic. When those days were ended they became, for the most part, rich and important in the world outside. Now, getting bored, they want back in the epicenter of power but too often lately their acts have suggested self-aggrandizement rather than the national interest. It was, however, out of conscience and concern that a dominant figure of the power structure of the last seven years went his own way last week. Former U.N. Ambassador Arthur Goldberg, in newspaper articles excerpted from a new book, called for a full bombing halt over North Vietnam, thus breaking bluntly with the President he had served as U.N. ambassador.

To complete the dispirited picture, Robert McNamara, the former Secretary of Defense and next to the President the most involved man in American life for most of seven years, stood on the hangar deck of the new aircraft carrier *John F. Kennedy*, hands in his pockets, voice breaking, and recalled days of hope. "For a bright, blazing moment his youth made us all feel young with him," he said at the dedication, "and then the moment was gone. And we, all of us, lost something ourselves . . . though brief was his voyage, those of us who knew him will never be quite the same again." McNamara hurried from the microphone and sank into his chair looking stricken. Certainly his grief was for a friend and leader lost. But certainly, too, it was from a feeling of despair at the state of the national government.

Mr. MILLER. Mr. President, this is a one-page article but contains one of the most perceptive analyses of the political climate in Washington that I have ever read.

I believe that those who read it will understand very well why there is so much unrest in the country today, and that most of it is attributable to the atmosphere which exists in the Nation's Capital.

ANNIVERSARY OF NIKOLA PETKOV'S DEATH

Mr. LAUSCHE. Mr. President, today is the 21st anniversary of the death of a great Bulgarian national hero, Nikola Petkov, and memorial services have been conducted to his memory this past weekend.

At a time when freedom is threatened in every part of the world, we will do well to reflect on the heroism and sacrifices of a man whose own life and whose family's history illustrates uncompromising devotion to the principles of individual freedom and national self-determination, principles which we in the United States have always held to be our most precious heritage.

Nikola Petkov's father, Dimeter Petkov, Prime Minister of Bulgaria, was assassinated in 1907 as a result of his opposition to foreign meddling in his country's affairs. In 1923 Petko Petkov, Nikola's brother, was assassinated for opposition to the Fascist dictatorship of that day.

Nikola himself became prominent in Bulgarian affairs following the expulsion of the Nazis, and became one of the chief opponents of Communist aggression following World War II.

Petkov was beloved by the Bulgarian people because of his own devotion to their freedom, and thus had a seat in the the National Assembly which the Communists were afraid to take away from him.

At the Assembly, he warned that the Communists were about to take over the country, revealing the Communist leadership in Bulgaria as agents of Stalin. As a result of his outspokenness, Petkov was unlawfully arrested in the Parliament building, and sentenced to die on the gallows. He was offered a pardon if he would join the forces of Stalin, but he indignantly refused and was hanged in secrecy just after midnight on September 23, 1947.

Recent events in Czechoslovakia reveal that there is still a struggle behind the Iron Curtain for personal freedom and for national self-determination, and on the anniversary of Nikola Petkov's death we should all recall the struggles and sacrifices which are continually demanded by the presence of Russian expansion in Eastern Europe.

THE JOHNSON ADMINISTRATION AND CIVIL RIGHTS

Mr. HART. Mr. President, under President Lyndon B. Johnson, America has moved as never before to fulfill its promise of equal justice for all the people. I rise to commend the Johnson administration's unprecedented record in civil rights.

The record includes the Voting Rights Act of 1965, which did more to extend the right to vote than any single act since women's suffrage was granted.

In 1965, nearly a century after the 15th amendment guaranteed the right of all citizens to vote, Negroes in many States still faced blatant discrimination in registration and voting. Previous legislative attempts to cope with the problem had been unsuccessful in the face of delay, evasion, intimidation, and obstruction. Those determined to resist progress were able, even after defeat in the courts, to devise entirely new methods of discrimination. Of all Negroes eligible to vote, only 6.4 percent in Mississippi, 19.4 percent in Alabama, and 31.7 percent in Louisiana were actually registered.

President Johnson then proposed a new legislative remedy for this encrusted injustice. The legislation outlawed the use of unfair tests and devices enacted for the purpose of disenfranchising Negroes. It also authorized the appointment of Federal examiners to list voters where necessary. The results have been most heartening:

Negro voter registration has now reached 1.5 million in the five States where the legislation has had its greatest impact: Alabama, Georgia, Louisiana, Mississippi, and South Carolina. This is an increase of 94 percent since passage of the act and a rise in the rate of adult Negroes registered from 30 to 58 percent. Negroes have not only registered, but have also turned out by the hundreds of thousands on election day to exercise the most basic right of citizenship. More and more, political programs and appeals are oriented to all the people.

Another injustice which received attention by the Johnson administration was racial discrimination in the schools. By 1964, 9 years had passed since the Supreme Court ruled that racially segregated schools are unconstitutional. Yet in the 11 Southern States, more than 2,000 school districts still practiced segregation. Only 1 percent of the Negro students were in schools with white students. Today, in the wake of the 1964 Civil Rights Act, that 1 percent has risen to more than 20 percent. The legislation authorized the Federal Government to institute civil suits in Federal courts to challenge racial segregation in the public schools and to make desegregation a basic requirement for a school system to receive Federal funds.

Other historic sections of the 1964 act made it a Federal offense for hotels, motels, restaurants, hospitals, parks, and libraries to discriminate racially. The Government has brought more than 100 cases to enforce these sections and has conducted hundreds of investigations that resulted in compliance. Even more significant than Federal investigations and suits, however, has been the vast amount of voluntary compliance.

The 1964 act also granted authority for the Federal Government to file suits to end employment discrimination by employers, unions, and employment agencies. A person unable to obtain employment because of his color can make little use of his other legal rights and thus has little faith in our institutions. Suits, investigations, and negotiations by the Department of Justice and the Equal Employment Opportunity Commission have led to compliance with the law in hundreds of cases.

Discrimination in housing results in the loss of a basic opportunity to the person discriminated against. It also helps maintain ghettos. After a lengthy and determined effort, the Johnson administration this year obtained passage of fair housing legislation, making it a Federal violation to discriminate racially in the sale or rental of homes.

Federal civil rights litigation, previously focused in the South, has been expanded nationwide under President Johnson. Two-thirds of the Government's employment discrimination cases are in the North or West. A large share of the housing litigation is expected to develop outside the South. In recent months, the Government has filed school and voting cases in the North.

The Community Relations Service was created on the President's recommendation. Working quietly and effectively, this organization has helped to resolve hundreds of racial disputes and to end injustices. Its contribution to the cause of order under law has been great.

These civil rights achievements have secured nearly complete recognition of the right of all Americans legally to be free of discrimination on the grounds of race, creed, or national origin.

This record is a record the President, Congress, and the entire Nation can be proud of.

NIXON GUIDELINES STATEMENT

Mr. MONDALE. Mr. President, because the Republican presidential candidate, Mr. Nixon, often tells us he is in favor of "law and order" it is especially disappointing to read that he supports those school boards, North and South, that practice segregation in defiance of the law of the land is embodied in the Civil Rights Act of 1964.

This is exactly what Mr. Nixon advocated in a speech 10 days ago in North Carolina, when he went on record as opposing Federal court decisions and court-approved Federal guidelines that withhold Federal funds from school districts practicing racial segregation.

Despite all the clouds of obfuscation and "clarification" thrown up by Mr. Nixon, this is the issue: The Federal Government grants large sums of Federal money to local school districts throughout the country. The question is whether these Federal funds—which are collected without regard to race, color, or national origin—should be used to support school districts which refuse to comply with the law of the land. Mr. Nixon is now firmly on record as saying in effect, "Yes, if Federal funds are used to perpetuate segregation, the Federal Government should do nothing to stop it."

Mr. Nixon has attempted to muddy the waters of this issue. On the one hand, he says he supports the Supreme Court's 1954 school desegregation decision; on the other hand, he is quoted as saying:

> The use of the power (to withhold federal funds) on the part of the Federal Government to force a local community to carry out what a federal administrator or bureaucrat may think is best for that local community—I think that is a very dangerous doctrine.

The implication is that school desegregation guidelines are merely the opinion of a Federal bureaucrat. This is simply not true. These guidelines were based on prior decisions of the Federal courts. They have been approved and endorsed by the Federal courts as "minimum standards" imposed by the Constitution of the United States in a number of decisions, including United States against Jefferson County Board School of Education, Caddo Parish School Board against United States, and others. The leading such decision was by the U.S. court of appeals for the fifth circuit, comprised of judges from Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

If Mr. Nixon becomes President, he can and may choose to disregard these decisions. But what will be the effect? We can discover that by looking at what has happened in the past. From the date of the historic Brown against Board of Education decision by the Supreme Court until the enactment of the Civil Rights Act of 1964, a decade passed. Yet on June 1964, only 1 percent of the Negro children in 11 southern States were in school with white children. On that same date in those States, of the 2,256 school districts having both white and Negro children within their borders, 1,811—80 percent—were segregated.

Four years later, after the passage of the Civil Rights Act of 1964, and the adoption of court-directed and approved guidelines, the percentage of Negro children attending desegregated schools in the 11 southern States had risen from 1 to over 15 percent, and the percentage of totally segregated school districts had dropped from 80 to less than 2 percent, according to data maintained by the Office of Civil Rights, Department of Health, Education, and Welfare.

So if Mr. Nixon has a chance to practice what he preaches, we are in for more segregation, not less; for poorer education for Negro children, not better; we are in for a backward step, rather than a forward step.

Mr. President, here is a case in which the issue of law and order is clearly delineated. The Democratic candidate, Mr. HUMPHREY, is firmly and unequivocably on the side of the law in this issue; the Republican candidate would ignore the law, and in effect, invite disorder on the part of those parents whose children were denied the education they need if they are to succeed in life.

I ask unanimous consent to have printed in the RECORD two fine editorials on this subject; one from the Minneapolis Tribune; the other from this morning's Washington Post.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune, Sept. 15, 1968]

FEDERAL POWER AND SCHOOL INTEGRATION

Despite the belief of some voters that there is really little choice involved in this year's presidential race, what may become a clear difference between Hubert Humphrey and Richard Nixon on an important issue began shaping up last week.

The issue: desegregation of schools, and the role of the federal government in forcing integration. It is an issue which will have the greatest impact in the South, but one which affects other areas of our national life.

Richard Nixon last week told Southerners he approves the 1954 Supreme Court decision outlawing segregation, but indicated that he objects to use of federal power and money to enforce the decision. Humphrey has said that the issue of human rights is one on which there can be no compromise.

As the New York Times said last week, "the power to withhold federal funds from offending school districts has been the government's only effective weapon in its fight to carry out the principles of Brown vs. Board of Education, the 1954 Supreme Court decision."

Many areas of the South are presently witnessing intense efforts of whites to slow or prevent new efforts to achieve greater integration of schools. These efforts are part of a pattern of resistance to school integration extending back to the 1954 ruling.

A Wall Street Journal reporter recently visited the South and found gains in integration in many of the larger urban areas, but much less progress in smaller communities. "Across most of Dixie," the reporter wrote, "interracial progress amounts only to what whites feel they must allow to avoid trouble from the federal government or rebellion from frustrated Negroes."

Cited as an example of the difficulties Negro parents face was the Georgia mother who no longer can get work as a maid after entering her children in a white school. Her children, too, no longer get jobs from white farmers in their community.

Visiting an Alabama town, the reporter found "relics of the past that are still a part of everyday life. There's the little red schoolhouse, for example, where Negro children attend class in rooms heated by potbellied stoves and use outhouses out back.

The white children go aboard buses to a vastly superior school 15 miles away."

Efforts of the federal government to eliminate or lessen discrimination extend to many more areas than education. What are Nixon's views about these other efforts? And we think Humphrey now should define for the American people the extent of his differences with Nixon on the role of the federal government in attacking discrimination and segregation in our society.

[From the Washington Post, Sept. 23, 1968]

FOR THE RECORD

Less by design, one suspects, than by carelessness, Mr. Nixon has on a couple of recent occasions taken a very strong position on the basis of very shaky facts. One concerns the grape-pickers' strike in California and the other the Federal guidelines for school desegregation. Both arguments flounder on a misunderstanding of legislation on the books.

"The dispute in California cannot be resolved by a descent into lawlessness," Mr. Nixon said, in castigating Vice President Humphrey for supporting what Mr. Nixon described as the "illegal" secondary boycott of California grapes. Mr. Nixon sustained his view with the observation that "we have laws on the books to protect workers who wish to organize"; and he added: "We have a National Labor Relations Board to impartially supervise the election of collective bargaining agents, and to safeguard the rights of the organizers." What renders Mr. Nixon's argument and his description of the boycott invalid is that farm workers are expressly excluded from the coverage of our national labor statutes—which is the heart of the problem in California. Similarly, when Mr. Nixon addressed himself in North Carolina to the enforcement of desegregation guidelines and held that the withholding of funds from noncomplying school districts was "going too far," he was apparently unmindful of Title VI of the Civil Rights Act of 1964, which provides for the Federal Government's doing precisely that.

Since his North Carolina statement, Mr. Nixon has acknowledged the existence of Title VI, but he has elaborated on his views in a way that can only perpetuate the confusion. He declared that "when the Office of Education goes beyond the mandate of Congress and attempts to use Federal funds not just for the purpose of avoiding a segregation, but for the purpose of integration in a positive way—busing and the like—with that I disagree." So far as compliance and the schools in the South are concerned, the Office of Education has been consistently upheld in its interpretation of the Civil Rights Act by the Supreme Court and by lower Federal courts in the region. Indeed, if anything, the courts have been more aggressive than the Administration on this question, maintaining that school system formerly segregated by law have an obligation to take positive steps to integrate of precisely the kind Mr. Nixon does not favor.

There are few issues that heat the blood of the South the way mention of guidelines and Federal enforcement of desegregation statutes does. And it is an article of faith among the discontented—as witness Mr. Wallace's fascination with the subject—that "bureaucrats" in Washington are perpetrating some gigantic unauthorized hoax on the South, pushing compliance and enforcement well beyond what the law requires. That is why the record should be clear that the courts and the Congress have spoken affirmatively on the requirements of desegregation. It is not to deny Mr. Nixon his right to have a view to urge that he discuss this volatile issue with accuracy and precision.

ADDRESS BY FRED V. HEINKEL—AGRICULTURE EXPERT

Mr. SYMINGTON. Mr. President, one of the acknowledged great authorities on farm problems in this country today is Fred V. Heinkel, president of the Midcontinent Farmers Association and the Missouri Farmers. Association. Perhaps no one man has served more the farmer and his country on Government advisory agriculture committees.

Recently Mr. Heinkel gave a most interesting and thought-provoking address before the annual meeting of these associations; and I am confident that Senators would be interested in some of his thinking.

I therefore ask unanimous consent that these his thoughts taken from that address be printed in the RECORD.

There being no objection, the excerpts from the address were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM ADDRESS BY F. V. HEINKEL, PRESIDENT OF MIDCONTINENT FARMERS ASSOCIATION AND MISSOURI FARMERS ASSOCIATION, MADE AT THE ANNUAL MEETING OF THESE ASSOCIATIONS ON AUGUST 12, 1968, IN COLUMBIA, MO.

The most alarming situation with which farmers are now confronted is the invasion of their business by giant corporations—principally a bunch of feed companies. Independent family farmers have in the main been forced out of the production of broilers, eggs, and turkeys. The same practices are now being extended to hogs. The company furnishes the pigs and the feed, and the individual—or the has-been farmer, because he'll soon be a has-been farmer when he engages in this business—but we'll say the individual furnishes the land and all the labor and gets $2.00 per hog. Maybe there are variations from this, but this one is in use. In order for this individual to earn $2,000 he would need to feed a thousand hogs.

A hundred such operations in a trade territory would turn out 100,000 hogs, and there are only four counties in the whole State of Missouri in which the farmers now produce and market more than 100,000 hogs in a year. So, this would create an oversupply that would wreck the hog business for all farmers. It had this effect on broiler producers, egg producers, and turkey producers. Turkey producers. Turkeys are a fresh memory. That one just went through the wringer last year.

Since there is on the statute books of the United States the Sherman Anti-Trust Law, the Clayton Act, the Robinson-Patman Act, and the Packers and Stockyards Act, there should be a thorough investigation by the Federal Trade Commission to determine if these laws are being violated—possibly not direct violation, but violation indirectly through effect which the Sherman Anti-Trust Law according to some court decisions had in mind.

It would seem that the Congress or some of its members would be genuinely interested in this type of investigation since the Congress passed the Homestead Act to get land in the hands of people and other acts to provide research and information to farmers that has made them the most efficient producers in the world.

There are some other corporations like major oil companies that have gobbled up many of the independent fertilizer companies in the country, and are now engaging in some unimaginative marketing practices which probably should be looked at by the Federal Trade Commission, too. Some of their practices may be discriminatory. These oil companies have a 27½% depletion allowance that doesn't go until it adds up to 100%, but it goes on and on as long as they pump out crude oil. And I'm not necessarily trying to pass judgment on the depletion allowance, but they have that as in effect a tax exempt source of income. They have bought up most of the larger independent fertilizer companies, and with the practices they're now employing they eventually, whether they intend to or not, will soon put out of business all little independents that are left and are in effect waging war on fertilizer companies which are cooperatively owned by farmers.

Our forefathers (mostly farmers) won their independence by the Revolutionary War. That meant carrying guns and enduring the hardships of cold and starvation and leaving blood stained footprints on the snow at Valley Forge.

We farmers can hold our independence economically by buying and selling through our own cooperative businesses rather than by patronizing the business of those who are attempting to monopolize farming and destroy the traditional family type farm operation.

Who is going to control farming in the future? That's the $64 question. This is what the trouble is all about, and no farmer can dodge it. It doesn't matter whether or not you're a member of a cooperative or whether or not you're a member of a farm organization, you can't dodge what this shooting is about—that of who's going to control agriculture in the relatively near future. So, we need to bear this in mind. Suppose they take over the hog business and the cattle business. Then, where are you grain producers going to be? You won't be able to call your soul your own for very long, because once they gobble up the livestock and poultry production of the country by forcing the independent farmers to go broke, then they'll be in control, and they will call the shots on your grain prices.

And when we look at what's happening in our big cities after all the migration from the farms to the cities over the past 15 or 20 years, it would appear that we haven't solved anything by farm families moving to town.

A few years ago someone said the problem was too many farmers. Well, thousands of them have quit and gone to town, and we still can produce more of everything at the same time than this nation can consume, sell for cash, and dispose of under the P.L. 480 program.

That represents our productive capacity which we've built up. This is our problem. And we had better face it and recognize it for what it is. It's not all bad. It's good to have that productive capacity, but we don't want to let it crucify the farmer—the man who has accepted all these modern techniques and put them to use with the result they benefit the rest of the nation more than they benefit the farmer.

There is need, if you please, to keep the road open and thereby protect the right of the individual farmer to operate his business unmolested by these great outside corporate giants. This matter of keeping the road open is a proper obligation and a duty of government, and it is in the best interests of all the people.

MYSTERY OVER UNION FUNDS

Mr. FANNIN. Mr. President, last Friday, I laid before the Senate the record of the political expenditures of the Seafarers' International Union and the complete lack of reporting by the National Maritime Union.

The reports which have not been filed by the NMU put it in violation of the Federal Corrupt Practices Act which has been on the lawbooks for 25 or more years.

As further evidence of the circumvention of these reporting laws, I would like to call the Senate's attention to a front-page story appearing today in the Washington Post. The writer, Mr. Richard Halloran, has done some investigating of the records kept by the Clerk of the House, and has come up with the same general conclusion that I have—that there is a great deal of mystery surrounding some of the campaign funds that are supposed to be reported openly for everyone to see.

Mr. President, I ask unanimous consent that an article entitled "Mystery Organization Funnels Unionists' Funds to Candidates" by Richard Halloran, appearing on page 1 of the Washington Post this morning, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mystery Organization Funnels Unionists' Funds to Candidates

(By Richard Halloran)

The Committee for the Advancement of Urban Interests is a political funding organization (or non-organization) that nobody much wants to talk about.

The Committee, so far as can be determined, has little to do with urban interests. But it appears to have a good bit to do with the advancement of political candidates, most notably Ohio's John J. Gilligan, Democratic nominee for the Senate.

Records in the House of Representatives Clerk's office show that the Urban Interests Committee has collected at least $56,900 this year from the political arms of labor unions.

But where the money went is something of a mystery. An AFL–CIO source said it went to "liberal" candidates but didn't know to whom or how much.

Some clearly went to Gilligan, who reportedly spent $300,000 to upset incumbent Sen. Frank J. Lausche in the Ohio Democratic primary. A gift to the Urban Interests Committee from the Laborers Political League was in fact earmarked for "Former Congressman John J. Gilligan."

Moreover, John Hansan, Gilligan's campaign manager in Ohio, admitted that his candidate had received funds from the Committee. But he said he didn't know how much and declined to discuss the Committee further.

The man who should know where all the money went is the Committee's secretary, William Geoghegan, a Washington attorney and an Ohioan. He was an Assistant Deputy Attorney General from 1961 to 1965 and is now in private practice here.

But Geoghegan, like everyone else queried about the Urban Interests Committee, wouldn't talk about it. He refused to say who is on the Committee, when it was formed or why, or even to admit that it is a conduit for political funds—despite the public evidence.

Questions about the operation of Geoghegan's committee have some legal relevance. The Federal Corrupt Practices Act requires that political fund-raising committees operating in more than one state submit reports on income and disbursements to the House Clerk if they are involved in national, but not primary, elections. The penalty for willfully failing to report is a fine up to $10,000 or two years in prison.

But Geoghegan's committee has not filed such reports and Geoghegan has refused to explain why. Thus the extent of the Committee's help to candidates in the primaries or in the national election is not known.

Ohio law, moreover, requires that primary candidates file financial reports within 45 days after a primary. In Gilligan's case, this was June 22. But the Ohio Secretary of State's office said it has no record of the Committee's contributions nor of Gilligan receiving funds from it.

Since individual or committee contributions to a candidate are limited by Federal law to $5000, a common tactic of major fund raisers is to set up dummy committees to channel funds to a favored candidate.

The Committee for the Advancement of Urban Interests appears to be one such committee. Its mailing address is the same as the AFL–CIO headquarters on 16th st., a block or so from the White House.

But the people at the AFL–CIO's Committee on Political Education (COPE) said they had not heard of Geoghegan's Committee, nor is it listed with the receptionist's desk in the building, nor does the telephone company have a number for it.

COPE, however, has been the biggest donor ($15,950) to the Committee. COPE has also poured money into Ohio through a number of other committees.

Other donors to the Committee include the Railway Clerks Political League, the Laborers Political League, the United Steelworkers Voluntary Political Action Fund, the Building & Construction Trades Department of the AFL–CIO, the American Federation of Musicians Political Fund (N.J.), the Marine Engineers Beneficial Assn., the Machinists Non-Partisan League and the International Ladies Garment Workers Union.

Gilligan, who is running against State Attorney General William Saxbe, has had his ups and downs with organized labor. Labor unions contributed large sums to his primary campaign against Lausche, then reportedly cut him off when he refused to endorse Vice President Humphrey for the presidential nomination before the Chicago convention.

Now, however, Gilligan and labor have apparently made up. He is expected to get a COPE endorsement during its Sept. 27 meeting in Columbus to screen candidates.

If this comes off, labor's money should start flowing again to Gilligan. And the Committee for the Advancement of Urban Interests may again serve as one of the pipelines through which the money is pumped.

THE ELECTION OF THE PRESIDENT BY THE HOUSE OF REPRESENTATIVES: ONE MEMBER, ONE VOTE PROPOSAL IS ENDORSED BY THE BALTIMORE SUN

Mr. YARBOROUGH. Mr. President, on July 10 of this year, I introduced Senate Joint Resolution 187, a proposed constitutional amendment to change the method of choosing the President, whenever that choice devolves upon the House of Representatives.

In future presidential elections, there exists the very real possibility that no candidate will receive a majority of the electoral votes, thus placing the choice of the President in the House of Representatives. This has happened twice in our history, and, though my proposed amendment would not apply to the 1968 election, there is widespread speculation that the present presidential race ultimately will be determined by the House.

Yet, the mechanics established by the 12th amendment for choosing the President in that body are such that a surprisingly small minority might well be able to impose its will. Indeed, my research has shown that under the present system, it would be mathematically possible for only 59 of the 435 House Members—a mere 13.5 percent of the membership—to elect the President. That small number of Members is all that is necessary to control the House delegations of the 26 least populous States, and since each State, no matter what its population, is allowed only one vote, those 26 could elect the President.

My proposal would establish voting by Members rather than by State. Instead of 435 Members casting 50 votes, there would be 435 votes, with each Member casting one vote.

While this is a rather specific change in our election process, I think it is a very important change. Should the choice of any future President devolve upon the House of Representatives it is important that the people of America feel their control of that choice. To do this, it is essential that each of the 435 Members of the House, chosen by the people of the 435 congressional districts in America, cast their own vote for the Presidency, and that the majority of these votes determine the selection of the President.

Just before our August recess, the Baltimore Evening Sun editorially endorsed my proposal. This well-written and forceful editorial is an important contribution to our effort to correct an obviously inequity in the electoral system. As stated in the editorial, my proposal is "a change that would provide for a more democratic arrangement. And democracy is something Congress should be concerned about."

Mr. President, I ask unanimous consent that the editorial, entitled "That Probability" from the July 20, 1968, Baltimore Evening Sun be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

That Probability

The election of the President of the United States by the House of Representatives is a rare probability. It is so rare that few people ever think about it. This year, however, people *are* thinking about it. The campaign of George Wallace has, in the redundant phrase of one Washington observer, "made the probability more probable."

The Twelfth Amendment to the Constitution states that the House is to elect the President if none of the candidates has received a majority of the electoral votes. Twice before it happened, most recently in 1824 when John Quincy Adams was chosen over Andrew Jackson, even though Jackson had won more electoral and popular votes than Adams.

The problem is not that the members of the House would not be responsive to the will of the people, had they the chance to express themselves. But the wording of the Twelfth Amendment is such that the majority will of the House could easily be frustrated. It stipulates that "the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation [not representatives] from each state having one vote." This means that, say Alaska, which has 226,167 people, would swing the same weight as New York, with 16,782,304 people, Nevada, with a population of only 285,278, would have one vote, just like California, with 15,717,204 people (using the 1960 census). The inequity of the system is obvious.

One way to correct it would be to give each member of the House a vote, instead of one vote for each state. Senator Yarborough, of Texas, has already offered this change in the form of a constitutional amendment. It is a change that would provide for a more democratic arrangement. And democracy is something Congress should be concerned about.

NOMINATION OF JUSTICE FORTAS

Mr. McGEE. Mr. President, the time is long overdue when the Senate should be allowed to vote on the confirmation of Abe Fortas as Chief Justice of the United States. Nearly 3 months have elapsed since the President submitted the nomination of Justice Fortas to the Senate. Now, after extensive hearings during which Justice Fortas himself was interrogated at length—more than twice as long as any previous nominee to the Supreme Court—the Committee on the Judiciary has at last voted to report the nomination to the floor of the Senate.

No one who has followed the committee proceedings doubted that the committee, by an overwhelming vote, would recommend confirmation of Justice Fortas.

As the Judiciary Committee proceedings have shown, the opponents of Justice Fortas chiefly include those who are seeking to obtain partisan advantage, or to strike at the Court for its part in the magnificent evolution in civil rights and other areas that has transformed the Nation in recent years.

These men know they do not have the votes to defeat the confirmation of Justice Fortas on the merits. They propose to thwart such a vote by filibustering against the nomination. The will of these men must not be permitted to frustrate the will of the majority of the Senate. In the entire history of the Supreme Court, there has never been a case in which the Senate failed to act on a nomination because of a filibuster. Even in the most bitter fights against the confirmation of Supreme Court nominees, such as those involving Brandeis, Parker, Black, and Frankfurter in this century, no filibuster was attempted to frustrate the nomination.

Mr. President, I deplore the dangerous precedent that will be set if a filibuster is used against the confirmation of the nomination of Justice Fortas, and I urge the Members of this body to shun participation in or support of such an ignoble venture.

Justice Fortas is eminently qualified to be Chief Justice. Prior to his appointment to the Supreme Court in 1965, he had a brilliant and distinguished career, first as a law professor, then as a public servant, and later as one of the founding partners in what was to become one of the most prestigious law firms in the Nation—Arnold, Fortas & Porter.

The objections that have been raised against Justice Forta's confirmation are without foundation. The three "threshold" objections that have been raised—the "vacancy" question, the "lameduck" question, and the "crony" question—have been properly dismissed by the distinguished minority leader [Mr. DIRKSEN] as "frivolous, diaphanous, and gossamer." They have no merit whatsoever, and should be seen for what they are—masks to disguise objections on two poor grounds: partisanship and objections to civil rights.

Furthermore, contrary to charges that have been leveled against the nomination, I believe that an impartial analysis of the opinions written by Justice Fortas will disclose that he has a well-developed sense of judicial self-restraint that clearly sets him apart from those members of the Court who have been constantly criticized as "activist" Justices in recent years.

If Members of the Senate will pause to examine the voting record of Justice Fortas, they will find a Justice whose views are characterized by a keen awareness of the forces at work in society today, and a strong sense of deference to Congress, to the Federal administrative agencies, and to the States. I submit that both the qualifications and the judicial philosophy of Justice Fortas amply merit his confirmation by the Senate as Chief Justice of the United States, and I urge the Senate to take action to confirm him without further delay.

ARTHUR KROCK'S 60 YEARS ON THE FIRING LINE

Mr. MILLER. Mr. President, the Saturday Evening Post of September 7 contains an article written by the distinguished writer, columnist, and former dean of the Washington press corps, Arthur Krock, who recently retired. The article, entitled "Sixty Years on the Firing Line," traces in Mr. Krock's own excellent style of writing his many experiences with the Presidents who have served our country during those 60 years.

Perhaps the most important part of Mr. Krock's article is the very last paragraph, in which he says:

> These are among my personal assessments of the consequences of the revolutionary political and social new American revolution. And from these consequences I have contracted a visceral fear. It is that the tenure of the United States as the first power in the world may be one of the briefest in history.

Mr. President, these are ominous words, indeed, coming from such a distinguished individual as Arthur Krock. I believe that everyone would be well advised to read the article and to ponder very thoughtfully the concluding paragraph which I have just quoted.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIXTY YEARS ON THE FIRING LINE

(NOTE.—For six turbulent decades Arthur Krock of the New York Times patrolled the corridors of power in Washington. A confidant and critic of Presidents, he now tells his intimate, entertaining story of great events and powerful men—T. R. and F. D. R., Woodrow Wilson, Huey Long, Lyndon Johnson and the Kennedys.)

(By Arthur Krock)

The people of this nation are disposed to boast that theirs is a "government of laws, not of men." Ideally and theoretically this is true of the constitutional system established at Philadelphia. But as I have observed the operations of the system over six decades, most of them in Washington at first hand, the Government of the United States, no less than others—democratic or autocratic—is primarily and practically a government of men.

My purpose is to portray some of these men as I have known them in the context of great events—by watching them at work from a close vantage point and through intimate association, experiences that I promptly recorded in detailed memoranda. My narrative is in broad outline the story of the revolutionary transformation of the American system of government in my time, an account of certain activities by the principal movers and shakers of this transformation.

I am of the fourth American generation from immigrants who came to this country from German-ruled or congenitally German principalities: Prussia and Bavaria on the maternal side; Alsace, Silesia and Posen on the paternal. They were all country or small-town people of what is called Jewish descent (when other Caucasians feel this euphemism is more considerate than the harsh three-letter word).

My father, with paternal approval, was a "freethinker," as many agnostics called themselves in his day. My mother's connection with the ancestral faith was a seldom-observed formality. Her father's first wife was of the pioneer Kentucky Anglo-Saxon stock. In consequence of all this, I was brought up to make free choice of any creed or none. I chose none.

I grew up in the house of my mother's parents in Glasgow, Ky., because my birth had afflicted my mother with blindness for five years, and my father, a bookkeeper, left Kentucky for Chicago for a better job and access to a specialist, who eventually restored her sight. My mother, Caroline Morris, was a gentle, sweet, tiny woman. She had been brought up, like all southern girls of her class, to do nothing, to learn little in scholarly depth. She couldn't cook. She couldn't sew. She played the piano and sang.

After she married a man who never earned much more than subsistence, she did her best to adjust. She never complained. My father, who was born in 1859, was handsome when young. Like others of his generation, which grew up amid the devastation of the War Between the States, he hadn't much schooling, but he was highly intelligent, eloquent, well-read. He encouraged me to independent thinking. As I recall his political philosophy, it was a mixture of Jeffersonian and Hamiltonian, his radicalism taking form largely in his certainty that most politicians in power were mercenarily disposed to betray their public trust. But I cannot recall when I did not feel myself to be a Jeffersonian Democrat, after I had read enough political history to make a choice.

My Grandfather Morris was a great believer in education. It was his library that led me into writing as a profession—in his room I read Thackeray and Dickens, Dumas, George Eliot, Trollope and Matthew Arnold, Spenser, Shakespeare, Pope, Dryden, Spencer and Darwin, Kipling and Hardy, and a host of others. I had learned my letters at about four; by seven I had developed a greed for reading.

During my childhood about 2,500 people lived in Glasgow. It was a graceful town with many large houses surrounded by large lawns. The relations between the white and Negro communities in the town and throughout the state were courteous and considerate. We were sternly forbidden to use the word "nigger." I grew up with Negro boys until the social convention required us to part.

During my infancy I was nourished by a black woman known as "Aunt" Courtney. I was suckled at her breast, and throughout her lifetime she treated me as her own child. I was always able to count on her protection from painful discipline I had merited.

Segregation was accepted as the natural outgrowth of the situation that had brought to this country a race markedly alien to the Caucasian in appearance and culture. But in our town segregation incited no difficulty. The only one I recall was a lynching. A young Negro was caught in an attempt to rape a young schoolmistress, and a mob hanged him from a tree in front of the jail.

I and another boy hid in a shed and watched the lynching through a knothole. It was a traumatic experience, and luckily there never was another one in our town.

By the time I was 12 years old, my father had established himself and my mother in Chicago. I finished high school there, but I could hardly wait for the summer recess to return to Glasgow.

After high school I was admitted to Princeton, which appealed to me because I had become addicted to football. I matriculated with the class of 1908, but after my first semester a promised loan failed to materialize, and I moved to Lewis Institute in Chicago where I acquired the degree of Associate in Arts in 1906. I took the first train I could get to Louisville, got a job on the *Herald* and began my newspaper career. (I feloniously pretended to be a seasoned reporter and went on the payroll at $15 a week.)

I left the *Herald* in an economy wave and joined the Associated Press's Louisville bureau as night editor. Then in 1910 I went to Washington as correspondent of *The Louisville Times*. Later I combined the *Times* bureau with that of the *Courier Journal*, and wrote for both. In 1915 I was chosen by the ownership to return to Louisville as managing editor of the two newspapers.

I left Louisville in 1923, and moved to New York where I became assistant to the publisher of the *World*. It was a difficult position, because of the many temperamental personalities involved. A few years later Bernard Baruch, whom I had met at the 1918–19 Peace Conference in France, told me that Adolph S. Ochs of the *Times* was interested in me in the event I was looking for a change. I said I was. Baruch arranged an interview. Ochs turned me over for a deeper inquiry to his son-in-law and assistant, Arthur Hays Sulzberger. I was invited to join the *Times* as a member of the editorial board, writing editorials and also serving as a consultant on the *Times'* news problems. I joined the paper on May 1, 1927.

My new associations on the *Times* were happy. Like all southern country boys, I loved New York and had been received into it with the special consideration it appears to give immigrants from the South. I knew the headwaiters and—more important—they knew me; I had tickets to the opening nights at the theaters, and attended the big boxing matches at ringside. In that period the people one encountered on the streets were agreeable, the subways ran, and strikes that interfered with the collection of garbage or with hospital care were not tolerated. Therefore, at the end of 1931, when the *Times'* Washington correspondent died and Arthur Sulzberger asked me if I would take over the job, I tried to elude it. I suggested substitutes, but vainly, and much against my inclination and expectation I returned to Washington in January, 1932, as the head of the *Times* bureau, whose elegant title was and is "The Washington Correspondent."

The first meeting that I am aware of between a President of the United States and any member of my family took place in 1877 and involved Frederick Morris, my maternal grandfather's second son. He had been appointed to the Naval Academy at Annapolis, and his father took him there from Glasgow, Ky.

With his son in tow, my grandfather proceeded to the White House to pay his respects to President Rutherford B. Hayes. They were received with the graciousness characteristic of this bearded chief of state, who, after shaking hands with the father, extended the friendly gesture to the boy. Whereupon my Uncle Fred firmly joined his hands behind his back, and then compounded the rude gesture. "I decline," he said, "to shake hands with the man who stole the election from Tilden." He referred to the fact that the Republicans had deprived Governor Tilden of the Presidency, to which he had been elected by the popular majority.

In the performance of what I conceived to be my journalistic duty, I have earned the abiding displeasure of Presidents—losing close friendships with three of them. On each occasion I have recalled the deplorable incident of 1877 and pondered whether a tendency to expect a President to rise above politics may not run in the family.

In one way or another I have known 11 Presidents of the United States, 10 during their incumbency. The 11th was Theodore Roosevelt.

My most vivid experience connected with T.R. occurred during the Republican National Convention in 1912, at which Taft was renominated over the opposition of Roosevelt and the new Republican Progressives. The colonel summoned the press to his hotel suite, and we entered in line, most of us expecting little more than the courtesy of a greeting.

But when Edward B. Clark, the correspondent of the Chicago *Evening Post*, came to Mr. Roosevelt in the line, the colonel took him aside, and they had a long whispered conversation, arousing everyone's curiosity.

Immediately on the breakup we surrounded Clark, pleading for an explanation. "Well," he said, "you'll hardly believe this, but it's true. T. R. knows I am an amateur ornithologist, as he is. It seems that yesterday morning at Sagamore Hill, his house in Oyster Bay, he saw what he believes to be a hermit thrush, and he wanted my opinion whether it could have been. He described the bird in detail."

This in the midst of one of the fiercest political battles in American history. Roosevelt formed the Bull Moose Party and ran on that ticket. This crushed the Republican Party and led directly to the election of Woodrow Wilson as President of the United States.

T. R. was an extremely forceful man. He was intensely vigorous physically. He spoke with great decisiveness, both impulsively and after deliberation. He was a determined man with a set of definite precepts of government that he strongly enforced.

He was sturdily built. He often seemed to be peering—his glasses were thick. His moustache, like dean Acheson's bristled when he felt bristly. He moved with extraordinary vigor.

T.R.'s forcefullness was obnoxious to many of those who disagreed with him. He quarreled with Congress and with persons in public life. And he had strong views about historical persons—he once, in a discussion, dismissed Tom Paine as "a filthy little anarchist."

My next presidential acquaintance in any degree was with President William Howard Taft. I was a new boy in town when I came to Washington midway in his Administration, and I saw him only once or twice. This was about the usual experience of the representative of an interior newspaper in those days. The correspondents of the great metropolitan papers saw him more often and more intimately. We small fry were invited once a year to a congressional reception, and once I called on Taft with a message from my Louisville employer. I forgot what the message was, but I remember finding President Taft an affable and charming gentleman. After I had answered affirmatively his inquiry as to whether I was a native Kentuckian, he spoke to this general effect:

"When I was a boy, I used to lie on a hill in Cincinnati overlooking the Ohio River to watch for the coming of spring. It arrived on the Kentucky side a week or so before it crossed the river, and I rejoiced at the sight of the apple and peach trees coming into bloom."

In those days Taft was certainly entitled to any agreeable memory he could summon. He was already plagued by the split among the Republicans over the question of tariffs, and by the growing evidence that Roosevelt intended to challenge him for the leadership of the party.

This must have had an extra trace of bitterness for Taft, because I think if he had shaped his own career, he would have moved directly from the secondary federal judiciary to the Supreme Court, escaping the miseries that can overbalance the splendors of elective politics. He was thrust into that arena because T.R. believed Taft would carry out his own policies to the letter, and he was eliminated by the thumbs-down of the same hand. In this respect Taft's political career is unique, at least in the Republican Party.

At Princeton, in my time, Woodrow Wilson lectured on government, and I had the privilege of being a listener. After he entered politics as the governor of New Jersey in 1910, I began to see him with some regularity. When he became President, I attended his news conferences—the first presidential exposure to questions from the press. I saw him frequently until I returned to Louisville in 1915 before the end of his first Administration.

In Paris as a reporter of the 1918–1919 Peace Conference, I visited Wilson a couple of times at his residence, and I was among the newspaper reporters who accompanied the President to Italy just after the Armistice. He spoke to a multitude in Rome, and in Milan hundreds of thousands of people sank to their knees to hail him as the savior of Italy.

I remember thinking that Wilson lost his head there, because when the band burst into patriotic airs, he took a baton somebody handed him and conducted the music. But the applause and hero worship of the vast throng in the Piazza del Duomo would have tested any statesman.

Another of my recollections is an incident at Turin. When our party arrived there, I was in the room with Wilson in the ducal palace, and a mob was gathered outside, cheering him and demanding his appearance. Turning to me, he asked, "How do you say 'Long live Italy'?"

I said, "I think you say *'Eviva l'Italia.'*"

"I hope that's right," he said, and went onto the balcony, raised his hand, and took the chance.

Not until Wilson returned to private life did I see him again. The last time was in the library of his house in Washington. I was shocked by the unmistakable mark of the moribund on his face—as years later I would be the last time I saw Franklin D. Roosevelt. But Wilson's mind was unimpaired, and he gave it full play in wholly uninhibited comment on the heads of state with whom he had contended at the peace conference.

I was planning shortly to visit the Ruhr to report the situation that had arisen there between France and Germany. When I told him of my plans, he warned me not to expect the truth from the French Government. "Its information policy," he said, "like every other, is set by Premier Poincaré," whom he said he had found congenitally unreliable in word and deed.

At this last meeting with Wilson I recall the contrast between his enfeebled physique, as he sat sprawled in a wheelchair, one arm hanging loosely at his side, and the strength and clarity of his enunciation. I was halfway down the stairs on my way out when I heard him call, loud and clear, "Of course, you'll treat this as off the record."

To me Wilson was a great man and a great President. Two examples fortify this appraisal. One was his order for the industrial mobilization that helped so decisively to hurry Allied victory in the First World War, and his inspired choice of Baruch to take charge. The other was his foresight that only a League of Nations in which all the great powers would participate with all the small nations—the victors as well as the vanquished—could hope to institute an orderly and durable peace. He succeeded in the one, and he failed in the other.

I have always thought that history would hold President Woodrow Wilson directly responsible for only four basic errors—though necessarily the quotient of their damage was enormous.

The first, I think, was his long resistance to rebuilding the military power of the United States. But he yielded in 1917, in time to bring it to overpowering strength.

Wilson's second mistake, as I appraise it, was his failure to include Republicans of great political influence in the peace mission he took with him to Paris. Had he done so, I doubt that a bipartisan Senate coalition would have been able to reject the treaty.

Mistake No. 3 was his decision to attend the peace conference. His presence automatically generated an atmosphere of give and take, and Lloyd George, Clemenceau and Orlando were as skilled in this maneuvering as Wilson was not.

Wilson's presence led also, as I see it, to mistake No. 4—his total refusal to compromise on the text of the covenant. Having committed himself personally in Paris, he felt honorbound not to yield a syllable of the text. On this vulnerable ground defeat was foreordained by the inexorable play of domestic politics.

Reverting to Wilson's earlier and happier days, I am impressed by their similarity to those of Franklin D. Roosevelt. Like Roosevelt, Wilson brought to Washington an economic and social-reform program that paralleled the one he pursued as governor.

But comparisons fall short in other particulars. Wilson was austere. F.D.R. was one of the most congenial of people. Wilson was a President with a definite political philosophy. Franklin Roosevelt was an opportunist as far as political philosophy was concerned, but the one he made his own laid the foundations of urgent and long-neglected social and economic reforms.

And while both were effective public speakers, Wilson was a greater natural orator than Roosevelt and far better educated. F.D.R.'s oratory was persuasive and literate, but Wison's was literature itself, and his delivery was Periclean.

I first knew Warren G. Harding as a senator from Ohio. He was a handsome man: No one ever looked more a President than he. He was genial, he was easygoing. As a senator he took no part in legislation. In the spring before the 1920 Republican convention Harry M. Daugherty, who was managing Harding's campaign, brought Harding to my room in the Willard Hotel for a drink before the Gridiron Club dinner. I had imported a couple of bottles of rare prewar bourbon from Kentucky, and as I recall, the senator from Ohio drank almost a pint by himself. However, he showed it not at all. He held his liquor well.

The events of his nomination and Presidency are very well known. He was the victim of his good nature and his faulty judgment of character. He was imposed on by corrupt friends, and he died discredited, largely for the trait his father attributed to him when he said, "Warren, it's a lucky thing you were not born a girl, because you can't say no." President Harding often told the story himself.

Harding's successor, Calvin Coolidge, was nominated for Vice President by the Republican Convention of 1920 because, as governor of Massachusetts, he had suppressed the Boston police strike. In so doing, he forcefully asserted the great democratic principle that no public servant, particularly one assigned to maintain public order, has the right to strike.

I met Coolidge for the first time during the Boston police strike. I talked with him only a few minutes, but my impressions were distinct. Of a reticent, aloof man who had nevertheless managed to be successful in a gregarious trade. Of a laconic man, but one whose few words carried an indirect thrust of wit and satire. A sufficient example is the story of his comment on a sermon he heard at church. When he returned to the White House for luncheon, a guest asked him what the sermon was about. "Sin," the President said. And, after a pause, "He was agin it."

Though he never seemed to be influenced in his acts or policies by forethought of the factor of public relations, Coolidge nevertheless proved himself an expert in what now are Madison Avenue techniques. He immediately dramatized the contrast with Harding that he embodied in manner, act and speech, and thereby supplied the Republicans with their major campaign issue when he sought the Presidency in his own right in 1924; the man of character and stability, archetype of the old New England virtues.

On this issue Coolidge arrested the demoralization of the Republican Party produced by the scandals in his predecessor's Administration.

I believe it was Coolidge's fondest desire to run for a second term, and his own careful choice of words in the famous statement, "I do not choose to run in 1928," cost him the nomination. If Coolidge had said this prior to the time when many Republican leaders, during his long silence, had committed themselves to the candidacy of Herbert Hoover, I firmly believe they would have put the accent of that phrase on *run*, as I think the President hoped and intended. In effect, this would say that while he would do nothing to gain the renomination, he would be a willing recipient.

A man came to dinner at my house in Washington one evening in the late 1950's, and his private personality was a stunning revelation to a company that had assumed the truth of most of the cruel criticisms published about him. It was a sophisticated company, including diplomats, politicians, and their wives. But nearly all of my guests had come to Washington after this particular guest's official tenure had ended.

He was very relaxed that night, allowing full exposure to a higher degree of social grace, anecdotal humor and wit, a keen talent in assaying history, men and measures, and unusual knowledge of remote places—yet all this with a dignity of bearing both innate and impressive.

When he left, the wife of a senator exclaimed, "That just can't be Herbert Hoover." But it was.

Herbert Hoover was swept into office in 1928 in an atmosphere of euphoria and a belief that an ever-soaring condition of national prosperity was an established fact. Two automobiles in every garage. Two chickens in every pot.

These were not only the commonly accepted prospects of a few years. They were encouraged by the tenor of Hoover's inaugural speech, and statements he made from time to time until the roof fell in on Wall Street in the autumn of 1929.

The President and his party were swept from office in 1932. There had been three years of business stagnation, farm foreclosures, an appalling rate of unemployment and widespread bank failures. And there was indignation over the monotonous Republican chant that things "could have been worse," and that things were as bad as they were because the Democratic House of Representatives wouldn't cooperate. Such were the primary scources of the political tragedy of Herbert Hoover. He had promised too much, however sincerely, and this evoked a crushing political repudiation.

I remember listening in total disbelief to Hoover's inaugural on March 4, 1929, and reading the subsequent rosy predictions of mounting prosperity "just around the corner." This disbelief recurred in reverse when the Democrats managed, in 1930 and 1932, to make Hoover the goat for the collapse of these prophecies.

For I continue to believe that a full-length study of Hoover's public career will convince history that he deserves a far higher place than contemporary judgment has granted him. Long since, even in that judgment, Hoover has been acquitted of the accusation that his political opponents, especially Franklin D. Roosevelt, exploited so thoroughly in the 1932 presidential campaign: That the Great Depression in the United States was a direct and avoidable consequence of Hoover's failure to use the tools that were at his command.

There is a story that, one day, after Hoover had initiated major Federal Reserve loans to commercial banks, along with other recovery programs, former President Coolidge called at the White House. Hoover, enumerating his efforts, said he could not understand why the results were so disappointing, and his critics growing in number and vociferousness.

"You can't expect to see calves running in the field," said Coolidge, "the day after you put the bull to the cows."

"No," replied Hoover, "but I would expect to see contented cows."

I did not meet Hoover until his humanitarian labor during the First World War had been successfully accomplished—a sound program of conserving food in the United States and feeding the victims of the war abroad. On a subsequent visit to Belgium I saw at first hand the nature and success of Hoover's labors for that people.

In January, 1932, when I returned to the capital as the Washington correspondent of *The New York Times,* Hoover was the President of the United States. From that time until his death we had a professional and personal relationship, the latter developing after his Presidency into what was as much of a personal friendship as can exist between a reporter and an active participant in public affairs.

Inadvertently the professional phase of our relationship led to my rift with Franklin D. Roosevelt, which constantly narrowed and widened, according to Roosevelt's concept of the value to him of giving special information to the Washington correspondent of *The New York Times.* On January 12, 1933, after Roosevelt had become the President-elect, Hoover asked me to deliver a private message to Roosevelt. He said he understood that I was particularly and favorably known to Roosevelt, whose aspiration to the 1932 nomination I had warmly supported in the cool atmosphere toward it that prevailed in the *Times.*

I delivered the message by telephone, speaking to Roosevelt at Campobello. He received it without comment. Later I learned that Louis M. Howe, Roosevelt's most intimate adviser, had advised him to disregard the message and had expressed the opinion that I was a "Hoover agent."

Many years afterward I wrote to Hoover of my impression that Roosevelt had been receptive to Howe's 1933 comment that I was a "Hoover agent." "I knew," Hoover wrote to me in reply, "that Roosevelt made some evil remarks about you, but none so low as you mention. What you both [sic] do not understand is that a conscientious political leper must be careful not to infect his friends."

Yet FDR himself, in 1919, wrote in a letter:

"I had some nice talks with Herbert Hoover before he went west for Christmas. He is certainly a wonder, and I wish we could make him a President of the United States. There could not be a better one."

Thinking back now on my relations with Franklin D. Roosevelt and his Administration—which covered a large segment of my professional life—they take form as a sort of cat-and-dog affair. Not that of animals strange to each other, but members loosely of the same household. They endure each other, and for periods display affection and even admiration. But every so often nature asserts the innate conflicts of the species.

Nature, in this instance, was the built-in difference between the obligations of a reporter and the personal and public interests of a politician. My difference with Roosevelt was the more acute because I was the correspondent in Washington of the newspaper he had been reared on; and since he had the distaste for criticism that is common among men in office, his distaste for and resentment of mine had this added provocation.

It may also be that F.D.R.'s attitude became negative as my obligation moved more and more into critical analysis of his execution of his office. In earlier years, however, I was persuaded that F.D.R. somewhat reciprocated my personal liking and admiration for him.

After the many years in which Roosevelt was the center of my thoughts and professional activities, I set down a kind of balance sheet for clarification of my own judgment. This was in January, 1945, three months before his death:

"*The President's virtues and political assets.* A sincere devotion to the social uplift erate, endeavoring to salvage the economic distribution. Congenital *bonhomie*. A moderate, endeavoring to salvage the economic damage to the American system inflicted by the forces of reaction. The common touch, accentuated by a complete lack of what is called 'side.' Industrious absorption in his great tasks. A quick mind. Human compassion. A vivid interest in all the aspects of nature, especially the sea. Hatred of government systems built and maintained through armed force and other forms of oppression. Love of country and of family and friends. Quick and graceful adaptability to any environment, and a capacity of adjusting to events that often made retreat resemble standing fast. A very special charm in private and public behavior—or, as it is now called, charisma. A deep appreciation of articulate, literate and witty people. A quality of leadership rare in history.

"*The President's defects.* Lack of intellectual depth. Too great a reliance, when thinking problems through is too tough, on what is clever and slick. A cynical approach to the trade of politics by which he ascended, notably by alliance with even more cynical city bosses. Fundamental weaknesses as an administrator. A callous or negligent reaction to the commercialization of his fame and office that some members of his family openly engage in. Too ready to persuade himself that the national interest justified glossing over or withholding the facts due the people. A disposition to view honest critics with personal prejudice, and often to punish them by questionable use of the great powers of the Presidency. Conceit and arrogance, particularly illustrated by his third-term ambition, in his estimate of his own talents as protean and absolutely indispensable to mankind. A shallow grounding in history, including that of the United States."

Superficial as this balance sheet is, and doubtless influenced in considerable degree by his several attempts to disparage my professional product—and, at least twice, my job—I continue to subscribe to its outlines.

Was his genius as a politician the product of his unexpected public success after affliction presumably had retired him? I do not think so; the genius was inherent. Roosevelt's character, of course, had been redefined, but not changed, by two events: first, his triumph over his physical. paralysis, accompanied by greater concentration than before on reading and thinking; second, the difficult political and administrative problems that confronted him from the moment he became the Democratic nominee for governor of New York in 1928. He was chosen because his name was Roosevelt, because he was highly personable and an object of great public sympathy, and because by that time he had qualified himself sufficiently to conduct a public debate in an impressive manner. But thereby his character was refashioned, reshaped, developed and expanded.

My first and very slight acquaintance with Roosevelt was when he was Assistant Secretary of the Navy in the Wilson Administration. This acquaintance expanded in 1920, when he was the Democratic nominee for Vice President. Throughout Roosevelt's two terms as governor, we exchanged much correspondence and met with some frequency. I became convinced that of all the party's possible presidential nominees in 1932, his qualifications were outstanding.

It was Franklin D. Roosevelt, incidentally, who first recognized in 1932—though impelled to do so as an act of political self-defense in his quest for the Democratic presidential nomination—that the present and prospective health of a political leader is a matter of legitimate public concern. He assigned James A. Farley to respond to mounting whispers that the disease that had crippled him would incapaciate him for the burden of the Presidency.

On July 30 Farley disclosed that Roosevelt had been examined and approved for an enormous life-insurance policy, and that "more recently" he had submitted to a test by "three of the country's leading diagnosticians" of his capacity in every respect to execute the duties of office, and that the three had certified to this, "however high the office."

The panel of three, it developed, had been composed of Doctors Evan Evans, Samuel Lambert and Foster Kennedy, all leaders in their fields—cardiology, internal medicine and neurology. And thereby hangs a tale that was told me by an intimate friend of one of them.

"After agreeing on their findings," he said, "Dr. Kennedy was commissioned to prepare the public statement that all three were to sign. He did so; he and Evans signed promptly, but Lambert, who disapproved heartily of Roosevelt's politics, remained looking out of the window.

" 'Come on, Sam,' said the others, 'sign up and let's get through.'

" 'All right,' replied Lambert, picking up the pen. 'But remember, so far as I am concerned, this doesn't go for above the neck!"

Relations between Roosevelt and me had continued on a basis of friendly exchanges when he took the presidential oath. But in the course of the Hundred Days, after he became President, people began to relay certain critical presidential comments about *Times* dispatches I had written or was responsible for. I learned positively, for the first time, that I was in the President's black book when I wrote an account, too detailed from the President's standpoint, of his acid reception of Lewis Douglas's notice in 1934 that he was resigning as director of the budget (on the factual ground that his commitment to government economy had been repudiated by Roosevelt's approval of a heavy federal spending program).

This lasted for some months. Roosevelt declined my request to come to see him for an exploration of his grievances, and wrote a letter of complaint, on another matter, to the publisher of *The New York Times*, virtually suggesting that I be replaced in Washington. (In 1938 Roosevelt made another try. I had created the title of National News Correspondent for Turner Catledge in an effort to encourage this brilliant newspaperman who was to rise so high at the *Times*. At my request the *Times* had carried a notice of Catledge's new title, and Mr. Roosevelt used it as a hopeful occasion to injure my professional standing. He called Catledge to the White House "to congratulate" him, but also, as it proved, to undermine me. The President's offer, in effect, was this: He would see that Catledge got full and exclusive access to important Administration news, from which I would be excluded. Catledge politely but immediately took pains to tell the President that he would not be a consenting partner to such an arrangement, which he at once reported to me.)

In one of those periods when I was in his reasonably good graces, Roosevelt asked me why I didn't come to his news conferences any more.

"Because," I replied, "I can't keep my objectivity when I'm close to you and watching you in action. You charm me so much that when I go back to write a comment on the proceedings, I can't keep it in balance."

"Well," was his ironic retort, "that's very, very flattering."

"But," I said, "that's the reason. And, anyhow, *The New York Times* is quite well-represented at your news conferences, and I help to frame the questions asked you by the staff."

"But another thing," said F.D.R. "I understand you spend all your evenings at that club of Laura Curtis's where all my enemies gather."

"Mr. President, I do spend some evenings there, very enjoyably, but I would spend many more if I could make my way through the crowd of your children who are always present."

He laughed, and that ended one of my oddest encounters with F.D.R. For I realized not only that all manner of personal gossip was poured into the President's ear but that he was highly receptive to it.

In the early part of the first Administration I was occasionally asked by Mrs. Roosevelt to small family dinners at the White House. She was extremely gracious and friendly. Later on I was made aware of her disapproval of what I was writing about her husband's domestic programs. And this was important, because she was even more definitely motivated as a politician than the President was. She had stronger convictions than he on the subjects of social welfare and social progress. She was also a very determined woman—determined not only to make a career for herself so that she would not be just the President's wife, but also to make a career that would in her opinion put pressure on her husband to pursue the path of social and economic reform that he was embarked upon. The President's consciousness of his wife's public status was aptly illustrated by a story that Roosevelt himself told me.

When the U.S. decided to recognize the U.S.S.R., and Foreign Commissar Maxim Litvinov was sent to Washington to conduct the negotiations, Mrs. Litvinov (Ivy, the commissar's English wife) was also invited. Litvinov duly arrived, but alone, and the President said to him, "Mrs. Roosevelt and I regret so much that your wife couldn't accompany you."

Litvinov replied, "Oh, well, you know. Very active woman, career of her own, constantly traveling, making speeches. Impossible to interrupt what she was doing. Came alone, because she is individual in politics just as I am."

Said Roosevelt, "I *think* I understand."

I never detected in Mrs. Roosevelt what is commonly called a sense of humor (necessarily including the capacity to laugh at oneself). But except on those occasions when, in pretended unawareness of its obvious impact, she said or wrote something damaging about an individual, she was candid and straightforward. And at all times she was, in my judgment and observation, a great woman.

Notwithstanding Roosevelt's recurring disfavor, I had no great difficulty in reaching Administration news sources, and I got some major news breaks. In that category was the choice of Cordell Hull by President-elect Roosevelt as Secretary of State.

Hull's name was the most prominent in the speculation as to whom Roosevelt would choose as the premier of his Cabinet, but when he was summoned to Warm Springs, Ga., he suspected that an attempt had been made to turn the mind of the President-elect to a lower post for him. In telling me of his summons to Warm Springs, Hull angrily reflected this suspicion, assuring me that he would accept the Secretaryship or nothing.

He was living at the time in a modest family hotel, where he could not possibly have met the social obligations that go with the post. When I reminded him of these, he remarked that since Mrs. Hull did not want to cope with a large house, he thought that perhaps removal to a large hotel could solve this problem.

I sought out Hull immediately on his return from Warm Springs to try to learn the outcome. Scarcely giving me time to frame the inquiry he knew was coming, he said, "I am convinced the Carlton Hotel has the facilities to take care of that matter we were talking about the other day."

So, as soon as I could get to my typewriter, I wrote a dispatch flatly stating that Sen. Cordell Hull of Tennessee had been offered and had accepted the office of Secretary of State in the incoming Administration.

Never, during the period when I was in a position to observe what went on in the inner circles of an Administration, was there a more interesting and able group assembled in Washington than those around Roosevelt. Only a part of the satellite galaxy was the Brain Trust, largely émigrés from colleges and New York law firms who were recruited to join such pre-New Deal imports as Thomas G. Corcoran, Edward H. Foley and Benjamin V. Cohen. The other group included Jesse H. Jones, the soundest and most brilliant restorer of the stricken economy; Henry A. Wallace, who came to the Department of Agriculture as Secretary with more practical information on his subject than any other Cabinet colleague had on his; Harry Hopkins, who was to develop from an anti-Depression job-maker to a war-and-foreign-policy-maker just below the President; Harold Ickes, a difficult and controversial administrator of the public's natural resources, but devoted and very able; Dean Acheson, whose capacities have been as numerous as they have been brilliant; and Joseph P. Kennedy, unmatched for competence, imagination and courage in the area of economics.

Some members of Roosevelt's Brain Trust, Corcoran in particular, doubled as entertainers of Roosevelt in his leisure hours. As the result of an embarrassing contretemps, I was present within sight and earshot of one of these festive evenings, June 30, 1935. I was spending the weekend at Marwood, Kennedy's estate 14 miles northwest of Washington, on the Potomac River. It happened that in the previous few days I had felt obliged to write critically of the President's methods in trying to drive the wealth tax, so-called, through Congress without hearings, so I was shocked to learn from Kennedy that the President had decided to come out for late-afternoon drinks and dinner. Clearly my presence might be embarrassing to him and to me, since relaxation was his aim. The day being intensely hot, I decided, instead of returning to town, to stay in my quarters upstairs, a voluntary prisoner. I was to be served my dinner on the second floor. At 7 p.m. I saw two White House cars coming up the drive and fled upstairs. Little did I realize how truly imprisoned I was to be. Five Secret Service men accompanied the President, so my escape would have been noticed. This situation forced me—because of the design of the house—to be an involuntary eavesdropper on the (out-of-doors) fete. Although I moved, each time the party on the terrace moved, to the most distant room on my floor, it was impossible not to hear much of what went on.

The party soon became very merry. The President's laughter rang out over all and was most frequent. After a reasonable number of mint juleps they dined in the same mood. At dinner, though I was trying not to listen, the President said one thing so loudly it was impossible not to overhear him: "If I could," he said, "the way I'd handle [Senator] Huey Long would be physically. He's a physical coward. I've told my fellows up there that the way to deal with him is to frighten him. But they're more afraid of him than he is of them."

After dinner there was a movie on the lawn, *Ginger*, starring a child actress, Jane Withers. The President thought her excellent, and said the movie was one of the best in years. Then Corcoran took out his accordion, and the real merriment began. The President joined in all the songs, in a rather nice tenor-baritone, and finally he took the instrument and performed creditably for one unfamiliar with it.

"The night after the Chicago convention [of 1932]," the President said, "we decided we needed some campaign songs. After working all evening, the only thing we turned out went 'The old G.O.P., it ain't what it uster be.' " This moved Mr. Corcoran to improvise: "Old George Huddleston, he ain't what he uster be" (a reference to a member of Congress from Alabama). . . . The President, when this was concluded, burst out with "Old Carter Glass" (the Virginia senator) "he ain't what he uster be," etc. Then the company turned back to the favorite song of the evening, Kipling's *Gentleman-Rankers*. On the repetitions of "Baa, baa, baa," the President's voice was remarkably distinguishable. The singing and talk went on until well after midnight. It was at about that time that I fell asleep, pondering the paradoxes of the men who occupy the highest office in the land.

In the early days of the New Deal I was often a duly invited guest and participant in what were known to the insiders as "bull sessions." The participants discussed frankly, informatively and argumentatively everything that was going on in politics or government at the time.

One bull session I particularly remember was held on the night of the day Louis D. Brandeis had retired from the Supreme Court. William O. Douglas had just announced that he was retiring as chairman of the Securities and Exchange Commisson and returning to the law faculty at Yale.

When Douglas left the session, I followed him. "Bill," I asked, "what is it about this law faculty at Yale that has drawn you back to it despite all your promise of advancement in public life and political affairs?"

"Security," he said.

"Is it more secure than any other position you think would be open to you?"

"Yes," he said. "The only way you could lose your job would be to rape the wife of president of Yale. But even then it would probably have to be on the campus at high noon."

I expressed the judgment that Douglas was especially qualified for "the vacancy on the Supreme Court."

"What vacancy?" he asked.

"Brandeis retired today."

"He did?"

"Yes, and I think it's within your range."

"Well, that hadn't occurred to me, but then I didn't know about the retirement."

I asked Douglas if he would object if I repeated our conversation to the Attorney General, Frank Murphy, the next day. It appeared he would not. Accordingly, I telephoned Murphy. He had a slow, soft-pitched way of speaking, and as I recounted how Douglas—an ardent New Dealer, a great favorite of the President, and a brilliant lawyer—would fit into the situation, Murphy kept saying, "That's a natural, that's a natural . . ." and then finally, "I'm going to submit that name to the President." Which he did. And Douglas was appointed.

Of the turbulences into which my reporting led me during the 12 years of Roosevelt's Presidency, two were the most violent.

One day, turning as I always did to Frank R. Kent's political column in the *Baltimore Sun*, I read the flat statement that Harry L. Hopkins, in a conversation at a New York racetrack with personal friends who were criticizing the spending policy of the New Deal, had retorted, "We will spend and spend, tax and tax, and elect and elect." After carefully confirming it, I republished Hopkins's apothegm in a Sunday article in *The New York Times*.

That Sunday I lunched in a small company that included Hopkins. Not only did he make no mention of the article, he gave no indication of any diminishment in our friendly relationship. And several nights later, at a dinner, Secretary of the Interior Ickes, who often feuded publicly with Hopkins, said to me gleefully, "I see you have Harry by the short hairs."

The quotation was circulating among Hopkins's ill-wishers in Congress (there were plenty) and complicating his prospect of being confirmed as Secretary of Commerce, for which Roosevelt had nominated him. Whereupon Hopkins issued a flat denial that he had ever made this statement, together with some uncomplimentary comments on my professional behavior.

And who should come to Hopkins's defense and my professional derogation? Secretary Harold Ickes himself! Publication of the remark in the *Times* was seriously embarrassing the President in the pursuit of pending New Deal measures.

Under the unusually strong pressure that is generated at the seat of the highest power, Kent's informants and mine took to the tall timbers, and Hopkins was duly confirmed.

The second of these two violent disturbances occurred during the Democratic National Convention of 1944. I wrote a report of a meeting in Roosevelt's private car in the Chicago yards—at which the President, Democratic National Chairman Robert Hannegan, and Mayor Kelly of Chicago were among the principals. The account quoted Roosevelt as making the following caveat in his instructions to the leaders to agree on a vice-presidential nominee: "Clear everything with Sidney"—"Sidney" being organized-labor's principal spokesman, Sidney Hillman.

My source was Turner Catledge of the *Times*. He obtained the story and the quotation from an informant who had it firsthand. But since Catledge's intimacy with the informant was well known, and this would have identified him as the source of the story under Catledge's byline, it was arranged that it appear under mine. This time the publication was promptly followed by a deluge of denials from the principals, and confirmation did not come until the publication of James F. Byrnes's reminiscences, *All In One Lifetime*.

Franklin Roosevelt anticipated for several years our role of belligerent in the Second World War. By brilliantly skillful plays on public opinion after his re-election in 1936, Roosevelt gradually created the popular sentiment that belatedly rid him of the Neutrality Act and enabled him to make United States industry the source of seaborne Allied military supply. But to keep the people persuaded that he could maintain the status of non-belligerency, though he was privately persuaded to the exact contrary, was the fundamental strategy of his long-denied intention to seek a third term in the White House.

An essential part of Roosevelt's strategy was also to persuade the people that by the middle of 1940 the United States possessed military power strong enough to deter the Axis Powers, if they were victors, from going to war with this country. Such was the purpose of his speech about weapons "on hand or on order" in May, 1940, from which he simply omitted the fact that the bulk of the deterrent power he cited was still "on order" instead of "on hand," not capable of fulfillment for a long time. And this grim fact was fully exposed in the year after the Japanese attack on Pearl Harbor.

Ultimately, the war in Europe and then the attack on Pearl Harbor that assured American participation in the conflict, produced a "voluntary" self-censorship by the press that came to have the force of an imposed one. This heavy restriction on reporting and comment, in both the military and civilian areas of government activity, eased for Roosevelt the abiding presidential problem posed by the obligation of the press to keep the people constantly informed. Behind this shield even presidential subordinates claimed that national security made them immune from reports of such unofficial travels as Henry Morgenthau's weekend visits to his farm!

The last time I saw Roosevelt was at the White House correspondents' annual dinner in early 1954, while the war was raging to a close in Europe. In this period, despite the evidence of physical deterioration that was provided by the news photographs of the conferees at Yalta, the White House doctors were still giving optimistic public diagnoses of his condition. So I was shocked at the President's appearance. If ever impending death was written on a human countenance, it seemed to me I saw it that night.

I was at some distance from the President during the dinner, but to reach the ramp whereby he could move on to the exit in his wheelchair, he had to pass me. My face as he passed must have so clearly reflected my distress at the change in his own that he noticed it. Anyhow, he looked up at me as he was wheeled by and said gaily, "Cheer up, Arthur. Things have seldom been as bad as you said they were."

Several weeks thereafter he was dead at Warm Springs.

The New Deal immigrants from the colleges and prestigious law offices included some fascinating, even fabulous, characters. But it remained for the political community to supply the most fabulous of all—Sen. Huey P. Long of Louisiana.

I first became acquainted with his forensic skill and his intellectual quality at the Democratic National Convention of 1932, when Roosevelt was nominated for his first term. Long took the floor to press for the seating of his (pro-Roosevelt) group of Louisiana delegates. His speech was a gem of legal presentation and he succeeded in his objective.

When these favorable appraisals were published under my byline in *The New York Times*, Long expressed to me his surprise at receiving objective treatment in the news columns of a journal that editorially was highly critical of his record as the ruthless political boss of Louisiana. But once he was convinced that this was standard practice in the *Times*, he became a valuable and reliable news source for the newspaper's Washington Bureau.

After the senator fell out with Roosevelt in August, 1933, and embarked on his famous series of personal attacks on the President (Roosevelt, he said, was "a liar and a faker"), Long would bring me advance copies of these speeches, which had become prime news.

His concept of our personal terms was made known to me in a surprising manner during the Bank Holiday of 1933 when I encountered Long in the Capitol.

"Do you need any money?" Long asked, flourishing a wallet well stocked with banknotes.

"No thank you, senator," I said, "but tell me, how do you happen to be so well-heeled? You first sold Bibles and other religious works, which couldn't have brought you in much more than you needed to get through Tulane Law School. Then you were state railroad commissioner at three thousand dollars a year, governor at five thousand, now senator at seventy-five hundred. Yet you maintain the family residence at Winfield, a fine apartment in New Orleans for your wife and son, and a big spread here in Washington."

"Well," he said, "you see, I am still a partner in a law firm down home, and the boys cut me in on the receipts. You know something else? There ain't a corporation doing business in Louisiana that will employ any law firm but ours, provided they can get us to represent them."

I now think he was engaging in his special form of cynical kidding because, though he was tainted with corruption, Long was a political idealist. But I was never entirely sure.

One day in the Senate, Long defended me from what he considered an attack on a dispatch of mine. Never a moderate in any view or undertaking, Long praised me and professed our friendship in extravagant terms. The result was that several diplomats who wanted to meet the Kingfish socially asked me to arrange it.

Among these diplomats was the long-time counselor of the French Embassy in Washington, Jules Henry. Assured that Henry would provide champagne (this was the Prohibition era), Long made a dinner date.

To show his appreciation of the champagne, which flowed bountifully, the Kingfish asked to use the telephone. The call he made was to Baton Rouge, and it soon became evident that the person on the other end of the line—who was getting the roughest reprimand I ever heard from one politician to another—was the governor of Louisiana. There were bloodcurdling threats by Long of what the governor might expect—impeachment being a minimum—if he obstructed a certain piece of state legislation that the senator had initiated.

There was a second dinner featuring a marvelous and unbelievably candid account by the Kingfish of his activities, his likes and dislikes in national and state politics, and his transformation of Louisiana into a police state. I believe that in the short but stormy era of his political ascendancy, before an assassin's bullet ended it in September, 1935, Long established himself as the first important architect on a nationwide scale of what Lyndon B. Johnson programmed 30 years later as the Great Society. He was way ahead of the New Deal, and he had ample reason to feel that Roosevelt was fearful of the independent presidential candidacy that Long was earnestly promoting at the time of his assassination. For Long's speeches, in and out of the Senate, had demonstrated a gift for oratory that put his opponents shakily on the defensive.

In all the years that Alben W. Barkley occupied the forefront of the political stage, and was justly renowned for his ability to wither an adversary with a wondrous mixture of satire, humor, and serious argument, I saw him bested only once on the floor of the Senate—by Long.

Barkley had raked Long with all his guns, and sat down well satisfied with himself when the Kingfish rose to reply. After a palpably mocking account of the "veneration" he said he felt for his Senate party leader, and of his sorrow at displeasing him, Long finished with a story. He once knew, he said, a Louisiana farmer whose piety, industry and compassion were the model for the region in which he lived. One day, when this noble character was plowing the fields, his wife in the farmhouse was aroused by loud groans. On investigation, she found her husband lying in a fence corner, bleeding from several ghastly wounds. He explained that while he was plowing, the venerable farm billygoat, attracted by his posture, had gored him deeply from the rear.

"Don't take on so, honey," said the wife, as the Kingfish told the tale. "You have lived the good life, and you know you are going straight to heaven and be received in full grace by God Almighty."

"Yes, wife, I know that,' the dying man replied. "But I sure hate to be served up to God Almighty on the horns of a vicious old goat."

Barkley, whose gallant manner toward the opposite sex was well known to his colleagues, rose to answer, opened his mouth, found nothing to say, and sat down.

My acquaintance with Harry S. Truman was slight until, as he expressed it, "all the stars and the planets fell upon him" with the sudden death of Roosevelt. I recall admiring his objectivity at the total expense of partisanship in heading the Senate committee on the conduct of the Second World War. I had been particularly impressed with Truman's quality as a statesman in a certain exchange on the Senate floor with Arthur H Vandenberg of Michigan.

Chairman Truman had reported to the Senate a delay of 18 months in steps vital to the successful conduct of the war. Whereupon Vandenberg interrupted to inquire "at whose door-step" the blame could be laid. "The White House," calmly replied Truman.

But there were occasions enough to fortify a public judgment that his character curiously combines pettiness with greatness.

He is a very charming man whose determination sticks out all over him. Almost invariably he showed great courage in making important decisions, and he had an iron backbone that kept him from going back on them. In these respects alone he would, in my judgment, rate as a "strong" President.

Truman was the one President who, though I wrote as critically about him as I have about any other, never held it against me personally. We became friends, on his motion, and he never reproached me for any criticism or changed his friendly attitude toward me.

When the circumstances of Truman's accession are considered, including the fact that he had not been kept informed on vital Roosevelt policies, it is remarkable how well he managed.

The first major international event of the Truman Administration was the organization of the United Nations at San Francisco. The new President was carrying out the Roosevelt policy, as well as furthering a dream of the American people, in proceeding with the formation of the United Nations. Once again they thought and hoped that an association of nations would be an effective means of restoring a durable world order, and Truman believed this himself.

This belief came under its first shadow, though the true believers ignored it, as the delegates gathered at San Francisco. The Kremlin reneged on its Yalta pledge to modify its cruel tyranny in the communization of Poland, thus mocking the whole concept of the U.N. while the delgates were writing the Charter.

After the formation of the U.N., postwar domestic problems inevitably intruded, and the congressional elections of 1946 produced one of the few occasions on which Truman retreated under political pressure. The Republicans had made an issue of the rationing of meat, which had been imposed by the war. Public opinion was set against its continuance after the end of hostilities, but the President stood by it firmly until Democratic candidates for Congress thoroughly bombarded him. They predicted that if meat rationing continued, the Republicans would surely regain control of Congress—Truman's first. President Truman revoked the meat rationing under this pressure, but his action was too late to save the Democratic majority in Congress. It was this lesson of the political cost of open retreat, I am sure, that accounted for the bold and unyielding quality of his 1948 campaign.

In the same category of yielding under pressure, I would place Truman's greatest error—demobilizing too soon the American military forces of the Second World War, an error he later conceded in a conversation with me. Truman, who felt a commitment to abide by Roosevelt's judgments, was lured by

Stalin's demeanor at Potsdam as F.D.R. had been at Yalta. But these are exceptions in the record of a very determined President, once he made up his mind.

I hope that the following notes I have made of Truman's current thinking from time to time may serve at least as footnotes to his personality and his record:

"On April 8, 1948, the President surveyed for me a wide range of subjects. On V-E Day, he recalled, he had felt sure he would be able to make durable arrangements for peace and hence had made up his mind to retire in January, 1949, when he had served out the remainder of Roosevelt's fourth term. 'But I was wrong on that,' he reflected. 'I have started measures for peace which I must see through. I am not a quitter. The worst mistake we made was to demobilize (in the immediate postwar period), and I helped make it. . . .'

"As for the Democratic leaders who were opposing his renomination, he remarked that they were 'acting very foolishly: They cannot get away from me.' And even if they nominated someone else, 'he would have to run on my record, which would put the party hopelessly on the defensive after having rejected the maker of that record.'

"The Republicans, it seemed to the President, were having hard going in criticizing his foreign policies because they had no substitute to offer for the European Recovery Plan (E.R.P.) or for the new measures of preparedness. For instance, the 'only suggestions [Thomas E.] Dewey was able to make' were that the Voice of America should be entrusted to more competent hands, and that a Republican President would not make the mistakes his partisan critics imputed to Truman. 'There are plenty of domestic issues they [the Republicans] could go after, but they are not doing it.'

"Had Truman detected any change (by the April 8, 1948 interview) in his makeup since he became President? He could think of none, he said, except that he felt a growing sense of being 'walled-in'; and that it was necessary for him ever to remember that 'two persons are sitting at this desk—Harry Truman and the President of the United States. And I have to be sure to remember on all occasions that the President is there too.'

"Turning to his press secretary, Charles G. Ross, a lifelong friend and old Missouri schoolmate, Truman said he noticed that Ross did not talk to him any more 'with the same mouthful of brass tacks.' Such was the fate of Presidents.

"Was he not troubled when he got conflicting counsel or great decisions from advisers equally able, informed, loyal and sincere? No, said the President, he came to his decisions by the best rationalization within his powers and then didn't 'worry about them. There is always a new one waiting to be made.'"

Truman's 1948 nomination and campaign were twin masterpieces of practical political strategy. The principal obstacle to his nomination was strong sentiment within the Democratic Party for Eisenhower, the hero.

The following is an account I made at the time of the Eisenhower-Truman Negotiations:

"In 1947, when Eisenhower's name began to be pressed by important Democrats for 1948 nominations, the President asked (Kenneth) Royall, then Secretary of the Army . . . (to) go to Ike and say that if Eisenhower would be a candidate for the top nomination, he, Truman would help him get it and go on the ticket for Vice President if Ike so desired. On being told this, Ike first expressed his incredulity, but then when convinced that Truman meant what he said, told Royall he wanted to have nothing to do with politics and would appreciate advice about how to have that finally accepted by the politicians. This Royall reported back to the President.

"Later in 1948, during the week before the Democratic Convention, one of the usual bull sessions of key Administration figures was held on the South Portico of the White House, the topic being whether Ike's name would go before the convention as Claude Pepper, James Roosevelt, and a number of other Democrats were saying it should and would. Truman asked them all what they thought would happen in this event, and everyone but Royall assured the President he could make short shrift of the attempt. The President, observing that Royall had been silent, asked for his opinion. Royall answered that there was a belief that Ike would be nominated by acclamation if his name were presented. This angered some of the group, particularly Under Secretary of the Interior Oscar Chapman. A couple of drinks were served, and the party broke up quietly. At the White House door, when Royall was leaving, an usher informed him that the President wanted to see him upstairs. He found Truman in the Oval Study with John Snyder, Secretary of the Treasury.

"'I wanted to tell you,' said Truman, 'that I agree with you.' He then asked how the presentation of Ike's name could be prevented. Royall, remarking that the President and Ike had the same objective, said he would try to see how this could be accomplished. In a telephone conference with Ike, Royall worked out the statement that Eisenhower sent to Pepper and others that put an end to the effort to present his name. Royall assured Eisenhower that he need not trouble to give out the telegram himself, that 'five minutes after Pepper receives it, it will be public property.'"

In the seven years of Truman's incumbency I found myself involved in only one of those controversies over my report of a presidential act or word that were so numerous in the Roosevelt Administration.

This controversy with Truman was whether he had, as I reported in *The New York Times* on November 7, 1951, sounded out General Eisenhower, then NATO Supreme Commander, on his attitude toward accepting the Democratic presidential nomination in 1952, for which Truman offered his support, repeating the offer he had made to Eisenhower in 1948.

When this dispatch was published, Truman denied it, with the added barb that the article was one he would have expected from a gossip columnist but never from me.

Here is part of the account I wrote for my files on the source of the story:

"On Monday, November 5, the same day the President and Eisenhower met privately, Truman received the Supreme Court at Blair House. That was in the afternoon. The reception scattered into little groups and at one point Justice Douglas, Chief Justice Vinson and (Douglas thinks) Justice Minton were alone in a corner with the President.

"Truman said he had had a big day, that he had an interesting talk with Eisenhower; that he told Eisenhower his offer of 1948 held good for 1952; that Eisenhower said that would present a great problem to him, his differences with the Democratic (Truman) Party over the Wagner Act and labor policy alone being typical.

"Justice Douglas said he gathered from the President that at this response the matter was dropped."

The background of an authorized interview that I had with Truman is unusual in the history of publications, not only because of the actual facts, but because it was characteristic of one of the most misunderstood and underrated Presidents in our history. Truman was the guest of honor at a dinner, given by Senator and Mrs. O'Brien McMahon of Connecticut, to which my wife and I were invited. After dinner, I was talking in a corner with Chief Justice Vinson. Indicating the President, who was with a small group in another part of the room, I remarked that there were several questions I would like to put to him, that the answers could shed much light on his national stewardship and several complex public issues.

"Why don't you ask him," said Vinson, looking straight at Truman, and in a carrying tone. Overhearing this, Truman walked over and said to me, "Ask me whatever it is, and I'll give you a straight answer." When I suggested, in thanking him, that a private session, with plenty of time, would provide a more satisfactory setting, the President directed me to make the engagement through his press secretary. The interview, his approval, and the publication followed within a few days.

Some months afterward, on May 24, 1951, he proposed another interview in this fashion.

It was a Sunday afternoon. When I returned from walking Snickers, my Alsatian—a noble animal, the great-grandson of the first of his family to enrich my own—my wife informed me that the President had telephoned and wanted me to call him back as soon as I returned. When I reached him, Truman, who does not like dogs but for years was a champion pedestrian, began by commenting that the walk was good for both "the pup" and me. Then he remarked that he had some views on public issues I might be interested in, and suggested that I come to hear them.

Truman's elected term, especially the final two years of it, was spent in laying the political foundation for what, under Lyndon B. Johnson, became the legislative program of the Great Society; in searching for a Democratic presidential nominee who could be elected as his successor; and in trying simultaneously to fight and negotiate the Korean war.

On January 20, 1953, after an awkward ride from the White House to the Capitol with a successor burning with resentment over Truman's personalized campaign attacks, the outgoing President of the United States boarded the train for home with satisfaction for his accomplishments and no regrets for his failures.

It is still fashionable, in the dominantly leftist press here and abroad, and especially among my journalistic colleagues in Washington, to assess President Eisenhower's Administration as one of the least notable in American history. But I view it as one of the most notable, and to be in this kind of minority is not, after all, an unusual or dismaying personal experience. In international affairs the Eisenhower Administration maintained the nation at peace and in unity. This fortunate attainment—rare in the 20th century—was reached in several ways:

By "brinkmanship," as in the instance of landing troops in Lebanon to preserve the Mediterranean from the threat of Russian domination—having sought and obtained advance approval of the landing by Congress; by the show of naval force that discouraged the Chinese Communists from trying to take over Formosa;

By the President's rejection of the counsel of major officials, including Vice President Richard M. Nixon, to try to rescue the French from defeat in Indochina with active military aid, at the clear risk of involving the United States in a ground war in Southeast Asia;

By limiting our support of the United Nations' war in the Congo to the delivery of war material to Leopoldville, and by declining to ferry it in U.S. Air Force planes to the combat zone;

By such practical aid to the underdeveloped nations as food and atomic energy for peace.

A blemish on this record, in both the contemporary and hindsight judgment of some experts in foreign affairs, was the frustration by the United States of the Anglo-French-Israeli military expedition against Egypt in 1956. It is conceivable that these allies, probably the Israelis alone, could have kept the Suez Canal international and free for all shipping, overthrown Gamel Abdel Nasser's regime in Egypt, and at least postponed for a while the threat of general conflict generated in 1967 by the provocations of the six-day war in the Middle East.

A more firmly imprinted stain on the excellent Eisenhower record was the State Department's encouragement of the revolution in Cuba under Fidel Castro. Here the "moralism" expressed at Suez took the form of disapproval of the Dictatorship of President Fulgencio Batista, despite his pro-American, anti-Communist policy. The Administration weakened Batista with an embargo on military supplies and financial assistance to the Cuban economy; it accepted Castro on trust as an anti-Communist patriot, disregarding the evidence to the contrary, and laid the foundation for a militantly Communist, bitterly anti-American state 90 miles from the American mainland.

As for domestic affairs, despite the economic recession toward the end of Eisenhower's second term, American society as a whole was spared the deep malaise that has affected it during the two succeeding Administrations. The city streets at night were still generally safe for citizens, including lone women, in their normal pursuits.

Politicians in Congress (and other ardent champions of the Supreme Court decision that forbade compulsory racial segregation in the public schools) were already engaged in irresponsible, vote-seeking, riot-breeding promises to the Negro minority. But the scope of supporting legislation proposed in the 1950's was limited by the congressional blockade, led by Senate Majority Leader Lyndon B. Johnson, against radical compulsory racial-integration measures that would have infringed the "civil rights" of the American people as a whole.

The growing power of labor unions to impede or totally shut down the process of the national economy was at least halted in Eisenhower's Administration by the Landrum-Griffin Act, and by the rulings of the President's appointees to federal agencies.

One glaring deviation in the Eisenhower record was, in particular, the federal budget. Its steady increase established him as another of the great spenders against whom he inveighed. But he never lost sight of the goals which, with congenital simplicity, he identified even before he entered active politics.

And if there were no grandiose and vastly expensive government agencies created in Eisenhower's Administration to bring the poor (both deserving and shiftless) to a comfortable subsistence level, there was also no drain of billions of dollars from the national exchequer (as there is now) into the runoffs of incompetence, political exploitation and waste that have only slightly ameliorated the poverty in the nation.

Physical vigor, a ruddy and pleasing countenance, a personal warmth of manner, high intelligence, professional competence and a most infectious grin—these are my outlines of Eisenhower of early acquaintance. Of that countenance, and especially that grin, Secretary of Defense Forrestal was to remark, when Eisenhower was the postwar Army chief of staff, "Ike, with that puss you can't miss being President."

It was in this postwar period that I first met him. The occasion was one of those luncheons of the merrymakers who style themselves the Circus Saints and Sinners. Placed next to Eisenhower at one of the tables, I found him a most agreeable companion. He laughed unaffectedly at the brilliant political satires of Walter Kiernan, the group's chairman and jester-in-residence, especially at those that "shafted" him—a favorite term in John F. Kennedy's vocabulary.

I found remarkable, when we got to talking, a modesty and generosity toward the war achievements of others that history and experience had not taught me generally to associate with great and successful personages.

Among the contemporary statesmen with whom Eisenhower had to deal personally in a long career in high places, Soviet Premier Nikita Khrushchev was one of the most troublesome. During their meeting in September, 1959, at Camp David, Maryland, for instance, Khrushchev took as a challenge Eisenhower's casual observation that the ever-present telephone made it impossible for him to have a "real vacation."

"Don't think it is different with me," bristled Khrushchev. "Telephones are always near me. I, too, believe in vacations, but when I was having one at the beach recently, I had hardly got into the water when a courier waded out to me with a telephone in his hand." Then, unwittingly disclosing that he had reacted to the President's casual remarks about the ever-present telephone with Russian sensitivity over the superiority of American technology, Khrushchev added, "We haven't as many telephones as you have. But very soon we will have a lot more."

Dealing with individuals has its hazards in domestic matters also, and it is seldom that a President has been more responsible than Eisenhower for the sweeping reversal by the Supreme Court of his own constitutional philosophy.

This reversal was effected by his appointments of Earl Warren as Chief Justice and of Judge William J. Brennan as Associate Justice. As the Supreme Court under Warren's driving leadership entered upon the series of decisions that began with the ban on public-school segregation, Eisenhower became more and more disillusioned with his choices.

In a more immediately critical area, there is ample evidence that on two of the three occasions when Eisenhower was seriously hospitalized, his illnesses created what Sherman Adams, his intensely devoted aide, described in 1957 as a "hiatus" in the Presidency. Had it not been for the alertness and sagacity of Eisenhower's subordinates, a constitutional crisis could readily have arisen when a heart attack felled the President at Denver in 1955. And the same was true, and for the same cause, in the early months of Eisenhower's second term.

Of his associates in the government, none behaved with a higher sense and perceptiveness of his responsibility than Nixon. An example is provided by a telephone call Nixon made to me at 5:56 P.M. on September 26, 1955. Immediately after hanging up, I reconstructed the following from notes made while Nixon was talking:

"It is vitally important to the stabiliy of the country that I minimize whatever my role is to be during the President's inactivity. The feeling that the President is really in charge must be maintained to the limit of possibility, and actually we [the Cabinet, Press Secretary James C. Hagerty, Adams, etc.] are carrying on in the way he planned. It is very important, too, that I not be subject to the charge that I am trying to make personal—which is political—capital out of this distressing situation.

"We want to be sure that no decision is postponed or delayed as a result of this temporary situation. It is a natural tendency in the circumstances to let things pile up, but the President never wanted it that way in these circumstances [obviously they had previously discussed the circumstances as potential]. He never wanted anything held up. We could do that with routine matters, but an important consideration is that the President come back to a clean desk. So we will act on routine also. . . ."

By the time of the third serious illness—the operation for ileitis—smooth procedures had been established for running the office.

Being a soldier by profession, Eisenhower placed great reliance on the staff system. Thus, some decisions that should have been referred to him before being put in operation were made on the lower levels. Some decisions were made against wiser counsel; Eisenhower's stubborn support of his chief White House adviser, Sherman Adams, is typical of these. And they inflicted severe political wounds on the Republican Party.

Adams revealed a carelessness in his personal relations that was in amazingly sharp contrast to his coldly impersonal native caution. He had come under increasing political fire as the scope of his indiscretion was disclosed in congressional inquiries into the influence-seeking and influence-peddling of his close personal friend and gift-giver, New England textile manufacturer Bernard Goldfine.

The President's characteristic and immediate reaction was to repel demands for Adams's resignation with the simple statement, "I need him." When this proved unpersuasive, to Eisenhower's apparent surprise, Adams ultimately resigned.

The lapse inherent in Adams's careless relations with Goldfine may have brought to Eisenhower as much personal distress as any happening in his career. He had made much in the 1952 campaign of the issue of "corruption" and influence-selling in the Truman Administration.

In my opinion, the one source of Adams's grave error was his tremendous arrogance. Adams, being—and knowing that he was—incorruptible, and knowing that his devotion to Eisenhower and to his official responsibilities was complete, drifted into the sin of assuming that both qualities foreclosed any question arising from any act of his.

Adams almost habitually was curt to the point of rudeness, and sometimes deliberately rude. An example was his reception, in 1958, of a caller—compassionately aware of the political storm Adams had drawn upon his head by his Goldfine indiscretions—who came to the White House on legitimate government business. He was Christian A. Herter, then Under Secretary of State. When he entered, Herter, in the kindly way that was natural to him, said to Adams, "I sympathize with what you have had to go through these last few days," and put his arm on Adam's shoulder.

With ice in his eyes, looking straight at Herter, Adams inquired, "Is this the subject you came here to discuss?"

"Sorry, I shouldn't have mentioned it," said the embarrassed Herter.

"I don't want to seem mean or disagreeable," said Adams, proceeding to be both. "But when I want you to discuss my personal affairs with me I'll let you know."

Few with qualifications to assay the future would deny that if Eisenhower himself had been eligible to seek a third term in 1960 he would have been overwhelmingly re-elected. Yet Eisenhower had liabilities that could have made such an outcome inconceivable: an aloof attitude toward politics, the impression he created at news conferences that he had not done his homework; and finally, a succession of serious illnesses.

In my judgment Dwight D. Eisenhower was the President the nation wanted and needed the most for the eight years of his tenure—a conservative, but a progressive conservative; a candid, honest spokesman of the interest of the people of the nation and the free world; often confused in his choice of words, but never intentionally misleading; not as sensitive at all times to social needs and economic malproportions as a President needs to be in this age, but a man of deep compassion nonetheless.

As has been noted by deeper thinkers and better writers, the Kennedy family is a clan, a tribe, a sovereignty and a dynasty, tied loosely enough within a package to allow each member a good deal of independent freedom of movement. But never to the point of a fracturing collision—a limitation I have observed in the many years since 1935 when I began to be an intimate of the family under the sponsorship of the patriarch, Joseph Patrick himself.

In recounting this relationship, which grew taut under the strain of differences during the presidential campaign of 1960 and broke forever some months before the colossal tragedy at Dallas on November 22, 1963, I owe my readers a preliminary confession: As the Kennedy boys grew into manhood, although I was early aware of the limitless ambition their father was stimulating in them, I did not foresee that John, the second son, would be the one to attain it, and that the attainment would be claimed by the third son as his rightful heritage.

But at least I did perceive potential of high achievement, though in what field I did not precisely discern, in the young John Fitzgerald Kennedy, in the maturing of his mind and the development of his personality.

I was made aware of these potentials in the wide-ranging discussions of large affairs that were invoked by the senior at the family dinner table; in the impressive supporting ~~data~~ and clear prose of the Harvard ~~thesis~~ that John F. Kennedy brought to me for an appraisal of its durable value; and in the personal grace and charm this youth effortlessly diffused in any company.

I had encountered Joseph P. Kennedy Sr. several times in the entourage that accompanied Gov. Franklin D. Roosevelt of New York on his campaign for the Democratic presidential nomination in 1932. In that campaign I saw enough of Joe Kennedy to learn that for vigor, intelligence, forcefulness, political sagacity and charm, this tall, red-haired, red-faced, blue-eyed man was outstanding in the circle around Roosevelt.

But it was not until 1934, when President Roosevelt appointed Kennedy to the new Securities and Exchange Commission that I became really acquainted with him. After a stint as chairman of the S.E.C., Kennedy returned to private life as a financial consultant. During this period our personal relationship extended to the Kennedy family as a whole, and it continued in the posts in which he served under F.D.R.

One day, while Kennedy Sr. was chairman of the Maritime Commission and I was in his office on a professional errand, the White House telephone rang. I rose to leave, but Kennedy signaled to me to remain. Whereupon a conversation began, with the President very obviously on the other end. As I recall it, the subject was a very controversial order by Kennedy to a United States skipper in South America to discipline some mutinous seamen by putting them in irons. And something like the following was Kennedy's part of the conversation:

"Yes, Mr. President. . . . Yes, sir, I know you're getting complaints. . . . Yes, Mr. President, but I'd do it again; we can't allow things like this and get the job done. . . . No, sir, I don't go with that idea of a compromise. . . . (And then, forgetting the punctilious "sirs" and "Mr. Presidents") "Listen, boy. If we do that we'll land in the ———." (At which mention of the ignoble but functional edifice to which Kennedy was wont to refer, came a delighted roar, the voice clear and unmistakable, from the other end of the wire.)

In Boston, when he was returning to his post as U.S. Ambassador in London after a visit home, Joe Kennedy was asked about the prospect he envisaged of the outcome of the war in Europe. He answered—understanding that his remarks were strictly off the record—that the British had no clear idea what they were fighting for, that their concept of democracy was based on a fixed class structure alien to our own, and that they could not possibly win the war.

When these remarks, most improperly, were published in a Boston paper by one of the interviewers, the consequences followed thick and fast. The British rose in indignation that developed into an anger against and a dislike for the United States ambassador that remains unabated. And President Roosevelt was very seriously embarrassed. No one at that time could have foreseen that a son of Joseph P. Kennedy would become the most popular of all American Presidents with the British people.

During the 1960 campaign, while Joe Kennedy was telling me he agreed with my own reservations about his son's domestic programs, he was using every influence at his command to win an election by which these programs would be advanced. The overshadowing purpose was that the Kennedys produce a President of the United States, realizing the ambition the father had instilled in his sons. "For the Kennedys," he had once remarked to me, in disapproval of Jack's decision to try for the vice-presidential nomination in 1956, "It's the (out-house) or the castle—nothing in between."

My relationship with the Kennedy boys was a gradual process. My first brush with the progeny was in the mid-1930's, when Joe Kennedy asked me to suggest a place where Joe Jr. and Jack could spend a summer in useful labor to prepare for the athletic activities they planned when they returned to Harvard.

Kennedy Sr. told me that his second son, Jack, was a frail boy, while Joe was in glowing health. I arranged to send them to a ranch near Benson, Ariz., where they passed a very good summer and came back strong and well. Joe qualified for the football team and Jack for the swimming team. Thereafter I began to see more of these boys, and in 1940 I became very closely associated with them.

At the Democratic National Convention of 1940, Roosevelt's third-term convention, Joe Jr. had been instructed as a Massachusetts delegate for James A. Farley for President, and the effort of the Administration was to have Roosevelt renominated by acclamation. This meant that not even one vote would be cast against him on the first ballot.

The pressure to switch to Roosevelt at the outset of the balloting was powerfully applied to young Kennedy. He was told among other things that his father's political future was at stake, and that if he stayed by his Farley instructions, in view of what inevitably was impending (the third-term nomination), he would be doing his father an injury. That troubled this excellent young man, and he came to me, his father's friend, to discuss the situation in a conversation that went like this:

"You're instructed for Farley, aren't you?"

"Yes."

"Have you been released? I'm sure Farley would agree to do that."

"No. And I haven't asked him to."

"What do you think your father would want you to do?"

"Well, that's what I came to ask you."

"He would want you to do the honorable thing, and that's what you want to do, too, isn't it?"

"Yes."

"If you didn't, you wouldn't even ask me about it. You would have sought your release and cast your vote for Roosevelt. . . . Don't worry about the old man. You will neither make nor break him. He'll do either by himself."

Young Joe cast his vote for Farley on the first ballot. F.D.R. was nominated on that ballot, but not by acclamation.

There were the usual exceptions, of course, to the boys' filial devotion and obedience. I once sailed with Joe Jr., Jack and their father on the *Normandie* to England while Joe Sr. was ambassador. The ship's company was gay, and there was a beautiful actress aboard, to whom young Joe was very attentive—too attentive, his father thought. Jack was also staying up late at night, with a girl I think his father didn't know about. So Joe Sr. imposed a curfew on the young men. They would have to be in their quarters in his suite by midnight or thereabouts.

They made the first deadline. But the suite had a service door, distant from the bedrooms. So when I saw them enjoying themselves in the ship's salons in the small hours, I realized that they must have used this facility to elude the curfew.

Fighting, of course, is a common fraternal exercise, and the two elder boys engaged in it frequently. Bobby was too small to get into the act, but, in my opinion, this was lucky for Joe and Jack. I think, given a little more weight and experience, this fiercely competitive adolescent could have made a good showing against either.

Robert Francis Kennedy was the most intense of the male members of his remarkable family. In this he more nearly resembled his father than any of his brothers—he had the same capacity for likes and dislikes, for love and hate, for compassion toward the denied and the oppressed, but with a simultaneous concentration on serving personal ambition.

Like others who are driven by a thirst for power, he unquestionably was convinced that he was best qualified to make an effective attack on the injustices and kindred evils that afflict the United States and human society as a whole. Into this pattern the desire to become President fits perfectly. Hence, the bitterness with which so many sought to stop him on the way can be accounted for only by the provocations he especially engendered: the obvious passion of his pursuit; the widespread feeling that the Kennedys had come to think of the Presidency as a family fief; and the advantage over competitors inherent in huge financial resources.

Inevitably the high drama of his being assassinated in his most golden moment of political victory has swiftly made a place for him in the forum where men are dehumanized as legends. Yet when slow-paced history meets a public ready for an objective appraisal of Bob Kennedy, I believe he will emerge from the mist of the legend, not only as, in his private life, the "good and decent man" of his brother's eulogy in St. Patrick's Catheral, but as an inspirer of the best sentiments that are latent in the American people.

For the duration of his normal life expectancy, a long span of years, the nation and the world will have many occasions, I think, to miss Bob Kennedy—his wit with its strong element of self-depreciation; his qualities of leadership; the courage that impelled him, a liberal of the liberals, to risk the opposition of organized labor and industry; and by denouncing the violent disregard of law and order that had been manifest among the very segment of the population where his political following was almost unanimous, to risk disaffection there, too.

The death of Joe Jr.—who perished in a bombing mission to Belgium in 1944—was the first break in this circle of nine children, nearly all extraordinary in some way. It was one of the most severe shocks to the father that I've ever seen registered on a human being.

I share the opinion of some that Joe had been influenced to undertake his fatal mission—after having completed all his scheduled flights and well-knowing the hazard—to disprove a slander. The slander—common among the British at that time of their resentment against the ambassador's Boston interview—was that the Kennedys were "yellow." It was based on the fact that Kennedy, realizing that if the United States ambassador became a casualty of the Nazi blitz of London it would increase the prospect of American involvement in the war, spent each night in a house he had rented outside London, at Ascot.

During Jack Kennedy's ordeal-by-war in the Pacific, while he was missing and nothing was known of his fate, his father kept the evil tidings to himself and endured the suspense with remarkable stoicism. After Jack had been rescued, and for several subsequent years, he had serious troubles with his back. Yet only once did I see his father show emotion mindful of that evoked by the death of his eldest son. He came to my office one day—Jack was in the hospital in New York—and told me Jack was dying. (It was one of the two occasions when the young senator had received the last rites of the church.) Then Joseph Kennedy wept, for the only time in my presence.

It was, I think, after Jack began his partial recovery that Ambassador Kennedy began definitely to plan for Jack the political career he had designed for Joe Jr. Until then, I think, he shared a belief, which was mine, that Jack was suited to a career in journalism, in literature, or in teaching.

I had formed this opinion on reading Jack's Harvard thesis, which was remarkable—fresh, precise, finely perceptive. We spent some time in my library in Georgetown, editing and polishing. It proposed publication of the expanded thesis in book form under the title *Why England Slept*, and found an agent in New York who made the arrangement. (Recently I noted, in looking over my correspondence with the agent, that I had referred to Jack Kennedy as "this boy.")

Jack Kennedy generously acknowledged my assistance by this inscription on the first copy he received of *Why England Slept*: To Mr. Krock, who baptitized, christened and was best man for this book—with my sincere thanks. (I never became "Arthur" until he had been in the White House for months.)

In the few years that followed before John F. Kennedy decided to substitute a political career for the sporadic journalism in which he had engaged, he showed great promise. He was assigned to report the organization meeting of the United Nations at San Francisco in 1945, and there I saw much of him in the off-hours devoted to social activities. But I shall always regret that I was not one of those in his bedroom at the Palace Hotel one evening, where in the words of a friend, John Andrews King, this delightful incident occurred:

"Jack, dressed for a black-tie evening, with the exception of his pumps and dinner coat, was lying on the bed, propped up by three pillows, a highball in one hand and the telephone receiver in the other. To the operator he said, 'I want to speak to the managing editor of the Chicago *Herald-Examiner*.' (After a long pause) 'Not in? Well, put somebody on to take a message.' (Another pause) 'Good. Will you see that the boss gets this message as soon as you can reach him? Thank you. Here's the message: "Kennedy will not be filing tonight." ' "

I think this was the same evening I saw him cutting in on Anthony Eden, then the British Foreign Secretary, who was dancing with the beautiful lady who became the Viscountess Harcourt—and getting promptly cut in on again by Eden himself.

The next year, 1946, Jack Kennedy entered active politics, under his father's urging, and won a seat in the House of Representatives.

Though his gift for mirth and graceful diversion, like his charm, did not diminish, he was finally embarked on the arduous course that took him to the White House 14 years later, and three years thereafter to the underpass in Dallas where his life came to a supremely tragic end.

For days and weeks my mind reverted from the agonizing details of death to the years before the blows of destiny fell upon the Kennedy family, to happy, fascinating recollections.

I recall Jack, recovering at Palm Beach from another spinal operation, after he was in the Senate. He lay on a board, his head propped up on pillows. There was a small slanted lectern on which was placed a pad of ruled yellow foolscap, and on this he was writing. Once I asked him what the product was. "A book," he said. This is the now-famous set of political biographies that was published under the title *Profiles in Courage*.

He pondered deeply on which public men to include in these profiles. He consulted me, among others, and I strongly urged the inclusion of Senator Robert A. Taft. I cited Taft's lone courage, as a politician, in opposing the *ex-post-facto* guilt thesis of the Nuremberg trials, and in defying organized labor's blackmailing efforts to defeat him for re-election to the Senate as reprisal for the Taft-Hartley Act.

Kennedy accepted my nomination, but with considerable reluctance. During his contest for the 1960 presidential nomination, he remarked, "One of the things I wish you had never persuaded me to do was to put Taft in the *Profiles*."

"That," I answered with conviction, "was probably the best thing I ever got you to do."

For more than a decade in the prewar, wartime, and postwar period, my wife and I had a farm, Limestone, on the west bank of the Shenandoah River, four miles east of Berrysville, Va. I recall in particular one visit from John F. Kennedy before he departed for Navy service, from which he emerged a hero—and with the spinal injury that plagued him for the rest of his life.

He was accompanied by his good friend and Navy companion George Mead Jr., of Dayton, Ohio (destined to die on the beach at Iwo Jima), and the pair were under orders of early embarkation. Their spirits were high and infectious enough to cozen me into taking part in a touch-football game. But the victory claimed by my side was hotly contested by Kennedy—a dispute he maintained during his Presidency—on the ground that a touchdown I claimed to be a legitimate quarterback sneak was illegal procedure.

When the young ensign drove out the gate with Mead, to report in Washington for sea duty, I could conceive the sequel of war hero, United States Representative, and Senator from Massachusetts. But not that we had drunk a stirrup cup with a future President—only with one of the most shining youths I ever had encountered.

Two incidents that I recall during the period between J.F.K.'s nomination and election foreshadowed the eventual severance of my long friendship with the Kennedys:

First, on October 19, 1960, Joseph P. Kennedy telephoned me to discuss a letter in which I had interpreted some of his son's campaign pledges as certain to produce a dangerously inflationary economy and as favoring "total racial integration." He assured me I was mistaken on both points, and then urged me to "stop writing those fuzzy columns that you have been writing and try to see such favorable sides of Jack as you are able to see in your other personal friends."

Second, late in October, 1960, *The New York Times* editorially announced support of the Democratic national ticket. It was definite, but not enthusiastic, and in the final couple of paragraphs certain doubts were expressed about Kennedy. I was not consulted about the editorial position, it being as well known to the *Times*'s management as to the newspaper's readers that I was deeply disturbed by the Los Angeles platform and some of J.F.K.'s campaign extensions of the pledges.

The candidate was naturally gratified by the general fact of a *Times* endorsement. But that same morning, riding in a political parade in New York with James A. Farley, he expressed disappointment over the concluding paragraphs, saying, "that was the hand of Krock." Of all his dissatisfactions with my newspaper product, this one at least had not the slightest foundation in fact. But it revealed a hostile tendency, from which he recurrently relaxed for a while after his inauguration, but which was firmly embedded in his mind at the time of his death.

The special grace of John F. Kennedy—his youth, his air of confidence, and the quality of his prose after the oath-taking on January 20, 1961—induced a mood that could not be dimmed even by one of the most severe blizzards Washington's temperate climate is capable of generating. This mood was prevalent at a dinner given for the new President by Mr. and Mrs. George Wheeler.

It was a peculiar sensation to look across the dinner table at a youth and young man I had known so well now transformed into the President of the United States. But in an exchange between us the old relationship, which inevitably must enter a new phase when the door of the White House closes on one of those who shared it, briefly resumed its former footing.

The President asked what I thought of his inaugural address. I answered that it was the first whose qualities, including the excellence of the prose, seemed to me to match Woodrow Wilson's.

"Are you going to write that in the paper?" boyishly inquired Kennedy.

"I already have," I said.

The death of John F. Kennedy, after less than three years in office, deprived his contemporaries as well as history of the full record required for a balanced judgment of presidential capabilities. But, speaking for myself, I shall always believe these things:

Kennedy would have been re-elected in 1964 with the emphatic popular endorsement denied him in 1960, thus eliminating one of the prime sources of his failure to make much headway with his domestic problems in Congress; these programs would have been adjusted to a much more modified welfare state, with less of the element of federal compulsion with which his successor and the Supreme Court majority have sought to change human nature and simultaneously finance a domestic utopia and a major war.

Since, according to my observation, the profit Kennedy gained from his mistakes was larger than their debit, the world tensions that are susceptible of relaxation by a more realistic U.S foreign policy would be in more manageable form today if Kennedy were President. This includes the U.S. involvement in Vietnam, for which Kennedy had the initial responsibility.

By the conclusion of a second term Kennedy would have established himself in history as a "strong" President, if not a "great" one.

The President entered his fatal year of 1963 in the glow of his success in the Cuban missile crisis, an achievement that seemed basic to the American people and strengthened the free world.

The tragedy of the rifle shots at Dallas on November 22, 1963, was double. For in the continuing glow that infused his Presidency it will never be known whether, when the Soviet Union retreated from its greatest open challenge to the security of the United States, John F. Kennedy would or would not have risen to the heights of history that he plainly was ascending.

On the night of March 31, 1968, a tear fell in the sight of millions of television viewers, coursing down the rugged face of Lyndon Baines Johnson as he pledged that he would neither "seek nor accept" renomination. The occasion was poignant. For this proud, strong and stubborn man was conceding that only his voluntary cession of the office could lift the Presidency from the slough and reunite a country bitterly and deeply rent by dissatisfaction with his leadership.

Before the momentous event of March 31, 1968, the Lyndon Johnson whom the people saw and heard was an angry political animal, full of vindictiveness for all of his critics, particularly those who attacked his conduct of the Vietnam war—intent on repairing his failing fortunes by actions that would bring about his re-election. But the President Johnson the people saw and heard on March 31 was a statesman who had irrevocably decided to sacrifice personal and electoral ambitions in an effort to unite and lead a divided country in its most dangerously troubled time.

Previously, over the years, he had revealed himself to be compassionate and vengeful; considerate and unfeeling; lofty of aims, but incomparably egotistical in the conviction prevalent among Presidents that the ends that serve them and their potential interests equally serve the country. His pretenses of benignity, especially on television, seemed positively childish, for he is fundamentally a hard man.

My first acquaintance with Lyndon Johnson was in the late 1930's, shortly after he had been elected to Congress. This was at dinner, in the house of Supreme Court Justice William O. Douglas (then chairman of the Securities and Exchange Commission).

Johnson had already had service in Washington as secretary to Representative Richard Kleberg, one of the owners of the vast King Ranch, and the atmosphere in which Johnson worked was constructively conservative. Nothing Johnson said that evening seemed to me to tend toward the populist political philosophy which now is often attributed to him as a fixed inheritance, or toward the establishment of reckless deficit spending of the welfare state, which as President he has done more than any predecessor to advance.

I chiefly recall him as a long string bean of a young man, an eloquent young man, progressive but moderately so, giving deference to differing opinion, eager to get ahead in politics.

Johnson, in turn, especially after his choice as Senate minority and then majority leader, constantly expressed his appreciation of favorable articles that I wrote. These appreciative expressions took expansive forms, natural to his geographical origin and personality: showers of memoranda in which he set down his thinking on the immediate issues confronting him as Senate leader; signed photographs with most complimentary inscriptions; letters on my birthdays, on red-letter days in the calendar; Christmas gifts of mouth-burning deer sausage from his ranch.

Among his flattering written descriptions were "The Stud Duck of the Washington Press Corps" and "The Statesman of the Press." I mention this phase of our relationship only to demonstrate an important trait in the character of this President. When, at least in my case, praise is punctuated by criticism, the warm embrace is replaced by the deep freeze.

Looking back, I suppose that the change began when I pointed out, in articles from the 1960 Democratic Convention at Los Angeles, that in accepting Kennedy's tender of the vice-presidential nomination, he had committed himself to a super-liberal national platform. Though I saw him seldom after his election as Vice President, and then mainly on social occasions, his manner was cordial until the incident of the dinner of the Alfalfa Club, January 26, 1963.

The Alfalfa Club is composed of a group of establishment men, including the President. Its annual dinners are devoted to merriment, in which political satire predominates. And the feature of the evening is the "Speech of Acceptance" by a member who has been chosen as "the Alfalfa candidate for the President of the United States."

To compose this speech, blending deft jibes at the current national Administration with good taste, is one of the toughest assignments in Washington. And this was the chore handed to me at the 1963 dinner, which Johnson attended. At one point I described the imaginary travail of the President in finding things for his restless and frustrated Vice President to do. And this was an immediate provocation that led Johnson to reply to me with a volley of sharp personal criticisms.

Surprised and regretful, I sent Johnson what I hoped was a good-humored letter. I wrote that I had given instructions that upon my demise a tablet be placed over my remains with the inscription: "Hic Jacet Arthur Krock of Kentucky killed in a pistol-duel with Lyndon B. Johnson of Texas—the deceased drew first." He replied with the good-natured comment that he was "disposed to take your letter as a capitulation." But as it later developed, a spoof of one of Johnson's typical handouts of corn pone, which appeared in The New York Times, October 19, 1961, had been an even deeper provocation of the Vice President's annoyance with me than the "Alfalfa Speech of Acceptance," while in Pakistan, on one of the ceremonial visits to which President Kennedy assigned his restless No. 2, Johnson had invited a camel driver he chanced to encounter in a Karachi throng to be his guest in a visit to the United States, including a stay at the L.B.J. ranch in Texas. And Bashir Ahmad, the camel driver, duly arrived with his camel and was escorted around by Johnson. Writing in the vein indicated by title of this jest—"Tale of the One Thousandth and Second Night"—and referring to Johnson as Kennedy's Grand Wazir, the piece reads as follows:

In the name of Lyndon, the Compassionate, the Beneficient, the Well-Publicized, here we indite the moving tale of L.B.J. and the poor Camel Driver of Karachi:

It is related that during the days of Kennedy the King, there was a Grand Wazir, a Grandee of abundant opulence and amplest livelihood. And it is said that the King, being restless one night, sent for his Wazir and vouchsafed unto him, "O L.B.J., I am wakeful this night with the burden of thinking what new things we could do to arouse in this kingdom interest in and approval of our efforts to improve the lot of the less fortunate of the peoples of the Middle East, and at the same time imprint on their minds our image as the giver of what is needed and also is good for our side."

It is written that the King said these other things to his Grand Wazir: "Alas, my heavy duties hold me here, so that I command thee to journey in my name among these peoples for the purposes aforesaid," to which the Grand Wazir made the reply, "O King, to hear is to obey, and you can count on L.B.J. to dramatize the mission thou has entrusted to me in a manner that will imprint my father image ineradicably upon a grateful world, and confound the Tartar hordes who are seeking to erase it."

And it has reached me that the King said in reply, "See to it that in thy loyal diligence thy extraordinarily alert instinct for personal projection will be wholly subdued, to the total suppression of any aspect of thy mission that could fall within the category of what is known as a publicity stunt." To which the Grand Wazir responded dutifully, "Of this, O King, be wholly assured."

It is written that in due course the Grand Wazir came unto the city of Karachi, in Pakistan, and set forth on a tour of the city in which vast throngs had gathered to welcome him. In strict consonance with the gravity and austerity of his errand, it is further written that the Grand Wazir made this tour of the city in an automobile of length and luxury such as the poor of Karachi had never seen, the more to imbue them with a sense of the humility of his role; that in one of the most crowded of the bazaars the gaze of the Grand Wazir lighted upon a poor man, Bashir Ahmad by name (as it turned out, the chauffeur of a camel), because of the magnificence of Bashir's moustaches. As the tale is told, the Grand Wazir halted his solid-gold conveyance and engaged with this Bashir Ahmad in a conversation that ended with an invitation to visit the Grand Wazir's native land, in especial his personal fief of Texas.

The tellers of the tale relate that, no sooner did information that the camel driver had accepted the invitation reach the domain of Kennedy the King, than many citizens quoth, "How constructively the Royal mission of the Grand Wazir has been executed. How perfectly the visit of Bashir Ahmad will serve the King's stated purpose, yet leave no ground for linking the Grand Wazir's mission with what is known as a personal publicity stunt."

And thereupon, it is further related, an airplane line in the land of Kennedy the King presented the camel driver with a flight thereto from Karachi and back again. An airplane manufacturer supplied one of its better transports, with crew and fuel, to fly Bashir Ahmad from New York to Texas, to Kansas City and to Washington. An automobile manufacturer made Bashir Ahmad a gift of a blue truck which it exchanged for a green one, the national color of Pakistan, when he expressed this patriotic desire. And donations for the now-motorized camel driver of shoes, clothing and rupees to the number of 2,000 flowed into the office of the Grand Wazir in the King's capital city.

But, most wondrous of all, as the story is told, Bashir Ahmad was met as he descended from the transoceanic jet airplane by the Grand Wazir himself, who acted as escort and chaperon thereafter, and also give him a Texas horse with the brand of L.B.J.

And it is related that, in the end, when some hard-hearted persons inquired how these shenanigans comported with the King's outline of and limitation of the Grand Wazir's mission, and gave it as their opinion that Bashir Ahmad's camel would wind up at the knacker's and his owner with an uncurable case of maladjustment, they were saved from the headsman only by palace gossip that the same thought had been indicated by Kennedy the King.

I soon was made aware that the article inflicted a slow burn on the Vice President. Nevertheless a day or so after his accession, he reached me by telephone to say that he stood in need of all the help he could get. This was followed by the usual Christmas tokens; by invitations to state dinners; and by several private interviews, from one of which I came off with a Stetson hat and a signed colored photograph of the President and myself in the friendliest of converse.

But shortly afterward, though my comments on his acts and policies continued to follow a formula in which at least I try to subordinate critical analysis to explication of the facts, the unmistakable signs appeared that Johnson had severed both our personal and professional relations. No more invitations to state dinners. No more *tête-à-tête* luncheons or interviews. No more signed photographs. No more telephone calls. No more birthday, Thanksgiving, Christmas or New Year messages.

I have never inquired into the cause. Johnson continued to deal amiably with newspaper critics whose comments were sharper and more personal than any of mine, and even dated back to his tenure as Senate Leader. My only clue is that when, two years after the silence fell, a mutual friend suggested to the President that he break it, he muttered something about "that camel driver."

Neither at this writing nor until a decade hence can there be a balanced measurement of Johnson's successes and failures, exploits and pretensions—of his Presidency as a whole.

But it is still possible, by assembling some of the views he has expressed in private against those he has stated publicly, to profile Johnson the man and the President. There certainly must be honorable room for a presentation of Johnson in shirt-sleeves, recording his moods and sayings in the environment of the Presidency.

A White House visitor describes how he found Johnson sitting at his desk, seemingly absorbed in a paper before him. The President suddenly looked up, as if startled by an intrusion. Then, welcoming the arrival with a natural grace that does not usually emerge in public, he ordered a soft drink for two—root beer by preference—and settled down to easy and amiable conversation. Soon afterward he began to list his accomplishments, with Congress, with other statesmen, and the achievements he hoped yet to attain. He dwelt on the spread of education and his unmatched presidential drive toward this objective. On the need for rapid transit. On the futility and defeat of withdrawal from Vietnam; it would make scraps of paper our "commitments" elsewhere—in Berlin, the Middle East, South America. He conceded that a case could be made for withdrawal from Vietnam in recognition of the large body of world opinion that sees the war as an effort by the white man to be the master of the yellow and brown. But though the case could be made, and was being made, he considered it a weak one. He would, he said, continue to follow and enforce present military policy in Southeast Asia, but short of provocation of war with Communist China—an inherent peril he said he was bending the effort of every hour and minute to avoid. One facet of this effort was to ban an attack by American ground troops on North Vietnam.

Johnson was sitting beside a table elaborately equipped with electronic communications devices. He fiddled with it from time to time, giving the impression that he found the machine a comforting symbol of power. He stalled off a distaff inquiry as to when he would be ready for dinner. He signed some papers. He rang his aides for answers to questions of small detail. He invited some queries from his guest, but eluded the hard ones. His visitor left with the impression that he had been in the company of a very anixous man, frustrated because he had not been able to find solutions for the besetting, tough problems.

If the usual standards of success and failure are applied as a test, then Lyndon Johnson's Presidency has fallen far short of acceptability. The affluence he cites is built on rising inflation and the ephemeral goods and services of a war economy. There sumption of even a minimum peacetime footing will not for years free the nation from the crushing burden of a long and wasteful major war and foreign occupation. The billions expended in a secondary peninsula of Southeast Asia, when we dare not press to a military victory, are forever lost in the furnaces of battle. A war whose magnitude two Presidents made inevitable will stand in history as a perfect example of the disasters wreaked upon a nation by all-powerful chiefs of state who leaped before they looked.

Historians will differ on whether the political philosophy and the economic and military direction of any nation have changed more fundamentally than those of the United States in a comparable period of time—1933–1967. But as an eye-witness of governmental and other public action throughout these years, I formed the opinion that the United States merits the dubious distinction of having discarded its past and its meaning in one of the briefest spans of modern history.

Among these changes are a federal union almost replaced by a mass federal democracy controlled by an alliance of politicians and special-interest groups; fiscal solvency and confidence in a stable dollar driven from the national and foreign marketplace by continuous deficit spending, easy credit and growing unfavorable balance of payments in the international ledger of the United States; the free-enterprise system shackled by organized labor and a government-managed economy; the Republic transmuted into a welfare state subsidized from Washington; a self-reliant people widely seduced by federal handouts; spoiled generations—young and old—led to expect the government to provide for all their wants free of any of the requirements of responsible citizenship; a Supreme Court assuming overlordship of the government and all the people to fit the political philosophy of the current majority; and a Congress reflecting the people's apathy toward this assumption and foregoing the use of its Constitutional powers to curb the Court's seizures of jurisdiction in areas for which it has no warrant in the Constitution or the statutes. Yet despite the apparent general acceptance in this country of a judicial autocracy, composed of citizens whose offices were obtained without benefit of suffrage, and whose qualifications the popular branch of Congress—the House of Representatives—is barred from appraising, it is also the federal judiciary that is constantly defied by the population groups that make a career of violating the law. Most ironically, the commands of federal lower-court judges in the name of the law terminate as mere scraps of paper.

The changes in the area of international policy have been quite as radical. When the surrender of Nazi Germany, soon to be followed by the collapse of the Japanese forces, established the United States as the political leader and the military and economic arsenal of the free world, a tragic miscalculation of the postwar prospect by Franklin D. Roosevelt led directly to the barren harvest of the American military victory. His miscalculation was that, in the rehabilitation of the torn world, the U.S.S.R. would be a dependable partner of the United States, the nation that had saved it from the Nazis.

The immediate consequence was the Cold War. Among the other consequences is a United States hatred or disrespected by the beneficiaries of its money and power, and without allies—except for a few client nations—who can be depended on to supply the military manpower and equipment to a missionary United States engaged in trying to ram its concept of democracy down the throats of peoples who do not care for it.

France, twice in this century saved by the United States from becoming a pledged neutral or a German fief, finds no virtue in the assertion of any American interest. Some governments of Latin America, into whose development this country has poured billions of dollars, and to which it has lent its best technical brains, have continued to divert a large share of these billions into the pockets of the ruling classes.

A militant Communist state, courting Moscow or Peking according to which is the more suitable to its immediate purpose, grows more and more firmly established within 90 miles of the continental United States.

In the United Nations the African and Asian governments, which owe their existence and independence to Washington's policy of putting "anticolonialism" above the rights of friendly governments and clear interests of national security, regularly join the U.S.S.R. in making mischief throughout the world. Typical of this debris of American postwar foreign policy was the action of Jordan and Lebanon, both owing their survival to the United States, in supporting President Nasser of Egypt in the 1967 crisis over his blockade of shipping to Israel via the international waterway leading from the Red Sea.

By the disastrous choice of Vietnam as the battleground on which the national-security interest of the U.S. required that the supreme challenge to the advance of militant world Communism be made, the Kennedy and Johnson Administrations also imposed the severest of strains on our only strong Pacific ally, Japan. To survive economically, Japan must trade with Communist China. To remain safe from aggression from China, Japan must rely on heavy military protection from the United States. Nothing could have more greatly complicated these two needs of Japan, and her American alliance, than an American-mounted war against Asians in Vietnam.

These are among my personal assessments of the consequences of the revolutionary political and social new American revolution.

And from these consequences, I have contracted a visceral fear. It is that the tenure of the United States as the first power in the world may be one of the briefest in history.

BEST DEAL SINCE MANHATTAN

Mr. MONDALE. Mr. President, on behalf of the distinguished senior Senator from Alaska [Mr. BARTLETT], who is necessarily absent today, I ask unanimous consent to have printed in the RECORD an article entitled "Alaska's Black Gold Rush Is On," published in the newspaper Newsday for September 11, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows

ALASKA'S BLACK GOLD RUSH IS ON

(NOTE.—The largest State in the United States is suffering from a new fever today as the impact of recent oil discoveries begin to arouse investors in the Yukon as well as Wall Street.)

(By Dennis Duggan)

Alaska's new breed of sourdough carries a thin umbrella instead of a pick and shovel, and may think a huskie is a new kind of breakfast food; but he's knocking at the door of this glittering U.S. ice palace for the same reason those grizzled turn-of-the-century entrepreneurs did—for money.

This time it's in the form of oil, black gold, instead of the elusive yellow metal and petroleum circles from Calgary to Beirut are atwitter over the recent discovery of what may be the biggest oil field "known to the world today."

The discovery of a vast oil field in Northern Alaska was made by Atlantic Richfield Co. and Humble Oil and Refining Co. several weeks ago and the companies have been as tight-lipped as CIA agents and about the field's potential since then.

But oil analysts on Wall Street were practically giddy contemplating the effects of the oil find on the fortunes of the companies involved, on the state of Alaska and on the world itself, particularly with respect to the U.S. balance-of-payments problem.

Almost as giddy, for instance, as one government official who after tramping across the oil field near Prudhoe Bay on the state's freezing Arctic slope, exulted "The oil coming out of the ground is of such high quality that you can practically pour it into a diesel engine and take off."

John Murrell, chairman of highly-respected and ultra-conservative DeGolyer & MacNaughton, international oil-consulting firm, places recoverable oil reserves at the field, located about 390 miles north of Fairbanks, at between 5 and 10 billion barrels of oil.

With the proven oil and natural gas liquid reserves of North America equal at present to about 49.5 billion barrels, this field could be equal to from one-tenth to one-fifth of the oil reserves of the entire continent.

Oil fever has gripped the entire state and each day brings fresh evidence of the impact the tremendous oil basin will have on this state whose flower is the forget-me-not. That wistful little plant may be replaced by a black orchid if the field pans out.

"I'm higher than a kite on Alaska," says S. J. Sanders, vice-president of Foster & Marshall. The brokerage is the only member firm of the New York Stock Exchange with a branch office in Alaska. "We opened a branch in June of 1967," says Albert Foster, a partner, "and we've done so well we're going to open another branch next month."

The brokerage's initial branch office was opened in Anchorage and now includes five brokers and three secretaries. Its new office will be located in Fairbanks. "The investors up there are pretty excited about oil stocks right now," admits Foster.

In Wall Street where the winds can blow as cold as they do across the bitter Arctic slopes from which the oil must be extracted and shipped. Edward F. Carroll, a petroleum analyst for E. F. Hutton comments: "Although it is too early to completely assess, this is the most exciting development in the domestic oil industry in my memory or that of most other analysts on the street."

But even before the exciting oil discovery, Alaska had been emerging from a kind of igloo-oriented economy. Despite severe floods in the Tanana valley of interior Alaska resulting in nearly $200,000,000 worth of economic damages, the state's department of revenue reported gross receipts of over $1.5 billion, a rise of 9.5 per cent over 1966.

All that glitters isn't gold in Alaska as Foster candidly admits. "It's hard to find people who are willing to work there. We have to pay them more because living costs are so much higher."

He is pinpointing what is still the state's biggest deterrent to economic growth. In a recent report, the University of Alaska notes a decline in the ratio of Alaska per capita income to the overall U.S. per capita income growth; the growing spread between per capita income in the populated centers of the state and that of the remote rural areas; and a continuing fact that a dollar will buy more goods if spent in the lower 48 states then if spent in Alaska.

The main factors accounting for high cost in the state are higher prices for transportation over long distances, comparatively small volumes of business for a scattered population, seasonality, high wages encouraged by government spending in certain fields and a lack of competition for many goods and services.

Still, if not all Alaskans are happy about the things in life that money can buy in their native state, Foster says that brokers, at least, are content. "They make more money than the people do here in the States." Alaska of course, is "in the States" but like many others Foster tends to regard this vast region as a foreign area.

And the state does contain its share of anomalies. Its railroads are run by the government. The U.S. Department of the Interior still controls about 90 per cent of the land mass of Alaska.

And the state can get worked up over developments that might seem trifling to the lower 48 and even Hawaii. Last January, Alaska Gov. Walter J. Hickle presided over an auction of sea otter pelts at the Seattle Fur Exchange. After selling 826 pelts for $141,000 Hickle described the auction as a "terrific event" for the state and predicted it would lead to the establishment of an important new industry in Alaska.

The state's most important industry in 1967 was minerals, which finally overtook the state's fisheries as the top economic producer. The Arctic slope oil discovery will insure the dominance of the mineral industry for some time to come.

Following those two industries, the state's most important economic weapon is its vast timber lands. A striking development in that industry came in February when U.S. Plywood-Champion Papers, Inc., announced plans to build a huge $100,000,000 plus plant near Juneau. That same month, the state announced it had received a "written agreement" from five Japanese companies to purchase "all the spruce and hemlock timber Alaska can produce."

SCALLOP FISHING POTENTIAL

In a recent report, Pacific First Federal Savings and Loan Association predicts the waters off the Alaskan coast will become a major scallop fishing area. Scallop production in the North Atlantic off the Coast of Massachusetts has been steadily declining and worried New Bedford, Mass., scallopmen have been casing Alaska for its scallop potential. The bank concludes: "Within the industry one hears that output may reach $7,000,000 to perhaps $10,000,000 a year."

It's still a long way from St. Petersburg in Florida to Juneau in Alaska and the state's description of the typical Alaskan—"An Alaskan is faith, hope and courage standing on two legs."—would seem to preclude the sudden emergence of a retirement community, but a growing stand of Arctic oil wells could make "Seward's Folly" look like the best deal since the purchase of Manhattan from the Indians.

CENTRAL ARIZONA PROJECT

Mr. McGEE. Mr. President, as a Senator from Wyoming, I was deeply disappointed with the compromise solution to the question of authorizing the central Arizona project. While some have called the recently passed act an answer to the longstanding dispute on the Colorado, to us in Wyoming it is really just the start of what we fear is a new dispute. At stake is our water.

The Colorado River Basin is short of water. Probably the major question facing the National Water Commission, which we have voted to create, is how to supplement the Colorado's water supply. Should Columbia River Basin water be diverted to the Southwest?

For 10 long years, the answer to this question cannot even be looked for, under the terms of the compromise legislation recently enacted. This, indeed, is a vast handicap. I ask unanimous consent that an editorial published in today's Washington Post be printed in the RECORD. The editorial points up the importance of the new Commission, but also makes note of the severe handicap its work is under in the West.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NATIONAL WATER SURVEY

At last Congress has authorized the National Water Commission which was proposed with extensive backing three years ago. Most of the delay was caused by the running fight over the Colorado River bill, and the Commission will be handicapped by one of the compromise provisions written into the settlement on the Colorado. Probably the major water question in the country is whether surplus flow in the Columbia River should be diverted to the arid Colorado River basin. Under the compromise this problem cannot even be studied officially during the next ten years.

Nevertheless, the NWC will have an enormous task of surveying the Nation's water requirements and of studying water pollution and the more efficient use of existing resources. Technological advances such as desalting and weather modification will also come under scrutiny. The findings of the Commission should serve as a basis for a comprehensive national water policy to stop the profligate abuse of our streams and lakes and to supplement existing sources of water where necessary. Few undertakings have a closer relationship to the future physical well-being of the country.

THE FORTAS NOMINATION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that several newspaper editorials and articles concerning the pending nomination of Mr. Abe Fortas as Chief Justice of the Supreme Court be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Sept. 20, 1968]

JUSTICE FORTAS AND HIS LECTURE FEES

When the Senate takes up the debate over President Johnson's nomination of Associate Justice Abe Fortas to be Chief Justice of the U.S., a full explanation should be asked of the $15,000 fee that was paid to Fortas for delivering nine lectures this past summer at the Law School of American University in Washington.

It is almost beyond comprehension that Fortas, who receives $39,500 a year as an Associate Justice of the Supreme Court, who has been a member of one of Washington's most profitable law firms, and whose wife is still a partner in the firm at an estimated income of $250,000 a year, should seek to collect this $15,000 fee for a series of law lectures while sitting on the highest court in the land.

American University and its law school are part of Justice Fortas' community; it is part of the community where the law firm of Arnold, Fortas & Porter collects an annual income of many millions of dollars in fees. If Fortas wanted to help the law students through a series of lectures, why did he not welcome the opportunity to do so free of charge, as a public and academic service? Why did not his law firm put up the $30,000, from which Fortas' fee was deducted and the remainder used to pay student tuition and administrative expenses?

[From the Detroit News, Sept. 17, 1968]

L. B. J. ADVISED ON FORTAS: WITHDRAW HIS NAME

The transcendent question before the U.S. Senate is whether confirmation of Abe Fortas as chief justice will strengthen or further imperil confidence in the Supreme Court and respect for the law it symbolizes. All else is frivolous.

This country is torn by a presidential election. Its most frightening issue is whether the American system of justice and order under law can survive.

In such a setting, it is not enough that Fortas is competent. Or even that he is brilliant, articulate and approved by the American Bar Association.

In this, the court's crucial hour, its need is greater than for a successful lawyer familiar in government cliques. A hundred such are at hand.

Its need is for an exceptional man, a man whose image is one of forthrightness and shining integrity and the ability to lead with humility. He should be one whose career is untouched by deals, evasions or subterfuges, who has never even given the appearance of compromising principle.

The Senate must now ask itself if it has such a paragon in Fortas.

The background of the nomination, the disclosures forced grudgingly from him and others by Michigan Senator Robert P. Griffin and others, speak otherwise of Fortas.

There is Chief Justice Earl Warren's resignation conditioned on confirmation of President Johnson's appointment. There is Fortas' participation in White House decisions while on the court. There is that teaching fee of more than $1,000 an hour raised by lawyers who may have business before his bench.

Forthrightness and a willingness to meet challenge are not demonstrated by Fortas. Only of such stuff are great judicial leaders made.

The administration trying to force Fortas' confirmation is at the same time battling the presidential bid of Republican Richard M. Nixon. It is fond of tagging Nixon "Tricky Dick."

Reverse the partisan positions. Would not the appellation "Tricky Abe" be hung on Fortas?

The administration may win by sheer Senate numbers. It will fail to put Fortas in leadership on the court for a lifetime if its only argument is that he is the man of the hour for a court in travail.

It is unconscionable that President Johnson's arrogance blinds him to the court's danger. Or that Fortas' purported love of the court does not compel him to withdraw before there is vaster injury done it.

[From the Fort Wayne News Sentinel, Sept. 4, 1968]

Adequate Cause to Say "No"

Lyndon Baines Johnson, through his tenure as majority leader in the Senate, as Vice President and in the office of Chief Executive of the United States, has been recognized for his ability to manipulate members of Congress and achieve passage and approval for issues against overwhelming odds. His record shows him to be a master of the politics of legislation.

With Congress back in session and with the President, by all reports, seeking to "round out" the image of his Administration, we can expect him to apply every effort to achieve passage and approval of the several issues on which he has been thwarted in a hectic election year.

Of those measures and causes, none will take precedence over the confirmation of the President's close-friend, long-time associate, and personal counsel, Abe Fortas, as Chief Justice of the Supreme Court.

Much has been made, in previous debate, of the threat to the traditional "separation of powers" of the branches of government in the questioning of Fortas with respect to some of his prior Supreme Court decisions—particularly the Mallory case, in which a confessed rapist was released because of a delay in his arraignment.

Much less has been said, however, regarding the threat to the separation of powers which must ensue when a member of one branch of government acts as a close adviser to another branch of the government on matters which later may come before him as a jurist.

When Sen. Sam Ervin, Jr., criticized the Justice for intervening with a businessman who had attacked the Vietnam budget, Fortas replied, "I'm a Justice of the Supreme Court, but I am still a citizen." Fortas overlooks the fact that government in this country frequently has denied those in high office—especially judges—all privileges which accord to ordinary citizens.

While the Senate asked Fortas about some of his decisions while on the high bench, it did not require him to answer and it did not hold him in contempt for his failure to answer, which would have been an open contradiction of the Constitution.

However, we note that appointments to the Supreme Court be made by the President with the "consent and advice" of the Senate. The Senate, like the Justice, cannot be required to justify its approval or disapproval of a nominee, nor give its reasons therefor.

The manner in which Chief Justice Earl Warren resigned and then, after President Johnson has nominated his successor, conditioned his resignation on the approval of that successor can be interpreted as nothing more than an attempt to coerce or force Senatorial approval for that nomination. It bears all the earmarks of a conspiracy to thwart the intent of the Constitution, and that is reason enough for the Senate to refuse to confirm Fortas for the post.

[From the Jackson (Mich.) Citizen Patriot, Aug. 15, 1968]

Bar's President Misses the Point

William T. Gossett, president of the American Bar Association, has endorsed the nomination of Abe Fortas as Chief Justice of the United States Supreme Court.

He said that Justice Fortas has "first class intellectual equipment for the job" and characterized the campaign of Sen. Robert P. Griffin of Michigan against the Fortas appointment as "unworthy of a United States senator."

A good many Americans, and perhaps a majority of the members of the United States Senate may disagree. The question immediately is raised as to whether Mr. Gossett speaks for all members of the bar or only is assuming the political posture of a man who heads a professional group which officially looks with dismay on an attack of any of the brothers.

More important, is he sensitive to the political nuisances which must be detected by any member of the bar who chooses politics as a career?

Superb intellectual equipment and technical training are not quite enough for a life of public service. No one questions Justice Fortas' abilities as an attorney-at-law. His services to President Johnson, going back to the days of that controversial Texas congressional election which LBJ won by 87 votes, should please any client.

Attorneys who enter politics, as so many of them do, have to acquire knowledge which is not found in the law books. They have to develop a special feel for people and for the rightness and wrongness of situations which defy adjudication in a court of record.

Attorneys who enter politics and fail to break out of their legalistic shell do not go far. Senator Griffin is a lawyer who has acquired—or was born with—political skills which enable him to sense the mood of the people and their sense of propriety in public life. In no other way can his success in rock-ribbed Democratic Michigan be accounted for.

Conversely, lawyers who ascend the bench must divorce themselves completely from partisan politics. They are not free to act, even on the most informal basis, as advisers to political figures. Fortas has flunked this most important test, thus creating an issue in opposition to his appointment which goes far beyond the "lame duck" concept first invoked by Senator Griffin.

Support for his campaign against Fortas is snowballing primarily because it has merit. It will be affected only slightly by the denunciation from the head of the ABA who may be a great lawyer, but obviously has little feel for politics and the concerns of the people.

[From the Jackson Citizen Patriot, July 30, 1968]

Senate Doing Its Duty

The challenge to the nomination of Justice Abe Fortas as chief justice in the Senate Judiciary Committee and a possible filibuster later on the floor of the Senate are attracting a great deal of attention because this sort of thing ordinarily is not done.

The grilling of Justice Fortas by committee members has precedents, although the practice in recent years has been for the Senate to give almost automatic approval to a President's selections for the highest court.

Since 1900 only five nominees for the court have faced serious challenges, the most recent one being when the present dean of the court, Justice Hugo Black, who was nominated by Franklin D. Roosevelt in 1937.

Individual senators may take potshots at nominees but seldom does the Judiciary Committee put prospective justices on the pan.

The assumption might be that the Senate has been rather neglectful of its constitutional duties in this regard.

As the President has the power and the duty to name members of the Supreme Court, so does the Senate have the power to examine them and to reject them if, in its considered opinion, they do not belong on the highest tribunal. The so-called "lame duck" status of President Johnson does not prevent him from making a nomination when a vacancy occurs, or impends, on the court.

Political considerations rarely enter the discussions with respect to Supreme Court nominees, but this has taken place in the Fortas case because of the justice's long and political association with the man who named him to the high post. This led to the charge of "cronyism" as raised by Michigan's Sen. Robert P. Griffin.

The justice has not come off particularly well in the Judiciary Committee hearings, although even his opponents conceded that the full Senate would approve his nomination, given the chance to vote.

Even the justice's supporters admit that he has been damaged by revelation of his continued close association with President Johnson, a situation which seemingly violates the principle of separation of powers among the three branches of government.

An inept memorandum of defense for Justice Fortas, issued by the Justice Department, has added fuel to the fires of the "cronyism" charge, rather than quench them.

For the American people, who like to believe that their Supreme Court justices dwell in a stratosphere where the taint of politics never penetrates, this has been an unnerving experience.

Perhaps they are wondering why Fortas was approved by the Senate as an associate justice on the court without asking a few questions.

The prospects of his being denied a promotion through a Senate filibuster appear strong. That will provide another painful experience in the fight over Fortas and the elevation to the court of Homer Thornberry, who is marked to fill the vacancy on the bench created when Chief Justice Earl Warren's resignation is accepted by the President.

Political appointments to the court are not, of course, uncommon. Chief Justice Warren was placed there by President Eisenhower as a consolation prize when his California "favorite son" delegation was switched to Eisenhower in 1952 at the urging of Richard M. Nixon. (Critics of the "Warren Court" sometimes forget what happened and who really is responsible for the presence of the controversial chief justice on the court.)

Presidents generally appoint to the court men who, they believe, will follow their own philosophies. Sometimes the chief executives are surprised because history shows that no one can predict how a justice will react to given situations once he is on the court.

Seldom does prior experience on the bench and a record for high achievement as a jurist, figure in the nominations. The practice in the Senate is to go along, even with the most political appointments.

Thus the rebellion against the Fortas appointment, even though it may fail, represents a laudable effort by at least a few senators to carry out their constitutional duty of examining nominees for the bench and to determine whether they are qualified.

Pain which may be caused to the appointee or the man who submitted his name are incidental.

[From the Los Angeles Times, July 21, 1968]

A Court Above Suspicion

Issue: What must be done to remove any doubts about the judiciary's independence from executive branch or other influence?

Testimony last week before the Senate Judiciary Committee on the nomination of Associate Justice Abe Fortas to be Chief Justice of the United States elicited the information that Fortas, while on the Supreme Court, several times was asked by President Johnson for his counsel on certain executive matters.

Fortas confirmed three specific instances of extrajudicial activity.

He testified that one involved reading, but neither approving nor disapproving, the text of a controversial statement on the Detroit riots issued by the President. On other occasions Fortas was asked to participate in meetings on Vietnam. Here, he indicated, he limited himself to a sort of summing up of arguments by the other participants of the meetings.

In a third case Fortas telephoned "a dear and old friend" to take issue with a statement that had been made about the cost of the Vietnam war. Whether this action came at the behest of the President the associate justice would not say.

In response to questions concerning the implicit propriety of this actions, Fortas testified that the President never talked to him "about anything before the court or that might come before the court." In addition he read into the record a long list of examples, going back to the time of President Washington and Chief Justice John Jay, wherein members of the court were called upon by various Presidents for advice or other services.

There was, quite correct, nothing unprecedented in the advisory activities performed by Fortas at Mr. Johnson's request. Indeed, the record indicates that in times past other Supreme Court justices were far more active in involving themselves at presidential request in executive matters. Nor, it must be said, is there any information to suggest that either the associate justice or the President acted with conscious impropriety.

The real issue brought out in the Fortas testimony, however, does not concern precedence or the ethical correctness in the particular relationship between Mr. Johnson and his old friend, personal lawyer and longtime adviser, subsequent to the time Fortas was elevated to the high court.

The real issue is the potential or implicit threat posed to the independence of the judiciary by the practice of calling upon members of the Supreme Court for extrajudicial counsel or other services, formal or informal.

Simply to put the question this way, in view of the known historical background, might be considered a gross oversimplification of a problem of great magnitude, complexity and delicacy.

Yet, however ancient or oftentimes ignored by honorable men—Presidents and Supreme Court justices alike—the problem does remain: how is the very fine line to be drawn to insure as far as possible a true separation of powers between the judicial and other branches of government? And what must be done to remove as much as possible any basis for doubt or suspicion concerning the independence of the Court from the influence of the executive?

Again, the historical record underscores the difficulty in arriving at a practical answer.

Presidents usually appoint to the high court men with whose opinions they are familiar and whose judgments they trust. Frequently these are persons on whose advice and experience Chief Executives have come to depend, or whose prestige is such as to make them considered indispensable for certain off-the-bench assignments.

Can it be asked that these men, once on the bench, sever all ties which might involve them in the workings of the executive branch, whether as formal appointees to ad hoc commissions or tribunals or as informal confidants of Presidents?

It is a hard demand to make, but it must be made nonetheless. For just as Supreme Court justices are enjoined by tradition, common sense and conscientiousness from involvement in partisan politics, so should they also be expected to refrain from any involvement which might tend to call into question their independence from outside pressures or the freedom and autonomy of the court.

We emphasize again that we are talking about a potential for misjudgment or outside doubts about the propriety of a Supreme Court member's activities, rather than drawing inferences about activities known to have taken place. In so doing we believe we are following the spirit of the Constitution.

The drafters of that document singled out the members of the federal judiciary, alone among the various branches of government, as being entitled to lifetime appointments, conditional only on good behavior.

Their aim was to guarantee the independence of the courts from political or popular interference. That aim remains valid and noble, though we would add to it this: that the courts, and particularly the Supreme Court, should be as free as possible not simply from outside influences, but from suspicion as well.

The Fortas hearing has served to highlight an old but heretofore largely ignored problem. It has also pointed the way toward an answer to that problem, by which present and future members of the court and the executive might well be instructed.

[From the St. Louis Globe-Democrat, July 18, 1968]

Thumbs Down on Fortas

President Johnson's nomination of Justice Abe Fortas as Chief Justice of the United States Supreme Court to succeed Earl Warren is patently not in the best interest of the nation. The Senate should refuse to confirm Mr. Fortas' nomination for a number of reasons.

Justice Fortas' appearance before the Senate Judiciary Committee is notable for his lack of candor.

His answers to the committee's questions demean the public's ability to see through his facade of patriotism.

It is inconceivable that Mr. Fortas is so naive as to believe the American public will accept his position that no cases have, or will ever, come before the court which involve matters on which he consulted with the President.

Justice Fortas reluctantly conceded he had sat in on Presidential conferences about Vietnam and riots.

It's scarcely possible that the infamous Dr. Benjamin Spock and his despicable allies, including the Yale chaplain, Rev. William Sloane Coffin, will not carry an appeal from their anti-draft conspiracy conviction to the United States Supreme Court.

It is wholly reasonable to assume that legal disputes arising from riots and lawlessness in the streets will reach the Supreme Court.

It defies credulity to believe that President Johnson and Justice Fortas idled away their precious time with an exercise in futility by coming to no conclusions when the two met on the subject of Vietnam and riots.

Having advanced or concurred in a position on the two subjects with the President, Justice Fortas is now in the position, when an issue touching on these subjects arises in the Supreme Court, of having to decide the case before him on the basis of his former position or repudiate that position. In either event the litigants would not likely be accorded the justice to which they are entitled.

If Mr. Fortas is so ingenuous as to believe that no cases involving Vietnam issues or riots will come before his court then he is an impossible nominee for Chief Justice and a questionable member of the court even at the Justice level.

If Mr. Fortas is deliberately attempting to deceive the American public by his position that matters of this type will not come before the court, there is grave doubt he has any business on the court at all.

Consistency and precedent have all but disappeared from the United States Supreme Court to the visual despair of all Americans, and particularly the legal profession. They have been supplanted by sociological interpretation and pressure.

Distasteful as Chief Justice Warren is and has been to many Americans, he is entitled to full credit for consistency.

It is too much for the President, in the pattern of cronyism, to foist upon the American people a high priest of expediency and sociological law as Chief Justice of the United States Supreme Court.

[From the Washington (D.C.) Star, Sept. 15, 1968]

Why Fortas Should Not Be Confirmed

(By James J. Kilpatrick)

A showdown is approaching on the confirmation of Abe Fortas as chief justice of the United States. Those who oppose confirmation have based their opposition on grounds of politics, propriety and principle. Any one of the three points should suffice.

If the political argument depended solely upon a partisan charge of "cronyism," or upon the feeble proposition that an outgoing President ought not to exercise his constitutional power of appointment, the argument would be worthless. This is not the point. The point here goes rather to the doubleplay that Chief Justice Earl Warren has sought to pull off with Lyndon Johnson. The Senate has every right to rebuke Warren for his devious attempt to assure the nomination of a successor he regards as suitably liberal. Warren started this whole business; he was the one who proposed to play politics with his high office; and he ought to be slapped down.

The second argument is that Fortas, on the record, has not displayed that sense of instinctive propriety the country rightfully may expect of a chief justice. If the doctrine of separation of powers means anything it means that a justice of the Supreme Court ought not to be hovering at a President's elbow, counseling him on matters of high policy. Fortas has admitted such counsel on questions of Vietnam and urban riots. If the doctrine of judicial decorum means anything, it means that judges should confine their pronouncements upon current questions of law to their own judicial opinions. That is what they are paid for. But Fortas saw nothing wrong in delivering himself of a long essay upon civil disobedience—the hottest judicial issue of the day—which he then copyrighted and peddled for personal profit at 50 cents a copy in the newsstands.

If challenge, based upon politics and propriety, are not enough, senators surely have every right—given this opportunity—to base their decision upon principles of constitutional construction. It is nonsense to contend, as some of Fortas' defenders are contending, that this is none of the Senate's business. This is precisely the Senate's business.

What are the constitutional principles of Mr. Justice Fortas? They may fairly be inferred from his record on the court these past three years. With one or two exceptions, such as his admirable dissent last April in the reapportionment case of Avery v. Midland County, the record of Mr. Justice Fortas is a record of consistent activism.

That record is symobilzed, for some of us, in Fortas' vote in June of 1967 to reverse the conviction of a Los Angeles smut merchant by the name of Harry Schackman. The case involved a 14-minute silent film strip. By every yardstick the high court itself has laid down, this filthy peepshow was obscene as a matter of law. A trial jury said so; the California appellate court said so; a respected federal district judge found it "clearly, unequivocally, and incontrovertibly obscene and pornographic in the hard-core sense."

But Fortas cast a decisive vote in the Supreme Court's 5–4 per curiam reversal. It is immaterial that Black, Douglas, Stewart and White voted with him. Their names are not before the Senate. The question is whether the constitutional principle implicitly approved by Fortas in the Schackman case—the principle that "free speech" protects pornography such as this—is the kind of constitutional principle the Senate wants in a chief justice of the United States.

Senators are—or ought to be—something more than the rubber stamps. Given the opportunity, they have the power and the duty to judge our judges, not by the cumbersome and technical process of trying an impeachment, but by giving or withholding their advice and consent to nomination or promotion. Such opportunities come rarely at the level of the high court—no comparable opportunity has arisen since the elevation of Stone in 1941—but the rarity adds value to the Fortas case. Viewing the Schackman decision not in isolation, but as a symbol of the whole record, the Senate ought to vote nay.

THE MOVEMENT TO ISOLATIONISM

Mr. McGEE. Mr. President, Columnist Marquis Childs, writing in the Washington Post today, tells of the apparently organized move afoot to reverse this country's foreign policy in favor of isolationism. It is reflected in the Committee on Foreign Relations, as Childs documents, and elsewhere across the land.

I, too, see the spread of an isolationist tendency—a tendency dangerous not only to this country, but to the world. Presently at stake is the future of the International Development Association.

We should all carefully consider the campaign which is underway to undercut America's longstanding foreign policy and revert to an inflexible anticommunism which would close the doors on progress toward a more lasting peace. I ask unanimous consent that Mr. Childs' column, entitled "Earthquake in the Foreign Relations Committee," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Earthquake in the Foreign Relations Committee

(By Marquis Childs)

Around the walls of the conference room of the Senate Foreign Relations Committee in the Capitol are the photographs of the committee chairmen back across the years. These men were the focus of power in America's dealings with the rest of the world, the lines of their authority running back to state, district, township, to the forks of the creek in a simpler time.

Something is happening to the lines of communication today. Even in the quiet of the conference room with its big green baize table there is audible the distant rumbling of a political earthquake threatening to shatter them entirely.

Call it a new isolationism or, in the gut language of George C. Wallace, just fed up with all those foreigners who never help us, the very base of American foreign policy in the postwar years is in jeopardy. The name of the game covering a broad range of action has been foreign aid. The premise was that the rich nations, with the United States the richest of all, were duty-bound to share a part of their wealth through loans and grants for the new developing nations. Without such sharing the rich nations on the small island of affluence in Western Europe and the United States and Canada will be overwhelmed by violence and disorder among three-fourths of the world's people living in hopeless poverty.

One of the means for sharing the wealth is the International Development Association, an affiliate of the World Bank created to make soft loans to struggling new nations. IDA makes loans for 50 years without interest with no repayment required for the first 10 years. The United States contracted with the other have nations to provide $480,000,000—$160,000,000 a year for three years—for IDA.

But now poor IDA is in grave trouble. Members of the Foreign Relations Committee who formerly pledged their support are opposed or uncertain. It seems impossible to get a quorum so that a vote can be taken to move the authorization onto the Senate floor. The future if IDA ever reaches the floor is dark and dubious.

Conscientious Senators who in the past have supported the over-all policy grumble about how tight money and hard loans stand in the way of development programs here at home. Sen. Albert Gore of Tennessee talked in a lengthy committee session of how a high school in his home town could not get funds to put in a proper sewerage line so that a playing field would not be a health hazard. And yet here we are proposing to make money available for countries around the world without any interest charge and no payments for 10 years.

The proposed capital for the new Asian bank is in trouble. The House Appropriations Committee has just cut President Johnson's requested $2.9 billion for foreign aid nearly in half. Whacking at every phase of the program, the Committee cut the requested technical and cooperation loans for South American nations from $625,000,000 to $365,000,000.

While all this goes on, with the Foreign Relations Committee staff trying hard to keep the train on the tracks, the chairman is in his native Arkansas fighting for survival. Sen. J. William Fulbright faces a challenge to his authority—to his views on foreign policy as they rub current prejudices raw—that is part of the earthquake threatening the established political structure.

Charles Bernard, Fulbright's Republican opponent, a wealthy planter-businessman, charges him with being "soft on Communism." He wants to recognize Red China. He gives aid and comfort to the enemy in Vietnam. He is for trade relations with the Communist countries in Eastern Europe. That is the indictment contained in a 300,000 mailing out of state appealing for funds. A similar mailing of 275,000 is shortly to go within Arkansas.

There is evidence that this is part of a nationally organized movement to reverse American policy in favor of a hard-line anti-Communist isolationism. H. L. Hunt, the well-advertised Texas billionaire, boasting that he replaced moderate Sen. Thomas Kuchel with flaming, hard-line Max Rafferty in California's Republican primary, says he will do the same thing with Fulbright.

Hunt is out for Wallace. While his claims of big-money contributions rarely match the reports of candidates' finance chairman, in his crepuscular fashion he stimulates other oil-rich contributors. The paradox in Arkansas in this strangest of political years is that apparently many voters for Wallace will also vote for Fulbright—bumper stickers link the two names.

Currently 82 nations are receiving foreign aid, a few such as India and Pakistan large amounts, the rest driblets. Serious observers believe that part of the disillusions and frustration may grow from the fact that the program has never been revised and reappraised. It has grown like a spreading banyan tree throwing down roots here, there and everywhere.

JOINT EXPORT ASSOCIATION PROGRAM

Mr. MAGNUSON. Mr. President, during the years I have been a Member of the Senate, I have introduced legislation to increase the sale of American products abroad and strongly favored other measures with similar objectives. A major portion of our balance-of-payments receipts results from the sale of U.S. goods in foreign markets. These sales also are a significant source of income for American citizens and business firms.

The possibilities of export growth have been exemplified by the State of Washington whose exporters sold abroad an estimated $626 million worth of manufactured goods in 1966. These increased sales placed Washington first among the 50 States in per capita exports of manufactured goods. In addition, foreign sales of agricultural products represent 24 percent of the State's cash receipts from farm marketing, or $155 million.

Added employment for many citizens of Washington is provided by the foreign trade of other States using our communications facilities. Foreign trade moving through the Washington Customs District and our State's seaports, last year showed a gain of about 20 percent over the $1.5 billion total in 1966.

During the first half of 1968, U.S. exports were at a seasonally adjusted rate of $32.8 billion, a gain of 70 percent from the $19.6 billion in 1960. During this same period, however, our unprecedented prosperity resulted in greatly increased demands for imported products. Coupled with other overseas expenditures, this helped to increase our balance-of-payments deficit, which has been a serious problem for a number of years.

It will be recalled that in January 1965 I introduced S. 558, the proposed Export Expansion Act, to help meet this problem. At that time administration officials generally stated that in view of certain changes then being made the proposed legislation did not seem necessary. In February 1966, proposals included in S. 558 received strong endorsement from the National Export Expansion Council, a blue ribbon group of American businessmen and bankers established by the Department of Commerce to provide advice on behalf of the American business community with respect to the export expansion programs.

The full urgency of action on export expansion was emphasized on January 1 of this year by President Johnson's balance-of-payments message. Since then the Government has moved to develop and implement new means of increasing export sales of our products. I have strongly supported these moves, both in the U.S. Senate and in my appearances before business groups and discussions with individual businessmen.

One of the proposals, which seeks objectives similar to those sought in S. 558, is for a joint export association program with the objectives of helping exporters expand their operations; assisting nonexporters to enter the field through providing a new technique for exporting and assisting companies to enter new markets and introduce new products abroad.

The start of this joint export association program to help manufacturers sell abroad was announced recently by Secretary of Commerce C. R. Smith.

To help to assure knowledge of this program by the greatest possible number of businessmen, I should like to read a press release on this announcement by the Secretary of Commerce:

> Secretary of Commerce C. R. Smith today announced the start of a Joint Export Association (JEA) program to help groups of U.S. manufacturers boost sales in foreign markets.
>
> "The Commerce Department is ready now to receive proposals from groups that wish to apply for this cost-sharing assistance," Secretary Smith said. "We urge potential exporters as well as those already selling abroad to study carefully this new program.
>
> "The JEA program will be a key part of the President's program to involve more U.S. firms in substantially greater sales activity in international markets.
>
> "Too many firms, acting alone, find it impossible to make the sustained effort needed to stimulate sales of their products abroad. Through a pooling of resources, the JEA program is designed to correct this problem."
>
> Under the program, announced by President Johnson in his balance-of-payments message of Jan 1, 1968, the Government will enter into contracts with groups of firms to undertake market development and promotional activities for selected products abroad.
>
> The Commerce Department will assume up to 50 percent of the cost of any one project. Groups seeking Commerce aid must submit detailed marketing plans covering a two-year period.
>
> Commerce is earmarking $750,000 to get the JEA program under way in the current fiscal year.
>
> Groups considered eligible for support include trade associations or their components; groups of firms operating under the leadership of export management companies; groups organized under the Webb-Pomerene Act; and groups of firms organized specifically to cooperate with the JEA program.
>
> Applicants should submit proposals to Joint Export Association, Bureau of International Commerce (BIC–922), U.S. Department of Commerce, Washington, D.C. 20230. Telephone: Area Code 202–967–5341. An instruction sheet, "Guideline for Preparation of Joint Export Association Proposals," is available. Proposals must contain identification of firms, products and markets; a description of planned promotional activities; and estimated budget; and expected results.
>
> Among the promotional activities eligible for support are advertising and publicity; participation in trade exhibitions; market research; supplying samples and technical data; preparing and submitting bids; overseas promotional visits; training of sales and service personnel; product use familiarization programs; and operation of sales offices, showrooms, warehouses and service centers.
>
> Industry groups will have operational responsibility for overseas market development plans. The Commerce Department will provide planning and other assistance, including coordination with other federal agencies.
>
> In selecting projects for support, the Department will follow these guidelines:
>
> Projects and products must be suitable to produce significant continuing export growth results within two to three years;
>
> Projects must be supplemental to any other overseas efforts, would not be undertaken without JEA assistance and have the prospect of leading to a substantial increase in existing product sales;
>
> Projects will not result in a duplication of effort for products and markets already under successful development by other U.S. firms.
>
> The Department will encourage participation by smaller businesses and firms new to the project market.
>
> The Federal Register of August 9, 1968 sets forth the detailed requirements under which the JEA program will operate.

THE MAN IN THE GLASS

Mr. MUNDT. Mr. President, like most Senators, one of the first things I do when I get my copy of the Washington Sunday Star is to turn to the weekly column submitted by our esteemed and beloved Senate Chaplain, Dr. Frederick Brown Harris.

Without exception Dr. Harris' weekly columns are inspirational, and I, personally, found his column in the September 22 issue of the Sunday Star especially thought provoking. He spoke in direct and simple language of the importance for the individual to be true to himself. He quoted a poem entitled "The Man in the Glass," which was read in this Chamber over 20 years ago by one of our former colleagues, the distinguished Senator from New Jersey, Albert W. Hawkes, when he made his farewell speech to the Senate.

As a valedictory, that speech of Senator Hawkes has never been exceeded. For years I have recommended it as required reading to our young people who express a serious interest in the American Government. There is another passage from that speech which is worth repeating:

> If the current abuse of free speech and propaganda is continued, it could well lead to the destruction of the safeguards which protect free speech. Thus free speech could prove to be its own executioner.
>
> Unless we as a people redeem our morals, rebuild our character, and recognize the mandates of our God differently than we have been and are doing, then we will not have the fiber and the courage to do the things necessary to pay for the preservation of individual freedom in its true sense.
>
> So long as a majority of our people seek to give less for a dollar, they will get less for a dollar, and if they are going to be led astray by the philosophy that they can get something for nothing or that the world owes a living to the indolent, the shiftless, and the sluggards—there is no hope for the redemption of America.

My regard for Mr. Harris' column, in yesterday's Sunday Star, is such that I recommend it to those Senators who may have missed it and to all others who may read the CONGRESSIONAL RECORD. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

SPIRES OF THE SPIRIT: THE MAN IN THE MIRROR

(By Dr. Frederick Brown Harris)

In a store window in the Capital of the Nation a recent conspicuous placard announced, "mirrors for sale." Now, in all the world there is nothing more vital for any individual person than to see his own likeness in a looking-glass. Such a reflection never tells one the facts about others, but just the brutal truth about himself.

That was why in merrie England good Queen Bess got rid of the mirrors in her palace because of what the royal looking-glass told about herself. There is always one petition in the complete prayer—"show me myself." It was Tennyson who penned that majestic line, "Be loyal to the royal in yourself."

St. James put it exactly in the New Testament—"For if anyone is a hearer, and not a doer, he is like a man who observes his natural face in a looking-glass, and then goes away and forgets what he was like." No wonder that psychiatrists take mirrors in their hands rather than telescopes for those mentally maladjusted who crowd their offices and recline on their couches. These probers of souls complain that one of the chief difficulties is to get their patients to face themselves. Nearly always they dodge the flash of the incriminating mirror.

In a recent message from an outstanding friend he reminds his readers, who are a multitude, that in our personal lives we, everyone of us, need more hand mirrors. In this letter the writer refers to a well-known American, former Senator Albert W. Hawkes, who some years ago in his valedictory on the floor of the United States Senate quoted some pertinent verses about "The Man in the Glass." The inspiring fact is that in his distinguished career this devoted patriot has, in all kinds of public addresses, and by constant personal appeals, from sea to shining sea, sounded forth the trumpet of the gospel of the you, as he has worn the white flower of a blameless life.

On National Labor Day 1968 there journeyed to the home of this fighter for industrial, commercial and civil righteousness more than 50 eminent citizens from all parts of this land. Here where the guests were gathered around a glorious replica of the heroic statue of George Washington praying at Valley Forge, recently dedicated on that revered spot by the Freemasons of Pennsylvania at Freedoms Foundation—that Rainbow of Promise of the Republic where millions of Americans daily cry out, "America, America, God mend thine every flaw"—there Dr. Kenneth Wells, President of Freedoms Foundation, repeated the inscription underneath—"Albert W. Hawkes, truly beloved American citizen, who knows more about freedom and equality than any other man of his generation."

The mirror which our own self reflects, keeping its crystal secret well, always asks the question, "Does life for you center in self or service? Is it a quest for power over your fellows, or on behalf of them?" Napoleon Bonaparte stands for the first passion; Louis Pasteur for the second!

This then is today's "Spire of the Spirit."

"When you get what you want in your struggle for self
And the world makes you king for a day
Just go to the mirror and look at yourself
And see what that man has to say.
You may be a Jack Horner and chisel a plum
And think you're a wonderful guy
But the man in the glass says you're only a bum
If you can't look him straight in the eye,
You may fool the whole world down the pathway of years
And get pats on the back as you pass
But your final reward will be heartaches and tears
If you've cheated the man in the glass."

In the last analysis we cannot give to the world what we, ourselves, do not have. An adage has come down the long years which is the quintessence of the centuries, "you cannot make a silk purse out of a sow's ear." It was that towering figure in ancient Greece, Socrates, who had as his fundamental principle of life, "Know yourself." Without that you will go in the wrong direction toward vexation and ruin. Always the problem of problems is you! That is why Ibsen, the famous dramatist, writing to a young man in whose youth he was deeply interested, gave the youth this priceless advice—"There is no way by which you can benefit society more than by coining the metal in yourself."

In the marvelous words of George Herbert, "By all means salute thyself—see what thy soul doth wear. Dare to look into thy chest, 'tis thy own!"

When last I was in dear old England, on one twilight gloaming I sat alone at the tomb of that loved, prophetic preacher of the unseen, Studdert Kennedy. At his grave I was not thinking of what we call "death," but what he did with "life" before he went through death to the Risen Life. Before he passed to that other side he declared that at the final bar of the Judge of All Earth he expected God to ask him just one question, "Well, what did you make of it—what did you do with you?" You see, that what he was saying was that when the Master of all Good Workmen, looking at him staring back from the glass, the verdict would be, "What have you done with the face in the mirror?"

WHAT IS THE TRUTH IN THE PARIS TALKS?

Mr. HARTKE. Mr. President, we have been represented ably in Paris at the negotiations with North Vietnam by Ambassador Averell Harriman and former Under Secretary of Defense Cyrus Vance, also an experienced and able diplomat. Yet all the reports seem to indicate that we have not moved any closer to an agreement which could reduce or halt the war and save precious lives among our Armed Forces.

Is it true, as charged in a dispatch from Paris in this morning's Washington Post, that twice truce talks have been "on the verge of success" only to have them shot down by developments emanating from our own side? Is it true that the British Quaker, Philip Noel-Baker, had worked out a plan with both sides to provide an agreement as soon as we stopped the bombing—only to have a news "leak" from here, contrary to agreement, which "blew up" those plans? Is it true that near the end of July, on the verge of another agreement, things fell apart because of the Hawaii conference statements against any concessions to North Vietnam?

Mr. President, these things have been charged, and certainly they are most serious charges. We need to know the truth about the truce talks; the American people have a right to know. If there has been sand dropped in the gears just as they were ready to turn, if the negotiations have been set back when there might have been fruit from them, then we ought to know and our men in Vietnam ought to know. We have no right to tell them they must sacrifice even their lives if need be unless we are taking every last possible step toward securing the halting of hostilities and the safety of our men.

Mr. President, I ask unanimous consent that the article by Drew Pearson, published in today's Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEASH TOO TIGHT ON TEAM IN PARIS

(By Drew Pearson)

(NOTE.—Drew Pearson is reporting from Europe on the problems arising from the Czech crisis and also regarding the chances of peace in Vietnam. Today he reports from Paris.)

PARIS.—You can write it down as certain that LBJ will never get a truce in Vietnam as long as he keeps his two negotiators in Paris so tightly on the leash.

Friendly Western diplomats, who have been following in great detail the attempts to get a truce in Vietnam, are amazed at the manner in which the President of the United States tries to dictate the Paris talks from 1600 Pennsylvania Avenue.

They note that he has two of the most experienced diplomats from the American stable of diplomacy representing him in Paris. Ambassador Averell Harriman has served in the Cabinet, as Ambassador to Moscow, Ambassador to London, as Deputy Under Secretary of State and as Ambassador for the Marshall Plan in Europe. He has conducted some of the settlement of the trouble in Laos and the Test Ban Treaty with Russia.

Cyrus Vance, former Under Secretary of Defense, is also one of Mr. Johnson's most trusted negotiators. He was sent as a troubleshooter to Cyprus when that controversial island appeared on the verge of exploding into a Mediterranean war. He was sent to Detroit during the Negro riots of 1967. He was dispatched to the Far East when North Korea seized the USS Pueblo.

Both these men know their diplomatic onions probably far better than the President. Yet they have been required to clear everything with him.

NIXON AND L. B. J.

Sometimes, furthermore, they have almost received the impression that President Johnson would rather see Nixon elected in November than Vice President Humphrey. "Spider" Vance got something of a jolt regarding this when he received a telephone call in August from the President, asking him to come to the LBJ ranch. Vance was about to take off for Paris, but went to Texas instead.

There he found, somewhat to his surprise, former Vice President Nixon lunching with LBJ. Vance was asked to give Nixon a briefing on the truce talks. It surprised him, as it did others around the White House, that Mr. Johnson would invite Nixon to lunch only two days after his nomination.

The public doesn't know it, but twice during the last three months the truce talks have been on the verge of success. Here is the inside story of what happened:

1. Last June Philip Noel-Baker, a British Quaker and long-time member of Parliament who had been to Hanoi, worked out a plan with the North Vietnamese and the American negotiators in Paris to get an agreement the minute the United States stopped bombing North Vietnam. The formula was for the United States to move first, with an agreement that North Vietnam would move immediately thereafter.

But suddenly there was publicity in Washington. Someone leaked.

At this point the North Vietnamese blew up. Part of the agreement was that there were to be no leaks. American diplomats in Paris explained that they were under requirement to report these moves to the President and that they were not responsible for the leak. There was some suspicion that the leak from the White House was deliberate on the part of those around LBJ who don't really want peace. But there was no evidence.

At any rate, the damage was done. This particular peace overture was exploded.

SECOND PEACE MOVE

2. Toward the end of last July negotiators also were on the verge of agreement. The North Vietnamese had curtailed their ground operations. There was relative quiet in South Vietnam. It was proposed that this be taken as evidence of "responsible reciprocity" and that the United States suspend all bombing.

But at this point President Johnson flew to Hawaii, where he met President Thieu of South Vietnam. He issued a vigorous statement against any concessions. Once again the precariously negotiated peace proposals went up in smoke.

American diplomats in Paris are still optimistic—but only if the President will take his hands off the reins and give them a chance. Some of them are reminded of the manner in which LBJ operates his Texas ranch. The President gets a great kick out of running things himself.

On occasion he has been known to telephone over his short wave car radio to the ranch manager somewhat as follows: "The fence is down over here in the south pasture. Get Sam and Joe and tell them to take the white pickup truck and come over here. Don't use the station wagon. It's over in the north pasture. And don't bother Jake. He's on another job with those whiteface over in the feed lot. Pick up that 12-pound sledge and don't forget to bring a roll of barbed wire, a couple of fence posts and a pair of pliers."

Diplomats say this illustrates how the President is keeping his finger on every detail of the Paris truce talks.

SENATE MUST RATIFY PROTOCOL ON STATUS OF REFUGEES

Mr. PROXMIRE. Mr. President, on Friday of last week, Mr. Laurence A. Dawson, Acting Deputy Director of the Office of Refugees and Migration Affairs of the State Department, appeared before the Foreign Relations Committee and testified in behalf of ratification of the U.N. Protocol on the Status of Refugees.

In my remarks on that same day I called the Senate's attention to the fact that this protocol, and the convention it modifies, have yet to be ratified by the Senate. I further pointed out that this may well be the only Human Rights Convention or Protocol that the Senate will consider during 1968, the International Year for Observance of Human Rights.

Mr. President, in order that Senators may be fully apprised of the particulars of the protocol, I ask unanimous consent that the statement of Mr. Dawson be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF LAURENCE A. DAWSON, ACTING DEPUTY DIRECTOR, OFFICE OF REFUGEE AND MIGRATION AFFAIRS, DEPARTMENT OF STATE, BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON SEPTEMBER 20, 1968

Mr. Chairman and Members of the Committee, I am appearing before you today in support of the President's recommendation that the Senate give early and favorable consideration to the Protocol Relating to the Status of Refugees, and give its advice and consent to United States accession. As the President indicated in his letter of Transmittal, United States accession would be subject to the two reservations which are outlined in the report of the Secretary of State which accompanied the President's message when the Protocol was sent to the Senate on August 1 of this year.

The Protocol is a universal covenant which calls upon its parties to accord civilized treatment and adequate opportunity to those victims of the world's unrest who, because of persecution or oppression, have had to flee their homelands. These refugees search for another home in a land where their rights as human beings will be respected. All too often these hopes are not realized.

The Protocol—like its predecessor, the 1951 Convention Relating to the Status of Refugees—is a determined effort by the United Nations to secure world-wide agreement that refugees everywhere must be given the protection and certain basic rights which are essential if they are to be given the chance to live as self-supporting and self-respecting human beings. We are all too familiar with the tragic human and political consequences which derive from situations in which refugees are denied these fundamental human rights, and instead are kept in camps indefinitely, and are thus committed to dependency and denial of meaningful existence. Such situations—apart from their human tragedy—can breed political upheaval and war.

In his message to the Senate the President has described the Protocol as a comprehensive Bill of Rights for refugees, and has referred to the action of the United Nations in designating 1968 as International Year for Human Rights and to his own Proclamation of the year 1968 to be Human Rights Year in the United States. The Secretary of State in his report set forth in some detail the specific rights and guarantees embodied in the Protocol and its technical and legal aspects. This statement therefore only briefly summarizes such matters, and calls attention to the significance of the Protocol in terms of U.S. foreign policy interests.

When the Convention Relating to the Status of Refugees was developed under UN auspices in 1951, its framers had very much in mind the large problem at that time in Western Europe of hundreds of thousands of refugees who had fled or been displaced from East European communist countries during and after World War II. The asylum countries of Western Europe were beset with a multitude of grave economic and other problems in the aftermath of World War II. The framers of the Convention recognized the need to secure for these refugees, within asylum countries and third countries to which they might be resettled, a number of specific rights designed to improve their legal, political, economic, and social status. Even more important, they sought to protect refugees from involuntary repatriation.

The Convention—thus to a degree European-oriented—was made applicable only to persons who have become refugees "as a result of events occurring before 1951." Parties acceding to the Convention (there are 53 to date) were given the option of specifying that the words "event occurring before 1951" were to be construed as applicable globally or only applicable to Europe.

In the intervening years many new refugee problems have emerged throughout the world. Generally speaking it has been possible to trace the cause of even these new problems to events occurring before 1951. But this process is becoming more tenuous with the passage of time, and in the future the eligibility criteria of the Convention could well prove inapplicable in relation to certain major refugee problems. The 1967 Protocol removes the Convention's 1951 dateline. At the same time, the Protocol binds acceding states to apply substantive Articles 2 through 34 of the Convention, which in fact comprise the Bill of Rights for refugees.

There are two points concerning accession to the Protocol which might be emphasized. The first point is that the Protocol deals entirely in the sphere of standards of protection and rights for refugees. It does not involve material assistance to refugees, nor does accession by a state involve any expenditure of funds.

The second point is that while the concept of guaranteeing safe and humane asylum is the most important element of the Protocol, accession does not in any sense commit the Contracting State to enlarge its immigration measures for refugees. Rather, the asylum concept is set forth in the prohibition under Article 33 of the Convention against the return of a refugee in any manner whatsoever to a country where his life or freedom would be threatened; and the prohibition under Article 32 against the deportation of a refugee lawfully in the territory of a Contracting State to any country except in cases involving national security or public order. The deportation provisions of the Immigration and Nationality Act, with limited exceptions, are consistent with this concept. The Attorney General will be able to administer such provisions in conformity with the Protocol, without amendment of the Act.

Both the President and Secretary Rusk have pointed out that the prohibition against the return of refugees to countries where they would face persecution is of foremost importance among the Protocol's provisions. Refugees flee from persecution and oppression. In most cases, the oppressive state exerts itself to secure the return of these nationals whose flight and refusal to return serve as first-hand testimony to the arbitrary and oppressive policies of the government of their homeland.

The United States is in a real sense a pioneer in the field of rights for refugees. Through consistently wise and farsighted action on the part of the Congress, strongly supported by successive Administrations, virtually all of the rights embodied in the Convention and Protocol have been accorded since 1945 to refugees in this country. Most of the more than one million refugees accepted in the United States since 1945 entered as permanent resident aliens or with the opportunity to acquire such status at an early date. These refugees have shared the rights of all other permanent resident aliens to acquire citizenship in due course and meanwhile to enjoy rights which—except for voting—are virtually equivalent to those of citizens.

The United States is thus able to accede to the Protocol with only two reservations which are limited in scope. Article 29(1) of the Convention requires that refugees receive national treatment in matters of taxation. To prevent any possible conflict with US tax laws, which do not provide national treatment for non-resident aliens, the Treasury Department has recommended a reservation. Article 24 would require national treatment for refugees in regard to social security benefits. Under our social security laws this would present a conflict in certain limited instances, especially as regards aliens while they are residing outside the United States and those who are not permanent resident aliens who have resided in the United States less than five years. Under our proposed reservation, refugees would receive the same treatment as other aliens in these respects.

The UN Plenipotentiaries, in framing the Convention, were aware that it would be unrealistic to provide that refugees should receive treatment in all respects equal to that accorded nationals. To do so would have been to invite non-accession by many states. On the other hand, the framers were unwilling that refugees should receive less than equal treatment with nationals on certain important matters, such as rights concerning freedom in the practice of religion, free access to courts and elementary education for the children of refugees. More often, the Protocol would secure rights for refugees comparable to those accorded other aliens such as those relating to self-employment, the practice of liberal professions, public housing and freedom of movement. In certain instances, such as the right to engage in wage-earning employment, refugees are to receive most favored nation treatment.

Under Article VI of the Protocol (the Federal Clause) the provisions of the Protocol would be binding as concerns matters falling under Federal jurisdiction but would not supersede state laws. However, the Federal Government would be obligated to bring to the attention of the states those provisions of the Protocol which come within their jurisdiction and which conflict with state laws, and to recommend that such provisions be adopted by the states.

The President has stated that "it is decidedly in the interest of the United States to promote this United Nations effort to broaden the extension of asylum and status for those fleeing persecution." He has pointed out that since refugees in this country already enjoy the protection and rights which the Protocol seeks to secure everywhere, United States accession should help to advance the Protocol and acceptance of its humane standards in other states whose treatment of refugees is less liberal. Since August 1 when the President sent the Protocol to the Senate, developments in Eastern Europe have dramatically shown once again the overwhelming importance of the rights and standards embodied in the Protocol.

No one can accurately predict at this moment how many refugees will flee or to what countries as a result of the historic issues and developments in Eastern Europe today. The ultimate extent and character of the refugee flow will depend upon the manner in which the central issues at stake are resolved: such issues as the right of nations and peoples to develop democracy and, conspicuously, to enjoy the right of free speech. But whatever refugees emerge from this ferment and turmoil the manner in which they are received and the rights which they are given in free countries will have critical significance for the millions who remain in their East European homelands. The issue goes far beyond the immediate and fundamental importance of extending a humanitarian helping hand to the refugees. To the extent that freedom and human rights are denied in East Europe or elsewhere, the Protocol will become a still more meaningful symbol in the field of human rights.

In this context, there could be no more appropriate moment for the United States to accede. Accession would convey in conspicuous form, to the rest of the world—free and unfree—the continuing image of our national tradition of concern and solicitude for the homeless and persecuted. Even though the United States already meets the standards of the Protocol, formal accession would greatly facilitate our continuing diplomatic effort to promote higher standards of treatment for refugees and more generous practices on the part of countries whose approach to refugees is far less liberal than our own.

Last but not least, observance of the Protocol's standards can promote just and lasting solutions to refugee problems. As the President has pointed out, such solutions in turn can help relieve tensions and in this way contribute to the solution of broader political issues which divide states and threaten the peace.

Accession to the Protocol is strongly supported by the American Immigration and Citizenship Conference and the American Council of Voluntary Agencies for Foreign Service, acting in behalf of a total of 86 organizations. These organizations include religious and non-sectarian voluntary agencies engaged in conducting refugee and resettlement programs throughout the world and in enlisting related support of the American public. They also include labor unions and numerous nationality, religious, and ethnic groups concerned with promoting the interests within our own country of immigrants and the foreign born.

The Department of State is convinced that United States accession to the Protocol Relating to the Status of Refugees would enhance our foreign policy interests and our world image of humanity and concern for the individual. We believe that accession in this International Year for Human Rights, during which human rights are in conspicuous jeopardy in many areas, is especially desirable. It is earnestly hoped that the Senate will give its advice and consent to accession.

TWO BILLION DOLLARS A MONTH

Mr. HARTKE. Mr. President, there can be no doubt, since it is on the official record, that the United States is spending at least $2 billion a month on the war in Vietnam. There is abundant evidence that in actual fact we are spending more, with some all-inclusive estimates ranging as high as $3 billion a month.

During the past 3 years, I have repeatedly stressed, in forums ranging from college audiences to the Saturday Evening Post and my recent book entitled "The American Crisis in Vietnam," that we are shortchanging our domestic society by leaving undone essential tasks which must wait because of the Vietnam dollar drain.

Recently there appeared in a small publication produced in the college town of Norwich, Vt., an article by Charles Leslie, a New York City youth service worker for the urban coalition, a dramatic account of the ghetto needs as he has seen them. He has put these needs, pointing toward the polarization of the Nation into two societies which the Kerner report calls "separate and unequal," over against the costs of Vietnam. The contrast is sharply striking.

I ask unanimous consent that the article by Charles Leslie, entitled "Two Billion Dollars a Month," published in the August 26 issue of Groundswell, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO BILLION DOLLARS A MONTH

(By Charles Leslie)

And that's a conservative estimate. We are probably spending closer to thirty billions a year to pursue our cruel and futile war in Vietnam. But it's a figure large enough to emphasize the contrasts I want to make. Contrasts with what we are *not* spending at home.

This was vividly illustrated for me recently by something that occurred while I was displaying a large placard for the August 15th rally for Eugene McCarthy at Madison Square Garden and passing out copies of *Groundswell* to people who stopped to read the placard. A young black boy, wide-eyed with curiosity, smiled at me and asked "What does that sign say?" I returned his smile and asked his age—eleven. But he was unable to read the placard and the next few minutes were given over to what must have been one of the most elementary brief reading lessons ever conducted.

In the short time that we crouched in front of the sign, I pointing to letters for his labored identification, I found out that it was no lack of intelligence that kept him from reading the sign; he simply had never been taught to read. He is, and for the foreseeable future will remain, one of the countless examples of stunted human ability produced by the richest nation on earth or in history.

The boy's home was in Harlem and I could well understand why at eleven, in the financial and intellectual capital of our country, he is almost completely illiterate.

I could understand this because recent experiences of my own in a similar New York neighborhood have acquainted me with the conditions that exist, have long existed and may long persist, in areas not more than half an hour from Wall Street or from Tiffany's. I do volunteer work for the Youth Service Branch of the Urban Coalition in a ghetto region of Brooklyn where people live in housing comparable to the bombed-out buildings of Hué. You cannot believe their living conditions nor will my description completely convince you of their reality. Those who have not seen Auschwitz still can't quite believe what went on there. Those who have not walked through the ghettos of our large cities don't quite believe they can be *that* bad.

Let me tell you how bad they are. In the ruined buildings, people—almost always black—live in a squalor for which they themselves are all too often blamed. But while their very desperation may inhibit their attempts at betterment there is very little they can do without massive understanding help. City sanitation services, taken for granted in other areas, simply do not function there. The landlords of crumbling and sagging houses do nothing to maintain, let alone repair, them. Almost all indoor plumbing has given out and backyards serve the needs of nature. Windows are left broken, doors will not close, leaks go untended and tenants are often permitted to drag out their lives in buildings no human being should inhabit. When those buildings are condemned as unsafe—long after they have really become so—the landlords deed them to the city which is legally required to accept them. It either leaves their empty shells or demolishes them to make blank spaces in the midst of desolation.

This is the background from which my eleven-year-old had come. When I asked about school I found that there is little if any activity of truant officers where black or Puerto Rican children are concerned. Most of the mothers—there are a few known fathers—cannot find jobs nor the opportunity to train for them. The rumor that they prefer not to work is, in the great majority of cases, viciously perpetrated by the impervious landlords who do nothing at all for the people who live in their subhuman housing.

Their numbers increase at a frightening pace. We try to teach methods of birth control. But here we run into the natural if ominous reaction—"Don't listen to that stuff. That's Whitey's way of getting rid of us. Have all the kids you can." And they do. Many girls have a child before their fifteenth birthday and there is a "club" or teenage boys in which membership depends on fathering at least one child a year.

And so there are many thousands of kids like the boy I met; there are thousands who never have quite enough to eat or know the comfort of a house warm in winter or cool in the blazing heat of a New York summer.

Two billion dollars a month would do quite a lot to alleviate these conditions, two billions put to work for urban renewal educational and social programs, job training, all the things organizations like the one with which I am connected try to maintain on a pittance and the eager cooperation of the disadvantaged. But the honorable Congress of our country has been busily cutting back the already so inadequate provisions for support of such endeavors. Why? So that there will be no cut-back in the money appropriated for the destruction of Vietnam, the progress of the arms race or the attempt to land a man on the moon.

We are marching, as the Kerner Report said, toward a country of two societies, separate and unequal. The lower society is overwhelmingly black, underprivileged, undereducated, condemned to a life of frustration or revolt. The only thing the sons of the shattered streets I have seen are really welcome to do is to die for us in an unjust war.

If you don't quite believe me, come to Bedford-Stuyvesant, Brownsville, Harlem, go to Chicago's South Side or to the ruins of a part of Newark or Detroit or to Watts or sections of Oakland.

But you who read what I write for the most part know its truth. Can you and I put enough pressure on our Congress, can we vote into office new leaders, and can we in time prevent the much vaunted American Dream from becoming a nightmare that will shake the world?

FAREWELL REMARKS OF MAYOR NEAL S. BLAISDELL, OF HONOLULU, TO THE AMERICAN EXECUTIVE COMMITTEE OF THE JAPAN-AMERICAN CONFERENCE OF MAYORS AND CHAMBERS OF COMMERCE PRESIDENTS

Mr. FONG. Mr. President, an inspiring message of hope and vision, of confidence and challenge, on the dawn of a new era in the Pacific was delivered last Saturday by the distinguished mayor of the city and county of Honolulu, Neal S. Blaisdell.

Mayor Blaisdell gave his last speech as the American chairman to the American executive committee of the Japan-American Conference of Mayors and Chambers of Commerce Presidents, meeting in San Francisco.

After 7 years as the American chairman of this prestigious and outstanding binational group, he is retiring from this post at the same time he is retiring as mayor of the city and county of Honolulu, an elected position he has held for the past 14 years.

He is now a Republican candidate for a seat in the U.S. House of Representatives.

As mayor of Honolulu, Neal Blaisdell brought a new dimension to his post that went far beyond the confines of this fast-growing mid-Pacific, metropolitan community. He assumed a special interest in building people-to-people bridges between East and West and among the peoples of Western, Asian, and Pacific regions.

For example, he sparked sister-city relationships between Naha in Okinawa, Hiroshima in Japan, Kaoshiung, Republic of China, and Honolulu in Hawaii.

Out of such contacts and drawing on his own Polynesian heritage and friendships among the multiracial population of Hawaii, Mayor Blaisdell has committed himself to helping develop a Pacific community that would become "the cradle of a free humanity."

In his farewell remarks to the Japan-American Conference, the mayor said:

> A recognition of the contributions to be made by the peoples of the Pacific can form the basis for a significant contribution to our troubled world. And it is within our grasp here and now to seize this magnificent opportunity and to start this forward movement.

I invite the attention of Senators and all other Americans to the philosophy and outlook of Mayor Blaisdell to the new Pacific era. He brings a much-needed focus on the hopeful prospects of a part of the world he knows intimately from long and distinguished public service.

I ask unanimous consent that Mayor Blaisdell's farewell remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

FAREWELL REMARKS FROM MAYOR NEAL S. BLAISDELL TO THE AMERICAN EXECUTIVE COMMITTEE OF THE JAPAN-AMERICAN CONFERENCE OF MAYORS AND CHAMBERS OF COMMERCE PRESIDENTS, SEPTEMBER 21, 1968

Gentlemen, it has been tremendously gratifying to me to have been able to serve this distinguished body for some seven years, as the American Chairman. The friendships and understanding developed in our meetings are a tribute to all of you, and it has been wonderfully rewarding to me personally to know that citizens of these two great nations of the Pacific . . . Japan and the United States . . . have found in their private capacities the means to strengthen the cause of freedom in the Pacific.

As some of you may know, this will be my last speech to you as the American Chairman. I surrender this office with deep regret, but with full confidence that the work commenced by the conference will be expanded into ever more fruitful endeavors in the years ahead.

We are in fact at the dawn of a new era in our world,—the Pacific Era. The leaders in the development of this era will be by the nature of their being, Japan and the United States. Yet this leadership with its responsibilities to be effective must adjust itself to the aspirations of all the peoples of the Pacific in a grand partnership with them as equals.

Such a recognition of the contributions to be made by the peoples of the Pacific can form the basis for a significant contribution to our troubled world. And it is within our grasp here and now to seize this magnificent opportunity and to start this forward movement.

Let me specify the areas where I believe we can all contribute. This belief comes from my own heritage and experience as a descendant of a proud yet gentle race of people who with great courage, and a deep knowledge of the winds and waters of the Pacific, explored and settled the Hawaiian Islands, and became the hosts to countless thousands who later came to their islands.

This miracle that the Polynesians began is not dead, it is just beginning. For when the 19th century broke upon our world men from different races, different cultures, different experiences, different creeds, came to the islands and began to partake of this miracle and they themselves began to be subtly influenced by it.

They came to a place called Hawaii, and they were received with a warmth and a generosity which is the hallmark of the Hawaiian. They came from all over the Pacific from China, from Japan, from Okinawa, from Korea, from the Philippines, from Micronesia with its many island groups, the Marianas, the Marshalls, the Carolines, the Gilberts, Palauans, the Society Islands, Samoas, New Zealand, they also came from the Caribbean, Puerto Rico, *and* from the Atlantic as well, the Canary Islands and the Britishers, from the United Kingdom and last but by no means *least*, the peoples of that even vaster island, North America, and these United States.

Each brought with them special skills, special customs, and special ways. They came for many reasons but basic to each was a sense of adventure, a zest for new ways of living, and a willingness to risk their fortunes and their very lives on these uncharted seas of the Pacific.

And they were welcome.

Combining with the Polynesians, all these diverse groups began to produce a new and a different society. One that was highly experimental in nature, as men and women began to try to live together, to work together and to prosper together.

With it came a new and important respect for the universality of mankind. An appreciation of the infinite richness of the fabric of life on this earth and a strong and compelling desire to extend this new existence to all peoples.

This Conference between Japanese and Americans is a living demonstration of this same capacity of the Pacific Peoples. Yet we know in our hearts that we need to do more, much more, if the Pacific Community is to become the cradle of a free humanity.

Specifically may I offer for your consideration several proposals as to how this might be done. For instance we know that there are differences in the attitudes of our respective governments regarding certain economic policies followed by our two nations.

Restrictions on trade become increasingly burdensome. Restrictions in fiscal matters hamper our relations. Restrictions in immigration procedures limit our capacities to deal one with another. Cannot we seek together in free discussion, far from the pressures of international politics and the face saving of the diplomatic conference table, the solutions to these problems.

We *can* find them if we will.

We can create our own special body of men to search with diligence and patience for the answers to such problems and then present them for the consideration of our respective governments.

We can privately lay the groundwork so that agreements will be possible on a political level. And in this we boldly take the initiative as private citizens of the Pacific Community to enable all our people to live in fruitful peace and prosperous harmony.

My friends the example we create can serve us well in other fields.

The Republic of Korea stands at the threshold of a major step into the Pacific. Cannot we together take the lead in exploring privately the nature of this new relationship with our friends in Korea. To not only heal the wounds of the past but to provide the healthy body of the future.

Similarly the fate of the island peoples of Okinawa has been the subject of much discussion and infinite disagreement between the governments of our two great nations. Now is the time for the sister cities of Naha in Okinawa, Hiroshima in Japan and Honolulu in Hawaii to begin private and earnest exchanges over the proper determination of this problem. To find within themselves the basis for a viable and creative future for these people.

Surely the Chambers of Commerce in all three of these sister cities can create the basis for such discussions.

Again our Pacific brothers and sisters in the Republic of the Philippines have matters at issue between our two governments. Status of forces agreement, economic policies of respective governments are not being satisfactorily resolved by those governments. Cannot we initiate discussions between us on such problems, to seek an understanding, now lacking, so that governments can find the basis for agreement?

The pattern set can be followed in other areas of contention between us and our brothers of the Pacific and Asian Community.

In Indonesia, where an island nation seeks not only the form but the substance of nationhood.

In the tragic land of Viet Nam, now torn by bitter conflict.

In the newly developing island communities, of the Samoas, Fiji and Tonga where political independence looms but the nature of the new relationships are cloudy on the Pacific horizon.

Finally our own special trust given to us by the United Nations mandate, in Micronesia surely this needs the helping hand of private interest and initiative to bring it properly into the Pacific Community.

The task before us is awesome yet it is breathtaking in its opportunity. We cannot wait for the cumbersome machineries of governments to undertake this work. For if we wait, we will wait forever. And the peoples of the Pacific are no longer satisfied with waiting. They are impatient to begin the work of constructing this new community. It is up to us to begin this task as citizens of such a community. To utilize our organizational talent and ingenuity as is represented here in this distinguished gathering.

There can be no more exhilarating prospect than this, for each of us knows in our hearts that our children of the Pacific will then live and grow into a new kind of being who can serve mankind.

We have a phrase in Hawaii, sometimes identified with our children deriving from the wonder of many racial backgrounds, called *the Golden People*. Indeed, if you sit in a school room in Hawaii, as I have, you can see with your eyes the living proof of that claim in the loveliness of our children, who combine all the best qualities of their many racial antecedents into a whole person. A people touched by the beauty of the Pacific islands which now emanates from their souls.

This is Hawaii's gift to the Pacific Community.

In a way this gift may seem small, for we are not a large community. But we represent all of the Pacific Community in ourselves.

Now here in this Conference I believe we have laid the groundwork for a magnificent effort which is yet to come. Will each of you in your individual as well as your organizational capacities join with me in the realization of this larger community.

The winds of the Pacific are normally gentle, our waters usually calm, but they have the strength of the typhoon which sweeps all before it and the mighty swell of the tidal wave. If we respect that nature, as Hawaiians have learned to respect this mighty creation of the All-Mighty, then we may live together as brothers.

May I then close this, my last official message to you with the warmest most heartfelt greeting I know which comes from the essence of my soul and was given to me by my father and my father's father and which I now give to you. Aloha, aloha nui loa, aloha.

FREEDOM OF SPEECH AND STUDENT ACTIVISM

Mr. HARTKE. Mr. President, we have had much discussion about the actions of youth protesters in Chicago, at Columbia, and in a variety of situations going back at least as far as the Berkeley campus explosion. Although some profess to see the radical action of those who turn to unacceptable methods as typical of all youth, I believe the deeper truth is that the underlying causes are all too often reflections of a legitimate and idealistic rebellion against the hardened and inflexible mores of much adult society.

The September issue of the magazine Glamour, under the heading "Protest," contains a discussion by an obviously thoughtful young woman from Columbus, Ohio, who has just matriculated at Radcliffe College after winning a National Merit Scholarship. Her discussion of freedom of speech in the context of efforts to control campus dissent by cutting off Federal support funds, although written before our recent debate in this body in connection with the Labor-HEW appropriations bill, is highly pertinent to that situation.

I ask unanimous consent that the article written by Nadine Strossen, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROTEST

(By Nadine Strossen)

Among the essential liberties for the preservation of which our nation was founded and dedicated is the basic right guaranteed to all citizens in the First Amendment to our Constitution: the right to freedom of speech.

This freedom is extended not only to those who uphold existing government policies and traditional ideas but to those who oppose and seek to change the status quo—the dissenters—as well. How paradoxical and contrary to democratic precepts it seems, then, that our Congress, the body which was established for the purpose of furthering the ideals espoused in our Constitution, has recently passed measures which discourage and even punish certain dissenters in our society—namely, student activists.

As a result of student activism for causes such as academic freedom, civil rights and peace in Vietnam, the nation's colleges face the possibility of severe restraints on Federal aid. Despite the opposition of the Administration and college lobbying groups, congressional displeasure with campus disturbances has already produced legislative cutbacks on college aid, and more such restrictions seem imminent. The Senate has unanimously approved an amendment to the National Aeronautics and Space Administration appropriation bill which denies NASA grants to any college which bars military recruiters from its campus. In the House, four amendments seeking to punish student dissenters have been passed. Three, tacked onto a college-aid bill, would cut off grants and loans to all students and teachers involved in campus riots. The fourth, added to the appropriation bill for the National Science Foundation, would eliminate aid for any of the 20,000 NSF fellowship holders who become embroiled in campus demonstrations. In addition to these curbs, warns Representative Albert Quie of Minnesota, ranking Republican on the House Higher Education Subcommittee, "pretty tough restrictions" will be placed on the colleges "by the time Congress quits" this year.

Federal Education Commissioner Harold Howe II has pointed out important Administration objections to these aid-curtailing amendments. The amendments, he says, exploit the "power of the Federal purse" to control what should be an internal disciplinary function of the school. If the American university is to be an autonomous institution dedicated to the independent pursuit of higher education, it must be protected from Federal intervention that could lead to dangerous forms of government domination and control. Congress's silencing of certain segments of the student and faculty populations on a campus through financial pressures is tantamount to congressional dictation of what ideas can be expressed and taught at that university. The restrictions discriminate against students on the basis of their financial status, punishing only those who need Federal aid. Since such aid is allotted only to those who would not be able to afford the cost of a college education without financial assistance, elimination of the Federal grants could very well make it impossible for these students to continue attending college. On the other hand, students who were equally active participants in campus disturbances but who happened to come from wealthier families would not suffer. The restrictive measures, as well, fail to distinguish between major, minor and unwitting offenders. In a riot that includes hundreds of participants, are those who were incidentally drawn into the disturbance to be cut off from assistance to the same extent that students who organized the demonstration are? If not, the system would obviously be unfair; if so, the administrative problems would be almost insurmountable.

The situation is urgent. Within the past six months, thousands of students at over fifty United States universities were involved in demonstrations and riots. They're voicing demands for certain social reforms, and they deserve a response from the adult community. The nature of that response is crucial. If it is a positive attempt to listen to their grievances and to act to rectify them, the way would be paved for greater individual participation in a more just society. On the other hand, if congress persists in its current course, the First-Amendment right of free speech is merely an empty promise and the vision of liberty and justice for all Americans looms ever farther away.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The BILL CLERK. A bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Louisiana.

Mr. LONG of Louisiana. I wish briefly to explain the amendment which, on last Friday, might have been left somewhat unclear.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Louisiana yield for a moment? I wish to ask for the yeas and nays.

Mr. LONG of Louisiana. Does the Senator from Delaware wish me to yield for a question or a unanimous-consent request? I wish to reserve my rights.

Mr. WILLIAMS of Delaware. We have enough Members on the floor to save getting into another quorum call. I just wonder whether the Senator would yield so that I may ask for the yeas and nays on the pending amendment.

Mr. LONG of Louisiana. Mr. President, I do not yield for that purpose. I wish to discuss the amendment first.

Mr. WILLIAMS of Delaware. All right.

Mr. LONG of Louisiana. Mr. President, I will cooperate with the Senator from Delaware with regard to the yeas and nays subsequently, but at the moment I do not wish to yield for that purpose.

Mr. President, what we have involved here does not involve dollars. It involves people. The Senator from Delaware [Mr. WILLIAMS] offered what is known as the Williams-Smathers amendment some time ago. It was voted by the Senate, as the Senate well knows, to require that a number of things be done.

As that amendment was finally enacted into law, it called for, first, a major tax increase of about $10 billion, second, a $6-billion reduction in expenditures, and in addition, certain personnel cutbacks in all agencies to the number employed on June 30, 1966.

The big difficulty in complying with the personnel ceiling is that some agencies did not even exist at that time. It would require some agencies which have had a tremendous increase in their workloads since that date to cut back. For example, medicare became effective July 1, 1966, the day after the date picked for the personnel cutback.

Everyone agreed that when we put medicare into effect, it would require a large increase in personnel in the Department of HEW. It was recognized that it would take several thousand additional employees to carry out the provisions of the medicare law.

The Senator from Delaware in his amendment wisely exempted the social security trust fund from the expenditure reduction. That is a fund which is taking in more money in social security taxes than it is paying out.

As the buildup continues from year to year, there will be an even larger surplus available, so that the money is in the fund. There is no problem there.

Those who are administering the fund in the Department of HEW are doing a very efficient job. They have increased their efficiency by 19 percent. But when they are held to a date that predates the medicare bill, which contained not only medicare for our fine, elderly citizens, but also additional benefits, such as benefits for orphans, disabled widows, and so forth, they simply cannot have enough people to mail out the checks.

We looked into that problem some while back—about a year or 2 ago, and the Senate wisely voted the Scott amendment to provide that the Department would go ahead and employ those people in order to get the job done, because some of the medicare checks and the social security checks were very much in arrears.

Notwithstanding that, Mr. President, the Williams-Smathers amendment unintentionally—because I do not think it would have been fashioned that way if it had been intentional—made it impossible to hire enough people to mail out the social security and medicare checks.

I regret that the Senator felt that the Department did not show him proper courtesies in not calling upon him sooner to discuss the matter; but I do know Social Security Commissioner Ball told me he called on the Senator's office Friday morning and he was unable to see the Senator at that time. He was sitting in the reception room all afternoon Friday, hoping to discuss the problem with the Senator.

Mr. President, this is something that must be done unless we want to go back home and report that, after we put taxes on the people to provide medicare, we were unwilling to go the extra step to provide whatever it took in the way of personnel necessary to mail these checks. This is not the only problem that was brought up by the Williams-Smathers amendment. The amendment was offered in completely good faith. I do not seek to reduce the $6 billion expenditure cutback that the Senator sought to achieve with his amendment. That just is not involved. All we seek by this amendment is to see that the personnel handling the social security program will not be bound by the personnel cutback, because to do so would mean that they were not able to mail out the checks and provide payments for people who were taxed and who are supposed to benefit from the social security and medicare program we have voted.

I have been informed that there may be some language offered with regard to some other agencies, because they have had some problems created by the Williams-Smathers amendment. For example, I am told that the Department of

Housing and Urban Development was in June of 1966 either in its infancy or nonexistent. Certainly a personnel ceiling based on June 30, 1966, employment with regard to that Department would create a problem for that agency. Perhaps other problems are involved.

Inasmuch as the Williams-Smathers amendment was offered to a revenue bill, or a Finance Committee bill, and inasmuch as the Finance Committee has jurisdiction over legislation relating to social security, it would seem appropriate that any measure to amend that bill would be appropriate to a bill of a revenue nature reported out of the Committee on Finance.

It would have been satisfactory to this Senator if we had taken the time to conduct a lengthy hearing on the subject and studied it at considerable length and had gone into great detail on it; but the Williams-Smathers amendment never had that much study in the committee, to begin with. It was voted on the floor as a floor amendment. If we are to be responsible, it is something we should do before we go home. In view of the fact that the amendment should be either to a Finance Committee bill or an appropriations bill—if it were offered to an appropriation bill, it would probably require a two-thirds vote to suspend the rule—it would seem that the appropriate bill to which to offer it would be a bill such as is pending.

I am hopeful that Congress will adjourn soon. I am hopeful that we will dispose of whatever business we have before us to be disposed of and adjourn and go home. I would personally hate to go home and report to the fine old people of Louisiana that they cannot get social security checks and disabled widows' benefit checks and medical payments under social security because, while we voted the tax on them, we put a personnel cutback into effect that did not permit the agency to have enough people to process and mail the checks.

I am very hopeful the amendment can be agreed to, because it is very necessary in the field of social security. I am not saying something is not needed in other areas. I have discussed the matter with other Senators. It has been suggested that certain other problems exist in other agencies. I do not pose as an expert on other committees, but I do think I know something about the jurisdiction of the Finance Committee. There is no doubt that in this area, as I spelled out in greater detail last Friday, this amendment is necessary—not with regard to the $6 billion expenditure cutback. That is not involved here. All we are talking about is whether the Department of Health, Education, and Welfare, in administering the social security and medicare programs, is to be permitted enough personnel to spend the money which it has in the trust fund, a trust fund which has collected more money year by year than it has paid out.

My mind turns to one lady who means something to me, who had very serious surgery just a month or so ago. That person went down to the hospital and took her medicare insurance policy and whatever private insurance policy she had and presented them to the hospital administrators to help pay for the major surgery and expensive hospital bill. It would seem unfortunate to this Senator that after such a person entered the hospital for major surgery, not knowing whether she would come out of that hospital alive or not, she would learn that was going to be a period of between 3 to 5 months from the time the operation was performed until the time the hospital received its money. During the interim, I suppose, some people would be asking this lady to pay, or else the hospital would be without money.

We would be creating a problem that was not intended, for I am certain no Member of the Senate, when he voted for the Smathers-Williams amendment, knowing there was enough money going into the social security trust fund to provide enough money for personnel to mail out checks and provide essential benefits which Congress had voted for, expected that result.

Mr. SPARKMAN. Mr. President, I send forward an amendment in the nature of a substitute for the pending amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

> In lieu of the language in the pending amending substitute the following:
>
> "SEC. —. Section 202 of the Revenue and Expenditure Control Act of 1968 is amended by—
>
> "(1) striking the word 'and' at the end of subsection (a)(3) thereof, and
>
> "(2) striking the period at the end of subsection (a)(4) and inserting in lieu thereof a comma and the following:
>
> " '(5) by Commodity Credit Corporation for farm price supports in excess of the amounts estimated therefor on page 15 of the Budget (H. Doc. No. 225, pt. 1, 90th Cong.), and
>
> " '(6) for grants to States for public assistance as authorized by the Social Security Act, as amended, in excess of the amounts estimated therefor on page 15 of the Budget (House Doc. No. 225, pt. 1, 90th Cong.).'
>
> "SEC. —. Section 203 of the Revenue and Expenditure Control Act of 1968 is amended by—
>
> "(1) striking the word 'and' at the end of subsection (a)(3) thereof, and
>
> "(2) striking the period at the end of subsection (a)(4) and inserting in lieu thereof a comma and the following:
>
> " '(5) by Commodity Credit Corporation for farm price supports in excess of the amounts estimated therefor on page 239 of the Budget (H. Doc. No. 225, pt. 1, 90th Cong.), and
>
> " '(6) for grants to States for public assistance as authorized by the Social Security Act, as amended, in excess of the amounts estimated therefor on pages 306–307 of the Budget (House Doc. No. 225, pt. 1, 90th Cong.).'
>
> "SEC. —. Effective on the date of enactment of this act,
>
> "(1) the provisions of section 201 of the Revenue and Expenditure Control Act of 1968 shall cease to apply to civilian employees of—
>
> "(A) the Department of Housing and Urban Development,
>
> "(B) the Social Security Administration, Department of Health, Education, and Welfare,
>
> "(C) the Division of Indian Health, Bureau of Health Services, the Public Health Service, Department of Health, Education, and Welfare, and
>
> "(D) the Federal Home Loan Bank Board; and
>
> "(2) in applying the provisions of such section to the departments and agencies of the executive branch, the employees of the divisions, agencies, and departments specified in paragraph (1) shall not be taken into account."

Mr. KENNEDY. Mr. President, will the Senator from Alabama yield so that I may make some comments on another subject?

Mr. SPARKMAN. Mr. President, I ask unanimous consent that I may yield to the Senator from Massachusetts without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE URGENT NEED FOR INTERNATIONAL ACTION TO MEET HUMANITARIAN NEEDS IN THE NIGERIAN CIVIL WAR

Mr. KENNEDY. Mr. President, for more than a year, civil war in Nigeria has divided a once promising federation and produced human destruction of gigantic proportions. Each day journalists and cameramen, missionaries and relief workers, dispatch to an uncomprehending world the cold, appalling facts of the awesome tragedy: some 4,000,000 refugees, nearly all wandering fearful and penniless through the bush; casualties some 10 times greater than those in Vietnam; and over a million children, and thousands of others, dying of starvation at a rate which has grown from 300 a day in early summer to well over 7,000 a day at the present time.

This toll in human suffering is centered in what is left of Biafra and in the traditional Ibo lands of Eastern Nigeria, reoccupied by Federal forces from Lagos.

My immediate concern today—a concern deeply shared by many Americans—is the incredible condition of mass starvation and death. In a recent issue of the New York Times magazine, Lloyd Garrison writes a graphic description.

He writes:

> With every passing hour, Biafra becomes more and more a death trap. In fact, death from malnutrition grows in a mathematical progression. Once malnutrition sets in and the victim is deprived of protein, his energy disappears, his skin grows taut, his hair yellows, his limbs become matchsticks. You can spot the dreaded "point of no return" in the victim's eyes, especially if he is a child. He stares at you blankly, without a flicker of recognition. You extend candy, a cup of powdered milk, anything, and the child just stares, too listless, too dehydrated even to taste. It is the irony of death from malnutrition that in the final, fading hours one is at last completely free from the pangs of hunger.

Mr. President, the humanitarian problems of Nigeria have been of deep concern to me for nearly a year. Last fall, following conversations with officials in the Department of State and during a visit to Geneva in my capacity as Chairman of the Judiciary Subcommittee on Refugees, I discussed the beginnings of the tragedy and the early appeals for international assistance with the International Committee of the Red Cross. In the months that followed, I and members of my staff watched developments closely, consulted with the Department of State and voluntary agencies working in the field and strongly supported initiatives, in both the public and private sectors, to mobilize an international relief operation under Red Cross auspices.

These early initiatives were fruitless, and last May, through a member of my staff on official business in Geneva, I again urged action—and new initiatives—to head off what was clearly evolving from a ragged but forgotten war into one of the greatest nightmares of modern times.

The world has lived with this nightmare for more than 3 months. But there has been great public indignation in this country and abroad over the inability of governments and statesmen to devise a workable formula to effect a relief operation for adequate provisions of food and medicine. This is not to say that few efforts have been made to accomplish this objective. We are aware of what has been done—especially the highly publicized meetings and negotiations at Kampala, Naimey, Addis Abbaba, Geneva, and Algiers, involving several governments, the warring parties in Nigeria, the Red Cross, and the Organization for African Unity.

And we are aware of what our own Government has done to facilitate these efforts—although I strongly believe our own actions were belated and, like so much of our moral and humanitarian leadership in recent years, without a sense of urgency, creativity and deep compassion for those in dire need.

Mr. President, we are conditioned in the world we have created, to accept suffering and injustice—especially in our time when violent conflict and oppression are active in so many areas.

But the newer world we seek will not evolve if we ignore these challenges to leadership and take comfortable refuge in the mundane patterns and attitudes of the past.

In the case of Nigeria—in the effort to help her people caught in the passion of fraticidal war—I cannot believe that our own Government and the international community stands paralyzed in the fact of recrimination and stalemate, as though the parties to the conflict were debating a centuries old political argument. No one can ignore the situation in Nigeria—least of all the combatant leaders, no matter how sophisticated their didactics, or how convincing their propaganda, at stake are human lives—innocent lives—African lives—thousands even millions of lives—whose destruction will burden the conscience of Nigeria and all mankind for generations to come, unless something more is done to save them.

And so today, as an individual American hopeful for the future of Nigeria—as an individual American concerned about the dignity and preservation of the ultimate resource on our planet, I appeal for immediate action through the United Nations. I appeal to the warring leaders of Nigeria, to the leaders of all nations, and to the President of the United States to take action in support of initiatives I know are being made, to have the humanitarian problem of Nigeria placed on the agenda of the General Assembly which opens tomorrow in New York. I believe the extraordinary nature of this problem demands that it be considered by the General Assembly at the earliest possible time—hopefully before this week is out.

Specifically, I recommend:

First, that the General Assembly consider and pass a resolution recognizing the international humanitarian obligations in the present situation of Nigeria;

Second, that the resolution, employing the mandatory power of United Nations charter, direct the Secretary General to use his good office and all the resources available to him, to expedite the conclusion of a "mercy agreement" with the parties to the Nigerian conflict;

Third, that the mercy agreement be carried out under the auspices of the United Nations, in cooperation with the Red Cross and private voluntary agencies, whose dedicated personnel, often with great personal risk, are doing what they can with the meager support currently available to them—and I pay high tribute to their efforts;

And, fourth, that governments actively support this effort of the United Nations and prepare to make voluntary contributions of funds, commodities, personnel, and equipment to effect the mercy agreement, including the logistical support to mount an airlift into areas of needs.

Mr. President, I do not underestimate the political and logistic difficulties involved in taking or carrying out the initiatives I have outlined. But I believe the world will respond—for in resolving the difficulties, and in meeting the needs of the Nigerian people, the path to understanding among all can only be broadened.

And let the Government of the United States heed the historic role of this Nation and pursue initiatives through the United Nations with determination and compassion. Let us act because it is right to do so—because it is unconscionable to remain silent—and because the hope of all mankind for a better world will be strengthened.

Mr. RUSSELL. Mr. President, I commend the distinguished Senator from Massachusetts for discussing this matter in the Senate. The more reports I hear of the terrible genocide that is being practiced on the Ibo tribesmen in Biafra, the greater sense of guilt I feel for being in a position of some little consequence in our Government—or at least a U.S. Senator was, at one time, considered to be of some little importance—and being so completely helpless and unable to do something about it.

I am certainly not recommending any form of military intervention on the part of the United States. I do not think that is necessary. I believe, however, this country has not exerted the pressure that it could bring to bear throughout the world, most particularly on Great Britain, to bring about, by some means, a cessation of this mass murder or attempted genocide.

Apparently the Nigerians—who are supplied and supported by a strange combination of Great Britain and the Soviet Union—are determined to completely eliminate the Ibo tribesmen. I am no expert on African affairs, or Nigeria, but from my reading of the matter, it is incomprehensible to me that Great Britain would join with the Soviets in furnishing the military supplies and war materiel that have enabled the other tribes of Nigeria to kill the Ibos by the tens of thousands.

Even more incomprehensible is the fact that they have done so, seemingly, without arousing any sense of guilt in this country and throughout the world.

I cannot understand why our country supinely follows the dictates of Great Britain with respect to African problems—we parrot the cry that Biafra is an internal or domestic problem—but at the same time threaten war and apply sanctions on Rhodesia because of purely internal actions every time England demands it.

I remember when only a small fraction of the number of people that have already been killed in Nigeria were killed in the Congo, we became greatly exercised about it, and threatened military intervention. As I say, I do not favor military intervention in Nigeria, but I cannot understand why our Government has acted so casually about what is a great world tragedy—the elimination of a whole people.

I feel a sense of guilt. I feel it individually, and I feel it even greater for my country, the most powerful nation in the world. This Nation has satisfied itself with a few sanctimonious words of regret. Many thousands, even millions, of people are being murdered either by arms or by starvation, without our making a truly active and vigorous protest in undertaking to get some of our associates, such as the British, who have great authority and influence in that area, to take steps to attempt to stop the tragedy before the last of the Ibos are killed.

Mr. KENNEDY. I appreciate the comments of the distinguished Senator from Georgia. He has placed his finger on the real essence of what I feel should be our concern. It is the humanitarian needs of the situation, as I suggested in my brief remarks; namely, that some 7,000 children a day are starving in eastern Nigeria.

It would certainly appear that denying them food, which is being done as a military tactic, is something that all of us as humanitarians must find of considerable concern.

Perhaps reasons can be found for noninvolvement—and I am sure there are reasons. But in the face of the dire needs of the Nigerian people those reasons are inadequate. Why have we not been more energetic in the pursuance of our legitimate humanitarian aims in that part of the world? Particularly at a time when the General Assembly of the United Nations is meeting, the voice of the United States should be extremely clear in demanding that mandatory actions should be taken so as to exhibit our deep sense of compassion for the disadvantaged people.

Mr. MANSFIELD. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. MANSFIELD. Mr. President, I wish to associate myself with the remarks of the distinguished senior Senator from Massachusetts. A key word as he has indicated is "humanitarian"; and a key word as the distinguished Senator from

Georgia [Mr. RUSSELL] has indicated, is "genocide."

I would hope that this matter, which we have been attempting to sweep under the rug and ignore as if it did not exist, would be given greater consideration by our Government and, more important, that it would be given immediate consideration by the United Nations, which I understand will go into session tomorrow. The plight of the Biafran people calls for immediate action. I hope we will not turn our eyes away from what is happening by way of starvation, disease, and death in Biafra.

I certainly am delighted that the distinguished Senator from Massachusetts has seen fit to bring this matter to the Senate floor at this time. I hope most sincerely that his words will be taken to heart both by the administration and also by the United Nations, when it meets in New York. I commend the Senator.

Mr. LAUSCHE. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. LAUSCHE. Mr. President, I join the Senator from Massachusetts, the Senator from Georgia, and the Senator from Montana in their expressions about the failure of our Government to fulfill its moral obligation to the Biafrans.

The United Nations takes the position that this is an internal affair and that it should stay out. It did not take that position with regard to the Congo. It felt that what was happening in the Congo was of concern to the whole world. Neither has it taken that position with regard to Rhodesia. It has said that the Rhodesian situation is one of concern to the whole world. But the Biafrans are deliberately being starved. They are dying by the hundreds. Food is prohibited from being delivered to them.

Our Government, I suppose, has tried, but inadequately, to induce the Nigerian Government to allow ships of mercy, carrying food, to go into Biafra. But the effort has not been successful. As the Senator from Massachusetts has stated, we have not spoken in a tone that is adequately clear and resounding.

How can the United Nations, how can anyone, say that genocide perpetrated primarily through starvation and other means is not a matter of world concern?

I join wholeheartedly in the statement of the Senator from Massachusetts that the United Nations and the U.S. Government should speak up more clearly about ways and means of solving this problem.

Mr. KENNEDY. Mr. President, I appreciate the comments of the distinguished majority leader and the distinguished Senator from Ohio. The argument that the Nigerian situation is strictly an internal matter has to fall by the wayside. We know, for example, that the United Nations General Assembly has put on its agenda the whole question of apartheid in South Africa.

Certainly the problems which are suggested by the mass starvation in Biafra, and its genocidal consequences, not only call for, but demand more expeditious action than we have seen, particularly when we realize the significance of any further delay at this time; namely, a mounting, but needless loss of human life.

I appreciate the comments of Senators who have spoken on this subject, and I now yield the floor back to the Senator from Alabama.

Mr. SYMINGTON. Mr. President, will the Senator from Alabama yield so I can make a statement on another subject, without his losing his right to the floor?

Mr. SPARKMAN. Mr. President, I yield to the distinguished Senator from Missouri without losing my right to the floor.

Mr. SYMINGTON. Mr. President, first I associate myself with the able and cogent reasoning of the distinguished Senator from Massachusetts [Mr. KENNEDY] with respect to the tragic situation in Biafra.

JETS TO ISRAEL

Mr. SYMINGTON. Mr. President, a few days ago, when back home in my State, there was a headline in the press, "Balks on Israel Jets"; and as chairman of the Middle East and South Asian Subcommittee of the Committee on Foreign Relations, it is that matter I would discuss briefly this morning.

For well over a year now, the leaders of Israel, a nation the United States was instrumental in creating, have been pleading with this country to purchase—not to be given, but to buy—aircraft so as to adequately protect their land from those nearby nations which, especially during recent months, continue to broadcast their intention to destroy Israel.

This request for these planes is entirely logical. There are only three countries in the world which produce the aircraft they believe essential to their survival; namely, first, the Soviet Union—which currently is resupplying modern jets to those nations which assert they intend to destroy Israel; second, France, where Israel has bought and paid for the same number of jets they now have been asking to purchase from this country, but which General de Gaulle now refuses to ship; and, third, the United States.

Some 16 years ago, when I first came to the Senate, Col. Vivian Herzog asked:

> As a former Secretary of the Air Force, you must realize that adequate air power is essential to Israel's survival; and with that premise, may I ask why, if your country gives arms to Communist countries which you know would not support you in case you ran into trouble, why won't you sell them to Israel, who you know would?

Over the years since then I have asked that question periodically of this Government; and have never received a logical answer, even though our policy has been to promote the sale of arms to other countries to the point where, in 5 years, we have increased those sales from $300 million annually to over $1½ billion.

Some say the reason we have been so adamant against these sales is that we do not want to promote an "arms race." But how can one reconcile that supposition with the above just-quoted figures?

Others say that the influence of the large national and international oil companies is the reason this Government continues to refuse to sell these planes. This I do not believe.

Still others assert we will not agree to these sales because we have hopes of better relations with the Soviet Union. But why, then, have we now agreed to sell to a far larger country on the very borders of the Soviet Union the same type and quantity of planes, on the same terms, that we refuse to sell Israel?

On the floor of the Senate 12 years ago, when the Suez crisis and the Soviet invasion of Hungary were both proceeding during the same hours, I asked if the foreign policy of the United States was one of being "strong against the weak and weak against the strong."

I ask that same question today.

Today the United States continues to maintain its military ring around the two major countries of the Communist world, a ring that includes hundreds of nuclear weapons, thousands of planes, and hundreds of thousands of troops. But some of the same people adamant against taking a single American soldier out of Europe are equally adamant against this country selling—not giving, as we have now agreed to do to even some of the nations on the borders of Israel—those arms which the freedom-loving State of Israel pleads for as necessary to its survival.

And make no mistake about it. They do need these planes for their survival; because if, in the face of the growing boldness of Nasser's threats, by means of one of the most superb uses of airpower in modern history at 8 a.m. on the morning of June 5, 1967, the Israel Air Force had not eliminated the airpower of four nations in 3 hours, there would be no State of Israel today. I have personally gone over these battlefields in detail. Such names as Gafava, Tamada, and Mitleh will live forever in the annals of airpower.

Israel took its aggressive-talking enemies by surprise. If the reverse had been true let me repeat—there would be no State of Israel today.

As of possible interest, in those 3 hours the Israelis destroyed about half as many planes as the United States has lost over North Vietnam in the past 3 years.

This could be a pertinent figure, because the administration is now passing the word around that it does not believe Israel needs these planes. Well, for the sake of the survival of this tiny country—a country at one point less than 11 miles wide—let us hope that these predictions are better than those made over recent years about progress in the Vietnam war; a war that is costing the United States so heavily abroad in political, military, and economic prestige; and also is now dividing this Nation to a degree previously unknown in this century.

In the Foreign Aid Act to come before the Senate shortly is a request to give much military equipment to, we hope, friendly countries.

Tomorrow the Foreign Relations Committee will be requested to approve the sale of hundreds of millions of dollars of military equipment to countries we hope will remain friendly.

It is pertinent at this time, therefore, to ask that we also approve the sale, at the earliest possible date, of this limited quantity of jets to Israel; especially since, whereas the ratio of supersonic jets held by the enemies of Israel was four to one before the war of June 1967, today it is estimated at seven to one, the latter the result of heavy replacements received from the Soviet Union.

If these planes are not sold, and if later Nasser does succeed in his oft-repeated pledge to destroy Israel and drive its inhabitants into the sea, much of the responsibiltiy for that tragic result will rest with this administration; and in a world where friends would seem mighty important, the United States will have lost a brave and loyal ally.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the able senior Senator from Montana.

Mr. MANSFIELD. Mr. President, do I understand correctly, from what the distinguished Senator has said, that Israel had entered into a contract for 50 planes somewhat similar to those mentioned, for which the Government of France had been paid, but that they have not been delivered?

Mr. SYMINGTON. The majority leader is correct. Fifty jets were ordered and paid for, but General de Gaulle, at least up to this time, has refused to deliver them. There is a story going around that he is utilizing these already paid for planes to negotiate oil contracts in that part of the world. I do not know whether that is or is not true.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. SYMINGTON. I am glad to yield to one of my leaders in the field of foreign relations.

Mr. MANSFIELD. Mr. President, is it correct to state that since the 6-day war of June a year ago, the war between Israel on the one hand and the Arab States on the other, the Arab air forces, especially the one in the United Arab Republic, have been increased by something like 80 percent from the losses incurred during that struggle?

Mr. SYMINGTON. The majority leader is correct. I would estimate at least 80 percent.

In addition, the Soviet Union has supplied some Arab nations with planes developed and produced much later than the famous Mig 21's, planes they have never allowed to be used in North Vietnam.

The situation today, therefore, except for the denigration in morale of the Arab armies as a result of the defeat, is worse from the standpoint of relative superiority in planes than it was at the time of the June 1967 war.

Mr. MANSFIELD. Is it true that since that time, this Government has furnished jets to the Kingdom of Jordan?

Mr. SYMINGTON. I am not sure whether they actually have been furnished; but I am sure that they have been approved. Jordan, as the Senator knows, was one of the countries threatening Israel.

Mr. MANSFIELD. Yes; but on an unfortunate basis, I think, because of its closeness and the fact that it did not have too much initiative of its own with which to conduct its affairs.

Mr. SYMINGTON. The able Senator is correct. I might add that when asked if they would approve the supply of these jets to Jordan, despite the fact they had recently been in combat with Jordan, the record in the Committee on Foreign Relations—an open hearing—will show that Israel agreed to the supplying of these planes to Jordan by the United States.

Mr. MANSFIELD. Is it true, also, that we are selling 50 jets of a similar type to the Iranians?

Mr. SYMINGTON. That request will be acted upon shortly by the Foreign Relations Committee of which the Senator and I are both members. I would hope that we do not agree to sell other countries these jets until it is understood we would also be willing to sell them to Israel, especially because the Soviets are supplying them to Israel's enemies and the Israelis can buy them from no one else except the United States.

Mr. MANSFIELD. Is it true that, notwithstanding the fact that the Arabs and the Israelis have engaged in war and are now in some sort of insecure armistice or peace, the basic countries which are responsible for stability in the Middle East happen to be the U.S.S.R. and the United States?

Mr. SYMINGTON. The majority leader knows more about that than I because of his great experience. I believe he is correct.

Mr. MANSFIELD. It appears to me that what the Soviet Union is doing is beefing up the United Arab Republics considerably since the June war of 1967, and that what the Israelis are seeking is to bring about an equitable equation, so to speak, between them and the Arab States which surround them.

Mr. SYMINGTON. That is true. Israel is not asking for superiority, only something closer to equality. That is verified by the fact that, whereas the ratio of supersonic jets—the only type jet which really count in a war around those lands—against the Israelis in June of 1967 was 4 to 1, at this time, because of replacements and additions the Soviet Union has made in the way of planes to those Arab countries, the estimated ratio against the Israelis is 7 to 1.

Mr. MANSFIELD. I thank the Senator.

Mr. SYMINGTON. I do thank the able majority leader for his interest in this important subject.

Mr. SPARKMAN. Mr. President, will the Senator yield for a question?

Mr. SYMINGTON. Mr. President, I am glad to yield to the able acting chairman of the Committee on Foreign Relations.

Mr. SPARKMAN. It is true, is it not, that in the recently enacted foreign aid bill, we did have a provision expressing the sense of Congress that this Government should make available to Israel the most modern planes in order to maintain the proper proportions in the Near East?

Mr. SYMINGTON. The Senator is correct. For 15 months, at least, when it became obvious to the Israelis that the French were giving consideration not to supply the planes they had been paid for the Israeli Government has been pleading with this Government to buy—not be given, as has been true in the case of so many other countries—planes to protect their country.

I have done my best in conversations with the State Department, but this matter has not been consummated, as it should be.

I am glad the able Senator from Alabama has brought up the fact this is the sense of the Committee on Foreign Relations. I believe we should supply enough jets to Israel to at least reduce the heavy imbalance which currently exists in favor of those countries that consistently state they desire to destroy Israel. [Applause in the galleries.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the visitors' galleries?

The **PRESIDING OFFICER.** The occupants of the galleries will refrain from applauding.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17023) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 15 to the bill and concurred therein, and that the House receded from its disagreement to the amendment of the Senate numbered 41 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 827. An act to establish a national trails system, and for other purposes;

S. 1321. An act to establish the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes;

S. 2515. An act to establish a Redwood National Park in the State of California, and for other purposes;

S. 3058. An act to amend the Water Resources Planning Act to revise the authorization of appropriations for administering the provisions of the act, and for other purposes;

H.R. 5910. An act to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma; and

H.R. 17022. An act for the relief of Pvt. Willy R. Michalik, RA15924409.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

The Senate resumed the consideration of the bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

Mr. SPARKMAN. Mr. President, I yield to the Senator from California, who wishes to offer a noncontroversial measure, I understand, without losing my right to the floor.

The PRESIDING OFFICER (Mr. Boggs in the chair). The Senator from California is recognized.

Mr. KUCHEL. Mr. President, I thank the Senator from Alabama. I want the Record to disclose that I have cleared with the able majority whip, the Senator from Louisiana [Mr. Long], and the Senator from Delaware [Mr. Williams] the matter I am about to take up.

Mr. President, I send to the desk an original amendment to the bill H.R. 2767. It is not an amendment to the matter which has been temporarily laid aside by the Senator from Alabama.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent, without prejudice to the amendment and the amendment to the amendment now pending, that the Senator may offer his amendment at the end of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KUCHEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

At the end of the bill insert the following new section:

"Sec. —. (a) Section 2039 of the Internal Revenue Code of 1954 (relating to estate tax treatment of annuities) is amended by adding at the end thereof the following new subsection:

"'(d) Exemption of Certain Interests Created by Community Property Laws.—In the case of a decedent who was the spouse of an employee on whose behalf contributions or payments were made by his employer or former employer under a trust or plan described in subsection (c) (1) or (2), or toward the purchase of a contract described in subsection (c)(3), which under subsection (c) are not considered as contributed by the employee, there shall be excluded from the gross estate of the decedent the value of any interest of the decedent in any annuity or other payment receivable by any beneficiary under such trust or plan or such contract, to the extent such interest—

"'(1) is attributable to such contributions or payments, and

"'(2) arises by reason of the community property laws of a State.

For purposes of this subsection, an interest of a decedent shall be considered as arising by reason of the community property laws of a State only to the extent such laws treat contributions or payments described in the preceding sentence made by an employer or former employer on behalf of an employee as income of the spouse of such employee.'

"(b) The amendment made by subsection (a) shall apply with respect to estates of decedents for which the date prescribed for the filing of the estate tax return (determined without regard to any extension of time for filing) occurs on or after June 1, 1965."

Mr. KUCHEL. Mr. President, the amendment I have offered would seek to overcome a grave inequity in the Internal Revenue Code affecting eight States of the Union, the so-called community-property States.

This inequity was determined to exist by a ruling from the Internal Revenue Service in the area of Federal estate taxation. In the California tax case of Estate of Kemp, the Internal Revenue Service placed residents of community-property States at a distinct disadvantage with regard to the taxation of benefits from various forms of profit-sharing plans.

The situation affected is where a husband, participating in a qualified profit-sharing plan at his place of employment, designates his wife to receive the benefits of the plan in the event of his death. Section 2039(c) (1) of the Internal Revenue Code would exclude from the estate of the husband, for Federal estate tax purposes, the amount payable to his wife under the qualified profit-sharing plan. The purpose is to relieve the surviving spouse of the difficult burden of paying a substantial Federal estate tax on funds which the husband has set aside for her benefit.

The inequity affecting community-property States occurs when the non-employee spouse, the wife in the above case, dies first. In the non-community-property States, since no benefits were paid to the wife, the funds from the profit-sharing plan remain the separate property of the husband and are not includable in the wife's estate. In these 42 separate-property States, the surviving husband is not overburdened with a Federal estate tax on funds never received by his deceased spouse.

In California, however, and in the seven other community-property States—Arizona, Idaho, Louisiana, Nevada, New Mexico, Texas, and Washington—the IRS has ruled that the wife had a one-half interest in the funds of the profit-sharing plan and the surviving husband is forced to pay a Federal estate tax on money which his deceased wife has never received.

As the IRS ruling in the Kemp case concluded:

> In view of the clear language of Section 2039(c), it is difficult to insert into that section words which would equalize treatment of qualified plans under both property systems. If that indeed is the congressional goal, then an amendment of the statute to express explicitly such an intent would be necessary.

Mr. President, the Constitution requires that the Congress enact uniform tax laws throughout the United States. In light of this requirement, I do not believe it was the intent of the Congress to treat, for estate-tax purposes, the property in the eight community-property States differently from the property in the remaining 42 States of the Union. I therefore introduce this amendment to explicitly eliminate the existing injustice. The measure has been recommended by the Bar Association of the City of San Francisco, by the California Society of Certified Public Accountants, and by a good many other groups and individuals in the State from which I come.

Mr. President, prior to offering the amendment I took it up with the staff of my able friend, the Senator from Louisiana, and I believe I accurately reflect the situation when I say there is no opposition to the amendment which would eliminate an inequity under the tax laws against community-property States of our country.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. LONG of Louisiana. Mr. President, the entire trend in tax laws for as long as I have been a Member of the Senate has been to try to treat people who are similarly situated in a similar manner. Generally, this also has been true with respect to persons living in a community-property State and those living in a common law State.

It is unfortunate that from time to time the Internal Revenue Service takes a position, or we pass laws, where the person who formulated the position or drafted the measure was familiar with the laws of common law States, but was not familiar with community-property laws. In many of these cases, if community-property laws had been considered, the problem would not have arisen in the first place.

The Senator seeks to correct one of those inequitable situations which exists because of those two different systems, of law which we find in our various States, the community-property system and the common law system of property.

I am advised by the staff that the amendment has merit. I have no objection to it and I am prepared to take it to conference. I hope the amendment will be agreed to.

Mr. MAGNUSON. Mr. President, will the Senator from California yield?

Mr. KUCHEL. I yield.

Mr. MAGNUSON. Mr. President, I ask that my name be added as a cosponsor of the amendment.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Washington [Mr. Magnuson] be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. There have been similar cases involving this situation in my State.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. KUCHEL. I yield.

Mr. MILLER. Mr. President, I have not read the amendment. Is the amendment confined exclusively to the Federal estate tax?

Mr. KUCHEL. The Senator is correct.

Mr. MILLER. It has nothing to do with income tax consequences of this arrangement?

Mr. KUCHEL. It does not.

Mr. MILLER. I would suggest to the distinguished majority whip that in a case such as the Senator from California used for illustration, there could be some income tax consequences as well under what is known as income tax in respect of the decedent.

In my State, which is not a community-property State, when the husband receives the proceeds of a pension there would be income tax consequences. In the community-property State, when the pension was paid out, there would be income tax consequences for the widow, as well. When either the husband or the wife die, to the extent the value of the pension might be deemed income, it would have an income tax consequence.

While I have no objection to the amendment, and while it does fill a gap in estate tax law, I suggest the committee might want to look at the situation from the income tax standpoint.

Mr. LONG of Louisiana. There may be some income tax problems in this area but the amendment which the Senator has offered does not deal with them.

Mr. KUCHEL. The Senator is correct.

Mr. MILLER. I understand, but I think it would be well, since we are always trying to correlate estate and income tax laws, to take a look at that area. It would be unfortunate to fill the gap in connection with estate taxes without filling the gap for income taxes.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I understand the Senator's amendment has merit and I am perfectly willing to join with the chairman of the committee in taking the matter to conference to see what can be worked out. Unless some development is raised that we have not been able to foresee at this time, I believe the amendment should be agreed to.

Mr. KUCHEL. I thank the Senator.

Mr. President, I ask unanimous consent that sundry communications which I have received in connection with this matter be printed in the RECORD.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

CALIFORNIA SOCIETY, CERTIFIED
PUBLIC ACCOUNTANTS,
San Francisco, Calif., July 26, 1967.

Re S. 1991.

Hon. THOMAS H. KUCHEL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KUCHEL: As Chairman of the Tax Legislation Subcommittee of the Committee on Taxation of the California Society of Certified Public Accountants I have reviewed your statement in the CONGRESSIONAL RECORD for June 23, 1967, and have analyzed the provisions of your bill, S. 1991.

You have my support in your efforts to secure enactment of S. 1991. Passage of your measure would eliminate the apparently inadvertent but harsh discrimination against residents of community property states which results because of the administration of section 2039(c) by the Internal Revenue Service in a manner which, in its view, is required by the statute.

Since the only remedy seems to be amendment of the statute, I urge you to continue your efforts to seek enactment of S. 1991 this session. I am sure that no member of Congress would approve of a system of national taxation which discriminates among taxpayers because of varying state property laws.

Sincerely,

HENRY B. JORDAN.

THE BAR ASSOCIATION
OF SAN FRANCISCO,
San Francisco, Calif., September 21, 1967.

Hon. THOMAS H. KUCHEL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KUCHEL: The Board of Directors of the Bar Association of San Francisco at a meeting held on Monday, September 18, 1967 unanimously endorsed Senate bill S. 1991 which you introduced. We understand this bill was referred to the Senate Finance Committee on June 23rd. A copy of this letter will be directed to the committee for their information.

Sincerely,

VINCENT CULLINAN,
President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California [Mr. KUCHEL].

The amendment was agreed to.

Mr. KUCHEL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Alabama.

Mr. KUCHEL. Mr. President, I want to say to Senators that I am very gateful.

Mr. SPARKMAN. Mr. President, the amendment I have introduced seeks to allow the agencies and the departments named therein to hire additional personnel in order to carry out the jobs that this Congress has given them to do.

Let me speak particularly about two of these agencies which come under the jurisdiction of the Committee on Banking and Currency.

The first is the Department of Housing and Urban Development; the second is the Home Loan Bank Board.

Today, no one questions the existence in this country of the urban crisis, a crisis as real and as serious as any we have faced.

Mr. LONG of Louisiana. Mr. President, will the Senator from Alabama yield at that point?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. If I understand the Senator's amendment correctly, what it seeks to do with regard to the two agencies, the Department of Housing and Urban Development and the Federal Home Loan Bank Board—the Federal Home Loan Bank Board is not paid out of appropriated funds, anyway——

Mr. SPARKMAN. No; it is not. It raises its own money.

Mr. LONG of Louisiana. It raises its own money to pay its own way.

Mr. SPARKMAN. That is correct.

Mr. LONG of Louisiana. Which is also true of social security with regard to the funds which are spent. As I understand the Senator's amendment with regard to the Department of Housing and Urban Development, it would seek to relieve the agency from the personnel cutback. The Senator is not seeking to eliminate the application to HUD of the dollar limitation imposed on all the executive branch, so that insofar as the agency is permitted to have more people than it had in 1966, let us say, if more money is spent by the Department of Housing and Urban Development than the budget estimated by virtue of hiring more employees, that money would have to be offset by some reduction in spending in other agencies. Is that not correct?

Mr. SPARKMAN. I did not draw up the amendment. It was drawn up by experts, and drawn up in such a way so as not to interfere with the mandate of Congress to reduce the $6 billion. I think that is what the Senator from Louisiana has been saying.

Mr. LONG of Louisiana. Yes. Well, now, as I understand it——

Mr. SPARKMAN. May I say at this point, while we are close to what the Senator has said, that not only does the Home Loan Bank Board pay for its additional employees out of its own funds without the necessity for any appropriation, but the same is also true for at least a part of the employees of the Department of Housing and Urban Development. All of the FHA programs, the Senator knows, support themselves. A good many of these employees would be paid out of money earned through the fees and charges which the FHA makes.

If the Senator will wait just one moment, I am not prepared to say anything about the employees of the Commodity Credit Corporation. The Senator from Louisiana will speak on that and give us the information.

Mr. LONG of Louisiana. Here is the way I understand the Senator's amendment, that with regard to the CCC, there the Government has a contract which requires it to pay the farmers certain amounts of money under agreements——

Mr. SPARKMAN. That is correct.

Mr. LONG of Louisiana. There is no way the Government can control what that obligation will be. It depends on how the harvest goes, how well the crops go, and how successful we are in finding markets for products and so forth so that there are factors beyond the control of the Government which apply to the Commodity Credit Corporation. Under its contract with the farmers it costs more money than Congress could have anticipated. So now, with regard to public assistance, the expenses of medicaid are running much higher than the Department was able to estimate.

Once again that is something we cannot do much about. The State legislature meets. The Governor recommends that the State have a more liberal program for medical aid for the indigent. The State legislature then proceeds to provide a program which will do better than it did before for those unable to pay for medical care. We have contracts with the States that say that if they do not——

Mr. SPARKMAN. We will pay them.

Mr. LONG of Louisiana. We will put up a substantial percentage, usually 50 percent, sometimes 85 percent—whatever it may be—to help provide for these people.

The Senator would further provide that, with regard to the number of persons agencies could hire, certain agencies would not be under the personnel limitations. If those certain agencies hired more people, they might spend more money but they would, nevertheless, still be under the $6 billion reduction in spending called for by the Revenue and Expenditure Control Act of 1968. So that while those agencies would spend more, like the Department of Housing and Urban Development, Indian Health Services—and I would hope to include the Tax Court and the Internal

Revenue Service, which I would hope could have its personnel enlarged so we could get more tax money in—that additional expense would have to be taken out of money some other agency would spend so as to come under the $6 billion reduction.

In other words, it could be that as a result of failure to hire a sufficient number of tax collectors, the Government would lose $20 for every dollar it saved. That is poor economy. If that is part of the problem, we would be better advised to hire tax collectors and proceed to take the cuts somewhere else, where the loss would not be 20 to 1. So that by postponing the defense procurement program on some of the space activities, we might save that money. We might do so with regard to highway construction or something to offset the fact that in this particular area the personnel is so badly needed that we are willing to take a cut somewhere else, in order to do the job, than in the Department of Housing and Urban Development, or Indian Health Service, or perhaps the Tax Court or the Internal Revenue Service.

Mr. SPARKMAN. The Senator has stated it correctly. The $6 billion reduction is maintained.

Mr. President, I shall be very brief in my presentation. Before I yielded to the Senator from Louisiana I was talking about the Department of Housing and Urban Development. I said that no small part of this problem is the acknowledged lack of decent, safe, and sanitary housing for many lower income, urban families.

Actually, we do not have to use the word "urban," because, contrary to the understanding of a great many people, there are just as bad slums and as many slums in rural sections as there are in urban sections. The legislation we passed this year tried to take care of housing in rural areas. Half of the poverty in this country is in rural areas. So it is a problem throughout the country, rural or urban.

However, in comparison with other recent summers, this past summer was "cooler"—perhaps due at least in part to significant actions taken in many quarters, including actions in the Congress, to try to alleviate the situation.

Less than 2 months ago, the Congress passed the Housing and Urban Development Act of 1968, this Nation's most comprehensive and forward-looking piece of legislation to help meet the housing needs of lower income families. This law can mean not only millions of homes for those of lower income, but millions of jobs as well, and a spur to our economy for years to come. It can mean 26 million housing units in the next 10 years. In fact, that is the program. That is the goal.

But, now there is the startling possibility that this new law may be no more than so many words on so many printed pages. Even if the newly authorized programs are adequately funded, the legislation may be stillborn because of a lack of authority in HUD to hire adequate staff to administer them.

This may well be the result of section 201 of the Revenue and Expenditure Control Act of 1968—Public Law 90-364—which requires a reduction in Federal employment to the June 30, 1966, level.

Since June 1966, HUD has been given broad new program responsibilities—model cities, homeownership, and rental housing for the lower income families, new communities; urban reinsurance, and flood insurance. Existing programs have been greatly expanded, urban renewal and low-rent housing to mention but a few—all without anything near a realistic and proportionate increase in administrative staff.

In the last 3 years, HUD's financial participation in our urban areas has increased from $73.5 billion to almost $100 billion.

In the face of this increase, the impending reduction would cut HUD's employment by over 440, while project minimum needs for new programs call for an increase of about 2,300.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. Just to give an example of how the purpose of the Senator's amendment could be achieved, some of us are disillusioned with the community action program. I am not saying the Senator from Alabama is, but some of us feel that some of the grants under the OEO for community action programs have been very disappointing. If we had to take a major cutback, we would rather take it on the community action program than on the program to modernize transportation in the cities. As an example, if this Senator had to choose between getting a grant to provide rapid transportation service from the airport to the heart of the city of New Orleans, and it involved only $50,000, and if we had to ask where we could find somewhere to save that much money, we might say, "We will take it out of the community action program," or perhaps we could take it out of another program which does not have as much priority as one which sought some way to break the bottleneck between the New Orleans Airport to the heart of the city and a means for providing rapid transit between the two. With the grant of about $50,000 and with some help from private industry, we feel we could solve that major problem. Even if we had to do without something desirable in the community action program, we would find some other program more desirable.

The Senator from Alabama is saying the dollar cutback is not what we are talking about; the problem is, can we find enough people in the agency to do this particular job?

Mr. SPARKMAN. The job Congress gave them.

Mr. LONG of Louisiana. Yes.

Mr. SPARKMAN. The Senator is correct.

Let me say this with reference to the Federal Home Loan Bank Board. On July 7 the President signed into law the Bank Protection Act of 1968. Under that Act the Federal Home Loan Bank Board was authorized, if in the public interest, to appoint the Federal Savings and Loan Insurance Corporation as receiver of State-chartered savings and loan associations placed in custody or receivership or closed by State authorities.

Of course, that was the basis of the Federal Savings and Loan Insurance Corporation. It was to insure deposits in savings and loan associations.

The administration supported this legislation, and in the hearings the experience in Illinois was pointed out, where first, four State receiverships, involving $293 million in assets, are presently outstanding; second, no accounting of any of the assets has been made even though the Federal Savings and Loan Insurance Corporation has paid out or is in the process of paying out $212 million to savers of the four associations; and third, tying up such a large amount of funds can seriously impair the liquidity of the Federal Savings and Loan Insurance Corporation, making it essential to move swiftly to exercise the authority granted under the new law.

We have given them this job to do. It is estimated—so I am told by Mr. John Horne, the chairman of the Home Loan Bank Board—that he will require some 35 new positions to carry out the responsibilities imposed by the new act.

The savings and loan industry, as we all know, regularly finances more than 40 percent of homeownership; and last year financed approximately 50 percent of all home loans.

Therefore, the stability of this industry for housing production is essential to our economy; and I again remind Senators that the expenses of receiverships such as we are talking about here, including the cost of extra personnel, are payable entirely out of the assets of the defunct institutions. Consequently, restrictions on this agency result in no reduction in Government spending, but do result in lowered ability on the part of the Home Loan Bank Board to carry out the job we have given them to do.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. LONG of Louisiana. In this case, it will not make any difference on the Federal accounts, in the long run, one way or the other, whether the Federal Government makes money or not. Here is an institution that went broke, or at least it is in receivership, so the Government now has to move in and audit its accounts, and pay out the money that remains, the assets that remain, to the investors, the savers of the institution.

Mr. SPARKMAN. And, may I add, they are charged with the responsibility of doing their best to protect the assets of that defunct company for the benefit of the insurance corporation that has paid the claims, and also for the benefit of savers who may not have been covered.

Mr. LONG of Louisiana. So all the Senator is really talking about here is that, in paying these little savers and these stockholders whatever may be due them, it will simply be necessary to hire some additional people.

Mr. SPARKMAN. Yes.

Mr. LONG of Louisiana. As I understand the Senator's statement, whatever it costs to hire those people will come out of the assets that are available to accomplish this liquidation.

Mr. SPARKMAN. The Senator is correct.

Mr. LONG of Louisiana. So the Federal Government would not lose any money, in any event.

Mr. SPARKMAN. No appropriated funds whatsoever.

Mr. LONG of Louisiana. It is just that the Government needs to hire the people.

Mr. SPARKMAN. Not only would the Federal Government not lose anything, but it will be moving in to make certain the depositors and stockholders do not lose anything, by preserving the assets instead of permitting them to be wasted.

Mr. LONG of Louisiana. Mr. President, the Senator has made a very able argument. I should like to ask him if he would be willing to accept an amendment to his amendment to include the Tax Court.

The Tax Court witnesses appeared before the House Committee on Ways and Means and explained that to do the job in adjudicating tax claims which that court is charged with doing by law, they need an exemption from the personnel cutback. It is my understanding that the Tax Court did not request any relief from the $6 billion spending cut, but they did feel that people were needed to help in the adjudication of these tax claims.

Mr. SPARKMAN. May I ask the Senator, Does he have language suitable for the amendment?

Mr. LONG of Louisiana. I am having the language prepared.

Mr. SPARKMAN. Including the Internal Revenue Service?

Mr. LONG of Louisiana. Including the Internal Revenue Service.

Mr. SPARKMAN. Mr. President, I offer those modifications, subject to submission when the language is prepared.

The **PRESIDING OFFICER.** The Senator has a right to modify his amendment.

Mr. LONG of Louisiana. Mr. President, I send to the desk the language necessary to modify the amendment of the Senator from Alabama.

The **PRESIDING OFFICER.** The clerk will read the modification.

The assistant legislative clerk read as follows:

In the third section of the amendment, strike out "and" at the end of subparagraph (D) and after subparagraph (D) insert:

"(E) The Internal Revenue Service, Department of the Treasury, and

"(F) The Tax Court of the United States; and".

Mr. SPARKMAN. Mr. President, I offer that modification.

The **PRESIDING OFFICER.** The amendment is so modified.

Mr. SPARKMAN's amendment, as modified, is as follows:

In lieu of the language in the pending amending substitution the following:

"SEC. —. Section 202 of the Revenue and Expenditure Control Act of 1968 is amended by—

"(1) striking the word 'and' at the end of subsection (a)(3) thereof, and

"(2) striking the period at the end of subsection (a)(4) and inserting in lieu thereof a comma and the following:

" '(5) by Commodity Credit Corporation for farm price supports in excess of the amounts estimated therefor on page 15 of the Budget (H. Doc. No. 225, pt. 1, 90th Congress), and

" '(6) for grants to States for public assistance as authorized by the Social Security Act, as amended, in excess of the amounts estimated therefor on page 15 of the Budget (House Doc. No. 225, pt. 1, 90th Congress).'

"SEC. —. Section 203 of the Revenue and Expenditure Control Act of 1968 is amended by—

"(1) striking the word 'and' at the end of subsection (a)(3) thereof, and

"(2) striking the period at the end of subsection (a)(4) and inserting in lieu thereof a comma and the following:

" '(5) by Commodity Credit Corporation for farm price supports in excess of the amounts estimated therefor on page 239 of the Budget (H. Doc. No. 225, pt. 1, 90th Congress), and

" '(6) for grants to States for public assistance as authorized by the Social Security Act, as amended, in excess of the amounts estimated therefor on pages 306–307 of the Budget (House Doc. No. 225, pt. 1, 90th Congress.'

"SEC. —. Effective on the date of enactment of this act,

"(1) the provisions of section 201 of the Revenue and Expenditure Control Act of 1968 shall cease to apply to civilian employees of—

"(A) the Department of Housing and Urban Development,

"(B) the Social Security Administration, Department of Health, Education, and Welfare,

"(C) the Division of Indian Health, Bureau of Health Services, the Public Health Service, Department of Health, Education, and Welfare, and

"(D) the Federal Home Loan Bank Board;

"(E) the Internal Revenue Service, Department of the Treasury, and

"(F) The Tax Court of the United States; and

"(2) in applying the provisions of such section to the departments and agencies of the executive branch, the employees of the divisions, agencies, and departments specified in paragraph (1) shall not be taken into account."

Mr. SPARKMAN. Mr. President, as I mentioned earlier, the senior Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture and Forestry, which has jurisdiction over the Commodity Credit Corporation operation, is present, and I understand will present the case in behalf of the Commodity Credit Corporation.

Mr. ELLENDER. Mr. President, a few weeks ago I introduced an amendment to the Revenue and Expenditures Control Act of 1968, designed primarily to exclude the Commodity Credit Corporation from the provisions of that act. That amendment is now incorporated in the proposed substitute. I do not believe it needs much explanation.

Heretofore, the Commodity Credit Corporation has been exempted from such laws, but this year, the act was so broad that it covered the operations of the Commodity Credit Corporation.

As all of us know, the Commodity Credit Corporation is an arm of the Government used by the Department of Agriculture to assist farmers who do not desire to sell their crops when gathered immediately, because of the fact that the prices are low. The Commodity Credit Corporation has been of great service to the farmers, in stabilizing prices and otherwise.

Mr. President, estimates of amounts needed recently made by the Department of Agriculture have far exceeded expectations. As an instance, take the case of wheat. The original budget figure to cover the loan part of the wheat program was $42 million. After the September crop production estimates became available, that amount has been increased to $320 million, which will be necessary in order to help farmers who wish to borrow money on their crops and in order to stabilize prices. That means an additional $278 million to the budget.

In the case of feed grain, the amount provided in the budget is $62 million; but under the revised estimate made in September—this month—feed grains will require $413 million more than the Department anticipated.

In the case of upland cotton, the budget figure is $5 million. They need $47 million more. That is just an estimate, but there is no question that that program also will need additional funds

For soybeans, the amount budgeted was $167 million; but because of a large crop, and because of the fact that the sale of soybeans has decreased somewhat, the Department finds that instead of $167 million, it will need $434 million, or an additional $267 million over the budget figure.

In the case of rice, we received a 1969 budget estimate of $12 million. We find now that, because of the huge crop that is coming on, $90 million will be needed, or an additional $78 million.

Mr. President, unless the Commodity Credit Corporation is excluded from the Revenue Control Act of 1968, Commodity Credit will be unable to accommodate the farmers who have produced these commodities to which I have referred; and, under the law as well as under contracts that have been made by the Department with the farmers, the Government is dutybound to make loans on these commodities in order to stabilize prices. Unless that is done, I fear that, with the large crop that is now in the offing, unless the Government steps in and permits the farmer to borrow on his crop, and thereby keep it off the market, prices will fall, and it will mean a great loss to the farmers, something I do not suppose any Senator wants to see happen. If we do not exempt the Commodity Credit Corporation from the operations of this act, the Department of Agriculture, through the CCC, will be unable to carry on this loan program, which has been very successful in the past.

Mr. President, I have nothing further to add unless there are some questions.

I was informed a few days ago that my good friend the distinguished senior Senator from Delaware was going to offer an amendment to limit the payments to $20,000. I hope that I am misinformed on that matter, because these are solemn contracts that the Government has entered into all over the Nation with farmers who are growing wheat, corn, and other feed grains, rice, tobacco, and soybeans.

If any kind of limitation is sought to be added to the pending amendment, it would mean that the Government may not be able to carry out its obligations. If my good friend the Senator from Delaware contemplates offering such an amendment, I hope he reconsiders because, as I said, it would prevent the Federal Government from carrying out any contracts that have been entered into by all of the farmers growing the commodities to which I have referred.

Mr. President, I am very hopeful that the pending amendment will be agreed to by the Senate.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MILLER. Mr. President, if I understand the situation correctly, the pending amendment is an amendment in the nature of a substitute. Therefore, it is my understanding that no amendment can be offered to the pending measure.

I regret that this is so. However, that is the way the proponents of the pending amendment have set it up, so that those of us who do not feel that parts of the pending amendment should be agreed to, and who might feel that the Commodity Credit Corporation should be exempt, are put in the dilemma that if we vote aye, we are voting for something that might be favorable on one hand and, on the other hand, we are voting for something that might be unfavorable with respect to other points. And those who vote no are in the same situation.

I had nothing whatsoever to do with the offering of the substitute, and I trust that the Senator from Louisiana had nothing to do with the way the substitute is now pending.

I suggest to the Senator that it would be a lot better from the standpoint of agriculture to have the pending amendment modified so that it would stand on its own merits with respect to the employment situation in the Department of Housing and Urban Development and in the Department of Health, Education, and Welfare.

After that is disposed of, we can then consider an amendment with respect to the Commodity Credit Corporation which amendment would stand on its own two feet.

I think it is very bad from the standpoint of the farmers of this country that the pending amendment is mixed in such a fashion.

I invite the attention of my colleague to page 238 of the budget, part 1 of the budget, which is referred to in the pending substitute. It shows under the Commodity Credit Corporation a 1969 estimate of $2.77 billion with this explanation:

> Request is for restoration of the remaining 1966 and part of 1967 realized losses and will provide sufficient operating capital for 1969.

This is what the President sent to Congress early this year. Do I understand correctly that the thrust of the remarks of the Senator is to the effect that the statement in the budget document with reference to the amount of $2,775,000,000 will not provide sufficient operating capital for 1969?

Mr. ELLENDER. I indicated the amount for each specific commodity a moment ago. And it does form part of the amount of $2,775,000,000 referred to by the Senator.

As the Senator knows, in the past few years the crops grown have been on the increase with respect to particularly all commodities. Because of that fact and because more commodities are being produced this year, the prices are low. And it is rather difficult for the farmers to sell even what they now have under loan with the Commodity Credit Corporation. That situation further aggravates the matter.

I cannot specifically estimate it for the Senator. However, I read a while ago the estimates that were made by the Department, which estimates form part of the figure referred to by the distinguished Senator. In the budget for the five crops mentioned, the amount was only $164 million. It is now felt that an additional $984 million will have to be added to the estimate made by the Department.

That is all due to the fact that the crops produced that will be harvested this year are far in excess of what was anticipated when the budget was made several months ago.

Mr. MILLER. Mr. President, I appreciate the frank answer. I always receive a frank answer from the Senator from Louisiana. However, would the Senator repeat those figures? Do I understand correctly that in the budget request the estimate was for $164 million?

Mr. ELLENDER. The Senator is correct.

Mr. MILLER. And it now turns out that the total figure is estimated to be $984 million?

Mr. ELLENDER. That is $984 million additional.

Mr. MILLER. Additional.

Mr. ELLENDER. The Senator is correct.

Mr. MILLER. So that the estimate we received from the President earlier this year—which I am sure was based upon the estimates the Secretary of Agriculture furnished him—is expected to be approximately five times more than the estimate we received earlier this year.

Mr. ELLENDER. The Senator is correct.

Mr. MILLER. Mr. President, nobody is more aware of the depressed farm prices than is the Senator from Iowa, with corn at 90 cents in a good many areas and the price of wheat being down also.

Mr. ELLENDER. That is caused by the huge amounts we now have on hand. And those products cannot be sold.

Mr. MILLER. That is one part of it. However, I stood on the floor of the Senate in June at the time the International Grains Arrangement was before the Senate for ratification as a treaty, and I warned that all indications I had received were to the effect that if that measure was adopted by the Senate it would reduce all exports and reduce the price of wheat and would mean that more wheat surpluses would pile up.

In the face of that, other Senators stood up and said, "Oh, no. That is not going to happen."

That is exactly what has now happened. The export of wheat has declined about two-thirds. The wheat price is down more than 20 cents a bushel since June, and farmers, caught with the low price, are going to turn now to the Government for their loans.

This is a very important factor bearing on the fact that we find we now have an estimate that is five times larger than the estimate we had in January to cover these loans.

I would think one thing that we might do with regard to this would be to repeal our ratification of the International Grains Arrangement, because it simply is not working out, and it has gone from bad to worse.

I should like to ask the Senator from Louisiana another question.

Mr. ELLENDER. Before the Senator asks the question, I am sure that he is aware of the fact that this accumulation—let us say—of wheat in particular came about because the Secretary of Agriculture increased the acreage considerably. At the time that was done, it was felt that there might be a shortage in wheat, but instead there was a surplus. Russia produced more than was anticipated, as did other countries, and necessarily the amount of sales for export decreased, so that we have that huge amount on hand. Even with the curtailment of acres from what it was last year, we are further aggravating the situation because of the large production this year on less acres.

Mr. MILLER. I am aware of that, and I also am aware that the Secretary of Agriculture has admitted that he made a mistake in his forecast. It is fine to make such an admission. The point is, however, that it looks like the admission is not going to help the taxpayers and the farmers, and it will amount to roughly an $800 million mistake, as I see it.

That is just further reason why the Senate should not have ratified the International Grains Arrangement. I warned that if our exports were going to be reduced, the forecast surplus was going to be aggravated, and that is exactly what is going to happen, and it will cost more to cover these loans.

The Senator from Louisiana well knows that many years we dig into the capital of the Commodity Credit Corporation because we do not appropriate enough money to restore the impairment. In the budget document to which I have referred, some portion of the $2,700 million was calculated to cover some of the previous losses and impairments to the CCC working capital fund. If this amendment is not adopted, I am wondering whether there still might not be adequate capital in the CCC to meet the requirements about which the Senator has spoken.

Mr. ELLENDER. I am informed that it will not, for this reason: The sale of many of the commodities that are now on hand, which it was hoped the CCC could sell to recoup some of its loans, will not come about. It means that the Commodity Credit Corporation will have to retain many of the commodities it now has on hand and will be unable to dispose of them in time to get cash in order to meet the situation about which we are speaking.

Mr. MILLER. Can the Senator tell us how much capital remains in the Commodity Credit Corporation which could be drawn down?

Mr. ELLENDER. I do not have the last figures. I have asked for them. They have not arrived as yet. I will be glad to furnish them for the RECORD.

Mr. MILLER. I would appreciate it if the Senator would do that.

Mr. ELLENDER. I shall be glad to put them in the RECORD in connection with my remarks.

Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum sent to me by the Department, outlining the reasons for the adoption of the pending amendment.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

> I am writing you even before Congress convenes to ask your guidance and help in what is becoming a desperate situation. You are well aware that for the first time Congress failed to exempt the Commodity Credit Corporation from the Revenue and Expenditure Control Act of 1968 (P.L. 90-364). Historically the CCC has held a special status because Congress recognized that its expenditures were subject to uncontrollable factors, to wit, the weather and other environmental factors where "man controlleth not." This year, as I'm sure you've noted, we are having one of those years when uncontrollable factors are causing unpredictable impacts on the Commodity Credit Corporation.
>
> Exceptionally good crops are in prospect this year, both at home and abroad. This has led to depressed prices for many commodities. The lower prices combined with production larger than expected when the budget was prepared leads to more loans made to farmers, fewer loans repaid, and smaller CCC sales. The result is a sharp increase in CCC net outlays—an increase over which we have little or no control.
>
> Furthermore, these outlays are not expenditures in the true sense of the word. We are extending credit to farmers. They will repay the loan in future years or turn the commodities over to CCC. The commodities become an asset to the Corporation and when sold—in later years—provide cash to the Government.
>
> The fiscal year 1969 expenditure estimates in the 1969 budget were based on the latest information available last December concerning crop production and utilization prospects. The crop yields, for example, were based on past trends taking into account the continuing increase in productivity. We projected corn and soybean yields at record levels. But unusually favorable growing conditions now indicate that yields for most commodities will be even higher than projected in the budget—new records will be established in many cases. The increased level of production combined with lower domestic and export use prospects for several commodities could increase outlays for CCC loan and inventory operations more than a billion dollars above the budget. This is the outlook even though farmers responded as expected to program modifications and are "renting" more acres to the Government than a year ago.
>
> A review of the expenditure outlook was made after the September Crop Report was released. The September estimates of fiscal year 1969 loan and inventory expenditures compare with the budget estimates as follows:

[In millions]

	Budget	September estimate	Change
Wheat	$42	$320	+$278
Feed grains	[1] 62	351	+413
Cotton, upland	5	[1] 47	−52
Soybeans	167	434	+267
Rice	12	90	+78
Total, above items	164	1,148	+984

[1] Denotes receipts.

> As indicated above, these increases in CCC expenditures for loan and inventory operations reflect higher production levels—both at home and abroad—over which we have no control.
>
> Obviously this places the Department of Agriculture in a tremendously difficult position. I hesitate to burden you with it at this time prior to your return to Congress, but somehow or other we must get some relief. Otherwise we will have no alternative but to (1) discontinue making price support loans (even though they are mandatory under other law) and/or (2) cut very sharply or eliminate parts of other ongoing programs which are essential to the economic well-being of the Nation. These include such items as protection and management of our National forests, research, watershed and flood prevention improvements, soil conservation, commodity inspection and other marketing services, extension, market development abroad, plant and animal disease and pest control, electric and telephone loans, water and sewer loans and farm operating loans.
>
> We have given this matter long and thoughtful consideration and the best course of action we've been able to come up with would be to exempt from the Revenue and Expenditure Control Act of 1968 expenditures of the Commodity Credit Corporation for loan and inventory operation in excess of those projected in the President's budget for the fiscal year 1969. It seems to me that is an eminently reasonable proposal: to the extent that our estimates and predictions based on the best available information have been exceeded Congress can exempt us from the Revenue and Expenditure Control Act. In other words, the very reason for giving the CCC in the past a special status repeats itself here. Hopefully Congress would be favorably impressed with this limited proposal.

Mr. ELLENDER. As soon as I receive the other information, I shall put it in the RECORD in connection with the document to which I have just referred.

Mr. MILLER. I shall appreciate that. If the pending amendment is rejected and if another amendment, which I hope the Senator from Louisiana would file, were to be rejected, I think we should know whether we would be left with an adequate amount of drawdown available from the Commodity Credit Corporation to meet these additional loan requirements.

I am in sympathy with the remarks of the Senator from Louisiana. I am not in sympathy with the fact that joined in this amendment is this very important thing for agriculture plus a completely unrelated consideration in the form of exempting other departments from the personnel ceilings that Congress earlier this year voted. I believe they should be separated. Perhaps we can vote on this on a divided basis. I am going to look into that.

Mr. LONG of Louisiana. Not on this amendment.

Mr. MILLER. I would hope we might be able to have a division of the vote on the various elements of the pending amendment. But if we cannot do that, the Senator from Iowa thinks that the proponent of this measure should modify it, with the understanding that he will follow it with an amendment dealing with the Commodity Credit Corporation, so we can vote on that matter on its own merits. I hope that by the time that happens, the Senator from Louisiana will have the information I have requested regarding the amount of capital available in the Commodity Credit Corporation on which we can draw in order to cover these unanticipated increased loan requirements.

Mr. ELLENDER. I have that information which I shall read:

Unused borrowing authority available at the end of fiscal year

[In billions]

Fiscal year:	*Amount available*
1969*	$1.300
1968	1.559
1967	3.367
1966	1.867
1965	.960
1964	.125

*Estimated after 1969 budget approved but before September 1969 crop estimates available. However, sufficient capital is available to handle increased loans and purchases if amendment is approved.

Mr. WILLIAMS of Delaware. Mr. President, earlier today I wanted to request the yeas and nays, and I was asked to wait. A sufficient number of Senators is not present in the Chamber at this time, but in order to get the yeas and nays ordered on the pending amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Without objection, it is so ordered.

Mr. PASTORE. Mr. President, as I understand it, a pending amendment would require an exemption on the personnel ceiling in various departments where irreparable harm is being done because of the restriction.

Only the other day a serious matter came to my attention which occurred in my State. We have a weather station at Block Island which is going to be closed down because of the restriction.

As attrition takes place and these men retire, or whatever the case may be for their transfer, where these stations are manned by one man it means that the station has to be closed down. We have had a horrible condition in my State because of hurricanes and storms with tremendous loss of life and property.

I wish to ask the distinguished Senator from Alabama to modify his amendment as follows: In the third section, strike out the word "and" in subparagraph (F) and at the end of such section add a new section subparagraph (G) as follows: "(G) the Weather Bureau, Department of Commerce."

I hope the Senator will so modify his amendment.

Mr. SPARKMAN. Mr. President, the Senator from Rhode Island discussed this matter with me. It seems to me he has a perfectly good case, and I do so modify my amendment.

Mr. PASTORE. I thank the Senator.

The PRESIDING OFFICER. The amendment is so modified.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Alabama has a right to modify his amendment. However, I want to point out to the Senator from Rhode Island that the circumstances he described—whereby the weather station manned by one man who retires having to be closed—is not necessarily true unless the Director of the Bureau of the Budget wishes to discipline the State of Rhode Island and punish them. He has complete authority under the bill which has been passed to reassign persons where they are needed, as far as the public is concerned. The Director of the Budget does not have to close down the agency. The Director of the Bureau of the Budget will not dispute that statement.

Where a weather station is operated with one man, if the Director of the Budget so decided, he could replace that man with two men under the original act but he would have to make the reductions elsewhere.

Mr. PASTORE. Let us assume we have 15 weather stations manned by 15 men, and one man retires. What are we supposed to do, cut one man in half to keep the 15 stations going? The argument does not strike me as being sensible. Many of these stations are manned by one man. If a man retires from one of those stations, the idea of taking somebody from another station means that one of the other stations would have to close down.

We have a multitude of stations along the Atlantic seaboard. The minute one man is taken from a station, that station would have to be closed down, or a man taken from still another station. Then, that station would have to be closed down, unless they take the second man and cut him in two.

Mr. WILLIAMS of Delaware. The overall reduction would not have to apply.

The Senator had a right to modify his amendment and I did not object.

I am glad they have put all of these exemptions into one package because when it is passed the Senator will have replaced all control over employment in the Federal Government and will have repealed the $6 billion expenditure reduction.

This is it. It is all in one decision. For the past 3 or 4 weeks we have been dealing with these exemptions, piece by piece; but at least now the sponsors of the amendments are out in the open and all the agencies are in here and there will be nothing left of the $6 billion ceiling if it is adopted. Nothing would be left of the control of employees except the language of the bill.

If the pending amendment is adopted, there will be nothing left of the so-called Williams-Smathers package except the 10-percent increase. The other will be all gone, as I shall explain during colloquy.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. LAUSCHE. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. Do I correctly understand that the action taken last April, requiring a reduction of employees in order to save the $6 billion, will be completely nullified or substantially nullified if the present amendment is carried?

Mr. WILLIAMS of Delaware. It will be completely nullified if the pending amendment carries. So far as I am concerned, if the amendment carries, if anyone wants to finish the job and repeal the act, I would not oppose it because there is nothing left of it at all except the promise—and it is not even a good promise. The approval of this amendment completely nullifies any chance whatsoever that there will be any control over expenditures in fiscal 1969. That is the intent of the proposal. There is no question about that.

We have already exempted the Post Office Department. We have exempted the Department of Commerce. We have exempted the Department of Transportation, and the FAA. When we get through here, we will exempt the Commodity Credit Corporation and the Department of Housing and Urban Development, which includes the FHA. We have exempted the Social Security Administration and HEW, and all public assistance grants. Also in the Division of Indian Health of the Bureau of Health Services in the Department of Health, Education, and Welfare—all of those are exempted. Also the Home Loan Bank Board. Even the Internal Revenue Service under the Treasury Department is now in here getting an exemption. The Tax Court will get exemptions. Also the Weather Bureau in the Department of Commerce. Everyone has got an exemption in here except the taxpayers. They are still the suckers with the 10-percent surtax on them.

Mr. DIRKSEN. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. DIRKSEN. If what the distinguished Senator from Delaware says is correct, then after all the months of agony, and the President gets his tax, Congress loses the cut; is that not correct?

Mr. WILLIAMS of Delaware. That is correct. Much has been said about the Commodity Credit Corporation, concerning the price support loan. I invite attention to the fact that there is not one single price obligation by the Commodity Credit Corporation for any crop in America that was not an obligation on the date that we passed the bill in Congress, not one. All price supports have been announced. All soil conservation payments and all acreage reserve payments have been obligated prior to June 29, when the President signed the bill and we put it on.

If we exempt the Commodity Credit Corporation, and all the payments that cover Public Law 480, we can cut the foreign aid program, but if they want to spend another billion dollars through Public Law 480 they can go on and put it back on, so that the sky is the limit.

Take the Commodity Credit Corporation report. So Senators will know what they are exempting—on page 27, it shows that in the first 9 months of last year—under the title "Exports Under Public Law 480, Sales for Foreign Currencies," $592,798,000, of which amount they recovered $160,231,000 leaving $432 million to be exempt for the next year entirely.

Move over on the next page to "Export Sales Per Dollar in Credit Terms," and the exemption there is for $190,097,000. On page 29 there is a breakdown of $287,403,000. In addition to that, the school lunch program—whatever way they want to expand—all these other programs that they want to increase, all are exempted under the Commodity Credit Corporation. There is no question in the minds of anyone as to what can be done under the Department of Housing and Urban Development. That covers the waterfront again in exempting that agency.

Mr. MILLER. Mr. President, will the Senator from Delaware yield at that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. Before the Senator goes on to the other departments, I should like to inquire about the Commodity Credit Corporation.

Do I correctly understand that the point the Senator is making is that these obligations of the Federal Government to make payments to the farmers under the loan agreements were already on the books as of the first of the fiscal year; and that if there is, perchance, a danger that the Commodity Credit Corporation will not have the money to pay off those loans, the Commodity Credit Corporation can reduce some of its other areas of activities to which the Senator referred, such as money for the school lunch program and money for Public Law 480 sales?

Mr. WILLIAMS of Delaware. It is at the discretion of the Secretary of Agriculture. Much has been said here that we are reneging on contracts. The tax bill approved in April provided for an increase in taxes coupled with a mandate to reduce expenditures. That was introduced on the 31st of January. At that point, I stated publicly in the RECORD, and I sent word to the agencies, that if they had any comments—during the hearings before our committee on the bill, and this was being offered as an amendment, by the way, to the bill which extended the excise taxes on automobiles and telephones—I invited every agency in the Government to come before us and express their opinions.

Not one single agency of the Government objected to any of the provisions or said it would not work. The bill passed the Senate on April 2, 1968. Again, not a single agency complained. From that day to this, no contracts were made. If they were, they should not have been made. In addition, that bill lay for 3 months, April, May, and June, while the conferees were debating it and the administration was making up its mind whether it could get the tax bill without taking any expenditure cut.

We are all familiar with that delay. But during those 3 months, no agency came forward and said that this would be a catastrophe if passed. Finally, in the middle of June, the Budget Director and the Secretary of the Treasury came before the conferees and said that they could accept this package, that they could live with it, and that it would work, and asked us to strike out all exceptions.

There had been suggestions to make exceptions for this agency and that—such as the Veterans' Administration. Mr. Zwick said not to make any exceptions because if we did, it would box him in, but to give him discretionary authority to assign the cuts to the extent Congress does not do it.

We gave him that discretionary authority to assign those reductions in employees in this or that agency, where it would least disrupt the service. It was upon the request and recommendation of the White House and Mr. Zwick that we allow no exceptions and give him the discretionary authority. He has got it. After the bill was signed, they now are trying to water it down.

Let us face it. The Johnson administration never intended to cut expenses if they could help it. All they want to do is spend. No man knows how much money they could spend if they ever got their hands on it, or the printing presses could print for them. But that is what they wanted to do. They lied to the American people when they said they would back up the spending cut; they have not done it.

Mr. MILLER. The point is that Mr. Zwick has the authority to see to it that if there are any reductions in spending, the reductions in spending will not preclude payment of the additional sum of $600 million of loans to which the Senator from Louisiana referred.

Mr. WILLIAMS of Delaware. Certainly it will not. At the time the bill was passed, and at the time the President of the United States publicly stated that he could accept it and signed it, supposedly in good faith—that was June 29—all the crops were planted. It is true they may have bumper crops in some areas of the country. But they have crop failures in some areas, too. But not an increase in acreage, wheat, or corn, or any crop under price supports today that was not under a price support program at the time—or eligible for it on the date the President signed the bill.

They are not obligated today for a single soil bank payment under Commodity Credit Corporation that they were not obligated for then. The same thing is true of the Social Security Administration and the Department of Health, Education, and Welfare.

What are we asked to exempt from the $6 billion reduction? Not just employees—we will take them up later—but we are exempting from the $6 billion reduction all of the money the Commodity Credit Corporation wants to spend. It can increase next month payments under any of the programs that come under its authority. It can do so with respect to food for peace under Public Law 480, under the school lunch program, under the food stamp and other food programs. It can expand them all without limit as far as the $6 billion reduction is concerned if this is approved.

As if that were not enough, under this amendment they can also exempt all grants to the States for public assistance as authorized under the Social Security Act. That can include construction of golf courses. One such grant was made in my State for a quarter of a million dollars for a golf course. We do not need those golf courses with a war to finance, but they are exempted under this proposal. So every type of grant is being exempted.

Let us just face up to the question. Let us tell the American people the truth. If this amendment is approved there will be no $6 billion cut. There will be no $4 billion cut. There will be no $1 billion cut—period. On the contrary, if this administration wants to—and I think it wants to—it can increase spending $5 billion over last year under the loopholes the law is being shot through with when we get through adopting the amendment.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. Prior to last April 2, and early this year, the President recommended the imposition of a 10-percent surtax. Is it not a fact that, after the President made that recommendation, for each dollar of income tax paid by a citizen, he would have to pay another 10 cents as a surtax to meet the critical financial problems of the Government.

Mr. WILLIAMS of Delaware. That is correct.

Mr. LAUSCHE. When that recommentation for the imposition of a 10-percent surtax was made, is it not a fact that there was received in the office of the Senator from Delaware—at least it was true of my office—a deluge of mail demanding a cut in Federal spending rather than the imposition of a 10-percent surtax?

Mr. WILLIAMS of Delaware. Yes. The administration promised the American people, and we in the Congress in clear language, as we voted, in return for accepting the tax increase, promised that we would cut Government spending by $5 or $6 billion. The suggestion has been made that Congress adopted a cowardly way of cutting expenses, because it passed all the responsibility to the President. That is not true. On the date that we passed the bill, April 2, calling for a mandatory reduction of expenditures of $6 billion as a part of the tax increase bill, not one single appropriation bill for any Government agency for fiscal year 1969 had been acted on. Congress had before it ample opportunity to make cuts in the appropriations for the respective agencies or departments, wherever it wished. Unfortunately, it failed to do so.

Rather than make the cut, we are accepting exemptions agency by agency. I am glad we moved in here today. Instead of doing it piecemeal, this takes care of all of it. If any of the expenditure cut is left out of this amendment, I wish somebody would point it out to me. There could not be anything left with this amendment. The agencies have confirmed that with the adoption of this amendment there are enough loopholes so that we could end up, not with a $6 billion cut, not with a $5 billion cut, not with a $1 billion cut, but with an increase in spending of $5 billion next year, and it would not violate the act as being modified here today.

Mr. LAUSCHE. Is it not a fact that, in effect, most of us—and I will go so far as to say that the Congress—absolutely said to the citizens of the Nation, "We will impose the 10-percent surtax, but we assure you also that we will cut spending by $6 billion"?

Mr. WILLIAMS of Delaware. That is correct.

Mr. LAUSCHE. That is what we did on April 2. We said to the administration, "We will not impose the 10-percent surtax unless a commitment to reduce spending by $6 billion accompanies it."

Mr. WILLIAMS of Delaware. That is correct.

Mr. LAUSCHE. What was it that brought about the situation that was so critical at the time? My understanding was that the collapse of the dollar was imminent. The fear throughout the world was that, because of excessive spending, impracticability, and negligence in the management of our fiscal affairs, the dollar was about to collapse.

I would like the Senator from Delaware to tell, if he will, what the negotiations were in Brussels, or in whatever capital of one of the European nations they took place.

Mr. WILLIAMS of Delaware. I go back to the time we were removing the so-called gold cover in the Congress. That was on March 14. The House had passed a bill providing for the removal of the gold cover. It was pending in the Senate. That was on March 14.

Mr. LAUSCHE. Of this year?

Mr. WILLIAMS of Delaware. Of this year. At the same time the Finance Committee of the Senate was scheduled to act that afternoon on reporting the bill extending the excise taxes on telephones and automobiles, at which time it was to be confronted with a vote on what later turned out to be the Smathers-Williams package, reducing expenditures by $6 billion and increasing the tax by 10 percent.

That morning, before the Senate convened, I received a call from the minority leader to be here promptly at 12 o'clock. We had a meeting in the office of the majority leader [Mr. MANSFIELD]. Present at that meeting were the chairman of the Federal Reserve Board, Mr. Martin; the Secretary of the Treasury, Mr. Fowler, the majority leader and the minority leader, the chairman of the Senate Committee on Finance [Mr. LONG] and myself, representing the Senate Finance Committee; the Senator from Alabama [Mr. SPARKMAN], chairman of the Committee on Banking and Currency; and the Senator from Utah [Mr. BENNETT], representing that committee, and the Senator from Georgia [Mr. RUSSELL], chairman of the Senate Armed Services.

It was pointed out at that meeting how imperative it was that the Congress act on that bill without amendment, so the President could sign the bill providing for the removal of the gold cover. I asked, "If we do that, and not take the second and third steps, raising taxes and cutting expenditures, what would happen?" We were told, "You have bought time only. If you do not take the other two steps, I do not know that it will be worth taking the first step."

Mr. LAUSCHE. What were the three steps?

Mr. WILLIAMS of Delaware. The three steps were removing the gold cover, raising taxes, and putting a control on Government spending.

I asked the question again, "Suppose we remove the gold cover, raise taxes, but do not impose restrictions on expenditures. What would happen?" He said, "You would buy more time than removing the gold cover alone, but unless you have all three you are in trouble and you will not save the dollar."

The Treasury Department would not promise support for the expenditure control.

That afternoon, at 2:30, the Finance Committee, by a vote of 9 to 8, rejected the amendment of the Senator from Florida and myself, and reported the bill. The Senate passed the bill removing the gold cover by a narrow margin.

Mr. LAUSCHE. How much gold did that release?

Mr. WILLIAMS of Delaware. Ten billion dollars.

Mr. LAUSCHE. Foreign nations wanted gold. We had no gold, because it was impounded as security for the redemption of paper dollars, and the foreign countries wanted payment in gold. So we removed the gold cover on our currency, is that correct?

Mr. WILLIAMS of Delaware. That is correct. At that time, gold had moved beyond $35 to around $36 or $37.

This was on Thursday, March 14. The following day, the London market opened earlier—their time being about 5 hours ahead of ours—and I received an early morning call from Mr. Zwick, the Director of the Budget. He said that they had a meeting at the White House the night before, at which time they were talking about the threat to the stability of the American dollar. The men that he mentioned as being present at that meeting were the Chairman of the Federal Reserve Board, the Secretary of the Treasury, and Mr. Zwick himself. I do not know of any others.

He said that at that meeting, Mr. Martin and the Secretary of the Treasury were insisting that there was no point in meeting with the representatives of the six central banks, who were to meet here in Washington, on Saturday, the following day, unless they could carry with them a firm commitment that the President of the United States and Congress, working together, would pass a bill raising taxes and putting some control over spending.

The Chairman of the Federal Reserve practically insisted on that, and as a result, Mr. Zwick said he had been delegated by the President to contact me and arrange a meeting over the weekend, where we could work out an agreement on a bill to raise taxes and restrict spending.

I said I would make myself available at his convenience at any time.

Mr. President, they were willing to cut spending then. The representatives of the six-nation central banks did meet here in Washington on Saturday, and, as the Senator knows, they came to an agreement on the so-called two-price system for gold.

In order to help them reach that agreement, on Sunday morning, the President of the United States issued a press release from Texas that he would accept the $8 billion reduction in spending authority, in return for Congress passing the tax bill.

There is no question but that that public statement was made to help encourage those central bankers to accept this so-called package of the two-price system.

But Mr. Zwick, when I got into Washington that afternoon, said, "We had better postpone our meeting until I clear it with the White House, because the President, in his message, endorsed a reduction in spending authority, whereas you and I were talking about a reduction in actual spending, and there is a difference."

They backed away from that attempt and following that weekend, we never had any further conferences. They did not try to reach any agreement.

The Senator from Florida and I went ahead and introduced this bill, and finally, I believe it was on——

Mr. LAUSCHE. April 2 the Senate passed it.

Mr. WILLIAMS of Delaware. Yes. But it was made the pending business on March 22. On March 29——

Mr. LAUSCHE. Is it not a fact that the dollar was in trouble, the foreign nations were demanding payment in gold, we did not have the gold, the foreign nations argued that we were indulging in bad husbandry of our finances, and, as a consequence, the country committed itself to three things: One, the removal of the gold cover on the paper dollars; two, the imposition of a 10-percent surtax; and, three, a reduction of $6 billion in spending?

Mr. WILLIAMS of Delaware. Yes.

Mr. LAUSCHE. After having committed ourselves to that course, if the amendment that is now pending is agreed to, what will happen to the sacred commitment that we would reduce spending by $6 billion?

Mr. WILLIAMS of Delaware. It may very well precipitate another crisis in the dollar, and next time, we may not have a chance to correct it.

Mr. LAUSCHE. Is it not a fact that the amendment now pending would exempt certain activities and personnel in the main departments of the Government from the mandate of reducing spending?

Mr. WILLIAMS of Delaware. That is correct.

Mr. LAUSCHE. Will the Senator identify them again, please? I am sure he has them.

Mr. WILLIAMS of Delaware. The Commodity Credit Corporation; and under the Commodity Credit Corporation, Public Law 480, school lunch programs, the food stamp plan, and all of the ACP payments, the soil bank payments, and all of the payments that are made under that agency.

It would also exempt from the $6 billion reduction all grants to States for public assistance, and I might add that those grants include such items as golf courses. Just how necessary they are I do not know, but they are all exempted.

The amendment would also exempt the Federal Housing Administration, the Department of Housing and Urban Development, the Division of Indian Health, the Bureau of Health Services, the Public Health Service, and the Department of Health, Education, and Welfare—which is all of it. It would exempt the Federal Home Loan Bank Board, the Internal Revenue Service, the Tax Court, and the Weather Bureau in the State of Rhode Island.

Mr. LAUSCHE. That means that the commitment to the people of the country that we would cut expenditures by $6 billion would have been completely destroyed and nullified, if this amendment were agreed to?

Mr. WILLIAMS of Delaware. That is correct.

I call the attention of the Senate to another crisis of the dollar, because I think Senators may have forgotten just how close to the brink we came.

This was on Friday, March 29, 1968. We came in early that morning, around 9 to 9:30, as I recall, in order to complete action on this tax bill, and particularly to vote on the so-called Williams-Smathers amendment, which would reduce expenditures by $6 billion and which would raise taxes by 10 percent.

As I say, the Senate convened early on Friday, hoping to get a vote by noon.

When I arrived that morning, the Senator from Florida [Mr. SMATHERS] had received a call from the Secretary of the Treasury, Mr. Fowler, who at that time was in Stockholm. He was in Stockholm with the Chairman of the Federal Reserve Board, Mr. Martin, attending a meeting of the six central banks, at which they were trying to arrive at an agreement on the so-called special drawing rights.

Mr. Fowler said he had heard the Senate was about to vote that morning, on the proposal, embracing both a tax increase and $6 billion spending cut and that there was a possibility the bill would be defeated.

We told him that there was not only a possibility, but that, as nearly as we could count, the bill would be defeated, that we did not have the votes to pass it at that time.

Mr. LAUSCHE. By whom was that statement made?

Mr. WILLIAMS of Delaware. Made to the Secretary of the Treasury, on March 29.

Mr. LAUSCHE. In Stockholm?

Mr. WILLIAMS of Delaware. He was in Stockholm.

Mr. LAUSCHE. By telephone?

Mr. WILLIAMS of Delaware. Yes. He insisted, "Under no circumstances should we let that bill be defeated, because if that effort to control spending and raise taxes is defeated today, our conference is done, and we can get no agreement with these six central banks."

He added, "In addition to that, the London gold pool opens on Monday," and he said, "If that opens with the defeat of this bill, and no agreement, the dollar may go down the drain."

He said, "You have got to talk, and filibuster, if necessary; but do not let the bill be voted on today."

We insisted, if the matter was that important, that the Senate adjourn and come back the following week, and, by the next week, try to get enough votes to assure that the bill would pass.

As the chairman of the committee will bear me out, the leadership adjourned the Senate that Friday without voting, because they were afraid to vote; and if we had voted then, we might have pushed the dollar over the precipice.

When we remember that we are that close to an unstable American dollar, I say we are gambling with the security of the American people when we fiddle around with these exemptions now. I do not think there is any question but that, if we hold to this $6 billion reduction, it will hurt some programs. It will hurt some programs in my State, and some that I like; but if we do not hold spending down, through disastrous inflation we will destroy the lifesavings of many Americans living on pensions. And if the dollar once goes over the precipice, we will really be in trouble in this country.

It may be argued, "How much more of a crisis was there when these six central banks were meeting in Washington in March of this year than in the 1930's, when we were meeting with them then prior to that devaluation?"

Mr. President, here is the difference: When we met in the 1930's, and the United States sat down in a conference with the central banks of the world, we were the strong power. We had the gold. We had the strong currency, and they were weak nations whose problems we were trying to help solve.

When we sat down this time, the United States of America and Great Britain had the weak currencies. The other nations were the powers. There is that difference. We are not the strong financial nation and do not have the same dollar that we boasted about in the thirties. That is why I think it would be disastrous for Congress to repeal the $6 billion limitation here today.

Mr. LAUSCHE. Mr. President, was anything said in the discussions held in March, going into April, and then into June, when they were meeting in Stockholm regarding what would happen unless we were to take the three steps: First, remove the gold cover; second, impose a 10-percent tax; and third, reduce spending—which we agreed would be in the amount of $6 billion?

Was anything said as to what would confront the people of the Nation unless we did that? If anything was said, will the Senator please restate it?

Mr. WILLIAMS of Delaware. I do not know what was said in the Conference. I was not a party to the Conference.

Mr. LAUSCHE. What would be anticipated?

Mr. WILLIAMS of Delaware. A devaluation of the dollar.

Mr. LAUSCHE. That is exactly what I had in mind. If we devalue the dollar, what happens to the value of bonds, savings deposits, annuities, pensions, and other intangible possessions of the people?

Mr. WILLIAMS of Delaware. We would have destroyed the lifesavings of many Americans who are living on retirement, and we would have also destroyed the value of all Government bonds and the purchasing power of the dollar.

I point out that during the Senate here today the administration agreed on that bill—the administration told the conferees that if we would accept and pass the measure with the tax increase, they would accept it and live up to it. However, they have not lived up to their promise.

From the day the measure was signed, we have had nothing but efforts on the part of the administration to undercut and bypass the intent of Congress and get exemptions from the spending controls. We had a right to expect more cooperation than we have received.

For example, on August 13, the Budget Director speaking for the President, who sat in the conference committee and said he would agree on this, agreed he did not want any exception whatever. Then he changed his mind after the bill was passed.

Here is the statement he made on August 13.

This is from the Wall Street Journal. I will have the whole article printed in the RECORD. However, I will read a part of it.

It says:

> President Johnson's budget chief predicted that Congress may well spare the Administration from having to make the big job cutbacks that it tacked onto recently enacted income-tax surcharge legislation.
>
> Budget Director Charles J. Zwick noted that before adjourning for the political conventions, Congress exempted most of the Post Office, Tennessee Valley Authority power activities, the Federal Bureau of Investigation and the Federal Aviation Agency air traffic control system from the required job roster slashes.
>
> "When the Congress returns in September, other exemptions are also likely to be passed." Mr. Zwick forecast, so that "we may soon reach the point where the Congress will have effectively over-ridden this ill-advised method of curtailing Federal employment."

That is the position of the administration. That is what they want. That is what they will achieve if this goes through. That was their intention the day they signed the bill. They did not change their minds. They lied to Congress when they said they would accept and support the mandatory spending cuts in the bill.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG of Louisiana. Mr. President, I urge the Senator to stop using words as strong as "lied" or "deceived." The Senator has not heard the other side of the argument. Until he hears the other side of the argument, I think the Senator ought to quit using such strong language.

I am not going to use language of that sort with reference to the Senator. If I ever did, I would apologize. The rules of the Senate do not permit it.

The Senator has made a great many misstatements. I am sure that it was done in good faith.

Until the Senator hears the other side of the argument, I do not think he should use such language. I regret to say that the Senator has made the most erroneous statements I have heard him make in a long time and, for that matter, some of the most erroneous statements I have heard on the Senate floor. I wish the Senator would not say that a man lied. I say that from the point of view of one who thinks that the Senator does not understand the amendment.

Mr. WILLIAMS of Delaware. I can modify those words. I would be willing to ask unanimous consent that where I said "lied," the RECORD would read "did not tell the truth." Where I come from, it means the same thing.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I will yield in a moment.

Mr. LONG of Louisiana. Will the Senator yield?

Mr. WILLIAMS of Delaware. I will yield in a minute.

The Senator from Louisiana was one of the conferees. He knows and will confirm that while they would rather not have had the expenditure cut, Mr. Zwick told the conferees that they would go along with it. It was his suggestion primarily—at least, he agreed to it—that there would be no exceptions made to it for any agency.

The bill, as it passed the Senate, spelled out certain exemptions but these were stricken out and we gave them full discretionary power to make the cuts. The President publicly stated he would accept the $6 billion cut. There is no question about that.

The Senator was one of the conferees.

Mr. LONG of Louisiana. To give the Senator an example of what I have in mind, I say to my good friend, the Senator from Delaware, that he says in good faith that the amendment would exempt Public Law 480 and let the administration spend any amount of money they want to spend on that. He also says that the amendment would let the administration spend money on golf courses or on the school lunch programs. Those statements are in error.

I am not calling the Senator a liar. All I say and all that I will say when I respond is that unfortunately I regret to say that the Senator made a mistake and was in error.

I hope that the Senator will be as charitable as that with the Budget Director and the President of the United States and other people who, I believe, understand the amendment better than does the Senator.

I do not say they are in error. And I do not undertake to call people all sorts of things which might be wrong.

When the Senator has heard the other side of the argument, will the Senator be willing to admit he was wrong when he said that the amendment would exempt golf courses so that the Government could spend any amount of money it desired to spend on golf courses and any amount of money it wished to spend with respect to Public Law 480?

Mr. WILLIAMS of Delaware. No. I do not think I am wrong.

Mr. LONG of Louisiana. The Senator is in error.

Mr. WILLIAMS of Delaware. The Commodity Credit Corporation is an example. It states in House Document No. 225, part I, 90th Congress, that the Commodity Credit Corporation does have jurisdiction over all of these programs I mentioned.

Mr. LONG of Louisiana. Mr. President, if the Senator would be so kind as to yield, I point out for his information that the amendment—and I think I understand it better than the Senator because I have just been reading it—(5) reads: "by Commodity Credit Corporation"—and I would like to underline the next four words—"for farm price supports in excess of the amounts estimated therefor on page 15 of the budget (H. Doc. No. 225, pt. 1, 90th Congress)."

The items we are talking about here appear in the budget for the fiscal year 1969, page 538, under price support programs, 351, reimbursement for net realized resources in 1967. The estimate was $1,651,741,000. And the estimate for 1969 would be $2,775,000,000.

Unfortunately, because of good weather and because of the failure to limit wheat acreage as much as it should have been limited, we will have a lot bigger loss than estimated. That is an uncontrollable item because we cannot tell whether we are going to have good weather and whether the farmers can find a market for their wheat. So, if they call on us to deliver under that contract, we have to deliver.

The Senator, himself, very wisely exempted certain items from his own amendment when he offered it, such as veterans benefits. He said, quite correctly, "That is a contract that you have made with veterans. You owe that obligation, and you have to pay it, regardless." He exempted interest on the national debt in his amendment, because if the interest rate goes up, the interest must be paid, because of the demand for money in the marketplace, perhaps; and, not being able to foresee that, he exempted it.

He also exempted Vietnam. I assume that the reason why he exempted Vietnam expenditures for military operations is that it involves a number of unforeseeable items and an international commitment. So he exempted those items from his amendment because there was no expenditure control over them. There were obligations and contingencies which could not be foreseen.

All the pending amendment would do with regard to the $6 billion cut would be simply to say that with regard to two further items we have no expenditure control—first, the Commodity Credit Corporation to make loans to farmers for commodities they cannot market and, second, with regard to the welfare payments, particularly those for medical care for indigent people, which is controlled by State laws on the one hand and Congress on the other. They would be included in the generality of the exemption, and everything else would be subject to the limitation.

Mr. WILLIAMS of Delaware. Mr. President, I invite attention again to the fact that once the Commodity Credit Corporation is exempted on the cost of the farm price support they can use the money for the other program. If they cannot, and if the Senator wants to spell out the fact that they cannot, then let us make the correction. So long as that is left as it is, in my opinion it is wide open. It says:

> For grants to States for public assistance authorized by the Social Security Act, as amended, in excess of amounts——

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I should like to finish my statement first.

Those include the grants that are made to the States under the so-called public assistance. I do not know what they did in any other State, but I know that in my own State, earlier this year, there was a grant for a golf course under the public assistance. It is wonderful to have golf courses, and if they are going to have one, that is the best State in which to put it. Nevertheless, it is not essential. The Budget Director, in my opinion, has never been earnest in supporting this spending cut. I should like to finish reading this article, and then I shall yield to the Senator.

I read from the Wall Street Journal of August 13:

> Budget Director Charles J. Zwick noted that before adjourning for the political conventions, Congress exempted most of the Post Office, Tennessee Valley Authority power activties, the Federal Bureau of Investigaiont and the Federal Aviation Agency air traffic control system from the required job roster slashes.
>
> "When the Congress returns in September, other exemptions are also likely to be passed," Mr. Zwick forecast, so that "we may soon reach the point where the Congress will have effectively over-ridden this ill-advised method of curtailing Federal employment."

That is his comment on the so-called employment controls.

Continuing, he said:

> The agencies already exempted, he said in a speech to the National Association of State Budget Officers in San Antonio, have about 600,000 full-time employes, or more than 20% of the current total. Mr. Zwick said the aim of the legislation was to return Federal employment to the June 1966 level, which would mean a reduction of some 250,000 Federal executive branch jobs through attrition.
>
> The Administration made clear during Congressional consideration of the tax bill, Mr. Zwick said, that "arbitrary budget ceilings and employment limitations weren't good public policy." He said Mr. Johnson signed the bill despite the job rollback "because the income-tax surcharge was judged so vital to the health of the economy." The surcharge itself, he added, "is having a significant and salutary impact on the economy," adding that officials are pleased "by the recent easing in the nation's financial "markets."

Mr. President, there is no question that the administration, from the beginning, wanted the tax increase and did not want to cut expenditures. That has been the whole idea.

Perhaps I have been a little rough on the administration, and certainly I do not want to be rough. Nobody in Congress has done more to help Mr. Johnson "out" than I have, and I am going to devote the next 6 weeks to help Mr. HUMPHREY "out."

Let me read what Arthur Krock said in his recent book. I shall read from the Washington Post, which is certainly accepted as a reliable source by the Johnson administration. This is what was said yesterday about Arthur Krock's book, "60 Years on the Firing Line":

> Johnson's fiscal policies documented as confused, incompetent and gigantic failure that threatens the purchasing power of all pensions.

That is a rather harsh statement, but I quote Mr. Krock and let it go at that.

The manner in which this administration has gambled with the stability of the dollar and this threat of inflation from the beginning is something that has brought great disservice to the American people.

I read a letter from the American Farm Bureau, which is one of the largest farm organizations in America. It is dated September 16, and is signed by John C. Lynn:

> AMERICAN FARM BUREAU FEDERATION,
> *Washington, D.C., September 16, 1968.*
>
> Hon. JOHN J. WILLIAMS,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR WILLIAMS: As you may recall, Farm Bureau supported Congressional enactment of the Revenue and Expenditure Control Act of 1968.
>
> Last week the President and some Congressional leaders announced plans to ask Congress to exempt the Commodity Credit Corporation and the Medicaid program from the expenditure limitations provided in this legislation. This announcement came after the Bureau of the Budget reported that CCC spending in 1969 would exceed earlier budget estimates by $700 million and Medicaid would be up by about $400 million.
>
> The American Farm Bureau Federation Board of Directors last week adopted the following statement, opposing any further exemptions from the spending control provisions of the Act:
>
> "Farmers and ranchers are continuing to suffer from an increasing cost-price squeeze. The cost aspect of this economic pincer is the direct result of excessive government spending. Farm Bureau, as did several other responsible groups concerned with inflation, made its support of the ten percent surtax contingent upon federal expenditure cuts of at least $6 billion from the President's 1969 budget. The provisions of the Revenue and Expenditure Control Act clearly reflect acceptance of this principle. We are appalled at efforts to get the Congress to disregard this commitment and, in effect, reverse the Congressional mandate in this regard. Efforts to exempt additional items from expenditure control, including those involving CCC and Medicaid expenditures, invite a further breakdown in fiscal responsibility and would, if approved, amount to breaking faith with the American people. We urgently recommend that no further exemptions be granted."
>
> It must be understood that if Congress does not grant these exemptions, Medicaid and CCC programs required by law can still be carried out. However, refusal to grant the exemptions would bring about a great deal of pressure on administrators of these programs to make every dollar count since each dollar spent on them in excess of budget estimates would represent a dollar of deeper cuts in other programs and agencies.
>
> Sincerely yours,
>
> JOHN C. LYNN,
> *Legislative Director.*

The letter is signed by Mr. John C. Lynn, the legislative director of the American Farm Bureau.

Certainly, this large farm agency is interested in protecting the American farmer.

I repeat that there has not been one contract, to my knowledge, that could have been entered into by the Commodity Credit Corporation since June 29, the date this bill was signed, and today.

If they could live with this bill in June, why can they not do so today? If they needed a change, why did they not come before Congress and say, "We want it repealed"? The Director of the Budget, in testifying before the conference committee, asked the conferees, to strike out all exceptions, and to confer upon him instead the power to assign these expenditure cuts, or to assign the reduction in employees in those areas where it would least disrupt the service of the Federal Government.

I feel that we have a contract with the American people, the taxpayers. They will have to pay this 10-percent tax. We have a contract that Congress and the executive branch together will cut this spending.

There is no doubt in my mind that if this amendment is agreed to, nothing will be left of the $6 billion cut—nothing will be left of it.

Mr. MILLER. Mr. President, I would like to get something clear in connection with the Commodity Credit Corporation problem. It has been said that there was a contract or agreement with the American people that there would be a $6 billion reduction in spending. Is it not true that this was not a $6 billion reduction in current fiscal 1968 levels of spending but rather a $6 billion reduction from an $8 billion proposed increase in spending this year on the part of the President?

Mr. WILLIAMS of Delaware. The Senator is correct and I am glad that the Senator has mentioned that point. It would still give them $2.25 billion more than they had in 1968 to run the Federal Government and the domestic programs.

Mr. MILLER. That was my understanding. There has been some confusion on that point. Many people think we were cutting $6 billion in the current levels of spending; in other words in 1968 there was a certain level of spending, in 1969 the level of spending would be $6 billion below that.

That is not so at all. What happened was that the President proposed that the 1968 level of spending be increased by $8 billion for 1969; and we came along and Congress made a contract with the American people that there would be increased spending of only $2 billion for 1969. That is where the $6 billion reduction took place. Is that not so?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. MILLER. That being the case, the Senator from Iowa is wondering about all this anxiety with respect to the Commodity Credit Corporation because apparently there was no reduction proposed in the Commodity Credit Corporation appropriations. If perchance the estimates for spending of the Commodity Credit Corporation were going to be higher than they were anticipated, then the President still had an extra $2 billion to tap on to help out on that problem, did he not?

Mr. WILLIAMS of Delaware. The Senator is correct; and he could cut back on some other programs which would give more money to carry out the functions of the Commodity Credit Corporation.

Mr. MILLER. The Senator is correct.

Mr. WILLIAMS of Delaware. They have a transferability.

The Senator from Louisiana took exception when I mentioned that golf courses were being financed. I shall not read all of this material. I ask unanimous consent to have printed in the RECORD a letter signed by Floyd F. Higbee, Administrator of the Department of Agriculture, dated July 17, 1968, along with an attachment.

There being no objection, the letter and the attachment were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FARMERS HOME ADMINISTRATION,
Washington, D.C., July 17, 1968.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: In response to your request of June 3, 1968, we have now brought up to date the lists previously furnished you on August 21, 1963.

The enclosed lists include all loans for recreation purposes made from the inception of the program through December 31, 1967. The loans to individuals have repayment terms of not to exceed 40 years at 5 percent interest for those funds used for real estate purposes and not to exceed 7 years at 5 percent interest for funds used for livestock, equipment and operating expenses.

The loans to associations have repayment terms of not to exceed 40 years at 5 percent interest except for the few marked "D," which are made from direct funds on the basis of 40 years at 4½ percent.

The Resource Conservation and Development, Rural Renewal and Watershed loans have varying repayment terms and interest rates; therefore, we have shown them in a separate list.

We appreciate your interest in the programs of the Farmers Home Administration.

Sincerely yours,

FLOYD F. HIGBEE,
Acting Administrator.

ORGANIZATIONS FOR WHICH LOANS WERE OBLIGATED FOR RECREATION PURPOSES CUMULATIVE THROUGH DEC. 31, 1967

State and county	Name of organization	Amount	Interest rate (percent)	Repayment period
	RESOURCE CONSERVATION AND DEVELOPMENT			
Alabama: Talladega	North Talladega County Boosters Club (01-61-753506)	$50,000	3.225	Jan. 1, 1969, to Nov. 22, 1997.
Arkansas:				
Sebastian	Vache Grasse Recreational Area, Inc. (03-66-700201)	188,200	3.225	Jan. 1, 1969, to May 25, 1997.
Yell	Bay Ridge Boat & Golf Club, Inc. (03-75-691239)	153,600	3.225	Jan. 1, 1968, to Feb. 3, 1997.
Yell	City of Danville (03-75-777553)	43,500	3.253	Jan. 1, 1972, to Jan. 1, 2001.
Total	Associations, 3	385,300		
Indiana: Harrison	Corydon Country Club, Inc. (15-31-738970)	85,000	3.225	Jan. 1, 1968, to July 7, 1997.
Missouri:				
Dent	Salem Golf & Country Club, Inc. (29-33-714030):			
	Loan No. 1	111,000	3.225	Jan. 1, 1969, to Apr. 25, 1997.
	Loan No. 2	9,000	3.253	Jan. 1, 1970, to Dec. 21, 1997.
Howell	Willow Springs Country Club (29-46-798719)	125,000	3,253	Jan. 1, 1970, to Jan. 2, 1968.
Texas	Cabool-Mountain Grove Country Club, Inc. (30-08-782506)	170,000	3.253	Jan. 1, 1970, to Oct. 9, 1997.
Total associations, 3		415,000		
New York: Cortland	Solon Sportsmen's Club, Inc. (37-12-789329)	12,000	3,253	Jan. 1, 1969, to Jan. 12, 1998.
South Dakota: Bon Homme	Bon Homme Country 4-H Clubs (August 1967) (47-05-768997)	21,100	[1]	[1].
Tennessee: Fentress	Fentress County Country Club, Inc. (48-25-760243)	200,000	3.225	Jan. 1, 1971, to Mar. 11, 1998.
Total associations, United States, 11		1,168,400		
	RURAL RENEWAL			
Florida: Holmes	Dogwood Lakes Country Club, Inc. (09-30-746935)	150,000	3.225	Jan. 1, 1969, to June 8, 1997.
North Carolina: Cherokee	Cherokee County recreation project (Cherokee County Rural Development Authority) (38-20-669788):			
	Loan No. 1	200,000	3.222	Jan. 1, 1970, to Feb. 2, 1997.
	Loan No. 3	50,000	3.225	Jan. 1, 1970, to Aug. 25, 1997.
Total associations, United States, 2		400,000		
	WATERSHED PROTECTION			
Indiana: Sullivan	Sullivan County Park and Recreation Board (April 1966) (15-77-655721)	446,000	3.222	Jan. 1, 1968, to Jan. 1, 1996.
Kentucky: Union	Cypress Creek Watershed Conservancy District (reflects subsequent loan to this organization which was identified recreation) (21-13-934726).	80,330	3.225	Jan. 1, 1969, to Aug. 22, 2004.
Wisconsin: Iowa	Cobb Highland Recreation Commission (58-25-736389)	300,000	3.225	Jan. 1, 1970, to Jan. 1, 2007.
Total associations, United States, 3		826,330		

[1] This loan is not yet established; however, preliminary information indicates that this loan will be 3.253 percent interest rate for 30 years.

Mr. WILLIAMS of Delaware. Mr. President, I would like to call the attention of the Senator from Iowa to some of the expenditures in the Department of Agriculture which, in my judgment, are not essential at this particular time, no matter how meritorious they may be. In my estimation they are expenditures which could be cut which would leave more funds available for Commodity Credit Corporation.

In Alabama the North Talladega County Boosters Club, is being loaned $50,000 at 3¼ percent interest. In Arkansas, the Vache Grasse Recreational Area, is being loaned $188,000 at 3¼ percent. This is the Department of Agriculture which is making these loans. In Arkansas the Bay Ridge Boat and Golf Club is being loaned $153,600. There is another loan in Indiana to a country club for $85,000. Then the Salem Golf and Country Club in Missouri is being loaned $111,000. Willow Springs Country Club, also in Missouri, is being loaned $125,000.

I was not dreaming up this information. I have asked to have the information inserted in the RECORD.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I shall yield in a moment.

Regardless of how meritorious these projects may be, at a time when we do not have the money the Department of Agriculture did not have to approve these loans, and to the extent they did not approve them, they could have that much more money to allocate to essential things, such as for the Commodity Credit Corporation, if their funds are essential.

Earlier this year they approved a project in my State. This project is not essential at a time when we do not have the money.

Mr. LONG of Louisiana. Mr. President, the Senator from Delaware has just finished referring to the golf course matter as being loans by the Department of Agriculture. What the amendment refers to is public assistance grants as authorized by the Social Security Act. The social security people do not even handle Department of Agriculture loans. I thought the Senator knew that.

With regard to the Commodity Credit Corporation, there is mentioned at page 15 of House Document 225, the matter of "Farm Price Supports." There is a projected $2.9 billion. Then if the Senator will look on page 238 of the budget, at the Department of Agriculture under "Farm Price Support Expenditures," he will see the 1969 estimate.

The Senator suggested that this was authorizing these people to exempt Public Law 480. If the Senator will look at page 241, he will see that is a separate program under the heading "Foreign Assistance and Special Export Programs." It does not have anything to do with the Commodity Credit Corporation loans for price support.

Mr. WILLIAMS of Delaware. Mr. President, the point I am making is that these are loans by the Department of Agriculture. To the extent the Department of Agriculture spends money out for these golf courses they do not have the money for some other functions such as CCC. My point is: Why do they approve these matters? They are grants under the Department of Agriculture, Farmers Home Administration. That is not my statement. That is the statement of the administrator of the Farmers Home Administration.

I also want to point out that the Commodity Credit Corporation does handle the financing of Public Law 480.

Here is a report by the Congressional Quarterly, and I am reading from page 27 of that report: "Agriculture Stabilization Conservation Service of the Commodity Credit Corporation Exports Under Public Law 480."

On the other page they have the ones that are loaned. They are financed by them. To the extent agricultural commodities are exported under Public Law 480, that indirectly helps carry out the function of the support program. They are related, although not directly.

Mr. LONG of Louisiana. That is not affected by this amendment. That is an entirely different item in the budget.

Mr. WILLIAMS of Delaware. It is money allocated to the Department of Agriculture and the Commodity Credit Corporation, whether or not covered by the amendment. As in the case of the Federal Aviation Agency in the Department of Transportation, when an agency comes before the Congress to get excepted, they only talk about the hardship cases, not the areas from which they could transfer employees. They talked about controllers in the air towers and how they could not land at airfields. The air controllers only constitute about 2 percent of the personnel of that agency.

When the Post Office Department was discussing its situation, what did they talk about? They did not talk about the staff people in the city post offices. They talked about delivery by rural carriers, and the elimination of post offices. The departments picked out the most sensitive areas to threaten the American people.

If Public Law 480 were abolished in its entirety—and I am not suggesting it—it would further aggravate the problem of the Department of Agriculture in administering price support programs because it is a method of disposing of commodities in a surplus status.

Mr. LONG of Louisiana. If the Senator will look at page 241 of the budget, sales under Public Law 480 are accounted for just as other items would be accounted for.

Mr. WILLIAMS of Delaware. The Commodity Credit Corporation is involved in these expenditures whether or not they are covered by the amendment.

Mr. LONG of Louisiana. But the overall cut which the Senator sought of $6 billion would apply to Public Law 480 expenditures, just as it would apply to a great number of other things.

Mr. WILLIAMS of Delaware. Everything under the jurisdiction of the Department of Agriculture could be decreased to make up for the need of CCC and that includes Public Law 480, as passed by Congress.

Mr. LONG of Louisiana. This amendment has to do only with commodities which the Government is required to buy.

Many of these loans the Government is required to purchase. The Government has no control over that because it has contracts with the farmers. This amendment would mean, insofar as the Government bought more commodities than it anticipated, that it would simply say, in view of the fact that the Government will have to pay for more farm commodities than the Government intended to pay, or the Government thought it was going to have to pay, when it made its budget estimate a year in advance, that would not count against the $6 billion. On the other hand, if the Government wants to dispose of some of the commodities for the benefit of some foreign country through Public Law 480, that would count against the $6 billion. But when the Senator is talking about Public Law 480 being exempt under the amendment it would not be exempt for a moment if we are disposing of some commodities under Public Law 480. We have to pay money for it, as it is entirely separate in the budget from farm price support items. All that we are talking about is farm price supports where the Government is powerless to reduce the item this year because it is bound under its contracts with the farmers.

The item to provide for sale of farm commodities to the CCC for dollars on credit terms was estimated in 1969 at roughly $1 billion which would have to be subject to the $6 billion cut just as everything in the whole Agriculture Department is, with the exception of the farm price support purchase program, which is something that the Government, if it is going to fulfill its contracts, has no choice about. It has a contract with the farmer and when he calls on the Government to meet this nonrecourse Government contract, the Government has to meet it, or default on the contract.

These are uncontrollable items, such as the Senator exempts, such as veterans benefits, interest on the national debt, and the actual expenses of carrying on military operations in Vietnam. This item is uncontrollable, as those items are, on the same basis, insofar as this item might exceed the estimates, and this should not be counted against the $6 billion item. Otherwise what we have in effect, without the amendment, is that instead of this being a $6 billion cut on controllable expenditure items, we proceed to make this a $7.2 billion cut on controllable items.

The Senator himself has recognized that the Government, if it is going to operate in good faith as it should, has no real control with regard to certain items. He has listed some of them, such as interest in the national debt, which is one of the biggest items in the budget, and special circumstances for supporting the Vietnam war, which might need more money—and that has increased, too; veterans' benefits services might require more. The Senator exempts that, so that we had to pass these laws and promise to do these things in the law. The Senator does not exempt all these being urged. The Senator himself saw fit to exempt some noncontrollable items, some very large items, indeed, in regard to other items beyond the power of Government to control, if it is going to fulfill its contracts.

These items should be viewed in the same category. Public assistance does not for one moment have anything to do with the loans that were made to the farmer to build a golf course. They have nothing to do with it. They are not involved. They would not be involved. As a matter of fact, they are probably being cut out completely by now, anyway.

Mr. WILLIAMS of Delaware. I want to point out to the Senator from Louisiana that Public Law 480 funds do affect this amendment. Assume there are *x* dollars allowed for the Department of Agriculture. Included in that, there are *y* dollars supposedly allocated to the CCC price supports. To the extent that the Department of Agriculture makes a cut in *x* above the Department quota—for example, Public Law 480 funds—*y* funds expenditures can be increased without going through the ceiling.

I do not understand why it is that the administration has not been on the level with the American people. In December of 1965, in the early stages of the Vietnam war, the President made a statement that he was going to cut Federal civilian employment by 25,000. Between that date and June 30, 1966, what happened? Instead of cutting 25,000 he added 187,305. Then he came back, through his Director of the Budget, before our committee—the Senator from Louisiana was present—and he boasted of the fact that he really saved 35,000 jobs. He said the administration was going to add 225,000 employees and he said the administration added only 187,000. So he said they really saved 35,000 instead of 25,000. It is that kind of economy which is about to break the country. It is like the old Texas shell game, hiding the pea and it can never be found.

All this amendment did, under the Williams-Smathers amendment, was to write into the law President Johnson's own Executive order of September 20, 1966, at which time he said he was going to roll back Federal civilian employment to the July 1 level of that year. Instead of that, he added 144,592. Those were added in violation of his own Executive order. This is an Executive order which he has not rescinded even as of today. Yet he has added these employees. When we in effect wrote that order into law, then they came down here complaining that it would hurt them. If he did not intend to follow the Executive order, why does he not repeal it? Why does he leave it on the books?

To make matters worse, even more a breach of faith, the conferees agreed on the bill. It was several weeks being acted on in the House. When the President got it, he delayed signing it until the 29th of June. During that 30-day period, before the bill was signed, they added 95,350 employees to the public payroll, 95,350 employees to build it up so that they could start cutting from a higher level. We cannot afford that. I think we have got to have some control over that kind of spending.

The Senator from Colorado made a statement recently, as a member of the Appropriations Committee, that called attention to the fact that during the 8 years of the Eisenhower administration, as a result of abuses in Government, the Federal civilian employment increased 32,709, during those 8 years. During the 8 years of the Johnson and Kennedy administrations, largely in the last Johnson-Humphrey administration, Federal civilian employment has increased 681,828. During the 60-day period, June and July, the administration, after it had promised the American people it would accept this bill to roll back Federal expenditures, added in those 2 months alone 120,000 more employees. They were adding them at the rate of 2,000 a day. That is the reason they need more employees. They have so many employees they must have someone to write the checks. They added 2,000 employees a day during this 60-day period, while the President was going on radio and television telling the American people that he was going to accept the bill to roll back employment.

Out of my great respect for the Senator from Louisiana, I will not say that the President lied to the American people. That is rough. I will say that he did not tell us the truth, that he deliberately did not tell the truth because he knew he was not going to do it at the time.

I think that is wrong. I think we have got to hold down these expenditures. That is the reason I am glad all this has been put in one package, so that we can see it all together. I am glad and appreciate the fact that the sponsors of this amendment have tapped openly sections 201, 202, and 203 of the bill, tapped both the $6 billion expenditure control, the $10 billion appropriation ceiling, and the personnel ceiling.

I appreciate what the Senator from Louisiana and the Senator from Alabama are both doing, openly and above board; but let us face it, if we adopt this amendment, when there is almost nothing left of these provisions, let us not, as a Member of the Senate, go back home and brag about how we reduced spending, because we would not have done it.

In addition to reducing the $6 billion spending cut, the amendment which is now pending also shoots a loophole in the $10 billion reduction in obligational authority which was to be made later. So we have shot the bottom out of the bucket.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG of Louisiana. I can show the Senator where the $6 billion reduction is made where the Government has some control. The Senator has said the Government has no contracts that the Commodity Credit Corporation would have to redeem that it did not have at the time the amendment was voted. I have a statement regarding this matter from the experts in the Department of Agriculture. They say that the cost greatly exceeds their estimates for two reasons: First, because they did not anticipate the great yields that have been attributable to good weather on one hand, and second, they did not anticipate the fact that there would be a very much reduced foreign market for these commodities.

Taking into consideration the fact that the farmer has less of a foreign market on one hand and good weather on the other hand, look at the difference. The beginning estimates were that loans would be made for $162 million. The September estimate is that the amount is going to be $1.146 billion, or an increase of $984 million.

The same contracts are involved, but the contracts were made without recognizing the fact that the farmers were going to be able to achieve much greater yields, in large measure because of very good climatic conditions, and because they were not going to be able to sell as much because of the greatly decreased foreign market.

Because of those conditions, entirely beyond the control of the Government, the cost of the program will be increased by $984 million over what was anticipated. That is not a controllable expenditure.

With respect to expenditures that can be controlled, I can show the Senator where the Government is projecting the $6 billion cutback.

Let us take the second item that the Government could not control. We passed the medicaid law. The expense of providing medical costs for the aged exceeded the estimate costs for one major reason. The States proceeded to adopt programs under the law that greatly exceeded the estimates. We have a contract there. In that area we are going to have expenditures of $500 million more than was estimated.

The Senator from Delaware knows something about exemptions, because he, himself, found it necessary, out of the Federal budget that was estimated to be $186 billion, to eliminate $84 billion of the expenditures. He did not think they should be covered by the expenditure limitation. What were they? They were the Vietnam operation, interest on the national debt, veterans services, and the social security trust fund expenditures. Those items, by current estimates, are going to be greater than the January estimates, but the Senator exempted them.

Why should those expenditures be greater than the original estimates? The principal reasons were the increased cost of the war in Vietnam. The interest on the national debt was up by $900 million. Veterans benefits were up by $400 million—and we voted for those benefits. The social security payments will be about $700 million more than we estimated.

Those items were exempt from the expenditure reduction. The Senator himself voted to exempt them, because he felt, for one reason or the other, either because they are not controllable—which is to a large extent true—or because, having passed these laws, we should allow for such contingencies as occur in the war in Vietnam, they should be exempted. So he himself proposed that we exempt items that total $88.5 billion.

What we suggest be exempted in addition to them are two other uncontrollable items so the Government can fulfill its contracts. They involved about $8 billion. On two other uncontrollable items, the increase will be $1.2 billion.

On the items the Senator has suggested be exempt, the increase was $4.4 billion. Those are items that he himself wanted to exempt. We simply say, with regard to two other uncontrollable items, where there is an increase of $1.2 billion, those items also be exempted, because to do otherwise would be to say that, instead of having voted a $6 billion cut, we would have voted a $7.2 billion cut.

Mr. WILLIAMS of Delaware. The Senator talks about exemptions in the bill. The only exemptions in the bill were those items which definitely and clearly could not be controlled. One was the cost of Vietnam. We do not exempt the Defense Department entirely, but only the cost of the war in Vietnam. The interest on the national debt could not be controlled. Certainly it could not be controlled under this administration, which is fostering the highest interest rates the country has ever had, and we do not know how much higher the gentlemen on the other side would like to push them. So we exempted interest on the national debt.

We provided that veterans' benefits were to be exempted. That was understood, to start with. When we were talking about changing the debt ceiling, the agency threatened that, if we did not raise the debt ceiling, all veterans' benefits and social security payments would stop. To stop that propaganda, because payments under social security were made out of a trust fund, we spelled out that payments under that trust fund and veterans' benefit payments under the law would be exempted so veterans receiving benefits and those receiving benefits under social security would not become excited. It was agreed by all officials of the administration that these other items were to be included.

I still think the Department of Agriculture can provide funds for CCC in a much better way. It does not have to approve recreational facilities. It does not have to approve funds for golf courses. To the extent that it holds back $1 million going into that area, the $1 million can be used for the price support program or for programs where the Department has contractual obligations.

The Department has made its contractual obligations for agriculture. Farms were planted last June. Farmers had to sign up for these programs in early March to be eligible. They were signed up. The farmers have not put in any additional acreage. They knew exactly what was under the program. Now it is desired to exempt all these agencies.

We are talking about agriculture, but it is not just agriculture. This proposal also exempts all grants to States for public assistance, including medicaid.

The Senator points out that it is hard to estimate. I agree with him that it is difficult for either the Senator from Louisiana or the Senator from Delaware, as members of the committee, to give the Senate any estimate as to what it will cost. I will tell the Senate why. It is because we have had so much misleading information from the Department.

When the medicaid program was passed, the estimate of the Department was that it would cost $238 million a year. A year later, after the bill was passed, it was estimated that the cost would be $1.5 billion. The Department suggested a rollback to make it less expensive. There was a rollback. After the rollback, what was the estimate? Between $2.5 and $3 billion. Even if the American taxpayers could, I do not think they could provide enough money to satisfy some of these spendthrift bureaucrats.

The more money you give them, the more they spend, and they spend it as though it did not cost a lot of hard work.

I say it would be wonderful if we could have some of these bureaucrats, for just 1 year, have to go out in industry and really work for a living to support their families, and find out just how hard it is to make the money to pay the taxes.

I am often reminded of what President Coolidge once said.

He said:

> Nothing is easier than spending the public money. It does not appear to belong to anybody, and the temptation is overwhelming to bestow it on somebody.

He must have been looking far into the future, and must have seen the bureaucracy we have today, because, without exception, we have the greatest bunch of spendthrifts that have ever sat at the heads of these agencies. If we repeal this constraint on spending, they will spend the money, and I venture to say we will end up, not with a $6 billion reduction, but with an increase in spending, and the American taxpayers might just as well know it.

Mr. MILLER. Mr. President, will the Senator yield to me, with the understanding that he may do so without losing the floor?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. Mr. President, I should like to make a comment or two on the point the Senator from Louisiana made about the Commodity Credit Corporation problem.

The Senator is correct in pointing out that the problem which the senior Senator from Louisiana [Mr. ELLENDER] pointed out, that the original estimate for the loan support payments, which was $162 million, now expected to increase by $984 million, was due to two things: First, the unanticipated abundance of our crop harvest, due to very fine growing conditions, and second, the decline in our export markets.

As the Senator from Louisiana will readily see, if we are increasing our production on one hand, and our markets are going down on the other, we are naturally going to have a serious problem. But the Senator neglected to point out one thing, and that is that the reason why our export markets have declined has been because of the ratification, by the U.S. Senate, of the administration's International Grains Agreement.

Surely the Senator from Louisiana was present in the Senate when I made some observations about that proposed treaty. I invite the attention of Senators to what I said on June 12, at the time the treaty was pending.

I said:

> The Wheat Trade Convention, as the committee report points out, essentially replaces the previous International Wheat Agreement of 1962 as extended by agreement in 1965, 1966, and 1967, with expiration scheduled on July 31, 1968. It differs from the previous International Wheat Agreement in that it establishes a minimum-maximum price range for major export wheat types. The minimum price for U.S. No. 2 Hard Red Winter wheat would be $1.73 per bushel f.o.b. gulf ports; the maximum price would be $2.13. The minimum would be about 20 cents per bushel above the level provided under the old International Wheat Agreement.

Then I called attention to an article by Normal Fischer, a knowledgeable staff reporter of the Wall Street Journal, published in the May 27 issue of that newspaper, which notes that:

> Domestic wheat prices have dropped to near 26-year lows; that a leading grade of ordinary protein hard winter wheat was priced around $1.51 per bushel in Kansas City—down 20 cents from a year ago and down 10 cents in just the last 4 months. Mr. Fischer observes that even after adding shipping costs from Kansas City to gulf ports, an exporter could buy this wheat for 15 cents per bushel under the minimum price of $1.73 under the proposed new Wheat Convention. Under the new Wheat Convention, a foreign buyer would have to pay the $1.73 minimum, and the U.S. Federal Government would pocket the 15 cents per bushel differential.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. LONG of Louisiana. Mr. President, may I say to the distinguished Senator from Iowa that I am no expert on wheat, and I would rather rely on those who know more about it than I do. It may be that it was an unwise agreement, for all I know. I would be prepared to concede, for the sake of argument, that it might have been.

But if that is the case, would it be wise to punish someone who had nothing whatever to do with its ratification?

Mr. MILLER. I am glad the Senator asked that question, because what I want to see us do is withdraw the ratification.

Why are we coming in here and asking the taxpayers of the United States for $984 million, and keeping that treaty on the books? I intend to develop something on this matter, and I hope that the Senator will listen to what I have to say about it, because I think we can save the taxpayers a great deal of money, and the farmers a great amount of hardship, if we will admit that we made a mistake, and withdraw the ratification, instead of going ahead and cluttering up the RECORD with this Commodity Credit Corporation matter.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield, when farmers have this wheat, they have a law which says that if they have no market for it, they are entitled to call upon the Government for a no-recourse loan, as I understand it.

If the Government is to blame for causing the farmer to have no sale for his wheat, it seems to me that is all the more reason why the Government should make him the loan, which it is committed, under contract, to do.

Mr. MILLER. Wait a minute; the Senator is——

Mr. LONG of Louisiana. If the farmer has a market for the wheat, that is something else.

Mr. MILLER. The Senator knows I would agree with that as a general proposition, but he does not expect the loan to have to be made tomorrow. It could be made 6 months from tomorrow, and, in the meantime, the prices can get better, if we will withdraw this very unfortunate International Grains Agreement. Certainly the Senator can see that if the loan price is $1.35, and the market price is $1.30, the farmer is going to call the loan and let the Government take over the wheat, and it will cost the taxpayers 5 cents a bushel to do that.

If, as a result of this International Grains Agreement, the price of wheat is down, because of reduced export markets, to $1.25, that is just that much more the taxpayer is going to have to make up to the farmer, under the loan agreement.

We can reduce the amount that will be required to be paid the farmer by improving the market, if we will withdraw this International Grains Agreement. That is something I advocate.

The problem could all have been avoided if the agreement had not been rushed through the Senate, with the administration coming over and saying, "This is a boon for our farmers, we must have it."

Now we see what is happening, and are trying to pick up the pieces.

I recognize the sincerity of my friend from Louisiana, but we have before the Senate a substitute amendment with the yeas and nays ordered, which cannot be amended, which covers several different things: Commodity Credit Corporation loans, employment ceilings—which have nothing to do with the Commodity Credit Corporation—and other matters.

Why is all this before the Senate? Why do not the leaders in the Senate have this amendment broken into various segments, so we can vote on each one on its own merits, or vote on the pending amendment one segment at a time, instead of considering this omnibus amendment?

Mr. LONG of Louisiana. Mr. President, it would be all right with me to vote on the provisions one at a time, but I did not offer the amendment. As the Senator knows, the Senator from Alabama offered the amendment, and is entitled to modify it when and as he wants to. When an amendment is offered in the second degree, only the Senator offering the amendment can modify it.

Mr. MILLER. I grant that, except, Mr. President, I ask unanimous consent that the Senate vote on the two subparagraphs 5 separately from the rest of the amendment. Those two subparagraphs 5 have to do only with this Commodity Credit Corporation matter.

Mr. LONG of Louisiana. Mr. President, I personally have no objection whatever to that procedure. But in fairness to the Senator from Alabama, who is not presently in the Chamber, I will have to wait until he is here, or it can be cleared with him.

Mr. MILLER. All right. Then I shall have to withdraw the request for the moment.

Mr. LONG of Louisiana. Do I understand that the Senator is in favor of those two subparagraphs, or is he opposed?

Mr. MILLER. I have not stated. I must say that I personally resent, as I said earlier, and I think other Senators resent, having to vote up or down on a hodgepodge that cannot be amended, to take it or leave it. They are unrelated. The Senator is having a colloquy with my good friend, the senior Senator from Delaware, and talking about employment ceilings in one minute and then talking about expenditures in the next minute. They are really unrelated. The merits and demerits of the two things are not tied in at all.

The senior Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture and Forestry, spent considerable time going into the report for the Commodity Credit Corporation amendment.

I hope we can get consent to deal with this thing on its merits.

Mr. LONG of Louisiana. Mr. President, as far as the junior Senator from Louisiana is concerned, do I correctly understand that the Senator favors this exemption for the Commodity Credit Corporation for price supports, but wants to reserve judgment on the remainder of it and would therefore like to have the vote taken on section 5 separately?

Mr. MILLER. The Senator from Iowa is inclined to support the Commodity Credit Corporation amendment. However, he is very much inclined to vote against the whole thing. I think that other Senators may be of like mind.

I think it is most unfair to have a substitute amendment pending which no one can amend. And I would think we could dispose of those two segments on a division vote.

If this were merely an amendment, we could ask for a division. I do not think there would be any objection. I hope that the Senator from Louisiana will agree to that request.

Mr. LONG of Louisiana. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG of Louisiana. Mr. President, if the unanimous-consent request is agreed to that the two subsections (5) be voted on separately, can the amendment be agreed to in that fashion and the remainder of it be subject to amendment?

The PRESIDING OFFICER. The Chair rules that the Senate can first vote by unanimous consent on paragraphs 5 and 6 and it would then have to vote on a motion to strike and insert the whole thing.

Mr. SPARKMAN. Mr. President, would the Chair repeat the ruling? I did not hear part of it.

The PRESIDING OFFICER. The Chair rules that the Senate would have to vote first on paragraphs 5 and 6 by unanimous consent.

Mr. MILLER. Mr. President, the Senator from Iowa does not want to have 5 and 6 treated together. I want to have paragraph 5 on page 1 and paragraph 5 on page 2 of the amendment handled as one vote and the remainder of the amendment handled as one vote.

If the vote is no on the first vote, on the two paragraphs 5, then the remainder of the amendment could be voted up or down. If paragraph No. 5 is agreed to by the Senate and the remainder of the amendment is rejected, then paragraph No. 5 would be what would be left of the amendment. That is what I am suggesting.

The PRESIDING OFFICER. The Chair rules that by unanimous consent, the Senate can have a vote on paragraph 5 on the first page of the amendment and on paragraph 5 on the second page of the amendment. If they carry, the Senate would vote on the amendment as a whole. If they fail, the Senate would vote on the remainder.

Is that clear to the Senator from Alabama?

Mr. SPARKMAN. Mr. President, did the Senator propound a unanimous-consent request?

Mr. MILLER. I did, and the Senator from Louisiana indicated no objection, but he thought that the Senator from Alabama ought to be present.

Mr. SPARKMAN. Mr. President, I reserve the right to object. Let me say that I was primarily interested in the two provisions that come under the jurisdiction of the Committee on Banking and Currency—that is the Housing and Urban Development and the Home Loan Bank. My intention originally was to offer those. However, in the meantime, the Senator from Louisiana had offered his amendment relating to certain social security programs. I was then informed that the Senator from Louisiana wanted to offer the Commodity Credit provision.

Mr. LONG of Louisiana. Mr. President, the Senator from Alabama refers to the other Senator from Louisiana, the senior Senator from Louisiana.

Mr. SPARKMAN. The Senator is correct.

I felt that we ought to have this thing fought out on the floor instead of single-shotting it all the way through. I believe that is the general feeling.

I agreed to go along with the Senators' proposals. Then, later another matter developed.

The junior Senator from Louisiana, the chairman of the committee, opposed including the Tax Court and the Internal Revenue Service.

The senior Senator from Rhode Island proposed the Weather Bureau.

I modified the amendment to take care of that. In fact, it was my hope, and I believe the hope of others interested in this measure, that whatever exemptions were made would be made at this time instead of single-shotting it all the way through.

I am as strongly in favor of the Commodity Credit Corporation as is the Senator from Iowa, but I believe that the best way to legislate would be to vote this matter up or down.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. MILLER. Mr. President, much of what the Senator has to say makes a great deal of sense and has a lot of merit. However, I suggest that what the Senator has done is to offer a substitute amendment to a pending amendment. The Senator well knows that by doing that, instead of taking care of the overall amendment and bringing it before the Senate, he has estopped any Member of the Senate, except by unanimous consent, from seeking to modify that amendment.

My point is that there is no relationship between an exemption with respect to expenditures for the purpose of protecting the Commodity Credit Corporation requirements—which has to do with expenditures—and the personnel ceilings that the Senator and others would like to have lifted with respect to some of the agencies.

Why can we not at least have this agreement with respect to those two items, so that we will have a chance to vote on the merits in all expenditure matters—namely, the Commodity Credit Corporation—and then have a chance to vote with respect to personnel ceilings.

On previous amendments pending before the Senate with regard to personnel ceilings, we have had a chance to vote on them, and they have never been cluttered up with expenditure matters.

This procedure would not complicate the matter. We would have two votes instead of one. That is what it amounts to.

Mr. SPARKMAN. Mr. President, I do not view this in the same manner in which the Senator from Iowa does. I believe there is a relationship between the different matters that are included here. We must remember that this entire program is one that did involve appropriations and manpower control, and it is all involved in this.

We well know that if one is excepted, someone else will ask that another be excepted; and the first thing we know, we will be dragging this out over a long period of time, single-shooting it.

Although I dislike to differ with the Senator from Iowa, I feel constrained, Mr. President, to object.

The PRESIDING OFFICER. Objection is heard.

Mr. MILLER. Mr. President, I do not believe that the farmers will be very happy with any Member of the Senate who is going to put them in the same ball of wax with exemptions having to do with personnel ceilings in the Department of Housing and Urban Development, social security, and others. I believe the farmers are entitled to that much consideration.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. SPARKMAN. It was the distinguished, esteemed, and able senior Senator from Louisiana, the chairman of the Committee on Agriculture and Forestry, who proposed this. I believe in following his leadership in reference to farm matters, and I am willing to take a chance on that.

Mr. MILLER. Mr. President, I do not like to differ with the Senator from Alabama, but I should like to put it up to the Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture and Forestry, on the question of whether we might separate that and leave it to him. I wish the Senator from Alabama would withhold his objection until we could do that and see what the Senator from Louisiana has to say.

I believe the farmers of this country are in a depressed enough situation right now, and they are entitled to have a separate vote on this important question.

Mr. President, I should like to pursue the point I was making earlier about the impact of the International Grains Agreement.

On June 12, I said:

> According to an article appearing in the January 30 issue of the Journal of Commerce, a high USDA official acknowledged that U.S. exporters would be subject to a tax—in the amount of this differential—to be paid to the Commodity Credit Corporation.
>
> The present world price being what it is—some 15 cents per bushel at U.S. gulf ports under the proposed Wheat Trade Convention minimum—it is understandable why some of the proponents might feel that this convention would tend to bolster the low price of wheat. However, as I have pointed out, the differential would not go to the wheat farmer but to the Commodity Credit Corporation. Worse yet—and this is of the greatest importance—a guaranteed increase over the low world market price would assuredly prove an incentive to other countries producing wheat less efficiently than the United States to produce more wheat, with serious implications to our own exports of wheat. Either they will produce more wheat to make up for their own domestic deficit, to avoid paying the higher minimum price, thus reducing the amount we will export to them, or, if their domestic supplies are adequate and they are exporting countries, they will produce more wheat for export to compete with our own exports. The proponents of the treaty have not produced any evidence to rebut this statement. U.S. exports of wheat for the current fiscal year will total approximately 750 million bushels—half our expected domestic crop of 1.5 billion bushels. Accordingly, it can readily be seen how vital it is to maintain and, if anything, increase our wheat exports.
>
> According to Mr. Fischer's article, many grain analysts believe 1968–69 exports could decline to 650 million bushels or less—quite apart from the ratification or rejection of the pending proposed treaty. With U.S. wheat carryover stocks on June 30 of this year forecasts at around 545 million bushels—up 120 million bushels from a year ago—analysts expect that the carryover on June 30, 1969, could rise another 100 million bushels just from increased domestic production. This is expected notwithstanding the 13-percent reduction in wheat allotments for the 1968 crop because of favorable weather. As Mr. Fischer points out, a Government advisory group has recommended a 15-percent further reduction for 1969 allotments which would result in harvested acreage of 49 million—down 9 million acres from 1967.

Mr. President, those were my words on June 12.

On the next day, before we voted on the treaty, this statement of Under Secretary Schnittker, of the Department of Agriculture, was placed in the RECORD.

> We believe that under this new arrangement we maintain every right to price our wheats competitively, hopefully at levels within the range, that is above the minimum, but if necessary because of price cutting around the world, we are determined and we are allowed under the agreement to price our wheats competitively even at prices under the proposed minimums.

Noble words, Mr. President. Yet, what do we find some ratification of the treaty? Since the current season started July 1, the United States has exported only about 12 million bushels of wheat, down from the 160 million bushels of wheat earlier—a 25-percent drop.

Since the ratification, our competitive position in overseas markets has indeed been undercut, Mr. Schnittker's words to the contrary notwithstanding.

Argentina has now started shipping to Japan, a prime U.S. market.

Tunisia has bought 10,000 metric tons of Spanish wheat at a price equal to $56.80 a ton, cost-insurance-freight, contrasted with the lowest U.S. offer of No. 2 soft red wheat at $65.91—approximately $10 a ton more than Spain's price.

The Azores bought 4,400 tons of Spanish wheat at $56.90 a ton, and the best the United States could offer was $70.39 a ton.

In the September 3 issue of the Wall Street Journal, in the commodities section, appeared an article entitled "Spurt in Grain Going Under Price Supports May Lead to New Buildup of Farm Surplus." This article is really what the pending amendment—that is, the Commodity Credit Corporation—is all about, and I shall read it. The dateline is Wellington, Kans., and it is by Jonathan R. Laing, a longtime staff reporter for the Wall Street Journal:

SPURT IN GRAIN GOING UNDER PRICE SUPPORTS MAY LEAD TO NEW BUILDUP OF FARM SURPLUS

(By Jonathan R. Laing)

> WELLINGTON, KANS.—On some days recently as many as 25 farmers lined up at the Sumner County farm agent's office here for wheat price-support loans. "Last year, we never had more than one or two in the office at the same time applying for loans," says David Moore, chief clerk.
>
> What's happening in Sumner County, the nation's leading wheat producing county, is typical of most wheat growing areas. Faced with the grim prospects of growing grain surpluses and falling prices, farmers are flocking to their county agent's offices to put wheat under loan. So far this year, through July 31, farmers have impounded 127 million bushels of wheat, more than triple the 35 million placed under loan in the comparable 1967 period. Farm observers say that a sharply higher portion of this year's bumper corn and soybean crops, which growers soon will begin harvesting, also will be put us as collateral for the Government price-support loans.
>
> This climb in grain impoundings probably will result in a renewed buildup in the Government farm surplus, now the smallest in 20 years. On June 30, the Government owned $913 million of farm products. About two-thirds of this was grain. At the peak in 1960, the Federal farm hoard topped $6 billion. Heavier impoundings also are depressing trading in grain futures and the prospect of another rise in farm surpluses already has boosted demand for grain storage bins.

KEY PART OF PROGRAM

> Price support crop loans are a key part of the Government's program for bolstering farm prices. Originated in the New Deal days of the early '30s, the program puts a floor under prices. If prices drop below the loan levels, farmers default and the Government winds up as owner. If prices rise, the farmer can pay off the loan and get back his grain. In its current form, the loan program allows farmers as long as four years to repay the loans on some crops.
>
> To hold down wheat production, the Government trimmed planting allotments—the acreage farmers can seed and still qualify for price-prop loans. Wheat farmers planted 63,069,000 acres, off 7% from a year earlier. But growing weather has been nearly perfect. So 1968 wheat production is officially estimated at a record 1.6 billion bushels, up 100 million, or 5%, from 1967, the old high.
>
> The result: Ordinary hard winter wheat, a major bread-making variety, now sells in Kansas City for $1.30 a bushel, 5 cents below

the loan level. A year ago, the price was 14 cents above the loan level. The rush of wheat into the loan is expected to continue. Some grain men predict a record of more than 600 million bushels of the 1968 crop will be put under loan, up from 270 million of the 1967 crop.

Farmers can't apply for support loans on corn until after harvest, but Government Officials predict impoundings of this crop also will jump. Corn farmers cut back plantings 8%. The Agriculture Department's last estimate put the crop at 4.6 billion bushels. But private forecasters say conditions have been so favorable that the Government's September estimate, which will be released next Tuesday, will revise the forecast upward to about the same level as in 1967, when farmers harvested a record 4.7 billion bushels. Corn for delivery in December currently is quoted in Chicago at 99 cents a bushel, 21 cents below the loan level. A year ago, December-delivery corn was $1.15.

Grain men in Chicago predict farmers will impound more than 600 million bushels of the 1968 corn crop—the highest since 1961. They placed 410 million bushels of 1967 corn in the Federal price shelter.

RECORD SOYBEAN CROP

"On soybeans, too, a record crop is in prospect. Federal forecasters predict the harvest will top 1 billion bushels for the first time, up from 972 million in 1967 and nearly double the quantity farmers grew a decade ago. Soybeans for delivery in December currently are quoted in Chicago at $2.50 a bushel, 20 cents under the loan level. A year ago, November-delivery beans were $2.68. Impoundings in the year ahead may reach 300 million bushels, grain men say, up from 199 million in 1967-68.

As recently as last January, Washington estimated $1.8 billion would be required for price-prop loans on this year's crops. However, because of the larger-than-anticipated crops, Department of Agriculture officials now estimate $2.5 billion will be needed.

With grain prices bumping along at about the support level, there's much less chance for the wide price swings that attract hedgers seeking inventory insurance and speculators hoping for profits. So volume of trading in contracts for future delivery has sagged on the Chicago Board of Trade and other grain futures markets. Trading at the Chicago Board of Trade in the first half of 1968 dropped 40% to $16.2 billion from $27.3 billion a year earlier.

But orders for storage bins and dryers have picked up sharply since July, according to William J. Jensen, general manager of the agricultural division of Butler Manufacturing Co., Kansas City, Mo. "It's the best business we've had since the late 50s when Billy Sol Estes and others were building tremendous capacities to hold the big surpluses of the Eisenhower years," Mr. Jensen says.

Mr. President, this is what the pending amendment relating to the Commodity Credit Corporation loan payments is all about. I want to footnote what I had to say about the decline in our exports, which I warned about last June at the time of the ratification of the proposed International Grains Agreement.

In the September 16 issue of the Wall Street Journal an article was published entitled "Wheat Exporters Plan an Australian Parley on Price Fixing Accord." The article states:

WHEAT EXPORTERS PLAN AN AUSTRALIAN PARLEY ON PRICE-FIXING ACCORD—CUTTING OF QUOTES BY NATIONS THAT HAVEN'T SIGNED PACT, CLOSING LOOPHOLES TOP ITEMS ON AGENDA

NEW YORK.—Major world wheat exporters will meet in Canberra, Australia, tomorrow in an attempt to stave off pressures threatening to undermine the price-fixing International Grains Agreement.

Price cutting by nations that haven't signed the agreement and closing of loopholes said to be used by some members will be the top items on the agenda.

The fact was arrived at last year under the Kennedy Round. It was effective July 1.

Representatives of the U.S., Canada, Argentina and Australia—the world's four largest wheat exporters—and Common Market nations will be at the meeting.

In Washington, Secretary of Agriculture Freeman said the meeting will try to resolve exporting problems that have shown up since the arrangement became effective.

Other Agriculture Department officials also recently expressed concern that some countries apparently were attempting to undercut minimum prices under the agreement.

Australia's Trade Minister John McEwen has said the agreement is suffering "teething troubles" that must be corrected.

The minimum sales price under the pact has been set at $1.73 a bushel, basis U.S. Gulf ports, for a key grade.

Wheat prices in exporting countries are below the minimum, and importing nations endeavor to get bargains rather than pay the minimum required under the agreement.

This is exactly what happened in the case of resent sales by Spain to Tunisia and the Azores.

In recent weeks there have been reports that Australia has "padded" freight charges to avoid the minimum in sales to Great Britain and some European nations. If true, the padding would result in a higher wheat price than actually was collected. Trade sources say Australia managed to make contracts for vessels to ship grain for one year at low prices. When the grain moves, wheat men say, the current, higher rates are charged.

Australia is expected to have a record 550 million-bushel wheat crop this year. The British Commonwealth nation still has some contracts with Mainland China and is said to be near negotiating further contracts. China is known to be balking at paying the minimum price and Australia—with 480 million bushels available for export—isn't anxious to lose the big customer.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. LAUSCHE. Who would get the benefit?

Mr. MILLER. The Australian farmers would get the benefits because of the low shipping rates. The U.S. farmer does not get the benefit of that because, as the Senator knows, the difference between the world price and the present price is a tax that the exporter pays.

In the September 10 issue of the Southwestern Miller two articles were published bearing on this subject. The first article was entitled "Six-Year Low in Exports," and reads as follows:

SIX-YEAR LOW IN EXPORTS—JULY-AUGUST SHIPMENTS OF WHEAT AND PRODUCTS DOWN 20 PERCENT TO SMALLEST TOTAL SINCE 1962—FLOUR INCREASE

WASHINGTON, September 9.—Based on preliminary estimates by the Department of Agriculture, exports of wheat and wheat products combined from the United States in the first two months of the 1968–69 season were down 20% from the same period of last year.

July-August exports are estimated at 103,059,000 bus, contrasted with 128,028,000 in the same period of 1967 and 154,933,000 in the first two months of the 1966–67 crop year. The July-August outgo this year was the smallest for the period since 1962, when the two-month outgo amounted to 94,483,000 bus.

CUT LIMITED TO GRAIN, PRODUCTS UP

All of the reduction for July-August from a year ago occurred in exports of wheat as grain, while shipments as flour and other products increased. The two-month outgo of wheat as grain amounted to 94,050,000 bus, contrasted with 120,806,000 a year earlier. Exports as products are estimated at 9,099,000 bus in grain equivalent, compared with 7,222,000 a year earlier.

The product outgo for the two months included 7,397,000 bus in grain equivalent as flour, against 5,156,000 a year earlier, and 1,612,000 bus as bulgur, rolled wheat and macaroni, compared with 2,066,000 in the first two months of the previous crop season.

SMALLEST FOR MONTH IN SIX YEARS

For August alone, the Department estimates combined exports of wheat and wheat products at 50,300,000 bus, against 52,759,000 in July and 67,012,000 in the same 1967 month. It was the smallest outgo for the month since 1962, when 49,423,000 bus were shipped.

Included in the August clearances were 46,000,000 bus of wheat as grain, 3,500,000 as flour and 800,000 as other products. A year ago, exports of wheat as grain amounted to 63,105,000 bus, flour totaled 3,013,000 and other products 894,000.

SHARP DECREASE FOR OTHER GRAINS

For other grains, preliminary July-August data show sharp reductions in shipments from a year ago. Oats shipments in the first two months of 1968–69 were only 516,000 bus, contrasted with 3,649,000 a year ago; barley, 1,390,000, against 9,935,000; rye, 271,000, against 476,000, and flaxseed, 1,846,000, compared with 1,695,000.

In the first 11 months of the 1967–68 feeding season. October-August, corn exports amounted to 548,080,000 bus, against 420,224,000 in the same period of the previous year. Grain sorghum exports in the 11 months were down to 146,633,000, against 239,739,000 in the same 1966–67 period.

Preliminary data show soybean exports for the crop year ended Aug. 31 amounting to 266,827,000 bus, up slightly from the outgo of 261,591,000 in the previous season.

The other article is entitled "World Wheat Competition Severe," and reads as follows:

WORLD WHEAT COMPETITON SEVERE

Severe competition in export markets for U.S. wheat was underscored by several purchases on worldwide tenders. Tunisia bought 10,000 metric tons of Spanish wheat at a price equal to $56.80 a ton, c.i.f., which contrasted with lowest U.S. offer of No. 2 soft red at $65.91, delivered. The Azores bought 4,400 tons of Spanish wheat at $56.90 a ton, c.i.f., whereas other offers included French at $50.16, and No. 2 U.S. red at $70.39. These sales left no doubt as to inability of U.S. wheat to compete in dollar markets for the time being as long as this country holds to the minimums under the International Grains Arrangement.

Actually, U.S. sales were made in the past week at a small discount under the I.G.A. minimums. Israel purchased 21,000 tons of No. 2 hard 12% at $1.71⅞, f.o.b. Gulf, compared with the I.G.A. minimums for No. 2 ordinary hard of $1.73. Similarly, Israel bought 11,000 tons of No. 2 soft red at $1.57¾, f.o.b. Gulf, compared with the I.G.A. minimum for No. 1 red of $1.60 f.o.b. Gulf. The U.S. price on the hard winter included an inverse export subsidy of 26c, for soft red, 44c.

Another article is dated September 13.

1968, entitled "Danes Fear Grain Glut," and reads as follows:

DANES FEAR GRAIN GLUT

COPENHAGEN, DENMARK, September 12.—An abundant grain harvest this year is spelling trouble for many Danish farmers.

It became known on the Copenhagen grain exchange this afternoon that corn production alone this year is as much as 900,000 tons, about three times as much as Denmark usually imports every year.

Dealers immediately stopped trading, fearing a slump in prices. This means that farmers will be unable to sell their grain and that prices will be much lower when buying is resumed.

The total Danish grain crop last year was six million tons. Estimates for this year, run to well over seven million.

The Ministry of Agriculture stopped all imports of rye today.

Mr. President, in the face of this situation, and I warned about this in June, the administration came over and said, "Vote for the International Grains Agreement. It is going to be a great thing." Under Secretary Schnittker said, "Do not worry, we are going to see U.S. wheat compete in the world market."

The fact is that it is not. The exports are down; surpluses are up; the price of wheat is down. That means that farmers are down in their wheat for loans which are above the market price, and that means American taxpayers are going to be stuck for more.

That is why we have in this amendment one provision which seeks an exemption of sufficient money from the $6 billion expenditure reduction to enable the Commodity Credit Corporation to cover these loans to the tune of upward of $8 or $9 million.

I regret very much the Senate will not have an opportunity to vote on this one provision separate from the other items in the pending amendment.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. LAUSCHE. Under the International Grains Agreement, arguments were made that nonsignatory nations would increase their planting and sell in the market below the international prices. The Senator from Iowa made some mention of nonsignatory nations.

Does the Senator have any evidence that nonsignatory nations, among which I believe is Russia, have increased their production, thus intending to sell in the market below the international prices?

Mr. MILLER. In response to the question of the Senator from Ohio, I think it is too early for anyone to get this information; it is too early to find out how much increased planting there has been in any country because this treaty became effective the 1st of July. But I have already pointed out the Spanish section. As I understand it, Spain is not a signatory with Tunisia and the Azores, There are rumblings of other problems. Notwithstanding, that is the information which is prevalent in the market, that some of the signatories are playing around with the treaty——

Mr. LAUSCHE. In the form of loopholes.

Mr. MILLER. In the form of loopholes or little devices to enable them to beat the United States in world markets, because they are supposed to sell at the world price—so is the United States—but if they can ostensibly sell at the world price and make a kickback or rebate of some kind, we know who is going to get the purchase. It will not be the United States.

Mr. LAUSCHE. Based upon what the Senator has said, I would conclude that there is danger of the nonsignatory countries increasing their grain products and thus dropping them on the market at a price below that of the United States and taking away our exports, and the second danger of finding loopholes. Thus, it would seem to me the main cause is bountiful crops in the United States and, I think the Senator said, in Denmark. What about Australia? Are their crops large? And Canada?

Mr. MILLER. Yes, indeed. Australia has bumper crops. Most other countries have bumper crops, too. As the Senator from Louisiana recently said, and very correctly, we have the problem of increased production on the one hand and lowered exports on the other.

The point I want to drive home is that this whole thing has been aggravated—and seriously aggravated—by the unfortunate ratification by the Senate of the International Grains Agreement in June. I know that the Senator from Ohio was opposed to it. We talked at great length about it at that time. I am sorry our words fell on deaf ears.

Mr. LAUSCHE. The Senator will recall that I had apprehensions about the evils that might arise in the very fields which have now been mentioned by the Senator from Iowa.

Mr. MILLER. I am very sorry that I cannot give the Senator the answer to his original question about indications of increased plantings in other countries, but I suggest——

Mr. LAUSCHE. It will happen.

Mr. MILLER. I am sure it is going to happen, and I suggest that it is a little bit too soon after ratification—July 1—for our Department of Agriculture to get firm information on that point.

Well, Mr. President, that covers pretty well the point I wanted to bring out. I appreciate the kindness and generosity of my good friend from Delaware [Mr. WILLIAMS] in yielding to me as he did.

Mr. WILLIAMS of Delaware. Mr. President, I am ready to vote. The yeas and nays have been ordered, and I think that——

Mr. SPARKMAN. Mr. President, in order that the chairman of the committee and the Senator in charge of the bill may have ample notice, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment, as modified, of the Senator from Alabama [Mr. SPARKMAN], as a substitute for the amendment of the Senator from Louisiana [Mr. LONG].

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Hawaii [Mr. INOUYE], the Senator from Montana [Mr. METCALF], the Senator from Georgia [Mr. TALMADGE], and the Senator from Maryland [Mr. TYDINGS], are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CHURCH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma, [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. NELSON], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Connecticut [Mr. RIBICOFF] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT] and the Senator from Arkansas [Mr. FULBRIGHT] would each vote "yea."

On this vote, the Senator from West Virginia [Mr. RANDOLPH] is paired with the Senator from Connecticut [Mr. RIBICOFF]. If present and voting, the Senator from West Virginia would vote "yea," and the Senator from Connecticut would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. HRUSKA], the Senators from New York [Mr. JAVITS and Mr. GOODELL], the Senators from California [Mr. MURPHY and Mr. KUCHEL], the Senator from Maine [Mrs. SMITH], the Senator from Texas [Mr. TOWER] and the Senator North Dakota [Mr. YOUNG] are necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] is absent on official business.

If present and voting, the Senator from Tennessee [Mr. BAKER], the Senator from Utah [Mr. BENNETT], the Senator from

Nebraska [Mr. HRUSKA], the Senator from New York [Mr. JAVITS], the Senators from California [Mr. MURPHY and Mr. KUCHEL], the Senator from Maine [Mrs. SMITH], and the Senator from Texas [Mr. TOWER] would each vote "nay."

The result was announced—yeas 23, nays 37, as follows:

[No. 292 Leg.]

YEAS—23

Anderson
Byrd, W. Va.
Clark
Dodd
Ellender
Gore
Hart
Hartke
Hill
Jackson
Kennedy
Long, La.
Magnuson
Mansfield
McGee
McIntyre
Mondale
Moss
Pastore
Pell
Sparkman
Williams, N.J.
Yarborough

NAYS—37

Aiken
Allott
Boggs
Brooke
Byrd, Va.
Cannon
Case
Cooper
Curtis
Dirksen
Dominick
Ervin
Fannin
Fong
Griffin
Hansen
Hatfield
Holland
Jordan, Idaho
Lausche
Miller
Monroney
Morton
Mundt
Pearson
Percy
Prouty
Proxmire
Russell
Scott
Smathers
Spong
Stennis
Symington
Thurmond
Williams, Del.
Young, Ohio

NOT VOTING—40

Baker
Bartlett
Bayh
Bennett
Bible
Brewster
Burdick
Carlson
Church
Cotton
Eastland
Fulbright
Goodell
Gruening
Harris
Hayden
Hickenlooper
Hollings
Hruska
Inouye
Javits
Jordan, N.C.
Kuchel
Long, Mo.
McCarthy
McClellan
McGovern
Metcalf
Montoya
Morse
Murphy
Muskie
Nelson
Randolph
Ribicoff
Smith
Talmadge
Tower
Tydings
Young, N. Dak.

So Mr. SPARKMAN's amendment, as modified, as a substitute for the amendment of Mr. LONG of Louisiana, was rejected.

Mr. WILLIAMS of Delaware. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MILLER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, am I correct that the question now recurs on the amendment of the Senator from Louisiana?

The PRESIDING OFFICER. The Senator is correct. The question now recurs on the amendment offered by the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, let me explain what my amendment at the desk would do. It would simply provide that with regard to the Social Security Administration in Department of Health, Education, and Welfare—without affecting the money available to that Department one way or the other—the personnel ceiling would not apply.

The reason why it should not apply is that the so-called Williams-Smathers amendment as enacted has an effective date for limiting employment of June 30, 1966. Medicare went into effect on July 1, 1966, the day after the effective date of the Williams-Smathers amendment.

Everyone understood that under medicare we would need several thousand additional employees in the Social Security Administration if these elderly citizens were going to get the medicare checks mailed to them.

The pending amendment would do nothing whatever about the $6 billion ceiling. That would stay exactly the way it was.

It changes nothing except to say that that particular department would be permitted to hire such additional employees as it needs to get the checks out.

I am told by Social Security Commissioner Ball, who has responsibility for this matter, that even though their department was able to increase its efficiency by 19 percent, their overall workload has increased 36 percent because we voted for medicaid and medicare and imposed great additional burdens upon the department that mails out these checks to the people. We provided for disabled widows and for certain additional people who needed some benefits under social security. And we provided the tax with which to pay for them.

The so-called Williams-Smathers amendment exempted the social security trust fund from the spending and appropriations ceiling.

There is no problem about finding the money to pay for the benefits. The problem is finding the people to make out the checks and process the claims so that these people can be paid.

If we do not pass this amendment, I am told that these people will gradually get further and further behind in paying the money which Congress voted for them to pay.

Please keep in mind that the taxes we levied for social security will exceed the income to the fund and that the social security fund will continue to build up year by year. But if we do not vote to relieve this Department from the personnel limitation, it will mean that it will be about 9,000 people short of the number needed to mail out checks for medicare and medicaid. And every Senator and Representative will hear about it.

Although we voted to pay these benefits, we imposed a personnel limitation. That means that even though the Department has been able to increase productivity by 19 percent, it does not have enough people to process and pay the claims to the sick, disabled, and aged people incurred against the fund.

When we provided for the benefits, we passed a bill imposing taxes to pay for these benefits. Under the Williams-Smathers amendment, the rollback date was the day preceding the effective date of the medicare bill. It means that they will not have enough people to pay claims.

That means that every Senator will have people complaining. They will say, "Why can't we get the bills paid for our operations and hospitalization?"

The answer will be, "Congress voted for the benefits but voted to deny the employment of the additional people to make out the checks and process the claims."

Unless the amendment is agreed to, these people will be more and more delayed in getting out the checks for the people.

The workload of the Department has increased by 36 percent since July of 1966. The manpower has increased by 14 percent, and notwithstanding the 19-percent increase in productivity, the workload increase simply means that they will not be able to get the job done for these millions of people.

Mr. President, the same problem existed some time ago. And I believe an amendment was offered by the Senator from Pennsylvania [Mr. SCOTT] to provide that the money should be provided to employ whatever people were necessary so that the department would be able to pay these medicare claims to the people.

Congress saw the problem and took care of it. And I believe the same logic would require the same action now.

Mr. SCOTT. Mr. President, I agree with the Senator. That is the purpose I had in mind in my amendment. Throughout the country, many people were being delayed in the receipt of their proper payments under the act because of the limitations on personnel and because of the difficulty of clarifying the various channels in the system.

There has been some improvement.

I support the amendment offered by the Senator from Louisiana because it is entirely within the spirit of what a number of us have been trying to achieve in the social security and medicare systems.

Mr. LONG of Louisiana. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. RUSSELL. Mr. President, I certainly do not want any unduly late payments. But I wonder how many employees are in the Department of Health, Education, and Welfare. Does the Senator have those figures?

Mr. LONG of Louisiana. Yes. I would like to give the Senator three figures.

On June 30, 1966—the day before medicare went into effect—there were 43,693 employees. That is the figure we are geared to under the amendment.

Mr. RUSSELL. Is that for the entire Department or for the medicare program?

Mr. LONG of Louisiana. That is the number of social security employees in the whole program.

Mr. RUSSELL. I am talking about the entire Department of Health, Education, and Welfare.

Mr. LONG of Louisiana. This is all the employees in social security. I do not have the figures readily available for the Department. I assume that there would be more people for the entire Department.

Mr. RUSSELL. There would be more people in the Department, certainly. But I wonder if there is not some way in which they can give first things the first preference and find people to do this work who are now engaged in other activities.

I venture to say that they have over 75,000 employees in the Department of Health, Education, and Welfare.

Mr. LONG of Louisiana. My amendment would only apply to social security.

Mr. RUSSELL. I understand that. But there is no reason why the Secretary cannot transfer them from other places in the Department to that work. This is much more important work than the work that some people are being paid for there now.

Mr. LONG of Louisiana. May I recite the rest of the figures.

On June 30, 1967, with this increased workload, there were 47,183 employees.

On June 30, 1968, the number of people doing this work was 53,152. That is an increase of 9,449 people in 2 years, mainly because of medicare. However, we imposed more than medicare on this Department. We also imposed on them the burden of looking after disabled widows and providing for a number of other increases in cash benefits for 25 million beneficiaries.

My advice is that if this Department were behind a year ago in mailing out the medicare checks, they will be behind again, and farther behind than they were before, if we do not exempt them from the personnel ceilings.

We are not asking for money. We are merely asking for people to do the job that we voted should be done.

Mr. RUSSELL. Mr. President, I will be glad to do anything that is reasonable to see that there is no delay in that particular activity that is of such vital importance to so many of our underprivileged people. However, I have been around here for a good while. I have become very leary of having the head of a department come in with part of the story and say: "We cannot do this work without *x* number of employees." And he does not tell us about the other employees he has doing a great many other things which are not nearly as important as the job we are talking about.

If the Senator wants to mandate the Secretary to give priority to this matter, I shall be very happy to support him.

The Secretary can find other people who are doing work that is not as important as this work in the Department of Health, Education, and Welfare that he can transfer to the job of seeing that the checks go out promptly and on schedule.

Mr. MILLER. Mr. President, does the Senator agree then that if the amendment is defeated and the additional employees are needed, the administration can still transfer from another department some employees to enable the Social Security Administration to meet the requirements?

Mr. LONG of Louisiana. That is legal. Administratively, it is very difficult to do. This is what is happening now under this amendment. In the departments that need the personnel, they are begging their people not to retire. They say, "If you retire, we lose one position out of every four retirements, and we would rather have you at age 70 than lose that job. We would rather have you than nobody, so don't retire."

It may be that a Senator can say, "That's fine. Let's tell the Director of the Budget to take these people away from this agency and give them to that agency." But when that man tries to find 9,000 people, he will be told in every office he goes into, "Wait a minute. We need ours."

Let me put it this way: Let us say that in the Senate we voted that, while the offices of certain Senators were to be required to do twice the workload, we were going to find the jobs elsewhere, and we went around asking some Senators to give up their employees for use in the other Senators' offices. How many Senators would volunteer to give up their employees?

Mr. MILLER. Mr. President, will the Senator allow me to make a comment on that?

Mr. LONG of Louisiana. I yield.

Mr. MILLER. I think the Senator's point about the workload is perhaps well taken. I can understand how the Senator from Georgia might think that some employees could be transferred within a department. But if one wants to look at a lower workload rather than a higher workload, take a look at the U.S. Department of Agriculture. The record will show that there are now 813,000 fewer farms in this country than 7½ years ago, over 2 million fewer farmers and farmworkers; nevertheless, there are 36,000 more USDA employees. That might be a source to draw upon in order that some of these high-priority social security operations can be carried on.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MANSFIELD. Mr. President, there is no relationship between what the Senator from Iowa has just said and the amendment of the distinguished Senator from Louisiana.

As I understand it, on June 30, 1966, there were approximately 5,500 fewer employees in this division than there are today, and the increase of some 5,500 to 5,700 over a two and a half year period is due to the fact that medicare was enacted into law, and therefore created a need for that many employees to undertake present programs. Is my understanding correct?

Mr. LONG of Louisiana. The Senator's understanding is correct. And under this amendment, the way it stands, the department that is trying to process the claims would have to reduce the number of people they have from 53,000 to 51,500. They are doing what they can to reduce the number of employees now. But they will be far below what they tell us they need.

Mr. MANSFIELD. And the funds are to come within those appropriated or to be appropriated to HEW?

Mr. LONG of Louisiana. The limitation on spending remains exactly the same as it is in the law. So far as the $6 billion item is concerned this would not change it. Considering the fact that the Commodity Credit is going to cost $900 million because of good weather and poor markets, and adding $500 million for medical aid to the indigent, the Senate, by rejecting the previous amendment, voted in effect, to make the $6 billion cut a $7.3 billion cut on whatever items are controllable. After that has been done, these people, who are paying more tax into the social security fund than we are paying out in benefits, are told they will not be able to get the checks on time because there are not enough people to do the job.

Mr. MANSFIELD. Getting back to the previous amendment, which was defeated, it means that the obligatory payments due for medicare and medicaid will not be forthcoming and the obligatory payments to the farmers under the law will not be forthcoming, either. In other words, the CCC and the medicare programs will suffer. It means that, because of the action of this body today, the next Congress, regardless of whether it is Democratic or Republican in majority, will have to face up to this responsibility and come up with the necessary funds to honor the Government's pledge.

Mr. LONG of Louisiana. Those CCC payments will be made, because the law requires it. The Government will find some way to make the payments in the amount of $500 million. With regard to these medicaid payments, medical care for the indigent——

Mr. MANSFIELD. And to the States.

Mr. LONG of Louisiana. Yes. Because there is a contract with the States and a contract with the farmers.

But the administration started out feeling that it could not live with a $6 billion cut, and it cut some items we thought were vital. For example, it reduced by approximately $3 billion the money that was supposed to go for defense items other than Vietnam, and many people feel that was a bad mistake.

What the Senate did was to vote a further reduction because of these two items—the CCC, because the good weather and the bad markets could not have been predicted, and medicaid. Because of saying those two items will not be exempt, both of which greatly exceed the budget request for items over which the administration has no control, the Senate has voted not for a $6 billion cut but for a cut of well over $7 billion; and if it rejects this amendment, it will deny to these poor people the check to which they are entitled and for which they have paid taxes.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. PASTORE. Do I correctly understand that this applies to the social security section of HEW?

Mr. LONG of Louisiana. The Senator's understanding is correct.

Mr. PASTORE. In other words, they cannot hire these people in any other agency within the Department of Health, Education, and Welfare. Is that correct?

Mr. LONG of Louisiana. The other sections of the Department of Health, Education, and Welfare remain subject to the personnel cutback required by the Williams-Smathers amendment.

Mr. PASTORE. And the Senator's amendment is restricted solely to the social security program?

Mr. LONG of Louisiana. Yes.

Mr. PASTORE. I think what we are trying to do here today is to simplify the unsimplifiable. First of all, we must consider the fact that the social security section is in Baltimore. Is that not so?

Mr. LONG of Louisiana. It is.

Mr. PASTORE. The social security department is quartered in Baltimore. Is that true or is it not?

Mr. LONG of Louisiana. Yes, the headquarters is there.

Mr. PASTORE. Therefore, I think the money ceiling is the proper gage. The point is that it might become necessary, because of attrition, to cut the force in downtown Washington, D.C. But the fact remains that I do not see how these checkwriters can be taken out of Washington, D.C., and sent to Baltimore to do the job, because the social security department has been transferred to Baltimore.

I understand that a money ceiling is involved. Not an extra dollar would be given to the Department of Health, Education, and Welfare for the 2,000 people who are needed.

Mr. LONG of Louisiana. There would be no additional appropriation.

Mr. PASTORE. Therefore, if they do not have the money to pay the personnel they now have plus the 2,000 they must hire, they will have to fire somebody in Washington. Is that correct?

Mr. LONG of Louisiana. It is.

Mr. PASTORE. The trouble is that we are not taking into account that the social security department is in Baltimore. How we are going to get the girls in Washingon, D.C., to travel every day to Baltimore to write out these checks, without spending more money, is beyond me.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. RUSSELL. I should like to say, with reference to the statement of the Senator from Rhode Island, that that issue arises every time there is a change in the executive branch of the Government. Not so long ago, we had what was called a reorganization of the Department of Defense, and they closed bases all over this country. They gave the people who were employed there—and they ran into the tens of thousands—the option of moving to where the activity that had been located there was moved, or else they were to lose their jobs.

They do that time and again. The Senator talks about this situation being in Baltimore. It exists all over the United States. You have division offices and other offices throughout the United States. If you close one of them, that does not mean you are going to send somebody from Washington every day to Providence, R.I., to do the work. It means you will give these people who are associated in Providence an opportunity to go to Washington to do the work, or employ someone else. It is not a question of moving people from Washington to Baltimore to write checks. It is a question of giving the employees the option to continue their work if it is moved.

Mr. PASTORE. I agree with the Senator. I am not for hiring more people in the Department of Health, Education, and Welfare. The only problem is that we have to take this matter section by section.

I asked if this amendment is confined to the social security section. Therefore, if we need 2,000 employees and have to let them go somewhere else, let us do it.

Mr. RUSSELL. The Senator from Louisiana said 9,000 employees several times.

Mr. PASTORE. Did he?

Mr. RUSSELL. Yes, I heard him very clearly.

Mr. LONG of Louisiana. It would be an increase of 9,000 employees in 2 years to do mainly this work in connection with medicare.

Mr. PASTORE. It takes 9,000 people to write these checks?

Mr. RUSSELL. I would say this is a prior activity but the people doing the work are less important and vital to this country than seeing that these people get these checks and it could be deferred or reduced; or you might get someone to do a little more work somewhere in order that an associate at his desk might write the checks.

Mr. PASTORE. I would be willing to have these 9,000 people write out the checks, but in the same amendment I would provide that they have to let 9,000 employees so someplace else. But these people are in Baltimore.

Mr. RUSSELL. That is quite all right. We have moved things all over the country. We have moved the headquarters of one agency to Flint, Mich. There was not enough room for them in Washington. I have forgotten the name of the agency. We have proliferated the activities of Government so rapidly that there was not space here for the officers to carry on the work.

I cannot for the life of me understand how we are going to pay 9,000 additional people without involving additional costs for the Department of Health, Education, and Welfare. That is completely beyond me.

The distinguished assistant majority leader said we are going to hire 9,000 more people, but it is not going to cost any more. I understand the Senator from Rhode Island said the same thing.

Mr. LONG of Louisiana. If I gave that impression, it is incorrect.

Mr. RUSSELL. Where is the money coming from?

Mr. LONG of Louisiana. The people are there, and they are doing the work. The question is, a heavier workload is coming up and it is proposed to cut down the people doing the work, and they cannot get the checks out on time.

Mr. RUSSELL. The Senator said they would retain the 9,000 employees on the rolls of this agency?

Mr. LONG of Louisiana. Yes; as of the effective date of the Williams amendment.

Mr. RUSSELL. I had understood the Senator to say they were going to employ other people. I do not understand the situation.

Mr. LONG of Louisiana. The effective date of the Williams-Smathers amendment requiring personnel cutbacks is June 30, 1966. That was the day before medicare went into effect.

Mr. RUSSELL. I understand.

Mr. LONG of Louisiana. Since that time employment in that agency increased, through June 30, 1968, by 9,000 employees. They have 9,000 more people there and we have an amendment that requires a cutback of 9,000 people.

How are they going to get 9,000 people, who are desperately needed, off the payrolls? They would get 9,000 people, who are desperately needed, off the payrolls by filling only three out of each four vacancies, and this would reduce by 1,600 the number of people they would have by June of 1969, or from 53,000 to 51,000.

Mr. RUSSELL. Then, the Senator from Rhode Island was correct. The number is not 9,000 but rather 2,000.

Mr. PASTORE. That is the way I understood it.

Mr. LONG of Louisiana. That is not the end. As long as this matter is left on the statute books, there would be similar cuts in subsequent years. I have referred only to the first year.

Mr. RUSSELL. I do not think the Senator needs to be apprehensive. At the rate we have been exempting agencies, the whole thing will be cut out in a year.

Mr. LONG of Louisiana. The Post Office had a much heavier workload due to the boys in Vietnam writing home, and the people here writing to the boys in Vietnam. The head of that agency said that because of the heavier workload factor he could not deliver the mail so he would have to cut down on the mail service, which they proceeded to do. At that point, by daughter who was engaged to a boy in Vietnam, asked if I voted to make it that way. She said she did not know if she could vote for anyone who did that because she wanted to hear from him and that he wanted to hear from her.

So we then proceeded to vote that in view of the heavy workload of this Department, the Department would be exempted from the personnel ceiling so the Department could deliver the mail. The Senator from Louisiana is not the only Senator who recognized the problem.

I have before me a report on the Committee on Appropriations, on which committee I do not have the honor to serve but I have the highest respect for those who do serve on the committee. This report deals with the same problem. I quote from the Senate report:

> The committee has approved language to be offered from the floor which has the effect of excluding the Social Security Administration . . . from the employment limitations imposed by section 201 of the Revenue and Expenditure Control Act of 1968.

The report continues:

> The uncontrollable nature of the social security program is recognized by virtue of its exemption from the expenditure and new obligational authority reduction provisions of Public Law 90-364. The committee has been further advised that the claims workload which SSA will be required to handle in 1969 already gives every evidence of being substantially higher than that predicted in the budget. Under the circumstances, the committee feels it is essential to avoid endangering the timely payment of social security benefits to millions of Americans by continued application of the restriction on filling vacant positions to the Social Security Administration.

The point is that the amendment should be agreed to in order to let more people be put on the social security payroll so that checks can be processed and these people paid promptly.

Mr. PASTORE. As I understand what the Senator is now saying it is that the amendment we passed freezing the number of employees postdates the responsibility of sending out these checks and that because these checks had to go out they had to hire more people, and the Senator is trying to preserve the number of people it was necessary to hire to do that job. But the Senator is not asking for more employees but rather to keep those they had to have to do the job. That is different than what the Senator said the first time.

Mr. HARTKE. Mr. President, this is the difficulty about social security. The difficulty is simply that the social security system is outside of the regular framework of Congress.

As I argued hard in committee, one of the difficulties is presented by the fact that we are taking more from the people paying social security payments at the present time for tax purposes than we are giving them in benefits. But the problem still remains that we have voted the people these benefits, and Congress, if it wants to do so, can live within the framework of the conditions and terms of the Williams-Smathers amendment.

We should cut back and say that we are cutting off some of those people from the social security system. I think that is what we are going to say. In effect, what we should do is cut the social security system; that is, a certain number of people should not be entitled to the benefits. That is what we are saying, if we cannot deliver the checks when people expect them. We are taking away their checks if we cannot deliver them. It will not do a man 65 years of age very much good if he gets his check 3 months late. He may die in the meantime, and be lying in his casket before the check arrives. It is not going to do him any good.

Thus, there is no question that the social security system should be exempted from these provisions, which should not have been included in the first place.

Mr. CURTIS. Let me point out that medicare makes contracts with insurance companies and the claims are processed by the insurance companies under contract with the Government. These insurance companies are not at all affected by either the limit on appropriations or the ceiling on manpower. That has not entered into the discussion at all. Medicare officials make a contract with an intermediary, usually a life insurance or a health and accident insurance company, to administer the program and process the claims. So, I do not think that they have been quite complete in presenting the original case they claim to have for additional manpower. It is also true that there is nothing in the Williams-Smathers amendment that requires the Secretary of Health, Education, and Welfare to make a single reduction from social security. He can make any choice he wishes.

Mr. LONG of Louisiana. Does the Senator know how many employees the insurance companies have working on this general subject?

Mr. CURTIS. I do not know, but I know that they are not affected by this, and they are the ones processing the claims.

Mr. LONG of Louisiana. Perhaps the Senator should find out, because my impression is that there are 40,000 people employed by the insurance companies to process claims. But, we still have to have 8,000 people in the Department to mail out the checks, along with the 40,000 people working for the insurance companies, and doing their part to mail out the checks, and to check on what the insurance companies have done. So that while it is true that the insurance companies are doing their job—and we are paying them for it, and we are not telling them how many people to employ—the Government must still employ 8,000 people, which is only one-fifth of those employed by the insurance companies, to do the part the Government must do in spite of the work the insurance companies are doing.

Mr. WILLIAMS of Delaware. Mr. President, first, I want to point out that this agency, just as any other agency, can assign employees to those areas where they need it most. There is nothing in the bill which would require a reduction of one single man or employee in the social security department, if the Budget Director and the Administrator of the agency felt his service was essential. They can assign employees there and make the cuts elsewhere.

I should like to read a paragraph from the law, section 201, which is proposed in the amendment:

> The Director may reassign authorized temporary and part-time employment from one department or agency to another department or agency when such reassignment is, in the opinion of the Director, necessary or appropriate because of the creation of a new department or agency, because of a change in functions, or for the more efficient operation of the Government.

These can be reassigned from one agency to another without being counted as a resignation.

These reductions were accepted by the Budget Director, they were approved by the conferees of House and Senate unanimously, and passed the House and Senate bodies overwhelmingly, and the President said he would accept them.

It did not provide for any exceptions. It was specifically agreed not to start putting in any exceptions because if we did, where would we stop?

I point out that medicare was passed in 1965, to become effective July 1, 1966, at which time it would be operative. During that time many of the employees had already been hired. Perhaps it was not fully operative, but it had started.

As to the number of employees involved, I do not have the figures for 1966, but the Senator from Louisiana said it was 9,000 added employees in social security alone. We had 97,792 employees at the end of June 30, 1967. June 30, 1968, the agency had 105,400 employees. It added 7,600 during that year. That year was not the year of medicare. That was after. Next year, they want to add 2,000, or 5,000, more employees by June 30, 1969—I refer to page 530 of the President's own budget. What they want to do is to be an exception for the total HEW agency.

Now the Department of Health, Education, and Welfare can transfer its employees around the agency from one department to the other; or the Budget Director can transfer them, as the Senator from Iowa pointed out—from a cutback on Agriculture where they have been adding employees faster than we can get farmers—we can cut in that area and apply those savings to these other agencies.

So far as the law is concerned, they have the authority, if they wish, to add more employees to this Department if it is necessary. This is just another typical case that we get of a threat to a very popular program, that unless we exempt them from the effect of the spending reduction, or from the employee ceiling, they will curtail the most popular service to these people. Certainly, no one wants social security checks held up.

It was called to my attention that we approved increases of benefits last year that have to be taken care of. It does not take 1 second longer to write a check for $100 than it does for $75. Increasing social security benefits that were voted last year does not change the workload one iota because of raising the amount of a check. I fail to follow the reasoning that the more we raise the social security benefits the more, we have to increase the staff in relation to the amount of expenditures they are making.

There is no question that they can, if they wish, properly staff this agency and keep every employee they have now, if they want to. They can even add employees by passing the cut on somewhere else.

I should like to call attention to just why it was necessary we keep this control, I mentioned this before, in quoting from the figures released by the Appropriations Committee—when it released its report September 4—that the total Federal civilian employment increased during the 8 years between 1952 and 1960 by 32,709 employees to take care of the expansion of the Government in various programs—32,709 were added in that 8-year period.

In the past 7 years 681,828 were added, many of them having been added in the past 15 to 18 months.

And 120,000 were added in June and July of this year alone, after the conferees had agreed on the bill to control expenditures, and after the administration had said they would support the reduction. That is an average of 2,000 a day added in that 60-day period.

I do not think we can afford this continuing expansion in the number of employees on the public payroll.

I believe I have the figures before me for 1966. On June 30, 1966, the Department of Health, Education, and Welfare, for social security and all the other functions, had 91,650 employees on the payroll. On June 30, 1968, it had 105,400. That covers all of the programs of HEW.

I do not think there is any reason at all why this agency or why the Budget

Director cannot make the cuts in the areas which they feel will have the least adverse effect as far as public service is concerned. We should certainly roll back civilian Federal employment to the July 1, 1966, level.

On September 20, 1966, after medicare had been in operation and was fully operative, because it was fully effective July 1, 1966, before President Johnson issued an Executive order rolling back Federal employment to the July 1, 1966, level. That Executive order has never been rescinded, and the administration has never said one word about exempting the social security agency or the Department of Health, Education, and Welfare. Nor did the Budget Director, when he was testifying before the committee, raise the point that this ought to be done.

I know that since the bill has been passed, in order to whittle it away piece by piece, they are here trying to exempt this agency or that agency. It is always said that they are going to shut down some essential services unless they get an exemption.

I think we get back to the point, do we really want to hold the $6 billion spending cut? Do we want to hold or roll back Federal employment, or do we want to let it go by the boards?

The Senator from Louisiana was techninically correct in answering the Senator from Georgia that this would not repeal the $6 billion ceiling. Yet he was incorrect when he said it would not affect the expenditures. The employees who distribute the checks for social security are paid out of the trust fund, and the trust fund social security payments were exempted under the bill. But the money that is used to pay these employees is not affected by this amendment in any way, shape, or form. The present law provides that to the extent that this particular department does not absorb its proportionate part of the rollback in Federal civilian employment, that rollback must be absorbed by some other agency which is performing less essential public service.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. Mr. President, I commend the Senator for taking the position he has. I want to make just two points, if I may. The first is that passage of the Williams-Smathers bipartisan amendment was the first time, at least in the 22 years this Senator has served here, when a major measure in the tax field originated in the Senate and was finally accepted in the House of Representatives. I am proud of that fact. I have complimented both Senators repeatedly. I do so again. I hate to see the whittling down of one of the important parts of that provision begin here or be carried on here in the Senate.

It is said that we have already exempted the Post Office, but it will be remembered that the effort to exempt the Post Office Department originated in the House of Representatives, which is quite a different situation. Here we are asked to strike down an important part of the action we took which was so unparalleled, and I think it was a great credit to the entire Senate for having enacted such a measure.

The second point I want to make is that we are asked to act today as if this were the be-all and the end-all of the whole situation. In fact, we have only 3 months and 7 days before the new year starts and we will be back here. The attrition from retirements and other separations from the service of the social security agency will be very small during that limited period of time. The Senator from Delaware has already accurately stated that there need be no reductions in that agency, because those reductions can be taken from among the 40,000 employees of that department who are performing other functions. But there cannot be any great diminution of the workers in the Social Security Administration, whether located in Baltimore or throughout the Nation—and they are located throughout the Nation, as we all know—between now and the time when we will be back here in January. If a serious hardship develops, it will be apparent by January and we can deal with it, promptly at that time.

I hope the Senate will not turn around and run back down the same hill which it went up, with such large numbers and so effectively, in accomplishing the first big and grand job in this field that I recall in the Senate, and, as a matter of fact, the first major legislation in the field of taxation that has originated in the Senate in all of these many years. I do not like to see the Senate cutting down the tree it planted itself.

I hope the amendment is defeated.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. RUSSELL. We have been talking about a 2,000-employee reduction or a 9,000-employee reduction. The Senator says it will be nearer a 13,000 increase that would be added by the terms of the amendment, because there is absolutely no limit except the sky on the number of employees that could be employed in the Social Security Administration. We are told that they are paid out of a special fund, so it would not be necessary for them to come here for appropriations.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. RUSSELL. The sky would be the limit. Employees could be added without let or hindrance except that which suited the Administrator.

Mr. WILLIAMS of Delaware. That is true. That would be paid for out of the trust fund, and there would be no control by Congress if we adopted the amendment.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. ANDERSON. I want to emphasize the same point the Senator from Georgia has made. This idea of 3,000 or 5,000 or 10,000 or 50,000 is not confined to the payment of checks under social security. It is wide open. When did the Senator hear about this problem, whether it is 3,000 or 9,000 or 12,000, or whatever the number is?

Mr. WILLIAMS of Delaware. I was the author of the original bill that passed Congress. I introduced it on January 31, 1968, and made the statement at that time that hearings would be held and the proposal would be offered as a rider to the House bill which dealt with excise taxes on automobiles and telephones. We held a hearing on that bill, and not one single agency of the Government came before us and said this measure would not work. It was passed in the Senate on April 2, and we still have had no complaints.

The Senator from Louisiana came over last Friday and said they were going to offer an amendment to exempt this agency. But from April 2, the day the bill was passed, and from the time the conference report was agreed to—and it has been on the lawbooks 3 months—not a single representative of any agency or of the executive branch has been down to my office to tell me this provision was too restrictive—with this one exception: After I made my statement last Friday, Mr. Ball came to my office this morning. He came after I made the statement last Friday, although I understood he was in the corridor trying to get an opportunity to confer with me last Friday, when I was busy on the floor. But that was after the amendment had been drafted and after all the lobbying had been done. He took a chance that I might be off the floor so he could talk with me. I call attention to the fact that Mr. Zwick himself——

Mr. LONG of Louisiana. Mr. President, would the Senator mind repeating that statement? I am not sure I heard it correctly: I mean the statement about being off the floor.

Mr. WILLIAMS of Delaware. I said it was a good thing I was on the floor. I did not know whether it was going to be offered or not. Amendments have been offered when I was not on the floor.

Mr. LONG of Louisiana. Was the Senator not aware of the fact that I came to the Senate and said, "Here is an amendment that I think it will be necessary to offer, and here is a statement explaining the amendment; I would appreciate your looking at the statement and the amendment, because I think we will be offering it later in the day"?

Mr. WILLIAMS of Delaware. That is correct. That was at the time we were voting on another amendment; and at the same time, the Senator stated the agents had been down to see him a few days before.

They had not been to see me. After all, it is not necessary to come and see me. I do not care about that. I am only a member of the minority, and only the author of the bill itself; it is not necessary to come to see me.

But I will say the administration was mighty glad to have somebody to daddy its tax increase bill, when it could not get anybody on that side of the aisle to do it.

I was glad to do that, because it had to be done. But I still say that this particular agency comes under the jurisdiction of our committee. I am a member of that committee; why have they not been down, during these 3 months, and told us it would not work? Not one word, as far as I know, has ever been said by way of objection to the committee bill. They never came to my office until this morning at 9 o'clock.

Mr. LONG of Louisiana. Is the Senator aware of the fact that he said, "If this amendment is needed, why did they not discuss it with me?" So I sent word to the people at the Department that they ought to send somebody up here to discuss that matter with the Senator. The man came to the Senate lobby and I asked the Senator to go with me and talk to the man, and let him explain the matter. The Senator declined to go. I thought we could go out there and talk, and I suggested that.

The man told me he had been to the Senator's office that morning, about 9 o'clock, or some such time as that.

Mr. WILLIAMS of Delaware. No; let us keep the record straight——

Mr. LONG of Louisiana. He said that he had been by the Senator's office. It seems that the man had been sitting in the waiting room all Friday afternoon, waiting to see the Senator.

I would like the Senator to tell me how I am going to offer an amendment when he is off the floor, if I am off the floor with him at the same time.

Mr. WILLIAMS of Delaware. If I am off the floor at a time like that, I would be glad to have the Senator with me. But let us keep it straight. I do not know if they were in my office Friday or not. The Senate convened at 10:30. I was in my office an hour or an hour and a half, from 8:30 on, signing mail, and then left. Nobody came to my office during that time.

The time that the Senator suggested we go out and talk with Mr. Ball was in the midst of a rollcall on another amendment. I was waiting for my name to be called. I vote at the end of the list.

I yield to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, the language of the amendment is very simple. It says:

> The limitations in section 201 of the Revenue and Expenditure Control Act of 1968 on the number of civilian employees in the executive branch shall not apply to the Social Security Administration.

It does not say anything about a 5,000 limit, a 10,000 limit, or a 50,000 limit. It is wide open, for anyone who wants to increase it.

I did not hear about this amendment. I probably ought to have some interest in medicare, medicaid, or things of that nature, but I never heard of it at all. I thought they were doing fine.

The Senator from Nebraska [Mr. CURTIS] points out that insurance companies are hired under medicaid, and not under medicare. I think it is very strange that the Department has not acquainted the people, at least, with the requirements of this act.

I think this is a bad precedent. The program is wide open, if the Senator's amendment is agreed to; and they can add any number of people they want to.

Mr. WILLIAMS of Delaware. The Senator is correct. I have a letter here from Mr. Zwick, under date of September 4, in which he gives a summary of all these situations. I shall put the letter in the RECORD, but let us see how this affected HEW.

On June 30, 1968, HEW had 104,670 employees. On July 31, 1968, they had 104,529. That is a reduction of 141, but this latter figure includes 624 Public Health Service officers, commissioned reserve officers appointed prior to June 1, 1968, that were not included in the June figure.

When you get through with it, he said the required reduction was 358, and he was over the target by 217. In other words, HEW was 217 above the target, as of July, so they are not suffering.

I ask unanimous consent that this list of reductions for all the agencies, as furnished by Mr. Zwick under date of September 4, be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SEPTEMBER 4, 1968.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This responds further to your letter of August 13, 1968 requesting information on the operation of the employment limitations established by section 201 of the Revenue and Expenditure Control Act of 1968. Our response is based upon the data reported to us by the executive departments and the six largest-employing independent agencies. The data should be considered preliminary in nature, subject to minor revisions later.

The employment limitations set forth in the law distinguish between different types of positions. For temporary and part-time employment, appointments are to be restricted so as to keep employment from exceeding the like figure for the corresponding month of 1967. For full-time employment in permanent positions, appointments are to be restricted to a maximum of 75% of the number of vacancies in such positions which have occurred since July 1, 1968 by reason of resignation, retirement, removal or death. I have been given authority to transfer fillable vacancies under certain circumstances. Exemptions are specified for certain types of positions such as Presidential appointees chosen with the advice and consent of the Senate, and disadvantaged summer youth employment up to a maximum of 70,000.

Temporary and part-time employment of the departments and larger agencies in the month of July was 14,010 less than the "ceiling" figure, as indicated in the first attachment.

Full-time employment in permanent positions for the departments and larger agencies, apart from the Department of Defense, was 541 less on July 31 than the employment permitted by the law. In the case of the Department of Defense, full-time employment in permanent positions for July 31 exceeded the statutory target by 9,495. Details are shown in the second attachment.

Within the total figures cited above, most agencies met their targets, but a few had excess employment for July.

I have written to the head of each agency in the latter group to remind him of the necessity of so controlling his employment actions as to bring about compliance with the law.

In reporting favorably on H.R. 18985 on July 31, the Ways and Means Committee of the House of Representatives recognized that there may be transitional problems which could cause some disruption in Government processes. Public Law 90–364 cancelled all vacancies existing on June 30. Most departments and agencies had already made commitments to hire personnel, particularly new high school and college graduates, even though their entrance on duty was scheduled to occur on or after July 1. A further illustration of this type of problem occurred in the Public Health Service where, I am informed, 624 commissioned reserve officers received appointments in June or earlier, but entered on duty only in the month of July.

In addition, there is the very real problem of communicating the necessary instructions to assure control in those cases where an agency has a large number of field establishments scattered throughout the United States and, in some cases, in many parts of the world.

I am confident that, with the additional time for an orderly transition, the reports for August will show a much larger proportion of the agencies meeting their employment targets. As you undoubtedly know, I have exercised my discretion under the law to limit, starting in September, hiring to 7 out of every 10 vacancies rather than the 75% provided under the law.

In the event that you want to compare the figures on the attachments with the total executive branch employment reported by the Civil Service Commission, the key figures are as follows:

Total Federal executive branch employment	3,050,338
Smaller agencies	61,145
Departments and large agencies	2,989,193
Full-time permanent	2,546,854
Temporary and part time (including 1,008 summer youth in excess of 70,000)	281,874
Presidential appointees	31,650
Exempted summer youth	70,000
Casual (intermittent)	58,815

As indicated in my letter of August 22, and in accordance with the statute, I will submit a more complete report to the Senate and House of Representatives when the figures for the end of the quarter are available.

Sincerely,

CHARLES J. ZWICK,
Director.

TEMPORARY AND PART-TIME[1] FEDERAL CIVILIAN EMPLOYMENT

Agency	Employment, July 1968	Employment, July 1967	Under (over) target
Agriculture	19,501	20,025	524
Commerce	9,366	9,468	102
HEW	5,730	5,057	(673)
HUD	381	340	(41)
Interior	12,525	12,768	243
Justice	848	736	(112)
Labor	455	472	17
Post Office	155,672	157,862	2,190
State	890	1,746	856
Transportation	1,899	1,736	(163)
Treasury	7,765	8,220	455
GSA	1,125	1,450	325
NASA	1,359	1,710	351
Veterans' Administration	12,585	12,794	209
AID	347	573	226
Panama Canal Company	455	550	995
Peace Corps	235	167	(68)
TVA	7,579	6,813	(766)
USIA	237	318	81
Subtotal	238,954	242,805	3,851
Defense, military	38,575	50,803	12,228
Defense, civil	3,337	2,276	(1,061)
Total	280,866	295,884	15,018
Summer youth not exempted	1,008		1,008
Grand total	281,874	295,884	14,010

[1] Excluding exemptions under sec. 201(d), Public Law 90–364

FULL-TIME PERMANENT FEDERAL CIVILIAN EMPLOYMENT[1]

Agency	Employment, June 30, 1968	Employment, July 31, 1968	Net reduction	Separations, July[2]	Formula reduction under Public Law 90-364	Reassignments by BOB	Total required reduction	Under (over) target
Agriculture	85,390	85,291	99	1,004	(251)	0	(251)	(152)
Commerce	25,893	25,801	92	274	(68)	0	(68)	24
HEW	104,670	[3] 104,529	141	1,431	(358)	0	(358)	(217)
HUD	14,980	14,866	114	145	(36)	(38)	(74)	40
Interior	61,172	61,065	107	483	(121)	0	(121)	(14)
Justice	34,216	34,473	(257)	494	(123)	0	(123)	(380)
Labor	9,761	9,838	(77)	150	(37)	0	(37)	(114)
Post Office	525,303	524,142	1,161	3,336	(834)	0	(834)	327
State	22,276	21,912	364	433	(108)	(100)	(208)	156
Transportation	58,008	57,874	134	279	(70)	38	(32)	102
Treasury	82,113	82,051	62	618	(154)	0	(154)	(92)
GSA	37,453	37,217	236	341	(85)	0	(85)	151
NASA	32,469	32,392	77	150	(37)	0	(37)	40
Veterans' Administration	151,022	149,974	1,048	2,454	(614)	0	(614)	434
AID	17,560	17,363	197	402	(101)	0	(101)	96
Panama Canal Company	12,084	11,994	90	90	(22)	0	(22)	68
Peace Corps	1,343	1,376	(33)	41	(10)	50	40	7
TVA	12,009	11,987	22	37	(9)	0	(9)	13
USIA	11,122	11,093	29	107	(27)	0	(27)	2
Unassigned vacancies						50	50	50
Subtotal	1,298,844	1,295,238	3,606	12,269	(3,065)	0	(3,065)	541
Defense, military	1,214,035	1,219,631	(5,596)	15,652	(3,913)	0	(3,913)	(9,509)
Defense, civil	32,062	31,985	77	252	(63)	0	(63)	14
Total	2,544,941	2,546,854	(1,913)	28,173	(7,041)	0	(7,041)	(8,954)

[1] Excluding exemptions under sec. 201(d), Public Law 90-364.
[2] Excluding transfers.
[3] Includes 624 PHS commissioned reserve officers appointed prior to July 1, 1968, but not included in the June figure.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. STENNIS. I just wish to say to the Members of this body who have been here only a few years, that I have listened to all of the arguments, which by and large is good, but I am not convinced that this matter could not be absorbed.

I have been a member of the Appropriations Committee for a good many years. There has always been pressure, requesting more and more employees, with the assertion that they just cannot do their work without a larger number. Usually they get them. But I have never heard any proof, when they did not get the extra number, of any real injury.

Mr. President, I believe that as long as we keep making these exceptions, we are going to have these resolutions before us. We solemnly told the American people this year that they must pay more taxes. The argument was made, "Increase taxes or reduce expenditures." We finally agreed to do both. We entered into a solemn agreement, which was a promise, to make the reduction, with the provision that necessary adjustments would be allowed and permitted.

I do not believe there is any proof of need here. Since I have been a Member of the Senate, I do not think there is any doubt that the amount of work that any employee is required to do has been greatly increased. In fact, the demand is not as much; the requirements are not as high.

With this going on and on, if we yield every time to these pressures and requests, we are not only failing to stand up and be firm, but I think we are contributing to a situation that is gradually growing worse. I think we will do a double service if we stop now, and say we are going to stand on what we said to the American people back in February, or whenever it was.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. Mr. President, first let me say I have voted against every proposal to make an exemption except one, with respect to FAA tower control operators. A comparatively small number of employees were involved, and, with the increasing problems of safety at our airports, I felt the exemption was needed and voted for it.

I should like to ask the Senator a few questions.

One ground upon which the proposal is based is that the medicare program became effective after the date that the Senator's bill limiting the number of employees became effective. Is that correct?

Mr. WILLIAMS of Delaware. Yes, pretty much. Medicare became effective July 1, 1966; but to a large extent, or to some extent, at least, they were staffed, ready to operate and function at that time.

So it is not entirely true to say that they have to absorb all that rollback, but there is some relationship there, yes.

Mr. COOPER. That is what I am trying to determine.

Mr. WILLIAMS of Delaware. That is correct.

Mr. COOPER. The program is a vast program, one which was controversial and was subject to extended floor debate over several years; but it became the law. As one who voted for it, I am very glad I did, and I think it is a necessary program.

In the Senator's opinion and judgment, does he have any figures or any statistics which indicate how many people are needed to operate the medicare program?

Mr. WILLIAMS of Delaware. As such, I do not know. But the medicare program was functioning when the President issued his Executive order on September 20, 1966. And most certainly it was functioning on the date that Congress passed the bill in April of this year. It was fully functioning at the time we approved the conference report. The Director of the Budget sat in the conference representing the White House and said they could accept that. At that time he suggested that we not start spelling out exemptions, but give him discretionary authority to transfer these employees. We complied with that request because we felt that if we started making these exemptions, we would not know where to stop or which one to spell out.

That is the point I am raising. The Budget Director has complete authority here. We are now told that it would be a great catastrophe if we have not acted on this matter and gotten an exemption by the 1st of October.

The only reason I know why that date is significant to the Department of Health, Education, and Welfare with respect to the 1st of October is that the Director, Mr. Cohen, is planning to go to Europe with a group at the expense of the taxpayers to dedicate a hospital for which we paid 20 percent of the cost.

This junket at the taxpayers' expense is not necessary. I am not sure but that we should have built the hospital here at home, as short of money as we are. We should not send a group of these employees—with a stopover in Paris—on a junket of this type. If these employees have time to do that, we should put them to work at something else. There is no question about that.

That money could be spent better here than in dedicating the hospital.

Mr. COOPER. Mr. President, I understand that. I have been supporting the Senator. My presumption is that I want to support him on all of these exemptions unless there is a valid reason for an exception. Unless I can be assured that the people who have filed for medicare will be cared for, I will vote for the amendment. That is the point of my inquiry.

Are there any facts or figures which would indicate that a certain number of employees—2,000, 3,000, or 4,000—are needed to operate a medicare program and that the program would be hurt if these employees were not available? I think we want to know that. I want to know it.

Mr. WILLIAMS of Delaware. Mr. President, certainly we need the employees to administer the program. I would not question that. However, if they need more employees than they had on June 30, 1966, then make the cuts elsewhere.

We had 681,828 employees added to the public payroll in the last 7 years. During the past 8 years, the medicare program expansion can only account for 32,000.

We have been talking about a rolling back of employment. It was in December of 1965 that the President said he was going to cut 25,000 employees off the payroll. Instead he added an additional 187,000.

Mr. COOPER. I understand that.

Mr. WILLIAMS of Delaware. On September 20, he was going to freeze the number of employees at the July 1, 1966, level. Instead, he added another 144,000.

After we passed the bill in June, 95,000 employees were added—30,000 employees were added in July. The administration was adding them at the rate of 2,000 a day. We have to stop some place. I think a better distribution of the employees would render better service.

When I speak of those added in July and August, I should point out that part of those were part-time or summer employees and were exempt. However, they were not all part-time employees. Some of them were full time.

I do not see the need for this expansion. If I thought that any additional employees were needed, I would support the exemption. I think that this is an essential service and that the checks should go out on time.

The Director's report for HEW showed that there was a net reduction of 141 in July in the entire agency. And according to his figures, he was over the target by 217 by that date, on July 31.

Mr. COOPER. Maybe the Senator from Louisiana could give me the information.

Are there any firm figures as to the exact number of people that the Senator claims are needed to successfully and properly operate the medicare program?

As I understand it, the amendment of the Senator goes beyond the medicare program and goes to the entire Social Security Administration.

Mr. LONG of Louisiana. Mr. President, it will take a moment to get that information. In the meantime, I would like to clear up a couple of matters.

For one thing, some Senators seem to have the impression—and my able friend, the Senator from New Mexico, is one—that if the amendment carries there will be no limitation on the amount of money that can be spent for personnel in the Social Security Administration. This is not true.

Actually, while it is true that the salaries of the people who administer medicare are paid almost entirely from the trust funds, they are nevertheless appropriated by Congress after action by the Appropriations Committees.

For example, on page 74 of the Senate Appropriations Committee report on the Labor-HEW 1969 appropriation bill reported by Senator HILL, it shows the amount of funds appropriated for administrative purposes in the Social Security Administration. It shows that in the 1969 budget, the President requested $778 million for that purpose.

The social security program is one program that does not bankrupt the Government. I would say, with all due deference to my friends on the Appropriations Committee, that the Government would have a big surplus instead of a deficit if every program would run as well as the social security program. Every time we vote an increase in benefits, we provide a tax increase to pay enough money for the increases in benefits. We provide enough to keep a surplus in the trust fund.

The Senator from New Mexico, with his experience in this area, knows that we take in enough money to pay for the benefits on a year-by-year basis. As far as I know, we have collected more money every year than necessary to pay all benefits, and have thus increased the size of the trust funds each year.

We have in the funds now about $37 billion, and we project that this will rise beyond $50 billion.

While the Appropriations Committee appropriates money for social security personnel, they appropriate it out of the trust funds. And the trust funds are provided by the taxes we vote for social security. The money is voted in social security legislation not only for the cash benefits and medicare benefits, but also to cover the administrative expenses of the programs.

We on the Finance Committee only have the privilege of voting for the taxes to pay for these benefits and expenses. However, those on the Appropriations Committee follow through and vote whatever is necessary to administer the program.

We assure that there is all the money necessary to pay for the social security program.

The Senator from Kentucky [Mr. COOPER] wanted to know how many people are necessary to handle the medicare program.

It is estimated that in the current fiscal year the Social Security Administration will need 8,200 people.

It is estimated that out of a total of 55,000 people working on social security, 8,200 people will be handling the medicare program. That area is responsible for most of the increase.

It was projected that the agency would move up from 53,000 employees to 55,000. The increase in the number of employees is caused by the burden of medicare plus additional workloads in the disability and retirement benefit programs.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. AIKEN. Mr. President, how many people are served by social security in the country today?

Mr. LONG of Louisiana. There are about 25 million cash beneficiaries.

Mr. AIKEN. That is about one out of every eight persons.

Mr. LONG of Louisiana. The Senator is correct.

Mr. AIKEN. That means that in a State of 400,000 people, there would be approximately 45,000 to 50,000 people being served by social security.

Mr. LONG of Louisiana. The Senator is correct.

Mr. President, I believe the Senator from Delaware is slightly in error when he says that the Director of the Budget, Mr. Zwick, agreed that he could live with this and would go along with and support the expenditure cut and personnel ceiling.

My understanding of Mr. Zwick's position is that he felt that a $6 billion cut was more than the administration could handle. He hoped to settle for a $4 billion cut, but he was stuck with the $6 billion cut. And by the action today, so far as the controllable items are concerned, he is stuck with a cut of approximately $7.2 billion.

But the reason why Mr. Zwick said he did not want any exemptions from the personnel ceiling was that he found that the original Williams amendment was more difficult to live with than if no exemptions were provided.

For example, the original proposal of the Senator from Delaware was to reduce Federal employment by 244,000 employees, in cutting back to the June 1966 level of employment. In his amendment, the Senator had exempted the Department of Defense and the Post Office Department, and that is where the big increase had been coming, because of the increase in the workload for the post office people and because the Defense Department had been employing civilians to do the work that a soldier had been doing, thus making more soldiers available for combat duty. It was found cheaper to employ a secretary to do nothing but clerical work, rather than training a soldier and having him do the clerical work.

Out of a total increase of 244,000, the agencies exempted by the Senator accounted for 209,000, or about 85 percent of the increase. When the Senator proposed to exempt from this cutback the Department of Defense and the Post Office Department, that meant he was exempting the areas where 1,800,000 employees were, and all the cut would have to fall in the area of where 30 percent of the employees, or approximately 814,000, were. From Mr. Zwick's point of view, under the Senator's amendment the nonexempt agencies had only about 30 percent of the employees, and they would have had to have a cutback of approximately 30 percent. He felt that this was impossible to comply with, and that being the case, he would have preferred that no one be exempt, in view of the fact that the exemption would have imposed what he believed to be an administrative impossibility—a 30-percent cut in the civilian agencies which had only increased employment by approximately 5 percent, whereas the big increases had occurred in the Defense Establishment and the Post Office Department.

So the amendment was modified and the Congress voted for it with no exemptions. Subsequently the Congress exempted the Post Office Department.

Additional employees will be needed in this area; otherwise, we will have many millions of disappointed people.

Mr. MILLER. Mr. President, will the

Senator yield, so that I may offer an amendment which will enable us to come to an agreement and dispose of this matter?

Mr. LONG of Louisiana. I yield.

Mr. MILLER. Mr. President, I send to the desk an amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The bill clerk read as follows:

Strike all line 4 from and including the comma, and all lines 5 and 6 and insert in lieu thereof the following: "*Provided*, That any employees needed in addition to the number that would have been available to the Social Security Administration under said limitations, shall be provided from within the limitations on the number of civilian employees in the executive branch under said section 201."

The PRESIDING OFFICER. Is this offered as an amendment to the pending amendment of the Senator from Louisiana?

Mr. MILLER. I believe it is so stated on the amendment, Mr. President. This is an amendment to the amendment of the Senator from Louisiana, and it would strike from and including the comma on line 4 and all of lines 5 and 6 of the amendment of the Senator from Louisiana, No. 997.

Mr. President, this amendment is designed to accomplish what the Senator from Rhode Island brought out this afternoon. I do not believe that any Senator desires to deprive the Social Security Administration of needed employees. If they need more employees than they had on July 1, 1966, we should give them the employees. But if we are going to give them the employees, my amendment provides that they will come from some other agencies, within the limitations set by the law we passed earlier this year on the expenditure-reduction and tax increase. This will disturb some agencies, perhaps, but I pointed out earlier that we have had a reduction of 800,000 farms in this country. Therefore, why do we have 36,000 or 40,000 more employees in the Department of Agriculture?

As the Senator from Georgia has pointed out, if they need these employees, why can they not take them out of some of the other divisions of the Department of Health, Education, and Welfare?

All this amendment would do would be to provide that they would get their needed employees, but that the employees they need in addition to the ceiling that would otherwise pertain to them would come within the overall limitations provided in the basic law.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. PASTORE. I believe this is an advisable amendment, and I hope the Senator from Louisiana will accept it as a modification.

What this would tend to do would be that if they need these employees in the social security office, they would proceed with caution, only filling in the employees needed, and at the same time it would give the proper attrition on the overall help in the Department of Health, Education, and Welfare.

As has been pointed out, they have over 75,000 employees, and we are talking in the range of approximately 2,000 or 3,000. I believe there should be some kind of restraint. Otherwise, they will go wild.

I hope the Senator will accept the amendment, because I believe it would accomplish his objective.

Mr. LONG of Louisiana. Mr. President, I have heard the debate, and I hope I have persuaded others about the problem. Having been somewhat persuaded by them, it occurs to me that the distinguished Senator from Iowa has presented us with the answer to the problem, an answer which was suggested to some extent by the Senator from Georgia, that we simply say that the employees needed to do this job would be provided and the people would be taken out of some other departments.

The situation that confronts me now is that the yeas and nays have been ordered—by my motion, I regret to say—and I do not have the power to so modify my amendment. If I may have unanimous consent to do so——

Mr. WILLIAMS of Delaware. Mr. President, I believe I understand the objective, but I should like to ask this question: Assuming that this can be accepted, and that to the extent they are added in one department, then they must be taken off somewhere else; that is what the law is now. That is the Williams-Smathers amendment. To the extent that they can add employees in this agency, they must take them from somewhere else.

Mr. LONG of Louisiana. It says that to the extent they are needed here, they would be provided.

Mr. WILLIAMS of Delaware. That is correct. The discretionary authority would be taken away from the Director of the Budget. He is being told, "We don't trust you to do this. You must keep a minimum number in this agency, and make the cuts elsewhere."

Suppose the authority is taken away from the Director of the Budget and Mr. Cohen decided to add 10,000 more, as the Senator from Georgia suggested. Then the Director of the Budget would have no control over it, but he would be told he has to absorb the reduction in some other agency. The power would be taken away from the Director of the Budget and given to the Administrator of the Department of Health, Education, and Welfare.

Under the Williams-Smathers amendment, the Director of the Budget has the power to retain every employee there is today working for the social security department. There is no question about that.

Under the law on the books today, if an agency needs an extra 1,000 or 2,000 employees, they can hire them, if the Director of the Budget approves, but they must then make the reduction somewhere else. As I understand the pending amendment, if it is accepted, as modified by the Senator from Iowa, it would merely say the same thing, but the decision as to whether it is done will be that of the man in charge of administering social security, and if he adds an extra 1,000——

Mr. PASTORE. No. That is not the import of this amendment at all. What this amendment says is that if it becomes necessary, in order to send out these checks, to raise the number of personnel in social security, they have to decrease the number in some other agency in the Department of Health, Education, and Welfare.

That will be the responsibility of the Secretary.

Mr. WILLIAMS of Delaware. The existing law does that now.

Mr. PASTORE. So we say it again to make doubly sure.

Mr. WILLIAMS of Delaware. They can offset the increase in one agency by making a reduction in any other agency of the Federal Government.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. HOLLAND. Mr. President, I would like to say that the Senator from Rhode Island is slightly mistaken because the amendment of the Senator from Iowa does not provide that the extra number shall be taken out of the employees of the Department of Health, Education, and Welfare, but gives them the whole field of the executive department of Government to comply completely with the law now on the books.

Mr. MILLER. I agree that this does not limit this to the Department of Health, Education, and Welfare. They may decide to draw down from the Department or the Department of Agriculture.

I recognize that the Senator from Delaware is correct that this is the import of the Williams-Smathers amendment. However, I think it might be helpful for the Senate to be on record as saying, in effect, "If you need additional employees for the Social Security Administration, they shall be provided."

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. LONG of Louisiana. I believe we should make legislative history as to what the Senator intends by his amendment.

I understand the Senator to say that if, looking at what is happening, there must be additional employees added to the Social Security Administration, so that the beneficiaries will get their checks on time they will get the employees from some other place in Government and stay within the overall limitation.

Mr. MILLER. The Senator is correct.

Mr. LONG of Louisiana. So that to get the job done and get the checks to these people on time, the Social Security Administration may fill all its vacancies and if additional persons are needed, vacancies may be tranferred from some other department; there would be a higher priority for this over a less important program in another agency which might be overstaffed.

Mr. MILLER. The Senator is correct. I think this is the thing to do because if we do not do it we might find the House will make some change and in this way we say we mean business. Add the employees needed and take them out of the overall limitation.

Mr. PASTORE. Mr. President, I agree implicitly but I was willing to be less generous. I wanted to confine it to the Department of Health, Education, and Welfare and take the extra people from that Department. If the Senator wishes to make it that broad, it is satisfactory to me. It goes back to the Williams-Smathers amendment. It may need to be recodified and stated twice instead of once. I was being less generous than that. I wanted them all to come out of the Department of Health, Education, and Welfare.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. CURTIS. Can they not now do what the Senator proposes without any amendment?

Mr. MILLER. The Senator is correct. They can, but this amendment says they "shall." It makes clear they have to come within the limitations of the Williams-Smathers amendment.

I detected a lot of concern during the debate that there might be some lagging behind in the number of employees needed for the special security program. I do not think anybody wants that to happen. That is the reason for offering the amendment.

Mr. RUSSELL. As I understand the Senator's amendment, it is that the Senate express its opinion as to priorities rather than to leave it solely to the Director of the Budget.

Mr. MILLER. The Senator is correct.

Mr. RUSSELL. In other words, we think this particular agency should have priority under the Williams-Smathers amendment in the filling of these vacancies.

Mr. MILLER. The Senator has stated it much better than I.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. AIKEN. Mr. President, I am not rising to oppose this amendment to the amendment. However, I am somewhat disturbed over the implication that these additional employees, if necessary, could be taken from the Department of Agriculture.

The Department of Agriculture has become the whipping boy. Some people in this country say that the only law for agriculture is the law of supply and demand.

However, do Senators know why Agriculture has had to increase personnel over the years? It is because it now goes into the field of education and industry; they are up to their ears with hundreds of millions of dollars of industrial subsidies charged to the Department of Agriculture, as the Senator from Rhode Island aptly explained the other day.

Agriculture is in the field of consumer goods, and to what extent nobody knows. Agriculture is in the field of foreign aid and foreign relations to the extent of something like $2 billion a year. Agriculture is supposed to look after the low-income people of this country. Agriculture is supposed to guard the public health against the use of chemicals for any purpose, whether to kill mosquitoes in a suburban home, or elsewhere. To top it all off, the Extension Service has been transposed to the point that 75 percent of all agricultural bulletins go to nonfarm people and 75 percent of the extension work is for nonfarm people.

I hope if these employees are taken from the Department of Agriculture they not be taken from the farmer end of the Department of Agriculture but from some of the other extraneous sections.

Mr. PASTORE. Mr. President, every time the Senator from Vermont rises to his feet, I can understand more and more why he won the Republican and Democratic nominations in his State. [Laughter.]

Mr. AIKEN. This sort of thing helps.

Mr. WILLIAMS of Delaware. Mr. President, the present law states the Director of the Budget can assign extra employees to the social security department for the administration of that agency. However, to the extent they assign 1,000 extra employees, or do not absorb their proportionate part of their mandatory reduction, other agencies must pick up the slack. That is the existing law. It seems to me that under the amendment we are going to confer on Mr. Cohen the authority to add whatever employees he wishes under the social security branch, or to refuse to accept any of the reductions in that department Mr. Cohen wishes; and to the extent he does not absorb his part of the reductions, or to the extent he wants to add 1,000, 2,000, or 5,000 employees, he can do without being overridden by the Director of the Budget, and the Director of the Budget has to take orders from Mr. Cohen and absorb these employees in the Department of Agriculture or in some other department.

Mr. MILLER. I wish to say to my friend from Delaware that certainly is not the intent. The Senator from Georgia, I think, pointed up the rationale behind the amendment better than anybody else when he said this merely designates the priority as far as additional needed employees are concerned over and above the ceiling.

We find the priority is in the Social Security Administration. The Senator from Delaware will not take second place to anyone on this matter. This does not deliver carte blanche authority to Wilbur Cohen. They have been needed. I am sure that he will have to justify them to the Budget Bureau, that they shall be provided. We are in effect saying to the Bureau of the Budget that they shall be provided, they must be needed, and we have a priority idea in mind for the Social Security Administration because of its tremendous importance to so many people, one out of eight, as has already been brought out. Beyond that, there is no further intention.

Mr. WILLIAMS of Delaware. As I understand it, it is the intent of the Senator from Iowa, with this modification, is merely to transfer authority to determine the maximum number of employees in the Social Security Administration from the Budget Director to Mr. Cohen.

Mr. MILLER. No, sir. No, sir. If there are any colleagues who have had more experience with the Budget Bureau than I, who disagree, I wish they would say so, but it is not the intent to usurp the authority of the Bureau of the Budget. It is intended to say to the Bureau of the Budget that there is a priority which we have in mind when it comes to adding employees, that the employees must be needed, and if needed, they must be taken from within the overall ceiling.

Mr. WILLIAMS of Delaware. The Senator has a different problem here. In the normal agency, to the extent that *x* adds employees with or without the consent of the Director of the Budget, we have to get the approval of the Director of the Budget to get the money to pay them. In this instance, the agency does not. These employees are paid out of the social security trust fund. Therefore, he does not go back to Congress, and he does not go back to the Director of the Budget to get the money. He has billions in the trust fund and he can add employees as he wants them.

I do not see that this is much different from existing law except as to the transfer of authority. If I understand it correctly, I would not object to what the Senator is doing. As to leaving this authority with the Director of the Budget, I do not trust him anyway. In my book, we have had no cooperation from him whatsoever. If the Senator feels that way about it, we can go on with it.

Mr. RUSSELL. Mr. President, I do not think it denies the Director of the Budget the authority to determine, in the last analysis, as to whether the people are needed. But it says that if they are needed, he is given priority. It is entirely possible that we will need a great many transferred from agencies. We may have to make some priority for *x* employees in this department and a greater priority for *y* in the other department. But, in that case, the Director of the Budget must determine it. We do have the temerity to tell the Director of the Budget, in this instance, that we think if there is a need, he is the man that finds that, and the Social Security Administration should have priority in the transfer. That is the way I construe the amendment of the Senator from Iowa as an amendment to the amendment offered by the Senator from Louisiana.

Mr. WILLIAMS of Delaware. Mr. President, I am glad to have the explanation, that the adoption of the amendment would not change at all the responsibility or the obligation to make the reductions.

Mr. RUSSELL. Not at all. Not at all. Not by one employee. If it did, I would not be supporting it. I have not voted for a single one of these reductions.

Mr. WILLIAMS of Delaware. I appreciate that.

Mr. RUSSELL. I voted against the Post Office reduction.

Mr. MILLER. The Senator is correct.

Mr. WILLIAMS of Delaware. Mr. President, with that understanding, I would be willing to take the amendment to conference. I do not say yet that I am wholly for it, but I do not object to it. We can withdraw the yeas and nays.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to withdraw the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I modify my amendment by accepting the language of the amendment of the Senator from Iowa [Mr. MILLER].

The PRESIDING OFFICER. The amendment of the Senator from Louisiana [Mr. LONG] is modified by the language of the amendment of the Senator from Iowa [Mr. MILLER].

The question is on agreeing to the amendment as modified.

The modified amendment was agreed to.

Mr. ELLENDER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> Amendment intended to be proposed by Senator ELLENDER (for himself and Senators HOLLAND, SPARKMAN, and HARRIS:
>
> At the end of the bill add the following new section:
>
> "SEC. —. (a) Sections 202(a) and 203(a) of the Revenue and Expenditure Control Act of 1968 are amended—
>
> "(1) by striking the word 'and' at the end of paragraph (3) and
>
> "(2) striking the period at the end of paragraph (4) and inserting in lieu thereof a comma and the following:
>
> " '(5) by Commodity Credit Corporation in excess of the amounts estimated therefor in the budget, other than amounts estimated for "special activities".' "

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, the basic purpose of H.R. 2767 is to provide equitable tax treatment for mutual irrigation ditch companies, soil and water conservation districts, and drainage districts.

These inequities were first brought to my attention in 1964, and after an exchange of correspondence with the then Commissioner of Internal Revenue, Mortimer Caplin, I introduced S. 2718, designed to deal with this situation. I introduced similar bills in the 89th and the 90th Congresses. Members of the House of Representatives became interested in this same problem, and H.R. 2767, sponsored by Representative JAMES BATTIN, of Montana, is a result of their very effective efforts. While H.R. 2767 takes a different approach than did my measure and the relief offered is less complete, nevertheless, H.R. 2767 will go a long way to achieve equity.

Mr. President, in order to complete the legislative history and to show the background of this legislation, I ask unanimous consent that the following correspondence be printed at this point in the RECORD.

The first is my letter directed to the Commissioner of Internal Revenue, dated January 28, 1964.

The second is Mr. Caplin's reply to me, dated March 4, 1964.

The third is my letter to Chairman RUSSELL LONG of the Senate Finance Committee, dated March 31, 1967.

The fourth is my letter to Secretary of the Treasury Fowler, dated April 7, 1967.

The fifth is the Treasury Department's reply to my letter of April 7, 1967, dated April 21, 1967.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

JANUARY 28, 1964.

Hon. MORTIMER CAPLIN,
Commissioner, U.S. Internal Revenue Service, U.S. Treasury Department, Washington, D.C.

DEAR COMMISSIONER CAPLIN: On December 10, 1963 I forwarded to you a copy of a letter written to me by Representative Oakley Wade and dealing with an income tax problem of a farmer claiming a deduction for his irrigation water assessment. Under date of December 18, 1963 Mr. H. J. Donnelly, director of the Audit Division, advised me that the letter was being sent to the regional commissioner in Dallas, Texas for a reply. I have now received a reply from V. Lee Phillips, district director in Denver, Colorado, a copy of which is enclosed herewith.

While I appreciate the information on the status of the particular case which brought the problem to my attention, I am really more concerned with the substantive problem involved. That problem is the tax treatment of assessments by a mutual ditch company. Apparently the Internal Revenue Service is treating these assessments differently than they were treated for a great number of years, and this change will affect a great many farmer-taxpayers throughout the entire West.

Specifically, I would like to have the citations to the current law and regulations which Mr. Phillips refers to as a basis for the decision that the farmer may not deduct assessments which reimburse the ditch companies for capital expenditures. I would also like to have your thoughts on the proper tax treatment of such items as casualty losses, depreciation, interest paid on loans, and other items which would be properly deductible by a mutual ditch company if it were a taxpaying entity, including some discussion of when those items would be deductible by the farmer-stockholder if you conclude that he is entitled to a deduction for such items.

Because of the unusual nature of ditch companies, which are common throughout the West but seemingly seldom understood in the East, I would be happy to brief you if you would like me to do so before you answer this letter.

Thank you for your assistance.

Best regards.

Sincerely yours,
GORDON ALLOTT,
U.S. Senator.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., March 4, 1964.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: This replies to your letter of January 28, 1964, with enclosure, concerning the tax problems presented to you by Mr. Oakley Wade with respect to deductions for amounts paid by farmers to mutual ditch companies.

I find there is little I can add to District Director Phillips' letter of January 9, 1964, concerning the Akin case, which would not appear to be repetitious. The position of the Internal Revenue Service as to the treatment of these assessments is not a new position but antedates the Akin decision in 1957. In regard to the provisions of the regulations, I invite your attention to section 1.175 of the Income Tax Regulations which provides that capital expenditures by a soil and water conservation district cannot be deducted by members assessed for such expenditures. In addition, section 1.263 of the Regulations provides that capital expenditures which add to the value or useful life of property are not allowable as expense deductions. I am enclosing copies of extracts taken from these regulations which have been in force and effect since the enactment of the Internal Revenue Code of 1954.

The current income tax law and regulations, applicable to all taxpayers, would be equally applicable to a mutual ditch company if it was a taxable entity. In such case, the specific deductions mentioned in your letter would be given the same tax treatment accorded similar taxpaying entities. Corporate stockholders whether engaged in farming or in other pursuits, are not entitled to deductions for expenses incurred by or on behalf of the corporation. Generally, any amounts paid by stockholders to their corporation would, according to the circumstances, be treated either as capital investments or loans.

As you know, any change in the present tax law would require legislation by the Congress. The Office of the Assistant Secretary for Tax Policy has been assigned the responsibility for formulating the Treasury Department's tax policies. Therefore, I am bringing copies of your letter to the attention of that office for consideration in connection with its continuing studies concerning tax policy.

I hope this information will be helpful for your purposes.

With kind regards,

Sincerely,
MORTIMER M. CHAPLIN,
Commissioner.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
March 31, 1967.

Hon. RUSSELL LONG,
Chairman, Senate Committee on Finance,
Washington, D.C.

DEAR MR. CHAIRMAN: On March 14, 1967, Congressman Battin's bill (H.R. 2767) was reported from the House Ways and Means Committee and passed by the House of Representatives. Congressman Battin's bill is designed to authorize a farmer to take an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts. While I have worked with Congressman Battin in relation to this matter, and believe that the purposes of his bill are equitable and appropriate, it unfortunately fails to take into consideration a like situation with respect to mutual ditch companies.

The mutual ditch company is a legal entity which was first introduced in our Western States and its advent generally predates the advent of the soil or water conservation districts. It is largely unknown and little understood east of the Missouri River. It may take any one of several forms, but basically it is organized simply as a means of conveying irrigation water from the point of diversion on a stream to the final user, the farmer who irrigates his land. State corporation laws customarily permit the incorporation of the enterprise on a petition of all or a certain percentage of the water users. Each share of stock carries with it a water right and the sale of the stock constitutes a sale of the right. Assessments to meet the cost of maintenance and operation are made against the stock each year, and because a mutual company, by its very nature, is a non-profit organization operated by the users themselves, operation and maintenance assessments may not exceed the actual cost of operation and maintenance. Unless those assessments are paid in full, the owner thereof is not entitled to receive water from the ditches of the company. Further, the assessments become a lien against the stock, and thus against the water rights represented, and if the assessments continue unpaid the stock may be sold by the association to recover the amount of such assessment. Assessments may also be made for capital improvements. Such ditch companies are also granted the power of eminent domain under Colorado law:

"1963 Colorado Revised Statutes 148–3–7—Whenever the owners of sixty per cent or more of the area of lands served by any one lateral ditch used for the delivery of water for irrigation from a common source, shall organize a corporation having for its objective the taking over and owning of all of the interests of the incorporators in said lateral, said incorporators to receive shares of stocks in said corporation for their holdings, the corporation as organized shall have power, under the eminent domain laws of the state of Colorado, to condemn the interest, or interests in said lateral, belonging to the owners of the remaining forty per cent or less of the lands so served by the lateral."

I have attempted to briefly describe the nature of the mutual ditch company for the purpose of background, and I believe it will serve to further emphasize the inequitable treatment being afforded some of my constituents by IRS agents under their interpretation of the existing statutes and regulations.

This matter was first brought to my attention by my constituents, Mr. and Mrs. Robert L. Hunter of Las Animas, Colorado, who had had a part of their claimed deductions disallowed in their 1963 tax returns. In this instance, the taxpayer owns shares in a mutual ditch company which had lost a dam in the 1955 flood. The company borrowed money to replace the dam, but the Internal Revenue Service, on Hunter's 1963 tax return, disallowed, among other things, the amount of the assessment which went to retire the loan and the amount which was attributable to the interest on the loan. When the taxpayer inquired as to whether he would be entitled to a casualty loss in 1955, the agent reportedly told him that it was a moot point since the time for filing an amended return had expired, but that it would be his decision that a claim for that loss would be disallowed. Former Commissioner Kaplan made it clear, in an exchange of correspondence with me, that IRS would not allow claimed deductions for depreciation or casualty losses. This position has been further substantiated by subsequent events in which the same taxpayer was disallowed a deduction of any of the water assessment which went towards repairing the dam and ditch of the same mutual ditch company which was damaged during the June 1965 flood. The net result is to force the shareholders in a mutual ditch company, to capitalize such assessments, regardless of whether they actually contribute to an increase in the value of the ditch company, and at the same time to disallow deductions for casualty losses, or for any transactions which result in a loss of value of the company and the shareholders equity therein, including depreciation. As a result of the 1965 flood, the IRS has held that the shareholders in the mutual ditch company which sustained a $10,000 loss had actually increased the value of the company by repairing the flood damage in the amount of $10,000—in other words, a net gain by making repairs required by a *force majeure*. Such a result is unreasonable, illogical and inequitable.

In order to correct this situation I have introduced a bill, S. 885, which I believe will not only correct the inequities with respect to soil and water conservation and drainage districts, but which is also broad enough to extend similar relief to mutual irrigation companies. Therefore, I respectfully request that the language of S. 885 be substituted for the language in H.R. 2767 and that the bill be reported to the Senate in the substituted form. Your consideration and the consideration of the members of your Committee, with respect to this matter, will be deeply appreciated.

Warmest regards.

Sincerely yours,

GORDON ALLOTT,
U.S. Senator.

APRIL 7, 1967.

Attention: Mr. Tom Fields, Office of Tax Legislative Counsel.

Hon. HENRY H. FOWLER,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: This is to confirm the information conveyed by Mr. Fields of your office to Mr. Cook of my staff, during a telephone conversation a few days' ago with respect to the legislative intent of H.R. 2767, a bill now pending before the Senate Finance Committee.

As you may know, the question of tax treatment of mutual nonprofit irrigation companies and their stockholders first came to my attention in 1964, at which time I introduced a bill, S. 2718, designed to deal with this inequitable situation. I introduced similar bills in the 89th and 90th Congresses. It was specifically the Hunter case, subsequently decided by the Tax Court (46 T.C. 477) which illuminated the inequitable treatment of mutual ditch companies. Without attempting to detail the facts and decision of the Hunter case, you are, of course, aware of its effect.

Hunter, a shareholder in the Highland Ditch Company, was denied a deduction on his income tax return for damages sustained to a diversion dam owned by the Highland Ditch Company during the 1955 flood. The taxpayer attempted to obtain a deduction on three alternative bases, all of which were denied. The first theory put forth by the taxpayer was that he was entitled to a deduction for that portion of each annual assessment paid to Highland Irrigation Company that was used to repay funds borrowed and used to construct a new diversion dam to replace the dam partially destroyed by the flood in 1955. This was denied by the Tax Court on the basis that deductions are a matter of legislative grace and that Congress had not intended to permit a farmer to deduct as a current expense expenditures for capital assets.

The second theory advanced by the taxpayer in the alternative was that if such expenditures were not deductible as current expense, then a deduction should be permitted for depreciation of the "capital asset". The Court had difficulty getting past the equities and even suggested that Congress, based upon equitable considerations, might enact legislation which would permit the pass through of depreciation deductions on such property owned by a mutual assessment company to its stockholders. The Court held that since the Congress had not addressed itself specifically to this question, it could not ignore the corporate entity which, at least on the surface, shielded the taxpayer from liability for the repayment of the loan without specific statutory language.

The final argument advanced by the taxpayer was that he should be allowed a casualty loss, based upon the damage done to the diversion dam in the 1955 flood. The Court dismissed this argument in these words:

"There are several reasons why we disagree with the petitioner on this point, but to avoid prolonging this opinion any further, we point out that a casualty loss is allowable only in the year in which the loss is sustained, and here the dam was washed out in 1955, a year not before us."

I have since been informed that a deduction for a casualty loss caused by the flood of June 15, 1965 was likewise disallowed by the Internal Revenue Service.

The inequitable result is that the mutual ditch company by its nature cannot avail itself of any tax deductions since it is nonprofit, and the shareholder is denied a deduction on all three possible alternatives.

At this point, it may be useful to briefly describe the nature of a mutual ditch company for background purposes. The mutual ditch company is a legal entity which was first introduced in our Western States and its advent generally predates the advent of the soil or water conservation districts. It is largely unknown and little understood east of the Missouri River. It may take any one of several forms, but basically it is organized simply as a means of conveying irrigation water from the point of diversion on a stream to the final user, the farmer who irrigates his land. State corporation laws customarily permit the incorporation of the enterprise on a petition of all or a certain percentage of the water users. Each share of the stock carries with it a water right and the sale of the stock constitutes a sale of the right. Assessments to meet the cost of maintenance and operation are made against the stock each year, and because a mutual company, by its very nature, is a non-profit organization operated by the users themselves, operation and maintenance assessments may not exceed the actual cost of operation and maintenance. Unless those assessments are paid in full, the owner thereof is not entitled to receive water from the ditches of the company. Further, the assessments become a lien against the stock, and thus against the water rights represented, and if the assessments continue unpaid the stock may be sold by the association to recover the amount of such assesment. Assessments may also be made for capital improvements. Such ditch companies are also granted the power of eminent domain under Colorado law:

"1963 *Colorado Revised Statutes 148–3–7*—Whenever the owners of sixty per cent or more of the area of lands served by any one lateral ditch used for the delivery of water for irrigation from a common source, shall organize a corporation having for its objective the taking over and owning of all of the interests of the incorporators in said lateral, said incorporators to receive shares of stock in said corporation for their holdings, the corporation as organized shall have power, under the eminent domain laws of the state of Colorado, to condemn the interest, or interests in said lateral, belonging to the owners of the remaining forty per cent or less of the lands so served by the lateral."

It is my understanding from a review of House Report No. 97 (90th Congress, First Session), which accompanies H.R. 2767, that if enacted, H.R. 2767 will permit farmers who are shareholders in mutual irrigation (ditch, reservoir, or drainage) companies to deduct assessments for the acquisition of depreciable property (capital assets) on an amortized basis over a ten-year period. The House Report also indicates that such depreciable property includes pumps, locks, concrete structures such as dams and weir gates, draglines, and similar equipment. I am also informed, and the House Report indicates, that the term "soil or water conservation or drainage district" as recited in the bill, is intended to include a nonprofit irrigation company operated on a mutual basis, as described earlier in this letter.

The purpose of this letter is to insure that it is the understanding of the Department of the Treasury that the legislative intent of H.R. 2767 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by a mutual, nonprofit irrigation company in the manner described above, and that should H.R. 2767 be enacted into law that the Department would issue early regulations to that effect.

Your early reply to this question will be appreciated.

Sincerely yours,
GORDON ALLOTT,
U.S. Senator.

TREASURY DEPARTMENT,
Washington, D.C., April 21, 1967.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: Thank you for your letter dated April 7, 1967, to Secretary Fowler in which you discussed H.R. 2767, entitled "An Act To amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts." As you know, H.R. 2767 is designed to achieve greater equality in the tax treatment of farmers who organize conservation or drainage districts, mutual companies, and similar entities, to undertake soil and water conservation or drainage activities, as compared with farmers who undertake such activities by themselves.

The amendments made by H.R. 2767 are applicable to assessments made by soil or water conservation or drainage districts, as that term is used in section 175 of the Internal Revenue Code of 1954. As used in section 175 of the Code, and in H.R. 2767, that term is intended to include nonprofit mutual irrigation companies which are exempt from tax under section 501(c)(12) of the Code, as well as irrigation districts, watershed improvement districts, flood control districts, conservancy districts, and similar entities. However, the term does not include irrigation, drainage, or similar companies operated for profit.

The depreciable property to which the provisions of H.R. 2767 would apply consists solely of property purchased by a soil or water conservation or drainage district (as defined in the previous paragraph) in connection with its conservation or drainage activities. The provisions of H.R. 2767 are not intended to apply to depreciable property which might be acquired by such a district in connection with any other type of business which might be operated by that district. Examples of depreciable property to which the provisions of H.R. 2767 will normally apply are pumps, locks, concrete structures such as dams and weir gates, draglines, and similar equipment.

In summary, it is the understanding of the Treasury Department that the legislative intent of H.R. 2767 is to allow a farmer an amortization deduction from gross income for assessments for depreciable property levied by soil and water conservation and drainage districts, including mutual nonprofit irrigation companies and the other similar entities named above. If H.R. 2767 were to be enacted into law, the Treasury Department would issue early amendments to its section 175 regulations to reflect this legislative intent.

I hope that this information is helpful to you.

Sincerely yours,
STANLEY S. SURREY,
Assistant Secretary.

Mr. ALLOTT. Mr. President, I should like to express my appreciation for the very excellent assistance and cooperation of the staffs of the Committee on Finance and the Joint Committee on Internal Revenue Taxation. They have been most helpful in resolving questions of interpretation and developing report language to clear up any gray areas.

Mr. MANSFIELD. Mr. President, the hour is getting late and tempers are getting a little frayed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote by which the Long amendment, as modified by the amendment of the Senator from Iowa [Mr. MILLER], was adopted be reconsidered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at 10:15 o'clock tomorrow morning, September 24, 1968, the Senate vote on the Long amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

The unanimous-consent agreement, reduced to writing, is as follows:

> *Ordered,* That during the further consideration of H.R. 2767, to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts, that on Tuesday, September 24, 1968, at the hour of 10:15 a.m., the Senate proceed to vote on the amendment offered by the Senator from Louisiana [Mr. LONG], as modified (amendment No. 997).

Mr. WILLIAMS of Delaware. Mr. President, it appears a commitment had been made that there would be a rollcall vote. We have overlooked that promise and this just to protect those Senators.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. I understood that the Long amendment was adopted by voice vote just a few minutes ago.

Mr. MANSFIELD. Oh, yes. The Senator is correct.

The PRESIDING OFFICER. The Senator is correct, and the action was just reconsidered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Louisiana, as modified.

Mr. MANSFIELD. Mr. President, there will be no further voting tonight.

ORDER FOR CONVENING OF THE SENATE AT 10 A.M. ON WEDNESDAY, THURSDAY, AND FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business each day this week, it convene at 10 a.m. on Wednesday, Thursday, Friday, and Saturday of this week.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MILLER. Mr. President, reserving the right to object.

Mr. MANSFIELD. The request has already been agreed to.

Mr. MILLER. Mr. President, I was on my feet before the ruling.

Mr. MANSFIELD. The Senator did not raise his voice and the ruling was made. What did the Senator have in mind?

Mr. MILLER. Mr. President, I was hopeful the Senator from Montana would withhold the request for a Saturday session until we see how things are later this week.

Mr. MANSFIELD. I will be glad to withhold the request. Mr. President, I withdraw the Saturday part of the request, but I want to state to the Senator from Iowa and to the Senate that there will be a meeting this Saturday. If there is only one Senator in town, that meeting will be held, and there is a reason for it.

The PRESIDING OFFICER. Without objection, the unanimous-consent agreement with respect to Wednesday, Thursday, and Friday is agreed to.

DEVELOPMENT BY THE SECRETARY OF THE INTERIOR OF FISH PROTEIN CONCENTRATE

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate the amendment of the House of Representatives to the bill (S. 3030) to amend section 3 of the act of November 2, 1966, relating to the development by the Secretary of the Interior of fish protein concentrate.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3030) to amend section 3 of the act of November 2, 1966, relating to the development by the Secretary of the Interior of fish protein concentrate which was, strike out all after the enacting clause, and insert:

> That section 3 of the Act of November 2, 1966 (16 U.S.C. 778f), is amended as follows:
>
> (1) The first sentence is amended by inserting "or leasing" immediately after "construction".
>
> (2) The second sentence is amended by striking out "for the leasing of one additional experiment and demonstration plant, for the operation and maintenance of experiment and demonstration plants leased or constructed under this Act" and inserting in lieu thereof "for the leasing or construction of the experiment and demonstration plant referred to in the preceding sentence, for the operation and maintenance of such experiment and demonstration plant".

And amend the title so as to read: "An act to amend section 3 of the act of November 2, 1966, to reduce the number of experimental plants authorized for the development of fish protein concentrate, and for other purposes."

Mr. MAGNUSON. Mr. President, the House amended the bill in several particulars, primarily in affording the Secretary of the Interior the option of either leasing or constructing one experiment and demonstration plant, instead of authority to both lease and construct plants. In effect, this is a reduction in the number of authorized plants.

Mr. President, I move that the Senate concur in the House amendments.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

EXTENSION OF COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT ACT OF 1964

Mr. **MAGNUSON**. Mr. President, I ask the Chair to lay before the Senate the amendment of the House of Representatives to the bill (S. 3866) to extend the provisions of the Commercial Fisheries Research and Development Act of 1964.

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 3866) to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, which was, on page 1, line 4, after "779", insert "b".

Mr. **MAGNUSON**. Mr. President, the House amendment is a minor clerical one and does not affect the intent of the Senate-passed bill.

Mr. President, I move that the Senate concur in the House amendment.

The **PRESIDING OFFICER**. The question is on agreeing to the motion or the Senator from Washington.

The motion was agreed to.

PRIVATE ENTERPRISE AND THE NEW LIBERALISM—ADDRESS BY CHARLES F. LUCE, CHAIRMAN OF THE BOARD, CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Mr. **MAGNUSON**. Mr. President, the full extent of the keen interest each of us shares in bringing back our cities was brought home forcibly by the remarks made by the chairman of the board of Consolidated Edison Co., of New York City, just a few days ago.

Speaking was Charles F. Luce, former Administrator of the Bonneville Power Administration. He also was Under Secretary of Interior. Having worked closely with him, I know the personal effort he expended in achieving the Columbia River Treaty with Canada so that the mighty hydro- and water-storage dams could be built in Canada to make our lower Columbia River more productive. This paved the way for our third powerhouse to be planned and construction begun at Grand Coulee Dam.

But now Charles Luce was thinking about our cities, the potential they possess, and the real need for this potential to be realized.

By chance, Mr. Luce was addressing our Washington State Bar Association in Spokane, Wash., about the time we were putting the finishing touches on the independent offices appropriation conference report. In this appropriation meeting, we were deciding what must be done in the way of implementing the model cities program during fiscal year 1969, what other steps should be entrusted to the Development of Housing and Urban Development in this field of city improvement.

Mr. Luce was thinking aloud of industry's place in this city improvement program. There is a large role for industry to fill.

But let Charles Luce describe this opportunity.

I ask unanimous consent that his address before the Washington State Bar Association September 6 in Spokane, Wash., be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PRIVATE ENTERPRISE AND THE NEW LIBERALISM

(Remarks of Charles F. Luce, chairman of the board, Consolidated Edison Co. of New York, Inc., before the Washington State Bar Association, Spokane, Wash., September 6, 1968)

President Gose of the Washington State Bar Association, President Gossett of the American Bar Association, my brothers at the Washington Bar, and ladies and gentlemen:

It is good to be back in the State of Washington where I spent many happy years in the practice of law at Walla Walla. Although I have strayed far afield from the State and from my profession, I still take a keen interest in the State's fortunes in political and economic affairs. It therefore was especially happy intelligence to note that as Congress recessed last month, Senator Henry M. Jackson was able to announce that the Senate and House Interior Committees had agreed upon a ten year moratorium of federal studies of the possible diversion of the Columbia River to the Southwest.

When I was Undersecretary of the Interior, I was deeply involved in the problems of developing and conserving the water resources of the West. There was no more important or difficult or emotional issue than diversion of waters of the Columbia River into the Colorado River.

That Senator Jackson, Chairman of the Senate Interior Committee, and Congressman Wayne Aspinall of Colorado, Chairman of the House Interior Committee, could put this issue aside and turn to the solution of other important water problems on which agreement can be found, is testimony to their great ability as legislators. In the Pacific Northwest, the urgent business of the next decade will be to use this ten year moratorium for intensive planning and development of its wonderful water resources.

Not only am I glad to be back in the Northwest, I am glad to be back in the United States. Earlier this week I returned from the World Power Conference in Moscow, Russia. Naturally the Russian invasion of Czechoslovakia cast its shadow over the conference which was attended by representatives from 48 nations, including Czechoslovakia. And the blackout of hard news about the course of events in Prague and Moscow emphasized the vast differences that still exist between free society and the Russian society.

However, the subject I wish to discuss today is not water development, nor Russian society. It is a new set of attitudes that appears to be forming in America about the proper role of business corporations and of government in our society. There is, I believe, unmistakable evidence of a rapprochement between private enterprise and liberalism.

Any discussion of Private Enterprise and New Liberalism poses the threshold problem of defining "liberalism."

When I was a boy in Wisconsin in the 1920's and early 1930's a liberal was one who supported Robert LaFollette's particular brand of Republicanism. When I moved to Walla Walla, Washington, in 1946, I found the word "liberal" applied chiefly to "New Deal Spenders." In New York today the Liberal Party is composed of those who, generally, find the Democrats too conservative but none the less have made Republican incumbent Jacob Javits their candidate for the U.S. Senate. In Europe today, we find ultra-conservative right-wing parties whose names contain the word "liberal."

Webster's Third New International Dictionary offers several definitions of the word "liberal" and observes that "on the one hand it suggests a commendable pragmatism, tolerance and broadmindedness, and on the other a highly questionable unorthodoxy, experimentalism, or positive irresponsibility." So, I suppose, it all depends on your point of view.

The definition I like best is the first one set forth in Webster's: "one that is open minded or not strict in his observance of orthodox, traditional or established forms or ways." And that is the definition around which my remarks today will be built.

Liberals of my generation grew up with a traditional reliance on government solutions to pressing social problems—a reliance expressed often in the liberal thought of our day. Few felt that curing society's ills was a concern of business. Indeed, prevailing liberal thought when Franklin Roosevelt took his first Presidential oath of office would not have trusted business if it had proposed social uplift. The Old Liberal Faith held that the chief and perhaps sole concern of business endeavor was monetary profit. Business, especially big business, was thought of as materialistic, selfish, crass, and regarded with suspicion or even hostility. What was good for business, liberal doctrine held, probably was not good for the country.

Despite a general adherence to this view, there were notable questioners of the Old Faith. Charles Beard, whose *Economic Interpretation of the United States Constitution*, 1935, attested his liberal credentials, argued in his later book *The Republic* that the general welfare of our people depends on the dispersal of decision making among many institutions, both public and private. Beard saw danger in concentrating too much decisional authority in any institution, including government. Justice Brandeis, surely a liberal, saw evil and danger in bigness of institutions, public or private. And James Burnham, in his *Managerial Revolution*, contended that with the separation of ownership from management in publicly held corporations, it made little difference whether one was a manager in business or government, he would face the same problems and meet them the same way.

Permit me a quick aside to observe that since leaving the federal government a year ago to join a large investor-owned company, I have observed striking similarities between management in big government and big business—similarities in seeking public support for programs or products . . . in motivating and communicating with employees . . . in allocating limited capital resources in such manner as to achieve optimum results in the achievement of stated objectives. And in red tape.

Today the Old Faith—the parochialism of the past—is fading. True, many citizens of all shades of political philosophy retain doubts about the obligation or the propriety of business to concern itself with great public problems. But a Gallup Poll published in July shows that six persons in 10 think corporations should take part in programs to help the poor. Surprisingly, perhaps, more stockholder families than non-stockowner families think corporate involvement is proper. And among all groups—white and black, young and old, manager and worker, union and non-union, Democrats, Republicans and Independents—this attitude has grown significantly in the past year.

Like it or not, today we find business involved in a hundred ways to overcome urban decay, hard core unemployment, and a host of other problems that twenty years ago were dealt with by government or not at all. Headlines proclaim business programs to hire and train the hard core, to fill gaps in education, to rebuild slums, to clean polluted air and water. A *Wall Street Journal* survey in June 1968 reports that the nation's 50 largest corporations have made a "fundamental commitment" to involve themselves in the racial and urban crises. Harvard and other graduate schools of business report being swamped with enrollments for any course with the word "urban" in its title. A Captain of Industry tells an advertising convention that a new dimension has been added, namely "selling the idea and fact of a socially responsible company." And the *New York Times* reports that a new watchword, "social responsibility," has replaced the gospel of "free enterprise."

That this change *has* taken place is perhaps more important than *why*. But to appreciate fully the meaning of the change, both for business enterprises and for the communities of which they are part, it is helpful to consider the reasons.

Not surprisingly, self-interest appears to be the prime motivation. If cities deteriorate, business investment in them deteriorates. Conversely, if cities flourish, so does business. The nation's poor represent a great untapped market. As they become employed, they become purchasers. They also become taxpayers instead of tax-users. They become part of the solution rather than part of the problem.

There are other reasons of self-interest for business involvement in social problems. One is that the survival of free society depends upon a stable and well-educated populace, with respect for law and order. Another is that business corporations need a larger and more skilled pool of manpower from which to hire. Still another is the difficulty of attracting to business careers some of the brightest college graduates who today prefer jobs with direct social involvement.

Without this degree of self-interest, I doubt that business would, or should, be doing as much as it is. But there is no need to apologize for the relationship between social progress and the profit motive. The most efficient economies in the world, and those which distribute their benefits among the people most widely and equitably, are organized on the profit principle. How fortunate, indeed, that self-interest and public interest coincide to the extent they do.

Our new ABA President, William T. Gossett, more than 10 years ago was pointing out the "unity of (corporate) interests and those of society" while questioning "whether the corporation has reached its full potential of usefulness to society." In a lecture at Washington and Lee University in 1957, entitled "The Role of the Corporate Conscience," Mr. Gossett viewed the strength of corporations as an integral part of the strength of America, but perceived that "their health and growth rest upon the health and growth of America."

A second reason for the growing acceptance by business of more and more social responsibility is the widespread realization that the job is just too big to be done by government, alone. It wasn't many years ago that the fear was "big government." We've come full cycle. Now top government officials call with increasing frequency and increasing urgency for help from the business sector, and vice versa. The late Senator Robert F. Kennedy, in introducing legislation to provide incentives for more private investment in urban poverty areas, described failure to involve and rely more heavily on the private enterprise system as "the greatest failure in our existing poverty efforts." In a Senate speech one year ago, he declared that "To ignore the potential contribution of private enterprise is to fight the war on poverty with a single platoon, while great armies are left to stand aside."

Idealogically, the new reliance on help from the business sector presents problems for elected officials of both liberal and conservative persuasion. It is difficult to condemn business as an evil force while at the same time appealing to business for help because government has not been able to do the job. Likewise, it is hard to complain about "creeping socialism" when conservative bankers say government is not doing enough in the social arena. The old dichotomy is blurring. The easy distinctions are disappearing. The differences are growing more subtle.

Senator Warren G. Magnuson, whose distinguished career in the Congress illustrates the changes of liberal viewpoint toward the role of business, speaks of "a new spirit of cooperation and mutual confidence rising between representatives of government and representatives of industry." House Majority Leader Carl Albert declares that "the line between business and government is much thinner than it used to be." His Republican counterpart, Minority Leader Gerald Ford, says that "On the government side, there is certainly not the antagonism toward business that there was when I first came here (to Congress) 19 years ago." And Thomas Gates, Chairman of Morgan Guaranty Trust Company and former Secretary of Defense, jokingly hopes that no one accuses him of being "soft on government" when he says that government and business today have more interests in common than in conflict.

A third reason for more business involvement in what used to be government's exclusive domain is that business does indeed have something to offer. Businessmen are, in ghettoes, "the cats with the bread"—that is, they have the jobs to dispense. Jobs, along with education, of course, are the keys to breaking the cycle of poverty. Laws alone cannot create jobs or confer skills.

In this regard, the cooperation of labor unions—with their power to encourage or discourage minority membership, and to expand or curtail apprentice programs—is essential. The company I work for has the full support of its unions in its minority hiring program and training programs for school dropouts and other hard core unemployed. Clifford Alexander, chairman of the Equal Employment Opportunities Commission, said recently that Con Edison has the best employment program in the entire utility industry and for this reason is a company the nation can be proud of.

Business also has unique power to decide where the jobs will be. Jobs are needed most where most of the nation's poor people live—in the central cities. Commerce and industry may have helped create the problem by fleeing the core city, but today some companies return to the city to face the problem head on. Control Data Corporation is building a computer parts factory in the very section of Minneapolis, the North Side, where racial trouble broke out a year ago; Avco is putting a printing plant in the predominantly Negro Roxbury section of Boston; Western Electric a plant in the center of Newark; and IBM one in the hard-core Bedford-Stuyvesant area of Brooklyn.

So, for a variety of reasons, the question no longer is whether business "should" or "will" become involved, but "how" and "to what extent"? Those questions, however, raise further and deeper questions, both for businessmen and for liberals.

Should an employer ever pass over the application of a qualified person to reach the application of an Afro-American or Puerto Rican who is less well qualified? Would this be fair to the qualified applicant? Would it be fair to the stockholders? Should a company improve a property when it knows that the improvements will raise taxes, or should it try to squeeze a few more years' use out of the property while it becomes a blight in the community? If you're a utility executive, do you spend $2 million extra to make a generating station look better, and perhaps build a playground next door to it?

Not all these questions can be answered on a straight dollars and cents basis, nor should they be. True, the decision-maker in business must always take into account his investors who are entitled to earn a fair return on the investment of their savings. If a particular company does not offer investors a reasonable return, they will place their savings with another company that does. And if the economy does not produce adequate profits for reinvestment in new means of production, our national standard of living must fall. The program is to strike a proper balance between profit needs and social needs.

As citizens, whether liberal or conservative, we all must face the kinds of questions Hazel Henderson poses in the most recent issue of the Harvard Business Review. What kind of changes will the trend toward more business involvement bring about in our ways of doing things in society as a whole? Will local, state and federal governments abdicate responsibilities that should be theirs, leaving it to corporate managers to make social and moral decisions for which they may be ill-equipped, and who are in no way accountable to the voters for their decisions? "If we, through our government," she warns, "abdicate areas of public concern, then we abdicate all rights to criticize performance, and we may find it increasingly difficult to regain control of the situation."

Businessmen such as Thomas Gates do not want to go back to the "angry old ways" of shrillness and hostility, but warn "neither do we wish to suffocate in a cloud of harmony and togetherness." Mr. Gates urges "creative tensions" in which neither side is suspicious of the other, but each is watchful. Public officials such as Robert Wood, Under Secretary of the Department of Housing and Urban Development, hope they never see the day when public-private partnership is so "melded" that the free exchange of criticism is stifled. Mr. Wood holds that "society is best served by a mix of competitive spirit and cooperation."

I remain optimistic that business will take an increasing share of responsibility for meeting society's problems without sacrificing the profits that our economy must generate. I am optimistic too that as we gain experience the necessary new accommodations between government and business can be found. These new accommodations, I suggest, may constitute the new liberalism of our times.

FINANCING URBAN MASS TRANSPORTATION—SPEECH BY MAYOR J. D. BRAMAN, SEATTLE, WASH.

Mr. MAGNUSON. Mr. President, the urban areas of the United States are strangling on their own traffic congestion. In order that all citizens will have full access to their community, it is imperative that we develop a truly balanced transportation plan where each mode complements the other. To do this will require financing in substantial amounts on an assured basis. Some of the most perceptive observations on this subject have been made by my good and able friend J. D. Braman, mayor of Seattle, Wash. As spokesman for the National League of Cities and the U.S. Conference of Mayors, he has become an acknowledged leader in this highly complex field. Typical of the quality of what we have come to expect from this man is a speech which he made before the American Transit Association in Cleveland just this week. I ask unanimous consent that his statement be printed in the Record at this point.

There being no objection, the speech was ordered to be printed in the Record, as follows:

FINANCING URBAN MASS TRANSPORTATION

(Speech by Mayor J. D. Braman, city of Seattle, American Transit Association, Cleveland, Ohio, September 17, 1968)

That there is a crisis in urban America is something on which all agree—the reasons for this crisis are many and the solutions are debatable. In my view, solving the transportation dilemma will not alone solve our urban crisis. However, we must resolve our metropolitan transportation problems if we are to even begin to hope that we are making progress in our cities.

President Johnson recently made the point in the following manner:

"In the next 40 years we must completely renew our cities. The alternative is disaster. Gaping needs must be met in health, in education, in job opportunities, in housing, and not a single one of these needs can be fully met until we *rebuild our mass transportation systems.*"

In my administration I have assigned number one priority to developing a comprehensive transportation plan which will give all citizens full access to their community.

Someone once said to me that mass transportation was an emotional issue. Increased service demands, coupled with spiraling costs, is enough to make anyone emotional, but that was not the point he was making. To the individual who must rely upon public transportation for his mobility, travel patterns become one of the most important elements of his life. He must accommodate to particular schedules as well as to service patterns over which, to all intents and purposes, he has no control. Those members of our society who find themselves or even believe they are being frustrated socially, will often rebel against what they feel are the inequities of the transit system. Many point to the beginning of the modern civil rights movement as having occurred in Montgomery, Alabama, when a bus boycott was put on under the leadership of a recently arrived and very young Reverend Martin Luther King. The time spent in commuting by the residents of Watts is said to have been a substantial factor in bringing on the disturbances that took place in that community. In my own city, the black community has been most militant on what they consider the inadequacies of our present system. They have, however, also involved themselves in the planning of the future form of our transportation net.

Our Model Cities program encompasses our minority area, and the most vital element of our program concerns itself with transportation, which will be the vertebrae about which we will develop our plan. My remarks are not intended as criticisms of anyone's transportation system, but rather are used to illustrate the fact that, like it or not, the social implications of operating a transportation system are profound and cannot be avoided.

Now that I have posed the problem—what, if anything, can we do about it? The time has come, as I see it, to free ourselves from the traditional constraints with which we have approached the problem of the mass movement of people.

Traditionally, the fare box has been the yardstick by which we justified the building of a transit system. Fare levels plus volume of usage were the all important criteria. Intolerable traffic jams resulted in some communities subsidizing the fare box for the purpose of relieving the strangulating congestion. These are the measures of the past.

Today, gentlemen, if we are satisfied with a system which simply moves people and goods efficiently—*we have not done our job.*

A mass transportation system must have as its primary purpose the enhancement of the quality of the environment. In developing a system, care should be given to assure that meaningful community values will either be maintained or enhanced. Also that future development will maximize that which is desirable, while at the same time providing transit which is safe, convenient and at a fare which makes it available to the traveling public. To accomplish these ends, planning and approval processes should be structured to give appropriate consideration to environmental criteria. This is an entirely new approach and poses formidable financial questions for both the private and public operator. I will attempt to suggest answers to these questions as we proceed with this discussion.

When a new freeway is constructed, the benefits to the public are immediately obvious—high speed access to the Central City; seventy miles an hour through areas which previously had been tortuously slow. Distance becomes measured in minutes rather than miles. What is not so obvious or as pleasant to contemplate are the social costs which may also result. The ribbon of a high speed freeway can also result in a disruption of the social fabric of communities through which it passes. People, families, neighborhoods, and community growth patterns all become the victims of ruthless planning and of the impact of substantial land taking in metropolitan areas. This does not have to be the case.

Urban transportation should be guided by the following considerations:

1. An urban transportation system should be a tool for shaping the growth of the metropolitan area and should have as its primary purpose the improvement of the quality of the environment.

2. There should be a locally evolved solution that reflects a balance of transportation modes most appropriate for that particular area.

3. Preferential funding should not be the basis upon which mode selection is made.

4. In order that transportation systems can be planned and programmed intelligently, assured long-term funding for all selected modes is essential.

Seattle, along with Chicago, Baltimore, and a few other communities, is using what has come to be known as the Design Team Approach in planning new coordinated systems. To a perhaps lesser degree, this approach can also be used in extending and improving existing systems. Our feeling is that the ultimate plan should not reflect the dominance of any one discipline. Rather, we should bring together at the inception a collection of skills all of whom, working cooperatively, will produce a final product that represents a blending of each, hopefully, in the right proportion. The basic assumption is that there are environmental, social, and economic considerations which should also be explored and developed as a component of our transportation plan. The design team will consist of an engineer, an economist, an architect, an urban designer, and, most importantly, the elected official or policy maker. Other skills should be added as appropriate. The urban design specialist adds a dimension which has hitherto not been available. He is an individual who, by training and experience, bridges several of the skills involved and, in addition, he should be capable of relating the total project to the community and vice versa. It is also imperative that the *decision maker* be actively involved on a continuing basis. The point of all this is that the community viewpoint is made a part of the project and the ultimate plan represents a product which is acceptable to the people and compatible with community goals.

I recognize that I am inviting you gentlemen to concern yourselves with difficult problems at a time when you feel that you will be doing well to resolve the problems with which you are presently burdened.

Recent developments have convinced me that the question is not whether those in urban transportation planning are going to involve themselves with the social problems, for such involvement is essential. People in city after city have demonstrated they will not passively accept plans which have not had the benefit of citizen participation. In my opinion, this is a fact of life which, difficult as it may be, I think we will all have to adjust to.

The transit operator will of necessity require financial support, beyond the fare box, to the extent that it is needed to assure a viable operation. The history of this country strongly supports this philosophy, and we have developed the most sophisticated transportation system in the world. The railroads were the beneficiaries of millions of acres of land in the nineteenth century, to assure the development of a cross country rail system which was an essential to the development of our country. Hundreds upon hundreds of millions of dollars have been spent and are continuing to be spent to create an air transport system which has given an incredible mobility to our enormously large country. Billions upon billions of dollars have been put into our Interstate Highway System, which has provided a magnificent linkage between our metropolitan centers. These systems have been developed at the expense of the taxpayer, and a good investment in each case it was. This same type of progressive thinking must now be applied to solving the transportation problem of urban America.

With traditional American resourcefulness, the transportation industry is adjusting to meet the challenge. This, however, must be done with the assistance of the government. We cannot expect systems, whether privately or publicly owned, to be self sufficient if we are making demands for services which do not meet the criteria of good economics. The community values inherent in a continuing coordinated comprehensive transportation plan are os important, that one of the best possible uses of our tax dollar is to make sure that such a plan is implemented.

In developing a transportation system for a region, I want to emphasize that it should be privately owned and operated wherever that is possible. If circumstances require, there may be a combination of private and public ownership. There will be some areas where public ownership will be required. We must, however, be certain that there is an accommodation between private and public ownership, or we will only compound an already difficult problem.

Metropolitan areas should evolve their own transportation solutions. In that connection, the requirement of the 1962 Federal Aid Highway Act that communities of 50,000 or over have a regional continuing, coordinated comprehensive transportation plan is a good one. I would suggest two cautions: (1) the plan should be combined with a comprehensive land use plan, and (2) it should reflect an effort to treat all modes objectively in evolving the plan.

In my opinion, the success of the Interstate Highway Program can largely be attributed to a partnership which made sense. The states to figure out their highway needs and coordinate with adjoining systems—the federal government to collect and administer the funds and to act in an advisory role to the states. I propose that this same type of partnership be established with each metropolitan region being the partner which has the complete responsibility for evolving its own solution and coordinating that with the contiguous systems. The federal government could continue in the same role it has with states. The important thing is that each area work out its own logical system. What is appropriate for Phoenix will have no relationship to Pittsburgh, and what is excellent for Seattle will probably make no sense in Cleveland.

Developments of the last few years have given me hope that we are making progress in a substantial sense. The creation of the Department of Transportation has given the country a means by which various policies and modes can be brought together to create a logical and interrelated network. This assimilation has not been without its pains, but, in my opinion, this has been a tremendous gain for those of us concerned with transportation.

The Secretary of Transportation, Alan S. Boyd, recently said:

"Each urban area must decide for itself what kind of transportation system best suits its needs, and before it can decide that, it must decide what kind of city it wants to be, how it wants to grow, and what shape it wants to take."

Secretary Boyd has demonstrated a sensitivity to urban problems which pleases me a great deal and gives hope of assistance to come.

By Executive Order, President Johnson created an Urban Mass Transit Administration within the Department of Transportation. This places the transportations needs of metropolitan America on an equal basis with Highways, Aviation, and Railroads. The Department of Housing and Urban Development will continue to have a major role in the planning phase of urban transportation. Paul Sitton has been nominated to be the first administrator of this new division, and I feel confident that he will do a good job.

The keystone to the success of the Interstate System was the assured funding source. As all of you are aware, the only way that you can intelligently plan a capital improvement program is to know that funds will be available on an assured basis. That we will soon have completed our 41,000 miles of Interstate Highways is proof positive to me that the Trust Fund concept is worthy of imitation. The gasoline tax this year will generate over four billion dollars exclusively for highway construction, and that amount is sorely needed and will be wisely spent. Compare this amount with the 175 million dollars that will be available for the entire United States for the Urban Mass Transit Program. This comparatively minor amount does not respond to the need, but worse than that compounds the problem by inducing planners to choose programs which are already funded as against alternatives which they much prefer, but which aren't funded.

The National League of Cities and the U.S. Conference of Mayors have given considerable time and analysis to this problem and have reached some tentative conclusions. It is important to note that during this process we have had excellent communications with the various interested organizations, such as the National Association of County Officials, the American Pulic Works Association, the American Association of State Highway Officials, the Highway Research Board, and last but not least, with your association. While not always agreeing completely, these organizations have developed a rapport stronger, I believe, than has ever existed before and which augurs well for the future.

There is ample evidence that highway needs are going to be greater than available funds for many years to come. For this reason, I believe that the Highway Trust Fund should continue to be reserved for highway construction with emphasis after 1972 on the needs of the Urban areas. However, my approval is conditioned on the creation of a similar trust fund reserved for the financing of improved bus systems and, in some cases, rail systems to supplement highways and arterial streets. It makes no sense to develop a coordinated transportation plan and then to implement one facet of that plan. We must proceed on a rational basis which addresses itself to the total transporation need and not simply to one element of that need. At the present time, there are transportation taxes going into the general fund of the Federal Treasury of over one billion dollars a year. To earmark this money for transit facilities would enable many communities in this country to start thinking seriously about solving their problems. This approach appeals to me because it has been proven to be a workable concept. The important thing, however, is that funding for what I call the Public Transportation Account should be done on an assured basis and not subject to the vagaries of annual appropriations.

Our subject is transportation, but our problem in the community of tomorrow. The wisdom with which we make our decisions will determine the nature of the communities in which our children and their children will live. We are the custodians of tomorrow's patterns of living. We must choose wisely.

Thank you.

DESIGNATION OF MOUNT JEFFERSON WILDERNESS, WILLAMETTE, DESCHUTES, AND MOUNT HOOD NATIONAL FORESTS, OREG.

Mr. LONG of Louisiana. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2751.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2751) to designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, in the State of Oregon, which was, strike out all after the enacting clause and insert:

That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Mount Jefferson Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Mount Jefferson Wilderness—Proposed," dated July 1968, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Mount Jefferson Wilderness within and as a part of Willamette, Deschutes, and Mount Hood National Forests, comprising an area of approximately one hundred thousand acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Mount Jefferson Wilderness with the Committees on Interior and Insular Affairs of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Mount Jefferson Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Mount Jefferson Primitive Area is hereby abolished.

Mr. LONG of Louisiana. Mr. President, the language of the House amendment is the identical language that was passed by the Senate, but because of an error on the part of the Journal clerk of the House, all after the enacting clause of the Senate bill was stricken, even though the two bills were identical, and the text of the House bill as reported by the House Interior Committee was substituted in lieu of the Senate language.

In order to complete legislative consideration of this bill, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

INTENTION TO TAKE UP CONFERENCE REPORT ON INDEPENDENT OFFICES APPROPRIATION BILL TOMORROW

Mr. MAGNUSON. Mr. President, may I say one thing for the benefit of the Senate, so it will be in the RECORD tomorrow? It was the intention of the leadership, after the pending legislation was passed, to bring up the conference report on the independent offices appropriation bill, which is ready. Consideration of the pending bill lasted longer than was expected.

Many Senators have questions to ask about the conference report. So, for the benefit of Senators, I wish to state that at the conclusion of action on the pending bill tomorrow, we will bring up the conference report, which is a privileged matter. I do not think it will take too long.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HANSEN. If I understood the Senator correctly, it is his thought that following the conclusion of action on the pending bill, the conference report will be the next order of business.

Mr. MAGNUSON. I think the leadership will lay down the Defense appropriation bill and then, because the conference report is a privileged matter, will set the Defense appropriation bill aside for a few minutes so the Senate can adopt the conference report on the independent offices appropriation bill.

Mr. HANSEN. I thank the Senator.

ADJOURNMENT TO 10 A.M.

Mr. LONG of Louisiana. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 36 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 24, 1968, at 10 a.m.

EXTENSIONS OF REMARKS

THE VIRGINIA MUSEUM OF FINE ARTS

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, September 23, 1968

Mr. SPONG. Mr. President, the Virginia Museum of Fine Arts at Richmond, through the years, has introduced innovations that larger museums in the country not only should emulate, but envy.

The Virginia museum is the first State-supported museum in the country, established by the Virginia Legislature in 1936 with a mandate to "promote education in the realm of art throughout the Commonwealth."

The museum has more than fulfilled this mandate. In addition to daily tours by schoolchildren in the Richmond area, the museum has four artmobiles—another first—which, crammed with art treasures, travel the entire State of Virginia. The artmobiles bring museum exhibits to persons in outlying sections of Virginia who might not otherwise have access to the museum. The exhibits are presented in much the same manner that they are presented in the museum proper.

There are four such artmobiles, each having a specific purpose; one, serving primarily small towns and villages; two serving larger communities where there are affiliated chapters of the museum; and the last, and most recent, serving colleges and universities having art departments.

The Virginia museum also has a successful theater-in-residente program employing seven professionals and a great number of local volunteers, who perform in a theater wing completed in 1953. The theater group has expanded to the extent that it has a small road company playing in affiliated towns.

Mr. President, the activities of the Virginia Museum of Fine Arts would be of interest to every Member of the Senate, so I ask unanimous consent that an article written by Miss Edith Lindeman and published in a recent edition of the Baltimore Sun be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIRGINIA MUSEUM: ART FOR EVERYBODY

(By Edith Lindeman)

A museum, according to the dictionary, is "a building or place where works of art, scientific specimens or other objects of permanent value are kept and displayed."

For Leslie Cheek, Jr., director of the Virginia Museum of Fine Arts in Richmond, that definition doesn't half encompass his philosophy of what a museum should be.

A museum, he believes, should not be just a place but an adventure; not merely a repository, but the core from which the romance and excitement of great art can explode in all directions.

"Art is for everybody," he says. "Not just for those who live in Richmond and can get to the museum. That's why this building has long outgrown the dusty word, 'museum.' Today we have 27 affiliates throughout the state and we serve them and other localities with our Artmobiles and, for the past two years, with touring programs of drama, dance and music."

MEMBERSHIP EXCEEDS 11,000

Mr. Cheek has accomplished a gargantuan feat in 20 years. When he came to Virginia in 1948 the museum had a membership of 800 persons. Today the roster exceeds 11,000. The original structure—handsome outside, usually dull inside—has tripled in size with more additions to come.

No longer does a visitor hear his footsteps resounding through near-empty halls. More likely he'll have to skirt a gaggle of school children gaping at the fabulous Faberge Easter Eggs, walk around a study group viewing a loan exhibit of modern architecture; meet out-of-town visitors in the spooky Egyptian complex, complete with crypt-cradled mummy, or run into a cluster of college art majors discussing the work of contemporary Virginia artists.

The metamorphosis is due partly to Mr. Cheek's flair for showmanship in revolutionizing exhibition methods, and partly to the steady succession of loan exhibits which range over the field of art, crafts, artifacts or anything else that delights the eye, stimulates the imagination and creates a little talk around town.

"Exhibitions have to be entertaining," Mr. Cheek insists. "People resent the feeling that they're being educated, so I've tried to couple our exhibits with subtle explanations and interpretations. When people are having a good time, they don't realize they're being educated, but a lot rubs off on them."

About five years after Mr. Cheek arrived at the Museum, the first Artmobile was sent out over the state. This was his solution to the mandate set down by the legislature in 1936 in establishing the first state-supported art museum in the country, a mandate to promote education in the realm of art "throughout the Commonwealth."

CRAMMED WITH TREASURES

The Artmobile, a veritable museum-on-wheels, was crammed with art treasures as dramatically displayed as in the museum proper. Unique in the nation, Artmobile I proved much more intriguing and accessible to the public than had the former boxed traveling exhibits, dispatched from home base and hung on the walls of various schools, colleges, clubs and small galleries.

There now are four Artmobiles, each with a special program.

Artmobile I changes its exhibitions every two years and appears in scores of small towns and villages through the cooperation of the Virginia Federation of Women's Clubs.

Artmobile II is sent into larger towns and cities where the Virginia Museum has affiliated chapters. Its exhibits are changed every six months and its schedule is supplemented by Artmobile III.

Artmobile IV, inaugurated in 1966, carries works of major importance to colleges and universities having art departments.

This "for college only" traveling musuem is an extension of Mr. Cheek's experience at the College of William and Mary at Williamsburg, Va., where, in 1935, he taught the history of architecture, stimulated the authorities to set up classes for other forms of art and eventually established the state's first Department of Fine Arts.

His conviction then, as now, was that it's one thing to teach and talk about art but a good deal more advantageous if students can see what they're studying. Knowing of some excellent loan exhibits, he had them sent to the college, displayed them so that students—and townspeople—were enthralled.

OFFERED BALTIMORE POST

An immediate result was that a visitor from Baltimore happened to see Mr. Cheek's innovations, liked what he saw and offered the young man the directorship of the Baltimore Museum of Art. With no previous experience in what he amiably calls "the museum racket," Mr. Cheek revamped outmoded exhibition methods and, in his three years there, sent attendance, memberships and collections soaring.

Today, largely due to Mr. Cheek's example at William and Mary, sixteen Virginia colleges have full-fledged art departments, but few of them have art collections of any significance. Through the medium of Artmobile IV, the state's educational institutions can see such treasures as the Karolik Collection from the Boston Museum of Fine Arts, the Walter Chrysler collection, the internationally famed collection of Mr. and Mrs. Paul Mellon and exhibits that range from primitive art to modern works.

Mr. Cheek's premise that "art is for everybody" recognizes that all people don't prefer the same sort of art. Hence, he was eager to expand the museum's scope into the dynamic as well as the static arts. A theater wing was completed in 1953 to present a full season of drama, dance, music and films.

The first theater in the country to become part of a museum, it seats about 500 and employs a professional staff of seven, backed by scores of volunteer actors, stage hands and other technicians. Each season includes five plays, four offerings of the Dance Society, four chamber music programs and a series of ten art, foreign and vintage-Hollywood films.

The theater is used solely for Virginia Museum events and is not available to outside organizations. It took three years for the playhouse to hit its stride financially and artistically, but it is now self-sustaining.

COFFEE AND EXHIBITS

As an extra added attraction, Mr. Cheek instituted 30-minute intermissions on theater nights and had coffee served in the upper galleries. Audiences streaked upstairs to see the latest exhibits.

"We got a lot of new museum addicts that way," Mr. Cheek says. "People who had never been in the galleries before took advantage of that half-hour. I daresay a good many of them came back on occasions other than theater nights."

Last year, the theater arts were further expanded to fan out over the State trucking a small company of professionals and a complete stage setting to affiliated cities. The 1966–1967 offerings were the recent Broadway drama, "The Subject Was Roses" and a program by British balladeer, Kay Britton. Matinee performances were given for high school students and further night performances were given in some localities.

The tour was financed by a grant from the National Endowment for the Arts, matched by private Virginia Museum funds. More than 30,000 students attended the matinees and 15,000 adults saw "Roses" at night, including the three-week engagement at the Museum Theater prior to the State-wide tour.

This season, the opening attraction was Moliere's "School for Wives" which toured late in 1967. In January Jose Molina's Spanish ballet group served up the dance program and in March there was a tour of the Metropolitan Opera Studio's "Shakespeare in Music."

Plus values for students are question-and-answer periods that follow matinees of the plays whereby the young people launch field queries at actors and technicians on a dozen aspects of what they've just seen.

Back in Richmond, the Virginia Museum has classes for painting, sculpture, ceramics, weaving and other crafts. Workshops for producing the drama series are cramped and crowded. Continuing expansion of Statewide services, increasing art collections and the rapid growth of an interested public long since made it obvious that physical enlargement was necessary.

A $3,504,000 NEW WING

A new South Wing is now under construction at a cost of $3,504,000. Almost 80 per cent of the space will be used for offices, storage and workshop areas and docks for the handling of the Artmobiles.

Projected into the near future is a complete revamping of the North Wing which now holds the theater and which will spread out for more studios, galleries, a cafeteria, lounges and libraries.

Even before the second phase gets under way Mr. Cheek will incorporate another of his innovations into the gallery areas. All Middle Eastern collections will be grouped around the existing Mediterranean Court. ("We now have England next to Egypt, and that's pretty silly.") Other groupings will be shifted in to a more logical flow.

Moreover, each of the thirteen cultural exhibits will be augmented by a small theater seating fifteen persons, where 14-minute slide programs will be shown. They will be accompanied by suitable commentary to set the mood and form an introduction to what is in the adjacent gallery. Five members of the museum's staff were sent to various areas of Europe last summer, with cameras and instructed to take pictures. From their hundreds of slides, a score of programs can be put together.

"A visitor can absorb a lot of information in fourteen minutes without getting bored," Mr. Cheek says, "and without feeling that he's being instructed while being entertained. We're the first museum to try this sort of thing on such a scale and we think there's a good deal of merit to it."

BRILLIANT FUND RAISER

One of Mr. Cheek's most valuable assets is his brilliance as a fund raiser. The Virginia Museum of Fine Arts draws only 41 per cent of its revenue from the State. This takes care of salaries, utilities, maintenance and the like. The remaining 59 per cent comes from private sources, most of it mined by the museum's director.

He pursues his course by every means short of theft and counterfeit, maneuvering for Federal funds, cajoling private industry, pointing out to the wealthy that gifts and endowments are tax-deductible. All four Artmobiles were donated by private sources to the tune of $85,000 each. Other foundations and/or individuals underwrote the picture-taking tours of the staff members.

Mr. Cheek, himself, travels extensively and, with his soft-spoken aplomb and velvet-tired steam-roller attack has been known to charm the pictures right off the walls of royality, persnickety collectors and museums wary of sharing their treasures even for a loan exhibit.

About the only thing Mr. Cheek hasn't done is rest on his laurels.

"We're not the greatest museum in the country," he says with accustomed forthrightness, "but we're far from the bottom."

Then comes that gleam in his eyes, half-scheming, half-visionary, and those who know Mr. Cheek best will wager that, in another ten years, he'll have the Virginia Museum of Fine Arts not far from the top.

EDITORIALS ENTITLED "CRIME AND VIOLENCE" AND "THEY WERE SO FEW"

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1968

Mr. QUILLEN. Mr. Speaker, two interesting editorials in the Citizen Tribune, of Morristown, Tenn., repeat what I have been saying so often—crime and violence must end, as well as the demonstrations in our colleges and universities.

The editorials—"Crime and Violence" and "They Were So Few"—appeared in the Monday, September 16 and Tuesday, September 10 issues, respectively.

Both editorials are self-explanatory. We need to turn this country around in the right path so that "love thy neighbor" means what it says.

I would like to share these editorials with the readers of the RECORD:

CRIME AND VIOLENCE

Mankind must return to the biblical mandate, "Love thy neighbor" if it wants to eliminate, or reduce to bearable volumes, the crime and violence that plagues it to this day, twenty centuries after the dictum was pronounced.

Dr. Karl Menninger, world famous psychologist and director of the Menninger Foundation for the mentally ill, as famous in its field as the Mayo Clinic for medicine, called crime and violence a disowned psychic need in apparently docile members of society. Criminality flourishes into a social plague because we permit it to do so.

Dr. Menninger says a punitive penal system, society's cure for making the streets of America safe, does not work. Writing in the Saturday Review, he calls our prisons and reformatories "unhealthy, dangerous, immoral, indecent, crime-breeding dens of iniquity." We may condemn crime and punish transgression, but secretly need them.

To produce a society in which decent values can survive, Dr. Menninger suggests that we might start by substituting the self-defeating desire of vengence with the ideal of understanding the mainsprings of criminal behavior. Complex as this is, social science has achieved penetrating insights into the origin of criminal behavior. For the sense of helplessness and hopelessness that often precedes crime, Dr. Menninger suggests that we persuade the warped offender to change his unrealistic methods of dealing with life to a will to act in socially desirable ways, in other words to substitute good for evil.

We come then to the mandate to love and renounce hate. If that sounds too simple, it is the second commandment of the New Testament which man has refused to obey to his sorrow.

THEY WERE SO FEW

The National Student Association has just released some eye opening findings. A survey they made showed that there were at least 221 major demonstrations at 101 colleges and universities involving 38,911 students from January 1 to June 15 this year.

The survey included only first-time occurrences on four-year college campuses led by students and including 35 or more participants. But the most significant finding of all was that the total participants made up only 2.6 per cent of the students enrolled in the colleges involved.

Less than 3 in 100 students at these colleges took part in the demonstrations that gave American campus life a black eye, aroused the whole community, and produced the impression that our youth had gone haywire. When as a matter of fact, by the testimony of the National Student Association, the central organization of student governments, the vast majority of students shunned the rioting and demonstrating and left it to the infinitesimal few on each campus.

Once again, this is evidence that a determined few who are organized and ruthless can create a furor and produce results far more than their number warrants. It is not majority rule, it is not even a balanced minority rule, it is oligarchical rule—a tiny group who determined to rule or ruin. They were aided and abetted by a few faculty members and together they made enough noise to fool the country into believing that it was in the hands of unruly youth.

To paraphrase a famous saying, never did so few do so much to so many. It should not be tolerated.

THE CASE AGAINST THE FILIBUSTER

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Monday, September 23, 1968

Mr. MOSS. Mr. President, in many ways a filibuster is a form of civil disobedience.

It is the minority in the U.S. Senate saying to the majority, "We don't like the way you are going to vote; therefore, we are going to deny you the right to cast that vote."

Is this not something akin to the demonstrators who station themselves at political rallies and wave signs and chant slogans and stamp their feet and do everything they can to keep a speaker from being heard because they do not like what he is going to say?

We roundly condemn this violation of democratic principles in this body every day; yet we calmly get ready to launch a filibuster which is equally undemocratic and equally destructive.

The case against the filibuster was admirably made last week in the editorial columns of the Salt Lake Tribune. I ask unanimous consent that the editorial, published on September 20, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FILIBUSTER FRUSTRATES MAJORITY'S WILL

Next week one of the darker facets of American democracy will come into full view of voters about to choose a new president and many congressmen. If all goes as planned a minority group of senators will resort to a filibuster to block confirmation of Justice Abe Fortas to be chief justice of the United States.

It will not be the first time this spoiling maneuver has been used and, unless overriding public opinion is aroused and somehow translated into Senate reform it will not be the last.

In essence the filibuster is a delaying tactic for the purpose of preventing a vote. It is a device whereby a determined minority by delay and interminable debate seeks to prevent the majority from expressing its will in legislation. Its intent is to wear out the majority so that from fatigue or press of other business it will give up and either lay aside the pending legislation or alter it significantly to induce the minority to stop the filibuster. It is thus a strategy to make the minority will, rather than the majority, prevail.

The practice of filibustering has reached its fullest development in the Senate where rules make it difficult to cut off debate (cloture). Its effectiveness is greater near the end of a session when pressure to adjourn is high, the time is short, and there usually is other important legislation that must be acted upon. All these conditions now exist.

In early days of the republic the vice president, as presiding officer of the Senate, had power to limit debate. But in 1872 Vice President Schuyler Colfax ruled that "under the practice of the Senate the presiding officer would not restrain a senator in remarks which the senator considers pertinent to the pending issue." Since then various moves have been made to limit debate but the best they have accomplished is the present cloture provision which allows two-thirds of senators present and voting to stop debate. Under this provision 34 senators, assuming all are present and voting, can defeat a cloture move.

It is generally conceded that opponents of the Fortas nomination can easily muster this number from two sources: 1. Senators who oppose the very idea of cloture. 2. Senators opposed to the Fortas nomination.

Current filibuster plans call for Senator Robert P. Griffin, R-Mich., a prime mover in blocking the nomination, to lead off with a speech attacking Justice Fortas' failure to comply with the proper standards of judicial ethics. This will be followed by others of the 18 Republicans who have joined the anti-Fortas effort. A Griffin aide told The New York Times that Republicans expect to consume four days in their first round of speeches. None of the Southern Democrats who oppose the nomination have been recruited into the filibuster effort, the aide said, but most of them are expected to contribute long speeches later.

Senate Majority Leader Mike Mansfield, D-Mont., is expected to move to cut off debate about Sept. 30. If this cloture vote fails he will then wait a few days and try again and failing may well give up the fight although he has on several occasions indicated he would call the Senate back into session after the November elections if the nomination is not approved by then.

The Tribune recognizes the right and duty of any senator opposed to the Fortas nomination to speak and vote against it. We also realize that the filibuster is a technically proper device. But we cannot condone its use on ethical grounds. Any time a determined minority can frustrate the majority will, through parliamentary tricks or brute force in the streets, the national fabric is weakened. A filibuster at any time is wrong. At this time of already high national tension it could be most dangerous. Call it off and vote on the issues.

JACOB F. FRIEDRICK OF MILWAUKEE IS HONORED AT APPRECIATION DINNER

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1968

Mr. REUSS. Mr. Speaker, last Saturday evening one of Milwaukee's most distinguished citizens, Mr. Jacob F. Friedrick, was honored at an appreciation dinner for his many years of outstanding service to the labor movement, to his city, his State, and to the Nation. I include the tribute to Mr. Friedrick and the program for that dinner:

JACOB F. FRIEDRICK

Born in Hungary, January 31, 1892. Came to Milwaukee in 1905 at age of 13. Attended public school and learned machinists trade at Boys' Technical High School. Joined Machinists Lodge No. 66 in 1913 and has been member continuously since then. Served as Business Representative of Machinists District 10 from 1919 to 1929 and then served as labor editor of the Milwaukee Leader to 1935.

Elected and served as General Organizer of the Federated Trades Council from 1935 to 1945. Became Regional Director of the American Federation of Labor for the State of Wisconsin and served in that capacity to 1951 when he became Secretary-Treasurer of the Federated Trades Council in which capacity he served until September 30, 1959 when the Federated Trades Council (AFL) and the Milwaukee County Industrial Union Council (CIO) merged to form the Milwaukee County Labor Council AFL–CIO. Upon this merger he became President of the Milwaukee County Labor Council AFL–CIO.

In addition to these positions, J. F. Friedrick has served on numerous committees and boards within the labor movement, as well as in civic life. He served as a member of the Milwaukee Sewerage Commission from 1923 and as chairman of this Commission from 1932, until he resigned from the Commission in 1966.

Particularly interested both in labor legislation and workers' education, Friedrick worked with the University of Wisconsin economist, Professor John R. Commons, in preparing the first bill on unemployment compensation, introduced in the state legislature in 1921.

This was the first such measure proposed in any legislative body in the United States. When the Wisconsin Unemployment Compensation Act was passed in 1932, Friedrick was appointed one of three labor representatives on an advisory committee to work out the administrative details for the application of the act and make recommendations for improvements to successive legislative sessions. He still serves as a member of this committee as well as a similar committee concerned with Workmen's Compensation.

He took active part in the founding of the Milwaukee Labor College in 1921 and instructed many of its classes as well as participating in workers' education conferences throughout the state. Along with Henry Ohl and J. J. Handley, late officers of the Wisconsin State Federation of Labor, he collaborated with Professors John R. Commons, Selig Perlman and Elisabeth Brandeis in establishing the School for Workers at the University of Wisconsin.

In 1955 he received an Honorary Doctor of Laws degree from the University of Wisconsin and in 1960 he was appointed as a member of the Board of Regents of the University of Wisconsin by Governor Gaylord Nelson. He served two terms as president of the Board.

In other civic activities Friedrick is a member of the Board of Directors of the United Community Services. He also is a member of the Greater Milwaukee Committee, the We Milwaukeeans Committee, the Milwaukee Commission on Community Relations, and the Community Relations-Social Development Commission of Milwaukee County.

PROGRAM

Toastmaster: Ray Taylor.

National Anthem.

Invocation: Rev. Lovell Johnson, African Methodist Episcopal Church.

Dais

County Executive John L. Doyne.

Attorney General Bronson C. La Follette.

Mayor Henry W. Maier.

Senator Gaylord Nelson.

Senator William Proxmire.

Judge Elmer W. Roller.

Congressman Henry S. Reuss.

John W. Schmitt, President, Wisconsin State AFL–CIO.

Peter T. Schoemann, General President, United Association of Journeymen and Apprentices, Plumbers and Steamfitters International Union.

Congressman Clement J. Zablocki.

Appreciation Dinner Co-Chairmen: Michael J. Burtak, Fred A. Erchul, Lenore Hahlbeck, Fred Lindner.

Guest Speaker: Andrew J. Biemiller, Director, Department of Legislation AFL–CIO.

Response: Jacob F. Friedrick.

J. F. FRIEDRICK APPRECIATION DINNER COMMITTEE

Michael J. Burtak, Richard Czerniak, Robert L. Engel, Fred A. Erchul, Lenore Hahlbeck, Arthur Jenss, Ralph A. Jirikowic, Edward J. Kubicki, Fred Lindner, Robert McGarry, Lester H. Meyer, Mathew Pinter, Milton Pyzik, Carl J. Schulz, Donald L. Soucie, William A. Wambach, Orval Wieland.

NATIONAL LABOR RELATIONS BOARD: INJUDICIOUS AGENCY

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, September 23, 1968

Mr. FANNIN. Mr. President, earlier this year the Subcommittee on Separation of Powers, under the outstanding leadership of the Senator from North Carolina [Mr. ERVIN], held a series of hearings on the National Labor Relations Board which proved most enlightening.

One of the witnesses to that panel, Dr. Sylvester Petro, is a professor of law at New York University and a distinguished author in the labor field. In his testimony on April 8 of this year, he set forth most cogently his reasons for reforming the present labor law mechanisms. Now Professor Petro has written an article for Barron's which makes his views more widely known.

Sylvester Petro is an eminent authority in this technical and complicated area of law which is becoming more and more of a legal thicket with every passing case. His dispassionate examination of the inconsistent rules set down by the NLRB is one of the most objective I have seen.

I ask unanimous consent that the article published in Barron's for September 23 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INJUDICIOUS AGENCY: THE NATIONAL LABOR RELATIONS BOARD MUST GO

(NOTE.—The accompanying article was written by Sylvester Petro, Professor of Law at New York University. Professor Petro is the author of "The Kingsport Press Strike" and "The Labor Policy of the Free Society.")

Getting rid of a firmly entrenched bureaucracy, as Judge Arthur T. Vanderbilt used to say of judicial reform, is no game for the short-winded. Abolition of the National Labor Relations Board (NLRB) was first proposed some 30 years ago; similar proposals have been submitted in Congress from year to year since. In 1967 at least two such bills were introduced in both Senate and House.

Last spring, the Senate Subcommittee on Separation of Powers heard a long string of witnesses, some defending the Board, many excoriating it. Just recently, Congressman John M. Ashbrook of Ohio offered again a resolution calling for creation of a select committee to conduct a sweeping investigation of the Board. Under its terms, the select committee would inquire particularly into "whether the Board is properly and objectively administering the National Labor Relations Act in accordance with its express provisions and purposes."

Any genuine inquiry into the activities of the National Labor Relations Board, I submit, must conclude that the Board should be abolished and its judicial powers turned over to the federal courts. The case against the NLRB has been clearcut and powerful almost since the agency was established in 1935. From the beginning it has forced unions on unwilling workers and employers, and encouraged monopolistic, restrictive union practices which damage the economy in countless ways. It has usurped the policy-making powers which belong to Congress under the Constitution. And it has exercised judicial powers which, under the Constitution, should rest with the federal courts.

Thus far, of course, all attempts to restore fair play and good sense to U.S. labor relations by abolishing the Board have failed. Dominant segments of the electorate have been bemused by the pro-union mythology which holds, contrary to all evidence, that big unions are public servants, not arrogant, greedy pressure groups. Politicians who depend on union support lull their consciences as they resist legislative correction with the seductive idea that the economy is creative and productive enough to forge ahead despite the proliferation of bureaucratic restraints and monopolistic labor practices.

Today, however, one senses a new realism in the nation. If their noses are rubbed long enough in dung, even long-suffering Americans sooner or later reach the conclusion that they won't come up smelling like a rose. Out of direct and prolonged contact with the chaos produced by the hypocritical and opportunistic congeries of policies known as the "welfare state" or the "great society," a hard-headed determination to do something about it is emerging.

Nearly 100 years ago, Sir Henry Sumner Maine wrote: "If government should be tempted to neglect, even for a moment, its function of compelling obedience to law—if a Democracy, for example, were to allow a portion of the multitude of which it consists to set some law at defiance which it happens to dislike—it would be guilty of a crime which hardly any other virtue could redeem, and which century upon century might fail to repair." Let us hope that the great legal historian over-estimated the durability of the error; otherwise, this country, which has allowed trade unions to defy the basic laws of the land, faces a long period of chaos and anarchy.

People who believe that the looting, pillaging and violence of the past few years are something new in American life are mistaken. So are those who think that there is something novel in the current tendency to reward rioters and rebels against the "Establishment." It has all happened before. Starting late in the last century, thugs and bullies took to the streets, to dynamite and clubs and vicious assault as various means of forcing workers to join and employers to recognize unions. A hardy myth holds that in "the bad old days" police and federal troops brutally repressed the peaceful organizing attempts of the early trade unions. The fact is that U.S. authorities have rarely tried to check union violence—and that they have been even more rarely successful.

As Governor of Michigan, for example, the late Frank Murphy refused to protect property of auto companies against the aggressions of the U.A.W. He was rewarded with a seat on the Supreme Court, and union leaders became the most influential members of the Democrat Party. In the packaging-house workers' strike at Albert Lea a few years ago, Orville Freeman did much the same thing as Governor of Minnesota, and he too acquired high office. Last year extreme violence and vandalism during a strike of steel truckers went virtually unchecked and unpunished.

Much of what is wrong in this country today traces to such law-enforcement deficiencies in labor relations and still more deeply, to the kind of thinking which produced our mistaken, confused and ineffective labor policies. Trade unions have long been mauling their opponents, and getting away with it, because of the mistaken belief that they operate in the public interest—not as the aggressive self-interest groups which they so plainly are. Out of this mistaken belief have grown: the "pro-labor" policies of the Norris-LaGuardia anti-injunction law, which insulates aggressive union conduct against one of the few kinds of effective relief available, namely, injunctive relief in the federal courts; the "pre-emption" doctrine of the U.S. Supreme Court, which prevents the state courts from supplying the same kind of legal protection against union aggression; and the Wagner-Act provisions still imbedded in the Taft-Hartley Act, which, as administered by the NLRB, in effect throw the strength of the federal government on the side of the unions in organizing campaigns and in collective bargaining.

Responding to deeply held and sustained public opinion, the 80th Congress passed the Taft-Hartley Act in 1947, mainly in order to correct the Wagner Act's one-sidedness. Its sponsors called the measure a "bill of rights for the individual worker." Unions were subjected to the same rules as the Wagner Act had imposed upon employers, rules designed to protect the right of workers to make up their own minds on union issues, free of coercion by either union leaders or employers. Sensing a still deeper problem, the Taft-Hartley Act (and its sponsors in Congress) declared that the NLRB thenceforward was to function as a court of law, not as an adjunct to the organizing departments of the big unions. But even as huge majorities in the House and Senate were over-riding President Truman's veto of the Taft-Hartley Bill, one of its main sponsors, Senator Joseph H. Ball, said of it: 'The rights guaranteed to employees . . . could be made a complete dead letter overnight by a National Labor Relations Board that was so inclined."

This country was not prepared in 1947 to abolish the NLRB and to put its judicial powers in the constitutional federal judiciary, where they belong. It was still not ready to do so in 1959, although Congress was compelled to pass the Landrum-Griffin Law then precisely because the NLRB had sabotaged Taft-Hartley in the way Sen. Ball had feared it might. The question now is whether we are finally prepared, in an hour of genuine national peril, to do what must be done in order to rescue ourselves from the critical mistakes committed in U.S. labor.

David Hume once wrote that many things are possible to the nation with a free, strong and resilient economy, while nothing is possible to unproductive nations. Do not make the mistake of believing that the U.S. economy is immune to all the destructive tendencies at work. True, trade unions alone cannot destroy it. Without government cooperation, union monopolies could hurt only individual businesses and workers. Wage increases which exceeded productivity gains would produce unemployment only in the industries where unions were strong; capital and employment would tend to grow in realms where unions were weak. The whole economy would not be affected unless government took steps to frustrate such shifts.

But the government has tended to inflict on the economy as a whole the untoward consequences. Instead of letting them run their natural course, Washington has masked the unemployment and dislocation brought about by monopolistic unionism, primarily through a steady and steadily more destructive inflation. And from the giddy industrial pace and callous exploitation of the poor and the elderly which inflation causes have grown a goodly share of the mad phenomena which herald the disintegration of American society today. England's current inanity demonstrates what can happen to a sturdy society and a strong economy if they are subject to enough abuse.

Those who recognize the lack of progress that unions have made in organizing the rank and file in the past 20 years are likely to think that the destructiveness of their role is being overdrawn. It is true that union membership rolls have virtually stood still for 20 years at something like 18,000,000. It is also true that union members today account for only about 28% of the non-agricultural labor force, against over 33% two decades ago. Yet, in spite of their growing unpopularity and their failure to gain new dues-payers, the big unions and their leaders are economically and politically more powerful than ever before. All the basic industries are dominated by monopolistic unions, and such is the political influence of their leaders that destructive, monopolistic wage increases in the basic industries become the signal immediately for even more destructive inflationary moves by the federal government.

I do not contend that unions are the sole cause, or even a truly basic cause, of the social disintegration which is so apparent. What I am saying is that they play a key role in that disintegration, and that the real and basic cause is more strikingly evident in labor-policy mistakes perhaps than anywhere else in public affairs.

The fundamental cause of our difficulties is welfare-state theory. We are in profound trouble because dominant opinion for so long has held that the government can do more for the good of society by ministering to all needs, real and fancied, than it can by protecting freedom and the free enterprise system through the vigorous enforcement of an equal rule of law for everyone. However, deficiencies of welfare-state theory and action are nowhere so blatant as they are in labor relations.

Here we see sharply all the distortions, the mistakes, the evil consequences of that theory at work. We see not only special privileges and immunities granted to unions at the expense of the rights of employers and employes. We see also the abandonment of the most vital provisions of the U.S. Constitution. Perhaps most significantly, we see how abandoning the separation of powers theory which animates the Constitution reduces the government of the United States from an effective representative government to a contradictory chaos. The case for abolishing the National Labor Relations Board appears most powerfully in this light.

There are six counts in the indictment of the NLRB:

1. Manned by short-term political appointees, the NLRB possesses and exercises judicial powers contrary to the Constitution, under which such powers belong exclusively to life-tenure judges.

2. Though appointed by the President, NLRB members also exercise policymaking legislative powers, which, under the Constitution, belong exclusively to the popularly elected members of the House of Rpresentatives and the Senate.

3. The NLRB exercises habitually its judicial powers in a manner which makes a mockery of those great judicial traditions which were wrought out of a determination that the law's highest social function is to dispense equal justice to all.

4. The policy-making activities of the NLRB are profoundly at odds with the poli-

cies declared by Congress and with prevailing public opinion.

5. The NLRB is imposing one-sided, prounion, Wagner Act policies in a Taft-Hartley era of law and opinion.

6. The effect of the NLRB's amalgamation of legislative and judicial powers is to confirm in the big unions precisely the antisocial potential which public opinion and the law of the land were designed to curb.

There is no need to say much about the first two counts. The Constitution strictly confines all policy-making legislative powers to the House and the Senate, and it equally clearly confines all judicial powers to persons appointed to the federal bench for life. A great deal could be said about the good sense of these constitutional prescriptions. Lawmaking by anyone other than elected representatives is one form or another of undemocratic tyranny. Judgments handed down by short-term political appointees should not be called legal judgments at all, but the kind of kangaroo-court edicts which sound legal tradition had hopefully abandoned with abolition of the Star Chamber in 17th Century England.

The main social contribution of any genuine court system lies in the provision it makes for a decent, fair-minded forum, in which the facts of any dispute may be presented as fully as possible, where arguments will be heard openly and sympathetically, and where the decisions handed down are logically consistent both with similar judgments in the past and with the whole body of law. Literally hundreds of NLRB decisions could be cited here which flout all the criteria of any decent juridical system. The Board is a tribunal in which due process of law is frequently denied; in which facts are often disregarded or manufactured or altered to suit the Board's wishes; in which decisions are handed down at times even before arguments are heard; in which precedents are evaded or disregarded or overruled; and in which the law written by Congress is shaped to fit the convenience of unions rather than to carry out the lawmakers' will.

The basic policies expressed by Congress in the Taft-Hartley Act were two. First, that employees should have a right to make their own choices on collective bargaining, guarded equally against coercion by either unions or employers. Second, that collective bargaining was to be encouraged, but only where voluntarily chosen by a majority of employees, and then only on condition that neither union nor employer had to make any concessions.

The NLRB has turned these policies upside down and inside out. It has subordinated the principle of free employee choice to the idea that unions must succeed whenever possible in organizing campaigns. To this end, modest and innocuous activities by employers have been held coercive, while aggressive and even violent pressures by unions have gone virtually unchecked.

Consider some characteristic examples. In one case the Board held that an employer violated the Act when, during an organizing campaign, he told employees that they might take an existing floating holiday on their birthday if they wished. But in another case, the Board held that a union could not be found guilty of picket-line violence without proof that union agents actually participated in or authorized that violence. Moreover, the Board consistently refuses to order unions to reimburse employees for time lost owing to picket-line violence, even where union guilt is recognized. In short, innocuous employer conduct which might discourage unionization is dealt with severely, while the most aggressive kinds of union conduct go unpunished.

Again, consider the recent Garwin case. There the Board ordered an employer to recognize and bargain with a union even though not a single employee wished representation by the union. Previous unfair practices, said the Board, made it necessary to punish the employer and to reward the union in that way, Fortnuately, a federal court reversed the Board, pointing out that its decision would wrongfully elevate union interests over the free employee choice which Congress had made the paramount principle of the Taft-Hartley Act.

In one case the Board will impose penalties upon an employer who has done nothing more than exercise the right of free speech. In another, the Board will hold—contrary to the plain language and intent of the Taft-Hartley Act—that a union is justified in preventing the use of prefabricated materials on a construction job.

The catalogue of NLRB distortions and perversions could be extended almost without limit. Although Congress specifically disavowed any intent to compel concessions in collective bargaining, the Board held in the well-known General Electric case (Barron's, February 8, 1965) that GE broke the law by coming to the bargaining table with its mind made up on how many concessions it would agree to. Again, while Congress clearly implied that secret-ballot elections were a pre-requisite to bargaining status, the Board in the recent Bryant Chucking Grinder case (1967) ordered an employer to recognize a union on the basis of authorization cards, despite the fact that in the only secret-ballot election ever held in the unit, the union had been roundly rejected by the employes.

I have cited only the briefest possible cross-section of NLRB distortions and perversions of the national labor policy enacted by Congress. Unfortunately, the worse distortions do not yield to short, non-technical description. They involve, in the main, tortured evasions of principles of due process. The interested reader will have to go to the technical journals and to the transcripts of Congressional hearings for a fully detailed account of the way in which the NLRB has been abusing its authority. The hearings before the Senate Subcommittee on Separation of Powers, chaired in the spring of 1968 by Senator Sam J. Ervin, produced a number of detailed descriptions of NLRB travesties. The statement of Albany lawyer Robert H. Jones III was notable for the case with which he recounted NLRB disregard of fact, law and due process.

Summed up, the Board has subordinated the public interest and the rights and freedoms of employers and employes alike to the power-lusts of the big unions and their leaders, and to the political advantage of prounion politicians. It will not do to excuse the Board on the ground that it is merely reflecting public opinion. On the contrary, public opinion is solidly in favor of the Taft-Hartley approach. That law was passed over a Presidential veto by huge majorities in both the House and the Senate. Efforts to weaken it since 1947 have usually resulted—in Congress—in strengthening amendments. The fact that the Board has persistently frustrated Congressional intent does not mean that the Board is better reflecting public opinion than Congress. It means that the principal labor-policy mistake of Congress lies in its delegating to the NLRB the power to administer that policy.

Careful men might ask at this point: conceding the Board's poor performance, what assurance is there that the federal courts would be able to do any better while a prounion Supreme Court sits watchfully above them? And can the federal courts match the expertise of the NLRB?

The predilections of the Supreme Court do indeed pose a problem. In the best of possible worlds, Supreme Court justices would confine themselves to interpreting and applying the Constitution and the laws of the U.S. as they are written, rather than as the Court would like them to read. In this world, at this time, most justices are not content with their position as the nation's most important judicial officers. Their policy-making aspirations run away with them. We are confronted here with a problem which no amount of legislation will solve. Running the country without a Supreme Court is out of the question. Removing the life-tenure requirement for Supreme-Court justices would make them even more politically minded than they now are.

The prospect, however, is not wholly bleak. Abolishing the NLRB would vastly simplify the problem of keeping the administration of the labor statutes faithful to Congressional intent even if the justices refused to mend their ways. If for just a few years Congress would police Supreme-Court decisions—instantly responding with corrective legislation to egregious misconstructions—even the most arrogant jurist would come to realize that he was not endowed by the Constitution with the supreme and autocratic power which some justices have arrogated to themselves.

The Supreme Court is a small body turning out a limited number of decisions. In the last resort, Congress could simply take away much of its appellate jurisdiction in the labor field. In contrast, the job of policing and controlling administrative tribunals such as the NLRB is very nearly hopeless. There are so many, and they do so many things. Their decisions are too numerous for effective review. Moreover, many of their most significant activities are off the record; the Board often does more harm by failing to act than it does in taking action, however bad. Finally, the confusion between the powers of the agencies and those of the reviewing courts creates an infinity of problems in itself, rending the allocation of responsibility extremely difficult, if not impossible.

Getting rid of the Board would eliminate most of these difficulties. Transferring the NLRB's judicial powers to the federal courts, while it would not solve all the problems, would certainly make them more manageable.

Save for the fact that many persons are impressed with it, the "expertise" question would not need to be taken seriously. The members of the NLRB are not involved in running the labor relations of the country, just as the FCC is not involved in building television transmitters and receivers, and the CAB runs no airlines. What the members of all these administrative tribunals do is to dispose of legal disputes and justiciable issues. The expertise required of them lies not in labor relations, or electronics, or aerodynamics. It is expertise in evaluation of testimony, interpretation of law, assessment of logical argument. In short, it is expertise in judging.

Your true expert in the art of judging is the life-tenure judge, who sits on a court of general jurisdiction; the person who is insulated from political pressures and who is content to devote his life to the administration of justice between one man and another, without regard to political exigency or advantage.

Properly understood, the expertise question provides one of the most compelling bases for abolishing the NLRB and vesting its jurisdiction in the federal district and circuit courts where, under the Constitution of the United States, all federal jurisdiction belongs.

Ultimately, the issue is whether we wish to live under an orderly, intelligible, constitutional system in which government serves the general welfare, or in a dog-eat-dog environment dominated by the lusts of the men who lead political pressure groups. The choice lies between decent constitutional government which serves the public, and chaotic government which abuses the public in a quest for continuous political power.

Delegating judicial power to an administrative agency is both unconstitutional and impractical. It is unconstitutional because the Constitution confines the judicial power of the United States to an independent judiciary composed of life-tenure incumbents. It is impractical because competent judging cannot be expected from limited-tenure political appointees who operate outside the long and sustained judicial tradition of subservience to law rather than to political exigency.

Creating specialized quasi-judicial administrative courts, subject to fragmentary and limited judicial review, produces neither expert nor expeditious judicial administration. It produces, instead, uncontrollable confusion. Out of that confusion, the executive branch emerges with precisely the concentration of power which the outstanding achievement of the U.S. Constitution—the separation of powers—was designed to disperse. As Thomas Hobbes said, liberty is fragmented power. The result today of re-concentrating power is a badly governed country. Tomorrow, if current trends are not reversed, we shall have tyranny. It is indeed time for a change.

THE 21ST ANNIVERSARY OF NIKOLA PETKOV'S MURDER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1968

Mr. DINGELL. Mr. Speaker, September 23, 1968, marks the 21st anniversary of the judicial murder of the Bulgarian national hero, Nikola Petkov, the gallant leader of the united democratic opposition in the Bulgarian Parliament.

Nikola Petkov worked not only in defense of Bulgarian freedom and independence, but also in opposition to the worldwide aggression of the Communist movement. Communist aggression continues onto this day to seriously threaten the freedom of all persons, as the recent events in Czechoslovakia so clearly demonstrate.

The people of Bulgaria have now been subjected to two decades of Communist captivity. They have been the victims of cruel suffering, but this has not stopped their fight for liberty and human rights.

The Bulgarian National Committee, which represents in the free world the rights and aspirations of the freedom-loving Bulgarian nation, has arranged special memorial functions to mark the 21st anniversary of Nikola Petkov's murder.

Nikola Petkov was born in Sofia, Bulgaria, in 1894. He was the son of Dimiter Petkov, a self-educated peasant who became Prime Minister of Bulgaria. The father was assassinated in 1907 for opposing foreign intervention in the internal affairs of Bulgaria, especially on the part of czarist Russia.

Nikola Petkov's brother, Petko Petkov, was one of the great Bulgarian peasant leaders. He fought the Fascist dictatorship of Alexander Tzankov, and as a result was shot down on a Sofia street on June 14, 1924.

Nikola Petkov carried on his family's opposition to tyranny as an underground leader against the Nazis during their occupation of Bulgaria. He was imprisoned several times, but when the Nazis were driven out of Bulgaria, Nikola Petkov was still alive and he took part in the first coalition government. He defended the freedom and independence of his country against the subversive efforts of the Communist members of the coalition.

For his efforts, he was arrested inside the Parliament Building in complete defiance of the Bulgarian Constitution and law. Nikola Petkov refused to give in to Communist pressures, declaring that he would share with pride the fate of his father and his brother.

On August 16, 1947, Nikola Petkov was sentenced to die on the gallows. Early in the morning of September 23, he was executed in secret because the Communists feared the people's mass indignation.

On this the 21st anniversary of Nikola Petkov's murder, I wish to extend my sympathy to the Bulgarian people. I also want to express my great admiration for their continued efforts to overcome Communist tyranny.

HEALTH HAZARDS OF SMOKING CIGARETTES

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Monday, September 23, 1968

Mr. MOSS. Mr. President, during my service in the Senate I have taken an active part in the campaign to inform the American public of the health hazards involved in the smoking of cigarettes.

This has been a hard struggle, but it is beginning to show results. The greatest change, as might be expected, have been with physicians. After all, who is more concerned with health hazards than our physicians. The fact that they know more about the hazard is reflected in the results of surveys which show that today less than 30 percent of the Nation's physicians still smoke.

The National Interagency Council on Smoking and Health has printed in a recent newsletter the results of three separate surveys which were conducted for the Public Health Service of the Department of Health, Education, and Welfare.

I ask unanimous consent that the text of the newsletter be printed in the Extensions of Remarks.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

SURVEYS SHOW FEW DOCTORS STILL SMOKE

Who knows most about the health hazards of cigarette smoking?

The physician.

And who—perhaps more than any other group in our population—has actually given up cigarette smoking?

The physician again.

Three quite independent studies reported by three national organizations during the past 6 months highlight the fact that today less than 30% of physicians are still smoking cigarettes. Among the men who know cigarette smoking best, in other words, it's "no smoking" two to one.

The three new physician surveys were made (1) by the National Opinion Research Center in Chicago for the National Clearinghouse for Smoking and Health, and included all practicing physicians, (2) by Chilton Research Services for the National Center for Chronic Disease Control, of general practitioners and internists only (the questions on smoking were included as part of a survey of preventive medicine practices), and (3) by the American Academy of General Practice, the largest specialty group in organized medicine, among its own membership only.

As the data provided by the National Opinion Research Center indicates, substantially more than one-third of the physicians in the United States once smoked cigarettes and have now stopped. More than a third never smoked. Less than 30% still smoke.

To put it another way, approximately 65.5% of the physicians are or have been smokers at one time; more than one half of these have quit, many of them in the past 5 years.

[In percent]

	Never smoked cigarettes	Have stopped smoking cigarettes	Still smoke cigarettes
Survey by:			
National Opinion Research Center	34.6	35.9	29.6
Chilton Research Services	34.0	36.2	29.6
American Academy of General Practice	39.0	40.0	21.0

Further questioning by the National Opinion Research Center shows that more than half of those who still smoke have made a serious attempt (sometimes more than one) to stop smoking entirely. These constitute a group of long-time smokers, 63% having smoked for 20 years or more. They are the hard-core smokers, who are concerned but who have not yet been able to lick the habit.

Why has the physician given up smoking cigarettes?

The primary reason is concern for his own health. Almost 60% of the doctors questioned in the National Opinion Research survey felt that they were protecting their future health by quitting; almost 47% stated that "occurrence of symptoms" was a reason.

An overwhelming majority of doctors in this survey agreed with the statement: "It is the physician's responsibility to attempt to convince his patients to stop smoking." And 86% agreed that, if a patient wants to stop smoking, it is the physician's responsibility to help him accomplish this. But physicians, many of them, were deeply pessimistic about their influence on their patients; 77% think that "most patients will not give up smoking even if their physician tells them to."

The public very definitely looks to the physician for help on smoking problems. About two out of three in a survey made two years ago agreed that it is the doctor's job to convince his patients to stop smoking and that he should set a good example by not smoking. Further, 84% believe that most patients won't quit unless the doctor tells them to.

Of the physicians questioned in the National Opinion Research Center survey, 54% routinely question patients about their smoking, but less than 38% routinely advise all or almost all of their patients to give up smoking, or cut down sharply, unless there is a

specific reason symptomatically. The proportion rises sharply to 88% who give this advice to patients with lung and pulmonary conditions, and almost as large a percentage for other conditions which are usually associated with cigarette smoking.

DONALD BURNHAM OF WESTINGHOUSE: DEEDS, NOT WORDS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1968

Mr. MOORHEAD. Mr. Speaker, the need for active leadership by business and industry in meeting the problems of our urban areas is an urgent one.

Mr. Donald C. Burnham, president of Westinghouse Electric Corp., has sounded an articulate call for such leadership. Burnham stated in a recent speech before the Pennsylvania Electric Association in Pittsburgh:

> Recent events underscore the fact that the people in our communities are looking for deeds, not words.

Mr. Burnham exemplifies the kind of business leadership that is needed to meet the urban crisis. He is a member of the National Alliance of Businessmen; he is a member of the President's Commission on Income Maintenance, assigned to review the efficacy of the Nation's entire welfare system; and he has been nominated by the President as an incorporator of the new National Housing Partnership, a privately financed effort to underwrite a vast construction program to overcome the present serious lack of housing for low and middle income families. Under Mr. Burnham's leadership, Westinghouse itself already is blazing new trails in the effort to provide jobs in ghetto areas, and better education and housing.

Mr. Speaker, under leave to extend my remarks, I insert at this point in the RECORD Mr. Burnham's description of the businessman's responsibilities and his call for action:

COMMUNICATION IN AN ENVIRONMENTAL REVOLUTION

(Address by Donald C. Burnham, president of Westinghouse Electric Corp., Pennsylvania Electric Association, Pittsburgh, Pa., September 18, 1968)

President Dunlap, members of the Pennsylvania Electric Association, as a Pittsburgher, I want to echo Mr. Arthur's words of welcome and express my appreciation for the opportunity to address this distinguished Pennsylvania audience.

You represent Pennsylvania companies and so do I. Although Westinghouse does business all over the world, more than a third of our employes work in Pennsylvania and 36 per cent of our investment for plant and equipment is in this state.

In the past two years, we have committed more than $120 million for new plants or plant expansions in places like Gettysburg, Bedford, Lester, East Pittsburgh and a number of other Pennsylvania locations. So you can see we have a big stake in the prosperity and growth of this commonwealth, just as you do.

And, by the way, I hope you noticed the new, 23-story building under construction here in Gateway Center. That's the new Westinghouse Building which will be total electric. We invite you to use it for customer demonstrations when it finished next year.

When your president selected as the general convention theme "Progress Through Communication," he struck a most timely note in the musical scale of our business lives, I believe. Properly played, the note of good communications produces harmony. Unfortunately, we sometimes play the note off-key, bringing discord. Or worse yet, we occasionally fail to play the note at all, like the cymbals player who misses his cue.

Someone once asked a musician "*what* do you have to know to play the cymbals?" And his reply was, "nothing . . . you just have to know *when*."

Communications is a little like that. The "when" is as vital as the "what." And certainly "now" is a time for effective communication in our business and community life.

The theme reminds us too, that we really are in more than one business. Your best-known business, of course, is to supply electric power to the customers in your service area. My best-known business is to build electrical equipment for my customers. But, like it or not, both of us are in another business—the communications business.

Our success depends not only on how good our service or our product is, it also depends on how good the public *believes* it is. We may be convinced we are providing good service or good products, only to find we have dissatisfied customers. We may consider our a dynamic, progressive company, but find young college graduates not interested in coming to work for us. We may believe we have excellent employment policies, but find demonstrations outside our gates.

If so, one of two things could be the matter:

Either we are wrong about how good our service, our products or our company policies really are; or

We are failing to communicate effectively the facts about our service, our products or our policies.

With your permission, I would like to spend the next few minutes reviewing the communications needs and opportunities of our time with an occasional focus on your industry as I see it from my vantage point as a close neighbor.

COMMUNICATE WITH WHOM?

We might start by asking: communicate with whom? This may seem to be an easy and elementary question, but it is important to have the right answer if efforts are not to be misdirected.

First on the list, of course, come our own employes. I'm sure most organizations intend to give them priority, but there is always the danger of taking our own people for granted. Yet we can hardly expect our first-line supervisors or rank-and-file employes to pursue our corporate objectives and programs if they don't know what those objectives and programs are and don't understand how their efforts fit in. Do we have a carefully planned program to tell them often enough and well enough?

I'm sure too, that high up on the communications priority list for any power company is the government. Because of the very nature of your business, this is a public that you don't forget. As a result, the utility industry by and large has done a good job keeping local, state and federal governments informed and up to date on industry programs and progress.

Then come our customers. And here we see the magnitude of the communications job with which the electric utility industry is confronted. Yours is the biggest communication job in industry, I believe, simply because a power company's list of customers includes everybody in town . . . not just the civic leaders, the V.I.P.'s. Your customers live in the ghetto areas as well as in the suburbs. And half of them are under 28 years old. Most of us are over 28—better make that 48. How good a job are we doing communicating with the young people in Pittsburgh's Hill District, for example, or the young people in Philadelphia's Columbia Avenue area?

For that matter, how well are we communicating with youth everywhere? They are our future employes, as well as our future customers, future voters and future government officials. They live across that so-called "generation gap." Among the groups over there of particular importance to us are the college graduates. The caliber of our future management depends heavily on our ability to attract the best of the young men and women from the ranks of the college graduating classes. Judging from experience of recent years, this is definitely a trouble spot for industry in general, and certainly for the electric power industry.

Why is this? Is it because we are not communicating? Or is it perhaps because we are not communicating the right things?

You may have heard the story his parishioners used to tell with affection about the late Cardinal Spellman in which the Cardinal, presenting himself at the Gates of Heaven, was asked by St. Peter for his name and some information about himself.

"Francis Cardinal Spellman," was the answer, "but I prefer to think of myself as a simple parish priest who had a million and a half souls in his care."

St. Peter retreated to his files, and, after a fruitless search, he asked the applicant for more information. "Perhaps," he suggested, "your good works have been listed under another category?"

To which Cardinal Spellman replied: "I have published meditations, prayers, poems and a novel, all having religious themes." St. Peter again disappeared behind the files only to return in confusion.

"I'm afraid," he said, "your writings have escaped our records. Was there not yet some other activity that should have attracted our notice?"

With some frustration, the Cardinal said: "Among other things I built 50 churches, 200 schools, as well as hospitals, homes for the aged and afflicted and other establishments too numerous to count."

After again retreating to his files, St. Peter finally returned in a state of profuse apology.

"Come right in, Frank," he said, "we had you under Real Estate."

Sometimes our communications do not convey the message we intend and our good works get lost in the files. What message, for example, have we been conveying to the college-age men and women whom we hope to interest in the utility business?

Past conquests are not enough; they inspire no man. The remarkable feats of the electric power industry in bringing the benefits of electricity to our nation are no longer new or challenging. When you talk with the young men and women on the college campuses today you find they are looking for new challenges, new problems to solve.

A few years back, space was the thing. The young people all were caught up in the drama and challenge of space exploration. Today the difficult socioeconomic problems facing our society appear to be the number one challenge. This is a shift which can work to the benefit of the electrical industry, because we are "where the action is." If we can spell this out with imagination and foresight, there will be challenge enough for the most idealistic of young men and women.

WHAT CHALLENGES CAN WE OFFER?

In what fields do we have challenges to offer? To name just a few, atomic power, the computer, fresh water, rapid transit, the whole gamut of urban planning and renewal, such new or timely sciences as ecology and ekistics. Utilities are working in both of these sciences, you know. Ecology is the study of the relationship between organisms and their environment. Through it we may learn enough about the effect of warmer water on marine life to turn what is now called "thermal pollution" into an asset. Ekistics is the name some sociologists have given to the science of human settlements. It may lead to greater understanding of the problems of urban growth and development.

Then there are the people problems. These, I believe, may be the most potent challenge of all to our youth who are becoming more interested in people than in things. The people problems—such as jobs, education, housing, health—arise out of the "environmental revolution" that is taking place in our country. And I do not use the word "revolution" idly. Its dictionary definition is "a sudden, radical or complete change."

Viewed from the perspective of history, these changes of recent years have indeed been sudden; in many regards they have been radical; and eventually they may be complete.

A REVOLUTION IN TWO DIMENSIONS

There are two dimensions to this environmental revolution—the physical and the social. Society today—your customers and mine—are unhappy in both dimensions. They are challenging business and industry to play a major role in solving both the physical and the social problems of our society. In fact we are being challenged not only to play a major role, but to take the lead.

Even our national government has turned to the private sector for leadership. This is something both government and industry would have thought highly improbable a decade or two ago. I'm sure this audience especially is encouraged by this expression of government in the ability of private industry to help solve public problems.

Early this year I was asked to go to Washington along with other heads of private companies to talk about the problem of providing jobs for the hard-core unemployed. At that meeting, it was stated flatly that government had tried and failed to solve this problem, and now it was turning to private industry.

The mayor of St. Louis spoke for local government, I think, when he said not long ago: "It's up to private industry, not the government, to dissolve the ghettos, provide training for the unemployed, and break through the vicious cycle of welfarism."

And certainly private industry, more and more, is being asked to take leadership in urban redevelopment projects involving everything from building construction to rapid transit.

I would like to take stock here briefly and see how we are meeting these challenges in both the physical and social environments. Our success will influence government-business relationships for years to come.

ARE WE MEETING THE CHALLENGES OF OUR PHYSICAL ENVIRONMENT?

For the sake of our morale, let's begin at a strong point for our industry: how are we meeting the need for more energy to power our cities and our industrial society?

Ever since my first class in arithmetic, I've been awed by big numbers and the first "trillion" I ever ran into in my business life was in 1965. That's when the utility industry reached the output figure of a trillion kilowatt-hours. And the EEI now forecasts that in 1973 the output will be over 1.9 trillion, nearly two trillion kilowatt-hours. What's more, the average annual increase in output from now through 1973 will be 7.9 per cent—more than enough to maintain the utility industry's record of doubling its output every 10 years.

In the forefront recently, of course, has been the industry's large investment in nuclear power which, by 1980, will account for at least 25 per cent of the electric generating capacity of the nation—a far greater share than was predicted a short five years ago. This speaks well for the progressive attitude of the utility industry and its willingness to invest substantially in a technology which is relatively new on the industrial scene.

Equally encouraging has been the willingness of the utility industry to invest in nuclear technology of the future. I refer to the projects now under way by Westinghouse and others, in cooperation with participating utilities and the Atomic Energy Commission, to develop the breeder reactor. The breeder will be another great step forward in the continuing drive to keep power costs low and conserve the world's fuel resources for the use of future generations.

Our water resources pose a second challenge of the physical environment. The drought of 1965, which found New York City drastically curbing the use of water by its citizens was a warning of more trouble ahead as our industrial society demands more and more fresh water and finds less and less available. Are we doing anything about it?

My interest has been stimulated by visits to Key West, Florida, where the water needs of the entire community are met by a seawater conversion plant. Such plants can convert salty or brackish water to fresh water. The technology is available. The need is real According to the Department of the Interior, 1,000 communities in the United States now have a brackish water supply. Residents must purchase bottled drinking water or transport drinking water long distances.

An ambitious attack on the fresh water problem on a really large scale was the Bolsa Island project in Southern California. There, two utility companies, in partnership with municipal, state and federal government, were planning a large combination nuclear power and desalting plant that would be capable of producing 1,800,000 kilowatts of electricity and 150 million gallons of fresh water a day. It is unfortunate the project as originally constituted became too costly and was discontinued. However, the participants agreed that the project concept should be continued, and it is to be hoped that a more economic venture can be formulated. Power company interests and participation in this type of forward-looking project will be an important contribution to the solution of one of our vital resource problems.

A third challenge of the environmental revolution is rapid transit. And it is one I don't have to describe to any of you. Last March Westinghouse was the host company here for the Pittsburgh Urban Transit Council's Third International Conference on Urban Transportation. Representatives from major cities throughout the world gathered to discuss problems and solutions to the traffic paralysis which is plaguing our cities. Frankly, I was concerned that of the more than 1,000 delegates to that Conference, not more than a dozen were from utility companies.

Here is a problem that can make or break our cities in the years ahead. Solve it, and we can rescue the inner city from Commercial ruin. In this, all of us have a major stake, whether or not we have a direct financial interest or investment in transit systems.

Recently, one of our transit engineers was invited to speak at a rapid transit planning conference sponsored by the Indianapolis Power and Light Company. Bernard W. Schotter, president of that company, hosted the meeting which was attended by city and county officials, by private consultants, and by industry representatives—all with the objective of solving the Indianapolis area's transit problem.

Dayton Power and Light in Ohio has played an active role in working for a transit solution in that city—a city, incidentally, which was one of the pioneers in use of the electric trolley bus many years ago. This utility developed a transit proposal on its own for consideration by the city and is working with a regional transportation committee on a Dayton to Cincinnati system.

In the case of rapid transit, our key question cannot be "will it build load?" Transit load is relatively low. Utility interest is justified by the fact that your firm depends on the vitality and growth of its service area if it is to grow and prosper. And as of today, the growth and vitality of our cities is being theatened by inadequate public transportation systems.

If time permitted, we could pick out other public problems which plague our population centers, but basic to all of these is the need for more and better urban planning. Is this something a company should get involved in? Not any company perhaps, but a power company has every right—perhaps even a responsibility—to become involved.

When I was in Detroit earlier this year, officials of the Detroit Edison Company showed me an area research project which they have been sponsoring since 1965 and for which they have spent more than two million dollars thus far.

It is a growth study of a 23,500-square-mile region of which their service area is the central core. Its purpose, they told me, is to determine the best pattern of growth for the area based on goals for the year 2000. The region includes more than 1,100 politically separate administrative units, all of which are affected or influenced in one way or another by the Detroit urban area.

Detroit Edison considers it good business to help solve the growth problem of this region. Walker Cisler, chairman, and Ed George, president of that company speak quite frankly about their reasons for making such an investment. They talk about the problem our nation faces with the deterioration of the inner city; the general exodus of the middle- and upper-income groups to suburbia; the trend of industry to follow the population shift and locate its facilities in suburban areas.

To a power company, of course, this means loss of revenue from the city and a poor return on the investment which the company has in facilities within the city. So Detroit Edison undertook its urban area research project with commercial considerations uppermost in mind. They felt they had to be able to make intelligent long-range decisions. Their future depends on it. The fact that their area study is also proving of great value to local governments, planners, educators, businessmen and the general public is an important spin-off.

And such efforts also lead to programs aimed at revitalizing and renewing the inner city. The power company is an active member of the New Detroit Committee which was organized by the Governor and the Mayor to do just that.

ARE WE MEETING THE CHALLENGES OF OUR SOCIAL ENVIRONMENT?

Solving the problems of the inner city involves that other dimension of the environmental revolution—the social dimension. I want to spend the few remaining minutes at my disposal on those social problems which loom the largest in our society today.

The three biggest challenges of this kind facing our urban society are jobs, housing and education.

In years past, industry was inclined to take the view that the greatest number of jobs and the greatest amount of good housing would automatically result from the smooth working of our economic system. And it was generally felt that education was strictly the concern of government. Management viewed problems in these three areas with sympathetic and charitable interest, but with little sense of direct responsibility or active concern.

Those days, gentlemen, are past. We now recognize that many false assumptions were made about how our system worked; too many malfunctions were overlooked. Take jobs, for instance.

The Labor Department recently reported that the civilian work force in June topped 80 million for the first time in our nation's history. The unemployment rate was well under 4 per cent. Sounds like the economic system is purring along beautifully.

But then you walk into the Homewood-Brushton area of Pittsburgh and find an unemployment rate nearly three times greater than the national average. And you realize that the problem of the hard-core unemployed has not been automatically solved by our system. Available men and available jobs have not been matched up. Unskilled men cannot hold skilled jobs; men without cars or carfare can't commute to the big new plant on the outskirts of town. Men who don't understand the purpose and need for being on time and regular in attendance, won't be. These are just a few of the things we as managers had to learn about the malfunctions of our system. What we really learned is that the economic system isn't to blame. We are. We haven't been thinking the problem through.

THE CHALLENGE OF JOBS

I'm glad to say that we finally are doing something about jobs.

For the first time in history, companies all over the United States now are going to great lengths to correct some of these past deficiencies. At least part of this has been through the stimulation of the National Alliance of Businessmen with which I am associated. Companies now are changing their recruitment programs, their training programs, and their manufacturing programs to tap this unused resource of potential workers called the "hard-core unemployed." 165,000 permanent jobs by June, 1969, already have been pledged by U.S. business and we are on our way to the goal of 500,000 by 1971. It is significant, I believe, that five of the Metropolitan Chairmen of the National Alliance of Businessmen are utility executives.

New training and orientation programs are a must, of course. In my own company, we have become very much involved in specialized education and training. Our Learning Corporation subsidiary is operating training centers for the hard-core unemployed in Pittsburgh and Baltimore under government contracts. Some of our plants are setting up their own special training programs.

At the same time, we have moved to put jobs where the jobless people are. We are establishing small manufacturing plants in the Homewood section of Pittsburgh and in Baltimore's Greenmount section, as well as a training facility in the South Ward of Newark.

I hasten to emphasize that these hard-core area plants are not philanthropic endeavors on our part. We intend that these plants make a reasonable profit; they must stand on their own feet just like any other Westinghouse plant. And we believe they will.

The Homewood plant will be built and owned by the Business and Job Development Corporation and we will lease it from that local Negro organization, thus achieving another desired objective of the people in that area—self ownership of productive facilities.

Our experience in seeking a site for this type of plant leads me to suggest that here is an activity in which the power companies can make a major contribution. Locating and preparing plant sites for industry has been an important function of the power company for years. Your expertise in this, plus your stake in solving the community's problems, provides a tremendous opportunity for utility leadership. I say this because I hope and believe other companies will be seeking sites for plants in the inner city—if they get the right kind of assistance and encouragement.

Once we get our Homewood plant in operation, I hope we can arrange to have you bring your industrial customers to see it; maybe it will help sell them on the idea of taking a similar step.

THE CHALLENGE OF HOUSING

Almost as big a challenge as jobs, is housing—adequate, low-cost housing. Somehow our economic system, as we have run it, has failed to provide new, low-cost housing for the inner city to any significant extent. But now private industry is organizing to do something about this deficiency.

One example I'm familiar with is our own Urban Systems Development Corporation. We have organized it to work with government and bring our technical capabilities—both in systems techniques and in products—to bear on the problem of housing for lower income people.

While your charters prevent you from going into the housing business as such, the planning and technical assistance of the power company can provide valuable impetus to projects of this nature.

THE CHALLENGE OF EDUCATION

The third social upheaval of the environmental revolution is occurring in the field of education. And here again, industry may have to go beyond its traditional role to help solve an urgent public problem. In the wake of last year's Detroit riots, Chrysler and the Michigan Bell Telephone Company both "adopted" a Detroit public school in an effort to enrich the regular teaching program.

Will industry be willing and able to bolster our educational system? For all of that, will your company or mine some day have to establish our own "college" to supplement the education of men and women we want to hire?

COMMUNICATE THROUGH ACTION

These are some of the challenges that our industry and all industry is facing in a time of stirring environmental change. These are leadership challenges, and they also are communications challenges, because I believe the two come down to the same thing.

Recent events underscore the fact that the people in our communities—your customers and mine—are looking for deeds, not words. Actions not only speak louder than words, but speak more convincingly. The people in our inner cities have had words and promises for years. But that wasn't real communication. We can only communicate with them believably and convincingly through *action*.

Our communities are demanding action in both the physical and social environments, and we in the electrical industry are in a unique position to provide action leadership that is so badly needed. Our urban areas need leadership which will inspire and show others how to attack these environmental problems through the application of capital, management and technical know-how, training skills and human relations.

There is scarcely an American city, or a Pennsylvania city, that today doesn't need community action to provide training and jobs for the hard-core unemployed; to improve the housing for its low income citizens; to make possible a better education for its youth; to eliminate blighted areas and put them to productive use; to clean up its water and its air; to improve its urban transportation.

And thus make that city a better place to live, raise a family and operate a business.

Don't be concerned when you don't find these functions spelled out in your charter. And when you get actively involved, don't be worried when a few people tell you to "mind your own business."

Because that's exactly what you *will* be doing.

Thank you very much.

PROVOCATION AND POLICE REACTION AT CHICAGO: A NEGRO LEADER'S VIEW

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Monday, September 23, 1968

Mr. MOSS. Mr. President, one might have expected that Negro leaders would side with the demonstrators at the Chicago convention, on the basis of the "police brutality" issue. It would be very tempting, I am sure, to issue a Now-you-know-how-it-feels-statement, regardless of whether these leaders agreed with the views of the dissenters or not.

However, Roy Wilkins, one of the most responsible and widely respected leaders of American Negroes, saw the Grant Park episode in quite a different light, and branded it for what it was, a basically "antigovernment, revolutionary" move and not "a peace move," and in a recent newspaper column he defended the right of Chicago to protect itself and its citizens.

I ask unanimous consent that Wilkins' column, published in the September 23 issue of the U.S. News & World Report, be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

PROVOCATION AND POLICE REACTION AT CHICAGO: A NEGRO LEADER'S VIEW

(NOTE.—When agitators provoked Chicago police during the Democratic Convention, did the police react too harshly?

(A top Negro leader, Roy Wilkins, executive director of the National Association for the Advancement of Colored People, gives his answer in a nationally syndicated column, as follows.)

As each day turns up additional information, it begins to appear that the American public, including establishment Democrats, the McCarthyites and most of the television people, were taken for a ride during the recent wrangle billed as the Democratic National Convention.

The group that did the dirty work—holy work, to it—was composed of itinerant professional agitators who, under the umbrella of antiwar protest, seek to create opportunities for ripping out the prevailing system of government.

Although the Republican Convention was hawkish on the war, no antiwar protest was staged in Miami. The Chicago protest was basically anti-Government—revolutionary.

With the notable exception of the comedian Dick Gregory, Negro Americans, young and old, moderate and militant, had little to do with the battles in Chicago's Grant Park.

When hard-line, organized and don't-give-a-damn forces announce publicly that they intend to take over your city, what does a mayor do? When they declare they will run through your downtown district, break windows, invade hotels, paralyze services, crash barricades and disrupt the Convention, what does the city government do?

It can, of course, sit by and allow the provocatuers to take over. Or it can stoutly defend the peace of the city the rights of its citizens and those of its Convention guests.

The error in Chicago was that the police used not restraint, but night-stick repression. If in the excitement they stepped over the line, it must be said that the provocation came first. If the experience at the

Pentagon is any guide, the face to face goading insults which the "peace" agitators employed were enough to spur violent counteraction. But the protesters got not only counteraction, but a bonus in the form of the cover provided by the young McCarthy amateurs who were sucked in and cynically used by the mob.

Before long, speakers and news commentators were emoting about "the kids" being beaten by police. Another bonus was the resentment of TV and radio personnel over the treatment of their men caught in the crossfighting.

The action at Chicago was unnecessarily rough, but the effort to paint it as a suppression of dissent, as a gag on news media, or as a restriction on McCarthy forces is not accurate.

There must always be freedom of speech and action in our nation. But disruption must not be equated with dissent.

A candidate for the high office of President does not clarify matters when he speaks of a group of dissidents as "the government in exile of the United States." Such glibness is pure misrepresentation.

In the Convention itself, some individual delegates and parts of certain delegations were tuned in on the Grant Park doings with a view to hooking them to their political objectives on the floor. The Michigan Avenue maneuver was a "takeover" operation, not a peace move.

The U.S. must yield always to change, but not to guerrilla insurrection. That was what was attempted at Chicago and was abetted, in confusion, by many who are not insurrectionists. It is no blanket endorsement of the excesses of the Chicago police to point out that when a deadly rattle is heard, the listener is on notice to defend himself.

CAPT. A. D. SZEKELY KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1968

Mr. **LONG** of Maryland. Mr. Speaker, Capt. Akos D. Szekely, an outstanding Army officer from Maryland, was killed recently in Vietnam. I wish to commend his courage and honor his memory by including the following article in the RECORD:

CAPT. A. D. SZEKELY KILLED IN VIETNAM ENGAGEMENT

SILVER SPRING, MD.—A Hungarian-born Army company commander from Silver Spring who was graduated second in his class at West Point, has been killed in Vietnam, the Defense Department announced yesterday.

Capt. Akos Dezso Szekely, 26, was killed when his armored personnel carrier was destroyed in heavy fighting at Tay Ninh near the Cambodian border September 11, the Pentagon reported.

BORN IN BUDAPEST

Captain Szekely was born in Budapest. His father, Akos Szekely, a highly decorated Hungarian Army officer, brought his family to America after the Communist take-over and settled in Washington.

The younger Szekely attended Montgomery Blair High School and was in the class of 1964 at West Point.

After serving in the Army Engineers in Korea, Captain Szekely received a masters degree from the Massachusetts Institute of Technology.

EXTENDED HIS TOUR

He went to Vietnam in October, 1967, serving with the engineers.

In July, he volunteered for combat duty with the mechanized infantry and extended his tour of Vietnam duty. He then took over as company commander of A Company, 1st Battalion, 5th Regiment, 25th Infantry Division.

"He was fighting the same Communist enemy that destroyed his old country," Frank T. Kovacs, Captain Szekely's stepfather, said yesterday.

Captain Szekely was a member of the Society of Sigma Chi Iota.

He is survived by his mother, Mrs. Katherine T. Kovacs, of 2203 Parker avenue, Silver Spring, and by his father, who lives in Milwaukee.

J. EDGAR HOOVER ON GUN CONTROLS

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, September 23, 1968

Mr. **GRIFFIN**. Mr. President, on September 18, the same day the Senate passed the Gun Control Act of 1968, the Director of the FBI, J. Edgar Hoover, testified before the National Commission on the Causes and Prevention of Violence.

In his testimony, Director Hoover reported a 21-percent increase in the national crime rate, and underscored the need for stricter gun controls.

I ask unanimous consent that excerpts from Mr. Hoover's testimony be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE STATEMENT OF J. EDGAR HOOVER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION BEFORE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE, SEPTEMBER 18, 1968

United States citizens possess untold millions of pistols, rifles, and shotguns. The ease with which firearms may be procured in the United States is a significant factor in the growth of crime and violence. Firearms have been readily obtainable through mail-order houses and across-the-counter for both the honest citizen and criminally inclined persons.

Thefts of firearms are still another source of weapons that are used in crime. An increase in such thefts from homes, sporting goods stores, and government facilities has been noted. As of September 1, 1968, some 171,856 firearms of all types were listed as stolen, missing, or recovered in the FBI's National Crime Information Center. These weapons, reported stolen since January 1967, have been listed through facilities in only 43 states as our Center is still in the process of expanding to include all states.

The mounting number of violent crimes committed with firearms and the tragic events of the last few months are mute testimony to the urgent need for more stringent and more effective gun controls to help prevent further violence. A recent national poll indicates that 81 per cent of the American people are in favor of stricter gun control.

I will reiterate my long-standing position that tough, comprehensive, uniform gun-control legislation is imperative for the public's safety. Although the passage of laws containing restrictions of weapons and the licensing of their owners would be somewhat of a chore, there can be no valid objection, since automobiles, airplanes, motorcycles, motor boats, and even dogs have long been subject to registration and/or licensing. The benefits to the safety and welfare of all our citizens would tremendously outweigh any disadvantages or inconveniences.

While gun controls obviously cannot end violence, rigidly enforced controls would undoubtedly contribute to a reduction in violence. The gun-control provisions of the Omnibus Crime Control and Safe Streets Act recently enacted by Congress are a step in the right direction; however, it is imperative that further consideration be given to this pressing problem.

CENTENNIAL CELEBRATION OF BELLEFAIRE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1968

Mr. **VANIK**. Mr. Speaker, October 5, 1968, will mark the conclusion of the celebration of the 100th anniversary of Bellefaire, which has long been one of America's outstanding treatment centers for emotionally disturbed boys and girls. The history of this fine agency is long and distinguished.

Bellefaire was founded on July 14, 1868, 3 years after the end of the Civil War; the Independent Order of B'nai B'rith dedicated its orphan asylum on the site of a former water cure establishment at 51st Street and Woodland Avenue in Cleveland, Ohio. Initially, it accepted only Jewish boys and girls, both from the North and South, who had been orphaned by the Civil War. The impact of numerous changes in the community and of developments in the child-care field led to the institution's construction in 1929 of a large facility in the University Heights suburb of Cleveland, with a series of cottages replacing the former congregate structure. The institution was renamed Bellefaire, derived from its location at Belvoir and Fairmount Boulevards.

Responsive to newer demands and trends, Bellefaire in 1943 changed its function to that of a residential treatment center for emotionally disturbed boys and girls. Today it is regarded as one of the country's foremost centers of its kind. It has steadily improved and broadened its services to its children and to the many communities it serves. Today its boys and girls, drawn from all races and creeds, come from all parts of the United States and Canada.

While becoming a regional and national service agency, Bellefaire has steadily maintained and strengthened its ties with the Greater Cleveland community, as a beneficiary agency of the Jewish Community Federation and the United Appeal of Greater Cleveland, and an affiliate of the Welfare Federation of Cleveland.

In its work, Bellefaire serves children through a balanced program of social living in small cottages, special education through its own school on the campus and psychotherapy through psychiatrists, caseworkers, and psychologists.

Bellefaire has been successful with its children, many of whom arrive with rather severe emotional disorders. Most of them are able to leave and enter into useful lives in normal society. Some of them have gone on to college, others to work and still others to the armed services. Some of the Bellefaire alumni have achieved notable positions in this country.

Bellefaire has made a number of studies in conjunction with Case Western Reserve University School of Psychiatry, School of Psychology, and the School of Applied Social Sciences. Bellefaire is affiliated with Jewish Children's Bureau of Cleveland which serves children in foster homes and group homes.

This brief account of the distinguished history of Bellefaire can only in a small way indicate the impact which it has had upon young people in the Greater Cleveland area, as well as thousands throughout the country. The dedication and professionalism of the staff of Bellefaire is second to none in the country in this vital area of treatment of emotionally disturbed youngsters.

The highest praise that can be paid to the staff of Bellefaire is that they have assisted hundreds of young people to lead useful and productive lives which otherwise might not have been possible. The distinguished people who benefited from the early work of Bellefaire when it was an orphan's home are too numerous to mention. These men and women have returned to assist in the development of a modern institution which carries with it none of the stigma formerly associated with institutions where youngsters were left when rehabilitation was unthinkable.

Bellefaire has been a symbol to our community and to the Nation of what can be done when private citizens and community groups determine to work together to develop and build an agency to treat the root causes of emotional disturbances.

My family and I wish to extend our heartiest congratulations to all those associated with Bellefaire during this important year of celebration. It is our sincere hope that the next 100 years of work and devotion to the cause of assisting youngsters will be even more fruitful and productive than have been the last 100 years.

INDEPENDENCE DAY OF THE REPUBLIC OF MALI

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1968

Mr. O'HARA of Illinois. Mr. Speaker, yesterday was the 8th anniversary of the independence of the Republic of Mali. This nation, which is the site of fabled trading city of Timbuktu, has a long and colorful history. It is named for and is the political heir of the ancient Malian Empire which flourished during the Middle Ages.

As befits their heritage, the Malians are a proud and independent people. They are in charge of their own destiny and make their own decisions. Under the leadership of their able President Modibo Keita, Mali is welding a unified social structure to overcome the divisive ethnic structure left by its colonial boundaries. The ruling political party has the allegiance of the people, and its influence stretches to the most remote village. Mali has been one of the most stable countries in West Africa under President Keita and his party.

Mali is playing a leading role in the West African search for viable regional economic institutions. It is attempting to find genuine African solutions to its own problems and the problems of regional development. In this endeavor the people of Mali—the country's principal resource and real wealth—its government and leaders have the good wishes of the people of our country.

My personal felicitations go to Mali's distinguished Ambassador to the United States, on the occasion of his country's 8th birthday of independence. His Excellency Moussa Léo Keita.

ADDRESS BY DR. MANOLO REYES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1968

Mr. FASCELL. Mr. Speaker, earlier this year, I brought to the attention of my colleagues in the House of Representatives a moving speech on the tragedy and hope of Cuba delivered by Dr. Manuel J. Reyes. Dr. Reyes, who was born in Cuba, is now an American citizen and holds the position of Latin American news director of a Miami television station WTVJ.

A distinguished career has made Dr. Reyes so well-known nationally that he is invited again and again to speak before groups and conventions. I take pleasure today in presenting another of Dr. Reyes' fine talks, this delivered before the Veterans of the Spanish-American War on September 9, 1968.

I know that Dr. Reyes' speech will serve as a moving example of the spirit of cooperation and brotherhood which exists in the Cuban people today as well as a poignant plea for all to lend their support to the cause of freedom and justice in Cuba.

The address follows:

ADDRESS BY DR. MANOLO REYES TO VETERANS OF THE SPANISH-AMERICAN WAR, 70TH ANNUAL CONVENTION, ASBURY PARK, N.J., SEPTEMBER 9, 1968

Not many Cubans have received the high honor of addressing the Annual Convention of Veterans of the Spanish-American War.

God's Will and yours have given this Cuban that great privilege.

A Cuban who belongs to a Cuban generation born in this country.

A Cuban generation whose eyes saw the light for the first time when you had already bravely fought in the Philippines, Puerto Rico and Cuba during the Spanish-American War.

A Cuban generation that thankfully learned to respect you and to admire you through the immortal pages of history.

A Cuban generation that in the presence of the magnificent example of love for freedom given by you during the Spanish-American War is engaged in a search for the same opportunity that you searched before—that is to fight in our country—for the freedom and independence of Cuba. And I said searched because you were volunteers of the Army of The United States that stepped forward to fight in the war of 1898 and now you are the only surviving volunteers of all wars fought by the United States.

For these reasons this rostrum has a very special value.

For these reasons I have no limitation in personal sacrifices to travel from Miami to Asbury Park to fulfill the duty of standing here today. And I stand before you like the priest who faces the altar—of your country and mine—because you, with your gallant example united the United States and Cuba in an unbreakable friendship. And because to the new generation of Cuba, to whom I belong, the freedom of our country is sacred, like a religion. We believe in it and we will give everything for it.

Let us say that today like yesterday everything unites us.

Let us say that you and we are closer than ever.

Let us say that grief unites people and to obtain freedom we have to travel the long road of sorrow.

After every Friday of Crucifixion comes a Sunday of Resurrection.

In 1898 when you were at the peak of your youth you volunteered to fight in Cuba for the freedom and dignity of the United States and Cuba.

Today seventy years later Cuba is suffering a communist tyranny. Because of it we Cubans are engaged in a fight for freedom and dignity of our people.

But our fight is also for all the Western Hemisphere. Because the communist tyranny imposed on Cuba, like a red world's satellite, is a constant attack against freedom and dignity of the American Continent.

Seventy years ago you fought in Cuba in San Juan Hill in El Caney in Oriente Province, against the tyranny imposed by Valeriano Weyler.

Today the Cuban people faces the tyranny imposed by someone who can hardly be called a Cuban. Fidel Castro, since he has turned our freedom and our independence over the communist world.

Since 1959 until today, September 9, 1968, more than 18,000 Cubans have been executed day after day for almost ten years.

Unhappy with condemning them to death the red regime of Havana, in certain instances, has drained part of the blood of the condemned to supply their blood banks. These Cubans have been weakened to the point that they had to be carried to the execution wall. But even then a second before they die God has given them enough strength to cry out loud; *"Long live Christ the King—Long live free Cuba."*

Today there are more than 75,000 political prisoners in Cuba.

All human rights are being constantly violated in Cuba. And while this happens the exodus continues. There are more than half a million Cubans in exile. Day after day an average of 200 Cubans arrive in Miami from Havana through the Freedom Flights. Since these flights started on December 1st, 1965 to this very day, approximately 130,000 Cubans have arrived in the United States. By sea, through the dangerous straits of Florida, continue to escape on small crafts. In almost ten years of communist tyranny more than 15,000 Cubans—men, women, and children—have arrived to Florida in 1100 small crafts—13, 14, or 15 feet long. In rafts and even inflated automobile tubes.

These are the lucky ones because there are many who left and never arrived alive to these freedom shores. They were victims of the elements or of Castro's gun boats or planes.

To re-affirm the historical similarity of the task you faced before and the task that the Cuban people now face, let us say that you are gathered here today with the indelible memory of your fellow veterans that died in the Spanish-American War.

I stand here before you like an eternal torch in memory of my fellow countrymen that have died to free Cuba. But I am sure that all Cubans that love their country and their history will always have a grateful memory for the men of this country that died in 1898 and for all the others that since then have given their lives to free Cuba and specially for the four American pilots—the four heroes that bravely, fighting side by side with the Cubans gave their lives in the Bay of Pigs expedition.

Cuba shall never forget them.

And like the communist henchmen of Fidel Castro once destroyed the eagle that topped the monument erected by the Cuban people to the Maine victims . . . I assure you that very soon there will be Cuban eagles that will restore with their own hands that monument in Cuba.

This carries with it a formal pledge that will be accomplished whatever may come, even if the Earth breaks loose from its axis and even if the stars fall from Heaven. Because we are convinced of the truth and justice of our cause.

Alike we are convinced that the fight for freedom in Cuba belongs primarily to the Cubans. But always we would welcome in this fight all other men who with deeds not with words show the same valor and the same courage that you have. Because you know as brave fighters of the Spanish-American War that with only moral support we can not ever break through tyrannies imposed through terror and bayonets.

I consider this rostrum, standing on my own convictions of love and respect, and justice . . . like a pilgrim without a country but with great faith in the Cuban people . . . I implore God's help and ask the help of all men of good will . . . *to free Cuba.*

REPORT TO CONSTITUENTS

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1968

Mr. BYRNES of Wisconsin. Mr. Speaker, under leave to extend my remarks, I include the following report to my constituents:

MEMO

FOREIGN AID.—The House last week passed and sent to the Senate the foreign aid appropriation. It provides $1.6 billion—the lowest amount in the history of the program. The Administration had asked for $2.9 billion. The final figure will be somewhere between the $1.6 billion in the House bill and the ceiling of $1.97 billion in the authorizing legislation.

LAW AND ORDER.—Law and order depend upon governmental action—adequate laws, diligent and effective enforcement, efficient and enlightened courts. They also depend upon the citizenry—what they do to encourage respect for the law, what they do as parents, what they do as citizens to make that government does its part. If you have ever asked yourself "what can I do?", these suggestions compiled by the Illinois State Chamber of Commerce on Respect for Law and Order will be helpful:

WHAT YOU CAN DO AS A PARENT

1. Set the example
2. Know where your children are and what they are doing
3. Encourage them to respect authority
4. Find out who their associates are
5. Encourage them to complete their education
6. Establish a climate in the home conducive to respect for law and order
7. Teach your children the difference between right and wrong
8. Don't take their part in a conflict without determining the facts
9. Set aside some time just for them

WHAT YOU CAN DO AS A CITIZEN

1. Vote your convictions
2. Take your family to church
3. Accept your community responsibilities
4. Speak out against selective adherence to our laws
5. Patronize businesses that believe in fair and honest dealing
6. Report violations of law when they occur
7. Support youth recreation programs
8. Advocate programs to cure the social and economic causes of lack of respect for law and order
9. Urge others to join the crusade

LAST CALL FOR SERVICE ACADEMIES.—October 1 is the deadline for young men to apply to me for nomination to the Military, Naval and Air Force Academies. Basic requirements are residence in the district, excellent physical condition, good scholastic record and age—over 17 but not yet 22 on July 1, 1969 when the nominees will enter the academies.

OFFICE HOURS.—I will be glad to see any district resident during office hours I will hold in my district office, 207 Federal Building, Green Bay, from 9:00 a.m. until 12:00 noon, Saturday, September 28.

ADJOURNMENT.—Congress is now striving to adjourn by the weekend of October 5; whether it will make that date is still problematical. The House is pretty well caught up on its work; it will have to wait for the Senate which still plans to take up the Fortas nomination as Chief Justice.

LIFETIME PENALTIES FOR YOUTHFUL RECORDS

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1968

Mr. HAGAN. Mr. Speaker, the following article from the Savannah Morning News by Mr. Tom Coffey is of profound significance to our youth and I want to share it with my colleagues.

Law enforcement and crime control are major issues today. Perhaps more emphasis should be placed, by way of warning, upon the social stigmas and civil rights denials attached to a convicted felon everywhere he goes, for the rest of his life. Mr. Coffey's message is particularly meaningful to our youth:

A JUDGE'S WORDS: IF THE BOY HAD JUST HEARD EARLIER

"Because you have no previous conviction, I am permitted to give you parole . . . But if you never see the inside of a penitentiary, you will not have escaped the penalties of your crime."

These words were said by a judge in Iowa to a convicted 16-year-old felon and were reprinted, along with the judge's other remarks, in the St. Francis (Kan.) Herald and the Kentucky Bar Journal. A reprint of the article came across my desk the other day, and I found the judge's words so penetrating that I decided to use some of them, for whatever impression they might make on any young man.

The judge went on to explain to the young parolee the tragic effect of a felony conviction. Listen:

"The record of your conviction will be here as long as the courthouse stands. No amount of good conduct in the future can erase it . . . If you are ever called to witness in any court some lawyer will point his finger at you and ask: 'Have you ever been convicted of a felony?' . . . And the question will be asked for the purpose of casting doubt on your testimony. Convicted felons are not believed as readily as other persons.

"It may be that someday . . . you will apply for a passport. You will not get it . . . No country will allow you to become a resident.

"Your world is, oh, so much smaller than it was.

"Some day you may seek a position in the civil service . . . You will find the question: Have you ever been convicted of a felony? Your answer will bar you from examination.

"You may want to take a position of trust, where a surety bond is required. On the application will appear this question: Have you ever been convicted of a felony?

"In a few years you will be 21 and others your age will have the right to vote, but you will not . . . You will be a citizen of your state and county, but you will have no voice in public affairs.

"Your country is calling men to the colors . . . But the Army will never accept you, nor will the Navy . . . You may serve your country in a labor battalion perhaps, but never behind guns. Yours may be the drudgery of war, but never the honor that comes to a soldier.

"I am granting you a parole. A parole is in no sense a pardon. You will report to the men who have accepted your parole as often as they may ask. Your convenience is not a matter of importance. You will answer fully and truthfully any question they may ask. Should they suggest that you refrain from going to certain places or with certain companions, you will follow their suggestions and without grumbling.

"You will also obey your parents . . . You will perform such tasks as are assigned to you. Your parole is a fragile thing.

"Should the slightest complaint of your conduct reach this court, your parole will be revoked immediately . . . You will not be brought back here for questioning or explanations. You will be picked up and taken to prison without notice to you and without delay."

. . . Those were the judge's words, said to his friend's young son who stood before him for sentencing.

The judge remains anonymous. So does the young prisoner. But we can imagine the heartache that the judge must have felt, passing judgment on a family friend. We can imagine the family's heartache. Even the young boy's.

We can imagine, too, that if the young boy had heard or read words like this before he committed his crime, he might have stopped to reconsider.

Perhaps someone else will stop to reconsider. That's why I have passed the words along.

THE "PUEBLO": HOW LONG, MR. PRESIDENT?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1968

Mr. SCHERLE. Mr. Speaker, this is the 245th day the U.S.S. *Pueblo* and her crew have been in North Korean hands.

IN RETROSPECT

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1968

Mr. OLSEN. Mr. Speaker, Editor Miles Romney of the Hamilton Western News in my district has written an excellent appraisal of the recent political conventions. It is a fine example of the outstanding job many of our newspapers are doing to assure an informed electorate.

I include this editorial at this point in the CONGRESSIONAL RECORD:

[From the Hamilton (Mont.) Western News, Sept. 4, 1968]

IN RETROSPECT

Since the two major political party conventions have passed into history almost everyone has been voicing views upon that which transpired, so this writer may as well place a few views upon the record.

Most of the talk has been concerning the Democratic convention. This is but natural since it was the most recent and because delegates taking part in its deliberations did grapple with a number of Minotaurs, slaying some, wounding some and causing others to run loose like terrified devils.

The Republican delegates, safely ensconced beyond the moat on Miami Beach, away from the populace, did nothing of this sort and were as tame as a spayed polecat. So it deliberated, adopted a platform which would offend or please nobody in this world or beyond the River Styx, and according to program nominated Tricky Dick Nixon for President. Thereupon the man who got upset because the people of California turned him down in his attempt to become governor of that state, delved into his black hat and pulled out of obscurity one Spiro T. Agnew, currently governor of Maryland, and knighted Spiro as the Gopper candidate for Vice President. The goings-on at the millionaire beach resort left a number of presidential hopefuls, such as Gov. Nelson Rockefeller, Gov. Ronald Reagan, et al as sad as wilted flowers in a graveyard, but this was nothing compared with the wrath felt by those who had cuddled hopes of being anointed as the Vice-Presidential candidate. They actually possessed some hope of lightning striking while it is a dubious thought that Rocky or the California mistake ever thought they had a chance, if they are realistic. Nixon & Co. had the prize all sewed up months prior to the conclave. But few delegates had ever heard of Agnew until he appeared at the convention and almost none knew anything about his record.

There are those who aver that Nixon deliberately picked Agnew as his running mate because he was as colorless as a black hat in a dark room that wasn't there.

So, after the convention curtain was drawn down and the nominees went off to pay their respects to President LBJ at his Texas ranch, the lamentations of the vice-presidential hopefuls spiraled like Indian smoke signals to the sky.

Possibly remembering how former President Eisenhower had hurt him when Ike answered reporter's questions about what Nixon had done as Vice-President, by saying if he was given a week he might think of something, Nominee Nixon determined not to get in the same boat as Ike and staunchly defended his choice of Agnew by declaring Agnew was the best available man to run as vice-presidential candidate with Nixon. He said of Agnew, "the guy has got it or he doesn't. If he doesn't then Nixon has made a bum choice." Rhetoric like that can some day appear in Presidential papers, if and when the American people will it.

But I have been digressing. Nobody much is interested in what happened at the slumber party at Miami Beach. All orbs have been focused upon the dish served by the Democrats at Chicago.

You will remember that some time back the public prints and the air were filled with pronunciamentos to the effect that the major parties could not hold their conventions in any major city because of the vast unrest in the country. It was postulated that the mob who have been burning down their own homes, the unemployed millions of all races but mostly black, the various organizations and unorganized peoples opposed to the Vietnam adventure which was started by former President Eisenhower and continued by Presidents Kennedy and Johnson, and other assorted opponents of various of the candidates for President, of both parties, would not permit the convention to be held without taking over in whole or in part.

Either wisely or unwisely the Democratic Party determined to hold its convention in Chicago and not run to the Miami Beach haven which was offered to it. Mayor Richard Daley of Chicago promised that the delegates would be protected from anyone and all who objected to the convention being held in the windy city. So it was held there last week and the delegates, who supported any of the candidates, apparently came through the ruckus with life and limb.

As you all know the Democratic convention was a tumultuous affair. This writer has attended three national Democratic conventions and here testifies that all such conventions are tumultuous. All such conventions, whether Democratic or Republican, end up with many candidates and delegates going home with feelings injured. There can only be one candidate nominated for each of the two top posts in each convention. There are forty-'leven candidates for these posts; many more than ever actually enter the starting gates. And when the lightning fails to strike them, there are objections, recriminations and weeping, wailing and gnashing of teeth. After all these dislocations have ebbed away the vast majority of the party faithful normally get together and work like Trojans for the nominee of their party. The rest go out in the political gardens in the north forty and eat worms and in politics you rarely hear of them again.

Have you forgotten the scene in the Cow Palace at San Francisco in 1964 when Gov. Rockefeller was prohibited from speaking because of the booing of Republican delegates and Gov. Scranton of Pennsylvania—a candidate for the GOP nomination—was grossly insulted by the boisterous opposition of his own party members—not hippies in the park either? Political conventions are often tumultuous and that characteristic crosses party lines.

This is not to say that justice, chastity and the best ends of the country always triumph. Far from it, you all know we have had some pretty rare specimens elevated to the presidential chair by the election processes. But this is the way the political machine functions and always has performed. If a person doesn't like the music it is best to avoid proximity thereto. There may come the happy day when some new and better method of selecting nominees will be devised, and many of us have been working at it without much success; but until that day comes along there are two things you can do. One is to proclaim that politics is dirty and stay strictly away from it and permit the ship of state to continue to flounder. The other way is to participate, say your piece, whether you are a McCarthyite, a Rockefeller adherent, a disciple of the Nixon mentality, a worker for Humphrey, a protagonist of Reagan, a follower of Robert Welsh, or who. Say your piece and endeavor to your utmost to secure the advocacy of others to it. And having done so, enjoy your victory; or if you lose, feel that you have served your self respect. Or you can start a revolution and try to impose your will by force, but you must pay the consequences if you lose.

But it is not good sportsmanship, manners, or a service to the democratic processes, when you choose to violate, or attempt to violate, the rights of others.

The latter tactic was that resorted to in Chicago by several thousand people who were outside the Democratic convention; who had nothing whatsoever to do with it, but who insisted upon marching, protesting and raising hell by confronting cops and the National Guard. Some of them, unfortunately, had to pay the consequences.

These people had every right to hold their own meetings, advocate anything they desired, scream their lungs out, adopt resolutions denouncing any and all persons, parties, candidates, platform planks, etc. They came from numerous states and had been active for months, in many places advocating their particular theories, with some success. Congregating in Chicago they were an infinitesimal number compared to what had been heralded would appear, or compared with the 3½ million population of Chicago, yet they felt they possessed a right to act as they pleased in complete disregard to the laws of the city. As a consequence strife transpired and some people were hurt, others arrested. Happily nobody was killed. The deliberations of the Democratic convention were not violated by the objectors. But Mayor Daley, the police and the National Guard were verbally abused by the objectors, some delegates, some candidates, some newspapers and by the gods of the TV and radio, the latter sitting in supreme judgment. It is remarkable how sure some people become when tendered vast power!

The objectors were not permitted to invade the convention hall and impose their views upon the convention delegates. Just who annointed the objectors with the right to superimpose their views upon the majority of the delegates is yet to be explained. Even the TV gods failed to reveal by what hocus pocus those not part of the convention should force their will upon it.

It is worth wondering what would have happened if the authorities had not intervened and the objectors from the parks had invaded the convention hall and attempted to dictate? Would the authorities then have been blamed by the authorized delegates of the convention? That is a problem you ought to endeavor to accommodate to your feelings on this matter.

Such methods are not the way majority rule operates in a democracy, or as the Birchers might insist, in a Republic. If we are to insist upon anarchy it is a horse of a different color.

Anyway the Democrats did liberalize their convention rules. They abolished the unit rule. They fought in the convention committees on credentials, rules and platform for their views on the most controversial matters, including the plank on Vietnam. There never was a more democratic debate held in any convention in American history, and when it was over, it was decided by majority vote.

It is noteworthy the Republicans did none of these things.

Similarly the selection of a Presidential nominee was open and free to all, and determined by a majority vote with Vice President Humphrey receiving an overwhelming majority of the votes of the delegates. It wasn't even close.

Then Humphrey the next day picked Senator Edmund S. Muskie of Maine as his running mate. Perhaps there were disappointed persons who felt they were better qualified for the nomination given Muskie by the delegates but if this be true there was no great fuss about it, as was the case with Agnew.

Some people brought forth a criticism of Muskie because his father was an immigrant with a Polish name nobody could pronounce which the father had seen fit to shorten to Muskie. Others disparaged the nomination saying it was a flagrant attempt to woo the Polish vote in America. Of course such twaddle brought retorts. It was uncovered that Agnew's father's name was originally Anagnostopulous and there were those who said the Goppers were trying to lasso the Greek vote in America. That's politics for you but we should be ashamed of making fun of names of immigrants and of the men whose forbears failed to come across the pond on the Mayflower. After all most of us are not the Indian aborigine, and there is even considerable support for the theory that the forebearers of the American red man came across the Bering Strait from what is now communist country!

There are those, I know, who think Nixon is tops and should be the next president. There are also those who want Gus Hall, or the Prohibition candidate, and Gov. Wallace has his followers. There is talk of a fourth party to be led by a candidate as yet undetermined, but there are a legion of Americans who think Hubert Humphrey is the most qualified man to become chief executive of these United States.

Among this latter group is, of course, this writer, who recalls that for a quarter of a century Hubert Humphrey as Senator from Minnesota, pioneered most of the reform legislation to bring a better life to Americans. Much of this progressive legislation he originated or had a major hand in its fabrication. If you like social security, civil rights, medicare, and the various other liberal programs of the past 20 years, you can thank Humphrey for his strong part in securing the enactment of nearly all such laws. If you insist upon belaboring him for his views on Vietnam remember he has time and again repeated his desire to get this country out of that war. His ultimate aims are not unlike those of his critics, but he is probably more realistic than most of them. With Humphrey as president you can be confident every avenue is to be examined in an effort to extricate us from this difficult and devisive war. Have you any hope of Nixon, Wallace, or any other potential candidate for president doing as much? Certainly everyone ought to agree that we are not going to get out Vietnam until after Jan. 20, 1969—no matter who is elected President—unless some agreement is made at Paris in the meantime.

The worst thing about the Democratic convention was to a degree also to be noted at the Republican convention. Reference is made to the unfair treatment of the conventions by the NBC and CBS network operators. I did not view the ABC so cannot speak on that score. The commentators and floor reporters for the NBC and CBS were not impartial. In fact they stooped to squalid tactics to prejudge and discolor facts. They time and again used the same political sounding boards from the convention floors in order to back up their colored reporting. The two political parties would do well in the future to rule the agents provocateurs off the convention floor and let the delegates and their actions speak for themselves without abscessed interpretation of the TV commentators. Many newspapers were almost as bad.

SENATE—*Tuesday, September 24, 1968*

The Senate met at 10 a.m., and was called to order by the President pro tempore.

Rev. Edward B. Lewis, D.D., pastor, Capitol Hill United Methodist Church, Washington, D.C., offered the following prayer:

Dear God, our Heavenly Father, whose presence and power is in all the world, and whose guiding spirit is with us in this moment, we beseech Thy favor upon these servants and leaders of the people today. Be with the President, all people in high office, and responsible citizens of our Nation and the world.

Grant unto all, wisdom and strength to know and do Thy will. Fill us with the love of truth and the desire for right. So rule the hearts of these elected officials that we will see their endeavors prosper to good for all men.

Give us today a new vision of law and order, justice and peace to the honor of the highest concepts of life. We pray in the Master's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 23, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of Henry W. Dicker to be postmaster at Millbrook, N.Y., which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Without objection, it is so ordered.

PUBLICATION OF EULOGIES OF SENATOR ROBERT F. KENNEDY

Mr. HAYDEN. Mr. President the Joint Committee on Printing is currently receiving many calls in connection with the publication of congressional eulogies expressed in tribute to Senator Robert F. Kennedy. The Joint Committee has now set the closing date of Friday, October 4, for final acceptance of any further insertions in the CONGRESSIONAL RECORD. It must be noted that ample time has been extended to all Members desiring to express their sentiments and depth of feeling relative to the tragedy of Senator Kennedy's assassination on June 6, 1968. It is the intention of the Joint Committee that these tributes be published and distributed later this year. For that reason, all copy must be submitted on or before the above-mentioned date.

AUTHORIZING THE CONVEYANCE OF CERTAIN DISTRICT OF COLUMBIA PROPERTY IN PRINCE WILLIAM COUNTY, VA.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1562, S. 3883.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3883) to authorize the government of the District of Columbia to convey interests in certain property owned by the District of Columbia in Prince William County, Va., and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with amendments, on page 1, line 5, after the word "including" strike out "easement" and insert "easements,"; in line 6, after the word "other" strike out "interests" and insert "interests,"; and on page 2, after the word "value" insert "at time of conveyance"; so as to make the bill read:

S. 3883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the District of Columbia is hereby authorized to convey, in whole or in part, subject to such agreements, retention of such rights including easements, or other interests, as in its judgment are necessary for the conduct on such property of modern sanitary landfill operations, real property now owned by the District of Columbia consisting of approximately three hundred fifty and four tenths acres of land located in Prince William County, Virginia, and described in a deed conveyed said land to the District of Columbia recorded on May 22, 1922 in liber 77 folio 55 in the clerk's office of the circuit court of Prince William County, Commonwealth of Virginia.

SEC. 2. Sales and conveyances made pursuant to the provisions of this Act shall be to Prince William County, Virginia, for the reasonable market value at time of conveyance of the property conveyed. The net proceeds from sales shall be deposited in the Treasury of the United States to the credit of the District of Columbia.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. SPONG. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1577), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 3883 is to authorize the Commissioner of the District of Columbia to convey to Prince William County, Va., certain lands owned by the District and located in that county.

This property, consisting of some 350.4 acres, is known as Featherstone Point and is situated on the west bank of the Potomac River, approximately 27 miles downstream from Washington, D.C.

REASON FOR LEGISLATION

The District of Columbia acquired this property in 1922, and a substantial part of the tract is marshy and hence unusable in its present condition.

Prince William County, Va., seeks to acquire this land, and plans to utilize about 158 acres for recreational benefits for its citizens. Another 25 acres is to be used as the location for a large water pollution control plant, which is essential for the present and future development of the Occoquan, Woodbridge, and Garfield areas of Prince William County.

The remaining 167.4 acres, which is marshland, is to be diked and made available for a fill from the District of Columbia and from Prince William County, in a planned reclaiming process.

This landfill operation, which may well serve as a model for other communities, will be accomplished by transporting to this area compressed and baled refuse as well as inert residue from the city's incinerators, and covering each day's accumulation with a 6- to 8-inch layer of clean earth. After the land has thus been brought to whatever grade level has been specified, the entire area will then be covered with a thick, final layer of clean earth. It is estimated that this reclaiming process will take from 5 to 10 years to complete, after which the land will be usable for other purposes.

Your committee is advised that the acquisition of this property will serve to eliminate serious gaps in the services in the fields of recreation, water pollution control, and trash disposal presently available to the citizens of a large section of Prince William County.

PRECEDENT FOR LEGISLATION

Public Law 87–475, approved May 31, 1962 (76 Stat. 92), authorized the District of Columbia to sell a 455-acre tract of land located on the Potomac River in Prince William County, Va., just north of Quantico. This land, part of which the District has been using for a sanitary land-fill operation, was conveyed to a nonprofit corporation owned by the Board of Supervisors of Prince William County, who sought to acquire it for the development of an industrial park.

Thus this act, like S. 3883, sought merely to afford the District of Columbia government an opportunity to aid the development of a nearby county with no detriment accruing to the District.

HEARING

A hearing was held on S. 3883 by the Subcommittee on Fiscal Affairs on July 29, 1968. The District of Columbia government supports the legislation. There was no opposition to the bill.

PROVISIONS OF THE BILL

S. 3883, as amended and reported by your committee, will authorize the sale or conveyance of a part or all the 350.4 acre tract to Prince William County at its reasonable market value at the time of conveyance.

These conveyances are to be subject to such agreements and easements as the District government deem necessary for the conduct of the District's contemplated sanitary land-fill operations on the property.

It is the understanding of your committee that no commissions or other brokerage fees will be paid in connection with any conveyance under the provisions of this act. However, the District will pay all other expenses incidental to these conveyances which normally accrue to the seller in real estate transactions.

AMENDMENTS

As introduced, S. 3883 provides that the government of the District of Columbia is authorized to convey the property covered by the bill subject to such agreements, and the retention of such rights including "easements." The word "easements" has been substituted so as to make it clear that the District is authorized to retain one or more easements in any agreement it concludes for the sale of the land.

The bill has also been amended to make it clear that the sales price of the land involved shall be its reasonable market value "at the time of conveyance."

The committee's third amendment is technical and supplies punctuation.

CONCLUSIONS

Your committee is of the opinion that the conveyance of this land to Prince William County will aid materially in the development of that area of northern Virginia, and at the same time will be in no way detrimental to the District of Columbia since the terms of the bill will assure the District's being able to complete its contemplated use of the land.

Enactment of S. 3883 has been requested by both the District of Columbia and Prince William County governments. In the committee's view, the bill is in the public interest.

Accordingly, the committee commends S. 3883 to the Senate for approval.

THE DISPUTE OVER SABAH

Mr. MANSFIELD. Mr. President, it is with regret that I call to the attention of the Senate the heating up of the dispute over Sabah between the Philippine Republic and Malaysia. The difficulty is one which has been present for several years. It has been held in check by the good sense and restraint of responsible officials in both countries. Once again, however, the problem seems to have taken a turn for the worse.

What is involved is a large but sparsely inhabited territory which was formerly identified as British North Borneo. It lies at the conjunction of Malaysia and the Philippines. Racial-religious groupings which are to be found in both countries overlap in the territory. Sabah, along with Singapore and Sarawak, was attached to Malaysia when the British withdrew their control in 1963. About the time of the transfer, there came to light a Philippines claim to the territory, with legal roots going back to 1878.

As I see it, Mr. President, the dispute over Sabah is one which involves directly the Philippines and Malaysia and, perhaps, the United Kingdom as the predecessor sovereign of North Borneo. Insofar as this Nation is concerned, the problem does not involve the United States in any direct sense. Hence, we ought not to intrude ourselves unilaterally into the matter. If we have a responsibility, Mr. President, it is as one member, among many, of the United Nations and the world community. If we have a responsibility, it is to entreat with all concerned for a peaceful settlement of the Sabah question since it would appear to form the basis of an international dispute within the meaning of the U.N. Charter.

To this end, one would hope that there could be direct negotiations between Malaysia and the Philippines or recourse to other diplomatic means of peaceful settlement. Failing traditional methods of solution, one would hope that there might be consideration of the problem by an appropriate international body. If it comes to that, there are many possible international avenues and instrumentalities available for peaceful settlement. Certainly the World Court or other U.N. bodies ought not to be ruled out as a potential source of clarification and solution in a dispute of this kind.

The Sabah question ought not to be allowed to disrupt the range of constructive relations which should exist between Malaysia and the Philippines. As far as the United States is concerned, moreover, the difficulty is not one which ought to interfere with the important ties which this nation has developed with Kuala Lumpur in recent years. Least of all, should the Sabah question be allowed, even inadvertently, to become a source of misunderstanding between ourselves and the Philippine Republic; with that nation, there is a long-evolving relationship which is not only of historic significance but also of great contemporary value to both countries.

Press reports indicate that President Ferdinand Marcos of the Philippines and the Prime Minister Tunku Adbul Rahman of Malaysia have made conciliatory gestures. That would be as expected from these highly responsible and dedicated statesmen, both of whom I have the privilege of knowing personally. It would be my hope that these indications point in the direction of a peaceful settlement of the problem. It would be my further hope that while the situation remains in a state of uncertainty, the position of the United States would receive the continuing attention of the President and the Secretary of State. If there are expressions of U.S. policy respecting the matter which may be usefully made, they ought to carry at all times their authoritative imprint.

BLUE RIDGE PARKWAY EXTENSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1521, H.R. 1340.

The **PRESIDING OFFICER.** The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1340) to authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. **ERVIN.** Mr. President, this is a bill to authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia, and for other purposes.

The Great Smoky Mountains National Park is unique among the national parks of the United States. It is unique in the fact that the park was given to the United States by the States of North Carolina and Tennessee and by certain private gifts from individuals and foundations. In other words, unlike most of the national parks, it was not created out of Government land.

After the establishment of the park, which occurred in the early 1930's, the Blue Ridge Parkway was begun. It is now 469 miles long. It begins at the end of the Skyline Drive in Virginia and continues from there to the Great Smoky Mountains National Park.

Its oldest section has been in operation since 1939. The parkway as a whole attracts more visitors than any of the other 213 areas within the national park system. Not counting local traffic, more than 8 million persons used the parkway in 1966, the last year for which figures are available.

This bill provides authorization for an appropriation of approximately $87 million. However, it is not expected that there will be any increase in expenditures on account of the extension of the parkway, simply because it is contemplated that it would be built over a long period of years.

The main object of the bill is to allow the States of North Carolina and Georgia to acquire the land necessary for the right-of-way for the extension of the Blue Ridge Parkway and to donate the land to the Federal Government for the extension of the parkway. This would be done over a period of many years, and the extension would be built out of normal appropriations.

Mr. President, I ask unanimous consent that a statement of Senator Talmadge, the able and distinguished junior Senator from Georgia, be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Mr. Talmadge. Mr. President, the Senate is considering H.R. 1340, the extension of the Blue Ridge Parkway, as reported from the Committee on Interior and Insular Affairs without amendment.

The purpose of this bill is to authorize a 180-mile extension of the Blue Ridge Parkway. The extension will provide for the construction of 43 miles of highway in North Carolina and 137 miles in Georgia. An investment of $87,500,000 by the Federal Government for highway construction will be authorized by this bill. The land, except for 82 miles already in Federal ownership, will be donated by the States and individuals. In fact, provisions have already been made by the legislatures of North Carolina and Georgia for land acquisition and donation to the United States.

Under the direction of Public Law 87-135, this project was first studied by the National Park Service and the Bureau of Public Roads, and their findings prompted the introduction of this authorization.

Historically, the Blue Ridge Parkway has attracted more visitors than any of the other 213 areas within the National Park system. Its route of 469 miles is one of the most scenic in the nation. When this project is completed a family will be able to travel hundreds of miles; in fact, from Atlanta via the Blue Ridge Parkway and Skyline Drive to almost Washington, D.C.

In addition to the aesthetic values of such a highway, there is also an economic gain to consider. This scenic highway is to traverse through a section of my State that has been designated by EDA to be eligible for their assistance. A tourist attraction, while not solving this problem in its entirety, will be a step in the right direction. This authorization will be a good start.

Inquiries have already been received indicating an interest in providing gas, food, and lodging for the tourist. Similar economic gain can already be seen along the existing Blue Ridge Parkway.

It is important to note that the authorization will not conflict with the budget cut, but it will permit economic progress on the State level. It will allow for the commencement of negotiations for the right of ways by the States.

Taking into consideration the urbanization of the Eastern United States, this authorization will be a wise investment for future generations.

Mr. President, in conclusion, I urge the unanimous approval by the Senate of this Blue Ridge Parkway extension.

Mr. **WILLIAMS** of Delaware. Mr. President, I do not question the merits of this proposal, and I would have no objection to that part of the bill which would allow the Federal Government to accept the rights-of-way. I do question the wisdom of section 6, which would authorize the appropriation of $87½ million at this time. At a time when we are short of money generally, I believe this is the type of project which can be postponed until a later date.

During World War II and during the Korean war, both President Roosevelt and President Truman issued a moratorium on all new public works projects until after the war was over or until we had reached a more reasonable balance of our budget. I regret very much that this administration, failing to recognize that we are at war, has insisted upon business as usual on the homefront. This is another example of the administration insisting that we can have all these domestic projects at the same time we are required to finance a full-scale war in Vietnam.

I am wondering whether the Senator from North Carolina would be willing to accept an amendment which would delete section 6, the appropriations section, at this time. That would allow the States to go on and prepare the project, to make it ready for the date when we may want to appropriate the money.

Mr. **ERVIN.** Mr. President, I would not be willing to accept that amendment. The Senator need not be apprehensive that a great amount of money would be spent on this project for construction. The rights-of-way are to be furnished by the States of North Carolina and Georgia, without expense to the Federal Government.

Thus far, the Blue Ridge Parkway has taken approximately 35 years for construction, and it is contemplated that the proposed construction will take place at a like rate. The expenditure for it would be over a period of 25 or 30 years, and, therefore, no great amount of money would be spent at this time.

Mr. **WILLIAMS** of Delaware. Mr. President, that is all the more reason why the measure should not be agreed to. It is apparent this project can wait for at least the next couple of years until we can get the Federal budget more nearly into balance.

This may be one item, but when all of the items are added together, they represent the deficit we have of billions of dollars.

Mr. **ERVIN.** I do not anticipate an appropriation during that period of time, because the task of acquiring these rights-of-way and searching titles will take several years. However, it is important for the bill to be passed to allow construction to proceed in the future over 20 or 25 years.

Mr. **WILLIAMS** of Delaware. I will not support this measure at this time, because I think this is just another example of a project which we would be well advised to postpone until a later date. Once we authorize these appropriations I know how easy it is to come back a week or a month or two later and say that Congress has authorized these projects so why not appropriate the money. Therefore, I shall vote against the bill.

The **PRESIDING OFFICER.** The bill is open to amendment.

If there be no amendment to be offered, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. **ERVIN.** Mr. President, I am delighted that the Senate has preserved one of the most beautiful areas in America by passing H.R. 1340, a bill to authorize the Secretary of the Interior to accept donations of land from my State, North Carolina, and from the State of Georgia, in order to provide an extension of the Blue Ridge National Parkway some 180 miles beyond its present point of termination.

The Blue Ridge Parkway presently stretches 469 miles, beginning in the Shenandoah National Park in Virginia and continuing to the Great Smoky Mountains National Park in North Carolina and Tennessee. The parkway as a whole is more widely visited than any other national park in the United States. Its extension is highly desirable, particularly since it lies in an area that places it within 1 or 2 days' traveltime for 60 percent of the population of the United States.

More than any other Member of Congress, Representative Roy A. Taylor, of the 11th District of North Carolina, is responsible for the passage of this monumental legislation. My good friend and colleague, Roy A. Taylor, has served the interests of his district diligently since he came to Washington.

In 1961 shortly after Roy Taylor became a Member of Congress, he introduced a bill providing for a study of a proposed extension of the Blue Ridge Parkway from Beech Cap near Mount Pisgah down the crest of the Appalachian Mountains to Atlanta. This study bill was enacted into law and the study was made by Secretary of the Interior Udall, Secretary of Commerce Hodges, and Secretary of Agriculture Freeman. A report was released in 1963 strongly recommending that the extension be authorized.

Representative Taylor introduced a bill in the 89th Congress which would authorize this extension, but the Bureau of the Budget did not approve it. In 1965, Representative Taylor took eight Representatives who were members of the House Interior Committee to western North Carolina to inspect the proposed extension, and at his request, Secretary Udall flew over the area.

In January 1967, Representative Taylor became chairman of the House Subcommittee on National Parks and Recreation and made this extension of the Blue Ridge Parkway one of his prime goals. This bill has been approved by the House Interior Committee, the House, and the Senate Interior Committee, and is the type of project which the Senate can be proud of approving.

Without the dedicated efforts of men like Roy Taylor, a great deal of the vast unspoiled beauty of America would be lost to commercial development and the greedy hands of those who have no regard for conservation practices. Not only can citizens of Roy Taylor's district be proud of his work, but every American can rest assured that there are those who seek to preserve the natural wonders of this country.

It has long been my conviction that Congress never acts unwisely or uneconomically when it moves to preserve the natural beauty of our Nation. This proposed extension of the Blue Ridge Parkway would preserve for future generations an area of unsurpassed scenic beauty—an area that is now undergoing rapid commercial development that could destroy forever its natural wonder.

Again, I would like to thank Representative Roy Taylor and the members of the Senate Interior and Insular Affairs Committee for their splendid cooperation in seeing that this bill became a reality. I also would like to say that my colleague, Senator B. Everett Jordan, joins me in these remarks. He, too, has been a stalwart supporter of this legislation. I am personally happy to have had a hand in the approval of this bill, which will assure that future generations will continue to enjoy nature at its unspoiled best.

Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1537), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

THE PURPOSE OF THE BILL

The purpose of H.R. 1340 is to provide authority for construction of a 180-mile extension of the Blue Ridge Parkway from Beech Gap, N.C., to the vicinity of Cartersville, Ga., about 30 miles north of Atlanta, and for the acceptance of donations of the lands needed for this extension.

A companion measure, S. 800, introduced by Senator Ervin, was referred to the committee, and public hearings were held on the legislation on July 9, 1968. In view of the fact that H.R. 1340 previously passed the House of Representatives, and on the recommendation of the Senate sponsor of the legislation, your committee elected to report H.R. 1340 in lieu of the Senate legislation.

NEED

The present Blue Ridge Parkway, about 469 miles long, begins at the end of Skyline Drive and continues from there to the Great Smoky Mountains National Park. Its oldest section has been in operation since 1939. The parkway as a whole attracts more visitors than any of the other 213 areas within the national park system. Not counting local traffic, more than 8 million persons used it in 1966.

The extension, when completed, will add another 180 miles to the parkway, 43 of which will be in North Carolina and 137 in Georgia. Study of this extension by the National Park Service and the Bureau of Public Roads was directed by the act of August 10, 1961 (Public Law 87–135) and a report thereon was submitted to the Congress by the Secretary of the Interior and the Secretary of Commerce on June 27, 1963. Bills to authorize the extension were introduced in the 88th and 89th Congresses, but no action could be taken on them. Action at the present time, however, is highly desirable in order to permit the States of North Carolina and Georgia to proceed with their plans for acquiring the necessary rights-of-way across non-Federal land which, under the terms of the bill, are to be secured by them and deeded to the United States.

A study made for the Outdoor Recreation Resources Review Commission several years ago found that driving for pleasure was the first choice of the American people in 1960 among all forms of outdoor recreation. A more recent study by the Bureau of Outdoor Recreation found that in 1965 it still ranked near the top, though swimming and walking for pleasure had overtaken it. In view of the importance attached by the American public to driving as a form of outdoor recreation and in view furthermore of the fact that the Blue Ridge Parkway will be of service to the large segment of the population that lives along the Atlantic seaboard and of the scenic beauty that its construction will open up and make available to the traveling public, the committee has concluded that the extensions should be authorized.

PARKWAY ROUTE

The route recommended for the parkway is thus described in the report of the Secretaries of the Interior and Commerce referred to above:

"The proposed extension will take off from the Blue Ridge Parkway at an elevation over a mile high near Beech Gap, N.C., where the Blue Ridge Parkway makes almost a 90 degree change in direction to reach Great Smoky Mountains National Park. For about 10 miles, after dropping off Tennessee Ridge, the route follows streamside location down and up again to reach the Blue Ridge then along that range for 10 miles, passing north of Cashiers and Highlands, N.C., near Bridal Veil and Dry Falls on the Cullasaja River. It skirts Scaly Mountain then drops off the high country, passing close by Estatoah Falls and crosses the broad, fertile valley of the upper Little Tennessee River in the vicinity of Dillard, Ga.

"Beyond Dillard the extension crosses the Blue Ridge then goes 16 miles cross country. It skirts Lake Burton and returns to the Blue Ridge at Round Top Mountain. In this vicinity, a preferred location is possible which would reach the Blue Ridge near Cowart Gap furnishing 8 miles additional ridge location. The Lake Burton route is recommended, however, in order to preserve a greater continuous length of the Appalachian Trail which follows this ridge. From Round Top the route follows the Blue Ridge for 52 miles to Springer Mountain and thence on Amicalola Mountain for 15 miles to Mount Oglethorpe.

From Mount Oglethorpe the location follows low, pine-covered ridges to reach Interstate 75 and U.S. 41 at a point yet to be selected near Allatoona Lake and north of Marietta, Ga., within easy access of Kennesaw Mountain National Battlefield Park. * * *

* * * * *

"The recommended location of the proposed extension maintains the high caliber scenic and recreational quality established by the Blue Ridge Parkway. It lies at the highest elevation possible consistent with good direction and alinement. There is an excellent variety of eye appeal including considerable ridgetop location with good views of both the lower elevations and adjoining mountains or ranges and high mountain valleys with swift running streams or rural agricultural scenes.

"Most of the location is through forested lands, 82 miles being within U.S. Forest Service ownership. For approximately 6 miles in the Dillard area the location overlooks broad open farmlands that are quite attractive. From Mount Oglethorpe to U.S. 41, about 45 miles, the extension traverses alternately farming country and pine woods.

"Water attractions include views of, and easy access to three large reservoirs, Thorpe, Burton, and Allatoona Lakes, with fishing, boating, and swimming facilities, several small lakes, numerous waterfalls, many of which are of spectacular nature and, in the northern portion, streamside location for about 10 miles. Good rainbow trout streams exist throughout the mountain location.

"The mountains themselves present a variety of rugged topography with irregular shapes and knobs, steep canyons and gorges, balds, granite domes, and other interesting geological formations. From the parkway location several well-known mountains will be seen including Herrin Knob, Camp Mountain, Cold Mountain, Sheep Cliff, Rocky Mountain, Chimneytop Mountain, Whiteside Mountain, Shortoff Mountain, Scaly Mountain, Dismal Mountain, Tray Mountain, Brasstown Bald, Cowrock Mountain, Blood Mountain, Springer Mountain, and Mount Oglethorpe.

"Within easy access from the parkway are many other points of interest including the many spectacular waterfalls near Cashiers and Highlands, N.C., the Clayton, Ga., area, crossroad of the Indian World, Stekoah Falls, Tallulah Gorge, Nacoochee Valley, Dahlonega, with its nearby old gold mines, Amicalola Falls, 729 feet high, and Jasper, Ga., with its marble quarries close at hand."

LAND ACQUISITION

About 82 miles of the land required for the parkway are already in Federal ownership. Most of these are within national forests. The remaining 100 miles of the parkway are to be acquired by donation only. Provision has already been made by the legislatures of North Carolina and Georgia for their acquisition and donation to the United States. The national forest lands needed for the parkway will be transferred for administration from the Forest Service to the National Park Service.

The right-of-way to be acquired or transferred for the parkway will vary in width, but it will average 125 acres per mile in fee simple and not more than 25 acres in scenic easements. The road itself will be a limited-access, moderate-speed road of 22-foot width. The minimum width of the right-of-way will be 300 feet, the maximum several thousand feet in locations where campsites, turnouts for scenic easements, picnic areas, take-off points for trails, and the like are called for.

Since some parts of the parkway may disturb the existing Appalachian Trail, the bill gives the Secretary of the Interior authority to relocate and reconstruct the disturbed portions on other lands the use of which is made available to the Appalachian Trail Conference by the owners, if they are private lands, or by the Secretary of Agriculture, if they are national forest lands.

COST

The estimated cost to the Federal Government of the proposed work is approximately $87,500,000 at current price levels. Provision is made in the amendment to the bill for adjustments in this amount upward or downward as may be required by changes in the general cost level of construction work of the sort here involved. Funding will take place over a period of years and will be accomplished, as is the funding for other parkways, in accordance with the provisions of 43 U.S.C. sec. 207.

DEPARTMENTAL REPORT

Favorable reports on H.R. 1340 to the chairman of the House Interior Committee from the Departments of Interior, Agriculture, Commerce, and Transportation are set forth as follows:

U.S. DEPARTMENT OF THE
INTERIOR, OFFICE OF THE SECRETARY,
Washington, D.C., June 15, 1967.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: Your committee has requested a report on H.R. 1340 and H.R. 2110, identical bills to authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia, and for other purposes.

We recommend the enactment of one of the bills, with the perfecting amendments indicated below.

The bill authorizes an extension of the existing Blue Ridge Parkway which connects the Shenandoah National Park in Virginia with the Great Smoky Mountains National Park in North Carolina. The 180-mile extension will have its northern terminus near Beech Gap, N.C., where the Blue Ridge Parkway makes almost a 90-degree change in direction to reach the Great Smoky Mountains National Park. The extension will run in a southwesterly direction into Georgia, terminating in the vicinity of Kennesaw Mountain National Battlefield Park north of Atlanta and Marietta, Ga. It will be administered by the Secretary of the Interior as part of the Blue Ridge Parkway.

The Blue Ridge Parkway has been heavily used by the public since its first segment was opened in 1939. Indeed, it leads all other untis of the national park system in numbers of visitors. There is every reason to believe that such usage will continue and will grow in the years ahead.

Under the circumstances, this Department believes that it would be possible to authorize, at this time, an extension of this existing parkway without awaiting the necessarily extensive consideration that should be given to proposals for developing scenic roads and parkways to provide additional facilities for recreation and driving for pleasure.

If authorization of the extension is enacted now, no prediction can be made at this time as to when funds for actual construction might be recommended. Such a recommendation would depend both on budgetary priorities within this Department and, of course, on the President's overall budgetary goals and priorities.

The bill authorizes the Secretary of the Interior to accept donations of land and interests in land to construct the parkway extension and to provide public use, administration, and maintenance areas in connection therewith. Such provisions are in accordance with the cooperative principle previously es-and Natchez Trace Parkways which provided tablished in the acts creating the Blue Ridge for the acquisition of parkway lands by the Federal Government through State or other donations. (See 16 U.S.C. 460 et seq.)

The bill provides for the transfer to the Secretary of Agriculture for national forest purposes of any lands within national forests which are acquired for, or in connection with, the parkway extension but which may not be needed for it. Substantial portions of the parkway extension will pass through national forests, and the bill requires that the survey location and width of these portions of the parkway be jointly determined by the Secretary of the Interior and the Secretary of Agriculture. Where the parkway extension will traverse Federal lands, the bill authorizes the transfer to the Secretary of the Interior of such of those lands as are needed for the parkway.

Section 2 of the bill refers to the report of the joint study by the National Park Service and the Bureau of Public Roads on the feasibility and desirability of developing a North Carolina-Georgia extension of the Blue Ridge Parkway. The report of this joint study was submitted to the Congress on June 27, 1963, by the Secretaries of the Interior and Commerce pursuant to the act of August 10, 1961 (75 Stat. 337). To effectuate the recommendations in that report, section 2 of the bill provides (1) that the Secretaries of the Interior and Agriculture shall coordinate recreational development on lands within the parkway and on adjacent or related national forests lands; (2) that the Secretary of the Interior shall make adjustments in national forest roads disturbed by the parkway and provide alternate and access roads for the development and management of adjacent national forest lands; and (3) that the Secretary of the Interior may relocate and reconstruct portions of the Appalachian Trail disturbed by the parkway road construction and construct new sections in order to safeguard or provide for the continuity of the trail.

The report of the joint study was reviewed by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments in November 1963, and the Board concurred in the findings in the report that the proposed Blue Ridge Parkway extension is both feasible and highly desirable.

The proposed parkway route lies near the Appalachian Trail for about 52 miles in Georgia. In accordance with agreements reached between this Department, the Departments of Agriculture and Commerce, and the Appalachian Trail Conference representatives, the parkway route will be so located as to have a minimum effect on the values of the trail.

The estimated cost of the proposed 180-mile parkway extension, based on a single two-way road with a paved width of 22 feet, is as follows:

State	Miles	Cost
North Carolina	43	$21,054,000
Georgia	137	66,482,000
Total	180	87,536,000

The above cost estimate includes all road construction and the related costs of relocating and restoring portions of the Appalachian Trail and developing areas for visitor use. There are no land costs included since the lands are to be acquired by the Federal Government through State or other donations.

The man-years and cost-data statement required by the act of July 25, 1956 (70 Stat. 652; 5 U.S.C. 642a), is enclosed.

We recommend the following perfecting amendments (keyed to H.R. 1340):

1. On page 2, revise the sentence beginning on line 2 to read: "The lands accepted for the parkway extension may vary in width but shall average not more than one hundred and twenty-five acres per mile in fee simple plus not more than twenty-five acres per mile in scenic easements."

The language of the printed bill limits only the acceptance of donations of scenic easements for the parkway extension. The amendment will limit the acceptance of donations of both fee title and scenic easements for this purpose.

2. On page 3, lines 21–24, delete "he may construct new sections, including shelters, in order to safeguard or provide for the continuity of the trail: *Provided,* That such relocation reconstruction and construction", and substitute "such relocation and reconstruction".

The amendment deletes the provision in the bill which would authorize the construction of new sections of the Appalachian Trail, which have no direct relationship to the parkway extension.

3. On page 4, line 4, change the period to a colon and add the following proviso:

"*Provided,* That in the event the Appalachian Trial is established by legislation as part of a Federal system of trails and there is a conflict between the provisions of such legislation and paragraph (3) of this section, the provisions of such legislation shall apply".

The amendment is needed since the Appalachian Trail is included in proposed legislation pending before the Congress to establish a nationwide system of trails (H.R. 4865 and related bills).

4. On page 4, lines 15 and 16, change the citation of the United States Code from "16 U.S.C. 46a-4" to "16 U.S.C. 460a-4".

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

SUBJECT MATTER: PROPOSED EXTENSION OF THE BLUE RIDGE PARKWAY, NORTH CAROLINA AND GEORGIA

[Estimated additional man-years of civilian employment and expenditure for the 1st 5 years of proposed new or expanded programs

	19CY	19CY+1	19CY+2	19CY+3	19CY+4
Estimated additional man-years of civilian employment—Substantive:					
Park naturalist					1.0
District park ranger	1	1	1	1.0	1.0
Subdistrict ranger					1.0
Park ranger				1.0	1.0
Foreman				2.0	3.0
Mechanic					1.0
Equipment operator					1.0
Truckdriver					1.0
Maintenance man					1.0
Caretaker					1.0

SUBJECT MATTER: PROPOSED EXTENSION OF THE BLUE RIDGE PARKWAY, NORTH CAROLINA AND GEORGIA—Continued

[Estimated additional man-years of civilian employment and expenditure for the 1st 5 years of proposed new or expanded programs]

	19CY	19CY+1	19CY+2	19CY+3	19CY+4
Estimated additional man-years of civilian employment—Substantive:					
Laborer				2.0	3.0
Engineering technician		1	2	2.0	2.0
Surveying aid		1	.2	2.0	2.0
Property and procurement clerk					1.0
Clerk-steno		2	2	2.0	2.0
Horticulturist				1.0	1.0
Park ranger (seasonal)			1	1.0	1.0
Park naturalist (seasonal)					.5
Fire control aid (seasonal)			1	1.0	1.0
Caretaker (seasonal)				1.0	2.0
Laborer (seasonal)		1	2	2.0	3.0
Mower operator (seasonal)				.5	1.0
Truckdriver (seasonal)				.5	.5
Foreman (seasonal)				1.0	1.5
Total, substantive	1	6	11	20.0	33.5
Total, estimated additional man-years of civilian employment	1	6	11	20.0	33.5
Estimated additional expenditures:					
Personal services	$9,950	$39,300	$68,300	$114,500	$188,800
All other	325,050	2,154,600	6,078,400	10,177,600	13,205,500
Total	335,000	2,193,900	6,146,700	10,292,100	13,394,300
Estimated obligations:					
Development	420,000	5,040,000	8,050,000	12,100,000	12,100,000
Operators (management, protection, and maintenance	15,000	53,900	96,700	192,100	294,300
Total	435,000	5,093,900	8,146,700	12,292,100	12,394,300

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 13160. An act for the relief of William W. Hiebert (Rept. No. 1578); and

H.R. 14079. An act for the relief of Lt. (j.g.) Herbert F. Swanson, and others (Rept. No. 1579).

By Mr. BURDICK, from the Committee on the Judiciary, with amendments:

H.R. 9089. An act for the relief of E. Christian Des Marets, Sr. (Rept. No. 1580).

By Mr. TYDINGS, from the Commttee on the District of Columbia, with an amendment:

H.R. 7417. An act to prescribe administrative procedures for the District of Columbia government (Rept. No. 1581).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of nominations was submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

William G. Bowdler, of Florida, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary to El Salvador;

Leo J. Sheridan, of Illinois, to be Ambassador Extraordinary and Plenipotentiary to Ireland;

Arthur W. Hummel, Jr., of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Union of Burma;

Angier Biddle Duke, of New York, to be Ambassador Extraordinary and Plenipotentiary to Denmark;

Arnold M. Picker, of New York, to be a member of the U.S. Advisory Commission on International Educational and Cultural Affairs;

Wayland P. Moody, of Texas, to be a member of the U.S. Advisory Commission on International Educational and Cultural Affairs;

Thomas E. Robinson, of New Jersey, to be a member of the U.S. Advisory Commission on International Educational and Cultural Affairs;

George W. Ball, of New York, William C. Foster, of the District of Columbia, John Sherman Cooper, U.S. Senator from the State of Kentucky, and Stuart Symington, U.S. Senator from the State of Missouri, to be representatives of the United States of America to the 23d session of the General Assembly of the United Nations;

William B. Buffum, of Maryland, Louis Stulberg, of New York, and Mrs. Harvey Picker, of New York, to be alternate representatives of the United States of America to the 23d session of the General Assembly of the United Nations;

William Benton, of Connecticut, Alvin Christian Eurich, of Colorado, Katie Scofield Louchheim, of the District of Columbia, James H. McCrocklin, of Texas, and Frederick Seitz, of Illinois, to be representatives of the United States of America to the 15th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization; and

Robert H. B. Wade, of Maryland, Marietta Moody Brooks, of Texas, Elizabeth Ann Brown, of Oregon, Morton Keller, of Massachusetts, and George E. Taylor, of Washington, to be alternate representatives of the United States of America to the 15th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 4069. A bill for the relief of Teh-wei Hu and his wife, Tien-hwa Hu; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 4070. A bill to provide for holding terms of the District Court of the United States for the Eastern Division of the Northern District of Mississippi in Corinth, Miss.; to the Committee on the Judiciary.

By Mr. BREWSTER:

S. 4071. A bill for the relief of Kam Dak Ng;

S. 4072. A bill for the relief of Tonino Mantovani; and

S. 4073. A bill for the relief of Ng Man Hung; to the Committee on the Judiciary.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954—AMENDMENT

AMENDMENT NO. 1005

Mr. MONTOYA. Mr. President, Congress has recently voted by unanimous consent to increase the rate of progress in the rural community water and sewer program.

The amendment I now offer on behalf of myself and Senator Eastland and Senator Aiken will make it possible to carry out that authorization, and to do it with the greater use of private capital.

Of all public programs that need to be pushed ahead by every possible means, none deserves a higher rating than this campaign to bring water and waste disposal services up to standard in rural areas.

Here is one of the great, gaping deficiencies that generate rural poverty and aggravate domestic turmoil in this country.

There are still 30,000 towns without adequate water systems, and 40,000 without sanitary waste disposal systems in rural areas of the United States.

We must end the long delay in equipping our smaller towns and rural countryside with these bedrock public services—water systems and sewer systems. They are vital to a better kind of rural community development, a better national distribution of industry and jobs, and an easing of the burdens borne by overcrowded, overloaded cities.

I shall explain briefly the purpose of the amendment I offer.

The rural water program was launched by act of Congress in 1961 through one of the great rural service agencies, the Farmers Home Administration. We expanded the program in 1965 to include sewer projects.

For the first several years this was mainly an insured-loan program, carried on with funds supplied by private lenders.

Then 2 years ago the Treasury Department intervened to shut off insured lending for water and sewer projects to small municipal government, and other public subdivisions of the States whose bond issues are tax exempt.

Treasury insisted that the Farmers Home Administration make only direct Federal loans to the tax-exempt rural water and sewer districts.

Inasmuch as these local public bodies account for 70 percent of project plans developed, and what with direct loan funds in the Federal budget severely curtailed, the rural water program has been drastically held back. We are nowhere near the rate of progress that could be maintained if the Farmers Home Administration were permitted to employ private as well as direct Government loans in serving the public water and sewer districts.

A solution lies in the amendment I propose, with administration endorsement. I would let the Farmers Home Administration buy bonds from the public districts at the low tax-exempt lending rates, and place those bonds with private investors who would receive the higher insured-loan interest rate. The private lenders in turn would pay Federal tax on their interest earnings.

It is estimated that the net cost to the Government would be no more than $1½ million dollars a year for every $75 million worth of rural water and sewer construction brought about under this plan.

The net cost might vary downward from the estimate I have given—depending on the cost of money when bonds are resold during the long-term period—up to 40 years—of a local district loan.

Congress has recently acted in an equitable manner to uphold tax-exempt financing of smalltown industrial bonds that work for the general benefit of the rural economy and the national interest.

These rural community water and sewer projects, vital as they are, deserve the same consideration.

No other form of financing is available to them.

They are not gigantic projects. They involve no town larger than 5,500 population; they average $150,000 a project; and under the law those systems that combine service to several small communities may not exceed $4 million.

In this time of enforced restraint on Government financing of domestic programs, we see all the more reason to encourage private investment in improvements that deserve a high priority even for Government support.

Approval of this amendment will let work proceed on many hundreds of water systems and sewer systems that communities in the rural areas are ready to build, with loans only, if permitted to do so.

I urge the Senate to act to insure this will be done.

I ask unanimous consent that the text of this amendment be printed in full at this point in the RECORD for the information of my colleagues.

The **PRESIDING OFFICER**. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 1005) is as follows:

At the end of the bill insert the following new section:

"SEC. —. Section 306(a)(1) of the Consolidated Farmers Home Administration Act of 1961, is amended by changing the period at the end thereof to a colon and adding: '*Provided*, That the interest on any loans for water and waste disposal facilities insured hereafter under this title, notwithstanding any other provision of Federal law, shall not be tax exempt for income purposes under Federal law'."

THE POWER OF WOMANPOWER

Mr. **DIRKSEN**. Mr. President, the power of womanpower must be used, a corporation president said Saturday night, September 21, if business is to accomplish its objectives of deeper involvement in society and creating and maintaining the wealth of an expanding economy.

Women of the petroleum and allied industries were told by President L. W. Moore of American Oil Co., at the annual convention banquet of Desk and Derrick Clubs of America:

Meeting the challenge presented by a dynamic, expanding economy in the 70's and beyond will require that American business employ all the financial, material, and human resources at its command. We are expected to maintain and improve a high standard of living for a rapidly growing population. We are called upon to meet greater demands for American goods abroad as a warming up of the cold war opens new avenues of world trade.

The greatest domestic problems of today—poverty in our urban ghettos, inadequate housing, sub-standard education, the lack of meaningful, rewarding jobs for many thousands of our citizens—are all challenges that the business sector is being asked to take up.

In mobilizing our resources for the task, we must make sure that none is overlooked. Particularly we must train, develop, and use effectively the knowledge and skills of our people. It is not enough that we talk of the nation's manpower needs; we are going to need the power of womanpower as well.

The executive said:

Certainly we have been less than effective in finding and developing the potentials of women in our organizations to help cope with a developing shortage of business leadership in middle management.

Men are discovering that women can bring new, realistic viewpoints to bear on decisionmaking. Moore said:

What is more surprising, they find that there can be a positive value in the intuitive approach that women take to problems.

He emphasized that a woman's sensitivity and intuitive approach can be especially valuable in situations where dealing with people is of prime importance.

President Moore predicted:

The manpower—and womanpower—needs of business in the coming years of expansion will cover the whole range of job levels. Among other things, this will mean providing basic training for men and women who, because of poor education, race prejudice, lack of motivation—or a combination of all three—have never been qualified for a job. Many companies, including my own, have begun to participate in programs to provide this kind of training of the so-called 'hard core' unemployed.

We have used imagination in attacking the problem of young men with neither jobs nor skills. We must apply that same imagination to the problem of mothers with small children—women who want to work, who often need to work in order to support a family.

I ask unanimous consent that the complete text of Mr. Moore's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

USING THE POWER OF WOMANPOWER

(By L. W. Moore) [*]

I have been thinking a great deal lately about the way people treat other people—especially our relations with people who are different from ourselves. In an urban society that is already complex and becoming more so, we find this problem of interpersonal relationships increasingly difficult. How do we react to someone who is different?

One of the officials of the pro basketball club on which Wilt Chamberlain plays was asked whether he gives the star black athlete any special treatment. He answered quickly. "No," he said, "I just treat him the same way I'd treat any other 7-foot millionaire."

Unfortunately, our ability to be that objective about others is too often weakened by the prejudices we inherit from the past. Dominant groups in a social structure have a way of perpetuating their status by creating myths about subordinate groups. I expect you will recognize some examples of such fictions—all widely quoted a century ago:

"Their brains are smaller and, therefore, inferior. Their station in life is determined by their mental and physical limitations. These people do not need an education; in fact they are happier without it. We cannot permit them to own property, sign contracts, speak in public gatherings, or vote. If we do, we will undermine the basic strength of our society."

Familiar examples of race prejudice? Surprising as it may be, these particular fictions were used by your great grandfathers to justify their discrimination, not against Negroes, but against women.

The attitude toward women who dared to exert their individuality by leaving the hearthside and going to work was even more extreme. Consider what happened in the United States Treasury Department in 1869, during Grant's administration. George Boutwell began his term as Secretary of the Treasury by charging that the department employed too many female clerks and that most of them were not earning their pay. So he fired them, making virtually a clean sweep of the office. He let it be known that this was the first step in fulfilling a promise he had made—to reduce the national debt.

Boutwell may not have succeeded in reaching his objective, but at least he reflected the common thinking of his time. A century ago, virtually no men and precious few women challenged the dominance of the male as a worker and breadwinner. The struggle for equal rights for women has been a long one. It has produced some colorful heroines. It has also produced a vastly greater number of patient, dedicated people, quietly insistent that women have not only a right to work but the right to work on even terms with men.

Both the popular heroines and the unknowns have contributed much toward changing society's view of the role of women—especially their role as workers. In this country, and even more in some other parts of the world, our ideas of what constitutes "women's work" are much different, much broader, than they were even a few years ago.

Partly because of our attitude change, women's proportion of the total work force is growing rapidly. World-wide, about one worker in every three is a woman. In the most progressive countries, the proportion is as high as 50 per cent. Here in the United States, the Department of Labor says that our more than 27-million working women made up about 36 per cent of the total in 1966—the latest figures available—and both number and proportion continue to grow.

However, to the woman, holding a job today—or to the young woman preparing for a career—it is less important how many there are of you than what you are doing. And there are fewer and fewer jobs that are not filled, somewhere, by women. You work as lumberjacks in Canada, licensed commercial airplane pilots in France, deckhands on Norwegian merchant ships, and letter carriers—Time magazine calls them "femailmen"—both here and abroad. The proportion of women engineers and doctors is high in several European countries, and I read recently that if you should get a toothache while traveling in Finland, the chances are about 9 in 10 that a woman will separate you from your molar.

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[*] President, American Oil Co.; address to the National Convention of the Association of Desk and Derrick Clubs; Chicago, Ill.; September 21, 1968.

It is not likely, of course, that any significant number of women look for their future to such fields as watchmaking or auto mechanics. In this country, they are more likely to find it in what the Department of Labor calls "clerical and kindred occupations." Seven out of ten workers in that group are women. While a third of them are secretaries, stenographers, and typists, an increasing number are working as bookkeepers, tellers, adjustors, payroll clerks, or ticket agents.

In the professional and technical occupations, the proportion of women is smaller, and they are mainly teachers and medical and health workers. There are some notable exceptions, such as the woman aerodynamics engineer who heads an important phase of the Apollo project for one of the large aerospace companies. But for the most part, men are heavily dominant in such professions as chemistry, economics, and statistics.

More significant to industry—and particularly to women in industry—is the proportion of women who are managers, officials, and proprietors. It is the smallest of all, only about 15 per cent, and it has changed very little in the past 15 years. With some notable exceptions—among them department stores and the Bell Telephone System—American business and industry have hardly begun to explore the capabilities of women as supervisors, managers, and executives.

This fact is reflected in the proportion of working women with upper-bracket incomes. Less than 1 per cent of them make $10 thousand a year or more; the figure for men is estimated at from 9 to 13 per cent. If I were to go further in a bid for your sympathy, I would point out that the median income for women workers is somewhat below the official poverty level decreed for a family of four.

But that is not my real purpose. Rather, I want to call your attention to the broader problem—what President Johnson has called "the most senseless waste of this century"—the under-utilization of American women. "It is a waste we can no longer afford," the President said. "Our economy is crying out for their services . . . and unless we begin now to open more and more professions to our women, and unless we begin now to train our women to enter these professions, then the needs of our nation just are not going to be met."

Meeting the challenge presented by a dynamic, expanding economy in the '70's and beyond will require that American business employ all the financial, material, and human resources at its command. We are expected to maintain and improve a high standard of living for a rapidly growing population. We are called upon to meet greater demands for American goods abroad as a warming up of the cold war opens new avenues of world trade.

The greatest domestic problems of today—poverty in our urban ghettos, inadequate housing, sub-standard education, the lack of meaningful, rewarding jobs for many thousands of our citizens—are all challenges that the business sector is being asked to take up. At the same time, we must maintain a growing economy in which all can participate.

In mobilizing our resources for the task, we must make sure that none is overlooked. Particularly we must train, develop, and use effectively the knowledge and skills of our people. It is not enough that we talk of the nation's manpower needs; we are going to need the power of womanpower as well.

This is particularly true in one area of the corporate hierarchy—that large, rather ill-defined, but tremendously important group we call "middle management." There is a developing shortage of business leadership at this level—and since future top executives are generally drawn from today's middle management, the shortage could become an even more serious threat in the years to come.

One reason for the present situation is the delayed impact of the 1920's and '30's, when America had its lowest birth rate of the 20th century. There simply are not enough men in the 35 to 45 age bracket to meet current needs. Demographic projections indicate that this group will continue to grow smaller until 1975.

There are ways, too, in which business itself has contributed to the problem. I think we have failed to attract many high-potential young people into business careers by a tendency to stress conformity to a rigid pattern of operation and by not putting sufficient value on initiative and innovation. Perhaps upper-level management has given too little attention to training its own successors. Certainly we have been less than effective in finding and developing the potentials of women in our organizations.

I know of at least four rather widely accepted fallacies that have prevented business from making full use of womanpower, especially in the ranks of management. Probably the most often repeated is the charge that women are over-emotional and unreliable in a crisis. The Harvard Business Review has surveyed a group of male executives on this point and reported that 51 per cent believe women are "temperamentally unsuited" for management positions. But when it came down to specific reasons and examples, very few of them could support their objection. One is constrained to judge that woman's over-emotionalism, like white supremacy, is a myth. The truth seems to be that the female is psychologically as tough as the male—perhaps tougher—in her ability to withstand the pressures of modern business life.

Next there is the belief that most women take jobs only as a means of adding temporarily to the family income. They are regarded as dilettantes in the labor market, and for that reason they are not supposed to be very ambitious for responsibility or promotion. This we could call the "cake-winner" fallacy, borrowing a term coined by Dr. Alice Rossi, sociologist at the University of Chicago. She writes: "So long as women are considered cake-winners rather than equal bread-winners in our view toward employment, they will persist in the belief that employment, like cake, can be eliminated from the diet."

Actually, the trend toward longer working careers for women is a strong indication that the cake-winner attitude is dying out. There is nothing temporary or superfluous about the approach most of you take toward your jobs. Whether it is true, as one writer has observed, that "the career drive today exceeds the mating drive," it is obvious that the career woman is very much in earnest about her work and her desire to get ahead.

The third fallacy is closely related to this point. There is no sense, the myth goes, in spending effort and money to train a woman for promotion to a management position. If she is single, she will leave to get married; if she already has a husband, she will leave to have a baby. In either case the training and development process is wasted.

Perhaps business could give valid support to that argument 50 years ago, when the idea of combining two careers, business and homemaking, gained little acceptance. Even as late as the end of World War II, only 40 per cent of working women were married. Today, six out of ten are married, and many have children as well. One of the things this trend has done is to help triple the proportion of families with income of $10,000 or more. Another is to provide management with a continuing supply of trained, promotable women. As an added benefit, industries with peak-load problems find that many married women who might not want full-time work are available to help out part-time when the volume is heavy.

If marriage itself is no great problem these days, pregnancy must be. Surely, the argument goes, business can write off the married girl in a comparatively short time. She is certain to have a baby.

To begin with, this is not at all certain, now that we have passed an oral amendment to the law of nature. One woman superintendent in the insurance business put it quite briefly: "The pill," she said, "has worked wonders with our termination rate."

More encouraging to business in the long run, however, is the number of mothers who want to come back to work after their children are in school. They represent a substantial pool of knowledge and skill on which employers can draw to meet their increasing need for people.

As the last example of a current fallacy, there is the long-held tradition that certain jobs are exclusively men's, others for women only. Now there will always be some few occupations that must be classified according to sex; the modeling of bikinis is one that comes to mind. But by and large, there is very little rational ground for dividing most jobs this way. Certainly either a man or woman is capable of selecting and combining certain materials, subjecting them to a given amount of heat for a definite length of time. No unbreakable law says that when a man does this he must produce a tempered steel bar, while a woman must bake a pineapple upside-down cake.

The fact remains, however, that some professional fields and some occupations have a very low proportion of women. No doubt prejudice on the part of the men in the field has much to do with this. At the same time, I think you should recognize that women themselves are partly responsible. They may simply lack an interest in a particular type of work. Often they are the victims of their own prejudice; they believe just as strongly as the men that an occupation is unalterably part of a man's world.

Evidently there is a need for some change in attitudes by both sides. Already there are hopeful signs that such a change is under way, particularly in the attitudes of top management toward the promotion of women to middle-management positions.

A survey by Dun's Review of corporation presidents reveals that they were almost unanimous in their belief that business is turning to women to bolster middle-management ranks. Recognizing the shortage of men available at this level, they believe the trend will continue in even greater degree.

There were holdouts, of course—such as the executive who replied, "The pulp and paper industry has not yet reached a shortage acute enough to consider (this). I question very much if we will."

But the consensus of the presidents was that women today are better qualified than ever before to handle executive responsibilities. They are better educated, they read and study more, and they have a better understanding of business. Equally important, they no longer regard a career simply as a last refuge for the girl who is unsuccessful in finding a husband.

Once it has accepted the principle, business finds that there are some definite advantages to admitting women to middle management and executive ranks. In the broad view, it increases the nation's pool of skills, and makes possible a more efficient use of total human resources. On a more personal practical level, men are discovering that women can bring new, realistic viewpoints to bear on decision-making. What is more surprising, they find that there can be a positive value in the intuitive approach that women take to problems.

This value seems to be realized most completely when one obvious fact is admitted: women are not simply men in skirts. They can make their best contribution if they are not—tacitly or overtly—expected to think like men.

This does not mean that there is a need to tolerate disorganized thinking. Women can be remarkably successful organizers, as they have proved in everything from running a household to conducting a drive for charity.

It does mean, however, that men should allow scope for the operation of intuition and feeling. These are two factors that are traditionally foreign to the male thought process, but they are extremely useful to supplement reasoned analysis in the complicated act of decision-making. A woman's sensitivity and intuitive approach can be especially valuable in situations where dealing with people is of prime importance.

This is one reason why women have made the most progress toward higher management in people-related fields: personnel, advertising, market research, merchandising, styling, and employee and public relations. Probably these fields rather than ones like manufacturing or production control, will offer the greatest opportunities in the future.

There is still another trend at the top level of management that works to your benefit as a businesswoman. That is a broadening of the criteria used for the selection of executives. In considering people for executive positions, corporations are putting more emphasis on training and development, less on pure aggressiveness. As one corporate leader put it, "Women couldn't make much headway here as long as the executive image was that of a man on horseback leading his troops into battle."

It is a fact of business life today that a woman usually has to be overqualified to succeed. For that reason, education and training are crucial for her if she is to realize her ambitions—and business is to realize her potential worth. It is true that women now are generally better educated; in 1965, for example, they were awarded 41 per cent of all the bachelor's and first-professional degrees. But nearly half of these were degrees in education. Only about two per cent of the women graduates majored in business—only one per cent in economics.

U.S. Civil Service Commissioner John Macy, Jr., says flatly: "Too few women have sufficient preparation for professional careers."

So be it. That is one of the things that will have to change, along with the changes in management attitudes, before business can use the full power of womanpower.

It is not only in the higher positions, however, that education and training will be important. The manpower—and womanpower—needs of business in the coming years of expansion will cover the whole range of job levels. Among other things, this will mean providing basic training for men and women who, because of poor education, race prejudice, lack of motivation—or a combination of all three—have never been qualified for a job. Many companies, including my own, have begun to participate in programs to provide this kind of training for the so-called "hard core" unemployed.

We have used imagination in attacking the problem of young men with neither jobs nor skills. We must apply that same imagination to the problem of mothers with small children—women who want to work, who often need to work in order to support a family.

To some extent it is still true, as Caroline Bird wrote in her new book, "Born Female": "We are wasting talent. The able workers that employers say they can't find are all too often in their own back rooms or lofts doing jobs that use only a fraction of their ability. We are hiding talent. Some of our brightest citizens are quietly tucked away at home, their aptitudes concealed by the label 'housewife.'"

These things, too, must change.

Business is becoming more deeply involved in the problems of society than at any time in history. At the same time, it faces the giant task of creating and maintaining the wealth of an expanding economy.

The simple, statistically inevitable fact is that we will have to draw upon the whole of our human resources—offer vastly wider opportunities without discrimination in race or in sex—if we are to accomplish these objectives.

LET'S MAKE POLICE SERVICE AN ATTRACTIVE CAREER

Mr. YOUNG of Ohio. Mr. President, there must be rigid enforcement of law and order in our country, but it must be coupled with justice. Law and order does not mean more guns, more police, or shooting to kill any looter. It also does not mean providing more criminal laws. It appears when the Congress and State legislatures do not have anything else to do, they create new crimes. In every State there are ample criminal laws defining various crimes and providing adequate punishment. In every city there are adequate ordinances defining misdemeanors such as disorderly conduct, malicious destruction of property, assault and battery, and the like.

Unfortunately, too frequently policemen are not sufficiently alert and too often judges, following convictions, manifest the backbone of a jellyfish in suspending sentences, placing culprits on probation, or imposing fines only to reduce them later on. Were judges to impose sentences of imprisonment for more offenses, a sentence of but 10 days for a culprit guilty of a misdemeanor and 1 year in the penitentiary or reformatory for those guilty of a felony, the number of criminal offenses would be drastically reduced. Certain punishment, like a shadow, must follow the commission of a crime.

In connection with this, in every city we should upgrade our police departments. It is important that a higher pay scale be provided and that policemen receive more intelligent training. Police service should be made an attractive career for intelligent young men. There is a potential reservoir of policemen in the fine young men returning from service in our Armed Forces. Extraordinary effort should be made to bring the advantages of police service as a career to the attention of these already trained youngsters, freshly returned to civilian life and seeking gainful employment.

BIAFRA: STILL A WORLD RESPONSIBILITY

Mr. DODD. Mr. President, I congratulate the senior Senator from Massachusetts [Mr. KENNEDY] on his excellent statement yesterday, calling for immediate international action under U.N. auspices to put an end to the famine which has already cost the lives of hundreds of thousands of Biafrans and threatens the lives of millions more.

The Senator made the point that at the present time more than 6,000 Biafrans are dying every day. This, I believe, is a minimal estimate. According to some sources, the death rate is now more than 10,000 a day, and millions of Biafrans will perish if international action is not taken without delay.

I wholeheartedly support the Senator's recommendation that the U.N. should recognize its international humanitarian obligations in the present situation in Nigeria, and that the Secretary General should be instructed to use all the resources available to him to get an international mercy airlift underway.

In fact, I wrote to Secretary of State Rusk on July 8 to urge that the State Department seek an emergency session of the U.N. Security Council to consider the Biafran famine, and I expressed the hope that international emergency shipments to Biafra could be organized under U.N. auspices. I said that because every day's delay means thousands of deaths, it was my belief that this emergency action should not be made contingent on the acceptance of any conditions by either side, nor should it be complicated by tying it in with the larger issues involved in the Nigerian-Biafran war.

Since I first wrote this letter, I have spoken on the floor of the Senate three times—on July 10, August 2, and September 6—on the agony of Biafra, on each occasion repeating my call for an international emergency airlift under U.N. auspices.

In early September it appeared as though such an airlift was getting underway with the assent of the Nigerian and Biafran authorities. But then there developed a senseless wrangle over which airfield or which airfields should be used as terminal points for the airlift. Meanwhile, as the Nigerian forces drove deeper into what remained of Biafra, it became riskier every day to fly in heavy cargo planes. The result was that for a period of time the International Red Cross suspended all mercy flights. Today the food that is getting into Biafra is a pathetically inadequate dribble.

At the end of World War II we air dropped many thousands of tons of food to starving communities in China and northern Burma, where no landing fields were available. It seems to me that the airdrop technique is far more suited to the crisis situation that now exists in Biafra, because it reduces the problem of land transportation to a minimum, while it completely gets around the thorny problem of landing fields.

I have said that such an action should be initiated without reference to the larger issues involved in the Nigerian-Biafran conflict. But this does not mean that we should ignore these issues.

We cannot be indifferent, because this war has reached genocidal proportions. So many Ibo tribesmen have already been massacred by the Nigerian forces, so much blood has already been spilt, that humanity and wisdom both dictate that we use all of our influence to bring about an immediate cease-fire which will guarantee the right of self-determination to the people of Biafra.

In the light of the Soviet record of aggression and subversion throughout the world, it should be surprising to no one that the Soviet Government is the prime supporter of this genocidal war. In addition to large quantities of small arms, it has given the Lagos Government an air force consisting of some 30 Mig fighters and a half-dozen Ilyushin bombers; and this air force has played a role of critical importance against the Biafran forces.

Why is the Soviet Government supporting this genocidal war, a war which has cost far more lives over this past year than the Vietnam war has taken to date? The answer should be obvious to anyone who has followed the Soviet record. Not only has their aid to Lagos given them massive political influence in an important country on the western hump of Africa, but, according to reports which I consider credit worthy, the Soviet Government, in return for the assistance it has given Nigeria, has asked for and has been promised port facilities in Lagos for units of the Red navy. This would bring the Red navy into the Atlantic Ocean with a vengeance.

While it is not surprising to see the Soviet Union playing this crude and brutal game of power politics, I must say it distresses me to see Great Britain making herself an accomplice of Soviet designs by also giving military aid to the Nigerian Government.

Because I feel very strongly about this matter, I plan to offer a resolution condemning Soviet and British support for this genocidal war and urging an immediate cease-fire.

But in the interim I want to say again that I am in wholehearted accord with the recommendation made by the distinguished Senator from Massachusetts that we move immediately to organize an international mercy airlift of food to the starving people of Biafra and Nigeria.

THE DECISION AHEAD

Mr. MURPHY. Mr. President, an editorial entitled "The Decision Ahead," published in the Chicago Tribune of September 1, contains on excellent summary of the reasons why I believe the American people will on November 5, by an overwhelming margin, choose Richard Nixon as President of the United States and so bring new leadership and new policies to face the many problems which have too long beset our Nation.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE DECISION AHEAD

Republicans and Democrats have now held their conventions, nominated their candidates, and drafted their platforms. Campaigning for the Presidency will occupy the time between now and the election on Nov. 5. The Democrats, as usual, talk much of consumer protection. That should suggest to the American people that the best kind of consumer protection is the protection of themselves from political looters.

Is the country willing to buy more of what the Democrats have been giving it for the last eight years? If so, the people are reckless of their welfare. President Johnson has recognized that popular animosity against him is so deep-seated that he has voluntarily removed himself from the political scene. But responsibility for the condition of the nation is not personally limited to one man. His whole party must bear it, and especially his closest subordinates, for these jointly were the architects who shared in contriving the result.

Altho modest withdrawal is rare with him, Mr. Johnson absented himself from the disorderly and acrimonious convention here during the week, but his deputy, Vice President Hubert H. Humphrey, emerged as his heir and legatee. You may change the faces, but the outlook is the same, the apparatus is the same, and the record is the same. This is the same Democratic party that has brought the country to its sorry state, and it makes little difference, even after allowing for distinctions of personality, whether the infliction is to come from Johnson or from Humphrey.

The talk of Humphrey being "his own man" now that he has climbed off Johnson's knee is totally irrelevant as long as the calamitous policies that have been pursued are those which Humphrey will continue to pursue. Look what they have brought down on us:

A war which the Democratic administration refuses to win and which it cannot end by negotiation. Humphrey may talk of his profound dedication to peace, but it takes two to make a peace, and the Communists aren't playing.

The humiliating seizure of the U.S.S. *Pueblo* by communist North Korea and the continuing captivity of the 82 Americans. This episode was not deemed worthy of mention in the windy Democratic platform.

After years of wishful thinking that the evils of communism might be ameliorating, the administration has seen the bankruptcy of its policy exposed by the brutal military occupation of Czechoslovakia by the Soviet Union and its Warsaw Pact satellites.

At home cities have been torn by riots, consumed by flames, and subjected to systematic looting while the administration's creature, the Kerner commission on civil disorders, attributes this lawlessness to "white racism." The party platform repeats this slander by acknowledging "with concern" the commission's aspersions on whites.

Crime is up 88 per cent in eight years, but Candidate Humphrey says, please, not to blame the courts for decisions loaded in favor of lawbreakers and against the law-abiding, and not to mention that a politically motivated attorney general has turned in a do-nothing performance.

Federal spending, now at the astronomical level of 186 billion dollars, has produced an unbroken succession of deficits, that for the last year reaching a record 25.4 billions.

In resorting to printing press money to maintain spending and paper over the deficits, the administration feeds a constantly mounting inflation, now proceeding at an annual rate of 6 per cent, destroying the purchasing power of the dollar and hitting hardest at all those, such as pensioners, on fixed incomes.

The currency now has been stripped of both gold and silver backing, and intrinsically its worth is no more than that of a cigar coupon. Meanwhile, foreign claims accumulating from a chronic deficit in the balance of payments far exceed the dwindling gold supply.

Taxes, already high, have become even more burdensome thru the imposition of a 10 percent surtax, which the Democratic Presidential candidate says will not be rescinded, as promised, next July 1, because his spending plans envision outlays of between 28 and 40 billion a year in the cities.

Meanwhile, vast spending on social welfare schemes of every sort, piled on all those now existing, many of them total failures, is contemplated, tho the government is verging on bankruptcy and nothing more can be squeezed out of the taxpayers, short of confiscation. Among other Democratic promises, the government is to become the "employer of last resort" for all those lacking in education or skills who can't find jobs.

The platform further threatens a "thoro revamping" of the federal tax structure, eliminating "all corporation and individual preferences that do not serve the national interest" [meaning the spenders]. But, on the other hand, federal income taxes are to be eliminated for those burocratically defined as poor. The evident intention is to tighten the vise on those who make their own way.

Apparently those bent on suicide now have an addition to the customary means of eliminating themselves—gunfire, poisoning, drowning, or hanging. They can vote Democratic.

The dismal prospects held out by the party which is perpetually changing its label, now appearing as the New Deal, now as the Fair Deal, now as the New Frontier, again as the Great Society, and now apparently as the New Day [Humphrey's coinage], have been ecstatically described by Hubert the Exuberant in the announcement of his candidacy as "the politics of happiness . . . the politics of joy!" It will seem otherwise to all those not housed in a loony bin.

Probably the main source of the Humphrey happiness resides in the fact that he is finally getting a shot at the No. 1 job. The thing that counted was that he was running again, and gosh it felt good. "It's just like a resurrection," he said, adding the only modest statement on record this year, "but much less spectacular."

In contrast to the Humphrey and Democratic dream book, the Republicans offer a far more restrained view of the necessary functions of government. They emphasize the crying need for a restoration of law and order, for fiscal responsibility, and for putting a check on the continuous expansion of government. Innovation simply for the sake of innovation is not in their plans. They are not going to pile more on the existing pyramid of plans and programs unless there is a demonstrated need.

In foreign affairs they are offering no swamproot cures supposed to produce instant peace, nor will they tolerate what Dwight Eisenhower has called "camouflaged surrender" in Viet Nam. They are on record as opposing the extension of foreign aid to countries hostile to the United States or aiding and abetting its enemies.

Richard Nixon has long appealed to us as a man of mature judgment and mental capacity of the first order. He is not cut on the model of the flighty Humphrey. His Vice Presidential running mate, Gov. Spiro Agnew of Maryland, is a man of common sense and practical wisdom. These men have their feet solidly on the ground. They have united a party which four years ago was split and discouraged in defeat.

A contrived campaign of criticism greeted the nomination of Gov. Agnew because he had the courage to refuse to truckle to civil rights leaders who failed to discourage the wild black militants. It was a favorite crack to say, "Agnew—who's he?" We think that Mr. Agnew is going to command himself to a lot of people before this campaign is over, because he is a solid man with intellectual substance.

It may be noted in passing that there was no similar barrage when Humphrey trotted out Sen. Edmund Muskie of Maine to run with him, tho Muskie is a virtual unknown outside of his own state and Washington circles of the party. We have nothing against him, except that he is the usual type of Democratic "liberal," much on the order of Humphrey, tho less flamboyant. He is supposed to commend himself to ethnic and urban groups, and that accounts for his presence on the ticket.

The American people had better ask themselves, before they vote, how much more of the Democrats they can take. This party has been eating us out of house and home for three decades, and even during the Eisenhower years it controlled Congress for all but two years. The country has been reduced to terrible disarray in the process, and now, after all this time, more problems have been created than were solved.

The time has arrived for change. Mr. Nixon, Mr. Agnew, and their party can provide it, and with it the hope of a better day.

SST DESIGN CHANGE MEANS DAMN THE EARDRUMS, FULL SPEED AHEAD

Mr. PROXMIRE. Mr. President, the scrapping of the proposed swing-wing design for the supersonic transport Boeing is engaged in developing represents another sorry chapter in the much too voluminous history of wasted Government expenditures.

Boeing won the contract for the SST project in 1966 on the basis, primarily, of its swing-wing design. Lockheed, which proposed a fixed-wing design, lost the design competition. Now we are back where we started in 1966, with the experts telling us that the ultimate SST design is likely to be of the fixed-wing variety after all. But the problem is that several hundred million dollars of taxpayer's money has been wasted on what now appears to be a useless design.

William Hines, of the World Book Science Service, summed things up very succinctly in a column published in the Washington Evening Star. He said:

> The SST program to date has been a textbook case of bad planning, a classic example of big government and big business blending their highly developed talents for mismanagement into one colossal botch.

Another very troublesome aspect of the projected design change is that it will pour far greater economic pressure into the battle to permit SST's to fly over land areas despite the serious sonic boom factor. This is because, Hines points out, the new design may sacrifice 50 to 75 seats in the plane, thus radically altering the cost-effectiveness of the remodeled airplane.

The watchword of the 1970's in commercial aviation, Hines concludes, may well be: "Damn the eardrums. Full speed ahead."

I commend the Hines column to the attention of other Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORLD OF SCIENCE: SUPERSONIC TRANSPORT IN TROUBLE

(By William Hines)

Word that America's proposed supersonic transport airplane will have to be redesigned undoubtedly comes as welcome news to those concerned about the sonic boom.

But theirs must be the restrained joy of a condemned man who gets a reprieve when he is really hoping for a commutation. If a swing-wing version of the SST does not fly in the mid-1970s, as now seems to be the case, a fixed-wing version will fly a couple of years later. And the one will make as much noise as the other.

The SST program to date has been a textbook case of bad planning, a classic example of big government and big business blending their highly developed talents for mismanagement into one colossal botch. It almost makes NASA's Project Apollo look good by comparison.

The latest contretemps is the recognition by the Boeing Co., prime airframe contractor for the SST, that its swing-wing concept won't work for something as big as a 300-ton commercial airliner. As a matter of fact, it doesn't work too well for the much smaller F–111 fighter plane.

So, instead of a transport aircraft that takes off like a big bird with its wings spread, and then tucks them back for high-speed flight, Boeing now plans to build a delta-shaped machine whose wings do not move.

Ironically, the delta-wing is precisely what the loser in the Federal Aviation Administration's 1966 SST competition proposed. Lockheed was passed over in favor of Boeing for a number of reasons, the ostensibly overriding one being superiority of its design.

Now the swing-wing is out the window, and with it the timetable for test flights, certification and eventual commercial service. So, too, are all the minutely calculated financial considerations—based on capital cost, year of availability, payload, speed, fuel consumption and so on—tending to show that the SST could cut the economic mustard.

The airline business is a highly cost-conscious one in which everything boils down to how much it costs to fly one passenger (or one ton of freight) one mile. Every time a variable changes, the cost figures change, too. When something as radical as redesign of an airframe happens, the economic situation becomes (as they say) a whole new ball game.

Under the old design, Boeing would have delivered a plane into which the airlines might have shoe-horned 300 passengers for a two-hour flight from New York to London or Paris. The new design may sacrifice 50 to 75 of these seats, radically altering the cost-effectiveness of the remodeled airplane.

A delay estimated at two years in the revamped SST's readiness for commercial service will change the economics, too. Just standing still costs money in inflationary times. Two years of inflation could add $3 million to $5 million to the delivered cost of a single SST. This also will change the financial picture.

Meanwhile, the Anglo-French Concorde and the Soviet Tupolev 144 super-sonic airplanes will be coming into service. Smaller and slower than the American machine, they will nevertheless outfly anything else in the commercial sky by a factor or two. And they might just take away a large share of the foreign-flag market which would have been willing to wait two or three years for the big American jet, but not five or six.

Financial backers of the SST—including first and foremost Uncle Sam—must now figure out how to cope with a radically changed marketing outlook. One strategem, too simple and straightforward to be ignored, would be to change existing attitudes about super-sonic aircraft operation.

The prevailing view is that the sonic boom, a sort of thunderclap that always accompanies the overhead passage of a plane flying faster than sound, will be unacceptably loud and annoying to people on the ground; hence, SSTs must be restricted to over-water flights at supersonic velocities. As Sen. Mike Monroney (D-Okla.) once remarked, "Fish can't write their congressmen."

But marketing studies have shown that more than twice as many SSTs—1,200 vs. 500—will be sold if overland flights are permitted than if they are prohibited. The unit cost of the SST, which is a factor determining its economic usefulness, would be lower if 1,200 rather than 500 were sold. This would present a sore temptation to Uncle Sam to broaden the SST market at the expense of some public inconvenience.

To paraphrase Admiral Farragut, the watchword of the '70s in American commercial aviation may well be. "Damn the eardrums! Full speed ahead!"

ADDRESS BY SENATOR GOODELL BEFORE WOMEN'S NATIONAL REPUBLICAN CLUB, NEW YORK

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD the text of an address delivered by the distinguished Senator from New York [Mr. GOODELL] before the Women's National Republican Club in New York today.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

This is my debut as a Senator on the political luncheon circuit.

I am truly delighted to be making it before an audience so distinguished, so vital, and so charming.

Everyone recognizes the importance of women. It has become a cliche to say that women are vital in politics, in business and in community life. We all know that God loves women. She would not have made woman in Her own image if She did not—and this year, I get the impression She must be a Republican the way things are going.

The fact that you are also Republicans just heightens my enjoyment in being here.

Now to get to my second reason for believing in women:

You're the ones who can and must do the most to lead our Party back to enduring national leadership—to make it once again the voice of a solid majority of American citizens.

Let's not forget that this Grand Old Party, until about 38 years ago—was the vital, forward looking, majority party in America.

That's what it now has its greatest chance to become once again—this year.

If the election were held today, we would be the majority Party. But we are in grave danger of succumbing to the malaise of complacency and overconfidence. Too many people think Dick Nixon has the election wrapped up. You don't win elections in September. You win them in November. We have a lot of work to do in the 7 weeks between now and election day—organizing, communicating, inspiring our people—convincing them that we offer the kind of leadership that can restore peace and progress, at home and abroad.

This Republican opportunity is my basic subject here today.

There are those who would like to divide us by assigning each of us labels. In the past 3 weeks I have been called almost everything—conservative, moderate, liberal—and worse.

I am a Republican. There are many disenchanted Americans today. They include Democrats and Independents, as well as Republicans. We do not have to tell them what's wrong with society, or what's wrong with government and what's wrong with our leadership today. They know there is plenty wrong and they are looking to us for the answers. Dick Nixon, Ted Agnew, Jack Javits and our other great Republican candidates are giving them those answers. We have a better way for America. It is a positive way, that meets rather than ignores the pressing challenges of our age.

There are those among us who confuse unity with absolute identity of viewpoints on the issues. This nation needs enlightened debate on the issues. It needs debate within the parties as well as between the parties. You know the old saying that Republican leadership unites in the campaign and Republicans divide on election day, while Democratic leadership divides in the campaign and Democrats unite on election day. I back Dick Nixon and Ted Agnew without reservation. I intend to state my independent views on issues and I believe that by so doing I can strengthen our Party and strengthen Dick Nixon. He believes this too. I shall campaign for our national ticket with all my energies and in every moment available to me outside of Washington in the 7 weeks ahead. I shall do so because I am convinced, as you are, that this nation needs Dick Nixon in the White House in the years ahead.

Why do we need Dick Nixon?

We need him because he recognizes the mistakes of the past at home and abroad. He understands the need for new approaches. He recognizes that Government at all levels must be involved in solving the agonizing problems that beset us, but he also recognizes the limitations of government. Yes, we require expenditure of money to meet human needs, urban needs, rural needs, and national needs. Dick Nixon also recognizes, however, that mere escalation of the old ways of doing things, at home and abroad, is not enough.

Now let's be specific about what we mean when we talk about new approaches. For years many of us raised lonely voices calling for realistic involvement of private enterprise in the solution of social and economic problems, particularly those affecting the poor in urban areas. Our urging went unheeded while the Johnson-Humphrey Administration has produced well-labeled, but often poorly planned, programs to solve our problems. Involving private enterprise doesn't mean that government stays out. Government must refocus and reinforce the dynamic energies of our system.

Last spring I sat down with leaders of the Congress on Racial Equality to develop realistic legislation that would give the left-outs in our society an opportunity to share a piece of the action. We called it the Community Self-Determination Act. Dick Nixon worked on the details of that proposal and he quickly endorsed it after I introduced it in Congress.

Community self-determination, as we see it, means the formation of Community Development Corporations controlled by the residents of the area to be served. Tax incentives and supportive services would enable these Corporations to plow back their profits in the community. The people themselves would be shareholders in the Corporation and they would own and control the businesses. They would even have the power to form their own community banks for development loans right in the neighborhoods. Government expenditures would be largely in a form that would be returned many times over as loans were repaid and development progressed. Instead of grants administered by swarms of agencies and employees, we would open the doors of opportunity for full participation in our economic life. Many of those suffering the indignities of welfare would become productive taxpayers.

I am proud to say that the Community Self-Determination concept was unanimously approved in our Republican Platform for 1968.

There are many other examples of the new directions advocated by Dick Nixon and Republicans. We must make the Federal Government an effective and efficient partner in bridging the gaps in American society. New leadership in Washington means men free to change the nation's course where that course is leading to disappointment and disaster;

Men free to innovate;

Men with no emotional or political chains binding them to the recent, unhappy past;

Men free to find the best way out of the bloody mess in Viet Nam;

Men offering us the best hope of restoring domestic tranquility;

Men able to involve our youth in making a better world—not just bitterly alienating them from the world they have found.

We need men of talented executive ability who can excise the wasteful, the inefficient and the ineffective programs and coordinate the good programs that now overlap and contradict each other. Our charge as a people is to convert good intentions into good results.

New leadership under Richard Nixon also will mean a chance to set clear and meaningful priorities in our national effort:

A chance to regain control of the budget,

To save the dollar,

And to halt the cruel tax of inflation that so brutally injures the poor and the pensioner as it spreads havoc throughout the entire economy.

We need an administration that does not appoint commissions and then ignore their recommendations. We must implement the incisive recommendations of the Commission on Civil Disorder. We must enact the recommendations of the President's own Crime Commission. We must strengthen the diversity of our system through federal tax-sharing with State and local governments. These and many other specific and positive programs are being advocated by Dick Nixon and will be advocated by all of us in the weeks ahead.

In foreign affairs, Richard Nixon has enormous personal experience from the eight years of the Eisenhower era and as a world traveler, thoughtful student and private observer of international events these past eight years.

But even as the campaign progresses, he has dispatched former Governor William W. Scranton of Pennsylvania on a fact-finding tour of Western Europe so he will have available an independent and fresh assessment of economic, political and security conditions in that key area of the world.

On yet another important front, the Middle East, the United States faces serious challenges in maintaining a balance of power. Recognizing the critical developments in the Middle East, Dick Nixon has clearly, objectively and realistically appraised this situation. He recognizes, as indeed we all do, that the political integrity of Israel must be maintained.

As to Viet Nam, there is no area of our diplomacy where leadership uncommitted to past error seems more urgent.

It is my own steadfast conviction that we should not be engaged in a land war 10,000 miles away on the Asian mainland—a war that saps our strength and diverts our energy from the great and constructive challenges of our age.

Rarely if ever in our political history has an incumbent administration achieved such universal disapproval and opposition. This renders it clearly incapable of governing effectively.

Yet the Democrats are asking America to extend this fumbling and unpopular administration by electing their present Vice President as President.

For though the Democrats have enjoyed many decades of political dominance in our great cities, it is we Republicans who have the practical ideas and therefore the best chance to solve urban problems where others have failed.

We have, in short, an opportunity without parallel to elevate the dignity of man in our nation by meeting the challenge of his problems and expanding the scope of his opportunities for a better life.

We face a challenge to throw off insularity in our thinking, to grasp the banner of broad-gauged leadership to bring a new unity of purpose to the infinitely-diverse society of America.

We have the chance to become the champion, the inspiration, the captain of an American intent on regaining her soul.

We can and we must lead a nation resolved to emerge from this time of darkness, to recapture her greatness, to go forward in honor to fulfillment of our traditional values and to become once again the true leader of all mankind.

As I said at the beginning, it is you, the women, who can do the most to see that the Republican Party fully meets this great challenge now before it.

You are the majority.

You are the ones who give politics life and sparkle;

You are the ones who see to it that the hard work gets done.

Once there was thought of writing off New York—of a strategy to win the Presidency without New York.

You don't hear that anymore;

New York is vital to the whole Republican opportunity.

Don't be misled by the optimism or the polls of the recent past.

Whatever the general outlook today, remember that New York is essentially a State dominated by voters whose first temptation politically is to vote Democratic.

Remember that many of our oppostion's troubles can diminish or evaporate by November 5th.

Remember 1948—and 1960.

With positive priorities as our program, with party harmony as our banner, with victory as our goal, let every Republican woman and every citizen who cares about our country make this election a crusade for a new and better day in America.

STOP FORTHWITH OUR BOMBING OF NORTH VIETNAM

Mr. YOUNG of Ohio. Mr. President, our negotiators in Paris, Ambassador Averell Harriman, and former Under Secretary of Defense Cyrus Vance, appear to be making little or no progress toward accomplishing an armistice and cease-fire in Vietnam after months of negotiations. The blame is not theirs. President Johnson could break the deadlock in 1 day. To accomplish this, all that is necessary is for him to exercise his leadership and responsibility as Chief Executive of the United States instead of yielding blind subservience to the demands of two warhawks who have been wrong all along, Walt Rostow and State Secretary Dean Rusk.

Unfortunately, these two and Generals Wheeler and Westmoreland and the other generals of our Joint Chiefs of Staff have constantly made the false claim that were we to stop the bombing of North Vietnam, U.S. casualties in South Vietnam would skyrocket immediately. This allegation is patently false.

They ignore the fact that more than half the Americans killed in the entire Vietnam war from 1961 to the present have been killed since the beginning of 1967, the period of the most intensive bombing of North Vietnam. Furthermore, the number of American deaths actually declined during the February 1967 bombing pause. Shortly before his resignation, or what could be termed his dismissal, former Secretary of Defense Robert McNamara publicly expressed doubt that reduction of the bombing would bring a marked increase in American casualties or in infiltration of men and supplies from North Vietnam into South Vietnam.

President Johnson should demand of

the generals of the Joint Chiefs of Staff what proof they can possibly produce that our casualties were higher during the three occassions in the past in which he ordered a halt in the bombing of North Vietnam.

President Johnson, until he manifested such deference and devotion and yielded altogether to the demands of the generals of our Joint Chiefs of Staff, had the confidence of the American people. He was well on his way to being regarded by future historians as one of our greatest presidents. Instead, unless he reasserts his power and authority over the Joint Chiefs of Staff, he will leave the Presidency discredited and unpopular. This is very sad—sad for him, for all Americans, and for the cause of world peace.

Our Constitution provides that civilian authority in time of war and in time of peace must always be supreme over military authority. Yet, President Johnson has surrendered to generals such as Maxwell V. Taylor, Earle G. Wheeler, and William C. Westmoreland. Those generals know or should know that during the periods in the past when we have engaged in all-out bombing of North Vietnam the infiltration from North Vietnam to South Vietnam actually increased greatly. There appears to be very little, if any, connection between the bombing and the rate of U.S. casualties.

It will be remembered that on March 31, President Johnson limited bombing of North Vietnam to the southern area only. Many Americans thought our bombing had been discontinued. Instead, since March 31 the magnitude of our bombing of North Vietnam has been stepped up.

Defense Secretary Clifford who from the outset has been subservient to the generals, stated that this new policy was to concentrate the bombing against the flow of infiltration that comes down from North Vietnam through what is called the North Vietnam Panhandle. He announced publicly that the bombing missions in that area were increased. The figures released from the Pentagon are that in March the sorties of that infiltrated route which had been 3,000 in February were increased to 5,000 in March. They were more than doubled in April and have increased during the following months. The truth is that when supposedly all of North Vietnam was being bombed last February the total was 3,000 sorties; and when only the southern area was bombed last August there were more than 10,000 sorties.

Late last year infiltration of soldiers from the north was less than 6,000 per month. It has increased tremendously since. President Johnson addressing the Veterans of Foreign Wars recently quoted figures alleging 30,000 infiltrators per month in recent months. President Johnson should have concluded months ago that whether we bomb North Vietnam or not the infiltration from the north has not been as alleged by our generals. Ambassador Averell Harriman, in Paris, stated that the total North Vietnamese Armed Forces which have infiltrated and are fighting against us in South Vietnam approximated 85,000. Very definitely those 85,000 are not alone inflicting the tremendous casualties on our ground forces nor have they brought the fighting to a stalemate.

This is clear and convincing proof that we have intervened in a civil war in Vietnam. We have 600,000 of the finest, best trained, and most intelligent fighting men in the world and more than 50 percent of our airpower engaged in Vietnam. If we are fighting aggression from only these 85,000 North Vietnamese, then it seems to be clear that with our 600,000 GI's, marines, and airmen in Vietnam, we could have licked them with one arm tied behind us. Who then is our enemy? It stands out crystal clear that the forces of the National Liberation Front, the Vietcong, numbering some hundreds of thousands of Vietnamese born and reared in South Vietnam, form the great majority of those whom we are fighting in South Vietnam.

President Johnson owes a duty to the American people to accept the views of U Thant and of the leaders of nations friendly to us and immediately stop all bombing of North Vietnam. He should do this now. His failure to do so indicates to the American people that he and the generals of our Joint Chiefs of Staff to whom he has surrendered his authority really do not want peace in Vietnam.

President Johnson should manifest confidence in his Paris negotiators, Ambassador Averell Harriman and Cyrus Vance, former Under Secretary of Defense. He should forthwith stop bombing North Vietnam. Then, within 10 days let us see what the response is from Hanoi. Americans have much to gain and really nothing to lose, if he does this.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Leash Too Tight on Team in Paris," written by Drew Pearson, reporting from Europe, and published in the Washington Post of September 23.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 23, 1968]

LEASH TOO TIGHT ON TEAM IN PARIS

(By Drew Pearson)

(NOTE.—Drew Pearson is reporting from Europe on the problems arising from the Czech crisis and also regarding the chances of peace in Vietnam. Today he reports from Paris.)

PARIS.—You can write it down as certain that LBJ will never get a truce in Vietnam as long as he keeps his two negotiators in Paris so tightly on the leash.

Friendly Western diplomats, who have been following in great detail the attempts to get a truce in Vietnam, are amazed at the manner in which the President of the United States tries to dictate the Paris talks from 1600 Pennsylvania Avenue.

They note that he has two of the most experienced diplomats from the American stable of diplomacy representing him in Paris. Ambassador Averell Harriman has served in the Cabinet, as Ambassador to Moscow, Ambassador to London, as Deputy Under Secretary of State and as Ambassador for the Marshall Plan in Europe. He has conducted some of the settlement of the trouble in Laos and the Test Ban Treaty with Russia.

Cyrus Vance, former Under Secretary of Defense, is also one of Mr. Johnson's most trusted negotiators. He was sent as a troubleshooter to Cyprus when that controversial island appeared on the verge of exploding into a Mediterranean war. He was sent to Detroit during the Negro riots of 1967. He was dispatched to the Far East when North Korea seized the USS Pueblo.

Both these men know their diplomatic onions probably far better than the President. Yet they have been required to clear everything with him.

NIXON AND L. B. J.

Sometimes, furthermore, they have almost received the impression that President Johnson would rather see Nixon elected in November than Vice President Humphrey. "Spider" Vance got something of a jolt regarding this when he received a telephone call in August from the President asking him to come to the LBJ ranch. Vance was about to take off for Paris, but went to Texas instead.

There he found, somewhat to his surprise, former Vice President Nixon lunching with LBJ. Vance was asked to give Nixon a briefing on the truce talks. It surprised him, as it did others around the White House, that Mr. Johnson would invite Nixon to lunch only two days after his nomination.

The public doesn't know it, but twice during the last three months the truce talks have been on the verge of success. Here is the inside story of what happened:

1. Last June Philip Noel-Baker, a British Quaker and long-time member of Parliament who has been to Hanoi, worked out a plan with the North Vietnamese and the American negotiators in Paris to get an agreement the minute the United States stopped bombing North Vietnam. The formula was for the United States to move first, with an agreement that North Vietnam would move immediately thereafter.

But suddenly there was publicity in Washington. Someone leaked.

At this point the North Vietnamese blew up. Part of the agreement was that there were to be no leaks. American diplomats in Paris explained that they were under requirement to report these moves to the President and that they were not responsible for the leak. There was some suspicion that the leak from the White House was deliberate on the part of those around LBJ who don't really want peace. But there was no evidence.

At any rate, the damage was done. This particular peace overture was exploded.

SECOND PEACE MOVE

2. Toward the end of last July negotiators also were on the verge of agreement. The North Vietnamese had curtailed their ground operations. There was relative quiet in South Vietnam. It was proposed that this be taken as evidence of "responsible reciprocity" and that the United States suspend all bombing.

But at this point President Johnson flew to Hawaii, where he met President Thieu of South Vietnam. He issued a vigorous statement against any concessions. Once again the precariously negotiated peace proposals went up in smoke.

American diplomats in Paris are still optimistic—but only if the President will take his hands off the reins and give them a chance. Some of them are reminded of the manner in which LBJ operates his Texas ranch. The President gets a great kick out of running things himself.

On occasion he has been known to telephone over his short wave car radio to the ranch manager somewhat as follows: "The fence is down over here in the south pasture. Get Sam and Joe and tell them to take the white pickup truck and come over here. Don't use the station wagon. It's over in the north pasture. And don't bother Jake. He's on another job with those white face over in the feed lot. Pick up that 12 pound sledge and don't forget to bring a roll of barbed wire, a couple of fence posts and a pair of pliers."

Diplomats say this illustrates how the President is keeping his finger on every detail of the Paris truce talks.

THE INCREASE IN VIOLENCE—ADDRESS BY J. EDGAR HOOVER

Mr. MURPHY. Mr. President, on September 18, Hon. J. Edgar Hoover, Director of the Federal Bureau of Investigation, presented a statement before the National Commission on the Causes and Prevention of Violence. As I read this statement my respect for Mr. Hoover and my gratitude for the substantial service he has afforded our Nation increased from an already high level.

I believe that all Americans would benefit from the opportunity to review Mr. Hoover's analysis of the causes of crime and violence in our land and of the problems which law enforcement officers face in meeting their responsibilities.

I ask unanimous consent that Mr. Hoover's excellent statement be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT OF J. EDGAR HOOVER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, BEFORE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE, SEPTEMBER 18, 1968

INCREASE IN VIOLENCE

Violence is a reality in America today. In the light of events in recent years, it has become the most serious domestic problem confronting the United States.

Crimes of violence

Every indicator available to the FBI, from its investigative responsibilities in both the criminal and security fields, emphasizes that violence is a rapidly growing malady. This is clearly shown in the statistics compiled by the FBI in its Uniform Crime Reporting program. Of an estimated 3 and 3/4 million serious crimes reported to law enforcement agencies in 1967, 484,900 were violent crimes in the classifications of murder, forcible rape, robbery, and aggravated assault. This represented a substantial increase over the 421,000 such crimes reported in 1966.

The violent crime rate in the United States for 1967 reached 250 victims per 100,000 population. This is more than double the 1940 rate, 88 per cent higher than the 1950 rate, and 57 per cent above the 1960 rate.

Over-all, crime in the United States rose 21 per cent during the first six months of 1968 over the corresponding period in 1967. The violent crimes of murder, forcible rape, robbery, and aggravated assault increased 21 per cent as a group. Armed robberies increased 34 per cent and aggravated assaults with firearms 28 per cent in the first six months of 1968 as compared to the same period of 1967.

These statistics represent an epidemic of crime and violence, which has affected virtually every segment of American society. The mugger, the rapist, the hoodlum stalk our streets in frightening numbers. Fear of venturing outside the home at night has become a fact of urban life.

Guns are far and away the most common weapon used in murders and nonnegligent homicides. Of the 12,090 murders reported in the United States in 1967, over 7,600 were committed with firearms. They were also used in over 73,000 armed robberies and over 52,000 aggravated assaults. It is significant in these times, when we know too well the tragic stories of senseless sniper killings and the shooting of innocent people by crazed gunmen, that murder by firearms has increased 47 per cent since 1964. Armed robberies and aggravated assaults with firearms have increased 58 and 76 per cent, respectively, since 1964.

The Crime Clocks, as contained in the FBI's Uniform Crime Reports for 1967, show that last year these offenses occurred at these time rates:

Serious Crimes: 7 each minute.
Violent Crimes: One each minute.
Murder: One every 43 minutes.
Forcible Rape: One every 19 minutes.
Aggravated Assault: One every 2 minutes.
Robbery: One every 2½ minutes.
Burglary: One every 20 seconds.
Larceny: One every 30 seconds.
Auto Theft: One every 48 seconds.

Violence against law enforcement officers

The violence of the criminal, often cold-blooded and calculated, is especially felt by law enforcement officers. In 1967, 76 officers were killed in the United States while performing their official duties. This raised the total of these deaths to 411 for the eight-year period beginning in 1960. In 96 per cent of these murders firearms were used.

A study of the criminal histories of the 539 offenders involved in these police murders since 1960 reveals that 77 per cent had been arrested on some prior criminal charge before they took an officer's life. In fact, 54 per cent of those offenders with prior criminal arrests had been previously taken into custody for such violent crimes as murder, rape, robbery, and assault with intent to kill.

Of the offenders previously convicted, two thirds had been granted leniency in the form of parole or probation. Three of every ten of the offenders were on parole or probation when they murdered an officer.

Physical assaults against officers are also increasing. A heavy toll of injuries among police officers has resulted from enforcement action taken in connection with riots and civil disobedience. Nationally, the rate of assaults on law enforcement officers in 1967 was up 11 per cent, and assaults per 100 officers increased to 13.5 per cent from 12.2 per cent in 1966.

Youthful criminality

A particularly tragic facet of the crime and violence problem in this country is the increasing involvement of young people. A disproportionate share of national crime is committed by persons under 18 years of age. In 1967, for example, 49 per cent of those arrested for serious crimes were in this age bracket; and arrests of persons under 18 increased a startling 69 per cent from 1960 to 1967, while the number of persons in the age group 10 through 17 increased just 22 per cent.

The majority of juvenile crimes are against property (62 per cent of all persons arrested for car theft in 1967, for example, were under 18 years of age). However, youthful violence has been steadily rising. Arrests of individuals in this age group for violent crimes showed the following percentage increases in 1967 over 1960: murder, 56 per cent; forcible rape, 38 per cent; robbery, 96 per cent; and aggravated assault, 121 per cent.

Violence is particularly prevalent today among young people in large metropolitan areas. Vicious juvenile gangs terrorize the slum sections which spawn them, using weapons easily made or come by to commit crimes of violence which all too frequently leave their victims killed or maimed. This youthful criminality too often establishes a career in crime.

Organized crime

Although violence is an integral part of the operations of organized crime—whose major syndicate is known as La Cosa Nostra—it is a coldly calculated tactic to maintain the group's dominance over its own members and over the members of the society in which it operates rather than terror for terror's sake. The peculiar evil of this type of "corporate" violence is not the individual sadism and brutality of the "enforcers" and "strong-arm men," but the monopolistic position it enables racket leaders to gain and hold in their legitimate, as well as their illicit, activities.

Force and threats of force are employed to eliminate rivals, collect on gambling and loan-sharking debts, frighten potential witnesses, enforce internal discipline, and gain possession of various business chattels. In the greater Chicago area alone, there have been more than 1,000 gangland slayings since 1919, only 17 of which have been solved; in the greater Boston area, there have been more than 50 during the past four years, only 11 of which have been solved.

Careers in crime

The FBI's Careers in Crime program, a study of criminal careers, made possible by the cooperative exchange of criminal fingerprint data among law enforcement agencies, has produced the following profile of 12,026 perpetrators of violent crimes who were arrested in 1966 and 1967. For the murderers, of whom there were 922, the average criminal career was 11 years and 7 arrests. For the felonious assault offenders, of whom there were 4,538, the average career was 10 years and 8 arrests. For the rapists, of whom there were 925, the average career was 8 years and 7 arrests; and for the robbers, of whom there were 5,641, the average career was 9 years with 8 arrests.

Seven per cent of the murderers had previously been charged with homicide during their criminal careers and 18 per cent of the rapists were repeaters of this violation. With respect to the felonious assault offenders, 30 per cent had previous arrests for serious assaults and 37 per cent of the robbers had repeated that crime. This is of key interest, because it shows a tendency toward the commission of violent crimes by repeaters.

Cost of crime and violence

The enormous cost in money and ruined lives which the statistics of American crime represent touches almost every citizen in some manner. The cost in dollars and cents is staggering—estimated at over $27 billion a year. The damage inflicted by the riots in our cities in recent years has added materially to this figure. The rioting here in Washington, D.C., following the murder of Martin Luther King on April 4, 1968, caused damage estimated at $24 million. Losses sustained during the April rioting in Baltimore amounted to $14 million.

The cost to society of the fear and anguish resulting from violence cannot be assessed monetarily. There is no way to determine accurately the damage to the Nation or to individual lives resulting from the harrowing experiences of criminal attacks which maim or mutilate, nor the price of personal grief and suffering for families of those struck down by killers. The corrosion of fear which violence brings saps our strength as a Nation and weakens the social fabric of our communities.

ORGANIZATIONS ADVOCATING VIOLENCE

There are in the United States today a number of subversive and extremist organizations which advocate force and violence. They strive in every possible way to disrupt law and order and to inculcate hatred and bigotry that breed violence.

Communist Party, U.S.A.

Prominent among these is the Communist Party, USA (CPUSA). Communist statements for public consumption to the contrary, material furnished for study within the CPUSA clearly reveals that the use of force and violence is—as it has always been—the primary technique for the communist seizure of power.

Communists are in the forefront of civil rights, antiwar, and student demonstrations, many of which ultimately become disorderly and erupt into violence. As an example, Bettina Aptheker Kurzweil, 24-year-old member of the CPUSA's National Committee, was a leading organizer of "free speech" demonstrations on the campus of the University of California at Berkeley in the Fall of 1964. These protests, culminating in the arrest of more than 800 demonstrators during a massive campus sit-in on December 3, 1964, were the forerunner of the current campus upheaval.

In a press conference on July 4, 1968, the opening day of the CPUSA's special national convention, Gus Hall, the Party's General Secretary, stated that there were communists on most of the major college campuses in the country and that they had been involved in the student protests.

Mike Zagarell, CPUSA youth leader, claimed that the Party had played a leading role in student rebellions and antidraft demonstrations across the country during the past year. For example, he claimed that 60 of the 300 marshals used during "Stop the Draft Week" demonstrations in New York City during December, 1967, were CPUSA members.

These statements are amply supported by the evidence of such communist participation in student unrest and antidraft protest demonstrations which FBI investigations have disclosed. The Students for a Democratic Society, for example, has played a key role in many of these demonstrations and some of its members, as well as some of its national leaders, have publicly admitted that they are communists. In addition, members of the CPUSA-controlled W. E. B. DuBois Clubs of America and other communist splinter youth groups, such as the Young Socialist Alliance, the Youth Against War and Fascism, and the Progressive Labor Party, have been very active in these demonstrations.

Communists labor ceaselessly to exploit the racial situation and to incite racial strife and violence in this country. They have been active in exploiting propagandawise the riots of recent years. One main communist goal is to alienate Negroes from established authority.

It has long been communist policy to charge and protest "police brutality" wherever possible—particularly in racial situations—in a calculated effort to discredit law enforcement and to accentuate racial issues. The cumulative effect of this continuing smear campaign proves that it has been immensely successful. This campaign popularized the cry of "police brutality" to the point where it has, unfortunately, been accepted by many non-communists, especially militants among minority groups and students. The net effect of the charge of "police brutality" is to provoke and encourage mob action and violence by developing contempt for constituted authority.

Other Communist organizations

Other communist organizations in this country dedicated to the use of force and violence include the Trotskyite Socialist Workers Party and the pro-Red Chinese Progressive Labor Party (PLP). The activities of William Epton, Negro vice president of the PLP, in connection with the 1964 Harlem riot resulted in his arrest by New York authorities. He was subsequently found guilty of conspiracy to riot, advocacy of criminal anarchy, and conspiracy to advocate criminal anarchy.

Students for a democratic society

The emergence of the so-called "new left" movement in this country in recent years has attracted much public attention because of its flagrant resort to civil disobedience. The new left is composed of radicals, anarchists, pacifists, crusaders, socialists, communists, idealists, and malcontents. It is predominantly a campus-oriented movement. A large proportion of the new leftists was reared in affluent homes.

This movement, which is best typified by its primary component, the Students for a Democratic Society (SDS), has an almost passionate desire to destroy the traditional values of our democratic society and the existing social order. The SDS has been described by Gus Hall, General Secretary of the CPUSA, as part of the "responsible left" which the Communist Party has "going for us."

In recent months, student disturbances have exploded on college and university campuses throughout the United States, initiated by student activists, many of whom are affiliated with the SDS or campus-based black extremist groups. The riotous activity at Columbia University was spearheaded by Mark Rudd, Chairman of the SDS Chapter at this university. In an open letter to President Kirk, which appeared in the public press in May, 1968, Rudd stated, "Your power is directly threatened, since we will have to destroy that power before we take over."

The SDS held a national convention at Michigan State University in June, 1968. At this convention, methods to disrupt selective service facilities and law enforcement were discussed in a "sabotage and explosives" workshop. Suggestions included: flushing bombs in toilets to destroy plumbing; using sharp, tripod-shaped metal instruments to halt vehicles; firing Molotov cocktails from shot guns; jamming radio equipment; and dropping "thermite bombs" down manholes to destroy communications systems.

The protest activity of the new left and the SDS, under the guise of legitimate expression of dissent, has created an insurrectionary climate which has conditioned a number of young Americans—especially college students—to resort to civil disobedience and violence. Because activists of the new left are committed to the use of direct action and violence to achieve their objectives, the new left movement is becoming more and more anarchistic, militant, and violent. As an example, a June, 1968, issue of "The Rat," a new left underground newspaper published in New York City, carried an article and diagram describing the manufacture of a homemade bomb out of ammonium nitrate and a length of pipe. This particular article concluded by noting that a subsequent issue would contain plans for making thermite bombs.

White hate organizations

In addition to communist and new left groups, there are a number of organizations which are basically terrorist and hoodlum by nature. These groups are chiefly of a hate or "anti" variety—anti-Negro, anti-white, anti-Semitic, or anti-minority. Their common denominator is a distrust for law and order and a belief in force and violence.

White hate groups include more than a dozen Klan organizations, lineal descendants of the Ku Klux Klan which was founded over a century ago. The Klan has a tradition of and a penchant for violence. Over the years, murder, arson, bombings, and beatings of Negroes have been perpetrated in many areas of Klansmen.

The National States Rights Party is a white hate group which is composed of former members of Klan organizations, as well as notorious anti-Semites. It, too, has consistently and pointedly advocated a policy of violence.

The National Socialist White People's Party, formerly known as the American Nazi Party, is another organization that espouses a line of hatred against Negroes and Jews.

The Minutemen is a group of "superpatriots" who ostensibly are preparing and training to enage in guerrilla warfare in the United States following a communist takeover, which they believe is inevitable. Its members have an obsession for weapons of all kinds.

Black national organizations

The whole problem of violence in American society has been intensified by the recent growth of black extremist organizations. These organizations contain many vicious, hate-filled individuals whose objective is anarchy; whose symbol is the Molotov cocktail; whose slogan of defiance is "burn, baby, burn"; whose manifesto is Frantz Fanon's "The Wretched of the Earth"; and whose preachers of the gospel of hate include Stockely Carmichael, H. Rap Brown, and Robert Franklin Williams.

The Nation of Islam, the largest of these Negro hate organizations, is in both the extremist and the nonextremist camp. It has achieved a respectability of sorts because it has shrewdly used the shield of religion and has insisted that its members avoid racial disorders and live moderately. Nevertheless, its meetings are replete with condemnations of the white race and vague references to the physical retribution that will be meted out to oppressors.

The Student Nonviolent Coordinating Committee (SNCC), whose militant top leaders have included Stokely Carmichael and H. Rap Brown, is one of the most publicized of the black extremist groups. Carmichael, who was recently expelled from SNCC, has stated that black power signifies "bringing this country to its knees" and "using any force necessary" to attain objectives. He has also urged the blacks in this country to "prepare for a bloody revolution."

The impact of extremist spokesmen on the black community and their ability to incite the youth, in particular, cannot be underestimated. These spokesmen are extremely vocal and dedicated to the destruction of the United States. They have a large audience because of the widespread dissemination given to their inflammatory statements by the news media.

Consider the following statements. Carmichael said in Algiers in September, 1967, "Revolution is the only solution for the American Negroes." In August, 1968, he asserted that the black revolution is entering "the period of armed struggle" just before there is guerrilla warfare. Last summer in Cambridge, Maryland, H. Rap Brown reportedly said, "It's time for Cambridge to explode—black folks built America, if America don't come around, we're going to burn it." Earlier this year, Brown wrote, "We must move from resistance to aggression, from revolt to revolution. . . . May the deaths of '68 signal the beginning of the end of this country."

Take the violence in Cleveland, Ohio, in late July, 1968. There, members of the militant black nationalist group, New Libya, exchanged gunfire with police resulting in the deaths of three officers and eight civilians.

Representatives from several Negro universities and colleges attended a black student conference sponsored by the SNCC and held in mid-April, 1968, in a southern state. Reportedly, the majority of the men and women at this conference were armed with pistols.

Among the items discussed at a "defense workshop" at this conference were the following: preparation of maps showing the locations of the homes of mayors, chiefs of police, and similar authorities so they can be eliminated by Mau Mau-type tactics; distribution of forces in several sections of a city to prevent law enforcement agencies from concentrating in one area; location of snipers along travel routes of National Guard units and police forces; use of Vietnam War veterans to train black people in demolition, use of booby traps, location of vulnerable spots on armored vehicles, and guerrilla warfare; and use of black college students to instruct black people in adjacent communities in the care and use of firearms, preparation of Molotov cocktails, and reloading of spent cartridges.

The Revolutionary Action Movement (RAM) is a militant, black extremist, pro-Chinese communist organization dedicated to the overthrow of the United States Government by force and violence. RAM has organized rifle clubs in order to engage in firearms practice and to obtain arms and ammunition. On June 15, 1968, two RAM members were convicted in New York City of conspiring to murder Roy Wilkins and Whitney Young, Jr., two moderate Negro civil rights leaders.

The Black Panther Party is an organization which advocates the use of guerrilla tactics and guns to end the oppression of the black race and the drafting of Negroes to fight in Vietnam. On May 2, 1967, 24 members of this group invaded the California State Assembly at Sacramento while it was in session. The invaders were armed with rifles, shotguns, and pistols and claimed they were there to protest a gun registration law. On two occasions during October, 1967, and April, 1968, members of this group engaged in gun battles with the police resulting in the murder of one policeman, as well as the death of one group member and the wounding of another.

Within the past year, there have been sufficient contacts between militant black nationalists and representatives of unfriendly or hostile countries to indicate a degree of foreign involvement, participation, and influence in the activities of black extremists in the United States. These foreign contacts serve to increase the potential for violence by giving inspiration, encouragement, and support to the revolutionary aims, doctrines, and activities of black extremists in this country.

Stockpiling of arms by black nationalists

Reports of the stockpiling of firearms and other weapons by black nationalist groups are of great concern to the FBI and law enforcement. Such stockpiling is, of course, a distinct possibility in view of the ease with which firearms can be obtained in this country and in the light of the inflammatory urgings of such agitators as Stokely Carmichael, H. Rap Brown, and James Forman, Director of International Relations for the Student Nonviolent Coordinating Committee.

At a meeting of black nationalists in Los Angeles in February, 1968, for instance, Forman told the audience that every Negro should be armed for the eventual revolution of the black people. Brown quoted from Mao Tse-tung that "Political power grows out of the barrel of a gun." He added that Negroes should acquire guns because America only understands force. Carmichael exclaimed that all blacks must unite militarily.

FBI investigations of black extremists have uncovered innumerable allegations that these individuals have obtained firearms and are encouraging residents of ghetto areas to procure weapons. The incidents I previously mentioned in California and Ohio are graphic examples that this is being done. Black extremists have also distributed newspapers and leaflets describing methods of making firebombs for use in riots. The "Inner City Voice," a newspaper in Detroit, with a claimed circulation of 10,000 aimed at the ghetto reader, has published such information.

CAUSES OF AND REMEDIES FOR VIOLENCE

The crime and violence that flourish in America cannot be attributed to a single cause. The causes are many and interrelated, for they are rooted in a number of conditions and influences in contemporary life.

Just as there is no one cause, there is no single remedy. Crime and violence cannot be prevented or reduced by concentrating on one or two phases of the problem to the exclusion of the others. A coordinated and many-sided effort is required if effective results are to be achieved.

Social and economic

There are a number of vital social and economic factors—such as poverty, inequality of employment opportunities, inferior housing, inadequate education, discrimination, and breakdown of the family—which breed lawlessness and violence. I shall not dwell on them. It is sufficient to say that we must find ways to eliminate the conditions which are causing us so much grief and concern.

Social and economic causes aside, there are other important factors which have a strong bearing on the era of violence we live in. It is my firm conviction that crime and violence are increasing primarily because there is a mass deterioration in the respect shown for the rule of law in our Nation and for some who enforce it. In addition, the deterrents to crime have been weakened. Those who choose to break the law or commit acts of violence know that the punishment no longer fits the crime. This mass deterioration is also clearly manifested in the abdication of individual responsibility.

Individual responsibility

Too many individuals eagerly avail themselves of the rights, privileges, opportunities, and benefits which this Nation affords, but shirk the duties and responsibilities that life in a free society entails. Often, the serious problems and issues that face the Nation can be laid directly to the failure of citizens to fulfill their personal and civic obligations.

There is, unfortunately, a reluctance on the part of some of our citizens to act positively in behalf of law and order. Police have been assaulted while spectators stood by idly watching. Crimes have gone unreported. Witnesses have been unwilling to testify. Even jury duty, the ultimate participation of the layman in the judicial process that seeks to protect him and his property, is regarded as something to be avoided if at all possible.

This attitude of noninvolvement was tragically illustrated in the slaying of a young woman in New York City while at least 37 persons in the neighborhood witnessed the series of attacks on her lasting over an hour but did not go to her aid. In fact, only one witness went so far as to call the police.

The key ingredient of our Nation's social structure is the individual. Each one must realize that in today's complex society he is, in fact, his brother's keeper. He must abide by the golden rule of treating others as he wishes others to treat him. The individual must realize that, as a member of society, he is dependent upon other members of the society. The individual must recognize that the more he contributes to society, the better society will become.

If each individual citizen would exert an extra measure of caution in his daily life in an effort to preclude opportunities for crime and criminals to flourish, the results in the prevention of crime and violence would be immeasurable. Automobile thefts provide a good example. FBI statistics reveal that in 42 per cent of the cars stolen in the United States, the key was left in the ignition or the ignition was not locked.

Respect for law and authority

The results of the flagrant disregard for law and order are evident in the widespread and purposeful violation of laws and regulations not to one's personal liking. Such a disregard is not limited to those accused or convicted of crimes and not to any particular group or groups of individuals in our society. Efforts to avoid payment of taxes; attempts to influence police officers in even minor traffic violations; and opposition to loyalty and patriotism as being old-fashioned and out-of-date are only a few examples of activities and ideas that undermine our system of law and order.

Heightening the atmosphere of resentment of authority and irresponsibility to others in our society is an all too prevalent defiance of duly established laws and rules that is euphemistically termed "civil disobedience." It takes the form of draft-card burnings, seizure of property, or loud and disruptive demonstrations.

The demagogic exhortations of a number of civil rights, peace, and student leaders have done much to encourage and condone lawlessness and civil disobedience. Their unsound doctrine implies that the answers to all social and economic problems are not to be found in legal procedures but on the streets, behind barricades, and even in looting, shooting, arson, and riots.

Lawlessness is not to be equated with legitimate dissent. Dissent is one of this Nation's priceless values. It must be protected at all times and in all areas of thought and action, be it in time of peace or in time of war. But this dissent, of its very nature, requires law for both its expression and its preservation.

The attitude of the public and young people, particularly with regard to the resentment of authority and violence against the government and other institutions, is not confined to the United States. A number of countries in other parts of the world, such as France and West Germany, have experienced the same attitude of revolt against established authority.

Attitude of permissiveness

An attitude of permissiveness is becoming more and more evident in our society today, leading to the progressive relaxing and discarding of all forms of restraint and discipline. This attitude has actually been fostered and, in effect, promoted by too many educators, sociologists, clergymen, public officials, and parents. Its effect can be seen in the recent actions of some young people throughout the Nation, with little or no respect being given for tradition or authority. Their actions have been undisciplined and unrestrained.

The abrogation of responsibility on the part of those in authority has developed among young people an "anything goes" attitude in personal and collective moral standards and has resulted in an alarming breakdown of the moral fabric of American society.

Our increasingly affluent, materialistic, and permissive society has encouraged the growth of a psychology of lawlessness and violence. There exist a softness and tolerance toward those who violate laws on the flimsy pretext of "conscience" or personal judgment of the "justness" of some laws. Such permissiveness invites further violation and leads directly to a general disregard for law and order.

Public officials themselves have played a part in the buildup of permissiveness and violence because of their tendency to overlook a little "law breaking" by pressure groups, apparently in the hope that this is the way to satisfy the demand and blunt it. Condoning acts of civil disorder makes law enforcement even more difficult. Moreover, capitulation to the perpetrators of violence merely leads to more leniency, more breaking of the law, and more violence.

Discrediting law enforcement

Much of the disrespect for law enforcement has grown up over the years from a general contempt for authority that has evolved in a permissive atmosphere. Attempts are made to depict law enforcement officers in an unflattering manner or to improperly charge them with misconduct. Such claims tend to create a false image of law enforcement and to give license to those who consider the police as "enemies." Certainly, there is room for improvement in police personnel and operations and there are instances of police misconduct. However, it is unfair to condemn all of law enforcement for the shortcomings of a few.

An acute problem facing law enforcement agencies today is the failure to obtain an adequate number of qualified personnel. More trained police officers are urgently needed. The number of trained police officers—local, state, and Federal—has not kept pace, proportionately, with the increase in crime and violence in the United States.

There are several reasons for this lack of interested applicants. The most obvious reason is the traditionally low salaries paid to law enforcement personnel. A police officer is expected to have some of the attributes of a sociologist, a criminologist, and a lawyer, but is often paid less than an unskilled laborer.

Another factor which creates difficulties for recruiting law enforcement personnel is a trend away from holding this vocation in high esteem. Every effort should be made by individuals and organizations to attempt to raise the reputation of law enforcement in order to make this vocation more popular in the eyes of our youth.

Adequate training of law enforcement personnel is another remedy which will assist in creating a more professional corps among law officers. Police need instruction in the use of new equipment developed for use in crime detection and prevention. Education in legal matters, such as recent court decisions affecting police work, is necessary for new officers as well as older members of a police force.

To implement a program along this line, the FBI has long furnished instructors and conducted police schools throughout the United States in cooperation with local police agencies. The Omnibus Crime Control and Safe Streets Act of 1968 authorized the FBI to assist in conducting local and regional training programs for state and local law enforcement personnel when requested to do so by a State or unit of local government, and Congress has appropriated $3 million for this purpose. The FBI's training assistance will be materially increased with the construction of our new academy complex at Quantico, Virginia, a facility that will permit us to train approximately 3,000 police officers annually.

An extremely valuable weapon for combatting all types of criminal activity, including violent crime, is the FBI's National Crime Information Center (NCIC), a computerized index concerning crime and criminals of nationwide interest. The NCIC provides law enforcement with immediately available centralized data pertaining to the instruments of violent crime, such as stolen firearms, and information on violence-prone offenders wanted by local, state, and Federal jurisdictions.

This system has been very successful not only in identifying stolen firearms in the hands of the criminal element, but also has been of immeasurable aid in removing the repeating offender from society. Police are finding the NCIC of great help in their work, which is attested by the fact that they are using this system over 20,000 times each day at present and this use is constantly increasing.

Administration of justice

One very important aspect of the atmosphere of increased crime and violence is the administration of justice for the accused and convicted person. Today, prompt justice is thwarted many times by "continuance experts," by perennial brow-beaters of witnesses, and by hunters for loopholes and technicalities in the law.

Many citizens, noting that even admitted criminals are being freed on procedural matters and not on the basis of guilt or innocence, are beginning to believe that some judges often seek to find errors rather than truth, thus tipping the scales in favor of the criminal over the rights of society. In addition, to see offenders "get away" with their criminal depredations certainly encourages certain other citizens to commit similar violations.

Some jurisdictions have reputations among the criminal element for "easy" treatment on the specious ground that society and not the individual is responsible for criminal behavior. It can be said with some certainty, of course, that criminals learn quickly where sentencing is lenient.

Crime "repeaters" add to the threat facing the law-abiding citizen's person and property. I have said often that parole, probation, and other clemency have their place in our system of criminal justice. What I strongly object to, however, is the inadequacy of such release measures to protect society when they are improperly implemented or administered.

An FBI program started in 1963 to follow criminal and prosecutive histories has shown that of nearly 18,000 Federal offenders released to the street in 1963, 60 per cent were arrested for new crimes within four years, and over 50 per cent were arrested in another state. In addition, of the 87,600 repeaters rearrested in 1966 and 1967, over 55 per cent had received leniency in the form of parole, probation, suspended sentences, or conditional releases.

If our system of law is to survive, then the law must be enforced. Those who break the law, acting alone or in concert, must be speedily detected and arrested, promptly prosecuted, and given proper, substantial punishment. The mollycoddling of vicious juveniles and the release of persons with criminal records without bond only encourages contempt for the law, for it permits such individuals to go out and flout the law again. Moreover, respect for the law is not increased by lenient judges, timid prosecutors, and misguided writers.

Justice must extend beyond the courtroom back to the site where the victim's rights are violated. When the individual is no longer reasonably secure in his home and on the streets of his community, then justice is not served. Rather, the criminal is being favored at the expense of the law-abiding citizen. We need justice which keeps the balance true and affords the law-abiding public an even break.

Firearms

United States citizens possess untold millions of pistols, rifles, and shotguns. The ease with which firearms may be procured in the United States is a significant factor in the growth of crime and violence. Firearms have been readily obtainable through mail-order houses and across-the-counter for both the honest citizen and criminally inclined persons.

Thefts of firearms are still another source of weapons that are used in crime. An increase in such thefts from homes, sporting goods stores, and government facilities has been noted. As of September 1, 1968, some 171,856 firearms of all types were listed as stolen, missing, or recovered in the FBI's National Crime Information Center. These weapons, reported stolen since January, 1967, have been listed through facilities in only 43 states as our Center is still in the process of expanding to include all states.

The mounting number of violent crimes committed with firearms and the tragic events of the last few months are mute testimony to the urgent need for more stringent and more effective gun controls to help prevent further violence. A recent national poll indicates that 81 per cent of the American people are in favor of stricter gun control.

I will reiterate my long-standing position that tough, comprehensive, uniform gun-control legislation is imperative for the public's safety. Although the passage of laws containing restrictions of weapons and the licensing of their owners would be somewhat of a chore, there can be no valid objection, since automobiles, airplanes, motorcycles, motor boats, and even dogs have long been subject to registration and/or licensing. The benefits to the safety and welfare of all our citizens would tremendously outweigh any disadvantages or inconveniences.

While gun controls obviously cannot end violence, rigidly enforced controls would undoubtedly contribute to a reduction in violence. The gun-control provisions of the Omnibus Crime Control and Safe Streets Act recently enacted by Congress are a step in the right direction; however, it is imperative that further consideration be given to this pressing problem.

Communications media

Entertainment and communications media exert a strong influence upon our national tastes, standards, and even our patterns of conduct. Television, which reaches not only into the living room, but also into the nursery and playroom as well, has been a powerful force in the lives of our youth.

Although the television industry has control over the programs it presents, the extent of violence depicted in many shows is almost unbelievable. Viewers are constantly bombarded with a steady stream of sex, sadism, and criminal acts that, through repetition, might appear to some as normal behavior.

Far too much emphasis is also being paid on television to the antics of a publicity-seeking extremist minority. Impressionable youths and immature individuals can easily conclude from television news coverage that everyone is protesting, demonstrating, marching, and burning draft cards when, in some cases, the reporters, camera men, and assorted technicians appear to outnumber the demonstrators. Usually, rational explanations or refutations are not supplied.

I am in complete agreement with the observations of some representatives of the mass media who admit that television, radio, and the press all too frequently are guilty of distorting the efforts of police to preserve law and order when confronted by large, hostile mobs, as was true in Chicago during the recent Democratic National Convention. These media will highlight and magnify some acts of so-called "police brutality" and completely ignore or minimize the premeditated and viciously provocative acts of demonstrators.

Professional demagogues, extremists, and revolutionaries have learned that the news media—television in particular—are their most effective weapon to gain notoriety and to discredit law enforcement. Consequently, they make it a practice, for the benefit of television cameras, to try to goad police into resorting to strong measures necessary to maintain effective control.

Months before the Democratic National Convention was held, authorities were fully aware that it was the target for disruption and violence on the part of dissident groups and individuals from all over the country. It was clear that these dissidents intended to deliberately force a direct hostile confrontation with established authority. Pre-Convention plans went so far as to involve assassination plots against Vice President Humphrey, Senator McCarthy, and some prominent Negroes. It was against this background that authorities were compelled to devise necessary and effective security precautions.

During the course of the Convention, demonstrators taunted the police and subjected them to unbelievable abuse. Demonstrators called them "pigs" and shouted obscenities at them, spit at them, and threw bags of excrement and urine and dangerous objects—such as golf balls with protruding nails—at them. Unruly and menacing mobs gathered, intent on marching to the International Amphitheatre and disrupting the Convention. If it is true that some innocent people were the victims of unnecessary roughness on the part of the police, it is also true that the Chicago police and the National Guard were faced with vicious attacking mobs who gave them no alternative but to use force to prevent these mobs from accomplishing their destructive purposes. It is a tribute to the authorities that under these chaotic circumstances—deliberately created by ruthless, lawless leaders—the Convention was not disrupted, the city was not paralyzed, not one shot was fired by police at the demonstrators, and not one life was lost.

A seemingly limitless excess of sex, sadism, degeneracy, and violence is only too apparent in the offerings of the motion picture industry. One needs only to scan the lurid advertisements of current or coming film attractions. In some cases, these movies are labeled for adults only. However, the judgment as to just who is an adult is confined for the most part to the ticket salesman or the theatre manager. A recent national survey concludes that 62 per cent of those polled feel that "movies with violence in them" are major contributors to violence.

Cheap novels and sensual magazines which glorify sex, in both its normal and abnormal context, and mock our traditional standards of morality are becoming increasingly prevalent on the shelves of newsstands and bookstores.

I have over the years publicly opposed any form of entertainment that glorifies violence, glamorizes corruption, and depicts criminals as heroes. No standard of decency can tolerate the portrayal of gangsters as modern-day Robin Hoods, concede that crime pays, ridicule decency and honesty, or justify the conclusion that graft and corruption are to be expected in our society.

Properly and intelligently prepared motion pictures and television programs emphasizing that crime is evil and brings misery, despair, and even death can serve as a deterrent to the would-be criminal. Such presentations, however, should be restrained, conform to rigid standards of good taste, authenticity, and the portrayal of lawlessness in its proper light. The sound adage that crime does not pay should be inherent in them.

Extremism in all of the mass media should be avoided. Certainly, prompt, factual, and objective reporting of violent actions, such as riots, is desirable and necessary so the public will be informed. However, overemphasis on the frenzied actions and statements of publicity-seeking extremists and hate-mongers can only beget more violence. The exhortation "burn, baby, burn" by militant agitators on a television screen is definitely not conducive to quelling a riot.

As I have said in the past, strict adherence to high journalistic principles is a valuable and essential public service in matters affecting public safety.

CONCLUSION

The foundation of our society is a respect for and an observance of law and order. The mounting volume of crime and violence simply cannot be condoned or tolerated. The United States cannot have its citizens afraid to walk the streets of its cities lest they be mugged or beaten or even killed. It cannot permit its cities to be devastated by looting and burning. It cannot allow its public leaders to face constantly the risk of being assassinated.

There is no way, or course, that crime and violence can be completely eliminated. We will continue to have crime and violence in this country and throughout the world, because, unfortunately, criminal and violent behavior is the nature of some men. The answer will be found not in hand-wringing or self-indictment, but in striving to eradicate the basic sources of crime and violence through direct, positive measures—such as I have outlined—in order to reduce lawlessness to a minimum.

In conclusion, while there is a vital necessity for creating a wholesome social and economic atmosphere in which all citizens will have an equal opportunity to better themselves, we must not lose sight of time-proven deterrents to crime and violence. These deterrents—the certainty of sure detection, swift apprehension, and realistic treatment under law—are indispensable weapons in the never-ending battle to preserve law and order and decency. We need to make respect for law and order the first priority in our national life, for the rule of law is paramount to this Nation's continued existence.

STARVATION IN NIGERIA-BIAFRA

Mr. PROXMIRE. Mr. President, the American Friends Service Committee recently issued a plea for funds with which to aid the starving in Biafra and sections of the eastern region of Nigeria reoccupied by Federal troops.

A distinguished team of expert observers for AFSC returned from Biafra and reported the truly horrifying condition of millions of innocents. Dr. Christian Hansen, pediatrician and staff physician at Tufts Health Center, visited hospitals in the ravaged area and reported that "infant mortality at intake was so acute that doctors quickly checked the queues of waiting mothers and babies, seeing which infants were so near death that they must be moved to the head of the line."

Mr. President, the need of the starving is obvious. Indeed, it cries to high heaven for action on the part of all the world community. And to the degree that the nations of the world allow themselves to be lulled by the claim that the elimination of hundreds of thousands of their fellows is an internal affair, to that degree will our moral courage be bankrupt and our humane concern for others a thin veneer. Our responsibility grows awesomely with the death of each innocent man, woman and child.

In a speech to the Senate yesterday, the senior Senator from Massachusetts [Mr. KENNEDY] appealed for international action to meet the humanitarian needs in Biafra and Nigeria. The Senator, with great eloquence, stated our own and other nations' responsibility when he said:

> No one can ignore the situation in Nigeria—least of all the combatant leaders, no matter how sophisticated their didactics, or how convincing their propaganda, at stake are human lives—innocent lives—African lives—thousands, even millions of lives—whose destruction will burden the conscience of Nigeria and all mankind for generations to come, unless something more is done to save them.

Mr. President, I associate myself wholeheartedly with Senator KENNEDY's remarks and join him in his plea for effective international action to save the starving and diseased of Nigeria-Biafra.

I also associate myself with the remarks of the senior Senator from Georgia [Mr. RUSSELL] who spoke of the "terrible genocide that is being practiced on the Ibo tribesmen in Biafra." The use of the term "genocide" by the distinguished Senator is particularly significant because the senior Senator from Georgia is known for always having the facts before he speaks out on an issue.

Hopefully, the statements of such distinguished Members of the Senate will be noted by the Committee on Foreign Relations, and perhaps it will be possible to have hearings on the Genocide Convention and other human rights conventions designed to prevent exactly what we are seeing now in Nigeria-Biafra and in Czechoslovakia.

Mr. President, I ask unanimous consent that the press statement issued by the Friends Committee on behalf of the Biafra inspection team be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AMERICAN FRIENDS SERVICE COMMITTEE

An appeal for $200,000, needed immediately to buy food and medical supplies for war sufferers in Nigeria, Biafra and Federally reoccupied territories was launched today by the American Friends Service Committee.

"Help in the next three weeks can save the lives of thousands," according to Dr. Christian Hansen, a member of a three-man mission which has been investigating relief conditions in the war-torn areas for the AFSC. "At the same time we must begin a long-range program to follow up immediate relief or the effort will be wasted."

On the recommendation of Dr. Hansen and his colleagues, the AFSC is planning to send two teams of medical and relief workers to the area. A veteran AFSC worker, Bradford Abernethy, Chaplain of Rutgers University, and his wife Jean left yesterday for Lagos, Nigeria, where they will work to set up the new program. At the same time the AFSC is recruiting medical and relief distribution personnel.

Dr. Hansen reported visiting one hospital where infant mortality at intake was so acute that doctors quickly checked the queues of waiting mothers and babies, seeing which infants were so near death that they must be moved to the head of the line. Many of the babies in hospitals are suffering from kwashiorkor, he said, a disease of protein deficiency which can be counteracted by massive protein feedings.

"With proteins available, it is possible to reduce the death rate significantly," Dr. Hansen said. "At one hospital the death rate was 40 per cent. I was impressed that they were able to save as many as 60 per cent of these infants."

In addition to making recommendations to the AFSC for a long-term project, the mission was asked to dispense immediate relief where needed. In Biafra, which they visited on August 28, 29, and 30, the Quaker representatives made grants totalling $10,000 to support seven hospital and village feeding programs. In Federally reoccupied areas of Nigeria they are delivering some $15,000 worth of medical supplies to clinics where no other help is available.

"We visited one clinic where there was not so much as one aspirin on the shelves," Dr. Hansen wrote. "In another village, where word that a doctor was coming was received in advance, 150 villagers were lined up on our arrival awaiting medical attention."

The Quakers emphasize that a little help goes a long way in the Nigeria/Biafra situation. In Emekuku, where they gave $1,000 to the Holy Rosary Hospital, the sum is expected to support 250 babies for six weeks. At the Uzuakuli Leprosy Settlement, where workers have gathered up motherless babies, a gift of $1,000 will support 60 babies for two months.

Grants were made also in Ugoto, Umuahia, Abiriba, and Awo/Omamma. All were for the feeding of babies or refugee children.

Throughout the southeastern states the war has caused great suffering, the Quaker mission reported. Civilians were unable to plant their seasonal crops, and many thousands have fled their homes. Altogether they estimate there are some 800,000 refugees in Federally reoccupied territories. Others, caught between lines, are particularly vulnerable. All must depend upon international relief for food and medical supplies.

The AFSC representatives are working in close cooperation with the Nigerian and Biafran authorities, the International Committee of the Red Cross and other agencies, in carrying out their investigations and formulating program recommendations.

Members of the Quaker mission include Dr. Channing Richardson, professor of international affairs and chairman of the Department of Government at Hamilton College, Clinton, New York; and Dr. David Scanlon, professor of international education at Teachers College, Columbia University, and director of the Center for Education in Africa. Both are African experts. Dr. Hansen serves as pediatrician and staff physician at the Tufts Mississippi Delta Medical Health Center.

Dr. Richardson, who served as head of the mission, arrived in Nigeria July 17 and returned to the United States August 22. The other two are expected to return September 14.

ABE FORTAS, CARE OF 1600 PENNSYLVANIA AVENUE NW., WASHINGTON, D.C.

Mr. GRIFFIN. Mr. President, in testimony in 1965 during Senate Committee on the Judiciary hearings on his nomination as Associate Justice of the Supreme Court, Mr. Abe Fortas stated:

> [L]et me take this opportunity to say to you that there are two things that have been vastly exaggerated with respect to me.
>
> One is the extent to which I am a Presidential adviser, and the other is the extent to which I am a proficient violinist. I am a very poor violinist but very enthusiastic, and my relationship with the President has been exaggerated out of all connection with reality. (See page 50 of the hearings.)

During the recent Judiciary Committee hearings on his nomination as Chief Justice, Mr. Fortas repeated substantially the same statement. See page 168 of the hearings.

In the light of this testimony, attention is directed to the last sentence of a biographical sketch of Mr. Fortas which was published in the 1965–66 edition of "Who's Who in the South and Southwest" at page 319.

It is interesting to note that the practice of "Who's Who" is to submit the text of each biographical sketch to the individual for approval before publication.

Mr. President, I ask unanimous consent that the biographical sketch of Mr. Fortas, as it appeared in the 1965–66 edition of "Who's Who in the South and Southwest," be printed at this point in the RECORD.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

> Fortas, Abe, lawyer, govt. ofcl.; b. Memphis, June 19, 1910; s. William and Ray (Berson) F.; A.B., Southwestern Coll., 1930; LL.B., Yale, 1933; m. Carolyn Eugenia Agger, July 9, 1935. Asst. prof. law Yale, 1933–37; asst. chief Legal Div. A.A.A., 1933–34; asst. dir., corporate reorganization study SEC. 1934–37, cons., 1937–38, asst. dir. Pub. Utilities Div., 1938–39; gen. counsel, Pub. Works Administn., 1939–40, Bituminous Coal Div., 1939–41; dir. Div. of Power, Dept. Interior, 1931–42; undersecretary of interior, 1942–46; mem. law firm Arnold, Fortas & Porter, Washington, D.C.; now Presdl. adviser, Washington. Acting gen. counsel Nat. Power Policy Com., 1941; mem. bd. legal examiners Civil Service Commn., 1941–43; mem. Pres.'s Com. to Study Changes in Organic Law of P.R., 1943; adviser to U.S. delegation to UN, San Francisco, 1945, London, 1946. Vis. lectr. law, rank of prof. Yale, 1946–47. Dir. Federated Dept. Stores, Inc., Festival Casals, Inc., SuCrest Corp. Trustee Carnegie Hall. Mem. Fed., Am., FCC bar assns., Order of Coif, Omicron Delta Kappa. Asso. editor of jour., Psychiatry. Contrb. to legal and other periodicals. Home: 3025 N. St. N.W. Office: care The White House, 1600 Pennsylvania Av., Washington.

AVIATION

Mr. DOMINICK. Mr. President, for 3 or 4 years I have been taking the floor at intervals to discuss with Senators what seem to me to be self-evident problems in the aviation field. Today it seems only timely that I restate some of these problems and make some additional comments, as the Federal Aviation Administration is proposing some very drastic measures in connection with high-density airports. These measures will be discussed at public hearings in Washington, D.C., on September 25, 26, and October 3, 1968.

First. One of the major problems for discussion has been the need to persuade the FAA to issue an order requiring the immediate installation of emergency locator beacons on all new general aviation aircraft, and on all general aviation aircraft presently in use within a definite time limit. The reasons behind my concern should be self-evident.

For years we have been sending people out to look for downed aircraft where the sole searching device is the skill of the pilot and the accuracy of his eyesight. This has not proved very effective in locating the aircraft, and it has been exorbitantly expensive in terms of dollars and lives lost despite the best efforts of our dedicated Civil Air Patrol and air rescue groups.

In the last 5 years, preceding January 1, 1968, 60 general aviation aircraft have crashed in the continental United States and Alaska. These aircraft are still missing and have never been found. In the last 2 of these years, 32 additional aircraft were missing for more than 3 days, and 40 aircraft were missing for periods ranging from 1 to 3 days. The map which I prepared for a speech on this subject, made before the Radio Technical Commission for Aeronautics in Washington, D.C., on April 3, 1968, indicates clearly that these aircraft were lost in all corners of the continental United States and were not losses limited to "mountainous areas, large bodies of water, or sparsely settled areas" as suggested by the FAA in connection with a proposed notice of rulemaking on this subject.

Aerospace Rescue and Recovery Service records show that for the 5-year period a total of 215,404 hours of search had been conducted. Of this total, nearly two-thirds were flown by the Civil Air Patrol. Over 79,000 hours were flown by the Coast Guard and others. During the last 3 years, these same records show that two Civil Air Patrol aricraft and four lives were lost during the search missions. In my own State of Colorado, during 1967, we conducted 13 search missions for missing aircraft at an average cost of approximately $2,900 per search.

It seems apparent to me that an order requiring the installation of low-cost crash-proof locator beacons would not only save millions of dollars, but would also save lives of those who initially survive a crash, and the lives of rescue pilots and ground search crews. It would be accomplished with minimal expense to the FAA, an added expense to each general aviation aircraft owner estimated between $50 and $200 per aircraft, and with an enormous savings in personal and family suffering and loss.

Recently the FAA attempted an experiment by dropping an experimental beacon in the mountainous area surrounding Aspen, Colo. This beacon transmitted on three frequencies: 121.5, 120.5, and 243. The former two frequencies are high frequencies and very few aircraft except certain FAA rescue planes have direction finders which can home on that frequency. Military aircraft monitor 243 and rescue aircraft equipped with automatic direction finders can also home on it. By chance, it happened that I was flying to Aspen the day this test occurred. Having heard of the test, I turned my high-frequency radio receiver to 121.5 and by simply using volume control and without a direction finder was able to pinpoint the locator beacon within 18 minutes after the time I first received the signal. A CAP plane which had simply been notified that an aircraft was down somewhere between Denver and Aspen took off from Denver and, within a very short time—less than 1½ hours—including the flying time to Aspen, had pinpointed the simulated wreck and reported it to ground rescue crews. This dramatic test should be compared favorably with the solid week of searching which went into that same area before Dr. Lovelace's plane was found some 2½ years ago. Since the medical evidence showed that the doctor and other members of that tragic flight had survived the emergency landing, a locator beacon might well have saved them and saved for our country his tremendous scientific ability.

It is, Mr. President, past time that the FAA take action in this field in order to eliminate costly and unnecessary rescue efforts to save lives and to diminish the risk of the present aircraft rescue efforts.

I will continue to place the blame on the leadership of the FAA. The FAA has the power and the technical ability to evaluate beacons. It has authority to issue the order, and further delay in formulating this ruling can only result in increased loss of lives and money, and increased dangers to the rescue units. The need for this can be poignantly summarized in the following letter to Aero West magazine from the wife of a former pilot operating out of Gunnison, Colo.:

> DEAR EDITOR: You can remove my husband's name from your sample copy mailing list.

He was killed in 1965. The crash occurred only about 33 miles from our home airport on heavily timbered mesa. Searchers estimated they flew over the spot at least 20 times but could not see a sign of the plane because of the way it had dived into the timber.

Perhaps an even more dramatic note can be found in a diary, of Drs. Miller and Quinn, whose plane went down on February 21, 1959, but which was not found until May 5 of that year, when both, of course, were dead. Dr. Miller's diary closed with the following statement:

> Goodbye, all. This is saving a lot of experiments, I hope.

Mr. President, this is not the first time I have brought up this subject on the floor of the Senate. In the spring of this year, the FAA set forth a proposed notice of rulemaking which would have required the installation of locator units whenever a pilot was flying over sparsely settled or mountainous areas, or over large bodies of water. Meetings and hearing have been held since that time, but no action has yet been taken.

It is my hope that with the resignation of Mr. McKee, as Director of FAA, we will get someone in the Department of Transportation or in the FAA who will use the authority granted to them by Congress and start taking realistic and inexpensive action to further aviation safety.

Second. As I stated in the beginning of these comments, on September 25, 26, and October 3, 1968, a hearing will be held in connection with the proposed rulemaking by the FAA with respect to high density airports. Initially, John F. Kennedy, La Guardia, Newark, O'Hare, and Washington National are designated as high-density airports. Others may be added by the FAA at such time as they see fit to do so, as the proposed definition of high-density airports is very flexible, to say the least.

Mr. President, as a pilot for some 33 years with my own plane based at Washington National for the last 8 years, I have a rather close knowledge of developments at Washington National and I would like to limit my comments at this time to this particular area. Under date of May 10, 1966, following General McKee's introduction of jet aircraft into Washington National, I wrote him a detailed letter concerning the problems which this had already created. I ask unanimous consent that the text of that letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 10, 1966.

Gen. WILLIAM F. MCKEE,
Administrator, Federal Aviation Agency,
Washington, D.C.

DEAR GENERAL MCKEE: Speaking as both a private citizen and as a Member of the Senate interested in aviation affairs, I would like to register my concern over the introduction of commercial jet flights into National Airport. I have been watching this with considerable interest as I felt there were many factors involved in your decision and many points which perhaps could not be proves one way or another until the experiment was made. I would cite as objections four main points:

(1) *Excessive Traffic*—Ever since the jet service was inaugurated we have had some fairly extensive instrument flying conditions. It seems apparent (and probably necessary because of the nature of jets) that jet traffic be given priority landing clearances and, hence, the turbo-prop and prop airplanes remain in holding patterns for unconscionably long periods. In a number of cases that I am personally aware of, the difficulty is getting clearance through ATC has been such that Eastern shuttle flights were delayed over two hours, first by delayed clearances and secondly by delayed landing patterns. The same situation occurred on May 9 on an Electra turbo flight originating in Milwaukee.

It becomes almost self-evident that a private aircraft leaving from the northeast with a destination of Washington should not even attempt this unless they have as much as five to six hours range in order to compensate for holding patterns. A few years ago, prior to jet arrivals, it took me three hours and forty-five minutes from the time of obtaining an instrument clearance over the Hudson River north of New York to the VOR Westminster Station at which point I was vectored out of traffic and sent to Baltimore. On that occasion, one of the causes for delay was an approach radar out of service.

The present situation, with all radars working and with jet traffic receiving priority and further congesting the air space, makes travel on prop and turbo prop aircraft difficult in the extreme from a timetable point of view.

(2) *Noise*—Our home is located at 1801 45th Street, N.W., near the corner of Foxhall and Reservoir Road. Georgetown Reservoir, lying just to the west of us, is the normal visual reference for traffic from the northwest to northeast sector, and heaven knows it was bad enough when restricted as before. At the present time, with jet traffic added, it makes any kind of outdoor conversation completely impossible, and I say this keeping in mind that I had been brought up around airports all my life. It is impossible to sit in our living room and have a discussion with any door or window open and without being interrupted almost every two minutes. It is, of course, particularly bad at the heavy traffic hours from 5:00 to 8:00 p.m., the usual time when people try to get together during the evening. We purchased the house recognizing the problem insofar as previous traffic is concerned, but we had no conception that jets might be added to it.

(3) *Depreciation of Dulles*—In my opinion, Dulles Airport is one of the best in the country and one of the most forward looking. It could be improved by a system which would permit use of buses which would hitch onto a high-speed monorail and bring passengers to and from the center of town with baggage being subject to pickup either at the airport or at a central office in town. Nevertheless, there is room for greatly expanded operations. It is designed for a jet field and over a period of time jet national and international traffic will undoubtedly continue to grow. It is equally apparent to me, as I am sure it is to you, that schedules will sharply decrease out of Dulles as the jet traffic moves into National where it is closer to town.

(4) *General Aviation*—Until the advent of a large number of jets at National, general aviation facilities were difficult but perfectly usable. In the air and on the ground there was the usual intermix of planes as fast as an Electra and as slow as a single-engine Cessna. These could be and were handled adequately and, in fact, very capably by your Traffic Information Service and your very skillful tower operators. With the advent of jets, a wholly different picture is presented to the general aviation field. Even this would not be so bad if the channels of approach to National were not so circumscribed because of security measures and the relatively small size of the field. Even on the ground it is difficult to get adequate parking and certainly the terminal facilities for general aviation are not worthy of the scope of this activity. Most of the general aviation planes based at National are used for business purposes as well as for pleasure. They are owned by business executives, Members of Congress, professional personnel, governmental employees, and aviation enthusiasts of all descriptions, and there is an enormous amount of transient business in executive-type aircraft. The solution to this problem could probably be found if Bolling Field were reopened either for general aviation or for the airlines, but unless something of this kind is done it seems to me that we will be faced with some very serious accidents before too long, despite the skills of your tower operators.

I have tried to outline the four major categories of problems with some care. It is my hope that the thoughts expressed are helpful rather than destructive. It is equally my hope that you will review this situation again, as I personally feel that it is so serious that there may be need for Congressional review of the policy in the event that executive redirection fails to occur

Sincerely,

PETER H. DOMINICK,
U.S. Senator.

Mr. DOMINICK. Mr. President, prior to that time, I had suggested to Mr. McKee that he consider the possibility of having all commercial jet aircraft operated from Dulles or Friendship, which airports are specifically constructed to take care of this traffic.

It seemed obvious to me that National Airport, designed and constructed many years ago for propeller-driven aircraft, and located in an area surrounded by residential and restricted zones, should not be used for jet aircraft as long as other, better facilities were available in the area. Unfortunately, Mr. McKee discarded this advice and we are now faced with a proliferation of traffic over the Capitol which has not only created air hazards but has given rise to angry protests against the noise level and a decided increase in air pollution. The FAA proposes to remedy this by a series of restrictive conditions on landings at National Airport which would have the general effect of leaving Washington National to the tender mercies of the airlines and eliminating approximately 90 percent of general aviation flights into Washington National.

Mr. President, I ask unanimous consent that the notice of proposed rulemaking which includes these restrictions may be published at this point in my remarks.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

[14 CFR Part 93: Docket No. 9113;
Notice 68-20]

HIGH DENSITY TRAFFIC AIRPORTS—NOTICE OF PROPOSED RULEMAKING AND NOTICE OF PUBLIC HEARING

The Federal Aviation Administration is considering amendments to Part 93 of the Federal Aviation Regulations that would prescribe special air traffic rules and other requirements for operations to or from airports designated in that part as high density traffic airports.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, D.C. 20590.

In addition to this notice, the agency will hold a public hearing at 9:30 a.m., Wednesday, September 25, 1968, at Federal Office Building 10A, 800 Independence Avenue SW., Washington, D.C. 20590, to receive the views of all interested persons on the high density traffic airports regulatory proposal. Interested persons are invited to attend the hearing and present oral or written statements on the matters set forth herein which will be made a part of the record of the hearing. Any person who wishes to make an oral statement at the hearing should notify the agency by September 18, 1968, stating the amount of time requested for his statement. All information presented at the hearing and all communications received by October 9, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of the comments and information received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The hearing will be an informal hearing conducted by a designated representative of the agency under § 11.33 of the Federal Aviation Regulations. It will not be a judicial or evidentiary type hearing so there will be no cross-examination of persons presenting statements. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given an opportunity to do so in the same order in which they made their initial statements.

A transcript of the hearing will be made; anyone may buy a copy of the transcript from the reporter.

Delays of varying magnitude are encountered at many terminal areas, particularly at New York, Chicago, Washington, Boston, Miami, Los Angeles, San Francisco, and Atlanta. The situations at New York, Chicago, and Washington are the most critical. Congestion at these terminals frequently requires the imposition of traffic flow restrictions creating backup delays throughout the air transportation system.

A reduction in air traffic delays can be accomplished only by increasing the capacity of the system or decreasing the demands placed upon it. Certain changes in air traffic and airport procedures and practices are already planned by the FAA to increase aircraft handling capacity. These changes include the postponement of the commissioning of new towers at noncritical locations; the elimination of precision approach radar service at some locations; the reduction in hours of tower operation from 24 to 16 at lower level activity locations; the reduction in the hours of operation of a number of flight service stations; the curtailment of VFR flight plan services; and the reallocation of positions, freed by these changes, to those facilities now experiencing congestion problems. In addition, the FAA is initiating accelerated and more effective recruiting and training programs for air traffic controllers.

The agency is also reviewing current "additional" services provided by its air traffic control system, with a view toward possible curtailment or abolition of some of those services which are not directly related to the separation of IFR traffic. These actions would be taken to reduce the work load on controllers and permit greater concentration on the movement and separation of traffic. The so-called "flow control system", which is an integral part of the FAA air traffic control system, is being refined and improved as part of an internal effort by the agency to more effectively and equitably regulate the flow of air traffic. This revamping of the flow control system will be completed and placed in operation within the next month.

Despite these improvements, FAA believes that regulatory action must be taken to alleviate congestion. Initially, the proposed regulatory actions would be directed to the Chicago, New York, and Washington areas. However, as congestion and delay increases in other areas, regulatory control of demand would be extended as appropriate.

In arriving at the proposals contained in this notice, the FAA has consulted with industry organizations representing all major segments of aviation. A series of meetings has been held with representatives of these organizations and their comments and suggestions have been very helpful to the FAA in the development of this notice. The airport operators concerned have also been consulted in determining the allocation of operations at the airports.

The substance of the regulatory action would consist of the following amendments to Part 93 of the Federal Aviation Regulations:

1. Initially, John F. Kennedy, LaGuardia, Newark, O'Hare, and Washington National Airports would be designated as high density traffic airports. At each of these airports a fixed number of IFR operations (takeoffs and landings) per hour would be allocated for reservations.

In arriving at the number of IFR operations reservations proposed for each designated high density traffic airport, the FAA considered a number of variable factors including airport ground facilities, weather conditions, noise abatement procedures, aircraft mix, uniformity of flow, runway combinations, and the availability of alternative airports. Kennedy, La Guardia, Newark, O'Hare, and Washington National Airports would be allocated 80, 60, 60, 135, and 60 operations per hour, respectively. The specified figures are in excess of the capacities of the airports to handle IFR traffic in IFR conditions. They are selected on the basis that operations in these amounts, and additional operations, may be handled when weather conditions are better than IFR. It is believed preferable to fix the number of allowable reservations in the higher amounts, with the necessity of accepting traffic delays in IFR conditions, rather than employing lower figures, more representative of IFR capacity, which might result in unused capacity during good weather conditions. These allocations would be specified in Part 93 of the FARs as shown in § 93.123 of this proposal.

2. The proposed regulation would also allocate the reservations among the various classes of airport users. These allocations would be fixed only after additional consultation with the airport operators involved and the several classes of users and consideration of the comments and views provided by all aviation interests in response to this notice and in the hearing. The tentative allocations, on which comment is invited at this time, are specified in § 93.123.

Allocations of IFR reservations would be made to three classes of users: (1) scheduled air carriers except air taxis; (2) scheduled air taxis; and (3) all other aircraft operators. In addition, scheduled air taxis would be granted any reservations not taken by the scheduled air carriers. In the event the total reservations allocated for the scheduled air carrier and scheduled air taxi operations were not taken by those operations for any hour, the remaining reservations would be available for other operations, principally, general aviation. Accordingly, IFR general aviation would be limited to the figures specified for "other" operations only when the other classes of users take all their allocated reservations.

Prior departure or arrival reservations would be required for each flight operated IFR to or from a designated high density traffic airport. Reservations will be granted by ATC within the limits of the IFR operations allocated in Part 93 for the particular airport. Air carriers would be able to obtain these reservations by publication of the flight schedules: *Provided*, That the flight schedules are within the air carrier allocations. Other operators would contact the nearest Fight Service Station by radio, phone, in person, or any other available means. Each one would furnish his estimated time of arrival at or departure from the high density airport involved. In the case of a flight from one high density traffic airport to another, both arrival and departure times would be furnished. His request would be processed through existing agency communications and the FSS would advise him either of the approval or the nearest available reservation. For flights between two high density airports, approved reservations for the takeoff and arrival would have to be obtained prior to takeoff. After receipt of the approval, the operator would file an IFR flight plan in the usual manner. If the operator subsequently determines not to use his approved reservation, he should cancel it at the nearest ATC facility. An approved reservation would not constitute a warranty against traffic delays.

Under the proposed regulation, the use and cancellation of approved reservations would be on the honor system. In the event operations under the regulation, if adopted, demonstrate the necessity for more stringent provisions or sanctions, these would be added to the regulation.

3. In order to facilitate the flow of IFR operations allocated for the high density traffic airports, aircraft operating under an IFR allocated reservation would be required to be capable of maintaining an airspeed of not less than 150 knots while under control jurisdiction of the approach control ATC facility. In addition, all aircraft operating IFR to or from a high density traffic airport would have to be equipped with an operable coded radar beacon transponder having at least a Mode A/3 64 code capability replying to Mode A/3 interrogation with the code specified by ATC; and have a second pilot.

4. Operations in excess of the number allocated for reservation at a particular high density traffic airport would also be permitted under additional reservations granted by ATC. These would be applied for under the procedures applicable to the allocated reservations and would be granted when, due to weather or other factors, the operation could be accommodated without adverse effect on the allocated operations for the particular airport. The excess operations may be IFR, or VFR, i.e., ceiling of at least 1,000 feet and visibility of 3 miles reported at the high density traffic airport. Aircraft authorized to operate VFR on this basis need not meet the performance capabilities, flight crew and equipment requirements prescribed for the allocated operations.

If the appropriate airport and air traffic facilities are available, STOL, VTOL, helicopter, and other operations would be accommodated where possible to do so without interference with the aircraft operations under allocated reservations. These excepted operations would be accommodated on a procedural basis by agreement between aircraft and airport operators and the appropriate ATC facility. The agreement may relieve the operator from the requirements of Subpart K.

The proposed allocations of reservations reflect the obligation of the Department of Transportation to provide for efficient utilization of the airspace and recognize the vital role of the certificated common carriers' scheduled operations in air transportation.

For example, these air carrier operations would be given all of the allocated reservations during the peak traffic hours of 5 p.m. to 8 p.m. at Kennedy International Airport. The proposal recognizes a greater priority for scheduled air taxi operators as they are also common carriers of the public. The proposal takes into account the relative inflexibility of scheduled operations compared to unscheduled operations. The proposal accommodates all classes of users and no one would be totally denied access to any of the named airports. The proposed restrictions will affect all users if adopted.

The proposed distribution would require a reduction in scheduled certificated air carrier flights during certain hours. It is anticipated that the affected carriers will reach voluntary agreements as to how that reduction will be accomplished, subject to any Civil Aeronautics Board requirements.

In consideration of the foregoing, it is proposed to amend Part 93 of the Federal Aviation Regulations as hereinafter set forth:

1. Amend § 93.1 by adding a new paragraph (e) to read as follows:

§ 93.1 Applicability.

* * * * *

(e) Subpart K of this part designates high density traffic airports and prescribes air traffic rules and other requirements for operating aircraft to or from those airports.

2. By adding a new Subpart K to read as follows:

SUBPART K—HIGH DENSITY TRAFFIC AIRPORTS

§ 93.121 Applicability.

This subpart designates high density traffic airports and prescribes the aircraft equipment and performance requirements, pilot requirements, and air traffic rules for operating aircraft to or from those airports.

§ 93.123 High density traffic airports.

(a) Each of the following airports is designated as a high density traffic airport and, except as provided in § 93.129 and paragraph (b) of this section, is limited to the hourly number of allocated IFR operations (takeoffs and landings) that may be reserved for the specified classes of users for that airport:

IFR operations per hour

Class of user	John F. Kennedy Airport	LaGuardia Airport	Newark Airport	O'Hare Airport	Washington Airport
Scheduled air carriers except air taxis	70	48	40	115	40
Scheduled air taxis	5	6	10	10	8
Other	5	6	10	10	12

(b) The allocations of reservations under paragraph (a) of this section among the several classes of users do not apply 12 midnight to 6 a.m. local time, but the total hourly limitation remains applicable. The allocations of reservations under paragraph (a) of this section at John F. Kennedy Airport do not apply from 5 p.m. to 8 p.m. local time. During those hours, the total 80 reservations are allocated to scheduled air carriers except air taxis. In the case of Washington National Airport only, the allocation of 40 reservations under paragraph (a) of this section does not include extra sections of scheduled air carrier flights which may be conducted without regard to the limitation of 40 reservations. Any reservation under paragraph (a) of this section allocated to, but not taken by, scheduled air carrier operations is available for a scheduled air taxi operation. Any reservation under paragraph (a) of this section allocated to, but not taken by, a scheduled air carrier of scheduled air taxi operation is available for other operations.

§ 93.125 Arrival or departure reservation and flight plan.

Unless otherwise authorized by ATC in a letter of agreement under § 93.129(c), no person may operate an aircraft to or from an airport designated as high density traffic airport unless—

(a) He has received for that operation an arrival or departure reservation from ATC; and

(b) He has filed under an IFR or VFR flight plan for that operation.

§ 93.127 Aircraft and pilot requirements.

(a) Unless otherwise authorized by ATC in a letter of agreement under § 93.129(c), no person may operate an aircraft IFR to or from a high density traffic airport unless the aircraft—

(1) Is equipped with an operable coded radar beacon transponder having at least a Mode A/3 64 code capability, replying to Mode A/3 interrogation with the code specified by ATC, and

(2) Has a minimum flight crew of two pilots.

(b) No person may operate an aircraft to a high density traffic airport under a reservation allocated in § 93.123 unless the aircraft is capable of maintaining an airspeed of not less than 150 knots while under the control jurisdiction of the ATC approach control facility for that airport.

§ 93.129 Additional operations.

(a) *IFR*. The operator of an aircraft may take off or land the aircraft under IFR at a designated high density traffic airport without regard to the maximum number of operations allocated for that airport if he obtains a departure or arrival reservation, as appropriate, from ATC. The reservation is granted by ATC whenever the aircraft may be accommodated without adverse effect on the operations allocated for the airport for which the reservation is requested.

(b) *VFR*. The operator of an aircraft may take off or land the aircraft under VFR at a designated high density traffic airport if he obtains a departure or arrival reservation, as appropriate, from ATC. The reservation is granted by ATC whenever the aircraft may be accommodated without adverse effect on the operations allocated for the airport for which the reservation is requested and the ceiling at the airport is at least 1,000 feet and the ground visibility reported at the airport is at least 3 miles. A VFR operation conducted under this paragraph (b) is not required to comply with the aircraft and pilot requirements of § 93.127.

(c) *Operations under letters of agreement*. The operator of an aircraft may take off or land the aircraft under either IFR or VFR at a designated high density traffic airport if he operates the aircraft without interference to any other aircraft operation and the operation is under the terms of a letter of agreement with the airport management and the appropriate ATC facility. An operation conducted under this paragraph (c) is not required to comply with the aircraft and pilot requirement of § 93.127 except to the extent specified in the applicable letter of agreement.

These amendments to Part 93 of the Federal Aviation Regulations are proposed under the authority of sections 103, 307(a),(b), and (c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348 (a), (b), and (c), 1354(a), and 1421).

Issued on September 3, 1968, in Washington, D.C.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-10828; Filed, Sept. 4, 1968; 10:23 a.m.]

Mr. DOMINICK. Mr. President, it seems apparent to me that this proposed rule was put together by someone who feels that if the airlines are inconvenienced, others should be punished. Following this to its comparative logical conclusion would mean that all highway traffic except buses and commercial trucks should be eliminated from our road system wherever there is congestion. I have high respect for the imagination and technical ability of the airlines, but I do not believe that they should control the skies.

The hearings to be held on September 25, 26 and October 3 will take up objections to these proposals and I have already written a letter making objections. I ask unanimous consent that my letter, dated September 20, 1968, be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL AVIATION ADMINISTRATION,
DEPARTMENT OF TRANSPORTATION,
Washington, D.C., September 20, 1968.

GENTLEMEN: I have read with interest and concern your proposals to limit traffic at high density airports and to require certain equipment and personnel on all IFR flights.

In my opinion, the proposed rules are highly objectionable:

(1) They discriminate in favor of the airlines and air taxis and against all other categories.

(2) They lump together in the category, "all other aircraft users," such diverse operators as executive jets, turbo-prop cargo carriers, and owners of single engine aircraft from Beech Bonanzas to Piper J–3s. For example, I owned a single engine Beech Bonanza from 1960 to 1965 based at Washington National Airport and now own a Twin Bonanza based there for about nine months a year. In the past, and predictably in the future, IFR flights into Washington National will be necessary if I continue to base my plane there. With only 12 total allocations, general aviation will be effectively removed from Washington National at the very time when this segment of aviation is rapidly growing in size and operating skill.

(3) The requirement for transponders in IFR operations is bad enough, but the added requirement for another pilot is beyond reason. People, such as myself, just do not have on beck and call another pilot who can join in such a flight and certainly do not maintain a pilot on the payroll. Hence, even if the allocation were high enough to permit IFR flights into one of the designated airports, the extra pilot requirement would effectively prohibit such operations.

(4) A far more effective way to handle the traffic problem in the Washington area would be to send all jet aircraft (airlines, air taxis, jet cargo planes and jet private planes) to Dulles and Friendship, fields designed and equipped for this purpose, and to reserve Washington National for all non-jet types. This plan would minimize jet noise problems, the intermix of planes with greatly varying speeds, enhance safety over the Nation's Capital, and avoid the discrimination proposed in your recent notice. Both Dulles and Friendship are large enough and sufficiently well equipped to handle such traffic and also to handle the occasional prop plane which

would use the field to connect with the airlines or to be based closer to their residences. Washington National is not so designed or equipped.

(5) The proposed minimum speed of 150 knots would eliminate all "small" plane operations and as such is once again highly discriminatory.

In summary, it seems to me that you should abandon this program and again dust off the study conducted some years ago under Najeeb E. Halaby dealing with these problems and proposing approach channels for differing types of aircraft. This type of solution and pushing for improved airports and more controllers to improve operating capacities would provide better short and long range solutions to a tough problem.

Sincerely,

PETER H. DOMINICK,
U.S. Senator.

Mr. DOMINICK. Mr. President, it seems obvious to me that if we are going to deal realistically with the problems of air traffic density in Washington, D.C., one of the first things that we should do is to try to disperse the traffic through available airports in the area. In my opinion, Dulles is one of the best airports in the country. Its runways are suitable for all existing jets and for proposed superjets. It is located in relatively sparsely settled country and air traffic is not restricted by prohibited and restricted overfly zones. Dulles is not presently being used by the airlines to the extent that is feasible, largely because of its distance from town and the lack of rapid transportation. I addressed myself to this subject some 2 years ago, in a speech I made before the vice presidents of engineering of the Air Transport Association in Los Angeles. It is past time, Mr. President, that we developed a rapid transportation system from Dulles into Washington, D.C., preferably a high-speed monorail over existing rights-of-way, so that the passengers proceeding from here to Chicago would not have to spend more time in getting to the airport than they do in flying between the two cities. Transferral of jet traffic to Dulles and Friendship would accomplish at least four things: it would decrease air traffic congestion over the Nation's Capital; it would decrease the danger of crashes over heavily populated areas; it would decrease the intolerable noise level which now occurs every day; particularly during the evening hours of 5 to 8 p.m., a level which in Northwest Washington is so extreme that very few people can even converse with a door or window open; and it would eliminate the more than 30 tons per day of pollution which the jets presently leave over the center of the Nation's Capital.

At the same time, it would leave Washington National for the increasing general aviation traffic, a field which is fully adequate for the needs of such traffic.

Mr. President, it is not necessary to penalize general aviation and favor commercial airlines in the manner indicated by the proposed rule. Some years ago, under the able leadership of Najeeb Halaby, the FAA made a study of high-density air traffic, but the report recommending action is still gathering dust in the FAA files. This report points out that high-density air traffic can be handled efficiently by designating separate classifications of aircraft, each classification to have its own altitude and speed requirement, each to have approach and departure corridors, a separate tower operator, and all tower operators to work in an integrated tower. It would be more suitable to bring out this studious and careful report and to start experiments on the feasibility of this study than it is to simply eliminate general aviation from any particular field or area of the United States, as is now proposed under the proposed rule.

In summary, I would urge the Department of Transportation, the Federal Aviation Administration and the governmental leadership to take action which will have the effect of assisting the growth of aviation, enhance air safety, limit potential danger to the Nation's Capital, assist in our efforts to curb air pollution, reduce noise levels and reduce expenditures, and save lives by taking positive steps in the directions noted in this discussion.

MR. JUSTICE FORTAS, THE NLRB, AND THE DOCTRINE OF SEPARATION OF POWERS

Mr. ERVIN. Mr. President, on September 20, 1968, I spoke to the board of directors of the National Association of Manufacturers at Hot Springs, Va. My address discussed the principle of separation of powers as it applies to two subjects of national concern—the nomination of Mr. Justice Fortas, and the administration of the Taft-Hartley Act by the National Labor Relations Board.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

These are unusual times for our country. There is growing division and discontent in many different aspects of our country's life. Our society is being tested. Things we recently took for granted are being questioned. Cherished institutions are being changed, sometimes for the better, more often not.

The problems we now face may seem new, but for the most part they are only contemporary manifestations of problems which the nation has tried to solve throughout our history. Especially in a Presidential election year, when candidates are tempted to give complete prescriptions for every problem in the nation and the world, we must not lose sight of some basic truths about the nature of government and the preservation of liberty.

Essential to the preservation of liberty and central to our constitutional system is the understanding that there must be limits to governmental powers; that government, be it local or national, cannot be expected to solve all of society's ills; that unrestrained governmental power leads to tyranny; and that tyranny results when unlimited power is conferred for ends which are claimed good, just as surely as when power is seized for ends that are evil.

"Good intentions will always be pleaded for every assumption of power . . . It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters."

The Founding Fathers recognized from the the start that official power had to be limited if liberty was to be preserved. They used two devices in the framework of government they created. First, they divided power between local and national governments by adopting a federal rather than a unitary structure.

The Drafters accepted as their other guide the aphorism of Thomas Hobbes that "Freedom is political power divided into small fragments."

As James Madison put it:

"The accumulation of all powers legislative, executive, and judiciary in the same hands, whether of one, few, or many, and whether heredity, self-appointed or elective, may justly be pronounced the very definition of tyranny."

Accordingly, the power delegated to the central authority was divided among the three branches—the Legislature, the President, and the Courts. To this traditional structure, American government has added a fourth, somewhat hybrid branch—the independent regulatory and administrative agencies.

It has become clear to everyone by now that in the nearly two centuries since the Constitution was adopted, the traditional boundaries of power have become blurred, and in many instances have been obliterated. Governmental authority in the states and communities has shifted to Washington. And at the Federal level, power has gravitated to the executive branch and, in certain fields, to the courts, especially to the Supreme Court. Correspondingly, Congress, despite the great increase in its workload and despite the increased range of its interests, has lost power and influence to the other branches.

The Senate Subcommittee on Separation of Powers was created last year as a subcommittee of the Senate Judiciary Committee. Its responsibility is to evaluate the doctrine of separation of powers as it operates in modern government; to trace the shifts of power from one branch to another; and to compare the model of the Constitution to the realities of our day. Through its work, the Subcommittee hopes to stimulate a better awareness of the importance of maintaining the vitality of this basic characteristic of constitutional government in a free society.

Because the Subcommittee is concerned with a principle of government oragnization rather than with a defined area of substantive policy, its interests are wide-ranging and diverse. In its short history, the Subcommittee has delved into the progressive shift of power from the Congress to the President in the field of foreign policy, and with respect to the power to declare war. Witnesses at the Subcommittee's first hearings acknowledged that Congress retains the formal power to declare war and participate in the making of foreign policy, but argued that effective power is now in the White House almost exclusively.

The Subcommittee has also studied congressional participation in executive affairs, as illustrated by the so-called "committee veto", and forms of executive legislation as exemplified by the reorganization acts. We have held hearings on a proposed constitutional convention, and considered the proper roles that Congress, the President, and the judiciary, and the States would play should the States exercise their power to call a national convention to amend the Constitution.

Just this spring, the Subcommittee held hearings on the problem of usurpation of legislative prerogatives by the administrative agencies and, in the process, developed a detailed record of the way the National Labor Relations Board has administered the Taft-Hartley Act. We have also heard some able and controversial academic commentary on the very complex and powerful role the Supreme Court has assumed for itself in recent years.

The Subcommittee's efforts have been paralleled by increasing public and congressional awareness of the significance of the principle of separation of powers. For instance, testimony at the Subcommittee's first hearings discussed the tendency of the executive branch to assume near-total control over foreign policy and the war power. The debate which began there was continued on the Senate floor and in other committees. I believe there is now growing appreciation of the importance of preserving and giving real effect to the constitutional role Congress must play in formulating the critical decisions of foreign policy, and of war and peace.

There has also been an increasing public awareness of and concern with the tendency of the Supreme Court to assume legislative responsibilities and, in the guise of constitutional adjudication, to substitute its own view of proper policy for those of Congress, the States, and local communities. During the debates on the Omnibus Crime Control Act last spring, the Senate took a close look at recent decisions in which the Court has clearly trespassed on the legislative powers of the States and Congress in the field of criminal law. The Senate choose not to accept provisions I had sponsored which would have exercised Congress's constitutional power to limit the Court's appellate jurisdiction and habeas corpus jurisdiction. It did adopt, by decisive votes, other provisions which I supported which symbolize Congress's opposition to the Court's assumption of legislative powers. These votes constitute clear warning that Congress will not long tolerate the creation of an oligarchy of nine men, who impose their own views of desirable legislation on the country by 5–4, or even 9–0 votes.

This effort to return the Supreme Court to an exercise of judicial power marked by self-restraint is also at the core of the present controversy regarding the nominations of Justice Fortas to be Chief Justice, and Judge Thornberry to fill the resulting vacancy. But in the course of the committee hearings and debate on these nominations, other subsidiary issues touching on the concept of separation of powers have also arisen which deserve public discussion. I would like to discuss them briefly so that the forthcoming Senate debate can be better appreciated.

The independence of the Court from Presidential control and influence, and the vitality of the Senate's responsibility to "advise and consent" are involved in this dispute. The joint decision of the Chief Justice and the President that the Chief Justice's resignation is to be effective on the confirmation of his successor by the Senate has changed subtly, but importantly, the constitutional function of the Senate. Whereas in the past, the Senate considered the qualifications of the nominee against the demands of the office—now, in practical effect, the Senate is also choosing between the incumbent and his successor. Two questions implicit in this controversy are: Which Chief Justice is to be preferred—Mr. Fortas or Mr. Warren? Is a Court with Mr. Warren and Mr. Fortas to be preferred over a Court with Mr. Fortas and Mr. Thornberry? Such questions have not been involved in Supreme Court nominations in the past, and they should not be permitted to occur in the future.

The Senate's advise and consent power is also involved in the effort to restrict the Senate to a consideration of the legal and technical abilities of the nominees—to the exclusion of their judicial and public philosophy and their conduct while in office. There is no longer any argument, I believe, that the Supreme Court in recent years has acted as a legislative body—one more powerful than the Congress itself in some respects. In hearings last June on the present activity of the Court, the Subcommittee heard the views of a dozen respected scholars of various disciplines and schools of thought. Despite their differences, there was general agreement that the Supreme Court does behave as though it is a super-legislature.

One of the most effective ways—perhaps the only effective way—that the Court can be restored to its proper function in our government is by careful selection of the men who are appointed. The Senate must fulfill its obligation of insuring that nominees to the Court meet the test of obedience to the Constitution as written. The drafters of the Constitution assumed that the Senate and President acting together would impose high standards for Supreme Court positions, and in doing so, would carefully consider the philosophy of those who were named to the Court.

Alexander Hamilton, in defending against charges that the proposed Constitution would create an all-powerful federal judiciary, and a Supreme Court whose "errors and usurpations" would "be uncontrollable and remediless," declared that, in reality, "the supposed danger of Judiciary encroachment is a phantom." This was so, he argued, because the men selected for the Court "would be chosen with a view to those qualifications which fit men for the stations of judges." In other words, they would exhibit "that inflexible and uniform adherence" to precedents and rules which is "indispensable in the courts of justice."

Thus Hamilton recognized that no matter what a man's training and background, be he the most brilliant of lawyers, he is unqualified to sit as a Supreme Court justice, much less as Chief Justice, unless he has the correct view of the Constitution and is willing to venerate the charter and submit to its authority. Whatever his own personal views of what he would like the Constitution to contain, a nominee must be willing and able to decide cases according to the Constitution as written, and not as he would have written it.

It is the Senate's responsibility to make such a judgment on each nominee, and this is more important and involves much more than accepting friendly assurances of the technical competence of a nominee. While in the past the Senate has been less than exacting in the exercise of its constitutional responsibilities, no one can say that this duty is now being shirked.

To perform properly its duty to "advise and consent," the Senate must be permitted to investigate a nominee's past actions and examine his constitutional philosophy. If a nominee has already sat on a court, consideration of his past decisions is the best way to proceed. A nominee should be willing to discuss not only general constitutional philosophy, but also should be willing to discuss how he has applied his philosophy in concrete cases. In the past, where necessary, nominees have cooperated in this endeavor. Recently, however, there has been asserted a kind of "Judicial Fifth Amendment" behind which nominees seek to shield their views from Senate scrutiny. If the Senate is to make a reasoned and intelligent decision in this most awesome duty—advise and consent to a lifetime post on the Supreme Court—a nominee should not claim the mantle of separation of powers, and refuse to be questioned about his past decisions.

But if this questionable protection is asserted, certainly it is not too much to ask that a nominee who is also a sitting Supreme Court Justice refrain from discussing his record and giving his views to the press, before public audiences, in political pamphlets, and the like. If a nominee will not talk to a Senate Committee, he should also not talk to reporters. Otherwise, we have a most peculiar result: the only ones who can't get the nominee's views firsthand are those with the constitutional responsibility to confirm him.

Yet another aspect of separation of powers has arisen in respect to the nominations. It has been admitted that Justice Fortas, while on the Court, has continued to act as a confidential advisor to the President in matters of public concern. It has been alleged that Justice Fortas has participated in decisions dealing with the riots in Detroit and in questions involving the Vietnam war. It has also been charged that the nominee has drafted various pieces of legislation, and has participated in drafting the President's State of the Union message. The Senate has learned that Mr. Fortas, this summer, received $15,000 as an honorarium for teaching a law school seminar. This compensation was in addition to his regular salary—for a whole year's work as a Supreme Court Justice—of $39,500. Justice Fortas has denied some of these charges, and downgraded the importance of others he has admitted. To some, he has declined to respond.

The post of Supreme Court Justice brings with it an obligation to refrain from such extra-judicial activities. It is not too much to ask of a nominee that he show a decent respect for the proprieties of his office by devoting full and exclusive attention to his constitutional duties. Certainly, he should avoid participation in activities and decisions, such as the Vietnamese War, which inevitably are presented or implicated in cases that come to the Supreme Court. And he should demonstrate a fidelity to the ethics and standards of judicial office—both written and unwritten—that are at the heart of this high position of public trust.

The increasing concern over questions involving separation of powers, as evidenced by major disputes over the Supreme Court and the nominations, has given the public a greater awareness of the importance of this constitutional principle. The Subcommittee on Separation of Powers has held introductory hearings already this year on the Supreme Court, and next year we hope to follow through on some of the issues raised by these nominations.

But, as most of you know, the Subcommittee is not exclusively concerned with the Supreme Court. The major undertaking by the Subcommittee this year has been in its series of hearings on the administrative agencies, and in particular the activities of the National Labor Relations Board.

The Subcommittee's hearings on the Board continued over a period of 3 months, during which we heard testimony from some three dozen witnesses of all persuasions—including representatives of labor and management, members of Congress, a judge, professors of law and labor relations, and the General Counsel and the Chairman of the National Labor Relations Board.

It has been a good many years since a committee of Congress has taken a long, hard look at the Board. One has to go back to the late 1950's and early 1960's to find the last expression of sustained congressional interest in this agency. The Subcommittee on Separation of Powers' hearings were the first in recent memory where the Board was required to explain and clarify its administration of the labor laws in a hearing designed specifically for that purpose.

If one thing is clear from these hearings, it is that Congress for too long has left this agency alone to work its will unchecked by legislative oversight. Our hearings showed a number of areas of deficient administration, of the agency's reinterpretations of the statute which have confused or obscured congressional language and congressional intent, and of forgotten or ignored legislative mandates. Statutory provisions have been given meanings by the Board which bear little if any relationship to the meaning Congress gave them in 1959, or in 1947, or in 1935.

Instead of a mandate to enforce, in a judicial framework, a detailed system of laws regulating the conduct of labor unions and management with respect to workers' rights, the hearings show that the Board feels it has been given a mandate to write and rewrite labor law to its own desires and ends.

It has ignored or dismissed clear statutory language and intent, and instead used statutory provisions as a vague guide to apply its own conceptions of what is desirable labor policy.

The result is a labor law which in some respects and under some evaluations may favor unions, or some kinds of unions, or occasionally favor management, or some kinds of management. But rarely, if ever, do the Board's interpretations favor the interests which Congress sought to favor—the American workingman. Labor law has become a set of rules over which union and management quarrel, with the latter usually at the losing end. But they quarrel over the remnants of a law originally made for the benefit of the employee, and it is the employee whose interests have suffered most at the hands of this agency.

Congress wrote some plain words in the Taft-Hartley Act. The Board should proceed on the assumption that Congress meant what it said. Congress made clear its aim to guarantee employees the right to choose freely whether or not they wanted to bargain collectively. The Board, however, appears to prefer a statute which requires unionization wherever possible.

Freedom of the ballot has been subordinated to obscure and highly technical doctrines which put a premium on backdoor solicitation, where every employee is at the mercy of direct coercion by union agents. Whenever possible, it seems, and on the flimsiest of excuses, election results are overturned so that the union can try again, or use authorization cards and completely bypass the election process mandated by Congress, which preserves free choice in the traditional American method for deciding majority sentiment.

Once selected, the union has the benefit of Board-created exceptions and interpretations of statutory language which make it nearly impossible for employees to disestablish a union. While so oversolicitous of "employee rights" during the organization process and so quick to punish any real or imagined interference by management, the Board is not nearly so protective of the employees' rights to change their minds once they have selected a union. One could not imagine the Board's permitting management to dock a man his wages for advocating a union. But despite statutory language, the Board permits union fines and other punishment when an employee decides to exercise his right not to participate in collective action, or wishes to have an election to see whether a majority still want the existing union.

These are some of the more obvious ways in which the Board has mishandled the trust Congress placed in it. The hearings divulged other serious defects in the Board's performance, as well. The Board has expanded and changed the statutory obligation to bargain in good faith, to such an extent that it recently rewrote a collective bargaining contract reached after extended negotiation by the parties. It forced the company to insert a provision which the company had successfully resisted during hard and fair bargaining between the parties—including a union strike. Clearly the union was too weak to get the dues check-off provision on its own. The Board, however, ruled that the company had improperly refused to agree to the provision; that it had refused because it sought to weaken the union. You may search in vain to find some statutory requirement that management, in bargaining, be careful to strengthen unions, or refrain from weakening them. Had it been suggested in 1947 that the Taft-Hartley Act permits the Board to rewrite bargaining contracts in this way, the idea would have been dismissed as fatuous. Had language been added to the statute granting this authority, the cries of protest from labor would have been no less than those from management. In making this ruling, the Board discarded a principle which is central to the idea of collective bargaining—the parties go to the table and bargain, but the Board stays outside the bargaining room and lets the parties write the contract. And it ignored a statutory prohibition expressed in terms as clear as is possible to use in the English language—that the duty to bargain collectively "does not compel either party to agree to a proposal or require the making of a concession".

These are just a few of the substantive areas where the testimony to the subcommittee illustrates deviations by the Board from the intent of Congress as expressed in the Taft-Hartley Act. It would take much time to discuss, even briefly, the Board's curious interpretations of "free speech"; its delays and ineffectiveness in the face of blatant statutory violations; its refusal to use the rule-making powers which Congress conferred on it; the apparent double-standard it employs when different parties seek its protection; the rapid changes in Board decisions in response to changing political circumstances; the power of the General Counsel to deny or frustrate parties' rights to their day in court; or the expanding scope being given to the areas in which management must bargain with the union before taking action.

The Subcommittee's hearings indicate that there is a continuing unfilled need for extensive congressional investigation of this agency. Because of its small staff and limited jurisdiction, the Subcommittee on Separation of Powers cannot conduct the kind of study of the NLRB which will build on the record already made. Such a study should be conducted by the regularly constituted congressional committees or by specially created oversight committees. It is long overdue. One of the objects of our hearings is to demonstrate the need for increased congressional interest in the work of this agency.

We have been successful in this respect, for Senator Morse, I am pleased to observe, announced soon after the Subcommittee's hearings that the Senate Labor and Public Welfare Committee would undertake hearings on the labor board in the first part of the 91st Congress. I am sure we shall see a growing recognition throughout Congress that it must take a much greater interest in how its laws are being administered by the NLRB and take steps to repair the damage that has been done.

This development, in turn, I am sure will result in much better administration by the Board itself. For if it knows that its decisions are subject to continuing scrutiny by the Congress—and ideally a special body should be established for continuing oversight by Congress—then it will be less inclined to be so cavalier with Congress's intent.

The NLRB, of course, is not the only agency that must demonstrate increased fidelity to congressional intent. The Subcommittee has received sufficient information about other agencies to suggest that the NLRB is not alone in applying its own views of policy in disregard of Congress. The Equal Employment Opportunity Commission, especially, has been singled out by many for ignoring the very carefully defined and extensively debated provisions of the 1964 Civil Rights Act.

The separation of powers principle also comes into play when one considers the increasing use of legislative tools by the executive department in the form of guidelines, regulations, executive orders, and executive agreements. These documents—which can only be described as legislation—come pouring out of the executive department at increasing rates. Many of them contradict existing statutory directions of Congress. Often they simply declare new rights and new laws which should be presented to Congress and made subject to the legislative wishes of the people.

Clearly, if we are to retain the governmental system established by the Constitution, there must be a reversal of this blurring of the lines of constitutional authority. The administrative agencies, the executive departments, and the Supreme Court must stop ignoring congressional will when it has been expressed, and stop by-passing it entirely by legislating on their own. And Congress, for its part, must insist that its constitutional authority be respected.

For what is at the bottom of the issues I have described to you is not some theoretical doctrine of political philosophy, but a fundamental of our constitutional system. Without faithful adherence to this principle, there is little real meaning to the elective processes of which we are so proud.

Simply stated, if the people of the nation are to have an effective voice in the running of their own affairs, then they, acting through their elective representatives in Congress, and at the State and local level, must be the ones who actually determine public policy.

FORTAS FILIBUSTER

Mr. HART. Mr. President, there have been warnings and speculation recently on the likelihood of a filibuster on the Fortas nomination. I remain at least remotely hopeful that this will not develop for a number of reasons.

One of the most compelling is the wretched precedent a filibuster victory would set for the Nation.

I have never subscribed to the belief that the filibuster is a worthy tool in a democratic government. It has always seemed to me that the very structure of this Government—even minus the filibuster—allows for adequate adjustment to the rights and equities of minority viewpoint.

But the filibuster, it seems to me, is even more lamentable in the case of a Federal appointee. There is no real need for me to dwell at length on the undesirability of precedent.

It seems obvious that any democracy would be unwise to encourage the principle of minority veto on Presidential nominations, whether to executive posts or to the judiciary.

Such a precedent, clearly, would only encourage minorities in the future to smother Presidential appointment and thus numb, if not paralyze, the functioning of Government.

Moreover, much of the logic used to support the filibuster as a legislative device simply does not hold true here.

In the case of "extended debate" on legislation, many Senators can maintain, with some reason, that they are being asked to vote cloture on an uncompleted bill—since cloture is generally voted before we begin to consider amendments.

"How can we be asked to vote cloture on a bill," they ask, "when we don't even yet know what the final version will be?"

But in the case of a nomination there can be no changes. A nominee cannot be amended. He comes to us with his qualifications and that is the end of it. We have the choice of voting him up or down.

The question is not complex and once the arguments are laid down the Senate should be allowed to resolve the question by majority vote.

Thwarting a majority vote would be, in a curious way, to give credence and support to other minority groups so obviously eager to paralyze the wills of other majorities.

It certainly strikes me as ironical that Senate conservatives who might join in a filibuster would be in a practical sense using the same political tactics as, for example, the hippies and yippies they so often criticize.

Any Fortas filibuster in the Senate would have only one purpose: to paralyze the will of the majority. And is that not precisely the purpose of far-left youth who howl down speakers and disrupt meetings?

Certainly, the political philosophies of the two might differ but their basic tactical approaches are not dissimilar.

One could say of both groups that they are convinced that their minority viewpoint must prevail at whatever cost to the principle of majority rule.

Columnist James Reston recently observed that wherever we look today willful minorities seem to be dominating public affairs and even prevailing by force over the majority.

He remembers how minority forces on the right and left managed to paralyze Germany and Italy in the thirties. Well, I do not think this country, like those, is going to fall prey to extremists.

But there is perhaps a tiny whiff of the same danger in the air—not yet poisonous or even seriously frightening, but certainly something that bears watching.

I would remind the Senate of a letter written to the chairman of the Senate Judiciary Committee by the prestigious Lawyers Committee on Supreme Court Nominations. It said:

> The threatened use of the filibuster technique to frustrate the appointive power which is vested by the Constitution in the President and the Senate would be a most unworthy assault upon our constitutional system of government. Just as the President is bound to nominate persons to fill vacancies as they occur, the Senate is bound to consider the nominations on the merits and to advise and either grant or deny its consent to the appointments.

If the Senate is not allowed to settle this issue by simple majority vote, then this body will certainly be delivering a clear message to the rest of the country: a message that minority rule—even in the U.S. Congress—is acceptable, even respectable.

And although we later make speech after speech to prove that minority rule in the Senate is not at all the same thing as minority shoutdowns at political meetings, I wonder if our case might not be somewhat less than credible.

ARMY RESERVISTS ORDERED TO VIETNAM

Mr. STENNIS. Mr. President, since Justice Douglas granted the request of Army reservists ordered to duty to stay an order assigning them to duty in Vietnam, a number of other Reserve units have filed suit to prevent their assignment to overseas duty.

This unfortunate action by a few reservists has had the effect of discrediting thousands of other reservists and National Guardsmen recently called to active duty and who are performing their mission with dedication and utmost efficiency.

One of the Reserve units called last May is from Mississippi—the 173d Petroleum Company of the Army Reserve is now serving in active duty at Fort Lee, Va.

They are assigned quarters adjacent to several units that have filed suit in an attempt to avoid service in Vietnam. This morning members of the 173d Petroleum Company from Mississippi met for the purpose of discussing the matter of the petitions. Following that meeting the members of the company issued the following statement:

> We the men of the 173rd Petroleum Company (Operating) wish to announce publicly our desire that this unit not be identified and/or associated with any other Army Reserve unit on active duty which has in whole or in part instituted court proceedings to prevent their deployment overseas or seeking release from active duty. While we have individually and collectively doubted at times the wisdom of the mobilization of this unit and while we have questioned in part the adequacy of the training it has received in preparation for its mission, we now wish to affirm our unity in our belief that we are prepared to discharge our moral obligation to our country, our State, and our families. It is our intent to serve honorably and effectively to the best of our ability in keeping with the highest traditions of our State, our Nation, and our God.

The attitude of the men of the 173d represents the attitude of the great majority of the reservists and National Guardsmen called to duty.

I am convinced after looking into the callup of Reserves and the training that was given them that the Army is not completely without fault in the manner in which the matter was handled. I am particularly familiar with the facts concerning the 173d from Mississippi. I have been in close communication with many of the members of that unit, their parents, and I have conferred with officials of the Department of Defense and with the Army. Although the training was not what it could have been and what it should have been, the men of that unit made the best of what was available, and because of their unusual ability and determination, they have prepared themselves to fulfill their mission in Vietnam where they will be going soon.

Despite the fact their time for training was shortened because the Army said they needed them in Vietnam immediately, the members of the 173d made an excellent record in marksmanship and in other phases of their training. They are a credit to our military forces and I am confident they will perform their mission in a superb manner. I am proud of them and of their stand today.

While the dissenters and objectors and those who have filed suit obtain headlines, there are many dedicated men who are performing a patriotic duty and they deserve the praise and gratitude of all the Nation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The BILL CLERK. A bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG of Louisiana. Mr. President, do I understand we have a unanimous-consent agreement to vote at 10:15 a.m. on the Long amendment as modified by the Miller amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. LONG of Louisiana. Mr. President, I want to briefly state what the amendment would do so that we can understand it.

As I understand the amendment, as modified, it would exempt the Social Security Administration from being required to fill only three of four vacancies. They can fill all vacancies as they occur, but on the condition that the overall limitation on Government personnel will still apply.

Furthermore, if this agency needs additional employees, they can be employed provided that employment in some other agency is reduced by one for every person employed.

In other words, to the extent additional employees are needed above the number now on hand, these positions must be filled within the overall limitation in effect.

Mr. President, to summarize the need for the amendment, I would point out that, first, employment in the Social Security Administration between June 30, 1966—the day before medicare became effective—and June 30, 1968, has increased by over 9,000. It takes more than 8,000 employees to administer the medicare program; second, even though the productivity in the agency rose 19 percent between fiscal year 1966 and the current fiscal year, the overall workload has risen 36 percent. This is mainly due to the medicare program, but also due to other improvements in the social security program voted by the Congress; third, if the Social Security Administration is not exempted, they will not be able to achieve their plan of reducing use of overtime from 4,395 man-years in 1968 to 1,884 man-years in 1969. This is a sought after reduction of 57 percent in overtime pay and, to the extent that it can be achieved, it would amount to a major savings by employing people to work during regular time, as a substitute for people working overtime.

Mr. WILLIAMS of Delaware. Mr. President, this amendment is not necessary. It merely restates the existing law with the one exception that it confers the authority of making these decisions from the Budget Director to the Administrator of Social Security, Mr. Ball.

Simply stated this is merely a vote of no confidence in the Budget Director.

In order to save time I ask unanimous consent to have printed in the Record at this point a memorandum prepared by the staff outlining the understanding of the amendment.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Explanation of Miller Modification to Long Amendment

The Long amendment as modified by the junior Senator from Iowa [Mr. Miller] reads as follows: "The limitations in section 201 of the Revenue and Expenditure Control Act of 1968 on the number of civilian employees in the executive branch shall not apply to the Social Security Administration: *Provided,* That any employee needed in addition to the number that would have been available to the Social Security Administration under said limitations shall be provided from within the limitations on the number of civilian employees in the executive branch under said section 201."

The first part of this amendment appears to provide that vacancies can be filled in the Social Security Administration without any of the limitations provided by section 201 of the Revenue and Expenditure Control Act of 1968. This would seem to imply that either the Secretary of HEW or the Commissioner of the Social Security Administration could fill vacancies in the same manner as before the enactment of the Act referred to. The proviso which follows says that to the extent any vacancies in the Social Security Administration are filled or new jobs filled above those which would apply had the limitations of section 201 of the Act referred to applied are to be made up by decreases in vacancies which can be filled in other civilian employment of the government. The direction would appear to be on the Director of the Bureau of the Budget to determine the other vacancies which cannot be filled.

It is understood that the Senator from Iowa, however, did not intend his amendment to remove all controls of the Director of the Budget over employment in the Social Security Administration. Presumably, he intends only "needed employees" to be added to the Administration and, presumably, if there is a difference of view between those in the Social Security Administration or Department of HEW and the Director of the Budget as to what constitutes "needed" employees in the Administration this difference will be resolved by the President.

While it is not evident that this latter interpretation arises from the literal language of the amendment the congressional debate also suggests that it was intended only to express a congressional priority in the filling of vacancies with respect to the Social Security Administration.

Mr. WILLIAMS of Delaware. Mr. President, I think the chairman of the committee has pretty well outlined the proposal. I repeat it would not change the existing law, the so-called Williams-Smathers bill, that was passed earlier by the Senate. It would merely confer on Mr. Ball the authority to make the decision as to whether he needs these employees, and it expresses the intent of the Senate that if he needs them, this is one area where the Government should not make the cuts. But the basic provision of existing law will continue to apply without change, for to the extent that the Government may add additional employees in this agency, it must absorb these employees by offsetting reductions in personnel in another department or agency.

The proposal more or less takes from the Director of the Budget the authority to make the decision. As one who was critical of the way in which the Director of the Budget operated, I go along with this proposal. I interpret this amendment not as a change in the original Williams-Smathers bill but more as an expression of no confidence in the Budget Director, Mr. Zwick.

Mr. LONG of Louisiana. Mr. President, I wish to thank the distinguished Senator from Iowa [Mr. Miller] for the way he has helped us to resolve what appeared to be irreconcilable differences on this problem. Thanks to his amendment, we will be able to see to it that social security and medicare checks are received on time.

Mr. MILLER. I thank the Senator from Louisiana for his statement.

The PRESIDING OFFICER. Under the unanimous-consent agreement previously entered into, the Senate will now vote on the pending amendment.

The question is on agreeing to the amendment, as modified, of the Senator from Louisiana [Mr. Long].

The modified amendment reads as follows:

At the end of the bill, add the following new section:

"Sec. . The limitations in section 201 of the Revenue and Expenditure Control Act of 1968 on the number of civilian employees in the executive branch shall not apply to the Social Security Administration: *Provided*, That any employees needed in addition to the number that would have been available to the Social Security Administration, under said limitations, shall be provided from within the limitations on the number of civilian employees in the executive branch under said section 201."

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Gruening] and the Senator from Georgia [Mr. Talmadge] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Maryland [Mr. Brewster], the Senator from Idaho [Mr. Church], the Senator from Arkansas [Mr. Fulbright], the Senator from Oklahoma [Mr. Harris], the Senator from Arizona [Mr. Hayden], the Senator from South Carolina [Mr. Hollings], the Senator from Missouri [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Montana [Mr. Metcalf], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], the Senator from Florida [Mr. Smathers] and the Senator from Maryland [Mr. Tydings] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Maryland [Mr. Brewster], the Senator from Arkansas [Mr. Fulbright], the Senator from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], the Senator from Florida [Mr. Smathers], and the Senator from Maryland [Mr. Tydings] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Utah [Mr. Bennett], the Senator from New Hampshire [Mr. Cotton], the Senators from New York [Mr. Javits and Mr. Goodell], the Senator from California [Mr. Kuchel], the Senator from South Dakota [Mr. Mundt], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Arizona [Mr. Fannin] is absent because of illness in his family.

The Senator from Iowa [Mr. Hickenlooper] is absent on official business.

The Senator from Kansas [Mr. Carlson] is detained on official business.

If present and voting, the Senator from Utah [Mr. Bennett], the Senator from Arizona [Mr. Fannin], the Senator from New York [Mr. Javits], the Senator from California [Mr. Kuchel], the Senator from South Dakota [Mr. Mundt], the Senator from Maine [Mrs. Smith], and the Senator from Texas [Mr. Tower] would each vote "yea."

The result was announced—yeas 65, nays 3, as follows:

[No. 293 Leg.]

YEAS—65

Aiken
Allott
Anderson
Baker
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Clark
Cooper
Curtis
Dirksen
Dodd
Dominick
Ellender
Fong
Gore
Griffin
Hansen
Hart
Hartke
Hatfield
Hill
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Lausche
Long, La.
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Murphy
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Russell
Scott
Sparkman
Spong
Symington
Thurmond
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—3

Eastland
Ervin
Stennis

NOT VOTING—32

Bartlett
Bayh
Bennett
Bible
Brewster
Carlson
Church
Cotton
Fannin
Fulbright
Goodell
Gruening
Harris
Hayden
Hickenlooper
Hollings
Javits
Kuchel
Long, Mo.
McCarthy
McGovern
Metcalf
Mundt
Muskie
Nelson
Randolph
Ribicoff
Smathers
Smith
Talmadge
Tower
Tydings

So the amendment, as modified, of Mr. Long of Louisiana, was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Louisiana [Mr. Ellender].

Mr. MONDALE. Mr. President——

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Louisiana [Mr. ELLENDER].

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. ELLENDER. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. I had an amendment to offer.

The PRESIDING OFFICER. An amendment is pending.

Mr. ELLENDER. Mr. President, yesterday I sent an amendment to the desk. The printed amendment at the desk is not printed as I had introduced it.

The PRESIDING OFFICER. The Chair is informed that the amendment was incorrectly printed.

Mr. ELLENDER. It is correctly printed at page 27881 in the RECORD.

The PRESIDING OFFICER. Yes. The amendment will be read.

The bill clerk read the amendment offered by Mr. ELLENDER for himself, Mr. HARRIS, Mr. HOLLAND, and Mr. SPARKMAN, as follows:

> At the end of the bill add the following new section:
>
> "SEC. —. (a) Sections 202(a) and 203(a) of the Revenue and Expenditure Control Act of 1968 are amended—
>
> "(1) by striking the word 'and' at the end of paragraph (3) and
>
> "(2) striking the period at the end of paragraph (4) and inserting in lieu thereof a comma and the following:
>
> " '(5) by Commodity Credit Corporations in excess of the amounts estimated therefor in the budget, other than amounts estimated for "special activities" ' ".

Mr. ELLENDER. Mr. President, yesterday I discussed the purpose of the amendment. It is simply to exempt Commodity Credit Corporation price support expenditure in excess of budget estimates from the Revenue and Expenditure Control Act of 1968. Under the law, the Secretary of Agriculture could not pay over and above what the budget estimate was, unless other programs can be cut much more than was intended when the 1968 act was passed. The estimate of CCC expenditure was made last December, when crops were planted. Later, more information was obtained.

As I pointed out yesterday, the estimates sent to Congress in January were under those that later developed. In wheat, for instance, the budget amount was $42 million, but $320 million are now required. The estimate for feed grains was that the Corporation would have met receipts of $62 million. Now it is believed that instead of net receipts, the Corporation will have net expenditures of $351 million for feed grains, a change of $413 million.

As to the other crops, if all were added together, the budget estimate of net expenditures was $164 million, whereas it is now estimated that a net of $1,148 million will be expended. The difference between the estimate made in January and that recently made is $984 million.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. The Senator's amendment, with which I am in full agreement, does nothing whatsoever which would affect the personnel limitation applicable to CCC under the Williams-Smathers bill; does it?

Mr. ELLENDER. The Senator is correct. It simply deals with sections 202 and 203, which deal with limitations on expenditures and obligational authority.

Mr. HOLLAND. In other words, the Senator is trying to meet the situation presented by the fact that the weather has been good, the crops are very large, much larger than average and much larger than anticipated, and in order to do the job for which CCC is responsible under the basic CCC legislation, all of the above circumstances require CCC to advance more money than it would be permitted to advance under the terms of the Williams-Smathers bill. Is that correct?

Mr. ELLENDER. The Senator is correct.

Mr. HOLLAND. If the Senator will yield once more, may I bring out this fact? Under the basic authorizing legislation, the Commodity Credit Corporation is required to meet this obligation; is it not?

Mr. ELLENDER. That is right.

Mr. HOLLAND. But under the Williams-Smathers amendment, the CCC would be prevented from meeting this obligation required by existing law.

Mr. ELLENDER. The Senator is correct.

Mr. HOLLAND. Therefore, there exists a very definite conflict of laws here, which this amendment would correct?

Mr. ELLENDER. The Senator is correct.

Mr. HOLLAND. I thank the Senator.

Mr. ELLENDER. Mr. President, I wish to say these are loans made by the Government on wheat, corn, and other feed grains that were produced during this year. The amount that the Commodity Credit Corporation will need far exceeds what the budget estimate was. Unless the exemption is made as provided in this amendment, the CCC will be unable to carry out its obligations or contracts with the farmers.

As Senators know, we have price supports and land diversion. I want to make it plain that this proposal applies only to the Commodity Credit Corporation's program of price supports. It does not apply to anything else. It does not apply to the food stamp program or any other program that is handled by the Department of Agriculture. It solely exempts the Commodity Credit Corporation from sections 202 and 203, and has nothing to do with personnel.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. AIKEN. I think the Senator from Louisiana, Chairman of the Committee on Agriculture and Forestry, has very ably explained the situation and why his amendment should be approved. I simply want to add my support to what he has already said.

Mr. ELLENDER. I thank the Senator.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. I wish to add my support to the amendment. In the case of wheat certificate payments, about half of this money is paid into the Treasury by the processors. These payments represent a part of the price farmers are supposed to get for their wheat under the new program, so this is not a loss to the Treasury. The CCC loans a farmer makes on his crop do not represent a grant or a subsidy.

Mr. ELLENDER. No. It is simply a loan that is made. If the farmer takes back his wheat, he repays the Government. If he does not repay, the wheat becomes the property of the Government.

Mr. YOUNG of North Dakota. And because of the record crop of wheat, the cash price has dropped to a little more than a dollar a bushel. So almost every wheat farmer has to get a loan to finance his operations and hold his wheat until hopefully he can get a better price.

Mr. ELLENDER. That is correct. The purpose of the program was to enable the farmer to borrow money on his crop and not be obliged to sell it when there was a great amount of crop on the market and when prices might be very low. By having the Commodity Credit Corporation lend the farmer money on his crop, it has the effect of stabilizing prices.

Mr. YOUNG of North Dakota. If it were not for these loans, we would have a real catastrophe in the farming areas of the United States. Not only would farmers be involved, but so would businessmen and manufacturers.

Mr. ELLENDER. There is no question about it.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HANSEN. Do I understand the Senator to say that this amendment would exempt only the Commodity Credit Corporation from the limitations of the Williams-Smathers bill?

Mr. ELLENDER. From two sections, 202 and 203 only.

Mr. HANSEN. Sections 202 and 203?

Mr. ELLENDER. That is right. It has no effect at all on section 201, which deals with employees.

Mr. HANSEN. Does the amendment also cover payments made to wool growers?

Mr. ELLENDER. Yes.

Mr. HANSEN. Does the Senator have an estimate of the amount of funds which will be required to carry out the program that is contemplated?

Mr. ELLENDER. The estimate, as of now——

Mr. HANSEN. The Senator is reading from what?

Mr. ELLENDER. The estimated amount, as I pointed out a while ago, as estimated by the Department in January of this year, was $164 million, and the last estimate was $1,148 million, making a difference of $984 million which would be needed in order to make advances to the farmers by way of loans.

I wish to say, Mr. President, that as I pointed out yesterday, the money is at hand. The Commodity Credit Corporation, as of last June, at the end of the fiscal year, had more than $1.3 billion available to meet these requirements. The passage of this amendment, as I have stated, but I wish to make it plain, covers nothing but price support programs. No other programs under the Commodity Credit Corporation are covered by the amendment.

Mr. HANSEN. I note, on page 27857 of yesterday's Record, that the September estimate shows that there will be needed for the purchase of wheat, or the wheat price support program, $320 million, for feed grains, $351 million, for upland cotton—is that $147 million, or just $47 million?

Mr. ELLENDER. It is $47 million. That is a negative item representing an increase in receipts rather than an increase in expenditures.

Mr. HANSEN. For soybeans, $434 million, and for rice, $90 million.

Mr. ELLENDER. That is right.

Mr. HANSEN. I think the distinguished Senator said only moments ago that this amendment would also include payments to wool growers.

Mr. ELLENDER. By way of price supports.

Mr. HANSEN. Has the Senator an estimate on that amount?

Mr. ELLENDER. No; I do not.

Mr. HANSEN. But without that figure, the revised estimates for the month of September would indicate that there will be additional funds needed for Commodity Credit in the amount of $1,148,000,000, exclusive of wool?

Mr. ELLENDER. That is the estimate. $1,148 million in net expenditures, an increase of $984 million. But, as I have said, there is on hand $1,300,000,000 altogether.

As I have pointed out, I placed in the Record yesterday an estimate, which appears on page 27857, which shows that as of June 30, there was available $1,300,000,000 for the price support programs.

Mr. HANSEN. Does the Senator intend to imply that one of the reasons that he hopes his amendment might receive favorable consideration is that there are already funds available to meet this anticipated increased expenditure?

Mr. ELLENDER. That is right. But we cannot use them because of the Smathers-Williams act.

If the Senator will turn to page 27857 of the Record of yesterday, he will find a statement which I have heretofore placed in the Record, from the Department of Agriculture, setting out the necessity for this request. It is all due to the fact that the crops are far better than we anticipated, and the sales have been less than the goals we had; therefore, the need for the disbursement for additional funds.

Mr. HANSEN. I ask the Senator from Louisiana if he would speculate upon this question: Let us assume that we had only the normal production, as anticipated by the Department of Agriculture.

Mr. ELLENDER. And normal sales?

Mr. HANSEN. And normal sales. If we were to compare that situation with the situation that confronts us today, would the farmer be better or worse off?

Mr. ELLENDER. He would be better off, because the prices would have been better. In other words, we did not anticipate such a large crop as we now have, and we did not anticipate that sales abroad would be so low. As was pointed out by the Senator from Florida [Mr. Holland], crops abroad have also been larger than anticipated, and of course that means less sales by us by way of exports. That, added to the fact that the domestic crop is much larger than anticipated, gives rise to the situation that now exists, that the estimates made last January were far short of what was needed.

Mr. HANSEN. If the Commodity Credit Corporation is given the authority that would be granted under the Senator's amendment——

Mr. ELLENDER. Just exempted, is all. To exempt it from the provisions of the act.

Mr. HANSEN. What would be the situation with regard to the amount of wheat, feed grains, cotton, soybeans, and rice in Government storage? Does the Senator anticipate that it would be sold out shortly?

Mr. ELLENDER. Some of it is being sold now, in small quantities.

Mr. HANSEN. Where is the principal market?

Mr. ELLENDER. And the farmers are selling some. However, if too much wheat is put on the market, or too much corn is put on the market, it will further depress the price. So if the farmer has a place where he can go and obtain a loan on the corn he has or the wheat he has, it will have a tendency to stabilize prices. If he is forced to sell, the price per bushel may go down 75 cents, or 90 cents.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. Farmers pay the storage cost for the first year.

Mr. ELLENDER. For the first year.

Mr. YOUNG of North Dakota. And the farmer repays most of these loans in full, with interest?

Mr. ELLENDER. I cannot state the exact figures now, but the record shows that farmers do borrow from the CCC on their crops—that is, their finished products—but I would say that normally 50 to 60 percent of those crops are taken back by the farmers and sold on the market at a greater price than the amount of the loan. So the takeover by the CCC has been very small, in the last 2 or 3 years. The only reason why it was large as to wheat, let us say, last year, and the year before, was because of the fact that the Secretary of Agriculture was misinformed. I do not know what kind of information he got, but it was wrong. He expected much less wheat to be produced in Russia and other countries, but there was a large error made, and what happened was that he, in order to be certain that we would have all the wheat needed, raised the acreage by 17 percent, as I remember, and of course that meant that the wheat produced on the additional acreage is now on hand, or a good deal of it. And that is what has given us some of this trouble.

Mr. HANSEN. Mr. President, I wish the Senator would help me on one matter. I thought there were two increases.

Mr. YOUNG of North Dakota. There were two 15-percent increases. The farmers did not plant all that amount, however.

Mr. HANSEN. Would the second amount have applied on top of the other? Would not the two 15-percent increases have resulted in an increase of more than 30 percent over the original amount?

Mr. YOUNG of North Dakota. Thirty-two percent. However, the farmers did not plant that much.

Mr. ELLENDER. I understand that 21 to 22 percent was planted.

Mr. YOUNG of North Dakota. Just about.

Mr. HANSEN. Mr. President, would the Senator be able to indicate in his judgment how much additional wheat would be placed in storage, with the exemption in effect, over what we now have?

Mr. ELLENDER. It depends, of course, on the actual production. And it could be as high as $320 million worth in addition to the $42 million worth that was estimated last January.

That is the estimate. It is a mere estimate. However, I find that the department estimates pretty well on the crops grown, particularly wheat and feed grains, and even cotton. The difference in what they estimate and the actual production is around 2 to 5 percent.

Mr. HANSEN. The $42 million estimate made in January was the Budget Bureau's estimate of what would be required for this year.

Mr. ELLENDER. The Senator is correct. In making that estimate, they took into consideration not only the crops, but also the fact that they felt that much more wheat would be sold than was actually sold. And those two factors—the larger crop and smaller sales abroad—are what is giving us the trouble.

Mr. HANSEN. The next thing I would like to have some clarification on is how much wheat is now in storage in terms of dollar evaluation or bushels or however the Senator wants to explain it under the authority granted by the Commodity Credit Corporation, and how much would go in the full amount of $320 million according to the estimate?

Mr. ELLENDER. As I recall it, the carryover in wheat this year was about 600 million bushels.

Mr. YOUNG of North Dakota. It was a little over 500 million bushels. However, only a small part of that was in Government hands. With respect to the loans being made now at a national average rate of $1.25 a bushel, I think most of that wheat would be redeemed by the farmers and sold on the cash market. I do not think that the market is going to stay at $1.25 a bushel for the next year or two.

The farmers will repay these loans and sell the wheat on the market if the cash price goes up.

Mr. MILLER. Mr. President, I understand that one of the very great, pressing needs now is additional storage. I refer not only to farm storage, but also to storage for farmers to deliver crops on which they are seeking to obtain a loan rather than hold it for a better price on the market.

It would seem that we may have a serious problem of storage.

Mr. ELLENDER. I did not hear a complaint about that. I have always felt that they had sufficient storage.

At one time, as the Senator knows, we had more than 1 billion bushels that we were carrying over.

Mr. MILLER. That is true nationally, but there are localities where we have serious problems.

Mr. ELLENDER. I agree with that. However, generally speaking there are enough storage warehouses to store all of it.

Mr. YOUNG of North Dakota. I know of no place in the wheat-producing area where there is a shortage of storage.

Mr. HANSEN. It is estimated that the price and the amount of money that would be available under the Commodity Credit Corporation program to wheatgrowers would be $1.25 a bushel.

Mr. YOUNG of North Dakota. That is the amount of the loan.

Mr. HANSEN. And it was the belief of the distinguished Senator from North Dakota that very probably much of this wheat would be reclaimed by the grower and that he would not choose to accept—as I understand he can under the program—the amount of the loan.

Mr. YOUNG of North Dakota. The Senator is correct. These are nonrecourse loans. The farmers could elect to let the Government take the wheat over. And the Government would have to pay storage. However, as is generally the case when the cash market goes up, the farmer redeems the wheat, pays the loan, and sells the wheat on the market for a profit.

Mr. HANSEN. Mr. President, I wonder if any Senator could supply me with answers to some additional questions. How much wheat, feed grains, cotton, soybeans, and rice are presently in Government storage and might be construed to be CCC stocks, and what would be the proportionate amount of those stocks presently in storage if these budget estimates were all the result of these other crops going into storage, according to those dollar estimates?

Mr. ELLENDER. Mr. President, I have some information handed me by one of the staff members. This information shows that on corn, the 1968 inventory was 136 million bushels, in round figures.

Mr. YOUNG of North Dakota. That is the amount that the Government owns.

Mr. ELLENDER. The Senator is correct.

Mr. HANSEN. That would be feed grains.

Mr. ELLENDER. Yes. On June 30, 1968, the corporation owned 136,393,000 bushels of corn, 191,542,000 bushels of grain sorghum, 5,899,000 bushels of barley, 45,238,000 bushels of oats, and 7,957,000 bushels of rye. There is a total number of bushels, of the crops I have just mentioned, of 387,029,000.

Mr. HANSEN. Is that all under feed grains?

Mr. ELLENDER. The Senator is correct. That is corn, barley, sorghum, oats, and rye.

Mr. HANSEN. I would like an estimate of what the $351 million would convert to in bushels. I realize that it will have to be a guess. I am trying to get some idea of how much we have in storage now and how much more might go into storage.

Mr. ELLENDER. What I have given the Senator is bushels in inventory June 30, 1968. Dollarwise, it would be $406,533,000.

Mr. HANSEN. The amendment of the Senator from Louisiana would permit a $351 million increase over what was estimated.

Mr. ELLENDER. There is a tabulation I put in the RECORD yesterday showing a current estimate of $351 million for net expenditures for feed grains. That is an increase of $413 million over the January estimate of a negative figure of $62 million, representing estimated net receipts. However, I want the Senator to bear in mind that what we are doing now is providing the CCC with authority to perform its contract with the farmer. That is what it amounts to.

In other words, when the farmers agreed to curtail their crops and to plant so much, in the agreement is an obligation on the part of the Commodity Credit Corporation to make loans on the crops produced; and unless this amendment is adopted, the Federal Government will be unable to carry out its agreement with the farmers. It is that simple.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. HANSEN. May I propose one more question?

If $406,533,000 is presently invested in CCC stocks, in feed grains, and it is contemplated that $351 million more is needed for the same program, would it be fair to say that this conceivably could increase the feed grain stocks in the hands of the CCC by approximately one-third?

Mr. ELLENDER. It could. However, as I have said, it all depends on what the exports will be. There may be a shortage abroad in some area of the world where some of these commodities are needed. Since the 1965 act was placed on the statute books, the CCC has been able to dispose of most of its commodities.

Consider the situation with respect to cotton. Two years ago there was a carryover of 16.6 million bales of cotton. This year the carryover was 6.3 million bales. The reason: The surplus was sold. Of course, they curtailed the production in order not to aggravate the condition that existed 3 years ago.

Incidentally, that was one of the purposes of the act of 1965. The philosophy behind the act was that the Department of Agriculture would try to keep the production of all these commodities in line with domestic and export needs, and we were well on the way 2 years ago when more wheat was grown. That is really what put us in trouble.

In the case of corn, the production has been unprecedented. I am certain that the Senator from Iowa [Mr. MILLER] will attest to that. My understanding is that this year the average production in the State of Illinois is 103 bushels—something never heard of before. The same is true in other States—perhaps not quite as large as that.

In the case of wheat, production has increased considerably.

All that, of course, cannot be anticipated. If the Secretary of Agriculture could know when it was going to rain and what would happen in the future, he could estimate fairly well. In view of the uncertainties that exist, he does the best he can. However, this year he has missed it considerably.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MILLER. The Senator from Louisiana made this point just a few moments ago: that the farmers are under contract with the Government and they may elect to take the loans, and this is the reason for the need for an extra $300 million to cover loans. But I must say that I am not clear as to why this particular amendment is absolutely necessary for this purpose.

Suppose this amendment is rejected and nothing further is done. Does the Senator from Louisiana say that the contracts are abrogated, that the Federal Government still will not make good on that loan? I find that very difficult to understand.

Mr. ELLENDER. They are prohibited, under the act of 1968, from spending more than the estimate.

Mr. MILLER. Where are they prohibited from doing that?

Mr. ELLENDER. There is a limitation, as I understand it.

Mr. MILLER. I do not understand it that way. I understand that there was an overall $6 billion reduction in spending that Congress legislated. Let me ask this question——

Mr. ELLENDER. If the Senator will read the act, he will find it. I had a copy of it on my desk yesterday. Four items were excepted, and we were adding a fifth item.

Mr. MILLER. Four items were exempted so far as the $6 billion reduction in spending was concerned. What we said, for example, was that the President is going to cut $6 billion out of the $8 billion increased spending for fiscal 1969, but if the cost of the Vietnam war goes up $20 billion, that still will be permissible so far as Congress is concerned.

Mr. ELLENDER. The Senator is correct.

Mr. MILLER. Nevertheless, with respect to the nonexcepted areas there is going to be a $6 billion reduction. But I do not see anything in there that says merely because there may be another $300 million of unanticipated costs by Commodity Credit Corporation, the Government is not going to pay them. As I interpret it, what would happen would be that the $6 billion reduction in spending for the other agencies might have to be a little more than that, to pick up the slack as a result of this Commodity Credit Corporation situation. But I do not believe anything in the bill we passed last year—and I might say I was one who was quite active in it—says that simply because the amendment of the Senator from Louisiana is rejected, the Commodity Credit Corporation is going to renege on the payments. I can see that it will make those payments, and then the $300 or $400 million to make those payments is going to come out of the hide of some other Federal Government activity. I can see that.

If that is what it is, then I believe the Senate should be apprised of exactly what we are up to here. The question before the Senate is not that we are going to deny payments to farmers, because they will be paid. The question is whether or not the money to do that will come out of some other agency's hide, in addition to the $6 billion that we had originally anticipated.

Mr. ELLENDER. It could, of course; but the money is available to the Commodity Credit Corporation, to the tune of $1,300 million.

Mr. MILLER. So no further appropriation is needed.

Mr. ELLENDER. No. The money is on hand.

Another fact to keep in mind is that it is money that the Government is investing in the grain owned by the farmer.

Mr. MILLER. I understand.

Mr. ELLENDER. And the farmer can redeem it. Only if he does not redeem it will the commodity become the property of the Government.

Mr. MILLER. So what the Senator is really saying is that this $351 million—I am talking about feed grains—is an unanticipated outgo from Commodity Credit Corporation.

Mr. ELLENDER. The Senator is correct.

Mr. MILLER. If things turn out the way we hope they do not, the Government will be buying this grain and will be selling it for a lower price, and let us say they will lose $51 million of the $351 million. It will be a net loss of approximately $51 million.

Mr. ELLENDER. It may be, and it may not be, because we may have a short crop next year. I do not know what will happen.

Mr. MILLER. I am just taking an unfavorable view of it. The fact is that the net result would be, in the example I gave, a $51 million loss, not a $351 million loss. I believe it is important to bring that out.

If that is so, may I say to the Senator from Louisiana that we are not talking about taking $351 million out of the hide of some other agency. We are talking about taking $51 million out of the hide of some other agency.

Mr. ELLENDER. If we do not recover.

Mr. MILLER. The Senator is correct. So I do not think things are quite as bad as we originally thought they were because we are faced with this proposition: One, whether the Senator's amendment is agreed to or not the farmers are going to be paid; and two, if the Senator's amendment is not agreed to and the farmers are paid, the extra loss that might occur of $51 million will have to come out of the expenditures of some other agency.

Am I correct in that evaluation?

Mr. ELLENDER. That is my understanding.

Mr. MILLER. I thank the Senator.

Mr. ELLENDER. Out of agriculture.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ELLENDER. I yield.

COMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service be authorized to meet during the session of the Senate today.

Mr. HANSEN. Mr. President, I must object by request.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

The Senate resumed the consideration of the bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

Mr. ELLENDER. Mr. President, I wish to point out the following information in answer to the question propounded by the Senator from Iowa. The Secretary of Agriculture stated as follows in a letter I have already placed in the RECORD.

> Obviously this places the Department of Agriculture in a tremendously difficult position. I hesitate to burden you with it at this time prior to your return to Congress, but somehow or other we must get some relief. Otherwise we will have no alternative but to (1) discontinue making price support loans (even though they are mandatory under other law) and/or (2) cut very sharply or eliminate parts of other ongoing programs which are essential to the economic wellbeing of the Nation. These include such items as protection and management of our National forests, research, watershed and flood prevention improvements, soil conservation, commodity inspection and other marketing services, extension, market development abroad, plant and animal disease and pest control, electric and telephone loans, water and sewer loans and farm operating loans.

Mr. MILLER. I appreciate very much that the Senator is bringing this material to our attention. My response is that the Secretary of Agriculture is really saying the Commodity Credit Corporation loan payments are going to be made but if we do not have an exemption to take care of the increased amount of the loan payments that are going to be made it is liable to come out of the hide of the Department of Agriculture, and, therefore, "Please give us an exemption for the Department of Agriculture, not just the Commodity Credit Corporation. Give the Department of Agriculture a $1 billion or $750 million exemption from this $6 billion reduction in spending." That is really what he is saying.

Mr. ELLENDER. As the Senator said a while ago, it is a loan and it is not money that is expended and not recoverable by the Department.

Mr. MILLER. So, taking even a dim view and suggesting that on feed grains the Government might lose $51 million of the $351 million, that means Mr. Freeman would have to get along with $300 million in overall operations, and that presupposes that the Director of the Budget is going to tell him he will have to absorb it.

Mr. ELLENDER. Suppose the loan is recovered. It may be $350 million he will have to get out of these other departments which have been cut drastically.

I am sure my friend from Florida can testify that we have an austere budget in the Department of Agriculture.

Mr. MILLER. It should be brought out how this made an impact on the fiscal 1969 expenditures.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. Mr. President, we do, indeed, have an austere budget in the Department of Agriculture. We reduced the budget for the Department $1.4 billion below the fiscal year 1969 estimate.

I want to make clear, however, that the information before us is not a complete reflection of the kind of agricultural bill we favor. Senators know perfectly well the Senator from Louisiana and I are not in complete agreement as to what type agricultural legislation is best.

What we are talking about now is whether the legislation which is on the books, which the Secretary is mandated to carry out under the law, and under which growers planted their crops with the understanding they could rely thereupon, will be allowed to function as we passed it. We are deciding whether the Secretary of Agriculture, who is our agent in administering these laws will be allowed to administer them in conformity with existing law.

The real problem is that we have conflicting laws. We have legislation which requires that the Commodity Credit Corporation out of the capital available—and there is ample available; about $1.3 billion plus—must give certain price supports to growers of certain commodities. The CCC announced this price support policy last fall and in the spring and the Corporation is now obligated to carry it out.

Then, in the best of faith, and relying on the best estimates available as to the needs this year of the CCC, we included the CCC under the expenditure limitation section of the Williams-Smathers bill.

However, the fact is that two things have completely negated and changed the estimate made back at the first of the year. One of them is the failure to move anything like enough staple crops, particularly wheat, into the overseas market; and the other is the fine growing season we have had under which the production per acre is going to be vastly increased over the production per acre last year or any years in the immediate past.

The basic question here is: Are we going to allow the Secretary of Agriculture to carry out the program which we passed? I do not mean every one of us supported it, but it is the law—and are we going to permit him to use money we placed in his hands to carry on that program; or are we instead going to require him to live under an estimate which has proven to be completely inadequate, even though it was made in the best of faith.

It is completely incumbent upon us to allow him to carry out the program we mandated him to carry out and which he held himself as ready to carry out to hundreds of thousands of farmers who produce these staple commodities, and who looked to his announcements of last fall and early spring as to what he would do.

If we do not allow him to do that he is in this completely unpleasant situation of either obeying the basic law and violating our later law in passage of the Williams-Smathers bill, which the Senator from Florida ardently supported; or whether he has to admit that the estimates of early winter, last January, whenever they were made, were just completely inadequate. The Secretary is going to be put in the position, if those estimates are faulty now, of having to welsh both on the basic law and his proposals and promises made to hundreds of thousands of farmers throughout the country.

So far as the Senator from Florida is concerned he thinks a good deal more than that is involved.

If the Secretary is not able to carry out those programs as mandated to him and as he thought he could do under that estimate, the price of various commodities, which are going to be produced in much greater quantities this year than seemed to be the case almost a year ago, will fall, and hundreds of thousands of people will be terribly hurt. So far as I am concerned, I do not think we should even consider doing that kind of thing; and so, in spite of the fact that the general philosophy of the Senator from Louisiana and the Senator from Florida is not identical at all, the Senator from Florida eagerly joined the Senator from Louisiana in offering this amendment because he thinks the good faith of the Government and the good faith of the Department of Agriculture and the prosperity of hundreds of thousands of farmers, and the whole situation in the agricultural economy, or much of it, is at stake in the decision on this question.

I want the Record to show that this amendment is one offered by the Senator from Louisiana as chairman of the Legislative Committee on Agriculture and Forestry, joined by the Senator from Florida, joined by the Senator from Alabama [Mr. Sparkman], and joined by the Senator from Oklahoma [Mr. Harris]. We all, having looked at the question carefully, felt that the good faith of the Nation was involved, and the prosperity of many thousands of farmers as well. We felt that we were going to make a misfortune out of something that should be a windfall to the Nation and to the world in this large production of food at this time. So far as the Senator from Florida is concerned, he is strongly supporting this amendment and he feels that it is honest and decent, and should be adopted.

Now I am happy to yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, the important point being missed during debate is that these are not grants such as for recreation programs, urban renewal, and many other Government programs.

This is made up almost entirely of loans to farmers, loans which are expected to be repaid. In the case of wheat, it will be at $1.25 a bushel. If the wheat price does not go above $1.25 a bushel, this whole Nation will be in trouble. Most, if not all of the loans will be repaid.

Mr. HOLLAND. The Senator is exactly right, unless, of course, we fail to pass this legislation, in which case the market may easily collapse; and under that situation the farmers would not reclaim their loans. It seems to me that there is only one real solution to the problem, and that is to admit that we cannot expect the Secretary of Agriculture, doing the best he can, to carry out the work which we have mandated to him to carry out to always be 100 percent accurate in his estimates. He has to look at the production of this Nation almost a year ahead, and estimate there will be so many bushels of wheat, so many bushels of corn, and so many bales of cotton. With all his power—and he has a lot of it—he does not control the weather, and he does not control production situations. In this instance, the Nation is just producing vastly more than his best experts could foresee when they were making their estimates in 1967.

I thank the Senate from Louisiana for yielding to me.

Mr. MILLER. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. MILLER. Mr. President, practically everything that the Senator from Florida has said I certainly subscribe to. I do not believe there has been any conversation on the floor by anyone indicating any idea of reneging on the farm program regardless of one's philosophy about it.

While the Senator from Florida states that the good faith of hundreds of thousands of farmers is at stake here, I suggest to him, at the same time, that the good faith of millions of taxpayers is also involved here. Congress passed a 10-percent tax increase on the backs of the taxpayers of this country, with the clear commitment that there would be a $6 billion expenditure reduction. Now, because of the vicissitudes of the weather and, I suggest also, the vicissitudes prompted by the International Grains Agreement, which the Secretary of Agriculture recommended be passed and which, since that time, has certainly aggravated the situation, we find that the Department of Agriculture may need, at least in the feed grains program, $351 million more than was budgeted.

Thus, what we are really saying to the taxpayers by this amendment is: "You all know there will be a $6 billion expenditure reduction, but it is going to be a $6 billion reduction minus what is necessary to meet the commitment to the farmers of this country." That is really the proposition. We could alternatively, if the amendment were modified, say to the taxpayers of this country, "We are going to keep faith with you, and we are going to keep faith with the farmers at the same time, and any additional money made because of the vicissitudes of the weather will have to come out of some other budget." Thus, just as we did with the social security amendment offered by the Senator from Louisiana [Mr. Long], where we said, "You can increase your employment above the ceilings in the Social Security Administration, but that is going to come out of the overall limitation on employment."

We could provide in this amendment and say to the Secretary, "You may increase the expenditure, but that will come out of the overall $6 billion reduction."

I think that is probably the point that is bothering people like me. I want to keep good faith with the farmers, and I want to keep good faith with the taxpayers, too.

I suggest to my good friend from Florida that if we just keep good faith with the farmers, then there will be a number of taxpayers who will say, "Well, you came down there and put a 10-percent tax increase on me. Now it is not going to be a $6 billion reduction, it is going to be $5 or $4 billion, or something else.

Mr. HOLLAND. Mr. President, the Senator from Iowa, of course, has much that is accurate in what he says. I want to remind him, however, of several things. First, that the farmers are taxpayers, too. I do not know whether he has overlooked that fact, but the farmers are also taxpayers, and very substantial taxpayers. The second thing he has ignored is the amount of the loans outstanding, loans which are, in large part, going to be repaid unless the market collapses. The best way to cause the market to collapse would be to cut off this program, as it would be cut off under strict application of the Williams-Smathers amendment.

Why should we even think about leaving the Secretary in a position where he has to decide whether he could support the crop of the Senator from Florida but could not support the crop of his neighbor, the Senator from Louisiana? Neither one of us is asking for price supports. I am just using that as an illustration.

Mr. MILLER. We should not do so.

Mr. HOLLAND. That would be an intolerable situation.

Mr. MILLER. We should not do so.

Mr. HOLLAND. Yet that is entirely what is being suggested.

Mr. MILLER. No one is suggesting that, may I say to my good friend the Senator from Florida.

Mr. HOLLAND. May I go further and say that the Senator from Florida ardently opposed the amendment offered by the Senator from Alabama yesterday and would have opposed the amendment offered by the Senator from Louisiana [Mr. Long] unless it had been amended or modified as suggested by the Senator from Iowa. He made a fine suggestion. The reasons were that it involved, first, the stepped-up personnel, and that is not involved here. Second, there are a great many other things that are not involved here. There is just one question in this particular amendment, and that is: Shall we show good faith to hundreds of thousands of farmers and shall we, at the same time, do what is necessary to keep from complete collapse the market prices on many basic commodities?

The Senator from Florida has joined in the introduction of this amendment because it involves something very necessary not just for the farmers who are taxpayers, as I have already said, but for the whole Nation. If the price of basic commodities collapses in the market place, and that would be a possibility if this amendment were not passed, then everyone will suffer, including the economy of our Nation.

The ability of our Nation to produce in the future the products that we need, not only for ourselves but also in this troubled world, would be diminished instead of enhanced.

It seems to me the arguments for the adoption of this particular amendment are completely imperative and that the amendment should be adopted. I thank the Senator, and I congratulate him upon offering his amendment yesterday which had to do with about 2,000, or not more than 3,000, employees over the course of the whole year. We are talking now about nearly $1 billion of investments in the way of loans to farmers who will repay those loans unless the market collapses. I do not mean to imply that they will be repaid entirely, but they will repay them in large measure, because that is the history of the program.

Farmers do not want to sell their grain at the price-support price. Everybody knows that. It does not take into consideration the certificate which is used if the wheat goes to the millers of this country. It does not take into consideration many things which may keep the price up and may have farmers coming back eagerly to reclaim their products and to repay their loans, along with the warehousing costs, for the first year.

Mr. MILLER. Will the Senator yield?

Mr. HOLLAND. I am glad to yield again.

Mr. MILLER. I think the Senator's point in response to the point I made is that we can accept this amendment, thereby guaranteeing good faith to the farmers, and we can at the same time maintain good faith to the taxpayers on the $6 billion expenditure reduction, because the money that is involved and that we are talking about, for the most part, and perhaps for the entire part, will repay an investment.

To the extent that the investment is not fully realized to the full extent of the loan, there will be some diminution of that, but for the overall picture, we can say to the taxpayer, "You are going to have a $6 billion reduction in overall expenditures."

Is that the point?

Mr. HOLLAND. The Senator's point is well made. He has stated it better than I could. The fact is that here is an investment that inures not only to the interest of the producer, who is himself a taxpayer, but also to the interest of all taxpayers. The investment inures to the interest of the entire country, which needs to keep its productive capacity intact, because next season may not be as abundant as the present one. Next season we may need more commodities to send elsewhere to meet deficits in production in other nations.

Unfortunately, most of the wheat producing nations in the year prior to this year, and running into this year, have had bumper production, which has affected the export trade and the international market.

There just is not any other answer that the Senator from Florida has been able to see. He fought for the Williams-Smathers amendment. He fought against its emasculation in earlier instances, voting against the Post Office exemption bill, voting against the Sparkman amendment of yesterday, and he would have voted against the Long amendment, and had so advised his friend the Senator from Louisiana [Mr. Long], until the modification suggested by the Senator from Iowa [Mr. Miller] had been accomplished. And he is going to continue to stand for the Williams-Smathers Act. But he is also going to try to stand up for the solvency of this Nation, and particularly in this instance for the solvency of the agricultural producers of this Nation. That is what is involved in this matter.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Ohio.

Mr. LAUSCHE. I want to ask a few questions for the purpose of information.

Am I correct that the amendment offered by the Senator from Louisiana seeks to make available to the Commodity Credit Corporation the sum of $984 million to be taken out of its own funds to be used to carry into execution the farm support program?

Mr. ELLENDER. That is correct; to make loans on commodities.

Mr. LAUSCHE. If this amendment is not adopted, moneys which are now in the hands of the Commodity Credit Corporation will not be usable to execute what is supposed to be the farm support subsidy program?

Mr. ELLENDER. That is correct.

Mr. LAUSCHE. Here is what bothers me about how I shall cast my vote. If this $984 million is released, will the J. O. Boswell Co., a farmer who in 1967 received $4,091,000 as farm price supports, become eligible under the loan program?

Mr. ELLENDER. I am not familiar with that.

Mr. LAUSCHE. This is in Kings County, Calif. One farmer received $4,091,000, I suppose on the basis that he was poor and impoverished and needed the support of the Government.

Mr. ELLENDER. That is under the Sugar Act, I may say to the Senator, not this act.

Mr. LAUSCHE. There are others. J. Bowman——

Mr. LONG of Louisiana. Mr. President, if the Senator will yield, they are not under this act.

Mr. LAUSCHE. There are many under the farm support program. They may not be under this act, but there are others receiving payments of $1 million and $500,000. Will they all become eligible for help? Those who are under the program, regardless of the amounts they are receiving, will become eligible under the act.

Mr. ELLENDER. This has nothing to do with what the Senator refers to. This is merely under the loan program. I have said that time and time again.

Mr. LAUSCHE. But the loan program is equivalent to a sale program if the price falls.

Mr. ELLENDER. But the Federal Government gets commodities for those loans.

Mr. LAUSCHE. The Federal Government has received commodities, and we had to devise ways and means of disposing of them because they were rotting in the bins.

Mr. ELLENDER. We changed that. That was years ago. We have the act of 1965 now, and we are trying to make it work.

Mr. LAUSCHE. To complete my statement, I will not go along with any program in this whole project that is in violation of the principles espoused by the Senator from Delaware [Mr. Williams] that we should limit the amount of money paid to farmers. I would cut it down to $50,000. We could not get that done. The Senator from Delaware raised the limitation to $75,000. We could not get that done. Now we are going to provide money to make these liberal payments. I will not go along with it.

Mr. ELLENDER. The Senator is wrong. This money is not being used for that purpose. It is a loan program to comply with the contracts that the Federal Government entered into last January, and probably November and December.

Mr. LAUSCHE. But the loan program becomes a sales program if and when, at the end of a designated period, the price of the farm product is still below the loan price.

Mr. ELLENDER. The Federal Government gets value received when it makes this contract. As was pointed out, wheat is loaned at $1.25 a bushel. The same applies to rye, cotton, and other crops. It has nothing to do with payments going to farmers, but is used only to carry out the solemn obligation made by the Department to help farmers stabilize prices by lending them money on the crops they produce.

Mr. LAUSCHE. I want to repeat my statement that initially it is labeled in the euphonious term of a "loan," but if the price of a farm product is below the price fixed in the loan, the farmer changes it into a sale. It becomes converted into a sale. I do know we had our bins so filled with grain that was rotting that we conceived the idea of giving it away. We used every method to get the grains out of the bins. Our people could not see it.

Mr. HART. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HART. I would like to see if I can get a little better understanding of why this amendment is needed.

Is it because Commodity Credit payments will not be permitted beyond the budget estimate, unless this amendment prevails, or is it an effort, recognizing that Commodity Credit payments will be made without limit, to insure that whatever the total of those payments may be will not be charged against, for spreading purposes, the $6 billion reduction?

Mr. ELLENDER. To begin with, it is not payments. Payments are not involved in this item.

Mr. HART. Well, what about the money we are talking about?

Mr. ELLENDER. The money we are going to use here is a loan made to the farmer and, as security, the farmer gives to the Government so many bushels of wheat, at $1.25 a bushel, let us say.

The farmer has, in the meantime, the right to come back to the Government and say, "The price of wheat has gone up to a dollar and a half, and I want to redeem it."

The Government then gets all of its money back, plus interest and whatever storage charges there are.

Mr. HART. Mr. President, I appreciate that. I do not seem to be able to make clear in my question, however, the point I am seeking to develop; and I do not know, in truth, what the answer is.

The Williams-Smathers amendment creates a problem with respect to the spending of Federal money. This amendment somehow is responsive to that problem, so some way or other, we are talking about spending some money.

My question is, Is the amendment offered by the Senator from Louisiana offered because unless it is adopted, the farmers will not be paid, or is it to insure that what we pay the farmers will not be charged against the Budget Director's responsibility to reduce expenditures pro rata by that amount?

Mr. ELLENDER. As was brought out earlier in the debate, this is a loan program, and if, at the end of the contract, the farmer redeems, the Government will not have any net cost. But when the loans are made this year they are treated as expenditures, subject to the $6 billion reduction provision.

Mr. HART. Unless this amendment is adopted.

Mr. ELLENDER. That is correct.

Mr. HART. Am I correct then that this amendment is not required in order to pay the farmers?

Mr. ELLENDER. Here is what could happen, though: If the amendment is not enacted, the Secretary of Agriculture may have to take the funds out of other programs he is now administering.

Mr. HART. All right.

Mr. ELLENDER. One of those programs the Senator is familiar with.

Mr. HART. That is what I am worried about. Do I correctly understand, then, that the farmer is going to get paid whether we have this amendment or not, for the CCC? Am I clear on that?

Mr. ELLENDER. Not necessarily. They could, of course.

Mr. HART. For Commodity Credit Corporation purposes, this amendment is not needed, but the reason the Senator urges us to agree to it is to insure that such money as is paid for Commodity Credit Corporation purposes is not charged against other activities. Is that correct?

Mr. ELLENDER. That is correct. That is one of the reasons.

Mr. HART. All right. Now, if we are going to say that money paid farmers under the Commodity Credit Corporation programs shall not be charged against the $6 billion pro rata reduction, why in Heaven's name do we reject the next proposal, to provide that for people on public assistance, the moneys paid under social security shall not be charged? What is the logic of it? I do not ask this just because there are more people on welfare than there are farmers; I ask it because I cannot see the distinction.

Mr. ELLENDER. Of course, there is a lot of distinction. My colleague could perhaps give a better answer than I. But under the social security program, there is a contribution made by the recipient and a contribution made by the Government, whereas, in this case, when the Government lends money to the farmer, the Government receives security. It gets something for it. It is not by way of a grant; but it is really possible that 5 or 6 months after the loan is made to the farmer, the Government will get all its money back, if the prices go up.

Mr. LAUSCHE. What if they go down?

Mr. ELLENDER. There will be a loss.

Mr. HART. Let me put it this way: Would not the Senator agree that unless we treat moneys paid for public assistance under social security precisely as the Senator from Louisiana is urging us to treat moneys paid under Commodity Credit, to the extent that social security payments are made in excess of that budgeted estimate, there must be a reduction in other Government programs to that amount? The Senator is attempting to avoid that imposition on other Government programs so far as Commodity Credit payments are concerned; why does the Senator not do it with respect to public welfare funds?

Mr. ELLENDER. I have been informed by my colleague just now that social security is exempt under the Williams-Smathers amendment, though welfare is not.

Mr. HART. Commodity Credit was not exempt from the Williams-Smathers amendment either, was it?

Mr. ELLENDER. I understand. That is why I want to exempt it now.

Mr. HART. Then what is the distinction there?

Mr. ELLENDER. In the past it was exempted, and somehow it was not exempted this time.

Mr. HART. Which? Commodity Credit?

Mr. ELLENDER. Commodity Credit. In the past, it was never put in the category it is now. It was always exempted.

Mr. HART. Because it is uncertain, the crop is unpredictable, that sort of thing?

Mr. ELLENDER. No; because this program is different from the other programs. This is a loan program, may I say to the Senator.

Mr. HART. Which may cost money.

Mr. ELLENDER. It is a loan program devised by Congress to help the farmer, in order to stabilize the prices of his commodities. The Senator well knows that if every wheat farmer in this country were forced to put every bushel of wheat that is produced on the market all at once, the market would simply break. The same is true of corn.

Mr. HART. As the Senator knows, I have been with him on these Commodity Credit debates and votes, though it is not a popular vote where I come from. I understand that. But I find difficulty in understanding why we have spent close to 2 hours, now, concerned that sums expended for Commodity Credit shall not be charged against this $6 billion reduction, and at the same time we apparently have no intention of including the second of the two proposals in the Sparkman amendment. The logic of it escapes me. I was wondering if the Senator from Louisiana would agree to support, as a substitute, the exemptions for Commodity Credit and for public assistance.

Mr. ELLENDER. Mr. President, I voted for that yesterday, but we got licked.

Mr. HART. Then, Mr. President, let me offer as a substitute the two items, as found on page 27848 of the RECORD. I send to the desk a proposed substitute for the pending amendment, and ask that it be stated.

Mr. ELLENDER. Mr. President, we tried that yesterday.

Mr. HART. We tried it with a lot of other material, but here we have only two rather interesting counterpoints: our big farmers, with a sum in excess of $700 million, as I understand it, beyond the budget prediction involved, and a lesser sum for public welfare. The welfare recipients are not big growers, but they are people also. Let us approach the two matters the same way; that is what I propose to do.

Several Senators addressed the Chair.

Mr. HART. Will the clerk state my amendment?

Several Senators addressed the Chair.

Mr. HART. Mr. President, in order that my substitute amendment may be before the Senate, I ask unanimous consent that the reading of the amendment be dispensed with, and I content myself with the explanation I have just made. Senators are generally familiar with it, having discussed it in part yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART's proposed substitute amendment is as follows:

In lieu of the language in the pending (Ellender) amendment substitute the following:

"SEC. —. Section 202 of the Revenue and Expenditure Control Act of 1968 is amended by—

"(1) striking the word 'and' at the end of subsection (a)(3) thereof, and

"(2) striking the period at the end of subsection (a)(4) and inserting in lieu thereof a comma and the following:

"'(5) by Commodity Credit Corporation for farm price supports in excess of the amounts estimated therefor on page 15 of the Budget (H. Doc. No. 225, pt. 1, 90th Cong.) other than the amounts estimated for special activities; and

"'(6) for grants to States for public assistance as authorized by the Social Security Act, as amended, in excess of the amounts estimated therefor on page 15 of the Budget (House Doc. No. 225, pt. 1, 90th Cong.)'."

Mr. HOLLAND. Mr. President, will the Senator yield to me?

Mr. ELLENDER. I yield.

Mr. HOLLAND. I call the attention of the Senator from Michigan to two paragraphs in the letter of the Secretary of Agriculture to Senator ELLENDER. It was received before we started this renewed session. I received a similar letter, since I am chairman of the Subcommittee on Agricultural Appropriations. That letter will be found in yesterday's RECORD, on page 27857. These are the summary paragraphs in the Secretary's letter:

> As indicated above, these increases in CCC expenditures for loan and inventory operations reflect higher production levels—both at home and abroad—over which we have no control.
>
> Obviously this places the Department of Agriculture in a tremendously difficult position. I hesitate to burden you with it at this time prior to your return to Congress, but somehow or other we must get some relief. Otherwise we will have no alternative but to (1) discontinue making price support loans (even though they are mandatory under other law) and/or (2) cut very sharply or eliminate parts of other ongoing programs which are essential to the economic well-being of the Nation. These include such items as protection and management of our National forests, research, watershed and flood prevention improvements, soil conservation, commodity inspection and other marketing services, extension, market development abroad, plant and animal disease and pest control, electric and telephone loans, water and sewer loans and farm operating loans.

Mr. President, if the Secretary does not make it completely clear in that letter as to just what dilemma he is now confronted with, I do not know how he could make it clear. He is not asking for any release from the land diversion part of the program. That is where many of the large payments are made. He is not asking for any release from the sugar payment program, and that program derives funds from the special processing tax on itself.

He is asking only for relief in this important loan program which he is obligated to honor by reason of the announcements he made late last fall and in January of this year and under the laws which we passed and mandated him to carry out.

The Secretary asks us only to exempt that program from being considered as expenditures since they are really loans and since many of them will be repaid if the prices do not collapse in the marketplace. They will not be repaid if, for instance, the wheat loans made at $1.25 a bushel prove to be not attractive to repay because the prices go down to $1 a bushel. We could not expect the farmers to want to repay loans of that kind.

So, the whole question of the stability of the farmers and the chance of the Department to get back by way of repayment the immense sums loaned out and the question of the whole stability of our Nation to continue to produce more than it needs in this troubled world are bound up in this particular dilemma of the Secretary of Agriculture. He makes it very clear in the letter I referred to earlier, and I would not attempt to make it any clearer. There it is, if the Senator wishes to look at it.

I thank the Senator for yielding.

Mr. HART. Mr. President, I am conscious of those things. I am conscious of the fact also that the Nation is jeopardized if we make a commitment for a decent mental health program and do not live up to that commitment. And if it is true that the costs run far beyond the estimates made for those programs and we trim back the amounts, are we making a prudent judgment?

I do not quarrel with the desirability of exempting this from the allocation of the $6 billion these farming programs, provided we do not take it out of the hides of the programs that relate very directly to the people of this country under welfare and social security.

I think it is six of one and a half dozen of another. Our action should be consistent. And we have an opportunity to act in the pending amendment.

Mr. HANSEN. Mr. President, I have listened very carefully to the debate, and I think, unless I am mistaken, judging from the letter from the Department of Agriculture and the statement by the distinguished Senator from Louisiana [Mr. ELLENDER], that, without the amendment going into effect, there need be no reneging on the part of the Department of Agriculture insofar as loan support programs to farmers are concerned.

If I have misunderstood that, I would like to be corrected. However, as I understand it, the letter from the Department of Agriculture states:

> Obviously this places the Department of Agriculture in a tremendously difficult position. I hesitate to burden you with it at this time prior to your return to Congress, but somehow or other we must get some relief. Otherwise we will have no alternative but to (1) discontinue making price support loans (even though they are mandatory under other law) and/or (2) cut very sharply or eliminate parts of other ongoing programs which are essential to the economic well-being of the Nation. These include such items as protection and management of our National forests, research, watershed and flood prevention improvements, soil conservation, commodity inspection and other marketing services, extension, market development abroad, plant and animal disease and pest control, electric and telephone loans, water and sewer loans and farm operating loans.

Mr. President, I have read that part of the letter again merely to emphasize that without the pending amendment these loans could continue to be made to the farmers of this country so as to prevent a disastrous situation from developing in the wheatgrowing sections of the country. We can keep the commitment we have made to the farmers by the alternatives suggested.

I am not suggesting for one moment that these are happy chores or that we would like to discontinue any of these programs. However, I point out that we have had to do a number of things that are not happy experiences for us. For example, we have witnessed a cutback on the payments of highway trust funds to the 50 States.

This has been a great discomfiture in my State of Wyoming because some of the contractors out there, anticipating a continuous flow of these highway trust funds, obligated themselves and they are now faced with a very difficult situation. They cannot make the payments they ought to be making and that they are obligated to make by virtue of the contracts they have entered into for work completed, because the highways funds have not been released to the State.

I see no reason to draw any distinction between our obligation in the case of the farmers and in the case of the research programs undertaken by the Department of Agriculture on the one hand and our commitment to the 50 State highway departments in the 50 States on the other.

I am also mindful of the fact that in my State of Wyoming we have some of these other programs. We have some soil conservation programs.

In the western part of Wyoming, in the little community of Star Valley, we have worked for some time on projects, including flood control projects and a sprinkler system, to make possible a far better yield in that farming area because of the savings in water that would result from the sprinkler system.

Yet, we have letters from the Department of Agriculture stating that this program has to be cut back because there are no funds provided for it.

This is happening in other parts of Wyoming. I understand now that the alternatives we face today are that if we approve the exemption the distinguished Senator from Louisiana [Mr. ELLENDER], my good friend, pleads so eloquently for, it would mean that we would have to cut in other areas.

We know that the budget today is badly out of balance. Last year, we had inflation amounting to 4.4 percent. That had the same effect in my State as though the sales tax had been raised an additional 5 percent. That is what it meant to the people of the State of Wyoming. Because we are deeply concerned and disturbed about that, the Senate took the unusual step of instituting a tax measure, the Williams-Smathers amendment, which said to the people of this country that we will raise taxes, we will impose a surtax of 10 percent, but we will also cut back $6 billion on total expenditures, and we will reduce the number of employees in the Federal Government according to a fixed formula. But if the Senate agrees to this amendment and if it permits the Department of Agriculture to exceed by more than $1 billion the savings we hope to effect under the Williams-Smathers amendment, then I suggest—and I am sure the distinguished senior Senator from Michigan would agree with me—that we will be hurting welfare recipients, we will be hurting people on social security, and we will be adding to the costs of medicare and everything else up and down the line, because more spending is the force that generates the inflationary pressure that is of such great concern to us today.

Consequently, despite my great concern that we keep up our commitments with everyone—my understanding is that we can keep the commitment that has been made to the farmer in so far as price supports are concerned—if we are willing to take these other steps. And I think it was clear that Congress intended that those other steps should be taken, that we should observe an overall expenditure limitation of $6 billion. Because of this, I will not support the amendment of the distinguished Senator from Louisiana.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Proxmire in the chair). The Senator will state it.

Mr. HART. What is the pending matter?

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Michigan as a substitute for the amendment of the Senator from Louisiana.

Mr. HART. I hope very much that the Senate will adopt the substitute. I wish to make very clear that the substitute amendment includes the proposal of the Senator from Louisiana that the Commodity Credit payments, made in such amount as shall be required, will not be charged against the $6 billion ceiling. Added to that is the proposition that public welfare payments under social security shall not be charged against the $6 billion ceiling.

If the substitute amendment is adopted, I suggest that we still will be in the position of saying that we have a $6 billion spending ceiling. However, if it is not adopted, with the $700 million excess we are told the Commodity Credit Corporation anticipates and the $400 or $500 million excess anticipated in public welfare, we will be up to a $7.1 or $7.3 billion ceiling.

I hope very much that the combination proposed in the substitute amendment is agreed to.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. HOLLAND. I invite the Senator's attention to the fact that the Long amendment of yesterday had nothing to do with the amount of the social security payments. It had to do instead with the number of employees of the Social Security Administration, which is a different matter entirely.

Mr. HART. What is pending now is the money in both cases—money for farmers, money for public welfare.

Mr. HOLLAND. Then, this is not the Long amendment of yesterday.

Mr. HART. This is the Hart substitute for the Ellender amendment, and the Ellender amendment was not the Long amendment of yesterday, either.

Mr. HOLLAND. I understood the distinguished Senator to say that he was adding the CCC exemption to the Long amendment of yesterday, which I wanted the Senator to understand is not the case, unless I misunderstood his amendment.

Mr. HART. It is the first and second element in the Sparkman amendment of yesterday. No. 2 is the public welfare; No. 1 is the commodity credit that Senator Ellender has been urging the Senate to adopt for some hours now.

Mr. WILLIAMS of Delaware. Mr. President, the pending amendment is the Hart substitute for the so-called Ellender amendment. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS of Delaware. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, the suggestion has been made that we can adopt either the Ellender amendment or the pending amendment, which would except both the Commodity Credit Corporation and all the public assistance payments under HEW, and still leave the $6 billion ceiling intact. It is true that that section of the law would not be repealed by either amendment, in form, but in substance the section of the law would be completely nullified.

It is like starting to dismantle a building and saying, "We are going to leave the ceiling intact." But the floor and the foundation have been taken out, and it is going to collapse. Nothing is left. There is not even a roof over it. Nothing will be left of the $6 billion spending cut embraced in the Williams-Smathers amendment if this amendment is adopted. It applies to all the provisions of grants by HEW, all their welfare programs and medicaid, and the manner in which they can expand those operations. HEW would be allowed discretionary authority to expand their operations not $1 million, not $100 million, but, so far as the ceiling is concerned, they could expand them by $1 billion or $2 billion, if they wish.

I have no illusions as to the capacity or the ability of Mr. Cohen to find methods to expand that program. Our experience has been that he can very easily expand it, and I shall cite one specific case to illustrate what confronts us.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that it be shown in the Record at the conclusion of the Senator's remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETING DURING SESSION OF THE SENATE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, on tomorrow, the Committee on Rules and Administration be authorized to meet while the Senate is in session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 O'CLOCK P.M. TODAY

Mr. MANSFIELD. Mr. President, because of a complex of developments which cannot be settled at the moment, most reluctantly I move that the Senate stand in recess until 2 o'clock p.m.

The motion was agreed to; and (at 12 o'clock and 20 minutes p.m.) the Senate took a recess until 2 o'clock p.m., the same day.

At 2 o'clock p.m., on the expiration of the recess, the Senate reconvened, when called to order by the Presiding Officer (Mr. Jordan of Idaho) in the chair.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 18366) to amend the Vocational Educational Act of 1963, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mrs. Green of Oregon, Mr. Pucinski, Mr. Brademas, Mr. William D. Ford, Mr. Meeds, Mr. Scheuer, Mr. Hawkins, Mr. Gibbons, Mr. Albert, Mr. Ayres, Mr. Quie, Mr. Ashbrook, Mr. Scherle, Mr. Stieger of Wisconsin, Mr. Dellenback, Mr. Eshleman, and Mr. Bell were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2751. An act to designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, in the State of Oregon;

S. 3030. An act to amend section 3 of the act of November 2, 1966, to reduce the number of experimental plants authorized for the development of fish protein concentrate, and for other purposes;

S. 3866. An act to extend the provisions of the Commercial Fisheries Research and Development Act of 1964;

H.R. 15263. An act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes;

H.R. 16175. An act to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes; and

H.R. 18786. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, and for other purposes.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

The Senate resumed the consideration of the bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** (Mr. SYMINGTON in the chair). Without objection, it is so ordered.

Mr. **MANSFIELD.** Mr. President, as I recall, when the distinguished Senator from Delaware [Mr. WILLIAMS] yielded the last time, it was with the understanding that he would retain his right to the floor.

The **PRESIDING OFFICER.** The Senator is correct.

The Senator from Delaware is recognized.

Mr. **WILLIAMS** of Delaware. Mr. President, I rise in opposition to the pending Hart amendment which has been offered as a substitute for the Ellender amendment. If this amendment were agreed to, it would exempt not only the expenditures of the Commodity Credit Corporation but it would exempt also all expenditures for grants to States for public assistance, medicaid, and so forth, as authorized under the social security laws. In other words, we would exempt the main function of the Department of Agriculture and also the function of the Department of Health, Education, and Welfare on the public assistance grants.

The argument has been made that this can be done without jeopardizing the validity of the Williams-Smathers amendment which made mandatory a $6 billion reduction in expenditures for fiscal 1969. Mr. President, that argument cannot stand because this is a direct attack on section 202 of the Williams-Smathers bill, which dealt with the $6 billion mandatory controls; and it would exempt the expenditures as outlined in the amendment for these two agencies from that ceiling.

Mr. President, once these two largest expenditures of public funds are exempted, we might as well repeal the act as far as its being effective at all.

Yesterday we had, in substance, the same amendment. It was overwhelmingly defeated in the Senate. It was rejected. The only difference in yesterday's amendment and this amendment is that the amendment which was rejected yesterday also proposed to exempt some of these agencies from the employment ceiling. But as for the exemptions from the $6 billion spending cut which was authorized and made mandatory under the Williams-Smathers measure, this Hart amendment contains all of the provisions outlined at that time.

The suggestion is that this must be done to allow the Commodity Credit Corporation to operate. That is not true. The Commodity Credit Corporation, under the price support program, makes these commitments. They are contractual obligations with the American farmers and neither I nor anyone else is suggesting the Government has the right to or should renege on the contractual obligation it has entered into. I make that statement as one who has not supported this program heretofore and I am not today, but once the program was passed and these obligations were made, the payments must be made.

The Williams-Smathers package, which provided the $6 billion mandatory cut, did not rescind a single one of those contractual obligations, as evidenced by the fact that the Director of the Budget and all of the agencies accepted the bill at the time and this point was never raised at any time, either in hearings, when the conferees were acting, or at any time during the weeks and months following.

This matter is raised today only to get an exception for this agency. The reason it is raised is that they want to get this agency excepted, which would relieve about $900 million of pressure from the $6 billion cutback. But this is an estimate which can vary widely. There is no limit once the limitation is taken off.

The amendment reads that it exempts the "Commodity Credit Corporation from farm price supports in excess of the amounts estimated therefor on page 15 of the Budget (H. Doc. No. 225, pt. 1, 90th Cong.) other than the amounts estimated for special activities."

If we look at page 15 of the 1969 budget, we will find it refers also to the breakdown on page 238 of the same budget. On pages 238 and 239, under "Price Support and Related Programs" other than special activities, we find these two listed here together.

I should like to mention one item in this part which is covered; namely, the reimbursement for net realized losses of the CCC. They are asking for expenditures for new obligational authority of $1,428,825,000, and expenditures projected of $2,702,868,000.

This is covered by this amendment as well as the contractual authorizations under the price support program for the $988,860,000 which the proponents of the amendment refer to. But they are both under here.

If we go over and look under the further breakdown of reimbursement losses on the CCC, what do we find under that item?

We find the school lunch program, reimbursement for program results under Public Law 480, and the food-for-peace program. All of these are paid by the CCC. To the extent that they are not recovered by the Government, they automatically are counted as losses. I am referring now to the fact that these are in last year's financial report as of June 30, 1968, which just came out this week. It gives last year's results, but I cite them only to show how the program operates. While we are dealing with 1969, it is the same program.

I refer to page 35 of the report, and pages 36 and 37, and we find that on these pages are listed "Exports Under Public Law 480, Sales for Dollars on Credit Terms for Fiscal Year 1968, Cumulative to June 30, 1968."

Those are all part of the agricultural programs which contribute to the losses of last year. On page 35, we find listed as the amount of sales, $350,030,099. The amount repaid by foreign governments and private trade entities was $51,928,327. This leaves the amount reimbursed from appropriations of $298,102,671. These reimbursements from appropriations will be shown under the reimbursements on the next page where we also find sales dispositions under title II of Public Law 480 for fiscal year 1968, cumulative to June 30, 1968, as conducted by the CCC.

We find on page 37, that the credit sales programs conducted by CCC for the fiscal year, totaled $296,988,000.

In my opinion—and I respect the opinion of others—there is no way we can separate the moneys used by CCC in their operations. When we exempt this agency for $1 billion to use for one phase of the program, I suggest there is no way to determine whether that money is used for that phase of the program or some other phase of the program.

We cannot follow through on the identity of the money, in my opinion, any more than we can follow through on the identity of taxpayers' money.

For example, if it were said that the money paid in x number of States went to reimburse the cost to the Government to operate its domestic programs, and the money paid in in other States to pay for war programs. We could argue that indefinitely, but we cannot get away from the fact that all of the money was put into one central fund, which is commingled with other moneys.

What we are asked to do here is to give the CCC the right to expand its programs, its expenditures, for the next fiscal year by $900 million, or by $2 billion, or by $3 or $4 billion—whatever it may be.

Why is this necessary, supposedly, at this time? What are the arguments for it?

First, in my opinion, the basic argument for it is a continuation of the determination of the Johnson administration to undercut the proposed $6 billion spending reduction, which it never intended to live with from the beginning. It is obvious that it did not accept it in good faith. It did not intend to live with it from the day the bill was signed by the President, notwithstanding he made a public commitment to Congress and the American taxpayers that he would cooperate in reducing expenditures to the extent of $6 billion in return for the taxpayers' accepting the 10-percent surtax. Notwithstanding that, the administration has, from that day to this, been trying to whittle away these exceptions, one by one. This is the first basic attempt to move in on the $6 billion.

So far as I am concerned, if these two main agencies are exempted, there will be nothing left so far as the effectiveness of the $6 billion ceiling is concerned.

The argument is made, "Well, we are leaving the $6 billion ceiling mandatory reduction in expenditures intact in the law."

To me, that is no more valid than it would be to say that since we are leaving the ceiling of a building intact, we are not destroying the building, even though we take out the floors, the foundations, and destroy all the underpinnings, because the $6 billion ceiling can only be achieved by an addition of all the various components that go to make up the reduction which would have to materialize in the various agencies.

These two agencies are two of the biggest and most costly agencies of the Government. That is true by virtue of the fact that their duties have been conferred upon them by Congress.

One reason the CCC is short of money is not as a result of the Williams-Smathers amendment but that the Budget Bureau consistently, over the years, has underestimated the cost of the programs. The Budget Bureau has not requested the amounts necessary to restore the losses sustained by the CCC in preceding years.

Several years ago, I sponsored an amendment, which passed the Congress and is still law, which provided that the department must come before Congress to get reimbursements for the losses sustained by that agency. Prior to that time, they had been reimbursed through the backdoor of canceling their notes by the Federal Treasury. That law is still on the books. But the reason I offered my amendment was to make sure that the American taxpayers, through the appropriation process, would know what the programs were costing and could evaluate them on the basis of actual cost.

The Senator from Florida [Mr. HOLLAND] joined me in that support and has consistently supported that position throughout the years. I know that we would agree on this point, even though we may differ on points raised later. The basic trouble with the CCC is its lack of proper funding in accordance with the intent of the law.

Mr. HOLLAND. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. I certainly have supported strongly, and I can say conversely that the Senator from Delaware has strongly supported me as chairman of the Agricultural Subcommittee of the Appropriations Committee on this point, that the capital structure of the CCC should be restored each year as required by the law. He is the author of that law which makes good common sense and is good, sound bookkeeping.

However, I do want the RECORD to show that that principle is not involved in the so-called Ellender amendment, which is a part of the Hart amendment. I want to make it clear that I am opposing the Hart amendment.

I do not want to break down the Williams-Smathers Act, and the Senator knows that full well, because I have stood by it; but I do want the RECORD to show at this time that the borrowing capacity or the capital structure of the Commodity Credit Corporation is now something over $1.3 billion and that there are ample funds there to take care of the so-called Ellender amendment provision if that amendment prevails. If there were not, I would not have been a party to the Ellender amendment, as I am.

I simply feel that we must take care of the price support provisions which are mandatory law and which CCC must administer under legislation we have passed. I do not mean the Senator from Delaware and myself helped pass them, because I think we have both been against that legislation, but the legislation was passed. The commitments were made. The Secretary made his announcements last fall and in the early part of this year. Since contracts exist between the Government and the farmers who are affected, it seems to me we must take care of those matters.

While the Senator is correct in his statement that those commitments could be taken care of if we robbed almost every other program of the Agriculture Department, I want to make it very clear that I think the Senator from Delaware does not want to be chargeable—certainly the Senator from Florida does not want to be chargeable—with breaking down all these other very worthwhile programs of the Department of Agriculture. The Secretary of Agriculture named those other programs which will have to be either terminated or greatly destroyed if the price support program was to operate, out of the total amount allowable to the Department of Agriculture, under the financial limitations section of the Williams-Smathers bill.

I am not going to reread all of the activities which would be adversely affected, but they are in the letter of the Secretary of Agriculture to the chairman of our Agriculture Committee, Senator ELLENDER; and a similar letter was received by me before we came back in session after the convention.

I think it might be well if the paragraph which sets forth those activities which will be either destroyed or badly hurt, unless the amendment of the Senator from Louisiana is adopted, were in the RECORD at this time. If the Senator will give me time to read it, I will read it as follows:

> I hesitate to burden you with it at this time prior to your returning to Congress, but somehow or other we must get some relief. Otherwise we will have no alternative but to (1) discontinue making price support loans (even though they are mandatory under other law) and/or (2) cut very sharply or eliminate parts of other ongoing programs which are essential to the economic well-being of the Nation. These include—

And I ask the particular attention of the Senator from Delaware to this—

> such items as protection and management of our National forests, research, watershed and flood prevention improvements, soil conservation, commodity inspection and other marketing services, extension, market development abroad, plant and animal disease and pest control, electric and telephone loans, water and sewer loans and farm operating loans.

Now, I do not believe the Senator from Delaware wants to be a party to destroying or greatly reducing any of those programs. The Secretary makes it very clear that, unless such an amendment as the Ellender amendment is adopted, he has to take one of those two alternatives: First, to cut out the price support program; or, to impose the cost of that program upon other programs, which I have read, which means that some of them would be destroyed entirely and all of them would be adversely affected. I do not believe the Senator from Delaware would want that to happen, because of the fact that it would be a disaster not only to the farmers but to the Nation.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I will yield in just a moment; but I want to say to the Senator from Florida that I realize the Secretary of Agriculture has made the suggestion that all of these popular programs are going to fall or be restricted if he does not get exempted from the expenditure ceiling. We have had the same argument from almost every single agency of the Government. They always pick a popular program and say it is going to be destroyed. I have as yet to find one single representative of this administration who has come before the committee and said he could not cut back on *x* department—not a one. All they can think about is that the roof is going to cave in if they do not get released from the $6 billion expenditure ceiling.

I call attention to the fact that even if the $6 billion reduction is held in its entirety, the agencies will have $3.5 billion more to spend in fiscal 1969 than they had in 1968.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. In just a moment I will yield. I promised to yield first to the Senator from Iowa.

The Senator from Florida is correct in the point that I was making about the restoration of the capital structure and the failure to restore the capital structure not being a part of the Ellender amendment. I was only discussing that from the background I mentioned earlier. I agree with him that that is not involved in this particular vote. There is a question, however, whether or not we exempt the agency from the $6 billion ceiling as far as part or all of its expenditures is concerned.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. May I yield first to the Senator from Iowa? Then I will yield to the Senator from Florida.

Mr. MILLER. Mr. President, I just wanted to get back to what the Senator fom Florida was saying a moment ago. I recognize the importance of what we are talking about here. The Senator from Florida certainly knows that the Senator from Iowa, as well as the Senator from Delaware, are not sympathetic with a reduction or drastic scrapping of some of the farm programs to which he has referred; but I suggest that my friend the Senator from Florida's point is misplaced when he says to the Senator from Delaware, "Surely, you do not want to have this amendment defeated, as a result of which we are going to have all these dire happenings."

I suggest to the Senator from Florida that his comment ought to be directed at either the Secretary of Agriculture or the Budget Director, or the President, for that matter, because the Secretary of Agriculture will have all the money he needs to carry on these farm programs, if the decision is made that he will have it; and the decision can be made by the administration.

So the point is this, then: It is not what the Senate does; it is not what the Senator from Delaware would do; it is what the administration has already tentatively decided to do, and the administration has tentatively decided that it is going to make Mr. Freeman cut back some of the USDA expenses. The administration does not have to make that decision. If the Senate does not go along with this amendment, I suggest to the Senator from Florida that we, as Senators, are in a perfectly sound position to go to the administration and say, "If we are going to cut these expenditures, lay off these agricultural programs and give them a higher priority than you have already apparently decided."

Am I correct that this is where the trouble started?

Mr. **HOLLAND**. I do not think so, at all. I think that unless the Ellender amendment is passed, the Department of Agriculture is going to have to cut drastically into some of its very necessitous programs. I do not want to see that done.

Mr. **MILLER**. But who is to make the decision?

Mr. **HOLLAND**. I handled the agricultural appropriation bill. I know something about it. I want Senators to understand, and I want the record to show, that much of that bill is devoted to the Public Law 480 programs and to other programs that have no reference, directly, to agriculture, such as school lunches, food stamps, the surplus commodity feeding programs for the poor citizens of our country, and other matters too numerous to mention, so that when we get down to the part of that appropriation bill that is used strictly for agriculture, there is not much room to give. If we insist that this additional need, of nearly a billion dollars, for money to lend—not to give away, nor to throw away—to farmers who produce under contracts now existing be cut or if we cut down on other programs enough to allow that purchase and loan program to operate, we are simply going to work disaster on other necessitous programs of the Department of Agriculture.

I do not think that this letter of the Secretary of Agriculture is the least bit overdrawn, when he mentions other programs which will have to be either cut very sharply or eliminated. They include such things as protection and management of national forests—that costs a great deal of money—research programs—and there is nothing more desirable than continuity in research—watershed and flood prevention improvements—than which there is nothing more desirable for the Nation's benefit—the soil conservation program—which is akin to the one that I just mentioned, and one that is certainly desirable from the standpoint of the entire Nation.

Then we get down to some others that I think affect the distinguished Senator from Iowa very directly, and that is loans under the REA and RTA programs.

If we are going to cut out all those things, or diminish them very greatly, let us be sure we know what we are about to do. That is what we will do, if we decline to recognize the fact that mother nature has been more kind to us than was thought likely when the original estimates were made last winter, and that about $1 billion more for price support loans is going to be needed.

That includes, of course, corn from Iowa and wheat from the States that produce wheat. It includes cotton and tobacco from States such as those represented by my distinguished friend the Senator from North Carolina. It includes rice, it includes soybeans, and it includes other necessitous products.

I do not question the ability of Senators to decide how they are going to cast their votes. All I want is for the record to show very clearly that when they cast a vote against the Ellender amendment, they are forcing the Secretary of Agriculture to either destroy or largely diminish many programs, the loss of which will hit their constituents very directly. This will also affect the Senators who live in States where basic commodities are produced very drastically. I do not want there to be the slightest confusion about that. That is what is involved in this matter; there is no way to deny it. It is for that reason that I have asked to interrupt my distinguished friend.

I thank the Senator from Delaware for yielding.

Mr. **WILLIAMS** of Delaware. I thank the Senator. I appreciate his position. I know full well that the Secretary of Agriculture has threatened dire consequences that he says will happen to all farmers; he has enumerated them in his letter, as the Senator from Florida has pointed out.

It is rather significant to me, however, that he never mentioned anything about cutting back his overstaffed bureaucracy here in Washington. It is significant to me that he never suggested cutting out things like his expensive junket, when he and about 40 of his assistants went to Japan, after the President had asked the Senate to pass a bill to discourage travel abroad by enacting a huge tax, presumably so that more bureaucrats could take their trips. The Secretary, his entire family, and his friends all took that trip at the taxpayers' expense, charged to the Department of Agriculture; but he does not say, "I am going to cut back on that."

Oh, no. He says, "I am going to cut back something else."

I am getting a little bit impatient with these spendthrift bureaucrats—and that is what they are, spendthrift bureaucrats—who do not have any sympathy whatsoever for the American taxpayers, but who seem to feel that the taxpayers are servants of the Government, and should be willing to send in more and more money for the Government to spend.

Not one of the heads of departments and agencies, the Secretary of Agriculture or any of the rest of them, came before our committee and expressed any objection to the bill when hearings were held. Not one of them. Not one of them came before the conference committee and expressed any objection—not one of them. The Director of the Budget, who speaks for all of them, came before the committee. He never mentioned Agriculture at all. He said they could live with this budget. The President of the United States said he could live with the budget, and the ink was scarcely dry on that commitment to Congress and the American people before they started trying to undercut it.

Mr. President, I say if they want to repeal the Smathers-Williams amendment, let them do it openly, and tell the American people there will be no spending cut.

I respect the position of the Senator from Florida, and I shall yield to him in a moment, but I should like to finish one point which is important as far as I am concerned, and that is as to why the Secretary got into this dilemma leading up to the present situation.

It is because the Department has not told the American people the truth as to the cost of these programs. With that I am sure the Senator from Florida will agree. The law states that each year the Department of Agriculture is supposed to come before Congress and ask for appropriations sufficient, with the Bureau of the Budget supporting the request, to reimburse them for their known, established losses up to that date.

For the last 6 years, what they have been doing is letting these losses run up, so they could look as though they were spending less money and having smaller deficits.

What is the actual status of the Commodity Credit Corporation today? I am quoting from their own report, that came out this week. September 13 is the date of it. I received it September 20. Any Senator who wants it can get it; it is their annual report.

It shows that they have borrowing capacity of $14.5 billion from the Treasury. That is the manner in which they finance their operations. As of June 30, they owed $12,940,900,000, or approximately $13 billion.

That leaves them $1.5 billion of borrowing authority, that they have to operate on. Why are they down to that point? Let us, for the moment, figure the Commodity Credit Corporation as just a small mercantile operation in the State of Florida, Iowa, or Delaware, and we are going to liquidate the operation. What do they have for assets? Their total assets, loans and inventories, as of June 30, 1968, assuming that they could liquidate their entire inventory and collect all the money they had loaned on every agricultural commodity, and collect enough to reimburse them for storage costs, and all other costs up to June 30; if they received all of that back—which is doubtful—they would receive a total of $3,180,914,000, that they would have available to pay on this $12,940,000,000 deficit.

In other words, they are in the red about $10 billion capital impairment that they have not told the American people about, and sometime, some Congress is going to have to face up to that fact.

When we have been making that appropriation heretofore, it has been money lost; we had better begin insisting that when we make the appropriation, the losses have got to show up in that fiscal year, in order to avoid these $9 billion deficits caused by confusing and misleading the American people, as to the actual cost of these programs.

The Senator from Florida has consistently objected to that deception, and I have joined him time after time on the floor of the Senate in insisting that these appropriations be made realistic, and that the losses show up.

Each time, we have been told, "Well, you will only increase the appropriations if you do it."

It does show up as an increased appropriation, but we would only be recognizing the facts of life as they were established before. By our failure to recognize those facts, they have accumulated a $10 billion paper loss, representing money that is lost, that has not been restored, which is the reason why we have today this capital impairment, with only $1.5 billion available.

The Department of Agriculture today is not facing up to this. They are not telling Congress the truth. And they are not coming before the Appropriations Committee to get reimbursed. They want to get excepted from this so that they can continue on their merry way.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I will yield in a moment.

The Department of Agriculture does not have to cut back on these programs under the expenditure restrictions of the Williams-Smathers amendment.

The Budget Bureau can, if it wishes, allocate these cuts wherever it pleases, in some other departments, or Congress itself can do so. However, the bill that was passed did not spell out that it had to appear in any one of these programs.

I call attention to the fact that the price support program this year will not be more than double what they expected. They say that it will be $1 billion more than they planned. When did they plan on that? In the budget they asked for $998 million. They say they will need an extra $1 billion.

We passed the bill in June this year. As I recall, it was passed on June 29. There had not been a single contract let. On the corn and wheat to be planted, they knew what the planting was going to be, or they had a reasonable estimate at that time. They never came before Congress and said a word about it. Nor did the Department of Health, Education, and Welfare come before us. That Department is covered in a part of the same amendment.

I oppose the amendment, just as I shall oppose the other amendment. There is no excuse for either one of them, as far as I am concerned. If we are going to have one, we might as well have the other. If we start to exempt one of these agencies from the $6 billion, that action can skyrocket the expenditures by $1 billion or $2 billion. We might then just as well exempt the other agencies.

I know that we will have a parade of them here this afternoon.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I will yield in a moment. I do not think we have any choice except to stand by the expenditure reduction and insist on the Director of the Budget and Congress working together and allocating the employees where there would be the least harmful effects.

I repeat that even if we hold the $6 billion expenditure reduction tight, they will still have $3¼ billion more to spend for public welfare, price supports, and other programs than they had in the calendar year 1968. That is true because in the budget that we were dealing with then, they were asking for increased authority to spend $9¼ billion more on domestic programs than they spend in the fiscal year 1968.

When we rolled back $6 billion, that still left $3¼ billion, and that is as much as the American taxpayers can afford, as far as I am concerned.

We did except from the expenditure reduction four items, and four items only. One was the war in Vietnam, because there is no way that the Budget Bureau or anyone else can estimate that. We realized that we had to finance that effort. As long as we have one-half million men in Vietnam, we must finance them. That is excepted. Also we except the interest on the national debt, which is an uncontrollable item. In addition we excepted social security because it was in a separate trust fund with its own taxes. The fourth exception was for veterans pensions which no one suggested should be reduced.

Certainly, I realize that a contract signed with the farmers by the Government under a law passed by Congress—whether I approve of the law or not—is a contractual obligation. And I am not suggesting that we renege on it.

They know of these obligations. Legislatively we can take steps to minimize these contractual obligations in the years to come. Perhaps we should deal with that.

I feel very strongly—as one who sponsored and was a coauthor of the tax bill—that when I spoke for that measure in Congress and when I was speaking back home, I should make it very clear that I would not support the 10-percent tax increase unless it was accompanied by a $6 billion mandatory expenditure reduction and unless there was real control over it.

I was very clear on that. I made it clear to the Budget Director, the Secretary of the Treasury, and the White House, that that was the only basis on which I and many others would support it.

We got a promise from the administration that they would accept the $6 billion expenditure reduction, which they did not want. They said they would accept it, live with it, and help make it work. Along with that, we agreed to have the 10-percent tax increase, which, by the way, was more than I wanted at that time. I suggested that it be not more than 8 percent. However, we agreed on the 10 percent as a part of a package.

I lived up to my part of the bargain. But I must say that we have not had any cooperation from the executive branch in fulfilling their part of the obligation; namely, the promise to the American people that they would cut spending. On the contrary, from the date of the signing of the bill they have been trying to undercut and undermine it. Here they are again today.

I do not believe that they intended to keep that promise at the time. I hate to say that about the executive branch and the man in the White House. We have had no support from him. He has not lived up to the promise he made to the American people. And I for one am not going to sit back and be a party to undermining this agreement.

I want to make it clear, and I shall make it clear when I go back home, that if the amendment as it is now with both of these sections in it carries, the $6 billion cut will be gone and nothing will be left of the Williams-Smathers $6 billion expenditure cut except the tax increase.

I hope that we can defeat this amendment and the Ellender amendment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. Mr. President, the Senator from Florida happens to be in much the same position as the Senator from Delaware. He supported the Senator from Delaware and his own colleague, the junior Senator from Florida [Mr. SMATHERS], from beginning to end in their fight for the passage of the Williams-Smathers bill.

The senior Senator from Florida has congratulated them repeatedly here upon having performed the first notable service of that kind in originating an important bill in the tax field in the Senate. I think that was a fine accomplishment.

I have gone a good deal further. I have supported the Senator from Delaware in fighting off the exemption of the Post Office Department employees. We were unsuccessful in that effort. I am sorry for that.

I supported the Senator from Delaware yesterday in an endeavor to fight off, in the original form, the amendment offered by my distinguished friend, the junior Senator from Louisiana [Mr. LONG]. The Senator knows that because the RECORD shows it.

I am supporting the Senator now in fighting off the substitute amendment in all its particulars except those related to the Commodity Credit Corporation.

The Senator from Delaware and I have stood together in requesting for 6 years, as he says, a full restoration of the borrowing power of the Commodity Credit Corporation each year. That has not been restored.

The amount of unreimbursed losses out of the $14.5 billion total authorized capital is $9,654 million.

The Senator from Delaware and I have stood shoulder to shoulder each year in making that fight, which has been unsuccessful. However, I am calling to the attention of the Senator the fact that those things do not have a thing in the world to do with the present question. The present question is the fact that the estimate made back last winter of what was going to be needed for a price-support loan was ridiculously smaller than what proved to be the case. And the Secretary of Agriculture relying upon his September 1 estimate rushed to us to say that the September crop report has brought this problem to a head.

Mr. WILLIAMS of Delaware. Will the Senator yield?

Mr. HOLLAND. It shows a deficit of $984 million for the five principal crops that come into the price-support structure.

The Senator from Delaware and myself are probably as little affected by the price-support loans as any Senators present on the floor, because our States make little use of those loans. But I believe I know something about what is happening to agriculture otherwise. My own feeling is that the Secretary is exactly right in telling us that he is not going to have funds to make price-support loans from the funds supplied for that purpose, in the program which he mandatorily must carry out; or, that if he carries it out, anyway, notwithstanding the fact that he does not have funds, he has to cut down these other very important programs or eliminate some of them.

The Senator from Florida, again, is about as little affected by most of these other programs as is any other Senator in the Chamber, but he thinks he knows what REA loans mean in some parts of the country, and he thinks he knows what the protection and management of national forests means in some parts of the country.

As to research, the Senator from Florida is affected, as is every other Senator, but that is a relatively small program as compared with the total of agricultural investments.

On watershed and flood prevention, the Senator from Florida has a minor interest as compared with some of the States where there are more hills and more mountains. This is also true on many of the other programs which were mentioned in the Secretary's letter.

The Senator from Florida does not want to see the heart cut out of some very vital agricultural programs, and that is exactly what will happen if the Senator from Delaware insists upon being so completely unyielding, and if his colleagues approve his position. The Senator from Florida simply wants the real facts in this matter to be in the RECORD, and he is putting them in the RECORD.

The Senator from Louisiana, who is now in the Chamber, has placed many of them in the RECORD, and they have been placed there accurately. The Senator from Louisiana, I believe, knows more about the argicultural programs of this Nation than any other Senator in the Chamber, unless it is the Senator from Vermont [Mr. AIKEN]. They are the deans of our Committee on Agriculture and Forestry. I have been astounded at the knowledge they have of these programs in all areas of the Nation, not just in their own States.

Mr. President, if we will not follow the advice and the warning and the clear statements of fact made by Senators like the Senator from Louisiana and the Senator from Vermont, and others who know something about this program, it seems to me that we are just incurring upon ourselves the heaviest kind of responsibility for the destruction—and that is exactly what will happen—of vital programs, unless there is some modification of this expenditure and obligational ceiling. These are loans, which are investments. The ceiling on investments in the CCC price support program is affected by the amendment of the Senator from Louisiana and is included by the Senator from Michigan in his broader substitute amendment, which includes matters which are not of the same nature, because they do not affect investments which are repayable; they do not affect price supports which, if they fall, destroy thousands, if not hundreds of thousands, of farmers. They deal instead with outright expenditures.

The Senator from Florida shall continue to support the Senator from Delaware on matters which deal with raising expenditure ceilings. But on the matter of investments in the CCC price support program, the Senator from Florida believes that the Senator from Delaware is completely wrong, and for that reason I am placing these facts in the RECORD.

I thank the Senator for yielding.

Mr. COOPER. Mr. President, will the Senator from Florida yield to me?

Mr. HOLLAND. I do not have the floor.

The PRESIDING OFFICER (Mr. SPONG in the chair). The Senator from Delaware has the floor.

Mr. WILLIAMS of Delaware. I yield to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, I have an interest in this amendment, as do many other Senators. My State is a large tobacco producer, with a successful price support program—one which I support strongly—and that causes me to have a great interest in this amendment. I want to know if the rejection of the amendment will affect these tobacco and other price support programs.

I voted for the amendment of the Senator from Delaware and the Senator from Florida, in which Congress pledged to reduce expenditures by $6 billion when we imposed additional taxes upon the people. I believe that I made a commitment to stand by that pledge unless it can be clearly established that a vital and good program will be adversely affected.

As I understand the facts, the borrowing authority of the Commodity Credit Corporation has been exhausted, with the exception of between $1.5 billion and $1.6 billion. Is my understanding correct?

Mr. HOLLAND. My latest information is that it is just above $1.3 billion. The Senator from Delaware says it is approximately $1.5 billion. I do not believe there is enough difference to question each other's word. The latest information I have is between $1.3 billion and $1.4 billion, and closer to $1.3 billion.

Mr. COOPER. That borrowing capacity is available to the Commodity Credit Corporation to meet necessary charges for price support?

Mr. HOLLAND. The Senator is correct.

Mr. COOPER. How much have we appropriated this year to sustain the operation of the Commodity Credit Corporation?

Mr. HOLLAND. We have appropriated enough to bring it back to the figure of approximate $1.3 billion.

There is no inadequacy in that fund, I may say to the distinguished Senator. The inadequacy comes from the fact that the estimate in the budget of what the Department of Agriculture expected to use in the price support programs has proved to be inadequate. This estimate upon which the Secretary based his plans and his statements made to farmers in the fall and winter of last year and in January of this year, was so far under the actual crop production, that now he is confronted with a need to give price support to $984 million worth of commodities actually produced in this lush year, which were not estimated to be produced at the time the original estimate was made. That is what is involved in the Williams-Smathers amendment.

Mr. COOPER. I am trying to ascertain the exact needs of the Commodity Credit Corporation. As I understand it, the funds available to maintain the price support program would come from two sources: First, the available borrowing capacity of the Commodity Credit Corporation; and that, the Senator from Florida has stated, would be from $1.3 billion, as stated by the Senator from Delaware. This sum would be supplemented by any amount we have appropriated to the CCC for the price support program, above the available borrowing capacity.

Mr. HOLLAND. No. The amount appropriated is really an amount restored. The Senator from Delaware is fully familiar with this process.

Mr. COOPER. I understand, we cover and should cover any deficits incurred by the CCC.

Mr. HOLLAND. Each year we are called upon to restore the capital structure, which is really the borrowing power. The borrowing power of the CCC from the Treasury is $14.5 billion. But year after year they have failed to ask for a complete restoration, until now the total is greatly reduced. All I can say is that after we had placed in the bill this year the amount which was placed in the agricultural appropriation bill, there was still left over at that time $1.437 billion. The last information I have received indicates this has been reduced to approximately $1.3 billion plus. That is the capacity for price support.

Mr. COOPER. Is it correct, then, to say that the ability of the Department of Agriculture to sustain the price support program depends upon the amount that is available to the Commodity Credit Corporation as its borrowing power?

Mr. HOLLAND. That would be true, except for the provisions of the Williams-Smathers amendment. The fact is that the Williams-Smathers amendment is based upon the theory that the estimates were correct, that the budget based on those estimates was correct. The estimate was not correct and the budget was not correct. That is where the trouble is.

Mr. WILLIAMS of Delaware. I would like to respond to the Senator in order to straighten out this matter.

Mr. COOPER. I have other questions.

Mr. WILLIAMS of Delaware. The difference between the $1.3 billion borrowing and the $1.6 billion I was referring to is a matter of dates. I was referring to June 30, and the Senator from Florida was referring to a later date. The point is that there is about $1.5 billion in borrowing authority remaining.

Now, they get the benefit of the appropriations for fiscal year 1969, which was passed by Congress in August. As I recall, they have about $1.5 billion restoration of capital. They have plenty of money at this time to administer the fund.

Mr. COOPER. Mr. President, will the Senator yield to me at that point?

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. There is a controversy between what the Senator has said and what the Senator from Florida said.

Does the Senator maintain that additional borrowing capacity has been provided the Commodity Credit Corporation above $1.3 billion, by the appropriations we made this year?

Mr. WILLIAMS of Delaware. It has been provided only to the extent that when we make appropriations of $1.5 billion they can pay the Treasury on the balance. Whether they do that is beside the point. It does give them the drawing authority of $3 billion.

Mr. COOPER. What is the amount available to the Commodity Credit Corporation to sustain the price support program?

Mr. WILLIAMS of Delaware. I would say it is a little more than $3 billion. That amount includes reimbursements. The difference comes from the passage of the Williams-Smathers measure, which was based on the President's budget, and the President's budget for fiscal year 1969 was $186 billion and a few million dollars more. In reducing that budget, we put on a ceiling of $180.1 billion.

Included as components of the $180.1 billion are the various items in the budget before us, all broken down. To the extent that one of these items was overestimated and they do not use the money, they have that much more to use somewhere else. To the extent an item was underestimated, they have to make an offsetting reduction somewhere else in the budget.

What the Department of Agriculture is up against is this. If they have underestimated the cost of the support program by $1 billion, which was part of the total of $186 billion, they still may continue their programs even if this proposal is rejected. But the Director of the Budget has to make offsetting cuts somewhere else in the Government.

There must be a reduction of $1 billion somewhere. The Director of the Budget made it clear in a recent speech when he said he wanted to get the Commodity Credit Corporation excepted because that would give them $1.25 to $1.5 billion additional spending money. Then, they wanted to except welfare payments by the Department of Health, Education, and Welfare because it is estimated they would cost $500 to $750 million more. This would give the Government $2.5 to $3 billion more and that would mean the $6 billion reduction would be only $3 or $3.5 billion.

In addition, they could spend twice that amount if we except them. If they underestimate on these particular items are they going to tell us that all of the items are underestimated? Surely, under the law of averages they would have some overestimates. There is absolutely nothing in the Williams-Smathers measure, as passed, requiring any part of the $6 billion mandatory rollback in spending to occur in CCC. There was absolutely nothing that provided they had to make that reduction in the Department of Agriculture, the Department of Health, Education, and Welfare, or the Federal Aviation Agency, or the Post Office Department. This request for an exception is simply in the same pattern of every agency which has been before us for an exception.

Mr. COOPER. I understand the problem. I am trying to find the practical consequences of the problem.

As I understand, there is a division as to the exact figure available to the CCC. I think it clear that between $1.3 billion and $1.6 billion is the figure which represents the borrowing capacity of the Commodity Credit Corporation at this time to secure money to support the price support program. I know also the Department of Agriculture can come to the Congress any time—this week, next week, next month, in January 1969—with a supplemental appropriation bill for funds to cover exactly the needs of the CCC to maintain the price support program.

I want to know this. If this amendment should not be agreed to, is it not correct that the Department of Agriculture, if it had sufficient funds, could allocate funds to the CCC. Or the Bureau of the Budget could reallocate funds from another agency or department to the CCC. And third, and most proper, the Department of Agriculture could submit a supplemental appropriation bill to meet its exact needs, which would be honored.

Is it being argued by the Senator from Delaware and the Senator from Florida that if this amendment is not agreed to, that the Secretary of Agriculture is saying there will not be any funds during this year to meet contracts under the price support program? I do not believe such a statement would be correct. It has never been permitted by the Congress, and it will not be permitted in this case. The Congress will provide funds to honor its contracts whenever the Department sends up a true statement of its needs. This it has failed to do.

Is the Secretary saying and does he mean that he is going to cut out the price support programs? Is he saying there will be no money available? I do not believe it to be true. It reminds me of 1948. I remember very well the charge that the Congress cut out price support funds—that we had no storage. The administration refused to provide price support for corngrowers throughout the Middle West; the Department said there was not sufficient storage. All of the farmers were understandably angry, and that contributed quite a bit to the election of the President that year. Yet 2 years later, without storage, the Secretary supported the price of corn lying on the ground. I do not want politics to enter the farm program. I want to know if the Secretary of Agriculture is saying that if this amendment is not agreed to there will not be sufficient funds to carry out the price support operation, when it is known that the Congress has always covered by a supplemental appropriation all funds needed for our price support program—our contracts with our farmers—and we will do so again. This amendment is not needed.

Mr. WILLIAMS of Delaware. The Secretary of Agriculture is saying that, or at least trying to give that impression, but it is not true. This amendment, the Ellender amendment would not give the Department of Agriculture one extra dime to administer the price support program. They can only get that through Congress in supplemental appropriations, and that is not related to what we are doing with this amendment. The two are unrelated matters.

The Department of Agriculture has the money to carry on this program at least for the foreseeable future, in that the CCC has an additional $1.5 billion borrowing authority which was supplemented by the appropriations this year. I think it was signed on August 8, and was for about $1.5 billion, to make the total $3 billion.

The point is that if this costs more money than they estimated in the budget, if it should cost $1 billion more than that to carry out the programs for which they made solid contractual obligations, then the administration, somewhere, in some agency has to make a $1 billion cut to achieve the $6 billion total expenditure reduction.

The objective of the amendment, as I understand it—and I think I understand it as I have worked more on this proposal this year than on any other subject—by exempting this agency if they underestimated their expenditures $1 billion or $2 billion, whatever it may be, is to enable them to spend that and still not have it counted against the $6 billion expenditure reduction. In other words, if the extra expenditure is $1 billion—I think I heard an estimate of $900 million—and if we accepted the amendment, the $6 billion reduction would be reduced to $5 billion. If their expenditures should end up at $2 billion more, the reduction would be cut to $4 billion—there is no limit once we take this off as to where it could go. The Hart amendment, which is another section of this amendment would exempt another $750 million from the reduction. So we have no way of knowing where this process of enacting exceptions to the expenditure reduction would stop and whether any part of the expenditure reduction would be left in the end.

We are destroying the $6 billion spending cut. There is no question in my mind about that. If we make cuts so great here, there will be an unpleasant reaction against all of us in our respective States. We cannot cut back $6 billion on projected programs without someone having to make a sacrifice. There will be a program cut in my State, in other States, and in the Senator's State. Congress said it wanted to do it. We thought it was necessary to do it. The American people expect us to do it, if we are going to hold that 10-percent tax increase.

I say again, and I insist, that this does not mean, if this is rejected, that the Secretary will have to stop all the programs. He may do it. But he does not have to do it.

It is just another threat, the same as the threats we have had before, as to what they are going to do. We remember the Post Office Department. I am not unmindful of the fact that we voted to exempt the Post Office Department from the employee limitation. As I recall, it was around the 28th of July that the Postmaster General threatened and ordered the closing of certain post offices all over the country, restricting mail service and all mail deliveries on August 1, if Congress did not give him the exemption. Later, I established the fact that the day he made that threat, the 28th day of July, the Postmaster General had 20,000 more employees on the payroll of the Post Office Department than he had on June 1 this year. He had padded his payroll in anticipation of what we were going to do. He had more employees than he ever had before.

Of course, we get seasonal employees in the Government, especially around Christmas time. But we do not send Fourth of July cards. They have never needed that many employees. It was a deliberate attempt to get us to enact an exemption by threatening to shutdown essential services.

The Senator from Michigan—I respect him, and I am glad he has offered his amendment—has just as valid an argument for his amendment as can be made for the section dealing with agriculture. He will tell us in a moment about the widows and orphans who will be denied their benefits, and all the disabled people who will be denied help, if we do not exempt those public assistance payments.

An equally good argument can be made for that program. But we cannot take a single program by itself and forget about the overall context of all the Government programs. A good argument can be made for a program that way. But it avoids the basic question: Are we going to hold down spending?

Personally, I think the $6 billion spending cut is equally as important as the tax increase. In fact, it is more important.

Mr. STENNIS. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. STENNIS. As I understand the amendment concerning the CCC, it does not involve the matter of personnel under the Williams-Smathers law. Is that correct?

Mr. WILLIAMS of Delaware. That is correct.

Mr. STENNIS. Let us assume that there is a need for more money during the fiscal year for the Commodity Credit Corporation than is available through appropriations and through authorization to borrow funds? Is it not true that in a rather simple way we may amend some supplemental appropriation bill with the necessary amount of money, or credit authority, and in this way, meet the problem as to funds for CCC, whatever the amount may be?

Mr. WILLIAMS of Delaware. Assuming for a moment that there is not enough money in the CCC as a result of its borrowing authority, or appropriations which have already been made to the agency to finance its operations next year, there is only one way the CCC can get additional money to carry on its functions and that is through the appropriations process—in other words by direct action of Congress.

That is equally true, with or without adoption of the Ellender amendment. The only way they can get additional money is through the appropriations process. The Ellender amendment does not give them the money. It merely says they can spend beyond the 1969 budget allocation without the excess being counted as part of the $6 billion spending cut. There is nothing, absolutely nothing, in the Williams-Smathers amendment saying that a given department or agency can not go beyond the budget allowance. The only thing it does say is that, to the extent the budget estimate is exceeded in agency A, an offsetting reduction must be made in agency B, or somewhere else. Naturally, that is what hurts. But if we adopt this amendment, excess expenditures may be made by the CCC without any offset in expenditures somewhere else.

Mr. STENNIS. Expressed another way, assuming there is this need for additional, appropriated funds, or loan authority, and assuming there is an excessive crop yield beyond the anticipated amount, therefore adding some or needing some, if we had not passed the Williams-Smathers amendment this year in June, or whatever the date, how would the situation have been met that I have just described?

Mr. WILLIAMS of Delaware. They would have had to ask for a supplemental appropriation in order to meet the contractual obligation. As the Senator knows, I have felt that many of these programs are too expensive, and I have consistently recommended that they be cut back. But, that is beside the point. They are the law. Everything takes additional money. The Government must live up to the contractual obligations it made in advance—last spring—with the farmers. I would appropriate that money.

Even if we appropriate that money, the $500 million, the $900 million, or $1 billion, whatever it is, in the supplemental appropriation bill, either now or when we come back in January, this amendment would mean that this money, which is over and beyond what had been anticipated in the budget, could be spent without any offsetting reductions elsewhere.

Mr. STENNIS. Like any Senator, I have a concern about contractual obligations of the Government and meeting whatever the requirements are necessary to meet there. On another point, I come from a State that is greatly concerned about loans for commodities—more than one. Cotton is the foremost. I want to meet the obligation for that reason. But I voted against all the exceptions in the Williams-Smathers amendment except for the FBI, and the air traffic controllers—for which I believed there was an extreme emergency involved, life or death. I do not want to have to vote for the many others that will be offered on this bill. If these facts are correct, then I am going to vote against the amendment because the matter can be taken care of in another bill later in the fiscal year when the actual need exists. If it develops then as an actual power need, I shall vote to meet the Government obligation, of course.

Several Senators addressed the Chair.

Mr. WILLIAMS of Delaware. I promised earlier that I would yield to the Senator from Louisiana [Mr. ELLENDER], and I am glad to yield to him now.

Mr. ELLENDER. In answer to the question asked by the distinguished Senator from Mississippi, it is not a question of money involved here. We have the money available; namely, $1.3 billion, which now is and can be used by the CCC for extending credit to farmers. It is not a question of going to the Appropriations Committee for the money. It is there. It is available. This means only that the amount there now, the $1.3 billion, can be used to the extent of the credit extended to the farmers, with their commodities as security, the same as we have been handling it for 30 years now. It is an asset to the Government, not something that the Government is losing.

It is entirely possible that a farmer will come in and borrow $2,000 or $10,000 on cotton, and in the next 2 or 3 weeks he can sell that cotton and redeem it and pay off his debt. It is not a question of the money going out and being lost forever, as it would be in many of the cases we had here yesterday. This is an investment made by the Government in order to assist the farmer and not permit him to dump all his commodities on the market and thereby depress prices.

Mr. WILLIAMS of Delaware. The Senator from Louisiana is correct. The money is there, with or without this amendment.

As I have stated many times, and I repeat, as one who did not support the programs originally, I shall support appropriating, without reservation, whatever money is necessary for the Government to meet its contractual obligations. Once the Government makes such contracts, it has the obligation to live up to them just as a private company would have. There is no question about it. The only question here is that apparently the Secretary wants to spend $1 billion more than was estimated in the budget. The question is, Was it part of the $180.1 billion? In my opinion, it was.

The Hart proposal will authorize another additional $750 million over the expenditure reduction. In my opinion, an argument can be made equally as well for one as for the other. If we are going to take $2 or $3 billion out of the expenditure reduction, we are destroying the $6 billion cut in expenditures that Congress adopted.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. I would like to add a footnote to what has been said. I do not think the Senator from Mississippi [Mr. STENNIS] was here earlier when this point was brought up, but, with all deference to the Senator from Florida, the Senator from Louisiana, and the Senator from Florida have a letter from the Department of Agriculture in which Mr. Freeman has said:

> If you do not do this, we are likely to have trouble with other farm programs. We will take care of our obligations, naturally,

but taking care of the programs will require a greater outlay than was envisioned and other programs will be squeezed.

In my opinion, a letter should have been fired back to the Secretary of Agriculture stating, "Do not come running to the Congress to ask for relief. Go to the Director of the Budget and remind him"—as the Senator from Delaware has said—"$3 billion more will be available for fiscal 1969 than was available for 1968. Get your money out of that."

They have not done that. They have said, "We are going to have all these problems if you do not get us off the hook."

There is one way that problem can be reconciled. The Senator from Florida talks very strongly in support of the Williams-Smathers amendment, but he is willing to make an exception with this understanding: The exception will relate to an investment by the Federal Government. It will be an outlay of funds, but it will be an investment, most of which probably will come back if the grains and other commodities are sold. Probably there will be some losses, but most of it will come back.

The Senator from Delaware [Mr. WILLIAMS], on the other hand, is saying, "we are making no exceptions, be it investment or outright expenditure. It is up to Senators to justify how to vote according to their consciences."

I think it would be terribly wrong to say, "If you vote against the pending amendment on the Commodity Credit Corporation, you are voting against your farmers, because they are not going to be paid or are not going to have their loans covered." That is wrong. It is false. That has been brought out.

I appreciate the Senator from Louisiana having made the record clear that the appropriations cover that. This is no problem, although it is difficult for some people.

The Senator from Delaware has pointed out the issue: Are we going to live up to our commitment to the taxpayers to have a $6 billion reduction in expenditures, or are we going to go back on our commitment to the extent of $1 billion because it happens to be an investment rather than an expenditure?

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. The Senator from Iowa just said it is wrong to say that those of us who will oppose the Ellender amendment and the Hart amendment will be saying, "Mr. Farmer, we will not treat you right," or words to that effect.

I have a letter in my hand from the American Farm Bureau Federation dated September 16, 1968. The American Farm Bureau Federation has 1,753,000 family members. In the letter, Mr. Lynn, of the American Farm Bureau Federation, states:

> As you may recall, Farm Bureau supported Congressional enactment of the Revenue and Expenditure Control Act of 1968.
>
> Last week the President and some Congressional leaders announced plans to ask Congress to exempt the Commodity Credit Corporation and the Medicaid program from the expenditure limitations provided in this legislation. This announcement came after the Bureau of the Budget reported that CCC spending in 1969 would exceed earlier budget estimates by $700 million and Medicaid would be up by about $400 million.
>
> The American Farm Bureau Federation Board of Directors last week adopted the following statement, opposing any further exemptions from the spending control provisions of the Act:
>
> "Farmers and ranchers are continuing to suffer from an increasing cost-price squeeze. The cost aspect of this economic pincer is the direct result of excessive government spending. Farm Bureau, as did several other responsible groups concerned with inflation, made its support of the ten percent surtax contingent upon federal expenditure cuts of at least $6 billion from the President's 1969 budget. The provisions of the Revenue and Expenditure Control Act clearly reflect acceptance of this principle. We are appalled at efforts to get the Congress to disregard this commitment and, in effect, reverse the Congressional mandate in this regard. Efforts to exempt additional items from expenditure control, including those involving CCC and Medicaid expenditures, invite a further breakdown in fiscal responsibility and would, if approved, amount to breaking faith with the American people. We urgently recommend that no further exemptions be granted."

That is the Farm Bureau Federation speaking, the largest farm organization in the United States, consisting of 1,753,000 farm families. It plainly tells the Congress that our primary responsibility is to reform our spending policies, to destroy the evil impact on prices of excessive spending, and therefore begs us to stand by the sacred and solemn commitment which we made last April 2 that we were going to cut Federal spending by $6 billion. I contemplate standing by my commitment and my promise.

I ask unanimous consent that the entire letter from which I read be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., September 16, 1968.
Hon. FRANK J. LAUSCHE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LAUSCHE: As you may recall, Farm Bureau supported Congressional enactment of the Revenue and Expenditure Control Act of 1968.

Last week the President and some Congressional leaders announced plans to ask Congress to exempt the Commodity Credit Corporation and the Medicaid program from the expenditure limitations provided in this legislation. This announcement came after the Bureau of the Budget reported that CCC spending in 1969 would exceed earlier budget estimates by $700 million and Medicaid would be up by about $400 million.

The American Farm Bureau Federation Board of Directors last week adopted the following statement, opposing any further exemptions from the spending control provisions of the Act:

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It must be understood that if Congress does not grant these exemptions, Medicaid and CCC programs required by law can still be carried out. However, refusal to grant the exemptions would bring about a great deal of pressure on administrators of these programs to make every dollar count since each dollar spent on them in excess of budget estimates would represent a dollar of deeper cuts in other programs and agencies.

Sincerely yours,

JOHN C. LYNN,
Legislative Director.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Ohio.

Before I yield the floor, let me just say, with reference to the statements about the Commodity Credit Corporation and also with reference to the section referred to by the Senator from Michigan [Mr. HART], I do not question the sincerity of the sponsors of the amendment. I want to make that clear. At the same time, a defeat of the amendment would not in any way mean the Government would renege on its contractual obligations with the American farmer or any other American citizen. The question just boils down to whether we want two other agencies to spend about $1 billion each more than was contemplated in the budget. If so, we would shoot out the bottom of the bucket of the $6 billion spending cut.

Even if we do this, if we accept these proposed exceptions, it does not mean that the spending will stop at $2 billion. There would be nothing, absolutely nothing, to keep it from going to $3 or $4 billion; and, in my opinion, if this proposal carries, it will defeat the effectiveness of the $6 billion spending cut. I hope the substitute amendment offered by the Senator from Michigan, as well as the amendment of the Senator from Louisiana, will both be rejected.

Mr. HART. Mr. President, I do not wish to be repetitious. I think we are about ready to vote. But I wish to make the point that the Hart substitute amendment does not exempt these two massive agencies from spending controls. It simply does not do that.

Furthermore, unless my arithemtic is extraordinarily at fault, it does not diminish or modify, much less reject, our commitment that the Farm Bureau was talking about to reduce Federal spending by $6 billion. It absolutely does not.

It says this: "To the extent that Commodity Credit exceeds the budgeted figure, go ahead and pay those farmers, but then charge them overage into the reductions to be applied elsewhere. Find your $6 billion somewhere else."

And it says, with respect, not to the farmers—and this is what the Senator from Delaware suggested I might run my flag up on—but to the people who have also taken our word for it that a medicaid program is going to come across, which, if the States cooperate, will mean something to them—and the amount of the overage given me on this one is about $400 million—to these people it says, "Treat that the same as the original amendment would have treated the overage to the farmers."

If one makes sense, the other makes sense. I hope my substitute amendment will be agreed to.

Mr. LONG of Louisiana. Mr. President, in my judgment, the Ellender-Holland amendment should be agreed to. In my judgment, the Secretary of Agriculture would be wise to make no price support payments whatever if the amendment is not agreed to.

I have had a chance to discuss this matter with the Secretary. He has indicated to me the tremendous reductions already in store for the school lunch program, the children's milk program, the soil conservation payments, and other matter of this sort. To impose another $1 billion cut on those essential programs would, it seems to me, be tragic; and in my judgment the Secretary would be wise to recognize that if the Williams-Smathers amendment applies both to the Commodity Credit Corporation providing help to farmers with price supports and to providing the school milk program, he would be wise not to provide any price support payments.

As much as I should like to provide matching funds for State medicaid programs, to provide the additional funds necessary, I am not going to ask that the Senate vote for such an increase. In fact, I have prepared an amendment to reduce medicaid expenditures at the Federal level by $500 million. There is nothing new about my amendment. It was approved by the Senate when we passed the last big social security bill. We agreed to an amendment that said these medicaid expenditures are getting out of line, the States are taking advantage of the law, they are finding ways to liberalize medicaid to apply to people who were never intended to get medicaid benefits, because these people are middle-income people. In the Senate we passed an amendment to provide that if the States wanted to be that liberal, they ought to put up more of their own money, and receive less Federal money.

So we said that, instead of putting up 50-50 matching in States that have more than average income, we would put up only 25 percent for the medically needy against the State's 75 percent. And we said that in a State that under present law would get 75 percent Federal money, against 25 percent State money, we would multiply the 75 percent by 75 percent, and give those States 56 percent matching for the medically needy.

I have an estimate by the actuary who has studied this matter, Robert Myers. He says that if Congress had enacted the Senate amendment which we agreed to last year, this medical aid expenditure would have been $500 million less at the Federal level than it is, and that it would not hurt anybody who is on public welfare, nor would it hurt those people who are really very much in need of medicaid, but the States would simply have to modify their programs so as not to move up toward the middle income brackets in providing medical care for people not on the public welfare rolls.

Mr. President, I shall not ask that my amendment be substituted for the Ellender amendment, because I believe we can provide a way to save $500 million in medicaid. I expect to offer my amendment in due course, because I think it offers an economy that can be achieved; and if the budget is as tight as it seems to be, I think the amendment is a good way to handle the problem.

I feel that to add the welfare program on top of the Commodity Credit Corporation problem would mean that both will be defeated; and I think that the best answer would be to disagree to the welfare portion of it, much as I tend to favor those programs at heart. I believe we can move to economize in that area, and I will offer the amendment, in due course, on a program which has exceeded budget estimates by about $500 million because the States have found ways to get around the House provision, which became law. The States could never have done this had they been confronted with the Senate amendment, by which the Senate voted to tighten up on the program in such fashion that we would not be $500 million above budget estimates on that program had the Senate prevailed.

That being the case, Mr. President, with all due deference to my able friend from Michigan, whose heart beats for the poor, the needy, the underprivileged, and the sick, and who is, in my judgment, one of the great Senators of all time, I think, faced with hard choices, we would be best advised to vote down the substitute, in order that the Ellender-Holland amendment might come to a vote on its own merits.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MILLER. The Senator made some comment which I did not quite catch, that he thought if the Ellender amendment was rejected, perhaps the Secretary of Agriculture should hold up, or somehow or other not go along with this Commodity Credit Corporation program.

I am not sure that is quite what the Senator meant, but I think it was something to that effect.

My question is this: Why would it not be much better to have the Secretary of Agriculture go to the Director of the Budget and say, "Look, according to the Senator from Delaware, you have $3 billion more to spend in this fiscal year than you had last year, so take the money that is needed for the Commodity Credit Corporation and for the other Department of Agriculture operations which were not anticipated out of that."

Why would that not be better?

Mr. LONG of Louisiana. Well, we have a war going on. We have sophisticated weapons being developed. The war is more severely at issue than last year.

I think every department head would tell the Senator that he has taken, on the $6 billion cut originally voted on these controllable items, every reduction he thought could be justified in any kind of way, and more in addition. Each department head would defend what remained of his budget, to the extent that he would say, "If you cut me any further, it will completely frustrate what we are trying to achieve."

In my judgment, to fail to agree to the Ellender-Holland amendment would take what was voted to be a $6 billion spending cut and make of it a $7 billion spending cut, if we are going to continue to make these commodity payments under price supports.

That being the case, it would seem to me that one might do well to say: "Well, in view of the fact that this was not budgeted, we could not anticipate it. No allowance was made for it, and we are bound by the law. We cannot make the payments."

As between the farmer getting more for his corn and our giving the children milk, I think I will give the children the milk.

As far as trying to solve the problem and push it on the other fellow, the Secretary of Agriculture will not be as hard pressed with the amendment as the Secretary of Housing and Urban Development. That Department was in its infancy on June 30, 1966. That Secretary will find his program more drastically cut than will be the case in the Department of Agriculture.

I think the average department head will say: "I will try to solve my problem within my Department. When Congress voted for this it must have intended it."

If we do this, we will get Nixon a little earlier than otherwise. If the Senator does not want to provide money for price support, do not provide it, and we will get by with it.

Mr. MILLER. Mr. President, the Senator from Louisiana, as always, is very frank in his response.

The Senator mentioned sophisticated weapons. It is true that the Department of Defense has been requested to reduce this expenditure. But I do not see any letter from the Secretary of Defense to the chairman of the Armed Services Committee saying, as the Secretary of Agriculture did, "You have to exempt this area of research and development of the Department of Defense. Otherwise, we will suffer a great loss in sophisticated weapons." I do not believe that that kind of letter has come up. At least, if it has, nobody has seen fit to offer an amendment.

It seems to me that when we have the Secretary of Agriculture as the first one, it indicates that perhaps the administration has been the one to say, "The first one that is going to get caught on this thing will be the Department of Agriculture. The farmers are so few that they are the ones who—while they may scream loudest—will not have so much political power."

I think that is very unfair. The way the amendment originally came up was through the statement that if we do not agree to it, the farmers will not get paid.

That matter was brought out in the open. The chairman of the Committee on Agriculture and Forestry, the senior Senator from Louisiana [Mr. ELLENDER], and the Senator from Florida [Mr. HOLLAND] have now pointed out that the farmers are going to be paid. The appropriations have been made, and the money will go to the Commodity Credit Corporation. So it gets down to this: That the Secretary of Agriculture really has come over and said, "Look. I am not worried about the Commodity Credit Corporation, although my letter said that. That is a little window dressing. I am not worried about the Commodity Credit Corporation. I want the Senate to pass an amendment which will exempt the Department of Agriculture from the $6 billion expenditure cut to the extent of $1 billion, because the administration, the Director of the Budget, and the President will not let me have a little better priority."

That is about what it amounts to.

Mr. LONG of Louisiana. The Secretary of Agriculture had $1 billion of expense over and beyond what anyone could anticipate at the time the Williams-Smathers amendment was agreed to. He had a $1 billion problem on his hands. The question was what he would do with it.

If we try to pay the farmers, then we cannot give the children the school lunches or milk. So, the Senator can take it one way or the other. If he is going to pay the farmers, then he has to take it out of the soil conservation payments.

It seems to me that since the problem concerns good weather all around the world and the surplus commodities, we have to do one or the other. I talked to the Secretary of of Agriculture today. I said, "Send a letter and tell us frankly what you will do so that we will know. Are we supposed to take the milk away from the children, or are we supposed to tell the farmers that they do not get their price support?"

Frankly, I hope we get a letter to the effect that the farmers do not get their price support. Then we can all see who wants the farmers to get price support and who does not.

I suspect we will find that a majority of the Democrats will vote for the farmers getting price supports and the majority of the Republicans will vote to deny them price supports. And we will save a few Democratic seats that we are in danger of losing at this moment as a result of this vote.

In my judgment, the Williams-Smathers amendment supersedes the price support because once the expenditure limitation is reached in a department, there is no money to spend.

It seems to me that rather than to take away funds for milk for the children or for soil conservation, we should simply say that nobody gets any price support. Then we can support the logic of the senior Senator from Ohio that some farmers do not need price support. Having done that, our good Republican friends can tell the farmers: "Some of you need that money. However, some of you are millionaires and don't need it. It was to take care of the millionaires that we had to do it this way and take it away from the poor people." Then the farmers will understand the situation.

Now, Mr. President, if it is thought that it would be a good idea to limit the medicaid program as far as the so-called medically indigent are concerned, the Senator will get my agreement. I will offer an amendment to reduce medicaid by $500 million. But I do not see for the life of me how the Department of Agriculture can stand the $1 billion reduction and have any sort of program remaining.

That being the case, it seems to me that the Secretary of Agriculture ought to make it clear that this means there will be no price support.

Mr. MILLER. Mr. President, while the Senator was frank in his response to my original question, I am afraid the Senator might possibly have been carried away a little in the argument he just made.

If we are going to talk about partisanship in this matter, I am ready to talk in as partisan a fashion as the Senator from Louisiana. And if the Senator wants to be a little exuberant and exaggerate, as the Senator has felt inclined to do, I could say with equal validity that if we adopt the Ellender amendment, the Democrats will be stating in effect to the taxpayers of the country and to those who are working in the plants for $2.25 an hour, with a wife and two children, and who are being squeezed by the 10-percent tax increase: "Do not worry about this. We have just decided to renege on our commitment because when we told you we were going to have a 10-percent tax increase, we meant that we were going to have a $6 billion expenditure reduction, and did not mean that we were going to increase things above that."

I could use the same type of approach as the Senator from Louisiana, if I wanted to play politics. However, I do not think that is the way to go in settling this problem.

The senior Senator from Louisiana and the Senator from Florida have made it abundantly clear to anyone who has been here to listen to the debate that there is money there. The appropriations are there. The Commodity Credit Corporation has the money, and the farmers are going to be paid, whether the Senator or I like it. The money will be paid, whether the amendment is passed or not. It will be paid. So let us not get off on that track.

The point is that if the Ellender amendment is rejected, the Director of the Budget is going to have to do some squeezing, either on the Secretary of Agriculture or on some other agency, with respect to the amount of money we are talking about. It seems to me that it will put the Senate in a rather ridiculous position, especially when the Senate is controlled by the administration, for us to get the administration, the Director of the Budget, and the President off the hook because they underestimated some of the expenditures.

One more point: If I really believed that at the time the Williams-Smathers amendment was adopted, it was unforeseen that there were to be these additional costs for the Commodity Credit Corporation, I would feel much better than I do now about the pending amendment. But the Senator from Delaware [Mr. WILLIAMS] has said at least half a dozen times during the debate on this bill that at the time the Williams-Smathers amendment was being considered, nobody from the administration came before Congress and said, "Oh, now, wait just a minute. Don't pass a $6 billion expenditure reduction, because there is going to be a huge increase, possibly up to a billion dollars more, in the costs of the Commodity Credit Corporation." That was not so long ago. At that time it was well foreseen that certain increases would be involved.

The Senate only recently ratified the International Grains Agreement, and the warning was sounded loud and clear then that we were to have a reduction in our exports.

Mr. LONG of Louisiana. Mr. President, I believe I yielded to the Senator from Iowa. Let me make it clear that no one in the administration knew what the problems would be until the September crop report was published. Furthermore, the administration never was for the $6 billion cut. The administration did everything it could to try to reduce the cut from $6 billion to $3 or $4 billion, or some lower figure. The administration figured it could live with a smaller reduction. But they had to accept the whole $6 billion cut even though they did not want it.

Furthermore, when the September crop report was published, the administration found, in view of what had happened in the Commodity Credit Corporation, that they were going to have to pay off, instead of $104 million, $1,148 million for five of the crops. That meant that the cut in expenditures was not to be $6 billion, but was to be a cut of $7 billion.

Mr. MILLER. I say most respectfully to the Senator that that is not when they found out about it. The crop report was not what bothered them. It was not the production that bothered them. It was the market prices, because the market prices went below the loan, and that is when they realized that the farmers were going to come in and take their loan prices rather than the market prices.

Mr. LONG of Louisiana. The prices went down because of the large crop. They found out about the large crop in September.

Mr. MILLER. That is part of the reason. Another part of the reason is the decline in exports. The market forecasts came out long before the one of September. However, in June of this year, at the time of the Williams-Smathers amendment, that could have been foreseen. At the time of the International Grains Agreement debate, I pointed out what was happening.

Mr. LONG of Louisiana. The administration did not support the $6 billion reduction. They were for the tax, but they were not for the $6 billion reduction to begin with, and they hoped to settle for a lesser figure.

Mr. MILLER. The Senator is very much aware of that.

Mr. LONG of Louisiana. They wanted to settle for a lesser figure, but the conferees said it would have to be $6 billion.

Mr. MILLER. The Senator from Louisiana is perfectly consistent, because he opposed the package. So I am not criticizing him. The Senator can argue as he is, and he is on sound ground so far as his position is concerned. But a substantial majority of the Senate passed the package.

I repeat that I believe it is rather in poor grace for the administration, even though they did not like the $6 billion package, not to come here and point out to the Senate, a majority of the Members of the Senate, that we were making a mistake, perhaps, because of the bad market situation in our price-supported crops on which loans had been made, and with the clear warning that if the market kept going this way, more farmers by far than had been anticipated would be taking the loan.

That is the point the Senator from Delaware has been making; and I suggest to the Senator from Louisiana that if in fact they had not known what was going on in the market at the time of the Williams-Smathers amendment, I would feel a little better about the exemption that is being sought. But they knew, probably better than anybody else in the country except some key people in the grain trade, what was going on. Now we are told that we will need five times the amount of money to cover these loans than they forecast in the budget in January.

Mr. LONG of Louisiana. Perhaps the Senator knows more than I do about what happened in that conference. I was there. The Director of the Budget asked that we exempt all of these relatively uncontrollable programs listed on page 15 of the budget. In other words, he asked that we exempt these open-ended and fixed-cost programs, such as medicare and social insurance trust funds, interest on the national debt, civilian and military pay increases, veterans pensions and compensation, public assistance grants, farm price supports, postal operations, legislative and judiciary. The conferees agreed to exempt some of these.

Mr. Zwick said it was beyond his power and beyond the President's power to control these items, and that they should be exempted. But the conferees did not exempt all of these items.

Here is one item that is $1 billion off the estimate, and that means that of the items they can control, they are faced not with a $6 billion reduction, but with a $7 billion reduction, if they are going to operate under the expenditure limitation. What can one do? My reaction would be not to honor the farm price support commitment and say it could not be funded under the Williams-Smathers amendment.

I understand that the Senator has been informed by the senior Senator from Louisiana that the Department would hope to honor this commitment and take it out of the children's milk program.

Mr. MILLER. The Senator did not say it should be taken out of the children's milk program.

Mr. LONG of Louisiana. Part of it would come from there.

Mr. ELLENDER. I said it could come out of programs being operated by the Department of Agriculture, and in the next 30 or 40 minutes I will have a list.

Mr. LONG of Louisiana. May I say to the Senator that in hoping to work out a program with respect to what happens on items that are uncontrollable, so far as the area over which I have some jurisdiction—namely, public assistance—I myself will offer an amendment to cut back in medicaid payments. I do not apologize for it. It will be the same amendment that the Senate adopted a year ago. It will save $500 million.

Mr. MILLER. That is commendable, but may I ask this question. The Senator was in the conference. He points out the uncontrollable items which the Director of the Budget asked to be exempted, one of which was farm support payments. Did the Director indicate the degree to which we might have a problem on these uncontrollable farm price support payments, or did he just say, "Here is a list of uncontrollable items; now let us exempt them all"?

My point is that if he wished, he could have pointed out the bad market situation that was going on and the market forecasts, and he could have given the conference committee some idea of the extent to which the Commodity Credit Corporation would have to be paying farmers loans, rather than the farmers taking their market prices. If he had done that and had come before the conference committee, I would not have been surprised if the conference committee had given him the exemption.

Mr. LONG of Louisiana. Memories fade, and I cannot recall everything the Director said, but I do recall that he was asked, "How would you try to do this?"

He said, "There are all sorts of things you cannot predict. You are going to have some things happen that will make you spend more money, and others that will make you spend less money. But based on what I can see now, I would suggest we take about half of it out of the non-Vietnam expenditures of the military, and for the rest we will try to find some way to live with this and take another $3 billion out of the other items."

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HOLLAND. I should like to comment to the distinguished Senator from Iowa on this fact: The Senate debated this bill, as I recall, in late February and March. The bill was passed by the Senate on April 2. The bill was in conference a long time and became law some time in June.

If anybody is good enough to know, when the corn is planted, that the crop will be a bumper crop, he is certainly needed in the Department of Agriculture, because that kind of estimate cannot be made. The Secretary makes it very clear that it was not until the September estimate that he realized what a terrific problem he had on his hands.

The same thing I mentioned about corn—because that is a matter with which the Senator from Iowa is most concerned—is true in one degree or another with reference to all the other commodities that are involved. The fact is that until the crops began to mature and we began to see that nature had smiled upon us so greatly, the Secretary did not realize the terrible difficulty with which he was confronted.

Mr. President, I only wish to call attention to the fact that there is no difficulty in explaining why no one came rushing in here in March or April to complain that we were inaccurate in our estimate on corn, for instance, because the corn was just being planted about that time.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I shall yield to the Senator from Iowa in a moment but first I wish to respond to the Senator from Florida.

The **PRESIDING OFFICER** (Mr. McGee in the chair). The Senator from Louisiana has the floor.

Mr. LONG of Louisiana. Mr. President, to go the Senator one better, in a State like Louisiana or Florida, farmers cannot determine how much they are going to make until the harvest. I am sure Senators have heard of Hurricane Betsy and Hurricane Hilda. A crop can be reduced by 50 percent or more by a hurricane. A farmer might think he had a beautiful crop but if there were a hurricane, he would feel lucky to have just a home or a farm left. Until the crop is harvested they do not know how much they will have. They must wait to see what the payments and the costs will be.

Mr. President, I did not rise at this point to speak for the Ellender amendment. I wish to speak against the substitute for it.

Mr. MILLER. Mr. President, with respect to the comment of the Senator from Florida, the Senator from Iowa knows as well as anyone else, and perhaps better than anyone else, that a very good forecast cannot be made at the time corn, for instance, is planted. A forecast can be made in part based on additional acreage that is is planted. However, in the case of wheat, in June and before we knew there was a dangerous situation. One of the reasons the International Grains Arrangement was requested on the floor of the Senate—and I suggest fallaciously—was because of the depressed price of wheat and a forecast based on production that would be coming in from fall plantings, in addition to that. The market price of wheat was down below the loan price.

At that time anyone who was on his toes could have said to the conferees, "Beware with respect to the Commodity Credit Corporation because the price of wheat is bad and could get worse and we could be paying an increased price for wheat."

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. LONG of Louisiana. Mr. President, that is not all. What happened with respect to feed grains was twice as bad. They were $413 million above the estimate on that; on soybeans they were $267 million above the estimate. While wheat was one part of the problem, it was about one-fourth of the overall problem.

Mr. MILLER. What is the Senator referring to?

Mr. LONG of Louisiana. I invite the Senator's attention to page 27957 in the Record. There is printed there the letter from the Secretary which explains it. Wheat had something to do with the situation, but that was only a part of the situation. A multitude of things created the situation.

Mr. MILLER. The Senator pointed out with respect to the increase in the Ellender amendment, $278 million of it is attributable to wheat loans.

Mr. LONG of Louisiana. The Senator is correct.

Mr. MILLER. That is a pretty good sized chunk. The point is that no warning was given when it could have been given in June or May that we were going to have a problem. I think the point of the Senator from Delaware is well taken.

I wish to repeat that there is another factor here that bothers me very much. At the time the Senate was considering the international grains arrangement, a number of Senators argued for it. They said that the price of wheat was very low. They said, "Let us ratify this world price agreement which will increase the price in the world market price. We have a depressed price for wheat. Let us ratify it." The Secretary of Agriculture asked us to ratify it.

At times I thought I was a voice in the wilderness but I was one Senator who said that if we ratified the agreement it would increase world competition against our production, and cause a drop in the wheat price. That is what has happened in the last few months since we ratified the agreement.

When the wheat farmer gets his loan and takes that money instead of the low market price, and Uncle Sam has the wheat on hand and sells it, he is going to lose more money than he would, had it not been for the most unfortunate ratification of that agreement.

Therefore, the increased amount of money in the Ellender amendment is due to the further drop in the wheat price. I suggest we are being very shortsighted here if we do not ask the Director of the Budget to give the Secretary of Agriculture some of that $3 billion extra spending money he has for 1969. I have not heard anybody tell us why he could not do that. If the Senator from Michigan or the Senator from Louisiana can tell us why the Director of the Budget could not go into that $3 billion spending money we have appropriated to take care of this problem, I would like to hear it.

Mr. AIKEN. Mr. President, at this time when the problems of American agriculture are being laid out in rather splendid array, it occurs to me that perhaps a little good news would not be out of order. I am not quite sure, but I do not think it would be out of order.

It will be recalled that early last summer when the countries of Western Europe were subsidizing the dumping of evaporated and condensed canned milk upon the American market by the shipload, the American dairy industry was in a desperate situation.

At that time President Johnson made an emergency finding as to the crisis in the American dairy industry and invoked section 22 of the Agriculture Act and imposed quotas upon the importations of canned milk into this country. If I may say so, that saved the life of the canned milk industry in America.

He did not take any action, however, on the importation from these same countries of various cheeses which were coming in also in violation of the intent of the quota system. But he directed that Tariff Commission to make an immediate study of these importations and to report promptly to him.

The Tariff Commission made the study but did not report promptly. In fact, they have not reported to date. I suppose that runs true to form so far as the Tariff Commission and American agriculture are concerned.

I am happy to say that today the President has made another emergency finding in regard to the importation of foreign cheeses into the United States and has again invoked section 22 of the Agriculture Act; and has placed them also under quotas.

In all probability the action which the President has taken today will save a market for perhaps a half billion pounds of milk for the American dairyman.

I wish to express my appreciation for the action which the President has taken today. His order will run for the remainder of the year, and undoubtedly as long as he is President. We hope the Tariff Commission may at some time in the future see fit to report to him or to some other President; and that the next President will, if necessary, do as President Johnson did 2 years ago; override the Tariff Commission and save the dairy industry for this country. I hope this will not be necessary, however.

I wish to express my appreciation for what the President has done today. I am sure that the sentiments I hold will be shared by the entire dairy industry of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan [Mr. Hart].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Gruening], and the Senator from Georgia [Mr. Talmadge] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Bible], the Senator from Maryland [Mr. Brewster], the Senator from Idaho [Mr. Church], the Senator from Arkansas [Mr. Fulbright], the Senator from Oklahoma [Mr. Harris], the Senator from Arizona [Mr. Hayden], the Senator from South Carolina [Mr. Hollings], the Senator from Massachusetts [Mr. Kennedy], the Senator from Missouri [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Montana [Mr. Metcalf], the Senator from Oklahoma [Mr. Monroney], the Senator from Maine [Mr. Muskie], the Senator from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], the Senator from Florida [Mr. Smathers], and the Senator from Pennsylvania [Mr. Clark] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Pennsylvania [Mr. Clark], the Senator from Arkansas [Mr. Fulbright], the Senator from West Virginia [Mr. Randolph], and the Senator from Connecticut [Mr. Ribicoff] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. Cotton], the Senators from New York [Mr. Javits and Mr. Goodell], the Senator from California [Mr. Kuchel], the Senator from South Dakota [Mr. Mundt], and the Senator from Maine [Mrs. Smith] are necessarily absent.

The Senator from Arizona [Mr. Fannin] is absent because of illness in his family.

The Senator from Iowa [Mr. Hickenlooper] is absent on official business.

If present and voting, the Senator from California [Mr. Kuchel] and the Senator from Maine [Mrs. Smith] would each vote "nay."

On this vote, the Senator from New York [Mr. Javits] is paired with the Senator from Arizona [Mr. Fannin]. If present and voting, the Senator from New York would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 25, nays 45, as follows:

[No. 294 Leg.]

YEAS—25

Aiken
Burdick
Byrd, W. Va.
Dodd
Fong
Gore
Hart
Hartke
Hill
Inouye
Jackson
Magnuson
Mansfield
McGee
Mondale
Morse
Moss
Nelson
Pastore
Pell
Prouty
Sparkman
Tydings
Williams, N.J.
Yarborough

NAYS—45

Allott
Anderson
Baker
Bennett
Boggs
Brooke
Byrd, Va.
Cannon
Carlson
Case
Cooper
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Griffin
Hansen
Hatfield
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
McClellan
McIntyre
Miller
Montoya
Morton
Murphy
Pearson
Percy
Proxmire
Russell
Scott
Spong
Stennis
Symington
Thurmond
Tower
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—30

Bartlett
Bayh
Bible
Brewster
Church
Clark
Cotton
Fannin
Fulbright
Goodell
Gruening
Harris
Hayden
Hickenlooper
Hollings
Javits
Kennedy
Kuchel
Long, Mo.
McCarthy
McGovern
Metcalf
Monroney
Mundt
Muskie
Randolph
Ribicoff
Smathers
Smith
Talmadge

So Mr. Hart's substitute amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Louisiana.

The Chair recognizes the Senator from Louisiana.

Mr. ELLENDER. Mr. President, this amendment has been almost talked to death. Nothing further could be said about it. I ask that it be voted upon immediately.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, for the information of the Senate, so far as I am concerned, we can proceed to vote in about 3 minutes. The arguments have all been made in connection with this proposal.

What we are voting on now is the exemption for the Commodity Credit Corporation alone. I think it has been brought out—and I think it has been confirmed—that it is not a question of whether we are for or against the price support program, or whether we are for or against any of the programs of the Agriculture Department. The Department has the money to carry out those programs. However, to the extent that the Department, in carrying out the programs, exceeds the budget estimates, there must be an offsetting reduction in some other area of the Government, either in the Department of Agriculture or elsewhere, to comply with the $6 billion spending reduction.

If the amenement is approved, it means the Commodity Credit Corporation can carry out its same functions, or expand them. If it expands—and it has been estimated it will spend $1 billion more than was projected in the budget—it means that $1 billion more will be spent than was contemplated when we enacted the expenditure reduction. Thus, this would automatically reduce the $6 billion expenditure reduction which we contemplated to $5 billion. If $2 billion more is spent, the expenditure reduction will be $4 billion, and so on.

The point is, do we want to stand by the $6 billion overall expenditure reduction or not? It is not a question of whether we are for or against the price-support program. Contractual obligations on the part of the Federal Government with farmers or with any other citizens must and will be carried out, and they can be carried out under the existing law without this amendment.

I conclude by repeating, the question is, do we want this agency to be able to spend an additional $1 billion or $2 billion, without its counting against the $6 billion ceiling and thus take a large first step in repealing the expenditure reduction?

I think we have an obligation to the commitment we made to the American people when we passed the surcharge. The Congress and the administration stood firmly behind the $6 billion expenditure reduction, and we have an obligation to stand behind it even though it may hurt some of the programs we have in our States. There is no reason in the world why this $6 billion reduction cannot be made in the least essential services instead calling for exemptions by singling out the most popular agencies and threatening shutting them down, as has been done.

I am ready for a vote.

Mr. ELLENDER. Mr. President, I was expecting a letter from the Department of Agriculture indicating where the cuts would be made. As the Senator from Delaware stated, it is true that the money is there and the loans can be made, but cuts would have to be made in programs now in the Department of Agriculture.

I received a letter from the Department on this date, which reads:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 24, 1968.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In view of the unforeseen increase in production expenditures by the Commodity Credit Corporation are now expected to be almost one billion dollars higher in 1969 than we had estimated last January.

We have taken every step we can to reduce the impact of this increase on other programs of the Department and still comply with the limitations in Sections 202 and 203 of the Revenue and Expenditure Control Act of 1968 (P.L. 90-364).

Even so, unless the increase in outlays for loans and inventory operations of CCC are exempted from this law it will be necessary for us to make reductions in outlays for other programs of the Department below the level which had been originally planned as follows:

Outlays

[In millions]

Soil Conservation Service—primarily for the small watershed program	$19
Extension Service—payments to States	4
Special milk program	58
Rural Electrification Administration	58
Agricultural conservation program	15
Agricultural Research Service	18
Forest Service programs (before making provision for emergency fire fighting costs and changes in permanent and trust accounts)	33
Farmers Home Administration—operating loans	50
Cooperative State Research Service—payments to State experiment stations	3

These are the major reductions which will be necessary as we see it now.

Sincerely yours,

ORVILLE L. FREEMAN.

Mr. WILLIAMS of Delaware. Mr. President, I do not wish to delay this matter further, and I do not intend to delay it. It has all been debated before. But I repeat, when the Secretary says he is going to make the cuts in those categories, he can do so if he wishes. He can shut down any of the programs he chooses. But I say this is merely another example of the threats we receive from the executive branch and the representatives of that branch when they do not want to cut spending.

We had a threat from the Postmaster General, a few weeks ago, that he was going to shut down all the mail service in America if we did not exempt that agency. On the 21st of July, when we exempted that agency from the employee limitation, the Post Office Department had 21,000 more employees than they had just 60 days prior thereto. It was all a blackmail attempt, to try to get Congress to exempt the agency, because the executive branch did not want, and today does not want, to cut spending. They are determined to take this 10-percent tax surcharge and pour it out in increased spending.

The issue is very clear: Does Congress, which approved the $6 billion expenditure reduction and the tax increase, want to stand by it, or do we want to repeal the $6 billion cut? It is that simple.

Mr. President, if this amendment carries, the $6 billion spending cut has been substantially reduced. I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. ELLENDER]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING], and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Maryland [Mr. BREWSTER], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Montana [Mr. METCALF], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

On this vote, the Senator from West Virginia [Mr. RANDOLPH] is paired with the Senator from Connecticut [Mr. RIBICOFF]. If present and voting, the Senator from West Virginia would vote "yea," and the Senator from Connecticut would vote "nay."

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from Arkansas would vote "yea," and the Senator from Pennsylvania would vote "nay."

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT] and the Senator from South Dakota [Mr. MCGOVERN] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. COTTON], the Senators from New York [Mr. JAVITS and Mr. GOODELL], the Senator from California [Mr. KUCHEL], the Senator from South Dakota [Mr. MUNDT], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from Arizona [Mr. FANNIN] is absent because of illness in his family.

The Senator from Iowa [Mr. HICKENLOOPER] is absent on official business.

If present and voting, the Senator from Arizona [Mr. FANNIN], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], and the Senator from Maine [Mrs. SMITH] would each vote "nay."

The result was announced—yeas 36, nays 34, as follows:

[No. 295 Leg.]

YEAS—36

Aiken
Anderson
Burdick
Byrd, W. Va.
Carlson
Dodd
Eastland
Ellender
Ervin
Fong
Gore
Hartke
Hill
Holland
Inouye
Jackson
Jordan, N.C.
Long, La.
Magnuson
Mansfield
McClellan
McGee
McIntyre
Mondale
Montoya
Morse
Moss
Nelson
Pearson
Prouty
Sparkman
Symington
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—34

Allott
Baker
Bennett
Boggs
Brooke
Byrd, Va.
Cannon
Case
Cooper
Curtis
Dirksen
Dominick
Griffin
Hansen
Hart
Hatfield
Hruska
Jordan, Idaho
Lausche
Miller
Morton
Murphy
Pastore
Pell
Percy
Proxmire
Russell
Scott
Spong
Stennis
Thurmond
Tower
Tydings
Williams, Del.

NOT VOTING—30

Bartlett
Bayh
Bible
Brewster
Church
Clark
Cotton
Fannin
Fulbright
Goodell
Gruening
Harris
Hayden
Hickenlooper
Hollings
Javits
Kennedy
Kuchel
Long, Mo.
McCarthy
McGovern
Metcalf
Monroney
Mundt
Muskie
Randolph
Ribicoff
Smathers
Smith
Talmadge

So Mr. ELLENDER's amendment was agreed to.

Mr. LONG of Louisiana. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MORSE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

DRUG INDUSTRY SEEKS TO DEFEAT SENATOR NELSON

Mr. MORSE. Mr. President, I am a conferee on the Vocational Education Amendments of 1968 and I must attend a meeting of the committee. I have had this speech prepared and I want to give it at this time.

Mr. President, a high official of the Republican Party has announced that the drug industry is going to pour money into Wisconsin in an attempt to defeat Senator GAYLORD NELSON.

This announcement was made on Thursday, September 12, by Lee Nunn, director of the National Republican Senatorial Campaign Committee. The story was published in the Milwaukee Sentinel on Friday, September 13, 1968, and also in the Milwaukee Journal of the same date.

The Milwaukee Sentinel quoted the Republican Senate campaign director as stating:

> Doctors and representatives of the drug industry have indicated a great interest in contributing to Nelson's opponent. Doctors, as you know, are the largest single group of contributors in the (republican) Party.

The Milwaukee Journal story, referring to Lee Nunn, the Republican Senate campaign director, said:

> Nunn did not say how much assistance would be offered to (Nelson's opponent), but he said doctors and drug industry representatives had shown "a great interest" in contributing to Nelson's opponent.

I ask unanimous consent that these two articles be printed in the CONGRESSIONAL RECORD at this point. One story, from the Milwaukee Sentinel, is headlined "NELSON Key Target of GOP Senators," and the other story, from the Milwaukee Journal, is headlined "GOP Tabs NELSON as Key Target for Defeat."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Milwaukee (Wis.) Sentinel, Sept. 13, 1968]

Nelson Key Target of GOP Senators

(By James G. Wieghart)

WASHINGTON, D.C.—The national Republican senate campaign committee considers Sen. Gaylord Nelson (D-Wis.) as a top target in the Nov. 5 elections.

Lee Nunn, committee director, confirmed Thursday that the committee had added Wisconsin to its list of 15 target areas since the Democratic convention in Chicago last month.

If the Republicans pick up 13 senate seats this fall and win the presidential contest, they would gain control of the senate.

Before the convention, Nelson was considered almost unbeatable by the committee. Only token help had been offered to Nelson's Republican challenger, Jerris Leonard of Bayside, a state senator.

STATE HIGH ON LIST

"But right now, Wisconsin rates very high on our list," Nunn said. "We feel that both Nixon and Knowles will win by large enough margins to provide considerable coat-tails."

Nunn was referring to GOP polls which indicate that Wisconsin Gov. Warren P. Knowles, a Republican will overwhelm Atty. Gen. Bronson C. La Follette, a Democrat, in the governor's race and that Richard M. Nixon will run far ahead of the Democratic presidential candidate, Vice-President Hubert H. Humphrey.

The committee's decision means that a sizable amount of outside money and manpower will join Leonard's campaign.

SPEAKERS LINED UP

The committee has already approved plans for campaign appearances in Wisconsin by Senators Robert Griffin of Michigan, Charles Percy of Illinois, Jack Miller of Iowa and John Tower of Texas.

In addition, Nixon has agreed to add another Wisconsin visit to his busy campaign schedule. It probably will be in early October, even though Nixon strategists feel the former vice-president already has the state sewed up.

Nunn would not say how much new financial assistance the committee would funnel to Leonard.

The committee also provides indirect financial aid by referring contributors to specific candidates. Nunn indicated that Leonard would get substantial contributions from the drug industry and the medical profession.

DOCTORS' FUNDS RELIED ON

"Doctors and representatives of the drug industry have indicated a great interest in contributing to Nelson's opponent," Nunn said. "Doctors, you know, are the largest single group of contributors in the party."

Nelson and his monopoly subcommittee conducted a series of drug hearings. During them, Nelson charged that drug companies make high profits and that many doctors are unwittingly prescribing dangerous drugs for minor ailments.

The campaign committee also has urged Knowles to aid in Leonard's campaign by following the "team approach" that was used so successfully by Michigan Gov. George Romney in 1966.

Romney helped Griffin upset former Democratic Gov. G. Mennon Williams in that campaign by touting Griffin in joint appearances throughout the state.

If the Leonard campaign follows the Michigan pattern, Knowles, Leonard and other GOP candidates for the top state offices will tour the state together by auto caravan and airplane.

[From the Milwaukee (Wis.) Journal, Sept. 13, 1968]

GOP Tabs Nelson as Key Target for Defeat

The national Republican senate campaign committee has added Sen. Gaylor Nelson of Wisconsin to its priority list of Democrats to defeat in the Nov. 5 election, committee director Lee Nunn said in Washington Thursday.

Nunn said Wisconsin was added to the committee's list of 15 target areas since the Democratic national convention. Republicans would control the senate if they picked up 13 seats.

Nunn said that Nelson looked almost invulnerable before the convention and that only token help had been earmarked for his Republican opponent, State Sen. Jerris Leonard of Bayside.

"But right now, Wisconsin rates very high on our list," Nunn said. "We feel that both (Richard) Nixon and (Gov. Warren) Knowles will win by large enough margins to provide considerable coattails."

Nunn did not say how much assistance would be offered to Leonard, but said doctors and drug industry representatives had shown "a great interest" in contributing to Nelson's opponent.

"Doctors, you know, are the largest single group of contributors in the party," Nunn said.

Nelson's senate monopoly subcommittee held hearings into drug prices and Nelson charged that the drug companies were making large profits and that many doctors were unwittingly prescribing dangerous drugs for minor ailments.

The GOP senate committee has approved plan for Wisconsin campaign appearances by Sens. Robert Griffin of Michigan, Charles Percy of Illinois, Jack Miller of Iowa and John Tower of Texas.

Nixon has also agreed to make another visit to Wisconsin, Nunn said.

Leonard and three Republican opponents polled 263,396 votes to 182,000 for Nelson, who was unopposed in unofficial returns in Tuesday's primary.

The committee's decision to make Wisconsin a target area means that considerable amounts of outside money and manpower will be pumped into Leonard's campaign.

[From the Green Bay (Wis.) Press Gazette, Sept. 13, 1968]

GOP Gives Leonard Race Top Priority

WASHINGTON.—The Wisconsin race for the U.S. Senate will get top priority attention by the national Republican organization, a GOP official said Thursday.

Wisconsin is one of 15 target areas on the Republican Senate Campaign Committee list, said Lee Nunn, committee director.

"Right now, Wisconsin rates very high on our list. We feel that both (Republican presidential nominee Richard) Nixon and (Gov. Warren) Knowles will win by large enough margins to provide considerable coattails," Nunn said.

CONSIDERED UNBEATABLE

Before the Democratic convention, Nelson had been considered virtually unbeatable by the committee and only token help had been offered to the Republican challenger, State Sen. Jerris Leonard of Bayside, who easily won the GOP primary Tuesday.

Leonard and three Republican opponents polled 263,396 votes to 182,000 for Nelson, who was unopposed, in unofficial returns.

The committee's decision to make Wisconsin a target area means that considerable amounts of outside money and manpower will be pumped into Leonard's campaign.

The committee has approved plans for Wisconsin campaign appearances by Sens. Robert Griffin of Michigan, Charles Percy of Illinois, Jack Miller of Iowa and John Tower of Texas.

HEADS DRUG PROBES

And, Nixon has agreed to make another visit to Wisconsin, Nunn said.

"Doctors and representatives of the drug industry have indicated a great interest in contributing to Nelson's opponent," Nunn said, but he refused to say how much financial aid the committee would provide.

Nelson heads a Senate subcommittee which has been investigating pricing practices in the drug industry.

Mr. MORSE. Mr. President, I call this to the attention of the Senate because I think it is a shocking and scandalous situation which merits the attention of the Congress and the American public.

The drug industry is doing this because our Senate Monopoly Subcommittee has courageously and conscientiously carried out a searching investigation of the prescription drug manufacturing industry.

Ever since May 1967, Senator Nelson and the Monopoly Subcommittee have been holding a painstaking series of hearings, listening to doctors, medical educators, pharmacologists, hospital directors, pharmacists, and representatives of the drug manufacturing industry.

Senator Nelson and the Monopoly Subcommittee have brought out facts which have shocked the Nation. The subcommittee has discovered that many drugs needed by American people to maintain life and good health are outrageously overpriced. Many drugs are promoted without proper regard for the dangerous side effects involved. The pharmacists, the general public, and many institutions pay 5, 10, or 20 times as much for the drugs they must buy as do other purchasers who buy the very same drugs. Many drugs sold at high prices in this country are sold by the same firm at much lower prices overseas.

The Nelson subcommittee has uncovered and brought to national attention a situation within the drug manufacturing industry which cries out for sweeping reform.

I do not blame the drug manufacturers for being disturbed. The Nelson drug hearings have cost them some money, although they are still earning record profits.

After a series of hearings before Senator Nelson on the arthritis drug, prednisone, the Schering Corp. cut its price 40 percent; and a competitor, Parke, Davis, followed up by cutting its price 80 percent.

After Senator Nelson disclosed that many deaths and serious permanent illnesses had been unnecessarily caused through careless and improper prescribing of the drug chloramphenical, production of the drug dropped by 78 percent because doctors finally stopped prescribing it for trivial illnesses for which it never should have been used in the first place.

So, it is true that the Nelson drug hearings are costing the drug manufacturers some money, by forcing price cuts on vital drugs and by forcing the drug industry to stop overpromoting certain drugs which should be handled with the greatest professional care.

Now, in a desperate effort to recoup these losses, the drug manufacturers are pouring money into Wisconsin to try to defeat Senator Nelson.

I hope the people of Wisconsin and the Nation know where this money is coming from.

It is coming out of the pockets of every poor and elderly American citizen who must buy a lifesaving drug at a price artificially inflated by its manufacturer.

The money is coming from the budgets of every public hospital, every children's home, every welfare institution in America which must pay unfair and discriminatory prices for drugs desperately needed by their patients.

The drug industry would rather take this money out of the pockets of the American poor and the sick and the elderly and pour it into an attempt to defeat Senator Nelson than make the obvious reforms which are needed within the industry—reforms which one of the drug industry's most distinguished leaders, George Squibb, said must be made by the industry itself or else the public will demand that these reforms be ordered by the Congress.

The only thing which the drug industry has to fear from the Nelson committee hearings on drugs is the truth. The industry has had ample opportunity to present its own testimony and to answer any and all of the shocking disclosures made before the committee by a long parade of expert witnesses.

The fact is, the industry's attempt to win this argument on the merits through expert testimony has failed. A task force of experts headed by a top official of the Department of Health, Education, and Welfare, has just completed an impressive, 110-page study of the prescription drug industry. The report of this Task Force on Prescription Drugs confirms almost every single finding, point by point, made by Senator Nelson in his independent investigation through the Monopoly Subcommittee.

The task force report concludes:

First. The superiority of brand name drugs over lower priced, generic named drugs has been "grossly exaggerated."

Second. The drug industry wastes much of the $500 million a year which it spends on research, much of which is spent merely to duplicate competitive products in a race for sales.

Third. Many physicians rely too much on drug advertising and promotional material in selecting drugs for their patients.

Fourth. The industry claims that its astonishingly high profits are justified by the high risks in the industry has not been documented.

Fifth. The Consumer Price Index, which has been quoted in an attempt to show that drug prices have been declining, does not accurately represent the situation.

It was Senator Nelson who dug out and supplied much of the investigative material which led to this authoritative report by an independent committee of experts.

The people of America can be proud of Senator Nelson and the courage he has shown in pursuing this investigation despite ruthless pressure and threats from the very outset. Senator Nelson has been an inspiration to us, may I say, as Estes Kefauver was in the investigation of the same general subject matter.

They tried to prevent the hearings from starting in the first place. They tried to smear and discredit the expert witnesses who testified before Senator Nelson. They tried to twist the facts to fool the public into thinking that drugs are cheap and that the drug industry is suffering high risks to perform a public service. They failed in all these attempts, so now they are trying the last maneuver open to them—they are trying to defeat Senator Nelson by pouring their record-high drug profits into a campaign to defeat him in his own State.

The public, in my opinion, should be up in arms in indignation and the drug manufacturing industry should be ashamed. And the people of the State of Wisconsin should take note of the great, dedicated, public service, that Senator Nelson is supplying to the Senate of the United States and, through the Senate, to the people of America.

AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954

The Senate resumed the consideration of the bill (H.R. 2767) to amend the Internal Revenue Code of 1954 to allow a farmer an amortized deduction from gross income for assessments for depreciable property levied by soil or water conservation or drainage districts.

Mr. BYRD of West Virginia. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Assistant Legislative Clerk. The Senator from West Virginia [Mr. Byrd], on behalf of himself and Senator Burdick, McGovern, Mondale, Yarborough, McGee, Young of North Dakota, Church, Fulbright, McIntyre, and Randolph, offers an amendment.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

At the end of the bill add the following new section:

"Sec. —. (a) Sections 202(a) and 203(a) of the Revenue and Expenditures Control Act of 1968 are each amended by adding at the end thereof the following new sentence:

> " 'The limitation provided by the preceeding sentence shall not apply with respect to programs of the Soil Conservation Service of the Department of Agriculture in carrying out soil and water conservation, watershed planning, watershed protection, including river basin surveys and investigations and works of improvement, flood prevention, Great Plains Conservation Program, resource conservation and development, and related loan authority available in the direct loan account of the Farmers Home Administration.'
>
> "(b) Effective on the date of enactment of this Act the provisions of Section 201 of the Revenue and Expenditures Control Act of 1968 shall cease to apply to civilian employees of the Soil Conservation Service of the Department of Agriculture: *Provided*, That any employees needed in addition to the number that would have been available to the Soil Conservation Service, under said limitations, shall be provided from within the limitations on the number of civilian employees in the executive branch under said section 201."

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. DIRKSEN. Mr. President, I wonder whether we could get a show of hands to see how many more amendments may be considered tonight and how many record votes there might be.

Mr. BYRD of West Virginia. I yield for that purpose.

Mr. DIRKSEN. Two. I thought Senator MONTOYA had one, also. That would be three.

Mr. BYRD of West Virginia. Mr. President, I would be willing to enter into a time limitation on this amendment. I would suggest 20 minutes—10 minutes to each side.

Mr. LONG of Louisiana. Mr. President, could we agree on a limitation of 20 minutes, 10 minutes to each side—10 minutes to be controlled by the Senator from West Virginia and 10 minutes to be controlled by the Senator from Delaware or by the minority leader?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The limitation is agreed to on the amendment of the Senator from West Virginia [Mr. BYRD].

Mr. NELSON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. We are operating under controlled time.

Mr. NELSON. Will the Senator permit me to be a cosponsor of the amendment?

Mr. BYRD of West Virginia. Yes. Mr. President, I ask unanimous consent that the name of the Senator from Wisconsin [Mr. NELSON] be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, this amendment would prevent the net loss of about 500 Soil Service technicians during fiscal year 1969. Without this amendment a severe shortage of technical assistance would result, forcing postponement of completion of conservation work planned by local project sponsors and individual farmers and ranchers.

In addition to the severe problems created by a net reduction in the Service's technical work force, the limitation could have the effect of forcing the Soil Conservation Service to restrict carrying out commitments made in prior years. Almost $65 million in uncompleted contracts in watershed and resource conservation was carried forward into fiscal year 1969. And an additional $28 million was carried over in unpaid obligations for cost-sharing contracts under the Great Plains conservation program. These contract payments must be made as work is completed.

The effect of the expenditure restriction is extremely pronounced on the expectations of local sponsors of projects for which the Federal commitment has not been made. Originators of these watershed, flood prevention, and resource and development work projects have obtained easements and rights-of-way, and have raised their share for cost-sharing construction and for the operation of completed projects. The local commitment often precedes the Federal commitment by a year or more. Now, under existing restrictions, the Soil Conservation Service is unable to carry out the Federal commitment. This will have the effect of increasing the costs of the local sponsors by additional interest on loans, higher construction costs in later years, and general loss of momentum. In many cases these local sponsors have "laid it on the line" in securing the required local cooperation and involvement. We cannot say to the leaders and developers of these "ready" programs, "Sorry, you will have to wait." These projects can only withstand so much delay in obtaining the Federal commitment.

Mr. President, this amendment would apply the modification that was suggested and accepted earlier today by the Senator from Iowa [Mr. MILLER] to the amendment that was offered by the Senator from Louisiana [Mr. LONG]. Therefore, it conforms with the objections that had been raised by Senator MILLER in that instance, and it would thus require that the reductions in personnel be made elsewhere in the executive branch. It would exempt the Soil Conservation Service, as I have already indicated, from the limitations required by the budget reduction previously enacted by Congress.

I ask unanimous consent to have printed in the RECORD, at the close of my remarks, various letters from constituents in West Virginia pertinent to this subject.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Without objection; it is so ordered.

(See exhibit 1.)

Mr. BYRD of West Virginia. At this point, I shall read two paragraphs which I am extracting from a letter written to me by State Senator Betty H. Baker, chairman of the West Virginia Senate Agriculture Committee, and cosigned by State Senator John H. Bowling, vice chairman of the West Virginia Senate Agriculture Committee:

> The State Legislature all along has recognized the value of watershed program in West Virginia. It has also been aware of the difficulties many communities have experienced in taking advantage of the program under P.L. 566. The Legislature, therefore, for a number of years has given financial assistance, through the State Soil Conservation Committee, to communities in order to encourage and stimulate community involvements in watershed developments.
>
> In addition to State participation in this program, counties and municipalities are making money available to local watershed authorities for securing easements, rights-of-way and other local costs. This ranges from $193,700 annually in Kanawha County to $500 per year from the town of Moorefield. It will be next to impossible to keep these monies if the program, Federally, becomes inactive or ceases. In Kanawha County, these monies will not be made available unless they are used as appropriated on an annual basis.

I shall also read two paragraphs from correspondence I have received from Hon. Tom Edgar and Hon. Tom Hawse, members of the West Virginia House of Delegates, as follows:

> We believe the watershed program to be one of the most valuable and successful programs which the federal government has made available to West Virginia. As a result of the participation in watershed projects many communities have achieved benefits which include flood prevention, water supplies, recreational facilities, improved public health, industrial expansions and a favorable impact on the economy. However, community participation under the watershed law (P.L. 566) has been difficult and often has strained to the limit the resources possessed by many communities.
>
> I bring these facts to your attention in order to emphasize that in West Virginia there is an enormous investment on federal, state and local levels in the watershed program. If this program is stopped then this investment will be definitely impaired because the history of watershed projects throughout the state is that a project can be brought to fruition only when the time is ripe. If this opportune moment is lost it often is lost forever. Also, once momentum and progress is lost by stoppage nearly all communities have found it difficult to get the project going again.

Mr. President, I have read these paragraphs just to present them as an example of the correspondence I believe many Members of the Senate—perhaps all Members of the Senate—have been receiving from their constituents in their respective States. The paragraphs highlight the problem which would result in my State alone and which would result in other States, I am sure, if the budget reduction is allowed to stand.

For that reason, I have offered the amendment, and I hope it will be adopted.

Mr. President, I ask unanimous consent that the name of the Senator from Hawaii [Mr. INOUYE] be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

STATE OF WEST VIRGINIA, THE WEST VIRGINIA LEGISLATURE, SENATE,
September 12, 1968.

Hon. ROBERT C. BYRD,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BYRD: We are disturbed by the recent directive from the Bureau of Budget to the Administrator of the Soil Conservation Service. This directive placed on the Soil Conservation Service severe restrictions upon both expenditures and personnel for the fiscal year 1969.

Our first concern in regard to the provisions of this directive is for the small upstream watershed program which, if the directive is allowed to stand will be forced to an abrupt halt. Our second concern is for the reduction in man hours for personnel in the existing offices throughout the State of West Virginia. These programs are well established and in many instances advanced to the pace where completed projects are in sight.

We believe the watershed program to be one of the most valuable and successful programs which the Federal Government has made available to West Virginia. As a result of the participation in watershed projects many communities have achieved benefits which include flood prevention, water supplies, recreational facilities, improved public health, industrial expansions and a favorable impact on the economy. However, community participation under the watershed law (P.L. 566) has been difficult and often has strained to the limit the resources possessed by many communities.

The State Legislature all along has recognized the value of watershed program in West Virginia. It has also been aware of the difficulties many communities have experienced in taking advantage of the program under P.L. 566. The Legislature, therefore, for a number of years has given financial assistance, through the State Soil Conservation Committee, to communities in order to encourage and stimulate community involvements in watershed developments.

In addition to State participation in this program, counties and municipalities are making money available to local watershed authorities for securing easements, rights-of-way and other local costs. This ranges from $193,700 annually in Kanawha County to $500 per year from the town of Moorefield. It will be next to impossible to keep these monies if the program, Federally, becomes inactive or ceases. In Kanawha County, these monies will not be made available unless they are used as appropriated on an annual basis.

We bring these facts to your attention in order to emphasize that in West Virginia there is an enormous investment on Federal, State and local levels in the watershed program. If this program is stopped then this investment will be definitely impaired because the history of watershed projects throughout the State is that a project can be brought to fruition only when the time is ripe. If this opportune moment is lost it often is lost forever. Also, once momentum and progress is lost by stoppage nearly all communities have found it difficult to get the project going again.

We, therefore, urge you to do everything possible to prevent this hindrance to the watershed program in West Virginia.

Sincerely,

Mrs. Betty H. Baker,
Chairman, West Virginia Senate Agriculture Committee.

John H. Bowling,
Vice Chairman, West Virginia Senate Agriculture Committee.

State of West Virginia, House of Delegates, West Virginia Legislature,
Charleston, W. Va., September 12, 1968.

Hon. Robert C. Byrd,
U.S. Senate,
Washington, D.C.

Dear Senator Byrd: We are disturbed by the recent directive from the Bureau of the Budget to the Administrator of the Soil Conservation Service. This directive placed on the Soil Conservation Service severe restrictions upon both expenditures and personnel for the fiscal year 1969.

Our first concern in regard of the provisions of this directive is for the small upstream watershed program which, if the directive is allowed to stand, will be forced to an abrupt halt. Our second concern is for the reduction in man hours for personnel in the existing offices throughout the State of West Virginia. These programs are well established and in many instances advanced to the place where completed projects are in sight.

We believe the watershed program to be one of the most valuable and successful programs which the federal government has made available to West Virginia. As a result of the participation in watershed projects many communities have achieved benefits which include flood prevention, water supplies, recreational facilities, improved public health, industrial expansions and a favorable impact on the economy. However, community participation under the watershed law (P.L. 566) has been difficult and often has strained to the limit the resources possessed by many communities.

The State Legislature all along has recognized the value of the watershed program in West Virginia. It has also been aware of the difficulties many communities have experienced in taking advantage of the program under P.L. 566. The Legislature, therefore, for a number of years has given financial assistance, through the State Soil Conservation Committee, to communities in order to encourage and stimulate community involvements in watershed developments.

In addition to state participation in this program, counties and municipalities are making money available to local watershed authorities for securing easements, rights-of-way and other local costs. This ranges from $193,700 annually in Kanawha County to $500 per year from the town of Moorefield. It will be next to impossible to keep these monies if the program, federally, becomes inactive or ceases. In Kanawha County, these monies will not be made available unless they are used as appropriated on an annual basis.

I bring these facts to your attention in order to emphasize that in West Virginia there is an enormous investment on federal, state and local levels in the watershed program. If this program is stopped then this investment will be definitely impaired because the history of watershed projects throughout the state is that a project can be brought to fruition only when the time is ripe. If this opportune moment is lost it often is lost forever. Also, once momentum and progress is lost by stoppage nearly all communities have found it difficult to get the project going again.

We, therefore, urge you to do everything possible to prevent this hindrance to the watershed program in West Virginia.

This letter has been endorsed by the entire Committee on Agriculture and Natural Resources.

Very truly yours,

Tom Edgar,
Chairman, Committee on Agriculture and Natural Resources.

Tom Hawse,
Vice Chairman, Committee on Agriculture and Natural Resources.

State of West Virginia,
Department of Agriculture,
Charleston, W. Va., September 12, 1968.

Hon. Robert C. Byrd,
U.S. Senate,
Washington, D.C.

Dear Senator Byrd: I would like to add my full endorsement to the thought and actions as contained in the attached. The Agriculture Committee in the Senate is deeply concerned about the cuts in moneys for watershed and flood protection and the effect it will have on local participation, state, county and municipal.

Anything you might do to help this situation will be appreciated.

Sincerely yours,

Gus R. Douglass,
Chairman, State Soil Conservation Committee.

Resolution on the Spending Limitations Imposed by Public Law 90–364, the Tax Surcharge Expenditure Act

Whereas: the threatened loss of the Edison Hollow Dam to supply Bluefield with an adequate water supply is no small thing as we look to the future growth of Mercer County, and

Whereas: the site is the last one in the county where a sizeable water storage structure can be built, and

Whereas: if it is lost, the future of building a surface water storage facility could well be prohibitive, and

Whereas: it is hard to argue against economy in government, but in this case it appears to us that it is a false economy, and

Whereas: the federal government is spending billions on some projects that will never show the results that the Soil Conservation Service can document, and

Whereas: in the reservoir case the federal funds would only be a very few pennies in comparison to some of the other federal programs, many not be nearly as valuable as the dam, and

Be it resolved: with the project advanced as far as it is, we hope that Congress in all its wisdom will allow the Soil Conservation Service work to continue for the benefit of thousands of persons. A slash in its money could only lead to delays in construction of facilities that are not only critical to the present, but also to the future, and

Therefore be it resolved: that after intelligently weighing all the facts, the members of the Kiwanis Club of Green Valley—Glenwood, of the West Virginia District of Kiwanis International, dedicated to volunteer community service, must make known our belief that it is essential to the future growth of Mercer County and Southern West Virginia that the Edison Hollow Dam be built as planned, and we urge Congress to:

1. Exempt the Soil Conservation Service from personnel ceilings and spending limitations imposed by Public Law 90–364. Treat the soil and water conservation program of America the same way the Congress treated the Post Office Department by exempting them from ceilings and limitations.
2. Re-authorize the Soil Conservation Service to spend the money already appropriated by Congress for the fiscal year 1969.

Respectfully submitted:

Carl Calfee,
President, Kiwanis Club of Green Valley-Glenwood.

(Unanimously approved by the Board of Directors and Membership of the Kiwanis Club of Green Valley-Glenwood, Tuesday, September 17, 1968, at 8:25 p.m., meeting at the Mercer County Health Center in Green Valley, Bluefield, West Virginia.)

West Alexander, Pa.,
September 10, 1968.

Hon. Robert C. Byrd,
U.S. Senate,
Washington, D.C.

Dear Senator Byrd: As Chairman of the Board of Supervisors of the Northern Panhandle Soil Conservation District, I am vitally interested in the budget of the Soil Conservation Service. I understand that USDA will be asked to reduce ¾ billion dollars in spending and that most of this cut will come from the soil and water conservation program.

As a resident of Ohio County and as a member of the Board of Supervisors of the Northern Panhandle Soil Conservation District which sponsored the Wheeling Creek Watershed Project, I am very concerned about the effect this cut will have on the watershed project. I have learned that it will mean prohibiting the letting of any new contracts in the upstream watershed program.

Ohio County has already collected almost one million dollars in levy funds for the Ohio County peoples share of the Wheeling

Creek Watershed and Flood Prevention Project, based on the understanding that the Federal Government would share the cost of the project. The residents have been promised that construction will start this fiscal year on the first dam. I attended the first Wheeling Creek Watershed meeting in 1956 when this project was inaugurated. After ten years of overcoming one hurdle after another, everything is set to go and then we are advised that the Federal Government cannot keep its part of the contract. If no new contracts can be let, I guess this means that the Federal Government cannot be trusted to live up to its part of the watershed plan agreement. The lack of funds will be a bad reflection on the Ohio County Commissioners, the Northern Panhandle Soil Conservation District, and the Federal Government.

In the ten years that I have served on the Board of Supervisors, I have seen all Federal agricultural agencies serving the county close their offices in the county because of lack of funds. The service which the Soil Conservation Service gives the landowner through technical assistance is a lasting thing. Likewise, the watershed protection and flood prevention program benefits many people and results in savings of millions of dollars in property damages, valuable soil, and life, on which no monetary value can be placed.

I am sure you will agree that it is desirable to provide Soil Conservation assistance to landowners at the present rate and to continue the watershed protection and flood prevention program. I urge you to contact your fellow Senators and urge them to exempt the Soil Conservation Service from personnel ceilings and spending limitations imposed by Public Law 90–364. Treat the soil and water conservation program of America the same way the Congress treated the Post Office Department—exempt them from ceilings and limitations!

I request that you use all your influence to get Congress to re-authorize the Soil Conservation Service to spend the money already appropriated by Congress for fiscal year 1969.

Very truly yours,

HUGH BALL.

PRINCETON MEMORIAL HOSPITAL,
Princeton, W. Va., September 9, 1968.
Senator ROBERT BYRD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BYRD: I am appalled to learn that directives have been issued, which have their origin in Public Law 90–364, the Tax Surcharge and Expenditure Act, which directives call for a reduction of $750,000,000 in the Department of Agriculture spending. I understand that a major portion of this reduction is to be passed on to the Soil Conservation Service, and I also understand this reduction will result in closing several S.C.S. field offices, will prohibit the letting of new construction contracts under Public Law 566, will prevent the letting of any new contracts for flood prevention in the Potomac River Basin, and will result in the loss of highly trained professional people. It also will have a devastating effect on the morale of Soil Conservation Service personnel as well as District Supervisors.

I fully realize that every person has his pet project and that he feels reductions should be in some other area of activity. However, it is my contention that soil and water conservation are basic to the economy of our State, and a reduction in these activities is not a reduction of fat—instead, it is a reduction of muscle, bone and other vital tissue.

Having been involved in watershed projects for over ten years and having seen the benefits which can accrue to a community through water resource development, I find it incredible that S.C.S. and District activities are to be crippled to the extent that the proposed reductions will cause. I, therefore, urge the Congress to do everything possible to prohibit the proposed restrictions on Soil Conservation Service spending and to re-authorize the S.C.S. to spend the money which the Congress had already appropriated for F.Y. 69.

Sincerely,

DANIEL HALE, M.D.

NORTHERN PANHANDLE SOIL CONSERVATION DISTRICT,
Moundsville, W. Va., September 12, 1968.
Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: The purpose of this correspondence is to ask you to do everything you possibly can to re-authorize the Soil Conservation Service to spend the money already appropriated by Congress for Fiscal Year 1969.

Statistics will prove that the Soil Conservation Service is one of the most efficiently operated agencies in the Federal Government. We have been advised that the only way a reduction in spending can be accomplished is by reducing personnel, which will result in reduction of services to soil and water conservation districts and district cooperators, and by not letting any new contracts for the construction of dams in the upstream watershed program.

During the past ten years, two of the S.C.S. offices in our district have been closed and the personnel transferred elsewhere. This at a time when we have the most district cooperators. There are now two S.C.S. offices servicing four counties. We have two watershed protection and flood prevention projects in the operation stage, which indicates that the local people have guaranteed their share of the money. Now, the Federal Government will not be able to furnish its share if the USDA is reduced ¾ billion dollars in spending.

We urge you to contact your fellow Senators and urge them to exempt the Soil Conservation Service from personnel ceilings and expenditure limitations.

Very truly yours,

HUGH BALL,
SHIELDS MAYHEW,
GEORGE MILLIKEN,
HUBERT L. MASON,
BURL ALLEN,
RALPH WILSON,
WILLIAM FERRELL,
Members of the Board of Supervisors.

Mr. BURDICK. Mr. President, I wish to add my support to the amendment which would exempt from the Revenue and Expenditure Control Act of 1968 all programs of the Soil Conservation Service of the Department of Agriculture in carrying out soil and water conservation, watershed planning, watershed protection, including river basin surveys and investigations and works of improvement, flood prevention, Great Plains conservation program, resource conservation and development, and related loan authority available in the direct loan account of the Farmers Home Administration.

Soil and water conservation are vital to the economy of North Dakota, and of the entire Nation. Many local contractors and equipment and farm supply dealers are geared to application of conservation work, construction of watershed works of improvement and resource development measures. Disruption of this flow of business will create financial hardship for many of these people. Many small rural communities find the income generated by conservation work to be a significant factor in their economy.

As a result of the Revenue and Expenditure Control Act, the Soil Conservation Service has had to suspend the letting of contracts of any kind. The program has been stopped cold and will stay stopped for all of fiscal year 1969 under the present set of circumstances.

The suspension of contracting was ordered by telegram on August 21. The expenditure limitation on flood prevention, watershed operations, and Great Plains programs necessitated deferment of actual contracts and delaying construction which results in cash outlay.

In watershed, flood prevention, and resource conservation and development work, local sponsors have obtained easements and rights-of-way, and have raised funds for cost-sharing construction and for operation and maintenance of completed measures. In many cases, the local commitment precedes the Federal commitment by a year or more. This has been found to be essential for efficient operations of these programs.

Under existing restriction, the Soil Conservation Service is unable to carry out the Federal commitment. It is paradoxical that this failure will cause the costs to local sponsors to increase. Costs will increase as loans are involved in many cases, funds now available from local governments may not be available when needed at a later date, and to reinterest local people, contractors, and others in this work will involve delays and higher prices.

Mr. President, I have received a letter from the president of the North Dakota Association of Soil Conservation Districts, and to indicate the effect that the cut in this program would have on the State of North Dakota, I shall quote from the letter:

> I asked our State Conservationist, Soil Conservation Service, Mr. Charles Evans, what effect the above cuts would mean to our program in North Dakota and was told it would be similar as that which would take place in other states, namely:
>
> 1. will prohibit the letting of any new contracts under P.L. 566 Watershed Program.
>
> 2. will prohibit the letting of any new contracts for soil and water conservation on whole farms and ranches under the Great Plains Conservation Program.
>
> 3. will curtail the amount of assistance SCS could provide to Soil Conservation Districts. It could mean 15 to 20 people would be lost in North Dakota. At the present time we feel they are understaffed in many cases.
>
> 4. no funds would be available to hire temporary help during the busy season.
>
> 5. It would mean that 149 farmers, who presently have Great Plains Contracts pending in the amount of $272,000.00, could not be funded because the money is not available.

Mr. President, this is a worthwhile program. It deals with our future and is one of the few that should be left to operate as fully as possible.

The amendment offered by the Senator from West Virginia has one purpose. That purpose is to preserve our soil and water conservation programs which have contributed so greatly to the welfare of rural areas over the past many years and will contribute to the welfare of rural areas in the future.

So I commend the Senator from West Virginia for submitting the amendment, and I hope it will be adopted.

Mr. President, I ask unanimous consent that the letter from Mr. Andrew Mork, president of the North Dakota Association of Soil Conservation Districts, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NORTH DAKOTA ASSOCIATION OF
SOIL CONSERVATION DISTRICTS,
September 9, 1968.

Senator QUENTIN N. BURDICK,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR BURDICK: In a letter from the President of our National Association of Soil & Water Conservation Districts, Sam S. Studebaker, dated September 3, 1968 we note with alarm the very good possibilities of extreme cuts being made in the SCS funds for the fiscal year 1969.

Mr. Studebaker points out it is expected President Johnson will ask U.S.D.A. to cut spending by $750 million and also employ 1,335 fewer people than were employed on June 30, 1968 in order to accomplish a $6 billion reduction in federal expenditures and outlays during fiscal year 1969.

It is our understanding SCS would be asked to cut personnel by nearly 1,000 man years below the number permitted by the 1969 Appropriation Act. According to Mr. Studebaker this is 645 less than the positions proposed in the Presidents' budget and is 625 less than the target set by Congress in P.L. 9-364.

We recognize cuts will probably need to be made in all agencies to arrive at the $6 billion reduction in expenditures. It does appear unrealistic to us however that one agency of U.S.D.A. (SCS) should absorb 47% of the man power cut along with a high per cent of the dollar cut. This is going to have, if it becomes a reality, serious effects on conservation accomplishments.

I asked our State Conservationist, Soil Conservation Service, Mr. Charles Evans, what effect the above cuts would mean to our program in North Dakota and was told it would be similar as that which would take place in other states, namely:

1. Will prohibit the letting of any new contracts under P.L. 566 Watershed Program.
2. Will prohibit the letting of any new contracts for soil and water conservation on whole farms and ranches under the Great Plains Conservation Program.
3. Will curtail the amount of assistance SCS could provide to Soil Conservation Districts. It could mean 15 to 20 people would be lost in North Dakota. At the present time we feel they are understaffed in many cases.
4. No funds would be available to hire temporary help during the busy season.
5. It would mean that 149 farmers, who presently have Great Plains Contracts pending in the amount of $272,000.00, could not be funded because the money is not available.

Our Association has said many times before that conservation work and programs cannot be turned off and on if we expect to get the job done. Yet this is exactly what will happen if the target figures on employment for SCS become a reality. Many of our programs will come to a grinding halt in many districts.

Such cuts will clearly slow down conservation operations and default long-standing memorandums of understanding and other commitments by the U.S.D.A. and SCS to our local Soil Conservation Districts and state subdivisions of government by denying the needed SCS technical assistance. It appears to our Association we are going to have to make up our minds if we want conservation programs or not. We feel we have had a good strong program which benefited not only the farmer, but all the people.

We ask you to do your best in preventing drastic cut to the SCS funding and manpower needs.

Thank you.

Sincerely,

ANDREW MORK,
President.

Mr. BYRD of West Virginia. Mr. President, I wish to express my appreciation to the Senator from North Dakota for his comments. He has done a great deal of work in helping to prepare this amendment and also in preparing a bill for future introduction in the event that the amendment should not prevail today. I hope—and I am sure he joins with me in hoping—that the amendment will be adopted.

Mr. President, I reserve the remainder of my time.

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 10 minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, this is another amendment to exempt a particular agency, the Soil Conservation Service, from the provisions of the Williams-Smathers bill which placed a ceiling on expenditures, requiring a reduction of $6 billion in budgeted outlays, and required a rollback in Federal employment.

The amount involved in this instance is $231 million. The amendment would allow the Soil Conservation Service, to the extent they are over their budgeted amount, to spend funds without regard to the reduction required by the Williams-Smathers bill.

The Senate has already shot the bottom out of the expenditure controls in the previous amendment which allowed the Commodity Credit Corporation discretionary authority to exceed its budget figures. It is estimated they would exceed the budget figure by $1 billion and it could be several billion dollars.

This is just another effort similar to those that we have had here for the last several weeks, since Congress passed the tax increase and expenditure reduction measure to carry out the same pattern of gradually whittling the expenditure ceiling away, agency by agency.

An excellent argument can be made on any of these proposals but when it is all added up Congress is backing down from its pledge to the American people that we will cut expenditures by $6 billion.

I shall oppose the amendment and I hope it is rejected.

Mr. President, I ask the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, if this pattern is followed there is no question that this amendment will be followed by another amendment either today or tomorrow until the agencies downtown have all gotten themselves eliminated from this expenditure control. Even without this amendment the Department or the Director of the Budget has full discretionary authority to reassign expenditure cuts and make the necessary allocations in areas which would least disrupt public service.

What we are getting, though, is a threat by the executive departments that if their agencies are not exempted they will cut and curtail the most popular service being administered.

There was printed in the RECORD today a long list of popular programs which the Department of Agriculture listed that are going to be cut if they do not get the exemption, so that, in effect, the Department would not be obligated to take any part of the reduction.

Significantly there was not included any of the Secretary of Agriculture's travel expenses for the junket he took, along with a group of his friends, at taxpayers' expense, to the Near East. The Department of Health, Education, and Welfare is planning a junket to a hospital in Germany next week, and I am sure with a long stopover in Paris, at the expense of taxpayers. They do not say they will control any of the junketing, but that they are going to cut back the most essential services they can render to the people.

I am getting impatient with this practice. The American people were promised by the administration and the Congress that we would hold tight on this $6 billion cut at the time we passed the tax increase.

Mr. President, I oppose the amendment. As I said before, this long list of services that the Commodity Credit Corporation has insisted they would have to cut or curtail is just another indirect threat to Congress and the American people.

With respect to the amendment now before the Senate, it would exempt the Soil Conservation Service from cutting back in employment as far as the Service is concerned. It is rather ironic that the Soil Conservation Service was one of the services listed in the previous amendment that would be cut, and now that the previous amendment has been agreed to, we are coming back to take care of the Soil Conservation Service as far as employees are concerned.

There is involved the same pattern that we have had over and over again. We will get the same thing in days to come, as long as we have at the head of agencies this group of spendthrift bureaucrats who never had to meet a payroll and never had to work for a living. It may be interesting and constructive if after November some of them have to learn how the American taxpayers have to work to support this Government.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. Mr. President, I shall vote against the amendment. We are gradually proceeding to scuttle the program adopted last April 2.

To the extent one function of Government is exempted from the operation of the April 2 measure, there is imposed an added requirement on other departments. It is very unwise just to exempt some functions while telling the administration that all added expenses resulting from the exemption of departments A, B, C, and D must be added to other departments.

I wish to ask the Senator a question. When the Commodity Credit Corporation is exempted, is there not thrown onto other departments the necessity of reducing their expenses in an amount equal to the exemption granted to the Commodity Credit Corporation?

Mr. WILLIAMS of Delaware. No.

Mr. LAUSCHE. The Welfare Department will suffer by the votes cast on the Commodity Credit Corporation. Every other department will have to be cut more.

Mr. WILLIAMS of Delaware. No. The manner in which the previous amendment was drafted, the Commodity Credit Corporation could spend $1 billion, $2 billion, or $3 billion more than it planned to spend under the budget and it would not be counted against any other department, except that the taxpayers would have to put up the other money. The Senate has shot the bottom out of the $6 billion reduction in expenditures. That was the purpose of it.

I say that there is no reason why this is necessary. The department has complete discretion to make these cuts in areas that will least disrupt public service. Yet they continue to threaten the Congress and the American people that if we do not exempt their agency some important public service will be disrupted.

Mr. LAUSCHE. The discretionary power of making the cuts should be put in the Government and not established on the floor of the Senate.

Mr. WILLIAMS of Delaware. The Senator is correct. At the time we passed the $6 billion mandatory expenditure reduction, not a single appropriation bill had been passed for any of these agencies. It was the intent of Congress at that time, the Senate and the House working together, that there would be spelled out where these cuts would be made. We have not done it but we are taking the more popular procedure and saying where they cannot be made and leaving to the President the unpleasant task of making the cuts.

As far as spending is concerned, the Commodity Credit Corporation has been completely taken out of the hands of Congress and the President. As far as spending for 1969 is concerned, they can shoot right through the ceiling as far as the amendment is concerned. Other amendments will be offered and when we leave here and go back home we will have to tell constituents that there is no control over spending. That control has gone down the drain as a result of votes here on the floor of the Senate.

I reserve the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, I have 1 minute remaining, in which I state that if this amendment is not adopted, 500 employees will lose their jobs in the Soil Conservation Service and no new contracts may be initiated in any State of the Union.

Finally, I reiterate the point I made earlier—to wit, that the modification offered to the Long amendment earlier by the Senator from Iowa [Mr. MILLER] is a part of my amendment, so that any employees who would otherwise have their jobs terminated as a result of the previously enacted budget reduction, will not have their jobs terminated here, but such losses will have to be absorbed in other areas of the executive branch if my amendment is adopted.

I trust that the amendment will be agreed to.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. THURMOND. As I understand from the Senator's amendment, the overall reduction will still take effect and the Soil Conservation Service will remain intact but would have to be taken from somewhere else.

Mr. BYRD of West Virginia. Exactly.

Mr. McINTYRE. Mr. President, the programs of the Soil Conservation Service are very important to rural America. For instance, the watershed program protects two of our most important natural resources—soil and water.

Mr. President, because of the current spending and hiring restrictions placed on the Soil Conservation Service as a result of the Revenue and Expenditure Control Act of 1968, construction on 193 watershed projects in 47 States is being held up. The total cost of these projects is $33 million. Fifty-one resource conservation and development projects in 40 States are also stalled.

These programs are important to rural America and the preservation of our Nation's soil and water resources. They deal with flood control, they curb water pollution and soil erosion, and they establish recreation areas.

The success of the watershed programs depend on a high degree of cooperation on the Federal, State, and local levels. Many localities have already set aside funds to allow them to carry out their shares of various watershed projects. If the Federal Government cannot put up its part of the funds, the programs will have to be postponed or canceled, despite all the planning that has already gone into the programs at the local level.

This will not only mean the end of many worthwhile projects but it will also make many local governments wary of committing their energies and funds to joint Federal-local efforts in the future. For these reasons it is important for us to exempt the Soil Conservation Service from the spending and hiring restrictions of Public Law 90-364.

The PRESIDING OFFICER. All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD].

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia (when his name was called). On this vote, I have a pair with the distinguished Senator from West Virginia [Mr. RANDOLPH]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING] and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Nevada [Mr. BIBLE], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. McCARTHY], the Senator from South Dakota [Mr. McGOVERN], the Senator from Montana [Mr. METCALF], the Senator from Minnesota [Mr. MONDALE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Maine [Mr. MUSKIE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Connecticut [Mr. RIBICOFF] would each vote "yea."

On this vote, the Senator from New Mexico [Mr. MONTOYA] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from New Mexico would vote "yea," and the Senator from Pennsylvania would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. COTTON], the Senators from New York [Mr. JAVITS and Mr. GOODELL], the Senator from California [Mr. KUCHEL], the Senator from South Dakota [Mr. MUNDT], and the Senator from Maine [Mrs. SMITH] are necessarily absent.

The Senator from Arizona [Mr. FANNIN] is absent because of illness in his family.

The Senator from Iowa [Mr. HICKENLOOPER] is absent on official business.

The Senator from Kansas [Mr. CARLSON] is detained on official business.

If present and voting the Senator from California [Mr. KUCHEL], and the Senator from Maine [Mrs. SMITH] would each vote "nay."

On this vote, the Senator from Arizona [Mr. FANNIN] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Arizona would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 37, nays 29, as follows:

[No. 296 Leg.]

YEAS—37

Aiken
Allott
Brewster
Burdick
Byrd, W. Va.
Cannon
Dodd
Dominick
Ellender
Ervin
Fong
Gore
Hartke
Hill
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long, La.
Magnuson
Mansfield
McClellan
McGee
McIntyre
Miller
Morse
Moss
Nelson
Pearson
Prouty
Sparkman
Thurmond
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.

NAYS—29

Anderson
Baker
Bennett
Boggs
Brooke
Case
Cooper
Curtis
Dirksen
Eastland
Griffin
Hansen
Hart
Hatfield
Holland
Lausche
Morton
Murphy
Pastore
Pell
Percy
Proxmire
Russell
Scott
Spong
Stennis
Symington
Tower
Williams, Del.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of Virginia, against.

NOT VOTING—33

Bartlett
Bayh
Bible
Carlson
Church
Clark
Cotton
Fannin
Fulbright
Goodell
Gruening
Harris
Hayden
Hickenlooper
Hollings
Javits
Kennedy
Kuchel
Long, Mo.
McCarthy
McGovern
Metcalf
Mondale
Monroney
Montoya
Mundt
Muskie
Randolph
Ribicoff
Smathers
Smith
Talmadge
Young, Ohio

So the amendment of Mr. BYRD of West Virginia was agreed to.

Mr. BURDICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MORSE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, I send an amendment to the desk and I ask unanimous consent to dispense with the reading of it, so we can save time.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, add the following new section:

"SEC. —. (a) Section 1903 (a) of the Social Security Act is amended to read as follows:

"'(a) From the sums appropriated therefor, the Secretary (except as otherwise provided in this section) shall pay to each State which has a plan approved under this title, for each quarter, beginning with the quarter commencing January 1, 1966—

"'(1) (A) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expanded during such quarter as medical assistance under the State plan for individuals who (i) are recipients of money payments under one of the approved State plans hereinafter referred to in this subparagraph, (ii) are not eligible to receive money payments under one of the approved State plans hereinafter referred to in this subparagraph, but would be eligible for such payments if they met the duration of residence requirements imposed as a condition of eligibility for such payments, (iii) are children under age 21 who are not but would be (except for age and school attendance requirements) eligible for aid under the State plan of such State approved under titles I, X, XIV, or XVI, or part in medical institutions and are not, but would be (if they were not in such institutions), eligible to receive money payments under one of the State plans hereinafter referred to in this paragraph (including expenditures for premiums under part B of title XVIII, for individuals who are recipients of money payments under a State plan approved under titles I, X, XIV, or XVI, or part A of title IV and, except in the case of individuals sixty-five years of age or older who are not enrolled under part B of title XVIII, other insurance premiums for medical or any other type of remedial care or the cost thereof); plus

"'(B) an amount equal to the square of the fraction which is equivalent to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter as medical assistance under the State plan for individuals who are not described in clause (i), (ii), (iii), or (iv) of subparagraph (A); plus

"'(2) an amount equal to 75 per centum of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to compensation or training of skilled professional medical personnel, and staff directly supporting such personnel of the State agency or any other public agency; plus

"'(3) an amount equal to 50 per centum of the remainder of the amounts expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the State plan.'

"(b) Section 1903(f) of the Social Security Act is amended to read as follows:

"'(f) (1) Payments under the preceding provisions of this section shall not be made with respect to any expenditures for any calendar quarter for medical assistance in any State for individuals whose income exceeds the amount determined, in accordance with standards prescribed by the Secretary, to be equivalent to 150 percent of the average amount which was paid, in the form of money payments under the plan of such State approved under title I or XVI (as the case may be) for the second calendar quarter preceding such quarter, to a family of the same size without any income or resources. The total amount paid as so determined, if it is not a multiple of $100 or such other amount as the Secretary may prescribe, may be rounded by the next multiple of $100 or such other amount, as the case may be.

"'(2) In computing an individual's (or family's) income for purposes of the preceding paragraph there shall be excluded any costs (whether in the form of insurance premiums or otherwise) incurred by him (or the family) for medical care or any other type of remedial care recognized under State law.'

"(c) Section 1903(e) of the Social Security Act is hereby repealed.

"(d) The amendments made by subsections (a) and (b) shall apply with respect to calendar quarters beginning after June 30, 1968."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MANSFIELD. Would it be possible to get a 1-hour's limitation on the pending amendment, the time to be equally divided?

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MILLER. Mr. President, may I ask the nature of the amendment?

Mr. LONG of Louisiana. The amendment does almost precisely what the Senate did with regard to medicaid last year when we passed the social security bill. In conference, we accepted the House version of medicaid limitations. In large part by virtue of doing so, the Federal expense is $700 million more than was estimated at the time of the conference.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. WILLIAMS of Delaware. Mr. President, I have no objection personally, but let us withhold the request for just a few moments.

Mr. MANSFIELD. How many moments?

Mr. WILLIAMS of Delaware. I think the Senator from Louisiana could explain the amendment. I think we can get an agreement.

Mr. MANSFIELD. When would the Senator be able to let the Senate know?

Mr. WILLIAMS of Delaware. Shortly.

Mr. LONG of Louisiana. Mr. President, the Director of the Budget——

Mr. MURPHY. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. LONG of Louisiana. Yes.

Mr. MURPHY. It is very difficult for Senators back here to hear the Senator from Louisiana sometimes. Is it the understanding that the distinguished Senator from Louisiana will explain the amendment and then we will consider the request of the distinguished majority leader?

Mr. LONG of Louisiana. Yes; that is correct.

Mr. President, the Director of the Budget, Mr. Zwick, now estimates that the mandatory expenditures for public assistance, particularly with regard to medicaid, will be $300 million higher than the estimate in the 1969 budget, which itself was approximately $400 million more than the estimate made at the time of the social security bill.

Keep in mind that the cutbacks in this amendment have nothing to do with people who are drawing public welfare payments—nothing at all. It has to do with people who are not eligible for public welfare payments—the so-called medically needy.

An important reason why this program is costing $300 million more than the budget estimate is that when the House tried to limit medicaid by restricting eligibility, and the Senate tried to limit it by saying that if a State wanted to put more people on the program, then let the State pick up a higher portion of the expense, in conference the House prevailed. Also, apparently the Department of Health, Education, and Welfare has given the States the utmost of cooperation in showing them how to make eligible for medicaid tens of thousands of people we never intended to make eligible for medicaid.

For example, the State of Illinois has run in all sorts of special items of need which can raise the eligibility levels. There are 40 different types of special needs—that can be recognized which can affect eligibility under this program, including corrective shoes, restaurant meals, and so on. That State is not the only one doing it, with the result that we are making all sorts of people eligible for medicaid whom we never intended to make eligible.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of one-half hour on the pending amendment, the time to be equally divided between the minority leader and the Senator from Louisiana.

Mr. CASE. Mr. President, reserving the right to object, this is a matter that affects a few States very substantially. If the majority leader would be indulgent, I would like to have a little better sense of what it is going to do in my State, for example.

Mr. MANSFIELD. I thought the request had been cleared.

Mr. LONG of Louisiana. So in view of the cost of the program and in view of the fact that middle-income people were being made eligible as medical indigents, we voted to say that, if a State wants to do that, "Go ahead, but you are going to have to put up a higher percentage of State money to do it."

We do not object at all to providing medicaid to people on public welfare, those who we find to be really in need. But with regard to a wealthy State, instead of putting up 50 percent for the so-called medically needy—we would square that, and only give them 50 percent of 50 percent, or 25 percent Federal funds, against 75 percent State funds. This is what the Senate voted to do last year. In States like Louisiana, where they have been getting 75 percent matching funds, we would give them 75 percent of 75 percent, which would be about 56 percent, and they could put up 44 percent of the money.

This amendment affects the program where the State goes beyond the welfare rolls, to provide medicaid to those who are not eligible for public welfare, and we simply say to the States, "In that area, we are not going to be as generous as in the other areas."

This amendment has been looked over by Mr. Robert Myers, Social Security's chief actuary, who says it would effect a saving of $500 million during fiscal 1969. So, rather than make the administration cut some other program, take something out of Agriculture, Housing and Urban Development, or some other program, let us just put this genie back inside the bottle, where it belongs, and agree to the same Senate amendment we agreed to last time. My guess is that this time the House of Representatives will realize the wisdom of what we did, and accept the Senate amendment, and save cutting $500 million out of some essential program.

In other words, here is an area where we can save $500 million by Senators voting to do what they voted to do last year. Here is an area where HEW has even assisted the States in getting around the intent of Congress by showing people how to qualify for assistance that Congress never intended they get.

We simply say that every State would share more extensively in this program insofar as they cover so-called medically indigent people. In my judgment, there is plenty of money, under this amendment, to take care of those whom we intended to take care of, and, if the States want to be more liberal than we intended to be, let them put up a higher percentage of State money to be liberal with.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MILLER. The Senator's amendment makes a good deal of sense to me. I should like to ask him, however, whether or not there have been hearings on this problem by the House Ways and Means Committee this year.

Mr. LONG of Louisiana. Not to my knowledge. But let me say this: When we voted for this amendment last year, Mr. Wilbur Cohen, who is now Secretary of Health, Education, and Welfare, said he thought he could live with this amendment, and that this would be a good, logical way to hold down the skyrocketing expenses of this program.

Mr. MILLER. Was that in testimony before the Finance Committee?

Mr. LONG of Louisiana. That is what the then Under Secretary of Health, Education, and Welfare said. Since that time, I understand those people in that Department have helped show States how to exceed the eligibility limitations. Robert Myers, the actuary, who I believe is in the gallery right now, estimated that that tightening and less manipulable provision would save us $500 million.

Mr. MILLER. What testimony has there been, or what information has been received from other agencies, to show how this matter has sort of got out of hand, as the Senator was saying?

Mr. LONG of Louisiana. The Director of the Budget, Mr. Zwick, tells us that right now, the expense of this program is $300 million over their estimate. That is the Director of the Budget testifying, and he got that information from the Department.

Furthermore, the Federal share of medicaid is $700 million more than what they told us it would be in December, when we discussed this in conference on the social security bill. That is getting pretty badly off on a program of this size, when you are $700 million off from December 1967 to September 1968.

Mr. MILLER. May I ask the Senator who was responsible for such a horrible underestimate? Where did the estimate come from?

Mr. LONG of Louisiana. What helped go wrong with this thing is that certain States, with the full cooperation of the Department, have found ways to get around the intent of Congress, and take advantage of all this liberal Federal largesse, where the Federal Government pays up to 83 percent of the money, so that, by putting up as little as 17 percent State money, they get 83 percent Federal matching funds. Under those circumstances, they could hardly afford not to put the money out.

On that kind of basis, with this liberal matching, the States, with the connivance and cooperation of the Department, have found ways to make all kinds of people eligible that nobody in Congress ever intended to make eligible. That is what the problem is in good part.

Mr. MILLER. If the Senator's amendment is not agreed to and does not become a part of the law, do I understand that the $500 million that the Senator estimates would be saved is going to have to come out of funds already appropriated?

Mr. LONG of Lousiana. That is right. Already appropriated or which will have to be appropriated.

Mr. MILLER. And if it comes out of funds already appropriated, does that mean that this is in the nature of an uncontrollable item?

Mr. LONG of Louisiana. This is an uncontrollable item.

Mr. MILLER. So that means the $6 billion expenditure reduction is impaired to the extent of $500 million of uncontrollable expenditures, which certainly the Senate did not intend to be made?

Mr. LONG of Louisiana. If we do not agree to this amendment, the $6 billion reduction becomes a reduction of at least $6.3 billion, and the extra $300 miillion has to come out of the hides of people for whom Congress voted money, in order to give it to somebody to whom Congress never intended to give the money. That is what it amounts to.

Mr. MILLER. Mr. President, I must say I find it incredible that in the face of this $6 billion expenditure reduction which Congress has legislated, and in the face of the fact that it is going to be impaired or made much more difficult if the situation is permitted to continue, one of the executive departments would be going out encouraging States to take advantage of this law in such a way as to cause this problem. Is that what the Senator says is happening?

Mr. LONG of Louisiana. I suspect at the time all this was going on, it did not occur to those people down there in the Department that Congress was going to vote that Williams-Smathers amendment into law, to say to them, "You are going to have to cut somebody for all these many expenditures that are exceeding your estimates."

But there it is, and I believe it would be much better to do what the Senate did last year, and put this money under control, than take the money away from somebody else we intended to vote it for.

Mr. MILLER. If nothing is done about the matter, does the Senator suggest that this problem is going to become worse, as more States get in on this type of expenditure which was never intended?

Mr. LONG of Louisiana. Beyond the shadow of a doubt. Just this one item has already exceeded what they estimated in December by $700 million, and it stands to reason that it will get worse and worse between now and December, and keep on getting worse until somebody changes the law to put this thing back under control.

Mr. MILLER. May I say, the Senator's amendment certainly makes a lot of sense to me.

Mr. LONG of Louisiana. I thank the Senator. This is what the Senate voted to do when we voted on the social security bill last year.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. CURTIS. I am impressed by the Senator's statement that the administrator of this program instructed the States as to how to increase their payments. I presume they did that by changing the level of eligibility.

Mr. LONG of Louisiana. That is correct.

Mr. CURTIS. The present law, according to the Senator's statement, is that they may grant this aid to people whose incomes are 133 percent or less of a State's cash payments in aid to families with dependent children.

If the administrator of this program can instruct the States how to liberally determine income on that formula, what will prevent it from happening under the new formula that the Senator has proposed, where the States would be granted greater latitude in determining eligibility for medicaid, and people with incomes up to 150 percent of the average old-age assistance payments could be qualified for medicaid?

Mr. LONG of Louisiana. Mr. President, the language I used says, "payments ordinarily made." And it says, "average payments." It does not talk about the special needs.

Mr. CURTIS. Both of them include the word "income."

Mr. LONG of Louisiana. The Senator is correct.

Mr. CURTIS. I assume that what Health, Education, and Welfare has done is to say that they could exclude from income certain expenses.

Mr. LONG of Louisiana. In the first place, we tie it down more closely, because we talk about average payments and ordinary payments, so that they cannot talk about special needs. Then, in addition to that, we change the matching formula so that if a State has $10 or $100 million available for the so-called medically indigent, instead of matching the $100 million with another $100 million, we will match that $100 million with $50 million.

Mr. CURTIS. Was it not true that when the two formulas were before the conferees, the Department said the House version was more stringent and would cost less Federal money?

Mr. LONG of Louisiana. The Senator is correct. They now tell us that they were dead wrong. Robert Myers, the same man who gave us the letter, said:

> I regret to tell you that we were wrong. And if you accept the amendment here, you will save $500 million.

They are wrong by $700 million, and we will save $500 million by taking the Senate version.

Robert Myers could not estimate how people could get around the amendment. He was estimating what it would cost if it was administered the way it was intended.

Mr. CURTIS. Then he did not make any mistake. If Mr. Myers was estimating it the way it should have been administered, he was right then, and he is still right.

Mr. LONG of Louisiana. It can be contended—just as we can write any good statute—that the law permits them to bring all of these special needs into the picture.

Mr. President, I ask unanimous consent that the Illinois special needs be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ILLINOIS—STANDARD FOR ADDITIONAL NEEDS

(Special needs)

1. Restaurant meals.
2. Food for nurse, housekeeper, or homemaker.
3. Cod liver oil and vitamin D concentrates.
4. Normal pregnancy diet.
5. Additional food allowance and employment expenses.
6. Therapeutic diet allowance.
7. Out-sized clothing allowance.
8. Layette.
9. Emergency clothing need.
10. Corrective shoes.
11. Special needs for household supplies.
12. Transportation for: Employment, regular school attendance, educational and vocational training, travel to source of medical care, travel to enable recipient to take legal action in non-support or paternity cases.
13. Property repair, maintenance, or improvement.
14. Allowance to redeem recipient's homestead property.
15. Moving expenses.
16. Telephone.
17. Housekeeping.
18. Child care.
19. Homemaking service.
20. Laundry expenses.
21. Essential furnishings for home.
22. Repair of household furnishings.
23. Payment of debts for household furnishings.
24. Storage of furniture.
25. Expenses for education for regular school attendance.
26. Summer school expenses.
27. School supplies and fees.
28. Additional allowance for junior high and high school students.
29. Education beyond high school for children under 18.
30. Education and vocational training.
31. Unpaid education and vocational training.
32. Employment expenses.
33. Licensed foster family day care provided by AFDC recipient in her own home: Employment allowances for foster mother, employment allowances for recipient who is a helper to foster mother for 5 or more children.
34. Child care—employment or vocational training: Foster Day care provided by AFDC recipients.
35. Expenses of persons assigned to community work projects.
36. Expenses of persons receiving unemployment compensation benefits.
37. Medical expenses: Travel to source of medical care, travel for examination to determine initial or continuing eligibility, household supplies, laundry, telephone.
38. Life insurance premiums.
39. Funeral and burial expenses.
40. Foster care for children: Foster family home, child care institutions.

Mr. LONG of Louisiana. These are the kind of things that we did not have in mind. However, it can clearly be contended that the law permits them to consider the special needs which we did not have in mind when we agreed to the language. Of course, increased costs of health care have also contributed to the medicaid jumps.

Mr. CURTIS. Mr. President, does the Senator have any assurance that they cannot do it again?

Mr. LONG of Louisiana. We have two assurances. We talk about the average, ordinary payments. So they cannot really bring in the special needs. However, that is not where the big savings come. The big savings come because we change the matching formula. Instead of making a poor State put up 70 percent in matching funds, we will make it 49 percent Federal and 51 percent State money. Instead of giving a wealthy State 50 percent, we will give them 25 percent. So, we will save a great deal of money—almost half of the money that is being put in to the programs for the so-called medically indigent in those States. That is what the Senate amendment provides.

Robert Myers now, in looking at the facts, when he gets down to the real limitation as to how much States can take out of the Federal Treasury and how much they have to match it with, says that if we reduce the Federal matching, we will save a vast amount of money.

The Department said last year that they could live with this. They said that they could accept the Senate amendment and could administer it. They thought it was a law that they could support.

The House language was agreed to, but we found that the House provisions failed to control expenses as intended. We are now told that the Senate provisions would have controlled expenditures.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MORTON. Mr. President, I will support the amendment of the Senator. I think the point should be emphasized that this change, as compared to the House change, will stop these States from wanting to do this, because they will not get all of this lagniappe out of it.

Mr. LONG of Louisiana. It reduces the incentive for the State to try to keep boosting coverage up and up, because the Government will not be as generous as it has been before.

Mr. MORTON. And there will be a further limitation on the income.

Mr. LONG of Louisiana. The Senator is correct.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HOLLAND. Mr. President, am I correct in my understanding that as to all persons actually on welfare and receiving cash payments, the payments on medicaid could in no sense be affected?

Mr. LONG of Louisiana. They would not be affected in any respect whatsoever if the people are on welfare and drawing cash assistance.

Mr. HOLLAND. Not even as to the amount they receive from the Federal Government as compared to the amount coming from the State government.

Mr. LONG of Louisiana. The Senator is correct. We are talking about people who do not qualify for welfare payments.

Mr. CURTIS. Mr. President, what is the effective date?

Mr. LONG of Louisiana. The effective date would be July 1, 1968.

Mr. CURTIS. That would be changing the matching formula retroactively. I might be for it. I think I am for repealing the program.

Mr. LONG of Louisiana. The measure would be in conference. The reason we picked that date is that we can always move it up, but I do not think we can move it back. If one wants to try to move it to September or January, he can do so.

Mr. CASE. Mr. President, I wanted to discuss the matter generally on the Senator's time or mine.

Mr. LONG of Louisiana. Mr. President, I yield the floor.

Mr. CASE. Mr. President, I certainly

agree that Congress should have an intelligent look at the way the program is being administered and the extent, if it is true at all, to which the intent of Congress has been thwarted or misinterpreted in the manner in which Federal funds are being applied to things which were not intended.

I do not consent for a moment that this should be gotten at by a further lessening of the share to States like my own State of New Jersey and many other States.

It seems to me that the way this ought to be attacked is directly and not by putting a further burden upon States like New Jersey which already pay the Federal Government many times the cost of the benefits it receives from Federal programs in return.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. LONG of Louisiana. Mr. President, New Jersey could not do anything but benefit from this measure. They do not have a title 19 program in operation. They have not passed legislation to implement it.

Mr. CASE. The Senator is correct. However, when it comes into existence, they will be cut in benefits from 50 percent to 25 percent.

I see no justification for putting into this program what already exists in too many programs in the welfare field.

Mr. LONG of Louisiana. That would not affect the welfare.

Mr. CASE. I understand that. But we are darn well taken care of in the welfare field by standards which operate against New Jersey, which is trying to keep people in decency as opposed to most States where the benefits are paid by the Federal Government.

I am tired of having discrimination practiced against a State like New Jersey by measures which, too often, have borne the name of the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, the amendment treats Louisiana and New Jersey exactly the same. Louisiana does not have a title XIX program. Neither does New Jersey.

I assume that the Governors and the State legislatures thought they would do better to spend that money on the actual welfare clients rather than on people who have enough income so that they do not qualify for welfare assistance.

Louisiana has one of the most liberal welfare programs in the United States. We do not think we should go into medicaid benefits now for people who could not qualify for welfare.

Mr. CASE. Mr. President, New Jersey is working on a statute in the legislature at this time, and, unless we are fooling people, it is intended that the whole country should have one. It is up to the States to determine whether they will have it. But they will have it. This is a valuable adjunct to the health of the Nation. It is a program that we should not shortchange in any fashion. We should not treat it as welfare. This is a matter apart from that.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a tabulation showing the effect that the amendment of the Senator from Louisiana would have upon the Federal share to be paid on the cost of the medicare program as opposed to what is payable under the present formula.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE 2.—FEDERAL PERCENTAGE OF PAYMENTS UNDER COMMITTEE BILL

State	Payments on behalf of—	
	Persons with income at or below the assistance level	Persons who are medically needy only
Alabama	78.60	61.78
Alaska	50.00	25.00
Arizona	64.99	42.24
Arkansas	79.81	63.70
California	50.00	25.00
Colorado	55.31	30.59
Connecticut	50.00	25.00
Delaware	50.00	25.00
District of Columbia	50.00	25.00
Florida	65.09	42.37
Georgia	72.85	53.07
Guam	[1] 50.00	[1] 50.00
Hawaii	50.00	25.00
Idaho	67.87	46.06
Illinois	50.00	25.00
Indiana	53.39	28.50
Iowa	59.60	35.52
Kansas	57.90	33.52
Kentucky	75.25	56.63
Louisiana	74.58	55.62
Maine	69.92	48.89
Maryland	50.00	25.00
Massachusetts	50.00	25.00
Michigan	50.00	25.00
Minnesota	58.40	34.11
Mississippi	83.00	68.89
Missouri	58.40	34.11
Montana	64.01	40.97
Nebraska	60.48	36.58
Nevada	50.00	25.00
New Hampshire	60.12	36.14
New Jersey	50.00	25.00
New Mexico	70.15	49.21
New York	50.00	25.00
North Carolina	75.30	56.70
North Dakota	70.74	50.04
Ohio	52.64	27.71
Oklahoma	69.61	48.46
Oregon	54.37	29.56
Pennsylvania	55.03	30.28
Puerto Rico	[1] 50.00	[1] 50.00
Rhode Island	52.61	27.68
South Carolina	80.50	64.80
South Dakota	73.26	43.67
Tennessee	76.14	57.97
Texas	67.10	45.02
Utah	65.24	42.56
Vermont	69.00	47.61
Virgin Islands	[1] 40.00	[1] 50.00
Virginia	65.85	43.36
Washington	50.00	25.00
West Virginia	75.84	57.52
Wisconsin	56.68	32.13
Wyoming	59.20	35.05

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[1] Statutory dollar ceiling applies in this jurisdiction.

Mr. CASE. Mr. President, Alabama now would get 78.6 percent. They would be reduced to 61.78 percent.

Louisiana would be receiving now, if it had a medicaid program, 74.58 percent from the Federal Government. Its share would be reduced to 55.62 percent.

New Jersey now, under the present law, gets only 50 percent of its medicaid programs—when it has one—paid for by the Federal Government, and this would reduce it to 25 percent. The same is true of a dozen or more States.

Of course, I recognize that this is based upon a formula, but the formula operates inequitably where it operates. It should not be extended to this program, which essentially is not a program for indigent people, but is a program for extending to all the people in the country the best kind of medical care this country can provide.

I hope the amendment will be rejected.

The States which are treated the same way as New Jersey—that is, where the Federal share is reduced from 50 percent to 25 percent under this formula—are as follows: Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Indiana from 53 to 28 percent, Iowa from 59 to 35 percent, Kansas from 57 to 33 percent.

Going to the 50-to-25 again: Maryland, Massachusetts, Michigan, Minnesota from 58 to 34 percent, Nevada from 50 to 25 percent, New Jersey from 50 to 25 percent, New York from 50 to 25 percent, Ohio from 52 to 27 percent, Puerto Rico stays at 50 percent, Rhode Island from 52 to 27 percent, the State of Washington from 50 to 25 percent, Wyoming from 59 to 35 percent, Wisconsin from 56 to 32 percent.

Many States are reduced, and I do not believe this should be done. As a further reason for not adopting this amendment, it should not be put to the Senate, without any report, as an amendment to a bill dealing with entirely extraneous matters, at this time, late in our consideration of this bill. I hope the Senate will reject the amendment.

Mr. LONG of Louisiana. Mr. President, a great number of States have not seen fit to extend medicaid to cover people who are not eligible for cash assistance. Let me read the names of some of the States that do not see fit to extend this to cover people who cannot qualify for cash assistance.

The State of Ohio does not extend a program to cover those people. It would not affect Ohio one way or another.

It would not affect Indiana. They do not see fit to put up any money for this program. Georgia does not cover them. Louisiana does not use this program. Maine does not use this program. Missouri does not use it. Montana does not use it. Nevada does not use it. New Mexico does not use it. Hawaii does not use it. Oregon does not use it. South Carolina does not use it. South Dakota does not use it. Texas does not use it. Virginia does not use it. Wyoming does not use it.

But with regard to States which do use it, they have found ways to exceed what we intended, to run up the cost to the Federal Government $700 million beyond anything anticipated when we enacted the provision. They can still run up the cost, but they will have to put up more money of their own in order to do it. That is what we intended, and that is what the Senate voted.

The Senate held hearings on this matter. We did it last year. Last November we passed a bill to bring this matter under control, and it passed the Senate by a large majority. Unfortunately, in conference we yielded to the House; and by yielding to the House language, the program is now $700 million more than they said it would cost.

Here is a way we can bring this matter back under control, and then perhaps we can be more liberal with States which want to provide more liberally for their people.

Mr. CASE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CASE. Mr. President, as I understand it—of course, I should like to be corrected if I am wrong—the effect of the amendment would be retroactive to the first of this fiscal year, that is, July 1, 1968. Is my understanding correct?

Mr. LONG of Louisiana. The Senator's understanding is correct. If that particularly upsets the Senator, we can move the date forward. In conference we cannot move a date back. It can be moved forward. We gear it to the fiscal year, because the rest of the dates are geared to the fiscal year.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. Gruening], and the Senator from Georgia [Mr. Talmadge] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Nevada [Mr. Bible], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Arkansas [Mr. Fulbright], the Senator from Oklahoma [Mr. Harris], the Senator from Arizona [Mr. Hayden], the Senator from South Carolina [Mr. Hollings], the Senator from Massachusetts [Mr. Kennedy], the Senator from Missouri [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Montana [Mr. Metcalf], the Senator from Minnesota [Mr. Mondale], the Senator from Oklahoma [Mr. Monroney], the Senator from Maine [Mr. Muskie], the Senator from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], and the Senator from Florida [Mr. Smathers] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. Clark] would vote "nay."

On this vote, the Senator from West Virginia [Mr. Randolph] is paired with the Senator from Connecticut [Mr. Ribicoff]. If present and voting, the Senator from West Virginia would vote "yea," and the Senator from Connecticut would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. Cotton], the Senator from Colorado [Mr. Dominick], the Senator from New York [Mr. Javits], the Senator from California [Mr. Kuchel], the Senator from South Dakota [Mr. Mundt], and the Senator from Maine [Mrs. Smith] are necessarily absent.

The Senator from Arizona [Mr. Fannin] is absent because of illness in his family.

The Senator from Iowa [Mr. Hickenlooper] is absent on official business.

The Senator from Kansas [Mr. Carlson] is detained on official business.

If present and voting, the Senator from California [Mr. Kuchel], would vote "nay."

Also if present and voting, the Senator from Maine [Mrs. Smith], would vote "yea."

On this vote, the Senator from Arizona [Mr. Fannin] is paired with the Senator from New York [Mr. Javits]. If present and voting, the Senator from Arizona would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 44, nays 25, as follows:

[No. 297 Leg.]

YEAS—44

Aiken
Allott
Anderson
Baker
Bennett
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Curtis
Eastland
Ellender
Ervin
Fong
Gore
Hansen
Hartke
Hill
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
Mansfield
McClellan
McIntyre
Miller
Montoya
Morton
Moss
Pearson
Prouty
Russell
Sparkman
Spong
Stennis
Symington
Thurmond
Tower
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—25

Brewster
Brooke
Burdick
Case
Dirksen
Dodd
Goodell
Griffin
Hart
Hatfield
Inouye
Jackson
Magnuson
McGee
Morse
Murphy
Nelson
Pastore
Pell
Percy
Proxmire
Scott
Tydings
Williams, N.J.
Yarborough

NOT VOTING—31

Bartlett
Bayh
Bible
Carlson
Church
Clark
Cotton
Dominick
Fannin
Fulbright
Gruening
Harris
Hayden
Hickenlooper
Hollings
Javits
Kennedy
Kuchel
Long, Mo.
McCarthy
McGovern
Metcalf
Mondale
Monroney
Mundt
Muskie
Randolph
Ribicoff
Smathers
Smith
Talmadge

So the amendment of Mr. Long of Louisiana was agreed to.

Mr. LONG of Louisiana. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MONTOYA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. DIRKSEN. Mr. President, I would like to ask the distinguished majority leader whether he contemplates finishing the pending bill tonight and how late he proposes that the Senate remain in session.

Mr. MANSFIELD. Mr. President, I would like the Senate to give the leadership an idea as to how many more amendments will be offered this evening?

(Several Senators indicated they intend to offer amendments.)

Mr. MANSFIELD. Mr. President, I count one, two, three, four.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield to me briefly, I wish to state that about three of the amendments I would propose to accept. If Senators do not make long speeches in favor of their amendments, that would leave about four amendments to vote on. Then, hopefully, we might get a limitation of time and dispose of them quickly. Most of them deal with matters we have voted on before.

Mr. MANSFIELD. Mr. President, there appear to be three or four Senators on this side who have amendments to offer. Therefore, it appears, in view of the situation, that it will not be possible to finish the bill this evening.

Mr. President, therefore I ask unanimous consent that the Senate go into executive session.

Mr. CURTIS. I object.

The PRESIDING OFFICER. Objection is heard.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session.

The PRESIDING OFFICER (Mr. Moss in the chair). The question is——

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, it is not debatable.

The PRESIDING OFFICER. The question is not debatable.

Mr. MILLER. Mr. President, I do not wish to debate the motion. Can the Senator tell us what the point is?

Mr. MANSFIELD. We cannot finish consideration of the pending bill today, and we have spent several days on it now.

The Senators I want to see in the Chamber are in the Chamber at this time.

Therefore, I move that the Senate go into executive session.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana that the Senate go into executive session. [Putting the question.]

The motion was agreed to.

SUPREME COURT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Several Senators addressed the Chair.

Mr. GRIFFIN. Mr. President, I ask for recognition.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

Mr. RUSSELL. Mr. President, I desire to make a very brief statement with respect to the unexpected delays in consideration of the Department of Defense appropriation bill.

I merely wish to say that it is not due to any failure on the part of the Committee on Appropriations to pursue this matter. We had hearings on this bill throughout the spring. The four volumes I hold in my hand are of testimony taken through May 23 of this year. The committee was in a position to act on the bill shortly after the completion of these hearings. However, due to the legal fiction that the House alone can initiate appropriation bills, we were compelled to wait until after the bill passed the other body on September 12.

The bill was referred to the Committee on Appropriations on Friday the 13th and we immediately went to work on it on the following Monday, with long hearings, in order to get the views of the Department and others interested in the bill as passed by the House of Representatives. These hearings were complete on Wednesday the 18th, and the committee reported the bill on Thursday the 19th.

I want particularly to thank the distinguished Senator from North Dakota [Mr. YOUNG], the ranking Republican on the Subcommittee on Department of Defense appropriations, for the long hours he put in, in the effort to get the bill to the floor so that we could get it passed by the Senate and have it sent to conference.

Due to events over which we have no control, and which have transpired within recent moments here, it appears that the appropriation bill will have to await some kind of termination of the nomination referred to by the majority leader for the appointment of a member to the Supreme Court to serve as Chief Justice.

Mr. President, I regret these delays. It is confusing to an organization as vast and complex as the Department of Defense, which is spending over $52 billion on its ordinary expenditures and some $26 or $27 billion on the military activities in Vietnam, not to know from month to month what their actual appropriations will be. This, the largest of all agencies of Government with regard to public spending, has been compelled to go now, from month to month, under the authority of a continuing resolution.

That is hardly calculated to instill a high degree of efficiency or morale among the civilian and military employees of the Department of Defense.

Mr. President, I merely wish to make this statement because I think it should be stated that there has been no dereliction on the part of the Committee on Appropriations in handling the bill. As a matter of fact, we passed the authorizing legislation early in the spring and it was only passed late in the summer by the other body

Mr. President, it points up the fact that there must be sometime, somewhere, a conclusion to the fiction that only the House can initiate appropriation bills, if we hope to have any sensible program before the Congress.

If we had been permitted to initiate the appropriation bill—and there is certainly no constitutional inhibition against it—in May when we concluded the hearings, this bill would probably have already been signed into law by the President.

But the fact that the Senate is compelled to wait upon the pleasure of the House of Representatives on all these appropriation bills places almost an unconscionable burden upon the House Appropriations Committee, a burden we are perfectly willing and able to share.

It would greatly expedite the work of Congress and enable us to reach a day of adjournment, and would certainly add to the efficiency of the operation of the Government, to let the heads of each of these departments know what they can expect in the way of appropriations when the fiscal year begins instead of after the fiscal year has been in progress for about 3 months under this miserable, continuing resolution situation.

Mr. ALLOTT. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I am happy to yield to the Senator from Colorado.

Mr. ALLOTT. I would just like to say a word, that I agree entirely with the sentiments of the distinguished Senator from Georgia.

At this time, I wish to compliment both him and the Senator from North Dakota [Mr. YOUNG] who spent so much time and did, in my opinion, a magnificent job on this defense appropriation bill.

I realize that it is not very appropriate for a member of the minority to indicate how the affairs of the Senate will be run, but I would hope that the distinguished majority leader would see fit, in his wisdom—which he always has—to find a way so that we can dispose of this matter of defense appropriations and get the bill to conference so that we can resolve the many problems to which the Senator has referred.

Mr. RUSSELL. I want to say to the Senator from Colorado that I certainly appreciate his sentiments. This is not an unusual occurrence. This is becoming an annual happening. It has happened here from year to year and there is no telling how much waste has resulted from this system of handling appropriation bills.

The delays which have occcrred in these departments make it impossible for them to plan anything. They do not know what they are going to have.

Mr. MANSFIELD. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. Mr. President, I agree wholeheartedly with what the distinguished Senator from Georgia, the chairman of the Committee on Armed Services, has just had to say and also with what the distinguished Senator from Colorado [Mr. ALLOTT] has had to say regarding the efforts of both the Senator from North Dakota [Mr. YOUNG] and the Senator from Georgia [Mr. RUSSELL].

I do think that something should be done to try to get legislation to the floor of the Senate earlier than has been the case.

In certain instances, that would not apply to the Department of Defense appropriation because your committee, sir, has been ready and waiting and eager for months to tackle its responsibilities both in the authorization field and in the appropriation field.

However, for some reason or other, we were held up, and the Defense appropriation bill did not come to this Chamber until well after the second of the two great conventions was concluded in Chicago.

Thus, I hope that next year the leadership will be able to do something to try to bring about a rectification of this situation, if at all possible, to the end that the Senate can function better as an institution in carrying out its responsibilities.

Mr. RUSSELL. Let me say to the Senator from Montana that it is not altogether the fault of the Senate.

Mr. MANSFIELD. No. No. I understand that.

Mr. RUSSELL. If some people who have established that they must pass bills first would listen to reason, the long delays and hiatuses in the passage of appropriation bills would not occur.

Mr. MANSFIELD. The Senator is correct.

Mr. President, there will be no further business tonight, but I want to say that if the distinguished Senator from Michigan [Mr. GRIFFIN] and the distinguished chairman of the Committee on the Judiciary [Mr. EASTLAND], and the distinguished Senator from North Carolina [Mr. ERVIN], and the distinguished Senator from South Carolina [Mr. THURMOND] had not been present, it would have been my intention to institute a quorum call before making my motion, in order to have Senators who are vitally interested in this matter present on the floor.

ORDER FOR RECESS TO 10 A.M.

Mr. MANSFIELD. Mr. President, in executive session, I ask unanimous consent that when the Senate completes its business this evening, it stand in recess until 10 o'clock tomorrow morning, under the order previously entered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered, in executive session.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I move, under the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, the motion is agreed to, and the Senate will be in recess until 10 o'clock tomorrow morning, in executive session.

At 6 o'clock and 32 minutes p.m. the Senate, in executive session, recessed until tomorrow, Wednesday, September 25, 1968, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 24, 1968:

U.S. ATTORNEY

Morton L. Susman, of Texas, to be U.S. attorney for the southern district of Texas

for the term of 4 years vice Woodrow B. Seals, resigned.

U.S. Marshal

J. Paul Teal, Jr., of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years vice Paul D. Sossamon.

Diplomatic and Foreign Service

The following-named person, now a Foreign Service officer of class 3 and a secretary in the diplomatic service, to be also a consular officer of the United States of America:

Charles C. Carson, of the District of Columbia.

For appointment as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America:

Donald C. Leidel, of Wisconsin.

For appointment as a Foreign Service officer of class 4, a consular officer, and a secretary in the diplomatic service of the United States of America:

Martin C. Forrester, of California.

For promotion from a Foreign Service officer of class 6 to class 5:

Robert W. DuBose, Jr., of California.

For promotion from a Foreign Service officer of class 7 to class 6 and to be also a consular officer of the United States of America:

Harrell Kennan Fuller, of New Mexico.

For promotion from a Foreign Service information officer of class 8 to class 7:

Miss Caroline V. Meirs of New York.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Ralph Edwin Bresler, of Ohio.
Hugh D. Camitta, of New York.
Lewis I. Cohen, of New York.
Michael W. Cotter, of Wisconsin.
Kenneth B. Cubin, of Maryland.
Richard R. La Roche, of Rhode Island.
James A. S. Leach, of Iowa.
Jeffrey A. Manley, of Ohio.
Daniel H. Simpson, of Ohio.
John Bruce Wilkinson, of New Jersey.

For appointment as Foreign Service information officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Dennis A. Allred, of Illinois.
Stephen M. Chaplin, of Hawaii.
Miss Margaret A. Eubank, of Maryland.
Richard B. Fitz, of California.
John Frankenstein of the District of Columbia.
John P. Harrod, of Ohio.
Edward W. Holland, Jr., of New Jersey.
David H. Lambert, of California.
Frederick E. V. LaSor, of California.
Miss Susan E. Lowe, of Pennsylvania.
Miss Marilyn McAfee, of Pennsylvania.
H. James Menard, of California.
Robert W. Proctor, of New Mexico.
Christopher W. S. Ross, of the District of Columbia.
Miss Janet E. Ruben, of Pennsylvania.
E. David Seal, of Missouri.
Jonathan L. Silverman, of New Jersey.
Larry R. Taylor, of Washington.
John Scott Williams, of Virginia.

For appointment as a Foreign Service officer of class 8, a consular officer, and a secretary in the diplomatic service of the United States of America:

Harlan Y. M. Lee of Hawaii.

For appointment as Foreign Service information officers of class 8, consular officers, and secretaries in the diplomatic service of the United States of America:

Raymond D. Anderson, Jr., of the District of Columbia.
Miss Jan Carol Berris, of Michigan.
Miss Ruth L. Greenstein, of New York.
Jonathan F. Orser, of Ohio.
Michael Patrick Phelan, of Michigan.

Foreign Service Reserve officer to be a consular officer of the United States of America:

Peter Ringland, of Maryland.

Foreign Service Reserve officers to be consular officers and secretaries in the diplomatic service of the United States of America:

Walter M. Bastian, Jr., of the District of Columbia.
Boyd W. Bishop, of Pennsylvania.
Herbert E. Burrows, of the District of Columbia.
W. Beverly Carter, of Pennsylvania.
Michael K. Cline, of Virginia.
Chester T. Davis, Jr., of Rhode Island.
Lloyd D. Davis, of Illinois.
James E. Delaney, Jr., of Massachusetts.
Charles R. Doscher, of California.
James R. Echols, of Maryland.
George W. French, Jr., of North Carolina.
Paul Garbler, of Florida.
Harvey H. Ginsburg, of the District of Columbia.
Robert B. Goodwin, of Massachusetts.
Dean P. Hanson, of Florida.
Forrest R. Hauck, of Virginia.
Donald R. Heath, Jr., of New York.
Kenneth D. Hull, Jr., of the District of Columbia.
Robert J. Kelly, of Michigan.
John Donald Miller, of Maryland.
William N. Morell, Jr., of Maryland.
Daniel R. Niesciur, of Virginia.
John D. O'Shaughnessy, of New York.
Robert E. Peck, of Virginia.
Leon Picon, of Maryland.
Lorenzo B. Sánchez, of Virginia.
Christopher L. Sholes, of New Jersey.
David R. Smith, of Virginia.
Robert L. Spinelli, Jr., of New Jersey.
Calvin L. Thomas, Jr., of Virginia.
LeRoy C. Turner, of Maryland.
Loren T. Walsh, of Oklahoma.
Daniel S. Watson, of Illinois.

Foreign Service Reserve officers to be secretaries in the diplomatic service of the United States of America:

Roger Ernst, of Maryland.
Rey M. Hill, of Maryland.
Lloyd Jonnes, of Ohio.
Robert M. Schram, of Pennsylvania.

Foreign Service staff officers to be consular officers of the United States of America:

Joseph T. Beaver, Jr., of Ohio.
W. Berry Carew, of Virginia.
Robert Henry Cayer, of Massachusetts.
Richard F. Crehan, of Rhode Island.
Eddie Edwards, of Michigan.
John J. Kenney, of California.
Richard J. Marroquin, of Texas.
Robert B. Peterson, of California.
Robert E. Prosser, of Pennsylvania.
Charles L. Richardson, of Michigan.
Miss Sally A. Scales, of Oregon.
Laddie L. Valis, of Texas.
Warren E. Wills, of Massachusetts.
Bernard J. Woerz, of New Jersey.

In the Army

The following-named person for reappointment in the active list of the Regular Army of the United States, from the temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be captain

Rees, Kenneth R., O59875.

The following-named persons for appointment in the Regular Army, by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Norton, George T., O94120.

To be first lieutenant

Floto, Ronald J., OF104731.

To be second lieutenant

Guy, David P., OF112825.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be captains

Hansen, Robert E., O5239630.
Harris, William D., O5850080.
Hieb, Robert E., O5541260.
Hill, James L., O5312144.
Jackson, Stephen M., O2320852.
Johnson, Richard A., O5525535.
Lozier, Gary O., O95066.
Mapp, Homer S., O5301993.
Miller, Joseph B., O5209910.
Mulvenna, John W., O5405153.
Sanders, David J., O5314163.
Shavers, Victor R., O5309697.
Smith, Guy A., Jr., O5309798.
Snead, Robert S., O5404877.
Spekhardt, Michael S., O4085380.
Standridge, Lanny, O5304159.
White, Earl D., II, O5215293.
Woodhurst, Charles L., O5306123.
Zutter, Donald S., O5509594.

To be first lieutenants

Bailey, Wilard E., O5312375.
Bouzigard, Ray J., O5426168.
Ellis, Merlan O., MN5709051.
Forster, William H., O5309283.
Freitag, Merle, O5517373.
Gensler, Jay D., O2313451.
Giordano, Frank L., O2325474.
Griess, Lorna L., N2325713.
Gurley, Marshall E., Jr., MN5417306.
Hartwell, Gary R., O5223845.
Hudson, Robert C., O5322409.
Kazmierczak, Eugene S., MN2320890.
Larsen, Daniel M., O5316486.
Lyles, Robert E., O5402035.
McCarty, Garland E., O5423481.
McIlroy, Bartholomew, O5405928.
McComas, Wilson H., O5214779.
McCurdy, John D., O5315123.
Nespeca, John A., O2331990.
Otis, Norman K., O5023260.
Sciubba, James J., O2332077.
Seidemann, Constance, L5322613.
Shorb, Stanley R., O5223810.
Snyder, Norman E., O2332473.
Steele, Russell W., O5420977.
Tramont, Edmund C., O5250992.
Williams, Charles F., O5336601.
Zuelke, David H., MN2316007.

To be second lieutenants

Garrison, William F., O5342228.
Laska, Leo M. Jr., O5537182.
Mayew, Walter L., O5420625.
Morton, Curtis R., O5421533.
Quinn, Richard L., O5425536.
Requa, William V. N., O5250278.
Ramirez, Ann L., N5520460.
Robinson, David C., O5714293.
Reis, Jerold M., MN5521187.
Sheldon, Donald J., O5713681.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Adamczyk, Fred M.
Bailey, Edward L.
Baldenweck, Thomas K.
Balogh, Joseph K.
Barefield, Robert L.
Bear, Daniel C.
Becker, Jack D.
Beson, James L.
Boivin, Robert E.
Brack, Martin R.
Chambers, Thomas G., Jr.
Coulter, Robert J., Jr.
Cox, Marcus A.
Darden, Jack M., Jr.

Davis, Ralph J.
Dean, Robert K.
Edwards, William C
Foote, Robert D.
Giles, George M.
Gray, Louis G.
Hall, Craig C.
Huseman, Dana F.
Jamison, Marc A.
Koleszar, Thomas R.
Krueger, Robert J.
Meeker, John R.
Miller, Charles, Jr.
Owen, David I.
Parke, Robert G., Jr.
Patch, Harry J.
Perez, Edward L.
Phillpotts, William R.
Rast, John E.
Schuepbach, John W.
Smith, Floyd R.
Smith, Ronald R.
Stone, David N.
Stuebe, Richard R.
Torre, Joseph F., Jr.
Tuell, Henry O., III
Walters, Douglas F.
Werts, Douglas D.
Wheeler, Gregory A.
Wiley, Kenneth L.
Witt, Robert E., Jr.
Woods, George, Jr.

WITHDRAWAL

Executive nomination withdrawn from the Senate, September 24, 1968:

The nomination sent to the Senate on February 6, 1968, of Henry W. Dicker to be postmaster at Millbrook, in the State of New York.

HOUSE OF REPRESENTATIVES—*Tuesday, September 24, 1968*

The House met at 12 o'clock noon.

Rev. J. Carroll Chadwick, First Baptist Church, Center, Tex., offered the following prayer:

Our most gracious Heavenly Father, we come into Thy presence this day to pray Thy blessings upon us. Grant that we shall know: "This is the day which the Lord hath made; we will rejoice and be glad in it."

We acknowledge our need of Heaven's help in all that we put our heart and hand to; that we may accomplish in Thy holy name only that which will bless all mankind.

Wilt Thou create within the hearts of men and nations those finer feelings and nobler thoughts in building a more glorious civilization. Make Thy will and wisdom known in this hour. May Thy grace guide; Thy love lead; Thy spirit sustain. We pray in the name of our loving, living Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 2751. An act to designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, in the State of Oregon;

S. 3030. An act to amend section 3 of the act of November 2, 1966, relating to the development by the Secretary of the Interior of fish protein concentrate; and

S. 3866. An act to extend the provisions of the Commercial Fisheries Research and Development Act of 1964.

NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. TAYLOR submitted a conference report and statement on the bill (S. 119) to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes.

APPOINTMENT OF CONFEREES ON H.R. 18366, AMENDING THE VOCATIONAL EDUCATION ACT OF 1963

Mr. ALBERT. Mr. Speaker, I ask unanimous consent, on behalf of the gentleman from Kentucky [Mr. PERKINS], to take from the Speaker's table the bill (H.R. 18366) to amend the Vocational Education Act of 1963, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. BOW. Mr. Speaker, reserving the right to object, I should like to inquire of the distinguished majority leader whether this is the bill which has the provision in the Senate version which would take all educational programs out from under the limitations that have been set by Congress in limiting expenditures by a $6 billion reduction, by $10 billion in new obligational authority?

As I understand the situation, when H.R. 18366 was under consideration in the other body, section 201(a) of the Elementary and Secondary Education Amendments of 1967—Public Law 90–247—was amended to read in part as follows:

> AVAILABILITY OF APPROPRIATIONS
>
> SEC. 407. Notwithstanding any other provision of law, unless expressly in limitation of the provision of this title, funds appropriated in any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year.

I have been informed by representatives of the Bureau of the Budget and others that section 407 is the first dollar breach of appropriated funds in operation of the Revenue and Expenditure Control Act of 1968. It constitutes a breach since it provides that funds appropriated in any fiscal year to carry out any related education programs shall remain available for obligation until the end of such fiscal year.

Enactment of section 407 simply means that all the funds that are appropriated for elementary and secondary education this year or, for that matter, any fiscal year cannot be withheld from obligation by the President.

I say to the distinguished majority leader that section 407 should be stricken from the bill and I would hope that the House conferees will stand firm in their opposition to including that section in the final version of the bill. Expenditures for education in fiscal 1969 are budgeted at roughly 10 percent of the so-called controllable expenditures; thus, if they are exempted from the provisions of the Revenue and Expenditure Control Act of 1968 it is unlikely that the administration and the Congress can or will live up to their commitment to cut $6 billion from the level of planned spending in fiscal 1969. When we adopted the Revenue and Expenditure Control Act we not only raised the tax liabilities of almost every American taxpayer by 10 percent, we also promised the taxpayers that either the Congress or the administration would reduce Federal spending by $6 billion in fiscal 1969. That is a commitment that cannot be escaped with honor and integrity and I, for one, will do all in my power to insure that the commitment to reduce spending is honored to the letter and spirit of the law.

Of course, some exemptions have been made with respect to the ceiling on personnel that was included in the Revenue and Expenditure Control Act, but that was occasioned by the fact that the transitional period required to implement the personnel provisions placed some departments and agencies in such a bind that allegedly they could not adequately perform the responsibilities placed upon them. But, Mr. Speaker, this is the first attempt that has been made in the Congress to exempt specific appropriations from the provisions of the Revenue and Expenditure Control Act and it simply must be firmly resisted by our House conferees.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the majority leader.

Mr. ALBERT. I am not able to answer the gentleman's question.

Mr. BOW. I may repeat to the gentleman that under section 407 of the Senate bill there is this provision:

> Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this title, funds appropriated in any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year.

As I said earlier, I have been advised that this eliminates all educational programs from the provisions of the acts of Congress. That would mean somewhere around 10 percent of all so-called controllable civilian items would be taken out.

I should line to have someone explain to us why this has been done and whether the conferees would agree to such a provision. It seriously affects the law which was passed.

Mr. ALBERT. I cannot answer the gentleman. The request only relates to the matter of sending the vocational education bill to conference. What the conferees will do I am not able to advise the gentleman at this time.

Mr. BOW. I thought, Mr. Speaker, this should be brought to the attention of the House and the conferees, that this provision is in the bill, which will seriously affect the efforts we are making to strive for economy.

I withdraw my reservation.

Mr. ALBERT. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? The Chair hears none, and appoints the following conferees: Mr. Perkins, Mrs. Green of Oregon, Messrs. Pucinski, Brademas, William D. Ford, Meeds, Scheuer, Hawkins, Gibbons, Albert, Ayres, Quie, Ashbrook, Scherle, Steiger of Wisconsin, Dellenback, Eshleman, and Bell.

REQUEST FOR PERMISSION TO FILE REPORT ON S. 3769, HIGHER EDUCATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the conferees on the bill S. 3769 may have until midnight tonight to file a report. It is the higher education bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, will the distinguished majority leader tell us if the conferees have met, if they have reached a conclusion, and if the report is in fact ready for printing?

Mr. ALBERT. I am not able to tell the gentleman that.

Mr. HALL. Under those circumstances, Mr. Speaker, I would strongly urge that the request be withheld until we can determine that; otherwise I would be constrained to object.

Mr. ALBERT. Mr. Speaker, I withdraw my request.

CONFERENCE REPORT ON H.R. 14935, TO REGULATE MAILING OF MASTER KEYS

Mr. DANIELS submitted a conference report and statement on the bill (H.R. 14935) to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kee (at the request of Mr. Albert), for September 30 and October 1, 1968, on account of official business.

Mr. Wolff (at the request of Mr. Albert), for September 23 and 24, on account of a religious holiday.

Mr. Tunney (at the request of Mr. Albert), for today and the balance of the week, on account of official business in the 38th Congressional District of the State of California.

Mr. Tenzer (at the request of Mr. Taylor), for today and tomorrow, on account of observance of Jewish holidays.

Mr. Ryan (at the request of Mr. Taylor), for today, on account of illness.

Mr. Helstoski (at the request of Mr. Minish), for Monday, September 23 and Tuesday, September 24, on account of official business.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 15263. An act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes;

H.R. 16175. An act to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for us as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes; and

H.R. 18786. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2751. An act to designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, in the State of Oregon;

S. 3030. An act to amend section 3 of the Act of November 2, 1966, to reduce the number of experimental plants authorized for the development of fish protein concentrate, and for other purposes; and

S. 3866. An act to extend the provisions of the Commercial Fisheries Research and Development Act of 1964.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on September 23, 1968, present to the President, for his approval, bills of the House of the following titles:

H.R. 5910. An act to declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma; and

H.R. 17022. An act for the relief of Pvt. Willy R. Michalik, RA15924409.

ADJOURNMENT

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Illinois makes the point of order that a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 9 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 25, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2227. A letter from the Comptroller General of the United States, transmitting a report relative to policy revised to require airport sponsors to use funds derived from sales of donated Federal land for specific airport purposes, Federal Aviation Administration, Department of Transportation; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR: Committee of conference. S. 119. An act to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes (Rept. No. 1917). Ordered to be printed.

Mr. DULSKI: Committee of conference. H.R. 14935. An act to amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes (Rept. No. 1918). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CORMAN:

H.R. 19956. A bill to amend section 1498 of title 28, United States Code, to permit patent holders to bring civil actions in district courts against Government contractors who infringe patents while carrying out Government contracts; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAREY:

H.R. 19957. A bill for the relief of Mercedita O. Rodriguez; to the Committee on the Judiciary.

By Mr. DEL CLAWSON:

H.R. 19958. A bill for the relief of Anan Eldredge; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 19959. A bill for the relief of Lolita Hampton; to the Committee on the Judiciary.

H.R. 19960. A bill for the relief of Adolfo Nicola; to the Committee on the Judiciary.

H.R. 19961. A bill for the relief of Maris Do Carmo Pires; to the Committee on the Judiciary.

H.R. 19962. A bill for the relief of Michele Salerno; to the Committee on the Judiciary.

H.R. 19963. A bill for the relief of Lydia Santarella; to the Committee on the Judiciary.

H.R. 19964. A bill for the relief of Andrea Vitrano; to the Committee on the Judiciary.

By Mr. McCORMACK:

H.R. 19965. A bill for the relief of Stavrulla Stathopoulos; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

400. The SPEAKER presented a petition of Juan Torres Ortiz, of Maunabo, P.R., relative to legislation to provide payment of Federal salaries to union employees, which was referred to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

TRIBUTE TO LEGISLATIVE ACCOMPLISHMENTS OF SENATOR PROUTY

Hon. EVERETT McKINLEY DIRKSEN

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Tuesday, September 24, 1968

Mr. DIRKSEN. Mr. President, the August issue of the magazine City East contains a feature article about our good friend, the distinguished junior Senator from Vermont.

The article sets forth in impressive fashion Senator PROUTY's accomplishments in the field of education and training, as well as his important contributions to health and social security legislation.

I am sure that Senators join me in congratulating Senator PROUTY on this recognition and well-deserved tribute.

I ask unanimous consent the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATORIAL SPOTLIGHT

(By George Douth)

Winston Lewis Prouty has made his most impressive mark in the field of education and training young America to take a useful and productive place in society.

Senator Prouty commented,

"At a time when there is a massive peril to freedom, we must move ahead with dedication and without delay. For if, as Jefferson said, 'A nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be' ".

Because that declaration is more true today than it was 152 years ago, Prouty, a member of the Senate Labor and Public Welfare Committee, has risen to become the ranking minority member of its two subcommittees that write almost all education legislation in the Senate. They are the Education Subcommittee and The Employment and Manpower Subcommittee.

Speaking of Senator Prouty's work in this field, the Democratic Chairman of the Senate Education Subcommittee, Senator Morse, said the two most important bills in the field to be enacted by Congress—the Vocational Education Act and the Higher Education Facilities Act of 1963—could not have been enacted "except for the fine and very valuable work done by the Senator from Vermont." He added, without his help "we would have had no bill."

RACE BETWEEN EDUCATION AND CATASTROPHE

Now there are 4.4 million students in our institutions of higher learning. By 1970, the number will grow to 7 million.

Prouty recognizes the great need for bringing our vocational education programs up to date. He has emphasized that too many schools are preparing too many students for jobs that are becoming extinct and are failing to prepare them for the new jobs our economy demands.

In the Senator's own words:

"As new machines and new production methods are developed they take away 5,000 jobs each day. In 1963 there were 4 to 6 million unemployed Americans: at the same time there were 4 to 6 million job openings. The difference is skills."

The Vocational Education Act of 1963 coauthored by Prouty, is designed to maintain and improve existing programs of vocational education, formulate new ones and provide part-time employment for youths to assist them in continuing vocational training on a full-time basis.

Prouty, who helped to draft the original job-creating Manpower Development and Training Act, was the first man in Congress to recognize that it should be enlarged upon to aid young people who have left school and who seek but cannot find work.

He introduced S. 1831, which was designed to institute a special program under the Manpower Development and Training Act for the training of youths 16 years or older who are unable to obtain employment due to inadequate schooling and work preparations. Similar legislation was enacted into law.

The Health Professions Educational Assistance Act, approved with the aid of Prouty, has done much to counteract the physician shortage. It authorizes appropriations for the construction of new teaching facilities for the training of medical, dental, and other health personnel.

In addition, the new statute established a loan program for students of medicine, osteopathy or dentistry.

Senator Prouty pointed out that libraries, and the services they render are the key to the continuing self-education process that should take place throughout the life of every American. There are few programs in which we can more readily observe an excellent return for the tax dollars spent.

He has supported legislation to amend the Library Services Act of 1956 to expand its coverage to all areas, regardless of population, and to include a provision for construction of public library buildings on a matching basis.

In the Senator's judgment the cost of providing a college education places too heavy a burden on the average American family, he cosponsored the Ribicoff Amendment to the 1964 tax bill which provided for a tax credit on the first $1,500 of college expenses for tuition, fees, books, and supplies.

Under the terms of the amendment, parents of a student spending $1,500 a year on the cost of higher education would be eligible to deduct $325.00 from their Federal Income tax payable.

The Ribicoff amendment was defeated, after strong administration pressure 45 to 48.

Immediately following the failure of the Ribicoff amendment, Senator Prouty introduced and called up for a vote to his proposal to give college students working their way through college some tax relief.

The Prouty Amendment would have permitted students to deduct from earned income charges for tuition, fees, books, and supplies.

Regrettably, the amendment was defeated on a tie vote 47–47.

The Vermont Senator has also recommended that we supplement the Manpower Act by giving tax credits to employers who undertake programs of training for their employees. This way, he feels, a new form of government-employer partnership will pay off in new jobs, better jobs, and a more secure future for young men and women who otherwise face a dull or disintegrating future.

Prouty commented,

"It has been wisely observed that 'human history becomes more and more a race between education and catastrophe'."

THE PROUTY FAMILY OF NEWPORT

Winston Lewis Prouty was born September 1, 1906, at Newport, Vermont. He received his early education as a student at Bordentown Military Academy and later attended Lafayette College, Easton, Pennsylvania.

He married the former Miss Frances C. Hearle (deceased 1960). On July 3, 1962, he married again to Miss Jennette Hall. Senator Prouty has three daughters.

Though Prouty was a successful business man, he chose to follow in the footsteps of his uncle, George H. Prouty, who was the Republican Governor of Vermont from 1908–1910.

Winston Prouty's public career started when he was elected Mayor of Newport in 1938. In 1941 he was elected to the Vermont House of Representatives and was reelected in 1945 and again in '47, winding up his tenure in that office as speaker of the House.

From 1948 until May 1950, Prouty served as chairman of the Vermont State Water Conservation Board, widening his experience and deepening his knowledge of the problems of his state and its people.

In 1952 he moved to the national scene with his election to the United States House of Representatives. He served as a member of the House in the 82nd to 85th Congresses. During his tenure in the House, Prouty was a member of the Committees on Foreign Affairs and Veterans Affairs.

In addition to his service in municipal, State and Federal government, Prouty's service has been world wide through his term as a member of the U.S. Commission for UNESCO.

Prouty was elected to the United States Senate in 1958 and promptly achieved a position unusual for a new member of the Senate. His legislation experience placed him on two important Senate Committees—Commerce and Labor and Public Welfare. The Senator is also a member of the Committee on the District of Columbia, and the Special Committee on Aging.

ROAD TO DIGNITY

The Senator remarked,

"The older people of this country want Congress to tell them by deed—not by word—that they are no longer the forgotten Americans."

For 80% of our elder citizens, social security is the principal source of income. Half of them have less than $12.50 a month in other income. One-third have no other income at all.

Prouty has made a determined effort to provide additional social security benefits to the older Americans who so richly deserve this assistance.

In 1965 the Senator introduced legislation to achieve raising the minimum benefits from $40 a month to $70 a month and increased all the rest of the benefits throughout the scale. The greatest aid from his amendment went to those at the very bottom of the list—those most severely enmeshed in poverty.

The Senator said:

"The social security program ought to provide security. That is the thrust—and the whole thrust of my argument. If Congress wishes to do less than that then let us redesignate the program as the partial security program—a name that is more in accord with the facts."

In his effort to clearly establish the national right of all citizens regardless of race, creed or color to public accommodations, Prouty introduced an amendment to the civil rights legislation of 1964.

The Senator stated:

"That the objectives of my bill are legitimate and soundly based on the Constitutional Powers of Congress itself is self-evident. With 13th and 14th Amendment protections joined together—equal access to all the public accommodations enumerated in the bill becomes a valid legislative objective and Federal enforcement of this goal is clearly necessary and proper."

In Prouty's judgment, the fundamental right of the people of the United States to move freely and easily from place to place is a right older than the constitution itself.

NEUTRALITY AND NEUTRALISM

Prouty has called on the administration to end foreign aid to some neutralist nations.

The Senator stated:

"We encourage and, even reward, nations whose policies would lead us into the valley of our own undoing."

"We often act as if we were engaged in a debate with the Communists in a sort of Oxford Union where the uncommitted or neutral nations act as moderators and award a prize after hearing all arguments."

According to Prouty, neutrality and neutralism each mean different things in different places and at different times. They can even mean different things in the same place and at approximately the same time.

Prouty points out that although the dictionaries frequently define neutralism as a synonym for neutrality nothing could be more harmful than to confuse the two as they relate to the present world situation.

The Senator stated:

"By sponsoring neutralist tendencies the Soviet statesmen hope to:

1. Surround the U.S.S.R. with a buffer zone of friendly, or at least uncommitted nations;

2. Deny the U.S. of land bordering on the U.S.S.R. to foreign military installations;

3. Weaken any Western collective security system by wooing away from it as many candidates for membership therein as possible;

4. Deprive the Western powers of their sources of essential raw materials;

5. Aggravate the struggle by the allied states for fast dwindling world markets by depriving them of colonial outlets and by expanding them in the newly independent areas.

Prouty says that from time to time the Kremlin expresses the view that war is no longer inevitable so long as the so-called "Zone of Peace"—the Soviet empire and the friendly neutralists—is adequately strengthened.

In the Senator's judgment, this has been reflected in the United Nations and other organizations.

Senator Prouty said,

"Our failure to differentiate between types of nonalignment will put a premium on the most radical forms of neutralism and will counteract the dynamic which tends to confine the radical type of policy to a small minority.

Let us talk dollars to the neutralists only when they talk sense to us!"

CHICAGO SUN-TIMES SERIES ON "THE TWO CHICAGOS" DESERVES THE PULITZER PRIZE FOR JOURNALISM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. PUCINSKI. Mr. Speaker, the Chicago Sun-Times has prepared a six-part series called "The Two Chicagos."

The series tells a tale of two cities—both of them Chicago.

The Sun-Times recalls the Kerner report concluded that America is moving toward two societies.

In a unique publishing venture, the Chicago Sun-Times decided to test that conclusion, retaining a leading survey organization to conduct a scientific cross section study of Chicago.

Mr. William Braden, who is writing the six articles, and the editors of the Chicago Sun-Times deserve the highest commendation for their initiative in bringing this series to the people of Chicago.

I am placing this series in the CONGRESSIONAL RECORD so that all of my colleagues and all of those who follow the CONGRESSIONAL RECORD will have an opportunity to study this extremely significant analysis of conditions in Chicago and how they apply to the Kerner report.

In my judgment, Mr. Speaker, the Chicago Sun-Times series is the most significant work of journalism we have seen this year. I firmly believe that the initiative, the enterprise, and above all, the revealing information developed in this series places the Sun-Times in the forefront as a contender for the Pulitzer Prize in journalism for 1968.

The Chicago Sun-Times has charted a new high for initiative in American journalism with this series.

I hope that every single employee of the Federal Government who is responsible for administering the various programs dealing with social problems in this country will carefully study this outstanding and unique series.

I believe information developed in this series is of such tremendous significance that it may alter the whole course of our thinking in dealing with many of the social problems which beset our Nation.

While I congratulate the Sun-Times for its initiative, I cannot help but express a regret that the various agencies of government themselves have not developed the information contained in this series through similar means.

I believe this series can bring about better understanding among the races in America than any other effort we have witnessed since the social revolution of the 1960's began.

More important, Mr. Speaker, the Sun-Times series gives a penetrating insight into attitudes of both black people and white people which for the first time demonstrates objectively the slow but steady progress that is being made in our Nation in the entire field of human relations.

Mr. Speaker, I am today placing in the RECORD the first three articles of this impressive series and will place the other three as they appear in the Chicago Sun-Times. I hope other newspapers throughout America will follow the Sun-Times example and do similar studies in their respective areas. The three articles follow:

THE TWO CHICAGOS: BLACK ATTITUDES, WHITE ATTITUDES

(By William Braden)

Beginning with this article, the first of six, The Sun-Times this week will tell a tale of two cities—both of them called Chicago.

The Kerner Report on the 1967 urban riots stated as its main conclusion: "Our nation is moving toward two societies, one black, one white—separate and unequal."

That controversial statement has since been argued back and forth in angry debates which too often have generated more heat than light.

In a unique publishing venture, The Sun-Times decided to test the Kerner thesis by exploring the attitudes of Chicago's black and white citizens.

The Sun-Times retained Leo J. Shapiro & Associates Inc., a behavioral sciences consulting firm, to design a scientific cross-section study of the Chicago metropolitan area. Guidestar Inc., a leading independent survey organization, was commissioned to conduct the study.

Blacks and whites were questioned on a broad range of subjects. For once, they were not asked about each other; also they were not asked to express opinions on abstract social or political issues. Instead, they were asked to talk about the more immediate problems of everyday living—about their jobs and opportunities; their worries and ambitions; their aspirations for children and their hopes for the future.

Most of the questions were "open ended." That is, no specific answers were suggested. People were encouraged to talk freely about matters that directly concerned them—and their replies were classified later, after content analysis.

Blacks were interviewed by black field workers Guidestar has specially trained for that purpose. Whites were interviewed by white field workers. And the results were fed into a computer to allow comparison by race, age and sex.

The individuals interviewed were heads of households and their spouses and ranged in age from the elderly to persons in their late teens.

Their responses are provocative and sometimes surprising. While no sweeping conclusions are drawn, The Sun-Times believes that this study will contribute to the "new understanding" called for in the Kerner Report.

Fully half of the black people in Chicago feel that they are better off today than they were a year ago.

More than half of them expect to be still better off a year from now. In fact, blacks here are more optimistic about the future than whites are.

A cross-section of blacks and whites were asked: Speaking for yourself, would you say that your family is better off or worse off today than at this time last year?

[The answers, in percentages]

Blacks:	
Better	50
Worse	13
Same	34
Don't know	3
Whites:	
Better	49
Worse	9
Same	41
Don't know	0

The same people were then asked: A year from now, will your family be better off or worse off than it is today?

Blacks:	
Better	58
Worse	7
Same	26
Don't know	8
Whites:	
Better	51
Worse	7
Same	38
Don't know	4

Younger black men are even more optimistic. Of the black males under 45 years of age, 59 per cent said they were better off today—and 73 per cent said they would be still better off next year. Among whites in the same age bracket, 53 per cent feel they are better off now—and 63 per cent expect to be still better off next year.

Among males over 45, black and white alike, 47 per cent think they are better off today. But the older blacks are for more hopeful about the future than their white counterparts are.

More than half of the older black men—52 per cent—expect to be better off next year. But only 33 per cent of the older white men feel that way.

None of this of course is intended to suggest that black people in Chicago are content with their present situation—or that they are satisfied with the progress being made.

Take the case of a 23-year-old black man, a carpenter.

"My problems are my people's problems," he said. "And every year those problems get worse. I worry about people who are locked up in jail; I worry about people who would like to have a chance, but don't."

Or take the case of a 30-year-old black woman who said she expected her family to be better off next year.

"That's because my husband plans to get a second job," she said. "So this automatically will make things better. But it's a shame people can't make enough on one job to have some of things they want. They have to have two jobs—especially if they're black."

Black women on the whole are less sanguine than black men.

Only 53 per cent of the black women here expect to be better off next year—as compared to 64 per cent of the black men.

The younger black woman, in addition, is much more pessimistic than the younger white woman—who in fact turns out to be the most optimistic person of all, by far.

But the situation is completely reversed in the case of older women. Here the whites are the greater pessimists.

Among the white women under 45 years of age, 74 per cent anticipate they will be better off next year. Among black women in that age group, only 58 per cent think that next year will find them in better circumstances.

On the other hand, only 35 per cent of the older white women hope for a better situation next year. Among the older black women, the percentage is 45.

To sum up:

Blacks as a whole are more optimistic than whites as a whole. Black men are more optimistic than black women, and younger blacks are more optimistic than older blacks. But older blacks are more optimistic than older whites. And younger white women are more optimistic than anybody.

But optimistic about what?

To find out, the persons surveyed were asked what was happening that would make life better next year. They also were asked what was happening that could make life worse.

The replies indicate that blacks far more than whites expect to improve themselves in the area of jobs and income.

Advancement in this category is expected by 42 per cent of the blacks and 33 per cent of the whites; by 48 per cent of the black men and 27 per cent of the white men; by 57 per cent of the younger black men and 42 per cent of the younger white men; by 36 per cent of the older black men and 14 per cent of the older white men.

Again, black women are more pessimistic than the black men.

Job-income improvement is expected by only 37 per cent of the black women.

Eight per cent of the whites said they were looking forward to an improvement in the general economic situation next year. But only 1 per cent of the blacks mentioned the over-all economy as a source of optimism.

On the other hand, pessimism about taxes and the economy was expressed by 7 per cent of the blacks and 6 per cent of the whites.

Black or white, almost nobody has what you could call high hopes in regard to the November elections.

For example, the possibility of electing a strong President who would solve the nation's problems was mentioned by only 2 per cent of the white men, 1 per cent of the white women, 1 percent of the black men—and none of the black women.

Eleven per cent of the whites and 4 per cent of the blacks commented pessimistically about the world situation, including the war in Vietnam. Five per cent of the whites and 2 percent of the blacks spoke hopefully about the prospects for peace and global improvement.

More blacks than whites are directly concerned about domestic unrest, riots, violence and social disorganization. The blacks after all are more often the victims of these problems, and so it is not surprising perhaps that 12 per cent of the blacks singled them out as a personal threat—as opposed to 5 per cent of the whites.

In another line of questioning, blacks and whites were asked what was happening in their own neighborhoods that was important to them.

Twenty-one per cent of the blacks and 6 per cent of the whites cited aimless violence: riots, vandalism, delinquency, unsafe streets.

Asked again what might make things better next year, progress toward social peace and racial justice was mentioned by 9 per cent of the blacks but only 3 per cent of the whites.

In this area, black women appear to be slightly more optimistic than black men—white men are somewhat more optimistic than white women. Most optimistic of all are the older black women, 14 per cent of whom expressed a belief that conditions are improving. (Such spontaneous comment of course does not mean that all other respondents think conditions are not improving. The persons interviewed were not directly polled on the question.)

Studies have shown that blacks have a shorter life expectancy than whites; that they are more prone to illness; that they have greater difficulty securing medical treatment and paying for it. The Sun-Times survey indicates, however, that white people here are much more preoccupied with their health than the blacks are.

Asked what might make things worse next year, only 22 per cent of the blacks mentioned sickness or death—as opposed to 39 per cent of the whites.

One 44-year-old black man suggested he was more worried about being hit on the head than taking sick.

"Never mind about health," he said. "It's other people you've got to watch out for these days. They're more dangerous than anything else, seems like. There's all this tension. It seems like nobody's in his right frame of mind."

But the same man added: "For the black man today there are better jobs and job-training programs, better houses in which to live and more opportunities. In almost every field they are opening their doors to the black man."

If a majority of blacks here do indeed believe their lot is improving, the question arises: Why all the unrest?

As mentioned, these statistics do not mean that blacks are satisfied with the extent of improvement. And there is, in addition, a classical theory which states that an oppressed people do not revolt when they are completely downtrodden; they revolt when conditions begin to improve somewhat—raising hopes on the one hand and frustrations on the other.

Blacks, Whites Size Up "Good Life"

(By William Braden)

A majority of Chicago's black people feel good about their work, income, personal freedom and the rearing of children.

Half of them are satisfied with the opportunities presently available to them.

About a third of the blacks appear to have negative attitudes on these subjects, and the rest express indifference.

But far more whites than blacks here are happy with their lot. In fact, the gulf between the two communities is painfully apparent, distressingly wide.

A previous study indicated that a majority of black people here feel that conditions for them are improving. And the blacks in this sense are, on the whole, more optimistic about the future than Chicago's white people are. To find out how the same persons assess their current situation, however, a cross-section of blacks and whites were asked, first: How do you feel about the work you do?

[Figures below are percentages]

Blacks:	
Good	56
Bad	13
Indifferent	22
Whites:	
Good	83
Bad	5
Indifferent	9

Black and white, the over-all responses were about the same for men as for women. There were no sharp differences based on age, except in the case of white women. Of those under 45 years of age, 91 per cent said they felt good about their work; of those over 45, only 71 per cent.

FAMILY INCOME

The same persons were then asked: How do you feel about your family income?

Blacks:	
Good	51
Bad	29
Indifferent	16
Whites:	
Good	77
Bad	10
Indifferent	9

In this case, responses on the whole were about the same for white women as for white men. But whereas 58 per cent of the black men expressed satisfaction with their income, only 44 per cent of the black women did so.

Again, older white women were far less satisfied than younger white women (68 per cent to 89 per cent).

Said a 50-year-old white housewife: "Last week my egg man came by, and he wanted 60 cents a dozen. This week he wanted 70 cents a dozen. It seems the harder my husband works, the less we have."

A third question: How do you feel about your freedom to do what you want to do?

Blacks:	
Good	53
Bad	28
Indifferent	16
Whites:	
Good	81
Bad	6
Indifferent	6

Here, older blacks were more likely to be satisfied than younger blacks—by exactly 8 percentage points in the case of men and women alike. But younger whites were more likely to be satisfied than older whites—by just about the same margin.

Said a 48-year-old black woman, a nurse's aide: "When I think of how conditions and opportunities were when I was younger, and then I think about the progress I've made, I am very much satisfied."

One striking difference emerged between the younger black men and younger white men. Of the younger black males, 23 per cent expressed indifference about their personal freedom. Among the younger white males, the percentage was zero.

AVAILABILITY OF OPPORTUNITY

A fourth question: How do you feel about the opportunities that are now available to you?

Blacks:	
Good	50
Bad	28
Indifferent	19
Whites:	
Good	72
Bad	8
Indifferent	15

The response was the same for white men and white women as a whole. But only 45 per cent of the black women said they felt good about their opportunities, as opposed to 54 per cent of the black men.

Younger whites of both sexes were much more likely to express satisfaction than were older whites, and younger black women were more often satisfied than were older black women. But older black men stated their satisfaction slightly more often than did younger black men.

A fifth question: How do you feel about rearing children?

Blacks:	
Good	53
Bad	20
Indifferent	21
Whites:	
Good	72
Bad	10
Indifferent	12

In both races, younger persons of both sexes were more likely to feel good about rearing children than were older persons.

In both races, women felt better about it than did men—although the difference was not significant in the case of the blacks.

Satisfaction was expressed by 76 per cent of the white women and 67 per cent of the white men; by 54 per cent of the black women and 53 per cent of the black men.

Among the younger white men, a surprisingly high 21 per cent said they felt bad about rearing children. That compared with 18 per cent of the younger black men, 26 per cent of the younger black women and 9 per cent of the younger white women.

Blacks frequently expressed anxiety about the pressures exerted by juvenile gangs. Said one retired black man:

"If your children don't want to join them, they either beat them up or maybe in some cases they even kill them. If they go to school and have lunch money, some of them take this. Even if the kid wants to do right, he can't."

"A lot of parents work," said a 53-year-old black man, a railroad employee. "The kids are home all day, and they don't know what they're doing, and they are into everything, and everything is going on. And these projects are worse than any place you could want to live. If you have a boy and he doesn't get into the gang, they beat him up or shoot him or something. So if you have a child you have to keep your eye on him."

SOURCE OF DISCONTENT

There is one source of extreme discontent among the blacks. It was revealed in the responses to a sixth and final question: How do you feel about the neighborhood you live in?

Blacks: Good, 38; bad, 43; indifferent, 18.

Whites: Good, 70; bad, 9; indifferent, 19.

Satisfaction was more likely to be expressed by black men than by black women and by white women than by white men.

Younger black women were the most dissatisfied, 58 per cent of them stating that they felt bad about their neighborhoods.

In both races, younger persons were less satisfied than their older counterparts—except for younger white women. Of the younger white women, 81 per cent said they felt good about their neighborhoods.

To all six questions, the "feel good" responses of the younger white women ranged from 81 to 91 per cent—making younger white women apparently the most satisfied people in Chicago.

As a previous study indicated, younger white women here also are the most optimistic about the future.

FIVE STATEMENTS MEASURE OPINIONS: BLACKS FEEL GREATER ALIENATION

(By William Braden)

In Chicago, blacks far more than whites feel alienated from other people and from the political power structure.

They appear to, at least—when they are generalizing about human nature and the contemporary situation.

For example, a cross-section of blacks and whites here were asked whether they agreed or disagreed with five statements. The statements were developed by sociologist Leo Srole to measure alienation—a person's feeling, in effect, that nobody is working for him.

[The responses are shown in percentages]

1. *Most people in public office are not really interested in the problems of the average man.*

Agree:	
Black men	69
White men	22
Black women	63
White women	44

2. *These days, a person doesn't really know whom he can count on.*

Agree:	
Black men	84
White men	45
Black women	74
White women	57

3. *Nowadays, a person has to live pretty much for today and let tomorrow take care of itself.*

Agree:	
Black men	59
White men	28
Black women	65
White women	41

4. *In spite of what some people say, the situation of the average man is getting worse, no better.*

Agree:	
Black men	46
White men	17
Black women	61
White women	37

5. *It's hardly fair to bring a child into the world with the way things look for the future.*

Agree:	
Black men	47
White men	19
Black women	52
White women	25

AN OVERALL VIEW OF STATEMENTS

Nine per cent of the blacks and 29 per cent of the whites agreed with none of the statements—while 22 per cent of the blacks and 8 per cent of the whites agreed with all five statements.

Anybody who agreed with all five statements presumably would be an extremely alienated person.

"You can't live for tomorrow," said a 20-year-old white woman, a clerk in an accounting office. "You never know if somebody isn't going to blow up a country tomorrow."

"You can't plan ahead," said another white woman, 28. "You're not even safe on the streets any more."

"People seem to be meaner," said a 50-year-old housewife.

Said a 21-year-old black man, an Army private: "If the people in public office were any good we wouldn't be in a war, and I wouldn't have to go to Vietnam. As it is, I have to go this month, and leave my wife, to fight for something I think should not have been. And knowing I'm going to the battlefield, how can I say I'll even be here tomorrow? I'll have to let every day take care of itself."

"Bringing children into the world means someone may suffer," said a 23-year-old black woman, a machine operator. "If you don't have any children, you only have yourself to worry with."

WHITES SEEM TO BE LESS ALIENATED

White men as a whole appear to be somewhat less alienated than white women are, if over-all response to the entire set of statements is a reliable guide.

Among the whites, 34 per cent of the men and 25 per cent of the women agreed with none of the statements; 6 per cent of the men and 9 per cent of the women agreed with all five.

Older white men in particular were less prone to agree with the statements. Of the white men over 45 years in age, 39 per cent rejected all five statements, and only 3 per cent agreed with all five.

Among the blacks, 5 per cent of the men and 13 per cent of the women agreed with none of the statements. On the other hand, 26 per cent of the women agreed with all five—while only 19 per cent of the men did so.

Older black women, however, were significantly less alienated in their responses than were younger black women.

Of the black women over 45 years in age, 26 per cent did not agree with any statement—and only 15 per cent agreed with all five. By comparison, only 6 per cent of the younger black women said they did not agree with any statement, and 32 per cent agreed with all of them.

The responses of younger and older white women were generally comparable to each other, as were those of younger and older black men.

QUESTION OF RELIABILITY RAISED

It remains to be asked whether the responses to such statements are a completely reliable measure of alienation in all cases.

For one thing, it is possible that some people tend to be superficially pessimistic when they are making sweeping generalizations about the world as a whole or mankind as a whole. For some individuals or groups, such expressions of pessimism may represent a sort of life style having little to do with deeper convictions. And one is reminded, for example, of the stereotype of the merchant who will invariably proclaim that business is miserable—meaning business in general—while his own operation is happily prospering.

Consider the blacks' response to the assertion that the average man is worse off today. Men and women together, 53 per cent of them said they agreed with that statement.

In another section of this survey published Sunday, however, the same people were asked: "Speaking for yourself, would you say that your family is better off or worse off today than at this time last year?"

AREA OF OPTIMISM FOR BLACKS

Only 13 per cent of the blacks said they were worse off, while 50 per cent thought in fact they were better off. And 58 per cent expected to be still better off next year, while only 7 per cent thought they would be worse off. In this area of questioning, indeed, the blacks expressed greater optimism than the whites did.

Consider also the fifth question, with which 50 per cent of the black men and women expressed agreement. In a more personally oriented survey published Monday, only 20 per cent of the blacks said they felt "bad" about rearing children.

So there may be some question regarding the full import of the responses to the five

statements. Whatever, the explanation, however, the sharp variation in black-white replies is of course significant and provocative.

QUESTIONNAIRE TABULATIONS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, each summer I send a questionnaire to the citizens of my large 27th Congressional District in Allegheny County, western Pennsylvania. In this presidential election year, interest has been very high in public affairs and in the policies of our National Government. Accordingly my questionnaire grew in size to cover adequately those major issues facing Americans today.

The response has been tremendous. It has taken most of a month to compile the results once they were received back from the people. I am glad to insert in the CONGRESSIONAL RECORD today the careful tabulations of the annual summer questionnaire for the 27th Congressional District. As a reflection of our democratic way of government, these tabulations are an integral part of the official records of the 90th Congress.

In order to inform the citizens of my district of the results of our poll, I am sending out the following letter, including the questionnaire tabulations:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIENDS: We have had such a fine response to the annual Summer questionnaire that I am writing to share with you the careful tabulations of the results.

As I have been working hard and studying these complex issues seriously, your considered advice and personal opinion really help me to give good service and make intelligent judgments. The citizens of our Congressional District want to have their say directly, and I am glad to be able to give this opportunity, not at government expense, but as an added personal service to my District.

As we have about 435,000 people in our South Hills Congressional District it is not possible to write to everyone, so I would appreciate your sharing our letter with your friends, your office and neighbors.

Personal Regards,

JIM FULTON.

QUESTIONNAIRE RESULTS

[Percents]

(NOTE.—Yes="Y," no="N," undecided = "U.")

GREAT ISSUES

Put in order to importance these problems facing our country. Number 1, 2, etc.: The results show that obviously the Vietnam war is by far the most important issue, 53% having placed it first, 12% second, making a total of 65% interest. It is also apparent that the second top issues are enforcing law and order, crime in the streets, and riots, burning and looting, totalling 48% with 18% stating that they are of first importance. Likewise, 65% favor tightening federal law enforcement and 67% favor stronger penalties for criminal offenders. High cost of living: 1st 5%, 2d 8%. Poverty 5%, 2d 7%. Big US balance of payments deficits 1st 7%, 2d 4%. High Taxes 1st 2%, 2d 3%. Gov't. spending 1st 2%, 2d 7%. Large federal budget deficits 1st 3%, 2d 2%. Civil rights 1st 2/10%, 2d 4%. Inflation and dollar crisis 1st 4%, 2d 5%. Urban Crisis 1st 1%, 2d 1%.

U.S. DEFENSE AND FOREIGN POLICY

Is Vietnam War worth the cost (As of 20 June 1968, 25,068 Americans killed, 154,297 wounded) Y 19; N 51; U 30.

Do you favor expense of keeping "Hot Line" to Russia Y 68; N 16; U 16. What would you now do about seizure of USS Pueblo by North Korea? Issue ultimatum demanding immediate release of crew and ship Y 42, continue to use diplomatic and United Nations sources to accomplish this result Y 28; admit US wrongdoing and apologize in return for release of ship and its crew Y 23. Is $81 billion annual defense spending for US OK Y 28; too much Y 42; too little Y 6; U 24. Favor Senator Joseph Clark's motion to reduce 1968 US defense appropriation bill by $3.5 billion Y 37; N 27; U 36. Favor building US anti-ballistic missile (ABM) system (cost $30–$40 billion) for nuclear defense of certain selected US cities Y 30. Or favor US "thin" ABM system for skeleton nuclear defense in 1970's against China alone (Cost $7 billion) Y 20; U 50.

Soviet Russia 27 June indicates willingness to negotiate for mutual reduction of strategic weapons, both offensive and defensive. Do you believe USSR means it Y 33 N 41; U 26; Do you trust USSR Y 10; N 60; U 30. Must really adequate mutual inspection be first required Y 67; N 8; U 25.

US Marines 1945 took Iwo Jima cost 6800 American deaths 19,000 Japs. Favor US return Iwo Jima to Japan 26 June 1968 Y 42; N 54; U 3. 17 June 1968 in the United Nations Security Council the US pledged "immediate assistance" to *any non-nuclear country* facing nuclear aggression. Is this pushing US commitments beyond our capability to perform and endangering US security Y 57; N 24; U 19.

DOMESTIC ISSUES

Favor Federal programs: slum clearance Y 71; N 15; U 14; clean streams Y 76; N 4; U 20; to prevent air pollution Y 78; N 4; U 18; urban development Y 52; N 19; U 29.

Favor strict laws for Federal meat inspection Y 82; N 4; U 14; poultry inspection Y 82; N 3; U 15; fish products inspection Y 71; N 4; U 25. Favor "truth in lending" standards set by law by US Congress Y 76; N 6; U 18. Favor $7 billion Federal housing program for 1969 reported by House Committee Y 48; N 29; U 23. Favor my vote for Omnibus Safe Streets, Crime Control Bill Y 75; N 6; U 19. Favor my vote for Federal anti-crime funds ($400 million) to strengthen criminal law and assist local police Y 72; N 11; U 17 or is this action by US Congress invading states' rights. Should Federal Communications Commission require TV stations to reduce violence on television Y 57; N 25; U 18.

Do you believe stronger penalties for illegal manufacture sale and possession of dangerous drugs would be effective Y 67; N 14; U 19.

Should use of "pot" (marijuana) be legalized Y 7; N 77; U 16.

Favor tightening Federal law requiring safety features be built into automobiles, trucks by manufacturer Y 65; N 15; U 20.

Favor law providing Federal safety standards for interstate transportation of gas by pipeline Y 69; N 1; U 30.

Are present relief standards OK Y 23; N 38; U 39 or so high they discourage incentive to work Y 52; N 6; U 42. Should more emphasis be placed on technical and job training programs instead of relief Y 76; N 3; U 21. Favor bill to expand vocational rehabilitation programs Y 65; N 10; U 25. Favor US Congress passing legislation to require Federal safety standards in factories, mines, and plants Y 50; N 27; U 23 or leave safety standards completely to states, local communities and plants.

Favor completion 1969 manned moon landing program (Apollo) (Eighth & last year of preparation, primary contracts all let) Y 55; N 27; U 18. Former New York Representative Adam Clayton Powell has been renominated for Congress by Democrats in Harlem. Should Powell be seated if elected Y 15; N 76; U 9 or not until Powell clears up financial and Committee delinquencies Y 47; N 27; U 26.

URBAN CRISIS AND CIVIL DISORDERS

In general do you favor recommendations of Kerner Commission, appointed by President Johnson to investigate riots Y 20; N 37; U 43; Specifics:

Y6—1) Federal government provide guaranteed annual income for all regardless of work.

Y24—2) National "open housing" law—comprehensive and enforceable.

Y10—3) Welfare payments substantially increased and given as a matter of right and not charity.

Y17—4) Police departments not be equipped with mass-destructive weapons, like automatic rifles, machine guns & tanks.

Y31—5) Federal government to provide subsidies for construction of six million new housing units in next five years.

Y15—6) Congress greatly increase appropriation for rent subsidies.

Y30—7) Local and federal government agencies to increase budgets and taxes to provide one million new jobs for hard core unemployables.

Headline: Pittsburgh Post Gazette, 3 June 1968—page 9: "Governor Shafer says Black Revolution helped U.S."—do you agree with Governor Shafer Y 7; N 70; U 23 (I certainly don't).

Agree with Mayor Daley of Chicago that "police should shoot looters & arsonists who fail to stop when challenged" Y 75; N 12; U 13.

Oppose House cut $136 million from school aid in urban slums & poor rural communities in spite of Poor People's March Y 35; N 35; U 30. In case of riots, looting, burning, do you favor: —a) immediate and stern enforcement of the law Y 77; N 4; U 19; —b) employment of large police and military forces instructed to act moderately and try to contain the riot Y 42; N 20; U 38.

What do you think about riots, looting and civil disorder? Favor US recognizing underlying problems, poverty and unemployment, beginning to solve them Y 57; N 20; U 23. Don't blame rioters Y 24; N 41; U 35. All who foment or engage in riots are criminals, and ought to be treated as ordinary law violators Y 72; N 14; U 14; their actions are justified by injustices society imposes upon them regularly Y 8; N 65; U 27. Give militant leaders like H. Rap Brown and Stokely Carmichael a chance to work out solutions Y 14; N 65; U 21.

Do you believe our approach to crime and civil disorder should be: increased Great Society social programs Y 19; N 42; U 39. More Federal spending and more Federal enforcement programs Y 17; N 42; U 41; combination of increased Federal and local programs Y 51; N 17; U 32.

Do leaders of mass demonstrations who preach non-violence actually provoke disorder Y 64; N 20; U 16. Do you excuse violence in name of good cause Y 6; N 76; U 18; favor civil disobedience Y 9; N 73; U 18; favor mass arrests Y 63; N 13; U 24; use of mass demonstrations to force passage of legislation in Harrisburg Y 18; N 60; U 22; in Washington. D.C. Y 20; N 60; U 20. Do you believe stricter handling of rioters and demonstrators by police and courts would reduce civil disorders Y 67; N 12; U 21.

Favor immediate massive show of police and military force to stop civil disturbances and riots before mobs get control Y 71; N 9; U 20. Should local, state and federal police forces be increased Y 63; N 15; U 22. Favor "black power" Y 12; N 67; U 21. "Black power" organizations helpful Y 15; harmful

Y 62 to civil rights movement, ban "black power" by law Y 37; N 30; U 33.

SUPREME COURT

Should Congress have power to revise US Supreme Court decisions Y 53; N 24; U 23.

Are US Supreme Court decisions too socialistic Y 79; N 13; U 8; give too much consideration to present day criminals Y 78; N 10; U 12; unfairly hamper our law enforcement agencies and local police Y 72; N 10; U 18; give police backing Y 22; N 49; U 29.

Agree/disagree Chief Justice Warren should have resigned now to permit President Johnson to appoint new Chief Justice Y 33; N 26; U 41; should President Johnson have held appointment to await new President Y 37; N 34; U 29.

Favor abolishing death penalty for Federal offenses as recommended by US Attorney General Clark Y 5; N 11; U 84.

GUN CONTROL

Favor tight gun control law at Federal level Y 34; N 45; U 21 or should state & local communities pass laws and supervise controls Y 38; N 32; U 30.

Favor Federal law requiring registration of all guns Y 39; N 36; U 25. Does this violate citizens' right to privacy Y 40; N 26; U 34 or citizens' right to bear arms under US Constitution Y 23; N 32; U 45.

Favor President's proposal to require licensing and registration of gun owners Y 44; N 39; U 17. Favor elimination of mail order sales of rifles, shotguns, revolvers and firearms Y 61; N 16; U 22. Should police be kept disarmed as Britain did, so criminals will not carry guns Y 8; N 77; U 15.

Favor proposed Federal law that person can only purchase guns of any kind in his own state Y 29; N 30; U 41. Complete ban on interstate firearms sales Y 53; N 27; U 20. Favor broadening control of "destructive devices" in US anti-crime bill to cover grenades, bazookas and automatic rifles Y 75; N 6; U 19.

US Postmaster General Marvin Watson has ordered all guns in US mail to be labelled "firearms" and notice of delivery be given to local police by US Post Office. Agree Y 67; N 17; U 16.

Favor Federal strict gun control law prohibiting ownership or possession of guns by persons other than police, FBI, and US military Y 13; N 64; U 23 or recommend no new Federal gun legislation at all Y 24; N 28; U 48. States and local communities should handle firearm problems Y 42; N 26; U 32.

Should special provision be made in any gun control law to protect rights and interests of sportsmen and hunters Y 67; N 13; U 20.

STUDENTS AND SCHOOLS

Favor Federal income tax deductions to finance college Y 62; N 27; U 11. Favor Federal law requiring "bussing students against their parents wishes from city to suburban schools; also suburbs to city schools" to make equal racial percentages in all schools Y 8; N 78; U 14. Favor expanding Federal school lunch programs by $100 million extra yearly for next three years Y 44; N 39; U 17. "Students for Democratic Society" (SDS) at Atlanta national convention in June '68 passed resolutions: "We favor destruction of present educational system and institutions in belief that *whatever* replaces them will be better." Agree Y 8; N 78; U 14.

Should student activists be permitted to close school for political purposes Y 6; N 80; U 14. Are the following student activities justified: riots Y 0; N 82; U 18; violence Y 0; N 85; U 15; occupying building Y 2; N 79; U 19; *student striking,* to protest school grievances Y 16; N 66; U 18; against draft Y 9; N 74; U 17; against war Y 11; N 60; U 29; against US government research defense contracts at schools Y 4; N 75; U 21.

Should we cut off Federal scholarship and loan funds to college students participating in campus rioting Y 67; N 8; U 25.

Are teacher strikes for pay raises justified Y 37; N 44; U 19; teacher unions Y 48; N 34; U 18; teachers demonstrating Y 36; N 44; U 20. Favor US Supreme Court decisions desegregating US schools Y 58; N 28; U 14. Is order proceeding well; too fast Y 27; too slow Y 25; U 48.

Favor Federal gov't. expenditure $13 billion for education Y 40; N 20; U 40; too much 26; too little 16 (three times level four years ago). U 58.

Are US high schools failing Y 36; N 40; U 24 (900,000 annual dropouts; only half of graduates go to college). Are US colleges failing Y 31, N 40; U 29 (only half finish college who start). Do present high schools Y 32; N 30; U 38; colleges Y 40; N 22; U 38 teach skills needed to make a living. Do student riots indicate rejection of traditional educational values Y 38; N 36; U 26.

Should college attendance be placed solely on basis of ability to learn, not ability to pay Y 60; N 17; U 23. Favor present Federal scholarship programs Y 46; N 21; U 33.

Should US employ our $45 billion investment in primary and secondary schools year round Y 34 or as at present just 9 to 5, 5 days a week 9 months a year Y 29, U 37. Should grade schools forget most modern frills Y 46 & go back to old "readin', 'ritin', & 'rithmetic' " and "hickory stick" discipline Y 40. U 14.

FOREIGN AID

Approve 1969 US foreign aid ($2.9 billion Johnson request Y 8. Favor $600 million cut Y 53; $1 billion cut Y 19; U 20, end US foreign aid; its not winning us friends anyway Y 49; N 13; U 38. Is administration of US foreign aid program: Excellent .5; Good 1.5; Fair .22; Bad 30.5; Not practical 45.5.

Do we need substantial change in President Johnson's US foreign aid policy Y 78; N 6; U 16.

Do you favor US foreign aid: to South Vietnam Y 53; N 35; U 12. To Laos Y 23; N 57; U 20. Cambodia Y 19; N 64; U 17 (Both unreliable but next to Vietnam). To people of South Korea Y 66; N 22; U 12 (fighting Communism at 38th Parallel where South Korea has 16 divisions, US forces 2 divisions; also 47,000 South Koreans fighting well on our side in South Vietnam. To Thailand (Siam) Y 56; N 26; U 18 (location two major US Air Force bases). To Israel Y 51; N 34; U 15 (for defense to balance military power of Arab nations supplied with several billions in arms by USSR). Continuation of US military aid and jet fighters to Arab nations Y 63: N 21; U 17. Continuation US food aid, library support to Nasser's Egypt Y 33; N 61; U 6. To Tunisia Y 52; N 31; U 17 (an Arab nation which favors West and recommends all Arab states enter peace treaty with Israel). To Guatemala Y 60; N 24; U 16 (fighting insurrection and Communist takeover over 2000 political assassinations). To Brazil (to finance sophisticated US jet fighters, F–5) Y 37; N 40; U 23. US military aid to Latin American countries to finance internal security type weapons to prevent riots and revolution by Communists and subversives Y 60; N 22; U 18. $13 million aid for children through US contribution to United Nations Children's Emergency Fund (UNICEF) Y 66; N 16; U 18. Continuing foreign aid for technical training school assistance to Island of Madagascar (Malagasy Republic) Y 59; N 19; U 22 (only African nation strongly against Communism; always votes with US at United Nations; US aid presently being practically closed down by Johnson Administration). Aid only to friendly countries Y 70; N 17; U 13; no aid to Communist nations Y 67; N 26; U 7. Nations trading with North Vietnam Y 23; N 59; U 18; or Cuba Y 23; N 60; U 17. Continuing military and economic aid to India (1.1 million men under arms third largest army in the Free World) Y 48; N 28; U 24. Continuing US aid to Latin America Alliance for Progress Y 64: N 16; U 20. Resuming foreign aid to Indonesia to stop Communist attempts Y 51; N 26; U 23.

CONSTITUTION AND ELECTIONS

Favor abolishing electoral college system, allowing voters to cast their ballots directly for President and Vice President Y 79; N 8; U 13.

Do you favor lowering Federal voting age to 18 Y 47; State Y 49. Should US Constitution be amended to permit voluntary prayer and Bible reading in schools Y 74; N 13; U 13.

GOLD DRAIN

Favor maintaining US gold price $35 per ounce (France, other countries draw US gold $35, sell open market above $40) Y 42; N 20; U 38. Should Congress require President Johnson to keep US gold in Ft. Knox as $12 billion reserve to back US dollar Y 58; N 9; U 33.

FARM AND POVERTY PROGRAMS

Favor Johnson Administration's farm programs rigid high price supports yearly cost $7 billion 14 or favor substituting new, less costly farm programs to protect the average family farmer through conservation, fertilizer, crop insurance, marketing and research 72.

Is there starvation and undernourishment of US poor people caused by US Dept. of Agriculture admittedly holding back $227 million yearly from free surplus food and stamp distribution programs Y 48; N 15; U 37. Is this false and unfeeling economy while department pays many individuals subsidies from $10,000 to $1,000,000 annually not to grow crops Y 67; N 6; U 27.

Which do you believe to be correct 17 CBS television report showing starvation in 256 US counties 23 or House Agriculture Committee publication citing malnutrition and poor diets due to poor education & ignorance 44 or are both situations true. 16.

Do you feel that present farm programs and policies have contributed to the current big decline in farm income Y 57; N 10; U 33. Favor expanding the food stamp program Y 46; N 27; U 27.

Favor Poor People's campaign objectives Y 26; N 48; U 26. Favor Poor People's march to US Capitol Y 13; N 67; U 20. Was Resurrection City success Y 4; N 78; U 18. Should Federal park permit have been extended for Resurrection City Y 6; N 77; U 17. Favor indefinite operation of future Resurrection Cities Y 7; N 69; U 24. Was Washington, D.C. Mayor, Walter E. Washington (himself a Negro), right in ordering arrest of 343 demonstrators from Resurrection City including the leader, Rev. Ralph D. Abernathy Y 79; N 10; U 11.

Should Federal Government guarantee minimum food distribution to every citizen Y 26; N 42; U 32. Should Government guarantee annual wage (negative income tax) to all regardless of work Y 7; N 65; U 28 or just those unable to work Y 43; N 19; U 18 or oppose such idea completely 20.

What do you think about the War on Poverty? Keep it going at current pace, doing a good job 10. Greater emphasis should be placed on private enterprise participation 27. Excellent program, deserves more funds 11. Cut program funds of $1.8 billion by $100 million 4. $300 million 7 or is program "do-gooder's boondoggle" not worth cost 35. U 6.

Favor renewal by Office of Economic Opportunity of $1 million annual poverty program grant to two Chicago gangs, Blackstone Rangers and East Side Disciples as recommended by Senate witness Rev. John R. Fry to keep peace in South Chicago in '69 Y 8; N 58 U 34 or is this just bribery Y 66; N 8; U 26.

BUDGET

Do you feel we are receiving accurate and reliable information from Johnson Administration on US government domestic activities Y 17; N 59; U 24. Favor President Johnson's 10% surtax on income tax (exempting lower income brackets) Y 34; N 37; U 29 without substantial cut in high Federal spending Y 17; N 50; U 33. Favor reducing Federal spending on domestic programs Y 47; N 25; U 28.

Should President Johnson impose wage and price controls Y 30; N 47; U 23. Agree with William McChesney Martin, Chairman. US Federal Reserve Bank Board: "US is facing worst financial crisis now" Y 47; N 23; U 30. Agree US tax increase and decreased US Government spending necessary to prevent bad inflation and strengthen dollar Y 56; N 19; U 25.

Favor returning a percentage of Federal tax money to state and local governments, eliminating some Federal programs Y 61; N 14; U 25. Favor Johnson Administration current *actual spending* ($180 billion for all Federal Gov't. agencies fiscal year '68) Y 8; N 35; U 57; too large Y 52; too small Y 5; about right Y 11.

Favor President Johnson's Administrative Budget fiscal '69 of $189 billion 11 or cut $4 billion 14; $6 billion 28; $--- billion 18. U 29. During Vietnam war: favor continuing planned Federal highway construction Y 55; N 20; U 25; Chartiers Valley Flood Control Program Y 60; N 14; U 26.

Favor funds for House UnAmerican Activities Committee Y 44; N 29; U 27. Favor full funds for FBI Y 70; N 11; U 19 should Director J. Edgar Hoover be fired as Sen. Eugene McCarthy suggests Y 15; N 57; U 28. Should budget of US National Institutes of Health for research in cancer, heart diseases and development of children, blindness and mental retardation be reduced $38,558,000 for economy Y 16; N 64; U 20. Favor $250 million federal funds to assist local communities in 4 year programs to prevent delinquency Y 37; N 37; U 26.

CONDUCT OF VIETNAM WAR

Approve President Johnson's handling Vietnam war as Commander-in-Chief Y 16; N 63; U 21. Is S. Vietnam gov't. doing its share Y 10; N 69; U 21. Should US objective remain "limited war" Y 19; N 47; U 34. Do you believe US Government has adequately stated, defined Vietnam objectives Y 19; N 59; U 22.

How would you compare the present US position in Vietnam with that of a year ago? Improved 10; Same 34; Worse 44. U 12.

Has the bombing of North Vietnam been effective Y 31; N 43; U 26.

Do you feel Johnson Administration provides accurate and sufficient information and facts on Vietnam war Y 13; N 62; U 25.

Do you consider yourself a Hawk 28; Dove 21 or agree on US overall policy but disagree on tactics and conduct of war 33. U 18.

If necessary to avoid defeat in South Vietnam, should US use nuclear weapons Y 36; N 42; U 22. Favor $268 million extra US Air Force funds to pay for 33% increase in number of B–52 bomber missions Y 38; N 28; U 34. Should every rocket on Saigon be matched by bomb on Hanoi Y 56; N 37; U 7.

Should establish beachhead above DMZ in North Vietnam with US Naval and Air support (similar to General MacArthur's landing at Inchon in Korean War) Y 49; N 23; U 28.

Favor US offer to finance increase of South Vietnamese forces by 260,000 men to total of 1 million men for military, reserves and pacification Y 51; N 18; U 31 or oppose *any* war escalation Y 25; N 22; U 53. Should the administration seek Congressional approval before increasing US troops in Vietnam Y 63; N 22; U 15.

US conduct of war: OK 7; could do better 38. U 55.

Winter 1968 US marines heroically hold Khe San advanced base. 77 day siege, 2300 casualties. Reason given: base blocks vital North Vietnam supply and infiltration route. 27 June 1968 Johnson Administration announces US forces abandon and destroy Khe San. Reason given—base not necessary. Is this good procedure 3 or negligence 15 poor strategy 29 result of Vietnam decisions being made in Washington, D.C. 28 or really "credibility gap" 25.

In Vietnam US should: (please mark your choices, 1, 2, etc.)

Continue US present course: limited war, reduced bombing with Paris peace talks, continue fighting in Saigon & South Vietnam 1—14; 2—11; 3—33. Resume full bombing, stop infiltrators, make strong effort to win limited war in South Vietnam regardless of effect on Paris talks 1—34; 2—30; 3—6. Stop Paris talks, make all out effort to win war in South & North Vietnam, send 75,000 more US troops requested by US military, blockade port of Haiphong, hit Hanoi, disregard demilitarized zone, bomb dikes and all transport 1—20; 2—27; 3—10. Continue Paris talks but hold only strong points, retire to coastal cities and enclaves, respond only when attacked 1—12; 2—11; 3—23. Withdraw all US troops from South Vietnam immediately 1—7; 2—5; 3—14. Deescalate Vietnam limited war unilaterally, gradual withdrawal US troops over two years regardless of negotiations 1—13; 2—16; 3—13.

DRAFT AND MILITARY SERVICE

Is present draft system satisfactory Y 26; N 45; U 29 or does draft law favor well-off and draft the poor Y 44; N 22; U 34; should educational deferments be continued Y 46; N 28; U 26; graduate study deferments be reinstated Y 30; N 39; U 31; draftees be chosen by lottery under draft law Y 42; N 23; U 35; should US move towards high paid, professional voluntary military service at end of Vietnam war Y 38; N 32; U 30; should draft registrants be given choice for draft service at age 19 or after 4 years college Y 48; N 19; U 33. Should US abolish exemptions for conscientious objectors Y 32; N 38; U 30; abolish criminal penalties for refusal to enter military service and substitute compulsory double time social and supporting service at military pay rates without allowances Y 32; N 32; U 36.

Which do you favor as the best means for the US to maintain manpower for an effective US defense now: compulsory draft or lottery system 32; regular voluntary enlistments 19; from new elite high paid, small technical military force 17; universal military training for all high school and college students then serve 2 year tour either military or public service duties 32.

Do you believe our draft law could be made more equitable without destroying its effectiveness Y 62; N 8; U 30.

PARIS PEACE TALKS

Is worthwhile progress being made in peace negotiations Y 8; N 57; U 35; should Paris talks continue Y 43; N 22; U 35; how long—; just propaganda Y 34; N 8; U 58.

Should US continue Paris peace talks when North Vietnam uses talks for propaganda, escalates war by rocket attacks on Saigon civilians, increases infiltration rate to 29,000 men monthly Y 30; N 42; U 28. Should US negotiators continue to require reciprocal cease-fire to match US limited bombing pause 57; try unilateral cease-fire 23. U 20. In order to get peace in Vietnam, do you feel United States should agree to North Vietnamese demand that a coalition government which includes Communists be set up in South Vietnam Y 28; N 46; U 26. Should US stay its military hand further during long Paris negotiations when price is American and South Vietnam lives Y 17; N 54; U 29.

Should peace negotiations continue when stalled by North Vietnam until US stop all bombing Y 26; N 49; U 25.

Should President continue indefinitely reduced bombing of North Vietnam (area coverage reduced 78%, population coverage reduced 90%) Y 19; N 46; U 35. Should President take unilateral action and order an end to the bombing of North Vietnam with hope that Communist attacks on South would cease Y 16; N 55; U 29.

Should US make compromise to favor National Liberation Front (Viet Cong-Communists dominate) in South Vietnam Y 55; N 19; U 26 (This position favored by Sen. Eugene McCarthy).

Agree with Senator Jacob Javits (N.Y.): complete cease-fire in Vietnam is essential to get Paris peace talks off dead center Y 19; N 57; U 24. Agree with Senator George Murphy (Calif.): US should set deadline for resuming bombing throughout North Vietnam Y 66; N 12; U 22.

FOREIGN AFFAIRS

Favor US continued support of NATO 45 or bringing US troops back from Europe 30; U 25. NATO survive when DeGaulle pulls out Y 38; N 8; U 54. Britain has devalued its pound. Should US devaluate our dollar Y 8; N 67; U 25. In view of unfavorable international monetary balance, should Johnson Administration make more efforts to collect World War I debts that now total $15 billion Y 66; N 10; U 24. Favor continuation of Peace Corps program Y 51; N 23; U 26. Is President Johnson right that USSR is now showing signs of cooperation 33 or is Foreign Minister Willie Brandt of West Germany correct in warning of new Berlin Crisis 34; U 33. Favor US recognition of Communist China now Y 27; N 48; U 25. Admission of Communist China as member of United Nations Y 31; N 49; U 20. Making Communist China a permanent member UN Security Council Y 17; N 57; U 26.

Favor my bill HR 5327 to prevent dumping of foreign steel in US (11.5 million tons last year—equivalent to 14,000 jobs) Y 64; N 12; U 24. Favor banning US "most favored nation" treatment under US tariff laws to Communist countries supplying arms, weapons, and miliary assistance to North Vietnam Y 62; N 12; U 26. Favor authorizing Export-Import Bank to make loans abroad up to $2 billion that "do not meet test of reasonable assurance of repayment"? Y 16; N 59; U 25.

Favor President Johnson's proposals to limit US investment overseas Y 43; N 33; U 24; to restrict US tourists foreign travel Y 23; N 31; U 46.

CONGRESSIONAL AND ELECTION REFORM BILLS

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. RUMSFELD. Mr. Speaker, because of the interest in the letter which we have addressed to you on the subject of the pending congressional and election reform bills, I place in the RECORD at this point the full text of this letter together with the names of those who signed it:

DEAR MR. SPEAKER: The undersigned respectfully urge you and the Democratic Leadership of the House to take whatever steps are necessary to schedule for action on the Floor of the House, before adjournment and under completely open rules, the following two bills:

(1) S. 355—"The Legislative Reorganization Act of 1967"—passed the Senate on March 7, 1967;

(2) H.R. 11233—"To Revise the Federal Election Laws"—reported by House Administration Committee on June 20, 1968.

On numerous occasions you have spoken eloquently concerning your love for the House of Representatives. We, too, love the House, and cherish it as the greatest deliberative body in the world.

However, Mr. Speaker, times change, and unless our beloved House changes with the times, its greatness will surely be challenged. There are broad currents of unrest running across the land. Disrespect for cherished institutions is mounting—particularly among the young.

Mr. Speaker, if the House of Representatives reveals itself publicly as incapable of change and reform, are we not contributing to a situation we all deplore? Somewhere in the House of Representatives resides the power and the responsibility to schedule these matters for action by the full House. We seek your experience and your authority in helping to achieve these objectives.

Respectfully yours,

E. Ross Adair, of Indiana; Mark Andrews, of North Dakota; William H. Bates, of Massachusetts; James F. Battin, of Montana; Jackson E. Betts, of Ohio; Edward G. Biester, Jr., of Pennsylvania; Benjamin B. Blackburn, of Georgia; W. E. (Bill) Brock, of Tennessee; William S. Broomfield, of Michigan; Donald G. Brotzman, of Colorado; Clarence J. Brown, Jr., of Ohio; Garry Brown, of Michigan; James T. Broyhill, of North Carolina; John Buchanan, of Alabama; Laurence J. Burton, of Utah; George Bush, of Texas; Daniel E. Button, of New York.

John W. Byrnes, of Wisconsin; William T. Cahill, of New Jersey; Tim Lee Carter, of Kentucky; Elford A. Cederberg, of Michigan; Charles E. Chamberlain, of Michigan; Donald D Clancy, of Ohio; Don H. Clausen, of California; James C. Cleveland, of New Hampshire; Harold R. Collier, of Illinois; Barber B. Conable, Jr., of New York; William O. Cowger, of Kentucky; William C. Cramer, of Florida; Glenn Cunningham, of Nebraska; Thomas B. Curtis, of Missouri; Glenn R. Davis, of Wisconsin; John R. Dellenback, of Oregon; Robert V. Denney, of Nebraska.

Edward J. Derwinski, of Illinois; Robert Dole, of Kansas; John J. Duncan, of Tennessee; Florence P. Dwyer, of New Jersey; Jack Edwards, of Alabama; John N. Erlenborn, of Illinois; Marvin L. Esch, of Michigan; Edwin D. Eshleman, of Pennsylvania; Paul Findley, of Illinois; Paul A. Fino, of New York; Peter H. B. Frelinghuysen, Jr., of New Jersey; James G. Fulton, of Pennsylvania; George A. Goodling, of Pennsylvania; H. R. Gross, of Iowa; James R. Grover, Jr., of New York; Gilbert Gude, of Maryland; Durward G. Hall, of Missouri.

Seymour Halpern, of New York; William Henry Harrison, of Wyoming; William H. Harsha, of Ohio; James Harvey, of Michigan; Margaret M. Heckler, of Massachusetts; Frank J. Horton, of New York; Craig Hosmer, of California; John E. Hunt, of New Jersey; Edward Hutchinson, of Michigan; Albert W. Johnson, of Pennsylvania: Hastings Keith, of Massachusetts; Carleton J. King, of New York; Thomas S. Kleppe, of North Dakota; Dan Kuykendall, of Tennessee; Melvin R. Laird, of Wisconsin; Odin Langen, of Minnesota.

Glenard P. Lipscomb, of California; Donald E. Lukens, of Ohio; Robert McClory, of Illinois; Paul N. McCloskey, Jr., of California; James A. McClure, of Idaho; Joseph M. McDade, of Pennsylvania; Jack H. McDonald, of Michigan; Robert C. McEwen, of New York; Clark MacGregor, of Minnesota; William S. Mailliard, of California; Charles McC. Mathias, Jr., of Maryland; Robert B. (Bob) Mathias, of California; Catherine May, of Washington; Wiley Mayne, of Iowa; Thomas J. Meskill, of Connecticut; Robert H. Michel, of Illinois; Clarence E. Miller, of Ohio.

William E. Minshall, of Ohio; Chester L. Mize, of Kansas; Arch A. Moore, Jr., of West Virginia; F. Bradford Morse, of Massachusetts; Rogers C. B. Morton, of Maryland; Charles A. Mosher, of Ohio; Thomas M. Pelly, of Washington; Richard H. Poff, of Virginia; Howard W. Pollock, of Alaska; Robert Price, of Texas; Albert H. Quie, of Minnesota; Tom Railsback, of Illinois; Charlotte T. Reid, of Illinois; Ogden R. Reid, of New York; Ed Reinecke, of California; Donald W. Riegle, Jr., of Michigan; Howard W. Robison, of New York.

William V. Roth, of Delaware; Donald Rumsfeld, of Illinois; Philip E. Ruppe, of Michigan; Henry C. Schadeberg, of Wisconsin; Herman T. Schneebeli, of Pennsylvania; Richard S. Schweiker, of Pennsylvania; Fred Schwengel, of Iowa; William Lloyd Scott, of Virginia; Garner E. Shriver, of Kansas; Joe Skubitz, of Kansas; Henry P. Smith III, of New York; William L. Springer, of Illinois; Robert T. Stafford, of Vermont; J. William Stanton, of Ohio; Sam Steiger, of Arizona; William A. Steiger, of Wisconsin; Robert Taft, Jr., of Ohio.

Burt L. Talcott, of California; Fletcher Thompson, of Georgia; Vernon W. Thomson, of Wisconsin; Guy Vander Jagt, of Michigan; G. Robert Watkins, of Pennsylvania; Albert W. Watson, of South Carolina; Charles W. Whalen, Jr., of Ohio; William B. Widnall, of New Jersey; Charles E. Wiggins, of California; Bob Wilson, of California; Larry Winn, Jr., of Kansas; Wendell Wyatt, of Oregon; John W. Wydler, of New York; Louis C. Wyman, of New Hampshire; Roger H. Zion, of Indiana; John M. Zwach, of Minnesota.

SHALL WE GIVE AWAY THE INTERSTATE HIGHWAY SYSTEMS?

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. VANIK. Mr. Speaker, in the closing days of the 90th Congress, there is the possibility that we will consider legislation which will legalize unlimited length of trucks and trailers and permit triple-trailer trucks on the Interstate System. Load limits will be increased to 69 tons, double the present allowable rate.

The proposal would raise single-axle weight on a truck from 9 to 10 tons. The maximum weight on a double axle would be raised from 16 to 17 tons. A truck's maximum width would be increased from 8 to 8½ feet.

If this provision of the law gets by the Congress, the highway system will be taken over by the truckers who pretty much control the movement of traffic on the system at present.

Truck trains on rubber tires with multiple axles and trailers could usurp huge sections of the highway system, which was paid for principally by automobile owners. The hazard to public safety would be incalculable. The automobile owners of America who pay most of the gasoline taxes would be billed for $2.8 billion to upgrade the roads to accommodate the heavier trucks—while additional billions would have to be spent to keep them in repair.

As a former official of the National Safety Council, I am horrified at the new dangers which will threaten every user of the Interstate System if these giants take over the roads. By their size, they become highway robbers, denying to others a fair, safe, and reasonable use of our highway system.

I shudder in fear when I pass one of these highway juggernauts on the highway system. They operate at frightening speed for their size, with tremendous noise and often under a stream of diesel smoke fired out at high pressure. I pity the mother with a station-wagon filled with children who seeks to maneuver around a huge tractor-trailer combination.

Although most trucks operate with courtesy, most of the time, they always create special problems when one tractor-trailer combination passes another slow-moving rig causing a complete block of the public interstate highway until the maneuver has been completed. For such time as their maneuver occurs, they completely take over the right-of-way over passenger vehicles which also have rights.

In addition to their size, weight, length, noise, and fumes, the huge trailers fill every motorist who follows behind with the fear of telescoping beneath the monster ahead with sudden braking capacity. In my driving experience, I have seen scores of cases of accidents result from the telescoping accident, some of which have caused decapitation.

Truck safety cannot be ignored. If there is to be a sharing of highway use, the truck and trailer must be good partners by adopting a bumper level which will meet the standard bumper levels of automobiles. This requirement should be mandatory so that all trucks and trailers should be compelled to have matching bumpers and eliminate the indefensible telescoping accidents which spread highway horror.

I will, therefore, endeavor to amend the truck-trailer bill—if it comes before the House—by including a provision that all trucks and trailers be equipped with rear bumpers to match automobile bumpers so as to insure safety for the intermix of automobiles and trucks on our interstate system.

I will also oppose legislative efforts to authorize unlimited length of trucks and trailers. They are already much too long, much too heavy, much too wide, and much too dangerous to others who must also use the highways.

The Interstate Highway System was paid for by all of the users of the system through Federal taxes on gasoline. Automobile users pay 70.1 percent of the total taxes. The trucks, who also use the system, pay only 29.9 percent of the cost. They should not be permitted to usurp the system and deny its proper and safe use to others who also must drive and live.

ROSH HASHANA

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. ROONEY of New York. Mr. Speaker, I have always deemed it a pleasure to join with my fellow Americans in extending New Year's Day greetings to our Jewish friends and neighbors.

The observance of Rosh Hashana comes quite naturally to me because I grew up in a community a large part of which was Jewish. Since so many of my friends observed this day, I, too, have felt a part of it.

The observance of the 10 days of penitence which follow Rosh Hashana always made a deep impression upon me. The open and sincere efforts of many of my friends to right wrongs and to atone for mistakes lent dignity and majesty to all those participating in these ancient Jewish rites. Even those of us of other religious beliefs were caught up in the sobering atmosphere and bettered behavior which permeated these observances.

I shall always be grateful to my young Jewish companions and to their parents for sharing their great culture and deep-rooted moral and religious beliefs with me. It was my good fortune to be a part of a brotherhood not lasting a mere week but continuing day by day and year after year. Because of these treasured experiences, I have found it only natural to participate fully in the many fine Jewish civic and cultural programs ranging from the establishment of Israel as a Jewish homeland to the raising of money for a Jewish orphan girls' school in Jerusalem.

So it is with real fervor that I wish my many friends a Happy New Year and extend those same best wishes to all our fine American citizens who yesterday observed Rosh Hashana.

BARON VON STEUBEN

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. PUCINSKI. Mr. Speaker, the day named in honor of Baron Friedrich Wilhelm von Steuben is of special historical significance and of particular interest to all Americans, especially those of German descent. For this day, September 17, marks the birth, in 1730, of one of the heroes of the American Revolution, a man who commanded the supreme confidence of the Founding Fathers and merits the gratitude of the whole American people.

Baron von Steuben owes his place in American history to his outstanding accomplishment in training the American Revolutionary Army.

Having encountered financial difficulties in Europe, Von Steuben attracted the interest of Benjamin Franklin, Silas Deane, and Beaumarchais, who was giving secret aid to the American Colonies in the French King's secret service. The Americans recognized immediately Von Steuben's military genius, and arranged for his passage to the Colonies. He arrived at Portsmouth, N.H., on December 1, 1777, after which he was received with high honors by the Continental Congress. Washington himself was so impressed with his experience and practical knowledge that he appointed him acting inspector general and asked him to undertake the training of the Continental Army. Von Steuben, in the meantime, had waived all claim to rank or pay, proposing that if his services should contribute to the success of the American cause, he ought to receive such compensation as Congress wished to bestow; but that if his services should go for naught, he would ask no recompense.

It was in his success as drill instructor that Von Steuben achieved not only astounding success, but also lasting fame. Working against difficult odds, he had to prepare his drill instructions in brief installments, there being no time for publication of a drill manual. His work was further complicated by the fact that he spoke no English, the instructions requiring translation for comprehension by the American troops. The baron further undertook to train a model company of 100 selected men under his personal direction, to serve as an example for the rest. Within a few weeks his efforts had transformed the entire army, in what is perhaps the most remarkable achievement in short-term military training in history. The ability of this remarkable man was soon vindicated on the battlefield of Monmouth, in which, and thereafter, the Continental Army proved itself every bit the equal in skill and discipline of the British legions.

Von Steuben codified his instructions during the winter of 1778–79, in a work entitled "Regulations for the Order and Discipline of the Troops of the United States." As the war progressed, he gained in stature and repute, consulting upon major questions of strategic and administrative policy until the conclusion of the war. In 1783 he worked with Washington in preparing a plan for the future defense of America, and in 1784 assisted in establishing the Society of the Cincinnati. When Washington gave up command of the Continental Army, he made it his last official act to commend Von Steuben for his outstanding assistance throughout the war.

It is significant that Von Steuben became an American citizen and, after his retirement from the Army, served as president of the German Society and of the New York branch of the Society of the Cincinnati. In 1787 he was elected a regent of the University of the State of New York.

He was a man of commanding appearance and graceful manners, possessed, above all, of ability to lead. His skill in converting the American Army into an effective and disciplined fighting force was vital to the success of the Revolution. He was indispensible to the achievement of American independence. It is, therefore, altogether fitting that German-Americans take special pride in the contributions of Baron von Steuben to the United States, and that all Americans today remember his name with respect and admiration.

PLAN TO USE COLLEGIANS AS "DETONATORS"

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. ASHBROOK. Mr. Speaker, recently the U.S.A. Publishing Co., Inc., 530 East 72d Street, New York, N.Y., made available a collection of articles on the activities of radical groups and individuals entitled "Student Subversion." These articles, which appeared in the biweekly "U.S.A." from 1965 through April of this year, were written by Alice Widener, a noted authority on radical elements in the United States. "Student Subversion" provides the background for the current rash of disorder created by radical students and other militants. The student rebellion earlier this year at Columbia University is but the logical culmination of years of planning and organization by those associated with the old and new left.

Miss Widener's publication, "U.S.A." has for a number of years been alerting an impressive list of subscribers—in addition to individuals, newspapers, business firms, government agencies, and educational institutions are numbered among its readers—to the latest developments in the world of the radicals and extremists. On Sunday, September 22, the Chicago Tribune ran an extensive article by Miss Widener on the Fourth Annual Conference of Socialist Scholars, which was held at Rutgers University September 6 to 8. Miss Widener was the only representative of the press to attend this closely guarded meeting. I insert the above-mentioned article, "Plan To Use Collegians as 'Detonators' " in the RECORD at this point:

REPORT ON SECRET MEETING: PLAN TO USE COLLEGIANS AS "DETONATORS"

(NOTE.—This article by Alice Widener, publisher of the bi-weekly U.S.A. and authority on the radical movement in the United States, tells what was said and planned at the Fourth Annual Conference of Socialist Scholars, held at Rutgers university Sept. 6–8. She was the only representative of the press to attend this closely guarded meeting.)

With militant young Marxist radicals wearing blue armbands marked "S.S.C." and guarding locked meeting room doors, the Socialist Scholars, revolutionary Marxist brain trust in our institutions of higher learning, held their 4th annual conference over the week-end of Sept. 6–8, at Rutgers university, New Jersey.

The guest of honor was Ernest Mandel of Brussels, editor of the Belgian socialist weekly "La Gauche" [The Left], who was a main instigator of the student riots and workers' strikes in France last May and June. Now banned from that country, Mandel made his welcome way into our own via Paris-Havana-Brussels. He was formally introduced to the Socialist Scholars by Paul Sweezy, editor of the Leftist radical *Monthly Review*, who said, "Ernest Mandel is one of the most eminent and important Marxist theorists in Europe today. He spent considerable time last summer in Cuba. He was active in events which took place in France last spring and is banned by the French government for his part in those events. We're all hoping he will go back to France and take part in events developing there now."

It is a pity that Mandel's speech at dinner in Nielsen dining hall, Rutgers, on Friday evening, Sept. 6, was not broadcast to the American public. He speaks excellent English and received a standing ovation from the Socialist Scholars and their guests, bus loads of radical youths from New York City and other centers. Had the public heard what Mandel said, statistics in an opinion poll of approval or disapproval for security and riot control action taken during the recent Democratic national convention would rise to 99.9 per cent in favor of Mayor Daley and the Chicago police. Moreover, if television networks had featured Mandel's speech, there would be no more confusion among loyal Americans about the revolutionary leadership of violent student rebellions and "peace" demonstrations in our country, or about the veracity of Mayor Daley's report on the disturbances in Chicago. Also, there would be much less naivete in certain liberal press and political circles.

STUDENTS ARE "DETONATORS"

"Students," explained Ernest Mandel, "are the detonators in the formula for triggering off a social explosion creating a revolutionary situation." To resounding applause, he made clear how he and other socialists use Marxism-Leninism as the device for timing, controlling, and targeting the explosion. Mandel said the main strategy for overthrowing neocapitalism in advanced industrial nations today, including the United States, is "to put forth, thru mass strikes and mass movements, concrete demands and goals which are unacceptable to the capitalist system and cannot be granted within the capitalist system."

Mandel went on to say that the May-June rebellion in France this year failed temporarily "only because of lack of a revolutionary organization which, at the decisive moment, could counterpose new centralized workers' power to existing capitalist power."

In his speech, Ernest Mandel said that French workers' affinity for Marxism determined their actions last spring, not working conditions or pay. "The remarkable thing," he said, "was that the rebellion against neocapitalism took place, despite the fact that French per capita consumption is the highest in western Europe except for Sweden." He said many facts showed the French workers "were starting a revolution." Among the facts, he said, was the complete cut-off of the cities of Nantes and Caen from communication and the establishment of "a workers' state which started to issue its own currency—*bons de credits*—which were accepted by the storekeepers." He admitted, parenthetically, that after the Gaullist government "repression," the storekeepers lost their money.

Another specific fact, said Mandel, was that St. Nazaire shipyard workers had called for "a general assembly [*Assemblee Generale*]" as in the French revolution of 1848.

[At Columbia university, this month, Students for a Democratic Society, which sparked the rebellion last April, called for a "general assembly."]

Mandel said the St. Nazaire workers entered into a dialog with the authorities that lasted for more than a week but "refused to make any precise demands within the framework of the capitalist system." He said the only reason the Marxist revolution failed in France last spring was that the mass of workers made demands—such as the 10 per cent wage increase—which could be granted by a capitalist system. Had there been "nuclei of revolutionary workers in the factories, in the key industries to take decisive control at the propitious moment," he said, "the workers would have been able to set up a dual government within France and topple the capitalist state by protracted revolutionary class struggle."

The three key issues on which Marxists must make their stand, said Mandel; the issues on which capitalism, cannot compromise without forfeiting capitalism, are: [1] workers' control; [2] workers' "self-defense" [meaning armed might]; and [3] government by workers' councils instead of bourgeois power.

SHOUTS OF APPROVAL

"Never," cried Mandel dramatically, "never I assure you, were Frenchmen so free, so truly free, as in the days of May-June!"

Shouts of approval came from the long-haired, bearded youths in Neilsen dining hall, many of whose faces had stared out of front-page news photos during the demonstrations at the Pentagon and Columbia university, at draft-card burnings, and in street actions, in attacks on the Chicago police during the Democratic national convention in August. Members of the old left attending the dinner—Corliss Lamont, Russ Nixon, Harry Magdoff, *et al.*—were less vociferous but equally enthusiastic, their faces wreathed in beaming smiles.

When the applause died down, Ernest Mandel quoted a statement by James M. Roche, president of General Motors, published in a news weekly, Sept. 30, 1967: "We live in a world of change. We work in a world of change."

Smiling sarcastically, Mandel paused a moment to look around the dining hall at the Socialist Scholars, then moved to the climax of his speech. "It may seem strange that I would agree on anything with such a person," he said, "but I would accept that statement and amend it a little bit." Slowly and with utmost emphasis, he said that under conditions making it possible for a General Motors to exist, "there is a possibility that the very society will change."

THE SSC PROGRAM

Applauding loudly, the Socialist Scholars rose to pay homage to the speaker. Certainly, if they and their associates have their way, our American society will be so changed that no private enterprise can exist. The tenet of their entire week-end conference at Rutgers was that after a social explosion has been detonated in the United States, only a revolutionary organization directed by socialists adhering to an advance Marxist-Leninist plan can exercise successful, decisive leadership. They believe it is the function of socialist scholars to formulate the plan and adapt it to given conditions while adhering to basic Marxist-Leninist strategy.

The official Socialist Scholars program for the Rutgers conference listed the following topics for discussion: "The Role of the Intellectuals in Social Change; New Thoughts on the Historiography of the American Working Class; The Working Class and Neo-Capitalism; Black Power and Socialism; The Preconditions for a Mass Socialist Party in the United States.

List panel leaders

Participants came from universities across our nation and from abroad. The panel discussion leaders were:

Warren Susman, Rutgers university; Christopher Lasch, Northwestern university; Herbert Gutman, University of Rochester; Melvyn Dubofsky, University of Massachusetts, Amherst; Philip Foner, Lincoln university; Alexander Erlich, Columbia university; Eugene D. Genovese, Sir George William university, Montreal.

Sterling Stuckey, Northwestern university; Alphonse Pinckney, Hunter college; Harold Cruse, author of "The Crisis of the Negro Intellectual"; Ann Lane, Douglass college; Gar Alperovitz, M.I.T.; Michael Greenberg, Polytechnical Institute of Brooklyn; Geoff White, Berkeley.

At the Friday morning session on the role of the intellectual, Christopher Lasch said, "The emergence of a mature American culture depends on the emergency of revolutionary change." He said, "The responsibility of the intellectual is the same as that of the street organizer." Intellectual leadership, he explained, can come only from intellectuals having confidence in themselves "as a class." He said, "American intellectuals have been mostly amateurs ignorant of their craft, and their failure is due to the absence of revolutionary structure."

Intellectual function

Warren Susman said that the time is past now for activities of a Norman Brown and Timothy Leary, "who adopted a pose to end all poses." Susman said the primary function of the intellectual is the "ideology-making function," and that revolutionary intellectuals must "turn private problems into social issues and turn desires into systems of value, needs into social goals."

He explained that Karl Marx' "praxis" unites feelings, thought, and action; that Marx had "the only solution" and thru his genius showed that ours is a world of change, that change can be purposeful, and there is "no conflict between history and practice."

Christopher Lasch said only a socialist scholar "can be sure of what he's doing."

At the conference, Prof. Eugene D. Genovese, now teaching in Canada, but formerly of Rutgers where, in 1965, he proclaimed, "I would welcome a Viet Cong victory" and touched off a controversy involving the state government of New Jersey, was *persona grata* and seemed very sure of what he was doing. He discussed "Black Power and Socialism," criticized some aspects of Harold Cruse's book, "The Crisis of the Negro Intellectual," but said the author's "ideological manifesto wiped out decades of ideological drivel."

Use Stalin's words

Genovese used the exact terminology in the uncensored edition of Joseph Stalin's "Marxism and the National and Colonial Question," which contains two chapters on Zionism as "a Fascist bund movement." To Leninist-Stalinists, all nationalist movements are "fascist" except those directed by Communists and set up for the sole purpose of leading a nation or minority group into absorption by the Communist bloc. Khrushchev denounced Stalin but affirmed Kremlin adherence to Marxism-Leninism-Stalinism. The present soviet regime led by Kosygin and Brezhnev sticks rigidly to that ideology, and so does Gomulka of Poland. The Communist attitude toward Zionism has nothing to do with pro or anti-Semitism, or with pro or anti-Zionism; the attitude has to do solely with orthodox Marxism-Leninism-Stalinism on the national and colonial question.

Eugene Genovese stated at the Socialist Scholars panel on black power that there can be no successful "black enclave economy" in the United States. He maintains that only in a world-wide radical Marxist economy can there take place an end to racist exploitation.

The establishment of such an economy was the theme of the entire Socialist Scholars conference at Rutgers university during the week-end of Sept. 6–8. The aim—as Warren Susman put it—is "to formulate a revolutionary plan for the future which will remove the power of past traditions and create a socialist America."

Agrees with Mandel

On Saturday morning, Prof. Alexander of Columbia university, who last June delivered the "anti-commencement" address to rebel student walkouts from the regular commencement exercises, shared the Socialist Scholars platform at Rutgers with guest-of-honor Ernest Mandel to discuss "The Working Class and Neo-Capitalism." Prof. Erlich was introduced to the audience by John Cammett of Rutgers, 1967–68 president of the Socialist Scholars, who said about Prof. Erlich, "He is a member of the Russian Institute at Columbia and one of the very few professors to take a constructive role in the student events there."

Erlich speaks English with such a heavy accent it was difficult to hear what he said. The poor acoustics in Blake hall, a depressing, cheaply built cement-cell-type edifice, worsened Erlich's diction. But his views were plain as he nodded in agreement when Ernest Mandel said, "The student revolt can become the vanguard of the working class."

THE LITERATURE

An extremely important part of the Socialist Scholars conference was the book exhibit at the Rutgers Labor Education center, where most of the meetings and activities took place. According to a Frenchwoman selling photographs at $10 apiece of the May-June students' revolt in Paris, the troubles in France will begin again this month. A Parisian school teacher, who was in charge of a literature table heaped with copies of "L'Enrage," a vile publication in unprintable four-letter words translated into English for students at Berkeley by Ruth Porter of Merit Publishers in New York City, an outfit run by the Socialist Workers party in our country. The Frenchwoman said a great deal of the translation from French into English was done over the trans-Atlantic telephone between Paris and New York City, and student support from America "was a big help to us."

Radical documents

Two vitally important radical American documents surfaced at the book exhibit and were in great demand by the Socialist Scholars and conference participants:

1. A leaflet printed by the Radical Education Project [R.E.P.] at Ann Arbor, Mich., which was founded by Students for a Democratic Society.
2. A "Research Methodology Guide" put out by the North American Congress on Latin-America [N.A.C.L.A.] in New York City.

Under the heading "Rep's Politics," the Radical Education Project leaflet contains statements of beliefs, among which are:

"The great promise of American abundance is perverted and thwarted by the functioning of contemporary capitalism";

"America is held in political and moral stalemate not only by sheer economic and political force, but also by deadening ideology . . . celebrating the American Way of Life, the American Dream, the American Century";

"Anti-communism is a central element in this ideological manipulation of belief.

"Violent revolution is to be recognized and deplored for its high human cost; but . . . where the oppressed lack political power, violent overthrow may be the necessary, tho not sufficient, precondition to economic and political freedom."

In light of events during the Democratic national convention in August and loud denunciations of Mayor Daley and Chicago police by many intellectuals in the press, TV, and universities, it is very enlightening to study a list of sponsors printed on the last page of the Radical Education Project. They are:

Ralph Andreano, Philip Berrigan, Julian Bond, Robert Browne, Richard Cloward, David Dellinger, Stanley Diamond, Douglas Dowd, Hal Draper, Barrows Dunham, Robert Engler, Jules Feiffer, W. H. Ferry, Phillip Foner, Norm Fruchter, William Gamson, Julien Gendell, John Gerassi, Ernest Goodman, Paul Goodman, Nat Hentoff, David Horowitz, Leo Huberman, Raghavan Iyer.

Paul Jacobs, Julius Jacobson, Gabiel Kolko, Andrew Kopkind, William Kunstler, Paul Lauter, Richard Lichtman, Staughton Lynd, Herbert Marcuse, Seymour Melman, Jack Minnis, Barrington Moore, Charles Moskos, Charles E. Osgood, Linus Pauling, Victor Perlo, James A. Pike, Marc Pilisuk, Victor Rabinowitz, Anatol Rapoport, Marc Raskin, Kenneth Rexroth, Sumner M. Rosen, Richard Shaull, Sol Stern, Harvey Swados, Harold Taylor, Michael Walzer, Arthur Waskow, Harvey Wheeler, William A. Williams, Marshall Windmiller, Howard Zinn.

Get TV exposure

Three of the foregoing R.E.P. sponsors became nationally known via television during the Chicago demonstrations: Julian Bond of Georgia; David Dellinger, a main revolutionist; and Staughton Lynd, formerly of Yale university, who went to Hanoi in 1967 with Herbert Aptheker of the Communist party, U.S.A.

Heavily represented on the list is the Fund for the Republic's leftist Center for the study of Democratic Institutions at Santa Barbara: W. H. Ferry, its vice president: Linus Pauling, James A. Pike, and Harvey Wheeler, fellows at the center: Raghaven N. Iyer and Paul Jacobs, official center consultants.

Among academic R.E.P. sponsors listed are the following Socialist Scholars: Professors Richard Cloward and Seymour Melman of Columbia university; Prof. Herbert Marcuse of the University of California at San Diego, internationally known as the intellectual mentor of "Red" Rudi Dutschke, Germany, and "Red" Daniel Cohn-Bendit in France.

RECIPE FOR ESPIONAGE

The other vitally important radical document that surfaced at the Socialist Scholar's book exhibit at Rutgers is the "Research Methodology Guide" put out by the North American Congress on Latin America [N. A. C. L. A.], an outfit having as its target "the Empire," meaning every United States company and corporation doing business abroad and especially in Latin America, and all United States government agencies dealing with our domestic and foreign economic and military operations. The three authors of the N. A. C. L. A. guide are Lois Reivich, Michael Locker, and Edie Black, who said at the S. D. S.-sponsored Radical Education Project regional conference held at Princeton university, February, 1967, "I am a revolutionist, not just a Marxist, a revolutionist."

The three young radicals have written what is tantamount to a two-part recipe for espionage. Part One is entitled "Researching the Empire—How to Research the Imperial Elite: Corporations, People, Nonprofit Organizations, Government Agencies, Universities." Part Two is entitled "Campus Reconnaissance—How to Investigate Campus Military Contracting." Here are excerpts from both parts of the N. A. C. L. A. guide:

Page 1: "Interviews should be conducted after doing initial research; i.e., when you know what questions to ask and of whom to ask them.

"The interviewer should play a straight role, e.g., as a student doing research for a course paper.

"If the interview is conducted in such a manner that the interviewee is not threatened he or she will usually be more than happy to talk."

Pages 11, 12: "Thruout Asia, Africa, and Latin America a power struggle of monumental proportions is being waged between revolutionaries and United States technology. . . .

"The military-industrial complex is relying heavily on the innovative abilities of the academic world for defeating revolutionary solutions.

"Given such a situation, radicals and revolutionaries who want to crystallize the real issues involved in government-sponsored projects must zero in on the direct role such 'academic work' plays in wars against national liberation . . ."

Page 17: "Field Work."

At times interviews and observation can not be directly undertaken without creating a role that legitimizes their necessity. Covers can be easily erected by getting a friendly faculty member to authorize the research thru a course or enlisting the aid of a campus newspaper reporter. In some situations where security is tight, inside informers will be the only way to secure vital information. Personal contact with friends or political associates who have positions providing access to the information [i.e., secretaries, research assistants] can prove quite helpful.

"If necessary, someone may have to take a job on the project or in the research facility to gain access to such information. Persons in positions of public authority, such as federal or state congressmen, senators, executive officials, and their assistants, can easily acquire restricted [but not necessarily classified] information and forward it to you. Their desire to do so is usually proportional to the effect it might have on their own political well-being. Whatever the method, the problem of getting inside information [no matter its classifications] essentially involves finding a person with legitimacy in the authority's eyes who has access to the material and can transmit the data either secretly or without the threat of reprisal. Obviously such a person should be handled with discretion and the smaller the number of persons who know about it the better your chances of success."

WHAT COMES NEXT

At the opening of the 4th Annual Conference of Socialist Scholars at Rutgers university, Sept. 6, the radical group's president, John Cammett, said, "We decided previous conferences were too large and not carefully enough organized." He explained the 4th conference had been narrowed down so that it would not "dampen discussion with people of more or less similar ideas," and said sessions could thus "be more organically related."

Phase one included revolutionary propaganda and activity to promote the demonstration at the Pentagon last October, the rebellion at Columbia university last April, "the abdication" [as they call it] of President Johnson, and the mass demonstrations during the Democratic national convention in Chicago last month.

THE ENGINEERING PROMISE OF SPACE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to call the attention of the Congress and the American people to the excellent presentation given by H. Guyford Stever to the United Nations Conference on the Exploration and Peaceful Uses of Outer Space held in August 1968, in Vienna, Austria.

Mr. Stever is the president of Carnegie-Mellon University in Pittsburgh, Pa., and serves as well as Chairman of the Aeronautics and Space Engineering Board of the National Academy of Engineering.

As a congressional adviser to the United Nations on the peaceful uses of outer space and a congressional representative to the conference in Vienna, I am glad to place Dr. Stever's speech in

the Congressional Record to assure it the wide distribution and readership it deserves:

The Engineering Promise of Space

(By H. Guyford Stever)

Although I have been involved most of my working life with engineering in education, industry, and government, I've always found it hard to make summary statements about it. It is such a vast undertaking. There is still good engineering aimed at improving nuts and bolts as it were—and yet some think of engineering only in vast systems terms such as establishing a new communications system using satellites. But in spite of its all-embracing nature, I think I am safe in saying that all aspects of engineering have had substantial impacts from our space research and development and operational programs.

Having made such a statement, naturally I am tempted to try to prove it by finding specifics for as many phases of engineering as I can. What, for example, would an engineer interested in such a mundane problem as removing dents from damaged equipment have to say about this? On that question, I was interested to note that one of the speakers on this program, Dr. Newell, in his April 1967 statement prepared for the Committee on Aeronautical and Space Sceinces of the United States Senate, in which he outlined NASA's space science and applications programs, did have a point even for this kind of engineer. He brought out that a space-developed method was used to remove dents made in hollow blade spars for helicopters during fabrication because of the incapability of conventional techniques. Boeing's Vertol Division, a leading manufacturer of helicopters, and NASA's Marshall Space Flight Center worked together to design and construct a tool which was an adaptation of the successful electromagnetic hammer, which had been developed at the Marshall Space Flight Center to remove dents from welded tank components for Saturn rockets.

Having found that piece of interesting information, I felt that it would be quite possible to satisfy the query of any engineer as to how his field had had an impact by developments in space. In fact, the previously cited reference by Dr. Newell lists 11 points on national security, 43 points on industry and manufacturing, 14 points on the construction industry, 8 points on communication, 6 on weather, 18 on power sources and public utilities, 7 on transportation and commerce, 38 on medicine and health, 12 on earth resources, 5 on food and agriculture. 13 on science, 3 on education, and 4 on social and political factors as the particular impacts of equipment developments or technique developments of the space program during only one year prior to April 1967.

If one follows this kind of reasoning. one could construct a formidable listing of specifics. But one can go even farther, as Dr. E. G. Schneider of Sylvania Electronic Systems has pointed out in the previously cited report, "It is my belief that the technology being developed under NASA and DOD contracts, is being applied to commercial products at a rate which is limited only by the ability of engineers to assimilate the knowledge and the ability of industry to carry new product ideas all the way through the marketplace. The concern expressed by various groups over the apparent lack of transfer of technology from government appears to me to be based on an imperfect understanding of the engineering process and an unwarranted expectation that much of the transfer will be easily recognizable as hardware end items." Thus, in Dr. Schneider's view there are not only the numerous points on which NASA can give us a specific example, but a much larger number of indirect ways at which space technology transfers to the general technology.

It became clear then that a detailed listing of specifics as a beginning would be an exhausting exercise; evidently some generalization is needed to show the major impact of space developments on engineering. So, in trying to order the effect of the space program on engineering, I have made three classifications of the major kinds of these effects which I would like to discuss with you.

The first major effect comes about because the technical devices of all kinds used in space flight must reach very high standards of performance in order to achieve the technically very difficult space missions. Engineers have very strong incentives to improve their technologies in all these fields in order to qualify the technology for use in the space program.

A mentor of mine, Dr. C. Richard Soderberg, a Swede by birth and early education, and an American by naturalization, later education and work, used to say "the sum of the iron and the brains in any design is a constant." This is another way of saying that thinking can reduce the weight or improve the performance of any design and is rewarding in direct proportion to the amount that is done. The main reason that space projects are so expensive to develop is that the design requirements of all components are so great that an immense amount of thinking has to go into the engineering of each component.

This drive to improve performance takes place in materials and metals, fuel chemistry, combustion and propulsion, structural design and testing, systems engineering, technical project organization, long-range communications and guidance, and automatic stability and control.

Let me take a specific example of the kind of pressure to improve materials by taking a rather simple concept—the construction of a large, solid propellant rocket motor case. In fact, in this example, we can show the competition of different materials to do the job most effectively. At the United Technology Center of United Aircraft Corporation two different techniques were evolved for the construction of large rocket motor cases—one using improved steels, and the other using reinforced fiber techniques. Let me give some data.

I am indebted to Dr. Bernard Adelman, President of the United Technology Center of United Aircraft Corporation, for some literature on the 120'' rocket motor case, particularly the internal roll extrusion of one segment. I would like to quote Dr. Adelman. "The internal roll extrusion technique developed by UTC on equipment designed by NTW Corporation, Missile Engineering, Inc., has demonstrated the potential for a cheaper and simple fabrication availability for steel motor cases. UTC's contract with the United States Air Force has resulted in the fabrication of two D6 steel and one HP9–4 alloy one-piece segments. The segments were similar to the 120'' diameter, 130'' long Titan III case segment and the internal roll forming can stretch a roll ring forging or roll and weld preform to finished length in less than 8 hours.

"This demonstration program is being conducted by United Technology Corporation under contract from the Manufacturing Division of the Air Force Materials Laboratory. Two materials were used to fabricate case segments. In the case of HP9–4 alloy, the segment started as flat plate, fully heat treated to the 200,000 PSI strength level." From this experimental development comes a process for cheaper and simpler fabrication of a steel case. Figure 1 shows a picture of this solid propellant rocket motor case.

A new element then entered the picture with respect to the development of the cylindrical solid propellant motor cases. Composite glass filament-wound plastic-bonded cases proved to be very important from the standpoint of performance. A paper by Litvak, Aponyi, and Tomashot, shows a weight comparison of rocket motor cases using steel alloy, titanium alloy, and two different glass-filament-wound plastic-bonded rocket motor cases. It is very interesting to note that both steel and titanium are beaten in weight by the lighter filament-wound cases. As to cost, the glass filament cases also show favorable results.

There are many materials that could be used in composite fiber structures. A paper by Lee R. Standifer, former Director of the Materials Laboratory at Wright-Patterson Air Force Base, shows the filament properties of several different materials—the tensile strength, the elastic modulus, density, and the strength-to-density ratios. You can see that there are several excellent candidates having good values of strength and modulus, and much research is being done on some of these fibers.

An interesting *commercial* offshoot of the glass fiber technology for rocket motors was developed by United Technology Center. It is their patented material, Techite, which is light-weight, high-strength corrosion-resistant pipe ideally suited for storm and sanitary collection systems and water supply and distribution systems. It is a composite structure of polyesters and sand mortar reinforced with continuous fiberglass filaments. The addition of sand to the typical materials used in the rocket motor cases has given additional properties to the material to enable it to be applied to quite different uses. It is expected that in these applications it will compete successfully with iron and concrete pipe.

There is a second way that space has its impact on engineering. The new space systems that are coming into being, including navigation, geodetic and communications satellites, will enable engineers to use them as components of larger engineering systems which they are designing.

In this case one must think of engineering in the grand sense, such as is done by engineers planning the entire system of the Bell Telephone system in America, or as leading engineers of a weather reporting system would do, or as engineers designing the communications system of a world-based industrial or commercial company would do, or as an international airline might do.

Examples are frequent in this area. One of the many, many examples that has impressed me recently has to do with transoceanic flying. The first time I flew the Atlantic on a commercial vehicle was a quarter of a century ago on one of the early trans-Atlantic routes. In those days we flew by large flying boats; I recall both the large Sikorsky and the large Boeing flying boats, as well as the short Sunderland flying boats of Britain. I was impressed that our navigation was a combination of stellar navigation and of radio direction navigation.

Recently I have been informed that navigation across the Atlantic hasn't changed much. Although using the devices currently available provides sufficient accuracy to get to the destination, it still does not space properly the aircraft to insure safety in the ever more crowded air lanes. Now comes an offer of a satellite-based navigation network providing the kind of accuracy which would enable aircraft to fly very precise routes both in space and in time. It would lead to greater safety with closer spacing of aircraft, thus making the air routes much more usable, which they must become if the promised increases of air travel are to be realized.

Other examples of grand scale engineering which is possible with space devices are numerous. Those of us in the United States have enjoyed thoroughly our much closer, instant time connection with the rest of the world via satellite relay of TV. Last winter those of us interested in winter sports had comfortable, room temperature seats to the Winter Olympics in France, and this coming October we can have front row, airconditioned, sea-level-pressure seats to the Olympics to be held in Mexico City. Personally I enjoy this pleasant, close, real-time contact with the rest of the world both in matters of sporting events, as well as the headline news events.

The third impact of space on engineering concerns the development of several brand new technological areas. Again there are many examples of this, such as life support systems with lasting consequences in health science. Another new area is that of hydrogen technology, which has implications in new energy and propulsion devices of many kinds.

Let us take as an example new technologies built around new fuels. The space program has been particularly innovative with respect to its investigations of new high energy fuels for rocket propulsion. The widespread use of liquid hydrogen, for example, would not have come about unless spurred on by the space program. Today we find upper stages of man-rated rockets intended for lunar flight, commonly using the liquid hydrogen-liquid oxygen propellant combination. In just a few years this fuel has been carried from a relatively unused material to the man-rated status that it has today. And today reliable performance of liquid hydrogen-liquid oxygen upper stages is taken almost casually. Still another fuel, liquid methane, has been experimented with in rocket propulsion.

Let's find a field in which these new fuels offer some very good possibilities for the future as brand new technologies. One such field is that of supersonic transport aircraft, a lively and healthy field for international competition today and in the future. For ideas on this I am indebted to a paper entitled "New Generation Engines—The Engine Manufacturer's Outlook" by William H. Sens and Robert M. Meyer of the Pratt and Whitney Aircraft Division of United Aircraft Corporation, presented at the Air Transportation Meeting of the Society of Automotive Engineers in New York in 1968.

It is clear that the supersonic transport aircraft which are now being developed in Great Britain, France, Russia, and the United States, in their first generations will have difficulty meeting the necessary economics for long-term airline use. Over the decades to come technologies must be developed to make supersonic transports more capable of meeting the competition, and one major proposal which might be used for improvement will be that of using either liquid hydrogen or liquid methane as the fuel. From the paper by Messrs. Sens and Meyer we have some charts and tables which indicate the possible improvement of using these technologies. To quote from Sens and Meyer concerning these slides, we have the following: "Supersonic transport range payload characteristics are improved with increasing Mach numbers greater than 2.7."

"Fuel: The use of methane as a fuel for the supersonic transport has many attractive features. The most obvious is a 15% improvement in heating value over JP fuels. The cryogenic properties of the fuel can be used to provide greater cooling of the engine hot parts, so that higher turbine inlet temperatures and greater hot section parts life can be achieved. By taking advantage of all the improvements made possible by methane, a 20–25% increase in range is possible relative to the JP fueled supersonic transport. In addition, methane is clean burning with a low luminosity flame, which further reduce metal temperatures. It is reasonable in cost, safe to handle on the ground and in the airplane, is available in large quantities, and it would eliminate the tankage and fuel system problems resulting from decomposition of JP type fuels at high temperatures. Its low temperature (—259 F boiling point at 1 atm) would permit significant simplication of the aircraft air condition system and equipment cooling problems. Also, our gas line pumping experience indicates that the use of natural gas as a fuel gives a considerable reduction in erosion of the hot turbine parts relative to JP. Liquid methane would require a new fuel logistics system, different fuel handling techniques, and give different problems in aircraft tankage design. However, its potential advantages as a supersonic transport fuel are so great that its technical feasibility and economic advantages must be explored.

"Range: Powerplant weight reduction can also contribute significantly to SST range. Weight reduction relative to current state-of-the-art could be achieved by improved aerodynamic loading in the compressor and turbine components, increased heat release rates in the burner and augmenter, improved structural techniques such as diffusion bonded hollow titanium fan blades, and the exploitation of composite materials such as boron, aluminum hydroxide, or pyrolytic graphite fibers in titanium or aluminum matrices.

"An increase in turbine inlet temperature of 300F will provide an additional 10% increase in range, assuming no increase in cooling air requirements and an optimized compression ratio. Better high temperature materials could provide higher temperature levels with adequate parts life and performance. It should be mentioned that the primary limitation to metal temperature where transport type durability is required is set by surface phenomena such as erosion and corrosion, rather than by basic material strength. Thus, primary effort should be placed on the development of base materials and coatings having better corrosion-erosion resistance at high metal temperatures. A turbine temperature increase and weight reduction are representative of what might be achievable in a second generation SST, assuming a continued high level technology development effort.

"A range increase on the order of 35% relative to JP can be obtained by the use of liquid hydrogen fuel based on constant aircraft empty weight. However, the low density hydrogen fuel would give an increase of about 700% in tankage volume, requiring storage of at least part of the fuel in large, lightweight, insulated fuselage tanks. Also, the projected costs of liquid hydrogen would make it noncompetitive from an economic point of view.

"On the basis of the approximate projections discussed so far, it would appear possible to achieve a 40% improvement in range over the supersonic transport aircraft now under development by use of methane fuel, increased cruise Mach number, reduced powerplant weight, and higher turbine inlet temperatures.

". . . It appears that the second generation supersonic transport aircraft can have adequate range, particularly if liquid methane fuel is used. . . ."

Perhaps a better area to pick to show a new technology resulting from space developments and used elsewhere would be in the field of health and medicine. However, in this field the contributions of space are interwoven so completely with contributions from nonspace efforts that it is difficult to separate them. The more important special contribution made by the space work has to do with the miniature sensors and remote sensing of body functions, which has been developed to test and monitor astronauts both in tests on the ground and in their actual space flight operations. In many ways equipment developed for this has had natural applications to the health and medical field. For example, "a six patient physiological monitoring system, which evolved from Mercury and Gemini technology, has been installed in a St. Louis hospital and is being marketed commercially. The system includes bedside consoles and oscilloscopes, two multiplexers used to display several traces simultaneously on each scope, a strip chart recorder, a magnetic drum recorder, and an audial alarm." Or, "a six legged walking vehicle devised as a remotely controlled instrument carrier for automated exploration of the moon has been adapted for use as a walking chair for limbless or otherwise crippled individuals. It can be controlled either by chin strap or by hand, and it can negotiate terrains such as curbs and beaches, that would be impossible for an ordinary wheelchair." Or, "NASA's studies of ways to avoid the potential degenerative physical effects of space flight have included the development of pressure cuffs and special exercising devices and techniques that can be applied to the care of bed patients forced to remain immobile for long periods."

One could go on at great length listing specifics as is done above in taking three points out of Newell's previously cited paper. The important thing to note is that the special requirements of man's space flight to bring about the development of all sorts of instruments and devices which can be quickly adapted to other problems in the area of health and medicine.

The space programme has three major kinds of effects on engineering.

First, since the current and planned space missions require outstanding performance in every working component, engineers have a remarkable incentive to improve technologies in a whole host of fields common to many engineering endeavors—in materials and metals, fuel chemistry, combustion and propulsion, structural design and testing, systems engineering and technical project organization, long-range communications and guidance, and automatic stability and control.

Second, the new space systems that are coming into being—including navigation, geodetic and communication satellites—will enable engineers to use them as components of even larger engineering accomplishments.

Third, besides leading generally to higher standards of performance, space has actually stimulated the development of complementary technologies. An example is the development of complete, long term, life supporting systems. This has lasting consequences in the health sciences and in living and working in the industrial world. Another field is in the development of new energy and propulsion devices. This includes hydrogen technology and rocketry, the use of solar energy, fuel cells and new forms of nuclear reactors, including a gas-cooled high-temperature nuclear reactor. These technologies have long-term implications in many industries as well as production of heat, electricity and work in normal home life. Still another field is that of reliable long-life untended automatic electronic systems and scientific apparatus. This has long-term implications throughout all of science and technical activity, space related or not.

Thank you.

THE GOAL OF THE ENEMIES OF THIS COUNTRY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. QUILLEN. Mr. Speaker, an interesting article in the Sunday, September 15, issue of the Daily Gazette-Mail of Morristown, Tenn., by Irene Kuhn, reveals "The Goal of the Enemies of This Country."

In closing, she said:

> We are still a nation of rule by law, not rule by mob violence. But we are in danger of losing one to the other. The time to act to safeguard our heritage is now.

This is well put. I have always said that the greatest danger in America today is the flagrant violation of law and order, and we must stop the violence—the rioting, the looting, the burning, and the murdering running wild on our streets.

I would like to share this article with the readers of the RECORD:

THE GOAL OF THE ENEMIES OF THIS COUNTRY

The goal of the enemies of this country, within and without, is plain: to destroy us by inciting violence, provoking civil war in the cities, putting and keeping the forces of law on the defensive.

Despite the great hullabaloo over Mayor Richard Daley, of Chicago, who put down force with force, the kind of trouble the Yippies and their ilk are fomenting must be dealt with firmly if we are to keep the nation secure and the people safe.

For years now, thoughtful men, experts in their specialties, have been warning us of a calculated assault on our institutions. The tide is beginning to come in now and we can be inundated unless we heed the signs and make the right moves.

Everybody except the ignorant young remembers Mein Kampf, written by that little Austrian corporal with the funny mustache. Adolf Hitler marked Germany for his own, and told everybody in the world in black and white print, in hundreds of thousands of copies of Mein Kampf, just what he proposed to do to make himself Master of Germany, and Germany Master of the world. But he was such a ludicrous little figure, with his ranting and raving, his Charlie Chaplin mustache, his Storm Troopers and his comic opera retinue, that nobody took him seriously. Especially the intellectuals who should have remembered the Bolshevik Revolution and how the strong men took it away from the intellectuals and made it into the totalitarian Communist regime.

ROAD TO ANARCHY

If we fail now to see warning signs in the organized violence everywhere, we shall certainly have propelled ourselves to the point of no return on the road to anarchy in these then Dis-United States.

Exactly two years ago, for instance, a former Justice of the Supreme Court, Charles E. Whittaker, wrote an article titled "The Effects of Planned Mass Disobedience of Our Laws." It appeared in the official publication of the FBI, the Law Enforcement Bulletin, September, 1966. So important was this article, however, that United States News & World Report published it in full, in its September 19 issue, giving it a broader public base of circulation.

Another official who fears that the attack of anarchistic militants is gaining speed and force is Associate Justice Abe Fortas, recently named by President Johnson to head the Supreme Court. Mr. Justice Fortas put his views "Concerning Dissent and Civil Disobedience" into a paperback book (Signet Broadside—New American Library), which has been on sale for 50c since mid-May, bought and read by thousands.

EVIDENCE OF DECAY

Justice Whittaker noted that in all recorded history no disorderly society has been able to survive. The first evidences of each society's decay appeared in the toleration of disobedience of its laws and the judgment of its courts.

"These are ancient and universal lessons," he said. "Yet in recent times, all of us have daily seen and heard an ever-increasing number of accounts that show, with unmistakable clarity, the rapid spread of a planned course of lawlessness in our land that threatens seriously to get out of hand and, hence, to destroy law and order.

". . . It cannot be denied that a large part of our current rash and rapid spread of lawlessness has derived from planned and organized mass disrespect for, and defiance of, the law and the courts, induced by the irresponsible and inflammatory preachments of some self-appointed leaders of minority groups to obey the good laws, but to violate the bad ones—which, of course, simply advocates violation of the laws they do not like, or, in other words, the taking of the law into their own hands. . . ."

We are still a nation of rule by law, not rule by mob violence. But we are in danger of losing one to the other. The time to act to safeguard our heritage is now.

POLITICS NEEDS YOUNG PEOPLE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 1968

Mr. PUCINSKI. Mr. Speaker, in a most impressive manner, the distinguished Governor of the State of Illinois, Hon. Samuel H. Shapiro, has presented an accumulation of his thoughts on the need for young people in government and politics.

I am pleased to insert into the RECORD the Governor's article entitled "Politics Needs Young People," which appeared in the September 1968 edition of the IIA Record, the Illinois Farm Bureau magazine.

POLITICS NEEDS YOUNG PEOPLE

(By Samuel H. Shapiro, Governor of the State of Illinois)

(NOTE.—America's youth have a vital stake in the future of our political system of self-government. Perpetuation and improvement of the system will depend upon today's young people—their understanding through education and their eventual involvement in the political processes of government at all levels. The IAA Record is honored to carry this important message by the distinguished governor of Illinois to the young members of Farm Bureau families throughout the state.)

There are many things in life that honorably may claim the energies and interests of young people of talent and education.

The call for talent is unmistakable, relentless and nearly overpowering. We are sometimes overcome by the din—plaintive cries from industry and business and all the other intriguing fields of enterprise available in a nation at work.

Everywhere is the need, the cry, for young people.

To my mind the most important call of all is from the area we call public service. Here too, there is a great and emphatic need for talents of the highest order. Here, in public service, a young person may serve with honor and distinction.

In government, in politics, as in other areas of our nation's life, there is the need for young people. This is almost an unwritten law of life—the young taking the place of the old.

Right now, government and politics need young people more than ever.

With reverence for the laws of our land we surely can form a more perfect government, establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty for all.

Young people can be effective in government. Young people have the enthusiasm, energy, and the fresh, unspoiled viewpoint. They need education, as much as they can possibly attain. Then they will be capable of taking the torch of leadership from the hands of elders who have themselves carried it with honor.

Many times older men gaze longingly upon the lives of the young. It isn't envy. But they wish they could live their lives over again in the light of what they have learned through experience. They look upon the blank, clean pages of a young life and wish they could make their mark once again.

Sir James M. Barrie said, "The life of every man is a diary in which he means to write one story and writes another and his humblest hour is when he compares the volume it is with what he hoped to make it."

Now is the time for young people to increase their understanding of our representative democracy. It is apparent that what is needed is good citizenship and a high degree of knowledge and education.

This is the hour for young people to commence writing in their own diary.

The personal standards of our young people soon enough will make their impress upon the national life and well they should. There must be standards. In a government where men are bound by no standards except those of personal whim and prejudice, tyranny exists.

Laws are cumbersome in a free government. They are also necessary in a free government. It was Alexander Hamilton who wrote in the Federalist Papers: "It has been frequently remarked, with great propriety, that a voluminous code of laws is one of the inconveniences connected with the advantages of free government."

We may say that our code of laws have become no less voluminous or no less cumbersome in the decades that have passed. Trying to explain why laws are necessary can be as difficult as attempting to explain why a nation that spends billions for a manned flight to the moon still is trying to outlaw firecrackers. The time is coming when it will be for our young people to furnish their own explanations, ban their own firecrackers or blow up the moon. The choice will be theirs to make.

In this nation the ballot is the democratic way to change the course of history and to select our leaders. Politics is vital to our nation and to our way of life, but it should not be a life or death proposition for our elected officials, for those actively seeking public office, or for any other type of leader of our people. I'm referring to the tragic and senseless assassination of President John F. Kennedy, the slaying of Dr. Martin Luther King and Robert F. Kennedy. We must put an end to these things.

Young people will find, as I have, that nothing is more fascinating than to take an active part in politics—to see genuine leaders rise to meet the challenges of the occasion and to watch men of goodwill, but of divergent views, meet and sometimes clash with words, with thoughts, and with ideas. Politics is not a career for the half-educated, the half-thinkers. It offers a challenge to the hearts of the young person of integrity and talent.

Let me emphasize that young people cannot truly dedicate themselves to the ideals of America without also dedicating themselves to the concept of law. Freedom and justice, grounded in a system of laws and protected by the courts, are the solid foundations on which America's strength and principle claim to moral leadership is based.

Abraham Lincoln said: "Let reverence for the laws . . . become the political religion of the nation."

The continent has been spanned and our western frontier conquered. What remains to be done?

Today's young people will have to answer this question. This is their heritage.

Each generation must look upon itself in the light of the years that remain in its life-span, those remaining years of life on this earth. Those who have the most years remaining are our young people. And so the calls go out . . .

HOUSE OF REPRESENTATIVES—*Wednesday, September 25, 1968*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

For I the Lord thy God will hold thy right hand, saying unto thee Fear not; I will help thee.—Isaiah 41: 13.

O Lord, our God, from the rest of the night and with strength restored and spirits refreshed we launch out into another day which Thou hast made. In this moment of prayer make us strong to stand steady amid the sinister forces, within and without, which would deny freedom and degrade the dignity of man. Though all else change, keep our faith in Thee firm with growing trust and increasing confidence.

Deliver us from petty concerns about little things and stand us in the center of great needs. Then, help us to open our hearts to our people that we may endeavor to meet their needs, share in their struggles, glory in their achievements, and to lead them to a better life in a better nation in a better world.

In the name of Him who sets men free we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1340. An act to authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3883. An act to authorize the Government of the District of Columbia to convey interests in certain property owned by the District of Columbia in Prince William County, Va., and for other purposes.

CONFERENCE REPORT ON S. 3769, HIGHER EDUCATION AMENDMENTS OF 1968

Mr. PERKINS submitted a conference report and statement on the bill (S. 3769) to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts.

ONE NATION, INDIVISIBLE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRINKLEY. Mr. Speaker, framed in an oval band of 50 stars on the ceiling of this House Chamber, there is the outline of an eagle. It seems to stand guard over a banner bearing the words "E Pluribus Unum"—one composed of many.

The ceiling near the eagle bears the mark of a ricocheting bullet. Some would say it is a prophecy of violence for this Nation.

However, to me, the message speaks to the enduring bonds between the States of our Union. Sustained by courage, fortified by adversity, the eagle still flies in the hearts of the men who are sheltered by her wings.

CURBING OBSCENE MATERIAL

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, I am pleased to note that GOP congressional efforts have so far helped put two strong antismut bills on the books and I believe that we must have even tougher legislation to drive smut peddlers out of business.

May I point out that a bill which I cosponsored provides authority for parents to protest the receipt of obscene literature to the Post Office Department and have their home addresses removed from questionable mailing lists. Another Republican-inspired measure which I energetically support would curb obscene telephone calls by making it a Federal offense to transmit such messages over interstate phone systems.

Although these two bills are a start toward cleaning up the tide of obscenity which threatens the moral welfare of many families in the land, we still have a long way to go. I support legislation which will define the term "obscene." Amazingly, present law fails to spell out exactly what is meant by obscene material, which makes it difficult to curb its dissemination. After we have spelled out this definition, we can then move ahead with workable legislation to drive smut peddlers out of business.

Mr. Speaker, I also urge support of the recommendation by a Presidential commission that a public utility type of corporation be created to improve mail delivery and expand facilities to serve the public. Since we will have a new Postmaster General in January, it would be my hope that steps to modernize the Post Office Department be steadily implemented since the deterioration of mail service is too obvious a problem to sweep under the rug.

REPREHENSIBLE, ADOLESCENT, AND IMMATURE CONDUCT

Mr. WATSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WATSON. Mr. Speaker, the only polite language that I can use in describing the conduct of two of our Members last Thursday afternoon is "reprehensible, adolescent, and immature." Perhaps some of the Members are not aware of the fact that last Thursday, through the generosity of my neighbor, the one in the next-door office to mine, the distinguished gentleman from California [Mr. MATHIAS], we were recipients of some delicious grapes.

Later that afternoon at 4 o'clock, with the design, instigation, and participation on the part of two Members of the New York delegation, identified in the press, a demonstration was staged against this man who was so kind to us.

Mr. Speaker, down my way ingratitude is, I believe, the lowest of all our vices; contemptible ingratitude is despised by every responsible individual.

Let me remind these Members who led the demonstration that we passed a bill last year making it illegal under penalty of $500 fine or 6 months' imprisonment to stage a demonstration or engage in any disorderly or disruptive conduct in or about the Capitol Buildings. Yet we have two Members from New York defying the law and helping to stage a demonstration outside the office of one of our colleagues.

Undoubtedly this is one of, if not the most reprehensible, acts that anyone could possibly engage in; common decency condemns it and the law forbids it. How can we expect the people to obey and comply with the laws that we pass when our membership refuses to do so? Frankly, I believe that it is ground for censure on the part of this House against these two particular Members.

I believe that every Member of this House, no matter his party affiliation, who is mindful of a sense of justice and decency and honor, will certainly condemn the conduct of these two Members who helped stage a demonstration against a fellow colleague of this House of Representatives.

ELECTED SCHOOL BOARD FOR DISTRICT OF COLUMBIA

Mr. GUDE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GUDE. Mr. Speaker, as one who supported and was most pleased with the enactment of legislation last year to provide the District of Columbia with an elected school board, I am shocked at the announcement that the District of Columbia Democratic State Central Committee is going to endorse and financially support candidates for the District of Columbia School Board election in November. The legislation specifies that the elections be conducted on a nonpartisan basis.

The action of the Democratic Party would appear to me to be certainly a violation of the spirit of the law, if not a violation of the law itself.

I would hope the District Democratic leaders would observe the election process and the successful functioning of an elected school board in Montgomery County where the public school system is of an outstanding quality.

I am pleased that in my own Eighth Congressional District, Montgomery County was the first in the State of Maryland to establish the elected school board system. For the past 20 years Montgomery County has preserved the nonpartisan principle of school board elections in a county which has at the same time a very high degree of partisan political activity for all of the other local, State, and Federal offices.

FARM BILL CONFERENCE REPORT

Mr. CONTE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, later today the Members of this body will be asked to act upon the conference report concerning amendments to the Food and Agriculture Act of 1965.

Mr. Speaker, I call upon all of my colleagues to reject this conference report which certainly fails to express the will of this body.

On August 1 this House approved an amendment which I offered to limit total farm subsidy payments under the Food and Agriculture Act of 1965 to a maximum of $20,000 for any one farmer or farm operation.

This amendment was approved by a record vote of 230 to 160—a 70-vote margin certainly represents to my way of thinking a substantial statement of support.

Our conferees, however, ignored this mandate from the Members of this House—they went to conference with a clear expression of this body's will and proceeded to drop my limitation. I would imagine it did not take very long, either, for them to give up on it.

But not only did the conferees ignore the will of this body, they proceeded to take extraordinary steps to make sure that this body would never have the opportunity to reaffirm the position it had so strongly set forth in adopting my amendment.

This conference was requested by the Senate. Now everyone knows that under regular procedures the Senate as the body requesting the conference should have voted after the House on the report.

But everyone also knows that if this report had come to the House first it would have been subject to a motion to return it to conference and insist on my amendment, whereas with the Senate acting first we could only vote it up or down.

What happened—well, our conferees allowed the Senate to act outside the normal rules and vote first on the bill in order to prevent this House from once more expressing its will in favor of a payment limitation.

Mr. Speaker, this never should have happened. Our conferees should have insisted on this payment limitation amendment and they certainly should have insisted on this House acting first on the report as is our prerogative.

I urge all of my colleagues who support a payment limitation to vote against this conference report and make clear that without a payment limitation this farm bill cannot be justified.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from California.

Mr. TEAGUE of California. I fully agree with the gentleman. I was one of the conferees and I did not sign the conference report. I commend the gentleman for his position.

REQUEST FOR PERMISSION TO CONSIDER DISTRICT OF COLUMBIA BILLS ON MONDAY, SEPTEMBER 30

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on Monday next it may be in order to consider District of Columbia bills.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, what will those District bills be that are to be considered? Will they be the carryover of bills from the past week?

Mr. ALBERT. Mr. Speaker, those are the only ones I know of.

I see the distinguished gentleman from South Carolina sitting here, and he says those are the only ones.

Mr. GROSS. Mr. Speaker, there are no additions to the list?

Mr. ALBERT. Mr. Speaker, will the gentleman yield to the distinguished gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. McMILLAN].

Mr. McMILLAN. Mr. Speaker, those are all we have at the present time. I do not think by Monday we can clear any other bills.

Mr. GROSS. Mr. Speaker, we will not have adjourned sine die by Monday?

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. SAYLOR. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

THE LATE ROY L. WHITMAN, FORMER OFFICIAL REPORTER OF DEBATES OF THE HOUSE OF REPRESENTATIVES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, Roy L. Whitman, who retired from the position of Dean of Official Reporters of Debates a little over 5 years ago, died this past Monday, September 23, 1968. Mr. Whitman was 76 years of age to the very day, having been born on September 23, 1892, in Marlboro, Mass. Coincidentally, this day was also his wife's 76th birthday and their 54th wedding anniversary.

Roy Whitman had served 31 years in our corps of official reporters at the time of his retirement and was one of the most loved and respected members of the group. Always thoughtful, kind, and considerate, he was most highly thought of by his colleagues and the Members. His untimely death must be a great shock to his family and his wife, Erie. I know the membership of the House who were familiar with this really fine and gentle man will join his former colleagues on the corps in mourning his passing and in expressing our condolences to the members of his family.

Friends may call at Joseph Gawler's Sons Funeral Home, Wisconsin Avenue at Harrison Street, Northwest, Wednesday, 2 to 4 and 6 to 8 p.m. Services will be held at the Metropolitan Memorial Methodist Church, Nebraska and New Mexico Avenues, Northwest, Thursday, September 26, at 2 p.m. Interment private.

BRIEF STATEMENT ABOUT THE LIFE AND SERVICE OF MR. ROY L. WHITMAN

Roy L. Whitman was appointed as Official Reporter of Debates of the House of Representatives in 1932. Mr. Whitman served the Congress since shortly after World War I. The business he recorded over more than 40 years ranged from committee hearings on the League of Nations during President Wilson's day to the legislative debates of the space age. The names and utterances of many of the immortals of American political history have been entered in his shorthand book.

Mr. Whitman was a working witness to congressional action and reaction through some of the most momentous days of the House and the Nation. His career took its form and substance from the daily work of the House. He recorded the talk and temper of this body as it dealt with the issues of war and peace, depression and prosperity. He recorded the words of our last four Presidents and of many distinguished visitors from abroad. He set down for the benefit of this House and future generations the words of poets, statesmen, and military heroes.

Roy was born September 23, 1892, in Marlboro, Mass. He was educated in the public schools of Massachusetts and

Maine, and in Maine attended grade school in Auburn and Lewiston. He graduated in 1912 from the Clark Business School of Tremont Temple, Boston, Mass., and in his studies there he specialized in shorthand.

He did his first reporting in February 1912, before the Committee on Medicine of the Massachusetts State Legislature.

Mr. Whitman came to Washington in February 1913, through a civil service appointment to the Post Office Department. In that Department he served nearly 6 years, 2 of them as secretary to the Solicitor of the Department, Mr. Lamar. He was also the official reporter in the Fraud and Lottery Section of the Department during his service there.

In 1918 he resigned from the Post Office Department and opened his own reporting business. In December of that year he reported his first committee in the House of Representatives, the Committee on the District of Columbia, and many committees of the House and Senate. He reported many proceedings of the Senate Committee on Foreign Relations when Senators Lodge of Massachusetts, Borah of Idaho, and Johnson of California constituted the great triumvirate of that committee during the days when the League of Nations was one of the prime matters of this country's foreign policy under President Wilson.

During the operation of his private reporting business Roy was one of the reporters on the famous Teapot Dome oil cases tried after World War I, following these proceedings from the hearings before the Senate committee to the conviction of Secretary Fall and the acquittal of Mr. Doheny. He also participated in reporting other large wartime conspiracy cases involving lumber and shipbuilding.

In 1914 he married Erie M. Turnbull of Delhi, Ontario, who was Roy's constant companion. Mr. Whitman leaves two children and six grandchildren. A son, Dr. Benaiah L. Whitman, is a physician in Philadelphia, Pa., while a daughter, Mrs. Wayne K. Hill, is a portrait artist in Silver Spring, Md.

GENERAL LEAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that other Members desiring to do so may extend their remarks at this point in the Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 17735, STATE FIREARMS CONTROL ASSISTANCE ACT OF 1968

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17735) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. DINGELL. Mr. Speaker, reserving the right to object, it is not my purpose to object but I should like to discuss this legislation very briefly with the chairman of the committee, the gentleman who has just made the request, to find out what his intentions are with regard to the conference, to the appointment of conferees, and whether or not it is the purpose of the conferees to sustain the House position. I should also like to have him enunciate for the benefit of Members here the differences which happen to exist between the Senate and House versions of the bill.

Mr. CELLER. I will answer the second question first:

Mr. Speaker, a tabulation of the differences between the House and Senate versions of H.R. 17735, the pending Federal firearms control legislation, reveals approximately 50 respects in which the measure differ.

Of course, some of these differences are technical and clerical in nature. On the other hand, there are a substantial number of significant substantive differences between the House and Senate versions which have to be resolved.

Significant among these differences is the treatment of: First, ammunition; second, collectors of firearms and ammunition; third, additional penalties for carrying firearms during the commission of Federal felonies; fourth, the classes of persons who are prohibited from transporting, shipping, or receiving a firearm or ammunition; fifth, a revision of the National Firearms Act relating to machineguns, destructive devices, and certain other firearms; and sixth, exemptions and import restrictions.

These substantive differences as well as numerous other disparities between the House and Senate versions require resolution in a free and open House-Senate conference.

As to the intention of the conferees, and I as a conferee, with reference to the coming conference, I will say that my experience has always been, and the experience will be in the coming conference, to hold fast as far as possible to the House position on the gun bill.

Mr. DINGELL. I should like also to know what is the purpose of the chairman of the committee with regard to the appointment of conferees. It is my understanding that the rules of the House and the precedents, as well as customs long established, require that conferees be appointed who are sympathetic to the position of this body as opposed to the position of the other body. Am I correct on that?

Mr. CELLER. I am not certain whether the gentleman is correct on that.

Mr. DINGELL. That is my understanding.

Mr. CELLER. The conferees were selected from the subcommittee which labored long and most dedicatedly to the fashioning of the bill. All the conferees supported the House version.

Mr. DINGELL. I should like to ask about the findings. There are extensive findings of fact made in the Senate bill, all of which were rejected in the House committee. What is the intention of the chairman of the committee with regard to that?

Mr. CELLER. I may say, as far as the House conferees' duties are concerned, it is to follow the position taken by the House, subject of course to the exigencies which may arise in the conference. The House bill eliminated all findings and recommendations.

Mr. DINGELL. I note that the gentleman indicated it is his feeling that these are technical differences. I note there are some very substantial differences. For example, in the collectors amendment there is considerable difference, in the definition of what constitutes interstate commerce; there is a difference in regard to transactions which took place before and after the effective date of the act involving firearms sales and involving acquisition of firearms by persons outside of their State of residence.

Mr. CELLER. I will say that there are a substantial number of significant substantive differences between the House and Senate versions. I did not cover all of the differences. I do not propose at this juncture to hold a conference on this bill with the gentleman from Michigan. I do not think that is practical.

Mr. DINGELL. I am much troubled, because I do not want the committee or this body to have the feeling that these are simply technical or minor amendments. They are differences of substance that go to whether or not an innocent act might otherwise be criminal and involve the whole question of the right of citizens of this Nation to own firearms for lawful sporting or defense purposes.

Mr. CELLER. All I can say is there are very many technical differences and there are a number of substantive differences.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none and appoints the following conferees: Messrs. Celler, Rodino, Donohue, Kastenmeier, McCulloch, Mathias of Maryland, and MacGregor.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 348]

Abbitt
Addabbo
Ashley
Ashmore
Aspinall
Baring
Barrett
Bell
Biester
Blanton
Bolling
Brown, Calif.
Brown, Ohio
Clancy
Cohelan
Conyers
Cowger
Daddario
Davis, Ga.
Dawson
de la Garza
Dickinson
Diggs
Dow
Eilberg
Farbstein
Fascell
Fisher
Flynt
Ford, William D.
Gallagher
Gurney
Halleck
Hansen, Idaho
Hansen, Wash.
Harrison
Hathaway
Hawkins
Hébert
Heckler, Mass.
Herlong
Hosmer
Jacobs
Karsten
King, Calif.
Kirwan
Kuykendall
Laird
Landrum
Long, La.

Long, Md.
McClure
McDonald, Mich.
Mailliard
Minish
Morgan
Nedzi
O'Hara, Mich.
Ottinger
Pettis
Pollock
Rarick
Reid, N.Y.
Resnick
Rostenkowski
Roudebush
Roybal
Ryan
Sandman
Schweiker
Shriver
Sisk
Snyder
Stafford
Stratton
Stubblefield
Thomson, Wis.
Tunney
Ullman
Waggonner
Walker
Watts
Willis
Wright

The SPEAKER. On this rollcall 347 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING CONSTRUCTION OF PARKING FACILITIES FOR GOVERNMENT EMPLOYEES AND VISITORS TO DISTRICT OF COLUMBIA

The SPEAKER. The unfinished business is the vote on the motion of the gentleman from California [Mr. UTT] to recommit the bill (H.R. 17854) to authorize the Commissioner of the District of Columbia to administer a program to provide for the construction of parking facilities in the District of Columbia for Government employees and visitors to the District of Columbia.

Mr. NELSEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. NELSEN. I am wondering if there is no opportunity for debate. I am opposed to the motion to recommit. Will there be any opportunity for any discussion?

The SPEAKER. The previous question has been ordered on the motion to recommit.

Without objection, the Clerk will again report the motion to recommit.

There was no objection.

The Clerk read as follows:

Mr. UTT moves to recommit the bill H.R. 17854 to the Committee on the District of Columbia.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. ADAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 127, nays 225, not voting 79, as follows:

[Roll No. 349]

YEAS—127

Adams
Anderson, Ill.
Anderson, Tenn.
Annunzio
Bingham
Blatnik
Boland
Brademas
Brasco
Brooks
Burton, Calif.
Burton, Utah
Carey
Celler
Clark
Corman
Culver
Cunningham
Daniels
Delaney
Dent
Devine
Diggs
Dingell
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Evans, Colo.
Evins, Tenn.
Fallon
Feighan
Foley
Fraser
Friedel
Garmatz
Gilbert
Gonzalez
Green, Pa.
Griffiths
Grover
Hamilton
Hanley
Hanna
Harvey
Hathaway
Hays
Hechler, W. Va.
Helstoski
Hicks
Holifield
Horton
Howard
Hungate
Joelson
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kelly
Kluczynski
Kyros
Leggett
McCarthy
McFall
Macdonald, Mass.
Machen
Madden
Matsunaga
Meeds
Miller, Calif.
Mills
Mink
Morse, Mass.
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
O'Hara, Ill.
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Pike
Podell
Price, Ill.
Pryor
Pucinski
Randall
Rees
Reid, N.Y.
Reuss
Rhodes, Pa.
Rodino
Ronan
Rooney, N.Y.
Rosenthal
Roth
Roush
Roybal
Rumsfeld
St. Onge
Saylor
Scheuer
Schwengel
Shipley
Smith, Iowa
Staggers
Steiger, Wis.
Sullivan
Tenzer
Thompson, N.J.
Udall
Utt
Van Deerlin
Vanik
Vigorito
Waldie
Wolff
Wydler
Wylie
Yates
Young
Zablocki

NAYS—225

Abbitt
Abernethy
Adair
Addabbo
Albert
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Barrett
Bates
Battin
Belcher
Bennett
Berry
Betts
Bevill
Blackburn
Boggs
Bolton
Bow
Bray
Brinkley
Brock
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carter
Casey
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corbett
Cramer
Curtis
de la Garza
Dellenback
Denney
Derwinski
Dole
Donohue
Dorn
Dowdy
Downing
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Everett
Findley
Fino
Flood
Ford, Gerald R.
Fountain
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gardner
Gathings
Gettys
Giaimo
Gibbons
Goodling
Gray
Green, Oreg.
Griffin
Gross
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hardy
Harsha
Henderson
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Kee
Keith
King, N.Y.
Kirwan
Kleppe
Kornegay
Kupferman
Kuykendall
Kyl
Langen
Latta
Lennon
Lipscomb
Lloyd
Lukens
McClory
McCloskey
McDade
McEwen
McMillan
MacGregor
Mahon
Marsh
Martin
Mathias, Md.
May
Mayne
Meskill
Michel
Miller, Ohio
Minshall
Mize
Monagan
Montgomery
Moore
Moorhead
Morris, N. Mex.
Mosher
Myers
Natcher
Nelsen
Nichols
Nix
O'Konski
O'Neal, Ga.
Passman
Pelly
Perkins
Philbin
Pickle
Pirnie
Poage
Poff
Price, Tex.
Purcell
Quie
Quillen
Railsback
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Riegle
Rivers
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, Pa
Ruppe
St Germain
Satterfield
Schadeberg
Scherle
Schneebeli
Scott
Selden
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Springer
Stanton
Steiger, Ariz.
Stephens
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Tiernan
Tuck
Vander Jagt
Wampler
Watkins
Watson
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wyatt
Wyman
Zion
Zwach

NOT VOTING—79

Ashley
Ashmore
Aspinall
Baring
Bell
Biester
Blanton
Bolling
Broomfield
Brown, Calif.
Brown, Ohio
Clancy
Cohelan
Conyers
Cowger
Daddario
Davis, Ga.
Davis, Wis.
Dawson
Dickinson
Dow
Farbstein
Fascell
Fisher
Flynt
Ford, William D.
Gallagher
Gurney
Halleck
Hansen, Idaho
Hansen, Wash.
Harrison
Hawkins
Hébert
Heckler, Mass.
Herlong
Hosmer
Irwin
Jacobs
Karsten
King, Calif.
Laird
Landrum
Long, La.
Long, Md.
McClure
McCulloch
McDonald. Mich.
Mailliard
Mathias, Calif.
Minish
Morgan
O'Hara, Mich.
Pettis
Pollock
Rarick
Resnick
Rostenkowski
Roudebush
Ryan
Sandman
Schweiker
Shriver
Sisk
Snyder
Stafford
Steed
Stratton
Stubblefield
Thomson, Wis.
Tunney
Ullman
Waggonner
Walker
Watts
Willis
Wilson, Charles H.
Wright

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Laird.
Mr. Ashmore with Mr. McCulloch.
Mr. Aspinall with Mr. Broomfield.
Mr. Waggonner with Mr. Thomson of Wisconsin.
Mr. Minish with Mr. Sandman.
Mr. Morgan with Mr. Bell.
Mr. Farbstein with Mr. Mailliard.
Mr. Fascell with Mr. Hosmer.
Mr. O'Hara of Michigan with Mr. Roudebush.
Mr. Rostenkowski with Mr. Macdonald of Massachusetts.
Mr. Stratton with Mr. Brown of Ohio.
Mr. Charles H. Wilson with Mr. McClure.
Mr. Long of Louisiana with Mr. Shriver.
Mr. Brown of California with Mrs. Heckler of Massachusetts.
Mr. Baring with Mr. Stafford.
Mr. Daddario with Mr. Clancy.
Mr. Davis of Georgia with Mr. Mathias of California.
Mr. Fisher with Mr. Davis of Wisconsin.
Mr. Hawkins with Mr. Pettis.
Mr. Steed with Mr. Biester.
Mr. Willis with Mr. Pollock.
Mr. Tunney with Mr. Snyder.
Mr. Cohelan with Mr. Harrison.
Mr. Sisk with Mr. Cowger.
Mr. Stubblefield with Mr. Hansen of Idaho.
Mr. Wright with Mr. Halleck.
Mr. Walker with Mr. Gurney.
Mr. Blanton with Mr. Dickinson.
Mr. Flynt with Mr. Schweiker.
Mr. William D. Ford with Mr. Dow.
Mr. Gallagher with Mr. Rarick.
Mr. King of California with Mr. Ullman.
Mr. Watts with Mr. Irwin.
Mr. Ashley with Mr. Dawson.
Mr. Ryan with Mr. Conyers.
Mr. Jacobs with Mrs. Hansen of Washington.
Mr. Resnick with Mr. Long of Maryland.
Mr. Herlong with Mr. Karsten.

Mr. McCARTHY, Mr. ANDERSON of Tennessee, and Mr. SMITH of Iowa changed their votes from "nay" to "yea."

Mr. CABELL, Mr. GOODLING, and Mr. McEWEN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 944) relating to the establishment of parking facilities in the District of Columbia.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS OF FACT: SHORT TITLE

SECTION 1. (a) The Congress finds that—

(1) the growth and development of the National Capital area has been accompanied by an ever-increasing number of persons entering the District of Columbia by motor vehicle which has resulted in serious traffic congestion;

(2) this congestion restricts the interchange of goods, services, and people between the District of Columbia and the surrounding suburbs, to the detriment of both; imposes hardships and inconvenience on residents, employers, employees, and tourists in the National Capital area; impedes the efficient conduct of the United States and the District of Columbia governments; and interferes with the rapid and effective disposition of police and firefighting equipment;

(3) the orderly growth and development of the National Capital area requires a balanced transportation system which provides residents of and visitors to the National Capital area a variety of economic and efficient means of travel into and through the District of Columbia;

(4) a balanced transportation system requires adequate highways, rapid rail transit, buses, and off-street parking facilities for motor vehicles;

(5) off-street parking facilities in sufficient numbers and at rates and locations adequate to meet the needs of the National Capital area have not been provided; and

(6) the establishment of a parking authority to supplement existing parking with additional off-street parking facilities is necessary to maintain and improve the economic well-being of the National Capital area, the safety, convenience, and welfare of the residents thereof and the visitors thereto, and the efficiency of the United States and District of Columbia governments.

(b) This Act may be cited as the "District of Columbia Parking Facility Act".

CREATION OF PARKING BOARD

SEC. 2. (a) There is hereby created and established a body politic and corporate of perpetual duration, to be known as the "District of Columbia Parking Board" (herein called the "Parking Board"). The Parking Board shall consist of three members, who shall be the members of the Board of Commissioners of the District of Columbia. The term of office of any member of the Parking Board shall be the same as his term of office as such Commissioner. Two members of the Parking Board shall constitute a quorum. The members of the Parking Board shall select from among their number a chairman and a vice chairman of the Parking Board.

(b) The Parking Board shall appoint, subject to the provisions of the Classification Act of 1949, as amended, and other applicable laws relating to employees of the District of Columbia, an Administrator. The Parking Board may delegate to the Administrator such authority as may be necessary or convenient to carry out the purposes of this Act.

PARKING ADVISORY COUNCIL

SEC. 3. (a) There is hereby established a Parking Advisory Council (herein called the "Advisory Council"). The Advisory Council shall be composed of eleven members, consisting of the Secretary of the Interior or his designee, the Director of the District of Columbia Department of Highways and Traffic or his designee, the Administrator of General Services or his designee, the Chairman of the National Capital Planning Commission or his designee, the Administrator of the National Capital Transportation Agency or his designee, all ex officio, and six members from private life appointed by the Parking Board of whom one shall be designated biennially by the Parking Board to serve as chairman. The members from private life shall be chosen to reflect a range of experience in such fields as architecture, engineering, retail trade, real estate, financing, law, motor vehicle parking, and transportation.

(b) The members of the Advisory Council appointed by the Parking Board shall be appointed for a term of four years, except that with respect to the first appointments made after this Act becomes effective, one member shall be appointed for a one-year term, one member shall be appointed for a two-year term, two members shall be appointed for a three-year term, and two members shall be appointed for a four-year term. Any member appointed to fill a vacancy shall serve only for the unexpired term of the member he is replacing. Any member shall be eligible for reappointment.

(c)(1) Members of the Advisory Council who are officers or employees of the United States or of the District of Columbia shall serve without compensation in addition to that received in their regular public employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Council.

(2) Members of the Advisory Council, other than those to whom paragraph (1) is applicable, shall receive compensation at the rate of $50 per day for each day they are engaged in the performance of their duties as members of such Council and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performances of their duties as members of the Council.

(d) It shall be the duty of the Advisory Council to advise and assist the Parking Board in carrying out its functions under this Act, including the overall planning of parking facilities, the acquisition, construction, design, and operation of such facilities and such other matters as the Parking Board shall request or the Advisory Council shall determine. The Parking Board shall request the views of the Advisory Council on each matter made subject to a public hearing by this Act, and shall include the report of the Council, if any, in the Parking Board's record.

(e) The Advisory Council is authorized, within the limits of funds authorized by the Parking Board and subject to the provisions of the Classification Act of 1949, as amended, and other applicable laws relating to employees of the District of Columbia, to appoint an executive secretary. Subject to reimbursement by the Parking Board for the salaries, retirement, health benefits, and similar costs for such employees, the ex officio members of the Advisory Council and the Commissioners of the District of Columbia shall make available to the executive secretary such staff, information, and technical assistance as he shall require to enable the Advisory Council to carry out its responsibilities under this Act.

(f) The Advisory Council is authorized, within the limits of funds authorized by the Parking Board, in accordance with the provisons of section 20(a)(11) of this Act to hire independent consultants to assist it in carrying out its responsibilities under this Act.

COMPREHENSIVE PARKING STUDY

SEC. 4. (a) The Advisory Council shall, within one year following the date of enactment of this Act, and not less than once each five years thereafter, prepare and distribute a comprehensive report on parking in the District of Columbia metropolitan area. Such report shall include—

(1) an inventory of existing parking facilities in the District of Columbia, both public and private, and an analysis of the manner and extent to which they are utilized;

(2) an inventory of the existing and reasonably anticipated transportation facilities in the National Capital area, including roads, highways, buses, and rapid rail transit, and an analysis of the manner and extent which they are utilized;

(3) an analysis of the extent, type, and location of all parking facilities and on-street parking which are necessary or desirable for achieving balanced transportation and an efficient flow of traffic in the National Capital area together with recommendations as to the need, if any, for additional public parking facilities and the areas within which such facilities should be located; and

(4) any other information or recommendations that the Advisory Council determines to be useful to the Parking Board in carrying out its duties under this Act.

(b) The Advisory Council shall refer the parking report to all interested agencies in the National Capital area for their information and comments. The parking report and all relevant data used to compile the report shall be made available to owners and operators of private parking facilities in the District of Columbia in order to enable them more effectively to plan the operation and expansion of their facilities.

ACQUISITION OF PARKING FACILITIES

SEC. 5. (a) The Parking Board is authorized to acquire, in its own name, by purchase, lease, gift, exchange, condemnation, or otherwise, such property, real or personal, in the District of Columbia, including any rights or interests therein, as the Parking Board may require to carry out the provisions of this Act; except that in no case shall the Parking Board acquire by condemnation any real property on which there is located a parking facility, unless the Parking Board intends substantially to increase the number of vehicles which can be parked on such property: *Provided*, That if within thirty days after the Board institutes a condemnation proceeding to acquire land on which there is located a parking facility the owners of such property file with the court a signed statement to the effect that they plan to undertake such construction as is necessary to cause to be located thereon a parking facility equal in capacity to that proposed to be constructed thereon by the Board and that they will cause such construction to be commenced within one year after the date such statement is filed, the condemnation proceeding shall be stayed pending the completion of such construction. Upon such completion, the court shall enter an order dismissing the condemnation proceeding. If such construction does not commence within such one-year period and proceed expeditiously thereafter, the Board may proceed with the condemnation proceeding.

(b) The Commissioners of the District of Columbia are authorized to make available to the Parking Board, without consideration, air and subsurface rights in areas consisting principally of land in street, highway, railway, or subway rights-of-way, bridges, and other lands under their jurisdicion and control in the District of Columbia for use by the Parking Board in carrying out its duties under this Act. The Commissioners, to the extent feasible, shall exercise this authority to enable the Parking Board to locate parking facilities in such manner as to coordinate parking with any future highway or subway construction in the District of Columbia. Nothing in this Act shall be construed as modifying or superseding title 23, United States Code.

(c) The Secretary of the Interior and the Administrator of General Services are authorized, subject to such terms and conditions as they may prescribe, to make available to the Parking Board, without consideration, subsurface rights in lands in the District of Columbia under their respective jurisdiction and control for use by the Parking Board in carrying out its duties under this Act.

(d) The Parking Board shall take no final action with respect to the acquisition of a parking facility or the acquisition of any real property for the purpose of establishing thereon a parking facility (other than the taking of options) until the Parking Board has—

(1) obtained a study of such proposed facility from an independent expert qualified to evaluate the feasibility of any such facility, and

(2) held a public hearing to obtain views on the need for such facility, its proposed size, and its economic feasibility. The Board shall publish notice of any such hearing in at least one newspaper of general circulation in the District of Columbia at least twenty days prior to such hearing.

(e) No condemnation proceeding shall be instituted under this Act unless the Commissioners, acting in their capacity as Commissioners, shall have approved the filing of such proceedings. Condemnation proceedings brought pursuant to this section shall be brought in the name of the Parking Board. Such proceedings shall be instituted and conducted in the United States District Court for the District of Columbia, which court shall have jurisdiction of such proceedings, and shall be prosecuted in accordance with the procedure in proceedings instituted and conducted under the authority of sections 1311 through 1321 of title 16 of the District of Columbia Code, except that (1) wherever in such sections the terms "Board of Commissioners" or "Board" appear, such terms shall be deemed, for the purposes of this Act, to mean the Parking Board, (2) wherever in such sections provision is made for property to be taken in the name of the District of Columbia, such provisions shall, for the purposes of this Act, be construed to mean the Parking Board, (3) wherever in such sections reference is made to the District of Columbia (as a party to a proceeding instituted or conducted under the authority of such sections), such terms shall be deemed to refer to the Parking Board, and (4) wherever in such sections any payment is required by any of such sections to be made from appropriated funds, such payment is authorized to be made from any moneys of the Parking Board which are available for such purpose.

(f) The acquisition, by condemnation, of real property for use by the Parking Board under this Act shall be authorized only if, prior to the initiation of proceedings to condemn such proptry, the Parking Board shall have taken the following actions:

(1) Retained at least two qualified, independent real estate appraisers to assist it in establishing the fair market value of the property, and such appraisers have advised the Parking Board, in writing, of such value;

(2) Established a fair market value for the property based on such appraisal;

(3) Certified that it has been unable to purchase the property at such fair market value;

(4) Initiated condemnation proceedings within ninety days from the date of the certification required by paragraph (3): *Provided*, That in the event the Parking Board should fail to initiate such proceedings within the prescribed period, the Parking Board shall be foreclosed from initiating any such proceeding against said real property for a period of at least five years from the expiration of said ninety-day period;

(5) Certified that decent, safe, and sanitary housing can reasonably be expected to be available to any families which may be displaced by such condemnation action at rentals they can reasonably afford; and

(6) Certified that, barring acts of God or other unforeseeable circumstances, it will commence, or cause to be commenced, construction of a parking facility upon such property within one year following the date of acquisition.

(g) In addition to any payments required by the preceding subsection, the Parking Board is hereby authorized to make relocation payments to persons displaced by reason of its acquisition of property under the authority of this section to the same extent as such persons would have been entitled to have received if such displacements had been within the purview of section 114 of title I of the Housing Act of 1949, as amended. The Parking Board and the District of Columbia Redevelopment Land Agency are authorized to enter into an agreement under which such Agency shall undertake to administer the payments authorized to be made by this subsection, and provide the Parking Board with relocation services in like manner as such Agency provides such services to the Commissioners.

(h) No parking facility shall be established under this Act upon any property zoned residential without the approval of the Zoning Commission of the District, which may grant such approval only after public notice and hearing in accordance with the provisions of section 3 of the Act of June 20, 1938 (52 Stat. 798 (1938); D.C. Code, sec. 5–415).

PARKING BOARD AUTHORIZED TO CONSTRUCT AND OPERATE FACILITIES

SEC. 6. (a) The Parking Board is authorized to undertake, by contract or otherwise, the clearance and improvement of any property acquired by it under this Act as well as the construction, establishment, reconstruction, alteration, repair, and maintenance thereon of parking facilities. The Parking Board shall take such action as may be necessary to insure that all laborers and mechanics employed in the performance of such construction, alteration, and/or repair shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended. The Secretary of Labor shall have, with respect to the labor standards specified herein, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(b) The Parking Board may, with respect to any facility acquired or constructed pursuant to this Act,

(1) lease space in such facility at or below the level of the street on which such facility fronts or abuts for commercial purposes, and

(2) lease or sell air rights above any parking structure of four or more stories for commercial purposes, if the Parking Board determines that the utilization of such space or air rights for commercial purposes is expedient for the financing of such parking facility and is compatible with the development and zoning of the vicinity in which such facility is located: *Provided*, That no petroleum products shall be sold or offered for sale in any entrance to or exit from any parking facility constructed or acquired under this Act. The rentals so generated shall be taken into account in fixing the rental or sales price of any real property or facility leased or sold pursuant to sections 7 and 8.

(c) The Parking Board shall, as soon as practicable, lease or sell, pursuant to sections 7 and 8 hereof, any facility acquired or constructed under this Act unless the Parking Board determines that the public interest would best be served if it operated such facility itself, and includes in its record of the matter a statement as to its reasons therefor. Each such determination so made shall be reviewed by the Parking Board not less than every three years following the date on which such determination is made. The Parking Board shall extend to all qualified persons experienced in the business of motor vehicle parking who owned a parking facility on any land acquired by condemnation pursuant to section 5 the right of first refusal with respect to any sale, or the right to meet the high bid, with respect to the leasing, of any parking facility constructed on such land.

(d) In operating any such facility, the Board shall, to the extent feasible, provide, by contract, or otherwise, for such operation of its parking facilities by any person or management firm competent to manage the operation. Any such contract shall be subject to the Service Contract Act of 1965 (79 Stat. 1034).

PARKING BOARD AUTHORIZED TO LEASE FACILITIES

SEC. 7. (a) The Parking Board is authorized to lease any parking facility acquired or constructed by it for such period of time, as the Board may determine, except that a lease which is used as security for permanent financing shall not exceed forty years in duration and any other lease shall not exceed five years in duration. The Parking Board shall invite competitive bids for the lease of any parking facility, but may, whenever it determines it to be in the public interest, negotiate the lease of any such facility. The Parking Board shall include in its record of the matter a statement as to its reason for so negotiating any such lease.

(b) The Parking Board shall not lease any facility for an annual rental in an amount less than that which is necessary to amortize, within a forty-year period, the cost of acquiring or constructing such facility and to provide a reasonable reserve for such purpose; to meet the Parking Board's obligations, if any, under the lease including any obligation to repair, maintain, or insure the facility; to make payments in lieu of taxes; and to meet all administrative expenses and other charges in connection therewith; except that the Parking Board may, for good cause, accept, for such number of years as the Parking Board may determine is necessary, a lower rental than the minimum hereinabove prescribed, subject to the repayment to the Parking Board of the difference between such lower rental and such minimum rental prior to the termination of the period for which the parking facility is leased.

(c) The lease of a parking facility shall be upon terms and conditions requiring that such parking facility shall be operated and maintained, during the term of the lease, for the parking of motor vehicles by the general public in accordance with rates, hours of service, methods of operation, rules, and regulations established or approved by the Parking Board and posted in such parking facility by the lessee.

PARKING BOARD AUTHORIZED TO SELL FACILITIES

SEC. 8. (a) The Parking Board is authorized to sell any parking facility other than any facility constructed on land owned by or acquired from the governments of the United States or the District of Columbia. The Parking Board shall invite competitive bids for the sale of any such parking facility, but may, whenever it determines it to be in the public interest, negotiate the sale of such facility. The Parking Board shall include in its record of the matter a statement as to its reason for so negotiating any such sale.

(b) The sale of any such parking facility shall be upon terms and conditions requiring that such parking facility shall be operated and maintained for the parking of motor vehicles by the general public in accordance with rates, hours of service, method of operation, rules, and regulations established or approved by the Parking Board and posted in such parking facility by the purchaser.

(c) The Parking Board is authorized, in connection with the sale of a parking facility acquired or constructed by it, to include in the deed for such property a covenant, running with the land, whereby the purchaser agrees, for himself and his successors in interest, that the property purchased from the Parking Board will be used as a parking facility for such period of time as the Parking Board shall specify in said covenant. The Parking Board is authorized to agree, subject to the requirements of the preceding subsection (b), to the release or modification of any such covenant whenever the Parking Board shall find, after public hearing, that the operation of a parking facility no longer is in the public interest, or the development of the vicinity in which such parking facility is located is or will be of such a character as to make such facility incompatible with such vicinity.

LEASING PROPERTY FOR DEVELOPMENT

SEC. 9. (a) The Parking Board is authorized to lease for terms not exceeding forty years, any real property acquired pursuant to this Act, and to stipulate in such lease that the lessee shall erect at his or its expense a structure or structures on the land leased, which structure or structures and property shall be primarily used, maintained, and operated as a parking facility. Every such lease shall be entered into upon such terms and conditions as the Parking Board shall impose including, but not limited to, requirements that such structure or structures shall conform with the plans and specifications approved by the Board; that such structure or structures shall become the property of the District, or in the case of a facility constructed on land under the control and jurisdiction of the United States, such structure shall become the property of the United States, upon termination or expiration of any such lease; that the lessee shall furnish security in the form of a penal bond, or otherwise, to guarantee fulfillment of his or its obligations; that the lessee shall take such action as may be necessary to insure that all laborers and mechanics employed in the performance of such construction, alteration, and/or repair shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended, and any other requirements which, in the judgment of the Parking Board, shall be related to the accomplishment of the purposes of this Act.

(b) The lessee may, with the consent of the Parking Board—

(1) sublease space in such facility at or below the level of the street upon which such facility fronts or abuts for commercial purposes; or

(2) sublease air rights above any parking structure of four or more stories for commercial purposes;

if the Parking Board determines that the utilization of such space or air rights for commercial purposes is expedient for the financing of such parking facility and is compatible with the development of the vicinity in which such facility is located: *Provided*, That no petroleum products shall be sold or offered for sale in any entrance to or exit from any parking facility constructed or acquired under this Act. The rentals so generated shall be taken into account in fixing the sales price of any real property sold pursuant to this section and the approval of rates for the parking of motor vehicles in the parking facility constructed thereon.

(c) Any such lease made pursuant to this section shall be upon such terms and conditions as the Parking Board shall determine, and shall include requirements that any parking facility constructed on the land so leased shall be operated and maintained for the parking of motor vehicles by the general public in accordance with rates, hours of service, method of operation, rules, and regulations established or approved by the Parking Board and posted in such parking facility by the lessee.

RATES

SEC. 10. (a) The Parking Board shall establish and, from time to time, revise, with or without public hearings, schedules of rates to be charged for use of space in each parking facility established pursuant to this Act. In establishing such rates, the Parking Board shall (i) consider, among other factors, the existing rates charged by privately operated parking facilities serving the same vicinity; and (ii) consider, in light of the overall transportation needs and problems of the District of Columbia metropolitan area, the extent to which long-term and short-term parking is desirable at each location and shall fix a schedule of rates for each location which is designed to encourage the types of use that are desired at such location. The Parking Board is authorized to provide rate differentials for such reasons as the amount of space occupied, the location of the facility, and other reasonable differences.

(b) The rates to be charged for the parking of motor vehicles within the parking facilities operated by the Parking Board shall be fixed at the lowest rates that will defray the cost of maintaining, operating, and administering such parking facilities; amortize, within a forty-year period, the cost of acquiring or constructing such faiclities; pay all charges, fees, and payments in lieu of taxes attributable to such facilities.

(c) The rates to be charged for the parking of motor vehicles within any parking facilities leased pursuant to this Act shall be fixed at the lowest rates that will enable the lessee to meet all his obligations under his lease or leases; to defray all reasonable and necessary operating expenses; and to earn a fair and reasonable profit or return on his investment.

(d) The rates to be charged for the parking of motor vehicles within any parking facilities sold by the Parking Board pursuant to this Act, or constructed on any unimproved real property leased pursuant to section 9 of this Act, shall be fixed at the lowest rates that will enable the purchaser or lessee, as the case may be, to meet all his obligations under the purchase or lease agreement or agreements to amortize his investment over a reasonable period; to defray all reasonable and necessary operating expenses; and to earn a fair and reasonable profit or return on his investment.

AUTHORITY TO ISSUE OBLIGATIONS

SEC. 11. (a) The Parking Board is authorized to issue and sell, upon such terms and conditions as it shall by resolution prescribe, its obligations having such maturities and bearing such rate or rates of interest as may be determined by the Parking Board: *Provided*, That not more than $50,000,000 in such obligations shall be outstanding at any time. Obligations issued under this Act shall be offered at public sale to the lowest responsible bidder. Such obligations may be made redeemable at the option of the Parking Board before maturity in such manner as may be stipulated in such obligations. The principal of and the interest on any such obligations so issued shall be payable out of any moneys or revenues of the Parking Board available under the provisions of this Act. The obligations issued under this Act, together with the interest thereon, shall not constitute a debt or obligation of the United States or of the District of Columbia, and the obligations issued by the Parking Board shall clearly so state.

Obligations authorized hereunder may be issued by the Parking Board in the form of temporary, interim, or definitive bonds, at one time or from time to time, for any of its corporate purposes, including acquiring necessary cash working funds, constructing, reconstructing, extending, or improving a parking facility or facilities or any part thereof and acquiring any property, real or personal, useful for the construction, reconstruction, extension, improvement, or operation of a parking facility or part thereof. The Parking Board shall also have power from time to time to refund any bonds by the issuance of refunding bonds, whether the bonds to be refunded shall have or have not matured, and may issue bonds partly to refund bonds outstanding and partly for any other of its corporate purposes. To the extent feasible, the provisions of this Act governing the issuance and securing of other obligations shall govern refunding bonds. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under article 3 of the Uniform Commercial Code of the District of Columbia. The Parking Board shall determine the date, the price or prices, and the terms of redemption, and the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the District of Columbia. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any bond may bear the facsimile signature of, or may be signed by, such person as at the actual time of the execution of such bond shall be duly authorized to sign such bond although at the date of such bond such person may not have been such officer. The bonds may be issued in coupon or in registered form, or both, as the Parking Board may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the exchange of either coupon bonds or registered bonds without coupons for an equal aggregate principal amount of other coupon bonds or registered bonds without coupons, or both, of any denomination or denominations.

In the discretion of the Parking Board, bonds may be secured by a trust agreement by and between the Parking Board and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the District of Columbia. Such trust agreement may contain provisions for protecting and enforcing the rights and remedies of the bondholders, including convenants setting forth the duties of the Parking Board in relation to the acquisition of property and the construction of parking facilities and the improvement, maintenance, operation, repair, and insurance of parking facilities, the rates to be charged and the custody, safeguarding, and application of all moneys; shall set forth the rights and remedies of the bondholders and of the trustees; may restrict the individual right of action by bondholders; and may contain such other provisions as the Parking Board may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as a part of the cost of operation.

In order to secure the payment of its bonds, the Parking Board shall have the power, in the resolution authorizing the issuance thereof or in the trust agreement securing such bonds (which shall constitute a contract with the holders thereof): to pledge all or any part of its revenues, including future revenues, the proceeds of bonds and any other moneys available to the Parking Board; to covenant with respect to pledges of revenues, liens, mortgages, sales, leases, any property then owned or thereafter acquired, or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on any right to sell, lease, or otherwise dispose of any parking facility or part thereof, or any property of any kind; to covenant with respect to the terms of any bonds to be issued, the custody, application, investment, and disposition of the proceeds thereof, the issuance of additional bonds, the incurring of any other obligations by it, the payment of the principal of and the interest on the bonds or any other obligations, the sources and method of such payment, the rank or priority of any such bonds or other obligations with respect to any lien or security or as to the acceleration of the maturity of any such bonds or other obligations; and to covenant with respect to the replacement of lost, destroyed, or mutilated bonds. The Parking Board is further authorized to pledge as security for revenue bonds, the revenues of parking meters, and to covenant with respect to the installation, relocation, operation, and maintenance of parking meters; the maintenance of its real and personal property, the replacement thereof; the insurance to be carried thereon and use and disposition of insurance money; the rates and other charges to be established and charged by the Parking Board under the authority of this Act; the amount to be raised each year or other period of time by rentals, sales, fees, rates, or other charges, and as to the use and disposition to be made thereof; and for the creation of special funds and accounts, including reasonable reserves.

(b) Obligations issued by the Parking Board, their transfer and the income therefrom (including any profit made on the sale thereof), shall be exempt from all taxation now or hereafter imposed by the United States or the District of Columbia, and by any State, territory, or possession, or by any county, municipality, or other municipal subdivision or taxing authority of any State, territory, or possession of the United States, with the exception of estate, inheritance, and gift taxes.

(c) Notwithstanding any restrictions on investment contained in any other laws, all domestic insurance companies, and domestic insurance associations, and all executors, administrators, guardians, trustees, and other fiduciaries within the District of Columbia, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued pursuant to this Act, it being the purpose of this section to authorize the investment in such bonds, or other obligations of all sinking, insurance, retirement, compensation, pension, and trust funds; except that nothing contained in this section shall be construed as relieving any person, firm, or corporation from any duty of exercising reasonable care in selecting securities for purchase or investment.

(d) No trustee or receiver of any property of the Parking Board shall assign, mortgage, or otherwise dispose of all or part of any parking facility established under this Act, except in the manner and to the extent permitted under any trust or other agreement securing an obligation of the Parking Board. A trustee under any trust or other agreement securing an obligation of the Parking Board may be authorized in the event of default under any such trust or agreement to seek the appointment of a receiver who may enter and take possession of any parking facility of the Parking Board, operate and maintain such facility, collect all revenues arising therefrom, perform all duties required by this Act or by any trust or other agreement securing an obligation of the Parking Board to be performed by the Parking Board or any officer thereof, and take possession of the revenues from parking meters applicable to the payment of any obligations of the Parking Board.

PARKING METERS

SEC. 12. (a) The Parking Board shall, subject to the approval of the Commissioners install, maintain, repair, relocate, and remove parking meters at such locations on the streets, rights-of-way, avenues, roads, highways, and other public open spaces under the jurisdiction and control of the Commissioners as the Parking Board may determine as an aid to the regulation and control of the movement and parking of motor vehicles. In carrying out the aforementioned duties, the Parking Board shall, from time to time, consult with the Director of the District of Columbia Department of Highways and Traffic. The Parking Board is authorized to prescribe fees for the parking of vehicles where parking meters are now or hereafter installed and to utilize its own personnel to collect such fees. Such fees shall be collected by the Parking Board and shall be accounted for and disposed of in like manner as other revenues of the Parking Board.

(b) The Parking Board is authorized to pledge, in addition to its other revenues, the revenues of parking meters as security for its obligations, except that no such pledge shall extend to more than 75 per centum of the revenues of the meters in existence at the time such pledge is made. No covenant or agreement entered into by the Parking Board shall prohibit it from relocating parking meters.

EXEMPTION FROM TAXATION

SEC. 13. The Parking Board shall not be required to pay any taxes or assessments upon any parking facilities or any part thereof, or upon the income thereof: *Provided*, That in lieu of such taxes or assessments the Parking Board may pay to the District of Columbia an amount equal to the taxes or assessments that would have been levied against the property of the Parking Board were the Parking Board not exempt from taxation. The exemption from taxes and assessments hereunder shall not be extended to any interest in a parking facility conveyed by the Parking Board to a grantee or lessee. The authority to make payments in lieu of taxes shall be subordinate to the obligations of the Parking Board under any bond, mortgage, obligation, other evidence of indebtedness, or contract.

FRINGE LOTS

SEC. 14. (a) Notwithstanding any other provision of this Act, the Parking Board is authorized, after consultation and coordination with the National Capital Transportation Agency, the Metropolitan Washington Council of Governments, and the Washington Metropolitan Area Transit Commission, to establish fringe lots in the National Capital area. The head of any Federal or District of Columbia government agency or department is authorized to make lands in the National Capital area under his jurisdiction and control available, on such terms and conditions as he shall determine, to the Parking Board for use by it in establishing fringe lots under this section. No fringe lot shall be established outside the District of Columbia, except on land owned by the United States, or any department or agency thereof, unless the Parking Board has first obtained approval therefor from the local governing body of the jurisdiction in which such fringe lot may be located.

(b) The Parking Board is authorized to operate any fringe lot established by the Board under this section, or to lease any such fringe lot pursuant to such terms and conditions as the Board many determine. The Parking Board is further authorized to operate or arrange for the operation of such fringe lots either with or without charge to the persons patronizing such lots, or at such rate as the Parking Board may from time to time establish.

(c) As used in this section, the term "fringe lot" shall mean a parking lot primarily open to public use for the long-term parking of motor vehicles, located at or beyond the fringe of the central business district of the District of Columbia served by buses, rail transit, or other mode of mass transportation.

NATIONAL CAPITAL PLANNING COMMISSION

SEC. 15. (a) The Parking Board shall submit to the National Capital Planning Commission for its review and recommendations thereon its plans for the acquisition of existing parking facilities, construction of new parking facilities, and lease of properties for use as parking facilities: *Provided*, That the recommendations of the Commission shall be advisory in nature, and shall not be binding upon the Parking Board.

(b) The National Capital Planning Commission is authorized, whenever such plans and programs are forwarded to it in accordance with the requirements of this Act, to study such plans and programs and make such report thereon to the Parking Board as the Commission, in its discretion, determines necessary: *Provided*, That if no such report on such plans and programs is submitted by the Commission within sixty days from the date the Parking Board forwards them to the Commission, the Commission's approval of such plans and programs shall be assumed.

COMMISSION OF FINE ARTS TO REVIEW PLANS

SEC. 16. (a) The Parking Board shall, in accordance with the provisions of the Act of May 16, 1930 (46 Stat. 366, as amended (40 U.S.C. 121 (1964)), submit to the Commission of Fine Arts the plans for each parking facility which the Parking Board proposes to construct or which is to be constructed on land leaesd by the Parking Board.

PRIVATE PARKING STRUCTURES

SEC. 17. (a) On and after the date of the enactment of this Act, the District of Columbia shall not issue a building permit to construct any parking garage or substantially to expand any existing garage in the District of Columbia without the approval of the Director of the District of Columbia Department of Highways and Traffic (herein called "the Director") and the National Capital Planning Commission. This section shall not apply to parking garages constructed pursuant to this Act.

(b) Upon receiving a request for the approvals required in subsection (a), together with any plans or data they may by regulation require, the Director and the National Capital Planning Commission shall render a decision within sixty days. The Director shall approve any request unless he finds that the size, design, or location of such parking structure would interfere with the efficient flow of traffic. The National Capital Planning Commission shall approve any such request unless it finds that the size, design, or location of such parking structure would be incompatible with the plans and recommendations of the Commission made pursuant to law. The Director and the National Capital Planning Commission may make their approvals subject to such conditions as they deem necessary to protect the public interest.

(c) If either the Director or the National Capital Planning Commission deny such request, or approve such request subject to any conditions, the party aggrieved may obtain review of any such decision by filing in the United States Court of Appeals for the District of Columbia Circuit, and serving upon the Director and/or the National Capital Planning Commission, within sixty days after the entry of such decision, a written petition praying that the decision of the Director and/or the National Capital Planning Commission be modified or set aside in whole or in part. Upon receipt of any such petition, the Director and/or the National Capital Planning Commission shall file in such court a full, true, and correct copy of the transcript of the proceedings upon which the order complained of was entered. Upon the filing of such petition and receipt of such transcript, such court shall have jurisdiction to affirm, modify, or set aside, in whole or in part, any such decision. In any such review, the findings of fact of the Director and the National Capital Planning Commission shall not be set aside if supported by substantial evidence. The order of the court affirming, modifying, or setting aside, or enforcing, in whole or in part, any such decision shall be final, subject to review as provided in section 1254 of title 28 of the United States Code.

(d) Nothing in this section shall be construed as superseding any existing law or provision of law relating, directly or indirectly, to the construction, establishment, expansion, operation, or location of parking structures in the District of Columbia.

NOTICE TO PARKING BOARD OF SCHEDULE OF RATES TO BE CHARGED BY PRIVATE PARKING FACILITIES

SEC. 18. Every person owning or operating a parking facility in the District of Columbia shall, pursuant to such rules and regulations as shall be established by the Parking Board, file in writing a complete schedule of the rates charged by such person for the storing or parking of motor vehicles in such facility, and in no case shall such person, following the filing of such schedule of rates, make any charge for such storing or parking in excess of that set forth in such schedule so filed until forty-eight hours after he has notified the Parking Board in writing of the new schedule of rates which he intends to charge. Nothing herein shall be construed as authorizing the Parking Board to fix or regulate such rates. The provisions of this section shall not be applicable with respect to any parking facility the rates of which are subject to the control and regulation of the Parking Board under this Act. Any person who shall violate this section shall be subject to a fine of not less than $100 and not to exceed $500.

AUDITS AND REPORTS

SEC. 19. (a) All receipts and expenditures of funds by the Parking Board pursuant to the provisions of this Act shall be made and accounted for under the direction and control of the Commissioners in like manner as is provided by law in the case of expenditures made by the government of the District of Columbia: *Provided*, That nothing herein contained shall be construed as preventing the Parking Board from providing, by covenant or otherwise, for such other audits as it may consider necessary or desirable.

(b) A report of any audit required under subsection (a) shall be made by the Parking Board to the Congress not later than one hundred and twenty days after the close of the Parking Board's fiscal year. The report shall set forth the scope of the audit and shall include a verification by the person conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expenses, (5) sources and application of funds, and (6) a separate income and expense statement for each facility, including as an expense item a payment in lieu of taxes.

(c) The Parking Board shall submit together with the audit report, a comprehensive report to the Congress summarizing the activities of the Parking Board for the preceding fiscal year.

POWERS OF PARKING BOARD

SEC. 20. (a) The Parking Board, in performing the duties imposed upon it by this Act, shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:

(1) To sue and be sued, to compromise and settle suits and claims of or against it, to complain and defend in its own name in any court of competent jurisdiction, State, Federal, or municipal;

(2) To adopt, alter, and use a corporate seal which shall be judicially noticed;

(3) To adopt, prescribe, amend, repeal, and enforce bylaws, rules, and regulations for the exercise of its powers under this Act or governing the manner in which its business may be conducted and the powers granted to it by this Act may be exercised and enjoyed;

(4) To make, deliver, and receive deeds, leases, and other instruments and to acquire easements, rights-of-way, licenses, and other interests in land, and to take title to real and other property in its own name;

(5) To construct and equip parking facilities in the District of Columbia and to exercise all powers necessary or convenient in connection therewith;

(6) To borrow money; to mortgage or hypothecate its property, or any interest therein; pledge its revenues; and to issue and sell its obligations;

(7) To appoint and employ, subject to the provisions of the Classification Act of 1949, as amended, and other applicable laws relating to employees of the District of Columbia, such officers, agents, engineers, accountants, appraisers, and other personnel for such periods as may be necessary in its judgment, and to determine the services to be performed by them on behalf of the Parking Board;

(8) To procure and enter into contracts for any types of insurance and indemnity against loss or damage to property from any cause, including loss of use or occupancy, against death or injury of any person, against employers' liability, against any act of any director, officer, or employee of the Parking Board in the performance of the duties of his office or employment, or any other insurable risk;

(9) To deposit its moneys and other revenues in any bank incorporated under the laws of the United States;

(10) To spend its revenues, or any funds appropriated to carry out the purposes of this Act;

(11) To employ, or to enter into contracts with, consulting engineers, architects, accountants, legal counsel, construction and financial consultants, managers, superintendents, and such other consultants and technical experts as in the opinion of the Parking Board may be necessary or desirable, without regard to section 3709 of the Revised Statutes, the civil service, classification and pay laws, and section 3109 of title 5, United States Code;

(12) To enter into all contracts and agreements, in addition to those otherwise mentioned herein, necessary or incidental to the performance of the functions of the Parking Board and the execution of its powers under this Act. Except as otherwise provided in this Act, all such contracts or agreements shall be subject to competitive bidding unless the value thereof does not exceed $2,500;

(13) To sell, exchange, transfer, or assign any property, real or personal, or any interest therein, acquired under the authority of this Act, whether or not improved: *Provided*, That such action shall be in accordance with the general law covering the disposal of such property by the District: *Provided further*, That the Parking Board shall have first determined, after public hearing that any such real property is no longer necessary for the purposes of this Act;

(14) To obtain from the United States, or any agency thereof, loans, grants or other assistance on the same basis as would be available to the District of Columbia.

(b) Notwithstanding the provisions of paragraph 13 of subsection (a) of this section, the Parking Board shall not have the authority to exchange any real property acquired by condemnation within one year following such acquisition unless the owners of such property at the time of its acquisition by the Parking Board shall first have been afforded a reasonable opportunity to reacquire such property for an amount equal to that paid to them by the Parking Board plus the cost of improvements made by the Parking Board to such property, if any.

COMMISSIONERS AUTHORIZED TO PROVIDE ASSISTANCE TO PARKING BOARD

SEC. 21. (a) The Commissioners are authorized to aid and cooperate in the planning, undertaking, construction, reconstruction, extension, improvement, maintenance, or operation of any parking facility established pursuant to this Act by providing, subject to reimbursement, such services, assistance, or facilities as the Parking Board may request.

(b) Subject to the reimbursement to the District of Columbia by the Parking Board for the salaries, retirement, health benefits, and similar costs for such employees, there shall be made available to the Parking Board such number of employees of the District of Columbia as the Parking Board certifies are necessary to the proper discharge of its duties in carrying out the purposes of this Act, which employees shall be subject to the Classification Act of 1949, as amended.

(c) The provisions of the second paragraph under the caption "For Metropolitan Police" in the first section of the Act entitled "An Act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes", approved March 3, 1899 (30 Stat. 1045, 1057, ch. 422; sec. 4–115, D.C. Code, 1961 edition), authorizing the Commissioners to appoint special policemen for duty in connection with the property of corporations and individuals, shall be applicable with respect to the property of the Parking Board.

(d) The Corporation Counsel of the District of Columbia is authorized and directed in all matters to act as counsel for the Parking Board, except insofar as the Parking Board may find it necessary or convenient to retain outside legal counsel.

PARKING FACILITIES IN CONNECTION WITH NEW CONSTRUCTION

SEC. 22. The first section of the Act entitled "An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938 (52 Stat.

797), as amended, is amended (1) by striking out "That to promote" and inserting in lieu thereof "That (a) to promote", and (2) by adding at the end thereof the following new subsection:

"(b) The Zoning Commission shall, after consultation with the District of Columbia Parking Board, issue regulations to require, with respect to buildings erected in the central business district of the District of Columbia after the expiration of the one hundred and twenty day period following the effective date of the District of Columbia Parking Facility Act, that reasonable facilities on the premises or off the premises be provided for the offstreet parking of motor vehicles of the owners, occupants, tenants, patrons, and customers of such building, and of the businesses, trades, and professions conducted therein." The Commission may, however, provide by regulation for waiver of such requirement when, in its judgment, or, if the Commission so delegates, in the judgment of the Board of Zoning Adjustment, the building site is too small reasonably to accommodate parking facilities on the premises to be erected, or when, in the judgment of the Director of the District of Columbia Department of Highways and Traffic, provision of parking facilities on or off the premises would interfere with the efficient flow of pedestrian or vehicular traffic, or when, in the judgment of the National Capital Planning Commission, provision of parking facilities on or off the premises would be incompatible with the plans and recommendations of the Commission made pursuant to law. Where such waiver is granted, the owner of the building to be erected shall agree to pay to the District of Columbia Parking Board a sum of money which represents an equitable contribution toward the costs of providing parking facilities under the provisions of this Act. The District of Columbia Parking Board, with the advice and assistance of the Parking Advisory Council, shall establish general regulations to govern the computation of such contribution."

DEFINITIONS

SEC. 23. As used in this Act, the term—

(1) "District" means the District of Columbia;

(2) "Commissioners" means the Commissioners of the District of Columbia;

(3) "Person" means an individual, firm, copartnership, association, or corporation (including a nonprofit corporation);

(4) "Revenues" means all payments received by the Parking Board from the sale or lease of parking facilities, all moneys received from the operation of parking meters, authorized to be pledged, and all income and other moneys received by the Parking Board from any other source;

(5) "Parking facility" means a parking lot, parking garage, or other structure (either single- or multi-level and either at, above, or below the surface) primarily for the offstreet parking of motor vehicles, open to public use for a fee, and all property, rights, easements, and interests relating thereto which are deemed necessary for the efficient and economical construction or the operation thereof;

(6) "Parking garage" means any structure (either single- or multi-level and either at, above, or below the surface) which is open to public use for a fee and which is primarily used for the offstreet parking of motor vehicles; and

(7) "National Capital area" means the District of Columbia and all surrounding jurisdictions which are commonly recognized as part of the District of Columbia metropolitan area.

ABOLITION OF THE DISTRICT OF COLUMBIA MOTOR VEHICLE PARKING AGENCY AND TRANSFER OF FUNDS AND PROPERTY TO PARKING BOARD

SEC. 24. (a) The Motor Vehicle Parking Agency created by Reorganization Order Numbered 54 and reconstituted under Organization Order Numbered 106 (title 1, appendix, D.C. Code), predicated upon authority contained in Reorganization Plan Numbered 5 of 1952 (66 Stat. 824), is hereby abolished. The functions, positions, personnel, equipment, property, records, and unexpended balances of appropriations, allocations, and other funds, available or to be made available relating to the Motor Vehicle Parking Agency are hereby transferred to the Parking Board.

(b) All positions, personnel, equipment, property, records, and unexpended balances of appropriations, allocations, and other funds, available or to be made available relating to the function of installing, repairing, replacing, and removing parking meters on the public streets of the District of Columbia are hereby transferred to the Parking Board from the Department of Highways and Traffic.

(c) Section 11 of the Act approved April 4, 1938 (52 Stat. 156, 192; sec. 40–616, D.C. Code, 1961 edition), is hereby repealed.

COORDINATION OF ACT WITH PROVISIONS OF REORGANIZATION PLAN NUMBERED 5 OF 1952

SEC. 25. Nothing in this Act shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

REPEAL

SEC. 26. The District of Columbia Parking Facilities Act of 1942 is hereby repealed.

EFFECTIVE DATE

SEC. 27. This Act shall take effect on the first day of the first month which begins more than ninety days after the date of its enactment.

AMENDMENT OFFERED BY MR. M'MILLAN

Mr. McMILLAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McMILLAN: Strike out all after the enacting clause of the bill (S. 944) and insert in lieu thereof the provisions of H.R. 17854, as passed, as follows:

"That Congress hereby finds that within the District of Columbia a shortage of offstreet parking spaces exists in the immediate vicinity of public buildings, national shrines, and in other areas of the District of Columbia visited annually by millions of citizens from all States of the Union and that such shortage creates a parking and transportation problem for employees of the Government and members of the public visiting Government buildings and their elected Members of Congress. Therefore, in order to facilitate the business of the United States and provide for the needs of citizens visiting the Nation's Capital, it is the purpose of this Act to provide for the construction, operation, and maintenance of certain parking facilities for officers and employees of the Government and for members of the public transacting business with and visiting with the Government.

"SEC. 2. (a) The Administrator of General Services (hereafter in this Act referred to as the 'Administrator') is authorized to contract for the construction, alteration, maintenance, and operation in connection with qualified private parking operators, of such facilities on, above, or below Federal or District of Columbia properties in the District of Columbia as he determines necessary to carry out the purposes of this Act. However, before constructing, altering, maintaining, or operating any parking facility under this Act, the Administrator shall secure the approval of the head of the department, agency, or instrumentality in whom jurisdiction and control over the Federal property involved is vested, or, in the case of District of Columbia property, the approval of the Commissioner of the District of Columbia.

"(b) The Administrator may fix fees for the use of parking facilities provided under this Act. The fees fixed for officers and employees of the Government shall be nominal and shall be fixed taking into consideration the proximity of the parking facility to their place of employment. All proceeds from leases, fees, and other charges collected by the Administrator under this Act shall be deposited in the Treasury as miscellaneous receipts.

"(c) The Administrator is authorized to make such rules and regulations as may be necessary to carry out this Act, including rules and regulations relating to hours of operation, general administration, management, allocation of parking spaces, and criteria for assignment of parking spaces.

"(d) The Administrator is authorized to lease parking facilities to carry out this Act and to contract with qualified private parking operators for the operation of any parking facility. Each such lease and each such contract shall—

"(1) state the amount of the parking fees to be charged users of each facility,

"(2) authorize official Government-owned vehicles being used for Government business to park without charge,

"(3) authorize the lessee or contractor during specific nonworking hours to permit the public to use the parking facility for reasonable fees and to retain, in whole or in part, the proceeds from such fees,

"(4) require the lessee or contractor to have in force at all times during the period of the lease or contract public liability insurance saving the Government harmless from all damages arising out of the operation of the parking facility, and

"(5) contain such other provisions as may be necessary to protect the interests of the United States.

"SEC. 3. In carrying out his duties under this Act, the Administrator shall take such action as may be necessary to insure the equitable distribution of parking facilities among the properties of the Government with due regard for the comparative urgency of need for such facilities, and to that end he shall take into consideration the availability of public transportation, other Government as well as commercial offstreet parking facilities, and municipal, regional, and other planning for the future extension or improvement of public transportation and parking facilities. The highest priority shall be given to any project to provide parking facilities for motor vehicles of officers and employees of the Government employed in the buildings on North Capitol Street presently occupied by the Government Printing Office. In determining the location and design of those parking facilities consideration shall be given to the incidence of crime in the area surrounding those buildings.

"SEC. 4. As used in this Act—

"(1) The term 'parking facility' means any structure designed for offstreet parking of motor vehicles of the Government, its officers and employees, and members of the public visiting the Nation's Capital.

"(2) The terms 'construct' and 'alter' include preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction or alteration of a parking facility.

"(3) The term 'United States' includes the District of Columbia.

"(4) The term 'Government' means the government of the District of Columbia and any department, agency, or instrumentality of the executive branch of the Federal Government including any wholly owned Government corporation and any establishment in the legislative or judicial branch of the Government except the Senate, House of Representatives, and the Architect of the Capitol and any activities under his direction.

"(5) The term 'qualified private parking operator' means an operator, financially responsible, with a proven record of large-scale, efficient operation."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. M'MILLAN

Mr. McMILLAN. Mr. Speaker, I offer a title amendment.

The Clerk read as follows:

Amendment offered by Mr. McMILLAN: Amend the title so as to read: "A bill to authorize the Administrator of General Services to administer a program to provide for the construction of parking facilities in the District of Columbia for Government employees and visitors to the District of Columbia."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 17854) was laid on the table.

Mr. GUDE. Mr. Speaker, I voted for this legislation today realizing that it probably represents not half-a-loaf, but perhaps only a thin slice of what are the real parking needs in the District of Columbia. However, it is my hope that this may be a step toward a better solution to our parking problems in the future. What this legislation provides is not incompatible with the long-range plans to establish a parking authority for the District.

CONFERENCE REPORT ON H.R. 15758, HEALTH SERVICES AND FACILITIES AMENDMENTS

Mr. STAGGERS submitted a conference report and statement on the bill (H.R. 15758) to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes.

CONFERENCE REPORT ON H.R. 17126, AMENDING FOOD AND AGRICULTURE ACT OF 1965

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (H.R. 17126) to amend the Food and Agriculture Act of 1965, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1905)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17126), to amend the Food and Agriculture Act of 1965, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the Food and Agriculture Act of 1965 is extended—

"(1) by striking out 'through 1969' wherever it appears and substituting 'through 1970';

"(2) by striking out '1966, 1967, 1968, and 1969' wherever it appears and substituting '1966 through 1970';

"(3) by striking out '1969' in sections 103 and 201 and substituting '1970';

"(4) by striking out '1967, 1968, and 1969' in section 402(b) and substituting '1967 through 1970';

"(5) by striking out '1970' in section 404 and substituting '1971';

"(6) by striking out '1966 through the 1969' in section 516 and substituting '1966 through the 1970';

"(7) by striking out '1968' and '1969' wherever they appear in section 602(k) and substituting '1969' and '1970', respectively; and

"(8) by striking out 'or 1969' in section 801 and substituting '1969, or 1970'."

And the Senate agree to the same.

W. R. POAGE,
E. C. GATHINGS,
GRAHAM PURCELL,
THOMAS S. FOLEY,
PAGE BELCHER,
CATHERINE MAY,
Managers on the Part of the House.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
HERMAN E. TALMADGE,
B. EVERETT JORDAN,
GEORGE D. AIKEN,
MILTON R. YOUNG,
J. CALEB BOGGS,
Managers on the Part of the Senate.

STATEMENT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 17126, to amend the Food and Agriculture Act of 1965, submit the following explanation of the effect of the act agreed upon by the conferees and recommended in an accompanying conference report.

The Senate receded from its amendment extending the Food and Agriculture Act of 1965 for 4 years. The act as extended by the conference committee would be extended for 1 year.

The conference substitute omits all other amendments.

W. R. POAGE,
E. C. GATHINGS,
GRAHAM PURCELL,
THOMAS S. FOLEY,
PAGE BELCHER,
CATHERINE MAY,
Managers on the Part of the House.

The SPEAKER. The gentleman from Texas [Mr. POAGE] is recognized for 1 hour.

Mr. POAGE. Mr. Speaker, I yield 30 minutes to the gentleman from Oklahoma [Mr. BELCHER], and pending that I yield myself such time as I may consume.

Mr. Speaker, I am pleased to report that the conference report just read complies exactly with the instruction given the managers on the part of the House on the 17th of this month to sustain the House as far as possible. Though the other body had 14 amendments to the act in their bill and the House had only two, the House managers were successful in deleting all 14 Senate amendments, and conceded only two House amendments and obtained agreement to a simple 1-year extension of the existing law omitting all amendments by either body.

Certainly I do not believe that anyone could expect your managers to make a better trade from the standpoint of sustaining the position of this House as compared with sustaining the position of the other House.

No changes whatever would be made by the report in any provision of the 1965 act save the date of its termination. It would simply be extended by the conference substitute to expire after the harvest of the 1970 crops. In this manner, farmers throughout the country would to some degree be able to plan during the calendar year 1969 for an additional year. During such an interim, the Congress, together with the new administration, including a new Secretary of Agriculture, would have a reasonable time and opportunity in which to chart the direction of a new farm program. The next administration, with this report adopted, is committed to no particular plan or direction.

Briefly the following measures are extended by the conference report:

Title I of the 1965 act provided authority for a class I dairymen's base plan in the Federal milk marketing areas. It encouraged a reduction in surplus milk production. At the same time, it protected dairy producers' incomes. They no longer were forced to maintain maximum production merely to preserve their individual participation in the market for fluid milk for human consumption. Through the assignment of a fluid milk base on which a supported price was paid and the establishment of penalties against the dumping of surplus production, uneconomic and excessive production was curtailed.

These would be extended for 1 year under the conference report. As was pointed out during the consideration of H.R. 17126 on July 30 of this year, some changes are desirable but these should, and it is my hope that they would, be handled as separate legislation. Our committee held hearings on this matter this very morning.

Our committee held hearings this morning on this very matter and will meet again tomorrow morning on this same subject. We are taking prompt action.

Title II of the 1965 act continued the National Wool Act of 1954, as amended, fixed the support level for wool at a level of 62 cents per pound increased by the same percentage as the percentage changes in the parity index. Without the 1-year extension proposed by the conference report, authority for incentive payments would expire on both wool and mohair. Continuation of the present wool program appears to be the best way in which income assistance to domestic producers can be provided and keep domestic wool competitive with imported wool and synthetics.

Price support loans, purchases, and in-kind payments for feed grains would be continued for 1 additional year by the extension of title III of the 1965 act. The support and loan levels would still be set by the Secretary at 65 to 90 percent of parity for feed grains. The continued diversion of acreage would entitle participants to receive payments in kind and thereby maintain income. As in the past, these payments would be on a percentage of price support payments computed on normal per acre yields.

Without extension of the protection, there would be no production adjustment program in corn, for example, save the program of the 1950's. Under that earlier legislation, to which the farmers would then return, prices would be supported between 50 to 90 percent of parity. There would be no protection against a surplus accumulation because the Department is obliged only to support prices at "such levels as will result in not increasing CCC stock."

One-price cotton, as established by the 1965 act, would be extended under the conference report for 1 year. The national allotment would be unchanged. All other provisions of the current program would continue in effect.

Without the extension of title IV of the 1965 act, cotton producers will return in 1970 to the situation established by the 1958 act. Marketing quotas would have to be proclaimed. Under the quotas, if they were approved, farmers who complied with the acreage allotments could receive loans of 65 to 90 percent of parity, just as costly to the Government as is the present program. No diversion or price support payments would be made. If quotas were rejected, loans would be 50 percent of parity. This kind of reversion in the Government cotton program would cause increases in the domestic price of cotton and further displacement of that commodity in the mills in favor of other materials. The resulting surpluses could be expected to increase the costs to Government of the cotton programs.

Our present wheat program, title V of the 1965 act, is extended 1 year by the conference report. At present, the wheat program provides price supports, acreage allotments and marketing certificates that tend to stabilize farm prices. A return is assured the farmer on the share of the crop used for domestic food of at or near 100 percent of parity. Price supports for all wheat through loans at a level based on competitive world market prices and the feeding value of wheat is currently provided to the producer. Diversion payments are authorized.

If the wheat producers had to return to a mandatory program, marketing quotas would be proclaimed and a vote for the 1970 crop would be held in May or June of 1969, not later than August 1, 1969. If quotas were not accepted by the farmers, loans at 50 percent of parity would again be provided.

If quotas are imposed price supports would be made available in the form of loans. I would call to the attention of the House the fact that these loans inevitably increase the price to the consumer, without any reduction in the cost to the Government. What our program has done, in spite of what many people have supposed, has been to subsidize the consumers of America and keep their cost of food lower than the cost of food in any nation in the world today, or at any time in history.

We are paying about 18 percent of our disposable income for food in the United States. In Western Europe they spend approximately 25 percent. In the Soviet Union approximately 50 percent. In the Far East, from 75 to 80 percent. Can anyone say in good conscience that the present farm program is not working to the aid of the consumers of America? To go to what they have in Europe and in Asia you will see the cost that is now 18 percent of your constituents' income rise to 25 to 50 percent. It is inevitable because the costs of production are there. They must be paid either by the Government, the consumer, or the farmer. The farmer's total income at present prices is not enough to pay them. The present program is subsidizing consumers, and I believe that it would be well for us to consider that when we are passing on this.

Under title VI of the 1965 act the Secretary has authority to convert unneeded croplands into tracts for use for conservation purposes. Without the extension of this measure after next year all the cropland adjustment programs will lapse. No alternative will be available to the owner except to return his property to production. In many cases this will be uneconomical production, but it will be production that will increase surpluses of commodities where no such problems presently exist.

Titles VII and VIII of the act if extended encompass provisions permitting the leasing of tobacco allotments and all the miscellaneous provisions of the act. The conference report merely extends these for 1 additional year.

While the conference report if adopted would not do for farmers what in all fairness should be done, that is to give them permanent legislation upon which to plan for the future, it will enable them to take another year to look around as to what they are going to do.

Farming, contrary to public opinion, is a long-term proposition. Investments made today do not amortize in a single year, nor in a few years. All we seek to do here is to give farmers adequate time to prepare for what they must surely do under a new farm program under any administration.

To all of those within this body whose fears were that this bill would become more than a 1-year bill, this conference report must come as a form of reassurance. Its term is such that all of you can support it.

To all of those who are keenly disappointed that it is only a 1-year extension, when in your judgment a longer term is needed, I repeat my personal conviction that now we have the only chance to continue a farm program, and that is to accept a 1-year extension of the present program. In the interest of continuity I believe you can all support it.

To those here who feel that a limitation of payments should be a part of any farm measure that is passed here, I would say once again that the only successful program is one in which the most efficient producers are provided an alternative in which they can participate together with the least efficient. To remove a given amount of production from our total production is the goal of any control program, regardless of the size of the increments removed.

Without participation by the larger farms, no production control program in agriculture would be effective. In the same manner as the Navy mothballed many of its World War II vessels for use at a later date and more urgent time, we are holding in reserve the land which is not needed now. The land so taken out of total production removes the capacity to produce in excess. The larger the unit retired to the shelf, the more effect is derived from its retirement, the greater the reduction in Government costs to accumulate surplus in inventory, and the wider are spread the benefits of supported prices of the commodities raised on the family farms.

To the many who point out shortcomings in the present farm programs, I, as Chairman of the House Committee on Agriculture, extend an invitation which will surely be repeated by me or the next holder of the chair, whoever he might be, to come before our committee and describe in detail any effective method of improving these programs in the months ahead when the next administration will surely be seeking a better way. We will welcome your help and suggestions just as we now tell you that this is the best possible choice within the time and the money available for American consumers and the farmers alike.

The Senate has passed this measure. The conferees from both Houses are agreed that this is the only report which can be passed during this Congress. It is the only sort of program that can be enacted early enough to be of benefit to the farmers of this country. As this Congress closes and a new one begins, the attempt to incorporate the many changes and amendments that have been offered and proposed can but serve to delay and defeat enactment of a bill in this Congress or the next until after the dates on which farmers must begin their preparations for the following crop year.

I, therefore, urge you as a practical matter and as a sound matter to approve this conference report. You cannot get a better conference report and you cannot pass any other legislation in the next few days.

This report was signed by all the members save one, of the conference.

This report is in keeping with the expressed views of many of the political leaders of both great parties. This is not a partisan report. This is not the report of one small faction. This is a report that will enable us to maintain a farm program and to avoid the seeds of the kind of depression that always follows any reduction in the income of agriculture.

I, therefore, urge you to adopt this conference report.

The SPEAKER. The gentleman from Texas [Mr. POAGE] has consumed 17 minutes.

CALL OF THE HOUSE

Mr. FINDLEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. ALBERT). Evidently a quorum is not present.

Mr. POAGE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 350]

Addabbo
Ashley
Ashmore
Aspinall
Baring
Bell
Biester
Blackburn
Blanton
Bolling
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Burton, Utah
Celler
Chamberlain
Clancy
Clark
Cohelan
Conyers
Cowger
Daddario
Davis, Ga.
Dawson
Dickinson
Dow
Farbstein
Feighan
Fisher
Flood
Flynt
Ford,
  William D.
Gallagher
Garmatz
Gibbons
Gilbert
Halleck
Halpern
Hansen, Idaho
Hansen, Wash.
Harrison
Hawkins
Hébert
Heckler, Mass.
Herlong
Hosmer
Jacobs
Karsten
King, Calif.
Kirwan
Laird
Landrum
Long, La.
Long, Md.
McClure
McCulloch
McDonald,
  Mich.
Mailliard
Minish
Minshall
Moorhead
Morgan
Murphy, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Ottinger
Pettis
Pollock
Rarick
Resnick
Rostenkowski
Roudebush
Ryan
Sandman
Scheuer
Schweiker
Shriver
Sisk
Smith, Calif.
Snyder
Stafford
Staggers
Steiger, Ariz.
Stratton
Stubblefield
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tunney
Ullman
Waldie
Walker
Watts
Willis
Wilson, Bob
Wilson,
  Charles H.
Wright

The SPEAKER pro tempore. On this rollcall 332 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 17126, AMENDING FOOD AND AGRICULTURE ACT OF 1965

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma [Mr. BELCHER].

Mr. BELCHER. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. RIVERS].

(By unanimous consent, Mr. RIVERS was permitted to speak out of order.)

NATO GIVEN WRONG IMPRESSION BY SYSTEMS ANALYSIS

Mr. RIVERS. Mr. Speaker, I have just returned from a very brief but most informative field trip to our bases in England and Europe. I attended the Farnborough Air Show and also talked with many of our military leaders on the continent and in England.

I was particularly concerned, as we all are, with developments in the Warsaw Pact nations and the readiness and ability of NATO forces to deal with contingencies which are becoming more apparent every day.

I was distressed to find that, in spite of the Russian saber rattling which should have dispelled any notion of détente, there still exists a most lethargic attitude on the part of some of our NATO partners with respect to the NATO force structure. Regrettably, much of the present complacent attitude by our allies is attributable to an Assistant Secretary of Defense, Dr. Alain Enthoven, the Department of Defense's leading systems analyst. In February of 1968, he delivered a paper entitled "Methodology for Evaluating Conventional Forces" to a NATO group in which he compared the NATO force structure with the Warsaw Pact forces. No matter what his purpose may have been in making his presentation, the fact is, he painted a picture of comparability of NATO-Warsaw Pact forces and there is no doubt that he has convinced many of our allies that they need not fully meet their NATO force commitments.

From the conversations I have had with many of our leading military experts, it appears to me that no one has ever given a greater rationale to our allies for reducing their defense expenditures than that made by Dr. Enthoven.

The House Armed Services Special Subcommittee on National Defense Posture, in a report issued 2 weeks ago, entitled "Review of a Systems Analysis Evaluation of NATO v. Warsaw Pact Conventional Forces," addressed themselves to this particular problem. This subcommittee is chaired by the distinguished gentleman from Virginia, PORTER HARDY, serving with the equally distinguished gentleman from Indiana [Mr. HALLECK] and the other knowledgeable members of the subcommittee, the gentleman from Louisiana [Mr. HÉBERT], the gentleman from New York [Mr. STRATTON], and the gentleman from Alabama [Mr. DICKINSON]. Mr. BATES and I are ex officio members. I would like to commend them for this outstanding contribution.

The report, among other things, says that there has been a concerted effort by radical and leftist elements in some countries to press for further reduction of their country's participation in the NATO force structure.

Dr. Enthoven appeared in Europe before this NATO group to deliver his presentation, which is based upon the systems analysis technique. As our subcommittee report so correctly states, the effect could hardly be described as helpful.

As a matter of fact, during the hearings held by the subcommittee it was stated that his presentation had an "extremely harmful effect."

I would remind this House that Dr. Enthoven told the NATO group that there was no reason to increase their currently planned military budgets or the size of their existing forces. He assured them that the present NATO forces are at least equal to Warsaw Pact forces.

The basic fault with Dr. Enthoven's analysis, as we view it, is that it is absolutely wrong.

Mr. Speaker, I think it is time we realized that there are civilians who have been calling the shots in the Department of Defense and constantly overruling the Joint Chiefs of Staff, despite the fact that they have no business making military decisions.

I, for one, am getting tired of the civilian command as opposed to civilian control.

I will defend the concept of civilian control of our Armed Forces from the President on down with all of the force at my disposal. But I think the American people and the Congress must distinguish between civilian control and civilian command of our military forces.

We need not look beyond certain civilians in the Department of Defense to find the cause of the most critical deficiencies in our military structure. The lagging submarine program, the lack of electronic warfare aircraft, and the delay in developing an advanced manning strategic aircraft are but a few of these serious deficiencies.

I am in full agreement with Admiral Rickover, who recently said that in the last 8 years the civilian general staff of the Office of the Secretary of Defense has "become so vast that it has gone out of control of its own leaders." Admiral Rickover summarized this situation by stating that by virtue of sheer power and blinded by their own propaganda "those in charge consider themselves competent to engage in actual design of complex technical equipment and in the detailed direction of military operations."

If there are those here who do not share my convictions that the Department of Defense is overstaffed with civilians engaged in systems analysis exercises who constantly overrule the Joint Chiefs of Staff, they should examine our subcommittee's report, "Review of the Vietnam Conflict and Its Impact on U.S. Military Commitments Abroad."

If there are those here who do not agree that the presentation by Dr. Enthoven before the NATO group has had a most harmful effect on our NATO efforts, I urge them to read the report on NATO conventional forces.

If there is one of you who disagrees with me, I strongly urge that you proceed to Europe and discuss the matter with our military leaders and the military leaders of our NATO partners.

Mr. Speaker, the technique of systems analysis can play a proper role and can be a useful tool, but only if it is based on objective data and treated and analyzed in a most scrupulous and precise manner. To be reliable, a systems analysis must not be managed to produce a predetermined result. Only if properly employed can this computerized approach preclude the tail from wagging the dog.

I submit to this House that it has become a most dangerous method of arriving at military decisions and must be harnessed. As stated in the report of our subcommittee, "There remains a substantial place for military experience, judgment, and professional expertise in military decisionmaking and in military consultation with our allies."

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentlewoman from New York.

Mrs. KELLY. I am deeply concerned over your report, having been chairman of the Subcommittee on Europe for many years.

However, I would like to know at this time if the gentleman does not think the long-range program of Russia is far more desperate in the Middle East than the subject to which the gentleman is now addressing himself.

Mr. RIVERS. Of course, the Middle East and Europe is where they want to take over. They are determined to take over the Middle East, along with trying to frighten the Israeli forces for Nasser. They have two objectives. Their objective is to take over the Middle East and certainly continental Europe, and Czechoslovakia is only one step in that direction.

Mrs. KELLY. Is that covered in the report, too?

Mr. RIVERS. Mr. Hardy has a big report out and it covers a lot of subjects. I commend it to the Members, along with a smaller one that is available to any of the Members of the House.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman.

Mr. SIKES. Mr. Speaker, I want to thank the gentleman for his remarks.

The distinguished gentleman from South Carolina is giving the House some sound counsel that is seriously needed.

We are in immediate danger of becoming obsolescent in many important aspects of our defense because we are not spending enough money to develop and produce fully modern weapons systems. We must catch up and we are not doing so under present procedures. The situation will worsen if we do not act now to correct it.

Mr. RIVERS. Certainly I want to bring you any information I have. I will tell you when I get any information, I am going to give it to you.

Of course, this new carrier is not classified. But you should know that the way our forces and NATO have been approached has not been in the best interests of NATO or this country in the opinion of our great leader, Lemnitzer. He has reason to be worried, and you had better be worried, too, about a confrontation with these people. They have good material. Let no one kid you. They have a first-class military.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Florida.

Mr. PEPPER. I thank the able gentleman. The gentleman must also be concerned about the recent event of what appears to be another "first" on the part of the Russians in space. Does not the gentleman share the concern that many of us have that we are very dangerously saving money and risking the survival of our country?

Mr. RIVERS. We are. Our committee, at least in this House, has the figures showing that Russia is keeping up with us in missiles. They are right alongside of us. They make good equipment, and do not let anyone kid you. This crowd is moving. They are not disarming. Somebody will try to tell you to quit the bombing in Vietnam, North Vietnam. Of course, we have quit the bombing of North Veitnam. We bomb only on the perimeter. If we stopped all the bombing, we could forget the airplane.

Mr. KEITH. Mr. Speaker, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Massachusetts.

Mr. KEITH. In 1960 we heard charges of a missile gap. I wonder if the crisis to which you are refering today can in any way be compared with that.

Mr. RIVERS. I do not see any missile gap. These people are gaining on us fast. We had better wake up. We are talking about economies in the military as time is fast moving.

Mr. KEITH. The missile gap turned out not to be a missile gap.

Mr. RIVERS. I do not want to get mixed up in a discussion of missile gap. I do not think there is a missile gap. This crowd has pretty good missiles. Of course, we have, too. They are working pretty hard on them.

I wish to thank the distinguished gentleman for yielding.

The SPEAKER pro tempore (Mr. ALBERT). The Chair recognizes the gentleman from Oklahoma.

Mr. BELCHER. Mr. Speaker, I yield to the gentlewoman from Washington [Mrs. MAY].

Mrs. MAY. Mr. Speaker, as a member of the conference committee on this legislation, I feel I should again point out to my colleagues in the House just how important it is that the bill be enacted.

As I have stated many times before, I am certainly far from satisfied with the operation of our current farm programs. Just take a look at the current price of wheat, for example, and you will see what I mean. However, for the moment, they are the only programs we have, and if this legislation is not approved, U.S. farmers and ranchers could soon find themselves in an even worse position than they are now.

In order to hope for any degree of success in their business, farmers must plan their operations well in advance. They must be able to know what they can expect in the way of Federal programs in order to plan effectively. With the farm programs expiring next year, farmers will simply be left high and dry unless we extend them.

Next year, a new Congress, a new President, and a new Secretary of Agriculture will face the extremely difficult task of working out new farm policy. This will take time, and unless the present programs are continued beyond next year, farmers will be facing a new crop year not knowing what to do in relation to Federal farm policies and programs.

The 1-year extension agreed upon by our conference committee will provide this needed leadtime for effective farm planning while Congress and the new administration are hammering out new and hopefully more effective farm policy.

I would hope, now, that the issue of farm payment limitations could also be put to rest for this session of Congress. This can be done by accepting the conference report as it is, for it was necessary in order to reach agreement with the Senate conferees, to strip the bill of all amendments, including the payment limitation provision.

The current farm programs were never designed to be welfare programs. Federal payments to farmers represent remuneration for bringing their crop production into line with national production objectives, and payments are made not on the basis of need, but on the basis of income farmers have had to forgo in order to comply with production goals of the programs. Even though the farm programs have many faults at present, they would be made even weaker and less effective if payments were limited. Next year, when the entire scope of farm policy will likely come under review and reconsideration, the question of Federal farm payments can be gone into in depth. For now, I urge my colleagues to accept the conference report and extend the current programs for 1 more year. In terms of the national interest, this will be the most responsible action we can take at this time.

Mr. BELCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. FINDLEY].

Mr. FINDLEY. Mr. Speaker, I appreciate this opportunity. I hope all Members are acquainted with the fact that the conference report does not include the $20,000 limitation on payments. The millionaire farmers are well protected under this conference report, just as they have been since the act was first enacted back in 1965.

Second, I hope all Members are acquainted with the parliamentary situation. Disapproval of this report does not defeat the farm bill. It puts it in a position for further conference. It does not defeat the farm bill. If the action of this body should be disapproval, there would then be in order, as I understand the parliamentary situation, a motion to go to conference so that there would not be any undue delay in further consideration of this bill, and obviously with the other body involved in a long debate over Justice Fortas, we have some time in which to do it.

The gentleman from Texas says we cannot get a better conference report. I am sure he is pleased with it just as it is. It is precisely the legislation that he pledged to defend in every detail before the bill even got to the House floor. So I can understand why he does say it is the best conference report we can get. But the House spoke to this question of payment limitation very clearly on July 31. In a vote of 230 to 160 the Members of this body placed in the House bill a $20,000 limitation on payments, and I think the fact is very plain that there was not much effort in behalf of the limitation in the House-Senate conference.

As modified in conference, this bill, in my view, is an outrage against the farmers, as well as all other taxpayers, partly because it does assure that millionaire farmers, mostly in the cotton States, can continue to get their fill at the Federal trough the year after next year. It is an open-ended authorization. It is backdoor financing through CCC. There is no limit. There is no belt tightening on this.

In fact, just yesterday, the other body passed a resolution which will exempt the CCC from the budget restrictions which were part of the surtax bill package earlier this year.

So what we are doing here really is passing an open-ended no-limit authorization, not for this year, it is already authorized for next year, but for year after next. There is no need for this legislation.

Under this program, surpluses of wheat and corn are going up. They are higher than in 1965. Prices of corn are down to about 90 cents a bushel in my district, and wheat is down to $1.10. Wheat and feed grains are alltime record high this year. Cotton was such a boondoggle last year that the program cost taxpayers—believe it or not—more than the entire market value of the crop. It is no wonder. Over 1,000 farmers in the State of Texas alone got payments exceeding $20,000. Hale County, Tex., alone had over 200 farmers in this category. The entire State of Illinois had 18 by contrast. The State of Iowa had about 15. The State of Indiana had about 15. Yet in one county in Texas, over 200 farmers each were paid over $200,000. I say to accept this report is to admit failure on the part of the Congress. To vote yes is to admit this costly monstrosity is the best we could do for the taxpayers, to admit that 90-cent corn and $1.10 wheat is the best we could do for the farmers, and to admit big payments to millionaire farmers is the best we can do, and to admit 74 percent of parity is the best we can do—this is shameful failure.

The question that comes to my mind is why today we are not here in a parliamentary situation permitting the House once again to speak to the question of a $20,000 limitation on payments. According to the House Calendar, printed yesterday morning, I saw under the listing for this conference report the words "House acts first"—and from this one concludes the House would have the first shot at this conference report. I wonder if anyone can shed any light on why this unusual situation prevails?

According to the Jefferson Manual, the ordinary procedure would be for the papers to come first to the House, and the House would have an opportunity to have a recommittal with instructions. But, no, recommittal is not possible today. Papers went first to the Senate. I wonder why that happened? Will the question just echo around without any answer?

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Speaker, the Senate had to go into executive session. The Senate could not consider this action on this date—nor on tomorrow or on any foreseeable tomorrow. The Senate could consider it at a time when the gentleman was keeping the House from considering it. The House could not take this up first, because of the objections of the gentleman from Illinois and the Senate, knowing they were going into executive session, did act first.

Mr. FINDLEY. Mr. Speaker, I am sure the gentleman from Texas is acquainted with the fact that the conference report and statement were filed in the House last Wednesday night, which made this report in order last Thursday noon—several hours before the Senate acted. So it seems to me it is not a matter or a problem of timing that causes the House today to be denied the opportunity to act first.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Speaker, the gentleman suggested on the floor of this House last week that it might be a good idea for the Senate to get the papers. Members of the Senate thought it was a good idea, in view of the filibuster, the gentleman was conducting on the floor of the House and Members of the Senate did get the papers. The gentleman from Illinois had previously specifically pointed out on the floor of this House that it was in keeping with the rules of this House to do this and the gentleman from Texas had given assurance that we would follow the rules and we did follow the rules.

Mr. FINDLEY. Mr. Speaker, I made no such suggestion. I viewed that possibility with alarm and had some assurance from the gentleman there would not be any such chicanery, and it looks like chicanery is exactly what happened.

Mr. BELCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before this session of Congress started, I talked to the chairman, and tried to get him not to take up the farm bill this year for any kind of extension. Apparently, enough pressure was brought to bear on the chairman, so he felt the bill had to be taken up.

A bill was introduced which would have made the present farm program permanent. In addition to that, many other bills were introduced which were very, very objectionable to me.

In order to get rid of the other bills and to not saddle this present program permanently upon the farmers of this country, I suggested a 1-year extension as a compromise.

After I did that, and the House passed the 1-year extension, the Senate passed a 4-year extension, with 17 amendments. I realized that if I went to conference with a 1-year extension from here and a 4-year extension from over there I was not going to be able to get a 1-year bill. For that reason I opposed the 1-year extension here on the floor of the House.

The House did, however, pass the bill. We went to conference. We were able to get a 1-year bill.

If any set of conferees in the history of this Congress ever out-traded the Senate better than this group did, I have never read about it.

We went to conference with two amendments. The Senate had 17. We traded two for 17. We traded the 1-year bill for a 4-year bill. We sustained the House in every extent except those two amendments. The Senate practically had to saw its bill in two in order to get an agreement.

For that reason I am today supporting the conference report. I hope that it will be passed.

I did not vote for the 1965 act. I do not want the present farm program to become permanent. I believe the expenditure of $63 billion in a period of 8 years in order to support the Department of Agriculture is entitled to better results than $1.17 wheat.

Regardless of the outcome of this election, regardless of who is the chairman of the committee, and regardless of who is the Secretary of Agriculture, I hope we are going to be able to get better prices for the farmers at a whole lot less cost than $63 billion.

That is the reason why I am supporting the 1-year extension, because I do not believe that next year we will have time to pass a new farm bill in time for the wheat farmers to start preparing their land. The 1-year extension, regardless of whether one likes the present program, regardless of whether one believes Congress ought to do better with the present program, is time which is going to be needed in order to work out a satisfactory amendment.

Now, as to the shouting match between my colleague on this side and my colleague on that side, I do not care to enter into it. I do not know why the Senate took the papers first. I had nothing to do with it. The fact of the matter is I did not know they were going to do it until it had already been approved over there.

Therefore, it is not possible today to do anything but to vote this bill up or to vote it down.

My good friend from Illinois said this will not be the end of the farm bill, that we can still get a farm bill by a whole lot of different maneuvers. I am telling you, you have an opportunity today to extend this program for 1 year or to kill this bill, and there will not be any further action taken, because it would require the Senate to appoint a new set of conferees. It would mean a whole lot of further action here.

I have some duties back in Tulsa which are causing me a little trouble, and I am not going to stay here to do anything to get another farm bill out, and I do not believe the gentleman from Texas will, either.

Therefore, regardless of whether you are for the present farm program or against the present farm program, and regardless of what your position was on the last bill, I still believe the best thing that can be done today is to pass this 1-year extension. Therefore, I am endorsing it.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. Conte].

Mr. DOLE. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman.

Mr. DOLE. Mr. Speaker, I share the view expressed by the gentleman from Oklahoma [Mr. Belcher] and support the conference report which would extend the 1965 Farm Act for 1 year.

Let me emphasize the necessity of a 1-year extension particularly in the wheat-producing areas of Texas, Oklahoma, Colorado, and Kansas. If the 1965 Farm Act is not extended there is little likelihood a new farm bill would be passed next year before wheat-sowing time. Therefore, as too often in the past, the farmer would be sowing wheat not even knowing what the program might be. For this reason alone, the conference report should be adopted.

There is an additional reason, perhaps of equal importance, and this is simply to give a new administration 1 year in which to devise a new program to improve farm income. A new administration must have time to improve the 1965 Farm Act or devise a better program.

Wheat and other grain prices are at record lows in Kansas and the Midwest while at the same time, prices paid by farmers, his production costs, and his interest costs continue to soar. I have said many times that farmers must keep the pressure on leaders of both political parties for rural America cannot continue under present conditions and if rural America declines and more and more farmers leave the farm the ultimate result will be increased food prices for consumers. The 1-year extension is just as much a consumer bill as a farm bill and, therefore, I urge my urban and suburban colleagues to support the conference report along with those of us from rural areas.

Mr. CONTE. Mr. Speaker, the gentleman from Oklahoma, my good friend, has done such an outstanding job on the Committee on Agriculture, but let me say that if he has any opposition in Oklahoma, it will only be token. I am sure that he will take good care of it and be back with us soon.

The gentleman says they made a good trade. The Senate had 17 amendments and the House only had two amendments, and they traded the two for the 17. Well, that is just like trading a thoroughbred horse for 17 mangy rabbits, because that amendment tacked on here by a vote of 230 to 160 was the amendment I offered on the floor of the House. It would have limited subsidies to $20,000 to each farmer or farm operation. That was worth 100 amendments that they had over there, for we could have saved over $300 million by the adoption of my amendment.

There is $3 billion here in the agriculture bill. There is over $330 million that is going for subsidies for 6,579 farmers. One farmer is getting over $4 million a year. Five farmers are getting over $1 million each. You have a total of over $10 million in subsidies for five farmers or operations. If I may use that old, worn-out cliche, the poor are getting poorer and the rich are getting richer. I think it behooves this House here today to stand up on this issue. The American taxpayers are fed up with these subsidies. I am talking not only of subsidies in this bill but the sugar subsidies, the REA subsidies, and all of the other subsidies here. Here we can stand up today and vote this bill down. This will not mean the end of the farm bill. They will be debating the Judge Fortas issue for many days. They can appoint a new conference committee, and if some of the gentlemen in the House cannot afford the time to sit on a new conference committee, there are plenty here who will gladly take their place and meet with the Senate and try to bring back a bill with a $20,000 limitation.

Let me repeat once again that the House in August of this year when I offered this amendment voted 230 in favor to 160 opposed. I am going to demand a rollcall vote on this bill, and it can be interpreted in only one way; that is, if you vote for the farm bill, you are voting for more subsidies for the farmers throughout the United States. If you vote against the compromise bill, then you are for limiting subsidies to $20,000 to the farmers of the United States.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman.

Mr. WAGGONNER. Would it not be more accurate to say that you are voting for a continued subsidy rather than more subsidy?

Mr. CONTE. I wish the gentleman would explain himself. The limitation is a $20,000 limitation on subsidies. It would cut back the big subsidy grabbers that we have now who are getting over $20,000, some of whom are getting $50,000, $100,000, $1 million, and even $4 million.

Mr. WAGGONNER. Will the gentleman yield further?

Mr. CONTE. I am glad to yield.

Mr. WAGGONNER. The gentleman said he would like me to explain myself. I think it suffices to say that the present bill under which the farm program operates requires and calls for and provides for exactly the same subsidy that this 1-year extension provides for. The gentleman's proposal is only a proposal that has never been signed into law.

Mr. CONTE. No. It has never been signed into law, but it has passed this House, on a rollcall vote. This is the only way that the taxpayers of this country can interpret this vote.

Mr. Speaker, on August 1 this body approved an amendment which I had offered to the Food and Agriculture Act of 1965 to limit total farm subsidy payments to a maximum of $20,000 for any one farmer or farm operation.

The vote on my amendment, which came in the form of a motion to recommit, was 230 in favor to 160 opposed. This represented a substantial statement of support on the part of this body for a payment limitation.

The conference report before us today has ignored this mandate.

Our conferees went to conference with a clear expression of this body's will—this body's desires—and they proceeded to drop the limitation—and I would imagine they did not take very long in giving it up.

Not only, however, has the will of this body been ignored by the conferees; they then proceeded to take extraordinary steps to make sure that this body would never have the opportunity to reaffirm the position it had so strongly taken when it adopted my amendment.

This conference was requested by the Senate. Everyone knows that under regular procedures the Senate, as the body requesting the conference, should have voted after the House on the report.

But we also know that if this report had come to the House first it would have been subject to a motion to return it to conference and insist on my amendment, whereas with the Senate acting first we could only vote it up or down.

What happened—well, our conferees allowed the Senate to act outside the normal rules and vote first on the bill in order to prevent this House from once more expressing its will in favor of a payment limitation.

Mr. Speaker, this never should have happened. Our conferees should have insisted on this payment limitations amendment, and they certainly should have insisted on this House acting first on the report as is our prerogative.

Without this $20,000 payment limitation, any extension of the 1965 act would merely serve to perpetuate a wasteful, unfair, and inequitable subsidy program.

I urge all of my colleagues who support a payment limitation to vote against this conference report and make clear that without a payment limitation this farm bill cannot be justified.

Mr. BELCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts was always high on any subject he might have, but I did not know that he would call it a thoroughbred.

Mr. Speaker, there were 17 amendments over in the Senate and the gentleman has characterized them as just a bunch of trash. But nevertheless I know that over there the entire Senate that passed those 17 amendments probably would not today think so much of the gentleman's "thoroughbred" remarks. I can understand why the gentleman who lives in a district which does not even have a flower pot in it would feel this way.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. Just a moment. I did not ask the gentleman to yield during his time.

Mr. Speaker, various enterprises which are conducted in the district which the gentleman represents have received subsidies for almost everything you can imagine throughout the years, almost since we discovered America, and I can understand why he would not want a group of farmers to stay afloat. But I might say to the gentleman from Massachusetts that if he breaks the farmers, there will not be anything to buy those subsidized products which are produced by high-priced workers.

Mr. CONTE. Now, Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Massachusetts.

Mr. CONTE. I would like to inform the gentleman that I have more dairy farmers in my district than he has in his Oklahoma district and that they are not collecting any Government subsidy, they do not want any subsidy. They want to put an end to this subsidy business.

Mr. BELCHER. I would say if the gentleman has dairy farmers in his district, they are subject to the same subsidies that any other dairy farmer is in America. That shows how little the gentleman knows about the farm bill.

Mr. CONTE. Mr. Speaker, will the gentleman yield further?

Mr. BELCHER. Yes, I yield.

Mr. CONTE. Mr. Speaker, I do repeat that I have a great group of dairy farmers in my district who do not collect any subsidies from the Federal Government.

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. JONES].

Mr. JONES of Missouri. Mr. Speaker, I was intending to say something about the statement of the gentleman from Massachusetts but I think the gentleman from Oklahoma took care of him very well. However, while the gentleman from Illinois was speaking I was wondering whose views he was reflecting.

Mr. Speaker, I had an interesting experience a few days ago when I read the Wall Street Journal. A front page headline stated "Capital Newsmen Often Play a Role in Creating the Events They Cover." For the benefit of those who did not read it in the September 11 issue—I read a portion and to the best of my knowledge it has never been challenged—it says:

> Charles Nicodemus of the Chicago Daily News is among those who have climbed "inside the horse's mouth"—

I do not know how he got inside the horse. He might have come in through the mouth—

> helping to draft speech material and then reporting the ideas as those of the officeholder he aided. He played just such a duet with Republican Representative Paul Findley of home-state Illinois during the 1967 dispute over the Government-authorized sale of M-16 rifles to Singapore while the weapons were in short supply for Vietnam troops—a story Mr. Nicodemus uncovered.

The article goes on to say quoting Mr. Nicodemus:

> "When I first got word of what was cooking, I wanted someone to raise hell in public about it," he says. "So I got in touch with FINDLEY, who I had worked with before. I fed him stuff and he sounded off about it, and he asked the State Department or Defense about other things." Mr. Nicodemus won a distinguished service award from Sigma Delta Chi, the professional journalism society, for these and related stories.

But the thing I would like to know today is whether the gentleman from Illinois was speaking for his farmers. And I will say this—and I will put up any amount of money and leave it to any kind of poll—and I am not talking about my friends from Chicago and other places, but the polls about the people wanting to get rid of the farm program. They do not want to get rid of the farm program until we can get something better than what we have. We are asking for a little time there.

I do not believe that the gentleman from Illinois would have the nerve to get up here and tell this House that he is representing the people of Illinois when he says that he is opposed to continuing this present farm program for another year. Now, until I get some reason to believe that he is not reflecting the views of Mr. Nicodemus, and if Mr. Nicodemus has crawled inside or found some way or other to get inside, I want to know whose views the gentleman from Illinois has been reflecting—his own, or those of Mr. Nicodemus. When the gentleman is down in the well here telling us that the farmers of America do not want this program to continue, until they can get something better, he is just not reflecting the views of his farmers.

I believe we are asking for the minimum now for a year until we can do it.

I do not like everything about the farm program. I did give the gentleman from Illinois credit for having more information and knowing more about the program than the gentleman from Massachusetts who does not know the difference between a subsidy and a payment for taking land out of production in order to bring supply and demand into balance.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. FINDLEY. Mr. Speaker, will somebody yield to me?

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from Illinois?

Mr. FINDLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Illinois has made a parliamentary inquiry. Does the gentleman from Oklahoma yield to the gentleman from Illinois for that purpose?

Mr. BELCHER. Mr. Speaker, I will yield 1 additional minute to the gentleman from Illinois.

The SPEAKER. The gentleman from Illinois [Mr. FINDLEY] is recognized for 1 minute.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman. I believe my good friend from Missouri is a former newspaperman himself, as I am—and I suspect that back of his comments might have been just a little bit of envy that I have been working with a prizewinner like Charlie Nicodemus. I have no apologies for that. I do suggest that maybe the comments of the gentleman from Missouri do not go straight to the heart of the question, and I doubt if they deal with the merits of this bill that is before us today.

It really comes down to what we are inflicting upon the taxpayers of the United States and what we are inflicting upon the farmers of the United States.

I can tell the gentleman from Missouri that while the conventions were going on I spent almost the entire month of August going from country town to country town in my district talking to farmers and, believe me, they are behind this amendment to establish a $20,000 limitation on payments. And you had better believe that.

Mr. JONES of Missouri. If the gentleman will yield, let me ask the gentleman one question: Does the gentleman deny that he has been sounding off for Mr. Nicodemus?

Mr. FINDLEY. Oh, of course I do. I write my own speeches. And I am sure the gentleman would not want to take unfair advantage in this parliamentary situation, where we have no real chance to discuss what the gentleman has brought up. The time is not adequate to discuss it. It looks to me like a red herring which maybe ought to be a part of a farm bill after all.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CONTE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that a quorum is not present.

The Chair will count.

Mr. CONTE. Mr. Speaker, I withdraw my point of order.

The SPEAKER. The gentleman from Massachusetts withdraws his point of order that a quorum is not present.

The Chair recognizes the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an editorial from the New York Times.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. Mr. Speaker, this conference report on the annual, approximately $3.5 billion farm subsidy, calls for an extension of an additional year during 1970. The rule for this legislation was rejected by a 6-to-6 vote in the Rules Committee 4 or 5 months ago. Finally, the bill H.R. 17126, after 4 or 5 weeks delay, was reported out of the Rules Committee. During the debate on the floor of the House figures and statistics were presented revealing large corporate farms were receiving fabulous, annual checks from the American taxpayers for idle land.

During the House debate 2 months ago I held in my hand a 1,240-page volume from the Senate hearings, which contained the names, addresses, counties, and States of all recipients reeciving over $5,000 annually from the Government for idle lands. That volume revealed that the great bulk of recipients were large corporate farms receiving payments from $100,000, $500,000, $800,000, and up as high as $4 million from the American taxpayers for idle land.

Of the various counties listed over the Nation several southern and western counties received payments between $16 and $20 million annually. Remember, I am referring to counties, not States. A half dozen individual farm corporations received over $1 million each, but I believe the champion recipient of all was J. G. Boswell Co., Litchfield Park, Ariz., Kings County, Calif., who received $4,091,818 from the American taxpayers in the year 1967 for its idle land. Close behind was Rancho San Antonio, Gila Bend, Ariz., Fresno County, Calif., who received $2,863,668 in the year 1967. The runnerup was Giffen Farms, Inc., of Huron, Calif., who received $2,397,073 from the American taxpayers in the year 1966 for its idle land.

In the CONGRESSIONAL RECORD of July 18, 1968, page 22191, I listed the names and addresses of 25 large-farm recipients whose individual payments run from $442,327 up to $4,091,818, I also submitted on that page of the CONGRESSIONAL RECORD where 10 farming operations received a total of $14,785,760, which is more than the total of $13,409,756 received by all farmers in 10 States—Alaska, Rhode Island, Massachusetts, New Hampshire, Connecticut, Delaware, Nevada, Vermont, Maine, and West Virginia—plus the Virgin Islands.

I could go on indefinitely revealing the scandalous operations of this program which, if thoroughly investigated, would rival the "teapot dome scandal" of the 1920's. Many instances were related whereby farmers would buy additional nonproductive land in some of the Southern and Western States, which they could pay off the first year from checks received from the Government for allowing it to remain idle.

This 1965 act has 1 year and 3 months to run before it expires. The new Congress, in January and February, will have plenty of time to legislate on agriculture subsidies in the 91st Congress. In the last few months I have received copies of dozens of daily newspaper editorials opposing this subsidy bonanza of $3.5 billion. I wish to incorporate with my remarks an editorial from the New York Times of last Thursday, September 19, which winds up by saying:

> Since 1961 the Federal Government has paid farmers $12 billion for not growing wheat, feed grains and cotton. Surely the money could have been better spent in a determined effort to alleviate rural poverty. Improved educational facilities and greater employment opportunities in now impoverished rural areas would help diminish the migration of hopeless people to the urban slums.

By a 70-vote margin, this body placed an annual $20,000 limitation to any farmer or farm operation but the conference committee saw fit to remove the limitation. Our Members should insist on the limitation by rejecting this conference report and let the 91st Congress decide this controversial farm problem in January and February.

The article from New York Times follows:

That Bipartisan Farm Policy

> There are many issues on which bipartisan cooperation is in the public interest, but the farm-price support policy is not one of them. For 35 years efforts to stabilize farm prices through Government control of production have failed, and they cannot possibly succeed in the future. Yet Republicans and Democrats in the House-Senate conference voted to extend the programs for another year and voted down a provision of the bill which would have sensibly limited individual subsidy payments to $20,000.
>
> Both parties—as their election platforms make clear—are committed to the perpetuation of policies that burden the urban poor with higher food prices, benefit commercial farmers who don't need help and create shortages and gluts of commodities that would not occur in free markets.
>
> Mr. Nixon's recent swing through Iowa provides an excellent example of the obeisance to myth that politicians make in grappling with the farm price issue. He deplored the decline in the parity ratio to 74 per cent of the 1910–14 average, and described it as "the lowest since the dark days of the Depression."
>
> What Mr. Nixon didn't say is that the parity ratio—the relation between prices farmers receive for their products and their costs of production—is a defective measure of farm welfare. It fails to take into account Federal subsidy payments, productivity gains and income earned off the farm. Net income per farm is a much better gauge, and this year's figure will not fall very far below the peak level of 1967. Real farm incomes, to be sure, are being eroded by inflation, but so are all others.
>
> Debates between the parties turn on the issue of who can best administer farm-price supports. The truth of the matter is that most commercial farmers would be better off if they could return to free commodity markets through the relaxation and eventual abandonment of Government controls.
>
> Since 1961 the Federal Government has paid farmers $12 billion for not growing wheat, feed grains and cotton. Surely that money could have been better spent in a determined effort to alleviate rural poverty. Improved educational facilities and greater employment opportunities in now impoverished rural areas could help diminish the migration of hopeless people to the urban slums.

Mr. BELCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, confession is always good for the soul, and I was very proud of the gentleman from Indiana, there, when he stood up and confessed that he voted for this $12 billion. I did not. I voted against this.

I might just say one thing: I wonder if he has taken notice of some of the polls taken in his district that show Wallace leading.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman.

Mr. MADDEN. Do not try to get Wallace into this thing, because Wallace has farmers down there in Alabama where you could not raise a chicken on swamp and sagebrush land who are getting all the way from $10,000 up to $50,000 a year for leaving a lot of prairie sand and hardtop acres idle.

Many people in the South and West bought additional swamp and sagebrush land and paid for the acres the first year and never raised a nickel's worth of anything on the land.

Yet, the taxpayers of America paid nearly $3½ billion of which three-fourths of the money went to large corporation farms.

The American Farm Bureau states that over 400,000 small farmers annually leave their farms and move into the urban centers. Many are evicted by large farm operations who allow the land to remain idle and collect from the taxpayers.

I voted for this legislation 3½ years ago when we had large surpluses of grain, et cetera, but it did not take the large "fat cat" corporation farmers long to make a multimillion-dollar racket out of the program.

Three weeks ago I voted for the $20,000 annual limitation to any one farm operation but the Senators helped to remove the $20,000 annual limitation from the bill in the conference report.

Mr. BELCHER. Mr. Speaker, I would say to the gentleman from Indiana that he voted for it and I did not. Undoubtedly when those people out in his district find out how Wallace is getting along and the people down in his area are getting all that money they will think differently. I cannot understand why the union members in the gentleman's district have indicated that they will vote for Wallace. They must be disconcerted about something.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Texas.

Mr. POAGE. The law we are extending now provides that no one can get payments under the cropland adjustment program for land which has been purchased during the last 3 years, and if someone told the gentleman from Indiana that he did this after buying the land, he was mistaken because there is no way of getting those payments, under the existing program. I am afraid that the gentleman from Indiana has simply failed to distinguish between the law and what some ill-informed critic of the bill says is the law.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I do not have the floor.

Mr. MADDEN. There are many farmers or land speculators who are clever enough to buy farms in a name other than their own name.

Mr. BELCHER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. TEAGUE].

Mr. TEAGUE of California. Mr. Speaker, I was a member of the conference and I did not sign the conference report. My colleagues on both sides of the aisle know I have always been opposed to this farm program. It has not worked. It is not in the interests, certainly, of the taxpayers nor of the majority of the farmers in this country. It is bad enough to be stuck with this program through 1969. We would be if we did nothing. But it is even worse if we should extend it through 1970.

Mr. Speaker, I urge a vote against adoption of the conference report.

Mr. BELCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. BATTIN].

Mr. BATTIN. Mr. Speaker, first, I wish it very distinctly understood that I do not have any interests, personal or financial, in any farm any place in the United States. However, I do represent a rather large rural farming area of the country. I am a little bit surprised that people will start out by saying, "If you pass this bill, we are stuck with it for another year." There is no one in this body who does not know that if we come up with new legislation at any point in 1969 that at the point a new bill becomes effective the present law is repealed. We do not wait until the expiration of the old bill.

It was stated by the chairman of the committee that both political parties agree that a 1-year basic extension is what is needed in order to try to straighten things out.

The gentleman from Illinois has said that farmers in his area are getting $1.10 for wheat. They are lucky. Mine are getting only 94 cents, and they have a long way to go to the marketplace in order even to receive that price.

Mr. FINDLEY. Are you satisfied with that price of wheat?

Mr. BATTIN. No, I am certainly not satisfied with that price of wheat. Perhaps we represent different kinds of farmers. Mine do not think a $20,000 limitation is worth a darn, and for one basic reason. If I am opposed to a farm bill, I will have courage enough to get up and say that I am opposed to it and fight it right down to the end. But I think the gentleman will have to agree that if the amendment to require a $20,000 prevailed, in effect he would be killing the farm program. The people you are trying to control in a farm program are the big producers. I have heard a great deal said about the millionaire farmer. Are we against people being able to make a living in this country? Are we going to set up a ceiling prescribed by the Government to limit what they can make? I hope not. If you are against the program, fine, vote against it. But to attack it in this way seems to me to not be a very fair or proper approach. We will have an opportunity in 1969, in what I hope will be a different administration, to work our will as we do every year on the problems dealing with rural America. But to do it in this way just does not seem to me to be in the best interests of either the farmers or the consumers.

Mr. Speaker, I urge the adoption of the conference report for a simple 1-year extension of the farm bill.

Mr. POAGE. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Speaker, I rise in support of the conference report.

THE FARMER IS A VITAL MEMBER OF OUR SOCIETY

Mr. Speaker, so many times the general public erroneously looks upon the farmer as a subsidy-hungry feeder at the public trough. That agriculture and the upkeep of the farmer is a lavish and extravagant operation. They point to the appropriation of funds for agriculture with scorn and contempt. So many of the Nation's people look upon the Department of Agriculture and the funds required to run it as being beneficial to the farmer and farmer alone. This attitude is misleading. It can be corrected by a look at the facts.

A sizable part of the money spent by the Department of Agriculture is enjoyed by the consuming public, it goes to aid people, and American business as well as the farmer. Let us take a look at the 1968 fiscal year estimated expenditures for agriculture so that we can see where the money was used:

	Million
Public Law 480 sales of agricultural commodities for currencies of the recipient countries plus sales on credit totaled (this money should be charged up to foreign relations—not the farmer)	$890
Title II, Public Law 480:	
Donations abroad	425
Transfer of bartered goods to stockpile (clearly defense)	24
Donations dairy products to armed services	1
Total foreign and defense	1,339

Other phases of food programs for the needy or the poor include:

	Million
Domestic food distribution	$424
Food stamp program	178
School lunch (builds strong bodies in our young people)	220
Milk program (special plan to drink more milk)	102
For the needy—total	924
Farmers Home and REA:	
Repayable loans (investment that will come back through payments)	150
Forestry (benefits everyone)	217
Agriculture research—forestry	263
Plant disease—pest control	73
Agriculture conservation program soil and water resources	257
Protection and development—all other	277
Co-op extension work	90
Inspection of commodities, meats	100
Other kindred outlays, expenses	97
Total	1,388

These benefits are for the future of America—long-range programs for improvement of agricultural and natural resources. These expenditures here largely went to the stabilization of farm income to our producers, but they also benefit others such as storage concerns, warehousemen, river and rail transportation facilities as well.

Agriculture expenditures help the farmer, and at the same time the general consuming public—our schoolchildren—the needy or poor people. These funds go to our defense establishment and to build good will with our neighbors overseas. We should not overlook the fact that these appropriations build up our land and water resources for future generations.

It has been estimated by Department of Agriculture sources that during fiscal 1968 funds spent for programs that assisted and aided consumers—the general business concerns represented nearly two-thirds of the total expenditures made by the Department of Agriculture that year.

The people who supply the Nation with the basic necessities of livelihood food and fiber need to be praised—encouraged not denounced. The farmer receives only a small part of the consumer dollar spent for food.

There are fewer people farming but the capital investment for each farm has gone up from $6,158 in 1940 to $16,979 in 1950. In 1966 the average capital outlay per farm was $65,960, the farmer is entitled to a fair return on his investment.

Most people of the world spend half of their income or more for food. The American family spends only 18 percent of its earnings for the highest type balanced diet of nutritious foods. It is a real blessing that our people are so well fed and healthy on such a small part of their incomes.

If our farmers used the methods that were customary in 1940 the cost of the Nation's food and fiber would be added an extra $13 billion a year. This would mean each family would pay an additional sum of a little more than $5 per week for its market basket.

Two hundred million people live in the United States. They have to be fed, clothed, and housed. In underdeveloped areas in Asia, South American, and Africa the population explosion is resulting in food shortages, malnutrition, undernutrition, and hunger. These nations for many years will have to get supplemental food from other countries. These people make less wages and they cannot buy our products at prices paid in this country. A farmer who receives $1.60 an hour for his work is finding it most difficult to buy all the machinery and chemicals he wants to buy from industry that is paying $2.71 for labor.

The farmer is not asking preferential treatment but he is entitled to fair play or reasonable returns on his investment of capital and labor. He will not produce the increased requirements of commodities without the assurance of a profit—a reasonable profit. That is not asking too much of anyone. The farmer is a vital and essential member of our society.

I urge the adoption of the conference report.

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I commend the gentleman from Texas [Mr. POAGE] and the gentleman from Oklahoma [Mr. BELCHER] for bringing to the House a conference report which I believe most of the Members of the House who have a deep understanding and interest in agriculture, can support. This is a bipartisan effort to resolve a problem. This 1-year extension without limitations is a reasonable compromise.

It is true that some of our agricultural prices are very low, much too low. Under these circumstances the farmer could not survive economically except for Government payments. Actually in the true sense the payment to the producer is in effect a subsidy to the consumer. Except for the farm programs the price of food and fiber to the consumer would be markedly higher.

The present program which this bill extends for 1 year is not the perfect answer to the question.

I would say further, Mr. Speaker, that in our capacities here in the House, there is a responsibility to try to represent the interests of agriculture and also to represent the interest of the urban areas. We have to work together for the common interest if we are to move forward as a people.

I commend the committee for what it has done in regard to the pending problem. I likewise commend the committee for its effort to improve the food stamp program, a proposal we are scheduled to consider during the further proceedings of the day.

I join with others in urging adoption of the conference report now before us.

Mr. GOODLING. Mr. Speaker, the 1965 Agricultural Act does not expire for 15 more months. The act has not succeeded in helping the average farmer.

The lowest parity ratio in many years is sufficient evidence.

We will have a new President and hopefully a new Secretary of Agriculture. A new administration should have a voice in writing a new farm bill.

If it becomes necessary to extend this act it could be done during the early months of the 91st Congress.

Why continue a very costly program that simply has not worked?

Mr. OLSEN. Mr. Speaker, wheat farmers are watching with great interest our final decision to extend the Food and Agriculture Act for 1 year or more.

It is of the utmost importance to them that the Congress take affirmative action now.

If the legislation we are now considering is not enacted, wheat farmers face the prospect of returning to the old program that pushed them into their serious surplus problem. With no action, the Secretary of Agriculture would be required to proclaim marketing quotas, thus compulsory controls, not later than next April 15 for the 1970 crop.

Thus, no action now means that the new Congress would have to consider legislation early next year to keep a voluntary program in effect for wheat. Any delay then in congressional action would keep wheat farmers on the hot seat—not knowing whether they would be operating under the old program or whether Congress later in the year would take some action to modify this program.

Wheat legislation which is now in effect and which would be extended if the act we are now considering is approved has brought the surplus of wheat down to reasonable levels. It embodies two-price principle in that it sets price supports at levels nearer those of world market prices and supplements incomes through direct certificate payments for wheat consumed as food here in the United States.

Under this program, dollar sales of wheat have averaged higher than in previous years—greatly helping our balance-of-payments problem.

It has brought total returns to wheat farmers to higher levels than at anytime since the post-World War II years.

It provides the means, more than any other previous legislation, to deal with agriculture's basic problem—that of excess productive capacity.

The basic principles in the 1965 farm act have proven without doubt to be successful. It has been effective in its aim to increase farm income. I urge Members to consider its record of success and accomplishment and vote for its extension.

Mr. CULVER. Mr. Speaker, I support the conference report on the Food and Agriculture Act which the House is considering today, and will vote for it as I did for the original bill and for the extension which passed the House in July.

But I am deeply disturbed that, in doing nothing more than to extend present programs for 1 additional year, the Congress is exercising only its most minimal responsibility in this area, while ignoring the need for a much more critical examination and revision of the farm program and an extension of workable programs over a longer period of time.

When farmers are facing the most critical cost-price squeeze of this decade, with farm income down significantly from the record highs of 1966 and 1967, Congress should be assuming vigorous leadership in an area which affects not just agriculture, but every section and sector of our interdependent economy.

When the 89th Congress passed the Food and Agriculture Act of 1965, it was hailed as the best we had ever established. For the first time, a program had been set for 4 years, so that the American farmer would be assured of continuity, instead of wondering from one planting season to the next whether Congress, in its annual struggle over the program, would maintain or cancel it, and in what form.

But while we carried out that responsibility to bring some kind of stability to the farm program, we ignored the opportunity which this 4-year period gave us for a critical examination and analysis so that meaningful changes could be made when the expiration date approached.

Instead, we are doing nothing more than extending the program, because we have no real evidence of how it can best be improved.

At least, in doing this we are insuring that farmers will know what to expect for the 1970 crop year, and giving Congress an extra year to exercise its responsibility for revision and reform. It is for that reason that I am supporting this conference report today.

In passing this legislation, however, we should make perfectly clear that the first priority task of the new administration and the new Congress next year must be the development of a new long-range farm program, taking the best of the present one which is, after all, the most successful we have ever had, and making changes to eliminate the problems and make it more relevant to agriculture for the 1970's.

There is perhaps no clearer indication of the manner in which the Congress has overlooked its responsibility on the farm program than the debate on limitation of payments.

There is widespread concern in this country and this Congress—a valid concern which I share—about the trend toward corporate farming. I feel strongly that the farm program should be designed to protect the individual family farmer against what one farm organization president has described as "the factory in the field."

That is why I introduced legislation to eliminate the tax loopholes which benefit hobby farmers and corporations in competition with legitimate family farmers. That legislation has received bipartisan support in the Congress, and has been endorsed by both the Department of Treasury and the Secretary of Agriculture.

If there was convincing evidence that an arbitrary limitation of payments would help the family farmer and reverse the trend toward corporate farming, then I would have supported it, as I am sure would have my four colleagues from Iowa who also opposed it, and I think the conference would have included it in the legislation before us today.

But on the contrary, all of the evidence suggests that, appealing as the concept of such limitations might be, in actual fact as proposed during the debate on this legislation, they would do more damage to the family farmer than they would help him. For example, a $10,000 limit on payments would put 1.5 million acres back into production and add 3 million tons of feed grains to the market. It is not the large wealthy farmer who is going to suffer from the lower prices of the resulting glutted market—it will be the small farmer, who is already selling his corn at a dollar a bushel or less.

I want to emphasize that I do support adjustments in the present program which would put an end to windfalls to corporate farmers, without endangering the family farmer. And I am particularly concerned that steps be taken to insure that no payments are made to keep land out of production which would not have been planted in any case.

It is unfortunate that, after 4 years with the program, we did not have the information and knowledge to make those adjustments this year, and this is one aspect of the program which must have immediate consideration in the 91st Congress.

Mr. Speaker, the need for a sound voluntary farm commodity program is clear. Right now, the American farmer is capable of producing 12 percent more than we can effectively use in the marketplace and in commodity distribution programs both in this country and abroad. And historically, it has been demonstrated that farmers, because they are independent and dispersed, cannot avoid overproduction without some kind of farm program.

During the hearings on this legislation, testimony was received from farm organization representatives suggesting that without the feed grains program, net farm income would decline by $5 billion.

The Secretary of Agriculture contended that net farm income would drop from 20 percent to 40 percent within 5 years, and the only ones left to benefit from the free market then would be the corporations who were large enough to withstand those kind of losses.

The Economic Research Service has conducted studies which indicate that without the farm program, net income would be 36 percent lower, feed grains production would be 17 percent higher, and prices down 34 percent, with a parallel decline in livestock prices at the rate of 5 to 6 percent for every 10 percent decline in grain prices.

And at the same time, we would be building up the kind of price-depressing surpluses which were so devastating to the farmer during the last decade. Those surpluses have been reduced now from the all-time high of $5.5 billion in 1960 to less than $1 billion today.

If we refuse to extend the farm program, we insure a return to those difficult years.

But just by passing this legislation today, we will not automatically guarantee the strength and stability of agriculture.

If we are going to accomplish that objective, then we must not only set out to reform the feed grains program, we must act on complimentary legislation in the areas of corporate farming, strategic reserves, and farm bargaining rights.

I urge the House to approve this conference report today, but in doing so we must not delude ourselves that we have therefore fulfilled our responsibility to the American farmer. In a very real sense, we are doing little more than conducting a holding action by extending the Food and Agriculture Act through 1970, and we must commit ourselves to much more positive and thorough action in the early days of the 91st Congress.

Mr. MONAGAN. Mr. Speaker, I have consistently opposed the Food and Agriculture Act of 1965 and this year I opposed its extension. I regard the programs it establishes as extravagantly wasteful, unduly burdensome to the Nation's taxpayers, and ineffective in aiding those farm families who are most in need.

Perhaps the most outrageous aspect of the act's programs is that exorbitant payments are permitted to be made to large farming enterprises—payments running sometimes into the millions of dollars. I was therefore very gratified that the House adopted an amendment to H.R. 17126, limiting to $20,000 the amount that any individual may be paid. I am correspondingly disappointed that the conferees have deleted this important limitation from the bill.

I certainly intend to oppose adoption of a conference report that will continue to permit such huge sums to be paid to single farming entities, and I hope that other Members will join me in numbers sufficient to insure its defeat.

Mr. BOLAND. Mr. Speaker, I urge the rejection of this conference report seeking an extension of the 1965 Food and Agriculture Act—an act that has fallen far short of the goals its advocates had envisioned 3 years ago.

The record shows, of course, that I voted for this act when it was put before the Congress in 1965. Assured that the legislation would spur agricultural prosperity, that it would stabilize mounting food costs, that it would give the Agriculture Department an economical way of untangling the knotty agricultural difficulties collectively termed the "farm problem," I supported the act in the hope that it would lead to at least a partial achievement of these goals. The evidence accumulated over the past several years, however, demonstrates that the act has failed. The Federal Government is spending almost $3.5 billion each year to carry out the act's provisions—a sum that hardly constitutes the spartan brand of "governmental economy" predicted by the act's spokesmen in 1965. The act, moreover, has not even generated significant farm prosperity. The farm parity index now stands at 73—a figure that, on an annual basis, is no better than the index recorded in the depths of the great depression. And high food costs, another problem the act was drafted to help solve, are continuing to spiral upward.

I am fully aware, Mr. Speaker, that opponents of the bill proposing an extension of the 1965 Food and Agriculture Act are outnumbered by its proponents. The bill's passage, it seems, is assured. By rejecting the conference report now before us, however, we can temporarily send the bill back to conference for revisions that could clear away some of the most startling abuses of the taxpayers' money. The conferees, for example, could restore the House amendment passed July 31 to limit to $20,000 the maximum subsidy payments granted to individual farmers or individual farm operations.

Initially developed in the depression years to help small farmers wrest a living from the soil, the farm subsidy program now lavishes money on giant farm operations that are quite capable of surviving—indeed, of flourishing—without subsidies. Studies carried out over the past few years make this fact amply clear. One study, for example, showed that fully 20 percent of all farm subsidies go to the 2 percent of American farmers who gross more than $100,000 annually. Another study—this one just as alarming—pointed out that 6,579 individual farm operations received payments averaging $50,000 and totaling $333 million during fiscal 1967 alone.

The Congress has a responsibility—a clear responsibility—to end this misuse of Government funds.

Again, Mr. Speaker, I urge the rejection of this conference report so that the extension bill can go back to conference for revision.

Mr. RUMSFELD. Mr. Speaker, since the gentleman from Missouri has injected into this discussion of the agriculture subsidy program the work of the gentleman from Illinois [Mr. FINDLEY] on the procurement of M-16 rifles, I would like to commend the gentleman from Illinois for his contribution in this area.

There can be no question but that without the fine investigative work of the gentleman from Illinois and the excellent reporting in the Chicago Daily News the unfortunate situation surrounding the procurement of M-16 rifles would not have come to light. Nor is it likely that the U.S. Government would have moved to correct what has to be described as a scandalously handled procurement. I commend the gentleman from Illinois for the contribution he has made, and for the energy, diligence, and dedication which has characterized his work in the House.

Mr. POAGE. Mr. Speaker, we have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The SPEAKER. The question is on the previous question.

The previous question was ordered.

Mr. FINDLEY. Mr. Speaker, a parliamentary question.

The SPEAKER. The gentleman from Illinois will state his parliamentary inquiry.

Mr. FINDLEY. Mr. Speaker, am I correct that in the event the House votes disagreement with the conference report, the status of the bill is restored to the position it occupied before conference was asked?

The SPEAKER. The Senate amendment would then be before the House for further action.

Mr. FINDLEY. Mr. Speaker, under that circumstance, a motion would then be immediately in order to send it to conference with or without instructions?

The SPEAKER. At that point, if it arrives, such a motion would be in order.

Mr. FINDLEY. And therefore disagreement with the pending motion to accept the conference report would not defeat the bill but rather place it in a position for the House to act?

The SPEAKER. The Chair is not going to rule on that. The Chair has already answered two parliamentary inquiries for the gentleman. And the gentleman understands the situation.

The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 189, nays 172, not voting 70, as follows:

[Roll No. 351]

YEAS—189

Abbitt
Abernethy
Albert
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ayres
Barrett
Battin
Belcher
Berry
Betts
Bevill
Bingham
Blatnik
Boggs
Bow
Brademas
Brasco
Brinkley
Brock
Brooks
Brotzman
Broyhill, N.C.
Burke, Mass.
Burleson
Burton, Calif.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Carter
Casey
Clark
Colmer
Culver
Cunningham
Curtis
Davis, Wis.
de la Garza
Dellenback
Denney
Devine
Dingell
Dole
Dorn
Dowdy
Downing
Duncan
Eckhardt
Edmondson
Edwards, La.
Eilberg
Evans, Colo.
Everett
Evins, Tenn.
Fascell
Feighan
Flood
Foley
Ford, Gerald R.
Fountain
Fulton, Tenn.
Fuqua
Galifianakis
Gardner
Gathings
Gettys
Gonzalez
Green, Pa.
Griffin
Gross
Hagan
Hall
Hamilton
Hammerschmidt
Hardy
Harsha
Hathaway
Hays
Henderson
Hull
Hungate
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Kastenmeier
Kazen
Kee
Kelly
Kleppe
Kluczynski
Kornegay
Kuykendall
Kyl
Langen
Latta
Leggett
Lennon
Lloyd
Lukens
McCulloch
McFall
McMillan
MacGregor
Mahon
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Miller, Ohio
Mills
Mink
Mize
Montgomery
Moorhead
Morgan
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Hara, Mich.
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pepper
Perkins
Pickle
Poage
Price, Tex.
Pryor
Purcell
Quie
Quillen
Randall
Reifel
Rhodes, Ariz.
Rivers
Roberts
Rogers, Colo.
Ronan
Rooney, N.Y.
Roush
Saylor
Schadeberg
Scherle
Schwengel
Selden
Sikes
Skubitz
Smith, Iowa
Smith, Okla.
Springer
Stanton
Steed
Stephens
Stubblefield
Stuckey
Sullivan
Talcott

Taylor
Teague, Tex.
Thompson, N.J.
Tuck
Udall
Vigorito
Waggonner
Watson
White
Whitener
Whitten
Winn
Wylie
Young
Zwach

NAYS—172

Adair
Adams
Addabbo
Anderson, Ill.
Ashbrook
Bates
Bennett
Boland
Bolton
Bray
Brown, Mich.
Broyhill, Va.
Buchanan
Burke, Fla.
Button
Cahill
Carey
Cederberg
Celler
Chamberlain
Clausen,
Don H.
Clawson, Del
Cleveland
Collier
Collins
Conable
Conte
Corbett
Corman
Cramer
Daniels
Delaney
Dent
Derwinski
Diggs
Donohue
Dulski
Dwyer
Edwards, Ala.
Edwards, Calif.
Erlenborn
Esch
Eshleman
Fallon
Findley
Fino
Frelinghuysen
Friedel
Fulton, Pa.
Garmatz
Giaimo
Gibbons
Gilbert
Goodling
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hanley
Hanna
Harvey
Hechler, W. Va.
Helstoski
Hicks
Holifield
Horton
Howard
Hunt
Hutchinson
Irwin
Joelson
Johnson, Pa.
Karth
Keith
King, N.Y.
Kirwan
Kupferman
Kyros
Lipscomb
McCarthy
McClory
McCloskey
McDade
McEwen
Macdonald,
Mass.
Machen
Madden
Marsh
Martin
Mathias, Md.
Meskill
Michel
Miller, Calif.
Minshall
Monagan
Moore
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
O'Hara, Ill.
Ottinger
Pelly
Philbin
Pike
Pirnie
Podell
Poff
Price, Ill.
Pucinski
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reinecke
Reuss
Rhodes, Pa.
Riegle
Robison
Rodino
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Roybal
Rumsfeld
Ruppe
St Germain
St. Onge
Sandman
Satterfield
Schneebeli
Scott
Shipley
Slack
Smith, Calif.
Smith, N.Y.
Stafford
Staggers
Steiger, Ariz.
Steiger, Wis.
Taft
Teague, Calif.
Tenzer
Thompson, Ga.
Tiernan
Utt
Van Deerlin
Vander Jagt
Vanik
Waldie
Wampler
Watkins
Whalen
Whalley
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Wolff
Wyatt
Wydler
Wyman
Yates
Zablocki
Zion

NOT VOTING—70

Ashley
Ashmore
Aspinall
Baring
Bell
Biester
Blackburn
Blanton
Bolling
Broomfield
Brown, Calif.
Brown, Ohio
Clancy
Cohelan
Conyers
Cowger
Daddario
Davis, Ga.
Dawson
Dickinson
Dow
Farbstein
Fisher
Flynt
Ford,
William D.
Fraser
Gallagher
Gurney
Halleck
Hansen, Idaho
Hansen, Wash.
Harrison
Hawkins
Hébert
Heckler, Mass.
Herlong
Hosmer
Jacobs
Karsten
King, Calif.
Laird
Landrum
Long, La.
Long, Md.
McClure
McDonald,
Mich.
Mailliard
Minish
Nedzi
Pettis
Pollock
Rarick
Resnick
Rostenkowski
Roudebush
Ryan
Scheuer
Schweiker
Shriver
Sisk
Snyder
Stratton
Thomson, Wis.
Tunney
Ullman
Walker
Watts
Willis
Wilson,
Charles H.
Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Minish against.

Mr. Blanton for, with Mr. Cohelan against.

Mr. Aspinall for, with Mr. Conyers against.

Mr. Ashmore for, with Mr. Farbstein against.

Mrs. Hansen of Washington for, with Mr. Nedzi against.

Mr. Fisher for, with Mr. Gallagher against.

Mr. Long of Louisiana for, with Mr. Brown of California against.

Mr. Dow for, with Mr. Ryan against.

Mr. Davis of Georgia for, with Mr. Scheuer against.

Mr. Flynt for, with Mr. Resnick against.

Mr. Rostenkowski for, with William D. Ford against.

Mr. Sisk for, with Mr. Dawson against.

Mr. Wright for, with Mr. Hawkins against.

Mr. Watts for, with Mr. Macdonald of Massachusetts against.

Mr. Willis for, with Mr. Jacobs against.

Mr. Walker for, with Mr. Cowger against.

Mr. Laird for, with Mr. Stratton against.

Mr. Tunney for, with Charles H. Wilson against.

Mr. Brown of Ohio for, with Mr. Biester against.

Mr. Dickinson for, with Mr. Broomfield against.

Mr. McClure for, with Mr. Gurney against.

Mr. Blackburn for, with Mr. Halleck against.

Mr. Pollock for, with Mrs. Heckler of Massachusetts against.

Mr. Shriver for, with Mr. Hosmer against.

Mr. Thomson of Wisconsin for, with Mr. Mailliard against.

Mr. Hansen of Idaho for, with Mr. Pettis against.

Mr. Landrum for, with Mr. Bell against.

Mr. Rarick for, with Mr. Karsten against.

Mr. Ullman for, with Mr. King of California against.

Mr. Snyder for, with Mr. Long of Maryland against.

Until further notice:

Mr. Ashley with Mr. Harrison.

Mr. Daddario with Mr. Schweiker.

Mr. Fraser with Mr. Roudebush.

Mr. NIX and Mr. EVINS of Tennessee changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the conference report just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 7735, DUTIABLE STATUS OF ALUMINUM HYDROXIDE AND OXIDE, CALCINED BAUXITE, AND BAUXITE ORE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7735) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and appoints the following conferees: Messrs. MILLS, BOGGS, KARSTEN, BYRNES OF Wisconsin, and CURTIS.

APPOINTMENT OF CONFEREES ON H.R. 653, RATE OF DUTY ON CERTAIN NONMALLEABLE IRON CASTINGS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 653) to amend the Tariff Schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and appoints the following conferees: Messrs. MILLS, BOGGS, KARSTEN, BYRNES of Wisconsin, and CURTIS.

CONFERENCE REPORT ON S. 3068, FOOD STAMP PROGRAM

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (S. 3068) to amend the Food Stamp Act of 1964, as amended, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1908)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3068), to amend the Food Stamp Act of 1964, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That subsection (a) of section 16 of the Food Stamp Act of 1964 is amended (A) by deleting from the first sentence the phrase 'not in excess of $225,000,000 for the fiscal year ending June 30, 1969' and inserting in lieu thereof the following: 'not in excess of $315,000,000 for the fiscal year ending June 30, 1969; not in excess of $340,000,000 for the fiscal year ending June 30, 1970; not in excess of $170,000,000 for the six months ending December 31, 1970'; (B) by changing the world 'year' at the end of such first sentence to 'period'; and (C) by adding at the end of the subsection the following sentence: 'On or before January 20 of each year, the Secretary shall submit to Congress a report setting forth operations under this Act during the preceding calendar year and projecting needs for the ensuing calendar year.' "

And the House agree to the same.

W. R. POAGE,
E. C. GATHINGS,
GRAHAM PURCELL,
THOMAS S. FOLEY,
Managers on the Part of the House.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
HERMAN E. TALMADGE,
B. EVERETT JORDAN,
GEORGE D. AIKEN,
MILTON R. YOUNG,
J. CALEB BOGGS,
Managers on the Part of the Senate.

STATEMENT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 3068, to extend the Food Stamp Act of 1964, as amended, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

1. Expiration date: The Senate bill did not extend the expiration date of the appropriation authorization of the Act beyond June 30, 1969. The House bill extended this authorization to June 30, 1972. The conference substitute extends this authorization to December 31, 1970.

2. Authorization: The Senate bill increased the appropriation authorization in fiscal year 1969 by $20 million to $245 million. The House bill authorized "such sums as may be necessary" for fiscal year 1969 and each of the three subsequent fiscal years. The conference substitute provides for an increase in authorization of $90 million making a total authorization of $315 million for fiscal year 1969, an authorization of $340 million for fiscal 1970, and an authorization of $170 million for the first six months of fiscal 1971.

3. Strikers and students eligibility: The House bill made strikers and students ineligible to participate in the food stamp program under certain conditions. The conference substitute deletes this House provision and leaves the determination of eligibility to be made under the existing law.

4. The Senate receded from its disagreement to the amendment of the House to require progress reports of the Secretary of Agriculture on or before January 20 of each year. The conference substitute requires reports to Congress by such date setting forth operations under the Act during the preceding calendar year and projecting needs for the ensuing calendar year.

W. R. POAGE,
E. C. GATHINGS,
GRAHAM PURCELL,
THOMAS S. FOLEY,
Managers on the Part of the House.

Mr. POAGE (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. POAGE. Mr. Speaker, I yield 30 minutes to the gentleman from Oklahoma, pending which I yield myself such time as I may consume.

Mr. Speaker, a majority of the conferees on the part of the House submit a conference report which was signed by only four of the managers on the part of the House. All of the conferees on the part of the Senate signed the report.

Those of us who signed this report feel that the report embodies those provisions which are most important to the future of the food stamp program.

Members will recall that the other body reported and passed in May 1968, a bill which would increase the appropriation authorization for fiscal year 1969 for the food stamp program by $20 million. This increase raised the appropriation authorization from $225 million to $245 million for the fiscal year 1969.

There were no other amendments, changes, or extensions in the Senate measure.

On the 2d of July 1968, after 3 days of hearings before the House committee, a bill incorporating the same dollar amount increase was reported. In addition, the bill as reported to the House included amendments which were designed and intended to prevent the use of food stamps in furtherance of industrial disputes or their issuance to students in institutions of higher learning.

These amendments expressly provided that no person eligible to receive stamps prior to becoming a student or striker would be rendered ineligible solely because of the change of this single condition. Further, it was felt that funding should be utilized only for the welfare of persons genuinely in need through no fault of their own or through circumstances over which they had no control.

There was considerable debate of this measure on the floor of this House on the 29th and 30th days of July last. Upon passage on the 30th, the bill had been amended to provide for funding amounts of "such sums as may be necessary for each of the fiscal years ending June 30, 1969, 1970, 1971, and 1972." A reporting provision which would require the Secretary of Agriculture by January 20 of each year to set forth in a report to the Congress the operations under the act during the preceding calendar year and projecting needs for the ensuing calendar year was added. The so-called striker and student amendment was retained as reported. The effect of the House bill was to extend appropriation authorization for an additional 3 years, a 4-year period in all, and to remove the ceiling from the money to be spent on this program.

It will be recalled that the Secretary in his original communique to the Committee on Agriculture had asked only for the $20 million increase granted by H.R. 18249. In his appearance before the committee on June 12, 1968, the Secretary requested unlimited funding authority.

Considerable testimony was given about the scope and extent to which this program should be carried: That is, its philosophy, the number of persons to be covered, the best agency to determine eligibility, and so forth. There are on this floor almost as many versions of answers to those questions as there are Members.

The conference committee first met with quite a disparity of opinion as to a solution. The Senate was not amenable to the retention of the striker and student prohibition. There was a difference of 3 years in the appropriation authority of the two bills. There was a vast difference in the funds which the respective Houses sought to authorize, the House had no limit and the Senate increased the existing authority by only $20 million.

The ultimate outcome, the report signed by four of the managers on the part of the House, deleted the amendment which would have made strikers and students ineligible. It was felt by many of the conferees that the present language of the act limiting participation to those households whose income is a substantial limiting factor in attainment of an adequate diet should remain unchanged. In any event there has been no record vote on such a question in this House, and we felt that bringing this report back without the amendment would permit the House to work its will and pass on the question in a motion to recommit with instructions to replace the prohibition.

As to the amount of funds which would be authorized under the conference measure, it should be noted that the $90 million we propose to increase appropriations during fiscal 1969 is 40 percent more than the existing authority. This would authorize a program of $315 million magnitude during fiscal 1969 as compared with $185 million in 1968, an increase in 1969 of $130 million, more than 70 percent, over the previous year. Despite the ambitious plans of some for this program, it is suggested that such a rate of growth is all that can reasonably be made effective in a single year with any degree of efficiency and economy of operation.

The conference committee agreed that consolidation of this expansion and the possible continued growth, mindful of the future state of the Nation's economy and the need to cut spending wherever possible, dictated no more than a $25 million increase in the succeeding fiscal year of 1970. A proportional amount to continue the program to the end of calendar year 1970 was also provided.

Through this compromise the increased appropriation authority was extended 2½ years until December 31, 1970.

Thus under the conference report it remains a voluntary program, which means that local and State governments will determine where the program will operate and the conditions for eligibility. State and local governments will continue to pay about two-thirds of the administrative costs of operation, with the Federal Government paying the other third. Federal contributions for administration cover part of the cost of certifying nonwelfare families and individuals.

Since 1965, when 1,940 areas were participating in the commodity distribution program, the food stamp program has increased from 110 areas to 1,180 currently—September. Over half of these areas were formerly in the commodity distribution program, and today, the number of commodity distribution areas has dropped to 1,444.

The current estimates of the department are that to continue a program of existing magnitude will cost $245 million in 1969. To add those areas designated but not authorized, a total of 141 areas with 216 thousand participants, will cost an additional $15 million. Together with a $5 million reserve for expansion in the new areas, the Department estimated minimum costs for 1969 are now $265 million. Modification of the program to increase participation in existing areas could conceivably cost another $60 million. This would be a total of $325 million. The conference substitute of $315 million would be well within the optimistic range of this projection.

The conference substitute would also retain the reporting provision inserted by the House. With the reports to be made on past operations and projected needs, it is felt by a majority of your conferees that adequate provision would exist for revision of appropriation authority or eligibility conditions. I therefore submit the report and urge adoption of the report.

Mr. Speaker, I would point out that this report goes a long, long way in the direction which those who have been most interested in the food stamp program would like to go.

I would point out that this report extends the program into fields where many Members have felt that it should not go. However, we were faced with a practical situation of whether or not bringing in a report, which in effect would give any opportunity whatsoever to this House to make any decision on these difficult points.

Mr. Speaker, the four members who signed the report felt that it was of prime importance to give this House an opportunity to make a clear-cut decision as to what it wanted to do to this food stamp program. It is for that reason that we have reported the bill with the deletions or amendments to which a great many Members took exception.

Frankly, Mr. Speaker, I recognize the strong argument that can be made in favor of these amendments but recognizing the vital importance of this program and the vital importance of the entire food and agricultural program of America, it is my purpose as one of those who signed this report to vote for the report that I signed and brought back to the House.

I want it clearly understood right now that I am supporting the whole ball of wax, and I hope the House will adopt this program because I believe that it is a reasonable program which will give the needed impetus to the food stamp program and at the same time give us a reasonable degree of local control over the participation therein.

Mr. BELCHER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. TEAGUE].

Mr. TEAGUE of California. Mr. Speaker, at the appropriate time I shall make a motion to recommit this conference report with instructions. The Members are all familiar with the issues, I believe, so I shall be very brief.

You may recall that when this measure was before us in the House bill I offered an amendment which was adopted on a teller vote, and stayed in the bill as we passed it, to prohibit distribution of food stamps to strikers and college students.

Primarily, I am interested in the use of this device to subsidize strikes. To me this is not an antilabor position at all. The strike may be entirely justified, but all unions, I believe, have funds they have accumulated designed to take care of their members who are in need when they are on strike.

The overall amount of money limit in the program, as it has been in the past, and as it will be in the future, is restricted, so if we use food stamps to allow strikers who may with good cause be trying to get their hourly wages raised from $3.75 to $4 per hour, we may be taking literally the food out of the mouths of people who are really in need, abandoned mothers and children, people with big families, people who are unemployable, who are trying to get along on $3 or $4 a day, and not $3 or $4 an hour.

I do not believe the American taxpayers should be expected to devote their money to this sort of a device. That is the issue. It is clear and simple.

Mr. Speaker, I will at this time make a little legislative history. You have probably been made aware of the fact that through a communication received this morning there is some question about the words "labor disputes" in the bill, or in the bill as we passed it, as including lockouts. That was not my intention. I so declare now. And if this motion passes and the bill returns to conference, I will attempt to persuade—and I believe I will have no difficulty—the other conferees to make this matter clear in their report.

This prohibition is intended purely for voluntary strikes and walkouts, not lockouts.

Mr. Speaker, I urge that at the appropriate time when I do offer my motion, that it be favorably acted upon.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Nebraska.

Mr. MARTIN. Would the gentleman agree that in his opinion it was not the intent of Congress to make this an aid to education program, as it seemingly has been used for?

Mr. TEAGUE of California. I certainly would. I supported almost all the aid to education program but I do not consider the food stamp program to be in that category. I understand that in the gentleman's district in Nebraska there is one school where as many as one-third of the students are receiving food stamps. Is that correct?

Mr. MARTIN. That is correct.

The SPEAKER pro tempore (Mr. McFALL). The time of the gentleman from California has expired.

Mr. BELCHER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Washington [Mrs. MAY].

Mrs. MAY. Mr. Speaker, in the conference committee, and I was a conferee, I supported two of the changes that were agreed to in conference between the House version and the Senate version of the bill. That was the 1½-year extension as opposed to a 3-year extension, and the amount of money we agreed on to appropriate for this program for that time.

But I did not sign the conference report because of the removal of what is being referred to as the Teague amendment which excludes food-stamp use for strikers and college students.

Mr. Speaker, in 1964 Congress changed the status of the food stamp program from a pilot project authorized by the executive branch to a full-scale national program authorized by law. Even a cursory review of the debate on the bill at that time reveals that Congress intended the program to aid the involuntarily poor, not those who voluntarily, for one reason or another have temporarily reduced their short-run earning power to increase it over the long run. Congress did not intend to provide program benefits for students and strikers.

Time and again during consideration of this legislation then, it was pointed out that the program was intended to help the needy—the unemployed, the unemployable, families on welfare, mothers with dependent children, the aged, the blind and disabled—in short, those people who through no fault or choice of their own are involuntarily the victims of incomes inadequate to provide them with the quality, quantity and kind of food necessary to assure a proper diet.

Apparently, this was not spelled out clearly enough in the law itself in 1964, but the House recently took an important step toward rectifying this situation by approving on July 30 of this year, the provision prohibiting the use of food stamps either to aid education or to support labor disputes. Now, however, the House must again reaffirm this principle in order to achieve its incorporation into the law.

Congress, in 1964, attempted to avoid, insofar as possible, drafting legislation with any built-in potential for Federal heavyhandedness or redtape to cause unnecessary problems at the State and local levels. The States were left with the primary responsibilities for determining eligibility of participants in the food stamp program. Congress set up basic guidelines for the program and established the legislative intent, but a basic element of that intent has been somehow overlooked in the administration of the law.

The 1964 Food Stamp Act, Public Law 88–525, specified in its title that a principal purpose was "to provide for improved levels of nutrition among low-income households." The President, in his message on poverty of March 16, 1964, urged enactment of the food stamp program "to protect those who are especially vulnerable to the ravages of poverty."

Representative HAROLD COOLEY, the gentleman from North Carolina, was then chairman of the House Agriculture Committee, and stated during House debate on the bill:

> This program is a program for poor people, for hungry people . . . and . . . it will go to people of modest incomes who cannot provide their families with the necessary food. Take a mother who is receiving aid for dependent children. She could take part of that money and go in and buy bonus food stamps.

In the Senate, the Committee on Agriculture and Forestry expressed concern over the definition of "eligible households" and asked for the Agriculture Department's suggestions as to how the program might be restricted more clearly to low-income groups. The thrust of the debate in both bodies was that the program should be directed toward the involuntarily poor and needy.

At this time when we are faced with a critical budgetary situation, and must make every dollar stretch as far as it can possibly go, there is an even more imperative necessity to clarify congressional intent as to who has the greatest need for assistance through the mechanism of the food stamp program. Who should have priority when Federal funds are limited?

Students and those involved in labor disputes have far more alternatives for financial assistance than do mothers with dependent children, families on welfare, the unemployable, and other involuntarily poor and needy people. Strikers have access to special funds provided by their unions, and ordinarily, they have a salable skill and assurance of work in the future. Students have a multiplicity of sources of financial assistance—loans, fellowships, scholarships, GI programs, work-study programs, and many others. Every food stamp dollar provided to strikers and students means there is one less for someone more genuinely in need. It has been said that this amendment is a "cruel" one. Well, is it not cruel to reduce the help which can be offered to the aged, the blind, the disabled, widowed mothers with large families?

This is the tragic study of so many of our welfare programs. We change criteria and qualifications, or let down restrictions, and the result is always that the pie has to be cut into smaller pieces—available funds get spread thinner so that the truly needy are squeezed even further, and are denied adequate assistance for basic needs. What has been barely adequate becomes less than adequate. Congress never intended food stamps to be used by the voluntarily poor, but only by those who are needy through circumstances, not choice.

Some of my colleagues will say that the amount of Federal funds expended on strikers is so insignificant that the abuse does not merit restriction by law. Why, they say, should we write in a new provision because of $115,751 in Federal food stamp money given to strikers during 1 month in Detroit; because of $102,542 spent in two Ohio cities in 1 month; because of $85,428 in Montana during one strike? And here I am talking just about the amount of Federal tax money spent to supplement the strike fund allotments—and this does not include administrative costs of additional offices and personnel required to handle a temporary flood of food stamp requests or the amount contributed by the stamp recipients.

Let us speculate for a moment on the total costs of this one program abuse. Estimate that the Federal Government spent $100,000 on strikers in each of the 41 States participating in the program in fiscal 1968—41 as of May 1968—and this is not an unreasonable estimate in light of Detroit's experience in 1 month—an average of $100,000 per State quickly mounts up to $4.1 million taken away from the poor. This is one-fifth the increase the Secretary of Agriculture originally asked the Agriculture Committee to authorize for fiscal 1969, saying he could meet the needs of those counties waiting to participate with this amount.

I do not consider this $4.1 million a month insignficant, and on a yearly basis it could amount to much more.

Again, the irony in this situation becomes even more apparent when you stop to consider the double blow this is giving the hard-core disadvantaged. Not only are they being deprived of this amount, initially, but they are also victimized by the inflation such subsidies aid and abet.

Food stamps are not a tax-financed college student or strike fund supplement. They should not be used to aid special-interest groups at the expense of the poverty stricken.

I urge my colleagues to stand firm, and require that this amendment be retained.

Mr. KLEPPE. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from North Dakota.

Mr. KLEPPE. Mr. Speaker, I like the way the gentlewoman from Washington has described her position on this question. I rise in support of the remarks that she has just made.

I also rise in support of the motion to recommit which will be offered by the gentleman from California.

Mr. Speaker, the Agriculture Committee and the House voted to restrict the abusive use of food stamps by strikers and college students, because they felt that this amendment was vital to the most effective use of the program.

I quote from the Agriculture Committee report on H.R. 18249:

> In view of the original intent and purpose of the food stamp program, the acute need to stretch the funds of government to reach as many of the needy as possible and the adequacy of other resources, public and private, to help students and participants in industrial disagreements, the committee voted to prohibit the use of stamps either to aid education or to support industrial disputes, and that's actually what it amounts to.

I feel strongly that these reasons are becoming even more true as the weeks go by. We are facing a crisis of confidence—our constituents wonder if we are really trying to help the poor—they wonder if Federal programs are answering the needs for which they were set up—they wonder what is being done about our financial crisis and when they will see some signs of fiscal responsibility coming from Washington.

I believe this amendment, in its own small way, responds to each of these worries and that is why I will vote to recommit the bill to conference.

Mr. BELCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Speaker, I sincerely hope that when the gentleman from California [Mr. TEAGUE] offers his motion to recommit with instructions, that it is defeated. And I hope that the conference report as reported by the conferees will be adopted by the House.

I do not know how many of you folks have ever been in a town in which there has been a prolonged strike. I can tell you that the people who really suffer during a strike are not the men who are themselves out on strike, but the families—the wives and children of the strikers. All of us know that every one of the striking men that go out on strike whether they voted for the strike or whether they did not—and I do not think any strike vote in any union was ever unanimous—want to invoke hardships upon their wives and children at home.

By voting to adopt the Teague motion to recommit you are actually saying that because a father is out on strike and he does not have enough liquid assets to buy the simple necessities for his family, you are going to penalize the children and their mothers of the men who are on strike. That is what the Teague motion does. I do not care how you try to color it, that is its effect.

The Teague recommital motion also says that we are not going to give anything to students.

Is it not rather ludicrous that the House of Representatives and the Congress which has been so generous in other matters and in passing legislation to provide our children with more and more education, should then turn around and say, "If you do not have enough money to get food, we will not enable you to use this system."

If we really want to bring up children who can perform well in school, we have to have children who are well fed. One of the principal purposes of this food stamp program—and it has worked wherever it has gone into effect—is to see that children and families who get the benefits of this program have a balanced diet.

It is said everything is available for the college students. Congress has been so liberal in the GI bill just referred to that we do not even give children today, who have been out defending our country, as much money to go to school as we gave to children at the end of World War II.

I sincerely hope the deserving students and people who are out on strike, and their families, are going to be able to get food in this country which has been blessed with such an abundance of natural resources.

Mr. POAGE. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, this bill has not yet been characterized accurately. I say this without any reference to its distinguished sponsor, a gentleman I have had the honor to serve with and whom I respect. I am talking about the character of the bill itself. I think it is not an antilabor bill but an antistudent bill as well. I think it is a bill that seeks to bring pressure on those involved in strikes to go back because their children are hungry, and contradicts all this Congress efforts to encourage higher education.

I think this violates the tradition in the United States that the Government does not make strikes and it does not break strikes.

I have not heard anyone stand up and describe the tax benefits available to corporations. They can deduct depreciation costs and income losses whether directly or indirectly the result of labor disputes. We give the benefits of deductions under the Internal Revenue law to corporations, regardless of how they are involved in strikes or work stoppages.

If we want to be fair about this matter we should treat both parties of the labor dispute fairly. If we adopt the motion we should not permit the corporations to be awarded contracts by Government, to allow them to deduct depreciation for equipment, or allow them to deduct for strike or other losses. It would be far better to leave this matter alone and follow the usual practice of keeping the Government out of the collective bargaining process.

We have a wonderful collective bargaining system that we boast about, and we say it is a free collective bargaining system. If it is to be a free collective bargaining system, we have to assume that sometimes there will be strikes, and strikes may be justified or they may not be, just as the activity of a corporation in refusing to sign a contract may be justified or it may not be.

Do we intend to come in now and say if there is a laborer who decides to vote for a strike under the collective bargaining system, and he goes out on strike, then regardless of how much the family may suffer, we will not permit them to have food stamps?

And what about the worker who votes against the strike?

Mr. Speaker, a very distinguished Senator in the conference, a senior Republican Senator in the other body, said he felt this amendment was vicious, and he quoted the situation that arose in his own State, where members of his State belonging to an industrywide union voted to go back to work, and members of the union in other States voted to stay out. He said under this amendment his union people desiring to go back would not be permitted to have food stamps.

Second, he pointed out that we have done many things in the Congress to encourage people to go to college. We have passed the Higher Education Act, and the student loan programs, and other legislations which the gentlewoman from Washington referred to. This bill is an attack on every student in any institution of higher learning. Any student in college or in the university will not be eligible for food stamps unless he received stamps prior to going to school, under the amendment of the gentleman from California [Mr. TEAGUE]. Yet, if the same student quits school life, leaves college, and takes his family out on the beach and does nothing—does not do one single useful thing to help himself or to improve society—he is entitled to food stamps.

What irony. What nonsense.

Furthermore, we have had this program under State administration. The States decide who should be given food stamps and who should not. They administer the program on the basis of need.

Some of those in this body who object to guidelines ought to realize this motion would establish a new dictatorial Federal guideline. Under this motion no State may give food stamps to strikers or students, unless they are already receiving them, however much their need might be, and whatever the State might desire to do.

There are many political leaders in our country in both parties who feel the Federal Government has intervened too much in State-administered programs and brought too much control to Washington, yet this is exactly what the Teague amendment would do—federalize eligibility for food stamps.

I believe we would be wise to totally reject this amendment. It is a terrible intervention in the free collective bargaining process. It aims not at strikes but at innocent families, and especially children. It is a slur on every student and family who attends an institution of higher learning. It is a depreciation of the efforts of those who are trying to improve themselves and to make a better life for themselves and their families and to serve society better.

Also, I believe we ought to be aware that there may be some returning veterans for whom, as the gentleman from Pennsylvania says, the GI bill may not be sufficient.

The SPEAKER pro tempore (Mr. McFALL). The time of the gentleman from Washington has expired.

Mr. POAGE. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. FOLEY. Mr. Speaker, I am sure it would not be the intention of the sponsor, but it might be the effect of the amendment, to deny food stamps to a returning Vietnam veteran who has a family he is unable to support under the existing GI bill provisions.

When it comes right down to it, what is the thrust of this amendment? It is merely to express a generalized hostility toward students and workers. There are not very many people in either category who receive benefits from this program, because there are strike funds or other employment for workers and because most students have other means of support.

It would be tragic, I believe, to accept this amendment. It is an emotional attempt to capitalize on bad feeling which exists because of militant student activity at some universities, and it gives the impression that somehow all strikers are acting against the public interest.

I hope we have a greater belief in the free enterprise system and free collective bargaining than that, and a greater belief in the benefits of higher education than that.

Mr. BELCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we first brought the first food stamp plan before the House I understood it to be on the theory that there were certain people who had some money to buy groceries but they did not have enough to provide an adequate diet and this food stamp program was brought up for the purpose of supplementing their diet and giving them proper nutrition.

Just like every other program that we bring out, everybody tries to get aboard. We started out in 1965 with $75 million; in 1966, $100 million; in 1967, $200 million; in 1968, $200 million, and in 1969 there is $225 million. That is the amount of the authorization for this year. This bill ups that to $315 million for this year, $340 million for 1970, and $170 million for the first 6 months of 1971.

So we can see that regardless of how modestly a program starts out it just gradually mushrooms. That is the reason why we had to cut $6 billion and to pass a tax bill in order to keep the dollar somewhere near solvent in the international monetary system.

My colleagues over here have possibly made a good case for a poor striker's children who ought to be fed, but keep in mind that it is not a question of whether you are going to take away the money from the striker's children. The question is are you going to take the money away from somebody who does not even have an opportunity to go on strike and give it to that person. If we just had enough money to go around so that we could take care of everybody in this country who needed anything and we used this as a Federal aid to education program, which this present bill would do, and if we wanted to use the food stamp plan as a strikebreaking plan, that would be one thing. My colleague over here says when the Government would not give these children food stamps, they were entering into the strike. The mere fact that you do not go in there and support a family of strikers so that they can strike longer, then that means that the Federal Government, by omission, is entering into a strike. This is what they say. It appears to me it is just the very opposite of that. If you go in and use tax money to support families so that they do not need to work, then you are supporting a strike and are using the taxpayers' money for that purpose. Worse than that, you are not just using the taxpayers' money but you are using the money appropriated for the purpose of taking care of poor people. You are using the poor people's money to support the strike. Now, maybe if we had plenty of money and could take care of everyone, I do not know that I would object to this, but I do object to taking the poor people's money, the money of people who have no other source of income, and using that to support a strike when the striker does have another source of income.

On the question of Federal aid to education, here is a Vietnam war veteran who comes back. The GI bill of rights does not give him enough funds to go to school. Let us not give charity to this Vietnam war veteran. If we are not giving him enough money to get an education, let us raise the GI bill of rights so that they can get sufficient money for their education. Because he was a veteran does that not mean we have to give him charitable money and make him a charity patient because the Federal Government will not give him enough money.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I am glad to yield to the gentleman.

Mr. FOLEY. I join the gentleman in his desire to raise the benefits under the GI bill. It is a splendid suggestion. But in the meantime, do you mean that we should deny food stamp aid to these veterans even though their children may be hungry?

Mr. BELCHER. I am saying that if a Vietnam war veteran needs help to go to school, let us not make him a charity patient to do that. Let us not give him charity. Let us raise the GI bill of rights high enough so that he can go to school with those funds. Let us not use the food stamp plan for Federal aid to education or as a strikebreaking device, because sooner or later the backers of the food stamp plan are going to load this thing down to the extent where you just will not have anything. The taxpayers someday are going to rebel against paying taxes. I get letters—and I know that the gentleman from Washington does too—which say, "I object to having my tax money taken for the purpose of supporting people that will not work when they get a job." You get letters like that and so do I. This is just absolutely the most glaring example of taking the money of the taxpayers and using it for people who are going out on strike that I know of.

Mr. FOLEY. Mr. Speaker, will the gentleman yield further?

Mr. BELCHER. I am glad to yield to the gentleman.

Mr. FOLEY. The gentleman, I know, has supported Public Law 480, which has as its purpose to provide food aid for hundreds of thousands of needy and sometimes starving people in India and other places in the world. I am glad that I have supported that bill, and I assume that the gentleman is glad that he supported it, also. But I suggest to the gentleman that perhaps both of us should stop supporting Public Law 480 if there is not enough money to take care of the people in this country who are starving and who are suffering from malnutrition before we assist the Indians in Bjhar. Before we worry about the Indians in Bjhar, maybe we ought to worry about some of the people in the United States.

Mr. BELCHER. That is a very fine emotional statement, except for the fact that it does not hold water.

We have passed Public Law 480 to increase the sale of our surplus and to get rid of our surplus commodities of the American farmer. And, the reason that we are sending those products overseas is because if we kept them in the United States, if we kept them in this country, it would break the farm price program. That was a real promotional proposition and not a question of making it a charitable program. It seems that every program of this type which we have undertaken sooner or later gets into a charitable program just like Public Law 480 and just like this is going to be if we keep right on loading all things onto it.

Mr. FOLEY. Mr. Speaker, if the gentleman will yield, if it is true that we passed Public Law 480 solely for the benefit of the farmers and not to be charitable and generous and humane to the other peoples of the world, then we should not pose as being generous and humane with respect to this program when we passed it.

Mr. BELCHER. I might say that I have always been in favor of this proposition for humane activities. I think we are all for Public Law 480 so long as it is limited to that purpose.

Mr. FOLEY. Mr. Speaker, if the gentleman will yield further, I did not intend to cast any aspersion upon the gentleman and if he takes exception to any inference on my part that he is generous or humane, I apologize.

Mr. BELCHER. I am not so inhumane that I am going to take food out of the mouths of poor children in order to stop a strike and you would not either, and if the gentleman would just stop and think, he would see the light.

Mr. FOLEY. Mr. Speaker, if the gentleman will yield further, the gentleman objected very strongly to the addition of the $30 million for the first year of this program, which in my opinion is a minimum amount in order to provide for a reasonable implementation of the program. Now the gentleman says we do not have enough money to carry out the full intent of the program and he is the one that led the attack in cutting it down.

Mr. BELCHER. I imagine that the gentleman from Washington [Mr. FOLEY] voted for this tax hike and also voted for the $6 billion cut and all of the other programs that include the poverty program and everything else while he is going to cut $6 billion out of your party's budget but yet we will raise the amount carried in this bill by the sum of $115 million. In other words, when you put an additional $115 million into this bill you are going to take $115 million off of that $6 billion cut for which the gentleman voted.

Mr. FOLEY. I voted for the increase in the tax rate and also voted for cutting spending. I am going to stand by that vote. But I do not go along with the idea that all of these programs should be cut equally. I am willing to take cuts and have taken cuts on various kinds of public works projects which are located in my congressional district, and I had just as soon see a Federal office building cut out if it means a more adequate diet for poor people and the innocent children. However, I do not feel that we should start cutting the expenses of the Federal Government by denying children an adequate diet. If we are not a rich enough nation to take care of that problem, then we are not exercising the best judgment in the expenditure of our wealth.

Mr. BELCHER. I do not say take the food stamps away from the poor people in order to give them to strikers, either. That is where the gentleman and I differ. It is not a question of how much money we are going to spend but to whom we are going to give the money. I did not expect the gentleman to use more than half of my time when I took the well of the House.

Mrs. MAY. Mr. Speaker, will the gentleman yield?

Mr. BELCHER. I yield to the distinguished gentlewoman from Washington.

Mrs. MAY. I think we ought to get the discussion back on the real point which we were trying to make before the gentleman from Washington [Mr. FOLEY] got us off the track.

There is no one on this committee who has any intention of denying one needy child. We are trying to make the point that this program belongs to people who are truly needy and are unable to help themselves. There is not enough now to go around, according to the arguments from that side of the aisle and the arguments which were made before our committee. If the programs which are now in existence in the Government are not adequate to provide adequate diets for strikers, for college students, and returning GI's, then let us not rob this food stamp program but strengthen the existing programs for students, GI's, and so forth, in order to take care of them. That is the matter under disagreement.

The **SPEAKER** pro tempore. The time of the gentleman has expired.

Mr. POAGE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Missouri [Mrs. SULLIVAN].

Mrs. SULLIVAN. Mr. Speaker, I am not going to say I am happy or delighted over the conference report on the food stamp bill because it certainly would not be true. We won a terrific victory here in the House in July on this issue, after 130 Members of this House had joined in the introduction of an open-ended authorization bill—a record number of cosponsors of any bill in the House, I believe. Although we won the fight on the floor and overturned the committee, the committee has had the last word, by abandoning the basic principle of the House position in conference.

The dollar amount authorized by this conference bill for the present fiscal year—$315,000,000—is not so bad. It is $90,000,000 more than the present ceiling of $225,000,000, and $70,000,000 more than the Senate had passed or the House Agriculture Committee had approved. It should be almost adequate to meet the needs for this year. The Secretary had testified he would need $100,000,000 over the present ceiling in order to include all of the areas which have asked for the program. But most of them will now be able to come into the program this year, if the full funds are now appropriated, as I hope they will be.

LITTLE OR NO EXPANSION NEXT YEAR

But what about next year? The $340,000,000 contained in this bill for next year would permit virtually no further expansion. All we are doing about the 1970 fiscal year and the remainder of the 1970 calendar year is making sure that the program can at least continue at the rate for this year until December 31, 1970, even if the Agriculture Committee takes no action. That is something. It is better than the present law in that respect, and better than the committee bill, which continued the program only to next July. But this bill is not what the House asked for and agreed to.

I am not going to try to send this bill

back to conference, because I do not believe any practical purpose could be served by doing that. Some of the conferees, I am sure, would just as soon let the program die anyway.

But many of the Members, Mr. Speaker, will be unhappy next year, when areas in their districts want to come into the food stamp program, to find that under this legislation, sufficient funds cannot be appropriated to include them. This program has been expanding at a rapid pace in recent years for one reason only: The States and counties want it, in preference to the much more expensive direct commodity distribution system. It costs Uncle Sam far more to give away surplus commodities in a particular county than to administer a food stamp in that same area. Yet the one is infinitely a better program than the other. The difference is, that the food stamp program requires appropriated funds and the direct-distribution program does not—the surplus commodity distribution is handled through the section 32 open faucet, no limit, farm subsidy program.

Next year, we will have a choice in attempting to expand this food stamp program further. We can go back to the Agriculture Committee again and beg and plead, and be brushed aside as we always have been, and then beat them on the floor, as we have always done, and and then see the victory watered down in conference, as has always happened, or we can decide on some other parliamentary means to pass a good food stamp bill. I hope the 129 Members who joined me this year in introducing the bill we passed here in July over the committee's objections will join me next year in a more satisfactory approach to our legislative dilemma on this bill.

THE CRUEL AMENDMENT

Meanwhile, Mr. Speaker, I strongly urge—with all the persuasiveness I can muster—that the expected recommit motion to tack on the so-called striker-college student amendment be roundly defeated. It is sponsored by enemies, not friends, of the food stamp program. It was originally adopted in committee by the votes of Members who then voted against the bill even as so amended.

It is a cruel amendment—intended to punish the children of anyone caught in a labor dispute—even if the labor dispute is found by the courts to have been the result of illegal actions by the employer. In those instances, the workers get backpay for the period they are out of work. But you cannot feed children retroactively. As for the students—usually they are married veterans, living on the Cold War GI bill allotments, or graduate students skimping to get along on very little money. Do not punish them for wanting to learn.

If there are abuses in this respect—and all we have in the record are the cases of a few students at Kearney College in Nebraska, several athletes with cars, who allegedly drove down to the food stamp office in a Thunderbird or Lincoln Continental to get the stamps—it is now within the power of the local welfare authorities to weed out and prosecute anyone obtaining the stamps under false claims of being poor.

I can see many instances where medical students, or students with large families, might qualify for this program. How can anyone vote to deny an adequate diet to any American who is too poor to buy a decent diet, merely because he is going to college or graduate school?

We do not deny food stamps to the children of convicted felons, to the children of family deserters, to the children of institutionalized dope addicts, to the children of immoral mothers, to the children of any other category of low-income Americans. Then why punish children whose fathers are sacrificing in order to go to college to make a better life eventually for themselves and their children—and eventually pay a whole lot more taxes—by acquiring an education? And why punish children whose parents are caught in a major labor-management battle where the individual worker has one voice among thousands, or hundreds of thousands, in deciding whether a union shall strike? Surely this cannot be a serious proposal intended to improve the food stamp idea of assuring adequate diets for low-income families.

Mr. OLSEN. Mr. Speaker, I want to urge my colleagues today to adopt the conference report on the food stamp program. I can vouch for the effectiveness of this program in providing food assistance to our low-income families. Five counties in my State are participating—one of them—Silver Bow County—has been in the program since it began as a pilot operation in the spring of 1961.

During the last fiscal year, low-income families in these counties benefited from almost $1 million in additional food-purchasing power. You can imagine what this has meant in human terms to the families with children, to the elderly—almost $1 million worth of food-buying power that they would not have had in the absence of this program.

And it is a self-help program—not a handout. The people in these Montana counties paid more than $1.4 million to purchase coupons before they received that $1 million in bonus coupons. This means that these people had to want as well as need more food. They had to budget the purchase requirement from their limited resources. More and better food was important to them—good nutrition was important to them. It is not always easy for these families to budget that money month in and month out in the face of competing needs for that dollar but the food stamp program is a tremendous help to our low-income families.

In addition to more and better food on the table, that extra $1 million did a lot for the smalltown grocer and the food stores in the communities in these counties. That is a lot of extra business for many of the stores in my State.

Two counties in my State that had asked to come into the program, and had been told they could have, had to be deferred for some months now for lack of adequate Federal funding. One of these is in my district. Five other counties have requested the program—two in my district.

This conference report should go far toward assuring State and local leaders that we are very serious about this program and that it will be available to them.

Mr. PATMAN. Mr. Speaker, I would like to commend the work of the conference committee and urge support of the compromise food stamp bill reported by the committee.

Last year, we amended the Food Stamp Act of 1964 to permit appropriation of $225 million for the 1969 fiscal year. That amount is not sufficient to permit the Department of Agriculture to meet the demand for this highly beneficial and worthwhile program which has gained such tremendous popular support. So, again this year, we are considering food stamp legislation to permit the appropriation of additional funds.

Food stamp legislation passed by the House would have provided the Congress with unlimited appropriation authorization through fiscal year 1972. This, I feel, would be the preferred course of action, since it would permit the Congress to appropriate funds each year in the light of developing situations.

The Senate version provided an appropriation of not over $245 million for the 1969 fiscal year. The compromise bill—providing appropriation authorization of $315 million for fiscal year 1969; $340 million for fiscal year 1970; and $140 million for the first half of fiscal year 1971—is reasonable. I urge its support.

We are well into the 1969 fiscal year with the Department of Agriculture still unsure of its funding situation with regard to the food stamp program. Delay in approving the food stamp bill can only hurt this most valuable program. I therefore, strongly support and urge the acceptance of the compromise bill now before us.

Mr. HELSTOSKI. Mr. Speaker, I strongly urge the adoption of the amendment to the Food Stamp Act of 1964 which has been proposed by House-Senate conferees. I am in favor of its provisions.

It has been said—or at least implied—that by making workers on strike eligible for the food stamp program on the same basis as all other low-income families, the Federal Government is in effect intervening on behalf of the strikers. The level of food benefits received represents such a small proportion of a family's total expenses—particularly a family that has been accustomed to a high weekly wage—that it is doubtful that the availability of food stamps has any impact on the decision to continue or suspend a strike. What the food stamps do is to help assure these families diets on which they can maintain their health and vitality during a temporary absence of or decline in the family income.

It has also been that there has been abuse of the food stamp program among participating students. This may be true in some isolated instances. However, it must be remembered that the students of today are the backbone of our leadership tomorrow and among our total enrollment in the colleges and universities today are many who are struggling to obtain the knowledge and know-how which will be necessary if they are to fulfill their role as our future leaders. Surely it is important that they receive the same consideration given other low-income people.

I commend the conferees for their fairness and the judgment they have displayed in the consideration of this amendment as it pertains to these segments of our population. Again, I urge passage of this bill as it now stands.

Mr. GALLAGHER. Mr. Speaker, the food stamp program has proven during the last 4 years to be an ingenious method for multiplying the effective purchasing power of people who are unable to obtain the food they require through normal marketing channels. Since its inception in 1964, the food stamp program has helped over 4 million needy people. The program began operating in 22 States. Today, 44 States and the District of Columbia are participating. The food stamp program operates now in almost 900 counties throughout the country.

With the passage of the Economic Opportunity Act of 1964 this Nation made a commitment to obliterate poverty in America. But the war on poverty can be no single-headed effort. The effort to break the cycle of deprivation and want cuts across every area of governmental responsibility and becomes the responsibility of every citizen.

One of the greatest needs we have found among the poor of this country is for an adequate diet. Poor people are identified by a mark of unsatisfied hunger. How can we expect a child to benefit from a Headstart program when his stomach is empty? How can a man learn a new trade through an MDTA program when he is physically and mentally wracked by his own hunger and that of his family? The obvious answer is that the success of the war on poverty depends to a great extent on the adequacy of the diets of those we expect to actively participate.

This conference report on the extension of the food stamp program falls short of the ideal. I have proposed and introduced a bill which would extend the program for 4 years with no ceiling on authorized funds. This was the form of the bill that finally passed the House. I still feel that we cannot adequately predict what the demands on the food stamp program will be next year and the year after. I remain convinced that sufficient congressional control can be maintained through the appropriation process, year by year, as we come to know the food needs of the poor. This report places a ceiling on food stamp program authorizations for fiscal year 1969 of $315 million, for fiscal year 1970 of $340 million, and for the first 6 months of fiscal year 1971 of $170 million. If one child goes hungry because of an inadequate authorization, then we have failed. In all good conscience we cannot allow hunger and abundance to live side by side in America. We should not tolerate pockets of near starvation in our lands of plenty. We cannot shake the responsibility—moral and political—to provide a decent diet for those who are unable to provide for themselves. We cannot sit by and watch the majority of American families sit down to meals of relative abundant proportions, while a minority eat twice a day, and then only many times beans, gravy, and rice.

It is obvious that this conference report represents the maximum amount we can expect this year. It remains my feeling that the no-ceiling authorization was more realistic and responsive to the clear needs of America.

Mr. Speaker, there will be a motion offered today to recommit this report with instructions to include a prohibition against participation in the program by workers on strike and students. I opposed this proposal when it was adopted in the House bill and I remain against it. This amendment has a flavor of a covert assault on the recognized right of men to join together to bargain with their employers. This Nation has long protected the concept of collective bargaining; the Congress has given unions legal status; we have always supported the worker's right to strike when necessary. It would be incongruous to say to striking union members: You workers cannot participate in the Federal food stamp program once you exercise your right to strike. The food stamp program should be based on need, pure and simple. If a worker's family is suffering from malnutrition because of a low salary, then the family should be entitled to participate in the program. If a poor student, working his way through college, has insufficient money to buy food, then he or she should be allowed to participate. Do we want to discourage collective bargaining or seeking a better education by this program? The answer should be obvious. One of the most admirable aspects of this program is that it has concentrated on helping to feed those who are hungry rather than trying to fill hungry stomachs with redtape. This program should continue in this manner, free from all extraneous restrictions. We should reject any proposal which would deny the right to eat to those who exercise their right to strike.

Mr. Speaker, I forsee a great future for the food stamp program. I have seen its impact in Hudson and Union Counties in the 13th District of New Jersey. And I foresee a much greater impact in the future in lifting the tremendous and grinding burden, borne by those whose economic resources are severely limited, of providing themselves and their families with enough to eat. Our duty to ourselves and our fellow citizens is clear. As Adlai Stevenson said, A hungry man is not a free man. In this land of liberty we can never tolerate men deprived by hunger. Whatever the cost may be to provide an adequate and effective food stamp program, we Americans cannot afford to spend less. If we shirk our duty now, we court disaster for ourselves and our children.

Mr. POAGE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. TEAGUE OF CALIFORNIA

Mr. TEAGUE of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. TEAGUE of California. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Teague of California moves to recommit the conference report on S. 3068 to the Committee of Conference with instructions to the Managers on the part of the House to insist on the following provisions of the House amendment to such bill:
>
> "Section 5(b) of such Act is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, any person who is engaged in a strike, labor dispute, or voluntary work stoppage shall be ineligible to participate in any food stamp program established pursuant to this Act: *Provided,* That if any such person was eligible for and was receiving food stamp assistance pursuant to the provisions of this Act prior to the existence of a strike, labor dispute, or voluntary work stoppage, such person shall not be ineligible for participation in the food stamp program solely as a result of engaging in such strike, labor dispute, or voluntary work stoppage. Notwithstanding any other provision of law, any person who is a student attending an institution of higher learning shall be ineligible to participate in any food stamp program established pursuant to this Act: *Provided further,* That if any such person was eligible for and was receiving food stamp assistance pursuant to the provisions of this Act prior to being enrolled as a student at an institution of higher learning, such person shall not be ineligible for participation in the food stamp program solely as the result of being a student attending an institution of higher learning."

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. TEAGUE of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 159, nays 187, not voting 85, as follows:

[Roll No. 352]

YEAS—159

Abbitt
Abernethy
Adair
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Bates
Belcher
Berry
Betts
Bow
Bray
Brinkley
Brock
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson
Bush
Byrnes, Wis.
Cabell
Carter
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Cramer
Davis, Wis.
Dellenback
Denney
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Edwards, La.
Erlenborn
Esch

Eshleman
Findley
Ford, Gerald R.
Fountain
Fuqua
Galifianakis
Gardner
Gettys
Goodling
Griffin
Gross
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hardy
Harsha
Henderson
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Keith
King, N.Y.
Kleppe
Kornegay
Kuykendall
Kyl
Langen
Latta
Lennon
Lipscomb
Lloyd
McClory
McCloskey
McMillan
MacGregor
Mahon
Marsh
Martin
Mathias, Calif.
May
Mayne
Meskill
Michel
Miller, Ohio
Mize
Montgomery
Myers
Nelsen
Nichols
O'Neal, Ga.
Passman
Patman
Pirnie
Poff
Price, Tex.
Purcell
Quie
Quillen
Railsback
Reid, Ill.
Reifel
Reinecke
Riegle
Roberts
Robison
Rogers, Fla.
Roth
Rumsfeld
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Selden
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Springer
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Tuck
Utt
Vander Jagt
Watkins
Watson
Whalley
Whitener
Whitten
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wyatt
Wylie
Wyman
Zion

NAYS—187

Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Annunzio
Barrett
Bennett
Bevill
Bingham
Blatnik
Boland
Bolton
Brademas
Brasco
Brooks
Brown, Mich.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Cahill
Carey
Casey
Celler
Clark
Conable
Conte
Corbett
Culver
Cunningham
Daniels
de la Garza
Delaney
Dent
Diggs
Dingell
Donohue
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Everett
Fallon
Fascell
Feighan
Fino
Flood
Foley
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gathings
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Hamilton
Hanley
Hanna
Harvey
Hathaway
Hechler, W. Va.
Helstoski
Hicks
Holifield
Horton
Howard
Hungate
Ichord
Irwin
Joelson
Johnson, Calif.
Jones, Ala.
Jones, Mo.
Karth
Kastenmeier
Kazen
Kee
Kelly
Kirwan
Kluczynski
Kupferman
Kyros
Long, Md.
McCarthy
McDade
McEwen
McFall
Macdonald, Mass.
Machen
Madden
Mathias, Md.
Matsunaga
Meeds
Miller, Calif.
Mills
Mink
Monagan
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Podell
Price, Ill.
Pryor
Pucinski
Randall
Rees
Reid, N.Y.
Reuss
Rhodes, Pa.
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ruppe
St Germain
St. Onge
Sandman
Saylor
Scheuer
Shipley
Slack
Smith, Iowa
Stafford
Staggers
Stanton
Steed
Stubblefield
Sullivan
Tenzer
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Wampler
Whalen
White
Widnall
Wilson, Charles H.
Wolff
Wydler
Yates
Young
Zablocki
Zwach

NOT VOTING—85

Ashley
Ashmore
Aspinall
Baring
Battin
Bell
Biester
Blackburn
Blanton
Boggs
Bolling
Broomfield
Brown, Calif.
Brown, Ohio
Burton, Utah
Clancy
Cohelan
Conyers
Corman
Cowger
Curtis
Daddario
Davis, Ga.
Dawson
Dickinson
Dow
Evins, Tenn.
Farbstein
Fisher
Flynt
Ford, William D.
Gallagher
Gurney
Halleck
Halpern
Hansen, Idaho
Hansen, Wash.
Harrison
Hawkins
Hays
Hébert
Heckler, Mass.
Herlong
Hosmer
Hull
Jacobs
Karsten
King, Calif.
Laird
Landrum
Leggett
Long, La.
Lukens
McClure
McCulloch
McDonald, Mich.
Mailliard
Minish
Minshall
Moore
Nedzi
Pettis
Pollock
Rarick
Resnick
Rhodes, Ariz.
Rivers
Rostenkowski
Roudebush
Ryan
Satterfield
Schweiker
Shriver
Sisk
Snyder
Stratton
Teague, Tex.
Thomson, Wis.
Tunney
Ullman
Waggonner
Walker
Watts
Willis
Wright

So the mction to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Fisher for, with Mr. Minish against.

Mr. Satterfield for, with Mr. Leggett against

Mr. Ashmore for, with Mr. Moore against.

Mr. Flynt for, with Mr. Aspinall against.

Mr. Battin for, with Mrs. Heckler of Massachusetts against.

Mr. Brown of Ohio for, with Mr. Farbstein against.

Mr. Laird for, with Mr. Hull against.

Mr. Dickinson for, with Mr. Rostenkowski against.

Mr. Rhodes of Arizona for, with Mr. Stratton against.

Until further notice:

Mr. Nedzi with Mr. Broomfield.

Mr. Evins of Tennessee with Mr. Mailliard.

Mr. Rivers with Mr. Thomson of Wisconsin.

Mr. Ford, William D. with Mr. Gurney.

Mr. Hébert with Mr. Minshall.

Mr. Hawkins with Mr. Bell.

Mr. Long of Louisiana with Mr. McClure.

Mr. Teague of Texas with Mr. Hansen.

Mr. Jacobs with Mr. Burton of Utah.

Mr. Blanton with Mr. Blackburn.

Mr. Brown of California with Mr. McDonald of Michigan.

Mr. Daddario, with Mr. Clancy.

Mr. Davis of Georgia with Mr. Curtis.

Mrs. Hansen of Washington with Mr. Halleck.

Mr. Dow with Mr. Snyder.

Mr. Hays with Mr. Roudebush.

Mr. Gallagher with Mr. Conyers.

Mr. Sisk with Mr. Hansen of Idaho.

Mr. Ryan with Mr. Pollock.

Mr. Landrum with Mr. Lukens.

Mr. Watts with Mr. Halpern.

Mr. Wright with Mr. Hosmer.

Mr. Willis with Mr. Pettis.

Mr. Tunney with Mr. Schweiker.

Mr. Walker with Mr. Shriver.

Mr. King of California with McCulloch.

Mr. Ullman with Mr. Boggs.

Mr. Baring with Mr. Ashley.

Mr. Corman with Mr. Conyers.

Mr. Resnick with Mr. Dawson.

Mr. Rarick with Mr. Herlong.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the conference report.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 245, nays 98, not voting 88, as follows:

[Roll No. 353]

YEAS—245

Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Ayres
Barrett
Bates
Bevill
Bingham
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Brasco
Brooks
Brotzman
Brown, Mich.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Carter
Casey
Celler
Clark
Clausen, Don H.
Cleveland
Conable
Conte
Corbett
Culver
Cunningham
Daniels
de la Garza
Delaney
Dent
Diggs
Dingell
Donohue
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Everett
Fallon
Fascell
Flood
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gathings
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hanna
Hardy
Harsha
Harvey
Hathaway
Hechler, W. Va.
Helstoski
Hicks
Holifield
Horton
Howard
Hungate
Hunt
Ichord
Irwin
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
Kirwan
Kleppe
Kluczynski
Kupferman
Kuykendall
Kyl
Kyros
Langen
Latta
Long, Md.
McCarthy
McClory
McCloskey
McCulloch
McDade
McEwen
McFall
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Matsunaga
May
Mayne
Meeds
Meskill
Miller, Calif.
Mills
Mink
Monagan
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Price, Ill.
Pryor
Purcell
Quie
Railsback
Randall
Rees
Reid, N.Y.
Reifel
Reuss
Rhodes, Pa.
Riegle
Robison
Rodino
Rogers, Colo.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ruppe
Sandman
St Germain
St. Onge
Saylor
Schadeberg
Scherle
Scheuer
Schwengel
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Tenzer
Thompson, Ga.
Thompson, N.J.
Tiernan
Udall
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Whalen
Whalley
White
Whitten
Widnall
Williams, Pa.
Wilson, Charles H.
Wolff
Wyatt
Wylie
Wyman
Yates
Young
Zablocki
Zwach

NAYS—98

Abbitt
Abernethy
Adair
Andrews, Ala.
Arends
Ashbrook
Belcher
Bennett
Berry
Betts
Bray
Brinkley
Brock
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson
Burton, Utah
Bush
Cabell

Cederberg
Chamberlain
Clawson, Del
Collier
Collins
Colmer
Cramer
Davis, Wis.
Dellenback
Denney
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Edwards, Ala.
Erlenborn
Findley
Fountain
Fuqua
Galifianakis
Gardner
Gettys
Goodling
Gross
Hagan
Haley
Hall
Henderson
Hutchinson
Jarman
Jonas
Jones, N.C.
King, N.Y.
Kornegay
Lennon
Lipscomb
Lloyd
McMillan
Marsh
Martin
Mathias, Calif.
Michel
Miller, Ohio
Mize
Montgomery
Myers
Nichols
O'Neal, Ga.
Poff
Price, Tex.
Quillen
Reid, Ill.
Reinecke
Roberts
Rogers, Fla.
Roth
Rumsfeld
Schneebeli
Scott
Selden
Sikes
Smith, Calif.
Smith, Okla.
Steiger, Ariz.
Taft
Teague, Calif.
Tuck
Utt
Watson
Whitener
Wiggins
Wilson, Bob
Winn
Wydler
Zion

NOT VOTING—88

Ashley
Ashmore
Aspinall
Baring
Battin
Bell
Biester
Blackburn
Blanton
Bolling
Broomfield
Brown, Calif.
Brown, Ohio
Clancy
Cohelan
Conyers
Corman
Cowger
Curtis
Daddario
Davis, Ga.
Dawson
Dickinson
Dow
Evins, Tenn.
Farbstein
Feighan
Fino
Fisher
Flynt
Ford, William D.
Gallagher
Giaimo
Gurney
Halleck
Halpern
Hansen, Idaho
Hansen, Wash.
Harrison
Hawkins
Hays
Hébert
Heckler, Mass.
Herlong
Hosmer
Hull
Jacobs
Karsten
King, Calif.
Laird
Landrum
Leggett
Long, La.
Lukens
McClure
McDonald, Mich.
Mailliard
Mathias, Md.
Minish
Minshall
Moore
Nedzi
Pettis
Pollock
Pucinski
Rarick
Resnick
Rhodes, Ariz.
Rivers
Rostenkowski
Roudebush
Ryan
Satterfield
Schweiker
Shipley
Shriver
Sisk
Snyder
Stratton
Teague, Tex.
Thomson, Wis.
Tunney
Ullman
Van Deerlin
Walker
Watts
Willis
Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Minish for, with Mr. Ashmore against.

Mr. William D. Ford for, with Mr. Fisher against.

Mr. Feighan for, with Mr. Satterfield against.

Mr. Laird for, with Mr. Battin against.

Mr. Broomfield for, with Mr. Brown of Ohio against.

Mr. Rhodes of Arizona for, with Mr. Pettis against.

Mr. Evins of Tennessee for, with Mr. Flynt against.

Until further notice:

Mr. Hébert with Mr. Shriver.

Mr. Walker with Mr. Roudebush.

Mr. Aspinall with Mr. Halpern.

Mr. Ashley with Mr. Clancy.

Mr. Cohelan with Mr. Bell.

Mr. Daddario with Mr. Hosmer.

Mr. Nedzi with Mr. Cowger.

Mr. Davis of Georgia with Mr. Mailliard.

Mr. Pucinski with Mr. Biester.

Mr. Rostenkowski with Mr. McDonald of Michigan.

Mr. Stratton with Mr. Fino.

Mr. Hull with Mr. Blackburn.

Mr. Willis with Mr. Lukens.

Mr. Teague of Texas with Mrs. Heckler of Massachusetts.

Mr. Blanton with Mr. Pollock.

Mr. Rivers with Mr. Halleck.

Mr. Jacobs with Mr. McClure.

Mr. Leggett with Mr. Dickinson.

Mr. Long of Louisiana with Mr. Hansen of Idaho.

Mr. Shipley with Mr. Gurney.

Mr. Hays with Mr. Curtis.

Mrs. Hansen of Washington with Mr. Snyder.

Mr. Sisk with Mr. Harrison.

Mr. Giaimo with Mr. Mathias of Maryland.

Mr. Gallagher with Mr. Minshall.

Mr. Van Deerlin with Mr. Moore.

Mr. Ullman with Mr. Schweiker.

Mr. Brown of California with Mr. Thomson of Wisconsin.

Mr. Baring with Mr. King of California.

Mr. Dow with Mr. Conyers.

Mr. Corman with Mr. Dawson.

Mr. Farbstein with Mr. Rarick.

Mr. Landrum with Mr. Karsten.

Mr. Wright with Mr. Watts.

Mr. Tunney with Mr. Hawkins.

Mr. Ryan with Mr. Resnick.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the conference report just passed.

The SPEAKER pro tempore (Mr. ALBERT). Without objection, it is so ordered.

There was no objection.

CONFERENCE REPORT ON S. 119, NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. TAYLOR. Mr. Speaker, I call up the conference report on the bill (S. 119) to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1917)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 119) entitled "An act to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

"That (a) this Act may be cited as the 'Wild and Scenic Rivers Act.'

"(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife historic, cultural, or other similar values, shall be preserved in free flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

"(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

"SEC. 2. (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

"(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

"(1) Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

"(2) Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

"(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

"SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

"(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

"(2) ELEVEN POINT, MISSOURI.—The segment of the river extending downstream from

Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

"(3) Feather, California.—The entire Middle Fork; to be administered by the Secretary of Agriculture.

"(4) Rio Grande, New Mexico.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

"(5) Rogue, Oregon.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

"(6) Saint Croix, Minnesota and Wisconsin.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided*, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

"(7) Salmon, Middle Fork, Idaho.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

"(8) Wolf, Wisconsin.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

"(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

"Sec. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to submit to the President and the Congress proposals for the addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

"Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

"(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress. No river or portion of any river shall be added to the national wild and scenic rivers system subsequent to enactment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided.

"(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

"Sec. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

"(1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.

"(2) Bruneau, Idaho: The entire main stem.

"(3) Buffalo, Tennessee: The entire river.

"(4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

"(5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

"(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

"(7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

"(8) Gasconade, Missouri: The entire river.

"(9) Illinois, Oregon: The entire river.

"(10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

"(11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont county line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

"(12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.

"(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

"(14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

"(15) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

"(16) Penobscot, Maine: Its east and west branches.

"(17) Pere Marquette, Michigan: The entire river.

"(18) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

"(19) Priest, Idaho: The entire main stem.

"(20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

"(21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

"(22) Saint Joe, Idaho: The entire main stem.

"(23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

"(24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

"(25) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

"(26) Upper Iowa, Iowa: The entire river.

"(27) Youghiogheny, Maryland and Pennsylvania: the segment from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

"(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national wild and scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within ten years from the date of this Act: *Provided, however,* That with respect to the Suwannee River, Georgia and Florida, and the Upper Iowa River, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within two years from the date of enactment of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments whch, if undertaken, would render them unsuitable for inclusion in the national wild and scenic rivers system.

"(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

"(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic, and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

"Sec. 6. (a) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, and lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

"(b) If 50 percentum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

"(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

"(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the National wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate secretary jurisdiction over such lands for administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

"(f) The appropriate secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

"(g) (1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

"(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

"(3) The term 'improved property', as used in this Act, means a detached, one-family dwelling (hereinafter referred to as 'dwelling'), the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

"Sec. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

"(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

"(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national wild and scenic rivers system and publish notice to that effect in the Federal Register, and

"(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national wild and scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

"(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

"(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601–5 et seq.).

"Sec. 8. (a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

"(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

"Sec. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that—

"(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

"(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

"(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

"(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system.

"Sec. 10. (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

"(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

"(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

"(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

"(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

"Sec. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such wild, scenic and recreational river areas.

"(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas.

"Sec. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national wild and scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

"(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

"(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

"Sec. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

"(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

"(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

"(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

"(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

"(f) Nothing in this Act shall affect rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

"(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

"Sec. 14. The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

"Sec. 15. As used in this Act, the term—

"(a) 'River' means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

"(b) 'Free-flowing'; as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rappng, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

"(c) 'Scenic easement' means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

"Sec. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $17,000,000, for the acquisition of lands and interests in land under the provisions of this Act."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same with an amendment as follows: Amend the title so as to read: "An Act to provide for a National Wild and Scenic Rivers System, and for other purposes."

And the House agree to the same.

Wayne N. Aspinall,
Roy A. Taylor,
Harold T. Johnson,
Morris K. Udall,
Robert W. Kastenmeier,
John P. Saylor,
Joe Skubitz,
Theodore R. Kupferman,
Managers on the Part of the House.

Henry M. Jackson,
Frank Church,
Gaylord Nelson,
Thomas H. Kuchel,
Len B. Jordan,
Managers on the Part of the Senate.

Statement

The managers on the part of the House on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 119, an act to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes, submit this statement in explanation of the effect of the language recommended and adopted in the accompanying conference report.

The conference committee recommends adoption of an amendment in the nature of a substitute for the House amendment to S. 119. The House amendment struck out all after the enacting clause of S. 119 and inserted new language in its place. The conference committee substitute adopts the format and substance of the House amendment except as noted below.

Section 1: The short title of the bill in section 1 is amended by deleting "National Scenic Rivers Act" and inserting "Wild and Scenic Rivers Act." This change is reflected at a number of places thereafter throughout the conference committee's recommended substitute and will not be further noted here. The declaration of policy in this same section is enlarged to include a portion of the Senate bill, viz., a declaration to the effect that the established national policy of developing rivers by construction of dams and other water resource projects needs to be complemented with a policy of preserving certain rivers in free-flowing condition.

Section 2: A three-fold classification of the components of the wild and scenic rivers system is retained but instead of being known as class I, class II, and class III rivers they will be known as wild rivers, scenic rivers, and recreational rivers.

Section 3: Two rivers are added to the six of the House amendment in the "instant" category. These are the Middle Fork of the Feather River in California and the segment of the Eleven Point River in Missouri.

Section 4: A provision is added to subsection (c) of this section to the effect that no new river shall be added to the wild and scenic rivers system by congressional action until the end of the first full session of the legislature of the State in which it is located which is held after a recommendation is made to the President for its inclusion.

Section 5: Two rivers are deleted from the study category and four are added to it by the conference amendment. The two that are deleted are the Eleven Point in Missouri and the Middle Fork of the Feather in California which, as noted above, are recommended for inclusion in the "instant" category. The four that are added are portions of the Allegheny in Pennsylvania, the Little Beaver in Ohio, the Maumee in Ohio and Indiana, and the Youghiogheny in Maryland and Pennsylvania. As a result of these changes, the conference committee recommendation is that 27 rivers or parts of rivers be included in the study category as compared with 28 in that category under the Senate bill and 25 in the House amendment. The period during which study of these rivers is to be conducted has been reduced from 15 years in the House amendment to 10.

The provision of subsection (c) of the House amendment forbidding the Secretaries of the Interior and Agriculture to undertake the study of any stream which a State is willing to study is modified to provide that, if a State requests a joint Federal-State study, the Secretary of the Interior or the Secretary of Agriculture, as is appropriate, shall comply with the request.

Section 6: Limitations on the powers of the Secretary of the Interior and the Secretary of Agriculture to acquire land within a national wild, scenic or recreational river area are recommended in the conference committee amendment: (1) Fee title may be acquired for an average of no more than 100 acres per river mile on both sides of the river, as contrasted with the permissible 320 acres in the House amendment. (2) State-owned lands may be acquired only by donation. (3) No land may be acquired by condemnation within the boundaries of an incorporated city, village or borough which has an appropriate zoning ordinance in force. The Secretaries of the Interior and Agriculture will issue guide lines setting out the standards by which they will judge the appropriateness of such zoning ordinances. (4) Exchanges of Federal land for non-Federal land are permitted only within the same State. (5) Fee title may not be acquired by condemnation if 50 percent or more of the entire acreage within the unit of the national wild and scenic rivers system in question is already owned by the United States or by a State or political subdivision thereof, unless the condemnation action is necessary merely to clear title—that is, to remove outstanding encumbrances, to take care of the interests of missing heirs, and the like. (6) Specific authority is given the two Secretaries to acquire scenic and other easements to assure public access to the river and to traverse the length of the area in cases where they would otherwise acquire fee title but are forbidden to do so by the provision just noted. (7) A formula similar to that which has been employed in recent years in many recreational and seashore area acts is included the effect of which is to allow the owners of one-family dwellings, the construction of which was completed or begun before January 1, 1967, to elect, at the time the land on which these dwellings stand is acquired, to retain a right of use and occupancy for 25 years or for the lifetime of the owner or his spouse with an appropriate reduction in the purchase price.

Section 7: This section is amended to make clear that water developments above or below a wild, scenic or recreational river area which do not "unreasonably" diminish its values are not prohibited. In this connection, reference is made to the Skagit River. A revision of the bill in the House eliminated the portion of the stream above Bacon Creek in order clearly to permit Federal Power Commission consideration of potential developments there, particularly a proposed development near the mouth of Copper Creek. This revision has been retained by the conference committee and is consistent with action heretofore taken by the Congress in connection with the North Cascades Park legislation (S. 1321, H.R. 8970).

Section 10: Although no substantive amendment to Section 10 of the House amendment is thought necessary by the conference committee, its members are agreed that the language of subsection (c) is not intended to make applicable to all units of the national scenic rivers system administered by the National Park Service the prohibition against hunting which prevails in most of the national parks and monuments. Section 13 covers this subject.

Section 13: The last sentence of subsection (a) of this section is modified to allow the Secretary of the Interior and the Secretary of Agriculture to designate no-hunting areas and to establish no-hunting periods for reasons of public safety, administration or public use after consultation with the appropriate State wildlife agency. Subsections (b), (c), (d), (e), and (f), dealing with water rights, interstate compacts, and State access to the beds of rivers within the system are incorporated in the conference substitute from the original Senate bill and replace other language which was in the House bill. Subsection (g) is modified by deleting certain language in the last clause and by making clear that any conditions precedent required by the Secretary of the Interior and the Secretary of Agriculture in the granting of an easement or right of way under the present act must be related to fulfilling the purpose of the act and not to other possible policy considerations.

Section 15: The definition of "conservation easement" in the House amendment is dropped and the definition of "scenic easement" in the Senate bill is substituted in its place.

Section 16: The amount authorized to be appropriated for land acquisition has been reduced from $17,340,000 to $17,000,000, it being understood that if escalation of land prices or other unforeseen factors require the appropriation of more than this amount, the two Committees on Interior and Insular Affairs will be willing to consider such further legislation as is necessary to carry out the act.

Wayne N. Aspinall,
Roy A. Taylor,
Harold T. Johnson,
M. Udall,
Robert W. Kastenmeier,
John P. Saylor,
Joe Skubitz,
Theodore R. Kupferman,
Managers on the Part of the House.

Mr. TAYLOR (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I hope I will not have to object, I take it that the gentleman will take a minute or two or three to explain what transpired in the conference.

Mr. TAYLOR. The gentleman is correct. I will be glad to explain the basic changes.

Mr. GROSS. And yield perhaps for a question or two?

Mr. TAYLOR. The gentleman is correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. TAYLOR. Mr. Speaker, the report of the committee of conference on S. 119 and the statement of the managers on the part of the House which accompanies this report make quite clear the nature of the amendment which the conference committee recommends to the House of Representatives and the Senate, so I shall not go into great detail.

In general, the language of the House bill was followed in the report and several provisions of the Senate bill were included as amendments.

Members will recall the bill, as it passed the House, listed six rivers for immediate inclusion in the scenic rivers system and 25 more for study. The conference committee recommends that two of the rivers which were in the study category be added to the "instant" class. These are the Middle Fork of the Feather River in California, and that portion of the Eleven Point which is in Missouri. This makes a total of eight rivers in this class. The conference committee also recommends that four rivers be added to the study category. These are, first, the Maumee in Ohio and Indiana, including its tributaries in Indiana but excluding its tributaries in Ohio; second, the Little Beaver in Ohio; third, the Youghiogheny in Pennsylvania and Maryland; and, fourth, a part of the Allegheny in Pennsylvania. Thus there are now 27 rivers in the study class, as compared with the 28 that were in the original Senate bill and the 25 that were in the House amendment to that bill.

The conference committee also recommends that the river system be known officially as the national wild and scenic rivers system instead of, the national scenic rivers system. All rivers and parts of rivers included in the system will be classified as either wild rivers, scenic rivers, or recreational rivers. We believe these names will be more informative than the bare "class I," "class II," and "class III" titles that were in the House amendment. I may add that different sections of the same river may very well fall within different classes. Thus the upper reaches of some rivers may turn out to be properly classifiable as "wild" and the lower stretches as "scenic" or "recreational."

The period allowed for study of the entire group of 27 rivers has been reduced by the conference committee from 15 to 10 years. The 2-year study period for the Suwanee and the Little Miami which was added on the Floor of the House, however, has been retained.

In the House bill, the Secretary of the Interior or the Secretary of Agriculture would have been authorized to acquire as much as an average of 320 acres per river mile in fee or by way of easement. The conference committee recommends that fee acquisitions be limited to 100 acres per mile, with the remainder of the permissible acreage protected through scenic easements. This should result in a considerable saving of cost.

The conference committee report prohibits the condemnation of State-owned lands and provides that they may be acquired only by donation. It also prohibits the condemnation of fee title to any land if 50 percent of the area within a unit of the wild and scenic rivers system is already in public ownership, but allows the acquisition of scenic easements and other necessary rights for access and trails along the river.

Likewise, we have incorporated in the bill the provisions of what has come to be known as the "Cape Cod" formula—namely, that an owner of land may, at the time it is acquired by the Government, elect to retain a right of use and occupancy of his dwelling house and a limited acreage surrounding it for life or for a term of not more than 25 years at his election. This should also reduce the cost of the program.

Finally, the conference committee recommends a reduction of the amount authorized to be appropriated for land acquisition from $17,340,000 to $17,000,000.

Mr. Speaker, I believe this covers most of the important differences between the House-passed bill and the measure recommended by the conference committee. The bill is substantially in the form approved by the House, and I believe the changes made improved the bill, rather than injured it. I believe that the Members who supported this legislation originally will support the conference report, and I urge a favorable vote on it.

Mr. KARTH. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Minnesota.

Mr. KARTH. Mr. Speaker, I commend the House conferees. This is one of the great pieces of legislation that has come before this Congress in this year. I urge support of the conference report.

Mr. Speaker, this is indeed an historic day. Today the Congress of the United States has decreed that our children, our children's children, and all of posterity, shall enjoy some of this Nations' rapidly diminishing wild and scenic rivers.

I am gratified that we have finally faced up to the incontrovertible fact that some of these natural resources must be protected and saved; saved from pollution, polluting industrialization, and total destruction.

The Upper St. Croix River Valley is an unspoiled wilderness area. It is within 40 minutes driving time of 2 million people. There is no other comparable wilderness area within hundreds of miles. Today the wildlife of yesteryear is still there. The river bed is unspoiled. The surrounding area is beautifully picturesque. It has been a challenge to me for several years to save this river and it is we who must.

The young and yet unborn cannot vote here today. We must cast their vote for them. Let us do it now.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I understand all amendments to the bill are germane. Is that correct?

Mr. TAYLOR. That is correct.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I rise in support of the conference report on S. 119, an act to reserve certain public lands for a national wild and scenic rivers system, to provide a procedure for adding additional public lands to the system, and for other purposes.

Similar legislation, H.R. 18260, was considered and passed by the House on September 12, 1968, by a vote of 265 yeas to 7 nays. As one of the sponsors of this legislation in the House, I regret that I was unable to be present to cast my yea vote for this legislation, due to a death in my family. I take this opportunity to thank my colleagues for their overwhelming vote in passing the House bill.

I strongly endorse the recommendation of the conference committee which struck all after the enacting clause of S. 119 and adopted the format and substance of the House-passed bill with an amendment in the nature of a substitute for the House language. The amendment adopted by the conference committee is indeed an improvement on the legislation.

The bill as recommended by the conference committee deletes the title, "National Scenic Rivers Act of 1968" and provides a new short title to be the "Wild and Scenic Rivers Act."

Of course, more important to the Members of the House are the provisions of the bill concerning the rivers to be included in the wild and scenic rivers system. The conference committee added two rivers, the Eleven Point River in Missouri, and the Middle Fork of the Feather River in California to the six rivers comprising the initial components of the national wild and scenic rivers system.

In section 5 of the bill the conference committee deleted two rivers and added four rivers to be studied. The rivers deleted are the two rivers placed among the initial components of the system. The rivers added for study are the Allegheny in Pennsylvania, the Little Beaver in Ohio, the Maumee in Ohio and Indiana and the Youghiogheny in Maryland and Pennsylvania. Thus the conference committee reduced the number of rivers to be studied for possible inclusion into the system at this time from 28 to 27.

The conference committee amendment deletes the numerical classification of the rivers to comprise the system and adopts the more descriptive classifications of "wild river areas," "scenic river areas," and "recreational river areas."

Another important feature of the conference committee amendment is the limitation adopted on the acquisition of lands and interests in lands for the purposes of the act. Originally the House version permitted acquisition of an average of not more than 320 acres per mile on both sides of the river to establish the boundaries of the wild, scenic or recreational river area. The conference committee limits the acquisition of fee title to an average of not more than 100 acres per mile on both sides of the river. The conference committee also limited the right to acquire lands and interests in land by condemnation where 50 percent or more of the lands within a river area are already in public ownership.

The committee of conference also reduced the amount authorized to be appropriated for land acquisition from $17,340,000 to $17,000,000.

Mr. Speaker, other changes in the bill adopted by the conference committee amendment go a long way in making the establishment and future administration of a national wild and scenic rivers system an important part of our American heritage. In the approximately 100,000 miles of rivers and tributaries in the United States with an average flow of at least 550 cubic feet per second, only a few remain relatively unspoiled in a wild or scenic state.

We have harnessed the waters of our Nation's rivers for trade and commerce, travel and recreation, to control floods, to increase farm production, to generate electric power and many other purposes. It is time, Mr. Speaker, that we attempt to preserve, reclaim, and guarantee to America her heritage of unspoiled, unpolluted, free-flowing rivers for the benefit and enjoyment of present and future generations of Americans.

Mr. Speaker, I urge the adoption of the conference report.

Mr. Speaker, for the purpose of clarification, I would like to ask the chairman of the subcommittee one question with respect to section 13(g) of the conference report which relates to the granting of rights-of-way by the Secretary of the Interior or the Secretary of Agriculture across components of the national wild and scenic rivers system.

The conference committee adopted the House language in section 13(g) which states that any conditions contained in easements and rights-of-way shall be only conditions which are related to the policy and purposes of this act but deleted the reference to the regulations issued in 1963 relating to the granting of rights-of-way for power transmission lines. These are the regulations which provide that non-Federal builders of new powerlines crossing public lands must agree to share their transmission facilities with the Federal Government as a condition for rights-of-way, and provide, in addition, that application for rights-of-way will not be approved by the Government if building of the transmission line is determined to be in conflict with the Federal power marketing program, whatever that means.

The adoption of these regulations in 1963 was a matter of great controversy and the regulations have remained a matter of controversy since that time. When this legislation to establish a national wild and scenic rivers system was before the Committee, we sought to avoid controversy by putting in the provision that any conditions contained in easements and rights-of-way across components of the wild and scenic rivers system would be related only to the purposes of this act and would not be based upon the regulations I have referred to. In the committee of conference the reference to the 1963 regulations was deleted as surplusage and unnecessary, and I would like to have the chairman of the subcommittee confirm this for the record.

Mr. TAYLOR. The gentleman is correct. The language retained in the conference report provides that any conditions contained in easements and rights-of-way granted upon, over, under, across, or along, any component of the national wild and scenic rivers system shall be related to the policy and purpose of the wild and scenic rivers act. The statement of the managers on the part of the house says that:

> Subsection (g) is modified by deleting certain language in the last clause and by making it clear that any conditions precedent required by the Secretary of the Interior and the Secretary of Agriculture in the granting of an easement or right-of-way under the present act must be related to fulfilling the purpose of the act and not to other possible policy considerations.

In other words, it did not seem to the conference committee necessary to include in the conference version of the legislation a corollary to that statement—that is, that such easements and rights-of-way shall not be based upon existing regulations which might call for the inclusion of conditions not related to the wild and scenic rivers act itself. This fact seemed obvious and the language was stricken as surplusage.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, when the bill was before the House, the sponsors of the bill seemed quite firm about 328 acres per mile. As I understand the gentleman, that has been reduced to 100 acres per mile. Is that correct?

Mr. TAYLOR. Mr. Speaker, that is correct. It has been reduced to 100 acres per mile. The scenic easement can be taken for the full 328 acres as necessary.

Mr. GROSS. Mr. Speaker, may I ask what changed the mind of the House Members so quickly on something they were quite firm about when the bill was before the House a few days ago?

Mr. TAYLOR. Mr. Speaker, after discussing the matter with representatives of the other committee and studying it carefully and in an effort to save costs, we thought, by getting the additional scenic easements, the 100 acres per mile would be satisfactory.

Mr. GROSS. I assume that you had studied it very carefully before it ever came to the House floor, much less after you got into conference for a couple of hours, or whatever the time was.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I am glad to yield to the gentleman from Iowa.

Mr. KYL. Following the question of the gentleman from Pennsylvania I should like to make one point completely clear. Is this a proper statement: There is nothing in this legislation which gives the Federal Power Commission any authority to create any regulations relative to the transmission of electricity or Federal policy pertaining thereto; this legislation deals only with the matter of conservation of resources?

Mr. TAYLOR. The gentleman is correct.

Mr. KYL. I thank the gentleman.

Mr. MacGREGOR. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR. I am glad to yield to the gentleman from Minnesota.

Mr. MacGREGOR. I should like to commend the managers on the part of the House for the expeditious way in which they have reached agreement on this bill and have brought this conference report to the House for adoption.

On September 10, just 2 weeks and 1 day ago, the distinguished Committee on Rules saw fit to grant a rule making in order the consideration of the scenic rivers bill. On September 12, just 2 days after the Rules Committee granted that rule, the House acted to pass the scenic rivers bill.

Now, less than 2 weeks later, we have before us the conference report with the favorable statement of the managers on the part of the House.

I should like to have my colleagues appreciate that although the hour is late this House, and indeed this Congress, can act through the appropriate and regular procedures; namely, the Rules Committee granting a rule, the House of Representatives debating the matter and deciding it, a committee of conference being appointed, and that committee of conference reaching agreement and the House taking final action, which I expect it will do very shortly to approve the conference report. We see the normal procedures of the House of Representatives working on this very important matter in the overall space of 15 days from the granting of a rule by the Rules Committee to final adoption by the House of Representatives.

Surely, Mr. Speaker, we will be in session another 2 or 3 weeks. Remaining items of importance are before the Rules Committee. Hopefully, the progress made on this bill, the wild and scenic rivers bill, can be used as a model for action on other important matters such as election reform and congressional reorganization so that this House might work its will and we might make progress, as we do now on this bill.

Mr. TAYLOR. I thank the gentleman for his comments.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS RESOLUTION TO LIQUIDATE MILITARY INVOLVEMENT IN VIETNAM

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, the year 1968 has been one in which the Congress has begun to play a role in shaping U.S. policy in Vietnam.

I am sure my colleagues recall the dramatic series of events that began on March 10, when national newspapers reported that the President's military advisers were seeking to continue the policy of gradual escalation of the Vietnam conflict by requesting an additional 206,000 troops.

In the days following the newspaper reports, there was an outpouring of popular and congressional sentiment against further escalation of the war. In this body alone, more than 100 Members either introduced or cosponsored bills and resolutions demanding a stronger voice for Congress in the decisionmaking process surrounding the war or a halt to the steady buildup of American forces in Southeast Asia.

Twenty-three of my colleagues either joined me in sponsoring or introduced themselves a concurrent resolution expressing the sense of Congress "that the United States should not increase its military involvement in Vietnam."

It is my conviction that these expressions of congressional resistance to further escalation of the Vietnam war were important factors in the President's crucial decision, announced March 31, to curtail the bombing of North Vietnam and to request peace talks.

The fact that peace talks are now in progress in Paris does not lessen the Vietnam war's terrible drain on American lives and treasure. And it does not lessen the need for further congressional initiative in this critical area of our foreign affairs.

I feel that the time has come for America to tell its South Vietnamese allies that they must begin to shoulder more of the burden of the war against the Vietcong guerrillas and the North Vietnamese regulars. We should make it clear that we regard the Vietnam conflict as primarily an Asian problem for which Asians should seek an Asian solution.

Accordingly, I am introducing today a concurrent resolution which states:

> Resolved by the House of Representatives (the Senate concurring). That it is the sense of Congress that the United States should begin to liquidate its military involvement in Vietnam.

This resolution will make it clear that Congress wishes not merely to limit American military involvement in Vietnam, but to begin to liquidate it entirely.

The effectiveness of this resolution as a measure of congressional feeling will depend in large measure on the number of Members cosponsoring it or introducing resolutions identical to it. I plan to introduce a second resolution tomorrow, and I urge my colleagues to tell me before 11 a.m. tomorrow of their desire to cosponsor it.

In a year in which Congress has strongly asserted its foreign policy initiative, we must build on our momentum to bring a dreadful war to a speedy end. This resolution, I believe, is one good way to do this. Thank you.

SECRETARY OF DEPARTMENT OF TRANSPORTATION AND CHAIRMAN OF INTERSTATE COMMERCE COMMISSION ADDRESS NAMBO'S 39TH ANNUAL MEETING

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include the remarks of Paul J. Tierney, chairman of the Interstate Commerce Commission and Alan S. Boyd, Secretary of Transportation, before the annual meeting of the National Association of Motor Bus Owners.

The **SPEAKER.** Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GIAIMO. Mr. Speaker, the members of the National Association of Motor Bus Owners had the unusual privilege at their annual meeting this month of being addressed by both the Secretary of Transportation and the chairman of the Interstate Commerce Commission.

I am informed that this constituted a rare "double" appearance before such an important industry group by these two top administration transportation spokesmen.

The speeches by Secretary Boyd and Commissioner Tierney at NAMBO's 39th annual meeting in Chicago were outstanding in quality, and I commend them to others in transportation and to my colleagues in the Congress.

Therefore, without objection, I include their two texts at this point in my remarks:

Remarks of Paul J. Tierney, Chairman, Interstate Commerce Commission, Before the Annual Meeting of the National Association of Motor Bus Owners

It is a real pleasure to have the opportunity to participate in your annual meeting here in Chicago. Your deliberations this week, as in the past, will be the vehicle for the continuation of economic growth and improved service that have characterized the bus industry during the 1960's.

The first two-thirds of my term as Chairman of the Commission have been completed. This period has been characterized by considerable activity as transport carriers tried to rationalize their operations, services, and rates. Mergers, major rate proposals, and service innovations are not new challenges to the Commission although both the frequency and magnitude of recent changes may reflect a growing awareness throughout the industry that its ability to keep step with the demands of a growing economy can be markedly improved.

This year has been no exception from those of the past and has produced its share of transport and regulatory problems.

One such problem is the state of rail passenger service. While it is not a pressing dilemma for the bus industry, it is a problem in which you have more than a passing interest.

The increasing governmental activities directed toward this area seem to have reached a crescendo this year. I understand there is some feeling of apprehension in your industry that because the rail passenger problem seems to have drawn the lion's share of attention by the Federal Government, we have lost sight of the importance of the bus industry to our passenger transportation system. I would think that an objective appraisal of the situation would show that this is certainly not the case. In the several government programs relating to passenger service there is a clear recognition of the vital part to be played by the buses today and in the future.

For example, under the Urban Mass Transportation Act of 1964 the Federal Government's role is essentially one of stimulating research, experimentation, and capital expenditure in the development of coordinated mass transit by both buses and rail.

Under the High-Speed Ground Transportation Act of 1965, the provision of high speed rail service over medium distances in densely populated corridors is under study by the Department of Transportation. Under this Act the Northeast corridor project has been initiated, and the Federal Government has made a relatively modest contribution in this venture. If this project is successful, I would think it fair to say that it would provide some competition for both highway and air travel transportation between Washington and Boston. However, Federal activity in this area is a recognition of the fact that the projected travel expansion will increase highway and air congestion in this already densely populated corridor to the point where revitalized rail passenger services will be essential.

Long distance intercity rail passenger service was the subject of a major policy report by the Commission to Congress in recognition of rapidly declining intercity rail service and the absence of clear federal policy to resolve the problem. In that report the Commission recommended that a comprehensive federal study be initiated to determine the national need for rail service as part of a *total* passenger transport system.

While the main thrust of the proposed study would be directed toward the development of adequate government policies for rail passenger service, the Commission underscored its belief that such a study can only be made in the context of all transportation modes. We suggested that the study specifically encompass the following areas:

1. The existing capacity of all modes for meeting national passenger needs;
2. Anticipated expansion of that capacity by 1975 and the estimated transportation needs at that time;
3. And the ability of the existing and projected resources to meet passenger needs adequately, efficiently, economically, expeditiously, safely, and comfortably, at least as far ahead as 1975.

The publicity and government attention stemming from frequent discontinuances, the Commission's report, frequent allegations of poor service and the call for federal regulation of the quality of service have all focused the limelight on rail passenger operations.

But, the lion's share of attention given to rail passenger service recently by the ICC does not imply that we are attempting to "short-change" the bus industry.

The airline industry, with a growth rate that will triple its domestic passenger traffic during the sixties, has reinforced its image as the dominant for-hire mode of travel. But as the air carriers have reached the point where they are providing two out of every three for-hire passenger miles, the restrictions on the limitless expansion of air travel have been transformed from prophesy to reality at the largest terminals in the East. Waiting time in the air has doubled and tripled some scheduled flight times. Airlines have even suggested that travelers use the train or the bus for Washington-to-New York trips. Landing quotas have been proposed.

In today's milieu, the buses have quietly been improving their service.

In the past 17 years intercity passenger travel has doubled. It will double again in the next two decades. This nation will need more of all types of public transportation facilities to meet this demand. And I am convinced that the most adequate and economical method of meeting this demand will utilize each mode—air, bus, and rail. It is vitally important that we must begin now to study the entire intercity passenger situation to determine just what these needs will be and the role that each mode should play. I can see no evidence whatsoever that the bus industry will not continue to expand and prosper.

Buses are not secondary forms of transportation. In 1967 more than half of all intercity passengers using public transportation used buses;

Buses accounted for 20 percent of the estimated intercity passenger miles provided by for-hire carriers.

Buses are now clearly the dominant surface form of public transportation.

For every 300 rail passenger-miles, including commuter service, in 1967, the buses totaled 500.

While bus operations have traditionally been viewed as the principal form of public transportation over shorter distances, the average bus passenger today travels almost twice the distance he did in 1950.

The average bus trip provided by Class I intercity carriers is also nearly twice the average of all rail trips and only 15 miles less than the average non-commuter rail trip.

The growth of air service and automobile traffic have been cited as major causes for the 29 percent decline in rail passenger traffic from 1960 through 1967. But bus travel has increased 25 percent in the same period.

Greyhound Corporation reported 9.9 billion intercity passenger miles in regular route service in 1967 plus nearly 40,000 bus miles in charter service; as many intercity passenger miles as the intercity (noncommutation) operations of all the railroads in the United States.

Intercity travel in this country reached a record one trillion passenger miles in 1967. While the rapid growth in travel during the sixties has provided the basis for the expansion of bus service, added traffic and revenues were not garnered merely by capitalizing on greater public demand for transportation. A large part of the bus industry's gains resulted from the development of services tailored to changing consumer demands, particularly in charter and special services.

The expansion of charter and special service operations has been the most dramatic development in the recent history of the bus industry. In the ten-year period from 1958 through 1967—

Passenger revenues from these operations rose 171.3 percent;

Revenue passengers increased 94.5 percent;

And for the first time in history, more bus-miles resulted from these operations than from local and suburban services.

Charter and special service travel has been a welcome addition to the profitability of major carriers in the bus industry, and it is the principal business of the smaller (Class II and III) carriers. The bus industry has become one of the chief promoters of American tourism and is playing a significant role in obtaining a more satisfactory balance-of-payments for this nation.

In support of the President's program to increase the number of foreign travelers in the United States, major bus operators established on May 1, 1968, special-party-fare tickets for sale to groups of 38 adult international passengers who travel together on one group ticket between points within this country. The group rate is 35 times the applicable one-way or round-trip adult fare, when the adult fare is $15 or more. On the same date, tariff provisions were also published permitting charter coach movements for travel within the United States on the basis of 90 percent of the particular bus carrier's effective charter coach charges.

The present value and the future potential of the bus industry is not confined solely to the passenger business. Express movements of small shipments now produce over 10 percent of the revnues earned by intercity buses. In a day when the lack of adequate small shipments service has become a national problem, the continued growth of this service is most welcome.

Express-package operations have advanced a long way from the fledgling service that contributed only 1½ percent of the revenues in 1939. When other carriers' rates have been skyrocketing and complaints about poor or nonexistent service have been mounting, the bus industry has put greater accent on improved facilities for handling more express traffic at attractive rates. Now that express service is a significant contributor to the revenues of bus companies, I am confident that this service will continue to grow.

The future of the bus industry looks bright. Despite the provision of modern interstate highways, the percentage of intercity travel by private automobile has declined for the past three years to 87 percent, which is the lowest level since 1951. Increased travel, saturation of the airways, and reduced rail service offer real opportunities for the continued expansion of bus travel.

Further development of the national highway system will offer new opportunities to improve travel time and to augment through service. At the same time it is encumbent on your industry to continue to provide reasonable service to those communities that are bypassed by the new expressways. This obligation becomes increasingly important as bus operators find themselves the only form of public transportation between more and more localities.

In a recent interim report in Ex Parte No. MC–65, *Motor Service on Interstate Highways—Passengers,* the Commission tentatively concluded that the case-by-case approach may be retained for problems attendant to the impact of the Interstate Highway System on regular bus operations. The Commission strongly emphasized that whether a general rule of construction or individual certification is finally chosen for authorizing operations, the underlying service routes will be protected against any possible decline in available service. Upon receiving authority to operate over the Interstate System, carriers must continue to provide adequate service over their present routes. If service is discontinued or curtailed, the carrier will have to demonstrate that the reduction in service is reasonable.

Approximately 1400 bus companies are estimated to be in operation today, with 161 larger Class I intercity carriers accounting for 80 percent of all regular intercity bus travel. Two bus systems dominate the industry. The Greyhound system was responsible for nearly 53 percent of the total bus miles operated by all Class I carriers in regular intercity service during 1967 while the second major bus system—Transcontinental—accounted for 20 percent. These two companies had an even larger share of passenger miles and revenues of the regular intercity bus operations.

The degree of concentration in the bus industry does not extend similarly to charter and special service. The two large systems account for only one-third of the miles operated in charter service by Class I buses. Class II and III carriers also provide a large proportion of the total bus charter service.

The overall structure of the bus industry, however, does lend itself to allegations of discriminatory and destructive competitive practices against smaller companies. One of the chief requirements in future years must be the preservation of an economic climate where competition is maintained through self-restraint on the part of the major carriers and by vigilant regulatory action wherever necessary. The entire bus industry has too large a role to play in this nation to allow its potential to be curbed by any deleterious forces—either internal or external.

Remarks by Secretary of Transportation Alan S. Boyd, Before the National Association of Motor Bus Owners

This is the first chance I have had to get together with the members of N.A.M.B.O. I am sure I don't have to tell you, though, that with Charlie Webb and Stan Hamilton covering the Capital, you are seldom out of sight and never out of mind.

In fact, few enterprises are as much involved in our most important programs as are the motor bus owners.

You are deeply involved in our safety efforts—and we appreciate the help you have given us on the highways.

You are involved in our efforts to build more highways and to increase the capacity of streets and cut the congestion in the business districts of America.

You are involved in our efforts to advance the cause of public transportation in and around the nation's big cities.

I want to thank you now for your past help and for the help we hope to get for the hardest part of all of these jobs—the part that lies ahead.

I think we have put down a good foundation for the future. But we needed one. In less than two decades, if demand for transportation continues to match the economic growth of the country, we must double the capacity of the transportation network it has taken the lifetime of the nation to build.

Part of that foundation can be found in the Federal-Aid Highway Act of 1968 which President Johnson signed last month.

"In many respects," the President said, "this is the most important highway authorization bill since the start of the Interstate Program over a decade ago."

It provides funds—as the President said—for highways that "forge new links to more of our cities, serve America's growing transportation needs, and open up new avenues of convenience to millions of citizens."

At the same time, the Act contains sections that will allow us—and again I quote President Johnson—allow us to deal "more effectively and more humanely than any previous measure with a modern dilemma—the problems created by road construction in or through our cities."

Among other things, this new Act grants authority to the States to acquire new rights of way in advance of actual need so that highways can be better planned and built with less cost and with less disruption to established residents and businesses.

It will ease the hardship often imposed on families—especially the poor—who must move to make way for new construction.

It creates a test program for Federal aid in construction of fringe parking facilities that will tie in with public transportation between the parking and the downtown area.

And it will make funds available—for the first time—to help cities improve the flow of traffic on their streets in cases where that offers an alternative to more expensive new construction.

We have found in tests that relatively inexpensive improvements in downtown streets can increase the capacity of these streets by as much as 25 percent—and speed up the flow of traffic by a similar amount. Some of these improvements include improved traffic signals, adding left-turn lanes to prevent cars from backing up behind a left-turning car, building pedestrian overpasses, creating special turn-out areas where trucks can load and unload. We have also found that special lanes for city buses to load and unload passengers pay dividends. We are currently working with 29 cities helping local authorities to put these and other improvements to work.

Under the 1968 Highway Act, we will make available to the cities $200 million a year to help finance such improvements.

We will also provide financial aid to cities to help them build fringe parking areas which are tied in with local public transportation systems. We are convinced this program will also help thin out commuter traffic in the busy downtown area.

But the best promise of reducing urban congestion lies in reviving and renewing our cities' mass transit system. And this is our main thrust. We are out to help our cities improve their transit systems now. We are going to work with them on future expansion and improvements. And we are going to provide them with the results of our long-range research and study projects in the mass transit systems of the future.

This assistance takes many forms. We are helping some systems buy vehicles. In other cities we are training public transportation managers. In some areas, we are conducting service improvement and marketing studies. We are interested in promoting any new method or technique which promises to put more passengers on local bus, subway or rapid transit systems.

I describe these efforts as a beginning—but a significant beginning that will grow. This renewal of urban mass transit has a most urgent priority in our planning. I am convinced we shall be successful.

I dwell on this matter of downtown congestion at some length because it is of direct financial interest to you motor bus owners. But I also want it to serve as an illustration of a theme—a theme that is to me the most important of all.

I have been impressed in my work at the Department of Transportation with several facts. We have several million Americans working in the various transportation industries—yet the number of those who can be properly described as transportation experts is but a handful. We spend every year—as consumers and as local, state, and Federal taxpayers—billions of dollars for transportation. Yet few of our citizens ever give a second thought to the wisdom or consequences of these expenditures. Transportation difficulties are widespread—there are few of us who do not each day suffer delay, financial loss, or personal irritation from some transportation problem. Yet there is a widespread feeling of futility at our ability to deal with these problems. The difficulties are always caused by somebody else—by "them." And they are so pervasive—like the weather—that there is nothing we can do about them, or so we think. Some people have persuaded themselves that they are as powerless to get rid of traffic jams as they are thunderstorms.

I suggest we can do something about these transportation problems. And I suggest we must. In sum, the time is long over when any of us in the transportation business can confine our thinking and planning to our own particular operation. As businessmen charged with operating a profitable venture, it's good business to look beyond the immediate and the close at hand. Short term profits may mean long term losses. Again, as businessmen administering large corporations with tremendous impact on the public, there is a necessity to be mindful of the responsibility to that public. This, again, could be a matter of self-interest. The minor problem pushed under the rug today will return as the desperate crisis of tomorrow.

If there is a need for us to widen and deepen our transportation vision today, that need will increase tenfold in the future.

I am not as sure in looking at the future as I once was. The past is prologue they say. The trends of the past will show us the future. We learn from history. I wonder . . . Given the dynamism of our society—galloping technology joined with a growing enrichment of our people—the past is at best of uncertain value in projecting this future. We can anticipate the general outlines of our transportation future—but the size and volume of this future is a matter of conjecture. I have learned to assume that all transportation projections—no matter how exaggerated they may seem at the moment—will probably fall short.

I am certain that time will show the projections we are now using in the Department of Transportation are on the careful side. But careful or not, our projections are still spectacular. They anticipate that in the 1966–1975 time period, a mere 13 percent increase in population will be accompanied by a 26 percent increase in the number of autos—a 57 percent increase in the number of intercity passenger miles—a 53 percent increase in intercity ton miles.

In this same '66 to '75 time period, we look for intercity bus passenger-miles to go from 24.6 billion to 29 billion—for an increase of 20 percent.

One thing is certain about this transportation future. It is going to require a large number of decisions. These decisions will be of tremendous magnitude. They will involve the expenditures of vast amounts of money and they will have long-term effects. They will, finally, be coming at us in rapid order and they will have to be decided by informed and expert opinion.

These are the concerns behind my conviction that there is need now for a broad and penetrating re-examination of our transport system. We must analyze, again, the basic purposes of transportation. We must estimate the demand. We must weigh the various methods by which these purposes can be met—the penalty/benefit ratio of each of the options. Having determined this, it is then necessary that we have the adaptability and courage to put these findings to work. I am, then, asking that we apply a systems approach to our transportation needs and that we use the findings of this analysis as the basic scheme of a balanced transportation system.

I hope nobody will be awed by systems analysis. It comes down to plugging common sense into a computer. It's a matter of continually asking—like somebody has to do in every meeting—"Just what the dickens are we trying to do here?" And having found an answer to that, asking, "Now what's the best way of doing it?" Nor is systems analysis with all its talk of dynamic progression and optimized flow very new. I recall reading that Pope Julius was disturbed by a new painter he had hired. After watching his work for a while, he complained, "I don't know about that Michelangelo . . . He begins a painting by starting at the end."

But a re-examination must be made. And this re-examination must be made locally—in business offices, the county court houses, city halls, and in the state house—where the transportation decisions must and will be made. We in Washington can advise and suggest but the decision must be made by local officials who best know the local requirements. And I would hope these re-examinations receive wide attention and that the public is well-informed and involved. The resulting new approaches to our transportation problems are going to be difficult and are going to involve sacrifice. They will require broad public understanding and support.

I can underline the need for this re-examination by asking some questions—the type of questions we must be concerned with in this analysis:

Does an anticipated 30 percent increase in the average use of each auto mean our auto fatality rate increases 30 percent?

Does this increase in average use combined with a 26 percent increase in the number of autos mean our rush hour traffic jams lengthen by a multiple projection?

Does the 39 percent increase in intercity auto passenger miles mean that traffic on our throughways and turnpikes will gradually bunch up with a 39 percent reduction in speed?

Does the projected necessity to double the capacity of our transportation system mean a doubling of delays and congestion and a resulting doubling of the financial penalties incurred by our public carriers?

These questions are biased—but biased only because they assume we might continue in our old way of catch-as-catch-can transportation planning. If so, the answer to these questions can only be yes.

I am convinced, however, we are, all of us, ready for a new approach. We have made some progress at the Federal level. We have made a good beginning at reducing highway accident fatalities. Our Federal engineers are working in the states identifying outstanding hazards on dangerous sections of roadway. We have ordered tighter safety performance standards for new cars. We are providing financial assistance to states to carry out their own safety program. We are also supporting driver education programs and conducting research on the causes of accidents—studies that will help reduce accidents. These measures, and others now being planned, can within ten years reduce traffic deaths and serious injuries by 70 percent.

We have set up Federal design teams to help reduce the destructive impact of freeways in urban neighborhoods and we are at work devising ways to minimize jet aircraft noise.

I think our best contribution, however, is neither so immediate nor so obvious—but its effect will ultimately reach further than any of the others. We have, in creating the Department of Transportation, pulled the pieces of the national transportation puzzle together in one place where we can look at them and fit them together. We have, at the same time, taken the studies of the transportation planners out of the think-tanks and the universities and put them to work. And finally, we have provided the leaders and spokesmen of the transportation industry a Washington forum where they can make their needs and their views known. As a consequence, we have for the first time at the Federal level direction, purpose, and momentum in our transportation efforts.

And now we are approaching a decision point. Each of us sees that decision we must make in different forms. Some would have us believe the question is between dissension, disagreement and strife as opposed to unity, harmony or euphoria. We can—they say—vote ourselves to happiness. These choices are but shadows. The only question before us is: How do we best resolve the problems that are facing this nation? Some would have us go backwards. Another group offers the prospect of new faces in Washington but carefully refrains from telling us what those new faces will do. I know only this: No matter what happens in November, our difficulties are not going to go away. And their solution is going to involve turbulence. There is no movement—in the physical, mental or social sense—unless there is friction. There is no progress without departure and rupture. But these we can stand if we also have confidence and hope. I have both. I have in the past eight years seen more work begun and finished on improving the betterment of our people than at any time in our history. That improvement is in the pipeline now. Each of you here today has already felt its effects.. I want to know that it will continue.

THE REVEREND DR. J. CARROLL CHADWICK

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, it is a great honor and privilege for me to thank on behalf of the House, my old friend and honored constituent, Dr. J. Carroll Chadwick, for the significant and inspirational invocation which he brought to us yesterday, September 24, from the First Baptist Church in Center, Tex., where he has served as pastor for 27 years. This distinguished spiritual leader has been preaching the word of God since he was 18 years old, and his ministry is as vibrant and vital today as it was when he began it 35 years ago. Through his long and successful pastorate at Center and his meaningful service as president of the Baptist General Convention of Texas, and in key positions with the Southern Baptist Convention, the Board of Trustees of East Texas Baptist College, and the State Missions Commission, Dr. Chadwick has come to be widely recognized and respected as one of the outstanding religious leaders in Texas.

Dr. Chadwick was born in Carthage, in Panola County, Tex., and received his Doctor of Divinity degree from East Texas Baptist College in 1954. His earlier studies were at the College of Marshall, Baylor University, and Southwestern Baptist Theological Seminary. Indicative of his vigorous participation in all phases of religious life are his memberships in many organizations which serve God by helping and ennobling mankind. He is presently a member of the executive board of the Baptist General Convention of Texas, a member of the committee on boards and the annuity board of the Southern Baptist Convention, a trustee of East Texas Baptist College, a member of the board of trustees of Pineywoods Baptist Encampment, a member of the State Missions Commission, and a regent of Texas Southern University. To each of these duties, Brother Chadwick brings the deep devotion and great energy which makes his service so valuable.

Like the apostles, he has traveled extensively. As a visiting minister, he has preached in the leading Baptist churches across the Southland. As an evangelist, he has served in Alaska, as well as in Japan and Hong Kong. In addition to recent tours of Europe, Africa, Asia, and the Holy Land, Dr. Chadwick has also traveled in Latin America where he attended the Baptist World Alliance Meeting in Rio de Janeiro.

Through both his wonderful ministry and his sterling character, Dr. Chadwick has been a powerful force for good. May I say too that he has been most effectively aided throughout his ministry by his very charming and equally dedicated wife. Dr. Chadwick's uplifting words and splendid personal example have given strength and courage to all our people. His deep faith has been a bulwark to his church and to the many communities that harken to his word. We in the Congress are indeed the beneficiaries of his thoughtful and wise invocation. Thank you, Dr. Chadwick.

FUNDS FOR SCHOOL DISTRICTS

Mr. DORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, today I am calling on the Department of Health, Education, and Welfare to release funds to every school district in our country.

Under the original law passed by this Congress, freedom of choice is the law of the land. Every school district in this country is in compliance with the freedom of choice plan as passed by the Congress. To emphasize the position of the Congress, the House recently added to the 1969 HEW appropriations a clause again restating that the House favors freedom of choice. This provision went to the other body and the Senate adopted a similar provision, thus, demonstrating beyond any doubt that the House and the Senate continue to favor freedom of choice.

Mr. Speaker, school guidelines arbitrarily, illegally, and ruthlessly applied from Washington are not in the best interest of education. In many school districts throughout our country these guidelines have created utter chaos and confusion in the education community. School trustees, superintendents, parents, teachers, and even children involved are faced with a feeling of futility and frustration. Our teachers are charged with an awesome responsibility. They know how to discharge that responsibility under any local circumstances. They are trained, educated, and patriotic. They are fully aware that education is the real answer to problems of the underprivileged and the poverty stricken. Education holds the key to tomorrow. Yet, these dedicated school officials, teachers, and parents are being denied this opportunity to educate by unelected Federal officials in Washington.

Mr. Speaker, Russia just circled the moon. In the exploration and conquest of space, Russia is ahead of the United States. The future existence of our Nation could depend upon education. We need to eliminate this confusion in our education system and move ahead to the challenge of this day and of tomorrow. This is no time to tamper and experiment with our education system.

Mr. Speaker, my father devoted 35 years to education. My mother taught school for 32 years and reared 10 children while teaching. My brother is the chairman of the board of education in Greenwood, S.C., which so far is being denied funds. I am the father of five children now enrolled in the public education system of Greenwood.

Mr. Speaker, I mention my family only to point out that I am familiar with education from the standpoint of the parent, the teacher, the trustee, the student and the superintendent. These children, to meet the competition of tomorrow, need better labs, highly skilled personnel and the new facilities which are being denied them illegally and arbitrarily by these Washington bureaucrats.

Before this Congress adjourns, let us make certain that this provision in the conference report is retained intact which would prevent busing of little schoolchildren miles and miles in the early dawn to a strange community with which they are not familiar.

"TANKS" A LOT, MR. STARNES

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, in the September 23 issue of the Washington Daily News, Scripps-Howard staff writer, Mr. Richard Starnes, in an article about the Wallace candidacy refers to Springfield, Mo., where Wallace appeared 2 weeks ago, as a "Tank Town." Thus far two of the presidential candidates have appeared in Springfield, Mo., which also happens to be my hometown. It was estimated that Richard Nixon drew between 20,000 and 30,000 people when he spoke there last Thursday before a crowd whose enthusiasm conclusively showed that "Nixon's the one," but I do not take the floor at this time to discuss relative crowd estimates; but rather, to take objection to Mr. Starnes use of the term "Tank Town" in reference to Springfield, Mo. I do not know what Mr. Starnes means by "Tank Town," but if he had in mind the dictionary's definition "A town where trains stop to take on a supply of water, 2. Any small unimportant or uninteresting town," then I suggest that Mr. Starnes is illsuited to judge the American scene today as a political columnist.

Springfield, like many other communities in southwest Missouri, is a thriving, dynamic, growing city and is the financial, medical, educational, and trade center of this region.

The essence of Springfield is not one city but a broad community of towns, villages, and counties. It has four modern hospitals and over 12,000 students enrolled at the college level. Far from being merely a place where trains stop to pick up water as the term "tank town" implies, it is the headquarters of the Frisco railways operational facilities, and a great transportation center. It has not become the fastest growing community in Missouri, because it is dull and uninteresting; but because it is a place where people like to live and raise their families. It is in the middle of a major national recreational area, and though I must spend so much of my time in Washington as the Representative of the Seventh Congressional District of Missouri, I am always refreshed with rededication when I have an opportunity to return home.

So I say to Mr. Starnes, if you look upon Springfield, Mo., as a "tank town" and find it dull and uninteresting, it can only be because you have never taken the time to see this community except through narrow provincial eyes, and I suggest that when you are finished with the trials and troubles of the political campaign that you visit this "Queen City of the Ozarks" and find out for yourself why those who have left there always want to return. If Springfield, Mo., is a "tank town" then I can only say that the Nation would be far better off if there were thousands of "tank towns" like it.

DEFENSE DEPARTMENT: OVERSTAFFED AND UNDERPRODUCTIVE

Mr. BRAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRAY. Mr. Speaker, the Defense Department is fiddling with its computers while our country's safety margin in defense burns. The Soviets are driving hard to close remaining United States-Russian defense gaps, where they are behind, and to widen those where they are ahead. Our Defense Department's reaction to this reflects what I call a footnote mentality—study everything to death, then do nothing.

Two recently released congressional documents, one from the Joint Committee on Atomic Energy and one from the Preparedness Investigating Subcommittee of the Senate Committee on Armed Services, deal with the all-important field of submarine development and production. It is chilling enough to know the Russians have 350 submarines to our 146, but to be told that Defense is dragging its feet on development of the new electric drive "silent" submarine is shocking. There is money available; the Congress has repeatedly urged this project, yet Defense wants to "study" the matter further.

Vice Adm. Hyman G. Rickover, without whom we might not even have a nuclear Navy of any sort, has presented a telling indictment against a defense establishment that has grown so large as to be completely unmanageable but also contains within it all the factors for delay in making decisions. Admiral Rickover has recommended the upper echelon "civilian general staff" in Defense be reduced to the 1960 levels of personnel. I did some research of my own concerning numbers of employees. At the end of 1960, there were 2,992 military and civilian employees in the Office of the Secretary of Defense, Joint Chiefs of Staff, and Defense agencies. At the end of June 1968, there were 89,293 in the same category.

I wonder how many of these are writing press releases or covering up what the rest are doing? There is the joke about the Western Union boy who got lost in the Pentagon and came out a general, but it is no joke when defense recommendations from both Congress and the Armed Forces go in and never come out at all.

Defense argues that quality takes precedence over quantity, and this has been used as an excuse not to move faster with sub development. This should have been applied first of all to Defense's own bureaucracy.

To paraphrase a famous remark by Sir Winston Churchill: "Never have so many replaced so few and produced so little."

FARMERS BOOTED BY RECORD SHOE IMPORTS

Mr. NELSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NELSEN. Mr. Speaker, farmers are being booted by record imports of leather footwear, depriving them of their domestic hides market. More trouble appears in store for cattlemen and the American hides market because of the shoe flood from abroad.

The overwhelming need to impose better controls on massive imports undercutting American-made goods is indicated in figures just released by the National Footwear Manufacturers Association.

The shoe industry has disclosed imports of leather and vinyl footwear this year will be nearly 40 percent greater than last year. Nearly 180 million pairs of such shoes will have been shoved on domestic markets by year's end, on top of the record 129.1 million pairs dumped here last year.

The steady takeover of the American shoe market is illustrated by NFMA figures showing that U.S. shoe production has increased only 3 to 4 percent in the last decade while European Common Market production has doubled. Shoe production in the European Free Trade Association countries has increased by 50 percent.

All this is having an enormously depressing impact on the domestic footwear industry and on its farm hides suppliers.

The administration itself must bear the blame for the catastrophic consequences which have followed its curtailment of hides exports in March 1966. When the administration cut hides exports 16 percent below the 1965 level, domestic hides prices plummeted from 26 to 15.5 percent and they have never recovered. The precipitate action, even though later eased, led to lost markets abroad, encouraged the use of synthetic materials, helped bring on a domestic hides glut and stimulated increased imports.

Thanks to administration mismanagement, we have not only lost foreign markets, we are now losing our own.

I include for the RECORD an article on this situation which appeared in the Wall Street Journal of September 9:

FOOTWEAR GROUP SAYS RISING IMPORTS HURTING DOMESTIC SHOE OUTPUT

BOSTON.—Imports of foreign-made footwear, mainly leather and vinyl, are continuing to put a serious crimp in domestic shoe production, according to the National Footwear Manufacturers Association, Inc.

During the first seven months of 1968, imports other than rubber rose to 110.2 million pairs from 79.4 million pairs a year earlier, according to Commerce Department figures.

In the full year, the industry organization estimates that imports of these types of footwear will come close to 180 million pairs, or nearly 40% greater than the 1967 record of 129.1 million pairs.

Other industry representatives noted that during the eight months, domestic shoe production was estimated at 442 million pairs, an increase of about 9.4 million pairs, or less than 3%.

In the full year, they estimate production of 630 million to 635 million pairs, a gain of less than 5% from the 1967 output of 603 million pairs, and well below the 641.6 million pairs made in 1966.

The impact of foreign imports, industry officials said, is clearly reflected in the fact that over the past decade shoe production in the European Economic Community countries has doubled, and increased by 50% in the European Free Trade Association countries. During this period, however, U.S. production rose by only 3% to 4%, they said.

It's obvious, industry spokesman added, that imports have taken practically all of what should have been the growth in domestic production over the past decade.

The officials said that the impact of imports on domestic production is also reflected in the labor market where they estimate 20,000 to 25,000 fewer shoe industry workers are employed.

LEGISLATION TO PREVENT SECRECY ON FEDERAL LOANS

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, on September 23 I introduced a bill that would prevent Federal officials, especially those within the Small Business Administration, from drawing the curtain of secrecy over certain of their loans which, of course, are made with the public's money.

Today, I would like to point out two more instances of Small Business Administration secrecy, both of which involve loans made in the State of Maine.

One concerns a series of loans made by the SBA and the Commerce Department's Economic Development Administration and its predecessor, the Area Redevelopment Administration, to the Deer Island Granite Corp., of Stonington, Maine.

The second loan involves the director of the Waterville Urban Renewal Authority, one Paul J. Mitchell, who has previously been mentioned in Congress in connection with a Federal Housing Administration nursing home loan guarantee. Mr. Mitchell and others involved in this FHA deal have close Democrat Party connections.

Both these cases are glaring examples of how the Small Business Administration is flouting the people's right to know how their money is being spent, or misspent, and both demonstrate the need for immediate passage of the bill introduced by me on September 23.

As to the Deer Island Granite Corp. loans, the facts are these:

Two Commerce Department loans totaling $430,278 were made to this firm, the first in 1964 for $362,700 and the second in 1966 for $67,578.

The company has never paid 1 cent of interest on the second loan, and only $1,153.26 in interest on the first.

Both loans are delinquent and the past due interest on the two totals more than $41,000.

This information was provided, I might add, by the Economic Development Administration.

The Small Business Administration, on the other hand, admits only that it loaned the corporation $175,000 in 1957 and $185,000 in 1964—a total of $360,000.

The Small Business Administration refuses to disclose whether all or part of these two huge loans are delinquent—as are the two loans by the Economic Development Administration and its predecessor agency.

Have the taxpayers been stuck again by a bad SBA loan? Mr. Speaker, they cannot find out.

If they have, indeed, been stuck, is the SBA making any effort to salvage what it can for the taxpayers? We do not know because the Small Business Administration refuses to say, claiming this information is confidential.

Let me turn now to yet another SBA loan—a small loan to a Waterville, Maine, restaurant owner. As I said, the amount of this loan is relatively insignificant. What is important here is principle.

It will be recalled that Paul J. Mitchell, the urban renewal director for Waterville, whose brother, George Mitchell, is the Democrat State chairman in Maine and a former congressional aide, was instrumental, together with a John J. Jabar of Waterville—another congressional aide, by the way—in obtaining Federal Housing and Small Business Administration loans and loan guarantees for nursing homes in which they had an interest.

Their involvement is a clear case of conflict of interest.

But it appears that Mr. Paul Mitchell has also been involved in a transaction that resulted in an SBA loan to a restaurant owner—evicted because of a somewhat nebulous urban renewal project—who then used the loan money to buy a restaurant owned by another of Mr. Mitchell's brothers, Robert E. Mitchell.

Robert E. Mitchell, by the way, is a bank examiner with the Federal Deposit Insurance Corporation.

Mr. Speaker, this is what happened:

A man named Joseph P. Huard had for many years operated a restaurant in Waterville in a building owned by three individuals. Several years ago, Paul Mitchell announced his Urban Renewal Authority had decided to renew part of Waterville, including the building in which Huard's restaurant was located.

The building owners eventually brought suit against the authority, and charged that urban renewal officials had induced restaurant operator Huard to end his lease by offering him money in the form of relocation assistance; that the authority had not—as it repeatedly proclaimed it would do—taken the building by eminent domain; and that its actions had deprived the building owners of the rental income they should have received.

On April 26, 1968, a superior court jury found the urban renewal authority guilty of the charges brought against it by the owners, and awarded them $3,000 in damages.

In the meantime, Mr. Huard had been paid $4,300 in relocation expenses by the urban renewal authority, and had been granted a $7,500 SBA loan to buy the restaurant owned by Renewal Director Mitchell's brother.

Mr. Speaker, I have a copy of the deposition of Paul J. Mitchell in connection with this court case, and it clearly indicates that his brother would not have been able to sell his restaurant to Mr. Huard had it not been for that SBA loan and the relocation money paid him by the urban renewal authority.

It shows that not only was Mr. Huard not making much of a living from his own restaurant, he had not made enough to pay the rent on the place for a number of months.

I have attempted, without success, to learn why it was that the Small Business Administration made a loan of $7,500 to a restaurant operator who, according to sworn testimony, was not able to pay his rent.

The General Accounting Office has, without any success, attempted to learn why the Small Business Administration made this loan.

It is my understanding that, during the trial attempts were made, without any success, to learn why the Small Business Administration made this loan.

Mr. Speaker, I want it understood that I am not finding fault with Mr. Huard, who appears to be merely the man in the middle of this curious piece of business.

Quite the contrary. The public has the right to know all the facts behind this loan.

It has the right to know, for example, whether the restaurant owned by Urban Renewal Director Mitchell's brother was profitable or was losing money. His stated reason for selling out—that he was employed full time as a bank examiner—holds no water whatever because his brother, in the deposition I mentioned, states that "Robert Mitchell has always been a Federal bank examiner. The business was operated for him by someone else."

What, then, was the real reason for selling?

The public also has the right to know whether this loan has been repaid or whether, like so many other SBA loans, it is delinquent.

Would you believe, Mr. Speaker, that part of the SBA's refusal to allow the General Accounting Office to see its file on this loan is based on the Freedom of Information Act?

I am sick and tired—and I think the American people are sick and tired—of loans such as this one that smack of political favoritism, of political pressure, of wheeling and dealing with the public's money.

I repeat that the bill introduced by me on September 23 would effectively prevent Federal officials, such as the officers of the Small Business Administration, from drawing the bureaucratic curtain of secrecy over such transactions.

FULL INVESTIGATION OF DISTRICT OF COLUMBIA POLITICAL FUNDING GROUP ASKED

Mr. TAFT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TAFT. Mr. Speaker, according to published report, a District of Columbia political fundraising organization, a mystery organization, the Committee for the Advancement of Urban Interests, has raised over $56,000 this year in support of various candidates. The money, reportedly from labor union coffers, continues to flow into the campaign war chests of an unspecified number of candidates, including the Democratic senatorial hopeful in Ohio.

While our antiquated election laws permit committees similar to the urban interest group to operate behind closed doors, it is known that John J. Gilligan received at least $1,000 from the committee. How much additional support he has received from this or other committees is not known, and will never be clearly revealed until after the election. This demonstrates why Congress should take positive action on the pigeonholed election reform bill.

Present Federal regulations allow political fundraising bodies to hide their activities during primary elections, and permit individuals and committees to build dummy organizations in order to circumvent the Federal limit of $5,000 from any one person or committee to any one campaign.

The American people deserve more information on the supporters of those candidates. And, pending congressional passage of the election reform bill, I call on the distinguished House Judiciary Committee chairman to bring the Committee for the Advancement of Urban Interests before him for a full investigation into their activities, as an example of the need for reform in campaign reporting.

I will continue my efforts to force House consideration of the election reform bill. As my colleagues know, the pending measure would require full and timely disclosure of political contributions and expenditures by candidates and political committees during regular reporting periods throughout the year; create a five-member, bipartisan Federal Elections Commission to administer the bill's safeguards; prohibit indirect gifts in excess of $5,000 by any one committee or individual; and allow public inspection of all political financial reports and statements filed with the Commission.

In the absence of congressional action on the election reform bill, the American people deserve an explanation from the majority party. The Republican position on this proposal is clear.

Following is an article from the Washington Post on the subject:

[From the Washington Post, Sept. 23, 1968]

MYSTERY ORGANIZATION FUNNELS UNIONISTS' FUNDS TO CANDIDATES

(By Richard Halloran)

The Committee for the Advancement of Urban Interests is a political funding organization (or non-organization) that nobody much wants to talk about.

The Committee, so far as can be determined, has little to do with urban interests. But it appears to have a good bit to do with the advancement of political candidates, most notably Ohio's John J. Gilligan, Democratic nominee for the Senate.

Records in the House of Representatives Clerk's office show that Urban Interests Committee has collected at least $56,900 this year from the political arms of labor unions.

But where the money went is something of a mystery. An AFL–CIO source said it went to "liberal" candidates but didn't know to whom or how much.

Some clearly went to Gilligan, who reportedly spent $300,000 to upset incumbent Sen. Frank J. Lausche in the Ohio Democratic primary. A gift to the Urban Interests Committee from the Laborers Political League was in fact earmarked for "Former Congressman John J. Gilligan."

Moreover, John Hansan, Gilligan's campaign manager in Ohio, admitted that his candidate had received funds from the Committee. But he said he didn't know how much and declined to discuss the Committee further.

The man who should know where all the money went is the Committee's secretary, William Geoghegan, a Washington attorney and an Ohioan. He was an Assistant Deputy Attorney General from 1961 to 1965 and is now in private practice here.

But Geoghegan, like everyone else queried about the Urban Interests Committee, wouldn't talk about it. He refused to say who is on the Committee, when it was formed or why, or even to admit that it is a conduit for political funds—despite the public evidence.

Questions about the operation of Geoghegan's committee have some legal relevance. The Federal Corrupt Practices Act requires that political fund-raising committees operating in more than one state submit reports on income and disbursements to the House Clerk if they are involved in national, but not primary, elections. The penalty for willfully failing to report is a fine up to $10,000 or two years in prison.

But Geoghegan's committee has not filed such reports and Geoghegan has refused to explain why. Thus the extent of the Committee's help to candidates in the primaries or in the national election is not known.

Ohio law, moreover, requires that primary candidates file financial reports within 45 days after a primary. In Gilligan's case, this was June 22. But the Ohio Secretary of State's office said it has no record of the Committee's contributions nor of Gilligan receiving funds from it.

Since individual or committee contributions to a candidate are limited by Federal law to $5000, a common tactic of major fund raisers is to set up dummy committees to channel funds to a favored candidate.

The Committee for the Advancement of Urban Interests appears to be one such committee. Its mailing address is the same as the AFL-CIO headquarters on 16th st., a block or so from the White House.

But the people at the AFL-CIO's Committee on Political Education (COPE) said they had not heard of Geoghegan's Committee, nor is it listed with the receptionist's desk in the building, nor does the telephone company have a number for it.

COPE, however, has been the biggest donor ($15,950) to the Committee. COPE has also poured money into Ohio through a number of other committees.

Other donors to the Committee include the Railway Clerks Political League, the Laborers Political League, the United Steelworkers Voluntary Political Action Fund, the Building & Construction Trades Department of the AFL-CIO, the American Federation of Musicians Political Fund (N.J.), the Marine Engineers Beneficial Assn., the Machinists Non-Partisan League and the International Ladies Garment Workers Union.

Gilligan, who is running against State Attorney General William Saxbe, has had his ups and downs with organized labor. Labor unions contributed large sums to his primary campaign against Lausche, then reportedly cut him off when he refused to endorse Vice President Humphrey for the presidential nomination before the Chicago convention.

Now, however, Gilligan and labor have apparently made up. He is expected to get a COPE endorsement during its Sept. 27 meeting in Columbus to screen candidates.

If this comes off, labor's money should start flowing again to Gilligan. And the Committee for the Advancement of Urban Interests may again serve as one of the pipelines through which the money is pumped.

MILLIONAIRE'S GRAB-A-SEAT-IN-CONGRESS BILL

Mr. HAYS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, I am a little surprised at my colleague from Ohio [Mr. TAFT] in bringing up the senatorial campaign in Ohio and advertising the Democratic candidate on the floor of the House.

But the thing that surprised me most is the fact that he keeps talking about this millionaire's grab-a-seat-in-Congress bill, which he likes to label an Election Reform Act. I will let the Democratic candidate for the Senate in Ohio speak for himself. He has not been doing it too well as up to now. But I will talk about the millionaire's grab-a-seat-in-Congress bill because I know something about it. It came out of the committee of which I am a member.

The chief thing that it would do is to repeal the prohibition on the amount that any single person could spend in his own campaign. It would not only repeal it, but it would repeal the limit completely, so that a Member could spend $5 million if he wanted to, as long as it was his own money, in order to get elected to the House. And at the rate some eastern millionaires are eyeing seats—in fact, we had one fellow who got beat in New York, he went to California and tried in southern California; he could not make it there, and the last I heard of him he was trying northern California.

There are some of them who will spend money like it was going out of style, and I think this House ought to be representative of all the people, not merely a few multimillionaires.

CAMPAIGN SPENDING

Mr. DENT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, as a member of the committee that studied the election reform bill, I would like to say that it would not only wipe out the restriction on the amount that an individual could spend for himself, but anyone connected to that individual, by family ties, could donate any amount without any restriction whatsoever.

I note that there has been some complaint about one of the Members on the Democratic ticket getting $1,000 out of some hidden fund. In line with that, one of the best speeches I heard this week was one by Mr. Nixon in which he said that Mr. HUMPHREY would be too expensive for the American people to have as a President.

Well, I will tell you this much: Nixon would be too expensive for the poor people to have as a candidate. Saturday night I listened to one of the tricks that used to be associated with Nixon, but I am not so sure he is admitting to being tricky any more. But I listened to a whole hour's show on television. There was never an announcement made as to the fact that this was a paid political show at any time. Throughout the show a caption was flashed across the screen every once in awhile which said, "Live from Philadelphia" in letters that you could read with 20/40 vision clean across the room.

The show lasted for 1 hour, with fixed planned questions. The questions were fired at the candidate and he answered right back. One question posed to him, for instance, was, "What do you think, considering the *Pueblo* incident, President Eisenhower would have done when you were down in Caracas and you were threatened and articles were thrown at you, and so on? How far do you think the President would have gone?" When the candidate's quivering jowls allowed his chin to protrude a little bit, he said, "I think he would have gone all the way."

I remember that he did go all the way. I remember the incident. The President sent a plane down to bring the gentleman back home—and very quickly.

At the end of this 1 hour of fixed show, my wife was beginning to weaken. She said, "This man is quick. He shows a ready response to these ticklish questions." I was beginning to be a little bit worried, because my wife usually, I think, follows my beliefs in politics.

At the end of the show, if one did not have 20/20 vision and happen to be sitting within 10 feet of that 25-inch screen at my home, one could not have read the caption. What the caption said was: "This is a paid political advertisement."

SOCIAL SECURITY BENEFITS

Mr. WYLIE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WYLIE. Mr. Speaker, today I introduced a bill to permit social security recipients to earn up to $3,000 annually without suffering deductions from the insurance benefits payable to them under the Social Security Act.

Recipients under the war on poverty programs are eligible for benefits under such grants if they earn less than $3,000. Thus, an income of less than $3,000 has been determined to be poverty level income. Recipients of social security benefits should be placed in no worse position than recipients of benefits under the war on poverty program.

The 90th Congress increased the amount which can be earned each year without reducing social security benefits from $1,500 to $1,680. This is not enough, in my judgment, to meet the problem of income to most social security recipients. Our older citizens must be helped to meet the burden of rising living costs. One of the best ways is to permit them to earn more where they are able-bodied and willing. This will afford an opportunity for many of them to attain a higher standard of living and to meet unpaid expenses of illnesses and other hardships which are more common to the social security recipients.

HERBERT TENZER

Mr. CELLER. Mr. Speaker, I have a special order for this afternoon during which I was to address the House concerning the gentleman from New York, our colleague [Mr. TENZER], who is leaving us.

Instead of using that special order, I ask unanimous consent to extend my remarks at this point.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, the first characteristic of HERBERT TENZER, my friend and colleague, that caught my attention when he came to Congress was the feeling he gave one that he had come home. He was "to the manor born."

I have seen others struggle learning our procedures, wrestling with our rules, and confounded by the peculiarities of our institution. Not HERBERT TENZER. He did his homework with an enviable ease. He grasped the legislative issues with firmness. It was as if the House was his natural habitat, serving both his sense of dedication and his own need to serve.

I express my own regret that HERBERT has chosen to retire. We have need of his energy, his eloquence, and above all, of his understanding of what the purpose of Government needs must be.

His role as a successful attorney prior to coming to Congress did not satisfy the wide range of his interests. As a successful businessman, he found his expression limited and contained. As a Congressman, he found purpose and direction.

I know the struggle that went on within HERBERT when he was faced with a choice of remaining in Congress—and there is no doubt that his constituents would have returned him to office—and the needs of his family. While I regret intensely the choice he made, I cannot quarrel with it, knowing the loving kindness of his wife Florrie.

Much of the legislation which has come forth from the Committee on the Judiciary bears the impact of HERBERT's formidable knowledge of the law and his successful advocacy. Among such legislation I could name the omnibus crime bill, the Federal Magistrates Act which we debated today, the Copyright Act which is now pending in the Senate Judiciary Committee, and the patent legislation. The contribution he made to the subcommittees on which he served, namely, the Subcommittee on Patents, Trademarks, and Copyrights, and the Subcommittee on Claims, not only revealed his breadth of knowledge, but emphasized his keen compassion and sense of equity. I have heard him argue before the full committee on behalf of a lone beneficiary of a claim bill, a beneficiary who had come to throw himself upon the mercy of the conscience of Congress against the errors of his Government. HERBERT in this role had nothing to gain save the doing of justice.

I know that away from the Halls of Congress, HERBERT TENZER will continue with his acts of charity, continue in his involvement with the affairs of the Nation, and with his commitment to the welfare of his community, but I know too that we who have been the beneficiaries of his courage and activism will feel the void he has left. I will know him as friend. I am not happy that I shall not know him as colleague.

Mr. ALBERT. Mr. Speaker, I join my distinguished friend, Congressman EMANUEL CELLER, in expressing my regret regarding the retirement of our esteemed colleague, HERBERT TENZER. As an outstanding Member of the House, he has not only shown efficiency and fidelity in his service to his district, but to the Nation as well. As a member of the House Judiciary Committee, his work has been extremely valuable in the areas of civil rights, crime, immigration, narcotics, and constitutional amendments. He has had a constant interest in health agencies. HERBERT TENZER was one of only five sponsors of the landmark legislation passed by the 89th Congress, which dealt with an all-out attack on cancer, heart disease, and strokes.

He is a highly capable lawyer, and a leader at the bar. He is not only a member of the major bar associations, but in past years has served his country during the Roosevelt administration as General Counsel to the National Code Authority. He has been sole arbitrator in many management-labor disputes. HERBERT TENZER has also served as counsel to the Bureau of Social Welfare of the New York City Benevolent Association. He has been devoted to philanthropic enterprises which have brought happiness and increased welfare to the less fortunate in our society.

I shall always be grateful to him for his constant support of our majority programs. We will all miss him, and our regret will mark the day he leaves us. We wish him many years of continued success and a happy life.

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the opportunity to add my observations and comments concerning my good friend and able colleague, HERB TENZER.

Although our friendship is limited in years I have learned in this short time to admire and enjoy HERB and particularly to have great respect for his diligence, ability, and integrity.

I hope and trust that HERB TENZER will come back often to visit the House and the many friends he has made during his fine service. He will always be welcome on both sides of the aisle.

I, and his many friends, wish him the very best in health, happiness, and success in the years ahead.

Mr. YATES. Mr. Speaker, I want to join the distinguished gentleman from New York [Mr. CELLER] and my other colleagues in paying our tribute to our good friend and colleague, HERBERT TENZER. In the time he has served in this House he has won the profound respect and affection of the membership. He has worked hard, he has brought the wisdom, the application of a high intellect and warm human qualities to bear upon the many complex issues with which the Congress had to deal to the benefit of the people of our Nation. I salute him for a job well done.

I am very sorry that he has chosen not to return. I appreciate the sincerity and importance of the personal reasons which went into his decision and I shall not dwell upon them. We will miss him very much. The country will miss his services.

Mr. POFF. Mr. Speaker, I am sorry to see HERB TENZER leave the Congress. I say this as one who frequently disagrees with my colleague from New York. Our voting records are not similar. That is not to say that our motives and goals are dissimilar. On the contrary, I am convinced that HERB TENZER is convinced, and so far as personal friendship is concerned, that is all that matters to me.

HERB and I have been friends since he took his seat. I came to know him casually when he became a member of the Committee on the Judiciary. I came to know him personally when he became a member of the Subcommittee on Patents and Copyrights. That subcommittee that year commended what was to become a new technique in legislative craftsmanship. The subcommittee was commissioned to study reform in the copyright laws, the first major reform in more than half a century. Public hearings which were conducted were thorough. They exhausted the subject. They drew upon the expertise of every expert in the field, including academicians and practitioners. The hearings were bipartisan. Not a single unworthy question was addressed to a single witness. The executive sessions which followed exploited the services and talents of the Register of Copyrights, Mr. Kannenstein; the Deputy, Mr. Carey; Miss Barbara Ringer, who was then the Assistant Register of Copyrights and Mr. Abe Goldman, counsel to the Copyright Office; four people whom I regard as among the most able civil servants in the Federal Government.

The work of the subcommittee resulted in a comprehensive revision and modernization of the copyright laws. The work product was one of which every Member of the Congress could be justly proud. No Member of the Congress made a greater contribution to that product than HERB TENZER. From a background of legal practice hardly matched by any Member of the Congress and a functional knowledge of the subject matter of copyright based upon practical experience, HERB TENZER often was able to illuminate what otherwise woud have been obscure corners of this difficult field of law. His contributions were always made with great objectivity and intellectual honesty. Eloquent and persuasive in advocating his own viewpoint, he is willing to reconsider and often willing to change his mind. This I admire.

I count myself fortunate to have been privileged to associate with such a man. He has helped to stretch my own mind and broaden my own horizons.

Mrs. MINK. Mr. Speaker, it is an extreme privilege for me to join in this tribute to one of our most distinguished Members of this House and a close personal friend. Representative HERBERT TENZER joined this distinguished body by his successful election in 1964, the same year that I was sent to Congress. That he has decided to retire this year represents a loss both to the Congress and the country. However, I am confident that he will continue his interest in public affairs from private life where his influence will still be recognized by the Members of this body.

In the 4 years that Representative TENZER represented New York's Fifth District, he has convincingly demonstrated his concern for the human needs of our people.

Hawaii can certainly attest to his strong desires to make life more enjoyable in the United States. Representative TENZER was not the first man to sense the physical and mental hardships that were caused by the penetrating sounds of jet aircraft. However, he did introduce the first successful legislation to have the Federal Government measure the extent of these sounds and to set minimum standards for noise control. I was pleased to support his legislation which has now been signed into law. As a result, the people of Honolulu, who live in a circle around the Honolulu International Airport and have had to make the jet sounds a part of their life, can now look for some consideration—especially insofar as the noise will be measured, and perhaps, limited in the future.

But there are many other accomplishments which Representative TENZER will be remembered for both by the people of Nassau County, and elsewhere. As a member of the House Interior Committee, I personally know the need to preserve our national resources and the mail to my office indicates that this is a common desire by great numbers of Americans.

Representative TENZER cosponsored legislation which has since been signed into law by the President and which provides the authority for cooperative Federal, State, and local agreements to preserve wetlands and estuaries without Federal acquisition. It is a law which, I believe, opens the door for greater local participation in efforts to preserve green areas for public recreation. Again, it amply displays the concern of Mr. TENZER for our people.

Mr. Speaker, I join all of my colleagues in extending my warmest good wishes to Mr. TENZER and to his family. We will long remember him and his work will speak for itself for many years to come—all to his great honor.

Mr. FRASER. Mr. Speaker, I join many other colleagues today in paying tribute to the gentleman from New York [Mr. TENZER].

The House is going to feel the loss of this conscientious and dedicated public servant. His district, his State, and his Nation have benefited enormously from his service which I regret is ending after the relatively short period of only 4 years. But during those 4 years, chiefly through his distinguished work on the Judiciary Committee, Mr. TENZER has made numerous contributions. He has consistently lent his support and influence to the kind of progressive legislation that we in the Democratic Party believe in. Yet he has always done so in a statesmanlike way, above the rancor and pettiness of partisanship and personalities.

Apart from appreciating his legislative contributions during his two terms in Congress, I have thoroughly enjoyed my personal association with HERB TENZER. He is a warm, compassionate, and likable man. All of us in the House will miss him.

I wish HERB TENZER and his wife a happy and successful retirement. Knowing HERB, I realize that retirement obviously will not mean inaction. I hope he will be a frequent visitor to these halls in the years to come.

Mr. EDWARDS of California. Mr. Speaker, it's a loss for all—the Congress, the Judiciary Committee, and his own Long Island constituents—that a man of HERBERT TENZER's quality and dedication feels it is time to retire from public service in the U.S. Congress.

We were fortunate, however, in having had the advantage of HERB TENZER in these past 4 years, the 89th and 90th Congress. I have been in an especially good position to observe and benefit from HERB TENZER as a colleague on the Committee on the Judiciary. Through the many hours we all spent deliberating the bill to revise the copyright law of 1909.

through those seemingly endless hearings and those sensitive, complex executive sessions, I was particularly impressed with HERB's insight, legal background, and understanding of the far-reaching implications of copyright law in a modern, technological world.

Further, as HERB served on the Claims Subcommittee of Judiciary, I was struck with his quality of eminent fairness and willingness to listen to all sides, to weigh the complaint equally with the defense.

I am sorry, then, to see HERB leave the Congress. Not only did he devote tireless energy and fundamental ability to his committee work but he also could be counted upon as a leading spokesman for justice, progress, and peace on the hard issues at home and abroad. I can say, at the same time, that I express regret at HERB's retirement, and without hesitation or qualification, that we are all grateful for the 4 years he served here in the House and I hope the Congress will bear with me for a moment as I inject a personal note. These past few years I've been doubly pleased that the people of Long Island have sent HERB to Washington for it has meant for me a stimulating and growing personal relationship with HERB and his wonderful wife, Florrie. I will miss them both and so Mr. Speaker, I am honored and delighted to participate today in this fine tribute to Congressman HERBERT TENZER.

Mr. JOHNSON of California. Mr. Speaker, it is a pleasure to join my colleagues in expressing appreciation to HERBERT TENZER, who is retiring.

Since the 89th Congress he has served the Fifth District of New York, his State and his Nation in an outstanding manner. As a member of the Committee on the Judiciary he has done a fine job and has been very helpful to his colleagues on legislative matters before this committee.

Even though he has only been here in Congress 4 years he has made many friends and has been a devoted servant to his constituents. He will surely be missed.

It has been a pleasure working with HERBERT and I want to wish him and Mrs. Tenzer much happiness and success in the future.

Mr. DIGGS. Mr. Speaker, the compassion, imagination and energy displayed these past 4 years by our retiring colleague, Congressman HERBERT TENZER, of New York, is an unusual record for one who has served such a short tenure. I join in the expressions of gratitude for having the benefit of even this brief a period of service. I regret that we will not have the benefit of his full potentialities as he would have grown in experience. I trust that he will find in any future ventures the fulfillment of his natural dedication to public service.

Mr. FINO. Mr. Speaker, I wish to join my colleagues in paying a well-deserved tribute to HERBERT TENZER.

Although I did not know HERBERT TENZER before he came to Congress, after 4 years I feel that I have known him for years.

We are sorry to see him leave because he has represented his congressional district well. His retirement from Congress will be a loss not only to his district but to this body which has learned to respect and admire him. In the short time that HERB has been with us, he has proven himself an able and conscientious legislator and public servant.

I hope that HERB and his family will enjoy many years of health and happiness in his retirement.

Mr. O'HARA of Illinois. Mr. Speaker, there is no Member of the House for whom I hold a larger measure of esteem and admiration than HERBERT TENZER. During his service in the Congress we have seen much of one another not only on the floor and in the activities of the House but at the Congressional Hotel, which has been the Washington home of both of us. Our friendship has been very dear to me. HERBERT TENZER is a deeply religious man. He is conscientious in everything. He is kindly, considerate, and understanding of those with whom he disagrees as well as those whose thinking and philosophies are similar to his own. His ability is of the highest order, his brain as large as his heart. He has rendered to his constituents, his State, and the Nation 4 years of outstanding service. To say that his retirement is a great loss to the Congress is the understatement of the day.

Mr. GILBERT. Mr. Speaker, it is with sorrow that I note the retirement of our distinguished colleague, HERBERT TENZER, who for two terms has represented the Fifth Congressional District of New York.

In the two terms he has served, HERBERT TENZER has made a remarkable impact, far out of proportion to his brief tenure in these Halls. He has made an impact with his acute intelligence and a particular dedication to the well-being of his country and his constituents. HERBERT TENZER came to Congress dedicated to be a first-class Representative and there is no one in this body who would deny that he has succeeded.

When HERBERT TENZER was elected to his seat in 1964, some might have said it was a peculiarity of the Democratic sweep of that year, he was the first Democrat ever to represent his district. But when he was reelected 2 years later, it was unmistakable evidence that HERBERT TENZER himself had earned this honor. His reelection was a tribute to the quality of the representation he offered. I have no doubt that if he chose to run again this year, he would once more receive the mandate of his constituents.

HERBERT TENZER's warmth is demonstrated, as we have known it throughout his years in Congress, by his decision to retire. Too many of us here in this body tend to become obsessed by our responsibilities to the detriment of our personal lives, especially of our families. HERB TENZER recognized that danger, and, at the age of 63, wisely decided to avoid it. He chose to retire and devote his remaining years to his lovely wife, his children, and his grandchildren.

We who remain here will regret his absence, while understanding and sympathizing with his decision. Like the rest of my colleagues, I wish HERBERT TENZER a long and happy retirement. I know he shall, as he has promised, continue to serve the people in various tasks which he will be called upon to perform. But he has earned his rest. Though Congress will miss his contributions, his constituents and his Nation can give thanks for the service he has imparted to us so selflessly.

Mr. ZABLOCKI. Mr. Speaker, it is an honor and a privilege to join by colleagues in paying tribute to my friend and esteemed colleague, the gentleman from New York [Mr. TENZER], on the occasion of his retirement from the House of Representatives.

Mr. TENZER has been a devoted and conscientious Representative from the Fifth District of New York and has, in his service during the past two Congresses, earned the deep admiration and respect of his colleagues. His departure from the House will be a loss to the people of New York. He has shown a deep interest and concern for his fellowman. I join with my colleagues in wishing Congressman TENZER good health, happiness, and success in his future endeavors.

Mr. FALLON. Mr. Speaker, during his two terms of devoted service in the House, Representative HERBERT TENZER, of New York, has not only been heard but heeded. HERBERT TENZER has contributed to the Nation his vast store of wisdom and experience amassed in a career as a lawyer, business executive, labor-management relations expert, and dedicated philanthropist. He has earned the admiration and respect of constituents and colleagues alike, and on his retirement his colleagues are losing a friend, just as his constituents are losing a trusted spokesman.

Few men have shown more compassion and concern for the lives and well-being of others than HERBERT TENZER. It was he who organized and handled Rescue Children, Inc., after World War II, an organization which successfully cared for more than 2,200 European war orphans in 15 countries. He was a founder of the United Jewish Appeal and a division chairman of the Federation of Jewish Philanthropists. He serves as the president of the National Council To Combat Blindness—Fight for Sight; as a voting member of the New York City division of the American Cancer Society; as chairman of the South Shore division of the Albert Einstein College of Medicine; and as chairman of MIND—Maimonides Institute for New Development—a school for exceptional children. He is also a trustee of Yeshiva University and a director of the Chronic Disease Hospital in Brooklyn.

Congressman TENZER was one of the first and most persistent supporters of the landmark legislation passed by the 89th Congress which began the all-out national attack on cancer, heart disease, and stroke. Since he first came to Congress, Representative TENZER has led the battle to curb aircraft noise, and the passage of the Federal jet noise bill was in no small measure due to his tireless efforts on its behalf. His work on the Judiciary Committee has been consistently outstanding.

I know that all of Congressman TENZER's friends and associates will join me in expressing our deep regret at his retirement from the House of Representatives. He has served for two terms, but in that time he has earned the admiration and respect which usually come only with much longer service. I salute a patriotic and dedicated American and wish him the best of health and happiness in the years to come.

Mr. ROONEY of Pennsylvania. Mr. Speaker, it is with great pleasure at this time that I join with my colleagues in paying tribute to a fine and capable gentleman and fellow Democrat, HERBERT TENZER.

His two terms in the House are marked with dedication, drive, and a sense of duty, both to his constituents and to his country. Congressman TENZER has capably served on one of the most important, dynamic committees in the House of Representatives, the House Judiciary Committee. On the House floor, he has been extremely interested and cooperative in the advancement of constructive legislation.

I wish my distinguished colleague a long and happy retirement and I extend my sincere thanks to him for his efforts in the 89th and 90th Congresses.

Mr. KYROS. Mr. Speaker, often here on the floor of the House, we have used the word "retirement" when we have dealt with legislation. Not often, however, do we use it in relation to a colleague. For me today, however, this is the case.

The vitality of HERB TENZER, the keenness of his mind, the greatness of his spirit, the talent of this man as a legislator, will be lost to those whom he has represented here on the floor of the House for the past 4 years. The benefits that he has given to his colleagues as the business before this Congress has been conducted, will be sorely missed, especially by those of us who are relatively new in this field of representing the American people.

Yes, we will miss this man—we will miss him because he is a man of character, and an outstanding example for all of us. We will miss him as a legislator, but we shall remember the wisdom of his talent. I will personally miss him as a warm and trusted friend whose advice—often sought—was always sound.

My colleagues, I ask you to join with me now, in wishing every future success, health, and happiness to Congressman HERBERT TENZER.

Mr. HATHAWAY. Mr. Speaker, at the end of this year, my good friend and colleague, Representative HERBERT TENZER will retire from the Halls of Congress.

I have felt particularly close to HERBERT not only because of our relationship here, but also because of our mutual friends, the Plavins, who live in my district in Lewiston-Auburn, Maine.

HERBERT came to Congress the same year I did and contributed significantly to what has been referred to by the President as the great 89th.

His deep concern for his fellow man is amply demonstrated by his strong support for legislation to benefit veterans, children, handicapped people, the unemployed, and the disadvantaged. Much of this legislation he has initiated himself.

HERBERT has served his two terms in Congress with great distinction and outstanding ability. His career here is too short for a man with his qualifications, and I know his absence will be deeply felt in the 91st Congress. The residents of New York's Fifth District can be justly proud of this man who has represented them so well during the 89th and 90th Congresses.

I consider it a great pleasure and privilege to serve with him, and I wish him every success and happiness as he leaves this body.

Mr. FARBSTEIN. Mr. Speaker, it is always melancholy to note the departure of a respected colleague, and, in the case of HERBERT TENZER, it is particularly melancholy because, in his brief sojourn in Congress, he made such a fine contribution to this body and to the country.

HERBERT TENZER was one of those Congressmen who, by the usual political rules, should never have been among us because his home district had always been a province of the other party. But in 1964, he became the first Democrat ever elected to Congress from New York's Fifth District, the south shore of Nassau County, and so well did he serve his constituents that in 1966, he was elected again. By his hard work and modesty, by his dedication and selflessness, HERBERT TENZER became a figure beloved by his constituents, Democrats and Republicans alike.

It was always a pleasure seeing HERBERT TENZER on the floor of Congress. He is a man of bearing and of great dignity. He speaks rarely, but when he speaks, it is with authority and thoughtfulness. He set a standard of responsibility in this body. In two brief terms, he became a man recognized for the stature possessed among his peers.

I could recite the litany of his achievements in the House of Representatives. He fought in the Judiciary Committee for every decent cause, for those who are poor and those who are oppressed. But he also dealt imaginatively with national problems, and he was a leader in health legislation, legislation to suppress aircraft noise, conservation legislation. By no means, however, do I judge HERBERT TENZER simply for his legislative accomplishments.

My esteem for this man comes from the qualities of character he imparted to this body. It was those qualities that were, at last, at the source of his resignation—for he saw that he had a duty to give his years to his wife and family, as well as to his country. I commend him for his consideration in his relations with his loved ones. But as a congressional colleague, I will miss his presence among us.

Mr. CAHILL. Mr. Speaker, I am pleased, indeed, to join my colleagues in paying deserved tribute to Representative HERBERT TENZER of the Fifth District of the State of New York. I have had the good fortune of serving on the Judiciary Committee with HERB TENZER and have, therefore, come to know him on a personal basis during all of the deliberations of the committee. I have found him to be thoughtful, considerate, industrious, and constructive in all of his legislative endeavors. HERB TENZER is an outstanding lawyer, and has evidenced his special talents time and again during the drafting, deliberative process, presentation and passage of most of the important legislation passed in the House of Representatives during his years in the Congress. HERB's love of Congress and devotion to his work is only exceeded by his love of family and devotion to his wife, children, and grandchildren. I am certain nothing but his desire to be with the family he loves so much could ever take him away from the institution and the friends he loves so dearly. We will all miss HERB TENZER, but we will all remember him for his contribution to his district, his State, and his Nation.

Betty joins me in wishing him and his family many years of good health and great happiness.

Mr. BROOKS. Mr. Speaker, I join with my colleagues in saluting our distinguished colleague from New York, HERBERT TENZER. Although the gentleman from New York has been with us for only two terms, during this time he has established his reputation as a most able and dedicated legislator.

I have been particularly impressed with his astute legal mind as has been demonstrated in his service as a member of the Committee on the Judiciary. All of us who have served with him on that committee have been most grateful for his susbtantial contributions to the discussion and consideration of the legislation.

Although HERB chose not to seek reelection, I am confident that had he not done so, the people of his district, in recognition of his devoted service, would have returned him for as long as he so desired.

While we envy him for the additional time he will now have to spend with his wife, children and grandchildren, let me assure you he will be sincerely missed by his colleagues here in the House of Representatives.

Mr. HANLEY. Mr. Speaker, service in the 89th and 90th Congress to me has been especially rewarding in the light that it has provided me with the pleasure of becoming acquainted with a gentleman whom I can only describe as a truly great American. This acquaintanceship has developed into a warm friendship. I refer to Congressman HERBERT TENZER. His apparent immediate grasp of the mechanical function of Congress impressed me greatly shortly after making his acquaintance, then as I observed him discharging his responsibility as a member of the Judiciary Commmittee in the exemplary manner in which he did, my respect for his ability grew.

I have never hesitated to seek his counsel on any matter. This he always provided me, not only willingly but with enthusiasm.

Like so many who know him so well, I was most disheartened to learn of his decision to retire from the Congress. I could only judge that his absence would indeed create a significant vacuum in this great body. However, I have the utmost respect for the judgment which he has made, and although he will not be serving in the Congress I am confident that he will continue to devote much of his time to the interest of causes designed to assist the betterment of mankind.

Whatever his road ahead may be, I take this opportunity to wish him an abundance of good health, happiness, and success in all of his endeavors and, further, relate to him the pride that I take in our friendship. Although we would not continue to be associated in the Congress, I look forward to the friendship which will always remain.

Mr. RODINO. Mr. Speaker, it is a great honor for me to join my colleagues today in paying tribute to HERBERT TENZER, for in these 4 short years he has proved himself a dedicated and most able legislator.

His fine work as a member of the Committee on the Judiciary has added further luster to an already distinguished career at the bar, and his legislative record is a positive testimonial to his abiding concern and genuine dedication to the welfare of his fellow man. HERB is a man of warmth and integrity, whose friendship I value greatly.

I certainly join his many other friends in wishing him the very best of luck in the future, and look forward to what I hope will be his frequent visits back to the House.

Mr. DULSKI. Mr. Speaker, I am happy to join my colleagues in paying tribute to our friend and colleague, the Honorable HERBERT TENZER, who is retiring from the House this year. He has served his constituents and his country well.

Although I cannot fault him for his desire to retire so that he can devote more time to his family and personal interests, he will be missed by his colleagues and particularly by those of us who have worked with him in the New York delegation.

HERBERT TENZER has served with distinction and he can be proud of his record during his relatively short span of service in the House. Men of his dedication and ability are needed in our Government.

As a supporter and sponsor of liberal and progressive legislation, he has helped to improve the general welfare of all Americans. He has been interested in and concerned with the things that are good for our Nation.

I congratulate Congressman TENZER on his fine record of service, and along with his friends and associates, I wish him the best of health and happiness in the years that lie ahead.

Mr. MATSUNAGA. Mr. Speaker, I rise to join my colleagues in this tribute to the departing gentleman from New York, the Honorable HERBERT TENZER. It was a rare privilege for me to have known and worked with Congressman TENZER during his two terms in Congress. He will be sorely missed when he retires at the end of the current session.

HERBERT TENZER was first elected to Congress at the relatively mature age of 59. He had already achieved notable success as a practicing attorney and a business executive, and wide recognition for his civic endeavors and philanthropic interests. For a period of 4 short years, this body, and in a larger sense, the entire Nation, had the benefit of his tremendous background.

Congressman TENZER's leadership in the fight to curb aircraft noise is an outstanding example of his deep concern for the welfare of the people of his district, the State of New York, and the Nation. We have all recognized in HERB a deep sense of compassion and understanding, a personal trait which probably had a great deal to do with his serving as president of the National Council to Combat Blindness in the Fight for Sight, a member of the New York City division of the American Cancer Society, chairman of the New York's Nassau County South Shore division of the Albert Einstein College of Medicine, and chairman of the Maimonidies Institute for New Development, a school for exceptional children.

My best wishes and aloha go with HERB TENZER as he leaves this House. I know that for HERB retirement from public life will not mean a life of leisure, for he has already pledged that the rest of his life will be devoted to the service of his people, a job in which he has spent the greater part of his life. It is my sincere hope, however, that he will pause long enough in his retirement years for a bit of relaxation in my fair State of Hawaii.

To HERB TENZER Hawaii says "Aloha."

Mr. BINGHAM. Mr. Speaker, I am glad to join in paying tribute to our colleague, HERBERT TENZER, who has represented the Fifth District of New York for the last 4 years with such distinction.

HERB TENZER was one of those who came to this House, as I did, for the first time in the 89th Congress. He quickly established himself as one of the most effective Members of the Congress, and in his two terms has played a prominent and productive role, particularly in presenting and explaining legislation coming from the Judiciary Committee. His interests have been wide ranging, going well beyond the scope of the Judiciary Committee's jurisdiction, and he has taken the lead in such areas as calling for United Nations action in Vietnam and in seeking effective governmental steps to reduce the aircraft noise in and around our metropolitan airports which has become such a menace.

HERB TENZER has taken an interest in the welfare of his fellow Members of Congress and has shown great initiative and devotion in this regard. As he has with philanthropic and civic activities in New York State, so here in Washington he has taken and exercised responsibility in good causes. He has never been one to follow the principle "Let Joe do it."

I particularly recall with pleasure the Jewish religious services he arranged in the Capitol, which were moving and beautiful in themselves and represented a memorable step in furthering the ecumenical spirit.

But undoubtedly the most remarkable thing about HERB TENZER has been and is his unfailing courtesy and friendliness in his dealings with all his colleagues in the House. I have never heard him say a harsh word or known him to do an unkind thing.

With his warm smile and his cheerfulness, he has shown that a Member of Congress does not have to be aggressive or antagonistic or critical to get things done. At the same time, his unfailing kindness is not a calculated thing; it obviously comes from a profound conviction as to the dignity and worth of every human being. He is indeed a credit to the faith and tradition to which he is so devoted and of which he is so rightly proud. In the words of Chaucer, he is a "parfait gentille knight."

Had he seen fit to seek reelection, I am sure that HERBERT TENZER would have been returned again and again to the Congress by his constituents and would have performed increasingly important public service here in the National Legislature. But I know that he will not be inactive and that whatever he finds to do, the impact of what he is and does will make his community and the world a better place to live in.

It goes without saying that I deeply regret the decision of HERB TENZER to leave the House, but, in view of the reasons which underlay this decision, I admire him for it. Let no one say that gallantry is dead in our day. Sir Walter TENZER, "Hail and farewell."

Mr. RHODES of Pennsylvania. Mr. Speaker, with my colleagues and friends of Congressman HERBERT TENZER, I join in expressing best wishes to the gentleman from New York on his retirement from Congress.

I have known HERBERT as a friend and have cherished the pleasant associations I have enjoyed with him. He has served with distinction as a member of the Judiciary Committee, and has won the respect and admiration of his colleagues and his constituents by his dedicated service to his district and to his country.

In leaving the Congress, HERBERT can take pride in his achievements and in knowing of the confidence of his constituents and the high esteem in which he is held by all of us who have had the pleasure of serving with him.

I wish to express best wishes to HERBERT for good health and a full and happy retirement life.

Mr. DINGELL. Mr. Speaker, I rise to join my colleagues in paying tribute to our valued and able colleague from New York, the Honorable HERBERT TENZER.

His service has been of the greatest value to his State, district, and Nation.

He led the fight to save the Long Island wetlands. He was one with whom I worked most closely in securing enactment of H.R. 25 to save our Nation's estuaries, bays, and coastal wetlands.

His persistence, ability, and dedication and leadership in the fight for that great bill will be one of his finest and most important monuments. The people of New York and of the Nation owe him a great debt of thanks for this accomplishment.

HERB TENZER has worked and voted for growth, for progress, and to fill the people's needs.

His ability, his courage, his human approach to the people's problems will be greatly missed here in the Congress.

HERB TENZER is my friend, and one whom I, like other Members of this body, will greatly miss in years to come.

Mrs. GREEN of Oregon. Mr. Speaker, it was with considerable regret that I learned of HERBERT TENZER's decision to retire from Congress. He has been one of the most stalwart champions of liberal causes—able and resolute in his convictions—honest and determined in defense of those goals he saw as right. I am glad that he and I have often shared the same view on issues, but even if this had not been so, he would have earned my respect for those qualities of loyalty, integrity, and leadership which he so admirably possesses.

Knowing Representative TENZER and his keen commitment to a better society and a better world, I am certain that he will continue his leadership role. The House will miss his enlightened and able service, but I know too that he will contribute much in all future endeavors. It has been a privilege and pleasure to know him and I wish him well in all the years to come.

Mr. RYAN. Mr. Speaker, the people of the Fifth Congressional District of New York have been very fortunate to have as their Congressman HERBERT TENZER, an active and effective Member of the House. It has been a great privilege and a pleasure for me to know and work with HERBERT TENZER as a fellow Member of the New York delegation. I know that his record of achievement has earned him the respect and admiration of his constituents, his friends and associates.

HERBERT TENZER was born and educated in New York City. He was graduated from New York University Law School, admitted to the bar in 1929, and is a senior partner in the New York law firm of Tenzer, Greenblatt, Fallon & Kaplan.

In addition to his highly successful legal career, Representative TENZER has had years of experience as a business executive and labor-management relations expert. From 1940 to 1960, he served as chairman of the board of Barton's Candy Corp.; he has held several directorships and executive posts with banks and business firms. During the Roosevelt Administration, from 1933 to 1935, Mr. TENZER served as general counsel of the National Code Authority which administered the code of fair practice for the wholesale confectionery industry. He wrote the very first collective bargaining agreement for the candy manufacturing industry, which has lasted for nearly 30 years, and has successfully arbitrated many management-labor disputes within the industry.

Congressman TENZER's years of dedicated service in civic and philanthropic activities have earned him numerous awards. After World War II, it was he who organized and administered Rescue Children, Inc. This voluntary organization grew out of his humanitarian concern for the persecuted and the helpless. Approved by the U.S. State Department, it successfully cared for more than 2,200 European war orphans in 15 European countries, uniting them with relatives throughout the world, finding them homes in Israel, or placing them with American families.

Congressman TENZER has displayed a deep interest in medical research in the fight against crippling and fatal diseases. He now serves as president of the National Council To Combat Blindness—Fight for Sight; as a voting member of the New York City division of the American Cancer Society; as chairman of the South Shore division of the Albert Einstein College of Medicine; and as a director of the Chronic Disease Hospital in Brooklyn. Congressman TENZER was one of the founders of the United Jewish Appeal, and is a division chairman of the Federation of Jewish Philanthropies. Through his interest in education he has become a trustee of Yeshiva University and chairman of MIND—Maimonides Institute for New Development—a school for exceptional children.

In 1967, Representative TENZER received well-deserved recognition when the Long Island chapter of the National Conference of Christians and Jews honored him with its Man of the Year Award. His unselfish dedication of his time and his talent to helping others, his cheerful and enthusiastic devotion to public and civic duty, inspire warm admiration in all who know him.

Throughout his congressional career, HERBERT TENZER had exhibited his high qualities of leadership. Compassionate and tireless he gets things done. Representative TENZER was the first Democrat to be elected to Congress in recent times from New York's Fifth District.

Assigned to the House Judiciary Committee, he utilized his legal ability to the fullest. He also sponsored major legislation to combat heart disease, cancer, and stroke, which has become law.

Congressman TENZER's bill authorizing Federal court sessions on Long Island at Mineola was endorsed by the Judicial Conference of the United States and approved by the Judiciary Committee of the House. The bill passed both the House and Senate and is now law. No longer will Nassau and Suffolk County litigants, jurors, witnesses and attorneys have to spend hours traveling to the Federal courthouse in Brooklyn.

Conservationists owe a debt of gratitude to Congressman TENZER for the original concept found in the Wetlands Preservation Act, protecting natural resources through Federal, State, and local cooperation. I was privileged to be associated with him in this effort to preserve our estuarian areas, and join him in cosponsoring this legislation.

Congressman TENZER's concern about the effect of jet aircraft noise involved him in arduous efforts to convince the Federal Government to impose necessary regulations and controls.

HERBERT TENZER is an outstanding citizen, and has been an exceptional Congressman. His loyalty and courtesy to his colleagues, his untiring efforts on behalf of his constituents, and his deep and active concern for the problems of our Nation and the world demonstrate his devotion to the highest ideals of leadership and service. I deeply regret his decision to retire. All of us will miss him greatly.

Mr. MURPHY of New York. Mr. Speaker, I want to join my colleagues in paying tribute to Representative HERBERT TENZER, who will be retiring from Congress at the end of this year.

HERBERT TENZER is a devoted husband, father, and grandfather. The very difficult and demanding travel between his district and Washington has meant constant separation from his beloved wife, dear children, and devoted grandchildren. It is understandable that after a lifetime of community, civic, religious, and charitable work he has decided to devote himself to his family, his religious activities, and the local community.

In his 4 years in the House of Representatives he has shown himself to be a capable legislator, and his service on the powerful and prestigious Judiciary Committee has won him the praise of his colleagues.

He has served his constituents faithfully and efficiently, and they will be hard-pressed to find a man of equal ability and dedication to replace him in the 91st Congress.

In addition to his outstanding service as a legislator and his distinguished service to his constituents, HERBERT TENZER is an extremely popular and well-liked Congressman. Those of us in the New York delegation will particularly miss him next year.

When he leaves, New York will lose a capable and dedicated public servant, but we will always profit from the service he has rendered to his country.

Mr. ADDABBO. Mr. Speaker, I am pleased to join with my colleagues in wishing all the best to HERB TENZER as he retires from the Congress.

Congressman TENZER has been in the House only a short time, but he has made a great record of service to his district, State, and Nation. He will be sorely missed. I know that HERB gave a great deal of study and thought as to his future course and did not lightly decide that he should not continue in this body. He did what he thought was best for his family.

Again, I say that he will be missed by all of us, but I join in wishing him good health, much happiness, and success in all his future endeavors. His family's gain is the Nation's loss.

Mr. HORTON. Mr. Speaker, it is with a sense of loss that I join my colleagues in marking Representative TENZER's retirement from Congress. A fellow member of the New York delegation, HERBERT TENZER is both a colleague and a close friend who is an able and dedicated Representative from the Fifth Congressional District of New York.

Because he is a talented leader, HERB TENZER has become an influential and respected Member of the House Judiciary Committee.

A Congressman's job is never an easy one, but somehow in addition to fighting for passage of the first Federal jet noise bill and sponsoring the Wetlands Preservation Act, Mr. TENZER found time to devote to numerous community and philanthropic endeavors as well.

HERB TENZER is president of the National Council to Combat Blindness, a voting member of the New York City division of the American Cancer Society, and chairman of the South Shore division of the Albert Einstein College of Medicine.

As if this were not enough, Mr. Tenzer is also chairman of the Maimonides Institute for New Development, a founder of the the United Jewish Appeal, and a division chairman of the Federation of Jewish Philanthropies.

I am sure that the Fifth Congressional District of New York is proud of Herbert Tenzer's many services and accomplishments in Congress.

Herb Tenzer has a strength of character which will be missed. I am sorry to see him leave us. However, I am sure that with more time available, Mr. Tenzer's community will benefit from his participation in its affairs, and his family will be able to spend more time with him.

To Mr. Tenzer and his wonderful family, I extend my best wishes for a full and happy life. It has been a pleasure and an honor to serve with him in the House of Representatives.

Mr. VANIK. Mr. Speaker, it is an honor to be able to join with my colleagues today in saluting the work of the distinguished gentleman from New York, Herbert Tenzer.

Congressman Tenzer has made a remarkable record during his term of service in Congress. He led in the passage of a law authorizing Federal court sessions on Long Island for the first time. He was a leader in the passage of H.R. 25 which has just been passed. This new act will provide authority for cooperative Federal, State, and local agreements to preserve wetlands and estuaries—without Federal acquisition.

Congressman Tenzer is an outstanding legislator; he was the outstanding sponsor of the Jet Noise Act, which was signed into law this July. This new legislation will improve the life of all Americans living beneath the Nation's major air corridors by providing authority to the Secretary of Transportation to set minimum aircraft noise control standards.

It has been a pleasure to work with Herbert Tenzer during the last two Congresses. He is not only an outstanding Congressman, but an outstanding citizen. His native communities have long recognized this, and in 1967, for example, Congressman Tenzer received the Man of the Year Award in the Long Island chapter of the National Conference of Christians and Jews.

It is my hope that we will be continuing to see a lot of Herbert Tenzer, and that he will continue to give us the pleasure of his company and his counsel.

His exemplary service as a Congressman reflects great credit upon his constituency and the Nation as well.

Mr. WYDLER. Mr. Speaker, I have known Herb Tenzer as a man and as a Congressman during the years he has been in Washington. Although he is a member of the opposition party, he has always shown himself to be a gentleman and to be dedicated to his country. I feel that Herb and I have been good friends and I know this feeling will continue in the years ahead. His retirement will make his dear wife Florrie very happy and I am glad for them both that they will now have full time to enjoy their life together and their grandchildren.

Mr. PODELL. Mr. Speaker, it is with mixed emotions that I rise to say a few words in tribute to my friend and our colleague, Herbert Tenzer, who has voluntarily determined to close his congressional career with the adjournment of the 90th Congress. My sorrow at his departure is tempered only by the knowledge that Herbert Tenzer will find life's fulfillment in other creative pursuits which will benefit all of mankind.

I will particularly miss Herbert Tenzer. He was my neighbor just a few doors down on the seventh floor of the Longworth Building. In terms of the seniority which prevails in this House, I am a comparative newcomer and novice. It has been a source of great comfort to me to know that Herbert Tenzer was never more than a few doors away and that I could always rely on his friendship, his wisdom, and his counsel.

Henry David Thoreau once wrote:

> It is true, I never assisted the sun materially in his rising; but, doubt not, it was of the most importance only to be present at it.

I suggest that Thoreau's perceptive comment applies to all of us in relation to Herbert Tenzer: It was of the most importance that we were privileged to serve in this House while Herbert Tenzer was one of its Members and one of our colleagues.

Hebrert Tenzer's greatness of spirit embraces all who are privileged to know him. His generosity of spirit has brought vision to the blind, hope to the oppressed, and comfort to the afflicted. The burdens of humanity have been his to share and his to relieve with his untiring energies and unlimited abilities. His principal interests in this House reflected the vast scope of his interests and the depth of his concern, education for children, health services for all people, new opportunities and greater horizons for victims of blind bigotry and prejudice, comfort for the aged, and a fuller and richer life for people in every quarter of the globe.

In departing from this House, Herbert Tenzer is not leaving the struggle for those objectives. His efforts and his energies will simply make themselves felt in different but equally significant arenas. All of us know that Herbert Tenzer will continue to enrich the life of his community as a respected leader in its religious, philanthropic, and charitable programs.

I am certain that all of us are joined in fervent prayers for the good health and well-being of Herbert Tenzer and his family and that the years ahead will find him happy and his work fruitful.

Mr. CORMAN. Mr. Speaker, it is with a great deal of pleasure that I join my colleagues in paying tribute to Congressman Herbert Tenzer of New York, who will be retiring from Congress at the end of this year.

It has been my very great pleasure to serve with Herbert Tenzer on the House Judiciary Committee, and now that he is retiring, I wish to acknowledge my gratitude for the active and unstinting support and understanding I have received from him during the years of our service together on the committee.

Although having served only through two Congresses, Herb Tenzer has been a dynamic Congressman. I believe that the major reason he has been able to do so much in the short time that he has spent in the House is because of his leadership ability and his understanding of human motivation. The legislation he supported and sponsored during his years in the Congress—to improve heart, cancer, and stroke research; to strengthen the Small Business Administration; to curb jet air noise—is a reflection of his concern for a better America for all its citizens.

The country in which we live can only be as sound as its public servants. That is why I am sorry to see Herbert Tenzer leave us. His talents will be missed.

I heartily congratulate Herbert Tenzer on his fine service in the Congress, and wish for him and his family health and happiness in the years to come.

Mr. FEIGHAN. Mr. Speaker, although our colleague, Mr. Tenzer, has served in this body only 4 years, I have had the privilege of knowing him well as we have worked together as members of the Committee on the Judiciary. He is an able lawyer and has been a dedicated representative of New York's Fifth District. It is our colleague's own decision to return to his law practice and to the numerous charitable and beneficent pursuits to which he has contributed so generously of his time and energy in his home area. A brief reading of our colleague's biography will acquaint one with the numerous meritorious organizations in which he has been active—Fight for Sight, Rescue Children—in addition to his activities in religious work.

Mr. Tenzer is a gentleman whom I admire and respect, and I regret his departure from Congress. He takes with him my best wishes for good fortune as he returns to his law practice and to private life.

Mr. NEDZI. Mr. Speaker, it was with regret that I learned some weeks ago that our distinguished colleague, Congressman Herbert Tenzer, of New York, had decided to retire from the House of Representatives at the end of this term.

I was surprised to learn of this turn of events. My immediate reaction was "so rare a man, too short his time in the House."

Herbert Tenzer is a distinguished lawyer, a dedicated public man, and a skilled legislator. He will be missed because of these attributes. But there is a greater reason why his colleagues will regret his departure from the House after only 4 years. The reason is simply this: Herbert Tenzer is a great guy.

In the give-and-take of the legislative process, one usually gets a pretty clear insight as to the character of his friends and foes. I think that Herbert Tenzer has earned respect from Members on both sides of the aisle for his open mind, his generosity, and his capacity for genuine friendship.

I wish Herb and his family well in the years ahead.

Mr. MORSE of Massachusetts. Mr. Speaker, I am pleased to join today in expressing my appreciation and best wishes to one of our colleagues who has served 4 years in this body with a record of distinguished and dedicated service.

HERBERT TENZER has been a hardworking legislator in the years I have been privileged to know him, and is a conscientious member of the Judiciary Committee.

A devoted civic benefactor with a record of notable legal and business experience, TENZER has won the deep respect and friendship of his colleagues in the House.

He will be missed in his retirement, but shall have, I am sure, the sincere and best wishes of us all for a full and happy future.

Mr. EILBERG. Mr. Speaker, Congressman HERBERT TENZER, the distinguished Democratic Representative of New York's Fifth Congressional District, will retire at the close of this session of the 90th Congress.

It is with deep regret that we contemplate his leaving us, for he has been an active and conscientious legislator, a dedicated public servant, and a firm friend to many of us in the years we have been privileged to serve with him.

Representative TENZER has contributed immeasurably to the future of Federal health programs. He was one of five sponsors of the landmark legislation which deals with an all-out attack on heart disease, strokes and cancer—legislation that was passed in the 89th Congress.

Among his other interests have been curbing aircraft noise, curbing cigarette bootlegging and strengthening the Small Business Administration.

A law signed in December 1967 attests to his efforts on behalf of his constituents; this legislation authorized Federal court sessions at Mineola, Long Island.

Born on the Lower East Side of New York City, HERBERT TENZER was educated at Stuyvesant High School and was graduated from the New York University Law School.

Admitted to practice in New York State and before the U.S. Supreme Court in 1929, he is now a senior member in the law firm of Tenzer, Greenblatt, Fallon & Kaplan. His legal background contributed to his being appointed to the important House Judiciary Committee.

Always interested in public service, Representative TENZER has been the recipient of numerous awards. He is a founder of the United Jewish Appeal, trustee of Yeshiva University and a director of the Chronic Disease Hospital in Brooklyn.

He is president of the National Council To Combat Blindness, a voting member of the New York City American Cancer Society, and chairman of MIND, a school for exceptional children.

Representative TENZER has been actively involved not only in legal endeavors, philanthropy, and public service but also in religious activities. He is unselfish, dedicated, and honest and the citizens of the Fifth District of New York must be very proud that, for two congressional terms, the man representing them has been HERBERT TENZER.

I should like to wish him a productive retirement and many years of happiness with his wife, Florence, and their children and grandchildren.

We have been fortunate to have had HERBERT TENZER among us.

Mr. HOWARD. Mr. Speaker, please permit me to join with our colleagues in expressing deep regret at the retirement of the Honorable HERBERT TENZER, who has been such an able and valuable Member of the House. Congressman TENZER has done much for the benefit of his constituents, his State, and his country and he will certainly be missed in the days to come. We wish him well in any future endeavors and trust he will maintain the same distinguished service in the future that he has in the past. He has contributed so much that many have benefited from his hard work and devoted efforts. I join with his hosts of friends in best regards and good wishes for the future.

Mr. REUSS. Mr. Speaker, in the relatively brief span of time that he has served in this House, HERB TENZER has earned a reputation as an able legislator, as a lawyer with a sympathetic ear for the problems of those less fortunate than himself, and, most of all, as a gentleman, in the finest sense.

New York has a right to be proud of HERB. A product of the city's excellent schools, he carved out a notable business career before coming to Congress in 1965. But through it all, he has always found time to give of his time and talent to a host of worthy causes—as founder of the United Jewish Appeal of Greater New York, as a chairman of Rescue Children, Inc., as a board member of the Chronic Disease Hospital, and as president of Fight for Sight.

His wise counsel and his generosity will be much missed by us all.

Mr. FRIEDEL. Mr. Speaker, our colleague, the distinguished Representative from the Fifth District of New York has, for personal reasons, decided not to seek a third term. During the years that it has been our pleasure and privilege to have him among us, I think all will agree that Congressman TENZER has earned our admiration and respect.

Here is an American in the finest sense of the word. Here is an example that the Horatio Alger story is not fiction but fact. For in HERBERT TENZER we see a boy born in New York's Lower East Side among teeming millions of people from every country on the globe. He was born among the so-called underprivileged and mostly of foreign ancestry. He studied, he worked, and he became a respected and learned lawyer in New York and a member of the Bar of the Supreme Court of the United States.

HERBERT TENZER's stature as a man of deep religious faith and a very able attorney was recognized quite early in his career. During the administration of President Franklin D. Roosevelt in 1933 our colleague, whom we honor this day, was appointed as General Counsel to the National Code Authority of an important industry. Later he served as counsel to the New York Patrolmen's Benevolent Association's Bureau of Social Welfare.

What Congressman TENZER will be longest remembered for is the example he has set as a citizen deeply interested in the welfare of his fellow human beings. In the area of community service and philanthropy, his long and varied activities have earned him numerous awards. The National Council to Combat Blindness takes pride in the fact that he now serves it as its president.

The New York City division of the American Cancer Society includes Congressman TENZER as a voting member. He is chairman of the South Shore division of the Albert Einstein College of Medicine, a director of the Chronic Disease Hospital of Brooklyn, and a trustee of Yeshiva University of New York. One of his most notable accomplishments, however, was his organization of the Rescue Children, Inc., which has been approved by the State Department and has cared for more than 2,200 war orphans in 15 European countries. In 1967, our distinguished colleague was given the Man of the Year Award by the National Conference of Christians and Jews.

His religious activities are equally impressive and include both a presidency and honorary presidency of his congregation. In 1962 he was honored by being given the Synagogue Statesman Award of the Synagogue Council of America.

It is worthy of note that Congressman TENZER is the first Democrat ever elected to serve in the House of Representatives from the Fifth District of Nassau County. To say that he is an effective Representative from his Long Island district is to state the obvious. In proof of his accomplishments, one need but cite three Federal statutes enacted to benefit his constituency. These are: First, to authorize the Federal court to hold sessions on Long Island; second, a cooperative authority for Federal, State, and local agreements to preserve Long Island's natural resources by preserving wet lands and estuaries without Federal acquisition; and third, because of the density of Greater New York's aircraft traffic, a law authorizing minimum noise standards to be set by the Secretary of Transportation.

Although Congressman TENZER will retire from the House of Representatives, he is not retiring from public life for he is a dedicated public servant. We all shall miss him greatly. I know that all Members join me in wishing HERBERT TENZER health, happiness, and continued success in the years that lie ahead.

Mr. FASCELL. Mr. Speaker, the Honorable HERBERT TENZER, the distinguished Representative from New York's Fifth Congressional District, is retiring, and the prospect of the loss of his able services in this House saddens me.

Representative TENZER was first elected to Congress in 1964. His natural dignity, his thorough acquaintance with the economic questions of our times, his powers of analysis, his wide-ranging human sympathies, the force of his character—all of these brought him the respect and friendship of his colleagues.

Quiet, dignified, modest, considerate of others, ever mindful of the long and creditable service of the veterans of his party, unwavering in his integrity, full of tact, HERB TENZER overcame whatever opposition he encountered as a junior Member.

The first Federal jet noise bill and the Wetlands Preservation Act bear the marks of his sponsorship.

His imperturbable confidence, and unbounded faith in his country have helped Representative TENZER achieve success in his 4 years in the House.

His private life, like his public life, bears the stamp of service to others.

He is a founder of the United Jewish Appeal and of Rescue Children, Inc. He serves as chairman of the Federation of Jewish Philanthropies and as the president of the National Council to Combat Blindness.

His religious activities are equally impressive. From 1932 to 1949 he served as president of the Yeshiva of Crown Heights and now is its honorary president.

He also served as president of Congregation Beth Shalom of Lawrence in New York for 5 years. At present, he is national secretary of the Synagogue Council of America.

He is a stalwart and sturdy figure of achievement in the American tradition. The story of his life is instructive and interesting; it is the story of a rise to eminence by perseverance, ability, and character.

To a wonderful friend and an able political leader, I express my heartfelt hopes that for many years to come he may continue to demonstrate all that is good in America. To him and his family I wish all the best life has to offer.

Mr. WOLFF. Mr. Speaker, I want to take this opportunity to express the high regard and respect I have for the work done by my colleague from Long Island, the gentleman from New York [Mr. TENZER].

It has been of particular gratification for me to have had the opportunity to work closely with Congressman TENZER during the past 4 years. Because of the geographical closeness of our districts I have had the privilege of working more closely with Congressman TENZER than most of our colleagues.

From this close association has grown a deep and lasting friendship that I shall treasure even as this truly distinguished colleague retires from the Congress. I value my association with HERBERT TENZER because he has been a excellent and responsible representative of the people.

If it is possible I would like to put aside this friendship for just a brief moment and objectively acknowledge the substantial contributions achieved by our colleague. His work on the Judiciary Committee has been of the highest standards and earned the respect of all the Members of the House.

His work here on the floor has been equally consistent in his adherence to the rigorous standards demanded of him. HERBERT TENZER has been for the past 4 years an excellent Congressman who has left his indelible mark on our Congress and country.

Because of my professional and personal regard for the gentleman from New York [Mr. TENZER], I sincerely regret his decision to retire at the end of this session of the Congress. However, I respect his decision, and wish him well in his return to private life.

As fellow Long Islanders, HERBERT TENZER and I have constantly fought for the same issues and principles. And there are few men I would rather have by my side than Congressman TENZER.

He will be sorely missed by his constituents and by the Congress. I know his colleagues on the Judiciary Committee will regret his absence. But most of all his friends will feel a distinct void where this excellent Congressman has stood.

To Congressman TENZER I want to say "good luck" in the future; and "thank you" for the cooperation and friendship of the past 4 years.

It is a distinct pleasure for me to join in this so well deserved tribute to Congressman TENZER. I trust he realizes how much his presence has meant and how greatly he will be missed.

Mr. KASTENMEIER. Mr. Speaker, I most sincerely regret that I was unable, yesterday, to join my distinguished chairman, the gentleman from New York [Mr. CELLER], in paying tribute to my friend and colleague, the gentleman from New York [Mr. TENZER].

I realize that his many friends have already stated for the record and commented on his outstanding career both in and out of Congress. Therefore, Mr. Speaker, I shall merely state that it is with profound regret that I note HERB's retirement from service in the Congress.

His retirement is a personal loss for me, as well as for the House of Representatives as a whole. I served with HERB on the Judiciary Committee during the last 4 years and, as acting subcommittee chairman of both Copyright Revision and Patent Law Revision, was privileged to have an individual of the competence, judgment, experience, and congeniality as the gentleman from New York [Mr. TENZER], working with me. I am sure that, ultimately, when revision is, in fact, enacted in these fields, they will, in part, bear the imprint of the contribution he has given to the revision efforts.

As a friend of HERB and his lovely wife, Florrie, I can appreciate the decision to conclude his short but noteworthy congressional career. Nonetheless, I am saddened to think that he will not be here in future Congresses to work among those of us who remain.

He is a noble friend and has rendered excellent service for his district and his Nation. He will be sorely missed in the days ahead, but our very best wishes go with him.

Mr. SCHEUER. Mr. Speaker, HERBERT TENZER, our beloved colleague, has demonstrated for all of us the difference between power and influence. No junior Congressman wields power here; but HERBERT TENZER has proven, through his remarkable example, how a very junior Congressman can exert great influence on the legislative process by dint of his towering intelligence, scholarly knowledge, great character and integrity, and marvelous humanity.

HERBERT TENZER has shown all of us the way to effectiveness on Capitol Hill—effectiveness without the power of seniority—through hard work and thoughtful, reasoned views.

We will miss him but will always remember serving with him with pride and pleasure.

Mr. Speaker, it is with equal pride and pleasure that I include a splendid and well-earned tribute to HERBERT TENZER from the President of the United States:

THE WHITE HOUSE,
Washington, D.C., September 24, 1968.

Nothing could please me more than to join with our great friend, Manny Celler and all the many admirers of Congressman Herb Tenzer in applauding his exceptional legislative record.

Herb Tenzer is one of those remarkable Representatives whose vision and vigor do not stop at their Districts' lines. For years, his voice has stirred the American conscience, and his vote has advanced the American Dream.

It is a lasting tribute to his constituents that they chose a man of such broad and inexhaustible ability to speak for them during these challenging times in our nation's history. I commend your wisdom—even as I salute his foresight and enviable knack for getting the nation's business done.

My warmest appreciation and good wishes are with him as he retires from the Congress. He will be deeply missed, but affectionately remembered.

LYNDON B. JOHNSON.

Mr. WHITENER. Mr. Speaker, with the retirement of the distinguished gentleman from New York, Hon. HERBERT TENZER, the House of Representatives will lose the devoted service of a great and dedicated American.

It has been my privilege to serve with HERB TENZER as a member of the House Judiciary Committee. I have observed his excellent work on the committee and on the floor of the House.

He has been an able and conscientious Representative always devoted to the best interests of the people of his district, State, and our great Nation. He has made a splendid record of public service.

HERB TENZER is a legal scholar whose great ability as a lawyer has earned for him the respect of all of those who have served with him on the House Judiciary Committee. I have admired his devotion to legal principles and his sound approach to the problems of the Nation.

The contributions made by HERB TENZER to sound legislation, as a member of the committee and through his efforts on the floor of the House of Representatives, will long be remembered by everyone interested in constructive government.

As HERB TENZER retires from Congress, he leaves behind him a host of friends who admire his great record of public service and who wish for him and the members of his family the very best of everything in the days that lie ahead.

Mr. VAN DEERLIN. Mr. Speaker, I regret very much that our esteemed colleague, HERB TENZER, will be leaving us at the end of this session. In his 4 years of service in this body, HERB has made many substantial contributions, particularly through his membership on the Judiciary Committee.

He has also been notably successful in winning and retaining a seat in a district where the odds heavily favored the other major political party. In winning reelection in 1966, HERB achieved a plurality of more than 2,000 votes at a time when the Republican candidate for Governor was carrying his district by a margin of nearly 2 to 1. He has given us all a shining example of how a good man can succeed with his constituents—even when they happen to wear a different political label than he.

I know I join all my colleagues in wishing HERB and his charming wife, Florence, the best of everything as they prepare to leave us.

Mr. HALPERN. Mr. Speaker, it is always difficult to express feelings adequately when a colleague such as HERB TENZER announces his retirement from the House. And when that colleague is almost a hometown neighbor, as HERB and his good wife, Florrie, are, it becomes even more difficult to find words.

HERB TENZER's name was well known to me long before he was elected to the House. His reputation as a dedicated leader for good causes was legend. When he joined us in this House, because of his identity with so many good works and because of the glowing things I had heard about him, I could not help but feel a closeness to him. It was easy for me to see why he enjoyed such an excellent reputation, and in a short while, I got to know him and to respect and admire him.

HERB TENZER tackled the job of Congressman with full energy and determination. His understanding, his compassion, his rare ability were applied to his legislative work and the Nation is the beneficiary thereof.

His highly regarded background in the law was applied to many of the important issues that came before the Congress these past 4 years. He will leave a large gap in this House that will be mighty hard to fill. We will miss the steady flow of constructive ideas that originated with him and have been of such value to all of us.

The Tenzer tenure in this House has left its mark upon numerous important pieces of legislation. He sponsored the Wetlands Preservation Act, protecting the valuable wetlands area within his district on Long Island, and was instrumental in obtaining passage of the first Federal jet noise law. Congressman TENZER's bill authorizing Federal court sessions at Mineola, Long Island, was signed into law by President Johnson last year. And the year before that, HERB cosponsored landmark legislation authorizing a massive attack on heart disease, cancer, and stroke.

He has been identified with some of the major legislation that has passed this House in the past 4 years. He not only endorsed or cosponsored much of this legislation, but he was actively engaged in its enactment as a frequent witness before congressional committees, as a floor participant in debate, as a strategist in guiding the course of numerous pieces of legislation.

Here, obviously, is a man of both ability and action, a man who possesses the determination to give his insight direction, to transform purpose into achievement. This is a man whose attainments outside the political sphere serve to complement his legislative accomplishments in the U.S. Congress. His legal and business experience is a testimony to his versatility, while his history as arbiter in labor-management disputes has won him lasting distinction. His devotion to community service and public health is reflected by his membership in the American Cancer Society, his service to the National Council to Combat Blindness, and his work with the Albert Einstein College of Medicine. As a founder of the United Jewish Appeal, a trustee of Yeshiva University, and National Secretary of the Synagogue Council of America, and through his monumental work for Maimonides Institute for mentally handicapped children, Congressman TENZER demonstrates his unstinted devotion to philanthropic, educational, and religious principles.

In short, HERBERT TENZER is a man of outstanding quality, a brilliant mind possessed of uncommon determination. We, in this body, cannot afford his loss. And yet I know he will not terminate his long record of public service, but rather will continue to serve the people of New York and the Nation to the utmost of his broad abilities. I wish HERB and his lovely Florrie every success and happiness together, in a future rich with promise.

Mr. PHILBIN. Mr. Speaker, I was very sorry to learn of the retirement from this House of my esteemed friend and distinguished colleague, Congressman HERBERT TENZER, of New York.

During the time that he has been here, Congressman TENZER has made an enviable record. He has made many contributions to the national welfare and to the Nation, and to his great State of New York, and the district which he has had the honor to represent with so much distinction and with such outstanding ability and achievement.

Congressman TENZER has been dominant in the affairs of this House. He is a highly trained, experienced, and very successful lawyer. Possessed of a fine legal mind, and a broad comprehension of public questions and issues, he has been devoted to his duties here in this Chamber, and firm in his convictions. In the Judiciary Committee, and in the House, he is highly esteemed for his legal ability and powers of advocacy, and he is esteemed and respected by everyone here for the way he has conducted his office, and the friendly, amiable qualities that have made him so popular and well-considered by his colleagues on both sides of the aisle.

I hold Congressman TENZER in very high regard. He has served the district, State, and country with outstanding ability and dedication, and he has been a warm friend, well adjusted to the House, its membership and its extremely difficult work in these days of turmoil, strife and uneasiness in the country and in the world.

I wish Congressman TENZER well in his retirement, and I wish for him and his family every measure of happiness, peace, success in all their endeavors and prosperity for many years to come.

Mr. MURPHY of Illinois. Mr. Speaker, it is with great pleasure that I join my colleagues today in paying tribute to Congressman HERBERT TENZER of New York, who is retiring from Congress this year.

As a member of the House Judiciary Committee, Congressman TENZER has served with distinction and with respect and confidence of his colleagues.

During HERB TENZER's 4 years in the House of Representatives, he has proven himself an able legislator; he was the sponsor of the Jet Noise Act, which was signed into law this year.

Congressman TENZER is, and will always be, remembered for his friendliness with all his colleagues in the House. This great body will miss this statesman and loyal American.

To HERB TENZER and his family, I extend my very best wishes for a healthy, happy life. It has been an honor and privilege to have served with him in the House of Representatives.

Mr. EVINS of Tennessee. Mr. Speaker, I wish to associate myself with the remarks of my colleagues from the great State of New York, and others, in expressing tribute to our colleague from the Fifth District of New York, HERBERT TENZER, who is retiring from the Congress.

The Holy Scripture says:

> A good name is rather to be chosen than great riches.

Our esteemed colleague, HERBERT TENZER, a truly devout and religious man, has lived up to this teaching of Scripture, for he has, indeed, made a good name for himself during his years of service in the House.

He is deeply interested in helping his fellow man, and among his many accomplishments was his organization of the Rescue Children, Inc. This charitable organization has been approved by the State Department and has cared for more than 2,200 war orphans in 15 European countries. For his many charitable, religious, and civic endeavors he has been given awards and citations.

He has served well his district, his State, and the Nation. The natural resources of Long Island, N.Y., will be preserved in a large measure because of his work in connection with the wetlands and estuary bill.

There are three large airports in the Greater New York area and with the increase in jet planes, the problem of aircraft noise concerned him. Again, HERB TENZER helped through the passage of a law establishing minimum noise standards to be set by the Secretary of Transportation.

HERB TENZER, a genial gentleman, served well, and he will be greatly missed. I join my colleagues in wishing him every good luck and success as he begins his richly deserved retirement.

Mr. KUPFERMAN. Mr. Speaker, I could not let the occasion go by without indicating my personal sense of the country's loss on the retirement of my friend and neighbor, HERBERT TENZER.

When I first came down to Washington after the special election in February 1966, for the 17th Congressional District of New York, I was assigned room 1709 of the Longworth Building, and happily was ensconced in the room right next to Congressman TENZER of the Fifth District of New York.

He could not have been more gracious and helpful in all circumstances, even when we differed on philosophy and on political questions.

As I got to know him better and to realize his devotion to the needs of the people, not only of his area, but of the country as a whole, I began better to comprehend the fact that the United States has only been able to come to its present position of preeminence in the world, because a few men of HERBERT TENZER's caliber took the time and the trouble to give service in spite of personal inconvenience.

It was fortuitous that on the same day, we should both have announced our retirement and determination that we would not be candidates for reelection. I can understand his conclusion, and once again, Mr. Speaker, I express my own personal appreciation for his friendship and dedication, and look forward to a continuation back in our home State of New York.

Mrs. KELLY. Mr. Speaker, I wish to join my colleagues in paying tribute to our colleague and my fellow New Yorker, the Honorable HERBERT TENZER, who is retiring this year from the House of Representatives.

I have known HERB TENZER and his family personally for many years.

I wish to extend to them my sincere best wishes for health and happiness in the years ahead.

Although HERB has only served in the House of Representatives for 4 years, I am sure he has gained invaluable practicable experience and knowledge on our legislative process of our Government. HERB, I trust that this will not be lost by your retirement to private life but that you will share with others this experience which only comes to a very few.

May God bless you and yours in the years ahead.

Mr. SMITH of New York. Mr. Speaker, I take this occasion to voice an official goodby to HERBERT TENZER, my friend from Long Island, who has announced that he is retiring from the House of Representatives at the end of this session of Congress.

HERB and I first came to the House with the 89th Congress. I have enjoyed our service together on the Judiciary Committee and on Subcommittee No. 2 thereof. HERB helped immeasurably to make this subcommittee in fact "the conscience of the United States" in its consideration of the claims of individuals against the United States.

We shall miss HERB and his knowledge of and skill in the law, his exuberance, and his deep sense of friendship. He is a true American. We wish HERB and Mrs. Tenzer a long and happy life with their children and grandchildren and we assure them of our heartfelt welcome any time they may desire to visit Washington.

Mr. O'NEILL of Massachusetts. Mr. Speaker, last Wednesday, my good friend, the dean of the House, began a week of tribute to HERBERT TENZER. The distinguished EMANUEL CELLER said that when HERB came to the House of Representatives, he had come home.

Mr. Speaker, for 14 years I served in the House of Representatives of the Commonwealth of Massachusetts; I have served in this body for 16 years, and never have I met anyone who so quickly and so thoroughly understood and accomplished the work of a legislator as did HERB TENZER.

He immediately seemed to know how the work of the Congress was effected; he understood the purpose of government in solving the needs of the people.

Perhaps it was HERB's broad and successful background as an attorney that prepared him; perhaps his varied experiences as the chairman of so many charitable and community organizations taught him how to seize problems and find solutions. I am sure that all of this helped, but what contributed most to his great success, I believe, is the type of man HERB TENZER is. He is one of the finest gentlemen I have ever met.

In the 4 years I have known him, he has become a close and valued friend. I have found him always to be a loyal colleague, a tireless and dedicated worker, a compassionate human being, a knowledgeable and charitable man.

He has demonstrated his limitless energies and profound knowledge in the Committee on the Judiciary. His imprint is on a great deal of the vital legislation to reform, define, and improve our laws. He gave full measure of attention to every problem, no matter how small.

I greatly regret that he is leaving the Congress. I will miss his excellent company. More than my personal sadness, I regret that the Nation will no longer have the benefit of having HERB in the Congress. I know that his charitable works will continue at home, just as I know that our friendship will continue.

On this, the eve of a New Year, I wish HERB and his lovely wife Florrie, many, many more sweet and happy years, as they continue the good works they have done in the past.

Mr. PIRNIE. Mr. Speaker, our colleague, HEBERT TENZER, of the Fifth District of New York, has served his people with great distinction these past 4 years and we share their deep regret that he has determined not to seek reelection. He came to this body from a background of outstanding service to his community and highly respected performance as a leading practicioner in the law. Therefore, it was not surprising that he soon became a valuable member of the Judiciary Committee. We have observed his capable performance on the floor and his diligence in discharging his other congressional duties. He will be missed by his many friends in this House and we wish for him great success and happiness in the years ahead.

Mr. BURTON of California. Mr. Speaker, I join with my distinguished colleagues in this expression of esteem and warm regard for HERBERT TENZER.

As a Member of the House, representing the people of New York's Fifth District, he has served with dedication and devotion to duty.

HERBERT TENZER's two terms as a Member of the House and his tenure on the Judiciary Committee have been marked by his compassionate understanding of the problems of others and for the humanitarian concerns which motivate this dedicated public servant.

I wish him every success in whatever endeavors he undertakes and I am proud to have had the privilege to serve with him in this House.

Mr. DOW. Mr. Speaker, the only cheerful aspect of the departure of the Honorable HERBERT TENZER from the House of Representatives is the evidence that this is his wish, and that he expects to continue a happy life in his home area.

In particular, I should like to stress the fact that HERB TENZER was invariably willing to help his colleagues in matters within his special qualifications. He well understood the law, and his service on the Judiciary Committee enhanced somewhat his long training and experience. I have always felt implicit faith in HERB TENZER's advice, especially when given in matters juridical. Moreover, HERB is invariably willing to volunteer his help in situations where he suspects that it will be of extra value to a friend.

I notice too, Mr. Speaker, that HERB TENZER never departed from a scrupulous respect for the bill of rights in our Constitution. On more than one occasion I have observed that he asserted the rights of a matter in the context of his dedication to the great principles of individual liberty that are set forth in the U.S. Constitution.

All of us who know HERB wish him every success and satisfaction in his business and within his family, knowing that he has well deserved these blessings by reason of his outstanding career, concluding with his recent years of distinguished public service.

Mr. DELANEY. Mr. Speaker, it is with great pleasure that I join my colleagues in paying tribute to HERB TENZER, who has decided to retire from Congress at the end of this year.

HERB has been a highly esteemed Member of this body who has contributed significantly to its efforts to legislate in the national interest. He always studied carefully the measures he defended on the floor, and argued his position with eloquence and a large measure of success.

A man of deep compassion for his fellow men, HERB has spent most of his adult life in community, civic, religious, and charitable endeavors. Among the many humanitarian organizations he has been associated with are the National Council To Combat Blindness, of which he is now the president, and Rescue Children, Inc., a group which he organized, and which has cared for more than 2,200 orphans in 15 European countries. Last year the National Conference of Christians and Jews selected him for its coveted Man of the Year Award.

HERB is a man of unfailing courteousness and friendliness, and I am proud to be numbered among his host of friends. I wish him the best of health and happiness in the years that lie ahead.

Mr. CAREY. Mr. Speaker, it is a great loss to the U.S. Congress when so able a man as HERBERT TENZER decides to retire. We will be acutely aware of his absence in the next session, and his place will be difficult to fill.

HERB TENZER is the first Democrat elected to serve in Congress from New York's Fifth District. His legal background prepared him admirably for service on the House Judiciary Committee, which handles bills dealing with areas as diverse as civil rights, crime, narcotics, and constitutional amendments. His acuity in these areas will be sorely missed.

HERBERT TENZER has not been content merely to tend to his committee duties, however, no matter how competent his committee work has showed itself to be. He has been an active proponent of legislation covering a wide variety of important topics, each vital to the interests of our society. For example, during his 4 years in office he has been a consistent proponent of legislation to curb aircraft noise—a position which bore fruit with the President's signature on the first Federal jet noise bill.

Previously, he cosponsored an important bill, passed by the 89th Congress, authorizing an all-out assault on cancer, heart disease, and stroke. Or, to enumerate further—the Wetlands Preservation Act, the Long Island court bill—each bears the special stamp of Representative TENZER's active concern.

But, in paying tribute to HERBERT TENZER, we cannot stop with an account of his productivity in Congress. Long an ardent champion of national health, HERB TENZER has worked in the private sphere for many years to assist a multitude of worthy causes. He serves as president of the National Council To Combat Blindness, as a member of the American Cancer Society, as chairman of the South Shore division of the Albert Einstein College of Medicine, and as chairman of the Maimonides Institute for New Development—an institution devoted to working with children, a special interest of HERBERT TENZER. In this regard, it is worthy of mention that he organized Rescue Children, Inc., a voluntary organization initiated after World War II, which cared for more than 2,000 European war orphans in 15 European countries.

TENZER's philanthropic activities are equally as important and equally as diverse as his work in the interest of health. He is a founder of the United Jewish Appeal and a trustee of Yeshiva University, while receiving the Man of the Year Award from the Long Island chapter of the National Conference of Christians and Jews.

In religious activities, Representative TENZER has shown himself to be a loyal and devoted member of his faith, a man of profound humanity and broad concern. He serves as chairman of the board of governors of the Hillel School in Lawrence, N.Y., and is national secretary of the Synagogue Council of America. He held office as president of Congregation Beth Sholom, in Lawrence, from 1952 to 1956.

I could say more. But time allows only a summary of so many activities. I know that a man so involved in the affairs of community, State, and Nation, will not be content to sit by idly in the void of retirement. Whatever he decides to do, HERBERT TENZER will continue to be a positive contributor to the progress of America.

To his family—his wife, his children and grandchildren—I extend my best wishes for the future, and express my admiration for a man and a career of brilliance and outstanding achievement.

Mr. ROONEY of New York. Mr. Speaker, the House of Representatives and the people of New York will lose a talented legislator and good friend with the retirement at the end of this year of the Honorable HERBERT TENZER. For 4 years he has brought to the House of Representatives and to the House Committee on the Judiciary the uncommon ability and high principle which have been characteristic of him all his life.

A skillful and successful lawyer he has also made the time to help his fellow man through unstinting efforts on behalf of charitable and other worthwhile community causes. It is in keeping with the man, too, Mr. Speaker, that despite the daily pressure of life here and his other outside activities, he pays devout attention to his faith. In a time when disrespect and nihilism seem to be the order of things, HERBERT TENZER is indeed an oasis. His devotion to his religion sheds an inner warmth on all of us. His steadfastness has earned the admiration and perhaps even a touch of envy of all the Members of this body.

Mr. Speaker, the House of Representatives will be poorer for his absence but his community will be that much richer for his presence.

Mr. COHELAN. Mr. Speaker, I, too, am proud to pay tribute to Congressman HERBERT TENZER and to the distinguished service he has rendered to his constituency and to the entire country. His high devotion to duty and principle have reminded us, throughout his service in the Congress, of the importance of dedication and discipline in our personal lives and in the conduct of public business.

As a longtime advocate of conservation measures, I have been especially grateful for his energetic support and his keen appreciation of the importance of preserving our valuable natural resources. His 12 years' service as president of the National Council To Combat Blindness made him an effective advocate of the important measure which established the National Eye Institute and gives hope for curing blinding eye diseases.

HERBERT TENZER's recognition of the need for overhauling our copyright laws resulted in a careful review and growing awareness of inequities which must be corrected in that area of law.

In fact, in all the progressive measures which have come before the Congress these past 4 years Congressman TENZER's support was always assured, and I welcome this opportunity to express my personal appreciation for both his friendship and his public service.

Mr. WILLIAM D. FORD. Mr. Speaker, I am pleased to join today in paying tribute to my good friend and colleague, the Honorable HERBERT TENZER, of New York, who is retiring from Congress at the end of the current session.

The gentleman from New York [Mr. TENZER] and I both came to Congress in January 1965, and have served together in the 89th and 90th Congresses. As a member of the Judiciary Committee, he has assisted in the drafting and passage of some of the most important legislation to emerge from Congress in the past 4 years.

I have had the occasion to work with the gentleman from New York [Mr. TENZER] on many occasions, and I have been consistently impressed with his keen grasp of issues and with his ability and integrity.

Although I am sorry to see him leaving the Congress, I join with his many friends in wishing him success and happiness in all his future endeavors.

Mr. McCLORY. Mr. Speaker, it is with a sense of deep regret that I note the decision of our colleague Congressman HERBERT TENZER, of New York, to voluntarily retire from future service in the House of Representatives. Having served with Congressman TENZER on the Judiciary Committee during the past 4 years and having noted his effective committee work as well as his particular ability in managing legislation on the floor of the House of Representatives, I am constrained to observe that Congressman TENZER has been a constructive and able Member of the U.S. Congress.

I extend to Congressman and Mrs. Tenzer my best wishes for many active and rewarding years.

Mr. DORN. Mr. Speaker, on March 18, my good friend and colleague, HERBERT TENZER, of New York, announced that he would not seek reelection.

Words cannot convey the warmth and good fellowship I feel for HERBERT TENZER, but words can record the admiration he has earned during his productive years in the Congress. The welfare of this Nation has been first in his every deliberation. He has served his constituents in the Fifth District of New York with loyalty and integrity. He has given much of himself to the work of the Judiciary Committee. These are the marks of a good Congressman and we shall miss him—for, indeed, he has been a faithful servant.

The ending of one era signals the beginning of a new adventure and so it will be with my good friend from New York. Mrs. Dorn joins me in wishing for him continued success, and health and happiness in the years ahead.

Mr. McCULLOCH. Mr. Speaker, I am pleased to have this opportunity to join with my colleagues in expressing our sincere appreciation and high esteem for the distinguished gentleman and our very good friend from the Fifth District of New York, HERBERT TENZER.

It is with deep regret that I learned that HERBERT TENZER will be retiring at the end of this Congress to return to his private law practice in New York. We who have been honored to be his associates here are indebted to HERBERT for his outstanding work on the Judiciary Committee.

As a member of the Subcommittee on Claims of the Committee on the Judiciary, he brought a knowing mind and untiring energy to his work. Viewing that subcommittee as the highest court of equity in this country, HERBERT manifested fairness and openmindedness that proved invaluable in resolution of the many difficult questions which the subcommittee faced. His dedication to his committee work, however, does not tell the whole story of HERBERT TENZER's dedication to public service. His efforts in medical research, small business administration, aircraft noise control and countless other humanitarian activities mark Congressman TENZER as an outstanding citizen not only of his District but also of the Nation as a whole. The ability and integrity of HERB TENZER will be sorely missed in the next Congress.

Let me simply say a thank you for a job well done and may God grant HERBERT TENZER and his family a rich and full life together in the years to come.

GENERAL LEAVE TO EXTEND REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD with reference to our colleague, the gentleman from New York [Mr. TENZER].

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

THE HONORABLE PORTER HARDY, JR., MEMBER OF CONGRESS FROM THE SECOND DISTRICT OF VIRGINIA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Virginia [Mr. ABBITT] is recognized for 60 minutes.

Mr. ABBITT. Mr. Speaker, it is with mixed emotions that I address the House on this occasion. Happy to have the privilege of talking about one of our most beloved Members of this great body; but with deep sorrow and regret at the great loss we will suffer—the Nation will suffer—due to the fact that our colleague, PORTER HARDY, is retiring at the end of this Congress.

He has served effectively for approximately 22 years; he has rendered effective and faithful service to the people of his district, the State, and the Nation. Indeed, his service has attained a national character as much as that of any Member of this body. PORTER, as one of the outstanding Members of the House, has been a working Congressman in the finest sense of the term. He has labored long and hard in the interest of his people. Perhaps his greatest contribution, particularly in recent years, has been his role in connection with our military effort. As a high-ranking member of the House Armed Services Committee, PORTER is known as one who does his homework, who speaks with authority, and who tackles problems of great magnitude with the determination and zeal seldom matched. He gets to the root of the problem and does not hesitate to let the chips fall where they may.

The son of a Methodist minister, PORTER HARDY was born in Chesterfield County. He attended Randolph-Macon Academy at Bedford and the public schools of Virginia. He graduated from Randolph-Macon College and attended the Graduate School of Business Administration, Harvard University. In addition, Randolph-Macon College has honored him by conferring upon him a doctor of laws degree. He has been active in the business and civic life of the community in which he has spent the greater part of his adulthood and holds membership in a number of organizations.

On November 5, 1946, PORTER HARDY was elected to the 80th Congress to represent the Second Congressional District of Virginia. He has been reelected to every succeeding Congress and has never had opposition in the Democratic primary.

It seems appropriate to mention here that no man in the history of this country ever represented the Second District of Virginia as long as Congressman PORTER HARDY has represented it. In fact, only three times since the war between the States has a Member represented it as long as three consecutive terms. This speaks well, and perhaps says about as much as anybody can say, for the caliber of PORTER HARDY's service to his district as well as for the good judgment of the people he represents.

I would not attempt to outline in detail his contributions to America since he first came here in January 1947, but I would remind this body that he has perhaps made his greatest mark on the Nation through his nonpartisan investigations of Federal agencies and programs. These investigations began early in his career when he was appointed to the old Committee on Expenditures in Executive Departments. As chairman of a subcommittee of that committee there was virtually no agency in the Federal Government which was immune to his hard-hitting scrutiny. He covered the Veterans' Administration, the Department of Agriculture, the Rural Electrification Administration, the Maritime Commission, which was one of the most significant studies of his early career, and many others. Perhaps his findings in connection with the operation of that Maritime Commission and its subsidy program were in large part responsible for the reorganization of that Commission. Probably the two most significant areas of his investigations occurred while he was chairman of the Foreign Operations Subcommittee and more recently of the Armed Services Special Investigations and the Defense Posture Subcommittees.

I think his own committee chairman, the distinguished gentleman from South Carolina, MENDEL RIVERS, said it best when on this floor in April he said:

> I do not think it possible to put a price tag on the contribution PORTER HARDY has made to this Nation, but sometime someone may be able to come up with an estimate of the amount of money that PORTER HARDY has saved the taxpayers of America.

PORTER HARDY is an outstanding legislator, one of the top Members of the House of Representatives. He is beloved and respected by all of his colleagues in the House. We know him as a hard-working, energetic, highly intelligent, and fearless legislator who says what he thinks and does what he believes to be in the best interest of his district, State, and Nation.

He is a great Virginian and a great American statesman who has rendered invaluable service to his Nation.

Mr. Speaker, I would like to take the opportunity of reading a letter that I have in my possession written by Admiral Rickover to the chairman of the great Committee on Armed Services, the Honorable MENDEL RIVERS, dated September 25, 1968, and which reads as follows:

> U.S. ATOMIC ENERGY COMMISSION,
> *Washington, D.C., September 25, 1968.*
>
> Hon. L. MENDEL RIVERS,
> *Chairman, Committee on Armed Services,*
> *U.S. House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. CHAIRMAN: It is my understanding that this afternoon some Members of Congress are planning to include in the RECORD comments concerning the distinguished service Congressman Porter Hardy has given his country during his twenty-two years as a Member of the House of Representatives. If it is at all possible, I would appreciate it greatly if you could do me the favor and honor of adding this letter in the RECORD at an appropriate time.
>
> I have known, admired, and respected Porter Hardy for many years. He is a distinguished American; every serviceman and indeed every American has reason to regret his levaing his important posts in the Congress.
>
> As you know I have the deepest respect for and faith in our Congress and the democratic principles upon which it is based. In my testimony I have frequently expressed concern over the continuous erosion of the power and authority of the legislative branch which has taken place in recent years. Porter Hardy, through his positions on the Armed Services and Government Operations Committees is one of those who has been willing to speak out and fight for what he believes to be right. It is only through the intelligence and diligent efforts of such men that our democracy can be preserved.
>
> I sincerely regret he finds it necessary to leave his Congressional posts. I can only hope that others who follow him will use the example he has set as a guide to their own efforts to strengthen the sinews of the legislative branch—the only way to ensure that "government of the people, by the people, for the people, shall not perish from the earth."
>
> I would appreciate it if you would pass to Mr. Hardy my most heartfelt thanks and congratulations for a job well done, and my best wishes for his continued good health and happiness.
>
> Respectfully,
>
> H. G. RICKOVER.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I am happy to yield to our distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I rise to associate myself with the eloquent remarks of my friend of many years, the gentleman from Virginia [Mr. ABBITT] with mixed emotions. Of course I am pleased to hear what this friend and colleague of PORTER HARDY has had to say about the great service in the House of PORTER HARDY, and I join him in his sadness on PORTER's departure.

Mr. Speaker, the retirement of PORTER HARDY will leave a vacancy in this House that will be very difficult to fill. PORTER HARDY has been one of our finest and most dedicated Members. He has also been one of my finest friends. His departure will leave in this House very few of those of us who first came here on January 3, 1947. Porter and I have served together here ever since. We have been friends as well as colleagues over the years. When he leaves I shall miss him as will all other Members of the House.

Porter Hardy's service has been characterized by devotion to his country. As a member of the Committee on Armed Services he has played a major role in building up the military strength of our Nation and in providing for an adequate and powerful national defense. As a member of the Committee on Government Operations he has been a watchdog of the taxpayers' money. His work in these and many other areas has been characterized by unbending courage and unquestioned integrity. This great American has made America greater because of his service in the House. There is no finer public servant in this country than Porter Hardy.

Our prayers go with our friend and colleague, Porter in his retirement. My wife, Mary, will miss his good wife, Lynn, with whom she has served in the Congressional Club and the 80th Club for 22 years.

All the best to Porter and Lynn as they leave us.

Mr. ABBITT. I thank the gentleman very much.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I am grateful that the gentleman from Virginia has yielded to me so that I might add my personal observations concerning my good friend, Porter Hardy.

We will miss Porter Hardy because he was one of the most able Members of the House. During his years of service he earned the reputation as a foremost authority on military matters. He was dedicated to a strong national defense program so that the Nation he loves would be protected from attack by those that would destroy America.

Porter Hardy was a Congressman's Congressman and I know of no greater tribute.

Porter Hardy has been and is a close friend. We have not always agreed on legislative matters but our friendship transcended these differences.

I wish Porter the very best in health, happiness, and success in the years ahead. I will miss him and look forward to seeing him back often.

Mr. ABBITT. I thank the gentleman.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Speaker, I want to thank the gentleman from Virginia for making it possible for the friends of Porter Hardy to express their appreciation for the many contributions he has made to this great country of ours.

I have had the pleasure of enjoying the friendship of Porter Hardy since he first came to the Congress 20 years ago. My wife has been closely associated with his sweet wife, Lynn, and I have admired both of them.

Having served on the Subcommittee on Defense Appropriations for 23 years, I know the contributions that Porter Hardy has made to the Defense Department.

I know the fear that he has instilled in the members of our military establishment because of excessive spending and waste. The Hardy report has gotten to be almost a bible in our committee. When we interrogate military witnesses about the expenditure of tax money, it has been most comforting to have the Hardy report available in which he has pointed out the errors of their waste.

As has been said, there has not been a harder working Member in this House in the last 20 years than Porter Hardy. He certainly has been a friend of the taxpayer and a watchdog of the Treasury. He has saved literally hundreds of millions of dollars by curtailing wasteful expenditures.

I have considered Porter Hardy to be one of the outstanding men in this Chamber for many years. He possesses what I think are the essential qualifications of a good public official: First, he is honest; second, he is courageous, and third, he has been energetic and industrious.

The people in his district and the people of this Nation will miss the services of Porter Hardy. However, I think he is smart to get out. Twenty years of service here entitle a man to enjoy the pleasures of—not old age—but of middle age. He has a lovely family, grandchildren, a sweet wife, and a nice home. Why should he not enjoy these things? I do want him to enjoy them. But I do want him to know, though, that it saddens me to see some of the older men leave because it makes me that much older here. I have loved him through the years and admired him and when I think of an old friend like Porter Hardy, I always think of one of my favorite poems, "The Heart of a Friend":

THE HEART OF A FRIEND

The heart of a friend never wonders or doubts.
Even though years intervene, the old faith is there.
Naught can compare with the comfort it gives,
Though unseen, as the heart of a friend.
Yes, the heart of a friend is the one thing I prize,
As life lengthens and twilight descends.
It's the last boon I'll ask when I finish my task,
That I live in the hearts of my friends.

I can say to you, Porter, as long as your old friends are around, you will be in their hearts.

The best of luck to you and the members of your fine family. You have been a great American and you have made a great contribution to this country.

I am sure that not only your friends in this House will miss you, but the taxpayers of America will miss you.

God bless you.

I am well aware of the outstanding qualities he brought to his office. Knowing him these 20 years, has resulted in a close, personal friendship—a friendship that will continue when he retires from this body.

Porter will be remembered as the fair, just person he is. He is truly a dedicated man—dedicated to the service of others and to his country. He has selflessly and well served the people of the Second District of Virginia, his State, and his Nation. He will be deeply missed and long remembered by all of us who are privileged to call him friend.

As a member of the Armed Services Committee, Porter has rendered valuable service to our Nation—working for the ideals of freedom and human dignity. For these services, we owe him our gratitude.

The House of Representatives will suffer a great loss come January when this conscientious and devoted public servant and fine man departs this body for private life. At that time, he will carry with him my sincere wishes for continued success, good health, and happiness.

Although we know his future will be both exciting and busy, we hope that Porter will not forget us here in Congress and will find time to come and visit us often.

Mr. ABBITT. I thank my colleague very much for his kind thoughts.

Mr. BATES. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I yield to my colleague, the gentleman from Massachusetts [Mr. Bates].

Mr. BATES. Mr. Speaker, the voluntary departure by Porter Hardy from the House at the end of this session of Congress is a great personal loss to me and a great professional loss to this body and the country.

I have worked more with him on legislative and investigative problems than I have with any other Member. The characteristics which form his nature are much more apparent than subtle. He is not difficult to understand or to appreciate. He has an inquiring mind, a dogged determination to assimilate fundamentals, and a mere cursory review of any subject is foreign and repulsive to him.

My most vivid memories of Porter Hardy are his interrogations from his committee seat. So penetrating is he in his questioning that those he interrogates seem to apologize for the inadequacy of their answers almost before he asks a question. He is relentless and even demanding in playing the role he believes his duty requires. He has not sought the favor of his witnesses. No one will ever claim that. But he always earned their respect if not always their affection. The only time he gained the favor of a witness was when he was absent—and absence, for the most part, was a stranger to him. These witnesses never took the offensive and tried to sweep him off his feet. They seemed to go automatically on the defensive with the prayer that they might be gently treated and occasionally, but not often, some aspired to that seldom realized hope of breaking even.

Mr. Speaker, Porter Hardy's intense desire for truth actually hides the real character of this man who has a ready wit and an easy manner. It has been a wonderful experience to serve in the Congress with outstanding men like him.

My recollection of working intimately with him for 10 terms and the memories these years have provided is tempered today by the emotions stirred by the knowledge that another chapter of our lives is about to close. It takes a stoic mind on these occasions to be indifferent as we express our gratitude for these past associations and accept the inevitable future that will come all too soon. Yet, in that spirit we rejoice for the past. I have enjoyed a rich experience with as dedicated a public servant as it has been my pleasure to know. I sincerely trust that the years ahead for him and Mrs. Hardy will be as pleasant for them as it will be for the witnesses who will feel his sting no more, and will contain all the peace, happiness, and satisfaction that both these fine people so richly deserve.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I am happy to yield to the gentleman from Virginia.

Mr. POFF. I thank my distinguished colleague.

Mr. Speaker, because his stewardship in the Congress has been nonpartisan, I want this tribute to be bipartisan. I have been privileged myself to be in the service of the people for 16 of the 22 years that PORTER HARDY has served in this Chamber. In the course of that time I had an opportunity to observe the contribution he has made to his Nation and to come to know him on a personal basis, not only as a colleague, but as a warm personal friend.

The 22 years of his service, spanning as they do nearly a quarter of a century, came at a time when the Nation needed his talents most, a time of great technological explosion, great scientific change, great increases in the mobility of the peoples of the world, great changes in the tensions and the frictions of the nations of the world, a time which called for a firm hand but a fair approach, a time which required as a balance wheel the element of commonsense.

But this has also been a time characterized by the fashion of compromise, and it seems today to be the style to temporize too often with situations, and if all else fails, simply to lapse into a meaningless silence.

Into such times PORTER HARDY brought a temperament of action and a temperament of courage, a willingness to grasp the nettle no matter how prickly it might be, to state his mind, no matter how unpopular his opinion might be, and to deal with the situation as it came to his attention fearlessly and efficiently.

Such a man, Mr. Speaker, has made America stronger and American citizens safer. Let me illustrate something of his temperament, his personality, and his character with a little anecdote. It is a true story.

Shortly after I came to the Congress, the Virginia delegation was invited in a body to attend a dinner sponsored by an organization of nationwide repute. It is an honorable organization. It is one which takes controversial positions. It is one which Members of the House like to count in their corner. In the course of that meeting some statements were made concerning a position which that organization had taken involving legislation pending on the floor. To his everlasting credit, PORTER HARDY sought recognition from the president of that organization, and in the course of about 10 minutes rendered one of the most blistering and telling denunciations of the position of that organization I have ever witnessed. That established him in my book. I was proud to know that day that I could be a Member of a delegation with a man of that much backbone.

So, Mr. Speaker, I wish him well in his decision to leave these hallowed Halls. I know he will not retire from life. We hope he will come again to visit with us and to give us the benefit of his wise and patient counsel and advice.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, one of the fringe benefits of being a Member of Congress is the opportunity to meet and know so many fine individuals from every section of the United States. It is unlikely, except in this setting, that I would ever have become acquainted with the gentleman from Virginia, PORTER HARDY—and that is a friendship I should be very sorry to have missed. Our constituencies are vastly different, and our goals, therefore, not infrequently different also. Yet I have always found him an honorable opponent and—when we shared the same objective—a brave and resolute friend. He has always been to me invariably cordial, kind, and helpful—one who knew how to make his stand without rancor or bitterness—the true sign of respect for the rights of others. I have watched him go about his tasks with skill and grace and I know that those whom he represents have been exceedingly fortunate. His contributions to this Nation have been very great—contributions that can never be accurately measured.

Therefore, Mr. Speaker, I am privileged to join in this tribute to an honored colleague. He leaves not only with our deepest regret, but also with the warmest esteem and affection of innumerable friends.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman taking the floor today to honor his colleague from the Commonwealth of Virginia, and particularly the gentleman yielding to me so that I may speak to the friendship that has developed across that aisle that knows no division in the common defense of our country, in behalf of PORTER HARDY, JR.

I have been in the gentleman's district and I have shared with him some of his civic affairs, and he has built well there as well as in the Nation as a whole. I shall not attempt—lest some lyrical note be lost from the larks who have spoken on high before me—to emulate that ringing oratory and the well-deserved praise that he garners as his portion of charm and friendship and graciousness to other men of all walks of life and all paths of pursuit and common goals, but I shall associate myself with these remarks for a longtime friend and a charming gentleman.

Mr. WAMPLER. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I am happy to yield to the gentleman from Virginia.

Mr. WAMPLER. Mr. Speaker, it was with personal regret that I learned of the pending retirement of PORTER HARDY from Congress.

I met PORTER HARDY when I first came to Congress in 1953. I have enjoyed knowing him over the years.

His long years of faithful public service has earned for him the lasting gratitude of all his fellow Virginians—and yes, all his fellow Americans.

PORTER HARDY's talents and dedication to duty will be missed in this Chamber and in the great Committee on Armed Services.

PORTER HARDY is truly a Virginia gentleman in the noblest sense of the word.

I wish for PORTER and his lovely wife, Lynn, many more years of happiness and good fortune.

PORTER, may God bless you and yours.

Mr. TUCK. Mr. Speaker, will the gentleman from Virginia yield?

Mr. ABBITT. I am delighted to yield to my friend and colleague from Virginia.

Mr. TUCK. Mr. Speaker, the dean of the Virginia delegation, a gentleman who has been a Member of Congress for the last 22 years, the Honorable PORTER HARDY, JR., of the Second District, has served his State and the Nation so faithfully during this period that it is indeed a privilege to call attention to his accomplishments.

I say in all sincerity that he has been one of the ablest and most useful men that Virginia has sent to Washington. Not alone has he represented in Congress one of the busiest port city areas in the United States, but he at the same time has served on two important committees, the Armed Services Committee and the Government Operations Committee, and has been diligent in applying himself to each of these trusts.

I think it quite odd that my State's only all-urban congressional district should be represented by a farmer, but that is the case. PORTER's background has been one of business initially, but later it became more actively and importantly one of agriculture.

He received his education at Randolph-Macon College and at Harvard University, worked as an accountant, warehouse manager, and wholesaler of electrical equipment before he began working his own farm in 1932. That was his entrance into agriculture, and he advanced in the field rapidly. During World War II, he was chairman of the Virginia State AAA Committee and the Virginia Agricultural War Board, both important agencies making great contributions to the war effort.

PORTER is no dirt farmer in the sense that I am, but is instead an automated farmer, running four farms with big machinery as though they were factories, employing and demonstrating the advances which have been made in agriculture during the last nearly 40 years. I am sure he deserves much credit for Virginia's present rank in agriculture.

I commend and praise him for his personal success at home, but I also laud him as a Virginian dedicated to principle, a man who will speak out and fight for what he knows is right. He is of high character, forthright and, above all, capable and efficient. No matter what the demands made upon him, he has always made it a point to look out for the welfare of his constituents. He has religiously voted the dictates of his conscience, and I honor him for that.

When he retires at the end of this session, I have no hesitation in saying he will be missed, not alone by the people back in Virginia who have looked to him as their representative, but by his colleagues here in this great body, a legislative assembly which he has made greater by his presence and by his tireless efforts toward the public interest.

It will be with a great sense of loss that I shall see him depart. His career both in and out of Congress has been one of distinguished service.

Mr. **GRAY**. Mr. Speaker, will the gentleman yield?

Mr. **ABBITT**. I am very happy to yield to the distinguished gentleman from Illinois.

Mr. **GRAY**. Mr. Speaker, I appreciate the very distinguished gentleman yielding to me at this time for the purpose of associating myself with the remarks that have been made here concerning my dear friend, PORTER HARDY, JR.

Mr. Speaker, one of the greatest joys in serving in this body is the tremendous friendships and associations which one makes while serving here.

Mr. Speaker, when I came here 14 years ago I made the acquaintance of PORTER HARDY and have always held him in very high esteem. Shortly after my acquaintance with him I had the great privilege and pleasure of speaking in the congressional district which it is his honor to represent. It was certainly no surprise to me that the people whom he represents also hold him in very high esteem and regard.

Mr. Speaker, it is my opinion that perhaps the greatest tribute we could pay to PORTER HARDY, JR., as he voluntarily retires from this House would be to read the words of Daniel Webster, words that you see here in this Chamber, and I shall read only the last few of those words: "build up its institutions, promote all its great interest and see whether we also in our day and generation may not perform something worthy to be remembered."

Mr. Speaker, when one looks at the great military complex at Norfolk and when one knows of the great service which PORTER HARDY, JR., has rendered as a member of the Committee on Armed Services, I am sure one knows without fear of contradiction that he has done much that is worthy of remembering.

Mr. Speaker, I wish to say on behalf of all the Democratic members of the Illinois delegation that we too shall miss you, PORTER, you and your service here in this House of Representatives, and we wish you Godspeed and much health and happiness in your retirement.

Mr. **MacGREGOR**. Mr. Speaker, will the gentleman yield?

Mr. **ABBITT**. I am happy to yield to the distinguished gentleman from Minnesota.

Mr. **MacGREGOR**. Mr. Speaker, I have not had the great and good fortune to serve on the distinguished Committee on Armed Services with our most beloved and unfortunately soon to be leaving us Member, PORTER HARDY.

Mr. Speaker, service in the House of Representatives does not only afford one an opportunity for legislative work. It also occasionally gives one some unexpected personal experiences with one's colleagues.

Mr. Speaker, I had the great and good fortune to have such a rewarding personal experience with the distinguished gentleman from the Commonwealth of Virginia [Mr. HARDY].

It seems that a little over 2 years ago there fell upon the two of us an indisposition and we were hospitalized at the same time at the U.S. naval facility at Bethesda. As I recall my sojourn there started somewhat ahead of that of PORTER. I had the good fortune to be separated from the service there some time ahead of PORTER. My recovery from the little bout with the surgeon's knife was speedy and my recovery was cheered by the memory of PORTER HARDY coming into my room.

I think it may be an indication of the quality of his service in this Chamber if I tell you of a very personal experience that took place there in the course of PORTER HARDY's treatment. It was necessary for him to do a little ambulatory exercise by carrying a certain device which PORTER in his good cheer came into my room with. I said, "PORTER, what are you doing carrying that thing around?" He said, "It looks like a lamp, does it not? I suppose it looks like the time when Diogenes looked for an honest man." I said, "PORTER, look in the mirror and you have found him."

Mr. Speaker, that is the way I feel about PORTER HARDY, a very good man, a most industrious and effective legislator. The manner in which I shall remember PORTER HARDY is the fact that he is an honest man.

Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. **PIKE**. Mr. Speaker, will the gentleman yield?

Mr. **ABBITT**. I shall be happy to yield to the distinguished gentleman from New York.

Mr. **PIKE**. Mr. Speaker, for the 8 years that I have been here I have resisted quite firmly the opportunity to come and participate in communions of this sort to other Members.

Not because they were not worthy Members and great Members, and honest Members, but because for some reason there were other people who knew them better, and I did not feel emotionally committed. As my children might say, they did not quite turn me on.

I recall very well the first time that I heard PORTER HARDY speak in this Chamber. It had something to do with the operations of this Chamber, and he made a passionate speech on a cause he believed to be worthy at the time. He got clobbered.

This was my introduction to the man whom I later came to call the leader of HARDY's Irregular Fusiliers—and I have charged with him on a few hopeless causes. Yet as time went on that about which he spoke 8 years ago in this Chamber and, as I mentioned, had to do with the operations of the House of Representatives, did come to pass.

This is sort of the way PORTER is. He does not always accomplish everything he wants to do right off the bat, but he usually does accomplish it eventually.

I have learned since I have been here in the House of Representatives not to expect judicial give and take in the conduct of any committee. I used to be appalled at the lack of an opportunity for a witness before the Committee on Armed Services to rebut, and to be represented by counsel. I used to think that the gentleman from Virginia was probably the meanest man in the entire House of Representatives in questioning witnesses. And I expect that there are, over in the Pentagon, those who today would be willing to testify that he is indeed the meanest man in the questioning of witnesses. But he has done it for a purpose, and he has accomplished his purpose time after time after time.

Mr. Speaker, I have always had four words which meant more to me in my life and in my political career than any others. One of the reasons I am breaking an 8-year rule of not coming and paying tribute to Members is because PORTER HARDY lives up to every one of my favorite four words. Those four words are: "Responsibility," "perspective," "priority," and "compassion."

I have been on a trip or two with PORTER HARDY, and all I can say is that he has an overdeveloped sense of responsibility. On days when I would have liked nothing better than to lay around and perhaps take a swim, PORTER had the committee working. He knows what is important. His perspective is tremendous. He knows what is important and what is unimportant, and he knows how to put the important things first. And this, of course, leads up into priority. There have been times when I was gung ho to get the chairman of the Special Investigating Subcommittee to investigate something which I thought was important, and he realized that other things were more important—and it is quite possible that he was right, as a matter of fact—but he does have this ability to say that you cannot do everything all the time, and to put first things first.

Finally, Mr. Speaker, in spite of his sometimes brusque manner with witnesses, and with recalcitrant Yankee Congressmen with whom he does not agree, there is a sense of compassion in the man which is a marvel to behold. There is nobody on the Committee on Armed Services, there is nobody on its staff who does not like him.

This is a man of whom it can be said meaningfully, they love him. He is my idea of what a Congressman ought to be. In spite of our many differences on many issues, in spite of our different philosophies on many things, he is a living example of the fact that, as with all of us here in this Congress, the things which unite us are so far greater than the things which divide us.

It is a pleasure to have been united

over these 8 years in work with the gentleman from Virginia.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman.

Mr. PEPPER. Mr. Speaker, I am grateful to the distinguished gentleman from Virginia [Mr. ABBITT] for allowing me to join in this tribute to our devoted friend, PORTER HARDY.

As a Member of this House, as a friend and as a citizen of America, I deplore his departure from this Chamber and from this Congress.

It was my privilege to get to know PORTER HARDY when I was a Member of the other body, and he, a Member of this body. I heard time and again, PORTER HARDY, PORTER HARDY, PORTER HARDY. Even before I got to know him, I was anxious to know him because I wanted to see what kind of man this was who was spoken of so frequently and so favorably by his colleagues and by his friends.

When I came to membership in this body, I found out why it was that PORTER HARDY was so highly esteemed. He is a man who has a deep and abiding sense of duty. Whatever his work is he is determined to do it and to do it well and to do it thoroughly and without fear or favor.

In his work as chairman of the Special Investigating Subcommittee of the House Committee on Armed Services, he burrowed thoroughly and deeply into many of the sore places and many places where the interest of the country was involved and he immeasurably served the cause of this country in so doing.

But beyond that, he was able, through the Committee on Armed Services, to exhibit what Carlyle said Mirabeau had—an eye capable of seeing his country's interest and serving that interest fearlessly and with great fidelity.

Mr. Speaker, America is a stronger and better country today; our future is more secure because PORTER HARDY had an opportunity on that great Committee on Armed Services and as a Member of this House to serve and preserve its interests.

As a gallant cavalier of Virginia, he has been an adornment to this body. We are going to miss him immensely—miss his gracious gentleness and kindness and his courtly manner and the courtesy which he uniformly extends to his colleagues.

We can truthfully say, I think, as was said of another, that we shall not see again the like of PORTER HARDY.

I hope our loss is going to be meaningful to him in the satisfactions that he will have the time to enjoy which have been denied him on account of his busy service here.

I know his community and his State will immeasurably be benefited by his being able to devote more of his time to their interest and their welfare.

I want to be amongst the many in this House to extend to him upon his departure my respect, my esteem, and my affectionate good wishes. May his life be long and abundant in happiness.

Mr. MARSH. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I yield to my colleague, the gentleman from Virginia.

Mr. MARSH. Mr. Speaker, Longfellow has said:

> The heights by great men reached and kept
> Were not attained by sudden flight,
> But they, while their companions slept,
> Were toiling upward in the night.

I think these words describe PORTER HARDY.

Mr. Speaker, although colleagues in the House of Representatives feel keenly the loss when any colleague retires, particularly one with as many warm friends as PORTER HARDY, their sense of loss is somewhat different from those of us who served with him in the delegation of which he is the dean.

Members of the House who have learned to know him through the years can pay ample tribute to his outstanding ability, both as a legislator and person of great generosity and friendliness. In personality, particularly his humor, he reminds one of Will Rogers. His accomplishments are many. His 22 years of service have given him a record of achievement that earns him the respect of other Members of the House.

There are many who, through the years, have served with him in committee assignments and can attest far better than I to the conscientious manner in which he attended to the affairs of his committee. In fact, others today have already made their contribution to this tribute we pay him by pointing out the significance of his service to his country.

PORTER HARDY has served his Nation well. He has given his country his very best. The manner in which he has performed his duty will perhaps in many ways go unnoticed and unsung, but I am confident that the defenses of our Nation are more secure, its readiness for the future more certain and its ability to meet the challenge of the present more assured because PORTER HARDY has served as a Member of the U.S. Congress.

Yet, when I opened my remarks, I stated that those who had served with him, although they will feel his loss, nevertheless, those of us from the Commonwealth of Virginia sense that loss in a greater way because we can more nearly assess the loss to our State by the retirement of this able man.

Quite frankly, I do not believe that the Commonwealth has fully realized what his retirement will mean. I doubt that the citizens of his district are really aware of what it will mean for this man to leave Capitol Hill. I, for one, know that it is a great loss to our State and to his district.

PORTER is a strong man. He is an advocate. He is relentless in pursuit of what he sees to be the best interests of his Nation and of his State and of his district. He is not a man who is given to halfway measures. With his seniority, his ability, and his influence he was able to wield power wisely and well.

Although those of us who are his colleagues shall miss him now, his Nation shall miss him as a legislator as his State and his congressional district will miss his services for years to come.

Mr. RUMSFELD. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I am happy to yield to the gentleman from Illinois.

Mr. RUMSFELD. I hesitate to rise here in view of the eloquence of the distinguished Members of the delegation from the Commonwealth of Virginia. But there is something that has not been said this afternoon. My remarks do not come because I was in the Congress when the gentleman from Virginia [Mr. HARDY] arrived here, because I was not. I was in grammar school when the distinguished gentleman from Virginia came to the Congress.

But I have had the privilege of serving with Mr. HARDY on the Committee on Government Operations.

We have heard this evening about his distinguished service on the House Committee on Armed Services, and there is no question but that it has been truly distinguished service. But in addition, this gentleman has found the time, the energy, and the dedication to fulfill his responsibilities as a member of the House Committee on Government operations which has jurisdiction over the entire executive branch of our Federal Government.

The same adjectives that have been applied to his work on the House Committee on Armed Services certainly can be applied to his work as a member of the Government Operations Committee.

He has a wonderful combination of gruffness and great warmth. But the questions he asks are asked because he wanted the answers, and he listened to the answers and the followup questions were penetrating throughout the days and months and, in fact, years of hearings that I have participated in with the gentleman from Virginia.

I know that his relationships with people have not depended on who they were or how long they have been in Congress or on which political party they happen to belong to, but rather on the substance of their arguments, the depth of their feelings, and the sincerity with which they put forward their ideas or questions.

As one Member of this body for but a short period of 6 years, I can say that it has been a great privilege to join the gentleman from Virginia in the well in paying my respects to the truly fine career of public service of the gentleman from Virginia [Mr. HARDY].

I thank the gentleman for yielding.

Mr. DOWNING. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I am happy to yield to my colleague from Virginia.

Mr. DOWNING. Mr. Speaker, I rise today to say a heartfelt thank you to my distinguished colleague from Virginia, the Honorable PORTER HARDY, JR. I could live to be as old as Methuselah and there would never be time in such a long life to express properly my appreciation for his friendship and his leadership.

It would be easy for me to visit my friend in his office as I have done innumerable times during the 10 years of our joint service in the Congress and tell him exactly how much he means to me. This would indeed be easy but it would not be enough. I want everyone to know how I feel about PORTER HARDY and how much he has done for me, for Virginia, and for our country.

Our districts adjoin in the great Tidewater section of Virginia where this Nation was born. I was most fortunate that when the voters in my district sent me to the House 10 years ago. PORTER was already a senior Member. He has been my ally, mentor, friend, and frequent critic. My service has been enhanced by my association with him.

I know of no man who has ever served in this body who has been more concerned with the welfare of the United States and who has been more energetic in his efforts to serve the people. PORTER HARDY is relentless in his pursuit of a sturdy national defense policy. He is most outspoken against waste in the operation of Government. He is tireless in his efforts to be of the utmost service to his country to the full limit of his almost boundless capabilities.

There is one characteristic about PORTER HARDY which shines above all others and that is that no man is his master. He is a true servant of the people, responsive to their needs but firm in his judgment of how he can serve them best and equally determined to take an honorable stand on any issue. In this regard he is to me the most able one of us all.

The announcement that he would not seek reelection at the end of this session came as one of the most severe blows which I have felt during the past 10 years. I understand his feelings and I do not question his judgment, but I know that the affairs of the House will never seem the same again.

PORTER HARDY has served Virginia and the Nation well. He has served all of us well. Through the years a number of men will follow in his footsteps, but I doubt that any will ever be able to match his stride.

To his devoted wife Lynne who has been by his side all these years and is in the gallery this evening, to his family and to PORTER, I say you have all served your country well and you deserve every happiness in your retirement.

Mr. HALLECK. Mr. Speaker, the other day my colleague, PORTER HARDY, had some mighty nice things to say on my behalf and I welcome this opportunity to let this body know how I feel about him.

The State of Virginia has produced some distinguished public servants through the history of this Republic and it is one of the rich rewards of my career in the Congress to have known and worked with PORTER HARDY.

While I have respected and held PORTER in affection since the days of the 80th Congress, when he first joined us here, it was not until I was appointed to the Defense Posture Subcommittee of the great Committee on Armed Services that I came to fully appreciate the contributions he was making to the well-being of our beloved country.

This, may I say to my friends on both sides of the aisle, is a dedicated American if I ever knew one.

As chairman of the subcommittee he was handed a monumental assignment. I found him absolutely fearless in his determination to find the facts of our strengths and our weaknesses in the overall military picture. Nothing was sacrosanct to PORTER HARDY and nobody was above reproach, if reproach was indicated, in his subcommittee's painstaking and exhaustive investigation. I found him, further, persistent, almost beyond the call of duty, in his pursuit of the truth, but always completely fair and understanding in that pursuit.

And beyond that, I found PORTER HARDY a man of tremendous capacity in the difficult business of spelling out remedies in those areas where deficiencies were obvious.

For me, it has been a real joy to work with him and I look forward to the days ahead when, although, as he suggested, we are both "dropouts" from the ranks, our paths may cross again, from time to time.

Mr. McMILLAN. Mr. Speaker, we were all sadly disappointed when our colleague, Congressman PORTER HARDY, JR., announced to the Members of the House that he would not be a candidate to Congress this year. In my opinion, PORTER has made the Commonwealth of Virginia one of the most outstanding Representatives in the Congress and his services will be missed not only on the great Armed Services Committee but by the entire Congress.

I have had the pleasure and privilege of serving with PORTER since the day he came to Congress as a Representative and I have admired his frankness and the forthright decisions he has made on numerous important pieces of legislation that has been presented to the Congress. We can ill afford to lose very many able men such as PORTER HARDY here on Capitol Hill. I hope that he and his family will enjoy the remainder of their lives doing whatever they may choose as their future profession or undertaking. I am certain every Member of this House regrets to see PORTER leave us and will join me in wishing him well.

Mr. HATHAWAY. Mr. Speaker, after 22 years of outstanding public service as Representative from Virginia's Second Congressional District, our esteemed colleague, Representative PORTER HARDY, JR., is retiring from Congress at the end of this term.

For the past 20 years, PORTER has served on the Armed Services Committee of the House. His understanding and compassion for our boys in uniform have won him the respect and admiration of all members of the military services, past and present.

He has served with remarkable distinction, and his retirement from Congress is a loss to the residents of Virginia and the Nation. I wish him the very best of luck for the future.

Mr. MAHON. Mr. Speaker, I wish to join my colleagues in paying tribute to the gentleman from Virginia, Mr. PORTER HARDY, as he approaches the end of his congressional service.

When one thinks of the gentleman from Virginia, he thinks of him in terms of strength, a two-fisted position on any cause he espouses, an unwillingness to bend with the breeze, and a determination to cling to his convictions regardless of the power of the forces which oppose him.

The gentleman from Virginia has been a tower of strength in his efforts in the fields of national defense and economy and efficiency in Government generally. His investigative work has been outstanding.

He has been possessed of a healthy skepticism which has enabled him to bring to bear pressures for stronger defense at lesser cost to the taxpayer.

I join my colleagues in congratulating PORTER HARDY for the good job he has done for the people of Virginia and the Nation and in wishing him an abundance of success and happiness in his further endeavors to be of service to his fellow man.

Mr. BROOKS. Mr. Speaker, as the 90th Congress approaches its close, we are honoring today a man who came to Congress in the 80th Congress. PORTER HARDY has served his State and our Nation for more than 20 years here in Congress and has a record of accomplishment which few people can ever hope to match.

I have been particularly honored to have been able to serve with him as a Member of the Government Operations Committee. He has always been a hardworking subcommittee chairman and has an enviable record of responsible leadership. His presence will be sorely missed on the committee, as his dignified and gentlemanly bearing will be here on the floor of this Chamber.

I join with my colleagues in wishing him the very best in the future years.

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, it is indeed an honor and a pleasure to join with my fellow colleagues in paying tribute to Congressman PORTER HARDY, JR., on his retirement the end of this year.

He is an active and capable leader as evidenced by his many, dedicated years of service on both the Armed Services Committee and the Government Operations Committee. I have learned much in watching the way Mr. HARDY conducts himself on the floor of the House.

Certainly, his service to the U.S. Congress during his 11 terms has been invaluable, and I am confident he will be missed by both his colleagues and many friends on Capitol Hill.

I want to take this opportunity to extend my best wishes to Congressman HARDY for many more years of success and health.

Mr. MILLS. Mr. Speaker, I am honored to join in these expressions of sincere appreciation and highest esteem for one of the most valued and respected Members ever to serve in the U.S. House of Representatives, the distinguished gentleman and our very good friend from the Norfolk-Portsmouth area of Virginia, PORTER HARDY, JR.

PORTER HARDY will be retiring at the end of this Congress after 22 years of dedicated, devoted and very effective service to the citizens of his district, to Virginia and to the Nation. One needs only to reflect on the tremendous expansion and development that has taken place in the Norfolk-Portsmouth area in the past two decades to realize that PORTER HARDY has served his constituents well and with marked distinction. The combination of an industrious constituency and a remarkably effective and astute Congressman has played a major role in this unprecedented growth and progress during the post-World War II period, which coincides with PORTER HARDY's tenure in the House.

We who have been honored to be his colleagues here are indebted to PORTER for his unstinting and untiring work on both the Armed Services and the Government Operations Committees. As we all know, he has made very notable contributions to the exceedingly important legislation that has emanated from these two committees. It is indicative of the high regard in which Congressman HARDY is held by his colleagues that he should be a high-ranking member on these two committees, the one of which is so vital to our national defense and the other to the efficient functioning of the Federal departments and agencies. His outstanding ability and sound judgment in legislative matters have earned him the highest respect on both sides of the aisle.

Mr. Speaker, we shall miss PORTER HARDY in this House. We shall miss his outstanding qualities of leadership, honesty and integrity that have so effectively served his constituency and dignified this body over the past 22 years.

We wish for him and his lovely family much happiness in his well-deserved retirement and in whatever pursuits he undertakes in the future. We hope he will return and visit us here in the House very often.

Mr. RODINO. Mr. Speaker, I am happy to join with my colleagues in paying tribute today to my friend PORTER HARDY.

He has served this House and his constituents with ability and integrity, setting for himself the highest standards of service. I have had the pleasure of knowing PORTER throughout my 20 years in this body, and respect him as a high-minded and gracious gentleman, who has tirelessly worked to maintain the strength and security of our country.

And I am pleased to add my every good wish to PORTER for health and happiness in the future.

Mr. EVINS of Tennessee. Mr. Speaker, I want to associate myself with the remarks of my colleagues from Virginia and others, in paying a brief but sincere tribute to our colleague, the gentleman from Virginia, PORTER HARDY, who is retiring from Congress.

This is a nostalgic moment for me as PORTER and I came to Congress together—began our careers together—and have served together in the the Congress since the 80th Congress in 1946.

Our colleague from Virginia has made a brilliant record in the Congress and has been a battler for strong defenses for our Nation as a member of the Committee on Armed Services.

He has a unique and distinguished record and he can take great satisfaction in his magnificent record of public service as he leaves the House of Representatives.

PORTER HARDY has served well his district—the Second District of Virginia—his beloved State of Virginia, and the Nation.

Mrs. Evins joins me in wishing Congressman and Mrs. HARDY the very best of good luck and success as he enters a richly deserved retirement.

Mr. BOLAND. Mr. Speaker, I would like to join my colleagues in paying tribute to Congressman PORTER HARDY, JR., now that he is ending his remarkable career in the House of Representatives.

Able, intelligent, dedicated to his congressional work and responsibilities, PORTER HARDY has earned the respect and admiration of a host of people both in and out of Government. And, even more significantly, he has earned scores of lasting friendships by the courtesy and sense of fairplay he has demonstrated ever since coming to Washington in 1947.

Again, Mr. Speaker, I extend my very best wishes to Congressman HARDY for a happy and fruitful retirement.

Mr. JONES of North Carolina. Mr. Speaker, I am honored to join with other Members of this Congress in paying tribute to my friend, PORTER HARDY.

His warm personality and interest in his district explains why he has had a term of service extending from 1947 through 1968. It is an accepted fact that opposition could have never removed him from this Congress; therefore, it is by his own decision that he will soon be leaving us.

Congressman HARDY's district in the State of Virginia joins my district in the State of North Carolina, therefore, we have mutual problems. I have never called upon my friend, PORTER HARDY, for assistance without receiving a warm, helping hand. Along with the entire membership of this House, I will miss PORTER HARDY, and I can only wish him many years of health and happiness in whatever career he chooses to pursue from here on out.

Mr. GRIFFIN. Mr. Speaker, I join my colleagues in paying tribute to the highly respected gentleman from Virginia [Mr. HARDY], who is retiring from Congress at the end of this term.

PORTER HARDY has accumulated an enviable record of constructive public service. During his 22 years in this body he has become known as one of its hardest working members. While diligently and forcefully participating in legislative affairs, PORTER HARDY also keeps in close touch with his district and maintains a personal interest in problems of individual constituents.

PORTER HARDY is a man of immense ability, integrity, and compassion. His leadership will be greatly missed.

In a personal way, I regret PORTER HARDY's departure from the House. He has been very helpful to me and I will always be grateful for his friendship.

Mrs. Griffin joins me in extending to Mr. and Mrs. HARDY sincere best wishes for a long and prosperous life now free from the heavy duties and intense pressures of public office.

Mr. MORGAN. Mr. Speaker, I want to express my sincere regret that the distinguished gentleman from the Second District of Virginia, the Honorable PORTER HARDY, has declared to retire from the Congress.

It has been my privilege not only to know PORTER HARDY as a friend, but also to have frequent contact with him in connection with his work as chairman of the Subcommittee on Foreign Operations and Monetary Affairs of the Committee on Government Operations, and on occasion the work he has done as chairman of the Special Investigations Subcommittee of the Armed Services Committee.

He has been one of the best informed Members of the House in the field of foreign affairs. His recommendations and judgments were always based on detailed investigations, carried on under his personal direction.

While I have not agreed with him on all occasions, he and I have seen eye to eye on the fundamental issues of our foreign policy.

PORTER HARDY has served his country well, and he has left his mark on legislation and our policies in the field of foreign relations. He will be missed.

I want to join all of my colleagues in wishing him well in his future activities, and I hope that he will keep in touch with us and continue to give us the benefit of his counsel.

Mr. UDALL. Mr. Speaker, I am happy to join in these tributes to PORTER HARDY, a great American, a really exceptional human being, and a man I am proud to call my friend. This country is a stronger and better place because the people of Virginia sent PORTER HARDY to Congress and because he has been willing to serve all these fruitful years. I have known few men who combined so many of his fine qualities: fierce honesty, a passion for the hard, detailed work that makes this House function, humility, courage, and a gentle sense of humor. He is rightly esteemed by all of his colleagues. He will leave this Chamber with the satisfaction of his many accomplishments and a host of warm friends and admirers.

I shall miss his friendship and his presence, and I wish him many happy years of retirement. He has served his country well.

Mr. BENNETT. Mr. Speaker, it was certainly a great surprise for all of us to learn that Congressman PORTER HARDY decided not to run for reelection this year, and a great disappointment too. In the two decades we have served together in Congress there has been no Member that I have noted who exceeded him in ability as a legislator—nor in the finest qualities of manhood. He is one of the most able interrogators of witnesses before our committee and one of the most able men I have ever seen when it comes to being at the heart of the matter under inquiry. Surely his monuments are great ones in the added strength of our national defense and in the reduction of waste and extravagance in funding national needs.

Mostly, though, our regrets in seeing PORTER leave us are tied up in our own human admiration and affection for him and his lovely wife, both of whom will be missed from the Washington scene by their hosts of friends in the Nation's Capital.

Mr. MATSUNAGA. Mr. Speaker, it is with pleasure that I join with others in paying tribute to our distinguished and dedicated colleague from Virginia, the Honorable PORTER HARDY. The end of this session will mark the close of his 22 years of outstanding service as a Member of the House He leaves with the respect of all of us who have known and worked with him.

While we take these moments to pay

tribute to our colleague, nothing we can say here can equal the tribute his own constituents have paid him over the years by reelecting him to every Congress since 1946. PORTER HARDY will be greatly missed in these Chambers, as well as in the committees on which he served with unwavering dedication. Since 1948, he has been a member of the Armed Services Committee, and his particular interest in matters concerning personnel of the military services led to his authorship of significant survivor benefits legislation. As a member of the Government Operations Committee, he provided outstanding leadership as chairman of its Subcommittee on Foreign Operations and Monetary Affairs, conducting studies of the administration of the U.S. foreign aid program throughout the world.

We have long recognized the experience and dignity which Congressman HARDY has displayed throughout his years of public service.

I join with his host of friends in the hope that PORTER HARDY's future shall bring him the best of personal happiness and continuing success.

To PORTER HARDY Hawaii says "aloha."

Mr. STRATTON. Mr. Speaker, it was with very great regret that I learned some months ago of the impending departure from this House of my good friend, the gentleman from Virginia [Mr. HARDY], and I rise now with some reluctance to say farewell to him because, like all of us here, I just hate to see him go.

In the 10 years I have been in the House I have been privileged to serve on the Armed Services Committee with PORTER HARDY. He has been an outstanding member of that committee. His ability as a questioner of committee witnesses is already legendary. No one that I know of does a finer job of digging out information from congressional witnesses than PORTER HARDY. His ability has made congressional powers of investigation and oversight real and meaningful, in the sense the Constitution originally intended.

Twice I have had the privilege of serving on subcommittees chaired by PORTER HARDY, most recently his outstanding subcommittee on national defense posture. In little more than 1 year that subcommittee, chaired by Mr. HARDY, has undertaken a very exhaustive examination of our real defense posture worldwide. We have examined the situation in great detail in Asia, Europe, and the Middle East. The reports issued by that subcommittee have been almost prophetic of recent events in both Asia and Europe, from the seizure of the *Pueblo* to the invison of Czechoslovakia.

In addition Mr. HARDY's subcommittee has made a very penetrating analysis of the new systems analysis techniques now being followed so religiously in the Pentagon. This report deserves to be read most carefully by all who are concerned about defense; and I predict it will.

For all of these achievements we are deeply indebted to PORTER HARDY. His achievements in this House have been truly monumental, and in years to come I believe we will see his stature go even higher in the permanent records of this body.

I have enjoyed working as a part of PORTER HARDY's team. We will all miss him greatly. To PORTER and his lovely wife I extend my best wishes for a very pleasant and very busy retirement period ahead.

Mr. SCOTT. Mr. Speaker, I rise to add my tribute to those of my colleagues regarding the service of PORTER HARDY to his State and Nation. Certainly I have not had the advantage of serving in the House and knowing the distinguished gentlemen during his 11 terms in this body, but I have been privileged to know him during the past 2 years. While there have been a few occasions in which our votes have not coincided on a particular piece of legislation, we have been in agreement more often than not; and there has been no occasion during the 2 years I have been in the House in which he has not behaved in a most gentlemanly and cooperative manner. His colleagues from Virginia will miss this distinguished Member, and I believe that all of the Members of the House will miss him.

Mr. Speaker, PORTER HARDY is too young a man not to be active in some field of endeavor, and my best wishes go with him in his future undertakings.

Mr. HENDERSON. Mr. Speaker, I appreciate this opportunity to join my colleagues in paying due honor and respect to an outstanding Member of this body as he voluntarily terminates his service here after 22 years.

He has earned the admiration and affection of all of us who have known him. His State, his district, and the Nation are the richer for his service and the poorer for its conclusion.

With both of us representing districts having naval installations and a sizable number of civilian employees working at these installations, I have had occasion to work with PORTER from time to time on matters of common interest to us. I have found him a man of honor and integrity and an extremely tough fighter for his constituents and for what he believes to be right.

We shall all miss PORTER HARDY and I wish him many years of personal happiness in well-earned retirement.

Mr. BURLESON. Mr. Speaker, we always come to a time like this with mixed emotions. In this instance, I am glad that our colleague, PORTER HARDY, has made his decision to retire from Congress in order that he may devote his time to personal matters and seek satisfaction and happiness in other pursuits. The other side of the coin is that I regret exceedingly to see a man of his ability, dedication and integrity leave this body where he has contributed so much to our Nation and to the people he represents.

PORTER HARDY and I came to the Congress together in 1947. I think we all experience a greater degree of camaraderie who come here at the same time. I know of no man who advanced more rapidly in respect and appreciation of his colleagues than did PORTER, and this is saying a lot for any man. I know he was recognized early as one who sought truth and information and made diligent efforts to apply what he found.

My good wishes go with our esteemed colleague and his gracious wife, Lynn, as he leaves this body, and I hope that they will find deep satisfaction in their decision.

Mr. HAGAN. Mr. Speaker, in tribute to an outstanding colleague whose presence in Congress will not soon be forgotten, I want to take this opportunity to congratulate the Honorable PORTER HARDY, JR., on his well-deserved retirement.

It has been my privilege to have served on the House Armed Services Committee with my esteemed colleague since the retirement of former Chairman Carl Vinson. To have witnessed Congressman HARDY's proficiency "in action" during these years has been an invaluable experience. The impact of his legislative acumen, together with his incredible vitality, defies description.

Congressman HARDY's dynamic spirit distinguishes him among us, and I enthusiastically endorse the words of the Honorable WATKINS M. ABBITT in further tribute:

> Those of us who have known and worked with him through the years will greatly miss him.

It is my sincere desire that good health and happiness accompany Congressman PORTER HARDY, JR., always.

Mr. BOB WILSON. Mr. Speaker, I am proud to join in this special order today to express our appreciation to a departing colleague, PORTER HARDY, JR.

PORTER and I have served together on the House Armed Services Committee for 16 years—8 years under a Republican administration and 8 years under a Democratic administration. Throughout these years, I have always admired his nonpartisan attitude toward his duties on our committee. He has always put the security of our country ahead of partisan politics, and he has ably demonstrated this through his work in recent years as chairman of our committee's special investigations subcommittee. As head of this subcommittee, PORTER has displayed a talent for probing the dark areas of our defense system and bringing forth recommendations for improvements.

Those of us who have known and worked with him through the years will miss PORTER HARDY and we wish him well in the years ahead.

Mr. FINO. Mr. Speaker, I wish to join my colleagues today in paying this wonderful tribute to PORTER HARDY who is retiring from Congress at the end of this session.

I first met PORTER shortly after I came to the House in 1953 and from the very start of our friendship I held him in high esteem and affection.

He has served his district, State, and Nation for the past 22 years with honor and distinction. He has always been an inspiration to the Members more particularly those who had a closer contact with him. He has made a very significant contribution to the legislative process.

His absence from this House will be missed by all. I wish him and his family well and hope that he will enjoy many, many years of happiness and good health in his retirement.

Mr. SIKES. Mr. Speaker, I applaud my colleague, the Honorable WATT ABBITT, for obtaining this time so that the Members of the House may express their appreciation for one of our most distinguished Members, the Honorable PORTER HARDY, of Virginia. His retirement will be a great loss to the House.

I find that in June I wrote an introductory speech for PORTER HARDY when he was honored by the Reserve Officers Association in convention in Miami. What I said then is fitting today, and I state it again in these words:

> For 22 years Congress has recognized and honored our guest of today as one of its sound, strong, outstanding Members. Now that he has taken himself out of the political waters—I hope this is not for the last time—he should be referred to in the way that most of us have always considered him—as a statesman.
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> Good Congressmen are mixtures of necessary traits. No thinker, however brilliant, is going to be an effective Congressman if he doesn't have integrity and patience and perseverance. No man, though honest, is going to be effective if he doesn't have a capacity for hard work. And few men can survive very long in the buffeting of the political winds without an unusually tough hide.
>
> I know from my own years in the House of Representatives that if you ask the Members of the House, of whatever political persuasion, to pick one of its most effective Members, Porter Hardy would be on every list. And the reason is that he comes close to having the perfect combination of necessary traits. He has a fine mind, boundless physical and nervous energy, a rock-ribbed, unshakable integrity, the perseverance of a long-distance runner and a toughness which, as Mendel Rivers once said, "gives errant administrators goose pimples by long-distance telephone." And he has something more—a true love of his country and compassion for its people.
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> We honor this man today for his splendid service in many fields. His contributions have been particularly significant in national defense.
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> His work for the military establishment and for its Reserve components has been monumental. In 1957 when the Congress had to write a new Military Survivor Benefits Program, it set up a select committee because the program cut across the jurisdictional lines of a number of powerful committees, Armed Services, Ways and Means, and Veterans' Affairs. As chairman of that important select committee, the House chose Porter Hardy of Virginia and the excellence of the program bears witness to the quality of his achievement. When the Hébert Armed Services Subcommittee over the last few years was taking heroic actions to prevent the destruction of the Reserves and to write a firm Reserve program into law, the ranking majority member of that Subcommittee was Porter Hardy of Virginia.
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> I could go on and mention many outstanding achievements of Porter Hardy in strengthening the Reserves and in strengthening the national defense of the United States. We are grateful to him for all of these good works.
>
> But I hope that we are honoring him also for something more—for the sustained excellence of his long service. Plutarch said:
>
> "They are wrong who think that politics is like an ocean voyage or a military campaign, something to be done with some particular end in view, something which leaves off as soon as that end is reached. It is not a public chore, to be got over with. It is a way of life. It is the life of a domesticated political and social creature who is born with a love for public life, with a desire for honor, with a feeling for his fellows; and it lasts as long as need be."
>
> Porter Hardy has done the tough, necessary jobs whenever and wherever need be. He has been day in and day out the Congressman's Congressman. He is a leader for all seasons.

Mr. WHITTEN. Mr. Speaker, I join with my friends in expressing my regrets on the voluntary retirement of my friend, PORTER HARDY, and in the fine things they have said about the conscientious service he has rendered during the years he has been in the Congress.

Highly conscientious, a hard worker, and possessed of an analytical mind, PORTER has been one of the outstanding leaders in many areas, with a keen insight into real values as against those that might be offered which frequently have little value. Though he primarily worked in the area of his committee, that on national defense, his interests were completely varied; and certainly, in all of those that came in close touch with the people of his district you could always find PORTER HARDY informed, alert and on the job.

Mr. Speaker, I have said on a number of similar occasions that it is those we can least afford to give up who voluntarily retire. Certainly, PORTER HARDY fits into that category. We shall all miss him but hope that his activities in the future will be such as to give him time to visit with us here in the Congress; and we wish for him and his wife, who has meant so much to his success, the greatest happiness in the years ahead.

Mr. JOHNSON of California. Mr. Speaker, when the 91st Congress convenes, missing will be one of our most distinguished colleagues, the Honorable PORTER HARDY, JR., of Virginia.

I was saddened when I learned that PORTER was retiring, after having served the Second District of Virginia, his State, and his Nation in an admirable manner since he was first elected to Congress in the 80th Congress. His outstanding service as a member of the Committees on Armed Services and Government Operations is fully recognized by those who have been privileged to work and serve with him.

It has been a privilege and pleasure to have served with PORTER since I was first elected in the 86th Congress. He has assisted me, as well as other Members, whenever he was called upon, efficiently, graciously, and expertly.

The constituents he has served so devotedly, his colleagues, who have been charmed by his wit, and have benefited from his knowledge, his State and Nation will miss this southern gentleman.

To my friend and colleague and his lovely wife I want to wish much happiness and success in the future. They will certainly be missed.

Mr. HÉBERT. Mr. Speaker, at the close of this session, one of the most capable, respected, and hardest working Members of the House will retire.

PORTER HARDY of Virginia, who came to this body 22 years ago, leaves with the knowledge that his fellow colleagues consider his long devotion to public service to have been of the highest caliber.

To me, Mr. Speaker, it is a personal loss. I have known PORTER HARDY for many years, and have been especially close to him during his 20 years on the Armed Services Committee on which I am privileged to serve.

As the ranking member of my subcommittee, PORTER has been my strong right arm, and I have leaned so heavily upon him through the years. He was always there when needed, and witnesses who have appeared before the subcommittee will attest that PORTER is a tough and thorough interrogator.

He succeeded me as chairman of the Armed Services Special Investigations Subcommittee, and has carried on the work of that subcommittee on which he served with me with diligence, dignity, and success.

Mr. Speaker, I would like to pause to pay tribute to the excellent staff with which PORTER has surrounded himself. His staff members are Mr. Walton Woods, Miss Adeline Tolerton, Mr. John T. M. Reddan, Mr. Richard A. Ransom, Mr. Labre R. Garcia, Miss Phillis Seymour, and Mrs. Rose Beck.

PORTER knows, I am sure, as I know, that without a strong staff no chairman can achieve any success. I think it fitting, therefore, that those who have worked so capably and loyally for PORTER through the years should also take a bow.

Never was the ability and knowledge of PORTER HARDY demonstrated more than during his chairmanship of the Special Subcommittee on National Defense Posture, which I think has made the biggest contribution to our national defense than any other congressional committee or group outside the Congress in recent years.

I was privileged to serve as PORTER's ranking member on that committee. It was a tribute to PORTER when he was appointed to head that important subcommittee, because the confidence which our distinguished chairman, L. MENDEL RIVERS of South Carolina, has always placed in him was clearly brought to the forefront.

PORTER HARDY's imprint is firmly stamped on the pages of military history, and the contributions he has made to the Armed Forces, particularly in personnel and construction areas, will not be forgotten.

I know that the people of his district will consider his retirement a great loss, as will all of us in the Congress who know that his contributions have been of a national and international magnitude.

For me, as I have said it is a deep personal loss, for I am privileged to be able to call PORTER HARDY a close friend. I wish him all the best for many years to come.

Mr. RHODES of Pennsylvania. Mr. Speaker, with my colleagues and friends of Congressman PORTER HARDY, JR., I join in expressing best wishes to the gentleman from Virginia on his retirement from Congress after many years of dedicated service to his district and to his country.

PORTER was already a prominent Member of Congress when I first came here with the 81st Congress. Since then I have known him as a friend and have always cherished the pleasant associations I enjoyed with him over the past 20 years.

PORTER is dean of the Virginia delegation. As a prominent and hard-working member of the Armed Services Committee and the Committee on Government Operations, he has rendered a great service to his country and has won the admiration and respect of his colleagues and his constituents.

In leaving the Congress, Porter Hardy can take pride in his achievements, and in knowing of the confidence of his constituents and the high esteem in which he was held by all of us who had the pleasure of serving with him.

To Porter and his wife, Edna Lynn, I wish to express best wishes for good health and a full and happy retirement life.

Mr. ZABLOCKI. Mr. Speaker, it is indeed an honor and a privilege to join my colleagues in paying tribute to my friend and esteemed colleague, Porter Hardy, on the occasion of his retirement from the House of Representatives. Certainly the people of the Second District of Virginia, as well as this country, are losing an outstanding representative.

Congressman Hardy has served the great Commonwealth of Virginia with honesty, dignity, and ability. He has been a forceful legislator who has understood the problems of the people of his district and at all times represented their interests.

The gentleman from Virginia has enjoyed a long and distinguished tenure of 22 years here in Congress. He has made significant and valuable contributions to his country and its citizenry during this time and we have recognized the tremendous dedication with which he has marked his service in the House.

His counsel as a member of the Armed Services Committee has long been valuable in the formation of important legislation affecting our military personnel. As a member of the Government Operations Committee he has constantly earned our admiration and respect for his ever-watchful determination to solve the problems faced by this Government while constantly demanding ever higher standards of quality.

Mr. Speaker, it has indeed been a pleasure and an honor to serve with Porter Hardy. I sincerely wish him a full life, and hope that he harvests all the rewards to which his fine service in these Halls of Congress has entitled him.

Mr. GONZALEZ. Mr. Speaker, I wish to add my voice to that of my colleagues who have spoken today praising, quite justifiably, the distinguished Virginian, Porter Hardy, and also to lament his voluntary retirement from the House of Representatives.

There is little I can add to what has been said so eloquently. Porter Hardy has rendered great and noble service to our country. He has been not only a faithful and fearless Representative for his Virginia district but a great American who has thought and acted nationally and not just parochially.

I sincerely regret Representative Hardy's decision to leave the House, for it is a genuine loss to us all.

I wish him well in all of his future endeavors.

Mr. KORNEGAY. Mr. Speaker, I thank the gentleman for yielding and for the privilege of participating in this tribute to our friend and colleague, the Honorable Porter Hardy, Jr., of Virginia.

Porter Hardy, who has chosen to end his long and valuable service here in the Congress with the expiration of the 90th Congress, has served the Second District of Virginia, his State, and his Nation with dedication and distinction.

His warmth of personality and his gracious and courtly friendship will be greatly missed in the 91st Congress and by his many friends and admirers here in the Washington community. I am proud to count myself among his host of friends, for many a bleak day has been brightened for me by the glow of the radiant personality of the genial gentleman from Virginia. He is never too busy to stop and take the time to give a word of encouragement and sound advice to those of us who have not attained his maturity of judgment and seniority in service. His wise counsel and sound advice have made many of us better representatives of our districts.

Mr. Speaker, I have an additional affinity for Porter Hardy and for the great district which he represents, because in that district reside a number of my mother's relatives, all of whom greatly value Porter Hardy's friendship and his dedicated service.

The Congress, the Nation, and the Commonwealth of Virginia will miss his leadership and will suffer a genuine loss as a result of his retirement. Although I, too, am retiring at the end of the present Congress, and Porter and I will go our separate ways, I have an abiding hope that I will have the good fortune of having our paths cross many times in the days and years ahead.

Mr. Speaker, I join Porter Hardy's many friends here in wishing him well in the years ahead and hope that now he will have the time to spend many happy hours in relaxation with his family and to enjoy his granddaughter, Courtney.

Mr. HORTON. Mr. Speaker, I would like to pay tribute to, and express my respect for, my friend and able colleague, Congressman Porter Hardy, Jr., of Virginia, who will retire at the end of this session. Representative Hardy, since his election to this body in 1946, has been an example of integrity and legislative ability. His acumen, together with his particular quality of southern gentility, marks him as a legislator worthy of praise.

Congressman Hardy is a man of avowed civic concern. Chosen First Citizen of Portsmouth, Va., in 1951, he was a recipient, in 1959, of the Builder Award of the Hampton Roads Foreign Commerce Club. He is an honorary member of the Hampton Roads Post of the American Society of Military Engineers, of the Hampton Roads Maritime Association, and of the Norfolk Rotary Club.

As a high-ranking member of the House Armed Services Committee and the Government Operations Committee, he has demonstrated for many years his capacity to exercise to the limit of his exceptional potential the practical knowledge of legislative affairs in his possession.

I have had the privilege of serving with Porter Hardy on the Committee on Government Operations since coming to Congress 6 years ago. His keen capability for legislative analysis, and sense of duty to the country is evident in his work on this great, watchdog committee. Especially this year, serving with Porter on the Foreign Operations Subcommittee, have I come to know and respect his legislative talents. I will miss his friendship and his expertise as a colleague on this committee.

As a man experienced in business and agriculture, as well as in civic and legislative concerns, Congressman Hardy has proven himself to be both versatile and experienced in dealing with the problems of the Nation. We will miss him and his services. I extend to him my every good wish in the coming years and in whatever endeavor he may pursue.

Mr. PIRNIE. Mr. Speaker, the retirement from this body by Porter Hardy is a great loss to this Nation. We are reminded that for 22 years he has represented the Second District of Virginia, serving faithfully and with distinction. Much as we can appreciate the contribution represented by such length of service, it is the quality of Porter's service which commands our sincere admiration.

Porter Hardy is one of the ablest Members of the House. Factually sound, he has used his knowledge to great advantage. His reputation for straight thinking and courageous action has stamped him as a real leader.

It has been my privilege to serve on the Special Investigations Subcommittee of the Armed Services Committee with Porter Hardy as my chairman. For an extended period, I have watched and admired his dogged determination and resourcefulness in pursuit of truth. Our Defense Department is stronger and more efficient today because of his dedicated efforts in exposing waste and inefficiency. Although not legally trained, he has conducted his examinations of witnesses with a skill which an experienced practitioner would envy. The benefit which this remarkable effort conferred upon our country cannot be measured but he who has served with Porter knows it to be vast indeed.

Association with a great and good man can provide happy memories. The years with Porter Hardy have done that for me. I join with my colleagues in highest praise for his service and deepest gratitude for his friendship. I wish for him and his devoted wife, Edna, many more years of health and happiness.

Mr. WYDLER. Mr. Speaker, it has been my pleasure to serve with Congressman Porter Hardy since becoming a Member of the U.S. House of Representatives. I served with him on committees and found him to be an able and dedicated man. He has served his country and his constituents well and I know the Nation is grateful for the years he has given to it. I admire and respect him, both as a man and as a Congressman.

Mr. VAN DEERLIN. Mr. Speaker, I know that in voicing my regret at the retirement of Congressman Porter Hardy I am but echoing the deep and sincere regret felt not only by my colleagues, but by his constituents in the Second District of Virginia.

Since he was first elected to Congress in 1946, Congressman Hardy has served well, faithfully and untiringly not only his constituents, but the Nation. A measure of his achievements is given by the growth and development of the great naval base at Norfolk, in the heart of his district, a base which plays a major role in the defense of our Nation. Representing as I do an area which includes a major part of a rival Navy base, I have a particularly keen awareness of the accomplishments of Congressman HARDY on behalf of the Norfolk Naval Base.

The wise counsel and the dedicated and unselfish efforts of Congressman PORTER HARDY will be missed by his colleagues, by his constituents and by the Nation. He has served us well, and we wish him well.

Mr. CORMAN. Mr. Speaker, I wish to join my colleagues in paying tribute to Congressman PORTER HARDY, JR., of Virginia, who is retiring at the adjournment of this Congress.

Congressman HARDY has served in this body with dedication for 22 years, and his abundant record reflects his devotion to his country, his State, and his constituents.

It is a sad time, each election year, when we hear of the retirement of a number of friends and colleagues who have spent many years in this House. Each time this happens a void is felt, and never quite replaced. PORTER HARDY will be sorely missed in these Halls.

I wish him well in his retirement, and many years of a contented, happy, and healthy life.

Mr. FEIGHAN. Mr. Speaker, PORTER HARDY has been my friend and colleague for more than 20 years, and for the past few years we have been office neighbors. He is a gentleman, an able legislator, and a distinguished statesman. His enthusiasm for his work and his loyalty and dedication to his constituents have been exceeded by few in this body. He has been a tireless worker and has never spared himself from the responsibilities of his official duties. He has done outstanding and remarkable work in his committee and his colleagues have great respect for his ability and hold him in high esteem.

PORTER is a man of warm personality and a keen sense of humor. He has enjoyed great popularity among his colleagues and he certainly will be missed in the next Congress.

To PORTER, I extend my best wishes for many years of vigorous health and hope he will enjoy the leisure which he has so arduously earned.

Mr. FUQUA. Mr. Speaker, the retirement of Congressman PORTER HARDY, JR., of Virginia, at the close of this session will bring to an end a congressional career of 22 years for one of the most distinguished Members of this body.

I have valued the friendship of my colleague and respect him as a dynamic individual who spoke his mind and voted his convictions. He was fair and open-minded as he went about his business of serving his State and Nation.

He has been a most effective member of the Armed Services and Government Operations Committees of the House.

Since his election to the 80th Congress on November 5, 1946, he has evidenced a keen interest in all phases of our National Government and economy. His perception of the problems confronting the Nation made him one of the most respected of the 435 Members of this House.

I think it well to note that Members on both sides of the aisle like and respect this outstanding man for his ability and integrity.

A native Virginian, this farmer-businessman graduated from Randolph-Macon College in 1922 and attended graduate school of business administration at Harvard. He has been honored many times for his civic and governmental contributions along with the 11 times he has been sent to the Congress by the people of his district.

I shall personally miss his presence in the 91st Congress, for I feel we are losing one of our most valuable Members.

To his wife and family and to Congressman HARDY I extend my best wishes for many happy and healthy years of retirement. He can take great satisfaction in the contributions he has made to Virginia and to these United States.

Mr. McCLORY. Mr. Speaker, it is a privilege to join in this tribute to our colleague, Congressman PORTER HARDY, JR., of Virginia, who has voluntarily chosen retirement at the end of this session of Congress. Congressman HARDY and Mrs. Hardy were among the first to befriend the late Mrs. McClory and me after my election in 1962. Their friendly reception and thoughtful assistance contributed to make our first days in Washington both meaningful and enjoyable.

As a former member of the House Committee on Government Operations, I became intimately acquainted with the conscientious service of PORTER HARDY in behalf of the American people. His fearless and impartial exposures of irregularities and unauthorized expenditures by public employees have always been directed toward maintaining a high level of morality in government. PORTER HARDY's personal adherence to principles of integrity and honor have been demonstrated throughout his public and private career and have marked him as a man of stature in the Halls of the U.S. Congress.

Just as PORTER HARDY has brought honor to himself by his illustrious career and record of public fidelity, so he has brought credit to all of us in the House of Representatives.

I am pleased to join in this expression of respect to Congressman PORTER HARDY, JR., and to extend to him and Mrs. Hardy my affection and good wishes for the future.

Mr. MORSE of Massachusetts. Mr. Speaker, I am pleased to join with my colleagues today in wishing Godspeed to one of our colleagues who will complete 22 years of service in this body this year.

PORTER HARDY has been a hard-working legislator ever since he came to the House in the 80th Congress. As a member of the House Armed Services and Government Operations Committees he has kept a watchful eye on our national security and on the efficiency and effectiveness of our Government programs.

Coming to the House with a fine educational background, including, I am pleased to note, 2 years at the Harvard Business School in my own State of Massachusetts, and a notable business record of achievement, PORTER has lent his talents to the public interest for more than two decades.

I am sure I share the best wishes of us all for a productive and happy retirement.

Mr. LONG of Maryland. Mr. Speaker, I am pleased to join in this tribute to an outstanding Congressman and good friend, PORTER HARDY, JR., who will be retiring from Congress at the end of this year.

PORTER has served with distinction for 22 years in the House of Representatives. He has represented the people of the Second District of Virginia with exceptional ability, and always with his country's best interests at heart.

It was my privilege to serve with PORTER on the Armed Services Committee where I was able daily to note his keen knowledge of our national defense problem and his balanced good judgment.

Our respected colleague's retirement marks the end of a long and illustrious career. We in the House of Representatives shall miss him, sharing with his constituents, his State, and the Nation the loss of an able lawmaker and a dedicated public servant. I wish for PORTER a full and rich retirement and extend to him my best wishes for good health and happiness in the years ahead.

Mrs. KELLY. Mr. Speaker, I wish to join with my colleagues today in paying special tribute to our friend and colleague from Virginia, the Honorable PORTER HARDY, JR., who is retiring from the House of Representatives at the close of this session. PORTER HARDY has served in the Congress with great honor and intelligence for nearly 22 years. I have been most fortunate to have been able to serve with him for over 19 of those years.

Many of my legislative responsibilities were made lighter by the deep sense of humor which my friend PORTER HARDY so often exhibited. But the Nation will miss PORTER HARDY because he brought to his committee assignments on the Committee on Armed Services and the Committee on Government Operations a tremendous capacity for work. He worked diligently on these committees so that the explanation he gave to his colleagues of the details of legislation during debates in the House were easily understood by all. This ability plus PORTER HARDY's sense of humor and the tone of his oratory will indeed be missed by all who have served with him in the House of Representatives.

In addition I have a special fondness for PORTER HARDY because he married a gal named "Edna."

My best wishes go to you, PORTER, and to your entire family for many years of continued health and happiness together.

Mr. TEAGUE of Texas. Mr. Speaker, although I have some misgivings about paying tribute to a man who has decided that the heat in the kitchen is hot and leaves us to carry the pan, I want to say a few words in behalf of PORTER HARDY who has served in this great body with distinction since his election in the 80th Congress.

PORTER arrived in Congress a short 6

months after me and since that time we have both been involved in legislative matters relating to our national defense, the men who serve in our military and our veterans.

I did not get to know PORTER very well until about the 84th Congress when I was appointed to serve on a Select Committee on Survivor's Benefits of which PORTER was named chairman. It was a monumental task confronting the five members and small staff; but with PORTER's capabilities and energy, a bill was reported and subsequently passed which simplified the procedures and methods for filing for and improved the benefits paid the survivors of members of the Armed Forces. Much of the success of this select committee can be attributed to PORTER HARDY.

Although I have not served on another committee with PORTER since that time, I have watched his efforts to reduce waste, increase efficiency and endeavor to bring about some sanity in the operation of this vast Government of ours. I join with his many friends in this body in wishing him Godspeed.

Mr. REUSS. Mr. Speaker, the retirement of the able and distinguished gentleman from Virginia at the close of this session will leave a void that will be difficult, if not impossible, to fill in this House.

For more than two decades, PORTER HARDY has rendered outstanding service to his district, his State, and to his country, and he has provided an example of wise and prudent legislative craftsmanship that has been an inspiration to his colleagues. I am proud to be numbered among his friends.

I have served with PORTER on the Committee on Government Operations since coming to the House. Eleven years ago, under his chairmanship, our Subcommittee on International Operations made a notable tour of our Nation's outposts overseas to gage the effectiveness of the mutual security program. The result was a report that was a landmark of its kind—and much of the credit for it was due to him.

In his post as chairman of the Special Investigations Subcommittee of the Committee on Armed Services he has waged a highly effective battle against waste and inefficiency that has saved the Nation's taxpayers millions of dollars.

PORTER HARDY will be sorely missed, not only by his friends and colleagues in this body, but by everyone concerned about wise and prudent government.

Mr. BROYHILL of Virginia. Mr. Speaker, I am pleased today to join my fellow Virginians in paying tribute to a distinguished Virginian, a distinguished statesman, and a distinguished American, the Honorable PORTER HARDY, JR., of Portsmouth.

Since coming to Congress 16 years ago, I have known PORTER HARDY as a brilliant colleague, a willing advisor and a trusted friend always ready to work with others for the betterment of the people of Virginia and of the Nation. His contribution to the smooth operation of our armed services has earned him accolades from the members of the Armed Services Committee he has served so well, and from members of the services around the world. He will long be remembered as an outstanding legislator, I am sure.

PORTER's retirement at the end of this session gives me a feeling of personal loss, which I know is shared by all the Virginia delegation as well as by our colleagues on both sides of the aisle. We wish for him and his family many years of happiness, good health, and success in their every endeavor.

Mr. PATMAN. Mr. Speaker, the fact that our colleague, PORTER HARDY, JR., has seen fit to terminate his long service to the people of Virginia with this session of Congress is deeply regretted by all his associates, because we have come to rely greatly upon his good counsel and aggressive vigilance in many sensitive areas of our governmental operations. His extraordinary vigor and keen perceptions have made him the master of innumerable facts and complex procedures to the extent that he has been one of the great guardians of the public interest. His intolerance of ineptitude, sloth, and fumbling are well known, and to an incalculable extent the public is indebted to PORTER HARDY for improving the efficiency and excellence of our Federal service. I am happy and privileged to join with his great host of well-wishers today to express my sincere personal regret that he is leaving the House, and to state my belief that whatever the career or professional path he chooses to follow, PORTER HARDY will always be a constructive and positive force for the well-being of his fellow citizens.

Mr. FULTON of Pennsylvania. Mr. Speaker, we are all proud of the service PORTER HARDY has rendered to the people of Virginia and the U.S. Congress. His devotion, hard work and dedication have made him an outstanding Member of the House of Representatives.

PORTER HARDY is the type of congressman that does his homework, and is, therefore, a Member who is listened to by the House membership when he takes the floor of the House of Representatives to state his views or make his reports.

As a member of the important House Armed Services Committee, PORTER HARDY has been ever ready to help solve problems in connection with the Armed Services of our good country and has been especially helpful to me in following up for small business concerns to see that they are given their full share of attention with the large contractors and receive equal justice in the Department of Defense and the various military service departments and agencies.

"Willingness" is a word that comes easily to the lips, but the kind of willingness we speak of when we refer to Congressman PORTER HARDY's accomplishments means a steady, ready, pleasant, and competent willingness with which he has performed his duties and cooperated with his fellow Members of the U.S. Congress through the years. The definition of that kind of "willingness," which is PORTER HARDY's happy trademark, is a long-time brand of good will which would take a book to define and demonstrate.

It is a pleasure to have his friendship and to wish him well in the years ahead. Cheers for Congressman PORTER HARDY, his "willingness," competence, integrity, and good humor.

Mr. FRIEDEL. Mr. Speaker, it is with sadness that I rise to pay tribute to our highly esteemed colleague who has decided not to seek reelection to the Congress.

From the time the 80th Congress convened in January 1947 to this very day, we here in the House of Representatives have had the benefit of the wisdom, insight, and statesmanship of a truly great American—the Representative from the Second District of the Commonwealth of Virginia, the Honorable PORTER HARDY.

A true gentleman of the South in the best sense of the word, his patriotism and dedication to what is best for our country has been clearly shown on numerous occasions, particularly when he appeared before the Committee on House Administration on behalf of the Special Investigation Subcommittee of the Armed Services Committee of the House and as chairman of a number of other special subcommittees.

As chairman of the Subcommittee on Foreign Operations and Monetary Affairs, he conducted extensive studies of the administration of the U.S. foreign aid programs throughout the world. It was not just because of his education at Randolph Macon College, nor his training at the Harvard University Graduate School of Business Administration that makes him a distinguished Congressman and penetrating investigator, but it is because of the brilliance and keenness of mind and intense interest in the affairs of Government.

The achievements of our colleague and his record as a Representative has impelled the Richmond News-Leader of February 26, 1968, to state in an editorial:

> The announcement from Congressman Porter Hardy, Jr., that he will not seek reelection comes as a stunning blow to this Commonwealth. If he be persuaded to reconsider, and to stay in the House for a few more years, every possible effort should be made in that direction. Virginia and the Nation can ill afford to lose Mr. Hardy's experience, ability, and total integrity.

I heartily agree with this statement. Recently this distinguished and able Member of Congress—our beloved colleague, PORTER HARDY, JR., was appointed to the board of trustees of his alma mater—Randolph Macon College and to the board of Virginia Wesleyan College. The Merchants and Farmers Bank of Portsmouth, Va., also elected him to its board of directors. So we can see that, although he retires from Congress, and we shall all miss him greatly, he has his future years planned with full activity in the fields of education, finance and industry. He leaves this historic Chamber with our most heartfelt best wishes for a long lifetime of health, happiness, and fulfillment.

Mr. O'NEILL of Massachusetts. Mr. Speaker, it is with a great deal of regret that I note the retirement of PORTER HARDY with whom I have served 16 years in the House. He has been a tireless worker in behalf of his district, his State, and the Nation. His energies have been more than adequate for every task.

As a member of the Committee on the Armed Services he has been responsible for maintaining an efficient, capable defense system. He has been diligent in overseeing the operations of the military and related systems.

PORTER HARDY has served faithfully for 22 years in the House. We shall all miss him and his dedicated efforts in behalf of the Nation.

I wish him a long and happy retirement and hope that he will grant us the continued benefit of his wise counsel.

Mr. DORN. Mr. Speaker, I regret PORTER HARDY is retiring from this great body as during these critical days we can ill afford to lose a Member with his integrity, character, fortitude, and ability. I will always associate PORTER HARDY as a leader with the most challenging period of American history.

When PORTER HARDY came to the Congress in January 1947, he immediately saw Communist Russia as a threat to the security and freedom of the Western World.

PORTER HARDY fought tirelessly and effectively to make America supreme on land, on the sea, under the sea, in the air, and, yes, in space.

PORTER HARDY has been particularly effective and great because he stayed in the middle of the road and moved forward. He was never struggling vainly in the ditch on the left-hand side of the road or mired in the ditch on the right-hand side of the road. He saw America as the great palladin of liberty with no North or South or West, but one great Nation—the heart and core of the free world and he saw America as the arsenal of democracy.

This Congress is a better Congress and our Nation greater today because of his 22 years of devoted and dedicated service to our country.

Mrs. Dorn joins me in wishing for him and his fine family every continued success and happiness always.

Mr. KLUCZYNSKI. Mr. Speaker, if the majority of the American people were aware of what they owe to the work of PORTER HARDY in this House of Representatives over the past two decades, there would be a nationwide outpouring of thanks. There would be a national expression of acclaim for his service here and regret that he has chosen to go on to other endeavors.

There should be fulsome gratitude by our people for what PORTER HARDY has done here. But knowing the man, there may not be. During his long tenure among us, PORTER HARDY submerged his own personality under the role of an honest, hard-working public servant. I could cite at least a dozen spectacular achievements of his, which could have made him an international figure with justifiable publicity.

Given a big task, he carried it through with extensive hearings and investigations, made his report to the Congress, but refused to get out a press release.

PORTER HARDY was a dedicated guardian of the public purse and a relentless foe of inept governmental functions or functionaries, heedless waste of the taxpayers' dollars, and an effective reformer and organizer of outmoded and ineffective Government operations.

As a member of both the Committees on the Armed Services and Government Operations, he headed subcommittees keeping a watchful eye on expenditures for foreign aid, military operations, the defense posture of our country and use of funds by domestic agencies and programs.

Only recently, it was estimated reliably by objective commentators on congressional activities, that PORTER HARDY saved the American taxpayers so many billions of dollars that it would be hard to estimate exactly.

PORTER HARDY accomplished spectacular things, but refused to court or want spectacular applause. But we, his colleagues know and appreciate the service he gave to the Congress and to what was beneficial for our Government and people.

After 20 years of trojan labors, PORTER HARDY deserves a respite. He may be leaving this House, but with his energy and talents it does not mean retirement. We wish him Godspeed and luck in whatever he chooses to do.

Mr. DICKINSON. Mr. Speaker, Congressman PORTER HARDY, JR., is a man of unusual abilities, who, during the last 22 years, has served his country with distinction and honor. His retirement, at the end of this session, is the Nation's loss.

As a man of business and agriculture, Congressman HARDY is familiar with the problems of economy so central to the national interest. As a member of the House Armed Services Committee and the Government Operations Committee, he is expert in his understanding of the democratic process and the function of constitutional government.

Furthermore, his civic interest and concern admirably suit him to the congressional task. He has been honored by the Hampton Roads Foreign Commerce Club, by the Hampton Roads Post of the American Society of Military Engineers, and by the city of Portsmouth, of which he was chosen First Citizen.

He is, moreover, a devoted husband, father, and churchman, embodying the best of American ideals in his life and character. He will be sorely missed by all of us who have worked with him through the years, and, of course, by his constituents who have seen fit to elect and reelect him.

It is my hope that he will find continued success in whatever endeavors he will now pursue, both in private and public life, and that he will continue to devote his attention to the civic problems of which he has so profound an understanding and in which he has demonstrated such intense interest. PORTER HARDY has earned our respect as well as our gratitude, and these will not diminish with the passage of time.

Mr. VANIK. Mr. Speaker, I am privileged—and somewhat saddened—to join with my colleagues in paying tribute to one of the Members of this Chamber who is retiring at the conclusion of this Congress. The Honorable PORTER HARDY, of Virginia's Second Congressional District, is one of the House of Representatives hardest workers and finest legislators.

PORTER HARDY has served both Virginia and the Nation well for 22 years in the House of Representatives. For all his life he has been an active and involved citizen.

Congressman HARDY has made distinguished contributions to legislation by his work on Government Operations and his leadership in the House Armed Services subcommittees.

He is my friend and counselor.

His integrity and contributions have brought distinction to this Chamber and to this office.

Mr. WHITENER. Mr. Speaker, I join with my colleagues in expressing my great sense of personal loss in the retirement of our friend and distinguished Representative from Virginia, the Honorable PORTER HARDY.

The people of his district, State, and the Nation sustain the loss of one of the most able and conscientious Members of the House in the retirement of PORTER HARDY.

He came to the House in 1947. His devotion to the principles of sound government and his untiring efforts in the service of the people of his district soon won for him the respect and admiration of all who came to know him.

PORTER HARDY has served with distinction as a member of the Armed Services Committee. He has worked diligently in behalf of our Armed Forces. Always a vigorous supporter of a strong national defense, PORTER HARDY has contributed immeasurably to the security of his Nation and the free world.

His work on the Committee on Government Operations has been marked by the same diligence and devotion that has characterized his service on the Armed Services Committee. He has made substantial contributions to the efficient and economical operation of the executive agencies and departments of the Government.

Mr. Speaker, PORTER HARDY is a friend and able colleague who will be sorely missed in the House. As he retires, however, he can take with him the knowledge that he has performed the many demanding duties of his high office with ability and distinction.

His district, State, and the Nation have been greatly benefited by the public service of PORTER HARDY. He deserves high commendation and praise for his efforts. I wish for him many years of health and happiness as he retires from the Congress.

Mr. UTT. Mr. Speaker, I compliment my colleague for taking this special order to pay tribute to PORTER HARDY, who has chosen to retire from this political arena. PORTER has been a dedicated public servant for many, many years, and I especially appreciate his work which he has done on his subcommittee investigating waste and inefficiency in our Military Establishment throughout the world.

When I first came to Congress, I began watching for the Porter Hardy reports on his investigating trips and realized how much money one Member of Congress could save the taxpayers by making these trips to our military bases around the world and recommending changes in administration that would reduce or eliminate the vast amount of waste which comes with a huge Military Establishment. The savings which Porter Hardy made on behalf of the taxpayers would return the cost of his trips a thousandfold.

This body will miss Porter Hardy, but I join my colleagues in wishing him enjoyment in his retirement and satisfaction in knowing that he has rendered great service to his district, his State, and our Nation.

Mr. COLMER. Mr. Speaker, it has been my privilege and genuine pleasure to serve in this great body with the able and dedicated Member from Virginia, my friend, Porter Hardy, Jr. I have known, admired, and respected him during the 22 years that he has served his district, his State, and the Nation with such distinction and credit. And it is with deep sorrow and regret that we bid him farewell upon his retirement—all of us will suffer a great loss. For no man has been more diligent in serving his people and the Nation.

Porter Hardy is a distinguished American and a man of political courage and independence. He always makes up his mind on the facts and the justice of any matter considered. He is not easily swayed. In fact, he has even been charged with bordering on stubbornness where a matter of principle was involved. I am sure that the entire Nation is indebted to him for the contributions he has made as a high-ranking member of the House Armed Services Committee and the House Government Operations Committee.

Mr. Speaker, I am happy to join with the many other friends of Porter Hardy in paying him respect and extending admiration and good will to this stalwart son of Virginia. I wish for him and Mrs. Hardy good health, happiness and continued success in the years that lie ahead.

Mr. BELCHER. Mr. Speaker, I certainly want to join my colleagues in expressing appreciation to Watt Abbitt for arranging this occasion. It is a genuine pleasure and privileges to have this opportunity to honor one of the finest gentlemen ever to serve in this body, the gentleman from Virginia and my good friend, Porter Hardy.

His graciousness and unfailing courtesy, both in the Halls of this Congress and outside its Chambers, have always epitomized the gentility for which his region of our great country has been complimented throughout our history. His presence has added a warmth and dignity to the affairs of state in this body which have been welcomed and valuable to us all.

Porter Hardy has served his State and his Nation ably and conscientiously in this body for 22 years, ever since his election in 1946. Throughout his lifetime he has been a valued and active member of his community and of the life of his State and of this country. Now that he has chosen not to seek reelection to the Congress, we shall miss him, but I know that the exemplary service of a lifetime will continue as he and Jane take up a new role.

My very best wishes to you, Porter, and to Jane and your family. Godspeed, and come back to see us often.

Mr. McCORMACK. Mr. Speaker, the end of the 90th Congress will bring to a voluntary close the career of one of our most distinguished colleagues, Representative Porter Hardy, Jr. Congressman Hardy has served in this body since 1946; the fact that his constituents have seen fit to return him to office so many times is a tribute to the quality of his performance as a legislator.

I have known Congressman Hardy since he was elected to the House of Representatives, and I can think of no man who more highly deserves tribute. He has always demonstrated the steady adherence to principle, the determination to firm action which constitute a man of exceptional merit. His interests and attainments in civic, agricultural, and business enterprises are indicative of a man who knows well the most vital areas of practical concern in Government and public life. He is known in his own State as a man of particular distinction, having been honored by numerous civic groups and organizations. He has served the U.S. House of Representatives as a member of the Government Operations Committee and of the House Armed Services Committee, with constant attention to the tasks set before him.

Congressman Hardy is a man of impeccable integrity, truly in the tradition of Virginia statesmen. His example is worthy of tribute, and his absence will be lamented. To Congressman Porter Hardy, Jr., therefore, I extend my sincere good wishes for a future which can only be crowned with continued success.

Mr. SATTERFIELD. Mr. Speaker, no one who knows Porter Hardy and certainly no one who has had the privilege to be closely associated with him can contemplate his retirement from Congress without a feeling of sadness and a sense of loss.

No Congressman has ever devoted himself more fully to the service of his district, State, and Nation than Porter Hardy, for his has been a tireless and selfless labor. We know and time will attest, that he has made a profound contribution to the future of this great Nation.

No one who has witnessed his dogged determination and his keen perspective in action can question his value and I am certain that no one who has been confronted by his peering inquisitiveness and probing thirst for fact can doubt his effectiveness.

Without a shadow of doubt his presence on our Armed Services Committee has been a source of comfort to all who are concerned with our Nation's defense capability, the establishment which provides it and legislation which affects it. His intimate knowledge of the Department of Defense, its origins and its operation, has enabled him to render unique and valuable service. At the same time it accentuates the void that his retirement will create.

We applaud him now for demonstrating that stubborn individuality that so clearly identifies him with his decision to voluntarily retire and I suspect we envy him, too. However, I am certain that his colleagues join with me in expressing the hope that his self-imposed political exile to realm of peace and tranquillity will not be interminable and that his talents, now at their zenith, will continue to be employed in the service of his country, to make ours a more perfect nation and to insure its continued strength.

With this thought and with this hope we all join to wish him continued health, happiness, and prosperity.

Mr. GARMATZ. Mr. Speaker, it is a privilege to join with my colleagues in paying tribute to Porter Hardy at this time, but not a pleasure, since it is being done as he nears the end of his service in this House.

For 14 years we have served on the Government Operations Committee and we became good friends. His friendship has been an inspiration to me in my public and private life.

His outstanding record on that committee and the Armed Services Committee has resulted in great benefits to the Nation, because of his dedication to his work as a member of those committees.

The fact that he has represented his district longer than any of his predecessors and has never had primary opposition, speaks loud and well of the esteem in which he has been held by his constituents. His leaving the House will be a very great loss to them, to his friends and colleagues, and to the Nation.

For Porter and Mrs. Hardy I wish a long and happy retirement, for it has been well earned and they deserve the best.

Mr. PASSMAN. Mr. Speaker, I have enjoyed the friendship of Porter Hardy since he and I became Members of the Congress 22 years ago. During this time he has devoted his best efforts and many talents in service to the people of his State and for the betterment and welfare of our Nation.

Those of us who have been privileged to know Porter during his tenure as a Member of this body are well aware of his devotion to duty, and our country has benefited from his business acumen, his untiring efforts, and his high sense of honor. His voice in the House has frequently been heard in the interests of sane fiscal management, and his decision to retire from the Congress will deprive us of the wise judgment, deep sincerity, and integrity of this gracious gentleman from the Old Dominion.

Personally, I shall miss Porter Hardy as a friend, a colleague, and as an office neighbor. I am sure that each Member of the Congress joins me in wishing for him the best that life can offer as he retires from public service.

Mr. O'HARA of Illinois. Mr. Speaker, it has been 20 years since first I met Porter Hardy, Jr. In the years of our association as Members of this body, I have come to regard him as one of the hardest workers of the House, a statesman of great ability and of dedication and a friend of enrapturing warmth. In the years of his voluntary retirement, he will have my very good wish for health, happiness, and contentment. He well has earned the plaudits of his State and country. He is a fine gentleman and an outstanding legislator.

Mr. AYRES. Mr. Speaker, we who are native Virginians are indeed proud of the long list of Virginia-born patriots who have served their Nation so well. No such roll of honor would be complete without the name of PORTER HARDY, JR.

That illustrious gentleman offered me the hand of friendship 18 years ago when I first became a Member of this body and that friendship has been constant since that time. We found that the qualities that had been indoctrinated in us by our fathers—both Methodist ministers—gave us a common bond.

Congressman PORTER HARDY, JR., applied his fine legal mind to the affairs of this Nation and created legislation that will stand forever.

Many of us, on both sides of the aisle, turned to him for guidance on matters affecting our armed services. His 20 years of service on the Armed Services Committee was outstanding as was his service on the Government Operations Committee.

This eminent Member of Congress has added another leaf to the crown of laurel that surrounds the name of our native Virginia. We who had the pleasure and honor of having served with him were indeed blessed.

He will be sorely missed.

Mr. SLACK. Mr. Speaker, nearing the final days of this 90th Congress, we come also to the remaining days in which our deliberations will be graced by the presence of our retiring colleague, Congressman PORTER HARDY, JR., of Virginia.

We shall all miss his strength of spirit, forthright expression, and independence of mind. Over the years he has earned our deep regard and affection for his ability to insist that the spotlight of truth be focused upon situations which should be brought to the attention of the public. By his official actions many changes have been instituted to the general advantage of our country, particularly in the vast defense program which involves such a large percentage of the national budget.

I hope he will go forth to new endeavors outside the Congress secure in the knowledge that he leaves behind an array of friends who will remember him with respect for so long as they, themselves, continue to serve in this body.

Mr. FISHER. Mr. Speaker, I associate myself with other Members of this body in praising the great service that has been rendered by PORTER HARDY, JR., during the time he has served here.

His record speaks for itself. He has been a courageous, independent, and effective Representative. It is most unfortunate for the country that PORTER is leaving Congress. I join with my colleagues in extending to him my best wishes for the future. I am sure that his great talents will be made available for other public service in the community and State where he lives.

Mr. HERLONG. Mr. Speaker, I want to associate myself with those Members of the House who have paid tribute to PORTER HARDY, who is retiring from Congress at the close of this session.

He has been an indefatigable legislator and he will be sorely missed by the people of his district and the country as a whole. He has served with great distinction for 22 years and has surely earned the right to pass on the cares of office to his successor.

He has been my good friend and my prayers go with him in his retirement. Even in retirement, his wise counsel will, I am sure, be available to us and to his friends at home in Virginia. It has been a real privilege to have served with him.

Mr. DAWSON. Mr. Speaker, on September 25, 1968, a number of highly respected Members of the House spoke in well-deserved tribute to my good friend and colleague, PORTER HARDY. I was necessarily absent on that day, but certainly do not want to allow the occasion to pass without adding my few words about that brilliant, dedicated, and hard-working Virginian.

PORTER HARDY has for many years been one of the strongest members of the Committee on Government Operations. His investigations and studies into the fields of foreign operations and of monetary affairs received wide attention and acclaim. In fact, although he gave up his subcommittee chairmanship in 1963 in order to give greater attention to military affairs, we still receive many requests for his reports.

In the past 2 years he again became more active in the committee's constant effort to improve governmental efficiency and economy. In the 90th Congress he has chaired hearings and meetings leading to very important and significant reports on the costs involved in the use of support service contracts by Federal agencies, on the financing of wheat exports under Federal programs, and on recreational boating safety. A measure of his energy and of his dedication to the public interest is the fact that while he was spending many hours on these matters he was also carrying on a full program for the Armed Services Committee.

PORTER HARDY's decision to retire from Congress at the end of this session will leave a large gap for us to fill, but the example of his life, his record, and, above all, his integrity will inspire us to strive mightily to make those extra efforts filling the gap will require.

In closing I want to express my great appreciation for the help and the support PORTER HARDY has given to the committee and to me over the years we have worked together. I could not have asked for nor received more.

Mr. BEVILL. Mr. Speaker, I appreciate this opportunity to pay tribute to the Honorable PORTER HARDY, JR., who is retiring from Congress at the end of this year.

Congressman HARDY has served the people of his congressional district with distinction since his election to the 80th Congress. Congressman HARDY was born in Bon Air, Chesterfield County, Va. He was educated at Randolph-Macon Academy, and in the public schools of Virginia.

Congressman HARDY has been particularly active in matters relating to personnel of the military services and was the author of survivor benefits legislation which brought together a variety of laws which had been enacted piecemeal throughout the years.

Congressman HARDY has served on the Armed Services Committee for 20 years. He was named chairman of the Special Investigations Subcommittee in January 1963. In August 1967 he was named chairman of a Special Subcommittee on National Defense Posture.

His colleagues in the Congress view Congressman HARDY as one of the ablest men among them; a forward-looking man who represented his people in the very highest tradition of public service.

The services of our colleague and friend from Virginia, Congressman PORTER HARDY, JR., will, indeed, be greatly missed.

Mr. FASCELL. Mr. Speaker, I regret that my friend and colleague, the Honorable PORTER HARDY, JR., of the Virginia Second District, after 12 terms is retiring from these halls. PORTER HARDY has served his district and the country with notable ability throughout his tenure in the House.

Knowledgeable in both business and agriculture, he has helped formulate House policy on hundreds of issues vital to the welfare of the country. Thoroughly familiar with military matters, he has performed with brilliance on the Military Affairs Committee. And as an expert on governmental affairs, he has been a mainstay of the Government Operations Committee.

Here is a man proficient in every field; all who have known PORTER HARDY have come to regard him as a remarkable American.

His performance in the House has earned him the respect of everyone familiar with the facts. His vast capabilities have rendered him an outstanding Congressman. His positions are taken with conviction and candor. His attitude is always frank and refreshing. He will be missed by all of us who know him and and have worked with him all these years.

To Congressman PORTER HARDY, JR., I extend my best wishes for the future and congratulations for a job exceedingly well done.

Mr. ROSTENKOWSKI. Mr. Speaker, it is with a feeling of sadness that the time has come to say goodby to an old friend. There was a song that Sophie Tucker made famous about friends. Speaking of new friends, the song said "These are silver"; but in hushed reference to one's old friend Sophie would sing, "Those are gold."

PORTER HARDY, JR., certainly falls in the latter category as far as I am concerned. He has served 11 terms consecutively from the 80th to the 90th Congresses. Through my tenure which runs from the 86th Congress, PORTER has been a source of inspiration.

He is a member of the Armed Services Committee, and is chairman of its Special Investigation Subcommittee, and its Subcommittee on the National Defense Posture. He is one of the foremost exponents and experts on military construction and this year served as chairman of a Subcommittee on the Antisubmarine Warfare Laboratory.

As a member of the Government Operations Committee he was chairman of the Special Study Subcommittee, and in previous Congresses served as chairman of the International Operations Subcommittee and was the chairman of the Subcommittee on Foreign Operations and Monetary Affairs.

Porter will be leaving us to return to Portsmouth, Va., and a little of the pleasures that that beautiful State affords. I am afraid that this next Congress is going to be the poorer without him. In times such as these we need his knowledge and experience in military affairs.

His seat in this great Congress will in good time be filled but Porter Hardy, Jr., can never be replaced.

Mr. DOWDY. Mr. Speaker, it is a pleasure to pay tribute to a friend and colleague, Representative Porter Hardy, of Portsmouth, Va., who has chosen to retire from the House at the end of this present term.

Congressman Hardy, Representative from the Second District of Virginia, has been an outstanding and able Member of this body since 1946. He has served in the House with effectiveness and devotion and is an inspiration to all of us who have served with him.

Among the many honors which have been paid Congressman Hardy since he was elected to the 81st Congress, is the "First Citizen of Portsmouth" Award. Such an honor, coming from his friends and neighbors—those who know him personally and intimately—speaks more truth than all the volumes which could be written about him, and illuminates the fact of his fine character and warm, earnest personality.

He could have continued to remain in the House as long as he desired; however, he has chosen to return home and this is understandable. We shall all miss his advice and counsel in these trying times, but we are gratified by the hope that he will find much pleasure and happiness in his great accomplishments while a Member of the House, and that he will be content in future undertakings—doing all those things he has always wanted to do but for which there was never time because of the press of public service.

I am certain that retirement from the House of Representatives would never stand in the way of Porter Hardy should service to the great Commonwealth of Virginia be required of him.

Mr. ROBISON. Mr. Speaker, I am indeed sorry to note the retirement of the distinguished gentleman from Virginia, Porter Hardy, from this body.

It has been a privilege to have known and served with Porter—and to have had the benefit of his wise counsel and friendship. Others have commented upon the work he has done, as a long-time member of the Armed Services Committee, and it would be difficult to summarize that work in words other than those of highest praise.

This is because Porter Hardy saw the opportunity of service in this body in terms of a public trust—and to that trust he has been ever faithful. By his example of devotion to duty, by his fairness, and by his integrity—a quality which particularly illuminated everything he did and everything he said—he has been an inspiration to all the rest of us, and one that we shall remember.

I wish him and Mrs. Hardy health, happiness, and continued success in the years that lie ahead of them.

Mr. FOUNTAIN. Mr. Speaker, occasions for tribute to friends and colleagues who are leaving our midst are really sorrowful occasions. None of us are ever completely the same when we no longer have the opportunity of fellowshipping and working with them.

But the Almighty has so predestined our lives and our time that we can do little about it. Consequently, even in sadness, I join my colleagues in paying my own personal tribute to my friend, of long standing—Porter Hardy. I do so with much more than a passing interest, because for almost 16 years now I have closely worked with him, not just as a fellow Member of this body, but on the Government Operations Committee. During that time, I have come to know and to appreciate Porter Hardy for the wonderful and talented person that he is and for the great and statesmanlike job he has been doing, not only for the people of his district and State, but for this Nation. I look upon him as a true and trusted friend, as well as one of the most energetic, diligent, capable, and competent Members of this House.

We in the Congress get accused of all sorts of things. There are those who think we have ulterior motives of one kind or another. Some even think we make money here. Others know of the years of service we are giving and have given. There are a few who fully appreciate the contributions of a man and public servant like Porter Hardy. In spite of all that is said about us and done toward us, however, during the course of time lasting friendships are established. It is not the usual kind of friendship. Some are not even as close as we usually think of friends. But it is a unique kind of friendship, and appreciation of each other that holds and binds us together and makes us miss one another when our time here has come to an end, voluntarily or otherwise.

Your friend and my friend, Porter Hardy, will be one of those greatly missed by those who remain in this institution for the years that lie ahead. For 22 years, Porter Hardy has served in this House with great distinction, integrity, and singleminded devotion to duty. Like others who have spoken, I will miss him if I am still here next year, but I sincerely hope to have the opportunity of crossing paths with him at other points and places, since our homes are not very far apart.

Porter Hardy has earned the right to spend the remainder of his life in whatever way he may choose. Certainly, he is entitled to a rest from his labors here.

Nevertheless, this Congress and this country will lose the services of one of its most valuable public servants. I am sure Porter's successor, whoever he may be, will also seek to do a good job. Like others of us, however, who were preceded by great men, his successor will have a difficult task.

The people of this country are indebted to Porter Hardy for his overall public service here in the Congress, but they are particularly indebted to him for his resourcefulness in uncovering and eliminating waste in Government operations. As a member of the Government Operations Committee, and as chairman of one of its subcommittees and on special subcommittees of the Armed Services Committee, he has worked hard, sincerely and with great dedication at this role of overseer of our Nation's Treasury. Because of him, hundreds of millions of dollars have been saved the taxpayers, and hundreds of other millions have been more wisely spent.

I do not know how many know it, but Porter is one of a unique group of men here in the Congress, those who call themselves farmers and yet who attended Harvard University and other outstanding institutions of learning. I think such combinations are good for the country and are to be commended, especially with Porter Hardy as our example.

Even as a young man, Porter Hardy did not permit the lack of necessary farm equipment not yet invented to interfere with his determination to get a job done and to get it done properly. He has a reputation for, time and time again, going into his shop and coming out with some innovation equal to the task at hand.

Truly, Porter Hardy has demonstrated this capacity in the Congress. In fact, when I learned of this reputation he had as a young man, I suddenly thought of him as doing just that sort of thing on a much broader scale in the interest of his country, whether it be legislation dealing with military survivor's benefits, or helping his constituents with their problems or doing his best to insure the wise and efficient expenditure of public funds. In fact, when I discovered that Porter was born in 1903, I suspected that he had engaged in some innovative processes to keep himself looking and acting so young. After all, I expect it has been this process of calmly and wisely and faithfully serving others in the spirit of the good Samaritan that has kept him so young.

We here know Porter Hardy as a warm-hearted man of candor, high principles, of intelligence, of patriotism, and a great sense of purpose. Not too long ago a newspaper in Virginia called him a "modern, all-purpose man." That is a rather broad description of Porter, but I am sure all of us will agree that in terms of qualifications, character, dedication, and service, that term fits Porter Hardy. We will miss this "modern, all-purpose man" very much in the days and months to follow the 90th Congress. I am sure that, through his presence back in his home community and State, his people will reap a new kind of harvest flowing from his many years of faithful and dedicated service here in the House of Representatives.

As with Governor Tuck, I consider Porter Hardy one of my best friends here in the Congress. I will sorely miss him and his wise counsel. Especially will I miss serving with him on the Government Operations Committee. Regrettably, these moments must come to all of us one way or another. Porter has doubtless decided to take up at home where he may have to some extent left off when he came here. In any event, I hope and pray that you, Porter, and your fine wife, Lynn, will enjoy during the years that lie ahead, wherever you may be and in whatever you may undertake, an abundance of the best things of life, especially good health and enduring friendships.

Mr. STUBBLEFIELD. Mr. Speaker, it is always with regret that we take note, at the end of a congressional session, of those Members we will lose through retirement. We are unfortunate this year in losing the services of an able and distinguished Member of Congress who has answered the House rollcall for 22 years—the Honorable PORTER HARDY, JR. We do, indeed, regret his departure from among us, but at the same time wish him well in future years.

I have known PORTER HARDY since my own election to the House of Representatives, and I respect him both as a man and a legislator. He exemplifies the highest standard of integrity and gentility, while manifesting a professional competence in every pursuit he undertakes in the course of his legislative activity.

As a business leader and an agricultural expert, he is especially qualified to deal with problems of economy, while his history of intense civic concern lends credence to his stature as a man possessed of political acuity and understanding. To establish a reputation for excellence as PORTER HARDY has done takes both time and talent; a man of his caliber is not easily replaced. His absence will leave an all-too-obvious void, and one which will not be easily filled.

And yet, as it is Congressman HARDY's wish to retire at this time, we would be selfish to begrudge him this well-deserved rest; and accordingly, I offer him my every good hope for the years ahead. I know he will not be content to remain idle; whatever the choice of his future course, he will continue to serve the best interests of his community, his State, and his Nation.

Mr. WHALLEY. Mr. Speaker, I was very pleased to learn from the gentleman from Virginia [Mr. ABBITT] that permission had been granted to pay tribute to an able legislator, Congressman PORTER HARDY, JR.

It is an honor and a privilege for me to join in expressing our appreciation to Congressman HARDY for the services he has rendered in the House of Representatives.

I learned with mixed emotions of Congressman HARDY's announcement that he is retiring from Congress at the end of this year. I am grateful to have had the opportunity of serving in Congress with such a good guy, but his friendship will be greatly missed.

I take this opportunity to wish Congressman HARDY and his family the best of health and happiness in the years ahead.

Mr. ROONEY of New York. Mr. Speaker, for 20 years the gentleman from Virginia, the Honorable PORTER HARDY, JR., has been a giant both in the House of Representatives and on the House Armed Services Committee. His colleagues on that committee say that there will never be another chairman of the Special Investigations Subcommittee comparable to PORTER HARDY and I could not agree more. They say, too, that, when he became chairman 6 years ago, that the tremors from the Pentagon could be felt all the way to the Capitol Rotunda. This is probably true for there are few so endowed with his integrity, candor, and commonsense.

He has a tremendous capacity for hard work and finding the truth as many a miscreant witness who neglected his homework found. The country, the people of Virginia, the Armed Services Committee, and this body will indeed miss these characteristics. But even more will we miss the warm smile, delightful sense of humor, and great dignity that are PORTER HARDY's trademarks. Mr. Speaker, it may well be that the gentleman from Virginia is anxious to get back to that farm. And certainly he has earned that right. But many of us city boys wish he would reconsider.

Mr. ROGERS of Florida. Mr. Speaker, I too join with my colleagues in praising the gentleman from Virginia, PORTER HARDY, JR. I only regret that his decision to retire is the occasion for my comments.

Virginia has boasted, with good reason, of many of her sons who served this Nation. I know that PORTER HARDY will be among those which are singled out for praise after his retirement is effected.

I speak of PORTER as a friend, and yet we all realize the great work which he has done as a member of the Armed Services and Government Operations Committees.

His interests have, however, been the interest of the Nation and those of his district. Among us, there are few who have been more informed on the matters of the defense posture of this Nation.

I know that our country has benefited greatly from PORTER HARDY's service and I personally have benefited from his friendship.

My wife Becky and I wish him and his lovely wife, Edna, much happiness.

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to comment today on the retirement from Congress this year of my good friend and colleague, the Honorable PORTER HARDY, JR., of Virginia.

Congressman HARDY will be ending a distinguished career of 22 years in the House of Representatives. He has represented the people of his district with courage, dedication and ability. As a member of the Committees on Armed Services and Government Operations, he has worked with diligence for the best interests of his district and his Nation.

It has been a great pleasure and honor to have served in the 89th and 90th Congresses with the gentleman from Virginia [Mr. HARDY]. I join with his many friends in wishing him a well-earned retirement.

Mrs. BOLTON. Mr. Speaker, the gentleman from Virginia [Mr. HARDY] is known to all of us as a hard-working and very able Congressman. I am happy to have this opportunity to express my appreciation of his very fine service to our country during the 22 years he has been here. We need Members of his caliber and I sincerely regret that he is leaving.

Mr. HARDY served for many years as chairman of the Foreign Operations and Monetary Affairs Subcommittee of the Committee on Government Operations. I shall miss the challenge of his subcommittee reports. He always seemed to release his reports just as the foreign aid bill was coming to the floor. This placed the Foreign Affairs Committee in the position of having to put through a very unpopular bill against the heaviest of odds.

However, it was good to have this criticism. The Congress cannot afford to look at only one side of the picture. Mr. HARDY has often shown us the "other side" of the coin. I thank him, and I join all of you in wishing him and his family all the best in the years ahead.

Mr. HARDY. Mr. Speaker, will the gentleman yield very briefly?

Mr. ABBITT. I yield to my friend, the gentleman from Virginia, Mr. HARDY.

Mr. HARDY. Mr. Speaker, I am overcome by these overgenerous encomiums of my colleagues. There are no words available to me to express adequately my appreciation.

These 22 years have been during a period of turmoil, they have been filled with many frustrations, and yet, Mr. Speaker, they have been most gratifying years to me—gratifying in large measure because they have been years when I have been privileged to work with the Members of this body in the interest of our country. While we have frequently despaired of accomplishing our objectives, we have done much, and we can take pride in that.

But, most of all, Mr. Speaker, as I leave here at the end of this term, I will carry with me an intense sense of gratitude for the friendship which I have enjoyed in this body. I shall never be able adequately to respond to the genuine friendship of the Members which has been shown to me during these years.

I am particularly grateful to the succeeding dean of our delegation for the part which he has played in this special order here today. Mr. Speaker, I am deeply grateful.

GENERAL LEAVE TO EXTEND

Mr. ABBITT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of this special order.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PROGRESS IN TENNESSEE'S FOURTH DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. EVINS] is recognized for 45 minutes.

Mr. EVINS of Tennessee. Mr. Speaker, as has been my custom over the years as Congress approaches adjournment I want to take this means of reporting to the people of my district—the great Fourth Congressional District of Tennessee—on some of the major actions taken during this and prior Congresses benefiting our district.

This report is designed as a summary of the highlights of major projects and accomplishments which have been advanced and achieved during my service as your Representative in the Congress.

Our district—the heartland of Tennessee—is rich in history and tradition, rich in diversity, rich in progress and rich in the dedication of its people to the American way of life.

Prior to the action of the Federal court in reapportioning the congressional districts of Tennessee, the Fourth District included these counties:

Bedford, Cannon, Clay, Coffee, Cumberland, DeKalb, Fentress, Franklin, Jackson, Lincoln, Marshall, Moore, Overton, Pickett, Putnam, Roane, Rutherford, Smith, Van Buren, Warren, White, and Wilson.

Following the action of the Federal court, our district now comprises the following counties:

Anderson, Campbell, Cannon, Clay, Coffee, Cumberland, DeKalb, Fentress, Grundy, Jackson, Morgan, Overton, Pickett, Putnam, Roane, Scott, Smith, Van Buren, Warren, White, and Wilson.

Our district remains large—8,261 square miles—with a population in excess of 400,000 in the 21 counties of the new fourth district.

It has been my policy to continue to represent the 22 counties of the district as constituted before Federal court reapportionment—as well as the five counties added to our district by order of the court. In other words I have undertaken to represent some 27 counties during this interim period of transition created by the Federal court order.

I have been both pleased and honored to represent all the people of this great and enlarged district. Let it be said that the Federal court can physically remove counties from our district "family" but that the court can never remove the love and affection which I hold for my friends in all the counties. By the same token I appreciate the confidence shown in me by the officials and citizens of the recently added counties who have sought my representation during this transition period. I have endeavored to be of service and assistance to all the citizens of the 27 counties extending from Knoxville to Nashville, serving them to the best of my ability.

OUR PEOPLE ARE "ALL-AMERICAN"

Our district is a part of smalltown and rural America, the foundation of our American values and American system. Our people are "All-American." They believe in our country, our democracy, our way of life, and they are dedicated to preserving, promoting, and perpetuating the true American system of law, order, justice, and progress.

It has been my purpose in the Congress to focus attention on the importance of smalltown and rural America and to encourage the growth and progress of our smaller communities as well as our cities.

In a recent Appropriations Committee meeting with respect to the budget of the Tennessee Valley Authority, I reminded TVA officials:

> I would like to remind you, gentlemen, that the small town is the backbone of America. It is in the smaller communities that the basic American concept of community cooperation and working together for the good of the community is strongest today. Some of our large metropolitan cities do not have the cohesive quality that holds people together and creates the essential ingredients of a democratic society—the concern for one's community and neighbor. . . .
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> I think it is high time that our executive officials of Government recognize the importance of the small towns which have become the forgotten part of America. There should be a national effort to encourage a buildup of small towns to capture the best of the old—the community spirit and pride—and the best of the new. And by the "new" I mean modern industry and modern conveniences and well-rounded economies. We must build the economies and opportunities of our small towns. This will help hold our talented young people there.
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> And so I would hope that TVA in its programs would recognize that all the towns of Tennessee and the valley deserve recognition.

I am pleased to advise that TVA has now initiated Operation Townlift, a program designed specifically to assist our smaller cities and communities in planning and carrying out programs of progress.

I want to say further that in our district public officials, civic leaders, chambers of commerce, business, unions, universities, and citizens have joined together in programs for progress that are combining the best of the community spirit with the best of the new progress.

From Campbell County—the Switzerland of America—in the northeast to Coffee County, the southwesternmost county of our district and a great center of space and scientific progress, our mayors, county judges, councilmen, aldermen, magistrates, chambers of commerce, and industrial development boards have joined with Federal and State officials in planning and carrying out programs of growth and development.

As a member of the important Committee on Appropriations of the House and as chairman of the Subcommittee on Independent Agencies and Cities Appropriations and a senior member of the Subcommittee on Public Works Appropriations—it has been my pleasure and privilege to secure appropriations for many important and needed projects beneficial to the people of our district, the State of Tennessee and the Nation.

RECENT MAJOR PROJECTS INCLUDE THREE $50 MILLION DAMS

Appropriations have been secured for these important projects of recent date:

Cordell Hull Dam and lock on the upper Cumberland: This project in the upper Cumberland-Cordell Hull country in our district is a $50 million dam and lock—including a navigation lock costing $9 million. This project will contribute greatly to commerce and to the future growth of our district—with great benefits to the upper Cumberland area and to Tennessee. This year's appropriation alone to advance this project is $8,924,000, recently passed by the Congress.

Tims Ford Dam in middle Tennessee: The first TVA dam in middle Tennessee. Construction has been initiated on this $46 million Tims Ford Dam on the Elk River, which will bring jobs and opportunities to many citizens, as well as power production, flood control and recreation benefits to our people. This year's appropriation is $7,892,000, recently approved.

Tellico Dam in East Tennessee: The latest TVA dam to be approved, the $47 million Tellico Dam will provide great benefits to east Tennessee and our State in economic and industrial development. This year's appropriation is $7,907,000.

Percy Priest Dam: The U.S. Corps of Engineers has recently dedicated this dam. This $50 million project on the Stones River, near Lebanon and Nashville, will bring great benefits to our area in flood control, water supply, power production, and recreation. This year's appropriation is $4,753,000.

New major park on Center Hill Lake: In cooperation with officials of the State of Tennessee Department of Conservation, the U.S. Corps of Engineers is moving ahead with plans to develop a new major park on Center Hill Lake. The Corps of Engineers has earmarked $350,000 to date to begin work on this park which will have a major role in the continued development of tourism and recreation in the Center Hill Reservoir area of Smith, DeKalb, and Putnam Counties.

Upper Duck, Obed, and Emory Rivers under study: Funds have been appropriated to study the potential of the Upper Duck River in middle Tennessee and the Obed and Emory Rivers in east Tennessee for development and conservation. The Committee on Appropriations in its most recent report, at my request, urged that these studies by TVA be expedited, reports made, and action taken.

Atomic Energy Commission, Arnold Engineering Development Center: Appropriations annually are secured for the continued work and activities of the Atomic Energy Commission and Arnold Engineering Development Center in our district. These important scientific centers are the anchors of technological progress cooperating with our great State universities, including Tennessee Technological University at Cookeville, Middle Tennessee State University at Murfreesboro, the University of the South at Sewanee, and Cumberland University at Lebanon.

North-South Appalachian Highway: Appropriations have been passed by Congress with my enthusiastic help and support to initiate construction on the vital North-South Appalachian Highway through our district, intersecting Interstate 40 near Cookeville, and providing important new access and opportunities for the people of our area.

Oak Ridge Federal Building: I have helped secure appropriations for construction of the new and vitally needed $4 million Federal building to centralize and house offices of the Atomic Energy Commission, at Oak Ridge.

Dale Hollow National Federal Fish Hatchery: On my motion the Appropriations Committee approved an appropriation for construction of the million-dollar Dale Hollow National Federal Fish Hatchery in Clay County, Celina, Tenn.

Among other important projects for which appropriations were secured are many loans and grants for post offices, Federal buildings, watershed projects, REA electric and telephone loans, Appalachian roads, trade schools, airports, health centers, hospitals, parks, urban renewal projects, housing for the poor and elderly, industrial development, as well as assistance to veterans, our elderly citizens, education, and small business—totaling more than a half billion dollars, benefiting the people of our district and State.

POSTAL SERVICE IMPROVED

Post office improvement has been one of my top priorities for service because, in addition to the necessity for excellent mail service, post offices and other public buildings set the tone of progress in communities.

Post offices have thus been built, or are under construction, in virtually every county in our district.

While many new post offices have been built, others have been remodeled, expanded, and modernized.

MANY CITIES ASSISTED

As chairman of the Subcommittee on Independent Offices and Cities Appropriations, I have secured appropriations for many projects to assist our cities and their local leadership in programs of growth and development.

Our local communities are applying for these areas of assistance because these grants and loans enable our cities and communities to build a better community and a better life for our people—better jobs, better opportunities, better highways, better schools, better housing, greater economic benefits for our people and our communities.

This assistance to our cities includes:

Appropriations totaling more than $12 million to finance the construction of needed public facilities—water systems, sewer systems, gas systems, armories, and public buildings, among others.

Appropriations totaling more than $11 million in urban renewal grants for many of our cities in the Fourth District to assist in the elimination of blight and slums and clearing the way for new business, new homes, new streets, new parks—entirely new areas in the hearts of our cities.

Appropriations for 65 public housing projects in our district at a development cost of $40 million, providing low-cost housing for thousands of needy families.

Appropriations through the Appalachian development program for construction of libraries, health centers, vocational trade schools, hospitals and nursing homes, and assistance to our local universities in construction of facilities.

Appropriations through the Federal Aviation Administration for construction of new airports and the improvement of existing airport facilities.

BRINGING GOVERNMENT TO THE PEOPLE

Because of my strong interest and advocacy, the Department of Housing and Urban Development has established an Office of Small Town America within this Department to assist our smaller communities with their limited resources in availing themselves of Federal programs of loans, grants, and assistance for growth and progress.

One of the first projects of this new Small Town America Office was a circuit-riding tour with a team of Federal officials joining local officials in a series of Partnership for Progress conferences in regional meetings in our district. Local and Federal officials have evaluated this tour and these conferences and found them to be most meaningful and successful in bringing helpful Government assistance to the people and in informing local officials on programs available.

ASSISTANCE TO RURAL AREAS

Many grants and loans to assist our smaller communities and rural areas in building water systems, attracting industry, improving electric and telephone service, and flood protection have been approved.

Citizens in every county have benefited from low interest rate loans for rural electrification and telephone service. It has been my privilege to assist in providing appropriations that have made possible new or improved telephone and electric service for 150,000 families in our area—at a total cost of more than $75 million.

Many loans and grants, totaling millions of dollars, have been approved for watershed flood control and conservation projects, in providing safe water supplies for thousands of families, for roads, vocational schools, airports, health centers, sewer plants, libraries, hospitals, nursing homes, and reclamation.

All of these programs have helped to build a better life for our people, as they have provided many jobs and opportunities for our young people and advanced the progress of rural America.

Nationally the past year may well be recorded as the year in which the importance of programs of progress in rural and small town America was accorded major recognition—a theme I have emphasized for many years.

There is a growing realization in Washington and throughout the Nation that employment and opportunities attractive to our people in rural and small town America are vital not only to areas like the Fourth District—but to all of America, including our larger cities.

At hearings conducted by the House Small Business Committee into problems and progress in rural America, leading officials in Government agreed on the need for progress in rural areas to reduce outmigration to our cities as well as improving the quality of life for our young people and all our citizens.

The circuit riding program and the Partnership for Progress conferences, mentioned earlier, were also of great benefit to our rural leaders by providing helpful information from the Department of Agriculture, Appalachian Regional Commission, Department of Housing and Urban Development, and Small Business Administration, among others.

In addition I have repeatedly introduced measures to encourage rural and small town development through tax incentives for business and industrial development and expansion in our area.

These measures have drawn wide support throughout the Nation. The National Federation of Independent Business reported in a recent press release:

> In nationwide polls conducted by the National Federation of Independent Business, the nation's independent businessmen have consistently voted in support of a legislative proposal known as the Evins bill as it was introduced by the Chairman of the House Small Business Committee.

SCHOOLS AIDED

It is my belief that investments in education and vocational training for skills pay rich dividends not only in terms of human happiness and fulfillment, but in terms of progress and economic growth throughout our area, State, and Nation. Studies by the U.S. Chamber of Commerce have shown that on the average an individual's income rises as his education and training increase.

I have been a strong supporter of improved education and have encouraged the expansion and improvement of our educational systems throughout the district from the preschool through the university and postgraduate levels.

I have also fought for a fair distribution of education funds for our rural areas. In this connection I have assisted in securing appropriations for disadvantaged children totaling more than $9 million for our area.

It has been a source of gratification to have been able to assist our colleges and universities—including Cumberland College in Lebanon, Middle Tennessee State University in Murfreesboro, Tennessee Technological University in Cookeville, and the University of the South at Sewanee—in receiving loans and grants totaling more than $12 million for building construction, strengthening of curriculum, among other educational advancements. This $12 million includes $3 million in scholarship loans and grants for our young people who require financial assistance to attend the college of their choice.

In addition I have stressed the need for development of vocational trade schools and have supported construction of these training centers in our area. In this connection I have assisted in securing grants from the Department of Labor for $6 million for vocational training for our young men and women.

INDUSTRIAL DEVELOPMENT

Coupled with the need and necessity for strong programs of education and training is the vital importance of expanded business and industrial development to provide jobs and opportunities for our young people.

In this connection I have been pleased to support applications for Federal loans and assistance to finance industrial parks, water and sewer facilities to serve industry, and the development of new business and industry—the Tennessee Forging Steel Mill in Roane County, for example—and the expansion of other industries and the modernization of existing industry.

Many new plants have located in our area, including five Douglas Aircraft plants, the Carrier Corp., Cummins Engineering, Beta-TEK Electronics Co., Dynatex Corp., PAK-Electronics, Pelham Manufacturing Co., Genesco, among many others.

It has been estimated that industrial growth in the midstate area will total more than $150 million for the last 2 years alone.

SMALL BUSINESS AIDED

As chairman of the House Select Committee on Small Business, I have assisted many of our small businessmen in securing financial assistance, management assistance, or assistance in obtaining a fair share of Federal contracts and procurement.

Congress has charged our committee with the responsibility of protecting and safeguarding the interests of small businessmen in the face of growing giantism, concentration, big business shopping centers, computerization, and other threats to our free enterprise-competitive economy.

Our committee and various subcommittees assigned to investigate specific problem areas have conducted a number of hearings and issued reports and recommendations, many of which have been followed by the Small Business Administration and other affected Federal agencies.

Important recent work of our committee includes:

Continuing successful efforts to preserve the independence of the Small Business Administration in the face of periodic efforts by the big business-oriented Department of Commerce to absorb the small business agency.

Full-scale hearings on the problems of our small towns, looking into the problems and progress in our small town and rural areas and studying means of assisting our smaller communities in their programs of growth and progress.

Opposition to proposed substantial increase in postal rates for small newspapers, resulting in much smaller increases.

Hearings that led to a strengthening of the small business procurement program with respect to Government contracts.

A conference with prime contractors from throughout the Nation, encouraging expanded subcontracting of these large contracts to small business.

Investigation of the announced steel price increases. Subsequently other planned increases were scaled down by steel companies.

Hearings into drug sales practices, gasoline "games," industrial standards, allocation of radio frequencies, financing problems of the tool and die industry—all related to small business.

Introduction of a bill to bar SBA loans to liquor stores. SBA has made some $15 million in loans to small businessmen to assist in the development of business and industry for our people, and several new aircraft, electronic, textile, and other plants have been located and established in our district.

VETERANS PROGRAMS

As a veteran of 4 years service in World War II—2 years overseas—I pledged my support to be of every assistance possible when I was first elected to the Congress.

As a member of the House Committee on Veterans Affairs in the early days of my service in the Congress, I helped draft and supported much of the postwar legislation in behalf of our veterans, including the Korean GI bill of rights.

In 1954 I was elected to membership on the Committee on Appropriations. At that time I requested and received assignment to the Subcommittee on Independent Offices concerned with funding of all veterans programs of the Veterans' Administration.

In 1965 I became chairman of this subcommittee and I have continued to work for, encourage, and support legislation and appropriations for our vast programs of veterans benefits.

Appropriations for benefits this year total almost $7 billion for hospitalization and medical care, education and training, housing, insurance, loan programs, compensation and pensions, programs for widows and orphans of veterans, and other veterans benefits.

Veterans benefits in our district alone for last year totaled more than $13 million.

I assisted in securing improvements and expansions of veterans hospital facilities in Tennessee—the new veterans general medical hospital in Nashville, expansion of the veterans hospital in Murfreesboro and improvements at the Mountain Home Veterans Center serving our Tennessee veterans. Veterans bills which I have sponsored or supported include:

The Veterans' Pension and Readjustment Assistance Act of 1967 which provides an average cost-of-living rate increase of 5.4 percent for all veterans, widows, and children receiving pensions.

Veterans' Readjustment Benefits Act—Vietnam GI bill of rights—providing a continuing program of educational assistance to veterans serving in the Vietnam conflict and other veterans discharged after January 31, 1965.

Increases in the vocational rehabilitation allowance for veterans with service-connected disability and extension of time for such training.

An increase in the educational allowance for orphans of servicemen and veterans.

Increases in compensation for service-connected disabled veterans.

The Korean GI bill of rights.

As a special service to a great veteran, World War I hero, Sgt. Alvin C. York, I served on a special committee with the late Speaker Rayburn and conducted a campaign to raise funds to pay off Sergeant York's income tax indebtedness. This drive not only raised the $25,000 necessary to pay off the sergeant's tax indebtedness to the Government, but an additional sum of $25,000 in donations was received, which was placed in a trust fund for the benefit of the family of Tennessee's great World War I veteran hero—the late Sgt. Alvin C. York of Fentress County.

A PHILOSOPHY OF GOVERNMENT

In view of the change in our district brought about by Federal court action in redistricting some of our counties, perhaps it would be appropriate in this report to mention briefly something about my philosophy of government.

My philosophy is keyed to moderation and reason, and I subscribe to the philosophies of these three great Presidents:

Thomas Jefferson:

> The care of human life and happiness is the first and only legitimate object of good government.

Woodrow Wilson:

> I believe in democracy because it releases the energy of every human being.

Abraham Lincoln: I believe also in that philosophy expressed by President Lincoln who believed that—

> The legitimate object of government is to do for a community of people whatever needs to be done but which they cannot do or cannot do as well for themselves.

I believe that local leadership and local initiative provide the keys to success in programs of progress in our communities. The Federal Government can assist in these programs but the planning and the leadership must begin at the city, county, and community level.

I have found over the years that our district has possessed and developed magnificent local leadership in many of our communities. This leadership works with the State and Federal Government in improving their communities and in bringing greater opportunities for our people.

I believe that every American is entitled to education, training, and an opportunity. I do not believe that Government is obligated to support those who are able bodied and who refuse to accept opportunity and responsibility. For those who are infirm, ill, and incapacitated—the aged and disabled—I believe Government has a role to play in caring for them.

As our forefathers believed in a balanced form of government—steering clear of the extremes—I am a believer in a balanced philosophy of government.

It has been my policy to avoid extremes and to adhere to a philosophy of reason and moderation. I believe in working with my colleagues in the Congress in achieving compromises and accord that represent the views of the great majority of Americans. I do not favor legislation that represents the views of extremist groups.

I believe in economy and that a taxpayer is entitled to a dollar's value for a dollar spent. There are those in the Congress who would give the Federal Government a blank check—there are others at the opposite extreme who would reduce and cut Government operations to the point that the functions of the Government would be stopped—such as our postal service. I work to achieve a compromise and balance between the extremes in the mainstream of reason.

I believe like many conservatives that we must preserve our institutions, freedoms, and basic values that form the foundation of our great democratic society. I also believe in progress and progressive government that is responsive to the needs of the people and the problems of our time—government that will work with local communities to solve problems and to build a better life for all Americans.

I believe that rather than trampling our flag, demonstrating against our institutions, and undermining our universities and colleges with violence, that all Americans should support our American way of life.

I believe firmly in King Solomon's admonition as recorded in Holy Scripture:

> Knowledge is a wonderful thing; therefore

get knowledge; but with all thy getting, get understanding.

It appears today that some of our young people are acquiring knowledge without the understanding that must accompany knowledge.

To me, with knowledge comes responsibility.

It has always been my belief that the purpose of education is to develop understanding and knowledge because from understanding flows the values that will guide and direct a constructive and meaningful life.

Our young people are our trustees of the future—our guardians of tomorrow—and I am pleased that the young people in our area are developing understanding along with the acquisition of knowledge and responsibility which will lead to progress.

NECESSITY FOR LAW AND ORDER

The 90th Congress has been greatly concerned over violence and lawlessness in our Nation and has enacted legislation to assist our local law-enforcement agencies in preserving and maintaining law and order.

It has become increasingly evident that forces and influences are fomenting riots and violence in an effort to bring about violent change in our Nation and in our Government.

Throughout my service in the Congress I have taken a strong and consistent position for law and order and for punishment of law violators.

In the 90th Congress I joined in supporting the Anti-Riot Act which provides for a 5-year Federal penitentiary sentence or a $10,000 fine—or both—for conviction of crossing a State line with the intent to incite riots and insurrection.

In addition I strongly supported the Crime Control and Safe Streets Act of 1968 which provides assistance to local law-enforcement agencies who have the major responsibility for preserving law and order.

This act is providing financial assistance to States and local police departments to assist in training and in obtaining modern equipment. The act specifically directs that officers be trained in riot control.

In addition I have discussed the matter of law enforcement with the President and have been in frequent contact with the Attorney General of the United States and FBI Director Hoover, requesting that rioters, inciters, and violators be prosecuted and investigations made to determine the extent of Communist influence in violence.

Because of the Attorney General's failure to act, I have called upon him to resign so that the President may appoint an Attorney General with the will to move decisively and fearlessly against those who commit acts of crime.

It was my pleasure to preside over the House during the debate and enactment of the Anti-Riot Act when it passed this year.

It is my belief that with rights go responsibilities. Our Constitution guarantees freedom—but not freedom to riot—not to burn—not to destroy—not to kill and steal.

I strongly supported the measure passed by the House which makes it unlawful to desecrate the flag, and I deplore the fact that such a law is even needed in the public interest.

So my record is clear and my position is strong for the maintenance of law and order in our Land of the Free. Let us insure that freedom and liberty, under law, is maintained and our American way of life is preserved and perpetuated.

SUPPORTED STRONG ECONOMY, MILITARY FORCES, AND NATIONAL DEFENSE

Over the years I have been a strong supporter of the Tennessee Valley Authority, Rural Electrification Administration, Atomic Energy Commission, the U.S. Corps of Engineers, the Appalachian Regional Commission, and programs of the Department of Agriculture for progress for our farmers, our small businessmen, and veterans to strengthen our economy.

I have worked constantly for measures to strengthen our national defense and have supported appropriations to provide the best equipment and technical assistance for our military forces in Vietnam and for a strong national defense.

I assisted materially in securing passage of the TVA Self-Financing Act—the revenue bond bill—enabling TVA to expand its power production for domestic and defense needs.

My services, while including a major concern and effort for our area and district, have been national in scope as I have worked for legislation in the national interest.

SOUND ECONOMY PRACTICED

I have supported measures and appropriations for necessary and essential programs—I have opposed legislation and appropriations which are not in the national interest or which are not of the highest priority at this time of budgetary stringency.

In the Subcommittee on Independent Offices and Cities alone, we have cut and reduced the President's budget by more than $3¾ billion this year alone.

Our country has been confronted with the necessity of moving ahead with essential programs at home while supporting, sustaining, and strengthening our defenses and our commitment in Vietnam.

Last year the House voted to cut and reduce the President's budget by $6 billion—and a $6 billion cut has been ordered for this year.

In hearings before our Committee on Appropriations, each budgetary item is carefully weighed as to its necessity at this time. Officials of some 22 agencies and departments testified before my committee and were questioned with respect to their requests for appropriations and funding needs.

Every effort has been made to cut and reduce nonessential programs and to continue programs vital to the growth and progress of our communities and our people.

I believe in progress and that the main thrust for progress in our communities must come from local leadership. The Federal Government can provide resources and assistance—but the leadership, the planning, and the success of each community's program for progress is keyed to local initiative and local determination to look ahead and move ahead.

My record in the Congress is cumulative with much accomplished and my constituents faithfully served to the best of my ability.

I believe in service to all our people and I have had the privilege of helping thousands of them in various personal ways in their relationships with the Federal Government. I have never failed to endeavor to be of service to the appeals of thousands of our citizens for assistance with the Federal Government.

My record is an open book of which I am justly proud. It is a record of faithful public service, in the public interest, to our district, State, and Nation.

WORLD BANK AND AID FINANCE BAUXITE MINE IN GUINEA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. O'HARA] is recognized for 30 minutes.

Mr. O'HARA of Illinois. Mr. Speaker, on September 18 two historic agreements marking a big step forward for the Republic of Guinea and the industrial and economic development of the continent of Africa were signed in Washington. I cannot overstress their importance, and that my colleagues may be fully informed I have asked for this time.

The principal agreement signed on September 18 was a loan between the Government of Guinea and the IBRD for $64.5 million. The other agreement was a local currency loan from AID for the equivalent of $21 million in Guinean francs. The proceeds from these loans will be used to construct the infrastructure for the mining of rich bauxite deposits in Guinea, which will be developed by a consortium of foreign companies, predominantly American, in partnership with the Government of Guinea.

The main elements of the infrastructure are an 85-mile railroad from Port Kamsar, Guinea, to the Sangarehedi Plateau, a deep water harbor, a 10-mile shipping channel, piers, harbor buildings, warehouses, power generating and distributing equipment, water supply facilities, radio and telephone communications systems, and petroleum storage facilities. There will also be housing for the workers on the project. Conclusion of the loan agreements culminates years of hard work and will be the most important undertaking ever made to develop Guinea's natural resources.

In addition to the infrastructure investment, the private investors will invest another $80 to $90 million in the actual mining of the bauxite. In 2 to 4 years' time the mines are expected to produce several million tons of high-grade bauxite annually and yield approximately $14.6 million in net foreign exchange earnings to Guinea, in addition to the profits shared by the private investors.

Congratulations are due to the Guinean Foreign Minister, Dr. Lansana Beavogui, who headed the Guinean delegation, to Minister of Economic Development Ismael Toure, who signed the agreements for Guinea, to Burke Knapp, who signed for the IBRD, and to R. Peter Straus, Assistant Administrator for Africa at AID.

Following the signing of the AID agreement the Honorable Joseph Palmer II, Assistant Secretary of State, gave a luncheon at the State Department for the Guinean delegation. Ministers Beavogui and Toure, Guinean Ambassador Bangoura, Burke Knapp, vice president of the IBRD, Emmett Rice, alternate U.S. executive director at the IBRD, and other United States and Guinean officials as well as I attended this celebration. During the luncheon the following toasts were given:

Toast by Assistant Secretary Palmer in Honor of Foreign Minister Beavogui and Guinean Delegation

Mr. Minister, Excellencies, Chairman O'Hara, and Distinguished Guests: One of the things that we Americans most enjoy is the opportunity to celebrate happy occasions. This is one of the many common attributes we share with our Guinean friends. For over 190 years, we have been proud to celebrate our independence every year just as does Guinea, which next month will celebrate the tenth anniversary of its independence. We also joyfully commemorate the birthdays of our great leaders who have contributed so much to our political, social, economic and cultural history and Guinea likes to do this also.

When I was a boy, I learned that when we were building the first great railway across our country connecting the East Coast with the West Coast, the completion of the process was celebrated by driving a golden spike at the point where the two lines met. Today we are driving a symbolic golden spike in Guinea. We celebrate a major project which has evolved as a result of great imagination and great effort on the part of the government of a great people in friendly cooperation with international institutions, this government and private interests in various parts of the world. I know that this happy culmination of many years of effort is a source of great satisfaction to the Government of Guinea and that it will contribute importantly to what Guinea wants, to its natural aim and purpose, which is to improve the life of its people and that of the rest of Africa. The vast Boke bauxite project will play a highly important role in the fulfillment of these two aspirations.

But this imaginative and creative project will also serve the rest of the world, since its benefits will be felt in many countries in the form of manufactured products which will help to improve the living standards of mankind generally.

Obtaining such widespread agreement on and assistance for this project has not been an easy task. If you will permit me, Mr. Minister, and if I can do so without derogating from anyone's efforts, I should like to pay particular tribute to one who has been a great catalytic agent in this herculean effort. I refer to the distinguished Guinean whom your President with great wisdom has chosen to be his representative to the United States—Ambassador Karim Bangoura. Of course, no single person can deserve all the credit, but thanks to his persuasion, his perseverance, his understanding, his intuitive judgment and the faith that moves mountains, he has been a prime mover. We know that we have a true and valued friend in him. He understands the United States and the American people. But he is not American, he is Guinean. We can say the same for all our Guinean friends present here—you are Guineans first, you are proud of it and you are independent. We understand this because we are Americans first and are motivated by the same considerations. Karim Bangoura is a Guinean first and foremost and if this were not so, we could not have accepted him with the same friendship, the same respect and the same validity.

This project is no longer a dream. But we—as you—want to see it now progress from paper to reality with the same cooperative impetus which it has achieved in recent months so that you will see as soon as possible the plants and the smokestacks, the pits and the steam shovels, the ships coming into the harbor, the rise in employment and the revenues for your general prosperity.

I should like to say one word more, Mr. Minister. We are very happy that during the course of your stay amongst us, you and your distinguished colleagues have had the occasion to understand us better. I know what this means. As you know, I recently spent four very exciting days in Guinea and I wish it could have been four weeks. But I had an excellent teacher to learn about your country—your distinguished President, Ahmed Sekou Toure. So although you have had to devote a great deal of your valuable time to the completion of these complicated arrangements, this also enabled you to see more of our country and for you to get away from the beaten track between New York and Washington. We are pleased not only that you saw our people but also that you gave our people the opportunity to come to know a distinguished group of proud, independent and dedicated African leaders. In so doing, you have increased the understanding of our own people of developments in Africa. You have added to the friendship, understanding and cooperation between our two countries, and have contributed importantly to a better realization of the human values which unite us.

Mr. Minister, I should like to raise my glass to a great man, a great leader of his people, a man for whom we have great admiration and respect in our country. For him, for his country and for his continent we hold great friendship and hopes for the future. Distinguished guests, I raise my glass to President Sekou Toure, to the Government and the people of Guinea, to the success of Boke, and to friendship between the United States and Guinea.

Guinean Foreign Minister Beavogui's Response to Remarks by the Honorable Joseph Palmer at Luncheon Given on September 18, 1968

Mr. Secretary, Chairman O'Hara, Distinguished Guests: You will understand my emotion on this solemn occasion and I beg your indulgence. We live today one of the most important days of our life. It is a great day because we have just heard an eloquent and meaningful speech which we know came from your heart and went straight to our hearts. It is a great day, this 18th of September, for Guinea. It is indeed an historic occasion, even though it is founded on an economic basis. It is a great day because you have gathered round this table, Mr. Secretary, many high leaders who are sincere friends of our country. We need not tell them who we are, we need not tell them what we want for the future of our country. It is a great day because even nature is with us and we feel the warmth of the sun as much as the warmth of your hospitality.

We are happy to stress that we have not been mistaken in emphasizing that we wanted the friendship between the United States and Guinea to become a reality. We have never been mistaken in insisting that it was to the foundation of American independence that we must look for the basis of our own, and that your independence is very close to our own. Thus, as far back as 1958 President Sekou Toure was proposing the creation of a United States of Africa and in this he was directly inspired by the United States of America. Today we are really very happy because, as I have said many times to my friend, Pierre Graham, politically we do not have to demonstrate that we are ahead. We do not have to demonstrate that we are ahead of other African countries in the social and human areas, but we were missing something in the economic field and this was the way we had planned it because we wanted to proceed by stages. President Sekou Toure recognized that in order to have a viable society you need to invest in human beings. This received the highest priority, and so if after 20 years of our Party, today after ten years of independence, we find ourselves faced with economic problems, it is because we planned it that way. Today, September 18, marks a new departure for the economic area which had been neglected, we might say, knowingly, and we can tell the world that the economic takeoff of Guinea has now been effected.

We have all said that this will have a great impact on the economic and social development of Guinea. You, Mr. Palmer, have stressed the great impact it will have, not only on Guinea but on West Africa and Africa as a whole. Today on such a solemn occasion you will understand that the feelings of all Guineans present here are feelings of genuine brotherhood for all Americans here. At the International Bank and in all private sectors we met Americans who were in the forefront of the efforts made on our behalf, not to speak of the Department of State, which took the side of our President, of our people and of our Government. Allow us, Mr. Secretary to stress your own great contribution to this success.

We have been here for a month and a week and we would be ready to stay on. Our stay has been very pleasant. We are surrounded by friends, we receive understanding from all. We have knocked at many doors and we have always met with responses that came from the heart. We are happy to have gained more understanding about the United States. You gave us the opportunity to touch on many key points of your system, to feel your very heartbeat, by visiting centers like the Goddard Space Center of NASA and the Beltsville Agricultural Research Center, where you are trying to increase food production so it will keep pace with population growth and all of us understand the importance of the problem of food production in the world. Through our visits to the private sector at firms such as ALCOA and Olin Mathieson, we have seen how your industrial development could reach such a stage, and we know that the cooperation that you are enabling us to have with you will be greatly beneficial for us. We even visited the research laboratory of ALCOA and really cannot begin to tell you all that we saw. We feel that when a country and the government lets you touch upon these key points, they really open their heart to you, and I want to stress in the name of my delegation, of my President, to whom we pay tribute, and of our people, how happy we are to have reached such a perfect conclusion.

As my colleague Ismael Toure said earlier, "Look at us, this is only the beginning. We will work together more and more in the future even more than today, and we will draw closer and bring together these ideals that are common to us to realize the happiness of our people, dignity, self-respect and love for others. I want to stress this to the men who have received us, who have been so frank and sincere. We can certainly say that the Republic of Guinea thanks God that it has friends like you, and we will do everything we can so that our relations will grow even closer.

We can never tell you enough how happy we are whenever an American comes to our country and comes to know us. That is why we are so grateful to you, Mr. Secretary, for your short visit to our country. Even though it was a short stay, a man of your intelligence and of your objectivity must have derived the greatest benefit from it. We welcome all such visits and hope that your visit to Guinea, Mr. Knapp, will materialize in the near future.

Through you, Chairman O'Hara, whose favorable action on behalf of Africa and Guinea we know so well, we want to express our thanks to Congress as a whole for everything that the United States has done and is determined to do for us. I want to propose a toast to the health and prosperity of Mr. and Mrs. Palmer, of Mr. and Mrs. Dean Rusk, to whom we owe so much, to the President of the United States and all the leaders of your country.

Mr. Palmer then introduced Chairman O'Hara as follows:

Mr. Minister, I should like to add one word: Africa has never had a better friend than Chairman O'Hara, whom we are privileged to have among us today. I think that only I, in my heart, and he, in his heart, can comprehend the quality of the relationship between us—what he has stood for and what he has done for Africa. There are few people whom I would introduce as authentic human beings and the Chairman is one of them. I should like to call on him to say a few words to commemorate this memorable occasion.

REMARKS MADE BY CHAIRMAN BARRATT O'HARA ON THE OCCASION OF MR. PALMER'S LUNCHEON FOR GUINEAN DELEGATION SEPTEMBER 18, 1968

Thank you, Mr. Secretary, dear friends, my words will be few but they come from the heart. It is because of my age that I understand so well the future of Africa. As a young man, I lived at a time when the population of the entire State of California was equal to that of the city of Philadelphia, and that was 1.2 million. It is because in the span of my own lifetime I have been witness to the marvelous growth of my own country that I can vision the future of Africa and a similar growth there. The doors of tomorrow will be opened by Africa. Man was born in Africa, we are all Africans by descent. Long before there was a Greece, long before there was a Roman Empire, long before there was a British Empire, long before there was a United States, there was an Africa, cradle of our civilization. Then there were intervening years, cruel years with a binding colonialism but Africa, great in the past, is a master of the future.

Africa is fortunate in its leaders and it is fortunate in its friends. Africa has never had a greater friend than it has in Secretary Palmer. Do you know the story of how he married the woman he loved and then went to Africa immediately and that is where they spent their honeymoon, and it is natural that in the heart of Secretary Palmer and in the heart of his charming wife, there is a love for Africa in the fullest and sweetest flowering.

Mr. Speaker, here is the full text of the loan agreement—Boke Project—between the Republic of Guinea and the International Bank on Reconstruction and Development—the World Bank:

LOAN AGREEMENT

Agreement, dated September , 1968, between Republic of Guinea (hereinafter called the Borrower) and International Bank for Reconstruction and Development (hereinafter called the Bank).

Whereas (A) The Borrower has requested the Bank to assist in the financing of the foreign exchange cost of a Project (which as described in Part A of Schedule 3 to this Agreement constitutes part of the Boke Bauxite Development) for the construction and operation of a railway, port and related facilities to be owned by the Office d' Aménagement de Boke (hereinafter called OFAB), an agency of the Borrower;

(B) By agreement of even date herewith (hereinafter called the Project Ageement) between the Bank and OFAB, OFAB has undertaken certain obligations regarding the carrying out of the Project, as provided in such Project Agreement;

(C) By a loan agreement dated March 30, 1966 (hereinafter called the First Loan Agreement) between the Borrower and the Bank, the Bank granted to the Borrower a loan (hereinafter called the First Loan) in various currencies equivalent to one million seven hundred thousand dollars ($1,700,000) to assist in financing engineering services required for the design and preparation of contract documents for the construction of the Project referred to in (A) above;

(D) The Project will be used principally in connection with a bauxite mining operation in the Boke area (hereinafter called the Mining Project) to be constructed and operated by Compagnie des Bauxites de Guinée (hereinafter called CBG) a Delaware corporation registered in the Registry of Commerce of Conakry, Guinea, and owned by the Republic of Guinea (49%) and by Halco (Mining) Inc. (51%) (formerly named Harvey Aluminum Co. of Delaware, hereinafter called HALCO), a Delaware corporation;

(E) The shares of HALCO are owned in various amounts by Alcan Aluminium Limited, a Canadian corporation, Aluminum Company of America, a Pennsylvania corporation, Harvey Aluminum (Incorporated), a California corporation, Péchiney Compangnie de Products Chimiques et Electrométallurgiques and Ugine Kuhlmann, French corporations, Vereinigte AluminumWerke AG, a German corporation, and Montecatini Edison S.p.A., an Italian corporation (hereinafter collectively called the Stockholders and each individually a Stockholder);

(F) Arrangements have been made between the Borrower, OFAB, CBG, HALCO and the Stockholders for the construction and operation of the Project and the Mining Project, the purchase and sale of bauxite mined from the Boke region and certain related matters under agreements hereinafter defined;

(G) By agreement of even date herewith (hereinafter called the AID Loan Agreement), the Agency for International Development (hereinafter called AID) has agreed to make a loan (hereinafter called the AID Loan) to the Borrower in an aggregate principal amount not to exceed 5,200,045,000 Guinean francs;

(H) Pursuant to the Financial Assurances Agreement (as that term is defined in Section 1.02(*c*) of this Agreement), CBG, HALCO and the Stockholders have agreed to lend to the Borrower any amounts (hereinafter called the Overage Loans) required to finance the foreign exchange cost of the Project in excess of the amount of the Loan.

Whereas the Bank, on the basis *inter alia* of the foregoing, has agreed to make a loan to the Borrower on the conditions hereinafter set forth;

Now Therefore, it is hereby agreed as follows:

ARTICLE I

Loan regulations; special definitions

SECTION 1.01. The parties to this Agreement accept all the provisions of Loan Regulations No. 3 of the Bank, dated February 15, 1961 as amended February 9, 1967, with the same force and effect as if they were fully set forth herein, subject, however, to the following modifications thereof (said Loan Regulations No. 3, as so modified, being hereinafter called the Loan Regulations): the words "and the Projects Agreement" are inserted immediately after the words "the Loan Agreement" wherever the latter occurs in Sections 5.06 and 7.02 of the Loan Regulations.

SECTION 1.02. Unless the context otherwise requires, the following terms wherever used in this Agreement have the following meanings:

(a) The term "Basic Agreement" means the agreement dated October 1, 1963, between the Borrower and HALCO relating to the establishment of CBG, the exploitation of the bauxite reserves in the Boke area, the financing and construction by the Borrower of the facilities included in the Project;

(b) The term "Statutes" means the statutes of OFAB as set forth in Decree No. 425/PRG of December 31, 1965, and the amendments thereto set forth in a decree (copy of which has been furnished to the Bank) to be enacted by the Borrower;

(c) The term "Financial Assurances Agreement" means the agreement (copy of which has been furnished to the Bank) containing among other things, certain obligations of CBG, HALCO and the Stockholders with respect to the Project and the Mining Project, to be entered into between the Borrower, OFAB, CBG, HALCO, the Stockholders and Bank of America National Trust and Savings Association (hereinafter called the Trustee);

(d) The term "Trust Agreement" means the agreement (copy of which has been furnished to the Bank) providing for the making of certain payments to, and certain disbursements by, the Trustee, to be entered into between the Borrower, OFAB, CBG, HALCO, the Stockholders, the Trustee, the Bank and the Agent (as that term is defined in such Trust Agreement);

(e) The term "Railway-Port Project Agreement" means the agreement (copy of which has been furnished to the Bank) providing, among other things, for the use of the facilities included in the Project by CBG and the operation thereof by OFAB, to be entered into between the Borrower, OFAB and CBG;

(f) The term "OFAB Technical Assistance Agreement" means the agreement (copy of which has been furnished to the Bank) providing for the furnishing of certain technical assistance by HALCO to OFAB, to be entered into between the Borrower, OFAB and HALCO;

(g) The term "OFAB Training Agreement" means the agreement (copy of which has been furnished to the Bank) providing for the training of OFAB employees, to be entered into between the Borrower, OFAB, CBG and HALCO;

(h) The term "CBG Technical Assistance and Training Agreement" means the agreement (copy of which has been furnished to the Bank) providing for the furnishing of technical assistance and training by HALCO to CBG and the Africanization of the operations of CBG, to be entered into between the Borrower, CBG and HALCO;

(i) The term "Participation Agreement" means the agreement (copy of which has been furnished to the Bank) providing, among other things, for the reorganization of HALCO, its financing, activities and management, to be entered into between HALCO and the Stockholders;

(j) The term "Bauxite Contracts" means the agreements defined in Section 1.01 of the Financial Assurances Agreement and relating to the purchase of bauxite mined from the Boke region (copies of which have been furnished to the Bank) to be entered into between the parties thereto;

(k) The term "Construction Coordination Committee" means the Committee set up pursuant to Section 4.03 of the Financial Assurances Agreement for the coordination of the carrying out of the Project and the Mining Project;

(l) The term "Terms of Reference of the Committee" means Exhibit D to the Financial Assurances Agreement setting forth the terms of reference of the Construction Coordination Committee;

(m) The term "Mining Project Financial Arrangements" means the arrangements to be made by CBG, HALCO and the Stockholders for the financing or refinancing of the costs of the Mining Project including without limitation the Credit Agreement (copy of which has been furnished to the Bank) to be entered into between HALCO and the Bank of America National Trust and Savings Association.

Whenever reference is made in this Agreement and the Project Agreement to any of the documents herein defined and to the AID Loan Agreement such reference includes all exhibits to any such document and any agreement supplemental thereto.

ARTICLE II

The loan

Section 2.01. The Bank agrees to lend to the Borrower, on the terms and conditions in this Agreement set forth or referred to, an amount in various currencies equivalent to sixty-four million five hundred thousand dollars ($64,500,000).

Section 2.02. (a) The Bank shall open a Loan Account on its books in the name of the Borrower and shall credit to such Account the amount of the Loan.

(b) The amount of the Loan may be withdrawn from the Loan Account as provided in, and subject to the rights of cancellation and suspension set forth in, this Agreement and the Loan Regulations and in accordance with the allocation of the proceeds of the Loan set forth in Schedule 1 to this Agreement, as such allocation shall be modified from time to time pursuant to the provisions of such Schedule or by further agreement between the Borrower and the Bank.

Section 2.03. The Bank shall withdraw from the Loan Account and pay to itself, on behalf of the Borrower:

(a) the amount required to refund the principal amount withdrawn and outstanding together with the accrued interest and other charges thereon of the First Loan on the Effective Date of this Agreement. Any amount remaining unwithdrawn in the Loan Account of the First Loan shall automatically be cancelled on the same date; and

(b) amounts required from time to time to pay interest and other charges on the Loan during construction of the Project, provided, however, that such amounts in the aggregate shall not exceed the amount set forth in Category V of Schedule 1 to this Agreement.

Section 2.04. Withdrawals from the Loan Account may be made on account of expenditures made prior to the Effective Date but after the date of this Agreement for consultants and other professional services.

Section 2.05. The Borrower shall pay to the Bank a commitment charge at the rate of three-fourths of one per cent (¾ of 1%) per annum on the principal amount of the Loan not withdrawn from time to time.

Section 2.06. The Borrower shall pay interest at the rate of six and one-half per cent (6½%) per annum on the principal amount of the Loan withdrawn and outstanding from time to time.

Section 2.07. Except as the Borrower and the Bank shall otherwise agree, the charge payable for special commitments entered into by the Bank at the request of the Borrower pursuant to Section 4.02 of the Loan Regulations shall be at the rate of one-half of one per cent (½ of 1%) per annum on the principal amount of any such special commitment outstanding from time to time.

Section 2.08. Interest and other charges shall be payable semi-annually on April 1 and October 1 in each year.

Section 2.09. The Borrower shall repay the principal of the Loan in accordance with the amortization schedule set forth in Schedule 2 to this Agreement.

ARTICLE III

Use of proceeds of the loan

Section 3.01. The Borrower shall apply the proceeds of the Loan in accordance with the provisions of this Agreement to expenditures on the Project, described in Part A of Schedule 3 to this Agreement.

Section 3.02. Except as the Bank shall otherwise agree, (i) the goods to be financed out of the proceeds of the Loan shall be procured on the basis of international competitive bidding in accordance with the Guidelines for Procurement under World Bank Loans and IDA Credits, published by the Bank in February 1968, and in accordance with such other procedures supplementary thereto as set forth in Schedule 4 to this Agreement, and (ii) contracts for the procurement of such goods shall be subject to the approval of the Bank.

Section 3.03. Except as the Bank shall otherwise agree, the Borrower shall cause all goods financed out of the proceeds of the Loan to be used exclusively in carrying out the Project.

ARTICLE IV

Bonds

Section 4.01. If and as the Bank shall from time to time request, the Borrower shall execute and deliver Bonds representing the principal amount of the Loan as provided in Article VI of the Loan Regulations.

Section 4 .02. The *Secrétaire d'Etat au Contrôle Financier* of the Borrower is designated as authorized representative of the Borrower for the purposes of Section 6.12 of the Loan Regulations. The *Secrétaire d'Etat au Contrôle Financier* of the Borrower may designate additional or other authorized representatives by appointment in writing notified to the Bank.

ARTICLE V

Particular covenants

Section 5.01. (a) The Borrower shall cause the Project to be carried out with due diligence and efficiency and in conformity with sound engineering, financial and administrative practices and shall provide, promptly as needed, the funds, facilities, services and other resources required for the purpose.

(b) Except as the Borrower and the Bank shall otherwise agree, the Borrower shall, in the carrying out of the Project, cause to be employed engineering consultants and contractors acceptable to, and to the extent and upon terms and conditions satisfactory to, the Borrower and the Bank.

(c) Without limitation or restriction upon any of the other covenants on its part in this Agreement contained, the Borrower shall cause to be performed in accordance with the provisions of the Project Agreement all the covenants, agreements and obligations of OFAB therein set forth, shall take or cause to be taken all action necessary or appropriate to enable OFAB to perform such covenants, agreements and obligations, and shall not take or permit to be taken any action which would prevent or interfere with the performance by OFAB of such covenants, agreements and obligations.

(d) Except as the Borrower and the Bank shall otherwise agree, the Borrower shall cause all financial statements (in addition to those referred to in Section 2.01(e) of the Project Agreement) relating to matters pertinent to the Project to be certified annually by international independent public accountants acceptable to the Bank and shall promptly upon their preparation submit to the Bank certified copies of such statements and a signed copy of the accountants' report.

Section 5.02. (a) The Borrower and the Bank shall cooperate fully to assure that the purposes of the Loan will be accomplished. To that end, each of them shall furnish to the other all such information as it shall reasonably request with regard to the general status of the Loan. On the part of the Borrower, such information shall include information with respect to financial and economic conditions in the territories of the Borrower and the international balance of payments position of the Borrower.

(b) The Borrower and the Bank shall from time to time exchange views through their representatives with regard to matters relating to the purposes of the Loan and the maintenance of the service thereof. The Borrower (i) shall furnish to the Bank all such information as the Bank shall reasonably request concerning the relations between the Borrower, CBG, HALCO and the Stockholders and the exercise of their respective rights and the carrying out of their respective obligations under the agreements specified in Section 5.08(a) of this Agreement and any other agreements related thereto; and (ii) shall promptly inform the Bank of any failure by CBG, HALCO or any of the Stockholders to comply with their respective obligations under such agreements or any other condition which interferes with, or threatens to interfere with, the accomplishment of the purposes of the Loan and the maintenance of the service thereof.

(c) The Borrower shall afford all reasonable opportunity for accredited representatives of the Bank to visit any part of its territories for purposes related to the Loan and the Mining Project.

Section 5.03. (a) The *Directeur Général* of OFAB shall at all times be a person whose professional qualifications and experience shall be mutually satisfactory to the Borrower and the Bank.

(b) The Borrower shall take any action necessary for the appointment of an independent engineer satisfactory to the Bank as Chairman of the Construction Coordination Committee pursuant to Section 4.03 of the Financial Assurances Agreement.

Section 5.04. Except as the Borrower and the Bank shall otherwise agree, the Borrower shall take any action necessary to permit CBG: (i) to construct the Mining Project and bring it to completion in accordance with the Schedule attached to Exhibit C of the Financial Assurances Agreement; (ii) to begin deliveries under the Bauxite Contracts by a date not later than 90 days after the Completion Dates (as that term is defined in the Financial Assurances Agreement) set forth in the Certificates referred to in Sections 4.05 and 4.06 of the Financial Assurances Agreement; and (iii) to maintain and operate the Mining Project in accordance with sound mining practices.

Section 5.05. Except as the Borrower and the Bank shall otherwise agree, the Borrower shall promptly upon completion of the construction of the Project transfer or cause to be transferred to OFAB all such assets included in the Project as shall be necessary or appropriate to enable OFAB to carry out its purposes as set forth in Articles 3 and 4 of the Statutes.

Section 5.06. Except in the normal course of business, the Borrower shall not sell or otherwise dispose of the goods purchased or paid for out of the proceeds of the Loan, or cause such goods to be sold or otherwise disposed of, without the prior consent of the Bank.

Section 5.07. (a) Whenever there is reason to believe that the funds available to OFAB will be inadequate to enable OFAB to perform any of its covenants, agreements and obligations under the Project Agreement, the Borrower shall make arrangements satisfactory to the Bank promptly to provide OFAB or cause OFAB to be provided with such funds as are needed for the purpose.

(b) The Borrower shall make arrangements satisfactory to the Bank to protect OFAB against any loss in connection with the operation of trains for non-bauxite traffic.

Section 5.08. (a) The Borrower shall duly perform its obligations under the Basic Agreement, the Financial Assurances Agreement, the Trust Agreement, the Railway-Port Project Agreement, the OFAB Technical Assistance Agreement, the OFAB Training Agreement and the CBG Technical Assistance and Training Agreement.

(b) Except as the Borrower and the Bank shall otherwise agree, the Borrower shall, to the extent that it has an interest therein and is obligated or entitled to do so, take all such reasonable action as may be necessary to maintain in full force and effect and to secure the prompt and diligent performance by the parties thereto of any of the documents specified in paragraph (a) of this Section.

(c) The Borrower and the Bank shall exchange views as to any arbitration or any proceeding contemplated or undertaken pursuant to any of the documents specified in paragraph (a) of this Section. The Borrower shall promptly advise the Bank of any such arbitration or other proceedings contemplated or undertaken and shall give the Bank such information as the Bank shall reasonably request to enable the Bank, if it so desires, to make its views thereon known to the Borrower and in any such arbitration or other proceedings.

SECTION 5.09. Except as the Borrower and the Bank shall otherwise agree, if the Borrower shall repay in advance of maturity any part of its indebtedness under the AID Loan Agreement, the Borrower shall simultaneously repay a proportionate amount of the Loan then outstanding. All the provisions of the Loan Regulations relating to repayment in advance of maturity shall be applicable to any repayment by the Borrower in accordance with this Section.

SECTION 5.10. It is the mutual intention of the Borrower and the Bank that no other external debt shall enjoy any priority over the Loan by way of a lien on governmental assets. To that end, the Borrower undertakes that, except as the Bank shall otherwise agree, if any lien shall be created on any assets of the Borrower as security for any external debt, such lien will *ipso facto* equally and ratably secure the payment of the principal of, and interest and other charges on, the Loan and the Bonds, and that in the creation of any such lien express provision will be made to that effect; provided, however, that the foregoing provisions of this Section shall not apply to: (i) any lien created on property, at the time of purchase thereof, solely as security for the payment of the purchase price of such property; (ii) any lien on commercial goods to secure a debt maturing not more than one year after the date on which it is originally incurred and to be paid out of the proceeds of sale of such commercial goods; or (iii) any lien arising in the ordinary course of banking transactions and securing a debt maturing not more than one year after its date.

The term "assets of the Borrower" as used in this Section includes assets of the Borrower or of any of its political subdivisions or of any agency of the Borrower or of any such political subdivision, including the Banque Centrale de la République de Guinée or any institution performing the functions of a central bank.

SECTION 5.11. The principal of, and interest and other charges on, the Loan and the Bonds shall be paid without deduction for, and free from, any taxes, and free from all restrictions, imposed under the Laws of the Borrower or laws in effect in its territories; provided, however, that the provisions of this Section shall not apply to taxation of payments under any Bond to a holder thereof other than the Bank when such Bond is beneficially owned by an individual or corporate resident of the Borrower.

SECTION 5.12. The Loan Agreement and the Bonds shall be free from any taxes that shall be imposed under the laws of the Borrower or laws in effect in its territories on or in connection with the execution, issue, delivery or registration thereof, and the Borrower shall pay all such taxes, if any, imposed under the laws of the country or countries in whose currency the Loan and the Bonds are payable or laws in effect in the territories of such country or countries.

SECTION 5.13. The Borrower shall cause all goods imported by OFAB and contractors for the construction of the Project to be exempted from all import taxes and customs duties.

ARTICLE VI

Remedies of the Bank

SECTION 6.01. If any event as specified below shall occur and shall continue for the period, if any, specified below, then at any subsequent time during the continuance thereof, the Bank, at its option, may declare the principle of the Loan and of all the Bonds then outstanding to be due and payable immediately, and upon any such declaration such principal shall become due and payable immediately, anything in this Agreement or in the Bonds to the contrary notwithstanding:

(i) any event specified in paragraphs (a) or (b) of Section 5.02 of the Loan Regulations or paragraph (d) of Section 6.02 of this Agreement, for a period of thirty days; or

(ii) any event specified in paragraph (c) of Section 5.02 of the Loan Regulations or paragraphs (a), (b), (c), (e), (f) or (g) of Section 6.02 of this Agreement, for a period of sixty days after notice thereof shall have been given by the Bank to the Borrower; or

(iii) any event specified in paragraph (h) of Section 6.02 of this Agreement.

SECTION 6.02. The following additional events are specified for the purposes of Section 5.02(i) of the Loan Regulations:

(a) A default shall have occurred in the performance by OFAB of any covenant or agreement on its part under the Project Agreement;

(b) The Statutes shall have been amended, suspended, abrogated or terminated without the prior approval of the Bank;

(c) The Basic Agreement, the Financial Assurances Agreement, the Trust Agreement, the Railway-Port Project Agreement, the OFAB Technical Assistance Agreement, the OFAB Training Agreement, the CBG Technical Assistance and Training Agreement, the Participation Agreement or the Mining Project Financial Arrangements shall have been amended, suspended, abrogated, terminated, waived or assigned without the prior approval of the Bank;

(d) CBG, HALCO or any of the Stockholders shall have failed to make any payment required to be made by any of them under the Financial Assurances Agreement, the Trust Agreement or the Bauxite Contracts;

(e) Any event shall have occurred which, if continued for the period, if any, specified in Section 7.03 of the Financial Assurances Agreement would be an event of suspension or termination of the obligations of CBG, HALCO and the Stockholders under the Financial Assurances Agreement;

(f) A default (other than a default in payment referred to in paragraph (d) of this Section) shall have occurred in the performance of any covenant or agreement on the part of any of the parties to the Financial Assurances Agreement, the Trust Agreement, the Railway-Port Project Agreement, the OFAB Technical Assistance Agreement, the OFAB Training Agreement, the CBG Technical Assistance and Training Agreement or the Bauxite Contracts;

(g) Subject to the provisions of paragraph (h) of this Section, the AID Loan or any Overage Loan shall have been amended, suspended, abrogated, terminated, waived or assigned without the prior approval of the Bank;

(h) The AID Loan shall have become due and payable prior to the agreed maturity pursuant to the terms thereof;

(i) Any event shall have occurred which shall have operated to suspend the right of the Borrower to withdraw amounts under the AID Loan Agreement.

ARTICLE VII

Effective date; termination

SECTION 7.01. The following events are specified as additional conditions to the effectiveness of this Agreement within the meaning of Section 9.01(b) of the Loan Regulations:

(a) that the execution and delivery of the Project Agreement on behalf of OFAB shall have been duly authorized or ratified by all necessary action of the Borrower and OFAB;

(b) that all acts, consents and approvals of the Borrower, its political subdivisions or agencies or any agency of any such political subdivision in order to enable: (i) OFAB to perform all of the covenants, agreements and obligations set forth or referred to in the Project Agreement, the Financial Assurances Agreement, the Trust Agreement, the Railway-Port Project Agreement, the OFAB Technical Assistance Agreement and the OFAB Training Agreement; (ii) CBG to perform all the covenants, agreements and obligations set forth or referred to in the Financial Assurances Agreement, the Trust Agreement, the Railway-Port Project Agreement, the OFAB Training Agreement, the CBG Technical Assistance and Training Agreement and the Bauxite Contracts, with all necessary powers and rights in connection therewith, shall have been duly and validly performed or given;

(c) that the Statutes shall have been duly authorized or ratified by all necessary action of the Borrower;

(d) that the Financial Assurances Agreement, the Trust Agreement, the Railway-Port Project Agreement, the OFAB Technical Assistance Agreement, the OFAB Training Agreement, the CBG Technical Assistance and Training Agreement, the Participation Agreement and the Bauxite Contracts shall have become effective on terms and conditions satisfactory to the Bank;

(e) that a Chairman of the Construction Coordination Committee acceptable to the Bank shall have been appointed upon terms and conditions satisfactory to the Bank;

(f) that the terms and conditions of the AID Loan Agreement shall be satisfactory to the Bank and that the conditions precedent, if any, to initial disbursement under such Agreement shall have been fulfilled;

(g) that CBG, HALCO and the Stockholders shall have entered into agreements or otherwise made arrangements, including the Mining Project Financial Arrangements, satisfactory to the Bank with one or more financial institutions acceptable to the Bank for the financing of the Mining Project;

(h) that all necessary acts, consents and approvals to be performed or given by any authority having jurisdiction to enable: (i) CBG, HALCO and the Stockholders to perform all of their respective obligations under the Financial Assurances Agreement, the Trust Agreement, the OFAB Technical Assistance Agreement, the OFAB Training Agreement, the CBG Technical Assistance and Training Agreement, the Participation Agreement and the arrangements referred to in paragraph (g) of this Section; and (ii) the Stockholders to perform all of their respective obligations under the Bauxite Contracts, shall have been performed or given.

SECTION 7.02. The following are specified as additional matters, within the meaning of Section 9.02(c) of the Loan Regulations, to be included in the opinion or opinions to be furnished to the Bank:

(a) that the Project Agreement has been duly authorized or ratified by, and executed and delivered on behalf of OFAB, and constitutes a valid and binding obligation of OFAB in accordance with its terms;

(b) that all acts, consents and approvals referred to in paragraph (b) of Section 7.01 together with all necessary powers and rights in connection therewith have been duly and validly performed or given;

(c) that the Statutes of OFAB have been duly authorized or ratified by all necessary action of the Borrower;

(d) that the Financial Assurances Agreement, the Trust Agreement, the Railway-Port Project Agreement, the OFAB Technical Assistance Agreement, the OFAB Training Agreement, the CBG Technical Assistance and Training Agreement, the Participation Agreement, the Bauxite Contracts and the Mining Project Financial Arrangements constitute a valid and binding obligation of each of the parties thereto in accordance with their terms.

SECTION 7.03. The date of December 15, 1968 is hereby specified for the purposes of Section 9.04 of the Loan Regulations.

ARTICLE VIII

Miscellaneous

SECTION 80.1. The Closing Date shall be December 31, 1972 or such other date as shall be agreed between the Borrower and the Bank.

SECTION 8.02. The following addresses are specified for the purposes of Section 8.01 of the Loan Regulations:

For the Borrower: Ministère du Développement Economique; Conakry; Guinea.

Alternative address for cables: Minidevelop; Conakry; Guinea.

For the Bank: International Bank for Reconstruction and Development, 1818 H Street, N.W., Washington, D.C. 20433, United States of America.

Alternative address for cables: Intbafrad, Washington, D.C.

SECTION 8.03. The *Ministère du Développement Economique* of the Borrower is designated for the purposes of Section 8.03 of the Loan Regulations.

IN WITNESS WHEREOF, the parties hereto, acting through their representatives thereunto duly authorized, have caused this Loan Agreement to be signed in their respective names and delivered in the District of Columbia, United States of America, as of the day and year first above written.

REPUBLIC OF GUINEA,
By ——— ———,
Authorized Representative.
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT,
By ——— ———,
President.

SCHEDULE 1

Allocation of proceeds of loan

Category:	(*Amounts Expressed in Dollar Equivalent*)
I. Harbor works and equipment and provision of hydraulic sand fill	$10,250,000
(a) Approach jetty and loading wharf	
(b) Dredging	
(c) Navigational aids	
(d) Floating and lifting equipment	
(e) Hydraulic sand fill	
II. Kamsar townsite and railway and port buildings	9,950,000
(a) Site preparation, landscaping	
(b) Kamsar buildings	
(c) Port buildings	
(d) Railway buildings	
(e) Roads, drains and sewers	
(f) Power grid, telecommunications, etc.	
(g) Water supply	
III. Railway	19,900,000
(a) Earthworks, access roads, etc.	
(b) Track	
(c) Bridges and culverts	
(d) Signalling	
(e) Locomotives	
(f) Rolling Stock	
IV. Engineering consultants and other professional services	5,000,000
V. Interest and other charges on the Loan	5,500,000
VI. Refunding—Loan S1–GUI	1,800,000
VII. Supervision during construction	1,000,000
VIII. Unallocated	11,100,000
	64,500,000

Reallocation upon change in cost estimates

1. If the estimate of the cost of the items included in any of the Categories I to VII shall decrease, the amount of the Loan then allocated to, and no longer required for, such Category will be reallocated by the Bank to Category VIII.

2. If the estimate of the cost of the items included in any of the Categories I to VII shall increase, an amount equal to the portion, if any, of such increase to be financed out of the proceeds of the Loan will be allocated by the Bank, at the request of the Borrower, to such Category from Category VIII subject, however, to the requirements for contingencies, as determined by the Bank, in respect of the cost of the items in the other Categories.

3. The Bank shall promptly notify HALCO and CBG of any reallocation made pursuant to paragraph 1 or paragraph 2 above.

SCHEDULE 2

Amortization schedule

Date Payment Due	*Payment of Principal (expressed in dollars)* *
Oct. 1, 1973	$845,000
April 1, 1974	870,000
Oct. 1, 1974	900,000
April 1, 1975	930,000
Oct. 1, 1975	960,000
April 1, 1976	990,000
Oct. 1, 1976	1,025,000
April 1, 1977	1,055,000
Oct. 1, 1977	1,090,000
April 1, 1978	1,125,000
Oct. 1, 1978	1,165,000
April 1, 1979	1,200,000
Oct. 1, 1979	1,240,000
April 1, 1980	1,280,000
Oct. 1, 1980	1,320,000
April 1, 1981	1,365,000
Oct. 1, 1981	1,410,000
April 1, 1982	1,455,000
Oct. 1, 1982	1,505,000
April 1, 1983	1,550,000
Oct. 1, 1983	1,600,000
April 1, 1984	1,655,000
Oct. 1, 1984	1,710,000
April 1, 1985	1,765,000
Oct. 1, 1985	1,820,000
April 1, 1986	1,880,000
Oct. 1, 1986	1,940,000
April 1, 1987	2,005,000
Oct. 1, 1987	2,070,000
April 1, 1988	2,135,000
Oct. 1, 1988	2,205,000
April 1, 1989	2,275,000
Oct. 1, 1989	2,350,000
April 1, 1990	2,430,000
Oct. 1, 1990	2,505,000
April 1, 1991	2,590,000
Oct. 1, 1991	2,670,000
April 1, 1992	2,760,000
Oct. 1, 1992	2,855,000

*To the extent that any part of the Loan is repayable in a currency other than dollars (see Loan Regulations, sec. 3.03), the figures in this column represent dollar equivalents determined as for purposes of withdrawal.

Premiums on prepayment and redemption

The following percentages are specified as the premiums payable on repayment in advance of maturity of any part of the principal amount of the Loan pursuant to Section 2.05(b) of the Loan Regulations or on the redemption of any Bond prior to its maturity pursuant to Section 6.16 of the Loan Regulations:

Time of prepayment or redemption:	*Premium*
Not more than 3 years before maturity	½%
More than 3 years but not more than 6 years before maturity	1%
More than 6 years but not more than 11 years before maturity	2%
More than 11 years but not more than 16 years before maturity	3%
More than 16 years but not more than 20 years before maturity	4%
More than 20 years but not more than 22 years before maturity	5¼%
More than 22 years before maturity	6½%

SCHEDULE 3

Description of Boke Bauxite Development

The Boke Bauxite Development is the bauxite mine at Sangaredi in the Boke administrative district of Guinea, the construction of a railway, a port at Kamsar, a deepwater channel giving access to the port for bulk-loading vessels, the installation of crushing, drying and calcining plant at the port and the construction of townships at Sangaredi and Kamsar for the accommodation of workers, together with the transport equipment, power supplies and other services required to make possible the exploitation of extensive deposits of high-grade bauxite and the export of the ore.

Construction and financing of the Boke Bauxite Development will be undertaken partly by the Borrower and partly by CBG. That part of the Boke Bauxite Development which, for the purposes of this Loan Agreement, constitutes the Project is described in Part A below. Part B describes the Mining Project to be undertaken and financed by CBG.

Part A—Description of the Project

The basic design service capacity of the Project is at least 6,000,000 metric tons of bauxite per year.

The Project consists of:

(a) a standard-gauge, heavy-weight, single track railway from Sangaredi to the port of Kamsar, approximately 136 kilometers in length, complete with crossing stations, staff housing, other operating facilities and ancillary equipment; the locomotives and rolling stock largely necessary for construction of the line;

(b) (i) a port at Kamsar, with an approach jetty, a loading wharf with fending dolphins and a mooring dolphin; (ii) a channel approximately 17 kilometers long terminating in a turning basin, both provided with necessary navigational aids and dredged to a depth sufficient to enable vessels with a loaded draft of 32 feet to navigate at half-tide, together with a loading basin dredged to sufficient depth to accommodate loaded vessels at all tide levels and (iii) a tugboat, pilot launches, motorized barges, cranes and other handling equipment, and office, warehouse and cold storage buildings; and

(c) a township at Kamsar to accommodate workers to be employed in the administration, operation and maintenance of the Project and providing a site on which CBG will construct houses for its own staff. The township work will include preparation of the site, construction of approximately 225 housing units, a hospital, a school, an administrative center, a commercial center and all necessary roads, drains, sewers and electricity, water and telephone services.

Completion of the Project is expected to take 42 months including the time needed for bidding and the award of contracts.

Part B—Description of the Mining Project

The Mining Project is comprised substantially of the equipment and facilities described below and the basic design capacity is for the mining, processing and loading of 6,000,000 metric tons of metal grade bauxite per year.

At the Sangaredi mine site, mining will be accomplished by drilling and by use of explosives; loading into ore cars will be accomplished by shovels. The mine site will include mine shops, a power plant, a warehouse, an office building and a townsite (including approximately 225 units for employee housing), together with water supply and miscellaneous service facilities.

CBG will provide railway service tracks at Sangaredi and at the Kamsar port facilities connecting with the railway included in the Project and will be equipped with line and yard locomotives and ore cars for the carriage of bauxite contracted for sale at the Completion Date (as defined in the Financial Assurances Agreement). CBG will also have certain tank cars, flat cars and box cars.

At the Kamsar ore treatment plant, ore-car unloading will be accomplished by car dumper; after dumping, the ore will be crushed. Crude ore stockpiling and reclaiming will be accomplished by stacker and/or bucket wheels. Drying and calcining will be effected by rotary kilns. Covered storage will be provided for dry ore, reclaiming to be accomplished by bucket wheels. In addition, covered storage for calcined ore, a workshop for maintenance of CBG equipment (including railroad equipment), a power plant, an electrical distribution system, a CBG Kamsar laboratory and office building and a sampling plant will be included in the Mining Project.

The Mining Project will include conveyors for transporting bauxite on the approach jetty and on the wharf and a traveling ship loader.

Housing for employees (approximately 370 units) and a guest house will be located at Kamsar.

SCHEDULE 4

(1) With respect to all contracts any part of which is to be financed out of the proceeds of the Loan:

(a) Before bids are invited, the Borrower shall submit to the Bank for approval the invitations to bid, specifications, conditions of contract and all other tender documents.

(b) After bids have been received and analyzed, the bid analysis and the Borrower's proposals for contract award, together with the reasons for such proposals and the recommendations of the consulting engineers and the Chairman of the Construction Coordination Committee, will be submitted by the Borrower to the Bank for approval prior to awarding the contract.

(c) If the final contract is to differ substantially from the terms and conditions contained in the respective documents approved by the Bank under paragraphs (a) and (b) above, the text of the proposed changes will be submitted by the Borrower to the Bank for its review and approval prior to the signing of any such contract.

(2) As soon as a contract is signed the Borrower shall furnish to the Bank a certified copy of such contract.

CONGRESSIONAL REFORM AND ELECTION REFORM PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. MacGregor] is recognized for 60 minutes.

Mr. MacGREGOR. Mr. Speaker, more than 134 House Members of the Republican Party have urged Speaker John W. McCormack and the House Democratic leadership to schedule for consideration by the U.S. House of Representatives bills providing for congressional reform and election reform. As pointed out by the distinguished gentleman from Illinois [Mr. Rumsfeld] in the Congressional Record for yesterday, September 24, more than 130 Republican Representatives have affixed their names to a letter to the Speaker asking that we in the House be given an opportunity to work our will on the important matters of election reform and congressional reorganization.

Many people say that the hour is late—and it is. Others say the day is late—and it is.

But neither the hour nor the day is too late for us to act in this session and before adjournment to enact into law both the congressional reorganization and the election reform bills.

We saw proof of that earlier this afternoon. We saw that the total elapsed time from the approval of a rule by the Committee on Rules to the final approval by this body of a conference report need take no more than 15 days.

For indeed, on September 10, 1968, the Committee on Rules met and duly approved a resolution, House Resolution 1300, making it in order, upon the adoption of the resolution, for this House to consider the scenic rivers bill. That rule, granted just 15 days ago, came to the House for consideration on September 12, just 2 days following the granting of the rule by the Committee on Rules. This body adopted the rule and proceeded to debate the scenic rivers bill.

In expeditious fashion the House approved and passed the scenic rivers bill. Our bill not being acceptable to the Senate, it resulted in a committee of conference being appointed.

On today, September 25, 1968, the conferees having reached agreement, the conference report came back to the House, and the managers on the part of the House recommended that we in this body approve the compromise agreed to between the House version of the scenic rivers bill, H.R. 18260, and the previously passed bill in the Senate, S. 119.

The House promptly approved the conference report, and the now designated wild and scenic rivers bill will shortly be on its way to the White House for the signature of President Johnson.

Thus we have seen, in a critically important matter of vital interest to the people of my State and of our border State of Wisconsin, and to people of many other areas of America, the normal and regular functions of the House of Representatives can work, and do work—promptly and expeditiously.

The Rules Committee meets. It grants a rule. It comes to the floor. We debate and pass legislation. It is different from the Senate form of the legislation. A committee of conference is appointed. The conference committee reaches agreement. It comes back to the House. And the whole process only takes 2 weeks and 1 day.

The same thing could take place with respect to the congressional reorganization bill which is, after all, resting in the Rules Committee, where it has resided since March of 1967, and with the election reform bill. The Senate passed an election reform bill unanimously, by a vote of 83 to nothing, more than a year ago. In this body the Committee on House Administration approved a bill in late June of this year, and it has lain dormant—at least dormant so far as any action which might bring it to this floor is concerned—since the latter part of June.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. MacGREGOR. I yield to the distinguished gentleman from New Hampshire.

Mr. CLEVELAND. First of all I should like to commend the gentleman from Minnesota for his remarks and I concur in them and compliment him for his fine efforts in behalf of reforming our procedures.

In connection with his remarks I think there has been some talk that one of the reasons why the Congressional Reorganization Act—the Legislative Reorganization Act of 1967, and the companion bill that we are concerned with, concerning the reform of our election procedures—have not been brought out is that now at this late date we are lacking in time. I would like to speak to that point because yesterday when I came to the floor of the House and was prepared to debate a particular bill in which I am interested, the bill providing for a new Senate office building—and it seems remarkable to me that with the fiscal crisis in which we now find ourselves that the House of Representatives would be concerning itself with a new Senate office building—but when I got down here yesterday to debate this particular bill, lo and behold 8½ minutes after we met we adjourned.

So, Mr. Speaker, this argument that we do not have time to consider here one of these two bills or both falls of its own weight when we consider the fact that yesterday the House met for but 9 minutes and the day before it met for just a little more than an hour.

There is plenty of time left to consider these two bills and it is not too late, as the gentleman from Minnesota [Mr. MacGregor] has so eloquently stated. I would like to say a bit more at this point in the Record.

There has been some talk about the fact that there is no constituency for the Legislative Reorganization Act. Sad but true. However, as I read over the Legislative Reorganization Act and the report of the Joint Committee on the Organization of the Congress—and this report for the Record was reported in the 89th Congress, the second session, which is Senate report No. 1414 and I hope there will be students of congressional reform and political scientists who will be interested in the Record.

Mr. MacGREGOR. And, if the gentleman will permit an interruption, the report to which the gentleman refers bears the date of July 28, 1966.

Mr. CLEVELAND. Indeed it does. And, speaking again about the Record and for the Record I think the Record should show that not only are we speaking here to this subject on September 25, 1968, but on September 10 which was a Tuesday and on September 17 which again was on a Tuesday, we also addressed ourselves to these problems. Students of Government will therefore have a fine legislative record and a good deal of information with respect thereto.

On page 55 of this report we find that the joint committee on which I served addressed itself to this problem of scheduling when it said:

> Both Houses should schedule committee and floor sessions on a five-day work week so

that the business of a session may normally be completed by July 31, the time for congressional adjournment as provided by law. A session shall be extended beyond that date only by a resolution adopted by a majority rollcall vote in each House. In no event, however, shall any meetings of either House be held during the month of August except in time of war as declared by Congress.

Mr. Speaker, in view of the fact that we are still in session and we are still acting on bills that should have been acted on long since, this is another aspect of this whole problem that I feel that the Congress and the American people should be aware of. These long sessions of Congress do little good to anyone. We are meeting now at a time when the attention of the American people is devoted to the Presidential election. We know we are going to accomplish nothing substantial at this time. However, if we have to be here I think the gentleman from Minnesota is right when he stated that we should address ourselves to these legislative and election reform bills. We are however not even doing that.

So, Mr. Speaker, I mention this to point out the fact that here we are today discussing these matters after meeting for only 9 minutes the day before and for 1 hour the day before that.

Yet Members are being held here, virtually chained here, and it is not even leading to good legislation. It is not even leading to a situation where we are permitted to consider these two bills that we are so concerned about. This Legislative Reorganization Act which is being held in the Committee on Rules and has been held there for more than a year and a half, addresses itself to some of these precise problems that we are now faced with here at this very late hour. The election reform bill is also important.

Many people may disagree with some of the provisions, but I believe this is good legislation. In regard to the scheduling matter this is something that the people who wrote the legislative reorganization bill have taken careful and thoughtful steps concluding the workings of the House of Representatives, and the workings of the Senate so that we could take care of our business in an expeditious manner and then do what we must of course do if we are going to be good representatives. Have some time to go back to our districts to talk to the people who send us here in the first place and whose opinions on some of these matters are very important and should be considered.

Mr. MacGREGOR. I thank the gentleman from New Hampshire.

As he has indicated, perhaps there is not a substantial constituency in the United States urging that we take action on the congressional reorganization bill, and the election reform bill, but I believe it most significant to note that leading newspapers and periodicals throughout the country during the course of this month have expressed, in many cases in the strongest terms, the opinion that the failure of the House of Representatives to take action on this problem is unconscionable. We have had comment favorable to the cause that we here espouse in the Christian Science Monitor, the Wall Street Journal, the St. Louis Globe-Democrat, the Chicago Tribune, the Chicago American, the Chicago Sun-Times, St. Louis Globe, the Washington Post, the Washington Star, the Washington Daily News, and two distinguished papers from the State of Oregon, the Oregon Journal and the Oregonian.

Mr. Speaker, I ask unanimous consent to insert in the Record at this point a series of favorable editorials and feature stories from the various newspapers I have mentioned, and others, some 20 items in total, printed during the period September 6, 1968, through September 23, 1968.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The documents referred to are as follows:

[From the Christian Science Monitor, Sept. 6, 1968]

The Dawdling Congress

Congress is back on the job after its month-long vacation. It may yet confound its critics, apply speed and adjourn a month from now or it may not finish until mid-December. We submit that, this year as for many years, Congress has been legislating in a deplorably dawdling fashion.

Congress must be aware that it is under observation. It is being scrutinized, for its worthiness or unworthiness, its efficiency or sloth, along with just about every other institutionalized activity in the United States, from the Supreme Court to the presidential nominating conventions. There are a lot of dissatisfied customers.

No one is about to abolish Congress. But consider: the Legislative Reorganization Act of 1946 set a July 31 deadline for Congress' annual adjournment. For the last twelve years Congress has failed to meet that deadline. This makes for wear and tear on the legislators, shortened tempers, and hasty legislation passed in the final rush to adjournment. This year, it adds friction when there is more than enough devisiveness in the country already.

Now what are Congress' necessary tasks from here to adjournment? There are pending bills to tighten gun controls, aid higher education, expand the food stamp program, vote farm subsidies, establish a redwoods park. There are five appropriation bills. And then there is the decision whether or not to confirm Abe Fortas as Chief Justice of the Supreme Court.

There is some prospect that a filibuster against the Fortas appointment could consume most of the month of September. Without taking sides for or against President Johnson's Fortas nomination, would a month-long filibuster be in the best interests of either Congress or the nation?

A post-convention Congress is bound to reflect, in some degree, the urgencies of the campaign. The Republicans, sensing a conservative tide and a demand for "law and order," may seek to condemn the Fortas appointment on the ground that the Supreme Court has been lax on criminals. The Democrats, seeking to regain their hold on the lower middle-class and "old ethnic" groups, may talk up city aid, tax reform and future measures for changing the national distribution of income and power.

But the fundamental issue, really, is whether Congress is meeting its own responsibilities. The legislators have not tightened their ethical standards, not streamlined committee hearings, not coordinated the antipoverty battle. Now or early in 1969, Congress had better begin to give new attention to refashioning itself into a more alert, sensitized, undawdling legislature.

[From the Wall Street Journal, Sept. 6, 1968]

Quiet Burials for Congress Reform

(By Jerry Landauer)

Washington.—Fresh from recess for the political conventions, Congress resumed work this week, its agenda topped by proposals for more gun controls and the nomination of Abe Fortas to be Chief Justice of the United States. But two other much-debated matters that should also rank high on the legislative list are heading instead toward indecently quiet burials.

As it happens, the two dying bills deal with Congress itself. One would reform the money-raising rules governing a candidate for Congress. The other, by revising Congress' working ways, seeks to enhance the lawmaker's influence once he's sworn in. Both bills cleared the Senate in 1967 and both have been carefully redrafted in the House, where ample time remains for floor debate in the weeks before adjournment. (The Fortas nomination is solely a Senate matter, and the gun bill has already passed the House.)

According to all the textbook maxims of democratic procedure, in short, the reform bills ought to be on the President's desk for signature soon. But Congressional leaders don't always follow the book. Instead they intend to adjourn the 90th Congress without letting members vote the much-debated bills up or down—an intent that in itself underlines the need for reform.

PUBLICITY AND POLITICS

To take money first, the existing 1925 law governing campaign finances is pocked with loopholes, as everybody knows. It rests on the belief that publicity—letting voters judge whether candidates have traded favors for political contributions—will cleanse politics of improper influence. Yet the law's requirements on disclosure of income and spending exclude more political activity than they embrace.

Among other gaps, the law doesn't cover:

Primary elections or the selection of delegates to political conventions, an omission allowing Richard Nixon's managers to keep secret the membership list of R. N. Associates, a little-known group of perhaps 1,000 elite contributors who gave at least $1,000 each to help Mr. Nixon win the Republican nomination for President.

Political committees operating within a single state, allowing Hubert Humphrey's financiers to hide a $50,000 gift from the Seafarers International Union, among other big labor donations, by setting up dummy committees in distant places.

Donations handed to a candidate's aides rather than to the candidate, enabling Sen. Edward Kennedy and other luminaries to swear that they neither raised nor spent a dime to get elected; their unchallenged nondisclosure theory is that campaign managers and finance chairmen aren't collecting with the candidate's "knowledge or consent."

The law is similarly ineffective in seeking to inhibit the influence of big money. It imposes a $5,000 limit on contributions, yet invites evasion by letting donors give the limit to any number of clubs, associations or committees supporting the same candidate: Chairman Robert W. Dowling of City Investing Co. in New York, for one, has pledged $100,000 to the Democrats, mostly to help nominee Humphrey, and "there's nothing unusual about it at all," he says. (In practice, a rich man rarely gives more than $3,000 to any one committee, else he'd be liable to gift taxes.)

Indeed, Mr. Dowling's gift is unusual only because of its size and his willingness to discuss it, not because he intends to spread it widely in legally permissible packets. Every Congressman knows that campaigners and donors alike more often sidestep than honor the law's intent, and few dare to oppose reform in public. Yet bill after bill has been killed behind closed Capitol doors, never on stand-up roll-call votes.

This 90th Congress seemed resolutely ready to rewrite the 1925 law when it convened in January 1967. Prodded by fund-raising scandals, the Senate started work early and wound up approving a tough bill in September. In the House, South Carolina Democrat Robert Ashmore, chairman of the elections subcommittee, cooperating with Republican Charles Goodell of New York, drafted an even tighter version. Carolinian Ashmore's support seemed particularly significant because conservative Southerners had always opposed extending the reach of Federal law to cover state-run primaries. Thus greased, the bill emerged from subcommittee on June 27, 1967—only to get stuck in the House Administration Committee, the parent body.

One key reason for delay was a vain effort by Republicans to curb union power by prohibiting the use of dues money for such purposes as paying employes of AFL-CIO's Committee On Political Education. Often, too committeemen opposing reform simply stayed away, and on occasion, when a quorum seemed in sight some member would obligingly stand up in the House to protest meetings while the House was in session.

By thus marching in unintended tandem, union-curbers and reform-killers kept the Ashmore-Goodell bill locked in committee for exactly one year. Suspicious readers should note its release date—June 27, 1968—too late for any reasonable chance of enacting the bill but early enough to shift blame for inaction. In late June, remember, Congressional leaders were still talking up an early adjournment deadline, in time for the Democratic convention. So when the reform bill came to the House Rules Committee for clearance to the floor. Rules Committeemen conveniently pointed to anticipated early adjournment as an excuse for "deferring" action. The deadline soon faded, but the "deferral" still stands.

THROUGH 15 VOLUMES

In fashion similar to the money measure, the bill to reorganize Congress sailed easily and early through the Senate only to be spiked in the brambly House. This bill began taking shape in 1965 when a special House-Senate committee heard suggestions for strengthening Congress from 190 witnesses who talked through 15 volumes covering 2,822 pages. The special panel issued its report in mid-1966, and within weeks after the 90th Congress convened Senators began debating a bill based on its recommendations.

On and off, debate lasted 17 days. Senators considered 75 amendments, accepted 36, then sent a weakened (to enlist support from traditionalists) measure across the Capitol to the House by overwhelming vote, 75 to 0.

Considering how widespread were the complaints that Congress can no longer master its workload nor hope to stem the encroachment of Presidential power, the Senate bill sounded mild. Among other steps, it would refine the jurisdiction of bill-writing committees, authorize hiring specialists to oversee the Executive Branch, enlarge the Legislative Reference Service, give the General Accounting Office computer capability for better budget analysis. Even the proposal to pick postmasters solely by merit encountered minimal opposition—except from a shrinking but still powerful group of House elders who'd still rather pluck appointees from the political clubhouse than from the Civil Service register.

Nonetheless, the reorganization package soon got stuck in the House Rules Committee, smothered by lobbyists whom the bill would more tigntly regulate and by a clique of committee chairmen whose arbitrary authority the bill might check.

In general, the chairmen object to opening more committee meetings (to say nothing of a provision permitting broadcast media in hearing rooms); to more staff help for the Republican minority; to restrictions on voting by proxy (it's easier for the chairman than for lower-ranking committeemen to extract proxies from absentees), and to a provision requiring announcement of how a lawmaker votes at committee bill-drafting sessions. (Some opponents go so far as to claim that announcing committee votes makes members more vulnerable to pressure from lobbyists—which comes perilously close to saying that members of the House can't be trusted to vote their convictions except in secrecy.)

SPENDING REPORT CHECKS

Lobbyists, for their part, would find the General Accounting Office checking their quarterly spending reports. Contingent fee arrangements with employers for influencing Congress would have to be disclosed. And the standards governing whether an interest group must register would be tightened.

In many Congressional controversies, lobbying efforts collide, often neutralizing conflicting pressures. But against the reorganization measure the lobbyists worked together, pummeling a bill from the same direction for perhaps the first time since 1946, when the existing ineffective Lobbying Act became law.

That law might as well have been written by a congress of lobbyists. It vests authority to administer registration requirements in the Clerk of the House and the Secretary of the Senate, officials who are themselves subject to lobbying pressure. And, as if to assure non-enforcement, the law neglects to grant them authority to check the accuracy of spending reports. What's more, the law lets interest groups themselves determine whether they must register as lobbying organizations; not unexpectedly, groups as disparate as the National Rifle Association and the American Public Power Association exempted themselves from the law's embrace.

In short, the present law for publicizing group pressures on Congress is no more effective than the present law for publicizing money pressures on Congress. But the reform proposals are being strangled; no fresh air stirs Capitol Hill. As Missouri Democrat Richard Bolling has remarked, reform won't come till some "nice scandal" points the way.

[From the St. Louis (Mo.) Globe-Democrat, Sept. 10, 1968]

UNTIE CONGRESS REORGANIZATION BILL

More than three years ago Congress appointed a bi-partisan Joint Congressional Committee to draw up plans for the organization of Congress.

In late July of 1966 the tedious job was completed after the committee heard more than 200 witnesses and compiled a written record of more than 2300 pages.

For more than two years the Democratically-controlled Congress has refused to adopt the reorganization recommendations of its own committee.

The Congressional Reorganization Bill, after passing the Senate, has been bottled up in the House Rules Committee since March 9 of 1967.

There is little doubt why the measure is sidetracked. It would streamline the old Congressional procedures and do away with many of the time-wasting and power-grabbing practices that make it possible for Democratic leadership to exercise complete control over every piece of legislation.

It would tighten the loosely-written lobby registration laws and institute a standard of official conduct, among other things.

Congress has reached the point where it is taking longer and longer to do less and less. It literally is stumbling all over itself and badly needs the reorganization prescribed in this bill.

The American people should support Senator Thomas Curtis of Webster Groves, the ranking House GOP member of the Joint Congressional Reorganization Committee, in his drive to get this important legislation out of the House Rules Committee to the House floor for passage.

[From the Chicago Tribune, Sept. 11, 1968]

GOP GROUP IN HOUSE VOWS REFORM FIGHT

(By Aldo Beckman)

WASHINGTON, September 10.—A group of House Republicans today vowed to tie the House in parliamentary knots in an effort to force the Democratic leadership to schedule bills for congressional and election reform.

"We cannot afford the continued imprecise and unresponsive legislative solutions which the present 'horse and buggy' rules and procedures are designed to produce," said Rep. Donald Rumsfeld [R., Ill.], the leader of the dissident group, at a press conference.

He charged that the leadership, under the direction of House Speaker John McCormack [D., Mass.] has deliberately bottled up the bills in the rules committee.

PASSED BY SENATE

The congressional reform bill, which already has been passed by the Senate, contains more than 100 recommendations to modernize the Congress, including more open committee meetings, restrictions on proxy voting in committee, radio and TV broadcasts of hearings, additional minority staffing, removal of postmasters from patronage, restrictions on lobbying, and an August recess.

Rumsfeld said that his group will use parliamentary maneuvers, such as objecting to all unanimous consent requests and calling for repeated quorum calls, to stall House business tomorrow.

"Our purpose is not to be disruptive," Rumsfeld insisted. "Our sole purpose is to dramatize the need for House consideration and, hopefully, House action on both the reform bills before adjournment."

The election reform bill, also passed earlier by the Senate, calls for restraints on fund raising and would require publication of financial contributions.

QUESTION OF FUNCTION

Rep. Thomas Curtis [R., Mo.], a co-sponsor of the Senate-passed congressional reform act, told reporters it was "a question of whether the Congress is to be a deliberative body or a place to ram thru bills agreed to at the White House or on Wall street."

"The White House, under present rules, can stop legislation it doesn't want or it can ram thru bills that haven't even been studied," Curtis charged.

McCormack later shrugged off charges that he was responsible for the two bills not being brought to the floor for action. "They're absolutely mistaken," he said, blaming the Republican charges on politics.

Among Republicans appearing with Rumsfeld this morning were Rep. John Erlenborn [R., Ill.] and Rep. Tom Railsback [R., Ill.].

[From the Chicago American, Sept. 10, 1968]

GOP PROTEST SET IN DELAY ON HOUSE BILLS

(By Tom Leach)

WASHINGTON.—A group of Republican congressmen tomorrow will begin delaying tactics in the House to dramatize the failure of the Democratic leadership to call up for a vote legislative and election reform bills, Rep. Donald Rumsfeld [R., Ill.] said today.

The election reform act would overhaul present regulations on campaign fund raising and spending in federal elections. It would require full disclosure of political contributions and expenditures by candidates and political committees.

REORGANIZATION ACT

The legislative reorganization act would require public disclosure of votes taken in congressional committee meetings, streamline present parliamentary procedures, provide for live telecasting and broadcasting of open committee hearings, and prohibit floor consideration of a bill until a committee report on the measure had been available to members for at least three days.

Rumsfeld, speaking for 20 other House Republicans, revealed the protest plan today.

Rumsfeld said the parliamentary motions are not being made to be disruptive, and added no attempts will be made by his group to block legislation.

JUST WANT ACTION

"Our sole purpose is to dramatize the need for House consideration, and we hope, House action, on both of the reform bills before adjournment," he said.

Rumsfeld said both bills, which have been approved by the Senate, are locked up in the House rules committee and that the Democratic leadership has indicated no action will be taken before Congress adjourns.

Rumsfeld said the delaying tactics include requesting quorum calls, asking for record votes rather than voice votes on all motions, and objections to mutual consent requests. Much routine House business is carried out swiftly thru voice votes, he said, but under House rules any member can request formal roll calls.

CALLS DELAY SENSELESS

The Illinois congressman charged the delay on taking up the two reform bills is not because there are other, more pressing matters.

"How can this be when there was no session last Friday and we spent yesterday on a bill for marketing orders on pears for canning and freezing?" he said. "Do these legislative priorities make sense—pears over congressional reform, pears over election reform?"

Noting the Senate passed both bills by overwhelming majorities, Rumsfeld said he is convinced the House also would approve the measures if they were brought to the floor.

[From the Chicago Sun-Times, Sept. 11, 1968]

Rumsfeld Unit Pushes for House Reforms

WASHINGTON.—A group of Republican congressman Tuesday announced plans for a floor protest of the House Democratic leadership's unwillingness to act on election and legislative reform.

The group, led by Rep. Donald Rumsfeld (R-Ill.), said it would mount a "delaying action" Wednesday, using parliamentary procedures to bring the House to a temporary halt.

"Our purpose," said Rumsfeld, "is not to be disruptive. Our sole purpose is to dramatize the need for House consideration, and hopefully, House action" on the two reform measures.

Rumsfeld and others in the group considered such tactics as demanding full reading of the previous day's journal, asking frequently for quorum calls and making frequent procedural points.

The Senate has passed both election and legislative reforms, but the measures are tied up in the House Rules Committee.

Rep. Thomas B. Curtis (R-Mo.) charged that the regular Democratic House leadership, starting with speaker John McCormack (D-Mass.), was in cahoots with the White House to block reform.

One of the proposals would limit the amount of money an individual could contribute to a congressional campaign and require disclosure of contributions. The legislative reform bill contains provisions for streamlining congressional consideration of bills, particularly appropriations, for requireing full disclosure of lobbying activities and for increasing the power of committee minorities.

[From the Globe-Democrat, Sept. 11, 1968]

Sixteen Republicans Hope To Force Reform Vote

(By Edward W. O'Brien)

WASHINGTON.—Rep. Thomas B. Curtis, St. Louis County, and 15 other Republicans announced Tuesday a House slow-down in hope of embarrassing Democratic leaders and reviving congressional reorganization and election reform bills.

At a press conference, Curtis and the others said they will seek to pressure the Democrats who run the House into letting House members vote on the bills.

Both measures are now in the deep freeze reserved by the Democratic-controlled House Rules Committee for measures not favored by Speaker John W. McCormack and other powerful chieftains.

Curtis, along with Missouri Rep. Durward G. Hall and the other frustrated cruasaders, contend the bills will be passed if only the Rules committee would clear them to the floor.

The congressional reorganization bill, the key measure, was recommended by a Senate-House bipartisan committee and passed by the Senate over a year ago.

It contains more than 100 changes to modernize and streamline Congress's structure and working methods, transfer power from committee chairmen to ordinary members, require open-door transaction of much business now conducted in secret, give minority members more staffing and protection, tighten lobbying regulations, and the like.

The election bill, also passed by the Senate, would strengthen controls on campaign finances and increase disclosure.

In their proclaimed mini-filibuster, the Republicans starting Wednesday will demand quorum calls and roll-call votes, object to Democratic requests to skip time-consuming formalities, and indulge in other tactics which are ordinarily considered ungentlemanly, especially when members are hurrying to return home to their campaigning.

Curtis blamed "an undercover power structure" for stalling the reform bills.

He identified members as Speaker McCormack, Democratic leader Carl Albert, assistant leader Hale Boggs, most Democratic committee chairmen, and White House officials.

Under the present system, he charged, "the White House can stop legislation it doesn't want and ram through legislation that hasn't even been studied by House members."

He said "this processed closed-door decision making" is shared by "Wall Street and the Charles River"—a symbol, he explained, for Harvard University, Massachusetts Institute of Technology and other prestigious branches of academia.

[From the Washington Post, Sept. 12, 1968]

Reform Group Stalls House

A group of House Republicans, seeking to publicize its demand for action on Congressional and election reform bills, yesterday succeeded in delaying action on the $72.2 billion defense appropriation bill. A vote on the bill was put off until today.

When the House met at noon they threw up the first of a series of procedural roadblocks that tied up the House in roll calls and other time-consuming procedures. No real filibuster is possible under House rules.

The two reform measures are tied up in the House Rules Committee. One proposes a reorganization of Congress to include, among scores of changes, assured minority staffing on committees and tighter registration requirements for lobbyist. The other calls for full reporting of funds raised and spent in seeking Federal office. Both bills have been passed by the Senate.

After delaying actions lasting over two hours, at 2:20 p.m. managers of the minibuster gave it up, rather than delay the money bill further. They still had not elicited any assurance from House leaders that either reform bill would be put to vote. Indications were they would not.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 12, 1968]

GOP Reform Drive Blocks House Action

(By David B. Bowes)

WASHINGTON, September 12.—House Republicans created a parliamentarian's nightmare for two hours and 20 minutes yesterday to dramatize GOP views on congressional and election reforms.

The protesters rose to make one point of order after another. They demanded, and were granted, enough roll calls and body counts to bring the chamber's always casual pace to a complete halt.

Only when the biggest money bill of the session—appropriating 72 billion dollars for the Department of Defense—came up did Representative Donald Rumsfeld of Illinois and his colleagues break off the engagement. Rumsfeld said the bill was too important to delay.

It is unlikely that House Speaker John W. McCormack will do a turnabout and press for action on the congressional and election reform bills stalled in the Rules Committee. However, McCormack did agree to talk with the dissidents in private.

ASK FOR ACTION

Addressing the chair, Rumsfeld asked yesterday whether McCormack would try to pry the bills out for a vote.

"That's a most unusual question," replied the Speaker, clearly startled at having behind-the-scenes overtures mentioned in public.

"Regular order, regular order!" shouted Democrats. They urged that reform legislation not be discussed when it was not on the day's schedule.

Representative Wayne L. Hays (Dem.), Ohio, sat through two quorums and a roll call, then rose to denounce Representative Thomas B. Curtis (Rep.), Missouri, for "misleading the nation" on election reform.

Hays contended the bill that Curtis, Rumsfeld and the others were so eager to bring to a vote would "repeal all limits on the money you could spend to buy an election."

It ought to be called the "millionaires-control-of-Congress bill," Hays said.

Curtis called the GOP uprising successful in at least one respect. "It clearly shows how badly we need to reform our rules," he said. He was referring to the rules by which the Republicans were able to focus this attention on the reform impasse.

"SAPPIES AND YAPPIES"

A Pennsylvania Democrat, Representative John H. Dent, was less enthusiastic as he reported to the chamber for the fourth successive roll call.

"In Chicago," Dent said, "we had the hippies and Yippies trying to break up the convention. Here we have the sappies and yappies trying to break up Congress. At least in Chicago they had the excuse of being young and foolish."

The House chaplain had no sooner said "Amen" than Republicans were on their feet objecting to everything but the opening prayer.

They announced repeatedly the absence of a quorum. The chamber was nearly three fourths empty so McCormack would order a quorum call.

After the list of 435 members had been read off, and repeated a second time for many absentees, the Speaker would say that without further objection no one else would be seated.

ROLL CALL DEMANDED

Some GOP stalwart would object. That would prompt Representative Carl Albert, leader of the Democratic majority, to move that the process be stopped.

There then would be a formal roll call on Albert's motion, after which the population of the chamber would thin out again. Representative Robert A. Taft Jr. (Rep.), Ohio, then would announce that apparently a quorum was not present.

At one point Curtis, glancing over his shoulder at the clock, demanded that tellers be appointed to monitor a parliamentary tally.

McCormack, good-natured and notably calm throughout this baiting, chose Curtis and Albert to be tellers. The whole House paraded down the center aisle between them.

The Speaker relinquished the gavel to another Democrat and shuffled down to where Rumsfeld sat. The young Illinoisan stood as his elderly adversary approached. They conferred until McCormack shrugged his shoulders. Later he and Curtis waggled fingers at each other.

Whether the Republicans would be back another day with more of the same remained to be seen. Not even southern Democratic members of the so-called conservative coalition knew for sure.

Before the delaying tactics began, L. Mendel Rivers of South Carolina sauntered over to the Republican side to find out what was cooking. It was Solidarity day for the GOP, however. Rivers returned to his seat to wait and see.

[From the Richmond (Va.) News Leader, Sept. 12, 1968]

Reform Bill Proponents Stall House

Washington.—A group of five House Democrats have joined a Republican effort to force a congressional reorganization bill out of the Rules Committee.

The Republicans prevented the House from doing anything except answer endless roll calls and listen to a reading of the previously day's proceedings from noon to 2:20 p.m. Wednesday to dramatize their desire to see action on the bill.

But the protest apparently failed to budge the measure from the Rules Committee, which says it has completed its business and will reconvene only on an emergency basis.

DISCHARGE PETITION

The Democratic group says it will give the committee one more week to act or face the threat of having the bill wrested from it by a discharge petition.

The five Democrats, all second-termers, are Reps. Thomas M. Rees of Calif., Brock Adams of Wash., William Hathaway of Maine, Andrew Jacobs, Jr. of Ind., and James Scheuer of N.Y.

They will need the signatures of 218 members on their petition in order to override the committee.

Discharge petitions rarely succeed in moving bottled-up legislation, but with time running out on the 90th Congress, backers of reform legislation are grasping at any straw.

OUTSIDE PRESSURES

Rep. Donald Rumsfeld, R-Ill., who led the Republican protest demonstration, said his group is also eyeing new moves and considers the battle still far from over.

Rumsfeld expressed satisfaction with the parliamentary snakepit he and his followers created on the House floor Wednesday.

[From the Philadelphia (Pa.) Bulletin, Sept. 12, 1968]

Republicans Seek Reform, Tie Up Business in Houses

Washington.—Republicans yesterday made good for a while on their threat to put the House in a parliamentary straitjacket in protest against its failure to act on congressional reform legislation.

From the opening gavel at noon until 2:20 P.M., House members did little but answer roll calls and quorum calls and listen to what they did the day before.

But the leaders of the Republican revolt then relented and let the biggest money bill of the session—one appropriating $72 billion for the Defense Department—come up for action.

DEMAND DRAMATIZED

The demonstration was staged to dramatize the Republicans' demand that the Democratic leadership schedule action on bills that would make changes in many congressional procedures and in federal election law. Both bills are stymied in the Rules Committee.

One reorganization bill would assure minority staffing on committees and tighter registration requirements for lobbyists. The other bill would require full reporting of funds raised and spent in seeking federal office.

While the Republicans kept up their protest, they staged a parliamentarian's nightmare with their points of order, parliamentary inquiries and objections to legislative shortcuts that are usually taken by unanimous consent.

In the view of Rep. Thomas B. Curtis (R-Mo) the uprising was successful in at least one aspect. "It clearly shows how badly we need to reform our rules," he said.

DENT DISAGREES

But Rep. John Dent (R-Pa), trudging into the chamber to answer the fourth successive roll call, took a dimmer view.

"In Chicago," he said, "we had the hippies and Yippies trying to break up the convention. Here we have the sappies and yappies trying to break up Congress. At least in Chicago, they had the excuse of being young and foolish."

The reform-minded Republicans won the support of five Democrats: Reps. Thomas M. Rees (Calif), Brock Adams (Wash), William Hathaway (Maine), Andrew Jacobs, Jr. (Ind) and James Scheuer (NY).

[From the Washington (D.C.) Evening Star, Sept. 12, 1968]

Seventy-Two-Billion-Dollar Defense Measure Heads for House Passage

(By Robert K. Walsh)

A $72.2 billion defense appropriation bill, biggest money measure ever to come up in Congress, headed for House passage today.

Before getting off the floor for debate late yesterday, however, it was held at bay for 2½ hours by a mini-filibuster staged by a small band of Republicans popularly or unpopularly known as "Rumsfeld's Raiders."

Then the bill became involved in discussion of a Defense Department estimate that use of military personnel in connection with civil disorders since April—including those here at that time and at the Democratic National Convention in Chicago last month—cost $8.33 million.

There also was a stern warning by House Appropriations Committee Chairman George H. Mahon that an eventual end of the Vietnam war would not justify any major immediate letdown in defense requirements or a "skeletonized Pentagon."

"A RUTHLESS CHALLENGE"

"We will still be confronted with a very ruthless challenge to the security of the United States," the Texas Democrat told his colleagues. "As long as this spirit of aggression by the Communist forces continues, it will be necessary to maintain a massive and meaningful defense program which will have to have top priority if we are to preserve the best interests of the United States."

Citing Russian military moves against Czechoslovakia as a reason for concern by Congress and this country in general, Mahon said he nevertheless sees no reason why the present $72.2 billion bill should be increased or changed.

At the outset of a scheduled four hours of general debate yesterday several members asked for at least an estimate of the cost of using military personnel and equipment at the time of civil disorders in various parts of the country since April.

They were informed that the $8.3 million estimate covered the cost of transportation, supplies and various services for the military personnel but did not include pay or administrative expenses.

The Pentagon estimate, as read to the House, indicated that this partial cost in connection with the April disturbances was about $6,215,170; the Poor People's Campigan here, about $793,900, and the Chicago convention, $1,376,483.

The parliamentary slowdown tactics at the beginning of the session centered on a plan outlined Tuesday by Rep. Donald Rumsfeld, R-Ill., and about 20 other Republicans.

They said their purpose was not to block or unduly delay essential bills such as the defense appropriation measure, but to focus attention on the need for bills to improve the operating procedures of Congress and to reform election campaign practices.

Rumsfeld and his immediate associates, supported by many other Republicans on a series of parliamentary maneuvers and time-consuming roll calls, managed to tie up the House for 2½ hours.

This might have gone on for several more hours but Rumsfeld finally called off the demonstration for the day.

FIVE DEMOCRATS JOIN

Today, five Democratic congressmen joined in the attempt to force House action this year on the congressional reorganization bill.

They said they would introduce a special resolution calling for House consideration of the measure, which is blocked in the Rules Committee.

They said that if the committee fails to act on their resolution within seven legislative days they will file a motion to take the reorganization bill from the committee.

Such a discharge petition would require the signatures of at least 218 House members. The Democrats admitted at a news conference that this might be difficult to achieve.

The five Democrats are Reps. Thomas Rees of California, William D. Hathaway of Maine, Andrew Jacobs of Indiana, Brock Adams of Washington, and James H. Scheuer of New York.

They said they would cooperate with the Republican group seeking action on the reorganization measure, but they indicated they would not use delaying parliamentary tactics.

[From the St. Louis Globe-Democrat, Sept. 13, 1968]

Force Vote on Congress Reform

The Congressional Establishment has a stranglehold on the congressional reform bill and won't let go.

This is a handful of Democratic floor leaders and committee chairmen who have almost absolute power over legislation.

These key Democratic figures are determined to keep the decrepit Congressional status quo. They know they have the power to dictate which bills will be rammed through to passage and which will be killed in the committee of their choosing.

It is this undercover power structure that is now blocking the vitally needed congressional reform bill that could return Congressional power where it belongs—to entire membership of Congress.

Rep. Thomas B. Curtis of Webster Groves, ranking GOP member of a joint congressional committee which drafted the reorganization plan, is leading a drive to force the measure out of the House Rules Committee where it has been bottled up since March of 1967.

Curtis says he and other supporters of the bill will lead a House slow-down to try to force the Democratic leaders to release the measure from the Rules Committee. It already has been passed in the Senate and probably could gain approval in the House.

The reorganization bill contains more than 100 changes to modernize and streamline Congress structure and working methods so it can cope a great deal more effectively with its increasing workload.

It also would transfer the power from committee chairmen to members of Congress, establish an official standard of conduct, authorize broadcasting of House hearings, give minority members more staffing and protection, tighten lobby regulations, modernize budgetary procedures and require all record votes taken in committee be announced with individual members' stands on each vote.

It does not include needed reforms of the seniority system, but these could be added in an amendment when it comes to the floor.

Congress through the years has lost much of its initiative to the White House.

This reorganization bill offers Congress a chance to reassert its authority, to once again become equal in stature to the White House and the Supreme Court.

The public should join Rep. Curtis and other House leaders in this fight to take the legislative reins away from a few "Mr. Bigs" and return it to those representing all the people.

The Democrats have been talking about progress for a long time. This is a real chance for them to join in making progress instead of just giving it lip service.

[From the Washington (D.C.) News, Sept. 14, 1968]

Why Not Now?

It may be too much to hope from the faltering House Democratic leadership, but it would be so easy and so sensible for it to react favorably to the demand of a group of young Republicans for action now on the "clean elections" and Congressional reorganization bills.

Both bills have passed the Senate; both are ready for House debate. Democratic leaders alone are responsible for inaction by the House up to now. They have the undoubted power to send both measures to the floor. Why they do not ask for House action now is a political puzzle.

One of the bills is intended to modernize, to a minor but important extent, the procedures of Congress, the better to handle knowingly the problems of today.

The other is intended to overhaul the outdated Federal election laws that are so full of holes as to be worthless, laws which invite a major scandal. The bill also provides a means for full and prompt disclosure of campaign spending, and puts safeguards around both contributions and expenditures.

The Republican group has started a series of parliamentary moves to dramatize the need for action on these bills. Their efforts are not disruptive but very worthwhile.

The country has a big stake in their success.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 15, 1968]

House Reform Fight Offers GOP an Issue

(By David B. Bowes)

WASHINGTON, Sept. 14.—In light of the parliamentary jam that followed his opening prayer, the appeal by the Chaplain of the House was incisive going on prophetic:

"Help us to take time for those things that matter most," said the Rev. Edward G. Latch, "and less time for those things that matter least."

That is what the controversy over legislative reorganization and election reform is all about—this time around—and apparently nothing short of divine intervention will resolve it before Congress adjourns for the election.

The now bipartisan protest centers on whether two reform bills approved by the Senate will be sprung from the House Rules Committee. The protest offers Republicans a tasty campaign issue to set before the voters. Pitting younger House members against their elders, it also threatens to drive one more wedge in the generation gap.

Republicans contend that the Democratic leadership is frittering away time and money on haphazard legislation when the things that matter most are modernization and reform. Only by disrupting the chamber with its own archaic rules can the power structure be moved, says Representative Donald Rumsfeld of Illinois.

Second-term Democrats, chafing under Speaker John W. McCormack's old way of doing things, do not protest aloud. But they share a sort of political kinship with the Chicago Democratic national convention delegates who sang and clapped 18 minutes simply because chairman Carl Albert took it upon himself to decide that a tribute to the late Robert F. Kennedy was worth seven minutes of convention time. The young Democrats plan to support a discharge petition unless the conservative-controlled Rules Committee responds.

Prospects here are slim that any efforts to produce a discharge petition could force the hands of McCormack or William M. Colmer of Mississippi—chairman of the Rules Committee. The signatures of 218 members would be needed, and most representatives are anxious to get out on the hustings. As William E. Brock, a Republican dissident from Tennessee, observed sadly, reorganization bills have no constituency anyway.

Second-term Democrats, whose frustrations as young moderates are not compounded by the frustrations of being in a minority party, are not impressed with the disruptive tactics of the Republicans to emphasize the need for reorganization and reform. They consider it a quixotic campaign of the sort that matters least. They would try to enlighten the leadership, not give it the bum's rush.

Two Missourians typify the divergence of opinion among those few congressmen long on record as favoring meaningful reforms.

They are Thomas B. Curtis of Webster Groves, a conservative and ranking House Republican on the Joint Congressional Reorganization Committee and Richard Bolling of Kansas City, author of an outspoken new book on "Power in the House"—and a liberal Democratic member of the Rules Committee.

The reorganization bill that Curtis wants brought to the House floor, where all members can have at it, includes more than 100 recommendations to modernize the way things work on Capitol Hill.

It provides for more open committee meetings, restrictions on proxy voting in committee, radio and television coverage of hearings, larger staffs for minority members, rights of minority members to call witnesses, use of automatic data processing, August recess, removal of postmasters from the patronage system and restrictions on lobbying.

These are necessary steps toward making Congress a deliberative and study body able to condense the "distilled wisdom" from free inquiry into legislation that meets the nation's needs, Curtis says. He believes Congress should stop dancing to tunes played by the White House and by liberal academicians who "should know better."

The reason Congress as an institution has grown secretive and obsolescent and senile is because four "general power structures" have helped it along, in Curtis's view.

He argues that the executive branch uses the taxpayers' money to propagandize the issues before Congress, despite the fact that laws written by earlier congresses make such lobbying activity criminal. Special interest lobbies with their "access to the inner councils of power," are said to perpetuate secrecy. Curtis says what he calls the intelligentsia prize pragmatism above ideals, when rational study and debate is more pragmatic than anything. He would have the news media downgrade "dramatis personnae" and make heroes of ideas.

Bolling, for his part, grants that the Republicans have chosen a "legitimate way of playing politics." Their uprising against the established procedures makes them "for virtue" when "everybody knows nothing is going to happen" if two more reform bills are passed, he said.

The Kansas Citian regards the GOP assault on parliamentary procedures as a "perversion of the rules" to draw attention to their own legislative interests. Rumsfeld and Curtis are demeaning the very procedures designed to protect the minority party against ambushes hatched by the majority leadership, Bolling said.

"The whole guts and gizzards of reform are getting the committee chairmen to give up some of their powers and prerogatives," he asserted.

Bolling said so many reorganization laws governing Congress are honored in the breach that enacting two more is not the answer. For instance, a bill passed in 1946 instructs Congress to prepare a legislative budget each year, but nobody has ever seen one.

A reorganization bill ought to be handled with "skill and judiciousness" early in a session, Bolling said. As with the conflict-of-interest law now in effect, the goal is a meeting of the minds between partisans, he said. Some newsmen deprecated the ethics bill "because we got it through," Bolling observed. He said it was not the last word, but that it did have the consent of those whose conduct was to be governed by it.

Another Missourian, Republican Durward G. Hall of Springfield, told a press conference this week that GOP members of the Rules Committee rewrote the reorganization bill six times in a futile attempt to get the Democrats to cooperate.

Bolling's version:

"The bill was so badly drafted that it gratuitously alienated all the chairmen of committees. The only truly important things in it are the computers, the curbs on lobbying and minority staffing. So the Republicans get a political issue without particular substance."

Bolling, whose new book is strongly critical of the current Democratic leadership, said the bill lay there bleeding in Rules for so long that he himself put it out of its misery.

Bolling has been telling annoyed Democrats to "raise hell positively" with their Republican counterparts. He feels some good could come from even a politically inspired effort to update Congress. Few doubt, however, that Congress will remain an old curiosity shop for years to come.

[From the Chicago Tribune, Sept. 15, 1968]

Rumsfeld Fights Odds To Reform House

(By Aldo Beckman)

Washington, September 14—The congressman from Chicago's north shore, who can't seem to recognize a lost cause when he sees one, is at it again.

Rep. Donald Rumsfeld [R., Ill.] has been warned by freshmen and veteran leaders alike that he has no chance in his current battle to force the Democratic leadership to schedule two reform bills for action by the House this session.

But Rumsfeld and about 15 of his followers most of them older and with more seniority than the Wilmette lawmaker, tied up the House more than two hours Wednesday with parliamentary maneuvers aimed at drawing attention to their campaign.

The two bills, which would streamline House procedures and restrict and publicize campaign contributions, still haven't been scheduled, but Rumsfeld isn't giving up. He has threatened more delaying tactics if he isn't offered cooperation by the Democratic leaders.

NO STRANGER TO UPSETS

Tho his chances of success are considered almost nil, they are no smaller than were his chances when he decided to run for Congress in 1961, after Rep. Marguerite Stitt Church announced plans to retire after years as the representative from Illinois' 13th Congressional district.

Rumsfeld, a former navy pilot who was working for an investment firm at the time, was a political unknown among the dozen declared candidates. But hard work, 900 speeches and good organization brought him the upset victory.

A 2D VICTORY

Rumsfeld's fight for congressional reform probably has about the same chance of success that a group of young freshmen members on the House space committee had in 1963 when they fought the ranking members over two amendments. The amendments finally were adopted, saving the taxpayers 85 million dollars. Rumsfeld was one of the leaders in that mini-revolt.

And the fight for congressional reform probably is no tougher than the battle which Rumsfeld joined in 1965, when a group of young turks set about the almost impossible and politically suicidal task of overturning the established G.O.P. leadership in the House. The coup succeeded and Rep. Gerald R. Ford of Michigan was named Republican leader.

So House leaders have learned not to snicker at the efforts of Rumsfeld, who looks even younger than his 36 years.

House Speaker John McCormack [D., Mass.] and Rep. Carl Albert [D., Okla.], the majority leader, spent considerable time trying to woo Rumsfeld away from his persistent campaign, but to no avail.

SCALES ARE TILTED

Rumsfeld, in an interview, admitted the difficulty of his task. The measures, he noted, "are inside bills, and enjoy no constituency." Since the reforms would place tighter controls over congressional lobbyists, these people are naturally working against it.

The Illinois Republican, one of the original sponsors of a bill to create a commission on reorganization, has been interested in the subject since he came to Congress. He has testified before a number of committees on reorganization and contributed to a book on the subject.

"I've heard so many people complain that federal programs weren't working like they were supposed to," he said. "And then, when you investigate, you learn that the enabling legislation was poorly drawn."

AN ANSWER TO PROTESTS

"You hear increasing concern from people who say they're going to the street to change things," he continued. "I'm very much against that, and I think the best way you can stop it is to revise some of our outmoded methods so we can cope with the problems of today."

The reform bill, which would provide for more open committee hearings, more rights for the minority, and less dictatorial power by committee chairmen, would be a step in the right direction, Rumsfeld believes.

"Nobody can argue against this bill unless they are satisfied with things the way they are," he said. "It's absolutely incredible to me that we're just now taking up some appropriations bills, two months after the fiscal year has begun.

"How can you expect government agencies to plan and operate efficiently under such a system?"

NO VULNERABLE SPOTS

Rumsfeld, a political realist, acknowledges that he runs little risk in the forefront of controversial, and sometimes unpopular, activity.

"My district isn't looking for a new dam and we have no oil or tobacco interests that I have to fear," he said. "I don't have to agree to things I don't believe in, so I can push for things that I'm convinced are right."

Tho his district is safely Republican, Rumsfeld goes home frequently to campaign, making the 700-mile trip every week-end as the election approaches.

Besides working for his own reelection, he is one of 10 men named by Richard Nixon as surrogate candidates, authorized to speak for him on the issues in the Presidential campaign.

Included in the select group are Sen. Mark Hatfield [R., Ore.], Sen. Howard Baker [R., Tenn.], and Bud Wilkinson, former football coach.

At the recent convention in Miami Beach, Rumsfeld was one of three assistant floor managers, keeping track of delegates and working for Nixon's nomination. He will campaign thruout the nation for the Republican ticket during the next six weeks.

Altho he is only in his third term, Rumsfeld has made a surprisingly rapid climb on the all-important serniority ladder.

He could become the youngest chairman in the history of the joint economic committee, a group of senators and congressmen who act as congressional eyes and ears for the nation's economy.

POST MAY OPEN UP

Rep. William Widnall [R., N.J.] is ranking Republican on the economic committee. Howe also is ranking Republican on the House banking and currency committee, and has said that if Republicans gain control of the House, he would prefer the banking committee post, if forced to make a choice.

It isn't clear whether he would be permitted to hold both chairmanships in a Republican-controlled House.

Two landslide elections—one for the Democrats in 1964 and one for the Republicans two years later—plus redistricting forced by a United States Supreme court decision, have eliminated veteran members at a rapid rate and helped Rumsfeld up the ladder.

He now is sixth ranking Republican among 13 on the space committee and fourth ranking among 15 on the government operations committee.

BUSY LIFE IN CAPITAL

In recent weeks there have been whispers that he might be considered when Republicans look for new leadership material on the lower rungs of that ladder. He has been approached by some Illinois Republicans as a possible senatorial contender in the future.

Residence in Washington has meant a busy life for Rumsfeld and his wife, the former Joyce Pierson of Wilmette. They and their two daughters and one son live in the Georgetown section of the capital.

[From the Evanston (Ill.) Review, Sept. 16, 1968]

Congress Rumsfeld Faces Big Fight

(By Erik Stottrup)

The resurgence of youth that has been evident in this year's political campaigning was dramatized in another, less spectacular, fashion last week by Cong. Donald Rumsfeld (R-13th) of Wilmette.

Backed by a small contingent of other representatives, the 36-year-old congressman began an 11th-hour attempt to dislodge two important bills from a recalcitrant rules committee.

The bills, which have passed the Senate by overwhelming votes, would streamline Congress and inject a measure of honesty into expenditures of and contributions to candidates for federal elective office.

Aside from the obvious merit of these measures, Cong. Rumsfeld's effort highlights one of the chief defects of our legislative system—the system by which aging, intransigent members of Congress wield more and more power.

The congressional reform bill has been mildewing in the rules committee since March of 1967 and the election reform act for nearly as long.

Chairman of that committee is Cong. William Colmer, a Democrat from Mississippi. Rep. Colmer was first elected to the House in 1932, the year in which Cong. Rumsfeld was born.

House Speaker John McCormack, a Massachusetts Democrat, is the second oldest congressman in terms of service. He first came to Washington in 1928, the year Herbert Hoover was elected President.

These two men have the power to discharge the two reform bills but won't. In fact, when Cong. Rumsfeld asked Speaker McCormack about it last week, the aging leader said he does not oppose the legislation.

Curiously, no opponent of the bill will voice his opposition publicly, Cong. Rumsfeld commented. "It is very difficult to find an opponent," he said.

An explanation may be in the fact that bills themselves would alter the system which has enabled older House members to gain and retain their awesome powers.

In the congressional reform bill, for instance, is a provision that would end the practice of senators and representatives appointing postmasters and rural mail carriers. Instead, they would be selected on the basis of merit.

It must be difficult to oppose a measure which would help introduce professionalism into the nation's postal system, especially when the department is coming under increasing attack.

At the same time, aging leaders must find it equally hard to help along a process that would divest them of the influence they hold so dear.

Getting their help won't be easy, even with the demands for quorum calls, journal readings, roll call votes, and other delaying tactics which Cong. Rumsfeld began employing last week.

Usually optimistic, he said Thursday, "I can't see any light at the end of the tunnel." The tone seemed to convey some of the pessimism that goes with any attempt to invigorate a system that has grown attached to the advantages of age.

[From the National Observer, Sept. 23, 1968]

Rebels With a Cause

In the few weeks that remain before the House adjourns, young GOP congressmen, aided by reform-minded Democrats, will be trying to create a national issue out of two bills that have been buried for months in the Rules Committee: congressional reform and campaign-spending reform.

Chances are they will neither blast the bills loose from committee nor grab much national attention with their efforts, but it's fun to watch and really quite significant. "It's difficult to catch on as an issue, mainly because it's all inside stuff primarily of interest only to House members," says Rep. Donald Rumsfeld, the 36-year-old Illinois Republican who is plotting strategy for the juniors. "In fact, it's not a good issue, but a lousy one. So far, we've just made a lot of our colleagues mad."

But that couldn't be avoided. To remind their elders how badly the House rules need updating, Mr. Rumsfeld and his fellows have been going by the rule book and thereby making nuisances of themselves.

They've demanded a full reading of the previous day's record, asked for repeated quorum calls, and asked for roll-call votes on legislation that normally would zip through with a bang of the Speaker's gavel. "Even some of the older Republicans are grousing," says Mr. Rumsfeld, who smiles devilishly at the thought of his secret plans for the next few weeks.

The issues involved are not solely Republican issues, although Mr. Rumsfeld has made it seem so. It is youth vs. age and seniority, reform versus the *status quo,* those at the bottom of the ladder who have little to lose against those near or at the top. In a way, it's hard to blame the elders for trying to prevent change. Senate Majority Leader Mike Mansfield a few weeks ago recalled that when he came to the Senate 15 years ago, he wanted to change the system. "But the more seniority I get, the more I kind of like it."

Still Mr. Mansfield supported the modest changes embodied in these two bills when they were overwhelmingly adopted by the Senate last year.

"You have to remember," says another GOP congressman on the Rumsfeld team, "that senators have prestige and status just by being senators. They naturally get the attention of the nation and the press. But for House members to get the same prestige they have to have power, especially committee chairmanships. Those that have it don't want to see it diluted at all."

The congressional-reform measure aims primarily at opening up the committee system. It provides for open business meetings and public disclosure of votes taken in committee meetings. It restricts proxy voting. It strengthens the rights of the minority party. It provides for live telecasting and broadcasting of open committee meetings. In a dozen ways, it strengthens congressional review ("oversight") of legislation being administered by the agencies.

The principal objective of the campaign-spending reform is the opening to public scrutiny of political contributions and spending, requiring candidates to make comprehensive and detailed reports of campaign finances. It also closes loopholes in the present $5,000 limitation on individual contributions.

While few close observers of Congress doubt that such reforms would be healthy, it is still up to the youngsters in the House to get them adopted. The rapid turnover in the House in 1964 and 1966 will aid the cause of reform. There are now 135 members, Democrats and Republicans, who are in their first or second term. House membership soon may return to its regular, cyclical period of stabilization. When it does, youngsters will become veterans, get a taste of seniority and power, and lose interest in reform.

There are, of course, Democrats who have fought this battle for years, like Rep. Richard Bolling of Missouri, stymied by his own party leaders and the crustiness of the GOP. But with his team of Democratic reformers joined to the vigorous young Republicans, prospects for a major overhauling of Congress early next year are excellent. Indeed, GOP leaders last week issued, a bit presumptuously, an "agenda for a Republican 91st Congress," with election reform and campaign-spending reform at the top of the list.

Says one of Mr. Rumsfeld's young teammates: "We've placed the Republican Party so far out on the line on this issue, there's just no way it can back away from it."

—JUDE WANNISKI.

[From the Oregon Journal Sept. 6, 1968]

THE TYRANNY OF THE RULES

Americans who were appalled by the steamroller tactics of House Majority Leader Carl Albert as he presided over the Democratic National Convention perhaps can understand better why pressure is building in Congress for reform of the rules by which Congress does its business.

Both the Democratic and Republican national conventions traditionally operate under the rules of the U.S. House of Representatives, with some modifications. Those rules give tremendous power to committee chairmen, the presiding officers and their assistants. Some of this direction is necessary to permit so large and unwieldy a body as the 435-member House (let alone a national party convention, with its cast of thousands) to get anything done at all.

But reformers both outside and inside the Congress repeatedly have urged changes to make the procedures of both houses more democratic. Now there are reports that in the closing weeks of the 90th Congress, which reconvened Wednesday, a group of House members may make a determined effort, by obstructionist tactics if necessary, to force a vote on S. 355. This is a congressional reform bill which was passed by the Senate last year but has been bottled up ever since in the powerful House Rules Committee.

Most of the reform talk in the House comes from some Republicans, who presently are in the minority there and consequently have the most to suffer from arbitrary actions by the controlling Democrats. But interest in congressional reform is bipartisan. S. 355 was floor managed in the Senate by A.S. Mike Monroney, Oklahoma Democrat. In the House, Rep. Richard Bolling, D-Mo., author of the book "House out of Order," proposing congressional reform, has offered a version of S. 355 which goes beyond the Senate bill.

As passed by the Senate, the main provisions of the bill diminish the arbitrary power of committee chairmen; require greater openness in committee hearings and votes; provide the committees with more staff, particularly for the minority, and attempt to provide greater oversight over the federal budget and over lobbying.

This bill does not attempt to answer some of the other criticisms often heard of the Congress, such as the tyranny of the seniority tradition, the ability of the House Rules Committee to block or delay bills, the endless time-killing roll calls in the House, and the use of the filibuster by a Senate minority.

Usually the public regards technical changes like these as ho-hum stuff. This apathy helps explain why reform comes so slowly in a tradition-bound body like the Congress. Maybe its recent glimpse, at the Democratic convention, of how tyrannical the rules can be will arouse the public to take a greater interest this time.

[From the Oregonian, Sept. 13, 1968]

HOUSE BURIES REFORM

A good cause fires House Republicans' parliamentary revolt. It is intended to call attention to the burial in the House of a badly needed congressional reform bill.

More than 18 months ago, the Senate gave an overwhelming, bipartisan majority of 75 votes to 9 to the bill (S 355). It was the product of a two-year study by the Joint Committee on the Organization of Congress. It gave promise of the first major reform in congressional rules and procedures in more than 20 years.

The many provisions of S 355, as approved by the Senate, included: Restrictions on the arbitrary power of committee chairman and authority for minority members to have staff assistance of their own; elimination of congressional patronage in the appointment of postmasters and some congressional employes; extension and tightening of regulation of lobbyists; opening of more committee meetings to the public; and reform in Congress' fiscal controls.

The bill received a cool reception from Democratic leadership in the House. It was referred to the House Rules Committee early in March, 1967; and there it has remained ever since, with only one brief hearing lasting a few hours. The idea appears to be that the old rules have served old congressmen well and there is no sense in doing anything that would disturb the power of the speaker or of committee chairmen to run House business as they see fit, without the bother of accounting to the public or to minority committee members.

The fate of S. 355 itself is illustrative of the oligarchic nature of current congressional rules. House Rules Committee Chairman William Colmer (D-Miss.), a product of the seniority system, has the bill in his pocket, and it is unlikely that it will come out in recognizable form before the end of this Congress.

There has been some House activity on the subject. Opponents of reform have been busy drafting a new bill, which would cut the heart out of S. 355. It would make major committee reform provisions applicable only to the Senate and would retain the arbitrary powers of House committee chairmen.

Bipartisan reform forces in the House want none of that. They would rather have no legislation than a mock reform bill.

One would think that S. 355 is a radical measure. It is not. It would not touch such sacrosanct things as seniority and floor rules. But it would go a long way toward getting committee operations out in the open and in preventing a committee chairman's pocket veto. Its provision taking patronage out of the postoffice is, in itself, worth a fight.

This is the story behind Republican congressmen's parliamentary harassment of House leadership. Theirs is not a partisan fight, although those who decided on the parliamentary strategy were all Republicans. They have a lot of Democrats on their side, but House rule is such that these would probably rather not dare the resentment of their party's old men in the House.

If congressional reform dies this session as expected, the verdict must be murder, charged to the senior Democrats in the House. It would be another burden for Democrats to carry into the November presidential and congressional elections.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield further?

Mr. MACGREGOR. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I thank the gentleman for yielding for one more moment.

In connection with the RECORD about which I spoke, the gentleman from Ohio [Mr. TAFT] asked and was granted leave tc insert the bill that the Senate has passed on congressional reorganization,

S. 355. That will be found in the Record of Tuesday, September 17.

Mr. Speaker, I would ask leave that pertinent excerpts to the final report of the Joint Committee on the Reorganization of the Congress be inserted in the Record at the conclusion of the remarks under the special order of the gentleman from Minnesota [Mr. MacGregor].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, will the gentleman yield?

Mr. MacGREGOR. I yield to the gentleman from Illinois [Mr. Rumsfeld].

Mr. RUMSFELD. Mr. Speaker, I thank the gentleman from Minnesota for yielding.

First, I want to pay a high tribute to the gentleman from Minnesota [Mr. MacGregor] for his determination, and his diligence in pursuing what I believe to be, as he does, the exceedingly important legislative goals, of the enactment of the Legislative Reorganization Act during this session of the Congress, and the consideration of legislation dealing with election reform.

Mr. Speaker, we have been in this Chamber at this late hour listening to some eloquent tributes to a fellow Member who is retiring. He came into this Chamber in the year 1946, 22 years ago. The gentleman in the well and the gentleman from Illinois both joined in the tributes that were paid to the gentleman from Virginia [Mr. Porter Hardy].

I thought, as I listened to the comments that were made, about the changes that have taken place in this country during that 22-year period.

In 1946 there were barely 140 million people in this country. Today there are more than 200 million people.

In 1946 fewer than 60 percent of our people were living in urban areas. Today an excess of 70 percent are in urban areas.

In 1946 there were approximately 320,000 people per congressional district. Today the number is in excess of 430,000.

We have seen a growing labor force, a growing number of schoolchildren, a growing number of senior citizens, and an increasing density of population with all the problems that these conditions bring.

You know, in the 79th Congress there were a total of 10,330 bills introduced. That was back in 1945 and 1946.

In this Congress more 20,000 bills will have been introduced. With these changes, there have come changing stresses and requirements on the Congress of the United States. Yet, the fact is the last time the Congress undertook a major reorganization was in 1946—22 years ago.

Today a group of those of us who are concerned about this problem looked at some automobiles from the year 1946. And, as a matter of fact, also from 1909, back in the year when there were some changes in the House structure during the Speakership of Congressman Cannon. This was when our colleague, the gentleman from Ohio, Mr. Taft's grandfather was in the White House.

These automobiles, of course, some of them, used hand cranks instead of starters. They used the standard gear shift instead of the automatic transmission. That was in the time of running boards and rumble seats.

I talked to the driver of one of those cars. He said, "One of them could go 50 miles an hour downhill."

Of course, the speed limits uphill today on our turnpikes are in excess of 70 miles an hour.

Well, the Congress of the United States can still go 50 miles an hour downhill, but I think we are having a little trouble going 70 miles per hour uphill when it is required.

I agree with the gentleman in the well when he says that there is no reason in the world why we cannot consider these two bills. I know that he knows, as minority Members, we should not expect them to be passed simply because we want them to be passed, and certainly not in the form that we would want. We know that. But is there any excuse in not scheduling them so that the 435 Members of this body could work their will and vote them up or down and amend them, delete provisions, add provisions, or revise them? I think not.

The gentleman from Minnesota and the gentleman from New Hampshire both dismissed and disposed of very adequately the arguments that the Congress is too busy. Goodness knows, we are not.

The suggestion that the Committee on Rules for some reason cannot grant rules has also been handled, I think, most adequately by the gentleman in the well.

There were suggestions made several weeks ago that any attempt to do anything to alter the normal proceedings of the House or to utilize any procedures that were not normal or scheduled by the Democratic leadership would delay legislation. Well, this is silly. The only thing that is delaying legislation in this Chamber is the procedures and the rules under which we are operating which are better suited to the horse-and-buggy era than they are to the 1960's.

There have been a great many words spoken. The gentlemen from Minnesota and New Hampshire and others of us have written letters to the Democratic leadership, and the Speaker has talked to them personally and made speeches on the floor, during special orders and during the 1-minute presentations at the opening of the session each day, and have attempted to use the Calendar Wednesday procedure. We were told openly, honestly, and accurately that the majority party would not allow it to be used for that purpose. But rather, that they would call up a series of bills that would prevent the use of Calendar Wednesday, to get to the Committee on House Administration, and have the bill on the election reform legislation called for consideration.

We are in the closing days of the session.

I would like to repeat a statement made not by a Republican—not even by a Member of this body, but by the Democratic Senate majority leader, Mike Mansfield, when he said in 1967:

> We have passed a lot of major bills at the last session of Congress (the 89th), some of them very hastily; and they stand in extreme need of a going-over for loopholes, rough corners, and particularly for an assessment of current and ultimate cost in the framework of our capacity to meet it.

He was correct. But has the Congress done this? No, indeed, we have not done it.

At this point in the Record I insert two reports from the gentleman from Missouri [Mr. Curtis], one dated August 1966, and one dated January 1967, in which he discusses this subject of the work of the Joint Committee on the Reorganization of Congress, and his hope, concern, and desire to see that the House of Representatives deal with this important subject area:

A Report From Your Congressman Tom Curtis

August 1966.

Dear Constituents: The most distressing thing to me about the recent Congresses is the failure to seriously consider alternative solutions to social problems about whose existence there is a fair consensus. Here is where "politics" in a narrow partisan sense of the word seems to flourish, encouraged as it is by many well motivated and knowledgeable people outside the Congress who are willing to corrupt the congressional "study and deliberative" process, into a mere mechanism, a computer, to transmit (through pressures applied) the solution already agreed upon by these selfsame people. The result is the public usually gets to hear about only one proposed solution and nothing about the alternative solutions. Indeed, the Congress itself usually gets to hear about only one solution because its Committees which have the responsibility to do the detailed study for the rest of the Congress never get around to considering any solution other than the one being promoted.

THE JOINT AND SELECT COMMITTEE ON THE REORGANIZATION OF THE CONGRESS

Early last session the Congress by resolution created a joint Committee composed of six House members and six Senators equally divided, three and three, between the two political parties to study the structure of the Congress and to report back its recommendations for improvement. I was the ranking Republican House member of this Committee and for a year and a half we conducted public hearings and held lengthy executive sessions. The Committee issued its unanimous Report July 28. Accompanying this Report were many additional and important proposals of the 3 House Republican members which had not been accepted by the Democrats.

The main thrust of the Committee's unanimous recommendations of all 12 members was to firm up Congress' ability to do adequate study including consideration of alternative solutions by providing better staffing and procedures of the Committees and by strengthening the minority party's ability to meet its responsibilities as the "loyal opposition" by giving it increased staff under its own control.

Because the Congresses in 32 of the last 36 years have been under the control of the Democratic Party (1947–1948; 1953–1954 are the exceptions) the values derived from the give and take which a two party system is designed to provide have been lacking. The impression has been created in the public mind that Democrats are "for" things and Republicans are "against" things. And in a sense there is a sound basis for this impression because only one solution for the social problem under consideration was placed upon the Committee's agenda. The alternative solutions were not usually developed by study and research on the part of the Committee. Even when alternative solutions had been sufficiently studied outside the Congress, the Party in power would rarely permit these alternatives to be presented to the Committee. When the minority party protested this type of narrow procedure it too was of no avail against the loud noise of those propagandizing the "true" solution to the social problem. Indeed, orderly procedures for deliberations were themselves attacked as devices "to prevent the enactment of beneficial legislation."

THE REORGANIZATION OF THE HOUSE REPUBLICANS

It was this line of thinking that brought me to lead the continuing fight in my own party in the House to structure ourselves toward adequate study and research to develop alternatives to social problems or to be able to explain with clarity why the private sector, not government, if encouraged rather than impeded by government, was well on its way to the solution of these problems if research proved this to be the case, or why state or local government, not federal government, was better suited to meet this problem when study proved this to be reasonable. The Republicans in the House have gone a long way toward developing this research structure; however, we are still far from attaining the full objectives. Indeed, we have not yet reached the point where our study and research are demonstrable to the public.

SOME REPUBLICAN RECOMMENDATIONS FOR IMPROVING THE CONGRESS

The most important recommendation of the 3 House Republicans for improving the Congress is the creation of an investigatory committee under the control of the minority party when the Presidency and the Congress are under the control of the same party. Of course, if the Democrats control the Presidency and the Republicans the Congress, or vice versa, there is no need for such a committee. But when the same party controls both branches of the government it is asking too much of human nature to expect the Democrats in Congress, for example, to forcefully and fully investigate the activities of their own administration. As we point out in our views supporting this proposal, this is not a new concept of government. The British House of Commons for years has had an investigatory committee headed by the "loyal opposition." Back in the 1920's when the Tea Pot Dome scandal broke under a Republican Administration the Congress was also under the control of the Republicans, both Houses, and yet the Republican-controlled Senate placed a Democrat Senator, Senator Walsh of Massachusetts, at the head of the committee to investigate this scandal. One reason we remember the Tea Pot Dome scandal so well is the fact that it was fully investigated. What has been somewhat forgotten is that as a result of the timely and forceful investigation the United States lost not a single penny. The culprits, including cabinet officers, were sent to the penitentiary and the reputation of the federal government for honesty and straight dealing was vastly strengthened. Today I regret to say we have an opposite picture. There is no question the approach has been "to cover up" not "to clean up" . . . even to the extent of attacking the accusers instead of coming forward to lay all the facts on the table before the public.

Another important proposal of the three House Republicans was the creation of a top committee of the Congress composed of the leadership of both parties to provide the force necessary to bring about needed discipline in respect to the actions of individual Congressmen or Committees of the Congress. Perhaps this kind of a committee might even bring about the discipline needed in the leaders of the Congress themselves to abolish the "Tuesday to Thursday" club and get Congress to work from Mondays through Fridays. If this were done there is little question that the Congress could get its work done and adjourn by July 31st, the day set by law for adjournment, except during war or national emergencies. I think one of the greatest weakness in representative government today is the fact that increasingly Congressmen are living in Washington, D.C. with their families and return to the district they represent only for reelection activities. If Congress adjourned by July 31st the Congressmen would live in their districts, as they should, and be available to the people they are to represent at least 5 months out of the 12 month period. The Potomac River area, I would comment, is greatly over represented in the Congress today and is not very representative of the thinking of 196 million Americans.

One other important recommendation of the 3 Republicans was to have Congress make meaningful the criminal laws against the federal executive officials lobbying the Congress, and the people, with taxpayers' money. The biggest lobby group in Washington today is unquestionably the federal bureaucracy and almost without exception this lobbying is carried on illegally, financed with federal funds. This is another way in which the public's attention is directed to "the" solution, in exclusion of all others, to whatever social problems face us. It is no wonder that "the" solution always gives more power and more spending to the federal bureaucracy.

THE POWER TO DECLARE WAR

Finally, I wish to mention one other proposal the Republicans advanced. Although the ones I have not mentioned and the proposals which the 6 Democrats and 6 Republicans agreed to in their unanimous Report need public attention as well, this matter is of such overriding importance that I must mention it.

Congress should reexamine its constitutional power to declare war to make it meaningful. I think it is wise that the peoples' representatives "in Congress assembled" should have and should exercise this basic power which affects the lives of all Americans so greatly. Yet modern wars, particularly of the brush-fire type, which at any time may flare up, are such that it is difficult at any specific point for the Congress to grapple with the dramatic issue, "should we be at war?" I think a careful President could present the issues to the Congress in such a way that Congress could consider alternative policies and programs which lead to war and so possibly prevent war. Certainly when international difficulties begin to move from the arena of diplomacy to that of military action the President can present the matters in a way in which the Congress can exercise its judgments in behalf of the people based upon public study and deliberation. On the other hand, the intricacies of international affairs are such that a President can just as deliberately present things to the Congress in a way that prevents the Congress in a practical way from exercising its judgments of alternatives. Congress can be confronted in such a way that it must go along with the President's policies or make it appear that the country is divided. Indeed, even a serious debate on alternatives can be misinterpreted as a sign of internal division and weakness.

I think it is entirely feasible to spell out in proper procedures the various steps that lead to war and require Congressional action at each point when these steps are contemplated being taken. Full debate can and should be held at all times. Even now I think straightforward public debate on international affairs should be considered by the Congressional Committee on the issues that lead to wars.

TRADE NOT AID

There are many examples where alternative programs to meet agreed upon social problems exist, but the Congress has failed to consider the alternatives. In the area of foreign affairs there is widespread agreement that there are serious problems of mere human subsistence in much of the world outside the United States. There is also considerable agreement, although a bit less than the agreement that the problem exists, that the United States should take affirmative steps to relieve this problem. There is fairly general agreement that the steps taken should include both political and non-political action; that is to say, action through the mechanism of government and action through the private profit and non-profit organizations and the individual citizens which compose our society.

TOWARD ELIMINATING WORLD POVERTY

The alternative solutions toward eliminating world poverty are almost all involved in what sort of mix should exist between political and private action. However, anyone criticizing the particular foreign aid programs presented to the Congress over the past years usually has been dubbed by the proponents of the particular programs as being uninterested in solving the problems or as being so ignorant as to deny that a problem exists. The Congressional committees have hardly ever considered any alternative programs to the one presented by the Administration. Indeed so irrational has the Congressional process been that the various programs, because there are many, remain uncoordinated one with the other. The Administration does little to coordinate the programs and the Congress less.

The slogan "trade not aid" has never been seriously debated or discussed by the Congress, yet upon analysis it relates to programs quite at variance with the existing foreign aid programs. Do we really mean trade not aid? I doubt if we really do because our aid programs have been designed and administered in ways which discourage what trade we have and encourage more aid in its stead. Likewise, our trade programs, particularly the government sponsored cartel types like the Textile Agreement, the National Coffee Agreement, and the various "voluntary" quota agreements, seem to be moving toward more State (political) control, not less, which means that far from freeing up and increasing foreign trade we are stifling and decreasing it.

The Alliance for Progress which is designed to get more capital investment into Latin America has never had clearly spelled out what the mix between new government and new private investment is to be. As time goes on, it appears that the program has been administered in a way to discourage what private investment already existed and to stunt the growth of whatever private investment was in process.

In the recent House debate on the Foreign Aid Authorization Bill I pointed out that the Watson Commission created by the Javits Amendment to the Foreign Aid Authorization Act of 1963 to study how private investment and private enterprise might be encouraged and our governmental foreign aid programs correlated with them, had made an excellent report in 1965, which contained many practical suggestions for reform. However, that report was largely ignored by the Foreign Affairs Committee in its studies and was in effect suppressed by the AID Administration. In a similar fashion the Clay Commission Report of 1962, reviewing our foreign aid programs from the standpoint of proper balance, was in effect suppressed and ignored. These are just a few of the recent studies of alternative programs which the Congressional committees under the Democratic leadership have refused to consider. It is little

wonder that our international policies made behind closed doors and unexamined in public have run into difficulty.

A REPORT FROM YOUR CONGRESSMAN, TOM CURTIS

JANUARY 1967.

DEAR CONSTITUENTS: I had intended to write a report at the end of the Second Session of the 89th Congress. However, as you know, the Congress did not adjourn until October 22, 1966, so there was insufficient time with Elections only two weeks off. Furthermore, I was reluctant to interject this Report into the election campaign itself, although I regard campaigning essentially as intensive "reporting back" to the constituency under the healthy discipline of criticism and rebuttal. The limited reporting to the people, day in and day out, of the issues as they develop in the Congress renders even the most objective report made around election time subject to misinterpretation, as being narrowly partisan or demagogic, and somewhat defeats the purpose I have in mind for these Reports, which is to get a healthy discussion going.

As I have often said, I don't write these Reports to try to get people around to my point of view . . . although, of course, I hope my reasoning is not devoid of persuasiveness . . . but, rather, to let them know what I have observed and concluded from the Congressional process of study and deliberation of the issues. From these Reports should spring . . . and, I am happy to say, does spring . . . considerable controversy from both those who agree and those who disagree with my conclusions. If I didn't make observations and draw conclusions, how else could the constituency make their contribution to the fact-gathering process in which the Congress as an institution is engaged? Congress, properly used by the Congressmen and by the people, is the engine of government by the people. The weakest link in representative government today it has become clear to me is the reporting back to the people of the congressional studies and deliberations as they are in process. The responsibility for strengthening this weak link lies essentially with (1) the representatives themselves and (2) the reporting profession. If the Congressmen fail to make the necessary studies, including conducting Committee hearings, or fail to make their studies public in a timely fashion, then the blame for inadequate reporting to the people is theirs. If the Congress fails to conduct the necessary public deliberations in orderly Floor debate based upon the Congressional studies, the failure to elucidate the issues must rest with the Congressional leaders, not with the news media. The reporting back to the people has been so meager that the only conclusion to be reached is that there has been grave neglect in both professions. However, good reporting by the news media would point up the Congressional negligence and be a force for correcting it. Bad reporting, on the other hand, can cover up Congress' neglects and inhibit reform from coming about. By and large, the reporting has been so poor that not only has needed reform been inhibited, but the good work of the Congress, where it has occurred, has been of little value to the interested citizen in following, let alone in participating, in the operations of his government.

So, the calibre of reporting back to the people I regard as the most important issue which faced this last Congress and, because Congress failed to do anything about it, there has been deterioration instead of improvement. And it remains the greatest issue facing the 90th Congress.

The primary recommendation, as I see it, of the twelve man (six Senators and six House Members) bi-partisan Select Committee on the Reorganization of the Congress in its unanimous Report to the Congress after two years of extensive public Hearings, studies and deliberation was to strengthen the Congressional function of "oversight" of the actions of the executive branch of the government. So much attention in recent years has been directed to the legislative function of the Congress that the oversight function has fallen into grave neglect. Indeed, the neo-federalists who see the expansion of the executive branch of the Federal Government as providing the best means for expanding the scope of the Federal Government itself in their writings (and, I would argue, re-writings of history) develop their syllogisms as if the Constitution did not provide Congress with the responsibility to conduct this vital function. In seeking to strengthen the presidency and weaken the Congress they even write as if the so-called independent agencies of government . . . the regulatory bodies . . . which are arms of the Congress created by law to carry out Congress' constitutional powers, e.g., to regulate interstate and foreign commerce, maintain the value of money . . . were executive agencies. The power of appointment to these commissions was given to the President with advice and consent of the Senate only for the sake of convenience. The authors of the Constitution gave the power of appointment of the Federal judiciary, the third co-equal branch of the government, to the executive with Senate advice and consent for the same reason. The term of office is a vital test of whether there was any intention to give to the Executive any power beyond that of appointment for the sake of convenience. The term of Federal judges set by the Constitution is lifetime. The terms of the Commissioners of the Congressional regulatory bodies, e.g., SEC, ICC, FAA, FTC, FPC, FRB, all exceed the four year Presidential term and are staggered so that no President, in a single term, can appoint the majority of a Commission, Board, or other authority and so parlay the powers of appointment he has been given for the sake of convenience into control over its activities. One of the issues in creating an Executive Department of Transportation centered around this concept.

The House Republicans on the Reorganization Committee went a step further in their recommendations to strengthen the oversight function of the Congress. They recommended that the Congressional members of the political party not in control of the Presidency be given control of one investigatory committee (an oversight committee) in each House of the Congress. We reasoned that it was asking too much of human nature to expect Congressional leaders of the same political party as the President to ride herd over his actions and the actions of his appointees. Good separation and balancing of powers require that there should be an added discipline, namely giving sufficient tools to the opposition so it can effectively be "the loyal opposition." This is not new in governmental theory. For several years the British House of Commons has given the party not controlling the government the control over the basic oversight committee. On an ad hoc basis the Republicans, who controlled the United States Senate and the Presidency, gave this power to the Democrats in the Senate at the time of the Teapot Dome scandal. I think that is why the Teapot Dome is known as a scandal. The procedure followed insured there would be, as there was, a full exposure . . . a clean-up, not a coverup. We badly need a clean-up.

This leads me to point up another important issue facing the last session of the Congress and which increasingly faces this new Congress. It is a point I tried to make in my December, 1965 newsletter. President Johnson, in many respects, has interpreted the role of President to be that of a super legislator, not that of an executive whose primary job is to execute faithfully the laws already on the books. Of course, under the Constitution the President has a part in the legislative process, so what I am talking about is a matter of balance. Both Congress and the President have been overemphasizing the legislative side of government and with the Congress neglecting its job of overseeing the executive performance of the President, the President has been unchecked in his neglect of these executive functions of his job. We have had the experience of seeing important executive positions remaining vacant for months on end and a mishmash of duplicating and conflicting programs administered by various Federal agencies which literally step on each other's toes and then start kicking each other or dropping the ball in order to avoid the stomps and the kicks.

New laws seem to have become a substitute for enforcing laws already on the books. Just as spending money in quantity seems to have become a substitute for careful spending of money to get better quality. Indeed, with the President's concentration on the legislative possibilities in the powers of government to meet problems, another serious abuse is creeping in. He has become careless about limiting his actions to the powers the Congress has granted by law to him and his predecessors. One who finds it relatively easy to get Congress to change the law, I am afraid becomes rather contemptuous of the law. Why bother to take the time to get Congress to change the law? To dot the I's and cross the T's? If Congress or the people raise too much of a fuss, we still can go through the legislative process and make it legal! This attitude, coupled with the illegal lobbying and propagandizing of the Congress engaged in by the Executive has brought about a situation where the Federal Government is moving rapidly away from government by law to government by men.

This is the full procedural significance of the country being at war without the Congress ever having studied or deliberated the issues which have brought this about or conducted "oversight" after the fact. The Constitution clearly states that only Congress can declare war. This provision lies violated with the protests generally being raised by those who oppose the objectives of the war, not by those who object to the unconstitutionality of the war.

Congress can stop this erosion of government by law, but only if the people understand what is going on and agree that it should be stopped, or if enough leaders in Congress are willing to utilize the Constitutional powers of the Congress with the hope that in the process the people will understand and agree with their actions when they are given this opportunity at the next election.

I wish I could interpret, as some people have, this recent Election as a mandate from the People to restore the procedures of government and for Congress to assume its proper role and maintain Constitutional government. I cannot, because much of what I have written here is not commonly agreed upon. How can it be agreed upon if it has not been the subject of wide public discussion? I cannot even advise you that the points I have set forth here are generally agreed upon by the majority in the Congress. I regret to say it is my judgment that what I have said here is not agreed upon by the leaders of the Democratic Party who again control the Congress. I must further advise that it is not yet agreed upon by those who are in the leadership positions among the Republicans in the Congress. Among the Republican leadership I find more a feeling of opposition to what is going on because we are not in control, rather than opposition because it is unsound and produces pretty poor government. I find an attitude of the Congressional leadership in both parties against developing the Congress to make it a more effective study and deliberative mechanism. I find the prevailing attitude to be one of continuing to utilize the Congress as a place to register a majority vote after a contest "in wheeling and dealing," not study and deliberation, has been conducted on both sides—one to ram through, the other to resist, judgments made behind closed doors through some unknown decision making process.

I have been discussing procedural rather than the substantive issues which were before the last Congress, because these procedural issues are of overriding importance. Our society might come up with essentially sound judgments on the substantive issues through processes other than the constitutional process of representative government. A benevolent dictatorship or wise oligarchy, I suppose, can reach decisions beneficial to the society; indeed many argue, mostly from the extreme right and left wings, that this kind of decision making process is superior to that of representative government. Well, the results we are experiencing right now are pretty unconvincing. However, I disagree for two other basic reasons. (1) In the long run the oligarchy, even if wise and benevolent in its inception, deteriorates in wisdom and benevolence. (2) In the short run, the decision making process which utilizes the wisdom and knowledge of the society to its maximum by employing a broader base is more apt to come up with better decisions. Furthermore, a society can only continue to advance as its people develop their own common wisdom, not the wisdon of an aristocracy, and as its people develop self discipline, not the discipline imposed upon them by a benevolent government.

Has it indeed come to pass that our society must again engage in a fundamental debate on the merits of constitutional representative government? I would say, indeed, it has come to pass. Neither major political party of today is willing to take this up as the fundamental issue. Both, however, will take it up it it can be made clear that the majority of the people still feel strongly about it.

Sincerely,

Tom Curtis.

At this point in the Record also I insert an article by Dr. Milton Friedman in which Dr. Friedman discusses the way in which our Post Office Department is operating today:

The Public Be Damned

(By Milton Friedman)

A Presidential commission has just made official what you and I have long known from experience. The Post Office "each year . . . slips further behind the rest of the economy in service, in efficiency and in meeting its responsibilities as an employer."

The commission recommended that the Post Office be converted from a government department to a nonprofit government corporation. That might improve matters some, but since the Post Office would still be a monopoly and a government organization, it would remain high-priced and inefficient. A far better solution is one I suggested many months ago (Newsweek, Oct. 9, 1967)—simply repeal the present provision making it illegal for private enterprise to provide mail service. Competition would quickly set modern technology to work in the transmission of mail, and simultaneously lower the cost to the consumer. The government system would have to shape up or ship out.

PRESSURE GROUPS UP

But neither the one proposal nor the other will be adopted. The facts of political life that make this prediction a near-certainty were brought home to me when I was writing my earlier column on the Post Office. Why not, I thought, use it to persuade a congressman to introduce a bill to repeal the present prohibition on private delivery of mail? That would have started desirable legislation on its way, made the column more topical, and given the Congressional sponsor some publicity. So I spoke to a number of friends in Congress.

All were favorable to the substance of the bill, yet none was willing to introduce it. As one congressman said to me, "Can you suggest any unions we might conceivably persuade to testify in favor of it?" I could not do so.

Strong pressure groups will oppose changing present arrangements: the postal unions that have become experts in lobbying before Congress; the users of third- and fourth-class mail, who fear that the subsidy they now enjoy would be threatened if Congress no longer finances postal deficits.

No strong pressure groups will favor the proposed changes—which serve only the widespread general interest of the public. If the proposed changes were made—if, for example, private competition were permitted—pressure groups would emerge. Enterprises that succeeded in the new business and their employees and customers would become such groups. But these are only potential, not actual.

A congressman has limited time and influence. It is wise for him to husband that time and influence to promote measures that have some chance of being adopted, or, at least, of bringing him some political support. What can he gain by the purely quixotic gesture of sponsoring a bill to introduce competition into the postal service? Only the active hostility of present special interests. True, many more persons would be benefited than would be harmed and the aggregate benefit would greatly exceed any transitional harm. *But,* and it is a big but, the few persons who believe that they would be harmed will be aware of that fact, and each will expect significant harm, so it will pay them to fight the bill. Most persons who would benefit will not be aware of that fact. Even if they were, the benefit to most would be small. Hence, they are unlikely to devote much effort to promoting the bill—or even to have their vote influenced by its introduction. Their vote is likely to be determined by the matters with respect to which they are members of special interest groups.

DIFFUSED GENERAL INTEREST

Many citizens regard it as a paradox that a democratic government, supposed to promote the general welfare, should enact so many measures that promote special interests. It is not a paradox. It is the result to be expected when government engages in activities that have concentrated effects on small groups and widely diffused effects on the rest of the citizens. A majority rules in a political democracy, but the majority that rules is typically a coalition of special interests—not a majority promoting the general interest.

In the heyday of nineteenth-century capitalism, William H. Vanderbilt, a railroad tycoon, is said to have remarked, "The public be damned" to an inquiring reporter. That may have been his attitude but it was never an accurate description of how private enterprise behaved. Competition saw to that. Enterprises that damned the public did not survive for long. But however accurate it may have been then, today the phrase fits Washington to a T.

I would also say that the Legislative Reorganization Act, if it could be brought to the floor for consideration, contains provisions that would improve the operations of the Post Office Department.

I represent a rapidly growing suburban area, as does the gentleman in the well. There are still apparently some in government who think that the Post Office Department should be a political toy that we should play with and use for patronage purposes, when, in fact, in a modern commercial society it is a necessity, not a luxury. It is a requirement that we have rapid and reliable mail service, and indeed we do not in areas that are growing rapidly.

At this point in the Record I also insert a statement directed to members of the Government Operations Committee when this Congress organized almost 2 years ago. It discusses an amendment I offered to see if we could not have a change in our committee rules, very simply, so that our votes would be a matter of public record, and so that the publicly elected Representatives of the people who serve on the Government Operations Committee and cast votes in there on bill after bill would say, "We are perfectly happy to have the American people and our constituents know how we vote on bills in that committee." Believe it or not, that amendment that I offered was defeated in the House Government Operations Committee.

This is the committee that produced the freedom-of-information legislation to require the executive branch of the Federal Government to make more information available to the American people. Apparently what is good for the goose is not good for the gander. That very committee that said to the executive branch, "You must make information available to the American people," then said, "No, not us. We are not going to have the votes we cast in committee made public."

I suppose I may have actually even possibly infringed on the rules of our committee by saying the amendment was offered and lost, because that may even be some sort of secret except, as the gentleman knows, it eventually gets out.

The statement is as follows:

Letter to Members of the House Government Operations Committee

At the organizing meeting of the committee, I offered a motion to amend the rules of the committee to provide that the record of roll call votes and quorum calls be made public and that such record indicate whether a member voted in person or by proxy. Believing that it would be accepted unanimously, I did not send copies of the amendment in advance to committee members. To my surprise the committee voted to table the motion subject to reconsideration at a subsequent committee meeting.

I intend to seek an opportunity to offer the following amendment to Rule 7 of the committee's rules at the next meeting of the committee:

"The results of roll call votes, whether the members voted in person or by proxy, and the record of quorum calls shall be made a public record, and each report, issued by the committee, shall disclose the results of roll call votes taken upon the measure so reported and any amendments thereto and shall also disclose whether the member voted in person or by proxy."

As the direct representatives of the people, it is incumbent upon us to inform them of our service in their behalf. The actions we take on the Floor of the House are open to public scrutiny, including the record of our votes. The same is not the case in committee. Yet, we well know that the principal business of the Congress is performed in committee. Now, if a record of our votes in committee becomes public knowledge, it occurs through leaks or through secondhand reports. This situation should not continue—especially in the committee that prides itself on sponsoring legislation requiring public disclosure of information by agencies of the executive branch.

The Joint Committee on the Organization of the Congress recognized the need for such public disclosure by committees. In its Final Report of July 28, 1966, the Committee stated:

"Even in executive session, a committee and its individual members should be publicly accountable for their actions. The 1946 act requires the committee to maintain a record of the votes on any question on which a record vote is demanded. The public is entitled to an announcement of those votes by members following the meetings. The committee report should also include a tabulation of all recorded votes and the vote of each member. This should encourage more active and responsible participation by all committee members."

The report of the Special Senate Committee on the Organization of the Congress, accompanying the Legislative Reorganization Act of 1967 (S. 355), when that bill was reported in the Senate on January 16, 1967, stated:

"The public should also be given maximum opportunity to observe and to participate in the legislative process . . . Although committee meetings could be either open or in executive session, results of votes at executive session would be announced publicly (pursuant to the bill's requirement) following the meetings."

S. 355, as passed by the Senate and reported to the House on March 9, provided that results of roll call votes on any measure should be announced in the committee report on that measure unless previously announced by committee. My proposed amendment seeks to combine both of these requirements on the theory that the public should be informed through as many means as possible. My proposal is consistent with the proposed rule, contained in S. 355, and also with the existing House rules.

I have also sought to go a step beyond the proposed rule by requiring that the record of quorum calls be made public as well as whether a member voted in person or by proxy.

As suggested in the Final Report of the Joint Committee and in the report of the Special Senate Committee, we should adopt procedures for encouraging maximum public participation in the legislative process and for encouraging active and responsible participation by committe members. I believe that adoption of these added provisions will aid those objectives.

On the subject of proxies, S. 355, as referred in the House, provides that no member may cast a vote by proxy if the rules of the committee forbid the use of proxy voting. I am personally opposed to proxy voting, but since this matter is sufficiently controversial, I believe our committee should await the passage of S. 355 by the Congress before considering this issue.

I do not believe, however, that serious objection can be taken to requiring the public announcement of whether a member voted in person or by proxy. This only represents a clarification of how a member voted.

At the last meeting, Congressman Fascell raised the point that my proposed amendment was not needed because existing House rules already provide for public access to the record votes taken in committee.

Rule XI, clause 26(b) of the House rules, provides that:

"Each committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded."

Clause 26(c) of this rule further provides that members shall have access to such records. Nowhere is provision made for the public disclosure of such action by committee members. The Joint Committee, in the quotation cited above, takes particular note of this fact by referring to what the existing rules provide (pursuant to the 1946 Reorganization Act) and then goes on to spell out the need for public announcement of record votes.

There is a growing demand for government to more fully open its actions to public scrutiny. Congress should certainly take the lead in meeting this just demand. Thus far in the 90th Congress, the House Committees on Agriculture and Banking and Currency have adopted similar public disclosure rules. The House Committee on Government Operations should do likewise. Legislative secrecy is every bit as foreign to a free system of representative government as is Executive secrecy. I hope you will support me in this effort.

Sincerely,

DONALD RUMSFELD,
Representative in Congress.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield?

Mr. RUMSFELD. I would be happy to pause at this point so that the gentleman from Minnesota could yield to the gentleman from New Hampshire.

Mr. MacGREGOR. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Speaker, I was interested in hearing the gentleman from Illinois comment on the fact that he made a motion in his Committee on Government Operations to have the committee votes on legislation recorded. That same motion was made in the Committee on Public Works, and it was not a straight party line vote. It lost by only one vote. So in our committee, at least on Public Works, we are making some progress in this regard.

By the same token we also had a vote in the Committee on Public Works, when we organized, as to whether or not a member of the committee could leave his proxy in the hip pocket of the chairman and then never attend hearings and never go to committee meetings, and let his chairman exercise such proxies. This I consider one of the most pernicious habits we have. Under common law it is illegal for a director or a trustee to vote by proxy. But we are trustees for the people we represent, the American people. Yet they let these members bestow proxies.

In the Committee on Public Works we made a motion not to permit proxy voting, and this motion was again very narrowly defeated.

Some of these reform measures—and I think it is important to note that Congressman CURTIS from Missouri, who was mentioned previously, has always made a point of this; under the present rules of the House—most of these important reform measures could be adopted either at the committee level or at the House level without the necessity of legislation.

It is tragically regrettable that the media and the American people are not more keenly aware of this basic fact.

Mr. RUMSFELD. Mr. Speaker, will the gentleman yield further?

Mr. MacGREGOR. I yield to the gentleman from Illinois.

Mr. RUMSFELD. Mr. Speaker, I would like to make one or two additional comments on the subject of the Legislative Reorganization Act which is in the Rules Committee.

We have been going through the period toward the end of this session when there are a great many rollcalls, both record votes and quorum calls. Anyone who has been in this Chamber for any length of time quickly becomes aware of the fact that there is a great deal of time wasted during the rollcalls. Some have suggested electronic recording, operating by a buzzer from the seat, but inasmuch as we do not have assigned seats, this would be most difficult.

But, on the other hand, there is no reason why an electronic, lighted board, of small size, perhaps a couple of feet long, could not be placed at either end of this Chamber, and as the response is heard, the Clerk could press the button for "yes," "no," or "present," along with a numerical tabulation so that all might see, the status of the call as it proceeds on the lighted board. This would probably save 5 or 10 minutes during the rollcall and would save considerable confusion about what a Member said, or whether he answered or was correctly recorded, because it would be clearly evident to all. It seems to me this would be a good change. Certainly there is no good reason why this information should not be in view for all Members, and the galleries—press and otherwise. It would certainly help miminize the possibility of error in recording a call—which is a continuing problem—and it would contribute to better order in this Chamber.

I may be wrong on this, but it is my recollection that during the last session of Congress, we spent approximately 23 percent of all the time we were in session throughout the entire year in calling the roll. What an incredible waste of time. It would seem it is about time that we take some steps to recognize there have been some technological advancements since 1946. We have the capability of putting boards up on the wall, now, just small ones, not with every Member's name, but small ones to show the "yes" or "no" or "present" vote.

Also on the subject of the Legislative Reorganization Act, I ask unanimous consent to include in the RECORD at this point a letter signed by 20 members of the American Political Science Association, urging consideration of the Legislative Reorganization Act and the election reform legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter referred to follows:

SEPTEMBER 5, 1968.

Hon. DONALD RUMSFELD,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RUMSFELD: As political scientists who have long been concerned with the need for modernizing the operating procedures of the Congress and for improving the conduct of elections, we are in accord with your interest and that of your colleagues in calling for House action on these two important subjects without further delay. It is indeed unfortunate that measures facilitating such improvements have not been brought to the Floor of the House for debate long ago.

We believe it is essential that our basic democratic institutions be preserved and strengthened, and that House consideration of S. 355 and H.R. 11233 will contribute significantly to the Congress remaining responsive to the people.

Sincerely,

Thomas Jahnige, Smith College: Roy D. Morey, Dennison University; Hoke L. Smith, Drake University; Stephen Horn, Brooking Institution; Robert S. Getz, Kent State University; David R. Mayhew, Yale University; Miss Jean Torcom, Johns Hopkins University; Max S. Power, Yale University; T. W. Adams; W. Wayne Shannon, University of Illinois; William L. Morrow, DePauw University; Robert L. Peabody, Johns Hopkins University; Peter B. Natchez, Yale University; R. Roger Majak; Robert D. McClure, Indiana University; Thomas P. Murphy, University of Missouri; Charles O. Jones, University of Arizona; Irvin L. White, Purdue University; Louis D. Hayes, University of Montana; Joel Fisher, California State University.

(The university is mentioned only to identify the signers, and does not represent agreement by the institution.)

Mr. RUMSFELD. Mr. Speaker, on the subject of election reform legislation, I ask unanimous consent that an article by former President Dwight D. Eisenhower, from the Reader's Digest magazine, on "The Ticklish Problem of Political Fundraising—and Spending" be made a part of this RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The article referred to follows:

THE TICKLISH PROBLEM OF POLITICAL FUNDRAISING—AND SPENDING

(By Dwight D. Eisenhower)

Much attention has recently been focused on the outrageous costs of getting elected to public office. It is generally believed that $100,000 or more is spent every two years to elect a Representative to Congress from a populous and competitive district. The price tag for a seat in the U.S. Senate today averages around $200,000, and in the largest states often runs to a million dollars or more.

Nobody knows just how much is spent on behalf of a candidate for the Presidency. During the Presidential campaign of 1964, the two major parties reported expenditures of something over $30 million—but the actual amount was doubtless a great deal more. In fact, political analysts estimate that if all the money spent for political office in that year were rigorously accounted for, the aggregate for the two major parties might well exceed the $200-million mark!

All this does not mean that our national political parties are engaged in the outright buying of votes. It does mean, in effect, that we have put a dollar sign on public service, and today many capable men who would like to run for office simply can't afford to do so. Many believe that politics in our country is already a game exclusively for the affluent. This is not strictly true; yet the fact that we may be approaching that state of affairs is a sad reflection on our elective system.

Loopholes Unlimited. There have always been evils in campaign financing, and for that reason we have both federal and state laws which are supposed to control giving and spending for political office. Some of these laws are so antiquated as to be virtually meaningless. Others are simply inadequate. Others fail because they are not enforced.

The Corrupt Practices Act, passed in 1925 when life was simpler and everything less costly, limits the campaign expenditures of a House candidate in a general election to $5000, a Senate candidate to $25,000. There is no such limit on the expenditures of a candidate for President, or on Congressional primary elections. True, political committees operating in two or more states may legally spend no more than three million dollars in any one year; but there is no federal limit on the spending of committees operating within the borders of one state, nor is there a limit on the number of committees that a party or a candidate may set up. Consequently, every major campaign sees a fantastic proliferation of committees—and the putative limits on expenditures vanish into thin air.

Another gaping loophole in the 1925 law results from the phrase referring to a candidate's "knowledge and consent." A Congressional candidate simply makes sure that he "knows nothing" about the activities of committees created by his backers. One committee, for example, may pay for the use of 100 billboards, but the candidate—and this must be quite a feat—never "sees" them as he campaigns through his district.

In a recent article in *Harper's Magazine*, Jim Wright, veteran Texas Congressman, states the problem with great candor. "The present law is about as effective as stuffing popcorn into the mouth of a running fire hose," he says. "If I told you I had never spent more than $5000 in a House race, I'd be a hypocrite. If I actually had spent so little in my first race, I'd never have been elected. And the same applies to 95 percent of my colleagues."

Supposedly, full reports on receipts and expenditures must be made to the Clerk of the House or the Secretary of the Senate by Congressional candidates and interstate committees. But apparently few people ever look at these reports. They get little publicity, and there has never been a prosecution under the Corrupt Practices Act.

This winking at the spirit of the law is also widely practiced in the financial support of political parties. The Election Code stipulates that no individual may contribute more than $5000 to any one candidate or committee in a single year. But he may give that amount to as many committees as he wishes. His wife and his sons and daughters may also contribute. And so the limits on the amount a man may spend to elect his favorite candidate—from whom he may or may not expect favors—virtually disappear.

Again, under the law, labor unions and corporations may not participate financially in political campaigns. The unions get around this obstacle through their so-called "educational" programs and by persuading members to contribute money, outside their regular dues, for "candidates of the union's choice." Corporations apply a variety of subterfuges: they lend office equipment and the services of their public-relations experts and lawyers; they make it easy, through bonuses and expense accounts, for executives to contribute substantial sums; and they buy advertising space at ridiculously high rates in political pamphlets and program brochures.

Unsatisfactory Proposals. All of this open hocus-pocus to circumvent the intent of our laws—and I have mentioned only a few of the more flagrant practices—lowers the moral climate of the country. Indeed, I don't see how our system of self-government can long endure if, in public life, we continue to ignore recognized codes of honor and integrity.

Two kinds of proposals for the reform of campaign financing—I emphatically disagree with both—have recently received considerable attention. One such proposal is the suggestion that we finance certain top-level political campaigns directly from the public treasury; in other words, have the taxpayer foot the bills. Some months ago, the Administration proposed that Congress appropriate money to pay a considerable portion of the cost of Presidential campaigns. The Senate is now considering a bill to tap the public till for its own campaign expenses as well.

If these steps were taken, I suspect that in the end we would be financing all kinds of elections from tax money. Indeed, some of the proponents of political subsidies have offered elaborate plans to abolish personal giving entirely and to finance, through taxes, all campaigns from the national to the town level.

This plan, of course, applies compulsion to political giving, which surely is *not* the American way. Our political parties are voluntary organizations of the people, not instruments of government. If they are to remain vigorous and perform their necessary functions in implementing our democratic processes, they must be based on wide personal involvement. When a man gives $5 or $100 to his party, he is in effect mounting his soap box and saying, "This is what I believe and want." It is a right that must not be denied him. And it is also his right *not* to participate in politics if that is his wish.

The second knd of plan, actually enacted into law in 1966 but now made inoperative by amendment to give Congress time for a second look, would permit the taxpayer to indicate on his tax return whether he wanted $1 of his payment to go to the Presidential Election Campaign Fund. He could not designate which party was to receive his dollar. Proponents of the law estimate that it would produce about $60 million, to be divided equally between the two major parties. Although there is no element of compulsion in this scheme, it completely removes the donor's right to an indication of party preference. He would simply be buying a dollar's worth of politics.

A Simple, Ethical Step. I feel strongly that we must continue to raise political funds through *voluntary contributions based on choice*. And there is a simple, entirely ethical step we could take that would make such a system vastly more workable: a revision of our income-tax laws to permit the taxpayer to treat a modest political gift—up to perhaps $50 or $100—as a deduction, just as he now deducts charitable, religious and educational contributions. In my opinion, strong, solvent political parties are enormously important to our democratic system, and I think a gift to an established party organization is just as worthy and necessary as a donation to the Community Chest.

In order to prevent the far too lavish giving by the affluent, widely practiced in both parties, all loopholes must be closed, and all gifts might then be limited to, say, one percent of the donor's adjusted net income. Thus a man who pays tax on an income of $10,000 could give up to $100 a year, the $50,000 man could contribute $500, and so on. Gifts in this range would hardly create difficult obligations for office-seekers. And every such gift would be recorded, by law, on the donor's income-tax return.

Although such restrictions might well make problems for party money-raisers, I think the gap could be closed in two ways: (1) by conducting all-out community campaigns to bring in the small donations, just as we do for charitable organizations; (2) by cutting political spending to more reasonable levels.

The present supposed ceilings on *expenditures* are so low as to be meaningless. If we are to have legal limitations at all, they must be made more realistic. One frequent proposal is that we eliminate ceilings on expenditures entirely and depend on wide disclosure and publicity to police our system.

I favor this method. In the first place, there is such a vast disparity of conditions and populations in our various districts and states that fair ceilings would be extremely hard to devise, and some candidates would still find ways of getting around the law. Second, I have great faith in the long-term good sense of American voters; I believe that the majority—if full disclosure were enforced—would disapprove strongly of unreasonable political spending and would register their displeasure at the polls.

To Cut Costs. There are ways, too, whereby we could drastically reduce campaign expenditures:

The most important and obvious step would be to shorten the campaigns themselves. Our endless political contests are a relic of the horse-and-buggy era, when a candidate needed a lot of time to get around and to get his views before the voters. Today, with fast and universal communications, such campaigns are no longer needed. Indeed, their tiresome reiterations often actually damage the cause of a candidate; people simply get bored.

If our Presidential nominating conventions were held just two months prior to election—or if, by amendment, elections and inaugurations were moved back to September and November, as I proposed in a previous Reader's Digest article*—there would still be adequate time for a brisk, meaningful campaign. Primaries, too, should be moved closer to the elections.

It has also been suggested that the radio and television industry should give a reasonable amount of free prime time to candidates for important offices during major campaigns. After all, the air waves belong to the people and are only licensed to the stations; it would not be unreasonable to insist that in return the networks contribute this public service. Such a move would cut costs materially, and would help put public office within the reach of a larger number of aspiring young men.

Still another way to save money is to eliminate wasteful campaign practices. Most of the dull, poorly prepared mailing pieces which clutter the mails for months prior to election are a waste of money. The "Occupant" or "Householder" to whom they are sent usually dumps them in the wastebasket.

There was a time when we reached the individual voter through voluntary workers who went out and canvassed in the evenings and on weekends. It was a highly effective method which cost little. Despite the fact that this country has grown big and complex it could still be used far more extensively than it is now, through the revival of vigorous political organization at the grass roots.

Public Pressure. These and other economy measures would, I think, become almost obligatory if the present heavy and often wasteful spending were fully disclosed and publicized. The trouble now is that Jim Jones sees his opponent, Bob Smith, spending $100,000 to get elected to Congress and, in fear of defeat, feels that he must do likewise. If through full disclosure, reasonable spending were made a virtue, this competitive factor might well work in reverse.

Political expenses, however, are not just a phenomenon of election years. Fences must be kept mended, voters informed. This leads to all sorts of money-raising devices, such as the testimonial dinners and luncheons which lately have been so much in the news.

I see nothing wrong with such financing schemes if they are conducted openly, under a strict set of rules compelling probity. Any funds thus collected should be fully accounted for and spent for political purposes only. Indeed, the officeholder should never be permitted to touch any of this money; all disbursements should be handled by an authorized committee.

I also think that all elected officials, particularly members of Congress, should be required to make public an annual, certified accounting of their financial affairs—all income and all holdings. This proposal, often made, always brings loud protests about "invasion of privacy." In my opinion, this should be part of the price of public office. If a man has nothing to conceal, why should he object?

Finally, I believe that Congress should apply to itself the same conflict-of-interest rules which it so zealously enforces on members of the President's Cabinet and other Presidential appointees. If it is wrong for such an official to make decisions on any matter affecting his own private business or any business in which he has large holdings, then it is equally wrong for a Congressman to vote, or in any way influence votes, on similar measures.

Although I have dealt here largely with public integrity at the federal level, it is obvious that the laws and practices in most of our states also need scrutiny and overhauling. Were Washington to set the example, perhaps we could then expect the states to follow.

If better laws, vigorously enforced with pitiless publicity, are needed—and they surely are—we must still remember the wise old axiom that government can be no better than the men who govern. As citizens with the priceless right of franchise, we must insist upon the highest code of honor in public life.

Mr. RUMSFELD. Finally, Mr. Speaker, and I do appreciate the gentleman's generous yielding of his time, I ask unanimous consent to include in the RECORD at this point an excerpt from the Boston Herald Traveler, dated September 7, 1968, entitled "Frustrations of a Congressman," which discusses some of the work of our colleague, the gentleman from New Hampshire [Mr. CLEVELAND].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The excerpt referred to follows:

FRUSTRATIONS OF A CONGRESSMAN

A congressional reform bill, incorporating relatively minor changes that would help Congress handle its work more swiftly and more efficiently, is waiting for action in the House. And waiting and waiting . . .

One congressman is not going to be around to enjoy the bill's benefits when and if it ever passes. Rep. Horace Kornegay of North Carolina is retiring—at the age of 44. He wants to spend more time with his family.

Rep. James C. Cleveland, a New Hampshire Republican, probably spoke for a good many Americans when he declared on the House floor: "I feel it is a shame a man cannot be a good congressman and a good husband and father at the same time. Yet this is the result of our year-long sessions and our refusal to take even the first halting steps toward reorganizing and reforming the congressional system. How many more able young men like the gentleman from North Carolina will decide to leave Washington because they feel their time is more valuable elsewhere?"

Congressman Cleveland's question is a good one. Too many young people today are already disenchanted with the workings of our political system. Those who do still have faith in it, indeed enough faith to consider serving in public office, ought not be subjected to the discouragements of an outmoded legislative mechanism.

It is not simply the time needlessly consumed that frustrates many who enter Congress. It is also the difficulty of making an impact on that body. Despite his comparatively tender age, Rep. Kornegay has served in the House eight years. But because of the seniority system, he is the eighth-ranking Democrat on the Interstate and Foreign Commerce Committee and seventh on the Veterans Affairs Committee. Little power inheres in those rungs on the seniority ladder.

The argument that the nation would be better served by updating the machinery of Congress has not persuaded its members to such modest steps as reform of the seniority system, streamlining of committee procedures, or expanding the work week from three to five days (thereby reducing the length of the work year). Perhaps the argument that can be found in Rep. Kornegay's decision—that Congress itself would be better served by attracting and holding more young men of talent and energy—will be more successful in moving the lawmakers.

Mr. RUMSFELD. Mr. Speaker, the gentleman from New Hampshire [Mr. CLEVELAND] is well known, of course, as the chairman of the Republican Task Force on Congressional Reform. He has been active on these problems in a variety of ways both in his committee work and in the Republican task force work, as well as assisting in the preparation of a book on the Congress, the title of which is, "We Propose a Modern Congress."

The gentleman from New Hampshire is the one Member who has served on the Joint Committee on the Organization of Congress, which produced the Legislative Reorganization Act, and on the House Committee on House Administration, which produced the election reform legislation and, as I indicated, also chaired the task force on congressional reform. Certainly of all our colleagues, the gentleman from New Hampshire is among the most knowledgeable on these two exceedingly important pieces of reform legislation.

Again I commend the gentleman in the well, the gentleman from Minnesota [Mr. MACGREGOR] who has worked hard over the years to see that the Congress functions as a truly efficient instrument of government. I commend the gentleman for his determination, his dedication, and his energy, I share his hope that we will receive some sign or some communication from the Democratic leadership that they might be willing to schedule these bills for consideration this year.

Mr. Speaker, I thank the gentleman.

Mr. MACGREGOR. Mr. Speaker, I thank the gentleman from Illinois for his most generous comments, and also I thank the gentleman from New Hampshire [Mr. CLEVELAND] for his contribution.

I believe it appropriate at this point, Mr. Speaker, that we refer briefly to the text of the congressional reorganization bill and examine what would be accomplished in two important areas referred to here today by the enactment of this legislation.

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*See "Let's Make Government Work Better!" Reader's Digest, January '67.

Title IV of the bill passed by the Senate some 18 months ago provides, among other things, for the removal of postmasters and rural mail carriers from the patronage system. Today we hear many calls for getting politics out of the Post Office Department. It is important to note that this bill which has languished for a year and a half in the House Rules Committee would indeed take a big step toward removing politics from the operation of our post office system.

Title II of the Congressional Reorganization Act as approved in the other body has among other provisions four important sections dealing with appropriations and budget problems. That bill in title II provides, among other things: First, opening hearings of the Appropriations Committees of both the House and the Senate; second, mandatory rollcall votes on all appropriation bills; third, more comprehensive reports on supplemental and deficiency bills; and, fourth, greater participation by the legislative committees through a projection of costs on new legislation in committee reports, review of fixed obligation and grant-in-aid programs, and authorization of programs in such a manner that they will be subject to annual appropriations review.

Of course, the congressional reorganization bill has many other important titles and many other sections of titles.

Mr. Speaker, lest the impression be granted that our September efforts are partisan in nature and involve only an effort by Republicans aimed at the Democratic leadership and power structure of the House, I ask unanimous consent that there be included in the RECORD two pages from Congressional Quarterly for September 20, 1968—specifically, pages 2471 and 2472. These two pages contain very objective and of course, as usual, authoritative comment by Congressional Quarterly on the effort which many of us are making, entitled "Republican, Democratic Groups Push for Reform Bills." The analysis of what it is we seek to do, who is participating, and the importance of the effort is all summarized in these two pages from Congressional Quarterly which I ask unanimous consent to have printed in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The material referred to is as follows:

REPUBLICAN, DEMOCRATIC GROUPS PUSH FOR REFORM BILLS

A small group of House Republicans and Democrats in early September 1968 began an effort to bring to the floor two bills—campaign spending reform (S 1880, HR 11233) and Congressional reorganization (S 355, HR 2594)—which they asserted were being blocked by the Rules Committee.

The Republican group, lead by Donald Rumsfeld (R Ill.), initially sought floor action on both bills, but later concentrated its efforts on the campaign spending measure.

The Democrats, led by Thomas M. Rees (D Calif.), centered their effort from the start on the Congressional reorganization bill.

Both bills were passed by the Senate in 1967. The House Rules Committee in 1967 suspended hearings on the Congressional reorganization bill. The House Administration Committee in 1968 reported the campaign spending bill, and sent it to the Rules Committee to be cleared for floor action.

The Republicans Sept. 11 began their effort. Relying on seldom-used parliamentary maneuvers, they held up routine House business for more than two hours, as they said, "to dramatize the need for House consideration and, hopefully, House action" on the two bills. Later they sought to use a method known as Calendar Wednesday to bring the campaign spending bill to the floor. Still later, they talked of using a discharge petition.

The Democrats Sept. 12 began their effort, introducing a resolution to seek Rules Committee consideration of the Congressional reorganization bill. The Democratic resolution was the first step in filing a discharge petition.

About 17 Members were taking central parts in the effort; four of them were freshmen. One was a member of the House Administration Committee, which handled the campaign spending bill; two were members of the Joint Committee on the Organization of Congress which helped to draft the Congressional reorganization bill. Discipline even within the Republican core group was uncertain however; in a key roll-call vote Sept. 11, three group members voted with the opposition.

The House Democratic leadership appeared to be trying to stay aloof from the issue. Speaker John W. McCormack (D Mass.) Sept. 12 said he was for a Congressional reorganization bill, but said a difficulty was reconciling differing views toward the existing bill.

The House Republican leadership supported the effort by Rumsfeld's group. A spokesman for Minority Leader Gerald R. Ford (R Mich.) Sept. 18 told CQ that Ford supported both the objectives and the tactics of the Republican group.

CHRONOLOGY

Sept. 10. Rumsfeld and 12 other Republican Members announced at a news conference their plans to "engage in a series of parliamentary moves which will have the effect of altering normal proceedings" of the House. Joining with Rumsfeld were Thomas B. Curtis (Mo.), Charles E. Goodell (N.Y.), James C. Cleveland (N.H.), Clark MacGregor (Minn.), W. E. Brock III (Tenn.), Rogers C. B. Morton (Md.), Robert Taft, Jr. (Ohio), Barber B. Conable Jr. (N.Y.), George Bush (Texas), Edward G. Bister Jr. (Pa.), John R. Dellenback (Ore.), and Charles W. Whalen, Jr. (Ohio). (Goodell Sept. 12 was sworn in as a Senator, taking the seat of the late Robert F. Kennedy.)

Rumsfeld's group said its efforts would be carried out on specific days which would be announced in advance. They said the first day would be Sept. 11.

"We do not intend to hold up other legislation which is to be considered in this session," the group said. "All we are asking," it continued, "is that the House be given the opportunity to express its will" on the Congressional reform and campaign spending bills.

Sept. 11. Through a series of moves including quorum calls, demands for the *Journal* to be read in full, objections to routine motions, and a demand for a roll-call vote Rumsfeld's group consumed two hours and 20 minutes before House consideration of the fiscal 1969 Defense Department appropriation bill (HR 18707). (*See p. 2462.*)

Normally, after the House was called to order, a prayer was offered, an abbreviated version of the *Journal* containing the proceedings of the previous day was read and approved, routine House business was conducted and then legislation was brought up and considered.

However, as a first indication of Rumsfeld's plan, he demanded that the *Journal* be read in full.

First Quorum Call—Meantime, Wayne L. Hays (D Ohio) asked for a quorum call. After a call of Members' names was completed, Speaker McCormack sought unanimous consent to dispense with further proceedings (the locating of all Members who did not answer to the quorum call). But unanimous consent was denied when Taft objected.

Next, House Majority Leader Carl Albert (D Okla.) offered a motion to dispense with further proceedings. The motion was adopted on a 100–64 teller vote demanded by Curtis. Adoption of the motion came after a motion by Conable to table (kill) Albert's motion was ruled out of order by McCormack. The intent of Conable's unsuccessful motion was to force the locating of all Members who had not answered the quorum call.

Second Quorum Call—As the House prepared to resume its business, Rumsfeld asked for a quorum call. This time, Biester objected to McCormack's effort to dispense with further proceedings, and Albert again offered a motion to dispense with them. The motion was adopted by a 285–71 roll-call vote. The roll call was demanded by MacGregor. (*See vote 175, p. 2516.*)

Third Quorum Call—Once more the House prepared to resume business, when a quorum call was asked for by Whalen. McCormack's effort to dispense with further proceeding by unanimous consent was upset by an objection from Taft. Albert moved to dispense with further proceedings; the motion was adopted on a 119–15 standing vote. MacGregor had demanded the standing vote.

Reading of Journal—Albert later asked—and obtained—unanimous consent to dispense with further reading of the *Journal*. Rumsfeld said his group was agreeing to Albert's request "because of the importance" of the Defense appropriation bill.

Sept. 12. Attempting to draw up a legislative program for the week of Sept. 16, Albert asked for unanimous consent to dispense with Calendar Wednesday. The request was a routine one, but MacGregor objected, denying unanimous consent. Calendar Wednesday procedure was one of the methods available to Rumsfeld's group to bring the campaign spending bill to the floor, bypassing the Rules Committee. MacGregor's objection to dispensing with Calendar Wednesday meant that on Sept. 18 committees could call up bills (including the campaign spending bill) for immediate action—unless the objection could be overcome.

Discharge Petition—Five Democrats, Rees, Brock Adams (Wash.), William D. Hathaway (Maine), Andrew Jacobs, Jr. (Ind.) and James H. Scheuer (N.Y.), introduced a resolution (H Res 1302) to provide for consideration of the Congressional reorganization bill. Introduction of the resolution was the first step in filing a discharge petition to force the Congressional reorganization bill from the Rules Committee. Seven days after introduction of H Res 1302, a petition could be filed to discharge the Rules Committee of the bill. A discharge petition would require the signatures of a majority of the House membership (218 before further action could take place.

Like Calendar Wednesday procedure, use of a discharge petition was seldom successful. Since 1910 when the modern discharge rule was first adopted, 19 bills that were brought to the floor through discharge petitions passed the House. (*1965 Almanac p. 617*)

Sept. 17. With one day left before Calendar Wednesday procedure would have been initiated (*see above*), Albert again asked for unanimous consent to dispense with Calendar Wednesday. There was no objection.

Rumsfeld explained that about 39 bills could have been brought up for floor action by committees preceding the House Administration Committee in alphabetical order. In addition, Rumsfeld asserted that House Administration Committee Chairman Samuel N. Friedel (D Md.) "would not attempt" to call up the campaign spending bill. (Friedel later told CQ that the Committee had directed Elections Subcommittee Chairman Robert T. Ashmore (D S.C.) to bring the bill to the floor, but Ashmore was reported to be in a hospital.)

He said that efforts would be continued to bring the campaign spending and Congressional reorganization bills to the floor. Noting the move to bring the Congressional reorganization bill to the floor through a discharge petition (*above*), Rumsfeld said a discharge petition for the campaign spending bill was "a next logical step."

PERSONAL BACKGROUNDS

Following are brief personal backgrounds of the 13 Republican House Members who Sept. 10 announced they planned to "alter the normal proceedings" of the House to bring attention to a campaign spending bill and a Congressional reorganization bill, and of five Democratic Members who Sept. 12 began a move to bring the Congressional reorganization bill to the floor through a discharge petition. The information includes the year the Member entered Congress, his 1967 rating by Americans for Democratic Action and his rank in his committees.

Brock Adams (D Wash.), 1965, 87, District of Columbia 11th, Interstate and Foreign Commerce 15th.

Edward G. Biester Jr. (R Pa.), 1967, 20, Judiciary 14th.

W. E. Brock III (R Tenn.), 1963, 13, Banking and Currency 5th, Joint Economic 4th of House.

George Bush (R Texas) 1967, 7, Ways and Means 10th.

James C. Cleveland (R N.H.), 1963, 20, House Administration 7th, Public Works 4th, Joint Organization of Congress 3rd of House.

Barber B. Conable Jr. (R N.Y.), 1965, 7, Ways and Means 9th.

Thomas B. Curtis (R Mo.), 1951, 7, Ways and Means 2nd, Joint Economic 1st of House, Joint Internal Revenue Taxation 2nd of House, Joint Organization of Congress 1st of House.

John R. Dellenback (R Ore.), 1967, 33, Education and Labor 10th, Merchant Marine and Fisheries 12th.

William D. Hathaway (D Maine), 1965, 80, Education and Labor 14th, Merchant Marine and Fisheries 15th.

Andrew Jacobs Jr. (D Ind.), 1965, 73, District of Columbia 12th, Judiciary 19th.

Clark MacGregor (R Minn.), 1961, 13, Judiciary 5th.

Rogers C. B. Morton (R Md.), 1963, 20, Interior and Insular Affairs 6th, Merchant Marine and Fisheries 5th, Select Small Business 5th.

Thomas M. Rees (D Calif.), 1965, 87, Banking and Currency 14th.

Donald Rumsfeld (R Ill.), 1963, 7, Government Operations 4th, Science and Astronautics 6th, Joint Economic 3rd of House.

James H. Scheuer (D N.Y.), 1965, 100, Education and Labor 16th.

Robert Taft Jr. (R Ohio), 1963–64, 1967, 20, Foreign Affairs 15th.

Charles W. Whalen Jr. (R Ohio), 1967, 53, Armed Services 16th.

CALENDAR WEDNESDAY

The Calendar Wednesday procedure to bring a bill to the House floor after the Rules Committee had refused to clear it has been used seldom in the past. Under this procedure, each Wednesday the names of standing committees were called out alphabetically by the Clerk. The chairman of a committee desiring immediate action on a bill could call up the bill when his committee's name was reached. Action on such a bill had to be completed by the end of the legislative day, under a two-hour limit of general debate. Calendar Wednesday was not observed during the last two weeks of a session and could be dispensed with at other times by a two-thirds vote.

Following is a list of times since 1950 when the procedure has been used successfully.

Feb. 15, 1950, in connection with the Fair Employment Practice Commission Act. (*1950 Almanac p. 375*).

May 4, 1960, in connection with the Area Redevelopment Act, (*1960 Almanac p. 294*).

Mr. MacGREGOR. Finally, Mr. Speaker, what we are seeking to do is more important than just the reform of the mechanisms by which the Congress seeks to do the public's legislative business, more important than reforming our campaign financing procedures and our general election procedures, and more important than enacting into law the content of these two bills. It is a psychological factor. Throughout America many people, particularly young people, are turned off from participation in the political party of their choice, turned off from an interest in how and why government works because they are disenchanted and deeply disappointed by what they consider to be the capacity of the Congress to respond to the just expectations of idealistic Americans.

Mr. Speaker, if we are not to be judged guilty of proving those fears valid, let us act before mid-October adjournment on these two bills as they are important for their content. But, perhaps, Mr. Speaker, they will prove to be more important for the contribution they make to bringing young Americans in greater numbers back into full participation in a contributory role in the operations of our two political parties and indeed our entire system of self-government.

The report previously referred to follows:

ORGANIZATION OF CONGRESS

(S. Rept. No. 1414)

INTRODUCTION

The Congress of the United States is the only branch of the Federal Government regularly and entirely accountable to the American people. Indeed, it is the people's branch. Our constitutional system is based on the principle that Congress must effectively bring to bear the will of the people on all phases of the formulation and execution of public policy.

However, it is becoming more and more difficult for any collective decision-making entity like Congress to meet its responsibilities. A global foreign policy in an age of nuclear confrontation requires a timely and cohesive national response. Moreover, an increasingly complex society produces social, economic, and technological problems of staggering complexity.

Many contend that Congress no longer is capable of exercising initiative in the solution of modern problems. A fundamental reason for this loss of initiative is the lack of organizational effectiveness. Under the pressure of modern circumstances, the Congress has tended to delegate authority to the executive branch of the government. While Congress has not abdicated its role, it has permitted that role to become diluted.

Fundamental differences of opinion exist as to the proper role of Congress. Generally, the members of the joint committee agree that Congress should be maintained as a study and deliberative body, that the machinery of Congress must be modernized in order to provide for efficient handling of the Nation's affairs and that rule by majority must be preserved with adequate protection for the rights of the minority.

The recommendations contained in this report reflect this approach. Our aim has been to search for a practical means to make Congress a more effective institution for carrying out its basic modern functions; the legislative function, the oversight function, and the representative function.

After more than a year of study and analysis, the Joint Committee on the Organization of the Congress believes that Congress can be strengthened substantially by implementing the recommendations contained in this report.

* * * * *

Committee bill of rights

1. The present Senate rule that each standing committee shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business, and that additional meetings may be called by the chairman shall be amended to conform with the House rule on the same subject so that a majority of the membership of the committee may call a meeting if the chairman fails or refuses to do so.

2. If the committee chairman is not present at a meeting of the committee, the most senior majority member present shall preside.

3. The present rule that no measure or recommendation shall be reported from any committee unless a majority of the committee is actually present shall be amended to provide, in addition, that no vote shall be taken on a bill or amendment unless such a majority is actually present. Furthermore, a majority of the quorum present shall be necessary to approve the bill or amendment. Proxy voting shall not be permitted.

4. The present rule requiring the chairman of a committee to report promptly any measure approved by the committee shall be amended to provide that under no circumstances shall the report be filed later than 7 days after written request of a majority of the committee to make such report.

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Open hearings and executive sessions

5. Hearings shall be open to the public except when a majority of the committee determines that testimony may either bear on national security matters or tend to reflect adversely on the character or reputation of the witness or others.

6. Hearings may be televised and broadcast at the option of the chairman with the approval of a majority of the committee under such rules as the committee may impose to insure fair treatment to all concerned.

7. Meetings for the transaction of committee business shall be open to the public except when the committee by a majority vote orders an executive session.

8. Results of rollcall votes on bills and amendments, including votes of individual members, shall be made public immediately following the meeting, and the committee report shall include a tabulation of the vote by member.

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Hearing procedures

9. Each committee shall make a public announcement of the date, place, and subject matter of hearings at least 2 weeks in advance of the commencement of the hearings unless the committee determines that there is good cause to begin the hearings at an earlier date.

10. Upon announcement of a hearing, the

Legislative Reference Service shall prepare a concise legislative history of the public bill or bills under consideration, including similar relevant proposals previously introduced or considered. This background material shall be available to all congressional offices on request.

11. Each committee shall require all witnesses appearing before it to file, at least 2 days before their appearance, written statements of their proposed testimony unless the committee finds good cause for the failure to file such a statement. The staff shall prepare digests of such statements for the use of committee members.

12. In the event hearings have been called by a committee, the minority shall be entitled on request to call witnesses of its choice during at least 1 day of the hearings.

13. Daily summaries of testimony shall be prepared by the staff of the committee for the use of members and, after approval by the chairman and ranking minority member, printed as a part of the committee hearings.

Committee reports

14. Each committee report shall be submitted to all members of the committee at least 2 days prior to filing exclusive of Saturdays, Sundays, and legal holidays. Members not in agreement with the report shall have the right to submit supplemental or minority views during this period, and such views shall be filed as part of the committee report in a single volume and so noted on the title or first page of the report.

15. Except for a declaration of war or national emergency, no floor vote shall be taken on a measure reported by a committee until the committee report and committee hearings, if any, have been available for at least 3 days.

Committee scheduling

16. Committees shall be permitted to conduct hearings during floor sessions by obtaining consent of the majority and minority leaders or their representatives.

17. Committees should schedule their business on a 5-day workweek.

Subcommittees

18. Each subcommittee shall follow the rules of procedure of its parent committee.

19. Each standing committee shall be allowed to file one annual resolution to provide funds for staff in excess of the statutory limit. The resolution shall specify by name and amount all subcommittees to be funded for that year.

20. The rules of every committee shall be printed at the beginning of each Congress.

COMMITTEE JURISDICTION

House Recommendation 1

The Committee on Education and Labor shall be divided into two committees: the Committee on Education and the Committee on Labor and Public Welfare.

Senate Recommendation 1

A Committee on Education shall be established as a major standing committee. The Committee on Labor and Public Welfare shall have its jurisdiction redefined so as to exclude matters pertaining to education, and so as to consolidate in one committee all programs and activities concerned with labor and public welfare.

House Recommendation 2

The Committee on Science and Astronautics shall be assigned jurisdiction over research involving environmental sciences.

Senate Recommendation 2

The Aeronautical and Space Sciences Committee shall be redesignated the Committee on Science and Astronautics, and it shall assume jurisdiction over (*a*) the National Science Foundation, (*b*) the Bureau of Standards, and (*c*) research involving environmental sciences.

House Recommendation 3

The Banking and Currency Committee shall be redesignated the Committee on Banking, Housing, and Urban Affairs.

Senate Recommendation 3

The Banking and Currency Committee shall be redesignated the Committee on Banking, Housing, and Urban Affairs.

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Senate Recommendation 4

A Committee on Veterans' Affairs shall be created as a minor standing committee.

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Joint recommendation

The jurisdictions of the standing committees of each House shall be revised to include areas over which the committees are currently exercising jurisdiction without clear authority in the rules.

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LIMITATION ON SENATE COMMITTEE ASSIGNMENTS

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1. Each Senator shall be limited to membership on two major committees. He may serve on one minor, joint, select, or special committee in addition to his major committee assignments. In addition to this limitation, a Senator may also serve on a special or temporary committee that does not extend beyond one Congress or on a joint committee with jurisdiction over subject matter directly related to the jurisdiction of the Senator's minor committee assignment.

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2. The Appropriations Committee, the Finance Committee, the Foreign Relations Committee, and the Armed Services Committee of the Senate shall be regarded as exclusive committees and no Senator shall serve on more than one of them.

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3. No Senator shall be chairman of more than one standing, joint, select, or special committee, except that a Senator may also be chairman of a temporary committee whose life will not be more than one Congress.

4. No Senator shall be chairman of more than one subcommittee on each of his major standing committees.

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COMMITTEE STAFFING

1. Section 202 of the Legislative Reorganization Act of 1946 shall be amended to increase professional staff positions from four to six so that each standing committee will be entitled to at least six professional and six clerical positions.

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2. The language of section 202 with respect to appointment of professional staff without regard to political affiliations shall be retained and emphasized. However, at least two of the authorized professional staff positions and one clerical position shall be appointed by and assigned to the minority upon request. The minority positions shall be filled by persons with professional qualifications.

3. The minority shall have fair consideration in staff selections for the subcommittees. All minority staff personnel shall be entitled to equitable treatment, including comparable staff salary, facilities, and access to committee records.

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4. Each standing committee shall be entitled by majority vote to employ outside consultants, jointly selected by the chairman and ranking minority member, to prepare studies, or advise the committee on subjects within its jurisdiction. Requests for funds for consultant contracts shall be made to the Committee on House Administration and the Senate Committee on Rules and Administration and the request approved as to amount by those committees and the respective Houses. Biographical information shall be submitted to those committees, including the consultant's educational background and special qualifications in the subject area. Records containing this information shall be maintained by the Committee on House Administration and the Senate Committee on Rules and Administration and made available to the public.

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5. Standing committees shall be authorized to provide for specialized training or education of professional staff whenever a majority of a committee determines that such training or education will aid it in the proper discharge of its responsibilities. Requests for funds for this purpose shall be made to the House Administration Committee or the Senate Rules and Administration Committee, as the case may be, and shall be considered by those committees and the respective Houses.

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LEGISLATIVE REVIEW

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1. The activity commonly referred to as "oversight" shall be redesignated as "review" so that there will be a better public understanding of the function.

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2. In addition to the permanent professional staff otherwise authorized, each standing committee shall be entitled to one additional permanent professional staff member who shall be designated a review specialist and who shall be assigned exclusively to performance of review (oversight). He shall be selected by the chairman with the concurrence of the ranking minority member. The review specialist shall be directed to carry out review projects, or to supervise the same, contingent upon the approval of such projects by the chairman and ranking minority member of the committee.

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3. Each standing committee other than the Appropriations Committees shall file an annual report on the review activities of the committee during the year. The report shall include an evaluation of programs under the jurisdiction of the committee, an assessment of the quality of administration of agencies investigated during the year, and recommendations as to organizational and program changes and/or the elimination of unnecessary activities under the committee's jurisdiction. The reports shall be delivered to the majority and minority leadership of both Houses and by the leadership to the President, with a copy to the Bureau of the Budget.

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4. The legislative committees should hold hearings on major reports required of the Executive.

5. The legislative committees should review reports required by law of the executive departments and agencies to determine whether the reports perform a useful function, should be reoriented, or are no longer necessary.

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CONFERENCE COMMITTEES

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1. The conferees of each House should prepare an explanatory statement in connection with the conference report. Individual explanatory views may also be filed in an appendix to the statement.

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2. The minority should have the right to

half the allotted time in the floor debate on a conference report.

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FISCAL CONTROLS

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Budget information

1. In cooperation with the executive branch, an effort shall be started toward the design of a Government-wide budgetary data system.

2. In order to facilitate the utilization by Congress of automatic data processing capabilities and modern program evaluation techniques, the General Accounting Office shall develop systems design and cost-benefit analysis capabilities necessary to meet adequately the needs of the Congress. To facilitate performance of this responsibility, the GAO shall arrange to provide the functions described below:

(a) Participate in the establishment of a standard classification code of activities and expenditures by Federal departments and agencies. This effort should be a joint undertaking of the Comptroller General in his participation with the Director of the Bureau of the Budget and the Secretary of the Treasury under the joint financial management improvement program.

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(b) Provide information as to the location and nature of fiscal data available in the various agencies and departments. Such information shall be available on request to any committee or individual Member. Summary tables of the data shall also be prepared as requested.

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(c) Provide expert assistance to Congress in the analysis of cost-effectiveness studies prepared by agencies and departments under the planning-programing-budgeting concept. These experts shall be on call by the Appropriations Committees and the other committees of Congress to assist them in analyzing cost-effectiveness studies or to assist in making independent cost-effectiveness studies on programs under their jurisdictions.

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(d) Prepare tabulations of individual budget data as may be requested by any committee or individual Member of Congress, and update budget information, including changes in budget totals because of appropriations action, new legislation, changes in revenue estimates, and the like.

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3. The budget document shall include the following information:

(a) Multiple-year financial projections on proposed or existing legislation which are ongoing programs with commitments for future years and programs considered mandatory under existing law.

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(b) The description of carryover balances shall indicate the anticipated expenditures by year for future years to the extent practical.

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(c) On June 1 of each year, budget summaries shall be updated to reflect changes which have taken place since the presentation of the budget, revisions in revenue and expenditures estimates, effect of congressional action in new legislation and appropriations, and projections for new expenditures which were not included in the budget document.

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(d) The budget document shall continue to contain emphasis on program or functional classification with adequate indexing and cross-referencing for use by the Appropriations Committees in studying the budget on an agency basis.

(e) In the comprehensive cash budget, all programs shall be reflected on a gross rather than a net basis.

(f) All financial assumptions as to expenditures and receipts shall be stated.

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The appropriations process

4. Section 138 of the Legislative Reorganization Act of 1946 providing for a legislative budget shall be repealed.

5. Within 30 days after the submission of the executive budget, the Director of the Bureau of the Budget, the Secretary of the Treasury, and the Chairman of the President's Council of Economic Advisers shall appear before the Appropriations Committee of each House to give testimony and answer questions as to overall budgetary considerations, assumptions in arriving at revenue and expenditure totals, and such other information as will be of assistance to the committee in acting on the budget requests. This testimony shall be printed immediately following their appearance. At the option of the Appropriations Committees, this appearance may be made before a joint hearing of the committees.

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6. The Appropriations Committees shall examine multiagency programs through review by the full committees or designated subcommittees.

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7. Appropriations hearings shall be open except when the committee determines that an executive session is necessary because national security matters will be involved in the testimony to be given at a particular hearing.

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8. The Appropriations Committees shall consider any analysis or study of cost and/or program effectiveness conducted by other Senate or House committees or the executive branch. All reports shall make reference to such studies.

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9. There shall be a yea and nay vote on final floor passage of all appropriations bills in each House. Such a vote shall not be required on conference reports.

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10. Committee reports on supplemental and deficiency appropriations bills shall include a comprehensive explanation of why the request is of an emergency nature and could not have been made in the current or the next regular appropriations bill. Fiscal responsibility is best exercised by the regular process of appropriating through annual bills. Programs should not be continuously funded through deficiency and supplementary bills in the absence of a compelling necessity to do so.

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GAO reports

11. (a) GAO representatives shall be available to meet with the Appropriations Committees and legislative committees to discuss their reports as they may affect agency budget justifications or proposed legislation.

(b) GAO reports made to Congress shall be delivered as a matter of course to the Government Operations Committees, the Appropriations Committees, and the affected legislative committees. The review of these reports shall be a function of the committee's review specialist.

(c) Agency justifications shall include reports on action taken pursuant to GAO reports.

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Legislative committees

12. The legislative committees shall strengthen their fiscal participation by adopting the following procedures:

(a) Committee reports on all new legislation shall include a projection of costs for the next 5 years or for the authorized duration of the program if it is less than 5 years. The estimates shall include a comparison of the committee's cost estimate with that of the executive branch. Final consideration of new legislation shall be subject to a point of order in the absence of this projection.

(b) Each legislative committee shall survey fixed obligation programs under its jurisdiction to determine which programs could be modified to provide for annual appropriations review by line item.

(c) Each legislative committee shall initiate a program for systematic review of grant-in-aid programs under its jurisdiction.

(d) Legislative committees should authorize programs in such a manner that they will be subject to annual appropriations review.

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OFFICE STAFF AND ALLOWANCES

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1. Each Senator shall be authorized a legislative assistant at a salary not more than $1,000 less than the highest pay allowable for any member of the office staff. This position shall be in addition to and paid separately from the Senator's regular clerk-hire allowance. The legislative assistant shall have the statutory duty of assisting the Senator with his general legislative and committee functions.

2. The Members of the House of Representatives should allocate a portion of their existing clerk-hire allowance for a legislative assistant with the duty of assisting the Members of the House with their general legislative and committee functions.

3. Except for the creation of the position of legislative assistant, no increase is recommended in the total amount in either Senate or House clerk-hire allowances. However, the maximum allowable salary for one position on the House Member's office staff should be increased to $8,040 basic or a gross salary of $22,230.19 annually.

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4. In addition to the annual session trip of one roundtrip at the rate of 20 cents per mile, each Senator shall be entitled to one additional roundtrip annually (making a total of seven) and each Member of the House of Representatives to three additional roundtrips annually (making a total of seven) between Washington, D.C., and their destinations in the State or district. The additional trips shall be at the actual cost of transportation if travel is by public carrier or at the current mileage rate allowable in the executive branch for Government-authorized travel if by automobile.

5. Each Senator's office staff shall be entitled to one additional roundtrip annually (making a total of 5 or 7 depending upon population) and the office staff of each Member of the House of Representatives shall be entitled to two additional roundtrips annually (making a total of 4) between Washington, D.C., and their destinations in the State or district under the same regulations governing Members' transportation.

* * * * *

6. A Capitol-wide leased line telephone service should be established as soon as economically feasible to provide for the increasing telecommunications requirements of Members' offices. Telephone and telegraph allowances should be consolidated under the unit system at present used by the House and should be adjusted to provide the current level of allowance for other calls based on long-distance and Western Union rates.

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LEGISLATIVE REFERENCE SERVICE

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Functions

1. The Legislative Reference Service shall be redesignated the Legislative Research Service, to reflect more accurately what should be the primary emphasis of its work.

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2. The Service shall have the authority to create a new reference division to handle routine reference inquiries and thus relieve the professional staff of such duties.

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3. The Service shall be authorized to employ on a temporary basis such experts, consultants, and research organizations as may be necessary to supplement its permanent staff.

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4. On the recommendation of the Librarian, the Joint Committee on the Library shall authorize such supergrade positions as it deems desirable for the Service in the employment of specialists and senior specialists. Provided, however, that these positions must be filled by specific appropriation of the Appropriations Committees of the respective Houses.

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5. The Service shall discontinue preparing summaries and digests of public hearings before the committees of Congress.

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6. The Director shall take the necessary steps to facilitate and promote a greater liaison between the Service and the committees of Congress.

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Organization and review

7. The method of the selection of the Director of the Service shall be changed in the following manner: The Director shall be appointed by the Librarian of Congress with the approval of a majority vote of the Joint Committee on the Library. The Director shall be compensated at a rate equal to level V of the Federal executive salary schedule. These provisions should take effect within 60 days following the next convening of the Congress.

8. The Librarian of Congress shall receive the budget of the Service from the Director of the Service and submit it as a separate part of the total budget of the Library of Congress. This budget shall be itemized in detail.

9. The Director of the Service shall submit to the Joint Committee on the Library an annual report describing in detail the organization, activities, and problems of the Service. This report shall be in addition to the regular annual report submitted to the Congress by the Librarian.

10. The Joint Committee on the Library shall be entitled to a review specialist as recommended elsewhere in this report for the standing committees of each House. It shall be the function of the specialist to assist the Joint Committee in maintaining more direct review over the Service. The Joint Committee shall make an annual report to Congress on these activities.

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11. The Office of the Coordinator of Information of the House of Representatives shall be abolished, and its personnel and records shall be transferred to the Legislative Research Service.

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CONGRESSIONAL RECORD

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1. The Congressional Record should be printed in four general sections—an opening and/or closing period for insertions, the body for actual debate, the Appendix, and the Daily Digest. During the opening and closing periods, it should not be necessary for the Member to deliver his remarks in full. Insertions or extensions and revisions should be permitted.

2. In the Senate, the body of the Record should be limited to germane insertions and verbatim remarks actually delivered on the floor and tables, statistics, and other supporting data dealing directly with the subject on which the Member is speaking.

3. In the House of Representatives, the body of the Record should be limited to verbatim remarks actually delivered on the floor and tables, statistics, and other supporting data dealing directly with the subject on which the Member is speaking. Extensions and revisions should be limited to grammatical and typographical errors. However, Members should be entitled to make insertions in the Record following debate and prior to voting.

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3. Nongermane debate should be printed separately in the body of the Record so that germane debate can be read in sequence.

4. The text of amendments or the substance thereof, including appropriate reference to the text of such amendment, should be printed immediately before votes so that the subject matter of the vote can be more readily identified.

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5. The Appendix as well as the body of the Record should be permanently bound. However, the rule against insertions of the same subject matter by more than one Member should be observed.

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6. Modern printing techniques, such as select use of boldface type to identify speakers and subjects, should be utilized within the limits of printing time to make the format of the Record more readable.

7. A study should be made of modern techniques, including possible use of automatic data processing facilities, which would permit the preparation of a subject index more frequently than the present biweekly index.

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8. House floor debates should be recorded electronically.

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JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

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1. Congress shall establish a Joint Committee on Congressional Operations, consisting of 10 members, 5 of whom shall be appointed by the Speaker of the House of Representatives and 5 by the President pro tempore of the Senate. No fewer than two of the five appointed by the Speaker shall be members of the House Committee on Government Operations and one shall be from the majority and one from the minority, and no fewer than two of whom shall be members of the Committee on House Administration and one shall be from the majority and one from the minority. No fewer than two of the five appointed by the President pro tempore shall be members of the Senate Committee on Government Operations and one shall be from the majority and one from the minority, and no fewer than two of whom shall be members of the Senate Committee on Rules and Administration and one shall be from the majority and one from the minority.

* * * * *

2. The Joint Committee on Congressional Operations shall make a continuing study of the organization and operation of the Congress and shall recommend improvements in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the U.S. Government, and enabling it better to meet its responsibilities under the Constitution.

* * * * *

3. The functions of the Joint Committee on Disposition of Executive Papers shall be transferred to the Joint Committee on Congressional Operations.

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4. The Joint Committee on Congressional Operations shall be authorized and directed to explore and evaluate automatic data processing and information retrieval system, with a view to determining the feasibility of their use in congressional operations and recommending such installations as may be found appropriate.

* * * * *

5. The Joint Committee on Congressional Operations shall be given continuing responsibility for identify court proceedings and actions affecting the vital interests of the Congress as an institution and for determining, with the approval of the leadership of both Houses, whether the Congress should be appropriately represented in these actions.

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6. The Joint Committee on Congressional Operations shall be designated as the supervising agency for such functions as lend themselves to central supervision rather than separate direction in each House.

* * * * *

7. The Joint Committee on Congressional Operations shall be authorized to appoint staff members on a permanent basis and to employ, on an intermittent basis, such expert consultants or legal counsel as it may need in the conduct of its duties.

* * * * *

8. The Joint Committee on Congressional Operations shall be required to report from time to time to Congress on its operations and the results of its studies, together with its recommendations.

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ETHICS

The House of Representatives shall create a Committee on Standards and Conduct.

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CAPITOL HOUSEKEEPING FUNCTIONS

1. The responsible officers of Congress shall be entitled to require all employees to complete successfully minimum training prior to employment. They shall also be authorized to discipline or discharge employees who fail to perform their duties satisfactorily.

* * * * *

2. The Capitol Police force shall be removed from patronage. It shall be a professional force operating as a division of the Metropolitan Police Department under such special regulations applicable to the Capitol as may be determined by the Capitol Police Board. While professional police are being recruited and trained, existing police shall be given such additional instruction and training as the Capitol Police Board may believe necessary to improve the quality of their performance. As vacancies occur, replacements shall be filled by professional police to the extent that such police are available from the Metropolitan Police Department.

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3. An Office of Personnel and Office Management shall be established. This Office shall act as a central clearinghouse for job applications, to test applicants' qualifications, and to assist Members or committees in their efforts to obtain competent employees. The Office shall also provide assistance to Members, on request, in adopting better office management practices, in the efficient utilization of office equipment, and in improved handling of the Member's workload.

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4. Pages shall be limited to persons who have completed their high school education,

but who are not over the age of 21. Pages shall be expected to serve for at least one full school semester or during the three summer months.

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5. The Capitol Guide Service shall be supervised by the Joint Committee on Congressional Operations. That joint committee shall study the desirability of making the guides legislative employees on a salary basis and eliminating charges to visitors for Capitol tours.

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6. The House Classification Act (Public Law 88–652) shall be repealed.

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7. The basic rate method for determining clerk-hire for employees of the House of Representatives shall be abolished.

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LOBBY REGULATION

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1. The provision requiring registration by those who have as "their principal purpose" the influencing of the passage or defeat of legislation shall be amended to require registration by those having such activity as a "substantial purpose."

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2. Organizations which contend that it is impossible for them to separate expenditures for lobbying purposes—and which have influencing of legislation as a substantial purpose—shall be required to file their total receipts and expenditures under oath and estimate the percentage properly allocable to lobbying activities.

* * * * *

3. Lobby registration information shall be filed with the General Accounting Office, rather than the Clerk of the House of Representatives and the Secretary of the Senate. It shall be the responsibility of GAO to:

(a) Maintain the registration as public records for a 5-year period.

(b) Deliver to the Speaker of the House and the President of the Senate quarterly records for publication in the Congressional Record.

(c) Analyze registration information and deliver to Congress an annual report on lobbying activities.

(d) Refer complaints of failure to register or false or improper registrations to the Department of Justice for appropriate action.

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4. Individuals registering under the act who are to receive contingent fees for lobbying activities shall be required to state the terms of the fee in detail. This disclosure shall include a specific description of the legislation on which the fee is contingent and any other events which would affect the payment of all or any portion of the fee.

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5. The exemptions under the act applicable to newspapers and periodicals shall be extended to include the television and radio media.

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APPOINTMENTS

1. Appointment of postmasters and recommendation of rural mail carriers shall be by the Post Office Department under civil service qualifications rather than on recommendation of Members of the House of Representatives, the Senate, or others. Confirmation by the Senate shall not be required.

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2. Appointments to service academies by Members of Congress should be retained with continuing emphasis and reliance on competitive examinations for the appointments.

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ADDITIONAL AREAS FOR STUDY

The joint committee heard testimony on a number of subjects for which recommendations are not made because they are beyond the scope of our considerations or more properly within the jurisdiction of other existing committees.

Many suggestions were made for such innovations as the installation of electronic voting devices in the Chambers of the two Houses, public televising of floor proceedings, closed circuit TV or other communications between the floor and Members' offices and committee rooms, and visual presentation of amendments on the floor. After careful consideration of these proposals, the joint committee concluded that each contains technical considerations which require an engineering study under the appropriate auspices of both Houses. The proposed Joint Committee on Congressional Operations might well sponsor such studies on a continuing basis.

One question of great concern to Members of Congress—and all Americans—is the financing of political campaigns. The President has suggested legislation to Congress and bills have been introduced and referred to the appropriate committees of each House. While this question is not essentially an organizational issue, the joint committee expresses its hope that Congress will have the opportunity to consider legislation which would provide more realistic reporting requirements and broaden the base of political campaign contributions. We urge that legislation for this purpose be thoroughly studied.

The other area which received attention in our hearings was the question of a constitutional amendment to increase the term of office of Members of the House of Representatives to 4 years. Obviously, such an amendment could not be a part of a reorganization bill. The proposal has been referred to the Judiciary Committee of each House and hearings have been held. We believe this is a fundamental question which should be resolved by the membership and hope that the proposed amendment will be reported for consideration.

The committee also heard testimony on a number of additional proposals, such as the establishment of a question period before Congress for high Government officials, review of the power to declare war, and strengthening of party leadership committees. On these and other proposals, however, the committee was unable to reach a consensus and makes no recommendations.

A. S. MIKE MONRONEY,
Cochairman.
JOHN J. SPARKMAN.
LEE METCALF.
KARL E. MUNDT.
CLIFFORD P. CASE.
J. CALEB BOGGS.

RAY J. MADDEN,
Cochairman.
JACK BROOKS.
KEN HECHLER.
THOMAS B. CURTIS.
DURWARD G. HALL.
JAMES C. CLEVELAND.

SUPPLEMENTAL VIEWS OF MR. HECHLER

The hearings and deliberations of the Joint Committee on the Organization of Congress have been thorough, and I wholeheartedly subscribe to the recommendations made in the report. My supplemental views indicate areas worthy of additional consideration and action, both by existing committees of the Congress and the Joint Committee on Congressional Operations proposed in the Report. The additional suggestions are:

1. The public is entitled to a more informative view of Congress. There is inadequate briefing of visitors to the galleries, and the noise and confusion could be reduced. I suggest the following:

(*a*) Early establishment of a visitors' information center.

(*b*) A large flashboard in the Capitol, so visitors can see which committees are meeting, their location, witnesses, and subject matter of bills being debated on the House and Senate floor.

(*c*) The galleries should be enclosed with soundproofed, transparent covering, with the floor debates piped into the galleries. The floor proceedings would then be clearly audible to visitors, and gallery noises would not disturb floor proceedings.

(*d*) Gallery visitors should be provided with a periodic commentary on bills being debated, the issues at stake, the legislative leaders, etc.

(*e*) Gallery visitors should be allowed to consult bills, committee reports, and pictorial directories of members.

2. Upon advance agreement of the majority and minority leadership, electric voting should be made available on certain issues. A 15-minute notice should be given to all members immediately prior to calling for such a vote. This would save time on voting, particularly when three or more record votes are taken on separate amendments, recommittal motion, and final passage of a bill.

3. The House Rules Committee should be made an arm of the majority leadership, with the primary duty of scheduling legislation.

4. The House and Senate should provide for a question period for Cabinet members on the floor.

5. Floor debate should be carried on closed-circuit television, with receivers in each Member's office. This will enable Members and their staffs to keep a constant check on developments during floor debate.

6. If uniform State action could establish a primary date around Labor Day, and the national election day moved to the first Tuesday in October, this would not only cut short long and expensive campaigns, but it would reduce the disruption of congressional business.

7. Congressional control over service academy appointments should be retained, but much of the paperwork can be taken out of Members' offices. A full-time clerical staff member should be provided for the selection board, with the duty of informing schools and applicants of the terms of selection by competitive civil service examination, with interview by the selection board. In this way, the Congressman retains control over general policy, including the work of the selection board, but the entire operation does not consume the great amount of time which it now takes the Congressman and his staff.

8. As a party rule, House and Senate Members who want to leave Congress for study, travel, or interim appointments in the executive branch should have their prior seniority restored if they return to Congress.

9. Committee chairmanships should be rotated among the top three senior members, with the chairman holding office for only one term.

10. A mandatory retirement age of 70 should be established.

11. To remove the "city council" bills from Congress—as well as the inherent merit of the proposal—the District of Columbia should have home rule.

12. A computerized tabulation of the rollcalls should be devised. This will enable Members to ascertain the status of the rollcall while in progress, and also provide instantaneous party breakdowns of the vote as the rollcall is completed.

13. I agree with the majority of the Joint Committee that it would be an abdication of our responsibilities as Members of Congress if casework were turned over to an "ombudsman." Still, there are many problems involving complex interagency relationships, or tedious investigations, which could properly be handled by a central group on referral by Members. Such referrals can be optional rather than obligatory, and some Members will find they can utilize this service more frequently and effectively than others. If this procedure can save a member

of his staff some time, it will be a wise investment. Personally, I feel that the expertise built up by such a central group of experts—whether led by an "ombudsman" or otherwise—will provide many shortcuts, thus freeing Members and their staffs for more time to concentrate in legislative issues.

14. Provision should be made for televising sessions of the House and Senate, with adequate advance notice to Members when particular debates are to be covered. This will not only concentrate more attention on the deliberations of Congress and awaken public interest, but it will stimulate more attendance at sessions. It has been argued that this will result in "acting" for the cameras, but the camera is a merciless mirror of reality.

KEN HECHLER.

I support propositions 6, 7, and 14 of the above supplemental views.—Durward G. Hall.

We support propositions 1, 6, 7, 12, and 14 of the above supplemental views. Our agreement with these specific recommendations of Mr. Hechler should not be construed to mean that we necessarily disagree with all of his other recommendations.—Thomas B. Curtis; James C. Cleveland.

I additionally support proposition 11 of the above views.—James C. Cleveland.

SUPPLEMENTAL VIEWS OF MESSRS. CURTIS, HALL, AND CLEVELAND

We support the committee report and feel it is a constructive, forward step in strengthening Congress.

These supplemental views contain further recommendations for needed reforms in the procedures of Congress. They are not intended to detract from the work that has been accomplished but are offered as constructive additional steps to be taken.

The Joint Committee on Organization of the Congress, established by the unanimous votes of both the House of Representatives and the Senate, was given the mandate of studying "the organization and operation of the Congress" and recommending "improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationships with other branches of the U.S. Government, and enabling it better to meet its responsibilities under the Constitution."

The impetus for this study of the Congress may have originated from differing views of the role of Congress, but the phraseology of the mandate compels the conclusion that Congress itself believes—

1. That it is weak; otherwise it would not need strengthening;

2. That its operations are complex; otherwise they would not need simplifying;

3. That its relationships with the executive and judicial branches are not as good as they should be; otherwise they would not need improving; and

4. That it is not meeting its responsibilities under the Constitution satisfactory; otherwise, it would not be necessary to alter it.

Thus, there would appear to be unanimity of opinion that Congress can and should be strengthened. In our opinion, an important key to a more effective Congress is a better understanding of the role of the minority, and permitting it to perform its historic function. Too often overlooked by students of government is the important role that the two party system performs in the United States. We submit that perhaps the most overlooked congressional reform and one that might do the most in the final analysis to redress the weaknesses enumerated above would be to permit the minority to better perform its historic role.

Therefore, we are pleased that the joint committee report includes a significant number of important measures designed to protect minority rights. Such recommendations as those for improving committee procedures, providing more adequate professional staffing for the minority, strengthening of legislative review procedures, and improving the availability of budget information are all reforms of particular value to the minority party as well as to the entire Congress.

For these reasons, we feel that our first recommendation is especially important, and we particularly invite students of government and the media to carry forward a constructive dialog addressed to its potential.

1. Committees on procedures and policies

We strongly urge the creation of new committees in the House and Senate to be known in each body as the Committee on Procedures and Policies. Such committees would have the power to examine into and report back to the Congress on the expenditure of Federal funds by the executive branch to insure that they are spent efficiently and in accordance with law. The chairman of these committees shall be members of the minority party.

During the past few years, the legislative branch has been increasingly subordinated in the lawmaking process. Power has been increasingly concentrated in the executive branch. By allowing this development, the Congress has strayed from the mandate of the Constitution by which it is established as a coequal branch of Government.

The appropriations process, the right to raise and maintain armies, and the right to declare war are outstanding examples of authorities granted exclusively to the Congress which are more and more being absorbed by the executive branch.

In addition, there are other ways by which the power and authority of the legislative branch have been diminished. It is not our object to enumerate these abuses here but, recognizing their existence, to propose means for correcting them.

We believe the best means would be creation of the Committees of Procedures and Policies in the House and Senate, headed by members of the minority party.

In both Houses of Congress are Committees on Government Operations having jurisdiction to conduct comprehensive investigations. It is difficult for them to do so effectively when the results appear likely to reflect unfavorably on their own party's administration. This is the purpose of giving control of these committees to the minority.

This is not an original idea in representative government either here or abroad. The House of Commons in Great Britain has a committee known as the Committee of Public Accounts whose chairman is by convention a leading member of the opposition, usually a person who has been Financial Secretary of the Treasury. The committee is charged with responsibility for insuring that all public money is spent in the manner intended by Parliament. It also promotes economy and efficiency and helps to maintain high standards of morality in all public financial matters.

In our own history also, there are examples of minority control of committee investigations. Perhaps the most famous occurred in 1923 when the Teapot Dome oil-reserve investigation was conducted by a Democratic Senator at a time when both Houses of Congress and the executive branch were controlled by the Republican Party. This Senator, Thomas J. Walsh, of Montana, accepted the responsibility of conducting the investigation at the urgent request of Republican Senator Robert LaFollette.

These committees would infringe in no way upon the majority's power to conduct its own investigations. The new committees would help only to reveal areas in which Government was not serving the American people as well as it should.

Indeed, the mere existence of such committees would tend strongly to encourage self-improvement in any administration, obviating the need for investigations, and would help to eliminate public impressions of poor government by strengthening the operations of good government.

We propose that, in the Senate, the Committee on Procedures and Policies be composed of eight Senators, in addition to the chairman, divided equally between the majority and minority parties. In the House of Representatives, there shall be 14 members in addition to the chairman, likewise divided equally between the two parties. To repeat, the chairman of each would be a member of the minority.

For the purpose of performing its duties, each committee, or any subcommittees thereof, when authorized by the committee, would be authorized to sit, hold hearings, and act at such times and places within the United States, whether or not Congress is in session, is in recess, or is adjourned; to require the attendance of such witnesses and the production of such papers, documents, and books, and to take such testimony as it deems necessary. Subpenas would be issued over the signature of the chairman of the committee or of any subcommittees, or by any member designated by the chairman, and could be served by any person designated by any such chairman or member.

Under the scope of authority which would be granted to these committees, it would be possible not only to review and correct executive activities which go beyond the boundaries of constitutional power or transcend the intent of Congress, but it would be possible also to insure the public that the full truth would be told in matters which involve allegations of corruption.

From the outset of our investigation into congressional reform, we Republicans have stressed the importance of having minority-controlled investigatory committees for reasons which should be obvious to even the most casual observer of the current political scene.

At the present time, for example, the public is rightly concerned about ethics in Government. We submit that if the heavily outnumbered minority in the Senate and House had control of a committee such as the one we have suggested, the public confidence in our processes of government—and in the honesty of all our officials—would be far stronger than it is.

If the minority had control of an investigatory committee, the "credibility gap" could not have gained the serious proportions which it has today when an immense majority of the American public literally does not believe the pronouncements of its own Government.

The genius of American Government has been its response to the will of the majority while protecting minority rights. Our proposal is based squarely on a reaffirmation of this important principle. We do not propose that the minority be given control of an investigatory committee for the sake of frustrating, thwarting, or obstructing the will of the majority. We do so because of our conviction that the control of an investigatory committee would redress the serious imbalance that occurs when the White House and both branches of Congress are locked tightly under the control of a majority party that enjoys enormous majorities in Congress and ever-proliferating power in the Executive.

"Power tends to corrupt, absolute power corrupts absolutely." This important pronouncement of Lord Acton's is reflected in Jefferson's Manual of Parliamentary Practice in its opening paragraph:

"Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, 'It was a maxim he had often heard when he was a young man, from old and experienced Members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power.' So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities."

Certainly a role of the minority is to serve as a check against the wantonness of power. We submit that this, our first and foremost recommendation, would give us the necessary means to do so.

2. Lobbying by the executive branch

Title 18 of the United States Code specifically prohibits the use of appropriated moneys for the purpose of influencing Members of Congress "to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress." The statute reads as follows:

"§ 1913. Lobbying with appropriated moneys.

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

"Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment." (June 25, 1948, ch. 645, 62 Stat. 792.)

The joint committee has made excellent recommendations to tighten up the procedures governing lobbying by private organizations and interests. A complete job calls for enforcement of the above-cited criminal statute with respect to lobbying by the executive branch. We urge the proposed Joint Committee on Congressional Operations to study this matter and report to the Congress its recommendations for insuring enforcement of title 18.

3. Campaign expenditures

The House Administration Committee presently has under consideration recommendations by the President for improving the laws covering campaign financing and is developing legislation in this area. It is our opinion, however, that the Joint Committee on the Organization of Congress should have made recommendations in this field, particularly to provide for complete disclosure of all campaign donations, whether in money or in kind, and complete disclosure of all expenditures, whether by the individual candidate or by a committee in his behalf.

4. Ethics

We are pleased that the joint committee has recommended that the House establish a Committee on Standards and Conduct similar to the existing Committee on Standards and Conduct in the Senate. We urge that the membership of the House committee, as of the Senate committee, be evenly divided between the two political parties.

5. Contested elections

Article I, section 5, of the Constitution provides that "each House shall be the judge of the elections, returns and qualifications of its own Members * * *." The existing machinery for contesting an election to the House of Representatives is antiquated and complex. The Legislative Reference Service of the Library of Congress has made an exhaustive study of this subject. We urge that the proposed Joint Committee on Congressional Operations review this study and report a comprehensive set of recommendations for improving the contested election machinery in the House.

6. Rights of witnesses

In addition to the right of counsel, a witness before a committee of the Congress should be extended the right to cross-examine other witnesses and to review the record, in particular any material which might tend to defame him. He also should have the right to bring in rebuttal witnesses.

7. Contempt citations

We recommend that all citations of contempt be referred to the Joint Committee on Congressional Operations before they are reported to the floor of the House for further proceedings.

One of the necessary powers of any legislative body is to protect itself against acts designed to undermine and contravene its functions. The means employed by the Congress is through the contempt procedure, a procedure which calls to the attention of the Congress the act which threatens it and provides for punishment of the offender, either through the courts or through the bar of the House against which the contempt has been directed.

Most contempts today arise from actions of those called before committees of the Congress as witnesses. There is no need to call attention to the importance of our committee structure but the point that concerns us is the manner in which contempt situations are handled.

At present, it is the practice for the committee which has been the subject of the act of contempt to serve as first judge of the matter. It is the committee itself which reports the matter to the parent body, acting as both victim and prosecutor.

We question both the soundness and the justice of such a procedure and for that reason we recommend that contempt citations be referred in each case to an impartial committee—the Joint Committee on Congressional Operations. This committee would screen the evidence and report its findings and recommendations to its parent body.

8. Declarations of war

On June 2, 1965, Representative Donald Rumsfeld, of Illinois, testified before the joint committee as follows:

"Finally, I am of the opinion that it might be appropriate at this point in history for a study of the nature of the constitutional authority granted the Congress with respect to foreign and military affairs. For example, at the time the Constitution was drafted, the meaning of the word 'war' was reasonably well understood. The United States position with respect to World War I and World War II was clear. However, more recently, and particularly in Korea, Vietnam, and the Dominican Republic, the United States has pursued military actions which by any reasonable definition constitute warfare. These actions were at the direction of the President and without any official declaration of war by the Congress.

"Our Constitution created separate branches of the Federal Government and attempted to establish checks and balances between these branches. Undoubtedly, the Congress was given the power to declare war for a reason. Today the United States is engaged in an undeclared war in Vietnam. This, I believe, raises a number of questions:

"Does the concept of declaring of war need updating?

"What was the original constitutional intent?

"Should Congress hold additional hearings on such matters, or merely let the 'teach-ins' serve as a platform for debate on foreign policy?

"If hearings should be held, which committees should be involved?

"What is Congress' proper role today in these areas of foreign policy and undeclared war, in view of the advent of nuclear weaponry and the modern technology or warfare and the need for centralized control and decisionmaking?

"Is the normal authorization and appropriation process sufficient and/or is it being utilized adequately, to fill the desirable congressional role in this area?

"Is Congress effectively exercising its power of appropriation to involve sufficiently the representative branch of the Federal Government in the basic issues underlying our foreign commitments—and a declaration of war is only one point on the spectrum in this regard?

"Is there congressional check on Executive action in the increasingly important area of intelligence, counterinsurgency, and covert military operations adequate?

"With the improbability of wars on the scale of the 19th and early 20th century conflicts and the increasing likelihood of so-called cold-war wars, and the resulting use of programs of counterinsurgency, do we need to define the various war situations that we are likely to face and evaluate the desirable congressional role—which might vary considerably—in each?"

One year later, these questions remain unanswered. We urge that the proposed Joint Committee on Congressional Operations be charged with the responsibility of undertaking a thorough study of the role of Congress in the foreign and military activities of the Federal Government.

9. The legislative budget

We are well pleased with the recommendations contained in the final report for improving the fiscal machinery of Congress. They are a major step forward in strengthening Congress vis-a-vis the executive branch. In view of the failure to provide for a legislative budget committee, however, we recommend that the Joint Committee on the Reduction of Nonessential Federal Expenditures, which is composed of the chairman and ranking minority members of the appropriate fiscal committees of the House and Senate and has experienced professional staff, be given the responsibility of overseeing the legislative budget.

10. Incumbency advantage and the seniority system

We recommend that the proposed Joint Committee on Congressional Operations undertake a review and analysis of the growing advantages of incumbent Members of Congress over candidates to the House and Senate. We believe that efforts to strengthen Congress would become self-defeating if incumbents were to become virtually impregnable in office as a result of the benefits conferred by these reforms.

Congress is unique among the national parliaments of the free world and even among the legislatures of our 50 States in following a rigid practice of selecting committee chairmen by seniority. While it is true that the Rules of the House provide for election of committee chairmen by the full House and that the practice of seniority could be ended any time there is sufficient will in either party to do so, we regret that the joint committee did not see fit to recommend one of a number of alternatives to this system. The experience of the 1946 Reorganization Act shows that reforms aimed at curtailing the powers of a committee chairman, however meritorious on other grounds, provide no real solution to the problem of seniority. We strongly recommend that the proposed Joint Committee on Congressional Operations face this problem in a forthright manner and take action to at least modify the seniority system.

11. Executive privilege

Although the Congress recently passed a Freedom of Information Act, we recommend that the proposed Joint Committee on Congressional Operations devote further study to problems of access by Congress and the public to information within the executive branch. Part 15 of the hearings of the Joint Committee on the Organization of Congress contains an excellent study of executive privilege, but there is still much that needs to be clarified in this area.

12. Term of office

The joint committee received extensive testimony relating to the term of office for Members of the House of Representatives. It was determined that the committee should make no recommendation in this area.

In the opinion of the two of the undersigned,[1] the present system, even though it is not perfect, and despite the fact that it places the additional workload of a congressional campaign upon the shoulders of the incumbent, still comes closest to achieving the ideals and principles of representative government. Let us keep in mind the basic American principle that the will of the people shall be the supreme law. If we are to fulfill this principle, our actions must reflect the best interests of the people. We must give them ample opportunity to "turn out to pasture" every 2 years those representatives whose policies and actions no longer meet with the approval of those they represent. Biennial elections of the people's personal representatives in the House have not failed to yield responsible progress and stability over the past two centuries.

13. Bipartisanship of new joint committee

We recommend that the proposed Joint Committee on Congressional Operations be equally divided between the parties. To accomplish this, the membership of the proposed committee should be increased to 12 in number, with the appointment of 3 Democratic and 3 Republican Senators, 3 Democratic and 3 Republican Congressmen, following the pattern of the Joint Committees of 1945–46 and 1965–66 on the Organization of the Congress.

14. Programing and scheduling

We recommend, not only consideration of the minority but for all Members of Congress, that the work of the House be more fairly programed and scheduled than is presently the case. The legislative calendar should be arranged so that individual Members would be advised of its makeup at least 2 or 3 weeks in advance. All Representatives bear an important obligation to make appearances in their own districts. Proper programing and scheduling of legislation would permit this and enable Congress to complete its work by its legal adjournment date.

15. Committee meetings

It is standard procedure for organizations to have provisions in their bylaws allowing less than a majority to call meetings. In light of this fact, we recommend that in the event a chairman cancels a scheduled committee meeting, two-fifths of the membership of the committee should be empowered to call that meeting despite the notice of cancellation.

A rule in both the Republican conference and the Democratic caucus provides that the chairman shall call a meeting upon the written request of 50 Members. Section 52 of Robert's Rules of Order, Revised, states that, "It is the duty of the chairman to call the committee together, but, if he is absent, or neglects or declines to call a meeting of the committee, it is the duty of the committee to meet on the call of any two of its members. * * *."

THOMAS B. CURTIS.
DURWARD G. HALL.
JAMES C. CLEVELAND.

I support propositions 3, 5, 6, 7, 10 and 12 of the above supplemental views.—Ken Hechler.

THE SONIC BOOM DAMAGE RECOVERY ACT OF 1968

The SPEAKER pro tempore (Mr. GONZALEZ). Under previous order of the House the gentleman from New York [Mr. HALPERN] is recognized for 30 minutes.

Mr. HALPERN. Mr. Speaker, I have today introduced a bill aimed to protect the public against anticipated damage from sonic boom both from military and civilian aircraft. Introducing this legislation, I am privileged to be joined by 14 cosponsors. They are Messrs. JOSEPH P. ADDABBO, of New York, ALPHONZO BELL, of California, GEORGE E. BROWN, JR., of California, HAROLD R. COLLIER, of Illinois, LEONARD FARBSTEIN, of New York, JAMES G. FULTON, of Pennsylvania, Mrs. EDNA F. KELLY, of New York, Messrs. PETER N. KYROS, of Maine, SPARK M. MATSUNAGA, of Hawaii, Mrs. PATSY T. MINK, of Hawaii, Messrs. CLAUDE PEPPER, of Florida, ROMAN PUCINSKI, of Illinois, OGDEN REID, of New York, and BYRON G. ROGERS, of Colorado.

The bill, entitled "The Sonic Boom Damage Recovery Act," not only provides for the recovery of damages for personal injury or property loss, but also serves as an incentive to manufacturers to develop aircraft that will be so engineered as to reduce the hazards of sonic boom.

The present problem of aircraft noises is a mere shadow of the difficulties we can expect when supersonic aircraft start smashing through the sound barrier as they sweep from coast to coast.

The age of mass air transportation came upon us so fast that many of the subsequent problems which developed, might well have been avoided had we had the benefit of advance planning.

But now we have an opportunity to learn from the lessons of the past and those lessons teach us that we must act before the fact by setting up the means whereby the problems anticipated by sonic boom will be ameliorated to the greatest extent possible.

I refer to the age of the supersonic transport and the resultant problems we can clearly foresee. We should face these problems now, and pass positive legislation with respect to sonic boom and the damage claims that are certain to result.

This bill sets up a fund whereby an injured party can bring suit where present laws do not provide grounds for recovery of such damage or injury, or where existing means do not allow for adequate recovery.

Mr. Speaker, this may be considered landmark legislation because it establishes a precedent for the future dealing with the effects of manmade disasters resulting from sonic boom or, from any other type of damage caused by the scientific advancement of man.

This would include damage resulting from underground nuclear detonation.

I cite as a specific example a possible manmade natural disaster facing the residents of the Denver, Colo., area, who have been shaken by a steady series of earthquakes caused by the Army having pumped waste material into a large underground cavern, thus creating an unstable earth condition affecting the lives of hundreds of thousands of people.

I wish to call attention to the highly productive first efforts being taken by the Federal Aviation Administration's Office of Noise Abatement. This new adjunct was established as a result of another law enacted this year, the Control of Aircraft Noise and Sonic Boom Act.

As a result of meetings with the staff of the Aircraft Noise Abatement Office, I am convinced that significant strides are being made to insure that manufacturers incorporate all the latest technological and engineering features possible into supersonic aircraft to reduce the incidence of sonic boom. Therefore, I have incorporated into this bill features that make it desirable for the manufacturer or developer of supersonic jets to comply with the standards set by the Federal Aviation Administration.

The act distinguishes between civil and public aircraft. Public aircraft includes any government aircraft—domestic or foreign—used in the actual service of the government, except where the aircraft is carrying persons or property for commercial purposes. Public aircraft would therefore not include foreign aircraft operating for a government-controlled corporation such as Air France, Lufthansa, and so forth. Civil aircraft includes all nonpublic aircraft.

The intent of the legislation is that civil airlines should pay their share of the costs of damages occasioned by their operation of supersonic aircraft in such a way that the damaged party can recover his losses without costly and burdensome processes all out of proportion to the amount of the damage claim. Additionally, the act is designed to fill the gap existing in many areas of the law where there is no theory of recovery available.

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[1] Representative Cleveland has taken a position favoring a 4-year term, provided only that House elections are held in years when there is no presidential election and that there is a limitation on the number of consecutive terms a Congressman can serve.

Broad general powers are given the Secretary of Transportation in establishing rates, both for civil and public aircraft. Payments into the damage fund, in the case of public aircraft, will be accomplished through appropriations, which the act authorizes.

The act further provides that the Secretary of Transportation shall pay the claimant the amount to which he would have been entitled under the law of the place where the damages were caused, had they been caused by negligence. Both personal injury and property damage are covered.

The act also gives the claimant a variety of remedial procedures. He may proceed under State law and pursue whatever remedies are available, or he may make his claim against the fund. If he chooses to proceed against the fund, he must assign all rights he may have against the person or corporation who may have a legal liability to pay for the damages caused; however, any excess, recovered by the Secretary, over the amount paid by the fund and costs, shall be paid to the claimant.

TO MEET THE NEEDS

The SPEAKER pro tempore. Under previous order of the House the gentleman from Maryland [Mr. MATHIAS] is recognized for 30 minutes.

Mr. MATHIAS of Maryland. Mr. Speaker, more than 50 years ago Alfred North Whitehead uttered these prophetic words:

> In the conditions of modern life the rule is absolute; the race which does not value trained intelligence is doomed. Not all your heroism, not all your social graces, nor all your wit, nor all your victories on land and sea, can move back the finger of fate. Today we maintain ourselves. Tomorrow science will have moved forward yet one more step, and there will be no appeal from the judgment which will be pronounced on the uneducated.

Today his words hold a specific significance for us. Great advances are being made in science, and the uneducated are found incapable of holding many of the jobs created by the new technology.

Tomorrow's prospects are even more appalling; the knowledge explosion has increased man's store of information a hundredfold in this decade alone. And estimates indicate that by the end of the century there will be at least 2,000 times as many facts to know as there are at present. The implications of all this are staggering. The average man will change his job—or have to learn a new skill—at least three times during his working life.

Throughout the history of these United States, education has opened the door to greater opportunity for individuals and laid the foundation for the country's preeminence in international affairs. Because of her reliance on education, America has been able to respond to the challenges of growth and technology. But we have never faced a period of such unparallelled growth or one so fraught with the dangers of a knowledge explosion surpassing man's control. Our educational system today must meet the challenge of a vast underprivileged population — preparing them for work in tomorrow's technology. It must be flexible enough to provide education through the graduate level for all who are desirous and capable—without financial barriers.

Because these needs are so critical, I believe that it is essential for us to conduct an objective and intensive study of our system of education in an effort to redesign and redirect it toward new goals. Accordingly, I have introduced H.R. 19111, a bill to provide for the formulation of a national educational policy. I am pleased to say that this idea has received the support of the Republican Party which, in its platform, stated:

> The birthplace of American opportunity has been in the classrooms of our schools and colleges. From early childhood through the college years, American schools must offer programs of education sufficiently flexible to meet the needs of all Americans—the advantaged, the average, the disadvantaged and the handicapped alike. To help our educators meet this need we will establish a national commission to study the quality and relevance of American education.

My bill would provide for the appointment of a commission by the President, to be headed by the Secretary of Health, Education, and Welfare and to be composed of persons outstanding in the fields of "public and private preschool, elementary, secondary, higher education, manpower resources and requirements, vocational, and occupational training including the fields of labor and industry." With their combined expertise, these men and women would formulate alternative plans to meet the goal of quality education from preschool through graduate school without financial barriers.

Their task will not be an easy one. The problems to be solved are difficult, and involve not only changing the structure of the educational system, but changing the outlook and aspirations of the educationally deprived. We must make "equality of educational opportunity" a meaningful phrase for every citizen, not just glittering campaign rhetoric. The barriers of poor schools, irrelevant curriculum and inadequate financing must come down. Some of the areas in which the Commission will need to concentrate its study are these:

Preschool and compensatory education. The importance of giving disadvantaged children a headstart in education is underlined by the opinion of such specialists as Dr. Benjamin Bloom of the University of Chicago who reports:

> It is possible to say that, in terms of intelligence measured at age 17, at least 20 percent is developed by age 1 and 50 percent by age 4.

The debilitating effects of early childhood disadvantages are further evidenced by the fact that the gap between performance levels of Negro and white children increases with age. The average third grade Negro student in one section of the country has a verbal achievement level approximately 1 year behind the average white student, but by grade 12, the difference is nearly 3 years. Yet today, only about 30 percent of the children in the 3 to 5 age group attend any sort of preschool, and enrollment increases with age and family income. Thus those who need early education the most—the young poor—are not being reached in anything like the numbers necessary to alleviate their handicaps.

The effort to provide "compensatory education"—services above and beyond what the schools normally supply—has been a major thrust of the Elementary and Secondary Act of 1965, title I. Yet by its administrators' own admission, title I reaches only a fraction of the children it is intended to serve. And despite hopeful results from the first 2 years of operation of the program, the title I student who is receiving compensatory education is still far behind the average student. As many as 60 percent of the disadvantaged youngsters may fall in the lowest quarter in reading scores in a given district; their absentee rate is higher, the number which go on to college is substantially lower, and they represent the highest percentage of school dropouts.

Dropout prevention and vocational education. The importance of a high school education in today's complex technological society cannot be underrated. Youngsters who drop out of high school have a significant higher unemployment rate than those who continue and graduate. In a survey of the 1966 high school graduating class and dropouts the unemployment rate for the former was found to be 14.2 percent, for the latter 17.4 percent. The earning power of a high school dropout is also substantially less than that of the holder of a high school diploma. Recent estimates of the lifetime income of men, by years of school completed, show that a man with 1 to 3 years of high school will earn $284,000 over his lifetime while a man with 4 years of high school will earn $341,000 during the same period.

Part of the problem of the high school dropout may be that he finds his studies are irrelevant to his way of life. The need for a strong vocational education program—one which is closely attuned to the needs of the current job market—is critical. According to the Advisory Council on Vocational Education, vocational education programs today are grossly inadequate to meet the need for highly trained, skilled manpower. At a time when "almost every person requires some formal preparation for employment and most continue to need some type of continuous upgrading," the Council found that "secondary level enrollment—in vocational education—constitutes only about a quarter of the total high school enrollment of the Nation, even though five out of six youths never achieve a college education." The program, they continue, is least adequate in quantity and quality for those who need it most—rural and slum students, women and out-of-school youth. The explosive social consequence of such irrelevance have been tragically apparent in recent urban riots and in crime and vandalism in both rural and urban areas.

Universal educational opportunity beyond high school and continuing education. America is traditionally known as the land of opportunity. It is logical then that we extend the right of a college education to anyone who is qualified regardless of financial ability. As one study group noted, the question is no longer "Who deserves to be admitted?" but "Whom can the society, in conscience and self-interest, exclude?" There are nearly 7 million students enrolled in this Nation's colleges and universities today; Office of Education officials estimate that nearly 2 million others have the ability, but not the means, to attend college. This is a costly waste of manpower and one which we can ill afford.

The problem of education beyond high school does not confine itself to the college years; with the increased amounts of leisure time available to the entire population, continuing education becomes a necessity so that all citizens may spend their leisure time profitably. The pace of change, the increasing complexities of day-to-day living and the need to know and understand a world made smaller by communications—all require that learning be a continuing process throughout life. As one educator noted:

> In the "educated society" of today, there is no terminal point for going to school. The educated professional man never "finishes" his education. And the schools do not see in any one degree the "terminal" degree or in any one age the age at which one "graduates". Education has to be continuing education in its approach, in its curriculum, and in its structure.

The task of formulating a national educational policy is a tremendous one. In addition to concentrating on the problems which beset our educational system today, the Commission will be directed to include in its report alternative methods of appropriately financing such a policy, the actual or projected cost effectiveness of alternative plans for implementing the policy, and the appropriate role which State, local and Federal agencies and institutions can play in implementing it.

The role of State and local agencies and institutions, both public and private, will be of course a central one. Education has traditionally been a local concern, and its problems and directions are best served by decisions made at the local level. The situation today is so critical however that the resources needed are often beyond local, and even State, means. The policy which the Commission evolves should be one which serves both local and national interests well. It should cast Washington in a supportive role, leaving the local and State groups the initiative of choosing specific paths to follow toward broad goals. Only in this way can a national policy be truly responsive to local and individual needs.

As a nation, we have relied on our schools and universities to help us meet the challenges of the future. Until now they have been equal to the task, but unless we take action soon, our educational system cannot continue to be adequate to meet the greater challenges and the greater opportunities which the future offers. I respectfully urge passage of my bill, H.R. 19111, at the earliest possible moment, so that we can begin to formulate an educational policy equal to the demands of tomorrow's needs—one which will offer every individual the opportunity to develop his talents to the fullest.

THE NEED TO COPE WITH GOVERNMENTAL AND POLITICAL MACHINERY THAT HAS BECOME OUTDATED AND OUTMODED

The SPEAKER pro tempore. Under previous order of the House the gentleman from Michigan [Mr. RUPPE] is recognized for 30 minutes.

Mr. RUPPE. Mr. Speaker, we live in an age of technical and social explosion. Over the last several decades the Federal Government has been expanding at a tremendous tempo as has the private sector of our economy. However, in the midst of change we have refused, in many instances, to cope with governmental and political machinery that has become outdated and outmoded. This old machinery has made the Federal Government wasteful and inefficient. It gives the people of this Nation a back seat in the most important political decisions made in this democracy—the nomination and election of the President and Vice President of the United States. It retards the functioning of Congress, and it riddles the Post Office Department with political wheeling and dealing no longer necessary in this day and age. The times demand major reforms in the Federal governmental and national political processes of this country.

In the time remaining between now and the adjournment of Congress, I intend to submit to this body five addresses on the need for reform. In my opinion, each of these areas of reform must be first priority business of the next Congress. My addresses will cover:

First. The need for reform of the electoral college.

Second. A plan to drastically change the convention system for nominating presidential and vice-presidential candidates.

Third. A proposal for a comprehensive attack on waste, duplication and overlapping in the Federal bureaucracy.

Fourth. The need for reorganization of Congress; and

Fifth. A proposal to eliminate the last vestiges of political patronage from the Post Office and from the appointments of young men to service academies.

Today, I intend to discuss the need for reform of the electoral college with emphasis on the mechanism whereby the election is thrown to the Congress if any one candidate fails to obtain more than one-half of the electoral votes.

Recently the Republican policy committee of the House of Representatives, on which I serve, called for prompt consideration of electoral college reform legislation. It is good that the policy making councils of at least one of our major parties is beginning to grapple with this important issue.

The electoral college acts as a buffer between the people of this country and the selection of our President. It was designed for a time when communication and transportation difficulties necessitated an organization such as the electoral college in order to most smoothly select the Chief Executive. Instantaneous communication and rapid transportation plus other technological advances to speed and accurately record election day procedure and results has negated the need for the electoral college. In short, the present system whereby the President and Vice President are elected is an absurd hangover of a bygone age and should be abandoned.

Under this system, where all electoral votes go to the candidate with the most votes, all citizens who do not vote for the winning candidate in their State, lose their voice in the final selection of the President. The vote of a citizen in a less populous State carries more weight than the vote of a citizen in a more populous State. Electors can disregard the mandate of the voters in casting their ballots in the electoral college. A candidate with fewer popular votes than another candidate can be elected President. It is even conceivable, under this system, that we could end up with a President from one party and a Vice President from another. If a candidate for President does not receive a majority of the electoral votes, then the House of Representatives, not the people, select the next President. This system, whereby Congressmen may be called upon to elect the President is even more ridiculous than the electoral college itself. In modern times the matter of election of the President in the House of Representatives has been in the realm of speculation by the political scientist and the columnist. In 1968, with three candidates having broad popular support, election in the House of Representatives may become a hard reality. It is conceivable that no candidate will receive the 270 electoral votes necessary to be elected President of the United States.

Let us reflect for a moment on the mechanics and some of the results that could flow from the election being thrown into the House of Representatives in 1968.

I think we can safely assume that Mr. Wallace will not receive a majority of the electoral votes. However, if Mr. Wallace has sufficient voter strength by election day to deny a majority of electoral votes to either Mr. Nixon or Mr. HUMPHREY, the next President of the United States will be elected by the 91st House of Representatives. Section 15 of title 3, United States Code provides:

> Congress shall be in session on the sixth day of January succeeding every meeting of the Electors. . . .

Thus, we can conclude that the balloting in the House of Representatives would begin January 6—just 2 weeks before the term of the incumbent President expires.

At this time it is not possible to predict the outcome of an election thrown to the House of Representatives. Each State delegation will have one vote. An absolute majority of 26 delegations will be required to elect a President. In this Congress, the Democratic Party has majorities in 29 delegations, and the Republican Party has majorities in 18 delegations, and three are even steven. However, there are at least seven so-called Deep South States where the third party candidate is expected to do well in the popular vote. To my knowledge it has never been assessed whether Congressmen from those delegations would give support to the Democratic candidate, Mr. HUMPHREY or the third party candidate, Mr. Wallace. Under the 12th amendment of the Constitution the choice will be limited to the three top candidates in electoral votes. I have been talking about the 90th Congress. The party alinement in the 91st Congress may well be even closer. Not that I am anxious to mention the possibility that some of us will not be returning to the 91st Congress, but for the purpose of making my point—there are seven States where one Republican replacing an incumbent Democrat in the House would switch control of the State delegation from Democratic to Republican for purposes of electing a President.

As an indication of Republican strength in those areas, five out of the seven Governors in those States are Republican. In addition there are 11 States where a switch of one seat would tie up the delegation and deny it to the Democratic candidate. Seven of those 11 States now have Republican Governors. Thus we can see that, in the 91st Congress, the Democratic Party may not have majorities in enough delegations to elect the President if the election comes to the House of Representatives. This is particularly true when you consider that some delegations may have majorities that will feel called upon to give their support to Mr. Wallace.

In the interest of fairness, in this unusual political year there is always the possibility that the ball could bounce the other way and the Democratic Party will be in firm control of sufficient delegations to elect a President in the House. Even if Mr. Wallace gains a plurality or majority of the vote in some so-called Deep South States, the Congressmen from those States may decide to support the Democratic candidate, Mr. HUMPHREY, over Mr. Wallace. This could still result in a great defeat for democratic—small d—principles. Mr. Nixon could receive an overwhelming plurality of the popular vote, fall short of an absolute majority of the electoral vote, and be defeated by Mr. HUMPHREY in the House of Representatives. In fact, and the polls certainly do not indicate that this next situation will come about, Mr. HUMPHREY could run third in both the popular and electoral vote and still be elected President by the House of Representatives. This, or the reverse situation which is also a possiblity, would be an even greater defeat for democratic principle and the American people. In fact, I would judge that the American people, who are already disturbed, would be plain fed up, and I would hate to predict either the reaction or the problems that the new President would face.

Now let us speculate on an additional situation. Let us assume that Mr. Nixon, Mr. HUMPHREY, and Mr. Wallace fall short of an electoral majority. Let us assume that the 91st House of Representatives is evenly divided, which is a possibility, and that three State delegations pledge their vote to Mr. Wallace, which is also possible. At this point no candidate has a majority in the House of Representatives. Mr. Wallace, realizing he cannot win, asks for a series of concessions from the two leading candidates. I personally believe that both Mr. Nixon and Mr. HUMPHREY are men of high integrity who would not bargain away Presidential powers and decisions. But let us remember also that it is the most powerful office in the world at stake, and both major party candidates realize that assumption of the Presidency will take them from the backwaters to the forefront of history. Both men want the opportunity to mold the future in a critical era.

To avoid the dangers of prejudging the personalities of Mr. Nixon and Mr. HUMPHREY and even Mr. Wallace, and how they might react, I have decided to dip into history. It is not encouraging. Twice the House of Representatives has elected the President. In 1801 Thomas Jefferson of Virginia and Aaron Burr of New York were tied in the electoral college. Following deadlock in the House of Representatives and a bitter political struggle, Alexander Hamilton, although a long-time political rival of Jefferson's, threw his support to the Virginian and against his fellow New Yorker. Although Jefferson went on to a successful Presidency, Hamilton did not fare so well. He was killed in a duel by Aaron Burr.

As has happened so often in this country, Congress and the Nation moved after the disaster. The Jefferson-Burr deadlock was a mistake. Burr was to have been—and indeed became—Jefferson's Vice President. At that time the man with the second highest number of electoral votes became Vice President. Burr, who was the vice-presidential candidate, received, by error in the electoral college the same number of votes as Jefferson bringing about the crisis. Mr. Burr, although he knew he was to be the vice-presidential candidate, decided he would rather be President when the possibility arose. The result was the 12th amendment to the Constitution which reformed the electoral college system of selecting the President and Vice President. As the provisions in the Constitution were inadequate to meet the crisis of 1801, the 12th amendment ratified in 1804 may well prove inadequate to meet a crisis in 1968.

The only other time the House of Representatives selected the President was in 1825. Andrew Jackson, led in the popular vote and received 99 electoral votes. John Quincy Adams had 84 electoral votes and only two-thirds of Jackson's popular vote. Here we have an instructive example of political wheeling and dealing regardless of the people's choice. In this case history, by the way, there was a third candidate and a fourth. Mr. William Crawford had 41 electoral votes. Mr. Henry Clay had 37 electoral votes. It is reported that Mr. Clay was willing to settle for Secretary of State. It is further reported that Mr. Adams promised him that in exchange for his support. Mr. Clay threw his support to Mr. Adams who became President and Clay was made Secretary of State. Andrew Jackson was not idle during the next 4 years. In 1828 he turned Adams and his party out of the White House, and poor Mr. Clay never became President of the United States.

Coming back to 1968, let us continue with our speculation that the House is deadlocked, and now let us say both Mr. HUMPHREY and Mr. Nixon refuse to meet concessions put forth by Mr. Wallace, and there are no additional breakthroughs in the deadlock. January 20 arrives and President Johnson steps down.

The next Vice President would be selected by the Senate. Whatever happens on November 5, the Democratic Party will have a majority in that body in January 1969. Let us assume Mr. MUSKIE, during the period of deadlock in the House, is selected as Vice President-elect. Suddenly, Mr. MUSKIE would find himself Acting President of the United States. Certainly his powers and influence would be limited by the fact that his administration would undoubtedly only last a few days at the most. This is not a particularly desirable transfer of Presidential power in the troubled world we live in today.

There is an additional possibility that I will dwell on for only a moment. Let us assume the Republican Party has the necessary majority to elect Richard Nixon in the House of Representatives. What is to prevent the Democratic majority in the Senate from handing him a Democratic Vice President? Hopefully, our colleagues in the other body are men of sufficient good will that they would select Mr. Nixon's choice for Vice President, but there is certainly no guarantee.

The foregoing is improbable, but not impossible, and could be downright dangerous in this complex, fast-moving world. The main point I hope I have made is that the system is absurd. The Congress has stalled too long, as far as corrective action is concerned, and the people are far ahead of us. A poll I took in the 11th Congressional District of Michigan, which I represent, shows 84.1 percent of my constituents favor abolishing the electoral college system and allowing the voters to cast their ballots directly for the President and Vice President. Nationally, a recent Gallup poll showed Americans favor abolishing the electoral college by a margin of 66 percent to 19 percent. Now, admittedly the

people of my district are ahead of the Nation, but I believe the national mandate for action in this area is sufficient.

We have stalled too long. The people do not want to take a back seat in selecting the President of the United States. One of the first orders of business of the next Congress must be to tackle this serious problem, without delay, and to present the American people with a workable plan.

VIETNAM AND THE REDWOODS

The **SPEAKER** pro tempore. Under previous order of the House the gentleman from California [Mr. Don H. Clausen] is recognized for 30 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, the recently passed Redwood National Park has, as you know, created a tremendous amount of interest throughout our Nation and the world.

Last week the Redwood Empire Association held its annual meeting in Crescent City, Calif., and during the press breakfast a highly respected and brilliant reporter from the Medford, Oreg., Tribune was the featured speaker. I was so impressed with the content and accuracy of her remarks that I was immediately motivated to bring her speech to the attention of my colleagues in the Congress.

Redwoods and Vietnam have been so very much in the news lately that I thought the comments she made would be of unusual interest, so I insert the text of her speech in the Record, as follows:

Talk by Peggyann Hutchinson Before Redwood Empire Association Crescent City, Calif., September 21, 1968

In early August I wrote an editorial for the Mail Tribune entitled Lines of Communication. While the title may not sound so unusual the editor of the newspaper later remarked that I was one of the few people he knew who could write about Paraguay, the California redwoods, and Vietnam in one article and have it make sense.

The editorial was about highways, something that all three countries had in common, and a footnote to it explained that I had visited northern California, Vietnam, and South America within recent months.

Therefore, I wasn't too surprised last week to receive a telephone call from Mr. O'Dell asking me to address this group.

"Talk about Vietnam," he said, "then bring in the Redwoods National Park and how it will affect southern Oregon!"

While this may sound like a rather big order, I must admit that both Vietnam and the redwoods have been making headlines lately in the nation's newspapers.

I was in Vietnam in June and July as a correspondent for the Mail Tribune in Medford.

While I'm no expert on Vietnam, I did see a lot more of the country than the average U.S. serviceman does who is assigned there. However, conditions are quite different for one who is in Vietnam as a war correspondent and one who is a member of the military.

In a way this is unfortunate as Vietnam is a beautiful country. Its highlands are similar to Oregon and northern California's mountains complete with wild rivers. Slightly less than half the size of California, South Vietnam has a tropical climate since Saigon is only 10 degrees north of the equator—about the same as Havana, Cuba.

Just what is there for a correspondent to cover?

Of course, there is the war in general. These stories about the over-all war are usually filed by the wire service correspondents.

Then there is the story of the pacification program. A highly complicated program so complex in fact that the correspondent can almost drown in its statistics. But the story of the pacification program—the one I was particularly interested in—cannot be found in the cities. One must go into the rural hamlets and villages to get the story. Results are not accomplished overnight, but painstakingly brought about over a period of months, maybe years, and then are so small many pass unnoticed by the press.

It is these little success stories, accomplished by a handful of U.S. servicemen and civilians in out of the way places that make the human interest stories of the Vietnam War.

I saw only a small part of the pacification program, but the part I saw I believe is creeping forward. I talked to a number of U.S. servicemen—Navy, Marines, Army—who are working full time or only part time in the pacification program. All were highly enthusiastic about this part of their work. Many felt that this is the way the war will be won.

During the time I was in Vietnam I was in Saigon, aboard the aircraft carrier USS *Constellation* in the Gulf of Tonkin; in Nha Be in the Delta aboard a U.S. Navy river patrol boat; at Da Nang, Phu Bia, Gia Le, and Hue in I Corps—the northernmost military section of Vietnam; at Pleiku in the central highlands, Dak To and two of its nearby firebases only six miles from Cambodia, and at Thu Duc and Long Binh in the Saigon area. I traveled by about every kind of military transportation imaginable

My favorite, however, is the Huey helicopter, which skims about 20 feet above the treetops—the safest elevation due to snipers.

Since I am one of those persons who will drive over 85 miles of road construction to see a mountain I could enjoy the beauty of Vietnam's highlands.

Flying in a helicopter one day from a firebase to Dak To we skimmed over the jungle treetops—a vast expanse of green accented with brilliant red of the towering flame of the forest tree. Cutting through this scene was a river, which divided, plunged down a several hundred foot fall, fell into a boiling pool of white river, then continued its journey down a series of rapids and smaller falls as the rocky mountains through which it passed narrowed its gorge. Here was truly a wild river!

Upon my return to Saigon an Air Force colonel I had gotten to know asked me about my swing through the highlands. As he started to leave he remarked:

"I suppose you've picked out a place for your resort." Little did he know. For the next five minutes I extolled the beauty of "my wild river" and the ideal spot for a resort overlooking the Y falls. Unfortunately, its beauty could only be appreciated from the air—it wasn't as friendly on the ground. I could find no one interested in helping me set up a resort there after the war is over.

The quiet appearing countryside is in sharp contrast to the roar of the cities. Saigon, with an estimated 600,000 motorbikes and pedicabs, is beyond description. One would never know that a war was going on if it were not for the military uniforms and vehicles in the city.

For the correspondent there are a wealth of opportunities for stories.

How are the troops fed? Many people do not realize that the U.S. military has large truck farms in the Dalat and Can Tho areas which raise fresh produce equal to California's San Joaquin Valley.

Where do some of the outlying military bases get their water? The Navy's Seabees laid a 12-inch steel pipeline through VC country to supply five bases in I corps. During construction when the proper fittings for the pipeline didn't arrive they fabricated them.

What standards do the military have for building roads? The Seabees and the Army's Corps of Engineers do most of the road building. The grade is dependent upon the time available; the cuts are dependent upon the amount of fill needed. The Military Assistance Command Vietnam (that's the United States) has set a standard of a 24-foot paved roadway with four foot shoulders for its principal military roads. The VC have not found an effective way to mine paved roads.

All of these make interesting reading for the people back home. And each I used as the basis for at least one article.

One of the hardest parts of the Vietnam War for correspondents to report is the general atmosphere in the country. This is an important part of the news story. Since the June attacks on Saigon the city has been tense—waiting for the other shoe to drop.

Set off a firecracker in this tenseness and the resulting incident will dominate the world's headlines. But as far as the war is concerned is of little consequence.

The correspondent and the reader, or television viewer, must remember two things. The action is in Vietnam—Asia which has different customs and different values than the U.S.—and read or view it in its proper perspective.

I did not want to leave Vietnam when my visa ran out. Each story tracked down exposed several others waiting to be written.

I had spent a large part of my time in Vietnam with the Seabees. As I was leaving Saigon, the Third Naval Construction Brigade's public affairs officer reminded me that I was walking out on the story about Route One.

In a very short time he had discovered my interest in highways and had promised to accompany me in an armored convoy from Da Nang to Phu Bai via Route One over famous Hai Van Pass.

But Vietnam isn't the only place which is having trouble with its highways. Northwestern California's long struggle for better highways is widely known, and I believe, a Redwoods National Park will accelerate this construction program.

Nearly 600,000 people visited Oregon's only national park last year at Crater Lake. Located 85 miles off Interstate 5, its main entrance from the south is reached via narrow, winding, Oregon 62. This route carries 30,000 truck loads of logs annually—98 per day figured on a 305-day year. Oregon law prohibits hauling on Sundays and holidays. But logging is halted by winter snow so the summer figure is fantastic considering that tourists use the same narrow road.

While the tourists may complain about the road, they still travel it to see the national park.

What will the Redwoods National Park mean to southern Oregon? Plenty. Historically a national park, seashore, or monument attracts more people to an area.

The new national park will pull the northbound traveler from Point Reyes National Seashore near San Francisco. It will pull the southbound traveler from Crater Lake or the Oregon Dunes National Seashore if it becomes a reality on Oregon's coast. And, of course, there is Oregon Caves National Monument nearby in Josephine County.

A national park is found on nearly all road maps. This isn't always the case with state parks.

Think of your national park as a major store in a shopping center. When a small store builds next to Safeway it will attract more business as it gives the shopper more of a variety. This is the same with parks. The national park may be what gets the travelers there, but with state, county, and national forest parks nearby, he will have an opportunity to "shop" around once there.

With the tourists great mobility nowadays it is not unusual for the camper to travel greater distances. With modern conveniences available in trailers today it is now the whole family traveling instead of just father on a fishing trip.

The Redwood National Park is expected to attract nearly one million additional visitors annually to Del Norte County by the fifth year.

How will these visitors arrive? Several traffic patterns have been mentioned.

The Mail Tribune's Washington correspondent recently traveled with his family from the nation's capital, camping along the way. In his several thousand mile trip he visited California only once—to see the redwoods. He entered the state from the north, traveled south into the redwood country, then turned around and retraced his route. He wanted Oregon's freeway. But the redwoods got him into California.

Some have suggested this pattern with the visit to the redwoods as a loop drive off of Interstate 5.

While I'll go along with the loop drive, I won't make it that short. Tourists from southern California will drive north along the coast route, through the redwood country and into Oregon where they will pick up Interstate 5 for the return home.

Oregonians can do the same thing with the bottom of the loop California Highway 299, 36, or one of the many highways east of the San Francisco area.

Once you have the tourist here don't give him the chance of driving on through. Give him a package which will keep him here for a few days.

During 1966 and 1967 the National California Coastal Scenic Redwood Road and Trails Committee met to study just this question. Their idea was for a Redwood Road which would be a low speed, meandering recreation road and trail system from Oregon's border scuth. This route would make use of state, county, and national forest timber access roads and trails to get the tourists off the major highway, show him more of the beautiful country, thus keeping him here a while longer.

Loop trips via road and trail off the bigger loop are easy to establish simply by using what you already have. Needed are a few signs of a similar eye-catching design and a simple map marking the route. These maps should be available at motels, service stations, and restaurants.

Walking and driving for pleasure are the activities which have shown the largest increase in recreation participation, according to a Stanford Research Institute study.

Josephine and Jackson Counties in Oregon are eager to welcome these tourists. Though a network of county, state, and federal parks the two-county area has nearly 1,300 developed campsites. In Crater Lake National Park, which is in Klamath County just outside of Jackson County, there are 262 campsites available.

In addition both counties have first class accommodations available in motels for those who wish to travel in luxury.

Josephine County, in its Lake Selmac development just 25 miles north of the California state line, was the first county in Oregon to build a dam strictly for recreational purposes.

Oregon State Highway Department has purchased 280 acres of land on both sides of U.S. 199 at the California state line for development into a state park complete with Tourist Information Center. This park is planned originally to have 200 camping units plus day use areas. We couldn't get one much closer to California!

A smart move considering that Oregon's treatment of the highway traveler is widely acclaimed.

"If a prize were to be offered," a California reporter wrote last month, "to either Oregon or California for the best care and treatment of highway travelers, Oregon would win it hands down."

I won't read any further. No doubt many of you saw the article (Sacramento Bee newspaper August 4, 1968)

On the federal level, there are three dams proposed for Jackson County. All three have been authorized by Congress and two of them—one on the Applegate River and the other Lost Creek on the main stem of the Rogue River about 35 miles north of Medford—will have recreation areas included in their development.

Construction funds have already been authorized for Lost Creek Dam and this project includes the largest recreation development in Oregon. In conjunction with this, Congress only last year approved an amendment to the President's Budget for slightly more than $600,000 to purchase an estate nearby for a state park. No small item considering the tight money situation.

The Lost Creek Dam will have one of the largest fish hatcheries in the world. It will supply resident fish for the three reservoirs as well as for the fish runs in the Rogue. More than 425,000 pounds of fish will be reared there each year.

A parks and recreation official I know remarked recently that he had traveled south from Medford into California then returned via U.S. 101 and 199. Camping facilities were short in northern California along Interstate 5, he stated. Oregon welcomes the Redwoods National Park as an additional "store" in its shopping center of parks.

For years California has been getting the credit for Crater Lake and Mount Hood. As travelers visit the Redwoods National Park in years to come and stay in Oregon's campgrounds, maybe we'll be hearing about Oregon's redwoods!

AIR TRAFFIC PROBLEMS IN THE NEW YORK METROPOLITAN AREA

Mr. ROSENTHAL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, my colleague, the gentleman from New York [Mr. ADDABBO], and I have just completed a detailed and comprehensive report on air traffic problems in the New York metropolitan area.

This report is based on a hearing which we held in New York City last month when we heard witnesses from the Federal agencies, from the States of New York and New Jersey, from the Port of New York Authority, which operates the three New York airports, from representatives of the professional pilot and air traffic controllers organizations, from the group representing private aviation, and from the deputy mayor of New York.

This hearing and this report represent, we believe, the broadest view yet taken of the air congestion crisis and of the breakdown in intergovernmental relations which contributed to it.

One of the recommendations of the report is to give explicit authority to the Federal Government to select a site and build and operate the fourth New York area jetport.

Such authority will end the crippling paralysis which now prevents solutions to New York's aviation problems.

It will point the way, we think, to a new, constructive intergovernmental approach to the most serious problem today facing the New York metropolitan area: the hazardous, ill-planned, wasteful misuse of public and private resources in air transportation of which the air congestion crisis is only one indicator.

Mr. Speaker, we also introduce today legislation to give the Federal Government the authority it needs to build and operate the fourth jetport in New York until new Federal-State relationships are developed and put into operation.

The report and bill follow:

REPORT OF AD HOC CONGRESSIONAL HEARING ON AIR CONGESTION

(Released by JOSEPH P. ADDABBO, Member of Congress, Seventh District of New York, and BENJAMIN S. ROSENTHAL, Member of Congress, Eighth District of New York, September 25, 1968)

I. INTRODUCTION

On August 5, 1968, we convened in New York City an Ad Hoc Congressional Hearing on the problems of air traffic congestion in the New York Metropolitan area. We did this to probe the causes, effects, and possible solutions of the air traffic congestion crisis in the New York Metropolitan area.

This crisis involves more than an inconvenience to passengers—it threatens the safety of those flying into and from the New York area as well as airport neighbors; and aggravates the jet noise and pollution problem.

Representatives of the states of New York and New Jersey and New York City testified at the hearing as did members of the aviation community, the Director of Aviation for the Port of New York Authority and the Eastern Regional Director of the Federal Aviation Administration.

After carefully reviewing the testimony of the participants and independently reviewing and analyzing the history of events of aviation in the United States and New York, we come to one inescapable conclusion: *the dramatic post-war explosion of the entire air transport industry has overpowered, beyond foreseeable relief, the capacity of government and industry to control and order its development*.

The ironic truth is that no one single governmental agency is statutorily authorized or intellectually committed to actively represent the public interest and to responsibly supervise, direct, and lead the aviation community. The tragedy is that these deficiencies persist, although the problems of aviation intensify daily. The future is more dismal than the past.

The aviation problems at New York are not New York's alone. They are national problems, both in their immediate effects on delays in other areas and in their imminent parallels at airports serving all of America's large cities.

The crisis in New York was both inherently predictable and actually forecast by legions of aviation experts for the past ten years. One of the essential solutions to this crisis—

the development of a fourth jetport—has been known to everyone concerned with metropolitan area problems. Yet, because there is no single governmental agency or official endowed with the effective power to select a site for this fourth jetport, we are no closer to it today than we were ten years ago. This discouraging history of our intergovernmental relations is characterized not only by structural deficiencies but by public officials who react to problems only under pressure—and even at that stage are incapable of devising imaginative solutions.

The failure of our government to maintain safe and efficient airways can be described by a few basic facts:

(1) Agencies—at the federal, regional, state, and local levels—with intersecting areas of responsibility for the operation of an airways system are reluctant to assume authority for shared tasks.

(2) The governmental agencies nominally charged with the responsibility of insuring air safety and a well-regulated flow of air traffic have been too concerned with insuring the growth of aviation.

(3) Everyone agrees that massive sums of money must be spent on developing new air traffic control systems and constructing and improving airports, but no group is willing to provide the funds.

(4) The specific interests that oppose jetports in particular areas are always more powerful than the general interests that think delays and inconvenience are a bad thing.

(5) A crisis situation is too often the only impetus for government action. It has taken a series of mid-air collisions (with the threat of many more) and annoying, disruptive, and ultimately hazardous traffic delays to show us the seriousness of the situation which now makes immediate action imperative.

The inert and divisive structure of government must be replaced by a vigorous reorganization plan to reduce New York's air traffic to a manageable volume. Increases in that volume should be limited by strict controls until more sophisticated air traffic control equipment is developed and additional airports are constructed.

In the critical area of air safety, the principle of shared responsibility among government units has not worked. We have hidden the problem by needlessly dividing responsibility for its solution. Intersecting responsibilities in planning and financing have bred slack rather than initiative and foresight at all government levels.

Since no one unit of government has sole responsibility for maintaining the operational capacity of the airways; no unit has been willing to commit itself to costly programs that embroil it in bitter controversies with the airlines, general aviation and other governmental agencies. Instead, each agency has been confident that other agencies charged with similar tasks were taking the necessary measures to keep pace with increasing air traffic. For example, the federal government is responsible for maintaining a safe and efficient air navigation system, but local government is authorized to build and operate airports. Yet obviously the two tasks are inextricably involved in the air congestion problem.

Although a czar-like "super" federal agency could not possibly handle all of the problems posed by air traffic growth at specific airports, *a new governmental approach is necessary to replace the present outmoded formula for allocating authority among government agencies which are expected to but cannot direct their common efforts towards a smoothly-functioning airways system.*

A "no-man's land" in governmental authority exists between these specific responsibilities—it is this no-man's land that has allowed both a stalemate in the construction of a fourth jetport in the New York City area, and the continued uncontrolled growth of air traffic to and over the metropolitan area.

II. NEW YORK'S FOURTH JETPORT: A CASE STUDY IN METROPOLITAN PROBLEM SOLVING

In the search for a fourth jetport for the New York Metropolitan area, the Port Authority inherited the key role in site selection and earns the largest share of blame for the failure to obtain agreement on a site. The Port Authority watched with fascination the growing congestion problems, yet was unable to act with flexibility or imagination to solve them. It was a defective instrument, designed to solve other problems but unable to function when forced to respond to the conflicting but highly charged emotional reactions of the groups and individuals adversely affected by the air traffic crisis.

To understand the prime role of the Port Authority, we should review briefly its development as a bi-state agency, it role among other governmental units in solving aviation problems and its advantages and limitations in this role.

The Port Authority was established in 1921 to provide joint control and development by New York and New Jersey of the New York Port District. It was clear from the original Port Authority compact, and completely understandable, that no attention was paid to aviation's problems in 1921. At that date, only one plane had crossed the Atlantic. Aviation was still considered a sport for the eccentric.

The Compact of 1921 was the basis for joint control and operation of bridges, tunnels and certain terminal facilities. As the Port Authority developed, it undertook increasingly ambitious projects—including the financing and construction of the George Washington Bridge in 1925, the assumption of the operation of the Holland Tunnel and planning for the Lincoln Tunnel.

But not until 1947 did the operation of the metropolitan area's three major commercial airports (La Guardia, Idlewild, and Newark) come under the Port Authority's jurisdiction. There was an assumption, by the authors of the 1947 Air Terminal amendments to the Compact, that the Port Authority was the proper (or at least the available) mechanism for operating the area's airports. The political problems the Port had heretofore faced, like opposition to site selection and condemnation proceedings for bridges, was inadequate preparation for the controversies aviation would bring.

As the Port grew up awkwardly with the age of aviation, the federal government took similar halting steps. It studied, with the Federal Aviation Commission of 1934, the whole range of problems facing the infant industry. But its meek solution was to establish in 1938 the Civil Aeronautics Authority and the Air Safety Board, which became, in 1940, the Civil Aeronautics Administration and the Civil Aeronautics Board, respectively.

The real pressure of problem solving in aviation did not arise until the technology of the war years was applied to civilian air transport. Suddenly, hundreds of cities wanted the benefits of air transportation. Travel by air ceased to be a novelty and became the standard mode of travel for hundreds of thousands, and then, millions of Americans.

We have seen how the New York area adjusted to this growth by designating the Port Authority as its airport developer and manager. It retains this role today, trying to balance concern for bridge tolls with a search for a fourth jetport site, solving this problem, delaying the next, always operating as a convenient hybrid created by the two states which can solve some relatively simple problems but must pigeonhole the difficult ones.

The aviation crisis in government did not become critical until the 1950's. In that decade, domestic revenue passengers went from 17 million to 56 million. Revenue miles for the same passengers quadrupled. This period saw not only this tremendous increase in airport activity, but also the introduction of the jet engine and its noise problems.

Communities which tolerated the whirl and whine of piston engines were appalled at the screaming jets. Airport neighbors sought relief first from city officials, then from state authorities. But in New York, they were referred to the distant, and politically inaccessible, Port Authority.

But the Port Authority controlled neither the jet engine manufacturers, whose machines made the noise, nor the Federal Aviation Administration (successor to the Civil Aeronautics Administration) which approved and regulated their use, nor the city government which allowed developers to put houses too close to the jetports.

Toward the end of this decade, in 1957, the Port Authority began to realize the extent of the jet-age revolution. It announced that the metropolitan area needed a fourth jetport and, soon after, that a site in Morris County, New Jersey, about 25 miles west of New York City, was its choice for the location. (See Appendix, Chronology of the Search for a Fourth Jetport.) But here the Port Authority faced, for the first time, a political problem where it could neither move forward because of intense local opposition, nor back away and let some other level of government take over.

The Morris County (or Great Swamp) site was outside of the boundaries of the Port of New York District which the 1921 Compact established. Thus, the Port Authority needed specific enabling legislation from New York and New Jersey. Yet vocal, well-organized and influential residents of New Jersey vowed opposition to the Port Authority's site.

Unable to proceed, the Port Authority simply waited. From 1959 to 1968 it warned regularly that the crisis in air congestion would become critical if a site were not selected and the fourth jetport started. It conducted a $100,000 study of 23 possible sites. Its not unexpected conclusion: Morris County's Great Swamp was still the *only* site acceptable to it.

Meanwhile, on other and more active fronts, the Governor of New Jersey vowed, during an election campaign, that he would never allow a new airport in the northern part of the state or indeed anywhere in residential areas of the whole state. (He later regretted this promise but insisted he was still bound by it.)

As air traffic increased, without the prospect for relief from a fourth airport, so did the danger of accidents. And so did the jet noise. Near-miss reports, filed by pilots after close calls in the air, showed over 80 incidents over the New York area from 1965 to the middle of 1967. The first six months of the next fiscal year showed a sharp increase in such incidents.

In our August 5, 1968 hearings, John Wiley, Director of Aviation for the Port Authority, revealed the futility of the Port Authority's 9-year effort to obtain agreement on the jetport site:

"Congressman ROSENTHAL. Are we any nearer to the fourth jetport site selection today than we were on December 5, 1959?

"Mr. WILEY. I wish I could say that I really felt we were. I can't say that we are at the moment."

Meanwhile, the FAA was buffeted alternately by criticism of its own controllers that congestion was becoming dangerous, and by indigent protests from the general aviation community in response to restrictions on private flying. It consoled representatives of the air carriers, who complained of airport congestion but also listened sympathetically to Congressmen who staunchly defended the "right to fly anywhere".

By mid-summer 1968, the inability of all involved to solve the site problem was obvious. Delays in landing at the New York airports, especially LaGuardia and John F. Kennedy, were increasing dramatically. Some bewildered passengers spent two hours waiting on the ground and in the air on the forty-five minute flight from Washington to New York.

This, not surprisingly, provoked some action. The CAB arranged a meeting with the airlines on schedule adjustments in the New York Metropolitan area, despite its position that without new legislation it could not enforce reduced schedules if the very competitive airlines resisted.

The FAA announced, one month after the New York hearings, that both the airlines and general aviation would be restricted in their use of the three New York airports, and Chicago's O'Hare Field and Washington National Airport as well. The restrictions seemed designed to make both the airlines and general aviation unhappy. The plan was correctly judged by all as a stop-gap measure until someone could think of something else to do.

The crisis did seem to help soften industry opposition, however, since public opinion was now on the side of anyone who would offer even a short term solution. By contrast, earlier in 1968 the FAA had proposed a different kind of restriction on these five airports and 23 others which had a "high-density" traffic pattern. The opposition was so strong that FAA has been "reconsidering" this High Terminal Density Plan ever since.

The same public opinion which supported FAA's half-hearted moves to restrict New York area air traffic also stimulated the equally reluctant Port Authority to announce it was ready to consider a new site in New Jersey for the fourth jetport. The new site, in Hunterdon County, was still under the restriction imposed by Governor Hughes in his 1961 campaign promise.

New Jersey had also been working on site possibilities, however, and released a report favoring a jetport in the southern Pine Barrens of that state, some 70 miles from New York. The merry-go-round of government inaction once again came full circle. The Port contended this was too far from the New York Metropolitan area and without adequate transportation to it. The whole site question, as Mr. Wiley painfully admitted, had reverted to its 1959 status.

For nine years the Port Authority has not been able to find an airport site close enough and convenient enough to New York City to ease the congestion problem.

Legislation enabling the federal government to construct and operate a fourth jetport is one of the few possibilities still unexplored. Such a move has precedents in the Washington, D.C. area where the FAA operates both National and Dulles Airports.

There is little doubt that the site selection for a *fifth* jetport for the New York Metropolitan area should be in its final stages. Today we are eight to ten years behind in airport planning for New York.

How would federal intervention work? First, by avoiding Governor Hughes' permission, he would be relieved of his pledge. With site selection and acquisition underway, the federal government and the two states could consider what further interim measures would be required until the new federal airport was ready for use, which would be at least five years.

Among these alternatives are:

(1) the use of McGuire Air Force Base in New Jersey and the Calverton, Long Island, Airport as air carrier terminals. McGuire is under-utilized by the Air Force and is about 60 miles south of New York. It is already under federal control.

Calverton is suitable for development now as either a temporary or secondary air carrier terminal. Neither of these airports is ideal; both offer workable solutions preferable to present inactivity.

(2) the organizational steps needed to avoid another "Fourth Jetport" crisis. The whole role of the Port Authority in airport development should be reviewed and probably ended, with the two states agreeing on a new airport authority which could lead public opinion instead of following it.

(3) the federal government needs the same kind of overhaul in its direction of aviation policy. The FAA, theoretically a division of the Department of Transportation, is still representing the commercial interests of the airlines industry and the general aviation sectors. Federal aviation policy should in fact—not in theory—be directly related to a national transportation policy. The Department of Transportation must act with increased vitality in developing these policies and provided with new legislation to carry them out.

This case study outlines the confluence of aviation's problems in the context of intergovernmental relations. The subsequent chapters of this report show, through a study of the substantive problems of air transportation, how these elements affect the New York area and ultimately the whole nation.

III. THE FEDERAL ROLE: PROMOTING GROWTH, AVOIDING REGULATION

A. FAA and CAB: Complacent regulators

Federal aviation policy, from its inception, proceeded on the questionable assumption that air traffic growth alone was the standard of progress. FAA and CAB, administering this policy, have encouraged runaway growth but neglected systematic regulation. Business prospered, but safety and efficiency declined.

In its three principal spheres of national aviation policy—as traffic system designer, economic developer, and promoter of safety—FAA's dominant philosophy has been to speed the growth of air traffic. Unfortunately, while encouraging the continued growth in air traffic activity, the FAA has not met the increased requirements for its services and facilities.

The CAB—as economic regulator of air transportation—in awarding new routes has fulfilled its role in providing service to areas lacking adequate transportation systems. It has neglected, in its role as regulator, the need to limit operating certificates to avoid escalating competitive pressures which result in too many airlines fighting fiercely for too many markets with too many planes.

The philosophy and operation of the FAA reflects a built-in bias for promoting, rather than *regulating*, air traffic—a role that dates back to the earliest authorizing legislation of the 1930's.

Section 305 of the Federal Aviation Act of 1958 restates this policy: "The (FAA) Administrator is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad."

CAB was imbued with a similar spirit. Section 401 (e) of the Federal Aviation Act of 1958 (regarding issuance of certificates of public convenience and necessity by CAB) states: "No term, condition, or limitation of a certificate shall restrict the right of an air carrier to add to or change schedules, equipment, accommodations, and facilities for performing the authorized transportation and service *as the development of the business and demands of the public shall require*". (emphasis added)

Thus, CAB's unwillingness to reschedule flights (without legislation explicitly providing it with such powers) stems from its interpretation of the quoted edict. Historically, both FAA and the CAB were created to deal with insufficient—rather than overabundant—air activity. That this condition no longer prevails is still lost on the two agencies and on the Congress which oversees their operations.

The concern of government, to cope with steadily increasing airport operations, should have shifted from increasing air traffic to reducing operations to manageable proportions. But for years the high-level staff in FAA and CAB delayed steps to cut back air traffic although both agencies were always empowered to *restrict* air activity if they chose.

For example, CAB is required to protect the public interest. Section 401 (e) of the Federal Aviation Act reads: "Each certificate under this section shall specify the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation and the service to be rendered; and there shall be attached to the exercise of the privileges granted by the certificate, or amendment thereto, such reasonable terms, conditions, and *limitations as the public interest may require*".

FAA has a corresponding obligation. Section 307 of the Federal Aviation Act states: "The (FAA) Administrator is authorized and directed to develop plans for and formulate policy with respect to the use of the navigable airspace under such terms, conditions, and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of such airspace. *He may modify or revoke such assignment when required in the public interest*". (Emphasis added.)

But neither CAB nor FAA has paid much heed to these regulatory possibilities. In choosing between their contradictory missions, promoting, not restricting, aviation is generally favored.

Limited airport facilities should have meant a new criteria for landing rights at airports in high-density areas. The "first-come, first-served" policy of the past no longer reflects the public interest, which FAA is legally required to protect. The public interest is best served when commercial airliners—public carriers, regulated by law, open to all, and constituting an important part of the national transportation system—are given an explicit priority over private planes.

B. How Federal planning proceeds

In developing the National Airport Plan and in administering the Federal Aid to Airport Program, the FAA was charged by Congress with overall planning for airports developed with federal assistance. But FAA has not met its statutory duty to insure "a rational relationship between public-landing area needs and the pattern and character of the airports developed with federal assistance".

If FAA lacked the will to limit aviation's growth when necessary, it also lacked the information it should have collected to show this need. At the heart of FAA's failure in long-term planning are its incredibly inaccurate predictions for air traffic growth.

The 1968–69 boom in air traffic and particularly in general aviation was encouraged by FAA but not foreseen by that agency. In 1958, FAA predicted that by 1964 there would be 45 million national operations per year. In 1958, there were only 26 million operations and in 1961 the operations actually decreased to 25½ million, so that the 1958 predictions were not out of line.

But by relying on past predictions rather than new developments in the air transport industry and general aviation as a basis for forecasts, in 1961, FAA contemplated operations increasing only to 30 million over the next five years. Instead, they increased to 45 million.

In 1963, FAA officials forecast 36 million operations by 1968, but operations will pass the 53 million mark this year—an error of almost *50* percent!

In 1965, FAA officials predicted that by 1970 airline passenger traffic in the New York City area would reach 39 million. By the end of 1968 this number will have been passed. In May 1967, General McKee, then FAA's chief, testified that FAA traffic forecasts prepared only a few months before had already been exceeded. FAA almost cheerfully admits that its predictions generally fall far short of actual traffic growth. Perhaps FAA felt this discrepancy showed that its encouragement of aviation's growth was unpredictably successful.

What is the reason for this grossly inaccurate forecasting? First, FAA forecasts had not taken into account the explosive growth in general aviation and the effect, in air carrier operations, of student youth fares, military fares, international tour packages, and increased air traffic due to industry and Vietnam related flights. Second, the shift to aviation as the most popular mode of passenger transportation was ignored although the crucial decade from 1950 to 1960 saw railroads replaced by the airlines as the leading common carrier.

In 1950, airlines carried 14% of the total intercity passengers, railroads carried 64% and buses 28%. In 1966, airlines carried 65%, buses carried 30% and railroads 5%. FAA did not contemplate this decline in railroad traffic—although the purpose of establishing a Department of Transportation was to coordinate policies for all models of transportation.

For example, the planning units in FAA simply ignored the trends in other modes of transportation, including railroad service. The organizational elements of the Department of Transportation never bridged the gap. Its railroad men helplessly watched a declining pattern, while its aviation experts happily encouraged the phenomenal growth of air transportation. They ignored each other.

An FAA planning official admitted that the FAA forecasting unit does not have frequent meetings with airline representatives to discuss developments in air transportation and obtain updated projected figures on passengers carried by commercial airlines. This official explained that airlines won't disclose "what they're up to because of the extreme competition among airlines . . . No one wants to cut back unless the other airlines do".

If foresight in FAA's own supervision is a key factor in planning, the Agency's chief, Secretary of Transportation Boyd, seems to fall far short of the mark. Boyd himself told the Senate Commerce Aviation Subcommittee that there had been no central planning of either major airports or smaller fields that might relieve congestion in the large cities. Although he noted that the Department of Transportation eventually might undertake such planning, he offered no blueprint.

The only high-level official who warned of an impending air traffic crisis was Oscar Bakke, former FAA director for the Eastern Region. In June 1967, in projecting New York air traffic operations for the next year, he warned: "No city has ever produced such a level of air traffic activity . . . The present airport configuration . . . will be saturated for all practical purposes before the end of 1968".

Aerial traffic jams began to develop in early July of this year when air traffic in the New York City area rose 7% over the previous July. Kennedy alone has handled an average 82 movements between 6 PM and 7 PM, which is over its capacity as stated in proposed FAA regulations.

In an August 1968 press conference, when Boyd was asked why his department had not moved earlier to break these airport bottlenecks with federal power, he replied: "We didn't have a problem until June". This comment might be appropriate as the reaction of an airline passenger; it does not flatter the head of the cabinet department charged with planning national transportation policy.

Secretary Boyd, instead of imposing restrictions on scheduling on behalf of the public interest, said, at that time, that he hoped the airlines themselves could voluntarily reduce schedules at the five airports during peak traffic hours. "The airlines don't want big brother to make their schedules and neither does big brother". That it was "big brother's" lack of foresight which created the situation, Boyd neglected to mention.

Secretary Boyd's optimism was just wishful thinking. For the last five years, the airlines have been unable to resolve this problem without stiff federal encouragement.

The top officials of FAA are not authorized by Congress to postpone tough decisions in order to avoid bitter fights. The public and the Congress expect FAA to come to grips with problems quickly and act decisively to "insure the safety and efficient utilization of the nation's airspace."

During the last week of August, the airlines finally agreed voluntarily to cut back flights, but they opposed the adoption of a fixed number of allowable operations per hour in major airports. This refusal by airlines to limit peak hour flights, coupled with fanatically competitive scheduling practices undercut Boyd's reliance on voluntary restrictions.

FAA has maintained that it cannot segregate traffic by the plane's function or by its engine type, since Section 104 of the Federal Aviation Act of 1958 specifies: "any citizen of the United States [has] a public *right* of freedom of transit through the navigable airspace of the United States."

But in October 1967, Secretary Boyd admitted that "the Department of Transportation is giving serious consideration to a policy change that would emphasize air carrier safety and the protection of the passenger as the highest *priority* for program direction." But why is this a "policy change"; hasn't passenger protection been an integral part of the public interest for years? Or has FAA avoided its responsibility to resolve the conflict between this "right" and this "priority."

FAA, finally awakening to the obvious need to ease air traffic congestion by imposing restrictions on operations at the busiest airports this month proposed sharp reductions in the number of flights into New York, Washington and Chicago airports. The new regulations, however, avoid the problems of:

(1) numerous general aviation flights into major airports during VFR (good weather) conditions which remain unrestricted; and

(2) congested airspace *above* the airports used by private planes which are not landing at major airports but still constitute a hazard to commercial airliners.

To minimize these dangers to air safety, FAA should, in addition to the proposed September rules, adopt its High-Density Terminal Plan. Under this plan, announced earlier in 1968, FAA would establish large circular zones around certain major airports—including Newark, LaGuardia and Kennedy. The goal: eliminate the mixing in such zones of air traffic operating under guidance from the ground and aircraft flying visual flight rules. Bitter resistance from general aviation has delayed further development of this proposal.

FAA neglect is an important factor behind the air traffic crisis. It was FAA's responsibility to predict the growth in air traffic and set the guidelines for dealing with this tremendous growth—and FAA is the one federal government agency with explicit responsibility for protecting the public interest and insuring safety.

The fact that the people who own and fly planes were unable to agree on any system that would reduce the crowded conditions of the skies does not absolve the FAA of blame. The FAA, which is responsible for the safety of all who fly, has had the obligation to prevent such a crisis from developing and now FAA has the obligation to point the way out of the crisis. This means going beyond the proposed September regulations and even beyond the High-Density Terminal Plan.

C. The heart of the system: Better air traffic controllers

The flying public, in this age of computerization, assumes that a highly sophisticated air traffic control system will insure their safety. Meanwhile FAA operates an antiquated traffic control system, devised over thirty years ago and updated only through patchwork measures. Tower controllers are now burdened with tedious manual duties—speaking directly to pilots, deciphering relevant information from less extraneous information on the radar screens, and plotting aircraft positions on charts.

If the basically manual system now operating were replaced with a mechanized system, controllers would be able to handle more traffic—thereby improving safety and easing bottlenecks.

The technical knowledge for an efficient and safe automated system exists, but FAA has been so preoccupied with patching up its outmoded manual system that it has neglected designs by electronic concerns for a complete overhaul of air traffic control computerized systems that could automatically control the movement of aircraft in and off a runway.

Designs for such a system were available in 1963. They were evaluated but discarded by FAA engineers. It is unlikely that the agency responsible for operating a control system will be a realistic critic of that system—especially if a new system would threaten the jobs of agency employees.

FAA has similarly neglected the operational problems faced by maintenance personnel and controllers at air traffic control centers and towers.

Equipment breakdowns at the Islip Center, which controls air traffic at the three major New York City airports, exceed 400 a month. Failures in voice communications between pilot and controller result from insufficient maintenance personnel and backup equipment.

Maintenance personnel are unable to avert breakdowns given FAA's bureaucratic disinterest and tendency to compromise air safety. As Kenneth Lyons, President of the National Association of Government Employees charged before the Government Activities Subcommittee of the House Committee on Government Operations: "FAA's dictated policy is 'repair the equipment only if it fails' ".

Here are some examples of that policy in action:

On July 18, 1968, the computer in the New York Center failed. Severe "strobbing" on the radar screens frequently rendered them unusable during a seven hour period. On the same day, one sector radar failed completely. The back-up radar was found to be useless.

On July 19, 1968, the auxilliary power at the New York Center failed. The failure lasted for ten minutes.

On August 6, 1968, during the afternoon watch, the ARSR radar system feeding the New York terminal area, failed completely for one hour, resulting in numerous delays.

Recently, when Vice President Humphrey was flying to New York, despite priority handling, his plane was lost three times on radar because of equipment failure.

The FAA maintains that, when a radar site goes out, aircraft in the vicinity are not endangered—the controller switches to a different method of tracking aircraft, and spaces them further apart.

But professional controllers maintain that when an equipment breakdown occurs in a high-density area, and planes are spaced only three miles apart, the transition period to non-radar separation standards (ten minutes or ten miles) *is* hazardous. For a significant amount of time, planes are illegally close to each other until greater separation can be attained.

The Professional Air Traffic Controllers Organization (PATCO) claims that the success of the transition depends solely on the controller's ability to *remember* what was last seen on the radar screen before it failed.

FAA's reluctance to request sufficient funds from Congress has resulted in a critical shortage of electronic maintenance personnel and air traffic controllers—who, under severe pressure and strain, perform operations absolutely essential for air safety.[1]

FAA's indifference to advanced air control equipment shows its general laxity in planning for the future. FAA's fiscal 1969 budget for Research and Development is only $27 million—and its proportionate size in the entire FAA budget has steadily declined since 1961. FAA should present the case for a research program geared to the greatly increased demands for precise air traffic control and communications, and start budgeting accordingly.

IV. THE AIRLINES: THE MISSING BALANCE BETWEEN COMMERCE AND THE GENERAL WELFARE

The airlines have contributed to air traffic congestion by their unrestrained scheduling practices, while hoping that curbs on general aviation and pressure on FAA for new airports would somehow relieve overburdened airways and airports.

Stuart Tipton, President of the Air Transport Association of America last August declared: "Congress said we were to have competition in the air transport industry to the extent necessary to provide a good public service and the competition we have . . . produces a lot of service."

An FAA planning official saw the competitive problem among airlines this way: "One new airliner, ready for use, arrives in New York everyday. The airlines want to put these planes to use immediately, for example, on the New York-Chicago route. Consequently, aircraft operations are increasing on this route (as on others), with less passengers per plane.

"There are 18,000 seats available daily on the New York-Chicago route, and only 8500 are filled." But the competitive pressures don't allow for *reducing* flights until and unless a strong authority can lead all airlines to a joint reduction, equitably administered, at congested airports.

The airlines have met their responsibility to offer the public a schedule providing numerous opportunities for travel. Now they must meet their other responsibilities for safety and efficiency, delineated within the new FAA regulations and going beyond these stop-gap measures to develop a responsible system of scheduling limitations.

While the airlines are spending $10 billion over the next five years on a steadily expanding jet fleet, their expenditures for research and development on air traffic problems have been inadequate to meet legitimate demands of the public which has a right to more than "business as usual" from air common carriers. Their shortcomings in allocation of research funds parallel those of the federal government.

V. GENERAL AVIATION: A VOCAL SPECIAL INTEREST GROUP

The problems of general aviation have become critical over our cities. The lack of experience among many pilots of small aircraft and the absence of basic navigational and communications equipment on their planes imperils airline passengers, those residing near airports, and other completely innocent people on the ground, especially if mid-air collisions occur.

"The Truth About General Aviation"—a policy statement of the Aircraft Owners and Pilots Association—the voice of General Aviation—released in February 1968, claimed: "The taxpayers' dollar does the best work for the national interest by having one well-equipped airport to serve all flying activities of communities." This means: don't exclude our planes from any airport.

But general aviation is a major cause of tie-ups, a largely uncontrolled element in the air traffic system, and a hazardous factor in our presently inadequate air safety system.

At present, 37% of the aircraft operations at LaGuardia Airport, 25% at Newark and 15% at Kennedy International involve general aviation planes. General aviation accounts for a proportionately large part of the operations at the Islip Control Center, which regulates air traffic for the New York metropolitan area.

From July 1967 through December 1967 there were 23 near misses over the New York metropolitan area involving private aircraft. Yet, the National Business Aircraft Association, speaking for many corporate members of general aviation, asserts: "Non-commercial aviation is a very minor part of the cause of present congestion and delay. Removal of all such traffic from Kennedy would have no measurable effect. Removal from LaGuardia and Newark would give, at most, a few months' respite. Such a result is not worth the damage it would cause.

Max Karant, Senior Vice President of AOPA, contends that the current air traffic congestion problem is "a matter of convenience and delay—not safety. On a scale proportionate to our overall operations at the major New York airports, general aviation is suffering from this inconvenience and delay, just as are the airlines. But an uninformed or misled public tends to equate this with safety. In AOPA's opinion, safety is not involved."

With over 200,000 members and a rapidly growing number of small-plane pilots, AOPA is a potent political force already represented in and recognized by both FAA and Congress.

But the mix of air traffic over New York is a safety hazard, as FAA's High-Density Terminal Plan implies. This tentative plan, offered in early 1968, would give priority to instrument traffic at congested airports. Most general aviation planes do not fly by instrument flight rules.

Such a system of restricting private planes over metropolitan areas is essential. To work, this system must take full account of the priority of scheduled aircraft, based on their size, passenger load, speed and importance in general transportation.

Further account must be taken of the inherent danger in mixing small planes, scantily equipped and often piloted by amateurs, with fast jetliners in heavily travelled airport areas where split-second timing and maximum public risk are involved.

A stronger commitment by FAA to "thin out" air traffic, despite private aviation's predictable opposition, is the first step needed. This summer's restrictions on certain airport traffic, if maintained, may be that first important step.

Broader formulation of this restriction should be made by an air safety authority with proper public representation. The simplest approach, which may be the best, would eliminate all planes without specified minimum equipment within a radius of all metropolitan areas. Further, pilots without training and experience in such equipment would be excluded.

An alternate restriction would ban private aviation from certain corridors leading to key metropolitan airports.

But, in the past, all such proposals were resisted by the influential AOPA and therefore soon abandoned by the FAA.

Such equipment and pilot standards would avoid the standard rebuttal to proposals that exclude private planes from large airports: that the air space over metropolitan areas would remain just as congested if private planes are simply diverted from one airport to another. We accept this objection. We believe, therefore, that only by setting higher safety standards for planes over metropolitan areas can safety be improved. But FAA must develop public understanding for these programs if progress is to be made.

VI. FINANCING PROGRESS

A. The users fee system

Inadequate financing is the root cause of manpower and equipment deficiencies at airports. The shortage of airports equipped to handle jets and the insufficient runway space at existing airports are also attributable to the universally unpopular task of deciding "who pays."

Technical solutions to important aspects of the air congestion problem exist but these solutions are expensive—either to the taxpayers, the airliners, or private aircraft owners.

Although the Bureau of the Budget (BOB) has generally supported FAA's requests for controllers and equipment, it opposes major federal assistance for airports.

BOB officials believe that airlines and general aviation constitute an affluent group serving relatively affluent segments of our populations, and therefore airports "should pay for themselves" through a users tax.[2]

Senator Monroney, Chairman of the Senate Commerce Aviation Subcommittee, as well as other members of Congress, voiced parallel objections to federal financing as a solution to the airport congestion problem. In August 1967 he declared: "I believe there is a limit to how much the federal government should subsidize air transportation. If there is any industry in the United States that is doing well and growing by leaps and bounds, it is the airline business."

Such statements influenced FAA's approach to airport financing. A former BOB examiner for FAA revealed: "FAA supports a users tax now but didn't three years ago because they now see that the federal government won't provide large subsidies for airways".

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[1] For fiscal 1969, requests of the maintenance division were cleared by FAA's budget staff and the Bureau of the Budget, but were cut by the House of Representatives. FAA requested 750 new positions but received only 300.

[2] A bill that would establish a trust fund for financing airports and airway improvements was reported on July 1, 1968, by the Senate Commerce Committee. To finance the trust fund, this bill would increase the tax on airline tickets and on aviation fuel and levy a new tax on air cargo.

The Eisenhower, Kennedy, and Johnson Administrations have consistently pushed for a users charge to pay for the modernization and operation of the airways. But they were unable to persuade Congress to accept the concept of user charges. Congress has focused on bigger pressures—and members of "revenue" committees, such as Ways and Means, have avoided criticism by the airlines, which until this year, have consistently opposed the users tax.[3]

If Congress will accept this approach, the users tax would be a major source of financing airport improvements. But Congress has come under a barrage of complaints from aviation interests. As one budget officer explained: "Each sector of aviation pleads poverty. The air taxis say 'we're a new industry and a national industry, so you wouldn't want to do anything that would stunt our growth.' General aviation complains, 'we're not making enough money' (although the average annual income of those owning private planes is $34,000). The policy of the federal government in the past has been to leave the head tax to the local community to finance local airport programs and not opt for these revenue sources."

B. The interaction of the administration and Congress in financing improvements

In its efforts to orient FAA to new sources of financing, BOB has slashed funds slotted for badly needed equipment and controllers. BOB cuts FAA requests to emphasize its belief that the federal government should not subsidize the airways.

One former BOB officer handling FAA requests admits: "The FAA is now in the position of having to ask the BOB and the President for still more money just to keep pace with traffic growth. It does not pretend that the supplemental requests would permit it to go ahead of the problem . . . A lot of decisions are made after looking over all the needs of government and deciding which should have priority." The President, after denying FAA's plan for more than $100 million in extra air safety funds for the fiscal year 1968, told the agency to maintain the nation's "enviable record of air safety" with the current number of towers, radars, and computers it had then. But in light of the refusal of the administration to advance FAA's cause in recent years, the President's words seemed hollow.

Still FAA's failure to obtain needed funds stems basically from its reluctance to press the Appropriations Committees for justifiable requests which is evident in the following excerpts from hearings held before the House and Senate Appropriations Committees.

(1) Hearings before the Subcommittee of the Department of Transportation of the House Appropriations Committee, May 14, 1968:

"Mr. MINSHALL. What concerns me, General—and Mr. Thomas—is that you are only asking for one third of the personnel you actually need.

"Mr. THOMAS. Yes, sir.

"Mr. MINSHALL. In the meantime, the planes are flying, more passengers are using them everyday, and the situation is getting worse rather than better.

"We went through this exercise somewhat last year when Senator Monroney and this subcommittee insisted that we add some more money.

"I think we added $16 or $18 million for additional equipment that you did not request.

"General McKEE. $18.6 million additional equipment and you added $7 million additional for air traffic personnel, 800 air traffic control personnel, 100 additional in-flight standards.

"Mr. MINSHALL. When we continue to talk about air traffic safety, General, and then you only ask for one-third the personnel that you actually require to bring the air traffic control centers up to 96% of the capacity, that alarms me."

In a hearing held June 7, 1968, before the Subcommittee on Transportation of the Senate Committee on Appropriations, the following exchange occurred:

"Senator STENNIS. Do you mean you did not have to employ any additional people at either one of these places, National or Dulles, even though you had increased traffic?

"General McKEE. We felt that we could handle the additional workload by *working our people a little harder* and due to the fiscal constraint we have had, we are trying to cut down as much as we can, Mr. Chairman. We are operating on a very austere basis." (emphasis added)

Similarly, in a hearing held July 24, 1967 before the Committee on Interstate and Foreign Commerce:

"Mr. ROONEY of Pennsylvania. You requested $28 million in fiscal 1967 and you were granted $28 million.

"General McKEE. That's right.

"Mr. ROONEY. This was $11 million less than you requested in fiscal 1966. So why don't you request more money?

"General McKEE. I think in that regard, Mr. Rooney, we have to look at the overall situation in the United States Government. All of the agencies of the Government, obviously, would like to have everything they think they want. Obviously, if everyone got what they thought they wanted, we would have a budget many billions of dollars more than the budget we have today.

"I am only a part of an administration. We have to take into account the other problems. We have a problem in Vietnam. We have a problem of highway safety. We have a problem of marine safety.

"Mr. ROONEY. You are now talking like the Director of the Bureau of the Budget. You told me that you needed the money, that we needed the facilities, and yet you don't request the money to install radar installations throughout the country."

It is obvious from the appendix chart that Congress has consistently approved FAA's requests for funds. But for the last two fiscal years, FAA did not request funds for hiring more than a handful of controllers. Congress had to push FAA into requesting realistic sums to meet an increasingly heavy air traffic workload. Yet in these two fiscal years, FAA requested over $422 million for development of the SST.

C. The price of economy in FAA

FAA's hesitancy in requesting needed sums from Congress shows that its leadership is unwilling to exercise its full legal authority for air safety. One FAA official replied to these charges: "There is a reluctance in Congress to act on what planners tell people rather than the immediacy of what exists. If you forecast too high people tell you that you're self-seeking, and you just want extra funds." This strange explanation does not justify FAA's inability to provide accurate forecasts of air traffic and to predicate its requests for funds on such information.

In its annual report, FAA actually gloats over increases in air traffic: "Both revenue passenger miles and revenue air-cargo ton miles, as compared with the fiscal 1965 figures, were up more than 20 percent across the board. Nonscheduled domestic air carrier operations, by racking up 2.112 billion revenue passenger miles in fiscal 1966, posted the largest relative gain over the previous year—101.8 percent . . . Reflecting the mounting tempo of air activity, the Federal Aviation Administration's airport traffic control towers handled 16% more aircraft in fiscal 1966 than in the previous fiscal year." (p. ix, Annual Report 1966)

On the other hand, FAA praised itself for its economy program. "The fiscal 1966 goal was to reduce costs by 32.4 million: the achievement was cost reduction by $57.3 million, or 177 percent of the goal. Of this total, $35.3 million was accounted for by increased employee productivity—i.e., the money equivalent of 3,165 man-years of increased workload absorbed without increase, or as a result of reduction in personnel. Most of this was in air traffic control operations and in maintenance operations performed on the system of air navigation and traffic control facilities." (p. xvi)

We are now suffering from this "economy" drive. Instead of realistically hiring enough controllers and maintenance workers to manage the rapidly increasing workload, FAA cut its underpinnings in a misguided economy effort, oblivious to safety needs.

The consequences of FAA, Administration, and congressional neglect are now obvious: an increase in near-mid-air collisions, overwork of traffic controllers, and a slowdown in operations.

VII. AIRCRAFT NOISE AND AIR POLLUTION

There are two problems related to air congestion where relief through better intergovernmental cooperation is possible. Aircraft noise and air pollution from air traffic are excellent examples of areas where the public interest suffers when its protector is a weak and divided government. The aviation industry sees, and discounts, the disadvantages of noise and pollution when compared to its interests. If government fails to protect the public interest here, no one else will.

A. Aircraft noise

Aircraft noise has not been considered as a relevant factor by those engaged in airport planning—to the dismay and discomfort of those residing near airports.

On October 26, 1967, for example, New York City approved new high-rise apartments in Woodside, Queens, although experts testified that tenants could expect to spend sleepless nights because of jet plane noise. Similar situations have been allowed to develop in many other cities.

The lesson for the Port Authority is clear: in developing New York area airports and especially in building a fourth jetport, the Authority should develop and preserve non-residential buffer zones around airports. Jetports should be kept away from people, and people away from jetports.

Secretary of Transportation Alan S. Boyd has adopted the attitude of some people in the aircraft industry that the public will have to accept noise as the necessary price to pay for progress. He has not responded to the problem with proposals to control or decrease aircraft noise and has at times even referred to those complaining about jet noise as "psychotics". The *public* controls the air space; it should not have to suffer because of its use.

FAA's weak role in problems of aircraft noise confirms a theme of this report—FAA's general predisposition is toward advancing aviation interests rather than the public welfare.

B. Air pollution

Air congestion—because of the resulting air pollution—is not only a concern of the aviation community and the air passenger, but of every resident of every metropolitan area which has or will have an air congestion problem.

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[3] Although the airlines have changed their position, now supporting users charges as the only means of major financing, they disagree with the FAA-sponsored bill that allot 55% of the charges to the airlines.

If an aircraft travelling from Washington to New York without delay releases a certain amount of pollutants into the air, a delay of 45 minutes—which is both the regular flying time between these cities and the average delay of many flights into New York airports—will mean a doubling of the pollutants released because of the congestion.

Every time an aircraft engine—jet or piston—is running, it produces pollutants. Every time it runs needlessly, whether idling on the ground or idling in the sky in a holding pattern, the airport area and the communities below the holding patterns suffer a needless increase in the amount of polluted air.

The National Air Pollution Control Administration of the Consumer Protection and Environmental Health Service of the Department of Health, Education and Welfare, in their statement to us on air pollution attributable to airplanes observed:

1. Although jet aircraft produce less pollution than automobiles, their contribution to pollution is rising as air travel increases.

2. Air traffic congestion increases air pollution because of increased idling times between engine start-up and takoff. Emissions of some types of air pollutants, particularly hydrocarbons and carbon monoxide, are greater during idling than during landing and takeoff.[4]

Successful efforts to reduce congestion will automatically minimize annoying and deleterious effects of its by-product—air pollution. Federal and local authorities can no longer ignore the public hazard posed by noise and air pollution.

VIII. RECOMMENDATIONS

A. Congress should enact legislation, which the Executive Branch should promptly execute, to establish a Federal-New York Aviation Authority which will—

(1) Use full federal powers, including eminent domain, to assemble a site and develop a fourth jetport for the New York metropolitan area.

(2) Devise and operate a New York Metropolitan Aviation Plan to control air access and use of the metropolitan area to insure priority for air carriers at major airports, adequate facilities at secondary airports for general aviation, and safety, convenience and efficiency for all users of all airport facilities in the area.

B. Similar regional aviation authorities should be established under federal auspices in other metropolitan areas when in the judgment of community, state, and federal officials (a) significant air traffic, including air safety, problems arise over congested urban areas; and (b) competing and conflicting elements of the aviation community in those areas are unable to agree on local solutions. Similar Metropolitan Aviation Plans should contain the same elements of explicit priority at certain airports for air carriers with compensation facilities elsewhere for general aviation. The safety of the public, whether as air passengers, airport neighbors, or simply as residents in congested urban areas should be explicitly represented in both organizational and policy considerations involved in developing such regional authorities and metropolitan plans.

C. Financing of national airport development should proceed through a users fee structure with general aviation and the airlines paying the largest share of airport construction costs. Allocation of costs for an improved air traffic control system should recognize the proportionately greater benefit to the airlines of such a system. Development costs of satellite airports for general aviation use should be financed by user fees asessed against both the airlines and general aviation users.

D. Legislation must be enacted that empowers the CAB to shift a number of international flights among alternate airports to increase utilization of less crowded fields like Newark.

E. FAA should provide grants-in-aid to improve runways and other facilities at satellite fields such as Teterboro and Westchester. Congress should also appropriate loans for these purposes to airport operators. But only upgraded facilities at these fields will attract a substantial proportion of general aviation flights.

F. Separate runways should be built for STOL aircraft at commercial airports. Stolplanes offer many advantages: they are far less noisy than large airliners, require only short runways and can avoid interference with larger, aircarrier operations. Stolplanes hold particular merit for bringing passengers from planes landing in satellite airports to Kennedy and LaGuardia.

G. FAA should increase its grants to airports for new and expanded runways. The number of planes that can land on a runway in a given span of time constitutes an absolute limit to the amount of air traffic that can be handled by terminal controllers. Computer-assisted air traffic control without additional runways, will not drastically improve the air traffic situation. The only long-term way to deal with airport congestion is to "build more concrete"—more runways on existing airports, better passenger handling facilities and more airports.

APPENDIX

CHRONOLOGY OF EVENTS CONCERNING THE PORT AUTHORITY'S SEARCH FOR A FOURTH NEW YORK AIRPORT

In 1957: Port of New York Authority begins making forecasts based on air travel market surveys to prepare for New York's growing air traffic. After seeing that the existing airport facilities would not be able to handle the load, the Port investigated the possibilities of (1) enlarging the present three airports, or (2) finding a location for a fourth airport.

December 4, 1959: the Port Authority publishes a report on the need for a new airport and, after studying fifteen possible sites, recommends a region in the Great Swamp Area of Morris County, New Jersey. The report is immediately attacked by Representative Peter Frelinghuysen, who calls the proposal "undesirable, unwarranted and prejudicial to the hundreds of thousands of North Jersey residents. The Port Authority says New York will need a fourth major airport within five years.

December 20, 1959: Austin J. Tobin, executive director of the Port of New York Authority, declares that there is no alternative site for the fourth jetport proposed in Morris County, New Jersey. "I fully believe if there's not a major airport for this area built there, there'll never be one built."

January 9, 1960: Donald V. Lowe, a Port Authority Commissioner, writes a letter to opponents of the fourth jetport living in Morris County and expresses his regrets that the project was "one of the most unpleasant experiences I have had so far in many years of public service." Austin Tobin writes, "if an alternative could be found to the proposal, everyone here would throw their hats in the air and thank their stars for deliverance from such torments as those with which you threaten me."

January 15, 1960: Richard Witkin, in the New York Times, reports that many in the airline industry "are amazed and chagrined that the (Port Authority) put forth such a proposal without consulting the airlines in advance, if not winning their endorsement."

January 18, 1960: both houses of the New Jersey legislature go on record as opposing any plan to build a jet airport in Morris County. Both Senate and Assembly favored a site in South Jersey, in Burlington County.

September 26, 1960: a 1,000-acre site in the middle of the Great Swamp is given to the Federal Fish and Wildlife Service as a bird sanctuary. The gift was made by the North American Wildlife Foundation, which said that the government had been looking to make this area a wildlife sanctuary for fifteen years. The Port Authority's jetport site would have included the 1,000-acre plot.

September 27, 1960: Austin Tobin announces that the Port Authority had dropped its plan to build a fourth jetport in Morris County because of the unanimous opposition of the New Jersey legislature. Tobin states that the Port Authority is studying alternative sites, and will issue a report by June 1961.

May 31, 1961: the Port Authority issues a new report on 23 possible sites which says that only the Morris County site is truly acceptable. The New Jersey Senate passes a bill rejecting a commercial jetport in seven northern New Jersey counties unless it was required by federal, military or civil authorities. Seventeen other sites were rejected by the Port Authority for one reason or another. The 170-page report basically, diplomatically, backs up the Port Authority's previous stand. In June, the New Jersey Assembly passes the same bill; it is vetoed by Governor Meyner.

April 16, 1962: the New Jersey Senate again approves a ban on a fourth jetport in Northern New Jersey.

August 25, 1962: Senator Case reports that the Port Authority has asked the FAA to do studies on the feasibility of putting a fourth jetport in either Suffolk or Orange Counties in New York. The Port Authority denies it, saying the Port Authority's position remained unchanged since 1961, when its last report was issued.

September 27, 1963: Governor Rockefeller asks the Port Authority to approve the Pine Island site in Orange County, New York for a fourth jetport. The idea brought angry protests from New York groups and Governor Hughes who had been urging the Port Authority to build a new airport in either Burlington or Ocean Counties of New Jersey.

June 14, 1963: after a study, the FAA rejected three jetport sites, in Suffolk and Orange Counties of New York and Burlington County of New Jersey. Governors Rockefeller and Hughes directed the Port Authority to restudy the Burlington and Orange county sites.

December 28, 1963: The Port Authority informs the two governors that neither site is acceptable for a location for a fourth jetport.

December 30, 1963: Governor Hughes asks the Port Authority to begin an immediate evaluation of two mountain sites in New Jersey—Bowling Green tract in Morris and Sussex Counties and Bearfort Mountain in Passaic and Sussex Counties, both in North Jersey.

October 28, 1964: The Port Authority rejects as too costly the building of an airport at Bearfort Mountain or Bowling Green, New Jersey. Governor Rockefeller agrees and pushes for acceptance of his site in Orange County, New York. Rockefeller asks once again for a study of the Pine Island location.

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[4] Kennedy and LaGuardia jets contribute over 2100 *tons* of CO annually to the New York air (and over 2200 tons of hydrocarbons per year).

February 23, 1965: Austin Tobin reaffirms the need for a fourth jetport and attacks those who defeated the Port Authority's Great Swamp plan.

July 29, 1965: Port Authority again rejects Bearfort, Bowling Green, and Pine Island sites because of cost and remoteness. Governor Rockefeller asks the Port Authority for a definite recommendation for a fourth jetport site before the end of the year.

October 26, 1965: composed of the ten major airlines. The Metropolitan Aviation Committee (MAC), offers a plan to divert private planes from the three major New York airports and to enlarge those three fields in order to solve New York's traffic problem without building a fourth jetport. The Port Authority attacks the plan as "specious, unrealistic, and unworkable."

December 19, 1966: the MAC changes its position and calls for the construction of a new jetport.

December 20, 1966: after spending more than a year studying 22 possible jetport sites, the Port Authority, in a new report, again said the Great Swamp area was by far the best. Rejected were locations at MacArthur Airport, St. James, Westchester County, Pine Island, Caldwell, Jersey Meadows, Solberg-Hunterdon, New Brunswick, Matawan, Hightstown-Jamesburg, Lakewood, Mount Holly-Burlington A, Mount Holly-Burlington B, Toms River, Lebanon Forest, McGuire Air Force Base, Suffolk County Air Force Base, Lower Bay, Floyd Bennett Naval Air Station, Bearfort Mountain, Bowling Green, and Calverton.

December 23, 1966: Governor Hughes of New Jersey issues statement that he regrets having made campaign pledge in 1961 against a fourth jetport near residential areas in the state, but feels he is still bound by it.

April 4, 1967: a survey conducted by New Jersey's Department of Transportation recommends a jetport at Solberg in Hunterdon County.

October 12, 1967: The Port Authority hires the Rand Corporation to study the best way to use the existing airport facilities in New York. The report, which will cover the whole topic of air congestion, will be issued in a year.

August 5, 1968: Port Authority Aviation Director John Wiley says Solberg site in New Jersey is also suitable for Fourth jetport in light of implacable opposition to Great Swamp location.

Wiley admits the Port Authority is no closer to site approval than it was in 1959.

FAA BUDGET APPROPRIATIONS FISCAL YEAR 1963-69

Fiscal year	General operations		Facilities and equipment		Grants-in-aid [1]		Research and development		Capital airports		Construction		SST		Total	
	Asked	Given	Asked	Given	Asked	Given	Asked	Given	Asked	Given	Asked	Given	Asked	Given	Asked	Given
1963	[2] 488.5	488.2	125.0	125.0	75	75	35.0	35.0	6.8	6.7	2	5.2	20	20	755.5	755.1
1964	527.9	527.9	100.2	100.2	75	75	40.0	40.0	7.5	7.5	2.5	2.5	60	60	813.2	813.2
1965	555.1	551.9	50.0	50.0	75	75	40.0	40.0	8	8	1.89	1.89	0	0	729.99	726.79
1966	556.49	554.99	49.8	49.8	75	75	37.5	37.5	8.32	8.32	1.25	1.25	140	140	868.36	866.86
1967	577.17	575.32	28.0	28.0	71	71	28.5	28.5	8.53	8.53	0	0	280	280	993.2	991.35
1968	619.78	617.40	54.0	54.0	66	70	27.0	27.0	9.65	8.715	.16	.16	142.38	142.38	917.97	919.65
1969	663	670	70.0	120.0	[3] 65	[3] 30	28.0	27.0	9	8.9	1	.7	[4] 223	0	994	857

[1] "Grants-in-aid" is always 1 year ahead of the indicated fiscal year.

[2] Figures are in millions of dollars.

[3] House Appropriations Committee recommended deferring this item awaiting action on the new Federal aid to airports program.

[4] FAA withdrew entire request. Program delayed 1 year while redesign effort takes place. Rescission of $30,000,000 of funds previously appropriated.

Source: The Budget of the United States.

H.R. 19992

A bill to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of New York City

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator") is hereby authorized and directed to construct, protect, operate, improve, and maintain within or in the vicinity of New York City, a public airport (including all buildings and other structures necessary or desirable therefor).

SEC. 2. For the purpose of carrying out this Act, the Administrator is authorized to acquire, by purchase, lease, condemnation, or otherwise (including transfer with or without compensation from federal agencies, or any State or political subdivision thereof), such lands and interests in lands and appurtenances thereto, including aviation easements or air-space rights, as may be necessary or desirable for the construction, maintenance, improvement, operation, and protection of the airport: *Provided,* That the choice of site by the Administrator shall be made only after consultation with the governing body in the county in which the airport is to be located, with respect to the suitability of the site to be selected, and its possible impact on the vicinity.

SEC. 3. For the purposes of this Act, the Administrator is empowered to acquire, by purchase, lease, condemnation, or otherwise (including transfer with or without compensation from Federal agencies, or any State or political subdivision thereof), rights-of-way or easements for roads, trails, pipe lines, power lines, railroad spurs, and other similar facilities necessary or desirable for the construction or proper operation of the airport.

The Administrator is authorized to construct any streets, highways, or roadways (including bridges) as may be necessary to provide access to the airport from existing streets, highways, or roadways. Upon construction of any street, highway, or roadway within a State or political subdivision thereof, such street, highway, or roadway may be transferred to such State or political subdivision thereof, without charge, on the condition that such street, highway, or roadway thereafter be maintained as a public street, highway, or roadway by such State or political subdivision thereof.

SEC. 4. The Administrator shall have control over and responsibility for the care, operation, maintenance, improvement, and protection of the airport, together with the power to make and amend such rules and regulations as he may deem necessary to the proper exercise thereof: *Provided,* That the authority herein contained may be delegated by the Administrator to such official or officials of the Federal Aviation Administration as the Administrator may designate.

SEC. 5. The Administrator is empowered to lease under such conditions as he may deem proper and for such periods as may be desirable space or property within or upon the airports for purposes essential or appropriate to the operation of the airport: *Provided,* That no lease for the use of any hangar or space therein shall extend for a period exceeding three years.

SEC. 6. The Administrator is authorized to contract with any person for the furnishing of supplies or performance of services at or upon the airport necessary or desirable for the proper operation of the airport, including but not limited to, contracts for furnishing food and lodging, sale of aviation fuels, furnishing of aircraft repairs and other aeronautical services, and such other services and supplies as may be necessary or desirable for the traveling public. No such contract, not including contracts involving the construction of permanent buildings or facilities, shall extend for a period of longer than five years, except the restaurant. The provisions of section 3709 of the Revised Statutes shall not apply to contracts authorized under this section, to leases authorized under section 5 hereof, or to contracts for architectural or engineering services necessary for the design and planning of the airport.

SEC. 7. Any executive department, independent establishment, or agency of the Federal Government, for the purposes of carrying out this Act, is authorized to transfer to the Administrator, without compensation, upon his request, any lands, interests in lands (including navigation easements or air-space rights), buildings, property, or equipment under its control and in excess of its own requirements, which the Administrator may consider necessary or desirable for the construction, care, operation, maintenance, improvement, or protection of the airport.

SEC. 8. (a) The Administrator, and any Federal Aviation Administration employee appointed to protect life and property on the airport, when designated by the Administrator, is hereby authorized and empowered (1) to arrest under a warrant within the limits of the airport any person accused of having committed within the boundaries of the airport any offense against the laws of the United States, or against any rule or regulation prescribed pursuant to this Act; (2) to arrest without warrant any person committing any offense within the limits of the airport, in his presence; or (3) to arrest without warrant within the limits of the airport any person whom he has reasonable grounds to believe has committed a felony within the limits of the airport.

(b) Any individual having the power of arrest as provided in subsection (a) of this section may carry firearms or other weapons as the Administrator may direct or by regulation may prescribe.

(c) The United States Park Police may, at the request of the Administrator, be assigned by the Secretary of the Interior, in his discretion, to patrol any area of the airport, and any members of the United States Park Police so assigned are hereby authorized and empowered to make arrests within the limits of the airport for the same offenses, and in the same manner and circumstances, as is provided in this section with respect to employees designated by the Administrator.

(d) The officer on duty in command of those employees designated by the Administrator as provided in subsection (a) of this section may accept deposit of collateral from any person charged with the violation of any rule or regulation prescribed under this Act, for appearance in court or before the appropriate United States Commissioner; and such collateral shall be deposited with such United States Commissioner.

Sec. 9. The Administrator may enter into agreements with the State, or any political subdivision thereof, in which the airport or any portion thereof is situated, for such State or municipal services as the Administrator shall deem necessary to the proper and efficient operation and protection of the airport, and he may, from time to time, agree to modifications in any such agreement: *Provided, however,* That where the charge for any such service is established by the laws of the State, the Administrator may not pay for such service in excess of the charge so established.

Sec. 10. Any person who knowingly and willfully violates any rule, regulation, or order issued by the Administrator under this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 or to imprisonment not exceeding six months, or to both such fine and imprisonment.

Sec. 11. Unless the context otherwise requires, the definitions of the words and phrases used in this Act shall be the definitions assigned to such words and phrases by the Civil Aeronautics Act of 1938, as amended.

Sec. 12 There is hereby authorized to be appropriated the sum of ——— for the purpose of carrying out the provisions of this Act, said appropriation to remain available until expended. There are hereby authorized to be appropriated from year to year such sums as may be necessary for the proper development, improvement, maintenance, protection, control, and operation of said airport or as may be otherwise necessary to carry out the purpose of this Act.

EFFORTS OF SYRACUSE FIREFIGHTERS TO ESTABLISH GOOD RELATIONSHIP WITH THE YOUNG PEOPLE OF THAT COMMUNITY

Mr. HANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HANLEY. Mr. Speaker, we live in a time when our concern and our attention are constantly drawn toward the ills in our society. It is with a great deal of satisfaction that I bring to the attention of my colleagues the efforts being made by the Syracuse firefighters to establish a good relationship with the young people of our community. Being civic or community minded is no easy task, and it makes demands on our time. It is this giving of one's free time to a task for the benefit of others that should earn our praise and admiration.

Mr. Speaker, I should like to share with my colleagues the following statement which describes the program of the Syracuse firefighters and their efforts to build a friendship with our young people:

Syracuse Firefighters' Positive Approach

Traditionally the American firefighter is dedicated to public service above and beyond his calling and the "Boys From Syracuse" are no different. A fresh, new, unique program initiated to identify with youth is the current pride of these "Boys".

Under the direction of Ed Shirley, General Chairman; John Larison, Teen Chairman; First Deputy Chief Tom Hanlon, Honorary Teen Chairman and Advisor; Don Oswald, Vice Chairman; and Dick Barclay, Bill Fisher, Lt. Harvey Krick and Capt. Bill Myers the "Boys" have undertaken a program of two-fold nature.

For many years there has been an annual dance for adults but this year there will also be a "Teen Ball" which will be the biggest dance for teens in the history of the city. The affair will feature the nationally famous "Jay and the Techniques" plus many other attractions and will take place on October 4, 1968 at the Onondaga County War Memorial.

This "Syracuse Fire Fighters Teen Ball" has the approval of both the Public and Parochial School Systems and will be open to over 2,000 students, couples only, who have completed the ninth grade. It will be the first time in over twenty years that a national group has appeared here for teens only. The teens will be given what they want and not what the Fire Fighters want and will be charged only what the operation necessitates so that they have an investment in the program and thereby an attitude of obligation is avoided. Any loss will be underwritten by the Fire Fighters and fifty of them will attend in uniform with their wives to act as chaperones. No Public Funds will be needed or wanted.

The second part of the program is the windup of the "Miss Fire Prevention" contest with the awarding of a $500 scholarship to the winner and gift certificates for Her Court of "Fire Belles". This contest for any city teen girl was out of the norm in that it was based on the overall make-up of the entrants personality and not just beauty.

The underlying need for the program is to create a relationship or raport between our Safety Forces and the Teens that will benefit all segments of the community. At present no relationship exists and they don't want to have to establish a poor one in the event that they are called upon under adverse conditions.

The future of this function cannot be realized at this time but the Fire Fighters are leaving the door open for an annual repeat and the possibility of starting an annual nationwide "Miss Fire Prevention" contest if enough other municipal fire fighters take up the cause.

The basic details may seem small by today's standards but the need is one of the greatest of our times.

The Syracuse Fire Fighters earnestly hope in these days when periodicals are so willing to publicize the so-called "Peace Demonstrations" and related activities that some civic minded magazine would cover their "Teen Ball", not to glorify Syracuse or its dedicated Fire Fighters but to help advance a program that will be of benefit to the Teens, Citizens, Merchants and Fire Fighters of cities and towns that might duplicate this less spectacular affair of the "Boys From Syracuse."

In conclusion it should be pointed out that many months of planning went into this "First in the Nation" production in which countless hours were spent with a "Committee of Teenagers" to develop a positive result.

MANDATORY FOREIGN INVESTMENT CONTROLS

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GIAIMO. Mr. Speaker, I would like to address this body in support of House Concurrent Resolution 815. This resolution calls upon the President to terminate at the earliest feasible date, the mandatory controls on U.S. private investment abroad. The mandatory foreign investment controls program was set up as a crash program in a few days in December 1967 to reduce the outflow of U.S. capital during the international monetary crisis associated with the devaluation of the British pound and the run on gold. It operated with staff borrowed from other Government departments. This staff was largely ignorant about foreign investment practices and problems. At the same time, coverage was extended from the 900 firms covered by the voluntary program to some 4,000 firms under a mandatory program enforceable by severe legal and financial penalties. Yet there was no prior consultation with informed business circles who could have provided invaluable advice. That business could have been trusted to have provided this advice may be judged by the remarkable success which the voluntary program achieved. This success resulted from the full cooperation of the business community.

There is little wonder that under these circumstances the mandatory program started out as an administrative nightmare from which there has been little or no relief in the first 8 months of its operations. The following points are merely some of the administrative problems which are still unresolved and which make it difficult for business firms to know what is expected of them or where they stand, in spite of the fact that they have had to expand their legal and accounting staffs to cope with the burden of paperwork imposed on them by the program:

First. The initial regulations were exceedingly obscure and the OFDI continues to amend them continuously so it is very difficult to know what the regulations are, still less what they mean.

Second. The use of a 1956–66 base period penalizes most heavily those firms which cooperated most effectively with the voluntary program.

Third. Firms which had little or no foreign investment in the base period are virtually closed off from direct investment abroad. Apart from any question of equity or justice, these are the firms which may well be the big dollar earners of the next few years.

Fourth. By treating advances on open account to foreign subsidiaries as direct investment, the program in many instances curbs the growth of U.S. exports, and is thus counterproductive. We should not forget that about 25 percent of U.S. exports go to foreign subsidiaries of U.S. companies. These are the exports which may be significantly reduced because of the OFDI's treatment of open account advances.

Fifth. The program assumes that U.S. subsidiaries abroad will be able to develop by borrowing in foreign money markets, yet by the excessive repatriation requirements and by the ambiguity over the status of loan guarantees by the parent company, borrowing abroad is made difficult. Thus the growth of U.S. dollar earning assets abroad is impaired.

That the mandatory program is counterproductive in its impact on the growth of U.S. exports and of those dollar earning U.S. assets abroad which in recent years have made the largest single positive contribution to the balance of payments and that it is self-defeating in its attempts to restructure the world pattern of U.S. investment abroad is not to be wondered at when we consider that it is essentially a crash program designed and administered by men far removed from actual knowledge and experience of the complexities and interconnections of world trade and investment.

In addition, Mr. Speaker, the Joint Economic Committee of the Congress, in its January 1968 report, recommended that:

> The direct controls over international capital flows, should be tended, the sooner the better, since the very existence of such controls, whether mandatory or voluntary, kills the goose of investment that lays the golden egg of future investment earnings remitted to the United States. This program, if continued for more than a year, will inevitably mean a significant reduction some time in the future—and not too far in the future—of America's earnings on its investments abroad. We cannot afford this storing up of future weaknesses in our basic balance-of-payments position.

Mr. Speaker, for the reasons which I have listed above, I urge my colleagues to support this resolution.

JUSTICE DEPARTMENT INVESTIGATING ANTICOMPETITIVE IMPLICATIONS OF BANK TRUST STOCKHOLDINGS AND INTERLOCKING DIRECTORSHIPS BETWEEN BANKS AND INSURANCE COMPANIES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, on Monday, September 23, I received a letter from Assistant Attorney General for Antitrust Edwin Zimmerman, commenting on the now well-known report, "Commercial Banks and Their Trust Activities: Emerging Influence on the American Economy." This staff report was published by the Domestic Finance Subcommittee of the House Banking and Currency Committee in July of this year.

In acknowledging that this study brought to the attention of the Justice Department many instances of potential anticompetitive activities through stockholder and director interlocks between banks and other corporations, Mr. Zimmerman stated that his division is carrying out investigations in two areas touched on by the study. One is the possible anticompetitive effects of banks holding substantial blocks of stock in competing corporations. The other is the possible application of section 8 of the Clayton Act, which prohibits certain types of interlocking directorships, to director interlocks between banks and insurance companies.

I have also written, today, a letter to the Attorney General pointing out the dangerous implications of three recent mergers involving important machinery and machine tool manufacturers and the Cleveland Trust Co. This bank, the largest commercial bank in the State of Ohio and the 18th largest commercial bank in the United States, has been a major holder of stock in several of these companies and also has had numerous interlocking directorships with these companies. It is clear that this bank must have had a substantial role in the promotion of these possibly anticompetitive mergers. Since the Cleveland Trust Co. is also a substantial holder of stock in other major companies in the machinery and machine tool industry, it is important that further activity in this area be watched carefully. Therefore, I have requested the Attorney General to do so.

At this point I would like to place in the Record Assistant Attorney General Zimmerman's letter to me of September 23, 1968, and my letter to the Attorney General, of today:

Department of Justice,
Washington, D.C., September 23, 1968.

Hon. Wright Patman,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

Dear Mr. Chairman: The data provided in the comprehensive study of your Subcommittee on Domestic Finance, *Commercial Banks and Their Trust Activities*, which you forwarded to the Attorney General on July 9, 1968, is being carefully studied by the Antitrust Division.

In that study, and in your letter of July 9, 1968, several references are made to issues affecting competition that may be within the jurisdiction of the Antitrust Division. These references include: (1) possible adverse effects on competition between non-financial corporations which may be linked together through substantial stock ownership by a single bank, or through directors from the same bank; (2) possible adverse effects on competition between financial institution due to interlocking directorships (including the presence of bank representatives on the boards of life insurance companies) or to the holding by one financial institution of stock in others; (3) the fostering of mergers by reason of the influential position of banks with one or more of the involved companies; (4) possible anticompetitive consequences of unequal access to credit due to the preferred position of corporations that have links with banks; (5) the general problem of accumulation of economic power in particular banks by reason of the concentration in those banks of substantial share ownerships and directorships in large corporations; and (6) the possible monopolization of trust business in particular market areas by major banking institutions.

The considerable data assembled by your Subcommittee should prove to be of substantial value to the Division in its ongoing work. In response to your letter and to the references in the report, I think it useful at this time to comment on some matters of jurisdiction and of interpretation of existing legislation that are readily discernible, and that your Committee should have in mind in assessing the role of existing antitrust laws in this field.

1. Turning first to the question of the antitrust consequences of ownership by banks, through their trust departments, of substantial blocks of stock in competing non-financial companies, it should be noted that the Sherman Act prohibits "every contract, combination . . . or conspiracy in restraint of trade or commerce among the several states . . ." as well as attempts or conspiracies to monopolize. Should a bank, holding stock in competing companies, inhibit the rivalry among them, this could constitute conduct illegal under the Sherman Act. Illegality may also result should the same inhibiting conduct take place through the device of having directors on the boards of the competing companies. But I should note that in either event, under this theory, more than the fact of the stock ownership or of the directorships would be involved.

Section 7 of the Clayton Act focuses on the acquisition of blocks of stock, and it would not be an unusual application of that Section to charge that a company controlling one concern through stock ownership would violate the Act by acquiring a substantial share of a competing concern. However, the applicability of Section 7 to stock acquisitions by bank trust departments will hinge upon something more than the acquisition of ownership of securities in competing corporations. In addition to the question whether a block of stock is sufficiently substantial to affect the management decisions of the competing firms, Section 7 permits the claim that the acquisition of stock was "solely for investment", a claim that may have particular relevance to trust departments.

We are cognizant of the potential for anticompetitive effects that may result from bank ownership of substantial stock of competing firms and have been conducting an investigation of such a possibility. Your report serves as a useful aid in focusing our attention on areas that may merit investigation to determine whether problems subject to antitrust jurisdiction exist.

As to the application of the antitrust laws generally to interlocking relationships whereby representatives of the same bank serve on the boards of competing nonfinancial companies, I am sure you are aware of the patent inadequacy of Section 8 of the Clayton Act. At present, that section prohibits the same individual from serving simultaneously as a director on the board of competing companies. Interlocks effectuated through officers or through employees are not covered by Section 8. Nor does Section 8 prohibit a director of one corporation from serving as an officer of a competing firm. Even more pertinent here, since Section 8 forbids the same individual from serving on the boards of competing companies, the type of interlock whereby a single bank may have different officials sitting on the boards of competing companies apparently is not dealt with. It was for the purpose of extending the scope of Section 8 that H.R. 11572, 89th Cong., 1st Sess., was proposed. In commenting on that bill, the Department of Justice expressed its accord with the desirability of expansion of the scope of Section 8.

2. With respect to the question of restraints on competition between financial institutions because of stock ownership, it should be noted that in accordance with its enforcement responsibilities under Section 7 of the Clayton Act, the Department of Justice is pursuing a policy of opposing mergers or stock acquisitions that may substantially lessen competition between competing or potentially competitive banking institutions. Where we have reason to believe that common stock ownerships in competing banks result in restraint of competition, we similarly investigate such a possibility.

As to the question of common directors among competing banks, we note that many of the deficiencies in coverage of Section 8 of the Clayton Act which exist as to interlocks among competing nonfinancial corporations also exist as to banks. Moreover, Section 8 contains additional exceptions in its applications to banks.

The possibility of antitrust attack against interlocking directorships between banks and insurance companies is also limited by the deficiencies in coverage of Section 8. We are, however, actively exploring the legal and factual questions in this area, and the information you have assembled will be of help to us in this endeavor.

3. We note your reference to the possibility that certain mergers may occur only because of the influential position of banks with one or more of the involved companies. There are many stimulants to mergers of which this is undoubtedly an important one. I believe the proper corrective to anticompetitive mergers, however stimulated, is the enforcement of Section 7 of the Clayton Act. We, of course, have an ongoing enforcement program in this regard.

4. With respect to the possibility of restraints on competition due to unequal access to credit, I believe the efforts under the antitrust laws to prevent bank mergers that further increase concentration significantly should help preserve alternate sources of money to companies in the market for credit. However, while such a program should, in the long run, help reduce existent imperfections in the market for credit, it is principally directed to the avoidance of further adverse changes.

5. With respect to your more general concern with the influence of banks in a community or in the economy at large because of the concentration of their holdings in major companies, to the extent that this concentration entails the possibility of anticompetitive effects I have discussed this matter in paragraph one above. To the extent that it may be wished generally to deal with the problem of economic influence of large banks regardless of effect on competition, I believe it is doubtful that existing antitrust legislation reaches such a concern.

6. With respect to the application of the antitrust laws to the concentration of trust business in the hands of large banks in particular areas, I note that in our bank merger cases we have urged that the court view trust assets as a separate line of commerce and that mergers be held illegal because of the elimination of actual or potential competition in the trust business. Outside of the context of a merger, it is more difficult to attack the concentration of trust business in one or a few banks in a community. In interpreting the monopolization provision of the Sherman Act, the courts have generally required a very substantial market share before making a finding of a Section 2 violation. Moreover, proof of a substantial market share is not itself sufficient, and some type of exclusionary conduct is required to comprise proof of a charge of monopolization under Section 2. Hence, a Section 2 attack against concentration of trust business would require, in addition to very substantial market shares, some indication of exclusionary conduct.

I hope that the above comments, delineating what can and cannot be expected of the existing antitrust laws, are useful to you and your Subcommittee in assessing the desirability of further legislation. We appreciate the contribution made by your Subcommittee in producing this study that should prove to be of continuing use to us in enforcing the existing antitrust laws.

Sincerely yours,

EDWIN M. ZIMMERMAN,
Assistant Attorney General, Antitrust Division.

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON DOMESTIC FINANCE OF THE COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., September 25, 1968.

Hon. RAMSEY CLARK,
Attorney General of the United States Department of Justice, Washington, D.C.

DEAR ATTORNEY GENERAL CLARK: I am most pleased to learn from Assistant Attorney General Zimmerman that the Antitrust Division is carrying forward two investigations into the trust activities of commercial banks.

The first, I understand, deals with anticompetitive effects that may result from banks holding substantial stock of competing firms. The second concerns interlocking directorships between banks and insurance companies.

As you know, Mr. Zimmerman's letter of September 23 to me was prompted by the recent Domestic Finance Subcommittee Staff Report on *Commercial Banks and Their Trust Activities*. I had asked your department to comment on the report.

At this time, I also would like to call your attention to some new developments bearing on the problem of commercial banks and some recent mergers involving the machine and machine tool industry.

As the staff report pointed out, there is a great concentration of stockholder and director interlocks between the Cleveland Trust Company, Ohio's largest trust bank, on the one hand, and several major machinery and machine tool companies, on the other. With this in mind it is interesting to note that in the past several months three important mergers involving four companies in which the Cleveland Trust Company holds large blocks of stock and has interlocking directorships have either been completed or are in the process of approval.

According to our Subcommittee's report, the Cleveland Trust Company holds 52.4 percent of the common stock of the Cleveland Twist Drill Company, an important producer of machine tools with annual sales last year of $50 million. Cleveland Trust also has three interlocking directorships with Cleveland Twist Drill, including the chief executive officer of both the bank and the machine tool company.

A merger of Cleveland Twist Drill with another important machine tool manufacturer, National Acme Company, was proposed to stockholders of National Acme in a proxy statement dated September 9, 1968. National Acme, whose shares are traded on the New York Stock Exchange, had sales last year of over $58 million. A meeting of National Acme Company shareholders has been called for October 1, 1968, to approve this merger. Under the proposal, the Cleveland Trust Company would end up with 25 percent of the common stock of this newly-created large machine producer, Acme-Cleveland Corporation. Cleveland Trust would retain three interlocking directorships with the new company.

In addition, as is now the case with the present board of National Acme, Cleveland Trust would have director interlocks with three companies which themselves will have representatives on the board of Acme-Cleveland. These indirect interlocks involve the Cleveland Trust Company; Eaton Yale & Towne, Inc.; Sherwin-Williams; the Cleveland Electric Illuminating Company; and the newly-formed Acme-Cleveland Corporation. Therefore, the Cleveland Trust Company ends up with more than 25 percent of the common stock, surely enough to control this company, and will have three direct interlocks and three indirect interlocks, a total of six, on a board of directors of 15 members.

This is not the only recent merger involving a major machine tool producer in which Cleveland Trust has been involved. Recently, the Osborn Manufacturing Company, which had 42.6 percent of its common stock held by the Cleveland Trust Company, was merged into the Sherwin-Williams Company, a major paint producer. Cleveland Trust holds 12.2 percent of the common stock and has one director interlock with Sherwin-Williams.

It is also interesting to note another recent merger of two machine tool companies which the Subcommittee study pointed out must have received the active support of the Cleveland Trust Company because of its relationship with one of the companies. This was the merger last year of the Reliance Electric and Engineering Company with the Toledo Scale Company. Before that merger Cleveland Trust Company had 14 percent of the common stock of Reliance Electric and three director interlocks with that company.

The Subcommittee's study also shows that Cleveland Trust Company has substantial director and stockholder interlocks with several other major machinery manufacturers, including Timken Roller Bearing Company, Parker-Hannifin Corp., and Warner & Swasey Company.

Are we to look forward to further dangerous concentration through mergers within the machinery industry due to the significant stockholder and director interlocks of a major banking concern? Can it be only a coincidence that in all three of the abovementioned mergers the Cleveland Trust Company must have been intimately involved? Are we to see as the next merger one involving another of the major machinery companies in which the Cleveland Trust Company just happens to be a major stockholder or has director interlocks?

This is a highly dangerous trend which I urge the Justice Department to study carefully and consider taking antitrust action to prevent.

Sincerely yours,

WRIGHT PATMAN,
Chairman.

FIGHTING FINE PRINT IN LEGAL CONTRACTS AND DOCUMENTS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, every Member of this body has at one time or another been presented with or signed some legal document which seriously affects his rights without the slightest idea of what it contains. Who among us have read all their insurance policies, their mortgage papers, airline tickets or, for that matter, the back of their bank deposit slips? I venture that very few of us have, since the form, phrasing, and length of these fine-print documents make it impossible to read, much less understand, them.

An excellent article in today's Wall Street Journal, written by W. Stewart Pinkerton, Jr., is well worth our attention. Mr. Pinkerton focuses on this problem giving numerous examples of the misuse of fine print and discussing several proposed remedies.

Most impressive is Mr. Pinkerton's observation that the current use of fine print flouts the accepted principles of the law of contracts. He says:

> Many lawyers base their attacks on the binding nature of fine-print clauses on the premise that most aren't really contracts at

all in the traditional sense of having been worked out by two parties with equal bargaining power. "If the party drafting the contract knows the thing isn't going to be read, then it shouldn't be part of the bargain," says one California attorney. "That's like shaking hands with someone on a deal and then saying, 'By the way . . .' to the other guys as you're going out the door."

I might add that the rule of "caveat emptor" becomes a major weapon in the hands of those unconscionable businessmen who use fine print to balance the law in their favor against innocent consumers.

Various proposals such as those in the Uniform Credit Code, door-to-door sales acts and the like will, if enacted, help to alleviate the situation. The Consumer Credit Protection Act passed by the Congress this year took a giant step in eliminating home improvement frauds in which the use of fine-print contracts has been an essential element.

More needs to be done. The newly established Commission on Consumer Finance should give careful attention to the fraudulent aspects of the use of fine-print documents and should devise recommendations which will lead to legislation that will protect the contracting parties and at the same time call for legal documents which make sense.

Mr. Speaker, I offer Mr. Pinkerton's article for inclusion in the Record:

Fighting Fine Print

(By W. Stewart Pinkerton, Jr.)

"Any liability of carrier is limited to 250 French gold francs (consisting of 65½ milligrams of gold with a fineness of nine hundred thousandths) or its equivalent per kilogram in the case of checked baggage, and 5,000 such French gold francs or its equivalent per passenger in the case of unchecked baggage or other property, unless a higher value is declared in advance and additional charges are paid pursuant to carrier's tariffs or regulations."

If you're the type who never reads the fine print, take heart: There's a move afoot to make it possible to skip all-but-unreadable passages like that reproduced above and still not worry about what you've let yourself in for.

The example shown happens to be from the back of an airline ticket, where it customarily appears, but in exactly the type size shown, as part of a 1,000-word statement on the limits of the carrier's liability. In terms of readability and legal consequence to the customer, it is similar to the fine print found on millions of parking lot stubs, cloakroom check receipts, product warranties, credit applications and purchase agreements. Each is, in effect, a contract by which the customer agrees to surrender some of his rights—even when he doesn't know he's doing so.

There's almost no way to avoid such contracts. The average American time and again becomes a party to such fine-print "agreements," and, until recently at least, if he ran afoul of a one-sided clause he frequently had no recourse.

VALIDITY IS QUESTIONED

Now, however, more and more lawyers and public officials are questioning the legal validity of harsh contracts and fine-print clauses, whether they appear in formidable-looking signed documents or on the back of hat-check stubs. Efforts are under way in several states to change laws so consumers can more easily challenge fine-print clauses. In some cases, courts have already struck down contracts as unfairly one-sided. The net result appears likely to be a trend toward bigger type, fewer words and an all-round better deal for the customer.

Such changes may eventually prevent experiences like one reported to the Civil Aeronautics Board recently by a Massachusetts woman who learned the hard way about the legal meaning of the fine print reproduced at the top of this column.

The woman, returning home to the U.S. from South America, boarded a U.S. airline's flight in Buenos Aires and checked her three bags through to New York. One contained a mink stole and a couple of other items worth a total of $900. Like most passengers who don't read the backs of their tickets, the woman assumed that if the bag containing the expensive items were lost, the airline would pay for the contents.

The airline did lose the bag, and it did pay —but only $165. Translated into plain language, the fine print specifies that on international flights an airline's liability is limited to $7.50 a pound for checked baggage unless the customer pays an extra fee. And, in the case of the Massachusetts woman, the lost bag weighed only 22 pounds. (On domestic flights, most airlines limit their liability for baggage to a flat $500 per bag.)

PROTESTS INCREASE SHARPLY

Her complaint to the CAB (which said it couldn't help her) was one of a sharply growing number of customer protests lodged recently with public agencies over such matters. The California attorney general's office, for instance, says consumer complaints—chiefly from people who have suddenly discovered they have unknowingly become locked into unwanted agreements—have jumped fivefold in the past three years. The total for the fiscal year ended last June 30 was more than 7,300, compared with a record 5,700 the previous year. Officials in New York and Illinois report similar increases in their states.

In some cases, the customer has been so obviously misled that he has little trouble winning legal support for his cause. One example: Robert Lewis, a 30-year-old Chicago bachelor who lives in a rooming house with no cooking facilities in his room, says he thought he signed an agreement to participate in a consumer survey being conducted recently by a man who came to his door. Actually, Mr. Lewis had signed a contract to buy $300 worth of pots and pans. With the help of the consumer fraud division of the Illinois attorney general's office, Mr. Lewis was able to get out of the contract.

In other instances, the problem appears to be a matter of simple misunderstanding on the part of a purchaser confronted with the unfamiliar complexities of a contract, rather than the result of a deliberate attempt to mislead him. In Los Angeles, a Mexican-American man who spoke little English discovered the mortgage agreement on his house contained a "late charge" clause that required a penalty equal to one-half of one percent of the balance of his loan if he was late in six or more monthly instalments. He discovered the situation only after he was billed for an extra $118.18 because he was a few days late on each of several payments last year. Despite a complaint to the state attorney general's office, he had to pay.

STAGGERING AMOUNT OF VERBIAGE

Some legal experts contend no California resident, let alone one who has trouble with the language, could be expected to read the staggering amount of verbiage set before him when he goes to buy and finance a home. State officials say buyers sometimes have to sign as many as 10 documents, including a mortgage, an instalment note spelling out details of repaying the mortgage; an agreement covering tax and insurance payments, a fire insurance authorization and so forth.

"It's all perfectly legal and everything is spelled out," says Herschel Elkins, a deputy state attorney general in California. "But even if the person is given ample opportunity to read it all, he just signs away with a glazed look in his eyes."

Even the help of a stable of lawyers won't always insure against an unwelcome clause somewhere in fine print. Louis R. Lurie is a multimillionaire real estate magnate in San Francisco, with more than half a century of experience in real estate matters. But he now is suing Loew's Theatres over a contract he signed but didn't read. Mr. Lurie recently leased his Mark Hopkins Hotel to Loew's until 1988. But now he says he has discovered a clause in the leasing giving Loew's a renewal option—which he says, wasn't part of his oral agreement with Laurence A. Tisch, president of Loew's. Mr. Tisch retorts that Mr. Lurie's own lawyers helped draw up the contract.

Part of the problem is that practically all contracts seem to be more complex nowadays. "A simple before-the-fact reading and understanding has virtually disappeared from 90%, perhaps more, of all the contract situations entered into by the average man," says W. David Slawson, an associate professor of law at the University of Southern California.

A midwestern law professor agrees: "Almost no deals are made with any understanding. When I buy an insurance policy, I don't have any idea what it means."

Many lawyers base their attacks on the binding nature of fine-print clauses on the premise that most aren't really contracts at all in the traditional sense of having been worked out by two parties with equal bargaining power. "If the party drafting the contract knows the thing isn't going to be read, then it shouldn't be part of the bargain," says one California attorney. "That's like shaking hands with someone on a deal and then saying, 'By the way . . .' to the other guy as you're going out the door."

In hopes of improving the situation, the commissioners on Uniform State Laws, a group of some 150 practicing attorneys, judges and law professors across the country who draft laws for recommendation to state legislatures, recently finished drawing up a uniform consumer credit code. It contains a provision allowing the consumer the right to ask a court to review any contract he has signed; such as a lease, loan agreement or mortgage, that he feels contains unreasonably harsh provisions. Currently, in most states, once a consumer signs such an agreement he can't dispute it.

UNWITTING WIG BUYER

Early drafts of the code, which took four years to draw up, have already influenced some state governments. In line with a proposed section on door-to-door sales, seven states, starting with Massachusetts in 1966 and followed by Illinois, Connecticut, Hawaii, Georgia, Washington and Vermont last year, have passed laws giving consumers several days to cancel a purchase of merchandise from door-to-door salesmen.

Such a provision would have helped a Chicago businessman who, a few months before the new Illinois law took effect, signed what he thought was a parcel delivery slip. It turned out to be an instalment contract for an expensive wig for a woman. He got off the hook only after the state attorney general's office put heavy pressure on the wig company, which now is under permanent court injunction to abstain from this and other misleading sales practices.

A number of states already have laws on the books requiring instalment contracts to be printed in reasonably large type. Under California code, such contracts must be printed in at least eight-point type * * * with a line of bigger, bold-faced type clearly identifying the document as in installment agreement.

Much of the impetus for challenging fine-print contracts has come from the Government's antipoverty program, whose staff members have charged that fine-print clauses are used by some merchants to exploit the poor. Of the 291,000 cases handled last year by the legal services offices operated in poor neighborhoods by the Office of Economic Opportunity, about 20% dealt with disputes over instalment contracts and related problems. As the mink stole case suggests, it is not just the poor who have trouble with fine print.

SEVERE INSTALMENT TERMS

Among the recent victims of fine-print clauses are 50,000 Southern Californians who became unwilling owners of freezers in recent years before court injunctions put most of the sellers out of business. Salesmen would sign up housewives to buy large quantities of frozen food for about $36 a month—which sounded like a bargain until the customer discovered she had also contracted to buy a freezer for perhaps twice the normal retail price, bringing the total monthly payment closer to $100.

Another target of fine-print fighters is the easy-credit department store that they say caters to low-income groups and often has exceptionally severe terms tucked away in its installment agreements. The National Foundation for Consumer Credit, an organiaztion promoting nonprofit debt-counseling agencies, claims about 10% of the retailers in the U.S. engage in such practices. Many retailers contend, however, that severe terms sometimes are necessary to avoid large losses from customers who are uncertain credit risks. One Washington, D.C., store says it uses such clauses for "moral discipline for the payment of debt."

Mounting complaints over the fine print in product warranties prompted President Johnson to order Betty Furness, his special assistant on consumer affairs, to head up a study on warranties and guarantees. The effort, launched this past spring, seeks to determine, among other things, whether legislation is needed to require concise language and larger type in such contracts.

A few manufacturers already are making efforts to simplify their warranties. Whirlpool Corp., a Benton Harbor, Mich., appliance maker, recently announced it's doing away with its old warranty certificate completely and is enclosing a warranty letter "of simplest possible language" and in larger type with all its appliances. The warranty on its automatic dryer, for instance, runs about 120 words, compared with 300 previously. Admiral Corp., another appliance maker, says it plans to make its warranties more intelligible, and the Frigidaire division of General Motors Corp. says it plans "further action" on its warranties, though it says they have already been simplified considerably within the past two years.

"FUNDAMENTAL OBLIGATION"

Many lawyers contend this isn't enough. They point out that some recent British court decisions ignored any liability-limiting language that interferes with the manufacturer's "fundamental obligation" to guarantee a reasonable period of trouble-free use for its product. Thus, a product like an electric typewriter should be expected to stand up for, say, a year, although most now carry warranties on parts for only 90 days. Under this theory, the maker would have to make good on its warranty for a year no matter what the fine print says.

More and more companies appear to be worrying about whether their fine print will stand up in court. A number of airlines are reassessing their procedures for notifying passengers about the extent of the airlines' liability in case of death or injury. Such moves reflect a recent U.S. District Court ruling that the "lilliputian typography" on the back of an Alitalia Airlines ticket didn't constitute proper notification.

Two years ago Prudential Savings & Loan Association of Los Angeles backed down on mortgage interest rate hikes of as much as a full percentage point on existing mortgages after irate home owners picketed the association's offices and threatened massive payment defaults. Prudential, a subsidiary of Financial Federation Inc., had an "escalation clause" in its loan contracts to permit such a move, but the home owners said they weren't aware of it. Prudential has since eliminated the clause from its contracts.

PRESIDENTIAL PRAYER BREAKFAST, SAN JOSE, COSTA RICA

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, it was my honor and pleasure to deliver the following address to the fifth annual President's prayer breakfast in San Jose, Costa Rica, on November 29, 1967:

Mr. President of the Republic, Mr. President of the Assembly, Mr. Vice President of Honduras, ambassadors, representatives, the reverend clergy, General Porter and all distinguished guests: I am particularly delighted to have the opportunity to represent here this morning the Congress of the United States of America, both the House and the Senate.

A few moments ago, the Prayer Breakfast Group of the United States Senate met. Tomorrow morning, the Prayer Breakfast Group of the House of Representatives will meet. These two groups meet every week while our Congress is in session.

I bring you greetings from the President of the United States, from our Vice-President, and from the Speaker of our House of Representatives, the Honorable John W. McCormack. It was my honor yesterday to present to His Excellency President Trejos the greetings from the Honorable John W. McCormack. At this time, it is my great pleasure to read an equally warm greeting to all of you here gathered and especially to the President of the Assembly—my good friend, Mr. Garron:

"DEAR MR. PRESIDENT: It is a great honor for me to extend greetings to Cost Rica's legislators on behalf of my colleagues in the United States House of Representatives on the occasion of the fifth Presidential Prayer Breakfast in Costa Rica. The United States Congress takes a deep interest in Prayer Breakfast activities around the world, and it is a pleasure to learn that the leaders of the Costa Rican legislative assembly are also involved in so worthy an endeavor. I am certain that you are aware of our deep respect and admiration for the democratic and constitutional traditions that characterize the Costa Rican political system.

"With all best wishes, I am,

"Sincerely,

"JOHN W. MCCORMACK,

"Speaker of the U.S. House of Representatives."

Ladies and gentlemen, we are proud to be Christians. We are also proud to be Americans; and this includes all those from North America, Central America, and South America.

When the first Presidential Prayer Breakfast meeting was held here in Costa Rica, our President John F. Kennedy sent you greetings from Washington.

President Kennedy stressed in that message to you here in San Jose that, in his discovery of the New World, Christopher Columbus—an instrument of the living God—directed the footsteps of that New World along a path which was unknown here until that time, the Path of Christianity. Even as Columbus was the forerunner of Christianity, Christ was the Forerunner of Columbus. It was the Spirit of Jesus Christ which has, from 1492, influenced more than any other single factor our entire Western civilization. Christ believed that every individual is important. So do we. Christ believed in the dignity of each living soul. We do, too. Today, these deep-rooted beliefs of ours contrast with the dogma of godlessness which prevails elsewhere, outside of the Western Hemisphere.

The alien followers of the anti-Christ hold mankind to be soul-less and inanimate; capable only of being used by the pagan leaders themselves as pawns for personal gain or world conquest. The godless ones teach that deception, robbery, even murder, is to be used to advance their cause of domination.

We Americans, we of the Western Hemisphere, know differently. We stand firm for the inalienable rights of Man. We hold dear the ideal that Man should be treated fairly and justly because those are the teachings of Jesus Christ.

President Kennedy, who sent his message to this group, came to Congress in 1947, the same year in which I came to Congress. As two of the younger Members, we knew each other well. I will long remember that he lived according to the finest precepts of Christianity. The world will long remember that he died for those same precepts. It was Christ, Himself, as quoted by St. John, who said, "Greater love hath no man than he who would lay down his life for a friend."

And President Kennedy was a friend of every man, woman and child in all the Americas!

We, as Christians, are threatened by our godless foes. We are, also, threatened by our own surrender to materialism.

This is our challenge: to close the widening gap between scientific achievement and moral and ethical progress. It has become a common error to point out that "money is the root of all evil." In modern life "money" and "materialism" are often used interchangeably.

Christ stressed that this is the wrong conception. It was not money at which He struck when he drove the money-changers from the Temple. It was the money-changers, themselves. Christ fought the *mis-use* of money. Christ opposed the adulation of money. Christ directed us to turn from the worship of the Golden Calf, to make money and its attendant materialism a tool for the realization of the Kingdom of God. Money can build churches; money can print our Bibles and our hymnals; money can make possible our universal ministry to the sick and to the needy. By using money *properly* we can further the aims of Christ.

Nor is there any need for science to be considered in conflict with Christianity. Two thousand years ago, when considering a Roman coin, Christ said, "Render unto Caesar that which is Caesar's: and, unto God, that which is God's."

We cannot live in this age of scientific marvels without paying tribute to the accomplishments of Science. Still, that science has never created even a single human life. God has created untold billions of human lives. Science has never restored a dead man to life as Christ restored Lazarus. Only a few moments ago, our distinguished Chairman mentioned Dr. Einstein. It was this same Einstein who once declared that spiritual and moral values—the very reason we are here today—will bridge the gap between Christianity and scientific achievement.

May I go further than that? It is my sincere belief that there is *no* gap between a reverent scientist and an intelligent Christian.

The inspiring idea behind all Prayer Breakfast Groups—whether they meet in Costa Rica, the United States, Australia, France or any place in this world of ours—is to offer unity to our fellow men.

Our Faith has withstood the centuries. Our Faith has withstood the assaults of un-believers from without and discord from within. In spite of all attacks, we dare to look Godward because our faith holds the seed of working together in brotherhood; living in unity and moving toward peace. In this capacity, we can meet on common ground all races, all creeds, all people. Christ lived and died and lived again—not just for those of us here—but for all men, for all Time. We may not look alike, speak alike or have the same basic philosophies of economics, politics or social progress. But Mankind, wherever he is found, is one in the principles and ideals of Jesus Chirst.

Napoleon Bonaparte is reported to have said on St. Helena, "Alexander, Hannibal, Caesar and myself founded our empires on force of arms; and lo! they have all passed away. But Jesus Christ founded his empire on Love and lo! millions worship at his feet."

Every man is a universal subject in this universal Empire of Love. Where did Columbus get his vitality; Mozart, his music; Lincoln, his compassion? From God, from God alone.

Men may create bombs in their laboratories which are capable of destroying the world. We are brilliant enough for that. But can we create one grain of wheat or rice; one seed of a coffee tree which has the power to reproduce itself? Can we create a single cell of living tissue? The sun rises in the East and it sets in the West. Nor can we alter that order. God is in His Heaven. In our time, He it is who controls the universe.

He depends on you; He depends on me; that we should go forth from here, throughout the world, to establish His Empire, His Fellowship of Love.

I have been thrilled this morning with this warm and lovely meeting; this charming room, completely filled with my Christian brothers and sisters. I think it to be particularly fitting and proper, Mr. President, to have had your Presidential Prayer Breakfast on this morning—so near to the Christmas season. This has helped all of us bear in mind the cause of Love for which God gave His Son on another Christmas. It gives me the deepest satisfaction that the Faith of Christ has brought about communication between man-and-man, between people-and-people, throughout the world. This day we have made a giant stride toward the union of our dearest dreams.

May God bless you all.

A PLEDGE OF GOOD CITIZENSHIP

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, the Goodwill Committee of the Pensacola, Fla., Area Chamber of Commerce developed in 1967 a "Pledge of Good Citizenship." It is an extraordinary document which has received wide circulation and adoption by many chambers throughout the United States. Almost all community organizations within the Pensacola area have endorsed it. I feel that it merits careful reading and endorsement by the Members of Congress, and I am privileged to submit it for printing in the RECORD:

A PLEDGE OF GOOD CITIZENSHIP

This is My Home—I am a citizen of a community most richly blessed. I owe it to myself and to my neighbors to speak well of it and to know more about it.

I will pay my way, according to my means, to keep it a good place in which to live.

I will accept fair taxes to support the municipal and county services.

I will contribute, as I am able, to its charities and other funds set up to help people, especially our youth.

I will serve willingly on any boards or committees whose objectives are to benefit the community.

I will look to our governmental officials to render the service they are obligated to give, and I will not judge their actions without knowing the facts.

I will look to the news media to give all the facts objectively that bear on any question of city or county government.

I will study and discuss with others any positive proposal offered for the betterment of my home community. I recognize the need for dissent and debate in our democratic society, but I will avoid unwarranted and baseless criticisms that tend to divide us.

I will in my daily contacts with fellow citizens and with visitors, do my best to establish a spirit of understanding and good will toward our community.

I am a citizen of "no mean city." My pride as a citizen can only be justified by the way I, as an individual, conduct my affairs in the common interest.

This is **My Home.**

Let me add the interesting fact that the "Pledge of Good Citizenship" was dedicated by formal resolution of the board of directors of the chamber and subsequently endorsed by the City Council of Pensacola to the late Reinhardt Holm, "as a lasting memorial to a man who exemplified, throughout his life, the principles set forth in the pledge." Mr. Holm, who died in 1967, served his city as councilman and as mayor. He served his bank for 26 years from office boy to president. He served his community on countless civic tasks. He served his church as elder and as teacher of the Junior Bible Class. He served his Nation in World War II. As a father and husband he served his family, and as a citizen he served the public interest. No greater tribute can be paid to any man than this—he served.

PERSONAL EXPLANATION AND TRIBUTE TO REPRESENTATIVE HALLECK

Mr. HANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HANLEY. Mr. Speaker, unfortunately, last Wednesday I had to return to my office as the special orders began on the pending retirement of our colleague, CHARLIE HALLECK. I regret that I could not be on hand at that time, but I do want to take this opportunity to express my esteem for CHARLIE and my regret that he will not be here as a Member of the 91st Congress.

As one of the leaders of the Republican Party in the House for over three decades, he has served both his party and the Nation with unstinting devotion. I wish him a long and healthy life as he prepares to retire from public service.

DR. RICHARD S. FARR

Mr. HANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HANLEY. Mr. Speaker, on Saturday evening, September 14, I had the great pleasure of representing the House Veterans' Affairs Committee in presenting to Dr. Richard S. Farr the commendation of the Chief Medical Director of the Veterans' Administration.

Dr. Farr has been not only a noted outstanding orthopedic surgeon in Syracuse, but in the State of New York. I couldn't help but think, as I made the presentation, that many years ago he had done wonders for my own father.

In addition to this delightful experience, I witnessed the presentation to the Buffalo VA regional office of a television set for educational purposes. The idea of educating our Youth Opportunity Corps employees, our title V employees, and our disadvantaged youths was the brainchild of Henry D. Newbigging, actively supported by Joseph D. Barone, the chairman of the station's training committee. Now, instead of borrowing, they have their own TV set.

The Buffalo educational channel has excellent facilities and I believe that this is implementation of the President's program on doing more for our youth than just gestures.

Mr. Pigott, the Buffalo VA regional office manager, pointed out in his acceptance remarks that 80 percent of the title V employees who have been trained in the regional office are now fully employed elsewhere with the exception of two who are employed within the office.

I salute the regional office and particularly Joe Barone and Hank Newbigging who have implemented this program. It is their hope and desire that they can share this with the entire Niagara Frontier Federal Executive Association.

NEW YORK BAR SUPPORTS ATLANTIC RESOLUTION

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the Committee on Federal Legislation of the New York County Lawyers' Association, the largest local bar association in the United States, of which Vincent L. Broderick is chairman, has issued a report approving House Concurrent Resolution 48 reported out by the House Foreign Affairs Committee calling for a U.S. delegation to discuss closer union with other free peoples. The resolution is now pending in the House Rules Committee for clearance for floor action.

The association's action is timely. I find it especially gratifying, as I have long advocated enactment of House Concurrent Resolution 48.

Here is the text of the association's statement:

The tragedy of August, 1968 in Czechoslovakia together with other international difficulties remind us of our obligation as lawyers to examine the legal structure for our foreign relations and to deal with proposals which might strengthen that structure.

H. Con. Res. 48 would provide for a delegation of leading citizens of both parties to meet with representatives of other free nations to consider possibilities of closer union. The resolutions would not commit the United States in advance to any particular course of action.

The House Foreign Affairs Committee has acted favorably and has reported out the House version of the proposal. H. Rep. No. 1656, 9th Cong., 1st Sess. (1968). In our view it merits favorable action

Steps toward closer unity among free nations are of vital importance in dealing with many problems, including currency crises, balance of payments difficulties, effective assistance to developing nations, and the creation of conditions which will prevent or deter acts of aggression against any nation.

Our concern is with the legal structure which will permit appropriate steps in this respect. The proposal approved by the House Foreign Affairs Committee establishes firm and congressional authority for the necessary consultations with the representatives of other nations, which would be of prime value in making those consultations meaningful and effective.

A precedent may be found in Public Law 86–719, 74 Stat. 818, enacted September 7 1960, which authorized participation of leading citizens in an international convention of citizens from North Atlantic Treaty countries.

In the present instance, we do not believe that consultations need be necessarily limited to citizens from nations which are members of NATO, nor do we believe the language of the pending resolutions would close the door on participation by citizens of other free nations who might wish to take part. The present resolution could also be amended making it clear that there is no such barrier.

Likewise, we believe that the language of the present resolutions is broad enough to permit the representatives on behalf of the United States to consult with both governmental and non-governmental agencies and representatives from other free nations, as may be appropriate. If the pending resolutions are amended, this point could also be made clearer.

Our suggestions in these respects deal solely with points of possible further clarification of authority we believe is already contained in the resolution as now drafted.

The underlying purpose of the resolutions has been publicly endorsed by such diverse public figures as Richard M. Nixon, Nelson A. Rockefeller, Hubert H. Humphrey, Robert F. Kennedy and Eugene J. McCarthy among others. We regard it as beyond dispute.

In our view the resolutions themselves are an appropriate legal vehicle to further these acknowledged purposes and therefore merit approval.

Respectfully submitted.

COMMITTEE ON FEDERAL LEGISLATION,
Vincent L. Broderick,
Chairman.
Richard A. Givens,
Secretary.

A NEW SENATE OFFICE BUILDING SITE

Mr. CLEVELAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, I would like to take this time to offer a few comments to my colleagues about the bill—S. 2484—authorizing the extension of the New Senate Office Building site. The rule on this bill was adopted by voice vote last August 2. The House may be considering S. 2484 tomorrow, it had been previously scheduled for Tuesday and today.

During the debate on the rule, much comment was made on how greatly this bill was wanted and needed by the Senate. Let me point out, however, that at the time S. 2484 passed the Senate, 33 Senator opposed the bill, and 25 were not even present and voting. Only 42 Senators saw fit to support this bill, less than a majority. The committee vote in the Senate was 7 to 5. This is clearly something less than an overwhelming expression of desire and need for an extension of the New Senate Office Building site by our distinguished colleagues in the other body.

The vote last April 30 was as follows:

[No. 125 Leg.]

Yeas—42: Anderson, Bartlett, Bayh, Burdick, Byrd of Virginia, Byrd of West Virginia, Case, Clark, Dodd, Eastland, Ervin, Fong, Fulbright, Griffin, Hayden, Hill, Holland, Inouye, Jackson, Jordan of North Carolina, Jordan of Idaho, Long of Louisiana, Mansfield, Metcalf, Mondale, Monroney, Muskie, Pearson, Pell, Percy, Randolph, Russell, Smathers, Smith, Sparkman, Spong, Stennis, Thurmond, Tydings, Yarborough, Young of North Dakota, Young of Ohio.

Nays—33: Aiken, Allott, Baker, Bennett, Bible, Brewster, Cannon, Church, Cooper, Cotton, Curtis, Dirksen, Dominick, Ellender, Fannin, Hansen, Hickenlooper, Hollings, Hruska, Magnuson, McClellan, McGovern, Miller, Morse, Mundt, Murphy, Nelson, Prouty, Proxmire, Ribicoff, Symington, Williams of New Jersey, Williams of Delaware.

Not voting—25: Boggs, Brooke, Carlson, Gore, Gruening, Harris, Hart, Hartke, Hatfield, Javits, Kennedy of Massachusetts, Kennedy of New York, Kuchel, Lausche, Long of Missouri, McCarthy, McGee, McIntyre, Montoya, Morton, Moss, Pastore, Scott, Talmadge, Tower.

Mr. Speaker, let me also note for the RECORD that S. 2484 did not pass the House Public Works Committee by a unanimous vote either. Four of my colleagues and I submitted minority views stating that action on this bill, which is admittedly not needed for construction at this time, should be delayed until some of our more pressing fiscal problems have been resolved. The complete minority views read as follows:

MINORITY VIEWS ON S. 2484

We, the undersigned members of the Committee on Public Works, believe that, at a time when our Nation is beset with so many problems—social, international and financial—it is particularly inappropriate to suggest authorization of funds for anything but necessities.

While it is true this property would be nice to have; and while it might cost less now than in the future; it is difficult to justify the cost at this time, especially in view of our pleas for economy in government.

We wish to make it clear that we are not sitting in judgment on the Senate of the United States regarding the stated needs of that body. But we have been told by that body in its report (S. Rept. 735) on this legislation:

"In view of the present heavy financial commitments of the U.S. Government, this is not the appropriate time to initiate construction of this badly needed addition. However, in order to have the necessary site available at such time as the addition to the New Senate Office Building can be constructed, and to reduce to the very minimum the cost of the site, the remaining lots in square 725 which would be needed as part of the site should be acquired immediately.

In other words, the Senate wants to acquire this property now because the price of the land might increase between now and the time when our financial condition will support the construction.

We do not argue with the Senate's need for more space. Nor do we question the fact that an addition to the New Senate Office Building will some day be needed.

We do question the wisdom of spending money on land acquisition now at a time funds are clearly needed for so many more urgent purposes and at a time when our Nation's financial resources are already seriously strained, with tax increases being asked to alleviate this strain.

We believe that adoption of this legislation would compound these financial difficulties and make a mockery of the many efforts to both Houses of the Congress and the Executive to cut expenses.

Therefore, we believe that passage of this legislation and acquisition of this land—admittedly not needed for construction at this time should be delayed until some of our more pressing fiscal problems have been resolved.

WILLIAM H. HARSHA,
HENRY C. SCHADEBERG,
JAMES C. CLEVELAND,
JOHN J. DUNCAN,
CLARENCE E. MILLER.

THE BOMBING HALT—TELL IT LIKE IT IS

Mr. CLEVELAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, while easy political talk of bombing halts flows freely, it seems appropriate to include in the RECORD an exchange of letters which I had recently with a young man from Colebrook, N.H., named Gregory Keazer. Greg was writing me from the naval hospital in St. Albans, N.Y., and his letter tells what last spring's limitation of the bombing of North Vietnam meant to one platoon of American soldiers in South Vietnam. "Tell it like it is," they say. Here's a guy who told it like it was.

JULY 23, 1968.

DEAR SIR: My name is SP/4 Gregory Keazer. I served in Vietnam with the 173 ABN. My platoon was ambushed. 4 were killed, 9 were wounded. These are just numbers to you but they were friends of mine. This was about 3 weeks after the U.S. stopped bombing the north. The VC and NVA built back up their supplies in those three weeks. Before the lull in the bombing of the north we used to find caches of enemy war materials to be used against us. We were getting a lot of contact when the lull in the bombing went into effect because the gooks knew they could get resupplied. I think peace talks can be carried on with us still bombing the north. Please do all you can to back up my friends. Lets blow up those mortar and recollous rifle shells before they get to the south to hurt my friends. Please back my friends, their lives depend on this.

Sincerely,

Sp4c. Gregory A. Keazer.

P.S. I was one of the nine wounded. I have wounds of all four extremities, chest, and abdomen.

My reply of August 1 was as follows:

Dear Specialist Keazer: Thank you so much for your good letter of July 23rd.

I hope this letter finds you better and well on the road to recovery. I noted in the Colebrook paper that you had been wounded, and I wanted you to know how deeply your sacrifice and bravery are appreciated.

I would like to put your letter in the Congressional Record, but feel it would be proper to do this only if I had your permission.

Thank you again for writing.

With every good wish,

James C. Cleveland,
Member of Congress.

Letter of August 5 from Specialist Keazer:

Dear Sir: I am writing you concerning the letter I wrote July 23rd. You may use my letter to the best way you see fit. Thank you for what you are doing.

Sincerely,

Sp. 4C. Gregory A. Keazer.

ELECTORAL COLLEGE

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, as this year's elections have approached a growing number of Americans have expressed renewed doubts about the adequacy of our electoral system. I share that concern and have for many years. On February 13, 1961, I joined in introducing legislation to create a Commission To Investigate the Electoral College Reform. Unfortunately the administration has not indicated any urgency for electoral college reform and while there have been some committee hearings from time to time on this subject the majority leadership has obviously never pursued the matter with any diligence. While I have no illusions that any action will be taken during this session this is to both protest the lack of interest shown by the present leadership and to indicate that I consider it as a matter of high priority for the next Congress.

During the greatest part of our history we have, as we all know, not elected our Presidents strictly in the manner our Founding Fathers intended.

At the Constitutional Convention in 1787 some argued that the Chief Executive should be elected directly by the people while others believed that the choice should be made by Congress or even the Governors of the States. It was finally resolved that a special body of electors, holding no public office and independent of the three branches of our Government as well as the State governments, should make the selection. These electors, equal to the number of U.S. Senators and Representatives of each State would be chosen, it was presumed, from among the most knowledgeable and respected citizens of each State. Meeting at the State capital on a designated day they would nominate, debate, and cast their ballots. The votes of the electors of all the States would then be sent to Washington and counted by the President of the Senate before a joint session of Congress. If no person received a majority of votes the House of Representatives would then meet immediately to make the choice.

As originally conceived, then, the electoral college embraced both the functions of nominating and electing the President. With the unforeseen development of our strong political party system, however, and the introduction of partisan slates for choosing the electors, the election of the electors became tantamount to electing the President. Consequently, without benefit of a constitutional amendment the political parties simply assumed the determining role in the selection of nominees for the highest office of the land.

The concern many are expressing today is directed both at the way our Presidents are nominated as well as the way they are elected. In the first instance some feel that political conventions should be replaced by a national primary election. In the second instance many seek to abolish or reform the electoral college because under this system it is possible a candidate with fewer popular votes to be elected President because he wins more electoral votes. Three men have in fact become such so-called minority Presidents: In 1824 Andrew Jackson received more popular votes and more electoral votes than John Quincy Adams but with no candidate receiving a majority of electoral votes the choice went to the House of Representatives which ultimately selected Adams; in 1876 Rutherford B. Hayes edged out Samuel J. Tilden by 1 electoral vote after a special Electoral Commission examined the contested returns of four States; and in 1888 Benjamin Harrison was elected over Grover Cleveland. Some 11 other Presidents have been elected who, though receiving more popular votes than their opponents, failed to attract more than 50 percent of the total vote. This most recently occurred in 1960 when John F. Kennedy received 49.71 percent and Richard M. Nixon 49.55 percent of the popular vote, although the electoral votes were 303 and 219 respectively. It might also be recalled that Lincoln in 1860 faced by three other opponents won a majority of the electoral votes while receiving only 39.79 percent of the popular vote.

Others question the fairness of the "winner take all" rule whereby a candidate who wins 51 percent of the popular vote wins 100 percent of that State's electoral votes while the candidate receiving 49 percent of the votes receives no electoral votes. It is also urged that electors should be pledged to the party candidate and not be permitted to disregard the mandate of their election by voting for some other candidate.

Then there are of course the questions that arise wherever the election is thrown into the House. I would point out that earlier in this session on March 13, 1968, I joined in sponsoring a proposal which if it had been acted upon promptly by the majority leadership would have brought about certain basic reforms designed to insure that the choice of the people would be more accurately reflected should the 1968 presidential election have to be decided by the House of Representatives in the event that no candidate received a majority of the electoral votes. My bill—House Joint Resolution 1164—for example would have provided that each State would have as many votes in electing the President as it does Representatives in the House instead of the one-State, one-vote system now in effect in accordance with procedures adopted by the 12th amendment in 1804. Regrettably, however, this rather elemental reform has attracted no interest from the leadership.

There have been a number of plans proposed to change the present system. One plan retains the electoral votes of the States, abolishes the office of elector, and automatically awards the electoral votes of a State to the popular winner in that State. A second, the "district" plan continues both the office of elector and a State's electoral votes but provides that the electoral votes are to be spread among equipopulous districts—equal in number to the number of Representatives in the House—plus two at-large districts. The winner of each district automatically would receive its electoral vote. A third plan abolishes the office of elector but retains the State's electoral votes which are divided among the candidates in proportion to their shares of the total popular vote within the State. And a fourth plan proposes that the President be elected by direct vote of the people. Under this plan, the present electoral college system would be abolished.

Clearly, electoral reform is no easy matter. The depth of our concern is equally matched by the complexity of the issue. It is claimed that more amendments have been proposed concerning the presidential election than concerning any other provision in the Constitution, the first being introduced by a South Carolina Congressman in 1797. Unfortunately, electoral college reform is like the hole in the roof—when the sun is shining it does not need fixing and when it is raining it is too late. I, therefore, again introduce this proposal to set up a bipartisan Commission to study this whole area with diligence and dispatch and to report their findings within 1 year. I have no way of knowing what the recommendations of such a Commission would be, but I think it is time we get started on this problem without any more delay.

At this point I insert a copy of my bill:

H.R. 19967

A bill to create and prescribe the duties of a Commission to Investigate Electoral College Reform

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CREATION OF COMMISSION

SECTION 1. There is hereby established a commission to be known as the Commission to Investigate Electoral College Reform (hereinafter referred to as the "Commission").

DUTIES OF THE COMMISSION

SEC. 2. The Commission shall make a full and complete investigation and study of possible revisions in or abolition of the electoral college system of electing the President and Vice President of the United States. In making its investigation and study the Commission shall give special attention to determining—

(1) whether the existing electoral college system should be retained in its present form;

(2) whether the existing electoral college system should be revised;

(3) whether the existing electoral college system should be abolished in favor of a direct election system.

One year from the date of enactment, the Commission shall make a report of its findings and recommendations to the Congress and to the President, and shall cease to exist upon the date of the submission of its report.

MEMBERSHIP AND ORGANIZATION OF THE COMMISSION

SEC. 3. (a) The Commission shall be composed on a bipartisan basis of two members appointed by the President, four Members appointed by the President of the Senate from the Senate, and four Members appointed by the Speaker of the House of Representatives from the House of Representatives.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) The President shall designate the member of the Commission who shall act as Chairman. Six members of the Commission shall constitute a quorum.

(d) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, 434 or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

COMPENSATION OF MEMBERS AND EMPLOYEES OF THE COMMISSION

SEC. 4. (a) Any officer or employee of the United States Government who may be a member of the Commission, and Members of Congress who are members of the Commission, shall serve without compensation in addition to that received for the services as an officer or employee of the United States Government or Member of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Commission.

(b) Each member of the Commission who is not an officer or employee of the United States Government or a Member of Congress shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(c) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949. The Commission may procure, without regard to the civil service laws and the Classification Act of 1949, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (5 U.S.C. 55d), but at rates not to exceed $50 per diem for individuals.

POWERS OF THE COMMISSION

SEC. 5. (a) The Commission, or on the authorization of the Commission any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102–104, inclusive of the Revised Statutes (2 U.S.C. 192–194), shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

EXPENSES OF THE COMMISSION

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TRIBUTE TO THE LATE HONORABLE ELMER J. HOLLAND

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, it seems but a few short weeks ago that the Members of the U.S. House of Representatives paid tribute to the Honorable Elmer J. Holland, to bid him farewell in recognition of his decision to retire at the close of the 90th Congress. We could not know then how little time remained in the life of this hard-working legislator, this devoted family man, this great American.

We were saddened at the thought of his leaving our company in the House of Representatives; now our sadness is intensified beyond measure at his death. I said some weeks ago that we, his colleagues, were losing a friend and leader. Today we know that all America has lost forever a devoted son and talented legislator.

Representative Holland first served in the House of Representatives in 1942, having been appointed to fill an unexpired term. When his district in Pennsylvania was redistricted that year, Mr. Holland campaigned for and won a seat in the Pennsylvania State Senate. Before his entry into national politics, Mr. Holland had served in both World Wars, as an artillery officer with the American Expeditionary Force in France during the First World War, and, during the Second, as an Army major with the Allied military government in Europe.

Elmer Holland was born in Pittsburgh, Pa., and educated there at Duquesne University, at the University of Montpelier in France, and at the American School Center in England. He represented the Macbeth Evens Glass Co. of St. Louis as sales manager, and he later worked for the Consolidated Lamp & Glass Co. of Corapolis, Pa., before his election to the State legislature where he served through 1941.

Congressman Holland served in the State senate until 1956, when he was again appointed to fill an unexpired term in the U.S. House of Representatives. He was reelected continuously and had served six consecutive terms at his death. He was ranking member of the House Education and Labor Committee, is known as one of the earliest advocates of medicare, and is credited with much of the work that led to the passage of the Manpower Development and Training Act of 1962.

A severe stroke suffered nearly 2 years ago had confined Representative Holland to a wheelchair in his later years, yet he continued, with the help of a dedicated and efficient staff, to work in behalf of his district and the people of this Nation.

Elmer J. Holland lived a full life, a life of dedicated service, a life of loyalty and devotion to people and to worthy causes. It is difficult to lose such a man. During his long life of achievement, he gained our respect and profound admiration. I should like to extend my most profound sympathy to his wife, the former Emily Jane Wilson, and to their grieving daughters, Jane and Christine.

ACTON MINUTEMEN

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, once again on September 29, 1968, in the historic town of Acton, Mass., in my great district, where the embattled farmers fired the shot heard around the world in the Revolutionary War, the Acton Minutemen will present their program for Crown Resistance Day, as their people have done for so many years.

In the line of march will be 14 Minuteman companies, as well as the ASA Colonials from Fort Devens, and several of the better fife and drum corps on the east coast, including the Linn Village Drum Band and the Nathan Hale Ancient Fifes and Drums.

This is an occasion which always stirs the hearts of men and women, excites true patriotic fervor, and inspires those who are proud of the early founders and the valiant men whose blood, treasure, and dauntless courage established this great country of ours.

As one so highly privileged to represent this historic town and the adjoining historic communities of Concord and other places in the area from which the first Minutemen were drawn, I am extremely proud of the outstanding record of patriotic devotion and inspirational community and national service of the Acton Minutemen.

To my mind, it is of the utmost importance in this and every American generation, and especially in this one, when we are torn asunder in so many respects by the divisive tactics of subversive elements and others doing their best to destroy this Government, to pause in our day's occupations, turn our minds back to the immortality of our past leaders and heroes who made the liberties we enjoy today possible, and to celebrate with enthusiasm and proper devotion, the glorious history of the Founding Fathers of this Government.

In these days of peril and uneasiness, there are few, if any, things that will help us more spiritually than to commemorate the superb leadership and memorable sacrifices, which made Concord, Lexington, and Bunker Hill the symbols of our national striving for the rights of man, human freedom, the rule of law and order, and liberty and self-determination.

Hail to the Acton Minuteman. May they, and others like them, carry on their great work, and remind us of our proud heritage, and reawaken our courage and determination to protect and preserve it against every threat and danger.

MARLBORO'S GREAT JOHN BROWN BELL

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, under unanimous consent I include herein my remarks at the dedication of the John Brown Bell, Marlboro, Mass., in my district, on Labor Day, September 2, 1968:

REMARKS OF CONGRESSMAN PHILIP J. PHILBIN AT THE REDEDICATION OF JOHN BROWN BELL, MARLBORO, MASS., SEPTEMBER 2, 1968

Reverend Clergy, Mr. Chairman, Mr. Mayor Cole, Representative Novin, City Council and all distinguished guests and friends, thanks to this fine, dedicated Committee of citizens of the Marlboro Chamber of Commerce, the American Legion and others, after more than one hundred years, Marlboro's historic, John Brown Bell is finding a new home here in this beautiful setting of Union Church Common.

Here in the center of this great and growing city, only a few steps from City Hall, we find a quiet retreat where one can sit, as the famous Thoreau once did, and contemplate and watch the troubled world go by.

Upon this historic ground, which goes back over one hundred fifty years as the location of this typical New England town common, we proudly gather today to rededicate the famous John Brown bell.

Since the Civil War, this bell has mournfully tolled the passing of our gallant dead who made the supreme sacrifice in every national crisis, and it has rung loud and clear to celebrate the great events in Marlboro's shining history.

This is the bell, my friends, which originally hung in the Arsenal at Harper's Ferry, where John Brown and his followers shouted out their cries for human freedom.

It was in the year 1861, over 100 years ago that the brave men of Company I of the 13th Volunteer Massachusetts Militia, all from Marlboro, were detailed at Harper's Ferry on an important mission of salvaging valuable metal in the Arsenal.

It was from the tower of the fire station of the Arsenal buildings that the men of Company I took the bell. When they were lowering it, the rope broke, and the bell came crashing to the ground. If we look at it closely today we can see the place where the bell was chipped in the fall.

With that resourcefulness which is characteristic of Marlboro people to this day, the boys from Company I decided that the bell could serve a much more useful purpose, if it were sent to Marlboro to hang in the new fire station being built at the time for the Ladder Company.

Permission was forthcoming, but the journey home for the bell still presented a difficult problem. Again, with undaunted spirit, the men of Company I transported the bell by barge to their winter headquarters near Antietam.

When fighting broke out in the Shenandoah Valley, the bell was turned over to a Maryland farmer for safekeeping, and there on a Maryland farm, not far from the battle ground of Antietam, the John Brown bell rested, sometimes hidden under a haystack from Confederate soldiers, at other times buried in the ground to escape detection by more intensive searchers.

The scene now shifts to the year 1892, and the annual encampment of the Grand Army of the Republic—Civil War veterans—in Washington, the Capital of the nation.

Three or four of the boys from Company I went to Harper's Ferry and Antietam to reclaim the John Brown bell. They were not too well received by the natives. But a farmer's widow, Mrs. Snyder, remembered the boys from Marlboro, and led them to the hiding place where the bell had reposed for many years, and helped them to assure its return to Marlboro.

Company I raised funds by public subscription, and the bell arrived in Marlboro in time for the dedication of the GAR Building on Main Street, later American Legion Hall, and now the home of the Marlboro Boys Club.

There, in the old GAR Building, the John Brown bell remained until recently, and now in these very impressive exercises which are a tribute to the hard work, imagination, zeal and enterprise of your outstanding Dedication Committee, we today rededicate the John Brown bell in a new permanent home here on this lovely spot, where for unnumbered years to come, it will continue to be an inspiration for all of us here today, and for generations of Marlboro people yet unborn.

We are very grateful to the Chamber of Commerce Committee and the Legion, we are proud and honored to be present at these moving exercises, which will be inscribed in the history of this great city and long remembered in the annals of its devoted people. Heartiest congratulations to all.

Let this bell continue to inspire us, as it has done in war and in peace, throughout the years, and let us pray that the day may soon be at hand when it will ring out loud and clear from this honored place, the tidings of peace on earth, a world organized on the 'rule of law', a nation determined at all costs to preserve its blessed freedoms and rich heritage in this great land, where men and women and children of every race, class and creed can live without fear or want in a free society, and where liberty, tolerance, justice, opportunity and peace shall dwell to the end of time.

In his epic poem, "John Brown's Body", the poet, Stephen Vincent Benet, speaks of John Brown with the rhythmic tolling of a bell. When he sings the song of John Brown, the "Battle Hymn of the Republic", he says:

> "It has grown stronger
> It is marching on
> It is a throbbing pulse, a pouring surf
> It is the rainy gong of a Spring sky."

And again: the poet tells us that when John Brown "walked at peace and drank from the water springs, his eyes would live to see God clothed in his glory."

Thus, my friends, in his gifted way, this great poet might well have been describing today's setting for the John Brown bell. Long may it ring out the clarion call for peace and freedom, for all the people to hear, and to answer in tones and meaning that no one can mistake. Freedom, security, peace. God love you.

THE JOHN BROWN BELL

The bell hung on an old brick engine house in Harpers Ferry which served as a barricade for several hours for John Brown and his followers. He had planned to use this bell to sound the signal for the slaves to rally and flee to the mountains of Virginia, and there make a stand to fight for freedom.

There the bell remained after his capture and hanging, branded by some as a murderer and fanatic while others called him martyr to the cause of freedom.

The men of Marlborough volunteered on May 20, 1861, and became Company I of the 13th. Mass. Volunteer Militia. They were sent to Harper's Ferry August 23, and there viewed the engine house where John Brown fought his last fight for the liberation of slaves.

A search for a lasting momento to his cause was ended when on September 26, 1861 the bell was taken down and after due time ferried to Williamsport Lock where it was kept by a Mrs. Ensminger Snyder for thirty years.

After being reclaimed by the survivors of Company I, it was brought to Marlborough and hung on the Grand Army Hall, Main Street.

A more fitting monument has now been constructed in Union Common, Main Street, to house the "John Brown Bell", second only to the Liberty Bell in historical significance. This memorial is dedicated to the cause of freedom and to the men of Marlborough who fought for it.

MARLBOROUGH CHAMBER OF COMMERCE.

THE JOHN BROWN BELL DEDICATION PROGRAM SEPTEMBER 2, 1968

INTRODUCTION

(By Wendall W. Taylor, commander, Akroyd Houde Post 132; American Legions, and George E. Whapham, president, John A. Rawlins Building Association)

For more than a century, the John Brown Bell has remained a symbol of the dignity, and brotherhood of man. It reminds us that the maintenance of liberty, and equality, requires everlasting vigilance on the part of every free man, and that this vigilance sometimes requires great sacrifice.

The placing of the Bell into this beautiful edifice on Union Common, in the heart of Marlborough, will bring it into new and greater prominence. That its message may intone to the far corners of the world, to be heard by all mankind, is our fervent prayer.

The idea for this monument was conceived and prosecuted by Mr. Raymond Cahill of the Marlborough Chamber of Commerce. Mr. Ralph Riccuitti of Akroyd Houde Post 132, American Legion, designed the tower, and supervised its construction. The tower was built stone by stone by many volunteer masons and laborers, whose names are listed herein.

We, in the John A. Rawlins Building Association, and our parent organization Akroyd Houde Post, American Legion, are sincerely grateful for the inspirational efforts of each man. Theirs was truly a labor of love.

PROGRAM

Selections: CYO Band, Hudson.

Master of Ceremonies: Thomas McAuliffe, General Manager, New England Broadcasting Company.

Invocation.

Address of Welcome: Wendall W. Taylor,

Commander, American Legion Post 132, Marlborough.

Address: Frederick Cole, Mayor, City of Marlborough.

Introduction of Guests.

Address: John Navin, Representative, Massachusetts Legislature.

Address: William Randall, Senator, Massachusetts Legislature.

Address: Philip J. Philbin, Representative, U.S. House of Representatives.

Selection: CYO Band.

Address: Vincent O'Connor, Commander, American Legion Department of Massachusetts.

Address: John J. Clark, Past Vice Commander American Legion, Department of Massachusetts.

Address: Anthony J. Blanchard, Commander American Legion, Middlesex County District.

Address: William Downey, President, Marlborough Chamber of Commerce.

Dedicatory Address: George E. Whapham, President, John A. Rawlins Building Association.

Unveiling: Mrs. Norma Yuryan, Great Granddaughter of Capt. David L. Brown, Leader of Company I.

Ringing of the Bell: Ralph Riccuitti, Raymond Cahill and all work volunteers.

Benedication.

National Anthem.

OUR VOLUNTEER WORKERS

Charles Agoritsas, Mel Agoritsas, Steven Agoritsas, Richard Auger, Robert Beausoled, James Berry, Alfred Brigham, Jr., Martha Brigham, Roland Brigham, Richard Burns, Royal Burke, Raymond Cahill, Kosmo Cazaropoulos, Robert Cunningham, Raymond Desimone, Ivan Dunn, Mario Ferro, Pasqual Ferro, Bernard Foley, Harold Garvey, James Holt, Alex Kasaras, Arnie Korenblum, Frank Kret, Robert Leleivre.

Edmund Mackay, Nick Matsikes, Pasquale Padula, Julio Renzi, David Renzi, Donald Rice, John Rowe, Jr., J. Peter Rowe, Ralph Riccuitti, Joseph Sabella, Nicholas Scorzelli, Richard Sebeika, Tiros Simopoulos, Donald Stapelfeld, Wendell Taylor, Lynn Taylor, Terzo Trombetti, Steve Tsianatelis, Jack Varley, Gregory Voutas, George Whapham, Costa Zekas.

POST 132 COMMITTEE

William Kane, Chairman.

Fritz Anderson, Chairman.

George Whapham, Ralph Riccuitti, Ivan Dunn, William Beaulac, Robert Cunningham, James McLeod (Congregational Church).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Minish (at the request of Mr. Gilbert), for the balance of the week, on account of official business.

Mr. McCulloch (at the request of Mr. Gerald R. Ford), for today, on account of official business—National Commission on the Causes and Prevention of Violence.

Mr. Ryan (at the request of Mr. Hanley), for the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Abbitt, for 60 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Hardy (at the request of Mr. Abbitt), for 60 minutes, tomorrow, September 26; to revise and extend his remarks and to include extraneous matter.

Mr. Evins of Tennessee, for 45 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Celler, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. O'Hara of Illinois, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. McCloskey) and to revise and extend their remarks and include extraneous matter:)

Mr. MacGregor, for 60 minutes, today.

Mr. Schwengel, for 30 minutes, today.

Mr. Schwengel, for 30 minutes, on September 26 and on September 27.

Mr. Pirnie, for 1 hour, on September 30.

Mr. Halpern, for 30 minutes, today.

Mr. Mathias of Maryland, for 10 minutes, today.

Mr. Ruppe, for 10 minutes, today.

Mr. Don H. Clausen, for 30 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. McMillan in three instances and to include extraneous matter.

Mr. Madden in two instances and to include two editorials.

Mr. Sikes in five instances and to include extraneous matter.

Mr. Dorn and to include extraneous matter.

Mr. Price of Illinois and to include extraneous matter.

Mr. Hall in three instances and to include extraneous matter.

Mr. Johnson of California.

Mr. Gross and to include a newspaper article.

Mr. Gude to extend his remarks immediately following the vote on H.R. 17854, today.

Mr. Rumsfeld, to include extraneous material during the special order of Mr. MacGregor today.

(The following Members (at the request of Mr. McCloskey) and to include extraneous matter:)

Mr. Curtis in five instances.

Mr. Ashbrook in four instances.

Mr. Zwach in three instances.

Mr. Schadeberg in three instances.

Mr. McCloskey.

Mr. Goodling.

Mr. Scherle in two instances.

Mr. Horton in three instances.

Mr. Kleppe.

Mr. Quillen in four instances.

Mr. Rumsfeld.

Mr. Schweiker in two instances.

Mr. Pelly in three instances.

Mr. Miller of Ohio in four instances.

Mr. Hall in two instances.

Mr. Thomson of Wisconsin.

Mr. Bell.

Mr. Harrison.

Mr. Utt in three instances.

Mr. Wyatt.

Mr. Meskill.

Mr. Lipscomb.

Mr. Mathias of Maryland in two instances.

Mr. Mize.

Mr. Smith of Oklahoma.

Mr. Bob Wilson in four instances.

Mr. Ruppe.

Mr. Talcott.

Mr. Reid of New York.

Mr. Blackburn in two instances.

Mr. Derwinski in four instances.

Mr. Kupferman in five instances.

Mr. Cramer in three instances.

Mr. Wyman in three instances.

Mr. Burke of Florida in three instances.

Mr. Gude.

Mr. Cleveland in two instances.

Mr. Michel.

Mrs. Bolton.

Mr. Whalley.

Mr. Don H. Clausen.

Mr. Bow in three instances.

(The following Members (at the request of Mr. Abbitt) and to include extraneous matter:)

Mr. Long of Maryland in six instances.

Mr. Dingell.

Mr. Rivers.

Mr. Annunzio.

Mr. Moorhead.

Mr. Marsh in three instances.

Mr. Vanik in three instances.

Mr. Gonzalez in six instances.

Mr. Corman in two instances.

Mr. Matsunaga.

Mr. Rodino in two instances.

Mr. Baring in two instances.

Mrs. Kelly in 10 instances.

Mr. Rooney of New York.

Mr. Hébert.

Mr. Johnson of California in two instances.

Mr. Evins of Tennessee in four instances.

Mr. Fallon.

Mr. Teague of Texas in six instances.

Mr. Stratton in two instances.

Mr. Podell in three instances.

Mr. Daniels in two instances.

Mr. Friedel in two instances.

Mr. Fountain in three instances.

Mr. Brademas in six instances.

Mr. Nichols in two instances.

Mr. Downing in two instances.

Mr. Hanna.

Mr. Fuqua.

Mr. Montgomery.

Mr. Tuck.

Mr. Zablocki in two instances.

Mr. Howard in two instances.

Mr. Patten.

Mr. Hagan in three instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1340. An act to authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia, and for other purposes.

ADJOURNMENT

Mr. ABBITT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Thursday, September 26, 1968, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2228. A letter from the Comptroller of the Currency, transmitting the 1967 Annual Report of the Comptroller of the Currency, pursuant to the provisions of section 333 of the U.S. Revised Statutes; to the Committee on Banking and Currency.

2229. A letter from the Comptroller General of the United States, transmitting a report on proposals for improving the system for management of repair and maintenance of buildings and utilities, Bureau of Indian Affairs, Department of the Interior; to the Committee on Government Operations.

2230. A letter from the Comptroller General of the United States, transmitting a report on economies available if excess Federal personal property is used to furnish State employment security agencies, Bureau of Employment Security, Department of Labor; to the Committee on Government Operations.

2231. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a request for the withdrawal of the case of Kyong Hwan Chang involving suspension of deportation under the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2232. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a request for withdrawal of the case of Mr. Andreas Elias Eliopoulos involving suspension of deportation under the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2233. A letter from the Postmaster General, transmitting a draft of proposed legislation to revise the laws relating to the transportation of mail so as to provide the Postmaster General greater flexibility in the procurement of such transportation; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee of conference. S. 3769. An act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts (Rept. No. 1919). Ordered to be printed.

Mr. RIVERS: Committee on Armed Services. H.R. 12012. A bill to encourage worldwide interest in U.S. developments and accomplishments in military and related aviation and equipment by authorizing Federal sponsorship of an International Aeronautical Exposition in the United States; with amendment (Rept. No. 1920). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENNETT: Committee on Armed Services. H.R. 19753. A bill to authorize the Secretary of the Army to acquire and convey to the Commonwealth of Massachusetts certain lands in Essex County, Commonwealth of Massachusetts, in exchange for certain other lands, and for other purposes (Rept. No. 1921). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 19747. A bill to strengthen and improve the Older Americans Act of 1965 (Rept. No. 1922). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 19831. A bill to provide funds on behalf of a grateful nation in honor of Dwight David Eisenhower, 34th President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, N.Y., as a distinguished and permanent living memorial to his life and deeds (Rept. No. 1923). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. H.R. 15758. An act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes (Rept. No. 1924). Ordered to be printed.

Mr. CAREY: Committee on Interior and Insular Affairs. H.R. 18205. A bill to amend the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, and for other purposes; with amendment (Rept. No. 1925). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CABELL:

H.R. 19966. A bill to establish a commission to study the organization, operation, and management of the executive branch of the Government and to recommend changes necessary or desirable in the interest of governmental efficiency and economy; to the Committee on Government Operations.

By Mr. CHAMBERLAIN:

H.R. 19967. A bill to create and prescribe the duties of a commission to investigate Electoral College Reform; to the Committee on House Administration.

By Mr. FALLON:

H.R. 19968. A bill to provide that the reduction in expenditures required by section 202 of the Revenue and Expenditure Control Act of 1968 shall not apply to expenditures from the highway trust fund; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 19969. A bill to amend the Communications Act of 1934 to provide for the licensing and regulating of television networks to assure that their operations are in the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON:

H.R. 19970. A bill to require the Secretary of the Interior to undertake certain studies with respect to the importation of water into the Colorado River Basin; to the Committee on Interior and Insular Affairs.

By Mr. HOWARD:

H.R. 19971. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 19972. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 19973. A bill to amend title II of the Social Security Act to reduce from 72 to 70 the age at which deductions on account of an individual's outside earnings will cease to be made from benefits based on such individual's wage record; to the Committee on Ways and Means.

H.R. 19974. A bill to amend title II of the Social Security Act to liberalize certain time requirements which are applicable in determining whether an individual qualifies for benefits based on disability or for the disability freeze; to the Committee on Ways and Means.

H.R. 19975. A bill to amend title II of the Social Security Act to provide increased benefits thereunder in certain cases for a widow or widower who was married to the insured individual for at least 15 years prior to such individual's death; to the Committee on Ways and Means.

H.R. 19976. A bill to amend part B of title XVIII of the Social Security Act to include prescribed drugs among the items and services covered under the supplementary medical insurance program for the aged; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 19977. A bill to amend section 115 of the Housing Act of 1949 to make it clear that rehabilitation grants may be made thereunder with respect to predominantly residential property even though a part of such property is used for commercial purpose; to the Committee on Banking and Currency.

By Mr. RANDALL:

H.R. 19978. A bill to increase from $600 to $1,000 the personal income exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemption for old age and blindness); to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 19979. A bill to transfer functions under various laws relating to the provision of financial assistance for water facilities to the Secretary of Housing and Urban Development and to transfer functions under various laws relating to the provision of financial assistance for sewerage facilities to the Secretary of the Interior; to the Committee on Government Operations.

By Mr. WHITE:

H.R. 19980. A bill to amend title 39, United States Code, to prohibit the employment of aliens by star route contractors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CHARLES H. WILSON:

H.R. 19981. A bill to amend title 39 of the United States Code to strengthen provisions for modernization in the postal service; to the Committee on Post Office and Civil Service.

By Mr. WYLIE:

H.R. 19982. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.R. 19983. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KING of New York:

H.R. 19984. A bill to establish the Government Program Evaluation Commission; to the Committee on Government Operations.

By Mr. MATHIAS of Maryland:

H.R. 19985. A bill to amend the Military Selective Service Act of 1967 to provide for the uniform application of the position classification and general schedule pay rate provisions of title 5, United States Code, to all employees of the Selective Service System; to the Committee on Armed Services.

H.R. 19986. A bill to authorize the reduction of the salaries of teachers and school officers in the public schools of the District of Columbia for the purpose of purchasing annuities pursuant to the provisions of section 403(b) of the Internal Revenue Code, and for other purposes; to the Committee on the District of Columbia.

By Mr. MESKILL:

H.R. 19987. A bill to amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 19988. A bill to establish a national memorial to Woodrow Wilson in the Smithsonian Institution; to the Committee on House Administration.

By Mr. WILLIAMS of Pennsylvania:

H.R. 19989. A bill to authorize the President to enter into certain treaties with foreign nations for the purpose of protecting the gold reserves of the United States; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself, Mr. Addabbo, Mr. Bell, Mr. Brown of California, Mr. Collier, Mr. Farbstein, Mr. Fulton of Pennsylvania, Mrs. Kelly, Mr. Kyros, Mr. Matsunaga, Mrs. Mink, Mr. Pepper, Mr. Pucinski, Mr. Reid of New York, and Mr. Rogers of Colorado):

H.R. 19990. A bill to establish a sonic boom damage fund to provide for the payment of damages caused by sonic booms; to the Committee on the Judiciary.

By Mr. LEGGETT (for himself, Mr. Rees, Mr. Moss, Mr. Brown of California, Mr. Hosmer, Mr. Don H. Clausen, Mr. Edwards of California, Mr. Talcott, Mr. Teague of California, Mr. Reinecke, Mr. Lipscomb, Mr. Roybal, and Mr. McCloskey):

H.R. 19991. A bill to amend the Manpower Development and Training Act of 1962 to provide for supplementary State programs; to the Committee on Education and Labor.

By Mr. ROSENTHAL (for himself and Mr. Addabbo):

H.R. 19992. A bill to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of New York City; to the Committee on Interstate and Foreign Commerce.

By Mr. BOLLING:

H.J. Res. 1459. Joint resolution recognizing the significant part which Harry S. Truman played in the creation of the United Nations; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 1460. Joint Resolution proposing an amendment to the Constitution of the United States relating to the nomination and election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H. Con. Res. 825. Concurrent resolution expressing the sense of the Congress that the United States should begin to liquidate its military involvement in Vietnam; to the Committee on Foreign Affairs.

By Mr. PODELL:

H. Con. Res. 826. Concurrent resolution extending congratulations and felicitations to the people of Israel upon the 51st anniversary of the Balfour Declaration; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19993. A bill for the relief of Giusto Farinella; to the Committee on the Judiciary.

H.R. 19994. A bill for the relief of Giuseppe Murolo; to the Committee on the Judiciary.

H.R. 19995. A bill for the relief of Antoinetta Pacchiano; to the Committee on the Judiciary.

H.R. 19996. A bill for the relief of Maria and Antonio Puleo and minor child, Claudia Puleo; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 19997. A bill for the relief of Oriono Rossi and Anna Rossi; to the Committee on the Judiciary.

By Mr. ASHMORE:

H.R. 19998. A bill for the relief of Arthur C. Berry and others; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 19999. A bill for the relief of John Faughnan; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 20000. A bill for the relief of Seishiro Konishi; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 20001. A bill for the relief of Peter F. Nepi; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 20002. A bill for the relief of Jaime R. Bagis; to the Committee on the Judiciary.

H.R. 20003. A bill for the relief of Giuseppina Cardella; to the Committee on the Judiciary.

H.R. 20004. A bill for the relief of Dr. Prachaya Prachayakool; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 20005. A bill for the relief of Grace Villa Nisperos; to the Committee on the Judiciary.

H.R. 20006. A bill for the relief of Rosa Ortiz; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 20007. A bill for the relief of Roberto Cannavaccioulo; to the Committee on the Judiciary.

H.R. 20008. A bill for the relief of Antonio Fontana; to the Committee on the Judiciary.

H.R. 20009. A bill for the relief of Giuseppe Innico; to the Committee on the Judiciary.

H.R. 20010. A bill for the relief of Leonardo Lopane; to the Committee on the Judiciary.

H.R. 20011. A bill for the relief of Miss Santosh I. Magon; to the Committee on the Judiciary.

H.R. 20012. A bill for the relief of Helena Psyna; to the Committee on the Judiciary.

H.R. 20013. A bill for the relief of Alessandro Panella; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 20014. A bill for the relief of Manuel Porfirio Rodriguez-Alonso, Enriqueta Rodriguez Angulo and Magaly Rodriguez Rodriguez: to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 20015. A bill for the relief of Ok Sun Maher and her children, Chris Maher and Donna Maher; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 20016. A bill for the relief of Louise Gorna; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 20017. A bill for the relief of Maria Amelia dos Santos Caria; to the Committee on the Judiciary.

H.R 20018. A bill for the relief of Nikola Prorokovic; to the Committee on the Judiciary.

By Mr KEITH:

H.R. 20019. A bill for the relief of Francisco Argilio Alves da Rocha Gomes; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 20020. A bill for the relief of Dr. Julietta Tang; to the Committee on the Judiciary.

H.R. 20021. A bill for the relief of Zofia Zieciak; to the Committee on the Judiciary.

By Mr. MATHIAS of Maryland:

H.R. 20022. A bill for the relief of Dr. Istvan Kuhn; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 20023. A bill for the relief of Dr. Rajendar M. Saini and his wife, Indira Saini; to the Committee on the Judiciary.

H.R. 20024. A bill for the relief of Dr. Ignacio A. Torres, his wife, Rolanda Torres, and their minor children, Naro Luke Torres and Roselle Anne Torres; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 20025. A bill for the relief of Jadwiga Sobon; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 20026. A bill for the relief of Maurice G. Popman; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 20027. A bill for the relief of Aristide Roberto Ricci; to the Committee on the Judiciary.

By Mr. MORSE of Massachusetts:

H.R. 20028. A bill for the relief of Guiseppe Calva; to the Committee on the Judiciary.

H.R. 20029. A bill for the relief of Raymond Nassif Feghali; to the Committee on the Judiciary.

H.R. 20030. A bill for the relief of Vasilios Karanastasis; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 20031. A bill for the relief of Agripino Erano Tenchavez, Jr.; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 20032. A bill for the relief of Mary J. Keohane; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 20033. A bill for the relief of Petros and Demetra Magemeneas; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 20034. A bill for the relief of Nikolas Thanos; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 20035. A bill for the relief of Vinco Danicic and Maria Danicic; to the Committee on the Judiciary.

By Mr. PICKLE:

H.R. 20036. A bill for the relief of Cho Young Suk; to the Committee on the Judiciary.

By Mr. RESNICK:

H.R. 20037. A bill for the relief of Thomas A. Geary; to the Committee on the Judiciary.

H.R. 20038. A bill for the relief of Sean Tyrrell; to the Committee on the Judiciary.

Mr. ROSENTHAL:

H.R. 20039. A bill for the relief of Dr. Maximo C. Chua and his wife, Dr. Victoria Sy Chua; to the Committee on the Judiciary.

H.R. 20040. A bill for the relief of Antonia Francisca Saumell de Santacaterina; to the Committee on the Judiciary.

H.R. 20041. A bill for the relief of Dr. Andre Neherayoff; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 20042. A bill for the relief of Constancia De Castro; to the Committee on the Judiciary.

H.R. 20043. A bill for the relief of Stephen Ge-Key Hong; to the Committee on the Judiciary.

H.R. 20044. A bill for the relief of Luis Rivas-Vasquez; to the Committee on the Judiciary.

H.R. 20045. A bill for the relief of Yu Chu Tseng; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 20046. A bill for the relief of Alex Toth; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 20047. A bill for the relief of Arminda DeBarros; to the Committee on the Judiciary.

By Mr. HERLONG:

H. Res. 1312. Resolution to refer the bill, H.R. 5027, entitled "A bill for the relief of Boleslaw Juchniewicz" to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

401. The SPEAKER presented a petition of Henry Stoner, of Portland, Oreg., relative to the definition of a speedy trial in the sixth amendment to the Constitution of the United States, which was referred to the Committee on the Judiciary.

SENATE—*Wednesday, September 25, 1968*

The Senate met in executive session at 10 a.m., on the expiration of the recess, and was called to order by Hon. Stephen M. Young, a Senator from the State of Ohio.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God of all life, in whose presence is no darkness at all, we confess that, at best, we but grope in the shadows; that our sight is dim, our knowledge partial, and our judgments fallible.

In a better order of human society, may pity, and plenty, and laughter return to the common ways of man, bringing to fulfillment at last the ancient prophet's dream, "Violence shall be no more heard in thy land, wasting nor destruction within thy borders."

"As nation with nation, land with land,
In-armed shall live as comrades free;
In every heart and brain shall throb,
The pulse of one fraternity."

We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., September 25, 1968.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Stephen M. Young, a Senator from the State of Ohio, to perform the duties of the Chair during my absence.

Carl Hayden,
President pro tempore.

Mr. YOUNG of Ohio thereupon took the chair as Acting President pro tempore.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum and that I retain my rights to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, this will be a live quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 298 Ex.]

Aiken
Anderson
Bennett
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Curtis
Dirksen
Dodd
Ervin
Fong
Gore
Griffin
Hansen
Hart
Hartke
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Lausche
Mansfield
McClellan
McGee
McIntyre
Miller
Morse
Pastore
Pell
Percy
Randolph
Sparkman
Spong
Stennis
Symington
Thurmond
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Georgia [Mr. Talmadge] and the Senator from Arizona [Mr. Hayden] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Maryland [Mr. Brewster], the Senator from Idaho [Mr. Church], the Senator from Pennsylvania [Mr. Clark], the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], the Senator from Oklahoma [Mr. Harris], the Senator from Missouri, [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from South Dakota [Mr. McGovern], the Senator from Montana [Mr. Metcalf], the Senator from Minnesota [Mr. Mondale], the Senator from Oklahoma [Mr. Monroney], the Senator from Maine [Mr. Muskie], the Senator from Connecticut [Mr. Ribicoff] the Senator from South Carolina [Mr. Hollings], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Nevada [Mr. Bible] are necessarily absent.

Mr. DIRKSEN. I announce that the Senator from New Jersey [Mr. Case], the Senator from New Hampshire [Mr. Cotton], the Senator from Colorado [Mr. Dominick], the Senator from New York [Mr. Javits], the Senator from California [Mr. Kuchel], and the Senator from Maine [Mrs. Smith] are necessarily absent.

The Senator from Arizona [Mr. Fannin] is absent because of illness in his family.

The Senator from Iowa [Mr. Hickenlooper] is absent on official business.

The Senator from Texas [Mr. Tower] is detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be instructed to request the presence of the very few Senators who are absent at this moment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allott
Baker
Brooke
Cannon
Carlson
Eastland
Ellender
Goodell
Hatfield
Hill
Holland
Long, La.
Magnuson
Montoya
Morton
Mundt
Murphy
Nelson
Pearson
Prouty
Proxmire
Russell
Scott
Smathers
Tydings
Williams, N.J.
Yarborough

The ACTING PRESIDENT pro tempore. A quorum is present.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Montana has the floor.

Mr. MANSFIELD. A parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. Mr. President, it is the intention of the leadership to stay with the Fortas nomination, or the question of taking it up, until it is disposed of one way or the other. In view of that statement, would it be in order for me to make the following unanimous-consent request?

Mr. President, I ask unanimous consent, as in legislative session, that there be a period of not to exceed 1 hour for the transaction of routine borning business, as in legislative session, after the business of the discussion of taking up the nomination of Mr. Justice Fortas is concluded today.

Mr. GRIFFIN. Mr. President, reserving the right to object, when the majority leader says at the end of the day, does he mean sometime at 6 o'clock or 5 o'clock, or whenever——

Mr. MANSFIELD. Somewhere around there.

Mr. GRIFFIN. Then there would be an hour for morning business?

Mr. MANSFIELD. Yes; to give Members of the Senate an opportunity to make statements and insert remarks, and the like.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. RUSSELL. Does the Senator intend to take up any legislative matters in the morning hour?

Mr. MANSFIELD. No.

Mr. RUSSELL. Does that apply likewise to conference reports?

Mr. MANSFIELD. That is correct.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GORE. Would that request imply that committees could meet and transact business during that hour?

Mr. MANSFIELD. As I understand the rules, during that hour the committees are allowed to meet. Well, I do not know. I will ask the Chair to make a ruling on that. Would the Chair make a ruling on that question?

The ACTING PRESIDENT pro tempore. It is the ruling of the Chair that committees could not meet unless there were unanimous consent. It is the ruling of the Chair, without objection, answering the majority leader's previous query, that it will not interfere with the status of the nomination of Justice Fortas.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. Mr. President, if a Member of the Senate desires to make a speech not germane to the pending business, during the discussion of the nomination or the taking up of the nomination, could that Senator do so on the basis of unanimous consent and thereby not displace the pending business?

The ACTING PRESIDENT pro tempore. That is correct. By unanimous consent, that may be done.

Mr. RUSSELL. Mr. President, may I have a clarification of that ruling? I did not understand.

Mr. MANSFIELD. Mr. President, the reason I made that inquiry is that the distinguished Senator from Arkansas indicated he perhaps wanted to make some remarks during the debate today.

Mr. RUSSELL. When did we have such a rule of germaneness in the Senate? I do not know of any rule against a Senator making any speech that he desired to make.

Mr. MANSFIELD. If the Senator will yield, I wanted to make it as crystal clear as I could that we will stay on the matter now pending; and if I raise some simple questions, I do so only to make certain that I am helping to carry out the proceedings of the Senate in accordance with the rules.

Mr. RUSSELL. I did not have any objection to that, but I did not want to leave the implication that a Senator had divested himself of his rights after the period for the germaneness rule had passed. If a Senator gets recognition, he can speak on any subject.

Mr. MANSFIELD. I wanted to make certain.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, on the same basis, I ask unanimous consent, as in legislative session, that the Committee on Interior and Insular Affairs and the Committee on the District of Columbia be permitted to sit during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Now, Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. Is there objection to the first request of the majority leader?

Mr. ALLOTT. Mr. President, reserving the right to object, I was involved here in another matter for just a second. Do I understand correctly—I hope I do not—that it is the ruling of the Chair that there can be no discussion of any nongermane matters at all during the course of the pending business?

The ACTING PRESIDENT pro tempore. The Chair made no such ruling, but it is the understanding of the Chair and the ruling of the Chair that the rule of germaneness is in effect during the first 3 hours.

Mr. ALLOTT. During the morning hour?

The ACTING PRESIDENT pro tempore. During the first 3 hours.

Is there objection to the request?

Mr. ALLOTT. Mr. President, reserving the right to object, during the first 3 hours means the first 3 hours of what? I thought the morning hour terminated at 2 o'clock.

The ACTING PRESIDENT pro tempore. The Chair will advise the Senator there is no morning hour today at this time, as the Senate recessed last night, and the time has commenced to count since 10 a.m.

Mr. ALLOTT. Then, whether we come in at 9, 10, 11, or 12, the first 3 hours will be confined to germane matters unless the leadership sets aside a morning hour. Is that correct?

The ACTING PRESIDENT pro tempore. Unless that is done or unless a Senator secures unanimous consent.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MORSE. Mr. President, does this unanimous-consent agreement apply to the first 3 hours of today only?

The ACTING PRESIDENT pro tempore. There was a request made that after the conclusion of the speeches, there be a period for the transaction of routine business for not to exceed 1 hour, as in legislative session.

Mr. MORSE. For today only?

The ACTING PRESIDENT pro tempore. For today.

Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is the motion to proceed to consider the nomination of Justice Fortas.

Mr. SMYINGTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. Mr. President, for my own information, I was not on the floor yesterday but it is my understanding that as of the first of October, there will not be money to pay troops; for example, the troops in Vietnam.

Does the distinguished majority leader have any idea as to when the military appropriations bill will come to the floor? I ask that question because so many of us are anxious to leave Washington and go back home, for obvious reasons.

Mr. MANSFIELD. Mr. President, I can only say that it is the intention of the leadership to stay with the Fortas nomination until it is disposed of one way or the other. I shall amplify that statement shortly, as to what the intentions as to the procedure concerned will be. I wish I could give a more definite answer, but I cannot at the moment.

Mr. SYMINGTON. I thank the majority leader.

Mr. MORSE. Mr. President, will the Senator permit me to raise one further parliamentary inquiry?

Mr. MANSFIELD. Surely.

Mr. MORSE. Mr. President, I shall be leaving the Senate later today. I will be available to my majority leader to come back on the "Red Eye Special"——

Mr. STENNIS. Mr. President, will the Senator speak louder, so he can be heard?

Mr. MORSE. I say I shall leave the Senate this afternoon for an undetermined period of time. I shall be available to my majority leader to come back on the "Red Eye Special" any night; it leaves Portland at 12:30.

But I shall be back, in any event, the first part of the week, if I have the procedural right to do what I now ask for a ruling on, assuming that on Monday the debate on the Fortas matter will still be going on.

My committee finished, at 2:15 this morning, the agreement on the conference report on vocational education. A week ago we finished our agreement on a conference report on higher education. We will not have the papers ready before Monday, because of the great detail of work that is required.

My parliamentary inquiry is this: If I return to the Senate next Monday, and the Fortas debate is going on, and those two conference reports are at the desk, as I am sure they will be, am I, as the manager of the bill, within my procedural rights to ask to take up those conference reports on the ground that they are privileged?

The ACTING PRESIDENT pro tempore. The Chair advises the Senator that the Senator does not have that right in executive session.

Mr. MORSE. A further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MORSE. Would I, then, be in order to move that the Senate return to legislative business for the purpose of taking up those conference reports?

The ACTING PRESIDENT pro tempore. The Chair advises, as the Senator knows, that that motion is privileged and that it is not debatable.

Mr. MORSE. Then I could make that motion.

The ACTING PRESIDENT pro tempore. Yes.

Mr. MORSE. I wish to serve notice that I shall be back on Monday. I will do whatever I can, within my parliamentary rights, to get action on those two conference reports, because the schools of this country are entitled to have them passed at the earliest possible moment.

Mr. MUNDT. Mr. President, will the majority leader yield for a question?

Mr. MANSFIELD. I yield.

Mr. MUNDT. I should like to comment very briefly on the subject the Senator from Missouri has mentioned. Those of us on the Appropriations Subcommittee on Defense had been very hopeful, and I believe had been given to understand, that the Defense appropriation bill would precede what looks as though it might be protracted Senate business, because it is important in terms of our military effort, certainly, for the payment of the troops and for the planning of the Defense Department, to make that money available as soon as possible.

Something must have occurred which changed the majority leader's mind as to why it was not brought up. I wonder, if he has not already done so, if he would tell us his reasons.

Mr. MANSFIELD. Yes, I am happy to state my reasons to the distinguished Senator from South Dakota.

I had anticipated that we would dispose of the minor tax bill before the Senate on Friday last. I was willing to go ahead with the original procedure, even if we could have finished it by last evening. But when it became evident that, because of the large number of amendments still to be offered, that that could not be done, I felt we ought to go ahead and take up this nomination.

Furthermore, I had been informed in the public press that there would be 10 to 15 amendments, at least, to be offered to the Defense appropriation bill, and I felt that rather than keep the Senate in a state of suspense concerning this particular matter, the best way to face up to it was to face up to it.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. In line with what the Senator has just stated, I share his disappointment that we did not finish that tax bill earlier.

However, I think we should mention the fact that the delay of that tax bill to what seemed to be an unnecessary length of time, for a couple of days, was as a result of amendments sent down here from the executive branch. We were debating those amendments.

I simply wanted to show that the delay did not result from efforts on the part of the Senate itself, but from amendments sent to us by the executive branch, seeking to repeal the law which had placed some restrictions or controls over spending. I think the RECORD should show that this debate, for the last 2 or 3 days, was on amendments sent down by the administration.

Mr. MANSFIELD. Mr. President, I stated to the press this morning, prior to the convening of today's session, that in my opinion there was no deliberate attempt to delay legislation, but that there existed nevertheless a set of unfortunate circumstances, such as the failure to achieve a quorum of Friday last, such as the taking of 2 hours and 15 minutes on Monday last to achieve a quorum, and such as the situation which arose yesterday, which none of us had anticipated, making it necessary to call for a recess though a great number of amendments to the bill then pending remained to be acted upon. These were all contributing factors.

Now, Mr. President, for the information of the Senate, I wish to state that it is not the intention of the leadership to invoke the two-speech rule, or in any way to hinder the functioning of the Senate as a responsible arm of the Government. It is my hope that there will be no long speeches. The pending issue is whether the Senate should proceed to consider the nomination of Mr. Justice Fortas to be Chief Justice. In view of what has already been said, I would estimate that everything that any Member wants to say on this issue could be condensed into a 20-minute or half-hour speech. It is not a complex issue. It does not even deal with the merits of the nominee. I would think that it could be disposed of expeditiously.

I would hope further that there would be no excess number of live quorum calls. The important factor in the procedural judgments of the leadership is not going to be speeches, long or short, or quorum calls; the important factor is going to be days elapsed. If it becomes necessary, it is the intention of the leadership to present a motion under rule XXII which, if adopted, will limit each Senator to 1 hour's further debate on the pending issue.

In any case, it would be my hope that the Senate's affairs will be conducted with decorum and dignity and that the discussion will be directed at the subject matter at hand.

The leadership can only propose. The Senate itself will dispose of these suggestions. It is my hope that the cooperation which the leadership requests will be forthcoming. I want to assure the Senate that as far as the leadership is concerned, the cards will be on the table at all times, and it will do what is best to expedite matters in keeping with the best interests and traditions of the Senate.

Mr. President, the Senate has the responsibility under the Constitution to advise and consent to nominations in the executive branch. It has exercised this function with respect to 34,454 individuals during this Congress. These range from postmasters and Army officers to court judges and Cabinet officers. Our obligation is to give our advice and, upon weighing the personal qualifications of the man, we have a responsibility to consent or not consent.

I doubt that the Senate has had more time to consider or more information available on which to base a decision on the qualifications of any judicial candidate than in the case of the nomination of Mr. Fortas.

I reiterate we have a constitutional obligation to consent or not to consent to this nomination. We may evade that obligation but we cannot deny it. As for any post, the question which must be faced is simply: Is the man qualified for the appointed position? That is the only question. It cannot be hedged, hemmed, or hawed. There is one question: Shall we consent to this Presidential appointment? A Senator or group of Senators may frustrate the Senate indefinitely in the exercise of its constitutional obligation with respect to this question. In so doing, they presume great personal privilege at the expense of the responsibilities of the Senate as a whole, and at the expense of the constitutional structure of the Federal Government.

The office of Chief Justice of the United States demands a great legal talent and great responsibility. The choice of an incumbent wisely, under the Constitution, requires Senate confirmation. Much of the Nation's history has been forged by the exceptional men who have held this appointment, and by their colleagues, in an independent judiciary. I am not a lawyer, but the historical significance of names such as John Marshall and Taney, Chase, Hughes, and others, have not escaped me.

The Senate has an obligation to make the confirmatory judgments which will see to the continuance of the significance of the Court. That applies with respect to Mr. Justice Fortas as with any other. The Senate has already had the opportunity to adjudge Mr. Fortas' qualifications when he was confirmed to sit on the Court as an Associate Justice. He was confirmed by the Senate with but one dissenting vote in the last Congress. The Senate adjudged his qualifications affirmatively. It considered Mr. Fortas eminently qualified when he was nominated. I believe Mr. Justice Fortas today is eminently qualified to remain on the Court in the position of Chief Justice.

One does not have to agree with every legal opinion he has held or expressed to recognize that his legal competence is outstanding. He has occupied the seat of such predecessors as Story, Brandeis, and Cardozo. He has carried forward their standards of excellence. Though Justice Fortas has already been deemed qualified by the Senate and carries the unequivocal endorsement of the American Bar Association as an outstanding jurist, there remains the criticism that has surrounded his nomination as Chief Justice since it was offered.

It is first said that Mr. Justice Fortas is a personal friend of the President and thus must be barred from serving his Nation. Why is it called cronyism? Is it because cronyism is a dirty word whereas if the relationship were characterized as friendship and mutual respect it would not disqualify the man? In my judgment, any President should know thoroughly the character and qualifications of the man appointed to high Government office. What better way to know a man than through long association?

If the argument of disqualification by personal acquaintance and association between President and appointee had ever been accepted previously in the Senate, the Nation would have been denied some of its most outstanding and able judicial leaders.

Closely alined to the cronyism attack is the so-called lameduck characterization of the President in making this appointment. How grotesque, inappropriate and how unfitting, how picayune is this term in a matter of this gravity. Who is President of the United States? The President has not resigned. He has not been voted out of office. A new President-elect, let alone a President, has not yet even been designated by the people. The President, whoever he may be, is President for 4 full years and during all of that time he must serve all the people.

To consider the Office of the President as coming to an end at the point when it becomes clear that he will cease to be President at a specific time is to demean the Office. It is to invite disrespect. In this line of reasoning, every President becomes a lame duck at the beginning of his final constitutional term.

I am reminded that when President John Adams appointed John Marshall in the closing moments of his administration, he not only had served with less than a majority of the popular vote but had already been defeated for a second term at the polls. The Senate then did not evade its responsibility. It voted John Marshall, up or down. It voted to confirm him because he was qualified—recognizing that President Adams, as President until his successor assumed office, had the responsibility to make the appointment and the Senate the constitutional duty to confirm or reject him.

There appears to be little doubt that much of the criticism of Mr. Justice Fortas is not criticism of him but of recent decisions of the entire Supreme Court of the United States. The sensationalism that some have generated with respect to the issue of pornography is to be deplored. This subject is a legal thicket through which the Court has been attempting for decades to cut a clear path. It is perfectly valid to deplore pornography, as has been done time and again from the floor of the Senate, from the pulpits, from the political platform or wherever. It is another matter, however, to second guess and Monday-morning quarterback the intricate legal decisions which surround this subject and involve the very structure of freedom in the United States. I hesitate to cite the example I am about to mention because I do not believe it is good general practice either to deplore or extoll the decisions of the courts. Nevertheless, in this area of pornography, Mr. Justice Fortas' record should satisfy any of his critics. He cast the deciding vote upholding the conviction of Mr. Ralph Ginsberg for the dissemination of pornographic material. The so-called dirty films that some have viewed were never subject to any written opinion by the Supreme Court. The questions in these cases before the Supreme Court were not factual judgments on whether a film was pornographic. But the critics think that is what the issue should have been. To them, the niceties of the law and the jurisdiction of the Court should be subordinated to the immediate passion. Were they on the Court, the critics would apparently have decided differently on the basis of passion.

Let me only say that Justice Fortas was on the Court, he heard the cases and he decided the issues. Perhaps they were not popular decisions, but I am of the belief that what is presently popular or unpopular should not control the course of justice in our society.

Mr. Fortas is charged, too, with being soft on criminals. Yet recently I understand he has joined in the decision that affords the police the power to stop and frisk suspects.

Speaking as a nonlawyer, what is apparent in all of these cases is that Mr. Justice Fortas has judged the cases as they have been presented; that he has decided each case solely on its legal merit and has simply done the job that his responsibilities dictate. There is not the slightest suggestion from any responsible legal quarter which suggests otherwise.

Finally, it is urged that Justice Fortas should not be made Chief Justice simply because he offered his skills as a teacher of law students while at the same time serving as a Justice. I believe this event in retrospect was unfortunate. The pay and other benefits of a Justice of the Court are among the very highest in the Government. Moreover, I am advised that Mr. Justice Fortas is a man of considerable means, and a fee for services—even the most proper services—ought to be inconsequential to his well-being. Therefore, the incident, I repeat, is unfortunate because it breaches the extraordinary insulation which must exist between the Supreme Court and other branches of the Government and private interests.

Nor is it an answer to this criticism to say that Members of Congress do not adhere to the same standards. To be sure, we have had teachers and lawyers and whatever who also serve as Members of Congress. To be sure, as Members of Congress we have been remunerated for our services and time on occasion. The fact is, however, that we are not appointed for life. We must submit our records periodically to an electorate. No such personal accountability devolves upon the Justices of the Supreme Court.

While there is not the slightest indication of abuse of office in this criticism, one would hope that Mr. Fortas, no less than any of the other members of the Court, would henceforth bear these distinctions in mind.

The pending question is not on the merits of the confirmation of Mr. Justice Fortas. It is simply whether the Senate should consider his nomination. It is only consistent that the debate in the Senate has opened in such a fashion, without facing the real issue. That has been the constant tactic of opposition heretofore.

I would express the hope that now the objective consideration of a Presidential appointment which should prevail in the Senate as a whole will not give way to petty partisan politics. Each of us has a responsibility, to the Senate and to the Nation, to uphold the principle that the most highly respected office in the judicial branch of the Government is not up for political grabs. It is reassuring that at least the Presidential nominees of both political parties have urged that the Senate decide this question squarely on its merits. I would hope that Senators will do no less.

May I say, in conclusion, that I do not expect petty partisan politics to prevail during the consideration of the matter now pending.

In response to the charge of anti-Semitism which has been raised occasionally, no Member of this body—I repeat, no Member of this body—could be accused of feeling that way on a matter of this or any other kind. I can make that statement without fear of opposition, and I can make it knowing that it is an honest statement, and I want it in the RECORD.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. ERVIN. The able and distinguished majority leader said that the only question was whether or not Mr. Fortas should be confirmed as Chief Justice. I invite the Senator's attention to this aspect: The letter from the present Chief Justice to the President and the letter from the President to the present Chief Justice make it crystal clear that the present Chief Justice does not intend to retire until his successor is appointed.

The statute by which retirement is governed is section 371 of title 28 of the United States Code, and it provides that any Chief Justice of the United States appointed to hold office during good behavior may retain his office but retire from regular active service after attaining a certain age and serving a certain period of time. Then it provides, in the closing sentence, the only authority by which a person can be appointed to succeed a Justice who exercises his right under the statute. The sentence is as follows:

> The President shall appoint, by and with the advice and consent of the Senate, a successor to a Justice . . . who retires.

It seems to me—and I ask the Senator if he does not agree with me—that this matter is germane to the question of whether or not the Senate should even take up the question of whether it would consider the nomination. In other words, if the Senate should reach the conclusion that a Justice must actually retire from regular active service as a Justice before a successor can be appointed, then the Senate might well consider this germane to the question of whether or not Chief Justice Warren has actually retired.

Mr. MANSFIELD. I would say that is a perfectly germane question. But may I say, further, that it is my understanding that this is not the first time that the matter of retirements has been handled on just such a conditional basis. Whether it has been a practice with regard to the Supreme Court on past occasions, I do not know. But it is my understanding that such conditional resignations have been considered legal and valid as they have occurred in some of the courts inferior to the Supreme Court. The distinguished Senator would know more about that than I would.

Mr. ERVIN. The Senator would agree with me, would he not, that the practice cannot alter the words of the Constitution? The practice might throw some light on what the words mean, but it could not alter the words of the statute.

Mr. MANSFIELD. Not being a lawyer, I think I could arrive at a more simple conclusion more quickly than a person who has been trained in the niceties of the law of the land.

Personally, I think that it was not a bad way to resign, because it was an indication that if there was no one appointed to fill the vacancy, then, rather than let the Court continue without a Chief Justice, Mr. Warren was willing, regretfully, to stay on until that position was filled by a qualified successor.

Mr. ERVIN. Congress had anticipated such things might happen, so it had passed a law to the effect that whenever there was a vacancy in the office of Chief Justice, the senior Associate Justice should assume the duties of Chief Justice and perform his functions.

Mr. MANSFIELD. That I did not know.

Mr. ERVIN. So there would be no vacancy.

Mr. MANSFIELD. That I did not know. But I have read the letter of resignation from the Chief Justice and the President's reply thereto.

Mr. ERVIN. I thank the Senator.

Mr. GRIFFIN. Mr. President, at the outset I wish to express my gratitude to the distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], for his forthright and courageous statements—he is always forthright and courageous—and for the courtesy he has shown to me and to other Senators in connection with this matter. He is always courteous, even when it is obvious that there are deep differences and division within this body.

Although it has been understood that the Defense appropriations bill would be the next order of business, I believe the majority leader is perfectly within his rights in calling up this matter at this time. I would not question his judgment in any way. He has his responsibilities, just as I and every other Senator in this body have our responsibilities. As Senators, we do what we have to do to discharge our solemn obligations and our responsibilities. And we do what we believe is right, within the limits and the flexibility of the Senate rules which have served this body and the Nation so well over the years. We shall press our case, knowing it to be right, and confident that, in the ultimate judgment of the people and of the Senate, right shall prevail.

Mr. President, the importance of taking every legitimate step and exhausting every proper avenue to make certain that right does prevail in this case cannot be overemphasized. When the Senate considers a nomination to one of the nine lifetime positions on the Supreme Court of the United States, the importance of its deliberations and its actions in such a case, particularly with respect to the Chief Justice position, cannot be compared in any sense to the consideration of a bill for enactment into law.

If and when Congress makes a mistake in the enactment of legislation, Congress can always return at a later date to that subject matter and correct the error. But once the Senate gives its advice and consent to a lifetime appointment to the Supreme Court, there is no such convenient way to correct an error, since the nominee is not answerable thereafter to either the Senate or to the American people.

I am conscious of the fact that some persons are already referring to this historic discussion in terms of a filibuster. I am glad that the distinguished majority leader did not use that term and that he recognizes that this is a subject that should consume the attention of this body.

When it is recalled that this body spent weeks to debate the Consular Treaty, and spent 6 weeks in the consideration of an administration bill to finance presidential campaigns, certainly an adequate and full discussion on this great and important issue should not be termed a filibuster.

The Senate will hear many arguments concerning President Johnson's nomination of Mr. Fortas to be Chief Justice of the United States, but, in my opinion, at this stage of the deliberations, the attention of the Senate and the Nation should focus carefully on the record which has been made in the hearings by the appointing authority, the administration, and the nominee in support of this nomination, as well as the record which was not made by the administration and by the nominee before the Committee on the Judiciary.

Mr. President, as one Senator, I am firmly convinced that approval by the confirming authority of a nomination to the third highest post in our land, the highest judicial post in our land, based on the record before us, which is replete with unanswered questions of the most serious nature, would be a disservice to the Nation and would constitute an abdication of the advice-and-consent power of the U.S. Senate.

The record before us, through no fault of the Committee on the Judiciary, is inconsistent, contradictory, and wholly inadequate. I cannot imagine the Supreme Court or any court passing judgment based on a record such as the record before us. The most serious questions, raising doubts about the very sense of propriety of the nominee, cry out for explanation. They remain unanswered in the record because those who could answer, including administration witnesses, took refuge behind the executive fifth amendment and because Mr. Fortas refused to come and testify.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER (Mr. LAUSCHE in the Chair). Does the Senator from Michigan yield?

Mr. GRIFFIN. I yield for a question.

Mr. LONG of Louisiana. The thing that very gravely concerns me about this matter is that it is almost unprecedented that a man to be appointed to a high position would refuse to testify before a committee. As I understand the matter, the nominee did go before the committee and answer some questions, but when he was asked to come back and discuss his qualifications and his views, the nominee sent a letter in declining even to appear before the committee. Is that correct?

Mr. GRIFFIN. Let me set the record straight.

On the 16th of July the nominee, Mr. Justice Fortas, did appear before the Committee on the Judiciary. I wish to read what he said:

> Justice FORTAS. I want to say that I am very happy to be here. And I am very happy to answer any and all questions that the committee may ask. I am not a novice to Washington. I am not a novice in Senate hearings. There is a constitutional problem that perplexes this committee, and it perplexes me. There is nothing I love better than a legal discussion or debate. And I would like to discuss all questions that anybody may have in mind about the work of the Court. I shall, however, while I keep that in mind, as I must, because that is the kind of person I am—I shall be and continue to be conscious of the constitutional limitations upon me. But I did want to make clear to the committee that I am not here unwillingly. I am here very willingly, and I hope that your questions and my statements will serve to clear thoughts that are in your minds.

Now, as is generally known, the Justice then proceeded to refuse to answer questions when he was interrogated about decisions in which he participated while a member of the Court; but he did not refuse to answer other questions outside of that area. He answered questios about reports that he involved himself in the operations and decisions of the executive branch of Government while sitting as a Justice of the Supreme Court. He made a number of explanations and at one point said:

> Now, I have made a full disclosure. (Hearings, p. 107.)

Having appeared willingly before the committee and having expressly limited the extent of his immunity by answering questions on the extent of any possible breach of the doctrine of the separation of powers and other questions relating to his qualifications, it seems to me inconceivable, that when later questions are seriously and legitimately raised on these same points, he would refuse to come back to the committee and clear up such questions.

Mr. LONG of Louisiana. That is the thing that troubles me.

I do not think the Senator from Michigan was a Member of the Senate at the time—perhaps he was a Member of the House of Representatives—when Dwight Eisenhower was President and sent to the Senate the nomination of the distinguished American, Charles Wilson, to be Secretary of Defense. From a democratic point of view what transpired was sort of amusing. Senator Harry Byrd, a much beloved Senator, who was a great friend of Eisenhower, and who was the father of the present Senator BYRD of Virginia, raised the question of conflict of interest.

Charles Wilson thought that this was utterly ridiculous. Senators laugh about it now. When Charles Wilson came before the committee, in the first instance, he was somewhat resentful about being challenged on that point, but after Senator Harry Byrd got through with him in a month of hauling back and forth, he finally agreed to divest himself of his interests and put his properties in trust. Then he said:

> Is there anything else I can do for you gentlemen?

At that point everyone thought it had all been cleared up, that the doubts and controversies had all been resolved. It was a great financial sacrifice to Charles Wilson to take that job and comply with the code of ethics as Senator Harry Byrd saw it; but he did, and he came to recognize that no matter how intransigent or arbitrary the Senate may be with regard to a man's qualifications, and the problem of ethics and conflicts of interest, he understood it was something a person has to put up with if he wants to serve in public life.

For a man seeking to be a justice on any Federal court, in my judgment, to decline to appear before an appropriate Senate committee, seems to me to be very much out of line.

The Senators know, I am sure, that we have had cases where it was felt someone had abused a witness. For example, when Senator McCarthy of Wisconsin was here, it was suggested that he be censured because he had become rather outraged at the fact that a general officer of the Army would not answer certain questions the way Senator McCarthy thought he should answer them. He thought the officer was not being forthright with him. But the Senate declined to censure him on that charge—a different charge was substituted—when it was discovered that while Senator McCarthy was somewhat obstinate in interrogating a witness, there was also testimony that this witness had referred to Senator McCarthy in obscene terms during the course of that interrogation. Not for the record, of course, but to people who were in the room at the time—sort of stage whispering, that sort of thing. Thus, there was something to be said for both sides of the argument.

When the Senate or a Senate committee, appears to have gone too far in interrogating a witness, the Senate sometimes feels it must restrain its committees. But for one to take the attitude that he is not going to appear before a committee, seems to me to be tantamount to withdrawing his name.

In other words, if he does not want to appear before a committee which is looking into his qualifications, and declines to appear before it further, it seems to me he would be well advised to say, "I withdraw my name from consideration," rather than saying, "I am not going to appear further."

If one has such poor regard for the Senate, why should anyone expect the Senate to have any better regard for him?

Mr. GRIFFIN. If the Senator would let me expand on that a little bit further, let me say that too many of the general public and, perhaps in the Senate itself, have lost sight of the real importance of the confirming authority of the Senate. Because we have not used our power of advice and consent, the assumption has gained widespread belief that the Senate is really almost a rubberstamp.

It is not sufficiently or adequately recognized that the power of the Senate to confirm is at least as important and equal to the power of the President to nominate.

When the President sends up a nomination, only half of the appointing process has been performed.

Mr. MURPHY. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I yield for a question.

Mr. MURPHY. Is it not true that it is not merely a question of the power of the Senate, that this condition was created as an obligation, as part of the entire order of checks and balances which has made our Government the most free and the most successful one in the world. It is actually the obligation of the Senate, imposed by those who put this great system of government together, for the complete, ultimate—and insofar as they were able—safeguard of the public safety, the public welfare, the future of our system of government, and to make certain in every way they could to place the responsibility on 100 men—in this century—representing all the States, 100 men who stand for election every 6 years and stand on their records, 100 men who must have the respect of their constituencies. They have the obligation imposed on them to go into all matters.

May I say that I agree that since I came to the Senate I have found, very often, that these things are taken for granted. I think that is a dangerous habit.

As I said a short time ago, when a Californian was appointed to a high Federal position in Washington, I had no intention of personally attacking the gentleman concerned, because he is a very fine man; but I objected and objected on the floor of the Senate because he had no background or qualification for the job. I feel that that is my responsibility.

I intend to do that in all cases from now on, because I have found that so much of this great Government of ours is taken for granted. We have been so fortunate in this country that we get lazy. We have been warned time and again that this great system of government, this great freedom of ours which we enjoy, is something that needs constant care, and constant attention. It needs expert watchfulness, or it may be eroded; or some who disagree with it may destroy it; or it may just die on the vine for lack of attention, just as our farms or gardens would if left unattended.

Thus, is it not true that this is not the power of the Senate we are talking about, really; we are talking about the most serious obligation, an obligation, I am certain, that came out of many, many hours of consideration on the part of our Founding Fathers, those great, wise, and knowledgeable men who put together our Constitution and our Government. They did it exactly for cases such as we are faced with today. If there is a shadow of doubt in any direction concerning qualifications, personality, action, background, conduct, or ethics, it is our obligation to go into it as fully and completely as we can and then make our judgments—not as to what we personally feel but what we think is proper, right, safe, wholesome, and healthy for the future of this great Nation.

Is that not the condition? Is that not the situation with which we are faced today?

Mr. GRIFFIN. I thank the Senator from California. He is very much correct. I will expand on this thought in more detail later in my statement, but I think it is also important for the Senate and the people to bear in mind the various levels or degrees of responsibility in connection with our confirming power.

I do not think anyone would question the fact that the degree of care required of the Senate with respect to postmasters and other lesser officials is not on the same order as Supreme Court Justices. I think we should also recognize that in the history of the Senate, the Senate has very rarely exercised or withheld its advice and consent with respect to Cabinet officials. The last such instance was in 1959, I believe, when Lewis Strauss was nominated to be Secretary of Commerce. There, we were talking only about a nominee who was to serve out the term of the President. It is important to keep in mind the difference between a Cabinet appointment and the appointments to lifetime positions on the Supreme Court of the United States, the independent third branch of the Government.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield for a question.

Mr. LONG of Louisiana. This Senator has read some criticisms in some statements directed at the Judiciary Committee for the manner in which this nomination was handled. But may I say to the distinguished Senator that, in my judgment, the Judiciary Committee was more tolerant of the nominee than the Finance Committee would have been under the same circumstances. If the Finance Committee had had a witness before it who testified for a while and then refused to come back and answer further questions, his name would still be in that committee and we would not report that name until doomsday. The Senate would have to discharge us. I do not think the Senate would vote to discharge the committee when the nominee had refused to come before the committee and explain his attitude toward certain matters, and when members of the executive branch had also sent in letters refusing to testify as to what they knew on the subject. It seems to me the committee has a duty to acquire whatever information it thinks is pertinent for the Senate. If that information were not made available, then the name would stay there until the information was made available.

Mr. GRIFFIN. The Senator from Louisiana, the distinguished chairman of another committee, makes an excellent comment. Can he imagine a situation in which a nominee came before his committee and testified at length, and later testimony was developed in the record which not only challenged and contradicted his first statement, but raised new matters on which he had not testified, going to questions concerning the sense of propriety of the nominee? But this nominee then refused to come back to the committed. I think the distinguished chairman of that committee has already indicated what his reaction would be.

Mr. LONG of Louisiana. It seems to me that those types of things should be thoroughly explored. They should be looked into. When the committee is to be denied the information that it has a duty to achieve for the Senate, it seems to me most inappropriate that we would seek to force that nomination through. It reminds me of what one of our great Democrats, a former Senator and a former President said:

> If you can't stand the heat stay out of the kitchen.

If one is nominated to serve in the highest judicial post in the land, and if he cannot take that kind of heat and be questioned about his record and his qualifications, then it raises a question as to his qualification to serve in that high capacity.

Mr. GRIFFIN. I thank the Senator for his contribution.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield for a question.

Mr. MURPHY. Is it not common practice in all areas of employment in the Government—and I would consider that serving in the Senate is employment and serving on the Supreme Court is employment and serving in the House of Representatives is employment—for an applicant to fill out a questionnaire in which certain questions must be answered and on which a decision is to be had?

Mr. GRIFFIN. That is correct. I would like to point out that there is a questionnaire that prospective nominees for judicial office do fill out and provide to the Justice Department.

Mr. MURPHY. In other words, is it the understanding of the distinguished Senator from Michigan that the purpose of such questionnaires is that as much as possible of the capabilities, qualifications, and rightness for the job be made known? Should not it be proper, then, that as the importance of the job and as the responsibility entailed in the job increase, in the same ratio the information that should be sought should be more comprehensive and more revealing?

Mr. GRIFFIN. Although I indicated that there is such a questionnaire, it is rather limited in its scope and largely confined to the educational and legal experience background of the nominee. Of course, matters of that nature are the basic information that a committee would want to have. But such information obviously does not begin to exhaust or cover all areas of concern which should be looked into by the Senate of the United States.

Mr. MURPHY. I have another question. Is it true that in the appearance which was made by the nominee there were some questions that he felt should not be answered?

Mr. GRIFFIN. Of course, as the Senator knows, I am not a member of the Judiciary Committee, but I have followed these hearings attentively, and I am familiar with the record.

It is quite true that the nominee did appear and, as I indicated earlier, refused to answer questions in which Senators sought to inquire concerning Court decisions in which he had participated as a Justice of the Supreme Court.

I would like to say right here that I have never questioned the right of Mr. Justice Fortas to refuse to answer questions concerning decisions in which he has participated. I realize that other Senators do not share my view, but that is not the point. The concern of the junior Senator from Michigan does not go to the questions and his refusal to answer questions concerning the decisions. My concern goes to his refusal to answer questions concerning his participation in extrajudicial matters as to which he could not possibly assert immunity under the doctrine of the separation of powers; as he came to the committee at one time to voluntarily discuss these subjects, he is without any excuse or justification to refuse to answer further questions in this regard.

Mr. MURPHY. May I pursue that one step further? Not being a lawyer, I am not familiar with the processes as to whether a person answers or does not answer. I know we have heard people say, over the years, "I refuse to answer." In some cases I believe a subpena is issued, and then he is under oath and can be forced to answer. I do not understand the basis for not answering, and never have understood it, unless there is some particular reason why the disclosure of the answer to the question would not, in effect, be in favor of the things which the individual concerned would want to achieve.

I have always wondered about this, and I have been sensitive to it, because I remember the inception of something that happened in what used to be and still is my hometown, Hollywood. There was a group called the Committee for the First Amendment. Its purpose was to expand the theory that, if a person did not want to answer, somehow it was an invasion of his privacy and his rights to ask him to answer. It became highly publicized and has been used over the years to a great extent.

I remember when a group came to Washington to publicize this. I was in Washington then, not with the group, but I remember they flew in, in a great, big airplane, with a lot of well-known names, movie stars, primarily for the purpose of getting space and attention, which they did.

Then we had the Committee for the Fifth Amendment. Here again, when there is a matter which is embarrassing, which may get to the particular nub of the question or to its nerve center, one merely says, "I refuse to answer on the ground of the fifth amendment, or "the first amendment."

I have never quite understood this. As I said earlier in my questions, it would seem to me that the more important the position in question, the more revealing the witness should be, particularly to Members of this body, who are not prying for the sake of information; they are carrying out a most important and serious obligation to make certain, beyond a shadow of a doubt, that no mistake be made.

Never in my lifetime, which is now 60-odd years, has there been such sensitivity on the part of the public, certainly in my State, and I imagine in all the other States, as to exactly what is happening in this most important judicial body.

The Supreme Court is a body that should be so high in the esteem of all the people that there should be no question, there should be not the slightest shadow of a doubt, as I see it, as to any of its members. I wonder whether or not, or why, or under what process, information that would help the Senate come to a proper decision could be retained or denied to us. I do not quite understand the logic of that. I would be more than pleased if my distinguished colleague would explain it.

Mr. GRIFFIN. If the Senator will let me pursue that a little bit, I think that it is important to keep in mind here that there are at least two distinct categories of questions. There is the category of questions that relate directly to particular decisions in which a Justice has participated as a member of the Supreme Court, and the other category is all other questions having nothing to do with those decisions.

I can understand the feeling of Senators who believe that a nominee should answer all questions in either category. And I can understand why the Senator from California would feel that way.

On the other hand, in fairness, I wish to acknowledge, as a lawyer, I do believe there is a basis for Mr. Fortas to refuse to go into or to answer questions concerning particular decisions. I have not criticized him for that. My criticism deals with questions which he either refused or failed to answer having nothing to do with his decisions.

On this point, I sincerely wish the distinguished Senator from North Carolina [Mr. ERVIN] were here. Senator ERVIN questioned Mr. Fortas on many of his decisions, and Mr. Fortas refused to answer the distinguished Senator's questions. The nominee was quite consistent in that decision until he got to a certain point in the record, and I think some note of it ought to be taken here. For the nominee recalled a case that was in his favor, and all of a sudden he felt free to discuss a decision in which he had participated.

He said:

> For example—may I mention one, I wonder, without breaching my constitutional responsibility as I see it—just one.
>
> For example, I think that one of the most important decisions that we made in my 3 years on the Court in the field of criminal law is a case that has received no notice, a case called *Warden* v. *Hayden*. In that case we did overrule a precedent. We overruled the case of *Gouled* v. *United States*, decided in 1921 by a unanimous Court. Holmes and Brandeis were on that Court, and if I correctly recall, . . . (Hearings, p. 170.)

At that point, I think those who think he should have answered questions concerning the cases might well have argued that the nominee had waived any immunity, because at that point he did discuss his decisions.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield for a question.

Mr. LONG of Louisiana. Mr. President, may I say to the Senator, as a lawyer and as one who has recommended some men who have been appointed to the Court, and some very fine judges who are there now, that so far as I am concerned, I have yet to meet a judge who would not discuss with me decisions of his court or any other court, at a dinner, in his chambers, in a drawing room, in a law classroom, or elsewhere.

Mr. GRIFFIN. The Senator is surely not talking about cases to be decided.

Mr. LONG of Louisiana. No; cases that have been decided. Most judges are extremely proud of their decisions, and most of them are very delighted for you to ask them something about a decision. While they do not try to pose as advocates, or insist that you agree they were right about the matter, they will explain to you, "Here is how it looked to me, and under those circumstances it seemed thus and so to me."

Am I not correct that Justice Fortas went out to American University and made some speeches, for pay, talking about decisions of the Supreme Court?

Mr. GRIFFIN. I do not have, of course, any text of the lectures that he delivered at the American University. I believe the name of the course was "The Law and the Social Environment." Just exactly what he discussed I cannot tell the Senator.

Mr. LONG of Louisiana. Let me ask the Senator, would it not seem appropriate, after a decision that made it impossible to convict a man who was showing those filthy movies that a justice who cast one of the votes to make that possible might be asked the question, "Look, Your Honor, now that you have fixed it up to make it impossible to convict a man for showing those filthy movies, what do you suggest we do? Can you offer any suggestion as to what we can do to keep them from exhibiting all those filthy movies to our children?"

It occurs to me that the man might suggest, "You might be able to do this, or you might be able to do that. I might not uphold it, but it occurs to me that you might consider this approach or that approach."

After all, this is a problem the Court has put at the doorstep of Congress and the country. Some people might like to prohibit the showing of these filthy movies to their children.

As I say, I have discussed decisions of the Court with Supreme Court Justices, court of appeals justices, and district court judges—not cases to be decided, understand, but cases that have been decided—and I have never met a judge who was not willing, to me personally at least, to forthrightly defend his decisions, and explain, "Here is why I thought I was right," and if one did not agree with him, he would say, "I am sorry, Senator, but here is how it seemed to me."

For a judge not to answer for his conduct when it is sought to promote him is somewhat difficult for me to understand.

Mr. GRIFFIN. Mr. President, in my opinion, the nomination of Mr. Justice Fortas should not be confirmed on the basis of the record before the Senate because of the questions that have been brought to light having nothing to do with his decisions on the Court.

Whether or not a Senator agrees with the nominee's decisions—and while I do not agree with some of them, I agree with many of them—and whether or not a Senator thinks the nominee should have answered questions concerning his decisions, this is not the main point, and I hope the impression does not go out to the country that that is the primary concern of the Senate, because that would be misleading. The primary concern of the Senate is simply the serious questions which exist over the nominee's qualifications to be Chief Justice of the United States.

If there is one serious question, it is the nominee's failure to answer questions about the "fund" established to pay him $15,000 for teaching at American University. And that he would not come back and answer questions as to what extent he was involved in extrajudicial activities in the executive branch of the U.S. Government while serving as a Justice of the Supreme Court further aggravates this concern. I would say these are the principal questions which must be resolved if the nominee is to be confirmed as the next Chief Justice of the United States.

Mr. LONG of Louisiana. The man started out before the committee, as I understand it, by refusing to discuss his judicial conduct in one of the highest offices in the land. Having started with that, he winds up refusing to discuss anything, official or unofficial. It does seems to me that for that reason alone, the Senate would be justified in determining that his name be returned to the committee.

Mr. GRIFFIN. I thank the Senator.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am happy to yield to the Senator from Nebraska for a question.

Mr. CURTIS. The Senator is aware that the Committee on the Judiciary did take some notice of Justice Fortas' appearance before the students at American University, when he is alleged to have drawn a $15,000 fee?

Mr. GRIFFIN. Information came to the committee, and also the junior Senator from Michigan, to the effect that Mr. Fortas had been teaching a seminar for which he had received $15,000, and that there were serious questions about where the money came from.

The appearance certainly was given and sought to be maintained that this was a regular course given by the university, and that Mr. Fortas was being paid, if at all, out of regular university funds.

Inquiries were made of the American University—and at other places—in an endeavor to learn how much he was being paid and where the funds were coming from. These inquiries met with a cold response, and no information was obtained.

Finally, from within the committee a request was made that the dean of the law school be brought before the committee. It was indicated to the dean that the committee would like to have him appear voluntarily, but that if he did not appear voluntarily, he would be subpenaed. As the Senator knows, he did appear. During his testimony, it was learned for the first time where the $15,000 had come from and that the $15,000 was part of a $30,000 fund that had been collected by the law partner of Mr. Fortas' wife, Paul Porter, from five former business associates. These men have wide business connections with many business associations and groups in this country.

Mr. CURTIS. The Senator referred to the wife of Mr. Fortas being a member of that law firm. Has Justice Fortas ever been connected with that firm?

Mr. GRIFFIN. He was connected with that firm just before he was appointed to the Supreme Court.

Mr. CURTIS. Did the committee seek to secure a statement or testimony from Mr. Paul A. Porter who allegedly set up the arrangement?

Mr. GRIFFIN. As the Senator realizes, I am not a member of the committee. Although I do not believe Mr. Porter was contacted by the committee, I am not certain on this point.

Mr. CURTIS. Instead of seeking it, did they get it?

Mr. GRIFFIN. No; Mr. Porter did not appear before the committee.

Mr. CURTIS. Did they get a statement from any of these businessmen who were alleged to have provided the money, and did they place that information in the public record for the benefit of the Senate?

Mr. GRIFFIN. There is no statement in the record from any businessman who made contributions.

Mr. CURTIS. Does the Senator know of any effort that has been made to find out whether there are other cases similar to that of the American University elsewhere in the country?

Mr. GRIFFIN. I have no knowledge of any other effort by the committee to explore this matter and find out whether there might have been other such funds established for—or on behalf of—Justice Fortas.

Mr. CURTIS. Has any information been disclosed in the hearings to the Senator's knowledge to indicate that Justice Fortas had a professional lecture bureau represent him?

Mr. GRIFFIN. No, there is nothing in the record to indicate that.

Mr. CURTIS. Was the Senator aware that Harry Walker, Inc., a lecture bureau located at 350 Fifth Avenue, New York City, N.Y., ZIP code No. 10001, telephone area code 212, telephone No. 563-0700, was representing Mr. Fortas in placing him for lectures?

Mr. GRIFFIN. I was not aware of that, and there is nothing in the record to indicate that the committee was aware of it.

Mr. CURTIS. Does the Senator believe that someone in behalf of the committee might well follow through and contact this lecture bureau to ascertain if there were other incidents involving circumstances similar to those existing in the case of the American University?

Mr. GRIFFIN. I certainly do. I think it would be of the utmost importance. In the case of the American University seminar, while some are somewhat surprised at the size of the fee, we can all have our individual views as to whether it was an exorbitant amount.

Incidentally, in this regard, Mr. Fortas appeared at only eight of the nine sessions. A substitute judge appeared and gave the lecture on one of these nine occasions. And that substitute judge was not paid for his services. However, for the eight lectures, Mr. Fortas was paid $15,000. I think that everyone can make his own judgment as to whether this amount was an exorbitant honorarium.

But I do believe that the important question is the fact that this fee was undisclosed and that the money came from people with related business interests who will inevitably appear before the Court.

In light of what the Senator brings up, I think it would be very important to know where Mr. Fortas lectured and who paid him. If he were being paid by the U.S. Chamber of Commerce or a particular business group or a labor group, or something of that nature, which obviously would have litigation before the Court, I think that ought to be known. Whether there could have been lectures involving a possible conflict of interest, I do not know.

Mr. CURTIS. Does the Senator regard that it is pertinent to the question to ascertain whether these five businessmen who financed the appearance of Mr. Fortas at the American University were regular donors to American University, or whether this was an arrangement set up not for the benefit of the American University, but for the benefit of Mr. Fortas?

Mr. GRIFFIN. If the Senator will permit me to say it—and I am confident of this statement—an inquiry has been made. It was learned that none of these gentlemen had any prior alumni or student connection with the American University. To the extent that we could determine, this was their first association with the university.

Mr. CURTIS. Does the Senator agree with the junior Senator from Nebraska that the testimony of these donors and that the testimony of Mr. Paul Porter explaining for the Senate all of the details of this arrangement would be not only helpful to the Senate of the United States, but might also very well be due Mr. Fortas as a matter of fairness in order to have all the facts before the Senate?

Mr. GRIFFIN. It is inconceivable to me that a nominee for this office would rest his case on the kind of record we have. And the fact that he seems willing to leave the record as it stands by not appearing underscores the serious question before the Senate concerning the sense of propriety of the nominee.

Mr. CURTIS. It is inherent in the American system that an individual being considered for high office make himself fully available to those who are making the decision. Is that statement correct?

Mr. GRIFFIN. The Senator is correct. When we are considering the qualifications of a nominee for the position of Chief Justice of the United States, there should be no doubt in the minds of any Senator or of the American people about anything that has to do with the qualifications or the sense of propriety or the possible integrity of the nominee.

It is inconceivable that these doubts would be left in the record and that he would expect to be promoted.

Mr. CURTIS. Does a nominee for the position of judge have any immunity from inquiry?

Mr. GRIFFIN. If he does, it is limited to his activities within the judicial branch of the Government in deciding cases. If he has any immunity at all, it is based on the doctrine of the separation of powers, and it is limited to that area.

Mr. CURTIS. Mr. President, I thank the Senator.

Mr. MONTAYA. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield for a question.

The PRESIDING OFFICER (Mr. PEARSON in the chair). The Senator from New Mexico is recognized.

Mr. MONTOYA. Mr. President, is the Senator contending that the receipt of the $15,000 honorarium for services rendered is illegal?

Mr. GRIFFIN. No; I am not.

Mr. MONTOYA. Is the Senator contending that it is improper?

Mr. GRIFFIN. At that point, I would have to refer to the canons of judicial ethics which I have put in the RECORD, and which indicate that a judge is required not only to refrain from doing anything improper, but also not to give the appearance of doing anything improper. Certainly, the appearance of impropriety has been created by the facts which have come to light concerning this fund.

Mr. MONTOYA. Is that not a matter of opinion, as to whether there was an appearance of something improper?

Mr. GRIFFIN. Perhaps it is a matter of opinion.

Mr. MONTOYA. What is the difference between receiving an honorarium or a fee for delivering lectures and writing a book and selling it to the public and receiving royalties from that book, on the basis of one's service on the Supreme Court or any other court in the land?

Mr. GRIFFIN. I believe the circumstances are a great deal different. I am not saying that even in the area of writing a book all justices should be immune from inquiry. I believe that sometime the Senate might very well want to look into all extrajudicial compensation received by justices and judges, and ascertain whether there should be new comprehensive guidelines—even as concerns the writing of books. But there we are not talking about anything that is undisclosed, and would therefore carry less likelihood of a conflict of interest.

In the situation at American University, the funds were solicited by his wife's law partner. The fund and the arrangements surrounding it were undisclosed, and efforts were made to keep them secret. Appearances were held out that this was a regular course, being paid for, if at all, out of regular university funds.

It is important to keep in mind that this nominee, unlike a Member of Congress, does not have to go back and answer to the voters concerning this fund at the next election. He is unanswerable, except to the Senate in this particular situation.

Mr. MONTOYA. I am fully aware that other Justices have lectured throughout the country and have been paid for these lectures. Is the Senator contending that there should be an absolute ban on Justices delivering lectures before legal groups?

Mr. GRIFFIN. Not necessarily. But I do not believe the Senator is addressing himself to the point I have been making.

Mr. MONTOYA. What is the point, then?

Mr. GRIFFIN. I thought I just went through it. I think the circumstances I have described raise very serious questions.

Mr. MONTOYA. The Senator is saying that in his opinion there is an element of impropriety in what was done. If I follow the Senator's comments correctly, that impropriety would set in if the Justice, himself, would pass judgment on a case involving the contributors to this fund. Is that the point to which the Senator's concern is directed?

Mr. GRIFFIN. That would certainly be a clear situation, if that should come about.

Of course, the Senator must ask himself the question whether or not Mr. Fortas would have disqualified himself in any case involving any one of these business concerns if this fund, which had been in existence a little while, had not been revealed. I believe that just to have to ask this question raises questions under the canons of judicial ethics, because there simply should not be the appearance that this might be the case.

Mr. MONTOYA. That would be true about any contribution by anybody to sustain the fund for these lectures, would it not? How else could these funds be acquired if the risk were not run of the participators or the contributors to this fund some day going before the Supreme Court?

Mr. GRIFFIN. I believe it is a very risky business at best. I do not believe the Senate should approve of judges going out and getting money or having someone get it for them for purposes such as this.

Mr. MONTOYA. Would not the safeguard take place when the Justice, being fully aware as to who the contributors to the fund were, would disqualify himself if one of the contributors would come before the Court? Would that not be the time to express alarm, if such a situation did not present a proper safeguard.

Mr. GRIFFIN. Let me read to the Senator canon 32 of the canons of judicial ethics:

> A judge should not accept any presents or favors from litigants or from lawyers practicing before him, or from others whose interests are likely to be submitted to him for judgment.

This canon applies prospectively—the fact that a Justice may disqualify himself is no defense to a violation of this canon.

Mr. MONTOYA. Was this a present or was this compensation for services rendered?

Mr. GRIFFIN. As the Senator has said, if he does not feel there is any question about the canons of judicial ethics, that is his judgment. I have no question in my mind about it.

Mr. MONTOYA. I am asking. Is there anything in the law that prohibits a Justice of the Supreme Court from lecturing for a fee?

Mr. GRIFFIN. Not to my knowledge. The canons of judicial ethics are not the law. The canons of judicial ethics are supposed to guide judges.

Mr. MONTOYA. Is there anything in the canons of judicial ethics that prevents him from receiving compensation for services rendered?

Mr. GRIFFIN. The Senate is considering whether or not to promote a person to the very pinnacle of the judicial system of our country; a person who will be responsible for deciding the canons of judicial ethics with respect to all the other judges of the country.

Mr. MONTOYA. The Senator has not answered my question. I shall ask another question.

What is the difference between a Justice of the Supreme Court delivering some lectures and receiving compensation therefor and a Member of Congress going to a lecture hall and delivering a lecture and receiving an honorarium?

Mr. GRIFFIN. I believe there are differences, and they are——

Mr. MONTOYA. In principle, what is the basic difference?

Mr. GRIFFIN. They are substantial. The point again, even in that situation, is that Members of Congress come under criticism if their honorariums are excessive and if they come from sources where questions could be raised concerning the legislator's independence.

I believe it is very fine that the Senate adopted a code of ethics, and that very soon we will have to file public reports disclosing any honorarium in excess of $300, and the source of it. That is much different, I think, from the situation involved here.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield for a question.

Mr. LONG of Louisiana. May I provide the Senator with the essential difference?

Any group acting in a judicial capacity is barred from being prejudiced or even showing the impression of prejudice. In a legislative function, one can be just as prejudiced as he desires. There is no limit. One can run for office and say, "This man voted that way. If I am elected, I am going to vote just exactly the opposite." But one is not supposed to apply for a position on the court and say, "If I am confirmed, I am going to reverse the decision." That is the difference.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. GRIFFIN. Will the Senator allow me to yield to the Senator from Delaware for a question?

Mr. WILLIAMS of Delaware. Is not this the difference in the question raised by the Senator from New Mexico: The fact that Members of Congress go before the electorate at least every 2 or 6 years, to be reaffirmed?

Mr. GRIFFIN. That is a mighty important difference.

Mr. WILLIAMS of Delaware. There is a second difference. When we set up the judiciary, particularly the Supreme Court, we made their salaries $39,500 a year for the Associate Justices, and I believe it is $45,000 for the Chief Justice. They are also provided with lifetime tenure. In addition, when they resign for disability or retirement, they draw full retirement benefits from a fund into which they did not make any contribution while they were serving. It is entirely separate. We did that for the purpose of insulating those people, so that they could not be influenced from the standpoint of financial reasons.

That, to me, is the basic difference, a large difference.

Mr. MONTOYA. Mr. President, will the Senator yield so that I may make one last observation?

Mr. GRIFFIN. I yield for a question.

Mr. MONTOYA. I disagree with the Senator from Delaware on the significance of the permanency of tenure with respect to this situation. I say that if the taking of remuneration for services rendered is wrong in principle in the first instance, it is wrong in principle in any instance, and the fact that a Justice has life tenure does not add to the wrongful taking in such a situation.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield at that point?

Mr. MONTOYA. The point I am trying to make is this. Nowhere has it been brought out that that is legally wrong, or that it is wrong in principle, or that it is improper, except that it probably has by implication an improper connotation.

Mr. GRIFFIN. In my opinion, it is clearly wrong in principle and violates the canons of judicial ethics. It may not be in violation of the law and it may not be a crime, but that does not mean that we have to confirm this nomination.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield briefly?

Mr. GRIFFIN. I yield for a question.

Mr. WILLIAMS of Delaware. I am not saying it is right in either case. In fact I have ofttimes criticized such operations. I am merely saying there is a difference in each case. We should not judge this simply on the basis of whether this is a violation of law.

Mr. GRIFFIN. The Senator is correct.

Mr. WILLIAMS of Delaware. There is a moral or ethical issue with reference to Members of Congress as well as members of the judiciary that must be taken into consideration when constituents confirm our election or when we confirm a judicial appointee.

Mr. GRIFFIN. I yield to the junior Senator from New York.

Mr. GOODELL. I thank the Senator.

Mr. President, I would like to ask the Senator from Michigan if it is not true that this is the first nominee for Chief Justice who has appeared before the Committee on the Judiciary for questioning.

Mr. GRIFFIN. The Senator is correct.

Mr. GOODELL. I think that in context we should make this clear because the comment was made that he had refused to come back for various reasons.

Mr. GRIFFIN. That is correct. He did refuse to come back.

Mr. GOODELL. I would like to ask the Senator from Michigan whether Mr. Fortas was questioned in the committee at any time about fees he received for lecturing and whether he refused to answer or concealed the facts about those fees.

Mr. GRIFFIN. Here again I must say that I am not a member of the committee, but based on my study of the record, I know of no particular questions that were asked about these fees when he was before the committee.

Mr. GOODELL. When it is said the evidence as to these fees at American University was concealed, we are not implying that Mr. Justice Fortas refused to answer questions or concealed this openly in committee hearings; is that true?

Mr. GRIFFIN. I am not implying. I am stating he refused to come back and answer questions when an invitation to return was given to him.

Mr. GOODELL. After he testified——

Mr. GRIFFIN. Yes.

Mr. GOODELL. After he testified for 12 hours before the committee.

I wish to ask the Senator one other question. Is the Senator aware of any case in which Justice Fortas participated in which there was even an appearance of a conflict of interest by him?

Mr. GRIFFIN. Well, let me just say I am not an expert on the Supreme Court's recent obscenity decisions, and I am not going to get into the merits of those decisions. But the answer is "Yes."

A witness, Mr. James Clancy, appeared before the committee. He testified to the effect that before Mr. Fortas went on the Court, he had received a fee of some $11,000 for representing a Mr. William Hamling. It was alleged that after he ascended to the bench, Justice Fortas improperly sat in judgment on a case involving this former client, an alleged partner in the Corinth Publications Co.—hearings, pages 296 to 297, 1179.

Thus, a question was raised as to whether or not there was a possible conflict of interest and whether or not he should have disqualified himself in this case. When the hearings were closed, the chairman of the committee made it abundantly clear that he hoped Justice Fortas would come back and testify concerning this possible conflict of interest.

Mr. GOODELL. If the Senator will yield, I have one further question.

Mr. GRIFFIN. I yield for a question.

Mr. GOODELL. Was there an indication here that Justice Fortas had been involved with this client in this case that was on appeal to the Supreme Court or being considered by the Supreme Court?

Mr. GRIFFIN. I want the record to be clear. He represented this same client as a lawyer before he went to the Supreme Court in a similar type of case—one involving obscenity matters. The question is, when his former client, with a similar kind of case, came before the Court, was there a possible conflict of interest. I cite that for the record. Senators must make their own decisions as to whether there was a conflict of interest in this case.

The disturbing thing is that there was no effort by Justice Fortas to come back and clear up this matter, although I understand a letter was placed in the file by his former partner, Mr. Porter, with respect to these charges. And I do not want to overlook the fact that such a letter is in the record.

Mr. GOODELL. I agree with the Senator from Michigan that we should clarify what is ethical and what is not, what is legal and what is not, for Justices of the Supreme Court, for Senators, or for Members of the House of Representatives. I regret that we have not clarified this matter.

It is healthy that the Senator is raising these points about possible impropriety. However, I might say, as the most junior Senator, that I find myself confused about the proprieties of raising money and accepting fees as a U.S. Senator. I do not find much consolation or solace in the fact that I may have to face the voters, while in the case of a Justice of the Supreme Court, he has a lifetime job. As a practical matter, there could well be greater conflict for one so insecure that he must raise money to go out and get elected than for one who has a permanent job and who need not go out and appeal for help from anybody to stay in his job as Justice of the Supreme Court.

I think it important that we clarify these rules of ethics and proprieties not only for Justices of the Supreme Court, but also for Members of the Senate and the House of Representatives. I believe the Senator from Michigan will agree on this point.

Mr. GRIFFIN. I certainly agree that it is always good to have clear lines. I think the canons of judicial ethics, however, set forth clear guidelines for persons in the judicial branch. A careful reading of these canons clearly indicates that a judge or justice should not get in a position where he even gives the appearance of doing anything improper.

I think the facts of this case have to be viewed, not against a situation of what the ethics of the Senate are, might or should be, but against what the ethics of the judiciary already are.

Mr. GOODELL. I agree with the Senator, but carried to its extreme, the Senator's argument would reach the conclusion raised earlier today that a Justice of the Supreme Court should never accept a fee for lecturing because, by implication, at some time that person might have a case in the Supreme Court.

Mr. GRIFFIN. I do not agree with the junior Senator from New York.

Mr. GOODELL. My feeling is that if he accepts fees of this nature, if there could be a conflict of interest, that when a case comes before the Supreme Court would be the time for the Justice to disqualify himself, but not to conjecture or anticipate the most remote possibility that someone might come before the Court who is paying him a fee for lecturing.

Mr. GRIFFIN. I am not trying to conjecture or anticipate remote possibilities. I realize that almost any principle extended to its ultimate length at some point might be ridiculous. But this is not the problem. We have a case before the Senate. We have the facts before the Senate. We know what the case is. We do not have to be concerned with what might be the situation if he did something a little differently.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield to the Senator from California for a question.

Mr. MURPHY. Mr. President, I should like to point out once again that I have not been a lawyer. I have been many other things, including an engineer, a coal miner, a tool and die maker, a dancer, and an actor; but I have lived with people. I am concerned about the question of the association of our Government as it affects our people. That is the only purpose of government, and the only purpose in our sitting here, day after day—as I was here last night until very late, getting out the vocational education bill. That is the reason I am here.

From the standpoint of the lawyers, of whom I am told there are 87 in this Chamber, I am at a disadvantage; but from the standpoint of knowledge, association, and concern for people, I may have an advantage.

I should like to point out further to my good friend, the distinguished junior Senator from New York [Mr. GOODELL], that very often I notice that these finely trained legal minds, which are so sensitive from having read the law and being trained in the law, get into an area of logistics—legal logistics, if you will— and legal semantics, that get away from the point in question.

Mr. President, this is not a trial here. No one is on trial. Neither are we trying to write rules of ethics. As I understand it—and I hope I will be corrected if I am wrong—we are in executive session, and, being in executive session, we now become a part of the executive branch temporarily, in order to carry out our obligation to look at the performance in the light of existing conditions, in the light of the reaction of the people, once again, because they are the most important element, and not the word of the law. How does the word of the law affect the people? Is it proper? Does it carry out the concept of government? Or does it slyly change the concept of government without the people knowing it?

It is a matter of judgment on the part of each and every individual Senator that, at the end of this dialog, discussion, debate—whatever we wish to call it—all the information pertaining to this particular nomination, all the information available has been disclosed and then, that that individual Senator will sit down and, in the privacy of his own thoughts in his own mind, based on his own set of ethics and his own feeling about what is proper and what is improper, will decide whether, in his most sincere and deepest judgment, this nomination should be confirmed or this nomination should not be approved.

We can argue endlessly as to the conditions of whether it is right to accept a fee or whether it is improper to accept a fee. That has never been in question in this case, as I understand it.

The source of the fee has suddenly become of interest, whether there was knowledge on both sides. It is not as though a Senator or a Representative went out to make a speech and accepted an honorarium. This is a different matter. We are talking about the level of government—the highest level of government—and, therefore, this should not be confused with a trial. It is merely a matter of explaining the conditions. Those conditions must be judged against the background of the life of the Nation today, especially this great area of permissiveness which, I am certain, the great majority of the people of this country have finally become conscious of and are very much concerned about—as I am—and as I know you are.

We are all concerned about what has happened with regard to the high regard and esteem we had for our judges and our courts. We are all concerned about what has happened to appointments in the courts. I am supersensitive about that. In my State, in the last 2 weeks of his office, the former Governor appointed 84 judges, almost as fast as he could get the names together. I sincerely hope that on some of them, he did not go into them as carefully as I intend to go into appointments from now on.

Thus, I merely ask that it be clearly understood—or I should be corrected—that no one is on trial here. This is not an inquisition. It is merely a recitation of all the information we have on the subject.

At the outset, I had certain reasons which I stated for objecting to nominations before any names had been sent up here. I still have those reasons, but since that date—and I have made that statement publicly I believe 5 days before any names were even mentioned—and since the discussions and the disclosures which have come forward, I have many, many more reasons that will fortify the position I originally took.

However, I beg the Senate not to confuse this matter by making it a trial of any kind. As I see it, it is a matter of disclosure of all the conditions, all the actions, and all the goings on, and then each Senator will make up his mind, and will take the moral and permanent responsibility for his judgment. It is simply that, and no more.

Mr. President, I shall be sorry if I have missed any of the nuances that come into the highly trained legal mind, but it is too late for me to change. I prefer to approach it from my standpoint. Thus, from time to time, I may ask the privilege of interrupting this colloquy, so that the highly trained legal minds will always keep this on the basis that the American people are listening to this discussion and will understand exactly what is going on—because they, too, have a right to make up their minds.

Several Senators addressed the Chair.

Mr. GRIFFIN. Mr. President, I yield now to the junior Senator from New York, who says he will speak for only a minute, and then I shall be glad to yield to my colleague from Michigan, Senator HART.

Mr. GOODELL. Mr. President, I would just like to ask the Senator from California to clarify the RECORD. He has been kind enough to say I have a highly trained legal mind. The Senator also refers to "you" being concerned about permissiveness. The Senator seems to have too many "you's" in the RECORD and I wonder whether he would make it clear that they refer to the junior Senator from New York on the question of permissiveness, because I do agree with him.

Mr. MURPHY. I intended, by all means, that not only the junior Senator from New York, but also the junior Senator from Michigan, and all Senators be concerned about permissiveness. It is something that we cannot be insensible to. It glares at us from the headlines of the newspapers every morning. It also glares at us from the color television sets which I assume we all use from time to time to find out what is really going on in the outside world—and also here in the Senate sometimes. It resounds over the radio as well. I am certain that all of us are not insensitive to permissiveness and all the other "new" things which have appeared in the past few years, some of which are causing me great concern and great worry.

Mr. GRIFFIN. Mr. President, now I am very happy to yield to my able colleague from Michigan [Mr. Hart] for a question.

Mr. HART. Mr. President, this Senator from Michigan is very reluctant to continue to contribute to any delay. But I rise to make the point that the Senator from California says Abe Fortas is not on trial. This is not a trial, whatever this is. It is not anything, yet. Let us discuss Abe Fortas and this nomination. What is going on now is a discussion of whether we will discuss.

Mr. MURPHY. Mr. President, may I have 1 second to answer the Senator?

Mr. GRIFFIN. I yield to the Senator from California for a question.

Mr. MURPHY. May I say to the distinguished senior Senator from Michigan [Mr. Hart] that I did not mention the name of Abe Fortas. I was merely reciting, perhaps to clarify the words in my own mind, as to what we were doing here.

Mr. HART. And I rose to make clear that what we are doing here is not discussing the nomination.

Mr. MURPHY. I understand exactly——

Mr. HART. All right.

Mr. MURPHY. I understand why the senior Senator from Michigan rose, and I think that he has made a very valid point.

Mr. HART. All right.

Mr. MURPHY. I am glad he has advised me and brought me back to the realities of the situation. For the moment, the dialog and discussion had slipped away from that. That is why——

Mr. HART. That is right.

Mr. MURPHY. We must be very careful to keep to the point. What we are talking about is whether we will discuss the nomination.

When we get to the discussion of the nomination, I intend to have some extended formal remarks to make, once again based against the background of my experience and dealings with people, my concern for this great Nation of ours, and my, possibly erroneous, idea and feeling about ethics, propriety, responsibility, and other factors.

I thank the distinguished senior Senator from Michigan [Mr. Hart] for bringing me back to the point. I am obligated to him for having done so.

Mr. LAUSCHE. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I yield for a question.

Mr. LAUSCHE. I think the Senator stated that Justice Fortas was not able to give one of the lectures and had obtained a substitute.

Mr. GRIFFIN. That is my understanding.

Mr. LAUSCHE. Does the Senator recall the name of the substitute?

Mr. GRIFFIN. If the Senator will permit me to say so, that information is in the Record of Tuesday, September 17, at page 27105, at the point where I placed in the Record a news item from the Washington Post, which read, in part, as follows:

> Juvenile Court Judge Orem W. Ketcham said yesterday that he received no fee for filling in for Supreme Court Justice Abe Fortas at an American University law seminar session on July 16.

Mr. LAUSCHE. How many lectures were given?

Mr. GRIFFIN. It is my understanding that there were to be nine sessions of 2 hours each.

Mr. LAUSCHE. How many did the Justice deliver?

Mr. GRIFFIN. It would seem from the information available that he could not have appeared at more than eight.

Mr. LAUSCHE. Was the compensation fixed on the basis of a certain amount per lecture, or was it a total amount for all the lectures he gave?

Mr. GRIFFIN. I understand that it was a total amount of $15,000 for this particular seminar, which was entitled "Law and the Social Environment." I understand that 17 students attended the seminar.

Mr. LAUSCHE. Where were the lectures delivered? At the American University or at the Supreme Court?

Mr. GRIFFIN. I do not know the answer to that question.

Mr. LAUSCHE. Anyhow, a substitute delivered one lecture, and he was not paid for it?

Mr. GRIFFIN. That is my understanding.

Mr. LAUSCHE. My recollection is that the judge who substituted said that he was glad and honored to be asked by the Justice to deliver the lecture.

Mr. GRIFFIN. Yes; the substitute said that he was "rather flattered to be asked."

Mr. LAUSCHE. Now this further question: When the dean of American University testified, did he or did he not say that precaution was taken not to allow the Justice to know where the money came from?

Mr. GRIFFIN. I believe that is correct. There is testimony to that effect.

Mr. LAUSCHE. Why was that precaution taken? Why was the Justice not told where the money came from?

Mr. GRIFFIN. I could not answer that question.

Mr. LAUSCHE. Is it not true that testimony was given to the effect that extreme care was taken not to let the Justice know the source of the contributions to finance the $15,000 compensation that was given him?

Mr. GRIFFIN. That was the thrust of Dean Tennary's testimony, yes. In light of that, we have to keep in mind that Justice Fortas' wife is a member of the law firm; that the fund was actually solicited and collected by his wife's present, and his former, law partner; and that we do not know whether he actually knew who contributed the money. We would like to know, for it may be even more serious if the nominee did not know where this very large—and questionable—fee came from. A Justice cannot take money with his eyes closed.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield for a question.

Mr. WILLIAMS of Delaware. Is it not a fact also that these contributions were tax free, as far as the contributors were concerned?

Mr. GRIFFIN. That is correct. It was a very interesting arrangement because, by running the funds through the university, an educational institution, the contribution, which if made for a political or campaign purpose would not be tax deductible, could be claimed to be tax deductible. I do not know, but I assume that these funds would qualify as charitable contributions.

Mr. WILLIAMS of Delaware. I do not know, either, but, according to the press, it has been ruled tax free. I am not sure how the Internal Revenue Service would rule on it .

Has not at least the New York Times quoted—that is my source of information—that the son of one of the contributors had been convicted for a rather serious crime, which was being appealed, with the possibility that it may be before the Supreme Court? Did it not state that the son of one of these contributors had been convicted and his case was under appeal?

Mr. GRIFFIN. Yes, that is correct. The New York Times did publish such a report. Of course, it is a matter of common knowledge that other corporations with which these five are affiliated are involved in litigation in various stages. The New York Stock Exchange, for example, is presently involved in litigation. So there is no question that a number of cases will be coming before the Court involving these individuals and their firms.

Mr. WILLIAMS of Delaware. If the Senator will yield further for a question, did it not also develop that at least the contributors knew the purpose for which this fund was being raised?

Mr. GRIFFIN. Yes. That is a good question. I can say on personal authority that a very enterprising reporter called at least one of the five contributors and confirmed that this contributor knew and was fully aware of where his contribution was going.

Mr. WILLIAMS of Delaware. If the Senator will yield further, it is my understanding that Mr. Fortas is quoted as saying he did not know the source of the contribution. I have no basis for contradicting that.

Mr. GRIFFIN. I am not familiar with this report. As the Senator knows, Mr. Fortas did not come back to testify to answer these questions.

Mr. WILLIAMS of Delaware. In any event, the contributors who contributed to this fund, which we have been given to understand is tax free, at least knew the purpose for which the fund was being raised, and at least one of those contributors knew his son's case might very well be before the Supreme Court, whether Mr. Fortas knew that or not?

Mr. GRIFFIN. I think it is safe to assume that, when nobody comes before the committee to clarify this matter.

Mr. WILLIAMS of Delaware. Does not the very fact that those questions were left unanswered make the matter a little delicate at this time?

Mr. GRIFFIN. That is correct.

The senior Senator from Michigan [Mr. HART] raised the point that the question before the Senate was whether to take up the nomination. As I started my remarks, I focused on the fact that the record of the hearings in this particular situation is so full of holes, so incomplete and so contradictory, that I doubt whether the Supreme Court or any other court would try to pass judgment on a record in the state that this one is in. Therefore, I think we do have a question as to whether the Senate should even take up the nomination on the basis of a record such as the record before us.

As the Senate knows, Mr. Fortas appeared to testify on his behalf before the Senate Judiciary Committee. In his testimony, Mr. Fortas acknowledged that he had participated in White House deliberations concerning the policy of the executive branch with respect to Vietnam and the Detroit riots while sitting as a Justice of the Supreme Court.

In seeking to explain this in his testimony before the committee, Mr. Fortas said:

> I have, on occasion, been asked to come to the White House to participate in conferences on critical matters having nothing whatever to do with any legal situation or with anything before the Court or that might come before the Court.

That is taken from the record of the hearings at page 104.

Furthermore, Mr. Fortas stressed, in his testimony before the committee, and repeated during the hearings, his assertion that—

> There was nothing involved in the conferences, the consultations, or the issues that were discussed in which the Court might possibly become involved.

That is taken from the record of the hearings at page 107.

Now, some of the supporters of Mr. Fortas' nomination indicate that they are completely satisfied to accept the assurance that the relationship of Mr. Fortas to the President has involved no matters which have been or could possibly come before the Supreme Court. But I should like to suggest, Mr. President, that it is already apparent that the acceptance of such assurances is misplaced, for it is clearly evident that cases have already reached the Court pertaining to executive matters in which Mr. Fortas participated while sitting as a Justice of the Supreme Court.

Despite the strong assurances by Mr. Fortas that no questions would come before the Court involving executive matters in which he participated, let me point to three recent cases which demonstrate otherwise.

In *United States* v. *O'Brien* (391 U.S. 367 (1968)), a case arising out of the burning of a draft card in protest to the Vietnam war, Justice Douglas, in dissent stated:

> The underlying and basic problem in this case, however, is whether conscription is permissible in the absence of a declaration of war. (391 U.S. at 389.)

I believe that the dissent of Justice Douglas in this particular case is worth focusing upon. He says:

> The Court states that the constitutional power of Congress to raise and support armies is "broad and sweeping" and that Congress' power "to classify and conscript manpower for military service is 'beyond question.'" This is undoubtedly true in times when, by declaration of Congress, the Nation is in a state of war. The underlying and basic problem in this case, however, is whether conscription is permissible in the absence of a declaration of war. That question has not been briefed nor was it presented in oral argument; but it is, I submit, a question upon which the litigants and the country are entitled to a ruling. I have discussed in *Holmes* v. *United States, post*, p. 936, the nature of the legal issue and it will be seen from my dissenting opinion in that case that this Court has never ruled on the question. It is time that we made a ruling. This case should be put down for reargument and heard with *Holmes* v. *United States* and with *Hart* v. *United States, post*, p. 956, in which the Court today denies certiorari.
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> The rule that this Court will not consider issues not raised by the parties is not inflexible and yields in "exceptional cases" (*Duignan* v. *United States*, 274 U.S. 195, 200) to the need correctly to decide the case before the court. *E.g., Erie R. Co.* v. *Tompkins*, 304 U.S. 64; *Terminiello* v. *Chicago*, 337 U.S. 1.
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> In such a case it is not unusual to ask for reargument (*Sherman* v. *United States*, 356 U.S. 369, 379, n. 2, Frankfurter, J., concurring) even on a constitutional question not raised by the parties. In *Abel* v. *United States*, 362 U.S. 217, the petitioner had conceded that an administrative deportation arrest warrant would be valid for its limited purpose even though not supported by a sworn affidavit stating probable cause; but the Court ordered reargument on the question whether the warrant had been validly issued in petitioner's case. 362 U.S., at 219, n., par. 1; U.S. Sup. Ct. Journal, October Term, 1958, p. 193. In *Lustig* v. *United States*, 338 U.S. 74, the petitioner argued that an exclusionary rule should apply to the fruit of an unreasonable search by state officials solely because they acted in concert with federal officers (see *Weeks* v. *United States*, 232 U.S. 383; *Byars* v. *United States*, 273 U.S. 28). The Court ordered reargument on the question raised in a then pending case, *Wolf* v. *Colorado*, 338 U.S. 25: applicability of the Fourth Amendment to the States. Journal, October Term, 1947, p. 298. In *Donaldson* v. *Read Magazine*, 333 U.S. 178, the only issue presented, according to both parties, was whether the record contained sufficient evidence of fraud to uphold an order of the Postmaster General. Reargument was ordered on the constitutional issue of abridgement of First Amendment freedoms. 333 U.S., at 181–182; Journal, October Term, 1947, p. 70. Finally, in *Musser* v. *Utah*, 333 U.S. 95, 96, reargument was ordered on the question of unconstitutional vagueness of a criminal statute, an issue not raised by the parties but suggested at oral argument by Justice Jackson. Journal, October Term, 1947, p. 87.
>
> These precedents demonstrate the appropriateness of restoring the instant case to the calendar for reargument on the question of the constitutionality of a peacetime draft and having it heard with *Holmes* v. *United States* and *Hart* v. *United States*.

I have read this dissent in full because I think it is important to recognize that, in the briefs that were presented to the Court, the issue was not directly presented. But even though this is the case, Mr. Justice Douglas dissented from the Court's opinion, and, by dissenting, raised the question as to whether or not the Supreme Court should set down for argument the question of the constitutionality of the draft in the absence of a declaration of war by Congress in connection with the Vietnam war. When the Justice did that, the issue was before the Court because even though the other Justices decided not to take this issue up, they had to make this decision.

The other two cases to which I referred are *Holmes* v. *United States* (391 U.S. 936 (1968)), and *Hart* v. *United States* (391 U.S. 956 (1968)), in which Justice Stewart as well as Justice Douglas indicated that the Court should consider questions concerning the war in Vietnam.

For example, in Holmes against United States, Mr. Justice Stewart stated in a memorandum:

> This case, like *Hart* v. *United States*, No. 1044, Misc., *post*, p. 956, involves the power of Congress, when no war has been declared, to enact a law providing for a limited period of compulsory military training and service, with an alternative of compulsory domestic civilian service under certain circumstances. It does not involve the power, in the absence of a declaration of war, to compel military service in armed international conflict overseas. If the latter question were presented, I would join MR. JUSTICE DOUGLAS in voting to grant the writ of certiorari. (391 U.S. at 936)

Although his opinion is somewhat more limited than Justice Douglas, Justice Stewart also, in these cases, believes that the questions pertaining to the validity of the war in Vietnam should be taken up by the Court.

And it should be noted for the record that Mr. Justice Fortas did not disqualify himself in these three cases. He sat on the Court and participated, in so far as the record shows, in the decisions in these cases.

Mr. Justice Fortas stated flatly to the Senate Committee on the Judiciary, in testimony on July 16:

> It is not true that I have ever helped to frame a measure since I have been a Justice of the Court.

That is from the record of the hearings at page 104.

Mr. Fortas, as a witness before the committee, was being interrogated quite closely as to whether or not, in his participation in the deliberations at the White House, he had ever involved himself in the drafting or framing of legislation. He said very flatly:

> It is not true that I have ever helped to frame a measure since I have been a Justice of the Court.

That is from the record of the hearings at page 107.

Yet, less than 2 months earlier, according to the testimony of the distinguished Senator from Colorado [Mr. ALLOTT], Justice Fortas was involved in the preparation of an amendment to the Treasury Department appropriation bill, pertaining to the security and protection of presidential candidates.

Senator ALLOTT testified on May 27, 1968, that Under Secretary of the Treasury Joseph Barr had informed him:

> This is the amendment—

Referring to the Secret Service protection amendment—

> they want at the White House. It has been gone over by De Vier Pierson and Abe Fortas, and they have cleared it and they can live with it. (Hearings, pt. II, p. 1349.)

Obviously, Senator ALLOTT's testimony raises serious question concerning the weight which can be accorded by the Senate to Mr. Fortas' earlier testimony when he flatly stated:

> It is not true that I have ever helped to frame a measure since I have been a Justice of the court. (Hearings, p. 104.)

As has already been pointed out, even more disturbing than this apparent contradiction is the refusal by Mr. Fortas after this discrepancy and contradiction came to light to come back before the committee and try to clear it up.

Mr. President, after acknowledging participation in White House conferences concerning the Vietnam war and the Detroit riots, Mr. Fortas testified:

> I guess I have made full disclosure now.

That is from the hearings at page 106.

Senator ALLOTT's testimony, of course, is a direct challenge to that statement, a challenge which stands uncontradicted, saying to the Senate and to the Nation that Justice Fortas did not make a full disclosure of his activities in the executive branch while serving as a Justice of the Supreme Court.

Mr. Fortas admitted under questioning that he had called a friend, Ralph Lazarus, to criticize a statement made on behalf of the business council of Hot Springs, Va., concerning the cost of the Vietnam war.

It had been reported in the June 4, 1967, issue of the New York Times that Justice Fortas had made this call to transmit President Johnson's ire to the business council over this statement.

At first, Justice Fortas denied the report, but when he was questioned further concerning a report in the New York Times of July 18, 1968, that business executives at the meeting said at the time that Mr. Lazarus had quoted Mr. Justice Fortas as saying the President was upset, Justice Fortas replied:

> Senator, I could not say one way or the other about that. I just do not remember.

That is from the hearings at page 227.

I do not wish to be unfair, Mr. President, but it certainly would appear on the present state of the record that Mr. Fortas was acting for President Johnson when he successfully urged the business council to withdraw its statement concerning the level of spending for the war in Vietnam. And, incidentally, the prediction which so upset President Johnson turned out to be very accurate—see the New York Times of July 18, 1968.

Thus, whether we look to the testimony of Senator ALLOTT, or to the testimony of the nominee himself, or to the other uncontradicted reports, one cannot avoid the conclusion that serious doubts and questions exist as to whether Mr. Fortas did in fact make a full diclosure of his activities in the executive branch while sitting as a Justice of the Supreme Court.

In light of the state of this record, conclusions, and evaluations which have been drawn by responsible segments of the press intimately familiar with the day-to-day White House activities cannot be ignored.

As I pointed out in testimony before the Judiciary Committee, the New York Times Magazine of June 4, 1967, contained this statement:

> It doesn't occur to him, President Johnson, not to call Fortas just because he is on the Supreme Court. Fortas is also drawn into nonjudicial matters by friends who want government jobs, knowing he still carries weight in the White House. Periodically, word leaks out about Fortas' part in such management as the unsuccessful campaign to land Bill Moyers a job as Under Secretary of State and his campaign to secure a Federal judgeship for David G. Bress, the United States Attorney for the District of Columbia, other moonlighting chores or White House assignments, advising the President on coping with the steel price increases, and helping to frame measures to head off the transportation strike, the increasing intensity of the war in Vietnam. Fortas is also consulted more and more on foreign policy.

I do not overlook the fact that in his testimony, Mr. Porter denied direct involvement in some of these matters. However, I read them into the RECORD because his testimony in other matters has been directly contradicted.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield for a question.

Mr. LAUSCHE. Mr. President, the Senator just mentioned the White House activities of Justice Fortas. I have here a page taken out of "Who's Who" for the year 1965 and 1966.

Mr. GRIFFIN. I recall that Mr. Fortas first went on the Court in 1965, if I am not mistaken.

Mr. LAUSCHE. When was he appointed?

Mr. GRIFFIN. August 1965.

Mr. LAUSCHE. This gives his address, office number, care of the White House, 1600 Pennsylvania Avenue.

Mr. GRIFFIN. Is the Senator quoting from an item contained in "Who's Who?"

Mr. LAUSCHE. I am quoting from "Who's Who."

Mr. GRIFFIN. Is the Senator aware that it is the practice of the publishers of "Who's Who" to submit the copy that is to be printed in their publication to the biographee in advance and to get his approval before they print it? Is the Senator aware that is the general practice?

Mr. LAUSCHE. Yes. I have had "Who's Who" biographies submitted to me for the last 25 years. I do not believe I am listed in "Who's Who." Maybe I am, but I am not sure.

Mr. GRIFFIN. The Senator should try listing his business address as care of the White House. [Laughter.]

Mr. LAUSCHE. I want to repeat this. The listing is: Home, 2035 North Street, NW.; office, care of the White House, 1600 Pennsylvania Avenue.

Mr. GRIFFIN. I wonder if the Senator from Ohio would agree with me that Mr. Fortas prepared that biographical sketch or at least approved it. In the ordinary course of practice, this publisher does get the approval of the biographee.

Mr. LAUSCHE. I make no comment on that. But the biographical sketches are submitted to the individual who is carried in "Who's Who." And when they are submitted, they ask the person to make corrections. I have had them, and I suppose that the Senator from Delaware has had them frequently.

Mr. GRIFFIN. Mr. President, the United Press International reported on June 27, 1968:

> The charge of cronyism against Fortas and Thornberry was based on Johnson's long time personal and political friendship with both men. In addition, Fortas has been one of the President's closest advisers in a wide range of governmental activities even while serving as an Associate Justice.

According to Time magazine, in its issue of July 5, 1968:

> No one outside knows accurately how many times Fortas has come through the backdoor of the White House, but any figure would probably be too low. It probably never occurred to Johnson that his friend's elevation to the Court would make him any less a presidential adviser, and to date it has not.

The same publication, Time magazine, reported in its July 5, 1968, edition:

> One achievement for which Fortas can claim no laurels was Johnson's response to last summer's Detroit riot. Fortas wrote the President's message ordering Federal troops into the city. It was an unfortunate speech, blatantly political and overly technical, at a time that called for reassurance. Johnson, however, was shocked that anyone would dare criticize it. "Why," he told a visitor, "I had the best constitutional lawyer in the United States right here, and he wrote that."

Mr. President, the fact that these allegations have been made is not unknown, but I have read them again at this time because the nominee's testimony not only contradicts what Senator ALLOTT said, but also contradicts what seasoned reporters and writers, working for responsible segments of the press and who are intimately associated with and knowledgeable about White House activities, have said about the nominee's role at the White House while serving on the Court. I believe we all realize and know that a reporter, particularly those who write for responsible publications, seldom would quote the President directly; and, if he did, I believe it is safe to assume that he would take pains to quote him accurately.

There can be no excuse for a record which is so full of doubt and contradictions concerning testimony given by the nominee himself. Surely, in the case of the office of the Chief Justice of the United States, the Senate and the American people cannot tolerate or overlook such disturbing and serious questions and doubts. The appointing authority; namely, the administration, must bear the burden of proof of convincing the Senate that our advice and consent should be given.

I think the record makes it very obvious that they have fallen far short in meeting that burden.

In a memorandum to the chairman of the Committee on the Judiciary, dated September 9, 1968, I called the committee's attention to an article by Daniel Yergin which appeared in the July 22, 1968, issue of New York magazine, which reads in part as follows:

> Nonetheless, Johnson (referring to President Johnson) called him (Richard Goodwin) back to the White House to help prepare the State of the Union Message in 1966. He was up for two days straight working on it, and then a doctor came in and gave him an injection, as though he were a machine, so he could stay up even longer. Then Johnson

> handed the speech over to Abe Fortas and Clark Clifford, the old New Dealers and Fair Dealers, who began chopping it up. Goodwin retired to his hotel room exhausted.

Mr. President, I urged in my memorandum that the Committee on the Judiciary determine the accuracy of this report, because it conflicted with Mr. Fortas' earlier testimony that he had made a full disclosure concerning the extent of his activities in the executive branch of Government while serving on the Supreme Court. I suggested to the Committee on the Judiciary that testimony be taken from Mr. Richard Goodwin and from Defense Secretary Clifford and others who might shed light on the accuracy of this report.

In the memorandum to the committee, I said:

> Particularly in view of the fact that the statement to the committee by Mr. Fortas was qualified—"I guess I made full disclosure now"—and in light of subsequent disclosure concerning his call to the Business Council, I urge the committee to proceed with a thorough investigation of these fresh reports, with a view toward determining the full extent of Mr. Fortas' involvement in the operation of the executive branch while sitting as a Justice of the Supreme Court.

As the Senate knows, the committee did reopen its hearings and did request certain witnesses to give testimony bearing on the scope of Mr. Fortas' involvement with executive matters while sitting on the Court. However, except for Senator ALLOTT, these witnesses simply refused to appear. The refusal of the administration witnesses to appear, in my view, was contemptuous of the Senate and of its committee, under the circumstances, considering the constitutional responsibility which the Senate has, and which the administration had in the appointing process.

Defense Secretary Clifford, Under Secretary of the Treasury Barr, and associate special counsel to the President W. DeVier Pierson, politely but adamantly refused to appear and to give testimony before the committee concerning the reports that Mr. Fortas had participated in the drafting of legislation and in the drafting of the 1966 state of the Union message.

On the basis of such a report, what is the Senate to conclude about the published, uncontradicted report that Mr. Fortas helped draft the 1966 state of the Union message?

Mr. PEARSON. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. I yield to the distinguished Senator from Kansas for a question.

Mr. PEARSON. This will not be directed to the subject of the Senator's presentation at this time, but I wonder whether the Senator has the exact language of the letter of Chief Justice Warren to the President, indicating his desire to retire as the Chief Justice of the United States.

Mr. GRIFFIN. If the Senator will indulge me, my legislative assistant will give us the exact language of Chief Justice Warren's letter of resignation.

Mr. PEARSON. While that search is made, does the Senator recall whether or not the matter of the resignation was one made at the pleasure of the President?

Mr. GRIFFIN. Yes, it was. The wording spoke in terms of an intention to retire. It did not say, "I am going to retire." It spoke in terms of an intention to retire, as I recall, at the pleasure of the President.

Mr. PEARSON. This letter, I take it, of course, was addressed to President Lyndon B. Johnson, the present incumbent of that office.

Mr. GRIFFIN. The Senator is correct.

Mr. PEARSON. Does the Senator suppose that if that resignation did not become effective, that letter of intent and of desire would carry on for some considerable time? Would it extend, perhaps, past December of this year to the new incumbent of the office of President?

I take it the resignation was in the form that there was a desire to retire and the desire was being made known to the President and would take effect at the President's pleasure.

Mr. GRIFFIN. I have the language and I will read it. The letter reads:

> I hereby advise you of my intention to retire as Chief Justice of the United States effective at your pleasure.

Mr. PEARSON. The letter states "effective at your pleasure." So the Senator would not interpret this to be an intention to retire directed to some new President if no action were taken prior to January 20 of next year.

Mr. GRIFFIN. I think this might be a reasonable possibility. It is perhaps subject to interpretation because Chief Justice Warren's letter is addressed to "the President," not President Johnson, but that is a question that would be difficult for this Senator or any other Senator to answer with certainty.

Mr. PEARSON. I wonder if the Senator—and I know he has diligently researched most of the points involved in this debate—considers this the usual and normal manner in which a Justice of the Supreme Court or Chief Justice of the United States makes known his intent to leave his duties in the highest court of this land.

Mr. GRIFFIN. The answer is absolutely not. This so-called conditional retirement is unprecedented in the history of the Supreme Court. No other Justice, no other so-called vacancy, has ever been created or brought about in this manner. In all other relevant instances the vacancy came about because of the death of a sitting Justice or as a result of the retirement as of a date certain.

It is true that with respect to some positions in the lower courts of the Federal judiciary there have been instances where a Federal district judge has retired and submitted a retirement notice in language similar to this. But it is a practice which has nothing to commend it.

Mr. PEARSON. Would the Senator advise me whether or not the statutory law or the Constitution provides that upon a resignation of a Justice, as in the case of so many other offices, he continue his duties until his successor is appointed, qualified, and sworn in?

Mr. GRIFFIN. I wish to tell the Senator that the Senator from North Carolina [Mr. ERVIN] and also the Senator from Tennessee [Mr. BAKER] are particularly well schooled in the statutes involving the retirement of judges. They have addressed themselves to this point of view thoroughly. I must confess that I am not as well posted on this point.

Mr. PEARSON. I appreciate the fact that the Senator from North Carolina is on the committee and dealt with this throughout the hearings. I am only seeking to explore the nature of the resignation because it is a matter of open conversation not only in this Chamber but among all those persons who are interested in this very vital matter as to whether or not a vacancy now occurs. It was to that end that I sought to develop this particular line of questioning.

Will the Senator indulge me a little longer?

Mr. GRIFFIN. I am delighted to yield to the Senator for a question.

Mr. PEARSON. In all fairness, even though this is an unprecedented manner in which the resignation is made, it could be achieved if this particular nominee were confirmed by the Senate. The Chief Justice then, I suppose, could resign and the oath then administered to Mr. Fortas forthwith. So while it is unprecedented, I presume it could be done.

I would leave to the Senator from Michigan and others to analyze what the motives may be in this particular unusual form of resignation.

I thank the Senator for his responses.

Mr. GRIFFIN. I thank the Senator from Kansas. I think the Senator from Kansas will be interested in an analysis of this particular point which appeared in the publication the New Republic, which I think the Senator would agree would not normally be on my side of this issue.

I would like to quote from the New Republic, and this is to the point the Senator raised:

> Executive officers serve under the direction and at the pleasure of the President. It is unobjectionable, and right, that they should make their resignations effective at his pleasure . . . But judicial officers are independent of the President . . .
>
> It is perhaps a small, symbolic point only, but the symbols of judicial independence are not trivial; they are an important source of judicial power and effectiveness.

I continue to quote from the article.

> The point, moreover, goes beyond the symbolic, as Chief Justice Warren himself ingeniously emphasized at his press conference on July 5. He was still in office, said the Chief Justice, and would return to preside in the fall if the Senate fails to confirm Abe Fortas, of whom he thinks well.
>
> That may not have been intended as a form of pressure, but it looked like it. The pressure was, in any event, implicit in the manner of Chief Justice Warren's retirement . . . Retirements which are effective on a date which is certain and irrevocable ensure that a replacement will be considered on his own merits, and not as a choice between himself and his predecessor.
>
> The practice of retiring or resigning, as Chief Justice Warren did, effective upon the qualification of a successor, is unprecedented in the Supreme Court. It seems to have grown up among lower federal judges. It has nothing to commend it.

I think this editorial summarizes the situation about as succinctly as I have seen it stated. I would also call the Senator's attention to an item which appeared in the June 14 issue of the Wall Street Journal some 7 days before there was any authoritative report that Chief Justice Warren intended to resign.

The Wall Street Journal stated that Chief Justice Earl Warren "may quit before President Johnson's term runs out. Reason: He hopes to have a voice in the selection of his successor." When that kind of speculation, of which I know none of us would approve, is coupled with a letter which is conditional and is effective at the pleasure of the President, it obviously raises all sorts of disturbing questions.

Mr. PEARSON. I thank the Senator. As I look at the volumes of the hearings of the nomination of Abe Fortas and Homer Thornberry, can the Senator advise me as to the nature of the nomination of Justice Thornberry, who now, I believe, serves on the circuit court of appeals. Is it conditional upon a vacancy being created by the taking of office of Mr. Fortas as Chief Justice of the United States?

In other words, what is the situation, not so much in relation to whether or not a vacancy exists in the office of Chief Justice, but whether or not a vacancy exists on the Court itself.

Not to be facetious, but to carry the argument to some length, suppose this situation, if we confirmed Justice Thornberry and did not confirm Justice Fortas—did the Senator follow my question?

Mr. GRIFFIN. There is a Senator in the Chamber who happens to be a member of the Committee on the Judiciary. He is probably in a position to answer some of these questions. For example, it is my understanding, not being a member of the Committee on the Judiciary, that it has not reported the nomination of Justice Thornberry and that further action by the committee would be taken in the event that Justice Fortas' nomination was confirmed. I ask the distinguished Senator from North Dakota, am I correct?

Mr. BURDICK. I would respond to the question of the Senator from Michigan by saying that no action has been taken on Justice Thornberry.

Mr. PEARSON. No action has been taken, but hearings have been completed by the Committee on the Judiciary on this particular nomination?

Mr. BURDICK. I am not certain, but hearings have been held on the nomination.

Mr. PEARSON. But the committee has received the nomination?

Mr. BURDICK. That is correct.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that this colloquy not jeopardize my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURDICK. Mr. President, will the Senator from Michigan yield further?

Mr. GRIFFIN. I am glad to yield to the Senator from North Dakota for a question.

Mr. BURDICK. The Senator from Michigan, in responding to the question asked by the able Senator from Kansas [Mr. PEARSON], stated that the manner of presenting the nomination was unprecedented in history.

Mr. GRIFFIN. If the distinguished Senator from North Dakota will allow me to correct him, I said in the history of the Supreme Court.

Mr. BURDICK. Yes. That is right, in the history of the Supreme Court.

I should like to invite the attention of the Senator from Michigan to the record of the hearings on page 11, and I quote from the testimony of the Attorney General:

> Mr. Justice Gray notified President Theodore Roosevelt on July 9, 1902, that he had decided to avail himself of the right to resign at full pay, and added:
>
> "* * * I should resign to take effect immediately, but for a doubt whether a resignation to take effect at a future day, or on the appointment of my successor, may be more agreeable to you."
>
> In accepting the resignation on July 11, 1902, President Roosevelt stated:
>
> "If agreeable to you, I will ask that the resignation take effect on the appointment of your successor."

This is the precise precedent for what has been done here.

Mr. GRIFFIN. If I may be permitted to respond, that point was raised in committee when I was testifying before it. My response now will be as it was then, and that is to simply read a little further on in the statement presented by the Attorney General.

Mr. BURDICK. Where?

Mr. GRIFFIN. From the record on page 12 of the hearings, as follows:

> On August 11, 1902, President Roosevelt appointed Oliver Wendell Holmes, Jr., to succeed Justice Gray. The Congress was then in recess. Holmes chose not to serve under the circumstances. Justice Gray died in September and the President nominated Holmes on December 2, 1902, the day after the Senate reconvened. He was confirmed December 4.

Thus, although there was a letter of a similar nature submitted, it never culminated in the appointment and confirmation of a successor and therefore does not provide any real precedent for this procedure.

Mr. BURDICK. I submit to my able friend that that did not change the form of the resignation.

Mr. GRIFFIN. If the Senator is making the point that Justice Gray submitted such a letter in those words, I certainly concede that point.

But, I think it is also important that we remember that we now have a vacancy—which is not a vacancy—which will be very obvious on October 7 when Justice Warren reconvenes the Supreme Court.

This unfortunate situation comes about not as the result of one party to this arrangement but because of both parties.

President Johnson could and should have responded to this letter by accepting it as of a date certain. He could have accepted it as of any particular date, I assume, and then we would not have had this kind of situation. But he chose to respond by saying, "I accept your intention to retire when, in effect, my nominee is qualified and confirmed by the Senate."

Mr. PEARSON. Does the Senator know whether Justice Thornberry has submitted a similar letter to the President? He is now serving on the circuit court of appeals.

Mr. GRIFFIN. No, he has not to the best of my knowledge.

Mr. PEARSON. The Senator made reference to a press conference by Chief Justice Warren wherein a number of subjects were covered. Can the Senator tell me whether, in any way, either through the press conference or otherwise, the Chief Justice indicated that if this particular nomination were not confirmed, he would not retire, and would withdraw his intention to retire?

Mr. GRIFFIN. I doubt that he put it in those precise words. I think, as indicated in the New Republic, they were pointing to the fact that he left that clear implication by his words.

My legislative assistant tells me that on page 1382 of the hearings, there is, from U.S. News & World Report, a transcript of the press conference of Chief Justice Warren, to which the Senator referred.

Mr. PEARSON. I thank the Senator.

Mr. GRIFFIN. Mr. President, when the administration witnesses, Joseph W. Barr and W. DeVier Pierson, refused to appear before the Committee on the Judiciary to answer questions concerning the allegations that Justice Fortas had participated in the framing of a legislative measure, these two administration witnesses based their refusal on the claim of executive privilege.

I think it is important for the Senate to take note of the fact that in hiding behind the claim of executive privilege, they and the administration repudiated the explicit policies established by the late President John F. Kennedy, and adopted by President Johnson, because both Presidents had assured Congress, in writing, that information would not be withheld from Congress on the grounds of executive privilege, unless the President himself should invoke that executive privilege.

In a letter dated March 7, 1962, to Chairman JOHN Moss of the Special Government Information Subcommittee of the House Committee on Government Operations, President John F. Kennedy wrote:

> As you know, this administration has gone to great lengths to achieve full cooperation with the Congress in making available to it appropriate documents, correspondence, and information. This is the basic policy of this administration and it will continue to be so.

Continuing to quote from President Kennedy's letter:

> Executive privilege can be invoked only by the President and will not be used without specific Presidential approval.

In a letter of April 2, 1965, to Representative Moss, President Lyndon Johnson wrote:

> Since assuming the Presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 7, 1962, dealing with the subject. Thus, the claim of executive privilege will continue to be made only by the President.

Here we are now, Mr. President. The Senate has a constitutional responsibility to advise and consent concerning a nomination to the highest judicial post in the land. We have this responsibility as a result of an action on the part of the administration. The administration has a policy that it does not recognize or invoke the doctrine of executive privilege unless the President himself invokes it. That is the policy. Yet, in frustration of the Senate's effort to perform its constitutional responsibility, the administration witnesses refuse to come before the committee and answer questions. The President himself does not follow his own policy, because he did not, to the committee's knowledge, or to this Senator's knowledge, invoke the privilege himself.

So, in the waning months of his administration, he tosses into the ashcan an important fundamental policy, on which the Subcommittee on Government Information of the House Committee on Government Operations, headed by John Moss, and on which I served as a Member of the House, worked very diligently and very hard, with the support, I might add, of very responsible and effective members of the press, who have always been concerned, and legitimately so, when any administration seeks to conceal information, seeks to deny information, or seeks not to make it available.

I am surprised, frankly, that, in light of the ashcan treatment of this important policy, which it took so long to establish, there has not been more editorial comment about the refusal of these two administration witnesses to appear in these hearings on the ground of executive privilege.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. I am glad to yield for a question.

Mr. CURTIS. How many witnesses declined to appear because of Executive privilege?

Mr. GRIFFIN. I think the two who clearly put it on that basis, as I read their letters, would be Mr. Pierson and Mr. Barr.

Mr. CURTIS. Would the Senator describe what positions they hold?

Mr. GRIFFIN. Mr. Joseph Barr is the Under Secretary of the Treasury. Mr. DeVier Pierson is the Associate Special Counsel to the President.

I may say that Mr. Barr's testimony would have been important because, according to Senator Allott's testimony, he was present in the committee room and actually called the White House concerning the amendment to an appropriation bill. And he was the one who, according to Senator Allott, came back and told him, "I have been talking to the White House. This is the amendment they want at the White House. It has been gone over by DeVier Pierson and Abe Fortas; they have cleared it, and they can live with it." Hearings, part II, page 1349.

Mr. CURTIS. And both Mr. Barr and Mr. Pierson declined to come?

Mr. GRIFFIN. That is right.

Mr. CURTIS. Does the Senator know in what manner their appearance was requested? 'Vas it by telegram, subpena, or oral request?

Mr. GRIFFIN. I am not exactly sure which it was, but there is no question, of course, that they received such a request for their letters of refusal came to the committee and are in the record of the hearings, part II, pages 1347 and 1348.

Mr. CURTIS. And the letters themselves acknowledge it; they were, of course, in writing?

Mr. GRIFFIN. That is right.

Mr. CURTIS. And in the letter of Mr. Fortas, in declining to appear, we find that he acknowledged this telegram, which advises him that a number of members of the Senate Judiciary Committee have expressed the desire that he return for further interrogation. In the closing of his letter he says:

> I believe my proper course is respectfully to decline to appear.

But does the Senator know of any place where he gave any reasons for declining?

Mr. GRIFFIN. No; I do not.

Mr. CURTIS. To the Senator's knowledge, was there ever any answer to any of the material that had been placed in the hands of the committee and made public? Was any answer made to that by Mr. Fortas other than by personal appearance?

Mr. GRIFFIN. Of course, he did not appear, and there was no personal appearance on his part. There was no personal appearance by any of these other witnesses.

Mr. CURTIS. And he sent no communication that stated any reason for the position that he took?

Mr. GRIFFIN. That is right.

Mr. CURTIS. Yes; but was a communication received from Mr. Fortas that in any way made answer to the questions that had been raised between the time of the two hearings?

Mr. GRIFFIN. No; there was not. But, in any event, I certainly hope that the committee would not have accepted any answer other than a reappearance by the nominee to testify on these questions.

Having testified and having his testimony brought in question, I thought that the nominee would have been anxious to return to clear up the record before us. But he did not do so.

Mr. CURTIS. This is a lifetime appointment; is it not?

Mr. GRIFFIN. It certainly is.

Mr. CURTIS. As long as questions are relevant and related to matters that are unanswered, does the Senator believe that they should be pursued?

Mr. GRIFFIN. As I have indicated, the answer is "Yes." I do not think the record of the hearings of this case is complete, or nearly complete enough, for the Senate to exercise its constitutional advice and consent power in a responsible manner. This has been the thrust of my whole presentation today.

Mr. CURTIS. Does the Senator regard that the selection of a member of the Supreme Court is in two parts, one exercised by the President and one exercised by the Senate?

Mr. GRIFFIN. That is exactly correct.

Mr. CURTIS. Can the Senator conceive of anyone under consideration for a lifetime appointment to the high Court, having had one lengthy conference, or perhaps several lengthy conferences, with the President, declining to return for further discussions if asked by the Executive?

Mr. GRIFFIN. I certainly cannot conceive of that.

Mr. CURTIS. Does the Senator think the Senate of the United States is entitled to any less consideration?

Mr. GRIFFIN. Certainly not. We are a coordinate, equal branch of the Government, with a coequal responsibility in the appointing process.

Mr. CURTIS. It has been said that the action of the Senate in concurring in the President's selection for his official family, such as his Cabinet, is different from the action required of the Senate in picking the head of a separate and distinct branch of the Government, to wit, the judiciary. In what way is it different?

Mr. GRIFFIN. I think there is a vast difference. It should be kept in mind that a Cabinet member serves only during the term of the President then in office.

I think it is important to keep in mind that the President should be held accountable for the operations of the executive branch of the Government. If he is to be so accountable, I think the Senate should normally accord him wide latitude in the selection of the people who are to serve as his advisers in his Cabinet.

I believe that the history of the Senate demonstrates that the Senate has generally viewed the appointment of a Cabinet official in a different light, as being in a different category, than an appointment to the Supreme Court. I think, and I have said before, that if President Johnson were to have appointed Mr. Fortas as the Attorney General in his Cabinet, at any point along the line, regardless of my differences with him on other matters I would have voted to confirm Mr. Fortas as Attorney General.

Mr. CURTIS. And he would serve there for a limited term.

Mr. GRIFFIN. He would serve during the term of Mr. Johnson. But I think the responsibility is altogether different when we talk about the selection of Justices for the independent third branch of the Government, the judicial branch. There we have a coequal responsibility to make sure that we are not just rubberstamping all nominees—but that only the most gifted, the best qualified people in the country are put on the Supreme Court.

Mr. CURTIS. Is the distinguished Senator saying, in effect, that when it comes to the President picking out his own helpers to execute his job as Chief Executive, the Senate should concede with latitude, but that that does not prevail when the matter relates to a third and independent branch, that has to stand in judgment over both the executive and the legislative, and over the citizens themselves?

Mr. GRIFFIN. That is absolutely correct. I think too often the American people and the Senate have lost sight of this very important difference. In the past, I think some appointments to the Court have not been given the scrutiny they deserved.

Mr. CURTIS. Would the Senator agree

that it might be stated another way: Appointments to the executive branch are, in effect, of assistants to the President; therefore the President, for proper execution of his duties, should have people around him who will do his will, but it is not the function or purpose of the Supreme Court, either legally or historically, to do the will of the President or any other branch of the Government; Is that correct?

Mr. GRIFFIN. The Senator is absolutely correct.

Mr. President, today, with respect for the law at low ebb, with our ability to maintain order in our cities seriously in question for the first time in our history, and with sizable groups of Americans convinced that the basic institutions of our society are a sham and a fraud, the rewarding of an old friend with the Chief Justiceship of the United States is uniquely inappropriate.

If there was ever a time in our Nation's history when a Caesar's wife appointment would be of great value to reinforce public confidence in the Supreme Court and in the judiciary, this is such a time. If there was ever a time when cronyism was a disservice to the Nation, this is that time.

Mr. President, even before the current controversy erupted, public confidence in the Supreme Court had fallen to an all-time low in modern history. Regretfully, it was reported by the Gallup poll survey in June—before this controversy arose—that 60 percent of the American people did not have a favorable opinion of the Supreme Court. Undoubtedly, much of this disfavor can be attributed to widespread dissatisfaction with some of the more controversial rulings of the Court in various fields; but, Mr. President, I wish to emphasize that the prestige of the Supreme Court does not hinge solely on the result it may reach in a particular case or in particular cases. I am convinced that there are other even more compelling causes which also influence the standing of the Court with the American people.

For example, the same Gallup poll reported that 61 percent of the people favor a change in the method of selecting Supreme Court Justices. This strongly suggests that the circumstances which surround the appointment of a Justice profoundly affect the capacity of the Court to merit public confidence.

I very much and deeply regret that President Johnson has seen fit in this campaign season to drag the Supreme Court into the political arena. But in another sense I believe that this debate will ultimately serve a higher and a nobler purpose if it can lift the Supreme Court, once again, above and out of politics. If we prevail in this cause—and I am confident that we shall—there will be hope again that future Presidents will select a Benjamin Cardozo for the Supreme Court, as President Hoover did, not for personal or political considerations, but merely because he is the most outstanding jurist available in the land.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. CURTIS. I object.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The clerk will resume the call of the roll.

The bill clerk resumed the call of the roll.

Mr. HOLLINGS. Mr. President, I again ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLINGS. Mr. President, the nomination of Associate Justice Abe Fortas to be Chief Justice of the United States is a crucial issue before the Senate today. But an even greater and more crucial issue faces us not merely for today but for the future, for the nomination of Mr. Justice Fortas has finally focused the attention of not only the Senate but also of the people of America on a much larger issue, the issue of the Court itself.

Mr. President, I believe that the entire concept of the Supreme Court is on trial today and that the Senate must sit as a judge of both the law and the facts. The question before us is not one of Mr. Fortas' ability as an attorney, for he is obviously a talented one. It is not a question of "lame duck" or cronyism; it is a question of the philosophy of the prospective Chief Justice and the philosophy of the body he aspires to head. Let there be no mistake about it: The two issues are inextricably bound.

First, let us examine the question of the Court and its role in today's society, for I believe that is the crux of the matter.

Alexander Hamilton wrote in No. 78 of The Federalist that the Federal judiciary is "beyond comparison the weakest of the three departments of power." He went on:

> The judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the constitution, because it will be least in a capacity to annoy or injure them. The executive not only dispenses the honours, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever, it may truly be said to have neither force nor will, but merely judgment.

I cannot believe that even the most ardent defender of the Court as constituted today would not agree that the Court has indeed exceeded its authority as Hamilton saw it. In fact, the characterization of the Court heard most often today is not "the weakest branch of Government" but rather "a supersenate."

Has the Court indeed become a supersenate? Thirty-eight chief justices of the States seem to think so. In 1958 the conference of chief justices adopted the following resolution:

> *Resolved:*
>
> 1. That this conference approves the report of the Committee on Federal-State Relationships as affected by judicial decisions submitted at this meeting.
>
> 2. That in the field of Federal-State relationships the division of powers between those granted to the national government and those reserved to the state governments should be tested solely by the provisions of the Constitution of the United States and the amendments thereto.
>
> 3. That this conference believes that our system of federalism, under which control of matters primarily of national concern is committed to our National Government and control of matters primarily of local concern is reserved to the several States, is sound and should be more diligently preserved.
>
> 4. That this conference, while recognizing that the application of constitutional rules to changed conditions must be sufficiently flexible as to make such rules adaptable to altered conditions, believes that a fundamental purpose of having a written constitution is to promote the certainty and stability of the provisions of law set forth in such a constitution.
>
> 5. That this conference hereby respectfully urges that the Supreme Court of the United States, in exercising the great powers confided to it for the determination of questions as to the allocation and extent of national and State powers, respectively, and as to the validity under the Federal constitution of the exercise of powers reserved to the States, exercise one of the greatest of all judicial powers—the power of judicial self restraint—by recognizing and giving effect to the difference between that which, on the one hand, the constitution may prescribe or permit, and that which, on the other, a majority of the Supreme Court, as from time to time constituted, may deem desirable or undesirable, to the end that our system of Federalism may continue to function with and through the preservation of local self-government.
>
> 6. That this conference firmly believes that the subject with which the committee on Federal-State relationships as affected by judicial decisions has been concerned is one of continuing importance, and that there should be a committee appointed to deal with the subject in the ensuing year.

In the report accompanying this resolution, the committee particularly singled out Supreme Court decisions regarding State administration of criminal law. They said in part:

> When we turn to the impact of decisions of the Supreme Court upon the State Administration or Criminal Justice, we find that we have entered a very broad field. In many matters, such as the fair drawing of juries, the exclusion of forced confessions as evidence, and the right to counsel at least in all serious cases, we do not believe that there is any real difference in doctrine between the views held by the Supreme Court of the United States and the views held by the highest courts of the several states. There is, however, a rather considerable difference at times as to how these general principles should be applied and as to whether they have been duly regarded or not. In such matters the Supreme Court not only feels free to review the facts, but considers it to be its duty to make an independent review of the facts.

They say further:

> It has long been an American boast that we have a government of laws and not of men. We believe that any study of recent decisions of the Supreme Court will raise at least considerable doubt as to the validity of that boast.

Mr. President, this represents the opinion of the chief justices of our State courts and I agree with their conclusion that something must be done to curb the self-assumed, arbitrary power of the Court. The Supreme Court is now unabashedly making law—and that is not the function of the Court.

Perhaps it would be instructive to examine what some other members of the Court, both Chief and Associate Justices, have had to say about the function of the Court.

Mr. JACKSON. Mr. President, I ask unanimous consent that I may speak briefly without the Senator from South Carolina losing his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

NUCLEAR TEST-BAN TREATY SAFEGUARDS

Mr. JACKSON. Mr. President, in the months that have followed my fourth annual report to the Senate on the implementation of the Limited Nuclear Test-Ban Treaty safeguards on November 30 of last year, there have been several significant developments that not only bear on the safeguards, but also have an impact on our strategic posture and national security.

First, a Nonproliferation of Nuclear Weapons Treaty has been negotiated and is before the Senate at this time. This treaty has been signed by three of the nuclear powers, but it has not been signed by two other nuclear weapons countries, and signatures are still in doubt from a number of non-weapon countries that might have the capability of producing nuclear weapons. Recent events in Czechoslovakia may well result in delays in several governments concerning formal action on the treaty; and in any event, even if widely ratified, the treaty would in no way reduce U.S. responsibility for maintaining a credible nuclear deterrent.

Second, the Preparedness Investigating Subcommittee, chaired by the distinguished Senator from Mississippi [Mr. STENNIS], has recently concluded extensive hearings on our strategic defense posture. Top defense leaders, both civilian and military, testified that our margin of nuclear superiority is being steadily reduced by the intensive Soviet buildup and that further sophistication in Soviet nuclear weapons and delivery systems can be expected. The key importance of research and development in maintaining the technological superiority on which we must rely in the next decade was recognized by virtually every witness who testified. Thus, if we are to compete on a technological basis, the safeguards program assumes an even more vital role.

Third, the President has announced that agreement has been reached between the Soviet Union and the United States to enter into discussions on the limitation and the reduction of both offensive strategic nuclear weapons delivery systems and systems of defense against ballistic missiles. The Soviet action in Czechoslovakia has clearly set back the prospect for starting these talks. We can continue to hope that—at the appropriate time—such discussions will be held; but even under the best of circumstances now foreseeable, it is likely to require a very lengthy effort to make progress toward reliable agreements. During such talks, if they materialize, our strategic offensive and defensive systems must be maintained and improved, for success or even significant progress toward weapons limitation in such negotiations cannot be assumed.

When the Senate ratified the Limited Nuclear Test-Ban Treaty it did so with the understanding that four safeguards would be implemented. In brief, these safeguards are: first, the conduct of a comprehensive, aggressive, and continuing underground nuclear test program; second, the maintenance of modern nuclear laboratory facilities and programs; third, the maintenance of the facilities and resources necessary to resume promptly atmospheric testing should it be deemed essential to our national security or should the treaty be abrogated by others; and fourth, the improvement of our capability to monitor and detect violations of the treaty. The implementation of the four safeguards is the joint responsibility of the Atomic Energy Commission—AEC— and the Department of Defense—DOD.

In the following discussion of each safeguard, I shall draw on information which has been developed by the staff of the Preparedness Investigating Subcommittee and by the staff of the Joint Committee on Atomic Energy. The safeguard program is constantly monitored by these committee staffs through the medium of regular and special reports from AEC and DOD and by periodic visits to facilities participating in the implementation of the safeguards. In order to make available for broad dissemination as much of this information as is possible without compromising our Nation's security, I will include considerable detail in explaining programs now underway and those planned for future implementation. In addition, I will outline in a general way DOD and AEC accomplishments in each area during the past year.

THE FIRST SAFEGUARD: UNDERGROUND TEST PROGRAM

The first safeguard requires the aggressive conduct of a continuing comprehensive underground nuclear test program designed to add to our knowledge and improve our weapon systems in all areas of significance to our military posture in the future.

As a result of the advanced technology acquired from the continuing underground nuclear test program and in corollary with the research activities conducted by the laboratories which support the test effort, the United States has continued to develop a technologically advanced capability to support a wide variety of highly sophisticated full-scale underground nuclear tests. However, many effects of high altitude nuclear explosions, such as radar blackout, communications interference, and electromagnetic pulse—EMP—effects cannot be solved by underground testing, as least not within our present technology.

Major emphasis in the past year in our testing program has been directed toward the following objectives:

First. To assure the reliability of performance and safety of both stockpiled and planned nuclear weapons;

Second. To continue the development and improvement of our penetration capability against potential enemy nuclear countermeasures;

Third. To assess the achieved hardness of our reentry vehicles;

Fourth. To confirm laboratory tests and hardening programs on the electronics of missile guidance systems and satellites;

Fifth. To investigate mechanisms by which planned defensive weapons can reliably kill enemy reentry vehicles;

Sixth. To advance nuclear technology by conducting nuclear tests intended to probe and investigate new and radically different nuclear design concepts;

Seventh. To conduct site calibration tests to obtain seismic data on the response and propagation pattern for specific areas.

With the continued development of instrumentation techniques and more complex diagnostic test arrays, many underground nuclear tests yield diagnostic data not believed possible 7 years ago when nuclear testing was resumed by the United States after the U.S.S.R. broke the previously effective moratorium.

During fiscal year 1968 the underground test series was named Crosstie and contained an increased level of tests when compared to previous years.

It should be noted that the Atomic Energy Commission's fiscal year 1968 authorization was reviewed by the Joint Committee on Atomic Energy. Together with other members of the committee, we foresaw the need and recommended the addition of $10 million for underground weapons testing.

Thirty of the underground nuclear tests in Crosstie were publicly announced, bringing to 157 the total number of U.S. tests announced in the 59 months between August 5, 1963, the treaty signing date, and July 1, 1968. A large number of additional tests have not been announced in consonance with the policy established in 1961 to refrain, for national security reasons, from making public the specific level of test operations.

Of the Crosstie events, two were conducted offsite, that is, away from the Nevada Test Site—NTS. One, peaceful uses—Plowshare—event, Gasbuggy, was conducted near Farmington, N. Mex., and one calibration test—Faultless—was conducted in the Hot Creek Valley area of central Nevada.

Most of the Crosstie tests were AEC weapons development tests but they also included four Plowshare—peaceful uses—tests. Of the four Department of Defense tests, three were made to determine certain weapons effects information and one was a Vela detection test.

Four of the AEC weapons development tests were conducted in the Pahute Mesa area of the NTS. Boxcar, one of the Pahute events, was the highest yield yet conducted in the continental United States and had no significant on- or offsite damaging result. Cabriolet, a Plowshare cratering event, was also conducted in the Pahute Mesa area. Excluding two Plowshare cratering tests—Cabriolet and Gasbuggy—which by definition use shallow emplacements, the great majority of the remaining tests were emplaced in drilled holes, two were emplaced in tunnels, and one was emplaced in a mined shaft. The drilled hole emplacements varied from a maximum depth of 3,800 feet to a minimum of 389 feet.

The AEC and the DOD determined in mid-1966 that it was essential to establish a capability for underground weapons development tests of higher yield in order to insure that device characteristics will meet the requirements for a warhead for the Spartan anti-ballistic-missile system. These higher yield tests are expensive because of the requirement for drilling large diameter test holes to great depths. In addition, it is necessary to conduct these events in remote sites to minimize seismic effects on populated areas. Accordingly, development work had continued on two supplemental test sites—one in central Nevada—Hot Creek Valley—and one on Amchitka Island in the Aleutian Islands chain off Alaska. Additional tests are planned on Pahute Mesa with higher yield tests being planned at central Nevada and Amchitka. There was some adverse reaction from business interests in Las Vegas to the Boxcar high yield event on Pahute Mesa but on the whole, public acceptance of the higher yield tests has been good. The tests are vital to the development of the Spartan ABM and AEC has planned an intensive public relations effort to insure public acceptance and understanding.

CENTRAL NEVADA

The site of the Faultless calibration test has been placed in a caretaker status. The temporary camp for Faultless has been removed and plans are underway for a semipermanent 500-man base camp and technical facilities, including roads and an airstrip at a new location. Completion of the base camp and technical facilities is scheduled for early 1969. The roads and airstrip have a tentative completion date of late 1968. Two development emplacement holes are underway. Additional seismic exploration in Little Smokey Valley—east of Hot Creek Valley—was completed in May and a preliminary exploration in the Pancake Range will be completed in the near future. Decisions on emplacement hole drilling in these areas will not be made until Faultless results have been more fully analyzed.

AMCHITKA

Facilities on the southeast end of the island to house and maintain 500 men are in operation with an additional 360-man base camp planned for completion in late 1968. The base camp messhall is being expanded. Construction of a road, command post, fallout shelter, and an additional 200-man trailer-type camp is underway in the northwest part of the island. A special additional ship berthing facility is being constructed to be used for ships off-loading cement.

The site proof test hole—36 inches in diameter—has been drilled to about 4,000 feet and one of the emplacement holes has been drilled to a depth of about 5,000 feet with about 1,000 feet to go. Enlargement of the present site proof hole to a diameter of 60 inches has been authorized so as to make that hole more useful to the high yield test program. The site proof test is planned for conduct in the first half of 1969.

The underground nuclear weapons test program for fiscal year 1969, Bowline, was approved in principle in late June by the White House. It is directed toward the primary objectives of furthering our knowledge of weapons effects, of assuring weapon performance and safety, of determining penetration capability, special weapon development, advanced technology, site calibration, and special source development.

It is planned at this time for expenditures in the AEC and DOD fiscal year 1969 underground nuclear test program—Bowline—to run approximately one-third larger than the amount obligated in the fiscal year 1968 test program—Crosstie. Such an increase is certainly indicative of the increasing value, interest, and importance in carrying out aggressively the mandate of the first Limited Nuclear Test-Ban Treaty safeguard, underground testing.

THE SECOND SAFEGUARD: MAINTENANCE OF MODERN LABORATORIES AND PROGRAMS

The second safeguard requires the maintenance of modern laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain and insure the continued application of our human scientific resources to those programs on which progress on nuclear technology depends.

In reviewing the AEC fiscal year 1968 authorization, the Joint Committee on Atomic Energy recommended an addition of $5 million in underground testing related research at the three prime AEC weapons laboratories: Los Alamos Scientific Laboratory, Lawrence Radiation Laboratory—Livermore, and the Sandia Corp.

The research and development programs being carried forward in these laboratories can be classified into three primary areas of interest: First, fundamental research on a broad range of development needs; second, advanced development of specific concepts; and third, the development and design of specific weaponization concepts which have been tested. Under this safeguard, the DOD service laboratories and their contractors investigate weapons effects and associated phenomena through every method short of full-scale nuclear testing. With this approach the problems presented are exceedingly complex and involve a systematic analysis of many related phenomena, many of which require new theoretical and experimental techniques. In areas where information has been unobtainable through underground testing, research and simulation have been used where possible to produce the required data. This program has some advantages over full-scale nuclear tests. Laboratory experiments are generally less expensive; they can be performed many times; and the important parameters can be more easily controlled. To provide positive correlation between laboratory research and the actual effects of nuclear explosions, laboratory results have been confirmed in the underground program to the maximum extent possible.

Programmatic objectives of the nuclear weapons research laboratories must be pursued at many levels. Widely varying programs range in scope from component development to fundamental nuclear physics of the light elements. A broad base of appropriate fundamental research is necessary for a progressive nuclear weapons program and includes investigations in nuclear and atomic physics, solid state physics, general and physical chemistry, metallurgy, mathematics, and computational code development.

In weapons effects research, a program in transient radiation effects on electronics—Tree—is receiving considerable emphasis. The ultimate objective of this program is to take the scientific information on Tree which is being developed and translate it into engineering data for use by military electronic system developers. New effects discovered in the laboratory research program, in experiments conducted on underground tests, or occasioned by the advent of changes in nuclear weapon characteristics are being vigorously pursued. Refinements in understanding of the effects produced in electronics systems are continuously being sought and analytical tools to aid the system designer are continuously being improved.

ELECTROMAGNETIC PULSE—EMP

One of the effects of a nuclear detonation is the production of a strong transient electromagnetic signal called the electromagnetic pulse—EMP. When our Preparedness Investigating Subcommittee was conducting hearings on the then proposed Limited Test-Ban Treaty over 5 years ago, several expert witnesses warned us that we did not know enough about EMP and the possible effects it might have on our IBM and other missile systems. However, expert proponent witnesses assured us that overdesign, that is, providing more hardening against EMP than was thought necessary, would solve this problem and we should not be too concerned about it. Now, 5 years later, EMP is still a serious problem.

The complexity of the theory makes computer codes necessary to describe quantitatively the EMP environment. Recent work has concentrated on calculating the environment by more accurate means to improve the confidence in predictions. The complete system in its normal configuration must be studied in order to determine the amount of electromagnetic energy coupling. It is now known how energy couples into simple structures such as metal enclosures, antennas, and cables. Work is now in progress directed toward analyzing more complex and realistic structures which are composed of some combination of these metal enclosures, antennas and cables. The problem of in-flight missile susceptibility to EMP as opposed to a missile system in a static condition, cannot be addressed through underground tests since the nature of the required environments differ. This necessitates a specific reliance on a simulation capability.

Research programs on high altitude phenomenology continue to be emphasized because of the degrading effect of nuclear weapons on radar and communications systems. This program is particularly important in view of the Sentinel ABM deployment decision.

It is the ability to stay in the forefront of weapons technology that is the key to maintenance of the balance of world nuclear power. Of prime importance to the long-range vitality of our nuclear weapons development program is the emphasis which is placed on advanced development activities. General areas of interest that are under active study, include: First, development of more successful weapons hardening concepts; second, improvement of our capability and flexibility in weapons performance; third, new materials development; fourth, lightweight componentry development—neutron generators, arming and fuzing and firing sets; and fifth, a more complete understanding of nuclear reactions. An overriding consideration is the need to meet new threats to our nuclear deterrent from such developments as defensive warheads.

By continuing to maintain a challenging research and development program in nuclear weapons technologies; by continuing a progressive, highly complex underground nuclear testing program; and by maintaining and improving necessary laboratory facilities the laboratories have been able to retain and also to attract and recruit the desired and necessary scientific, technical, and administrative staffs.

THE THIRD SAFEGUARD: ATMOSPHERIC TEST READINESS CAPABILITY

The capability to conduct quickly a series of nuclear tests, on short notice, in the environments prohibited by the Limited Test-Ban Treaty—atmosphere, underwater and in space—as required under safeguard 3, should it become necessary and desirable, was attained and proven prior to January 1, 1965. Capability was demonstrated to test with the following reaction times:

First. Begin proof testing and operational systems test in 2 months.

Second. Begin tactical nuclear exercises in 2 to 3 months.

Third. Begin development tests in 3 months.

Fourth. Begin effects tests in 6 months, with the more complex developmental, effects and reentry vehicle vulnerability flight tests in 9 to 12 months.

To meet this schedule, certain facilities and systems are maintained in a ready status. These include: the oversea facilities at Johnston Atoll and in Hawaii, the three NC–135 diagnostic aircraft, the stockpile of universal and companion test vehicles, the B–52 airdrop aircraft, and the necessary instruments and instrumentation systems for airborne and ground observations.

The national nuclear test readiness program—NNTRP—has been under review and revision in the past year to update the readiness objectives as directed by the President. The revised NNTRP is in the final stages of coordination between the AEC and the DOD and it is planned to submit the revised program to the White House for approval in the near future.

The fiscal year 1968 overseas operational exercise of our readiness to resume atmospheric testing, Operation Paddlewheel, was carried out with airdrops of test devices on October 6 and October 10, 1967. In addition to the airdrop events of Paddlewheel, instrumented rockets were launched from Johnston Atoll and Kauai Island during the exercise period with payloads consisting of diagnostic instrumentation packages. The four full-scale annual overseas exercises—fiscal year 1965, Crosscheck; fiscal year 1966, Roundup; fiscal year 1967, Windlass; and fiscal year 1968, Paddlewheel—have demonstrated our ability to resume testing, if required. For this reason and to accommodate certain additional testing requirements, AEC and DOD, concurrently with a joint review of the NNTRP, have concurred in a decision to revise the NNTRP and to forgo the fiscal year 1969 planned full deployment overseas operational exercise—Operation Bannert.

The prime objectives of the revised readiness program will include:

First. Full proof of the survivability of hardened R/V vehicles when they are subjected to a realistic nuclear environment while in their operational modes.

Second. Evaluation of the effects of ABM radar operation from detonations at high altitude.

Third. Obtaining of realistic data on the electromagnetic fields created by nuclear detonations at low and high altitude.

Fourth. Cratering, ground shock, and debris effects on hardened systems and installations.

Fifth. Air burst and underwater shock effects related to problems of antisubmarine warfare—ASW—and modern ship structures.

THE FOURTH SAFEGUARD: MONITORING THE LIMITED TEST-BAN TREATY

The fourth safeguard requires the improvement of our capability, within feasible and practical limits, to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of foreign nuclear activity.

The VELA program is a joint AEC/DOD program supervised by the DOD's Advanced Research Projects Agency—ARPA—and is a research and development effort jointly conducted to improve the U.S. capability of detecting, locating, and identifying nuclear detonations. Part of the VELA program directly supports the implementation of the fourth safeguard.

The VELA satellite based detection program is directed toward development of instruments and systems to detect and diagnose nuclear explosions in space, in the exoatmosphere, and in the atmosphere down to the earth's surface. A broad variety of radiation detectors and associated electronics and logic circuitry has been developed and fabricated for incorporation into satellite payloads and placement into earth orbit.

There have been four successful launches on four attempts—Launch I, October 1963; launch II, July 1964; and launch III, July 1965, using Atlas-Agena boosters; and launch IV, April 1967, using a Titan III–C booster—from Cape Kennedy. Each resulted in the placement of two satellites in near circular earth orbits—nominal 60,000 nautical mile radii—on opposite sides of the earth. The spacecraft on launches I, II, and III were spin stabilized while launch IV craft were attitude controlled to be continuously pointing toward the earth. The first two launches provided a detection capability for detonations in space and the exoatmosphere. The third launch included an investigation of instrumentation that would make possible the detection of detonations that might occur within the atmosphere down to the earth's surface. This effort was successful and led to improved downward-looking sensors and the use of earth-oriented spacecraft on launch IV.

All spacecraft, except those from launch I, continue to function about as planned. Launch I spacecraft have been retired from active service in view of several factors: First, their more limited capability when compared with later launches; second, the cumulated effect of malfunctions which have decreased their capability; and third, the undue burden placed on the spacecraft tracking and data handling facilities. The launch I spacecraft will be monitored occasionally, on a noninterference basis, to determine their performance.

Preparations for launch V, currently planned for 1968, from Cape Kennedy with a backup launch scheduled for June 1969, are proceeding on a tight schedule but with no major difficulties foreseen. The detection sensors and electronic circuitry are planned to be more sophisticated than on previous satellites.

A VELA surface-based detector program is also under active research and development and operation. The programing includes a number of processing techniques of which acoustic detection and air fluorescence detection are examples.

Finally, under the fourth safeguard, the United States continues to support and operate various techniques and systems for obtaining information of foreign nuclear activities. This effort is adequately supported and is operating in a very satisfactory manner.

RELATED PROGRAMS

A large DOD program, with some assistance from AEC, is being carried on to give us a capability to first, detect, locate, and identify all underground nuclear explosions, and second, to research technical methods that could be used by other nations to evade detection or iden- and identify all underground nuclear explosions. The entire program is entitled VELA Uniform. The program produces important information but does not contribute directly to the safeguards program of the Limited Test-Ban Treaty.

CONCLUSION

In summary, I would like to state that, in general, we are pleased with the way the administration has continued to support and implement its promise to the Senate to carry out the safeguards.

I believe that the interest, concern, and support of the Senate has been a source of encouragement to the dedicated people who are involved in this vital but sometimes unrecognized activity.

Staff members from the Preparedness Investigating Subcommittee have recently completed visits to the National Nuclear Weapons Laboratories, the national test site in Nevada, and several military nuclear stations. At every installation progress, enthusiasm, activity, and dedication were apparent. Time after time, the people in charge of nuclear activities gave assurances that if they were provided adequate financial support and continued underground testing authority, including high yield fully contained and legal underground tests, they could keep the country in the forefront of the nuclear weapons field and help insure our national security.

We shall continue to monitor and review, make recommendations and report to the Senate on progress being made in safeguard implementation.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I may yield at this time to the distinguished Senator from Wisconsin [Mr. NELSON] with the understanding that his remarks will appear after mine and that I shall retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTOMAKER'S COST DATA REVEAL HIGH MARKUPS

Mr. NELSON. Mr. President, in recent days we have been witnessing another struggle between big business and the long-suffering public on a question of prices. The question this time is whether the Nation's automobile makers should or should not raise prices on their 1969 models. The public, represented by the Federal Government in general and by the President of the United States and the Cabinet Committee on Price Stability in particular, has maintained that there should be no price increases. Notwithstanding that, the big three of the automobile industry have raised them.

What is the interest of the public and the Government in automobile price increases? By what right does the Government take any hand in this subject at all?

One answer, of course, is that the Government is and must be concerned with inflation, and price increases in the automobile industry can be a mighty inflationary force. After long soul searching and struggle, the Congress has enacted a 10-percent tax surcharge as an unpleasant but necessary means of fighting inflation in an economy that has been strained by the great costs of our Asian war. The automobile manufacturers along with other giant corporations supported the across-the-board, 10-percent tax, which I opposed as a more palatable and desirable means of fighting inflation than a wartime excess profits tax, which I supported. The Government surely has the strongest interest in preventing the effects of the tax surcharge from being offset through new price increases.

All of this was made clear in general terms to the automobile industry during the time its 1969 price decisions were under consideration. Yet, on September 16, the Chrysler Corp., first of the big three to unveil its new models and announce its new prices, revealed that its 1969 prices would be up an average of 2.9 percent or $84 a car.

The Cabinet Committee on Price Stability issued a statement denouncing that decision the same day. The increase, the committee said, was "a severe setback to the cause of price stability, manifestly excessive and clearly not in the national interest."

The President of the United States, on September 17, issued a statement deploring the action and reporting the Cabinet committee's opinion that:

> There is absolutely no excuse for the Chrysler action and that this price increase should not stand.

The President's statement concluded with these words:

> No major industry has benefited more from the prosperity of recent years than the automobile industry. No major industry has a greater stake in protecting that prosperity.
>
> So today, I urge the auto manufacturers to recognize the public interest and exercise restraint and responsibility at this critical hour in the nation's battle against inflation.

The result was that on September 23, General Motors announced price increases of "only" $49 or 1.6 percent per car on its 1969 models, plus $15 to $17 more for headrests, which will be required after January 1. The press today suggests Ford's increases may be about the same.

I should like both the administration and the big three to know that this Senator is not prepared to accept these price increases as justified. I believe that continued pressure should be put upon the industry to roll prices back to the 1968 levels and there is no more effective pressure than the pressure of facts. The Senator from Oregon [Mr. MORSE] and I are today in a position to supply some facts that are no doubt old hat to the industry but will be news, and most revealing, to Senators and the public.

It is interesting that in all the argument over auto prices we have seen no hard information on the manufacturers' unit costs of production. Interesting—but not surprising. The manufacturers do not make their costs public. They do not make their costs available even to Government, not even on a confidential basis.

If Senators doubt that, Mr. President, I suggest this exercise: Re-read all the newspaper articles and official accounts pertaining to the recent discussions and disputes on automobile prices and see if you find any precise, factual information about what it costs one of the Big Three to build an automobile. I can tell you that you will not find it.

The Council of Economic Advisers, which has a mission to control inflation and to make judgments on the inflationary impact of price increases in major industries, does not get hard, detailed information from the automobile manufacturers on the costs of building a car.

The Department of Transportation has a mission to promote the safety of automobiles. In pursuit of that mission, the Department, one would suppose, would need to know the costs of particular proposed safety features in order to make informed cost-benefit decisions. The Department has an obligation, advocated by the automakers and expressed in the legislative history of the auto safety bill, to take costs into consideration in developing new safety requirements. But the Department of Transportation does not obtain precise and detailed cost data from the auto manufacturers.

Both the Council and the Department, one would also suppose, need to know the exact manufacturing costs of safety features in order to reach an informed judgment on the validity of industry claims that new Government safety requirements necessitate price increases. But they do not know.

Even the Bureau of Labor Statistics does not have detailed information on automobile manufacturing costs.

Some years ago, the Senate Subcommittee on Antitrust and Monopoly, then chaired by the late Senator Kefauver, made an earnest effort to obtain unit-cost data from the automobile manufacturers. Only one company, American Motors, furnished such data; General Motors and Ford supplied only unit-profit data.

How can this be? Why is such vital information not available?

The answer given by the automakers themselves is: Competition. The free enterprise system, they maintain, entitles and requires them to keep their costs a secret from their competitors and, of course, the only way they can keep their costs from their competitors is to withhold the information as well from their stockholders, their employees, their customers, their Government, and the public.

Some considerable doubt has been expressed from time to time about the continued validity of that contention. After all, in this country only three automobile manufacturers account for about 97 percent of domestic production, and one company for more than half. The company with half the market, General Motors, perennially makes profits in the range of 20 to 30 percent of investment. The industry as a whole has profits well above the average for all manufacturing. In such an industry, are the companies truly operating under the classical market disciplines? If not, should their right to keep their cost data secret from the public and even the Government continue to be recognized?

Distinguished witnesses testifying at public hearings before two subcommittees of the Senate Small Business Committee have suggested strongly that the answer to both those questions is "No."

The hearings to which I refer have been joint sessions of the Subcommittee on Monopoly and the Subcommittee on Retailing, Distribution, and Marketing Practices. I am chairman of the first. The second is chaired by the dedicated senior Senator from Oregon [Mr. MORSE]. Both are subcommittees of the Senate Small Business Committee.

Since June 1967, we have been exploring the question, "Are planning and regulation replacing competition in the American economy?" At the first session, a panel of witnesses that included J. K. Galbraith, Willard F. Mueller, Walter Adams, and Donald F. Turner, while disagreeing on many things, agreed, I would say, that private planning and regulation by the Big Three have substantially replaced the competition of the classical market in this country's automobile industry. They certainly differed on many issues of substance and of detail; but on the concept of market power as an accomplished fact in the automobile industry, I believe they did not significantly differ.

Last July we set out to explore the question further, and with particular attention to the auto industry. At a session of those hearings on July 10, the heavy veil of secrecy that has so long shrouded the automobile manufacturers' costs from the public was pierced by one pinprick of light. It was a very small revelation indeed, compared with the mass of information that continues to be hidden; but it was information of a type and quantity that could nevertheless prove to be immensely valuable.

The witness before our subcommittees was Ralph Nader. Every company in the passenger car manufacturing industry had also been invited to participate in that session, I might add; but they had all declined.

Mr. Nader testified—and this was the point the press picked up as most interesting in his entire statement—that the direct and indirect labor costs of a medium-priced automobile do not exceed $300. I expressed some astonishment at that, and Mr. Nader thereupon said:

> I have here some cost data relating to Ford Motor Company which indicates in specific ways just what a trivial component labor cost is in the overall cost of producing an automobile. If you would like, I can submit this for the record. (Transcript, p. 59.)

The material was accepted without the chairman or the cochairman of the hearing—I am frank to say—having any idea what they were getting. It is that exhibit, however, that I now wish to place in the Congressional Record because, I believe, it may have considerable, if indirect, relevance to the question now so much discussed, should 1969 automobiles be priced higher than the 1968 models?

The transcript of the July hearing has not yet been published and will not be for some few weeks yet, because we are giving the automobile companies the extra time they requested to offer their written comments.

For that reason, the exhibit to which I refer has not been generally available. In the meantime, we have been trying to get a better understanding of what it is and what it signifies. Our understanding is still incomplete; but Senator Morse and I are agreed that in the light of the present controversy over automobile prices, we should have this Nader exhibit published immediately.

At the completion of my statement, therefore, on behalf of the Senator from Oregon and myself, I am going to ask unanimous consent to have inserted in the Record a lengthy tabulation entitled "Development Cost of Production—Proof of Ending Inventory 1966 Model Ford, Date July 29, 1966." I shall refer to this document as exhibit 1 or the "Ford Factory Unit Cost Data."

The original of this document, as it came into the possession of Mr. Nader and was submitted by him to our subcommittees, consisted of 26 large pages which were obviously printed by a computer.

Exhibit 1, as Senator Morse and I are releasing it today, is a copy of that document as edited, abridged and annotated by the professional staff of the Senate Small Business Committee.

In the exhibit, the pagination of the original document has been indicated for ease of reference.

In the original, the exhibit contained columns headed: "Model or option," "Description," "Regular matl.," "M Matl.," "Std. Parts," "Inbd. Transp.," "Direct Labor," "Mfg. O head," "Unit std. cost," "Units prod.," "Usage & Del. Chgs.," "Prior Mo. Inv.," "Units sold," and "End. Inv."

In exhibit 1 as we are making it public, our staff has abridged the table by deleting all lines and columns pertaining solely to production and inventory, has edited it by using full rather than abbreviated headings for the remaining columns, and has annotated it with extensive footnotes prepared in close consultation with Ralph Nader.

For the benefit of those who will try to read and understand this long and complex table, I shall present our own best information and theories about it in question-and-answer form.

Question. What is the exhibit?

Answer. It is a unit-cost analysis, done by a computer, for 1 month's production at one automobile assembly plant of the Ford Motor Co. The month reported or analyzed by this document is July 1966, which was the last full month of production of the 1966 model at this plant. The report is of so-called standard rather than actual unit costs; but at that time of the model year, there is not much difference between the two.

Question. What cars were assembled at this plant?

Answer. Nineteen different models of Ford cars. On page 1 and on the first line of page 2 of the exhibit, we see the computer code numbers in the first column and the car body-code numbers and descriptions in the second column. It appears that this plant assembled four different Ford "Custom" cars—computer code numbers 51, 52, 53, and 54—10 different Ford "Galaxie" cars—computer code numbers 60 through 69 inclusive—and five different Ford station wagons—computer codes 71, 72, 74, 76, and 78.

Question. That describes the first page and one line of the second page. What is on all the other pages of the exhibit?

Answer. The computerized unit-cost analysis on the first page and the first line of the second page is of the unit costs of assembled "base vehicles"—that is, a car with only the equipment that is standard for each named model. These are what the trade sometimes calls "stripped" cars—although, for the more expensive models, a considerable number of items of equipment is included as standard equipment that is optional on other, lower priced models. The rest of the 26-page table contains the cost analysis, on a standard unit-cost basis, of various named options and option combinations. Each option is identified by name or numerical symbol or abbreviation alongside a computer code number that is usually of four digits.

Underneath each named option there are lines that identify the factory unit cost of adding that option to different car models. These models are identified by the two-digit numbers that appear at the beginning of the exhibit. There are also "delete" options, which identify the unit-cost saving to the factory of removing a particular piece of standard equipment. These shed some light, therefore, on the unit costs of standard equipment items. There are also option combinations. The costs shown under the latter type of headings are not the combined costs of the identified options; rather they are the added costs, or savings incurred, over and above the cost of the separate items, when the identified options are put on the same vehicle.

Question. Can you explain the remaining columns on the table?

Answer. I think the easiest and best way to explain this is to look at a particular line on the first page and read it across the page, column by column. For illustration, then, let us look at computer code 62. In the description column we see that computer code 62 is a Galaxie 500 four-door sedan, body code 54A. Now let us look at the columns across the page from left to right, after the description column, numbering them 1 through 9.

Column 1 is headed "Regular Material." The amount in that column for the Galaxie 500 four-door sedan is $1,360.38.

That includes, according to our best present understanding, the "important" parts of the "base vehicle" or "standard" car—for example, fenders, frames, doors, trim components, dashes, engine components or assembled engines, visors, and so forth.

It is most important to remember that many of the "regular material" items in this first column came from other Ford factories, each of which presumably would have its own computerized cost accounts similar to this one. We are informed—and it is even more important to remember this—that the parts that are lumped together in this column, to the extent that they came from other Ford factories, include a markup taken by the supplying sister factory. Hence, while column 1 is a cost column for this particular assembly plant, it is a profit column for the Ford Motor Co. as a whole. What percentage of column 1 may be markup we, of course, do not know; but the markup patterns that emerge from further study of this exhibit together with exhibit 2, which I shall shortly describe, suggest that it could easily be as high as 20 percent or more.

Column 2 is headed "Minor Material." The amount in this column for the Galaxie 500 four-door sedan, computer code 62, is $20.23. This column covers bulk materials such as glue, solder, paint: items for which there is no "neat" unit of measure for amount used per car.

Column 3 is headed "Standard Parts" and the amount for our example, computer code 62, is $16.32. These are standardized parts which are widely used on all—or many—models, such as metal screws, small screws, nuts, and bolts.

Column 4, "Inbound Transportation," amounting to $19.98 for the Galaxie 500 four-door sedan, is designed to charge off the cost of material transportation against production. It is adjusted periodically, depending on the amount of freight charges incurred.

Column 5, "Direct Labor," amounts to $57.85 to assemble the Galaxie 500 four-door sedan. This refers to direct, identifiable labor expended on assembly of a unit. However, the dollar cost shown cannot be interpreted as the actual dollar cost. It is based on a standard labor figure—at the time of this computer run, $2.76 per hour—applied to the number of hours per car, at standard volume.

We must remember, too, that just as column 1 includes unknown amounts and percentages of markup taken by other Ford factories, so it also includes unknown amounts of direct labor cost incurred by other Ford factories, which would be part of the direct labor cost of the car to Ford.

Column 6, headed "Manufacturing overhead," covers essentially fixed, nonallocable costs including indirect labor, such as some standard for maintenance and repair. It is not clear how this figure is derived and exactly what it includes; but it probably includes all typical indirect costs: light, power, depreciation, and so forth. The figure assigned as standard unit cost for the Galaxie 500 four-door under this heading, in July 1966, was $147.12.

Column 7, "Unit Standard Cost," is simply the sum of columns 1 through 6. Again, we are cautioned, this cannot be interpreted as the precise actual cost of a unit, since standard costing prevents such direct estimation. For instance, regular material is costed at "standard" cost which permits interplant performance comparison. However, since company estimates of standard cost are based on their experience with their actual costs, and since they are close enough for internal use by the company, they should be close enough for the type of analysis presented here. The next item must be considered in this connection.

Column 8, "Usage and Delivery Changes," is the item that provides the flexibility in the costing system and refers strictly to adjustments to regular material costs. This is necessary because costs at the first of the model year are only approximations; as errors are discovered, plants are notified and then investigate the cost adjustment required. The figure shown—52 cents for our computer code 62 example—is a cumulated total, possibly of many changes through the year. But since this run is for July, the last month of production, the figure shown should reflect quite accurately the total net adjustment for the year. A plus sign or the absence of a minus sign indicates that the figure is an addition to regular material costs, while a minus sign, which seems always to follow the number, not precede it, indicates that the adjustment is a decrease.

Column 9, "Adjusted Unit Cost," is a column added to the exhibit by our committee-staff editors and annotators for the convenience of the user. It does not appear on the original document. When completed—and the column has not yet been completed except for items singled out as examples in this statement—it will simply state the sum or difference of the amounts shown in columns 7 and 8.

Question. Why is this 2-year-old cost account of one factory for 1 month of any interest or importance?

Answer. The unit costs revealed by this exhibit can be compared with the prices Ford was charging its dealers for the same items, at that same time, and the comparison will give a much more detailed idea than either the public or the Government has had before of the sizes and variations of the markups Ford was taking over its costs at the end of the 1966 model year.

Simply because this type of detailed information has been so unavailable heretofore, outside the corporate accounting departments and boardrooms, I suspect that it will be long and closely studied by all those who have an interest in the industry's role and performance in the American and world economies.

Not the least of this exhibit's interesting features is the revelation it contains of the closeness and detail of the cost accounting done by a giant manufacturer. I doubt that anyone will ever again be disposed to accept "I don't know," or "We don't keep track of that" from an auto executive as an answer to a question about costs. Such a consistently negative response, I might add, was received from the automobile manufacturers by Senators MAGNUSON and MONDALE last year in their quest for economic information dealing with safety features.

But the most interesting feature is the revelation of the markups. We, of course, do not know whether 1968's and 1969's markups are the same as those of 1966; but I think we are entitled to ask if they are, and to find out in a quite definite way whether they are, before we accept price increases as justified.

Question. How do you tell what the markups are? Exhibit 1 just covers costs, does it not?

Answer. Right. We have to use another exhibit to get the markups.

At the end of my statement, I am going to ask unanimous consent to insert in the RECORD an exhibit 2.

Exhibit 2 is entitled "1966 Ford Passenger Car Prices." This exhibit consists of pages 1 through 4 and pages 14 through 18 of the regular printed price list that Ford dealers received from Ford Motor Co. for the same period to which exhibit 1 pertains. The omitted pages from the exhibit pertain to Ford models—Fairlane, Mustang, Thunderbird—not included in exhibit 1.

Following the item description column, there are five columns of figures in exhibit 2, from left to right, as follows:

Column 1, headed "Wholesale to Dealer," shows the base price that Ford charges its dealers for the item identified in the description column. This is a free on board factory price, before taxes. It includes an amount—a so-called holdback of 2 percent of suggested list—that Ford later rebates to its dealer. Hence, to arrive at the amount that Ford actually makes on a sale to a dealer, we must subtract from column 1 an amount equal to 2 percent of column 4, suggested list.

Column 2, headed "Schedule A, D. & D.," is the amount of the applicable excise tax at the time.

Column 3, headed "Wholesale Delivered," is the total of columns 1 and 2. The name is misleading, however, since these figures do not include factory to dealer freight costs and a $15 per unit advertising charge that Ford collects from its dealers for each and every car.

Column 4, "Suggested List," is a suggested standard list price for the car or option.

Column 5, "Suggested Retail," is the "window sticker" price of the car or option. In the case of automobiles, it includes a $40 "suggested dealer preparation and conditioning charge." In the case of cars and options, it adds to "suggested list" the amount of the excise tax.

Question. Can you show how this works on a specific example?

Answer. Yes. This is how we think these two exhibits can be used together to obtain a pretty close approximation of Ford's markups over its costs on a car or an option. In general, the steps are—

First. Match up two items that appear to be identical in the description columns of exhibit 1 and exhibit 2.

Second. Calculate Ford's basic price to the dealer by subtracting 2 percent of the amount in column 4 from the amount in column 1 of exhibit 2. The difference is Ford's price received from the dealer—although it is by no means the dealer's net cost of goods sold. To obtain that figure, you would have to add excise tax, freight, and, in the case of cars, the $15-per-car advertising charge levied by Ford.

Third. Get Ford's standard unit cost for the same item from column 9 of exhibit 1—which is the sum or difference of the two numbers in columns 7 and 8 of exhibit 1.

Fourth. Subtract Ford's standard unit cost, as obtained in the third step, from Ford's price to the dealer, as obtained in the second step and you have Ford's markup from assembly plant to dealer.

In exhibit 3, which I am also going to append to this statement, without objection, we have carried out this process for the Galaxie 500 four-door sedan and a number of its optional accessories.

The standard or "stripped" car, we learn from exhibit 2, includes a heater, standard safety features—for examples, standard, not deluxe, seat belts—and a six-cylinder engine. By reading page 1 of exhibit 2 and subtracting 2 percent of the amount in column 4 from the amount in column 1, we find that Ford's net receipt from its dealers for its computer-code-62 car was $1,872.37 for the standard vehicle. Then we check computer code 62 on page 1 of exhibit 1, and in column 9 we find that Ford's cost for that unit was $1,603.28. After deducting

Ford's saving for supplying car with a six-cylinder engine. Subtraction reveals a markup of $269.09, or 16.8 percent of cost. A modest profit? Well, remember that that is the markup for the assembly plant only. The amount in the first column of exhibit 1 includes markups, of unknown amounts and percentages, taken by the parts-supplier factories also owned by Ford. Of even more importance is the fact that the profit on the standard or "stripped" car—whatever it may be—is only the beginning of the story, as far as Ford, its dealers, and the consumer are concerned. The consumer and the dealer must pay for optional accessories, which sometimes amount to as much as one-third of the total purchase. Here the markups are astounding. Let us look at some examples.

Suppose the consumer, back in 1966, asked for 8.15 by 15 white sidewall rayon-cord four-ply-rated—oversize—tires for that Galaxie 500 four-door sedan, instead of the standard original equipment, which was 7.35 by 15 four-ply-rated black sidewall rayon-cord tires. Standard tires for various models are shown on page 3 of exhibit 2. That optional extra, according to page 17 of exhibit 1, computer code 6554 01, would have cost Ford $13.01 more than the standard equipment. But Ford charged the dealer $46.72 extra for that option, we learn from page 3 of exhibit 2, under the heading "Options." Ford's markup was $33.71 over cost, or 259.1 percent. All the tire options listed in exhibit 1, incidentally, are for five tires, except the delete options, which are for one spare tire and wheel.

For further evidence that the apparently modest 17-percent markup taken by Ford over the assembly plant's costs for the standard vehicle is only the frosting on top of a thick layer cake, consider the case of the heater. The lowly heater is standard equipment on all cars; but the customer and the dealer have a "delete option." That is, they can have it removed and get a deduction in the price of the standard car. From page 3 of exhibit 2—under the heading "Delete Options," we learn that Ford priced the standard heater to its dealers at $51.56, while from exhibit 1—page 9, computer code 3100801—we learn that Ford's cost for the heater on the Galaxie 500 four-door sedan was $20.70. The markup for this standard accessory, then, was $30.86, or 149.1 percent.

Let me describe briefly the options for the 1966 Galaxie 500 four-door that are included in our hypothetical example in exhibit 3.

First we have opted for an eight-cylinder engine instead of a six. In this connection, it is interesting to note that while the six is "standard" according to Ford's price list to its dealers—page 1 of exhibit 2—the eight is the standard for this model according to Ford's own internal cost accounting—page 2 of exhibit 1. By comparing the line that reads "Eight cylinder 289 CID 2V, base V-8, extra charge over 240 CID 6-cylinder" on page 1 of exhibit 2 with the line—computer code—A080605 on page 2 of exhibit 1, we find that Ford's cost for this "extra" on the computer-code 62 car was $19.22, while its price to the dealer was $75.60. The markup was $56.38, or 293.3 percent.

It may be noted at this point that Ford expects its dealers to operate on a markup not exceeding 25 percent over their laid-in costs on all items.

This is also a good place to take note that, throughout exhibit 1, the computer codes of particular models of cars—the two-digit numbers that appear alongside the car model descriptions and body-code numbers on page 1 of the exhibit—are keyed to the names of options in the description column right under the names of the options.

On both exhibit 1 and exhibit 2, it must also be remembered that many if not most options have their counterpart in standard equipment. Where this is the case—power windows instead of hand-crank standard windows, for example—the amounts shown in both exhibits represent the increase in cost over standard equipment, not the total cost of the option item standing alone.

Here is an example, with the numbers. Seat belts, front and rear, were standard equipment on all 1966 Fords; but deluxe seat belts were available as an optional extra. From exhibit 2, page 2, under the heading "Safety Equipment," we find that the dealer paid Ford an extra $10.17 over the price of the standard car for the deluxe seat-belt option. From page 15 of exhibit 1, computer code 4681 01, we learn that Ford's cost of this option, on a computer-code-62 car, which is our example, was $5.93. Subtraction reveals that Ford's markup was $4.24, or 71.5 percent of assembly-plant cost. As in the case of the heater, we surmised that Ford may have additional profit in this item concealed in the "Regular materials" column of the assembly plant's cost account.

Mr. President, following the July 1968 hearings of the Morse and Nelson subcommittees, at which Mr. Nader testified that the direct and indirect labor costs of a moderately priced automobile did not exceed $300, Senator MORSE and I wrote to each of the big three automakers and asked them to comment on that allegation, among others that Mr. Nader had made. They have all written to say that the figure is low; but they have offered no documentation. They say that their costs are confidential. I say that the Senator from Oregon and I are not now much disposed to let it end at that, and I do not believe the Senate or the U.S. Government and above all, the automobile-buying consumer should be disposed to let it end at that either. In exhibit 1, Mr. Nader has produced strong evidence that his figure for direct and indirect labor costs was accurate, at least back in 1966. In fact, the figure looks a bit high. I think the burden now shifts to the automobile companies to come up with other and better evidence, if they can and will, to support their contrary claim.

Exhibits 1, 2, and 3, taken together, show that the No. 2 automaker in 1966 was making very handsome markups over its costs of automobiles and parts. Far higher than it lets its dealers charge. Far higher than most manufacturers and wholesalers and retailers are able to charge in markets in which real and serious competition exists. I think that these exhibits require the automobile manufacturers—for surely General Motors does no worse than Ford on its markups, and I doubt that Chrysler does much if any worse—to come up with far more detailed cost data than they have if they are going to convince this Senator, and the Senator from Oregon [Mr. MORSE] that they need a price increase. A better conclusion from this exhibit is that they need some antitrust enforcement to restore serious competiton and reasonable profit levels to the industry.

These exhibits suggest anew, to Senator MORSE and me, that the participation of the automobile companies in our hearings on planning, regulation and competition will be necessary before we are through. I think they have taken advantage of our subcommittees by their position that they will only submit written statements and not appear in person to participate in discussion and debate and to answer questions. We shall read their written statements and publish them, certainly, along with Mr. Nader's testimony and exhibits; but that cannot be the end of it. Our invitations will be reissued. If they are again declined, if institutions as important to our civilization as the automobile companies cannot answer some fairly basic questions, we shall have to take a different approach.

In conclusion, Mr. President, let me summarize some questions that these three exhibits that I am offering today raise as well as some questions they answer.

First. Why do Ford Motor Co.—and presumably the other two of the big three automakers—need to take markups over cost that range from 50 to 1,200 percent larger than the markups their dealers are required to operate under?

Second. If Ford—and presumably the other two of the big three—were making this size of markup in 1966, what kind of markup will they be making in 1969, with these new price increases? And what would they be making without the price increases?

Third. What do profits of this size tell us about the nature of competition in the American automobile industry?

Fourth. What are the reasons for the wide differences between the markups Ford takes on optional equipment of various types?

Fifth. What correlation is there between the margin on certain options and the frequency with which those options "turn up," unordered, on cars delivered to dealers? We shall need some help from the dealers on that point, as well as many of the others.

Those are the questions—some of the questions—these exhibits raise. Now let me mention some questions they answer. One is: Do the exhibits demonstrate a need for continuing—perhaps long-continuing focus on the auto industry at future joint hearings of the Morse and Nelson subcommittees on the subject of planning, regulation, and competition? The answer clearly is, "Yes."

Do they show a need for personal appearances as opposed to mere written contributions by industry representatives at the hearings? Again, the answer is "Yes."

Mr. President, we are living in a time of national crisis, domestic and foreign. It is no time for profiteering. It is no time for toleration of industrial decisions that promote and aggravate inflation. The automobile companies are experiencing record sales exceeding even their own predictions of last fall. This is scarcely a setting for increasing car prices. These automobile manufacturers are among the companies that only a short time ago were arguing for a 10 percent tax surcharge as a better means of attacking wartime inflation than an excess profits tax. Now it looks as though they want to pass the surcharge off onto the consumer. I think we need to know more about the profits they are making and the way they are making them.

Mr. President, I ask unanimous consent that exhibits 1, 2, and 3, to which I have referred in my statement, be printed in the RECORD at this point.

There being no objection, the exhibits were ordered to be printed in the RECORD, as follows:

EXHIBIT 1

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966

Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
	(Page 1 of original)									
51	62B Custom 500 2-door sedan	$1,308.34	$19.24	$15.36	$19.50	$54.51	$142.01	$1,558.96	−$1.18	....
52	54B Custom 500 4-door sedan	1,328.66	20.34	15.52	19.80	56.25	144.67	1,585.24	−.54	....
53	62E Custom 2-door sedan	1,301.37	19.35	15.05	18.80	53.76	140.86	1,549.19	−.90	....
54	54E Custom 4-door sedan	1,326.86	20.34	15.24	19.80	55.50	143.52	1,581.26	−5.38	....
60	57F Galaxie 500 4-door hardtop, LTD	1,558.16	20.62	18.89	21.77	64.71	157.62	1,841.77	.46	....
61	63D Galaxie 500 2-door hardtop, 7 Litre	1,694.24	19.77	17.96	20.95	62.76	154.64	1,970.32	7.59	....
62	54A Galaxie 500 4-door sedan	1,360.38	20.33	16.32	19.98	57.85	147.12	1,621.98	.52	$1,622.50
63	76D Galaxie 500 2-door convertible, 7 Litre	1,875.05	17.06	19.60	21.75	65.51	158.85	2,157.82	23.68	....
64	57B Galaxie 500 4-Door hardtop	1,418.36	20.56	17.00	20.37	60.74	151.55	1,688.58	.27	....
65	76A Galaxie 500 2-Door convertible	1,583.14	16.93	18.08	21.07	60.44	151.09	1,850.75	2.99	....
66	63B Galaxie 500 2-Door sports hardtop, FB	1,378.44	19.66	16.43	19.77	56.91	145.68	1,636.89	2.73	....
67	63F Galaxie 500 2-Door hardtop, LTD	1,507.51	19.77	16.81	21.27	58.87	148.68	1,772.91	−.24	....
68	63C Galaxie 500 2-Door sports hardtop, XL, fastback	1,517.64	19.93	17.31	21.47	62.23	153.83	1,792.41	8.86	....
69	76B Galaxie 500 2-Door convertible	1,710.96	17.06	18.95	22.27	64.96	158.01	1,992.21	10.45	....
71	71D 4-Door ranch wagon, 6 passenger	1,508.58	20.67	18.13	25.67	61.54	152.77	1,787.36	10.24	....
72	71B 4-door Country Sedan, 6 passenger	1,540.42	20.71	18.82	25.87	62.15	153.71	1,821.68	−5.33	....
74	71C 4-door Country Sedan, 9 passenger	1,591.16	20.72	19.29	26.17	64.88	157.88	1,880.10	−.81	....
76	71E 4-door Country Squire, 6 passenger	1,644.80	22.09	19.64	26.38	73.82	171.57	1,958.30	−2.43	....
	(Page 2 of original)									
78	71A 4-door Country Squire, 9 passenger	1,686.77	22.09	20.55	40.76	75.75	174.53	2,020.45	.93	....
A080	6-cylinder engine:									
A080601	51	−21.95	.05	....	−.11	−.22	−.56	−22.79	3.57	....
A080602	52	−21.95	.05	....	−.11	−.22	−.56	−22.79	3.57	....
A080603	53	−21.95	.05	....	−.11	−.22	−.56	−22.79	3.57	....
A080604	54	−21.95	.05	....	−.11	−.22	−.56	−22.79	3.57	....
A080605	62	−21.95	.05	....	−.11	−.22	−.56	−22.79	3.57	−19.22
A080606	64	−21.95	.05	....	−.11	−.22	−.56	−22.79	3.72	....
A080607	65	−17.21	.05	....	−.11	−.22	−.56	−18.05	−1.23	....
A080608	66	−17.15	.05	....	−.11	−.22	−.56	−17.99	−1.23	....
A080609	71	−20.03	.05	....	−.11	−.22	−.56	−20.87	1.48	....
A080610	72	−19.09	.05	....	−.11	−.22	−.56	−19.93	.77	....
A080611	74	−19.09	.05	....	−.11	−.22	−.56	−19.93	.77	....
A080612	76	−19.09	.05	....	−.11	−.22	−.56	−19.93	.77	....
A080613	78	−19.09	.05	....	−.11	−.22	−.56	−19.93	.77	....
	(Page 3 of original)									
1001	Differential, power lock:									
1001 01	All other	8.36	....	....	.07	....	....	8.43	5.33	....
1001 02	71-72-74-76-78	8.36	....	....	.07	....	....	8.43	.11	....
1001 03	61-63	8.36	....	....	.07	....	....	8.43	.23	....
1005	Differential, power lock and 352-390-410-428:[13]									
1005801	51-2-3-4	−5.33	....	....	....	....	....	−5.33	....	....
1005802	62-4-5-6	−5.33	....	....	....	....	....	−5.33	....	....
1005803	71-2-4-6-8	−.34	....	....	....	....	....	−.34	....	....
1005804	60-67-68-69	−5.33	....	....	....	....	....	−5.33	....	....
2000	Power brakes, manual transmission:									
2000601	All 6 cylinder	7.16	....	.01	.10	.14	.36	7.77	.37	....
2000801	All except 60-67-68-69	7.06	....	.01	.10	.11	.28	7.56	.15	....
2000802	60-67-68-69	7.06	....	.01	....	....	....	7.07	.15	....
2001	Power brakes, automatic transmission:									
2001601	All 6 cylinder	6.95	....	.12	.10	.14	.36	7.67	.37	....
2001801	All except 60-1-3-7-8-9	6.98	....	.12	.10	.11	.28	7.59	−.19	....
2001802	61-63	6.98	....	.12	.10	.11	.28	7.59	.09	....
2001803	60-7-8-9	6.98	....	.12	.10	.11	.28	7.59	.02	....
2004	Brakes, wear resistant, heavy duty, bonded:[14]									
2004601	51-52-53-54-62-64-65-66	4.33	....	.08	.05	.06	.15	4.67	11.80	....
2004602	71-72-74-76-78	5.28	....	.08	.07	.06	.15	5.64	4.65	....
2004801	51-52-53-54-62-64-65-66	3.73	....	.08	.05	.06	.15	4.07	12.40	....
2004802	60-67-68-69	−1.93	....	.08	−.02	.06	.15	−1.66	2.53	....
2004803	71-72-74-76-78	4.68	....	.08	.06	.06	.15	5.03	5.25	....
2005	Brakes, fade resistant, heavy duty, riveted:[15]									
2005 01	51-52-53-54-62	.98	....	.07	....	.06	.15	1.26	3.42	....
2005 02	64-65-66	.98	....	.07	....	.06	.15	1.26	3.42	....
2005 03	60-67-68-69	.98	....	.07	....	....	....	1.05	7.63	....
2010	Brakes, disc. manual transmission:									
2010601	51-52-53-54-62-64-65-66	32.07	.14	.38	.18	.14	.36	33.27	9.31	....
2010602	74-76-78	43.22	.14	.38	.18	.14	.36	44.42	−1.84	....
2010603	72	43.55	.14	.38	.18	.14	.36	44.75	−1.51	....
2010604	71	43.22	.14	.38	.18	.14	.36	44.42	−1.82	....
2010801	51-52-53-54-62-64-65	35.49	.14	.38	.18	.14	.36	36.69	.89	....
2010802	60-67-68-69	35.35	.14	.38	.18	.14	.36	36.55	1.05	....
2010803	61-63	−.17	.14	.38	.18	.14	.36	1.03	.15	....
2010804	66	33.69	.14	.38	.18	.14	.36	34.89	2.69	....
2010805	74-76-78	46.64	.14	.38	.18	.14	.36	47.84	−11.24	....
2010806	72	46.97	.14	.38	.18	.14	.36	48.17	−10.91	....
2010807	71	46.64	.14	.38	.18	.14	.36	47.84	−11.22	....

See footnotes at end of table.

EXHIBIT 1—Continued

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966—Continued

Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
	(Page 3 of original)—Continued									
2011	Brakes, disc, automatic transmission:									
2011601	All except 71-72	$43.90	$0.14	$0.38	$0.18	$0.14	$0.36	$$45.10	−$2.61	----------
2011602	72	44.23	.14	.38	.18	.14	.36	45.43	−2.28	----------
2011603	71	43.90	.14	.38	.18	.14	.36	45.10	−2.59	----------
2011801	51-52-53-54	45.65	.14	.38	.18	.14	.36	46.85	−9.57	----------
2011802	61-63	−.11	.14	.38	.18	.14	.36	1.09	.09	----------
	(Page 4 of original)									
2011803	72	45.98	.14	.38	.18	.14	.36	47.18	−10.22	----------
2011804	62-64-65-66	45.65	.14	.38	.18	.14	.36	46.85	−9.57	----------
2011805	74-76-78	45.65	.14	.38	.18	.14	.36	46.85	−10.55	----------
2011806	71	45.65	.14	.38	.18	.14	.36	46.85	−10.53	----------
2011807	60-67-68-69	45.65	.14	.38	.18	.14	.36	46.85	−9.38	----------
2015	Brakes, disc, 428 police engine:									
2015801	51-2-3-4	−.98						−.98		
2015802	62-4-5-6	−.98						−.98		
2015803	60-7-8-9	−.98						−.98		
2016	Brakes, fade resistant and 352, 390, 428:									
2016801	51-2-3-4	−4.99						−4.99		
2016802	62-4-5-6	−4.99						−4.99		
2016803	60-67-68-69	−4.99						−4.99		
3001	Window, power:									
3001 01	51-53	9.96	.07	----------	.14	1.71	4.35	16.23	−6.65	----------
3001 02	52-54	27.56	.07	----------	.14	1.99	5.06	34.82	−24.72	----------
3001 03	62	44.00	.07	----------	.14	1.99	5.06	51.26	3.56	$54.82
3001 04	66	42.86	.07	----------	.14	1.71	4.35	49.13	3.58	----------
3001 05	71	44.66	.07	----------	.14	1.99	5.06	51.92	−41.33	----------
3001 06	72	44.62	.07	----------	.14	1.99	5.06	51.88	3.90	----------
3001 07	74	43.34	.07	----------	.14	1.88	4.78	50.21	3.73	----------
3001 08	76-78	42.66	.07	----------	.14	1.88	4.78	49.53	3.45	----------
3001601	64	27.17	.07	----------	.14	1.99	5.06	34.43	11.92	----------
3001602	65	34.58	.07	----------	.14	1.66	4.22	40.67	11.73	----------
3001801	60	42.06	.07	----------	.14	1.57	3.99	47.83	4.06	----------
3001802	61	40.00	.07	----------	.14	1.32	3.35	44.88	7.79	----------
3001803	63	40.73	.07	----------	.14	1.30	3.30	45.54	7.27	----------
3001804	64	43.78	.07	----------	.14	1.99	5.06	51.04	3.56	----------
3001805	65	42.70	.07	----------	.14	1.66	4.22	48.79	3.41	----------
3001806	67	41.40	.07	----------	.14	1.52	3.86	46.99	4.06	----------
3001807	68	42.40	.07	----------	.14	1.32	3.35	47.28	−1.78	----------
3001808	69	42.76	.07	----------	.14	1.30	3.30	47.57	−2.47	----------
3002	Window, back, power:									
3002 01	71	6.46	.01	.28	.05	.77	1.96	9.53	3.18	----------
3002 02	72	9.89	.01	.28	.05	.80	2.03	13.06	.04	----------
3004	4-way power seat, driver:									
3004601	61-63-68-69	33.63	----------	.06	.13	.28	.71	34.81		
3004801	61	34.07	----------	.06	.13	.28	.71	35.25	.83	----------
3004802	68	35.34	----------	.06	.13	.30	.76	36.58	−.15	----------
3004803	69	35.05	----------	.06	.13	.25	.64	36.13	−.32	----------
3004804	63	34.07	----------	.06	.13	.28	.71	35.25	.66	----------
3005	6-way power seat:								----------	
3005 01	52-54	43.18	----------	.21	.13	.86	2.19	46.57		
3005 02	60-62-64	40.54	----------	.21	.13	.47	1.19	42.54		
3005 03	65	40.53	----------	.21	.13	.44	1.12	42.43		
3005-04	66-67	40.99	----	.21	.13	.47	1.19	42.99		
3005 05	69	−.17	----------	.21	.13			.17	.17	----------
	(Page 5 of original)									
3005 06	71	42.50	----------	.21	.13	.77	1.96	45.57	.60	----------
3005 07	72	42.34	----------	.21	.13	.77	1.96	45.41	.06	----------
3005 08	74	42.05	----------	.21	.13	.80	2.03	45.22	.06	----------
3005 09	76-78	40.25	----------	.21	.13	.47	1.19	42.25		
3005 10	61	.29	----------	.21	.13			.63		
3005 11	63	.12	----------	.21	.13			.46	.17	----------
3005601	51-53	43.22	----------	.21	.13	.80	2.03	46.39		
3005801	51-53	43.13	----------	.21	.13	.80	2.03	46.30		
3009	70 ampere battery with dual range automatic transmission 390E:									
3009801	All except 61-63	−1.25						−1.25		
3015	55 ampere battery:									
3015 01	All except 61-63	1.25						1.25		
3016	70 ampere battery:									
3016 01	All except 61-63	2.12						2.12		
3020	AM radio:									
3020 01	51-53-54-63-66	20.93	----------	.04	.15	.17	.43	21.72	.02	----------
3020 02	52-62-64-65-72-74	22.33	----------	.04	.15	.17	.43	23.12	−1.38	21.74
3020 03	71-76-78	20.93	----------	.04	.15	.17	.43	21.72	.02	----------
3020 06	61	20.93	----------	.04	.15	.17	.43	21.72	1.59	----------
3020601	60	22.45	----------	.04	.23	.17	.43	23.32	−1.40	----------
3020602	67	21.05	----------	.04	.23	.17	.43	21.92		
3020801	60	25.71	----------	.04	.23	.17	.43	26.58		
3020802	67	23.74	----------	.04	.23	.17	.43	24.61		
3020804	68	20.93	----------	.04	.15	.17	.43	21.72	2.43	----------
3020805	69	20.93	----------	.04	.15	.17	.43	21.72	.86	----------
3023	Speed control:									
3023801	All except 53	34.91	.02	----------	.23	1.10	2.80	39.06	−2.55	36.51
3023802	53	34.91	.02	.12	.23	1.10	2.80	39.18	−1.73	----------
3025	2-speed electric wipers and washers:									
3025 01	All	5.29	----------	.01	.01	.17	.43	5.91	−2.78	3.13
3028	Air conditioning deluxe:									
3028601	51	152.28	.07	1.08	2.26	3.89	9.89	169.57	−.08	----------
3028602	52	152.44	.07	1.08	2.36	3.80	9.66	169.41	.08	----------
3028603	53	153.52	.07	1.08	2.36	3.89	9.89	170.81	−1.32	----------
3028604	54	153.68	.07	1.08	2.36	3.89	9.89	170.97	−1.16	----------
3028605	62-65	150.63	.07	1.08	2.36	3.81	9.68	167.63	.08	----------
3028606	64	150.60	.07	1.08	2.36	3.81	9.68	167.60	−1.76	----------
3028607	66	150.05	.07	1.08	2.36	3.81	9.68	167.05	.08	----------

See footnotes at end of table.

EXHIBIT 1—Continued

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966—Continued

Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
	(Page 5 of original)—Continued									
3028608	71	$153.82	$.07	$1.08	$2.36	$3.89	$9.89	171.11	−$1.88	
3028609	72-74	151.62	.07	1.08	2.36	3.89	9.89	168.91	.90	
3028610	76-78	152.62	.07	1.08	2.36	3.81	9.68	169.62	−3.85	
3028801	51	163.37	.07	1.08	2.36	3.94	10.01	180.83	−20.57	
3028802	52	163.69	.07	1.08	2.36	3.94	10.01	181.15	−20.57	
3028803	53	164.61	.07	1.08	2.36	3.94	10.01	182.07	−21.81	
3028804	54	164.93	.07	1.08	2.36	3.94	10.01	182.39	−21.81	
3028805	60	146.26	.07	1.08	2.36	3.83	9.73	163.33	−4.84	
	(Page 6 of original)									
3028806	61	135.12	.07	1.08	2.36	3.86	9.81	152.30	−2.32	
3028807	62-65	161.88	.07	1.08	2.36	3.86	9.81	179.06	−20.57	$158.49
3028808	63	165.85	.07	1.08	2.36	3.86	9.81	183.03	5.01	
3028809	66	161.30	.07	1.08	2.36	3.86	9.81	178.48	−20.57	
3028810	67	145.68	.07	1.08	2.36	3.83	9.73	162.75	−2.44	
3028811	68	146.37	.07	1.08	2.36	3.92	9.96	163.76	−3.02	
3028812	69	139.27	.07	1.08	2.36	3.92	9.96	156.66	4.08	
3028813	71	164.79	.07	1.08	2.36	3.94	10.01	182.25	−22.24	
3028814	72-74	162.87	.07	1.08	2.36	3.94	10.01	180.33	−19.74	
3028815	76-78	165.85	.07	1.08	2.36	3.86	9.81	183.03	−24.49	
3028816	64	161.88	.07	1.08	2.36	3.86	9.81	179.06	−22.49	
3030	Speed control and movable steering column:									
3030801	61-63	8.94						8.94	−.04	
3030802	All except 60-61-63-67-68-69	6.95						6.95	1.95	
3030803	60-67-68-69	7.79						7.79	1.11	
3032	Air conditioning deluxe-35ZE-automatic transmission:									
3032801	51-52-52-54-62-65-66	−5.25				.14	.36	−4.75	9.01	
3032802	60	−5.01				.14	.36	−4.51	8.48	
3032803	64	−5.44				.14	.36	−4.94	8.91	
3032804	67-68-69	−5.05				.14	.36	−4.55	8.81	
3032805	61-63	−5.25				.14	.36	−4.75	2.42	
3032806	71-72-74-76-78	−5.25				.14	.36	−4.75	9.00	
3033	Air conditioning deluxe-390-4V-dual range automatic transmission:									
3033801	64	−19.73				.08	.20	−19.45	21.91	
3033802	60	−4.50				.08	.20	−4.22	6.68	
3033803	67-68-69	−4.54				.08	.20	−4.26	6.31	
3033804	51-52-53-54-62-65-66	−19.54				.08	.20	−19.26	21.31	
3033805	71-72-74 76-78	−19.54				.08	.20	−19.26	21.30	
3036	Air conditioning, deluxe-390-2U, dual range automatic transmission:									
3036801	60	−3.66				.08	.20	−3.38	6.37	
3026802	64	−19.62				.08	.20	−19.34	22.33	
3036803	67-68-69	−3.70				.08	.20	−3.42	6.00	
3036804	51-52-53-54-62-65-66	−19.43				.08	.20	−19.15	21.73	
3036805	71-72-74-76-78	−19.43				.08	.20	−19.15	21.72	
3037	Air conditioning, deluxe-390-2U, manual transmission:									
3037801	51-52-53-54-62-65-66	−3.54				.08	.20	−3.26	6.77	
3037802	64	−3.73				.08	.20	−3.45	7.37	
3037803	71-72-74-76-78	−3.54				.08	.20	−3.26	6.76	
3038	Air conditioning, deluxe-390, 4-barrel carburetor, manual transmission:									
3038801	60-64	−13.71				.08	.20	−13.43	7.32	
3038802	67-68	−13.55				.08	.20	−13.27	6.75	
3038803	51-52-53-54	−13.52				.08	.20	−13.24	6.72	
3038804	69	−13.55				.08	.20	−13.27	6.75	
3038805	62-65-66	−13.52				.08	.20	−13.24	6.72	
3038806	71-72-74-76-78	−13.52				.08	.20	−13.24	6.71	
3041	Power windows with power backlite:									
3041801	72	−1.16				.08	.20	−.88	−.29	
	(Page 7 of original)									
3041802	71	−1.16				.08	.20	−.88	−.40	
3044	Power windows and 4-speed transmission:									
3044801	61-63-68-69	.60						.60		
3045	Safety convenience package:									
3045 01	51-53	20.08	.01	.37	.04	1.05	2.67	24.22	−1.29	
3045 02	52-54	24.10	.01	.37	.04	1.54	3.91	29.97	−1.17	
3045 03	60	25.27	.01	.37	.04	1.57	3.99	31.25	−2.94	
3045 04	61-63	20.47	.01	.37	.04	.99	2.52	24.40	−1.93	
3045 05	62	26.16	.01	.37	.04	1.54	3.91	32.03	−3.23	28.80
3045 06	65	22.39	.01	.37	.04	1.05	2.67	26.53	−3.50	
3045 07	67-68-69	21.55	.01	.37	.04	.99	2.52	25.48	−3.06	
3045 08	71-72-74-76-78	29.79	.01	.37	.04	1.54	3.91	35.66	−1.32	
3045 09	64	26.16	.01	.37	.04	1.57	3.99	32.14	−3.23	
3045 10	66	22.39	.01	.37	.04	1.05	2.67	26.53	−3.50	
3049	Rear seat speaker:									
3049 01	51-53-66	2.81	.02		.02	.30	.76	3.91	.03	
3049 02	52-54-62	2.52	.02		.02	.30	.76	3.62	.03	
3049 03	60	.84	.02		.02	.30	.76	1.94	2.33	
3049 04	64	7.57	.02		.02	.47	1.19	9.27	03.	
3049 05	65-69	1.99	.02		.02	.25	.64	2.92	.03	
3049 06	68	2.45	.02		.02	.28	.71	3.48	−.01	
3049 07	71-72-76	3.07	.02		.02	.36	.91	4.38	.03	
3049 08	74-78	3.09	.02		.02	.39	.99	4.51	−.20	
3049 09	67	.84	.02		.02	.30	.76	1.94	2.00	
3049 10	61	.84	.02		.02	.28	.71	1.87	1.60	
3049 11	63	.84	.02		.02	.25	.64	1.77	1.18	
3050	AM/FM radio:									
3050 01	51-53-54-63-66-71	48.96		.06	.20	.14	.36	49.72	.02	
3050 02	76-78	48.96		.04	.20	.14	.36	49.70	.02	
3050 03	52-62-64-65-72-74	50.36		.04	.20	.14	.36	51.10	−1.38	49.72
3050 04	60	53.74		.04	.28	.14	.36	54.56	−1.40	
3050 05	67	50.95		.04	.28	.14	.36	51.77		
3050 06	68	48.96		.04	.20	.14	.36	49.70	1.59	
3050 07	69	48.96		.04	.20	.14	.36	49.70	.84	
3050 08	61	48.96		.06	.20	.14	.36	49.72	1.59	

See footnotes at end of table.

EXHIBIT 1—Continued

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966—Continued

(Page 7 of original)—Continued

Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
3052	Power seat with power window:									
3052 01	51-52-53-54-60-61-62-64	−$0.21						−$0.21	−$0.17	
3052 02	66-67-68	−.21						−.21	−.17	
3052 03	71-72	−.09						−.09	−.29	
3052 04	63	−.21						−.21	−.07	
3052 05	65	.10						.10		
3052 06	69	.10						.10		
3053	Air conditioned Deluxe 289, automatic transmission:									
3053 01	All except 60-67-68-69	15.23						15.23	−14.88	
3053 02	60-67-68-69	30.23						30.23	−29.88	
3059	Air conditioning and speed control:									
3059 01	All	.04						.04		
3061	Air conditioning Deluxe and power steering:									
3061601	All 6-cylinder	.26						.26	−2.41	
3061801	All 8-cylinder except 61-63	−.14						−.14	.83	
3061802	61-63	.48						.48	−1.04	
3068	Rear mounted antenna:									
3068 01	All except 63	.96			$0.02	$0.03	$0.08	1.09		
3068 02	63	.96						.96	−2.25	
3074	Power windows and air conditioning:									
3074801	60-64	.11						.11		
3079	Safety convenience package and lighting package:									
3079 01	51-52-53-54	−2.36						−2.36	2.36	
3079 02	62-64-65-66	−2.36						−2.36	2.36	
3079 03	71-72-74-76-78	−2.36						−2.36	2.36	
3079 04	60-67-68-69	−2.36						−2.36	2.36	
3079 05	61-63	−2.36						−2.36	2.36	
3081	Safety control panel and speed control:									
3081 01	All	.04						.04		
3082	Power window, power vent window, safety convenience package:									
3082 01	All	.06						.06		
3083	6-inch outside spotlight:									
3083 01	All	9.70			.12	1.38	3.51	14.71		
3084	Power window and safety control panel or convenience package:									
3084 01	51-53-65	−.42						−.42		
3084 02	52-54-62	−.57						−.57		
3084 03	61-63-67-68-69	1.08						1.08	−.54	
3084 04	66	−.42						−.42		
3084 05	64	−.57						−.57		
3084 06	71-72-74-76-78	−.57						−.57		
3084 07	60	1.08						1.08	−.54	
3085	53-ampere alternator, Leece Neville:									
3085601	All 6-cylinder	16.34			.21			16.55	1.47	
3085801	All 8-cylinder except 61-63	16.34			.21			16.55	−1.30	
3085802	61-63	14.79			.19			14.98	.25	
3086	55-ampere alternator, GPD:									
3086601	All 6-cylinder	3.02						3.02	.03	
3086801	All 8-cylinder except 61-63	2.02						2.02	−1.42	
3086802	61-63	.47						.47	.13	
3088	352/390 with 53-ampere alternator:									
3088801	All except 61-63	−.18						−.18	.18	
3089	352/390 with 55 ampere alternator:									
3089801	All except 61-63	−.18						−.18	.18	

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Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
3092	Safety convenience and light package with deluxe belts:									
3092 01	All	2.36						2.36	−2.36	
3100	Delete heater:									
3100601	All 6 cylinder except 71	−19.75		−$0.11	−.07	−.19	−.48	−20.60		
3100602	71	−19.52		−.11	−.07	−.19	−.48	−20.37	−.23	
3100801	All except 60-61-63-64	−19.79		−.11	−.07	−.19	−.48	−20.64	−.06	−$20.70
3100802	61	−19.79		−.11	−.07	−.19	−.48	−20.64	−.02	
3100803	60-64	−19.79		−.11	−.07	−.19	−.48	−20.64	.01	
3100804	63	−19.79		−.11	−.07	−.19	−.48	−20.64	−.01	
3100805	64	−19.79		−.11	−.07	−.19	.48	−20.64	.03	
3105	Reclining seat and headrest:									
3105801	61	19.33			.21	1.05	2.67	23.26	−1.54	
3105802	63	19.73			.21	1.05	2.67	23.66	−1.54	
3105803	68	23.07			.21	1.05	2.67	27.00	−5.28	
3105804	69	23.47			.21	1.05	2.67	27.40	−5.28	
3115	Power windows, seats, back lights:									
3115 01	71-72	−.20						−.20		
3118	Delete heater and 352 engine:									
3118801	51-52-53-54-62-65-66	.06						.06	.66	
3118802	60	.06						.06	.57	
3118803	71-72-74-76-78	.06						.06	.66	
3118804	67-68-69	.06						.06	.66	
3118805	64	.06						.06	.57	
3119	Delete heater and 390 engine:									
3119801	All except 60-61-63-64	−.11						−.11	−.22	
3119802	60-64	−.11						−.11	−.31	
3122	Transistorized ignition:									
3122801	All except 61-63	34.52			.03	.11	.28	34.94	−6.93	
3122802	61-63	27.63			.03	.11	.28	28.05	−6.78	
3124	Delete heater and 428 engine:									
3124801	All except 60-61-63-64	−.11						−.11	−.22	
3124802	60-64	−.11						−.11	−.31	
3125	Delete heater and 427 engine:									
3125801	All except 60-64	.06				−.08	−.20	−.22	−.28	
3125802	60-64	.06						.06	−.37	
3127	Open door warning light:									
3127 01	52-54	3.81			.05			38.6	.26	
3143	Visibility group:									
3143 01	51-52-53-54	9.92						9.92	−3.92	
3143 02	60-61-63-64-65-66-67-68-69	9.76						9.76	−3.92	
3143 03	62-72-74-76-78	9.86						9.86	−3.92	
3143 04	71	9.91						9.91	−3.87	

See footnotes at end of table.

EXHIBIT 1—Continued

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966—Continued

Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
	(Page 10 of original)									
3160	Air conditioning and luxury trim:									
3160 01	72-74	-$1.68						-$1.68	$0.04	
3161	Visibility group and 4-speed transmission:									
3161 01	51-52-53-54	.26						.26	-.26	
3169	Air conditioning and 55 ampere alternator:									
3169601	All	-1.24						-1.24	-.13	
3171	Air conditioning and thermactor with 428 Plengine:									
3171 01	All except 61-63	-.61						-.61		
3172	Air conditioning and thermactor with 352, 390 engine:									
3172 01	All except 61-63	-2.08						-2.08		
3173	Air conditioning, deluxe and 428 engine, manual transmission:									
3173801	51-52-53-54	8.98				$0.03	$0.08	9.09	8.24	
3173802	60-64	8.79				.03	.08	8.90	8.95	
3173803	67-68	8.95				.03	.08	9.06	8.27	
3173804	71-72-74-76-78	8.98				.03	.08	9.09	23.23	
3173805	62-65-66	8.98				.03	.08	9.09	8.24	
3173806	69	8.95				.03	.08	9.06	8.27	
3174	Air conditioning, deluxe and 428 engine, automatic transmission:									
3174801	51-52-53-54-62-65-66-69	8.93				.03	.08	9.04	8.64	
3174802	60-64	8.74				.03	.08	8.85	9.35	
3174803	67-68	8.93				.03	.08	9.04	8.64	
3174804	71-2-4-6-0	8.93				.03	.08	9.04	8.63	
3175	Air conditioning and 428 police engine:									
3175 01	All except 61-63	-3.63						-3.63		
3177	Lighting parking group:									
3177 01	51-53	2.01			$0.01	.36	.91	3.29	1.45	
3177 02	52-54	2.81			.01	.61	1.55	4.98	1.33	
3177 03	60	.67			.01	.11	.28	1.07	1.80	
3177 04	61-63-65-66	.13			.01	.19	.48	.81	2.34	
3177 05	62-64	.93			.01	.52	1.32	2.78	2.22	
3177 06	71	3.92			.01	.72	1.83	6.48	.60	
3177 07	74	3.56			.01	.55	1.40	5.52	-.07	
3177 08	76	1.29			.01	.66	1.68	3.64	3.27	
3177 09	67-68-69	.13			.01	.11	.28	.53	2.34	
3177 10	78	.93			.01	.52	1.32	2.78	2.22	
3177 11	72	3.92			.01	.72	1.83	6.48	.98	
3178	Lighting package group and 4-speed transmission:									
3178 01	52-53-54	.61			.01			.62	-.61	
3178 02	51	-.15			.01			-.14	.15	
3178 03	66	.76			.01			.77	-.76	
3179	Lighting package group and automatic transmission:									
3179 01	51-52-53-54-71-72-74	-.41			.02			-.39	.41	
	(Page 11 of original)									
3180	Air conditioning and Thermactor with 428 engine:									
3180801	All except 61-63	-6.79						-6.79	5.12	
3180802	61-63	-.99						-.99		
3183	Air conditioning and Thermactor emission:									
3183601	All except 64-71	-2.19						-2.19	-4.57	
3183602	71	-2.47						-2.47	-4.29	
3183603	64	-2.19						-2.19	-4.57	
3183801	All except 61-63	.88						.88	-2.26	
3183802	61-63	.88						.88	-3.53	
3184	Delete heater and Thermactor emission:									
3184601	All except 71	-.34						-.34		
3184602	71	-.62						-.62	.28	
3184801	All except 61-63	.07						.07	.04	
3184802	61-63	.07						.07	-.07	
3192	Light package-courtesy light group and deluxe belts:									
3192 01	All	.02						.02		
3193	Regulator transistorized 6 cylinder:									
3193601	All	.43						.43	4.62	
3193801	All	.43						.43	2.07	
3197	Transmission regulator and 53 ampere alternator:									
3197 01	All	-.48						-.48		
3198	Transmission regulator and 60 ampere alternator:									
3198 01	All	.31						.31		
3200	Stereo tape player:									
3200601	51-52-53-54-62	5.11			.33			5.44	46.62	
3200602	64	4.53			.33			4.86	45.41	
3200603	71-72-76	4.73			.33			5.06	45.04	
3200604	74-78	4.18			.33			4.51	45.93	
3200605	65	5.68			.33			6.01	47.75	
3200606	66	5.11			.33			5.44	50.81	
3200801	51-52-53-54-62	5.40			.33			5.73	46.91	$52.64
3200802	60	4.53			.33			4.86	49.60	
3200803	61	4.18			.33			4.51	50.23	
3200804	65	5.68			.33			6.01	47.75	
3200805	67	4.82			.33			5.15	51.68	
3200806	68	7.89			.33			8.22	46.52	
3200807	69	7.43			.33			7.76	43.91	
3200808	71-72-76	4.73			.33			5.06	45.04	
3200809	74-78	4.18			.33			4.51	45.93	
3200810	64	4.53			.33			4.86	45.41	
3200811	66	5.40			.33			5.73	51.10	
3200812	63	4.18			.33			4.51	47.44	
3204	Stereo tape and safety convenience package:									
3204 01	All	.25						.25	.77	
	(Page 12 of original)									
4504	Power steering:									
4504601	All 6 cylinders	27.98	$0.37	$0.23	.16	.36	.91	30.01	1.60	
4504801	All 8 cylinders except 61-63	28.43	.37	.13	.16	.36	.91	30.36	-.48	29.88
4504802	61-63	27.39	.37	.13	.16	.36	.91	29.32	1.54	

See footnotes at end of table.

EXHIBIT 1—Continued

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966—Continued

Model or option[2]	Description[3]	Regular material[4]	Minor material[5]	Standard parts[6]	Inbound transportation[7]	Direct labor[8]	Manufacturing overhead[9]	Unit standard cost[10]	Usage and delivery changes[11]	Adjusted unit cost[12]
	(Page 12 of original)									
4506	Outside remote control mirror:									
4506 01	All except 71	$3.74			$0.04	$0.14	$0.36	$04.28	$0.11	
4506 02	71	3.73			.04	.14	.36	4.27	.12	
4509	Inside nonglare mirror:									
4509 01	51-52-53-54-71	.89						.89		
4509 02	60-61-63-64-65-66-67-68-69	.73						.73		
4509 03	62-72-74-76-78	.83						.83		
4512	Tinted glass—All:									
4512 01	51-53	9.15						9.15		
4512 02	52-54	9.13						9.13		
4512 03	60	8.67						8.67		
4512 04	61-66-67-68	9.62						9.62		
4512 05	63-65-69	6.78						6.78		
4512 06	64	8.67						8.67		
4512 07	72-74-76-78	9.56						9.56		
4512 08	71	9.56						9.56		
4512 09	62	9.13						9.13		
4513	Tinted windshield:									
4513 01	51-52-53-54-62-71-72-74-76-78	5.42						5.42		
4513 02	60-61-63-64-65-66-67-68-69	5.38						5.38		
4523	Single key lock set:									
4523 01	51-52-53-54-62-64-65-66	−.43						−.43	.69	
4523 02	60-61-63-67-68-69	.26						.26		
4523 03	71-72	.31						.31		
4523 04	74-76-78	.28						.28		
4526	Luggage rack:									
4526 01	71-72-74-76-78	11.21			.50	.58	1.47	13.76	3.13	
4531	Paint-tutone:									
4531 01	Tu-tone paint		$0.36			1.84	4.68	6.88		
4531801	61-66-67-68	2.93						2.93	.18	
4537	Movable steering column:									
4537 01	51-52-53-54	2.48			.15	.39	.99	4.01	−.55	
4537 02	60-67	4.60			.15	.39	.99	6.13	−2.01	
4537 03	61-63	4.39			.15	.39	.99	5.92	−1.75	
4537 04	68-69	4.77			.15	.39	.99	6.30	−2.18	
4537 05	76-78	3.94			.15	.39	.99	5.47	−2.01	
4537 06	71-72-74	2.48			.15	.39	.99	4.01	−.55	
4537 07	62-64-65-66	2.48			.15	.39	.99	4.01	−1.31	
4540	Vinyl trim:									
4540 01	51-52	−1.50			.02			−1.48	1.03	
	(Page 13 of original)									
4540 02	54	−1.03			.02			−1.10	1.03	
4540 03	62	1.29			.02			1.31	.99	
4540 04	64	−.37			.02			−.35	3.55	
4540 05	66	−3.03			.02			−3. 1	4.70	
4540 06	71	−1.03			.02			−1.10	1.03	
4540 07	53	−1.50			.02			−1.48	1.05	
4540601	72-74	−1.03			.02			−1.11	1.03	
4540801	72-74	.19			.02			.21	−.19	
4541	Power steering and 352/390 without air conditioning:									
4541 01	All	−.20						−.20	1.62	
4543	Power steering and 352/390 with air conditioning:									
4543 01	All	.35						.35	−1.36	
4545	Vinyl top:									
4545 01	60	20.15	1.54	.04	.03	7.20	18.30	47.26	−1.36	
4545 02	61	19.46	1.22	.04	.03	7.87	17.46	45.08	−.38	
4545 03	64	17.30	1.54	.04	.03	7.01	17.81	43.73	1.35	
4545 04	67	22.75	1.54	.04	.03	6.84	17.38	48.58	−2.41	
4545 05	68	22.75	1.54	.04	.03	6.84	17.38	48.58	−3.67	
4545601	66	19.82	1.54	.04	.03	6.87	17.46	45.76	−.74	
4545801	66	22.75	1.54	.04	.03	6.87	17.46	48.69	−3.67	
4553	Heavy duty RR seat police type:									
4553 01	51-53	−3.72			−.05			−3.77		
4553 02	52-54	9.94			.13			10.07		
4553 03	71	6.00			.08			6.08	−6.00	
4556	Vinyl trim and power seat:									
4556 01	72-74	−1.22						−1.22	1.22	
4557	Rocker panel molding:									
4557 01	71-76-78	.24	−.20		.04	.33	.84	1.25	5.23	
4565	Movable steering column, 390 police int. engine:									
4565 01	68-69	.32						.32	−.32	
4566	Movable steering column, 390 conn. engine:									
4566 01	68-69	.32						.32	−.32	
4569	Mirror, outside chrome RH:									
4569 01	All	1.28			.02			1.30		
4572	Bright metal moldings:									
4572601	53	4.40			.06	.58	1.47	6.51	.08	
4572602	54	3.78			.05	.44	1.12	5.39	.64	
4572603	72-74	3.08			.04	.58	1.47	5.17	.82	
4572604	65-66	3.70			.05	.58	1.47	5.80	.08	
4572605	71	3.58			.05	.52	1.32	5.47	.90	
4572606	62-64	3.08			.04	.58	1.47	5.17	.64	
4572801	53	4.40			.06	.58	1.47	6.51	.08	
4572802	54	4.38			.06	.44	1.12	6.00	.04	
	(Page 14 of original)									
4572803	72-74	3.68			.05	.58	1.47	5.78	.22	
4572804	65-66	3.70			.05	.58	1.47	5.80	.08	
4572805	71	4.18			.05	.52	1.32	6.07	.30	
4572806	62-64	3.68			.05	.58	1.47	5.78	.04	
4573	Heavy-duty seat, front standard track NY cab:									
4573 01	51	7.93			.10			8.03		
4573 02	52-54	11.45			.14			11.59	.42	
4573 03	53	7.93			.10			8.03	−.04	

See footnotes at end of table.

EXHIBIT 1—Continued

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966—Continued

Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
	(Page 14 of original)—Continued									
4576	Heavy duty seat front lower track, police type:									
4576601	51-53	$10.84			$0.14			$10.98	−$0.37	
4576602	52-54	10.49			.13			10.62	−.47	
4576603	71-72-74	10.07			.13			10.20	−.47	
4576801	51-53	10.37			.13			10.50	.10	
4576802	52-54	10.02			.13			10.15		
4576803	71-72-74	9.60			.12			9.72		
4589	Folding rear seat:									
4589601	52	19.26	$0.04		.19	$1.41	$3.58	24.48	.86	
4589602	54	17.08	.04		.19	1.41	3.58	22.30	.86	
4589603	62	16.62	.04		.19	1.41	3.58	21.84	−.37	
4589801	52	21.50	.04		.19	1.41	3.58	26.72	.86	
4589802	54	19.32	.04		.19	1.41	3.58	24.54	.86	
4589803	62	18.86	.04		.19	1.41	3.58	24.08	−.37	
4616	Seat, heavy duty, rear, NY cab type:									
4616 01	52-54	17.58						17.58		
4622	Seat belt, delete front, delete rear:									
4622 01	51-52-53-54-62	4.34	.02		−.03			4.33	−4.08	
4622 02	74-78	4.34	.02		−.03			4.33	−7.98	
4622 03	61-63	4.34	.02		−.03			4.33	1.00	
4622 04	64-65-66	4.34	.02		−.03			4.33	1.00	
4622 05	60-67-68-69	4.34	.02		−.03			4.33	1.00	
4622 06	71-72-76	4.34	.02		−.03			4.33	−4.08	
4628	Trim package, White sale:									
4628 01	52	17.50			.22			17.72	−.04	
4628 02	51	19.35			.24			19.59	.44	
4629	Spring sports sale:									
4629 01	71	17.10						17.10	−.20	
4629801	65-66	.99						.99		
4630	Trim package, interior, Country sedan:									
4630601	72	21.88			.28			22.16	4.21	
4630602	74	20.21			.25			20.46	5.88	
4630801	72	28.15			.35			28.50	4.21	
4630802	74	26.48			.33			26.81	5.88	
4637	Window power and trim package, Country sedan:									
4637 01	72-74	.10						.10		
	(Page 15 of original)									
4678	Delete belt, rear standard: [16]									
4678 01	All except 74-78	−3.86		−.12	−.04	−.14	−.36	−4.52		
4678 02	74-78	−3.86		−.12	−.04	−.14	−.36	−4.52	−3.90	
4681	Seat belt, deluxe, front and rear:									
4681 01	All except 74-78	4.30	.02		.01	.17	.43	4.93	1.00	5.93
4681 02	74-78	4.30	.02		.01	.17	.43	4.93	2.18	
4691	Steering, power, and 428 engine without air conditioning:									
4691 01	All	.28						.28	1.14	
4692	Power steering, 428 engine, air conditioning:									
4692801	All except 61-63	.07						.07		
4696	Luggage rack, deluxe:									
4696 01	71-72-74-76-78	22.76			.29			23.05		
4707	Power steering with 428 PI engine, without air conditioning:									
4707 01	All	.81						.81		
4800	Padded dash—delete:									
4800601	All	−4.62			−.09	−.08	−.20	−4.99	.07	
4800801	All	−4.59			−.09	−.08	−.20	−4.96	.04	
4801	Padded visors—delete:									
4801 01	All except 63-65-69	−1.42			−.05			−1.47		
4801 02	65	−1.50			−.05			−1.55		
4801 03	63	−1.99			−.05			−2.04	.49	
4801 04	69	−1.50			−.05			−1.55		
4802	Mirror, outside left hand—delete:									
4802 01	All	−1.28			−.02			−1.30		
4803	Lamp-backup—delete-6 cylinder:									
4803601	51-2-3-4	1.49			−.01			1.48	−2.06	
4803602	62-4-5-6	−.19			−.01			−.20		
4803603	76-78	−.19			−.01			−.20		
4803604	71-72-74	−2.11			−.01			−2.12		
4803801	51-2-3-4	1.38			−.01			1.37	−2.06	
4803802	62-64-65-66-76-78	−.30			−.01			−.31		
4803803	71-72-74	−2.22			−.01			−2.23		
4805	Emergency flasher—delete:									
4805 01	All	−.64			−.02			−.66	−2.34	
4806	Lamp-backup—delete and 4-speed transmission:									
4806601	51-52-53-54	−.42			−.01			−.43	.26	
4806602	62-64-65	−1.02			−.01			−1.03	1.02	
	(Page 16 of original)									
4806603	66	−.26			−.01			−.27	.26	
4806801	51-52-53-54	−.34			−.01			−.35	−.76	
4806802	62-64-65	−.72			−.01			−.73		
4806803	60	−1.02			−.01			−1.03		
4806804	66	.04			−.01			.03	−.76	
4806805	67-68-69	−1.02			−.01			−1.03		
4806806	61-63	−.26			−.01			−.27	−.76	
4807	Lamps, backup, delete, and automatic transmission:									
4807801	All except 60-61-63-67-68-69	.30			−.01			.29		
5500	Rear suspension air lift:									
5500 01	All	10.62			.13	.55	1.40	12.70	.01	
6538	Tire 735×15 4-ply rating, white sidewall, rayon: [17]									
6538 01	51-52-53-54-62-64 lease	3.85			.01			3.86		
6538 02	65-66	3 85			.01			3.86		
6538 03	60	3.85			.01			3.86		
6538 04	67-68-69	3.85			.01			3.86		
6538801	51-52-53-54-62-64 nonlease	3.85			.01			3.86		
6538802	65-66	3.85			.01			3.86		

See footnotes at end of table.

EXHIBIT 1—Continued

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966—Continued

Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
	(Page 16 of original)—Continued									
6538803	60	$3.85			$0.01			$3.86	−$8.50	
6538804	67-68-69	3.85			.01			3.86	−8.50	
6539	Tire 735X15 4-ply rating, black sidewall, nylon: [17]									
6539 01	51-52-53-54-60-62-64	5.75						5.75		
6539 02	65-66-67-68-69	5.75						5.75		
6539801	51-52-53-54-60-62-64 lease	5.75						5.75		
6539802	65-66-67-68-69	5.75						5.75		
6547	Tire 775X15 4-ply rating, black sidewall, rayon: [17]									
6547 01	51-52-53-54-60-62-64	5.60			.02			5.62		
6547 02	65-66-67-68-69	5.60			.02			5.62		
6547801	51-52-53-54-60-62-64 lease	5.60			.02			5.62		
6547802	65-66-67-68-69	5.60			.02			5.62		
6548	Tire 775 by 15 4-ply rating, white sidewalls, rayon: [17]									
6548 01	All except wagons and 61-63	10.05			.01			10.06		
6548 02	61-63	4.45			.01			4.46		
6548801	All except wagons and 61-63 lease	10.05			.01			10.06		
6548802	61-63	4.45			.01			4.46		
6549	Tire 775 by 15, 4-ply rating, black sidewalls, nylon: [17]									
6549 01	All except wagon and 61-63	12.05			.02			12.07		
6549 02	61-63	6.45			.02			6.47		
6549801	All except wagons and 61-63 lease	12.05			.02			12.07		
6549802	61-63	6.45			.02			6.47		
6550	Tire 775 by 15, 4-ply rating, white sidewalls, nylon: [17]									
6550 01	All except wagons and 61-63	17.10			.01			17.11		
6550 02	61-63	11.50			.01			11.51		
6550801	All except wagons and 61-63 lease	17.10			.01			17.11		
6550802	61-63	11.50			.01			11.51		
	(Page 17 of original)									
6553	Tire 815 by 15, 4-ply rating, black sidewalls, rayon: [17]									
6553 01	All except wagons and 61-63	8.30			.02			8.32		
6553 02	61-63	2.70			.02			2.72		
6553801	All except wagons and 61-63 lease	8.30			.02			8.32		
6553802	61-63	2.70			.02			2.72		
6554	Tire 815 by 15, 4-ply rating, white sidewalls, rayon: [17]									
6554 01	All except wagons and 61-63	13.00			.01			13.01		$13.01
6554 02	61-63	7.40			.01			7.41		
6554801	All except wagons and 61-63 lease	13.00			.01			13.01		
6554802	61-63	7.40			.01			7.41		
6555	Tire 815X15 4 ply rating, black sidewall, nylon: [17]									
6555 01	All except wagons and 61-63	15.20			.02			15.22		
6555 02	61-63	9.60			.02			9.62		
6555 03	71-72-74-76-78	.15			.02			.17	−.15	
6555801	All except wagons and 61-63 lease	15.20			.02			15.22		
6555802	61-63	9.60			.02			9.62		
6555803	Wagons	.15			.02			.17	−.15	
6556	Tire 815X15 4 ply rating, white sidewall nylon: [17]									
6556 01	All except wagons and 61-63	59.25			.01			59.26	−38.65	20.61
6556 02	61-63	15.00			.01			15.01		
6556 03	71-72-74-76-78	5.55			.01			5.56	−5.55	
6556801	All except wagons and 61-63 lease	59.25			.01			59.26	−38.65	
6556802	61-63	15.00			.01			15.01		
6556803	Wagons	5.55			.01			5.56	−5.55	
6569	Tire 845×15 4-ply, black sidewall rayon [17]:									
6569 01	69	15.05						15.05		
6569 02	66-67-68	53.70						53.70	−38.65	
6569 03	63	9.45						9.45		
6569 04	61	53.70						53.70	−44.25	
6569 05	60	15.05						15.05	−.04	
6569 06	64	53.70						53.70	−38.69	
6569601	65	53.70						53.70	−38.65	
6569801	65	15.05						15.05		
6570	Tire 845×15 4-ply white sidewall rayon [17]:									
6570 01	60	20.35						20.35	−.04	
6570 02	66-67-68	59.00						59.00	−38.65	
6570 03	63	14.75						14.75		
6570 04	71-72-74-76-78	5.30						5.30		
6570 05	61	59.00						59.00	−44.25	
6570 06	64	59.00						59.00	−38.69	
6570601	65	59.00						59.00	−38.65	
6570801	65-69	20.35						20.35		
6571	Tire 845 x 15 4 ply rating black sidewall nylon NL: [17]									
6571 01	64-65-66	22.15						22.15		
6571 02	60-67-68-69	22.15						22.15		
6571 03	61-63	16.55						16.55		
	(Page 18 of original)									
6571 04	All wagons	7.10						7.10		
6571801	64-65-66 lease	22.15						22.15		
6571802	60-67-68-69	22.15						22.15		
6571803	61-63	16.55						16.55		
6571804	All wagons	7.10						7.10		
6572	Tire 845X15 4 ply rating, white sidewall nylon NL: [17]									
6572 01	64-65-66	28.25						28.25		
6572 02	60-67-68-69	28.25						28.25		
6572 03	61-63	22.65						22.65		
6572 04	All wagons	13.20						13.20		
6572801	64-65-66	28.25						28.25		
6572802	60-67-68-69	28.25						28.25		
6572803	61-63	22.65						22.65		
6572804	All wagons	13.20						13.20		
6837	Tire 735X15 4 ply rating, black sidewall rayon, delete SP: [18]									
6837 01	51-52-53-54	−7.73						−7.73		
6837 02	62-64-65-66	−7.73						−7.73		
6837 03	60-67-68-69	−7.73						−7.73		

See footnotes at end of table.

EXHIBIT 1—Continued

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966—Continued

Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
	(Page 18 of original—Continued)									
	Tire 735X15 4 ply rating, black sidewall rayon, delete SP [10]—Cont.									
6837801	51-52-53-54-Lease	−$7.73						−$7.73		
6837802	62-64-65-66-Lease	−7.73						−7.73		
6837803	60-67-68-69-Lease	−7.73						−7.73		
6838	Tire 735X15, 4 ply rating white sidewall rayon, delete spare: [18]									
6838-01	51-52-53-54	−8.50						−8.50		
6838-02	62-64-65-66	−8.50						−8.50		
6838-03	60-67-68-69	−8.50						−8.50		
6838801	51-52-53-54	−8.50						−8.50		
6838802	62-64-65-66	−8.50						−8.50		
6838803	60-67-68-69	−8.50						−8.50		
6839	Tire 735X15, 4 ply black sidewall nylon, delete spare: [18]									
6839-01	All except wagons and 61-63	−8.88						−8.88		
6839801	All except wagons and 61-63 lease	−8.88						−8.88		
6847	775X15, 4 ply black sidewall rayon, delete spare: [18]									
6847-01	51-52-53-54 nonlease	−8.85						−8.85		
6847-02	62-64-65-66 nonlease	−8.85						−8.85		
6847-03	60-67-68-69 nonlease	−8.85						−8.85		
6847801	51-52-53-54 lease	−8.85						−8.85		
6847802	62-64-65-66 lease	−8.85						−8.85		
6847803	60-67-68-69 lease	−8.85						−8.85		
6848	Tire 775x15 4 ply rating white sidewall rayon, delete spare: [18]									
6848-01	51-52-53-54	−9.74						−9.74		
6848-02	62-64-65-66	−9.74						−9.74		
6848-03	61-63	−9.74						−9.74		
6848-04	60-67-68-69	−9.74						−9.74		
6848801	51-52-53-54	−9.74						−9.74		
6848802	62-64-65-66	−9.74						−9.74		
6848803	61-63	−9.74						−9.74		
6848804	60-67-68-69	−9.74						−9.74		
	(Page 19 of original)									
6849	Tire, 775x15, 4 ply rating black sidewall, nylon, delete spare: [18]									
6849-01	All except wagons	−10.14						−10.14		
6849801	All except wagons lease	−10.14						−10.14		
6850	Tire, 775X15, 4-ply rating white sidewall nylon, delete spare: [18]									
6850 01	All except wagons	−11.15						−11.15		
6850801	All except wagons lease	−11.15						−11.15		
6854	Tire, 815X15 4-ply rating white sidewall rayon, delete spare: [18]									
6854 01	51-52-53-54	−10.33						−10.33		
6854 02	62-64-65-66	−10.33						−10.33		
6854 03	61-63	−10.33						−10.33		
6854 04	60-67-68-69	−10.33						−10.33		
6854801	51-52-53-54	−10.33						−10.33		
6854802	62-64-65-66	−10.33						−10.33		
6854803	61-63	−10.33						−10.33		
6854804	60-67-68-69	−10.33						−10.33		
6855	Tire, 815X15 4-ply rating black sidewall nylon, delete spare: [18]									
6855 01	All except 71-72-74-76-78	−10.77						−10.77		
6855	71-72-74-76-78	−10.77						−10.77	$10.77	
6855801	All except 71-72-74-76-78	−10.77						−10.77		
6855802	71-72-74-76-78	−10.77						−10.77	10.77	
6856	Tire, 815X15 4-ply rating white sidewall nylon, delete spare: [18]									
6856 01	All except 71-72-74-76-78	−11.85						−11.85		
6856 02	71-72-74-76-78	−11.85						−11.85	11.85	
6856801	All except 71-72-74-76-78	−11.85						−11.85		
6856802	71-72-74-76-78	−11.85						−11.85	11.85	
6869	Tire, 845X15 4-ply rating black sidewall rayon, delete spare: [18]									
6869 01	64-65-66	−10.74						−10.74		
6869 02	60-61-63-67-68-69	−10.74						−10.74		
6869801	64-65-66	−10.74						−10.74		
6869802	60-61-63-67-68-69	−10.74						−10.74		
7005	Cover wheel 15 inches:									
7005 01	All except 60-1-3-7-8-9-76-78	5.08			$0.03			5.11		
5005 02	76-78	5.08			.03			5.11	−5.08	
7011	Cover wheel simulated wire:									
7011601	All except 60-1-3-7-8-9-76-78	10.52			.35			10.87	2.40	
7011602	76-78	10.52			.35			10.87	−2.52	
7011801	All except 60-1-3-7-8-9-76-78	12.92			.35			13.27		
	(Page 20 of original)									
7011802	67-68-69	8.28			.35			8.63		
7011803	60	8.28			.35			8.63		
7011804	76-78	12.92			.35			13.27	−4.92	
8001	6 cylinder overdrive transmission 20 or 240:									
8001601	All	30.94		$0.26	3.45	$0.52	$1.32	36.49	1.35	
8003	6 cylinder XP dual range automatic transmission: L									
8003601	51	56.78	$0.25	.34	.80	.39	.99	59.55	−.91	
8003602	62-64-65-78	56.38	.25	.34	.80	.39	.99	59.15	−.44	
8003603	71	56.78	.25	.34	.80	.39	.99	59.55	−.82	
8003604	72-74	56.78	.25	.34	.80	.39	.99	59.55	−.85	
8003605	76	56.78	.25	.34	.80	.39	.99	59.55	−.44	
8003606	66	56.38	.25	.34	.80	.39	.99	59.15	−.47	
8003607	52-3-4	56.78	.25	.34	.80	.39	.99	59.55	−.85	
8016	8 cylinder overdrive:									
8016801	All except 60-61-63-67-68-69	30.94		.28	3.45	.52	1.32	36.51	1.35	$37.86
8018	8 cylinder XP dual range automatic transmission:									
8018801	51-52-53-54-71-72-74	54.57	.23	.34	.80	.36	.91	57.21	−.98	
8018802	62-64-65-76-78	54.17	.23	.34	.80	.36	.91	56.81	−.57	56.24

See footnotes at end of table.

EXHIBIT 1—Continued

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966—Continued

Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
	(Page 20 of original—Continued)									
	8 cylinder XP dual range automatic transmission—Cont.									
8018803	66	$54.17	$0.23	$0.34	$0.80	$0.36	$0.91	$56.81	−$0.57	
8020	289 2-barrel carburetor, FX, dual range automatic transmission:									
8020 01	51–53	76.18	.26	.24	1.03	.36	.91	78.98	−.69	
8020 02	52–54	76.48	.26	.24	1.03	.36	.91	79.28	−.69	
8020 03	60–67	22.43	.26	−.06	.23			22.86		
8020 04	62	76.08	.26	.24	1.03	.36	.91	78.88	−.28	
8020 05	68	20.39	.26	−.06	.23			20.82		
8020 06	69	20.51	.26	−.06	.23			20.94		
8020 07	71–72–74	76.48	.26	.24	1.03	.36	.91	79.28	−.69	
8020 08	64	76.08	.26	.24	1.03	.36	.91	78.88	−.28	
8020 09	76–78	76.08	.26	.24	1.03	.36	.91	78.88	−.28	
8020 10	65	76.08	.26	.24	1.03	.36	.91	78.88	−.24	
8020 11	66	76.08	.26	.24	1.03	.36	.91	78.88	−.28	
8030	352 4-barrel carburetor, FX, dual range automatic transmission:									
8030801	51–53	120.26	.26	−.14	.01	.55	1.40	122.34	11.47	
8030802	52–54	120.56	.26	−.14	.01	.55	1.40	122.64	11.47	
8030803	60	65.35	.01	−.51	−.79	.19	.48	64.73	11.96	
8030804	62	120.16	.26	−.14	.01	.55	1.40	122.24	11.88	
8030805	65	120.10	.26	−.51	.01	.55	1.40	121.81	11.55	
8030806	68	63.75	.01	−.51	−.79	.19	.48	63.13	12.22	
8030807	69	63.69	.01	−.14	−.79	.19	.48	63.44	12.22	
8030808	71–72–74	112.80	.26	−.14	.01	.55	1.40	114.88	6.31	
8030809	76–78	112.40	.26	−.14	.01	.55	1.40	114.48	6.72	
8030810	66	120.16	.26	−.14	.01	.55	1.40	122.24	11.55	
8030811	64	120.16	.26	−.14	.01	.55	1.40	122.24	11.24	
8030812	67	65.35	.01	−.51	−.79	.19	.48	64.73	12.60	
8033	390 2-barrel carburetor, 3-speed manual transmission:									
8033801	51–52–53–54–62–66	44.04			−.98	.33	.84	44.23	−24.30	
	(Page 21 of original)									
8033802	64	48.38			−.98	.33	.84	48.57	−29.17	
8033803	65	47.94			−.98	.33	.84	48.13	−28.38	
8033804	71–74–78	36.94			−.98	.33	.84	37.13	−15.89	
8033805	72–76	40.90			−.98	.33	.84	41.09	−19.85	
8036	390 2-barrel XPL dual range automatic transmission:									
8036801	51–52–53–54	119.55	.33	1.04	−.88	.69	1.75	122.48	5.62	
8036802	60	65.21	.08	.80	−1.68	.36	.91	65.68	6.05	
8036803	64	119.34	.33	1.04	−.88	.69	1.75	122.27	5.31	
8036804	65	119.09	.33	1.04	−.88	.69	1.75	122.02	6.03	
8036805	62	119.15	.33	1.04	−.88	.69	1.75	122.08	6.03	
8036806	67	65.02	.08	.80	−1.68	.36	.91	65.49	6.77	
8036807	68	64.73	.08	.80	−1.68	.30	.76	64.99	11.22	
8036808	69	64.67	.08	.80	−1.68	.30	.76	64.93	11.22	
8036809	71	112.45	.33	1.04	−.88	.69	1.75	115.38	7.44	
8036810	66	119.15	.33	1.04	−.88	.69	1.75	122.08	6.03	
8036811	72–74	98.61	.33	1.04	−.88	.69	1.75	101.54	21.28	
8036812	76–78	98.62	.33	1.04	−.88	.69	1.75	101.55	21.28	
8037	390 2-barrel MX dual range automatic transmission:									
8037801	51–52–53–54	126.57	.33	.70	.05	.69	1.75	130.09	5.68	
8037802	60	72.21	.08	.56	−.75	.36	.91	73.37	6.23	
8037803	62	126.17	.33	.70	.05	.69	1.75	129.69	6.09	
8037804	64	126.36	.33	.70	.05	.69	1.75	129.88	5.37	
8037805	65	126.11	.33	.70	.05	.69	1.75	129.63	6.09	
8037806	67	72.02	.08	.56	−.75	.36	.91	73.18	6.95	
8037807	68	71.04	.08	.56	−.75	.30	.76	71.99	6.88	
8037808	69	70.98	.08	.56	−.75	.30	.76	71.93	6.88	
8037809	71–72–74	119.47	.33	.70	.05	.69	1.75	122.99	7.50	
8037810	76–78	119.07	.33	.70	.05	.69	1.75	122.59	7.91	
8037811	66	126.71	.33	.70	.05	.69	1.75	129.69	6.09	
8040	390 4-barrel, 3 speed, manual:									
8040801	51–52–53–54–62–66	51.45		.38	−.94	.33	.84	52.06	14.04	
8040802	64	51.64		.38	−.94	.33	.84	52.25	13.32	
8040803	65	51.39		.38	−.94	.33	.84	52.00	14.04	
8040804	71–72–74–76–78	42.04		.38	−.94	.33	.84	42.65	8.76	
8042	390, 4V, 4-speed, manual:									
8042801	51–52–54	89.00	−.01	.51	−.89	1.05	2.67	92.33	15.27	
8042802	60	35.62	−.01	.13	−1.69	1.05	2.67	37.77	14.19	
8042803	62	89.52	−.01	.51	−.89	1.05	2.67	92.85	14.66	
8042804	64	89.71	−.01	.51	−.89	1.05	2.67	93.04	13.94	
8042805	65	100.93	−.01	.51	−.89	1.05	2.67	104.26	3.21	
8042806	66	88.75	−.01	.51	−.89	1.05	2.67	92.08	15.45	
8042807	67	46.86	−.01	.13	−1.69	1.05	2.67	49.01	3.50	
8042808	68	49.65	−.01	.13	−1.69	.72	1.83	50.63	−1.04	
8042809	69	49.76	−.01	.13	−1.69	.72	1.83	50.74	−1.08	
8042810	53	89.00	−.01	.51	−.89	1.05	2.67	92.33	15.29	
8043	390, 4V, XPL, dual-range automatic transmission:									
8043801	51–52–53–54	129.40	.33	1.12	−.84	.69	1.75	132.45	12.76	
8043802	60	75.10	.08	.90	−1.64	.36	.91	75.71	13.08	
	(Page 22 of original)									
8043803	62	129.00	.33	1.12	−.84	.69	1.75	132.05	13.17	
8043804	64	129.19	.33	1.12	−.84	.69	1.75	132.24	12.36	
8043805	65	128.94	.33	1.12	−.84	.69	1.75	131.99	13.17	
8043806	67	74.91	.08	.90	−1.64	.36	.91	75.52	13.89	
8043807	68	74.62	.08	.90	−1.64	.30	.76	75.02	21.89	
8043808	69	74.56	.08	.90	−1.64	.30	.76	74.96	21.89	
8043809	71–72–74	119.99	.33	1.12	−.84	.69	1.75	123.04	7.23	
8043810	76–78	119.59	.33	1.12	−.84	.69	1.75	122.64	7.64	
8043811	66	129.00	.33	1.12	−.84	.69	1.75	132.05	13.17	
8044	390 4V MX dual range automatic transmission:									
8044801	51–52–53–54	136.42	.33	58	.09	.69	1.75	139.86	13.00	
8044802	60	95.90	.07	34	−.71	.36	.91	96.87	−.35	
8044803	62	136.02	.33	58	.09	.69	1.75	139.46	13.41	

See footnotes at end of table.

EXHIBIT 1—Continued

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966—Continued

Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
	(Page 22 of original)—Continued									
	390 4V MX dual range automatic transmission—Cont.									
8044804	64	$136.21	$0.33	$0.58	$0.09	$0.69	$1.75	$139.65	$12.69	
804480	65	135.96	.33	.58	.09	.69	1.75	139.40	13.41	
804480	67	95.62	.07	.34	−.71	.36	.91	96.59	.46	
804480	68	94.17	.07	.34	−.71	.30	.76	94.93	.62	
804480	69	94.11	.07	.34	−.71	.30	.76	94.87	.62	
804480	71	127.01	.33	.58	.09	.69	1.75	130.45	7.47	
804481	72–74	128.05	.33	.58	.09	.69	1.75	131.49	6.43	
804481	76–78	128.06	.33	.58	.09	.69	1.75	131.50	6.43	
804481	66	136.02	.33	.58	.09	.69	1.75	139.46	13.41	
8047	**428 4V PI 4-speed manual:**									
8047801	51–52–53–54	17.31	−.01	.42	−.89	1.10	2.80	20.73	139.94	
8047802	60	84.56	−.01	.08	−1.69	1.10	2.80	86.84	8.38	
8047803	62	17.93	−.01	.42	−.89	1.10	2.80	21.35	139.33	
8047804	64	18.12	−.01	.42	−.89	1.10	2.80	21.54	138.61	
8047805	65	148.77	−.01	.42	−.89	1.10	2.80	152.19	8.43	
8047806	66	17.16	−.01	.42	−.89	1.10	2.80	20.58	140.10	
8047807	67	84.58	−.01	.08	−1.69	1.10	2.80	86.86	9.23	
8047808	68	87.03	−.01	.08	−1.69	.77	1.96	88.14	4.69	
8047809	69	87.14	−.01	.08	−1.69	.77	1.96	88.25	4.65	
8047810	72–74	6.85	−.01	.42	−.89	.50	1.27	8.14	−1.07	
8047811	76–78	6.86	−.01	.42	−.89	.50	1.27	8.15	−1.07	
8047812	71	6.85	−.01	.42	−.89	.50	1.27	8.14	−1.07	
8048	**428 4V PI XPL dual range automatic transmission:**									
8048801	51–2–3–4	139.96		.33	−.84	.74	1.88	142.07	7.92	
8048802	60	85.82		.14	−1.64	.41	1.04	85.77	7.50	
8048803	62	139.97		.33	−.84	.74	1.88	142.08	7.92	
8048804	64	140.25		.33	−.84	.74	1.88	142.36	7.11	
8048805	65	139.91		.33	−.84	.74	1.88	142.02	7.92	
8048806	67	85.88		.14	−1.64	.41	1.04	85.83	8.31	
8048807	68	85.34		.14	−1.64	.36	.91	85.11	12.67	
8048808	69	85.28		.14	−1.64	.36	.91	85.05	13.19	
8048809	71–72–74	117.77		.33	−.84	.74	1.88	119.88	13.79	
8048810	76–78	117.78		.33	−.84	.74	1.88	119.89	13.79	
8048811	66	140.01		.33				140.34	7.88	
8056	**428 4-barrel carburetor 4-speed manual:**									
8056801	51–52–53–54	129.38	−.01	.49	−.89	1.10	2.80	132.87	5.90	
	(Page 23 of original)									
8056802	60	75.66	−.01	.15	−1.69	1.10	2.80	78.01	5.15	
8056803	61–63	−40.24	−.01	+.53	−.05	.39	.99	−39.45	2.62	
8056804	62	129.90	−.01	.49	−.89	1.10	2.80	133.39	5.29	
8056805	64	130.09	−.01	.49	−.89	1.10	2.80	133.58	4.57	
8056806	65	128.94	−.01	.49	−.89	1.10	2.80	132.43	4.95	
8056807	66	129.14	−.01	.49	−.89	1.10	2.80	132.63	5.71	
8056808	67	75.81	−.01	.15	−1.69	1.10	2.80	78.16	5.53	
8056809	68	78.49	−.01	.15	−1.69	.77	1.96	79.67	.76	
8056810	69	78.56	−.01	.15	−1.69	.77	1.96	79.74	.76	
8057	**428 4-barrel carburetor XPL dual range automatic transmission:**									
8057 01	51–52–53–54	158.21	.45	.74	−.84	.74	1.88	161.18	4.39	
8057 02	60	104.17	.45	.63	−1.64	.41	1.04	105.06	4.52	
8057 03	62	157.71	.45	.74	−.84	.74	1.88	160.68	4.80	
8057 04	64	157.90	.45	.74	−84	.74	1.88	160.87	4.08	
8057 05	65	157.65	.45	.74	−.84	.74	1.88	160.62	4.80	
8057 06	67	104.32	.45	.63	−1.64	.41	1.04	105.21	5.24	
8057 07	68	104.01	.45	.63	−1.64	.36	.91	104.72	9.37	
8057 08	69	103.95	.45	.63	−1.64	.36	.91	104.66	9.37	
8057 09	71–72–74	122.65	.45	.74	−.84	.74	1.88	125.62	25.26	
8057 10	76–78	122.15	.45	.74	−.84	.74	1.88	125.12	25.67	
8057 11	66	157.71	.45	.74	−.84	.74	1.88	160.68	4.80	
8058	428 8 barrel, 4 speed, manual:									
8058 01	51–52–53–54	558.64	−.01	1.52	−.81	1.24	3.15	563.73	4.61	
8058 02	60	505.34	−.01	.98	−1.61	1.24	3.15	509.09	3.91	
8058 03	62	559.16	−.01	1.52	−.81	1.24	3.15	564.25	4.00	
8058 04	64	559.35	−.01	1.52	−.81	1.24	3.15	564.44	3.28	
8058 05	65	559.10	−.01	1.52	−.81	1.24	3.15	564.19	4.00	
8058 06	66	558.40	−.01	1.52	−.81	1.24	3.15	563.49	4.76	
8058 07	67	505.15	−.01	.98	−1.61	1.24	3.15	508.90	4.63	
8058 08	68	508.77	−.01	.98	−1.61	.91	2.31	511.35	−.74	
8058 09	69	508.84	−.01	.98	−1.61	.91	2.31	511.42	−.74	
8058 10	61–63	392.27			.03	.22	.56	393.08		
8100	Thermactor emission system closed:									
8100601	51–52–53–54–62–64	25.38		1.36	.23	.30	.76	28.03	−1.70	
8100602	65 66–72–74–76–78	20.58		1.36	.23	.33	.84	23.34	3.10	
8100603	71	20.86		1.36	.23	.33	.84	23.62	2.82	
8100801	51–52–53–54–62–64–65–66	18.02		1.36	.23	.33	.84	20.78	3.21	
8100802	60–67–68–69	17.02		1.36	.23	.33	.84	19.78	4.21	
8100803	61–63	17.03		1.36	.23	.33	.84	19.79	1.97	
8100804	71–72–74	18.02		1.36	.23	.30	.76	20.67	3.21	
8100805	76–78	17.96		1.36	.23	.30	.76	20.61	3.27	
8102	Thermactor emission closed and 427 engine:									
8102801	All	.57				−.22	−.56	−.21	−5.85	
8103	Thermactor closed—390 2 barrel engine:									
8103801	All	.11						.11	−2.37	
8104	Thermactor emission closed and 428 control E:									
8104801	All except 61–61 and wagons	.11						.11	−1.47	
8104802	Wagons	.11						.11	−1.47	
	(Page 24 of original)									
8105	Thermactor emission closed and 428 police:									
8105801	51–52–53–54–62–65–66	−.42						−.42	−.59	
8105802	60–67–68–69	.26						−.26	−1.27	
8105803	71–2–4–6–8	−.42						−.42	−.79	
8107	Thermactor closed–390 4V engine:									
8107801	All except 60–67–68–69	−3.66						−3.66	−1.26	

See footnotes at end of table.

EXHIBIT 1—Continued

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966—Continued

Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
	(Page 24 of original)—Continued									
8107	**Thermactor closed–390 4V engine:—Continued**									
8107802	60-67-68-69	−$2.32						−$2.32	−$0.08	
8110	Thermactor closed–352 engine:									
8110801	51-52-53-54	−2.54						−2.54	.36	
8110802	62-64-65-66	−2.54						−2.54	.36	
8110803	60-67-68—669	−2.54						−2.54	.36	
8110804	71-72-74-76-78	3.57						−3.57	.36	
8112	Thermactor-power steering-air conditioning:									
8112601	All 6 cylinder	.50						.50		
8506	Locking fuel tank cap:									
8506 01	51-52-53-54	.55						.55		
8506 02	62-64-65-66	.55						.55		
8506 03	72-74-76-78	.70						.70		
8506 04	60-67-68-69	.55						.55		
8506 05	61-63	−.15						−.15		
8513	Roof lite wire:									
8513 01	52-54	1.00	$0.07		$0.01			1.08		
8534	Radio noise suppressor:									
8534 01	All	1.15			.01	$0.06	$0.15	1.37		
8539	Heavy duty suspension:									
8539 01	All except wagons	.50			.01			.51	.20	
8539 02	71	3.48			.04			3.52	−2.78	
8539 03	72-74-76-78	3.48			.04			3.52	−2.78	
8542	Taxi package, standard:									
8542601	52-54	36.95			.47			37.42	−.80	
8542801	52-54	36.40			.46			36.86	−.80	
8558	60-ampere alternator:									
8558601	All 6 cylinder	−9.27				.19	.48	−8.60	14.33	
8558801	All 8 cylinder except 61-63	38.04				.19	.48	38.71	−1.47	
8558802	61-63	36.49				.19	.48	37.16	.08	
8559	Foot type tire pump:									
8559 01	All	1.90			.02			1.92	−1.40	
8560	352-390 With 60-ampere alternator:									
8560801	All	−.18						−.18	.18	
	(Page 25 of original)									
8572	Taxi package, standard, with dual range automatic transmission:									
8572601	52-54	−.08						−.08		
8590	Taxi package, expanded:									
8590601	52-54	45.36			.57			45.93	1.37	
8590801	52-54	45.51			.57			46.08	−.43	
8597	Taxi package, expanded, with dual range automatic transmission:									
8597601	52-54	−.08						−.08		
8613	Police package, Deputy, 240 engine:									
8613601	52-54	56.61			.71			57.32	−29.60	
8613602	51-53	56.96			.72			57.68	−29.50	
8613603	71	43.85			.55			44.40	−29.68	
8613604	72-74	51.50			.65			52.15	−29.60	
8614	Police package, Sentinel, 289 engine:									
8614 01	51-53	37.56			.47			38.03	−10.65	
8614 02	52-54	37.21			.47			37.68	−10.75	
8614 03	71	13.30			.17			13.47	.32	
8614 04	72-74	20.95			.26			21.21	.40	
8615	Police package, Guardian, 390 2V engine:									
8615 01	51-53	15.26			.19			15.45	11.65	
8615 02	52-54	14.91			.19			15.10	11.55	
8615 03	71	13.30			.17			13.47	.32	
8615 04	72-74	20.95			.26			21.21	.40	
8616	Police package, Cruiser 390 4V engine:									
8616 01	51-53	26.41			.33			26.74	.50	
8616 02	52-54	26.06			.33			26.39	.40	
8616 03	71-72-74	20.95			.26			21.21	.40	
8617	Police package, Intercepter 428 4V:									
8617 01	51-53	23.77			.30			24.07	−13.53	
8617 02	52-54	23.43			.30			23.72	−13.63	
8617 03	71	11.64			.15			11.79	.12	
8617 04	72-74	19.29			.24			19.53	.20	
8618	Police package, Marauder 390 2V SPL:									
8618 01	51-53	3.93			.05			3.98	−6.62	
8618 02	52-54	4.97			.06			5.03	−4.40	
8618 03	71	−2.57			−.03			−2.60	−.58	
8618 04	72-74	12.22			.15			12.37	−.50	
8619	Taxi package, New York:									
8619601	52-54	114.68			1.44			116.12	−29.87	
8619801	52-54	84.32			1.06			85.38	.46	
8620	Springs, heavy duty with mand. shk. heavy duty export:									
8620601	All except wagons	.38						.38	2.72	
8620602	Wagons	.38						.38	3.12	
	(Page 26 of original)									
8620801	All except wagons	.38						.38	2.72	
8620802	Wagons	.38						.38	3.12	
8622	Taxi package, New York and dual range automatic transmission:									
8622601	52-54	22.98						22.98	−7.89	
8622801	52-54	23.06						23.06	−23.06	
8623	Except cool package and 390 manual transmission:									
8623 01	51-52-53-54	1.05						1.05		
8623 02	62-64-65-66	1.05						1.05		
8623 03	Wagons	1.05						1.05		
8624	Except cool package and 390 dual range automatic transmission:									
8624 01	All except 61-63	1.05						1.05		

See footnotes at end of table.

EXHIBIT 1—Continued

DEVELOPMENT COST OF PRODUCTION—PROOF OF ENDING INVENTORY,[1] 1966 MODEL FORD, JULY 29, 1966—Continued

(Page 26 of original)—Continued

Model or option [2]	Description [3]	Regular material [4]	Minor material [5]	Standard parts [6]	Inbound transportation [7]	Direct labor [8]	Manufacturing overhead [9]	Unit standard cost [10]	Usage and delivery changes [11]	Adjusted unit cost [12]
8625	Extra cooling package:									
8625601	All	$32.46			$0.41			$32.87	−$32.46	
8635	Police packagei, interceptor, 428-4V with dual range automatic transmssion:									
8635801	51-52-53-54-71-72-74	−9.60						−9.60	−.20	
8671	Low octane kit 75:									
8671	All	5.10						5.10		
8707	Police package, DEP 240 engine and A/T:									
8707601	51-52-53-54-71-72-74	−.08						−.08		
8709	Police package, cruiser 390 with dual range automatic transmission:									
8709801	51-52-53-54-71-72-74	−1.25						−1.25	−.20	
8711	Police package, Sentinel 289 AT:									
8711801	51-52-53-54	−.20						−.20		
8711802	71-72-74	−.20						−.20		
8716	Trim vinyl, export type, Canada:									
8716 01	52	13.79			.17			13.96		
8716 02	54	14.61			.18			14.79	−.82	
8717	Police package, Ranger 289-2V:									
8717801	51-52-53-54	−11.15						−11.15	11.15	

[1] The original of this document included 4 additional columns: Units produced, Prior month's inventory, Units sold, and Ending (month's) inventory. The exhibit was made available to the subcommittees with the understanding that those columns would be withheld from the public record. The remaining columns of the table reflect unit standard costs for the items of production of 1 assembly plant for 1 month, July 1966.

[2] The numbers in this column are computer code numbers for the automobile models (1st page and 1st line of 2d page) or options (remainder of pages of the table) named or identified in the next column, "Description." The auto model numbers (2-digit numbers: 51, 52, 76, etc.) shown under the option titles can be translated into the model represented by reference to the base vehicle section of the table (the 1st page and 1st line of the 2d page), where these numbers appear followed by the model description.

[3] Description of model of "base vehicle" or car with standard equipment (1st page and 1st line of 2d page) and options on base vehicles (remainder of table; see also note 2 above). Important note respecting options: the costs shown are increments to the factory cost of the base vehicle, or deductions from the cost. A minus preceding a number (in the subsequent columns) indicates that the option shown represents a deduction from cost of the base vehicle. Many or most of the options have a base vehicle counterpart, and there the option costs shown reveal not the total cost of that option but the increment for that option over standard equipment, e.g., power windows over standard windows.

Explanation of abbreviations and numbers found in the Description column: Altern-Leece Neville—a type or brand of alternator. Delete (indicates cost savings on delete options). Engine (usually with a number, as in 390E— 390 CID (cubic inch displacement) engine; 428 police engine—428 CID police engine; see also entry, this list: Number). FX—a type of automatic transmission (a Ford brand name—not an abbreviation). LTD—a submodel of car (tradename). MX—a type of automatic transmission (Ford tradename or designation, not an abbreviation). Numbers—two-digit numbers (51, 53, 60, 65, 71, etc.) refer to computer code numbers for particular model of cars (see footnote 2, above); 3-digit numbers (240, 289, 352, 390, 427, 428) are the sizes of engines and describe cubic inches of (piston) displacement (CID); see also entry, this list, Engine. Safety control panel (a group of options sold as a package; identified in dealer literature). Thermactor (exhaust emission control system; see IBM code 8100 for full name of the 1966 emission control system: Thermactor emission system closed). V (preceded by a number)—a size of carburetor (2V—2-barrel carburetor; 4V—4-barrel carburetor). XP, XPL—a type or types of automatic transmission (Ford tradenames or designations, not abbreviations).

[4] "Regular material" includes the important parts of the automobile, e.g., fenders, frames, doors, trim components, dashes, visors, etc. A comparison of the amount in this column with amounts in the following columns, especially minor material, standard parts and direct labor, will give some indication of the extent to which the line item was entirely or largely assembled in another factory (of either the Ford Motor Co. or an independent supplier) or in this assembly plant. It is especially important to remember that, insofar as this column covers the assembly plant's costs for materials furnished to this factory by another factory of the Ford Motor Co., or a Ford subsidiary, this column includes markup taken by the other Ford factory, which is a part of Ford's total profit for the line item, not identifiable in this exhibit.

[5] "Minor material" includes bulk materials such as glue, solder, paint; i.e., items for which there is no neat or convenient measure for amount used per car.

[6] "Standard parts" are those widely used on all (or many) models, such as metal screws, small screws, nuts and bolts. However, larger or more "costly" standard parts, such as a 2-cent bolt, might be included in the 1st column, "Regular materials."

[7] "Inbound transportation" is an amount that charges off the cost of material transportation against production. It is adjusted periodically, depending on the amount of freight charges incurred.

[8] "Direct labor" refers to direct, identifiable labor expended on assembly of a unit in this plant. "Direct labor" costs incurred by Ford in other of its factories would be included in the "Regular materials" column, but of course are not identifiable there by amount. The dollar cost shown in the "direct labor" column cannot be interpreted as the actual dollar cost. It is based on a standard labor figure (at that time $2.76 per hour); thus the number of hours per car (at standard volume) can be obtained by dividing by the standard labor rate.

[9] "Manufacturing overhead" covers essentially fixed, nonallocable costs including indirect labor, such as some standard for maintenance and repair. It is not clear how this figure is derived and exactly what it includes but it probably includes all typical indirect costs: lights, power, depreciation, etc.

[10] "Unit standard cost" is simply the sum of the preceding 6 columns. Again, this cannot be interpreted as the precise actual cost of a unit, since standard costing prevents such direct estimation. For instance, regular material is costed at "standard" cost (which permits interplant performance comparison). In many and perhaps most cases, however, standard and actual costs are identical and almost always extremely close. The next item must be considered in this connection.

[11] "Usage and delivery changes" is a cost item that provides the flexibility in the costing system and refers strictly to adjustments to regular material costs. This is necessary because costs at the first of the model year are only approximations; as errors are discovered, plants are notified and then investigate the cost adjustment required. The figure shown in this column for any item is a cumulative total, possibly of many changes through the year. Since this computer run is for July, the last month of production, the figure shown should reflect quite accurately the total net adjustment for the year. Pluses, absence of minuses, indicate that the figure is an addition to regular material costs, while minuses represent decreases.

[12] "Adjusted unit cost" is a column not included in the original table but added by the committee staff for convenience. When completed (the column is now completed only in part) it will simply be the sum or difference of the preceding 2 columns.

[13] This is the first entry showing an option combination. The preceding entry, 1001, is believed to show the incremental cost of a power lock differential over and above the cost of a standard differential. This entry shows the cost saving when a power lock differential is combined with any of the 4 special engines identified here by number. See also list of abbreviations in footnote 2, above.

[14] Wear resistant heavy duty bonded brakes.

[15] Fade resistant heavy duty riveted brakes.

[16] This line apparently represents the savings involved in deleting—i.e., reveals the factory net cost of—a set of standard rear seat belts. Computer code Nos. 4800, 4801, 4802, 4803, and 4805 are similarly interesting items on the cost of safety equipment, as well as revealing the regular cost-accounting for deletion of such equipment presumably at a dealer's or customer's request.

[17] Shows the incremental cost of the indicated tires over standard equipment. (See p. 3 of exhibit 2 for standard equipment tires.) All costs are for a set of 5 tires.

[18] Indicates cost saving of deleting the spare tire and wheel for the indicated tire. This is the best and only evidence the exhibit provides of Ford's cost for a single tire—but it is not too helpful, since the prices shown also include the cost of the spare wheel.

EXHIBIT 2

(Page 1 of original)

FORD DIVISION, FORD MOTOR CO., 1966 FORD PASSENGER CAR PRICES

[Printed Mar. 10, 1966—Prices to be used beginning on effective date of Tax Adjustment Act of 1966]

	IBM code	Body code	Wholesale to dealer [1]	Schedule "A" D. & D.	Wholesale delivered [1]	Suggested list	Suggested retail [2]
6-cylinder models:							
Custom:							
2-door sedan	53	62E	$1,705.18	$125.10	$1,830.28	$2,215	$2,380.10
4-door sedan	54	54E	1,742.73	127.90	1,870.63	2,264	2,431.90
Custom 500:							
2-door sedan	51	62B	1,779.10	130.24	1,909.34	2,311	2,481.24
4-door sedan	52	54B	1,817.15	132.54	1,949.69	2,360	2,532.54
Galaxie 500:							
4-door sedan	62	54A	1,922.31	139.82	2,062.13	2,497	2,676.82
2-door hardtop	66	63B	1,927.88	140.74	2,068.62	2,504	2,684.74
4-door hardtop	64	57B	1,985.43	143.06	2,128.49	2,579	2,762.06
Convertible	65	76A	2,110.58	153.34	2,263.92	2,741	2,934.34
Station wagon:							
4-door Ranch Wagon	71	71D	2,005.95	147.08	2,153.03	2,606	2,793.08
4-door Country Sedan, 6 passengers	72	71B	2,071.95	151.17	2,223.12	2,691	2,882.17
4-door Country Sedan, DFRS [3]	74	71C	2,157.69	155.75	2,313.44	2,803	2,998.75
4-door Country Squire, 6 passengers	76	71E	2,290.05	166.81	2,456.86	2,975	3,181.81
4-door Country Squire, DFRS [3]	78	71A	2,351.13	171.07	2,522.20	3,054	3,265.07

See footnotes at end of table.

EXHIBIT 2—Continued

(Page 1 of original)—Continued

FORD DIVISION, FORD MOTOR CO., 1966 FORD PASSENGER CAR PRICES—Continued

[Printed Mar. 10, 1966—Prices to be used beginning on effective date of Tax Adjustment Act of 1966]

	IBM code	Body code	Wholesale to dealer [1]	Schedule "A" D. & D.	Wholesale delivered [1]	Suggested list	Suggested retail [2]
8-cylinder 289 CID 2V (Base V-8): Extra charge over 240 CID 6-cylinder. (except Galaxie 500/XL, LTD, and 7 Litre.)			$77.62	$5.72	$83.34	$101	$106.72
Ford LTD: [4]							
2-door hardtop	67	63F	2,305.46	166.11	2,471.57	2,995	3,201.11
4-door hardtop	60	57F	2,361.82	169.58	2,531.40	3,068	3,277.58
Galaxie 500/XL: [4]							
2-door hardtop	68	63C	2,327.51	167.62	2,495.13	3,023	3,230.62
Convertible	69	76B	2,510.21	180.22	2,690.43	3,260	3,480.22
Galaxie 500 7 Litre: [5]							
2-door hardtop	61	63D	2,613.39	187.40	2,800.79	3,394	3,621.40
Convertible	63	76D	2,796.24	199.87	2,996.11	3,632	3,871.87

[1] Includes heater, standard safety features, and dealer holdback equal to 2 percent of suggested list.

[2] Includes heater, standard safety features, and manufacturer's suggested dealer preparation and conditioning charge of $40 in addition to schedule "A" D. & D.

[3] Dual facing rear seats.

[4] 8-cylinder 289 CID 2-V Cruise-O-Matic transmission, bucket seats (XL), console (XL) and wheel covers are included in prices.

[5] Includes 428 CID engine, standard XL equipment, power disc brakes, dual paint stripe, deluxe woodgrain steering wheel, styled steel wheel covers, Cruise-O-Matic, and unique ornamentation; 4-speed manual optional.

Note: These suggested list and retail delivered prices and those on the following pages are suggested prices only, provided for your convenience, and are not intended to be determinative of the prices that you charge.

REGULAR PRODUCTION OPTIONS

	Wholesale to dealer	Schedule "A" D. & D.	Wholesale delivered	Suggested list	Suggested retail
Engines:					
Extra charge over 200 HP 289 CID Challenger V-8:					
250 HP 352 4-V V-8	$42.43	$2.97	$45.40	$55.90	$58.87
275 HP 390 2-V Thunderbird V-8	73.27	5.13	78.40	96.40	101.53
315 HP 390 4-V Thunderbird spec. V-8	111.20	7.78	118.98	146.40	154.18
345 HP 428 CID 4-V T/Bird V-8, all except 7 litre	157.93	11.05	168.98	207.80	218.85
425 HP 427 CID 8-V Cobra V-8: [1]					
All except 7 litre	703.60	49.29	752.89	925.80	975.09
7 litre only	545.67	38.24	583.91	718.00	756.24
Transmissions:					
Cruise-O-Matic—6-cyl. engine	133.10	9.40	142.50	166.40	175.80
Cruise-O-Matic 289 CID 8-cyl. engine (std. on XL and LTD)	140.40	9.89	150.29	175.50	185.39
(Page 2 of original)					
Cruise-O-Matic 352, 390, or 428:					
8-cylinder engine—XL, LTD models only	$23.36	$1.64	$25.00	$29.20	$30.84
All models except XL, LTD and 7 litre	163.81	11.47	175.28	204.80	216.27
4-speed manual, 390, 4V, 427 or 428 CID engine (N/A on station wagons), except—					
XL, 7 litre, and LTD models	132.70	9.32	142.02	174.70	184.02
XL, 7 litre and LTD models only	N/C	N/C	N/C	N/C	N/C
Overdrive, 240 or 289 engine	76.50	5.40	81.90	100.70	106.10
Power assists:					
Power disc brakes (std. on 7 litre)	70.09	4.91	75.00	92.30	97.21
Power brakes [2]	30.45	2.19	32.64	40.10	42.29
Power seat, 6-way full width (N/A with 4-speed transmission)	68.30	4.85	73.15	89.90	94.75
Power steering [2]	68.45	4.85	73.30	90.10	94.95
Power windows (N/A on custom, custom 500, ranch wagon and country sedan, available on country sedan with deluxe trim)	72.05	5.04	77.09	94.90	99.94
Power tailgate window (71B and 71D)	22.80	1.62	24.42	30.00	31.62
Power bucket seat, 6-way, driver only	60.75	4.25	65.00	80.00	84.25
Performance equipment:					
Battery, heavy duty (std. with 427 and 428 CID engines)	5.27	.44	5.71	7.00	7.44
Limited slip differential, includes riveted brakes and H.D. Axle (N/A with 427 CID engine)	30.00	2.10	32.10	39.50	41.60
Safety equipment:					
Electric windshield wipers, 2-speed	9.35	.65	10.00	12.30	12.95
Glass, tinted with banded windshield	28.40	2.05	30.45	37.40	39.45
Glass, tinted, windshield only	15.20	1.09	16.29	20.00	21.09
Safety convenience control panel—Includes vacuum door locks, door ajar warning light, low fuel warning light, and seat belt warning light:					
2-door models	36.30	2.61	38.91	47.80	50.41
4-door models	45.40	3.24	48.64	59.80	63.04
Seat belts, deluxe, front retractors and warning light:					
Front and rear	10.44	.73	11.17	13.80	14.53
Front, rear and 3d seat (wagons)	12.71	.89	13.60	16.80	17.69
Speed control, automatic (V-8 engine and Cruise-O-Matic req'd)	44.75	3.16	47.91	58.90	62.06
Visibility group—includes remote control mirror, day/nite mirror, and 2-speed windshield wipers	21.50	1.51	23.01	28.30	29.81
Comfort-convenience equipment:					
Air conditioner, SelectAire (tinted glass recommended)	256.90	17.99	274.89	338.10	356.09
Courtesy light group (ash tray, parking brake signal, glove box, trunk (cargo wagons), front and rear door courtesy switches):					
Galaxie 500 2-door hardtop and convertible, 500/XL, 7 litre, and Ford LTD models (parking brake light)	3.60	.29	3.89	4.80	5.09
All other models	10.40	.79	11.19	13.70	14.49
Fold-down rear seat, 4-door sedans (includes vinyl trim)	53.60	3.79	57.39	70.60	74.39
Luggage rack (wagons only)	31.95	2.34	34.29	42.10	44.44
Luggage rack adjustable delux (wagons only)	45.47	3.18	48.65	59.90	63.08
Radio, AM, pushbutton and front antenna (rear speaker required on XL, LTD and 7 litre models without stereosonic)	41.25	3.21	44.46	54.30	57.51
Radio, AM/FM, pushbutton and front antenna (rear speaker required on XL, LTD and 7 litre models without stereosonic)	96.45	6.75	103.20	126.90	133.65
Rear seat speaker (standard at no cost with stereosonic)	9.45	.72	10.17	12.50	13.22
Reclining seat with headrest, passenger seat, 500/XL and 7 litre	31.80	2.25	34.05	41.90	44.15
Stereosonic tape system (N/A with overdrive or 4-speed; includes rear seat speakers) available with AM or AM/FM radio	92.71	6.49	99.20	122.00	128.49
Appearance equipment:					
Accent strips, body side, single (2-door hardtop and convertible only)	10.00	.70	10.70	13.20	13.90

See footnotes at end of table.

EXHIBIT 2—Continued

(Page 2 of original)—Continued

FORD DIVISION, FORD MOTOR CO., 1966 FORD PASSENGER CAR PRICES—Continued

[Printed Mar. 10, 1966—Prices to be used beginning on effective date of Tax Adjustment Act of 1966]

REGULAR PRODUCTION OPTIONS—Continued

	Wholesale to dealer	Schedule "A" D. & D.	Wholesale delivered	Suggested list	Suggested retail
(Page 3 of original)					
Appearance equipment—Continued					
Deluxe trim group, country sedan, includes square-type trim and electric clock	$78.31	$5.48	$83.79	$103.10	$108.58
Paint, 2-tone (N/A on custom or ranch wagon, or country squire)	15.45	1.14	16.59	20.40	21.54
Radio antenna, right rear quarter	6.80	.50	7.30	9.00	9.50
Vinyl roof:					
2-door hardtop	53.63	3.76	57.39	70.60	74.36
4-door hardtop	60.18	4.21	64.39	79.20	83.41
Vinyl trim, Galaxie 500 models	17.60	1.27	18.87	23.20	24.47
Wheel covers, styled steel (std. with 7 litre):					
All models except 500/XL, LTD and country squire	32.71	2.29	35.00	43.10	45.39
Galaxie 500/XL, LTD and country squire	17.35	1.21	18.56	22.90	24.11
Wheel covers, all models except galaxie 500/XL, LTD, country squire and 7 litre	15.30	1.14	16.44	20.20	21.34
Special equipment:					
Closed crankcase emission system (available only with exh. ECS except with 427 engines)	3.70	.29	3.99	4.90	5.19
Exhaust emission control system (N/A with 427 engines)	34.40	2.45	36.85	43.00	45.45
Delete options: MagicAire heater, no delete with SelectAire	(52.95)	(3.81)	(56.76)	(69.70)	(73.51)

[1] N/A with station wagons—standard equipment includes transistorized ignition; 4-speed manual transmission and 8.15x15 4-ply BSW nylon tires are mandatory extra cost options.

[2] N/A with 427 CID engines.

OPTIONAL TIRE PRICES

[The following are standard tire sizes for 1966 Ford passenger cars. All tire sizes shown are 15 inch 4-ply rated rayon black sidewall tires

Model	240, 289 CID		352 4-V CID		390 2-V CID		390 4-V and 428 CID	
	Without A/C	With A/C	Without A/C	With A/C	Without A/C	With A/C	Without A/C	With A/C
Custom:								
2-door	7.35	7.35	7.75	7.75	7.35	7.75	7.75	7.75
4-door	7.35	7.35	7.75	[1] 7.75	7.75	7.75	7.75	[1] 7.75
Custom 500:								
2-door	7.35	7.35	7.75	7.75	7.35	7.75	7.75	7.75
4-door	7.35	7.35	7.75	7.75	7.75	7.75	7.75	7.75
Galaxie 500:								
4-door	7.35	7.35	7.75	7.75	7.75	7.75	7.75	7.75
2-door HT	7.35	7.35	7.75	7.75	7.75	7.75	7.75	7.75
4-door HT	7.35	7.35	7.75	8.15	7.75	[1] 7.75	7.75	8.15
Convertible	7.35	7.75	7.75	8.15	7.75	8.15	7.75	8.15
Ford LTD: [2]								
2-door HT	7.35	7.35	7.75	8.15	7.75	[1] 7.75	7.75	8.15
4-door HT	7.35	7.35	7.75	8.15	7.75	8.15	7.75	8.15
Galaxie 500/XL: [2]								
2-door HT	7.35	7.35	7.75	8.15	7.75	[1] 7.75	7.75	8.15
Convertible	7.35	7.75	[1] 7.75	8.15	[1] 7.75	8.15	[1] 7.75	8.15
Galaxie 500 7 Litre: [3]								
2-door HT	(4)	(4)	(4)	(4)	(4)	(4)	7.75	8.15
Convertible	(4)	(4)	(4)	(4)	(4)	(4)	[1] 7.75	8.15
Station wagons: All	8.45	8.45	8.45	8.45	8.45	8.45	8.45	8.45

[1] 1 size larger with exhaust emission control system.

[2] 289 V-8 standard.

[3] 428 V-8 standard.

[4] Not available.

Note: Models with 427 CID high-performance engine see p. 4.

	Wholesale to dealer	Schedule "A" D. & D.	Wholesale delivered	Suggested list	Suggested retail SL
Models having (5) 7.35 x 15 4-p.r. BSW rayon tires as standard equipment:					
Extra charge for—					
(5) 7.35 x 15 4-p.r. WSW	$24.40	$1.11	$25.51	$32.20	$33.31
(5) 7.75 x 15 4-p.r. BSW	10.00	.89	10.89	13.20	14.09
(5) 7.75 x 15 4-p.r. WSW	34.40	2.02	36.42	45.40	47.42
(5) 8.15 x 15 4-p.r. BSW	21.60	2.07	23.67	28.50	30.57
(5) 8.15 x 15 4-p.r. WSW	47.98	3.64	51.62	63.20	66.84
(Page 4 of original)					
Models having (5) 7.75 x 15 4-p.r. BSW rayon tires as standard equipment:					
Extra charge for—					
(5) 7.75 x 4-p.r. WSW	$24.40	$1.13	$25.53	$32.20	$33.33
(5) 8.15 x 15 4-p.r. BSW	10.70	1.39	12.09	14.10	15.49
(5) 8.15 x 15 4-p.r. WSW	37.08	2.97	40.05	48.80	51.77
Models having (5) 8.15 x 15 4-p.r. BSW rayon tires as standard equipment: Extra charge for (5) 8.15 x 15 4-p.r. WSW	26.38	1.57	27.95	34.80	36.37
All models with the 427 high-performance engine require 8.15 x 15 4-p.r. nylon tires as follows:					
Extra charge for—					
(5) 8.15 x 15 4-p.r. BSW nylon tires	33.10	2.93	36.03	43.60	46.53
(5) 8.15 x 15 4-p.r. WSW nylon tires	59.48	4.53	64.01	78.30	82.83
The following models have (5) 8.45 x 15 4-p.r. BSW rayon tires as standard equipment: All station wagons. Extra charge for (5) 8.45 x 15 4-p.r. WSW	26.38	1.60	27.98	34.80	36.40

(Pages 5 through 13 of original intentionally omitted from this exhibit)

EXHIBIT 2—Continued

FORD DIVISION, FORD MOTOR CO., 1966 FORD PASSENGER CAR PRICES—Continued

(Page 14 of original)

1966 FORD PASSENGER CARS—LIMITED PRODUCTION OPTION (LPO) PRICES

[Printed Mar. 10, 1966—Prices to be used beginning on effective date of Tax Adjustment Act of 1966]

	IBM code	Wholesale to dealer	Schedule "A" D.&D.	Wholesale delivered	Suggested list	Suggested retail
Alternator, Leece-Neville (Pancake type with internal silicon rectifier and dual belt drive. Ammeter included with the 60-amp. alternator):						
53 ampere. Available all models (N/A with air conditioning, 427 CID, or 289–2V (with exhaust emission control system) engine. Also recommended for towing trailers with gross weights from 2,000 to 5,500 pounds)	462	$54.50	$3.86	$58.36	$71.80	$75.66
60 ampere. Available with designated 8-cylinder models (N/A with air conditioning, 427 CID, or 289–2V (with exhaust emission control system) engine)	463	68.60	4.84	78.44	90.30	95.14
Alternator, Ford: 55 ampere, dual belt, internal silicon rectifier (the regulator is adaptable for a charge light or ammeter system; standard with air conditioning or 427 CID engine)	461	15.20	1.09	16.29	20.00	21.09
Adjustable air springs for rear suspension	661	30.40	2.19	32.59	40.00	42.19
Brakes (available for all production-installed axle ratios and transmissions):						
Bonded—Wear resistant—240 CID engines only (N/A with limited-slip differential axles): Sedans, hardtops, and convertibles	68F	6.50	.50	7.00	8.60	9.10
Riveted—fade resistant (standard on 428 CID interceptor, all station wagons, 427 CID engine and limited-slip differential axles): 6 and 8-cylinder sedans, hardtops, and convertibles (also recommended for towing trailers with gross weights from 2,000 to 5,500 pounds)	68P	6.50	.50	7.00	8.60	9.10
Self-adjusting brakes, for police packages	68K	N/C	N/C	N/C	N/C	N/C
Clutch, heavy duty, taxi type (clutch has 11″ outside diameter and 123.7 square inches of frictional area, extra thick friction facings):						
Stronger pressure plate springs included for Ford Custom and Custom 500, Galaxie 500 and station wagons equipped with 240 CID engines (N/A with overdrive transmissions or Galaxie 500/XL, 7 Litre, or LTD models)	432	4.00	.28	4.28	5.30	5.58
Extra cooling package:						
All models with standard, overdrive, or Cruise-O-Matic transmission, 240 CID engine	427	6.50	.50	7.00	8.60	9.10
All models with standard, overdrive or Cruise-O-Matic transmission, 8-cylinder engines (N/A with air conditioning or 427 CID engine. Also recommended for towing trailers with gross weights from 2,000 to 5,500 pounds)	427	7.50	.57	8.07	9.90	10.47
Floor mats, heavy duty, black rubber: Available for Ford Custom and Custom 500 2-door and 4-door sedans, Ranch Wagon, and Country Sedan models (front and rear)	176	4.30	.37	4.67	5.70	6.07
Frame, heavy duty		23.36	1.64	25.00	30.80	32.44
Lamp switches, taxi type: 4-door operated dome light with warning light on the instrument panel to warn the driver if any of the 4 doors are not fastened securely. Available for Ford Custom and Custom 500 models (4-door sedan)	642	6.46	.50	6.96	8.50	9.00

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	IBM code	Wholesale to dealer		Schedule "A" D.&D.		Wholesale delivered		Suggested list		Suggested retail	
Locking system, single key	56H	$2.20		$0.23		$2.43		$2.90		$3.13	
Molding, lower body side: Available for Custom, Galaxie 500, Ranch Wagon, and Country Sedan models (N/A with accent stripe option)	513	5.90		.42		6.32		7.80		8.22	
Radio noise suppression equipment: Highway-type (includes 2 hood bonding straps, 2 wheel static collector springs, 1 condenser for ignition coil)	464	4.00		.28		4.28		5.30		5.58	
Roof light wiring, taxi: Dual wire with hole in roof panel (also used for single wire requirements by taping extra wire). Available for Ford Custom and Custom 500 sedans	641	1.45		.15		1.60		2.00		2.15	
Seats, heavy duty:											
Taxi-type, 100,000 mile seat, available for Ford Custom and Custom 500 models, with extra heavy duty springs and padding—standard seat track:											
4-door, front	531	15.56		1.13		16.69		20.50		21.63	
4-door, rear	532	14.56		1.06		15.62		19.20		20.26	
Police and taxi type, available for Ford Custom and Custom 500 Sedan models, heavy duty springs in seat and back assembly:											
2-door, front	535	13.00		.91		13.91		17.20		18.11	
4-door, front	535	9.00		.63		9.63		11.90		12.53	
2 or 4-door, rear (front req.)	536	8.00		.56		8.56		10.60		11.16	
2 or 4-door, rear, heavy duty-police packages only	539	8.00		.56		8.56		10.60		11.16	
Speedometer: Calibrated type with 2-mile-per-hour increments (black) N/A with radio	771	4.95		.35		5.30		6.60		6.95	
Spotlight: Left hand, "A" pillar mounted, clear lens, without mirror, 6″ diameter	564	19.00		1.33		20.33		25.00		26.33	
Suspension, heavy duty: Includes heavy duty front and rear springs, front and rear shock absorbers and stabilizer bar (standard equipment with the 428 CID interceptor and 427 CID engines) (also recommended for towing trailers with gross weights from 2,000 to 5,500 pounds)	661	16.82		1.18		18.00		22.20		23.38	
Tires:											
Vehicles which have (5) 7.35 x 15 4-p.r. BSW rayon tubeless tires as standard equipment. (See RPO price list.):											
Extra charge for—			Police		Police		Police		Police		Police
(5) 7.35 x 15 4-p.r. BSW nylon	4849F3	11.50	Std.	.84	Std.	12.34	Std.	15.20	Std.	16.04	Std.
(5) 7.75 x 15 4-p.r. BSW nylon	4849J3	21.50	$10.00	1.77	$0.93	23.27	$10.93	28.30	$13.10	30.07	$14.03
(5) 7.75 x 15 4-p.r. WSW nylon	4849J2	45.90	34.40	2.92	2.08	48.82	36.48	60.40	45.20	63.32	47.28
(5) 8.15 x 15 4-p.r. BSW nylon	4849L3	33.10	21.60	2.93	2.09	36.03	23.69	43.60	28.40	46.53	30.49
(5) 8.15 x 15 4-p.r. WSW nylon	4849L2	59.48	47.98	4.53	3.69	64.01	51.67	78.30	63.10	82.83	66.79
Vehicles which have (5) 7.75 x 15 4-p.r. BSW rayon tires as standard equipment. (See RPO price list.):											
Extra charge for—											
(5) 7.75 x 15 4-p.r. BSW nylon	4849J3	11.50	Std.	.87	Std.	12.37	Std	15.20	Std.	16.07	Std.
(5) 7.75 x 15 4-p.r. WSW nylon	4849J2	35.90	24.40	2.02	1.15	37.92	25.55	47.30	32.10	49.32	33.25
(5) 8.15 x 15 4-p.r. BSW nylon	4849L3	22.20	10.70	2.24	1.37	24.44	12.07	29.30	14.10	31.54	15.47
(5) 8.15 x 15 4-p.r. WSW nylon	4849L2	48.58	37.08	3.85	2.98	52.43	40.06	64.00	48.80	67.85	51.78

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	IBM code	Wholesale to dealer		Schedule "A" D.&D.		Wholesale delivered		Suggested list		Suggested retail	
Vehicles which have (5) 8.15 x 15 4-p.r. BSW rayon tires as standard equipment (see RPO price list):											
Extra charge for:											
(5) 8.15 x 15 4-p.r. BSW nylon	4849L3	$11.50		$0.51		$12.01		$15.20		$15.71	
(5) 8.15 x 15 4-p.r. WSW nylon	4849L2	37.88		2.11		39.99		49.90		52.01	
(5) 8.45 x 15 4-p.r. BSW nylon	4849N3	22.20		1.88		24.08		29.30		31.18	
(5) 8.45 x 15 4-p.r. WSW nylon	4849N2	49.58		3.48		52.06		64.10		67.58	
Vehicles which have (5) 8.45 x 15 4-p.r. BSW rayon tires as standard equipment (see RPO price list):											
Extra charge for:			Police		Police		Police		Police		Police
(5) 8.45 x 15 4-p.r. BSW nylon	4849N3	11.50	Std.	.87	Std.	12.37	Std.	15.20	Std.	16.07	Std
(5) 8.45 x 15 4-p.r. WSW nylon	4849N2	37.88	$26.38	2.47	$1.60	40.35	$27.98	50.00	$34.00	52.47	$36.40
Vinyl trim, taxi type; nonpleated, beige; the sets include 2 visors, black rubber floor mats, front and rear arm rests, ash receptacles, black steering column, instrument panel and garnish mouldings; Ford Custom and Custom 500 models	181904	8.00		.56		8.56		10.60		11.16	
Voltage regulator transistorized (N/A with 55 amp. alternator)	46H	14.02		.98		15.00		18.50		19.48	

See footnotes at end of table.

EXHIBIT 2—Continued

1966 FORD PASSENGER CARS—LIMITED PRODUCTION OPTION (LPO) PRICES—Continued

(Page 16 of original)—Continued

	IBM code	Wholesale to dealer	Schedule "A" D.&D.	Wholesale delivered	Suggested list	Suggested retail
Standard heavy duty taxi package, Ford Custom and Custom 500 4-door sedan models:						
Available with:						
6-cylinder 240 CID economy carburetor taxi special engine (no extra charge), available with heavy duty manual 3-speed or heavy duty Cruise-O-Matic transmission;						
8-cylinder 289 CID engine, available with 3-Speed manual or heavy duty Cruise-O-Matic transmission.						
Includes the following equipment:						
Alternator, 42 ampere.						
Lubricator-fitted driveshaft						
Heavy duty bonded, wear resistant brakes (manual adjustors).						
Heavy duty clutch (standard transmission), 6-cylinder.						
Heavy duty front and rear seat springs and padding (formed 2¾ inch foam rubber front and normal thickness rear padded cushions).						
Heavy duty rubber floor mats, black, front and rear.						
Nonpleated vinyl trim set, beige.						
Headlamp switch, silver contact points.						
Dual wiring for roof light (with hole in roof panel).						
Ford Custom and Custom 500 4-door sedans (standard transmission)	68C	$21.00	$1.47	$22.47	$27.70	$29.17
Use RPO prices for optional 289 CID V-8 engine or Cruise-O-Matic transmission.						
Expanded heavy duty taxi package, Ford Custom and Custom 500 4-door sedan models:						
Includes all equipment from the standard heavy duty taxi package plus the following equipment:						
Heavy duty suspension with heavy duty front and rear springs and shock absorbers.						
Heavy duty stabilizer bar with 8-cylinder engine.						
Right-hand rear door metal pull handle.						
Warning light system, 4-doors.						
Courtesy lights, 4-doors.						
Heavy duty battery, 70 amperes.						
Assist straps, rear.						
Ford Custom and Custom 500 4-door sedans (standard transmission)	68D	78.00	5.46	83.46	102.70	108.16
Use RPO prices for optional 289 V–8 engine or Cruise-O-Matic transmission.						

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	IBM code	Wholesale to dealer	Schedule "A" D. & D.	Wholesale delivered	Suggested list	Suggested retail
Police packages (for law-enforcement agencies only):						
Ford Custom and Custom 500 2-door and 4-door sedans, Ranch Wagon, and Country Sedans:						
Deputy—240 CID, 150 h.p. 6-cylinder engine (also available with heavy-duty Cruise-O-Matic transmission) (price based over standard 240 CID engine)	05B	($13.00)	($0.92)	($13.92)	($17.10)	($18.02)
Sentinel—289 CID 2-V 200 h.p. 8-cylinder engine (also available with heavy-duty Cruise-O-Matic transmission.) (Price based over 289 CID engine.)	05C	(18.75)	(1.35)	(20.10)	(24.70)	(26.05)
Guardian—390 2-V CID, 275 h.p. 8-cylinder engine. (Price based over 289 CID engine.) Available with Cruise-O-Matic transmission only at RPO prices	05Y	(8.75)	(.62)	(9.37)	(11.50)	(12.12)
Cruiser—390 4-V CID, 315 h.p. 8-cylinder engine. (Price based over 289 CID engine.)	05Z	38.25	2.77	41.02	50.40	53.17
Defender—428 CID 8-cylinder 345 h.p. engine, hydraulic lifters. Available with Cruise-O-Matic or 4-speed transmissions only at RPO prices (price based over 289 CID engine.)		48.25	3.47	51.72	63.60	67.07
Interceptor—428 CID 8-cylinder 360 h.p. engine, mechanical lifters. Available with Cruise-O-Matic or 4-speed transmissions only at RPO prices. (Price based over 289 CID engine.)	05P	97.25	6.90	104.15	128.00	134.90
Includes the following equipment:						
Heavy-duty clutch. 11 inches on Deputy with standard transmission.						
Heavy-duty battery. 70 ampere (80 ampere—Interceptor).						
3-speed manual transmission (optional transmission available).						
Alternator. 42 ampere single belt (dual belt with Interceptor).						
High speed and handling package with heavy-duty front and rear springs, extra control shock absorbers and heavy duty stabilizer bar.						
Heavy-duty fade resistant brakes, manual adjusters (self-adjusting brakes optional).						
Calibrated speedometer with 2-mile-per-hour increments.						
Heavy-duty front seats with heavy-duty springs and padding.						
Heavy-duty front and rear black rubber floormats.						
Extra cooling package (except Deputy and Sentinel).						
Heavy-duty steering column (standard 3-speed manual transmission).						
Lubricator-fitted driveshaft.						
6-in. wheel rims, wheel rims with nylon tires.						
Package price includes engine shown above.						
Use RPO prices for optional transmissions.						
Limited production options for towing trailers with gross weights from 2,000 to 5,500 pounds:						
Trailer towing package (for units equipped with Cruise-O-Matic transmission and 352, 390, or 428 CID 8-cylinder engine). Equipment includes:						
Riveted brakes with fade resistant linings.						
Extra cooling package.						
Heavy-duty suspension with front and rear springs and shock absorbers.						
Sedan models	662	22.20	1.63	23.83	29.30	30.93
All station wagon models	662	15.70	1.13	16.83	20.70	21.83

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High-performance engines:					
Extra charge over 200 H.P. 289 CID Challenger V–8:					
410 H.P. 427 CID 4V Cobra V–8[1]:					
All except 7 litre	$730.60	$49.29	$752,89	$925,80	$975,09
7 litre only (extra charge over standard 428 CID V–8)	545.67	38.42	583.91	718.00	756.24
465 H.P. 427 CID 8V SOHC V–8[2] (available only on Galaxie 500 2-door-hardtop)	1,426.82	99.88	1,526.70	1,877,41	1,977.29

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[1] N/A with station wagons. Standard equipment includes transistorized ignition, 4-speed manual transmission and 8.15 X 15 4 P.R. BSW nylon tires are mandatory extra cost options (see pages 2 and 4).

[2] 4-speed manual transmission and 8. 15 X 15 4 P.R. BSW nylon tires are mandatory extra cost options (See pages 2 and 4).

Note: Recommended production options for towing trailers with gross weights from 2,000 to 5,500 pounds: Adjustable air springs, rear; battery, heavy duty; Cruise-O-Matic transmission; extra cooling package; fade resistant brakes; heavy-duty suspension; limited slip differential; nylon tires; power brakes; power disc brakes; power steering.

EXHIBIT 3

MANUFACTURER'S MARKUPS ON 1966 FORD GALAXIE 500 4-DOOR SEDAN, AND SELECTED OPTIONS

Description	Wholesale price to dealer [1] (1)	Ford's factory cost [2] (2)	Ford's markup: Amount [3] (3)	Ford's markup: Percentage of factory cost (4)
Standard ("base") vehicle [4]	[5] $1,872.37	[6] $1,603.28	[7] $269.09	[7] 16.8
289 CID 2V base V-8 engine	[8] 75.60	[9] 19.22	56.38	293.3
Automatic transmission	[10] 136.89	[11] 56.24	80.65	143.4
Power steering	[12] 66.65	[13] 29.88	36.77	123.1
Power windshield wipers	[14] 9.11	[15] 3.13	5.98	191.0
AM radio	[16] 40.16	[17] 21.74	18.42	84.7
Deluxe seatbelts	[18] 10.17	[19] 5.93	4.24	71.5
Air conditioning	[20] 250.14	[21] 158.49	91.65	57.8
8.15 x 15 WSW 4-p.r. rayon-cord tires	[22] 46.72	[23] 13.01	33.71	259.1
Total	2,507.81	1,910.92	596.89	31.2

[1] Derived from exhibit 2: subtract from the amount in col. 1 of exhibit 2, "Wholesale to dealer," 2 percent of the amount in col. 4, "Suggested list." The difference is the amount in this column—the net price charged the dealer by Ford, exclusive of freight and excise tax.

[2] From exhibit 1, col. 9, "Adjusted unit cost" (or the sum or difference of the amounts in cols. 7 and 8).

[3] The amounts in this column are the difference of the 1st 2 columns in this exhibit. They represent the markup over assembly-plant costs only. Markups taken by other factories of the Ford Motor Co. are included as "cost" of the assembly plant in the 1st column, "Regular materials," of exhibit 1.

[4] See exhibit 2 for information on what is included in the "standard" vehicle.

[5] From exhibit 2, p. 1.

[6] From exhibit 1, pp. 1 and 2: cost (col. 9—"Adjusted unit cost") of computer code 62 car, ess cost saving from supplying car with 6-cylinder engine ("standard" on dealer price list; treated as an option on Ford cost account), computer code A080605, p. 2 of exhibit 1.

[7] Refer also to col. 1, "Regular material," of exhibit 1, p. 1, computer code 62, in the amount of $1,360.38, and to footnote 3, above.

[8] From exhibit 2, p. 1.

[9] From exhibit 1, p. 2, computer code A080605.

[10] From exhibit 2, p. 1, under heading "Transmissions."

[11] From exhibit 1, p. 20, computer code 8018802.

[12] From exhibit 2, p. 2, under heading "Power assists," line item "Power steering."

[13] From exhibit 1, p. 12, computer code 4504801.

[14] From exhibit 2, p. 2, heading "Safety Equipment," line item "Electric windshield wipers, 2-speed."

[15] From exhibit 1, p. 5, computer code 3025–01.

[16] From exhibit 2, p. 2, heading "Comfort-Convenience Equipment," line item "Radio—AM, pushbutton and front antenna."

[17] From exhibit 1, p. 5, computer code 3020–02.

[18] From exhibit 2, p. 2, heading "Safety Equipment," line item "Seat belts, deluxe—front and rear."

[19] From exhibit 1, p. 15, computer code 4681–01.

[20] From exhibit 2, p. 2, heading "Comfort-Convenience Equipment," line item "Air conditioner—SelectAire."

[21] From exhibit 1, p. 5, computer code 3028807.

[22] From exhibit 2, p. 3, heading "Options" (in tire section), line item "8.15 x 15 4-p.r. WSW" for "Models having 7 35 x 15 4-p.r. BSW rayon tires as standard equipment."

[23] From exhibit 1, p. 17, computer code 6554–01.

Note: Col. 1 minus col. 2 equals col. 3 (exhibit 3).

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On September 20, 1968:

S. 3293. An act to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

On September 21, 1968:

S. 3133. An act to extend for 1 year the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts, and for other purposes.

On September 24, 1968:

S. 747. An act for the relief of Dr. Earl C. Chamberlayne;

S. 772. An act for the relief of Dr. Violeta V. Ortega Brown;

S. 1327. An act for the relief of Dr. Samad Momtazee;

S. 1354. An act for the relief of Dr. Bong Oh Kim;

S. 2250. An act for the relief of Dr. Hugo Vicente Cartaya;

S. 2371. An act for the relief of Dr. Herman J. Lohmann;

S. 2477. An act for the relief of Dr. Fang Luke Chiu;

S. 2506. An act for the relief of Dr. Julio Epifanio Morera;

S. 3024 An act for the relief of Richard Smith (Noboru Kawano); and

S. 3072. An act to amend the act entitled "An act to provide for the rehabilitation of Guam, and for other purposes," approved November 4, 1963.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of Mrs. Maxine A. Hodges to be postmaster at Toccopola, Miss., which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 17735) to amend title 18, United States Code, to provide for better control of the interstate traffic in firearms; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. RODINO, Mr. DONOHUE, Mr. KASTENMEIER, Mr. MCCULLOCH, Mr. MATHIAS of Maryland, and Mr. MACGREGOR were appointed managers on the part of the House at the conference.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. HOLLINGS. Mr. President, we can recall the words of the first and perhaps greatest of the Chief Justices, John Marshall, in describing the scope of the Court's authority when he cautioned:

> Judicial power as contradistinguished from the power of the laws, has no existence. Courts are mere instruments of the law and can *will* nothing.

Contrast this, Mr. President, if you will, with the sort of twisted reasoning that made Escobedo the law of the land. There, the Warren Court had received no mandate from the people. The power of the law had granted not one whit to the Court in this area.

Congress, reflecting the will of the people, as it constantly must, had not jumped to the fore. So then, from what quarter did this mandate for change arise? Was it from the law enforcement authorities? Reaction by the police since these decisions show only that they have been handcuffed, not allowed to do the job they must. No, the mandate was not from the enforcers of the law.

Was it then the prosecuting attorneys who saw the need for change and called on the Court to respond to the needs of our people? The widely publicized comment and criticism from them since these decisions makes this question a moot point.

Well then, was the cry for change from the people themselves? I think that most Senators would agree it is their constituents who have voiced the greatest concern about the decisions of the Court and their effect on the respect for law.

Mr. President, these people are the ones who really feel the ugly bite in the crimes of violence and they are scared to death. But whether the citizen is living comfortably in suburban Washington or fearfully treading through each day in Watts or Newark or Detroit, the point remains the same. The American people walk everywhere in fear because the Supreme Court saw fit to relegate their rights to the back row of the courtrooms all across America—because the Supreme Court saw fit to let Danny Escobedo and Andrew Mallory walk their streets again. No, Mr. President, the American people have not been the object of the Warren Court's concern. The American people have been left to fend for themselves in a totally hopeless quagmire of violence and permissiveness.

Then, in the name of logic again I ask, For whom has the Court ruled? And again I find only one answer. The Court in its great zeal to affect the social and political and economic standards of our people has become a "super Senate." The Court has forced its will into the very essence of all that was never meant to be a judicial function. It has placed the political and practical judgment of five or six above that of both branches of Congress, and that doctrine was never warranted by the Constitution.

In view of this, we must ask ourselves, Mr. President, What has been the full impact of the "Warren court" on our society? Are the outcries we hear just the ravings of an unenlightened few who do not understand the necessity for the Court's intervention into every facet of their lives? I think not, and I agree with the tragic prophecy of Justice Stewart dissenting in Lucas against Colorado when he said:

> To put the matter plainly, there is nothing in all the history of this Court's decisions which supports this constitutional rule. The Court's Draconian pronouncement, which makes unconstitutional the legislatures of most of the fifty States, finds no support in the words of the Constitution in any prior decision of this Court, or in the 175 year political history of our federal union. With all respect, I am convinced these decisions mark a long step backward into that unhappy era when a majority of the members of this Court were thought by many to have convinced themselves and each other that the demands of the Constitution were to be measured not by what it says, but by their own notions of wise political philosophy.

Mr. Justice Holmes expressed this same fear in 1930 when he said in Baldwin against Missouri:

> I have not yet adequately expressed the more than anxiety that I feel at the ever increasing scope given to the fourteenth amendment in cutting down what I believe to be the constitutional rights of the States. As the decisions now stand, I can hardly see any limit but the sky to the invalidating of those rights if they happen to strike a majority of the Court as for any reason undesirable. I cannot believe that the amendment was intended to give us carte blanche to employ our economic or moral beliefs.

Contrast this, if you will, to the words of Justice Fortas who said:

> Justices should not be as concerned as they sometimes *have* been in "squeezing" judicial decisions into a neat pattern. They should instead make full use of all the modern tools; not only law, but medicine, psychiatry, mass psychology, economics and social engineering.

I do not believe, Mr. President, that past Justices would accept the use of economics, mass psychology, and social engineering as controlling factors in the rendering of judicial decisions.

Mr. President, this comment came about in the cover magazine article in Time magazine dated July 5, 1968. I find very little by way of reference. In order really to study the decisions, it seems that the decisions of Justice Fortas have all been, generally, noncontroversial, other than joining in some of the comments he has made with respect to the trend toward the Warren philosophy and his support of it. But one of the really illuminating comments he makes is to the reporter of Time magazine who interviewed him, which appears on page 13 of the July 5 issue on Abe Fortas, as follows:

> The Justices of the Supreme Court, Fortas mused, are, in some respects, "nine emperors." A Chief Justice can neither coerce nor cajole his associates; he can do little more than recommend what actions they should take. They are the "mix in the carburetor"—a good court needs Justices from different backgrounds.

Mr. President, that is frightening language. Justice Fortas goes on to say—and this was just in July, and he wonders why people are opposing him:

> In applying the law, in his view, the Justices should not be as concerned as they sometimes have been in "squeezing" judicial decisions into a neat pattern. They should instead make full use of all the modern tools; not only law, but medicine, psychiatry, mass psychology, economics, and social engineering.

Mind you, Mr. President, can you imagine that? Practicing as I have for 20 years, representing plaintiffs and defendants, men charged with murder and rape, criminals all—and I have been on both sides of the fence—it is difficult to imagine going before a judge who says, "Now, don't get into a neat pattern." Under the trial of law cases, we have the stability of the law and the confidence of trial attorneys in advising our clients that the court decisions are going to be "squeezed" into a neat pattern of constitutional and statutory law, the record of the case, and the stare decisis of decisions. Those three elements form the basis of the law. Mr. President, one would then go before Justice Fortas, who says that they should "make full use of all the modern tools; not only law, but medicine, psychiatry, mass psychology, economics and social engineering."

The article continues:

> Fortas himself is thinking of equipping his office with a computer console to tap the memory bank of social knowledge and data assembled by the Russell Sage Foundation, of which he is a trustee.

Imagine trying a case when the lawyer knows that the judge on the other end is going to say, "Oh, that record." A judge may have had misgivings about a lawyer, or thought that several witnesses should not have been put on the witness stand, or, in turn, that a certain line of reasoning and thought should have been explored for the jury. But Justice Fortas is going to get a computer console and "tap the memory bank of social knowledge and data assembled by the Russell Sage Foundation, of which he is a trustee."

I am again quoting from Justice Fortas:

> More and more the courts "enter into everybody's life every day, from pre-womb to post-tomb," and a many-sided approach, using all the disciplines, could result in something more satisfactory than "the frustrations and agonies of undebatable principle in sharp conflict with undeniable fact."

Mr. President, is that not really the objection, is that not the frustration, is that not the concern in the American heart and mind and conscience today as we go into this national election and as we consider this important appointment—that the Court will enter into everybody's life every day from pre-womb to post-tomb?

Mr. HART. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. HART. The problem is that we are not considering the appointment. We are asking Senators to let us consider it.

Mr. HOLLINGS. The Senator from Michigan, who has more experience and judgment than I have, knows that really this is a motion to bring it before us. We are going to have the consideration. The Senator is going to hear not only the Senator from South Carolina but other Senators. He has already heard from his distinguished colleague, the junior Senator from Michigan. But I think we are now doing what he suggests. I think we are exactly considering the matter, whether it be on motion, whether it be on parliamentary maneuver, whether it be on party philosophy, whether it be on whether it should go into the election or not, or what have you. We have it. We are considering it. The people of America know it, and they are not so much concerned about a particular judge as they are concerned about this particular philosophy.

I again quote from Justice Fortas when he said:

> Justices should not be as concerned as they sometimes have been in "squeezing" judicial decisions into a neat pattern. They should instead make full use of all the modern tools; not only law, but medicine, psychiatry, mass psychology, economics and social engineering.

I do not believe, Mr. President, that past Justices would accept the use of economics, mass psychology, and social engineering as controlling factors in the rendering of judicial decisions.

Justice Cardozo, for example, said:

> My analysis of the judicial process comes then to this, and little more: Logic, and history, and custom, and utility, and the accepted standards of right conduct, are the forces which singly or in combination shape the progress of the law.

Nor would the Fortas view have been acceptable to Chief Justice Vinson who said in 1953:

> Since we must rest our decision on the Constitution alone, we must set aside predilections on social policy and adhere to the settled rules which restrict the exercise of our power to judicial review—remembering that the only restraint upon this power is our own sense of self-restraint.

Mr. President, that is exactly what everyone has been asking for when it comes to law and order. Every policeman is supposed to be a judge of a court or a justice. He is supposed to use self-restraint. But when it comes to a judge, Justice Fortas says, "Oh, no, that is exactly what we do not want. We do not want restraint. We want social engineering and a computer in the back of the office to tap into the memory bank"—of whose memory, I do not know, but there is where the world is turned around, and that is what is wrong at this particular time; and this is the time for the U.S. Senate to act positively and to put a stop to this kind of philosophy and approach.

Mr. HART. Mr. President, if the Senator will yield, that is precisely what we are asking Senators on his side to do—to vote "yea" or "nay" on the nomination.

Mr. HOLLINGS. If the Senator pleases, I am certain that, in due time, we will come along, in the extended debate process, to a vote of some kind of some point. The main thing is that this great deliberative body—and I have been taught to believe it is just that—ought to discuss this question.

Everybody wanted to know how to run the war. Everybody wanted to know how to run divisions into Europe. Everybody wanted to know how to enforce law and order. Now we in this deliberative body are discussing how to run a court. That is the subject we have been discussing. The people of America want to know if there is going to be judicial restraint on the part of a justice or not. The only way that they can be told that there will be is for us to oppose, in any manner, under the rules—I do not want to go beyond the rules, but under the rules of this great deliberative body—this particular appointment. That is what we are doing.

The Warren court has not followed the principle of judicial restraint. It has substituted the principle of judicial activism. Its creed was stated by Chief Justice Warren himself only a few weeks ago in the July 15 issue of U.S. News & World Report, where he said:

> I believe that this Court or any court should exercise the functions of the office to the limit of its responsibilities and no further. If you do that, then it's better to be accused of activism and, on the other hand, if you don't, the characteristics are those of judicial restraint.

Mr. President, judicial restraint is what this Nation cries for—it is the most needed commodity in the law today, and the Court's failure to exercise it represents a breach of trust with the American people. It represents a breach of trust because the judicial independence enjoyed by our courts and unrivaled in any nation on earth was granted by the people with the understanding that the judges would render equal justice under law and would not enforce their personal convictions in lieu of law. The Supreme Court instead, has not lived up to that bargain.

In recent months the people of America have been treated to the spectacle of self-confessed, hardened criminals—guilty of the most heinous crimes—loosed upon a defenseless society under the guise of constitutional guarantees. A society made all the more defenseless by a series of decisions on arrest and arraignment procedures promulgated by the Supreme Court—and I might add inscrutable to the most erudite attorney—that have handcuffed our policemen and made their jobs all but impossible.

Our citizens have seen the guttersnipes of society—the peddlers of smut and filth—given new status as respectable businessmen by a series of decisions in which the Court has consistently refused to give the American people a working definition of obscenity.

They have seen this same ivory tower reasoning employed to determine that the individual right of an adherent to the cause of the violent overthrow of the U.S. Government is more important than our national security, and, in the process, abandoned the test of "clear and present danger" that has served this country well for almost 200 years.

Additionally, the citizens of the several States have seen their legislatures—duly elected by them—overturned on the basis of one man, one vote. Of course, Mr. President, we all agree with the principle of one man, one vote, but had the framers of the Constitution intended that literally then I would not be speaking in this body today, for this body would not exist.

These are but a few instances in which the Court has broken faith with the American people by refusing to exercise judicial restraint in arriving at their decision. And I can think of no better description for these decisions than the words provided by Justice John Harlan when he said:

> Finally, these decisions give support to a current mistaken view of the Constitution and the constitutional function of this Court. This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional "principle," and that this Court should "take the lead" in promoting reform when other branches of Government fail to act. The Constitution is not a panacea for every blot upon the public welfare. Nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements.

Mr. President, not only has the Court become a haven for reform movements, but I submit that these movements are neither advantageous to, nor desired by the vast majority of the American people. Nor are most of the reforms being foisted on the public beneficial. It has been my experience through 20 years in public office that reform movements are much like oysters—precious few contain a pearl.

Of course, I do not imply that reform has no place. However, if there is one thing I have learned in the U.S. Senate it is that every cause has a champion and every movement has a spokesman. Save and except, of course, the average man, the middle-class American, or the silent majority, which, Mr. President, was brought forcibly to mind on yesterday. In South Carolina, we had a group of some 18,000 citizens, nonpartisan, nonsectarian, biracial, not from any particular walk of life or particular civic group, but generally, petitioning the President of the United States, and in support of him, for law and order.

Mr. President, the fact that they called themselves the silent majority brought to mind that perhaps they are the source of the feeling of frustration in America today—that that is really the group of people who are not represented.

Oh, yes, we can get an investment credit bill through for industry and big business; but when we introduced a bill to provide tuition credit for the average man, the married man who is living with his wife and supporting his children, paying his taxes and his bills, minding his business, supporting his Boy Scout movement and his civic group, who is working 6 days a week, and when he works around to a 2-week vacation to come to the Nation's Capital, does not want to have to ask whether it is safe to come to Washington—when that individual is sought to be represented with a proposal for tuition credit for college expenses, while everybody agrees that education is the solution, we cannot pass that bill. That is the frustration, that we can get through for large industry, any particular special tax measure, but for the individual, the small business or the individual businessman, there seems to be no spokesman.

The Senate is not really an unresponsive body. However, there is one all-important difference between the Congress and the Court. In the Congress the zeal of the minority is tempered by the will of the majority for every public servant owes his office to the public. The Court, however, feels no such restraint and too often substitutes rhetoric for reason and imagination for injustice.

Mr. President, in the past 10 years the Congress—including the majority of the present membership of this body—has passed more legislation guaranteeing human rights than was passed in the previous 10 decades. The Congress has obviously not shirked its responsibility. That distinction belongs to the Court who has too often confused interpretation with legislation. In fact, the Court has done this so often that the thoughts expressed by Justice Sutherland 30 years ago as a fear is today a fact. He said:

> We frequently are told in more general words that the Constitution must be construed in the light of the present. . . . But to say, if that be intended, that the words of the Constitution mean today what they did not mean when written . . . is to rob that instrument of the essential element which continues it in force as the people have made it until they, and not their official agents, have made it otherwise. . . . The judicial function is that of interpretation; it does not include the power of amendment under the guise of interpretation. To miss the point of difference between the two is to miss all that the phrase "supreme law of the land" stands for and to convert what was intended as inescapable and enduring mandates into mere moral reflections.

Or, more specifically and more originally, Mr. President, George Washington, in his Farewell Address, stated that:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

That is what the Father of our Country had in mind in those remarks in his Farewell Address. That is what Justice Sutherland had in mind in the quotation I have just cited. And that is what Senators have in mind in opposing the appointment of Abe Fortas as Chief Justice of the United States.

Mr. President, I said at the beginning of my remarks that the Senate must contend not only with the philosophy and qualifications of the nominee but with the philosophy of the Court on which Mr. Fortas sits and aspires to lead. We have discussed the philosophy of the Court and now we turn to the other half of the indivisible whole—the nomination of Abe Fortas. Many of the opponents of the confirmation have broached their opposition in terms that in my opinion miss the point. I oppose the confirmation of the nomination of Associate Justice Abe Fortas as Chief Justice because I cannot approve the Warren philosophy of the Supreme Court.

The approval or disapproval of this philosophy is the issue. It is nothing more—nothing less. Unfortunately, for the Senate, as well as the American people, this issue has been obscured behind a smoke screen of issues of convenience. Issues such as "lame duck," "cronyism," and "executive-judicial relationships."

Mr. President, I will address a few remarks to these particular arguments in opposition. I hope we set those aside. I hope we can stick to the issue that is really a matter of concern to the people of America.

First let us take the issue of "lame duck." Of course, no one still maintains that the President does not have the constitutional right to make the appointment—he obviously does. However, the charge has been modified and many are now claiming that the President does not have the moral right to appoint Mr. Fortas.

On April 24 the President nominated Gen. William C. Westmoreland as Chief of Staff of the U.S. Army. He was confirmed on June 6 and his confirmation was hailed by all—myself included—as a great appointment. And yet somehow in the month between the nomination of General Westmoreland and Justice Fortas, the President lost his moral right. I, for one, would be interested in knowing on just what date this "Loss of Moral Right Day" falls.

At this point, I should like to read into the RECORD some "exemptions" from this loss of moral right.

First. A Everette MacIntyre, member of the Federal Trade Commission, nominated June 4 and approved June 12.

Second. Warren L. Smith, member of the Council of Economic Advisers, nominated May 2, approved June 17.

Third. John W. Kern III, associate judge of the District of Columbia Court of Appeals, nominated May 29 and approved June 21.

Fourth. Gen. Earle Wheeler, Chairman of the Joint Chiefs of Staff, nominated June 17, approved June 25. Even those critics of the war in Vietnam did not say lame duck, although they have obviously disagreed with General Wheeler's policies in Vietnam. He was confirmed without the charge of lame duck.

Fifth. Gen. John P. McConnell, Chief of Staff, U.S. Air Force. We have all heard the cry for 2 years to stop the bombing. But Gen. John P. McConnell was nominated to be Chief of Staff, U.S. Air Force, on June 26, the same day that Mr. Fortas was nominated. And he was approved without the argument of lame duck on July 3.

Sixth. Kenneth H. Tuggle, member of Interstate Commerce Commission, nominated July 25, approved August 2.

Seventh. Wallace R. Burke, member of Interstate Commerce Commission, nominated July 25, approved August 2.

Eighth. James L. Latchum of Delaware, U.S. district judge, nominated July 17, approved August 2.

Ninth. William J. Holloway, Jr., of Oklahoma, U.S. circuit judge, 10th Circuit, nominated August 2, approved September 13.

Tenth. Lawrence Gubow of Michigan, U.S. district judge for eastern district of Michigan, nominated August 2, approved September 13.

Mr. President, I am sure that all of these men are dedicated, qualified public servants. But obviously they possess some special qualification that exempt them from the President's lack of "moral right" to make "lame duck" nomination.

In fact, a search of the RECORD shows that in the 2 months following the nomination of Mr. Fortas—July and August—the Senate confirmed some 925 of these exemptions to the President's lack of "moral right." And I might add that these 925 do not include postmasters or military personnel.

Apparently many who have charged a lack of "moral right" feel that this right is missing only in the instances where they are opposed to the nomination.

Then there is the charge of "cronyism"—a charge I think is equally without merit. After 31 years in Government, President Johnson—as former Representative, Senator, majority leader, Vice President, and President—must have made some cronies. Obviously many of them were men of talent, and who would penalize a man of talent simply because he was a friend. Certainly not a Member of the U.S. Senate from whence the springwell of cronyism flows. There are Members sitting in this body now who arrived here via the appointment route. And I suspect that they were appointed not by a political enemy, but by a "crony." And how many of us have appointed friends and former law partners to judgeships? The number, I am sure, would run into the hundreds.

I do not have the exact figure, but I think it was cited earlier, at the time of the appointment this summer, that President Eisenhower during an 8-year period had appointed some 321 members to the judicial branch as judges and justices, and that of the 321, only 13 were Democrats. The remaining ones, of course, were Republicans. No one faults these appointments by President Eisenhower as cronyism.

No, Mr. President, "cronyism" is not the issue.

What then of the charge that the President consulted with and sought the advice of Mr. Fortas? Any good executive consults, and the fact that he has a close friend on the Court whose confidence he enjoys should not deny him the right to consult so long as it does not involve matters before the Court.

I think at this time that it might be instructive to let the pages of history shed some additional light on this subject. As my authority I shall use the words of the one man who more than any man alive is qualified to speak on the subject of executive-judicial consultation. That man is James F. Byrnes, of South Carolina, who formerly served in the Senate.

Jimmy Byrnes, in my opinion, deserves more than any man of our time the title of "Public Servant." He followed in the tradition of another great South Carolinian in serving whenever and wherever his country and State needed him.

John C. Calhoun served as a Congressman and as a Senator. He was elected to the Vice-Presidency. He was Secretary of War and later Secretary of State. His years of service spanned half a century.

James F. Byrnes equaled that record. He first came to Washington as a Member of the 62d Congress and he was reelected to the six succeeding Congresses. Following his service in the House, he was elected to the U.S. Senate where he served 11 years until he resigned, having been appointed to the Supreme Court.

Mr. Byrnes served as Associate Justice of the Court until October 3, 1942, when at the request of his close friend—ergo, crony, if we want to use that word—Franklin D. Roosevelt, he resigned to become head of the wartime Office of Economic Stabilization where he served until May of 1943 when he became director of the Office of War Mobilization—the post known as assistant President.

Jimmy Byrnes directed the efforts of the American people and American business until his job was done and the war was won. However, his service to his country was not complete. With victory realized there remained the job of reconstructing world peace. And so on July 1945, James F. Byrnes was sworn in as Secretary of State. In 1947 Secretary Byrnes resigned and ended, in the opinion of most observers, his career of public service. However, that was not to be the case.

His home State of South Carolina had great need of him and true to character, he answered that call. In 1950, at the age of 71, James F. Byrnes began a 4-year tenure as Governor of South Carolina. Subsequent to that, of course, he was appointed by President Eisenhower to the United Nations.

I know of no man who has given more for his country, nor do I know of anyone who has enjoyed a closer relationship with a Chief Executive than that of F. D. R. and Jimmy Byrnes.

In his book "All in One Lifetime," Mr. Byrnes gives a fascinating insight into that relationship generally, and the portion corresponding to his tenure on the court in particular. I should like to read now from the chapter entitled "Extracurricular Activities," page 147.

I quote from this book to the point in issue before the Senate with respect to extrajudicial activities. I have thought long, Mr. President, about this charge.

I well remember, when I was elected at the age of 36, certainly on a much lesser scale, as Governor of a State, I needed all the advice and counsel I could possibly receive. One of the most distinguished citizens in South Carolina's history of public service was Claude Ambrose Taylor, the Chief Justice of our State Supreme Court, who was Chief Justice at the very time and during the 4 years I served as Governor. Many times I called upon him for his advice and counsel. Obviously, we never discussed matters before the court or cases or anything that could later come before the court.

This is a similar experience, I find in my research, that Justice Byrnes gave to President Franklin D. Roosevelt. This is Justice Byrnes writing in the chapter entitled "Extracurricular Activities":

The morning after the Japanese attack on Sunday, December 7, 1941, the Supreme Court met to hear arguments in the case of *The United States* v. *Bethlehem Ship Building Company*, growing out of contracts for ships built by that company during World War I. As I listened to the arguments, my mind kept turning not only to "the law's delays" but to the irony of our considering a case arising out of the construction of ships twenty years ago, when so many of our naval vessels had been destroyed only the day before.

When I called on the President the next morning at his invitation, he was in bed surrounded by documents and newspapers. His appearance shocked me. As he told of developments since Sunday afternoon, he was more nervous than I had ever seen him. We continued our discussion as he dressed and wheeled himself into the bathroom to shave. I sat on the only seat in the room. He was worried about the steps to be taken immediately to put the nation on a full war footing, saying we were not prepared either militarily or psychologically for the ordeal confronting us.

When he asked my help with certain legislation and I promised assistance, I mentioned my thoughts while listening to the Bethlehem case. Jokingly, I told him that I had once thought him wrong in urging mandatory retirement of Supreme Court justices at the age of seventy; now it seemed preferable that in time of war only men over seventy should be allowed to serve on the Court. More seriously, I reminded him that after twenty-four years of service in Congress, nearly all of it on appropriations committees studying the work of the departments. I had acquired a lot of information about the government that might enable me in wartime to perform greater service than upon the Court; and if he ever concluded I could be of more value elsewhere, I hoped he would call upon me.

He did not delay in doing so. Within a week he told me that Attorney General Biddle had been asked to confer with me on all the emergency war legislation and executive orders to be issued. I was asked to help expedite the legislation.

I digress for a moment from reading this chapter to point out that one of the charges with respect to Mr. Fortas being elevated to the position of Chief Justice is that he has acted extrajudicially.

I continue reading from the book:

This arrangement was later succinctly described by Francis Biddle when he reported to the President, "All defense legislation is being cleared by the departments and then through Jimmy Byrnes, who takes care of it on the Hill."

When we had completed drafting the First War Powers Act, I conferred over the telephone with Senator Barkley, Speaker Rayburn and others. They wanted to be certain the departments did not slip into emergency legislation pet projects to which the Congress was opposed. When I assured them that every item was essential for the emergency, they had the bill quickly passed. Soon I found myself giving several hours a day as well as many evenings to conferences and calls about these extracurricular affairs.

After a while some of my activities and contacts with officials outside the Court work became known publicly. There was no question of my resignation at this time, but I discussed my activities with Chief Justice Stone, who applauded my efforts to aid in the emergency. He suggested relieving me temporarily of the task of writing opinions and for a short while did lessen my work in this respect.

At this time there was little precedent for an associate justice's performing any service for the executive branch. In 1913, when Congress created a commission to investigate second-class mail rates, Justice Hughes had served as chairman, at the request of President Taft. Later in the Second World War, Justice Owen J. Roberts was appointed to inquire into the Pearl Harbor disaster and Justice Jackson to serve at the Nuremberg Trials of war criminals. But these were still early days, and after some thought Mr. Roosevelt and I both agreed that it was better for me to say nothing—and simply act.

Early in January, with requests for new legislation pouring in, Attorney General Biddle, his assistant Oscar Cox, and I worked over the Second War Powers Act. The scope of our conferences may be judged by the resumé of its leading titles in the memorandum that accompanied our final draft to the White House:

I have heard reference to the writing of a part of the state of the Union message, but here is the scope of Justice Byrnes' advising and consenting and his actions with respect to President Franklin D. Roosevelt:

1. It empowers the Interstate Commerce Commission to have equivalent authority over motor carriers as it now has over other carriers.
2. It provides a simpler method of acquisition of real property.
3. It provides sanctions for enforcing priority orders.
4. It authorizes the Federal Reserve Bank to purchase government securities other than on the open market.
5. It empowers the Secretary of Commerce, under certain conditions, to waive navigation inspection laws.
6. It strikes out the Taber Amendment from the Act authorizing the requisitioning of war materials, which amendment exempted tools and machinery in going concerns.
7. It amends the Hatch Act so as to eliminate part-time employees who serve on nominal compensation.
8. It provides compensation for air raids, and for fire wardens working under OCD, in accordance with Mayor La Guardia's suggestion.
9. It extends the time under which vessels of Canadian registry may transport iron ore on the Great Lakes for the duration of war.
10. It provides that soldiers, sailors, and marines may mail letters free of postage.
11. It makes aliens enlisting in the armed forces eligible for naturalization.

Our strategy here was to present Congress with an omnibus bill, hoping that the popular proposals, such as the one on free mail for the armed forces, would win support for the more controversial ones. With the close co-operation of Senator Barkley and Speaker Sam Rayburn, and with the support of Judiciary Committees of both Houses, which had charge of the bill, this important measure passed Congress in record time.

It was about this time that Hopkins telephoned, asking my views about the demands being voiced daily by the press and the public for the appointment of a czar with full authority to merge the activities of several organizations then controlling war production. I told him such demands were also being urged by Senator Taft as well as other senators, and that it was important to bring an end to the chaos and confusion then existing. He told me that the President and Winston Churchill, who was then visiting at the White House, were going to Hyde Park and that he was to be there for a few days, and asked that I send him a memorandum on the subject which he could give to the President. I promptly sent him a memorandum urging the appointment of an individual to head procurement who might be assisted by a board, but stressed that one person should be given the power and held responsible for the program. The memorandum continued:

"The President can name a man—for convenience call him Hopkins—and charge him with the duty of supervising and expediting procurement. When the President has decided upon an increased program, he should submit it to Hopkins instead of to a committee. . . . If because of a deficiency in the supply of steel, there is a controversy between Army and Navy and civilian services as to the amount to be allotted for their respective needs, Hopkins should decide that controversy. Having decided it, he should keep behind each service . . . so that the President can get from him at any moment the status of the program. . . . You say, 'All right—find the man.' . . . If you now have in the organization a man who has served his apprenticeship, who has some appreciation of the problems of the Procurement Divisions of the Army, Navy and other services, and who has the ability to make other men work, appoint him, instead of bringing in another new man. . . . Pick the best man you now have on the team and let the heathen rage."

On Monday morning, a week later, General Watson told me that the President wanted me to call on him at 11:45. I concluded it was about my memorandum, but I had hardly hung up the telephone when another call came from the White House. This time it was Hopkins, who had seen the engagement list; learning the President was to see me upstairs, he asked me to stop by his room first. When I arrived, Hopkins told me that at Hyde Park he had tried to discuss with the President the subject set forth in my memorandum, but Mr. Roosevelt still seemed reluctant to come to grips with the problem and had seemed irritated when it was suggested. As a result, Hopkins had not given him my memorandum. He reiterated his agreement with my views and said he hoped I would present it to the President.

When I saw the President and after he had discussed an entirely different matter, I produced the memorandum and asked that he read it. As he read he made some notes. When he had finished he said he had been considering the appointment of a commission, but possibly my suggestion was better. Noting the recommendation that there should be no reversal by him of any decision made by the procurement head, he wrote on a pad, "whose decision shall be final," remarking, "That, of course, is essential." I emphasized, and he agreed, that the man selected could serve only as long as he was known to have the President's complete confidence. He then said that if he had to make the appointment that morning, he would name Donald Nelson, who had favorably impressed him the previous evening during a discussion Nelson had had with Lord Beaverbrook and Jesse Jones about the rubber problem. I told the President I had no recommendation, but did urge speedy action. Hurrying off, I arrived at the Court a little late, the only time I was guilty of tardiness.

During the day Hopkins telephoned that the recommendation had definitely been accepted, and Pa Watson made another appointment for me to see the President the next morning. On this occasion I found Budget Director Harold Smith waiting for me. He said the President had sent my memorandum to him the previous day. Hopkins joined us when we went in to talk with the President. Smith endorsed my proposal and said that something of the kind should have been done months before. We then discussed a draft of the necessary executive order and a press announcement. Hopkins was for issuing both immediately to avoid unofficial leaks, but Mr. Roosevelt insisted that nothing be done until he told Vice President Wallace, whose chairmanship of the Economic Defense Board would be abolished.

As it happened, Wendell Willkie called on the President that afternoon. I could understand the President's liking this man and was not surprised that they talked at such length that Mr. Roosevelt's schedule was quite disrupted. Consequently, when I arrived late in the afternoon to see a final draft of the order, I found that the consultation with Mr. Wallace was not over. About six o'clock, however, the statement was finally released and a War Production Board, under the chairmanship of Donald Nelson, came into being.

My frequent visits to see the President immediately preceding the issuance of the order had inspired the publication by the Associated Press of a rumor that Mr. Roosevelt might "borrow Justice Byrnes temporarily to aid in revamping the production organization." This story I denied, for I had no intention of undertaking the task.

Following the establishment of WPB, requests for my intervention with legislative leaders grew fewer, though the President continued to call on me for suggestions. There was, for example, the case of the Office of Alien Property Custodian. One Sunday morning I was invited to the White House to discuss what the President called "a difficult decision." Under an act of Congress of May 17, 1940, the Treasury Department had frozen alien property amounting to approximately $7 billion. Several important alien-owned corporations housed Treasury officials acting as "observers," but effectively controlling operations. At the same time the Alien Property Custodian in the Department of Justice held approximately $4 million and a number of claims in process of liquidation. After our entry into the war, the President was authorized to take over the property of all enemy aliens, which would add billions of dollars to the sums already in custody.

Mr. Roosevelt and I had been in Washington in 1918 and were familiar with the scandals arising out of the seizure of such properties in World War I, which had as a sequel the imprisonment of the then custodian. The President wished to avoid a repetition of this episode, and also wished to avoid any criticism that his administration would treat harshly aliens who had spent most of their lives in this country but had never been naturalized. He laughed when I told him that I would prefer to see the Alien Property Office located on the Triangle on Pennsylvania Avenue in front of the District Building with its walls made of glass so that its employees and the lobbyists would be always under the eyes of the public.

When he asked me to suggest a man to put in charge, I said Leo T. Crowley, chairman of the Federal Deposit Insurance Corporation. He had proved to be an efficient administrator, had the respect of leaders in the world of business and finance, and his relations with the Congress were excellent.

The President said, "I have been thinking of the same man, but don't like to move him from his present post. Can we work out some plan giving him both offices?

This task was not a light one, since both the Attorney General and Secretary Morgenthau thought they should be in charge. My file contains a lot of memoranda covering proposals and counterproposals, and there were many personal conferences. The complexity of the situation may be judged by this note from the President:

"MEMORANDUM FOR JIMMY BYRNES:

"I feel I cannot make a final decision on this until next week for obvious reasons.

"Meantime, could you examine the possibility of making Crowley Alien Property Custodian—in the Atttorney General's Office—with full responsibility, but giving him two assistants—one in the State Department, on the International angle, with relatively little to do; and another in the Treasury Department, the latter maintaining supervision over the assets which are now or would hereafter be run through Treasury machinery?"

My reply was that it was not wise for the President to "scatter among several agencies the power and responsibility placed in him by Congress." It was illogical, I thought, to put the Department of Justice in charge of the physical property of an alien corporation and the Treasury in charge of its bank deposits: "All alien property coming under the President's control should be under one custodian who should be given full power and held responsible. If it is deemed advisable for the Treasury to retain control of the seven billion dollars of frozen assets, I would give the Secretary of the Treasury all other alien property and hold *him* responsible."

The struggle still continued, and on February 17 I again wrote to the President: "Referring to our Sunday conversation, I attach a suggested order carrying out the idea of an independent organization. Paragraph three embodies the course . . . of leaving in the Treasury the assets and business enterprises now under its control until the Custodian calls for the transfer. This is satisfactory to Crowley. It would make possible the gradual absorption of the Treasury organization into that of the Custodian."

Eventually persistence and, I believe, common sense won, and it was with true pride that I watched the office effectively managed during the next few years. Certainly it was an improvement on our World War I record in this field.

When the Court adjourned for the summer, I remained in Washington. It was my hope that I could soon leave for South Carolina and my cottage on Sullivan's Island, near Charleston, but many vexing problems were still unsettled.

This is the time when Justice Fortas, in the summertime, started his seminar. This is what former Supreme Court Justice Jimmy Byrnes had to write about his activities engaged in, then, with President Franklin D. Roosevelt:

For one thing, Donald Nelson of the WPB was already deeply involved in a struggle with the War and Navy Departments over the extent to which the services should control the economy and, in fact, act independently of his agency in all matters of vital interest to them.

Meanwhile the inflationary situation threatened to grow much worse. I know the President received much advice, including my own, on the need to establish ceilings on wages, prices and rents. Back when the war started in September, 1939, I thought Congress should act on this matter. Now a bill to give the President such authority was pending in Congress, but he hesitated to make a special appeal for it because he knew it was exceedingly controversial and he feared it might delay the enactment of other essential measures. When he finally did ask the Congress to act on it, pressure group successfully resisted its passage.

I was told that, at the President's request, Sam Rosenman was in consultation with various agency heads whose tasks would be affected by price legislation, Rosenman told me the department heads were divided and that he was urging the President to issue an executive order without waiting for action by the Congress. It was my opinion that would be unwise. Rosenman drafted several different orders and finally completed one which he gave to the President to take with him to Hyde Park, where he was to spend a few days before making a Labor Day speech. The newspapers speculated that in his speech the President would announce the signing of an order creating a stabilization czar, but they guessed wrong.

I was at my island home when Louise Hackmeister, the efficient assistant handling the President's personal telephone calls, located me. The President said he was afraid that the Congress might delay acting for some months and asked my reaction to Rosenman's proposal. I advised him strongly against this course, because the regulation of wages, prices and rents would affect everyone, and even with Congressional authority it would be a difficult task. I urged that another effort be made to secure the necessary legislation, and he agreed to do this. That same afternoon Secretary Ickes telephoned, saying he had heard that the President was considering the issuance of an executive order without congressional authority, and asked that I call the President and insist upon congressional action. The "Old Curmudgeon" was delighted when I told him of my earlier conversation with the President and of his decision to make ancther appeal to the Congress.

Within two or three days the President sent another message to Congress and also made a Fireside Chat over the radio, telling the people of the necessity for prompt action. The Congress passed the bill, which was signed by the President on October 2. By that time I had returned to Washington for the fall term of the Court.

There is a Supreme Court Justice returning to the fall term of the Supreme Court.

The President asked me to come to see him the following morning. It was a bedside talk, with the breakfast tray pushed aside and newspapers and documents scattered over the covers. Sitting in bed with several pillows at his back, he usually planned his day and saw some callers; in this atmosphere he always seemed to me more relaxed than when he was at his office. But it was not just another talk for me. This one resulted in my resignation from the Supreme Court.

After greeting me, the President said he wanted me to take leave of absence from the Court and accept the appointment of Director of Economic Stabilization, saying he knew I was familiar in a general way with the proposed executive order. In addtion to the duties outlined by his order, he said, there were many other things he would wish me to do. Because I wanted him first to know my view about a "leave of absence," I said that no one could grant such leave, that it was my own responsibility; but that I would like to know what he meant by "other things" so that I would have a clear idea of the scope of my duties.

The President said he would not have time to devote to the prosecution of the war on the military front and the diplomatic problems daily arising, and at the same time to supervise domestic affairs; that he wanted me to relive him of the problems on the home front and the jurisdictional disputes which increased with the creation of every new agency. He said, "In these jurisdictional disputes I want you to act as a judge and I will let it be known that your decision is my decision, and that there is no appeal. For all practical purposes you will be assistant President." He told me he wanted me to have offices in the White House because this would emphasize the unique status of the post.

When the President had outlined the scope of the duties, I told him that the day after Pearl Harbor I had offered to serve wherever he thought I could best serve in time of war; that I would accept the appointment; and that because I did not think it would be proper for me to remain on the Court, I would resign at once.

(Miss Margaret Coit in her book *Mr. Baruch* wrote that Hopkins, without any direction of the President, talked to me about accepting this appointment. Her information was erroneous. Hopkins preserved his intimate relationship with the President by never arrogating unto himself such authority. I cannot imagine Hopkins assuming to appoint an assistant President when it would have required that man to resign from the Supreme Court.)

It was not easy to leave the Court, with its opportunity for service, its prestige and security—the work I liked and the associates for whom I had a genuine affection. But in time of war my duty was plain. Within an hour I had returned to the White House with a letter for the President, which in my handwriting took but two lines:

"DEAR MR. PRESIDENT: I hereby resign the office of Associate Justice of the Supreme Court."

Within a short time I had an official reply:

"DEAR JIMMY:

"I hereby officially accept your resignation of the office of Associate Justice of the Supreme Court of the United States.

"At the same time, officially and personally as well, I extend to you my deep appreciation in leaving the Supreme Court in order to assume a position of highest importance to the carrying on of the war.

"In one sense, this is an act of great personal sacrifice on your part, but I know you are happy in undertaking a task which affects every individual and every family throughout the Nation during the war, and will assist the well-being of us all in the days after victory has come to our beloved country.

"Sincerely and affectionately,
"FRANKLIN DELANO ROOSEVELT."

I immediately notified the Chief Justice and to my gratification received from him a letter signed by all the members of the Court. It said: "All of us part with you reluctantly and with regret. We are reconciled to your going only by the realization that you are moved by a sense of duty to render service of public importance in a time of great national emergency."

Within a few hours of the public announcement, former Chief Justice Charles Evans Hughes sent me by a messenger a warm letter of good wishes, recalling that he and I were the only members to resign from that body in more than one hundred years.*

That afternoon I had another conference with the President. We agreed that while originating policies and resolving conflicts, in no way should we attempt to develop another operating agency; it was clear that the small offices in the White House would emphasize again that I was to act as a judge and not a contestant. This the President had urged in explaining his desire to appoint me.

In announcing to the press the appointment, he again expressed this view when he said, "This position calls primarily for judicial consideration. The organization will therefore be small because administrative action will be carried out by the existing agencies." When I spoke to the press the same day, I summed up my responsibilities by saying, "Control of prices necessarily involves many departments, and inevitably conflicts will arise. My duty will be to hear the differences, resolve the conflicts, and relieve the President of that determination." I also remarked that my office will be in the left wing of the White House—but there was to be no political or economic significance attached to my location there!

Fifteen months before, when my appointment to the Court had been announced, David Lawrence, who had been my friend since the days of Woodrow Wilson, expressed regret that the President should have filed the vacancy from the Senate instead of making a selection from the judiciary, and wrote: "Senator Byrnes' experience is wholly legislative. An old friend of the President, he has been invaluable to him in getting legislation through the Senate. But he has sometimes opposed administration legislative proposals. He has never been regarded as a New Dealer in the sense, for example, that Justice Black, the other Court appointee from the Senate, has been so regarded."

So I was pleased when upon my resignation, in commenting on my decision in the teamsters' case, Mr. Lawrence pointed out that "Justice Byrnes applied the statute just as he found it, irrespective of how he personally might have felt about the union activity . . . and that is typical of his deep sense of justice." And he reversed his former statement by saying, "It is to be hoped that the President will go to the Senate again for his selection."

Mr. President, these were the written words and exchanges in the assignment of duties of former Associate Justice James F. Byrnes in an administrative and executive capacity under President Franklin D. Roosevelt. I hope no one will try to say, "Well, that was in a time of war," implying that this is a different time. I do not know the exact time or the degree of the intensity of the battle at the particular time when former Senator Byrnes took over those duties, but I do know that at this particular time, when Justice Fortas is being accused of extrajudicial activities, there have been approximately 209,000 casualties, 27,300 have been killed, and we are still spending to the tune of $2 billion a month.

I dare say that at that particular time we had a plan to win, whereas at the time that Associate Justice Fortas has been advising the President, no plan has been revealed by anyone in this body, or anyone else, of any such plan.

Mr. President, I shudder to think that this Nation in time of war—indeed, at the time of a devastating sneak attack that destroyed a major portion of this Nation's military—might have been deprived of the talent and services of Jimmy Byrnes simply because he was a member of the Court. We are again engaged in a war, and the President needs all the help he can get from whatever source, and as long as the consultation does not involve matters concerning the Court, I do not believe it is an issue.

As John Kennedy once said:

> A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of human morality.

No. The issue is not one of "lame duck" or "Cronyism." It is not a matter of whether or not the Justices talk to the President. It is simply a matter of judicial philosophy and, as a result of this philosophy, "Whither we are tending." This was cogently pointed out as recently as last Sunday in an article entitled, "The Fortas Case," written by Mr. Jenkin Lloyd Jones and appearing in the Charleston, S.C., News and Courier. I believe the Senate will find Mr. Jones' views informative and I should like to read the article at this time:

THE FORTAS CASE

(By Jenkin Lloyd Jones)

Justice Abe Fortas is in trouble with his confirmation as Chief Justice not because, as President Johnson has maintained, "a little sectional group" of senators opposes him, but because it is becoming increasingly plain that most Americans are disenchanted with the philosophy he represents.

Some of Mr. Fortas' "liberal" supporters seem appalled and outraged that his confirmation wasn't approved immediately in a voice vote. As a matter of fact, as Sen. Harry Byrd has pointed out, of 125 nominations for the U.S. Supreme Court, 21 have failed of confirmation and the last to bite the dust fell at the hands of the "liberals."

In 1930 Judge John J. Parker of North Carolina, nominated to the Supreme Bench by Herbert Hoover, was turned down. On that occasion, Sen. George Norris of Nebraska said: "When we are passing on a judge, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that this nominee possesses both of these qualifications—but we ought to know how he approaches the great questions of human liberty."

Is it so outrageous, then, that senators should ask how Mr. Justice Fortas' record on the bench jibes with the current opinion of most Americans?

A recent nationwide public opinion poll on the Supreme Court indicated that nearly 60 per cent disapproved. Subtracting the "no opinion" vote, that's pretty sizable expression of no confidence.

Confidence in the Warren Court has waned as it has, in the words of Justice Frankfurter, "repudiated the experience of our whole past in asserting destructively novel judicial power."

The court has sought to make law by the simple device of so broadly interpreting the First, Fifth and Fourteenth Amendments that the nation is required to do just about what the court thinks it ought to do. In this manner, the traditional separation of powers between the three branches of government has been confused, Congress downgraded and the Constitution casually rewritten by judicial order.

Even some of its own members have joined in bitter denunciation of this philosophy. For example, from Mr. Justice Harlan:

"This court can increase respect for the Constitution only if it rigidly respects the limitations which the Constitution places upon it . . . In the present case, we exceed both, and our voice becomes only the voice of power, not of reason."

Many Americans do not believe that the rising curve of crime is entirely unrelated to the Mallory, Escobedo and Miranda cases. They probably agree with Pennsylvania Chief Justice John C. Bell, who has said:

"The recent decisions of a majority of the Supreme Court of the United States which shackle the police and the courts and make it terrifically difficult to protect society from crime and criminals are among the principal reasons for the turmoil and near-revolutionary conditions which prevail in our country."

Citizens are getting hopping mad about the flood of pornography that is engulfing the nation. Sen. Jack Miller (R-Iowa) recently pointed out that in May and June of last year the Supreme Court reversed 23 of 26 state and federal convictions for violating the laws of obscenity and it reversed 26 more in the court term ending last June.

In all these cases, Abe Fortas voted with the 5–4 majority.

The behavior of Chief Justice Warren since his determination to retire was sent to the President June 12 hasn't endeared him to Congress. For it seems to have been a conditional retirement, to be effective only on Fortas' confirmation as his successor.

Last July 5 Chief Justice Warren gave an interview in which he said:

"All this turbulence, all of the disruptions of every kind that we read about in the press every day, all of the dissension that is extant, indicates that there must be great adjustments of some kind coming in the life of our state—certainly in society, and possibly in our economy, I don't know—that could well be called a new era. The court lives in the era and must play its part."

Read that again—slowly this time—and see if you can figure out what our Chief Justice has in mind for America.

I think that last point is particularly pertinent. I for one do not look forward to a "new era" shaped by the Supreme

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*The Chief Justice, writing hurriedly, overlooked John Hessin Clarke, who resigned in 1922.

Court—particularly in view of the trend of thinking that Court has demonstrated.

And while I am on the subject of news articles I should like to call the attention of the Senate to some editorials and articles that have appeared in leading newspapers throughout the State of South Carolina.

I believe that these editorials and articles reflect the opinions of the majority of the people—not only in South Carolina but in the entire country—concerning the Court and Mr. Fortas. And the views of the people should receive our full attention because it is their lives and their society that is constantly being altered by the decisions of the Court.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, will the Senator withhold that observation briefly?

Mr. HOLLINGS. I will withdraw it. However, I wish to hold the floor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, beginning with the nomination of Francesco Costagliola to be a member of the Atomic Energy Commission, down to the end of the nominations on page 4 of the Executive Calendar, the Senate proceed immediately to act on those nominations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

ATOMIC ENERGY COMMISSION

The legislative clerk read the nomination of Francesco Costagliola, of Rhode Island, to be a member of the Atomic Energy Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

INCORPORATORS OF THE CORPORATION AUTHORIZED BY SECTION 902(a) OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

The legislative clerk proceeded to read sundry nominations of incorporators for the corporation authorized by section 902(a) of the Housing and Urban Development Act of 1968.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF STATE

The legislative clerk proceeded to read nominations of Ambassadors in the Department of State.

Mr. MANSFIELD. I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The legislative clerk proceeded to read nominations of members of the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. MANSFIELD. I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

UNITED NATIONS

The legislative clerk proceeded to read nominations of representatives of the United States of America to the 23d Session of the General Assembly of the United Nations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the list, as found on page 4 of the Executive Calendar, ending with the name of Mrs. Harvey Picker, of New York, be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senate is extremely proud that two of its most distinguished Members, the Senator from Kentucky [Mr. COOPER] and the Senator from Missouri [Mr. SYMINGTON] will be among the delegates representing this country at the United Nations General Assembly this year.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M., THURSDAY AND FRIDAY, SEPTEMBER 26 AND 27, 1968

Mr. MANSFIELD. Mr. President, earlier this week I obtained unanimous consent for the Senate to convene at 10 a.m. each morning until Friday this week. I did not specify either the word "recess" or the word "adjourn."

I ask unanimous consent that upon completion of the Senate's business each day for the remainder of this week, that is, on today and Thursday, the Senate take a recess, in executive session, until 10 a.m. the following day, Thursday and Friday, respectively.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the motion to proceed to the consideration of the nomination of Mr. Abe Fortas to be Chief Justice of the United States.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the articles and editorials to which I have referred be printed in the RECORD.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

IN RE MR. JUSTICE FORTAS

The messy battle over the confirmation of Abe Fortas as Chief Justice, which promises to become more messy still, reflects no credit on anyone involved. In our view, though, it's worth noting that the major blame lies with President Johnson, Chief Justice Warren and the Supreme Court itself.

The view is heretical, of course, and no doubt over the next few weeks we shall hear a great deal about how a little band of willful rednecks is playing politics with the Supreme Court. And indeed, the Senators prepared to filibuster against the appointment cannot escape a share of blame. Senator Thurmond was unnecessarily discourteous to Mr. Fortas. Pornography is not one of the nation's truly burning issues, and showing stag films is not our idea of how to run the world's greatest deliberative body.

Let it be also said straightaway that we find it unfortunate that the longstanding tensions involved in this case must descend on poor Mr. Fortas. While we agree with far from all of his decisions, we think they do reflect the operation of a judicial intelligence, rather than merely a doctrinaire New Dealism. In the abstract, we would find him an acceptable Chief Justice, and quite possibly better than that.

Consider the circumstance of his appointment, however, Chief Justice Warren resigns, at least provisionally, with the apparent intention of allowing President Johnson to appoint a replacement who would continue the views the Chief Justice and the President both support. The appointment goes to Mr. Fortas, once the President's personal attorney and even now his backstairs adviser.

In turn Mr. Fortas' post is filled by Homer Thornberry, a judge no doubt qualified in the minimum sense of being reasonably competent, but distinguished from dozens of other equally qualified individuals only by his long and close personal friendship with the President.

The patronage politics involved should by itself dissolve the notion that a Presidential nomination to the Court is somehow sacrosanct when it reaches the Senate. Indeed, if the President had gone even so far as to link Mr. Fortas with some impartial and unquestionably distinguished nominee, we doubt that many of the opponents would have felt a moral justification for so drastic a tactic as a filibuster.

But there is more to the case, for in recent years the Court has been engaging itself increasingly in issues once considered political questions for the legislative branch to decide. As many people argue, some good has come from such instances of judicial legislation as the school desegregation and legislative apportionment cases. At the same time, the latter case was too sweeping; and subsequent ones like the recent open housing decision have revealed not a hesitancy but an eagerness to intrude on the legislative role.

So what has happened in re Mr. Justice Fortas is this: The Court has been writing its majority's social and economic views into the law. Mr. Warren provisionally resigned in an effort to see that it continues to do so. Mr. Johnson appointed his trusted friends in part to accomplish the same end.

The Court, Mr. Warren and Mr. Johnson all have been playing politics for all it is worth. All three have been using every means at their disposal to make sure the judicial branch advances their social and economic views.

Why then should anyone be surprised that those who oppose the views in question also start playing politics, start using whatever means they can find to see that those views do not prevail?

[From the Greenville News, Sept. 19, 1968]

POLITICAL CAMPAIGN WORKERS FIND PUBLIC "FED UP" WITH SUPREME COURT RULINGS

(By David Lawrence)

WASHINGTON.—The American people "seem to be fed up" with the Supreme Court. That's what is being said to many of the campaign workers in both parties as they canvass voters. It appears to be one of the "grievances" which have emerged because of the failure to reduce crime in America.

A Gallup poll taken in June 1968 asked for the attitude of citizens toward Supreme Court decisions. The survey showed 63 per cent "unfavorable" and 11 per cent with "no opinion." This compared with a June 1967 poll in which only 46 per cent were "unfavorable" and 9 per cent had "no opinion."

Most of the persons who are critical of the high court are not familiar with the nuances of judicial opinions, but are generally unhappy nevertheless about the impact of the rulings on the life of the country. The feeling is that criminals are being let loose through technicalities and legal quibbles.

The police in various cities often talk about this, and they tell their friends how hard it is to make arrests and get convictions—something which could act as a deterrent to crime.

The dissatisfaction with the Supreme Court can be summarized as follows:

1. Its rulings have revamped criminal law and procedures so that criminals have an easy time keeping out of jail.

2. The court has been digging into racial problems which many people have thought were not within its authority.

3. The court has ignored precedents in previous decisions, and has, according to the views of the critics, felt it has the power to "rewrite the Constitution." This has led to the charge that the Supreme Court had become virtually a "third legislative body."

4. The court has not hesitated to decide many issues which previously had been considered either up to Congress or the states to deal with by law. The criticism is that the court has been legislating instead of deciding whether laws are valid under the Constitution.

5. The court has ruled on social problems which previously had been left up to the people themselves or to the state legislatures.

6. The court has failed to exercise what is often called "judicial restraint."

Most of the court rulings are too technical for the average person to grasp But the lawyers who do study the court's opinions often comment informally on them to others. The impressions, therefore, is spreading that the Supreme Court has been usurping power which it was never intended to have.

Many members of Congress are convinced that there ought to be judicial reform and that Supreme Court justices should be required to retire at a certain age or else serve only for a fixed term of perhaps 20 years. It has been suggested, too, that appointments should be confirmed by both the House and the Senate, and also that a national panel of judges should be asked to make recommendations to the President on filling vacancies on the court.

Basically, criticism of the court is due to its alleged readiness to consider the rights of criminals as more important than the rights of the people who are the victims of criminal attack. Again and again, murderers have been released because of technicalities developed during the process of arrest or trial or because of some evidence which may have been obtained through "bugging" or tapping of telephones. Objectionable as these methods are, lots of people still feel that anyone who has committed murder or other serious crimes should be punished when found guilty.

It seems certain when there are vacancies in the court after the vacancies in the court after the next President of the United States takes office, the public will insist upon knowing more about the nominee and especially the kind of opinions he has previously expressed on matters of "law and order."

[From the Aiken (S.C.) Standard & Review, Sept. 20, 1968]

COURT ON TRIAL?

The Supreme Court is on trial, according to the thinking and opinions of the voters of America as the candidates for the presidency stump the nation in their bid to place their party in the White House in November.

The next query is, should the court be on trial?

In 1954 the Supreme Court began its fifteen-year period of decisions, based on sociology rather than on the Constitution, and these decisions have made America vulnerable to Communist attack on a nationwide basis.

It has tied the hands of law enforcement agencies and is directly responsible for the rapid increase of crime on the streets until today in many of the major cities the law-abiding citizen fears for his life and property when abroad. It has turned the right of peaceful assembly into rioting, demonstrations against the law and given protection to those who seek to overthrow the government and destroy the American way of life.

It has dedicated itself to unconstitutional acts in giving opinions and sanctions to many, many acts of un-Americanism and has set itself up as a body not responsible to constitutional order but wholly independent of the entire framework of American government.

Yes, the Supreme Court is on trial and well it may be.

[From the Greenville News, July 26, 1968]

FORTAS' CONSTITUTIONAL CONTORTION

Associate Justice Abe Fortas demonstrated before the Senate Judiciary Committee his fine mental powers and extraordinary legal abilities. He did a convincing job of pleading his case as President Johnson's nominee for chief justice of the United States.

Four days of intense questioning by senators left no doubt that Justice Fortas is a top-flight lawyer, technically well qualified to sit upon and preside over the Supreme Court. The hearing record also depicts him as having a deep "reverence" for the Constitution of the United States.

Convincing though Justice Fortas was before the committee, analysis of his responses reveals a flaw, or imbalance, in the way he applies constitutional principles to himself and the court upon which he sits.

This can be shown by contrasting his reactions to two phases of the questioning, both dealing with the "separation of powers" of the legislative, executive and judicial branches of government.

Quizzed about his relationship with the executive branch, Justice Fortas contended it was perfectly constitutional for him, a member of the judiciary, to participate in presidential discussions about matters of domestic policy. He was virtually on call to give confidential advice to President Johnson. He even telephoned a businessman to protest a statement against the President's handling of the Vietnam war.

Although there are many instances of justices serving on special foreign affairs assignments and matters of overriding national concern, in public, the Fortas role of constant confidential advisor to the President on domestic and international affairs is unprecedented. Some of the issues could come before the Supreme Court, posing a definite conflict of interest problem.

Yet the justice stoutly maintained his dual role as member of the Supreme Court and unofficial advisor to the President in no way breached the "separation of powers" doctrine.

Contrast that stand against Justice Fortas' position regarding the right of senators to question him concerning his decisions rendered as a member of the Supreme Court. He invoked the separation of powers doctrine and refused to answer many questions.

A curious thing about these two contrasting positions is that the Constitution actually does not spell out a separation of powers doctrine, although the independence of each branch from the other is strongly implied by the way the Constitution is written and the three systems set up to check and balance each other.

However, the Constitution does give Congress four specific controls over the Supreme Court—and the right of congressional committees to question justices about their decisions is implied clearly in three of them:

Congress can impeach any of the nine Supreme Court justices. The trial before the Senate on charges brought by the House naturally would require close questioning of the defendant justice before the Senate could reach a verdict.

Congress can limit the Supreme Court's jurisdiction. That carries with it the strongly implied right to inquire into the affairs of the Court, including its decisions, in order to arrive at legislative decisions concerning the extent of the Court's jurisdiction.

The Senate has the right to confirm or reject presidential appointees to the federal courts. This automatically carries with it the right to inquire closely into the viewpoints and past actions of the nominees as they shed light on their fitness.

Despite all this expressed constitutional power of Congress over the Court, Justice Fortas contended the Senate committee could not question him on his past decisions—in effect denying the Senate its constitutional right to full inquiry into his qualifications to serve as chief justice.

To sum up, Justice Fortas stretches the separation of powers principle in both directions—invoking it in the face of specific constitutional evidence to protect himself from congressional inquiry, but rejecting it when it is applied to his invasion of executive functions.

This, of course, is but another example of the way the "activists" on the Supreme Court, of whom Justice Fortas is one, twist the Constitution to suit themselves and their beliefs. Constitutional contortion probably would increase with Fortas as chief justice.

The nation desperately needs a return to constitutional stability, which requires an immediate return to judicial restraint. The activist Supreme Court which has expanded its powers far beyond constitutional limits should be brought back into line by Congress, which has allowed the Court to usurp legislative functions and has failed, so far, to exercise its own constitutional powers over the justices.

The Senate can begin to restore constitutional balance by refusing to promote a member of the Supreme Court who plainly demonstrated before the Judiciary Committee a total lack of even-handedness in applying constitutional principles.

Unfortunately a majority of the liberally-oriented Senate favors promoting Justice Fortas. Only a determined, long-sustained, all-out filibuster by the opposition can keep him from becoming chief justice.

His brilliant but blatant distortion of the Constitution in the committee hearings should arouse concerned senators to total resistance of the nomination, even if it takes all fall and winter.

[From the State, Sept. 18, 1968]

FREE-FOR-ALL

The longer the Abe Fortas debate drags on, the more doubt arises as to whether his judicial, political, and personal judgment qualifies him to become Chief Justice of the United States.

Obvious differences of opinion exist within the Senate and among the public as to the validity of Justice Fortas' qualifications, but even his staunchest defenders should acknowledge the truth of the *Wall Street Journal's* terse summary of the situation:

"So what has happened *in re* Mr. Justice Fortas is this: The Court has been writing its majority's social and economic views into law. Mr. Warren provisionally resigned in an effort to see that it continues to do so. Mr. Johnson appointed his trusted friends in part to accomplish the same end.

"The Court, Mr. Warren and Mr. Johnson all have been playing politics for all it is worth. All three have been using every means at their disposal to make sure the judicial branch advances their social and economic views.

"Why then should anyone be surprised that those who oppose the views in question also start playing politics, start using whatever means they can find to see that those views do not prevail?"

[From the Charleston Evening Post, Sept. 20, 1968]

Fairness and Fortas

In challenging opposition to Justice Abe Fortas on the grounds that the public is wrong in holding one member of the Supreme Court responsible for the acts of all the judges, Senate Majority Leader Mike Mansfield is ignoring the history of the Court. A notable issue in which the Supreme Court has been influenced by the will of one man in reaching "unanimous" decisions is in its school integration. It is commonly conceded to be the persuasion of Chief Justice Warren which has been responsible for a united front in the Court concerning controversial matters which ordinarily would divide the judges.

Though it sounds fair to say as Sen. Mansfield has said: "I do not believe in taking out on one man our feelings against the whole court because that court handed down some decisions we didn't like," it is really taking unfair advantage of citizens to attempt to conceal the fact that on more than one occasion—notably during the tenure of Chief Justice Warren—the court has behaved as if it had only one judge instead of nine.

Looking at it our way, the clamor against Mr. Fortas is a rebuke to the entire Warren court—not just one man—for highhanded procedures which in some cases have contravened both the law and the public interest.

Mr. HOLLINGS. The last article I should like to quote has received wider distribution than most. It has been printed in part in U.S. News & World Report and carried by many of the leading newspapers all over the country. Not only has it received wide distribution, it has received widespread acceptance if I judge by the number of copies I have received in the mail from all over the country.

A measure of the acceptance accorded this article is due in part to the literary skill of the author for he is obviously a talented writer. However, the article is made all the more effective because the author speaks from a unique vantage point—within the judiciary.

The article is written by Justice Michael A. Musmanno of the Supreme Court of Pennsylvania—one of the leading Supreme Court critics in this country, and I should like to quote from Justice Musmanno.

The country today is prosperous, it boasts fabulous scientific progress and educational facilities never seen before, but who can deny that unrest and discontent stalk the land? Uneasiness and foreboding lurk in every city, town, village and hamlet.

And for a reason. Crime rages through the streets of the Nation like a wild tiger. Banks are being robbed daily, homes are being invaded nightly by burglars and rapists, murder has increased 22 per cent per 100,000 population since 1960; rape, 71 per cent; robbery 70 per cent.

The people have cause to be alarmed. Government officials and civic organizations meet to discuss what must be done to protect children on their way to and from school and women walking alone. But in all this tornado of violence and deep fog of popular distress, there is one body that seemingly is wholly unaware of the fact that America is becoming known abroad as a land which has reverted to jungle law. And that body is the Supreme Court of the United States.

In a series of incredible breath-gasping decisions the Supreme Court has released, to further prey on the people, confessed murderers, rapists and subversives on technicalities so flimsy that gossamer would seem in comparison, to be armor plate.

Let me cite an illustration or two. On June 3rd of this year the Supreme Court reversed the conviction of a man found guilty of one of the most heinous offenses in the calendar of crime. At the point of a rifle this man held up a young woman and her male escort, threatening them with death if they resisted. He raped the girl, then he tied them to individual trees and raped the girl again. Then he shot them both.

Providentially they recovered from their wounds. The police ascertained the assailant's identity, obtained a search warrant and went to the house in which he lived with his grandmother.

They exhibited the search warrant but the grandmother said the warrant was unnecessary and invited them into search the house. They found the weapon which had fired the shots into the defendant's victims. He was tried, convicted and sentenced to life imprisonment.

The Supreme Court reversed. Why? Because the police had not read the search warrant to the grandmother.

Everyone knows of the desperate need to suppress traffic in crimebreeding narcotics which shatter bodies, minds and morals. Recently in New York the police had under surveillance a known dope peddler and saw him dealing with a number of recognized addicts. When a policeman approached the dope merchant, he plunged his hand into his pocket as if to draw a revolver. The officer thrust his hand into the pocket and found a quantity of heroin, one of the deadliest of drugs.

At his trial the peddler pleaded guilty and the highest court in New York State affirmed the conviction but the Supreme Court reversed, declaring that the search was unreasonable. The Court wholly ignored that from all appearances the policeman believed his life was in danger.

Certainly if the dope merchant had actually had a gun, the policeman would have been shot dead. Any person asked on the street would say that the policeman, in such a situation, was compelled, under the law of self preservation, if nothing else, to determine if the criminal he was arresting was armed.

But not the Supreme Court, which, flying high in the heights of rarefied dialectics, ignores the mountain peaks of realities, one of which is that 11 out of every 100 police officers are assaulted every year. Also, that in five years' time 278 policemen have been killed, and most of the deaths occurred when they were attempting arrests or transporting arrested persons.

Mr. President, we see example after example where they cannot understand the situation. A typical one occurred back some 7 years ago when we had 831 college students headed down the main street of Orangeburg, S.C., to take over the town.

This is the kind of thing the Court cannot understand seemingly. No one would fault the students themselves. The students were demonstrating because there were certain civil rights they were asking for which have now been written into law by Congress.

Their march occurred on the heels of week after week of demonstrations and minor incidents. Feelings were great. When we heard they were going to take over the main part of the town, we also heard from the merchants. The merchant works all his life to build up a business. In fact, this is a plank in all of the party platforms. They call it black entrepreneurship or black ownership. They want to give them a business to run.

Having worked for 25 or 30 years to build up their business, the merchants said, "If they come down here and put a brick or a molotov cocktail through my window and we catch them and they are convicted, the Supreme Court will give them a good Government award. It will not help me in my business. More than that, I will lose my insurance. If I cannot get insurance, I cannot finance my building, or if I have paid for my building, I cannot buy stock for next year, because I cannot finance it; 25 or 30 years of my life's work have gone up in smoke. So I am going to come down to my business with a shotgun, and I am going to blast the head off the first fellow that puts a brick or a molotov cocktail through my window."

We knew that we had four or five such merchants waiting to protect themselves. And we had 810 students who were like any other students in America, wanting excitement and desiring at that particular time civil rights. We had 21 bombthrowers who were willing to do anything.

It was our duty as law enforcement officers to enforce the law. We hear so much weeping and wailing from those who have not been in the catbird seat. I would like to hear from the distinguished senior Senator from Arizona, one of the few former law enforcement officers now serving here.

We had sit-ins, eat-ins, marry-ins, and bury-ins.

These students were coming downtown and the merchants were waiting. We had no time for this thing called restraint.

The students came down. They pulled up to the police line. Most of them stopped. Some of them broke the line. That is when the TV boys came along and started grinding their cameras and taking pictures of a boy in the gutter with the firehose played on him.

Everyone cried police brutality.

No one was injured in that 4-year period. No lives were lost in South Carolina. We performed our prime function of protecting lives and property.

I cannot understand this crowd. I do not know who they want to protect. They have no understanding of the concept of protecting the citizens. This is what is terrifying. This is of vital importance to us when we are asked to elevate a man with this particular philosophy to be Chief Justice of the United States.

Take the much publicized Miranda

decision which reads not like a judicial adjudication of a controversial legal issue, but seems more the edict of a commissar imposing rules and procedures in a department wholly separated from the judicial department of Government. The Supreme Court has no authority to direct how the executive department of the Government shall operate.

Under the Miranda decision, if a man dashes into a police station and cries out: "I shot my wife," the police sergeant is required to raise his arm and declare: "Stop. Don't say a word. Come in and take it easy. Do you have a lawyer? You don't? Well here's a list. Choose your lawyer, and we will help you get the one you desire." In the meantime, the wife may be dying, and the accomplices, if there are any, will be escaping.

The United States is at war with communism. Communists are killing Americans in Vietnam every day. A Communist killed President Kennedy. Communist agents in this country are constantly trying to steal—and in many instances have succeeded—our scientific secrets.

The Nation must be on perpetual guard against enemy sabotage. To this end, Congress had declared communism a "clear and present danger" and has enacted a law making it a criminal offense for a Communist actionist to work in a war defense industry.

But on December 11, 1967, the Supreme Court, Chief Justice Warren writing the opinion, ruled that a person the Department of Justice had named as a Communist actionist could not be denied employment in an American shipyard. The reason? Chief Justice Warren said that this would deny to the defendant the "right of association protected by the first amendment" to the Constitution.

That so-called right does not appear in the first amendment or any part of the Constitution. Under Chief Justice Warren's reasoning, a Communist actionist could not be arrested unless he brandished an auger aboard the American warship he intended to sink.

In January 1967, the Supreme Court, Justice Brennan writing the majority opinion, nullified the laws of all States in the Union which authorized school authorities to dismiss any teacher or professor who teaches and urges the overthrow of our Government by force and violence. Justice Brennan said that to deny the professor this "right" would be to infringe on academic freedom. What Justice Brennan here argued for was not academic freedom, but academic anarchy. Under Justice Brennan's rationalization, Benedict Arnold could not be fired from teaching at West Point.

With this kind of Supreme Court-made law, is it any wonder that hippie students seize college buildings and prevent college presidents from entering their own offices?

I might say here that Justice Tom Clark, in a dissenting opinion which registered healthy indignation, declared that what the majority of the Court was doing was sweeping away the most precious right of all, self-preservation.

I might also say, in passing, that if my criticisms seem harsh, they are still not as vigorous as the dissenting opinions filed in the case under discussion, so that my candid observations apply only to those participating in the majority opinions filed in those cases.

In the field of obscenity and pornography, the Supreme Court has simply closed its eyes to the flood of printed filth that is inundating the Nation, threatening to erode away the moral foundations on which this Nation was built and without which our Nation one day will surely fall.

Strong as we are, we are no stronger than were the Roman, Persian, and Babylonian civilizations in their day, and they perished, not from invasion from without but from corruption and degeneracy within.

The Supreme Court of the United States refused to find the most revoltingly filthy books obscene. In consequence, shelving in bookstores and on magazine stands creak under the weight of books so degenerate that they would shame the libraries of hell. It is no wonder that parents fear for their children as they see them being subjected to influences which would have been outlawed in Sodom and Gomorrah.

We, who respect the Supreme Court and are devoted to it, have been hoping that the Judges of the Court would exercise some self-restraint. Not only have they not done so, but it seems that during recent years some members of the Court have experienced a measure of satisfaction in ignoring the limitations of the U.S. Constitution.

This, Mr. President, is a highly lucid description of the Warren court's more celebrated decisions and the philosophy that gave birth to these decisions. This is the Warren court's record, and Abe Fortas is part and parcel of that record.

For example, Mr. President, in the 1966–67 term, Fortas agreed with Warren—the architect of the Court's current philosophy—in 97 of 112 decisions. Does that record offer any hope that the Court under Fortas would be any different than under Warren?

I think not. Abe Fortas is, by his own admission, an unabashed admirer of the Warren court. In the words of Mr. Fortas shortly after his nomination:

> The work of the Warren era is finished. It's done—magnificently. It was the greatest era of Court history since John Marshall, and perhaps one can drop that qualification.

One might infer from this that not only is Mr. Fortas an admirer of the Warren court, but also that he believes that having rewritten the law and amended the Constitution in the fields of criminal procedure, national security, States rights, obscenity, and so forth, the Court must now find new fields to conquer.

Perhaps Justice Fortas was hinting at that in an interview reported in the July 5 issue of Time. Author John Steele says:

> He foresaw new challenges, new problems for the Court—the Fortas Court. "It was one thing to have enunciated great principles," Fortas says of the Warren era, which he admires greatly. "But it is another thing to make them come alive."

I do not believe that American people welcome that prospect—nor does the law-enforcement officer, the legal profession, or the State courts of this country; for, as I pointed out earlier, criticism of this Court and its philosophy does not stem just from the people or the politicians but also from the judiciary itself. I mentioned earlier the resolution passed by the 38 State chief justices, and we have heard the eloquent statement of Justice Musmanno.

I invite the attention of Senators to the views of two other gentlemen who have made the study of law their profession. The first is C. Peter Magrath of Brown University. In the 1966 issue of the Supreme Court Review, is an article by Mr. Magrath entitled "The Obscenity Cases: The Grapes of Roth." I quote now from that article:

> In the first volume of this *Review* professor Harry Kalven, Jr., concluded a sophisticated and witty excursion through "the metaphysics of the law of obscenity" with a hopeful prediction. The United States Supreme Court, he suggested, was gradually, if implicitly, developing a workable legal standard that would "restrict" obscenity to the worthless and hence to something akin to hardcore pornography." Professor Kalven also expressed his sympathy to the court for "the extraordinary difficulty of its task," remarking that "the most impressive aspect of their task is that any decision must treat so many variables."
>
> Six years later it is painfully evident that Professor Kalven's optimism was, at best, premature, and that even his sympathy may have been misplaced. For on March 21, 1966, the Supreme Court released fourteen opinions, in effect, *Seriatim*, in deciding three obscenity cases. Moreover, close examination of the decisions reveals that the present court is propounding at least five separate tests for the "guidance" of bench and bar in obscenity cases. Although the court deserves a sympathetic appreciation for its many and complex problems, it is not unfair to point out that many of these problems are of its own making. The Warren Court, after all, is very probably the most activist tribunal in our constitutional history, and this activism is largely responsible for its confrontation with a seemingly endless crop of hard cases. Moreover, in the area of the law of obscenity the Justices have needlessly confounded a confusing set of questions and have displayed a penchant for individual dogmatism and murky opinions that document some of the sharp professional criticisms directed at the Warren Court's workmanship. The root problem, of course, is the Supreme Court's continuing inability to provide an intelligible definition of obscenity. In this respect the Court's performance is reminiscent of the 1923 Geneve Conference on the suppression of the circulation and traffic in obscene publications. Unable to define obscenity at the opening of their conference, the delegates nonetheless bravely proceeded to discuss how to cope with it. Unfortunately, the United States Supreme Court not only discusses what it so far has failed to define clearly but makes decisions based on its amorphous discussion.

Writing in the November 1964 Harvard Law Review, Phillip B. Kurland, distinguished professor of law at the University of Chicago, said this about the Warren court:

> If it is inappropriate to expect elegance from a court dedicated to egalitarism, it is not unreasonable to hope for workmanlike quality. It is, nevertheless, an unfulfilled wish. Since example must again suffice, only one of the court's more egregious "stylistic" faults will be considered here: The failure of the court to provide guidance for later litigation. In part this is due to the substitution

> of "hallowed catchword and formula" in place of reason. "One man, one vote", "men vote, trees don't," "apartheid," and "public accommodations" hardly provide guidance for the resolution of cases that are not quite so simple as simple-minded people would make them. Similarly, rhetoric may be helpful advocacy, emotionally appealing, even entertaining, but without more it does not solve problems; rather, it tends to cover the absence of a reasoned solution. Open avowal of an incapacity to formulate a standard is more commendable for its honesty but is equally unhelpful to judges and litigants in later cases. But probably the most serious contribution to confusion is the disdain with which the court treats its own precedents. A court that considers its pronouncements to be "the law of the land," might be expected to pay more respect to its own opinion, and yet the fairly substantial number of cases mentioned in this paper in which the Court overruled its own precedents, either openly or covertly, are only samples. The increase in the rates of acceleration in recent years is noteworthy.

Mr. President, the criticism of the Warren philosophy and the opposition to Abe Fortas is not sectional—it is not political, it is universally based and multidirectional. It cuts across the lines of party and comes from all segments of the political spectrum. And the issue is not any of the "red herrings" some would have us follow but one of philosophy. And it is on the basis of philosophy that confirmation of Justice Fortas must stand or fall. Confirmation by the Senate is not a perfunctory ritual. As a coordinate branch of the Government, the Senate not only has the right but also the responsibility of considering more than the mere qualifications of a nominee—we must consider philosophy. As former Senator Paul Douglas said:

> The advice and consent of the Senate required by the constitution for such appointments was intended to be real, and not nominal.

I agree. I have studied the writings of Mr. Fortas. I have examined his record on the Court, and I have read his responses to questioning before the Committee on the Judiciary. I can only conclude that the confirmation of Justice Fortas as Chief Justice would bring a continuation of the judicial activism that has marked and marred the Warren court.

The country today demands a Court which "squeezes" its decisions into three criteria—the Constitution, the past decisions of the Court, and the record of the case before it. The Warren court has never bound itself to these criteria. Would the Fortas court come any closer? A vote for Mr. Fortas' confirmation as Chief Justice can only be taken as approving the Warren philosophy. As a practical matter, the only way that the Senate can effectively fulfill its obligation to a country which decries this philosophy is to vote against any man who follows this school of thought. And this I intend to do.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. HOLLINGS. I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, the part of the speech of the Senator from South Carolina that I had the privilege of hearing was a practicable presentation of many of the problems our country is struggling to work out. I believe the distinguished Senator from South Carolina, who was formerly the Governor of his State, made a contribution for all of us in this difficult field. He not only showed foresight but also vision and practicality to resolve the matter.

Mr. HOLLINGS. I thank the Senator.

Mr. STENNIS. I wish to ask the Senator one question. I did not hear the Senator discuss the cases that have been examined. The Senator from Michigan [Mr. GRIFFIN], this morning spoke of the right of the Senate to examine cases that Mr. Justice Fortas had taken part in. However, the Senator from Michigan then made what I thought was a very fine and valid point when he said that he did not approve the idea of cross examing Mr. Fortas on some particular Court opinion he wrote or joined in.

I wanted an opportunity to express my approval of that position by the able Senator from Michigan. However, this by no means precludes the Senate from considering the soundness of that decision or the result of it.

Mr. HOLLINGS. And the decision itself is the best evidence and the best reflector of the philosophy of the man.

Mr. STENNIS. The Senator is correct. That is why I wanted to know if the Senator agreed with my conclusion that even though we would not cross-examine the Justice or require him to go into his reasons for the decision, nevertheless, it is our duty to consider the soundness of it, and of the philosophy and reasoning behind it. Does the Senator agree?

Mr. HOLLINGS. I definitely agree with the Senator that these decisions had better be examined generally and collectively, looking to the end result on one hand, and on the other hand, the thread or theme of philosophy it exhibits of the Justice. This is the best way to study it.

Mr. STENNIS. That is the serious part of this entire matter of confirmation. We would be neglecting our duty and our obligation if we did not weigh in every way we could the soundness of these decisions.

I am glad the Senator from South Carolina agrees with that philosophy. It does not make any difference what anyone else says. It is the 100 Members of the Senate who have the duty and responsibility of going into that problem.

Mr. HOLLINGS. I emphasize to the Senator further that Justice Fortas practically does that for us as Senators in the article published in the July 5 issue of Time magazine where he said that the modern-day judge should not squeeze into a neat pattern his decisions, but rather he should employ the tools of medicine, mass psychology, and social engineering. I believe he said he was contemplating getting a computer in his office.

Obviously, to the distinguished Senator from Mississippi, who is a former distinguished judge and fine lawyer, and to me, this builds up apprehension to us as members of the legal profession because how does one advise a client or where are we headed when that course is followed instead of following the course of stare decisis and the rule of the case.

I imagine that "Judge STENNIS" many times saw inept lawyers who did not cover this point or that point of law. Suppose the judge, following this philosophy, must first get to his computer, call up the doctor, and advise with the psychiatrist, and if possible, find a social engineer. I do not know what social engineer is. It has been scaring me for years. That procedure is terrifying.

Mr. STENNIS. I commend the Senator highly for his contribution, which has been substantial.

Mr. TYDINGS. Mr. President, I support the nomination of Justice Abe Fortas to be Chief Justice of the Supreme Court, and hope that the Senate will promptly confirm his appointment. I am disturbed by the threat of delay in Senate action because I believe it would constitute a refusal to exercise a constitutional duty—the giving of advice and consent—which could only have a disruptive impact upon our entire system of government.

I have examined the exhaustive hearings on this nomination and, as a member of the Senate Judiciary Committee, I participated in the long committee proceedings on it. No one questions Justice Fortas' extraordinary legal abilities. In fact, everyone seems to agree that on the basis of his ability, training, and experience, Mr. Justice Fortas is as qualified as any man in America to be Chief Justice.

I do not agree with every decision rendered by the Supreme Court; I do not agree with every decision of Justice Fortas. Had I been judge, I might have decided some of those cases differently. But a Senator's job is to judge the basic qualifications of judicial nominees, not to second guess their decisions. I believe the Founding Fathers knew what they were doing when they established the courts as an independent branch of the government, to free them from political pressures.

Many votes in the Senate, just as cases before the Court, involve very complex and difficult judgments. The Fortas nomination is such a case. Taking all the evidence together however and weighing his personal qualifications I believe Justice Fortas should be confirmed as Chief Justice.

There is, however, more at stake in this matter than the confirmation of a very able judge to our Nation's highest judicial post. Beyond that, the Senate has a constitutional duty to give its advice and consent to nominations of the President. This duty lies at the heart of the Senate's function in our constitutional system of government; it cannot be discharged if a minority of Senators refuses to allow the Senate to vote.

A filibuster can only frustrate the constitutional responsibility; a vote on the nomination alone—confirmation or rejection—can fulfill that responsibility.

Mr. MURPHY. Mr. President, will the Senator from Maryland yield for a question?

Mr. TYDINGS. I yield.

Mr. MURPHY. I understood the Senator to speak of the nominee as a very distinguished judge.

Mr. TYDINGS. The Senator is correct.

Mr. MURPHY. What was the experience on the bench of the nominee? What is the background for the statement the Senator made as to the nominee being a distinguished judge? What was the duration of that experience?

Mr. TYDINGS. The background is that he is recognized by the bar and bench, as evidenced by the testimony of the president of the American Bar Association and others who appeared before the Committee on the Judiciary, as a man of exceptional legal ability and a man who is outstandingly well qualified, both before and after he went on the bench, to become a Justice of the Supreme Court.

Mr. MURPHY. Had he ever had any experience as a judge in any other court previous to his appointment to the Supreme Court?

Mr. TYDINGS. No.

Mr. MURPHY. He had not been a judge, nor had he acted in that capacity at any time until a short time ago when he was appointed to the Supreme Court?

Mr. TYDINGS. That is my understanding.

Mr. MURPHY. I thank the distinguished Senator. That was my understanding, but I wanted to make certain of his background because as carefully as possible I intend to listen and to evaluate all the information, the background, and capabilities of nominees in order that I may make a final decision in carrying out my obligation as a Member of this distinguished body. I try to make decisions based on the fullest possible knowledge of all the information that is available and then come to a conclusion which must be the final purpose in this discussion, and which is a serious obligation for Members of this body.

I thank my distinguished colleague for his complete answers and for helping my understanding in this particular area.

Mr. TYDINGS. I appreciate the courtesy of the Senator from California.

Mr. President, I ask unanimous consent to have printed in the RECORD the following material from the hearings on the nomination of Abe Fortas before the Committee on the Judiciary: a letter from Albert E. Jenner, Jr., American Bar Association, in regard to the nomination of Abe Fortas to be Chief Justice of the United States; a letter dated July 2, 1968, from W. T. Gossett, American Bar Association, in regard to the nomination of Abe Fortas to be Chief Justice of the United States; and a telegram dated July 10, 1968, from law school professors in regard to the nomination of the Honorable Abe Fortas to be Chief Justice of the United States.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Chicago, Ill., July 8, 1968.

Hon. JAMES O. EASTLAND,
Chairman, U.S. Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: Thank you for your telegram affording this Committee an opportunity to express an opinion or recommendation on the nomination of Honorable Abe Fortas to be Chief Justice of the Supreme Court of the United States.

Our Committee is of the view that Associate Justice Fortas is "highly acceptable from the viewpoint of professional qualifications".

As the past distinguished chairman of our Committee, Robert W. Meserve, Esquire, of Boston, Massachusetts, wrote you under date of September 7, 1962 in respect of the report of the Committee concerning the qualifications of Honorable Arthur J. Goldberg to be an Associate Justice of the Supreme Court of the United States, we conceive it to be, in respect of the qualifications of a nominee to serve as a Justice or Chief Justice of the United States Supreme Court, our responsibility to express our opinion only on the question of professional qualification, which includes, of course, consideration of age and health, and of such matters as temperament, integrity, trial and other experience, education and demonstrated legal ability. It is our practice to express no opinion at any time with regard to any other consideration not related to such professional qualification which may properly be considered by the appointing or confirming authority. This position is, of course, not in any way confined to Associate Justice Fortas' case, nor is it in any respect stimulated by or related to his nomination.

We are gratified that you and your distinguished Committee continue to ask for our opinion respecting the qualifications of nominees for appointment to lifetime federal judgeships and otherwise to permit us to assist your Committee in the discharge of its important constitutional function.

With best wishes.

Sincerely yours,

ALBERT E. JENNER, Jr.,
Chairman.

AMERICAN BAR ASSOCIATION,
Detroit, Mich., July 2, 1968.

Hon. JAMES O. EASTLAND, *Chairman,*
Hon. EVERETT M. DIRKSEN, *Ranking Minority Member,*
Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

DEAR SENATORS EASTLAND AND DIRKSEN: I am writing to express to you my personal opinion that Mr. Justice Abe Fortas is eminently qualified to be Chief Justice of the United States.

That he has singular intellectual equipment has been amply demonstrated by scholarly achievements both in his academic life and in the legal profession. For several years he was a well regarded professor of law at Yale University Law School, of which he is a graduate with honors.

His experience as lawyer has been as varied and extensive as it has been distinguished. Before his appointment as a Justice of the Court in 1965, he enjoyed a large independent law practice, being widely respected as a practicing lawyer; and he represented corporations and impoverished individuals with equal skill and devotion. Earlier he had acquired broad professional expertise as counsel for various government agencies, all of which he served with great distinction.

Mr. Justice Fortas has had intensive experience in the work of the Supreme Court, both as judge and as an advocate, wholly sufficient, I think, to qualify him as Chief Justice. But I would remind you of a comment made by Mr. Justice Frankfurter in 1953:

"I think that when the President of the United States comes to select someone to fill a vacancy on the Supreme Court, no single factor should be the starting point in his deliberation. He should not say, 'I want a man who has had experience as a judge,' or, 'I want a man who hasn't had experience as a judge.' I shall say more about this in a moment, but to me it is important that if you blot out the names of those who came to the Supreme Court without any prior judicial experience, you blot out, in my judgment, barring only two, the greatest names on its roster."

This is, as you know, a time of great turbulence in our society. We are faced with a movement of social protest that questions the efficacy of the law as an instrument of social justice; indeed, it asserts that the law is being used as a device to frustrate the legitimate aspirations of those seeking to participate in the benefits of American society. At such a time we need a strong, enlightened Chief Justice, one of large vision and deep insight, whose conception of the role of the judicial process in our society would command the support of the country and especially of minority groups in the Supreme Court as an institution, one who could inspire their confidence in the law and our system of jurisprudence as a positive force in our society.

Mr. Justice Fortas would, I think, be such a Chief Justice. He would, moreover, preside over the Court with great dignity and precision and would, I am sure, be a skillful moderator inside the conference room. As Chief Justice, he would have the confidence and support of the Bar as well as the Court.

It is hardly necessary to remind you that Mr. Justice Fortas is a man of principle and of sterling character who is a well balanced, disciplined and responsible person in every respect. Indeed, his attributes as a man, quite aside from his credentials as a resourceful, tough minded legal craftsman, are likely, I think, to add stature and strength to the Court by his appointment as Chief Justice.

If I were a member of the Judiciary Committee of the Senate, I would vote without reservation to recommend the confirmation of Mr. Justice Fortas as Chief Justice. The mobilization of his formidable resources as a man and a lawyer in the conduct of the business of the Court would, I am confident, serve the best interests of the people of the United States.

Sincerely yours,

WILLIAM T. GOSSETT.

IOWA CITY, IOWA, *July 10, 1968.*

SENATOR JAMES O. EASTLAND,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EASTLAND: As professors of law, we wish to express our grave concern over the opinion expressed in some quarters that, in view of the fact that President Johnson is not a candidate for reelection, his recent nominations of Justice Abe Fortas as Chief Justice of the United States and Judge Homer Thornberry as Associate Justice of the Supreme Court should not be entertained by the Senate.

We find no warrant in constitutional law for the proposition that the concurrent authority and obligation of the President and Senate with respect to the appointment of high Federal officials are in any degree attenuated by a presidential decision not to seek a further term. Indeed, in our judgment the proposition contended for would subvert the basic constitutional plan, for it would substantially erode authority explicitly vested by the Constitution in the President and in the Senate. The Constitution contemplates, and the people in electing a President and Senators expect, that the highest executive and legislative officials of the land will exercise their full authority to govern throughout their terms of office.

Acquiescence in the view that a President whose term is expiring should under no circumstances exercise his power to nominate would have deprived our Nation of the incomparable judicial service of John Marshall. And this example precisely demonstrates that impairment of the appointive power would be most fraught with hazard when the post is a judicial one. To lay it down as a general rule that in his last year in office a President should leave judicial posts vacant so that they may be filled by the next administration would frequently disrupt the orderly conduct of judicial business. In addition, such a general rule would have even more serious repercussions. It would imply acceptance of the premise that judges are accountable to the President who nominates and the Senators who advise and consent. Our entire constitutional structure is reared upon exactly the opposite premise. A judicial nominee is to be judged by the Senate on his merits. If confirmed and commissioned, he sits as a judge during good behavior, and he owes official allegiance not to other Government officers but to the Constitution and laws of the United States.

Moreover, we submit that any use of the technique of filibuster to frustrate the appointive power would be a further, and equally unworthy, assault upon the integrity of the Presidency, the judiciary, and the Senate. We hope and trust that the Senate, prompted by the Judiciary Committee, will forthwith address itself to the only issues propertly before it—the fitness of these nominees for the posts in question.

We respectfully request that this telegram be made a part of the Judiciary Committee's record with respect to the nominations of Justice Fortas and Judge Thornberry.

Joint copies mailed to all members of the Judiciary Committee.

Respectfully,

Albany Law School: Samuel M. Hesson, dean, William Samore.

University of Arizona: Charles E. Ares, dean; Robert Emmet Clark, John J. Irvin, Jr., Winton D. Woods, Jr.

University of Arkansas: Ralph C. Barnhart, dean; Alberl M. Witte, Robert Ross Wright III.

Boston College: Peter Donovan, Robert F. Drinan, dean; Mary Glendon, James L. Houghterling, Jr., Richard G. Huber, Sanford Katz, Francis J. Larkin, Joseph F. McCarthy, Francis J. Nicholson, S.J., Mario E. Occhialino, John D. Rillyn, Jr., Emil Silwewski, Rames W. Smith, Richard S. Sullivan, William P. Willier.

University of California, Berkeley: Babette B. Barton, Richard M. Buxbaum, Jesse H. Choper, Edward C. Halbach, Jr., dean, J. Michael Heyman, Richard W. Jennings, Sanford H. Kadish, Adrian A. Kragen, John K. McNulty, Sho Sato, David E. Seller, Arthur H. Sherry, Preble Stolz, Lawrence M. Stone, Lawrence A. Sullivan, Jan Vetter.

University of California, Los Angeles: Normal Abrams, Michael R. Asimow, Harold W. Horowitz, Leon Letwin, Richard C. Maxwell, Dean, David Mellinkoff, Herbert Morris, Paul O. Proehl, Arthur I. Rosett, Richard A. Wasserstrom.

The Catholic University of America: Fernand N. Dutile, John L. Garvey, Arthur John Keeffe, Vernon X. Miller, dean, Ralph J. Rohner, G. Graham Waitte, Salmon P. Chase, Jack W. Grosse, Nicholas C. Revelos, Eugene W. Youngs.

University of Chicago: David P. Currie, Kenneth Culp Davis, Bernard D. Meltzer, Norval Morris, Phil C. Neal, dean, Dallin H. Oaks.

University of Cincinnati College of Law: Kenneth L. Aplin, Roscoe L. Barrow, Robert Nevin Cook, Stanley E. Harper, Jr., Wilbur R. Lester, John J. Murphy, Victor E. Schwartz, Clarude R. Sowle, dean.

Cleveland-Marshall Law School: Hyman Cohen, Howard L. Oleck, dean, Kevin Sheard.

Columbia University School of Law: Walter Gellhorn, William C. Warren, dean.

University of Connecticut School of Law: Thomas L. Archibald, Josep A. LaPlante, Philip Schuhman, Robert E. Walsh, Donald T. Weckstein.

Cornell Law School: Harry Bitner, William Tucker, dean, Harrop A. Freeman, Kurt L. Hanslowe, John W. MacDonald, Walter E. Oberer.

DePaul University College of Law: Philip Romiti, dean.

Drake University Law School: M. Gene Blackburn, George Gordin, Jr., Edward R. Hayes, Kamilla Mazanac, Denton R. Moore, Craig T. Sawyer, John D. Scarlett, dean.

Duke University School of Law: George C. Christia, Ernest A. E. Gellhorn, Clark C. Havighurst, John D. Johnston, Jr., F. Hodge O'Neal, dean, Melvin Gerald Shimm, John W. Strong.

University of Florida College of Law: K. L. Black, Charles Dent Bostwick, Dexter Delony, John M. Flackett, James J. Freeland, Mandell Glicksbarg, Elmer Leroy Hunt, Ernest M. Jones, Leslie Harold Levinson, Frank E. Maloney, dean, Leonard Stewart Powers, Walter Probert, Joel Rabinovitz, Richard B. Stephens, Duane D. Wall, Wayne Walker.

Georgetown University Law Center: Addison M. Bowman, Edwin J. Bradley, Paul R. Dean, dean, Raymond E. Gallagher, Sidney B. Jacoby, Edwin P. McManus, Robert S. Schoshinski, Jonathan Sobeloff.

University of Georgia School of Law: James Ralph Beaird, Lindsay Cowen, dean, James W. Curtis, D. Meade Feild, David C. Landgraf, Robert N. Leavell, John F. T. Murray, John Daniel Reaves, John Barton Rees, Charles L. Saunders, Jr., R. Perry Sentell, Jr., Hunter E. Taylor, Jr.

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University of Illinois College of Law: Edward J. Kionka, Wayne R. Lafave, Prentice H. Marshall, John Harrison McCord, Herbert Semmel, Victor J. Stone, J. Nelson Young.

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State University of New York at Buffalo School of Law: Thomas Buergenthal.

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Northwestern University School of Law: Thomas Bovaldi, William C. Chamberlin, Robert Childres, John P. Heinz, Vance N. Kirby, Brunson McChesney, Alexander McKam, Nathaniel L. Nathanson, John C. O'Byrne, James A. Rahl, William Roalfe, Curt Schwerin, Francis O. Spalding.

Notre Dame Law School: Joseph O'Meara, emeritus, dean, Robert E. Rodes, Jr.

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Ohio State University College of Law: James W. Carpenter, Richard E. Day, Howard Fink, Lawrence Herman, Leo J. Rasking, Alan Schwarz, Peter Simmons, Roland Stanger.

University of Oregon School of Law: Eugene F. Scoles.

University of Pennsylvania Law School: Jefferson B. Fordham, dean.

Rutgers—The State University School of Law, Camden, N.J.: Russell W. Fairbanks, dean.

Rutgers—The State University School of Law, Newark, N.J.: Willard Heckal, dean.

St. Louis University School of Law: Charles B. Blackmar, Richard Jefferson Childress, Vincent C. Immel, dean, Donald B. King, Howard S. Levie, J. Norman McDonough, Sanford E. Sarasohn, Dennis J. Tuchler, Harvey L. Zuckman.

University of Santa Clara School of Law: Graham Douthwaite, Dale F. Fuller, Leo A. Huard, dean, George A. Strong.

University of Southern California Law Center, Los Angeles, Calif.: George Lefcoe, Dorothy W. Nelson.

Southern Methodist University School of Law: Charleu O'Neill Galvin, dean,

South Texas College of Law: Garland R. Walker.

Stanford University School of Law: Baylesu A. Manning, dean, Joseph T. Sneed.

University of Texas School of Law: Vincent A. Blasi, Edward R. Cohen, Fred Cohen, Carl H. Kulda, T. J. Gibson, Stanley M. Johnson, W. Page Keeton, dean, James L. Kelley, J. Leon Lebowitz, Robert E. Mathews, Michael P. Rosenthal, Millard H. Ruud, George Schatzki, Marshall S. Shapo, Ernest E. Smith, James M. Treece, Russell J. Weintraub, Marion Kenneth Woodward, Harry K. Wright.

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University of Utah College of Law: Jerry R. Andersen, Ronald N. Boyce, Edwin Brown Firmage, John J. Flynn, Leionel H. Frankel, George G. Grossman, Harry Groves, Robert L. Schmid, I. Daniel Stewart, ——— Swenson, Samuel D. Thurman, dean, Richard D. Young.

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Villanova University School of Law: Gerald Abraham, George Daniel Bruch, J. Willard O'Brien, Harold Gill Reuschlein.

University of Virginia School of Law: Hardy I. Dillard, dean, Ernest L. Folk III, Marion K. Kellogg, Peter W. Low, Petr C. Manson, J. C. McCoid II, Carl McFarland, Emerson G. Spies, Mason Willrich, Charles K. Woltz, Calvin Woodard.

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Wayne State University Law School: Charles W. Joiner, dean.

Case Western Reserve University, Franklin T. Backus Law School: Ronald J. Coffey, Maurice S. Culp, Lewis R. Katz, Earl M. Leiken, Richard Lewis Robbins, Hugh A. Ross, Oliver Schroeder, Jr.

College of William and Mary, Marshall-Wythe School of Law: Joseph Curtis, dean, Arthur Warren Phelps, William F. Swindler.

University of Wisconsin Law School: Gordon Brewster Baldwin, Abner Brodie, Alexander Brooks, John E. Conway, George Iurrie, August G. Eckhardt, Nathan P. Feinsinger, G. W. Foster, Orrin L. Helstad, James Willard Hurst, Wilbur G. Katz, Edward L. Kimball, Spencer Kimball, dean, Stewart MacAulay, Samuel Mermin, Walter B. Raushenbush, Frank J. Remington, Robert H. Skilton, John C. Stedman, George H. Young, Zigurds L. Zile.

Yale Law School: Joseph W. Bishop, Jr., Boris I. Bittker, Ralph S. Brown, Jr., Guido Calaresi, Elias Clark, Thomas I. Emerson, Abraham S. Goldstein, Joseph Goldstein, Myres Smith McDougal, Louis H. Pollak, dean, Henry V. Poor, Leon Lipson.

Mr. HOLLINGS. Mr. President, referring directly to the comment of the Senator from Maryland as to the exceptional ability of Justice Fortas. This is his reason for supporting the nomination and it is the very reason I oppose the nomination.

So, great ability, rather than being exceptional, has become the general rule with respect to the judicial philosophy that the U.S. Senate and the Congress itself is rather indolent and apathetic, that the country is moving down the road, that great times have changed. Sounds like some of these political talks we are hearing on the stump. That, somehow, the legislative branch or arm of the Government is not reflective of the whole mood and needs of the people and that, therefore, we should pass new laws by way of new judicial decisions.

I saw this, Mr. President, immediately after enactment of the Open Housing Act in this distinguished body under the leadership of the distinguished Senator from Michigan [Mr. HART] when, after years of debate and committee hearings and everything else, we finally enacted an Open Housing Act in Congress, only to have, a few days later, the Supreme Court enact its own open housing act. Then I heard, as a young freshman Senator, the senior Senators about this body responding in just the fashion and with just the kind of concern that Justice Harlan was remarking upon; namely, "What is the use?"

Mr. President, why give consideration to the needs of the country? Why, when we deliberate and try to approach the problems objectively and realistically by way of legislative enactment, the Court is going to do it anyway and do what it pleases. As a result of that, it downgrades the legislative branch.

It is the danger that we are trying to correct. It is the very idea that the exceptional ability has become the customary ability. It is the very reason that we who stand in opposition oppose this particular nomination.

Mr. HART. Mr. President, even though the Senator from South Carolina [Mr. HOLLINGS] has relinquished the floor, I wish to make this comment.

I know, that if the Senator from Mississippi [Mr. STENNIS] were running a courtroom as the judge, if the motion were before the court to set the date for trial, he would be the first to gavel down anybody who wanted to argue the merits. Today we are trying to bring this matter to a point where we can argue the merits. I have no intention of contributing to the delay in that respect. I merely want to repeat again that the question before the Senate is: Shall we consider the nomination of Abe Fortas?

Well, I have heard lots of "Who struck Johns?" But I have not heard a word on that question. I suggest that the time is ripe and that we call the roll on the questions: Shall we consider, shall we discuss, shall we debate? That is what is before the Senate. I hope the country understands that.

Mr. FONG. Mr. President, the Senate is now considering the nomination of Associate Justice Abe Fortas to be Chief Justice of the United States. Article II, section 2——

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. FONG. I yield.

Mr. HART. Mr. President, I was distracted. What did the Senator say was before the Senate?

Mr. FONG. The nomination of Associate Justice Abe Fortas to be Chief Justice of the United States.

Mr. HART. No. I hope we will get it before the Senate.

Mr. FONG. We are now discussing it.

Mr. HART. No; we are not now discussing it. We are discussing the question of whether we will be permitted to discuss it.

Mr. FONG. We are discussing the question whether or not we are going to confirm him.

Mr. HART. Not confirm him but whether we will be permitted to take it up.

I thought I understood the Senator and that he will agree with me that the correction would be in order.

Mr. FONG. Mr. President, article II, section 2, clause 2 of the Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law."

A distinguished and learned former colleague, Senator Paul Douglas, has described this power of advice and consent conferred on the Senate by the Constitution as being substantial and as having great significance in our scheme of government. Senator Douglas said:

> The "advice and consent" of the Senate required by the Constitution for such appointments (to the Judiciary) was intended to be real and not nominal. A large proportion of the members of the (Constitutional) Convention were fearful that if Judges owed their appointments solely to the President the Judiciary, even with life tenure, would then become dependent upon the executive and the powers of the latter would become overweening. By requiring *joint* action of the legislative and the executive, it was believed that the Judiciary would be made more independent.

Under our Constitution, the power of the President to nominate constitutes only half of the appointing process. The other half lies within the jurisdiction of the U.S. Senate, which has the solemn constitutional duty to confirm or deny confirmation to a nomination.

As Alexander Hamilton pointed out in his Federalist Paper No. 76, this requirement of senatorial approval would "be an excellent check upon a spirit of favoritism of the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachments, or from a view to popularity."

Thus, to help assure the independence of the judiciary as a separate and coordinate branch of Government, the power of the Senate to "advise and consent" with respect to the judiciary is just as important as the power of the President to nominate.

TWENTY-ONE NOMINATIONS REJECTED

Throughout our history as a nation—not including the pending nomination—125 persons have been nominated to be Justices of the U.S. Supreme Court. Of that number of 125 persons, 21, or one-sixth, have failed to receive confirmation by the Senate.

Out of the 21 rejections, four were refused confirmation because of lack of qualification or fitness.

Five were not confirmed, according to one historian, because of their social and economic views or their involvement in a political problem of the time. Included in this list is the only rejection in our history of a nomination as Chief Justice—that of John Rutledge in 1795.

Already serving a recess appointment, and having been confirmed 6 years earlier as Associate Justice—a position he resigned, however, without ever sitting—John Rutledge was rejected by a vote of 10 to 14, primarily because of a speech he had made in opposition to the Jay Treaty. Despite the fact that both he and his nominator, President George Washington, were Federalists, the Federalist Senators refused to confirm a man who had actively opposed the treaty which they had supported so wholeheartedly.

Also included in this list of rejections on social, economic, and political grounds was the only Supreme Court nomination to fail of confirmation in this century. That was the nomination by President Hoover of John J. Parker, who was bitterly opposed by organized labor because, as a judge, he handed down an opinion affirming the upholding of "yellow dog" contracts by a lower court; by civil rights groups, because of his alleged anti-Negro views; and by moderate Republicans, because of his conservative economic views.

From this brief historical sketch, it is evident that the Senate, in considering Presidential nominations to the Supreme Court, has never hesitated to take into account a wide variety of factors, including the nominee's ability and qualifications, his political views, his economic and social philosophy, his attitude on particular issues, or other matters.

In line with this history, the Senate Judiciary Committee, in considering the pending nomination, has looked thoroughly into the Fortas nomination. As a member of that committee, I have listened with great care and concern to all of the witnesses who testified in the hearings; I have read and analyzed all reports, studies, and other material submitted to the committee, and to me; I have studied the hearing record compiled by the committee.

NEW PRESIDENT WITH NEW MANDATE

Mr. President, long before the President submitted the nomination of Abe Fortas to the Senate, I had announced my opposition to any judicial nomination, regardless of its merit, which might be made by the President. I felt strongly that since the new President will be elected within a few months, he should make the appointment—as he would then have received a current mandate of the American people.

On June 14, 1968, the Wall Street Journal carried a front-page story that Chief Justice Earl Warren "may quit before President Johnson's term runs out. Reason: He hopes to have a voice in the selection of his successor." A week later, on June 21, according to press reports, the Chief Justice had submitted his resignation in a letter sent to the President on June 12; these reports were attributed to "authoritative sources."

On the same day, June 21, I was called by two New York City newsmen who inquired about my reaction, as a member of the Judiciary Committee, to the reports of the impending resignation of the Chief Justice. I then announced my opposition to any appointment to the Supreme Court by a President serving in the last year of his final term of office. The New York Times reported this fact in its June 23 edition.

It was not until June 26 that the President confirmed the resignation of the Chief Justice and submitted to the Senate the nomination of Abe Fortas to be Chief Justice.

Since June 21, when I made my position clear, and since June 26, when the President sent the Fortas nomination to the Senate, I have not, Mr. President, altered my position in the intervening months.

After considering all material and factors revealed during Judiciary Committee hearings, I am still unalterably opposed to confirmation of the pending nomination.

Mr. President, I do not oppose the pending nomination on the grounds of "cronyism" which has been charged due to the nominee's close friendship with the President.

Nor do I oppose confirmation because I question the jurisprudential views of the nominee, as set forth in his opinions and other writings. Indeed, I wholeheartedly applaud the views of Mr. Justice Fortas in many areas in which he has rendered judgments—particularly those dealing with civil rights, civil liberties, and the constitutional rights of defendants in criminal cases.

I am not unaware of the controversial rulings in which he participated dealing with obscenity. Unfortunately, these decisions rendered by the Court were per curiam, which do not require Justices to write their opinions. Various interpretations have therefore been given to these decisions, one of which is that there is no constitutional limitation under the first amendment to obscenity. I wish to say that I do not agree with this position. I do hope that the Court will at the first opportunity find that obscenity can be controlled within the strictures of the Constitution.

I am also aware of the fact that some have attributed anti-Semitism to the opposition. As a member of the Judiciary Committee, I find this charge utterly without foundation. Speaking for myself, I obviously do not harbor any such feelings. As I have repeatedly said, I have great respect and admiration for Mr. Justice Fortas.

I do not oppose the pending nomination because of the alleged breakdown of the wall separating the executive and the judicial branches of Government—although I do question some of the extrajudicial activities of the nominee.

I do not oppose the pending nomination for any reasons relating to the ability and qualifications of the nominee. To me, there is no question that Mr. Fortas is a man of outstanding and very distinguished qualifications, eminently able to become Chief Justice of the Court. In 1965, when his nomination as Associate Justice was considered by the Judiciary Committee and the full Senate, I strongly supported his confirmation.

ONE OVERRIDING PRINCIPLE

My opposition to the confirmation of the pending nomination is based on one overriding principle, and one principle alone: particularly at this juncture in the history of our Nation, this crucially important lifetime appointment—affecting as it will the lives of millions of our citizens in generations to come—should be left to the new President soon to be elected by the people. After November, if the new President should decide to nominate Mr. Justice Fortas to be Chief Justice, I would at that time be quite disposed to support and vote for his confirmation.

Mr. President, my stand on this issue is not unprecedented. Indeed, ample precedent exists to support my position.

According to data provided by the Legislative Reference Service of the Library of Congress, in all our history, there have been 16 nominations for the Supreme Court made by a President in the final year of his last term of office.

It is important to note that in the vast majority of these cases, 13 nominations were submitted to fill a vacancy left by the death of a sitting Justice. Only three out of the 16 nominations were made to fill vacancies which resulted from resignations.

Of the 16 nominations, the Senate confirmed seven, as follows:

John Marshall, nominated January 20, 1801, confirmed January 27, 1801. President John Adams had been defeated in the election of 1800 when this appointment was made.

John Catron, nominated March 3, 1837, confirmed March 8, 1837. President Andrew Jackson had not run for reelection, and his Vice President, Martin Van Buren, had been elected when Jackson made this appointment

Peter V. Daniel, nominated February 26, 1841, confirmed March 2, 1841. President Martin Van Buren had lost the election of 1840 when he made this appointment.

Samuel Nelson, nominated February 4, 1845, confirmed February 14, 1845. President John Tyler made this appointment after the election of 1844, in which he did not run.

William B. Woods, nominated December 15, 1880, confirmed December 21, 1880. President Rutherford B. Hayes made this appointment after the election of 1880, in which he did not run.

George Shiras, Jr., nominated July 19, 1892, confirmed July 26, 1892. President Benjamin Harrison made this appointment before losing the election of 1892.

Howell E. Jackson, nominated February 2, 1893, confirmed February 18, 1893. President Benjamin Harrison had lost the election of 1892 when he made this appointment.

HISTORICAL PRECEDENTS

Of the 16 Supreme Court nominations made by a President in the last year of his last term of office, the Senate refused to confirm nine.

Mr. HART. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. HART. For clarification, I wonder whether the Senate acted or left those questions in the fog of a filibuster.

Mr. FONG. I will discuss that in the text of my speech.

In eight of these nine cases, the Senate withheld confirmation on the ground that the next President should make the nomination.

The circumstances surrounding these nine cases were as follows:

In September 1828, before the election in which Andrew Jackson defeated John Quincy Adams, a Supreme Court Justice died, leaving a vacancy on the Court. Well aware of the political problems he might face with a politically hostile Senate, Adams sought out and nominated the most distinguished lawyer he could find, John J. Crittenden of Kentucky, on December 17, 1828. Even Chief Justice Marshall praised this nomination in the highest terms, writing, "I do not know of a man I could prefer to him."

But the position of a majority of the Senate was simple and straightforward: The appointment should be left to the next President. By a strictly partisan vote of 17 to 23, on February 12, 1829, 2 months after the nomination, the Senate postponed the Crittenden nomination and refused to confirm.

The Democrats in the Senate thus foiled a last-minute Whig appointment by the outgoing President and preserved the vacancy so that it could be filled by the incoming President-elect, Democrat Andrew Jackson.

In 1844 and 1845, President John Tyler submitted five names to the Senate for confirmation to a seat on the High Court. One of them, John C. Spencer, was rejected without a record vote. Action on three other nominations—Ruben H. Walworth, Edward King, and John M. Read—was postponed by votes of 21 to 26, 20 to 27, and 18 to 29, respectively, by the Whig-controlled Senate on June 15,

1844. It was the hope of the Whigs that their Presidential nominee would win the election of 1844. This did not happen, and President John K. Polk succeeded to the Presidency.

In August 1852, Whig President Millard Fillmore tried to fill a Supreme Court vacancy by nominating a very distinguished lawyer, Edward A. Bradford of Louisiana. But a majority in the Senate took the position that the appointment should be made by the President about to be elected that November, and no action was taken at all on the nomination. Another one of Fillmore's nominees, William E. Micou, was not confirmed for the same reason.

After Franklin Pierce was elected President, but before he was inaugurated, Fillmore tried once more to fill the vacancy. Hoping that the Senate might be more apt to confirm the nomination of one of its own Members, Fillmore sent up the name of Senator George E. Badget of North Carolina, a very able, eloquent lawyer, and former Secretary of the Navy under two Presidents.

But again the Senate stood its ground and postponed action on the nomination indefinitely. The next President, Franklin Pierce, then made the appointment following his inauguration in March 1853—nearly 8 months after the vacancy had occurred.

On February 21, 1861, President James Buchanan's nomination of Jeremiah S. Black was rejected by a vote of 25 to 26. The Republicans wanted to hold the vacancy open, so that the incoming President, Abraham Lincoln, could make the nomination.

These, then, are the eight nominations for which the Senate has refused to grant confirmation—on the principle that the next President should make the appointment. The ninth nominee—Stanley Matthews, who was nominated in 1881 by Rutherford B. Hayes—was denied confirmation on other grounds. However, Matthews was renominated by the next President, James Garfield, and the appointment subsequently was confirmed May 12, 1881.

FOUR EXPERIENCES

Drawing from my own experience, I wish to recall four situations which occurred when I first came to the Senate:

First I refer to the situation existing in 1959, when in the face of unprecedented congestion in our Federal courts, President Eisenhower asked Congress for additional judgeships to ease the judicial logjam.

But, with Democrats in control of both Chambers since 1955 the Congress repeatedly refused to give a Republican President the new judgeships with their accompanying patronage possibilities.

Finally, on August 27, 1959, after 4 years of fruitless efforts, Attorney General William P. Rogers, in an attempt to overcome Democratic resistance, urged Congress to create 45 new Federal judgeships to carry out recommendations of the Judicial Conference. The Attorney General stated that he had been authorized by President Eisenhower to "tell congressional leaders that he would fill the new posts on a 50–50 basis from the two political parties"—no matter how many new judgeships Congress eventually voted to create.

This pledge was amplified in February 1960, when a House Judiciary subcommittee held hearings on the judgeship bills. Chairman Emanuel Celler indicated that Democratic opposition to the bills had decreased since Mr. Rogers had made his 50–50 pledge, but he asked Deputy Attorney General Lawrence E. Walsh whether the Democratic appointments would be "true Democrats or Democrats across party lines." Walsh assured Celler that by "Democrats," the administration did not mean "Eisenhower Democrats."

No final approval was given any of the judgeship bills when Congress recessed for the national conventions in 1960. When Congress reconvened in August, Democratic leaders, gambling that Democrats would win both the presidential and congressional elections in November 1960, and would thus be able to fill all the new judgeships, decided not to bring any of the bills to the floor.

Then, in 1961, the gamble having paid off, President Kennedy, on February 10, sent letters to leaders of both Democrat-controlled Houses asking Congress to create nine new Federal circuit court judgeships and 50 new direct court judgeships. To these numbers the Senate on March 3 added one circuit court and three district court judgeships and, on March 17, Attorney General Robert F. Kennedy raised the administration's request to 69 new judgeships.

Thus, the 1961 omnibus judgeships bill created 73 new Federal judgeships—10 circuit and 63 district—to be filled by Presidential appointment. In addition, deaths and resignations created vacancies in 42 previously existing judgeships—seven circuit and 35 district—through December 5. Altogether, President Kennedy in his first year in office had available for appointment 115 Federal judgeships. The total—115 appointments—was the largest a President ever had to fill in a single year and was more than half the number—186—which former President Eisenhower filled in his 8 years in office.

Of all these 115 appointments to the Federal bench, 112 were Democrats, and only three were Republicans.

HAWAII SERIOUSLY HURT

Mr. President, I dwell on this point because this game of political musical chairs the Democrats were playing in those years hurt my own State, and hurt it badly, at a time when we were deeply involved in problems of transition from territorial status to that of the 50th State of the Union.

This was my second experience: On August 21, 1959, when Hawaii officially became a State of the Union, the Hawaii Statehood Act—Public Law 86–3, March 18, 1959—provided:

> The terms of the office of district judges for the district of Hawaii then in office shall terminate upon the effective date of this section and the President . . . shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior.

Thus, on August 21, 1959, Hawaii became eligible for two lifetime Federal district judges in place of the judges who had occupied the bench for 5-year terms during the 50 years of territorial status.

In 1959, at the beginning of my first term in the Senate, I recommended C. Nils Tavares, an able and distinguished Honolulu lawyer and former attorney general of the territory of Hawaii, to President Eisenhower for one of the Hawaii District Court vacancies. The President submitted this nomination to the Senate late in 1959, but the Senate Judiciary Committee, controlled by the Democrats, held up the appointment. The President then named Tavares to an interim appointment shortly after Congress adjourned in October 1959.

On January 10, 1960, President Eisenhower again sent the Tavares nomination to the Senate for confirmation. But the Democrat-controlled Judiciary Committee again held up approval of the nomination. When Congress adjourned on September 1, 1960, no committee action had been taken on the nomination.

Tavares finally was confirmed by the Senate on August 21, 1961—so that for more than 2 years, from August 21, 1959, until September 21, 1961, the Hawaii Federal bench was vacant and without the services of its lifetime judges.

During these 2 years, Hawaii was required to borrow Federal judges from the mainland. From the middle of 1959, no less than 16 of these borrowed judges served for short periods on the Hawaii bench. Four of them served two terms each.

This not only temporarily weakened the court structures of the States which lent the judges; it also slowed the administration of justice in Hawaii.

Just as the Democrats used the Federal judiciary to their partisan advantage during the final year of the Eisenhower administration, they also made the nomination of postmasters a political football.

Mr. President, this was my third experience: In 1960, President Eisenhower submitted 1,696 postmaster nominations to the Senate for confirmation. Of this total, only 719 were confirmed; 19 were withdrawn, and 958 remained unconfirmed when Congress adjourned sine die on September 1, 1960.

Again, in January 1961, President Eisenhower submitted 1,243 postmaster nominations to the Senate. But the Democrat-controlled Senate refused to budge and took no action on these nominations prior to the inauguration of President Kennedy. Upon taking office, President Kennedy withdrew all 1,243 names submitted by President Eisenhower. Later that year, President Kennedy submitted a total of 854 postmaster nominations of his own to the Senate, of which 703 received confirmation.

SENATE RESOLUTION 334

Mr. President, the fourth experience I had in the matter of Presidential appointments refers to the action of the Senate several years ago expressing its feeling about appointments to the High Court by a President in the final year of his last term in office. Senate Resolution 334, introduced by the distinguished senior Senator from Michigan [Mr. Hart] on

June 16, 1960, provided that it was the sense of the Senate that the making of recess appointments to the Court under such circumstances "should not be made except under unusual circumstances and for the purpose of preventing or ending a demonstrable breakdown in the administration of the Court's business."

During the debate on the bill, which was called up on the Senate floor on August 25, 1960, by then Democratic majority leader, Lyndon B. Johnson, sponsors of the measure candidly conceded that its intent was to discourage President Eisenhower—who had but 5 months remaining in his last term of office—from making any recess appointments to the Supreme Court in those remaining months.

Senator Hart explained the resolution in this way:

> The 86th Congress approaches its close. Whatever the outcome of the presidential election in November, a new administration will take office. None of us knows which political party will direct that administration. I suggest that this is a most appropriate time for the Senate to record its extreme reluctance to see recess appointments made to the Supreme Court and its opposition to a recess appointee taking his seat on the Court until confirmed by the Senate.

Mr. HART. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. HART. Mr. President, I am grateful for an opportunity to make a very brief comment.

I think that that resolution and the position the Senate took on it is sounder today than it was when it was passed. Witness what we are doing to a man whose seat is secure. Think of the situation we would be confronted with if we had a man put there during a recess and then put under the kind of gun under which even a sitting judge is put. Indeed, I wish they would permit us to load the gun so that we could act on the nomination now.

We should, of course, discourage Presidents from making an appointment during a recess.

One of the lessons that will come out of the Fortas debate, if we are ever permitted to debate it, is the lack of wisdom and the undesirable aspect of putting a man on the Court in a recess.

Let us not lose sight of what the facts are in 1968. We are not in a recess. The President has sent a name here. As the Senator says, that is one-half of the duty in connection with filling the Court. The other half, and we are here to do it, is first to advise and then to either consent or not consent.

I hope that by the time all of the speakers are finished tonight, we will find ourselves permitted to do something on the matter tomorrow morning and get a rollcall on the question of whether we should bring up the nomination.

I reaffirm my position taken in 1960 that the resolution adopted at that time is at least as good today if not better than it was then.

Mr. FONG. Mr. President, the distinguished Senator will find that subsequently in my speech, I will make comments directly bearing on the remarks he has made.

Mr. HART. Mr. President, may I inquire whether my remarks were as the Senator anticipated and whether the Senator's answer will be responsive.

Mr. FONG. I am prepared to comment very responsively.

In other words, the President, in his last year in office, should make no appointments—not everr on an interim recess basis—to the Supreme Court. Senator Hart went on to say that this principle was separate and apart from the question of the qualifications, merits, and abilities of a judicial nominee.

On August 29, 1960, the Senate adopted the resolution by a 48-to-37 vote, on virtually a straight party line. Forty-eight Democrats voted "aye," and four Democrats joined 33 Republicans in voting "nay."

If a President, in his last year in office, is to be discouraged from making recess appointments—which are not permanent and are reviewable—then, surely, he should not make lifetime appointment to the Court—particularly to the office of the Chief Justice, one of the highest in the land.

DEEP-SEATED DISQUIET

Mr. President, I have no way of prognosticating who will be elected our new President in November.

But I do know this: There is a deep-seated disquiet in the land. The Nation is deeply divided, it is seething with unrest.

In the first few days following the tragic assassination of Martin Luther King last April, the rioting that swept American cities was almost as widespread and devastating as in all of 1967. Last year, 233 racial upheavals in 168 cities and towns caused 82 deaths. By comparison, in April alone this year, 202 racial disturbances hit 172 cities—including the Nation's Capital—resulting in 43 deaths, 3,500 injuries, and 27,000 arrests.

From May through the end of August 1968, this country was torn by 286 racial disturbances.

Across the Nation, a new generation is insistent in wanting to be heard, vociferous in calling for change, and uncompromising in its demands for a large voice in charting the future course of America.

As a Nation, we have no doubt arrived at a crossroad in our history. Without the benefit of historical perspective, it is nevertheless my firm conviction that we are about to end one era, and to launch a new one in America's history.

Particularly at this point in our history, it is very clear to me that the Senate should not take any action which might thwart the orderly processes of change.

It is vitally important that the American people accept the rulings and decisions of the High Court now and in the future. They are more likely to do so if the new Chief Justice, who would lead the Court for many years, is selected by the next President with the clear-cut support of a majority of the American people—rather than by a President whose public support has dropped to an all-time low level, according to recent Harris and Gallup polls.

In less than 6 weeks, the American people will speak. They will elect a new administration to office, with a new mandate. At that time, the new President should have the opportunity to make nominations to such vacancies which may occur in the Supreme Court.

I urge the Senate to withhold its confirmation of the pending nomination.

Mr. HART. Mr. President, very briefly, if I understood the Senator from Hawaii correctly, I share one of the points of view he has.

One of the reasons for unrest in this land is that the process seems to be unresponsive in the eyes of a great many of our young people. The system seems not to work.

How can we explain to them why a majority of the Senate is not permitted to act? Who thwarts the process if a minority here denies the majority the opportunity to do what the Senator from Hawaii said was the second half of the duty in connection with the Court nomination?

The President, who is President, has sent in a name. That was one-half of the duty as the Senator from Hawaii said. And what is the other half of the duty? We should advise and then either consent or not consent. That is precisely what we are trying to get ourselves in a position to do.

I think we will find a good many young Americans unable to make a distinction as to why it is wrong for them to shout down at a meeting the majority effort to resolve some community problem and, at the same time, why it is perfectly all right for the minority of the Senate to deny a process of this institution.

I hope that we will not get caught in this trap.

It follows that until we are permitted to have the nomination before us, any time taken by those of us supporting the nomination contributes to—call it what you will—delay or filibuster.

Nonetheless, I should like the Record today to include two items:

First, the question was raised that there might have been an appearance of a conflict of interest, since after Justice Fortas went on the Court, a litigant whom he had represented in private practice was involved in an obscenity case before the Court. This aspect concerned, understandably, the able junior Senator from New York.

I ask unanimous consent to have printed in the Record a letter dated July 26, 1968, which appears on page 312 of the hearing record on this nomination, addressed to Chairman Eastland, from the law firm of Arnold & Porter.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Washington, *D.C., July 26, 1968.*

Hon. James O. Eastland,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I have examined the testimony of James J. Clancy before your Committee concerning the confirmation of Justice Abe Fortas as Chief Justice of the United States and noted the reference to this firm's representation of the Greenleaf Publishing Company. I have checked the files of this office and desire to put the matter in perspective as follows:

1. In 1956, the Postmaster in Chicago refused to mail the magazine "Rogue for Men" which is published by Greenleaf Pub-

lishing Company. The matter was referred to this firm by Maurice Rosenfield, Esq., a leading member of the Chicago bar, and this firm was retained by him on behalf of Greenleaf Publishing Company to appeal the Post Office's decision.

We filed a complaint in the United States District Court for the District of Columbia to compel the Postmaster General to mail the publication. A temporary restraining order was granted by the Honorable Burnita S. Matthews, United States Judge for the District of Columbia, under which the Postmaster was restrained from refusing to transmit the magazine as second class mail.

We then handled the Greenleaf Publishing Company's application for a permanent second class mailing permit through the Post Office's hearing procedure, through an appeal to the United States District Court for the District of Columbia, and through the new Post Office hearing which the court ordered. This final Post Office hearing sustained our original position that "Rogue for Men" magazine was not obscene and granted a permanent second class mailing permit. Examination of our files indicates that Mr. Fortas did not participate in this representation of Greenleaf.

2. In 1957, this firm was retained jointly by H.M.H. Publishing Co., Inc., and Greenleaf Publishing Co. to file a brief as Amicus Curiae in their behalf in a case then pending before the United States Supreme Court, *Roth* v. *United States*, 354 U.S. 476 (1957). The matter was also referred to this firm by Maurice Rosenfield who was counsel for H.M.H. Publishing Company.

As filed, the brief Amicus Curiae was devoted primarily to a discussion of the constitutionality of 18 U.S.C. § 1461. This brief was signed by four members of our firm at that time: Abe Fortas, William L. McGovern, Charles A. Reich and Abe Krash. It was also signed by Mr. Rosenfield as well as by Mr. Rosenfield's firm, Friedman, Zoline and Rosenfield. Messrs. McGovern and Krash had primary responsibility for the preparation of this amicus brief. Mr. Fortas did not participate in the preparation of the amicus brief except as reviewing partner.

These appear to be the only two instances in which this firm ever represented the Greenleaf Publishing Company. In both these matters, our contact with officials of the Greenleaf Publishing Company was always through and in cooperation with Mr. Rosenfield and was limited to preparing materials necessary for the litigation in court and before the Post Office Department.

Corinth Publications, Inc., the company involved in the 1967 Supreme Court case which is said to be successor to the Greenleaf Publishing Company, is unknown to this office. Nor do our records disclose that there was ever any discussion, association or communication between this office and William Hamling referred to in the testimony of Mr. Clancy.

Sincerely,

ARNOLD & PORTER,
By PAUL A. PORTER.

Mr. HART. Second, mention was made of a canon of judicial ethics of the American Bar Association. Highly relevant is another canon, Canon 31. This canon is found on page 6 of the report of the committee on this nomination. The committee footnote comments:

> [2] Canon 31 of the Canons of Judicial Ethics of the American Bar Association clearly contemplates that judges are entitled to receive compensation for lectures and articles on legal subjects. The canon states, in relevant part:
>
> "He [a judge] may properly act as arbitrator or lecture upon or instruct in law, or write upon the subject, and accept compensation therefor, if such course does not interfere with the due performance of his judicial duties, and is not forbidden by some positive provision of law."

I agree with the early comment of my able colleague from Michigan that the burden of proof is on those of us who believe that the Senate should consent to this nomination. That burden of proof will be assumed and can be assumed, but it becomes in order only after the Senate agrees to take up the nomination. That is the question before the Senate. Paraphrasing it, it is something like this: Please let us consider the nomination of Mr. Justice Fortas. Once the Senate is permitted to do this, the case can be made, and the next question resolves: Shall we consent to the nomination?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1969—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill—H.R. 17023—making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 19, 1968, pp. 27637–27639, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, I move that the Senate agree to the conference report, and its adoption.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, I move that the Senate agree to the House amendments to Senate amendment No. 41.

These changes allow for the funding in 1969 of four of the smaller groups that would otherwise be prohibited by section 307, as follows:

President's Council on Youth Opportunity, $357,000;

Interagency Committee on Mexican-American Affairs, $485,000;

United States-Mexico Commission for Border Development and Friendship, $300,000; and

National Council on Indian Opportunity, $100,000.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> *Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 41 to the aforesaid bill, and concur therein with an amendment, as follows:
>
> In lieu of the matter proposed by said amendment, insert:
>
> ", except that during the fiscal year 1969, appropriations of interested departments and agencies made in this and other appropriation Acts shall be available, in aggregate amounts not to exceed those listed herein, for contributions toward expenses of the following committees: President's Council on Youth Opportunity, $357,000; Interagency Committee on Mexican-American Affairs, $485,000; U.S.-Mexico Commission for Border Development and Friendship, $300,000; National Council on Indian Opportunity, $100,000."

Mr. MAGNUSON. Mr. President, I do not intend to take too much time of the Senate, but this is a large and complex bill. The committee held long hearings. The Senator from Colorado and the other members of the subcommittee and myself have worked on the matter for many months. The bill was ready for conference last July, long before the Senate recessed, and unfortunately the chairman of the House committee suffered some illness. We had to wait until we came back after the recess to have a conference. The conference took place last week.

Many of these items were not subject to great controversy in the conference, but we did have some funding items in the Senate bill—as a result of new authorizations enacted after the House had acted on this bill. These were the subject of controversy. We did agree on some of them—I will put the tabulation in the RECORD. On some of them the House possibly had a good point in suggesting that inasmuch as they did not have hearings on them and inasmuch as they were not before the House when they took up the bill, they could come up in a supplemental bill or be considered as soon as possible.

I yield to the Senator from Mississippi on an item about which we did have a great deal of discussion.

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me.

I shall be brief. I shall not make any motion contrary to the adoption of the conference report.

I have in mind a provision that is included in the bill for $100,000 to pay the cost of operation of a commission to be appointed by the President. It would be the duty of this Commission to consider and recommend to Congress—prospectively to recommend, at least—a change or increase in the salary of Members of Congress and members of the judiciary.

Mr. President, the authorization for this commission was included in last year's salary bill in the House and was not included in the Senate. But it was agreed to in conference and was adopted later by the Senate and became law. I did not oppose it when the conference report was adopted. Frankly, I did not have an opportunity to know about it. This year I opposed it in the committee—the money part of it—and voted against it on the floor, but I did not get to the Chamber in time to express my views. I wish to express my views now.

I believe it is clear as a bell, under the Constitution of the United States, that the sole power and the sole responsibility of setting salaries for Congress rests with Congress and Congress alone. The Constitution says that compensation shall be fixed by law, and that means the passage of a law. With all deference to those who may think to the contrary, I believe this Commission is an indirect method that has been adopted, and we will, in effect, be failing to meet that issue squarely, even though it is not desirable and is an unpleasant thought to set our own salary. Nevertheless, it is our duty, positive and plain, and I am sorry to say that I think this method evades that responsibility and abdicates our legislative duties and responsibilities.

We talk about the President usurping the power of the legislative branch of the Government, and we talk about the court legislating. And that is the big question before the Senate now in reference to the nomination of the gentleman to be Chief Justice. We blame the executive; we blame the judiciary. Here is something at our own doorstep. I believe we will individually and collectively regret the day we resort to this method.

This issue is not how much we should be paid. That is not the issue at all. The question is, Where does the responsibility lie, and whose responsibility is it? I do not think we can have any doubt, if we think the matter through, that it is our responsibility.

We can go before our people and explain this or that, and we can orate and emphasize and underscore and tell them about the cost of two homes and everything else. But I do not believe we can make one person in 100 believe that it is anybody's responsibility but ours; 99 of 100 people will disagree with us on this point.

I do not desire to hold up action on the independent offices conference report. I have worked with these Senators all year. But I believe that next year we will have to have a second thought about this matter, make up our minds about our responsibility, and decide that we will assume it, unpleasant as it may be, and we will carry this burden. Otherwise, how can we face those of the executive branch and everyone else who wants an increase in salary. If this Commission gives us an increase, the doors will be wide open and everything will be running downhill for everything everyone wants.

Mr. President, I protest strongly. I do not subscribe to it. I think it is our duty.

I thank the Senator for yielding.

Mr. MAGNUSON. Mr. President, I wish to make one further statement. As the Senator from Mississippi knows I was in sympathy with his viewpoint. However, there was a law which the House and the Senate passed.

I agree that in the next session of Congress we should review the situation as to whether or not we should repeal that section of Public Law 90-206.

This was merely a matter of the funds to go to the Commission. The members are very eminent men and I think their names should be listed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

APPOINTMENTS TO COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

The following have been appointed to the Commission on Executive, Legislative, and Judicial Salaries:

By the President: Frederick R. Kappel (Chairman), John J. Corson, George Meany.

By the President of the Senate: Stephen K. Bailey, Sidney J. Weinberg.

By the Speaker of the House: Edward H. Foley, William Spoelhof.

By the Chief Justice: William Thomas Gossett, Jefferson Barnes Fordham.

Mr. MAGNUSON. Mr. President, this was a continuation of a commission first appointed by President Kennedy, and which President Johnson continued.

Mr. STENNIS. I make no attack on the Commission or the President. However, with our criticism of the President we turn around and give him the authority.

Mr. MAGNUSON. Whatever they did in the Commission they did under a law.

I know what the Senator from Mississippi is talking about. Probably we should think about repealing the law covering that Commission altogether but the Commission did proceed. The Bureau of the Budget sent up a request for $100,000. They operate under the law.

The House was adamant on this matter.

I can understand the position of the Senator from Mississippi.

Mr. ALLOTT. Mr. President, no one could express himself more strongly or meaningfully than the distinguished Senator from Mississippi. I agreed to his point of view, as he knows, throughout our hearings and markups on the bill and on the floor of the Senate. I feel very strongly. I do not know how this matter ever got to be a law. Somebody simply overlooked something but it should never have become a law of the United States. It is to our discredit, in my opinion, that it ever did become a law.

Mr. MAGNUSON. It was in the Postal Revenue and Federal Salary Act of 1967.

Mr. ALLOTT. It was in the pay bill. The Senator is correct.

There were so many overriding and important matters in that bill that this matter was not given the attention it should have had at that time.

So the RECORD will be clear, I wish to read one or two paragraphs with respect to what will happen.

(1) EFFECTIVE DATE OF RECOMMENDATION OF THE PRESIDENT.—

(1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the recommendations of the President transmitted to the Congress in the budget under subsection (h) of this section shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations in the budget; but only to the extent that, between the date of transmittal of such recommendations in the budget and the beginning of such first pay period—

(A) there has not been enacted into law a statute which establishes rates of pay other than those proposed by all or part of such recommendations,

(B) neither House of the Congress has enacted legislation which specifically disapproves all or part of such recommendations, or

(C) both.

Mr. President, in this situation what we face is that every 4 years, as a result of this outside commission, which has no responsibility to the people at all—they are not elected by the people every 4 years—they will come up with recommendations for pay increases or pay schedules for Members of Congress, for the judiciary, members of the Supreme Court, members of the Federal judiciary at large, and, I think, the supergrades in the civil service.

Once that group of men, who are not responsible to anybody, does that, and the President includes this in his budget to Congress, then the cold facts are that Congress has to take affirmative action to keep it from becoming the law of the land.

The Senator is entirely correct. We have not only abdicated our rights to the President, the Chief Executive in this matter, we have actually abdicated them to a commission appointed by various people, in part by Congress, in part by the Supreme Court, and in part by the President. We have abdicated our rights to a group which has no responsibility to the people or to the Congress.

It is our duty to do this. This is wholly aside, but as to the question of whether or not the salaries should be raised, I said on the floor of the Senate at the time this was considered, and I said in the subcommittee markup and in the full committee markup and in conference that I think this is the function of Congress and I think we made one of our worst mistakes that we have ever made in passing this legislation.

If a pay raise is justified I am willing to stand on the floor of the Senate and vote for it; and if I am not willing to vote for it, God knows I do not deserve it.

I hope the Committee on the Post Office and Civil Service will read these words and the words of the Senator from Mississippi and the Senator from Washington, and that we will take rapid steps next year to undo this thing which has been done and which I think is one of the most unconscionable things we have ever done in the Congress, albeit not willfully, because this matter was never mentioned, as I recall, during the debate on the pay raise.

For the information of the Senator, what was the situation in conference? As I recall, we had a vote on this matter on the floor of the Senate and I voted in line with his position. I believe the Senator from Washington did, because we had many people on our Committee on Appropriations who felt very strongly about this matter. Nevertheless by a vote of the Senate, $100,000 to finance this Commission was put in the independent offices bill.

Despite the fact that this amount was not in the House bill, we found ourselves in the conference with Members of the House of Representatives who were adamant that they wanted this amount.

Mr. MAGNUSON. There was not much we could do about it. The House said, "We recede."

Mr. ALLOTT. At the same time they were insisting on something else. There was no bending. The minute we came to the amendment they said, "We recede." We argued about it. We argued that we did not want them to recede, and we ended up with the $100,000 in there.

I think that covers the history. The House would not bend. Then they wanted to recede and provide $100,000. It would have been financed, I am sure, either from private sources or from the President's contingent fund. But that does not get away from the fundamental fact that if this Commission is permitted to continue, we shall be surrendering a power placed in this body and in the other body by the Constitution, not only to the Chief Executive, but also, since he will probably rely heavily on the commission which has been appointed, to a commission which is not directly responsible to the people, as Congress is.

I hope we shall soon see the day when the condition which the Senator from Mississippi and the Senator from Washington have spoken of will be corrected.

Mr. MAGNUSON. Mr. President, I feel certain that the Senator from Mississippi, the Senator from Colorado, and I could join in introducing a bill to correct the condition. In the meantime, the Commission cannot proceed with any recommendations, because Congress will not be in session now for any great length of time. Such recommendations would have to be considered at the first session of the next Congress.

But the Senate did vote for this proposal—and we were the agents of the Senate. The vote was 46 to 41 to provide funds when the proposal came up on the Senate floor.

Mr. WILLIAMS of Delaware. I wish to join the Senator from Mississippi, the Senator from Colorado, and the Senator from Washington in expressing regret that this item is in the report. The RECORD should be made clear as to how the proposal originated.

The pay raise bill, of which this item ultimately became a part when the bill came to the Senate from the House, included this provision. The Senator from Virginia [Mr. BYRD] and I introduced amendments to meet the proposal, but the committee deleted them, and the Senate did not have an opportunity to vote on our proposals. They were not before the Senate, and they were not a part of the pay raise bill as it passed the Senate. Our proposals had been deleted. The item had been included in the conference report and came back as a part of the report at that time.

Both the Senator from Virginia and I, and I am sure other Senators, as well, expressed our regrets and opposition to its being included. So the RECORD should be clear that the Senate did reject this proposal when it had the chance the first time. They did not do it as a body. It was done in an effort to get the Senate to put it back on the Senate floor. The Senate is not entirely without some responsibility in this matter because when the appropriation bill came over, that was added on the Senate side and passed by a vote, as the Senator said, of——

Mr. MAGNUSON. It was 46 to 41.

Mr. WILLIAMS of Delaware. Yes, 46 to 41. So the Senate did give its stamp of approval to it. The opposition was again led by the Senator from Virginia [Mr. BYRD], and I and others joined him. But it did pass the Senate and we are confronted with it once more. It is unfortunate. It should have been repealed before it ever had a chance to become effective. I shall cooperate with the others to see what can be done about it.

Mr. MAGNUSON. We will have a chance to reconsider, but if the Senate voted 46 to 41 for it, we will have an uphill battle.

Mr. WILLIAMS of Delaware. That is true, but the Senate also receded on it when it accepted the House bill.

Mr. MAGNUSON. Mr. President, I move that the Senate agree to the House amendments to the Senate amendment numbered 41.

The motion was agreed to.

Mr. MAGNUSON. I ask unanimous consent to have printed in the RECORD at this point a tabulation showing the complete actions taken on the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1969, H.R. 17023

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1968 AND BUDGET ESTIMATES AND AMOUNTS APPROVED IN THE BILL FOR 1969 (H. REPT. 1348, MAY 3, 1968; PASSED HOUSE, MAY 8, 1968; S. REPT. 1375, JULY 9, 1968; PASSED SENATE, JULY 18, 1968

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1968 (enacted to date) [1]	Budget estimates of new (obligational) authority, fiscal year 1969	New budget (obligational) authority recommended in House bill, fiscal year 1969	New budget (obligational) authority recommended in Senate bill, fiscal year 1969	New budget (obligational) authority agreed to in conference, fiscal year 1969	Increase (+) or decrease (−), conference action compared with—		
						Budget estimates, NOA, 1969	House bill, NOA, 1969	Senate bill, NOA, 1969
TITLE I								
EXECUTIVE OFFICE OF THE PRESIDENT								
NATIONAL AERONAUTICS AND SPACE COUNCIL								
Salaries and expenses	$524,000	$524,000	$500,000	$500,000	$500,000	−$24,000		
OFFICE OF EMERGENCY PLANNING								
Salaries and expenses	4,700,000	5,043,000	4,850,000	4,850,000	4,850,000	−193,000		
Salaries and expenses, telecommunications	1,945,000	1,986,000	1,675,000	1,675,000	1,675,000	−311,000		
Civil defense and defense mobilization functions of Federal agencies	3,102,000	3,135,000	3,100,000	3,100,000	3,100,000	−35,000		
Total, Office of Emergency Planning	9,747,000	10,164,000	9,625,000	9,625,000	9,625,000	−539,000		
OFFICE OF SCIENCE AND TECHNOLOGY								
Salaries and expenses	1,550,000	1,985,000	1,750,000	1,850,000	1,800,000	−185,000	+$50,000	−$50,000
Energy study		500,000				−500,000		
Total, Office of Science and Technology	1,550,000	2,485,000	1,750,000	1,850,000	1,800,000	−685,000	+50,000	−50,000

Footnotes at end of table.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1969, H.R. 17023—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1968 AND BUDGET ESTIMATES AND AMOUNTS APPROVED IN THE BILL FOR 1969 (H. REPT. 1348, MAY 3, 1968; PASSED HOUSE, MAY 8, 1968; S. REPT. 1375, JULY 9, 1968; PASSED SENATE, JULY 9, 1968; PASSED SENATE, JULY 18, 1968—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1968 (enacted to date)[1]	Budget estimates of new (obligational) authority, fiscal year 1969	New budget (obligational) authority recommended in House bill, fiscal year 1969	New budget (obligational) authority recommended in Senate bill, fiscal year 1969	New budget (obligational) authority agreed to in conference, fiscal year 1969	Increase (+) or decrease (−), conference action compared with— Budget estimates, NOA, 1969	Increase (+) or decrease (−), conference action compared with— House bill, NOA, 1969	Increase (+) or decrease (−), conference action compared with— Senate bill, NOA, 1969
PRESIDENT'S COMMISSION ON POSTAL ORGANIZATION								
Salaries and expenses	$1,000,000							
Total, Executive Office of the President	12,821,000	$13,173,000	$11,875,000	$11,975,000	$11,925,000	−$1,248,000	+$50,000	−$50,000
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian regional development programs	126,700,000	213,600,000	168,600,000	178,600,000	173,600,000	−40,000,000	+5,000,000	+5,000,000
Disaster relief	20,000,000	15,000,000	5,000,000	15,000,000	10,000,000	−5,000,000	+5,000,000	−5,000,000
Total, funds appropriated to the President	146,700,000	228,600,000	173,600,000	193,600,000	183,600,000	−45,000,000	+10,000,000	−10,000,000
INDEPENDENT OFFICES								
APPALACHIAN REGIONAL COMMISSION								
Salaries and expenses	[2]745,750	879,000	850,000	850,000	850,000	−29,000		
CIVIL AERONAUTICS BOARD								
Salary and expenses	9,082,000	9,700,000	9,350,000	9,350,000	9,350,000	−350,000		
Payments to air carriers (appropriation to liquidate contract authorization)	[3] *(52,500,000)*	*(47,600,000)*	*(45,000,000)*	*(45,000,000)*	*(45,000,000)*	*(−2,600,000)*		
Total, Civil Aeronautics Board	9,082,000	9,700,000	9,350,000	9,350,000	9,350,000	−350,000		
CIVIL SERVICE COMMISSION								
Salaries and expenses:								
Appropriation	36,910,000	39,309,000	37,000,000	37,564,000	37,200,000	−2,109,000	+200,000	−364,000
By transfer	*(6,100,000)*	*(6,460,000)*	*(6,460,000)*	*(6,460,000)*	*(6,460,000)*			
Annuities under special acts	1,378,000	1,366,000	1,350,000	1,350,000	1,350,000	−16,000		
Government payment for annuitants, employees health benefits	40,748,000	40,780,000	40,748,000	40,748,000	40,748,000	−32,000		
Payment to civil service retirement and disability fund	71,000,000	72,000,000	72,000,000	72,000,000	72,000,000			
Total, Civil Service Commission	150,036,000	153,455,000	151,098,000	151,662,000	151,298,000	−2,157,000	+200,000	−364,000
COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES								
Salaries and expenses		[4]100,000		100,000	100,000		+100,000	
COMMISSION ON MORTGAGE CREDIT AND INTEREST RATES								
Salaries and expenses		[5]775,000				−775,000		
COMMISSION ON THE POLITICAL ACTIVITY OF GOVERNMENT PERSONNEL								
Salaries and expenses	25,000							
FEDERAL COMMUNICATIONS COMMISSION								
Salaries and expenses	19,170,000	21,271,000	19,750,000	20,000,000	19,750,000	−1,521,000		−250,000
FEDERAL POWER COMMISSION								
Salaries and expenses	14,660,000	16,060,000	15,000,000	15,200,000	15,100,000	−960,000	+100,000	−100,000
FEDERAL TRADE COMMISSION								
Salaries and expenses	15,281,000	16,127,000	16,000,000	16,000,000	16,000,000	−127,000		
GENERAL SERVICES ADMINISTRATION								
Operating expenses, Public Buildings Service	262,715,000	278,863,000	271,881,000	276,763,000	275,000,000	−3,763,000	+3,119,000	−1,763,000
Repair and improvement of public buildings	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000			
Construction, public buildings projects	66,757,900							
Sites and expenses, public buildings projects	20,285,000	10,995,000	10,995,000	10,995,000	10,995,000			
Payments, public buildings purchase contracts	2,350,000	2,400,000	2,400,000	2,400,000	2,400,000			
Expenses, U.S. court facilities	1,000,000	1,200,000	750,000	750,000	750,000	−450,000		
Operating expenses, Federal Supply Service	69,596,000	76,534,000	72,500,000	72,500,000	72,500,000	−4,034,000		
Automatic data processing fund	10,000,000							

Operating expenses, National Archives and Records Service	17,887,000	18,728,300	18,300,000	18,300,000	18,300,000	−428,300		
National historical publication grants	350,000	350,000	350,000	350,000	350,000			
Operating expenses, Transportation and Communications Service	6,025,000	6,510,000	6,150,000	6,150,000	6,150,000	−360,000		
Operating expenses, Property Management and Disposal Service	27,572,000	30,500,000	28,500,000	28,500,000	28,500,000	−2,000,000		
Salaries and expenses, Office of Administrator	1,793,000	1,944,000	1,820,000	1,820,000	1,820,000	−124,000		
Allowances and office facilities for former Presidents	251,000	267,000	267,000	267,000	267,000			
Expenses, Presidential transition		900,000	900,000	900,000	900,000			
Administrative operations fund (limitation on administrative expenses)	*(16,650,000)*	*(14,165,300)*	*(13,700,000)*	*(13,700,000)*	*(13,700,000)*	*(−465,300)*		
Working capital fund		200,000				−200,000		
Total, General Services Administration	566,581,900	509,291,300	494,813,000	499,695,000	497,932,000	−11,359,300	+3,119,000	−1,763,000
INTERSTATE COMMERCE COMMISSION								
Salaries and expenses	23,846,000	23,995,000	23,846,000	23,846,000	23,846,000	−149,000		
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION								
Research and development	3,925,000,000	3,677,200,000	3,383,250,000	3,370,300,000	3,370,300,000	−306,900,000	−12,950,000	−12,950,000
Construction of facilities	35,900,000	45,000,000	21,800,000	34,750,000	21,800,000	−23,200,000		
Administrative operations	628,000,000	648,200,000	603,173,000	603,173,000	603,173,000	−45,027,000		
Total, National Aeronautics and Space Administration	4,588,900,000	4,370,400,000	4,008,223,000	4,008,223,000	3,995,273,000	−375,127,000	−12,950,000	−12,950,000
NATIONAL SCIENCE FOUNDATION								
Salaries and expenses	495,000,000	500,000,000	400,000,000	410,000,000	400,000,000	−100,000,000		−10,000,000
RENEGOTIATION BOARD								
Salaries and expenses	2,651,000	3,080,000	3,000,000	3,080,000	3,000,000	−80,000		−80,000
SECURITIES AND EXCHANGE COMMISSION								
Salaries and expenses	17,730,000	17,903,000	17,730,000	17,830,000	17,830,000	−73,000	+100,000	
SELECTIVE SERVICE SYSTEM								
Salaries and expenses	64,175,000	63,568,000	63,568,000	63,568,000	63,568,000			
VETERANS' ADMINISTRATION								
Compensation and pensions	4,605,500,000	4,654,336,000	4,654,336,000	4,654,336,000	4,654,336,000			
Readjustment benefits	427,200,000	617,600,000	612,000,000	612,000,000	612,000,000	−5,600,000		
Veterans' insurance and indemnities	5,150,000	9,350,000	9,350,000	9,350,000	9,350,000			
Medical care	1,361,593,000	1,420,264,000	1,420,264,000	1,420,264,000	1,420,264,000			
Medical and prosthetic research	45,850,000	47,953,000	45,850,000	46,850,000	46,850,000	−1,103,000	+1,000,000	
Medical administration and miscellaneous operating expenses	13,975,000	14,734,000	14,200,000	14,200,000	14,200,000	−534,000		
General operating expenses	189,221,000	198,549,000	195,000,000	197,000,000	195,000,000	−3,549,000		−2,000,000
Construction of hospital and domiciliary facilities	52,600,000	33,338,000	7,926,000	7,926,000	7,926,000	−25,412,000		
Grants for construction of State nursing homes	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000			
Grants to the Republic of the Philippines	1,325,000	1,776,000	1,776,000	1,776,000	1,776,000			
Loan guarantee revolving fund (limitation on obligations)	*(386,046,000)*	*Language*	*(450,000,000)*	*(450,000,000)*	*(450,000,000)*	*(+450,000,000)*		
Participation sales authorization	850,000,000	515,000,000				−515,000,000		
Payment of participation sales insufficiencies	665,000	[6] 11,580,000	9,505,000	9,505,000	9,505,000	−2,075,000		
Total, Veterans' Administration	7,557,079,000	7,528,480,000	6,974,207,000	6,977,207,000	6,975,207,000	−553,273,000	+1,000,000	−2,000,000
Total, independent offices	13,524,962,650	13,235,084,300	12,197,435,000	12,216,611,000	12,189,104,000	−1,045,980,300	−8,331,000	−27,507,000
DEPARTMENT OF DEFENSE								
CIVIL DEFENSE								
Operation and maintenance	66,100,000	[7] 55,200,000	[7] 48,040,000	48,640,000	48,040,000	−7,160,000		−600,000
Research, shelter survey and marking	20,000,000	21,600,000	10,000,000	15,000,000	12,500,000	−9,100,000	+2,500,000	−2,500,000
Total, Civil Defense, Department of Defense	86,100,000	76,800,000	58,040,000	63,640,000	60,540,000	−16,260,000	+2,500,000	−3,100,000

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1969, H.R. 17023—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1968 AND BUDGET ESTIMATES AND AMOUNTS APPROVED IN THE BILL FOR 1969 (H. REPT. 1348, MAY 3, 1968; PASSED HOUSE, MAY 8, 1968; S. REPT. 1375, JULY 9, 1968; PASSED SENATE, JULY 9, 1968; PASSED SENATE, JULY 18, 1968—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1968 (enacted to date) [1]	Budget estimates of new (obligational) authority, fiscal year 1969	New budget (obligational) authority recommended in House bill, fiscal year 1969	New budget (obligational) authority recommended in Senate bill, fiscal year 1969	New budget (obligational) authority agreed to in conference, fiscal year 1969	Increase (+) or decrease (−), conference action compared with—		
						Budget estimates, NOA, 1969	House bill, NOA, 1969	Senate bill, NOA, 1969
TITLE I—Continued								
EXECUTIVE OFFICE OF THE PRESIDENT—Continued								
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
PUBLIC HEALTH SERVICE								
Emergency health activities	$9, 000, 000	$2, 400, 000				−2, 400, 000		
Total, title I	13, 779, 583, 650	13, 556, 057, 300	$12, 440, 950, 000	$12, 485, 826, 000	$12, 445, 169, 000	−$1, 110, 888, 300	+$4, 219, 000	−$40, 657, 000
TITLE II								
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
RENEWAL AND HOUSING ASSISTANCE								
Housing for the elderly or handicapped fund	[8] 25, 000, 000	[9] 25, 000, 000	25, 000, 000	25, 000, 000	25, 000, 000			
Alaska housing		1, 000, 000	1, 000, 000	1, 000, 000	1, 000, 000			
Grants for neighborhood facilities	30, 000, 000	40, 000, 000	35, 000, 000	35, 000, 000	35, 000, 000	−5, 000, 000		
Urban renewal programs, 1969	750, 000, 000							
Urban renewal programs, 1970		1, 400, 000, 000	(10)	1, 250, 000, 000	750, 000, 000	−650, 000, 000	+750, 000, 000	−500, 000, 000
Low-rent public housing annual contributions	295, 000, 000	358, 000, 000	350, 000, 000	350, 000, 000	350, 000, 000	−8, 000, 000		
Salaries and expenses	32, 803, 600	36, 360, 000	34, 000, 000	34, 000, 000	34, 000, 000	−2, 360, 000		
Total, renewal and housing assistance	1, 132, 803, 600	1, 860, 360, 000	445, 000, 000	1, 695, 000, 000	1, 195, 000, 000	−665, 360, 000	+750, 000, 000	−500, 000, 000
METROPOLITAN DEVELOPMENT								
Urban planning grants	45, 000, 000	55, 000, 000	[11] 38, 838, 000	47, 500, 000	43, 838, 000	−11, 162, 000	+5, 000, 000	−3, 662, 000
Open space land programs (*appropriation to liquidate contract authorization*)	*(75, 000, 000)*	*(85, 000, 000)*	*(75, 000, 000)*	*(75, 000, 000)*	*(75, 000, 000)*	*(−10, 000, 000)*		
Grants for basic water and sewer facilities	165, 000, 000	150, 000, 000	150, 000, 000	165, 000, 000	165, 000, 000	+15, 000, 000	+15, 000, 000	
Salaries and expenses	6, 289, 200	8, 700, 000	7, 000, 000	7, 000, 000	7, 000, 000	−1, 700, 000		
Urban mass transportation grants, 1969	175, 000, 000	[12] 15, 000, 000				−15, 000, 000		
Total, metropolitan development	391, 289, 200	228, 700, 000	195, 838, 000	219, 500, 000	215, 838, 000	−12, 862, 000	+20, 000, 000	−3, 662, 000
DEMONSTRATIONS AND INTERGOVERNMENTAL RELATIONS								
Model cities programs	[13] 312, 000, 000	[14] 1, 000, 000, 000	[13] 500, 000, 000	1, 000, 000, 000	625, 000, 000	−375, 000, 000	+125, 000, 000	−375, 000, 000
Urban information and technical assistance	2, 200, 000	5, 000, 000	(15)	2, 500, 000		−5, 000, 000		−2, 500, 000
Community development training programs	3, 000, 000	7, 000, 000	3, 000, 000	3, 000, 000	3, 000, 000	−4, 000, 000		
Fellowships for city planning and urban studies	500, 000	500, 000	500, 000	500, 000	500, 000			
Salaries and expenses:								
Appropriation	1, 891, 300	1, 860, 000	1, 860, 000	1, 400, 000	1, 400, 000	−460, 000	−460, 000	
By transfer	*(2, 580, 000)*	*(8, 380, 000)*	*(6, 000, 000)*	*(6, 000, 000)*	*(6, 000, 000)*	*(−2, 380, 000)*		
Urban research and technology	10, 000, 000	20, 000, 000	10, 000, 000	15, 000, 000	11, 000, 000	−9, 000, 000	+1, 000, 000	−4, 000, 000
Low-income housing demonstration programs (*appropriation to liquidate contract authorization*)	*(2, 000, 000)*	*(4, 496, 000)*	*(2, 000, 000)*	*(2, 000, 000)*	*(2, 000, 000)*	*(−2, 496, 000)*		
Total, demonstrations and intergovernmental relations	329, 591, 300	1, 034, 360, 000	515, 360, 000	1, 022, 400, 000	640, 900, 000	−393, 460, 000	+125, 540, 000	−381, 500, 000
MORTGAGE CREDIT								
Rent supplement program:								
Increased limitation for annual contract authorization	*(10, 000, 000)*	*(65, 000, 000)*	*(25, 000, 000)*	*(65, 000, 000)*	*(30, 000, 000)*	*(−35, 000, 000)*	*(+5, 000, 000)*	*(−35, 000, 000)*
Appropriation for payments	5, 000, 000	15, 000, 000	12, 000, 000	12, 000, 000	12, 000, 000	−3, 000, 000		
Administrative expenses	1, 100, 000	1, 600, 000	1, 350, 000	1, 350, 000	1, 350, 000	−250, 000		
Total, mortgage credit	6, 100, 000	16, 600, 000	13, 350, 000	13, 350, 000	13, 350, 000	−3, 250, 000		
DEPARTMENTAL MANAGEMENT								
General administration	4, 131, 000	8, 000, 000	6, 000, 000	6, 000, 000	6, 000, 000	−2, 000, 000		
Regional management and services	5, 455, 200	8, 925, 000	6, 500, 000	6, 500, 000	6, 500, 000	−2, 425, 000		
Fair housing program		[5] 11, 100, 000		9, 000, 000		−11, 100, 000		−9, 000, 000
Working capital fund	[16] *(1, 500, 000)*	2, 000, 000				−2, 000, 000		
Total, departmental management	9, 586, 200	30, 025, 000	12, 500, 000	21, 500, 000	12, 500, 000	−17, 525, 000		−9, 000, 000

PARTICIPATION SALES

Participation sales authorization		2,385,000,000	[17]1,570,000,000				−1,570,000,000		
Payment of participation sales insufficiencies		23,000,000	[8]57,615,000	47,638,000	47,638,000	47,638,000	−9,977,000		
Total, participation sales		2,408,000,000	1,627,615,000	47,638,000	47,638,000	47,638,000	−1,579,977,000		
Total, Department of Housing and Urban Development—Title II		4,277,370,300	4,797,660,000	1,229,686,000	3,019,388,000	2,125,226,000	−2,672,434,000	+895,540,000	−894,162,000
Grand total, new budget (obligational) authority		18,056,953,950	18,353,717,300	13,670,636,000	15,505,214,000	14,570,395,000	−3,783,322,300	+899,759,000	−934,819,000
Consisting of—									
Appropriations		[18] (14,821,953,950)	(16,243,717,300)	(13,670,636,000)	(5,505,214,000)	(14,570,395,000)	(−1,673,322,300)	(+899,759,000)	(−934,819,000)
Authorization to spend agency debt receipts (participation certificates)		(3,235,000,000)	(2,110,000,000)				(−2,110,000,000)		
VA	$515,000,000								
HUD	1,595,000,000								
Total	2,110,000,000								
Memoranda—									
Appropriations to liquidate contract authorizations		(129,500,000)	(137,096,000)	(122,000,000)	(122,000,000)	(122,000,000)	(−15,096,000)		
Payments to air carriers	$45,000,000								
Open space land programs	75,000,000								
Low-income housing demonstration programs	2,000,000								
Total	122,000,000								
Total appropriations		[18] (18,186,453,950)	(18,490,813,300)	(13,792,636,000)	(15,627,214,000)	(14,692,395,000)	(−3,798,418,300)	(+899,759,000)	(−934,819,000)

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[1] Includes amounts in 2d supplemental, 1968. Reserves under Public Law 90-218 are not reflected, and transfers or releases are excluded.

[2] Excludes $11,000 reappropriation provided in Public Law 90-103 (Appalachian Regional Development Act Amendments of 1967).

[3] Includes $1,500,000 new budget (obligational) authority.

[4] Budget amendment in H. Doc. 318.

[5] Budget amendment in S. Doc. 80.

[6] Estimated amount of indefinite appropriation.

[7] Excludes $500,000 transfer from civil defense procurement fund.

[8] Additional financing provided through the sale of participation certificates.

[9] Participation sales authorization.

[10] Not considered by House due to lack of legislative authorization.

[11] Excludes $16,162,000 not considered by House due to lack of legislative authorization.

[12] Excludes $230,000,000 advance funding for fiscal year 1970. Item transferred to Department of Transportation.

[13] Includes $100,000,000 transfer to "Urban renewal programs."

[14] Includes $500,000,000 transfer to "Urban renewal programs."

[15] Not considered by House due to lack of legislative authorization.

[16] By transfer.

[17] Excludes $25,000,000 new budget (obligational) authority included under "Housing for the elderly or handicapped fund."

[18] Includes $925,000,000 advance funding for fiscal year 1969.

ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES

[Limitation on accounts of corporate funds to be expended]

Agency and item	New budget (obligational) authority, fiscal year 1968, (enacted to date) [1]	Budget estimates of new (obligational) authority, fiscal year 1969	New budget (obligational) authority recommended in House bill, fiscal year 1969	New budget (obligational) authority recommended in Senate bill, fiscal year 1969	New budget (obligational) authority agreed to in conference, fiscal year 1969	Increase (+) or decrease (−), conference action compared with—		
						Budget estimates, NOA, 1969	House bill, NOA, 1969	Senate bill, NOA, 1969
Federal Home Loan Bank Board:								
Administrative expenses	*($4,590,000)*	*($5,088,000)*	*($5,000,000)*	*($5,000,000)*	*($5,000;000)*	*(−$88,000)*		
Nonadministrative expenses	*(13,650,000)*	*(14,396,000)*	*(14,396,000)*	*(14,396,000)*	*(14,396,000)*			
Federal Savings and Loan Insurance Corporation	*(298,000)*	*(340,000)*	*(340,000)*	*(340,000)*	*(340,000)*			
Department of Housing and Urban Development:								
Housing for the elderly or handicapped	*(1,272,000)*	*(1,282,000)*	*(1,272,000)*	*(1,272,000)*	*(1,272,000)*	*(−10,000)*		
College housing loans	*(2,275,000)*	*(2,285,000)*	*(2,275,000)*	*(2,275,000)*	*(2,275,000)*	*(−10,000)*		
Public facility loans	*(1,227,000)*	*(1,235,000)*	*(1,227,000)*	*(1,227,000)*	*(1,227,000)*	*(−8,000)*		
Revolving fund (liquidating programs)	*(100,000)*	*(104,000)*	*(100,000)*	*(100,000)*	*(100,000)*	*(−4,000)*		
Federal Housing Administration:								
Administrative expenses	*(11,000,000)*	*(11,950,000)*	*(11,500,000)*	*(11,675,000)*	*(11,675,000)*	*(−275,000)*	*(+$175,000)*	
Nonadministrative expenses	*(87,000,000)*	*(95,600,000)*	*(92,000,000)*	*(94,000,000)*	*(93,000,000)*	*(−2,600,000)*	*(+1,000,000)*	*(−$1,000,000)*
Federal National Mortgage Association	*(9,800,000)*	*(10,340,000)*	*(10,000,000)*	*(10,000,000)*	*(10,000,000)*	*(−340,000)*		
Total administrative expenses	*(131,212,000)*	*(142,620,000)*	*(138,110,000)*	*(140,285,000)*	*(139,285,000)*	*(3,335,000)*	*(1,175,000)*	*(−1,000,000)*

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[1] Amounts have not been reduced to reflect reserves established pursuant to Public Law 90-218. Proposed supplementals and interaccount transfers are excluded.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1969, H.R. 17023—Con.

PERMANENT NEW BUDGET (OBLIGATIONAL) AUTHORITY—FEDERAL FUNDS

[Becomes available automatically under earlier, or "permanent" law without further, or annual, action by the Congress. Thus, these amounts are *not* included in the accompanying bill]

Agency and item (1)	New budget (obligational) authority, 1968 (2)	Budget estimate of new (obligational) authority, 1969 (3)	Increase (+) or decrease (−) (4)
Civil Aeronautics Board: Payments to air carriers (contract authorization, indefinite)	$53,061,000	$53,211,000	+$150,000
Federal Power Commission: Payments to States under Federal Power Act (indefinite)	99,000	99,000	
General Services Administration: Expenses, disposal of surplus real and related personal property (indefinite)	1,000,000	1,000,000	
Veterans' Administration: Veterans insurance and indemnities (indefinite)	650,000	650,000	
Department of Housing and Urban Development:			
Urban renewal programs	*(750,000,000)*	[1] *(750,000,000)*	
College housing loan fund (authorization to spend public debt receipts)	300,000,000	300,000,000	
College housing loan fund (participation sales insufficiencies, indefinite)	10,739,000	12,061,000	+1,322,000
Urban mass transportation grants	[1]*(125,000,000)*	[1]*(175,000,000)*	[1]*(+50,000,000)*
Public facility loans (participation sales insufficiencies, indefinite)	1,325,000	1,305,000	−20,000
Federal National Mortgage Association:			
Special assistance functions (authorization to spend public debt receipts)	550,000,000	525,000,000	−25,000,000
Management and liquidating functions (authorization to spend public debt receipts, indefinite)	82,708,000		−82,708,000
Total, permanent new budget (obligational) authority, Federal funds	999,582,000	893,326,000	−106,256,000

[1] New budget (obligational) authority becoming available under prior appropriation acts and excluded from totals.

NOTE.—Amounts as estimated and shown in the January 1968 budget document. Some items are indefinite in amount, and thus are subject to later reestimation.

PERMANENT NEW BUDGET (OBLIGATIONAL) AUTHORITY—TRUST FUNDS

Agency and item (1)	New budget (obligational) authority, 1968 (2)	Budget estimate of new (obligational) authority, 1969 (3)	Increase (+) or decrease (−) (4)
Appalachian Regional Commission: Miscellaneous trust fund accounts	$1,398,000	$1,592,000	+$194,000
Civil Service Commission: Civil service retirement and disability fund	3,440,100,000	3,626,500,000	+186,400,000
General Services Administration: National Archives gift fund	150,000	100,000	−50,000
National Aeronautics and Space Administration: Miscellaneous trust funds	2,688,000	1,548,000	−1,140,000
National Science Foundation: Donations	1,000	1,000	
Veterans' Administration:			
General post fund, national homes	1,820,000	1,790,000	−30,000
National service life insurance fund	702,160,000	699,043,000	−3,117,000
U.S. Government life insurance fund	49,810,000	44,725,000	−5,085,000
Department of Housing and Urban Development: Federal National Mortgage Association, secondary market operations	536,655,000	159,000,000	−377,655,000
Total permanent new budget (obligational) authority, trust funds	4,734,782,000	4,534,299,000	−200,483,000

Mr. MAGNUSON. Let me say to Senators present that the Senator from Colorado [Mr. ALLOTT] and the rest of the subcommittee members have to be a little bit immodest about what they do, sometimes, in the economy field, so that the people of this country will realize what is done by this subcommittee.

The Senator from Colorado and I have figured that over the period of the 14 years we have been handling this bill, we have been under the budget figure by some $9,876 million. I think that is a pretty good record.

We get into a lot of trouble about it. People do not like us to cut out things. But we have, over the years, cut the budget $9,876 million. This independent offices and Department of Housing and Urban Development appropriation bill includes the Space Agency which, as we all know, carries a vast sum. It also includes the Veterans' Administration in which most of the costs are fixed. It is very difficult to cut in the Veterans' Administration because, by law, their items are fixed and VA costs have constantly gone up. This year it is $6,977 million—$7 billion in round figures. The conference report and the bill also includes HUD and rather large sums for model cities, rent supplements, and urban renewal—and all these other items.

The conference report mainly goes along with the Senate and House bill. We did not compromise too much. It is under the budget figure. I want to repeat this figure, by $3,703 million—and the budget was quite austere on some of these matters as it was sent to the Congress.

I want to compliment the members of the subcommittee—I guess that rubs off a little bit on me, too—we have been doing intensive work on this very important and complex bill.

Mr. Cooper and Mr. Dirks, of the staff, have been very helpful to us in this matter.

Mr. ALLOTT. Yes; as well as Mr. Clark, of the minority staff. Mr. President, I want to say this, that the distinguished chairman has referred to these cuts. This can only be done through a long period of intensive hearings with intensive attention given by the members of the committee. I want to compliment the distinguished chairman on this particular matter. The $3,703 million cut in the bill does not tell the whole story, by any means. It may be that we are patting ourselves on the back a little, but the facts are that when the bill came to us from the House, there were many items that were not in it. In fact, some of the big items——

Mr. MAGNUSON. Participation sales was a big item.

Mr. ALLOTT. Yes, $1 billion; and in one element of the housing program, $1,400 million was asked for. Urban renewal and some of these other items were not considered by the House, so that when we got the House bill we were not only faced with trying to find places to cut, but also had to consider the budgeted items that had been sent to us that were not considered by the House at all. So I think that the committee has done a good job on this and I congratulate the whole committee, except for this one thing which the Senator from Mississippi [Mr. STENNIS] talked about, and in which I am disappointed. I think we have a pretty good bill.

Mr. MAGNUSON. I thank the Senator.

SPACE LEADERSHIP

Mr. ANDERSON. Mr. President, the Senate is today giving final consideration to the National Aeronautics and Space Administration appropriation for fiscal year 1969 and we are agreeing to an appropriation for the Agency of only $3,995,273,000, the smallest appropriation for the Agency since fiscal year 1963. Moreover, the Director of the Bureau of the Budget has stated that NASA expenditures will be held to a level $100 million below that resulting from congressional action and NASA, as an interim measure, is planning an operating budget of about $3,850 million. During the last 2 years NASA's budget has been reduced by almost 25 percent.

The Government, of course, has undertaken new and great obligations in many fields. Consequently the requirements for the Nation's resources have increased, resulting in a shifting of priorities. Things that a few years ago received little or no attention from the Federal

Government now require enormous annual outlays as the Federal Government plays an active role in solving some of the great problems of our time. But the aeronautical and space activities of the United States are important too, and their importance has not decreased during the last few years. If anything, these activities are more important to the United States today than they were a few years ago. Consequently, it is my view that the budget planned for NASA for fiscal year 1969 is too small and my preference would be to see the NASA budget a little higher than the amount appropriated.

Interestingly, while the United States is slashing its space budget the Soviet space effort gives every indication of increasing activity.

From time to time statements are made that the United States is today behind the U.S.S.R. in space achievements and space capability.

I do not agree that our respective positions are that clear cut. The facts do not justify such a conclusion.

Based upon the information available to me, I believe that the United States has, as of the present, accomplished more in space than the Soviets, even though we experienced a slower start and have not always been first. As I see it, based upon our achievements during the last 2 or 3 years, we are ahead at the present time—but we cannot be complacent about our position for, while we are cutting back our space program, the Soviets with their vigorous space drive as demonstrated by the Zond-5 flight could very well catch up and even surpass us.

The record of relative space accomplishments is as follows:

First. To date, the United States has put 585 spacecraft into earth orbit or on escape missions, while the U.S.S.R.'s total is 334 or 57 percent of the U.S. figure.

Second. The United States has had much greater experience in manned space flight with 1,993 manned hours in space compared with 533 of the Soviets; also 12 hours in extravehicular activity compared with the Soviets' 20 minutes; 16 manned flights compared with nine; and extensive rendezvous and docking experience with manned spacecraft compared with none by the U.S.S.R. On the other hand, the Soviet Union has successfully carried out two space missions involving automatic rendezvous and docking, a highly sophisticated accomplishment of importance in the assembly and supply of large advanced space stations.

Third. The United States has led the way in research and development as well as operational capability with meteorological satellites, communications satellites, and navigation satellites.

Fourth. Not only has the United States had more successful escape missions, that is, payloads to or about the Moon and to the planets, than has the U.S.S.R., but the amount of information obtained in outer space by the U.S. missions has exceeded that obtained by the Soviets. This despite the fact that Soviet planetary attempts have exceeded those of the United States by 3 to 1.

Fifth. This country leads in the collection of scientific information from space and in the dissemination of that information for the advancement of knowledge and the use of mankind throughout the world.

The U.S.S.R. has put into space a larger total of payload weights than the United States and its current trend of space activity is moving upward while the U.S. trend is moving downward. Moreover, throughout most of the period of the first decade of the space age, the U.S.S.R. has had the capability for putting larger payloads into space. Only recently did the United States achieve parity with the U.S.S.R. in big boosters and in fact with the Saturn V has moved somewhat ahead. However, the drastic cutbacks in the U.S. space budget have caused NASA to stop production of the Saturn V even before it has become fully operational; furthermore, NASA has halted the planned development of a nuclear rocket engine. However, the testimony of several witnesses before congressional committees is that the Soviets have a booster larger than the Saturn V under development and are moving close to flight testing it. Only by retaining the Saturn V and building a nuclear third stage which would require development of the nuclear rocket engine can this Nation hope to match the space propulsion capability of the Soviet Union and when all is said and done, it is propulsion capability that is the first order of business when we talk about space.

There is little question but that the United States has at the present time a substantial lead over the rest of the world in the development of nuclear energy for rocket propulsion systems. We should have—we have spent a billion dollars developing the technology. It is incredible that at the moment when we are in a position to exploit this huge investment the space program is cut back severely and a conscious decision is made not to proceed with the development of the nuclear rocket engine.

Mr. President, I do not agree with that decision. In my view it is a mistake not to proceed immediately with the development of the NERVA I nuclear rocket engine. The Congress has strongly supported this development, both authorizing and appropriating funds for the program. The legislative history on the authorization and appropriation bills for both the National Aeronautics and Space Administration and the Atomic Energy Commission strongly supports the development of a nuclear rocket engine as requested by the administration. In fact the conference committee on the appropriation for independent offices and Housing and Urban Development, 1969, favorably discussed this program. The chairmen of the House conferees and the Senate conferees both stated their support for this program and the House conferees in their statement of managers point out that the Administrator of NASA has the authority and the flexibility within this appropriation to use such funds as may be required to continue the nuclear rocket engine development program—NERVA.

Mr. President, I strongly urge the NASA to move forward with the development of the nuclear rocket engine, NERVA I, and other basic programs to assure that this Nation will have a preeminent position in space during the years ahead.

Mr. MONDALE. Mr. President, I am most disappointed that this conference report does not contain any money for enforcement of the recently adopted fair housing law. The Senate had included in committee, and approved on the floor, $9 million for enforcement by the Department of Housing and Urban Development. That at least a reasonable compromise could not have been agreed upon is a serious blow to the cause of human rights in this country.

We see once again that Congress does not mean what it says when it passes substantive legislation, and that Congress can and does speak with two voices when it comes to appropriating the funds to carry out laws already on the books.

This is a repudiation of the will of the Congress which passed the fair housing law by a very large majority in both Houses. The Civil Rights Act of 1968 was a hard-won, but overwhelming congressional mandate to make economics and not race the sole determinant of purchase in the housing market. It also contained a mandate to the Department of Housing and Urban Development to participate in its enforcement through conciliation, mediation, and broadly based educational activities.

A decision not to appropriate funds to fulfill this mandate, in effect repeals that part of the law. This is a breach of faith with those in the black community who preached moderation and reliance in the Congress. It is a breach of faith with all of them who pursued their remedies in Congress and were told by Congress that their cause was just and right.

This cannot be permitted to stand. We simply must appropriate the money required.

I know that Senator WARREN MAGNUSON, chairman of the Senate conferees, fought hard to keep this in the conference bill. I commend him and support him wholeheartedly.

If we are to make any progress at all toward a unified society—and prevent what the Kerner Commission predicts—we simply must live up to our commitments. We have made a commitment in passing that law, a commitment which says that every man has a right to buy the house he wants regardless of his race or color. Not to appropriate funds to enforce, means that we have ignored and nullified our earlier commitment. I simply do not believe that the Congress wishes to go on record as repealing the Civil Rights Act of 1968 less than a year after substantial majorities in both Houses voted for it.

I, therefore, urge every Member of Congress to work for a decent level of appropriations, and live up to our word.

Mr. COOPER. Mr. President, in reviewing the conference report on the appropriation bill for independent offices, I regret to note that the conferees reduced the appropriation authorized by the Senate for the demonstration cities program from the Senate figure of $1 billion to $625 million, of which one-half is for urban renewal projects connected to demonstration cities.

I also regret that the conferees reduced the Senate figure of $1,250 million for the regular fiscal year 1970 urban renewal program to $750 million, which is the same as for the current fiscal year.

I would like to say that I supported the higher Senate figures, because of my conviction of the need for these programs in our urban areas.

I received a telegram from the Honorable Louis B. Nunn, Governor of Kentucky, pointing out that the effects of the proposed cuts results in a serious curtailment of the title IX program in Kentucky cities, handicapping the hard work and long-range planning of Kentucky State officials.

I hope in the next supplemental appropriations bill that the Appropriations Committee will seek to restore some of these funds.

Mr. President, I ask unanimous consent that Governor Nunn's telegram be printed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FRANKFORT, KY.,
September 24, 1968.

Senator JOHN SHERMAN COOPER,
Senate Office Building,
Washington, D.C.:

I, as the Governor of Kentucky, join with at least forty three Governors throughout the Nation in support of the title IX Demonstration Cities and Metropolitan Development Act. Appropriations to insure continued assistance to local government must not be iminated. Such an elimination would not only destroy a valuable program, but would also pose three major problems to any Governor: A. It would hamper efforts being made to provide a meaningful and continuing program of information and assistance to local communities which neither the Federal, State nor local governments can afford in a start-stop effort of this magnitude. B. It creates a tremendous problem of obtaining and retaining qualified personnel to carry out existing programs when their future is not assured. C. Having one of the few HUD programs destroyed which deals exclusively with aiding local governments in solving their problems creates a tremendous problem to these units of government. Therefore, I strongly urge you to retain the title IX appropriation to insure an uninterrupted program of service to our local communities.

LOUIE B. NUNN,
Governor of Kentucky.

Mr. MAGNUSON. I move that the vote by which the conference report was agreed to be reconsidered.

Mr. ALLOTT. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, debate today apparently is over, and I ask that we proceed to the routine morning business as in legislative session, under the order previously entered.

The PRESIDING OFFICER. Without objection, the Senate will proceed under the order of business for the transaction of routine morning business, as in legislative session.

ROUTINE MORNING BUSINESS

Under the previous order, the Senate transacted the following routine morning business as in legislative session:

ALLIANCE FOR PROGRESS—LABOR POLICIES AND PROGRAMS

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, on July 15, 1968, a study by the Subcommittee on American Republic Affairs of the Committee on Foreign Relations, entitled "Survey of the Alliance for Progress—Labor Policies and Programs" was submitted to the Committee on Foreign Relations in printed form by the staff.

As chairman of that subcommittee, I wrote the preface, which reads as follows:

> This is one of a series of studies prepared for the Subcommittee on American Republic Affairs of the Committee on Foreign Relations as part of a broad survey of the Alliance for Progress.
>
> This study, which deals with the policies and activities of the U.S. Government and the U.S. labor movement vis-a-vis labor in Latin America, was prepared by Robert H. Dockery who was retained by the committee specifically for this purpose. Prior to his service on the committee staff, Mr. Dockery was research assistant in the Department of Economic Affairs of the Pan American Union. The study is based not only in the bibliography set forth in appendix II but also on extensive interviews of government and labor officials.
>
> There is also published herewith a report, "Review of Activities under Contracts with the American Institute for Free Labor Development," prepared by the General Accounting Office at the request of the Foreign Relations Committee. This is an unclassified version developed by the committee staff in cooperation with representatives of the General Accounting Office and the Agency for International Development, of a classified report submitted by the Comptroller General.
>
> The Dockery study and the GAO report are published at this time solely as the basis for discussion and further inquiry. The points of view expressed do not necessarily reflect the opinions of the subcommittee or any member thereof.
>
> WAYNE MORSE,
> *Chairman, Subcommittee on American Republics Affairs.*

I ask unanimous consent that the report be printed at this point in my remarks.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

SURVEY OF THE ALLIANCE FOR PROGRESS—LABOR POLICIES AND PROGRAMS

(A study prepared at the request of the Subcommittee on American Republics Affairs by the staff of the Committee on Foreign Relations, U.S. Senate, together with a report of the Comptroller General, July 15, 1968)

FOREWORD

This is one of a series of studies prepared for the Subcommittee on American Republics Affairs of the Committee on Foreign relations as part of a broad survey of the Alliance for Progress.

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The Dockery study and the GAO report are published at this time solely as the basis for discussion and further inquiry. The points of view expressed do not necessarily reflect the opinions of the subcommittee or any member thereof.

WAYNE MORSE,
Chairman, Subcommittee on American Republics Affairs.

PART I—LABOR POLICIES

I. Salient features of the Latin American labor movement

To describe the Latin American labor situation is to describe Latin American society: weak, illiterate, undernourished, ill housed, discontented, restless, reform-minded—in a word, "underdeveloped," with all of its less desirable connotations.

This is a logical result of the economic situation which Latin American labor has traditionally confronted: the business community characterized by the family-type enterprise; a low level of industrialization, and the maintenance of a feudal agricultural system—all of which combine to place severe limitations on employment opportunities, as is indicated in the following observation by Frank Bonilla:

"Only a small fraction of the work force is in industry and of those in industry only a small proportion have industrial skills or work in plants that can be regarded as 'modern' in size, technology, or management. The small proprietary enterprise, family firm, and partnership remain dominant, not only in number, but in the proportion of the work force they absorb and the total value of their production. The average wage earner is unskilled, and only marginally or insecurely employed in menial services or unspecialized tasks in construction and manufacturing. The high proportion of 'self-employed' persons to some extent merely masks unemployment, and the dissipation of considerable entrepreneurial talent and drive in a ferocious and often degrading competition to stay alive. Legally fixed low wage scales, the abundant labor supply, and inflation that is chronic when not acute create a treadmill on which the worker must constantly struggle for no more than a subsistence wage. Sharp differentials in wage scales and bargaining power between skilled and unskilled workers, and between blue-collar and white-collar (including technical and lower management) occupations, serve to block effective working-class solidarity. The existence not only of separate unions, but also of wholly separate machinery for dealing with the different labor categories within certain firms and governments is a further barrier to labor unity.[1]"

Thus, the trade union organizations which do exist tend to resemble small-scale political parties rather than the trade union institutions known in the United States, for example. The generally dismal economic conditions confronting the Latin American

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Footnotes at end of article.

labor sector reinforce the demand that its socio-political power be exercised as a means of raising its economic status.

As George C. Lodge, a former Assistant Secretary of Labor for International Affairs, has pointed out, "Like the cooperative, the Latin American trade union is quite different in origin and purpose from its U.S. counterpart. Both historically and at the present time its political and social functions are substantially more important than its economic."[2]

Attempts by labor to exercise its political power in both Argentina and Brazil helped to bring about the severe controls currently in effect in each country; on the other hand, the Mexican labor movement for all intents and purposes has been fully integrated into Mexico's ruling political party (PRI), and in this fashion has been assured of a direct voice in the country's economic development in exchange for some loss of independence.

In a majority of the other Latin American countries, labor's position lies somewhere between these two extremes. Whatever the particular case may be, the following factors must be recognized: (1) the general political orientation of Latin American labor; (2) the urban labor force in Latin America which is growing at a traumatic pace and is being absorbed at only a fractional rate; and (3) industrialization, which while heralded as the great economic emancipator has had little meaning for the mass of Latin American workers.

A. Political Bargaining

Aside from the consideration that public ownership of industry is more widespread in the Latin American countries than in the United States, the direct political involvement of the Latin American labor movement stems from two major factors: (1) The general economic weakness of the movement; and (2) the general weaknesses of the political and legal structure in Latin America. Given these circumstances, the leadership of Latin American labor has developed "political bargaining" as its major instrument for achieving labor's economic and social demands.

Political bargaining in the context of the Latin American labor movement signifies little more than the politicalization of the collective bargaining process brought to the level of the executive branch of government or to the political party in power. Thus under the political bargaining system, labor's (or management's) success is directly correlated with the amount of pressure which it can bring to bear at either the governmental or party level.

The adoption of political bargaining as labor's major negotiating system in Latin America is a consequence of the ineffectiveness of other systems—collective bargaining with management, or legislative enactment (and administrative enforcement) of laws embodying labor's socioeconomic goals.

Collective bargaining is successful only insofar as a union is capable of exerting meaningful pressure (primarily economic) on management. The capability of such pressure assumes a well-organized labor group which usually includes a significant number of skilled workers; in Latin America the strength of such a group is enhanced further if the government relies heavily upon the industry in question as an earner of foreign exchange. Such unions are rare in Latin America. Indeed, in terms of economic power—the foundation of collective bargaining—probably no more than 10 to 15 percent of Latin America's organized workers have the status of the "average" AFL–CIO affiliated worker, while the vast majority (85 to 90 percent) of the "organized" workers in the region may be compared graciously with the economic status of the migrant agricultural worker in the United States.

Legislative enactment has also proved largely ineffective as a means of achieving trade union goals in Latin America, mainly because of inadequate administrative enforcement and/or insufficient financial resources. For example, even though minimum wage guarantees are standard in the labor legislation of the region (including that of Haiti), the Permanent Technical Committee on Labor Affairs (COTPAL) of the OAS, meeting in June 1967, at Viña del Mar, Chile, devoted a significant part of its time to the question of minimum wages and the establishment of effective minimum wage systems coordinated with the overall development process.

In addition it may be noted that legislative enactment as it relates to social or labor legislation is frequently ill-conceived from the standpoint of practical implementation. This factor combined with inadequate administration and/or lack of financial resources, simply complicates matters: one weakness often aggravates another.

Although political bargaining is the principal instrument of the Latin American labor movement, it is not used to the exclusion of collective bargaining or legal enactment. The point is that political action is often required to make collective bargaining or legal enactment meaningful, as the following description of a breakdown in labor-management negotiations makes clear:

"The workers would have gone on strike, but not in the same sense that American workers strike. They would not walk *off*, they would walk *into* the streets and squares, into rallys and demonstrations, laying the groundwork for violence and executive imposition of a satisfactory solution. It is what workers do or threaten to do while on strike that makes the method of political bargaining so different from collective bargaining."[3]

In short, the political involvement of Latin American labor is for the most part a pragmatic one: Political ties must be solidly maintained and cultivated in order that labor's legitimate objectives might be met.

B. Goals and Ideology

It has frequently been said that the Latin American labor sector is ideologically committed to a general revolutionary outlook. It now appears, however, that this was much more the case during the first half of this century than it has been since. Although the labor movement in Latin America is highly charged politically, it has largely abandoned its earlier revolutionary ideological trappings. Even Communist-dominated unions, especially those which follow the Moscow line, now generally accept the peaceful road as a viable alternative.

This is not to say that organized labor's revolutionary fervor has passed forever, but rather, during the postwar era—and particularly the period of the Alliance for Progress—labor's revolutionary spirit has become increasingly tempered; society is seen as capable of evolving, even in those cases in which major political decisions are made directly or indirectly by the military. Moreover, one gets the distinct impression that any return to a revolutionary course of action on the part of labor will be inspired not internally, but externally, by student agitation, for example, or perhaps by the church.

Labor has often been in the forefront of the nationalistic movements which have become so important in Latin America—for example, the Apristas in Peru, the Auténticos in pre-Castro Cuba, and the Peronistas in Argentina. At the core of each of these movements was the general objective of economic independence (particularly with respect to the United States) and a desire for growth and development based on the cult of industrialization. These essentially economic issues continue to be the rallying cry for the mass of Latin American workers; they are the heart and soul of labor's political vigil in Latin America.

In view of the foregoing, the following should be noted:

1. The unions to which most of the organized workers in Latin America belong tend to be politically oriented.
2. At the leadership level there tends to be an ideological involvement in order to satisfy the political association and to make it more solid. However, the nature of political bargaining does not necessitate a mass ideological base among the rank and file.
3. There is every indication that the rank and file little understands the nature of political bargaining, let alone any ideological content which may be attached to it.
4. The rank and file in Latin America is concerned with economic gain and increased social benefits; it is upon these immediate issues that the mass of workers indicate their political awareness.
5. The vast majority of the rank and file, acting through its legitimate leadership, is wedded to an economic and social reform program which will provide for a more equitable distribution of income.
6. In an ideological-political sense, labor in Latin America is not a revolutionary movement, but rather it has shown itself willing to work within existing frameworks to which it applies its political bargaining system to press for reform.
7. So long as reform appears feasible and at least token economic and social gains are made on behalf of labor, the revolutionary aspect of the Latin American labor movement must be viewed as a historical appearance rather than a current reality. However, a protracted lag in industrialization with a rapidly increasing labor force (fed by the rural migration to urban centers combined with an exceptionally high birth rate) could make further economic and social gains an impossibility for the immediate generations, and it is in this context that Latin American labor should be viewed as a potentially revolutionary force. If such a lag were to occur concurrently with a hardening of anti-reformist elements within Latin American society, the Latin American labor movement—as most representative of the masses in the society—would be doubly susceptible to revolutionary action.

In short, the Latin American labor movement's system of political bargaining secures, to a limited degree, immediate demands from government and management, while at the same time providing an instrument of pressure for continued economic and social reform. So long as political channels remain open and the governments of the region pledge themselves to rapid industrialization, the basic requirements of the Latin American labor movement may be considered placated.

II. Latin American labor policy of the United States

A. The Department of State

The formulation of overseas labor policy, being one aspect of U.S. foreign policy, is the task of the Department of State; this task, although ultimately the responsibility of the Secretary of State, is undertaken directly by State's labor officials in Washington who in turn are in direct contact with U.S. labor attachés in the field. Assisting in the overall policy formulation are labor personnel in the Agency for International Development (AID) and the Bureau of International Labor Affairs of the Department of Labor. Although both of these institutions primarily perform a staff function, there are areas of overlap in the actual formulation of foreign labor policy, and in fact it appears that the basic structure of the foreign labor policy and related programs of the United States are the product of State's Special Assistant to the Secretary and Coordinator of International Labor Affairs, Mr. George P. Delaney, who is also Director of AID's Office of Labor Affairs.

Official U.S. labor policy in Latin America,

Footnotes at end of article.

as elsewhere, is dedicated to strengthening the democratic labor sector in terms of institution building. This process is conceived in terms of technical assistance and social projects development, primarily in the areas of education and training, manpower studies, cooperatives, and housing.

The development and implementation of labor policy and programs can be carried out at two complementary levels: (1) The labor ministry and/or (2) the trade union. In Latin America, U.S. efforts under the Alliance for Progress have been concentrated at the trade union level. The reasons for this emphasis are the urgency attached to the needs of the "average" worker, and the general dubious effectiveness of Latin American labor ministries. Accordingly, for the Alliance period, AID's expenditure on labor-related programs in Latin America has been $24 million, approximately $5 million of which has been for assistance to labor ministries with the remainder devoted to trade unions.

AID's assistance to Latin American labor ministries has been conducted primarily through the Department of Labor International Technical Assistance Corps (DOLITAC), which is under contract to AID. At the trade union level, the bulk of the assistance provided to date has been through the American Institute for Free Labor Development (AIFLD), a private nonprofit organization founded in 1961 by, and remaining under the policy direction of, the AFL–CIO. Thus with both of these organizations under contract to AID, the principal task of State-AID labor officials has been and is to assure compliance with the contractual terms.

This arrangement theoretically allows for a minimum of direct involvement in the Latin American labor situation on the part of State and AID officials, and thereby lessens the chances of State and AID officials becoming embroiled in the politics of Latin American labor. Moreover, State and AID labor officials point out that this arrangement enables the most appropriate use to be made of experts at each level of activity: At the public labor ministry level, U.S. Department of Labor technicians are employed; at the private trade union level, trade unionists from the American Institute for Free Labor Development (AIFLD) are used. The design is to insure "clean" technical assistance for the entire democratic segment of the Latin American labor movement.

While this is the purpose of the arrangement, the relationship between the State Department and AID, on the one hand, and AIFLD and the AFL–CIO, on the other, has been the subject of controversy in both Latin America and the United States. AID relies on AIFLD to a major extent in carrying out program activities. Nearly two-thirds—that is, $15.4 million—of AID's total expenditures on labor programs under the Alliance for Progress have been channeled through AIFLD. AIFLD relies on AID to an even greater extent for its funds (89 percent of the total). In these circumstances, many Latins question the role of AIFLD as an independent voice of U.S. labor and view it instead as the chosen instrument of the U.S. Government. On the other hand, many Americans question the extent of State Department policy control of AIFLD and ask whether U.S. Latin American labor policy is in fact being made by the AFL–CIO.

B. AFL–CIO Policy

The dominant philosophy of the American labor movement has been "business unionism." This has been defined as the philosophy of a trade union movement which "* * * is essentially trade conscious, rather than class conscious. That is to say, it expresses the viewpoint and interests of the workers in a craft or industry rather than those of the working class as a whole. It aims chiefly at more, here and now, for the organized workers of the craft or industry, in terms mainly of higher wages, shorter hours, and better working conditions, regardless for the most part of the welfare of the workers outside the particular organic group, and regardless in general of political and social considerations, except insofar as they bear directly upon its own economic ends. It is conservative in the sense that it professes belief in natural rights and accepts as inevitable, if not as just, the existing capitalistic organization and the wage system, as well as existing property rights and the binding force of contract. It regards unionism mainly as a bargaining institution and seeks its ends chiefly through collective bargaining * * *[4]."

From this, it follows that a trade union should remain independent of any given political party and, in fact, free of political dogma; otherwise, a trade union runs the risk of being absorbed and used by political parties for their own ends. Further, a trade union must bargain collectively rather than rely on legislation to obtain labor's just rewards. The role of government vis-a-vis trade unionism is to insure labor's rights with respect to collective bargaining. And, by the same token, government is obligated to provide an environment conducive to the functioning of free enterprise, which is considered basic to collective bargaining. Indeed, free enterprise and free trade unionism are inseparable; one cannot survive without the other.

Although the U.S. labor movement in recent years has frequently deviated from strict adherence to these principles, it is this philosophy which U.S. labor leadership has attempted to implant abroad. As the U.S. labor movement has grown to its present status, its leadership has interpreted this growth as confirmation of its philosophy—a philosophy unique to the U.S. labor movement, and particularly its craft union element.

This has often made accommodation with other national labor movements difficult. Frequently, whatever accommodation has been reached in the international sphere has been based primarily on the financial and political strength of the AFL–CIO. At the same time, a consistent objective of the major foreign labor movements has been accommodation with the AFL–CIO's brand of trade unionism, but not domination by it.

C. The current rift over AFL–CIO policy

The policy described above has won the adherence of most, but not all, of the leadership of U.S. labor. The most articulate dissent has come from Walter Reuther, president of the United Automobile Workers (UAW), which was the AFL–CIO's largest single affiliate and contributor until its suspension for nonpayment of dues May 16, 1968.

It is beyond the scope of this paper to explore the causes of the break between the AFL–CIO and the UAW or to attempt to assess the merits of the dispute. It is relevant, however, to consider the difference over foreign policy.

The difference is, basically, that Reuther and the UAW tend to be less doctrinaire and more accommodating to the various brands of trade unionism which exist in the international labor movement. They are more inclined to accept foreign unions on their own terms. Even in cases of such severe differences as those between United States and Soviet trade unionism, the UAW leadership still contends that an interchange of ideas will be more beneficial in the long run than isolation.

Under President George Meany, on the other hand, the AFL–CIO has rigidly rejected any relations with Communist unions and has tended to equate "democratic" with "anti-Communist." A revealing incident occurred at the June 1966 meeting of the International Labor Organization (ILO), when the election of Poland's delegate, Leon Chajn, to the presidency of the organization prompted an immediate boycott of the meeting by the AFL–CIO. In defending this position, Meany "indicated he thought the boycott was an effective means of protesting against * * * a rising Communist influence in the ILO."[5]

One of the things that led to Reuther's resignation from the board of trustees of the AIFLD was the latter's tendency to adopt a "good guys versus bad guys" approach to international labor relations.

III. United States-Latin American labor relations, 1945–60

A. The Establishment of the ICFTU and ORIT

The foreign policy differences between the AFL and the CIO came to the fore shortly after World War II with the establishment of the World Federation of Trade Unions (WFTU). The founders were the British Trade Union Congress (TUC), the North American Congress of Industrial Organizations (CIO), the French General Confederation of Workers (CGT), and the Soviet trade unions. The AFL refused to join the WFTU because of Communist participation in the new organization and set about garnering support to oppose the WFTU.

As the cold war gained momentum, the WFTU's solidarity was ruptured in 1949 over the issue of the Marshall plan, which the Communist unions wanted labeled as a bilateral imperialist aid program. The non-Communist unions then withdrew from the WFTU and began to join forces with the AFL in its attempt to establish a new international trade union organization. This effort resulted in the same year in the creation of the International Confederation of Free Trade Unions (ICFTU).

United States-Latin American labor relations during this period clearly reflected on a regional basis labor's maneuverings on the world scene. In 1946 the late Serafino Romualdi was sent by the AFL to Latin America to organize effective opposition to the WFTU's regional affiliate, the Confederación de Trabajadores de América Latina (CTAL), which was under the pro-Marxist leadership of Vicente Lombardo Toledano of Mexico. The State Department reportedly took a direct interest in planning Romualdi's itinerary.[6]

Romualdi's organizing campaign led to the creation in 1948 of the Confederación Inter-Americana de Trabajadores (CIT). In January 1951, the CIT was transformed into the Organización Regional Inter-americana de Trabajadores (ORIT), which remains as the Latin American regional affiliate of the International Confederation of Free Trade Unions (ICFTU).

The ORIT continues to be the principal regional labor organization of the Western Hemisphere with an estimated membership of roughly 25 million, of which over half belong to the AFL-CIO. In Latin America, ORIT encompasses the principal trade union confederations in over half the countries, with the major exceptions being those of Argentina, Bolivia, Chile, the Dominican Republic, Ecuador, and Uruguay. However, many of the unions making up the confederations in these countries are affiliated with the International Trade Secretariats (international groupings of unions based on occupation, such as Postal, Telegraph, and Telephone International) which in turn generally have close working relations with ORIT.

ORIT's predominant regional position is challenged by Communist efforts to establish a viable successor to the old Marxist-oriented CTAL, and by the Catholic-oriented Confederatión Lationoamericana de Sindicalistas Cristianos (CLASC). The Communist effort continues to be bogged down, resulting primarily from ideological differences and Castro's attempt to control such an organization. This attempt at control is strongly opposed by the Communist-dominated trade union movements of Chile and

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Uruguay. On the other hand, CLASC (even though it is currently suffering from its own ideological/leadership strains) has been able to make significant progress, and today receives its primary strength from the Dominican Republic, Chile, Venezuela, and several Central American countries.

B. The AFL-CIO and ORIT

In looking at ORIT's performance, it is well to keep in mind that the organization was originally founded for the specific purpose of combating Communist infiltration of the Latin American labor movement. ORIT has never quite solved the problem of emphasis as between fighting communism and strengthening democratic trade unions. These objectives are not, of course, inconsistent, but the means of their achievement vary according to where the emphasis is placed. Generally speaking, in ORIT North Americans have emphasized anticommunism; Latin Americans have emphasized democratic trade unionism.

This is one reason for what seems to be a decline in ORIT prestige in Latin America. More fundamental, perhaps, has been the tendency of ORIT to support U.S. Government policy in Latin America. ORIT endorsed the overthrow of the Arbenz regime in Guatemala and of the Goulart regime in Brazil. It supported Burnham over Cheddi Jagan in Guyana, and it approved the U.S. intervention in the Dominican Republic. To many Latin Americans, this looks like ORIT is an instrument of the U.S. State Department.

IV. The American Institute for Free Labor Development

A. The Creation of the AIFLD

The American Institute for Free Labor Development was founded in 1961 primarily in response to the threat of Castroite infiltration and eventual control of major labor movements within Latin America. The threat was apparent as early as November 1959, when Communist elements gained control of Cuba's national labor confederation from its earlier 26th-of-July leadership and called for the establishment of a purely Latin American regional labor organization in opposition to ORIT. This summons was answered initially by the major labor confederations of Argentina, Bolivia, Chile, and Venezuela, but most of them shortly became disenchanted with the clear-cut Communist domination of the Cuban labor movement.

Shortly after the Bay of Pigs episode in April 1961, President Kennedy endorsed the idea of a Latin American labor program through which the talents and experience of the U.S. labor movement could be brought to bear on the danger that Castro (who appeared firmly entrenched at home) might undermine the Latin American labor movement as a first step in his attempts to subvert the entire area.

The threat from Castro coincided with a lagging industrialization effort and a rapidly growing labor force in Latin America. All of these factors contributed to the view that labor was Latin America's potentially most explosive sector. No group held this viewpoint more strongly than the leadership of the AFL-CIO, which was the first major U.S. organization to label Castro as a Communist. Moreover, the AFL-CIO was the first to recognize the fact that ORIT could not be counted on to meet the Castro challenge, and therefore, it was genuinely encouraged by President Kennedy's interest in a labor program for Latin America that would directly involve the U.S. labor movement.

In August 1961, after almost a year of planning and discussion, the AFL-CIO founded the American Institute for Free Labor Development (AIFLD) as a private, nonprofit corporation.

Through AID contracts the AIFLD has become the principal instrument of the U.S. Government for supplying technical assistance—education and training and social projects—to Latin American trade unions.

B. AIFLD's Structure and Programs

The AIFLD says that it "* * * reflects the unique pluralism and consensus in American society: Labor-Government-Business."[7] At least on a source-of-funds basis, however, the tripartite arrangement has been and continues to be decidedly one sided, with the participation of the U.S. Government increasing from 62 percent in 1962 to 92 percent in 1966 and 1967; in all, the Government through AID has provided $15.4 million or 89 percent of AIFLD's total stated income for the entire period in which it has been in operation. This represents roughly 67 percent of AID's total budgeted funds for labor programs under the Alliance for Progress.

The officers of the AIFLD are as follows:

George Meany, president, AFL-CIO, President.

J. Peter Grace, president, W. R. Grace & Co., Chairman of the board.

Kenneth Holland, president, Institute of International Education, Vice president.

Berent Friele, senior vice president, American International Association for Economic and Social Development, vice chairman of the board.

Joseph Beirne, president, Communications Workers of America, Secretary-Treasurer.

William C. Doherty, Jr., former regional representative of the Postal, Telegraph and Telephone International (PTTI), Administrator.

All of these officers are also members of AIFLD's board of trustees which has a total membership of 30. Of these 21 (including four Latin Americans) are affiliated with labor, four with business, and five with the professions.

The business representatives come from U.S. companies which are also leading members of the Council for Latin America, an association of more than 200 U.S. industrial and commercial firms operating in Latin America. The Council for Latin America is also the U.S. representative on the Inter-American Council for Commerce and Production (CICYP after its Spanish initials), founded in 1941 to provide a forum for hemisphere industrialists.

TABLE I.—AIFLD FINANCIAL STATEMENT, 1962-67 [1]

[In thousands of dollars]

	Source of funds			Total
	Labor	Corporations	AID	
Calendar year:				
1962	110	133	[2] 397	640
1963	139	159	954	1,252
1964	211	165	2,148	2,524
1965	200	164	3,472	3,836
1966	200	141	[3] 3,969	4,311
1967 (estimate)	200	175	4,500	4,875
Total	1,061	938	15,440	17,438

[1] Any discrepancy in the total figures is due to rounding of original data.

[2] Includes $100,000 from U.S. Department of Labor; deposited April 5, 1962.

[3] As reported by AIFLD. The General Accounting Office reports on the basis of audit statements that the figure should be $4,801,850.

Source: American Institute for Free Labor Development. "Progress Report to President's Labor Advisory Committee on Foreign Assistance," March 1967.

TABLE II.—AIFLD FINANCIAL STATEMENT, 1962-67

[In percent]

	Sources of funds			Total
	Labor	Corporations	AID	
Calendar year:				
1962	17	21	62	100
1963	11	13	76	100
1964	8	6	86	100
1965	5	4	91	100
1966	5	3	92	100
1967	4	4	92	100
Total	6	5	89	100

Source: See table I.

TABLE III.—ALLIANCE FOR PROGRESS FUNDS FOR LATIN AMERICAN LABOR PROGRAMS

[In thousands of dollars]

	Total (1)	Expended under AID contract with Department of Labor (2)	Difference of cols. 1 and 2 (3)	Expended under AID contract with AIFLD [1] (4)
Fiscal year:				
1962	1,611	554	1,057	397
1963	3,847	997	2,850	954
1964	3,814	590	3,224	2,148
1965	3,584	513	3,071	3,472
1966	4,904	666	4,238	[2] 3,969
1967	6,170	1,193	4,977	[3] 4,500
Total	23,930	4,513	19,417	15,440

[1] Figures on a calendar year basis.

[2] See footnote 3, table I.

[3] Estimated.

Sources: Agency for International Development, Department of Labor and table I.

The AIFLD's headquarters are in Washington, D.C., where it has a staff of 85. In addition to overseeing AIFLD activities in Latin America, the Washington office also operates a training institute in Front Royal, Va., where Latin American union officials are brought for 3 months of intensive training, ranging from specialized courses in cooperatives of trade union leadership, with particular emphasis on the theme of democracy versus totalitarianism. The courses include a substantial number of field trips to allow the students an opportunity to become familiar with the United States. Since June 1962, the Washington-Front Royal facility has graduated more than 500 students. At the discretion of the AIFLD, some of these graduates are returned under a 9-month internship program, including salary, to teach in their native countries.

In 1966 AIFLD contracted with the University of Loyola in New Orleans for a 9-month course in labor economics. This program (which graduated 15 Latin Americans) is generally considered to be AIFLD's best educational project. This project has now been transferred to Georgetown University in Washington, D.C.

In Latin America AIFLD has 18 offices, the largest being in Brazil with a staff of 46 and the smallest in Mexico where the AIFLD has just sent a single representative to reopen its former office. The principal activity in Latin America traditionally has been an edu-

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cational one. To date there have been more than 60,000 graduates of AIFLD seminars ranging in length from 1 week to 3 months.

In addition to its educational activities AIFLD has become involved in the social projects field where it provides, depending on the local situation, services ranging from agricultural expertise to medical facilities. However, the principal social project area of AIFLD is housing, even though it appears to have caused AIFLD officials a great many headaches. In many instances it seems that AIFLD has not been able to deliver housing projects as promised to Latin American trade unions; AIFLD blames AID on the basis of the redtape involved in obtaining financing and/or investment guarantees. Another problem is that AIFLD apparently demands that in all qustions relating to a given housing project it be allowed to act with complete authority on behalf of the Latin American union involved. Many unions feel that this is too high a price to pay; on the other hand, the housing project is generally demanded by the union's rank and file.

Other activities of AIFLD are in the field of cooperatives and savings banks. More recently, AIFLD has begun to work with campesino or rural groups; in Brazil's northeast AIFLD has opened three campesino centers which provide a variety of training activities. Additional centers are planned for Colombia and Central America.

V. The AIFLD and the Latin American labor movement

A. AIFLD and ORIT

Since the advent of the AIFLD at the beginning of the Alliance period, the ORIT has grown weaker, if for no other reason than AIFLD has the kind of financial support that permits it to preempt the ORIT in any given technical assistance field. Indeed, there is no comparison between the financial backing available to the two organizations: According to the Department of State, ORIT's budget throughout the past 6 years has been maintained annually at roughly $323,000; AIFLD's budget has grown from $640,000 in 1962 to an estimated $4,875,000 in 1967. Thus the financial strength of the AIFLD allows it to involve itself in the Latin American labor movement on a scale clearly unapproachable by the ORIT.

In this regard, the following episode is indicative of the kind of difficulty that has developed between the AFL–CIO/AIFLD and ORIT: Shortly after ORIT's decision in 1964 to establish a new training center in Cuernavaca, Mexico, funds were solicited for the project from the Solidarity Fund of ORIT's international parent organization, the ICFTU. George Meany as chairman of the Fund initially rejected the request on the basis that such a training institute and program already existed in the AIFLD. However, the AFL–CIO finally did accept the ORIT program to which Meany "* * * eventually gave his hearty endorsement."[8]

Basic to the AFL–CIO/AIFLD–ORIT rift is the division noted earlier between North Americans and Latin Americans within ORIT The AFL–CIO's energies and resources have consequently been concentrated upon the AIFLD to the detriment of the ORIT budget.

The rise of the AIFLD and the decline of ORIT are used by the Communists and the CLASC (Confederación Latinoamericana de Sindicalistas Cristianos) militants to "prove" their traditional claim that the Latin American labor movement is simply another area in which the Yankees "call the tune."

B. The Political Question and the Cold War

The problem of Communist subversion of the Latin American labor movement has been central to AFL–CIO/AIFLD operations in the region. The following observation by William Doherty, Jr., administrator of the AIFLD, notes the organization's concern with this problem:

"In Latin America, the key question of our times is the future road of their revolution: Toward Communist totalitarianism or toward democracy. For the American labor movement this is one of the paramount, pivotal issues; all other questions * * * must remain secondary. This is the direct challenge confronting free trade unionists."[9]

This overriding preoccupation has had three results: (1) It has tended to give AIFLD the appearance of being little more than an instrument of the cold war; (2) it has led to a polarized view of the political spectrum in Latin American labor; and (3) it has involved the AFL–CIO in some awkward contradictions of its principle that trade unions should not be tied to political parties.

Labor's devotion to this last principle in the United States has been somewhat ambivalent. In supporting or opposing candidates for public office, labor maintains that it has adhered to its traditional policy of rewarding its friends and punishing its enemies, but in practice, it has supported Democrats a great deal oftener than Republicans. Nor has U.S. labor been loath to take stands on public issues ranging all the way from domestic social legislation to questions of foreign policy. These stands have more often been favorable to Democratic than to Republican administrations. The fact of the matter is, of course, that the U.S. labor movement involves itself politically whenever it feels its own best interests will be served (even though the immediate issue may have no more direct effect upon labor than upon any other particular interest group). Nevertheless, to its foreign counterparts U.S. labor has seen little need to try to explain the subtle differences between active political involvement and direct control by a political party.

In Latin America, where apolitical unionism as a practical reality is unknown, AFL–CIO/AIFLD spokesmen have often been faced with difficult choices; to a large extent these choices have followed the ORIT pattern of affiliates, the support of which could be explained by accommodating national interests through Latin America's largest regional labor organization. Nevertheless AFL–CIO/AIFLD support for politically oriented ORIT affiliates has often been grudgingly supplied. Because the Confederación de Trabajadores de México (CTM), the country's major labor confederation, together with a majority of the other labor groups in Mexico, form one of the sectors of the Partido Revolucionario Institucional (PRI), an AIFLD official has argued that free trade unionism clearly does not exist in Mexico. This is a matter of degree. In the Mexican context, CTM may be a captive of PRI, but it is also a source of influence within the PRI; and the political realities of Mexico are such that it is easier to work within PRI than outside it.

In the case of the Catholic-oriented CLASC, which is considered to be the labor arm of the Christian Democratic parties in Latin America, the AFL–CIO refusal to assist CLASC affiliates has been largely unequivocal, up to the point of refusing to arrange field trips for CLASC officials who had received USIS leadership grants to visit the United States. The point should be made, however, that in several countries the political appeal of Christian Democracy is such as to give CLASC perhaps a brighter future than bread-and-butter unionism. The approach to CLASC also illustrates the polarized view of Latin American labor. ORIT has labeled the Social Christian trade unions "allies of communism."

Despite its insistence on apolitical unionism, the AIFLD took pride in the role of its trainees in overthrowing the Goulart administration in Brazil in 1964.

In a panel discussion on July 12, 1964, on the Mutual Broadcasting System, the following exchange took place between Mr. H. Conn, editor, Press Associates, Inc., and Mr. W. Doherty, Jr., then director of the social projects department of AIFLD and now administrator of the entire AIFLD operation.

Conn. Mr. Doherty, this may be just a drop in the bucket, but I know that there have been a number of Brazilian trade unionists who have come up here for training classes conducted by the AIFLD, and I believe there have been some schools in Brazil, have there not? What has happened to these individuals who learned the techniques and the programs of free trade unionism, in recent developments?

"Doherty. Well, very frankly, within the limits placed upon them by the administration of Joao Goulart, when they returned to their respective countries, they were very active in organizing workers, and helping unions introduce systems of collective bargaining, and modern concepts of labor-management relations. As a matter of fact, some of them were so active that they became intimately involved in some of the clandestine operations of the revolution before it took place on April 1. What happened in Brazil on April 1 did not just happen—it was planned—and planned months in advance. Many of the trade union leaders—some of whom were actually trained in our institute—were involved in the revolution, and in the overthrow of the Goulart regime.

"In Brazil itself, we have the Cultural Workers Institute, with headquarters in Sao Paulo. It has been operating for some 2 years under the able leadership of both American and Brazilian trade union leaders. It has successfully trained more than 12,000 Brazilian trade union leaders from all walks of life, and in all unions, and they are exercising increasing influence in favor of democratic trade union development, and in the democratic development of Brazil."

The AIFLD trainees who participated in the anti-Goulart revolution succeeded thereby in delivering the Brazilian labor movement from corrupt and/or Communist leadership. But neither they nor others have yet succeeded, 4 years later, in creating an independent labor movement. In addition, to its continued pervasive control of labor's national activities, the Brazilian Government more recently has moved to bring under its supervision the international labor contacts maintained with Brazilian labor.

C. U.S. Management's Participation in the AIFLD

According to AIFLD officials, the participation of U.S. management in AIFLD's operations gives full recognition to the enlightenment that has come to characterize labor-management relations in the United States. Fundamentally, the cooperation between labor and management in the AIFLD operation stems from the relationship of each group to the free enterprise system, which both consider basic to the future development of Latin America. In this regard William Doherty, Jr., has noted:

"There is a great mutuality of interest in what we are trying to accomplish. If there are no free unions there can be no free enterprise system. We very frankly and honestly believe that a free enterprise system needs free unions to succeed.

"The great bulk of the 20 million organized workers in Latin America think, want, and desire almost identically with their counterpart workers in the United States. They know when industry is nationalized that collective bargaining for the most part goes out the window. They know that when the government steps in to run an industry, that the private individual, free trade unionism, and private free industry also go out the window."[10]

The AIFLD's administrator's words are then summarized by J. Peter Grace (of W. R. Grace & Co.) author of the article from which the above quotation is taken:

"Through the AIFLD business, labor and government have come together to work

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toward a common goal in Latin America, namely supporting the democratic form of government, the capitalistic system and general well-being of the individual. It is an outstanding example of a national consensus effectively at work for the national interest of the United States and for the best interests of the people of Latin America.[11]

This represents a change in attitude on the part of U.S. business in general (though not of Grace himself) which, as recently as a decade ago, maintained its skepticism of, if not opposition to, U.S. labor activities in Latin America on the ground that training Latin American labor leaders would likely make them harder to deal with. The change, which is not yet complete, came about in part because of Castro and in part because of the realization that responsible unions, even though harder to bargain with, are nonetheless easier to live with than irresponsible ones. The following example reported by AIFLD is pertinent: "* * * in Colombia the local union in Celanese Colombiana S.A. (a subsidiary joint venture of the Celanese Corp. of America which is a contributor to the AIFLD) had been debilitated by its Castroite orientation. Within a few months several illegal work stoppages had taken place, plus a sympathy strike in favor of Castro. The company retaliated with mass firings. AIFLD graduates, together with other democratic leaders, were able to gain control of the union. Since that time the union has affiliated with the UTC (one of Colombia's two major trade union confederations) and achieved some of the best collective contracts in Colombia."[12]

Nevertheless, the incorporation of U.S. management in AIFLD's operations may have contributed to the clouding of AIFLD's image in the eyes of Latin American labor. Although there have been changes in the attitudes and practices of U.S. business in Latin America, memories—exaggerated with the passage of time—remain of earlier days. Much of Latin America's legislation aimed at protecting the rights of labor was enacted early in this century primarily in response to the activities of foreign investors, principally American and British. This is not to say that foreign business exploited labor more than local business (the contrary was frequently the case); it is only to say that foreign business offered a more convenient political target.

Even to some U.S. labor leaders, management's participation in AIFLD is unacceptable, because it smacks of company unionism. These same leaders point out that U.S. labor's own educational activities and programs have never included management's participation. In this view, if it is important that labor remain independent of political parties, it is even more important that labor remain independent of employers.

D. AIFLD and the Department of State

Completing AIFLD's tripartite structure is its association with the Department of State and AID. The most important part of this relationship is the money which AID provides to AIFLD, but the underlying policies should be understood.

The general foreign policy objectives of the U.S. Government are the same as those of AIFLD in Latin America. Thus from the AFL–CIO standpoint, foreign aid to AIFLD is the "right" kind of technical assistance program, because the assistance is being provided by a U.S. labor group to various foreign labor groups. Indeed, officials of the institute assert that its 18 local-national offices in Latin America make AID technical labor officers largely superfluous. AIFLD officials also contend that since they represent the recognized labor experts, they should be given a free hand in the conduct of their programs and activities.

The Department of State and AID are generally in accord with this position which is viewed as implementing specifically Title IX of the Foreign Assistance Act, relating to utilization of democratic institutions in development. It is argued that even in cases which are sensitive politically, the difficulties which may arise from AIFLD's operations are likely to be short term, arising from the adjustments or reforms necessary to achieve long-term objectives. AIFLD personnel have thus been given de facto quasi-official status in the formulation and implementation of U.S.-Latin American labor policy.

AIFLD's financial dependence on, and policy identification with, the U.S. Government tend to detract from its full acceptance by Latin American labor.

VI. The Latin American Confederation of Christian Trade Unions (CLASC)

A. The CLASC Organization and Christian Democracy in Latin America

The Latin American Confederation of Christian Trade Unionists (CLASC, after its Spanish initials) was created in 1954. Its headquarters were in Santiago, Chile, until 1966 when they were moved to Caracas. This labor organization represents the Latin American regional arm of the International Federation of Christian Trade Unions (IFCTU), which is headquartered in Brussels. (IFCTU is not to be confused with ICFTU—the International Confederation of Free Trade Unions—with which ORIT, CLASC's principal rival in the Western Hemisphere, is affiliated.) CLASC's dues-paying membership probably does not exceed 300,000 even though the organization claims an overall membership of 5 million.

As noted above, from the standpoint of ideological political association, CLASC is generally regarded as the labor arm of the Christian Democratic movement in Latin America. The origins of this movement are grounded in Catholic doctrine, especially as set forth in the social encyclicals *Rerun Novarum* (1891), *Quadragesimo Anno* (1931), and more recently *Mater et Magistra* (1961) and *Pacem in Terris* (1963). This political philosophy provides what President Eduardo Frei Montalva, of Chile, the leading spokesman of Christian Democracy in Latin America, has called a "middle way" between capitalism and communism.

Accordingly, but somewhat more rigidly, the Latin American Confederation of Christian Trade Unionists regards itself as the "third force" in regional trade union activities: CLASC clearly rejects both the Inter-American Organization of Workers (ORIT–ICFTU) and the Communist attempts to establish a successor to the Latin American Confederation of Workers (CTAL–WFTU).

CLASC views the maintenance of its independent position as vital to its survival as Latin America's answer to Latin American labor problems. Nationalism is a basic ingredient in overall CLASC philosophy, the nationalistic flavor of which is clearly evident in an excerpt taken from the CLASC position paper directed to the heads of state before the 1967 Punta del Este summit meeting:

"We believe in and uphold the necessity for Latin America's economic, social, cultural, and political integration, but carried out by Latin Americans, among Latin Americans, and for Latin Americans, and we categorically reject every kind of pan-American integration scheme because it would be the same thing as putting a fox in a chicken coop, which would result only in a greater estrangement than that in which we already find ourselves in every sphere of activity.

"It serves no purpose to denounce international Communist intervention, if one falls in the hypocrisy and the conformism of tolerating, accepting, and even helping North American intervention in the Latin American trade union movement, at both the national and regional levels. Such intervention certainly has been made evident with the recent denunciations of the CIA's massive penetrations of the Latin American labor movement * * * [13]"

Thus with Christian Democracy supplying the basic political and social tenets of its ideology, the CLASC sees its task as applying those principles to the Latin American trade union movement. In so doing, CLASC rejects the Pan American or inter-American approach, resting its case on what it considers the prostitution of the Alliance for Progress through domination by the United States. In similar fashion, CLASC generally rejects the Organization of American States, labeling it as an instrument for U.S. control over social and economic development within the region.

In May 1965, for example, the CLASC representative walked out of the OAS Trade Union Technical Advisory Committee (COSATE) meeting in Caracas when he was not permitted to read a political statement concerning the role of the OAS in the Dominican crisis. At the present time, however, CLASC has renewed its participation in COSATE with the permission of the Secretary General of the OAS but over strong objections from the ORIT leadership.

CLASC suffers from an internal ideological conflict between its more and its less militant elements. The latter have appeared to be more concerned with trade unionism, while the former have emphasized CLASC's political orientation. Thus, this group under the charismatic leadership of Emilio Máspero has gained control of the formal CLASC organization, while failing to capture the popular support held by CLASC moderates and embodied in the organization's rural sector affiliates. Thus, Máspero realizes that to have meaningful control of CLASC he must be able to control the moderates—the rural sector groups—which constitute the majority of CLASC's membership. Attempting such control by withholding financial support for these groups has in large part backfired on Máspero, since the principal result has been more pronounced splits within the organization. However, neither group will associate itself with AIFLD, but the moderates have accepted and received direct assistance from AID.

B. Attitude Toward the AFL–CIO/AIFLD

CLASC sees very little room for agreement with the U.S. labor movement as represented by the AFL–CIO. In the first instance U.S. trade unionism has adopted the tenets of business unionism with its historical emphasis on bread-and-butter issues; to Latin American trade unionists in general and to the supporters of Christian Democracy in particular, such an interpretation of labor's role is of basically no value due to the structure of Latin American society. Secondly, CLASC views the AFL–CIO's established principle of cooperation with U.S. business as simply emphasizing the lack of affinity between their respective labor movements. Finally, CLASC sees the AFL–CIO/AIFLD as an agent for the State Department (and more recently, the CIA).

All of this is symptomatic of a deep distrust of U.S. intentions, a distrust which hardened as a result of the 1965 intervention in the Dominican Republic.

That intervention is at least in part responsible for the fact that the Dominican Republic is the only country in which the CLASC affiliate (the Autonomous Confederation of Christian Trade Unionists, or CASC, after its Spanish initials) stands as the principal national trade union confederation. CASC's current dominant position is in direct contrast to the position held 1 year prior to the 1965 outbreak of hostilities in Santo Domingo, at which time the National Confederation of Free Workers (CONATRAL), an ORIT affiliate, was the country's major trade union confederation.

When the civil insurrection of 1965 erupted, CASC vociferously supported the constitutionalists while CONATRAL remained neutral. However, ORIT's avowed acceptance of

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Footnotes at end of article.

U.S. intervention was interpreted, rightly or wrongly, as expressing CONATRAL's sentiments, and at one point during the crisis, CONATRAL's headquarters were looted and sacked by elements of the rebel forces.

Thus, it would appear that CASC's sudden rise to power in the Dominican Republic resulted less from direct trade union issues than from the intense political circumstances during that period of upheaval and violence. More specifically, the CLASC affiliate in the Dominican Republic was viewed apparently as championing reform and social democracy while the CONATRAL (through ORIT) maintained a status quo image.

C. Outlook

Although in Latin America as a whole, CLASC is relatively insignificant in numbers when compared to ORIT, the latter's political difficulties, as exemplified in the Dominician Republic, may provide CLASC with the opportunity of developing into a major regional labor movement, particularly in the rural sector. CLASC's future growth potential is most promising where the following circumstances exist: (1) in those countries with emerging rural sectors resulting from implementation of recent agrarian reform legislation, as in the case of Chile; (2) in those countries in which labor has been traditionaly restricted and controlled by the government and which are now beginning to allow at least token freedom in the field of labor activities, as in Nicaragua; (3) in those countries in which labor activities have been severely controlled, generally under a military form of government and which have shifted to civilian rule through free elections, as in Guatemala; and (4) in those countries which have a growing Christian Democratic Party, such as El Salvador, Peru, and perhaps Venezuela.

To date, U.S. labor policy has largely ignored or been antipathetic to the moderate CLASC groups. In good part, this has been due to the influence of the American Institute for Free Labor Development, which now exercises almost exclusive control over U.S. assistance to Latin American labor movements. Granted that CLASC is not congenial to many traditional U.S. points of view, there is a danger that this policy will lead to a situation in which the United States is out of touch with increasingly important sectors of Latin American society.

VII. OAS Inter-American labor activities

The Department of Social Affairs of the Organization of American States (OAS) started its activities in the labor field in mid-1962—reportedly the first official inter-American dealings in the labor sector—by making a survey of labor's role in national planning efforts in seven Latin American countries. The results of the survey showed that social, and particularly labor, activities had been largely omitted from the planning efforts.

Since these initial findings, OAS labor officials have sponsored two inter-American conferences at the labor ministry level. These resulted in the Declaration of Cundinamarca (May 1963) and the Action Plan of Caraballeda (May 1966). These documents basically define the role of labor—at both the ministry and trade union confederation levels—within the context of the Alliance for Progress. To help implement this role, two committees have been established: the Trade Union Technical Advisory Committee (COSATE, 1964) and the Permanent Technical Committee on Labor Matters (COTPAL, 1966). The former provides technical assistance at the trade union level while the latter operates at the official ministry level.

Even though the OAS has succeeded in establishing a rather ambitious inter-American labor program, the implementation of this program has been slow. One contributing factor is the relatively low funding available for the program: from fiscal 1962 to fiscal 1967 OAS expenditures in the labor field amounted to $690,000 (roughly 3 percent of AID's expenditure on labor programs under the Alliance for Progress).

Another factor has been the rather cool reception of the program by the State Department and the AFL-CIO. One U.S. objection is that an official intergovernmental organization like the OAS should not conduct activities involving private trade union organizations because of the tendency to compromise trade union leaders vis-a-vis a public institution. In addition, the OAS program has tended to emphasize the role of labor ministries, while the Department of State's policy through the AFL-CIO/AIFLD is a clear-cut emphasis on trade unions.

VIII. Recommendations

1. Greater consideration should be given to the guidelines and observations offered in the study of United States-Latin American labor relations made for the Subcommittee on American Republics Affairs in 1960 by the University of Chicago. In large measure, these guidelines (which are reprinted in an appendix to this study) continue to provide valid basic ground rules for the conduct of United States-Latin American labor relations. There is reason to believe that had these guidelines been followed, many of the problems now troubling United States-Latin American labor relations could have been avoided.

2. Decisions relating to official United States-Latin American labor policy and programs should be under the firm control of the Department of State and should not be delegated to a private institution or contracted out.

3. The Department of Labor's Bureau of International Labor Affairs should be given a greater role in the formulation of official United States-Latin American labor policy and corresponding programs.

4. The United States should reaffirm its dedication to the Declaration of Cundinamarca and the Action Plan of Caraballeda and should work for the implementation of these inter-American labor policy statements through the established machinery of the OAS.

5. In those instances in which bilateral activities and programs are called for, the following considerations should be kept in mind:

(*a*) Technical assistance to Latin America's democratic labor sectors should be devoid to the greatest extent possible of all ideological interpretations.

(*b*) In those cases in which the technical assistance needs of Latin American labor call for sending Latin Americans outside the region or for bringing in foreign technicians, primary attention should be given to third-country facilities and/or technicians in view of the fact that the Latin American labor movement tends to identify much more closely with trade union conditions and concepts in Europe (for example) than with those of the United States. In view of this consideration, the United States should give its full support to the utilization of ILO programs and expertise.

(*c*) In those cases demanding an AID-supported training facility, emphasis should be given to the Labor Relations Institute of the University of Puerto Rico.

6. In the field of social projects (such as housing) directly aimed at Latin American trade unions, little reason exists for either singling out individual unions to receive such assistance, or for supporting a private U.S. institution to implement the projects. Social projects should be handled on an indiscriminate basis under the administration of either AID or the Inter-American Development Bank. With the machinery existing whereby Latin Americans could be afforded greater participation in the overall planning and direction of inter-American social development programs, emphasis should be placed on the Inter-American Development Bank in cooperation with the OAS.

7. Official U.S. programs dedicated to strengthening United States-Latin American labor relations should be based on a policy which would demand that Latin Americans (on a regional basis) identify their own needs and requirement in the labor field. Such a policy would recognize that Latin America's labor problems can only be solved meaningfully by Latin Americans themselves. Moreover, such a policy would recognize that the building of democratic institutions is fundamentally an indigenous task. If in the long run the United States hopes to have a meaningful identification of interests with Latin America, short-term policies and programs must encourage this kind of institution building. In the long run, the basic interest of the United States in the Latin American labor movement is precisely this growth of responsible, democratic labor institutions.

8. The activities of the U.S. labor movement in Latin America should provide greater accommodation for the differences which exist between the two labor movements; of fundamental importance in this regard is recognition and acceptance of the general political orientation of Latin American labor. Emphasis should be placed on union-to-union activities rather than those of an organization such as the American Institute for Free Labor Development which embraces government and business as well as labor. If Latin American trade unionists are encouraged to identify their own needs and requirements, the union-to-union approach provides the most effective means of legitimately satisfying them. In this context and with a primary view to preserving the independence of U.S. labor's programs in Latin America, these programs should receive government funds only to the extent of matching U.S. labor's own private funding of technical assistance abroad. In each and every instance, covert funding of labor activities must be rejected.

9. All of the foregoing implies the need for a basic reconsideration of the role of AIFLD as the primary instrument for official U.S. assistance to Latin America's democratic labor sectors. In addition, and perhaps more fundamentally, Congress should give further consideration to the definition of Title IX (Utilization of Democratic Institutions in Development) of the Foreign Assistance Act, since both State and AID officials view AIFLD as implementing Title IX and thus following Congress mandate.

FOOTNOTES

[1] Frank Bonilla, "The Urban Worker," Continuity and Change in Latin America, ed., John J. Johnson. (Stanford: Stanford University Press, 1964), pp. 196–197.

[2] George C. Lodge, "Revolution in Latin America" Foreign Affairs Volume 144:2; January 1966. P. 183.

[3] James L. Payne, Labor and Politics in Peru (New Haven: Yale University Press, 1965), p. 13.

[4] Robert F. Hoxie, Trade Unionism in the United States (rev. ed.; New York: Russell and Russell, 1966), pp. 45–46.

[5] The New York Times, June 17, 1966.

[6] Henry W. Berger, "American Labor Overseas," The Nation, January 16, 1967, p. 82.

[7] American Institute for Free Labor Development, "Progress Report to the President's Labor Advisory Committee on Foreign Assistance" (March 1967), inside front cover.

[8] Carroll Hawkins, "The ORIT and the American Trade Unions—Conflicting Perspectives," *Industrial Relations and Social Change in Latin America*, editors, W. H. Form and A. A. Blum (Gainesville: University of Florida Press, 1965), p. 104, footnote 13.

[9] William Doherty, Jr., "Town Hall Speech," as reported in "The AIFLD Report," June 1966.

[10] As quoted by J. Peter Grace, "Labor Group Boost Living Standards" in a reprint of the Journal of Commerce, Apr. 14, 1966 (Pan American Day issue).

[11] Ibid.

[12] From official correspondence with the AIFLD.

[13] CLASC, *Manifiesto de Los Trabajadores de America Latina a Los Presidentes Reunidos en la Cumbre en Punta del Este,* 12 de abril de 1967.

APPENDIX I—GUIDELINES OF SUBCOMMITTEE'S 1960 STUDY

Policy statement regarding United States-Latin American labor relations by the Research Center in Economic Development and Cultural Change of the University of Chicago in its 1960 study (U.S. business and labor in Latin America) prepared under the direction of the Subcommittee on American Republics Affairs of the Committee on Foreign Relations.

PROBLEMS OF COOPERATION

1. Both sides must recognize and wholeheartedly accept the diversity of the labor movements in the two parts of the Western Hemisphere. They must understand that this diversity corresponds to basic differences of historic and cultural background, and of present conditions, tasks, and experiences. Any conscious or unconscious attempt to shape the other movement after the pattern of one's own would not only be futile but also disastrous for real democratic cooperation. Democratic labor movements must distinguish themselves from the Communist-dominated movements by the recognition of international diversity and by an absolute rejection of the idea that there is one and only one effective philosophy and method of operation for all labor movements.

2. This does not mean, of course, that there is nothing one movement can learn from the other. Learning, however, is not identical with imitating; nor can learning be imposed from the outside by authority or bought by offers of material assistance.

3. Given the tremendous differences in power, prestige, and wealth of the different movements, tact and mutual understanding is a first imperative, if fruitful and lasting cooperation is to be achieved.

4. In order to accentuate democratic cooperation, it would seem advisable for the various labor movements to make deliberate efforts to find common activities in which cooperation on a footing of reasonable equality is feasible. Practical union activities and educational enterprises with a minimum of ideological content would seem to offer the best prospects for such democratic cooperation. This does not mean that controversial issues should be altogether avoided, but rather that communication is the first requirement of successful cooperation.

5. In the light of historical experience, any suspicion that U.S. union activity is under the control or influence of the State Department or other official authorities would be disastrous. This does not imply, of course, that the unions should not be able to exert their own influence upon the U.S. Government through regular democratic processes. On the contrary, if the United States seems committed to support reactionary and dictatorial governments or management against labor in Latin America, U.S. labor would forego or reduce its power to exert friendly influence in Latin America unless it clearly disassociated itself from such official U.S. policies.

6. Such a policy requires that U.S. Government representatives in the field of labor be fully aware at all times of the fact that they do not represent U.S. labor (let alone business), and that they make Latin American labor leaders aware of the distinction between the functions of U.S. Government representatives and those of U.S. labor officials. We cannot advocate that trade unionism be independent of governments elsewhere and at the same time blur the distinctions between U.S. labor and U.S. Government.

7. Finally, effective democratic cooperation requires the development of an effective public opinion within the ranks of U.S. labor on problems of concern to the international labor movement. Such an opinion can hardly be said to exist at this time. U.S. union representatives in dealings with Latin American unions act, in many if not most issues, without the guidance of an enlightened public opinion in their own membership. International affairs have thus far remained a side activity of U.S. labor, and the unions operate, therefore, without the support of a well-informed membership in this area.

PROBLEMS CONFRONTING ORIT

1. ORIT has not succeeded to any great extent in increasing its membership or enlarging its scope. In the main, it has retained the position with which it started its career. No successful major organizing campaigns have been undertaken. As a result, there are still some open gaps in the scope of ORIT, and some unions take a waiting attitude toward it; for this hesitance, Venezuela is perhaps the outstanding example.[1]

2. Some of the outstanding leaders of ORIT—affiliated unions in Cuba and the president of ORIT itself have been accused—with varying degrees of justification—of having been associated with the Batista dictatorship in Cuba. Whatever the degree of involvement in each specific case, large sectors of Latin American public opinion seem to have accepted the accusations as true. As a result, the moral authority of ORIT has greatly suffered with the democratic and liberal groups of Latin America. Some critics have gone so far as to question whether ORIT can effectively serve as a framework for democratic trade unionism in Latin America for a considerable time to come.

3. Changes in the leading personnel of ORIT during the last few years do not seem to have enhanced the effectiveness of ORIT. There appears to have been less aggressive and less vigorous leadership during the difficulties of the recent years. Local ORIT representatives have not always been impressive figures.

4. In the ABC countries, ORIT does not seem to play a decisive part. In Argentina a movement toward ORIT exists, but although it has made some progress, much remains to be done. Communist influence is quite strong in Brazil, and the situation in Chile is also rather unfavorable from the ORIT point of view. Without strong positions in the ABC countries, however, ORIT's influence in South America is of necessity highly restricted.

5. Questions have arisen as to the extent to which the ICFTU itself has been or can be of use in Latin America. The feeling exists that the ICFTU has not made any great contribution to the work of ORIT and that the European and United States leadership of the ICFTU by its very nature could not enhance the authority of ORIT as to suggest that ORIT should be reorganized as essentially an independent organization, with ICFTU headquarters limited to research and educational functions.

6. In the most extreme form, this criticism—often inspired by Communist sources—implies that ORIT's effectiveness in Latin America is greatly impaired by the inclusion of United States (and, to a far lesser extent, of Canadian) unions in the organization. Given the relationship of inequality between the United States and the Latin American unions and the strength of anti-U.S. feelings in Latin American labor, ORIT, it is said appears in Latin American eyes as a U.S.-dominated organization. This handicap could be overcome and ORIT could perform far better if it were limited to the nations south of the Rio Grande. As a purely or primarily Latin American organization it could grow to the point where it could enter into relations on a footing of reasonable equality with the United States and Canadian unions for common activities. Whether such a reorganized ORIT would not turn into an anti-U.S. organization or at least accept a neutralist position would remain to be seen.

7. The position of the advocates of a separation between ORIT and the United States is weakened by the fact that some of the ITS have succeeded in achieving considerable successes in spite of the fact that they include U.S. affiliates. The ITS of the postal workers, of the food and drink workers, of the commercial employees, and others have greatly expanded the scope and the intensity of their activities without seeming to be seriously hampered by the existence of powerful U.S. affiliates. Conceivably, an organization consisting of unions in the same occupation or trade can perform successfully on a less ideological or political level than an international organization consisting of national trade union centers, which are—in Latin America even more than in many other parts of the world—political and ideological organizations.

8. This line of reasoning seems to be supported by numerous cases of direct cooperation between United States and Latin American unions, outside of the framework of ORIT. A significant number of U.S. unions have such direct contacts, including such influential unions as the United Steel Workers, the Oil, Chemical & Atomic Workers, the UAW, the United Mine Workers. Cooperation has existed mainly in the form of mutual information on matters affecting collective bargaining and has been particularly useful in the case of U.S. firms (or U.S. controlled firms) operating in Latin America. Again, cooperation has been most fruitful on the level of common trade union tasks.

9. Unavoidably, the question of financial assistance to Latin American unions has to be faced, since it plays an important part in the relationships in both a favorable and unfavorable sense. It has been commonly accepted in the international labor movement that stronger organizations give assistance to their weaker colleagues in other countries. Such assistance is regarded as justified partly on the score of enlightened self-interest and partly in the name of international solidarity. However, international assistance insofar as it is given by unions is not to be granted without limits. It is subject to a number of conditions.

(*a*) It is designed to meet temporary emergencies or to give a new labor organization a start; aid should not be permanent. No workers' organization can be autonomous if it is permanently based on outside financial assistance.

(*b*) It is to be rendered publicly. Secret assistance may be warranted in a particular emergency, but as soon as that emergency is over, the facts are to be revealed to the public.

(*c*) Financial assistance to unions should originate exclusively with workers organizations.[2]

(*d*) Longer term assistance should be given on a decreasing scale. It is not easy for an outsider to establish whether these rules have been observed in the relations between United States and Latin American unions but it is fair to say that wide circles in Latin America suspect that they have not; this opinion is not limited to people hostile toward the United States. The probability that Communist-dominated and possibly "neutralist" unions have received substantial financial assistance from pro-Communist sources would not seem in everyone's view, to justify the violation of the above rules by U.S. labor.

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[1] Since this was written, labor congresses in Cuba, Venezuela, and Chile have called for the establishment of a new Latin American labor federation. This would, of course, be directed against ORIT as well as the United States. It seems, therefore, that Venezuela labor especially is moving from a position of hesitance toward ORIT to a position of actively seeking to promote a kind of third-force labor movement in Latin America.

[2] The statements made in points (*b*) and (*c*) are not intended to imply that these rules have or have not been violated. Available evidence is insufficient to support either conclusion. However, rumors about secret funds are being spread throughout Latin America—undoubtedly often by Communist or pro-Communist sources—and widely believed to be true. Clear policy statements as outlined above might be of some help in establishing the facts.

10. In any case, an attempt by U.S. labor to dominate joint United States-Latin American organizations would be bound in the end to discredit such organizations before the Latin American public. This is understood by many but by no means all U.S. labor representatives operating in Latin America.

EXCHANGE OF PERSONS

1. This is a rather expensive and, at times, wasteful program. Is this particular use of funds the most effective? Would not the establishment of schools and training centers, and the delegation of U.S. experts to Latin America for prolonged stays to teach and advise produce more lasting effects?

2. A trip to the United States has become a kind of badge of merit for trade unionists with known pro-U.S. leanings in some Latin American countries. It is often a reward for past achievements in pro-U.S. activities. We are preaching to the converted.

3. In some cases it is reported that the acceptance of an invitation to the United States greatly weakened the status of the person concerned in the trade union movement. He was described as a U.S. protege, much to the disadvantage of his authority as a union leader.

4. The program should not be abandoned, but perhaps be modified. The emphasis should be shifted from extensive travel and sightseeing to more intensive and longer study and research. There should be systematic followup by efforts to maintain relations among "graduates" of this program.

5. Sending U.S. experts to other countries to teach in the field of industrial relations and to render technical assistance—e.g., in labor statistics, in the enforcement of labor legislation, etc.—would seem a worthwhile endeavor.

APPENDIX II—BIBLIOGRAPHY

Alba, Victor. *Historia del Movimiento Obrero en America Latina*. Mexico City: Libreros Mexicanos Unidos, 1964.

Alexander, Robert J. "Labor and Inter-American Labor Relations." *Annals of the American Academy of Political and Social Science* (March 1961).

Alexander, Robert J. *Organized Labor in Latin America. New York:* The Free Press, 1965.

American Federation of Labor and Congress of Industrial Organizations. "Foreign AID for Peace and Freedom" (as reprinted in) *Hearings on S. 1276, Foreign Assistance*, 88th Cong., 1st sess., 1963. Senate, Committee on Foreign Relations. Pages 721–751.

American Institute for Free Labor Development. "The AIFLD Report" (monthly).

Berger, Henry W. "American Labor Overseas." *The Nation* (January 16, 1967).

Bodenheimer, Susan. "The AFL–CIO in Latin America—The Dominican Republic: A Case Study" *The Viet Report* (September/October, 1967).

———. "U.S. Labor's Conservative Role in Latin America." *The Progressive* (November, 1967).

Bonilla, Frank. "The Urban Worker." *Continuity and Change in Latin America*. Ed. John J. Johnson. Stanford: Stanford University Press, 1964.

Confederation Latinoamericana de Sindicalistas Cristianos. "Manifesto de Los Trabajadores de America Latina a Los Presidentes Reunidos en la Cumbre en Punta del Este, 12 de Abril de 1967."

Delmas, Gladys "Latin Labor's Alarming Christians." *The Reporter* (February 25, 1965).

Doherty, William, Jr. "Town Hall Speech" (as reprinted in) *AIFLD Report* (June 1966).

Grace, J. Peter. "Labor Group Boosts Living Standards" (as reprinted from) *The Journal of Commerce* (April 4, 1966).

Hawkins, Carroll. "The ORIT and the American Trade Unions—Conflicting Perspectives." *Industrial Relations and Social Change in Latin America*. Ed. William A. Form and Albert Blum. Gainsville: University of Florida Press, 1965.

———. "The ORIT and the CLASC: A Case of Conflicting Perspectives" (as reprinted from) *Inter-American Economic Affairs* (Winter, 1966).

Hoxie, Robert F. *Trade Unionism in the United States*. (Rev. ed.) New York: Russell & Russell, 1966.

Inter-American Regional Organization of Workers. "Inter-American Labor Bulletin." (Monthly)

International Labour Organization. *Report of the Director-General—Social Development in the Americas*. Geneva: International Labour Office, 1966.

Johnson, John J. *Political Change in Latin America: The Emergence of the Middle Sectors*. Stanford: Stanford University Press, 1958.

Kurzman, Dan. "Labor's Cold Warrior." *The Washington Post* (beginning a four-part series) December 30, 1965.

———. "Lovestone's Cold War." *The New Republic* (June 25, 1966).

Landsberger, Henry A. "The Labor Elite: Is It Revolutionary?" *Elites in Latin America*. Ed. Seymour Lipset and Aldo Solari, New York: Oxford University Press, 1967.

Landsberger, Barrera and Toro. "The Chilean Labor Leader: A Preliminary Report on His Background and Attitudes." *Industrial and Labor Relations Review* (April 1964).

Lens, Sidney. "Lowestone Diplomacy." *The Nation* (July 5, 1965).

———. "Labor Between Bread and Revolution." *The Nation* (September 19, 1966).

Leynse, N. "AF of L–CIO versus CLASC." *Labor* (official journal of the International Federation of Christian Trade Unions) [No.] 2, 1965.

Lichtblau, George E. "Current Trends on the International Labor Scene." *Yearbook of World Affairs*. London: Stevens & Sons, 1963.

Lodge, George C. *Spearheads of Democracy*. New York: Harper and Row, 1962.

———. "Revolution in Latin America." *Foreign Affairs* (January 1966).

Lorden, Richard K. "The American Institute for Free Labor Development in Action." *Brazilian Business* (September 1967).

Lorwin, Lewis L. *The International Labor Movement*. New York: Harper & Brothers, 1953.

Meany, George. "National Press Club Speech" the CONGRESSIONAL RECORD, volume 113, part 15, pages 20065–20068.

Meisler, Stanley. "Meddling in Latin America." *The Nation* (February 19, 1964).

Methvin, Eugene H. "Labor's New Weapon for Democracy." *The Readers Digest* (October 1966).

Morgan, Edward P. "Free Labor's Unique Institute", the CONGRESSIONAL RECORD, volume 113, part 8, pages 10260–10261.

Pan American Union, Department of Social Affairs. "Summary of OAS Activities in the Field of Worker Education" (presented at the First ICFTU World Conference on Education in the Labor Movement. Montreal, Canada; August 16–25, 1967).

Parkison, F. "The Politics of Underdeveloped Countries." *The Yearbook of World Affairs*. London: Stevens & Sons, 1963.

Payne, James L. *Labor and Politics in Peru*. New Haven: Yale University Press, 1965.

Poblete Troncoso, M. and Burnett B. G. *The Rise of the Latin American Labor Movement*. New York: Bookman, 1960.

Prewett, Virginia. "Uruguayan Reds Battling Free Trade Unionists" as reprinted in the daily CONGRESSIONAL RECORD, May 10, 1967, page A2300.

Research Center in Economic Development and Cultural Change of the University of Chicago. "United States Business and Labor in Latin America" (chs. V and VI.) *United States-Latin American Relations* prepared under the direction of the Subcommittee on American Republics Affairs, Senate Committee on Foreign Relations, Washington, D.C.: U.S. Government Printing Office, 1960.

Reuther, Victor. "The International Activities of American Trade Unions." *The Vista of American Labor*. Ed. William Haber (Voice of America Forum Lectures [1966]).

Romualdi, Serafino. "The Latin Labor Leader—Democratic and Dedicated" (as reprinted from) *The American Federationist* (April 1964).

———. *Presidents and Peons: Recollections of a Labor Ambassador in Latin America*. New York: Funk & Wagnalls, 1967.

Steinbach, Arnold L. "Changing Concepts and Practices in the International Labor Movement." *National Labor Movements in the Postwar World*. Ed. Everett M. Kassalow, Evanston: Northwestern University Press, 1963.

U.S. Congress, House. Committee on Foreign Affairs. *Hearings on H.R. 13175, Foreign Operations Appropriations*. 87th Cong., 2d sess., 1962, pages 162–163.

———. *Hearings, Winning the Cold War: The U.S. Ideological Offensive*. 88th Cong., 1st Sess., 1963, pages 131–158.

———. *Hearings on H.R. 7750, Foreign Assistance*. 89th Cong., 1st Sess., 1965, pages 1081–1108.

———. *Hearings on H.R. 7099, Foreign Assistance*. 90th Cong., 1st Sess., 1967, pages 1082–1106.

U.S. Congress, House. Committee on Banking and Currency. *Hearings on H.R. 9547, Inter-American Development Bank*. 90th Cong., 1st Sess., 1967, pages 61–86.

U.S. Department of Labor. *Directory of Labor Organizations* [of the] *Western Hemisphere*. Washington, D.C.: U.S. Government Printing Office, 1964.

Williams, Edward J. *Latin American Christian Democratic Parties*. Knoxville: The University of Tennessee Press, 1967.

Windmuller, John P. *American Labor and the International Labor Movement, 1940–1953*. Ithaca: Cornell University Press, 1954.

———. "Labor: A Partner in American Foreign Policy." *The Annals of the American Academy of Political and Social Sciences* (November 1963).

Zack, Arnold. *Labor Training in the Developing Countries*. New York: Frederick A. Praeger, 1964.

PART II—REPORT ON REVIEW OF ACTIVITIES UNDER CONTRACTS WITH THE AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT, AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., May 20, 1968.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The accompanying report presents the results of our review of contracts between the American Institute for Free Labor Development and the Agency for International Development, which we made in response to your request of June 6, 1967.

These contract arrangements grew out of earlier attempts by the American Federation of Labor and the Congress of Industrial Organizations to strengthen the democratic trade union leadership in Latin America. As details of the Alliance for Progress were worked out, it was recognized at the highest executive levels of Government that the American Institute for Free Labor Development represented a realistic and imaginative approach to some of the major problems of the Western Hemisphere.

We noted that the contractor had been granted a high degree of flexibility for the stated reason of obtaining effective union-to-union cooperation expected to accomplish results that could not be achieved directly by the U.S. Government. We also noted instances where the relationship of close cooperation expected from the contractor within the framework of flexibility had not been fully achieved.

We were not able during our review to reach any specific conclusion on the relative success of the institute as an instrument for achieving U.S. foreign policy objectives in the labor sector. We agree that the institute represents a realistic and imaginative approach to some of the major problems of the Western Hemisphere. For example, it provides a means whereby the workers of Latin America can participate in the Alliance for Progress and become more active in the economic and social progress of their countries.

As the report shows, however, the Agency has been concerned with problems surrounding the institute's operations that tend to undermine the confidence in and respect for the institute which its potential should warrant. In this respect, the Agency has stated that it hopes to complete an assessment of the relative success of the institute in time to incorporate necessary improvements into the contracts when they are extended in fiscal year 1969.

In the interest of providing for more adequate guidance and maintaining the surveillance normally associated with sound technical service contract arrangements, without upsetting the underlying principle of union-to-union cooperation, we have proposed that the Administration, Agency for International Development:

Provide for a reevaluation of the contract relationship with a view toward implementing a system which can be applied more uniformly to carry out the broad purposes of the contract and at the same time recognize minimal guidance, coordination, and general surveillance that are necessary for sound contract administration.

Direct that an evaluation be made of the Agency's capacity to monitor the institute's activities, both in Washington and at the mission level, and, on the basis of the results of that evaluation, take action to insure that appropriate assignments of personnel will be made as necessary.

Provide for more detailed analyses of future institute programs and budgets and, as a minimum, consider establishing line-item limitations or other similar expenditure limitations and controls with respect to its activities.

Take appropriate action, in cooperation with the institute, to evaluate the institute's educational program with a view toward implementing adequate administrative and reporting requirements.

By arrangement with members of your staff, copies of our draft report were transmitted to the Agency and to the institute for review and comment. Their comments indicate, in general, that corrective action is being taken or considered in line with our proposals.

The Agency has pointed out, however, that, in those cases where its review indicates that alternatives will better serve the needs of its development activities, it will implement them rather than the specific methods that we have proposed. We concur in this concept.

The substance of the comments received from the Agency and the American Institute for Free Labor Development and the actions taken or planned are incorporated in the report as appropriate. Copies of the responses are included as appendixes to the report.

We believe that the contents of this report would be of interest to other committees and to Members of the Congress. However, release of the report will be made only upon your approval.

With the approval of your staff, we are sending an information copy of this report to the Administrator, Agency for International Development.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

INTRODUCTION

The General Accounting Office has completed a review of contracts between the American Institute for Free Labor Development (AIFLD) and the Agency for International Development (AID) of the Department of State. Our review was made at the request of the Chairman, Committee on Foreign Relations, U.S. Senate (see app. I), pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Our field review, completed in November 1967, consisted of an examination of contract files and related records at AID and AIFLD offices in Washington, D.C., and at their related offices in the countries of Brazil, Chile, Guyana, and Honduras. Also, in conjunction with our review, we discussed various aspects of the contract activities with AID, Department of State, and AIFLD officials. In each country visited we made onsite inspections of various AIFLD projects. Throughout the period of our review we maintained liaison with staff members of the Subcommittee on American Republics Affairs of the Committee on Foreign Relations.

The principal officials responsible for administration of the AIFLD contracts are shown in appendix II.

On January 22, 1968, by arrangement with staff members of the Subcommittee on American Republics Affairs, we submitted a draft report on our findings and proposals to AID for comment. We also requested that it give representatives of AIFLD an opportunity to review the draft and provide their comments. Appendix III contains the comments of AID dated March 8, 1968, to which is attached the comments of AIFLD dated February 7, 1968. Where appropriate, these comments are discussed in the body of the report. Additional comments received from AID on April 24, 1968, devoted to AIFLD programs in Brazil, are included as Appendix IV.

BACKGROUND

AID assistance ventures in many fields are accomplished by contracting with organizations such as universities, institutes, and self-contained business-type enterprises to provide technical and professional help to counterpart institutions in foreign countries. Such a contract relationship was developed between the U.S. Government and the American labor movement because of their joint recognition of the need to strengthen free and democratic trade unions in Latin America.

Similar to and probably more or less concurrent with the cold war struggle between nations, there developed a struggle between trade unions of the world to establish themselves and to develop. In 1949 the International Confederation of Free Trade Unions (ICFTU) was established as a counterweight to the Communist-dominated World Federation of Trade Unions (WFTU). (See app. V for a chart of International Trade Union Organizations.) Actively affiliated under the ICFTU are the Inter-American Regional Organization of Workers (ORIT) and the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO).

The AFL–CIO, through its executive council and department of international affairs, made substantial contributions toward helping build free unions all over the world. In August 1960 it allocated about $20,000 for a study on the feasibility of setting up an institute to develop democratic trade union leaders in Latin America. The study resulted in plans to establish an institute for the training of Latin American union leaders and workers.

In May 1961 the AFL–CIO approached private foundations, businessmen, and Government agencies to seek financing for the planned institute. In June 1961 it allocated an additional $15,000 toward development of the institution which was to be established along the lines of a previous 3-month course held by the Communications Workers of America for its Latin American affiliates.

Following these events, in August 1961 the AIFLD was incorporated in Delaware as a private, nonprofit organization. Prominent North and Latin Americans became members of the board of trustees.

These events were taking place at a time when the U.S. Government, in cooperation with its Latin American neighbors, was embarking on a bold new venture. In March 1961, at a White House reception for Latin American diplomats, the late President Kennedy suggested an Alliance for Progress—"a vast cooperative effort * * * to satisfy the basic needs of the American people for homes, work, and land, health and schools * * *." At Punta del Este, Uruguay, on August 17, 1961, the President's words and Latin America's aspirations were translated into a formal charter, signed by all members of the Organization of American States except Cuba.

One of the specific goals enumerated in the Charter of Punta del Este was that institutions in both the public and private sectors, including labor organizations, cooperatives, and commercial, industrial, and financial institutions, be strengthened and improved for the increasing and effective use of domestic resources and that the social reforms necessary to permit a fair distribution of the fruits of economic and social progress be carried out.

As details of the Alliance for Progress were worked out, it was recognized at the highest executive levels of Government that AIFLD represented a realistic and imaginative approach to some of the major problems of the Western Hemisphere.

It was considered highly desirable to encourage the active participation of private groups. In that context, the American labor movement was encouraged to participate in cooperation with the workers of Latin America on projects—such as education, workers' housing, and cooperatives—and thereby permit the workers and their unions to participate in the Alliance for Progress and become more active in the economic and social progress of their countries.

In January 1962 the U.S. Government established the Labor Advisory Committee on the Alliance for Progress which labor developed into the present Labor Advisory Committee on Foreign Assistance. The Committee includes prominent American labor leaders. Through its meetings, attended by top officials of appropriate Government agencies, it advises the U.S. Government on Latin American labor matters.

It was primarily through the first meetings of the Labor Advisory Committee on the Alliance for Progress in 1962 that financial support by the Government for AIFLD's activities was decided upon. At the first meeting on January 25, 1962, agreement was reached to make $350,000 available to AIFLD to enable it to undertake its educational activities. Of this amount, $100,000 was provided from the President's contingency fund, through the Department of Labor.

At the second meeting on March 12, 1962, it was decided that necessary funding to AIFLD would be provided by AID under technical service contract arrangements. Shortly thereafter, AID provided the remaining $250,000 under its first contract with AIFLD and later the Government provided $210,000 under a separate contract so that AIFLD could commence technical assistance in the field of social projects activities.

TOTAL FUNDING AND DESCRIPTION OF CONTRACTS

Following the establishment of the AID-AIFLD contract relationship in 1962, AIFLD grew rapidly and extended its operations to nearly all Latin American countries. From inception through fiscal year 1967, U.S. funding of AIFLD operations amounted to almost $16 million. U.S. obligation of funds by fiscal year are shown below.

Fiscal year:	*Amount*
1962	$350,000
1963	1,532,924
1964	2,353,370
1965	4,764,892
1966	2,694,500
1967	4,304,025
Total	15,999,711

AIFLD also receives support through contributions from U.S. business firms and the American labor movement. According to AIFLD, more than 70 business concerns have contributed almost $1 million and the American labor movement has contributed more than $1 million from its inception through 1967. These sources of funding constitute about 12 percent of AIFLD's total income.

A detailed statement of AIFLD's revenue and expenses for calendar years 1962 through 1967 is shown as appendix VI. The AID funds have been provided under contracts for educational and social projects activities as described below.

Contract AID/La–15

This was AID's first contract with AIFLD for educational activities. It initially provided $250,000 for AIFLD to initiate a training program in Washington, D.C., for 42 Latin American union leaders, to be followed by a 9-month internship program upon return to their respective countries.

The contract was extended through December 31, 1963, to provide for additional AIFLD training programs both in the United States and in various Latin American countries.

By mutual consent, this contract was terminated at the end of 1963, with its requirements and unused funding to be incorporated into a new contract. For the total educational activities performed under the contract, AIFLD was provided funds totaling $797,000.

Contract AID/La–43

This contract for AIFLD's social projects activity was signed on August 9, 1962, with initial funding of $210,000 for AIFLD to set up a social projects department to assist democratic labor unions in Latin America in developing technically sound projects. The contract ran concurrently with the contract for educational activities until December 31, 1963, when its requirements and unused funding were also transferred to a new contract. Funds provided under the contract totaled $399,083.

Contract AID/La–162

This contract became effective on January 1, 1964, and combined AIFLD's educational and social projects activities which previously had been performed under separate contracts.

AID's initial obligation under the contract was $1,016,000, divided equally for educational and social projects. Subsequent obligations through March 1965, including unused funds from the two previous contracts, brought total funding under the contract to $4,196,787.

Although no additional funds had been provided under this contract after early 1965, a small unused balance remained. The contract was scheduled to expire on December 31, 1967.

Contract AID/La–259

By early 1965 the combined contract (AID/La–162) for educational and social projects became an administrative burden upon AID and AIFLD because it required amendment each time the scope of work was changed or each time additional funds were added. For that reason, in March 1965, AID and AIFLD formulated a new open end-type contract, with specific work to be undertaken pursuant to the issuance of individual task orders.

At the time of our review AID had issued 35 task orders covering a wide range of AIFLD activities in the United States and in almost all Latin American countries. Over $9.3 million had been provided under the contract to fund the individual task orders.

Grant AID/La–58

This grant, effective November 15, 1962, made available $135,000 to the AIFLD to carry out a trade union educational program in Peru over a 13-month period. Subsequently, amendments to the grant increased the available amount to $496,749 for continuation of these activities through June 30, 1967. The AIFLD reported that $477,401 had been expended under the grant through June 30, 1967.

Grant AID/La–311

This grant, effective July 28, 1965, made available, out of AID contingency funds, $600,000 to be used by the AIFLD for the initial phase of a housing project in San Pedro de Macoris, Dominican Republic. After the planned number of houses (110) had been completed, the AIFLD reported that an unexpended balance of $78,251 was available as of March 1967. At the time of our review the AIFLD and AID were considering using this balance for another smaller housing project.

Other contracts

Other contracts have been entered into from time to time to permit AIFLD to make specific use of funds or to undertake programs in a specific country. These contracts are scheduled below:

Contract No.	Effective date	Termination date	Applicable country	Funds
AID/La–519–33–T	Apr. 26, 1963	July 24, 1963	El Salvador	$5,500
AID/La–519–56–T	Feb. 17, 1964	May 27, 1964	do	6,000
AID/La–216	Aug. 1, 1964	Dec. 31, 1965	Uruguay	50,300
AID/La–63–18	Oct. 5, 1964	Mar. 10, 1965	Guatemala	1,197
AID/La–522–99	May 18, 1965	Sept. 30, 1965	Honduras	5,000
AID/La–519–11–410–003	Feb. 16, 1965	Dec. 31, 1966	El Salvador	15,000
AID/La–522–T–110	May 18, 1965	Feb. 18, 1966	Honduras	4,000
AID/La–522–T–124	Oct. 1, 1965	June 30, 1966	do	5,000

EDUCATIONAL PROGRAM

AIFLD's educational program for Latin American union leaders and workers was initiated and developed along the lines of training for vast numbers of students at the local level, with promising students progressing upward through intensive training at national centers in Latin America, to more advanced courses held in the United States. Courses at all levels are described by AIFLD as containing a variety of subjects aimed at providing the participants with skills, attitudes, and know-how necessary to attain the basic objectives of a strong and democratic trade union movement.

AIFLD's basic in-country programs consist of local or regional short-term seminars of from about 1 week up to about 4 weeks. Weekend and evening courses are also common. These seminars constitute AIFLD's educational efforts at the grassroots level in interior cities, towns, and villages of Latin America and often provide AIFLD a first attempt or contact to begin working with labor unions. These efforts are adapted to fit the needs and requirements of each country's labor movement. For example, courses are conducted at a higher level in Argentina, which has a well-developed trade union movement and workers who are fairly well educated, while courses in northeast Brazil include literacy training, vocational training, and lectures on basic health and sanitation.

The AIFLD short-term seminars are primarily of the lecture and question type, but they also include workshops, group discussions, and even movies as motivation for attendance or as a basis for discussion. In all of these grassroots activities, basic trade union courses—history and international activities of the labor movement, organization, structure and union finance, collective bargaining and labor legislation—are introduced as soon as possible. The aims of these local seminars, as well as more advanced AIFLD courses, are to give a basic trade union education to union members develop leadership skills, and teach methods of strengthening their unions against totalitarian infiltration and tactics. Also, of major importance, selected students are chosen to attend national or regional resident courses conducted by AIFLD.

In each country of operation AIFLD has established, either on its own or in cooperation with an established local institution, national or regional institutes. These are institutes, primarily under the control of AIFLD, where more extensive union training courses are conducted. Courses range from 1 week or less up to 3 months and cover a wide range of subjects.

AIFLD also maintains an advanced training center at Front Royal, Va., where selected students are brought for courses of 10 weeks' duration. Subjects taught include adult education and training, basic economics, labor history and functions, trade unions and economic development, and democracy versus totalitarianism. Field trips to various points in the United States are also provided to students. Enrollees in the Front Royal courses are normally selected by the top AIFLD representative in a country, in consultation with local union officials.

In addition to initiating the educational activities described above, the AIFLD initiated, in September 1966, a project to train Latin American specialists in the field of labor economics, to be carried out in collaboration with Loyola University in New Orleans, La. The duration of the course is the equivalent of two university semesters, followed by a 1- or 2-month study at the Front Royal Institute. The first class of labor economists, 15 students from 10 Latin American countries, was graduated in May 1967.

INTERNSHIP PROGRAM

Upon completion of training in the United States, many graduates are selected for a period of internship upon return to their respective countries. They are paid by AIFLD during this period of 9 months for the stated purpose of helping financially weak unions in Latin America to utilize the full-time services of Front Royal graduates in organizing educational and administrative duties.

SOCIAL PROJECTS

In accordance with its contract with AID, AIFLD established a social projects department to provide technical assistance to help labor unions provide tangible social benefits for their members and to give them the capabilities for active involvement in the economic and social development of their countries. Through this department, with extensive assistance by private professional consultants, AIFLD has engaged in such projects as low-cost housing, community facilities, labor training and organizational centers, the establishment of cooperatives and of workers' banks, and other "small" and "impact" projects. The former are financed by AID and the latter are financed by AIFLD.

In subsequent sections of this report we discuss delays encountered in implementing AIFLD housing projects, particularly under AID's Housing Guaranty Program, and the detrimental effects of delays upon AIFLD objectives. We attribute the delays, in part, to an interest rate ceiling problem that existed during 1965 and part of 1966.

In commenting on the housing program, AID has stated that the sponsor (AIFLD) bears primary responsibility for resolving whatever problems arise during processing and implementation of the project. AID said that, although AIFLD experienced many problems which were beyond its control, such as the interest rate ceiling in Chile, these were problems related to projects which AIFLD elected to pursue in the first place. AID said also that, from implementation in 1966 of an amendment to the Foreign Assistance Act, the question of allowable interest rates had not caused substantial delays in the implementation of housing guarantee projects.

FINDINGS

Our examination into the contract relationship between AID and AIFLD shows, in our opinion, that an unusual amount of flexibility has been granted to AIFLD and, accordingly, that AID has not been able to provide the specific guidance or to maintain the surveillance normally associated with sound technical service contract arrangements.

We noted that AIFLD had been granted a high degree of flexibility, by design rather than by accident, for the stated reason of obtaining effective union-to-union cooperation expected to accomplish results that could not be achieved directly by the U.S. Government. In this manner, AIFLD is to help carry out in every way possible the foreign policy objectives of the United States in the labor field in Latin America.

Therefore, since the basic contract arrangement was designed to implement a specific foreign policy consideration, we are not recommending that the underlying principle of union-to-union cooperation be upset.

Our review, however, showed that the close cooperation between AIFLD and AID necessary in the circumstances had not been achieved. We also noted that numerous disputes and petty annoyances had arisen over the duties and responsibilities of the parties, resulting primarily, we believe, from the very broad contract arrangements. In some cases these matters are clearly documented in the record. In other cases, observations leading to informed conclusions to that effect seem warranted frrom analyses of a whole chain of documents and events.

AID's comments on our draft report expressed general agreement on the need for improvements in its contractual relationships with AIFLD and with the four proposals contained in the report. They do, however, foresee alternatives to a number of specific procedures suggested to implement a system of control on the basis of flexible work plans. We agree with the agency that the most desirable alternatives should be selected to implement the needed improvements. AID expressed disagreement with several of the specific conclusions in our report, which it characterized as misleading either because of inaccuracies or because important considerations had been omitted. We do not believe that the conclusions are misleading, and as suggested by AID, we have given consideration to its comments in preparing this final report.

According to AIFLD's comments, it viewed the draft report as giving ample testimony to the relative success of its programs, pointing out that there were areas where improvement was needed. AIFLD expressed the opinion that any substantive changes that might be contemplated in its contractual relationship with AID would be a proper matter for review by the Labor Advisory Committee on Foreign Assistance.

In our opinion, substantial improvements in guidance and controls can be implemented to improve the contract activities. In addition, we believe that improvements are needed in AID's capacity for monitoring AIFLD activities and in AID's management of AIFLD programs and budgets. These areas are discussed in more detail in subsequent sections of this report and are followed by our observations on specific AIFLD programs in the countries visited during our review.

USE OF GENERAL RATHER THAN SPECIFIC CONTRACT TERMS TO DESCRIBE THE SERVICES TO BE PERFORMED

The contract descriptions of the service to be performed by AIFLD have been written in general rather than in specific terms, thus precluding an identification of the precise work to be performed. This was done intentionally to allow AIFLD the maximum amount of flexibility of operation on the supposition that the best results would then be obtainable. Moreover, it was done with the recognition that it placed exceptional responsibility on representatives of the Government and of AIFLD to cooperate very closely in order to accomplish the purposes of the contract arrangement.

When the U.S. Government formulated the decision in 1962 that AID would fund AIFLD activities, it was AIFLD's original impression that funds would be turned over to it on a noncontractual grant basis. Instead, the first AID contract was drawn up in a rather hurried manner subsequent to the March 12, 1962, meeting of the Labor Advisory Committee on Foreign Assistance and afforded to AIFLD the greatest amount of leeway possible.

AID stated that the contracting was not done in a hurried manner and correctly stated that the time involved was not the reason for the great amount of leeway afforded AIFLD. AID maintained that, despite the uniqueness of the venture and the lack of predetermined guidelines on the means for achieving a balance between flexibility and control, the contract was fully negotiated and required compliance with all procurement regulations.

In spite of AID's contention regarding the time devoted to negotiating the first contract, the record shows that immediate contract action was called for, that overtime work was required, and that a meeting was held after the contract had been signed to resolve financial matters not considered in the contract. Immediate contract action was needed because AIFLD's first Washington training course was scheduled to begin June 15, 1962, and it was incurring expenses even while the contract was being formulated.

Although the earlier individual contracts for educational and social projects activities were permitted to expire and were replaced by more recent contracts that combined both activities, the general vagueness of contract terms remained substantially unchanged. This vagueness of contract terms caused problems relating to the work to be performed, the method of conducting AIFLD activities, and the extent of funding to be provided by AID.

The record indicates that AID officials have always been impressed with the AIFLD as a potentially powerful and constructive instrument for both building up the strength of the free trade union movement in Latin America and facilitating the attainment of Alliance for Progress objectives. On the other hand, AID has also been very much concerned with problems surrounding AIFLD operations which tend to undermine the confidence in, and respect for, the AIFLD which its potential should warrant.

Following an extensive review of AIFLD's activities, an AID official in January 1965 summarized his views on the types of problems that had arisen, as follows:

1. Inadequate consultation by AIFLD with Embassy-USAID on the plans and anticipated programs in the various countries—as a result the missions often consider AIFLD outside of normal operational responsibilities and usually have inadequate financial and backstopping resources available to fund requests;

2. Lack of appreciation by AIFLD officials of the fiscal and procedural requirements of AID in considering AIFLD proposals;

3. Tendency to disregard Embassy-USAID positions on important labor issues when drawing up AIFLD programs, thus reinforcing problems indicated above;

4. Tendency to create illusions of future activities which may be beyond the capacity or competence of AIFLD to meet and which may involve moral commitments of such a nature that failure to act causes serious counterproductive repercussions within the labor movement of the host country;

5. Assignment of advisers whose technical qualifications or personal qualities are inadequate for the job to be required;

6. Assignment of personnel to a country, especially for short-term jobs, without prior Embassy-USAID clearance;

7. Excessive travel to and from Washington by resident advisers, and a tendency to move decisionmaking from the country level to Washington on issues requiring local action; and

8. Lack of administrative discipline within the AIFLD, with resulting difficulties in operational relationship.

In addition to suggesting several measures aimed at correcting these problems, the AID official suggested that the AIFLD budget be shifted from a calendar year to a fiscal year programing cycle so that its budget requests could be presented to AID as part of the normal AID system. In that way, he said that AIFLD could gear into the country planning process and begin to overcome its most critical problem of presenting a budget after AID's congressional presentation had been made and requesting a level of funding substantially higher than the available funds.

Shortly thereafter, on March 29, 1965, the Assistant Secretary of State for Inter-American Affairs wrote to the president of the AFL-CIO concerning AID's intention to provide $3.7 million for AIFLD's calendar year 1965 regional and field programs. He expressed general gratification with the good beginning AIFLD had made as a unique joint venture of labor, private business enterprise, and Government to strengthen free trade unions as democratic institutions in Latin America. However, he also expressed concern that AIFLD should make the most effective and efficient use of the considerable resources placed at its disposal, coordinate its activities as fully as possible with U.S. Government officials, and provide essential detailed information on its use of public funds so that the agencies could fulfill in every respect their obligation of stewardship of appropriated moneys.

Several of the Assistant Secretary's comments, in his letter of March 29, 1965, seemed pertinent to the problems that had developed in the AID-AIFLD contract relationship. They are quoted in pertinent part below:

"In the interest of making sure that the Embassies and AID missions give appropriate high priority to labor activities and projects, and specifically AIFLD programs, I am preparing to write to our Ambassadors to impress upon them the importance we attach in the Department to such programs. This will, I trust, contribute to improved understanding and closer cooperation between AIFLD in the field and the missions, particularly if AIFLD's representatives consult frequently as practicable with our missions' officers on labor problems and programs in the broad context of the political, economic, and social evolution of the respective countries. Such consultation, I am convinced, is mutually beneficial.

"I am confident that you and those who direct the Institute will seek greater efficiency by using resources available to maximum effect in curbing any tendencies toward bureaucratic overhead that plague even the best organizations."

Regarding the proposed level of funding for calendar year 1965, the Assistant Secretary pointed out that it was almost as much as the cumulative total from AIFLD's inception in 1962. He said that it would be helpful if the AFL–CIO president acknowledged a mutual understanding that programs and activities for the next year would be so planned that the request for U.S. Government funding of AIFLD operations would remain within the limits of the AIFLD budget for 1965.

In his reply of April 13, 1965, the AFL–CIO president expressed agreement that AID's funding of the AIFLD operation should be reasonable. He stated, however, that, as the free unions of Latin America become more actively engaged in the social development programs of the Alliance for Progress, the AIFLD budget requirements would have to be correspondingly reviewed. He stated that future judgments on AIFLD's budget could be made as AIFLD's activities are reviewed in the Labor Advisory Committee.

Our review indicated that the overall operating and funding problems, which we attributed mainly to the vagueness of the contractural arrangements had never been resolved. Many of the AID missions tend to regard the AIFLD as just another contractor performing a technical assistance function. At many posts, the AID officers want AIFLD activities confined to a very few programs and projects, specifically approved in advance, and carried out only by the number of representatives needed for those specific activities under close and continuing supervision of the mission.

The AIFLD, on the other hand, believes that it can perform its broad union-to-union institution building role only if it is allowed scope for initiative and enough freedom of action so that it will not be too closely identified with the Embassies and AID missions. Furthermore, AILFD holds that, in the interest of strengthening democratic elements and orientation, it must be as responsive as possible to the needs and aspirations of local unions and that the fact that this sometimes raises hopes for assistance in the form of social projects that cannot be readily met is, in effect, a calculated risk.

In one instance we noted that the AIFLD country program director in Colombia in July 1964 complained bitterly about mission cooperation in connection with an AIFLD-sponsored housing project. A pertinent part of his complaint stated:

"There is no doubt in my mind that AID-Colombia is firmly determined to stall our program and will utilize whatever dilatory tactics are necessary to delay the actual consummation of our worthy objectives. My conclusion is based on the fact that they have persistently raised objections such as the ones enumerated above and others like, the housing cooperative expert, the cooperative structure, the bylaws for cooperatives, etc. Their actions only serve to irritate us to a point of desperation but worse of all it tends to antagonize these good democratic trade unionists who are so patiently waiting for the final realization of their badly needed housing program."

The AIFLD country program director said that it was not his intention to act in a manner completely subservient to the whims and fancies of the AID people. It was his conviction that AIFLD must act independently of AID, subject only to the expressed conditions as stipulated in its contract with AID. Otherwise, he said, AIFLD would become a poor appendage to a bureaucratic structure whose personnel are dedicated to principles that are totally inconsistent with those of AIFLD.

As a result of his complaint, he proposed and received approval from AIFLD's Washington headquarters to expedite the AIFLD program by urging unions to use their tremendous influence with Colombian authorities so that sufficient pressure would be generated against AID. In adopting this course of action "to exert inescapable pressure to people who drag their feet . . .," AIFLD specifically recognized that it might precipitate some anti-AID expressions and sentiments which could result in embarrassment for some AID personnel.

We noted that, shortly after AIFLD decided on their course of action, a report from Bogota stated that the leadership of the democratic trade unions were in a mood of severe criticism. They reportedly charged that the program of low-cost, incomplete houses was impractical and was creating new slums at higher cost to the workers. They also condemned AID for the unanticipated delay in financing the trade-union-sponsored housing project through the AIFLD.

AID informed us that the consequences of the AIFLD actions with respect to the Colombia housing project bear noting. They said that the mission in Colombia had originally concluded after careful assessment of the project that there were serious deficiencies in project planning and budgeting.

Nevertheless, according to AID, the situation that evolved as a result of AIFLD pressure, both in Colombia and in Washington, led to the decision that U.S. interests in Colombia would be better served by approving the project prematurely rather then by prejudicing relations with the Colombian labor movement.

AID said at the time of its reply to our draft report, 3½ years after the AIFLD country program director's statement in July 1964, that construction had not yet started on the project but that plans were well advanced and ensured the start of construction in the near future.

In an attempt to achieve the desired improved understanding and closer cooperation among AIFLD and U.S. representatives in the field, the Department of State and AID in November 1965 circulated guidelines to Latin American posts for dealing with the AIFLD in planning for and evaluating operations in the respective countries.

Although Embassies and AID missions were urged to exercise the degree of control over AIFLD activities that they determined to be necessary, they were also urged to provide AIFLD representatives with the maximum degree of responsibility for planning and implementing projects. The posts were told that it would be counter-productive if official representatives of the U.S. Government were so involved in AIFLD projects as to undermine the basic principle upon which the contract arrangements were founded and that union-to-union cooperation could accomplish results that could not be achieved directly by the U.S. Government.

We believe the guidelines merely served to stress and continue the exceptional amount of flexibility that was granted to AIFLD and served little, if any, toward resolving or eliminating disagreements.

For example, the administrator of AIFLD in mid-1966 complained that AIFLD's experience with respect to obtaining access to a special fund for small impact projects in the Dominican Republic had been such that the enthusiasm on the part of the local unions involved would be dampened and the chances for political impact which might otherwise have been achieved could be undermined.

Upon being notified of the AIFLD administrator's complaint, the AID mission director in the Dominican Republic stated that the primary reason for delay was not the alleged method of project review by the mission but rather the failure of the AIFLD representatives to present acceptable projects which meet basic criteria and which have sufficient construction plans and budgetary information to provide a basis for project evaluation. He also pointed out that the AIFLD people had never shown him the courtesy of bringing their complaint about alleged slowness to him.

AID informed us that AIFLD participation and performance under the small impact project activities in the Dominican Republic had improved as the AIFLD representative gained experience with the understanding of the AID role in these activities.

We noted a more recent dispute over the extent of guidance and control over AIFLD's program in the Dominican Republic. In mid-1967 the U.S. labor attaché in the Dominican Republic raised certain questions concerning a proposed AIFLD headquarters and school building in the country and the hiring of a part-time professor who would be used when needed. Subsequently when the AIFLD country program director objected to the questions raised by the labor attaché, the mission director and the Ambassador stated that mission guidance would apply not only to basic policy and program decisions but also to more routine administrative decisions, such as when a contractor travels or whom a contractor hires.

Subsequently, AIFLD and AFL–CIO officials in Washington requested a meeting to discuss what they termed to be interference in the operation of the AIFLD program in the Dominican Republic. They added that AIFLD might even terminate its program in the Dominican Republic in light of the latest series of events. AIFLD's general position was that they are better qualified to judge the capabilities of the personnel they wish to hire and that AIFLD is more knowledgeable of the types of programs best suited for working with the labor movements in the various countries.

Although it appears that a series of meetings were held between AID and AIFLD officials to discuss the extent of guidance and control by U.S. officials in the Dominican Republic, we were not able during our review to ascertain the results of these meetings or whether the matter had been finally resolved.

In commenting on this situation, AID stated that the basic problems relating to the extent of guidance and control by AID in the Dominican Republic apparently had been resolved through a better understanding by the AIFLD staff of the responsibilities of the U.S. Ambassador and the AID mission director.

AID also pointed out the mission was clearly attempting to properly monitor AIFLD activities in which it felt that AIFLD was proceeding prematurely. Thus, AID stated the belief that our comments on the problem did not provide an accurate statement of the situation.

In that respect, the essence of our point was not to impugn the official actions taken. We commented on the situation, instead, to demonstrate the basic difference of approach by AID and AIFLD and the fact that the close cooperation considered essential to successful contract operations had not been fully achieved.

The Agency informed us that it intended to work closely with the AFL–CIO and AIFLD to resolve the basic differences of approach discussed in this part of the report. It said that to grant AIFLD the freedom of action it had sought in some situations would place AID and the U.S. Government in the position of abdicating its public responsibilities. It also attributed many of AIFLD's statements and actions to inexperience and their conviction that mission actions were petty bureaucratic delays rather than attempts to achieve prudent management of the public interest.

On balance, we believe that the use of general, rather than specific contract terms to describe the services to be performed has resulted in a failure to understand the fine difference between supervision and interference and in judging how well the ends of public policy are being served. This basic misunderstanding has undoubtedly stood in the way of maintaining the very close cooperation needed to accomplish the purposes of the contract arrangement. It appears that in some cases AIFLD cooperation might have been directed at the unions in an attempt to embarrass AID and its Alliance for Progress efforts.

We therefore proposed that the Administrator, Agency for International Development, provide for a reevaluation of the AID–AIFLD contract relationship with a view toward implementing a system which can be applied more uniformly to carry out the broad purposes of the contract and at the same time recognize minimal guidance, coordination, and general surveillance that are necessary for sound contract administration by AID.

With respect to our proposal, AID's Assistant Administrator for Administration advised us that AID would initiate, as soon as possible, a complete review of its contract relationship with AIFLD. He said that contract terms would be reviewed and tightened where necessary and that the review would include the feasibility of a system of control under which AID would require submission of work plans and a uniform, clearly defined system of periodic review of all AIFLD activities and progress.

POTENTIAL POLITICAL RISKS INVOLVED IN THE AID-AIFLD CONTRACT RELATIONSHIP

The record indicates that AID has never been satisfied with the extent of coordination of AIFLD activities with mission officials. In the absence of close coordination there appears to be a lack of minimum safeguards to protect the United States interest and the program itself.

We noted that certain AIFLD activities in Latin America directed at assisting free and democratic trade unions brought charges from opposition forces that it was involved in subversive activities and divisionist training.

Also we were aware throughout the period of our review that attempts were being made primarily through the press to link AIFLD activities to Central Intelligence Agency operations and funding. These charges have been repeatedly denied by all concerned, and, although our review was not directed to this area, we did not find any undisclosed AIFLD funding or secret agreements.

We did become increasingly aware, however, that AIFLD was deeply involved in the development of a free democratic trade union movement in Latin America.

In view of the fact that the political risks seem inherent to some degree in the specific contract arrangement for union-to-union cooperation, we are not recommending any basic changes in this underlying principle to the contract. However, our proposal for better coordination, made in the preceding section, is also applicable here.

IMPROVEMENTS NEEDED IN AID CAPACITY FOR MONITORING AIFLD ACTIVITIES

Our review indicated that AID's capacity for monitoring AIFLD activities, both in Washington and at mission level, was restricted by the fact that the number of persons assigned to this task was inadequate. We believe that this problem probably tended to compound other problem areas encountered in the AID–AIFLD relationship.

AID has primary responsibility to monitor the activities of parties with whom it contracts. Therefore, appropriate trained personnel should be assigned to carry out this function. In our opinion, the need for effective monitoring of the AIFLD activities by AID was of particular importance because of the vagueness of contract terms.

At the time of our review, AID had about 40 task orders in existence or in process and many amendments under the AIFLD contracts. This appeared to require a considerable amount of time and service to prepare, approve, and implement the related paper work. Travel arrangements, clearance procedures, and communication between AID/Washington and the mission appeared to require almost continual liaison with the AIFLD.

We noted that the responsibility for the above workload rested primarily with one AID/Washington official. Moreover, we were informed that a study conducted by AID in 1965 resulted in a suggestion that three additional professional employees be assigned to this area. At the time of our review, none had been assigned.

AID informed us, however, that it had taken an initial step to improve overall capacity to monitor AIFLD regional activities. A new office of regional projects was established in December 1967 to manage the regional aspects of technical assistance projects. AID said that this would make additional staff available to monitor the regional activities of AIFLD, and thereby provide additional time for the Washington-based labor technical personnel to devote to backstopping the AIFLD's overseas operations.

We found that AID's monitoring capacity at the mission level was also restricted by the lack of sufficient personnel. We believe that, at the country level, the technical as well as political aspects of the AIFLD activities should be monitored. Qualified labor technical officers are considered by AID to be the most appropriate personnel to monitor technical aspects, and embassy-assigned labor attachés are considered the most appropriate to monitor political aspects. The Director, Office of Labor Affairs, AID, informed us that, in his opinion, these two roles were both essential at the country level and should be maintained separately. We found from our review in selected countries in Latin America that in no case were both a labor technical officer and a labor attaché assigned to the same location. Moreover, we found that there had been periods when neither was assigned.

During our review in Honduras, we found that the mission did not have a labor technical officer assigned but that the labor attaché had been assigned to monitor the AIFLD activities from January 1967. The mission's evaluation, as stated in AID's response to our draft report, is that the current monitoring coverage provided by the labor attaché is considered adequate for mission needs. Except for the possible technical and administrative problems, we tend to concur in that evaluation because of our observations that the labor attaché is extremely competent and dedicated. Prior to his assignment, however, neither a labor technical officer nor a labor attaché had been assigned this function in Honduras. AID mission officials agreed that this had presented a complication in attempting to monitor the AIFLD program in Honduras.

In Guyana, a labor technical officer had been assigned to monitor the AIFLD activities from mid-1967. However, a labor attaché had not been assigned to the Embassy in Guyana. Prior to assignment of the labor technical officer, neither position had been filled. Again, AID mission officials agreed that this situation had a negative effect on their monitoring capacity.

At the time of our review in Recife, Brazil, a mission program office employee had been designated as the AIFLD project manager. Previously, a rural labor adviser, described by AID as highly qualified, was assigned to Recife under an AID agreement with the Department of the Interior to assist the mission in project development, evaluation, and monitoring activities. In October 1966, an AID/Washington official stated that labor technical officers should be assigned in Recife as well as Rio de Janeiro.

AID has informed us that in Rio de Janeiro an integrated embassy-mission labor office is maintained and that the labor attaché has been designated as the AIFLD contract representative for the mission. AID stated that, in terms of the original goals of the program, it had been quite successful and the problems of Brazilian self-help support were being resolved.

With respect to difficulties that arose in AIFLD's northeast Brazil program, AID expressed the view that they resulted from high turnover in AIFLD personnel assigned to the northeast, from the assignment of unqualified personnel by AIFLD, and from attempts by AIFLD/Brazil personnel to alter the northeast program concept without sufficient coordination with the mission. Although these particular problems have been eliminated, we think the lack of sufficient mission personnel to monitor the AIFLD activities probably contributed to the difficulties encountered.

In commenting on our draft report, AID stated that it is misleading to discuss AID's monitoring capacity solely in terms of the presence or absence of labor technical officers and labor attachés. AID pointed out that the monitoring function involved not only such technical personnel but also the program office in the mission, the political section of the Embassy, and, where major issues were involved, the mission director and the Ambassador. In addition, AID stated that the administrative judgment as to the need for a labor technical officer or attaché in a particular mission must be based not only upon the needs of the AIFLD program but also upon the significance of the labor activities in that country in relation to the total assistance program.

We can appreciate AID's views that overall embassy and mission structure and judgment are important in considering the needs of the total assistance program, of which AIFLD is only a part. We do not agree, however, that it is misleading to point out the fact that in several instances mission capacity to effectively monitor AIFLD activities has been adversely affected by the absence or shortage of personnel. Moreover, AIFLD believed that improvements in this capacity would improve coordination and the cooperative relationship, elements often stated by AID to be essential to successful contract operations.

We believe that the size and complexity of the AIFLD operations make it incumbent upon AID to insure that its activities are effectively monitored from a technical, as well as political, viewpoint. Further, this requires the assignment of sufficient personnel to carry out this function.

We therefore proposed that the Administrator, Agency for International Development, direct that an evaluation be made of AID's capacity to monitor AIFLD activities, both in Washington and at the mission level, and, on the basis of the results of that evaluation, take action to assure that appropriate assignments of personnel be made as necessary.

AID has stated that it concurs with our proposal but has pointed out the trend to reduce the number of oversea personnel to minimize the negative impact on the balance-of-payments situation. Within that constraint, however, AID has stated that it will make every effort to insure that its monitoring capability is significantly increased, whether it be through the assignment of additional oversea personnel, short-term assignments of qualified Washington-based personnel, or other appropriate measures.

NEED FOR IMPROVED FINANCIAL MANAGEMENT

Our review of financial matters surrounding the AIFLD contracts showed several separate but interrelated areas for potential improvements in financial management.

AIFLD's early operations, both in Washington and in individual countries, were financed by AID under the so-called regional basis. Later, AID began having its missions fund that portion of AIFLD activities carried out in each respective country. The gradual shift toward substantial mission financing and by having AIFLD justify its national programs to mission directors provide a mechanism for closer monitoring of individual country operations. Under the system of financing, however, we found that AIFLD is relatively free to increase or decrease any phase of its program.

For example, specific sums are allocated each year by AID to separately fund AIFLD regional activities and individual country activities. In 1965, AIFLD reportedly utilized $173,000 allocated to its regional activities to supplement its national program in Ecuador. Similarly, undetermined amounts of regional funds were diverted to its national programs in Argentina and Chile. We did not ascertain whether this was possible through an overfunded regional budget or whether the overall regional program was reduced. In either event, the diversion of funds between AIFLD programs indicated a significant financial management weakness in AID's programing review and approval and budgeting process.

During our review in Chile we noted a situation which, if representative, would indicate a lack of uniform criteria for establishing levels of effort and funding.

AIFLD expressed the belief internally that its Chile program could be increased, by the replacement through retirement and transfer of several key U.S. officials, because the Embassy and mission replacements were more friendly to the labor organization.

Our review showed that the program increases anticipated by AIFLD were being accomplished. The mission in mid-1967 approved a budget of more than $350,000 for the period July 1, 1967, to December 31, 1968. This covered generally an overall expansion of the AIFLD program in Chile.

Moreover, we found strong indications that the approved program and budget are substantially uncertain. In a memorandum discussing the Chile program and budget from the AIFLD country program director in Chile to the AIFLD Washington headquarters, he stated that AIFLD was free to make whatever changes it deemed desirable in the program. He also indicated that AIFLD could introduce other types of training, but the only limitation would be the overall approved budget.

In referring to the budget approved by the mission, he pointed out that it contained $3,000 for the preparation of teaching materials and for technical and legal consultants and that a budgeted amount of $13,000 for local salaries could be used for education or administrative expenses.

When we discussed these matters with mission officials in Chile, they admitted that their programing review and budgeting process had been inadequate. They stated, however, that they intended in the future to maintain close surveillance over AIFLD activities to ascertain the specific use of funds provided.

In another instance, AID provided more than $1.5 million to fund AIFLD regional activities through September 30, 1967. Through a reported misunderstanding, AIFLD utilized the funds on an AID fiscal year basis, through June 30, 1967. As a consequence, AID provided additional funding of $250,000 to fund AIFLD activities through the contract period ended September 30, 1967.

In commenting on our draft report, AID stated that, during the first 3 years of AIFLD operations, the program was rapidly expanding both in terms of types of activities engaged in and in their geographic distribution. Added to this, AID said, was the relative inexperience of both AID and AIFLD in the development and execution of large-scale oversea labor development programs. Within that situation, AID said the certain of the initial cost estimates for AIFLD programs during that early period undoubtedly proved to be overstated, while, at the same time, others were undoubtedly understated. AID maintains that due regard has been given to the work to be performed or costs involved to the extent that available information and experience with such activities permitted.

AID maintains also that our statement does not accurately depict the current situation. AID states that for the past 2 years AIFLD budgets have been the subject of extended and frequently detailed analysis and negotiation, differences of opinion between AID and AIFLD were negotiated over a period of months before final agreement was reached, and a strict personnel ceiling based on the final negotiated agreement was incorporated into AIFLD's regional task order.

We are in agreement with AID's comments that substantial improvements have been made in considering AIFLD's programs and their costs subsequent to the first 3 years of operations. We must point out, however, that the situations indicating areas for potential improvements occurred in 1965 or later and that, for the most part, they existed at the time of our review.

Moreover, AID's Audit Division recently established that AIFLD's accounts do not provide for identification of costs to specific AID contracts or task orders; and, as a consequence, billings for separate cost reimbursements are not prepared from AIFLD's records but are prepared on the basis of unsupported estimates developed at the time that reimbursements are requested from AID. Because of the seriousness of this deficiency and other major audit exceptions and their effect on the accountability of large expenditures of AID funds, the audit division, on March 25, 1968, recommended the immediate suspension of all payments to AIFLD to protect AID interests until remedial actions could be taken and verified. (See Editors note, p. 72.)

In connection with our comments about the Chile program, AID said it did not believe that our report accurately stated the situation nor did it agree that the Chile situation demonstrated poor programing or lack of adequate programing criteria.

AID stated that the relative priority assigned to labor programs within Chile and the limited grant funding available to the mission were important considerations. AID also said that there was a desire on the part of the mission to see results and further evaluate the labor program prior to committing additional funds.

AID said further that substantially the same officials were involved in both earlier and later program levels in Chile and that it did not believe that the retirement and transfer of several key U.S. officials materially affected the AIFLD/Chile budget level. AID also stated that task order provisions prevented the AIFLD country program director from having the freedom to make whatever budget changes deemed desirable.

In our opinion, since most of the factual statements regarding the Chile programing and budgeting are attributable to AIFLD and mission officials, AID's comment further illustrates the lack of close cooperation between its Washington office and mission and with AIFLD. The observations reported, we believe, typify the divergence that can exist between broadly stated budget limitations and actual contract implementation in the field.

We believe the situations noted demonstrate serious financial management weaknesses in the AID–AIFLD contract relationship, which are due at least in part to the desired climate of flexibility which exists. In our opinion, the desired degree of flexibility can be maintained within a framework of sound budgeting and contract arrangement.

Therefore, in view of the large sums being provided to AIFLD, we proposed that the Administrator, Agency for International Development, provide for more detailed analyses of future AIFLD programs and budgets and, as a minimum, consider establishing line-item limitations or other similar expenditure limitations and controls with respect to AIFLD activities. We proposed also that, once such improvements are instituted, significant deviations in expenditure rates, scope of program, or changes resulting from unusual circumstances be specifically approved in advance by AID.

AID has expressed general agreement on the need for improved financial management, but has stated its uncertainty that the indiscriminate introduction of line-item limitations would provide the necessary controls. AID said that it would, however, take steps to incorporate such limitations in future AIFLD contracts to the maximum extent possible with the flexibility required for AIFLD operations.

OVERALL IMPROVEMENTS NEEDED IN EDUCATIONAL PROGRAM

Our review showed that the AIFLD had not yet designed an overall systematic evaluation system for its educational activities, and, therefore, overall program achievements were very difficult to determine. We found that the method of reporting educational participation used by the AIFLD might have created an impression that more individuals had been benefited than, in fact, was the case. Further, we found that the AIFLD had not designed a regular followup procedure for determining the progress and current status of graduates of its educational activities. Moreover, our review showed that the AIFLD had not implemented procedures to insure uniform quality of the instructors and curriculums in its educational activities.

At the time of our review, the AIFLD had not designed or implemented a systematic in-depth evaluation system for its educational activities. Other than dates of seminars, attendance records, and general course descriptions, we found no AIFLD records from which meaningful judgments as to program achievements could be made. The AIFLD director of education stated that he recognized the need for a thorough and systematic evaluation system and that his department was in the formulative process for such a system at the time of our review. Moreover, he stated that, since the AIFLD was still a relatively new organization, it would have been premature to expect such a system previously.

We found that the AIFLD, in reporting the number of enrollees in educational activities, apparently had counted each enrollee in each activity attended. In effect, this means that the same individual may have been counted twice or more, which would result in somewhat overstated statistics on enrollment. Our review was not in sufficient depth to comment on the degree of overstatement which may be involved. We believe, however, that the AIFLD should either report the number of individuals, rather than enrollments, or very clearly describe what the statistics represent.

We found also that the AIFLD does not have a systematic followup system for graduates of its seminars. We believe that an adequate followup system should be an integral part of an overall evaluation system for the AIFLD educational activities. We noted that, at the time of our review, the AIFLD education department was giving consideration to designing a followup system, as one part of an overall evaluation system.

Our review shows that the instructors in the in-country seminars are usually volunteers and that AIFLD has not established standards of performance for these instructors. For instance, in March 1967, the AIFLD reported that instructors in Guyana were selected more by their availability than by their competency. We believe that the AIFLD should take appropriate steps to insure the degree of competency necessary in selecting instructors for its educational activities.

Our review shows also that some AIFLD officials are not thoroughly knowledgeable about the curriculums used for in-country seminars and, therefore, are in a weak position to carry out a proper monitoring function. For instance, the AIFLD country program director in Guyana stated that the design of curricula had been controlled primarily by the cooperating educational institute there rather than by the AIFLD. Further, the AIFLD education department in Washington, D.C., apparently had little knowledge of the curriculums of in-country seminars at the time of our review.

We believe that it is incumbent upon the responsible officials of AIFLD, both at its country offices and in Washington, D.C., to have a thorough awareness of curriculums used in seminars which it sponsors, in order to be in a position to suggest necessary changes. In this connection, the AIFLD director of education informed us during our review that he intended to visit several countries to review and evaluate the curriculums being used in AIFLD-sponsored seminars.

We noted that one difference of opinion arose between AIFLD and Latin American union leadership over selection of enrollees for seminars. In March 1967, the AIFLD reported that the Trade Union Council in Guyana, had an inordinate degree of control over selection of students. At the time of our review, the AIFLD education department was considering plans to review selection processes for national seminars, as well as for Front Royal Institute.

In commenting on these matters, both AID and AIFLD agreed that improvements in the AIFLD educational program were desirable. AIFLD informed us that they had already engaged a professional organization to provide them with an evaluation system. AID stated its intention to coordinate closely with AIFLD in its effort to implement an adequate evaluation system. Both AID and AIFLD, however, cautioned against standardized regionwide uniformity in AIFLD's country-level educational programs. They said that such activities must take into account the conditions existing in each country in order to meet the local requirements for trade union, development.

We believe that the above-discussed weaknesses in the AIFLD's administration of its educational activities have a negative effect on AID's capacity to monitor and evaluate the program. Accordingly, we proposed that AID, in cooperation with AIFLD, take appropriate action to evaluate the AIFLD educational program with a view toward implementing adequate administrative and reporting requirements.

AID has informed us that it believes an evaluation designed to develop and implement adequate administrative and reporting requirements for AIFLD's educational program is only the initial step in a program to strengthen these important activities. More important, in AID's view, is the development of a basis for judgment as to the overall effectiveness of the educational program as an instrument for the development of viable, democratically oriented trade unions. Therefore AID has stated that it proposes to undertake, as part of its overall analysis of AID–AIFLD relationships and activities, a review of the AIFLD educational programs with special emphasis upon their effectiveness.

INTERNSHIP PROGRAM

Seminars organized in 1959 by the Communications Workers of America (CWA) for the Latin American union leaders affiliated with the Postal, Telegraph & Telephone International (PTTI) served somewhat as a model for designing AIFLD's labor union courses under its contract with AID. In connection with the CWA–PTTI courses in 1959 held at Front Royal, Va., the PTTI affiliates, upon return to their countries, were kept on the union payroll for 9 months. This feature, commonly called internship, was incorporated into AIFLD's program, with payments of $250 a month to each intern, for the stated purpose of helping financially weak unions in Latin America to utilize, during a 9-month period, the full-time services of AIFLD's Washington graduates, and later its Front Royal graduates, in organizing educational and administrative duties.

Although AIFLD's internship program is continuing, AID's comments to us on March 8, 1968, were that AID support for the internship program had been phased out. AID said that, although a number of former participants in the AIFLD Front Royal training program who might have otherwise received internships are currently employed by AIFLD under AID task orders; they work as employees and not as interns. AID advised us that it had been informed, however, that AIFLD provided internships for 10 former participants, the costs of which were paid from private funds.

From the inception of AIFLD's U.S. training center in 1962, a substantial number of graduates have returned to their countries and have served 9-month internships. The cost related to the participants, consisting primarily of support for AIFLD's Washington and later Front Royal Institutes, also included travel, per diem, and internship costs for the participants. The costs involved were funded by AID's Washington office, as opposed to having each mission fund its appropriate phase of the training and internship program. It appears that at least one consequence of this arrangement was to substantially preclude all AID missions from any effective control or monitoring capacity over the selection of participants for training and the internship phase of AIFLD activity.

We noted that about mid-1966 AID made a tentative decision to terminate the internship program, apparently on the basis that it was contrary to U.S. policy interest at that time.

AIFLD did not concur in AID's tentative decision to terminate the internship program. It maintained that the program assured that the fruits of its high-level course would be applied directly to the democratic trade union needs within each Latin American country.

AID considered that there were serious political risks involved which could arise at any time. AID also felt that Embassies and missions had not been adequately involved in the selection of the interns. AID finally decided, however, in August 1966, to keep the intern program going without basic change. In doing so, AID requested AIFLD to have its field staffs make every effort to provide missions with the names of selected interns at the earliest practicable date. Also, at the time of our review AID was in the process of trying to insure the missions' total commitment by requiring them to provide the funding for this phase of AIFLD activity. These revisions to the program were designed to keep the political risks to a minimum.

Everyone concerned with the AID–AIFLD contract arrangement seems to agree that the internship program is important to the AIFLD effort in the development of free democratic labor movements. In discussing the merits of the program, one AID official stated that there were any number of cases in which activities of interns had, by their training and effort, been able to strengthen free democratic unions in Latin America.

Our review in Latin America confirmed the fact that some interns had made significant contributions to the democratic growth of their unions. We met several former AIFLD graduates who had received internships and who had risen to prominent positions of leadership in their respective organizations.

We noted that, in contrast to the instances that might be described as successful, a significant number of interns had apparently done little or nothing to show beneficial results of their training and internship. For example, a report prepared by AIFLD on 176 recipients of internship through December 31, 1966, showed that 45 interns were no longer active in the labor movements in Latin America. The whereabouts of most of these were unknown to AIFLD.

Except for a few meager statistics obtained by AID on the internship program when its continuance in mid-1966, AID has not been regularly or routinely informed on the extent or effectiveness of the program. This appears to have been by design. The contracts have required regular reports from AIFLD. The reports, however, have not included data or information on the internship program. AID's chief influence—and, it appears, its only method of control over AIFLD's internship program and, for that matter, other phases of its program—has been through its annual agreements on the amounts of funds to be provided to AIFLD.

AID's first contract with AIFLD for educational activities was effective from May 31, 1962, until December 31, 1963. Under that contract AID provided $797,000. A subsequent audit showed that almost $125,000 was used for payments to interns. No effective audit of these payments was possible because, as the auditors were told, the underlying records were located at AIFLD's various Latin American locations.

Under AID's subsequent contracts with AIFLD—primarily contract AID/La–162 effective January 1, 1964, and contract AID/La–259 effective January 1, 1965, and having no specific expiration date, AID has provided increasingly larger sums for AIFLD's internship program. Except for the effort described above, however, to require missions to begin funding this phase of the program, no effective controls or monitoring procedures were incorporated into the contract relationship between AID and AIFLD.

AID's statement to us in March 1968 that support for the internship program has been phased out constitutes a major change to the AIFLD program. Because AIFLD will continue to utilize selected students as employees and possibly continue the internship program when needed from private funds, we foresee the need for continued close monitoring of student activities subsequent to training.

AIFLD ACTIVITIES IN SELECTED COUNTRIES

Brazil

The Brazilian labor force in 1960, according to that Government's statistics, totaled less than 24 million workers, of which nearly 50 percent were engaged in agriculture, 32 percent in services, and the remaining 18 percent in industry. Of this number, less than 1.5 million are organized members of labor unions, according to figures released in 1965.

After the March 1964 revolution in Brazil, a large number of unions were intervened by the Government to purge alleged corrupt and subversive elements from their former key positions. Government security forces maintain a close vigil over the labor movement, and there is practically no overt Communist domination of the unions although many workers remain under leftist and Communist influence. The economic policies of the Government instituted to curb inflation have taken priority over the problems of the working class.

A major problem inhibiting the development of the independent trade union movement is considered by AIFLD to be Brazil's outmoded labor legislation. Labor legislation traditionally has sought maximum control over the labor movement by the Government. The Labor Court System in Brazil is said to curb the independence and freedom of action considered necessary to a democratic and nonpolitical labor movement.

Education

AIFLD's educational program in Brazil has been conducted through the Instituto Cultural do Trabalho (ICT), created by AIFLD in May 1963 with headquarters in Sao Paulo, Brazil. A major development of the ICT was the formation in March 1965 of the Northeast Department in Recife, Brazil. That department is concentrating its activities in the rural union field, although urban labor programs, particularly in Recife, continue to be a key priority.

Since its inception, the ICT educational program has reportedly made steady progress toward meeting the AIFLD objective. Through March 1967, the ICT has offered 10 basic courses to 312 union leaders from 53 different professional ranks, 194 regional seminars to 5,872 urban unionists, covering all the Brazilian States, five cooperativism courses to approximately 200 unionists and cooperative directors, and 10 union methodology courses to former basic course students. In total, the ICT has offered trade union education to more than 7,000 union leaders and members.

We were not able during our review to make a precise evaluation of ICT courses and their effectiveness toward AIFLD goals. We did note, however, that serious problems had been encountered by AIFLD in administering this phase of its program. Indications are that the problems stem from inadequate financial backstopping by AIFLD's Washington Headquarters and from disagreement between Brazilian officials of the ICT and AIFLD officials in Brazil.

In September 1966, the AIFLD country program director in Brazil canceled a 3-month ICT seminar and all regional seminars scheduled for the remainder of calendar year 1966. He reportedly took the action because of the manner in which AIFLD's Washington office was supplying funds for the Brazil program. He also did it without consulting the U.S. labor attaché in Brazil. This action was later described by a U.S. official as a serious, perhaps irreparable, setback which at the very least would shake the confidence of the instructors, participants, and collaborators in the union movement, and might well have far-reaching repercussions. Another official said that the action caused a good deal of inconvenience and embarrassment.

Later, in 1967, it developed that serious disagreement existed between Brazilian officials of the ICT and the top AIFLD representative in Brazil. After repeated attempts to resolve the matter, U.S. officials in Brazil reported to Washington that the conflicts continued to have a negative impact on AIFLD's Brazil program.

In view of the problems that AIFLD had encountered in Brazil, the record shows that the U.S. labor attaché there met regularly with AIFLD personnel in an attempt to resolve problems and monitor the program. It appeared to us, however, that AIFLD completely misinterpreted the situation. In July 1967, the inter-American representative of the AFL–CIO wrote to the labor attaché, as follows:

"We are becoming increasingly preoccupied with the situation existing between your office and the AIFLD operation in Brazil. * * * Every report we receive indicates what appears to be your desire to run and manage the entire labor program in Brazil using AIFLD solely as a conduit for your office. In the last few days, I have been studying copies of a series of memorandums being exchanged between your office and the AIFLD/Brazil Office which further emphasize the impressions we hold.

"Until a few months ago, we were not only pleased with the entire labor program, the AIFLD activities, the ITS activities and also the union-to-union program but were convinced also that whatever difficulties existed between your office and AIFLD were being ironed out and eliminated. I found the situation, for instance, much improved between my visit in late January and my later visit in April.

"Apparently, however, the situation is beginning to deteriorate again to the point where we may be obliged in the near future to make a new assessment of the entire Brazilian labor program and decide whether or not under the present circumstances we will continue to collaborate in the program. You must understand that this will be a difficult decision to reach, but * * * unless the AIFLD is given some degree of autonomy and flexibility, then some drastic changes will have to be made."

In our opinion the American labor movement in this case resented the U.S. Government attempts to monitor the contract progress and viewed such attempts as interference rather than supervision. This situation also probably contributed to the negative impact on AIFLD's Brazil program and, as shown above, certainly placed the program's continuation in jeopardy.

AID informed us that problems arising with the AIFLD-supported ICT were due to the former AIFLD country program director's apparent inability to develop productive relations with the Brazilian ICT leadership and to incorrect information on ICT programs transmitted to AIFLD headquarters by the AIFLD group in Brazil. AID stated that steps had been taken recently to insure the continuation of the valuable program. AID said that a subcontract had been negotiated between AIFLD and the ICT for intensive seminars for a fixed price per student, with operating autonomy for the ICT within guidelines established by AIFLD and the mission.

AID also informed us that the concern expressed by the AFL–CIO's inter-American representative arose from incorrect information that had been provided by the AIFLD. AID said that the problem was resolved when the AFL–CIO was informed of the background.

Social projects

An AIFLD urban development program was initiated in Brazil in August 1964, with headquarters in Rio de Janeiro, to conduct socioeconomic and feasibility studies designed to develop social projects. A rural development program was initiated in November 1964, with offices in Recife, Brazil, to provide assistance to democratic federations to foster agricultural improvement and community development and meet the needs of rural labor.

In addition to providing funds and technical assistance toward many small and impact projects in Brazil, AIFLD, during the period from mid-1964 until late 1966, had been actively engaged in housing activities in Brazil.

Under the AID investment guarantee program, $23 million was allocated to Brazil in 1964. Under this program AID policy required, among other things, that the Federal Housing Agency (FHA) make a feasibility study and approve projects, after which AID would guarantee private loans therefor. In this instance, it was anticipated that financing would be made available from pension and welfare funds of the AFL–CIO.

After extended negotiations between representatives of the Brazilian National Housing Bank (BNH) and U.S. Government and AIFLD officials, a memorandum of understanding was finally signed on August 3, 1965, whereby AIFLD would provide technical assistance toward a $14 million housing project.

We noted, however, that in November 1966 AIFLD suspended its housing activities in Brazil. A policy paper issued at that time by AIFLD contained the explanation that the Brazilian Government had enacted several laws and decrees which seriously inhibited the exercise of democratic rights by labor unions in Brazil. At the time of our review in September 1967 the AIFLD's position regarding housing activities in Brazil was unchanged.

We noted that the delays in implementation of the housing program and the ultimate suspension of AIFLD's housing activities in Brazil resulted in adverse reaction from the Brazilian labor unions, as well as from the former president of the BNH.

On the basis of our review of the AIFLD housing activities in Brazil, we believe that no positive results have been produced toward strengthening democratic labor unions in Brazil. The circumstances surrounding the delays and ultimate suspension of the guarantee program in Brazil are complex, and several parties were associated therewith. The AIFLD was one of these parties, along with the AFL–CIO, AID, and agencies of the Brazilian Government.

Since AIFLD began working in northeast Brazil, three rural union service centers have been constructed and put into operation at the initial cost of about $180,000 and at an annual operating cost of $60,000. Through these centers more than 300 workers have been given 2 months' vocational training in carpentry and sewing. In addition, more than 1,400 farm workers coming from 62 different unions have received basic courses in trade unionism. Also, through the centers AIFLD has brought literacy training to about 4,000 peasants through 300 voluntary teachers.

In addition to the rural union service centers, AIFLD's Recife office was active in 13 on-going small and impact projects of a community development or cooperative nature. Of these, four are financed through mission loans or grants, seven are sponsored by the AFL–CIO, and two are self-financed.

The AIFLD rural program in northeast Brazil is carried on with the Federation of Rural Workers of Pernambuco. The AIFLD purpose is to save the Federation from collapse and, thereafter, to become known as a creditable agent of assistance to the urban and rural unions, not only of Pernambuco, but also of neighboring northeast States.

At the time of review, AIFLD and the mission in Recife had substantially completed an analysis and a restructuring of the northeast program to eliminate or correct potentially explosive and damaging situations. AIFLD had made extensive staff changes and the mission had strengthened its monitoring capacity. We ascertained that the mission had recently designated a new contract representative and that he, along with the new AIFLD northeast representative, had incorporated procedures to insure current accountability and a continuing evaluation of AIFLD activities.

We noted also that the three service centers still required substantial financial support to maintain operations and that the AIFLD northeast representative was studying ways and means to correct the situation. The mission has been reluctant to expand the service center concept to other areas, and we believe rightly so, until there is some prospect that they will eventually become self-supporting.

Guyana

Contracts and Program

Although the AIFLD initiated Washington-based training and internships which included Guyanese union members in 1962, its Guyana-based activities did not begin until June 1965. Its activities have been divided into three basic categories: (1) worker education, (2) social welfare activities, and (3) the establishment of the industrial training center. As of September 1967, the total amount obligated for the first two categories was $354,000, of which the AIFLD reported about $268,200 as having been expended through June 1967. As of September 1967, the total amount obligated for the third category was $255,000, of which the AIFLD reported $20,600 as having been expended through April 1967. At the time of our review, AID

was reviewing the AIFLD's proposed program in Guyana for calendar year 1968, in which a total budget of approximately $391,000 was requested.

Under contract AID/La–259, AID/Washington, on behalf of AID/Guyana, issued task order 10, dated May 1965, with the primary objective of strengthening the democratic trade union movement in Guyana (then British Guiana) by assisting with—

(1) plans for carrying out a cooperative housing program for union members, comprising approximately 570 dwelling units in the vicinity of Georgetown;

(2) preparing the prospective occupants of the housing to derive the greatest benefit from the housing community to be created;

(3) developing and stimulating Guyanese trade union activities directed toward improving the workers' social and technological well-being; and

(4) developing and stimulating the relationship of the Guyana Trade Union Council and affiliated unions with other internationally active democratic union organizations.

In May 1965, $150,000 was obligated under task order 10, and on December 2, 1966, an additional $15,000, to be used for small projects, was obligated.

Under the same contract, task order 11, dated June 1965, was issued with the following objectives:

1. To provide necessary training to members of democratic trade unions in order to develop their organizations as responsible, free, and democratic unions and to instill in the leaders the qualifications required to develop and maintain organizations dedicated to social and economic development.

2. To administer and conduct a program of labor leadership training and/or labor leadership seminars. In conjunction with the Guyana Trade Union Council (GTUC), the AIFLD agreed to provide for the establishment of a resident school and offer occasional 1-month courses on a resident basis.

In June 1965, $35,000 was obligated under task order 11, and on May 20, 1966, an additional $35,000 was obligated.

Task order 37, under contract AID/La-259, combined, superseded, and continued the work of task orders 10 and 11. The scope of work to be performed by the AIFLD remained generally the same. However, the AIFLD was also authorized to subcontract for architectural and engineering services in an amount not to exceed $35,000. The total amount of funds obligated for task order 37 was $354,000, consisting of $235,000 allocated under task orders 10 and 11 plus new funding of $119,000. The period of performance of task order 37 extended through December 31, 1967.

Task order 29, dated May 23, 1966, under contract AID/La–259, was for the construction, equipping, and partial staffing of the industrial training center comprising six technical shops, four classrooms, an office, and sanitary facilities. The purpose of the center is to train Guyanese workers in the following six construction trades: plumbing, electrical work, masonry, carpentry, welding, and heavy equipment operation and maintenance. The board, which has been established to operate this center, includes representatives from management, government, and unions. A total amount of $255,000 was obligated under task order 29 and the period of performance extended through December 31, 1967. Of the total of $255,000, approximately $116,000 was earmarked for construction and related costs, while the balance was for equipping and partial staffing of the center.

Education

Our review of the AIFLD educational activities in Guyana showed a need for establishing an overall system to evaluate program accomplishments. The evaluation system should include consideration of the quality of instruction, the relevancy of courses, and the subsequent accomplishments of those who have attended courses. We also noted a potential for improvement in the AID–AIFLD–TUC relationship which bears directly on the successes or failures of this program.

The education program in Guyana is conducted through the Critchlow Labor Institute (CLI), located in Georgetown, financed and operated by the AIFLD for the TUC. The CLI began its program in December 1965, and the AIFLD reported that, through July 1967, 791 unionists had attended courses there. Initially emphasis was placed on leadership training, but more recently the stress has been on education of the rank and file.

Two types of seminars have been offered by the CLI: (1) 1-month resident courses and (2) weekend seminars and conferences. Participants are selected from unions affiliated with the TUC. Selection of the graduates to attend AIFLD's Front Royal Institute is made by the AIFLD country program director after consultation with Guyanese labor leaders.

On review showed that, except for records of attendance and dates of seminars, no records were maintained by the AIFLD from which a meaningful evaluation could be made of educational activities in Guyana. The AIFLD, at the time of our review, had recognized the need for an evaluation system but had not yet implemented one.

In March 1967, the AIFLD reported that an evaluation of instruction was difficult because no standards of performance had been established for instructors. In fact, instructors usually have been available on a voluntary basis, and their selection has been determined more by their availability than their competency.

The AIFLD also reported that there was no effective follow-up of graduates of CLI. A CLI alumni association had been formed; however, after about 8 months it was disbanded.

The March 1967 report by AIFLD also commented on the nature of courses being offered by CLI. It was suggested that more attention should be given to the problem areas of the union movement and industrial relations than to repeating the history of the Caribbean labor movement and similar topics.

In considering any redesign of CLI activities or implementation of an evaluation system by AIFLD, the AIFLD-TUC relationship must be reviewed. There is a particular need for a clearer definition of decisionmaking powers and the ultimate responsibility for CLI operations.

It seems to us that, since the AIFLD does not have adequate means to insure the effectiveness of Guyanese educational activities financed under an AID–AIFLD contract, AID's capacity for monitoring and controlling the program is severely restricted. In view of the fact that AIFLD considers the educational program in Guyana absolutely essential to the attainment of all its goals there, and since AIFLD believes that certain changes in the program are necessary, it is our opinion that the severely restricted administrative capacities under which AIFLD and AID are operating assume added importance. We do not believe that AID should be funding any activity for which its ability to insure satisfactory performance is diminished to a point where it loses any significant meaning. We further believe that AID and AIFLD should take whatever steps are necessary to establish their appropriate shares of responsibility for this program.

AID agrees that there is need for an adequate system for evaluating AIFLD's educational program in Guyana. AID stated that the mission in Guyana had been attempting since mid-1967 to introduce a firmer planning and control system for AIFLD operations.

Social projects

The major efforts of AIFLD in Guyana, under the heading of social welfare, have been concerned with providing technical assistance in the development and implementation of a Georgetown housing project which involves construction of 568 homes for members of TUC affiliates. The AIFLD has also provided assistance in the formation of a housing cooperative of eventual owners of these homes. The project is being financed by a $2 million loan from the AFL–CIO pension and welfare fund, under the AID investment guarantee program.

Our review showed that lengthy delays encountered in implementing this project, related mainly to reaching agreement on an appropriate interest rate, caused adverse reactions from labor unions in Guyana and may have caused political embarrassment to the Guyanese Government.

We also found that in September 1967 only 410 members, rather than 568, had joined the TUC housing cooperative, apparently because some persons had become cautious due to the delays in project implemention. The AIFLD expects also that some dissatisfaction will result within the cooperative from a 20-percent increase in the estimated cost of these homes. In addition, a Guyanese newspaper has criticized the minimum income requirement imposed by the AIFLD and TUC as being so high as to preclude the ownership by the more needy workers.

The TUC initiated a housing project in October 1962; however, according to the AIFLD, the government then in office refused to make land available and the project lay dormant until after the December 1964 election. In February 1965, a newly elected government agreed to make the project site available.

In March 1965, AID notified AIFLD that an allocation of $2 million guarantee authorized for British Guiana had been approved. In July 1965, a subcontractor of the AIFLD submitted a feasibility study on the TUC project to the AIFLD. Also during 1965, AID drafted a housing guarantee authorization for the project. However, an impasse occurred which lasted throughout the balance of 1965 because the Treasury Department would not approve an interest rate in excess of 5 percent, while the AFL–CIO refused to commit its funds at less than 5¼.

The Treasury Department eventually agreed to a higher interest rate, and in January 1966 the guarantee authorization was approved at a 5¼ percent interest rate. However, during the closing months of 1965, interest rates had increased and there was another impasse because the AFL–CIO would not make its funds available at the approved 5¼ percent rate.

In May 1966 the Treasury Department agreed to an interest rate of 5¾ percent and in November 1966 the AFL–CIO agreed to make funds available at that rate. The housing guarantee authorization was approved by AID in July 1966. Other necessary requirements involving the various parties associated with this project were satisfied during 1966.

In January 1967, bids for the construction of this project were opened. The construction contract was signed in March 1967, and ground-breaking ceremonies were conducted in April 1967. During our review in Guyana in September 1967, we observed that the site had been partially cleared but that construction of homes had not yet begun. The AIFLD officials in Guyana stated that they anticipated that 25 homes would be completed before December 31, 1967.

Our review revealed that the repeated delays in implementation of the TUC project resulted in adverse reactions. Officials of AID/Guyana recognized those reactions and expressed their serious concern in early 1966.

Although the impasse between the Treasury Department and the AFL-CIO over an appropriate interest rate appeared to be the major cause of delay in the implementation of the TUC housing project, we also noted correspondence which indicated that AID officials believed there were deficiencies in AIFLD's management of this project. For example, a letter dated September 8, 1966, from the Office of General Counsel, AID/Washington, stated:

"I am as concerned as you about the confusion surrounding who does what regarding the AIFLD housing project. AIFLD is supposed to be running this project, but they are relying primarily upon Louis Berger to get things done, sometimes upon me, sometimes upon you, and sometimes upon mythical people. The result is confusion and unfortunately some things which I think should be accomplished are not getting done * * *."

Since the agreement on the interest rate appeared to us to be the major cause of delay, we did not examine into these other matters in depth.

At the time of our visit to Guyana in September 1967, 410 union members had joined the cooperative and had begun to accumulate savings for the purchase of houses. The AIFLD's country program director/Guyana said that ideally there should be 568 but that some union members had apparently adopted a cautious attitude due to delays in project implementation. However, the matters discussed in the next two paragraphs may also bear on unionists' cautious attitudes.

The AIFLD in March 1967, reported that it anticipated some dissatisfaction within the TUC housing cooperative because the costs of houses would be 20 percent above the original estimates. We did not attempt to determine the degree of these dissatisfactions.

We also noted that the TUC housing project had been criticized for the fact that TUC and AIFLD had excluded low-income workers from home purchases. The Guyanese press in April 1967, stated that the TUC policy was excluding the most needy workers, to benefit those with better incomes. The AIFLD country program director/Guyana stated that the TUC policy would require ultimate homeowners to be in the middle-income bracket. The AIFLD in March 1967, informed AID that, if qualified applicants could not be found within the cooperative, the homes could be sold on the open market.

Although adverse reaction resulted from the delay in the TUC housing project implementation in Guyana, we do not believe that AIFLD was a direct party to the major cause of delay. Moreover, our review in Guyana was not in sufficient depth for us to comment meaningfully on whether the impact of actual project implementation may provide a counterforce to the earlier adverse reactions. We believe that a more appropriate time for judging this will be after the housing project has been completed, all homeowners are selected, and the houses are occupied.

In commenting on this matter, AID maintained that the interest rate impasse was not the major cause for delay. AID said that, while all parties may have contributed to the delay, poor planning on the part of AIFLD during the initial stages of developing the project was responsible for a large share of the problems.

Small and impact projects

Our review showed that the AIFLD's small (AID-financed) and impact (AFL-CIO-financed) projects program in Guyana had had only very limited success. In fact, the AIFLD in March 1967 reported that, when viewed overall, the program was a failure. Many projects had been conceived and investigated, but only four were considered worthy of consideration, and only two of these, both small projects, were considered successful.

The AIFLD listed the following causes for the overall failure of its small and impact projects program in Guyana: (1) a lack of personnel to follow through on projects; (2) the fact that most projects proposed far exceeded the maximum amount allowable, (3) the absence of a self-help element in proposed projects, (4) a seeming lack of enthusiasm for the program on the part of the Guyanese labor unions, (5) the fact that those persons interested were of lesser importance, and (6) personality clashes. The AIFLD stated that it expected these problems to be overcome, since it had assigned an employee to oversee this program.

During our review in Guyana, we visited the site of one of the two small projects which the AIFLD considered successful. The project involved the construction of two footbridges in Georgetown, to be used by schoolchildren to cross a murky stream.

Also in Georgetown, we visited the site of a proposed children's playground near a maternal health center. The AIFLD has provided technical assistance to the development of this project, with a view toward financing it as a small or an impact project. The successful completion of this project appears very worthwhile from a humanitarian viewpoint; however, its relationship to a goal of strengthening labor unions is not as obvious as in some other projects. The AID mission director/Guyana stated that he had similar reservation about the activities in which the AIFLD sometimes has been involved.

On the basis of our review, we do not believe that the small and impact projects in Guyana have had a significant impact on strengthening labor unions. Moreover, it seems very doubtful that Guyanese union members, during their period of disappointment over delays in the housing project, could have obtained any real satisfaction from the very limited accomplishments of this program. We believe it to be a step in the right direction that the AIFLD has recognized this problem and has stated its intention of improving the program. However, we believe that AID/Guyana should review this program in depth and take appropriate steps to insure maximum effectiveness in strengthening democratic labor unions in Guyana.

Industrial training center

We found in our review that the industrial training center, to alleviate Guyana's shortage of skilled labor, had been considered by the AIFLD in conjunction with AID and enthusiastically supported by the TUC in 1965. However, construction work did not begin until May 1967. At the time of our visit to the site in Georgetown in September 1967, foundation work was being performed and the AIFLD representatives expected completion by the spring of 1968.

The physical complex for the industrial training center is to consist of 10 buildings in Georgetown. Six skills are to be taught; namely, plumbing, electrical work, masonry, carpentry, welding, and heavy equipment operation and maintenance. The board of management which administers the center is composed of seven members representing the Ministry of Labor and Social Security of the Guyana Government, the TUC, the consultative association of Guyanese industry (CAGI), and the AIFLD. The AIFLD membership on the board of management is to be continued as long as the AIFLD financial assistance continues. Approximate annual enrollment is expected to be 500.

Our review showed that delays in implementation of this project were related to reaching agreements between the Guyana Government, the TUC, the CAGI, the AIFLD, and the AID. For example, one point of debate between the various parties was the matter of eligibility to enroll in the center. Final agreement was reached as follows:

"The center will be open to any applicant. However, where two or more applicants of equal merit and qualifications are being considered for a single place, preference will be given to the applicant who is a member of a union affiliated to the TUC."

On the basis of our review, we believe that a need exists for the development of skilled trades in Guyana. Further, we believe that the industrial training center, if successfully operated, will help to meet this need. Its ultimate degree of success cannot be fully judged until the buildings are completed, instructors are employed, and classes are under way.

We believe that the mission's capacity to monitor the AIFLD activities in Guyana has been restricted by the fact that a labor technical officer was not on duty until June 1967. To further compound this restriction, there was not a labor attaché assigned to the Embassy in Georgetown, Guyana, at the time of our review. (Our proposal in this respect is covered on p. 46.)

Honduras

The AIFLD activities in Honduras are associated with the youngest Latin American labor movement but one that is considered to be highly democratic and, presently, the largest in the Central American countries. We did not attempt to verify the number of unionists in Honduras, but we found that estimates ranged from 18,000 to 28,500. In any event, the vast majority of Honduran workers remain outside of organized unions. The AIFLD activity in Honduras appears to be an outgrowth of earlier AFL-CIO involvement in initiating the Honduran labor movement.

From the early 1900's, attempts were made in Honduras to organize workers, but none resulted in sustained success until the 1950's. Until then, real union development had been effectively blunted by the large banana companies on the north coast, which in effect had their own personal army and the cooperation of the Government.

In the 1950's a large banana company in Honduras permitted the use of its land for military training by a Guatemalan group and provided it with financial support. This collaboration prompted reprisals against the banana plantations by the Communist Party in the form of a strike in May 1954. The banana workers joined the Communists in the struggle against the company. When company and Government tactics to break the strike began to cause great hardships for the strikers, the American democratic trade union movement—especially the Inter-American Regional Organization of Workers (ORIT) and the AFL-CIO—mobilized itself and gained the leadership of the strike.

The strikers were eventually successful, for the Honduran Government agreed to appoint a conciliation committee and a solution was reached. This is considered as the beginning of the Honduran labor movement. In August 1954 the Sindicato de la Tela Railroad Co. (SITRATERCO) was created. Subsequently the number of unions formed throughout Honduras increased greatly. The U.S. Embassy/Honduras reported that 78 unions were in existence in Honduras as of December 31, 1965.

Between 1957 and 1962, two federations of unions and a national campesino organization were founded, which have merged to form a national confederation. The Federation of Workers of the North of Honduras (FESITRANH), which joined SITRATERCO and other north coast unions, began in 1957. In 1959 the Federation of Free Unions of Honduras (FECESITLITH) was established to join together unions in and near Tegucigalpa. And in 1962, subsequent to six campesino seminars conducted under AFL-CIO sponsorship, the National Association of Honduran Campesinos (ANACH) was formed. In 1964, FESITRANH, FECESITLITH, and ANACH formed the Confederation of Honduran Workers (CTH).

FESITRANH is the largest labor federation in Honduras, with an estimated membership of 14,050 in 1965. At that date 23 unions were included in the federation, of which two—SITRATERCO, with 8,000 workers, and the Standard Fruit Co. Workers (SITRAS-

FRUCO)—accounted for 70 percent of the federation members. The strength of FECESITLITH varies from month to month; as of December 31, 1965, it consisted of 34 unions representing about 2,300 workers. In 1965, ANACH claimed 31 local committees, and total membership estimates ranged from 2,500 to 8,000.

In 1965, the U.S. Embassy/Honduras reported that Communist influence in the Honduran labor movement was at an all-time low and generally ineffective. In March 1967, the AIFLD reported that the only significant leadership in the labor movement was that of the democratic unions.

The existing Honduran labor code is considered by the AIFLD and the U.S. Embassy/Honduras to be generally favorable to democratic labor union development. However, AIFLD states that the labor code is unknown to many employers and its application by the Labor Ministry is very deficient. Complicating this situation is the fact that, due to low educational levels, many workers do not understand or demand their rights.

In terms of pure politics, neither of the two traditional parties has great influence within the labor movement, according to the AIFLD.

The AIFLD activities in Honduras have been associated with the CTM and its three-member federation. The most concentrated assistance, however, has been to SITRATERCO and FESITRANH.

Program and contracts

The AIFLD conducts its activities in Honduras through the Estudios Sindicales Centro Americanos (IESCA) which has offices in San Pedro Sula. The IESCA, created in January 1963, was initially funded by the AFL–CIO and AID/Honduras, before the AIFLD assumed control of the operation with funding under an AID contract in January 1964. Two separately financed programs are directed by the AIFLD through the IESCA: (1) a Honduras program and (2) a regional program for Central America and Panama. Both programs have involved education and social projects activities.

At the point of our review, a total of $103,400, of which $66,400 was for education and $37,000 for social projects, had been obligated under AID–AIFLD contracts for the Honduras program. A total of $611,400 had been obligated for regional activities, of which $473,400 was for education and $138,000 for social projects activities. At the time of our review, AID was in the process of reviewing the AIFLD's proposed programs for calendar year 1968, in which the AIFLD requested total budgets of $104,235 for the Honduras program and $281,067 for its Central American regional activities.

Under contract AID/La–259, task order 34, effective April 1, 1966, provided $12,400 to the AIFLD for educational activities in Honduras to be conducted between April and December 31, 1966. Effective January 1, 1967, the task order was amended to increase the amount to $52,400 and extend the expiration date to December 31, 1967. The AIFLD reported that $12,400 had been expended under this task order through December 31, 1966.

Also under contract AID/La–259, task order 31, effective July 1, 1966, provided $37,000 to the AIFLD for social projects activities in Honduras to be conducted between July 1, 1966, and June 30, 1967. The AIFLD reported that $21,123 of this amount had been expended through June 30, 1967.

In addition to task orders 31 and 34, the AIFLD expended a total of $14,000 for educational activities in Honduras under three smaller AID contracts during the period January 18, 1965, through June 30, 1966.

Contract AID/La–162, effective January 1, 1964, provided $100,000 to the AIFLD for conducting an educational program for Central America. Amendments to the contract increased this amount to $250,000. The AIFLD reported that this total amount of $250,000 had been expended as of March 31, 1966.

Under contract AID/La–259, task order 18, effective January 1, 1965, provided $100,000 to the AIFLD for carrying out social projects activities in Central America and Panama between January 1, 1965, and January 1, 1966. Subsequent amendments to this task order extended the expiration date to April 30, 1967, and increased the amount to $138,000. The AIFLD reported that $123,168 had been expended under this task order through April 1967.

Task order 30, effective January 1, 1966, under contract AID/La–259, provided $150,000 to the AIFLD to be used for educational activities in Central America during the period January 1 through December 31, 1966. Subsequent amendments to the task order increased the amount to $223,400 and extended the expiration date to June 30, 1967. The AIFLD reported that $176,226 had been expended through April 1967 under this task order.

Social projects

Our review of the AIFLD's social projects activities in Honduras indicated that the major effort was the technical assistance provided to two housing programs:

1. A 184-dwelling project, in Tela and La Lima for SITRATERCO members, constructed between 1963 and 1965 and financed by a $400,000 AID loan approved in 1962.

2. A 1,000-dwelling project planned for San Pedro Sula, for FESITRANH members, to be constructed under a $2,270,000 loan from the Inter-American Development Bank (IDB), formally approved in May 1967. The loan is from IDB's fund for special operations which is about 80-percent financed by the United States.

In addition, as of August 1967, the AIFLD had implemented eight impact projects involving total funds of $12,421 and two small projects involving total funds of $1,951, all located in the northern part of Honduras.

From our review of the SITRATERCO housing project, we learned that construction deficiencies had resulted in adverse living conditions in and near the Tela houses in late 1966. The AIFLD files indicated that the construction deficiencies may have been experienced partly because of inspection inadequacies. When we visited the housing sites in La Lima and Tela in September 1967, it appeared that the deficiencies had been remedied, at least temporarily. We did not attempt to evaluate the possibility that problems might recur.

In December 1966, the AIFLD country program director/Honduras, in a letter to the AIFLD/Washington office, stated that problems were being experienced with the SITRATERCO housing project at Tela. He stated that breakage and leakage in sewage pipes were allowing sewage to flow on the streets. Also, he reported that, because of inferior foundations, cracks had developed in the walls of some houses when it rained.

The AIFLD country program director/Honduras indicated that the engineering firm with which the AIFLD subcontracted to perform the on-site inspection at Tela had not adequately performed its function. For example, he said that, although the SITRATERCO during construction had pointed out that the sewage pipe was of inferior quality and the construction firm had agreed, the engineering firm still accepted that type of pipe.

We visited the SITRATERCO housing projects in Tela and La Lima in September 1967 and observed that cracks in the walls of Tela houses had been patched at least temporarily. The houses at both sites appeared to be generally sound. However, we also observed some conditions which, if left unchecked, could lead to deterioration of the projects.

During our review in Honduras, we visited the sites of two "impact" projects in the northern part of Honduras. On the basis of our observations, we believe that these projects have improved the lives of the persons in the surrounding community. The projects are described below.

1. A water system was installed in the village of El Balsomo with funds provided by an AFL–CIO grant of $1,186 to a campesino union. Prior to installation of this system, villagers had to obtain water from a river about 1 kilometer from their village.

2. In La Lima, the AFL–CIO provided a $3,000 grant and a $660 loan to SITRATERCO for school repairs.

IESCA educational program

Our review of the IESCA educational program showed the enrollment statistics reported by the AIFLD to be duplicative, that is, they represented enrollments rather than individual enrollees. Also, we noted that the mission in Honduras had exercised very little control over the IESCA educational program. Further, we found that neither the AIFLD nor the mission had implemented a systematic evaluation system for the IESCA educational program.

The AIFLD has reported that 5,965 enrollees from Central America have participated in seminars sponsored by the IESCA from its inception through July 1967. We were informed by an AID/Honduras official that these statistics represented the number of enrollments, rather than individual enrollees. This, in effect, means that the same individual may have been counted more than once. We did not attempt to determine the extent to which such duplication may exist.

Our review showed that the AID Mission/Honduras was exercising very little control over the IESCA educational program. For example, seminar curricula and selection of enrollees is completely the responsibility of IESCA. The Mission has participated in deciding the number and general type of seminars to be conducted in Honduras, but the dates and locations are decided by IESCA alone.

Our review showed that a systematic evaluation system of the IESCA educational program had not yet been implemented by AIFLD or AID. At the time of our review, the AIFLD was giving consideration to the formulation of an overall evaluation system for all its educational activities. (See p. 49.) We believe that AID's evaluation of the IESCA educational program should be a joint effort among the AID missions located in Central America, including AID's regional office for Central America and Panama (ROCAP) in Guatemala.

In commenting on our draft report, AID states that we apparently misunderstood the role of the Honduras Mission with regard to the IESCA educational program. The agency states that IESCA programs are funded and monitored by AID's ROCAP located in Guatemala City and that IESCA programs are Central American-wide in scope and are the primary responsibility of the ROCAP Mission. AID informs us that the Honduras Mission does not have authority to control the IESCA program. It says that the Honduras Mission does supervise the programming and execution of the Honduras-based program conducted by AIFLD, including the determination of location and dates of each course. Also, according to AID, the Honduras Mission believes that the curricula and selection of participants are the proper responsibility of AIFLD.

AID's comments make it obvious that a complete understanding of the regional and national aspects of the IESCA is difficult. Our review did not cover all Central American countries. However, the discussion that follows on the Honduras Mission relationship with IESCA will further clarify whether the mission and AIFLD have completely understood the division of authority or the degree of administration that the AIFLD should receive.

Mission relationship with IESCA

Our review revealed numerous instances where coordination between mission and IESCA could be improved. We found that the mission did not have a labor technical officer assigned to monitor the AIFLD's activities; however, the United States Embassy's labor attaché has been utilized in that role since January 1967. Due at least in part to the above circumstances. AID/Honduras has not always been adequately aware of the AIFLD's activities in Honduras.

In April 1965, the U.S. Embassy in Honduras, in a message to the State Department, reported that the AIFLD personnel in Honduras were not keeping the mission currently informed of the AIFLD social projects activities. The message pointed out that the AIFLD's only contact with the mission was when the AIFLD requested specific financial assistance and/or other services.

Although AID/Washington, in a follow-up action, advised AIFLD/Washington of the necessity of keeping appropriate U.S. officials currently informed, the coordination problem still existed in late 1965. In a message to AID/Washington, the mission director, commenting on a November 1965 meeting between AIFLD, ROCAP, and the mission, stated:

"* * * it became obvious once again that neither AIFLD, ROCAP, or the mission comprehends the areas of its authority or the degree of administrative or fiscal backstopping that the AIFLD operations should receive, or from whom."

The mission director pointed out that the mission was particularly concerned because the AIFLD may have advocated policies contrary to those of the mission.

The problems in the AID/Honduras-IESCA relationship apparently continued into 1967. In a January 1967 memorandum, the mission director in Honduras stated that this relationship had not been satisfactory and that "there is still the real problem of what AID can and cannot do." In a June 1967 memorandum, the mission controller in Honduras recommended that the labor attaché assist the AIFLD in formulating definite desired objectives, quantifiable where possible.

Our review in Honduras in September 1967 showed that problems of coordination between the mission and IESCA were still being experienced. For example, we visited the site of an IESCA seminar in Tegucigalpa, Honduras, which was not within the program agreed upon between the mission and IESCA. The labor attaché stated that he had been unaware of this seminar and that the IESCA Director should have consulted him about it.

Our review of Honduras showed that the mission did not have a labor technical officer assigned to monitor the AIFLD program. The labor attaché had been assigned that function beginning with January 1967. (See our proposal on p. 46 of this report.)

We found that various officials recognized that the absence of a labor attaché imposed a restriction on the mission's capacity to monitor the AIFLD program. In December 1965 the mission director in Honduras, in a message to AID/Washington commenting on the absence of a labor attaché, stated that this situation made it difficult to adequately backstop the AIFLD program. A subsequent mission director in Honduras, in a January 1967 memorandum, stated that he hoped to improve communication with the AIFLD by designating the labor attaché as project coordinator for the AIFLD. The AID/Honduras controller, in a June 1967 memorandum, stated that, during the period in which a labor attaché was not assigned in Honduras, action by the mission had been limited to almost cursory supervision.

Chile

Background

The labor movement in Chile apparently has suffered from lack of unity. One of the more prominent reasons for this is that most unions are closely aligned with political parties. As a result, union leaders tend to act more on political loyalties than union loyalties, which militates against the solidarity of the unions.

In addition to these general problems which the labor movement faces in Chile, specific circumstances have been encountered by the AIFLD which tend to worsen the political climate within which it operates.

In 1963 the U.S. Embassy/Chile pointed out three controversial aspects of the AIFLD that motivated negative criticism of its operations with unions associated with the Christian Democratic Party (PDC), the political party currently heading the Chilean Government. These aspects were (1) the AIFLD management representation, (2) its U.S. Government support, and (3) its close association with ORIT as opposed to the Latin American Confederation of Christian Trade Union. (See app. V.)

In mid-1966, the AIFLD encountered another political obstacle to its Chilean activities when the PDC Congress passed a resolution which, in part, required that PDC members sever all connections with the ICFTU, the trade secretariats, ORIT, and the AIFLD.

We found that reliable statistics for the labor movement in Chile were difficult to obtain. In November 1964, the AIFLD reported that, out of a labor force of about 2,356,000 persons, about 492,000, or 21 percent, were in organized unions. In March 1967, the AILFD reported that, out of 2,600,000 workers, no more than 10 percent were organized. In any event, it appears that the vast majority of workers do not belong to organized unions.

The PDC came to power in Chile in 1964 by winning over the candidate of the Frente de Accion de Popular (FRAP), which is a coalition of the Communist and Socialist Parties in Chile. The Central Union de Trabajadores (CUT)—the only national central labor group in Chile—is controlled by the FRAP. Half of the most important federations and confederations, encompassing about 70 percent of the organized workers in Chile, are affiliated with the CUT. One of the most prominent individual unions which is not affiliated with CUT in Chile is the Maritime Confederation of Chile (COMACH). The AIFLD social projects activities have been associated mostly with COMACH, but educational activities have been offered to Communist-dominated unions as well.

Program and contracts

The AIFLD began a social projects program and an educational program in Chile in October 1963. About $430,000 was obligated to conduct these activities through July 30, 1967, under three AID-AIFLD contracts. At the time of our review, AID was in the process of reviewing the AIFLD-proposed program for calendar year 1968, for which a total budget of $462,885 was requested.

Under contract AID/La–15, amendment 5, dated May 20, 1963, provided $150,000 to the AIFLD for establishing training centers in five countries, one of which was Chile. We have assumed that each country was allocated an equal amount of $30,000.

Under contract AID/La–162, effective January 1, 1964, $55,000 was provided to the AIFLD for conducting educational activities in Chile. The AIFLD reported that this amount was totally expended at June 30, 1965.

Task order 3, effective January 1, 1965, under contract AID/La–259, provided $30,000 to the AIFLD for conducting a labor educational program in Chile during the period January 1, 1965, through September 30, 1965. Subsequent amendments to the task order increased the amount to $295,000, extended the expiration date to June 30, 1967, and provided funding for a social projects element after October 1, 1966. The AIFLD reported that about $275,312 had been expanded under task order 3 through May 31, 1967.

Task order 19, effective June 30, 1965, provided $50,000 to the AIFLD for conducting social projects activities in Chile between June 30, 1965, and July 1, 1966. The AIFLD reported that this total amount was expended as of July 31, 1966.

Social projects

Our review showed that the AIFLD's social projects program in Chile resulted in very few tangible results. Although the AIFLD considered implementation of low-cost housing projects to be the core of the program and specific projects began to be formulated in 1963, delays ensued and the entire AIFLD housing program in Chile was still at a standstill at the time of our review. Moreover, we found that the delays in project implementation resulted in adverse reaction from Chilean unions. The only tangible result from the AIFLD's social projects activities appears to be seven "impact" projects, involving loans and grants in a total amount of $18,510.

In December 1963, the AIFLD notified AID/Chile that it had received a request from COMACH for assistance in the development of a housing project. Further, the AIFLD reported that its preliminary investigation had indicated that the project was feasible on a self-liquidating basis. At a meeting held in January 1964, the AIFLD proposed that AID provide an investment guarantee for a loan from the AFL–CIO, to be used to construct more than 1,000 homes on land sites purchased by six cooperatives formed by unions affiliated with COMACH.

The AIFLD, in November 1964, prepared a country plan for its Chilean operation in which it was stated that "the heart of the social projects program currently under way in Chile is a $5 million housing project." Further, the plan stated that the election of a new Chilean president had presented an opportunity for the growth of democratic unionism and that "the AIFLD must immediately launch an expanded program to take advantage of this circumstance." The housing project sponsored by the AIFLD was to be an integral part of its program; the report stated that "As union housing goes up, so will union membership figures."

On March 4, 1964, the AIFLD submitted a preliminary application to AID for an investment guarantee of a $4 million AFL–CIO loan to be used for the construction of 1,003 homes. Subsequently, in May 1964, the AIFLD requested that its application be processed as two separate applications: (1) part I to be for 370 homes at an estimated cost of $1,480,000 and (2) part II to be for 630 homes at an estimated cost of $2,520,000.

On September 11, 1964, the AIFLD submitted a revised application to AID for part I of the COMACH project for an investment guarantee of an AFL–CIO loan of $2,600,000. The FHA, on October 9, 1964, reported that, on the basis of its preliminary review of this proposal, the project was sound and feasible. Also in October 1964, AID/Washington recommended the elimination of 60 homes from the proposed project, since sales prices were such as to make it questionable whether they would be marketable to union members.

In April 1965 the FHA informed AID that its feasibility recommendation of October 1964 remained unchanged. On March 14, 1966, AID approved a housing guarantee in the amount of $2,100,000. The reduction of $500,000 from the proposed $2,600,000 loan apparently resulted from the elimination from the project of the 60 homes which AID considered questionable because of their sales prices.

At the time of our review in September 1967, the AFL–CIO loan had not materialized and construction of the proposed COMACH project had not been initiated. Apparently the major cause for delay has been failure to resolve the issue of an appropriate interest rate. The basic conflict was that the AFL–CIO refused to loan its pension funds at what it considered a below-market interest rate; whereas, if AFL–CIO's market rate had been utilized, the financing cost, in total, would have exceeded the maximum rate allowed under Chilean law. This conflict was not resolved, and in March 1967, the AIFLD reported to AID that it appeared unlikely that AIFLD/Chile would be able to develop a housing program in the immediate future.

Our review showed that the delays in implementation of the COMACH project resulted in adverse reaction from members of the housing cooperatives formed. For example, in April 1966, the AIFLD/Chile expressed its concern over the increase in the interest rate on the proposed AFL–CIO loan. In a letter to AIFLD/Washington, the Chilean office reported:

"There is also the problem that we had already given copies of the letter of advice quoting an interest rate of not more than 5¼ percent to the cooperatives involved in our project when we received notice that the interest rate will be increased. * * * It is quite likely that they will get the impression, despite any explanation we may offer, that the AFL–CIO is trying to loan them money at the highest possible rate, thus having the effect of creating animosity to U.S. unions rather than friendship."

In his May 1966 reply to the AIFLD/Chile letter, the AIFLD executive director stated that he appreciated the concern over interest rates. However, he added that, since AFL–CIO pension funds could not be invested at below-the-market rate, neither AID, nor the AIFLD, nor AFL–CIO, had any control over the matter.

The seven impact projects which the AIFLD had financed as of August 1967 were implemented between December 1965 and August 1967. The projects financed were a technical library, disaster relief, a meeting hall, a motor launch purchase, social center repairs, purchase of sewing machines, and chairs for an adult education program.

We believe that the effectiveness of the AIFLD social projects activities in Chile was greatly limited by the delays in housing activities. In our opinion, the AIFLD housing activities have not had a positive effect on the development of democratic labor unions in Chile. Further, the delays in the implementation of the COMACH project may have counteracted any positive effect. Although we have no specific criticism of the seven impact projects, we doubt that these alone would be sufficient to outweigh adverse reactions resulting from the situation with regard to the AIFLD's housing program.

Education

The AIFLD has conducted mostly 1- and 6-week seminars in Chile. The AIFLD records show that there have been a total of 3,378 participants in these seminars through July 1967. We did not attempt to verify whether these statistics represented enrollments or individual enrollees.

The AIFLD in March 1967 expressed two specific dissatisfactions with its educational program in Chile. First, it recognized a need for more student participation and improved techniques to show students how to put into effect in their respective organizations what they have learned. Second, the AIFLD stated that too few of its alumni had clearly demonstrated their effectiveness in their unions.

Our review in Chile showed that the AIFLD permitted members of Communist-leaning unions to participate in its seminars. This has occurred with the approval of the U.S. labor attaché and AID mission director.

As noted on page 49 of this report, the AIFLD educational activities in general are difficult to evaluate. This is particularly true in Chile because the AIFLD program was still relatively new at the time of our review and the Chilean labor movement was in a transitional period. Further, there appeared to be some lack of clarity as to the objectives of the program—whether it should seek mainly to change the attitudes of the Chilean workers toward the United States or whether it has a broader purpose of free trade union development without respect to attitudes toward the United States.

Mission relationship with AIFLD

Our review revealed that in Chile, as in other countries which we visited, there was some disharmony in the relationship between the mission and the AIFLD. For example, the AIFLD has reported that, when funding was initially sought from the mission, the AIFLD encountered an atmosphere of indifference. In a January 1966 meeting between officials of AID and AIFLD, a question of the funding of $75,000 arose and dissatisfactions were expressed by the AIFLD with the mission.

The mission has stated that, while isolated instances of disharmony may have existed between the mission and AIFLD in the past, their relationships have improved immeasurably over the past 4 years. AID says that despite differences in negotiating positions, as would be expected, improved coordination and better program implementation and monitoring have been achieved.

(EDITOR'S NOTE.—With respect to the recommendation referred to on p. 48 for the immediate suspension of all payments to AIFLD, the Foreign Relations Committee was informed by AID on July 3, 1968—after this report was in page proofs—that following internal consideration of the consequences of the recommendation, and after extensive discussions with AIFLD officials, AID and AIFLD reached agreement on courses of corrective action that are designed both to safeguard U.S. Government interests and to permit the AIFLD to continue operations while they implement the remedial actions recommended by AID. These proposed actions include: proper identification of all costs by specific task orders, satisfaction of all outstanding audit exceptions, and improvement in AIFLD's accounting systems and procedures. In AID's view, all of these measures, if adequately implemented, will contribute substantially to financial management improvements.)

APPENDIX I

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
June 6, 1967.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: Since 1962 the American Institute for Free Labor Development has had a number of contracts with the Agency for International Development. In connection with hearings before this committee, I request that you have an audit made of all contracts, past and current, between the AID agency and the American Institute for Free Labor Development.

We will be particularly concerned with what the institute is doing, the relative success of its programs and, in general, how the relationship between the Agency and the institute is working.

It would be appreciated if this audit could be completed as expeditiously as possible, preferably by December 1967.

Sincerely yours,

J. W. FULBRIGHT
Chairman.

APPENDIX II

OFFICIALS PRIMARILY RESPONSIBLE FOR ADMINISTRATION OF THE AIFLD CONTRACTS—DATE APPOINTED OR COMMISSIONED

Department of State

Secretary of State: Dean Rusk, January 1961.

Under Secretary of State: George W. Ball, February 1961; Nicholas deB. Katzenbach, October 1966.

Assistant Secretary of State for Inter-American Affairs and U.S. Coordinator Alliance for Progress: Edwin M. Martin, May 1962; Thomas C. Mann, January 1964; Jack H. Vaughn, March 1965; Lincoln Gordon, March 1966; Robert M. Sayre (acting), June 1967; Covey T. Oliver, July 1967.

Agency for International Development

Administrator: Fowler Hamilton, September 1961; David E. Bell, December 1962; William S. Gaud, August 1966.

Assistant Administrator, Bureau for Latin America: Teodoro Moscoso,[1] November 1961.

Director, Office of Labor Affairs: George P. Delaney,[2] August 1964.

APPENDIX III

DEPARTMENT OF STATE, AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, D.C. March 8, 1968.

MR. OYE V. STOVALL,
International Division, General Accounting Office, Washington, D.C.

DEAR MR. STOVALL: We have reviewed the General Accounting Office draft report entitled "Review of Activities Under Contracts with the American Institute for Free Labor Development." Our detailed comments on the report are included as attachment A to this letter. As requested in your letter of January 22, we also asked the American Institute for Free Labor Development (AIFLD) to review the report. Their comments are included as attachment B.

We are in general agreement with the four major recommendations contained in the report. Accordingly, we plan to initiate a comprehensive review and evaluation of the labor development program. The review will include an examination of our contractual relationships with AIFLD, methods for improving AID's capacity to monitor AIFLD activities, means of improving the financial management of AIFLD projects, and techniques for evaluating the AIFLD education programs. Our review also will include an assessment of the relative success of the AIFLD as an instrument for achieving foreign policy objectives in the labor sector. We note in passing that, although Senator Fulbright requested such an analysis, the GAO report contained no specific conclusions in this regard. We hope to complete our review in time to incorporate the necessary improvements into our contracts with AIFLD at the time they are extended in fiscal year 1969.

While we are in general agreement with the GAO on the need for improvements in the above areas, we do want to point out that we foresee alternatives to a number of the specific procedures suggested in the GAO recommendations. For example, a system of control based on flexible work plans, approved in advanced by AID missions, coupled with periodic reviews of progress against such work plans, would probably do more to improve both financial management and coordination between AID and AIFLD than would the introduction of unnecessarily restrictive contractual provisions and the imposition of strict line item controls on AIFLD budgets. In those cases where our review indicates that alternatives will better serve the needs of our development activities, we will, of course, implement them rather than the specific methods suggested by the GAO.

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[1] In addition, Mr. Moscoso was appointed U.S. Coordinator for the Alliance for Progress in February 1962. The position of Assistant Administrator, Bureau for Latin America, was abolished in January 1964.

[2] The Office of Labor Affairs, AID, was established in August 1964, at which time Mr. Delaney, who had been special assistant to the Secretary and coordinator of international labor affairs in the State Department since March 1963, assumed this role, also.

We have disagreed with several of the specific conclusions in the GAO report.

The major points with which we have taken exception relate primarily to GAO comments on the manner in which the original AIFLD contracts were drawn up and to allegations of inadequate programing practices. Regarding the former point, the GAO states that the original "AID contracts were drawn up in a rather hurried manner." We do not concur with this allegation. As explained in detail on page 77 of attachment A, AID conducted negotiations with the AFL-CIO for a period of over 4 months. With regard to the GAO allegations of inadequate programing and budgeting practices, we cannot completely concur with the GAO conclusions in this regard. As we point out in pages 79 and 80 of attachment A, we believe that the GAO report fails to take account of, and give appropriate emphasis to, the extent of review and negotiations, both at the mission and AID/W levels, relating to proposed labor programs and AIFLD projects.

We have also pointed out a number of other instances where we believe that the GAO report is misleading, either because of inaccuracies or because important considerations have been omitted. We request that the GAO give full consideration to these comments in preparing their final report.

We also wish to note that our comments on the GAO draft report do not include a review of the sections devoted to AIFLD programs in Brazil. Because of the limited time given AID to reply to the GAO report and because of the extremely heavy workload in our Brazil mission, it has been impossible for them to respond in time for AID/Washington to include their comments in our consolidated responses. The comments of the Brazil mission will be forwarded to GAO as soon as they are received in Washington.

Sincerely yours,

H. REX LEE.

ATTACHMENT A—AGENCY FOR INTERNATIONAL DEVELOPMENT COMMENTS ON THE GENERAL ACCOUNTING OFFICE (GAO) DRAFT REPORT ENTITLED "REVIEW OF ACTIVITIES UNDER CONTRACT WITH THE AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT"

I. GAO recommendations

A. Use of General Rather Than Specific Contract Terms

The GAO has been most critical of AID's use of general rather than specific terms in its contract with the AIFLD. GAO has specifically recommended that we "provide for a reevaluation of the AID-AIFLD contract relationship with a view toward implementing a system which can be applied more uniformly to carry out the broad purposes of the contract and at the same time recognize minimal guidance, coordination, and general surveillance that are necessary for sound contract administration by AID."

Aid comments—We agree that basic problems exist in the relationships and coordination between AID and AIFLD. However, we are not convinced that a tightening of contract terms in itself will contribute to the solution of problems to the extent believed by GAO. While some progress can be made in this area, the nature of AIFLD activities is such that a tightening of workscopes might create additional problems by severely restricting AIFLD flexibility until such time as their contract could be formally amended—a process that can require a minimum of 30 days and normally requires longer. A better solution, in our opinion, would be to establish a system of control based on flexible work plans and formal, periodic reviews of progress made against such plans. Accordingly, AID will initiate as soon as possible a complete review of our contract relationship with the AIFLD. Contract terms will be reviewed in light of the GAO recommendations and tightened where necessary. The review will also include the feasibility of a system of control under which AID would require:

(1) submission in advance by the AIFLD to AID/W or USAID officials, as appropriate, of work plans covering their intended activities during succeeding period of operation (3 to 6 months);

(2) a uniform, clearly defined system of periodic review by AID, perhaps on a quarterly basis, of all AIFLD activities and their progress in achieving goals stated on current work plans.

We believe that the above approach will yield twofold benefits. First, it will necessarily bring AIFLD country teams into closer, more orderly contact with AID personnel at the operating level, and, thereby, foster greater understanding of their respective roles in the development process. It is our view that this understanding will naturally lead to closer coordination and increased cooperation between AID and AIFLD field personnel without lessening the flexibility needed in AIFLD operations.

Second, such a system will provide AID with a greatly improved method for monitoring AIFLD activities and provide a standard basis for evaluating their effectiveness. At the same time, AID will then be in a position to determine program and budget requirements for AIFLD operations based upon current information and full knowledge and agreement as to the activities in which AIFLD will be engaged during each successive contract period.

B. Improvements Needed in AID Capacity for Monitoring AIFLD Activities

The GAO has recommended that the AID Administrator "direct that an evaluation be made of AID's capacity to monitor AIFLD activities, both in Washington and at the mission level, and, based on the results of that evaluation, appropriately qualified personnel be assigned as necessary."

AID comments—AID concurs in this recommendation. The suggested evaluation will be conducted as part of a comprehensive evaluation of AID-AIFLD relationships. Our current plans call for initiation of the evaluation by April 1968, with completion by the end of fiscal year 1968. It will be necessary to complete our work by this time in order to incorporate our findings into AIFLD contracts and task orders that are scheduled for renewal in fiscal year 1969.

It should be noted that it is misleading to discuss AID's monitoring capacity solely in terms of the presence or absence of labor technical officers and labor attachés. The monitoring function involves not only such technical personnel, but the program office in the mission, the political section of the Embassy, and, where major issues are involved, the mission director and the Ambassador. In addition, the administrative judgment as to the need for a labor technical officer or attaché in a particular mission must be based not only upon the needs of the AIFLD program, but upon the significance of the labor activities in that country in relation to the total assistance program.

We also wish to point out that, should our evaluation indicate the need for a significant increase in the personnel assigned to monitor AIFLD field activities, we can foresee major difficulties in making such assignments. As the GAO is aware, we are now in the process of reducing, to the maximum extent possible, all AID-financed overseas personnel in order to minimize our negative impact on the U.S. balance-of-payments situation. In view of this, it will be extremely difficult for us to increase the number of labor technical officers and labor attachés assigned overseas. However, within the above constraints, we will make every effort to insure that our monitoring capability is significantly increased, whether it be through the assignment of additional overseas personnel, short-term assignments of qualified Washington-based personnel, or other appropriate measures.

Insofar as AIFLD regional activities are concerned, AID has already taken steps to improve its monitoring capability. In December 1967, a new office, the office of regional projects, was established within the Latin America Bureau to manage the regional aspects of Latin American technical assistance projects. The effect of this organizational realignment will be to make additional staff available to monitor the regional activities of AIFLD and, thereby provide additional time for the Bureau's Washington-based labor technical personnel to devote to backstopping the AIFLD's overseas operational realignment will be to make addi- in improving our overall capacity to monitor AIFLD activities.

C. Need for Improved Financial Management

The GAO has recommended "that AID make a more detailed analysis of future AIFLD programs and budgets, and as a minimum, that line item limitations or other similar limitations and controls be placed on AIFLD activities." The GAO also has recommended "that significant deviations in expenditure rates, scope of program, or changes resulting from unusual circumstances be specifically approved in advance by AID."

AID Comments—AID is in general agreement with the GAO on the need for improved financial management, but we are not certain that the indiscriminate introduction of line item limitations will provide the necessary controls. We will, however, take steps to incorporate such limitations in future AIFLD contracts to the maximum extent possible consistent with the flexibility required for AIFLD operations. Additional comments on this section of the GAO report appear on page 79 of this attachment.

D. Overall Improvements Needed in Education Program

The GAO has suggested that "weaknesses in AIFLD's administration of its education activities have a negative effect on AID's capacity to monitor and evaluate the program." The GAO has recommended "that AID, in cooperation with AIFLD, take appropriate action to evaluate the AIFLD education program with a view toward implementing adequate administrative and reporting requirements."

AID Comments—AID is in agreement with the GAO recommendation. The AIFLD advises that they have taken an initial step in this direction by engaging a professional organization to develop an evaluation system to correct the weaknesses described in the GAO report (see attachment B, p. 81). We intend to coordinate closely with the AIFLD in this effort to implement an adequate evaluation system. We also wish to note our agreement with the AIFLD that a standardized regionwide uniformity in AIFLD country-level education programs is not necessarily a desirable objective. Such activities must take into account the conditions existing in each country in order to meet the local requirements for trade union development.

In addition, AID believes that an evaluation designed to develop and implement adequate administrative and reporting requirements for AIFLD's education programs is only the initial step in a program to strengthen these important activities. More important, in our view, is the development of a basis for judgment as to the overall effectiveness of the education program as an instrument for the development of viable, democratically oriented trade unions. Accordingly, we propose to undertake, as part of our overall analysis of AID–AIFLD relationships and activities, a review of the AIFLD education programs with special emphasis upon their effectiveness in this regard.

E. Housing

Though making no specific recommendations, GAO is critical of AIFLD efforts in housing. The report comments on delays in implementing AIFLD housing projects, particularly under the housing guarantee program, and the detrimental effects of delays upon AIFLD objectives. The report also attributes many of the delay to an unrealistic allowable interest rate to the investor.

AID comments—Responsibility for implementation of a guarantee project rests with the sponsor which originally proposes the project to AID, in this case, AIFLD. Under this program the sponsor (AIFLD) bears primary responsibility for resolving whatever problems arise during processing and implementation of the project. While AIFLD experienced many problems which were beyond its control, such as the interest rate ceiling in Chile, these were problems related to projects which AIFLD elected to pursue in the first place.

While delays occurred in the housing guarantee program as a whole because of the interest rate ceiling problem during 1965 and part of 1966, this problem was effectively resolved by an amendment to the Foreign Assistance Act of 1966 which tied the allowable rate to the Federal Housing Authority rate in the United States (sec. 222h). Since implementation of this amendment in late 1966, the question of allowable interest rates has not caused substantial delays in the implementation of housing guarantee projects.

II. Additional comments on GAO findings and conclusions

The following specific comments and suggestions are provided for the GAO to consider in the preparation of its final report on the AID-financed activities of the AIFLD. They are keyed to the draft report by topic headings and page numbers.

A. Use of General Rather Than Specific Contract Terms to Describe the Services to be Performed (p. 37)

1. At the top of page 38, GAO reports that "* * * AID contracts were drawn up in a rather hurried manner, affording to the AIFLD the greatest amount of leeway possible."

When taken from context, the above statement implies a lack of proper regard on the part of AID for the normal procedures involved in Government contracting. It further leaves the impression that the "hurried manner" in which the contracts were drawn up contributed to, or was the reason for, the great amount of leeway afforded AIFLD. With regard to the latter point, other sections of the GAO report demonstrate that the speed with which contract negotiations were completed had nothing to do with the flexibility granted the AIFLD. We believe that this fact should be noted in the paragraph in question so that the above statement will not be misleading.

With regard to the "hurried manner" in which the contracts were drawn up we do not feel that this is an accurate description of the situation in 1962. As stated on page 32 of the GAO report the initial agreement to make funds available to the AIFLD for educational activities was reached in January 1962. A 4-month period elapsed before the contract became effective on May 31, 1962. During this period, the AFL–CIO, and AID, continued their study of the project so that, by the time formal contract negotiations began in April 1962, both the budget and program had been carefully defined. Despite the uniqueness of the venture and the lack of predetermined guidelines on the means for achieving a balance between flexibility and control, the AID contract and technical staff negotiated fully and required compliance with AID and U.S. Government procurement regulations.

2. We intend to work closely with the AFL–CIO and AIFLD to resolve the basic differences of approach between AID and AIFLD outlined on page 40. We agree fully that AIFLD cannot be regarded as "just another contractor." The history and nature of our association makes such an assumption totally inappropriate. However we wish to point out that, to the extent AID funds are used to finance AIFLD activities, such activities must clearly be within the scope of approved AID development objectives and within the terms of our contracts with AIFLD. To grant the AIFLD the freedom of action it has sought in some situations would place AID and the U.S. Government in the position of abdicating its public responsibilities. What can happen in such a case is graphically illustrated on pages 40 through 42 of the GAO report. We can attribute AIFLD's statements and actions only to inexperience and their conviction that the Colombia mission's actions were petty bureaucratic delays rather than attempts to achieve prudent management of the public interest.

The consequences of the AIFLD actions bear noting. The AID Mission to Colombia had originally concluded after careful assessment of the proposed housing project that, at the time, there were serious deficiencies in project planning and budgeting, including the as then unresolved question of the respective portions of construction costs to be financed by employee and labor unions. Nevertheless, the situation that evolved as a result of AIFLD pressures, both in Colombia and in Washington, led to the decision that U.S. interests in Colombia would be better served by approving the project prematurely rather than by prejudicing U.S. relations with the Colombian labor movement. Initial allocations of counterpart funds were made in December 1964 and funds for technical backstopping were obligated in April 1965. The inability of AIFLD to recruit satisfactory construction advisers delayed the project further. To date, three and a half years after the AIFLD country director's statements in July 1964, construction has not yet started on the project. Plans are now well advanced, however, and assure the initiation of construction in the near future.

3. On pages 41 and 42, the GAO report comments on differences between the AIFLD representative and the AID mission in the Dominican Republic over access by the AIFLD to the mission's special fund for small impact projects. We wish to add that AIFLD participation and performance under the small impact project activities has improved as the AIFLD representative has gained experience with the understanding of the AID role in these activities.

4. On pages 42 and 43, the GAO report cites the mid-1967 dispute over the extent of guidance and control by AID over AIFLD's program in the Dominican Republic. The GAO noted that the "mission director and Ambassador stated that mission guidance would apply not only to basic policy and program decisions but also to more routine administrative decisions, such as when a contractor travels or whom a contractor hires."

We do not believe that the GAO comments on this problem provide an accurate statement of the situation. This was clearly a case in which the AID mission was attempting to properly monitor AIFLD activities. The mission position was that there was a need to maintain closer communications on the proposed AIFLD headquarters and school construction. AIFLD was proceeding with arrangements for the proposed headquarters and school prior to establishing the feasibility of the venture and obtaining AID approval. Also involved was an attempt by AIFLD to hire as a part-time professor an individual that the AID mission did not consider qualified for the position. This latter situation was resolved when the AIFLD country program director did not pursue the case further and dropped the candidate from consideration.

We believe that the GAO report on this incident should clarify two points:

(*a*) That the insistence of the Ambassador and mission director on reserving the right to approve AIFLD travel included only decisions on international travel, not within-country travel. In doing so, they were simply asserting the provisions of basic contract AID/La–259, article III–(a)–2 which provides for "prior written approval of the cognizant USAID Director or AID/W" for international travel undertaken by AIFLD field staff.

(*b*) That the decision by the Ambassador and mission director to extend their guidance to include decisions on "whom a contractor hires" was also proper under the provisions of appendix B, clause 10–(b) of contract AID/La–259.

We also wish to note that the basic problems relating to the extent of guidance and control by AID in the Dominican Republic have apparently been resolved. The current attitude of the AIFLD field staff in the Dominican Republic appears to reflect an understanding on their part of mission posture—that is, that the Ambassador determines interpretation of U.S. policy on political matters and the AID mission director controls technical and administrative matters.

B. Improvements Needed in AID Capacity for Monitoring AIFLD Activities (pp. 44–46)

1. On page 44, the GAO report references "a study conducted by AID in 1965" which suggested "that three additional professional employes be assigned" to carry out Washington-based technical backstopping functions.

Although the suggested additional personnel were never assigned, our comments on page 76 point out the most recent steps we have taken to improve this situation.

2. On page 45, the GAO points out that no labor technical officer is assigned to USAID/Honduras. This and the fact that the labor attaché had not been assigned responsibility for monitoring AIFLD activities prior to January 1967 had "presented a complication" in mission attempts to monitor the AIFLD program in Honduras. We wish to add that USAID/Honduras reports that the current monitoring coverage provided by the labor attaché is considered adequate for mission needs.

C. Need for Improved Financial Management (pp. 46–49)

In this section, the GAO includes certain statements with which AID cannot entirely agree:

1. The GAO report stated that "We found generally that both regional and country AIFLD budgets have been approved by AID without due regard to the work to be performed or costs involved." While the GAO statement may have some basis in fact insofar as some of the earlier AIFLD programs are concerned, this is certainly not the case at the present time. During the first 3 years of AIFLD operations, the program was rapidly expanding both in terms of types of activities engaged in and in their geographic distribution. Added to this was the relative inexperience of both AID and AIFLD in the development and execution of large-scale overseas labor development programs. Given

the above situation, certain of the initial cost estimates for AIFLD programs during this early period undoubtedly proved to be overstated, while, at the same time, others were undoubtedly understated. However, we cannot accept GAO's statement that AID had approved AIFLD budgets "without due regard to the work to be performed or costs involved." We believe that due regard has been given to such factors to the extent available information and experience with such activities permitted.

With regard to the current situation, we do not agree that the GAO statement accurately depicts the situation. There is substantial evidence in the AID files to which GAO had access that during the past 2 years AIFLD budgets have been the subject of extended and frequently detailed analysis and negotiation, both at mission and Washington levels. In the case of the budget negotiations for AIFLD regional operations for the current contract year (October 1, 1967–September 30, 1968), a detailed, comparative analysis of the AIFLD request was made both in relation to prior year costs and in relation to the headquarters staffing required to adequately backstop projected field activities. Differences of opinion between AID and AIFLD were negotiated over a period of months before final agreement was reached. A strict personnel ceiling based on the final negotiated agreement was incorporated in AIFLD's regional task order. Clearly, due regard was given to the work to be performed and costs involved.

2. We agree with the GAO that the programing and budgeting procedures in our Chile mission probably are generally representative of those in other missions. However, we do not believe that the GAO report accurately states the situation, nor do we agree with the GAO that the Chile situation demonstrates poor programing or lack of adequate programing criteria. The earlier refusal of the AID mission in Chile to approve a significant increase in the AIFLD budget was based in part upon the relative priority assigned to labor programs within the total mission program and the limited grant funding available to the mission. Also involved was a desire on the part of the mission to see results and further evaluate the labor program prior to committing additional AID funds. We do not view these factors to be indicative of unsound programing practices.

We further do not believe that the "retirement and transfer of several key U.S. officials" materially affected the AIFLD/Chile budget level. Our records indicate that substantially the same officials were involved in both earlier and later program levels. We do note that the labor attaché prevously stationed in Chile was reassigned to Washington just before the last task order extension was negotiated. However, he became chief of the technical division in Washington that backstops all AIFLD programs.

The GAO comments on the freedom of the AIFLD country program director in Chile to make whatever budget changes deemed desirable are misleading. AIFLD definitely does not have the degree of freedom indicated. Their current task order contains specific provisions restricting changes in personnel and changes in budget levels. The task order clearly states the number and kind of personnel which AIFLD may employ and contains no provision permitting a shift or change in such personnel without an amendment to the task order. The task order also provides that the funds allocated to the education program in the task order budget may not be used to pay for administrative costs without prior mission approval. However, AIFLD may use funds budgeted for administration to cover increased education program costs wtihout prior approval. Since funds provided for administrative costs do not directly yield development benefits while funds provided for the education program presumably do, we do not view this amount of freedom as an example of poor programing.

D. Intership Program (pp. 51–53)

AID support for the internship program has been phased out. While a number of former participants in the AIFLD Front Royal training program who might otherwise have received internships are currently employed by AIFLD under AID task orders, they work as local employees, not as interns. However, we are informed that AIFLD has provided internships for 10 former participants, the costs of which are paid from private funds.

E. AIFLD Activities in Selected Countries (pp. 53–71)

1. AID concurs in the need for an adequate system for evaluating AIFLD's education program in Guyana noted on pages 58 and 59 of the GAO report. The AID mission in Guyana has, since mid-1967, been attempting to introduce a firmer planning and control system for AIFLD operations.

2. We cannot agree with the GAO conclusion on page 60 that the impasse between the Treasury Department and the AFL–CIO over an appropriate interest rate was the major cause of the delay in the implementation of the TUC housing project, or with the GAO conclusion on page 60 that AIFLD was not a direct party to the major cause of delay in the TUC housing project. While all parties may have contributed to the delay, poor planning on the part of AIFLD during the initial stages of developing the project was responsible for a large share of the problems.

3. USAID/Honduras advises that the first sentence in the first paragraph on page 63 of the GAO report is historically inaccurate. However, the mission did not elaborate on this statement and AID/Washington is unable to provide clarification.

4. On pages 67 and 68 of its report, the GAO has apparently misunderstood the role of the Honduras mission with regard to the Estudios Sindicales Centro Americanos (IESCA) educational program. IESCA programs are funded and monitored by the AID's Research Office for Central America and Panama (ROCAP) located in Guatemala City. IESCA programs are Central American-wide in scope and are the primary responsibility of the ROCAP mission. The Honduras mission does not have authority to control the IESCA program. The Honduras mission does supervise the programing and execution of the Honduras-based program conducted by AIFLD, including the determination of location and dates of each course. The Honduras mission believes that the curriculums and selection of participants are the proper responsibility of AIFLD.

5. With regard to GAO comments on page 71 of its report, on the Chile mission's relationships with AIFLD, the mission reports that, while isolated instances of disharmony may have existed between them and AIFLD in the past, their relationships have improved immeasurably over the past 4 years. Despite differences in negotiating positions, as would be expected, improved coordination and better program implementation and monitoring has been achieved.

ATTACHMENT B

AMERICAN INSTITUTE FOR
FREE LABOR DEVELOPMENT,
Washington, D.C., February 7, 1968.

Memorandum to: Mr. Hiram S. Phillips, Deputy Director, Office of Institutional Development, AID.

From: William C. Doherty, Jr., Administrator.

Subject: GAO report on review of activities of AIFLD under AID contracts made at request of Senator Fulbright as chairman of the Committee on Foreign Relations, U.S. Senate.

1. General comments

We are delighted to note that in the first section of the report the auditors clearly restated and agreed with the overall goals and objectives of the union-to-union activities being conducted by AIFLD in Latin America, which are designed to strengthen the free trade union movement. We also noted that the report dealt with the three general areas suggested by Senator Fulbright, mainly what the Institute is doing, the relative success of its porgrams, and how the relationship between AID and the Institute is working. We are pleased that the auditors are generally impressed with the scope of the Institute's activities in both the areas of education and social projects. We also feel that the auditors have given ample testimony to the relative success of these programs pointing out, of course, that there are areas where improvement is needed. In our opinion, most of the recommendations of the report deal with the third area of study, mainly the working relationship between AID and AIFLD. The auditors made very clear that they do not want the union-to-union aspect of the program to be lost in an overidentification of the AIFLD with the Government of the United States. They also heavily emphasized the need for continued flexibility. We believe that they are calling for a better management relationship only in areas where the two aforementioned principles will not be violated. This more coordinated and cooperative relationship, in our opinion, will flow automatically if AID accepts the GAO's advice to put a labor technical officer in those countries where we have major programs and adds personnel to the AID/Washington staff servicing our overall contracts.

2. Education

Two primary issues were raised in the report regarding the education program:

(*a*) The report suggests that there should be much greater uniformity in the curriculum and in the quality of the instructors used in the educational program in each country. To a degree, more uniformity should be our ultimate objective. However, any attempt to achieve greater uniformity must take into consideration the vast differences which exist in the levels of cultural, economic, political, social, and trade union development in Latin America. In addition, we fully agree that improving the quality of our teaching staff is an essential goal of the institute, as exemplified by advanced teacher training courses at Front Royal and in the participating countries.

(*b*) The report suggests that there is at present an inadequate system of evaluating the effectiveness of the education program and in providing the kind of followup of students who benefit from this program, factors which we agree are desirable. We have been aware for some time of the need to improve greatly our ability to evaluate the effectiveness of both our education programs and their followup, and for quite some time we have been aware of the need of an evaluation system. As a matter of fact, we have engaged a professional organization to provide us with an evaluation system which in the future will definitely satisfy the auditors' comments in this regard.

3. Social projects

The auditors in their introduction to the report properly state the purpose of the social projects department: "* * * to provide technical assistance to help labor unions provide tangible social projects for their members and to give them the capabilities for active involvement in the economic and social development of their countries * * * in such projects as low-cost housing, community facilities, labor training, and organizational centers, the establishment of cooperatives and workers' banks and many other smaller projects." The auditors correctly highlighted the many difficulties which have been associated with our housing programs. The report also indicates that some doubt as to whether or not housing and even our smaller projects are as essential, as we of the AIFLD believe, in the strengthening of the free trade union movement. Despite all the difficulties, we note that in most instances the report does not hold AIFLD responsible for the adverse circumstances surrounding these programs. It is our considered judgment that it is only through AIFLD that labor in Latin America has gained a positive role in the Alliance for Progress.

If AIFLD were to take the easy course of action and not persist in these difficult areas the U.S. Government might lose the support of the Latin American labor movement for the Alliance for Progress. We fully believe that the workers of all Latin America can only benefit from the development of the economic, social, and political infrastructure of Latin America as envisaged by the AID. However, it is essential that the trade union movement of Latin America identify itself with the Alliance for Progress through physical manifestations of progress, such as housing programs, small projects, credit institutions, and the other programs for which the social projects department was established.

4. Conclusions

AIFLD is desirous of continuing its close cooperation with the Government of the United States and is happy to note that this audit report recognizes that we have not violated any of our contract relationships with the AID. We recognize the need for a balance between the flexibility which the AIFLD must have to be effective and the responsibility that AID has to Congress for funds supplied to us under contract. In our opinion any substantial changes that might be contemplated in our current contractual relationships with AID would be a proper matter for review by the labor advisory committee on foreign affairs.

Appendix IV

Department of State, Agency for International Development,
Washington, D.C., April 24, 1968.
Mr. Oye V. Stovall,
International Division, General Accounting Office, Washington, D.C.

Dear Mr. Stovall: This will supplement my letter to you dated March 8, 1968, which transmitted AID's detailed comments on the GAO draft report entitled "Review of Activities Under Contracts With the American Institute for Free Labor Development."

You may recall that at the time we were unable to include the comments of our mission to Brazil on those sections of the GAO draft report concerned with AIFLD activities in Brazil. We have now received the comments of our Brazil mission and have included them under attachment A.

Perhaps most significant among these comments concern the arrangements made by the country team in Brazil to solve the monitoring problems pointed out by the GAO in its draft report. We believe that these arrangements demonstrate an effective marshaling of available U.S. Government manpower resources to solve a pressing problem without the need for additional staff.

The country team has established an integrated Embassy/mission labor office, which works in close coordination with the AID mission's office of technical cooperation and the contract office, to provide overall guidance and monitoring for AIFLD activities in Brazil. An AID project manager working in the Recife mission's program office monitors AIFLD activities in the northeast under the general guidance of the integrated labor office in Rio de Janeiro. The Consul General labor officer in São Paulo monitors the worker education programs conducted there by the Instituto Cultural do Trabalho (ICT) under AIFLD sponsorship. Major problems or policy issues that arise in the operation of AIFLD activities are referred to the integrated labor office in Rio de Janeiro for resolution. These arrangements have enabled the country team in Brazil to effectively monitor all major AIFLD activities within currently available manpower resources.

Sincerely yours,

H. Rex Lee.

ATTACHMENT A—AGENCY FOR INTERNATIONAL DEVELOPMENT SUPPLEMENTARY COMMENTS ON THE BRAZIL SECTION OF THE GENERAL ACCOUNTING OFFICE (GAO) DRAFT REPORT ENTITLED "REVIEW OF ACTIVITIES UNDER CONTRACTS WITH THE AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT"

The following specific comments and suggestions are provided for the GAO to consider in the preparation of those sections in its final report dealing with the AID-financed activities of the AIFLD in Brazil. They are keyed to the printed report by topic headings and page numbers.

I. Improvements needed in AID capacity for monitoring AIFLD activities

A. Re the third paragraph on page 45: Our records indicate that no labor technical officer was assigned to Recife at the time of the GAO review, nor has one been assigned since. Perhaps the sentence refers to the mission program office employee who has been designated as the AIFLD project manager. By way of clarification, the AID mission to Brazil monitors AIFLD activities as follows:

1. In Rio de Janeiro, an integrated Embassy/mission labor office is maintained. The labor attaché has been designated as the AIFLD contract representative for the mission. He is assisted by the assistant labor attaché in performing staff functions necessary for monitoring AIFLD activities. The labor office works in close coordination with the AID mission's office of technical cooperation and contract office on all technical matters related to the contract.

The possibility of officially designating both the labor attaché and assistant labor attaché as mission labor technical officers is being studied.

2. In São Paulo, the Consul General labor officer maintains close contact with the AIFLD representative there and with Brazilian officials of the Instituto Cultural do Trabalho (ICT). This permits him to assist the integrated labor office in Rio de Janeiro in monitoring AIFLD activities and to stimulate continuing efforts to improve the labor education program conducted in São Paulo under AID and AIFLD sponsorship.

3. In northeast Brazil (Recife), the AID mission has designated an area officer working in the program office as the AIFLD project manager. During the period covered by the GAO review, a highly qualified rural labor adviser, assigned to Recife under a participating agency service agreement with the Department of Interior, also worked closely with AIFLD and assisted the mission in project development, evaluation and monitoring activities. All such activities in the northeast are conducted under the general guidance of the integrated labor office in Rio de Janeiro.

B. The GAO draft report also noted that the AIFLD program in northeast Brazil had "experienced many difficulties." In our view, these difficulties arose primarily from the high turnover in AIFLD personnel assigned to the northeast, the assignment of unqualified personnel to the AIFLD/northeast rural labor team, and from attempts by AIFLD/Brazil personnel to alter the northeast program concept without sufficient coordination with the AID mission. However, these problems have been eliminated. In terms of the original goals of providing rural labor education and cooperative assistance to the Pernambucan democratic trade union movement we feel that the program has been quite successful, and the problems of Brazilian self-help support are being resolved.

II. AIFLD activities in selected countries, Brazil, (pp. 53–56)

A. Problems arising with the AIFLD-supported ICT were done to the former AIFLD country program director's apparent inability to develop productive relations with the Brazilian ICT leadership and to incorrect information on ICT programs transmitted to AIFLD headquarters by the AIFLD group in Brazil. Steps have been taken recently to insure the continuation of this valuable program. AIFLD has negotiated a subcontract with the ICT under which the ICT will conduct intensive seminars for a fixed price per student. Under the conditions of the subcontract, the ICT will have operating autonomy within guidelines established by AIFLD and the mission.

B. The July 1967, letter from the AFL–CIO Inter-American representative was generated by incorrect information that had been provided by the AIFLD. The problem was quickly resolved after the Inter-American representative was informed of the background. The immediate reason for the letter was the AIFLD nomination for an AIFLD rural labor cooperative specialist position in northeast Brazil of an employee who had no rural labor or cooperative training or experience background shown in the biographic data submitted to the mission. The mission in Recife and Rio de Janeiro initially withheld concurrence on his nomination due to this apparent lack of qualifications for the position. After a positive recommendation from AID/Washington and submission of additional biographic data, the mission agreed to his nomination for another position as Rural Extension and Education Officer. Later on, it was learned that his experience with rural labor was largely limited to farmwork during his youth in Costa Rica, with few qualifications in terms of providing extensive assistance for rural labor and sharecroppers, but good background in urban labor educational and organizing activities. The inter-American representative's comment regarding the use of AIFLD as a "conduit" was based on incorrect information, but the problem was resolved when he was informed about mission obligations to account for the use of U.S. Government funds in this program through its monitoring procedures, and apprised of past AIFLD problems with faulty budget control and financial reporting.

Appendix V—Chart I International Trade Union Organizations

(U.S. Department of Labor, Bureau of International Labor Affairs, April 1967 (revised))

[Not printed in Record.]

APPENDIX VI

AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT

STATEMENT OF REVENUE AND EXPENSES, CALENDAR YEARS 1962 THROUGH 1967[1]

	1962	1963	1964	1965	1966	1967 [2]
Revenue:						
U.S. Government	[3] $396,787	$954,274	$2,147,925	$3.471.597	$4,801.850	$5,111,859
Contributions	243,550	297,969	375,769	364,621	341,507	363,287
Other	18	1,631	10,577	2,611	186	40
Total	640,355	1,253.874	2,534,271	3.838.829	5,143,543	5,475,186

Footnotes at end of table.

STATEMENT OF REVENUE AND EXPENSES, CALENDAR YEARS 1962 THROUGH 1967[1]—Continued

AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT—Continued

APPENDIX VI—Continued

	1962	1963	1964	1965	1966	1967[2]
Expenses:						
Washington headquarters[4]	$119,819	$502,803	$1,104,165	$1,075,031	$990,605	[5] $1,790,362
Washington training school	245,120	477,667	394,888	440,627	462,202	
Dominican Republic housing project				50,277	405,520	69,377
Campesino training program				22,814		
Labor economist program					70,178	111,086
Latin American centers:						
Argentina		3,017	14,562	79,074	131,961	250,900
Bolivia		35,317	93,118	162,536	202,387	196,250
Brazil		73,150	188,198	366,789	509,879	499,961
Central America (Honduras)			103,997	297,716	459,090	568,197
Chile		18,785	79,062	144,827	143,041	197,079
Colombia		70,448	103,001	156,539	198,002	214,799
Dominican Republic		8,576	68,589	116,940	306,982	230,865
Ecuador	17,506	42,009	47,767	132,350	186,443	226,560
Guyana				54,245	162,046	238,039
Jamaica			25,339	37,117	38,555	39,705
Mexico			36,595	99,460	62,227	34,341
Peru	6,385	57,686	88,592	179,764	249,854	279,683
Uruguay		26,241	95,847	147,029	190,192	226,748
Venezuela	32,425	59,584	49,336	138,709	120,379	97,563
Latin American seminars:						
Caribbean			24,694	22,342	6,435	1,850
El Salvador			143			
Nicaragua			17,537			
Total	421,255	1,375,283	2,535,430	3,724,186	4,895.978	5,273,365

[1] Amounts taken from AIFLD annual financial statements audited by CPA firm, except those for calendar year 1967.

[2] Unaudited. (Audit by CPA firm was in progress as of March 1968.)

[3] Includes $100,000 from Department of Labor shown by CPA firm as a contribution.

[4] For 1962 and 1963 costs of $48,079 and $369,524, respectively, were identified as being applicable to AIFLD Social Projects Department. Amounts for similar expenses for other years were not specified.

[5] Includes an undetermined amount for Washington training school, which is to be determined and shown separately on audited statement.

Mr. MORSE. Mr. President, to return to this report, on August 5, 1968, I received a letter from Mr. George Meany, president of the American Federation of Labor and Congress of Industrial Organizations. I shall not read the entire letter, but I ask unanimous consent that the entire letter be inserted in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS,
Washington, D.C., August 5, 1968.

Hon. WAYNE MORSE,
Chairman, Subcommittee on American Republics Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: I have just completed a review of the Committee Print of the Senate Subcommittee on American Republics Affairs, entitled "Survey of the Alliance for Progress Labor Policies and Programs", together with a Report of the General Accounting Office.

We note that Mr. Elmer Staats, the Comptroller General of the United States, in his May 20, 1968 letter of transmittal to Senator Fulbright concerning the GAO review of the American Institute for Free Labor Development (AIFLD), clearly stated that: "We were not able during our review to reach any specific conclusion on the relative success of the Institute as an instrument for achieving U.S. foreign policy objectives in the labor sector. We agree that the Institute represents a realistic and imaginative approach to some of the major problems of the Western Hemisphere. For example, it provides a means whereby the workers of Latin America can participate in the Alliance for Progress and become more active in the economic and social progress of their countries."

The AIFLD has submitted a memorandum concerning the GAO report which you will find on page 80 of the Committee Print. From this memorandum it is clear that the AIFLD is fully aware of its public accountability for the funds which have been provided to it from the Agency for International Development. We will continue to exercise the utmost scrutiny demanded by the GAO.

We have taken due note that in the Foreword signed by you, you state that "The points of view expressed do not necessarily reflect the opinion of the Subcommittee or any member thereof." Please find enclosed detailed analysis of the Committee Print.

We must, however, point out that, unfortunately, the survey of the Senate Subcommittee on American Republics Affairs contains quite a number of inaccuracies. The author made little attempt to make a balanced assessment of labor policies and programs in relation to the Committee's overall survey of the Alliance for Progress. The document reflects preconceived and biased viewpoints without any foundation in fact. Among other things it charges that—

1. The trade union movement of the U.S. is trying to force its philosophy and its methods on the Latin American labor movements.

2. The U.S. labor movement is only a "bread-and-butter" movement and business oriented and, therefore, is not equipped to work with Latin American labor movements which the document asserts are more ideologically and politically oriented.

3. That the AFL–CIO and the AIFLD are blindly and negatively anti-Communist and equate anti-Communism as such with democratic principles.

Though the Foreword of the document states that the Dockery Study is published for the Subcommittee at this time solely as a basis for discussion and further inquiry by the Subcommittee, its contents have already been given wide circulation in the United States and throughout Latin America. It is particularly unfair to circulate such misrepresentation as if it were already an official Senate document.

As a sample of how this document is being used, let me quote from the English language Moscow radio broadcast to Central America "Peace and Progress":

"In Washington the Senate Subcommittee on Inter-American Affairs has published a report on the activities of the so-called American Institute for the Development of Free Trade Unions. The authors of this report point out that this institute has become the main instrument of the U.S. Government for the practical execution of its policy toward the Latin American trade unions. The report comes to the unequivocal conclusion that the State Department, the leadership of the AFL–CIO, and the American monopolies are jointly carrying out a common policy of subordinating the activities of the Latin American trade unions to the interests of U.S. monopoly capital". . . .

"The American Institute for the Development of Free Trade Unions is in fact a special school of the CIA which prepares agents for undermining the Latin-American trade unions from inside. During the last 5 years it trained 60,000 persons who have been given the task of taking the leadership of the Latin American trade unions into their own hands. The scale of this subversive operation of the Americans can be compared only with Hitler's notorious fifth column. . . ."

The AIFLD, under my instructions, cooperated with the Committee in answering a detailed questionnaire presented to it by Mr. Dockery, the Committee's representative. We cannot understand why this study chose not to make use of the replies prepared by AIFLD.

Let us cite some of the misrepresentations contained in the Committee Print.

1. The Dockery concept of U.S. and Latin American labor and their respective roles in the political life of their nations as mentioned on pages 2 and 3 of the report leads to grave misjudgments of the role played by labor in societies with different social systems. The statement "even communist dominated unions, especially those which follow the Moscow line, now generally accept the peaceful role as a viable alternative", (see page 3), is as dangerous as it is untrue. This type of wishful thinking can lead to the same false conclusion which considered Castro as a social reformer bent upon the democratization of Cuba.

2. On page 6, the report states on the one hand that "in these circumstances many Latins question the role of the AIFLD as an independent voice of U.S. labor and view it instead as a chosen instrument of the U.S. Government". On the other hand, the report recommends that the U.S. government should exercise more control and supervision over AIFLD. This is an obvious contradiction.

3. The report categorically declares: "Decisions relating to official United States-Latin American labor policy and programs should be under the firm control of the Department of State and should not be delegated to a private institution or contracted out." If this statement refers to official U.S. Government policy, then it is impermissible as a recommendation applicable to the AIFLD because the latter is a voluntary organization, an auxiliary of the AFL–CIO, with management representation in its policy board. If this statement is directed at the AIFLD, it is tantamount to a call for its disavowal by the U.S. Government. This attitude towards the relations between the U.S. Government and voluntary organizations has no place in our democratic society.

4. On page 7, the report deals with the "current rift" in the AFL–CIO. This item does not belong in the Report and has nothing to do with the subject matter which is supposed to be a survey on the Alliance for Progress. Dragging this subject into the survey only demonstrates further the author's prejudice against those who are unwilling to accept the Labor Front of the USSR as bona fide free trade unions.

5. The treatment of the history and background of American labor's activities in Latin America has many factual errors (pages 7 and 8). See attached analysis.

6. The whole attempt on pages 12 and 13 to set up the AIFLD as a competitor of the ORIT fails to point out that the ORIT General Secretary and four of the most important Latin American labor leaders are on the

AIFLD Board of Trustees helping to formulate its policy. As a matter of fact, the AIFLD is supported by and in turn lends its complete support to the ORIT and its affiliated organizations.

7. On page 13 it is stated that the AIFLD "has involved the AFL–CIO in some awkward contradictions of its principles that the trade unions should not be tied to political parties". The fact of the matter is that the AFL–CIO has been working for more than 20 years with organizations like the CTM of Mexico, the CTP of Peru, and the CTV of Venezuela, and many other major trade union confederations that have direct ties to political parties. Moreover, it is noteworthy that the American Federation of Labor and thereafter the AFL–CIO has maintained warm, close, and fraternal relations with the Trade Union Congress of Great Britain since 1894 despite the fact that the British TUC is more closely tied with a political party than any free labor national center in Latin America. Our only insistence is that the unions with which we cooperate reject all association with or control by totalitarian political parties.

8. The report is consistently biased in favor of CLASC (pages 15 through 18) and generally against AIFLD's cooperation with the U.S. business sector in the promotion of economic growth, social justice and democracy in Latin America.

The report, if not repudiated, would be a great disservice to the American people, and the U.S. Senate as well as to the democratic inter-American labor movement which has been working hard to overcome misery and poverty in our hemisphere. Therefore, to help counteract the damage resulting from the circulation of the Dockery Study on both sides of the Iron Curtain, we respectfully request that the Subcommittee on American Republics Affairs issue as a Committee Print the AIFLD response to the Committee's questionnaire, this letter and the AFL–CIO evaluation of the Dockery Study.

Sincerely yours,

George Meany,
President.

Mr. MORSE. Mr. President, I shall read an excerpt or two from the letter. In essence, the letter sets forth Mr. Meany's criticisms of the report that was prepared for the subcommittee by its staff. I think, in fairness to Mr. Meany, not only should his letter be inserted in the Record, but I should also insert in the Record a reply, in memorandum form, that Mr. Meany filed with me, setting forth his organization's criticisms of the report.

I ask unanimous consent, Mr. President, that the reply brief sent to me by Mr. Meany be inserted at this point in the Record.

There being no objection, the reply was ordered to be printed in the Record, as follows:

Reply to Committee Print—Analysis and Comment

I. SALIENT FEATURES OF THE LATIN AMERICAN LABOR MOVEMENT

The journey toward contradiction and distortion is embarked upon from the opening statement. The author generally portrays the Latin American labor movement in the light of Latin American Society—"weak, illiterate, undernourished, ill-housed, discontented, restless, reform-minded." The author disregards the well-known maxim that one cannot generalize about Latin American Society. The well-established labor movement of Argentina and Venezuela, for example, cannot be compared to the labor movement in the Dominican Republic and some Central American countries where the labor unions have only recently been organized. Some of these conditions have been partially alleviated, for example, the plight of the ill-housed, through the many low-cost housing projects which have been constructed with AIFLD assistance and sponsored by the free trade unions of eleven separate countries.

With regard to "political bargaining", the writer states "the adoption of political bargaining as labor's major negotiating system in Latin America is a consequence of the ineffectiveness of other systems . . . collective bargaining with management . . ." Here again, the author demonstrates serious misunderstanding of Latin American labor's historical development, for it is a fact that, until the last decade, collective bargaining was almost unknown in Latin America. It is rather *because* "political bargaining" has proven so ineffective that unions have been rapidly moving toward the concept, and indeed the reality, of modern collective bargaining, as evidenced by the increasing number of labor-management contracts negotiated each year.

"Even Communist-dominated unions, especially those which follow the Moscow line, now generally accept the peaceful road as a viable alternative." In Latin America there are many trade unionists living under this so-called "peaceful road" who would be happy, we are certain, and with some degree of emphasis, to educate the writer to the realities of the alleged peaceful intentions of the Communists. They would be quick to point out the number of Latin American labor leaders who live in constant danger of Communist threat and intimidations, or the number of democratic trade unionists who have been executed or incarcerated in Cuba; or the acts of violence the Communists frequently commit against democratic workers in Uruguay; or the trade unionists in the Dominican Republic who were murdered by Communists; or the candidates for trade union office in Peru who were recently physically beaten, some to incapacitation, by Communists.

The author goes on to say that the Latin American labor movement will be "placated" so long as "political channels remain open and the governments . . . pledge themselves to rapid industrialization". From the viewpoint of any labor leader, this statement can only be interpreted as one of degradation and insult to the great numbers of Latin American labor leaders who have worked not only for industrialization or the opening of political channels but, more importantly, for the basic *freedom* to bargain collectively and compel reforms.

II. LATIN AMERICAN LABOR POLICY OF THE UNITED STATES

The beginning paragraph of this section relates to AFL–CIO Policy. On this subject the report evidences an almost total lack of objectivity and a serious distortion of the facts. Its inclusion is not wholly without value, however, since its misstatement of AFL–CIO policy and historic positions aids greatly in understanding the fundamental bias of the remaining 19 pages of the Committee Print and partially explains the roots of that bias.

To characterize the dominant philosophy of the American labor movement as "business unionism" is a kind of glib oversimplification one hardly expects to find in a publication bearing the imprint of the Senate Committee on Foreign Relations.

The use of a single textbook quote, out of context, to buttress this sweeping generalization further suggests that the author's entire treatment of the subject which the Committee Print ostensibly deals with, was motivated more by a desire to sustain a preconceived viewpoint of the AFL–CIO and its elected leadership than to provide real insight into "Labor Policies and Programs" and the "Alliance for Progress".

A more balanced presentation of the historic philosophical position of the U.S. trade union movement and its concern with political action is expressed by Philip Taft, Professor of Economics at Brown University and one of the most respected students of the U.S. trade union movement:

"The philosophy of American labor is quite simple, but it is not static. A movement that is essentially made up of toilers in the shop and office is not likely to indulge in long-drawn speculations on where it is going. The American labor leader and his followers are not so much concerned about the destiny of the movement as they are with the belief that the next year should be a better year than the present. If one can describe such a simple outlook as a philosophy, one would say that it is hope, supported by bargaining power, that the future will be better than the past. Some might regard such a simple view as superficial and narrow, but, thus far, it has been founded on a correct appraisal of the potentiality of the American economy. There is a tendency for men of imagination and learning to downgrade the aspiration for a better material life for those who work, but is that not the aim of every reform and revolutionary system that has been offered to mankind by the seers and philosophers of the past? Is success a sin? Is not desire to abolish want—to lift the age-long burdens from the back of man—the moral driving force of every movement to regenerate mankind?

"From the beginning, American organized labor was aware that many problems facing the worker could not be solved at the place of employment. Education, child labor, the conditions of work of women employees, immigration, and a variety of questions ranging from the sanitary standards at the work place to the voting rights of citizens can only be answered by the government.

"Union leaders of the past and present have understood that the government can influence, if not determine, the well-being of the working population. The differences that have arisen over political action, if one excludes a small number of anarchists and syndicalists, have been over the type of politics that the labor movement was to promote, and the extent and kind of program that the labor movement would endorse. In fact, one of the reasons that the AFL was launched in the middle 1880's was to help establish the state federation of labor as the political arm of the labor movement."

As the above statement suggests, although the trade union movement in the United States has not been doctrinaire but rather pragmatic in its approach, it has recognized from its earliest beginnings that all problems affecting the workers cannot be solved at the collective bargaining table. American labor has not followed the view—expressed in the Committee Print—that "the role of government vis-a-vis trade unionism is to insure labor's rights with respect to collective bargaining."

The author's conclusion that: "Indeed, free enterprise and free trade unionism are inseparable; one cannot survive without the other" comes as no surprise since it is only one of many opinions, based on a superficial analysis, expressed as a fact. This statement of opinion would not merit comment except that it constitutes the basis for the author's subsequent comments regarding the AFL–CIO's relations with trade unions abroad, namely that:

"1. It is this philosophy which the U.S. labor leadership has attempted to implant abroad," and

"2. This has often made accommodations with other national labor movements difficult. Frequently, whatever accommodation has been reached in the international sphere has been based primarily on the financial and political strength of the AFL–CIO."

These two statements in the Committee Print conveniently ignore the following facts:

1. The AFL–CIO and its member unions historically have maintained warm and fraternal relations with trade union movements, such as the TUC in the United Kingdom,

which are tied to political parties which are committed, not to a "free enterprise" system such as exists in the United States, but to a socialist system. This relationship has expressed itself in mutual exchanges of financial and moral support where member unions here or abroad were engaged in prolonged strikes, organizing drives, or were undergoing political attacks of one kind or another.

2. Historically, the AFL–CIO and its member unions have consistently given broad support to national and international labor organizations which represent workers in industries which are government-owned in many countries, but which are privately-owned under our system. At no time has AFL–CIO or its member unions done or said anything in giving its support, financial and otherwise, to such groups which could possibly be construed as indicative of any interest or desire to influence a shift from government to private ownership of these industries. Nor has such support ever been influenced by the fact that those industries were government, rather than privately, owned. Indeed, not even its most hostile critics have ever suggested such an interest or desire.

This longstanding warm fraternal relationship between the AFL–CIO and socialist-oriented unions abroad (both in developed and developing countries) and the active support and cooperation the AFL–CIO and its member unions have extended to unions representing workers in government-owned industries abroad—which under our system are accepted as properly in the private sector—hardly support the view which, by innuendo, the author ascribes to the AFL–CIO; to wit: "Indeed, free enterprise and free trade unionism are inseparable; one cannot survive without the other" and which, the author then proceeds to state, the AFL–CIO has attempted to "implant abroad" which has in turn "often made accommodation with other national labor movements difficult."

Another contradiction in the author's tortured logic should not go unnoticed. After emphasizing what the author construes to be an almost apolitical stance by the trade union movement in the United States on page 6 of the Print, he states on page 7 that: "Frequently, whatever accommodation has been reached in the international sphere has been based primarily on the financial and political strength of the AFL–CIO."

With regard to the "Current Rift over AFL–CIO Policy", the author here gives further evidence—to what becomes increasingly apparent with every page of the Committee Print—that his primary objective is to present a particular view of AFL–CIO international policy rather than to assess the effectiveness of "Labor Policies and Programs" in Latin America as a part of the Committee's "Survey of the Alliance for Progress". The author, having grossly misstated the policy of the AFL–CIO in Section II(B), proceeds in Section II(C), using a much-favored technique of the professional propagandist, to hang the "alleged" policy around the necks of his prime target in the document, the elected leadership of the AFL–CIO. He states: "The policy described above has won the adherence of most, but not all, of the leadership of U.S. Labor." Then comes the big surprise. The author reveals: "The most articulate dissent has come from Walter Reuther. . ." The natural question is: dissent from what? Unfortunately, the Committee Print leaves this question unanswered since there is no specific statement of dissent by Mr. Reuther included in the document to which meaningful response can be made.

It is in this section that the author's bias comes to full flower. Stating that: "It is beyond the scope of this paper to explore the causes of the break between the AFL–CIO and the UAW or to attempt to assess the merits of the dispute", the author then proceeds, without even bothering to quote the two individuals he names, to ascribe viewpoints to Mr. Meany and Mr. Reuther using loaded terms which have no place in an official publication of an important Senate Committee. For instance, Mr. Reuther and UAW "tend", in the author's words, to be "less doctrinaire and more accommodating to the various brands of trade unionism which exist in the international labor movement" whereas he has Mr. Meany "rigidly" rejecting "any" relations with Communist unions.

This, of course, leaves much unsaid. As previously noted, the AFL–CIO has throughout its history worked with unions of many political hues and orientations. Specifically, in Latin America, the area the Print allegedly is concerned with, Mr. Meany, acting on behalf of the AFL–CIO, has consistently supported with word and deed organizations having many diverse viewpoints. For example:

(a) The CTM in Mexico, a nationalist movement which is part of the dominant political grouping in Mexico;

(b) Both the NWU and the BITU, national unions in Jamaica, which are in turn allied to each of the two major political parties;

(c) In Peru, Venezuela, Chile and other countries in Central and South America, the AFL–CIO enjoys harmonious relationships of long standing with many unions whose "modus vivendi" is entirely different from their North American counterpart. The common denominator of these relationships has been a belief in bettering the lives of workers through democratic trade unionism and not through the impositions of the U.S. system on these labor movements.

This policy certainly demonstrates a willingness to "accept foreign unions on their own terms", an inclination which the author would have us believe does not characterize AFL–CIO policy and programs.

In his addresses to graduating classes of the AIFLD educational courses, President Meany has consistently said: "We have no desire to impose on the workers of these countries the American system of trade unionism. We realize that our system is built around our culture, economy and general way of life and we realize that our system might not fit the system of some other country. Our method of trade unionism might not be the method in another country; but we are convinced of one thing, that no matter what the type of movement, it must be based upon the freedom of the worker to choose for himself the representative who will speak to his employer in his behalf. That is why we emphasize the word 'freedom' in everything we do. If he is to share in the fruits of his society, he must be free. Our enemies have known this for a long time."

It is true that the AFL–CIO has not collaborated with the so-called unions in the USSR. Unfortunately, the author neglected to point out that the AFL–CIO has consistently refused to collaborate with *any* "labor movement" under the heel of totalitarian control when workers were not free to chart their own destiny.

This refusal to collaborate with state-controlled unions has applied not *only* to those in the Communist bloc, as the author by devious omission suggests, but to puppet unions of the Dominican Republic under Trujillo, of Peru under Odria, Venezuela under Perez Jimenez, Spain under Franco, as well as many other past and contemporary right-wing regimes. At no point did the democratic and oppressed trade unionists of those nations feel that they did not have a friend in the AFL–CIO. Many of these democratic trade unionists, once the yoke of an oppressive dictatorship was cast off, were elected to positions of national leadership. Perhaps the author might have investigated a few such cases prior to writing about "accommodating to the various brands of trade unionism". Such investigation would have precluded the use of such an obviously distorted and loaded statement that President Meany "has tended to equate 'democratic' with 'anti-communist' " since all of the aforementioned right-wing dictatorships were avowedly "anti-communist". A cursory review by the author of AFL–CIO resolutions would have established the consistency of the AFL–CIO's opposition to all forms of totalitarianism.

In a final burst of distortion and misstatement the author concludes: "One of the things that led to Reuther's resignation from the board of trustees of the AIFLD was the latter's tendency to adopt a 'good guys versus bad guys' approach to international labor relations."

Mr. Reuther's resignation from AIFLD's Board of Trustees occurred simultaneously with his resignations from all his AFL–CIO posts, except the Industrial Union Department. It was not, as the author's choice of words suggests, an isolated resignation stemming from expressed philosophical disagreements with AIFLD's "approach."

III. UNITED STATES-LATIN AMERICAN LABOR RELATION: 1945–60

Again in this section, the use of innuendo, loaded words, questionable sources and the omission of certain salient facts combine to sustain the author's attack on the AFL–CIO and its leadership.

With regard to the establishment of the ICFTU and ORIT, the history here is generally accurate as far as it goes. Two points are worth noting

1. The use of certain words with source documentation to give an innocent incident a sinister implication is beautifully illustrated in the author's statement: "The State Department reportedly took a direct interest in planning Romualdi's itinerary." The use of the term "reportedly" stems, not from any statement of the late Serafino Romualdi or anyone in a position to speak knowledgeably of these events in the State Department in 1946, but rather from a 1967 article in "The Nation", a journal of opinion with a single, generally acknowledged, viewpoint to purvey. The real trick in a statement of this kind, however, is not the failure to establish its authenticity through the use of questionable sources but rather the wording of the statement itself. For anyone planning extensive travel of this nature in Latin America just after World War II, given the Nazi intriques in Latin America during the war, the nature of U.S.-Soviet relations, the ascendency of right-wing dictatorships in Latin America and the status of the labor movement in Latin America in 1946, it would not have been viewed as unusual or sinister for the "State Department" to take "a direct interest in planning Romualdi's itinerary".

2. Continuing to see the entire labor movement of the Western Hemisphere as one gigantic anti-communist plot, the author states that ORIT's founding was "for the specific purpose of combatting Communist infiltration of the Latin American Labor Movement." This, of course, is the kind of "black and white" approach which denotes a conspiratorial mentality. ORIT came into being to promote and strengthen democratic trade unions. Because Communist-dominated unions are autocratic, ORIT is anti-Communist; however, for the same reason, it is anti-military dictatorship and anti-company union.

Once again, having created a fallacious premise, the author leaps to a false conclusion when he says: "This is one reason for what seems to be a decline in ORIT prestige in Latin America." The author cites no evidence to support this rather vague, general statement. In terms of the usual measures of success for such an organization—membership, financial resources, etc.—any objective review of ORIT's position today could hardly result in the statement quoted above. Citing three ORIT positions, which happen to coincide with official U.S. positions, as a basis for alleging that "To many Latin Americans, this looks like ORIT is an instrument of the U.S. State Department", the author, without any attempt to assess the merits of the three examples, uses the old "guilt by association" technique.

IV. THE AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT

The author's obsessive "anti-communist plot" approach in analyzing AFL–CIO policy really obscures the facts in discussing AIFLD's creation. He opens this section with the flat-footed statement that:

"The American Institute For Free Labor Development was founded in 1961 primarily in response to the threat of Castroite infiltration and eventual control of major labor movements within Latin America."

The author then supports this contention with a careful weaving of words such as: "*Shortly after the Bay of Pigs episode* in April 1961, President Kennedy endorsed the idea of a Latin American labor program . . ." (Emphasis supplied).

President Kennedy had been in office only three months in April 1961. To suggest that the creation of the Alliance for Progress stemmed in part from Castro's actions is not without some validity. However, to attempt to depict the creation of AIFLD as nothing more than a reaction to the Cuban situation ignores a long history of involvement in Latin America by the AFL–CIO and member unions and conveniently overlooks some relevant facts as to AIFLD's beginning, facts which were supplied to the author some months ago and which he obviously chose to ignore.

Since the text of the section relating to AIFLD's structure and programs relied chiefly on information supplied to the author by AIFLD, there are only one or two minor observations which require clarification.

Regarding the Institute at Front Royal, the statement is made that "particular emphasis" is given "the theme of democracy versus totalitarianism". Unless the author defines approximately three days out of 10 to 12 weeks of training as constituting "particular emphasis", it is hard to determine on what basis this judgment was made.

The author's statement that the Labor Economist program is "generally considered to be AIFLD's best educational project" doesn't, unfortunately, provide any clue as to the basis for this assessment. Nevertheless, in a document characterized by an almost totally unrelenting negative statement of AFL–CIO policy and AIFLD's program, any positive comment, however ambiguous, affords a brief, welcome respite.

V. THE AIFLD AND THE LATIN AMERICAN LABOR MOVEMENT

The author seems to have a facility for incorporating baseless assertion and misstatement in the opening passages of each section of his "Study". Here again, in Section V (A), he makes an apparent unequivocal statement (actually a redundant general misstatement carried over from Section III (B)) as to the condition of ORIT; namely, that it is declining. More exhaustive research could have shown that, as a matter of fact and not conjecture, the ORIT has grown much stronger since the AIFLD's inception, the reason being that ORIT has been able to divert most of its funds to the organizing efforts and servicing of their affiliates, while AIFLD has focused on the educational/social programs peculiar to its function. Consequently, the efforts of the AIFLD have served to implement and strengthen the activity of ORIT.

Within this series of irresponsible misstatements, the writer authoritatively claims that "The AFL–CIO's energies and resources have consequently been concentrated upon the AIFLD to the detriment of the ORIT budget." More definite and objective analysis of budget distributions (which information was readily and voluntarily made available by the AFL–CIO to the writer) would have clearly shown that the ORIT budget has not been adversely affected. Even the most perfunctory examination would have disclosed the exact amount which the AFL–CIO contributes to each organization.

The author then states that "The rise of the AIFLD and the decline of ORIT are used by the Communists and the CLASC militants to 'prove' their traditional claim that the Latin American labor movement is simply another area in which the Yankees 'call the tune' ". It is difficult to determine how the author rationalizes his logic and line of reasoning through the use of statements such as this, since the Communists and CLASC have consistently followed the same path, that of being critical of everything which has even the slightest semblance of freedom and democracy. They have been critical of AFL–CIO activities even here in the United States; they have consistently and persistently attacked and harrassed the AIFLD in every country where the Communists and CLASC have a following. Similarly, they have been vociferous in their attacks upon ORIT, continually alleging its decline. It would appear then that, instead of being "proof" of the inadequacies of AIFLD and ORIT, such statements, allowing for their origins, would support a case for the validity and strength of both organizations.

The writer goes on to allege that "The problem of Communist subversion of the Latin American labor movement has been central to the AFL–CIO/AIFLD operations in the region". We concede that this is one of the paramount issues confronting several countries of Latin America. It is an historical certainty that a Communist-dominated labor movement in any country is a definite and obvious threat to economic and political freedom.

Anyone interested in elevating and improving the living standard of human beings must recognize the inherent danger of Communist subversion whether it be in the labor movement or any other sphere of social-political-economic activity. History has chronicled that those who have chosen to hide their heads in the sand have either died or have lived to regret their complacency.

VI. THE LATIN AMERICAN CONFEDERATION OF CHRISTIAN TRADE UNIONS (CLASC)

The author describes the Latin American Confederation of Christian Trade Unions (CLASC) and gives a brief history of its development in the Western Hemisphere. He states that, "The origins of this movement are grounded in Catholic doctrine, especially as set forth in the social encyclicals *Rerum Novarum* (1891), *Quadragesimo Anno* (1931), and more recently *Mater et Magistra* (1961) and *Pacem in Terris* (1963)." He then goes on to explain that the CLASC is a "third force," nationalistic, Latin American movement and quotes Chilean President Eduardo Frei Montalva as describing Christian Democracy (*sic* CLASC) as a ". . . middle way between capitalism and communism".

This is a superficial and naive description of the CLASC. There is serious question as to whether CLASC truly represents the spirit of the above-mentioned encyclicals. At least two significant Latin labor movements, the Union of Colombian Workers (UTC) and the Costa Rican General Confederation of Workers (Rerum Novarum), which pre-date the CLASC and were founded as Catholic movements, encountered great philosophical accommodation with the ORIT and considerable antagonism towards the CLASC.

CLASC maintains that the fundamental economic structure of Latin American society is all wrong and that there must be a social and economic upheaval in order to effect change. They do not necessarily oppose violence to achieve this change, although they have never offered specific proposals on the precise nature of the new society they hope to create. They regard the ORIT, and other socio-economic organizations which work within the prevailing system in order to achieve reforms, as palliative and ineffective. This philosophy of CLASC has frequently made their policies all but indistinguishable from extremist revolutionary elements including the communists. This was so during the ill-fated general strike called by the communists of Peru in 1964; similarly, they fiercely oppose, along with the communists, many elements of the Latin American democratic left that are not aligned with Christian Democratic parties.

CLASC has been particularly hostile to all things North American, and their propaganda has been especially vituperative against the AFL–CIO and the AIFLD. Even a casual study of their publications makes evident that far more space is devoted to attacking the United States and "Imperialism" than to criticizing totalitarianism and communism.

The CLASC advocates Latin Americanism as opposed to Inter-Americanism. This means that they oppose the inclusion of the United States on Inter-American social and economic and political bodies, such as the OAS.

All of the above gives clear indication to experienced labor hands in Latin America that CLASC's policy and philosophy run contrary to the Inter-American constructive spirit of the Alliance for Progress. Yet, the author of the Committee Print suggests that the United States Government might do well to extend to CLASC the benefits of its programs. When CLASC actively appeared in the Hemisphere with the assistance of money provided from Germany, the AFL–CIO exercised great patience with the new group in the hope that their extremist viewpoint would turn out to be more the result of youthful zeal and inexperience rather than meaningful hostility. For a long time the AIFLD held its doors open to the CLASC and even, in one or two instances, courted their collaboration. AFL–CIO President George Meany once invited CLASC General Secretary Emilio Maspero to the AFL–CIO headquarters in Washington in order to explore possible areas of agreement. These friendly overtures were rebuffed with insult and invective. Consequently, CLASC was no longer invited to participate in AIFLD programs, although individual members of CLASC-affiliated unions are even today welcome to participate if they so desire.

The author would have us believe that the CLASC is an authentic force in Latin America, although it has a dues paying membership that "probably does not exceed 300,000". This is sheer naivete. CLASC's funds are supplied from European sources, not dues; and, although the funds that are at its disposal far exceed the annual budget of the ORIT, estimates of CLASC's true membership are only a tiny fraction of the ORIT total, even excluding ORIT's North American membership. By CLASC's own admission, it prefers to work with the intellectual elite rather than develop a movement which is legitimately trade union in concept. We view this philosophy as dangerous to democratic trade union development.

The author of the Committee Print states that CLASC is the labor arm of the Christian Democratic Party. It is important to note in any discussion of bona fide workers' movements of Latin America that almost all of the labor movements that comprise ORIT were already long-established national movements at the time ORIT was founded. With the exception of Ecuador, every CLASC affiliate was organized after 1954 by the CLASC itself. It stretches the imagination too far when the author suggests that CLASC is a grass roots Latin American workers' movement.

Mr. MORSE. In the course of his letter Mr. Meany said:

We note that Mr. Elmer Staats, the Comptroller General of the United States, in his May 20, 1968 letter of transmittal to Senator Fulbright concerning the GAO review of the American Institute for Free Labor Development (AIFLD), clearly stated that:

"We were not able during our review to reach any specific conclusion on the relative success of the Institute as an instrument for achieving U.S. foreign policy objectives in the labor sector. We agree that the Institute

> represents a realistic and imaginative approach to some of the major problems of the Western Hemisphere. For example, it provides a means whereby the workers of Latin America can participate in the Alliance for Progress and become more active in the economic and social progress of their countries."
>
> The AIFLD has submitted a memorandum concerning the GAO report which you will find on page 80 of the Committee Print. From this memorandum it is clear that the AIFLD is fully aware of its public accountability for the funds which have been provided to it from the Agency for International Development. We will continue to exercise the utmost scrutiny demanded by the GAO.

Later in the letter Mr. Meany says:

> We must, however, point out that, unfortunately, the survey of the Senate Subcommittee on American Republics Affairs contains quite a number of inaccuracies. The author made little attempt to make a balanced assessment of labor policies and programs in relation to the Committee's overall survey of the Alliance for Progress. The document reflects preconceived and biased viewpoints without any foundation in fact.

Later in his letter Mr. Meany sets forth, in documented form, under the heading of, "Let us cite some of the misrepresentations contained in the committee print," specific objections that he raises to the staff report. He concludes the letter with this paragraph:

> The report, if not repudiated, would be a great disservice to the American people, and the U.S. Senate as well as to the democratic inter-American labor movement which has been working hard to overcome misery and poverty in our hemisphere. Therefore, to help counteract the damage resulting from the circulation of the Dockery Study on both sides of the Iron Curtain, we respectfully request that the Subcommittee on American Republics Affairs issue as a Committee Print the AIFLD response to the Committee's questionnaire, this letter and the AFL–CIO evaluation of the Dockery Study.

Mr. President, I am putting the exchange of correspondence in the RECORD today, and I am putting the reply to the committee print which the AIFLD prepared into the CONGRESSIONAL RECORD at this time. We will reserve for further consideration the submission of the material as a committee print, but I wanted to give this public availability to this exchange of correspondence and materials at this time because of what I said in a letter that I wrote to Mr. Meany under date of August 21, 1968.

I ask unanimous consent that my letter to Mr. Meany be inserted at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> AUGUST 21, 1968.
>
> Mr. GEORGE MEANY,
> *President, AFL–CIO, Washington, D.C.*
>
> DEAR GEORGE: I have just returned from Oregon, where I have been devoting all my time to my campaign for reelection. Your letter of August 5 was awaiting me upon my return, and on top of it was a copy of Pat Holt's August 14 letter to you.
>
> Your letter concerns me very much, because I think you know that the last thing I would want to do would be to be a party to doing an injustice either directly or indirectly to any American labor program.
>
> The Committee Print of the Senate Subcommittee on American Republics Affairs, entitled, "Survey of the Alliance for Progress Labor Policies and Programs," together with a Report of the General Accounting Office, is, as you know, a staff report and not a Committee report. It was prepared by Robert Dockery. However, that does not excuse the Subcommittee from any harm resulting from the staff Committee report, if its contents are in error.
>
> The preparation of staff Committee reports is a long-standing practice on the part of Committees, generally, in the Senate, but as far as I am concerned, I want to make clear that I shall give the critics of this report a full and complete opportunity to make their record against this report. Then, I shall insist that the Subcommittee, itself, submit a report setting forth its official position.
>
> To that end, if it meets with your approval, I would like to suggest that you authorize me to insert in the Congressional Record on an early date after we reconvene in September, with appropriate explanatory remarks, your letter of August 5 and the memorandum entitled, "Reply to Committee Print—Analysis and Comment." I also would like to insert the correspondence that I have received from other labor leaders, such as Joe Beirne, who wrote to me under date of August 13.
>
> Following that, I would like to schedule a public hearing to be held by the Subcommittee, at which you and such other spokesmen as you would recommend the Subcommittee invite would present their views on the staff Committee report. In making such a record, I shall ask the Subcommittee itself, to submit to the full Foreign Relations Committee and to the Senate an official report, including the making available of reprints of the Committee hearings.
>
> In retrospect, I wish we had had these hearings before the staff Committee report was printed and issued. However, that is not the practice that is followed by Senate Committees, but I have come to the conclusion that it should be, I wish to make very clear that Pat Holt, Council of our Subcommittee, is not deserving of any criticism in respect to this matter, because he followed the procedure that is generally followed by staff directors in respect to staff Committee reports.
>
> Please advise me if the procedure I have outlined in this letter meets with your approval.
>
> With best wishes,
> Cordially,
>
> WAYNE MORSE.

Mr. MORSE. Mr. President, in that letter I said, in part:

> DEAR GEORGE: I have just returned from Oregon, where I have been devoting all my time to my campaign for reelection. Your letter of August 5 was awaiting me upon my return, and on top of it was a copy of Pat Holt's August 14 letter to you.

Pat Holt is the counsel of the Subcommittee on Latin American Affairs of the Committee on Foreign Relations.

Returning to my answer to Mr. Meany:

> Your letter concerns me very much, because I think you know that the last thing I would want to do would be to be a party to doing an injustice either directly or indirectly to any American labor program.
>
> The Committee Print of the Senate Subcommittee on American Republics Affairs, entitled, "Survey of the Alliance for Progress Labor Policies and Programs," together with a Report of the General Accounting Office, is, as you know, a staff report and not a Committee report. It was prepared by Robert Dockery. However, that does not excuse the Subcommittee from any harm resulting from the staff Committee report, if its contents are in error.
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>
> Please advise me if the procedure I have outlined in this letter meets with your approval.
>
> With best wishes,
> Cordially,
>
> WAYNE MORSE.

In a personal conference with Mr. Meany and some members of the staff, he approved the procedure I have outlined, and I have followed it today.

Mr. President, on August 13, I received a letter from Mr. Joseph A. Beirne, president of the Communication Workers of America, in which he says:

> MY DEAR SENATOR MORSE: I understand President George Meany has written to you concerning the recent Report prepared for your Subcommittee on American Republics Affairs by Mr. Robert Dockery. I will not comment on this Report except to say that dismay, anger and hurt were part of the range of my reactions.
>
> I also noted that you published in the Congressional Record an article appearing in "Steel Labor" demonstrating the attitude of the United Steelworkers of America towards the American Institute for Free Labor Development.
>
> I think you would be pleased to note from the attached articles the AIFLD has received wide public support and acclaim through the American Trade Union Movement. The articles are but a small part of the writings and expressions of our American Trade Unions towards the work of the American Institute for Free Labor Development.
>
> There are many similar articles in behalf of AIFLD published by the free and democratic Trade Union Movement throughout Latin America. I am sending the Latin American expressions to you under separate cover.
>
> I hope these views will be helpful to you and your Subcommittee as you look further at the work being done in Latin America.
>
> Sincerely yours,
>
> JOSEPH A. BEIRNE,
> *President.*

Accompanying that letter were certain enclosures. I ask unanimous consent that the list of enclosures be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Enclosures

1. Horizons, July 1968: Glass Bottle Blowers Association of the U.S. and Canada, "Latin American Unions Getting Boost toward Many Union Benefits", p. 24.

2. Steel Labor, July 1968: United Steel Workers of America, "Helping Build Latin America's Alliance", p. 12.

3. Unity, April 1968: Postal, Telegraph and Telephone International (PTTI), "PTTI Regional Directors Meet", p. 3.

4. International, March 1968: Seafarers International Union, "New Horizons for Latin America", p. 2.

5. CIE, February 1968: Hotel & Restaurant Employees and Bartenders International Union, "Culinary Unionist Groomed for Key Part in Labor Aid, Alliance for Progress", p. 9.

6. Pulp & Paper Worker, October 1967: International Brotherhood of Pulp, Sulphite and Paper Mill Workers, "Labor's Role in Latin America", p. 7.

7. Retail Clerks Advocate, October 1967: Retail Clerks International Union, "The AIFLD—A Means of Sharing Our Good Fortune", p. 15.

8. Retail Clerks Advocate, July 1967: "AIFLD Celebrates 5th Anniversary, 16th Commencement", p. 8.

9. The Electrical Workers Journal, September 1967: International Brotherhood of Electrical Workers, "The AIFLD Record", p. 20.

10. The Gem, September 1967: International Jewelry Workers' Union, "Worker-to-Worker Help Through AIFLD", p. 3.

11. UA Journal, August 1967: United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the U.S. and Canada, "President Meany Speaks about AIFLD", p. 4.

12. ABC News, May 1967: American Bakery and Confectionery Workers' International Union, "The American Institute for Free Labor Development Celebrates Five Years of Worker to Worker Alliance for Progress", p. 5.

13. CWA News, November 1966: Communications Workers of America, "CWA is Front and Center in Labor's New Weapon for Democracy", p. 6.

Mr. MORSE. I replied to Mr. Beirne under date of August 23, 1968, as follows:

Dear Joe: Enclosed is a copy of a letter I have written to George Meany, concerning the Committee Print of the Senate Subcommittee on American Republics Affairs, entitled, "Survey of the Alliance for Progress Labor Policies and Programs."

I would like to insert your August 13 letter in the Congressional Record, and then, I propose scheduling a public hearing to be held by the Subcommittee on American Republics Affairs with regard to this matter.

Please let me know if this procedure meets with your approval.

With kind regards,
Sincerely,

Wayne Morse.

Mr. President, I am putting all of this material and correspondence in the Record so that it will be available, may I say, for public disclosure.

I also wish to say that the Subcommittee on Latin American Affairs will order the hearing that I referred to some time after the middle of November. It is expected that Congress will reconvene, probably on November 9 or thereabouts, and I have notified the members of the committee and the staff of the committee that preparation should be made for holding the hearings referred to in my correspondence after Congress reconvenes following November 9.

Mr. President, the committee staff has carried out its instructions to conduct the study that the committee authorized. We have over the years followed this committee procedure, as other committees of the Senate have followed it, time and time again. No one will welcome more than the members of the committee the opportunity to have those who disagree with the staff report prepared by the staff of the committee come before us and testify, and make their case. I also wish to assure the critics and the members of the staff that they can count upon the members of the subcommittee to give an objective analysis to the record that is finally made in connection with this controversy that has arisen.

I happen to know, Mr. President, something about the operation of the labor unions in Latin America. I have participated in observation of their programs for many years. I have a very high regard for the contribution that the AFL–CIO has made, not only toward helping develop a free trade union movement in many parts of Latin America, but for the assistance that they have been to our embassies in many of the countries.

Mr. President, the report that the staff made in no way lessens my regard for the work of the AFL–CIO in Latin America. I think, however, that it is only fair to those in the labor movement who are concerned about this matter to say, as chairman of the subcommittee, that the burden of proof is upon the staff to substantiate the findings set forth in the report, and the hearings will be conducted upon that basis.

THE RECORD ON SOCIAL SECURITY LEGISLATION

Mr. MILLER. Mr. President, in Los Angeles yesterday, Vice President Humphrey made a statement, as follows:

> With a single exception—1954—every expansion in the coverage of Social Security, every increase in benefits, has been proposed by the Democrats and opposed by the Republicans.

Mr. President, this is a gross misrepresentation of the record of the two parties on social security. For one thing, I point to the rollcall vote on November 21, 1967, when my amendment to provide automatic cost-of-living increases to social security recipients was defeated 48 to 24. Seventy-five percent of the Republicans voting were in favor; and 88 percent of the Democrats voting were opposed.

I call attention to the rollcall vote on September 3, 1964, in which an amendment by Republican Senator Prouty, of Vermont, to increase minimum levels of social security from $40 per month to $70 per month was defeated 64 to 23. Seventy-five percent of the Republicans voting were in favor; and 100 percent of the Democrats voting, including then Senator Humphrey, were opposed.

On passage of the Social Security Amendments Act of 1967, which included a large increase in social security payments effective in February 1968, 87 percent of the Republicans voted "aye."

On June 26, 1961, the Senate adopted an amendment by Republican Senator Norris Cotton, of New Hampshire, to permit increased earnings by social security recipients without penalty. And on November 21, 1967, the Senate turned down by a vote of 26 to 47 my own amendments to permit a further increase in earnings without penalty, with 92 percent of the Republicans voting in favor and 93 percent of the Democrats voting "no."

The only conclusion one can reach is that the Vice President's researchers "wobbled" on this one.

SOIL-CONSERVATION COST-BENEFIT RATIOS

Mr. MONDALE. Mr. President, we often hear the "cost-benefit ratio" used, usually in connection with a defense project. I believe it should also be pointed out that soil conservation activities have one of the best cost-benefit ratios in Government, and ask unanimous consent to have printed in the Record a column on this subject that I have sent to our weekly newspapers in Minnesota.

There being no objection, the report was ordered to be printed in the Record, as follows:

Senator Walter F. Mondale Reports to Minnesota: Budget Cuts Threaten Conservation

Both business and government use a new accounting device, "the cost-benefit ratio" when deciding on how to invest time and money. Simply stated, the cost-benefit ratio measures how much benefit a given amount of money will produce when invested in various ways:

By this measure, soil conservation has one of the best cost-benefit ratios around. To cite just one figure, the cost of dredging silt out of lakes and river channels costs 20 times more than the cost of keeping soil on the land—in other words, a 20–1 favorable cost-benefit ratio. And this ratio doesn't even begin to measure the added value in better crops that a farmer receives with good soil over poor.

This is why threatened budget cuts in the Soil Conservation Service are so disturbing. As it presently stands, SCS personnel would be cut between 600 and 1200 positions nationally, with Minnesota taking a cut of 15–40 positions; some 150 local district offices would be cut; 5 to 10 in our state. Soil conservation projects would be seriously curtailed.

This is false economy, and many more people than just farmers will suffer. Sediment pollution is not only the nation's highest-volume pollutant, it is one of the most expensive. It carries other pollutants, such as agricultural chemicals that speed the growth of algae, into our streams and lakes.

We know from long experience that conservation measures such as contour strip cropping, terracing and cover crops do work. They reduce erosion and add years of life to our lakes. They keep fertilizer and pesticide on the land, where it's supposed to be, and out of the streams and lakes.

Since the thirties the SCS has helped Americans contour 43 million acres of crop and pasture land; built millions of small dams and a million and a half acres of grassed waterways.

This conservation work should be increased, not cut back. Even today silt pollution costs the Nation some $346 million a year, with the cost of silt in reservoirs alone running at $100 million a year. It makes good sense to spend a fraction of this amount to keep our soil on the land.

HANDS OFF WEST GERMANY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that an editorial from the New York Times of

September 25, 1968, entitled "Hands Off West Germany" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HANDS OFF WEST GERMANY

The Soviet Union's repeated threat of military action against West Germany is probably a mere propaganda barrage, but Bonn and its allies are right to take it more seriously than that. In light of the Soviet invasion of Czechoslovakia, which few experts had predicted, the NATO countries must now consider the Kremlin hierarchy unstable and its behavior unpredictable.

Moscow is threatening to intervene under two obscure articles of the United Nations Charter not because it genuinely fears a rising West German tide of neo-Nazism and aggressive intent. On the contrary, what alarms the U.S.S.R. is the success which Bonn has had—and might have in the future—with new conciliatory initiatives aimed at improving relations and trade with Eastern Europe.

Hence Moscow's transparent and belated charge that it was West German subversion that really created the unstable conditions in Czechoslovakia which made Soviet bloc intervention necessary. This tactic is designed not only to block any further Bonn initiatives in Eastern Europe but to deflect the worldwide revulsion against the U.S.S.R. because of the brutal blow it delivered to its Czechoslovak ally.

With the Warsaw Pact shaken by the burden of the coup against Prague, Russia is hammering away on what is very nearly the only point on which it can any longer unite its allies: fear of future aggression and revenge.

Washington has correctly warned Moscow that unilateral intervention in Germany would bring an "immediate allied response." From five to seven Soviet Army divisions are still lined up on Czechoslovakia's border with Bavaria. It is wise policy in this situation to reassure the Germans and to put Russia on blunt notice that American obligations under NATO are firm and unequivocal.

Moscow's drumfire against Bonn raises in importance the special meeting the foreign ministers of NATO countries are planning in New York early next month when most of them will be attending the United Nations General Assembly. A display of Atlantic alliance solidarity is long overdue and at this time would have a particularly healthy effect.

THE NIGERIAN TRAGEDY: NEW DIRECTIONS FOR U.S. FOREIGN POLICY

Mr. PEARSON. Mr. President, the distinguished Senator from Massachusetts [Mr. KENNEDY] recently made an eloquent plea for aid to the millions of Nigerians who are threatened with starvation in Africa's most brutal civil war. He was joined in his call for United Nations action by the distinguished Senators from Georgia [Mr. RUSSELL], Montana [Mr. MANSFIELD], and Ohio [Mr. LAUSCHE]. I too, wish to commend the Senator from Massachusetts for his concern and for his constructive comments.

His proposal merits the most thoughtful consideration. By calling on the General Assembly of the United Nations to direct Secretary General U Thant to conclude a "mercy agreement" with both sides in the Nigerian war and by urging all governments to support such an understanding with funds, commodities, personnel and equipment, the distinguished Senator has made a valuable contribution to the international effort to ease the massive starvation now found in Nigeria.

But there are other alternatives which should be considered if we are to ease this problem without creating still more difficulties by our choice of methods. We must recognize the need to cooperate with African leaders and avoid undercutting their efforts by going to another agency. It is in recognition of this need that I would urge the United States to help establish a relief program directed by the Organization of African Unity's Consultative Committee which was created last year specifically to deal with the Nigerian crisis. Such a step, in my opinion, particularly when coupled with increased aid to the agencies already operating in the area, could bring needed relief while simultaneously strengthening the sinews of the movement toward African unity. And let us never forget that not only do we want the war halted and further starvation prevented, but we want to do it in such a way as to insure a strong Nigeria and a healthy regional African organization that will be better equipped to handle such a crisis should one ever arise again.

Certainly the crisis now gripping Nigeria is the most serious yet to face the newly emerged African Continent. Nigeria was once thought to be the model of African federalism. Because of its size and population, it quickly became symbolic of all Africa's hopes, successes, failures and problems. Rich in human and natural resources, it has also been plagued by the many problems faced by every newly independent African state riven with tribal rivalries and ancient animosities. The federal structure which Nigeria inherited upon gaining her freedom from the British was based on four regions—now subdivided into 12 states—that cut across historic tribal boundaries and created a host of difficulties. One of these difficulties was a heightening of tribal feeling in the eastern region which seceded last year to become the Republic of Biafra and precipitate the current civil war.

In this, as in so many other respects, Nigeria is a reflection of the general African problem of how to reconcile tribal feelings with the borders today's states inherited from their colonial rulers. The Organization of African Unity, which is the regional organization representing the interests of 38 African member states, has clearly gone on record in record in favor of supporting these inherited boundaries. In fact, the OAU could not do otherwise lest open a Pandora's box of woes for all of Africa that would make the current Nigerian civil war pale by comparison.

Thus, it is not surprising to find the OAU supporting the official Nigerian position against the right of secession. We, too, have a legitimate interest in supporting a similar position and any proposals which we might initiate in the United Nations, no matter how humane their motivation, must take this interest in consideration.

Why should we take such a position? Though our African aid program is quite limited, we must still do all we can to foster stability in Africa. One Vietnam is quite enough. Thus we must act not only to help our friends avoid civil strife such as is now tearing at the heart of Nigeria, but we must also try to simultaneously foster the development of regional associations that can stimulate local economic and social progress.

Last year I was fortunate enough to travel to East Africa and see the beginnings there of the East African community which is designed to create a basic economic infrastructure for the participating countries of Tanzania, Kenya, and Uganda. Movements such as this and the newly formed Union of Central African States embracing the Congo, Chad, and the Central African Republic must be encouraged if meaningful economic integration, and hence meaningful progress, is to be attained by our American friends.

Mr. President, it is this firm conviction which had led me repeatedly to urge the creation of such groups to act as the conduit for our aid programs, such as they are, in Africa. It is also why I feel quite strongly that it is critical for Nigeria to remain united as a force for true social and economic integration. Not only is this necessary if Nigeria is to achieve her full potential, but it is also a must if a serious setback to the movement toward African unity as a whole is to be avoided. If secession succeeds in Nigeria it could encourage secession in other African States. Any such trend could severely damage our interest in creating a strong and prosperous league of independent African States capable of handling their own affairs.

This is not to say that the Ibo people of Biafra did not suffer serious grievances that finally drove them to their desperate rebellion. Neither is it to say that the Federal Government of Nigeria has been as understanding and flexible as it might have been in trying to reach a negotiated settlement. But it does mean that we must insure that our relief efforts do not undermine the authority of the regional African leadership that is now emerging.

It is in this regard, Mr. President, that I must express grave reservations about the wisdom of placing the question of Biafran relief on the agenda of the United Nations General Assembly as was suggested yesterday. I say this because it has been made clear on several occasions that the African states, who comprise such a large share of the Assembly's membership, do not want the matter handled by the U.N. They want to develop African solutions to what is a peculiarly African problem.

The Organization of African Unity established a consultative committee to deal with the Nigerian problem last fall. It is composed of the leaders of Niger, Liberia, the Cameroons, the Congo—Kinshasa—Ghana, and Ethiopia. These distinguished African leaders have brought both sides of the Nigerian conflict together on several occasions. Often it has appeared that an agreement was near, yet at the last minute there have been heartbreaking failures over details that have made the understandings in principle that were achieved nearly meaningless. Yet the attempts were made and they are continuing.

Mr. President, in understanding the full dimensions of the Nigerian crisis we must also take note of the OAU meeting of heads of state that was held in Algiers, just a few days ago. By a vote of 33 to 4, the OAU went on record in support of Nigerian unity and greater relief efforts. The same resolution also urged U.N. members not to interfere in the Nigerian war.

Thus, we must be careful lest, even by a humanitarian impulse, we take the matter out of the hands of the OAU at the very time when it needs to be supported. We must not stand idly by, of course, but we must attune our diplomatic and aid efforts to African needs and desires. The prestige and capabilities of the OAU must be strengthened, not weakened. We must help, not hinder it in demonstrating a continued ability to deal with African crises.

This does not mean that the United States has been or should be idle in bringing relief to the millions of Nigerians who are faced with a cruel, lingering death by starvation. Nor need we avoid an increase in our efforts when such an increase is so sorely needed. But we must avoid structuring these efforts in such a way as to deal a setback to the credibility of the OAU and thus enrage African sensibilities and thereby cripple the effectiveness of all outside relief efforts because of the increased lack of cooperation with which they would then be received.

Mr. President, the U.S. Government has given $8.7 million in relief to date and another $2.7 million has gone to Nigeria through private American voluntary agencies. Seven million dollars of this relief effort is represented by surplus food such as dry milk and high protein food products. Of this total, $4.3 million has been channeled through UNICEF which has already established a United Nations relief effort in the area. But it is important to note that this low-level U.N. presence has been coordinated with the Nigerian Federal Government in Lagos under the overall direction of the International Committee of the Red Cross. To introduce the political problems that would inevitably flow from General Assembly involvement could only needlessly complicate the situation.

What, then, can the United States do? How can we help recapture the dream of Nigerian federalism without destroying our already tenuous influence in the continent? Naturally, there are no easy answers, for the situation has deteriorated seriously in the 15 months since the war broke out in June 1967. There was a time when bold and foresighted diplomatic initiatives might have halted, or even prevented this terrible conflict, But, preoccupied by our own dilemma in Vietnam, we let these opportunities go by. As a result, our alternatives today are seriously reduced and any great display of humanitarian concern we might now exhibit will seem too little and too late to the many Nigerians who have already lost countless loved ones. It is also important to remember that starvation and the effects of prolonged malnutrition will cripple Nigerian progress for years to come no matter when the war is finally ended. Not only will ethnic bitterness cloud personal relations, but the many minds stunted by a poor diet will never recover. And who can estimate the loss caused by a whole generation of Nigerian youth, some of whom have sacrificed their lives, and others of whom have had to give up their educations—perhaps forever?

Mr. President, we must act quickly, but we must act with foresight. To delay further is morally inexcusable. To act without regard for all the complexities involved is to foredoom our efforts to failure. It is my proposal, therefore, that our first step be to strengthen the OAU by offering to provide the men, material and aircraft needed to staff an OAU-sponsored and directed relief effort. Such an effort could be undertaken by the consultative committee which the OAU has already formed to deal with the war and whose authority the OAU recently renewed at the meeting of heads of state. This committee could easily create a relief subcommittee which I would urge all nations to support with as much assistance as they can render.

It might be advisable for the committee to inaugurate its initial relief efforts behind the Nigerian lines rather than complicate, and perhaps doom, the entire relief effort by insisting that operations begin in the combat zone. This does not mean that the Biafrans who are starving within the region encircled by Nigerian troops should be ignored. But it does mean that immediate relief should be brought to the countless starvation victims who have been left in the war's wake. Not only would such an effort be quickly effective, but it would also be a useful demonstration to both sides and to the world at large of how an African directed, foreign supported relief effort could end suffering in the combat zone as well.

While we have given nearly $9 million to relief already, we certainly can and should do more through the conventional channels already in use. More aid to the Red Cross and UNICEF should also receive the highest priority.

Lastly, we must do more to reach an understanding with our French allies who are now not only supplying arms to the Biafran Army, but are also discussing giving formal diplomatic recognition to the rebel regime. This aid and any such recognition can only prolong the agony and further the very fractionalism we are dedicated to preventing.

Overly preoccupied with the war in Vietnam, we have watched the situation in Nigeria, as in the Middle East and Europe, dangerously deteriorate. We must not act in haste, but we must hasten to act before it is too late and millions of innocent human beings have been condemned to an agonizing death by starvation. The path we seek to travel will not be easy, but let us always remember that while it is hard to fail, it is worse never to have tried to succeed.

PRESIDENT JOHNSON AND AMERICA'S SMALL BUSINESS COMMUNITY

Mr. SPARKMAN. Mr. President, America has been enjoying a prosperity so solid that it is no longer even a conversion topic. For 91 months our economy has grown until we now talk in terms of a gross national product within a few years of a trillion dollars.

The Small Business Administration has been able to play a vital role in our economic growth. I say vital, because SBA's efforts have been able to help not only the 5 million small businessmen but to reach increasing numbers of persons who heretofore have been shut off from the affluence of America.

This special emphasis is the result of instructions by President Johnson that every agency of Government must structure its programs to include every citizen of the United States.

During the Johnson administration, small business has fared extremely well. In addition to routine authorizations and appropriations for the Small Business Administration, no less than 16 separate bills to strengthen SBA have been enacted into law during the past 5 years compared with six such bills in the previous 32 years. The legislation enacted during President Johnson's administration broadened tremendously the scope of Federal assistance for our 5 million small businesses.

In 1964, with the passage of the Economic Opportunity Act, the disadvantaged of our Nation for the first time had the opportunity to become entrepreneurs using SBA loan funds. In 1964, Congress also broadened SBA's assistance to displaced businesses. It increased SBA's power to assist small business investment companies.

In 1965, SBA was authorized to guarantee or insure the leases of small businesses, thus opening the opportunity for better locations. In 1966 and 1967, Congress gave SBA needed additional authority over small business investment companies and allowed substantial increases in the amount of funds which SBA may make available to an SBIC.

The Federal Aid Highway Act of 1968 expanded SBA's role to provide assistance to small business suffering substantial economic injury as a result of federally assisted urban renewal highway or other construction programs.

I shall mention briefly some other programs which have begun to include the deprived and the disadvantaged among our small businessmen.

The lease guarantee program enables small businessmen to place their businesses in the best locations. They could not previously do this without AAA credit ratings.

The blanket loan guarantee program cuts down paperwork and enables banks to process small business loans much faster.

The procurement assistance program enables small business to get a share of Government contracts.

Technical publications on almost every phase of business activity have been distributed to help small businessmen operate more successfully.

SCORE—Service Corps of Retired Executives—was conceived during the Johnson administration. It has brought free expert advice to small businessmen from seasoned executives.

Counseling programs bring SBA specialists to remote areas of the country to help small business grow stronger.

In 1964, SBA developed its economic loan opportunity program to aid the disadvantaged bring either their ailing businesses to better health, or to start new businesses. So far, SBA has made 7,773 loans under this new program.

The program stemmed from President Johnson's firm belief that we must encourage our minority people to become part of the free enterprise system. Minorities comprise 12 percent of the population, but they own only 3 percent of the businesses.

The target is new minority-owned businesses at the rate of 10,000 annually by the end of this fiscal year and at the rate of 20,000 by the end of the following fiscal year. To date, there has been a good response from the private sector, and a much greater one is expected as the fieldwork and orientation of banks and major industries becomes widespread.

If we can create more business, we can increase the gross national product, we can create more jobs, we can bring in more tax revenue, we can take people off welfare rolls. We will make a wealthier society—and most important—we will make it possible for more and more people to share in the good things of our country.

Under the leadership of President Johnson, America has made substantial progress toward meeting these goals.

PUBLIC SUPPORTS STRONG ACTION IN FREEING CREW OF U.S.S. "PUEBLO"

Mr. THURMOND. Mr. President, a revealing survey showing the strong feeling of the American people regarding the return to the United States of the U.S.S. *Pueblo* and her crew was published recently by the NcNaught Syndicate, Inc., of New York.

This inquiry, which is the only computerized newspaper reader survey in the country, asked the American people what they would like our Government to do about freeing the *Pueblo* and her crew.

Four questions were asked by this survey and the nationwide findings, conducted among all age groups, showed that 78.6 percent of those polled favored setting a limit on the conferences with the North Koreans. Further, this same group felt that if the matter was still unsettled after the time limit, the United States should use whatever force was necessary to free this ship and her crew.

While the conduct of our Government in this matter has been weak and indecisive, it is encouraging to know that the American people still have plenty of backbone in dealing with our Communist enemies.

The *Pueblo* should have never been placed in a position which would permit her capture. Further, our initial response was not in line with that of a first-rate power.

The McNaught survey shows clearly that the American people are demanding a stronger foreign policy in the country and it is my hope the American people will elect a President who will give us such a policy.

Mr. Charles V. McAdam, head of the McNaugh Syndicate, recently mailed to President Lyndon Johnson a letter and a news release giving the results of this survey.

I ask unanimous consent that this letter and the news release be printed in the RECORD.

There being no objection, the letter and news release were ordered to be printed in the RECORD, as follows:

THE MCNAUGHT SYNDICATE, INC.,
New York, N.Y., September 9, 1968.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In August, a Communist broadcast stated the U.S.S. Pueblo crew members "appealed to the people of the United States to urge our government to take appropriate action" to get them home.

Sound Off, our nationally syndicated weekly public opinion poll, is a logical method of determining the pulse of the people in the United States on such a subject. Our newspapers queried their readers, the week of August 24/25, asking them to circle their choice in answer to the following question: "What would you like our government to do about freeing the Pueblo and her crew?"

Herewith, we enclose the 3,217 ballots we received. The results were tallied in three age groups by a 360 IBM Computer and are given in their percentages as follows:

	Age groups			
	16 to 25	26 to 49	50 and up	All ages
Admit we were entirely in the wrong and apologize as North Korea insists before they will release the crew	23.7	9.1	12.7	12.3
Continue present conferences. Our leaders know best	2.2	1.8	2.8	2.3
Keep conferences going but, meanwhile, seize North Korean ships and citizens for better bargaining	4.0	5.7	8.3	6.7
Set limit on conferences. Then, if still unsettled, use whatever force necessary to free ship and crew	70.1	83.5	76.2	78.6

We are sending copies of this letter to the Chairman of the Foreign Relations and Armed Services Committee and the House of Representatives, along with others in Washington.

Respectfully yours,
CHARLES V. MCADAM.

PRESS RELEASE FROM THE MCNAUGHT SYNDICATE, INC., NEW YORK, N.Y., SEPTEMBER 9 AND 10, 1968

NEW YORK.—Readers of American newspapers would set a limit on the conference our government is conducting with North Korea on the USS Pueblo and would use whatever force necessary to free the ship and her crew, according to the results of the nationally syndicated public opinion poll. Sound Off, the President of The McNaught Syndicate, Inc., revealed. All of the ballots received are being forwarded to President Johnson, the Chairman of the Foreign Relations and Armed Services committees of Congress have been informed, along with others in Washington.

Mr. Charles McAdam, president of McNaught, said that after a communist broadcast stated USS Pueblo crew members "appealed to the people of the U.S. to urge our government to take appropriate action" to get them back, Sound Off gave its readers four alternative courses of government action as choices, and asked readers to designate what the U.S. should do. 78.6 per cent selected "use whatever force necessary to free ship and crew." Only 12.3 per cent circled the communist demand that the U.S. should apologize and admit we were entirely in the wrong as North Korea insists before they will release the crew. 6.7 per cent thought we should keep the conferences going but, meanwhile, seize North Korean ships and citizens for better bargaining. Only 2.3 thought our leaders know best and that we should continue the conference. The ballots which were tallied by three age groups on a 360 IBM computer also bore signatures and addresses. Some of the newspapers which carried the ballot were the Chicago American, Cleveland Plain Dealer, Indianapolis Star, Knoxville News-Sentinel, Miami News, Omaha World Herald, Phoenix Republic, St. Louis Globe-Democrat, San Francisco Examiner, and the Seattle Times.

What should be done about the USS *Pueblo*? A majority of voters called for a limit to the present conferences; then use whatever force necessary to free ship and crew. 83.5% of the western voters selected this choice. In Phoenix, 98.7% voted this way. Northern voters were least in favor of such drastic action but even here, 68.9% voted in favor of it. Many northern voters said we were in the wrong and should apologize to North Korea so that they will release the crew. In Cleveland, nearly one-fourth of the voters chose this as the right course of action.

Relatively few voters felt we should keep the present conferences going. In the far west, only a negligible percentage voted for this, while in the rest of the country, about 3.5% selected it.

In the North, 9.4% of the voters believed we should keep conferences going, but should seize North Korean ships and citizens for better bargaining purposes. 5.1% made this same choice in the South. In Seattle 14.3% of the voters felt this way.

QUESTION No. 28.—WHAT SHOULD BE DONE ABOUT THE PUEBLO AND HER CREW?

	North	South	Midwest	West	Final
Admit wrong and apologize	18.5	11.5	7.5	8.8	12.3
Continue conferences	3.2	3.8	3.5	0	2.3
Seize North Korean ships and citizens	.4	5.1	8.2	7.7	6.7
Limit conferences and use force	68.9	79.5	80.8	83.5	78.6

RUSSIA AND THE REFORMERS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a most interesting article from the September 24, 1968, edition of the Christian Science Monitor entitled "Russia and the Reformers."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RUSSIA AND THE REFORMERS

(By Joseph C. Harsch)

WASHINGTON.—In the Western countries we have been most concerned—and rightly so—over the effect of the Russian invasion of Czechoslovakia on the Czechs themselves and on their neighbors.

But there are also the Russian people themselves involved in this whole tragic and fearsome affair. They too are bound to pay some of the price for the misdeeds of their leaders, and in the long run may pay the heaviest price.

PIONEERING

Consider the matter in the following terms.

The Czech political experiment which was suddenly snuffed out by Russian tanks on Aug. 20, was an exciting story. It was the most dramatic and hopeful political story of the year.

It was exciting, and hopeful, for all peoples living in Communist countries because it gave promise of providing a safe road whereby a Communist country could progress peaceably and without violence away from the type of Oriental tyranny known as Stalinism.

The decision to stamp it out applied not just to Czechoslovakia. By clear implication, though not by decree, it was outlawed for all the other "hardline" (subservient to Moscow) Communist countries.

ARBITRARY POWER

This translates into a slamming of the door on the reform movement in all the Communist states which have not yet escaped from the arbitrary power of Moscow. It means that so long as the men in the Kremlin hold power and can control the course of events in their own country there will be no ultimate escape from Stalinism by the peaceful road.

Obviously this does not end all hope of a revival of opportunity for the reformers. There may well be a revulsion in the Kremlin against the men and deeds of August of 1968. The pendulum swings back and forth in Moscow as in other capitals.

But certainly for the moment the door has been slammed in the faces of the reformers. And certainly there is no certainty that it will for a very long time be open again. The reform movement is to be pent up and sealed off.

But that only means that the pressures beneath the regime will build up as they built up in the final years of the Czarist regime. To close the doors on essential reform is to drive men to think in violent terms, as they did when the Czarist regime proved incapable of accepting the need for reform.

OUT OF DATE

Over the entire 50 years of Russian experience since the Communist revolution there has not so far been a serious new revolutionary movement. Even Stalin's tyranny did not itself set one off. It was too soon. The Russian critical faculty had not yet had time to revive.

Now it is different. Communism as a doctrine is old and out of date. The younger generation of Russians is in rebellion against it. The technicians have discovered its imbedded fallacies. The reform movement exists even inside the party itself. In Czechoslovakia the party was actually the instrument of reform.

The men of the Kremlin have undoubtedly created the conditions within which the reform movement in Russia is bound to turn into a potential revolutionary movement.

There are even some highly trained experts in the West who now think that there will be a new Russian revolution within 10 years.

FUTILITY OF VIETNAM WAR

Mr. YOUNG of North Dakota. Mr. President, the September 11 issue of my hometown newspaper, the LaMoure, N. Dak., Chronicle, printed a letter from Butch Black, a local serviceman in Vietnam, to his parents and brothers.

Mr. President, the letter describes, in the plainest of terms, the futility, the sadness, and the terrible emotional stresses of being in a cruel war in a faraway land. At the same time, it reflects the typical loyalty and patriotism of our fighting men who will do their duty, however difficult it may be.

Mr. President, the letter, I believe, is a dramatic and tragic portrayal of the deepest feelings of most Americans about the Vietnam war. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

"BUTCH" BLACK WRITES FROM VIETNAM

(Note.—The following is a letter to his parents from Butch Black of LaMoure.)

SEPTEMBER 3, 1968.

DEAREST MOM, DAD AND BOYS: Dad, Mom, I'm sick. Yes, I'm sick of killing and seeing my buddies blown apart. I have lost all hope in this war and I don't care if I ever fire a rifle at anyone again, but like the army says, "when duty calls you must follow."

If I ever have a son he will fight here where I am. The way it is right now no matter how many peace talks they have this war will never end. I know this is a bad thing to say but I think it's the truth unless our new president makes a great change which I doubt very much will happen.

Today I got a letter from Mary and she sounds so home sick. I know just how she feels being some place she doesn't want to be.

All I dream for right now is that we can all be together again as one big happy family.

I want you to know that if I don't get out I don't want you to feel bad about it 'cause it's just one of those things that feeling bad about won't help.

I have to go now so take care and remember I love you all so very much.

Love,

BUTCH.

COMMENDATION OF ANNE ARUNDEL GENERAL HOSPITAL

Mr. TYDINGS. Mr. President, as all Senators know, the devoted and highly respected Senate Sergeant at Arms, Mr. Robert Dunphy, suffered a heart attack this spring. To our relief, Bob has recovered and is now back at his Senate work.

Yesterday I received a letter from Bob Dunphy which indicates the high quality of the medical care afforded in our State of Maryland, and by the staff and facilities of Anne Arundel General Hospital in particular. That letter commends this hospital and its intensive coronary care unit, headed by Dr. Gerald Church and Nurse Shirley H. Fuller.

I was happy to receive this letter, not only because it reflects well on my own State, but because I personally know the splendid work being carried on at that hospital by its outstanding staff.

I ask unanimous consent that the letter from Mr. Dunphy and a resolution on the same subject by the Maryland House of Delegates be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE SERGEANT AT ARMS,
Washington, D.C., September 19, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: As you know I suffered a heart attack this spring. When this occurred I was admitted to Anne Arundel General Hospital in Annapolis. It is the care and treatment which I received in this fine hospital which prompts me to write to you. Dr. Charles W. Kinzer who cared for me from the time of my admittance had me placed in the Intensive Coronary Care Unit. As you are aware, Anne Arundel General is a hospital of modest size; however, I believe its Coronary Care Unit is equal to any I have seen or read about in hospitals many times larger.

This unit, headed by Dr. Gerald Church and served by seven other physicians including Dr. Kinzer, provides intensive care for patients experiencing acute cardiac problems. In addition to the doctors associated with the unit there is an excellent staff of specially trained nurses under Shirley H. Fuller, R.N. These dedicated people working with the most modern equipment available maintain a twenty-four hour vigil over patients in their care.

My experience last March greatly impressed me with the value of having a Coronary Care Unit in our community hospital. There is no doubt in my mind that its existence is saving many lives in Anne Arundel County each year. I believe the hospital and especially the doctors and nurses associated with the unit are owed a debt of gratitude by all citizens of the county. In this connection I am enclosing a Resolution of the Maryland State Legislature commending the unit and its personnel and advocating the establishment of similar facilities in community hospitals throughout the state and nation.

Senator, if you have not already visited this Coronary Care Unit I hope the next time you are in Annapolis and have a few minutes you will stop by and see what a superb job the Anne Arundel General Hospital and its doctors are doing in treating its coronary patients.

Sincerely,

ROBERT G. DUNPHY,
Sergeant at Arms.

H. RES. 37

Resolution commending Anne Arundel General Hospital for the very successful establishment and operation of an intensive coronary care unit for heart patients; and urging the establishment of similar units at community hospitals, using this unit as a model unit throughout the State and country to recognize that February is heart month

Whereas, The practicality and successful operation of such units at small community hospitals has been questioned, but the Intensive Coronary Care at Anne Arundel General Hospital over the past eighteen months has greatly reduced the mortality rate for coronary patients there; and

Whereas, The results achieved by the Coronary Care Unit at this hospital indicate that the operation of such units at other community hospitals would produce similar results; and

Whereas, It is desirable to bring to the attention of medical authorities in the State and country, the successful results achieved at Anne Arundel General Hospital; and

Whereas, We desire to praise Dr. Gerald Church, Cardiologist, and Lynda G. Kramer, R.N., for being instrumental in the creation, training and success of this project, and to thank the medical and nursing staff of the unit for making this operation highly efficient and successful; now, therefore, be it

Resolved by the House of Delegates of Maryland, That we commend Anne Arundel General Hospital for the successful establishment and operation of an Intensive Coronary Care Unit for heart patients, and we urge the establishment of similar units at community hospitals in the State and country and using the Anne Arundel General Hospital Unit as a model unit; and to recognize that February is Heart Month, and; be it further

Resolved, That copies of this Resolution are sent to the Staff of the Coronary Care Unit of the Anne Arundel General Hospital; the U.S. Department of Health, Education and Welfare; the Director, National Institutes of Health; Glasgow University, Scotland, B.I., the American Medical Association, the American Nurses Association; the American Heart Association, the Medical and Chirurgical Faculty of Maryland; and the Maryland Nurses Association; and the Anne Arundel General Hospital.

By the House of Delegates, February 14, 1968.

Read and adopted.

By order:

JAMES P. MAUSE,
Chief Clerk.
MARVIN MANDEL,
Speaker of the House.

EULOGY OF DR. MATTHEW STEINBERG, CHARLESTON, S.C.

Mr. HOLLINGS. Mr. President, Senators constantly are referring to the passing of great public figures. Invariably we hear of the officeholder's contribution to the advancement of mankind, but rarely of the stability and progress given by the everyday citizen. Dr. Matthew Steinberg, of Charleston, was such a man. His passing was of no political import, hardly noticed by those of us who serve in public life, yet hundreds and hundreds passed by to pay their respects. Day in and out, we hear from the special interests, but the silent majority—the forgotten man in our society—never finds his needs in legislation. Yet he is the one who has given the stability to our society during the most troubled times. It is this kind of gratitude that I have for Dr. Matthew Steinberg. His eulogy by Rabbi Jordan I. Taxon expresses the feeling that I have for this outstanding citizen of South Carolina. I am sure it epitomizes the feelings of many Senators for outstanding citizens in their States. Without office or fanfare, here is one we can truly call a great American. For this reason, I ask unanimous consent that Rabbi Taxon's eulogy be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY, SEPTEMBER 15, 1968

Dr. Matthew Steinberg, loyal brother, loving husband, devoted father, faithful traditional American Jew, the right hand of God. According to Ben Sirach, a dedicated physician is God's emissary. "Honor thy physician. For verily in his hands is the issue of life. His very skill is a supplication to the Lord (to) . . . . send healing for the maintenance of life." (Ecclesiasticus 38).

All my life I have heard it said that there is no indispensable man, but I am convinced that Dr. Matthew Steinberg, Matisyanu Bireb Alexander, just plain Mattie to hundreds of his relatives and friends, came the closest to being that man, of any other person I have ever known. Who will examine 100 patients a day and treat each one with such thoroughness, kindness, and thoughtful care as if he were his only patient? Who will come running in the middle of the night to ease the stricken, to calm the frantic, to relieve the anxious in heart, and to dispense beneficences with the same concern whether the patient be Negro or white, young or old, rich or poor, paying or nonpaying? Who can even guess at the hundreds of colleagues, their families, clergy of all denominations, and persons in need from whom Mattie accepted *no* fee? And who will follow up diagnosis and prescription with a few dollars out of his own pocket to buy food, or phone the druggist to charge the necessary medicines to himself? Who will help the childless find an infant for adoption? Who will take the place of Mattie as the highest example of that fast-disappearing breed of a family doctor, who will be general practitioner, surgeon, obstetrician, dependable confidante, wise counsellor, and ever-present friend? Who will identify with empathy with his patients to such an extent as to earn the oft-repeated accolade of "Saint"? Who will touch so many lives so profoundly as to have his untimely passing elicit tears from literally hundreds of people of varied background, race, religion, economic level, and social status?

I am told that there is an inscription on a monument in Rome that reads, "Look not here for my epitaph; look about you." In like manner, Dr. Matthew Steinberg's epitaph is engraved in the hearts and on the faces of all those assembled here this morning to pay their last respects to a worthy servant of humanity, who walked with God and with man.

What made Mattie so great in the eyes of so many? What else than the breadth and the depth of his genuine interest and sincere concern for others, as reflected in the multiplicity of his varied affiliations and endeavors. His obituary devotes seven paragraphs to them.

Pirke Ovos tells us that the world stands on three things: *Torah, Avodah,* and *Gamilus Chassodim*—Learning, Religious Observance, and Acts of Lovingkindness. Dr. Matthew Steinberg was a complete world in himself because he personified all three elements. He never stopped learning. He was well read and well traveled. In fact, only recently, he returned from a visit to the Far East. Mattie realized that it is not enough just to educate oneself. It is not enough to be the top honor graduate from the College of Charleston and the top honor graduate from the Medical College of South Carolina. One also must financially support organized education, so that others may be encouraged to learn. Therefore, Mattie gave $10,000 towards the Science Building at the College of Charleston, not to mention the numerous unheralded contributions over the years to many other educational institutions and programs.

A man of Science, Mattie was remarkably knowledgeable in the Jewish religion. Perhaps this explains the second facet of Mattie Steinberg's personal world. Mattie was a reverent, traditional, observant Jew. He was one of the founders of Synagogue Emanu-El and its Second President. He secured a surplus cantonment-type chapel from the government after World War II, which was demolished, transported, and reassembled on the spot it now stands. Used today as a social hall, it was Synagogue Emanu-El's first permanent place of worship. Through the years, Mattie has been one of the pillars of Synagogue Emanu-El, and only last year, together with his brothers, he paid for the remodeling and redecorating of our Ark which adorns our pulpit.

The third pillar of Dr. Mattie Steinberg's private world implemented both *Torah,* i.e. learning, and *Avodah,* i.e. Religious observance by translating his knowledge and religious values into *Gamilus Chassodim,* Acts of Lovingkindness. His Wife, Joan's characterization of her husband while still under the shock of his precipitous passing, was a phrase from Lincoln's Second Inaugural Address (Mar. 4, 1865), "With malice toward none, with charity for all". Who should know better? Dr. Matthew Steinberg was everybody's friend in need, from the cradle to the grave.

You might ask why we cancelled our Sunday School this morning, if Mattie was so devoted to the pursuit of knowledge? The answer is simply that he personally delivered probably more than 75% of our students. What is more, his interest in people carried through all the ages of man. In his 35 years of practice, Mattie delivered the grandchildren of grandparents whom he had delivered. As a member of the Board of the Carolina Nursing Center, his interest in people was manifest even for the aged. He rarely finished a golf game or was permitted to attend a Sabbath Eve Service without interruption. Mattie was available anywhere any time he was needed.

I personally feel that he was so sympathetic because he himself was, in the words of Isaiah, "a man of sorrows" who knew suffering and anguish first hand. He was charitable because he himself had tasted poverty. He catered to the downtrodden and to the oppressed because he himself had experienced anti-Semitism. He was generous of his time, energy, and resource because he was the worthy scion of a worthy family that is steeped in Jewish tradition. That is why Mattie did not regard his debt to society as discharged merely by dint of his gratis service to those who could not pay or by dint of the ridiculously low charges he made to those who wanted to pay something but who could not afford the usual conventional medical fees.

Mattie told me himself that he realized that there were many worthy causes that only a monetary contribution could help, and so, he was most generous in his donations to many Jewish and non-Jewish eleemosynary organizations. That is why I say that Mattie was truly an indefatigable servant of God and man, and a pillar of society. He even served as the Mohel, the Circumcisor, for the Charleston Conservative Jewish Community.

Level-headed, with a wry sense of humor, Mattie could disagree without being disagreeable. A man of high principles, he practiced what he preached. Indignant in the face of wrong, he was articulate in the defense of the right as God gave him to see the right. I never knew Mattie to get angry. He never went to bed on an argument, I am told. He was a dynamo of energy, venturesome, and a lover of beauty and aesthetics. Most remarkable was his relationship to his children. There was no generation gap in his household. He and Robert were more like companions than like father and son.

I think that Mattie's life was symbolized by an incident that occurred during his last trip to Israel. One of the party, I am told, had to go up to the Hadassah Hospital for a blood test. Mattie was afraid that the climb might be too strenuous for the man who had once suffered a heart attack. So, he himself climbed the hill to test the ascent, and when he was satisfied that the degree of ascent was not too steep, he returned to the bottom of the hill and escorted his companion up the hill. This was Dr. Matthew Steinberg, always climbing hills for others.

He was all heart. No wonder his heart gave way. even though he was granted the Z'Chus, the merit of running the race right up to the wire. No wonder God rewarded him with the traditional Neshikas Novess, the proverbial kiss of death. Nothing in his life became him more than the manner of his leaving: no prolonged farewells, no protracted hours of vigil by his loved ones at his bedside, no regrets. He died doing that which he loved best, pursuing his role as father, taking his son to college, for the first time. Mattie Steinberg leaves not only to his family, but to all of us who knew and loved him, the legacy of Ahavas Habriyos—love of his fellow men, respect for the values and ideals of his Jewish forebears, the virtue of rolling with the punch, the demonstrated blend of modernity and tradition, the rare combination of clarity of thought and the unique ability to blend logic with sympathetic understanding, i.e. with the human touch.

Truly, not only the first phrase of the closing section of Lincoln's Second Inaugural Address applies to Dr. Matthew Steinberg, but almost the entire final paragraph can be paraphrased to be his personal credo of service and his ethical will to each of us assembled here to pay him homage. With malice toward none, with charity for all, with firmness in the right as God gives me to see the right, let me strive to finish the work I am in, to bind up wounds, to care for him who has borne the battle of life, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peaceful society for ourselves and for all nations. "This is my creed. This has been my purpose in life".

To Mattie's grieving wife of 32 years, to his son Robert, his daughter Mary, to his broken-hearted brothers Leon, Irving and Jack, to his disconsolate sisters, Sadie, Ida and Dora, to his family, and his untold friends and beneficiaries we would say simply: Zaycher Tzaddik Livrachah, the memory of the righteous is a blessing, for I know no greater Tzaddik than Dr. Matthew Steinberg who in parting has left behind him such deep fooprints on the sands of time.

TELEVISED CAMPAIGN DEBATES

Mr. MURPHY. Mr. President, on Tuesday, September 24, I issued a statement expressing the belief that Richard Nixon should not engage in televised debates with the Democratic presidential nominee, Mr. HUMPHREY, because it would be unfortunate to give Mr. HUMPHREY a national television audience before which to disseminate, on a far larger scale than he has been able to do so far, the demagogic statements which have characterized his campaign to date.

I ask unanimous consent that the text of my statement in this regard be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

There is currently much discussion as to whether the House of Representatives should suspend the so-called "Equal-time" rule and so make possible television debates between the major Presidential candidates.

It is not for me to advise the House, but I do hope that whatever their decision, my Party's candidate for President will not involve himself in such debates and so provide a national audience for the type of demagogic talk which has unfortunately characterized the campaign of his Democratic opponent.

Mr. Nixon has since January been campaigning on the issues across this country, submitting himself to the voters in all available primary elections. Mr. Humphrey conspicuously avoided taking his case to the Democratic primaries where he could face Democratic rivals who had something to talk about—and now he finds himself devoid of audiences. Dick Nixon has no responsibility to furnish him with a TV audience, in my opinion.

Further, Mr. Nixon has conducted himself in a dignified manner designed to unite the nation after his election as President as he has united our Republican Party since his nomination. I see no reason we should provide Mr. Humphrey with a forum with which further to divide our people.

Mr. MURPHY. Mr. President, my statement concerning the nature of Mr. HUMPHREY's campaign was well substantiated and documented in a column appearing in the September 23 Washington Evening Star by their distinguished political analyst. Paul Hope. I ask unanimous consent that this column entitled "HUMPHREY Tilts With GOP Dragon" be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUMPHREY TILTS WITH GOP DRAGONS

(By Paul Hope)

For a candidate who says a president should not be elected on a campaign designed to exploit fears, Hubert Humphrey is dredging up a lot of bogeymen.

The vice president keeps talking about a "New Day," but before he gets there, he apparently has to fight through a field full of Republican dragons.

There is depression to the right, nuclear holocaust to the left, and black and white terrorism dead ahead.

There is almost nothing wrong with the country that can't be cured if the voters elect Humphrey and reject Republican Richard Nixon.

To hear Humphrey tell it, "riots, rumors and racisms that divide and frighten the country" are the invention of Nixon and the Republicans.

In his opening campaign speech, Humphrey said:

"We must ask ourselves: Which costs less—on the one hand, crime, delinquency, welfarism, unemployment and pent-up emotion in our people? . . . or on the other hand, positive, constructive programs to build opportunity for every American?"

The difficulty in accepting Humphrey's thesis is that the Democrats have been in power for 28 of the last 36 years. If the country is beset by all the troubles Humphrey talks about—and it is—and if some party has to be assigned the blame, it would seem logical that the party that has been in power most the last third of a century would have to bear the primary responsibility.

Humphrey's campaign is primarily an anti-Nixon crusade because to be otherwise, he would have to admit some Democratic failings. And Humphrey is not ready to take that step with President Johnson still in the White House and ready to chop him off at the knees the first time he suggests the administration might have done something wrong in the past five years.

So Humphrey will continue, and no doubt step up, his personal attack on Nixon.

The other day Humphrey called Nixon a "demagogue." According to the dictionary, demagoguery is arousing "prejudices and passion of the populace by rhetoric, sensational charges, specious arguments, catchwords, cajolery, etc."

Let's apply that to a few of Humphrey's statements:

Specious arguments: "Richard Nixon says medicare is wrong—a Socialist scheme—and he opposes it to this day. . . . He has been for and against Social Security, for and against minimum wage coverage, for and against civil rights." Nixon's press chief, Herbert G. Klein, could hardly be faulted for denouncing that statement as "absolutely inaccurate" and a "distortion of the record."

Catchwords: "If Mr. Nixon is going to play Fearless Fosdick, that's his privilege."—from a discussion of crime during a press conference on the beach at Seaside Park, N.J.

Sensational charges: "Mr. Nixon has sacrificed our national interest for political demagoguery or for political tactics."—from a discussion of the nuclear non-proliferation treaty during the beach press conference.

Rhetoric: "Ugly riots, ugly rumors, ugly racisms divide and frighten the people. Burning, looting and white and black terrorism make headlines. . . . Are we to settle for hate, fear, separatism? . . . I intend to make this election a referendum on human rights and opportunity in America."—from his campaign opening address in Washington.

"Crime," said Humphrey in New Orleans, "is not, and should not be, a partisan political issue." To which he immediately appended: "I could give you figures to prove that the crime rates are highest in states with Republican governors."

Humphrey implies that Nixon's suggestion for a delay in ratification of the nuclear non-proliferation treaty is a policy that would lead to nuclear holocaust.

If Nixon gets in the White House, says Humphrey, the nation's prosperity will disappear and down the drain will go the new car, the better-home, the better job and the better education.

The "New Day" is just over the horizon, says Humphrey. But barring the gate is Fearless Fosdick. So far, Humphrey hasn't gotten around to explaining exactly what his "New Day" would be or how he expects to achieve it—nor has he defined precisely which of the "old days" of the past 36 years he's trying to get away from.

SENATOR BAYH'S WORK FOR DIRECT ELECTION OF THE PRESIDENT

Mr. TYDINGS. Mr. President, we all are aware of the brilliant leadership displayed by our highly respected colleague, Senator BIRCH BAYH, of Indiana, regarding constitutional reform. His authorship of the recently ratified presidential succession amendment to the Constitution is one of the most notable legal developments of this decade, closing a dangerous 175-year-old defect in the Constitution.

Since the conclusion of his outstanding work on the succession amendment, Senator BAYH, as chairman of the Constitutional Amendments Subcommittee, has been conducting a wide-ranging study of our method of electing the President. He, like many other constitutional scholars, has concluded that our present electoral college method of electing the President is a dangerous anachronism unintended by our Founding Fathers. Senator BAYH's well-thought-out proposal for direct election of the President has received widespread support in the Senate, including that of both the majority and minority leaders, and my own.

Although the current three-way race for the Presidency has riveted national attention on the incongruously undemocratic nature of the electoral college, Senator BAYH has been at work on this issue for many years. Whatever the outcome of this year's election, his proposed constitutional amendment for direct election should be submitted to the States for ratification by the next Congress.

In that connection, Time magazine this week published an essay on our presidential election methods which I commend to every Member of Congress. The Time article treats this critical issue with an unusual depth and perception. I ask, under unanimous consent, that it be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

AMERICAN ROULETTE: THE ELECTORAL COLLEGE

The single most vilified provision of the U.S. Constitution has no immediate bearing on the critical issues of civil rights, inflation or war, although ultimately its effect on them is immeasurable. Nor does the passage involve the two "pops" for which reformers have been crusading in recent months: popular nationwide primaries and popular tax-supported campaign financing. It concerns instead the 59-word paragraph in Article 2 of the Constitution that establishes the Electoral College as the mechanism for choosing a President. In the 180 years since ratification. more than 500 proposals have been advanced in Congress for abolishing or altering the College. Forty reform amendments are currently before the House Judiciary Committee, and debate about the function and wisdom of the system is reaching the highest pitch in decades.

The reason for the fuss this year is the possibility, exaggerated though it may be, that George Corley Wallace and his "spoiler" third party could conceivably capitalize on the proportional mathematics of the College and deny victory to either major-party candidate. Wallace would thus deadlock the results of the Nov. 5 voting, and—with just two weeks remaining before Inauguration Day—could throw the election into the House of Representatives. Political Scientist James MacGregor Burns says of the U.S. electoral process: "It's a game of Russian roulette, and one of these days we are going to blow our brains out." Most Americans might agree with Burns' appraisal if only they understood how the process works.

Unless he is an elector, no American votes directly for the "President of his choice." Instead, voters in each state decide between slates of opposing electors chosen by the contending parties. In Kansas, for example, voters who put their X beside Richard Nixon's name this Nov. 5 will actually be choosing seven Republicans, among them Dean S. Evans Sr., 47, a Salina grain and cattle dealer and regular party contributor. Kansans who prefer Hubert Humphrey will actually vote for seven Democrats, including Mrs. Georgia Neese Clark Gray, 68, a Topeka bank president and U.S. Treasurer under Harry Truman.

Each slate of electors is equal in number to the total of the state's U.S. Senators and Representatives, a device that grants small states the same disproportionate share of influence that they obtain from their two Senate votes. New York, with a population 50 times that of Nevada, has only 14 times as many electoral votes. Laws in each state award all its electoral votes to the statewide winner, no matter how large or small his plurality. The winner-take-all device applies whether the popular vote is light or heavy, and in the "one-party states" it often discourages dissidents from voting.

JERRY-RIGGED IMPROVISATION

Forty-one days after they are named, the electors meet in their state capitols to choose the President. Legally, they are free to select whomever they please, although custom and party discipline usually bind them to the nominee they have pledged to support. If no candidate wins a clear majority of the electors' 538 votes, the contest moves to the House of Representatives, where, in theory, the 26 smallest states, with 17% of the U.S. population, could impose on the nation a President of their own choosing.

Most American historians oversimplify the origins of the College when they write that the constitutional draftsmen of 1787 did not trust the people to choose a President directly. In part, the Electoral College plan did emerge as a compromise between the patrician view of government and the belief, shared by James Madison and Gouverneur Morris, that Americans should elect their President directly. Also important, however, was a seamier accommodation with slavery. The Southern states had already forced a provision into the Constitution that permitted three-fifths of their slaves to be tallied in determining their seats in the House of Representatives—even though the slaves could not vote. Direct presidential election would have undercut that advantage. The Electoral College allowed the South to swing the numerical weight of its slaves without granting them suffrage. "In politics," writes Constitutional Historian John Roche "there are no immaculate conceptions. The Electoral College was merely a jerry-rigged improvisation which has subsequently been endowed with a high theoretical content. It had little in its favor as an institution—as the delegates well appreciated."

Even while George Washington held office the new American nation was moving toward a two-party system. Though the Founding Fathers had intended the electors to choose the two best men in the land to be President and Vice President the nominating function was quickly grabbed by the parties. In 1796 when one Federalist elector in Pennsylvania voted for the opposition an exasperated colleague uttered the now classic definition of the elector's job: "What, do I chuse Samuel Miles to determine for me whether John Adams or Thomas Jefferson shall be President? No! I chuse him to *act*, not *think*." With electors emasculated, party leaders in a few states pushed through the winner-take-all method of awarding a state's total electoral vote to the popular-vote champion.

HIS FRAUDULENCY

Almost from the outset, the collegiate arrangement proved troublesome. In the election of 1800, Democrat-Republican Thomas Jefferson drew the same number of electoral votes (73) as his vice-presidential running mate, Aaron Burr. The divided House took 36 ballots to resolve the deadlock and place Jefferson in office. The 12th Amendment, requiring separate electoral votes for the offices of President and Vice President, was adopted four years later. The system has not changed since.

More trouble developed in 1824. With the Federalist Party all but dead, the presidential vote split among four Democrats. Kentucky's Henry Clay and Georgia's William H. Crawford each won 13% of the popular vote, and their electoral votes were enough to deny a majority to Andrew Jackson, the popular winner with 152,933 votes (42.2%). In the House, Clay threw his support to the runner-up, John Quincy Adams, who had collected 31.9% of the popular vote. Clay's action made Adams President, and by no small coincidence, Clay became Secretary of State. Though Jackson later won two terms in the White House, his demands for direct election by the people were ignored.

Jackson's arguments against the process came back to life in 1876, when New York's Democratic Governor Samuel J. Tilden won the popular presidential vote with 4,287,670 ballots (50.9%). Even so, a special commission awarded the electoral votes of four disputed states to his opponent, Ohio's Republican Governor Rutherford B. Hayes, who thereupon squeaked into the White House by one electoral vote. Newspapers promptly pilloried Hayes as "His Fraudulency."

Nearly a century ago, Sam Tilden made light of his electoral loss by saying: "I shall receive from posterity the credit of having been elected to the highest position in the gift of the people, without any of the cares and responsibilities of the office." It is doubtful if a loser in one of today's superheated campaigns would be so graceful—or indeed whether a minority President like Adams or Hayes could deal with Congress or the world on so minuscule a mandate. Both Harry Truman in 1948 (with 49.6% of the popular vote) and John Kennedy in 1960 (49.5%) were hampered in their dealings with Congress by their minority status.

Most free-world governments grant their Chief Executive a more powerful mandate. Save for Argentina, Finland, India, Portugal and West Germany, which use modified Electoral College systems, democratic nations that have written their constitutions in the years since 1787 have generally avoided the Electoral College compromise in favor of either direct popular election (as in France and Mexico) or a variation on the English parliamentary system.

Over the years, would-be reformers of the U.S. system have looked both abroad and inward for a better electoral technique. Their proposals have taken four general tacks:

The automatic plan was first described by Thomas Jefferson in 1801 and was urged as recently as 1966 by Lyndon Johnson. It would abolish the electors, award their votes to each state's popular winner, and thus eliminate unpledged and "faithless electors" (17 in the past two decades) who might break their party pledges. Chief drawback of the automatic system: it would not abolish the two features that contribute to the election of minority Presidents: the winner-take-all system, and the unequal weights given to voters in different states.

The runoff plan would keep a deadlocked election out of the House by holding a runoff election between the top two candidates in order to determine their electoral vote. It, too, would maintain the chance of a minority President.

The proportional plan would break up the winner-take-all state blocks and award electoral votes in direct ratio to popular votes within the states. As proposed in 1950 by Senator Henry Cabot Lodge of Massachusetts, it became the first electoral reform in 130 years to win the required two-thirds Senate majority, but died in the House a few months later. South Dakota's Republican Senator Karl Mundt has for many years supported a similar plan, under which electors would be chosen by congressional district, thus weakening "the present inordinate power of organized pressure groups in the big-city states." Liberal opponents (J.F.K. among them) have countered both proposals, arguing that as long as rural states can outvote urban ones in the Senate, the big-city minorities need their electoral swing strength as a counterbalance. As Political Scientist Clinton Rossiter wryly notes: "One gerrymander deserves another."

Direct popular election goes beyond the automatic, runoff, proportional and district plans, which are quasi reforms at best. D.P.E. would allow U.S. voters to choose their man without the doubtful screen of electors and the possibility of backroom deals. The Civil Rights Act of 1964 and the Voting Rights Act of 1965, along with the anti-poll-tax amendment of 1964, greatly increased Negro registration in the South (from 12% in 1947 to 57% this year). The result was to leave those states less reason to fear being overwhelmed, under D.P.E., by states with more liberal voting requirements. The leading D.P.E. crusaders are the staid American Bar Association and Birch Bayh, the Democratic Senator from Indiana who successfully floor-managed the 1965 fight for a presidential-succession amendment. Their proposal has backing from a 1967 Gallup poll showing 65% of the country in favor. Though Mundt contends that direct voting would violate the federal principle preserving separate voices for each state, Senate Majority Leader Mike Mansfield notes that the states are already well represented in the Senate and House.

Nonetheless, many authorities believe that the Electoral College is necessary to sustain the nation's bipartisan stability. "The sure way of killing the two-party system is to go direct election of the President," argues Yale's Alexander Bickel. Every four years, he claims, five or six men would get into the election under a variety of party labels. Some would be eliminated, but in round two the bottom men would sell off their support for political favor. In many ways, it would be no different from having the election thrown into the House of Representatives every year. To meet that concern, Bayh's bill would require the victor to have only a simple plurality but at least 40% of the popular vote. Should no candidate reach that mark, the top two would compete in an immediate runoff. Most state, House and Senate races have been decided in this manner for years, and so strong is the two-party habit with voters that only two Presidents—John Quincy Adams and Abraham Lincoln—have ever won on less than 40% of the popular vote.

THE LOGICAL STEP

Bayh's 40% rule would scrap the constitutional lever that permits a "spoiler" like George Wallace to mount a sectionally based threat out of proportion to his popular strength. To swing an election, any future third party would have to win more than 20% of the nationwide vote. Some observers fear that this would severely check the historic power of third parties to press new ideas or important compromises on the major parties. Reform advocates, however, contend a major party that loses badly enough is always in the market for the new ideas and voting groups a minority party reveals. Nixon's alliance with ex-Dixiecrat Strom Thurmond, for example, seems aimed at siphoning off Wallace votes into the Republican tank.

Though the chances of an electoral debacle in 1968 may seem remote, the very tempo and tone of U.S. democracy demand reform of the anachronistic Electoral College. The long-term trend of the American political system is toward direct democratic participation of the voter in government at every level. State legislatures, which originally chose most presidential electors, ceded that role in the early 1800's; their constitutional right to elect U.S. Senators was relinquished to the electorate 55 years ago by the 17th Amendment. State laws restricting the vote to landowners virtually disappeared by 1850, and in 1920 women won the vote. Recent franchise laws and reapportionment decisions have dramatically advanced the work of ensuring a fair and equal vote for every citizen. Direct popular election of the President is the next logical step.

PLANS COMPLETED FOR HEMISPHERIC MEETING IN UTAH: PARTNERS OF THE ALLIANCE

Mr. BENNETT. Mr. President, at a recent meeting in Yucatan, Mexico, Mr. Royden Derrick, president of Western Steel and chairman of the Utah Partners, was selected to serve with Dr. Edgar Barbosa Ribas, president of the Brazilian Association of the Partners of the Alliance, as a cochairman for the Fourth Inter-American Partners of the Alliance Conference. The conference will be held in Salt Lake City, Utah, from May 10 to 14, 1969. The cochairman for the United States and the Latin American Partners are charged with the responsibility of organizing the fourth conference.

At the Yucatan meeting, chairmen for the various working committees at the conference, in the fields of agriculture, public health and medicine, business and industry, education, cultural affairs and administration, were also designated.

These decisions were taken when members of the Inter-American Coordinating Committee of the Partners of the Alliance met August 9 to 11 for their organizational meeting in Merida, Yucatan, Mexico. The meeting was opened by the Governor of Yucatan, Torres Luis Mesias, who welcomed all the members of the committee and their guests to the city of Merida. Response to the Governor's welcoming remarks was delivered by Dr. Roberto Rendon of Guatemala, chairman of the Inter-American Coordination Committee.

At the Merida meeting, the functions and role of the Inter-American Coordination Committee were discussed. The committee will assist in coordinating the activities of all the partnerships. It will also identify and support private sector programs for development which involve more than one partnership. These multilateral programs not only involve more than one United States and Latin American partnership, but also concern programs between Latin American Partners working together on common projects.

Two notable programs were discussed in detail and approved:

First. A centralized language training program has been established by the Florida partners to be utilized by all the partnerships, both North and South. Students who have been selected for scholarships from the United States and Latin American partnerships and who need only one essential element to meet the qualifications—the language of the country where they will study—may apply at the language training center for a crash program to meet the language requirement before they undertake their studies.

Second. The partners student program is already in its initial stages or organization to involve both high school and college students in the partners program. Latin American community development projects carried on by communities and youth groups will be planned and supported by the students themselves, and more scholarships and student exchanges will be promoted.

Before the closing of the conference on August 11, a session was held with members of the Iowa/Yucatan partners committees to study the methods of expanding citizen involvement and improving techniques of operation. Mrs. Jeanette Westfall of Iowa, a member of the Inter-American Coordinating Committee, and Mr. Phil Brown, chairman of the Iowa partners from Des Moines, participated in this session, together with Mr. Manuel Rios Covian, chairman of the Yucatan partners. Mr. James H. Boren, Director, partners of the Alliance Programs, AID, also attended the meetings in Mexico.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the attending membership of the Inter-American Coordinating Committee and invite the attention of Senators to this important work being done by private sector leaders in the United States as well as in Latin America in support of the goals of the Alliance for Progress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PARTNERS OF THE ALLIANCE INTER-AMERICAN COORDINATING COMMITTEE

Dr. Roberto Rendon: President of the Committee, Chairman of the Dept. of Neurosurgery of the Univ. of Guatemala Medical School.

Mr. Warren M. Huff: Secretary Pro Tem of the Committee, and Executive Director of the National Association of the Partners of the Alliance.

U.S. REPRESENTATIVES

Mr. John Bloomer: Editor, Birmingham News.

Mr. Hickman Price, Jr.: Chairman, D.C. Partners, Vice-President of Ogden Corporation.

Dr. Nelson Robinson: Coordinator, International Programs, University of Tennessee.

Mrs. Jeanette Westfall: Civic leader in Iowa.

LATIN AMERICAN REPRESENTATIVES

Dr. Galo Ballesteros: Surgeon in Quito, Ecuador, Chairman of Ecuador Partners.

Dr. Edgar Barbosa Ribas: Surgeon and Pathologist in Curitiba, Brazil, President of the Brazilian Association of the Partners of the Alliance.

Dr. Eduardo King Carr: Dean, Agricultural School, Minas Gerais, Brazil.

Dr. Jayne Messeder: Professor of Law, University of Bahia, practicing attorney, Chairman of Bahia Partners.

Mrs. Ernestina C. de Soto: Civic leader in Honduras.

ROSH HASHANAH MESSAGE

Mr. LAUSCHE. Mr. President, I have just received a Rosh Hashanah message from Rabbi David L. Genuth, of Cleveland, Ohio, which I would like to bring to the attention of Senators at this holy time for all people of the Jewish faith.

I ask unanimous consent that Rabbi Genuth's message be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

A Rosh Hashanah Message

(By Rabbi David L. Genuth)

We worshippers of Beth El together with all our fellow Jews are members of the religion which first dreamed of social justice, whose Prophets preached the sanctity and dignity of human life, whose God decreed a single law for all His children. As our Torah states, "One law shall be to him that is home born, and unto the stranger that sojourneth among you," and whose sacred writings professed the brotherhood of man, regardless of race, creed or color.

We therefore applaud every effort of our President, Lyndon B. Johnson, and our government to insure the God given basic rights to all our fellow Americans. The Civil Rights Laws, The Medicare for the Aged and the Anti-Poverty Bill will occupy a prominent place in the history of our nation. We are and we will always be our brothers keeper.

We have had a share in the making of this nation, the Jews have been at work for three centuries for their America. In every field of human endeavour there is an American of Jewish faith who excels in his field.

The future will place new solemn obligations upon us for God and country's sake and as Judaism's consecrated, we shall not shirk our duties.

Rosh Hashanah does not commemorate any historic events. It has to do with men, God's children and therefore only one who renders man nearer to man, who is deeply concerned with the welfare of his neighbor, is considered a true American.

On our High Holy Days our hearts go out to all our fellow Americans who are guarding the borders of the free nations in order that justice and truth shall triumph and America shall remain the home of the free and the land of the brave.

There is a Divine dream which the Prophets and the Sages have cherished which fills our prayers during the High Holy Days. It is a dream of the world rid of evil by grace of God as well as efforts of man, by his dedication to the task of establishing the Kingship of God, in the world. God is waiting for us to redeem the world.

When Israel approached Sinai, God lifted up the mountain and held it over their heads. Either you accept my Divine Commandments or be crushed beneath the mountain. The mountain of history is over our heads again. Let us hope that the world in general and our beloved America in particular will once more renew the Covenant with God.

GOING HOME TO BIKINI

Mr. INOUYE. Mr. President, earlier this month a reporter from the Honolulu Star-Bulletin, Hawaii's largest daily newspaper, visited the Marshall Islands area in the Pacific and talked with former residents of the Bikini Atoll who were "going home" for the first time in 22 years.

In the belief that the article by Byron Baker will be of interest to my colleagues, I ask unanimous consent that the full text of Mr. Baker's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

How Much Is a Bomb-Blasted Atoll Worth?

(By Byron Baker)

A few days ago I stood on the deck of the James M. Cook with five Marshallese men as the ship steamed past some of the most barren islands of the Bikini Atoll.

Four of the men last saw those islands as young men. The fifth would have been an infant at the time. All of them were home for the first time in 22 years.

Home wasn't much to look at, even to my eyes, which do not perceive overwhelming beauty in even the best of the low-lying, narrow islands of the Marshallese atolls.

There were none of the groves of coconuts that are to be found everywhere in the low islands of the Pacific. There were none of the giant, grey-and-green-trunked breadfruits that make pools of cooling shade on many atoll islands.

There was no pandanus, which usually grows where the soil is too poor to support anything else.

There were no trees at all that grew taller than a man. Only scattered clumps of scrub brush, so recently sprouted that there was distinct dark rings around each where dead leaves lay, not yet become part of the soil. And some sparse tufts of grass.

As I thought of the lush, thick growth of foliage that is found elsewhere in the Marshall Islands, Bikini seemed to me an ugly, barren wasteland.

To the five Marshallese it was a bitter mockery of the two decades they had waited to see it.

They had been ashore the day before, at Bikini, and again at Eneu Islands. Bikini they had found a dismal place, choked with dense but useless scrub. Eneu had encouraged them, for there they saw an airstrip that could be repaired, old buildings and materials that could be used and some coconut palms.

But then the ship had sailed closer to the areas where the United States detonated at least 23 nuclear explosions between 1946 and 1958. And there the Marshallese saw only desolation.

Their faces, seamed by wrinkles that had only begun to form when they left Bikini so long ago, were grave. They talked little, and in murmurs.

The youngest of them, a student for two years at the College of Guam and the only one who spoke English, translated the occasional comments.

"There never was a pass in the reef there before . . . it's a big hole . . . that island used to be longer. It ran out to there, that was the tip of it . . . look, where the reef used to be they (the U.S.) built a causeway, you can still see the supports . . ."

And again:

"This is worthless. There is nothing here to come back to . . . Look what they've done. They've removed the land . . . No one can live here . . . That used to be my island there, where the water is . . ."

Some of this might be dismissed as wishful imaginings of men who have been long absent and whose memories are no longer as keen as they were.

Except that several American members of the survey party, equipped with maps and able to see landmarks, floundered lost for half a day in the dense brush of Bikini, where they were never out of earshot of the sea, while the Marshallese unhesitatingly piloted a ship's boat directly to the site of a cemetery, buried in the brush, that they had not seen in 22 years.

"They say that the United States has taken the land away from them," the young Marshallese explained further as we leaned against the ship's rail. "The United States should pay for what it has taken. The land is changed."

His English was not equal to the task of putting all they felt into words, of describing the obligation they considered the United States to be under, not only to repair the damage done to islands torn apart by the fury of the atom, but also to indemnify the Bikinians for the loss of some of their land and for at least some of the suffering they have endured.

Certainly if they were American citizens they would have a case in any U.S. court of law.

Consider what has happened to the Bikinians.

Few of them had ever been away from their home atoll when military forces from the USS Sumner began blasting coral obstructions out of their home lagoon in early February, 1946.

Not until several days later did they learn that the Sumner's work, the preparation of Bikini Lagoon for the target fleet to be used in A-bomb tests, meant that all of the Bikinians were to leave in the interests of the United States' national security.

Perhaps it is idle to speculate on why the Marshallese so willingly agreed.

Yet it is hard to ignore the fact that they had been host to a small Japanese garrison in wartime and that they had been forcibly educated then into the virtues of obedience to the military.

It is not idle to question whether they understood the documents with which they were presented in the course of their subsequent moves.

There is plentiful evidence that the Bikinians thought they soon would return home. Certainly they never envisioned the devastation that nuclear testing brought to their islands.

"That was a tough job," the U.S. military governor who negotiated with the Bikini Marshallese later said. "If one man had replied, 'I will not leave Bikini,' it meant trouble and hard feelings."

No man did. Saddened at having to leave, the Marshallese bowed to the government's need and helped select a new home. Their first choice, Ujae, was rejected because the military found too many navigational hazards in its lagoon to make moving the Marshallese convenient.

So the Bikinians went to resource-poor Rongerik, a place with an evil name in Marshallese custom. There had died, so legend said, an evil spirit that poisoned the fish wherever she went, and doubly poisoned those of Rongerik, which ate her corpse when it was cast into the Rongerik lagoon.

There the displaced Bikinians prayed for safety before eating of the food of that tainted place—but to no avail.

There are poisonous fish throughout the islands, and some species are poisonous in some places, not in others. Probably the Bikinians were victims of such a fluke. At any event they sickened after eating the fish from the Rongerik lagoon.

And at Rongerik they starved, despite rationing, despite yeoman efforts on the part of the 167-member community to feed itself from the inadequate produce of the atoll. So they moved again, to Kili, still not realizing the truth of what the military had told them—that it would be long before they could go home.

When at last they did go, there was little enough left.

Grim-faced, the five Marshallese men stood at the ship's rail. They had been ashore elsewhere in the atoll. They had not the heart to look at more.

At last they believed the truth of what they had been told: that they could not come back soon. Island-born, they could see better than most how little there was to come back to.

Unless they launch a law suit to collect damages from the United States—a thing they cannot afford, for they have not the money to pay an attorney—they must now wait still longer while the whole massive machinery of the United States Government considers whether their lands should be restored to them, and how soon, and how well.

Radioactive scrap iron, scattered here and there on the atoll islands, must be removed. There are no estimates yet of how much that will cost. But it will be an expensive project, for Bikini is remote.

The islands of Bikini and Eneu must be cleared and planted. Heavy equipment must be brought in to scrape away the useless underbrush. Planting pits must be dug for coconuts. Planting must be timed to catch seasonal rainfall.

That part of the restoration, Trust Territory agriculturist George Nakanishi estimates, will cost about $165,000.

The Trust Territory does not have money for any of these things. High Commissioner William R. Norwood must hope that the Atomic Energy Commission and perhaps the Department of Defense will help out, especially with transportation and the clearing of radioactive materials.

The Bureau of the Budget must review the proposals. Congress must approve them and appropriate the funds.

That probably won't be before next summer, even if it should develop that the Administration presents a spending plan for Bikini restoration to Congress this fall. There is not enough time for Congress to act on it this year.

Once the Trust Territory has assurance of the funds for rehabilitation of Bikini, the work can proceed.

If all goes well, the replanting job can be done on a rush basis in 18 to 24 months.

Meanwhile the Marshallese will wait. And then they will wait some more—as much as 10 years more—for rainfall is light and seasonal in Bikini, and it will take up to 10 years of it to mature the tree crops enough for the islanders to go home at last.

There is a final, crushing irony in all this waiting.

Bikini was inspected and found largely free from radiation in 1964. People could not have moved there then, of course. But the planting program that has not yet begun probably could have been started then.

Instead the irretrievable years between then and now have been wasted.

Small wonder that when the nine representatives of the people of Bikini went home recently, they spoke bitterly of damages due them from the United States.

They hadn't understood how long they would have to wait when in 1946 they agreed to leave. Nor had they supposed that the United States, in using Bikini, would physically wreck the islands.

One island is gone. Another is a third smaller than it was. Another is but a sand bar. Soil on the two main islands of Bikini and Eneu is shallow in spots because giant waves generated by nuclear bomb blasts washed over them.

The Marshallese feel that something priceless has been stolen from them.

The idea is one that most Americans would find hard to grasp.

All of the Marshall Islands are low, sandy, thin-soiled, remote. Low yield, low value coconut is virtually the only cash crop that can be grown on them. Their climate is hot and humid. And they are small. Any sandlot softball player could toss a stone across most of them.

So why are they so valuable?

Because their owners live there, not in Topeka. Or Dallas. Or Detroit. Because there are only about 70 square miles of land of any kind in all the Marshall Islands, home of around 17,000 people.

Because land is not brought and sold in the American sense in the Marshalls; it is only inherited. Because most of the land is inhabited, so the man deprived of land is deprived of something that cannot be replaced.

And because there is no place but the Marshall Islands for a disinherited Marshallese to go. Land tenure conditions like those in the Marshalls exist in other districts of the Trust Territory. And even if a Marshallese could buy land there, he could not afford to. He cannot earn enough to meet the price he would have to pay. Significantly, it probably would be higher than the price the United States would pay. And he cannot leave the Trust Territory, for the United States that deprives him of his land does not allow him to migrate freely to those United States, though he is their dependent.

His situation is analagous to that of a Texas cattleman of a century ago, owner of the only water hole in three counties. Every student of TV westerns knows what would have happened had he awakened one morning to find it fenced off.

Nothing like that has happened in the case of Bikini. No lagoon wars. Not even anyone sitting on his doorstep with a shotgun, as the military governor who negotiated the Bikinians' removal noted.

The Bikinians have suffered fish poisoning and near starvation. They have had a not-so-desirable place to live: isolated Kili, cut off from the world by storm surf half of each year. They have received one cash payment of about $50,000 from a $350,000 appropriation that Congress belatedly made for them in 1956. And they have had the interest earnings from a $300,000 trust fund also established by that appropriation.

The cash payment and the interest (now about $9,000 a year) have been the only actual costs to the United States. For Congress stipulated when it provided for the trust fund that the money was to be invested only in U.S. government securities.

Thus the United States appropriated money only to itself. The interest payments the Bikinians received are no greater inconvenience to the government than is the payment of any U.S. Treasury bond.

So it should not be surprising that the Bikinians, now that they have seen what is left of their ancestral home, speak in terms of damages.

And no one should be surprised if they name a large figure when asked what they think they are due.

Least of all should anyone be surprised if the United States is reluctant to even consider awarding damages, is slow to act on any consideration that is undertaken, and is niggardly in payment if payment is made.

That has been the pattern of all of the United States' postwar settlements with the people of the Trust Territory islands, and of the Marshall Islands in particular.

Moreover, even if damages claims were entertained, the standards applied to them undoubtedly would be those of the United States.

In other comparable cases in the Marshall Islands, this generally has meant land values of the sort that might apply if atoll islands were being sold on an uncompetitive open market in Jasper, Alabama.

Valuing Marshallese land in this manner is like setting the price of the Texas cattleman's water hole on the basis of what it would bring in the water-rich Tennessee valley.

The point is that, poor as the land may be in the Marshall Islands, it is the only land there is in that part of the Pacific Ocean. And at the time the United States wanted it, demand was pretty high.

Other awards have been made in the Marshalls on the basis of income loss. The formula for determining loss of income normally turns on the value assumed for each coconut tree, given its probable total production. (One tree equals 3,000 nuts at so many nuts per ton of copra at the prevailing world market price per ton.)

Again, the formula is a false one. Marshallese live as much on the produce of the lagoons their islands surround as they do on that of the land itself. Crops grown provide cash and basic foodstuffs. Fish caught in the lagoon complete the diet—and also have commercial potential, if the number of Japanese fishing boats plying Trust Territory waters is any indication.

A fairer method of determining the value of an atoll would consider the area of the lagoon along with that of the land and compare the combined area to productive farm land on the U.S. Mainland.

On that basis Bikini has an area of 231.32 square miles.

What would the United States pay 167 Indiana farmers if, while the nation was not at war, it took about 230 square miles of prime farm land belonging to them for an indefinite period, removed the farmers to a productive but isolated mesa in Arizona where they could get their crops to market only six months out of the year, then permanently ruined large areas of the original farmland by gouging vast holes in it and removing the soil, then returned the land to them with no definite promise of restoring it 10 years before it could produce a crop?

It would be a naive government indeed that expected to pay them what the Bikinians have received—about $150,000.

It would be an equally naive government that sought to settle damages for such people on the basis only of the value of tree crops that might have been grown on the 2.3 square miles of the land.

Yet this is what the U.S. has done to the people of Bikini and to the people of other islands in the Marshalls.

The Marshallese think that it is not enough.

The Trust Territory's High Commissioner, an American, thinks that it is not enough.

American agriculturalists who studied the problems of rehabilitating Bikini think that it is not enough.

But it remains to be seen what the United States will think.

THE NUCLEAR NONPROLIFERATION TREATY

Mr. **HATFIELD**. Mr. President, this week's Saturday Review carries an editorial by Norman Cousins which presents one of the most reasoned, cogent arguments for the prompt ratification of the nuclear nonproliferation treaty that I have seen.

Mr. Cousins, in his usual incisive and lively manner, points out not only the shortsightedness of efforts to delay ratification of the treaty but also the need to reassess our commitment to the arms race as a guarantor of peace. Eventually, the world must recognize the futility and risks of attempts to make nuclear overkill the cornerstone of world peace. Like the man who built his house on sand we may one day watch in horror as the edifice of civilization is destroyed in a tidal wave of events we only dimly foresee and cannot control.

I ask for unanimous consent for the inclusion of this editorial in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

How Not To Put Out a Fire

Richard M. Nixon has suggested that the United States Senate delay confirmation of the nuclear non-proliferation treaty pending further developments in Soviet policy on Czechoslovakia and Central Europe in general. This advice has touched off similar demands—in and out of Congress—that the United States show its indignation over Russia's military invasion of Czechoslovakia by calling off the non-proliferation treaty altogether.

Such pronouncements are reminiscent of the man whose apartment building was ablaze but who refused to call the fire department because the man next door was obnoxious and intrusive.

It seems incredible that there should be so little understanding of the need to stop the spread of nuclear weapons or of the problem of bringing the world arms race under some semblance of control. The proposed treaty is not a friendship pact with the Soviet Union. It is not a way of expressing our devotion to or approval of the Soviet leaders. It is not an endorsement of Communism as practiced by the Soviet Union or anyone else. It is an attempt—already hideously late—to prevent or retard the spread of atomic and hydrogen bombs to countries that do not now have them. The measure is severely limited. It calls on nations not in possession of nuclear weapons to forego making them. It calls on nations already making them to forego sending them to other nations. It does not call upon nations already in possession of nuclear weapons to give them up, nor does it impose limitations on their further manufacture by such nations.

Considering all these limitations, it may be asked if the treaty has any value at all. It does. It attempts to keep a bad situation from becoming worse. Like the limited nuclear test ban treaty of 1963, it represents an element of control. It may forestall a nuclear flare-up in the Middle East that could touch off a world nuclear war. It helps set the stage for further attempts to cut back or abolish existing nuclear stockpiles. Most importantly, perhaps, the treaty may help to open the eyes of people to a problem that needs unremitting pursuit and total attention. That problem is simply stated: how to achieve safety at a time when the security of all nations depends not on the existence or exercise of force but on the control and elimination of force.

This problem is not yet fully understood. For centuries nations have reckoned their power in terms of the size of their arsenals and armies. They have had no experience in coping with a situation in which those arsenals could become so great that they would become unworkable. They don't yet understand the meaning of obliteration or its implications in national policy. Obliterative force may be different only in degree from conventional force, but the comprehension of this difference by enough people is all that now stands between an imperfect world and no world.

A man who uses dynamite to clear away an obstruction does not sit on the obstruction when he ignites the fuse. The meaning of nuclear force is precisely that everyone sits in the middle of the explosion. For the world remains finite even though man's ability to destroy does not. Thus there are dimensions to nuclear power that transcend the military dimension. The strategy for national policy is meaningless without attaching the highest priority to the requirements of human survival and, more especially, to the possibilities of a better life for the human race in general.

The old preoccupations with national power and supremacy are not merely antiquated; they are in direct conflict with human welfare. And the test that is now relevant for the American people is not how many megatons of obliterative force we can accumulate or bring to bear in a showdown, but whether we can see ourselves as members of a species confronted by the stark need to protect the basic conditions of life.

A proper argument against the non-proliferation treaty is not that the Soviet Union has invaded Czechoslovakia, but that, considering the propensity of nations for aggression, the treaty doesn't go far enough. This argument is reasonable; the answer to it is that the treaty at least keeps the issue open. We ought to be involved in serious discussions with the Soviet Union and all other major nations today on the need to get rid of nuclear weapons altogether as part of an organized peace. The trouble here, however, is not just that it is difficult to persuade the Soviet Union to give up its absolute ideas on the exercise of its sovereignty, but that it has been equally difficult to get the United States to recognize that what it gives up may contribute more to its security than what it has stockpiled.

The U.S. Secretary of Defense is now calling for an anti-missile system, the dangers of which would be far greater than those the system is now designed to meet. The moment we discover a new item for the national arsenal, almost irresistible forces are set in motion until we get it in abundant quantities. What we have yet to do is to realize that the same weapon, when manufactured by an enemy, leaves us both with less security than we had before, quite apart from the pulverizing costs of stepping up the arms race. Failure to pursue effective agreements with the U.S.S.R. on the anti-missile missile could be more costly for the American people than the Vietnam war. That war has already scuttled much of the program for upgrading life in the U.S.

The world arms race, clearly, has a profound effect on everything else. It is important, therefore, to press the Presidential candidates for their views and commitments on this issue. Arms control will not by itself solve the problem of world peace—any more than it will solve the problems of the cities. But if this question is not properly handled, no solutions to any other problems are likely to last for very long. —N.C.

IMF'S LAST CHANCE

Mr. HARTKE. Mr. President, the need for major reform of the international monetary system is increasingly apparent to the public and experts alike and will doubtless weigh heavy in the considerations of the Board of Governors of the International Monetary Fund when they meet later this month.

In an article entitled "IMF's Last Chance," which appeared in the September 6 issue of the Spectator, William Janeway provides a lucid analysis of the existing monetary system and its endemic problems. The possibility of a major financial crisis, he argues, is great; indeed, a crisis could be precipitated by any number of minor developments in international politics. Practical wisdom, hence, dictates alteration of the system.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMF'S LAST CHANCE

(By William Janeway)

The world today is living in monetary limbo. This is what confronts monetary authorities and governments around the world as they prepare for the annual IMF meeting in Washington at the end of this month. The overriding consideration is that the monetary system founded twenty-five years ago at Bretton Woods reflected and depended upon American economic and political dominance. Today, that system is foundering because America is no longer able to perform the roles demanded of her (explicitly and implicitly) under the Bretton Woods System.

To get at what's wrong now—and at what it is possible for the IMF Conference to do about it—requires going back very nearly to first economic principles. Any international monetary system which embodies fixed exchange rates between national currencies embodies as well two enormous practical problems. These problems are, first, what (and how much of what) will be used as reserves to fix the international value of national currencies; and, second, how will countries adjust their domestic economic situations to international conditions? (Fixed exchange rates appear, by and large, to be worth the trouble, because they greatly facilitate the flow of international trade and finance. But the seriousness of these two problems is responsible for the academic attractiveness of a system of freely floating rates.)

As long as the world economy works by way of fixed-exchange rates between largely autonomous national economies, the world will have a problem with international reserves—their quantity and quality—and a problem with economic adjustments between nations. The Bretton Woods answer was to rely upon America to supply sufficient reserves of unquestioned quality to the world, with supplementary aid from Britain in the sterling area. At the same time, America was counted upon to underwrite the stability of the monetary system as a whole no matter what the adjustment problems of a particular member. Beneath the facade of the gold-exchange standard, Bretton Woods especially created a dollar-exchange standard.

During the ten years from 1958, it has become increasingly obvious that the Bretton Woods system embodies basic contradictions on both the reserve and the adjustment side of the problem. On the reverse side, the trouble lies in the paradox that the world requires dollars to finance expansion in ever-increasing amounts, but, at the same time, the more dollars are generated by the American payments deficit the less confidence there is in the dollar as a store of value, for individuals as for governments. The problem of 'how many' reserves—the 'liquidity' problem, to use the jargon—is inextricably bound up in the problem of 'what kind of' reserves—the 'confidence' problem. It's no good creating additional reserves if the people, public and private, who should be using them are busy wiping them out by converting them into other, 'safer,' assets. As for gold, the 'safer' asset, there is not enough available at its present price to go around. A return to a pure gold system, at whatever price of gold required, would entail abdication of responsibility for economic and monetary affairs.

The problem of international reserves occupies the central position in considering from afar what's wrong with the present monetary system. However, of perhaps greater significance, from both the British and American points of view, is the paradox involved in the Bretton Woods system's handling of the adjustment problem. International adjustment can take the form of exchange-rate shifts or domestic economic changes—or any combination of the two.

By and large, particularly at the time of the major exchange-rate adjustments of 1949, the adjustment mechanism has worked as well as could be expected. Except, that is, for the two countries at the heart of the monetary system. To the extent that foreigners remain willing to hold sterling or dollars as reserve assets, Britain and America are allowed to run payments deficits without being forced to make an adjustment at all. On the other hand, as countries whose currencies are widely held around the world, exchange-rate adjustment as a substitute for domestic economic adjustment is a far more difficult business with far more serious repercussions than for other countries. It is, in practice, probably impossible for the United States to devalue to other currencies, for her competitors won't allow it; never an immediate issue before, the current disappearance of the historic American trade surplus has made it one suddenly for America.

All three of these problems—quantity of reserves, quality of reserves, and the adjustment process—face the world's monetary authorities in a sharpened and volatile form this autumn. Last year's devaluation of sterling and the gold rush of six months ago demonstrated that the American ability to underwrite the present system was a fast-wasting asset. Too many dollars are outstanding and more continue to flow overseas from America; America's competitive position has deteriorated to the point of near-deficit on trading account; gold, rather than being a stable base for the monetary system, is the plaything of speculators and governments; forced devaluations and trade controls threaten international economic relations.

Right now, an *ad hoc* set of arrangements, aimed above all at preventing the liquidation of outstanding dollar credits, is all that stands between the world and a 1931-style international crisis. On the one hand, official creditors of the United States are forced at crisis point to continue to hold dollars they don't want rather than cash them in for gold. On the other hand, an attempt is being made to insulate the official system—and the official price of gold—from the explosive volatility of the private gold market. In this situation, no one can say precisely what will happen next and when. What one can be sure of is that the present arrangements are not stable over time.

Necessary economic adjustments have been postponed or hamstrung for fear of threatening what has become a very delicate mechanism indeed. Now any one of a number of relatively minor developments (taken singly) threatens general liquidation; the loss of the U.S. trade surplus; the continued British inability to move into surplus and the continued German inability to move out of surplus; the imminent return of the French "revolution" from holiday and the recent Japanese decision to switch reserves from dollars into gold; a breakdown in the official refusal to purchase South African gold.

Washington at the end of this month is perhaps the last place and the last time that this generation will have to organise internationally the bearing of international monetary burdens and the sharing of international monetary responsibilities. The plans and directions are all there: in the speeches of M. Schweitzer and Mr. Harold Lever and in the texts of Keynes and Triffin. They may be mobilised now, as an inaugural present for the next U.S. president. If they are not, in the immortal words of M. Paul Claudel: "In the brief time that is left us between the crisis and the catastrophe, we may as well all take a glass of champagne."

GUN CONTROL LEGISLATION

Mr. HANSEN. Mr. President, the differences between gun control legislation recently passed by the Senate and the House remain to be resolved by these two bodies of Congress. While awaiting this resolution, I would like to make a few remarks in the Senate concerning the gun control bill which we passed here last week and my own position with respect to it.

Earlier this year, the Congress passed and the President signed the Omnibus Crime Control and Safe Streets Act of 1968. In so doing, we have set afoot the most massive effort to combat crime and violence that this country has ever taken. Most of the provisions in the Crime Control Act were the product of Republican recommendations and I applaud the President's action in accepting this new law.

The enactment of title IV of the Omnibus Crime Control and Safe Streets Act achieved a partial revision of existing gun control legislation. The Federal Firearms Act of 1938 were repealed, and a new chapter was added to title XVIII of the United States Code. The act contained a total ban on interstate mail-order sales of handguns to individuals.

Last week, the Senate reopened the question of Federal control over the interstate shipment of firearms. As debate opened on this subject, there was little doubt in the mind of anyone but what the Senate would agree to bring rifles and shotguns under the new Federal control provisions for interstate mail-order sales. Myself and many other Senators had committed ourselves to this position long before the matter actually came to a debate on the Senate floor.

Speaking for myself, I made this commitment because of the frightening increase in crime and violence which has been witnessed by everyone in our country. Since 1964, violent crimes committed with guns have increased dramatically: murder was up 47 percent; aggravated assault, up 76 percent; armed robbery, up 58 percent. Law enforcement officials, including the International Association of Chiefs of Police and FBI Director J. Edgar Hoover, have supported the effort for more comprehensive gun control legislation. In my view, and in the view of the majority of Senators, the most effective step which the Congress of the United States can take at this time is to assist State and local law enforcement agencies in their control of the traffic in the illegal use of guns by prohibiting the indiscriminate mail order sale of these instruments of death. The bill we passed last week did just that.

Nevertheless, some Senators believe that the Congress should have gone farther in its control measures and should have implemented a Federal licensing and registration system for all firearms in the country. I did not agree with that position and once again I was in the company of a majority of Senators. The vote on the licensing and registration proposal was the crucial vote in the Senate in this latest debate on gun control. I agreed with members of the Senate Judiciary Committee who argued forcefully against the imposition of licensing and registration and I would repeat some of those arguments here.

Other forms of gun control legislation have been subjected to thorough examination in many hearings. This was not true of the proposed registration provisions which were placed before the Senate. Until June of this year, no such legislation had been introduced. As a matter of fact, there had been steadfast denials that such legislation was in the minds of the advocates of other forms of firearms control legislation. Gun registration is an involved and complex issue and there will have to be extensive hearings on this type to approach if it is to be implemented in the future.

There are constitutional and legal problems and obstacles pointed out resulting from the Supreme Court's Haynes decision involving certain aspects of registration under the National Firearms Act of 1934. The Congress must study this Haynes case very carefully and remove any cloud which it presents to this issue in the future. I have consistently stated that, if any type of licensing and registration system is to be employed, it should be left to the State and municipal authorities. The Constitution specifically vests State and local governments with police power and protection. These are the proper institutions with which to vest licensing and registration power. Each State and municipality can reflect the vastly different circumstances and conditions which prevail throughout the country. I urge State legislatures to review this subject, where necessary, and I am confident that they will assert the needed responsibility.

Certain provisions of the bill recently passed by the Senate contained technical restrictions on the sale of ammunition. I opposed those restrictions in voting on the Senate floor and I am hopeful that in the deliberations which are to take place between the Senate and the House some of these overly technical provisions can be deleted.

On balance, I believe that the bill on which the Senate worked its will last week is a good bill and I am confident that, if properly implemented, it will assist in checking the horrifying rise in crime and violence that is sweeping our country.

NATIONAL HIGHWAY WEEK PROCLAIMED BY PRESIDENT JOHNSON—ROADS VITAL IN THE PROGRESS OF AMERICA

Mr. RANDOLPH. Mr. President, National Highway Week has been proclaimed by the President of the United States for September 22–28, 1968. This is fitting and proper when we reflect on the contribution of highways to our way of life. No facet or phase of the American economy, no community and no public or private, cultural, recreational or educational facility is without a direct highway contact.

Our road network binds us together as a nation and has perhaps done more than any other single public facet to make us one people. We have achieved the highest standard of living among the broadest number of people of any society in history and this has been true because of our ability to deliver people and goods almost anywhere.

It is often said that transportation represents 20 percent of our gross national product; that it is one of our chief sources of employment and that it is characteristic of our changing society. Yes, transportation is service, and highways are our major form of transportation.

But this is not to boast that we have achieved the best. Quite the contrary; we are suffering from serious problems. As our population grows, our highway system is less adequate to meet the needs of our citizens. At the same time, as our population centers expand, the impact of highways becomes all the greater, causing problems of disruption and dislocation. Fortunately, the problems are neither insoluble nor insurmountable. There is a growing recognition of the responsibilities to communities on the part of those charged with highway construction and this understanding, aided by new provisions of law contained in the Federal-Aid Highway Act of 1968, will enable us to create a highway system which serves all Americans while at the same time improving the communities through which it passes.

We have, from time to time, laid the heavy burden of uncertainty on those who are charged with the duty of building our highways. But they have been capable, inventive, and ingenious in adopting new techniques to an ancient art.

Our highway system is the keystone to our transportation network. Without it, no other form of transportation can function well. The partnership of all transportation is one of which we are all proud. The partnership of the State and Federal Governments in carrying out our highway program, has in the 50 plus years of its existence brought us from an undeveloped nation of alternately dusty and muddy trails to the most highly industrialized and highly affluent society in the world.

I know my colleagues join in expressing tribute to all the men and women who are involved in making our highway program an outstanding success. Our roads contribute to the building of a better nation and a more responsible citizenry.

BLACK LUNG DISEASE—OUR FAILURE IN PROTECTING COAL MINERS

Mr. YARBOROUGH. Mr. President, during the hearing on the occupational safety and health bill, S. 2864, the members of the Labor Subcommittee were privileged to hear from Dr. Loren Kerr of the United Mine Workers of America Welfare and Retirement Fund and from Mr. Ralph Nader on the problems of pneumoconiosis, or black lung disease.

This problem, long one of the disregarded health problems of the coal mining industry, is just beginning to receive the attention that it deserves. Last Sunday, the Washington Post published an article entitled "PHS Hit for Holding Data on 'Black Lung.'"

On September 10, 1968, Dr. Kerr delivered a paper on this problem to the 45th Constitutional Convention of the United Mine Workers which was held in Denver, Colo., under the title "Coal Worker's Pneumoconiosis: The Road to Dusty Death." Both the article and the paper should be read by every Senator.

I ask unanimous consent that the article and Dr. Kerr's speech be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 22, 1968]

PHS HIT FOR HOLDING DATA ON "BLACK LUNG"

(By Hank Burchard)

WISE, VA., September 21.—F. R. (Ray) Sanders is only 62, but it took him 15 minutes to walk 100 yards up a gentle rise to the Clinch Valley College auditorium, stopping after every few steps to catch his breath.

Sanders, of Cumberland, Ky., is—or was—a coal miner. He was toiling up the slope to attend a symposium on a disease that afflicts Sanders and at least 125,000 other American coal miners.

Known for centuries as "black lung" and "miners' asthma," it is now identified as "coal miners' pneumoconiosis." It is caused by long exposure to very fine coal dust, and in many cases it so ravages and shrivels the lungs that the victim dies of cruelly prolonged suffocation.

One doctor here asserted today that the disease could be eradicated in a generation, and blamed the medical profession for not taking the necessary action.

Another accused the United States Public Health Service of suppressing key data from one of the few large-scale pneumoconiosis studies ever made in the United States.

Dr. Lorin E. Kerr, of the United Mine Workers of America Welfare and Retirement Fund, said pneumoconiosis is "a man-made plague" and that reluctance of doctors to recognize the disease and demand effective dust-control in coal mines may one day be termed "the greatest disgrace in the history of American medicine."

DO EVERYTHING YOU CAN

He said dust-control measures undertaken in England 20 years ago have resulted in a dramatic decline in the disease.

Dr. Hawey A. Wells Jr., pathologist at Conemaugh Valley Memorial Hospital in Johnstown, Pa., asked the 150 medical and coal industry experts here "to do everything you can" to force the Public Health Service to release data from a study completed in 1965 not included in the published report.

Dr. Wells, who performed a third of the field studies on a control sample of 3150 coal miners, told a reporter that PHS "has suppressed key findings, including the geographic distribution of the incidence of the disease."

"This is critical information because I expect it would show that the most important causative factor is not the rank (quality) of coal being mined or the region from which it comes but the effort—or lack of it—made by the operators of individual mines to control coal dust," he said.

"I think Ralph Nader performed a valuable service the other day when he forced the PHS to admit the data were suppressed because of fear that Senators from certain states and particular mine operators would be embarrassed by it.

"The data were gathered through the use of public money and the Government has no right to refuse to make the findings public", Dr. Wells said.

Dr. William Keith Morgan, the ranking PHS officer at the symposium, said he "cannot be held responsible for previous actions of the Health Service." During a conference break yesterday, Dr. Morgan expounded at length to colleagues about Nader's "hysterical approach" to public health matters. "I despise his irresponsibility," Dr. Morgan said.

Nader and others are trying to get the information before Congress, which is considering the Coal Mine Health and Safety Act of 1968.

The Act would extend and tighten coal mine safety standards, and would direct appropriate Federal agencies to establish and enforce dust-control standards.

TOO WEAK?

The present law, which President Truman said was too weak when he signed it into law 16 years ago, does not mention coal dust.

According to the National Safety Council, underground coal mining is the most dangerous major occupation in America on the basis of accidental death and serious injuries. The Council figures do not include pneumoconiosis, which is listed as a primary cause of death of 1000 miners and a contributing cause of death of another 1000 each year in Pennsylvania alone.

It is not recorded as the cause in more deaths, Dr. Kerr said, because "there are an awful lot of doctors who don't understand the disease or don't believe it exists."

Much of the two-day symposium was devoted to lectures by nationally known experts on the problems of diagnosing the disease, which often is associated with and masked by silicosis, emphysema and chronic bronchitis.

WORKMEN'S COMPENSATION

The process by which accumulated coal dust destroys the lungs' capacity to absorb oxygen is not clear. There is no treatment for the disease, and leaving the mines may not stop or even slow its progress.

Most states do not recognize coal miners' pneumoconiosis as an occupational hazard, which means those afflicted are not eligible for workmen's compensation although disabled or killed by it.

In Virginia, Pennsylvania and Alabama, where it is accepted as a compensable disease, the victim often finds it impossible to establish his claim, and even if he obtains the maximum allowable benefits they are small and expire within a few years.

Joseph P. Rushbrooke, deputy commissioner of the Virginia Industrial Commission, said the provisions for pneumoconiosis compensation adopted this year by the General Assembly "are very unsatisfactory."

No claim for the disease has reached the Commission yet, he said, "and I'm not looking forward to the day one does." He said he hoped physicians would "help educate our legislators so we can get a better law next session."

For Ray Sanders, after more than 30 years in the coal mines of Kentucky, there has been no compensation, just seven long years of struggling days and terrifying nights with lungs that increasingly fail him and no money coming in.

"I used to love to work in the mines better than anything in the world," he said.

[Presented at the 45th Consecutive Constitutional Convention of the United Mine Workers of America, Denver, Colo., Sept. 4–13, 1968]

COAL WORKERS' PNEUMOCONIOSIS: THE ROAD TO DUSTY DEATH

(By Lorin E. Kerr, M.D., assistant to the executive medical officer, United Mine Workers of America Welfare and Retiremine Fund)

Coal mining is dusty and dangerous. Last year 730 men were electrocuted, asphyxiated, crushed to death or otherwise killed in a coal mine somewhere in the world. Nearly one-third of these deaths occurred in the United States. The National Safety Council, in its latest report, lists the frequency and severity of injuries in 41 American industries. The most dangerous, as you know too well, is underground coal mining.

Each day 28 coal miners suffer disabling injuries. At the end of the year the total is nearly 10,000 miners—more than 5 times the size of this audience. Each disabled miner loses on the average 144 days of work—more than half a year off the job. I am certain you can remember when you got hurt and missed two weeks of work—but what about your friend who lost his leg or the one who had his back broken? Half a year off the job was just the beginning for him.

Coal mine accidents take their daily toll but equally important are the hidden losses due to dust diseases. At work you are covered with dust. It's in your hair, your clothes and your skin. The rims of your eyes are coated with it. It gets between your teeth and you swallow it. You suck so much of it into your lungs that until you die you never stop spitting up coal dust. Some of you cough so hard that you wonder if you have a lung left. Slowly you notice you are getting short of breath when you walk up a hill. On the job you stop more often to catch your breath. Finally, just walking across the room at home is an effort because it makes you so short of breath. This is what I am here to talk about. Call it miners' asthma, silicosis, coal workers' pneumoconiosis—they are all dust diseases with the same symptoms.

Before continuing, it is important to clarify these medical terms. Miners' asthma was the first one used and it is still heard in many places. The cause of the spitting, coughing and breathlessness in coal miners was unknown so doctors used the well-known word asthma as a label to identify the condition. Later, silicosis became known as the disease producing breathlessness in the coal miner who had worked where silica was in the dust. Today, after years of research and study, we know that coal dust itself can be the cause of spitting, coughing and breathlessness in coal miners and the name of the disease coal dust produces is coal workers' pneumoconiosis.

This clarification is important because today many people still think that silica is the only dangerous dust and silicosis the only disabling dust disease. They also maintain that coal dust containing little or no silica is harmless. Thus, according to them, there is no need to prevent coal dust or provide workmen's compensation for coal workers' pneumoconiosis.

Contrary to these statements, beliefs and attitudes, coal workers' pneumoconiosis is the most important occupational dust disease occurring in the United States today. It is a man-made disease that can and should be prevented. Coal, for centuries, was dug out of surface outcroppings and shallow mines. There was little dust and there were no dusty lungs. This picture began to change, however, in the 18th Century with the advent of the steam engine and the smelting of iron. The demand for coal increased rapidly and the mines got deeper and deeper as some problems of ventilation, lighting and flooding were solved. By 1813 physicians were reporting the occurrence of "black lungs" in autopsied coal miners and 20 years later British doctors were claiming this was a disease associated with coal mining. From then until the end of the 19th century coal dust was generally acknowledged in Europe to be the cause of the "black lungs" and the shortness of breath occurring among coal miners.

Unfortunately, in the early years of the 20th century efforts to suppress coal dust subsided. It was claimed that improved ventilation in the coal mines had practically eliminated the dangerous development of black lungs. There was also opposition to the idea that coal dust was a hazard. In fact, some medical leaders claimed that it was not only harmless but possibly beneficial. This medical denial of the existence or danger of coal dust has continued to be the position throughout the years of company-oriented physicians motivated by enlightened self-interest and a desire to save money for industry.

The main reason, however, for reversing the earlier concern about the danger of coal dust was the rising focus of attention devoted to silica and silicosis. By 1915 silica gained the dubious distinction of being labeled the only important occupational dust. To this day, as far as many American physicians and lawyers are concerned, silicosis remains the only disabling dust disease.

British investigators, unlike Americans, continued their concern for diseases associated with coal dust. By 1926 British doctors were reporting X-ray differences between silica and coal dust exposure. Workmen's compensation legislation was changed three times before British coal miners disabled by silicosis were finally able, in 1934, to get limited awards. However, the number of men getting awards was a small percentage of all the disabled miners who were examined. Their disability was acknowledged, but the British doctors said it was not caused by silicosis. Deeply concerned about the increasing number of these disabled miners, the British Medical Research Council, which is similar to the U.S. Public Health Service, initiated in 1937 a comprehensive study of chronic lung diseases among coal miners.

The first report issued in 1942 identified a new type of dust disease which the British investigators called "coal workers' pneumoconiosis." The following year this disease, as distinct from, and in addition to, classical silicosis became compensable. In Britain coal workers' pneumoconiosis is now generally considered to be a diagnosable occupational dust disease. It is reported to have characteristic chest X-ray changes which have been observed in workers exposed to hard or soft coal and some other carbon dusts both in Britain and the United States. Lung changes observed after death are specifically characteristic.

My first reason for giving this historical background is to show the similarity of conditions in Britain 30 years ago and the United States today. The second reason is to make the record clear. Coal workers' pneumoconiosis is not a new, unknown disease. It has been reported to occur in every coal mining country in the world, first as "black lung" and more recently, as coal workers' pneumoconiosis.

The British Medical Research Council, in 1945, established a Pneumoconiosis Research Unit, near Cardiff, Wales and their contributions since then have played a major international role in the diagnosis, control and prevention of the disease.

The International Labour Office, an affiliate of the United Nations, has conducted several meetings of international experts on coal worker's pneumoconiosis. In 1950 they accepted, with minor modifications, a standardized method of describing and classifying the X-ray changes developed by British investigators. This International Classification was further refined in 1958 and the standardized X-rays and photographs illustrating the Classification are readily available from the I.L.O.

The British National Coal Board has made tremendous strides in the prevention of this disease. In 1960 nearly 3,300 new compensation awards were granted for coal workers' pneumoconiosis, but by 1965 this number dropped to 1,000. In addition, the annual reports of the Board since 1959 indicate a gradual reduction in the percentage of British miners with X-ray evidence of this disease.

Essential for the success of the outstanding British achievements has been the cooperation of the British National Union of Mine Workers. This Union has been well aware of the problems and the need for continuing action. In fact, they, along with all other segments of the industry, have known that the British government and the British people would not allow coal mining to continue to extract its price of death and disability if there were reasonable alternative sources of power.

To start this address was easy. In the United States figures on death and injuries are readily available, but no one can say with any accuracy how many miners are afflicted with coal workers' pneumoconiosis or the number disabled by it. There are some figures which permit us to make conservative estimates. In Pennsylvania nearly 1,000 miners die of coal workers' pneumoconiosis every year and the same disease is listed as a contributing cause of death for almost 1,000 more. Prior to 1960 coal workers' pneumoconiosis rarely appeared on a death certificate in Pennsylvania. The United Mine Workers of America Welfare and Retirement Fund found from its own records that in 1965 the death rate for coal miners from chronic lung diseases was four times greater than for all American males in the same age-group. In 1966 the Fund also observed that emphysema and non-acute chest diseases appeared as a cause of death on 40 percent of the death certificates it received. In addition, Fund records indicate that the percentage of coal miners dying from pneumoconiosis, emphysema and other non-acute lung diseases has more than doubled during the last 20 years.

Among the living, the Pennsylvania Department of Public Health reported in 1967 that 19,175 coal miners had X-ray evidence of coal workers' pneumoconiosis and 23,768 more were disabled by the disease. In 1965, the U.S. Public Health Service reported that throughout the entire Appalachian soft coal mining area 1 out of ever 10 active and 1 out of every 5 former miners had X-ray evidence of the same disease.

These and other American statistics are a grisly repetition of those reported by British investigators for the last 25 years. In Great Britain coal workers' pneumoconiosis accounts for more deaths than do all other forms of dust diseases combined. Since 1930 it has constituted the greatest medical and social problem in all industry.

It is safe to conclude from all available information that in the United States at least 125,000 miners have coal workers' pneumoconiosis. These are frightening figures. To those who would question them I would say that in the last 20 years at least one million miners have been exposed to a daily dose of coal dust.

Alarming as these statistics are, it is important to remember that every one of the thousands listed in some report or study is a human being whose lungs have been diseased and disabled by breathing coal dust. It is small consolidation for a miner with coal workers' pneumoconiosis to know that he is "only" 1 out of a group of 5 or 10 who are so afflicted. Every figure represents a coal miner who is paying a dreadful price for his long years of service in the mines.

Scientific studies have repeatedly shown that achievement is not confined to any one nation. New discoveries and inventions usually occur simultaneously in a number of different locations. Why has coal workers' pneumoconiosis been an exception? Why, with our outstanding contributions in medicine, should we stand today where the British did nearly 30 years ago?

A major reason for this situation is that coal workers' pneumoconiosis is not well known or widely recognized in the United States. Until recently little has appeared in American medical journals on this disease and most of the earlier articles were reports on British research and surveys. This lack of concern about coal workers' pneumoconiosis has been due in part to a belief that conditions reported in Britain could not exist in the United States. It is also due to the conviction that only silica and dust containing silica are injurious. Moreover, there is the attitude and influence of employer-oriented physicians who avoid facing known facts about the ravages of coal dust in human lungs because to do otherwise would cost money.

The impact of physician knowledge and attitudes is apparent in inaccurate or incomplete death certificates. These documents are essential for determining the existence of a dangerous dust requiring governmental action for control or eradication. Too often no records mean no action. Physician denial or avoidance of known facts can also determine the publication of information. In 1956 the concern of some physicians about management attitudes effectively blocked the publication of a paper of mine on coal workers' pneumoconiosis in the most widely circulated medical journal in the United States. One can only wonder how many times other medical information vital for the protection of the health of workers has not been published for the same reason. Physician attitudes also influence other groups such as company lawyers, state legislators and officials who all-told are remarkably resistant to the elimination or control of coal dust because it would cost money.

A final comment on our 30-year lag behind the British is provided by Dr. Donald Hunter, the world-famous British authority on occupational health. Ten years ago in his book "Health in Industry" he wrote extensively on coal workers' pneumoconiosis and said that not until 1934 did British physicians begin to accept the fact that coal dust in miners' lungs produces a slowly progressive fatal disease. He continued to say, "It must be admitted that medical men by their ill-informed complacency have a heavy load of responsibility to bear for this failure to discover the true state of affairs, a failure which constitutes what is probably the greatest disgrace in the history of British medicine." In 1968 American medicine has barely begun to overcome its "ill-informed complacency" and "discover the true state of affairs" regarding coal workers' pneumoconiosis. The failure to take earlier action constitutes what may be labeled in the future as the greatest disgrace in the history of American medicine.

I can vividly remember, twenty years ago when I came with the Fund, the constant stream of wheezing, breathless coal miners coming to the Area Office in Morgantown seeking relief from their struggle to breathe. I can also remember how overwhelmed I felt. Never in my earlier professional experience had I observed or heard of a single industry with so many men who seemed to be disabled by their jobs. I say "seemed to be disabled by their jobs" because doctors said these men rarely had silicosis and it was unusual to find a physician who suspected that coal dust might be dangerous. The disability was called miners' asthma and it was accepted by miners and doctors as part of the job.

We, in the Fund, also became acutely aware of the unusual medical care these breathless miners required. They had more colds and other respiratory infections than other miners and these infections lasted longer. Some of these men would get so bad with a cold they had to be hospitalized, where they frequently would stay for two and three weeks, several times every year. Oxygen in the hospital or at home seemed to bring more relief than anything else. If all the tanks of oxygen these men have used were laid end-to-end I would venture that a long green line would run at least 6,000 miles—twice across the nation coast-to-coast.

In searching for the cause of this shortness of breath we could not agree with those doctors who claimed that it was due to "compensationitis" or nervousness. I can assure you that were I as breathless as some of the miners I have seen I would be nervous. But to claim it was due to nervousness and had nothing to do with dust was nonsense. I know of one doctor who even maintained that breathlessness was due simply to a fear of coal mining.

Our search for answers also included a review of death certificates but they were no help. Heart failure or right-sided enlargement of the heart was often given as the cause of death but there would be no mention of what we now know was the cause of the heart failure—coal workers' pneumoconiosis. Some certificates stated that an automobile accident or cancer was the immediate cause of death and the dust disease was not recorded. I personally knew of a number of breathless miners in whose cases this occurred.

No government agency, including health departments, could answer our questions. They were all willing to listen but no one knew the cause of the breathlessness and no one was willing to even guess how many breathless miners were disabled by their jobs.

The Fund was unable to get any help or information from any source. As part of its long-range endeavor to provide beneficiaries with a high quality of medical care, the Fund embarked early on a program to develop professional understanding of chest diseases among coal miners. Over the years the Fund has:

1. Prepared, published and distributed summaries of available knowledge on coal workers' pneumoconiosis.

2. Arranged for the care and treatment of beneficiaries at teaching institutions concerned with the advancement of knowledge in this field.

3. Distributed widely to physicians current information as it is received from authoritative sources.

4. Stimulated and assisted practicing physicians and research scientists in recording and publishing their reports.

5. Providing drugs, oxygen, oxygen equipment and other therapeutic measures for hospital and ambulatory patients suffering from coal workers' pneumoconiosis.

6. Assisted in the planning and execution of numerous conferences with physicians and other interested professional personnel.

7. Arranged for national and international authorities to meet with the physicians in coal mining areas to acquaint them with the latest research and findings in coal workers' pneumoconiosis.

8. Encouraged and assisted the U.S. Public Health Service and the U.S. Bureau of Mines in their efforts to determine the prevalence of coal workers' pneumoconiosis.

9. Assisted in the formulation of state and Federal disability policies relative to this disease entity.

10. Utilized clinical research developed in former Miners Memorial Hospitals to hasten the provision of adequate medical care for coal workers' pneumoconiosis.

11. Encouraged and assisted Federal and state surveys and studies of dust diseases occurring among coal miners.

12. Introduced and encouraged utilization of the "International X-Ray Classification of Coal Workers' Pneumoconiosis" for the diagnosis and treatment of this disease.

As President Boyle said recently in a letter to the Secretary of the Interior, "In the absence of the Fund and the Union none of these achievements would have been possible. Working together with all other interested groups it is possible today to record an impressive development little known to those outside the coal industry. Despite this record, of which we are justly proud, much remains to be done."

In describing coal workers' pneumoconiosis I have briefly touched on the characteristic symptoms such as coughing and breathlessness on exertion. This disease also produces disability, varying from slight breathlessness on effort in the early stages of the disease to severe shortness of breath. Premature death is preceded by total incapacity for work in the advanced stages. Coal dust is a killer but death comes slowly. What is the present situation with respect to coal workers' pneumoconiosis? What courses of action are open to us?

Most coal miners disabled by coal workers' pneumoconiosis are unable to secure workmen's compensation awards. Unfortunately, disability determinations have not been solely a medical problem. They are also of considerable economic and legal interest. The question of determining the part played by coal workers' pneumoconiosis in a miner's disability has often been purely political and has nothing to do with medicine. In fact, in workmen's compensation cases most physicians have largely abdicated to the lawyers.

Today, Alabama, Pennsylvania and Virginia are the only coal mining states that specifically provide workmen's compensation coverage for coal workers' pneumoconiosis. Alabama passed its legislation in 1952 and Virginia in May of this year. Virginia had passed similar legislation a few years ago but pressures were brought to bear and it was repealed after one year. I am sure history will not repeat itself. The Pennsylvania amendment became effective December 1, 1965.

Just as the tremendous British achievements would not have been possible without the cooperation of the National Union of Mine Workers so can we say that the workmen's compensation laws would not have been passed in Alabama, Pennsylvania and Virginia without the concerted action of the United Mine Workers of America.

Opposition to specifically listing coal workers' pneumoconiosis as a compensable disease is best typified by the recent statement of a chairman of a state silicosis medical board who said he would resign before he would agree to certifying miners with the disease for compensation awards.

Compensation awards at best are little help to a miner disabled by coal workers' pneumoconiosis. It is one thing to receive a cash award and an artificial limb for the loss of a leg but a lung cannot be replaced. It is far better to prevent these losses. This is particularly true of coal workers' pneumoconiosis which can and should be prevented.

The first and most important preventive measure is a just suppression campaign. This requires the effective control of coal dust at its source, whether below or above the ground. The International Labour Office has set standards for what it thought to be safe levels of dustiness in mines and many European countries are meeting them. In 1965 the U.S. Public Health Service announced that a joint committee representing the Division of Occupational Health and the U.S. Bureau of Mines was working on instruments and procedures necessary for the control of dust in coal mines. Three years should be sufficient time to duplicate and possibly improve on instruments and techniques which have been used successfully in Britain for a number of years. The early release of this information will help to improve dust control measures in American mines. While dust suppression is primarily an engineering problem, to be effective it is essential and the coal miners, engineers, physicians, management and the government all take an active role.

In Britain a second preventive measure has been the limitation of the coal miners' total period of dust exposure. The British health and compensation legislation, plus a nationalized coal industry, have permitted them to limit the working period on a dusty job; plan an upper age limit on hazardous dust exposure; and advise employment in less dusty jobs when indicated. These measures have been accomplished without the miner losing his job or lowering his income. Closely associated has been the National Coal Board medical program which is concerned primarily with the early detection of coal workers pneumoconiosis. Routine periodic X-rays and physical examinations are used to make the earliest possible diagnosis and assure the miner and the Board that the disease is not progressing. This procedure also provides a mechanism for judging the effectiveness of dust control measures.

Experience in the United States indicates that a third preventive measure requires better workmen's compensation legislation and enforcement of existing occupational health laws and regulations. This encourages the early application and improvement of known preventive measures.

The fourth preventive measure requires a medical research program designed to solve some fundamental problems, such as the precise role of coal dust in the lungs, the cause and correct measurement of breathlessness on exertion, the value and effectiveness of various types of treatment and the safe limit of total dust exposure. Only the Federal Government can conduct and support the in-depth, unbiased research necessary to solve these problems. Congressional appropriations for medical research on coal workers' pneumoconiosis passed the $1 million mark two years ago but European and British investigators have been spending nearly $20 million yearly for research on the same disease with outstanding results, particularly in Britain. Let me make it clear that the answers sought by medical research should not delay the improvement of dust suppression campaigns.

While we continue to urge intensified government research on dust diseases among coal miners it should be noted that in the last five years the U.S. Public Health Service has spent somewhat more than $5 million on this very type of research. Unfortunately, the U.S. Public Health Service research on the cause of coal workers' pneumoconiosis and the U.S. Bureau of Mines' studies on instruments essential for dust control have in effect come to a premature halt despite our best efforts to avoid such an occurrence. In addition, the Appalachian Laboratories for Occupational Respiratory Disease at the West Virginia University Medical Center, which we acclaimed with such high hopes for the future, is relatively dormant. A research project designed to study the heart and lung damage of 400 coal miners in two years has completed the examination of only 35 men in one and one-half years.

There has been little public discussion about coal workers' pneumoconiosis until recently. It has now jumped from obscurity as a scarcely recognized disease hidden for decades in the chests of coal miners to the headlines and wide technical discussion in the United States and other countries. The ravages of disability and death are the daily penalties paid for *not* preventing this disease. Throughout the world the great plagues, polio, typhus, malaria and smallpox are being eradicated. Coal workers' pneumoconiosis, a manmade plague, can be eliminated in one generation.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity for savings in procurement costs by improved procurement policies and procedures, National Aeronautical and Space Administration, dated September 24, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on policy revision to require airport sponsors to use funds derived from sales of donated Federal land for specific airport purposes, Federal Aviation Administration, Department of Transportation, dated September 24, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on economies available if excess Federal personal property is used to furnish State employment security agencies, Bureau of Employment Security, Department of Labor, dated September 25, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on proposals for improving the system for management of repair and maintenance of buildings and utilities, Bureau of Indian Affairs, Department of the Interior, dated September 25, 1968 (with an accompanying report); to the Committee on Government Operations.

Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"Assembly Joint Resolution 36

"Relative to the rehabilitation of the Pacific mackerel resource

"Whereas, The Pacific mackerel constitutes an important resource to all citizens of California by providing jobs, food, recreation and other economic benefits; and

"Whereas, There is a need to sustain this important resource by maintaining and increasing the Pacific mackerel population along the coasts of California and Baja California in Mexico; and

"Whereas, The Pacific mackerel population off California and Baja California has experienced a severe decline; and

"Whereas, At the present time the bulk of the Pacific mackerel population is located off Mexico; and

"Whereas, It is apparent that remedial action must be initiated to rehabilitate this important economic and recreational resource; now, therefore, be it

"*Resolved by the Assembly and Senate of California, jointly,* That the Department of Fish and Game is requested to make the necessary arrangements, with appropriate agencies of the government of Mexico, to provide for meetings of Californian and Mexican scientists, at which data and information relating to the status of the Pacific mackerel can be exchanged in order that all scientific information may be considered and gaps in data may be identified, so that the exact status of the population can be ascertained; and be it further

"*Resolved,* That representatives of the United States Department of State and of the United States Bureau of Commercial Fisheries are invited to participate in this exchange of scientific information; and be it further

"*Resolved,* That the Director of the Department of Fish and Game is requested to report on the progress of such scientific data exchange to the Legislature not later than February 1, 1969; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the United States Department of State, to the Director of the United States Bureau of Commercial Fisheries, to the Director of the California Department of Fish and Game, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Legislature of the State of California; to the Committee on Finance:

"House Resolution 457

"Relative to eliminating tax exemption granted to American-owned foreign-registered ships

"Whereas, The United States has an unfavorable balance of payments due to worldwide commitments in the defense of democracy; and

"Whereas, The tax exemption currently granted American shipping firms which registered their ships under foreign flags have resulted in an annual drain in the balance of payments of approximately one billion dollars; and

"Whereas, The owners of these ships have escaped paying their proportionate share of the cost of our government when other businesses and individuals are required to; and

"Whereas, The elimination of the tax exemption granted to American-owned, foreign-registered ships will aid in redressing our unfavorable balance of payments and enable our Merchant Marine to compete more favorably on the high seas; now, therefore, be it

"*Resolved by the Assembly of the State of California,* That the Assembly of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation to eliminate the tax exemption currently granted to American-owned, foreign-registered ships; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

CONVENTION ON OFFENSES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from Executive L, 90th Congress, second session, the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on September 14, 1963, transmitted to the Senate today by the President of the United States, and that the Convention, together with the message from the President, be referred to the Committee on Foreign Relations, and that the President's message be printed in the Record.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on September 14, 1963. I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Convention.

For several years the United States has supported the development of a multilateral convention dealing with crimes and other acts jeopardizing safety, committed on board aircraft engaged in international aviation. Since aircraft in international air transportation may traverse sovereign airspace at great speeds, and in some cases travel between national borders in a matter of a few minutes, continuity of jurisdiction with respect to crimes and offenses committed on such aircraft is particularly necessary. Presently, there is no widely accepted rule establishing such continuity of jurisdiction.

The Legal Committee of the International Civil Aviation Organization (ICAO), at its Sixth Session in June 1950, initiated a study of the possibility of negotiating a treaty which would establish jurisdictional rules in respect of treatment of crimes committed on board aircraft, and related matters. During the ensuing 13 years the attendant problems were discussed fully and their resolutions negotiated. The United States of America was a major supporter of this Convention. To date, the Convention has been signed by 29 states, including the United States, and has been ratified by six.

Several features make the Tokyo Convention a desirable international agreement. First, a positive rule of international law is established between contracting states which provides that the state in which an aircraft is registered is competent to exercise jurisdiction over offenses committed aboard that aircraft when it is in flight, or on the surface of the high seas or any other area outside the territory of any state. The Tokyo Convention does not establish a rule of exclusive jurisdiction; rather, it assures that at least the state of registration will have the competence to exercise its jurisdiction while permitting the exercise of concurrent jurisdiction by other countries, depending upon their respective interests in the offense and the applicability of the traditional rules of international law regarding assertion of jurisdiction.

Second, the Convention provides for an element of certainty in the powers and authority of the aircraft commander. Without the applicable provisions, the actions of the commander in apprehending or "offloading" an offender are subject to the laws of the country in which he lands; the correctness of his decisions also may be judged in accordance with the national law of the country overflown. If the commander's conduct was reasonable under the circumstances, the Tokyo Convention protects him against possible civil liability or criminal prosecution. Additionally, any other member of the crew, any passenger, the owner or operator of the aircraft and the person on whose behalf the flight was performed, will be immunized legally if their actions are reasonable and in accordance with the provisions of the Convention. Such immunity will create attitudes and actions, where necessary, that will significantly contribute to maintaining the safety of flight in international aviation.

Third, the Convention provides for rules and procedures for the disembarkation of an offender which may be utilized by the commander in the territory of any state in which the aircraft lands. Provision is also made in the Convention for the right of the aircraft commander to deliver certain persons to the competent authorities of a contracting state in which he lands. Further, the receiving state is obliged to take delivery of an offender and, upon being satisfied that the circumstances so warrant, to take custody or other measures to ensure the presence of such a suspected offender. The Convention contains several provisions designed to protect the rights of an alleged offender and to ensure expeditious legal disposition of the case.

Finally, and of particular importance, in the context of recent events, the Convention contains specific provisions relating to the hijacking of aircraft. These provisions require that a contracting state in which a hijacked aircraft lands "shall permit its passengers and crew to continue their journey as soon as practicable, and shall return the aircraft and its cargo to the persons lawfully entitled to possession." (Art. 11)

This Convention is important to the passengers, aircraft commanders and their crews engaged in international flights, the owners and operators of aircraft and the persons on whose behalf the flights are performed. It represents a significant development in international law. I recommend that the Convention be given favorable consideration by the Senate.

Submission of this treaty to the Senate has been delayed because of the need to assure that implementing legislation could be drafted which is fully consistent with the national interest. This has now been confirmed by all pertinent agencies of the executive branch. Although it is now late in the session, I believe that the current importance of problems in the area covered by the treaty indicate the desirability of early ratification. I therefore hope that the Senate may find time to consider it before adjournment.

The recommended legislation necessary to implement the provisions of this Convention will be submitted separately to the Congress.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 25, 1968.*

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 385. Resolution authorizing the printing for the use of the Committee on Government Operations of additional copies of its hearings entitled "Riots, Civil and Criminal Disorders" (Rept. No. 1582);

S. Res. 386. Resolution to provide additional funds for the Committee on Appropriations;

S. Res. 390. Resolution authorizing the printing of additional copies of its hearings on "Economic Development Opportunity" for the Select Committee on Small Business (Rept. No. 1583);

S. Res. 392. Resolution authorizing the printing for the use of the Committee on Government Operations of additional copies of the hearings entitled "Riots, Civil and Criminal Disorders" (Rept. No. 1584);

S. Res. 393. Resolution to provide additional funds for the Committee on the Judiciary; and

S. Res. 395. Resolution authorizing the printing of a history of the Committee on Labor and Public Welfare as a Senate document (Rept. No. 1585).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. 1943. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for certain members of the police force of the Library of Congress (Rept. No. 1586); and

S. Res. 382. Resolution establishing the Commission on Arts and Antiquities of the U.S. Senate, and for other purposes (Rept. No. 1587).

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

T. Harold Scott, of Colorado, to be a Commissioner of the Indian Claims Commission.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SYMINGTON:

S. 4074. A bill for the relief of Miao Ying Floyd; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 4075. A bill to amend section 3301 of title 38, United States Code, relating to the release by the Administrator of Veterans' Affairs of information pertaining to veterans; to the Committee on Finance.

By Mr. BAYH:

S. 4076. A bill for the relief of Manfred Durczak, his wife, Margund Durczak, and their son Malte Durczak; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 4077. A bill for the relief of Guiseppe Carlo Loproto; to the Committee on the Judiciary.

CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 80—CONCURRENT RESOLUTION TO EXPRESS THE SENSE OF THE CONGRESS RELATING TO THE NIGERIA-BIAFRA AREA

Mr. PROXMIRE. Mr. President, during the last several months I have spoken out on the floor of the Senate on the horrors of the Nigeria-Biafra conflict no less than 15 specific times.

I have deplored the callousness and inhumanity of both sides that permit the death of hundreds of thousands of innocents. I have condemned using the lives of noncombatants as propaganda tools by both sides.

I have called on every possible international organization to do their utmost in securing relief for the now millions dying of disease and starvation in Biafra and sections of the eastern region now reoccupied by Federal troops.

Many Senators have joined in this effort to stir the conscience of the Congress and the people. Specifically, Senators SPARKMAN, KENNEDY, DODD, RUSSELL, LAUSCHE, HARTKE, BROOKE, MCGOVERN, MONDALE, MCCARTHY, MANSFIELD, and others have called for a resolution of this disgrace to humanity. Members of the House have also joined in condemning the conduct of the conflict and called for a solution which would bring swift aid to the dying.

Mr. President, the distinguished senior Senator from Georgia [Mr. RUSSELL] made a very interesting observation during the floor debate following the speech of Senator KENNEDY. Both speech and observation dealt with the Nigeria-Biafra conflict. Senator RUSSELL said:

> The more reports I hear of the terrible genocide that is being practiced on the Ibo tribesmen in Biafra, the greater sense of guilt I feel for being in a position of some little consequence in our Government—or at least a U.S. Senator was, at one time, con-

sidered to be of some little importance—and being so completely helpless and unable to do something about it.

I am certainly not recommending any form of military intervention on the part of the United States. I do not think that is necessary. I believe, however, this country has not exerted the pressure that it could bring to bear throughout the world, most particularly on Great Britain, to bring about by some means, a cessation of this mass murder or attempted genocide.

Mr. President, I believe that every Senator shares that same sense of frustration expressed by one of the most powerful Members of the Senate leadership, the distinguished chairman of the Armed Services Committee [Mr. RUSSELL]. I also share the bewilderment of the Senator when he speaks of the strange partnership between Britain and the Soviet Union in supplying the most sophisticated weaponry to the Nigerian Federal Government. Surely, the arming of one combatant with jet fighters and bombers, and rapid-fire small arms and sanctioning his bloody and fratricidal war against a minority reduced to fighting with spears, is creating a scenario for genocide.

Through nearly constant contact with the State Department, I have tried to remain current with events in that devastated area. I believe that the Department is truly doing all it can under present circumstances and that their frustration equals my own and my colleagues in the Congress.

However, there is something that the Congress can do to provide the administration with additional thrust in its efforts to achieve a resolution of this increasingly urgent and vital problem.

Mr. President, on behalf of myself and the Senator from Alabama [Mr. SPARKMAN], I submit a Senate concurrent resolution and ask unanimous consent that it be printed at this point in the RECORD.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred; and, under the rule, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 80) submitted by Mr. PROXMIRE (for himself, Mr. SPARKMAN, and Mr. DODD), was referred to the Committee on Foreign Relations, as follows:

S. CON. RES. 80

Whereas the Government of the United States, in concert with numerous national and international organizations, has sought means of providing humanitarian assistance to the suffering innocents in the Nigeria-Biafra area, which means would be acceptable to both sides of the conflict in such area; and

Whereas these efforts have not proven successful in securing the relief required for the needy in such area; and

Whereas the continued deprivation of the basic necessities for continuance of life will result in the death by starvation or related disease of millions of innocents: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should make all necessary efforts, through the United States delegation to the United Nations, to bring before the United Nations, for its consideration at the earliest possible time, the matter of developing and achieving some practical means for meeting the urgent and extraordinary humanitarian relief requirements of the needy in the Nigeria-Biafra area and achieving the immediate placement of United Nations peace observers in such area.

Mr. PROXMIRE. Mr. President, this concurrent resolution is a simple one. I believe that its goes to the heart of the matter without dragging in a lot of issues that are peripheral right now and whose mention would only serve to inflame rather than produce harmony.

The concurrent resolution recognizes the horrors of what is occurring in Nigeria-Biafra. It takes note of the various efforts made by the world community and their failure. It calls for immediate placement of the relief needs of the starving on the emergency agenda of the United Nations General Assembly. It specifically calls for immediate placement of neutral observers in the areas under consideration to prevent a bloodbath that might take place despite the assurances and desires of Federal authorities in Lagos. It also calls for determination of specific modalities of getting aid to those in dire need.

Surely, if the United Nations has a clear mandate to take decisive action it is here. I cannot think of a situation that cries out more clearly for U.N. action under the charter, the Universal Declaration of Human Rights and the various Human Rights Conventions created by the U.N. to protect just those human rights that are now being denied in Nigeria-Biafra.

Mr. President, my feelings in rising to address the Senate on the Nigeria-Biafra civil war are quite mixed. I am, with my colleagues, horrified at the inhuman callousness that permits tens of thousands of innocents to die from disease and starvation of epidemic proportions.

I have experienced, as have my colleagues, alternating optimism and near despair as reports arriving from Addis Ababa first trumpeting an agreement in principle for relief routes and then sotto voce listing the stubborn persistence of both sides in milking the impasse for every bit of political mileage possible. Pride and politics again seem more important than the lives of millions of noncombatants.

But, unfortunately, I have also experienced the unwanted satisfaction of hearing over and over, "I told you so." Again and again I have told the Senate that our failure to place the United States again in the forefront of the struggle for universal human rights would see this movement halt its progress. I have also pointed out that lack of leadership would permit, through default, the renewal of vicious acts of mass inhumanity.

Mr. President, this is how I view the civil war in Nigeria-Biafra—a horribly vivid example of what international cooperation in protecting human rights might have prevented had we in the United States continued our leadership role in this all-important struggle.

I shall not belabor the point of our implicit responsibility further during the course of my remarks. But no one in this Chamber should be able to look at the mass starvation and death in Biafra, and certain sections of territory now held by the Federal Nigerian Government, without asking himself the question, "Could this possibly have been prevented had we persisted in our leadership role in this quest for guaranteed human rights of all men?"

Mr. President, as I have said before, the need of the starving is obvious and compelling. It cries to high heaven for action on the part of all the world community. And to the degree that the nations of the world allow themselves to be lulled by the claim that the elimination of hundreds of thousands of their fellows is an internal affair, to that degree will our moral courage be bankrupt and our humane concern for others a thin veneer.

Our responsibility grows awesomely with the death of each innocent man, woman, and child.

RESOLUTION

SENATE RESOLUTION 396—RESOLUTION TO PAY A GRATUITY TO DOUGLAS F. WOOLSTON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

S. RES. 396

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Douglas F. Woolston, son of Norman C. Woolston, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Wednesday, October 2, 1968, at 10:30 a.m., in room 2228, New Senate Office Building on the following nominations:

Harold Barefoot Sanders, Jr., of Texas, to be U.S. circuit judge for the District of Columbia Circuit, vice Charles Fahy.

Albert J. Henderson, Jr., of Georgia, to be U.S. district judge for the northern district of Georgia, vice Lewis R. Morgan, elevated.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing on the nomination of David Stahl, of Pennsylvania, to be U.S. circuit judge, Third Circuit, vice a new position created under Public Law 90-347 approved

June 18, 1968, has been scheduled for Wednesday, October 2, 1968, at 10:30 a.m., in room 2228, New Senate Office Building.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. McCLELLAN], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

RECOMMITAL OF NOMINATIONS ON EXECUTIVE CALENDAR TO THE COMMITTEE ON FOREIGN RELATIONS

Mr. MORSE. Mr. President, in executive session, I ask unanimous consent that the nominations on the Executive Calendar designated Calendar No. 892, message No. 320, be recommitted to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered, and all the nominations designated under Calendar No. 892 will be sent back to the committee.

The nominations recommitted are as follows:

UNITED NATIONS

Representative of the United States of America to the 15th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization

William Benton, of Connecticut.
Alvin Christian Eurich, of Colorado.
Katie Scofield Louchheim, of the District of Columbia.
James H. McCrocklin, of Texas.
Frederick Seitz, of Illinois.
Robert H. B. Wade, of Maryland.

Alternate representative of the United States of America to the 15th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization

Marietta Moody Brooks, of Texas.
Elizabeth Ann Brown, of Oregon.
Morton Keller, of Massachusetts.
George E. Taylor, of Washington.

RECESS TO 10 A.M.

Mr. WILLIAMS of Delaware. Mr. President, under the previous order, in executive session, I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 48 minutes p.m.) the Senate, in executive session, recessed until tomorrow, Thursday, September 26, 1968, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 25, 1968:

THE JUDICIARY

Harold Barefoot Sanders, Jr., of Texas, to be U.S. circuit judge, District of Columbia Circuit, vice Charles Fahy, retired.

Albert J. Henderson, Jr., to be U.S. district judge for the northern district of Georgia, vice Lewis R. Morgan, elevated.

Jon O. Newman, of Connecticut, to be U.S. attorney for the district of Connecticut for the term of 4 years. (Reappointment.)

Andrew McCaughrin Hood of the District of Columbia to be chief judge of the District of Columbia Court of Appeals for the term of 10 years. He is now serving in this office under an appointment which expired July 7, 1968.

POSTMASTERS

I nominate the following-named persons to be postmasters:

ALABAMA

Paul B. Riddle, Odenville, Ala., in place of C. R. Robison, resigned.

CALIFORNIA

Kenneth Burke, Felton, Calif., in place of C. H. Rengstorff, transferred.

COLORADO

Gloria A. Vialpando, Avondale, Colo., in place of V. M. Roe, retired.

Edna M. Tucker, Fraser, Colo., in place of F. E. Conklin, retired.

GEORGIA

Mary M. Shiver, Stockbridge, Ga., in place of Bernard Knowles, Jr., deceased.

MISSISSIPPI

Charles L. Terrell, Prentiss, Miss., in place of R. B. Quinn, retired.

MISSOURI

Joy A. Spurlock, Pineville, Mo., in place of M. L. Manning, retired.

NEW HAMPSHIRE

Adelard A. Bisson, Somersworth, N.H., in place of A. W. Proulx, deceased.

TEXAS

H. Floyd Smith, Hemphill, Tex., in place of G. R. Arnold, retired.

Herman L. Glass, Jacksonville, Tex., in place of M. M. Seymour, retired.

CALIFORNIA

Clifton W. Carney, Eagle Mountain, Calif., in place of G. L. Ralph, retired.

COLORADO

Donald H. Overmeyer, Steamboat Springs, Colo., in place of Clarence Patterson, retired.

INDIANA

Charles R. DeVault, Westpoint, Ind., in place of E. B. Johnson, retired.

NEW JERSEY

Louis R. Flamard, Tennent, N.J., in place of S. M. Walldov, retired.

NEW YORK

James D. O'Connor, Fair Haven, N.Y., in place of Naoma Brown, retired.

Charlotte R. Coffin, Stanfordville, N.Y., in place of J. N. Post, retired.

NORTH DAKOTA

Norman O. Skytland, Fairdale, N. Dak., in place of I. J. Iverson, retired.

PENNSYLVANIA

Hayes W. Eckard, Mifflin, Pa., in place of W. C. McNeal, retired.

TEXAS

Woodrow C. Dobbs, Crockett, Tex., in place of J. H. Reinicke, retired.

Vela H. Alexander, Roscoe, Tex., in place of Grady Norris, retired.

VIRGINIA

Thomas I. Epperson, Buckingham, Va., in place of R. G. Jones, retired.

WASHINGTON

Paul L. Slusser, Pullman, Wash., in place of J. T. Roberts, retired.

WITHDRAWAL

Executive nomination withdrawn from the Senate September 25, 1968:

POSTMASTER

I withdraw the nomination sent to the Senate on September 13, 1968, of Mrs. Maxine A. Hodges to be postmaster at Toccopola, in the State of Mississippi.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 25, 1968:

ATOMIC ENERGY COMMISSION

Francesco Costagliola, of Rhode Island, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1969.

INCORPORATORS OF THE CORPORATION AUTHORIZED BY SEC. 902(a) OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

The following-named persons to be incorporators of the corporation authorized by section 902(a) of the Housing and Urban Development Act of 1968:

Ernest C. Arbuckle, of California.
Edward J. Daly, of California.
Edwin D. Etherington, of New Jersey.
Edgar F. Kaiser, of California.
James J. Ling, of Texas.
John L. Loeb, of New York.
Everett Mattson, of Texas.
George Meany, of Maryland.
David Rockefeller, of New York.
John H. Wheeler, of North Carolina.
Donald C. Burnham, of Pennsylvania.
Gilbert W. Fitzhugh, of New York.
William A. Hewitt, of Illinois.
Andre Meyer, of New York.
Stuart T. Saunders, of Pennsylvania.
Leon N. Weiner, of Pennsylvania.

AMBASSADORS

William G. Bowdler, of Florida, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to El Salvador.

Leo J. Sheridan, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

Arthur W. Hummel, Jr., of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma.

Angier Biddle Duke, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Arnold M. Picker, of New York, to be a member of the U.S. Advisory Commission on International Educational and Cultural Affairs for a term expiring May 11, 1971.

Wayland P. Moody, of Texas, to be a member of the U.S. Advisory Commission on International Educational and Cultural Affairs for a term expiring May 11, 1971.

Thomas E. Robinson, of New Jersey, to be a member of the U.S. Advisory Commission on International Educational and Cultural Affairs for a term expiring May 11, 1971.

UNITED NATIONS

The following-named persons to be representatives of the United States of America to the 23d session of the General Assembly of the United Nations:

George W. Ball, of New York.
William C. Foster, of the District of Columbia.
John Sherman Cooper, U.S. Senator from the State of Kentucky.
Stuart Symington, U.S. Senator from the State of Missouri.

The following-named persons to be alternate representatives of the United States of America to the 23d session of the General Assembly of the United Nations:

William B. Buffum, of Maryland.
Louis Stulberg, of New York.
Mrs. Harvey Picker, of New York.

EXTENSIONS OF REMARKS

GEORGE F. KENNAN, RECOGNIZED EXPERT ON SOVIET UNION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 25, 1968

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks, an editorial published in the Staunton, Va., Leader of September 24, 1968.

The editor of the Leader is Maj. Gen. E. W. Opie, a distinguished and outstanding Virginian.

General Opie's editorial discusses a recent interview given by George F. Kennan, a recognized expert of the Soviet Union. Former Ambassador Kennan discusses a possible detente with Russia. General Opie's editorial is entitled "One Who Should Be Heeded."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ONE WHO SHOULD BE HEEDED

"I have never understood this talk about detente relaxation of East-West tensions. I have not seen any evidence of detente and I wouldn't trust any so-called detente if it is not supported by free contacts between governments and people."

Those words were spoken by George F. Kennan to an Associated Press writer on international affairs in an interview dealing with U.S. policies vis-a-vis Communist Russia. Mr. Kennan termed President Johnson's intention to seek a summit conference with Russian leaders "pure madness" for a lame duck president. Mr. Johnson subsequently let it be known that any such intention had been put aside. As Mr. Kennan pointed out, he would have absolutely nothing to bargain with at this period.

Who is George F. Kennan? If there is an authority on Communist Russia, the thinking of her ruler, the conspiratorial manner in which they conduct foreign affairs, the methods they use, their treachery and their objectives, it is Mr. Kennan.

Beginning in his earliest days in our foreign service, Mr. Kennan specialized in studies of Russia and her captive nations and was selected for assignments which gave him unusual opportunities for pursuing them. In his service in our embassies in Central and Eastern Europe, he learned thoroughly the circumlocutions of the Communist regimes and the untrustworthiness of their words and agreements. As ambassador to Belgrade, the capital of Yugoslavia, and then to Moscow, he gained an insight into the minds and methods of the enemies of the free world that is unsurpassed in the West.

Much of what Mr. Kennan said in his interview he had told his superiors in the State Department, both before and on return from Moscow and retirement which has been followed by a teaching post at the Institute for Advanced Study at Princeton, N.J. Not even Secretary of State Dean Rusk, who has often spoken out strongly against Russian aggressions and road blocks to arms reduction, peace in Vietnam, and general attitude toward the free world, seems to have listened to Mr. Kennan. Major reports he made were simply buried in the State Department files.

The former diplomat said in his memoirs, published last year, much that he said in the interview published in The Leader yesterday. Whether or not one read his book, the interview is worth looking up if it was missed.

What Mr. Kennan has been saying and saying is that the be-friends-with-Russia efforts of the United States will continue to be fruitless and dangerous until the Russian people themselves force their leaders to open her borders to free intercourse with the world, to exercise their suspicions and fears and to engage in honest diplomacy in a genuine effort to create peaceful coexistence. Meanwhile, warns Mr. Kennan, this country and its allies must deal with the Soviet with open eyes, making concessions only when there is reciprocal action, always dealing from strength.

Such developments may come, but the brutal invasion of Czechoslovakia showed that they lie far ahead. They will never come as long as the men in the Kremlin hold to the objective of global conquest with Russia the center of a Communist world.

LONGVIEW, TEX., VETERAN RECEIVES SECOND DISTINGUISHED FLYING CROSS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. TEAGUE of Texas. Mr. Speaker, Capt. Charles K. Flint III, of Longview, Tex., who began his career in the military by attending the Academy at West Point, has received the second Distinguished Flying Cross Medal within a period of 4 months for his service in Vietnam. Captain Flint graduated from the Military Academy in 1964, attended the Airborne School and Ranger School in Fort Benning, Ga., and prior to his 9 months' service in Vietnam served 3 years in Germany.

I congratulate Captain Flint upon the unusually fine record which he has made since he entered the service, and particularly do I congratulate him for his devotion to duty and performance of such duty under difficult circumstances. Under leave to extend my remarks, I include the text of the two citations providing for the award of the Distinguished Flying Cross to Captain Flint:

DEPARTMENT OF THE ARMY,
HEADQUARTERS, 25TH INFANTRY DIVISION,
APO San Francisco, April 23, 1968.

[General Orders No. 3144]

AWARD OF THE DISTINGUISHED FLYING CROSS

1. TC 320. The following Award is announced:

Flint, Charles K. III OF101439 (SSAN: 450-66-9461) Cpt Arty USA HHT, 3d Sqdn, 4th Cav, 25th Inf Div.

Awarded: Distinguished Flying Cross.

Date action: 6 February 1968.

Theater: Republic of Vietnam.

Reason: For heroism while participating in aerial flight: Captain Flint distinguished himself by heroic actions on 6 February 1968, while serving as artillery liaison officer with the 3d Squadron, 4th Cavalry on a combat operation in the Republic of Vietnam. When ground troops of the squadron were heavily engaged by an entrenched enemy Captain Flint directed heavy artillery fire upon the hostile positions. Despite the intense enemy ground fire he continued to coordinate artillery and air strikes on the insurgent's emplacements until the ground troops could rout the enemy force. His valorous actions contributed immeasurably to the successful completion of the mission and the defeat of the enemy force. Captain Flint's personal bravery and devotion to duty are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, the 25th Infantry Division, and the United States Army.

Authority: By direction of the President under the provisions of the Act of Congress, approved 9 July 1918, and USARV message 16695, dated 1 July 1966.

For the commander:

Official:

B. F. HOOD,
Colonel, GS Chief of Staff.
CLARENCE A. RISER,
Ltc, AGC, Adjutant General.

DEPARTMENT OF THE ARMY,
Headquarters, 25th Infantry Division,
APO San Francisco, June 8, 1968.

[General Orders No. 4250]

AWARD OF THE DISTINGUISHED FLYING CROSS

1. TC 320. The following award is announced:

Flint, Charles K. II OF101439 (SSAN: NVAL) CPT ARTY USA HHT, 3d Sqdn, 4th Cav, 25th Inf Div.

Awarded: Distinguished Flying Cross.

Date action: 31 January 1968.

Theater: Republic of Vietnam.

Reason: For heroism in participating in aerial flight: Captain Flint distinguished himself by heroic actions on 31 January 1968, while serving as an aerial observer with Headquarters Troop, 3d Squadron, 4th Cavalry on a combat operation in the Republic of Vietnam. Ground troops came under heavy enemy fire and due to heavy smoke in the area it was necessary for the ship to fly at low level. Captain Flint disregarded the heavy fire and leaned out of the aircraft to better direct artillery fire upon the enemy emplacements. During the day long battle his aircraft was shot down three times and each time he assisted in setting up a defensive perimeter around the downed ship as repairs were being made. When his aircraft was unable to continue its mission Captain Flint changed aircraft and continued to direct devastating fire upon the Viet Cong. His valorous actions were of immeasurable value to the successful completion of the mission and the defeat of the enemy force. Captain Flint's personal bravery and devotion to duty are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, the 25th Infantry Division, and the United States Army.

Authority: By direction of the President under the provisions of the Act of Congress, approved 9 July 1918, and USARV message 16695, dated 1 July 1966.

For the commander:

Official:

B. F. HOOD,
Colonel, GS Chief of Staff.
CLARENCE A. RISER,
LTC, AGC Adjutant General.

VISIT TO THE WESTERN HEMISPHERE BY HIS EMINENCE ARCHBISHOP MAJOR JOSEPH CARDINAL SLIPYJ

HON. MILTON R. YOUNG

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 25, 1968

Mr. YOUNG of North Dakota. Mr. President, earlier this year, His Eminence Archbishop Major Joseph Cardinal Slipyj, head of the Ukrainian Catholic Church for the entire free world, visited America for the first time. He visited both Canada and the United States.

Cardinal Slipyj spent many years of his life imprisoned in Soviet Russia. His release was universally hailed by churchmen. I understand that upon returning to this country from a visit to South American countries he will visit California next week.

Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a letter I have received from Dr. Anthony Zukowsky, president of the Ukrainian Congress Committee of America, Inc., North Dakota Branch; and two editorials from the Ukrainian Catholic Daily published in Philadelphia, Pa. Both editorials concern Cardinal Slipyj and his visit to the Western Hemisphere. I am sure that they will be of great interest, not only to the Senators, but to people throughout the country, as well.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

UKRAINIAN CONGRESS COMMITTEE
OF AMERICA, INC., STATE BRANCH
OF NORTH DAKOTA,
Steele, N. Dak., August 30, 1968.

Hon. MILTON R. YOUNG,
U.S. Senator,
Senate Office Building, Washington, D.C.

DEAR SENATOR YOUNG: His Eminence Archbishop Major Joseph Cardinal Slipyj, Head of the Ukrainian Catholic Church in the entire world, for the first time visited in America. The 76-year-old Cardinal ranks next to the Pope as the highest Catholic church authority. His 18 years of suffering in Russian-Siberian concentration camps makes him a Hero of justice for mankind and Christianity.

Through the efforts of the U.S. Senate, U.S. Congress, and the State Department which created a force of world opinion and through various interventions including the Pope, and with the help of Hon. Norman Cousin, a N.Y. journalist, a release was granted to him by the Soviet government and he arrived in Rome on Feb. 9, 1963. Since then he has been elevated as Cardinal and is now residing in Rome.

From June 15th through July 19th His Eminence Cardinal Slipyj visited various cities in Canada. He was welcomed to Canada by the Prime Minister of Canada Hon. Pierre Trudeau. He was made honorary citizen and bestowed with honorary Doctors Degree by many Universities.

From July 20th through August 17th he visited many cities in the United States. In Philadelphia, Chicago, Detroit, New York, Washington, D.C. and many other cities he was given a Hero's welcome. He was cordially greeted by the mayor of N.Y. Hon. John Lindsay and the Governor of Michigan, Hon. George Romney. During his stay in Michigan Governor Romney proclaimed "Days of Cardinal Slipyj."

Hon. President Lyndon B. Johnson, Vice President Hubert H. Humphrey, and former Vice President Richard Nixon greeted His Eminence Cardinal Slipyj. He received a triumphal welcome, bestowed with honorary degrees, and magnificent reception during his visits to America.

The visit of His Eminence Cardinal Joseph Slipyj is a rare and notable event not only in the history of the Catholic church but also in the history of the United States since you personally intervened in our behalf and by introducing in 1962 Resolution No. 82 in the defense of the Ukrainian Churches and your efforts which helped to release the Cardinal from prison. Similar action had been taken by Mr. Don Short, Congressman in 1962. The Ukrainians in the free world appreciated this very much.

Therefore, in behalf of our Organization which initiated this movement and in behalf of 25,000 Americans of Ukrainian descent we urge you to inform the U.S. Senate that this great Martyr for Christianity visited here.

Thank you in advance, I remain,

Sincerely yours,

DR. ANTHONY ZUKOWSKY,
President.

[From the Ukrainian Catholic Daily, June 27, 1968]

HISTORIC VISIT TO OUR SHORES

The historic visit of His Eminence Joseph Cardinal Slipyj to our shores, has stirred the Ukrainian communities in the United States and in Canada as no other event in our recent history. In an unprecedented outpouring of emotion thousands of Ukrainians flocked to Toronto on Friday, Saturday and Sunday, June 14–16 to pay homage to Ukrainian Martyr-Confessor whom the entire Catholic world considers a hero and a saint. It is estimated that some 100,000 Ukrainians welcomed Archbishop-Major Joseph Cardinal Slipyj on his historic visit to Toronto.

The source of our emotions and our devotion to Cardinal Slipyj is easily explainable. He is not only the greatest Ukrainian acclesiastic dignitary at the present time, but also one of the greatest in the entire Catholic Church. The late Pope John XXIII praised Him as "an embellishment to the entire Universal Church," and Pope Paul VI added in a glowing tribute that "Cardinal Slipyj is a figure who belongs to the history of the ages." Neither has this generous praise been bestowed without good reason. Joseph Cardinal Slipyj stayed with his faithful during the terrible persecution of the Ukrainian Catholic Church at the hands of cruel oppressors and he chose to reject tempting offers of power and freedom for apostasy. This made him a veritable living martyr, a Confessor of Faith in the best tradition of the Christian Church.

The source of our emotions and our devotion to Cardinal Slipyj is understandable also because we remember very well that he is the only prelate of the whole Ukrainian Catholic hierarchy whose life has been spared by Divine Providence. With the exception of Metropolitan Slipyj, the whole Ukrainian Catholic hierarchy of Western Ukraine lost their lives in the defense of God's truth, of Ukrainian Catholic Faith. And we know that as a tribute to the persecuted Ukrainian Catholic Church and in recognition of the great sufferings of Metropolitan Slipyj in Soviet prisons and concentration camps, in recognition of his great moral strength and unsurpassed qualities of mind and soul, the Holy Father nominated Metropolitan Slipyj a member of the Sacred College of Cardinals.

Metropolitan Slipyj spent 18 years in Soviet prisons and concentration camps, and was released through the efforts of Pope John XXIII, preceded by the action initiated in favor of the Metropolitan Slipyj in the free world by Archbishop-Metropolitan Ambrose Senyshyn. After residing for five years in the Vatican His Eminence Joseph Cardinal Slipyj came to our shores and his visit has, indeed, a historic character. In this period of great problems confronting our Church we sincerely hope that the historic visit of His Eminence Joseph Cardinal Slipyj will strengthen and unify our ecclesiastical and national energies and will crown them with the all-powerful strength of unity. For an ancient Roman proverb holds that "Where there is agreement, there is always victory": Ubi est concordia, ibi semper victoria est.

Pope Paul VI said during an audience granted to a group of Ukrainians in October 1965: "If you live in agreement, you will be alive; if you live in agreement you will be good; if you live in agreement, you will keep the evangelical counsels, especially love; if you live in agreement you will strengthen those sacrifices which perserverance will demand from you and from your history. Keep the faith! Be strong, confident, perserving! By the Lord, love one another, as we had mentioned, and have confidence that the Ukrainian nation supported by its Faith and its leadership not only will not succumb but will triumph."

On his visit to Toronto Joseph Cardinal Slipyj called for unity of church and people. His message of unity left a deep and ineradicable impression on many thousands of Ukrainians who came to see the Ukrainian Confessor of Faith. May his call give us the unity which is so desperately needed today!

[From the Ukrainian Catholic Daily, Aug. 29, 1968]

SERMON OF ARCHBISHOP COOKE DELIVERED AT ST. PATRICK'S CATHEDRAL IN NEW YORK DURING THE MASS CELEBRATED BY CARDINAL SLIPYJ ON AUGUST 10, 1968

Most distinguished visitors have been welcomed to this Cathedral in the course of its history. They have been renowned for achievement in a variety of fields. They were people mysteriously appointed by destiny to uplift and benefit their fellowmen. In welcoming them, we felt a certain kinship and closeness as members of God's family. Today, we add to their number, one whose stature looms larger and whose relationship to us seems ever closer—His Eminence, Josyf Cardinal Slipyj, the Primate Major Archbishop of all Ukrainian Catholics—over 300,000 of whom are in the United States. We receive him as a brother with profound respect. We are aware of his timely mission in the Church in the modern world.

In April 1945 at 53 years of age, Archbishop Slipyj was arrested by the Bolsheviks. This incident was curiously foreshadowed in his own secret Consecration in 1939, when he was presented with the pastoral staff of another imprisoned bishop. He was taken from his home, his friends and his congregation and he was sentenced to the hard-labor camps in Siberia. His crime?—deep faith in God and devotion to the Church. His crime?—determination to serve the people of God as pastor and shepherd in imitation of the Good Shepherd. His sentence of eight years lasted for eighteen years. Finally, after his release in February 1963, he went to Rome where he attended the Second session of the Second Vatican Council.

Cardinal Slipyj has faced death many times. He has known privation of the most ordinary conveniences of life. He has been oppressed and persecuted. He has lived through great anguish and broken health. But he has lived with strength—believing in man, the power of God and the reality of his own vocation. Through much of his life he has been a prisoner of men and he is now in exile. Throughout his life he has stood as a martyr—a free man of the Lord.

A special destiny awaits him in the service of the Church today as strong men convey in the caliber of their lives the innermost meaning and blessing of the Christian life. The Second Vatican Council assigns them the role they play when in speaking of the approach to unbelief, the Council Fathers see the remedy "in a proper presentation of the Church's teaching, as well as in the integral life of the Church and her members. For it is the function of the Church, led by the Holy Spirit who renews and purifies her ceaselessly, to make God the Father and His Incarnate Son present and in a sense visible." This result, the document on the Church today says, is achieved chiefly by the witness of a living and mature faith which has penetrated the believer's entire life, including its worldly dimensions, and has activated him toward justice and love.

It is no exaggeration to find this an apt description of Cardinal Slipyj. Through fifty years of priesthood truly he has joined the very many martyrs of the Church who have given luminous witness to this type of faith and continue to do so even in the most ordinary circumstances of life.

Each of us in his Christian life is radically fitted to be the martyr. This is implied in the life we are privileged to share. We must be willing to pour out our life for the sake of Christ and our brethren as He did for us; surrendering if need be the very life of our own body. We must meet daily the challenge of the gospel prescription "unless a wheat grain falls on on the ground and dies, it remains only a single grain; but if it dies, it yields a rich harvest" (Jo. 12, 24). Or again, "The disciple is not superior to his teacher nor the slave to his master. It is enough for the disciple that he should grow to be like his teacher, and the slave like his master" (Matt. 10, 24, 25). Our Teacher and Master was as the Sacred Scripture indicates a "suffering servant."

Cardinal Slipyj in fitting himself to this role exemplified not only the man he is but the people from whom he comes. When designating him the 4th Ukrainian Cardinal in 1965, Pope Paul VI gave us a summary of his reasons his deep respect for the Ukrainian people who have suffered through most difficult political and religious crises. He said he elevated the Archbishop to give the Ukrainian people a high spokesman for unity and to establish a strong center for their religious and national life. His Eminence, himself, acknowledged this in accepting the office. "The humble person of the Cardinal Metropolitan prisoner," he said, "could not alone be worth all the great efforts, sacrifices, decorations, gifts, and expressions of love, friendship, sincerity and respect on the part of our Church and people. But this rare moment belongs to the people, achieved by centuries of struggle . . . " The Ukrainian people, then, as their first pastor Cardinal Sliplyj offer us a real-life expression of what it means to be a Christian.

Yet they offer us more. In an audience granted the new Cardinal, and his people, Pope Paul put this in focus when he said, "By elevating a Ukrainian Metropolitan to the dignity of Cardinal, we wish to attest to the Church and to the whole world, that his sufferings, his steadfastness in the profession of Christ's faith, and his heroism are priceless treasures of the entire Universal Church, and belong to the history of ages." All of us here have shared that heritage and today stand more enriched in our Christian life, better able to assume our responsibility to Christ, to His Church and to our fellowman.

In the words of St. Paul we say to His Eminence, Cardinal Slipyj, we give thanks to our God for all our memories of you, happy at all times in all the prayers that we offer for you and for the Ukrainian people.

THE FOLLOW THROUGH PROGRAM IN SALT LAKE CITY

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, September 25, 1968

Mr. MOSS. Mr. President, one of the bright lights of the Office of Economic Opportunity's war on poverty is the Head Start program. Aimed at the young preschoolers who need extra assistance in order to take full advantage of their educational experiences, Head Start has been a major success throughout the country.

A second program has now been instituted to make the success of Head Start as meaningful as possible. This is called Follow Through. It came about because research showed that the advantages of Head Start began to decrease when some of the students were placed in larger classes found in elementary public schools.

The Salt Lake City Board of Education has operated a very successful Follow Through program, and has published the results in an informative brochure.

Because this program is so important and because some of the techniques used by the Salt Lake City Board of Education might be helpful to groups throughout the country, I ask unanimous consent that the text of the brochure be printed in the Extensions of Remarks.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

MISSION: FOLLOW THROUGH STAGE TWO—HOW SALT LAKE CITY PUBLIC SCHOOLS IMPLEMENTED THE PLAN TO EXTEND THE SPECIAL TRAINING OF HEAD START CHILDREN

RÉSUMÉ

Follow through is a nation-wide pilot project to provide continuing educational assistance to Head Start children after they are in the early years of the elementary school. It is an answer to research which indicated that though children achieved considerable progress in Head Start, these gains began to wane when the children were placed in larger classes and did not receive special attention in the elementary grades.

The Salt Lake City Follow Through program is for kindergarten children during the current school year. It focuses special attention not only in the field of instruction but in a wide range of other areas—medical, dental, nutritional, psychological and social. It involves the parents and community in program activities. It also provides inservice training for professional and lay staff.

The goals involve a program of community participation, increased parent involvement, and an instructional program with a multi-discipline team effort. Evaluation is continuous.

The publication *Mission: Follow Through, Stage One* described the organization of the Salt Lake City project during the opening months of the 1967–1968 school year. *Stage Two* indicates how the program expanded and deepened as the year progressed.

COMMUNITY PARTICIPATION

All year the Follow Through program has provided a focus of need which has challenged the resources of public agencies, community service groups, and individuals. Classroom activities and the health program have required specialized volunteer contributions of time, goods, and services. Personal problems within Follow Through families became the focus of cooperative effort. Community resources provided for the school hot lunch program. Interpersonal relationship situations required cooperative problem solving.

Neighborhood aides, the Follow Through social worker, nurse, and coordinator have contacted individuals, businesses, and service organizations to explain how federal legislation has provided money for an organized effort to combat many of the environmental problems of children from low-income families. They also solicited services which would implement the basic plans of the program.

Parents of the Follow Through children and students from the University of Utah School of Education and from a local high school have served as volunteer classroom aides. They familiarized themselves with classroom routines and became skillful in assisting small groups of children where they read stories, ate lunch, or played learning games. They also developed skills in working with the individual child. Many parents and some college students volunteered on a regular basis for most of the school year. One church group began volunteer services in a Follow Through classroom and later expanded their efforts to include the entire school.

Neighborhood business centers and parents served as an instructional resource to teachers, children, and parent groups. A lumber yard, food stores, a neighborhood dental unit, and garden centers contributed valuable specialized help. Some persons returned to classrooms to observe an on-going project or to give further help.

The Salt Lake City elementary schools have not had a lunch program. When the local Board of Education became the delegate agency of the Office of Economic Opportunity to conduct Head Start it contracted with a neighboring school district to supply the daily hot meal. This same arrangement was made for Follow Through classes. Parents went to visit the food kitchen and had frequent observation of the Follow Through children at lunch time. At the present time all children in the five Follow Through schools and four other central city schools are receiving school lunch. A planned program is under consideration to provide the service in all elementary schools as soon as it is feasible.

Principals have accepted admirably the responsibility of administering an additional program and many teachers are taking advantage of the numerous teaching possibilities offered by the activity.

Community leaders served on the Policy Advisory Committee which included representatives from County Welfare, State Board of Education, University of Utah, Community Action Program, and the Salt Lake City Schools.

Personal problems of Follow Through families became the focus of cooperative efforts. Assistance was of various kinds. When it became known that a family had not been able to prepare for their new baby, the neighborhood aides and nurse solicited a layette from the Salvation Army and a parent group fashioned an attractive and comfortable bassinet.

Resources in the community have become known to the staff and to parents through the problem-solving process. A committee of parents, neighborhood aides, and the social worker were planning a project to acquaint parents with places in the city where they could take their family for recreation. Free or inexpensive locations were desired. A member of the group learned that the area Chamber of Commerce had produced a tourist booklet, replete with simple maps and colored illustrations of easy downtown walking tours. A copy of the eighteen page booklet was given each family as the parents had a bus field trip to the sites and an overview of the resources of each center. By prearrangement they were greeted by the director, librarian, or chief guide who explained the variety of offerings of the site. Parents were surprised to learn that the library did more than loan books; that it offered free movies and story hours.

One school with a large Spanish-American population planned a fiesta. This was done as a cooperative project between the Follow Through parents and staff and the local P.T.A.—its purpose was to value elements of Spanish-American culture and to support a fund-raising project of the P.T.A. A neighborhood aide translated school invitations from English to Spanish; enlisted volunteers for a Spanish muscial program, which included a mariachi band; and secured food at cost from the owner of a Mexican specialty house. The Follow Through staff, principal, teachers, parents, and children volunteered their services to make the fiesta a smoothly coordinated event. Parents have requested that the fiesta be repeated.

Community health resources provided a variety of services for intensive follow-up work. There was T.B. testing, vision, and hearing screening done in the schools. A Community Health mobile unit served as a needs, and a Pap smear test was actively supported by Follow Through. The County Welfare Department and City Health Department provided dental and medical treatment, shared their case records with the Follow Through social worker and nurse, and secured various services for families. Private physicians and dentists selected by Head Start parents continued to give treatment to children.

PARENT INVOLVEMENT

The Follow Through project has valued parents as the most important contributors in the child's development. This conviction has encouraged the involvement of parents as partners in all phases of the project.

Teachers meeting one session of kindergarten children each day contacted a smaller number of parents. This has resulted in time for meaningful talks between the parent and teacher. Interaction has become progressively comfortable and spontaneous. Parents have shared illustrations of their child's progress or problem in dealing with his emotions or a learning task. This has given flavor and valuable content to planning.

Parents have participated in individual or small group meetings which related instructional goals to practical ways they could help their child. These meetings have been of a neighbors-coming-together type. Baby sitting service has helped some parents to attend school activities.

Parents have shared ideas. One mother told how she helped her son by using an empty egg carton to organize pieces of thread, cloth and paper into color groupings. Another parent picked up the idea of sorting different shaped objects.

Parents have also made important contributions by helping children in the classroom. They have served as paid aides, volunteered their services for school lunch, participated in neighborhood walks, and accompanied the class on bus field trips. They have come to school to serve as resource persons.

The project nurse, with the help of neighborhood aides informed Follow Through mothers of a free cancer detection clinic and encouraged them to participate.

The neighborhood aides, selected from the school community, have served on a two-hour a day pay basis. These aides have been of unique value because of their knowledge of the life-styles of the people with whom they worked. They have helped the professional staff be realistic in what parents could do.

During the year the neighborhood aides felt the need for a regular meeting time with the project coordinator and the social worker. This was arranged on a monthly basis and it became a time for problem solving. They discussed projects undertaken by parents, pooled practical child care and guidance ideas, and projected inventive ways to carry out home arts.

Some Follow Through parents have been willing to participate in programs of self-improvement. A consultant psychologist talked about behavior patterns of parents and of children, and responded to questions. With the leadership of the director of research, a group of parents took the Tennessee Self-Concept Test. They were active in an interpretation of sample profiles.

As summer vacation approached parents participated in a city tour to learn of special places for family fun. This and other parent field trips have encouraged Follow Through families to utilize the community.

The Police Advisory Committee experience is becoming meaningful to five parents who meet bimonthly with five representatives from the community to discuss program guidelines and problems. The parents assisted in the general development of the new program proposal, and initiated suggestions for improvement of the on-going program.

INSTRUCTIONAL PROGRAM

Staff in-service and planning

There was a conscious effort to incorporate in-service for the total staff in job-alike as well as in multidiscipline group meetings. Specific and continuous training sessions were planned for the director, teachers and neighborhood aides.

A six-week Follow Through director workshop in early childhood education at the University of Arizona gave the local director another look at a compensatory program in a research and development center. There was a continuous effort to find application of ideas to the local project.

A consultant psychologist from a local university met with the total staff, visited classrooms, planned with teachers, and met several parent groups in a school setting. One parent group informally discussed disciplinary problems that they had at home.

Teachers actively participated in an N.D.E.A. Institute in Early Childhood Education through Colorado State College. The Institute provided several films on early childhood education and sixteen modeled video lessons. These films, together with packets of resource materials, helped teachers plan learning episodes with specific behavioral objectives in mind. Each teacher then video taped and critiqued her own lessons which were subsequently reviewed at the College and returned with an accompanying commentary.

Much of the instructional material in the N.D.E.A. lessons was organized around concepts that children need to know and be able to use effectively. The concepts emphasized were: color, size, number, shape, grouping, classifying or categorizing, relative and contrasting or opposing conditions, and varying representations of objects. Learning episodes that helped to develop these concepts were structured in game form. The teacher modeled precise and accurate English in each lesson as a way of assisting language development.

Weekly in-service meetings with teachers and a multi-discipline staff attempted to integrate the social, psychological, medical, and instructional components into a comprehensive program for children. Several meetings focused on how to utilize parent aides and volunteers effectively in the classroom. Teachers also reported their successful practices. There were attempts to look at specific objectives and to transfer them into the larger learning environment. Field trips, sensory experiences, learning games, and room organization were ways investigated as means of saturating the learning environment for cognitive development.

The neighborhood aides, the social worker, and a consultant met bi-monthly to share problems, and to explore possible solutions; to gain interview skills; and to compile family surveys. They worked to support the nurse in encouraging the Follow Through mothers to participate in a free clinic for cancer tests. They made plans for parent activities within the five neighborhood schools. The ten neighborhood aides agreed to take the Tennessee Self-Concept Test. The experience prompted using the test with parents.

The Head Start and Community Action Day Care centers were visited by teachers, aides, principals, social worker, nurse, psychologist, and director where children and adults were observed in classroom activities. There was an opportunity to see some Head Start practices and, later, to plan for their continuity within Follow Through classes.

There were varieties of opportunities for feed-back and planning with multi-discipline teams. Both Head Start and Follow Through held regional workshops in Salt Lake City. Medical and dental group meetings included Head Start, Follow Through and Community Action personnel when joint health needs were considered. Representatives of the Boulder, Colorado, Follow Through project visited the Salt Lake City project schools. They attended a parent meeting and shared ideas with the local staff, teachers, and aides.

The Board of Education provided specialist consultant help from the psychological, social, health, and instructional department to their counterparts in the Follow Through program. Follow Through budgetary matters were coordinated by the director with the local Federal Projects Coordinator. Both national and local research assignments were integrated with the local district through the Board of Education research specialist.

Local staff conferences were held on a need basis. Principals planned with staff members, teachers, and aides in each school for case conferences and parent meetings. Representatives of the Board of Education central office staff met with the Head Start and Follow Through staff members to plan for continuity of reporting and record keeping practices. Frequent sharing of ideas with the director, nurse, social worker, psychologist and teachers helped in solving problems as they developed. The five principals in the project met with the director to coordinate the project practices with those of each school. Plans were made which affected lunch practices, psychological and social services, student enrollment, and teacher identification for the subsequent year.

Classroom instruction

Within the range of an extended instructional day in kindergarten, the teacher with the aid of the principal, parents, and the Follow Through staff planned for needs of children. Some general objectives were to develop a positive self-image, to increase sensory and perceptual acuity, to develop cognitive skills, and to improve language skills.

In order to meet these needs teachers tried small group instruction while an aide and a volunteer gave help in other activities in interest centers. An interest center was frequently the location for a video-tape lesson with the teacher and four or five children, the location for small groups of children eating their lunch family style, or an aide conducting follow-up activities after perceptual diagnosis. In some instances a volunteer was assigned to work with one child who needed individual help. Other instructional time was spent in large group activities with the aide and volunteers giving support.

The block play area, home-making center, science corner, and art area were constantly utilized as learning opportunities.

Classroom observation by the nurse, social worker, psychologist, teacher, or aide was one way to initiate individual study of a child. A case conference by staff members who had relevant information often resulted in a prescription for and treatment on the basis of an identified need.

There were frequent opportunities to integrate specific learnings within the larger school environment. Health and nutrition as well as social learnings were utilized when lunch was served family style within the classroom. Children and parents visited the food kitchen by bus to learn about the lunch preparation before the food arrived in the classroom. There was increased child responsibility for setting the table, serving food, and cleaning up. The table setting experience helped to teach the relationships of left and right, and number concepts by counting milk cartons or by establishing a one-to-one correspondence between spoons and plates. The lunch time was also a social situation where children felt free to talk to each other, where new foods were tasted, and where a teacher and other adults modeled good eating behavior. During a clean-up period children seldom had to be reminded to clear their own places, put the silverware in the soaking pan, and throw away the paper items.

A visit to a local dental supply house provided an opportunity for children to ride in a dentist's air-cushioned chair, see some dental equipment demonstrated, and receive an apple as an appropriate between-meal snack. As a follow-up, the dental auxiliary helped to provide toothbrushes and toothpaste for each child. The nurse and teacher modeled the proper way to brush teeth. The children practiced the method before taking the kits home to use.

Walking trips within the school neighborhood were frequently learning resources for the teacher. One class walked a block each Friday to the city library, rode the escalator, and selected their own picture books for quiet reading. A male librarian read stories to the group. Other walking trips were taken to parks, the aviary, grocery stores, a fish market, a floral shop, and the homes of children.

The teacher planned additional concrete and varied experiences for children within the classroom. Music and rhythm was frequently used to develop sensory discrimination skills, and the tape recorder assisted with language development. Many pictures were used as symbols of experiences to help develop cognitive skills. Role playing with puppets or masks was a language activity enjoyed by children.

RESEARCH AND EVALUATION

Evaluation of the Salt Lake City Follow Through project will be made on both local and national levels. Because a project requires considerable time to implement a basic plan, the evaluation is conceived as long-term effort which will provide a basis for confident conclusions only after several years. A preliminary report on a local level will be published in *Mission: Follow Through, Stage Three*. Some elements of evaluation are reported at this time.

A population description of Follow Through students is indicated in Table I. As any child either enrolled or withdrew in the various classes the characteristic descriptions necessarily altered. The class composition by sex included 61 boys and 53 girls as of the same reporting date, March 1, 1968.

TABLE I.—CHARACTERISTICS OF FOLLOWTHROUGH CHILDREN—KINDERGARTEN (MAR. 1, 1968)

School	By background		By race or language group					Total number of children
	H.S.	No H.S.	Neg.	Sp. A.	Ind.	Cau.	Other	
Webster	12	13	0	4	0	20	[1] 1	25
Sumner	12	12	4	6	1	12	[2] 1	24
Jefferson	12	9	1	6	0	14	0	21
Riverside	13	11	0	5	0	19	0	24
Washington	12	8	0	2	3	14	[3] 1	20
Total	61	53	5	23	4	79	3	114

[1] Eskimo.
[2] Oriental.
[3] Eurasian.

The health program of Head Start-Follow Through children as reported in Table II indicates the incidence of health services and the nature of children's physical problems.

TABLE II.—MEDICAL AND DENTAL SERVICES FOR HEAD-START-FOLLOW THROUGH CHILDREN (SCHOOL YEAR 1967–68)

	Medical	Dental
Secured services	51	45
Services on-going	10	16
Total	61	61

Appointments for examination and treatment were originally requested through home visits by the nurse and then subsequent contacts were either by home, school, or telephone. Additional services that were secured included:

	Cases
Orthopedic care through private physician for corrective shoes	2
Physical therapy (extended treatment into summer period)	1
Speech therapy (extended treatment into summer period)	4
Vision screening: Follow-up referrals from Headstart	8
Hair and scalp screening for pediculosis	[1] 1
T.B. referrals	0
Medication and treatment: Eye and ear infection	1
Total	17

Class.

A multi-discipline team effort of professional and lay members required a coordinated in-service program. Table III reports types of meetings and the extent of planning. The hours of in-service time for staff members is reported by groups.

TABLE III.—INSERVICE FOR SCHOOL YEAR 1967–68

Group	Hours per month (average)	Total hours
Neighborhood aides:		
Total group (10)	4.5	40.5
Small group in each school (2)	8.0	72.0
Professional staff:		
Teachers, psychologist, social worker, nurse, coordinator (9)	6.0	54.0
Teachers in NDEA Institute (5)	7.0	63.0
Parent classroom aides: Training in classroom (5)	80.0	720.0

There were additional in-service workshops in which the coordinator participated but are not reported in Table III. These workshops included one regional and two national workshops sponsored by the national Follow Through Program, and a six-week workshop sponsored by the National Training Laboratory in Early Childhood Education in cooperation with Follow Through.

In-service training for the parent classroom aides was primarily on-the-job training for four hours each day. Staff members reported that additional time was needed for the aide to plan daily with the teacher as well as to participate monthly in group training sessions.

Volunteer service was from parents and community groups. Table IV indicates the volunteer resources and hours contributed both in the classroom and in the community.

TABLE IV.—FOLLOW THROUGH VOLUNTEER SERVICE (SCHOOL YEAR 1967-68)

Location	Number of people	Number of hours
In 5 follow Through classrooms:		
Parents in the school community	67	540
Students:		
College of education	21	590
High school	11	62
In the school community: Students, college of medicine	2	39
Total	101	1,231
Average per classroom	20	246

FIRST LT. MARTHELL TRAYLOR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. LONG of Maryland. Mr. Speaker, 1st Lt. Marthell Traylor, Jr., a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his bravery and honor his memory by including the following article in the Record:

CAMP SPRINGS LIEUTENANT KILLED IN VIETNAM COMBAT

CAMP SPRINGS, MD., September 19—An Army officer from Camp Springs has been killed in action in Vietnam, the Department of Defense reported yesterday.

He was identified as 1st Lt. Marthell Traylor, Jr., 22, son of Air Force Chief M. Sgt. and Mrs. Marthell Traylor, Sr., of 6214 Auth road.

Lieutenant Traylor, a rifle platoon leader with the 101st Air Cavalry Division, was killed by small-arms fire in combat action Monday, according to the Department of Defense.

He had been assigned to Vietnam for nine months and was due to return to the United States about December 1.

A native of Laurel, Miss., Lieutenant Traylor grew up in Camp Springs and was educated at Surratsville High School and Prince Georges Community College. He enlisted in the Army in 1966 after completing two years of college.

He received basic training at Fort Bragg, N.C.; advanced infantry training at Fort Rucker, Ala., and paratrooper and officer training at Fort Benning, Ga. He was stationed with the 101st Air Cavalry, Division at Fort Campbell, Ky., before being sent to Vietnam.

"He must have thought there was a reason for him to be there, because he died for it," his father said. "He was very emphatic that he had a job to do there and he was doing his job the best way he knew how."

Lieutenant Traylor's father is stationed at Andrews Air Force Base and is attached to the 89th Military Airlift Wing, which is responsible for the air transportation of the President of the United States.

In addition to his parents, Lieutenant Traylor is survived by two sisters, Miss Marsha Traylor and Miss Karen Traylor, and a brother, John Traylor, all of Camp Springs.

BYRD COMMENTS ON FORTAS PRAISED EDITORIALLY

HON. WILLIAM M. TUCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. TUCK. Mr. Speaker, recently our senior Senator from Virginia, the Honorable Harry F. Byrd, Jr., made such a powerful address in the Senate of the United States in opposition to the nomination of Justice Abe Fortas to be Chief Justice of the Supreme Court that the Eagle, an outstanding newspaper published at Dothan, Ala., commented on it editorially.

Under the caption, "An Objective View," the Eagle characterized Senator Byrd's remarks as "penetrating, objective, and even-tempered." I am sure those of us who knew and loved the Senator's late father, who so long served in the Senate, will understand his inheritance of an ability to consider topics without rancor and with the sole purpose in mind of contributing to the welfare of the Nation and of the people.

Senator Byrd's discourse was so well received by the Eagle that, under unanimous consent, I should like to include in the Record at this point the editorial to which I refer:

AN OBJECTIVE VIEW

It's been a long while since the U.S. Supreme Court was taken to task in a penetrating, objective and even-tempered discourse by a person of standing and respect. Senator Harry F. Byrd, Jr. (D-Va.) did it the other day and once more an increasing sentiment among Americans was expressed.

Senator Byrd was speaking on the nomination of Justice Abe Fortas to be Chief Justice of the United States and, of course, it was necessary to mention the low estate in which the Court now finds itself and the probable still lower estate the court will have if Fortas is confirmed.

"At a time when government should be closer to the people," Senator Byrd said, "the Warren court is determined to centralize more and more power in Washington. The Warren court has usurped power to which it is not entitled . . . has established itself as a super legislature . . . has shackled the people's elected representatives as well as the law enforcement officials of our nation . . . has thrown precedents out of the window and has said, in effect, that the law is whatever five present lifetime appointees say it should be.

During the time Mr. Fortas has been a member of this court he has established himself as a disciple of Chief Justice Warren and has embraced wholeheartedly the Warren philosophy."

Senator Byrd quoted Justice Marshall Harlan to prove a point: "This court can increase respect for the Constitution only if it rigidly respects the limitations which the Constitution places upon it, and respects as well the principles inherent in its own processes. In the present case . . . our voice becomes only the voice of power, not of reason."

That, emphasized the Senator, has frequently been the hallmark of the Warren Court—"The voice of power, not of reason."

"As a Senator from the State of Virginia," Byrd went on, "as one who believes deeply in the fundamental constitutional principles upon which our nation was founded and developed—and on which our liberties are based—how can I vote to give the chief judgeship to one who follows a policy of judicial oligarchy; to one who espouses a philosophy of concentrating more and more power in Washington, when I feel that the great future danger to the liberties of our people is big government?"

In short, Justice Fortas has done enough damage to this country as an associate Justice of the Court. Elevating him to Chief Justice would compound that harm and invite more of the same. This has given pause to Senator Byrd. It is to be hoped that it will give pause to enough of his colleagues to bring about rejection of the appointment.

CHAIRMAN JENNINGS RANDOLPH OF COMMITTEE ON PUBLIC WORKS COMMEMORATES NATIONAL HIGHWAY WEEK AND TEXAS HIGHWAY WEEK WITH ADDRESS IN AUSTIN, TEX.

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, September 25, 1968

Mr. YARBOROUGH. Mr. President, The week of September 22 to September 28, 1968, has been designated by the President of the United States as National Highway Week. In so designating this week as National Highway Week, President Lyndon Johnson said:

> Our highways give the American people a personal mobility unequaled in history. They permit more of our youth to get an education; they give workers greater opportunity for jobs; they are essential in providing goods and services; and they broaden opportunities for recreation. The Federal Government is concerned both with improving the quality of highway transportation and with achieving the social good that is implicit in the highway program.

This week in September has also been declared Texas Highway Week by the appropriate authorities in Texas.

I am proud of the fact that my home State of Texas has one of the finest, if not the finest, system of highways in the United States of America. The able, energetic, distinguished chairman of the Public Works Committee and chairman of the Subcommittee on Public Roads, Senator Jennings Randolph, of West Virginia, honored the people of Texas, its dedicated highway workers, and its highway system by making his only address commemorating National Highway Week in my home city of Austin, Tex., on Tuesday, September 24, at the Texas Highway-Heavy Contractors meeting to commemorate the highway system. All Senators know of Senator Randolph's dedication to a better highway system and to its contribution to the elevation of American life.

I think it appropriate that Senator Randolph's speech in Austin at noon, Tuesday, September 24, 1968, be printed at this point. He was introduced by Mr. L. P. Gilvin, of Amarillo, Tex., a leading highway engineer of the Southwest. His speech was entitled, "Highway Programs To Solve Present Problems and Policies and Plans Necessary for Future Needs." I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

HIGHWAY PROGRAMS TO SOLVE PRESENT PROBLEMS AND POLICIES AND PLANS NECESSARY FOR FUTURE NEEDS

The Senate Committee on Public Works has spent the past year in an intensive review of certain aspects of the Federal-Aid Highway Program. Members held 12 days of hearings relating to urban highway planning, design, and location problems. We heard witnesses over a 3-day period discussing bridge safety as well as bridge construction problems. We conducted 4 days of hearings on the Federal-Aid Highway Act of 1968. These 19 public sessions, culminated in one of the most forward looking, responsive measures of highway legislation considered by the Congress since the Federal-Aid Highway Act of 1956. Members of the Texas Congressional delegation strongly supported the bill, including Senators Yarborough and Tower. Representatives Jim Wright and Ray Roberts are members of the House Public Works Committee.

Under the terms of the bill recently signed into law by the President, we have provided a sophisticated relocation assistance program which should, together with diligent administration of it, cope with one of our most severe urban highway problems, the displacement and dislocation of people.

As a result of a series of consultations we developed and provided in law an equal employment opportunity provision designed to offer to all citizens of the United States the opportunity to engage in highway construction employment without regard to their race, color, creed or national origin. In order to make the opportunity a meaningful one, we required that there be available in all States apprenticeship and skill improvement training programs which will provide us with a skilled work force capable of carrying out the highway program as efficiently as possible. One of the purposes of this provision is to develop a more practical and a more equitable program for equal opportunity than the pre-awards conference procedure which was beginning to seriously threaten the highway program.

The Congress also expanded the role of the Federal highway program to major cities by funding activities designed to improve traffic operations. This approach, if properly implemented, will help us to meet immediately some of the problems of urban congestion, though only on the basis of treating effects rather than causes. More fundamental solutions must be deferred until we fashion the post '75 program.

I commend the Texas Highway Department, the highway industry in Texas, and particularly Texas A & M for the leadership which has been exercised in this State and in the development and utilization of breakaway or frangible bases on light standards and signs for highways. The research which was initiated independently at Texas A & M and was carried forth with Federal funding assistance from the Bureau of Public Roads resulted in the issuance November 14, 1967, of an instructional memorandum from the Bureau of Public Roads to all regional administrators and division engineers prohibiting the utilization of any more rigidly fixed sign supports for Federal aid highways. Texans may take justifiable pride in their leadership in this field. I am informed that since Texas has installed the breakaway sign many have been struck by autos but that there has been no fatality or serious injury resulting from such impact.

In addition to TOPICS, the new Act permits the use of urban highway money for fringe parking facilities. It should be recognized that we must concentrate on efforts to reduce unnecessary demand for highway construction, for the simple reason that under no set of foreseeable circumstances can we possibly build all the roads we must have; anything, therefore, which relieves the demand for construction by alternate solutions should be given positive consideration.

We also resolved one of the most difficult problems presented to us in a long time—the problem of highway encroachment of public parklands, recreation areas, wildlife and water fowl refuges. It is our hope that these areas will not be used for highway construction, but that if circumstances require that they be used, that all effort be made to minimize the damage so that they may function in their primary role in serving the conservation and recreation needs of our people. This is much more a problem of the relationship of the State Highway Departments and the citizens of various communities, but, as members of the broader community, I would enlist your aid to insure that precious open spaces are preserved. In this regard as with relocation assistance and equal employment opportunity, cost is not a final factor. As we continue the highway program we must be prepared to pay the cost. In our society the question is no longer one of just building roads, it is also the matter of how we build them and where we build them.

The Congress also acted to insure greater and more meaningful local participation in highway location decisions. We provided the funds to carry the ABC program forward for another 2 years at a $1.1 billion level, and added a special category of rural roads to be funded at a level of $125 million. In all, we insured the continuation of the program in such a way that highways will continue to contribute to the improvement of the environment in which our people live. We have, I know, added greater responsibility to the State Highway Departments who administer the programs and to the contractors who carry it forward. I have no doubt that either the Highway Departments, or you, gentlemen, are capable and willing to do the work that must be done to provide our people with the greatest road network any civilization has ever enjoyed.

Before leaving the subject of the Federal-Aid Highway Act of 1968, you should be made aware, if you are not in fact aware, that a vigorous and well organized effort was made to have the President veto the legislation.

I interceded with the President to sign the Act. Our appeals were made several times. There was the visit to the White House on the afternoon of the final day the President could sign the bill. I say this not to puff myself or to impress you with my role or power, but to emphasize that many people and groups are dissatisfied with our heavy commitment to highway construction and the way in which that construction is carried out. This is not a matter of partisan politics. The highway construction industry has been made a whipping boy of many groups and diverse interests. Though unjustified, the sentiment exists, and we must all work to make clear to the public that the highway program will be conducted to serve the widest range of needs and values of our dynamic and changing society.

I know that you are deeply concerned by the recently announced expenditure reduction which will postpone all new construction activity until the beginning of December. When the Congress enacted the Revenue Act of 1968, it required the President to reduce expenditures by $6 billion. The only major program exempted from the requirement of expenditure cut was Social Security program.

When the Senate had originally considered the expenditure limitation provision, it had also exempted the highway trust fund from the purview of Presidential restriction. However, the conferees on the part of the House would not agree and the President was left with a wide series of alternatives. While I do not personally agree with the full depth of the cut in highway funds, there is little that we can do in view of the directness of the Congressional requirement that Federal expenditures be cut. I realize that the "no new start" polity will have an adverse impact on some of you and that it is small consolation that when the postponement period ends the States will be allowed to accelerate the rate of contract obligations and thereby increase the amount of construction which otherwise would have been available.

Fortunately, from the point of view of the highway program generally, preliminary engineering will not be stopped during this period, but will be allowed to proceed so that more projects will be available for letting when the postponement is terminated.

I also emphasize that the Members of the Congress did indicate to the President that they did not believe the highway program should be a source of expenditure reduction. This was done when we included in the Federal-Aid Highway Act of 1968, a Sense of the Congress statement that such cuts should not be made. The hiatus is a limited one, and while we will lose some time, it can and will be compensated for in the next few months.

Next year, when the 91st Congress convenes, a major highway issue still pending for determination by the Congress will be the post-1975 Highway Program. It is a program which will be of such magnitude that we must give most careful attention to its description and detail.

It is obvious that we will be faced with ever-growing demands for new and improved highways. The great emphasis which has been placed on the Interstate System for the past 12 years has left our regular Federal-Aid program underfinanced, and our primary and secondary roads and major roads and major city streets are under-developed. In examining the direction in which our road program should move in the future, we will also give careful consideration to the role of highways in relation to economic development. As I said during the debate on the Conference Report on S. 3418:

"——I think we are approaching the time when we will not have an interstate and defense system program and we will not have a primary or a secondary road program. We will have a system of roads in this country for which we will provide, not 90–10 matching, as now with respect to the interstate roads, or 50–50 matching as we have in the primary and secondary roads, but we will just have one road program, and it will probably provide for 70 percent Federal and 30 percent State matching ratios.

"Such a program would leave to the States and to the local governments, the political subdivisions closer to the people, the determination of what kind of roads the people in that area and in that State need and want."

We have reached that stage in our national development when it is inexcusable that communities, areas and regions continue to suffer from lack of access. We must insure that in the future goods and people can reach the remotest areas from the core of our largest cities with ease and convenience. We will, of necessity be vitally concerned with the development of what has been called by some, an urban arterial program.

It is in light of this prospect that I suggest that you act with restraint during this period of Federal budgetary restriction. We will call for suggestions, comments, and ideas for our future highway program. Your industry, I believe, will come forward with wise counsel so that we, with the Federal, State and local highway officials can be certain that our road system continues to be the best, the safest and the most responsive that we can devise. We shall thus serve the needs of the people of Texas and this Nation.

Mr. YARBOROUGH. Mr. President, I should like to give the status of the Interstate Highway System in Texas, as of July 31, 1968. At that time, of the $3,028\frac{1}{10}$ miles designated in the State of Texas of Interstate Highway, $2,016\frac{7}{10}$ miles were open to traffic. I ask unanimous consent that a status report of this highway system be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Status of the Interstate System in Texas

[Mileage July 31, 1968]

Prelim. Status or not yet in progress	23.3
Work in progress:	
Engineering and ROW	582.0
Under construction	406.2
Total underway	988.2
Open to traffic:	
Toll facilities	0
Improved to standards adequate for pres. traffic	284.3
Completed to full or acceptable standards	1,732.4
Total open to traffic	2,016.7
Total designated system mileage	3,028.1

[Dollars in millions—June 30, 1968]

Projects underway or authorized:	
Engineering and ROW, total cost	$3.8
Federal funds	3.4
Construction, total cost	310.8
Federal funds	276.9
Total cost	314.6
Federal funds	280.3
Completed July 1, 1956 to Date:	
Construction, total cost	1,034.4
Federal funds	916.5
Engineering and ROW, total cost	277.8
Federal funds	249.8
Total cost	1,312.2
Federal funds	1,166.3

Mr. YARBOROUGH. Mr. President, I am proud that experiments conducted at Texas A. & M. University on the break-away signs system will result in saving many lives in the United States, as, under the experiments conducted, signs are being erected along the highways, which, if struck by cars, will break away and give way, instead of being immovably embedded in concrete and thus kill all the people in the colliding car.

I ask unanimous consent that a statement on safety research in Texas be printed at this point in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SAFETY RESEARCH IN TEXAS

1. Independent research work on breakaway signs was being conducted at Texas A&M.

2. Results were somehow brought to the attention of the Bureau and other States.

3. Being too big a project for one State to undertake alone, 16 States pooled their HPR funds to finance additional research.

4. Contract between the Bureau and the Texas Transportation Institute was entered into.

5. The purpose of the research was to develop a sign or light standard which, when struck, would break away causing minimal damage and injury to the occupants of the vehicle.

6. Actual research work was conducted over a period of 18 months to 2 years. Research work was completed in January, 1968, although the contract has not been closed.

7. The research work included actual crash testing—all tests were documented by motion pictures.

8. An Advisory Committee, composed of one representative of each of the 16 State Highway Departments, monitored the testing procedures. Also involved was a contract monitor from the Bureau's Washington office.

9. As a result of the tests:

A. Two more studies are being undertaken—one concerning signs.

B. Breakaway signs are now in extensive use in Texas.

C. BPR issued IM 21-14-67 concerning the use of such signs (attached).

10. Cost of the research project was $363,000.

GEN. SAMUEL DALE

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. MONTGOMERY. Mr. Speaker, on October 13, 1968, a statue will be dedicated at Daleville, Miss., in honor of Gen. Samuel Dale, a great American, frontiersman, guide, Federal scout, trailblazer, trader, Indian fighter, wagon train leader, farmer, legislator, and patriot.

Sam Dale is buried at Daleville, Miss., 17 miles north of Meridian, Miss. Two acres of land have been given to the State of Mississippi by two churches at Daleville for a park in recognition of Sam Dale.

A new statue by the artist-sculptor, Harry D. Reeks, who won national recognition in World War II as a U.S. Marine Corps combat artist, will be unveiled.

Those participating will be Gov. John Bell Williams, representing Mississippi; State Senator Joe Goodwyn, president pro tem of the Alabama Senate, representing Alabama. Former Governor and now a judge of the fifth circuit court of appeals, J. P. Coleman, will make the dedicatory address. I will be the presiding chairman. Mrs. Jeanette Noe on my staff has been outstanding in working out the details of this dedication.

A brief history of Samuel Dale follows:

GEN. SAM DALE

Scotch-Irish Sam Dale, the fierce and fearless giant, 6'2", with a tender heart filled with love for his fellow man and unshakeable devotion and dedication to his country, was born in Virginia in 1772.

Both of Sam's parents died within a week of each other, leaving him alone when he was only seventeen years old with the responsibility of supporting and taking care of eight young brothers and sisters. Settling his family on a farm with a hired man, Sam volunteered as a Federal Scout with the Militia, and almost immediately began a career of exploits and daring so incredible that he became the talk at the campfires of the Indians and the settlers. "Big Sam," as the Indians affectionately named him, became a living legend in his own time.

In 1796, he blazed out a new highway through Cherokee country and the wilderness from Savannah, Georgia, to the Mississippi River.

When the great Shawnee Chief Tecumseh spoke to the Grand Council of the Creek Nations, Sam Dale was there. He was the only white man who ever heard one of Tecumseh's war talks. Sam, who witnessed what he called "the greatest of oratory", was able to record for history the words of the powerful and famous Illinois Chief which so fired the fury of the Indians that they massacred the whites wherever they found them.

In the War of 1812 against England, Sam was in the middle of the action with General Andrew Jackson, General Claiborne, Sam Houston, and Davy Crockett, when the Mississippi Dragoons and Tennessee Volunteers destroyed the dreaded "Holy City" of the Creeks.

Caught in ambush in another engagement, Sam was badly wounded. He described the ball as "entering his chest, ranging around his ribs, and lodging in his backbone."

Just before the Battle of New Orleans, Sam rushed dispatches for the War Department over 700 miles of hostile areas and wilderness on horseback to Andrew Jackson at New Orleans. He raced down the river to the command post, but the battle had already begun. When Jackson read the dispatches, he said, "Too late, too late. Washington is always too late!" Sam's eight-day record ride on his horse, "Paddy", won the acclaim of the Nation.

In a canoe fight on an Alabama river, Sam leaped aboard a large Indian war canoe and faced and killed nine warriors, one by one.

At Fort Madison, Sam outwitted the Indian spies by putting all the women in the Fort into men's pants and covering the block houses with clay to resist the Indians' fiery arrows.

Towns and cities began to spring up in the new territory between the Atlantic Ocean and the Mississippi River, as Sam led wagon train after wagon train in his quieter periods.

Sam Dale was elected a number of times to the Alabama Legislature. In 1824 he was a member of the Guard of Honor for Lafayette when the French General came to this Country. Sam played an important part in the Treaty of Dancing Rabbit Creek. President Andrew Jackson canceled all appointments and welcomed his old friend, Sam Dale, as a personal guest at the White House.

The great man never forgot his parents. In his old age, he still took time to visit their graves and unashamedly wept "over their honest dust."

Mississippi became Sam Dale's home when he purchased two sections of land from Choctaw Chief Ia-cha-hopa and there he lived and farmed, and later was Lauderdale County's first representative in the Mississippi Legislature.

When he died in 1841 in Daleville, Mississippi, a stately Choctaw Chief with tears in his eyes, stood before Sam's grave, bowed his head and said, "Big Sam, you sleep here, but your spirit is a brave and a warrior in the hunting grounds of the Sky."

FLORIDA A. & M. HAS NEW PRESIDENT

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. FUQUA. Mr. Speaker, I have the privilege of representing Florida A. & M. University at Tallahassee, Fla. This is a fine educational institution headed by a group of dedicated men who are deeply concerned about the education of America's young people.

Dr. George Gore has served this institution for 18 years as its president and leaves some big shoes to fill.

The board of regents of the State of Florida picked a man to succeed Dr. Gore who can fill those shoes—and will fill them well.

He is Dr. Benjamin L. Perry, Jr., who is, himself, a graduate of Florida A. & M., and brings to his new position a unique love for his alma mater and a special understanding of its problems.

I consider his appointment to be that of a personal friend. I have no doubt that he will do a tremendous job and I look forward to continuing to work with him in these difficult days before us.

It is in this spirit that I would like to have reprinted an editorial about Dr. Perry which appeared in the September 18, 1968, issue of the Tallahassee Democrat. The editorial follows:

PERRY SETS HIGH GOALS AS PRESIDENT OF FAMU

Dr. Benjamin L. Perry Jr. faces a tremendous challenge as new President of Florida A&M University. His educational background and administrative experience fully qualify him to meet this challenge.

It will not be easy for him to follow the highly respected Dr. George W. Gore Jr., who recently retired after 18 years as head of FAMU. Dr. Perry says he knows sacrifices are necessary in guiding a troubled university, and he is prepared to make them.

Perhaps few administrators are in a position to know more about the needs, problems and successes of FAMU. Dr. Perry literally grew up on the campus. His father, who died in 1949, was dean of FAMU's Department of Agriculture for 20 years. The new President was educated in the University operated elementary and high schools and went on to earn a bachelor's degree from FAMU in 1940.

He spent some years away from Tallahassee during World War II and while further pursuing his education at other universities, but he has been back for a good while. It has been during the past dozen years he has seen serious problems arise and the future of the University become clouded with doubt.

His most immediate goal is to insure the continued existence of FAMU as a separate and independent member of the state university system. It is a worthy goal for which he should receive strong support from most sections of Florida.

His next goal is more personal. He would like FAMU to be a model of black administrative, educational and managerial efficiency. Already he has demonstrated the leadership ability needed to achieve such a high goal.

Dr. Perry knows his greatest challenge of the moment, however, is dealing with student unrest caused by the turmoil and revolution on campuses and in Negro communities around the country. Other achievements he is able to record during his tenure probably will be secondary to how well he can meet this unrest which is tormenting so many campuses.

He is starting out in the right way, seeking to understand what is happening and therein finding the right course to follow. Most difficult days loom ahead for FAMU. If anybody can meet the challenge, Dr. Perry can. The Board of Regents picked the right man for the job on the basis of experience and qualification.

TEENAGERS SALUTE CONSTITUTION WEEK

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. DANIELS. Mr. Speaker, as a graduate of Dickinson High School in Jersey City, N.J., I took particular pride in reading two letters to the editor published on September 23, 1968, in the Jersey Journal, a leading newspaper in the 14th District of New Jersey.

The authors of both of the letters are students at Dickinson High School and their maturity and articulateness reflect favorably upon their teachers at this fine old school. Even more important, their letters are eloquent testimony to my arguments in favor of lowering the voting age to 18.

It is easy to make sweeping generalities about young America. Somehow it is easy to look down upon these younger Americans in the same way as the Roman poet, Horace, who centuries ago said:

> Our fathers viler than our grandfathers have produced us who shall in time produce a progeny ever more degenerate still.

I do not accept these portents of doom. I have great faith in young America, the overwhelming majority of whom are splendid in every way. America's great years lie ahead.

I think the two letters I mentioned a moment ago deserve to be brought to the attention of all Members of this House.

Mr. Speaker, I include these two letters from the Misses Joyce E. Jensen, of 85 Van Reypen Street, Jersey City, and Arlene McNamara, of 557 Liberty Avenue, Jersey City, following my remarks in the RECORD.

As an alumnus of Dickinson and as a resident of Jersey City, I take special pride in these two young women who typify the new generation of Americans. The letters follow:

TEENAGERS SALUTE CONSTITUTION WEEK

DEAR EDITOR: This was U.S. Constitution week (Sept. 16–23). It is only right that we should celebrate the writing of a document of such importance. In May, 1787, fifty-five of the country's leaders held a convention in Independence Hall. Important changes were going to be made in the government of the United States in order to form a more perfect union of the 13 states. This Constitution and the amendments which have been made to it since that time form the framework of this country's government. The Constitution represents freedom to me.

In the colonies at the time of the American Revolution there was a well known attorney by the name of Patrick Henry. Freedom meant more to him than life itself. His words on the subject were "Give me liberty or give me death." Nathan Hale, another dedicated man, fighting for freedom, was caught by the British while trying to get some information for General Washington. He was sentenced to death without any trial. His last words were, "I only regret that I have but one life to lose for my country." These men fought for the same freedom which the Constitution sets forth. In those days the men were not issued draft cards to make them serve but they were spurred on by love of country and desire for freedom.

The average person doesn't realize the importance of our form of government. Freedom is the American way of life and it is often taken for granted. Freedom offers many rewards but they will not be protected and preserved unless each citizen realizes that he has a responsibility to his country. Education is free to everyone; the sick and handicapped are taken care of; and even those who were not well enough educated to hold down a job are provided for by this society. Yet there are people ungrateful for this way of life, who burn draft cards and refuse to serve the country that offers so many advantages to so many people. Another responsibility of every eligible person is to participate in this government by taking advantage of the privilege of choosing government officials. If this privilege is ignored the value of the individual and the Constitution is reduced in American society.

As a student of Dickinson High School of our city I am thankful for the freedom set forth in the Constitution and I am thankful for those who fought for it. My generation is receiving the reward of this freedom—political freedom, progress, religious freedom, education, jobs, cultural development, opportunity and material goods. The challenge is to protect this Charter of Democracy by making the most of its rewards.—Joyce E. Jensen.

DEAR EDITOR: I, as a teenager and American citizen, am writing to you so that the older generation may come to realize that the youths of today do conform to the makings of the Constitution. During Constitution Week, American citizens may never give a thought to why they have equal rights or the privilege to vote. Some adults may never recite a little prayer for our unfortunate boys fighting to protect our country. They may think that as citizens of the "land of opportunity" it is their privilege just to enjoy the freedom offered. This is not so because each citizen has a duty to his country.

I think that the youth of today would be able to explain better the Constitution of the United States than most of our adults. Boys, fighting for these adults, lose their lives, but these certain people don't seem to care. American adults look upon the youth as "non-conformists," but they are stepping in the other direction. President Johnson has asked Congress to lower the voting age to 18. Adults opposing this are the ones who will not vote on Nov. 5, 1968. I believe if a boy is old enough to defend his country, he is old enough to vote.

Because I am a senior at William L. Dickinson High School I am required to take two years of American History. Most adults haven't opened a history book or magazine since their graduation from high school. I think that we are also more informed about the up-coming election than some adults. Many adults vote according to race, creed or previous condition of servitude. Some people wouldn't even know the presidential candidates for the year of 1968. Why is the American youth of today placed in a separate group? Why are we referred to as non-conformists? We don't know, but now maybe adults may come to realize that there are both good and bad in all groups and we don't make up all the bad. By observing Constitution Week, we hope to receive the chance to prove this to you.—Arlene McNamara.

ROTARY INTERNATIONAL PRESIDENT TOGASAKI ADDRESS TO THE ROTARY CLUB AT YORK, PA.

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. GOODLING. Mr. Speaker, the Rotary Club has a dynamic influence on the world in which we live, associating itself with multiple services vital to community and, in fact, worldwide understanding.

Just recently Rotarian Togasaki—president of Rotary International—delivered an address to the Rotary Club of York, Pa. Because it vividly portrays the meaning, responsibility, and contribution of the Rotary movement, I insert it into the CONGRESSIONAL RECORD and commend it to the attention of my colleagues.

The address follows:

REMARKS OF PRESIDENT TOGASAKI AT YORK, PA.

Mr. President, fellow Rotarians, ladies and gentlemen: It gives me great pleasure indeed to visit this lovely section of Pennsylvania and see so many of my friends, including past vice-president Lew Unsworth with whom I served on the board of Rotary International and the Rev. Nevin Zuch, former president of the Elizabethtown club.

I would also like to take this opportunity to pay honor to the memory of your fellow Pennsylvania Rotarian, Director Lew Doughton, who was taken from us so recently.

This beautiful area of yours is rich in history and resources. And it looks to a future of ever-increasing progress and activity. And, as your community has prospered and grown, so has Rotary developed in size and scope within this sphere of progress.

The heritage of this area reflects the panorama of the story of the United States. This is the heartland of American democracy; only a few miles from here the Declaration of Independence was written and signed; and a few miles in the other direction nearly a century later the Battle of Gettysburg turned the tide in a war that forged forever the rights of man into the American tradition.

We often speak of Rotary as a force or movement, which are expressions that conjure up visions of a great, faceless organization of nameless persons. This, I feel, is an error. For in any final analysis, Rotary is an association of individuals from many nations and many walks of life, speaking many languages and embracing many faiths—but united in the common goal of offering service to mankind above self.

The members of Rotary are all individuals, with individual problems and interests, individual characteristics and idiosyncracies. Yet all of them are as one in that they meet together regularly for fellowship, to participate in community-betterment activities, to promote high standards in business and professional life, and to advance international understanding and good will. What a tremendous force for good Rotary *can be!* What tremendous opportunities there *are* for us as

Rotarians to make this a better world for all peoples!

You may have noticed that I express these thoughts in terms of the present and future rather than the past. I have done this deliberately, for despite Rotary's magnificent 62-year record of achievement, I am convinced there are vastly larger opportunities ahead.

And how are they to be met? Through participation—participation for better understanding through Rotary—which is the theme of my address.

Let me be more specific.

Greater understanding is needed in all avenues of Rotary service, and first of all there is the field of personal relations.

Just as the Rotary International movement is based on a foundation of individuals, so must understanding be based on warm, unclouded personal relationships between these individuals. I think it was Will Rogers who said, "I have never met a man I didn't like." Another way to express that thought is, "To know a man is to like him," and come to think of it, I prefer the second version for it implies the necessity of making an effort to learn about one's neighbors, and to take an interest in them.

One's neighbors today in this rapidly shrinking world of ours may live 10,000 miles away. An even greater time-gap may exist between a Rotarian who lives in a highly advanced society, and his fellow Rotarian who is a leader of one of the emerging nations. But between the two, through Rotary, there can be mutual respect and appreciation, friendship and understanding. It is only another step to carry this personal understanding into a broader appreciation of cultures and nations, problems and aspirations, for an acquaintanceship blooms into friendship, frictions vanish and opportunities for cooperative service present themselves. "Thoughtfulness of others," it has been said, "is the basis of service. Helpfulness to others is its expression." And with understanding all this becomes easier, more natural, more achievable.

The second point I wish to make is that there is a need for greater understanding in vocational relationships. This is of particular importance because of Rotary's system of selecting members on the basis of occupation. You, as a doctor or lawyer, merchant or manufacturer, as a representative of your vocation in Rotary. Your classification has been loaned to you. As its custodian you are responsible for making the ideals of Rotary felt in the industry or calling of which you are a part. If the influence of Rotary ideals is not clearly evident in your daily endeavors, I am afraid you are failing in your trust.

Never have such ideals been more needed. The network of commerce that ties nations together in mutual inter-dependence can exist and function only on the basis of trust. Sometimes it is a hard lesson, but eventually we learn that what is good for one's competitors is also good for one's own business. As more and more nations grow into an industrial economy, relations between employer and employee, management and labor, become critical. Reasonable men sitting down together can agree that labor is entitled to a fair return for the skills it brings to industry, and management is entitled not only to a return on its capital investment and managerial know-how, but also to a day or honest work for a day of pay. Yet, so often we find industrial disputes leading to crippling strikes, with which you are all too familiar. No one wins such disputes, and in the end they must be settled on the basis of fairness and reason. How much creative, how much more productive we all could be if we would try to understand the other fellow's point of view voluntarily before we are forced by circumstances to do so.

In this regard we Rotarians have a way of analyzing ourselves and our motives that is at once simple and profound. It consists of only 24 words, and is known as the Four-Way Test. I am sure it is familiar to all of you, but it will bear repeating here: it goes like this: "Is it the truth? "Is it fair to all concerned? "Will it build goodwill and better friendships? "Will it be beneficial to all concerned?"

These words were written by Herbert J. Taylor back in 1932. He had just taken over the presidency of an industrial firm that was near bankruptcy. He knew the jobs of 250 men and women depended on his decisions. One morning he sat at his desk and prayed for guidance, and the words of the Four-Way Test came to him. He used the test to guide his decisions, and the company not only survived, it prospered. Rotary International adopted the Four-Way Test in 1946, and eight years later Herbert Taylor served as president of RI.

Next, there is the matter of better understanding through Rotary of community relationships. Our society today is beset with problems spawned by a system that grows progressively more complex. There are mechanical problems, such as the overcrowding of urban areas, pollution of air and water resources, the movement of traffic, the elimination of slums. There are human problems, such as the difficulty that today's young people are having in communicating with their elders, and the problems of the aged who feel they have been left behind by the onrush of history and resent the implication that they are no longer useful. There is a need for both the idealism and energy of the young and the wisdom of the old, and we would be foolish not to utilize every possible human resource in our search for answers to our problems.

The matter of ethnic, racial and religious minorities have created tensions that have erupted into senseless violence in many quarters of the globe. It should be scant comfort to you to know that the United States is not the only nation so troubled.

Here in this setting we should hearken to the words written near here nearly two centuries ago that "all men are created equal" and also pause to reflect upon the sacrifices of the thousands who died near here a century ago to preserve the right of men to practice that belief.

Rotary recognizes neither the inherent superiority nor inferiority of any majority or minority. But Rotary *does* recognize the dignity and worth of the individual and his right to try and improve himself. Rotary also acknowledges the brotherhood of man no matter what the color of his skin or the form of his worship. These are the ideals of Rotary that have led to a worldwide organization which believes in the universality of man as well as the rights of the individual. It would be most appropriate at this point, I think, to quote from John Donne who more than three centuries ago wrote:

"No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friends or of thine own were; any man's death diminishes me, because I am involved in mankind. And therefore, never send to know for whom the bell tolls; it tolls for thee."

The thought is as true today as it was in John Donne's time, perhaps even more true, for our world has been brought closer together by the advances of science and the complexities of society.

And now that brings me to the fourth point, which is the need for understanding in the field of international relations. It is here that we raise our sights from the local and national level to view the world in its entirety. Worldwide peace is foremost among our concerns, for today we have the capacity to destroy civilization. The paths to that peace are beset with many pitfalls and thorny barriers, and it is not my intention to enumerate them here today. I must, however, express my conviction that the ideals of Rotary applied to these problems would make their solution infinitely less difficult. Rotary ideals can serve to lubricate the ponderous machinery of international understanding.

Let me re-emphasize: We have the organization, the ideals, the practical plan for world community service. It remains for us to make it work.

The degree of personal participation of the individuals of Rotary clubs in their cities have truly intertwined Rotary and the community to the betterment of all. The accomplishments of yesterday have been great. But the future beckons us all.

Gentlemen, I submit to you that participation—involvement in important causes—is the key to attainment of Rotary's objectives. Participation is the key to Rotary progress. Participation is the key to an active, successful Rotary club.

Participation is the responsibility of every individual Rotarian. A good Rotarian should become so deeply concerned, so completely engrossed in putting Rotary's ideals to work, that he makes it his personal business. No Rotarian should be content with being a backseat driver, a free-rider. Every member ought to have a job in his club, a share of the load, a share of the responsibility. Let us become involved, each and every one of us. Let us participate actively and vigorously in the great movement that is Rotary.

Let me say to you that Rotary certainly is not the answer to all the world's problems. It is not the solution to all of society's ailments. But Rotary *does* have great and shining ideals, ideals which have proved practical and workable, ideals which we must continue to put into practice in our daily lives.

My dear friends, I believe profoundly in the creation of better community and worldwide understanding through Rotary. In closing, I invite you to join me in re-dedicating ourselves—along with the more than 634,000 other Rotarians throughout the world—to the great and urgent tasks that lie ahead.

I thank you.

NEW USES FOR SECTION 32 FUNDS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. ZWACH. Mr. Speaker, the Agricultural Act of 1935 contained a section 32, dealing with import duties. There are three clauses within this section which authorize the uses to be made of these import duties within the general purpose of widening market outlets for surplus agricultural commodities.

These three clauses are, first, to encourage the exportation of agricultural commodities and products thereof; second, to encourage domestic consumption, and third, to reestablish farmer purchasing power.

Funds for section 32 of the 1935 act are provided by a continuing appropriation equal to 30 percent of all the import duties collected on all commodities entering the United States, plus unused balances up to $300 million. Under the Agricultural Act of 1956, an additional sum of $500 million may be appropriated annually to carry out the purposes of section 32.

The administration's foreign policy, over the past years, dictated by the State Department, in regard to agricultural prices, is to lower domestic prices to the world level. This route has led to the allowance of greater and greater competing agricultural imports to add to our already too-large supply for the purpose of lowering farm prices. To this extent, the administration has been admirably successful. Imports have increased tremendously, and farm prices have fallen drastically.

However, there are those of us who believe that our own farmers and small businessmen should not be sacrificed at the economic altar in this program which "exports" American farmers, for imported farm products.

For example, meat, dairy, honey, mink, and textile imports have grown so greatly that in each case special laws had to be enacted to provide some measure of protection. In watching the continuing flood of imports, there is reason to believe that our barriers were erected with extremely porous, flimsy cheesecloth. Immediately following the hearings on revising dairy import quotas, we learned that some dairy products, particularly chocolate milk crumb, and some types of cheese, had found new holes in our tariff wall.

The philosophy of establishing section 32 was the knowledge by Congress that imports would have a harmful effect on domestic producers. While recognizing that the lower price of foreign goods is only one of the reasons for the present depressing farm prices, still, with an oversupply already, the cure for such low prices is not more of the supply which helped create it in the beginning.

The outflow of people into the sweltering, grimy sections of our bursting metropolitan regions from the rural areas has been a material factor in causing the resulting cries of pain about crime rates, poor housing, and lack of public facilities, I realize, as most of us do, that the solution to the latter problem lies in a twofold solution—one aimed at bettering the social and economic conditions of both urban and rural areas. However, the sooner we are able to proceed in the direction of halting this city-bound traffic from our rural regions and provide a balance, the quicker will be the solution to both problems.

Toward that goal, I have today introduced a bill designed to use a portion of the import duties for renovating and upgrading the public services of our countryside areas in order to be able to help these areas compete more favorably and aggressively for industry and plant location. This will be done by adding a fourth purpose for the use of section 32 funds, and with the establishment of a developmental loan and grant fund for such worthy projects as water and sewer services, improvements on hospitals, and so forth.

Section 32 funds for fiscal 1969 are programed as follows:

Funds available from import duties	$596,645,658.17
Carryover funds	300,000,000.00
Total	896,645,658.17
Allocations:	
Department of the Interior	7,412,775.00
School lunch program	64,325,000.00
Foreign agricultural service	3,117,000.00
Special milk program	104,000,000.00
Agricultural research service	15,000,000.00
Child feeding program	45,000,000.00
Administration of Federal marketing orders	2,950,000.00
Administration of section 32 funds by CCC	4,447,000.00
Commodity diversion	172,295,000.00
Total disbursements	418,546,775.00
Balance remaining	478,098,883.17

Following the establishment of the rural loan and development fund of $300 million, this will still leave a carryover to revert to the Treasury of nearly $200 million.

While there may be questions as to the agency best equipped within the Department of Agriculture to administer this proposal, I have recommended that we use the experience and personnel of an already established rural agency, that of the Farmers Home Administration for this program.

While this small fund, which should be refunded from the same source annually, is not the panacea for the immense redevelopment needed by our countryside, surely this will be of great assistance in augmenting those few programs which are able to operate in this area of rural problems.

I solicit your suggestions and advice and support to provide jobs and homes in the countryside without having to raise additional tax funds for this purpose.

VIETNAM WAR

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. McCLOSKEY. Mr. Speaker, the Vietnam war is again a major matter of public dialog. In the political debates in my own district, my opponent has raised two serious questions which require careful response. I am taking the liberty of making such response a part of the RECORD for the review and comment of my colleagues.

First. What steps can be taken to assure that America will not be drawn into a Vietnam-type conflict again?

The primary assurance against future Vietnams lies in the recognition of several principles: first, that U.S. intervention in the internal affairs of a foreign country cannot be justified unless that country has a relatively stable government with the support and cohesion of the bulk of its people; second, that Congress should not abdicate its constitutional power—and duty—of being the sole body to declare war; and third, that major military force should not be deployed abroad unless there is reasonable assurance that such force will be adequate to achieve the desired end.

The hindsight mistakes of Vietnam are readily apparent. We overestimated the sense of national purpose and unity of the South Vietnamese. We badly underestimated the sense of purpose, determination and fighting ability of the Vietcong and North Vietnamese. We failed to consider the terrain of South Vietnam and its basic unsuitability for matching American firepower and mobility against indigent riflemen well accustomed to the country and its climate. We allowed our Communist containment policy of the 1940's and 1950's to be stretched into the 1960's to override our traditional policy of encouraging the self-determination by people as to their own type of government. We failed to recognize that Vietnam was one country, not two; that the nationalist, anticolonialist thrust of Ho Chi Minh was more suited to the Vietnamese than was the continuation of a corrupt, French-type military administration dominated by Catholics in Saigon.

President Johnson failed to abide by President Kennedy's express limitation "that in the last analysis, only they—the South Vietnamese—could win the war." Americans could not win the war for them, since winning meant being able to pull out, leaving the country in the hands of a government of its own people. We could only assist, and assistance is valueless if the people so assisted are unable or unwilling themselves to create a sovereign nation. The failure of our policy in Vietnam rests essentially on the fact, true even today, that the young Vietnamese patriot would rather fight against the foreign-supported puppet government of Saigon than against his own countrymen, even though North Vietnamese nationalism is identified with the harsh cruelty of communism.

The great single mistake of Vietnam was in the decision of President Johnson to escalate American troop participation in 1965. The American people cannot be blamed; they had elected Johnson the previous November on his promise not to send American boys to fight where Asian boys should fight. Congress is perhaps partially to blame for granting such wide discretion to repel aggression under the Gulf of Tonkin Resolution of July 1964. Our top military intelligence and judgment could have been in error if the President was advised, as it appears he was, that the commitment of increasing thousands of American troops could guarantee victory in a limited counterinsurgency war. Finally, we erred in Secretary Rusk's judgment that American strength was, and is, sufficient to combat communism anywhere in the globe for however long required. The ability to fight requires first, financial resources, and second, determination of the people. Obviously we have about run out of both. The present fiscal crisis and balance-of-payments crisis make the Vietnam conflict too expensive. We spend $30 billion per year against Russia's $1 billion to support an infantry war, leaving the Russians able to spend twice as much as we can in the continuing nuclear arms race, an area where the real balance of power will be crucial in the next decade.

America, with 6 percent of the world's population, can no longer hope to unilaterally police the world. Our commitments of money and armed forces are limited. We must look to international agreement and world peace through a system of world law, at least with respect to those 123 countries with whom we are not locked in a nuclear power confrontation. We must preserve our military strength vis-a-vis Russia and China, but look to world governmental institutions such as the U.N. to keep the peace elsewhere. This should be the basis for avoidance of future Vietnams.

Second. Should the United States unconditionally cease all bombing in North Vietnam?

I have been asked whether a cessation of bombing will lead to peace in Vietnam.

I think we must go further than just stopping the bombing. In my judgment, a bombing halt unaccompanied by a change of negotiating posture by the United States will bring us no closer to peace.

The real key to successful negotiations lies in an unequivocal declaration by the United States that we are agreeable to a peace based on the Geneva accords. This in turn requires our agreement to the reunification of Vietnam, even though such reunification will very possibly result in a government dominated by the North Vietnamese.

Reunification within 2 years was promised to the Vietnamese in the 1954 accords at Geneva. It has been the constant goal of the Vietcong and North Vietnamese for the 22 years which have elapsed since they commenced the rebellion against the French in 1946. Until the principle of unification is accepted by the United States, negotiations have little chance of success, bombing or no bombing.

From the North Vietnamese standpoint, they are winning the war under present circumstances. A cessation of bombing helps them win sooner and more easily. Why then should a cessation of bombing cause them to change their position so long as the United States insists on a permanent division of their country?

In my judgment, U.S. policy is, and has been since 1954, to permanently divide Vietnam. President Johnson and Secretary Rusk have concealed this from the public, but it has nevertheless been our policy. Until we change this policy, and do so in some credible way which the North Vietnamese will understand, there is no hope of a negotiated peace save through our achievement of a military victory. This we simply cannot do. We are not strong enough or powerful enough to win the kind of victory in Vietnam which would permit us to pull out, leaving behind a government of South Vietnam which will not one day fall to a nationalist coup. Unhappily, as a result of French and American policy after World War II, the nationalists of Vietnam are also Communists. If South Vietnam is to remain independent, only the South Vietnamese can provide the leadership and national cohesion to preserve that independence. We have tried and failed to assist them toward this goal.

Since the South Vietnamese are unable to establish a government that has the support of their own people, it is time we admit failure and agree to a reunified country. If we do so with wisdom, patience and generosity, I believe we can protect, or guarantee the protection of those South Vietnamese who have fought with us. However we must make it crystal clear to all of the Vietnamese that we truly accept the reunification of their country at the earliest possible date.

If Messrs. Johnson, Rusk, and Rostow can do this—thereby tacitly admitting their mistakes of the past 3 years—I think a bombing halt will lead to an early negotiated peace. If not, the result may be nothing more than a cruel delusion.

The Vietnamese negotiators in Paris are, after all, in a far better position than were the North Koreans at Panmunjon. They are Communists, and to Communists, negotiations are merely another accepted method of warfare. We must concede the right of the Vietnamese to unification as well as stop the bombing. I advocate we do both forthwith.

OUR DWINDLING WATER SUPPLIES AND THE PURIFICATION OF OUR POLLUTED WATERS

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. BARING. Mr. Speaker, I include an open letter on the subject of our dwindling water supplies, presenting a unique proposal, in the Extensions of Remarks.

I commend my colleagues to read this open letter and proposal presented by an old friend of mine, Mr. Charlie A. Hendel, of Hawthorne, Nev., as follows:

OUR DWINDLING WATER SUPPLIES AND THE PURIFICATION OF OUR POLLUTED WATERS

An open letter to all political parties and to the honorable Governor, Paul Laxalt, the members of our Nevada State Legislature, our Representatives in the Congress, and the public in the State of Nevada, individually, and as groups, and as a whole!

WATER

Regardless of what we need in life—there is nothing as vital to us—as WATER; without water we'd be without food, and without food there would simply be—no material existence. With this as an established fact we have no other course to pursue but one that will assure us all of an ample source of water supply, not only for the present but for the many years that stand ahead.

And one of the best ways to bring the attention of everybody to this fact, is to advertise it far and wide throughout the nation, especially in areas wherein water shortage and water pollution are becoming graver problems every day and for this reason—it is hereby suggested that "Our Dwindling Water Supplies and the Purification of our Polluted Water" be selected as the subject in a state-wide Student Speakers Contest in the coming 1968 fall school term period.

One of the main purposes of proposing this as a subject is that it will do more than anything else to create interest in our many years efforts to bring about the diversion of surplus Columbia Basin Waters (which are now being wasted into the sea) to Nevada and adjacent states where acute water-shortage conditions already exist, and which with our rapidly expanding population will become more acute every day.

Furthermore, we are all anxiously looking forward to the possibility of an early cessation of hostilities in Vietnam; we know eventually it must come, but when?—is more than any of us can say. However, when IT DOES COME we will want to be sure that we here at home will have jobs awaiting those half-million G.I.'s and the millions who will be laid off from our federal and private defense plants and all other activities engaged in war-time production.

When WW2 ended—right here in Hawthorne—about 600 of the Hawthorne Naval Ammunition Depot employees were laid off, and most of those laid off had to pull stakes, find new jobs and homes, class room space for their children, leaving behind what assets they had in homes or other possessions, in some cases a real sacrifice, but in general—they did find jobs elsewhere because at that time—and because of lend-lease and outright give-away to rebuild the economy of our former allies, and our—former enemies—the industries of those nations were rebuilt to where now they successfully compete with us in foreign markets, and to a great extent in markets here at home!

When *this* war ends (Cold War or WW3) we will find that this foreign competition will become still more keen, lower labor and general production costs will give the foreign nations a decided advantage over us, and considering how much our own population has expanded since the close of WW2, and the many more there are who must have jobs—it does place a responsibility upon us all to do everything possible right now to improve our own domestic field of job and business opportunities so that we can absorb the millions who'll need jobs when this war ends!

Let us not wait until this coming post-war depression occurs, let us get busy right now and have as much as possible completed in studies, planning, surveys and preliminary construction done and out of the war on a hundred nation-wide public works projects by the time this war's end occurs.

Let our GI's bring back every truck, tractor, pick, shovel, drilling equipment, pipe and other supplies and materials with them that can be used on our Columbia Basin Surplus Waters diversion project, and on other public works projects in all parts of the U.S. which the Congress can honestly approve of as public projects which are of a type which are essential to our future needs and which the Congress can assure itself will—over a given period—have paid their own way, such as our proposed CBSW for Nevada which we are assured *will pay its own way, and handsome dividends to the State and Nation as a whole for centuries to come!*

Much of whatever we can salvage of ammunition could readily be adapted to use in construction projects, canals, and excavations for dams, power and pumping plants and thereby affect a great saving in public funds which otherwise would have to be expended for explosives by the federal treasury, especially since our federal treasury is already so deep in debt!

As for our proposed CBSW for Nevada—there are at least a half dozen military bases and other fedreal Bureau's activities along the course of this proposed project; no doubt in the near vicinity of the other 35 military bases which, it has been stated, are planned to be "phased out"; there are no doubt public works projects as needful and vital to those localities as the CBSW are to Nevada and adjacent states. Nothing has been said of what is being planned for those laid off in the way of jobs which they'll need then for themselves and families!

Why not make each of these bases serve as base camps for construction workers for work on such projects at points along the course which would be within travel distance of their now so well established homes, and establish intermediate construction camps for itinerants and such people as already reside nearby? And instead of laying off these supernumerary military base employees—loan them to the Secretary of the Interior or the construction contractors for the period of construction, and in the meantime carry them on the bases' rolls in a "job-leave" status?

A great advantage this would have over any other proposal yet made would be that by retaining these employees on their rolls as in a job-leave status—and with jobs available on public works projects within travel distance of their presently well-established homes, not only in upholding and sustaining local economy by also preventing great disrupture in our well-established school system—these employees—on a job-leave status would be within easy call for reemployment at their old jobs at their local federal and private defense plants—should hostilities arise and the need for war-purpose materials suddenly occur.

Once or twice a month—Saturday study periods at their former war-time activities could be arranged to keep them all abreast with whatever development and changes took place in the handling and production of war materials so that if hostilities should recur these well-experienced workers could immediately return to their former jobs—and the national defense organization would far earlier "get back in stride", especially in any future war—time will be of the essence—so let us do all that we can right now to be certain that if war does come again we will be just that much further prepared.

We, who send others to fight and possibly become casualties in our wars—have no right to impose this great sacrifice upon the members of our military forces for the sake of our country, if we so safe and secure at home, do not do everything in our power, offer our very all in time, services, and even money, to whatever extent necessary, that will be required to win such war so that those who do survive will find a nation, and a job—which then will be worthwhile—coming home to!

Therefore, let us have this proposed "Our Dwindling Water Supplies, Etc." Student Speakers Contest to acquaint all with what our present and future water needs are and will be, and hasten our preparations for jobs for our G.I.'s and others in that post-war period that stands ahead.

Many folks have the feeling that with what looks now as an early coming gold-boom and Las Vegas-Lake Mead water diversion project makes the need for us to prepare for anything like a depression—an unnecessary effort; but, if we do experience anything like a boom from these projected activities, we must keep in mind that such very boom itself will most assuredly invite thousands of others to come to the state to share in such temporary state of prosperity, what then—when these booms "bust" what then happens when the bulk of these new people plus our own resident state workers find the going tough, and our unemployment and relief rolls really create a problem? More could be said—but I leave it now—to you.

Get that Student Speakers "Dwindling Water Supplies Etc.", contest under way right now; with that seed planted, and nourished, we can be certain that it will sprout and bloom, and bear fruit in plenty for your children and the generations to come.

The fact that about half of the nine proposals already presented to bring water from the Northwest States and even Canada, to our lands here in the Southwest bisect Oregon in their course—lends much weight to the belief that with prospects for canal systems that will provide water for Oregon's own lands, thousands of acres—the State of Oregon would be more sympathetic to our request for a reasonable share of those millions of acre feet which the Columbia River annually pours into the sea.

The Northwest states must also remember that they too have a stake in our nation as a whole; billions of dollars, in one form or another pour annually into the Northwest States from the public treasury and from activities which are supported in one way or another by the nation's tax-payers, tourism, and other sources—which help to sustain local and national economy.

Because it so happens that the nation's western water supplies are so abundant in their areas, with such great volumes wasted into the sea—it does appear that this should not morally give them an undue advantage and right over other states in dictating the terms when it comes to a matter of deciding what's to be done with millions of acres feet which are far over their present and possible future needs when states adjacent or within transportable distance are already suffering acute water shortage conditions and where conditions are steadily becoming worse.

To hold such a contention—would justify every other state in the union to bottle up its own natural resources, keep their tourists home and curtail all business and other relationships upon which these northwest states basically depend for their own economy and general welfare.

Billions of federal tax-payers funds in one case alone are expended in those states, especially Washington—in the furtherance of trade, tourism, and military activities in Alaska—the Boeing Aircraft plant—another glowing example, all of which it does seem, should set out the fact that what we request in the sharing of wasted Columbia River Basin Waters is nothing more than what we and all other states share with Washington, Oregon and Idaho—to help build and sustain their own economy and prosperity, which today in Washington and Oregon—exceeds the economy and prosperity of most of the states of the nation at large.

"Our Dwindling Water Supplies, Etc."

"Let our student speakers voices be heard."

CHARLES A. HENDEL.

NIKOLA PETKOV

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. ZABLOCKI. Mr. Speaker, September 23 marked the 21st anniversary of the political martyrdom of the Bulgarian statesman and patriot, Nikola Petkov. Only, this year, the commemoration is of special and pertinent importance to the people of this country and the world.

The same fires of freedom which burned in the heart of Nikola Petkov as he sought to maintain an independent and democratic Bulgaria burn today in the hearts of the liberal leaders of Czechoslovakia. Just as 21 years ago it was the Soviet Union which subjugated the peoples of Bulgaria, so today, it is the Soviet Union again attempting to crush out the independent and democratic spirit of Czechoslovakia. Ironically, troops from Bulgaria, now a Soviet satellite, participated in the recent Warsaw Pact invasion of Czechoslovakia.

To commemorate the death of this freedom hero, the Bulgarian National Committee, representing the anti-Communist Bulgarian emigrees and Americans of Bulgarian ancestry, held a memorial meeting in New York City this past Saturday. Sunday, here in Washington, a religious service was held at the Russian Orthodox Church in Petkov's memory, and a reception followed in the evening.

Today, I join my colleagues in saluting the courageous anti-Fascist, anti-Communist, democratic, and liberal statesmen and people of Bulgaria, whose efforts and sacrifices are exemplified in the life of Nikola Petkov.

True lovers of independence, these people have suffered persecution, death, and exile because of their political beliefs. Bulgaria, their homeland, has been crushed by totalitarian governments and manipulated by stronger neighbors for decades.

Let us join together in the hope for a future time when Bulgaria will take its place among the truly free, independent, and democratic nations of the world.

I am sure that no one can doubt that men like Nikola Petkov never die. Their spirit lives on after them. Nikola Petkov's spirit lives on in the hearts of Bulgarian people, no matter where they now live. Most of all, it lives in the hearts of the people within Bulgaria, and someday it will bear fruit.

A BILL EXTENDING HEAD OF HOUSEHOLD TAX STATUS TO SINGLE INDIVIDUALS WHO MAINTAIN THEIR OWN HOUSEHOLD OR SUPPORT PARENTS IN SEPARATE HOUSEHOLDS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. HORTON. Mr. Speaker, one of the most challenging aspects of Federal legislation is the amendment of outmoded laws. I have today introduced a bill to amend a provision of tax law which I feel is outmoded and discriminatory against single persons.

The single person, regardless of age or circumstance, has been traditionally treated by the Internal Revenue Code as though he invariably is a carefree and unburdened individual. This is not the case. The majority of working single persons today, both young and old, carry heavy responsibilities. Many pay the costs of higher education, some support a father or mother in separate households, and others pay, in part, the expenses of children who may be living in separate households. In addition, a great percentage of unmarried persons maintain their own household.

There is currently no provision to provide relief from tax discrimination under these circumstances. The personal income of the single person is the most heavily taxed income under our tax laws. I consider it a paradox that the single man and woman should bear the heaviest Federal and State tax burden.

Under the Internal Revenue Code of 1954, married couples may file a joint return which treats the income of the married couples as though it were equal portions of income from two individuals. This advantage is granted regardless of the amount the spouse earns or even whether the spouse earns any income at all. It also applies whether the married couple have dependent children or not.

Specifically, a $12,000-a-year bachelor with a taxable income of $10,000 currently pays $502 more in taxes each year than his childless, married counterpart. A married man has a dependent, allowing him to claim another $600 exemption, which accounts for approximately $132 of that amount. The additional $370 savings to the married man, in effect, discriminates against the single person.

I feel, Mr. Speaker, that the time has come to enable single individuals who mantain the burden of their own households, or the added costs of maintaining a separate household for a father or mother, some equitable tax relief. To this end I have introduced a bill today which would extend the head-of-household tax rate to these individuals. The head-of-household tax status would give qualifying singles approximately one-half the tax advantage that married couples who file a joint return presently receive.

Under the present law, head-of-household tax status is extremely restrictive. Even though a single person may bear similar burdens to those individuals who can presently qualify, the definitive language for qualification is so restrictive that most single individuals are excluded from the head-of-household provisions.

Mr. Speaker, I urge my colleagues to join with me in correcting this inequity in our tax structure by supporting my measure which would extend to head-of-household tax provisions to single persons, who maintain their own households or support parents in separate households.

HIGH HOLIDAYS 5729

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. ANNUNZIO. Mr. Speaker, September 23 is a significant day for those of the Jewish faith for it marks the beginning of the Jewish religious New Year 5729.

I am happy to join my colleagues in the Congress as well as my constituents and friends of the Jewish faith in observing the advent of the Jewish high holidays beginning with Rosh Hashanah on September 23 and ending with Yom Kippur on October 2.

On Rosh Hashanah Jews all over the world assemble in their synagogues to reaffirm their faith, examine their past conduct, and pray for forgiveness. The Shofar—ram's horn—is blown to reawaken their responsibility to the Lord and to call them to repentence.

October 2, the Day of Atonement, or Yom Kippur, will be solemnly observed. It is the holiest day of the year for the Jewish people, for on this day the Lord judges each individual. Jews fast all day, confess and repent, and ask pardon from the Lord and from their fellow men. In turn, they freely forgive their neighbors, and with cleansed hearts, look forward to good new lives.

In the face of centuries of persecution and suffering endured by the Jewish people, mankind's conscience cries out against the utter betrayal of human rights which they have tragically experienced. In these troubled times, the celebration of the Jewish high holidays takes on even greater significance. It is perhaps not too much to hope that in the months ahead the conduct of international affairs will be influenced, in spirit, by the principles of common concern and compassion which long have been the ideals of world Judaism.

I should like, on this occasion, to extend my greetings and best wishes for the holiday season to my friends and constitutents in the Seventh District of Illinois, which I have the privilege to represent in the Congress, and to express my appreciation for the outstanding contributions the Jewish people have made to the advancement of world civilization.

In the coming year, I do hope that the Jewish people the world over may experience freedom from persecution, spiritual enlightenment, peace, and prosperity.

PROGRESS REPORT ON THE HONEY IMPORT BILL

HON. JAMES V. SMITH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. SMITH of Oklahoma. Mr. Speaker, attached here is my Progress Report on the Honey Import Bill, which I include in the Extensions of Remarks:

A PROGRESS REPORT ON THE HONEY IMPORT BILL

(By Congressman JAMES V. SMITH, 4th District of Oklahoma)

I thought that I should report to members of the American Beekeeping Federation concerning the present status of the honey import bill, H.R. 10677, which I originated in the House of Representatives on behalf of the honey producers.

The Ways and Means Committee recently held omnibus hearings on all import legislation which has been introduced in the House of Representatives during the 90th Congress which, of course, included the bill affecting honey and honey products. At this time the Committee has not reported out any legislation favorably and, since the House is rushing for adjournment, it appears that this legislation will probably be held over until the 91st Congress.

It is my opinion that the Committee has not found reason to act quickly on this legislation because of several reasons but notably due to the total opposition which this bill has faced from the U.S. Tariff Commission. The Commission has reported its findings to the Committee in which it goes into considerable detail as to the reasons for the Commission's opposition. Primarily, the Commission is opposed to the bill because they state that the enactment of this bill would contravene a U.S. commitment under the General Agreement of Tariffs and Trade not to impose a duty higher than 1 cent per pound on honey. The imposition of a quota on honey and honey products would also contravene a commitment under Article XI of the GATT not to impose quotas on such products, according to the Commission.

Further, the Commission sets forth to the Committee that, under Section 22 of the Agricultural Adjustment Act, there are procedures whereby the President may impose a fee up to 50 percent or a quota on imports of honey or honey products should imports thereof come in under such conditions and in such quantities as to render, or tend to render ineffective, or materially interfere with the price support program with respect to honey. It does not appear that the Secretary of Agriculture has ever requested the President to initiate an investigation under Section 22.

As well, we have received considerable opposition from the American Bakers' Association who state to the Committee that they could conceive of no justification for any tariff on imported honey, much less the imposition of a quota. The Association takes the position that, according to government statistics, annual imports of honey for the years 1963 through 1966 were less than 8 million pounds, or less than 3 percent of our domestic annual production of 280 million pounds. The Association, however, admits to the Committee that Mexico and Argentina are the source of some 95 percent of the imported honey which their industry consumes.

It appears to me that beekeepers of this country are receiving tremendous opposition to their proposal which is going to be offset by additional hard legislative work on my part and other Congressmen, to be able to realize the enactment of this legislation. The mood of Congress at this time is not to disallow importations into this country of any product even though restrictions can be justified, as in the case of the beekeepers, whereby the importation of these products are causing serious economic results among honey producers.

Please be assured that I will continue to do everything in my power to cause the realization of this legislation, and I think the rightness of this legislation should have some merit as we proceed through the legislative channels of the House.

Editor's Note: Of course, this was written before the adjournment of the 90th Congress. This article points out clearly the tremendous opposition to this bill, which should emphasize the real need for honey producers to write their representatives urging them to support H.R. 10677.

THE NIXON FARM PROGRAM

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. MIZE. Mr. Speaker, beleaguered farmers and ranchers across the Nation can take fresh hope from the proposal to revitalize agriculture and rural America put forward by the Republican presidential candidate, Richard Nixon.

The Topeka, Kans., Capital-Journal, in its September 22 edition, editorialized on the major points of this proposal and emphasized why this type of new national farm policy is long overdue. Under leave to extend my remarks, I wish to direct the attention of Members on both sides of the aisle to this editorial, "The Nixon Farm Program":

THE NIXON FARM PROGRAM

Richard M. Nixon has spelled out some of the details of his farm program with some new policy lines, although specifications of fundamental changes he might make to improve the farm economy were not elaborated on in a statement he made in Des Moines.

The Republican presidential candidate said that present policies that have put farm prices at 74 per cent of parity are "intolerable." Parity is that principle by which the government supports prices to keep them at the level of past years in relation to the cost of other goods.

Farmers, Nixon said, must be able to prosper in relation to the prices they pay for other products. His statement was a sober and moderate one, reassuring farmers who dislike the restraints and results of some of the present federal programs but whose greater fear is sudden change. To this end, he pledged some of these major points:

Encouragement of farm cooperatives.

Use of Commodity Credit Corporation stores of grain and other goods "to improve prices, not depress them."

Improvement of the Food for Peace program and the supply of food to schools and the needy.

He said that his policy won't be "to junk everything in an impatience to reach the millenium overnight. We will not plow under farmers while trying to help them." He promised if elected, an open door for agriculture at the White House.

A Republican victory in November would bring a complete change of officeholders along with some new policies in the top U.S. agricultural command. Nixon has made no bones about sending Orville Freedman, secretary of agriculture, packing. He has pledged to appoint a successor who is "expert and practically experienced in agriculture."

The Republican has called Freeman a "politico-lawyer" and has termed his administration a sad and sorry record. Freeman, for his part, has indicated he will leave the job next January regardless of the November outcome.

A new national farm policy is long overdue. Farming suffers from inadequate income, rising costs and fewer opportunities for young rural Americans. In his first major farm policy statement Richard Nixon has shown he recognizes the need for a government farm program that will bring economic growth and development to rural America.

He has pledged to better preserve agriculture for service in the 1970s.

THE LESSON OF CZECHOSLOVAKIA

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. LIPSCOMB. Mr. Speaker, under leave to extend my remarks I submit for inclusion in the RECORD an editorial which appeared in the September 1968 issue of Navy magazine.

The article discusses the Soviet takeover of Czechoslovakia by military force and emphasizes that the invasion is a grim reminder that Kremlin policy when it comes to advancing communism is as brutal and unyielding as ever. It points out that we must continue to be adequately prepared to deal with the Soviet threat.

The editorial, entitled "The Lesson of Czechoslovakia," follows:

THE LESSON OF CZECHOSLOVAKIA

The second Soviet rape of Czechoslovakia in 20 years should open the eyes of all Americans to the unpleasant fact that brutal military force is still the controlling factor in this imperfect world. Many influential citizens who help mold American thinking had become convinced that the Communists "had changed." They argued that Russian leaders had mellowed, were moving toward individual freedom and responsible conduct and that therefore it was safe for the United States to curtail its defenses and take "risks for peace" vis-a-vis Moscow on arms curbs and Hanoi in the Paris negotiations. Set an example by stopping work on plans to match Soviet construction of more advanced sea and land based strategic missiles, a missile defense system, and more and greatly improved attack submarines and the newly reasonable Communist leadership would follow suit, it was stated. Stop all bombing of North Viet Nam and make the other concessions demanded by Hanoi and we could end the war "honorably." President Johnson—to his great credit—disregarded this advice. But he took the unprecedented step of cutting defense forces in the middle of a war to meet a congressionally-imposed $6 billion reduction in the budget.

Many of those who argued for what essentially was unilateral disarmament and throwing in the sponge in Southeast Asia now maintain that the 1968 Soviet invasion of Czechoslovakia somehow was different than that of 1948, or of their bloody suppression of a similar movement toward freedom in Hungary in 1956. Fear rather than greed motivated the Russians this time, these Americans contend. The Russians will lose more than they gained in the long run by the alienation of world "public opinion" and weakening of Communist parties in free and neutralist nations, it is said. These leaders also choose to ignore the earlier parallel of the 1938 rape of Czechoslovakia by Hitler and its consequences.

A TIMELY REMINDER

We well remember, however, what followed the 1938 action and that in 1948. The Soviet occupation and takeover of Czechoslovakia 20 years ago alerted the free world to the dangers of Soviet imperialism and resulted in an expanded American defense program and the formation of NATO. The Western reaction this time has been slow. The Administration still seems pressing for a summit meeting on nuclear arms curbs—an important and eminently desirable end under proper safeguards. But at this writing, the deactivation of 50 badly needed warships and eight naval air squadrons was going forward. Defense Secretary Clark M. Clifford's June stoppage of work on the "silent submarine" still stood. The formation of a new Army division had been stopped and cuts in Air Force tactical air power were still a fact.

Perhaps there are some differences between today and the earlier invasions of Czechoslovakia and Hungary. Czech leaders have elected to go along with the occupation with subtle rather than outright resistance, which would have brought even more bloodshed in Prague. But the central fact remains that the Kremlin resorted to stark naked force to accomplish its aims and we should sadly realize that the cold war is still with us.

Equally important, we should face up fully to highly significant Soviet actions in other fields. There is rather clear evidence that the Russians have test fired a MIRV—multiple, independently-targeted reentry vehicle—which is particularly threatening because their large boosters are capable of launching much larger warheads than those of the United States. And most noteworthy is the quiet but rapid expansion of Soviet sea power, not only toward achievement of an offensive fleet by construction of nuclear missile submarines, surface missile warships and the world's greatest merchant marine, but by their entry into the Mediterranean, the North Atlantic and the Indian Ocean.

"MARGINAL" READINESS

What should we do about all this? First, the Administration and Congress should act swiftly to stop the cuts in operating forces of all the services. It is very foolhardy to so weaken the U.S. Fleet's antisubmarine and other forces in light of the ever-growing Soviet submarine threat. The cut in 50 ships was generally described as involving old warcraft, but actually some of the destroyer-types were built in the 1950's. And the other ships are still needed and serviceable.

A recent report of an in-depth investigation by a House Armed Services Subcommittee headed by Rep. Porter Hardy, Jr. (D-Va.), moreover, concluded that the Sixth Fleet in the Mediterranean was in a condition of "marginal" readiness. Due in large part to the work of Defense Department "cost effectiveness" experts, the Seventh Fleet is short on skilled pilots and modern aircraft.

The Navy and other armed forces need additional operation and maintenance funds, new aircraft, ships and weapons, and additional personnel and training funds to beef up undermanned units in other areas than Viet Nam. Clifford should give the go-ahead signal on the quiet submarine, and the new budget—indeed a supplemental budget—should provide considerably more money for research and development. This is particularly true of development of new hull designs, such as the catamaran becoming so popular among pleasure boatmen, to give destroyer-types greater stability and space. We have been spending billions in past years loading up our warships with vitally-needed new weapons, but starving development of new warship hulls. The same thing is true of surface ship propulsion, where only peanuts is provided for development of such things as captured air bubble propulsion and supercavitating propellers.

Equally important is action toward rebuilding the Nation's sadly deficient merchant marine.

Finally, the Administration should embrace the recommendation in the Republican Party's platform calling for a select committee of prominent citizens, including scientists and military leaders, to review American military policy. We think such a study would conclude that an ocean-oriented strategy for the United States, as called for by the Navy League of the United States, is required.

As Secretary Clifford told the National Press Club early this month, "Our hopes for the future, as well as the lessons of the past, suggest that the rock of power must be the foundation for the house of peace."

FINANCIAL PLIGHT OF RETIRED GOVERNMENT EMPLOYEES

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. MATHIAS of Maryland. Mr. Speaker, testimony presented July 29, 1968, to the Human Needs Subcommittee of the Republican National Convention's Platform Committee by Mr. Thomas G. Walters, president of the National Association of Retired Civil Employees, brings to light a matter of great concern to me. I feel that my colleagues in the House of Representatives should be made aware of the grave financial plight suffered by a majority of the retirees of our own Federal Government, so ably pointed out in Mr. Walters' statement.

Since there are in my own State of Maryland, more than 32,000 retired Federal employees and their survivors, I have always been keenly interested in their welfare. There are approximately 800,000 of these annuitants and survivor annuitants in the entire country, and it is shocking to note from Mr. Walters' testimony, the great number of these retired civil servants who are now living on incomes well below the $3,000 per annum poverty level. If our Federal Government is to be a model employer, it is imperative that such conditions be eradicated.

After long and dedicated careers in the service of our Government it is unthinkable that these annuitants should have to spend their retirement years in virtual poverty. We have an obligation to these people which has not been fulfilled in the past, but which must be met in the very near future, if we are to make Federal service an attractive and honorable career, and the Federal Government a just and honest employer.

I insert in the RECORD, Mr. Walters' testimony and hope that the statistics contained therein will awaken all of us to the serious problem which now exists among the Federal annuitants and survivor annuitants of this country. The problem must be realized and it must be dealt with now. The testimony follows:

STATEMENT OF THOMAS G. WALTERS, PRESIDENT, NATIONAL ASSOCIATION OF RETIRED CIVIL EMPLOYEES, BEFORE THE PLATFORM COMMITTEE, SUBCOMMITTEE ON HUMAN NEEDS, SENATOR HUGH SCOTT, OF PENNSYLVANIA, CHAIRMAN, REPUBLICAN NATIONAL CONVENTION, MIAMI BEACH, FLA., MONDAY, JULY 29, 1968

Mr. Chairman and Members of the Committee:

My name is Thomas G. Walters, President of the National Association of Retired Civil Employees, an organization with over 134,000 members representing the interests of more than 800,000 annuitants under the Civil Service Retirement System, as retired Federal employees or survivors of deceased employees and retirees. While we are primarily concerned with the problems of those receiving civil service retirement annuities, we also take particular interest in the problems, welfare and status of all the aged and aging in our Nation.

Thanks to the progress of medical science, people are living longer now than ever before, and the percentage of persons over 65 years of age has grown to almost 10 percent of the population of our country. By now, it is probable that the total number of older Americans (over 65 years of age) has passed 20 million.

Thousands upon thousands of these people have basic living problems. Many of them must live on meager incomes, far less than the yearly minimum of $3,000 per couple believed to be necessary to escape poverty. Although Medicare provisions have aided in the solution of health problems, many of them still lack the means to secure medical care necessary to prolong life. Many of them have inadequate housing.

Our association is interested in every proposal to help these older Americans. We believe that those who served so well should now have the means to live in comfort and security and that medical aid should be provided when it is necessary. We cannot pay our debt to them but we should do something for these people in need.

Our members are retired Federal employees and survivors with the same problems as other older Americans. Of an approximate 800,000 retired civil employees and their survivors, some 279,000 receive a monthly annuity of less than $100 and 513,000 receive less than $200 per month. Using a poverty level income of $3,000 per year, 611,000 plus former Federal employees and their survivors are now living in poverty, with 220,000 of them having yearly annuity incomes of over $3,000.

Although the Medicare provisions are helpful to many older Americans, not all Federal retirees and their dependents are eligible for full Medicare coverage, an omission in the Medicare Law which we feel is unjust.

Some of our members retired a number of years ago when salaries were much lower and the retirement formula was less favorable. Although their meager annuities have been supplemented by occasional increases, a majority of these increases have been based on, and aided only in, meeting the continually rising cost-of-living. Recent increases for persons covered by Social Security, Railroad Retirement, and with minimum annuity increases for those under Social Security, have not been extended to persons covered under the Civil Service Retirement System.

The 1967 Comparability Pay Law recognized the need for Federal salaries to be comparable with those in private industry, but it did not extend an increase to Federal retirees. At the present time, with the aid of Social Security, many private industries are more liberal in providing benefits for their former employees than our own Government.

Thousands of our Federal retirees who were predeceased by their spouse must continue to take a reduction in their annuities, and if they remarry their second spouse cannot be named as a survivor annuitant. Also many retirees and survivors are penalized by reductions in their annuities and excluded from liberalizing benefits due to the fact that the liberalized benefits go only to employees retiring after the date of the amendment's enactment.

Federal income tax exemptions are more liberal for Social Security and Railroad Retirement beneficiaries than for Civil Service annuitants. These are all examples of inequities existing against former employees of our Federal Government. These men and women have given their loyal and devoted service as Civil Servants and we think that the United States should set an example with respect to treatment of the older Americans who grew old in the service of our great Government.

We urge this panel and the Committee to recommend, and the Convention to adopt, a declaration in the 1968 Republican platform, basically as follows:

"As an example to all employers, public and private, that it is not only wise but just, to provide comfort and security in their declining years to those who have rendered dedicated service during their careers, we favor a retirement system for Federal civilian employees and dependents under which benefits are adequate and are equalized as nearly as practicable for all beneficiaries, according to the length and character of service rendered; and in keeping with today's living standards, those retirees receiving total incomes of less than $3,000 per year be made eligible for welfare, medical aid and surplus commodities as other citizens in similar circumstances."

WHERE DO WE STAND?

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. DOWNING. Mr. Speaker, last Saturday, the National Association of Government Employees held its annual national convention at the Hotel Chamberlain, Fort Monroe, Va.

The keynote speaker was the Honorable L. J. Andolsek, Vice Chairman of the U.S. Civil Service Commission.

Mr. Andolsek delivered an excellent speech in which he outlined some of the progressive steps being taken by the U.S. Civil Service Commission and some of the problems facing that great agency.

I think his remarks will be interesting to my colleagues and under unanimous consent I include his speech in the RECORD:

WHERE DO WE STAND?

(By Commissioner L. J. Andolsek, U.S. Civil Service Commission)

President Ken Lyons, national officers, delegates, Congressman and Mrs. Downing, and guests, I bring you greetings and best wishes from Chairman John Macy and Commissioner Bob Hampton, my associates on the Civil Service Commission.

In these nervous days of protest and disagreement . . . of riots and marches . . . I think it might be instructive if you will let me take you back in history about 70 years—give or take a few.

During the years of the great immigration from Europe to this country, there were large groups of people who were discontented. Nearly every day, shiploads of poor people landed at Ellis Island and filtered out into the great North American continent.

They were so fed up with the lack of social justice and opportunity in the old country that they pulled up the roots of centuries, left behind their parents, their loved ones, their friends and neighbors, their homes and went as strangers to a new land.

When they got here, America did not live up to all their expectations. My father was one of those immigrants—and for awhile he wondered if he had made a mistake. Conditions were not much changed for my father and mother. America might be the land of opportunity, but it was not handed out on a golden platter—it had to be *earned*.

Immigrants were expected to remain in their places. My parents were called Bohunks in the days when that was an insult. My father worked 14 hours a day in the mines to earn a dollar and a quarter. My mother took in boarders to make ends meet. At one time she had 22 of them!

And to be frank, the American dream never did fully come true for them. But it did for their *children!*

These immigrants were a group you might call *activists*. It took firm resolution to leave the old country and take a chance on the new. But they did it—they took action. In this country many of them had rising expectations which were not immediately met. They were activists, and they were dissatisfied.

And they were called names! "Bohunks," "Dagoes," "Micks," "Wops," "Yellow Bellies" . . . a roster of scorn! Here was a situation made-to-order for riots, for hate, for bloodshed. Now, I know there *were* some riots among immigrants, but judging from my parents, the bulk of America's new citizens turned their backs on that way of getting ahead. Instead, they worked. They worked terribly hard. They believed in and supported education as the way toward first-class citizenship.

I firmly believe *that* is a better way of making your voice and your ideas known than the present fashionable way of protesting, of rioting, of carrying signs and throwing vegetables—or worse.

I also believe it is when things begin to improve that the critics make the most noise. Consider the Government service. For many years, the merit system concentrated on initial appointments into the service. Great attention was given to whether examining and appointment methods were fair, but there was no Government-wide system of making promotions based on merit.

You heard very little criticism of this, yet if there is one factor that counts the most in building employee morale, it is the belief by an employee that he will always get a "fair shake" when it comes to promotions.

He should feel that his work is important, that he is appreciated, that he is part of the team—and that if he does a good job he will be seriously considered for promotion when an opening occurs.

Some 10 years ago, the Commission set up a framework on which all agencies erected their own promotion plans. They had to meet certain minimum standards, but there was a wide latitude for variations. Some agencies whipped up elaborate structures on the basic framework. Others were content with little more than a lean-to.

Over the years there has been a great deal of criticism of the promotion plan. For a number of reasons, employees have no confidence in it.

The point I am making is that without *any* promotion plan we heard very little criticism of promotions. It was only when we all began to see a possibility of great improvement in our methods that the complaints piled up.

Now we have a newly announced, and I believe a greatly improved merit promotion plan. Do I think it's perfect? Not at all. But I think it is a good plan—and let me tell you how we worked to get as close to perfection as we could.

First there was extensive staff work within the Civil Service Commission. When a proposal was ready, representing the best efforts of our very fine staff, we sent it out to your organization, and to all other employee unions, to agencies, Federal Executive Boards, and everyone else who had an interest.

We asked for frank comments and detailed criticism. As might be expected, some of the comments were in disagreement with the plan, and with each other. But there were many fine, helpful ideas which were incorporated into the proposal.

Then it was ready for action by the three Commissioners, who had some individual reactions to express. When further modified to meet the Commissioners' requirements, it was approved and issued, with further modifications to be made as necessary in the future.

In putting together this plan, we asked ourselves what a real merit promotion plan ought to do. It should give all employees a chance to receive full consideration for promotion. It should insure selection from the best qualified without any form of discrimination or favoritism. It should keep employees well informed about the program and their own promotion possibilities. It should—and in fact, it *must*—be operated in an open, above-board manner.

Some of those points are exactly where the old plan did not measure up. And all of those points represent what the new plan is designed to accomplish. The next step is to observe the new system in operation, and make further adjustments and changes as they may become necessary.

Notice, I don't claim perfection for the system, but it should be a definite improvement, and I feel it is a good, workable system which will do a great deal to solve some of our present problems if it is given a chance to work. I think it can stand plenty of intelligent, constructve criticism. The only thing the Commission asks is that you give it a chance, and then we'll try to make it still better.

Another important index to employee morale is pay. Any man would be foolish to say that our problems with pay have been solved. But Congress has established the principle of comparability with private industry, and has moved to make an approach toward the actuality of it. I am sure that the battles over pay have not ended.

But there has been progress. And in the area of trade, craft, and labor occupations we now have a Coordinated Federal Wage system which should help to eliminate many inequities. This system is being placed in operation area by area, as scheduled wage surveys are made. The objective is to insure that trade, craft, and labor employees performing similar work in the same wage area get the same rates of pay in all Federal agencies. Pay distinctions will be maintained, at the same time, in keeping with work distinctions.

Let's look at another example of a Government policy which has been the center of much controversy. The Government makes very strong efforts to lead the way as an equal opportunity employer. Long before any civil rights laws were passed by Congress, the civil service system was committed to *merit* as a basis for selection and advancement of employees, without consideration for race, creed, or political affiliation. Nondiscrimination is in the basic Civil Service Act, and has been since 1883.

In 1961 there was a shift in emphasis—a shift away from mere absence of discrimination to a more active program to achieve equal employment opportunity. In 1966 the Civil Service Commission was given new authority in this field, and the stress on affirmative action intensified.

I think it is fair to say that never in history has the cause of equal opportunity been so well supported in Government. This, then, is the time to expect criticism—and we have had it. One national magazine prominently displayed an article titled: "Uncle Sam Is a Bigot!"

The fact is, Uncle Sam is not a bigot, never has been, and has never been farther from it than now. We are steadily improving our methods of detecting and correcting any pockets of prejudice which may still remain. Just recently the Commission has proposed a new procedure for handling discrimination complaints, so they will be unquestionably fair.

This procedure is still in the stage of a proposal, not an accomplished fact. We are still receiving comments from employee organizations, minority groups, and agencies. So I can't be entirely specific as to the final form it will take.

But what we have proposed, basically, is that all formal complaints of discrimination be taken out of the agency where they originated for investigation and hearing. We think this will greatly improve fairness and the acceptance of the system. In other words, it will be fair and will also be accepted as fair. It will reduce the credibility gap.

While I'm on the subject of discrimination complaints, let me say a few words about complaints and grievances in general. I can announce to you that the Commission is working very seriously on a coordinated plan to cover all appeals, grievances, and complaints.

There is quite a variety at present in the time limits on filing appeals, the place to file, the representation allowed, and many other aspects of this subject. No wonder it is confusing.

Employees will better be able to use their appeal rights, place their grievances, and get a fair hearing on their complaints if the system is made simpler, and if they understand it thoroughly. So that is what we are working on. You'll hear more about this in the future, and of course NAGE will have ample opportunity to make its ideas known and have them given sympathetic consideration.

There is one other area in which discussion, contention, and criticism are more constant and more vocal than any other, and that is the area of labor relations.

Here, too, you will find far more discontent than before President Kennedy signed E.O. 10988, when the Government really had no labor policy. Lots of people say they want changes in the present system, but not one of them wants to go *back* to the days *before* the present system. What they want is to go on to something they consider better.

Before 1962 employee organizations existed, and in some agencies they were welcomed. In others, they were hardly tolerated. They had no clear, recognized place in the system.

Today, what a difference! Employee organizations have received recognition, acceptance, attention, respect. They have made tremendous gains in stability, influence, and prestige. They are on solid ground. Incidentally, that includes solid ground financially. Some 811,000 employees are on voluntary union dues checkoff, with their payments running at the rate of 23¼ million dollars a year.

The Commission has concluded that labor-management relations is a force of major importance in Federal personnel administration, that overall it is a *good* force, and one whose constructive potential should be encouraged.

Unions have a basic purpose of seeking improvements in wages, hours, and working conditions. But they also accomplish many other useful functions. Many of the goals of unions are likewise the goals of management. And while unions may give management a hard time on some questions, on others they actively *assist* management, since on mutual goals of management and unions they help to gain the support of employees.

And whether employees happen to be for or against a certain course of action, enlightened management *demands* that managers be aware of employee attitudes. Unions are a fertile source of information on employee attitudes and desires—information management must have to make sound decisions.

All of these gains on both sides of the table have stemmed from Executive Order 10988. So don't tell me the order is meaningless, or useless, or a mistake. The critics who talk like that forget where they were before the order, and fail to realize how far they have come since then.

I will agree with the critics that some of the policies and arrangements in the order are no longer entirely suitable. But they were first steps. As a result of the Presidential Review Committee's studies on the working of the order, I feel sure any points of weakness will be strengthened in the near future.

I will go so far as to say that even the strike talk we have heard—talk about the possibility of future strikes against the Government—is a reflection of how far and how fast labor has traveled in the Federal Government.

But let me add, and I know that it is too late, because you have already taken action—and I say this as a strong friend of labor for I have seen and personally experienced the improvement in my father's lot in life as an employee of the iron ore mines in Northern Minnesota because of the union—but let me add, that this kind of talk—strike talk—has no place in a union of government employees. In the private sector it might be necessary—if labor and management come to an impasse—it might be necessary, as a last resort, to call a strike but people who equate unionism in government with unionism in the private sector fail to recognize the essential differences between them. They are not the same. In the private sector you have a profit and loss statement in which the earnings of the corporation are clearly reflected and certainly some of the success of the company is, in a large measure, due to the employees. Rightfully, an employee has a claim on a fair share of the pie.

Government is not run for profit but for services to the 200 million Americans who make up this great country and who pay taxes to make it possible for government to offer these services. With the Executive Order and the fine union leadership and increasing membership, I am certain we can resolve these matters without resorting to such drastic measures. I am in favor of all appropriate means of resolving labor-management disputes in the Federal service, including mediation, but that is as far as we can go as long as there is a law on the statutes and each one of us has taken a personal oath not to strike against the government. A strike is specifically forbidden by law. The penalty is dismissal. If my memory serves me correctly there has been only one strike against the government and that was in 1962. The employees of TVA who engaged in it were all fired, as required by law. If another strike should occur it would be a tragedy because the penalties of the law would be inflicted on those involved. Government operations will be maintained.

Let me refer once again to what I said at the beginning. These are days when people hesitate to talk about the things that are good about America, about the Government, about Federal employment. Without denying that many things are wrong, I think we could profit by looking at both sides—the things that are wrong and the things that are right—and balancing the two.

Ask yourself how far have we come—where do we stand?

Every policy, every directive, every regulation issued by the Civil Service Commission is a compromise. Why? Because we let all sides have their say. And then we attempt, to the best of our judgment, to incorporate the best suggestions from all shades of opinion.

There is one man who is even *less* popular than the one who talks about what is right about our system . . . and that is the man who tries to bring agreement between two opposing arguments. He gets kicked furiously by *both* sides. They will even stop kicking each other to get at him!

That is the position that has been chosen deliberately on a great many questions by the Civil Service Commission. Because we do have a chance to see both sides of many questions, we have many opportunities to look at the landscape and say, how far have we come? Where do we stand?

I believe the Government service has come far, that it has made great progress—that you and I can be proud to be Government employees. We have a long way yet to go. The Government service has been helped by criticisms from you and from many other organizations, whose aim is to improve the lot of employees and to elevate the service to an ever-higher plane.

With this kind of help, the service will continue to improve. I spoke earlier about the way in which my parents—immigrants—helped in their own way to build our present society. Your parents, whatever their background, also helped in this building process.

I have been around for about 6/7th of the period I'm talking about—since those great waves of immigration—and I've seen with my own eyes how the immigrants, with their work, their devotion, and dedication, helped to create the finest society in the world.

They did not have it easy. They knew suffering. They knew hardships. They knew sacrifice. But with faith in God, with hope, with love and concern and hard work, they improved their own standards of living to a certain degree—but more important, they improved the general standard.

They had the foresight and vision to insist that we, the children, stay in school to learn all we could to meet the new day that was coming—to meet the industrial, technological, scientific revolution.

How different from what we see today! We wonder why we can't walk the streets safely. We're amazed at what goes on in the colleges—unruly behavior that is certainly not from disadvantaged students.

Nobody knows the full answer, and I don't claim to have it. But certainly part of the blame falls on parents who have failed these children. Some of us have been too permissive at home. And this is followed by permissiveness in school, in the churches, and in the courts.

When I was a kid we had problems, but permissiveness by parents was not one of them. My father would get out his razor strop and solve a problem like that right on the spot!

I want to emphasize that those who participate in crime, riots, and rebellions are a small percentage of our population. Thank God, the great mass of our people are good citizens.

But even the small percentage have children of their own. And I'm concerned about how we're going to turn the corner, so that children of Dr. Spock's permissive children will take a different turn, and carry on the traditions of their ancestors full of pride and dignity.

The only way this can happen is for us—all of us—to build an awareness of what is right in American life, and foster an attitude of support for the things that make it still better. I hope you will always be ready to criticize the things you see that are wrong. But always hold a part of your mind open to see and open to see and remember the things that are right. Our society may never be perfect. But let's make it the best imperfect system ever devised by man!

HEADSTART: PROGRAM OF THE INVOLVED

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. REID of New York. Mr. Speaker, programs under the Economic Opportunity Act are vital to meeting the needs of America's 30 million poor. The Headstart program, which is aimed at reaching the disadvantaged child, is one of the most important. Headstart gives these children a chance to meet on equal grounds those children who grow up in a climate enriched with cultural advantages.

My colleague from the 36th Congressional District of New York, FRANK HORTON, has distributed a weekly column to his district which dramatically spells out just what Headstart is accomplishing. This is a program close to Mr. HORTON's heart. It is one which I have supported and will continue to support.

Headstart is an approach to the disadvantaged which will put the children on an equal footing with their fellow students. It just might be the first step toward breaking the vicious circle of poverty in which most of our poor find themselves trapped.

I would like to share the sentiments of FRANK HORTON with the rest of my colleagues, as follows:

HEAD START: PROGRAM OF THE INVOLVED

There are some today who say that Americans dislike "becoming involved."

But the needs of America's disadvantaged children are drawing thousands of persons into close involvement through the Head Start programs. This involvement includes the communities, schools as well as the disadvantaged themselves.

People don't want to get involved, you might say.

Let the facts about Head Start answer that.

Fifty-five per cent of all Head Start children attend classes in private, non-profit institutions.

More than 250,000 volunteers have given their services to the program. That's a quarter million Americans from every economic sphere and with a wide variety of talents.

The American Optometric Association gave more than 100,000 free optical examinations. More than 200 pediatricians were supplied by the American Academy of Pediatrics to act as consultants to the program.

Hundreds of other doctors and dentists volunteered their professional services.

One of the simplest but most important involvements is that of the mothers of the children in the pre-school programs.

These mothers have learned with their children—learned such things as child care, health, hygiene, household cleanliness, nutrition and a better understanding of their role in helping the children grow and learn.

Head Start is a program close to my heart. I have worked hard in Congress to see that funds were provided for these programs. By reaching these children we take a major step in eliminating the hard core disadvantaged.

Many of us can't conceive of a child who has never seen a book, listened to fine music, smelled the fragrance of a flower. We take all this for granted.

Monroe and Wayne Counties have had an encouraging part in Head Start's progress. Hundreds of volunteers have come forth to help enrich the lives of these youngsters.

In Monroe County, 1,000 children, three to five years old, advanced through a summer program at 52 centers. Others are involved in a full 12 month program as well as a new Follow Through program which picks up where Head Start stops.

Summer and full time programs in Wayne County are reaching hundreds of children.

Many persons have criticized the cost of the Head Start and other programs for the disadvantaged. But cost is no gauge of effectiveness.

How can you put a price tag on the 98,000 children throughout the nation whose eye defects were discovered and treated because of Head Start? Or the 90,000 children with bone and joint disorders discovered and treated?

Try to put a price tag on the lives of 7,400 mentally retarded children discovered and referred for special handling or the 2,600 active cases of tuberculosis discovered and treated.

Head Start found 740,000 children without polio vaccinations and a million without measles vaccinations. Untold lives that might have been immeasurably blighted by those crippling diseases were saved by vaccinations through Head Start.

In dealing with lives there is always the intangible. More than 20 million children have been enrolled in Head Start—20 million children whose horizons have been broadened beyond the confines of poverty, whose backgrounds have been enriched to give them an equal chance with their contemporaries.

That equal chance to 20 million children holds a special promise for America's future. Instead of 20 million wasted, frustrated lives we have the foundation for good, productive American men and women.

LETTER TO A DAIRY FARMER

HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. THOMSON of Wisconsin. Mr. Speaker, the gentleman from Wisconsin [Mr. LAIRD] has written a very informative and interesting letter to his agriculture constituents. In this period when many of our Nation's farmers are not sharing in the general prosperity, I think it would be well for all of my colleagues to read the letter that the gentleman from Wisconsin [Mr. LAIRD] is sending to his constituents this week.

Under unanimous consent, I include the "Letter to a Dairy Farmer" in the RECORD at this point:

LETTER TO A DAIRY FARMER: FREEMAN FARM POLICIES UNFAIR TO WISCONSIN FARMER

SEPTEMBER 25, 1968.

DEAR FRIENDS: Every citizen in Wisconsin should be concerned with the farm situation. Whether you are directly involved or not, the health of the farm economy in our state is important to our entire economy. One out of nine workers in the Badger State is in agriculture.

National farm policies during the past eight years have been set by a Democratic Administration that controls by substantial majorities both the Senate and the House of Representatives. Many feel that the Johnson-Humphrey farm policies, especially in the past two years, are part of a program that will liquidate the dairy farmer in Wisconsin. They know that these policies already have driven a great many of our farmers off the land.

Today, contrary to the glowing reports we often hear from Secretary Freeman, many farmers are suffering from a damaging cost-price squeeze. As the trend continues toward larger farms, the smaller farmer without the capital or the ability to expand is being squeezed out of business. One major factor is that at the very time the bargaining power of our farmers in the market place is on the increase, the Freeman Administration has done very little to control effectively foreign imports of cheese and other dairy products.

One of the worst problems faced by America's dairyland is the importation of foreign dairy products produced abroad under unsanitary conditions. Our dairymen in Wisconsin must meet rigid standards imposed by the USDA, the FDA, the U.S. and the Wisconsin Public Health Service and the Wisconsin Department of Agriculture. Foreign producers do not have to meet these same standards. The result is that they can produce their cheese, ship it to New York and offer it on the American market for 10¢ a pound below the cost of producing it for Wisconsin dairymen.

Wisconsin's dairyland wants no special favors. It merely wants to compete on a fair and equitable basis. Yet, the double standard of imposing rigid conditions on Wisconsin farmers while letting foreign producers escape these same standards is rank discrimination against our own people and should be stopped. The Department of Agriculture has consistently refused to act on this matter while at the same time recommending only half-hearted measures to stem the flow of foreign cheese imports.

The only way to provide lasting solutions to the crisis that faces American dairying as a result of massive imports is to work for passage of the Laird Dairy Import Act of 1968 (H.R. 8537). It would restrict the level of all dairy imports to the average level which came into this country between 1961 and 1965. The Johnson-Humphrey Administration opposes this reasonable bill. The Administration hasn't even gotten action on a watered down recommendation pending before the U.S. Tariff Commission to restrict imports to the highly inflated level that came in during the year 1967, a year when we were swamped with dairy imports from abroad.

Our efforts in Congress to force effective action on the part of the Administration during the past few years have been at least partially successful. For example, last May the work of your Washington Office paid off in an improved dairy situation. After considerable negotiations with the Department of Agriculture, the final milk marketing order covering our area of Wisconsin was amended to provide that the minimum price received by farmers for milk in our area would not be decreased during the next marketing year.

As originally published, this order would have decreased the minimum price for many of our area farmers. Such a decrease, in the face of the present and continuing cost-price squeeze, would have been catastrophic. Negotiations with the USDA and the Executive Branch generally are one way I attempt to look out for the interests of my constituents. Another is by watching closely and attempting to help shape farm legislation that is considered in Congress. Sometimes the best course lies in opposition to a bill.

The Food Stamp Act is a case in point. My opposition was based on two arguments: 1) that the bill provided an open-ended authorization; and 2) that it provided that the surplus food distribution plan cannot be used in counties where the food stamp program is in effect. This seemed to me to be counterproductive and ill-conceived. As your man in Washington, I shall continue to work for improving the economic well-being of our farmers in Wisconsin and throughout the nation. The Laird program for improving Wisconsin's farm income is reproduced on the back flap of this letter.

LAIRD PROGRAM FOR IMPROVING WISCONSIN'S FARM INCOME

1. Fight for the enactment of the Laird Dairy Import Act of 1968 (H.R. 8537), as the most realistic way of combating the flood of dairy imports produced under unsanitary conditions abroad.
2. Support the Laird Self-Help Dairy Stabilization Bill, (H.R. 773), which would assure farmers a strong bargaining position in the marketplace.
3. Realistically apply the price support program to insure an adequate supply of milk in this country.
4. Encourage a program of low-interest, long-term loans to farmers for the purpose of buying modern equipment and machinery in order to help save the family-sized farm.
5. Support the free flow of milk in interstate commerce, meeting the U.S. Public Health Code provided in Laird bill, H.R. 778.
6. Continue support for the Food for Peace, the Welfare Distribution Program, the School Lunch and School Milk Program, originally co-sponsored by the late Representative August Andresen of Minnesota and myself, as an economic benefit to the farmer and the nation.
7. Refrain at all times from singling out the dairy farmer as the "whipping boy" for an inflation he did not cause but which was caused by the faulty fiscal policies of the present Administration.

PELLY URGES U.S. DELIVERY OF JET AIRCRAFT TO ISRAEL

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 25, 1968

Mr. PELLY. Mr. Speaker, I have just read that the United States recently concluded the delivery of two squadrons of Phantom F-4 jet fighter bombers to Iran.

These are the same aircraft the Johnson-Humphrey administration refuses to sell to Israel.

Mr. Speaker, I do not necessarily object to selling Phantom jets to Iran, but I do say that in view of what the Soviet Union has done to rearm the Arab Nations including supersonic aircraft, the interest of overall peace would be served if we provided some F-4 jets to Israel to preserve the balance of power.

As I understand, the presidential candidates of both parties favor sale of such planes to Israel and Congress certainly does. What, I ask, are we waiting for in order to stabilize the situation in the Near East.

De Gaulle is wooing Nasser and the Arabs and refusing to deliver the supersonic jets ordered and paid for by Israel.

After all, Israel is our friend and the one force we can count on in the Middle East to oppose Communist aggression. I cannot understand why the administration stubbornly refuses to strengthen this little nation that, so to speak, is an island of freedom in a sea of Communist intrigue.